



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME:

B. A., LL.B. (HONS.) FYIC

DETAILS OF COURSE OFFERED

ODD SEMESTER (IX)– ACADEMIC YEAR

SL. No	COURSE CODE	COURSE TITLE	L	T/P	CR	CH
1	BL 904.7	OFFENCES AGAINST CHILD	4 PER WEEK	1 PER WEEK	4	

A. CODE AND TITLE OF THE COURSE: BL904.7 OFFENCES

AGAINST CHILD

B. COURSE CREDIT: 4 (TOTAL MARKS: 200)

C. MEDIUM OF INSTRUCTION: ENGLISH

D. COURSE COMPILED BY: DR. THANGZAKHUP TOMBING

E. COURSE INSTRUCTOR: DR. THANGZAKHUP TOMBING

1. DETAILS OF COURSE OFFERED

The course on Offences Against Children requires multi-faceted approach with a good balance of social, economic, political, administrative and judicial perspectives. Children are the future assets of a strong and healthy nation and it is the onus of the state and society to provide peaceful and safe environment to all children to help them to grow into a decent and responsible citizen. Children are vulnerable to exploitation, impoverishment, cruelty, neglect and abandonment and therefore, it is critical that course holistically deliberate on fundamental discourse to provide conducive and nurturing environment of family, education and availability of basic human rights to learn, to experiment and to express without fear and anxiety.

In India the narrative of juvenile delinquents as vulnerable section of the society had undergone change from non – culpability to culpability in recent times. The unprecedented rise of crime in India against children and woman had necessitated amendment of the Indian Penal Code and the Procedural Code to the meet the need of the time. It is envisaged that through the course students shall get an opportunity to study in depth the intricacies of juvenile justice, the historical background the development of juvenile justice laws and juvenile justice system through legislations and judicial opinions.

3. OBJECTIVE OF STUDY

The course offered objectives are as follows:

1. To familiarise students with the historical and conceptual of juvenile justice law.
2. To examine and identify emerging trends in the study and discourse of juvenile justice laws at national international level.
3. To identify and get acquainted with current controversial issues, also articulate in matters pertaining to juvenile justice.
4. To invigorate learners to be socially relevant and professionally sound legal researchers and also, from the prospects of the bar and the bench.

4. COURSE LEARNING OUTCOME

1. On completion of the Course it is expected that students would have learnt the intricacies of study of Juvenile Justice.
2. It is also expected that students would learnt contemporary world view of national and international perspective on the latest law, conventions, treaties and best practices related to the study of juvenile justice thereby helping them to foray into litigation, research and adjudication in the courts and also in the field of academia.

5. DETAILED STRUCTURE OF THE COURSE

1. Module I

National and International conception of child- history and evolution of juvenile justice; jurisprudential foundation of juvenile justice from Aristotle to the international initiatives regarding juvenile justice; the United Nation Declaration of Human Rights 1948, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (Beijing Rules), the UN Convention on the Rights of the Child 1989, the United Nations Rules for the

Protection of Juveniles Deprived of their Liberty (1990), the Hague Convention on Protection of Children and Co-operation in Respect to Inter-country Adoption (1993), National Policies for Children.

Basic conception of child in Indian Constitution and penal code, distinction between juvenile as a neglected juvenile and juvenile as a delinquent.

2. Module II

Legislations and the mandate of constitution on juvenile justice, legislative enactments during colonial era, legislative enactments post India independence- evolution of juvenile justice law-administration and procedural aspect, the shifting of narrative of juvenile delinquency in the 21st century, impact of the incident of the Nirbhay gang rape case on the society and the law makers.

The journey of the juvenile justice law in India from the Borstal School, the Children Act, 1960 to Juvenile Justice Act, 1986 to the Juvenile Justice (Care and Protection of Children) Act, 2000 and finally to the culmination of the Juvenile Justice (Care and Protection of Children) Act, 2015.

3. Module III

Juvenile, Pre- delinquent stages, delinquency, determining factor for juvenile delinquency-causative factors- home, economic pressure, neglect, peer pressure, gang sub- culture.

Role of family in prevention of Juvenile delinquency, Role of NGOs- in community action, in custodial institution, vocational training, Role of Media in reporting juvenile related news-sensitivity towards privacy and their families, expose of instances of child exploitation etc., Role of police- as an agency of criminal judicial administration and as a protector of juvenile interest Role of state- preventive strategies, welfare programmes health, nutrition, compulsory education, ICWS etc.

4. Module IV

Procedural safeguards for juveniles, presumption of innocence v. culpability of juvenile to commit crime, powers given to government, judiciary- bar and bench, role of legal profession in juvenile justice.

Probation and juvenile justice- concept, legal background, probation under various laws- the provisions of CrPC and POA; Parole- law and procedure for granting parole; remission and Commutation- procedure for granting remission and commutation.

Juvenile Justice Board- Constitution, powers and procedure for dealing with neglected child and child in need of care and protection- Special Homes and Observation Homes instead of prisons, fit person institutions.

5. PRESCRIBED READINGS/SUGGESTED READINGS

1. Katherine Hunt Federle, *Children and the Law: An Interdisciplinary Approach with Cases, Materials, and Comments*, 2013, pp. 3- 63; 67- 84; 93- 132; 403- 454.
2. Ved Kumari, *The Justice System in India: Welfare to Rights*, Second Edition, 2012, pp. 11- 43; 44- 93; 94- 127; 267- 291.
3. Nizam Azeez Sait, *Juvenile Justice: Care and Protection of Children Act, 2000*, First Edition, 2014, pp. 2- 29; 47- 53; 65- 108.
4. K P Singh, Chitragada Singh, *A Handbook on Juvenile Justice*, 2010 pp. 299- 398; 406- 425;
5. P.D. Sharma, *Criminal Justice Administration*, 1998, pp 115- 129.
6. Samuel M. Davies, *Rights of Juveniles 2d: The Juvenile Justice System*, 2014, pp. 1-8; 9- 59; 326- 332.
7. N. Mahehwar Swamy, *Criminology and Criminal Justice System*, First Edition, 2014, pp. 119- 132.

Law Commission Report/ other reports

1. 259 Report (2015) on “Early Childhood Development and Legal Entitlements”.
2. 257 Report (2015) on “Reforms in Guardianship and Custody Laws in India”.
3. Justice Verma Committee Report on Amendments to Criminal Law, 2013.

International Statutes/ Convention

The United Nation Declaration of Human Rights 1948

United Nations Declaration of the Rights of the Child, 1959

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (Beijing Rules)

The UN Convention on the Rights of the Child 1989

The United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990)

The Hague Convention on Protection of Children and Co-operation in Respect to Inter-country Adoption (1993)

Statutory Reference

The Constitution of India

Reformatory Schools Act, 1897

The Guardians and Wards Act, 1890

Young Persons (Harmful Publications) Act, 1956

Children Act, 1960

Pre-natal Diagnostic Techniques Act, 1994

Medical Termination of Pregnancy Act, 1971

Infant Milk Substitutes Act, 1992

Infant Milk Substitutes Act, 2003

Infant Milk Substitutes, Feeding Bottles & Infant Foods (Regulation of Production, Supply & Distribution) Act, 1992
Infant Milk Substitutes, Feeding Bottles & Infant Foods (Regulation of Production, Supply & Distribution) Amendment Act, 2003

The Right of Children to Free and Compulsory Education Act, 2009

Indian Penal Code, 1860

Code of Criminal Procedure, 1973

The Indian Evidence Act, 1872

The Majority Act, 1875

Children (Pledging of Labour) Act, 1933

Factories Act, 1948

Bonded Labour System (Abolition) Act, 1976

Child Labour (Prohibition and Regulation) Act, 1986

Child Labour Act Amendment 2006

The Child Labour (Prohibition and Regulation) Amendment Act, 2016

The National Commission for Protection of Child Rights Act, 2005

Juvenile Justice Act, 1986

The Juvenile Justice (Care and Protection of Children) Act, 2000

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

The Protection of Children from Sexual Offences Act, 2012

The Prohibition of Child Marriage Act, 2006

The Immoral traffic (Prevention) Act, 1956

The Right of Children to Free and Compulsory Education Act, 2009

The Mental Health Act, 1987

National Charter for Children, 2003

The National Policy for Children, 2013

Judicial Reference

Satish s/o Bandu Ragde v. State of Maharashtra

Cr. Appeal No. 161 of 2020

Independent Thought v. Union of India

Writ Pet. (Civil) No. 382, SC 2017

Mukesh and Another v. St. For NCT of Delhi & ors.	Cr. Appeal No. 607- 608, SC 2017
Salil Bali v. UOI	(2013) 7 SCC 705
Dr. Subrmanium Swamy v. Raju...	(2013) 10 SCC 465
<i>In re Gault</i>	387 US 1; 18 L ed 527 (1967)
Haley v. Ohio	332 US 596; 16 L ed 224 (1948)
Gallegos v. Colorado	379 US 596; 8 L ed, 2d 325 (1966)
Kent v. United States	383 US 541; 16 L ed, 2d 84 (1966)
Satto v. State of UP	(1979) 2 SCC 628
Sheela Barse v. Union of India	(1986) 3 SCC 596
Jose Maveli v. State of Kerala	2007 (2) KLT 761
Sheo Narayan v. State of Rajasthan	2011 Cr LJ 3878 (DB- Raj)
Apurba Das v. State of Assam	2010 Cr LJ 803, (2009) GLT 406
Jabar Singh v. Dinesh	(2010) 3 SCC 757
Praveen Kumar Maurya v. State of UP	2011 Cr LJ 200
Bandhua Mukti Morcha v. UOI	AIR 1984 SC SC 902
Francis Coralie Mullin v. Administrator, UT of Delhi	AIR 1981 SC 746
Laxmikant Pandey v. UOI	AIR 1984 SC 486
Kishen Pattnayak v. State of Orissa	AIR 1989 SC 677
Mohini Jain v. State of Karnataka and ors.	AIR 1992 SC 1858
MC Mehta v. State of Tamil Nadu,	AIR 1997 SC 699
Bhagwan Singh and Ors v. State of M.P.	AIR 2003 SC 1088