Foreword

Child development is the foundation for human development. Its impact is far stretched and longstanding. Robust child development initiatives are the touchstone for ushering in and developing a strong and credible human development framework in a country. Going by the axiom that ‘today’s innocent and careless child is tomorrow’s responsible and dutiful citizen’, it is imperative that a thoughtful, accommodating and sensitive juvenile justice system will have tremendous influence and impact on the ascent of today’s child to tomorrow’s adult citizen in the country.

India is the home for 9% of world’s child population. The legal rights of the children in the country have been typically marked by special considerations of emotional, mental, psychological and physical status of the children and it in turn has mandated to treat children as a special category in the eyes of law. Recognizing the children as the nation’s prime assets, India has reaffirmed and ratified its commitments to fulfill children’s rights by spearheading several initiatives including special efforts in the judicial process. Taking recourse to the constitutional provisions & directives and honoring commitments made before the international organizations, India has made sincere and sustained efforts to promote child rights in the country. However, the journey had many bumpy rides and witnessed several experimentations, corrections and reforms. The journey is still continuing to implement, consolidate and introduce multifarious measures to ensure better child rights in India.

Since the dawn of the United Nations it started having overriding influence on the rules and laws of several countries. Taking cue from the constitutional provisions & directives, its own experience, to be in sync with the legal framework in the country and also in line with the development in juvenile justice paradigms world-over, the government of India reformed its laws and reviewed its policies from time to time. The present day juvenile justice system of India endorses both ‘justice’ as well as the ‘rights’ approaches towards children. The new act (JJ Act, 2000) also ushered in involvement and collaboration with the civil society for better juvenile justice in the country. In the quest for ensuring better juvenile justice, the Indian judiciary has crafted a multi-pronged strategy to give impetus from all directions.
This research work aims at giving a broad overview of the law, policy and legal institutions of child protection in India and examines the current legal issues in a right-based perspective. It also highlights the influences of the international organizations in this aspect. Attempts have been made to discuss and critique the laws, analyze the trends in the courts, governmental actions including effectiveness of special child related programmes and conclude with overall findings and suggestions for reformation of law and procedures relating to a child rights for their survival, development and protection in India. While doing the research work, special efforts have been made to do live case studies and undertake analysis of data pertaining to various facets of juvenile justice in India in general and West Bengal in particular. It has given a trend in the efficacy of the juvenile justice in the country. Various other pertinent issues relating to the children in the juvenile justice system and in conflict with law, their claim to juvenility, minimum age of criminal responsibility, competency of child witnesses, children in need of care and protection and various institutional and non-institutional services available for them have also been covered and discussed in the thesis.

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(Sankar Kumar Das)