The Juvenile Justice Bill, 2015

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What is the bill on?

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- The Bill replaces the Juvenile Justice (Care and Protection of Children) Act, 2000.
- It addresses children in conflict with the law.
- It also has provisions for children in need of care and protection.

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What are the key provisions?

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- **Trial** - The three types of offences defined by the Bill are:\n\n
  i. heinous offence - that attracts a minimum penalty of 7 years imprisonment under any existing law
  ii. serious offence - that gets imprisonment between 3 to 7 years
  iii. petty offence - penalized with up to 3 years imprisonment
- Juveniles between the ages of 16-18 years will be tried as adults for heinous offences.
- Any 16-18 year old, who commits a lesser, i.e., serious offence, may be tried as an adult.
- But this is only if he/she is detained after the age of 21 years.

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- Juvenile Justice Boards (JJB) and Child Welfare Committees (CWC) will be constituted in each district.
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- **JJB** - The JJB will assess the child's mental and physical capacity, ability to understand consequences of the offence, etc.
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- This is to determine whether a juvenile offender is to be sent for rehabilitation or be tried as an adult.
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- Based on this assessment, a Children's Court will decide further.
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- **CWC** - The Bill addresses children in need of care and protection.
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- If an orphaned, abandoned or surrendered child is found, he/she is brought before a Child Welfare Committee within 24 hours.
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- A social investigation report is conducted for the child.
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- The Committee will decide to either send the child to a children's home or any other facility it deems fit.
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- **Adoption** - CWC can also declare the child to be free for adoption or foster care.
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- The Bill outlines the eligibility criteria for prospective parents.
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- It also details procedures for adoption, and introduces a provision for inter-country adoption.
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- **Besides**, penalties for the following have been prescribed:
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i. cruelty against a child
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ii. offering a narcotic substance to a child
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iii. abduction or selling a child
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What are the concerns?

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- **Deterrence** - There are differing views on whether juveniles should be tried as adults.
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- It may not act as a deterrent for juveniles committing heinous crimes.
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- On the other hand, a reformative approach will reduce the likelihood of repeating offences.
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- **Constitution** - The provision of trying a juvenile as an adult based on date of apprehension could violate Article 14, Article 21.
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- It also counters the spirit of Article 20(1) by according a higher penalty for the same offence, if the person is apprehended after 21 years of age.
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- **UN provisions** -Under the UN Convention on the Rights of the Child every child under the age of 18 years should be treated as equal.
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- The provision of trying a juvenile as an adult thus contravenes the UN Convention.
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- **Discrepancy** - Some penalties provided in the Bill are not in proportion to the gravity of the offence.
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- E.g. the penalty for selling a child is lower than that for offering intoxicating or psychotropic substances to a child.
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- **Standing Committee** - The Standing Committee examining the Bill observed that it was based on misleading NCRB data.
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- This is because the data was based on FIRs and not actual convictions, regarding juvenile crimes.
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- It said that the approach towards juvenile offenders should be reformative and rehabilitative.
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- It also observed that the Bill violates some constitutional provisions.
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- These have been addressed by deletion of the relevant clause, at the time of passing the Bill in Lok Sabha.
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What are the shortfalls with the earlier Act?

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- The existing Juvenile Justice Act, 2000 was facing implementation issues and procedural delays with regard to adoption, etc.
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- The National Crime Records Bureau (NCRB) data suggests an increase in crimes committed by juveniles.
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- This is particularly in reference with those in the 16-18 years age group.
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- The percentage of juvenile crimes (in proportion to total crimes) has increased from 1% in 2003 to 1.2% in 2013.
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- Notably, the 16-18 year olds accused of crimes as a percentage of all juveniles accused of crimes increased from 54% to 66%.
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- Under the 2000 Act, any child in conflict with law may spend a maximum of 3 years in institutional care (special home, etc.).
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- The child cannot be given any penalty higher than 3 years, nor be tried as an adult and be sent to an adult jail.
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- This is regardless of the type of offence committed.
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Quick Fact

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Juvenile

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- In the Indian context, a juvenile or child is any person who is below the age of 18 years.
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- However, the Indian Penal Code specifies that a child cannot be charged for any crime until he/she has attained 7 years of age.

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