

Juvenile tried as an adult

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Why is it in the news?

- **The Juvenile Justice (Care and Protection of Children) Act, 2015** has come into force after the amendment of Juvenile Justice (Care and Protection of Children) Act, 2000. The Act **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.

What are the changes in this context?

- The Act defines a child as someone who is under age 18. For a child in conflict with law, age on the date of the offence is the basis for determining whether he or she was a child or an adult.
- The amended Act distinguishes children in the age group 16-18 as a category which can be tried as adults if they are alleged to have committed a **heinous offence** – one that attracts a **minimum punishment of seven years**. The Act does not, however, make it mandatory for all children in this age group to be tried as adults.
- 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.
- As per Section 15 of the JJ Act, there are **three criteria** that the Juvenile Justice Board in the concerned district should consider while conducting a preliminary assessment to determine whether the child should be tried as an adult or under the juvenile justice system
- whether the child has the mental and physical capacity to commit such an offence

- whether the child has the ability to understand its consequences
- the circumstances in which the offence was committed
- 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 the remaining term.