

Juvenile Justice (Care and Protection of Children) Act 2015

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The Act seeks to achieve the objectives of the United Nations Convention on the Rights of Children as ratified by India in 1992. It specifies procedural safeguards in cases of children in conflict with the law. It seeks to address challenges in the existing Act such as delays in adoption processes, high pendency of cases, accountability of institutions, etc. The Act further seeks to address children in the 16-18 age group, in conflict with the law, as an increased incidence of crimes committed by them have been reported over the past few years.

The Juvenile Justice (Care and Protection of Children) Act, 2015 has come into force from January 2016 and repeals the Juvenile Justice (Care and Protection of Children) Act, 2000

Key provisions of the act

- **Change in nomenclature** from 'juvenile' to 'child' or 'child in conflict with law', across the Act to remove the negative connotations associated with the word "juvenile"
- **New definitions:** Several new definitions are included in it such as orphaned, abandoned and surrendered children; and petty, serious and heinous offences committed by children;
- **Clarity in powers, functions and responsibilities** of Juvenile Justice Board (JJB) and Child Welfare Committee (CWC); clear timelines for inquiry by Juvenile Justice Board (JJB).

- The Act mandates **setting up Juvenile Justice Boards and Child Welfare Committees** in every district. Both must have at least one woman member each

- **Offences and safety of children: It mentions Special provisions for heinous offences committed by children above the age of sixteen years –**

1. Special provisions have been made to tackle child offenders committing heinous offences in the age group of 16-18 years.
2. The Juvenile Justice Board is given the option to transfer cases of heinous offences by such children to a Children's Court (Court of Session) after conducting preliminary assessment.
3. The provisions provide for placing children in a 'place of safety' both during and after the trial till they attain the age of 21 years after which an evaluation of the child shall be conducted by the Children's Court. After the evaluation, the child is either released on probation and if the child is not reformed then the child will be sent to a jail for remaining term.
4. The law will act as a deterrent for child offenders committing heinous offences such as rape and murder and will protect the rights of victim.

- **Separate new chapter on Adoption to streamline adoption of orphan, abandoned and surrendered children under the act:**

1. To streamline adoption procedures for orphan, abandoned and surrendered children, the existing **Central Adoption Resource Authority (CARA) is given the status of a statutory body** to enable it to perform its function more effectively.
2. Separate chapter on Adoption provides for detailed provisions relating to adoption and punishments for not complying with the laid down procedure.
3. Processes have been streamlined with timelines for both

in-country and inter-country adoption including declaring a child legally free for adoption.

4. As per the provisions, a single or divorced person can also adopt, but a single male cannot adopt a girl child.

- **Inclusion of new offences committed against children** – Several new offences committed against children, which are so far not adequately covered under any other law, are included in the Act. **These include:**

1. Sale and procurement of children for any purpose including illegal adoption.
2. Corporal punishment in child care institutions.
3. Use of child by militant groups,
4. offences against disabled children and kidnapping and abduction of children.

- **Penalties for cruelty against a child**, offering a narcotic substance to a child, and abduction or selling a child have been prescribed.

1. The act mentions that Any official, who does not report an abandoned or orphaned child within 24 hours, is liable to imprisonment up to six months or a fine of Rs 10,000 or both.
2. The penalty for non-registration of child care institutions is imprisonment up to one year or a fine of one lakh rupees, or both.
3. The penalty for giving a child intoxicating liquor, narcotic or psychotropic substances is imprisonment up to seven years or a fine of one lakh rupees, or both.

- **Mandatory registration of Child Care Institutions:** All child care institutions, whether run by State Government or by voluntary or non-governmental organisations, which are meant, either wholly or partially for housing children, regardless of whether they receive grants from the Government, are to be mandatorily registered under the Act within 6 months from the date of commencement of

the Act. Stringent penalty is provided in the law in case of non-compliance.

▪ **Rehabilitation and social reintegration measures:**

1. **Under the act** several rehabilitation and social reintegration measures have been provided for children in conflict with law and those in need of care and protection.
2. Under the institutional care, children are provided with various services including education, health, nutrition, de-addiction, treatment of diseases, vocational training, skill development, life skill education, counselling, etc to help them assume a constructive role in the society.
3. The variety of non-institutional options include: sponsorship and foster care including group foster care for placing children in a family environment which is other than child's biological family, which is to be selected, qualified, approved and supervised for providing care to children