

# [Juvenile establishing that children in the jails are](https://assignbuster.com/juvenile-establishing-that-children-in-the-jails-are/)

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Juvenileis the term used for any person who is under the age of 18 years , according toSec. 2 (k)of, The Juvenile Justice (Careand protection of Children )Act , 2000, Sec . 2 (1)defines a juvenile in conflict with law “ as a child who is alleged to have  committed an offence and has not yetcompleted 18 years of age at the time of commission of offence” .

“ Offence” is defined as “ an act punishable under any law for the timebeing force”. And the Act specifies that a child should be tried for anoffence on the basis of this status as a ‘ child’ at the time of commission ofoffence and not at the time of trial1. The term juvenile justice emerged from the word Juvenis, in Latinwhich means justice system for the young.  Etymologically, the term delinquency has beenderived from the Latin word, delinquermeans to omit2Children are like fire with possibilities of virtue and vice, withcapabilities unknown.  This essay discusses crime committed byyoung people, as they go through transitional phase that is from childhood to adulthoodin a continuously developing and complex world.

Evolution of juvenile justice act: Before theperiod of 1773, both Hindu and Muslim families were heldresponsible for every act of their children, and were responsible to providethem care and protection. Situations changed when the crimes committed byjuveniles increased at an alarming rate. To solve this British introduced law like Whipping Act of 1864 to punish theseminors by the way of whipping and eventually setting them free as way ofdeterrence . The Indian Penal code Act1860 and criminal procedure code 1861 treating child differently throughvarious procedures. Act XIX of 1850, 1876reformatory schools act, the BorstalSchool Act, Children’s act of 1920 for their Institutionalization andrehabilitation.

3Thecase of Sheela Barse & Anr. Vs. Union ofIndia & Ors helped in establishing that children in the jails areentitled to special treatment and recommended that parliament should make auniform law applicable throughout the country. 4The Bombay Children’s Act (1944) required custody, control and punishment of youngoffenders. The Bombay Children’s Act of 1944 was amended in 1948 and providedfor treatment and rehabilitation of young offenders. 5In theyear 1986 The Juvenile Justice Actwas introduced for a uniform system, procedure and personnel in the domain ofjuvenile justice throughout the country, in this Act the age of male juvenilewas kept at sixteen years while the girl age was kept at eighteen years.

6After India had passed this law, UNCRCin the year 1989 to passed certain regulations to protect rights of thechildren same was ratified by India in 1992. 7In 2000the 1986 law was repealed and a new law which catered to present conditions wasintroduced  The Juvenile Justice (care and protection of children) Act 2000 butthe age was kept at 16 only later it was Amended in 2006 to increase the age ofthe child which increased to 18 years to adhere the International ratifiedlaws. Theprovisions of constitution which grants the special status to the children Article 15(3), 24, 39(e) & (f) and 45, National policy for children 1974, 2013, declare that children are anational asset. Further through constitutional directions many other laws andstatutory provisions have been enacted to protect the rights of children like RTE 2009, child labor prohibition act 1986, Juvenile justice acts of 1986, 2000, and 2015In theyear 2015 a bill was introduced to allow a justice board which will includepsychologists and sociologist to decide whether a juvenile criminal in the agegroup of 16-18 will tried as an adult or not .

The judicial waiver system willenable judiciary to punish juvenile as adult in cases of heinous crimes like rape, murder etc. 1 Juvenile Justice (Care and protection ofChildren )Act , 2 ,(2000). 2 IOSR , Journal ofResearch & Method in Education (IOSR-JRME) e-ISSN: 2320–7388, p-ISSN: 2320–737X Volume 5, Issue 5 Ver. II (Se0p. – Oct. 2015), PP 1. 3   Wordpress , history-of-juvenile-justice-in-india /2014/11/pg 1, 2 (www. wordpress.

com), 4 Sheela Barse . Vs. Union of India & Ors. 1986 AIR 1773 ORS. 5 Bombay Children’s Act (1944).

6Juvenile Justice Act, 2(h) 1986. 7  UNICEF , blog Covention on Rights ofChildren,( www. unicef-irc. org/CRC).

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