

## 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**