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ABOUT US

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Legal Provisions To Deal With Children In Need Of Care And Protection Under The Juvenile Justice Act

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TABLE OF CONTENT

1. INTRODUCTION	_____
2. LAWS RELATING TO JUVENILE JUSTICE	_____
2.1 LEGAL PROVISIONS BEFORE 1986	_____
2.2 JUVENILE JUSTICE ACT 1986	_____
2.3 THE JUVENILE JUSTICE ACT, 2000	_____
2.4 THE JUVENILE JUSTICE ACT, 2015	_____
3. INSTITUTIONS UNDER JUVENILE JUSTICE ACT 2015	_____
4. PROCEDURE IN RELATION TO CHILDREN IN NEED OF CARE AND PROTECTION	_____
5. JUDICIAL PRONOUNCEMENTS	_____
6. CURRENT SCENARIO	_____
7. SUGGESTIONS	_____
8. CONCLUSION	_____

ABSTRACT

With everything progressing at an extremely rapid pace in this constantly expanding world, concerns over personal security have grown significantly. Those who can look after and protect themselves make up one side of society, while those who require support or help in doing so make up the other. Children, especially those who have been abandoned, orphaned, or who lack any ability to defend themselves, are among the most vulnerable of all. The Juvenile Justice system in our country has been modified and revised giving preference to the two categories of juveniles i.e., Child in conflict with law and Child in need of care and protection. This article focuses on the parts of the act that deal with the laws pertaining to children who need care and protection. Also, the role of judiciary can be seen through various judicial pronouncements dealing with various needs of the children. The article also highlights the recent amendment to the Act and various issues with the same.

Keywords: Child in need of care and protection, provisions, 2021 Amendment, issues.

1. INTRODUCTION

The term "juvenile" is derived from the Latin word "juvenis," which meaning "young."¹ A "juvenile" or child is defined as a person under the age of eighteen. The nation's greatest resource is its children. They symbolize the nation and the future of the nation. More concerning, however, is the fact that the proportion of crimes committed by minors relative to the total number of crimes reported in India has increased over the past few years. The word juvenile crime, often known as juvenile delinquency, refers to a minor's participation in an illegal act. And Juvenile Justice is the legal system that seeks to protect all children, including both "children in conflict with the law" and "children in need of protection" In a developing country such as India, the majority of delinquency-causing causes are prevalent. India has taken measures that are in line with international norms because it is a member of the United Nations. Hence, the fundamental purpose is the safety and welfare of children. Alone children are a cause for concern because they require a safe, familiar atmosphere during their developmental years. Because every child has the right to develop in a healthy and safe environment, the right

¹ Singhanian Brinda, "an analysis on the causes of juvenile delinquency" (an analysis on the causes of juvenile delinquency) <<https://blog.slsh.edu.in/2021/09/18/an-analysis-on-the-causes-of-juvenile-delinquency/>>

to a family, and the right to education, what happens to the many children whose parents have given up on them, the many children who have run away from their homes, the many children who are trafficked, the many children who are labourers, the many children who are neglected, the many children who are street children, the many children who are in dispute with the law, and so on? Who will take care of these children, considering that every child The Juvenile Justice Act of 2015 categorises these minors into two groups.

1. Children in need of care and protection
2. Children in conflict with law,

In addition, the government has enacted legislation to ensure the safety and well-being of children in need of care and protection, such as the establishment of Juvenile Courts, Justice Boards for children in conflict with the law, and Child Welfare Committees. Although there is concern for public safety and holding juvenile offenders accountable for their acts, the juvenile justice system places a higher emphasis on rehabilitation than on punishment. "Rehabilitation" means that therapy and education are used to get someone back to a useful life. For example, a juvenile who commits an offence may be required to participate in counselling or a programme to help him make better decisions in the future. But in light of the current situation, does "rehabilitation" actually result in the child's reformation? Even though there are laws in place to protect children and provide for their welfare, the overall number of juvenile offenders in the country is on the rise. The purpose of sending juveniles to rehabilitation centres is to improve their futures. In order to provide these children with extra care and safety, rehabilitation institutes are established with the hope that they will return as reformed. The question then arises as to whether or not rehabilitation institutes are performing their duties effectively.

2. LAWS RELATING TO JUVENILE JUSTICE

2.1 LEGAL PROVISIONS BEFORE 1986

In 1899, the term "Juvenile Justice" was used for the first time in the state of Illinois, US². The history of India's Juvenile Justice System dates back to the colonial era. The Apprentice Act of 1850 was the first law in India to establish the juvenile justice system. With the enactment of the Indian Penal Code (IPC) in 1860 and the Reformatory Schools Act in 1876, which was

² Deitch M, "Desktop Guide to Quality Practice for Working with Youth in Confinement, ACC #028418" (Ch.1 Historical Perspective | Desktop Guide) <<https://info.nicic.gov/dtg/node/9>>

amended in 1897, the concept of Juvenile Justice gained momentum. The Reformatory Schools Act is regarded as a landmark piece of legislation in the field of Juvenile Justice. According to this Act, a court may order a child to remain in an institution for two to seven years up until the age of eighteen.³ In addition, ideas for dealing with minors were made by the Indian Jails Committee during 1919 and 1920. It stated that “largely due to lack of suitable Training and to bad upbringing. It should be administered in a specially designed and equipped institution. we considered that the imprisonment of children (below 14) and juveniles (14-16) is plainly against the public interest, and we urge that the provisions of English law on this issue, which have already been included into the Madras Children Act, be applied across India. The report of the Indian Jail Committee further suggested that

- i. The juvenile offender should be treated in a different way than an adult,
- ii. Detention of juvenile offenders should be prohibited and
- iii. Provision of reformatory schools and constitution of juvenile courts⁴

In 1920, the Madras Children Act was later enacted. The Bengal Children Act of 1922 and the Bombay Children Act of 1924 were subsequently enacted. Prior to this moment, the primary concern was the child's wellbeing, regardless of whether the child was delinquent or neglected. It was observed that the number of neglected and delinquent children increased rapidly after independence. Industrialization and rapid urbanisation have also brought children a variety of problems⁵. In 1960, a new law for children was enacted and became known as the Children Act of 1960. This Act was applicable to all Union Territories and its ratification by the states was discretionary. This law established provisions for the care, protection, welfare, education, and rehabilitation of neglected and delinquent children. This Legislation firmly barred the imprisonment of children. During this time, the juvenile justice system in the country was not standard, and each state had its own juvenile law, norms, and practices⁶.

³ “India Code” <https://www.indiacode.nic.in/repealed-act/repealed_act_documents/A1876-5.pdf>

⁴ “Module 1: Evolution of Juvenile Justice System in ... - Inflibnet Centre”
<https://epgp.inflibnet.ac.in/epgpdata/uploads/epgp_content/S001608/P001809/M027674/ET/1520851568JJMODULE1CONTENTS.pdf>

⁵ Bharagava A, “Juvenile Justice in India” (The Law Brigade Publishers (India) March 16, 2019)
<<https://thelawbrigade.com/criminal-law/juvenile-justice-in-india/>>

⁶ Balaji, “Child Protection Act in India 1960 - Major Needs, Laws & Acts” (BYJU'S Exam Prep February 17, 2023) <<https://byjusexamprep.com/upsc-exam/child-protection-act>>

2.2 JUVENILE JUSTICE ACT, 1986

In 1986, the first Juvenile Justice Act was enacted in India against the backdrop of this global context. The Juvenile Justice Act replaced the welfare approach with the justice approach. The Act provided for the care, protection, treatment, development, and rehabilitation of neglected or delinquent children. The age of the children was not consistent. Females under the age of 18 were considered children, while boys had to be at least 16 years old. This resulted in much ambiguity and confusion⁷. In addition, India accepted the UNCRC (United Nations Convention on the Rights of the Child) in 1992, which obligated it to:

- Protect children from all forms discrimination irrespective of sex, Colour, nationality and ethnic background (Article. 2)
- Ensure the best interest of the children as the primary consideration in All decision-making process (Article 3)
- Ensure right of the child to life, survival and development to the Maximum extent of the available resources (Article 4 & 6)
- Ensure right of children to freely express views and to be heard (Article 12)⁸

2.3 THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000

The Juvenile Justice (Care & Protection of Children) Act, 2000 was in Coherence with UNCRC (United Nations Convention on the Rights of the Child) and did away with the age difference in boys and girls. This Act considered all children below the age of 18 years under its ambit. The two categories of children considered under this Act were juveniles in Conflict with law and children in need of care and protection. In section 2(d) the definition of child in need of care and protection is given. The Act was Amended twice in 2006 and 2011 to bring in more clarity.

⁷ Pradhan R, "Critical Analysis: Juvenile Justice (Care and Protection of Children) Act 2015" (LexFortiSeptember 16, 2020) <<https://lexforti.com/legal-news/juvenile-justice-act-2015/>>

⁸ "Convention on the Rights of the Child" (OHCHR) <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>>

2.4 JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

The Juvenile Justice (Care & Protection of Children) Act, 2015 is the broader legislation governing child protection. This Act prohibits the use of the term juvenile to describe any category of children. It addresses two types of children: those in need of care and protection and those in conflict with the law. Various new terminology, including "orphaned," "abandoned," "surrendered," "petty offence," "serious offence," and "heinous crime," are defined⁹. Section 3 of this act talks about principles which must be followed few of them are as Principle of presumption of innocence, Principle of participation, Principle of best interest, Principle of non-stigmatising semantics, Principle of equality and non-discrimination, and Principle of fresh start.

- The Act mandates setting up Juvenile Justice Boards and Child Welfare Committees in every district. Both must have at least one woman member each.
- In order to streamline adoption procedures for orphaned, abandoned, and surrendered children, the current Central Adoption Resource Authority (CARA) is elevated to the status of a statutory authority so that it can carry out its duties more effectively. Processes have been streamlined with timelines for both in-country and inter-country adoption including declaring a child legally free for adoption. A single or divorced individual may also adopt, but a single male cannot adopt a female.
- Additional crimes against children, such as Sale and Procurement of Children for Any Purpose, Including Illegal Adoption, Corporal Punishment in Childcare Institutions, Use of Children by Militant Groups, Crimes Against Disabled Children, and Kidnapping and Abduction of Children, were added to this act.
- State governments establish these district committees in accordance with the terms of the act. The Committees have the authority to adjudicate matters involving the care, protection, treatment, development, and rehabilitation of children in need of care and protection, in addition to providing for their basic needs and protection. In the case of heinous offences, children between the ages of 16 to 18 would be treated as adults, according to an essential provision of the amended act. The Act makes a distinction between children in conflict with the law and those who require care and protection.

⁹ Singh P, "Juvenile Justice Act: A Socio-Legal Study" (Academike November 13, 2015)
<<https://www.lawctopus.com/academike/juvenile/>>

Under the previous law, the maximum sentence for any minor, regardless of the offence committed, was three years. Under no circumstances may the child be tried by an adult court, imprisoned as an adult, or given a sentence greater than three years.

- A child in need of care and protection must be presented within 24 hours to the Child Welfare Committee. The Act mandates the reporting of any child found separated from his or her parents. The failure to report has been made a penal offence. Within fifteen days, the Child Welfare Committee must direct a Social Worker, Case Worker, or Child Welfare Officer to perform a social investigation. The Child Welfare Committees shall meet at least twenty days a month, and the District Magistrate shall conduct a quarterly assessment of the Child Welfare Committee's activities. A child in need of care and protection will be placed in a Children's Home. The Child Welfare Committee may designate a facility as a Fit Facility in order to temporarily take responsibility for a child. The Specialized Adoption Agency is responsible for the rehabilitation of abandoned, orphaned, and surrendered children.

3. INSTITUTIONS UNDER THE JJ ACT 2015

Open Shelter (Section 43)

The State Government may establish and maintain, by itself or through Voluntary or non-governmental organisations, as many open shelters as may be required, And such open shelters shall be registered as such, in the manner as may be prescribed. The open shelters referred to in sub-section shall function as a community Based facility for children in need of residential support, on short term basis, with the Objective of protecting them from abuse or weaning them, or keeping them, away from a life on the streets.

Foster care (Section 44)

The children in need of care and protection may be placed in foster care, including group foster care for their care and protection through orders of the Committee, after following the procedure as may be prescribed in this regard, in a family which does not include the child's biological or adoptive parents or in an unrelated family recognised as suitable for the purpose by the State Government, for a short or extended period of time

Observation Home (Section 47)

The State Government shall establish and maintain in every district or a group of districts, either by itself, or through voluntary organisations or NGOs, Observation Homes, which shall be registered under Section 41 of this Act, for temporary reception, care and rehabilitation of any child alleged to be in conflict with law, during the pendency of any inquiry under this Act. Every child alleged to be in conflict with law sent to an Observation Home Shall be segregated according to the child's age and gender, after giving due Consideration to physical and mental status of the child and degree of the offence Committed.

Special Home (Section 48)

The State Government may establish and maintain either by itself or through Voluntary organisations or NGOs, Special Homes, which shall be registered As such, in the manner as may be prescribed, in every district or a group of Districts, as may be required for rehabilitation of those Child in Conflict with Law who are found to Have committed an offence and who are placed there by an order of the Juvenile Justice Board (JJB) made under Section 18

Place of Safety (Section 49)

In every district or for a group of districts the State government shall either by itself or Through voluntary organisations or NGOs establish and maintain "Place of Safety" in Accordance with the provisions of Section 49 to ensure the care, treatment, protection And developmental process of CCL who are above the age of 18 years or those who Have committed heinous crimes and are above the age of 16 years at the time of Commission of crime.

Children's Home (Section 50)

The State Government may establish and maintain, in every district or group of districts, either by itself or through voluntary or non-governmental organisations, Children's Homes, which shall be registered as such, for the placement of children in need of care and protection for their care, treatment, education, training, development and rehabilitation.

Fit facility (Section 51)

The Board or the Committee shall recognise a facility being run by a Governmental organisation or a voluntary or non-governmental organisation registered under any law for the time being in force to be fit to temporarily take the responsibility of a child for a specific

purpose after due inquiry regarding the suitability of the facility and the organisation to take care of the child in such manner as may be prescribed.

Fit person (Section 52)

The Board or the Committee shall, after due verification of credentials, recognise any person fit to temporarily receive a child for care, protection and treatment of such child for a specified period and in the manner as may be prescribed.

4. PROCEDURE IN RELATION TO CHILDREN IN NEED OF CARE AND PROTECTION

The Juvenile Justice (Care and Protection of Children) Act, 2015, lays down provisions and procedures required for the issues related to children who need care and protection.

- ❖ Section 31 of the Juvenile Justice (Care and Protection of Children) Act, 2015, lays down rules regarding who can produce the child before a committee :
- ❖ it can be any public servant,
- ❖ it can be a child welfare officer or a probation officer,
- ❖ any police officer or special juvenile police unit or a designated Child Welfare Police Officer or any officer of District Child Protection Unit or an inspector appointed under any labour law for the time being in force,
- ❖ any social worker or any public-spirited citizen,
- ❖ Even the child himself has the capacity under the law to produce himself in front of a committee.

No matter who presents the child to a committee, they must do so within 24 hours, excluding travel time.

- ❖ Section 32 (1) discusses mandatory reporting of the Juvenile, which states that anyone, whether an officer, an individual, someone with an active association of an organisation, or someone from a nursing home or a hospital, who finds or takes charge of a child who claims to be an orphan and claims that she or he is without

family support, must report the information to an authority who can take charge of it. Reports can be made to the Child Welfare Committee, local police, or the district child protection unit.

- ❖ If information regarding a child as required under section 32 is not given within the period specified in the said section, then, such act shall be regarded as an offence.
- ❖ Any person who has committed an offence under section 33 shall be liable to imprisonment up to six months or fine of ten thousand rupees or both.
- ❖ A parent or guardian, who for physical, emotional and social factors beyond their control, wishes to surrender a child, shall produce the child before the Committee. The parents or guardian who surrendered the child, shall be given two months' time to reconsider their decision and in the intervening period the Committee shall either allow, after due inquiry, the child to be with the parents or guardian under supervision, or place the child in a Specialised Adoption Agency, if he or she is below six years of age, or a children's home if he is above six years.
- ❖ It requires that all the children who have surrendered or have appeared before the committee and that they are under six years of age, should all be placed in a specialized adoption agency. The time granted for social investigation is fifteen days and when the investigation gets completed within that time, it gives the committee ample amount of time to pass the final order within four months of the child being brought before the committee. Based on the reports of the inquiry, if the committee is convinced that the child is an orphan and has no family or support, and is in need of care and protection, the committee may send the child to a Specialised Adoption Agency or a foster family till other suitable options are discovered for the child. The child then remains at the sent place till the time prescribed or till she or he turns eighteen years of age.¹⁰

5. JUDICIAL PRONOUNCEMENTS

The courts have responded towards the needs of the children through public interests' litigation significantly in areas of institutions, prisons, illegal confinements, child labour, child marriage, adoption, juvenile justice, trafficking of young girls and the welfare of children of the prostitutes.

¹⁰ "Juvenile Justice (Care and Protection of Children) Act, 2015." (India Code January 1, 1970) <https://www.indiacode.nic.in/handle/123456789/2148?sam_handle=123456789%2F1362>

In the landmark judgement of **Sheela Barse v. Union of India**¹¹, where Ms. Sheela Barse, a dedicated social worker took up the case of helpless children below age of 16 illegally detained in jails. She petitioned for the release of these young children from detention facilities, the production of information about juvenile courts, homes, and schools, as well as a directive that district judges should visit detention facilities or sub-detention facilities under their jurisdiction to ensure children are properly cared for while in detention. The Court stated that juvenile offenders have a right to special treatment. Children should be given special consideration since they are a national treasure. The Court suggested the establishment of remand and juvenile homes for children in jails.

In **Sheela Barse v Secretary Children Aid Society**¹², Sheela Barse, a freelance journalist and member of the Maharashtra State Legal Aid and Advice Committee, complained about the improper operation of the New Observation Home in Mankhurd, which is maintained and run by the Children's Aid Society, Bombay, in a writ suit to the Bombay High Court. She claims that the Children's Aid Society is recognized as a public trust under the Bombay Public Trusts Act of 1950 and is registered under the Societies Registration Act of 1860. The High Court accepted some of the claims while finding others to be without merit. As a result, the High Court dismissed the writ petition with specific instructions. She then chose to appeal the Bombay High Court's ruling to the Supreme Court via special leave. The Apex Court expressed concern for our nation's future. The Supreme Court ruled that the officers at all levels must carry out the statutory obligations placed on them by the Statute. The Court further ruled that the Society should have been given the same treatment as a State under Article 12 of the Indian Constitution. The respondents must therefore conduct themselves in a way that complies with both the Directive Principles of The State Policy and the obligations of Articles 21 and 24 of the Constitution. Also, the Court stated that employment of children in observation home without remuneration is not illegal.

The rights of a child are now accepted worldwide. These rights are widely enshrined in the United Nations Convention on the Rights of the Child, 1989. In the case of **Lakshmikant Pandey v. Union of India**¹³, a writ petition was initiated on the basis of letter¹⁴ addressed by

¹¹ *Sheela Barse v. Union of India*, (1986 SCC (3) 596)

¹² *Sheela Barse v. Secretary, Children Aid Society & Or's*, (1987 AIR 656)

¹³ *Lakshmi Kant Pandey v. Union of India*, (1984 AIR 469)

¹⁴ This letter was later referred to a press report based on "empirical investigation carried out by the staff of a reputed foreign magazine" called "The Mail".

the advocate Laxmi Kant Pandey where the allegations were on the social organisations and voluntary agencies for placing Indian children for adoption to foreign parents. The honourable Supreme Court held that any violation or non-compliance of the procedure of adoption would amount to be invalid.¹⁵

In **Bachpan Bachao Andolan v Union of India**¹⁶, in response to major abuse and violations of children who are frequently forced to work in circuses without any contact with their families and in the most inhumane conditions, a petition in the public interest (PIL) has been launched under Article 32 of the Constitution. The Central Government must immediately make appropriate notifications outlawing the employment of children in circuses in order to carry out the fundamental right of children under Article 21A of the Indian Constitution. The respondents are instructed to perform simultaneous raids in all circuses in order to free the youngsters and stop the infringement of their fundamental rights. Children will remain in the Care and Protection Homes until they turn 18 years old.

In **Vishal Jeet v. Union of India**¹⁷, The Supreme Court of India addresses several fundamental issues with the sexual exploitation of children in Vishal Jeet v. Union of India. Here, it has been noted that it is shocking and heart-breaking to see how many impoverished children and girls are dragged into the "flesh market" and coerced into the "flesh trade," which is carried out in flagrant violation of all norms of morality, decency, and human dignity. In the case of **Gaurav Jain v. Union of India**¹⁸, According to the Supreme Court, children of prostitutes have a right to equality of opportunity, dignity, care, protection, and rehabilitation so that they can integrate into society without facing prejudice. The Court ordered the formation of a committee to develop a plan for the rehabilitation of these kids and child prostitutes, as well as for its implementation and filing of a periodic report from its Registry.

In **Re Exploitation of children in orphanages in State of Tamil Nadu vs Union of India**¹⁹, the Supreme Court of India took Suo moto cognizance of the matter in this case after the learned amicus curiae brought the court's attention to two incidents and certain claims regarding the

¹⁵ The Government of India has complied with a number of the Court's directives including setting up a Central Adoption Resource Agency (CARA), which framed guidelines for the adoption of Indian children.

¹⁶ *Bachpan Bachao Andolan v. Union of India & Others*, ([2011] 5 SCC 1)

¹⁷ *Vishal Jeet v. Union of India*, (1990 AIR 1412)

¹⁸ *Gaurav Jain v. Union of India*, (AIR 1997 SC 3021)

¹⁹ Writ Petitions Criminal Nos. 102/2007

detention and mistreatment of minors in police custody in Delhi and Uttar Pradesh. The Supreme Court decided that the child should be placed in a safe environment instead of a jail or police cell in this particular situation. The Child Justice (Child Care and Protection) Act of 2015's Section 12²⁰ mandates juvenile bail, which the court emphasised is crucial to upholding. The Supreme Court also ruled that any child detained by the police who is suspected of being a criminal must be placed in a special police unit or a child identified by a social worker, in accordance with Section 10²¹ of the Juvenile Justice Board Act. The clause further stipulates that within 24 hours of receiving a child, such authorities must present the child to the Juvenile Justice Board.

In re contagion of covid 19 virus in children protection home²², the bench of L. Nageswara Rao and Deepak Gupta, JJ. issued extensive instructions to various authorities after taking *sup motu* cognizance of the issue involving protecting children who fall under the purview of the Juvenile Justice (Care and Protection of Children) Act, 2015 from the spread of the coronavirus that is sweeping the world.

Although the Supreme Court made commendable recommendations and directions in numerous cases to defend the fundamental rights of underprivileged children, sadly, these recommendations and directions are not adequately followed and implemented by the government apparatus. In this light, the Indian Judiciary's performance stands out as an especially significant contribution to the realisation of child rights generally.

6. CURRENT SCENARIO

In order to guarantee quick trials, effective adoption procedures, and a wide range of magistrate powers, the Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021 has been introduced. But the Act has been criticised by the experts as it has made it difficult to report abuse at child care institutions.

²⁰ Bail to a person who is apparently a child alleged to be in conflict with the law.

²¹ Apprehension of a child alleged to be in conflict with the law.

²² W.P. No. 5327(W) of 2020 MANU/WB/0489/2020

Highlights:

Adoption: In accordance with the Act, an adoption agency must file an application in a civil court to acquire an adoption order as soon as potential adoptive parents accept a child. According to the Bill, the district magistrate will carry out these responsibilities and issue any relevant orders rather than the court.

Appeals: According to the proposed legislation, anyone who is dissatisfied with an adoption order issued by a district magistrate may appeal the decision before the Divisional Commissioner within 30 days of the order. Such appeals must be resolved within four weeks of the appeal's filing date.

Serious offences: According to the Act, the Juvenile Justice Board must investigate every child who is charged with a serious offence. Severe offences are those that carry a sentence of three to seven years in imprisonment. According to the Bill, major offences will also include those for which the maximum sentence is more than seven years in prison and the minimum sentence is either not specified or is less than seven years.

Designated Court: According to the Act, cases involving crimes against children that carry a sentence of more than seven years in prison will be heard in the Children's Court (equivalent to a Sessions Court). A judicial magistrate will preside over trials for other offences that carry sentences of less than seven years in jail. The Bill modifies this to state that the Children's Court shall adjudicate all cases involving all offences.

Offences against children: as per the Act an offence under the Act, where the offence is punishable with imprisonment between three to seven years will be considered as cognizable and non-bailable. On the other hand the Bill provides that such offences will be non-cognizable and non-bailable.

Child Welfare Committees (CWCs): According to the Act, each district shall establish one or more CWCs to deal with children who need care and protection. It outlines certain requirements for CWC member nominations. A member should, for instance, (i) one should have worked for at least seven years in the fields of children's health, education, or welfare; or (ii) be a working professional with a degree in child psychology, psychiatry, law, or social work. The Bill sets additional requirements that must be met before a person can be denied membership in the CWC. These include (i) having a history of violating children's or human rights, or (ii) being a member of the administration of a district-based child care facility.

Issues and analysis:

1. The revision to Section 86²³ of the JJ Act, 2015 that is specifically being contested reclassifies offences under the special law that carry sentences of three to seven years as non-cognizable.
2. The majority of these crimes are reported to the police by either parents or child rights organisations and Child Welfare Committees, as the victims themselves are unable to directly report them due to the imbalance in power (CWC). The current mechanism for reporting crimes committed by CCI staff members already results in prolonged delays and occasionally no FIR being filed at all.

The majority of the parents of these children are day labourers who are either unable or unwilling to report the crimes to the authorities. They do not want to participate in the legal procedure because doing so would require them to miss work and cost them money.

3. Child Welfare Committee (CWC): Most of the time, CWCs prefer to "negotiate and come to a settlement" instead of reporting the situation to the police. It would be more challenging to report an offence to the police if these offences, along with a number of other significant crimes, were made non-cognisable under the special law.
4. District Child Protection Officer: If they become aware of such cases—either directly or through NGOs—the children or their parents meet with the victim in front of the DCPO, and it is the DCPO who determines whether the situation warrants reporting to the police.

One of recent instance is The Juvenile Justice (Care and Protection of Children) Act of 2015 was amended, and some serious offences against children that carried sentences of up to seven years were made non-cognizable. The Delhi Commission for Protection of Child Rights has filed a petition the Supreme Court to overturn these changes.²⁴

7. SUGGESTIONS

1. Awareness about child protection system

The Integrated Child Protection System (ICPS) defines child protection as preventing harm to children from actual or perceived threats to their lives or childhood, while also

²³ Classification of offences and designated court.

²⁴ *Delhi Commission for Protection of Child Rights vs Union of India*, (2022)

acknowledging their vulnerability and working to lessen it by shielding them from danger. At national level Central Adoption Resource Authority (CARA), at state level State Child Protection Society (SCPS) and at district level District Child Protection Unit (DCPU) works for the implementation of ICPS.

Also, the people must be made aware of the child tracking system that is Web-enabled Child Protection Management Information System (MIS) and Website for missing children (wherein MWCD has launched the "Khoya-Paya Portal" for missing children). The ChildLine number 1098 to be used during the emergency and long-term care and rehabilitation services.

2. Training of Officials

The 2021 Amendment asserts in its statement of objects and reasons that it is necessary in order to "fulfil India's commitment as a signatory to the United Nations Convention on the rights of the child, the United Nations Standard Millennium Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules), the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption (1993), and other related international instruments." A detailed examination of these conventions, however, reveals that the law falls far short of living up to these promises. According to Article 11 of the Hague Convention, the recognised entity must employ individuals who have high moral standards and adoption-related expertise.

The competent authority must "meet the requirements of honesty, professional competence, experience and responsibility of that State," according to Article 22 of the Convention. Article 22 of the Beijing Rules further emphasizes the need of staff training, professional development, and refresher courses. In-service instruction in these crucial areas has been made possible by the Rules. The central authority of the DM in the current bill does not appear to possess any of these skills, and neither has the Act required that these employees complete any kind of orientation or training. Additionally, there is no proof that the current staff has received the necessary training in these areas. The mere distribution of monies does not prove that the training has taken place.

8. CONCLUSION

All parties involved in child-related activities should act in accordance with the standards. Because of inadequate resources and lack of organization, social legislation in India invariably fails. For some reason, the required home environments all seem to lack a sense of familiarity and warmth. The fundamental principles of the Juvenile Justice System are centered on the child's right to social welfare. The primary goals of the juvenile justice system are rehabilitative and reformatory. The goal is to provide the children a chance to grow as an individual. After all, we want to move forward to establish a genuinely fair society. Children are the nation's future resources. Their negative traits must be replaced with more cheerful qualities. The gap between theory and application is huge, but by learning from the past, we may close it. As part of this effort, we must establish a strong foundation for the Juvenile Justice Administration. These new laws represent our hopes and aspirations, and it is our responsibility to ensure that they become a reality. Juvenile offenders require society's compassion and understanding, not vengeance from the law.

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