

Bill Summary

The Juvenile Justice (Care and Protection of Children) Bill , 2014

- The Juvenile Justice (Care and Protection of Children) Bill, 2014 was introduced by the Minister of Women and Child Development, Maneka Gandhi, in the Lok Sabha on August 12, 2014. It repeals the Juvenile Justice (Care and Protection of Children) Act, 2000.
- **Objectives:** The Bill seeks to achieve the objectives of the United Nations Convention on the Rights of Children as ratified by India on December 11, 1992. It specifies procedural safeguards in cases of children in conflict with law. It seeks to address challenges in the existing Act such as delays in adoption processes, high pendency of cases, accountability of institutions, etc. The Bill further seeks to address children in the 16-18 age group, in conflict with law, as an increased incidence of crimes committed by them have been reported over the past few years.
- **Coverage:** The Bill defines a child as anyone less than 18 years of age. However, a special provision has been inserted for the possibility of trying 16-18 year olds committing heinous offences, as adults. A heinous offence is defined as one for which the minimum punishment under the Indian Penal Code is seven years.
- **General principles:** These include (i) principle of presumption of innocence for any child up to the age of 18 years; (ii) principle of best interest for all decisions taken regarding the child; (iii) principle of institutionalisation stating that a child shall be placed in institutional care as a step of last resort, etc.
- **Juvenile Justice Boards (JJBs):** One or more JJBs to be constituted, for each district, for dealing with children in conflict with law. JJBs are composed of a Metropolitan or Judicial Magistrate and two social workers, one of whom shall be a woman.
- Powers and responsibilities of the JJBs include: (i) ensuring legal aid for a child; (ii) adjudicating and disposing of cases related to children in conflict with law; (iii) conducting regular inspection of adult jails to ensure no child is lodged in such jails and other inspection visits and; (iv) conducting inspection visits of residential facilities for such children.
- **Children’s Court:** A Children’s Court is a Court established under the Commissions for Protection of Child Rights Act, 2005 or a Special Court under the Protection of Children from Sexual Offences Act, 2012. It will try 16-18 year olds that commit heinous offences, after confirming that they are fit to be tried as adults. It ensures that a child in conflict with law is sent to a place of safety until he attains the age of 21 years, after which he is transferred to a jail. During the child’s stay in the place of safety, reformatory services such as counselling, etc. shall be provided. The Court shall ensure periodic follow up reports by District Child Protection Units.
- **Child Welfare Committees (CWCs):** States shall constitute one or more CWCs for each district for dealing with children in need of care and protection. The powers and responsibilities of a CWC include: (i) conducting inquiries; (ii) selecting registered institutions for the placement of a child and; (iii) addressing orphans, abandoned children, surrendered children and sexually abused children, etc.
- **Special Juvenile Police Units (SJPU) and Child Welfare Police Officers:** An SJPU will be established in each district, consisting of a police officer and two social workers. One Child Welfare Police Officer will be present in every police station.
- **Adoption:** Prospective adoptive parents must be consenting. A single or divorced person can also adopt, but a single male cannot adopt a girl child. Parents must be physically fit, financially sound, and mentally alert and motivated to adopt. Regulations regarding adoption shall be framed by the Central Adoption Resource Authority.
- **Penalties:** Any official, who does not report an abandoned or orphaned child within 24 hours, is liable to imprisonment up to six months or fine of Rs 10,000 or both. The penalty for non-registration of child care institutions is imprisonment up to one year or fine of one lakh rupees, or both. The penalty for giving a child intoxicating liquor, narcotic or psychotropic substances is imprisonment up to seven years or fine of one lakh rupees, or both.

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