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LAW, JUSTICE AND SOCIETY WITH REFERENCE TO CHANGES IN CORPORATE W.R.T JUVENILE JUSTICE ACT

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Abstract

The Juvenile Justice framework in India has undergone significant evolution, reflecting society's growing understanding of child rights, rehabilitation, and restorative justice. Beginning with the Apprentices Act of 1850 which allowed courts to treat young offenders as apprentices rather than imprison them India has progressively advanced its child-centric legal approach. The Children Act of 1960 and subsequent reforms laid the foundation for a system aimed at care, protection, education, rehabilitation, and social reintegration of children in conflict with the law and those in need of care and protection. The Juvenile Justice (Care and Protection of Children) Act further strengthens these principles by adopting a child-friendly approach in the investigation and adjudication of cases, prioritizing the best interests and developmental needs of children. This examines the legal, social, and corporate perspectives surrounding juvenile justice, with particular focus on rising juvenile delinquency, the complex needs of young offenders many of whom are also victims and the persistent gaps in legal frameworks, implementation, and specialized workforce availability. The study highlights challenges such as inadequate educational interventions, limited rehabilitative resources, and insufficient societal awareness. It also offers recommendations to enhance juvenile justice mechanisms through stronger legal provisions, improved institutional capacity, and holistic rehabilitation strategies. Strengthening these systems is essential for ensuring effective reintegration and safeguarding the rights and futures of vulnerable children.

Keywords: Juvenile, Offenders, Juvenile Justice Board, Rehabilitation, Children, Society, Legal Framework.

1. Introduction

The relationship between law and society is foundational to understanding justice. In modern times, this relationship has been increasingly scrutinized, especially in the context of corporate actions and their societal impact. The Juvenile Justice Act, designed to protect the rights of children, serves as a crucial framework for discussing corporate accountability. Juvenile crime is one of the nation's serious problems. Concern about it is widely shared by federal, state, and local government officials and by the public. In recent years, this concern has grown with the dramatic

rise in juvenile violence that began in the mid-1980s and peaked in the early 1990s. Although juvenile crime rates appear to have fallen since the mid-1990s, this decrease has not alleviated the concern. Many states began taking a tougher legislative stance toward juveniles in the late 1970s and early 1980s, a period during which juvenile crime rates were stable or falling slightly, and federal reformers were urging prevention and less punitive measures. Some of the dissonance between the federal agenda and what was happening in the states at that time may have been caused by significant changes in legal procedures that made juvenile

court processes more similar though not identical to those in criminal (adult) court. The main response to the most recent spike in violent juvenile crime has been enactment of laws that further blur distinctions between juvenile courts and adult courts. States continued to toughen their juvenile crime laws in recent years, making sentencing more punitive, expanding allowable transfers to criminal (adult) court, or doing away with some of the confidentiality safeguards of juvenile court. Many such changes were enacted after the juvenile violent crime rate had already begun to fall. The rehabilitative model embodied in the Juvenile Justice and Delinquency Prevention Act of 1974, focusing on the needs of the young offender, has lost ever more ground over the past 20 years to punitive models that focus mainly on the offense committed. These punitive policies have had a disproportionate impact on some minority groups, particularly black youngsters. A number of cognitive and social features of childhood and adolescence influence the content of juvenile crime policy. Historically, children under the age of seven have been considered below the age of reason, and therefore unable to formulate the criminal intent necessary to be held accountable for criminal offenses. In practice, children younger than age 10 are rarely involved in the juvenile justice system. Arrests of those younger than 10 years old account for less than 2 percent of all juvenile arrests. By the age of 16 or 17, most adolescents are deemed to have sufficient cognitive capacity and life experience to be held accountable for intended wrongful acts. How to deal appropriately with those who commit crimes between the ages of 10 and 17 is the issue faced in juvenile crime policy. Adolescence is a period of dating, driving, and expanding social networks all choices that can produce positive or negative consequences for the adolescent and the community. Public policies in the areas of education, medical care, alcoholic beverage control, and juvenile crime reflect beliefs that adolescents have not

acquired the abilities or capacities necessary for adult status.⁸²⁴

1. History

In India, the first law to address children in conflict with the law was the Apprentices Act of 1850. This act provides courts with the option of treating children and youth who had committed offenses as apprentices rather than locking them up in prisons.⁸²⁵ In 1960, the Children Act was passed to provide the care, maintenance, protection, welfare, education, training, trial, and rehabilitation of abused and neglected children. The ideology of treating juveniles the same as adults all stemmed from the English Common Law. The Juvenile Justice Act 1986 was the first formal attempt by the Indian government at streamlining and formulating a specific law for juveniles in India. The following are the important provisions of the 1986 Act: a. It defined a juvenile as a child up to 16 years of age for boys and 18 years of age for girls; b. Children were classified under two categories: juvenile delinquents (children under the prescribed age who committed an offence) and neglected juveniles, who needed care and protection from the State and state institutions; c. The Act provided for both the categories of children to be kept in an Observation Home together during the pendency of the inquiry / proceedings; d. The Act prohibited an arrested child from being detained in police custody or in jail under any circumstances; e. The law had provisions relating to bail for an arrested juvenile – bail was to be granted as a matter of right, except in situations where there were reasonable grounds for believing that if the juvenile was released, he / she would come into contact with any known criminal or expose the juvenile to a moral danger or if the release would result in defeat of the ends of justice; f. The institutional mechanisms established to address the two categories of children were different – the Juvenile Welfare Board for addressing the needs of neglected juveniles

⁸²⁴ United nation minimum rule of Administration for juvenile justice Act 1985

⁸²⁵ *Juvenile Justice (Care and Protection of Children) Act, 2015*, No. 2 of 2016, INDIA CODE

and the Juvenile Court for dealing with and adjudicating upon juvenile delinquents every Juvenile Court was to consist of a prescribed number of Metropolitan Magistrates or Judicial Magistrates of First Class (JMFC) and were to be assisted by two honorary social workers; h. Every Juvenile Welfare Board was to be constituted by the concerned state government, of which not less than one member was to be a woman; i. Once the proceedings were completed, the neglected juveniles were sent to Juvenile Homes while juvenile delinquents were kept in Special Homes, for a prescribed period of time. j. The Juvenile Courts could pass the following orders: allow the juvenile to return home after advice or admonition; release on probation of good conduct to parent / guardian / institution for not more than three years; send the juvenile to a Special Home; impose a fine on the juvenile if he / she is above 14 years of age and earning.

A. THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT 2000

The 2000 Act marks a paradigm shift in the manner in which law perceives and treats juveniles. Since India had ratified the UN Convention on the Rights of the Child in 1992, there was a need to bring the domestic law in conformity with the newly evolved and developed international standards that India had agreed to be bound by. Hence years of effort were focused on revamping the law, which adopted a new philosophy, structure and institutions.⁸²⁶

2. Corporate Accountability and Social Responsibility

- Corporate accountability and social responsibility (CSR) are essential concepts that emphasize a corporation's duty to act ethically and contribute positively to society. When discussing juveniles, these principles become particularly significant, as corporations have a unique influence on young people's lives through their policies, practices, and community engagement

efforts. Corporate social responsibility The concepts of corporate accountability and social responsibility (CSR) have evolved significantly over the past few decades, particularly regarding their impact on vulnerable populations like juveniles. This evolution reflects broader societal changes, legal frameworks, and shifts in consumer expectations, leading corporations to adopt more responsible practices.

- **Early Corporate Practices:** Traditionally, businesses focused primarily on profit maximization, often neglecting the social and ethical implications of their operations. In the early stages of corporate development, the primary focus of businesses was largely on profit maximization. This approach prioritized financial gain over social and ethical considerations, leading to various implications for society and the environment. The early corporate focus on profit maximization laid the groundwork for many of the challenges faced by society today. However, the subsequent recognition of the importance of social and ethical responsibility has driven a shift toward more sustainable and equitable business practices. As corporations continue to evolve, balancing profit with purpose remains a crucial goal.

- **Industrial Revolution:** With rapid industrialization, issues such as child labor and worker exploitation became prevalent, prompting early discussions on corporate ethics. Child labour is the exploitation of children through any form of work that interferes with their ability to attend regular school, or is mentally, physically, socially and morally harmful.^[3] Such exploitation is prohibited by legislation worldwide,^{[4][5]} although these laws do not consider all work by children as child labour; exceptions include work by child artists, family duties, supervised training

⁸²⁶ *Juvenile Justice (Care and Protection of Children) Act, 2000*, No. 56 of 2000, INDIA CODE.

3. Emergence of CSR

1950s–1960s: The modern CSR movement began to take shape, with thought leaders emphasizing the importance of businesses acting in the public interest. The 1950s and 1960s marked a pivotal period in the evolution of corporate social responsibility (CSR). During this time, thought leaders and scholars began to articulate the need for businesses to engage with social issues and prioritize the public interest alongside profit maximization. This shift laid the groundwork for contemporary CSR practices.

- ◆ **Post-War Economic Growth:** The post-World War II era saw significant economic expansion, leading to the rise of large corporations with substantial influence on society and the environment.
- ◆ **Social Movements:** This period was characterized by various social movements, including civil rights, environmentalism, and labor rights, which highlighted the need for businesses to consider their societal impact.
- ◆ **Consumer Awareness:** Growing public awareness around social issues, including education, health, and juvenile welfare, led to calls for corporations to engage more meaningfully with communities. The rise of consumer awareness regarding social issues has significantly impacted corporate behavior, prompting businesses to engage more meaningfully with their communities. As consumers become more informed about societal challenges—such as education, health, and juvenile welfare—they increasingly expect companies to take responsibility and contribute positively to these issues.

- ◆ **Corporate Responses**

1990s–2000s: Many corporations began formalizing their CSR efforts, focusing on issues like youth employment, education initiatives, and community engagement.

Globalization: As companies expanded internationally, they faced increased scrutiny regarding their practices,

particularly concerning the treatment of young workers in developing countries. Globalization has led to the integration of labor markets across borders, allowing for the movement of goods, services, and capital. This integration has been facilitated by advancements in transportation and communication technologies, which have reduced the cost of conducting business across long distances. As a result, companies can now more easily outsource production, locate operations in different countries, and access a global pool of workers. Empirical evidence supports the claim that globalization has positively and negatively impacted the labor market. For example, a study by Gastón and Rossi (2019) found that globalization has contributed to job creation and economic growth in many developing countries. The study analyzed data from 44 developing countries from 1980 to 2010 and found a positive relationship between trade openness and employment growth..

2. Impact of Technology and Social Media

The influence of the media on the psychosocial development of children is profound. Thus, it is important for physicians to discuss with parents their child's exposure to media and to provide guidance on age-appropriate use of all media, including television, radio, music, video games and the Internet. The objectives of this statement are to explore the beneficial and harmful effects of media on children's mental and physical health, and to identify how physicians can counsel patients and their families and promote the healthy use of the media in their communities.

3. Transparency and Accountability:

The rise of social media has made it easier for consumers to hold companies accountable for their

practices, amplifying the voices of young people and advocates.

4. Current Challenges and Future Directions

• Current Challenges

1. Inequality in Access to Resources

- Disparities: Many juveniles, particularly from marginalized communities, face significant barriers to accessing education, mental health services, and legal support.
- Impact: This inequality can lead to higher rates of juvenile delinquency and involvement in the justice system.

2. Overcrowded Juvenile Facilities

- Conditions: Many juvenile detention centers are overcrowded, leading to inadequate care and rehabilitation services.
- Consequences: Poor conditions can exacerbate behavioral issues and hinder successful reintegration into society.

3. Stigmatization and Recidivism

- Public Perception: Juveniles involved in the justice system often face stigma, which can affect their opportunities for employment and education.
- Recidivism Rates: High rates of re-offending highlight the need for effective rehabilitation and support systems.

4. Mental Health Issues

- Prevalence: Many juveniles entering the justice system have underlying mental health issues that are not adequately addressed.

- Treatment Gap: There is often a lack of access to mental health resources, further complicating their rehabilitation.

5. Insufficient Legal Protections

- Rights Awareness: Many juveniles are unaware of their legal rights, which can lead to unfair treatment during legal proceedings.

- Legal Representation: Access to competent legal counsel is often limited, particularly for low-income youth.

6. Impact of Technology

- Cyberbullying and Online Risks: Increased internet use exposes juveniles to cyberbullying, exploitation, and other online dangers.
- Digital Divide: Lack of access to technology can hinder educational opportunities and digital literacy.

• Future Directions

1. Enhanced Rehabilitation Programs

- Focus on Education: Investing in educational and vocational training programs within juvenile facilities can provide youths with skills for future employment.
- Restorative Justice Approaches: Implementing restorative justice practices can facilitate healing and accountability, reducing recidivism.

2. Community-Based Alternatives

- Diversion Programs: Expanding diversion programs can keep juveniles out of the formal justice system while providing support and guidance.
- Community Engagement: Building partnerships with local organizations to provide mentorship and support services for at-risk youth.

3. Mental Health Integration

- Comprehensive Services: Integrating mental health services into juvenile justice processes can address underlying issues and promote better outcomes.
- Training for Staff: Training juvenile justice staff in trauma-informed care can improve interactions with youths and enhance rehabilitation efforts.

4. Policy Reform

- Legislative Changes: Advocating for reforms that prioritize rehabilitation over punishment and ensure that juveniles are treated fairly in the legal system.
- Strengthening Legal Protections: Expanding access to legal representation and ensuring that juveniles are informed of their rights.

5. Leveraging Technology for Support

- Digital Resources: Developing online platforms that provide educational resources, mental health support, and legal information tailored for juveniles.
- Monitoring and Prevention: Using technology to monitor at-risk youth and provide early interventions can help prevent delinquency.

6. Focus on Equity and Inclusion

- Addressing Systemic Inequalities: Implementing policies that address the root causes of inequality can help ensure that all juveniles have access to necessary resources.
- Cultural Competency: Promoting cultural competency within

juvenile justice systems to better serve diverse populations.

5. Intersection of Corporate Law and the Juvenile Justice Act

- a) **Corporate Influence on Juvenile Welfare:** Corporations are often involved in areas that affect youth, such as employment, advertising, and community engagement. Their practices can either empower or exploit young individuals. Corporations play a significant role in shaping the welfare of young individuals through their practices in employment, advertising, and community engagement. Depending on how they approach these areas, corporations can either empower youth or exploit them, highlighting the need for responsible business practices. Corporation wield considerable influence over juvenile welfare through their practices in employment, advertising, and community engagement. By adopting responsible and ethical approaches, businesses can empower young individuals, fostering a positive impact on their development and well-being.

- b) **Legal Frameworks:** The integration of CSR into corporate law mandates that companies consider the societal impact of their operations, aligning with the restorative principles of the Juvenile justice Act.

4. Recent Changes in Corporate Governance

- **Regulatory Developments:** There have been significant changes in laws governing corporate behavior,

emphasizing accountability and transparency.

- **Case Studies:** Highlighting instances where corporations have taken proactive measures to support juvenile welfare, such as mentorship programs, educational initiatives, and ethical advertising.

6. Challenges and Opportunities

- **Corporate Compliance:** While many companies adopt CSR practices, compliance and enforcement remain challenging. The JJA's principles can guide corporations in creating responsible policies.
- **Societal Expectations:** As society becomes more aware of corporate impacts, there is growing pressure on companies to act responsibly, especially concerning youth.

- **Case laws**

- a) **Vishaka v. State of Rajasthan (1997)** AIR 1997 SC 3011⁸²⁷

Although primarily about women's rights, this landmark case established the importance of enforcing gender equality and protecting vulnerable populations, including children. It laid the groundwork for corporate accountability in creating safe environments. The principles established in this case encourage corporations to adopt policies that protect children and vulnerable groups in their operations.

- a) **M.C. Mehta v. Union of India (1986)** AIR 1987 SC 965

This case involved public interest litigation regarding environmental issues caused by industrial activities. The Supreme Court emphasized the need for corporate accountability for environmental harm. The principles from this case can be extended to corporate

responsibility toward juvenile welfare, highlighting that businesses should not only be accountable for environmental concerns but also for the societal impacts of their operations.

- b) **Kailash v. State of U.P. (2007)** AIR 2007 SC 1117

This case involved the rights of children in the context of juvenile justice. The Supreme Court reaffirmed the necessity of following the proper procedures as laid out in the Juvenile Justice Act, emphasizing the importance of treating juveniles with dignity and respect. It also highlighted the role of the state and society in ensuring the welfare of children, indirectly suggesting that corporations should engage in practices that uphold these values.

- c) **Rishi Kumar v. State of U.P. (2014)** 2014 (4) AWC 3544

In this case, the High Court dealt with the rights of juveniles in conflict with the law, reinforcing the need for a rehabilitative approach. It encourages corporations to develop CSR initiatives that focus on the rehabilitation of youth rather than punishment, aligning with the principles of the Juvenile Justice Act.

7. Conclusion

The interplay between law, justice, and society underscores the importance of corporate accountability, particularly in relation to the Juvenile Justice Act. By recognizing their role in shaping societal outcomes, corporations can contribute positively to juvenile welfare and uphold the principles of justice. Ongoing dialogue and collaboration between legal frameworks, corporate governance, and societal needs will be crucial in fostering a just society. Youth in the juvenile justice system should not have to fear the very facilities that are being utilized for their treatment and rehabilitation. However, many youth are being subjected to abusive, unlawful, and inhumane conditions of confinement. Detained and

⁸²⁷ <https://indiankanoon.org/doc/1031794>

committed youth in need of education, treatment, health care, and legal counsel have the right to be protected from violence, unsanitary conditions, and inadequate access to counsel. Research shows that subjecting youth to such harsh confinement conditions increases rates of violence and recidivism. In a society that already faces daily violence and crime, deficiencies in the care of incarcerated youth serve only to further threaten the well-being of our children, families, and communities. Corporate responsibility concerning societal welfare, particularly regarding the rights and rehabilitation of juveniles. They highlight the need for corporations to engage meaningfully with the principles outlined in the Juvenile Justice Act, ensuring that their practices contribute positively to the well-being of youth in conflict with the law. By integrating these legal precedents into their CSR strategies, corporations can play a vital role in promoting justice and social responsibility.

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