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A Child in Conflict with Law and Procedural Analysis

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Abstract

In recent decades, there has been a notable rise in crimes committed by children. Various factors contribute to this increase, including the child's upbringing environment, economic conditions, lack of education, and parental neglect. However, children, often perceived as innocent and easily influenced, are particularly vulnerable to manipulation. The involvement of children in serious crimes, such as rape, necessitated legal reforms in India. Consequently, the Indian Parliament introduced the Juvenile Justice (Care and Protection) Act, 2015, which replaced the previous juvenile laws and brought about significant changes. This paper examines the procedures pertaining to children in conflict with the law, outlining the objectives of the new act, definitions, age determination, juvenile organizations, and procedures for handling petty and serious offenses committed by children.

Keywords

Juvenile justice, Child in conflict with law, Organizations, Juvenile Justice Board, child welfare committee.

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1. Objective of the Juvenile Justice Act, 2015

The 2015 Act¹ aims to establish a robust legal framework to protect the rights of all children, whether alleged or found to be in conflict with the law or in need of care and protection. The Act focuses on catering to children's basic needs through protection, care, development, treatment, social reintegration, and adopting a child-friendly approach in adjudication and disposal of cases. Rehabilitation is facilitated through processes and institutions established under this Act. Section 2(11) of the Act defines a child as a person who has not completed 18 years of age. Section 2(12) defines a child in conflict with the law as one who has committed an offense and has not completed 18 years of age at the time of the offense.

In *Om Prakash vs. State*² the High Court said that juvenile court has jurisdiction to solve the juvenile matter under reasonable grounds, if juvenile court could not clarify the point of the age of the accused. The High Court verified the age of the person; he is not a juvenile so he is punished like an adult.

2. Juvenile Justice Board (JJB)

Under Section 4³, the State Government is mandated to establish one or more Juvenile Justice Boards in every district. Each Board consists of a Metropolitan Magistrate or a Judicial Magistrate of the First Class with at least three years of experience, alongside two social workers, one of whom must be a woman. The social workers must have been involved in child welfare activities for at least seven years or be professionals with degrees in child psychology, psychiatry, sociology, or law. The Board exercises the powers and functions related to children in conflict with the law, and members must undergo induction training and sensitization within sixty days of appointment.

3. Child Welfare Committee (CWC)

According to Section 27⁴, the State Government must constitute one or more Child Welfare Committees in every district. Each

Committee comprises a Chairperson and four members, including at least one woman and one child expert. The Committee's function is to exercise powers and duties related to children in need of care and protection. The District Child Protection Unit provides secretarial support, and the District Magistrate reviews the Committee's functioning quarterly. The Committee operates as a bench with powers equivalent to those of a Metropolitan Magistrate or a Judicial Magistrate of the First Class, and the District Magistrate acts as a grievance redressal authority.

4. Some Important Rights of Children under Section 3 the JJ Act, 2015⁵

1. Right to be heard and participate in all processes affecting their interests [Section 3(iii)].
2. Right to non-discrimination [Section 3(x)].
3. Right to equality [Section 3(x)].
4. Right to privacy and confidentiality [Section 3(xi)].
5. Right to be reunited with family at the earliest [Section 3(xiii)].
6. Right to a fair hearing, including the right to appeal [Section 3(xvi)].
7. Right to legal representation [Section 8(3)(c) and Rule 7(ix)].
8. Right to have an interpreter/translator [Section 8(3)(d)].

5. Child-Friendly Procedures under the Juvenile Justice Act, 2015

Child-friendly procedures emphasize humane and considerate treatment in the best interest of the child. According to Section 2(15)⁶, Child-friendly refers to any behavior, conduct, practice, process, attitude, environment, or treatment that is humane, considerate, and in the best interest of the child.

5.1 Police Station Procedures

Rule 8 (3) (v)⁷ : All police stations must have a child-friendly room or corner.

Any interaction with children should be conducted in a safe, comfortable, and non-intimidating atmosphere.

Interviews with children should be conducted at the Special Juvenile Police Unit or in a child-friendly setting, not giving the impression of a police station or custodial interrogation.

Parents or guardians may be present during the interview of the child by the police.

5.2 Prohibited Actions

Police shall not compel the child to confess guilt [Rule 8(3)(v)].

Thus it can be said that, Police stations must have child-friendly rooms or corners, and interactions with children should occur in non-intimidating environments. Children should not be compelled to confess guilt and should be interviewed in child-friendly premises, with parents or guardians present. Juvenile Justice Boards, Child Welfare Committees, and Children's Courts must ensure procedures are child-friendly and venues non-intimidating. Proceedings should be simple, and the child-friendly atmosphere should be maintained throughout.

6. Juvenile Justice Boards (JJB) and Child Welfare Committees (CWC)

Section 7 (1)⁸ : All Juvenile Justice Boards, Child Welfare Committees, Children's Courts, and any other designated courts dealing with children must have child-friendly procedures.

Specific Procedures : Volunteers for Para-legal and Other Tasks: JJB may use student volunteers or NGO volunteers to assist with tasks such as contacting parents and collecting relevant social and rehabilitative information about the child [Rule 7(1)(x)].

Non-intimidating Venues : JJB must ensure the procedures are child-friendly, and the venue does not resemble a regular court [Section 7(1)].

Simplified Proceedings : All cases under the Act should be conducted as simply as possible, ensuring a child-friendly atmosphere during the proceedings [Section 14 (5) (b)].

Child-Friendly Premises : JJB should hold its sittings in child-friendly premises [Rule 6 (4)].

Communication Techniques : JJB should use child-friendly techniques, including body language, facial expressions, eye contact, intonation, and volume of voice when communicating with the child [Rule 6(5)].

6.1 Children's Court

When passing an order, the Children's Court may consider the special needs of the child, tenets of a fair trial, and maintaining a child-friendly atmosphere [Section 19 (1)(i)⁹].

6.2 Child Welfare Committee (CWC)

The CWC should interview the child sensitively and in a child-friendly manner, avoiding adversarial or accusatory language that could impact the child's dignity or self-esteem [Rule 19(6)].

7. Organizations Constituted for Children in Conflict with Law

- a. **State Child Protection Society (Section 106)** : A society at the state level focused on child protection.
- b. **District Child Protection Unit [Sections 2 (26) & 106]** : A district-level unit responsible for child protection.
- c. **Inspection Committee (Section 54)** : A committee tasked with inspecting facilities and processes related to child protection.
- d. **Special Juvenile Police Unit/Local Police (Section 107)** : A specialized police unit dedicated to handling juvenile cases.
- e. **Juvenile Justice Board (Section 4)** : A board responsible for adjudicating matters related to children in conflict with the law.
- f. **Children's Court [Section 2 (20)]** : A court designated to handle cases involving children.
- g. **Probation Officer [Section 2 (48)]** : An officer responsible for supervising and rehabilitating children in conflict with the law.
- h. **Observation Home [Sections 2 (40) & 47]** : A temporary home for children during the pendency of inquiries.
- i. **Special Home [Sections 2 (56) & 48]** : A home providing rehabilitative services to children found to have committed an offence.
- j. **Place of Safety [Sections 2 (46) & 49]** : A designated place for children during inquiries or for rehabilitation.
- k. **Fit Facility [Sections 2 (27) & 51]** : A facility recognized to temporarily take responsibility for a child.
- l. **Fit Person and Sponsorship [Sections 2 (28), 52, and 45(4)]** : A person identified and recognized to take care of a child temporarily.
- m. **State and National Commission for Protection of Child Rights (Section 109)** : Commissions at the state and national levels to protect child rights.

These provisions aim to ensure that children in conflict with the law are treated with care, respect, and in a manner that promotes their rehabilitation and reintegration into society.

8. Definition of a Child in Conflict with Law (CCL)

According to Section 2(13) of the Juvenile Justice Act, A Child in Conflict with Law (CCL) is defined as a child who is alleged or found to have committed an offence and has not completed 18 years of age on the date of the commission of such offence.

9. Presumption and Determination of Age of a Child

Section 19 (1) : When it is obvious to the Child Welfare Committee (CWC) or Juvenile Justice Board (JJB) based on the appearance of the person brought before it that the said person is a child, the CWC or JJB shall record such observation stating the age of the child as nearly as possible and proceed with the inquiry under Section 14 or Section 36 without waiting for further confirmation of the age.

Section 94(2)¹⁰ : If there are reasonable grounds for doubt regarding whether the person brought before the CWC or JJB is a child or not, the CWC or JJB shall undertake the process of age determination by seeking evidence, which includes :

1. Date of Birth Certificate from the School or the matriculation or equivalent certificate from the concerned examination board, if available. (Birth Certificate given by a corporation, municipal authority, or panchayat.)
2. Ossification Test or Other Medical Age Determination Test, if the above documents are not available. This test must be conducted on the orders of the CWC or JJB and completed within 15 days from the date of such order.

Section 94(3) : The age recorded by the CWC or JJB shall be deemed to be the true age of the person brought before it for the purposes of this Act.

In *Pratap Singh v. State of Jharkhand & Anr*¹¹ case, the Hon'ble Supreme Court held that the juvenility of a person in conflict with the law has to be reckoned from the date of the offence and not from the date on which cognizance was taken by the Magistrate.

10. Rule 8 : Procedures and Prohibitions

Actions that must be prohibited are as follows :

No FIR will be registered against a child except for heinous offences or those committed jointly with adults [Rule 8 (1)]. The child shall not be sent to a police lock-up under any circumstance [Rule 8 (3)(i)]. The child shall not be handcuffed, chained, or otherwise coerced [Rule 8(3)(ii)]. The child shall not be compelled to confess guilt [Rule 8(3)(v)]. The child shall not be asked to sign any statement [Rule 8(3)(vi)].

Actions that are required to be taken are as follows :

Inform the child promptly and directly of the charges through parents or guardian if an FIR is registered [Rule 8(3)(iii)]. Provide appropriate medical assistance, interpreter services, or special educator assistance as required [Rule 8(3)(iv)]. Conduct all proceedings in a child-friendly environment [Rule 8(3)(v)]. Inform the District Legal Services Authority (DLSA) to provide free legal aid to the child [Rule 8 (3)(vii)]. Police officers interacting with the child will not be in uniform [Rule 8(4)]. No joint proceedings with a person who is not a child (Section 23).

11. Procedure Following a Complaint Against a CCL

11.1 For Petty/Serious Offences

When a child is apprehended by police/SJPU/CWPO, the police record the complaint in the general daily diary and forward the information to the Juvenile Justice Board (JJB) Section 10(1), Rule 8(1).

11.2 For Heinous Offences

The SJPU/CWPO registers an FIR and forwards it to the JJB Rule 8(1).

11.3 Common Procedures

Notification : The police immediately inform the parents/ guardian and the DLSA to provide legal aid Rule 8(3)(vii), [Section 13(1)(i)].

Social Investigation Report : The police inform the Probation Officer or CWO to prepare and submit a social investigation report within two weeks to the JJB [Section 13(1)(ii)].

Bail : The apprehended child may be released on bail by the police or JJB with or without surety or placed under the supervision of a probation officer or under the care of a Fit Person [Section 12(1)]. In a case titled as Gopi Ram v/s State of Haryana¹², the Hon'ble Court supported the opinion that if the court has a reasonable feeling or it is

of the view that the accused may be innocent and may not have committed that offence then the court shall have power to grant the bail. And the court further opined that the accused may have a change of heart and may not commit any such offence in the future if the bail is granted to him, then the court shall immediately grant the bail that particular person.

Observation Home : If the child is not released on bail, they may be sent to an Observation Home until brought before the JJB within 24 hours of apprehension, where appropriate orders are obtained (Section 12(2), Rule 8(3)(i)).

Accompaniment to JJB : The child produced before the JJB must be accompanied by a CWPO or Case Worker [Section 10(1), Rule 8(2)(iii)].

In the case of *Sheila Barse vs Union of India*¹³, the Supreme Court gave clear instructions that juvenile offenders should not be sent to jail under any circumstances and they should be kept in any other reforming institution like special home or juvenile home by taking advantage of the provisions of Juvenile Justice Act.

In the case of *Hava Singh vs State of Haryana*¹⁴, an anti-legal juvenile was sentenced to life imprisonment under section 302/34 of the Indian Penal Code and sent to the institution of the Bostal under the Punjab Bostal Act, 1926.

12. Procedure to be Adopted at Police Station

According to Section 10 & Rule 8, the following actions must be taken :

Child Friendly Environment : The child must be taken to a Child Friendly Corner or room.

Timely Production : The child should be produced before the Juvenile Justice Board (JJB) within 24 hours.

Clothing of CWPO : The Child Welfare Police Officer (CWPO) should be in plain clothes, not in uniform.

Prohibition of Force : The use of any coercion or force on the child is prohibited.

Notification of Charges : The child must be promptly and directly informed of the charges through their parent or guardian.

Documentation : A copy of the First Information Report (FIR) or the police report must be provided to the child or their parent or guardian.

Assistance : Appropriate medical assistance, interpreter services, or special educator assistance must be provided as required.

Legal Aid : The District Legal Services Authority (DSLISA) must be informed to provide free legal aid to the child.

The following actions are prohibited :

FIR Restrictions : No FIR is to be registered against a Child in Conflict with Law (CCL) except for a heinous offense or an offense committed jointly with an adult.

Detention Restrictions : The child should not be kept in a police station, lockup, or adult jail.

Restraints : The child must not be handcuffed, chained, or fettered.

Statements : The child should not be asked to sign any statement.

Confessions : The child should not be compelled to accept guilt.

Joint Proceedings : No joint proceedings of a child in conflict with the law with a person who is not a child (Section 23).

13. Inquiry Procedure by Juvenile Justice Board (JJB)

The inquiry must be completed within 4 months, extendable by 2 more months if necessary :

Completion of Inquiry : The JJB must hold an inquiry and complete it within 4 months, with a possible extension of 2 months [Section 14(2)].

Termination of Proceedings : If the inquiry for petty offenses remains inconclusive even after the extended period, the proceedings shall be terminated [Section 14(3) & (4)].

14. Trial Procedures

- a. **Petty Offenses :** Summary trial procedure [Section 14(5)(d)].
- b. **Serious Offenses :** Trial as in summons case [Section 14(5)(e)].
- c. **Heinous Offenses :** Trial as in summons case [Section 14(5)(f)].

JJB Orders :

Social Investigation Report : JJB obtains a social investigation report from a Probation Officer [Section 13(1)(ii)].

Referral to CWC : If the child is in need of care and protection, the JJB may refer the child to the Child Welfare Committee (CWC) (Section 17(2)).

Order on Non-Commission : If the JJB is satisfied that the child has not committed any offense, it shall pass an order to that effect (Section 17(1)).

Order on Commission : If the child has committed an offense, the JJB may pass orders for rehabilitation (Section 18(1)).

Rehabilitation : The JJB can order the rehabilitation of the child for a maximum of 3 years, including an individual care plan prepared by a Probation Officer, Child Welfare Officer (CWO), or Social Worker (Section 18(1)(g) & Rule 11(3)).

15. Types of Trials and Orders

15.1 Types of Trial

- a. Petty Offense: Summary Trial.
- b. Serious Offense: Trial as in summons case.
- c. Heinous Offense: Trial as in summons case.

15.2 Orders

JJB can impose following Orders on a juvenile :

- a. Return home after advice or admonition.
- b. Participate in group counseling or similar activities.
- c. Perform community service.
- d. Payment of a fine by the child or parents/guardian.
- e. Release on probation of good conduct under the care of a parent, guardian, Fit Person, or Fit Facility for up to 3 years.
- f. Send to a Special Home for up to 3 years for reformatory services including education, skill development, counseling, behavior modification therapy, and psychiatric support.
- g. Additional orders such as attending school, vocational training, therapeutic centers, de-addiction programs, or prohibiting the child from visiting certain places.

16. Procedures for Heinous Offenses (Children Aged 16-18)

16.1 Preliminary Assessment by JJB

The JJB conducts a preliminary assessment of the child's mental and physical capacity, understanding of the consequences, and circumstances of the offense (Section 15)¹⁵.

If the JJB believes the child should be tried as an adult, it transfers the case to the Children's Court [Section 18(3)¹⁶].

In the case of *Durga Meena vs State of Rajasthan*¹⁷, a minor was charged and convicted for a murder by the JJB. After holding a preliminary inquiry against the child, the JJB observed that the child was physically and mentally able to commit the crime based on a psychiatrist report, and thus, the JJB transferred the child to adult court. Thereafter, an appeal was filed in the Rajasthan High Court in which the Court observed that the JJB in this case failed to adhere to the mandatory requirements for preliminary assessment and the preliminary order is vitiated because no psychologist or psycho-social worker having the experience of working with children in difficult circumstances was undertaken during the enquiry conducted under Section 15 of the Juvenile Justice Act. The Court observed the JJB failed to look into the difficult circumstances like continuous physical and verbal assault of the child by the deceased.

16.2 Children's Court Role

Trial as Adult : The Children's Court decides if the child should be tried as an adult and follows appropriate procedures (Section 19(1)(i)).

Inquiry by JJB : If not tried as an adult, the Children's Court conducts an inquiry as the JJB would and passes orders (Section 19(1)(ii)).

Rehabilitation Plan : The final order includes an individual care plan for rehabilitation, with follow-up by a Probation Officer, DCPU, or Social Worker [Section 19(2)].

Placement in Place of Safety : The child is sent to a Place of Safety until age 21, then possibly transferred to a jail [Section 19(3)].

Periodic Follow-up : Annual reports by the Probation Officer, DCPU, or Social Worker on the child's progress and treatment [Section 19(4)].

Report Submission : Reports are submitted to the Children's Court for records and follow-up [Section 19(5)].

17. Destruction of Records

Records of conviction for a child in conflict with the law are kept for the duration of the appeal period or for seven years, whichever is longer, after which they are destroyed.

In the case of *Jitendra Singh vs State of U.P.*¹⁸, the Supreme Court in this case further stressed on certain safeguards and standards to protect privacy and confidentiality of juvenile. “The right to privacy and confidentiality of a juvenile is required to be protected by all means and through all the stages of the proceedings, and this is one of the reasons why the identity of a juvenile in conflict with law is not disclosed.”

Even recently in March 2023, the Rajasthan High Court, in the case of *State of Rajasthan vs Bhawani Shankar Moorh*¹⁹, held that “a perusal of the language of Section 24 of the JJ Act, 2015 and the corresponding provision of Section 19 of the JJ Act, 2000 would make it clear that the record of conviction of the child in conflict, cannot be preserved and has to be destroyed. As a direct consequence, any disqualification entailing from the conviction would have to be ignored and cannot act to the detriment of the child in conflict with the law in any manner, which would include a selection process for public employment.”

In heinous offenses where the child is tried as an adult, records are retained by the Children’s Court (Section 24 & Rule 14).

18. Organizations for Rehabilitation of CCL

Short Term Stay

(i) Observation Home

Definition and Purpose : An Observation Home, as defined in Section 2(47) and Section 47 of the Juvenile Justice Act, is a facility established and maintained in every district or group of districts by a State Government. This can be done directly by the government or through a voluntary or non-governmental organization (NGO).

It is registered for the temporary reception, care, and rehabilitation of any child alleged to be in conflict with the law during the pendency of any inquiry under the Act.

(ii) Fit Facility (Section 51)

Definition and Purpose : A Fit Facility, as per Sections 2(27) and 51, refers to a facility run by a governmental organization or a registered voluntary/non-governmental organization.

This facility is prepared to temporarily take responsibility for a child for a specific purpose and is recognized as suitable after an inquiry into its capabilities. The recognition is granted by the Juvenile Justice Board (JJB) or the Child Welfare Committee (CWC).

(iii) Fit Person (Section 52)²⁰

Definition and Purpose : A Fit Person, according to Sections 2(28) and 52, is an individual prepared to take responsibility for a child for a specific purpose.

The person is identified and recognized as fit after an inquiry by the CWC or the JJB. This recognition allows the person to temporarily receive a child for care, protection, and treatment for a specified period.

Long Term Stay

(i) Special Home

Definition and Purpose : A Special Home, defined in Section 2(56) and Section 48, is an institution established by a State Government or by a voluntary or non-governmental organization.

It is registered under Section 48 and provides housing and rehabilitative services to children in conflict with the law who, after inquiry, are found to have committed an offense and are sent to the institution by order of the Board.

For children in conflict with the law (CCL), long-term stay in a Special Home is as per orders of the JJB (Section 18). The services include schooling, vocational training, therapeutic centers, and de-addiction programs.

(ii) Place of Safety

Definition and Purpose : A Place of Safety, according to Section 2(46) and Section 49, is a facility or institution not being a police lockup or jail. It can be established separately or attached to an Observation Home or a Special Home.

The person in charge must be willing to receive and take care of children alleged or found to be in conflict with the law, as ordered by the Board or the Children's Court. This applies both during the inquiry and for ongoing rehabilitation after being found guilty, for a period and purpose specified in the order.

The Place of Safety must have separate arrangements and facilities for children during the inquiry process and those found involved in an offense. It includes schooling, vocational training, therapeutic centers, and de-addiction programs.

Importantly, a Place of Safety cannot be in the same compound as an adult jail.

19. Release of a Child from an Institution

A. Release from Children's Home or Special Home

Consideration for Release : The Committee or the Board may consider the release of a child kept in a Children's Home or special home based on a report from a probation officer, social worker, government, or a voluntary/non-governmental organization. The release can be either absolute or conditional. Conditions may include the child living with parents or a guardian, or under the supervision of an authorized person willing to take charge, educate, train the child for a useful trade or calling, or look after the child for rehabilitation.

If a child released conditionally or the person supervising the child fails to fulfill the conditions, the Board or Committee may take the child back to the concerned home [Section 97(1)].

If the child is released on a temporary basis, the period the child is absent from the home will count as part of the time the child is liable to be kept in the home. If a child in conflict with the law fails to meet the conditions set by the Board, the time the child is liable to stay in the institution will be extended by a period equivalent to the time lost due to such failure [Section 97(2)].

20. Leave of Absence to a Child Placed in an Institution

Granting Leave of Absence : The Committee or the Board may permit a child to take leave of absence on special occasions such as examinations, marriage of relatives, death of a relative, accident, serious illness of a parent, or similar emergencies. The leave should generally not exceed seven days in one instance, excluding travel time [Section 98(1)²¹].

Time During Absence : The time during which a child is absent from the institution under such permission will count as part of the time the child is liable to stay in the Children's Home or special home [Section 98(2)].

Failure to Return : If a child fails to return to the Children's Home or special home after the leave period is exhausted or the permission is revoked, the Board or Committee may take the child back to the home. For a child in conflict with the law who fails to return, the period of absence will be added to the time the child is liable to stay in the institution [Section 98(3)].

21. Provision of Appeals and Revisions under the Juvenile Justice (Care and Protection of Children) Act

A. Appeals as per Section 101²² of the Act : Any person aggrieved by an order from the Committee or the Board under this Act may appeal to the Children’s Court within 30 days from the date of the order.

Appeals related to decisions on Foster Care and Sponsorship After Care by the Committee shall lie with the District Magistrate.

The Court of Sessions or the District Magistrate may accept an appeal after the 30-day period if the appellant provides sufficient cause for the delay. Such appeals should be resolved within 30 days [Section 101(1)].

Appeal against Preliminary Assessment : Appeals against the Board’s preliminary assessment into a heinous offence under Section 15 of the Act shall be made to the Court of Sessions. The Court of Sessions may seek the assistance of experienced psychologists and medical specialists different from those who assisted the Board [Section 101(2)].

No Appeal shall lie from Orders such as : An order of acquittal by the Board in respect of a child alleged to have committed an offence other than a heinous offence if the child is 16 years or older is not appealable and also from an order by the Committee finding that a person is not a child in need of care and protection. (Section 101(3)).

No Second Appeal : No second appeal is allowed from any order of the Court of Session passed in appeal under this section. [Section 101(4)].

However, an Appeal may lie to the High Court: if any person aggrieved by an order of the Children’s Court may file an appeal before the High Court following the procedure specified in the Code of Criminal Procedure, 1973 [Section 101(5)].

B. Revision as per Section 102²³ of the Act : The High Court has the authority to review the records of any proceedings in which a Committee, Board, Children’s Court, or Court has passed an order to ensure the legality or propriety of such orders. The High Court can pass orders as it deems fit, but it must not issue any order prejudicial to any person without giving that person a reasonable opportunity to be heard (Section 102).

22. Conclusion

Thus as a conclusion it can be said that, the Juvenile Justice (Care and Protection of Children) Act, 2015, lays down a comprehensive framework to handle children in conflict with the law (CCL) with a strong emphasis on child-friendly procedures and environments. The Act prioritizes the welfare and rehabilitation of these children, ensuring their treatment aligns with their best interests and promotes their reintegration into society.

The Act ensures age determination procedures are thorough and precise to confirm the child's age and thereby their eligibility for juvenile justice processes. The Act mandates a child-friendly approach at police stations, including child-friendly rooms and the presence of parents or guardians during interactions. The use of coercion, including forcing confessions or using intimidating environment, is strictly prohibited.

Even through the bodies like Juvenile Justice Boards (JJB) and Child Welfare Committees (CWC), it is tried to ensure that all the procedures are conducted in a child-friendly manner. The JJB is tasked with simplifying proceedings and maintaining a non-intimidating atmosphere, using appropriate communication techniques that are considerate of the child's emotional and psychological state.

The Act differentiates between petty, serious, and heinous offenses, with corresponding procedures for each category. It emphasizes quick and fair inquiries, with special provisions for heinous offenses committed by children aged 16 to 18. The Act also emphasizes rehabilitation through various orders that may include community service, probation under the care of guardians or fit persons, and placement in special homes for up to three years. It incorporates individual care plans tailored to the needs of each child, prepared by probation officers or social workers.

For children aged 16 to 18 involved in heinous offenses, the Act allows for preliminary assessments by the JJB to decide if the child should be tried as an adult. The Children's Court considers the child's special needs and ensures a child-friendly trial process.

The Act establishes various institutions and positions, including State Child Protection Societies, District Child Protection Units, Special Juvenile Police Units, Observation Homes, Special Homes,

and Places of Safety. These institutions work collectively to safeguard the rights and welfare of children in conflict with the law.

Even there is provision for the Destruction of Records. The Act provides for the destruction of records related to the conviction of a child after a specific period, ensuring that the child's past does not adversely affect their future prospects.

The Juvenile Justice Act, 2015, represents a significant shift towards a more humane and rehabilitative approach in dealing with children in conflict with the law. It underscores the importance of treating these children with dignity and care, focusing on their rehabilitation rather than mere punishment. By fostering a child-friendly environment at every stage of the justice process, the Act aims to facilitate the reintegration of these children into society as responsible and contributing members.

23. Suggestions

Suggestions for Enhancing the Implementation of the Juvenile Justice Act, 2015 are as follows :

- 1. Enhanced Training for Police and Judiciary :** Regular and comprehensive training programs should be conducted for police officers, Juvenile Justice Board members, and judiciary officials. These programs should focus on child psychology, child-friendly procedures, and the specifics of handling cases involving children in conflict with the law.
- 2. Improved Infrastructure :** Ensure all police stations have well-equipped, child-friendly rooms. These spaces should be designed to be welcoming and non-intimidating. Similar efforts should be made to ensure that Juvenile Justice Boards and Child Welfare Committees operate in environments that do not resemble traditional courtrooms.
- 3. Awareness Campaigns :** Public awareness campaigns should be conducted to educate communities about the provisions and benefits of the Juvenile Justice Act. This can help in reducing the stigma associated with children in conflict with the law and encourage community support for their rehabilitation.
- 4. Strengthening Rehabilitation Programs :** Expansion and enhancement of the rehabilitation programs for juveniles within the Observation Homes and Special Homes which should include educational opportunities, vocational training, mental

health support, and life skills development. Regular assessments should be conducted to ensure these programs are effective.

5. **Inter-agency Collaboration** : Foster stronger collaboration between various stakeholders, including police, judiciary, probation officers, social workers, and NGOs. Regular meetings and coordination can ensure a more holistic approach to handling cases of children in conflict with the law.
6. **Monitoring and Evaluation** : Implement robust monitoring and evaluation mechanisms to track the progress of children in the juvenile justice system. Regular audits and reports should be mandated to ensure compliance with child-friendly procedures and the effectiveness of rehabilitation programs.
7. **Legal Aid and Support Services** : Ensure that every child in conflict with the law has access to quality legal aid. The District Legal Services Authorities should be proactive in providing legal support. Additionally, support services such as counseling, mentoring, and peer support groups should be readily available.
8. **Community Involvement** : Engage communities in the rehabilitation process. Community-based programs can provide support networks for children upon their release from Observation Homes or Special Homes. Involving local leaders and organizations can help in the child's reintegration into society.
9. **Focus on Preventive Measures** : Implement preventive measures to address the root causes of juvenile delinquency. This includes investing in education, social services, and family support programs. Early intervention strategies can help at-risk children before they come into conflict with the law.
10. **Technology Integration** : Utilize technology to streamline case management and ensure timely processing of cases. Digital platforms can be used for tracking the status of cases, managing records, and facilitating communication between different stakeholders.
11. **Policy Review and Updates** : Regularly review and update policies to keep pace with emerging challenges and international best practices in juvenile justice. Feedback from practitioners and affected children should be incorporated to continuously improve the system.

12. Special Provisions for Vulnerable Groups : Develop special provisions and tailored interventions for particularly vulnerable groups, such as children with disabilities, girls, and children from marginalized communities. These groups may face unique challenges and require targeted support.

By implementing these suggestions, the juvenile justice system can be made more effective, ensuring that children in conflict with the law are treated with the care, dignity, and support they need to reform and reintegrate into society successfully.

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