



JUVENILE JUSTICE (1989). By Asutosh Mookerjee. S.C. Sarkar and Sons Pvt. Ltd., Calcutta. Pp. xxii + 367. Price Rs. 140.

THE BOOK¹ under review intends to be a groundwork on juvenile justice to cater to the interests of inquisitive readers concerned with the welfare of the juvenile community. The author claims that the book not only dwells upon juvenile justice and the machinery devised to protect interests of delinquent and neglected juveniles in India but also puts forward an analytical and precise view of problems of the juvenile community and its welfare. It is written with the hope that it will be of practical value to social workers, administrators, trainers and trainees, judges, lawyers, and discerning readers of social science.

A study pursuing and pondering upon the theme of juvenile justice, if perceived in its accepted connotation, generally encompasses and focuses, (i) appraisal of the principles of law on juveniles and its implementation; (ii) procedural due process to be followed in handling of juvenile delinquents as well as neglected children, their psychological and social rehabilitation; and (iii) structural and operational efficacy of the therapeutic institutional and non-formal correctional modalities, devised and employed to, (a) 'treat' and 'rehabilitate' the juvenile delinquents; and (b) 'protect' and take 'care' of neglected children.

However, when one reads the book with the above perception of a study on juvenile justice and against the background of the legislative policy evinced in the hitherto prevailing state Children Acts, the juvenile justice system evolved under these statutes and the recently enacted Juvenile Justice Act of 1986, fails to evaluate its contribution in the area of juvenile justice.

A careful glance at the epitome of the book and perusal of the theme, pursued in it unmistakably divides the book into three thematic segments. In the first part² the author *verbatim et literatim* produces, (i) the United Nations declaration of the Rights of the Child (1959); (ii) the United Nations Convention on the Rights of the Child (1989); and (iii) the United Nations Standard Minimum rules for the Administration of Juvenile Justice. Also, there are texts of, (a) the Government of India's National Policy for Children (1974); (b) National Children's Fund (1980); (c) scheme of the National Awards for Child Welfare (1979); and (d) Child Development Service. The author makes a very brief survey of statutes on children enacted in India from 1836 to the Juvenile Justice Act and institutions created thereunder. He also gives an overview of child labour legislations in their historical perspective. The

1. Asutosh Mookerjee, *Juvenile Justice* (1989).

2. *Id.* at 3-82.



second part³ is devoted to sectionwise commentary on the Juvenile Justice Act which has not only repealed the hitherto operating uniform and more or less, conflicting state Children Acts but also endeavours to provide for care, protection, treatment and rehabilitation of neglected and delinquent juveniles. The third part⁴ on the other hand comprises texts of the, (i) Juvenile Justice (Assam) Rules 1987; (ii) Juvenile Justice (Gujarat) Rules 1987; and (iii) Juvenile Justice (West Bengal) Rules 1988. Extracts of a number of other relevant statutes touching upon one or the other aspects of juvenile justice are also included.

The above sketched epitome of the book reveals that the major portion is unconvincingly devoted to international and national documents on juveniles. What is more surprising and unfortunate is that the author, contrary to his claim that the book is a groundwork on juvenile justice forwarding an analytical and precise view of the problem of juvenile community and offering solutions thereto, has failed to either highlight weaknesses and strengths of the juvenile legislations and schemes in vogue in India or evaluate the impact, institutional or functional of these international instruments on formulation of India's National Policy for Children and/or the legislative policy reflected either in the hitherto prevailing Children Acts and the Juvenile Justice Act. Further in the absence of evolutionary analysis either of the overviewed statutes and the institutions created thereunder in their historical perspective or comparative evaluation with that of the statutes and institutions in vogue, it is difficult to appreciate the propriety and utility of these topics in the book. Similarly the arbitrarily selected State Rules framed under the Juvenile Justice Act and extracts of different statutes, in the absence of considered comments and analysis in the context of the theme pursued in the book, hardly serve any purpose.

The chapter on the Juvenile Justice Act and sectionwise commentary provide a lucid analysis and evaluation of its individual provisions in the context of the identical relevant provisions of other similar Acts and judicial pronouncements. Such analysis undoubtedly helps a reader to evaluate and appreciate the underlying cherished legislative policy. Perusal of the appended State Rules, though arbitrarily chosen, give further insight into the proclaimed legislative intention to take care of, protect and rehabilitate juveniles and the legal machinery devised to achieve the intended goals.

The UN and Indian basic documents, as well as extracts from the relevant statutes compiled in the book, though without comparative evaluative comments, would certainly be of a great help to a reader concerned with the juvenile community and its welfare and a researcher working on juvenile justice.

*K. I. Vibhute**

3. *Id.* at 83-188.

4. *Id.* at 189-357.

Reader, Post-Graduate Dept. of Law, University of Poona, Pune.