



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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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

EVOLUTION OF JUVENILE DELINQUENCY AND CONCEPT OF PRESENT-DAY JUVENILE JUSTICE SYSTEM

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ABSTRACT

The term 'Juvenile Delinquent' was used for the first time legally in United States in the late 1800s for young lawbreakers. The Juvenile Delinquency is the engagement of minors or youths in illegal behavior or activities, who has not attained the statutory age of majority. As there is difference in level of maturity between minors and adults, so there is a major difference between juvenile justice system and adult criminal justice system. Juvenile Justice System focus more on rehabilitation than on punishment and the procedure of their prosecution is more lenient for handling juveniles. This Research Paper aims at probing about the evolution of Juvenile Delinquency and analysis the present-day Juvenile Justice System with reference to its historical background. In this context, in the exploration of juvenile justice system's history we will discover the definitions of juvenile delinquency and juvenile offender in relation to the Juvenile Justice and Delinquency Prevention Act, 1974. The present-day juvenile justice system is consolidated in a single act named as "Juvenile Justice (Care and Protection of Children) Act, 2015". The study will focus on the provisions of prevention of juvenile delinquency in the Juvenile Justice Act, 2015 and the factors that society and family can contribute with respect to this Act in reducing juvenile crimes.

Keywords : Juvenile delinquency, Evolution, Justice System, Juvenile Justice and Delinquency Prevention Act 1974, Juvenile Justice (Care and Protection of Children) Act 2015.

Introduction

Juvenile delinquency is the term used to describe criminal or antisocial behaviour committed by people who are not yet adults, usually those who are **under the age of 18**. It covers a **broad spectrum of crimes**, from minor violations like truancy or vandalism to serious crimes like

theft, assault or drug-related offences. As it affects children and adolescents at a crucial stage in their development, understanding juvenile delinquency is essential for society. Juvenile Delinquency is a complex issue influenced by various factors including – **social, economic, familial and psychological circumstances**.

Instead of punishing juvenile offenders as adults, the **juvenile justice system is a Prioritized legal framework** created to address and **rehabilitate** them. It operates differently from the adult criminal justice system and is designed to take into account the unique needs and characteristics of young offenders. This system aims to give adolescents the necessary direction, support, and interventions to change their behaviour and stop further criminal activity. It acknowledges that adolescents are still undergoing emotional, mental, and social development.

The idea of juvenile delinquency has changed significantly over time, moving away from punitive methods, towards the ones that place a stronger emphasis on **rehabilitation and restorative justice**. The juvenile justice system is set up to strike a balance between holding young offenders accountable for their crimes and the idea of giving them a second chance at reform and reintegration into society. This Research Paper lays the groundwork for a more in-depth examination of juvenile delinquency's complexities and the tactics used by the juvenile justice system to help young people who end up in trouble with the law and improve their lives.

1. Evolution of the Meaning of Juvenile Offender And Juvenile Delinquency

A young person who has engaged in illegal or delinquent activities and is under the jurisdiction of the juvenile justice system is referred to as a juvenile offender. The specific meaning and definitions of a Juvenile Offender may vary by jurisdiction.

- A **federal law passed in the US in 1974 known as the Juvenile Justice and Delinquency Prevention Act (JJDP)** seeks to strengthen the juvenile justice system and stop juvenile delinquency. According to the JJDP, a **Juvenile offender** generally means: a “**juvenile**” is someone who is under the age of 18.

A “**juvenile offender**” is a young person who has been deemed delinquent by a juvenile court for engaging in conduct that, if carried out by an adult, would constitute a criminal offence. In other words, a juvenile offender is a child who has violated the law by acting in a delinquent

manner.¹

- **In INDIA**

A '**Juvenile**' is defined under the Section 2(35) of the Juvenile Justice (Care and Protection) Act, 2015 as – "juvenile means a child below the age of eighteen years".² This definition is in conformity with international standards that classify people under the age of 18 as juveniles. A Juvenile Offender or **Juvenile in conflict with law** under the Juvenile Justice (Care & Protection) Act, 2000 is "a juvenile who is alleged to have committed an offence but has not completed 18 years of age on the date of commission of said offence"³

Before the **Children Act of 1960** was passed in India, there was no uniformity regarding the minimum age for delinquent children.

- Bombay Children Act 1948 defined "Child" – "means a boy who has not completed the age of 16 years or girl who has not completed the age of 18 years".⁴
- The U.P. Children Act defined "Child" – "as a person under the age of 16 years".
- Under the A.P. Children Act 1920 "Child" means "a person under 14 years and when used to reference to sent to certified school applies to that child during period of detention, notwithstanding that the child attains the age of 14 years before expiration of that period".⁵
- The Saurashtra and West Bengal defines "a Child as a person who has not attained the age of 18 years".
- Haryana Children Act has also maintained this difference in defining "child as a boy who has not attained the age of 16 years and a girl who has not attained age of 18 years".⁶
- Juvenile Justice Act, 1986 defines "a juvenile or child, who in case of a boy has not completed age of 16 years and in case of a girl 18 years of age".

Therefore, Government of India while discharging its international obligations revoked the JJA Act, 1986 by 2000 Act and the distinction regarding the age between male and female juveniles was done away. Further, 2000 Act was amended to the Juvenile Justice (Care & Protection) Act, 2015.

¹ The Juvenile Justice and Delinquency Prevention Act, 1974

² The Juvenile Justice (Care and Protection) Act, 2015

³ The Juvenile Justice (Care and Protection) Act, 2000

⁴ The Bombay Children Act, 1948

⁵ The Andhra Pradesh Children Act, 1951

⁶ The Haryana Children Act, 1974

1.1. Meaning of Juvenile Delinquency:

The term '**delinquency**' is derived from the **Latin** word '*delinquer*', which means '**omit**'. Juvenile delinquency, also referred to as **juvenile offending**, is the act of engaging in criminal activity while a minor or someone under the legal age of majority. Typically used to describe juvenile delinquency, the term delinquent is also used more broadly to describe any young person who exhibits unacceptable behaviour.⁷

It covers a broad range of deeds and conduct that **contravene laws, rules, or ordinances**. Juvenile delinquency can range from **minor offences** like truancy, breaking curfews, or underage drinking **to more serious crimes** like theft, vandalism, assault, or crimes involving drugs.

Juvenile delinquency, or offending, is often separated into three categories:

- Delinquency, crimes committed by children and adolescents that are handled by the *juvenile justice system*,
- Criminal activity, crimes that the *criminal justice system* handles,
- Crimes that are only considered status offences because only a minor can commit them. Alcohol use by minors is one instance of this. The *juvenile courts* also deal with these offences.

According to **Marriam-Webster Dictionary**, Juvenile Delinquency means "Conduct by a juvenile characterized by antisocial behaviour that is beyond parental control and therefore subject to legal action".⁸

Cambridge Dictionary defines Juvenile Delinquency, "criminal activity by people under 18 years old".⁹

The precise definition of juvenile delinquency may change over time and vary from one jurisdiction to another. Typically, it involves children engaging in illegal activities that, if committed by an adult, would be punishable by law. The **Juvenile Justice (Care and Protection of Children) Act, 2015** primarily governs how juvenile delinquency is defined in India. The phrase "*juvenile in conflict with the law*" is used in accordance with this act to refer Juvenile Delinquency.

⁷ "Juvenile Delinquency", available at: // www.en.wikipedia.org

⁸ "Juvenile Delinquency", available at: // www.marriam-webster.com

⁹ "Juvenile Delinquency", available at: // www.dictionary.cambridge.org

1.2. Evolution of Juvenile Delinquency

The evolution of Juvenile Delinquency at **GLOBAL WORLD** level is closely related to historical and social changes.

- **Early History:** Young offenders were frequently treated the same as adult criminals before the idea of a separate juvenile justice system. Children who committed crimes in earlier times could be subject to severe punishments or even death, as in Roman and English law.
- **19th century:** A distinct juvenile justice system began to take shape in the 19th century. Reformers like John Augustus and the Child Savers pushed for a more compassionate and therapeutic method of handling young offenders. In order to educate and rehabilitate wayward youth, houses of refuge and reform schools were established.
- **Early 20th Century:** The Juvenile Justice System shows substantial modifications during the progressive era. Juvenile Offenders were treated with the more paternalistic approach and the concept of “Parens Patriae” was emphasized. Instead of punishment, the emphasis was on guidance and rehabilitation.
- **Mid-20th Century:** In some places, the mid-20th century saw a shift towards a more punitive approach. This punitive strategy, though, was short-lived.
- **Late-20th Century:** In the latter half of the 20th century, a focus on rehabilitation and children was once again prevalent. Due process rights for young offenders were established by the 1967 case “In re Gault” before the U.S. Supreme Court. The juvenile justice system was impacted by the “Get Tough on Crime” initiatives of the 1980s and 1990s.
- **21st century:** Evidence-based practices, diversionary programmes, and restorative justice have all received increased attention in recent years. Many jurisdictions place a strong emphasis on the support, education, and rehabilitation of young offenders.

The way juvenile offenders are treated around the world has been greatly influenced by international conventions and standards, including the **United Nations Convention on the Rights of the Child**.

1.2.1. INDIAN CONTEXT

The history of juvenile delinquency in India has changed over many centuries as a result of societal, legal, and cultural shifts.

- **Ancient and Medieval India:** There was no established procedure for handling juvenile delinquency, rather these were primarily influenced by regional customs and traditions. Young people's behaviour was significantly influenced by the caste system and family structures.
- **British Colonial Era (17th–20th century):** The British colonial rulers established a more formal legal system with provisions for dealing with juvenile delinquency. In 1860, the *Indian Penal Code (IPC)* was passed, and it included provisions for dealing with juvenile offenders. With the introduction of the "*Reformatory Schools Act*" by the British in 1897, a formal juvenile justice system got its start. These early efforts, however, were frequently harsh and punitive.
 - Under the **Indian Penal Code, 1860**, two sections were enforced for the protection of Juvenile offenders: Section 82 i.e. Legal Maxim of 'Doli Incapax' where a child below 7 years of age cannot be held liable for any offence, And Section 83 where a child above 7 years and below 12 years of age with immature understanding cannot be held liable for any offence.¹⁰
 - **The 1850 Apprentices Act:** It was the first piece of legislation for handling children who violated the law that was passed during the colonial era. According to this law, minor infractions committed by children are not punishable by imprisonment but rather by treating them as apprentices—that is, as someone who is enrolled in a training programme in the workplace or under another programme.

1.2.2. Post-Independence Era:

The response to juvenile delinquency underwent a significant change after India attained independence in 1947. The government understood the need for a **more rehabilitative and child-focused strategy**. A significant step in this direction was made by the **Juvenile Justice Act of 1986**, which placed more emphasis on the welfare and rehabilitation of young offenders than on their punishment.

- **Provisions of the Indian Constitution:** Article 15(3), clauses I and (f) of Article 39, as well as Articles 45 and 47, impose a crucial obligation to ensure children's needs and to protect their fundamental human rights.

¹⁰ The Indian Penal Code, 1860

- **Provisions of State Legislations:** Act XIX of 1850, 1876 Reformatory Schools Act, Borstal School Act, Children's Act of 1920, and other state-specific laws like the Bengal Children's Act and Madras Children's Act addressed neglected and deviant children by providing special provisions for delinquents' Protection and Rehabilitation.
- **The Juvenile Justice Act, 1986:** The Standard Minimum Rules for the Administration of Juvenile Justice, adopted by the U.N. countries in November 1985, were intended to be put into priority by the Juvenile Justice, 1986, which replaced the earlier Children Act, 1960.¹¹ The aforementioned Act, which applied to all of India except for the State of Jammu and Kashmir, had 63 Sections and 7 Chapters. The Act's main goal was to provide neglected juvenile offenders with care, protection, treatment, development, and rehabilitation. The Act's primary goals were:
 1. The act essentially established a uniform framework for juvenile justice across the nation in a way that safeguards young people's rights and interests.
 2. It discusses the equipment and infrastructure needed for the protection, development, and rehabilitation of young offenders.
 3. It outlined the fundamental guidelines for the proper and impartial administration of criminal justice in the event that heinous crimes were committed by young offenders.
- **The Juvenile Justice (Care and Protection of Children) Act, 2000:** The Juvenile Justice Act of 1986 is repealed and a new law is created in response to the **United Nations Convention on the Rights of the Child**, which was adopted in 1989. As a result, the Juvenile Justice (Care and Protection of Children) Act, 2000, was created by Indian legislation.

The **Act's aim and objective** when it was passed in 2000 was **to protect children**. The aforementioned amended twice: once in 2006 and again in 2011. The purpose of the amendment was to close the implementation's gaps and flaws. In addition to creating unique juvenile courts and homes for the care and protection of young offenders, it reaffirmed the fundamentals of reformation and rehabilitation.

¹¹ "Juvenile Justice System and Laws in India – A detailed study", available at: // www.blog.ipleaders.in

In addition, the frightening “**Delhi Gang Rape Case**” incident and the rise in juvenile crime cases in recent years have compelled lawmakers to enact legislation. The Act’s primary flaw was that it contained inadequate legal provisions, and India’s juvenile justice system’s malfunction was a major factor in the country’s ability to prevent juvenile crimes. **The act was soon replaced by The Juvenile Justice (Care and Protection) Act, 2015.**

- **The Juvenile Justice (Care and Protection) Act, 2015:** The most recent iteration of the juvenile justice law in India was passed in 2015. The best interests of the child, rehabilitation, and reintegration are all still very much in the forefront of this Act. Additionally, it complies with international norms and conventions pertaining to children’s rights.

To safeguard children’s rights, the United Nations enacted the **Convention on the Rights of the Child in 1989**. India ratified this convention in 1992. In addition, specific guidelines to be followed in cases of juvenile delinquency were provided by the **United Nations Guidelines for the Prevention of Juvenile Delinquency, 1990 (also known as the Riyadh Guidelines)**, and the **United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (also known as the Beijing Rules)**. The presumption of innocence, the right to a fair trial, constructive rehabilitation, appropriate care, and refraining from mistreating minors are among the essential values in this regard.

Enacted in 2015, the Juvenile Justice (Care and Protection of Children) Act complied with **Articles 15(3), 39I and 39(f), 45, and 47 of the Indian Constitution.**

2. Statutory Provisions under the Present-Day Juvenile Justice System in India

In an effort to address the issue of juvenile delinquency, India, like other nations, has also created legal provisions that deal particularly and specifically with the rights and protection of juvenile offenders. Three key presumptions form the foundation of the Indian juvenile justice system:

1. Instead of being tried in court, juvenile offenders should receive the best possible correctional treatment.

2. The courts ought not to punish them instead, they ought to give them an opportunity to change.
3. A child in conflict with the law should be tried using non-penal treatment in the community, based on social control organisations like Special Homes and Observation Homes.

2.1. Juvenile Justice Act, 2015

There was a need for a more powerful and efficient justice system that prioritized both deterrent and reformative tactics, which is why the Juvenile Justice Act of 2015 superseded the Juvenile Justice Act of 2000. There have been arguments in Parliament that the treatment of juveniles should differ from that of adults, and that this can only happen in the presence of a unique justice system. Juveniles should be allowed greater room for reform, transformation, and improvement. As a result, the Juvenile Justice (Care and Protection of Children) Act, 2015, a new act, placed a strong emphasis on using a juvenile-friendly approach to case resolution.

Some of the salient features are as follows:

- **Definition of a Child:** The Act defines under *Section 2(12)* as a “child” as any person who has not completed 18 years of age.
- **Principles of Best Interests:** The Act establishes the “best interests of the child” as a guiding principle for all decisions pertaining to children, including those that run afoul of the law.
- **Juvenile Justice Boards (JJBs):** Juvenile Justice Boards are set up in each district to handle cases involving kids who are in legal trouble. They are in charge of carrying out investigations and reaching decisions about the child’s guilt and suitable rehabilitation. These boards are set up under *Section 4* of the Act. The Act outlines the processes that JJBs must adhere to, covering the rights of the child, the conduct of inquiries, and the probation officer’s role.
- **Child Welfare Committees (CWCs):** *Section 30* of the Act provides the functions of the committee stating that the CWCs are in charge of providing care and protection for children who fall into this category (i.e., children who need care and protection but are not in legal trouble). District-level establishments also give rise to them. According to *Section 27* of the Act, the state government must form a child welfare committee in each district.

- **Rehabilitation and Social Reintegration:** The Act places a strong emphasis on helping children who are in legal trouble get back on their feet socially. It promotes the use of different forms of rehabilitation and diversion.
- **Options for Sentencing:** In order to promote rehabilitation and reintegration, the Act offers a range of sentencing options, including community service, counselling, probation, and institutional care, for children who are found to have broken the law.
- **No Sentencing to Adult Prisons:** The Act forbids the sending of minors to adult prisons under any circumstances. It requires distinct facilities for children's protection and care.
- **Expungement of Records:** The Act provides provisions allowing children who have run in violation of the law to have their records expunged after they turn 21. This ensures that their past criminal activity won't have a negative impact on their future.
- **Special Courts:** In order to strike a balance between the rights of the accused and the gravity of the offence, the Act permits the creation of special courts in cases involving horrific crimes committed by minors.

2.2. Juvenile Justice Board

A board shall be constituted under *Section 4* of the Act in order to investigate and hear cases involving minors who are in violation of the law.

Composition: The Principal Magistrate and two social workers, one of whom should be a woman, will constitute the Board. According to the Act, the Board is not permitted to govern or conduct business from regular court premises. The Principal Magistrate's decision shall be final.

2.2.1. Special Procedure of the Juvenile Justice Board:

The Juvenile Justice Board's Special Procedure is outlined in the Act and applies to juvenile offenders. The primary special procedures are as follows:

1. The police or a citizen cannot file a complaint to start the process.
2. The hearing needs to be informal and completely private.
3. After being detained, the offenders ought to be placed under observation at home.
4. The lady magistrate will preside over the trial of juvenile in conflict with the law.
5. A minor who is in legal trouble may appear before a specific board member when the board is not in session.

2.2.2. Powers and functions of the board¹²

Section 8 of the Act gives the powers and functions of the board:

- It is the duty of the board to ensure that the child or his guardians participate in the trial.
- Another duty of the board is to ensure that no rights of children are violated during the entire process.
- It is the duty of the board to provide legal aid to the child with the help of legal services institutions in the district and state.
- To provide the interpreter or translator to the child if necessary.
- The board can direct the probation officer or the child welfare officer in his absence to investigate the case and submit a report within 15 days. The report must contain the circumstances under which the offence was committed.
- The board has a duty to adjudicate and dispose of the cases related to juveniles.
- The board has a duty to visit the residential places where juveniles are kept and make recommendations for their improvement to the District Child Protection Unit.
- It can order police to register FIR of the offences committed against children covered under the Act.

3. Claim of Juvenility

The “*Claim of juvenility*” is the first and most contentious issue among socialists and the legal community. The Juvenile Justice Board will decide whether the claim of juvenility is valid. The Board must make a decision regarding the claim of juvenility prior to the court proceedings, but the claim may be brought before the court at any point during the process, even after the Board has concluded the matter. To decide whether to grant the claim of juvenility, the Board was required to take into account *Rule 12 of the Juvenile Justice Rules, 2007*.

- In case of **Kulailbrahim v. State of Coimbatore¹³** the appellant was convicted under *Section 148 and Section 302 of the Indian Penal Code, 1860*, with life imprisonment. This conviction was challenged in the Supreme Court on the ground that on the date on which the offence was committed, the appellant was a juvenile and must not be convicted. The Hon’ble Supreme Court observed that this plea of juvenility was not raised by the appellant in the trial court but raised only in the High Court. Due to lack

¹² “Juvenile Justice System and Laws in India”, Available at: // www.blog.ipleaders.in

¹³ AIR 2014 SC 2726

of evidence in this regard, the High Court had to reject the plea. However, it was further observed that according to *Section 7A of the Juvenile Justice (Care and Protection of Children) Act, 2000*, the accused has a right to raise this plea at any stage during the trial. He also has the option of raising it after the disposal of the case.

- In case of **Deoki Nandan Dayma v. State of Uttar Pradesh**¹⁴ the court held that entry in the register of school mentioning the date of birth of student is admissible evidence in determining the age of juvenile or to show that whether the accused is juvenile or child.
- Again in the case of **Satbir Singh & others v. State of Haryana**¹⁵, Supreme Court again reiterated that for the purpose of determination whether accused is juvenile or not, the date of birth which is recorded in the school records shall be taken into consideration by Juvenile Justice Board.
- In the case of **Panna Lal and Others v. State of Madhya Pradesh (2015)**, four people, along with a juvenile, were charged with the offence of murder. However, the case of the juvenile was separated from the other accused and handed over to the juvenile justice board.

4. Juvenile Justice and Constitution of India

Certain fundamental rights and provisions, particularly for the welfare of children, are guaranteed by the Constitution under Part III and Part IV of the Indian Constitution, such as:

- Right to free and compulsory elementary education for all the children under the age of 6 to 14 years. (Article 21A)
- Right to be protected from any hazardous employment under the age of fourteen age. (Article 24)
- Right to be protected from being abused in any form by an adult. (Article 39I).
- Right to be protected from human trafficking and forced bonded labour system. (Article 39)
- Right to be provided with good nutrition and proper standard of living. (Article 47)
- Article 15(3) of the Constitution of India provides special powers to State to make any special laws for the upliftment and the betterment of children and women.

Therefore, in order to ensure that children's rights are safeguarded in every manner possible,

¹⁴ 1997 i0 SCC 525

¹⁵ AIR 2005 SC 3549

legislators took into account all relevant constitutional provisions when drafting the Juvenile Act of 2015.

This is also the reason that Chapter IV of the Act, which focuses on the reformation and rehabilitation of juveniles in all circumstances, lays out provisions for the betterment of juveniles.

5. Doctrine of 'Doli Incapax'

One amongst the important principles of Criminal Jurisprudence is the doctrine of '**Doli Incapax**', which enunciates the criminal liability of the Juvenile. This doctrine states that no juvenile under the age of seven should be prosecuted for committing a crime when it is applied and interpreted in relation to Indian laws. Under the Indian Penal Code, 1860, it is stated under *Section 82* of the Code.

The term "Doli Incapax" refers to the incapacity to commit a crime. Its foundation is found in *Article 40(3)(a) of the United Nations Convention on the Rights of the Child*, which mandates that each nation specify the minimum age at which minors who are incapable of understanding the nature of their actions and their repercussions should be released from criminal prosecution. As according to *Section 83* of the Indian Penal Code, 1860, the prosecution must establish the offence committed by the minor in question if the juvenile is between the ages of 8 and 12.

Penal Provisions and Related Judgements:

- The **Indian Penal Code, 1860** specifically addresses the exclusion of juveniles from prosecution in **Sections 82 and 83**.
- In the **Kakoo v. State of Himachal Pradesh** case, the Supreme Court lessened the punishment meted out to a 13-year-old boy who had sexually assaulted a 2-year-old girl. Sections 82 and 83 of the IPC, which state that minors cannot be treated like adults, were taken into consideration by the court. Therefore, it is a very well-established legal requirement that the court take humanitarian and reformatory measures into consideration when interacting with juveniles.
- In the instance of **Heeralal v. State of Bihar**, however, a child stabbed a man until he died after threatening to chop him into pieces. The trial court sentenced him, reasoning that the child was old enough to comprehend the consequences of his actions. The petition was also denied by the Supreme Court.

6. Challenges to Juvenile Justice (Care & Protection) Act 2015 to prevent Juvenile Delinquency

The Juvenile Justice (Care and Protection of Children) Act, 2015 is a noteworthy legislative measure that endeavours to safeguard the welfare and rights of minors who are in legal trouble. However, its execution in averting juvenile delinquency is beset with various obstacles. **Some of these challenges consist of:**

- **Lack of Awareness:** The Act's provisions may not be successfully implemented if sufficient knowledge of it is lacking.
- **Infrastructure and Capacity:** Many Indian regions lack the resources and infrastructure needed to properly implement the Act. This includes setting up committees for child welfare, juvenile justice, and special facilities for juveniles who run in breach of the law.
- **Conditions in Custodial Facilities:** In some places, facilities for children in legal trouble are overcrowded and lacking in funding for vocational training, rehabilitation, and education. Juvenile reformation may be hampered by this, which could result in recidivism.
- **Delay in Justice:** Juveniles' rehabilitation and reintegration into society can suffer as a result of delays in legal proceedings, which can be a serious problem. The Act's efficacy depends on the prompt resolution of cases.
- **Inadequate Legal Representation:** A large number of minors lack access to adequate legal counsel, endangering their rights and affecting the justice system's general fairness.
- **Socioeconomic Factors:** A number of socioeconomic factors, including exposure to unfavourable living conditions, poverty, and limited access to education, are linked to juvenile delinquency.
- **Growing Cases of Heinous Offences:** Concerns have been raised regarding the growing number of juvenile offenders who commit heinous crimes. It can be difficult to strike a balance between these offenders' rehabilitation and public safety.
- **Non-Participation of the Community:** To effectively prevent juvenile delinquency, the community must frequently be engaged and supported. It can be difficult to promote community involvement in initiatives for prevention and rehabilitation.

7. Suggestions for prevention of Juvenile Delinquency

The basic tenet of various policies has been disregarded due to the JJ Act's disjointed implementation and malfunctioning organs. Therefore, it is necessary to change this juvenile justice approach into a juvenile justice "system."

- **Establishment of Minimum Standards:** Under the JJ Act, it is required to create minimum standards of care for a variety of community and institutional services for children. The goal of providing alternative family care to the juveniles, which will ultimately lead to their rehabilitation in society, should be reflected in the qualifications, pay structure, staffing pattern, building architecture, and other factors.
- **National Commission for Children:** In a public interest petition for basic facilities for children working in the fireworks industry in Madras and Sivakasi in the early 1990s, the Supreme Court's high-level committee recommended the creation of a national commission for children's welfare. The government has since expressed multiple times that it still wants to form one, but it hasn't done so yet.
- **Change Management Approach:** Since community-based programmes like probation can help ensure that young people receive better care and rehabilitation, they ought to be given priority.
- **Special Training Programme:** It is necessary to put together a special training programme and provide training in child psychology and child welfare to all Board officers, including the Principal Magistrate.
- **Sports and Other Functional Programmes:** To improve the welfare of juvenile gamers, observation homes and institutions may host sports and other functional programmes. These programmes should be encouraged to be participated in by the juvenile, who will then be helped by volunteer organisations to establish a social connection.
- **Education and Schooling:** Children in households up to the age of 14 should be required to attend school. The juvenile must be given permission to leave the examination site and be released on a licence for his welfare in order to continue his education. Juveniles should be able to attend reputable schools with sponsorships. Courses on personality enhancement ought to be set up.
- **Providing Assistance:** The police officer's investigation may involve the involvement of a social worker. There should be a minimum of one female police officer assigned to the child cell.

Conclusion

The Juvenile Justice (Care and Protection of Children) Act, 2015, lays out guidelines for the growth, care, correction, and reintegration of juveniles who have committed crimes of any kind or who require protection and care. The procedure is simple and quick because the Act designates specific tools and authorities to handle juvenile matters. It also seeks to shield children who have experienced any kind of abuse or harassment. Nonetheless, efforts must be made to ensure that the Act is strictly followed. Anyone who violates the Act's provisions will be held accountable. This may contribute to a decrease in child abuse crimes.

The Indian government has launched a number of programmes in this area, the most well-known of which is '**Atmanirbhar Bharat**', which aims to assist young people in becoming independent and self-sufficient and in using their skills and knowledge for the good of both themselves and the nation as a whole. Other such programmes include the *National Youth Policy 2021*, the *National Education Policy 2020*, *Ujjawala*, which aims to lower the number of child trafficking cases, and many more.

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