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# The Impact of the Juvenile Justice System Act (2015)

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SHREYA AGARWAL<sup>1</sup> AND DR. P S VARSHNEY<sup>2</sup>

## ABSTRACT

*The learning goals of this research paper are to get an overview of the Juvenile Justice Act of 2015, which has specific rules about what to do with kids who break the law. This research paper aims to help you meet your learning goals, and this is both children who those accused of breaking the law and those who were guilty. Also in this group are children who have been found guilty of breaking the law. The other goal of this paper is to help readers understand why a separate criminal justice system for teens and young adults needs to be different from the system for adults. This study aims to do three main things. The third goal is to help people understand what happens when kids are suspected of breaking the law. Institutional and non-institutional ways exist to help kids who may have broken the rule.*

*Providing adequate care, protection, development, treatment, social reintegration and facilitating the proper care and safety of children alleged to be in conflict with law and children in need of care and protection by adopting a child-friendly approach to cater to their basic needs. In 1992, the United Nations General Assembly adopted the Convention on the Rights of the Child, which India ratified on December 11 1992.*

**Keywords:** Juvenile Justice Act, Law, Children, Justice, young adults.

## I. INTRODUCTION

Article 15, Article 39, Article 45, and Article 47 of the Constitution of India said that the Juvenile Justice Act is necessary to implement. These rules set up the legal framework that is needed. India signed the United Nations Convention on the Rights of the Child in 1992. As a result, we had to change our laws to meet the requirements of the Convention. It was essential to ensure that children got the protections they were entitled to under international law. (Bhattacharya, S. K. (2015). Juvenile Justice: An Indian Scenario. New Delhi: Regency Publications).

India had to pass a new law in 2000 called the Juvenile Justice Act of 2000 to finish this alignment. Because it didn't meet the requirements of the U.N. Convention on the Rights of the

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<sup>1</sup> Author is a Research Scholar at Dept. of law Mewar University Chittorgarh, Rajasthan, India.

<sup>2</sup> Author is a Supervisor at Dept. of law Mewar University Chittorgarh Rajasthan, India.

Child, we had to make changes in 2006 and 2011, pass new laws in 2015, and make some more changes in 2021. In 2005, India also passed a law that set up a commission to protect children's rights. But in 2012, India passed a new law called the Protection of Children with Sexual Offense act (Ram Ahuja, Social Problems in India, 3rd Ed, Rawat Publication). This law is instigated so that children wouldn't have to commit sexual offences. Article 15 of the Indian Constitution says that it is against the law to mistreat someone because of their religion, race, caste, gender, or where they were born. This rule applies to everything about the culture and society of India. Article 15 of the Constitution says that the government can do anything it wants to help women and children (BRANDT, David. 2016. Delinquency, Development, and Social Policy. London: Yale University Press). This rule must come from the body. All of these things show that it is our job to protect children. Because of this, the state has the power to make specific rules because we are responsible for them.

#### **(A) Objectives**

- To analyze the positive and negative effects of Juvenile Law on children.
- To analyze and get a better understanding of Juvenile law.
- To understand the need for a separate justice system for minors or teens.
- To understand the consequences of the notorious behaviour of minors.

#### **(B) Review of Literature**

Article 39 clarifies that the state must ensure its policies are regulated toward security. It says that workers' health and strength, as well as their young age and the fact that they are men or women, are not used in any way. Also, it says that people can't be forced by the need to make a living to do things that are too hard or dangerous for their age or physical ability. So, these are essential parts of the Indian Constitution and the Juvenile Justice System Act. (CHOUDHARY, R N. (2015). The law about Juvenile justice in India. Allahabad, Orient Publishing Company). The Juvenile Justice System Act is also essential. We can also say that the Act set up the Juvenile Justice System.

Article 39 of the Convention on the Rights of the Child says that it is the parent's job to give their children the opportunities and facilities they need to grow up healthy and with freedom and dignity. The Juvenile Justice (Care and Protection of Children) Act 2015 says that the parent's job is to ensure their children have a healthy and dignified childhood. Also, the article says that, morally and practically, children and young adults need protection from being used and left behind. This kind of protection is available for them.

Because of this, these principles are deeply rooted in the Constitution of India. Article 45 goes even further by saying that all children must get a free and required education. Within ten years of the start of this Constitution, the state needs to keep giving children free required education until they are fourteen years old. This rule is in place until the tenth anniversary of when the Constitution was signed. Article 47 of the Constitution also says that it is the state's job to improve the level of nutrition, the standard of living, as well as the health of the general public. It also makes it very clear that the use of any substance, except for medicines taken for medical reasons, has the potential to be seen as psychoactive. (Preston Elrod & R.S Scott Ryder, *Juvenile Justice-A Social Historical and Legal Perspective*, 3rd ed, Jones and Bartlet Publishers). So, India had to develop new laws in this area to ensure it was following the rules. Even though India signed the United Nations Convention for the Rights of Children, it had to make the J.J. Act, the Commission for the Protection of Child Rights Act, 2005, and the Protection of Children Act from Sexual Offenses Act, 2012. 2005 saw the passing of the J.J. act and the Commission for the Protection of Child Rights Act. In 2012, the Protection of Children from Sexual Offenses Act was passed (Cloward, R., and Ohlin, L. (2016). *Delinquency and Opportunity*. New York: Free Press). It is because of what has already been stated in this paragraph. India had to pass laws to protect its children because of these different things. Because of it, a new law called Juvenile Justice Act was passed in 2015 and thus will continue to be changed until 2021.

Even though the Act was signed as law in 2015, the Juvenile Act still needed a few changes to be completed. The changes were not made until August 7, 2021, even though they were not that big of a deal. Let's give these proposed changes the careful thought they deserve.

### **(C) Research Methodology**

This paper is solely based on research that explains the positive and negative effects of the implication and addition of the Juvenile Justice Act to the Constitution. The process involves the analysis of the available Qualitative data and text.

### **(D) Research Hypothesis**

It is hypothesized that current law, Juvenile Justice was enforced in order to protect a delinquent child who is younger than 18 years and is in need of protection and care.

### **H0 – Is there a need for new law**

The preamble talks about two groups of children that are different from each other. Children who have broken the law or are accused of doing so are in one group. This group also includes kids who have broken the rule themselves. These kids are thought to be breaking the law. The

second group comprises children who, in some way, need care and protection. This type of child includes kids who don't have parents, kids who live on the streets, and kids who have broken the law and need care and protection. (Hansaria, V., and Jose P. P. (2016). *Juvenile Justice System*, Delhi: Universal Law Publishing Company Pvt. Ltd.). Other children in this group are those who have a lot of money. The law says that each of these kids needs to be taken care. It is possible that some juvenile are responsive to interventions programs but an act could possibly reduce the chance of delinquency in children?

### **H1 – Whether J.J. act practicality protecting Juvenile or not**

Think about the possibility that a minor has done something wrong or that the police have good reason to think he has done something wrong. During the child's arrest, detention, or prosecution, the preamble discusses determining the suitable punishments and carrying out their incarceration, rehabilitation, and reintegration into society. This discussion also includes how these children will be rehabilitated and returned to the community. (Rolf Loeber, David Farrington, *Serious and Violent Juvenile Offenders*, Sage Publication). It is done while the preamble also discusses the child's chance of being made whole again. You can't say enough about how important this first part of the preamble is. In the second part of the preamble, the children who need care and protection are discussed in more depth.

This document explains detailed steps that will be considered to decide whether or not it is okay to adopt a child, as well as the fees that will be charged for rehabilitating these children. Throughout this whole thing, the main topic of discussion has been how to get these kids back home and back to normal (Ram Ahuja, *Social Problems in India*, Rawat Publication). The J.J. act also says which kids need care and protection.

The Act covers the procedures, decisions, and orders for rehabilitating, adopting, reintegrating, and restoring children. This law is divided into 112 sections and ten chapters to make it easier for you to read—this legislation is formed of a few different parts. The book's first part discusses "Preliminary" definitions and the preamble. When putting the rules of this law into action, there are a few general things to keep in mind. In the second chapter, we talk about these things. In the third and fourth chapters of this book, we talk about the rules and procedures of the juvenile justice board when there are legal conflicts. The fifth and sixth chapters speak about the child welfare committee and the rules that the child welfare committee should follow (Bhattacharya S., 2016, *Juvenile Justice: An Indian Scenario*, New Delhi: Regency Publications). Chapter 7 discusses the issue of rehabilitating and reintegrating into society children who have broken the law or are considered to have broken the rule. In the eighth chapter, they talk about adoption,

and in the ninth chapter, they talk about crimes against children.

## **II. IMPORTANT KEY DEFINITIONS**

### **(A) Child**

Most people agree that a person is still a child if they haven't turned 18. No longer is a child who gets in trouble with the law because of what they called a "juvenile." The difference occurred because "juvenile" is often associated with bad things. (Chowdhary R (2015) Law relating to Juvenile Justice in India, Allahabad, Orient Publishing Company 3. R.V. Kelkar, Criminal Procedure, Sixth Edition, Eastern Book Comp. Even though the "juvenile" is in the institution's name and phrases like "juvenile justice board," we no longer use it to talk about kids. We call them "children" or "children" instead.

### **(B) A child in trouble with the law**

A child in trouble with the law was accused of breaking it or was found to have broken it and was younger than 18 when they committed a crime. (Ren, Ling, Hangowel Zhang, et al., "Delinquent Subculture and Juvenile Offenders' Attitudes towards Police in China," 2016) call children who break the law "juvenile offenders."

When a child does something wrong

A child can break the law in one of three ways, and each is categorized differently. The first problem is not important at all. Most "petty" crimes get no more than three sentences in prison. Theft is an excellent example of a minor crime that still happens even though it isn't terrible. The second type of offence is a severe offence worse than the first. For these kinds of crimes, you could spend anywhere from three to seven years in prison (Maruf, Mohammad Muntasir, Farzana Rhaman, et al. (2015). "Socio-Demographic, Substance Abuse, and Offense Among Inmates with Psychiatric Disorder in Female Juvenile Center, Bangladesh"). Compared to the other mistakes, the most recent one is terrible. Heinous crimes are crimes that, under the Indian Penal Code or any other law, carry a minimum sentence of seven years and a maximum sentence of any number of years in prison. Crimes with a penalty of years can also be atrocious (Ghosh, Dwaipayan) (2016). "100 Teenagers Charged with Murder, 63 Held for Sexual Assault," The Times of India, June 14, 2010).

### **(C) A Child Who Needs Care and Safety**

This group includes children who don't have a home, beg for money, or live on the streets. People call them "street children." This group has children who are orphans or have no one to care for them and meet their needs. According to this law, children who are employed in a way

that breaks labour laws are also considered children who need care and protection (Crime in India (2016). "National Crime Records Bureau, Ministry of Home Affairs, Indian Government, New Delhi). It is because these kids are seen as needing to feel safe.

Children with physical or mental disabilities are also included in this group. If the person who lives with the child has been accused of hurting the child, abusing the child, exploiting the child, not taking care of the child, or threatening to kill the child, the child will be seen as a child who needs care and protection. It also says that if the person in charge of a child can't take care of them because they have a mental illness, dementia, mental retardation, or a head injury, the child is also covered by this law. (Mishra, Alok K. N.) (2016). Times of India, July 13, "Juvenile Crime on the Rise," available at [timesofindia.indiatimes.com](http://timesofindia.indiatimes.com). The person in charge can't care for the child when these things happen. Part of the law will make sure that a child who has run away from home or gone missing will still be cared for until the day they are found and brought back to their family. The child might have run away from home or disappeared from home. This law will also help a child in danger of being sexually abused or used for money. It will do this by taking care of the case of a child who is at risk of being used for money. This law will also help kids who use or sell drugs. Children who have been hurt or attacked because of armed conflicts, like terrorism, civil unrest, or natural disasters, are also included in this group. (Indian Government) (2020). Supreme Court cases', In *Jaya mala V. Hom Secretary* (2010). Case of *Bhoop Ram vs State of UP* (1989). *Babloo Passi and V. Jharkhand state* (2010). In *Umesh Chandra v. State of Rajasthan* (2005). *Arnie Das V. Bihar state*). Also included in this group of victims are adults who have been hurt or attacked. Children whose families are forcing them to get married need care and protection just as much as any other child in this situation.

### **III. J.J. ACT, 2015 (AMENDED)**

#### **(A) The objective of the Act**

The purpose of this legislation is to consolidate and amend the law relating to juveniles who conflict with the law, as well as children who require care and protection, to provide proper care and treatment to cater to their developmental needs. Yet on November 20, 1989, the United Nations General Assembly adopted the Convention on the Rights of the Child. (Juvenile Justice Act, 2000)

#### **(B) Child In Conflict with Law**

The Juvenile Justice Act discusses kids who break the law in depth and gives two whole chapters on the subject. (Sharma R. N. (2018). "Criminology and Penology. Surjeet Publications"). The chapters are questions about the Judicial Judiciary Board and Procedure for Children who Break

the Law. The information in Chapter 3 is precise, and it talks about how the Juvenile Justice Board works and how it came to be. The steps this juvenile justice board should take are explained in sections 10 to 26 of chapter 4, which you can find here.

To exercise the powers and discharge its functions under this Act relating to children in conflict with the law, the State Government shall constitute one or more Juvenile Justice Boards for every district, notwithstanding anything contained in the Code of Criminal Procedure, 1973. (Ministry of law and Justice, January 1 2016)

### **(C) Child In Need of Protection and Care**

Chapter 5, also called the Child Welfare Committee, worries about the well-being of children who need care and protection. The middle of the document is where this chapter is. This committee watches out for the children, and sections 27 through 30 deal with any problems that might affect them. This topic is also talked about in more detail in chapter 6, which is called "Procedure for caring for and protecting children who need it." This chapter discusses the committee's powers and how they should be used (Mahrukh A., "Child and Protection and Juvenile Justice System: for Juveniles in Conflict with the Law", Children India Foundation, 2016). Also talked about is how to use these powers in the right way. The document talks about these things in sections 30 through 38.

### **(D) Rehab and Rehabilitation**

Treatment and rehabilitation options are there for children who have broken the law or need care and protection for them. Treatment and rehabilitation services could help both of these groups of kids. It is covered by sections 39 to 55 of chapter 7, which is called "Rehabilitation and Social Re-integration." This chapter describes the institution, how it will act, its roles and responsibilities, the minimum standards, who will register, how registrations will be handled, and who will monitor the institution. (Witerdyk A.J. (2004). "International Perspectives on the Juvenile Justice System: Models and Trends." In this chapter, we also talk about the institution.

### **(E) Adoption**

In addition to the centralized adoption resources, adopting a child requires the help of several important organizations and authorities. The person running the steering committee is also in charge of keeping an eye on these central adoption resources and groups. Also, some agencies help people who want to adopt at the state level. Organizations manage the adoption processes that take place all over the country (Government of India) (2015). "The Juvenile Justice Act of 1986" and "The Juvenile Justice (Care and Protection) Act of 2000" (Publication Division, New Delhi). Non-resident Indians, or NRIs, will sometimes adopt the children. The government will



work with agencies and groups to make this happen. After a child moves in with a new family through adoption, it is the job of different organizations and authorities to keep an eye on the child. So, adoption laws must ensure that these kids are taken care of and protected in some way. Between sections 56 and 73, the document can talk about these rules. 3.

#### **(F) Other Offences against Children**

Other offences against children come under sections 74-89. This legislation deals with the crimes committed against a child.

### **IV. THE REASON BEHIND IMPLEMENTING JUSTICE CARE & PROTECTION OF CHILDREN ACT, 2015**

Several things came together to lead to the passing of the new law, which made the law that had been in effect since 2000 no longer valid. (Kumari, V. (2017) *The Juvenile Justice System in India: From welfare to rights*, India, Oxford University Press). One of the most important reasons for this was that the institutions and people supposed to put this Act into action didn't know their roles and responsibilities. For example, people saw a committee in charge of helping and protecting children who needed care and protection pass adoption orders. [This sentence needs more citations] But the only person who can give orders to adopt is a judge in a court of law. A child welfare committee does not have the power to do this. It happened because the committee didn't give each member enough information about their roles and responsibilities (The Juvenile Justice (Care and Protection of Children) Act of 2015). The second reason for passing the Act, there were no time limits or other restrictions. In several places, it was seen that young people who had committed crimes that were considered to be minor and not very important were held in institutions for about three years. Around the year 2000, this was becoming a big deal for more and more people. Children shouldn't be separated away from their families because they did things that were so minor that they broke the law. It happened because the Act before this one did not have a timeline. Because of this, this was going on. It was considered about after the Nirbhaya Case, in which a child younger than 18 years old was part of the group that did the crime. [Case] Based on what happened in this case, it was decided that three years of rehabilitation is not enough for people who have done such horrible things. These kids may need more time to change before the help they need.

The third reason was that the Act passed in 2000 did not include the rules for adopting children, abandoning children, losing their parents, or living on the streets. Under this Act, these children could be adopted (Maruf, Mohammad Muntasir, Farzana Rhaman, et al. 2015. "Socio-Demography, Substance Abuse and Offence Among Inmates with Psychiatric Disorder in

Female Juvenile Center, Bangladesh." PEOPLE: International Journal of Social Science). They were jolted down into the rules for adoption and the guidelines, but they weren't in the show itself. Also, these rules had no deadlines at all. On the one hand, the government knew that people wanted to adopt children and that there were children who needed to be adopted.

On the other hand, some kids needed to be taken in by new families. The problem was, though, that they couldn't beat each other. Because of this, a recent change needs to be made as soon as possible (Justice P.S Narayana, Commentary on the protection of children from Sexual offence Act 2012, Universal Publication, 2016 Edition). The most recent reason that is very important is that illegal acts are being conducted on children. Even though some laws like the Child Marriage Act and the Child Labor Act deal with crimes against children, decided that some other crimes are worse. These crimes include sexual abuse and using children for sexual purposes. Age of Opportunity: What the New Science of Adolescence Can Teach Us. Houghton Mifflin Harcourt in New York).

The Indian Penal Code says that these crimes are punishable if committed by an adult victim (IPC). On the other hand, when crimes are committed against children, the severity of the punishment should be increased. So, it was decided that the Juvenile Justice Act should cover these kinds of crimes. Because so many things needed to be changed to do the Act of 2000 more robust, the government of India decided that it would be better to start over with a new show that was stronger, more effective, clearer, and had all the crucial steps and rules. It was because so many changes had to be made to the Act of 2000 to make it stronger.

#### **(A) Significant Changes in the Institutions**

The Juvenile Justice Board is an entire group. This board for young offenders is in every district and has been in previous acts. According to the Act, it will be run by a principal magistrate. The last Act said that this judge could be a CGM, which stands for a chief metropolitan magistrate or chief judicial magistrate. It kept CGM and CMM from focusing on many other tasks that needed to be done in the district, which made the problem of tendencies worse. If they also take care of the juvenile justice board, it is more likely that the case will be held. Because of this, the new Act says that a CGM or CMM can't be the board's chairperson.

The Principal Magistrate has worked with children for at least three years. Members who work as social workers shouldn't be younger than 35 and should have at least seven years of experience in their field. If they don't have seven years of experience, they could be a working professional with a degree in child psychology, child behaviour, or another field related to children.

**(B) New Additional Provisions**

Providing for the care and protection of children who are alleged and found in conflict with the law, by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children, this Act consolidates and amends the laws concerning children. (The Juvenile Justice Act, 2015)

The Act says that both the members of the Juvenile Board and the Principal Magistrate have to go to training within the first sixty days of their jobs. The Chief Magistrate must finish this training to ensure that children are safe and protected and that the Juvenile Board works as well as it can. It will ensure that they get trained and know the rules from the first day they start working for the Juvenile Board. It will also make sure that they follow the rules and take corrective action based on the rules. It will also ensure that they follow the law from the first day they start working on the Juvenile Board and take steps to fix things.

The new law says that the board must meet every day for at least six hours, no matter how many work days there are in a typical week. It is unnecessary for districts with a relatively low number of cases to follow this rule. The state government can cut the number of hours that workers have to put in each week, but only in areas of the state where working six hours a day is not necessary. On the other hand, the state government has the power to extend the minimum number of working hours in districts where the division has to deal with many cases that can't be solved in six hours. Only places where the minimum number of work hours is already at least six can use this power.

The Principal Magistrate is supposed to make a list every month of members who are available 24 hours a day, seven days a week, in case of emergency cases that happen when the Juvenile Board is not in session. This duty applies to issues when the Juvenile Board is not meeting (Crime in India. 2016, National Crime Records Bureau, Ministry of Home Affairs, Government of India, New Delhi). The Principal Magistrate will only have to make a list once; the member's name mentioned on a specific day will be sent to the district child protection unit, the police, and any child institutions in the area.

**(C) Functions of Juvenile Justice Board**

At every step of the process, the Juvenile Justice Board is responsible for considering the child's point of view. Children's participation is an integral part of the show; this Act says that the board must make it happen. The board must also protect the child's rights during the investigation, aftercare, and rehabilitation processes. It is something that the board is in charge of. Child rights

include the rights that a child shouldn't get unfair treatment, make sure to hear the child's point of view, get enough to eat, have a safe place to live, protection, and so on. A child's other rights are the right to good food, a safe place to live, and security. The third most important thing to consider is whether or not a child will have access to a lawyer. The board must ensure that the child can have a lawyer represent them. The board can ask the District Service Authorities for legal help since they have the power to do so. The board must ensure that no child is brought before them in their role without an attorney present. The board is in charge of getting a translator or interpreter for a child who needs one and has shown they need it. The District Child Protection Unit makes this group of people available to the board. Let's say a child has a disability or can't talk correctly. In that case, the board of education, with help from the District Child Protection unit, may also be able to find a special educator for the child. If this happens, the school board must tell the District Child Protection unit as soon as possible. The Juvenile Justice Board thinks that all children in the system need some kind of care and protection. And let's say the child doesn't get this care and security at the right time and from the right people. If that happens, the child is much more likely to get in trouble with the law. So, the case could be sent to a child welfare committee at any time during the investigation or whenever the board thinks it's necessary to protect the child. It could happen at any time during the investigation. Even though the case hasn't been decided yet, the Child Welfare Committee and the Juvenile Justice Board can work together to do something.

#### **(D) Other Important Functions of the Juvenile Justice Board**

The board says that the CCLs for kids who break the law must be inspected at least once a month. These kids violate the law. The child is staying in one of these places, an observation home, while the police look into what happened when the child went missing. The second option is something that people usually call a separate home. After the investigation, the board decides that the child needs to go into an institution or rehabilitation, and the child relocates there to meet those needs. This law has made a brand-new category called "Place of Safety." When a child between the ages of 16 and 18 seriously breaks the law, they are taken to a place called a "Place of Safety." Place of Safety is also home to adults found guilty of a crime. These people are adults because they are over 18 years old.

Under certain circumstances, you need to file an FIR. It is possible that the child committed a crime, but it could also have been done to the child by someone else. No matter what happens, the child should be held responsible for their actions. If this happens, the Juvenile Justice System can tell the police to file a "First Information Report." In addition to this, Juvenile Justice Board is in charge of inspecting all centres that hold arrested children. There is a chance that people

under 18 will be in jail. These minors are not brought before the board. Instead, they are brought before any other judge.

Also, this is because there is a chance that people under the age of 18 are in custody. As soon as these kids are found, they should be turned over to the Juvenile Justice System so they can face justice for their committed crimes. (Steinberg, L., and E. Cauffman. 2018. "A Developmental Perspective on Serious Juvenile Crime: When Should Juveniles Be Treated as Adults?" *Federal Probation* 63:52–57). If this child returns to his family and says he wants to return to school, the school may not let him because he has been in trouble with the law. If this child is sent back to his family, this will happen. If this happens, the board has the power to give the school's administration an order telling them to let the student back into the school. The Juvenile Justice Board can get paralegal work done with the help of student volunteers and non-governmental organizations (NGOs) while it is doing its job. It lets the board focus on its most essential tasks.

### **(E) Review of Pendency of Board**

There are three ways to determine what the board is considering.

The CMJ or the CMM will examine the board's unfinished business every three months. The first level will be the place for this review. The High-Level Committee is the next level up in the organization's structure. This high-level committee is put together at the state level, and the chairperson of the authority that works at the state level is in charge of running it. It also has people from the Social Department or the Welfare and Community Development Department, depending on which department is in charge at this level in that state. The part that comes next talks about different parts of the house. Now, the person in charge of this committee has the power to appoint anyone, including members of non-government organizations and private organizations, to serve as committee members. At the end of each quarter, this committee does an extra status check on the cases the board is still thinking about. The District Judge job is the third one that is filled right now. Not only must the District Judge keep an eye on the case, but they must also check on the board while it is in session to ensure it follows all the rules correctly. This inspection is needed because the District Judge must determine if the board is perfectly keeping track of all systems. It is essential to know that the committee reviews these rules every three months.

So, the board must keep a case tracking sheet to ensure this review is done quickly and well. This case tracking sheet is given to the board members every time a case is discussed at that meeting. Because of this, the problem needs to be mentioned, and more steps must be taken to

solve it. Also, the monitoring sheet should keep track of the stages as they are finished and in what order they are finished.

#### **(F) Issues in Juvenile Justice Act**

Child Care Institutions (CCIs) have a difficult time reporting cases of abuse and cruelty by their employees or leaders; in most cases, parents or child rights bodies and child welfare committees (CWCs) report these crimes to the police on behalf of the victims due to the imbalance in power. In most cases, CWC members will consider talking and settling instead of calling the police. The amendment discourages police reporting of such incidents and encourages this thinking. (Issues with the Juvenile Amendment Act, 2021)

### **V. IMPORTANCE OF THE JUVENILE JUSTICE SYSTEM ON A CHILD'S PSYCHOLOGY**

The Juvenile Justice System should be based on the way to deal with kids who break the law that is fair and not too easy. The idea of "proportionality" is one of the most important ideas behind how the juvenile justice system works. This principle says that a child thought to have broken the law should be treated in a way that considers his basic needs and any problems that have come up because of how he grew up. In other words, this child's needs should also be considered, along with the states that come from the events themselves. Also, the child should be punished in a way appropriate for his age and the seriousness of the crime they have committed. Two of the most important ways the Juvenile Justice System can help a child change their behaviour are by assisting them in taking responsibility for their actions and understanding how those actions affect other people. In light of this, you should focus on community-based solutions and rehabilitation to help people get back into society instead of pushing them away. Article 15, Paragraph 3 of the Constitution outlines special protection for children. The U.N. committee on child's rights wrote general comment number 10 on children's rights in juvenile justice. It says that children differ from adults regarding their physical and mental development and emotional and educational needs. It is mentioned in the committee's document about children's rights. Because of the differences above, children are held to a lower level of criminal responsibility when they break the law. Because of these and other differences, it is vital to have a separate juvenile justice system that takes a different approach to care for children.

Also, it's important to remember that these and other differences don't rule out each other. When dealing with child offenders, protecting what is best for the child means, for example, that the traditional goals of criminal justice, like punishment or retribution, need to make room for rehabilitation and restitution of justice. (McDowell, Gary L., Smith, Jinney (eds) (2015) *Juvenile Delinquency in the United States and the United Kingdom*. U.K. Palgrave Macmillan).

Protecting what is best for the child means protecting what is best for the child to improve himself and his lifestyle. It ensures that the child's best interests are always protected.

#### **(A) Role Played by Police**

As gatekeepers in the juvenile justice system, police have the power to decide who will and how to handle the case at the onset. It is a provision that after police officers receive information, they should be kept in exceptional homes rather than jails or lockups. A child welfare officer will report things to the Juvenile Justice Board. There are also cases where the juvenile may grant bail if the police officer sees *prima facie* facts & circumstances in his favour. (Pleaders, April 24, 2018)

#### **(B) Functioning of Juvenile law in India, Uk and USA**

Children who have demonstrated criminal behaviour are meant to be rehabilitated through juvenile justice. There have been several instances in India where juvenile homes have been criticized for inadequate infrastructure or the quality of care they provide. The modern legal system must recognize the independence and autonomy of minors. Criminal acts are committed by children for different reasons than those committed by adults. Any nation's juvenile equity framework cannot be based on an adult's criminal equity framework. Since juvenile justice systems are developed to accommodate other subjectivities in almost every democratic nation.

To maintain public safety, ensure rehabilitation, and develop various skills, juvenile justice systems must be established. Eventually, juveniles need social support to meld back into society and reintegrate into the community. Restitution and care are considered more important than retribution in juvenile justice. (Academike, October 12, 2021)

An analysis of the juvenile justice systems in the United States, the United Kingdom, and India is presented in this article. Children are protected, restored, and rehabilitated by juvenile justice systems worldwide. The meanings and methods of these systems differ based on the facilities, objectives, age of the targeted individuals, and length of time spent in justice delivery.

Juvenile justice has existed in some form in India ever since the colonial period. During Roman law, children were protected from prosecution under the principle of *doli incapax*. Children's Act of 1960, enacted by the Indian government in 1960, created uniform standards for the juvenile justice system, unlike their British counterparts. Maintaining the safety of the public, rehabilitating the youth, and developing various skills requires juvenile justice systems. To allow juveniles to rejoin society and eventually blend into it, they also need social support. It is proposed that juvenile justice should focus on care and restitution rather than punishment. (Academike, October 12, 2021)

It was during the nineteenth and twentieth centuries that the concept and idea of juvenile justice emerged in the US. A juvenile court was established in those days according to the legal doctrine of *parens patriae*, which means 'parent of the nation'. A king's royal prerogatives were defined as a range of obligations and powers reserved for him during feudal times. As the country's father, the king fulfilled these functions. (Academike, October 12, 2021)

### ***In India-***

The Government of India adopted a National Policy Resolution in 1974 to address the growing problem of juvenile delinquency in India. A set of guidelines and priorities was provided for the organization of programs for children who were involved in deviant behaviour as a result of this resolution. Moreover, under Article 39(f) of the Constitution, the state shall also ensure that children and youth are protected from exploitation and material and moral abandonment. (Academike, October 12, 2021)

The Juvenile Justice Act of 1986 was also promulgated by the Indian state. Juvenile justice in India became uniform under the Act. Seven chapters and sixty-three sections make up the Act. Juvenile Justice Act is based on the concepts of *parens patriae* and *mens rea*. The Juvenile Justice (Care and Protection of Children) Act was implemented in 2000 as a follow-up to the 1986 Act. In addition to adding provisions related to care and protection, this Act also attempted to reform the welfare system. In 2015, the Juvenile Justice (Care and Protection of Children) Act replaced the Act.

An important factor in the development of the 2015 Act was the Nirbhaya rape case, in which the accused was over 16. In response to this change, the 2015 Act introduced the provision that children between the ages of 16 and 18 who commit a criminal offence will be tried in a regular court. (Academike, October 12, 2021)

### **Aftermath of Nirbhaya Case**

After Nirbhaya's case, people are now aware that Juvenile Justice system exists as an law. However they are not aware how it works. People turned sentimental after the decision made by court and begin to express their strong opinions against the decision. During the recent Indian parliament session, there was uproar over the new Juvenile Justice law (Juvenile Justice Care and Protection of Children, 2015). Taking into account the UN convention on the rights of the child and other related instruments, it also deals with children in need of care and protection.

### ***In the US***

In 1899, Cook County, Illinois, became the first county in the United States to establish a



juvenile justice system. Juveniles committed crimes because they were immature and impulsive, according to the original juvenile justice system. As a result, the juvenile system in the United States rehabilitated offensive juveniles instead of viewing them as criminals. A framework for transforming these adolescents into decent residents was accepted by the framework. (Academike, October 12, 2021)

The state often took a *parens patriae* or 'parent of the nation' approach to adolescent courts. There were fewer procedural shields for minors in the early adolescent equity framework due to its lack of customization and adaptability. Juveniles under the age of sixteen are subject to special rules and procedures established by the Illinois Juvenile Court Act of 1899. Juvenile justice was governed by this Act in recent years. (Academike, October 12, 2021)

Moreover, each state determines its majority age. Under 18-year-olds are considered minors. Some areas consider anyone under twenty-one to be a minor. According to the Child and Youth Welfare Code, Precedential number 603, a youth offender is defined as a person who is above nine years of age and under the age of twenty-one when they an offence. (Academike, October 12, 2021)

### ***The United Kingdom***

Unlike England and Wales, the Scottish Juvenile system Justice System focuses on rehabilitation for accused Juveniles. Police in England and Wales are permitted to use discretion when handling Juvenile dispositions under the Criminal Responsibility Act 2019.

A child is interviewed by the police when they obtain custody of the juvenile and determine whether to refer the child to the Children's Panel. Police supervise juveniles who commit minor offences. In this case, the juvenile justice system is not involved, and police supervision ends the case.

Children under the age of 10 should not be arrested, according to Section 16 of the Children and Young Person Act. According to Section 46(1) of the Children and Young Persons Act, if a juvenile is detained and charged, they must appear before the Magistrate's Court.

### **Discussion**

An individual who has not reached the age of 18 is referred to as a juvenile or a child. Each human being under the age of 18 is considered to be a 'child' under international law. In ordinary language, juvenile delinquents are child offenders, culpable youths, irresponsible adolescents, offending immature children, misguided adolescents, and underage criminals. (The Navhind Times, July 27 2022)

There is much work to be done before juvenile justice becomes child-friendly. In many parts of the world, there is a wide range of inadequate legal frameworks that are not age-appropriate, a shortage of age-appropriate services and establishments, and a shortage of specialists, which results in challenges when working with this population in terms of training and supervision. Legal, psychiatric, and developmental fields incorporated into forensic child and adolescent psychiatry in the U.K. and other high-income countries. By adopting a therapeutic intervention philosophy that utilizes evidence-based practices, this approach has successfully navigated clinical and ethical challenges. (National Library of Medicines, February 2017)

## **VI. CONCLUSION**

The Juvenile Justice Act of 2015 says that multidisciplinary Juvenile Justice Board members are the best people to make psychosocial legal inquiries. Children are not as guilty as adults and should not try in an adult court. The Juvenile Justice Act of 2015 was passed because of this. The Juvenile Justice Act of 2015 made this board look the way it does now. And not only decide if the child is guilty but also decide which types of rehabilitation would help the child the most based on their own needs. The J.J. Act of 2015 is the law that takes priority when children are involved or when there is a conflict between previous laws. It could mean catching the person who did it, keeping them in custody, charging them, helping them get better, or even putting them in jail.

Article 39 of the Convention on the Rights of Child says that parents must ensure their children have the necessary things to grow up in a safe and secure environment where they can develop normally. They could learn values of each human being are respected. So, it's up to the parents to ensure their children are happy and safe as they grow up. The article states that young people and children are safe from being abandoned and exploited on moral and material levels. You can count on this safety net, which is good news. The state's job is not only to improve people's health but also to raise everyone's standard of living and nutrition (Article 47 of the Constitution). It also makes it very clear that, other than prescription drugs, it is illegal to use any substance that could be called "psychoactive." India needed new laws in this area to ensure it followed the rules. So, even though India has signed the United Nations Convention on the Rights of the Child, the country has passed its laws to protect children, such as the Protection of Children Act from Sexual Offenses Act. (2012) and the Juvenile Justice (Prevention of Sexual Offenses) Act (J.J. Act) of 2012.

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