

# Procedural Law in Juvenile Justice by Thalluru Padmaja

Thalluru Padmaja

Advocate, Research Scholar, Sri Padmavati Mahila Visvavidyalayam, Tirupati

## Abstract:

This research paper deals with the juvenile justice system of India and the procedure to be followed while trial of the children in conflict of law and describes about the various institutions relating to it like juvenile justice boards, child welfare committees, observation and shelter homes, special juvenile police units etc., while emphasizing on the emerging trends of the ideology of the youth and various problems they are facing in the society along with the recent statistics and provisions of the Juvenile Justice Act 2015.

**Keywords:** Juvenile Justice, children in conflict of law, juvenile justice system, ideology of the youth.

## Introduction of study

“The juvenile delinquent does not feel his disturbed personality. The intelligent man does not feel his intelligence or the introvert his introversion.” – B.F. Skinner

Juvenile Justice is an alternative system of dealing with children through law assigning the greatest weight in rehabilitation and reformation. In order to understand the Juvenile Justice System first one should understand who is juvenile and what is meant by delinquency –

Juveniles are the persons who are not attained the age of 18 and has committed a crime whether it is heinous or not. Of course after the amendment of Juvenile Justice act the word children in conflict of law is used instead of juvenile is used whereas Delinquency means something erroneous which is contradictory to the social norms of the society. In the whole Clyde B. Vedder defines Juvenile Delinquency as the anti-social acts of children and of young people under age.

In developing countries like India, primarily the problems like economic disparities, youth unrest, rural urban bent adversely affects the significant youth population. India is a most populous country in the world with 1.47 billion people overtaking the china and 68 % of according to the statistics of the United Nations world population report 2023. According to the report 25 % of the population is between the age of 0-14 years and 18 % of the population is between the age of 10-19 years. According to the NCRB reports 6.7% to 7.0% rise is there in the juvenile crime rate. Over the year 2020 there is a rise of 4.7% in 2021 registered offences out of which 76.2 % offences are did by 16-18 years age children.

After the Covid-19 pandemic the situation was more versed because of several factors like decrease in the livelihood opportunities, economic disparities happened crime rate is even more increased. The Centre for Child and the Law, National Law School of India University and the Department of Child and Adolescent Psychiatry and the National Institute of Mental Health and Neuro Sciences jointly stated that – Adolescence is a transitional period and they cannot be treated on par with

adults.

India owes a systematic legal scheme to deal with the Juvenile Delinquents which changed dynamically observing the social system of the country. Presently in India Juvenile Justice Act 2015 is in execution. Recently in 2021 also significant changes are made to the Juvenile Justice Act. Rising rates of juvenile delinquency makes us wonder whether the Juvenile Justice Act 2015, has subserved its object or not – stated by the Supreme Court.

In the prospective of this changing society and rising crime rate to make necessary implementations and changes it is necessary to observe the procedure of the trial of the juveniles.

### **RATIONALE FOR A SEPARATE JUSTICE SYSTEM FOR JUVENILES AND CHILDREN**

The justice system available for adults is neither desirable nor suitable for children and youthful offenders. Children lack maturity, they are in their formative years and it is easier to mould them. Although the acts constituting offences prescribed for the adults and juveniles are the same, there is a great deal of difference as regards the jurisdiction of the courts and the procedure to be followed. The juveniles in conflict with law are not to be tried by the ordinary criminal courts but are to be dealt with by the Juvenile Justice Board, which alone has exclusive jurisdiction under the Act in all matters concerning such Juveniles. These Boards are to function in accordance with the special procedure and practice laid down in the Act.

Children are the most vulnerable group in any population and in need of the greatest social care. (Statement of objects and reasons of the Children Act, 1960). They require the protective umbrella of society for their proper growth and development. The Apex Court of India has *held* that, children of today are the citizens of tomorrow's India and the country's future would necessarily depend upon their proper hygiene-physical and mental..It is the responsibility of the society and is one of the paramount obligations of those who are in charge of governance of the country today to attend to the children to make them appropriate citizens of tomorrow. [*Supreme Court Legal Aid Committee v. Union of India AIR (1989) SC 1278*].

The Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973 contain provisions for the special treatment and procedure in relation to juvenile offenders. Sec. 82 and 83 of the Indian Penal code contain elaborate provisions regarding the extent of criminal liability of children belonging to different age groups. Sec. 27 of the Code of Criminal Procedure, 1973 provides for lenient treatment to juvenile offender below sixteen years of age for less serious offences, while Sec. 360 makes provision for release of youthful offenders on probation of good conduct or after admonition provided no previous conviction is proved against the offender, if the offender is under twenty-one years of age and the offence is not punishable with death penalty or life imprisonment.

Juvenile Justice Act provides a legal framework for dealing with juveniles both at the delinquent and pre-delinquent stage. A person who has not completed the age of 18 years is considered as Juvenile: *Gopal Sharma v. State of Rajasthan* 2004 (14) AIC 952 (Raj).

At what stage can the plea of juvenility be raised?

it had been raised at stage of their statements under sec. 313 of Cr. P. C. it was held that such plea (though raised belatedly) was maintainable: *State of U.P. v. Bharat Ram, 2002 Cri. L. J. 1529 (ALL.)*

plea was taken at belated stage but before conclusion of trial. It was held that such plea could be entertained and the Sessions Court remitting the case of petitioner to juvenile court was proper: *Suresh Prasad v. State of Bihar* 2001 Cri. L. J. 1088 (Pat.).

In a recent case, *Nazimi Bibi v. State of West Bengal* [2004 Cri. L. J. 3609 (Cal.)], plea of juvenile was allowed even at appellate stage in a murder case.

### **Pre – Trail Process:**

When there is an FIR or complaint is filed against any child who is below 18 years of he/she presented Infront of a Child Welfare Office or Juvenile Justice Board and they will carry out an enquiry to decide the type of offence committed by the child and based on the type of offence juvenile justice board decide the punishments for a child in conflict with law. Juvenile Justice Board may advise the child through counseling for let him go for petty offences and may order to do community service and may release the child on probation for his good behavior in the case of petty offences and some serious offences.

Child who commits heinous offences and have above 16 years age will be considered as an adult in trial. The process of classifying the crime by Judges is known as “Disposition”. The state shall fix minimum age for trail of Juveniles and they shall be assumed as innocents until proven guilty. The state shall ensure protection over punishment. Child must be promptly informed through his parents or guardian about charges against him. The state shall intact special law and procedure for trail of Juvenile Offender.

### **DURING TRAIL:**

An independent and impartial Judicial forum of competent jurisdiction should conduct the trail and child should have assistance if he is unable to understand the court language. Child in conflict of law cannot be forced to confess the guilt as the child have protection against self-incrimination and state provides legal aid and assistance to the child. Courts always considers the best interest of child and condition of a child.

Juvenile offenders have adjudication hearings instead of trails and usually done by the Judges themselves. Juvenile delinquents also not have same rights as adult offenders like public trail etc. Juvenile records are mostly sealed and their criminal records are erased once they turn 18 if they meet eligibility criteria.

### **Procedure to be followed when claim of juvenility is raised before any court.**

(1) Whenever a claim of juvenility is raised before any court or a court is of the opinion that an accused person was a juvenile on the date of commission of the offence, the court shall make an inquiry, take such evidence as may be necessary (but not an affidavit) so as to determine the age of such person, and shall record a finding whether the person is a juvenile or a child or not, stating his age as nearly as may be :

Provided that a claim of juvenility may be raised before any court and it shall be recognized at any stage, even after final disposal of the case, and such claim shall be determined in terms of the provisions contained in this Act and the rules made thereunder, even if the juvenile has ceased to be so on or before the date of commencement of this Act.

(2) If the court finds a person to be a juvenile on the date of commission of the offence under Sub-Sec. (1), it shall forward the juvenile to the Board for passing appropriate order, and the sentence, if any, passed by a court shall be deemed to have no effect. (Sec. 7-A)

### **Bail of Juvenile [Sec. 12]**

Sec. 12 of the Act deals with bail of juveniles. It has three subsections, While Sec. 12 (1) relates to bail the following two sub-sees. Sec. 12(2) and Sec. 12(3) are concerned respectively with the custody of a juvenile who is not released on bail under sub-sec. (1) by the officer-in-charge of the police station or by the Board. Sec, 12 reads as follows; -

Within the limits prescribed by the Sec. the Competent Authority is duty bound to release the juvenile on bail. In *Gopinath Ghosh v. State of West Bengal* [(1984) Supp. SCC 228], it was held that a juvenile delinquent ordinarily has to be released on bail irrespective of the nature of the offence alleged to have been committed unless it is shown that any of the grounds specified in the Sec. for its refusal exist.

### **RIGHTS OF JUVENILES IN ADJUDICATION HEARINGS:**

Right to get a notice about their delinquent acts before adjudication hearing.

Right to have a public prosecutor i.e., legal services.

Right to pre-release if they are not involved in heinous crimes.

The main objective of trial in case of Juvenile courts is to make them aware of their crimes. Social investigation Reports plays a crucial role in the trial of Juveniles in heinous and serious cases.

### **POST TRIAL:**

No child below age of 18 should be punish with death sentence and they kept separate from adult criminals while detention and do not subject to torture or cruelty. During placement, the child must have regular contact with family, state shall establish rehabilitation institutions for care education guidance and training of juvenile delinquents.

### **OBSERVATION HOMES:**

Observation homes are the institutions were neglected children and Juvenile Delinquents are kept until their decision is pending in Juvenile Court. It aims to give children who are in conflict with law – care, protection and rehabilitation. They are managed by the State Governments and established in each or group of districts either independently or through voluntary organizations or NGO's (Sec.47). There are separate observation homes for boys and girls and also considers the age and their mental situations.

### **SPECIAL HOMES:**

Special homes aim is to rehabilitate and socialize the Juvenile delinquents (Sec.48). Child who had been found guilty of a crime is placed in special homes according to section 2(56) of JJ Act 2015. According to Rule 21(1)(ii) of the JJMR 2016 special homes classified as follows:

1. Girls beyond age of 10
2. Boys between the ages of 11 and 15
3. Boys between 16 and 18

### **SPECIAL JUVENILE POLICE UNIT**

Sec. 63 of the Act makes provisions for setting up special police units for handling juveniles and children under this Act. It provides as follows:

- 1) In order to enable the police officers who frequently or exclusively deal with juveniles or are primarily engaged in the prevention of juvenile crime or handling of the juveniles or children under this Act to perform their functions more effectively, they shall be specially instructed and trained.
- 2) In every police station at least one officer with aptitude and appropriate training and orientation may be designated as the 'juvenile or the child welfare officer' who will handle the juvenile or the child in co-ordination with the police.
- 3) Special juvenile police unit, of which all police officers designated as above, to handle juveniles or children will be members, may be created in every district and city to co-ordinate and to upgrade the police treatment of the juveniles and the children.

### **SOCIAL INVESTIGATION REPORT**

Social Investigation Report (SIR) is a report required to be submitted to the competent authorities which enables them to take decisions and pass final order within 4 months of the first production of the child before Juvenile Justice Boards under section 36 of JJ Act 2015 and it should be completed within 15 days it is a part of the probation officers statutory/mandatory report that must be presented to CWC or JJB. Generally SIR is conducted by a Child Welfare Officer, Probation Officer, DCPU or NGO., according to Sec.30 (iii) of JJ act – 2015 SIR coming into the picture in section 12 of the JJ Act which takes about bail granting system in Juvenile Case and it is still regarded as **sine qua non** in deciding Juvenile cases.

Ordinarily SIR is divided into 3 parts

- 1) Information child's family, relatives, neighbors, and teachers.
- 2) Child Physical and Mental condition, habits and personality.
- 3) An analyzation of probation officer about the circumstances related to the offences committed by the child.

### **MERITS:**

To create an opinion about the Juveniles overall personality the material in the SIR plays a crucial role. Basing on that the Judge pass an order or Judgement in Juvenile offences and allows the Judge to a evaluate whether it is correct are not to keep a child detained until the hearing

### **JUVENILE JUSTICE COMMITTEES:**

Juvenile justice committees are setup in the high courts and conducting their work under the mandate of JJ Act 2015. It is a mechanism to enhance the roles and responsibilities of government institutions and NGO's through a collaborative process.

#### **Role of HC-JJC is**

1. To monitor the Juvenile Justice Board, child welfare committees, state child protection society, special Juvenile police units etc.
2. Seek and evaluate a quarterly report from department of women and child and from district judges about pendency and disposal of cases under JJ act.
3. Prepare annual report on functioning of the JJ system

4. Hold regular coordination meetings between state and national legal services committees and different institutions formed under JJ Act.

### COMPETENT AUTHORITY

Juvenile Justice Board is the competent authority in relation to juveniles in conflict with Law (sec. 2(g)). Sec.4 authorizes the State Government to constitute Juvenile Justice Boards for exercising the powers and discharging the duties conferred or imposed on such Boards in relation to Juveniles in conflict with the law under this Act. Sec. 5 deals with the procedure of the Board and Sec. 6 relates to the powers. Sec. 7 lays down the procedure to be followed by a magistrate not empowered under the Act. Juvenile Justice Board has the powers to deal exclusively with all proceedings relating to juveniles in conflict with law. The Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of the first class, as the case may be, and two social workers of whom at least one shall be a woman.

(1) When any Magistrate not empowered to exercise the powers of a Board under this Act is of the opinion that a person brought before him under any of the provisions of this Act (other than for the purpose of giving evidence), is a juvenile or the child, he shall, without any delay record such opinion and forward the juvenile or the child and the record of the proceeding to the competent authority having jurisdiction over the proceeding.

(2) The competent authority to which the proceeding is forwarded under sub-section (1) shall hold the inquiry as if the juvenile or the child had originally been brought before it. [Sec. 7]

Under the provisions of sec. 8(2) [= sec. 7 of 2000 Act], the competent authority is required to hold enquiry as if the juvenile had originally been brought before it. Thus wherever a plea is taken that an accused is a juvenile the court dealing with the case is required to record an opinion on such plea. Though there are divergent decisions on the question if the Sessions Judge has power to enter into enquiry regarding age of an accused or whether such enquiry could be made by a Magistrate empowered under sec. 8(2) (New Sec. 7) of the Act yet such inquiry is necessary whenever plea of an accused being juvenile is raised. [Amit v. State of U.P., 1998, U.P. Cri. R. 767; 1998(2) A Cri. R. 1629 (All); 1998 (2) ACC 850].

### PROCEDURAL LAW PROVISIONS IN JUVENIL JUSTICE

#### A. ATTENDANCE OF PARENT OR GUARDIAN OF JUVENILE OR CHILD [Sec. 46]

Any competent authority before which a juvenile or the child is brought under any of the provisions of this Act, may, whenever it so thinks fit, require any parent or guardian having the actual charge of, or control over the juvenile or the child to be present at any proceeding in respect of the juvenile or the child.

#### B. DISPENSING WITH THE ATTENDANCE OF JUVENILE OR CHILD [Sec. 47]

A competent authority may dispense with the attendance of the juvenile or the child, if at any stage during the course of an inquiry it is satisfied that his attendance is not essential for the purpose of the inquiry, and proceed with the inquiry in the absence of the juvenile or the child.

#### C. COMMITTAL TO APPROVED PLACE OF JUVENILE OR CHILD SUFFERING FROM DANGEROUS DISEASES AND HIS FUTURE DISPOSAL [Sec. 48]

Sec. 48 deals with committal of a juvenile or the child found to be suffering from dangerous disease to an approved place and his future disposal.

When a juvenile or the child who has been brought before a competent authority under this Act is found to be suffering from a disease requiring prolonged medical treatment or is having any physical or mental complaint that will respond to treatment, the competent authority may send the juvenile or the child for the required treatment to an approved place. [Sec. 48(1)]

Where a juvenile or the child is found to be suffering from leprosy, sexually transmitted disease, Hepatitis B, open cases of Tuberculosis and such other diseases or is of unsound mind, he shall be dealt with separately through various specialized referral services or under the relevant laws as such. [Sec. 48(2)].

#### **D. PRESUMPTION AND DETERMINATION OF AGE [Sec. 49]**

Where it appears to a competent authority that a person brought before it under any of the provisions of this Act (otherwise than for the purpose of giving evidence) is a juvenile or child, it shall make due inquiry as to the age of that person by taking such evidence as may be necessary (but not an affidavit) and record a finding as to whether the person is a juvenile or the child or not, stating his age as nearly as possible.

This Sec. further provides that the age determined by the competent authority shall, for the purposes of this Act, be deemed to be the true age of that person and any subsequent proof that such person is not a juvenile or the child shall not invalidate any order of the competent authority.

#### **E. SENDING A JUVENILE OR CHILD OUTSIDE JURISDICTION [Sec. 50]**

In the case of a juvenile or child whose ordinary place of residence lies outside the jurisdiction of the competent authority before which he is brought, the competent authority may, if satisfied after due inquiry that it is expedient to do so, send the juvenile or the child back to a relative or other person who is fit and willing to receive him at his ordinary place of residence and exercise proper care and control over him, notwithstanding that such place of residence is outside the jurisdiction of the competent authority, and the competent authority exercising jurisdiction over the place to which the juvenile or the child is sent shall, in respect of any matter arising subsequently, have the same powers in relation to the juvenile or the child as if the original order had been passed by itself.

#### **F. REPORTS ETC. TO BE TREATED AS CONFIDENTIAL [Sec. 51]**

Sec. 51 lays down that the report of the probation officer or social worker considered by the competent authority shall be treated as confidential. However, the competent authority may, if it so thinks fit, communicate the substance thereof to the juvenile or the child or his parent or guardian and may give such juvenile or the child, parent or guardian an opportunity of producing such evidence as may be relevant to the matter stated in the report.

#### **G. APPEALS [Sec. 52]**

Subject to the provisions of this section, any person aggrieved by an order made by a competent authority under this Act may, within thirty days from the date of such order, prefer an appeal to the Sessions Court, The Court of Session is empowered to entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

#### **No appeal shall, however, lie from the following orders**

- a) Any order of acquittal made by the Board in respect of a juvenile alleged to have committed an offence; *or*
- b) Any order made by a Committee in respect of a finding that a person is not a neglected juvenile

The decision of the Court of Session shall be final and there is no provision for a second appeal from any order of this Court passed in appeal under this section.

#### **H. REVISION [Sec. 53]**

The High Court may, at any time, either of its own motion or on an application received in this behalf, call for the record of any proceeding in which any competent authority or Court of Session has passed an order for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit. However, the High Court shall not in exercise of its power of revision under this sec. pass an order prejudicial to any person without giving him a reasonable opportunity of being heard.

#### **I. PROCEDURE IN INQUIRIES, APPEALS AND REVISION PROCEEDINGS**

Sec. 54 while holding any inquiry under any of the provisions of this Act a competent authority shall follow the procedure expressly provided by the Act and in case there is no such express provision it shall follow the procedure prescribed by the rules and subject thereto, it shall follow, as far as is practicable, the procedure laid down in the Code of Criminal Procedure, 1973, for trials in summons cases.

In hearing appeals or revision proceedings under this Act, the procedure to be followed shall, subject to what is expressly provided by or under this Act, be as far as practicable, in accordance with the provisions of the Code of Criminal Procedure, 1973.

#### **J. POWER TO AMEND ORDERS [Sec. 55]**

As per Sec. 55 power is conferred upon the competent authority to amend any order passed by it in respect of a juvenile or a child and also to correct clerical mistakes and errors arising in its orders from any accidental slip or omission. The Power to amend its order can be exercised upon receipt of an application in this behalf, but mistakes may be corrected either *suo motu* or upon an application.

Without prejudice to the provisions for appeal and revision under this Act, any competent authority may, on an application received in this behalf amend any order as to the institution to which a juvenile or child is to be sent or as to the person under whose care or supervision a juvenile or child is to be placed under this Act.

Provided that, there shall be at least two members and the parties or its defense present during the course of hearing for passing an amendment in relation to any of its order.

The competent authority may, at any time, either on its own motion or on an application received in this behalf, correct clerical mistakes in orders passed by it or errors arising therein from any accidental slip or omission.

#### **K. POWER OF COMPETENT AUTHORITY TO DISCHARGE AND TRANSFER JUVENILE OR CHILD**

Sec. 56 empowers the competent authority or the local authority to make an order for discharge or transfer of a juvenile or child. Such order can be made at any time keeping in view the best interests of the juvenile or child and it may be absolute or conditional. But it is not permissible to increase the total period of stay of the juvenile or child by a transfer order.

The competent authority or the local authority may, notwithstanding anything contained in this Act, at any time, order a child in need of care and protection or a juvenile in conflict with law to be discharged or transferred from one children's home or special home to another, as the case may be, keeping in view the best interest of the child or the juvenile, and his natural place of stay, either absolutely or on such conditions as it may think fit to impose. However, the total period of stay of the

juvenile or the child in a children's home or special home or a fit institution or under a fit person shall not be increased by such transfer.

**L. TRANSFER BETWEEN CHILDREN'S HOMES UNDER THE ACT AND JUVENILE HOMES OF LIKE NATURE IN DIFFERENT PARTS OF INDIA [Sec. 57]**

Sec. 57 says the State Government may direct any child or the juvenile to be transferred from any children's home or special home within the State to any other children's home, special home or institution of a like nature or to such institutions outside the State in consultation with the concerned State Government and with the prior intimation to the Committee or the Board, as the case may be, and such order shall be deemed to be operative for the competent authority of the area to which the child or the juvenile is sent.

**M. TRANSFER OF JUVENILE OR CHILD FOR TREATMENT**

Sec. 58 makes provision for transfer of juvenile or child of unsound mind or suffering from leprosy or addicted to drugs for the purpose of treatment. Where it appears to the competent authority that any juvenile or the child kept in a special home or a children's home or shelter home in an institution in pursuance of this Act is suffering from leprosy or is of unsound mind, or is addicted to any narcotic drug or psychotropic substance, the competent authority may order his removal to a leper asylum or mental hospital or treatment center for drug addicts or to a place of safety for being kept there for such period not exceeding the period for which he is required to be kept under the orders of the competent authority, But if it is necessary for proper treatment of the juvenile he may be kept there for such further period as may be certified by the medical officer to be necessary for the purpose.

**N. RELEASE AND ABSENCE OF JUVENILE OR CHILD ON PLACEMENT**

Sec. 59 empowers the competent authority to release a juvenile or child on placement for the purpose of his rehabilitation and also to grant him leave of absence under certain specified circumstances. Permitted absence is deemed to be part of institutional stay.

This Sec. lays down that

- 1) When a juvenile or the child is kept in a children's home or special home and on a report of a probation officer or social worker or of Government or a voluntary organization, as the case may be, the competent authority may consider, the release of such juvenile or the child permitting him to live with his parent or guardian or under the supervision of any authorized person named in the order who is willing to receive him and take charge of him with a view to educate him and train him for some useful trade or calling or to look after him for rehabilitation.
- 2) The competent authority may also permit leave of absence to any juvenile or the child, to allow him, on special occasions like examination, marriage of relatives, death of kith and kin or the accident or serious illness of parent or any emergency of like nature, to go on leave under supervision, for a period generally not exceeding seven days, excluding the time taken in journey.
- 3) Where permission has been revoked or forfeited and the juvenile or the child refuses or fails to return to the home concerned to which he was directed so to return, the Board may, if necessary, cause him to be taken charge of and to be taken back to the concerned home.
- 4) The time during which a juvenile or the child is absent from a concerned home in pursuance of such permission granted under this section shall be deemed to be part of the time for which he is liable to be kept in the special home. However, the time which elapses after his failure to return to the special home on the permission being revoked or forfeited shall be excluded in computing the time during which he is liable to be kept in the institution.

#### **O. CONTRIBUTION BY PARENTS**

Sec. 60 power is conferred upon the competent authority by virtue of Sec. 60 to make an order requiring the parent or other person liable to maintain the juvenile or the child to contribute to his maintenance.

The competent authority which makes an order for sending a juvenile or the child to a children's home or to a special home or placing the juvenile under the care of a fit person or fit institution may make an order requiring the parent or other person liable to maintain the juvenile or the child to contribute to his maintenance, if able to do so, in the prescribed manner according to income.

The competent authority may direct, if necessary, the payment to be made to poor parent or guardian by the Superintendent or the Project Manager of the home to pay such expenses for the journey of the inmate or parent or guardian or both, from the home to his ordinary place of residence at the time of sending the juvenile as may be prescribed.

It will be noticed that this Sec. not only provides for contribution by parents but also permits payment of journey expenses to poor inmate or parent or guardian.

#### **P. FUND**

Sec. 61 authorizes the State Govt. and local authorities to create a Fund under such name as it thinks fit for the welfare and rehabilitation of juveniles and children dealt with under this Act. Such fund shall be administered by the State Advisory Board in the manner and for the purposes as may be prescribed by the rules made under this Act. All voluntary donations, contributions or subscriptions as may be made by any individual or organization to such Fund shall be credited to the Fund.

#### **Q. CENTRAL, STATE, DISTRICT AND CITY ADVISORY BOARDS**

Sec. 62 makes provision for constituting advisory boards at central, state, district and city levels.

It lays down that

- 1) The Central Government or a State Government may constitute a Central or a State Advisory Board, as the case may be, to advise that Government on matters relating to the establishment and maintenance of the homes, mobilization of resources, provision of facilities for education, training and rehabilitation of child in need of care and protection and juvenile in conflict with law and co-ordination among the various official and non-official agencies concerned.
- 2) The Central or State Advisory Board shall consist of such persons as the Central Government or the State Government, as the case may be, think fit and shall include eminent social workers, representatives of voluntary organization in the field of child welfare, corporate sector, academicians, medical professionals and the concerned Department of the State Government.
- 3) The district or city level inspection committee constituted under section 35 of this Act shall also function as the district or city advisory board.

#### **R. CONSTITUTION OF CHILD PROTECTION UNIT RESPONSIBLE FOR IMPLEMENTATION OF THE ACT**

Sec.62 A says Every State Government shall constitute a Child Protection Unit for the State and such units for every District, consisting of such officers and other employees as may be appointed by that Government to take up matters relating to children in need of care and protection and juveniles in conflict with law with a view to ensure the implementation of this Act including the establishment and maintenance of homes, notification of competent authorities in relation to these children and their rehabilitation and co-ordination with various official and non-official agencies concerned.”

## S. SPECIAL JUVENILE POLICE UNIT

Sec. 63 of the Act makes provisions for setting up special police units for handling juveniles and children under this Act. It provides as follows:

- 4) In order to enable the police officers who frequently or exclusively deal with juveniles or are primarily engaged in the prevention of juvenile crime or handling of the juveniles or children under this Act to perform their functions more effectively, they shall be specially instructed and trained.
- 5) In every police station at least one officer with aptitude and appropriate training and orientation may be designated as the 'juvenile or the child welfare officer' who will handle the juvenile or the child in co-ordination with the police.
- 6) Special juvenile police unit, of which all police officers designated as above, to handle juveniles or children will be members, may be created in every district and city to co-ordinate and to upgrade the police treatment of the juveniles and the children.

## T. JUVENILE IN CONFLICT WITH LAW UNDERGOING SENTENCE AT COMMENCEMENT OF THIS ACT

As per Sec.64 in any area in which this Act is brought into force, the State Government shall direct that a juvenile in conflict with law who is undergoing any sentence of imprisonment at the commencement of this Act, shall, in lieu of undergoing such sentence, be sent to a special home or be kept in fit institution in such manner as the State Government thinks fit for the remainder of the period of the sentence; and the provisions of this Act shall apply to the juvenile as if he had been ordered by the Board to be sent to such special home or institution or, as the case may be, ordered to be kept under protective care under sub-section (2) of section 16 of this Act.

Provided that the State Government or as the case may be the Board; may, for any adequate and special reason to be recorded in writing, review the case of a juvenile in conflict with law undergoing a sentence of imprisonment, who has ceased to be so on or before the commencement. Of this Act, and pass appropriate order in the s interest of such juvenile.

Explanation - In all cases where a juvenile in conflict with law <sup>s</sup> is undergoing a sentence of imprisonment at any stage on the date of commencement of this Act, his case including the issue of juvenility, shall b& deemed to be decided in terms of Sec. 2 (1) and other provisions contained in this Act and the rules made thereunder, irrespective of the fact that he ceases to be a juvenile on or before such date and accordingly he shall be sent to the special home or a fit institution, as the case may be, for the remainder of the period of the sentence but such sentence shall not in any case exceed the maximum period provided in Sec. 15 of this Act.

## CONCLUSION:

Intelligentsia of India by observing the present situation of the society, changing trends and ideology of the youth in country developing the nation's juvenile justice system. Even though having such dynamic laws the juvenile crime rate in nation is increasing which worrying not only the public but also the supreme court of India. The problem is not in the law but in the implementation of that law effectively. To decrease the juvenile crime rate the role of parents and teachers have to be increase. By introducing the ethics and morals in the curriculum of the education system and parents has to take responsibility to teach their children the moral habits and positive attitude.

According to our nations culture there is a saying-

“MATHRU DEVO BHAVA, PITHRU DEVO BHAVA, ACARYA DEVO BHAVA, ATHIDHI DEVO BHAVA”

If the parents and teachers take the responsibility to decrease the juvenile crime rate along with the government and judiciary then definitely it should happen.

**References:**

1. Vaishali Rathore- An insight into Indian Juvenile Justice System
2. Lawmanns – Juvenile justice Act 2015
3. [www.blogpleaders.com](http://www.blogpleaders.com)
4. [www.legalservices.com](http://www.legalservices.com)
5. NCRB official website
6. Editorials of Indian Express and Hindustan Times Newspapers.