

## JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT 2000 WITH SPECIAL REFERENCE TO STATUTORY PROVISIONS AND JUDICIAL APPROACH

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### **ABSTRACT**

*The Juvenile Justice (Care and Protection of Children) Act, 2000 is a far reaching piece of regulation that was made in India to handle issues connected with juvenile wrongdoing. Guaranteeing the care and protection of children who are in legitimate difficulty as well as the people who are needing care and protection was the objective of this regulation. Examining the Juvenile Justice (Care and Protection of Children) Act 2000 with Specific Reference to Legal Arrangements and Legal Methodology is the essential objective of this review. We essentially address the Juvenile Justice (Care and Protection of Children) Act 2000 in this exposition. This article inspects an official arrangement and examines the Indian punitive code, the Indian constitution, orders against minors, and other related subjects. Subsequently, in this research, we address the Judicial Approach, including topics such as juvenile apprehension and bail, relevant dates for determining the juvenile's age, and juvenile age determination.*

**Keywords** – juvenile, Juvenile Justice (Care and Protection of Children) Act 2000, Statutory Provisions, Judicial Approach, etc.

### **1. OVERVIEW**

Children are regarded as God's gifts and the greatest assets of any State. For every child to grow up to be a capable resident who is genuinely, intellectually, and ethically viable with the general public, it is our aggregate liability as people, guardians, gatekeepers, and society to furnish them with the potential chance to foster in a healthy sociocultural

climate. The State must give kids fair chances regardless of where they are in their developmental process in order to advance social justice. Children are expected to behave properly, show respect, and possess positive traits in return.

Criminals are formed, not born, as is a renowned adage. Many youngsters are forced to defy the accepted social and legal precepts

by society, culture, modernisation, differences, bad company, etc. A child's actions may be aggressive, damaging, and risky for society in a single instance. Children need to be protected since they will be our future generations.

The 21st century has seen the rise of juvenile regulation, and essentially every general set of laws in the globe has embraced different models to furnish this class with assurance and treatment that is altogether unmistakable from that of grown-ups. A powerful juvenile equity system has arisen to address the prerequisites of this minimized and weak gathering, with the objectives of restoring youthful wrongdoers as per their particular requirements and eliminating them from the unforgiving punishments of criminal courts. The juvenile justice systems in India and other countries aim to "secure" and "forestall" children from maltreatment, fraud, harassment, torture, and criminal behavior. The equity, care, and security of "juveniles" under Indian regulation is the fundamental subject of the ongoing review. Three particular phases of juvenile equity in India have been reported over the course of the system. There isn't a lot of proof of juveniles as a particular class before 1960. This period was described by the preliminary of juveniles close by grown-ups, paying little mind to progress in years, notwithstanding the way that regulation conceded youngsters a few benefits and concessions, and they got particular treatment from the courts. The subsequent stage traverses the years after 1960 to 1986, during which time extraordinary regulations for juveniles were passed, for example, the Kids Demonstration of 1960, which assigned juveniles as a different class. Yet, this differentiation was just made as per the regulations that were

passed. There are currently controlled courts, proficient adjudicators, or specific methodology. Alongside grown-up guilty parties, the delinquent was likewise housed in the prison. Subsequently, with next to no procedural pragmatic changes in the approach, this stage is one that is established on the particular regulations and treatment support of the court in it, whether it be a plain or concentrated one. The third stage is the post-1986 period, during which time "juvenile" isn't just viewed as a particular class in legitimate institutions yet in addition has its own discussion, change homes, and perception houses laid out. With the entry of the Juvenile Equity (Care and Security) Demonstration of 2000, another advancement has happened where the objective of juvenile equity is presently to really focus on and safeguard the people who are in danger of becoming reprobates as well as treating juveniles who have proactively become grown-ups.

## **2. JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT 2000**

### **2.1 Concept**

The Act adjusted the expressions "child in struggle with the law" and "child needing care and protection" to portray delinquent and ignored kids, separately.

The Juvenile Justice Board will be laid out under this Act to give justice to youngsters who have overstepped the law. The Board may, in the wake of offering guidance and reprimand, permit the minor to return home [Section 15(1)(a)], require the minor to go to bunch directing [Section 15(b)], require the minor to perform local area administration [Section 15(c)], require the parent or the

minor, on the off chance that he is more seasoned and brings in cash, to pay a fine [Section 15(d)], or grant the minor to be delivered waiting on the post trial process for good way of behaving and put under oversight.

The Child Welfare Committee will be established in accordance with the Act to handle concerns involving children and the law. Section 31(1) of this Act covers the protection of children's human rights and their basic needs. It also covers their development, protection, care, and rehabilitation. While the inquiry is ongoing, observational homes may also be formed in compliance with Sections 8, 9, 34, and 37 of the Act to temporarily receive, care for, protect, train, develop, and rehabilitate juvenile offenders.

The Act restricts the execution of capital punishments, life sentences, and prison terms for default of fines or inability to give security. The two most huge pieces of the Act are the evacuation of the exclusion that follows a conviction for the offense and the distribution of the juvenile's name, address, and so on in any paper, magazine, and so on. [Sections 19 and 21].

Section 23 of the Act punishes cruelty to a juvenile or child committed by someone who truly has charge or authority over the juvenile. A violation of Section 26 is hiring a minor or kid for a risky job, keeping them in servitude, and either withholding their wages or using them for personal gain. These are all cognizable offenses in nature.

The Act likewise mandates the formation of an Extraordinary Juvenile Police Unit to upgrade the manner in which officers draw in

with youth and the enlisting of a juvenile or child government assistance officer who has the information and preparing expected to team up with youth.

It is currently far from being obviously true if the Juvenile Justice (Care and Protection of Children) Act, 2000 has achieved its targets. Does this Act's gear work as planned? Is this Act ready to give justice to minors? How much do the upgrades achieved by this Act appear to be fitting and adequate?

Even with such a legislation in place, there is still child exploitation, abuse, and torture. The likelihood that a youngster will commit a crime is rising daily. Let's talk about the ambiguities in this Act.

The first has to do with the obligations of the juvenile and child government assistance officer at a police headquarters, as well as the exceptional police unit planned in each locale and city to address the requirements of juveniles and upgrade the manner by which police interact with them. The previously mentioned officer is often either engrossed with criminal organization and examination, or needs interest in such subjects. The child needed care, protection, development, and training from the welfare board, but the police refused to do their duty and take the child before the board. This whole situation arises from the lack of a higher authority to supervise and govern them. They have no organization to answer to. The following are considered cognizable offenses: employing a minor for begging, hiring him for dangerous labor, keeping him in servitude, withholding his wages, or using those wages for personal gain. This permits the police to investigate the matter without a magistrate's approval, but they do not take any further action.

The second concerns the authority of the Juvenile Justice Board, which has many options for "releasing" the minor. These options include group counseling, community service, sending the minor home after advice or reprimand, fine payment, releasing the minor on probation for good behavior, and, in the last case, placing the minor in a special home. This undermines the Act's purpose, which is to offer education, training, reformation, and rehabilitation. The stay period may be decreased even if the Board decided to place the child in a special home in accordance with section 15(1)(g), freeing the greatest number of children without the necessary support for education, training, and correction. It is illogical and arbitrary for the Board to have such broad and ambiguous powers.

The third issue is to the age requirement, which was recently modified from 16 to 18 years in the event of a male kid, which is inappropriate. A child under the age of seven is considered doli-incapax and cannot be held accountable for any crimes, while a child between the ages of seven and twelve is considered doli-capax and is accountable for the crimes committed, as per the Indian Penal Code of 1860. This suggests that a child who is older than twelve years old is able to understand the nature and ramifications of his actions, and so ought to be held completely responsible. The modern era has a lower age of majority. The age at which a male child reaches puberty is thirteen. This suggests that a male child over the age of 13 is capable of engaging in sexual offenses that need a high level of mental and physical ability. But even after carrying out such a horrific act, he might escape punishment.

The Act's solely reformatory nature is the second component. In spite of the fact that reformatory theory is now receiving greater attention, we cannot simply stop crimes by reforming offenders. Each juvenile comes from a different upbringing, has a varied level of mental maturity, and many are motivated to commit a crime since the penalty is so moderate. As a result, juveniles who commit horrible crimes like murder or rape must pay for their actions in the criminal justice system. Therefore, rigorous deterrent theory should also be considered while implementing reformatory theory.

Last but not least, the Act prohibits challenging the Child Welfare Committee's decision that the kid was not mistreated. There is no right to appeal the Board and Committee's decision before any court releases the criminal without additional scrutiny. Justice is impeded since this section breaches the right to appeal.

## **2.2 Salient features of Juvenile Justice (care and protection of children) Act 2000**

a. The "Reformatory Act" targets two classifications of children: the people who are in lawful trouble and the individuals who require care and protection. b. The legitimate power to manage children needing care and protection is the Child Government assistance Panel, which is comprised of a director and four different individuals, something like one of whom ought to be a woman. Top to bottom data about children needing care and protection, as well as the CWC's way to deal with case goal and recovery, can be tracked down in Part IV of this module. c. The three-part Juvenile Justice Board (JJB) is the suitable body to oversee adolescents associated with the overall set of



laws. The Director of the Board will be made out of a Top notch Legal Judge and two privileged social specialists, no less than one of whom will be a woman. The responsibilities of the Board and particular guidelines for children who break the law are thoroughly discussed in Chapter III of this Module.

The Act mandates the establishment of a number of organizations, such as Children's Homes, which could provide housing for kids in need of assistance and safety. - Special Homes for Adopting Children Into Legal Conflict - Observation Homes, which are made specifically to accommodate kids while an inquiry is being conducted. - Post-care groups established to look after children after they are discharged from children's homes or special needs programs.

A couple of segments of the Act (Factions. 23-26) manage offenses against minors that are never qualified for bail discharge, for example, recruiting a child, attack, and causing physical or close to home misery. Act of 2000 (56 of 2000) for Juvenile Justice (Care and Protection of Children) and Alteration Act of 2006 (iii. Rules): On October 26, 2007, the Service of Ladies and Child Advancement in New Delhi declared the Model Guidelines for the Juvenile Justice (Care and Protection of Children) Act 2000 and the Alteration Act 2006, which are to be carried out by the States for better organization and execution of the Act's arrangements as per its actual soul and substance.

### 2.3 Problems identified with Juvenile Justice Act of 2000

- A procedure for flexible sentencing is not included.
- Under this system, the maximum sentence for a criminal who, for example, commits armed robbery to support himself is the same as the one for a serial rapist or murderer; both of these individuals must, of course, be under the age of eighteen. This is the main problem that the Act has highlighted.
- A delinquent, offender, or youngster in confrontation with the law cannot complete their rehabilitation in less than three years, and there is no scientific or reasonable justification for this claim. Despite the widespread belief that this is feasible, this is the case.
- The juvenile's physical or mental growth is not in any way addressed by the Act.
- □ The 1993-marked Hague Show on the Protection of Children and Collaboration With respect to Between Country Reception isn't reflected in the Act.

### 3. VIOLATIONS OF RIGHTS UNDER THE JUVENILE JUSTICE LAW

- ✓ The presumption of innocence is violated by the preliminary investigation conducted by the JJB in accordance with article 16(1).
- ✓ According to the Juvenile Justice Act of 2015, if a child between the ages of 16 and 18 who is determined to have committed heinous offenses is excluded from the juvenile justice system under clause 19(1), this deprives the kid of the opportunity to participate in alternative forms of rehabilitation.

- ✓ For children who belong to this category, institutionalization under articles 20(3), 21(2), and 22 is the only alternative available, not a last resort. The fundamental ideas of institutionalization as a measure of last resort and as a measure of best interest are contradicted by this.
- ✓ The Juvenile Justice Act of 2000, the Model Rules of 2007, and the Juvenile Justice Act of 2015 itself all violate the best interest principle when they transfer children to an adult court in violation of clause 19(3). They also lose their right to privacy and are denied the opportunity to be handled by a child-friendly, multidisciplinary Juvenile Justice Board. Furthermore, the denial of these rights is against the JJ Act 2015 itself.
- ✓ Maintaining the records of a child who was sent to prison under paragraph 25(3) violates the concept of a clean slate, hinders the ultimate goal of rehabilitation, and puts the child at risk of being legally disqualified.

#### **4. STATUTORY PROVISIONS IN INDIA**

Following autonomy, a few regulations relating to kids needing care and insurance were introduced to Parliament; a portion of these bills were thought and at last passed. Kids Demonstration of 1960 was the principal juvenile equity act after independence. Subsequently, the Juvenile Equity Demonstration of 1986 was instituted, enveloping complex arrangements concerning juvenile equity. The Juvenile Equity (Care and Security of Kids) Act 2000 is a comprehensive piece of juvenile equity

policy that was passed in 2000. The most recent resolution is the Juvenile Equity (Care and Assurance of Kids) Demonstration of 2015. Despite these demonstrations, there are specific provisions pertaining to juvenile fairness in the Indian Constitution. This section takes care of the arrangements relating to juvenile equity remembered for the Criminal System Code and the Indian Reformatory Code.

#### **4.1 Indian Constitution**

The Order Standards of State Strategy and Crucial Freedoms, segments three and four of the Indian Constitution, have specific arrangements concerning the protection of children.

According to Article 14 of the constitution, no one living on Indian area may be denied consistency under the watchful eye of the law or identical protection under the law.

As per Article 15, the State is disallowed from treating any resident unfairly founded simply on their place of birth, race, rank, religion, or any combination of these. Any citizen shall not be subject to any incapacity, duty, restriction, or condition regarding — (a) entry to shops, public restaurants, accommodations, and public gathering places; or (b) the use of wells, tanks, washing Ghats, streets, and public retreat areas maintained entirely or partially with funds from the State or dedicated to the use of the general public<sup>2</sup> — on the grounds of racial, religious, social class, position, or any combination of these. This proviso doesn't avoid the State from executing a particular measure for ladies and children.<sup>3</sup> (4) The State could make a specific arrangement for the progress of any socially and instructively upset occupant classes, too regarding the

Booked Positions and Arranged Factions, gave that nothing in this article or condition (2) of article 29 confines them. (5) Nothing in this article, subclause (g) of condition (1) of article 19, or the Arranged Positions or Booked Factions limits the State from enacting unprecedented regulations for the progress of any socially and instructively troubled classes of occupants, or for their authorization to private instructive foundations, whether the State gives subsidizing to them, except for the minority instructive establishments referenced in stipulation (1) of article 30.

With respect to, kindly allude to Article 21A. In a way not completely managed by regulation, this article expresses that all children between the ages of six and fourteen ought to get free, mandatory schooling from the State.

Article 24 gives protection against double-dealing to children. As per this article, no child younger than fourteen might be utilized in a mine, factory, or other hazardous occupation.

Article 39 specifies that the State will explicitly zero in its strategies on ensuring that all residents, paying little mind to orientation, have a suitable method for means and that the community's material assets are claimed and controlled such that best serves the common great. Additionally, the State should guarantee that the functioning of the economic system doesn't prompt the concentration of abundance and method for production to the detriment of the overall government assistance. Equivalent compensation for equivalent effort is specified in the Constitution for all kinds of people. The state should ensure that laborers' wellbeing and strength, both male and

female, and young children's development, are not abused, and that individuals are not constrained to seek after occupations that are not proper for their age or strength out of monetary need. Additionally, the state is mandated to furnish children with the means and opportunities to experience childhood in a sound manner, in a climate of freedom and pride, and to protect childhood and youthfulness from exploitation and material and moral abandonment.

The 86 Alterations Act of 2002 supplanted Article 45 to ensure children's essential education. It expresses that the State will bend over backward to guarantee that all children have free and required education until they turn fourteen years of age, beginning decade after the adoption of this Constitution.

Section 51-A (k) This article guarantees the fundamental responsibility parents have to their children. In accordance with this clause, parents who act as guardians to ensure that their children have access to school, if applicable, should be considered the guardians of children between the ages of six and fourteen.

#### **4.2 Indian Penal Code, 1860**

As per the guideline of Mens Rea, the Indian Corrective Code offers insurance for minors and totally absolves kids younger than seven from criminal culpability.

As per Segment 82, nothing finished by a youngster more youthful than seven years of age is viewed as a wrongdoing.

Kids younger than twelve and those beyond seven years old are conceded confined resistance under Segment 83. Nothing that a

kid does that falls under the meaning of an offense assuming that the youngster is younger than twelve and has not arrived at the psychological development important to figure out the nature and results of his activities on that specific event.

#### **4.3 An overview of Juvenile Justice (Care and Protection of Children) Act 2000**

The Juvenile Equity (Care and Security of Youngsters) resolution, 2000 is another rule that replaces the past regulation in a superior manner. The motivation behind the regulation is to change the regulations relating to minors who are in legitimate difficulty and the people who require care and assurance by tending to their formative prerequisites and guaranteeing that they get the fitting consideration, security, and treatment. This is achieved by utilizing a youngster accommodating methodology while concluding cases and going with choices that are to the greatest advantage of the children and will at last prompt their definitive recovery through the numerous foundations set up by this regulation.

By giving them the right consideration, security, and treatment as well as taking care of their formative prerequisites, the juveniles are partitioned into two gatherings: the people who are in lawful difficulty and children needing security. This is achieved by utilizing a youngster accommodating methodology while concluding cases and pursuing choices that are to the greatest advantage of the children and will at last prompt their definitive restoration through the numerous establishments set up by this regulation.

Regarding education, please refer to Article 21A. In a manner not fully regulated by law, this article states that all children between the

ages of six and fourteen should receive free, mandatory education from the State.

#### **➤ Constitution of Juvenile Justice Board:**

The state government is given the authority by the demonstration to create a board for a region or regions, which the state may designate by warning. These sheets use the power granted to them and finish the tasks assigned to them. Juveniles are divided into two groups: those who are in difficult situations with the law and those who require protection and assistance. The board will be made out of two social laborers, one of whom should be a lady, and a legal judge of the primary classes or a metropolitan justice. The essential officer will be the judge serving on the board. The law specifies that main Judges with particular information or preparing in youngster brain research or kid government assistance might be designated as individuals from the Board. Moreover, social specialists who have effectively partaken in youngsters' wellbeing, training, or government assistance drives for at least seven years are the main possibility for assignment to the Board. The individuals' workplaces will have terms that might be set. Each board part's arrangement might be ended following an examination by the state government for the reasons recorded underneath.

- i. He was sentenced for mishandling the power allowed to him by this Demonstration
- ii. He was viewed as at fault for a wrongdoing including moral turpitude, and his conviction hasn't been upset or he hasn't gotten a total exoneration for it.
- iii. He misses three back-to-back a long time of Load up gatherings



without a decent clarification, or he misses more than 3/4 of a year of gatherings.

**Procedure:** Given the accompanying elements, it is suitable to allude to the cycle utilized in the juvenile equity demonstration of 2000 activity against an juvenile guilty party as "extraordinary strategy" since it is unique in relation to a customary criminal preliminary

- i. No grumbling from the police or a resident might begin the systems
- ii. a casual hearing is kept totally hidden
- iii. The juvenile wrongdoer is housed in a different perception home during their imprisonment
- iv. In the event that the juvenile guilty party acts well, they could get a bond or security cautioning.
- v. A woman justice who has been especially deputed to supervise the preliminary of an in juvenile debate with the law regularly handles the case.

The load up laid out under area 4 should assemble at the times assigned by the state and stick to the procedural standards administering the direct of business at its gatherings. In the event that the Board isn't in meeting, a kid in question with the law might show up before any singular part. The Board might act with a portion of its individuals missing, and no choice made by the Board during any period of the interaction will be void essentially on the grounds that a part is absent. Regardless, two individuals, including the Rule Officer, should be available when the case is at long last settled. Moreover, it expressed that in case of a conflict, the greater part assessment would outweigh everything else; nonetheless,

without any such a larger part, the guideline justice's perspective would come first.

#### ➤ Powers of Juvenile Justice Board

Area 6 gives the Juvenile Equity Board its power. This segment expresses that if a Load up is laid out for a locale, it will have the restrictive position to deal with all procedures under this Act relating to juveniles in struggle with the law, no matter what any arrangements in different regulations that might be active at that point. At the point when the issues are brought before them in an allure, update, or other way, the High Court and the Court of Meeting might practice the power conceded to the board by this demonstration.

The state government is given the authority by the demonstration to create a board for a region or regions, which the state may designate by warning. These sheets use the power granted to them and finish the tasks assigned to them. If a juvenile is brought before a judge with the ability to act as a board and the judge notes his opinion, he will notify the juvenile or young person right away to the appropriate authority having jurisdiction over the issue. The position to whom the procedure has been sent, similar to the minor or juvenile who was initially presented before it, will lead the request.

#### ➤ Special homes

The Demonstration's Segment 9 accommodates the making of unique homes for the restoration of youngsters who are in lawful difficulty. Any State Government might make and oversee exceptional houses in each region or gathering of locale as might be essential for the gathering and recovery of juveniles in struggle with the law under this

Demonstration, either all alone or through an association with not-for-profit associations.

The State Government might assign any foundation as an exceptional home for the reasons for this Demonstration assuming it discovers that any establishment — beside a homemade or kept up with under sub-section (1) — is appropriate to get juveniles in struggle with the law and be sent there under this Demonstration. The State Government might lay out decides under this Act that oversee the administration of unique homes, including the prerequisites and scope of administrations that should be presented by them to reintegrate a juvenile into society, as well as the circumstances and cycle by which certificate of an exceptional home might be conceded or denied. As per their age, the sort of acts they have committed, and their physical and psychological well-being, juveniles in lawful difficulty may likewise be classified and isolated by the guidelines laid out under subsection (3).

#### ➤ **Apprehensions of juvenile in conflict with Law-**

At the point when a juvenile is arrested by the police, the individual in question should be gone over to a unique juvenile police unit, and a report should be sent immediately to the material board part. The state government is approved to enact regulations that are consistent with this act and assign a delegate, for example, an enrolled voluntary organization, through whom any minor in violation of the legislation might be brought before the board. Furthermore, as indicated by this part, the state will lay out regulations illustrating the cycle for sending a juvenile to an observation home. The juvenile will stay in his charge for the duration determined by able power, whether or not he is guaranteed

by his folks or by anyone else. Any person accountable for a juvenile put under this Act will, during the term of the request, have a similar control over the juvenile as he would have on the off chance that he were his folks and will be responsible for his upkeep. At the point when a minor is captured, the officer responsible for the police headquarters or extraordinary juvenile police unit to which the minor is brought should tell the accompanying gatherings as quickly as time permits: (I) the minor's parent or watchman, in the event that he can be situated, of the capture and train him to show up at the Load up preceding the minor's appearance; and (ii) the probation officer of the capture so he can gather information about the minor's set of experiences and family background as well as other pertinent conditions that might be useful to the Load up in its investigation.

#### ➤ **Bail of juvenile**

Portion 12 of the Demonstration communicates that anyone faulted for a wrongdoing for which there is no set bond total, and who is clearly a juvenile, may be caught, confined, appear before a heap up, or be followed through on bail no matter what an assurance, under the administration of a post preliminary manager, under the careful focus of any reasonable foundation, or under the law for the time being active. Regardless, this conveyance may not occur expecting there are reasonable grounds to acknowledge that the singular will connect with known lawbreakers, that he will be introduced to moral, physical, or mental gamble, or that the conveyance would defeat the goals of value. At the point when a captured individual isn't delivered on bail as per sub-segment (1), the official responsible for the police headquarters is expected to keep him just in a

perception home as per the rules until he might show up before a Board. In the event that the individual isn't delivered on bail under subsection (1), the Board might give a request putting him in a perception home or other safe spot for the term of the examination concerning him, as might be determined in the request, as opposed to sending him to imprison. The Criminal Strategy Code of 1973's bail arrangements don't matter to juvenile bail demands. The seriousness of the offense is moreover unessential while deciding if to concede a delinquent juvenile bail.

➤ **What orders may be passed against juveniles**

The Demonstration's Segment 15 frameworks the sorts of requests that can be made against minors. Segment expresses that if a Board decides after examination that a minor has committed an offense, the Board might give the accompanying mandates notwithstanding any ongoing regulation in actuality

- vi. give the minor direction or censure subsequent to making the legitimate requests and giving guiding to the minor, their parent or watchman, and themselves;
- vii. request the minor to participate in directing meetings in gatherings and other similar exercises;
- viii. order local area administration for the minor;
- ix. in the event that the minor is north of fourteen and has a type of revenue, request the minor's parent or the actual minor to pay a fine
- x. request the minor's delivery waiting on the post-trial process for good way of behaving and place them under the

watchful eye of any parent, watchman, or other reasonable grown-up, dependent upon the parent, gatekeeper, or appropriate grown-up executing a bond — regardless of guarantee — for the minor's acceptable conduct and prosperity for a limit of three years;

- xi. request the minor to be put under the oversight of any proper organization for the minor's way of behaving and prosperity for a limit of three years subsequent to being delivered waiting on the post-trial process for good way of behaving
- xii. issue a request ordering the minor's three-year situation in a unique home;

Notwithstanding, the Load up may abbreviate the stay to any time allotment it considers proper assuming it is persuaded that, given the idea of the offense and the case's conditions, it is convenient to do as such because of reasons that will be reported.

Prior to pursuing a choice, the Board will survey the consequences of the juvenile social examination report that it has gotten, whether from a perceived intentional association, a post-trial supervisor, or another source.

If an juvenile in struggle with the law is provided a request under statement (d), provision (e), or proviso (f) of sub-segment (1), the Load up may, in the event that it accepts it is in the juvenile's and the public's wellbeing, likewise make a request guiding the juvenile to stay under the management of a post-trial supervisor assigned in the request for a while that may not surpass three years, and may force any circumstances in the oversight request that it considers significant for the juvenile in struggle with the law.

Furthermore, it expresses that the Board may, in the wake of directing any fundamental requests, request the situation of the juvenile in struggle with the law in an extraordinary home assuming it becomes evident anytime later on, either through a report from the post-trial supervisor or through different means, that the juvenile had not acted well during the oversight time frame or that the proper establishment where the juvenile was put was as of now not capable or able to guarantee the juvenile's appropriate conduct and prosperity.

The Board will clarify the agreements of the request for the juvenile and any parent, watchman, or other fit individual or fit establishment, under whose care the juvenile has been put in, while making a management request under sub-segment (3). The Board will likewise instantly give one duplicate of the management request to the juvenile, the guarantees, if any, and the post-trial supervisor.

#### **4.4 The National Policy for Children 2013**

The state government is given the authority by the demonstration to create a board for a region or regions, which the state may designate by warning. These sheets use the power granted to them and finish the tasks assigned to them. The governmental authority declared the 2013 National Approach for Children to be adopted on April 26, 2013. According to the Strategy, any individual under the age of eighteen is considered a kid and all children under the country's domain and jurisdiction are included. It acknowledges that a sophisticated, multisectoral approach is needed to protect children's rights. The technique for focussed attention has four major need regions: participation and protection; education and development; well-being and nutrition; and

endurance. Because children's needs are multisectoral, interconnected, and call for coordinated response, the Arrangement promotes deliberate convergence and cooperation across multiple domains and levels of government. The Indian government reiterates its commitment to protect, educate, integrate, assist, and enable every child residing in its territory and under its jurisdiction, treating them as unique individuals and valuable national resources.

To ensure that all children have comparable open doors and that no custom, custom, social practice, or severe conviction is permitted to dismiss, limit, or hold children back from participating in their right, the State is centered around taking an affirmed action, whether as regulation, technique, or different measures. This obligation contacts defending and propelling the right of all children to live and create with esteem, regard, security, and opportunity, especially the people who are margi All regulations, plans, techniques, and ventures that influence children should be coordinated and informed by this procedure. The standards and arrangements of this Approach will be respected and kept up with in all public, state, and city government actions and drives.

#### **➤ Guiding Principles**

According to the rules illustrated in the 2013 Public Strategy for Children, each child has widespread, natural, and unified basic freedoms. These privileges are interconnected and subordinate together, and everyone is of equivalent importance and crucial significance to the child's general welfare and respect. Every single youngster has the privilege to life, endurance, advancement, instruction, assurance, and



interest. This right stretches out past the child's actual presence and incorporates the right to ethnicity and personality. The child's whole turn of events — mental, profound, mental, social, and social — ought to be thought about. Each youngster is qualified for equivalent freedoms, and no child ought to confront segregation because of social, monetary, racial, strict, position, sex, origin, class, language, or some other explanation. Each child has the privilege to a noble life liberated from double-dealing, and the wellbeing of the child is the essential thought in all choices and activities influencing them, whether made by regulative bodies, courtrooms, regulatory specialists, public, private, social, strict, or social establishments, the family, or the family climate. Families are the most helpful for the overall improvement of children, and they ought not be isolated from their folks except if it is important. All children's wellbeing and security are vital for their prosperity, and they ought to be protected from hurt, misuse, disregard, viciousness, abuse, and double-dealing in all unique situations, including homes, schools, emergency clinics, childcare focuses, and networks. Children can shape feelings, so it means quite a bit to give them a strong climate and the opportunity to voice those sentiments in the manner they can. With regards to issues that influence them, children's viewpoints — particularly those of young ladies — ought to be heard. This remembers for legal and regulatory procedures and associations, where their viewpoints ought to be given due thought in light of their age, development, and creating limits.

➤ **Protective measure to be taken by State**

The satisfaction of each and every other child right requires a protected, secure, and supporting climate. Wherever they go, children reserve the privilege to assurance. All children should approach a sustaining, safe, and defensive climate from the state to reduce their defenselessness in all conditions and to guarantee their security wherever they go, particularly in open regions. All children should be safeguarded by the state against all types of misuse and viciousness, hurt, disregard, shame, segregation, hardship, double-dealing — including sexual and monetary double-dealing — relinquishment, partition, kidnapping, dealing under any condition or in any structure, erotic entertainment, liquor and chronic drug use, and whatever other action that takes advantage of children unreasonably or adversely influences their turn of events. The State will try to guarantee family and local area-based care game plans, including sponsorship, connection, child care, and adoption, with regulation as a proportion after all other options have run out, with due respect to the wellbeing of the child and ensuring exclusive requirements of care and security, to get the freedoms of children who are briefly or for all time denied of parental consideration. Specifically, however not restricted to, children impacted by movement, uprooting, common or partisan brutality, common agitation, debacles and catastrophes, road children, children of sex laborers, children constrained into business sexual double-dealing, mishandled and took advantage of children, children constrained into asking, children in struggle and contact with the law, children in circumstances of work, children of detainees, children contaminated/impacted by HIV/Helps, children with handicaps, children impacted by liquor and substance misuse, the State

focuses on executing extraordinary assurance measures to shield the freedoms and privileges of children needing exceptional security, recognized by their novel social, monetary, and international conditions, including their requirement for restoration and reintegration. To address child insurance issues thoroughly, the State will cultivate child-accommodating statute, establish moderate regulation, develop a responsive and preventive child security system, including crisis outreach benefits, and energize the successful requirement of reformatory administrative and regulatory measures against all types of child misuse and disregard. To protect children's freedoms, the State should support and reinforce institutional, administrative, and regulative redressal methods at both the government and state levels. At the program level, effective and effectively available complaint redressal channels should be made for nearby complaints.

## 5. JUDICIAL APPROACH

The state government is given the authority by the demonstration to create a board for a region or regions, which the state may designate by warning. These sheets use the power granted to them and finish the tasks assigned to them. This section looks at how the legal executive contributed to the development of India's juvenile justice system. For the review, the Juvenile Justice (C&P) Demonstration of 2000, the Juvenile Justice Demonstration of 1986, and a few distinct resolutions are recalled as just decisions made by the High Court and High Courts. Due in part to the current review's emphasis on the purposeful evolution of juvenile justice, cases that are about to be heard in higher courts provide insight into the

legal executive's perspective and awareness of the juvenile justice system in India. The ensuing headings have been employed to scrutinize various concerns brought up and addressed during the proceedings while being overseen by higher courts.

### 5.1 Applicability of Juvenile Justice (Care and Protection of Children) Act, 2000,

The state government is given the authority by the demonstration to create a board for a region or regions, which the state may designate by warning. These sheets use the power granted to them and finish the tasks assigned to them. The essential components of the Juvenile Justice (Care and Insurance of Children) Act, 2000 can be easily identified. By publishing a notice in the Official Paper, it will distribute results to the town designated by the Central Government in accordance with Section 1(3) of the aforementioned Act. A notice issued by the Central Government said that the arrangements of the Act listed above will yield results on 1.4.2001, which has been designated as the "designated date." As a result, the demonstration functions erratically. Still, the Juvenile Justice Demonstration of 2000 has superseded the Demonstration of 1986. Along these lines, it has delivered it difficult to recognize juveniles of different genders; for instance, a male juvenile would in any case be viewed as juvenile in the event that he has not yet turned eighteen. The age distinction among guys and young ladies is one of the primary distinctions between the 1986 Demonstration and the 2000 Demonstration. A male juvenile who has not arrived at the age of sixteen and a female juvenile who has not arrived at the age of eighteen are viewed as juveniles under the 1986 Demonstration. The age-based differentiation among male and female young

people has been wiped out by the Juvenile Justice Demonstration of 2000. Both male and female members should be 18 years old. As indicated by the 1986 Demonstration, an individual over 16 was not viewed as a juvenile. As needs be, whether or not somebody more than 16 qualifies as a "juvenile" for the reasons for the 2000 Demonstration should be replied while thinking about the Demonstration's objectives and purposes.

## 5.2 Determination of age of juvenile

Deciding a juvenile's age is an essential and significant subject in juvenile preliminaries, and it ought to be settled at the earliest opportunity.

Subsequent to surveying legal suppositions, the High Court has concluded that, while resolving the issue of deciding the blamed's age to decide if he is a juvenile, a hypertechnical approach ought not be taken while assessing the proof introduced by the denounced to help his supplication that he was a juvenile. Assuming there are clashing assessments with respect to the proof, the court ought to by and large decide for holding the charged juvenile in cases that are in uncertainty. The regulations as laid out by this Court straightforwardly connect with the case's realities.

The High Court has mentioned the accompanying objective facts in regards to the passages made in the School Leaving Testament:

"It was expressed that the school-leaving endorsement was conceded in 1998. A superficial assessment of the previously mentioned report would uncover that the litigant was supposedly conceded on August

1, 1967, and that his name was taken out from the foundation's program on June 5, 1972. The previously mentioned school-leaving authentication was not conceded in the normal course of the school's tasks. Nothing in the public space shows that the previously mentioned date of birth was placed into a register kept by the school in consistence with Segment 35 of the Proof Demonstration's legitimate necessities. The appealing party's folks who went with him to the school at the hour of his affirmation have not, as per the previously mentioned Head administrator, offered any further expressions or given any supporting documentation. It is obvious from the passages in the school-leaving authentication that they were arranged explicitly for the case. Every one of the expected fields were finished, including the appealing party's personality. It was not the situation for the previously mentioned Dean that age was affirmed before his entrances in the register. There was no great reason for why the register, in the event that one was kept in the school during conventional business hours, had not been delivered.

For a situation, the High Court decided that litigant No. 1 would be dependent upon the Demonstration's necessities since it was resolved that he was a child at the hour of the event. As per the decision in the recently referenced case, learned counsel additionally contended that appealing party No. 1 would need to be handled as per the prerequisites of the previously mentioned Act. On the benefits, this Court changed the judgment and sentence and viewed the charged litigant to be blameworthy under Area 304 Section I read with Segment 34 of the IPC as opposed to Segment 302 read with Area 34 of the IPC, tolerating the conflict of the learned guidance for the denounced appealing party.

Concerning No. 1, or Raju, he acknowledged the date of birth passage on the imprint sheet however at that point announced his make a difference to the Board under Segment 20 of the Demonstration so it could be handled as per Segment 15 of the particular Demonstration. The previously mentioned deciding makes it clear that this Court has perceived an imprint sheet as one of the proof sorts used to lay out a charged individual's age.

The "mark sheet" was likewise acknowledged by the High Court as a type of proof for laying out the charged's age. The appellants Raju and Mangli, Anil false name Balli, and Sucha Singh were brought to stand preliminary all things considered on charges of abusing Segment 302 read with Area 34 of the Indian Correctional Code. Because of the informer Sucha Singh's age, the Demonstration expected that his case be separated for a different preliminary. Others were found blameworthy as per Segment 302 read related to Area 34 of the IPC, and they were given life sentences alongside fines of Rs. 5,000. As well as questioning the indictment's case on its benefits, the lawyer addressing litigant No. 1, Raju, expressed that the occurrence happened on Walk 31, 1994, when he was underage and that, as per his imprint sheet, which records his introduction to the world year as 1977, he was under 17 at that point.

The onus of laying out a delinquent's age doesn't rest with the juvenile delinquent; rather, the court should direct an examination to decide whether the person being referred to qualifies as a delinquent juvenile for the motivations behind the Demonstration of 2000. Subsequently, the learned Meetings Judge (Quick Track), Parbatsar (Nagaur), adopted the inaccurate strategy, and the

actual court should have directed extra examination and mentioned the first school records, in addition to other things.

The state government is given the authority by the demonstration to create a board for a region or regions, which the state may designate by warning. These sheets use the power granted to them and finish the tasks assigned to them. The language of Rule 12 of the Juvenile Justice (Care and Security of Children) Rules, 2007 (likewise alluded to as "the Standards") is the following thing on the rundown. The High Court examined this standard prior to deciding the benefits of the defendant's case and the State's stance. Rule 12 spreads out the cycle that will be utilized to decide age. (1) The Council referenced in rule 19 of these standards will discover the age of the juvenile, child, or juvenile in battle with the law in any circumstance including a minor or child who is in genuine trouble, the court, the Board, or another in no less than thirty days of the date the application for that item is made. (2) The court, the Board, or the Panel will decide if the juvenile is engaged with legitimate difficulty in light of the juvenile's actual appearance and any relevant administrative work. In the event that this assurance is made, they will put the juvenile in a discernment home or in prison. While deciding the age of a child or juvenile who is in legitimate issues, the court, the Board, or the Panel will assemble proof by getting the supporting documentation, contingent upon the particulars of the case:

- (a) (i) the testaments of registration or same, on the off chance that they are reachable; and if not
- (ii) the date of birth confirmation from the chief school participated (other than a play



school); or then again, in the event that such report is absent;

(iii) the birth endorsement gave by a panchayat, nearby government, or company;

(b) An appropriately comprised Clinical Board will be requested their clinical assessment, which will decide the juvenile or child's age, except if (I) (ii), (iii), or (iii) of condition (a) above are available. In the event that a precise age evaluation is preposterous, the child or juvenile might be given advantages by having their age considered on the lower end of a one-year range, because of reasons that will be reported by the Committee, the Board, the Court, or both, contingent upon the conditions.

and, while giving requests in such a case, will record a finding in regards to his age and any proof referenced in any of the provisos (a)(i), (ii), (iii), or, without whereof, statement (a)(iii). and will think about any suitable proof as well as the clinical assessment, if relevant

(b) Should act as the conclusive proof of the age according to the minor or youngster in lawful difficulty

(4) The court, the Board, or the Committee, by and large, will give a composed request indicating the age and proclaiming the situation with immaturity etc., for the motivations behind the Demonstration and these standards, on the off chance that it is resolved that the juvenile, child, or juvenile in struggle with the law was more youthful than 18 on the date of the offense, in light of any of the definitive proof determined in subrule (3). A duplicate of the request will be given to the juvenile or the individual concerned.

(5) In the wake of auditing and acquiring the endorsement or some other narrative proof referenced in sub-rule (3) of this standard, the court or the Board will not lead any further requests, except if and until additional request is expected, among different reasons, as per area 7A, segment 64 of the Demonstration, and these principles.

(6) The arrangements of this standard will likewise apply to cases that have been settled where the juvenile's status has not been laid out in consistence with the Demonstration's arrangements and subrule (3), which require the sentence to be administered as per the Demonstration to pass a fitting request in the juvenile's wellbeing who is in struggle with the law."

### **5.3 Relevant date as to determination of age of the juvenile**

The Patna High Court's whole seat noted in the Krishna Bhagwan v. Province of Bihar case that the date the offense was committed ought to be utilized to decide the juvenile's age for the reasons for an juvenile equity act preliminary. In this way, despite the fact that the juvenile blamed was more established when he was brought under the steady gaze of the court for preliminary, the person in question ought to be attempted in an juvenile court in the event that the worth of the specialist's perspective, who inspected the prosecutrix and gave her gauge old enough in spite of school declaration, and so on, can't be depended upon except if upheld by logical assessment, for example, hardening test. In Bhola Bhagat v. Territory of Bihar<sup>18</sup>, the High Court emphasized this position, deciding that the blamed's age on the date for the offense ought to be considered to be qualified for an juvenile equity act preliminary. It has no effect assuming that the

blamed is more established than the lawful age on the date he is brought under the steady gaze of the court. Nonetheless, the High Court overruled its past decision in *Arnit Das v. Province of Bihar*,<sup>19</sup> holding that the date of a singular's presentation before the fitting power — as opposed to the date of the offense — makes the biggest difference in deciding if they are viewed as juveniles. On account of *Pratap Singh v. Territory of Jharkhand*,<sup>20</sup> a three-judge High Court seat thought over the issue of when age ought to be laid out. With respect to Act's overall appropriateness, we solidly accept that the date the offense happens considers the important date for the Demonstration's materialness. The Kid's Act was passed to safeguard little youngsters from the repercussions of their unlawful way of behaving, as it was accepted that their brains were not yet grown to the point of crediting mens rea, as they would be on account of a grown-up. Since this was the expectation of the The state government is given the authority by the demonstration to create a board for a region or regions, which the state may designate by warning. These sheets use the power granted to them and finish the tasks assigned to them. For the demonstration to be relevant, it must be clearly established that the day the violation is committed is an important date. Becoming older is a compulsory part, consequently it's doable that the young person will presently not be a kid when the matter goes to preliminary. Segments 3 and 26 were thusly required. The pertinent date for the Demonstration's pertinence as the date of event is shown in the two segments unequivocally. We immovably trust that the date of the event — as opposed to the date of the preliminary — matters for the Demonstration's pertinence corresponding to the age of the denounced, who declares that

the person in question is a minor." As was earlier observed, the ruling in *Umesh Chandra* by the three-judge board was not taken into consideration by the two-judge seat of this court in *Arnit Das*. We firmly believe that the regulations outlined in *Umesh Chandra* are correct, and that the ruling in *Arnit Das* by a two-judge panel of this Court does not establish a suitable framework. Consequently, we continue to believe that the legislation established by a three-judge panel of this Court in the *Umesh Chandra* case is the appropriate rule. For the demonstration to be relevant, it must be clearly established that the day the violation is committed is an important date. Following this decision, the Juvenile Equity (Care and Assurance of Youngsters) Act 2000 went through a few changes, which were integrated into Act 33 of 2006 on August 22, 2006. The High Court analyzed the effect of these corrections in *Hari Slam v. Territory of Rajasthan and Others*,<sup>21</sup> holding that the *Pratap Singh* case was chosen before the 2006 change and is in this manner as of now not important. The Court additionally noticed that, when perused related to Rules 12 and 98 of the JJ Act, segments 2(K), 2(I), 7-A, 20, and 49 clarify that anybody younger than 18 on the date the offense was committed — regardless of whether that date was before April 1, 2001 — would be treated as an juvenile, regardless of whether their case of immaturity was made after they had turned 18 at the very latest the Demonstration's beginning date and were carrying out a punishment in the wake of being viewed as blameworthy.

*Ashwini Kumar Saxena*<sup>22</sup> v. *Madhya Pradesh State* This Court reversed the High Court's conclusion and assumed that every denounced person has the right to raise the question of adolescence at any time under the

continuous translation of Segment 7A of the Demonstration. In the unlikely event that this is resolved, the Court will review and consider the matter. The court determined that reading Standard 12 of the 2007 Principles in relation to Area 7A was appropriate. This Court then upended the hierarchy of the High Court and instructed the preliminary court to look into the matter of immaturity first. The appellants will subsequently be taken before the J.J. Board in the event that the preliminary court determines that they were juveniles at the time of the offense, with the intention of applying the provisions from the 2000 Demonstration to their case.

While looking at the extent of Segment 7 An of the Demonstration, Rule 12 of the 2007 Guidelines, and Segment 49 of the Demonstration, we might do as such considering the earlier decisions referenced here as well as the standards laid out in that. We may likewise look at the degree and ambit of request expected of a court, the J.J. Board, and the Council while managing a case of immaturity. Segment 7A just requires the court to direct a request — not an examination or a preliminary — and to do as such as per the J.J. Act instead of the Code of Criminal Technique. It is evident that criminal courts, juvenile equity sheets, boards, and other entities operate similarly to preliminary examinations, requests, and examinations conducted in accordance with the Code. Although the resolution just calls for the Court or the Board to make one, the Juvenile Equity Rules specify how the "request" should be led. One should make reference to the few significant articulations that are used in Segment 7A and Rule 12 in order to fully understand their scope and content. Segment 7A contains the phrases "court will make a request," "accept such

proof as might be essential," and "however not a testimony". Oral declaration is not required; the Court or the Board may accept archives, confirmations, and other documents as proof in spite of affirmations.

#### 5.4 Apprehension and bail of juvenile

The High Court managed in Gopinath Ghosh v. Territory of West Bengal<sup>37</sup> that an juvenile delinquent who is captured should show up under the steady gaze of an juvenile court; in the event that no juvenile court is laid out for the area, the court of meeting will have similar abilities as an juvenile court; (b) such an juvenile delinquent typically must be captured, the person should show up under the steady gaze of an juvenile court, and delivered on bail no matter what the idea of the offense claimed to have been committed, except if it is exhibited that there seem sensible grounds to accept that the delivery could jeopardize the person in question — either truly, intellectually, or mentally.

### 6. CONCLUSION

The legislative framework in India concerning the protection and welfare of children is comprehensive and multi-faceted, encompassing various Acts, Constitutional provisions, and policies. The Indian Constitution guarantees equality before the law, forbids discrimination, provides free and compulsory education for children, and forbids child work, among other things, through Articles 14, 15, 21A, and 24. The Juvenile Justice Act of 2000, which was later revised in 2015, lays forth guidelines for dealing with juvenile offenders and offering assistance and safety to youngsters who are in need. Particular provisions are included for the establishment of Special Homes for rehabilitation and Juvenile Justice Boards.

Furthermore, the National Policy for Children 2013 highlights the significance of a safe and nurturing environment for every child and provides protective measures and guiding principles to preserve children's rights and well-being.

In analyzing the legal way to deal with India's juvenile justice system, a few key viewpoints have been investigated. It is underscored how the Juvenile Justice (Care and Protection of Children) Act, 2000, is material, particularly concerning deciding a juvenile's age. When evaluating age evidence, the courts have stressed the need for a balanced approach that avoids becoming overly technical. Various forms of evidence, such as school records and medical assessments, are considered in age determination processes. Additionally, the relevant date for determining a juvenile's age, as it pertains to the offense committed, has been clarified through judicial rulings. Despite some discrepancies in interpretation over time, recent amendments and court decisions have provided clearer guidelines, ensuring that individuals under 18 at the time of the offense are treated as juveniles, even if they turn 18 before their case is adjudicated. Furthermore, the apprehension and bail of juvenile offenders have been addressed, with a focus on ensuring their appearance before juvenile courts and prioritizing bail unless there are compelling reasons to believe it would endanger the juvenile. In conclusion, the judiciary's approach to juvenile justice in India demonstrates a commitment to fairness, ensuring that the rights and well-being of young offenders are safeguarded while also considering the interests of justice and public safety.

## REFERENCES

1. Chaudhary, R. N.: Law Relating to Juvenile Justice in India, Fourth Edition, Orient Publishing Company, New Delhi, 2015
2. Cox, S. M., Allen, J. M., Hanser, R. D., & Conrad, J. J. (2021). Juvenile justice: A guide to theory, policy, and practice. Sage publications.
3. Dey, Mousumi: Juvenile Justice System in India, International Journal of Interdisciplinary and Multidisciplinary Studies (IJIMS), 2014, Vol. 1, No.6, p.65,
4. Don Cipriani 'Children's rights and the minimum age of criminal responsibility: a global perspective', Ashgate Publishing, Ltd., 2009.
5. Kumari Ved, The juvenile justice system in India; from welfare to rights, Oxford University Press, 2004.
6. Rathi, B.K.: Juvenile Justice (Care and Protection of Children) Act, 2000: Does it Require a fresh look. Criminal Law Journal, Vol. 109, Part 1244, Aug 2003, p. J229.
7. Singh, P.K.: Juvenile Justice (Care and protection of children) Act, 2000: An enlightened step for tackling the child prostitution. Indian Bar Review, Vol. 31, No. 3+4, July Dec 2004, pp. 407-412
8. Kadri, Dr. Harunrashid. (2004). The Juvenile Justice (Care & Protection of Children) Act, 2000 - An Overview. 221.
9. Konar, Devashish. (2005). Juvenile Justice as a Part of Child and Adolescent Care. Journal of Indian Association for Child and Adolescent Mental Health. 1. 10.1177/0973134220050303.
10. Routiya, Venudhar. (2016). A Critical Study of Children Under Juvenile



Justice System in India. IOSR Journal  
of Electronics and Communication  
Engineering. 11. 81-86. 10.9790/2834-  
1104038186.

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