

THE JUVENILE JUSTICE [CARE & PROTECTION OF CHILDREN] ACT 2000



The Juvenile Justice [Care and Protection of Children] Act 2000 was enacted to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under this enactment.

‘Child In Conflict With Law’ means a juvenile who is alleged to have committed an offence.

JUVENILE JUSTICE BOARD (JJB)

1. Appointed by State Government to deal with matters relating to juveniles in conflicts with law.
2. Panel of Metropolitan Magistrate/ Judicial Magistrate of First Class [trained in children’s issues for at least 7 years] and to social workers of whom at least one shall be a woman.
3. Appointment of member of JJB to be terminated on grounds of –
 - Misuse of power,
 - Conviction for offence involving moral turpitude,
 - Failure to attend Board proceedings for 3 consecutive months / for less than three-fourths of the annual sittings of the Board.

PROCEDURE

- Juvenile in conflict with law to be produced before JJB/ a member of JJB when JJB is not sitting.
- JJB may act and pass orders in the absence of any member. At least two members including Magistrate to be present at time of final disposal of case.
- Opinion of majority will prevail. In absence of majority, opinion of Magistrate will prevail. Inquiry to be completed with 4 months.

JJB MAY PASS THE FOLLOWING ORDERS

- Counsel parents/ guardian and the child;
- Advise/ admonish the child and release;
- Advise the child to participate in group counseling and similar activities; perform community service;
- Order payment of fine, if juvenile is above 14 years of age and earns money;
- Release on probation of good conduct, and place under care of parent/ guardian or other fit person or fit institution;
- Send to a Special Home.

JJB to remove records of conviction after expiry of period of appeal/ a reasonable period.

ORDERS THAT CANNOT BE PASSED BY JJB

- CANNOT sentence to death/ life imprisonment/ commit to prison?
- CANNOT charge with/ try for offence with an adult.
- CANNOT pass orders seeking security for good behaviour, etc.



REMEMBER

- A juvenile **MUST** be released on bail irrespective of the offence.
- A juvenile may be released on bail with or without surety.

A JUVENILE MAY NOT BE RELEASED IF:

- Release brings him into an association with a criminal,
- Exposes juvenile to moral, physical or psychological danger,
- Defeats the ends of justice.
- A juvenile not released on bail must be kept in the Observation Home/ place of safety during the inquiry.
- Parents/ guardian of juvenile must be informed of detention of the juvenile as soon as possible.

TRANSPARENCY IN FUNCTIONING OF CHILD-CARE HOMES

- Inspection Committees to be appointed by State Government to visit Children's Homes. Inspection Committees to include representatives of State Government, local authority, Child Welfare Committee, voluntary organizations, medical experts and social workers.
- Social Audits to be conducted through persons and Institutions specified by Central or State Governments to monitor and evaluate the functioning of Children's Homes.
- Central And State Advisory Boards to be constituted by respective governments to advise governments on matters relating to establishment of Homes, providing facilities for education, training and rehabilitation of children/ juveniles. Eminent social workers, representatives of voluntary organizations, professionals etc. to be included on the Advisory Board.

ROLE OF SOCIAL WORKERS AND NGO'S

- JJB to include 2 social workers, at least 1 of whom should be a woman.
- Social workers/representatives of voluntary organizations to be appointed on child welfare committees (CWC), at least 1 of whom should be a woman.
- Voluntary organizations to establish and maintain child-care homes after obtaining recognition from State Governments.
- Social worker/ voluntary organization may be appointed as place of safety/ fit person/ fit institution.
- A child may be produced before CWC by CHILDLINE/ voluntary organization/ social workers/individuals.
- Representatives of voluntary organizations/ social workers to be appointed on Inspection Committees and to conduct social audits of Children's Homes.
- Social workers/ representatives of voluntary organizations to be appointed on Central and State Advisory Boards.

CHILD CARE HOMES

- Observation homes, special homes and children's homes to be established by State Government/ voluntary organizations for temporary reception, of children in need of care and protection during pendency of inquiry, and subsequently for their care, treatment, education, training, development and rehabilitation.
- Shelter home to be established by recognized, reputed and capable voluntary organizations to function as drop-in centers for children in need of urgent support.
- Place of safety to be established by State Government/ Voluntary Organization and approved by competent authority for the juvenile in conflict with law for serious offences; who has attained the age of sixteen years.



OFFENCE	PUNISHMENT
Whoever having actual charges of or control over a child, assaults, abandons, exposes or willfully neglects a child so as to cause the child mental or physical suffering.	Imprisonment for a term upto six months/ fine/ both.
Employing a child for the purpose for begging.	Imprisonment for a term upto 3 year & fine.
Abetting the commission of this offence.	Imprisonment for a term upto 1 year & fine.
Giving to any child any intoxicating liquor/ narcotic drug/ psychotropic substance except under medical advise.	Imprisonment for a term upto 1 year & fine.
Procuring of a child for hazardous employment and withholding earnings for own purpose.	Imprisonment for a term upto 3 years & fine.

- After-care organisations to be established by State Government/ voluntary organizations to care for children/ juveniles after they have left the Children's Home/ Special Home to enable them to lead an honest and industrious life.

against a child is punishable under this Act, and any other Act, which provides for greater punishment.

NON-INSTITUTIONAL CARE

- Adoption shall be resorted for the rehabilitation of such children who are orphaned, abandoned, neglected and abused. JJB is empowered to give children in adoption and carry out requisite investigations for purpose or adoption. Children's Homes are recognized as Adoption Agencies for scrutiny and placement of children.
- Foster care may be used for the temporary placement of infants who are ultimately to be given in adoption.
- Sponsorship programmes to provide support to families, Children's Home and Special Homes to meet medical, nutritional, educational and other needs of children.

CHILD IN NEED OF CARE AND PROTECTION MEANS A CHILD

- Who is found without any home and means of subsistence,
- Who resides with a person who has threatened to kill or injure the child/ has killed, abused or neglected some other child
- Who is mentally or physically ill or suffering from incurable disease and has no one for support,
- Whose parent/ guardian is unfit to control the child,
- Who does not have a parent and no one is willing to care him/ her,
- Whose parents have abandoned the child/ runaway child whose parents cannot be traced,
- Who is or is likely to be abused/ tortured/ exploited for sexual abuse or illegal acts,
- Who is vulnerable for induction into drug abuse or trafficking,
- Who is a victim of armed conflict/ civil commotion/ natural calamity.

PUNISHMENT FOR OFFENCES COMMITTED AGAINST CHILD/ JUVENILE.

Offences committed against a child are cognizable offences. An offence committed



CHILD WELFARE COMMITTEE [CWC]

1. Appointed by State Government to deal with matters relating to children in need of care and protection.
2. Five members including a Chairperson, one of whom should be a woman, & another an expert on children,
3. Appointment of members of CWC to be terminated on grounds of –
 - Misuse of power,
 - Conviction for offence involving moral turpitude,
 - Failure to attend Committee proceedings for 3 consecutive months/ for less than three-fourth of the annual sittings of the Committee.

PROCEDURE

- Any child in need of care and protection may be produced before the committee by special juvenile police, a childline organization, social worker, public-spirited citizen or by the child himself.
- On receipt of a report the committee or any police or special juvenile police unit shall hold an inquiry in the prescribed manner and the committee, on its own or on the report from any person or agency may pass an order to send the child to the children home for speedy inquiry by a social worker or child welfare officer.
- Restoration of the child shall be the prime objective of any children's home or shelter

home and shall take such steps for the child deprived of his family environment temporarily or permanently. (restoration of child means restoration to – parents, adopted parents, foster parents)

- If during the inquiry it is found that the child hails from a place outside the jurisdiction of the committee, it shall order the transfer of the child to the competent authority having jurisdiction over the place of residence of the child.

ROLE OF POLICE

- Special Juvenile Police Unit (SJPU) to be established to effectively handle children/ juveniles.
- Every police station to have a 'Juvenile or Child Welfare Officer' who is trained and oriented to handle child/ juvenile.
- SJPU/ police officer to inform parent/ guardian as soon as possible that juvenile has been arrested for alleged commission of an offence.

Newspapers, magazines, news sheets/ visual media are prohibited from disclosing the name, address, and any other particulars identifying the juvenile/ a photograph of the juvenile pending inquiry, except if competent authority feels disclosure is in the interest of the juvenile. Nothing under this Act prevents the media from reporting on the conditions prevailing in a child-care institution, on the contrary such reporting is essential in the interest of children incarcerated in institutions and having no contact with the outside world.