

3

Litigating Children's Rights: Use of the Convention on Rights of Children in the Indian Courts

Dr. Smriti Raturi Sharma,

PhD (Law),

LLM (HR), LLM (International law),

LLB, Bachelor of Science

Assistant Professor, Asian Law College,

ABSTRACT

India ratified the United Nations Convention on the Rights of the Child (CRC) in 1992, demonstrating its commitment to protecting the human rights of all its citizens, particularly children. Over the past 30 years, the CRC has increasingly influenced various legislative, judicial, and executive decisions in the country. This research paper aims to examine how the ratification of the CRC has impacted the drafting of legislation related to children in India and how courts at different levels have referenced the CRC in their rulings.

INTRODUCTION

Throughout history, children have often been the most affected by wars, regardless of the time or place. Their young age makes them particularly vulnerable, and their fundamental rights are frequently disregarded. States often fail to ensure a safe and secure childhood for them. Furthermore, warring factions have recruited teenage boys and girls for their propaganda efforts. During World Wars I and II, children endured immense suffering and atrocities. Thanks to the efforts of Eglantyne Jebb, the UN General Assembly established the International Children's Emergency Fund, commonly known as UNICEF, in 1946, immediately after World War II. This marked the beginning of a global initiative to advocate for children's rights and to emphasize the responsibilities of states to protect those rights. The Convention on the Rights of the Child, established in 1992, represents a commitment by countries around the world to protect the rights of children. It is the most rapidly ratified human rights treaty in history, with 196 countries having become state parties to the convention as of October 2015. The

Keywords

Ratification, Judicial, Legislative,
Overriding effect, Pronouncements

¹ Jolly George v. Bank of Cochin AIR 1980 SC 470.

² Sehrawat, Vivek, "Implementation of International Law in Indian Legal System", Florida Journal of International Law, Vol. 31, Iss. 1, Article 4, available at <https://scholarship.law.ufl.edu/fjil/vol31/iss1/4> last accessed 24th Dec, 2024.

ratification of the Convention on the Rights of the Child (CRC) has a binding effect, meaning that all national laws, policies, programs, and actions must conform to it or be amended to ensure compliance. The Indian Constitution emphasizes the importance of international legal obligations. Article 51 urges the state to "foster respect for international law and treaty obligations in the dealings of organized peoples with one another." Additionally, Article 253 grants Parliament the authority to enact legislation to fulfill these international obligations. India subscribes to the dualist theory in its domestic implementation of international law.¹ International treaties do not automatically become part of national law in India. After ratification, the parliament has to pass legislation to implement the treaty obligations. The Indian judiciary has played a pivotal role in implementing India's International obligations under international treaties and conventions in the field of human rights and law.² In *Sheela Barse v. Secretary, Children's Aid Society*³, the Supreme Court in 1986 read an obligation on the part of the Indian state to uphold the principles contained in the international treaties which it has ratified. The Indian Supreme Court's record on its insistence on upholding international consensus on issues concerning welfare is outstanding. Expounding on Article 51 of the Constitution, it has held: Any International Convention not inconsistent with the fundamental rights and in harmony with its spirit must be read into these provisions to enlarge the meaning and content thereof, to promote the object of the constitutional guarantee. This is implicit from Article 51 (c) and the enabling power of the Parliament to enact laws for implementing the International Conventions and norms by Article 253 read with Entry 14 of the Union List in the Seventh Schedule of the Constitution.⁴ In the last decade, there have been several instances where petitioners relied on international instruments and the Courts invoked the UN Conventions, particularly the Convention on the Elimination of

All Forms of Discrimination against Women (CEDAW) and the CRC. For example, both of these instruments were invoked in *Sakshi v. Union of India and Others*.⁵ Although the country adopted the features of a federal system of government, the Constitution provides for a single, integrated court system to administer both Union and State laws. The Supreme Court is the apex court, followed by High Courts that function at the state level. Below them are the subordinate courts, comprising of District Courts and other lower courts.⁶ The Indian legal system offers constitutional remedies for judicial review, which can be enforced in the Supreme Court and High Courts. To initiate a judicial review, a petitioner must file a Writ Petition. The Supreme Court exercises its powers under Article 32 of the Indian Constitution, while the High Courts operate under Article 226 to hear these Writ Petitions. This process enables the judicial review of actions or inactions taken by the state. In recent years, Public Interest Litigation (PIL) has emerged as a significant aspect of the justice system. Such cases are admitted directly by the Supreme Court and High Courts. These courts also have the authority to hear appeals against orders and judgments issued by lower courts. In this context, the paper examines several Supreme Court and High Court cases that demonstrate how the Convention on the Rights of the Child (CRC) has influenced the development of laws and policies in India. It also highlights the significant role of judicial activism in enhancing human rights and discusses various writ petitions, particularly public interest litigations, as part of this analysis.

INCORPORATION OF CRC IN DOMESTIC LEGISLATION

For the first time, the CRC was invoked in the formulation of any legislation, which was in 2000 when India enacted the Juvenile Justice (Care and Protection of Children) Act, 2000. The introduction to the Act states: "The Government of India, having ratified the Convention, has found it

3 (1987) 3 SCC 50.

4 *Vishaka and Ors. v. State of Rajasthan and Ors.* AIR 1997 Supreme Court 3011.

5 Writ Petition (CrI) No33, 1997.

expedient to re-enact the existing law relating to juveniles bearing in mind the standards prescribed in the Convention on the Rights of the Child ..." Since then, new legislation dealing with child sexual abuse, the Protection of Children from Sexual Offences Act, 2012 has also cited the CRC in its Statement of Objects and Reasons. Moreover, during the formulation of the National Plans of Action for Children in 1992 and 2005, the Government of India referred to the CRC. Although it has been ratified already, the Convention did not find a mention in the Eighth and Ninth, Five-Year Plans of the Government of India. It was only in the Tenth Five Year Plan that it was first mentioned. The Eleventh and Twelfth Five Year Plans have not only invoked the CRC but also devoted a separate section specifically to children's rights. The CRC's integration into the government's plans and policies is largely because of the role of civil society in India, particularly the human rights organizations, lawyers, activists, and individuals working in the area of children's rights. This shift has also come in response to the Concluding Observations made by the UN Committee on the Rights of the Child in respect of the two-state reports submitted by India.

USE OF THE CRC IN COURT PROCEEDINGS

The earliest-noted instance in which the Supreme Court invoked the CRC was *M.C. Mehta v. State of Tamil Nadu*⁷. Since then, the CRC has been referenced several times regarding various issues. It has been noted that both lawyers and petitioners use the CRC in their arguments in cases involving children. Additionally, there are instances where judges have cited the CRC in their final rulings

CHILD LABOUR

The Child Labour (Prohibition and Regulation) Act, 1986, was enacted after extensive debate and protests. The Act distinguishes between hazardous and non-hazardous forms of child labor, which led to the decision not to prohibit all types of labor for

children. It bans the employment of children under 14 years old in hazardous occupations and processes but allows for regulation of their employment in non-hazardous jobs. In fact, in keeping with the law, the Government of India ratified the CRC with a declaration on Article 32 of the CRC.⁸ Opponents of the law argued that it discriminated against children and violated their right to equal opportunity. Over the years, several petitions have been filed in courts regarding child labor. Dr. MC Mehta pleaded that child labour violated all of the fundamental rights guaranteed to children under the Constitution of India.⁹ The case focused on the condition of child labourers in Sivakasi, Tamil Nadu. Since the problem was rampant throughout the country, the Supreme Court thought it would be appropriate to deal with it in a wider manner and treat it as a national problem. In its order, the Court said: "It would be apposite to apprise themselves also about our commitment to the world community. For the case at hand, it would be enough to note that India has accepted the Convention on the Rights of the Child, which was concluded by the UN General Assembly on 20th November 1989. This Convention affirms that children's rights require special protection and it aims, not only to provide such protection but also to ensure the continuous improvement in the situation of children all over the world, as well as their development and education in conditions of peace and security." Thus, the Convention not only protects the child's civil and political rights but also extends protection to the child's economic, social, cultural, and humanitarian rights.¹⁰ The Court concluded the case by providing guidelines for establishing a Child Labour Rehabilitation and Welfare Fund. It also mandated stricter and more effectively enforced fines for those who employ children. A writ of Mandamus was filed to compel the government to take action against the employment of children in the carpet industry.

6 Mr. Justice S. S. Dhavan, "The Indian Judicial System A Historical Survey", High Court, Allahabad, available at https://www.allahabadhighcourt.in/event/TheIndianJudicialSystem_SSDhavan.pdf last accessed 25th Dec, 2024.

7 AIR 1997 SC 699

8 Ibid.

9 Ibid.

The writ also sought appropriate directives to ensure a complete ban on the employment of children under Article 14. Additionally, it requested the provision of essential facilities such as education, healthcare, sanitation, and nutritious food for the children. In this context, the Supreme Court referenced India's ratification of the Convention on the Rights of the Child (CRC) and specifically mentioned Articles 3, 27(1), 28, 31(1), and 36 of the CRC. The Court observed: "No doubt, the Government, while ratifying the Convention with a reservation of progressive implementation of the governance, reminded itself of the obligations undertaken there under, but they do not absolve the State in its fundamental governance of the imperative of Directive Principles of the Constitution rendering socio-economic justice to the child and their empowerment, full growth of their personality—socially, educationally and culturally—with a right to leisure and opportunity for the development of the spirit of reform, inquiry, humanism, and scientific temper to improve excellence—individually and collectively".¹¹ Recently, the non-governmental organization Bachpan Bachao Andolan filed a case in response to the trafficking and serious abuse of children working in circuses. The Supreme Court made a reference to the standards for protection of children contained not only in the CRC but also the UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules 1985), the UN Rules for the Protection of Juveniles Deprived of their Liberty (1990), the Hague Convention on Inter-Country Adoption (1993), the Geneva Convention on Immoral Trafficking of Women and Children (1949), and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000).¹² In its order, the Court stated clearly: "India has ratified the UN Convention on the Rights of the Child in 1992. The Convention *inter alia* prescribes standards to be adhered to by all state parties in securing the best interest of the child."¹³

Despite progressive court orders, India still has the highest number of working children in the world. On a positive note, the government has drafted a new bill on child labor that regulates the employment of children aged 14 to 18. This bill aligns with the Right to Free and Compulsory Education Act of 2000, which prohibits all forms of child labor for children under 14 years old.

JUVENILE JUSTICE

International law, particularly the CRC, has been extensively utilized at all levels of juvenile justice to enact changes in domestic law, clarify it, and enhance its implementation. The Juvenile Justice (Care and Protection of Children) Act, of 2000, deals with two categories of children: those 'in conflict with the law. (CICL) and children in need of care and protection (CNCP). The reason for including CNCPs in the juvenile justice system is that they are socio- economically marginalised and vulnerable to coming into conflict with the law if there is no timely intervention. Over the years, amendments to the law have resulted in a situation in which CICL who are involved in petty offences and who have either no family or an unfit family may be treated as CNCP; in such instances, the matter is transferred from the Juvenile Justice Board (JJB)¹⁴ to the Child Welfare Committee (CWC).¹⁵ This ensures that they are not kept with those involved in heinous offenses and are taken care of by the state until they complete 18 years of age.

CHILDREN IN NEED OF CARE AND PROTECTION

The Supreme Court, in *Sheela Barse v. Secretary, Children's Aid Society*,¹⁶ held that the conventions India had ratified, and which elucidate norms for the protection of children, placed an obligation on the state to implement their principles. The Court came to the conclusion that treaties, even if, not incorporated into national law, have binding effect. In 1959, the Declaration of All the Rights of the Child was adopted by the General Assembly of the

10 M.C. Mehta v. State of Tamil Nadu 1996 6 SCC 756.

11 *Bandhua Mukti Morcha v. Union of India & Ors.* 1997 (10) SCC 549.

12 This is a Protocol supplementing the United Nations Convention against Transnational Organized Crime.

13 *Bachpan Bachao Andolan v. Union of India and Others.* 2011 (5) SCC 1.

United Nations, and in Article 24 of the International Covenant on Civil and Political Rights 1966, children's rights were extensively talked about. India as a party to these International Charters having rectified the Declarations, it is an obligation the Government of India to implement the same in the proper way.¹⁷ In *Gaurav Jain v. Union of India & Ors*,¹⁸ the Supreme Court made its ruling after having heard all the State Governments and Union Territories, 'segregating children of prostitutes by locating separate schools and providing separate hostels' would not be in the interests of the children or society at large. The Court issued several directives for creating juvenile homes for the rehabilitation of child prostitutes and neglected children. In their order, the judges drew extensively on a number of international declarations, treaties, and conventions. Specifically, the order refers to the Declaration of the Rights of the Child, November 20, 1959; the Declaration on Social and Legal Principles relating to Protection and Welfare of the Children with Special Reference to Foster or Placement and Adoption Nationally and Internationally, December 3, 1986; and the United Nations Standard Minimum Rules for the administration of Juvenile Justice (the Beijing Rules) dated November 29, 1985. However, although the CRC had already been ratified at that point, the Court did not refer to it. Another illustrative case dealing with children in need of care and protection is *Brindavan Sharma v. State*,¹⁹ heard by the Delhi High Court. In the present case, the children of a man jailed for murdering his wife were left destitute and virtually orphaned; while the man's daughter had to reside with a grandparent, his two sons both of whom were nearing the age of 18 lived in an orphanage which they would have to vacate on coming of age, leaving them homeless. The Court observed that "the children are victims of a system which does not provide any apparent relief to such unfortunate and totally innocent victims of a crime

and its aftermath", and it took the view that it was necessary to secure some form of financial support for them. The question that the Court exercised was whether the state owes any responsibility towards such children. Declaring that, it could not be a mute spectator and had to devise a procedure to assist helpless 'victims of crime and punishment', the Court in its order cited the CRC (in particular Articles 2(2), 8(1), 12(1), 12(2) and 39), along with other international human rights instruments and the Indian Constitution, stating that, "apart from the mandate of Articles 21 and 39 of the Constitution of India, this Court is duty-bound to recognize the country's obligation to its responsibilities and duties under the CRC 1989". Furthermore, noticing that there was a void in domestic legislation on this issue, the Court relied on the CRC to bind the state towards owning responsibility for such children. It observed: The international conventions and norms are to be read into them in the absence of enacted domestic laws occupying the field when there is no inconsistency between them. It is now an accepted rule of judicial construction, that regard must be had to international conventions and norms for construing domestic law when there is no inconsistency between them and there is a void in the domestic law. The Court also cited the CRC in directing the government to frame policies for ensuring the care and protection of children who are victims of crimes. In addition to ordering immediate support for them, the Court issued a notice directly to the Ministry of Social Justice and Empowerment, Government of India, and the Secretary, Ministry of Women and Child Development, to consider establishing and appropriately funding an assistance scheme. In a similar vein, the Supreme Court is also conducting judicial proceedings on the issue of care and protection for the children of prisoners.²⁰

14 The JJB is the competent authority responsible for adjudicating and disposing cases involving children in conflict with the law. It is a bench of three persons, headed by a Judicial Magistrate of First Class and two Social Worker Members. See, too, the introduction to this chapter.

15 The CWC is the competent authority responsible for care, protection and rehabilitation of children in difficult circumstances. It is a bench of five persons.

16 (1987) 3 SCC 50.

17 Ibid.

18 *Gaurav Jain v. Union of India & Ors*. 1990 Supp. SCC 709.

CHILDREN IN CONFLICT WITH THE LAW

The CRC has been invoked in several issues that concern children in conflict with the law. The most recent and the most prominent of which was the question of the minimum age of criminal responsibility. It is also noteworthy that, in relation to these various issues, the CRC featured not only in the higher courts but even the Juvenile Justice Boards (Juvenile Courts).

THE ISSUE OF AGE AND CRIMINAL RESPONSIBILITY

The minimum age of criminal responsibility (MACR) has always been, and still is, a matter of controversy. The Juvenile Justice (Care and Protection of Children) Act, of 2000, was ambiguous in this respect. One of the important questions it raised was, "What should determine whether juveniles are subject to juvenile proceedings or to the rules applicable to adult criminals, that is, the age at which they committed the offence, or at which they were apprehended? In 2009 the Supreme Court dealt with the issue in *Hariram v. State of Rajasthan*²¹ by giving retrospective effect to the Juvenile Justice (Care and Protection of Children) Act, 2000. It meant that those who (a) were above 16 years of age but below 18 years at the time of the commission of the offense, and (b) were treated as adults in the criminal justice system while the old Juvenile Justice Act of 1986 was in force could return to the courts and claim juvenile status, a development that saw many persons released from incarceration. The Court aligned its judgment with the CRC, certain international conventions, in particular, the Convention on the Rights of the Child, and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985, commonly known as the Beijing Rules. The controversy around age and juvenility reached its peak when a juvenile was involved in a gang rape in December 2012. The incident led to eight Writ Petitions in the Supreme

Court, some of them demanding a reduction of the age of juvenility from 18 to 16 years, and others calling for the Juvenile Justice Act of 2000 and its provisions to be declared unconstitutional. This legislation, it was said, provided immunity to 'hardened child criminals committing heinous offenses' and compromised the right to life guaranteed to citizens under Article 21 of the Indian Constitution. All eight of the petitions were clubbed together and decided under the lead case title of *Salil Bali v. Union of India*.²² While some of these were specific to the case of the juvenile accused in the gang rape, the general request of the petitioners was that in offenses such as rape and murder, juveniles should be tried under the criminal law as adults rather than under the Juvenile Justice Act. It was requested that the protection granted by the Act to children in conflict of law up to the age of 18 years should be removed and that the investigating agency should be permitted to keep a record of the juvenile offenders so that preventative measures may be taken to detect repeat offenders and bring them to justice. HAQ, a well-known children's rights protection organization, which was one of the interveners in this case, argued that the Juvenile Justice Act of 2000 is fairly progressive legislation, largely compliant with the Constitution and the minimum standards enshrined in the CRC. It further argued that most of the problems in the administration of juvenile justice relate to gaps in the implementation of the Act; and that the age of the juvenile must not be reduced. HAQ went on to say: On April 26, 2013, the Government of India adopted a new National Policy for Children. This policy defines a child as any person below the age of eighteen years and aims to guide and inform all laws, policies, plans, and programs that affect children. It mandates that all actions and initiatives taken by national, state, and local governments in any sector must respect and uphold the principles and provisions outlined in this policy. Given that this policy was carefully considered at all levels before its

19 Criminal Appeal No. 927 of 2002, Delhi High Court.

21 Criminal Appeal No. 907 Of 2009 S.L.P. (Cri.)No.3336 Of 2006).

22 2013 7 SCC 705.

23 Ganguly, Enakshi & Asthana, Anant (2015).

adoption, it would neither be appropriate nor feasible for the Union of India to deviate from its own policy by lowering the age of children as defined in the Juvenile Justice Act. It further submitted that all these Writ Petitions appear to be based on two assumptions: (1) that the age of 18 years for juveniles is set arbitrarily and (2) that by reducing the age of children in the Juvenile Justice Act, criminality among children will reduce. This approach and understanding are flawed. Firstly, it is not correct that the age of 18 years for juvenility was set arbitrarily and secondly, it fails to comprehend the causes and environment that bring children into delinquency. Setting up of age of juvenility as 18 years is a deliberate, thoughtful, and consistent legislative decision that is in line with the international standard set in the United Nations Convention on the Rights of the Child 1989, which India ratified in 1992 (HAQ submitted a list of 12 pieces of Indian legislation enacted between 1872 and 2013 in which the age of the child was prescribed as 18 years).²³ In the case under discussion, both the petitioners and those who intervened relied heavily on the CRC, the Beijing Rules, and the Riyadh Guidelines to argue their respective cases. HAQ referred as well to General Comment No. 10 of the 'UN Committee of the Rights of Child'²⁴ and to the Committee's Concluding Observations on India's two state reports, submitting that, '[o]n the question of making a provision in the existing Juvenile Justice Act to allow children of a specific age group to be tried as adults, it is pertinent to take notice of the General Comment No. 10 dated 25.04.2007 made by the UN Committee on the Rights of the Child, which has specifically dealt with this aspect'.²⁵ Upholding the constitutional validity of the Juvenile Justice Act, the Supreme Court dismissed all eight Writ Petitions. In doing so, it dwelt on India's international commitments: The Juvenile Justice (Care and Protection of Children) Act, 2000, is in

tune with the provisions of the Constitution and the various Declarations and Conventions adopted by the world community represented by the United Nations. The basis of fixing the age till when a person could be treated as a child at eighteen years in the Juvenile Justice (Care and Protection of Children) Act, 2000, was Article 1 of the Convention of the Rights of the Child, as was brought to our notice during the hearing.²⁶

THE OVERRIDING EFFECT OF THE JUVENILE JUSTICE ACT

The CRC was referenced in establishing the overriding effect of the Juvenile Justice Act over other legislations. This is particularly significant in light of the strict laws that apply to individuals, including children, involved in anti-national activities. In 2003, *Prabakaran v. State of Tamil Nadu & Others*²⁷ an important issue was presented before the Madras High Court, a case in which prayer was made to restrain a special court from conducting a trial against a juvenile under the Prevention of Terrorism Act, 2002 (POTA). The High Court delivered a judgment on 18.03.2003 holding that the Juvenile Justice Act is 'monarch in all it surveys in its field and ruling that Terror Laws shall not prevail over the Act and children shall continue to be treated as per its provisions.' Explaining the genesis of juvenile justice law in India, the Court made detailed references to the CRC, stating, 'International conventions and norms were read into fundamental rights in the absence of domestic law occupying the field'. Unfortunately, this position was altered in 2013 when the Supreme Court delivered judgment in *Mohd. Moin Faridulla Qureshi v. The State of Maharashtra*,²⁸ upholding a life sentence to a juvenile aged 17 years and two months on the date of the incident was charged along with several adults under the Terrorist and Disruptive Activities Act (TADA) for involvement in terrorist activities.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ 1987 AIR 2117.

²⁸ Criminal Appeal No. 653 and 656 of 2008, Supreme Court of India

²⁹ Ibid.

DECISIONS OF THE JUVENILE JUSTICE BOARD

The CRC's contribution is not restricted to the Supreme and High Courts. Juvenile Justice Boards, set up in each district for dealing with juveniles in conflict with the law, have also made use of CRC provisions to enforce children's rights. An order made in 2010 by the Principal Magistrate of Juvenile Justice Board-1 of Delhi used article 40 of the CRC (which requires states to promote the establishment of laws, procedures, authorities, and institutions specifically applicable to children) to institute a general rule that, procedures in the Criminal Procedure Code are not suitable for children's inquiries. Further to this, the order prohibited bailable/non-bailable warrants from being issued against juveniles, holding that neither the attachment of property, under section 83 of the Criminal Procedure Code, nor the proclamation, under section 82, of a juvenile being an offender, is consonant with the CRC. 29The order read: "There is no doubt that issuing a process under Section 82 of the Cr.P.C. severely interferes with the rights of a juvenile, as guaranteed by various provisions of the Delhi Juvenile Justice Rules 2009 and the Juvenile Justice Act 2000. This includes the juvenile's rights to privacy, dignity, confidentiality, and protection from stigmatization. The concept of privacy is fundamentally at odds with Section 82 Cr.P.C., which mandates that the process must be publicly displayed in a conspicuous location in the town, village, or even at the juvenile's own home. Therefore, there is a clear need for a procedural framework that considers both the legal requirements and the best interests of the juvenile, ensuring a balanced approach." This was the first-ever attempt by a Juvenile Justice Board to mark a clear departure from the criminal justice system for adults. With its order, the Board put to an end criminal-justice-oriented practice in Delhi, replacing it with a child-friendly procedure compliant with the Juvenile Justice Act. This historic order has been incorporated into the training curriculum of the National Legal Service Authority

and used to orient duty holders on juvenile justice. 30

THE CHILD AS WITNESS IN COURT

In 2013 the High Court of Delhi passed a crucial order regarding the competency of a child testifying in court.³¹ The text states that following the Convention on the Rights of the Child (CRC) and the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime developed by the Economic and Social Council of the United Nations (Res. 2005/20), courts are required to prioritize the principle of the best interests of the child. This means that they must consider how their decisions will affect the rights and interests of the child. To protect children from the trauma that can result from giving evidence in criminal proceedings, it is essential to shield them from such experiences.

CONCLUSIONS WITH SUGGESTIONS

The juvenile justice system is a progressive framework, especially important in a country where adolescents make up the largest demographic in the world, with 253 million individuals aged between 10 and 19. It is crucial to recognize that both national laws and international treaties play significant roles in this regard. Indian courts have frequently relied on international laws and treaties to guide their decisions. India has ratified and incorporated international conventions related to children into its domestic legislation, tailoring them to fit the unique context of the country. It is essential to have a clear understanding of the objectives of these laws, as any misunderstanding could undermine the entire justice system. It is important to understand the causes and circumstances that lead children into delinquency. International conventions and customs followed by various countries play a significant role in addressing global and national issues related to juveniles. The Convention on the Rights of the Child, established in 1989, is the most notable international commitment to recognizing children's rights. India has signed and ratified this convention and is making progress toward achieving its goals.

30 Ganguly, Enakshi & Asthana, Anant, *Litigating the Rights of the Child*, Research Gate, 2015 available at 10.1007/978-94-017-9445-9_3 last accessed 30th Dec, 2024.

31 *State v. Rahul* Criminal L.P. 250 of 2012, Delhi High Court.