



UNIT-II

JUVENILE DELINQUENCY

The problem of juvenile delinquency is not new. It occurs in all societies simple and complex, that is wherever and whenever a relationship is affected between a group of individuals it leads to maladjustments and conflict. In a developing country like India the problem of juvenile neglect and delinquency is considerably increasing according to the National crime record bureau report 2017. What is worrying more is that the share of crimes committed by juveniles to total crimes reported in the country has also increased in recent years. Considering the magnitude of the problem and issues involved, analysis indicates that the number of factors for neglect and delinquency are mostly common and interrelated, based on socio-economic and psychological reasons. Poverty, broken homes, family tensions, emotional abuse, rural-urban migration, break-down of social values and joint family system, atrocities and abuses by parents or guardians, faulty educational system, the influence of media besides the unhealthy living conditions of slums and such other conditions explain the phenomena of juvenile delinquency. The neglect of children by their parents, family, society and the nation create detrimental effect on their physical, mental growth and over all development. Needless to say that most of the factors causing delinquency are in plenty in the Indian context and any attempt to prevent and control them can be fruitful for society. After all, the children represent the nation and the coming future of the country. Even international instance like UN Standard Minimum Rules for the Administration of Juvenile Justice, also known as Beijing Rules, 1985 and UN Convention on the Rights of Child, 1989, are notable and has articulated the global consensus on giving special attention to the children who come in conflict with law.

There is a general attitude towards children to behave obediently, show respect towards others and imbibe behaviour having high moral values but due to various circumstances children are being diverted from social and general command. The word juvenile originates from a Latin word “juvenis” meaning young. A juvenile or a child means a person who has not completed eighteen years of age. Recently, juvenile delinquency has become an important aspect of criminology. Juveniles have got serious forms of delinquent behavior which may hamper the stability and social command of our society. **Beijing Rules, Rule 2.2 (a)** defines juvenile as: A juvenile is a child or young person who, under the respective legal systems, may be dealt with for an offence in a manner which is different from an adult;

The word “delinquency” has its origin from the Latin word “delinquere” which meaning de i.e. “away and linqure” i.e. “to leave thus, mean by to leave or to abandon”. Initially, the word was having primarily meaning and applied to those parents who have abandoned and neglected their children. Now days, it is applicable on all those children who are involved in illegal and harmful activities. A juvenile and a minor are used in different

perspective in legal terms. The term juvenile is generally used in reference to a young criminal offender and minor is related to legal capacity of a person.

Historical Overview of Juvenile Justice

Laws and legal procedures relating to juvenile offenders have a long history, dating back thousands of years. The Code of Hammurabi some 4,000 years ago (2270 B.C.) included reference to runaways, children who disobeyed their parents, and sons who cursed their fathers. Roman civil law and canon (church) law 2,000 years ago distinguished between juveniles and adults based upon the idea of “age of responsibility.” In early Jewish law, the Talmud set forth conditions under which immaturity was to be considered in imposing punishment. Muslim law also called for leniency in punishing youthful offenders, and children under the age of 17 were to be exempt from the death penalty (Bernard,1992).

Under fifth-century Roman law, children under the age of 7 were classified as infants and not held criminally responsible. Youth approaching the age of puberty who knew the difference between right and wrong were held accountable. The legal age of puberty (age 14 for boys and 12 for girls) was the age at which youth were assumed to know the difference between right and wrong and were held criminally accountable. Anglo-Saxon common law that dates back to the 11th and 12th centuries in England was influenced by Roman civil law and canon law. This has particular significance for American juvenile justice because it has its roots in English common law. The Chancery courts in 15th-century England were created to consider petitions of those in need of aid or intervention, generally women and children, who were in need of assistance because of abandonment, divorce, or death of a spouse. Through these courts the king could exercise the right of *parens patriae* (“parent of the country”), and the courts acted in *loco parentis* (“in place of the parents”) to provide services in assistance to needy women and children. The principle of *parens patriae* later became a basis for the juvenile court in America. The

doctrine gives the court authority over juveniles in need of guidance and protection, and the state may then act in *loco parentis* (in place of the parents) to provide guidance and make decisions concerning the best interests of the child. In 1704 it was Pope Clement XI, who first introduced the idea of “the correction and instruction of profligate youth in institutional treatment”. Subsequently Elizabeth Fry and her associates allocated resources to establish separate reformatory homes for juvenile offenders. Consequently, in Britain Reformatory Schools Act and Industrial Schools Acts were brought on statute book. Special courts established for juveniles were initiated for the first time in 1847, in United States of America. However, the first „Juvenile Court“ could be established in 1899, in Chicago under Juveniles Offenders Act. And in 1905 the first Juvenile court was set up in England. The term “Juvenile justice” was used for the first time by the legislature by the state of Illinois, USA, in 1899, while passing the Juvenile Court Act. The approach under laying this law was that juvenile offenders should not be dispensed out the same punitive and retaliatory treatment

as adults but rather given individual attention for their own protection as well as that of the society.

International Declarations and Conventions

In 1924, the League of Nations (LON) adopted the Geneva Declaration, a historic document that recognised and affirmed for the first time the existence of rights specific to children and the responsibility of adults towards children. **The 1924 Geneva Declaration** stated that humanity “owes to the Child the best that it has to give.” “In simple terms, (there is in fact no reference to rights as such) the Declaration points out adults’ obligations to children.” The United Nations (UN) was founded after World War II. It took over the Geneva Declaration in 1946. However, following the adoption of the Universal Declaration of Human Rights in 1948, the advancement of rights revealed the shortcomings of the Geneva Declaration, which therefore had to be expanded. “Several [UN] Member States were calling for a convention, that is, an international tool that would legally bind the States that had ratified it, but this proposal was not adopted.” They thus chose to draft a second Declaration of the Rights of the Child, which again addressed the notion that “mankind owes to the Child the best that it has to give.” On 20 November 1959, the Declaration of the Rights of the Child was adopted unanimously by all 78 Member States of the United Nations General Assembly. (Resolution 1386 (XIV).) However, neither the 1924 Geneva Declaration nor **the 1959 Declaration of the Rights of the Child** define when childhood starts and ends, mainly to avoid taking a stand on abortion. Nonetheless, the Preamble to the Declaration of the Rights of the Child highlights children’s need for special care and protection, “including appropriate legal protection, before as well as after birth.” The Declaration of the Rights of the Child lays down ten principles i.e. the right to:

1. Equality, without distinction on account of race, religion or national origin.
2. Special protection for the child’s physical, mental and social development.
3. A name and a nationality.
4. Adequate nutrition, housing and medical services.
5. Special education and treatment when a child is physically or mentally handicapped.
6. Understanding and love by parents and society.
7. Recreational activities and free education.
8. Be among the first to receive relief in all circumstances.
9. Protection against all forms of neglect, cruelty and exploitation.
10. Be brought up in a spirit of understanding, tolerance, friendship among peoples, and universal brotherhood.

Some other international instruments available on juvenile justice' like the United Nations Standard Minimum Rules for the Administration of Juvenile Justice 1985 - The Beijing Rules, the United Nations Guidelines for the Prevention of Juvenile Delinquency 1990-The Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty 1990 along with the provision in respect of children in conflict with law as envisaged

under the United Nations Convention on the Rights of the Child are worth to mention. These instruments are the child focused norms currently regulating juvenile justice as minimum international standard.

The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Havana 1990) gave birth to two important resolutions related to the phenomenon of juvenile delinquency; they are Guidelines for the Prevention of Juvenile Delinquency, (Resolution 45/112). Rules for the protection of Youngsters Deprived of their Liberty. (Resolution 45/113). Both resolutions complement the previously adopted Standard Minimum Rules for the Administration of juvenile Justice (1985). While in the present context the above Guidelines and Convention enumerate the framework for juvenile justice, relevant international standards have existed for several decades. The Standard Minimum Rules for the Treatment of Prisoners, 1955, themselves inspired by standards endorsed by the League of Nations in 1934, already set out the principle of separation of young prisoners from adults in custodial facilities and for adults and juvenile alike, the separation of accused and convicted detainees. The 1966 International Covenant on Civil and Political Rights (ICCPR) reiterates this principles in the form of hard law as well as prohibiting the death penalty for person found guilty of a crime committed when they were under the age of 18 (Article 6.5 of ICCPR). The Covenant consisted of safeguards for all persons brought to trial and detained, and specifically states that in case of juvenile persons the court procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation (Article 14.4 of ICCPR). 243 (Innocenti Digest 3, January 1998, Juvenile Justice, page-2, UNICEF International Child Development Centre, Italy.)

The United Nations General Assembly (hereinafter the UN GA), on 20th November, 1989 adopted the **Convention on the Rights of Child (hereinafter the CRC)**. This Convention prescribed a standard set to be followed by all the member nations. It insists on social re-integration of child victims and on the part of state parties to secure the best interest of child.

Developments in India

The Juvenile Justice System in India originated during the British rule and was the direct consequence of western ideas and developments in the field of prison reforms and juvenile justice. The changes introduced by British in India to deal with delinquent juveniles, were not confined only to those practiced in England. The juvenile court established under the Madras Children Act, 1920 and the English Children Act, 1908 were not different from each other. But subsequent Children Acts dispensed with the presence of lawyers on the lines of the *parens-patriae* model of the American juvenile courts. The juvenile welfare boards, adopted by the Scandinavian countries became an integral part of the legislations dealing with delinquent and neglected children since 1960.

The Apprentices Act, 1850 was the first legislation that laid the foundation of juvenile justice system in the India. Subsequently the concept of juvenile justice gained momentum with the passing of the Indian Penal Code -1860, Reformatory Schools Act -1897, and recommendations made by the Indian Jail Committee (1919-1920), which firmly suggested that the juvenile offender should be treated in a different way from an adult offender and the detention of juvenile offenders should be prohibited and recommended the provision of reformatory schools and constitution of juvenile courts with procedures as informal and elastic as much as possible. The “Madras Children Act 1920” was the first Children Act to be enacted which was narrowly followed by Bengal and Bombay in 1922 and 1924, respectively. And after that many states enacted their own Children laws, covering the two categories of children, as follows (a) delinquent children, and (b) neglected children and these two categories of children are handled by the juvenile courts. These children were to be kept in rehabilitative and remand homes or can be released on their good character, with a possibility of imprisonment when the nature of offence was serious and the character of the offender so depraved as to justify imprisonment. At this point of time, by and large, the “welfare” approach was adopted for children whether they are delinquent or neglected.

In India, before passing of the Children Act, 1960 there was no consistency regarding age limit of juvenile delinquent. **Bombay Children Act 1948 defined “Child” –“means a boy who has not completed the age of 16 years or girl who has not completed the age of 18 years”.**

The U.P. Children Act defined “Child” –“as a person under the age of 16 years”. Under the A.P. Children Act 1920 “Child” means “a person under 14 years and when used to reference to sent to certified school applies to that child during while period of detention notwithstanding that the child attains the age of 14 years before expiration of that period”.

The Saurashtra and West Bengal defines “a Child as a person who has not attained the age of 18 years”. Haryana Children Act has also maintained this difference in defining “child as a boy who has not attained the age of 16 years and a girl who has not attained age of 18 years”.

Juvenile Justice Act, 1986 defines “a juvenile or child, who in case of a boy has not completed age of 16 years and in case of a girl 18 years of age”. Government of India while discharging its international obligations revoked the JJA Act, 1986 by 2015 Act and the distinction regarding the age between male and female juveniles was done away.

According to the new law, age of juvenile for both male and female involved in conflict with law has been fixed at 18 years. **A juvenile in conflict with law under the JJ (C & P) Act, 2000 is “a juvenile who is alleged to have committed an offence but has not completed 18 years of age on the date of commission of said offence”.**

And under the Juvenile Justice (Care and Protection) Act 2015 juvenile defined under section. 2 (35), **“juvenile means a child below the age of eighteen years”.**

Delinquency is unwelcomed action, omission or moral behaviour of a juvenile which is socially not permitted in any society. Generally it means that if the child fails to meet certain social obligations anticipated from them by the people, then he is considered to be delinquent.

The universal meaning of the word „**Delinquency**“ is **something not correct, which is against the social norms of a society.** Juvenile Delinquency is a legal term that was first defined in 1889, when Illinois passed the first law on Juvenile Delinquency: since then every state has passed the delinquency laws.

India has a long history of Juvenile legislation; most of the legislative provisions have followed, more or less, the British law pattern. The British law providing separate provisions for juvenile offenders was passed on to India in the last quarter of the nineteenth century. Chronologically “The Apprentices Act, 1850” was the first law to deal with the children in distresses that are to be trained for trade and commerce.

According to the Indian Penal Code 1860 children under the age of seven years are exempted from criminal responsibility(Section 82 of IPC).It also exempts children between the age of seven to twelve years, who have not attained sufficient maturity to understand the nature and consequences of their own immoral act and conduct, from criminal responsibility(Section 83 of IPC) The IPC Act also provides protection to the children from the evil designs of adults.(Section 363A IPC).

The Reformatory School Act was enacted in the year 1876 and later the Act again modified in 1897, was considered the landmark legislation in the treatment of juvenile delinquents. It empowered the governments to establish reformatory schools. According to this Act, the court could keep in custody juvenile in such institutions for a time period of two to seven years but after attained the age of 18 years they would not be kept in the reformatory schools. There was also a provision to provide suitable employment to juvenile who cross over the age of fourteen years. The Criminal Code also visualizes the commitment of juvenile offender up-to the age of fourteen years to Reformatory Schools and provided probation on good conduct up-to the age of twenty one years. Consequently Indian children Acts passed by the Presidencies and provinces also maintained this thinking. These enactments had provisions for the establishment of a specialized mechanism for the handling and treatment of children/juveniles. And in this regard, recommendations of the Indian Jails Committee 1919-20, gave an additional momentum to legislative action. In the post independence period; the Government of India understands the problems of juvenile, and in this regard government take step for juvenile justice particularly and apply law in the centrally administered union territories i.e the Children Act 1960. The law was in to force in all the UTs, but the states were not having juvenile legislation but the state were free to adopt it. At this stage, juvenile justice in the country was not uniform because each state had its own standards, norms and practices. These problems were sought to be removed by passing the Juvenile Justice Act 1986. On the other hand, the concepts of juvenile justice was

undergoing through various basic changes, as it is indicated by the Beijing Rules and the UN Convention on Rights of the Children. This led to the formulation of the Juvenile Justice (Care and Protection of Children) Act, 2000, which was comprehensive amended in 2006 by Act No.33 of 2006. And again in 2012 the introduction of new amended law gained momentum because of the dark memories evoked by the Nirbhaya case (Delhi gang rape case) where the Delhi police disclose the fact that the most brutal attack on the victim came from the juvenile offender who succeeded in escaping the death sentence only because he was a juvenile. Minister of Women and Child Development Maneka Gandhi, dipping into this groundswell of anger, has warned unilaterally that “an adult crime by a juvenile requires adult punishment, not leniency”. Delhi gang rape case was an example that should be taken into consideration by the official to immediate carryout amendments in the definition of juvenile and insert necessary exceptions which would cover the fact and circumstances of that case and which include gravity and heinousness involved in that particular case along with the level maturity and understanding of the offence by the juvenile concerned. Now there is a need to bring some reforms in the juvenile laws as there is an increase in serious crimes involving children of 16 to 18 years of age and they are well abide by the fact that below 18 years is the gateway pass for them from the criminal prosecution. So, The Juvenile Justice (Care and Protection of Children) Bill, 2015 was passed by Lok Sabha on 7th May, 2015; was passed by Rajya Sabha on 22nd December, 2015 and after receiving Presidential assent it become “The Juvenile Justice (Care and Protection of Children) Act, 2015” and came into force in whole India except Jammu and Kashmir from 31st December, 2015 .

The Children Act 1960:

Though the Act, was applicable only to the U.Ts but it was a model to be followed by the states in the enactment of their own Children Acts. The Children Act 1960, provided the care, protection, welfare, education and rehabilitation of neglected and delinquent children. For the first time in India, any Act strictly prohibited the detention of children in jail under any circumstances. It provided for separate legal bodies to deal with delinquent children are the children court and a child welfare board. The Act introduced a system of three-tier institutions, firstly, an observation home for children who stay during the pendency of their proceedings, secondly, children’s home for accommodating neglected children, third and lastly, a special school for delinquent children. However, it introduced a sex discriminatory definition of child, “Child in case of a boy is below sixteen years and in case of a girl is below eighteen years of age”. However, all states consequently passed or adopt the similar Children Acts but the definition of the „child“ differed from state to state. So, the delinquent and neglected children were subjected to different treatment in different states.

Juvenile Justice Act 1986 :

The necessity for a uniform or standardize Children Act across the country paved the way for the enactment of the Juvenile Justice Act (JJA) 1986. It promoted “the best interest of the juveniles”

by incorporating the important provision of the Indian Constitution and the 1974 National Policy Resolution for Children and also add the universally agreed principles for the protection of juveniles such as the “United Nations Declaration of the Rights of the Child 1959” and the “United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) 1985”. The detention of juveniles in police lock-up or jail abolished by this Juvenile Justice Act 1986. It specifies two main authorities, a Juvenile Welfare Board and a Juvenile Court, to deal with delinquent juveniles. It also recommended to establish various kinds of institutions for the care and protection of juveniles, a juvenile home for the treatment of neglected juveniles, a special home for delinquent juveniles and an observation home for the temporary reception of juveniles during the pendency of their trial, and an after-care home for the purpose of taking care of juveniles after discharge from a observation home or a special home. The main objective to adopt these different approaches was to protect/save juvenile from criminalization, penalization and stigmatization. With the enactment of the JJA, the “welfare” approach gave way to the “justice”. But while implementation of the JJA-1986 various loopholes were experienced like in terms of age determination, separate trials, court proceedings, notification of charges to parents or guardians, filing of reports by probation officer, rehabilitation and after care of juveniles. Juvenile who stays or kept in government run institutions, did not know the purpose of their stay. In addition, the states and union territories who had formulate their regulations for the implementation of the Juvenile justice Act were not according to the basic structure of Juvenile Welfare Boards, Observation Homes, Juvenile Courts and After-Care Homes. Hardly any required measures are taken for adherence of minimum standards for institutional care such as foster care, sponsorship, adoption, etc. The controversy between the reality and the implementation of the law was felt all with the adoption of the “Convention on the Rights of the Child (CRC) 1989” and it was ratified by the Government of India in 1992. The provisions of the CRC with regard to children in conflict with law were augmented in two other United Nations instruments, firstly “the United Nations Guidelines for the Administration of 79 Juvenile Delinquency (Riyadh Guidelines)” and the second “United Nations Rules for the Protection of Juveniles Deprived of their Liberty (JDL Rules)”. Both provided detailed information about the processes to be followed by the juvenile justice system in dealing with persons below the age of 18 years. The 1993 World Conference on Human Rights held in Vienna and the successive adoption of Vienna Declaration and Programme of Action which urged States to ratify and implement promptly the CRC which made a definitive impact on all those concerned with the dilemma of these children in India including the government.

Juvenile Justice (Care & Protection of Children) Act 2000:

After taking experiences from all the past developments, the government modifies the Juvenile Justice Act to make it in coherence with the CRC and a new Act came into force in 2000 named “Juvenile Justice (Care & Protection of Children) Act 2000”. The enactment of this Act endorsed the “justice” as well as the “rights” approach towards children and moreover made use of a better

terminology as “juveniles in conflict with law” and “children in need of care and protection”. This separation aims to restrain the awful influence on the child who is in need of care and protection from the one who is in conflict with law. The Juvenile Justice Act 2000 brings uniform definition of a „juvenile“ or a „child“ throughout the country except in the State of Jammu & Kashmir. “A „juvenile“ or „child“ is a person who has not completed eighteenth year of age”. Juveniles in conflict with law consist of all those children alleged or found to have committed an offence. Juvenile in conflict with law are to be handled by the Juvenile Justice Board and juveniles in need of care and protection deal by child welfare committee. While dealing with juveniles and adolescents it also gave advice to their parents how they prevent their children from delinquency and also arrange counseling for them. It also introduced a broad choice of community programme options for juveniles. 80 The JJ Act 2000, though passed with good intentions but it also ignored the insertion of certain substantive and procedural process.

Juvenile Justice (Care and Protection of Children) (Amendment) Act 2006:

Juvenile Justice Act 2000 was amended in 2006 to make it clearer that juvenility would be considered from the “date of commission of offence” who have not completed the age of 18 years thus clarifying ambiguities raised in *Arnit Das v. State of Bihar* [(2000] 5 SCC 488]. In amended Act it was also clear that under any conditions, a juvenile in conflict with law should not be kept in a police lockup or jail. Further it also specify that the CJM or the CMM has every right to review the pendency of cases in the Board at every six months, and the child protection units should be set up in each and every states and districts to check the implementation of the Act.

Juvenile Justice (Care and Protection of Children) Act 2015:

The Juvenile Justice (Care and Protection of Children) Bill, 2015 was passed by Lok Sabha on 7th May, 2015; was passed by Rajya Sabha on 22nd December, 2015 and received Presidential assent and came into force on 31st December 2015, to whole India except the state of Jammu and Kashmir¹³ .

The JJ (C&P) Act, 2015 provides for strengthened provisions for both children in need of care and protection and children in conflict with law. And in the new Act some important and many new definitions also included such as orphaned, abandoned and surrendered children; and petty, serious and heinous offences committed by children; clarity in powers, function and responsibilities of Juvenile Justice Board (JJB) and Child Welfare Committee (CWC); clear the timelines for inquiry by Juvenile Justice Board (JJB); special provisions for serious offences committed by children above the age of sixteen year and also included a new chapter on Adoption to streamline adoption of orphan, abandoned and surrendered children; inclusion of new offences committed against children; and mandatory registration of Child Care Institutions.

Some important definitions under JJ Act- 1986.

2(e) 'Delinquent juvenile' means a juvenile who has been found to have committed an offence ; **(Juvenile in conflict with law under 2000 Act).**

2(h) 'Juvenile' means a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years ; **(Child or Juvenile under 2000 Act).**

2(l) Neglected juvenile: means a juvenile who **(Child in need of care & protection under 2000 Act)**

(i) Is found begging ; or

(ii) Is found without having any home or settled place of abode and without any ostensible means of subsistence and is destitute ; or

(iii) Has a parent or guardian who is unfit or incapacitated to exercise control over the juvenile ; or

(iv) Lives in a brothel or with a prostitute or frequently goes to any place used for the purpose of prostitution, or is found to associate with any prostitute or any other person who leads an immoral, drunken or depraved life ; or

(v) Who is being or is likely to be abused or exploited for immoral or illegal purposes or unconscionable gain.

2(b) Board: means a Juvenile Welfare Board constituted under section 4; **(CWC under 2000 Act)**

2(i) Juvenile Court: means a court constituted under section 5; **(Juvenile Justice Board under 2000Act).**

Comparison of certain definitions under JJ Act 2000 and JJC&P Act 2015.

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000	THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN)ACT, 2015
Section 2(k). "juvenile" or "child" means a person who has not completed eighteenth year of age;	Section 2(12) Child: means a person who has not completed eighteen years of age. Section 2(35) Juvenile means a child below the age of

<p>2(l) "juvenile in conflict with law" means a juvenile who is alleged to have committed an offence;</p> <p>2(d) "child in need of care and protection" means a child –</p> <p>(i) who is found without any home or settled place or abode and without any ostensible means of subsistence,</p> <p>ii. who resides with a person (whether a guardian of the child or not) and such person-</p> <p style="padding-left: 40px;">a. has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out, or</p> <p style="padding-left: 40px;">b. has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person,</p> <p>iii. who is mentally or physically challenged or ill children or children suffering from terminal diseases or incurable diseases having no one to support or look after,</p> <p>iv. who has a parent or guardian and such parent or guardian is unfit or incapacitated to exercise control over the child,</p> <p>v. who does not have parent and no one is willing to take care of or whose parents have abandoned him or who is missing and run away child and whose parents cannot be found after reasonable inquiry,</p> <p>vi. who is being or is likely to be grossly abused, tortured or exploited for the purpose of sexual abuse or illegal acts,</p> <p>vii. who is found vulnerable and is likely to be</p>	<p>eighteen years.</p> <p>2(13) Child in Conflict with Law: means a juvenile who is alleged to have committed an offence and has not completed eighteen years of age on the date of commission of such offence.</p> <p>2 (14)Children in need of care and protection: means a child,--</p> <p>(i) who is found without any home or settled place or abode and without any ostensible means of subsistence;</p> <p>(ii)includes a child who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street;</p> <p>(iii)who resides with a person (whether a guardian of the child or not) and such person—</p> <p style="padding-left: 40px;">(a) has injured, exploited, abused or neglected the child or has violated any other law for the time being in force meant for the protection of child;</p> <p style="padding-left: 40px;">(a) has threatened to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out; or</p> <p style="padding-left: 40px;">(b) has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused, exploited, or neglected by that person.</p> <p>(iv) Who is mentally ill or mentally or physically challenged or suffering from terminal or incurable diseases having no one to support or look after or having a parents or guardians unfit to take care, if found so by the Board or Committee.</p> <p>(v) who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated, by the Committee or the Board, to care for and protect the safety and wellbeing of the child.</p>
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<p>inducted into drug abuse or trafficking,</p> <p>viii. who is being or is likely to be abused for unconscionable gains,</p> <p>ix. who is victim of any armed conflict, civil commotion or natural calamity;</p> <p>2(c)Board: means a Juvenile Justice Board constituted under section 4;</p> <p>2(o) Observation Home: means a home established by a State Government or by a voluntary organisation and certified by that State Government under section 8 as an observation home for the juvenile in conflict with law;</p> <p>2(v) Special Home: means an institution established by a State Government or by a voluntary organisation and certified by that Government under section 9;</p>	<p>(vi) who does not have parent and no one is willing to take care of, or whose parents have abandoned or surrendered him.</p> <p>(vii)who is missing or run away child, or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed;</p> <p>(viii) who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts;</p> <p>(ix) who is found vulnerable and is likely to be inducted into drug abuse or trafficking;</p> <p>(x) who is being or is likely to be abused for unconscionable gains;</p> <p>(xi) who is victim of any armed conflict, civil unrest or natural calamity.</p> <p>(xii) who is at imminent risk of marriage before attaining the age of marriage and whose parents family members, guardian and any other persons are likely to be responsible for solemnization of such marriage;</p> <p>2(10) Board: means a Juvenile Justice Board constituted under section 4.</p> <p>2(40) Observation Home: means an Observation Home established and maintained in every district or group of districts by a State Government either by itself, or through a voluntary or non-governmental organization, and is registered as such, for the purposes specified in section 47(1).</p> <p>2(56) Special Home: means an institution established by a State Government or by a voluntary or non-governmental organization, registered under section 48, for housing and providing rehabilitation services to the children in conflict with law, who are found, through inquiry, to have</p>
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<p>2(f) Committee: means a Child Welfare Committee constituted under section 29;</p> <p>2(e) Children's Home: means an institution established by a State Government or by voluntary organisation and certified by that Government under section 34;</p> <p>2(u) Shelter Home: means a home or a drop-in-centre set up under section 37;</p> <p>2(h) Fit Institution: means a governmental or a registered non-governmental organisation or a voluntary organisation prepared to own the responsibility of a child and such organisation is found fit by the competent authority;</p> <p>2(i) Fit Person: means a person, being a social worker or any other person, who is prepared to own the responsibility of a child and is found fit by the competent authority to receive and take care of the child;</p>	<p>committed an offence and are sent to such institution by an order of the Board.</p> <p>2(22) Committee: means Child Welfare Committee constituted under section 27;</p> <p>2(19) Children's home: means a Childrens Home, established or maintained in every district or a group of districts by the State Government, either by itself, or through a voluntary or non-governmental organization, and is registered as such for the purposes specified in section 50.</p> <p>2(41) Open Shelter : means a facility for children, established and maintained by the State Government either by itself or through a voluntary or non-governmental organization under section 43(1), and registered as such for the purposes specified in that section.</p> <p>27) Fit Facility: means a facility being run by a governmental organisation or aregistered voluntary or non-governmental organisation, prepared to temporarily ownthe responsibility of a particular child for a specific purpose, and such facility isrecognised as fit for the said purpose, by the Committee, as the case may be, or theBoard, under sub-section (1) of section 51;4 of 2006.32 of 2012.</p> <p>2(28) Fit Person: means any person, prepared to own the responsibility of achild, for a specific purpose, and such person is identified after inquiry made in thisbehalf and recognised as fit for the said purpose, by the Committee or, as the case maybe, the Board, to receive and take care of the child</p>
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<p>2(g) Competent Authority means in relation to children in need of care and protection a Committee and in relation to juveniles in conflict with law a Board;</p>	<p>2(2) Adoption: means –The process through which the adopted child is permanently separated from his biological parents and becomes the lawful child of his adoptive parents with all the rights, privileges and responsibilities that are attached to a biological child.</p>
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