

Juvenile Justice Act

Why in news?

Recently Union Cabinet has proposed major amendments to the Juvenile Justice (Care and Protection of Children) Act 2015.

What is the Juvenile Justice (Care and Protection of Children Act) 2015?

- This act was passed in Parliament in 2015 to replace the Juvenile Delinquency Law and the Juvenile Justice (JJ) (Care and Protection of Children Act) 2000.
- It allows to trail the juveniles (16-18) who are in conflict with law, as adults for certain heinous crimes which is determined by JJ Board.
- The various heinous crimes are:
 - (i) A offence that attracts a minimum penalty of seven years imprisonment under any existing law
 - (ii) A serious offence is one that gets imprisonment between three to seven years
 - (iii) A petty offence which is penalized with up to three years imprisonment.
- The second major provision is to bring uniform adoption law instead of the Hindu Adoptions and Maintenance Act (1956) and Guardians of the ward Act (1890).
- Although the Act did not replace these laws but it streamlined adoption procedures for orphans, abandoned & surrendered children.
- It gave statutory status to Central Adoption Resource Authority (CARA) to function more effectively.

What are the proposed amendments in the law?

- It seeks to include a word called serious crime thereby differentiating it from heinous crimes in order to remove ambiguities.
- This means that for a juvenile to be tried in heinous crime as an adult, punishment for the crime should be minimum 7 years which pertains mostly to sexual offences and violent sexual crimes.
- This ensures that children, as much as possible, are protected and kept out of the adult justice system.
- At present, with no mention of a minimum sentence, juveniles (16-18) could also be tried as adults for a crime -possession and sale of an illegal substance, such as drugs or alcohol.
- It has also mentions that district magistrates (DM's) along with additional district magistrates will monitor the functioning of various agencies under the JJ Act in every district.
- This includes the Child Welfare Committees (CWC), the Juvenile Justice Boards, the District Child Protection Units and the Special juvenile Protection Units.

Why this amendment was proposed?

- NCPCR in its survey of 7,000 children's home found that 1.5 % of the homes do not conform to rules of JJ Act and 29 % of them had major shortcomings in their management.
- It also that not a single Child Care Institution (CCI) in the country was found to be 100 % compliant to the provisions of the JJ Act and children are living in unsanitary conditions.
- CCIs can be government-run, government-aided, privately run or run through government, private or foreign funding & they fall under the CWC.

- The state child protection units have little oversight and monitoring & new children's home can be opened without the sanction of the DM which creates many problems.

What will happen after the amendments?

- The new amendment ensures that children's home are opened with the DM's permission as CCIs now fall under DM's supervision.
- Now DM will carry out background checks of CWC members as there is no such provision currently to check if a person has a case of girl child abuse against him.
- The DM will also now be in charge of sanctioning adoptions, removing the lengthy court process.
- This ensures that adoption process is hastened & there is swift rehabilitation of children into homes and foster homes.
- Though the amendments are in positive direction but it gives too many responsibilities to the DM.

Source: The Indian Express