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Exploring operational dynamics: A case study of juvenile justice boards under the juvenile justice care and protection act of 2015

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Abstract

This research paper delves into the operational dynamics of the Juvenile Justice Care and Protection Act of 2015, with a specific focus on the functioning of Juvenile Justice Boards (JJBs), using the Juvenile Justice Board of Pilibhit as a case study. The Juvenile Justice Care and Protection Act of 2015 was enacted to ensure the protection, care, and rehabilitation of juveniles in conflict with the law. The study employs a mixed-methods approach, combining qualitative interviews with stakeholders and quantitative analysis of case data from the Juvenile Justice Board of Pilibhit. The paper first provides an overview of the legal framework established by the Juvenile Justice Care and Protection Act of 2015, outlining its key provisions and objectives. It then examines the structure and functions of Juvenile Justice Boards, highlighting their role in adjudicating cases involving juveniles in conflict with the law and determining appropriate measures for their rehabilitation and reintegration into society. Drawing on interviews with members of the Juvenile Justice Board, social workers, legal practitioners, and other stakeholders, the paper analyzes the operational challenges faced by the Juvenile Justice Board of Pilibhit. These challenges include issues related to infrastructure, staffing, procedural delays, and coordination with other agencies involved in juvenile welfare and rehabilitation. Furthermore, the study assesses the effectiveness of rehabilitation programs implemented by the Juvenile Justice Board of Pilibhit and identifies areas for improvement. It also explores the perceptions and experiences of juveniles who have come into contact with the justice system, shedding light on their needs, experiences, and aspirations. The findings of this research contribute to a deeper understanding of the implementation of juvenile justice laws at the grassroots level and provide insights into the challenges and opportunities for enhancing the effectiveness of juvenile justice systems. The paper concludes with recommendations for policymakers, practitioners, and civil society actors to strengthen the juvenile justice system, with a view to promoting the rights and well-being of juveniles in conflict with the law.

Keywords: Juvenile justice board (JJB), mixed-methods approach, juvenile welfare, procedural delays, juvenile perceptions

Introduction

In India, since the 20th century, various states had started working on their child laws. First of all, Madras Children Act 1920 came into force. After that, Bengal and Mumbai Children Act came into force within 4 years. These were the first practical laws which came into force in February 1924. To implement this within the city of Mumbai, a voluntary organization was formed named Children and Society. This organization created institutions to take care and protect children. States included two types of children in their child laws. Children who committed crime at a young age and children who were victims of poverty or neglect, but due to each state having its own laws, the law was not being implemented uniformly throughout the country. Meanwhile, many children were committing such crimes which Even an adult person will think twice before doing anything. Meanwhile, in the case of Sheela Versus v /s Union of India, the Supreme Court said that every state should have its own law, it would be better if the MP should make such a law which would be applicable to the citizens of India. To be implemented with uniformity in all the states because after independence there were many children who were orphaned because their parents were either killed in the struggle for independence or became disabled. In such a situation, the safety of the children and Keeping all these things in mind and keeping in mind the instructions of the United Nations and the guidelines of the Supreme Court, India made its

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first Juvenile Justice Act 1986 in 1986. Through this law, juvenile delinquency was prevented and from the point of view of child safety, a set of rules were provided to provide protection to children.

As of today, the Juvenile Justice (Care and Protection of Children) Act, 2000 outlines that children who commit illegal acts and are in need of care and protection, How to deal with them. Under the new bill, a provision has been made to treat juvenile offenders above 16 years of age as adults. It is worth noting here that according to the provisions of this bill, juvenile criminals found involved in heinous crimes can be sentenced to jail. However, he will not be given life imprisonment or death sentence. According to the earlier law, the age of the teenager was 18 years instead of 16. Here you should know that when any child is below 18 years of age, his case is tried in the Juvenile Justice Board instead of the court. If found guilty, the juvenile is sent to a juvenile home for a maximum of 3 years. After the change in the law, anyone above 16 years of age found guilty of a crime like rape can face imprisonment of up to 3 years and a fine of up to Rs 10,000 ^[1].

Salient features of Juvenile Justice Act 2015. In view of the increasing number of crimes committed by children in the society, Juvenile Justice Act 2015 was implemented with various changes in this Act. This Act does not punish children for their crimes through punishment but through counselling. In the Act of 2015, the name of juvenile was changed to 'child' and 'child in violation of law'. This Act also defines abandoned, orphan, surrendered etc. children. This Act also defines the acts committed by children. Defines three types of crimes like petty, serious and heinous crimes. Children who commit petty crimes can be punishment for up to 3 years. Children who commit serious crimes can be punishment for 3 to 7 years. Children who commit heinous crimes can be punishment for up to 7 years. Under any existing law, the maximum punishment can be 7 years. The Juvenile Justice Act specifically states that no juvenile will be kept in prison with a habitual offender, but due to the negligence of the Juvenile Justice Board, some juveniles are kept in jail. You also have to stay in jail and be punished for your crime.

Role

The focus of interest in the juvenile court is always the juvenile and his welfare and not the actions or consequences that may have led to him being brought before the court. The criminal case of a juvenile in conflict with the law is to be adjudicated by a Juvenile Justice Board and not by an ordinary criminal court. This is the mandate of the Juvenile Law enacted at the turn of the 20th century along with the Code of Criminal Procedure 1998 and 1973. Quoting section 27 of CrPC 1973 ^[2].

Juvenile Justice Board Right to justice in juvenile cases If the juvenile is below 16 years of age on the date of being produced before the court, then he or any such person will not be given death sentence or life imprisonment. This may be exercised principally by a Judicial Magistrate or by any Court constituted under the Children Act, 1960 (60 of 1960) and by any law which provides for the training and rehabilitation of young offenders with immediate effect at a particular time". Similar provisions are also present in the 1998 Code. It is most surprising that even though the Code of Criminal Procedure was amended in 2005, Section 27 has not been changed to harmonize it with the existing juvenile

law. With the enactment of the Juvenile Law, Cr.P.C. This provision has now become useless. India's first juvenile court was established in Mumbai in 1927. Initially it was run by the President Magistrate who used to sit for certain hours on fixed days. Thereafter, since 1942, juvenile justice is administered by a full-time salaried magistrate assisted by a group of experts, monitoring officers and psychologists. The Children Acts have provisions for setting up juvenile courts to deal with cases of juvenile delinquents and neglected children. This system of dealing with the cases of juveniles and neglected juveniles by a single authority was changed in 1986 when at the international level the understanding of justice at the fault of the juvenile took precedence over welfarism, of mistake but justice Search in the portal When Kishko took the place above welfare on the international car Fortunately, the importance of social distancing intervention in juvenile cases remained intact in Indian law. Under the 1986 Act, Juvenile Welfare Boards were established to specifically deal with cases of delinquent juveniles and Juvenile Courts were established to focus their entire influence and attention on delinquent juveniles. The Juvenile Courts are assisted by a panel of two nominated social workers with prescribed qualifications and at least one of whom shall be a woman and to be appointed by the State Government. Monitoring officers play the dual role of social workers. The 1986 law required magistrates in juvenile courts to consist of a bench, that is, two or more magistrates with one appointed as the chief magistrate. But most of the cases were handled by only one magistrate.

The main reason for separate procedure for juvenile cases was that these cases require a socio-legal understanding so that reform and rehabilitation can take place and punishment is not the objective. Under the Juvenile Justice Act 2000, the Juvenile Justice Board is the "relevant authority" in cases involving juveniles in conflict with the law. The formation of the Juvenile Justice Board reflects this goal of the Juvenile Law. The path to the Juvenile Justice Board is very difficult; Juveniles are guilty of their crimes, but they should not be punished for these actions but the main goal should be to prevent them from going into crime for the rest of their lives. The 2000 law gives equal importance to magistrates and social workers, and they jointly form the relevant authority handling juvenile cases. The Juvenile Justice Board will consist of a Metropolitan Magistrate or, in metropolitan areas, a Legal Magistrate of the First Class and two social workers, one of whom must be a woman. The magistrate and social workers act as a bench, that is, together but under separate roles, with the magistrate playing a key role in deciding whether the juvenile has committed a crime or not. When the Board is convinced that a crime has been committed, the social worker plays an important role in determining the person's overall rehabilitation, taking into account the circumstances of the crime. This is explained very well by Barry C. Feld. The magistrate takes into account the juvenile's actions and the social worker takes into account his needs ^[3].

The Juvenile Justice Board has also got the same powers as the Magistrate under the Code of Criminal Procedure. A metropolitan magistrate or a legal magistrate of the first class has the status of a chief magistrate. If there is any difference of opinion among the members of the Juvenile Justice Board, if there is no possibility of majority opinion, then the opinion of the Chief Magistrate will prevail. It is necessary to establish Juvenile Justice Board in every

district by 21st August 2007. Is. It is necessary to decide the place, day and time of Juvenile Justice Board meetings ^[4]. Is. The frequency of meetings depends on the matters pending before a board. Will be. It is very important for a case to be investigated expeditiously by the Board so that the adolescent's life should not be unnecessarily disrupted for a long period of time and the process of his rehabilitation can start as soon as possible. Long time investigation staying still is painful for the teen and can be easily stopped. Could. There are no facilities for professional training in observation homes and nor any tricks to keep the teen busy that may result in the teen becoming restless. Let's go. Juveniles may run away from homes due to prolonged confinement or there have been incidents of attempts to drive away or creating ruckus in homes, there have also been incidents that lead to destruction ^[5]. Recognizing the need for speedy investigation, the law mandates the Juvenile Justice Board to complete an investigation within 4 months, but if for some reason this is not possible, then considering the special circumstances, the Juvenile Justice Board may extend this period till the completion of the investigation, may be increased by the order given along with reasons. What time should be considered as the beginning of this period, when the case came before the Juvenile Justice Board or when the charge sheet was filed or when the juvenile's application was filed? In 1986, the Supreme Court directed that the state machinery should ensure that Charge sheet must have been filed and investigation of the juvenile must have been completed.

"We direct that when an FIR is registered against a child below 16 years of age with a maximum prison sentence of 7 years, the process of investigation should be completed within three months from the filing of the complaint or FIR. And if the investigation is not completed within this period, the case against the child should be deemed closed...." The order stipulates that the investigation should be completed within three months of the filing of the chargesheet. According to this order, under the 1986 law, juvenile. ^[6]

The order stipulates that the investigation should be completed within three months of the filing of the chargesheet. According to this order, under the 1986 law, the case against the juvenile should be heard within a maximum of 6 months. The 1986 law states that, "Investigation in the case of a juvenile under this Act shall be conducted as expeditiously as possible and should ordinarily be completed within 3 months from the date of its initiation, unless there is some special reason to be recorded in writing. The 2000 Act increases this period to 4 months, and gives the Juvenile Justice Board the discretion to extend this period in respect of special circumstances and special cases attached to a case. Therefore, as per the current law, a kisser's case is usually disposed of within 7 months of his arrest. The maximum period for filing charge sheet has not been fixed under the Juvenile Law. It is accepted that unless there is a specific procedure recorded in any law, there is no fixed period for filing the charge sheet in the Code of Criminal Procedure, but it has been said that if the crime is punishable with death penalty, life imprisonment or imprisonment for more than 10 years. If the charge sheet is not filed, then the accused is entitled to bail up to 90 days for a longer period or 60 days for any other crime. In the case of a juvenile, Section 167 of the Code of Criminal Procedure is considered as the period for filing the charge sheet. And if the charge sheet is not filed within this period

then the case against the juvenile gets dismissed ^[7].

The main reason for separate procedure for juvenile cases was that these cases require a socio-legal understanding so that reform and rehabilitation can take place and punishment is not the objective. Under the Juvenile Justice Act 2000, the Juvenile Justice Board is the "relevant authority" in cases involving juveniles in conflict with the law. The formation of the Juvenile Justice Board reflects this goal of the Juvenile Law ^[8]. The path to the Juvenile Justice Board is very difficult; Juveniles are guilty of their crimes, but they should not be punished for these actions but the main goal should be to prevent them from going into crime for the rest of their lives. The 2000 law gives equal importance to magistrates and social workers, and they jointly form the relevant authority handling juvenile cases. The Juvenile Justice Board will consist of a Metropolitan Magistrate or, in metropolitan areas, a Legal Magistrate of the First Class and two social workers, one of whom must be a woman. The magistrate and social workers act as a bench, that is, together but under separate roles, with the magistrate playing a key role in deciding whether the juvenile has committed a crime or not ^[9]. When the Board is convinced that a crime has been committed, the social worker plays an important role in determining the person's overall rehabilitation, taking into account the circumstances of the crime. It is very well explained by Barry C. Feld that the magistrate takes the place of the juvenile's actions and the social worker takes place of his needs. Be freed. Additionally, the atmosphere in the observation home becomes better when the juvenile justice the board works correctly, and organizes its everyday affairs Keeps up and continues to grow rapidly in matters. Unfortunately, the juvenile justice system depends on individuals and their abilities. Therefore, in the Juvenile Justice Board It is important to ensure that the right person is appointed. Juvenile Justice Board Formation of selection committee to appoint members should, which also includes the Magistrate. At present, the State Government High Court Appoints magistrates on the advice of the Chief Justice. Juvenile justice (Care and Protection) Rules 2007 for selection of social workers by the selection committee. Provides for Makare as members of the Election Board, but regarding Magistrates It only says that one should have special knowledge in child psychology or child welfare. If a Magistrate with training is not present as the Chief Magistrate, then the State Government-sponsored training in child psychology or child welfare should be provided. To improve the work of Juvenile Justice Board Therefore, it is necessary to elect a Chief Magistrate who can handle this matter. Really want to. For this it is necessary that the present method of election be changed and it would be right in the paramount interest of the child that the Chief Magistrate The chairman of the selection committee formed for the elections became the judge of the High Court. Other members of the selection committee include Chief Metropolitan Magistrate or Chief Judicial Magistrate Magistrate, Secretary of Women and Child Development Department and any social Career: Can be a college teacher. Search the portal for Kamah Chahta Datya Board Age Services.

All these provisions are about the Juvenile Justice Board but still we see that the Juvenile Justice Board does not do its work with complete honesty, due to which instead of reducing the tendency of crime among the children, it is

increasing more because they habitually commit crimes. The criminal has been living with the criminals and the two to three years he has spent with them leads to the development of such criminal tendencies in his development and he emerges as a harmful element for the society. We often see that juvenile the work done by the Board is done with such carelessness that some juveniles also have to serve their punishment in jail. The Juvenile Justice Board should do its work with full responsibility. This will reduce anarchy in the society and the child will have a healthy life. Can live in the environment and the child can improve and become an important element in the society and not become a chaotic element^[10].

I have seen some such cases in my area Pilibhit itself in which juveniles were kept in jail but it is clearly stated in the Juvenile Justice Act that no juvenile will be treated as a habitual criminal but still our Juvenile Board It seems that even before the investigation, they give their judgment and the child has to stay in the jail with habitual criminals, which has a negative impact on the development of the child and he may also adopt social activities because he The people with whom he lives are criminals who are either hardened criminals or are involved in some very heinous crime. Their social status has all the same things that connect them to crime whereas the children. If we interact with others, the child also has more chances of adopting the same behavior, hence I would like to present some decisions of the Juvenile Justice Board here as examples. Various types of applications can be made before the Juvenile Justice Board. Such applications can be made after completion of pending investigation i.e. during stay in a special home^[11]. Government V/S XYZ (Juvenile Delinquents) CaseNo-342/2021 Section-498(A), 304 (B) Indian Penal code and 3/4 Dowry Act Police Station-Bilsanda (Pilibhit)

In this case, the juvenile delinquent was 14 years 3 months and 17 days old, yet he was kept in the district jail of Pilibhit due to the negligence of the investigation committee and the lack of alertness of the Juvenile Justice Board. Later, the case was tried by the advocate of the juvenile delinquent. After lobbying, he was declared a juvenile. Here, there is a clear violation of the rules of the Juvenile Justice Board.

State V/S X Y Z (Juvenile Delinquents).

Case No - 02/21.

Section - 498 (A), 304 (B) And 302 Indian penal code and section 3/4 Dowry Prohibition Act.

Police Station-Barkheda District (Pilibhit)

In this case, the juvenile delinquent was 17 years, 6 months and 12 days old and he was kept in the District Jail, Pilibhit on request. In this case too, the report of the investigation committee was not appropriate whereas no juvenile officer can be kept in the District Jail with habitual criminals. Government V/S X Y Z (Juvenile Delinquents).

Case No-292/2019.

Section - 498 (A), 304 (B), 201 Indian Penal code 3/4 Dowry Act.

Police Station - Jehanabad, (Pilibhit).

In this case, the fact of being a juvenile delinquent was deliberately hidden by the investigation committee and at the time of presenting the accused before the magistrate, he was described as a child and he was detained in the district jail Pilibhit. Living with terrorist criminals has an adverse

effect on the brain of children. Which is clearly written in this Act, yet such incidents are continuously coming to light by such investigation committees. This clearly shows how seriously the Juvenile Justice Act is being taken.

State v/s X Y Z (Juvenile Delinquents) Case No-02/22.

Section- 498(A), 304(B) and 201 Indian penal code and section 3/4 Dowry prohibition Act.

Police station- Jehanabad, District (Pilibhit).

In this case too, due to lack of proper investigation by the Inquiry Committee and lack of vigilance by the Juvenile Justice Board, the juvenile delinquent was kept in jail and when he had served the maximum punishment for his crime, he was declared a juvenile has been declared.

State v/s X Y Z (Juvenile Delinquents) CaseNo-17/22 Section- 363,366 and 376 Indian penal code and section 3/4 Pocso Act Police Station-Madhotanda, District (Pilibhit).

In this case, Advocate Rajvendra Kumar said that in the above case, false allegations were made against the juvenile and this work was done very cleanly. In the above case, the police investigating officer deliberately hid the fact that the child is not yet under investigation. The committee also did not do this work properly and the child was sent to jail, later the children were declared juvenile and his country was acquitted. He did not have to face punishment for the work which he had not done. Such negligence is being done by our committees which has become a very serious matter.

Various types of cases before the Juvenile Justice Board Applications can be given. Such applications can be made after completion of pending investigation i.e. during stay in a special home. In the above cases, this was not done, the investigation was not conducted properly by the police investigating officer, nor was the juvenile formally informed about his rights. The investigating officer did not even inform the juvenile formally about his bail and he was arrested in uniform, whereas being present in uniform is prohibited under the Juvenile Act. Therefore, the Board, which has the authority of the Magistrate, can close the case at any stage after the charge sheet is filed and acquit or acquit the juvenile. The board can do this on its own volition or on the application given by the juvenile. For example, when the accused parties consistently fail to turn in their witnesses, the Board can stop the investigation under Section 258 of the Code of Criminal Procedure. As another example, if the main accused is an adult and the juvenile is merely his subordinate or helper and the adult accused has been acquitted by the Magistrate, the Board may acquit or release the juvenile depending on the stage of investigation. The use of Section 258 of the Code of Criminal Procedure helps in quickly closing the case of a juvenile, especially when the investigation does not yield any evidence against the juvenile. Section 57 of the Act 2000: Juvenile Justice "Children's homes and juvenile homes and juvenile homes of the same nature Transfer between houses in different parts of India The State Government shall not allow any child or adolescent to From a children's home or special home within the state or.

"Transferred between children's homes and juvenile homes and juvenile homes of the same nature in different parts of India, the State Government may transfer any child or juvenile from a children's home or a special home within the State or to any other State in consultation with that State Government. After giving prior notice to the Board or Committee, to any children's home, special home or other similar institution and such transfer shall be the

responsibility of the concerned authority in the area to which the child or adolescent has been sent."

It is necessary that any such transfer order Prior consultation with the Board is necessary to ensure that the best interests of the juvenile are kept in mind while granting the award. The Act mandates that each police station in-charge receive competency and suitability training and be designated as a juvenile or child welfare officer who will supervise juveniles. Therefore, one NGO in each police station as per the attached schedule (Annexure A). Any child in conflict with the law shall be punished with death or imprisonment for life without possibility of release for any such offense under the provisions of this Act or under the provisions of the Indian Penal Code (45 of 1860) or any other will not be given. At present the law is in force. By perusing all the above files, it becomes clear that the rights of juvenile delinquents were violated, which is against the law, despite being juveniles, they were detained in the district jail, which should not have happened. The Honorable Supreme Court, the Honorable High Court, has ruled several times. Bar guidelines have been given that the rights of juveniles should not be violated.

Conclusion

From the above study, we feel that despite national and international conventions and many laws from 1960 till today, not much change has been seen in our society. Even today, there is no proper environment for the children of our society. This is not happening, which has become a matter of concern. From 1986 till today, amendments have been made in the Juvenile Justice Act several times and every possible effort has been made by the government to provide a safer environment for children, but some changes are yet to be seen. This change will not be seen unless our nodal departments implementing the Juvenile Justice Act do their work with full responsibility and do not give their hundred percent. Responsibility should be understood and Juvenile Justice Act should be implemented well because children are the future of the country, hence there is a need to keep them more safe. Our nodal officers should also understand that whether the rights of any child are being violated and they need to do their work more carefully such cases are seen every day in the Juvenile Justice Board around us, who first serve their sentence in jail like an adult and later they are declared a juvenile. The main objective of creating the Juvenile Justice Board is this. It was said that no juvenile delinquent should be punished like an adult because children are mentally very tender and if they habitually stay with criminals then their mental development will be adversely affected and they will grow up to become a lawless element for the society. The sole purpose of creating the Juvenile Justice Act was to protect the rights of children. The provision of Juvenile Justice Board was made so that children are treated with humility so that their innocence remains and they are protected from any kind of abuse. However, we have not been able to achieve the full

objective of making this Act, therefore, we should once again review the work of the committee whether the committee has done its work properly or not. The work being done is not putting the life of any teenager in danger, but there is a need to form another committee for this work which can monitor the work of the committee ^[12].

Juvenile Justice Act was to protect the rights of children. The provision of Juvenile Justice Board was made so that children are treated with humility so that their innocence remains and they are protected from any kind of abuse. However, we have not been able to achieve the full objective of making this Act, therefore, we should once again review the work of the committee whether the committee has done its work properly or not. The work being done is not putting the life of any teenager in danger, but there is a need to form another committee for this work which can monitor the work of the committee. While only four cases have been given, who knows how many such cases would be there in which children's rights would have been violated. There is a need to implement the Juvenile Justice Act more seriously ^[13].

Suggestion

In the case of juvenile delinquents, there is a provision to do primary assessment first, it needs to be done with more vigilance where there should be an institution to monitor the committee also which will evaluate the work done by the committee and if the investigation If it is not found correct, then the committee should be ordered to re-investigate and if the committee has deliberately tried to commit any mistake, then there should be a provision for penalizing all the committee members. 2. The Juvenile Justice Board should be empowered to review the investigation done by the committee so that the possibility of any kind of error is reduced and our juvenile delinquents are provided an opportunity to take charge of their lives once again ^[14]. We should be careful lest the future of our teenagers comes in danger due to this carelessness of the committees. 3. A juvenile delinquent should never be sent to jail, which is the main objective of this Act. If there is any doubt regarding a been mentioned in the Juvenile Justice Act. So it must be done, it will cost the government a little but our juvenile delinquents will be completely safe.

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