



Juvenile Justice System in India: An Overview

Dr. Sandeep Kumar,

Assistant Professor,

Himachal Pradesh University

Institute of Legal Studies,

Chaura Maidan, Shimla, India

sektu@rediffmail.com

Abstract

Juvenile offences are sky rocketing in India, which indicates towards the need of enactment of strong laws and policies to make the juvenile system robust. All three organs of the State in India, namely, the Legislature, the Executive and the Judiciary focus on the developmental well-being of the children coming in conflict with law and children in need of care and protection. However, despite of it, the youth crimes are increasing in India, emphasizing on the urgency to give a second look at existing juvenile related laws and their subsequent implementation and enforcement. This paper attempts to evaluate the contribution made by the above three organs towards strengthening juvenile justice system in India. The secondary data like books, government reports, law periodicals and magazines will be relied upon to complete this study.

Key Words: Juvenile, Juvenile Delinquency, Juvenile Delinquent, Juvenile Justice, Juvenile Welfare

1. Prelude

Children are the assets or wealth of a nation. They are indeed the future of any nation. The present children are the adults of tomorrow or citizen of the further era. In that era they will hold the banner of the country and maintain the prestige of the nation. It will be better to say that the present children are like blooming flowers of the garden of the society and therefore it becomes our duty to protect these flowers. Since the development of a country depends upon the youth therefore, the society shall delicately deal with all of their matters. All of these children need to be nourished whether physically, mentally or psychologically by providing a healthy environment. Keeping in view the above aspects the Constitution of India guarantees several fundamental rights to the children. It also contains certain Directive Principles of State Policy which directs the State that the tender age of children are not abused and the children should be given the opportunities and facilities to develop in a healthy manner. They shall enjoy freedom, dignity and they shall be protected against exploitation and against moral and material abandonment. But as a matter of fact in present conditions of our country it appears that there is less possibility of developing the children in a healthy atmosphere, as our children are now indulging in all sorts of crime. They are spoiling their lives by indulging in drugs or alcohol and thereby committing different types of crimes. The juvenile delinquency has become a greatest problem of the country. The present study aims to study the present problem and the laws providing for such children in India and to suggest solutions and remedies to improve the Indian juvenile justice system.

2. Objectives of the Study

The main objective of this research is to study the Indian juvenile justice system that deals with care, protection, treatment, development, rehabilitation of neglected and juvenile delinquents. The researcher is also willing to study the authorities working in juvenile justice system and their role for improvement of system. Further the researcher is willing to study all legislations dealing with rights of children. It is also aimed at studying the different types of child care institutions and services provided in these institutions. The age of a person for

treatment as child is also a matter of controversy hence is aimed to be studied in this paper. The present paper shall also scrutinize the approach or the role of judiciary in the matters of juvenile delinquents.

3. Research Methodology

The research methodology adopted by the present researcher in the present paper is doctrinal in nature. The researcher has used the secondary sources that involve the collection of material from various sources such as Law Periodicals, Books, Statutes, scholarly articles written by authoritative writers and eminent Jurists, judgments of High Courts and Supreme Court and on line material. The analytical, descriptive and evaluative methods have been adopted to scrutinize various provisions of law and the judgments passed by various courts pertaining to juvenile justice.

4. Meaning and Concept of Juvenile Justice

Juvenile justice system falls within the ambit of administration of criminal justice system. Juvenile justice system deals with the matters of juvenile. Therefore, first of all it is mandatory know about the juvenile. The term 'juvenile' originated from the Latin term 'juvenis' which means 'young' and *juvenilis* which means youthful. As per the dictionaries the term juvenile means young, youthful, a young person or child. It can be said that a juvenile is a young person who is not yet old enough to be regarded as an adult. Therefore whenever there is a question of juvenile justice it means it's talking about justice system for young. This term 'juvenile' has been used interchangeably with 'child' despite the fact that there is definitely a difference between the two. Child in general sense is used for innocent, simple or a person who require care or protection whereas on the other side the term juvenile is generally used for a person of tender years who comes in confrontation with law. The other difference between the two is the question of age. The person is child for his parents irrespective of his age but a juvenile is certainly a person of or below a particular age. But this does not mean that a juvenile is not a child. It is the age of a child that determines a person who is to be treated as juvenile under the juvenile justice system. There are certainly other terms which are used for such persons who are in early stage of their life such as kid, ward, adolescent, minor infant or young child etc. Thus childhood is the main factor for a juvenile justice system.

In *Shimil Kumar v. State of Haryana*⁵ it was held that the term child means "one who is between birth and full growth". But this judgment is also incomplete as it does not clearly mention the exact age of a child for treatment as juvenile. In India neither the Constitution nor any other legislation has evolved a common principle for ascertaining the childhood. The age of a child is varies as per the law concerned dealing with a particular matter. These laws deal with either a delinquent juvenile or a juvenile in need of care, protection or welfare. So far as the laws or statutes dealing with juvenile in conflict with law are concerned they provide the procedure for dealing with such a delinquent juvenile. Whereas the laws dealing with the child in need of care and protection are concerned it provide for the procedure concerning care, protection treatment etc of such a child who is neglected or helpless etc. These different laws that define age of such child for different purpose are as under:

4.1 Indian Penal Code, 1860

The Indian Penal Code, 1860 provides three categories of a child for different purposes. Firstly it says that if an offence is committed by a child below the age of 7 years then he will not be punished because of the tender year of age.¹ The Act also raised the age of such criminal responsibility to 12 years if the child is found unable to understand the nature and consequences of his/her act.² Lastly, the Act also provides the attainment of 16 years of age in mandatory for giving sexual consent, but the same shall not be less than 15 years in case she is married.³

4.2 The Indian Contract Act, 1872

The Indian Contract Act, 1872 also fixed the age of a child called to be a minor for entering into a contract. As per this Act any person below the age of 18 years is incapable to enter into a contract.⁴

4.3 The Child Marriage Restraint Act, 1929

To restrain the solemnization of child marriage, this Act defines the term child as a person if male, has not completed the age of 21 years and in case of female 18 years.⁵

4.4 The Minimum Wages Act, 1948

This Act deals with fixation of minimum wages of a person who is major, child or an adolescent. The Act defines the term child as a person who has not completed the age of 14 years.⁶ This Act also defines the term adolescent. It says that a person who has already completed his 14th year of age but has not completed his 18th years is an adolescent.⁷

4.5 The Factories Act, 1948

This Act prohibits a child to work in factories. A child for the purpose of this Act means a person below the age of 14 years.⁸ This act further provides that an adolescent who has completed 14 years but he is below 18 years of age can work in factories only if he obtains a medical fitness certificate from a doctor.⁹

4.6 The Constitution of India, 1950

The Constitution of India contains several special provisions for the betterment, welfare or empowerment of children. It empowered the State to enact any law for the upliftment of children.¹⁰ It guarantees free education for all children of 6 to 14 years¹¹ and ask the State to make provision for early childhood care and education to children below the age of six years.¹² It prohibits traffic in human being and forced labour.¹³ It also talks about giving opportunities and facilities to children so that they can develop in a healthy manner and in conditions of freedom and dignity and they are protected against exploitation and against moral and material abandonment.¹⁴

4.7 The Mines Act, 1952

This Act prohibits a child below the age of 18 years from working in any mines or part thereof.¹⁵ But in case of apprentices or trainees the age limit is 16 years but the same can be done only under the supervision of Manager and after the permission of the Chief Inspector.¹⁶

4.8 The Children Act, 1960

This Act aimed to provide for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected or delinquent *children*. It provided for establishment of Child Welfare Board, Children's Court, Children Home, Special Home, Observation Home, After Care Organisation etc. For the purpose of this Act a child means a boy who has not attained the age of 16 years or a girl who has not attained the age of 18 years.¹⁷ This Act prohibited the imposition of death penalty or sentence of imprisonment on any child and detaining a child in jail or police custody.

4.9 The Labour Law Apprentices Act, 1961

This Act was enacted to control and regulate the training of apprentices. It prohibits the engagement of an apprentice if he is below 14 years of age.¹⁸ The Act further says that in case of engagement in designated trades related to hazardous employment the person is disqualified if he is below 18 years of age.¹⁹

4.10 The Juvenile Justice Act, 1986

This Act replaced the Children Act, 1960. It has been enacted to provide for the care, protection, treatment, development and rehabilitation of neglected or delinquent juveniles and for the adjudication of certain matters relating to, and disposition of, delinquent juveniles. For the purpose of this Act the term juvenile means a person who has not attained the age of 16 years in case of a boy and 18 years in case of a girl.²⁰

4.11 The Child (Labour (Prohibition and Regulation) Act, 1986

This Act prohibits employment of children in certain employments. The Act has fixed the age of child for this purpose at 14 years.²¹

4.12 Juvenile Justice (Care and Protection) Act, 2000

This Act was enacted to deal with juveniles in conflict with law and the children in need of care and protection, by providing for proper care, protection etc. This Act defines the term "juvenile" or "child" as a person who has not completed the eighteen years of age.²² This Act also defines the term "child in need of care and protection". It says that a child who is found without any home or settled place or abode and without any ostensible means of subsistence is a child in need of care and protection.²³

4.13 Juvenile Justice (Care and Protection of Children) Act, 2015

This Act replaced the Juvenile Justice (Care and Protection) Act, 2000. It was enacted to make comprehensive provisions for children who are alleged or found to have been in conflict with law and the children who are in need of care and protection. This Act defined the term juvenile in the same manner as defined in the previous Act to be a person who has not attained the eighteen years of age.²⁴ And for the purpose of

care and protection of a child the age the Act fixed the same age i.e. eighteen years.²⁵ But in cases of heinous crimes this Act (hereinafter called as JJ Act) classifies the children of 16 to 18 years differently. Such children involved in heinous crimes may be tried like adults.

4.14 Juvenile Justice (Care and Protection of Children) Bill, 2021

This Bill has been passed by the Lok Sabha on 24 March, 2021 and thereafter the Rajya Sabha also passed the same on 28th day of July 2021.²⁶ The main objective of this Bill is to strengthen the child protection at district level, to empower District Magistrate, to strengthen Child Welfare Committee etc. But so far as the age of juvenile or child in need of care and protection is concerned the Bill does not propose any change or amendment of the same. This Bill seeks to amend the Juvenile Justice (Care and Protection of Children) Act of 2015.

5. Historical Scenario

The concept of special treatment of children in India can be traced in ancient "Hindu Jurisprudence." In ancient India the *haramasutarakaras* and *Dharmashastrakaras* propounded the law called *Dharma*. They stated that an infant within the eight years is similar to a child in his mother's womb, implying that he cannot be held responsible for his act.²⁷ This concept developed gradually into a dynamic concept and the same changed as per the need of society. This concept can also be traced under the Muslim law. As per this law if any young boy indulge in sexual activity with consenting women then he will not be liable for that act.²⁸ Thus it is clear that both the Hindu law and the Muslim law recognised the innocence of child and provided protection to them.

The beginning of special legislation for young offenders started with the enactment of the Apprentice Act²⁹ in the year 1850. This Act was the first piece of special legislation dealing with children in conflict with the law. The Act allowed courts to treat the children of 10 to 18 years of age who had committed petty offences, as apprentices instead of sending them to prison. Thereafter in the year 1860 the Indian Penal code was enacted and it provided that any offence if committed by any child under the age of 7 years shall be *doli incapax*, hence shall not be punished.³⁰ The Code further exempted the children between 7 to 12 years if there is no *mens rea*.³¹

In the year 1878 another piece of legislation i.e. The Reformatory Schools Act, 1878, targeting children was passed and later it was modified in 1897.³² It provided that the children under the age of 15 years if sentenced to imprisonment may be sent to reformatory schools instead of prisons.³³ Thereafter, in the year 1898 the Code of Criminal Procedure empowered the Magistrate to send the juvenile offenders to reformatories instead of prison or to grant probation or order their trial by juvenile court.³⁴ Besides this the three presidencies of Madras, Bengal and Bombay promulgated their own laws for special treatment of children. The enactments were The Madras Children Act, 1920³⁵, The Bengal Children Act, 1922³⁶ and The Bombay Children Act, 1924³⁷ respectively. These Acts provided different age for treatment of children under these laws. The age varied from 13 to 18 under these enactments. The last legislation before the independence of India enacted for the welfare of children was the Bengal Vagrancy Act, 1943.³⁸ This Act provided care and training to the children below 14 years who were beggars or having criminal or bad habits etc. Besides these legislations there were two more legislations that come into force before independence of India. The first one was the Mysore Children Act, 1943,³⁹ and other one was the East Punjab Children Act, 1949.⁴⁰ The East Punjab Children Act was enacted to make provision for the custody and protection of children and also for the custody, trial and punishment of youthful offenders.

After Independence we got our own Constitution and it also provided special protection and safeguards to the children.⁴¹ Thereafter, in the year 1960 India achieved a mile stone in the field of child care, protection and safeguard when the Children Act was enacted. This Act provided for two separate adjudicatory bodies to deal with children in conflict with law and the children in need of care and protection. Later this Act was replaced by Juvenile Justice Act, 1986. It was promulgated to bring a uniform legislation for India on the basis of UN Minimum standards for the administration of administration of juvenile justice. As a matter of fact there was no difference between the JJ Act of 1986 and the previous Children's Act of 1960. The major reason for re enacting this Act was to establish observation homes, children homes and special homes for neglected and delinquent juveniles. But this Act also had several legal gaps. It failed in establishing the link between the Government and the Non Governmental Organisations in the care, treatment and rehabilitation of children. Moreover, it became obligatory for the Indian Government to amend the Act pertaining to children in line with international standards. Therefore, in the year 2000 the Government of India enacted the Indian Parliament enacted Juvenile Justice (Care and Protection) Act, 2000,⁴² keeping in mind the global momentum of securing child rights. But in the year 2015 this Act was replaced by the Juvenile Justice (Care and Protection of Children) Act, 2015.⁴³ This Act itself 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 by catering the basic needs. This Act allows the trial of a child under the Code of Criminal Procedure if he/she is between 16

to 18 years at the time of commission of any heinous offence.⁴⁴ Recently i.e. in the month of July 2021 a new Bill pertaining to care and protection of Children has been passed by both houses of our Parliament. The Bill is Juvenile Justice (Care and Protection of Children) Bill, 2021. It seeks to amend the Act of 2015.

6. Juvenile Delinquency

The term juvenile as discussed above means a young person who cannot be termed as an adult. This juvenile may be undisciplined juvenile. The undisciplined juvenile is a juvenile who, remains unlawfully absent from school or is disobedient or is beyond disciplinary control of his parents or is usually found at a place unlawful for juvenile or has left his parental home. Besides this there can also be the juveniles who are known as abused, neglected or dependent on the basis of their conduct. An abused juvenile is a child whose parents, guardian caretaker or custodian inflict physical or mental injuries on juvenile or commit offence against child. Whereas the neglected juvenile is concerned this is a child who does not receive proper care, supervision etc from parents, guardians or custodians etc. or he has been abandoned or he did not get proper medical or remedial care or lives in bad company etc. So far as dependent juvenile is concerned this is a juvenile who is in need of assistance because he does not have any parent or caretaker or his parents etc are unable to take care of him. For example if a child is hospitalised but no one comes forward to take care of this child in the hospital.

Apart from the above mentioned juveniles there is another category of juvenile who becomes delinquent which is known as juvenile delinquency. The term delinquency derived from the Latin terms '*delinquentia*' and '*delinquere*'. The term '*delinquentia*' means a fault or offence and the term '*delinquere*' means to transgress, from de-liquare to forsake. The dictionary meaning of delinquency is criminal behaviour. The synonyms of delinquency are crime, misconduct, fault, misdeed, wrongdoing, offence. Delinquency as used in present word is the criminal behaviour of a young person or we can say it is the behaviour of a child which is anti-social or in violation of the law. Now, so far as the term juvenile delinquency is concerned it is the participation by a minor child in illegal activities. This term is also used for children who exhibit a persistent behaviour of mischievousness or disobedience so as to be considered out of parental control and becoming subject to legal action by judicial system. The legal meaning of juvenile delinquency is the violation of the law by committed by a juvenile. Therefore we can say that a child who is in conflict with law is a juvenile delinquent

7. Causes/Factors of Delinquent Trajectories

As discussed above the juvenile delinquency basically is the behaviour of a young person which is marked by criminal activities, persistent anti-social behaviour or disobedience. There are plenty of causes behind this behaviour. The main causes or factors are as under:

7.1 Family Atmosphere

Family is the first educational institution or socialisation school for a child. The family environment always contributes in the life of a child which may be good or bad. He learns a lot from the family. The parents and siblings play a great role in shaping the personality of a child. The disintegration of family system, laxity in parent control, separated families, violence in family, broken families, lack of love and affection, single parent families, bad habits of parents, careless parents, overstrict parents become reasons of juvenile delinquency.

7.2 Schooling

Education is necessary for overall development of a child. Therefore, a school shall have proper infrastructure, best teacher, best curriculum, best grading system and above all education shall be easily available for each and every class of society. In case the school could not provide these basic requirements, it may result in juvenile delinquencies.

7.3 Neighbourhood Conditions and Bad Company

The child learns a lot from the neighbourhood activities because after the family and school, he spends the rest part of the day in the company of neighbours. If the neighbourhood is anti social or violent etc., the child would have more prone to delinquency. Similarly, the other major factor for juvenile delinquency is the bad company. Criminal behaviour can always be acquired through interaction with people which may be found at neighbourhood as well. Therefore, it has rightly been said that the criminal behaviour can be result of the conduct of his companions.

7.4 Socio-economic Factor

The socio-economic factors also play a significant role in the life of a juvenile. The juvenile delinquency is more common in slum or poor areas. The offence of theft or similar offences are committed because of necessity because the family fails to the same. Such youth who

belong to poor economic status easily gets involved in criminal activities. The social attitude in such areas also attributes a lot in juvenile's life. The intention of every one in such areas to change the economic status as soon as possible by any means results in juvenile delinquency.

7.5 Biological Factor

The sociological, psychological and biological factors are important factors that affect the behavioural pattern of adolescent. The teenagers become more conscious about their fashion, appearances, enjoyment, play, food etc. They want freedom or independence and if they get it then there is a possibility of development of anti social behaviour in them. Hence the social behaviour, biological changes, psychological causes are some of the reasons which are responsible for juvenile delinquencies.

7.6 Sexual Exploitation

The children who experienced sexual assault or unwanted physical assault in their early childhood may develop any kind of repulsiveness in their behaviour and mind. They may become more vagrant or may have desire to have sexual experience. It may lead boys to commit crimes like kidnapping, rape etc.

7.7 Urbanisation and Migration

Urbanisation of child habitat and migration of deserted and destitute juvenile boys to slums areas brings them in contact with some anti-social elements of society who are indulged in some illegal activities like prostitution, smuggling of narcotics etc. Such activities attract the child a lot and they may involve in such activities rapidly.

7.8 Defective Recreation

In the present world the primary means of recreation which is easily available to everyone is cinema and internet. Cinema and internet are also responsible for juvenile delinquency. Cinema and online material presents new pattern of crime through scenes of adventure, romance etc. This recreation definitely put impression in the minds of child and they may indulge in anti-social activities.

8. Indian Legal System: Procedure in case of Juvenile in Conflict with Law

The Indian legal system provides for protection of every child who may be delinquent or a child in conflict with law or a child in need of care and protection. The Indian juvenile justice system can be discussed under the following heads:

8.1 Claim of Juvenility

The JJ Act treats all the children equally if they are under the age of 18 years, except those who can be tried as adults if they are between 16 to 18 years old and committed some heinous offence. In cases of offenders of 16 to 18 years who committed a lesser offence, may also be tried as adult if apprehended after the age of 21 years.

It will be pertinent to mention here that the claim of juvenility is major question in all cases of juvenile delinquencies. It decides the fate of delinquent pertaining to further proceedings. The juvenile can raise this question at any time and before any court upto Supreme Court and now even after the disposal of the case under Section 9 of the Juvenile Justice Act, 2015.

In *Deoki Nandan Dayma v. State of Uttar Pradesh*,⁴⁵ the Apex Court held that the entry in school register mentioning the date of birth of the student is admissible as evidence for determining the age of juvenile or to prove the juvenility of child. In *Satbir Singh v. State of Haryana*⁴⁶ the Apex Court once again reiterated and reaffirmed the judgment given in *Deoki Nandan Dayma* case and held that the date of birth entered in school register shall be taken into consideration to determine the age of offender.

In another case⁴⁷ the Full Bench of Bihar High Court held that for the purpose of trial of juvenile the relevant date for considering the age of juvenile should be on which the offence has been committed. But later in *Arnit Das v. State of Bihar*⁴⁸ the Apex Court overruled this judgment and held that the date to decide in claim of juvenility should be the date on which the accused is brought before the competent authority.

With the passing of latest Juvenile Justice Act of 2015 the date of commission of the offence is the criteria for fixing the age of the person. If the juvenile during the course of such inquiry ceases to be a juvenile, the inquiry shall be continued and the order may be made in respect of such person as if such person had continued to be a juvenile or a child.

8.2 Procedure in Case of Arrest of Juvenile

If there is an apprehension that the juvenile has committed an offence and he/she has been arrested by police then he/she shall be placed under the charge of the designated Special Juvenile Police Unit⁴⁹ or the designated Child Welfare Police Officer who shall immediately inform the parents or near and dears of the juvenile about the arrest of the juvenile⁵⁰ At this stage no FIR shall be registered against such child except in cases of commission of heinous crimes. Thereafter, the Police Officer shall produce the juvenile before the Juvenile Justice Board without any delay and that too within 24 hours of the apprehension of juvenile excluding the journey time. It is mandatory that the juvenile shall never be kept in police lockup or jail as required by Section 10 of the JJ Act.

Once such juvenile is produced before the board for commission of any bailable or non-bailable offence then the Section 12 of JJ Act says that he or she can be released on bail with or without surety. But the bail can also be denied on several grounds such as apprehension of his/her association with any known criminal or expose him/her to any moral, physical or psychological danger or his/her release would defeat the end of justice. If the juvenile did not get bail then the police officer incharge of police station shall cause the juvenile to be kept in Observation home in the prescribed manner until he or she can be brought before the Board. It is mandatory for the Board as well to make an order that the juvenile shall be kept in some observation home or place of safety till the pendency of the case.⁵¹ The Board shall ensure periodic visit by Probation Officer, social worker, District Child Protection Unit or by the Board itself to check the facilities provided to the child and to ensure that there is no ill-treatment to the child in any form.

The juvenile Justice Board shall conduct an inquiry in such cases of apprehension of commission of offence by juvenile. The inquiry shall be conducted as per the provisions of the JJ Act. The inquiry shall be completed within a period of 4 months from the date of its commencement, unless the period is extended by the Board for reasons recorded in writing. The Act also provides for review of cases by Chief Judicial Magistrate or Chief Metropolitan Magistrate. On the completion of inquiry if juvenile is found not guilty then as per Section 17 of the JJ Act the Board can pass the orders to that effect notwithstanding anything contrary contained in any other law. If the Board at this stage finds that the child is in need of care and protection then the Board can refer the child to the Committee for appropriate directions. And in case the child is found to be guilty then as per Section 18 of the JJ Act he can be penalised for a maximum period of 3 years in case of juvenile offender and 7 years in case of adult offenders. Such offender is required to be kept in Child Care Centre or Rehabilitation Centre till he/she attain the age of 21 years and thereafter he/she may be shifted to jail or prison.

It is also mandatory that all the reformatory services including educational services, skill development, alternative therapy such as counselling, psychiatric support and behaviour modification therapy shall be provided to child during the period of his stay at the place of safety.

8.3 Constitutional Rights of Juveniles

The Constitution of India has also provided several basic or minimum rights and provisions especially for the welfare of children. They are as under:

- A. Free and compulsory education of the children under the age of 6 to 14 years.⁵²
- B. Protection against hazardous employment under the age of 14 years.⁵³
- C. Protection from being abused in any form by an adult.⁵⁴
- D. Protection from Human Trafficking and forced bonded labour.⁵⁵
- E. Right to be provided with good nutrition and proper standard of living.⁵⁶
- F. State can make any special law for upliftment of children.⁵⁷

9. Administration of Juvenile Justice: Role of Different Authorities

There are several authorities appointed under the statute who perform different roles under the JJ Act and Rules. These authorities work under the control of Central and State Government. The object to appoint these authorities is the implementation of JJ Act effectively. These authorities are as under:

9.1 Juvenile Justice Board

The State Government is bound to constitute one or more Juvenile Justice Board for each district.⁵⁸ This Board is to exercise the powers and discharge functions relating to children in conflict with law under the JJ Act. The Board shall consist of a Judicial Magistrate First Class (JMFC) having three years minimum experience and two social workers of whom one shall be a woman. Any person who has the past record of

violation of human rights or child rights, convicted of offence involving moral turpitude, dismissed from government job, indulged in child abuse, any immoral act, employment of child employment, is not eligible for selection as a member of the juvenile justice board. It is also mandatory that no social worker shall be appointed as member of the Juvenile Justice Board unless he or she has actively involved in health, education or welfare activities pertaining to children for at least 7 years.

The Role of Juvenile Justice Board starts immediately after production of a juvenile before the Board. The Board shall ensure that all rights of the child are protected throughout the process of apprehending the child, inquiry, after care and rehabilitation as well. The Board starts the inquiry once the child is produced before it. The Act did not use the word trial. First of all by virtue of Section 8 (e) of the JJ Act the Board directs the Probation Officer (in his absence, Child Welfare Officer or a social worker) to conduct a social investigation and submit report within 15 days from the date of production of child before the Board. To ensure that the child is getting after care and he/she is not kept in police lockup or prison the Board shall conduct regular inspection of place where the child is detained. Section 8 (j) of the JJ Act empowers the Board to inspect such place at least once in a month. The Section 106 empowers the Board to recommend action for improvement in quality of services to District Child Unit.

The Board under Section 8 (k) of the JJ Act can also order the police to lodge FIR against persons who are indulged in any offence against any child in conflict with law. The Board shall dispose off the case within 4 months or shall record reason for delay⁵⁹ and pass the final order that shall necessarily include an individual care plan for the child's rehabilitation and the follow up directions to Probation Officer or District Child Probation Unit or a member of a non-governmental organisation as may be required.

The Section 6 of the JJ Act empowers the High Court and the Court of Session to exercise any power of Juvenile Justice Board whenever the matter comes up for hearing before it in appeal, revision or otherwise.

Thus, it can be said that the main task of Juvenile Justice Board is to conduct the inquiry into the matter of commission of offence by juvenile and take steps to rehabilitate and restore the child into the society in which he/she was residing earlier. The Board also balances the individual and social interest.

9.2 Children's Court

In cases of heinous crimes committed by a child between the age of 16 to 18 years the Juvenile Justice Board will have to conduct a preliminary assessment with regard to his mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence and may pass and order under the JJ Act⁶⁰ that there is a need for trial of the said child as an adult, then the Juvenile Justice Board may order the transfer of the trial of the case to Children's Court. As per the JJ Act the "Children's Court" means a court established under the Commissions for Protection of Child Rights Act, 2005 or a Special Court under the Protection of the Children from Sexual Offences Act, 2012. In case there is no such court then the Board can transfer the trial to the Court of Session having jurisdiction to try cases under the Act.⁶¹

Once the Children Court receives such case then as per Section 19 (1) it shall decides the question of trial of such child as an adult as per the provisions of the Code of Criminal Procedure, 1973. If the Children's Court is of the opinion that there is no need to deal with this matter under the Code of Criminal Procedure then it starts the inquiry as a Board and passes appropriate order in accordance with the provision of Section 18 of JJ Act. The Children Court just like Juvenile Justice Board will have to ensure that the child is sent to a place of safety till he/she attains the age of 21 years thereafter the person can be sent to jail. The Children's Court shall also have to ensure the that the final order shall include an individual care plan for rehabilitation of the child including follow up by Social Worker or District Child Protection Unit or Probation Officer. The Court shall also ensure proper care of child and absence of ill-treatment at the place of safety. The entire proceedings in the Children's Court shall be conducted in camera.⁶² The child friendly atmosphere shall be provided and it shall also be ensured that no joint trial of child with adults be conducted.

9.3 Child Welfare Committee

The JJ Act imposed a duty on State Government to constitute a Child Welfare Committee by notification in official gazette.⁶³ The State Government shall ensure that the induction training and sensitization of all members of the committee is provided within 2 months from the date of notification. This committee is required to be established for exercising powers and discharge duties in relation to children in need of care and protection under the Act. A person is eligible to be appointed as a member of this committee if he was actively involved in health, education or

welfare activities pertaining to children for at least seven years or is practising professional with a degree in child psychology or psychiatry or law or social work or sociology or human development. A member shall be appointed for a period of three years. The Committee shall function as a bench and shall have the powers conferred by the Code of Criminal Procedure on a Judicial Magistrate First Class. The District Magistrate shall be the grievance redressal authority for the Child Welfare Committee and anyone connected with the child may file a petition before the District Magistrate, The Committee shall regularly visit the Child Care Institution to make sure that the proper care of children is taken therein. The Committee can hold meeting on all issues to ensure proper care and safety of child. The Committee can issue orders or directions to Probation Officer, Child Welfare Officer or any other organisation dealing with the child to submit reports concerning child. Committee can coordinate with police, labour department which are involved with child care and protection with the assistance of the District Child Protection Unit or State Government.

9.4 State Child Protection Society and District Child Protection Unit

The Child Protection Society for entire State and District Child Protection Unit for each district shall be constituted by every State Government.⁶⁴ The State Government shall appoint sufficient staff in these authorities. The State Government shall provide sufficient funds as well so that these authorities shall be in a position to perform as per the requirement. The main task of these authorities shall be the rehabilitation and reinstatement of child into the society of their own.

9.5 State Child Protection Society and District Child Protection Unit

The Person Incharge of the Child Care Institution shall facilitate the establishment of Children's Committee.⁶⁵ There shall be different committees for different age groups i.e. 6-10 years group, 11-15 years group, 16-18 years group committee. The Committees shall meet every month. The committee shall work for the improvement of condition of Institution to prepare daily routine of children.

9.6 Inspection Committees

The JJ Model Rules mandates appointment of Inspection Committee by State Government for State and District.⁶⁶ These Committees shall regularly visit and inspect all of the Institutions registered under the JJ Act. The visit shall be conducted at least once in three months with minimum three members of the committee of whom one shall be a woman and one a medical officer. The Committee shall check the facilities given to children. After submission of report by the committee the appropriate action shall be taken by District Child Protection Unit or State Government within one month from the date of submission of the report.

9.7 Child Welfare Officer

It is mandatory to have a Child Welfare Officer or Case Worker in every Child Care Institution.⁶⁷ This Officer plays a crucial role in the Juvenile Justice System and follows the directions of Juvenile Justice Board, Child Welfare Committee and the Children's Court. It is the Child Welfare Officer of Case Worker who interacts with the child in friendly manner at the time of receiving him at Child Care Institution on the orders of Board or Children's Court. This Officer creates a link with voluntary workers and organisations for rehabilitation and social integration of the child. This officer is responsible for care, rehabilitation and development of children and will have to report to Committee, Board and Children's Court.

The Child Welfare Officer will have to conduct social investigation immediately once the child is received in Child Care Institution and will have to submit the report within 15 days to Board, Committee or the Children's Court. When a child is assigned to this officer then he will have to maintain a case file containing the conduct, medical or mental tests and assessments and examination of the child. A daily routine shall be fixed for the all round development and rehabilitation of the child. He will have to make sure that the child is receiving all facilities at the child care institution every day.

9.8 Probation Officer

The Probation Officer for the purpose of JJ Act means an officer appointed by the State Government under the Probation of Offenders Act, 1958 or Legal cum Probation Officer appointed by the State Government under the District Child Protection Unit.⁶⁸ The Probation Officer is to prepare a social investigation report of the child apprehended in any case. The report is to be completed within 15 days from the date of production of child before the Board. The report shall contain the antecedents, family background, friend circle of child, his accessibility to drugs and weapons and other factors which lead to him towards commission of crime and submit the report before the Juvenile Justice Board. There will no need to issue formal orders by the Board for submission of the report.

The Probation Officer is bound to supervise the children in the Child Care Institution. He will have to tender help to each child who need any care from Probation Officer. He shall attend all meetings of the Juvenile Justice Board and Children's Court. He shall also attend the rehabilitation programmes of children. He will have to play a great role in rehabilitation or reinstatement of child in society.

9.9 Medical Officer

There shall always be a Medical Officer in each Child Care Institution. This Officer can be called at any time for regular medical check up and treatment of children. The Child Care Institution shall also have all time working nurse or a para medico. The Medical Officer shall conduct a medical check up of inmate of Child Care Institute within 24 hours of entry into the Institution. It is mandatory to maintain complete medical record of each child of the Institute. The record shall include the weight, height, mental or physical condition of the child. The children shall be kept under regular and constant medical supervision. Medical shall maintain a special health profile of each child.

9.10 Child Welfare Police and Special Juvenile Police Unit

The State Government shall constitute a Special Juvenile Police Unit in each district and city headed by Police Officer not below the rank of a Deputy Superintendent of Police or above. In every police station, at least one officer may be designated as the Child Welfare Police Officer having proper attitude and training. The Child Welfare Police Officer has to deal with children as a victim or a perpetrator, in co-ordination with the police and Non Governmental Organisations. The Special Juvenile Police Unit shall consist of all Child Welfare Police Officer and two social workers having experience of working in the field of child welfare of whom one shall be a woman. In all cases of crimes in which a child is apprehended it is mandatory that such child shall be placed under the charge of Special Juvenile Police Unit or designated Child Welfare Police Officer. The Officer having charge of child shall have a duty to take complete care of the child.

10. Treatment of Juvenile Delinquents

The Government of India has also made several provisions just like other developed countries that deal with the rights and protection of juvenile offenders which seeks to tackle the problem of juvenile delinquency. The juvenile justice system in India is based on three assumptions:

- A. Children in conflict with law should not be tried in courts, rather they should be corrected in best ways.
- B. They should not be punished by the courts, but they should get a chance to reform themselves.
- C. Trial of child in conflict with law should be based on non-penal treatment through the communities based on non penal treatment through the communities based upon the social control agencies for example Observation homes and special homes.

The Juvenile Justice (Care and Protection of Children) Act, 2015 provides for plenty of mandatory child care institution in India. It talk about children home, open shelter, observation home, place of safety, specialised adoption agency and a fit facility recognised under this Act for providing care and protection to children, who are in need of such facilities.⁶⁹ These institutions are explained hereinafter:

10.1 Children's Home

The State Government have to establish a Children's Home through a voluntary or non - governmental organisation in every district or group of districts. All of the Child Care Institutions shall be registered under JJ Act hence Children's Home shall also be registered for the purpose of care and protection, education, treatment, placement of children in need of care, protection, development and rehabilitation. The State Government may make rules for the management of Children's Home including the standards and nature of services to be provided and monitoring system for such homes. Children who are without parents or abandoned by parents or who are orphans and have no shelter or may indulge in drugs or any other anti social activity or any other similar child who falls in the definition of child can be kept at Children's Home.

10.2 Observation Home

The Observation Home is a home established and maintained in every district or group of district by the State Government.⁷⁰ Such Observation Homes are required to be registered under the Section 41 of the JJ Act. The State Government may itself or through voluntarily or non - governmental organisations establish such home. The main functions of such home are to receive, take care and rehabilitate child alleged to have committed any offence. The State Government can make rules for monitoring and management of such homes.

10.3 Special Homes

The Special Homes means the homes established by State Government or by non – governmental organisation which is registered under Section 48 for housing and providing rehabilitative services to the children in conflict with law who are sent to such homes on the orders of the Board.⁷¹ The State Government may make rules for monitoring and management of such homes. These homes shall have special and separate

home for girls and boys above the age of 10 years. There shall be a classification on the basis of age, nature of offence, mental and physical status.

10.4 Place of Safety

As per the Section 2 (46) of the JJ Act a place of safety is a place or institution not being a police lock-up or jail, established separately or attached to an observation home of special home, the person in charge of which is ready and willing to receive and take care of child in conflict with law. The State Government is bound to establish at least one place of safety in State. It shall also be registered under Section 41 of the JJ Act. A child who is accused or convicted for a heinous crime may be kept in place of safety if the same is required. The State Government can make rules for monitoring, maintenance and necessary services to be provided in such place of safety.

10.5 Specialised Adoption Agencies

The Specialised Adoption Agencies are recognised by the State Government and it works for rehabilitation of orphan, surrendered, left or abandoned child through adoption. It is mandatory that such agencies shall be inspected at least once in a year by the State Government. The Child Welfare Committee shall declare a child legally free for adoption and give the child's custody to the Specialised Adoption Agency. Such children can be rehabilitated by such agencies through adoption.

11. Judicial Approach Towards Juvenile Justice

Whenever the question of lawlessness arises the Courts in India always come forward to resolve the issues. In cases of juvenile justice the judiciary played a great role to deal with juvenile in appropriate manner. In *Jayendra v. State of Uttar Pradesh*⁷² the Supreme Court ordered to conduct the medical examination of the appellant to find out his age. The appellant was punished for commission of an offence and was sentenced to imprisonment. On the basis of medical test it was clear that at the time of commission of the offence the appellant was of 16 years and 4 months old and at the time of medical checkup he was 23 years old. The Apex Court upheld the conviction but ordered release of the appellant since he was a juvenile at the time of commission of the offence. Similar view was expressed by the Apex Court in *Bhoop Ram v. State of Uttar Pradesh*⁷³ wherein the Court held that the time of commission of offence is material to determine the age of offender.

In *Sheela Barse v. Union of India*⁷⁴ The Apex Court issued directions to State Governments to set up observation homes where accused children could be lodged during the pendency of trial.

The Supreme Court delivered another landmark judgment in *Sheela Barse v. Secretary, Children's Aid Society*.⁷⁵ In this case the Court took suo motu action on the basis of a letter received from a reporter containing allegations about the observation homes managed by the Children's Aid Society. The Court held that the children should not be made to stay in the observation home for long period. The occupations offered to the child in such homes should be intended to bring about adaptability in life, self confidence and development of human values.

In *Vishal Jeet v. Union of India*⁷⁶ The Apex Court issued directions in this public interest litigation to the State Governments and Union Territories for eradicating the evil of child prostitution and for evolving programmes for the care, protection, development, treatment and rehabilitation of young victims.

In *M. C. Mehta v. State of Tamil Nadu*⁷⁷ the Apex Court issued directions for compulsory education, health, nutrition etc. Of child labour.

In *Raj Singh v. State of Haryana*⁷⁸ once again the controversial issue of determination of age came up for consideration before the Apex Court. The Court again held that the date of commission offence plays vital role for determination of age of offender. But this judgement was overruled in *Amrit Das v. State of Bihar*⁷⁹ The Court disagreed with the previous decision in Raj Singh case and held that neither the definition of juvenile nor any other provision contained in the Act specifically provides the date of reference to which the age of a child has to be determined so as to find out whether he /she was a juvenile or not.

In *Munney v. State of Utter Pradesh*⁸⁰ In this case the accused was convicted under Section 302 read with Section 34 of the Indian Penal Code, 1860 and sentenced to imprisonment for life by Additional Sessions Judge. The sentence was upheld by the High Court as well. In appeal before the Supreme Court a new plea was taken by the accused appellant that he was a juvenile at the time of commission of the offence which took place on 11-11-1978. The appellant was convicted by Additional Sessions Judge on 26-02-1980 and at that time the Children Act, 1951 was applicable which afforded protection to a child under the age of 16 years. The Apex Court considered the fact that the appellant in his own statement claimed his age to be 18 years and studying in 10+2 class which reflected his age to be nearly 17 years at the time of occurrence. At the

time of trial or appeal before the High Court no plea that the accused was a child was taken. The Apex Court held that the accused was not a child at the time of commission of the offence.

In *Pawan v. State of Uttaranchal*⁸¹ similarly in this case also the plea of juvenility was taken for the first time before the Supreme Court only. The question before the Court was whether the record of inquiry shall be called for or not especially when in the Supreme Court no prima facie evidence of juvenility was presented and the question of juvenility was not raised in trial court and High Court. The Apex Court held that in such case the judicial conscience of the Apex Court must be satisfied by placing adequate and satisfactory material that the accused was below 18 years at the time of commission of the offence. Thus the appeal was dismissed.

Nirbhaya Case

Nirbhaya Case is one of the major cases of India. In this case the offence of gang rape and murder was committed by six persons and out of which one accused was below 18 years of age. The entire country was shaken by this act and there were protests for conviction of the child as an adult. The Juvenile Justice Board concluded the inquiry and found that this juvenile was “most brutal” of all six accused persons. But since the law was clear that a juvenile cannot be treated like adults hence he was kept in Observation Home for a period of not more than three years.

In *Jodhbir Singh v. State of Punjab*⁸² the Apex Court held that in case the accused is a juvenile at the time of incident, he should be tried in juvenile court. In *Kulai Ibrahim v. State*⁸² the Court held that an accused can raise the question of juvenility even after disposal of the case.

12. Conclusion and Suggestions

The children who are in fact the treasure of nation or pillars of strength of a nation if not taken proper care then they may indulge in anti social activities. Since crime is a social phenomenon ever since the inception of the society therefore the child may get attracted towards the same. Hence it is necessary that to channelize their energy in right direction some steps are required to be taken. Although we know the necessity of child care but still the increasing rates of juvenile crimes in India is a major issue of concern. It needs priority by the government and other sociologists and criminologists, jurists, advocates and the courts. Juvenile in conflict with law needs.

The Government is doing great job and had passed plenty of Acts for dealing with delinquent juveniles including the latest progressive step of Juvenile Justice Act of 2015 but it can be said that the problems are such enormous magnitude that all that had been done till date is not sufficient. The absence of proper growth of today's children shall put the future of the country in dark atmosphere. The juvenile crime is a serious problem which damages every country's social order. Besides the delinquent juveniles another category of child which requires attention is the child in need of care and protection. In this category of child we can see the total number is increasing rapidly everyday and they are also heading towards becoming delinquent.

To deal with the problems of both categories of juveniles the Government of India and State Government has created or appointed or established several authorities and special homes for children. These authorities are working under the guidance of the government. But still the problem is increasing every day. Therefore, the present researcher gives the following suggestions:

- Effective implementation of JJ Act is necessary and to achieve this goal a monitoring implementation of these provisions is required.
- Training programme or capacity building of Juvenile Justice Personal is mandatory. It includes all authorities who deal with the child right from the police, probation officer to the board and judges.
- There is a need to strengthen the governance institutions for making effective, accountable and goal oriented. The major issue is that of financial assistance which needs utmost attention.
- There is a need of critical legal awareness about the safeguards provided under the JJ Act.
- Steps are required to be taken to prevent children from indulging in anti social activities. Hence detection and prevention of crime by studying and counselling problematic children in the school is required.
- There is urgent necessity of changing the traditional punitive and frightening attitude of police towards public and children in particular and reformation shall be the primary goal. Since police is the first contact of delinquent juvenile therefore the police should possess good quality of social workers and sound knowledge of their new socio - legal responsibility.
- Each district shall have separate juvenile courts.
- Observation Homes shall engage more number of teachers for the proper education of children.
- The hearing of case should be informal and no extra person should be allowed inside the juvenile court.

- Legal awareness programmes among public about juvenile justice system and especially prevention of children's involvement in anti social activities shall be conducted at lower levels.
- Age of juvenile shall be determined on the date of commission of offence.
- Speedy disposal of cases shall be ensured. The Board shall always complete the inquiry within 4 months in all cases.
- The special provisions helping the juvenile shall be strictly implemented.
- Community participation should be increased especially when at present the juvenile justice system functions in isolation from the mainstream.
- All authorities appointed under the Act shall work in unbiased manner rehabilitated approach should be applied.
- Steps shall be taken for all round development of children in the Child Care Institution.
- The parents shall also be given training to adapt, adjust and understand children's behaviour. General awareness programmes should be launched for educating the family to motivate the children in developmental activities.
- Advertisements and advertisement agencies should take special note on delivering in a proper way to attract the children not to make them violent. The same principle shall be applicable to cinema and online material.

1. The Indian Penal Code, 1860 (Act No. XLV of 1860), Sec. 82.
2. Ibid; Sec. 83.
3. Ibid; Sec. 375.
4. The Indian Contract Act, 1872 (Act No. 09 of 1872), Sec. 11.
5. The Child Marriage Restraint Act, 1929 (Act No 19 of 1929), Sec. 2 (a).
6. The Minimum Wages Act, 1948 (Act No. 11 of 1948), Sec. 2 (bb).
7. Ibid; Sec 2 (a).
8. The Factories Act, 1948 (Act No. 63 of 1948), Sec 67.
9. Ibid; Sec 69.
10. The Constitution of India, 1950, Art 15(3).
11. Ibid; Art. 21A. This Article 21A was inserted in the Constitution of India with the help of The Constitution (Eighty Sixth Amendment) Act, 2002 (w.e.f. 1-4-2010).
12. Ibid; Art. 45.
13. Ibid; Art. 23.
14. Ibid; Art. 39 (c).
15. The Mines Act, 1952 (Act No. 35 of 1952); Sec. 40 (1) (This provision was inserted in this Act by The Mines (Amendment) Act, 1983 (w.e.f. 31-05-1984)
16. Ibid); Sec. 40 (2).
17. The Children Act, 1960 (Act 60 of 1960); Sec. 2 (e).
18. The Labour Law Apprentices Act, 1961 (Act No. 52 of 1961), Sec. 3 (a).
19. Id.
20. The Juvenile Justice Act, 1986 (Act No. 53 of 1986), Sec. 2 (h).
21. The Child (Labour (Prohibition and Regulation) Act, 1986 (Act No. 61 of 1986), Sec. 2 (ii).
22. The Juvenile Justice (Care And Protection Of Children) Act, 2000 (Act No. 56 of 2000); Sec 2 (k).
23. Ibid; Sec. 2 (d).
24. Juvenile Justice (Care and Protection of Children) Act, 2015 (Act No. 2 of 2016), Sec 2(35).
25. Ibid; Sec. 2 (14).
26. Live Law.in, *Parliament Passes Juvenile Justice Amendment Bill To Strengthen Child Protection; Empower District Magistrates To Authorise Adoption Orders*, available at [https://www.livelaw.in/news-updates/parliament-passes-juvenile-justice-amendment-bill-2021-178328 ? infiniteScroll=1](https://www.livelaw.in/news-updates/parliament-passes-juvenile-justice-amendment-bill-2021-178328?infiniteScroll=1), visited on 31-08-2021.
27. Dutta, Dr. Arpita, *Juvenile Justice System In India*, University Book House Private Ltd. Jaipur, 2020, at p. 9.
28. The Hedaya, at p 187 see also Mulla, *Principles of Mahomedan Law*, Bombay Thaker Publication, Bombay, 1905 at p. 7.
29. The Apprentice Act, 1850 (Act No. 19 of 1850). This Act was repealed by The Apprentice Act, 1961 (Act No 52 of 1961) w.e.f. 01-03-1962.
30. Supra Note 1.
31. Ibid; Sec. 83.
32. The Reformative Schools Act, 1897 (Act No. 8 of 1897).
33. Ibid; Sec 8.
34. The Code of Criminal Procedure, 1898 (Act No. V of 1898), Sec. 29B, 399 and 562.
35. The Madras Children Act, 1920 (Act No. VIII of 1920).
36. The Bangal Children Act, 1922 (Act No. 02 of 1922).
37. The Bombay Children Act, 1924 (Act No. XIII of 1924).
38. The Bangal Vagrancy Act, 1943 (Act No. VII of 1943).

39. The Mysore Children Act, 1943 (Act No. XLV of 1943).
40. The East Punjab Children Act, 1949 (Act No. 39 of 1949).
41. Supra Note 10; Articles 15(3), 21A, 23, 39 (c), 45.
42. Juvenile Justice (Care and Protection) Act, 2000 (Act. No. 56 of 2000).
43. Juvenile Justice (Care and Protection of Children) Act, 2015 (Act No. 02 of 2016).
44. Ibid; Sec. 15.
45. (1997) SCC Cri 875.
46. AIR 2005 SC 3549.
47. Krishna Bhagwan v. State of Bihar, (1991) 1 BLJ 321 (FB).
48. (2000) 5 SCC 488.
49. Supra Note 43; Sec. 10(1).
50. Ibid; Sec. 13.
51. Juvenile Justice (Care and Protection of Children) Model Rules, 2016; Rule 9.
52. Supra Note 10; Art. 21A.
53. Ibid; Art. 24.
54. Ibid; Art. 39(e).
55. Ibid; Art. 39.
56. Ibid; Art. 47.
57. Ibid; Art. 15 (3).
58. Supra Note 43; Sec. 4 also see Rule 4 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016.
59. Ibid; Sec 14 (2).
60. Ibid; Sec. 18 (3).
61. Ibid; Sec. 2 (20).
62. Supra Note 51; Rule 13 (7) (iii).
63. Supra Note 43; Sec. 27(1).
64. Ibid; Sec. 106.
65. Supra Note 51; Rule 40.
66. Ibid; Rule 41.
67. Supra Note 43; Sec. 2 (17).
68. Ibid; Sec. 2 (48).
69. Ibid; Sec. 2 (12).
70. Ibid; Sec. 2 (40).
71. Ibid; Sec. 2 (56).
72. AIR 1982 SC 685.
73. AIR 1987 SC 1329.
74. AIR 1986 SC 1773.
75. AIR 1989 SC 1278.
76. AIR 1990 SC 1412.
77. AIR 1997 SC 699.
78. 2000 (6) SCC 759.
79. AIR 2000 SC 2264.
80. AIR 2006 SC 2902.
81. (2009) 15 SCC 259.
82. AIR 2013 SC 1.
83. 2014 (12) SCC 332.

