

# **Juvenile Justice (Care and Protection of Children) Amendment Bill, 2018**

August 18, 2020

The Juvenile Justice Act, 2015 addresses children in conflict with law and children in need of care and protection. It provides a comprehensive process for domestic and inter-country adoption of orphan, abandoned and surrendered children.

## **Features of the Amendment Bill, 2018**

- The Juvenile Justice Act, 2015 states that adoption of a child is final on the issuance of an adoption order by the court. The Bill provides that instead of the court, the district magistrate will issue such adoption orders, in order to expedite adoption proceedings.
- The Act requires the court to ensure that
  - the adoption is for the welfare of the child
  - due consideration is given to the wishes of the child
  - No party to the adoption has received any payment in consideration of the adoption.
- The Bill transfers these duties from the court to the district magistrate.

## **Features of the Juvenile Justice Act, 2015**

- Juvenile Justice Boards (JJBs) will be constituted in each district to deal with children in conflict with law. They will consist of a Metropolitan or Judicial Magistrate and two social workers, including a woman.
- Any person who is between the ages of 16-18 years and has committed a heinous offence may be tried as an adult, irrespective of date of apprehension. In all other cases, juveniles will get a maximum of three years

in institutional care, as determined by the JJB.

- In case of heinous offences, if a juvenile is apprehended before 21 years of age the JJB will conduct a preliminary inquiry. This will determine his mental/physical capacity to commit an offence and an understanding of its consequences. The JJB will then pass an order that recommends interventions like counseling or community service or staying at an observation home for a temporary or long-term period or refer the juvenile to a Children's Court to determine whether to try him as an adult.
- A Children's Court is a Sessions Court notified under the Commissions for Protection of Child Rights Act, 2005.
- Child Welfare Committees (CWCs) will be constituted in each district to deal with children in need of care and protection. They will be composed of a chairperson and 4 other members who shall be experts on matters relating to children. At least 1 of the members will be a woman.
- A child who is found to be in need of care and protection shall be brought before a CWC within 24 hours. Subsequently, a Social Investigation Report is required to be prepared within 15 days. After assessing the report, the CWC may recommend that the child be sent to a children's home or another facility for long term or temporary care, or declare the child as free for adoption or foster care.
- The Central Adoption Resource Agency will frame regulations on adoption. These regulations will be implemented by state and district agencies. Prospective adoptive parents should be physically and financially sound. A single or divorced person may adopt a child. A single male may not adopt a girl child. The Act also provides for inter-country adoption.
- The offence of assaulting, abandoning, abusing, or willfully neglecting a child will attract a punishment of up to 3 years of imprisonment and/or a fine of 1 lakh

rupees. The penalty for employing a child for the purpose of begging will lead to an imprisonment of up to 5 years and a fine of 1 lakh rupees.

- A person who gives a child an intoxicating or narcotic substance will be liable for imprisonment up to 7 years and a fine extending up to 1 lakh rupees. The penalty for selling or buying a child for any purpose will be imprisonment up to 5 years and a fine of 1 lakh rupees.