CHAPTER-X

CONCLUSION
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From the overall discussion made in the previous chapters the researcher has reached to the conclusion that Children are the pillars of the nation and assets of the nation. At international and national level various steps have taken to provide them equal opportunities for development so that they become robust citizen physically fit, mentally alert and morally healthy endowed with the skills and motivations needed by the society. There is need to protect various rights of the children. They are protected under various laws in India. Out of them one of the landmark enactments made by India in 2000 in the form of the Juvenile Justice (Care and Protection) Act, 2000. This Act has given new shape to children in conflict with law and the juvenile justice system. The concept of juvenile delinquency is not a new concept but it is developing from 17th century till today.

The Constitution of India provides legal frame work to protect children. There are so many fundamental rights of the child are protected under the Indian Constitution relating to the welfare of the children. The constitution recognizes the special status of children under Art. 15 (3), 39 (e), (f), and 45. Indias National Policy for children adopted in 1974 also declares that children are supremely important National assets. In pursuance of the constitutional directions, various laws have been enacted which cover a wide range of matters relating to child. Now right to education is fundamental right of the child under the Indian Constitutional Law. These are mandatory provisions on states to protect the rights of the children. The rights of the children are protected under different laws like Indian Penal Code, Civil Procedure Code, Criminal Procedure Code, Labour Laws, Indian Penal Code, Indian Contract Act and the Juvenile Justice (Care and Protection) of Children) Act, 2000 which specifically protects the rights of the children in conflict with law and who are in need care and protection. But later on there were also some lacunas in this Act, therefore some amendments are made in this Act in 2002 and 2006. On the basis of research it is concluded that even though protection is provided under various legislations but
due to some reasons like illiteracy, poverty, malnutrition, unemployment, lack of awareness this Act is not achieving 100% positive result.

No child is born criminal, but the various unhealthy circumstances and the state of innocence in childhood make the child fall easy prey to criminality. There are various factors responsible for juvenile in conflict with law like social, economic, poverty, illiteracy, media, psychological, etc. Out of them the first and most important cause is related with the family in which the child lives. If the family members show great concern with regard the child and the growing problem of the children in conflict with law it would help to curb this social problem to a greater extent, therefore there is need to find the root cause and eradicate it totally so that there will be no need to cure the children in conflict with law. Under this Act juvenile in conflict with law is protected from heinous punishment, the main object of this Act is not to punish but to reform by way of rehabilitation, after care programme, foster care. In this field the special efforts are made by the NGO and the Government by passing different legislations. It is said ‘preventive is better than cure’.

The Juvenile Justice (Care and Protection of Children) Act, 2000 has been given new dimension to the Children in conflict with law and confirms minimum standards in case justice, care and protection. Child protection this responsibility had been accepted by the welfare state. India has signatory country of United Nation Child Right Convention for that reason India is trying to achieve these goals which are defined under this convention. In this Act changes are made time to time and removed lacunas so that Juvenile in conflict with law should be protected. The main object of this Act to fulfill the constitutional mandate by ensuring care and protection of the children in conflict with law and children in need of care and protection. However the studies have shown that the schemes are inadequate and Juvenile Justice System is not working according to the goals of this Act. Out of them lack of implementation provisions of this Act is one of the important reason.

The Indian judiciary trying to keep pace with it and has adopted an activist goal oriented approach in all social proems, so as also in the problem concerned with the child is not left from the ambit of the judiciary. The judiciary from time to time has adopted a positive role to safeguard the interest of the child to its entire means.
Through its various decisions it has proved that the judiciary has always playing a
supreme role in the matter of juvenile in conflict with law so children can be protected
from exploitation, deprivation and criminalization considering their age of innocence.

Under the Juvenile Justice (Care and Protection of Children) Act, 2000 there
are some authorities playing an important role in cases of children in conflict with
law. These authorities are police, Juvenile Justice Boards, Observation Homes,
Special homes, social workers, and probation officers. While handling the cases
relating to children in conflict with law children are treated separately according to
their ages. This Act also provides them love and care even though they have
committed any offence so that they will able to reform and realize.

Under this topic the researcher has drafted the questionnaire which has
questions both ‘Opened’ and ‘Closed’ type. Few questions were closed type where
respondents has no choices other than to opt any of the option provided and few
questions are of ‘Opened’ type where they can answer their opinion, express their
thoughts, ideas and provide subjective answer to those questions. The responses are
then tabulated and statistics are prepared. On the basis of these statistics, the
inferences are drawn. These tabulated data helps to draw conclusion. In this part of
the research writing, the analysis of the socio-legal study put in and discuss in
following manner. On the Basis of above response to the questions the conclusion
drawn by the researcher like while handling the cases relating to juvenile in conflict
with law authorities facing more problems regarding their age of the juvenile in
conflict with law, question of plea bargaining, intake capacity of the observation
home and Special home, Role of NGO and harassment of police. To overcome to
these problems there is need to functioning of the authorities according to the
Provisions of this Act.

This Act also provides reformation and rehabilitation to the juvenile in conflict
with law in such way when they step out in the society would face the society and to
live in a proper way. The provisions under this Act are very beneficial to them but in
actual sense it is possible in the rarest of rare case. The law on the subject is quite
comprehensive. What is needed is its proper implementation. Quite contrary to the
objectives of the Act, the practical reality is horrific, and needs to undergo a sea
change before it can truly bring forth the legislative intent. And that is where the

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Judicial Magistrates and caretakers of the juvenile homes come in the picture. A law may be very good on paper but unless implemented in its true spirit, it is meaningless. That seems to be happening in this case also.

The Constitution of India envisages for Indian children a happy and healthy childhood, free of abuse and exploitation. However, the reality of daily life for vast numbers of children is completely disconnected from this vision. In the case of juveniles facing the law enforcement machinery, the situation is even more poignant. The problem of neglected and delinquent children can only be understood and dealt with in the context of the wider concept of child rights. The objectives of the Juvenile Justice (Care and Protection of Children) Act, 2000 are to ensure the care and protection of children, to provide for their development and rehabilitation, and most significantly, to reorient the law regarding juveniles according to the standards and rules prescribed by the United Nations. Large numbers of children in India live in conditions of deprivation and in circumstances which can easily lead them to crime.

Socio-legal researches are based on the data collected by the researcher by way of survey method, questionnaire method it may be open question and closed question. This type of legal research gets accuracy, reliability and it can help to make amendments for the benefit of the juvenile in conflict with law, society, state and Nation. The utility of this research work is defined by way of research accuracy, research reliability, social cohesion, social concept, social welfare, law reformation, evolution of law and comparative study.

Lastly it is concluded that the measures provided under this Act are not sufficient. The researcher has given more focus on the lack of implementation of the juvenile justice (Care and Protection of Children) Act, 2000. Later on this Act is amended in 2006, some amendment which are already discussed by the researcher, but there are some criticism and hurdles while implementing the Juvenile Justice (Care and Protection) Act, 2000.

The Juvenile Justice (Care and Protection of Children) Act, 2000 is far from being a perfect legislation to protect and promote the rights of children. The mistakes in the earlier law have been replicated in the present enactment. It is still left to the discretion of the respective State governments to set up the mechanism mentioned
under the Act, despite a demand that the full implementation of the Act be made mandatory. The juvenile justice system is presently in midpoint. Let us hope that respective State governments fill the lacunae by preparing comprehensive rules in consultation with child rights experts and non-governmental organizations. The Central government is empowered under Section 70 to remove, within two years of the Act having come into force, any difficulty that hampers its effective implementation. Let us put the Juvenile Justice (Care and Protection of Children) Act to test, and make most of this provision to streamline its efficiency, keeping children centre-stage. The Juvenile Justice (Care and Protection of Children) Act, 2000 lays down the primary law for not only the care and protection of the children but also for the adjudication and disposition of matters relating to children in conflict with law. The Juvenile Justice System is limited in its application to the children committing offences and others in need of care and protection.