CHAPTER-I

INTRODUCTION

1.1 Introduction

Children having been recognized supremely assets of the Nation. The government of India through its National Policy for Children stated that their nurture and solicitude are our responsibility. Equal opportunities for development to all children during the period of growth should be our aim, for this would serve our larger purpose of reducing inequality and ensuring social justice. Children ought to have been the subject of prime focus of development planning, research, and welfare in India but unfortunately, it has not been so. Despite the Constitutional vision of a healthy and happy child protected against abuse and exploitation, and a National Policy for Children, the majority of children in India continue to live without a cared, protected and meaningful childhood. The juvenile justice system as conceived by legislation aims at providing care, protection, treatment, development, and rehabilitation of delinquent and neglected juvenile.

India is a signatory to UN Declaration on The Rights of the Child, 1959 which defined and recognized various Rights of the children namely: 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 have been defined as basic rights of children by the Convention of the rights of the child. Accordingly, India has adopted a national policy on children in 1974 for achieving the above said rights for its children. The National Policy for Children has reaffirmed the Constitutional provisions for adequate service to children both before and after birth and through the period of growth to ensure their full physical, mental and social development. The Government of India with a view to taking action to review the National and State legislations and to bring them in the line with the provisions of the Convention, has developed appropriate monitoring procedures for assessing programmes in implementing the Convention on the Rights of the child. India has
also become a party and signatory to the world Declaration on survival, protection and development of children, 1990 and for the purpose of fulfilling 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. Where according to a report, 147 million children live in kutch houses, 72 million children in India between 5 and 14 years do not have access to basic education. A girl child is the worst victim as she is often neglected and is discriminated against because of the preference of a boy child.1

In India scene for the children has changed a lot and their problems and related issues have been given attention and are being discussed at various forums. The question of providing proper protection and care to the children of such a big number is a big challenge. A good number of our children on account of socio-economic reasons have adding themselves in the list of delinquent child. Present day youth especially children are under tremendous social pressure due to new changing social perceptions. A report of UNICEF in 2005 on the state of world's children under the title “Child under Threat”, speaking regarding India, mentioned that millions of Indian children are equally deprived their right of survival, health, nutrition, education and safe drinking water. This is what is happening to the most of the young children who if properly taken care of, would shine the future of the country. The cache statements “Children are supremely important national asset2 and the greatest gift of humanity,3 in the present scenario and on ground level realities appear hollow.

The children in India require double sided protection. At the one hand they need to be provided with the basic necessities for their overall development making them physically strong, mentally alert, academically brilliant by affording them, irrespective of their sex, family atmosphere for proper growing and grooming of the child. The other side requires prevention and treatment of a child

1 http Smile Foundation Organisation Child Right HTM Access.  
2 Laxmikant Pandey vs. Union of India, 1984(2) SC 244, 249  
3 Bandhua Mukti Morcha vs. Union of India (1997) 10 SC 551-553
who is termed to be a delinquent.
The action is required on two fronts. Firstly, by preventing and arresting the increase in number of the juvenile delinquency, and secondly by giving the delinquent child or a juvenile in conflict with law proper opportunity to reform himself and join the mainstream of the society. Juvenile delinquency is difficult to be defined as to its behavioural connotations. There is difference of opinion given by the various authorities in the field and also in the type of offences and behaviour which is included in the juvenile delinquency. There, is however, an enhanced awareness that the juvenile delinquency constitutes a problem of many dimensions that must be studied by variety of approaches. Some of the definitions have made the concept thorough wide to incorporate all problems of juvenile misbehaviour while others have focused only on behaviour which constitutes a criminal offence specifically prohibited by statutory definitions and that can be brought firmly before the court, like disorderly conduct, vagrancy, conspiracy, attempt to violate statute. There is another opinion also which says that confusion has been created between delinquency and other social, emotional and behavioural problem of children and a related confusion is regarding the appropriate function and method of the court, now Boards dealing with the juvenile offenders. Whatever be the definitions provided by the various authorities and scholars on the subject the fact remains that the children being in the centre-stage the growth and change of human values and to look after the well being of the children is most important. Today's delinquent will be a criminal tomorrow.

Thus there is need to give specific importance to children in society. Importance of a child is well recognized since ages. Children are valued assets of a nation. Their importance can well be imagined and appreciated from what Winston Churchill said about them. He had said "that there is no finer investment for any community than putting milk into babies." This appeal to the people everywhere, this fundamental faith in juvenile justice, this reorganization of the worth of the infants born and unborn, is the beginning of juvenile justice, says
Justice Krishna Iyar.⁴ “Child is the father of man” and in order to enable fathering of a valiant and vibrant man, the child must be groomed well in the formative years of his life. He must receive education; acquire knowledge of man and materials and blossom in such an atmosphere that on reaching age, he is found to be a man with a mission, a man who matters so far as the society is concerned.⁵ In Bandhua Mukti Morcha's⁶ case the importance of a child has been highlighted observing that including the children being lights to the society as a whole. If children are deprived of their childhood socially, economically, mentally, the nation's get deprived of the potential human resources for social progress, economic empowerment and peace and order, the social stability and good citizenry.

If we can control juvenile delinquency we shall be controlling and checking the future criminals in making an open admitted fact is that tendency among young people to commit crime and indulge in anti social activities is increasing. The National Policy for Children has rightly observed that the Nation's children are supremely important asset. Childhood is a universal human experience and has vital stakes. The future, development and stability of a society depend on the quality of its children. Child welfare is of supreme importance to mankind. At present time the child is considered as an important social unit and is held to be entitled to all that makes for healthy living, sufficient recreation, schooling adopted to his natural living methods, intelligent home care and the right to develop his abilities to their fullest extent⁷. Total well being of the child includes not only the care of maladjustment and delinquent children but also the development of child physical, mental, emotional and social faculties.⁸

Development of children is key concern of the Government which believes

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⁵ M.C.Mehra vs. State of Tamilnadu, AIR 1997 SC 701.
that it is childhood that holds potential and set the limits on account of future development of the society. Investment in the requirements and priorities of children is the sign and qua known of a developed nation. The Central Children Act, 1960 recognized importance and the protection of children saying that Children are the most venerable group in any population and in need of the greatest social care. On account of their venerability and dependence they can be exploited, ill-treated and directed into undesirable channels by anti-social element in the community. The state has to difference of affording proper care and protection to children at all times.9

1.2 Who is Juvenile

A juvenile is a person who is under the age of 18. The age limit below which it should not be permitted to deprive a child of his or her liberty should be determined by law. Juvenile can be defined as a child who has not attained a certain age at which he, like an adult person under the law of the land, can be held liable for his criminal acts. The juvenile is a child who is alleged to have committed /violated some law which declares the act or omission on the part of the child as an offence. Juvenile and minor in legal terms are used in different context. Juvenile is used when reference is made to a young criminal offenders and minor relates to legal capacity or majority.10 To make the meaning more clear resort can profitably be made to some other source. The concept of the juvenile varies from State of State for convenience.

1.3 What is Juvenile Delinquency

Delinquency is a kind of abnormality. When an individual deviates from the course of normal social life his behaviour is called 'Delinquenct'. When a juvenile, below an age specified under a statute exhibits behaviour which may prove to be dangerous to society and / or for him, he may be called a Juvenile delinquent. Juvenile delinquents are those offenders including boys and girls who are under 18 years of age. A Juvenile delinquent is a young person incorrigible or habitually disobedient.

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9 See, the Object and Reasons Appended to the Children Act, 1960.
10 See the Black Dictionary of Law.
Act of delinquency may include:
1. Running away from home without the permission of parents.
2. Habitual behavior beyond the control of parents.
3. Spending time idly beyond limits
4. Use of vulgar languages
5. Wandering about railway roads, streets, market places
6. Visiting gambling centres
7. Committing sexual offences
8. Shoplifting
9. Stealing etc.

Juveniles may do such activities singly or through a gang.

There are other social or environmental factors which lead them to be a delinquent. Some of them are mentioned below:

(a) School dissatisfaction is a major cause of child delinquency. Some students get dissatisfied with school life. Parental irresponsibility, unmanageable student-teacher ratio, lack of entertainment and sports facilities in school, indifference of the teachers may contribute to this. Such dissatisfied students become regular absentees in schools and start wandering their own and become gamblers, eve-teachers, pick pockets, drunkards, smokers and drug addicts.

(b) Films and pornographic literature have also added to the magnitude of delinquency. Cinema, television and obscene literature may often provoke sexual and other impulses in adolescents. Hence they may start their adventure in satisfying them in the process of which they commit crimes.

(c) Deep seated inner desires coupled with outside pressures; compulsion and temptation also contribute to juvenile delinquency. For example, on hearing the interesting narration of the illicit sex experiences or such other criminal experiences from one another may be tempted to follow the same.

According to psycho-analytical view, the delinquent is an individual who is governed by the pleasure principle. He wants to get immediate pleasure and immediate satisfaction for his needs. So he becomes victim to his own impulses.
Thus it may be said that juvenile delinquency is also the result of environmental factors."

A grave problem such as juvenile delinquency can't be solved by means of legislation and government efforts alone. As far as India is concerned in many of the states Children Acts have not been effectively enforced. Some of these Acts themselves have defects. Official machinery is not effectively used for controlling this problem. Government as well as private agencies must work hand in hand with all sincerity and seriousness to find an effective remedy for the problem of juvenile delinquency. The public attitude towards Juvenile delinquents must also change. A juvenile delinquent is a product of unwholesome environment congenial for the development of his faculties in conformity with social expectations.

1.4 Legislative Developments

The first legislation on juvenile justice in India came in 1850 with the Apprentice Act which required that children between the ages of 10-18 convicted in courts to be provided vocational training as part of their rehabilitation process. This act was transplanted by the Reformatory Schools Act, 1897 and later came The Children Act of 1960.

The Juvenile Justice Act, 1986 was the primary legal framework for juvenile justice in India. The Act provided for a special approach towards the prevention and treatment of juvenile delinquency and also provided a framework for the protection, treatment and rehabilitation of children in the purview of the juvenile justice system. The law replaced the Children Act, 1960. This Act, the first central legislation on Juvenile Justice was passed in 1986, by the Union Parliament, thereby providing a uniform law on juvenile justice for the entire country.11

Juvenile Justice Act, 1986 was applied uniformly throughout India except state of Jammu and Kashmir. Prior to this law each state had its own enactment on juvenile justice with there being differences in the way juveniles were treated by

different state legal systems. The first uniform law on juvenile justice however did not result in any dramatic improvement in the treatment of juveniles. The law continued to provoke a lot of concern, in human rights circles, pertaining particularly to the way juveniles were treated in detention centers designated as special homes and juvenile homes. Following closer international attention to the issue of juvenile justice in the late 1990's, the issue moved to the center stage even in domestic circles with a number of consultations held on juvenile justice both nationally and regionally.\textsuperscript{12} The combination of a growing focus on the issue of juvenile justice combined by the pressure faced by the government to submit a Country Report to the Committee on the Rights of the Child outlining concrete achievements, seems to have inspired the Ministry for Social Justice and Empowerment go in for drafting a new law on Juvenile Justice, the final outcome of which was The Juvenile Justice (Care and Protection of Children) Act, 2000.

The Juvenile Justice Act, 1986 was more humanistic and treatment-oriented. This Act was considered a unique piece of social legislation intended to provide care, protection, treatment, development, and rehabilitation for neglected and delinquent juveniles as well as the adjudication of matters relating to the disposition of delinquent juveniles.

In a landmark step, the Government of India, repealing the juvenile justice Act 1986, introduced juvenile justice (Care and Protection of Children) Act in 2000 and further, amended it in 2006, so as to make it responsive to the emerging needs in the field of juvenile justice, and making it, compatible with UNCRC standards. The Juvenile Justice Act, 2000 aims at consolidating and amending laws relating to juveniles in conflict with law, and children in need of care and protection by providing proper care, protection and treatment by catering to their developmental needs, by adopting child friendly approach in adjudication and disposition of matters in the best interest of children, and for their rehabilitation through various institutional mechanisms established.

\textsuperscript{12} Ibid
With the passage of time there is a shift of strategic focus of the country from welfare to development to a right based approach. In the 9th Plan child development was viewed, not merely as a desirable societal investment for the nation's future but also as the right of every child to achieve his/her full development potentials. The 11th Plan in its vision has included commitment to survival, protection and all round development of children of all ages, communities and economic groups.

National Commission for Protection of Child Right has also been constituted by the Government of India in March 2007 in order to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Children, under The Commission for Protection of Child Rights Act, 2005, an Act passed by Parliament in December 2005. The Commission visualizes a rights-based perspective flowing into National Policies and Programmes, along with different approach at the State, District and Block levels, taking care of specificities and strengths of each region. In order to touch every child, it seeks a deeper penetration to communities and households and expects that the ground experiences inform the support the field receives from all the authorities at the higher level. Thus the Commission sees an indispensable role for the State, sound institution-building processes, respect for decentralization at the level of the local bodies at the community level and larger societal concern for children and their well-being.

1.5 The Concept of Juvenile Justice System

The concept of juvenile justice was derived from a belief that the problems of juvenile delinquency and youth in abnormal situations are not amenable to resolution within the framework of the traditional processes of criminal law. The Juvenile Justice System therefore is not designed to respond to the needs of young offenders only. One principle role of the Juvenile Justice System has been to provide specialized and preventive treatment services for children and young

http://www.ncpcr.gov.in/
persons as means of secondary prevention, rehabilitation, and improved socialization. During the Seventh UN Congress on prevention of Crime and the Treatment of Offenders, three approaches to juvenile justice were identified, namely, the due process model, the welfare or parents partial model and the participatory model. It may be noticed that the Juvenile Justice System is one of the several measures taken by the state to attain the vision of the Constitution of India relating to the care and welfare of children. The Constitution recognizes the special status of children through Articles 15(3), 24, 39(e) and (f), and 45.

The term 'juvenile justice' has been given different meanings in different contexts. It has been variously used to refer to the juvenile court, the institutional linchpin of the innovation, and to a stream of affiliated institutions that carry responsibilities for control and rehabilitation of the young, including the police, the juvenile court itself, prosecuting and defence attorneys, juvenile detention centers, and juvenile

The Juvenile justice system is one of a number of measures which society has devised and developed for the purposes of socializing and controlling children. The system has multiple functions and aims. From the beginning it had been concerned both with protecting society and serving the best interests of the child, while at the same time meeting the child’s needs and protecting his rights. The juvenile justice system thus performs the welfare cum criminal justice functions, in this duality of its roles; the system strives to achieve explicit social goals such as the provision of minimum standards of child care. The system also functions to safeguard the right of children as per the United Nations Declaration of the Rights of the child.

The central functions of the juvenile justice system are: to provide for the care, protection, treatment, development and rehabilitation of neglected or


delinquent juveniles and for the adjudication of matters relating to, and disposition of delinquent juveniles in the light of the avowed policy of providing opportunities to such Children to become useful citizens for any country. The envisaged framework undoubtedly entails a purposeful blending of institutional devices with community based approaches, of professional services with voluntary efforts and of the State interventions with the informal collective initiatives of the people themselves.

Crime and the Treatment of Offenders identified three models of juvenile justice system on the basis of contemporary approaches to dealing with juvenile offenders;

(a) The due procedural model;
(b) The social welfare model; and
(c) The participatory process model.

The first model is based upon the concept of legality, the role of law and due process, the professional lawyers making the main decisions. The second model is based upon notions of economic and social justice through State planning and Welfare, with administrators and professionals from the "helping services" making the main decision. The resolution of the issue with respect to the first two competing models is essential for the proper development of a mechanism to control and protect the juveniles. The third model resolves the issue because juvenile justice can more meaningfully take place at the macro level, with greater participation of citizens in the resolving or containing of conflict at the local level with a minimum intervention of the centralized power structure of the modern State.

The third model exists still in the pre-industrialized countries and is also applied to juvenile and youthful offenders in the developing countries. At present there is hardly any country in which juvenile justice system subscribes entirely to one of these three models. Most juvenile justice systems have elements of each model to a varying degree. The balance between the three models has been achieved according to the culture and the stage of development of a country. The
The juvenile justice system in each country is related to the history and culture of the country, to the criminal justice system for adults and to other social institutions.

The juvenile justice movement appears to have owed more to the slowly changing conceptions of childhood which came to maturity during the seventeenth and eighteenth century. Until that time the children accused of delinquent behavior were treated like adults in matters of penal policy. They were brought before the same Magistrate or Judge as were adults and were remanded to the same prisons as were hard core criminals, to await their trial. Once convicted they were behaving just like habitual offenders to the same sentences including death transportation and imprisonment, as were adults. Until the commencement of the nineteenth century it was by no means considered unreasonable that children should be sentenced to death, transportation or imprisonment. As late as 1833, a boy of nine was sentenced to be hanged in England for the comparatively trivial offence of poking a stick through a patched up pane of glass and stealing twenty-two penny worth of paint. It was a different matter that the sentence was not carried out. As for transportation, it was stated in evidence to the House of Lords Committee on Juvenile Delinquency and Transportation, 1847, that 339 boys between the ages of fourteen and seventeen were transported in 1844 alone. Putting the delinquent children of tender age along with adult prisoners were then the time honored tradition and nobody questioned its irrelevance or illegitimacy.

This realization and the attempts to come to terms with it have supplied the agenda for child law reform movement which even persists to the present time. There were two important elements in the development of institutional concern for children: one was concerned with the physical abuse and other with moral contamination. The recognition of the stigmatizing effects on children resulting from their association with the penal system led to a concern to keep children out of ordinary criminal courts and their hearing systems. In theory it was then recognized that it is desirable to treat children according to their underlying needs and not in response to specific acts. The concern for the children had grown during the nineteenth century on account of the recognition of special needs of
children. Such concern was based in part upon humanitarian ideas, but also upon belief that the problem of juvenile delinquency could be prevented by segregating, educating and correcting children who showed first signs of delinquency.

By the end of nineteenth century these ideas were firmly backed by legislation, and thus courts for children were required to be set up to give expression to humanitarian beliefs. Juvenile courts did not appear out of a clear blue sky are day in Illinois in 1898. They emerged from the confluence of several streams of thought and practice, some of them centuries old, others relatively recent responses to changing social conditions. They evolved gradually and inevitably from earlier developments flowing from a history of special judicial interest in juveniles and a growing social concern their welfare. The juvenile court, as its historian's record, owes a great deal too American ingenuity and enterprise, but it also has legal roots that can be traced back to principles that are deeply embedded in English jurisprudence. These principles are to be found in the differential treatment which was given to children by the English courts through the application of common law and equity doctrines for the protection of innocence.

In England the chancery court had for centuries been charged with the protection of juveniles under a concept known to by its Latin phrase parents patria. Through this system of equity the King acted as parents patria, or as "father of his country", in exercising his power of guardianship over the persons and property of minors, who were considered wards of the State and as such entitled to special protection. This system, despite apparent benevolence, served very few children and perhaps gave the least attention to those most in need of parent care.

The concept was applied almost exclusively to the property interests of children, and addressed mainly to the problems of the relatively ailing and of those whose property rights were somehow in jeopardy. The other legal root of the juvenile is that a child under the age of seven is conclusively presumed incapable of entertaining criminal intent and, therefore, of committing the crime. Between the ages of seven and fourteen, a child is presumed to be incapable of
committing a crime, but the presumption may be rebutted by showing that it the offender has enough intelligence to know the nature of his act. After the age of 14, children, like adults, are presumed to be responsible for their actions. In the last two decades of the 1800s there were many other developments in law that indicated this new awareness of the plight of children in families of lower economic status. During the same two decades attempts were made in several western nations to take children out of prisons and place them in separate institutions. The first effort to provide correctional treatment to delinquents had been imputed to hospital of Saint Michael in Rome, founded by Pope Clement XI in 1704, where a hall was established for their correction and instruction those who when idle were injurious, may when taught become useful to the State. Germany established an institution for similar purposes in 1813.

In England the background of the reformatory movement is traceable in part to several types of facilities developed for the care and correction of children. In the early nineteenth century industrial schools were built for the younger neglected children, and reformatory schools were established for older children convicted of crime who would otherwise have to go to prison. Distinctive contributions to this institutional development came from the borrowing of continental experiments, particularly the pioneering methods employed in France in 1839. The recognition of separate institutions for the young offenders led to the passage of the Reformatory Schools Act in 1854 and the Industrial Schools Act in 1857 in England. In 1908, a Children Act collected and clarified the laws relating to child protection and established a Children's Branch in the Home Office to improve the performance of the juvenile institutions. In 1933, as result to a report by the Departmental Committee of Inquiry into the Treatment of Young Offenders, The Children and Young Persons Act was passed. This law together with its subsequent amendments had set up the system of approved Schools for children up to the age of 17 years and had strengthened the Borstal system for older adolescents up to the age of 21 years of age.

In the United States the development of specialized institutions for the
young delinquents came earlier than in England, but until the nineteenth century the idea of separate institutions for delinquent children did not materialize into any visible movement. In 1819, the movement for the specialized institutions for juveniles started with full swing; its earliest products being the establishment of the New York City House of Refuge in 1825. Municipal institutions of a similar nature followed after in several cities. There was, however, no consistent philosophy attending the development of these training schools. Rather, experimentalism and enthusiasm prompted varied types of structures and methods in different places. A few decades ago a reform movement spread throughout the world and in many countries, including India, separate institution for the young offenders was established. Viewed in this historical backdrop, the juvenile justice system seems to inherit the ideas and institutions developed in western countries, especially the Great Britain and the United States.

The juvenile justice ideology emerged thus at the end of a century of developments which had separated children from criminal adults at all stages of the judicial and the treatment process. The desire for individualization and reformation of the child had played an important part in the development of juvenile justice, and in fact was one reason why a separate system arose. In essence, the twentieth century progress in juvenile justice could be attributed to its nineteenth century ancestry. The contemporary juvenile justice scenario represents a judicious blend of censure or penalty on the one hand, and sympathetic good sense on the other. Each country is now moving toward a central point where ideas drawn from welfare approach and those from criminal justice are finely balanced. The juvenile justice systems in different parts of the world represent a synthesis or convergence of law and welfare to a degree which earlier was deemed impossible. In other words, the contemporary concept of the juvenile justice system provides a meeting place for the innovative approaches of criminal justice, welfare and the Community.

Children are the easy victims of the unlawful activities be it the petty offences or something as serious as trafficking or war crimes. Perhaps this is
because of their innocence and/or their vulnerability, it is important to recognize that children are not born into crime; they may be led into it. They are innocent and, therefore, they need to be protected and safeguarded. However, those who have been victim of the situation needs to weaned away from it through child friendly ways. They need redirection and channelization of their spirits and energies. This requires a sensitive heart and a proactive mind that could counsel them. Sometimes it may require tougher route of transformation through the restorative work and channelization while they are regrouped in Observation Homes and Special Homes. The longer they are left on this path the more likely it is that more long term negative outcomes will be encountered and may manifest antisocial behaviours throughout their lives originally these children were referred to as juvenile delinquents.

However, the present Juvenile Justice legislation in India has tried to move out of the derogatory nomenclature and introduced the concept of ‘children in conflict with law’ and ‘children in need of care and protection’. Although the implementation of the Juvenile Justice Act is clearly a reflection of the seriousness of the government’s attempts to provide spaces for children and be more child friendly and restorative. However, still the child in conflict with law continues to be seen as a delinquent with all deliberate intentions to go against the law. In this orientation we end up undermining the inherent innocence of the child. Thus instead of having a protecting and a caring attitude towards these children we often take an offence against them and turn hard in our dealings with these children both during legal and other rehabilitative activities, thus overlooking the critical need of these children of being looked after and attended to.

It is important that the children are listened to and their point of view is understood. Above all, the whole and central issue is to recognize the circumstances of the child which led him into the undesirable act Juvenile Justice is commonly understood as a notion of fairness and justice and also an alternative system of dealing with children through laws. The idea of fairness concerning
children is the fundamental ideological premise of juvenile justice, which ensures that the mental and physical incapability of a child are taken into account. Fairness and justice not only demands that children's liability ought to be diminished but also ordains that they must be subject to protective and restorative measures as are most conducive to their reintegration into society.

1.6 Methodology

While undertaking, the present study work all the current literature on topic available in form of books, research papers, reports and decided court cases etc. has been consulted. An attempt has been made to study and analysis of the writings that have a bearing on the subject undertaken for study. Further, more emphasis has been laid on the case law that has been decided by Supreme Court and High Courts of different states. In short, doctrinal approach has been adopted. To the possible extent every aspect of the Juvenile Justice in India and Legislative Judicial Approach has been analyzed.

1.7 Importance of Study

It has been seen that juvenile delinquency is a big problem in India and world over. There can be no denial to the fact that today's delinquent child if not properly taken care of, will be tomorrow a criminal. Delinquency amongst children can be controlled before they become serious threat to the society. The statistics provided by various agencies from time to time show an upward trend in the incidents of crime by the juveniles. There is need to have a thorough study of various facts and causes leading to delinquencies, disorderly conduct, vagrancy and conflict of a child with law and also the solution to the problem including proper protection and rehabilitation of the delinquent child.

No doubt juvenile delinquency is a big problem in India and various laws passed by the parliament from time to time are fulfilling the objectives to a considerable extent, yet lot of work is required to be done in order to make juvenile justice system in India a reality. For this purpose a number of questions are being figured as under:-

► Are the various Child Acts sufficient to tackle the problem of juvenile
delinquency in India?

► Are the law executing agencies properly executing the law in favour of the juvenile delinquents?

► Is it dangerous to club the juvenile delinquent with the hardcore criminal, if separated what physiological, mental changes are likely to flow?

► Is the concept of rehabilitation and reformative measures a reality or a hypothecation?

► Whether the Supreme Court has to a considerable point succeeded to make the real objectives of the various Acts in reforming the juvenile delinquent in India?

► Whether there is an inflow of juvenile delinquent in India?

► Whether the society is a hub of the production of juvenile delinquent in India?

► Whether the reformative rehabilitation institutions provided by the Government of India are sufficient to reform the criminal mind of the juvenile delinquent in India?

In the present research study, an attempt has been made to examine and answer all the above expected questions. The various issues of this multifaceted problem have been examined thoroughly in the light of statutory provisions and judicial decisions.

1.8 Scheme of Study

The study has been divided into six chapters. The Chapter one it is devoted to introduction. It deals with problems, project of study and methodology under this caption. The concept has been introduced and the problem is highlighted in it. In fact it is an introductory in nature and encompass of research study. The concept of juvenile justice system in India has been explained thoroughly. The emphasis of study, the evolution of the concept of juvenile justice has been mentioned.

Chapter Two deals with definition, meaning, causes and scope of juvenile delinquency. In this chapter the meaning and scope of the juvenile delinquency
and various juvenile delinquency theories have been discussed. Various Acts passed by the parliament from time to time have been thoroughly discussed. Further, it is also highlighted the modern concept of juvenile justice in India. In this chapter the researcher has also discussed other factors which are very responsible for the juvenile delinquency just like parents relationship with their children, family atmosphere etc.

Chapter Three examines the history and development of juvenile justice delivery system regarding juvenile offenders. Here the historical development of the justice delivery system to the juvenile offenders with its ancient, medieval and modern reference has been thoroughly discussed. Further, it also elaborates and examines the developing process of the juvenile justice system from age to age which has been studied and examined thoroughly.

Chapter Four highlights the law related to juvenile offender. In this chapter the various enactments by the parliament and its application in letter and spirit have been discussed thoroughly. The researcher's main aim in his research is to include and discuss all Acts which have been enacted by the Parliament for the welfare of the juveniles.

Chapter Five deals with the judicial trends on juvenile delinquency. In this chapter various case laws laid down by the Supreme Court and High Courts have been studied, analyzed and discussed thoroughly. This chapter also deals with the case laws regarding juvenile delinquency; the social background of the juvenile delinquent, its related environment and various remedies provided to the juvenile delinquents in India has been properly analyzed and discussed thoroughly. The researcher in his research has included many recent case laws which have been decided by the Supreme Court and High Courts and these are very beneficial and guiding beacons for the juvenile delinquents in their cases.

Some conclusion and suggestions are drawn on the basis of this research study and have been incorporated in the last Chapter Six under the heading of "Conclusions and Suggestions." The researcher has put his conclusion and suggestions in his research that Parliament has enacted so many Acts for the
welfare of the juveniles but these Acts not have been implemented wholeheartedly with sincere intentions on account of which juveniles in India are still facing many problems. Apart from it, certain suggestions have also been made out at the end of the study.