


Criminal Justice System & Human Rights

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ASTER

Publishing

London * New York * New Delhi

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First Published 2023

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ASTER Publishing

London, New York, New Delhi

E-mail : asterpublishing@gmail.com

in association with

Apple Books, India

E-mail : applebookspd@gmail.com

ISBN 978-93-92007-50-7

Typeset by Vista Digital, Ahmedabad

Printed in India at Trident Enterprises, Noida

Printed on paper from sustainable resources.

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JUVENILE TRIALS IN INDIA

— *Dr. Rachana C. Raval &
Dr. Bhavesh H. Bharad*

15.1 Introduction :

A Latin maxim is the best fit for the Juvenile Justice system in India: '*Nil Novi Spectrum*'. It has been the norm throughout history to treat juveniles liberally because it has been believed that emotional problems are often characterized by prolonged frustration and aggressive behavior in young people.

Additionally, the number of crimes committed by children aged 15-16 has increased significantly. An individual may commit a crime for a number of reasons, including early-life experiences, dominant masculinity, upbringing, socioeconomic conditions, and illiteracy. Child criminalization between the ages of six and ten is a stigma in the society in present time. Due to the manipulatable and innocent nature of children, it is easy and feasible to occupy them at the least cost. There was a uniform policy protecting the interests and rights of juveniles before the Juvenile Justice Act of 2015, 2000, and 1986 existed in India, and this policy addressed the care, treatment, rehabilitation, and development of these individuals. There was a uniform policy protecting the interests and rights of juveniles before the Juvenile Justice Act of 2015, 2000, and 1986 existed in India, and this policy addressed the care, treatment, rehabilitation, and development of these individuals. In 1986, Parliament passed

the Juvenile Justice Act, followed by the Juvenile Justice Act of 2000, followed by the Juvenile Justice Act of 2015.

As Justice V.K. Krishna Iyer once stated, *“Every child is the father of a man, and if we neglect the underdevelopment of children, then we abandon them.”*

Children under 16 years of age have increasingly been the victims of crime in the past few decades. Increased crime rates are attributed to a variety of factors such as the upbringing environment, the economic situation, lack of education, and parental care. Nowadays, children under the age group of 5 to 7 years are often used to committing crimes, since their minds are still very innocent at that stage.

After the terrifying incident of the *“Nirbhaya Delhi Gang Rape Case”*¹, which took place on December 16, 2012, a great deal of debate was launched among the legal community and socialists. This debate was mainly sparked by the involvement of an accused who was just six months away from attaining the legal majority. *Juvenile Justice (Care and Protection), 2015* is the law that has been passed by the Indian Parliament in response to the heinous crime of rape committed by a minor accused.

15.2 Child under Juvenile Justice Act and Other Laws :

In general, a *“child”* is someone under 18 years of age or not yet mature enough to understand right from wrong. Modern penal laws are based on the principle of *‘doli incapex’*², which means the act being committed is a crime when it is known by the perpetrator that it is a crime. Children between seven and twelve are also eligible for punishment provided that they have committed a heinous crime and have gained sufficient knowledge to comprehend their actions’ consequences.

Section 2 of The Juvenile (Care and Protection) Act, 2015 defines *“child”* as any person who has attained the age of eighteen years. The child is categorized into two groups under the Act: –



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Dr. Dasani provides her legal services by delivering lecture at District legal Services Authorities and participating in Legal Awareness programs at various platforms. Lawyers are social doctors and doctors are next to God believing in this theory law student's mentoring and counseling is best part of her teaching profession she believes.



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"Will must be stronger than the Skill" is the mantra, she has firmly believed and has demonstrated the same in being the founder and the first principal of Anand College of Legal Studies. She has also been awarded as the best research paper presenter in International and National Conferences. She is a social activist and has also rendered her services in different areas with the purpose of social development and giving back to the society and for this awarded as a distinguished service provider in the year 2019. She has imparted number of expert sessions and talks on Women Empowerment. She has presented a number of research papers at National and International Level and her research area comprises of Constitutional Law, Public Interest Litigation, Jurisprudence, Interpretation of Laws, Intellectual Property Rights and Legal Research Methodology.

ASTER PUBLISHING

London • New York • New Delhi

Cover design by Endofdesign



₹2995/-

ISBN-13: 978-93-92007-50-7



9 789392 007507