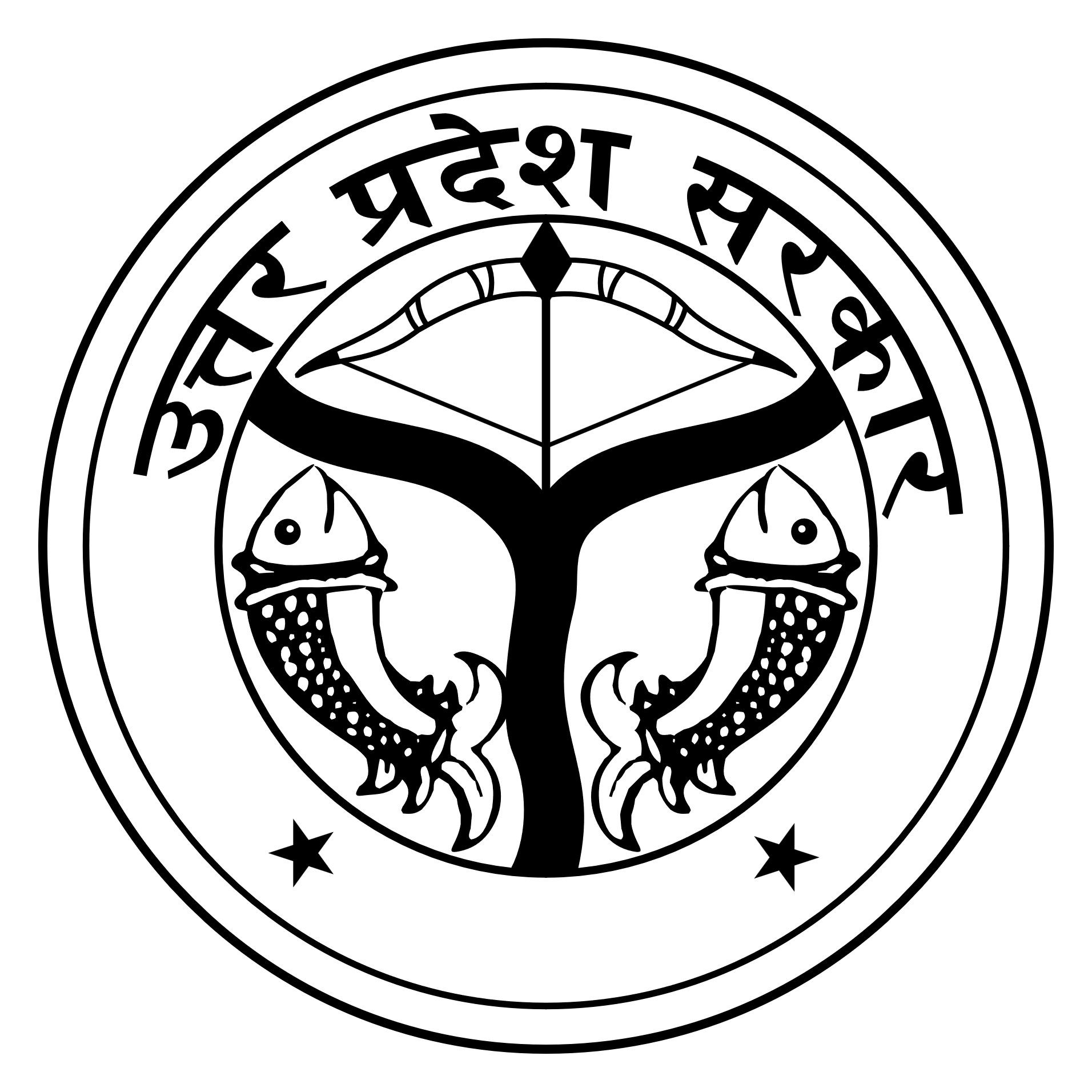
**UP state law commission**



**INTERNSHIP PROJECT**

“A RESEARCH STUDY ON THE JUVENILE JUSTICE SYSTEM AND ITS IMPACT ON JUVENILES”

**SUBMITTED TO . SUBMITTED FROM –**

Hon’ble Mr. justice SUCHITRA KUMARI

PRADEEP KUMAR SRIVASTAVA LL.B [HONS] 8th SEM.

ST. MOTHER TERESA

LAW COLLEGE ,

LUCKNOW

ACKNOWLEDGEMENT

The internship opportunity I had with UP State Law Commission , Lucknow was a great chance for learning and professional development. Therefore I consider myself fortunate as I was provided with an opportunity to be part of it. I am also greatful for having a chance to interact with proficient and intensely professional individual who guided me through this internship this internship period.

We also thank the members of the Commission, the staff, and [other groups/individuals] for their dedicated work and assistance in the preparation of this report. The Commission acknowledges the valuable inputs received from [specific groups/individuals] and expresses its appreciation for their contributions."

STUDY OF JUVENILE JUSTICE SYSTEM

“I think it's important for us as a society to remember that the youth within juvenile justice systems are, most of the time, youths who simply haven't had the right mentors and supporters around them - because of circumstances beyond their control.” - Q'orianka Kilcher



A juvenile is a child who has not reached the age of 18. India is a developing nation. Juvenile crimes are on the rise these days. Parliament passed the Juvenile Justice Act in 1986 to provide care, protection, treatment, development, and rehabilitation to neglected or delinquent juveniles. In India, the Juvenile Justice Act, of 1986 was repealed, and the Juvenile Justice Act, of 2000 was enacted. The Juvenile Justice (Care and Protection of Children) Act of 2000 serves as India’s primary legal framework for juvenile justice. This act was amended again in 2006 and 2010. Following the **Delhi gang-rape (16th** **December 2012),** the law received widespread criticism for its inability to combat crimes involving juveniles in heinous crimes like rape and murder. In December 2015, Parliament passed the Juvenile Justice Bill, 2014, which became the Juvenile Justice Act, 2015. It went into effect on the 15th of January 2022.

Section 2(a) of the Act of 1986 defined the term juvenile as “a boy under the age of 16 and a girl under the age of 16 have reached the age of 18 “. Meanwhile, India has signed and ratified the UN Charter. The 1989 Convention on the Rights of the Child (UNCRC) addressed adolescent rights. A juvenile is defined as someone under the age of 18.

“Nil Novi Spectrum” may be a Latin phrase that completely describes India’s juvenile justice system. It may be described as ‘nothing new on this planet,’ and among Indians, particularly in northern India, there’s a maxim that translates as “It is rarely Too Late to fix,” which may be accustomed to describe India’s current juvenile justice system. Rather than using these phrases, the suitable statement for India’s juvenile justice system is “Old enough to try to the crime, sufficiently old to try to the time,” which is an English concept utilized by some states within the United States. Since there’s a faculty of thought that juveniles should be treated favourably, this idea of leniency has existed since ancient India. Prior to the Juvenile Justice Acts of 2015, 2000, and 1986, there was the kids’ Act of 1960, which aimed to allow the effect of international responses to the problem of Juvenile Justice by providing a standardized policy that protected the interests and rights of a Juvenile and checked out care, treatment, rehabilitation, and development of a baby commonly.

However, with recent developments within the international community and therefore the subsequent emergence of Juvenile involvement in crime, Indian lawmakers are compelled to propose new, progressive, and stricter laws for the country’s concerned Juvenile system. As a result, the Juvenile Justice Act of 1986, the Juvenile Justice Act of 2000, and, last, the Juvenile Justice Act of 2015 was gone the Parliament.

The rate among children under the age of 16 has risen in recent decades. The increasing rate may well be attributed to the child’s upbringing environment, economic conditions, an absence of education, and parental care. These are a number of the foremost important reasons. The foremost disheartening aspect is that children (particularly those aged 5 to 7 years) are now used as tools for committing crimes because their minds are still very innocent and simply manipulated at that age. The major debate and discussion surrounding the juvenile justice system began after the heinous incident of **the Nirbhaya Gang** **Rape Case,** within which an accused was only six months faraway from reaching the age of 18, the age of becoming significant and forcing the Indian system to convict him as a juvenile instead of a full-fledged offender. The involvement of any juvenile in such a heinous crime prompted the Parliament to pass the “Juvenile Justice (Care and Protection) Act, 2015,” but before delving into the nitty-gritty of the said act and other provisions present within the Indian system for juveniles.

**INTRODUCTION**

In layman language, a juvenile is child or a young person who is below the age of eighteen years and is in conflict with law.

**According to The Juvenile Justice (Care and Protection of Children) Act, 2015: Section 2(35)** “juvenile” means a child below the age of eighteen years;1 **Section 2(13)** “child in conflict with law” means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence;

Juvenile Justice Act mainly focuses on proper care, protection, development, treatment, and social re-integration of juvenile in difficult circumstances by adopting a child in a friendly approach.

In comparison to adults, children receive less severe punishment for crimes they commit because they frequently lack awareness of the repercussions and lack malicious intent. "Doli incapax," which means "incapable of doing any harm or committing a crime," derived from latin maxim. It is assumed that a child is unable to develop the essential criminal intent to conduct an offence. And if we examine the data, the vast majority of juvenile crimes are perpetrated by kids from disadvantaged neighbourhoods with poor living conditions, toxic environments, a lack of educational opportunities, challenging survival situations, and more. Unfortunately, the child becomes unknowingly involved in criminal activity and is arrested as a result. From this point, the government and state authorities play a role in the rehabilitation

Unfortunately, the child becomes unknowingly involved in criminal activity and is arrested as a result. From this point, the government and state authorities play a role in the rehabilitation and development of juveniles who are in legal trouble.

One crucial question now emerges:

• Do these kids receive the right care for their development and rehabilitation?

• Whether their fundamental rights are upheld?

Because most of these juveniles are not aware of their fundamental rights, which are frequently abused, protecting children's "Human Rights" in legal disputes is a worrying issue.

OBJECTIVES

• to study the working of the Juvenile Justice System;

• to learn regarding the human rights with respect to juveniles and;

• to analyse the issues related to juvenile system and provide suggestion.

1. **Protection and Care:**

The Act aims to protect children from harm and neglect, ensuring their basic needs are met through proper care and support.

* **Development and Rehabilitation:**

It focuses on the holistic development of children, including their physical, mental, and social well-being, and provides opportunities for rehabilitation through various programs and institutions.

* **Child-Friendly Approach:**

The Act promotes a child-friendly approach in legal proceedings, ensuring that children are treated with sensitivity and their rights are protected.

* **Social Reintegration:**

The Act aims to facilitate the reintegration of children into society, enabling them to lead productive lives and avoid recidivism.

* **Adoption:**

The Act provides for the legal framework for adoption of orphan, abandoned, and surrendered children, streamlining procedures and ensuring their well-being.

* **Addressing Heinous Offenses:**

The Act addresses the issue of children committing heinous offenses, providing for special provisions and assessment procedures to determine whether such cases should be tried as adults.

* **Reformation and Rehabilitation:**

The Act emphasizes the importance of reforming and rehabilitating juvenile offenders, providing them with opportunities to make positive changes and become productive members of society.

**The Act also aims** ; to ensure that the justice system addresses the needs of children with sensitivity, recognizing their status as individuals still in the formative stages of their lives. It also places a strong emphasis on international commitments and human rights principles.

* Juvenile Justice (Care and Protection of Children) Act, 2015.

An Act to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of .

* Juvenile Justice (Care and Protection of Children) Act, 2015

To streamline adoption procedures for orphan, abandoned and surrendered children, the existing Central Adoption Resource Authority.

**CAUSE OF JUVENILE DELIQUENCY**

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2010-14: Incidence of juvenile crime in India i) as a percentage of total crime, ii) per 1,00,000 of population. Causes of rise in juvenile crime. Link with education and family income; Graphic courtesy.