CHAPTER-I

INTRODUCTION
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Introduction

"Children are around us. They represent about a quarter of the world's population. They are not equipped to defend themselves, they must depend on what is given them. They are victim of circumstances. They bring us joy, they bring us tears, they are our reason to hope. They are your children, they are my children, they are the children of the world".

Eddie Adams

The Juvenile Jurisprudence has made the space for itself in the 21st century and almost all legal system across the world has adopted different models to give separate treatment and protection to this class which is totally different than those of adults. With objectives of diverting youthful offenders from the destructive punishments of criminal courts and encouraging rehabilitation based on the individual juvenile's needs, a juvenile justice system has developed with strong foundation to look after this vulnerable and marginalized class. ‘Prevention’ of the juvenile from neglect, harassment, torture, exploitation, cruelty and criminality and ‘protection’ to them for assistance, care, justice and need is the set objectives of Juvenile Justice System across the world and in India too.

The present study has its key focus on Justice, Care & Protection of the 'juveniles' under the existing legislation in India. The history of juvenile justice in India has evidenced three different phases of juvenile justice in India. The pre-1960 era hardly evidence juveniles as a separate class. Despite the several concessions and privileges to the children by legislative pieces and different treatment to them from court, this era had marked with the clubbing of juveniles with adult and they were tried together irrespective to their age. The second phase has marked between post-1960 to 1986 era where special enactments has brought into being for juveniles like the Children Act, 1960 which create ‘juvenile’ as a special class. However, this demarcation was limited only up to the legislative enactments. Now separate courts,
professions judges, or specific procedure have been prescribed. Even the delinquent
were kept in the jail along with adult criminals. Therefore this phase is one based on
the specific legislations and treatment participation of the court in it a plain or a
specialized one, without any procedural practical change in the approach. The third
phase is post-1986 period where 'juvenile' is considered not only the different class
on legislative enactments, but separate forum, separate reform homes and
observations homes are come into existence. The new development has taken place
with the advent of Juvenile Justice (Care & Protection) Act, 2000 when the object of
the juvenile justice is not only to provide the treatment to juvenile turned delinquents
but also to take care and provide protection to those who are likely to become
delinquents.

Thus, the present study has stressed its attention not only on the changes and
development in the juvenile justice system, but it has also attempted to emphasize the
causes for such delinquency. The effort has been made to highlight the administrative
procedure and judicial approach in the light of basic objectives of juvenile
jurisprudence. The investigation has activated to critical analysis of various facts and
figures in the light of main objectives of the current legislation to deal with the
problems juveniles in India.

The present study entitled, 'A Critical Study on Juvenile Delinquents with the
reference to Justice, Care & Protection under Juvenile Justice (Care and Protection
of Children) Act, 2000' had required a comprehensive look for justice, care and
protection of juvenile in the light of Juvenile Justice (Care and Protection of Children)
Act, 2000. In order to understand and analyze the juvenile jurisprudence, the
investigation of this research problem has initiated with the historical perspective of
'juvenile delinquency'. The chapter has attempted to have historical development,
approach and makeover of the problem of juvenile delinquents. The main objective
of the chapter is to understand the concept of juvenile delinquent, so as to proceed for
further analysis of the causes and cure.

As the present investigative research writing is to be focused in the light of
the Juvenile Justice (Care and Protection of Children) Act, 2000, it thought essential
to have a perusal of aim and objectives of the Act. In this -III chapter the researcher
has given focus on Juvenile Justice Policy in India is largely governed by the
constitutional mandate given under preamble, Article 15 that guarantees special
attention to children through necessary and special laws, policies, and safeguards their rights. The right to equality, protection of life and personal liberty and the right against exploitation is enshrined in Articles 15(3), 21, 21(A), 22(1), 22(2), 23, 24, 37(e), 37(f), 45, 47 and 51A(k) of the Indian Constitution.

The Constitution of India recognizes the vulnerable position of children and their right to protection. Thus, chapter-IV has turned its focus to understand the basic objectives of the Act and the object it sought to achieve. The chapter *inter alia* has attempted to put the objectives of the Act on record so that the further analysis of factual findings made be carried out in the light of these objectives. As the Juvenile Justice (Care and Protection of Children) Act, 2000 is the most modern and progressive piece of legislation, it not only demand the treatment to turned delinquents, but it also requires for their care and protection. Thus the act demands proactive action, not passive reaction. It demands positive action, and not aftercare treatment. This part of the thesis has examined the basic touchstone indexes of the act so as to enable the further critical analysis of administrative set-up, bureaucratic procedures and judicial responses in the light of these aims and objectives.

Next chapter-V of the thesis has focused on the interplay of ‘Juvenile Delinquency’ and ‘Juvenile Justice’, their correlation and interlink. The chapter highlighted the definitional meaning and legislative expectations from these terminologies. Both the terminology has been examined in the light of the Juvenile Justice (Care and Protection of Children) Act, 2000. In this attempt, the efforts have been made to highlight the different connotations, dimension and interrelated terminology with these terms so that the meaning of the terms in different contents and context may be understood. This chapter has key role to set a conceptual clarity for both the terminologies and further contribute to understand the jurisprudential aspects of these terminologies. In this chapter the researcher has also highlighted information collected through survey from Pune District with specific reference to Juvenile Justice Boards, Special Juvenile Police Unit, Observation Home and Special Home.

The subsequently chapter-VI of this investigative writing has attempted to study the Juvenile Delinquency and its protective measures. The scrutiny has been made taking into consideration the protective measures prescribe, describe and stipulated at international and domestic level. The study has also taken into
consideration the various protective measures prescribe into various international
documents, covenants, declarations and legislative protection. The appraisal of our
existing system for juvenile justice has been made of in the light of these international
standards and assessment of Indian Juvenile Justice Mechanism on this account. The
crucial evaluation has been done to verify whether our present juvenile system pass
the test of constitutional expectations and fulfill the set objectives of 'welfare-state'
for juvenile. The query that 'whether present India is fit for the Indian juvenile to
survive and sustain' is the main central theme for this chapter.

The legal enquiry would hardly hold without taking judicial response into
consideration. Therefore, in order to understand judicial response and approach on
this vital issue of juvenile delinquency, the study Chapter-VII has promoted its
investigation on judicial contribution. Indian judiciary, specially its Apex Court is the
most modernized institution and has provided solid foundations for the protection of
vulnerable class. It has played commendable role for the mankind of this country by
upholding constitutional mandates while acting as a complimentary organ by
providing constructive contribution on most vital issues. Specifically, the third phase
(post-1986) of 'Juvenile Justice System' has marked after Sheela Barse case¹ which
had given new dimension and a new revelation to the problems of juvenile
delinquency. The Juvenile Justice Act, 1986 was an outcome and by-product of
judicial activism.

The penultimate Chapter-VIII is in fact the heart and brain of this investigative
writing. As the thesis demands, this chapter has in-depth critical analysis of the
legislative mandate, judicial approach, national and international standards and its
assessment in the light of actual facts and figures. As the researcher has carried out
the non-doctrinal research and equipped with first-hand data, the critical analysis has
been made to judge the working of model for juvenile delinquency. This chapter has
a pure blend of philosophical notions ground reality. This chapter has its own
importance in this research thesis, as the assessment and success of any act is not
possible only by looking to the piece of legislation on that point, but it is only fruitful
if it has been tasted on ground reality. The true picture of any system can only be
accredited in the light of actual facts and figures. This part of the thesis has attempted
to do so.

¹ 1986) 3 SCC 596].
The next chapter IX is Utility of Legal Research, in this topic the researcher has stated the utility of the research work in the form of research accuracy, research reliability, social concept, social cohesion, social work, law reform, evolution of law, comparative study and working of the law.

No research may be considered a complete piece unless the research come up with the inferences drawn from his investigation and suggest possible recommendations based on his inferences. The researcher has initiated her investigation on the vital issue of juvenile delinquency and had set few hypothesis. While scrutinizing this hypothesis in the light of various documents, responses and judicial pronouncements, she has leads to certain conclusions. These conclusions are nothing but the tested hypothesis in the light of various facts and data. Researcher has put these conclusions in the last part of her thesis. These conclusions are supplemented with appropriate recommendations in the same chapter.

The conclusion drawn and recommendation made at the end of this investigation writing is not absolute in nature and researcher has humble belief that no research work can be termed as 'last word'. The recommendations expressed at the end of this investigative writing may not be sufficient, complete and final, and even may not a mere guarantee to lead the desirable result. However this piece of research writing may be a sort of academic contribution and add in existing literature on this issue a different dimension that may be helpful in furtherance of research to the researcher. As it is beauty of the nature and unfolding future forecasts that abreast uncertainty and unpredictation, which make impossible any perfect solution about future problems. However, researcher has firm belief that these conclusion and recommendations are merely helpful to activate and motivate the process of further research. Certainly, destiny demand one-step to be put ahead and let the things follow it!!

Despite the evidence for pre-modern concerns about juvenile jurisprudence, a number of legal thinkers have argued that the late eighteenth and early nineteenth century was a pivotal period of change in the treatment of juvenile, and this is the period when separate concerned has been shown for juveniles as a ‘class’. Accordingly, a traditional approach to the history of crime has argued that during the nineteenth century there was an ‘invention’ of juvenile crime, and that, henceforth, the foundations were laid for the juvenile justice system of the later nineteenth
century, and, indeed, for our modern system. The key features to be enshrined in this system were the axiomatic tension between systems of punishment and reformation, the separation of juveniles from adults at all stages of the criminal justice system, and in the nineteenth century the removal of the child from what were seen as debilitating domestic environments.

Being the British colony, the Juvenile system in India had the legacy of British legal system. Therefore, the seeds of juvenile jurisprudence have its roots in British system. In Britain, the juvenile system has emerged as a separate branch of study only after seventeenth century. Not until the latter part of the eighteen century did some concern begin to be shown for the brutal conditions in which children were placed. Eventually, after the turn of the nineteenth century, some private homes began to be used for housing and caring for less serious juvenile offenders. Not until 1836, however, was a commission established in order to consider summary lower court non jury trial for youth. Finally, the Juvenile Offenders Act, 1847 was passed, allowing for the summary trial of youth under the age of 14 for theft. In 1854, the first Reformatory Schools Act was passed, which allowed for the commitment of youth under the age of 16 to separate reformatories from adults.

The summary Jurisdiction Act, 1879 permitted the summary trial of youth under the age of 16 for most offences; however, these trials were still carried out in adult courts, often alongside convicted adults. Finally, in 1908, just nine years after the development of the first juvenile court in the United States, the first separate juvenile court was established in England with the passage of the Children Act, 1908. the court had jurisdiction in criminal matters over ‘children’ under 14 and ‘young persons’ between 14 and 16, as well as civil jurisdiction over those in need of care protection, and control although the court’s stated purpose was to deal with youth under the age of 16 in a separate manner in order to keep them from associating with hardened criminals, no special provision was made for any new judges specially trained and assigned to work only with juvenile. Indeed, it has been suggested that
'the special need of children and young persons finding themselves in court were only appreciated when the juvenile courts had been operating for some time.\(^2\)

In India, the Children Act, 1960 defines juvenile offender as a male child below the age of 16 years and female child below the age of 18 years, who has committed a crime for which he or she is legally responsible.\(^3\) The Juvenile Justice Act, 1986, which was brought into being to give a fresh look to the problems of juveniles in India has provided a comprehensive scheme for care, protection, treatment, development and rehabilitation of delinquent juveniles and repealed the old version of the Children Act, 1960.\(^4\) The Juvenile Justice (Care and Protection of Children) Act, 2000 has again repealed the Juvenile Justice Act, 1986 and modified the definition of 'Juvenile' which means a male or female child below the age of 18 years.

So far as the development of concept of 'juvenile justice' at international level is concerned, it shows a steep development in the form of conventions, conferences and declarations. Several International standards require countries to promote the establishment of laws, procedures, authorities and institutions that respect the rights of children in conflict with the law and are directed towards their rehabilitation and reintegration into society. The primary instrument guiding the development of juvenile justice is the United Nations Convention on the Rights of the Child of 1989, which has been ratified by every country in South Asia. State parties are obliged to give effect to the Convention by means of laws, policies and practices designed to further its goals. The Convention of the Rights of the Children is complemented by relevant international standards such as the United Nation Guidelines for the Prevention of Juvenile Delinquency the 'Riyadh Guidelines' the United Nation Standard Minimum Rules for the Administration of Juvenile Justice the 'Beijing Rules' and the United Nation Rules for the Protection of Juveniles Deprived of their Liberty. Under these instruments, children should be treated by the justice system in a


manner consistent with their rights, their inherent dignity as human beings and which takes into account their needs and targets their reform.

The administration of juvenile justice should be directed towards their rehabilitation and reintegration into society and not their punishment. Torture or other cruel, inhuman or degrading treatment or punishment is prohibited. The death penalty and life imprisonment without possibility of release cannot be imposed for offences committed by persons below 18 years. Deprivation of a child's liberty should never be unlawful or arbitrary and should only be a measure of last resort and for the shortest appropriate period of time. In any judicial or administrative proceeding affecting them, children have the right to be heard and to have their views taken seriously. Alternatives to court procedures and to detention or institutionalization are encouraged. When detained, every child should have contact with his or her family and access to prompt legal or other appropriate assistance. Application of the death penalty for those under 18 is unequivocally prohibited. The implementation of the Convention is overseen by the Committee on the Rights of the Child, a body of 18 international experts chosen to represent a variety of geographical and linguistic communities.

The Constitution on India, 1950 provides the basis for the legal framework to protect children, whom it recognizes as a discrete group with identifiable rights and needs. The constitution mandates child protection as a special provision in Article 15 (3). Article 39 (e) & (f) provides protection of children’s healthy development. Article 24 prevents children from working in hazardous situations below the age of 14 years. Article 45 provides the right of children for free and compulsory education* * * 6 and Article 47 prohibits the consumption of liquor and intoxicating drugs, except for medical purposes.

Due to his physical and mental inabilities juvenile requires protection and aid to develop his personality in the right way. The children do not get protection or aid

5 Art. 15.(3) Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth ‘Nothing in this article shall prevent the State from making any special provision for women and children’.

6 Art 45 of the Constitution of India, 1950 has now incorporated into Part III (Fundamental Rights) in the form of Art 21A which impose liability on State to provide compulsory education to the children of the age of 6 to 14 years.
for development of their personality in the right way, they feel unprotected and in such unprotected state of mind, they afford the way of rebellion against the norms of the society and we name them as delinquents. These children then go out of control and come in contact with the association of the criminals where they learn delinquency. If they are not reformed or rehabilitated in time, they would be danger to the society in future. Thus, juvenile delinquency grows up and become the acute problem in society.

With view to raise a discussion on the problem of Juvenile Delinquency, the provisions of human rights shall be discussed in this study as the world organization focused attention to the problem of juvenile and the states should become mindful to it. To define Juvenile Delinquency is rather difficult task. It is necessary to know what constitutes the Juvenile Delinquency. There are so many problems regarding children like child labour, child abuse, juvenile delinquent, street children, and children victims of natural as well as manmade calamity. The problem of juvenile delinquency is not only a threat to physical and material well being of the members of an advanced society but also challenge to the developing nations. In fact no society immune to it as to occur both in rural and urban areas though in varying proportions.

Juvenile Justice (Care and Protection of Children) Act, 2000 makes it more rehabilitative rather than punitive as compared to its predecessor. The predecessor of Juvenile Justice Act, the Bombay Children’s Act and Punjab Children’s Act and other Acts did not apply to children outside the state’s purview. The Juvenile Justice Act, 1986 also limited in its reach to boys below 16 years of age and girls below 18 years of age. This different treatment concerning age deprived a large number of adolescent boys of the benefits of bail, probation etc.

The courts are expected to play the role of parent, friend, and advisor to the juvenile delinquents and protect them from an antisocial environment. The young and delinquents menace society by likelihood of his becoming later a chronic hardened case. Time and money spent on young and pains taken on their socialization can save society from recrimination.

The children are the important assets of the country so that it is important that there should be proper and healthy growth of the child in the society. The children due to their tender age and innocence fall easily in the crimes. Children are not born
criminals but due to some circumstances they becomes criminals or commits illegal activities which are against the social norms and if not checked and controlled at early stage then they will becomes dangerous to the society. Children are considered as pillars of the nation, it is duty of the state to protect and provide all the needs to the children so they will become the good citizen of India.

In India there are various legislations, which protect the rights of the children, special Acts framed by the legislature in the form of Juvenile Justice (Care and Protection of children) Act, 2000. The main object of this Act is to protect, prevent and rehabilitate the children in conflict with law and child in need care and protection. But due to lack of effective implementation machinery there are so many hurdles in the proper execution of this Act in India.

This warrants the need of protection of juveniles from refraining them from committing crimes and keeping away this vulnerable group to pose a potential threat to law and to have conflict in law and in turn, to analyse and study the hurdles of the juvenile in conflict with law as well as to do critical study of the child in conflict with law.

1.2. Objectives of the Study:

The main object of this study is to critical study of child who is in conflict with law with the reference to Justice, Care and Protection under Juvenile Justice (Care and Protection) Act, 2000. Following are the main objectives framed by the researcher of this research work:

7. See, the preamble of the Juvenile Justice (Care & Protection) Act, 2000 which runs as under-

“An Act to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under this enactment.”
1. To study Historical background of the Juvenile Justice (Care and Protection of Children) Act, 2000.

2. To study the concept of juvenile and various factors responsible for child in conflict with law.

3. To study the aims and objectives of the Juvenile Justice (Care and Protection of Children) Act, 2000.


5. To study the judicial contribution in the matter of child in conflict of the law.

6. To study various preventive measures of children in conflict with law.


8. To provide recommendations so far as to overcome these hurdles for the effective implementation of the rights of the child under the Juvenile Justice (Care and Protection of Children) Act, 2000.

1.3. Scope of the Study:

There are so many problems concerning to children in conflict of the law. It is not possible for researcher to study each and every problem of the children therefore the researcher has limited scope towards the children who are in conflict with the law, with reference to only justice, care, and protection under the Juvenile Justice ((Care and Protection of Children) Act, 2000. On the basis of this primary and secondary data collected by the researcher find out that whether these authorities performing their role according to the Juvenile Justice (Care and Protection of Children) Act, 2000. And also find out main obstacles, which hinder the proper Justice, Care and Protection in case of child in conflict with law.
1.4. Hypothesis:

The meaning of the hypothesis as a proposition, condition or principle which assumed, perhaps without belief, in order to draw out its logical consequences and by this method to test its accord with facts which are known or may be defined. Thus the formulation of hypothesis is pre-requisite of any successful research. A tentative theory or supposition provisionally adopted to explain certain facts and to guide in the investigation of others, hence frequently called a working hypothesis. The researcher has formulated following hypothesis. For convenience of formulation and fix the boundaries of study following tentative points are taken as-

1. Juvenile is a separate class, and need special attention different than adults.

2. Children are not born criminals. Criminality is an outcome of socio-economic situations in which the juvenile grow.

3. The Juvenile Justice (Care and Protection of Children) Act, 2000 has objectives to provide justice, care and protection to the juvenile in conflict with law, but lacks effective mechanism for its proper execution.

4. Lack of co-operation by the Administrative agencies in the implementation of Juvenile Justice (Care and Protection of Children) Act, 2000 with reference to justice, care and protection is one of the reasons for such failure.

5. The Judiciary plays an important role to provide justice to the child in conflict with law.

6. The main motto of the Juvenile Justice (Care and Protection of Children) Act, 2000 is ‘Prevention is always better than cure’.

7. Recommendations are helpful to prevent the child in conflict with law.

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9 http://ardictionary.com/hypothesis
1.5. Research Methodology:

Research is an honest exhaustive, intelligent searching for faults and their meaning of implication with reference to given problem. In fact research is an art of scientific investigation. Research is the systematic process of collecting and analyzing information (data) in order to increase our understanding of the phenomenon about which we are concerned or interested.\textsuperscript{10} According to Klein and Myers' they define research to be "interpretive if it is assumed that our knowledge of reality is gained only through social constructions such as language, consciousness, shared meanings, documents, tools, and other artifacts, it attempts to understand phenomena through the meanings that people assign to them".\textsuperscript{11}

Research is an honest exhaustive, intelligent searching for faults and their meaning of implication with reference to given problem. In fact research is an art of scientific investigation. According to Redman and Mory, 'research as systematized efforts to gain new knowledge'. Methodology is defined as the procedure which researchers go about their work describing, explaining and predicting phenomenon. Research is the systematic activity to achieve the truth and it includes the procedure of collecting of data, analyzing the data and finding the condition or truth'.\textsuperscript{12}

There are two kinds of research methodology

1. Doctrinal or traditional or non-empirical method

2. Non doctrinal or empirical method

Researcher has used the doctrinal as well as non-doctrinal research methods, and collected data by way of questionnaires with regard to the topic of the research. The researcher has collected primary and secondary data from various books, books by eminent authors, magazines, Internet, newspaper articles, Reports including law

\textsuperscript{11} Debra Howcroft, Eileen Moore Trauth ‘\textit{Handbook of critical information systems research: theory and application}’, 2005, p. 39
Commission report. The secondary data specifically collected by way of questioning to the respondents researcher has used sampling method.

1.6. Conceptual Frame work:

The Juvenile delinquency is not new in origin, and has been defined by the various jurists by different manner. During British regime, the various legislations had prescribed the different treatment to juvenile and considered the criminal liabilities as a separate group different than adult populations. Even after independence, there are many laws come into an existence to protect the rights of the children out of them one is the Indian constitution. Under Indian constitution there are provisions to protect the rights of the children. However, the first legislation to ignite the justice and protection for juvenile comes in the form of the landmark legislation passed in the form of Juvenile Justice Act, 1986. In this Act special provisions were made for the protection of juvenile delinquents but there were some lacunas therefore another Act passed in the form of Juvenile Justice (Care and Protection of Children) Act, 2000. In this Act there are so many administrative authorities playing important role for protection of rights of children in conflict with law and also discussed lacunas or drawbacks. Detail provisions are discussed in research work.

1.7. Significance of the work

In India there are so many legislations has passed to protect the rights and interests of the children. The Juvenile Justice (Care and Protection of Children) Act is one of the important Act protects the interest of the children in conflict with law and children in need care and protection. The importance of the research work is to see the administrative authorities performing their role as warranted by the Juvenile Justice Care and Protection of children) Act, 2000 and providing justice, care and protection to the children in conflict with law.

With view to raise a discussion on the problem of Juvenile Delinquency, the provisions of human rights shall be discussed in this study as the world organization focused attention to the problem of juvenile and the states becomes mindful to it. To define Juvenile Delinquency is rather difficult task. It is necessarily to know what constitutes the Juvenile Delinquency. There are so many problems regarding children like child labour, child abuse, juvenile delinquent, street children, and children
victims of natural as well as manmade calamity. The problem of juvenile delinquency is not only a threat to physical and material well being of the members of an advanced society but also challenge to the developing nations. In fact no society immune to it as to occur both in ruler and urban areas though in varying proportions.

The magnitude and significance of this problem is felt by everyone on every society and is further highlighted by public discussions, prominent coverage in the mass media and enactment of several legislative measures to tackle the problem. Parents, teachers, medical officers, social workers, psychiatrists tends to express serious concern over the alarming rise in misbehavior and antisocial activities among children. Juvenile Justice systems across the word broadly follow two philosophies namely, parent patria and in loco parentis as per former, the state plays the role of mediator in circumstances where there exist minor problems within the family, such as conflicts between parent and child. The meaning of later philosophy is that where the state steps in and completely takes over the parent role I case of major problems.

In the present thesis the purpose of looking at the role of the courts is twofold. While it focuses attention on the role of the Juvenile Courts, it does so from the point of view of containment theory. Juvenile Justice (Care and Protection of Children) Act, 2000 makes it more rehabilitative rather than punitive as compared to its predecessor. The predecessor of Juvenile Justice Act, the Bombay Children’s Act and Punjab Children’s Act and other Acts did not apply to children outside the state’s purview. The Juvenile Justice Act, 1986 also limited its reach to boys below 16 years of age and girls below 18 years of age. This different treatment concerning age deprived a large number of adolescent boys of the benefits of bail, probation etc.

As stated above, the state assumed the role of temporary or in many cases, the permanent guardian of juvenile in conflict with law and child in need of care and protection. However in reality the state tends to restrict itself to providing the child with a living space, food and to some extent security. The fulfillment of these needs in whatever manner is often considered as only criterion for measuring the institutions success. Facilities that aid meet in reintegrating a child in mainstream society after release after are often neglected. State comes in lieu of the parent, it is expected that it should go beyond simply being the protector of the child and also become responsible for fulfilling the child’s developmental needs and also providing parental care of the
child. However, in most cases during the process, the state does not ever revert to its actual function as a result of which the main object of the Act is defeated. The courts are expected to play the role of parent, friend, and advisor to the juvenile delinquent and protect him from an antisocial environment. The young and delinquents menace society by likelihood of his becoming later a chronic hardened case. Time and money spent on young and pains taken on socialize them can save society from recrimination.

The problem therefore deserves serious attention. This study is an effort to see whether the remedial measures provided by the Juvenile justice (Care and Protection of Children) Act, 2000 are sufficient for modification or addition to it are required. Most problems as to the remedial measures are the subject for discussion. There are so many problems regarding children which our nation is facing today like The implementation of the Juvenile Justice (Care and Protection of Children) Act 2000, in India has been extension of sensitization towards the problems of children in distress and significance of juvenile justice has come more into focus. The successful observance of court orders, skills for the development of the child and training for those dealing with children are important in the area of child welfare. Under the Act, State Government, either by themselves of by an agreement with any voluntary organizations, may conflict with the law and needs to be placed initially. However it has been observed when the police detain the children they must have the knowledge and skills to handle young children. Attempts have been made for having a more humanistic approach keeping the interest of both the offenders and protection of society. This Act has been amended as "The juvenile justice (Care and Protection of Children) Amendment Act, 2006, and covers all the matters relating to the juveniles who are in conflict with law and includes their detention, prosecution, penalty or the imprisonment of juveniles. Various sections of the Juvenile Justice (Care and Protection of Children) Act, 2000 have been amended.13

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. 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. 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.

Where as the constitution has, in several provisions including various clause (3) of Article 15, clause (e), (f) of Article 45 and 47 impose on the state as primary responsibility to ensuring that all the needs of children are met ad that their basic human rights are fully protected; And were as, the General Assembly of the United Nations has adopted the convention on the rights of the child on the 20th November 1989; And whereas, the convention on the rights of the child has prescribed a set of standards to be adhered to by all state parties in securing the best interests of the child; and whereas, the convention on the right of the child emphasises reintegration of child victims to the extent possible without resorting to judicial proceedings; and whereas, the government of India has ratified the convention on the 11th December, 1992.

And whereas it is expedient to re-enact the existing law relating to juveniles bearing in mind the standards prescribed in the convention on the rights of the child, the United Nations Rules for protection of juveniles deprived of their liberty (1990), and all other relevant international instruments. Be enacted by the parliament in the Fifty-first year of the republic of the India as follows:-

14 Beresford, Lisa S, 'Is lowering the age at which juveniles can be transferred to adult criminal court the answer to juvenile crime? A state by state assessment', 37 Sandkr 783 (2000).
Under the constitution of India Article 15(3), 39 (e), (f), 45 and 47 impose constitutional obligations upon the state for ensuring that all the needs of the children are fulfilled and their basic rights are protected. At international level, on the 20th November, 1989 the United Nations General Assembly has adopted the convention does not put emphasis on judicial proceedings but the prescribes a set of standard to be followed by the all member of nations. It insists on social reintegration of victims on the part of the state parties to ensure the best interest of the child. It is to be noted that on 11th December 1992 the Government of India ratified the said convention, and it was felt necessary to enact the law relating to the said convention in view of provisions laid down in the convention. While passing the new statute the parliament had take into consideration the provisions of the International Convention namely.

1. The convention on the rights of the child, the United Nations standards minimum rules for Administration of juvenile justice, 1955 (The Beijing Rules)
2. The United Nation Rules for protection of juvenile derived of their liberty, 1990 and other relevant International instruments.

Consequently, the parliament enacted new law relating to the juvenile Justice (Care & Protection) Act 2000. Juvenile delinquency as a sick society is day by day becoming an alarm to awaken those who are either struck with the disease or those who are likely to get struck with the disease or those are likely to get struck overcrowding in cities, coming up of slums, cinema, snuggling, gambling, & drinking are some of the contributory factor responsible for this ever growing phenomenon.

The theme presented in this research is guided by a desire to gain an into the problems treatment in a remote developing region of this vast & ever growing country. An attempt has been made to know the various causes of delinquency & its nature in different areas & strata of society. Juvenile delinquents are regarded so, only when they are arrested by the police & further before the court, but there are still many who are not apprehend. They are victims of this deviance &

In the present thesis the purpose of looking at the role of juvenile courts is two fold. While it focuses attention on the role of the juvenile courts, it does so from the point of view of containment theory. The surrounding & environmental factor plays an important role in the matters of child delinquent. There are various causes of juvenile delinquency are defined in this thesis.