

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

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Submitted: 10-02-2022

Revised: 22-02-2022

Accepted: 25-02-2022

“There can be no more intense discovery of a society’s spirit than how it treats its youngsters.” - NELSON MANDELA

Juvenile Justice (Care and Protection of Children) Act, 2015 has been one of the major Acts which has pumped air of freshness and hope of justice among the justice seekers under Juvenile category. Before going into the details of this Act let’s have a look on the origin of the word “Juvenile”.

It comes from Latin **JUVENILIS**, meaning “of or belonging to youth, youthful”, from **JUVENIS** “young man, one in the flower of his age” (in Roman use, the period just beyond adolescence, from age 21 or 25 to 40). Meaning “pertaining to or suited to youth” is from 1660s. As a noun, “a young person”, from 1733 and Juvenile delinquency first recorded in 1816; Juvenile delinquent the following year. Slang shortening **JUVIE/JUVEY** is recorded from 1941 as “juvenile delinquent”, 1967 as “juvenile detention”. Legally speaking a juvenile felon is an adolescent who has been convicted or has been found condemned for an offence that is punishable by law. Such a juvenile is known as Child in Conflict with Law (CCL) according to juvenile justice (Care and Protection of Children) Act, 2015. This meaning of ‘Juvenile’ is obscure and bears no solid importance and requires in-depth analysis and discussion from various legal fraternities to establish a model set for the Juvenile.

The Juvenile Justice (Care and Protection of Children) Act, 2015 Section 1 (1) (2) (3) (4) it represents that:

- i. This Act might be popularly known as the Juvenile Justice (Care and Protection of Children) Act, 2015.
- ii. It reaches out to the entire of India aside from the State of Jammu and Kashmir.
- iii. It will come into power on such date as the Central Government may, by notification in the Official Gazette, choose.
- iv. Notwithstanding anything contained in some other law for now in power, the social

arrangements of this Act will apply to all issues concerning child’s needs care and security and youths in strife with law, including anxiety, confinement, arraignment, appropriate punishment or detention, restoration and social re-incorporation of kids in a struggle with Law.

The Juvenile Justice (Care and Protection of Children) Act was introduced and passed in Parliament in 2015 to replace the Juvenile Delinquency Law and the Juvenile Justice (Care and Protection of Children Act) 2000. One of the main provisions of the new Act was allowing the trial of juveniles in conflict with law in the age group of 16-18 years as adults, in cases where the crimes were to be determined. The nature of the crime, and whether the juvenile should be tried as a minor or a child, was to be determined by a Juvenile Justice Board. This provision received an impetus after the 2012 heinous Delhi gang rape in which one of the accused was just short of 18 years, and was therefore tried as a juvenile. This trial awakened the social activists, civil societies and responsible citizens to raise their voice in unison and to make sure that there must be an amendment brought to the existing law and the Juvenile age and their act of crime should be reconsidered and reevaluated under special act of crime.

THE INCLUSION OF SERIOUS CRIMES APART FROM HEINOUS CRIMES

Most heinous crimes have a minimum or maximum sentence of 7 years. According to the Juvenile Justice Act 2015, juveniles charged with heinous crimes and who would be between the ages of 16 -18 years would be tried as adults and processed through the adult justice system. The amendment passed by the Union Cabinet has included for the first time the category of “serious crimes” differentiating it from heinous crimes, while retaining heinous crimes. Both heinous and serious crimes have also been clarified for the first time, removing any ambiguity.

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This amendment means that for a juvenile to be tried for a heinous crime as an adult, the punishment of the crime should not only have a maximum sentence of 7 years or more, but also a minimum sentence of 7 years. This new provision has been made to ensure that children, as much as possible, are protected and kept out of the adult justice system. Heinous crimes with a minimum imprisonment of 7 years pertain mostly to sexual offences and violent sexual crimes. At present, with no mention of a minimum sentence, and only the maximum 7 year sentence, juveniles between the ages of 16 -18 years could also be tried as adults for a crime like the possession and sale of an illegal substance, such as drugs or alcohol, which will now fall under the ambit of a “serious crime”.

To ensure the speedy and the fair trial of the Juveniles the District Magistrates (DMs) along with Additional District Magistrates (ADMs) will monitor the functioning of various agencies under the JJ Act in every district . This includes the Child Welfare Committees, The Juvenile Justice Boards, The District Child Protection Units and The Special juvenile Protection Units.

It has been speculated that the institutional set-up required under the Juvenile Justice Act has not been built up completely and

district-level institutions generally lack the infrastructure and staff to adequately execute it. This hampers the work of the rehabilitative and reformatory programs leads to disappointment in accomplishing goals of restoration and reintegration work. There have been practically nil spotlights in organizing rehabilitative plans. Also, the role of the staff is not under satisfaction. There is a lack of coordination between staff and children. This leads to fewer opportunities for children to showcase their talent and skill and health issues of workers to implement certain roles and duties.

Juvenile Justice (Care and Protection) Act 2015 was passed considering the failure of Child protection. Yet at the same time there exists a similar circumstance due to the absence of duty and commitment, coordination between different partners in Child Protection and due to the absence of experienced and logical social work experts to grass-root level. Child protection should go under a single organization following with a positive, adequate, and proficient hierarchical structure which should root till the village level. The sense of satisfaction should prevail among all.