

The Juvenile Justice (Care and Protection of Children) Act, 2015

June 18, 2020

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**
- The 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.
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 the victim.

▪ **A separate new chapter on Adoption to streamline adoption of orphan, abandoned and surrendered children under the act:**

1. 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. Processes have been streamlined with timelines for both **in-country and inter-country adoption including declaring a child legally free for adoption.**

▪ **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. On an official not

reporting an abandoned or orphaned child, the penalty for giving a child intoxicating liquor, narcotic or psychotropic substances and the penalty for non-registration of child care institutions

- **All child care institutions**, whether run by State Government or by voluntary or non-governmental organizations, 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.
- Rehabilitation and social reintegration measures:
 1. **For children in conflict with the 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.
- **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