GLOSSARY

1. **Adjudicate** - To remove a case through judicial decision. Many juvenile justice cases are heard without the assistance of a jury. In such cases the judge will hear the case and prescribe the best course of action, thus "removing" it from the court.

2. **Affidavit:** A written statement sworn or affirmed before an officer authorised for the purpose like a notary or a magistrate.

3. **Aftercare** - The probationary period following a youth's release from a juvenile facility. During this time the youth's behavior will be followed by the juvenile court, and he or she may be required to meet specific probationary obligations.

4. **Analytic Jurisprudence:** Analytic jurisprudence asks questions distinctive to legal philosophy like, "What is law?" "What are the criteria for legal validity?" or "What is the relationship between law and morality?" and other such questions that legal philosophers may engage.

5. **Bail:** The release of an arrested person on his bond and that of sureties (Original meaning).

6. **Cognisable Offence:** Offences are divided into two types, cognisable and non-cognisable. In the case of a cognisable offence a police officer can arrest an accused person without a warrant and the police officer is empowered to investigate without any order or authority given by a magistrate.
7. **Criminal court** – India criminal courts have traditionally dealt with adults accused of committing criminal acts. Increasingly, however, juveniles are being tried in criminal court.

8. **Culpability: Culpability** descends from the Latin concept of fault (*culpa*), which is still found today in the phrase *mea culpa* (literally, "my own fault"). From a legal perspective, *culpability* describes the degree of one's *blameworthiness* in the commission of a crime or offense. Except for strict liability crimes, the type and severity of punishment often follow the degree of culpability.

9. **Doli incapax:** A **conclusive presumption** (also known as an *irrebuttable presumption*) in English law is a presumption of law that cannot be rebutted by evidence and must be taken to be the case whatever the evidence to the contrary. Child cannot be liable for his act under the notion of *doli incapax*. The law lays down an absolute rule that such a person is incapable of committing any crime. Under Indian laws the age of total innocence is up to completion of 7 years.

10. **Due Process: Due process** (more fully *due process of law*) is the principle that the government must respect all of the legal rights that are owed to a person according to the law of the land, instead of respecting merely some or most of those legal rights. In the laws of the United States (U.S.), this principle gives individuals a varying ability to enforce their rights against alleged violations thereof by governments, but normally not against other private citizens. Due process has also been frequently interpreted as placing limitations on laws and legal

---

1 Section 82 of Indian Penal Code. It says nothing is an offence which is done by a child under 7 years.
proceedings, in order for judges instead of legislators to define and guarantee fundamental fairness, justice, and liberty. This interpretation has often proven controversial, and is analogous to the concepts of natural justice and procedural justice used in various other jurisdictions.

11. **Habeas Corpus:** Literally it means "have the body produced". A command issued by the court to a person detaining a prisoner (or to some other person who has detained another) to produce the detained person before the court.

12. **Informal disposition** - Held when a youth admits guilt to a crime in an informal juvenile hearing. During the disposition, the requirements of the court are laid out in a consent decree.

13. **Judicial waiver** - A judge may waive the juvenile court's authority over certain cases, sending them to be heard in criminal court.

14. **Jurisprudence:** Jurisprudence is the theory and philosophy of law. Scholars of jurisprudence, or legal philosophers, hope to obtain a deeper understanding of the nature of law, of legal reasoning, legal systems and of legal institutions.

15. **Juvenile delinquency** - A delinquency act is an act that would be considered criminal, if not for the fact that it was committed by a juvenile. A juvenile is defined in the U.S. Code as a person under the age of 18.

16. **Mens rea:** In criminal law, mens rea— the Latin term for "guilty mind"— is usually one of the necessary elements of a crime. The standard common law test of criminal liability is usually expressed in the Latin phrase, *actus non facit reum nisi mens sit rea*, which means
that "the act does not make a person guilty unless the mind is also guilty". Thus, in jurisdictions with due process, there must be an actus reus accompanied by some level of mens rea to constitute the crime with which the defendant is charged (see the technical requirement of concurrence). The Criminal Law does not usually apply to a person who has acted with the absence of mental fault; this is a general rule.

17. **Natural Law:** Natural law is the idea that there are unchangeable laws of nature which govern us, and that our laws and institutions should try to align with this natural law.

18. **Non-cognisable Offence:** In case of a non-cognisable offence, a police officer is not ordinarily authorised to arrest a person nor is he empowered to investigate without an authorisation given by a magistrate.

19. **Normative Jurisprudence:** Normative jurisprudence asks what law ought to be. It is close to political philosophy, and includes questions of whether one ought to obey the law, on what grounds law-breakers might properly be punished, the proper uses and limits of regulation, how judges ought to decide cases.

20. **Parens patriae** - Translates roughly to "state as parent." This is the idea that the state has a responsibility to play a parental role to youths who have been neglected by their parents.

21. **Personal Law:** The All India Muslim Personal Law Board (AIMPLB) is an organisation constituted in 1973 to adopt suitable strategies for the protection and continued applicability of Muslim Personal Law in India, most importantly, the Muslim Personal Law (Shariat)
Application Act, 1937, providing for the application of the Islamic Law Code of Shariat to Muslims in India. The AIMPLB was launched as a direct result of the 1978 Shah Bano case, in which the Supreme Court of India granted alimony to the then 69 year old Muslim divorcee, Shah Bano. The orthodox Muslims in India felt threatened by what they perceived as an encroachment of the Muslim Personal Law, and protested loudly at the judgement. Their spokesmen were Muslim community leaders MJ Akbar and Syed Shahabuddin.

22. **Reformatory** - Prior to the formal establishment of the Juvenile Justice System, delinquent youths were placed in privately run reformatories. Reformatories are generally geared toward rehabilitating and educating youth.

23. **Reverse Waiver** - A youth being tried in the adult system may request to be transferred into the juvenile justice system.

24. **Status offender** - A juvenile who has committed an act that is only considered a law violation because of his or her status as a juvenile. Some examples of status offenses are underage alcohol consumption, truancy from school, general "ungovernability," violation of curfew, and running away from home.

25. **Status quo**: **Status quo** is a Latin term meaning the current, or existing state of affairs. To maintain the status quo is to keep the things the way they presently are. The related phrase *status quo ante* means "the state of affairs that existed previously."
26. **Vinculum juris**: Laws created a vinculum juris (an obligation of law) that could only be discharged by the payment of monetary compensation (modern damages).

27. **Youthful Offender** - "Youthful offender" status may be given to a juvenile being tried in the criminal justice system. The status usually guarantees that the proceedings will not be open to the public and that after turning 21 the youth's criminal record will be cleared, provided court requirements have been met.