



Bonafide Plea of Juvenility

For Prelims: Constitutional and Legal Provisions related to Children, United Nation Convention on the Right of the Child (UNCRC), National Commission for Protection of Child Rights, 2005.

For Mains: Evolution of Juvenile Justice System, Objective of the Juvenile Justice System, Issues related to children.

Why in News?

Recently, the [Supreme Court](#), while dismissing an appeal challenging the decision of the Punjab and Haryana High Court, held that **a plea of juvenility has to be raised in a bonafide and truthful manner.**

- The Court said that **if a document of dubious nature is relied on to seek juvenility, the accused cannot be treated to be juvenile** keeping in view that the law is a beneficial legislation.
- Juvenile offenders (age below 18 years) are given protection under the **Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act).**
- Under **Section 7 A of the JJ Act**, an accused person can raise the **'claim of juvenility'** before **"any court, at any stage, even after the final disposal of the case".**

How the Juvenile Justice System Evolved in India?

- **Definition of Juvenile Justice System:** The juvenile justice system concerns children who have conflicted with the law and need care and protection.
 - In India, a person **below the age of 18 years is considered a juvenile.**
 - Minor is a person who has not attained the age of full legal responsibility and the **juvenile is a minor who has committed some offence or needs care and protection.**
 - In India, any child **below the age of 7 years** can not be convicted of any crime because of the **doctrine of Doli incapax** which means incapable of forming intent to commit a crime.
- **Main Objective of the Juvenile Justice System:** To rehabilitate young offenders and **give them a second chance.**
 - The main reason for this protection is that **children's brains are not fully developed** and they **do not have a complete sense of wrong and right.**
 - When parents have **poor parenting skills, abusive home, violence in the home,** a single parent who left their children for a long time unsupervised.
 - The influence of **news, movies, web series, social media, and lack of education** are also reasons why children indulge in criminal activities.
- After the independence of India, the constitution provided some provisions under the [fundamental rights and Directive principles of state policy](#) to protect and develop children.
- **Children Act, 1960:** This act prohibited the imprisonment of children in any circumstances and provided care, welfare, training, education, maintenance, protection, and rehabilitation.
- **Juvenile Justice Act, 1986:** The Juvenile justice act 1986 came into force to provide uniformity of

the Children Act and set the standard for protection of juveniles as per the **1959 United Nations declaration of the child**.

- In 1959, the United Nations General Assembly adopted the Declaration of the Rights of the Child.
- **Juvenile Justice (care and protection of children) Act, 2000:** The Government of India repealed the Juvenile Justice Act (JJA) and came up with a new Act, **the Juvenile Justice (care and protection of children) Act, 2000**.
 - It had much better terminology such as **'conflict with the law' and 'need care and protection'**.
 - Juveniles who have a conflict with law are handled by the juvenile justice board and juveniles who need care and protection are handled by the child welfare committee.
 - In 2006 Amendment was made in the Juvenile Act to make clear that juvenility is considered from the date when a crime is committed.
- **Juvenile Justice (care and protection of children) Act, 2015:** It replaced the Juvenile Act 2000.
 - This act was passed by the parliament after much controversy and protest. It has introduced many changes in existing law.
 - This act **allows juveniles involved in the heinous crimes age group between 16-18 are treated as adults**.
 - Making the juvenile justice system more responsive and according to the changing circumstances of society.
 - The Act gives a clear definition of orphaned, abandoned, surrendered children and provides an organized system for them.
- **Juvenile Justice (care and Protection) Amendment Act 2021:** Recently, Parliament passed the **Juvenile Justice (care and Protection) Amendment Act 2021**.
 - The amendment provides strength to the provision of protection and adoption of children.
 - There are many adoption cases pending before the court and to make proceedings of the court faster now the power is transferred to the district magistrate.
 - Amendment provides that the district magistrate has the authority to issue such adoption orders.

What are Other Legal Frameworks for Welfare of the children?

- **The Protection Of Children from Sexual Offences Act (POCSO), 2013**
- **Child Labour (Protection and Regulation) Act, 2016**
- **United Nation Convention on the Right of the Child (UNCRC)**
- **National Commission for Protection of Child Rights, 2005**

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