

**JUVENILE JUSTICE ACT, 2015; WHETHER REFORMS REALLY
NEEDED?**

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ABSTRACT

Children are the future of a nation and it is the responsibility of everyone to ensure that they must live in a safe and healthy environment. In spite of the presence of welfare law for such children, there is an increase in the number of Juvenile offenders in the country. Therefore, an important question peeped in our mind whether Juvenile offenders who commit heinous crimes should treat as adults. This paper focused on the constitutional, legislative and judicial provisions related to juvenile justice system in India. This paper highlights different contentious issues relating to Juvenile Justice Act, 2015 like issues relating to the age and maturity of the juvenile. This paper also highlights the provisions of juvenile justice Act, which can of Protection of children from Sexual Offences Act, 2012 and Prohibition of Child Marriage Act, 2006.

Keywords: Juvenile, Crime, Offenders, Juvenile Justice Act, Juvenile Justice Board.

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I. INTRODUCTION

Children are the future of a nation and it is the responsibility of everyone to ensure that they must live in a safe and healthy environment. They represent the future of the country. Children should provide chance to grow up to become healthy citizens, physically fit, mentally vigilant and morally vigorous, gifted with skills and activations needed by the society. In spite of the presence of welfare law for such children, the last decade has seen a huge leap in the share of crimes committed by juveniles to total crimes reported in India.

The issue is much more delicate to handle and the takes of society are much larger and deeper. It not only reflects on the present state of the society but also gives an indication about future of that society. Hence, the issue has to be tackled keeping future in mind. The criminal inclination of youngsters must timely curb so that they do not turn into habitual criminals in their future life. Criminal justice system of India treats differently for different crimes and gives some exceptions and leniency to few sections of people. These exceptions mentioned in Indian penal code, while the court is lenient for giving punishment in case of juveniles and separate act has been made for juveniles. Juvenile justice system that treats juveniles in a different way than adults because our society believes that juveniles are different from adults, both in terms of level of responsibility and potential for rehabilitation.

II. MEANING

The word "Juvenile" originates in a Latin word "*Juvenis*" that means Young. Juvenile is a child who unlike an adult person, having not attained prescribed age, cannot held liable for his criminal act. In ancient India, a parent was supposed not to punish a child who is under five years of age for any offence. As per the law then prevailing a children of such tender age should nursed and educated with love and affection only. After the age of five, punishment may given in some suitable form such as physical punishment or scold by the parents, towards the later half of the childhood, punishment should be gradually withdrawn and replaced by advice. From the age of sixteen, upwards sons and daughters treated as friends by the parents.

Historically the thought of juvenile justice derived from a belief that the problems of juvenile delinquency in extraordinary situations are not amenable to the resolution within the framework of conventional process of criminal law.¹ Over the time a need felt in ensuring that juvenile justice system beside catering the needs of young offenders only it also provide

¹ Ved kumari, *The Juvenile Justice in India: from welfare to rights*, 1, New Delhi: OUP.

specialized and preventive treatment services like community support, harmonizing impersonal state intervention with the family, community interventions for the children and as a means of rehabilitation and socialization through schools and religious agencies.²

III. INDIA AND INTERNATIONAL CONVENTIONS

India has ratified UN Declaration on The Rights of the Child, 1959, which defined and recognized various Rights of the children. Which includes; the right to health and care, the right to protection from abuse, the right to protection from exploitation, right to protection from neglect, right to information, right to expression and right to nutrition etc. India has adopted a national policy on children in 1974 for achieving the above-mentioned rights for its children. The National Policy for Children has reaffirmed the Constitutional provisions for adequate service to children both before and after birth to ensure their full physical, mental and social development. The government of India through its National Policy for Children took the responsibility of children's cherish and solicitude saying that equal opportunities for advancement to all children during the period of development should be our aim, for this would serve our larger purpose of reducing discrimination and ensuring social justice.

The world Declaration on survival, protection and development of children, 1990 has ratified by India. To fulfil its commitment made at the world summit a national plan of action for children has been formulated by the under the Ministry of Human Resource Development, keeping in mind the needs, rights and aspirations of approximately 300 million children in the country.

IV. CONSTITUTIONAL AND LEGISLATIVES DEVELOPMENT

The juvenile justice system in India contemplates the legal response with respect to two categories of children. Those individuals under the age of 18 years who are accused of committing an offence (who are 'in conflict with law') and those children from deprived and marginalized sections of society as well as those with different needs and vulnerabilities('in need of care and protection'). The juvenile justice policy in India planned around the Constitutional mandate as well as several international covenants, such as the UN Convention on the Rights of the Child and the UN Standard Minimum Rules for Administration of Juvenile Justice known as Beijing Rules. The constitutional provisions have inspired the developments in the field of juvenile justice. Part III and Part IV of our Constitution, which

² Working paper, *juvenile justice: before and after the onset of juvenile delinquency*, made by the secretariat of sixth United Nations congress on prevention of crime and treatment of offenders, caracas, Venezuela, 25 to 29 August 1980. Agenda Item 4, 1980, 62-63, A/CONF.87/5/Rev.1.

deal with Fundamental Rights and Directive Principles of state Policy respectively, contain some special provisions with respect to children. Some of them are as under:

- i. State has the power to make special provisions for children and women.³
- ii. Prohibits the traffic in human beings and forced labor.⁴
- iii. State has duty to impose restriction on the employment of children below the age of 14 years in factories, mines and other hazardous occupations.⁵
- iv. Directs the State to safeguard the tender age of children from entering into jobs unsuited to their age and strength forced be economic necessity.⁶
- v. State has duty to secure facilities for the healthy development of children. State also has duty to protect childhood and youth against exploitation and moral and material abandonment.⁷
- vi. State has duty to provide free and compulsory education to all children up to age of 14 years.⁸
- vii. States has duty to raise level of nutrition and standard of living.⁹
- viii. Parliament has enacted the 86th Constitutional amendment in 2002 and made Right to Education a fundamental right.¹⁰

Under the Indian Penal Code, nothing is an offence, which is done by a child under seven years of age.¹¹ Nothing is an offence, which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge the nature and consequence of his conduct on that occasion.¹² Maturity of understanding presumed between the ages of seven and twelve unless proved contrary to the law. Law provides that any offence, other than one punishable with death or imprisonment for life, committed by any person, who at the time, when he brought before the court is under the age of sixteen years tried by the court of Chief Judicial Magistrate or any Court specially empowered under the Children Act, 1960 or any other law for the time being in force providing for the treatment, training and rehabilitation of youthful offenders.¹³

³ INDIA CONST., Art. 15 (3).

⁴ INDIA CONST., Art. 23.

⁵ INDIA CONST., Art. 24.

⁶ INDIA CONST., Art. 39(a).

⁷ INDIA CONST., Art. 39(f).

⁸ INDIA CONST., Art. 45.

⁹ INDIA CONST., Art. 47.

¹⁰ INDIA CONST., Art. 21A.

¹¹ INDIAN PENAL CODE, 1860, Section 82.

¹² INDIAN PENAL CODE, 1860, Section 83.

¹³ CRIMINAL PROCEDURE CODE, 1973, Section 27.

The Central Children Act, 1960 retained the age of sixteen in case of boys but has extended it to eighteen for girls. The higher age limit in case of girls considered essential in view of the social setting of our country, where girls need protection for a longer period. The Probation of Offenders Act, 1958, imposes a restriction on the imprisonment of a person below 21 years. Juvenile Justice Act, 1986 treated a boy, a juvenile, whose age was less than 16 years at the time of commission of offence. However, in case of a girl this age limit was 18 years. Juvenile Justice (C & P) Act, 2000 however, provided a uniform age of 18 years for boys and girls.

V. JUDICIAL INTERVENTION

The judiciary in India, especially Supreme Court plays very significant role and has passed many important judgments in favour of child rights. Supreme Court has adopted a very liberal approach towards juvenile. Supreme Court issued directions to the state government to set up necessary observation homes, where a juvenile accused of an offence could lodged during pendency of investigation and trial will conducted by juvenile courts.¹⁴ Supreme Court has also been very sensitive regarding apprehension and production of the juvenile. The Supreme Court directed the District Judges in the country to nominate the Chief Judicial Magistrate or any other Judicial Magistrate to visit their respective jails and ascertain how many children below 16 years of age confined and what the charges against them were. In **Sheela Barse v. Secretary, children Aid Society**¹⁵ Supreme Court again commented upon setting up special juvenile courts and dedicated juvenile court officials and the proper provision of care and protection of children in observation Homes.

In **Vishal Jeet v. Union of India**¹⁶ Supreme Court issued necessary directions on a PIL to the state Governments and all Union Territories for removing the evil of child prostitution. Court further directed for preparing programmes for the care, protection, treatment, development and rehabilitation of the young fallen victims. In **M.C. Mehta v. the State of Tail Nadu**¹⁷ Supreme Court defined constitutional perspective of abolition of Child labor and issued necessary guidelines to the Government of India related to compulsory education, health, nutrition, etc of the child laborers. In **Sakshi v Union of India**¹⁸ Supreme Court directed the government and Law commission to conduct a survey and submit a report

¹⁴ Sheela Barse v. Union of India AIR 1986 SC 1733.

¹⁵ Sheela Barse v. Secretary, children Aid Society AIR 1987 SC 656.

¹⁶ Vishal Jeet v. Union of India AIR 1997 SC 699.

¹⁷ M.C. Mehta v. State of Tail Nadu (1999) 6 SCC 591.

¹⁸ Sakshi v. Union of India AIR 1999 SC 1412.

on the means of curbing child abuse. In **Sanjay Suri v. Delhi Administration**,¹⁹ Supreme Court also suggested a separate structure to keep juveniles.

In **Bhoop Ram v the State of UP**,²⁰ **Gopinath Ghosh v the State of West Bengal**²¹ and **Bhola Bhagat v the State of Bihar**²² Supreme Court take up the issue of age of commission of offence defined under Section 7A of Juvenile Justice Act. Age determination is of supreme importance to find out whether the accused falls under the ambit of the Juvenile Justice Act and proper recording of the same is essential for deciding the duration of institutionalization. In **Jaya Mala v. Home Secretary, Government of J & K**²³ the Supreme Court noted that the margin of error radiological ascertaining is about two years. Supreme Court issued several directions to the Governments in **Vishal Jeet v. UOI**²⁴ for eradicating the child prostitution and for providing adequate rehabilitative homes.

Supreme Court in **Gopinath Ghosh v. State of West Bengal**²⁵ has accepted the plea of juvenility raised for the first time before it with a view to advance the cause of justice. Supreme Court held that penalty of death should not impose on a person below 18 years of age.²⁶ Borstal Acts and Reformatory Schools Acts had the children guilty of offence punishable with death or life imprisonment in their focus. However, the judicial opinion was not uniform on the issue when these Acts could apply to such children. In **Pratap Singh vs. State of Jharkhand and another**²⁷ Supreme Court had to decide on conflicting views expressed in **Arnit Dass**²⁸ and **Umesh Chandra's case**²⁹. The Constitution Bench of Supreme Court, to which the matter referred overruled the decision in Arnit Dass's case, upheld and re-affirmed its view taken in Umesh Chandra's case holding that the actual date for determination of age of juvenile is the date of commission of an offence and not date of his production before the court. The Supreme Court and the High Courts are in favour of jurisdiction of the Board in rather to the jurisdiction of any other court.

VI. JUVENILE JUSTICE ACT, 2015; WHETHER REFORMS REALLY NEEDED?

- i. **Retributive or Reformative-** Due the increase in crimes (especially rapes) by juveniles of 16 to 18 age groups, government decided to introduce the Juvenile Justice Act, 2015.

¹⁹ Sanjay Suri v. Delhi Administration 2731 AIR 1988 SC 414.

²⁰ Bhoop Ram v. the State of UP(1989) 3 SCC 1.

²¹ Gopinath Ghosh v. the State of West Bengal AIR 1984 SC 237.

²² Bhola Bhagat v. the State of Bihar AIR 1998 SC 236.

²³ Jaya Mala v. Home Secretary, Government of J & K AIR 1982 SC 1297.

²⁴ Vishal Jeet v. Union of India (1990) 3 SCC 318.

²⁵ Gopinath Ghosh v. the State of West Bengal 1984 Cri. L.J. 168 (SC) JT 2005(2) SC 271.

²⁶ Raisul v. the State of UP, AIR 1977 SC 1822.

²⁷ Pratap Singh v. the State of Jharkhand and another (1986) 3 SCC 596.

²⁸ Arnit Das v. the State of Bihar AIR 2001 SC 3575.

²⁹ Umesh Chandra v. the State of Rajasthan AIR 1982 SC 1057..

However, people raised question that this Act is retributive than reformative. Retributive because it contains provisions for teenager who commits heinous crime (give punishment seven years or more³⁰) shall tried like an adult, but in the children's court.³¹ The Children's Court shall make sure that the child who is found guilty of heinous crime shall be sent to a place of protection till the age of twenty-one years and afterward, the person shall be shift to jail.³² It means once a juvenile found guilty; he shall not get the benefit of being child and sent to jail if he commits a heinous crime. According to P. Baburaj, former member of the Juvenile Justice Board stated that such act might result in adverse impact on the juveniles in conflict with law. He also added insensitive retribution can be a deterrent and this in turn, could make the juveniles hardcore criminals and would result in retributive justice, not juvenile justice.³³

- ii. Maturity level of the Juveniles-** Another important issue that needs special attention is parallel culpability of the Children (between the ages of 16 to 21 years) with that of adult. Many neuropsychologists discovered that "*adolescent brains are far less developed than previously believed*".³⁴ According to Ruben C. Gur, the biological age of majority is close to 22 years. The important parts that govern impulsivity, judgment, planning for the future, foresight of penalty, and other characteristics that make people morally guilty, develops after attaining the age of maturity.³⁵ In this respect to punish a juvenile, like an adult would result in excess punishment. According to Maharukh Adenwalla, "The Juvenile Justice (Care and Protection of Children) Act, 2015 has overturned the well established principle of juvenile justice by allowing Juvenile Justice Boards to relinquish the right of children above the age of 16 years who have committed a heinous offence into the criminal justice system. This means that the treatment of a juvenile will depend upon the type of offence committed instead of his situation."³⁶ This, according to the author, violates the very principle laid down in Article 14 of Indian Constitution that, 'equal among equal'.³⁷

³⁰ JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015, Section 2(33).

³¹ JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015, Section 18(3).

³² JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015, Section 19(3).

³³ *Amendment to Juvenile Justice Act Criticized*, THE HINDU, Apr. 25, 2015, <http://www.thehindu.com/news/national/karnataka/amendment-to-juvenile-justice-actcriticised/article7140406.ece>.

³⁴ Hybrid Medical Animation, *Cruel and Unusual Punishment: The Juvenile Death Penalty*, AMERICAN BAR ASSOCIATION 1 (2004).

³⁵ Ruben C. Gur, *Declaration of Ruben c. Gur*, AMERICAN BAR ASSOCIATION, Ph.D. 15 (2016).

³⁶ Maharukh Adenwalla, *A dislocation of the juvenile justice system*, THE WIRE, May 23, 2015, <http://thewire.in/2015/05/23/a-dislocation-of-the-juvenile-justice-system-2282/>.

³⁷ INDIAN CONST., Art. 14.

iii. **Constitutional provisions and Juvenile Justice Act-** This Act also criticized by many protestors as it violates Article 14, 15(3) and 20 of the Constitution of India. The Constitution of India treated every person equally before the law³⁸ but if we read this article with article 15(3) then it is very much clear to us that Government can make special provision for the benefit of children.³⁹ The United Nations Standard Minimum Rules for the Administration of Juvenile, 1985 clearly defined that preference should be given to the juvenile Justice, while considering a juvenile in conflict with law. It means that one must give importance to "circumstance of both the offenders and the offence".⁴⁰ However, in the current Act only the type of crime is given importance. In **Pratap Singh v. the State of Jharkhand**⁴¹, Supreme Court observed that in Rule 4 of United Nations Standard Minimum Rules for the Administration of Juvenile Justice clearly stated that while defining a juvenile criminality or criminal responsibility, importance must be given to the moral and the psychological components. However, in the present law, least importance has been given to the psychological aspect.

According to Prof. Ved Kumari, if a sixteen years old juvenile commits a heinous crime and his or her offence is punishable with seven year sentence, then he/she need to be produce before the Juvenile Justice Board comprising a magistrate and two social workers. They will decide on the physical, mental capacity of the child whether that juvenile has committed such offence has the ability to understand the consequence of the offence, and in what circumstances the offence has been committed.⁴² This work of Juvenile Justice Board is quite challenging. In this process, there is huge chance of uncertainty. Many researches confirmed that individualized assessments of adolescent mental capability are impracticable. Thus, the method of so-called introductory assessment by the Juvenile Justice Board may result in procedural arbitrariness and may cause arbitrary transfer of juvenile cases to adult criminal system and it may cause violation of very foundation of Constitution. Mr. P. Baburaj condemns the act of transferring case by saying that, as Chief Judicial Magistrate of the district is the

³⁸ INDIA CONST., Art. 14.

³⁹ INDIA CONST., Art. 15(3) " *Nothing in this article shall prevent the State from making any special provision for women and children.*"

⁴⁰ United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), art. 5, U.N. Doc. A/RES/40/33 entered into force 9 November 1985.

⁴¹ Pratap Singh v. State of Jharkhand, (2005) 3 SCC 551.

⁴² JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015, Section 4.

presiding officer of Juvenile Justice Board. There is a huge chance of transferring large number of cases to adult courts.⁴³

Another issue, which is pointed out by many activists, that the 2015 Act violates the spirit of Article 20(1),⁴⁴ where a person cannot be subjected to greater punishment than what would have been applicable to him under the law of land. Under new Act, if a juvenile who has completed the age of twenty-one but has not completed the full period of his sentence may be sent to the jail if it is considered so proper.⁴⁵ According to this provision, one may not be subjected to greater penalty, which may be inflicted at the time of committing offence. Here, if a juvenile commits a heinous crime on certain circumstance losing his self-control. It lacks at young age, but after attaining majority maybe he can realize the actual circumstance and may change. However, if such juvenile is send to jail on his previous record of heinous contend, then it might be extra deterrent on him.

iv. Age of Consent and Juvenile Justice Act- The Juvenile Justice Act, 2015 has created controversy in regard to the Age of Consent, when it read with the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and the Prohibition of Child Marriage Act (PCM Act). First of all the POCSO Act states the age of Consent is 18 years⁴⁶ and if any crime committed by a Juvenile under the POCSO Act then as per the section 23 of the POCSO Act it will be dealt as per the provision of Juvenile Justice Act, 2000 (Now as per the new amended Act).⁴⁷ Again, the PCM Act states that the child marriages are voidable but not void.⁴⁸ In such a situation, many Juvenile, who are such situations, the consented sexual act may attract the provision of POCSO Act and Juvenile Justice Act, 2015 and they tried as adult offender. In a hypothetical situation, when both the guy and girl are involved in a consensual sexual relation, then the male child shall be treated Children in Conflict with Law and the female will be treated as

⁴³ *Amendment to Juvenile Justice Act Criticised*, THE HINDU, Apr. 25, 2015, <http://www.thehindu.com/news/national/karnataka/amendment-to-juvenile-justice-actcriticised/article7140406.ece>.

⁴⁴ *The juvenile justice (care and protection of children) bill, 2014*, PRS LEGISLATIVE RESEARCH (2016), <http://www.prsindia.org/billtrack/the-juvenile-justice-care-and-protection-of-children-bill-2014-3362/>.

⁴⁵ JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015, Section 20.

⁴⁶ THE PROTECTION OF THE CHILDREN FROM SEXUAL OFFENSES ACT, 2012, Section 2 (d).

⁴⁷ "The stakeholder opined that this provision was worrying as it needed to be looked at in relation to section 23 of POCSO Act."

⁴⁸ THE PROHIBITION OF CHILD MARRIAGE ACT, 2006, Section 3.

Children in need of care and protection.⁴⁹ It utters a girl can only be abettor in the penetrative sexual assault not an active criminal.⁵⁰

Such a callous law against Juveniles can be a weapon in hand of angry parents in child elopement cases. If we look into the crime report of 2013, we can observe about 1388 cases reported of rape that is only 4.18% of the total crimes committed by the juvenile between the age group of 16-18 years.⁵¹ Many cases from them are relating to elopements where the parents come complaining to police that their children sexually abused or kidnapped by the boy and insisted to lodge FIR against the boy.⁵² One of the famous cases in this regard was Court on its own motion v. State.⁵³ This case dealt with the issue of 'Child Marriage' and the situation rose when the marriage was against the wish of parents. Here the petitioner Lajja Devi wrote a letter to the court. The court took the letter as a writ petition and holds similar other cases of elopement and dealt with the same. In this case, the parents of the girl filed a complaint of sexual assault and kidnapping against the boy. However, in reality the girl elope with the boy with her own consent, as she does not want to stay with her parents. Understanding the gravity of situation, the Court protected the marriage ties of the young couple by sending the girl to nari niketan and sentencing the young boy to stay at juvenile home for three years. Now after the amendment of Juvenile Justice Act when read with POCSO Act, in similar situation there is a doubt whether court can give similar decision or not. The stakeholders of the Rajya Sabha also raised this doubt.

VII. SUGGESTIONS

Here are some suggestions that the researcher feels can help in improving the juvenile justice system of the country:-

- i. First, we should try to mould our society in such a way such that no juvenile commits crime. Circumstances are one thing that we all know is the root cause of many juveniles becoming offenders. If this thing sorted out, the researcher feels that the problem of juvenile justice will largely be solved of its own.

⁴⁹ Srishti Agnihotri and Minakshi Das, *Rehabilitation not retribution should be the focus of juvenile justice*, THE WIRE Dec. 30, 2015, <http://thewire.in/2015/12/30/rehabilitation-not-retribution-should-be-the-focus-of-juvenile-justice-18262/>.

⁵⁰ Monitoring Guidelines for NCPDR/SCPCR for Roles and Functions of Various Stakeholders Child Welfare Committees/support Persons and Health Professionals NCPDR, GOVERNMENT OF INDIA, (2013).

⁵¹ National Crime Records Bureau, Crime in India 2013 Statistics 513 (MINISTRY OF HOME AFFAIR, GOVERNMENT OF INDIA 2015).

⁵² Rukmini S., *The Many Shades of Rape Cases in Delhi*, THE HINDU, <http://www.thehindu.com/data/themany-shades-of-rape-cases-in-delhi/article6261042.ece>.

⁵³ Court on its own motion v. State, Cri LJ 345(2013).

- ii. The Juvenile Justice Act is comprehensive and if implemented honestly can curb incidents like Delhi gang rape by providing timely help to juveniles who might turn into criminals. The problem is not with the act but with its implementation. Instead of making amendment in the act, the need of the hour is to make sure that existing provisions in the act are implemented.
- iii. Control of delinquency needs effective implementation of Juvenile Justice Act, with full public awareness and proper orientation and training to professionals and law enforcement agencies.
- iv. Application of UN Rules for Juveniles Deprived of their Liberty, 1990.
- v. Advocacy for various legal provisions provided for juveniles.
- vi. A proper mechanism should be created to assess the needs and requirements of the juveniles and it should be reviewed regularly.
- vii. The approach of the agencies as police involved in the system may be more of reformative character rather than pure penal. The objective may be to reform the delinquents, rather than just to punish them.
- viii. Government should put more emphasis of useful and attractive beneficial long-term schemes for Juveniles so that they feel motivated to join mainstream of the society and regain their self-confidence, which is generally lost because of the callous attitude of the society.
- ix. State Governments and Union Territories administrations should encourage and provide support to voluntary organization to start or modernize juvenile services including community services.
- x. Longer association of community and voluntary organizations in the schemes of Government programs like nutrition for all, literacy, health, eradication of child labour, etc. shall help largely to weed out delinquency.
- xi. All the stakeholders should give coordination and networking, as the aims of juvenile justice could be achieved mainly through concentrated and co-ordinate functioning.

VIII. CONCLUSION

From the above argument, we can say that serious crimes like rape and murders go unpunished with the offender wearing the grab of juvenility. However, juvenile crimes cannot be stopped only through the proper implementation and amendments of Juvenile Justice Act. In order to reform, the juvenile in conflict with law, the juvenile justice system, as a whole needs to be reformed first. The ramshackle conditions of observation homes and juvenile justice boards need to be addressed immediately. Apart from multiple laws governing

children, there exist many other problems at the grassroots level. Government-sponsored children's homes are often unable to accommodate neglected children. Children are sometimes even kept in jail. Thus, there is a problem in the execution of laws pertaining to children and the maintenance of children's homes due to both a lack of awareness of child rights and India's burgeoning child population.

In all cases, giving punishment to the juvenile, who is in conflict with law not always a solution, as pointed out by Prof. Faizan Mustafa, Vice-Chancellor, NALSAR University of Law, Hyderabad. He said "*Adolescents in conflict with law need adult guidance not the company of hardened criminals.*"⁵⁴ Thus, considering all these things in mind, author thinks that it is necessary for the Government to rethink and peruse child-friendly amendments in the new Juvenile Justice Act, 2015 so that injustice in Juvenile Justice Act can be curbed. If the problems faced by them not taken into account, we, as a society would be failing in our duties. It is therefore of paramount importance that as a society we must devote full attention to ensure that they are properly cared for so that they have their rightful place in the society. For this to happen, there is need to spread awareness on the problems faced by them as well as build-up the capacities of all those dealing with them.

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