

## **A Critical Analysis on Juvenile Justice (Care and Protection of Children) Act, 2015**

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### **Abstract:**

This is fortunate as some landmark legal changes have taken place on the recommendation of Justice Verma's Committee to protect women and children against all forms of exploitation, sexual assault and violence. 'Juvenile delinquency' has occupied a significant place in the discussions regarding criminal law in the country. The Juvenile Justice (Care and Protection of Children) Act, 2000 was enacted to ensure protection of the rights of juveniles and it lays down provisions to be adhered to while dealing with a juvenile in conflict with law. The guiding force behind the law relating juveniles being the future of the individual and that of the nation, as they are considered as the building blocks of the nation, carrier of humanity etc. But there are always two faces of a coin. One side being the innocence or lack of maturity concerned with the age in question so as to take their own decision and the other face, the bitter part, juvenile delinquents at times are committing heinous crimes in no way less than the adults and are doing so in the ugliest form. The monstrous Delhi gang rape case of 2012 and Shakti Mills Gang rape case are sufficient to bring goose bumps. The recent Statistics by National Crime Record Bureau suggests that there has been 60% rise in specifically rape cases by juvenile from year 2012-2013. The main object of this paper is to find out whether Juvenile Justice is in conflict with the other rights of the victims and also to identify the Reasons as to why a juvenile could commit a "heinous crimes"? To tackle this alarming situation, the parliament has come up with the Juvenile Justice Care & Protection Act 2015, which needs a critical and careful analysis. This paper also discuss about the contention is whether reducing the age can result in retributive justice rather than reformative and restorative justice? And the setting of age for criminal responsibility, whether such age needs to be lowered for serious crime like rape and murder? (A judicial approach). And finally Comparative outlook of Juvenile laws of different countries and minimum age for criminal liability and to suggest solutions and remedies to improve the efficacy of the Juvenile Justice System and Juvenile Justice Delivery Mechanism in India.

**Key words** - Juvenile delinquency, sexual assault, heinous crimes, Juvenile Justice.

## **Introduction:**

The New Act was take us back by several decades, into the 1920s. The present Act <sup>1</sup> declares its aim to consolidate and amend the law relating to children alleged and found to be in conflict with the law and children in need of care and protection (CNCP) by catering to their basic needs. The Act makes a mockery of the Constitution and United Nations Convention on the Rights of the Child (UNCRC) by allowing children between 16 and 18 years, alleged to have committed heinous offence that is, offences punishable with imprisonment for seven years or more, to be tried and sentenced as adults. In the history of regressive law-making experiences around the world, this must surely take the cake. In the history of child rights in India, the new Act is in retard of what was available 150 years ago<sup>2</sup>.

## **Brief History of the Legislation:**

The Apprentices Act, 1850, was the first piece of legislation dealing with children in conflating with the law.<sup>3</sup> The Act allowed courts to treat children who had committed petty offences as apprentices instead of sending them to prison. The Reformatory School Act, 1897, was another radical piece of legislation in the colonial times. The law provides that children under 15 who were sentenced to imprisonment may be sent to reformatory schools instead of prisons. Since then the tendency has been to expand the scope of the juvenile justice law and move away from the cerebral system. The three presidencies a town like Madras, Bengal, and Bombay has been promulgated their own codified laws on children. The Madras Children Act, 1920, established a separate juvenile court and the residential institutions under it, thereby ensuring that children did not face the criminal justice system. The Bengal and Bombay Children Act 1922 and 1924 respectively had different qualifying age for defining children but all the children Acts of that time had certain common features. These laws were intended to dissociate children from the criminal justice system an adult offender would face by providing for the establishment of separate children's courts to deal with all cases covered under the Act. Additionally, separate residential institutions were set up where children in conflict with the law would stay pending

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<sup>1</sup>The juvenile justice (Care and Protection of the children) Amendment Act ,2015

<sup>2</sup> Additional written submission by the Centre for Child and the Law, National Law School of India University to the Departmentally related Parliamentary Standing Committee, reviewing the Juvenile Justice (Care and Protection of Children) Bill 2014, in January 2015.

<sup>3</sup>Kumari,Ved, "Juvenile Justice System in India: from Welfare to Rights", Oxford University Press, USA,2004.

conclusion of their proceedings or even after the disposal of their cases by the children's courts directed them to be sent to an institution. Post -independence, in 1953, parliament discussed a children's bill, which was dropped in view of the reorganization of states.

On November 20, 1956 the United Nations general assembly met in a plenary session with the representatives of 78 countries and unanimously adopted the declaration of the Right of the Child. India was a party to the declaration. In the same year, the children bill was moved in the parliament. It was passed in 1960 as the first model central legislation on the subject. However, the law was to be applicable only to Union Territories with the assumption that subject matters constituting juvenile justice fell in the state list of the constitution. The Child Act, 1960 setup two separate adjudicatory bodies to deal with children in conflict with the law and children in need of care and protection, prohibited the imposition of the death penalty or sentence of imprisonment on children and the detaining of children in jails or police stations.

In 1974, India evolved a National policy for the welfare of children and a year later the integrated child development services (ICDS), a child welfare scheme, was born. Between these under juvenile justice act, 1986, the 6<sup>th</sup>, 7<sup>th</sup> US congress on the prevention of crime and treatment of juvenile offenders were held in Caracas, Venezuela, and Beijing, China culminating in the adoption of the UN standard minimum rules for the administration of juvenile justice (Beijing rules). In 1985 resolving that all the participant countries would adopt those rules in their juvenile justice systems. A year later, in 1986, the Supreme Court, in *SheelaBarseVs Union of India*<sup>4</sup> ordered that the juvenile justice system suitable for juvenile offenders should be enforced on all states and such enforcement has to report back to the court. In the same year, parliament passed the juvenile justice act for the whole country except for the state of Jammu & Kashmir. The Act retained the primary futures in the scheme of 1960 act and extended the protection for boys below 16 years and girls below 18 years, like 1960 act and provided for the establishment of advisory boards, the creation of children's funds and the appointment of each institution. Between 1986 and 2000, a series of interesting developments took place globally; world was also fervently moving away from retribution to restorative justice. In 1989, on the 30<sup>th</sup> anniversary of declaration of the rights of the children, the UN general assembly adopted the UN convention on the rights of child (UNCRC). India ratified convention in 1992. Two years earlier,

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<sup>4</sup> (1989)3SCC596

the UN rules for protection of juvenile's deprived of their liberty, was adopted setting out rules emphasizing the protection of juvenile's and prevention and deprivation of their liberty and establishing that achieving juvenile justice now question of political priority.

Keeping this global momentum of securing child rights in mind, parliament enacted the juvenile justice (care and protection) Act, 2000. This Act, unlike the Act 1986 moved away from six discriminatory definition of juvenile and defined a child (whether a boy or girl) as a person who has not attained 18 years of age. This was done keeping mind the UNCRC as well as the global understanding of fixing 18 as cut-off age for criminal culpability. It also moved away from archaic and problematic terminologies such as delinquent juvenile and neglected juvenile and substitute them with juvenile in conflict with the law and CNCP respectively. The setting up of juvenile justice boards as children's courts was meant to take the agenda of restorative justice and reformation a little further. The New Act sounds that the death canal for 150 years of progressive law making and juvenile justice and society and society as a whole.

The present Act contented that the practice developed in the societies indicated that juvenile's in the age group of 16-18 years committing "heinous crimes" should not have the protection of the act. The women and child development ministry claimed that a term in reformation homes did not necessarily lead to behavioral correction. While it is unclear which developed the society shown a decrease in juvenile crimes by subjecting adolescence to criminal justice system, it might be instructive to study the United States and British experiences, since both ostensibly qualified as developed societies.

The new Act violated so many provision like Clouse 25 of the Act ,Clauses 7, 15(3), 16(1), 19(3), 20, 21, 22, provisos to 25(1) and 25(2), and 102(2)(a) of the Juvenile Justice( Care and Protection of the Children), 2015. And also it controversies to the various international Conventions like Article 2, Article 6 , Article 37(b), Article 40(2)(a),(b) (i), Article 37(b),(c) of the UN Convention on the Rights of the Child , and Universal Declaration of Human Right , etc. the old juvenile justice system fallows rehabilitative of the existing in India but India is adopting a retributive approach for heinors crimes committed by children between 16 and 18 years of age group . The present Act need to clear the few concepts which is like meaning of the Child , and what is the meaning of heinours crimes who to consider as a heinours crime and A meaning of "full contribution to the Society" Act did not explain few words.

The main deference between the new Act and the Old Act is –

The New act is indirectly it is falling under Retributive Justice the children and Old Act is Rehabilitative in nature. It violates the constitutional provisions and International Provisions.

The main objective of the Act is to states that it seeks To consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established<sup>5</sup>.

Based on the preamble of the Act<sup>6</sup> none of this objective can be met by sending children alleged and found to be in conflict with the law to place of safety and/or adult criminal Justice System. The concept of transferring to Adult prison it will deprive these juvenile not only for protection and treatment and would amount to sentencing them to physical and sexual abuse by adult under trial and convicts' and leaving them with no option but to pursue a career in crime.

And also there is no proper meaning in term called “child” and how to consider as adult

#### **Definition of Child/Juvenile:**

The children Act 1960 introduced the sex based definition of the child in the realm of juvenile justice in India for the first time. 16 years was considered to be the right cut-off age for the purpose of juvenile justice in the light of what had been done in other countries. In that act Section 2© of the act says “child” means a boy who has not attained the age 16years or a girl who has not attained the age of 18 years. In this act there are two categories of children. Neglected children and delinquent children have been included. According to JJA 1986 the word “child’ is not defined but instead the word “juvenile” is used. “Juvenile” means a boy who has not attained the age of or a girl who has not attained the age of 18years. The definition of “juvenile” given herein verbatim the same what has been given for a child in the children Act 1960. But the Dictionary meaning of the juvenile is a person physiologically immature or under developed,

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<sup>5</sup> Juvenile Justice (Care and Protection of the Children) Act 2015.

<sup>6</sup> Ibid

characteristic of children. The JJA adopted a similar sex-based definition of juvenile without further explanation. The JJ (C&P) Act 2000 has modified the age to 18 not because of such perceived unconstitutionality in the definition but to bring it in accordance with the definition of the child in the UN Convention on the Rights of the child. Now the new Act so called Juvenile Justice (Care and Protection) Act 2015 it replaced the old Act<sup>7</sup> .

According to the U.K Person under the age of 17 can be tried as an adult in serious offences. Youth offender in jointly charged with an adult is tried by a regular court.

According to U.S.A Special Juvenile Courts to deal with Under 18 years is the cut off age for juvenile Delinquents around 20 States allow Juvenile to be tried and sentenced as adult.

According to France any person under 18 years of age can only be tried by Special Juvenile Courts. And also Separate Juvenile courts for serious offences committed by minor age 16-18 years but not in adult court. But in new Act<sup>8</sup> allows children between 16 and 18 years alleged to have committed Heinous offences to be tried and sentenced as adults, so there is no separate court like France.

**Definition of Heinous offence**<sup>9</sup>:“heinous offences” includes the offences for which the minimum punishment under the Indian Penal Code or any other law for the time being in force is imprisonment for seven years or more; in this case Heinous offence have been described as offence that carry more than seven years of imprisonment, apart from at least 46 offences for which juvenile between 16 and 18 years could potentially be tried as adults. One is not looking at only tried as adults for offences under protection of Children from Sexual Offences Act; the Narcotics , Drugs and Psychotropic Substances Act; the Maharashtra Control of organization Crime Act; and the prevention of terrorism Act, Further the new system will imply that persons found guilty of offences’ that carry a minimum sentence will receive the minimum mandatory sentence prescribed under the Law. This will understand the principal of last resort recognized under the UNCRC as it leaves judges with no option but to institutionalize a person and also violates the prohibition on cruel, in human and degrading treatment. According to Clouse 15 of

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<sup>7</sup> The Juvenile Justice (Care and Protection )Act 1986.

<sup>8</sup> The Juvenile Justice (Care and Protection )Act 2015

<sup>9</sup> Ibid ,Section 2(33)

the Act<sup>10</sup> requires the board to assess whether child alleged to have committed a heinous crime has the physical and mental capability to commit the offence, and also the circumstances in which he allegedly committed the offence. Lastly the individualized assessment of adolescent mental capacity is not possible and the suggestion that it can be done would mean exceeding the limits of science. The assessment proposed is fraught with errors and arbitrariness and will allow inherent biases to determine which child is transferred to an adult court. Which leads to violation of article 14 and 21 of the Indian Constitutions? it is also violates the presumption of innocence, a central tenet of juvenile Justice as well as the criminal Justice System as JJB has to arrive at this decision even before any evidence is adduced. The JJB in serious departure from its earlier roal which had centered on ensure the best interest of juvenile , will now be vested with the additional and conflicting role of deciding who among the juvenile offender will be dealt with by the adult criminal justice system. The proposed system is based on the misconception that juveniles are equally culpable as adults.

But Indian has made a grave mistake by replicating a filed western model of retributive justice. The transfer system of juvenile to adult jail proposed in the ACT has been in existence in the United States for over two decades. The independent task force on community preventive services set up by the U.S centre for disease control published scientific evidence on the effectiveness of waiver laws to ascertain whether this prevented or reduced violence among those transferred and among juvenile on the whole. Based on various scholars' research they concluded that transfer policies have generally resulted in increased arrest for subsequent crimes, including violent crime, among juvenile who were transferred compared with those retained in the juvenile justice system. To the extent the transfer policies are implemented to reduce violent or other criminal behavior, available evidence indicates that they do more harm than good.

And according to UNCRS has stated that minimum age should not be lower than 12 years and that state parties must aim it increase it. India has failed on this front as the minimum age of the criminal responsibility is seven years, much lower than the internationally prescribed standard of 12 years. The Act presented an opportunity to give as clarity but it is failed to do so.

And also it violates the various provisions as following:

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<sup>10</sup> Ibid

### **Violations of the Indian Constitution<sup>11</sup>**

1. Assumptions in clauses 7, 15(3), 16(1), 19(3), 20, 21, and 22 that children between 16 and 18 years are as culpable as adults and are competent to stand trial in an adult court violates the right to equality under Article 14 and the special protection for children under Article 15(3).
2. Preliminary inquiry by the JJB under clause 16(1) violates the constitutional prohibition on procedural arbitrariness under Article 14 and 21.
3. Arbitrariness is inherent in the assessment of reformation by the Children's Court under clause 21 and therefore violates the test of procedural fairness under Article 21.
4. Clause 7 violates the constitutional prohibition under Article 20(1) on retrospective application of penal laws and penalties.

### **Violations of Rights under the Juvenile Justice Law**

1. Preliminary inquiry by the JJB under clause 16(1) violates the presumption of innocence.
2. Exclusion of children between 16 and 18 years found to have committed heinous offences under clause 19(1) deprives them of their right to rehabilitative alternatives under the JJAct2015.
3. Institutionalization under clauses 20(3), 21(2) and 22 is the *only* and not the last resort for children in this category, which is in violation of the fundamental principles of best interest and institutionalization as a measure of last resort.
4. Transfer of children to the adult court under clause 19(3) denies them their right to be dealt with by a child-friendly and multidisciplinary Juvenile Justice Board, deprives them of the right to privacy, and also violates the principle of best interest provided under the JJ Act 2000, Model Rules 2007, and the JJ Act 2015itself.
5. Maintenance of records of a child transferred to jail under clause 25(3) violates the principle of fresh start, hinders the ultimate goal of rehabilitation and exposes the child to legal disqualifications.

### **Violation of the UN Convention on the Rights of the Child, 1989**

1. Trial and punishment of children between 16 and 18 years as adults violates the prohibition on discrimination under Article 2.
2. The transfer system violates the core principle of the best interest of the child, which is to be a primary consideration (Article 3).

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<sup>11</sup> Constitution of India,1949



3. Institutionalization under clauses 20(3), 21(2) and 22 violates the basic right that deprivation of liberty should only be a measure of last resort and for the shortest appropriate period of time (Articles 6 & 37(b)).
4. Preliminary inquiry by the JJB under clause 16(1) violates the presumption of innocence under Article 40(2)(b)(i).
5. Preliminary inquiry by the JJB under clause 16(1) and a determination by the Children’s Court under clause 21(1) violate the prohibition on arbitrary deprivation of liberty under Article 37(b).
6. Trial and sentencing by an adult court offends the obligation under Article 40(1) to ensure that the child is treated with dignity and also that his or her reintegration into society is facilitated.
7. Transfer of children to prison under clauses 20(3) and 21(2)(ii) violate the mandatory requirement of separation of children from adults under Article 37(c).
8. Clause 7 violates the prohibition on retroactive juvenile justice under Article 40(2)(a).
9. Maintenance of records of a child transferred to jail under clause 25(3) violates the right to the protection of privacy at all stages of the proceedings under Article 40(2)(vii).

This are the provisions are violating.

International standards on Juvenile Justice & Serious Offences:

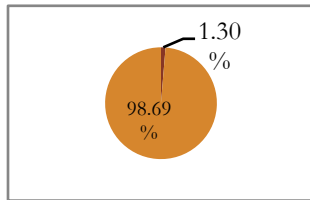
2000	Concluding Observations of the Committee on Rights of the Child: India	“...ensure that persons under 18 years are not tried as adults.”; “ensure that boys under 18 years are covered by the definition of juvenile, as girls already are.”
2004	Concluding Observations of the Committee on Rights of the Child: India	“...deeply concerned that the POTA allows for the prosecution of children by special courts and that the procedure used in these cases does not respect articles 37, 40 and 39 of the Convention.”
2007	General Comment No. 10 on Children’s rights is juvenile justice.	“States parties which limit the applicability of their juvenile justice rules to children under the age of 16 (or lower) years, or which allow by way of exception that 16 or 17-year-old children are treated as adult criminals, change their laws with a view to achieving a non-discriminatory full application of their juvenile justice rules to all

		persons under the age of 18 years.”
2014	Concluding Observations of the Committee on Rights of the Child: India	Give effect to the Juvenile Justice Rules of 2007 establishing the minimum age of criminal responsibility at 18 and maintain it at an internationally acceptable level” and “In cases where detention is necessary, ensure age-appropriate separation of children in Observation and Special Homes and that children in conflict with the law are not detained together with children in need of protection or with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services”

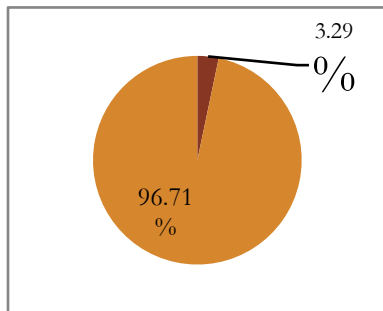
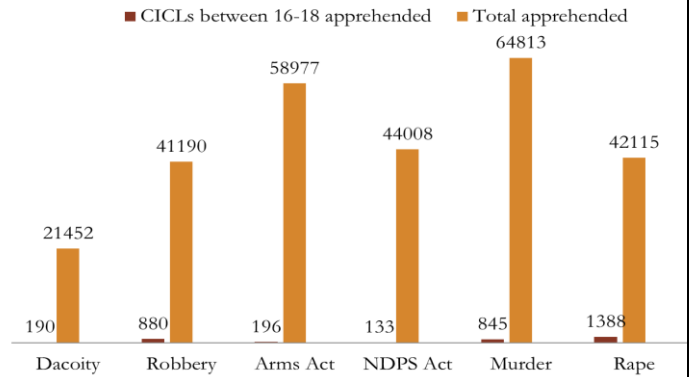
Committee made some important recommendations:

- Committee on the Rights of the Child has made recommendations to:
- 30 State Parties to abolish life imprisonment for child offenders.
- 50 State Parties to stop treating juveniles as adults and to amend their laws to ensure that all children are dealt with under the juvenile justice system.
- 106 State Parties to ensure the separation of juveniles from adults during detention
- The UN Human Rights Council has also called on States to ensure that legislation and practices do not permit life imprisonment for offences committed by persons under 18 years of age in two separate resolutions and the UN General Assembly has encouraged States to consider repealing all forms of life imprisonment including life imprisonment “with the possibility of release for offences committed by persons under 18”.
- In January 2013, concern was expressed about the continued detention of child soldiers by the US in detention facilities in Iraq & Afghanistan. US was urged to ensure that “all children under the age of 18 be handled by the juvenile justice system in all circumstances and presume young person’s to be children if in doubt regarding their age.”

Children between 16-18 years apprehended for 'heinous offences' in 2013



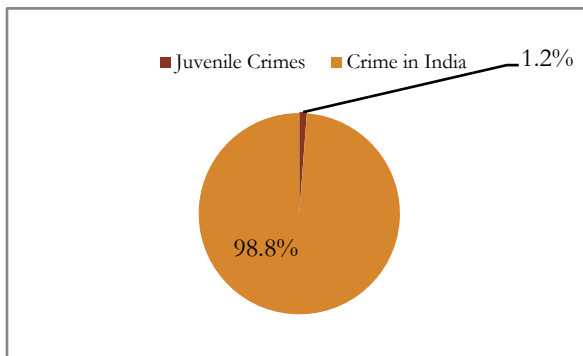
Juvenile between the 16 to 18 years apprehended for Murder only the percentage in 1.30 , and others Arrested for murder is 98.89<sup>12</sup>%



In this diagram show that juvenile between the 16 to 18 years apprehended for rape only the percentage in 3.29% and others arrested for rape 96.71%.

The percentage of juvenile in total crime is

From 2003-2013, the percentage of juvenile crimes to total crimes has marginally increased from 1.0% to 1.2%.



1. The percentage of juvenile crimes to total crimes remained constant at 1.2% in 2013.

<sup>12</sup> www.ncrb.com

Based on this A significant number of cases of rape and kidnapping include ‘love’ cases and consensual elopement. A recent analysis by The Hindu of 600 cases of sexual assault before the Delhi District Courts revealed that “Of the cases fully tried, over 40% dealt with consensual sex, usually involving the elopement of a young couple and the girl’s parents subsequently charging the boy with rape. Another 25% dealt with “breach of promise to marry”.”

- Children will be seen as status offenders under POCSO Act.
- Data on juveniles apprehended for consensual sex under POCSO Act and IPC is not yet available.

### **Implication of preliminary inquiry on rights of juveniles<sup>13</sup>**

Numerous instances of children being falsely apprehended by the police cannot be ignored. JJB has to assess whether a child has the physical and mental capability to commit the offence, along with the ‘*circumstances in which he has committed the offence*’ which implies an assumption that the child has already committed the alleged offence. JJB has to arbitrarily inquire into the culpability prior to even a *prima facie* establishment of guilt. Assessment of ‘mental capacity’ is highly complex and will inevitably lead to arbitrary transfers. It cannot be done accurately by the JJB even with the help of experienced psychologists.

### **Implications of being tried as an adult<sup>14</sup>**

Transfer of children above 16 years alleged to have committed a heinous offence will deprive them of the right to equality and rights under the JJ system. It will violate the principles of best interest and institutionalization to be the last resort. Are those between 16 and 18 years competent to stand trial as adults? - Placing juveniles into an adult criminal justice system requires them to make adult decisions for which they are not equipped to understand the risks and consequences. In addition, because of their cognitive deficits juveniles have a reduced ability to assist counsel and receive a fair trial if they choose one. (US example) .Children’s Courts were designated to try offences against children. They were NOT designed to try offences by children.

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<sup>13</sup> Ibid ,

<sup>14</sup> Ibid Clause 21

### **Arbitrariness inherent in any assessment of reformation**

Whether or not a person has “undergone reformatory changes” or “can be a contributing member of the society” is highly subjective and prone to arbitrariness, particularly when the quality of rehabilitative services that the State is duty bound to provide under. The new Act to the child in question is not put to the same test. It will inevitably result in the targeting of marginalized communities in India. Data already shows that more than half the children apprehended for offences come from families with an annual income of less than Rs. 25,000 while only 0.55% of the children apprehended come from families with an annual income of more than Rs. 3,00,000. There are no doubt the provisions of the current Bill will result in class, caste and religion-based targeting of children under the garb of assessing their potential contribution to society and extent of reformation.

### **Place of Safety<sup>15</sup>**

Persons between 18-21 years apprehended for committing an offence when she/he was below 18 years and denied bail. Children below 16 years whose behavior and conduct is such that it is not in their interest or in the interest of other children that they be housed in a Special Home. Persons between 16-21 years alleged to have and found to have committed a heinous offence. (Segregation stipulated) Person in respect of whom a Magistrate or court is conducting an age inquiry. State Government to set up at least one place of safety in the State.

The proposed provision seeks to turn back the legislative clock and undermine the constitutional prohibition by enabling children to be tried and sentenced as adults for offences they committed as children. This provision violates the right to equality under Article 14 as it creates an artificial differentiation between children apprehended before 21 years and those apprehended after 21 years of age. This categorization has no rationale. It also violates Article 15(1), ICCPR - a non-derivable right. It also enlarges the scope of the transfer provisions in the Bill to include persons committing not only heinous offences, but also ‘serious offences’ within the mandate of compulsorily trying them as adults.

Based on all the discussion the new juvenile act was regressive principle proposal the possibility of convicting children as adult criminals it is pushed back to the 19<sup>th</sup> century.

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<sup>15</sup> Ibid , Section 2(46)

Selective system as JJB as discretionary power to decide transfer in the age group of 16 to 18 years accused of certain crimes like serious nature etc. another criminal justice system for trial and convention. According to Verma committee the child responsibility for a crime to first provide basic rights given to the constitution what is the rights. The provision under Clause 16 and clause 19(3) not only controversial and also most important to fundamental rights granted by constitution but it conflict with the whole objective and principle. According to U.S Study 80% of juvenile released from adult prison to go for commit more offences. It is not like a reformatory system it is like reformatory system with harmful to punitive system. In progress 472 million children are in our country but 1.2% children committed crime in all of them. This act predominantly effect the marginalized sectors like OBCs, SC,ST, poor people, minorities ect. our society majority of the children conflict with the law all of the children came from poor families like homeless, illiterates ect.77.5% of the children in the year 2013 came from families like monthly household income of less than families like monthly household income of less than 4000 Rs/- that sought of poor children we have and also 85% of the children's are not received the higher and secondary education. Constitution violation selective and unequal treatment of children violative fundamental rights granted under Article 14,15(3),21. Clause 7 of the new Act is also in contra version of Article 21 of right to equality ect. It is also violates the procedural aspect of arbitrariness' and Art 14,and 21 as will test of fairness of the Art 21 and one month given to the JJB for preliminary enquiry. Absolutely short it comes under the presumption of guilt itself it violate the Indian constitution. And also it violates Standard Rules of Administration of Indian Juveniles 1985. And there is no specific provision for female juveniles in conflict, nothing for sex offenders. There is no effecting monitoring co-ordination mechanism.

Finally I would like to say the child who below the age of 18 must same from the prison, must protected from the regular criminal framework. All children conflict with law they need care and protection, should receive proper necessary care and education counseling's. The state should reintegrated with the society in rehabilitation system not to cause the system a sand but aggressive measures' of retribution. We must protect the children rescue with child not to destroy with child.

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