

# Juvenile establishing that children in the jails are

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Juvenile is the term used for any person who is under the age of 18 years, according to Sec. 2 (k) of, The Juvenile Justice (Care and 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 yet completed 18 years of age at the time of commission of offence" .

" Offence" is defined as " an act punishable under any law for the time being in force". And the Act specifies that a child should be tried for an offence on the basis of this status as a ' child' at the time of commission of offence and not at the time of trial. The term juvenile justice emerged from the word Juvenis, in Latin which means justice system for the young. Etymologically, the term delinquency has been derived from the Latin word, delinquer means to omit. Children are like fire with possibilities of virtue and vice, with capabilities unknown. This essay discusses crime committed by young people, as they go through transitional phase that is from childhood to adulthood in a continuously developing and complex world.

Evolution of juvenile justice act: Before the period of 1773, both Hindu and Muslim families were held responsible for every act of their children, and were responsible to provide them care and protection. Situations changed when the crimes committed by juveniles increased at an alarming rate. To solve this British introduced law like Whipping Act of 1864 to punish these minors by the way of whipping and eventually setting them free as way of deterrence. The Indian Penal code Act 1860 and criminal procedure code 1861 treating child differently through various procedures. Act XIX of 1850, 1876 reformatory schools act, the Borstal School Act, Children's act of 1920 for their institutionalization and rehabilitation.

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3The case of Sheela Barse & Anr. Vs. Union of India & Ors helped in establishing that children in the jails are entitled to special treatment and recommended that parliament should make a uniform law applicable throughout the country. 4The Bombay Children's Act (1944) required custody, control and punishment of young offenders. The Bombay Children's Act of 1944 was amended in 1948 and provided for treatment and rehabilitation of young offenders. 5In the year 1986 The Juvenile Justice Act was introduced for a uniform system, procedure and personnel in the domain of juvenile justice throughout the country, in this Act the age of male juvenile was kept at sixteen years while the girl age was kept at eighteen years.

6After India had passed this law, UNCRC in the year 1989 to passed certain regulations to protect rights of the children same was ratified by India in 1992. 7In 2000 the 1986 law was repealed and a new law which catered to present conditions was introduced The Juvenile Justice (care and protection of children) Act 2000 but the age was kept at 16 only later it was Amended in 2006 to increase the age of the child which increased to 18 years to adhere the International ratified laws. The provisions 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 a national asset. Further through constitutional directions many other laws and statutory 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 2015 In the year 2015 a bill was introduced to allow a justice board which will

include psychologists and sociologists to decide whether a juvenile criminal in the age group of 16-18 will be tried as an adult or not.

The judicial waiver system will enable judiciary to punish juvenile as adult in cases of heinous crimes like rape, murder etc. 1 Juvenile Justice (Care and protection of Children) Act, 2000. 2 IOSR, Journal of Research & Method in Education (IOSR-JRME) e-ISSN: 2320-7388, p-ISSN: 2320-737X Volume 5, Issue 5 Ver. II (Sep. - 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).

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