

## **Sheela Barse Summary**

**a) It was adjudged that although the Children Act was passed but it was not enforced in some States – The Supreme Court had directed that such beneficial statute should be brought into force and administered without any delay**

**b) A petition was filed by a social worker seeking release of children below 16 years who were detained in jails – The directions were passed by the Supreme Court stating that the petitioner should have an access to the information and also, he should be permitted to visit the jails and other institutions that were connected with the housing of the delinquent or destitute children – It was further directed that the State Government should provide the necessary assistance to the petitioner regarding the same – The Court had also clarified that the information so collected by the petitioner should be placed before the Court, otherwise, it should not be published**

**c) A petition was filed for the release of children below 16 years who were detained in jail – The direction was issued by the Supreme Court to all the High Court and the district judges to submit to it all the information of children in jails, existence of juvenile Courts, etc., before a certain date – There was non-compliance of the said direction by some Courts – Hence, further directions were issued to the High Court to ensure the compliance**

**d) The detention of children below the age of 16 years in jail would be deprecated under Article 39(f) of the Constitution of India**

**e) It was adjudged that trial of children should be taken place in the juvenile Courts and not in the criminal Courts – Also, the special cadre of magistrates for the juvenile Courts must be recommended as per Section 5 of the Children Act, 1960**

**f) The case discussed the need for speedy trial of the children below the age of 16 years under Section 5 of the Children Act, 1960 – It was adjudged that where a complaint is filed or first information report (FIR) is lodged against a child for an offence that is punishable with the imprisonment of not more than seven years, the investigation should be completed within a period of three months from the date of filing of complaint or lodging of the FIR - If the investigation is not completed within the stipulated time, the case against the child must be considered as closed**

**g) In case of a trial of children below the age of 16 years, the Uniform Children Act is recommended throughout India instead of Children Acts at the State level and its earnest implementation**

**h) It was adjudged that every State Government must take necessary measures for setting up the adequate number of Courts, appointing requisite number of judges and providing them the necessary facilities – It is also necessary to set up an institute or academy for the training of the judicial officers**