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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

ROLE OF JUVENILE JUSTICE SYSTEM IN INDIA

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Introduction

The Latin expression “Nil Novi Spectrum” can perfectly sum up the juvenile justice system in India. The phrase “nothing new on this planet” could be used to characterize the juvenile justice system in India today. Among Indians, especially in northern India, there is a proverb which says: “It is rarely too late to repair”. Instead of these terms, the English expression "old enough to attempt to commit a crime, old enough to attempt to do so until the times", employed by some American states, would be more appropriate for use in the system juvenile justice system of India. Since ancient India, there has been a lenient attitude towards minors due to the cognitive faculty that supports this belief.

The Kids Act of 1960 served as a model for international responses to the issue of juvenile justice by protecting the rights and interests of minors and ensuring that their care, treatment, rehabilitation and normal development were monitored. This law was passed before the juvenile justice laws of 2015, 2000 and 1986.

However, Indian politicians are compelled to come up with new progressive and stricter legislation for the national juvenile system, in light of current events in the international community and the resulting increasing involvement of juveniles in crime. Accordingly, Parliament passed the Juvenile Justice Act, 1986, the Juvenile Justice Act, 2000, and the Juvenile Justice Act, 2015.

In recent decades, this rate has increased among young people under the age of sixteen. The environment in which children are raised, the state of the economy, lack of education and parental care can all contribute to this rising rate. These are some of the most important ones. The most depressing thing is that children these days, especially those between 5 and 7 years old, are being used as tools to commit crimes because their minds are still very pure and can be easily deceived at

this age.

The horrific incident of the Nirbhaya gang rape case, in which the accused was just six months away from becoming an adult, prompted the Indian legal system to convict him as a juvenile rather than an adult offender. The incident sparked a heated debate over the juvenile justice system. The “Juvenile Justice (Care and Protection) Act 2015”, which was passed by Parliament in response to the involvement of a child in such a terrible crime, but before going into the details of the law and other laws relating to minors, has been found in the Indian system.

A vital part of the Indian legal system, intended to help minors in legal difficulties, is the juvenile justice system. It is based on ideas different from those of the adult justice system and takes into account the particular needs and vulnerabilities of young offenders. To improve the protection and reintegration of young offenders, India has made considerable legislative and policy progress over the years, in line with evolving international standards and societal expectations.

Juvenile Justice Institutions

Child Welfare Committees (CWCs) and Juvenile Justice Boards (JJBs) are essential to the functioning of the juvenile justice system. Cases involving children in legal difficulty are decided by the JJBs, which are made up of two social workers and a metropolitan or judicial magistrate. Conversely, children who need care and protection are entrusted to CWCs for their rehabilitation, protection and care.

Various support structures, including special homes, observation homes and accommodation homes, have been developed across the country to provide care and assistance to young offenders during their rehabilitation process, in addition to these institutions.

Challenges and Criticism

The juvenile justice system in India faces a number of challenges despite the country's advanced legal structure. Some of the major issues hindering the effective functioning of the system are differences in implementation among states, poor infrastructure and resources, delays in processing cases and lack of qualified personnel.

Another area of concern is the distinction between major and minor transgressions committed by minors. The public is discussing how to balance children's rights and accountability following discussions about reducing the age of juveniles in cases involving horrific crimes.

New measures and reforms

India's juvenile justice system is currently the subject of efforts to improve it. These include the addition of new clauses on adoption and foster care, as well as the amendment of the JJ Act to address new challenges. To increase the effectiveness of the system, initiatives supporting alternative dispute resolution procedures, stakeholder capacity building programs and public awareness campaigns on juvenile justice rights have all been put in place.

Conclusion

Over time, the Indian juvenile justice system has undergone enormous changes, moving towards a more rehabilitative and child-centered approach. Despite the strength of the legal system, continued efforts are nonetheless needed to address systemic issues and ensure that laws and regulations are enforced effectively.

To determine best practices, evaluate the effects of recent reforms, and create plans to overcome current obstacles, further research and analysis is needed. India can strengthen its capacity to uphold the rights and improve the welfare of its youth by cultivating a comprehensive and comprehensive juvenile justice system.

Definition of Child and Juvenile in various Laws

The term "juvenile" comes from the Latin word "juvenis," which implies "young." generally, a "child" is someone who has not reached the age of 18 and isn't mature enough to grasp what's right and wrong. Most countries' penal codes now follow the principle of 'Doli Incapax'^[1], which states that a baby is incapable of forming the criminal intent to commit an offence.

Due to different cultural, social and legal contexts, different laws and jurisdictions have different definitions of what constitutes a child and a minor. We will examine the definitions of the terms

¹ Section 82 of IPC states that a child below the age of seven years is *Doli Incapax*

“child” and “juvenile” in a number of national and international legal systems, including treaties, laws and policies, as part of this in-depth review.

It is necessary to understand how the terms “child” and “minor” are used and defined in various legal contexts and jurisdictions. The meaning of these expressions may change depending on the context and objective of the legislation in many legal systems, including India. The concepts of 'child' and 'juvenile', as defined under various laws, will be examined in this research, with emphasis on India and other relevant international standards.

A "child" is defined as anyone under the age of eighteen in Section 2 (12) of The Juvenile (Care and Protection) Act, 2015. The term "child" is split into two categories within the Act:

"Child in conflict with the law"^[2] and

"Child in need of care and protection"^[3].

A child who has committed an offense and is under the age of 18 on the date of the offense is noted as a "child in conflict with the law." The second sub-category is "child in need of care and protection," which refers to a toddler as defined in Section 14 of the Act.

The Indian legal definition of a child

The definition of the term “child” varies in India depending on the applicable laws, reflecting each person’s unique goals and objectives. The following important laws impact the definition of a child:

1. The Juvenile Justice (Care and Protection of Children) Act 2015:

Defines a “child” as any person who has not attained the age of eighteen years. In order to protect and rehabilitate children in legal difficulties, the juvenile justice system must be applied, and this definition is essential in deciding whether this is the case or not.

2. The Protection of Children from Sexual Offenses (POCSO) Act, 2012:

Anyone under the age of eighteen is considered a “child” in the context of sexual offenses against children. This law addresses the horrific crime of child sexual abuse by establishing unique processes

² Section 13 of The Juvenile Justice (Care and Protection of Children) Act,2015

³ Section 14 of The Juvenile Justice (Care and Protection of Children) Act,2015

and safeguards.

3. What is the Right to Education (RTE) Act, 2009?

A “child” is defined by the RTE Act as any person between the ages of six and fourteen years. This law emphasizes the right to education as a fundamental right by guaranteeing free and compulsory education to all children in this age group.

4. The Child Labor (Prohibition and Regulation) Act, 1986:

Anyone under the age of fourteen is considered a “child” for the purposes of child labor laws. This law governs the circumstances in which minors can work and prohibits them from carrying out certain hazardous work.

Definition of minor by Indian laws

In the context of juvenile justice and criminal law, the term “minor” is reserved for people who are younger than a given age. In India, the Juvenile Justice (Care and Protection of Children) Act, 2015 essentially governs what constitutes a minor:

1. Judgment (Care and Protection of Children) Act 2015

According to this law, a minor is a young person accused of a crime and under the age of eighteen. This concept governs the jurisdiction of juvenile justice commissions and the procedures applicable to young offenders.

Global reference points and terminologies

To ensure the protection and rights of children, definitions of the terms “child” and “juvenile” are provided by international treaties and standards in addition to national laws. Notable international instruments include:

- 1. The United Nations Convention on the Rights of the Child (UNCRC):** Unless otherwise provided by the law applicable to the child, a “child” is any human being under the age of eighteen years. The rights of children to survival, development, protection and participation are underlined by this convention.
- 2. International Labor Organization (ILO) Conventions:** Global standards for this are set by ILO conventions which define a "child" in relation to child labor and specify minimum age

restrictions for employment, such as the Child Labor Convention (C138) and the Worst Forms of Child Labor Convention (C182).

- 3. Analogies and consequences:** The fact that different laws and jurisdictions define “child” and “juvenile” differently highlights the importance of having context-specific legal frameworks designed to address the diverse needs and vulnerabilities of children. Although the UNCRC provides a global definition of childhood, national definitions may differ depending on their legal and socio-economic context.

International Conventions:

1. United Nations Convention on the Rights of the Child (UNCRC):

According to the 1989 CRC, a child is defined as “any human being under the age of eighteen years, unless under the law applicable to the child, majority is attained earlier”. This concept, which emphasizes the need to defend and advance the rights of those under 18, constitutes a generally recognized reference.

2. International Labor Organization (ILO) Conventions:

Age criteria for classifying hazardous employment and child labor are established by a number of ILO agreements, including the Minimum Age Convention (No. 138) and the Worst Forms of Child Labor Convention. child labor (No. 182). According to these customs, a child is generally defined as a person under the age of 18.

National Laws:

1. India:

A person who has not attained the age of eighteen years is considered a "child" in India under the Juvenile Justice (Care and Protection of Children) Act, 2015. The national approach to juvenile justice and child protection is guided by this definition. , which is consistent with the CRC.

2. Unites states:

In the United States, the definition of a minor differs between states. On the other hand, a juvenile is commonly defined by the federal Juvenile Justice and Delinquency Prevention Act (JJDP A) as a person who has not reached the age of majority, which is normally 18 years old

3. United Kingdom:

Under the UK Children Act 1989, a person under the age of 18 is considered a child. Many laws and regulations relating to juvenile justice, social welfare, and child welfare use this term.

4. Australia:

In accordance with international standards and conventions, a person under the age of 18 is considered a child under Australian law. This concept covers a number of topics, such as juvenile justice, family law and child protection.

Legal Implications:

The legal definition of a child or minor has important ramifications in terms of protection of rights, accessibility to services and legal treatment. Legal systems seek to ensure that people under a specific age receive appropriate support, care and protection by setting explicit age thresholds.

Age of Criminal Responsibility:

One of the most important steps in identifying minors is determining the age of criminal responsibility, or the age at which a child can be held legally responsible for their actions.

This age varies considerably depending on the country:

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice, often known as the Beijing Rules:

The legal age of criminal culpability cannot be lowered below twelve, according to Beijing's rules.

European Union:

According to the European Union, a person can only be considered criminally responsible after reaching the age of 14.

United States:

The age of criminal responsibility varies from state to state within the country and can range from 6 to 18 years.

Challenges and Considerations:

Cultural variations:

Depending on societal expectations and cultural conventions surrounding childhood and adolescence, age limits may vary.

Development and maturity:

When assessing legal competence and responsibility, laws must take into account the cognitive, emotional and psychological development of children and adolescents.

Obtaining Services:

A child's eligibility for services and interventions, such as education, health care and social assistance, is determined by their age.

Conclusion:

In conclusion, national legislation, cultural contexts and international conventions all influence the definition of a child and a minor. The protection of children's rights, their ability to receive services, and the way they are treated by the legal system are all heavily influenced by these classifications. Promoting the rights and well-being of children and young people around the world requires harmonizing age criteria and ensuring that they comply with international standards.

History of Juvenile Justice System in India

A global movement emerged at this time to provide special treatment to young offenders, involving several industrialized countries such as the United States of America and the United Kingdom. The end of the 18th century saw the beginning of this movement. In the past, juvenile offenders received the same treatment as adult criminals. On November 20, 1989, the United Nations General Assembly adopted a Convention on the Rights of the Child for the same reason. The best interests of young offenders must be protected by this convention. In accordance with the Convention, no trial or procedure against minors may be brought in order to prevent their social reintegration. The Juvenile Justice Act, 1986 must be repealed and new laws must be made by Indian law, according to the Convention. The Juvenile Justice (Care and Protection of Children) Act, 2000 is the new law that has emerged in Indian law.

The way the juvenile justice system in India has developed reflects changing societal attitudes towards children, their rights and the way the legal system treats them. Legislative revisions aimed at upholding the rights of young people in legal difficulties, global influences and wider changes in social consciousness have all influenced the development of juvenile justice laws in India. Let's examine this past in more detail.

The complex history of the juvenile justice system in India spans centuries and is influenced by social, legal and political developments. Over time, this system has changed dramatically to reflect changing perspectives on crime, punishment and children. We must investigate the important turning points, governmental changes and social factors that have shaped the contemporary juvenile justice system

in India if we are to fully understand its history.

The Indian juvenile justice system has a long history characterized by changes in legislation, policy and public understanding of the particular needs and rights of juveniles in legal difficulty. This story spans several decades and includes significant turning points and changes intended to protect, help and rehabilitate young offenders.

Evolving legislative frameworks, policy changes and cultural attitudes towards the needs and rights of children when faced with the law are all reflected in the history of the juvenile justice system in India. This in-depth analysis examines the evolution of the juvenile justice system in India over time, focusing on pivotal moments, legislative changes and notable events that have influenced the course of the system.

Furthermore, the earlier Children Act of 1960 was repealed by the Juvenile Justice Act of 1986, thereby ratifying the UNGA Standard Minimum Rules for the Administration of Juvenile Justice, which were approved in November 1985. The Act generally established the same framework for the protection of the rights and interests of minors throughout the country, except Jammu and Kashmir. It also laid down the necessary measures to be taken in cases where juvenile offenders commit serious crimes, as well as certain basic measures for the administration of justice.

The Juvenile Justice Act, 2000 was enacted to ratify the 1989 Convention on the Protection of the Rights of the Child adopted by the United Nations General Assembly; nevertheless, it was not properly equipped or executed. In an attempt to address the flaws and weaknesses, it was amended once again in 2006 and 2011, each time to no avail. The Juvenile Justice (Care and Protection) Act, 2015, the country's first law managing the juvenile justice system, repealed the previous law in a bid to counter rising juvenile crime in India.

Pre-Independence Context

Colonial Legacy:

Before exploring particular legislative or administrative advances regarding juvenile justice, it is imperative to understand India's broader colonial context. Under British control, criminal justice, particularly in cases involving juvenile offenders, was governed primarily by the legal framework left

by the colonial government.

Legal frameworks governing child custody, particularly those in conflict with the law, were developed by the British colonial administration. Juvenile offenders enjoyed special treatment under the Indian Penal Code (IPC), passed in 1860, which distinguished them from adult criminals. However, this approach was often driven more by welfare-oriented considerations than contemporary concepts of juvenile justice.

Absence of specific laws

There was no specific legislation dealing with juvenile justice as a separate area of law before independence. Most often, juvenile offenders were dealt with under standard criminal laws, which often lacked measures tailored to their particular needs and situations.

Traditional and rural methods

Informal processes such as family discipline and community arbitration were frequently used in rural and traditional communities to deal with juvenile misbehavior. Regional differences in local norms and customs impact these activities.

Few official institutions

At that time, there were not many formal institutions dedicated to the welfare and rehabilitation of young people. The idea of a separate juvenile justice system that prioritizes welfare and rehabilitation over punishment has not been carefully thought through.

Legal framework of the British era: application of criminal laws

The two main laws controlling criminal justice during British rule were the Code of Criminal Procedure (CrPC) of 1898 and the Indian Penal Code (IPC) of 1860. The IPC had laws relating to crimes committed by juveniles, but it did not take minors into account. needs taken into account.

Reformist motives

Mary Carpenter and other British reformers pushed for the creation of separate institutions in India to provide education and care for abandoned and troubled youth. These initiatives have drawn attention to the need to treat adolescent offenders differently.

Function of local authorities

In the absence of clear legal standards, local authorities – including police and magistrates – often used their discretion when dealing with young criminals.

Notable changes

Creation of private residences

A notable development was the creation of special homes for neglected and poor children. These homes welcomed and supported vulnerable children, although their primary focus was not juvenile justice.

First changes in the law

One of the first legal measures to combat adolescent misbehaviour was the Indian Reformatory Act of 1897. Although the act authorized the establishment of reform institutions, it did not provide a comprehensive strategy for juvenile justice; instead, he placed more emphasis on reforming young offenders.

Impact of social reform movements

Early debates about juvenile justice and welfare were influenced by social reform groups in India, notably Arya Samaj and Brahmo Samaj, which promoted the protection and rehabilitation of children.

Laws and provisions: The first efforts to identify the vulnerability of children in the criminal justice system were made before independence. For example, the creation of reformatories for juvenile criminals was the primary goal of the Reform School Act of 1897. Instead of focusing on punishment, these institutions were designed to provide education and training.

Social Context: Pervasive societal views regarding the guilt and decency of children influenced the way young criminals were treated. The idea that children should receive protection and rehabilitation rather than punishment was common, although the strategies used were not always effective.

Function of NGOs and social reformers: A number of NGOs and social reformers have been instrumental in promoting children's rights and improving treatment in the legal system. Their work has helped bring about early improvements and raised public awareness of the need for a more child-friendly juvenile justice system.

Problems and restrictions:

Despite these efforts, young offenders often do not receive appropriate or consistent treatment overall. Many children do not receive appropriate care and attention due to the lack of a comprehensive legislative framework or established professional systems to deal with issues involving minors.

Significant Developments and Reforms: The juvenile justice system underwent gradual changes in the years before independence. Even though the colonial era laid the foundations, substantial reforms remain to be implemented.

Impact of International Trends: India's strategy for dealing with juvenile offenders has been influenced by global advancements in child rights and juvenile justice. Concepts from international

frameworks and standards have begun to influence conversations about juvenile justice and child protection.

Conclusion:

The pre-independence period in India laid the foundation for contemporary methods of managing juvenile justice. Early initiatives, such as the creation of special homes and reformist influences, laid the foundations for later changes, even in the absence of institutional institutions and specific legislation. Early debates on juvenile justice in independent India changed dramatically with the adoption of specific laws and policies aimed at the welfare and rehabilitation of children in legal difficulties. These laws and policies have been shaped by colonial heritage as well as local customs. The pre-independence period paved the way for the development of the juvenile justice system in India. Although early attempts were few and sometimes insufficient, they laid the foundations for subsequent reforms and adjustments after independence. The development of juvenile justice is a reflection of a broader social movement that recognizes the rights of children and strives to protect their well-being when they are involved in the criminal justice system. India's juvenile justice system will continue to be shaped and improved by subsequent laws and policy initiatives, with the ultimate aim of placing greater emphasis on rehabilitation and welfare rather than punitive measures.

Post-Independence Period: Legislative Initiatives

Juvenile justice laws were consolidated and strengthened after India's independence in 1947. An important turning point was the Children Act of 1960, which established probation officers and children's courts to deal with juvenile delinquency and child protection issues. The foundations for a more organized strategy for dealing with juvenile offenders were established by this law. After India's independence in 1947, efforts towards juvenile justice gained momentum, with emphasis placed on the protection and rehabilitation of children in contact with the law. The concept of probation as an alternative to imprisonment for young offenders was first introduced by the Probation of Offenders Act 1958, with an emphasis on rehabilitation and individualized treatment.

After India's declaration of independence in 1947, the need for comprehensive laws with special emphasis on minors became increasingly evident. The Children Act 1960 was passed to update and harmonize laws regarding minors in legal difficulties. This measure, however, did not follow contemporary ideas of juvenile justice and was largely insufficient.

The Indian government began approaching juvenile justice within a broader framework of child care and protection after the country gained independence in 1947. The Children Act of 1960 was a landmark law designed to help children neglected and in difficulty by offering them care, protection, therapy, and rehabilitation. This law placed more emphasis on the need for reformatory rather than punitive measures.

But over time, it became clear that the approach taken towards young offenders lacked consistency and specificity. There are differences in how juvenile offenders are treated due to significant differences in how these laws have been implemented in different states.

India's post-independence period has been characterized by a number of notable legislative initiatives intended to update and modernize the juvenile justice system. During this period, significant changes occurred in the way children in legal difficulties were treated. These changes have been driven by changing societal norms, foreign influences and a growing awareness of children's rights. The major legislative advancements and changes in the Indian juvenile justice system after independence are discussed in this article.

India's post-independence period has been marked by significant legislative reforms and activities aimed at strengthening the juvenile justice system. The growing movement towards recognizing the rights of children, promoting their welfare and ensuring a unique and child-friendly approach within the criminal justice system is reflected in the development of laws governing juvenile justice. The Juvenile Justice (Care and Protection of Children) Act, 2015 is the most recent legislative achievement that demonstrates India's commitment to protecting the rights and welfare of children in legal difficulties as well as those who need care and protection. To ensure effective juvenile justice and a brighter future for India's children, continued efforts to implement and enforce these laws are essential.

The early years after independence

After gaining independence in 1947, India changed its laws to address a number of social and legal concerns, one of which concerned the treatment of juvenile offenders. The consolidation of attempts to create a more child-centered and humanitarian approach to juvenile justice occurred during the

post-independence period.

Articles of the Constitution:

The Indian Constitution, ratified in 1950, establishes fundamental rights and guidelines that control how minors are treated by the legal system. Articles 15(3), 39(e), 39(f) and 45 of the Constitution emphasize the duty of the State to protect the interests of children and ensure their growth and well-being.

Children's Laws and Social Welfare Measures: A number of states enacted children's laws and social protection measures in the early years after independence with the aim of upholding the rights and welfare of be children. These laws, which prioritized the protection, health, and education of children, paved the way for larger changes in juvenile justice.

New Initiatives and Focus Areas: India's juvenile justice system has grown recently, with emphasis on improving rehabilitation programs, strengthening child protection measures and harmonizing with international standards.

Child Rights Perspective: There is an increasing focus on the welfare and rights of the child in the juvenile justice system, ensuring that juveniles in trouble with the law receive respect and development and rehabilitation opportunities.

Restorative Justice: In the juvenile justice system, there is an increasing emphasis on restorative justice techniques that promote communication and forgiveness between victims and offenders.

International Commitments: India's legislative actions on juvenile justice reflect its commitments to international conventions and treaties, including the United Nations Convention on the Rights of the Child (UNCRC).

Significant Changes and Changing Patterns

The Indian juvenile justice system has been affected by a number of key changes and changing patterns, in addition to these important legislative initiatives:

Age Determination Procedures: The processes for determining the age of a minor have been the subject of continued debate and reform, particularly where the age of the individual is in question.

Restorative Justice: Within the juvenile justice system, restorative justice approaches – which focus on reconciliation and repairing the harm inflicted by the offense – are becoming increasingly important.

Institutional strengthening: Measures have been taken, such as training of stakeholders and the creation of specialized institutions, to strengthen the institutional capacity of juvenile justice.

Emphasis on rehabilitation: A recurring element of recent legislative changes and policy initiatives

is the move towards a more child-centered and rehabilitative approach.

Conclusion:

Post-independence, the evolution of Indian juvenile justice legislation shows a gradual shift towards a more child-centered and rights-based approach. India's juvenile justice laws have developed over time to address the special needs and vulnerabilities of children in conflict with the law, beginning with the first laws in the 1980s and continuing with comprehensive revisions in the 2000s and beyond. The overriding objective remains to protect, rehabilitate and reintegrate young offenders into society while ensuring that their rights and well-being are respected within a compassionate and restorative justice system, despite obstacles and sporadic litigation.

India's post-independence period has been marked by significant legislative reforms and activities aimed at strengthening the juvenile justice system. The growing number of laws governing juvenile justice reflect the growing desire to recognize the rights of children, support their well-being and ensure a special and child-friendly approach within the criminal justice system. India is committed to safeguarding the legal rights and welfare of children and those in need of care and protection. The most recent legislative achievement that exemplifies this commitment is the Juvenile Justice (Care and Protection of Children) Act, 2015. To ensure effective juvenile justice and a brighter future for India's children, continued efforts to implement and enforce these laws are essential.

JUVENILE JUSTICE IN REFERENCE TO CONSTITUTION OF INDIA

The Constitution of India is considered the national constitution. The constitution specifies the obligations and rights of citizens. It also guarantees the proper functioning of the presidential apparatus. Part IV of the Constitution establishes the Directive Principles of State Policies (DPSP), which serve as broad guidelines for the creation of state policies, and Part III guarantees the essential rights of its residents. A number of fundamental rights and provisions are included in the constitution, including those relating to the welfare of children. For example:

1. Right to free and compulsory educational activity for all the youngsters under the age of 6 to 14 years. (Article 21A)
2. Right to be protected against any hazardous employment under the age of fourteen age. (Article 24)
3. The right to be protected from adult abuse in any way. (Article 39e).

4. Right to be shielded from human trafficking and compelled bonded labour system. (Article 39)
5. Right to be supplied with good nutrition and proper standard of living. (Article 47)
6. The Indian Constitution, particularly Article 15(3), gives states the power to enact laws specifically designed to improve the lives of young women and girls.

To ensure that children's rights are protected in every possible way, lawmakers took into account all mandatory clauses specified in the Constitution while drafting the Juveniles Act 2015.

It is for this reason that Chapter IV of the law sets out guidelines to improve the lives of juveniles and focuses on the reform and rehabilitation of juveniles in all situations.

Juvenile Courts

A committee mechanism is in place to review and hear cases involving minor infractions of the law. The board of directors is composed of the president of the court and two social workers, one of whom must be a woman. The law states that the board cannot control or manage a day-to-day courthouse. The decision of the superior judge is final. Special Juvenile Court Procedures: Procedures for juvenile offenders are defined by law.

The most unique processes are listed here:

1. During the case, a complaint filed by an agent or a person cannot be used to initiate legal action.
2. Hearings must be informal and completely private.
3. Even after being released, offenders must still be observed.
4. Judges decide cases involving juvenile offenders.
5. Individual members of the commission may also be cited in connection with minors who break the law when the commission is not in session.

Criminal Justice (Reformative or Punitive) and Juvenile

Juvenile justice can be a legal framework that specifies justice for juveniles within the Indian legal system. The method provides additional care and protection in case of bad behavior. Misconduct is defined as a criminal act committed by a minor under the age of eighteen. It seems that everyone is

aware of the increase in juvenile crimes, and this increase raises a sensitive issue regarding old determinations. One of the most crucial elements in assessing the maturity of the accused is his or her age. The question of whether juveniles are frequently prosecuted as adults or not is raised by the increasing rate. The legislation itself answers the question by stating that no juvenile offender who meets the definition of "child in conflict with the law", as set out in section 2 of the law, will be subject to of an adult trial and will instead be sent to a child care center. or a rehabilitation center (where they will stay until the age of 21, after which they may be transferred to a prison or jail).

Age determination therefore takes priority in Indian juvenile law when deciding whether an offender is covered under the Juvenile Justice Act.

The law specifies that juvenile offenders can be sentenced to up to three years in prison, with additional penalties for serious offenses. The maximum sentence for an adult offender is seven years in prison, life in prison, or death. On the other hand, the law gives the highest priority to youth reform when it comes to juvenile delinquents. Under this law, minors may be sent to juvenile schools or rehabilitation centers, or required to participate in a series of programs run by nongovernmental organizations or the government. Given the circumstances, there is no justification for imposing such a lenient sentence for a horrible and serious crime based solely on age or old determination. You cannot escape rape because of mental infirmity, age or incapacity. Rape is rape.

The current rule, also known as age assessment or age consent, therefore has no deterrent effect on antisocial behavior among young people. Teen criminals believe that committing horrible acts is okay because they will get away with it or face few consequences in the name of rehabilitation.

Adopting a reformist notion of punishment through the legal system gives adolescent offenders an unfair advantage to continue committing crimes without facing serious repercussions. Reform is often a good thing. Victims' rights should be covered by law if it comes to discussing how to rehabilitate young offenders so that they can have a better life in the future. The victim must get justice. The idea of reform contributes to the rehabilitation of the minor, but it does nothing to help the victim.

The current juvenile justice system in India was designed with the idea that young offenders can be transformed and rehabilitated; However, putting them in prison or in bars would only serve to reinforce their reputation as "criminals". The issue that must now be addressed is whether young

criminals will relapse into anti-social behavior.

The law is primarily focused on reform rather than punishment. Penalization will undoubtedly have a deterrent effect on young people, which will slow the rise in juvenile delinquency.

Specific provisions of the legal code and relevant case laws

Sections 82 and 83 of the IPC of the 1860s deal with the exclusion of minors from prosecution.

In the case of *Kakoo v. Union of India*, the Supreme Court reduced the jail term of a 13-year-old boy who sexually assaulted a 2-year-old girl. The court took into consideration Sections 83 and 84 of the IPC, which state that minors cannot be treated as adults. Accordingly, it is well established law that the court must take into account both humanitarian and reformist views when dealing with minors.

In the case of *Heeralal v. Union of India*, on the other hand, a baby fatally stabbed an adult after threatening to cut him into pieces. The boy's legal age was cited by the court in its sentencing. The Supreme Court also rejected the petition.

In *Satya Deo v. State of Uttar Pradesh*^[4] decided that even if an offense was committed before the 2000 Act came into force, a child will still have the right to be considered a minor at the time of the offense if they were under 18 years of age. According to section 25 of the 2015 Act, matters pending before the passage of the 2015 Act would still be subject to the 2000 Act.

In *Salil Bali v. Union of India*^[5], it was stated that teenagers who commit heinous crimes like rape and murder should be tried as adults and that the current Juvenile Justice Act should be amended to lower the age from 18 to 16. The Juvenile Justice Act is based on good principles and is in line with the Indian Constitution, the Supreme Court ruled in rejecting the case. Some international agreements, such as the Riyadh Guidelines and the Beijing Rules, recognize the rights of children and allow the establishment of separate juvenile criminal justice systems.

Conclusion

⁴ AIR 2019 SC 860

⁵ (2013) 7 SCC 705

Juvenile justice is a crucial part of India's legal and social framework for the preservation and rehabilitation of children who violate the law or are in need of care and protection. Recognition of the unique vulnerabilities of young people and the implementation of child-centered justice, rehabilitation and social integration measures have progressed significantly over time. The way in which juvenile justice has developed in India reflects a broader commitment to upholding the rights of children, ensuring that they are treated fairly, and promoting their overall development while participating in the justice system.

Progress and Achievements:

Through awareness efforts, policy interventions and legislative changes, India's juvenile justice system has made significant progress over the past few decades. Notable achievements include:

1. Legislative reforms:

- A major step towards strengthening the protection of juvenile offenders and children in need of care and protection has been taken with the adoption of the Juvenile Justice (Care and Protection of Children) Act 2015.
- The law is consistent with international standards and child rights principles, with a focus on rehabilitation, reintegration and child-friendly practices.

2. Child Welfare Institutions:

- Juveniles now have better access to specialized care, protection and justice through the establishment of district-level Child Welfare Committees (CWCs) and Justice Councils for minors (JJB).
- These facilities serve a crucial function in adjudicating cases, overseeing treatment plans, and ensuring the well-being of children at risk.

3. Rehabilitation and Social Integration:

- Adolescent offenders have enjoyed favorable outcomes through emphasis on education, counseling, vocational training, and rehabilitation programs.
- The objective of family care and social integration initiatives is to reduce stigma and encourage the reintegration of young people into society.

4. Understanding and Advocacy:

- Public understanding of juvenile rights has improved through increased awareness and advocacy efforts, which have helped foster a more inclusive and compassionate approach to juvenile justice.
- To advance children's rights and push for legislative changes, civil society organizations, non-governmental organizations and community stakeholders are essential.

Obstacles and Room for Improvement:

Despite enormous progress, India's juvenile justice system still faces obstacles that require continued work and change.

1. Resource constraints:

- The effective execution of rehabilitation and protection projects is hampered by lack of financing, infrastructure and skilled labor.
- For juvenile justice services and support mechanisms to be strengthened, more funding and resources must be allocated.

2. Stigma and discrimination:

- Young offenders and children in need of care and protection face social stigma that prevents them from reintegrating into society and taking advantage of opportunities.
- To combat stigma and advance acceptance, broad awareness campaigns and community engagement initiatives are crucial.

3. Capacity building and training:

- To ensure the consistent application of child-friendly practices and rehabilitation measures, it is imperative to provide stakeholders – including the judiciary, law enforcement, social workers and educators – improved capacity building and training.
- Knowledge sharing and continuing professional development initiatives can improve the effectiveness of juvenile justice treatment.

4. Preventive Methods:

- Comprehensive preventive methods are needed to address the underlying causes of juvenile delinquency, which include family problems, poverty and lack of educational opportunities.
- Investments in community projects, social protection programs and education can reduce risk factors and encourage positive youth development.

In conclusion, India's approach to juvenile justice demonstrates a commitment to protecting the rights of children, encouraging rehabilitation and ensuring the safety of juveniles involved in the justice system. Although much progress has been made, issues such as stigma, lack of capacity and resource limitations require continued initiatives and reforms. India can make significant progress on juvenile justice and build a fairer and more inclusive society for all children by strengthening community engagement, placing a higher priority on investment in rehabilitation services and by lobbying for legislative changes. The juvenile justice system can adapt to the changing needs of youth nationally and promote positive outcomes and opportunities for youth nationally by working together on joint initiatives and using a community-based approach rights.

There is no doubt that children are the future of this world. It is imperative that more reform laws be passed to stop these young people in order to protect both their future and that of society. This will help improve the world and perhaps reduce the risk of crimes in the future. Early intervention is necessary because even minor delinquent behavior can have a big influence on a child's future.

The increasing rate of adolescent delinquency in India is alarming and must be tackled immediately. The results of current juvenile laws are ineffective and the legislative objective is not achieved, despite the government promulgating numerous laws and regulations aimed at reducing the incidence of juvenile crimes. Everyone has a role to play in solving the problem of juvenile delinquency, including the community, parents, rehabilitation centers and others. If these elements are met, this practical question will be resolved quickly.

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