



"HISTORICAL OVERVIEW OF JUVENILE JUSTICE IN INDIAN RECENT YEARS"

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ABSTRACT

Juvenile justice is the branch of criminal law that dilutes criminal culpability on the premise that a child is incapable of having a malicious will. John Rawls (A theory of justice) and John Stuart Mill (On freedom) also explained in a jurisprudential way that children had a reduced legal capacity. The underlying principle behind the creation of the juvenile justice system was that adolescents are more vulnerable than adults and are more likely to be rehabilitated. All legal systems around the world recognize that children and adolescents are different from adults and should not be held responsible for their violations of criminal law in the same way as adults. However, the most appropriate way to deal with juvenile delinquents remains questionable, and the most appropriate legal response is subject to much controversy. In general, it is accepted that children and adolescents have special needs and require treatment different from that of adults.

1.1 INTRODUCTION

Criminal law and criminal procedure have also made concessions to children in several areas. These include the immunity from criminal liability (articles 82 and 83 of the Indian Penal Code); the consent of the child not to be treated as a consent to the exemption from fault (Article 90 of the Criminal Code of India), Simplified Procedures in cases involving minors, non-criminal sanctions and reeducation to find guilt. The United Nations Convention on the Rights of the Child, 1989 (ratified by India in November 1992) placed children at the center of the rights discourse. It recognizes the right of every child accused of a crime to be treated in a manner consistent with the promotion of the child's sense of dignity and worth. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) of 1984 establish the establishment of a juvenile justice system based on the rights of the child. The Guiding Principles for the Prevention of Juvenile Delinquency (Riyadh Guidelines), 1990, deal with early intervention in cases of abandoned, abandoned or abused children. The Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules) of 1990 specifically establish minimum standards for minors under 18 in detention.

1.2 MEANING OF JUVENILE AND KEY TERMS UNDER INDIAN LEGAL SYSTEM

A juvenile is a child who has not been attained the age of majority and who cannot be liable for his criminal act and he dislikes by the adult person. Delinquency is a false display of a minor that is socially undesirable when a juvenile is considered to be against the law of society. A juvenile gets socially delinquent. The first consideration on juvenile delinquency proceeds in good time by the political community under one Government of Illinois in 1899¹ mostly particular exact kinds of crime plus to the crimes under covered by the delinquent's laws. Juvenile delinquency is the announcement of unsatisfied desires. Juvenile crimes involve wrongdoing by a juvenile or by a young child who is less the specified age by the law (for the time being in force) of the place concerned². Sociologically a juvenile delinquent is guilty of an act believed to be injurious to society and therefore prohibited³.

¹ iii Rev, StateC.23Sec. also Cavan, juvenile delinquency, 15

² M.J. Sethna, public and the delinquent P.315

³ Gillin and Gillin, cultural Sociology, P. 78

It is a very most important a maleficent law definition of destabilizing activity that is against of law without regard of the age of the person who commits an illegal act. The legal fact that an adolescent transacts the offense means that a different name will be pressed (delinquent versus criminal) and a different system will command the particular individual (children versus major). A delinquent status to the juvenile population. when a person violet the law for the first time wise. The crime has just started in it, then he is called offender by law, offenders can also be called culprit in our language. The person who has the tendency of crime, it is called delinquent. AP Chari is also called Kadachari in Sanskrit implicit in Hindi, along with the tendency of crime here is also the action of crime that is the perpetrator also does crime, there is a third category of criminals. Criminal is a full culprit, in this way we can see that there are three categories of criminals, offender, delinquent and criminals, we are related to the second category of here.

1.3 HISTORICAL OVERVIEW OF JUVENILE JUSTICE IN INDIA

The Juvenile Justice Act (JJA) in India has a history that spans several decades, with multiple revisions and amendments to address the evolving needs and concerns related to juveniles in conflict with the law. Here is a brief overview of the history of the Juvenile Justice Act in India:

The Apprentices Act, 1850:

The first legislative initiative in India that addressed the issue of juvenile offenders was the Apprentices Act of 1850. This act primarily focused on the welfare and training of juvenile delinquents and apprentices.

The Children Act, 1960:

This legislation was a watershed moment in the history of juvenile justice in India. The focus was on helping troubled teens who had been ignored. It set up residential facilities for troubled youth and facilities to monitor their behavior.

The Juvenile Justice Act, 1986:

This legislation was a watershed moment in the development of India's juvenile justice system. It stressed the need of having a juvenile justice system that is different from the one used for adults. For situations involving minors, it established the Juvenile Welfare Board and the Juvenile Court. The major focus was on helping former juvenile offenders find success in society again.

Section 5 J.J acts 1986 - Notwithstanding anything to the contrary, the state may be able to establish one or more juvenile courts for the specific area by notification in the gazette. The magistrates of this court were given powers of the first class.

The assistance of every juvenile court was to be done by the panel of such unpaid social workers who hold prescribed qualifications. That panel system had at least one woman appointed by the State Government⁴.

Juvenile Justice (Care and Protection) Act 2000

This Act came into existence on 30 December 2000 with the permission of the president and effective April 1, 2001 This act replaced the previous J.J act 1986 the object of the revised act was to provide care, safety, and rehabilitation for Anti-Legal Juvenile Samprad's homemade by the social worker for delinquent juvenile where the juveniles were kept temporarily juveniles who are inclined towards crime are called

⁴ Section 5 (3)

juvenile in the conflict in the language of the legal. The JJ (care and safety of juvenile) act of 2000 was passed for those young men in India. The juveniles are physically and mentally morally safe and they can be released on bail. Main Passing object of J.J (care and protection) act 2000. Indian constitution has many regulations for juveniles but article 15 (3) and Article 39 (d) and (f) are mainly related to juveniles. Which imposes these liabilities on the State that children's rights should be protected by the state government? Convention of children's rights was adopted by the general assembly of the UN on 20 November 1989. The Convention emphasizes that children as much as possible have been confirmed without any law proceedings.

Juvenile Justice (Care and Safety) Act, 2015

The Juvenile Justice (Care and Safety) Act of 2015 is similarly based on a system. The mechanism has a significant role in determining the outcome of any action. Mechanism means an arrangement that is automatic and is also part of the act. If the mechanism is understood, then it helps in dealing with a very difficult situation. A mechanism of the juvenile justice act has been cited by the research scholar and this is divided into the following parts:

Study of safety: The status of protection is an institution mechanism in the system of juvenile justice. It tells about safe place to keep such special category for children. Such children have either council a certain category of crime or are inside such children are called children who struggle with the law. This arranges best accommodation for children of a particular age. A "Status of Safety" is defined as "any status or center other than a prison or lockup of police" under section 2(46) of the Juvenile Justice Act of 2015. Juveniles who have been accused of or found to have violated the law are to be taken to a secure facility, either one that is part of a larger detention facility or one that is located separately. The facility's administrator is responsible for the minors during their investigation and their continued detention after they have been found to be at fault for a time and object as specified in the direction.

Therefore, the assessment of the child economic, social back ground and the circumstance in which the crime has been committed will also be included. This evaluation should be done by the trained persons. If any type of interferes with it then it will not be effective. Without appraisal it is not possible to prevent recidivism by rehabilitation and neither can it be certain that the child should live a meaningful life after leaving the institution intervention is needed to evaluate the child extensively.

1.4 REVIEW OF RELATED STUDIES

Parvez, Nadeem & Gauhar, Fasih. (2024).⁵In the event that a kid is found guilty of committing a crime, the indisputable assumption that the youngster is innocent and incapable of committing any crime cannot be maintained. The reason why these people are referred to as juveniles is because they are not yet considered to be of an age where they can be held responsible for the acts that they take when they commit a crime. The numerous facets of juvenile delinquency in India are investigated in this article, with a specific focus on the state of Uttar Pradesh as the primary area of investigation. The purpose of this research is to investigate the laws, institutions, and social and economic factors that have an impact on the development of juvenile justice in this state that is both densely populated and diverse. Through the use of a combination of legal analysis, empirical research, and case studies, the study endeavors to shed light on the efficiency of the policies and processes that pertain to the enforcement of juvenile justice. The investigation makes use of a comprehensive and multidisciplinary approach in order to investigate the elements that lead to juvenile delinquency, including the underlying causes, prevalent patterns, and socio-economic determinants.

⁵ Parvez, Nadeem & Gauhar, Fasih. (2024). Child in Conflict with Law in India: Changing Concerns and Constraints. *Sprinj Journal of Arts, Humanities and Social Sciences*. 3. 1-6. 10.55559/sjahss.v3i7.367.

Padhi, Sanjukta & Ranabir, Jashobanta. (2024).⁶ Within the context of the quickly developing world that we live in today, it is imperative that we broaden our awareness of juveniles by gaining a greater grasp of the locations of children who are in legal difficulty. The decade of the 1990s saw an increase in the number of juveniles who were transferred to the criminal justice system, as well as the imposition of lengthier penalties at younger ages, which allowed juveniles to be prosecuted within the framework of criminal equity. A number of changes that are only temporally related have raised serious concerns over the possibility of their connection and the following impact they may have on the traits of today's children who are in trouble with the law. In order to have a better knowledge of the psychological, rehabilitative, and social elements that are involved, the key goals of this research are to provide a synopsis of the existing literature on the prevalence of mental health issues among adolescents who are involved in the juvenile justice system and the mental health needs of these individuals.

Vashishth, Archana et al., (2024).⁷ It is possible for injustice somewhere to pose a danger to justice everywhere. It is possible that the public outrage was caused by the fact that the State was accused of being lenient with one of the juvenile criminals after the decision in the Nirbhaya case, which was handed down in Delhi. The Juvenile Justice (Care and Protection) Act, often known as the JJ Act, was authorized by the Indian government in the year 2015. When children commit heinous atrocities, it is not acceptable to treat them with indifference.

Routiya, Venudhar. (2024).⁸ The Juvenile Justice System is taken into consideration in this study, which is based on a research project that was conducted by researchers. From a variety of sources, including but not limited to, a researcher has been gathering the data. There are a variety of sources, including the National Crime Report Bureau, the Government of India, Annual Reports, Law Journals, and the Supreme Court Judgements. The issue is that the execution of the Juvenile Justice Act is constantly focused on one section of the legislation that covers only "children in conflict with the law" and overlooks another category of "children in need of care and protection." This is a problem that has been pointed out, and it is a problem that has been pointed out correctly.

Dwibedi, Sukanta & Aptaprava, Lora. (2023).⁹ The legal framework that defines justice for juveniles is referred to as the juvenile justice system. The issue of delinquency among young people is not a recent one. It is something that occurs in all civilizations, whether they are basic or complicated, and it occurs anytime and anywhere a connection between a group of persons is damaged, which ultimately results in maladjustments and conflict happening. The major debate and discussion surrounding the juvenile justice system began after the heinous incident of the Nirbhaya Gang Rape Case within which an accused was only six months faraway from reaching the age of 18, the age of becoming significant, and forcing the Indian legal system to convict him as a juvenile instead of a full-fledged offender.¹ To solve the challenges of juvenile delinquency various declarations and conventions at the international level and laws were enacted by the respective governments at the national level. It is a significant cause for concern for the nation, and it is imperative that solutions on how to resolve the matter be sought out in a wise manner.

Rani, Seema & Khan, Mohd. (2023).¹⁰ The purpose of this research paper is to investigate the development of the juvenile justice system in India and the influence that it has had on the criminal behavior of young people. Delinquency among young people is a serious problem that has a significant impact on the

⁶ Padhi, Sanjukta & Ranabir, Jashobanta. (2024). Juvenile Justice System In India And Mental Health Needs Of Children In Conflict With Law. Educational Administration Theory and Practices. 30. 10.53555/kuey.v30i4.2071.

⁷ Vashishth, Archana & Dudeja, Sakshi & Teena,. (2024). System of Restorative Justice and Juvenile Justice in India: a Brief Comparative Study with Latin American System. Mexican Law Review. 131-143. 10.22201/ij.24485306e.2024.2.18895.

⁸ Routiya, Venudhar. (2024). A study of children's rights and juvenile justice system in india. 07. 56-73.

⁹ Dwibedi, Sukanta & Aptaprava, Lora. (2023). Juvenile Justice System in India: An Overview. Asian Journal of Management. 151-154. 10.52711/2321-5763.2023.00025.

¹⁰ Rani, Seema & Khan, Mohd. (2023). Juvenile Delinquency in India: An Analysis. International Journal of Research Publication and Reviews. 04. 221-227.

social fabric of every community. It has been observed that India's strategy to dealing with juvenile criminals has undergone major modifications throughout the course of its history. In this study, an outline of the historical evolution of the juvenile justice system in India is presented, beginning with the early informal practices of the system and progressing all the way up to the construction of formal legal frameworks.

Sahi, Aayushvi & Thalwal, Harshita. (2023).¹¹ The purpose of this study is to investigate the intricate relationship that exists between mental health and juvenile criminality within the framework of Indian law. Within the context of the Juvenile Justice Act, it offers a summary of the legislative framework that addresses mental health issues for juvenile offenders. The investigation sheds light on the difficulties that arise in the practical aspects of performing mental health evaluations, integrating services in observation homes, and bridging the gap between legal purpose and the reality that exist on the ground.

Singh, Vanshika. (2022).¹² India is a nation in which children are considered to be both the property of their parents and the property of the nation as a whole. To have a strong grasp on the young of the nation is thus the obligation of both the parents and the government of the country. It is essential for the growth of the country as well as the establishment of the nation. It is not the case that a person is born a criminal. A person acquires knowledge by the actions or experiences that they have throughout their life. Therefore, it is necessary to deter them from engaging in criminal activity. An imprisonment sentence cannot be handed down to a youngster who has committed a crime. The juvenile justice system in India is not without its share of advantages and disadvantages. In 2009, following the case *Hari Ram v. State of Rajasthan & Anr.*, the court decided that all individuals who were under the age of 18 years on the date of the commission of the offence, even before the enforcement of the Juvenile Justice (JJ) Act, 2000, would be treated as juveniles. This decision was made in response to the fact that there are many factors that contribute to juvenile delinquency. One of the fundamental factors is "Violence in their Social Circles." This article enlightens us with the idea of the Juvenile Justice System in India as well as the need of having such a system.

Verma, D.P. & Eusebius, Shruti. (2021).¹³ This volume is a collection of essays written by individuals who are knowledgeable in the field of juvenile justice law. The purpose of this book is to provide light on the Juvenile Justice System, which was formalized with the passing of the Juvenile Justice (Care and Protection of Children) Act, 1986, and then subsequently reformed by the Juvenile Justice (Care and Protection of Children) Acts of 2000 and 2015. The juvenile justice system would be the subject of the book, which would concentrate on the system as a non-adversarial system that places an emphasis on rehabilitation, non-stigmatizing semantics, child-friendly procedures, and the preservation of the child's best interests. This book also discusses the recent developments in Juvenile Justice law, such as the JJ Act 2015 and the Juvenile Justice (Care and Protection of Children) Rules, 2016 (also known as the "Model Rules 2016"), as well as the major concerns that exist within the Juvenile Justice System that impede the efficient administration of justice and the rehabilitation of juveniles who have been in conflict with the law.

Sharma, Suhail. (2021).¹⁴ In comparison to the Indian police force, the juvenile justice system is the subject of this article's investigation. In the first place, it does an exhaustive data analysis of the juvenile offenses that have occurred in India over the course of the last twenty years. "Disha," a project in juvenile re-entry systems, was the vehicle through which the author carried out a research that included four hundred adolescents who were in dispute with the law.

1.4 CAUSES OF JUVENILE DELINQUENCY

¹¹ Sahi, Aayushvi & Thalwal, Harshita. (2023). Mental Health and Juvenile Delinquency A Study of Juvenile Offenders in India. *International Journal of Research Publication and Reviews*. 4. 2255-2261. 10.55248/gengpi.4.1223.123313.

¹² Singh, Vanshika. (2022). Role of Juvenile Justice System in India. *Journal of Legal Subjects*. 2. 1-4. 10.55529/jls.25.1.4.

¹³ Verma, D.P. & Eusebius, Shruti. (2021). *Juvenile Justice Law in India: A Critical Study*.

¹⁴ Sharma, Suhail. (2021). Juvenile Justice System, Reforms and Policing System in India: Origin, Dialectics, Comparisons, and Way Forward. *International Annals of Criminology*. 59. 179-199. 10.1017/cri.2021.17.

Delinquents have very conducive and indulgent acts at the spur of the moment. Having studied the mood of adolescents and behavior intensity of learning that delinquency of juveniles was set up to be mostly related to rock bottom lifestyle with lack of recreational facilities and lack of finally permanent. Juvenile delinquency is responsible for many reasons. So, for one of those reasons cannot be considered responsible. If we point out anyone's reason only for child crime this would be a very big error¹⁵ that needs to know the reasons behind solving the problem.

Tagore Says - If we know the causes of evil then we get half the solution¹⁶. According to Social Worker - Delinquency consisted of publicly rejected acts.

Robison Holt¹⁷ - We use the term criminal as we sometimes use the term love as though it were an easy concept whereas it embraced a complex pattern of nature.

Reasons involved in juvenile delinquency

There are three reasons involved in every act of juvenile delinquency

1. Physical Heredity

It has been clear by the doctors that many jeans children get their birth from their parents and the relationship between the child's body, health and nature if from her inheritance it is called heredity Italian criminologist Lombroso saw that criminal mindset depends on physical specialty what crime is heredity Many criminologists studied the famous families to clear this concept Godord, Richard, Dugdale, etc. after studying the famous Kallikak and Jukes families, found that the family was degenerated from physically and the ancestors of all these families were criminal. India was declared that the Ex-criminal tribes were the culprit based on heredity. All these criminologists were influenced by the theory of Mendel. But at present time the branch of criminology has been boycotted, Beat and Gillian did not find associated with juvenile crime inheritance.

2. Family Cause

It is a fact that a person's life is also important for the life of everyone because after the birth of a human first connected to the family. The person is influenced by the behavior of his family members such as his mother father, brother, sister, and other family members. The juvenile's good personality is based on his family level economic situation education and healthy peaceful environment. When parents cannot properly bear their obligation towards the juvenile the child doesn't need to become a good and liable citizen of the nation and it is also true that children never forget their childhood memories. The child becomes a criminal because of his family.

3. Broken Home

There are many reasons for the breakdown of families but the most important are the following reasons.

Physically

¹⁵ There cannot be greater plunder in the study of the etiology of crime than to point the finger on an isolated factor and to attribute delinquency to that factor alone.

¹⁶ The evil is half cured whose because we know (Tagore quoted by Dr. R.S. Singh. Ibid. P-13)

¹⁷ Juvenile criminal 10 (1960)

The Physically breakdown of the family means the death of a family member or long- Term hospital stay and living in the army and divorce and do not stay with the family members due to reasons of this paragraph.

Mentally

Mental disease of children is responsible for making the criminals all the children who are suffering from these disease causes mental stress in individuals' mind, thought of emptiness, imbalance, and conflicts, in such a situation they commit crime due to losing their self-control. According to the research of Kumari Elliot - 61% of girls & were from fractal families there was an unbiased charge against his parents¹⁸.

Industrialization

Due to industrialization villages and kassvas are developing rapidly in India and urbanization is happening so their life was not easy. Due to urban life being more expensive women had to go out to work under which the control of the family has become loose due to children's pay. Due to modern and western civilization, young women and girls' boys are increasingly growing in the trend of higher vergency and that cause is liable to this increase delinquency. Although they do not even come to the list of crimes but it is an anti- social act so the situation should be made such that the delinquency is not going out of control.

School and Teacher

Parents are the first guides of their child but after that school and his teacher are the most important character` in the life of juvenile for the golden future. If there is a lack of resources, education, entertainment, library garclem sports, jumps, and lack of ethical education in that school. So, the juvenile will not have an attachment to education and educational institutions. Such a situation will also get away from the school instead of reading or studying the child.

Economic Condition

The economic downturn has also been liable to decrease the happiness of the family according to studies that which families were poor then his juvenile got attracted delinquency.

Media

According to the same criminologists that Door Darshan, Television. Internet, Cinema, Film, Mobile, etc. are responsible for juvenile delinquency. These have a profound effect on the juvenile mind and juveniles understand it realistic and follow them thus in the mine of the juvenile first seeds sprout floe crime. All these resources have been accessed by the person's home so these rules should be prepared by studying.

Psychologist Case

Psychologists are also making juveniles delinquent is an also cause according to this, most juvenile offenders cannot even make a difference to the good and the bad, they also involve themselves in crime. In this way, it seems impossible to prevent crime and the advantage of which the smart person raises.

Poverty

Poverty is liable to juvenile delinquency it is proven to studies these things also prove to be from the second world war. Because earlier the father of a juvenile was a laborer and was suffering from

¹⁸ M.A. Elliot, correctional education and the delinquency girls. P.P. 26_28

deprivation and used to work in factories and accepted temptations. According to Jones¹⁹ - As the economic level goes down the rate of crime will increase. Hungry Stomach knows no morals. New Meyer writes²⁰ - When the father, works at night and mother day and both of them work night or day, children often walk around the streets. When the family does not complete the needs of children then they steal.

4. Personal Cause

Physical Factors

Some studies say that one body structure is also responsible for the crime the healthy brain lives in a healthy body and which gives birth to a good thinking weak child going further to crime. Inferiority complex also gives rise to criminal thinking.

Mental Ability

Dr. H.H. Goddard²¹ Feeble Mindedness, its causes and consequence study of Mobil A Elliot - 41.5 percent girls were depending on mentally backward²². According to clear F. Chases - HC Published his article. The relation between morality and intellect from the University of Columbia in the year 1935 in which it was shown that the weakened mind's family was attracted to crime. Lack of logic was kicking due to mental backwardness.

Emotional Instability and Mental Conflict

Burt - He also researched that impact of emotional instability is also important Miriam Vaan Waters - He published the book youth in the conflict in 1925. Most juveniles don't want to go to school and they hate education. He wants to be free from liabilities. If any juvenile is intelligent in this family, then irritation arises in another family juvenile due to the curfew of the family a juvenile cannot fulfill their wisher and start hating his family.

Suppressed Desires

According to McDougall "momentum is associated with each original tendency, as an example - the emotion of fear is associated with migration, where the original tendency becomes blocker then it creates, Bhavna granthi: reason of this the child fears restless. this restlessness also affects the other wishes of the child as a result of this reason, the child may lie, run away from home attack another person, it will also be important to mention here that due to the blocker desires mental conflicts arises in the child, which is responsible for different crimes.

1.6 CONCLUSION

The key legislation with regard to juvenile justice in India is The Juvenile Justice (Care and Protection of Children) Act, 2015. The Act has been enacted with a view to introducing a uniform law relating to juvenile justice for due protection and care of children and juvenile adolescents who commit an offence. It sets out standard norms for the investigation and trial of juvenile offenders and to establish liaison with the institutions associated with the welfare of juveniles. The underlying philosophy of this Act is that (i) young

¹⁹ "All one can say is that the lower the economic grade the higher the percentage of juvenile delinquency-I.A.C. Jones juvenile delinquency.

²⁰ With the father on a night shift and mother on a day shift or both on day or night shift, children were often on the street shift M.H. New Mayer juvenile delinquency modern society.

²¹ H.h. Goddard Feeble Mindedness, its cause, and consequence.

²² Mobil A. Elliot op cit, p- 30

offenders should not be tried, they should be corrected; and (ii) they should not be punished but reformed. The Act has been enacted in accordance with the standard rules laid down by the United Nations for juveniles in conflict with law. The movement for Juvenile Justice started towards the end of eighteenth century. Prior to that, juvenile offenders were held fully accountable for their crimes just as adults were. They were tried and convicted in adult criminal courts, were sentenced to prison and were occasionally executed for their criminal acts. The obvious result of lodging juveniles and adult offenders in the same prison was that these institutions virtually turned into breeding centers of vices and criminality. The greatest evil of the system was that it exposed juvenile offenders to contamination due to their incarceration with confirmed offenders. The early reformers were appalled by the plight of the young offenders and there were calls for radical change in the manner juveniles were being treated.

After the new penology, based on reformatory and rehabilitative ideals came to be applied it was realized that courts, procedures and prisons meant for adult criminals could hardly do the needful in juvenile cases. Consequently, Juvenile justice system was established which altered the philosophy of judicial handling of children.

Various Acts have been passed in India since the mid-nineteenth century with regard to the necessity of special legal provisions for the treatment and rehabilitation of young offenders. The Apprentice Act, 1850 was applicable to children between the ages of 10-18 years. It authorized the magistrates to bind as apprentices' children between the ages of 10-18 years convicted of petty offences, instead of sending them to jail. The idea was to divert such children towards some trade or craft to enable them to earn a living. The first law dealing specifically with treatment of juvenile delinquents was The Reformatory Schools Act, 1876. It provided that a child found guilty of an offence might, at the discretion of the sentencing court, be ordered to be detained in such a reformatory school for a period of three to seven years. The Indian Jails Committee, 1919-1920, emphasized separate treatment of children and youthful offenders for their reformation. The recommendations of the Jails Committee led to enactment of Juvenile laws by different states.

The Government of India enacted The Children Act, 1960 for enforcement in the Union Territories. This Act enshrined the principle that children below a certain age limit should not be dealt with by criminal courts and sent to ordinary prisons. The basic scheme under the Act was to establish juvenile courts for young offenders. With the passing of this Children Act, 1960, others states in India passed their own children Act. However there were many states which had not established a single juvenile court and the children were being tried in ordinary criminal court

The ratification of the Convention on the Rights of the Child, 1989 by India in 1992 and the changing social attitude towards criminality by children reflected in Supreme Court decisions like *Amrutlal Someshwar Joshi & State of Maharashtra* (1994) 6 SCC 488, *Ramdeo Chauhan y State of Assam* (2000) 7 SCC 455 and *Arnit Das y State of Bihar* (2000) 5 SCC 488 led to the enactment of The Juvenile Justice (Care and Protection of Children) Act, 2000. The Preamble of the Act states that it is an Act to consolidate the law relating to juveniles in conflict with law and the children in need of care and protection, by providing for proper care, protection and treatment by catering to their development need and by adopting a child friendly approach in the adjudication and disposition of matters in the best interest of children and for their rehabilitation through institutions established under the enactment. There are two distinct categories of children under this Act; "juvenile" for children in conflict with law and "child" for children in need of care and protection. A juvenile who has been found to have committed an offence is defined as a juvenile in conflict with law. The term juvenile in conflict with law has been used for removing the stigma attached with the word delinquent and make the law more child friendly. The Act prescribes a uniform age of 18 years for boys and girls to be treated as a juvenile.

The Act categorically declares that a juvenile in conflict with law will be dealt with under this law and not under the normal criminal justice systems. It further provides that a juvenile in conflict with law may

be released after advice or admonition or released under the care of a parent/guardian/tit person, with or without supervision, or placed with a fit institution.

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