

Juvenile Justice Act Features

The JJA, 2015 introduced many changes to the existing law based on the requirements of the day in terms of reforming the laws and making the juvenile justice system more responsive to the changing circumstances of society. The Act seeks to hold the child accused of crime accountable, not through punishments, but through counseling.

- The Act amended in 2015 changed the nomenclature of ‘juvenile’ to ‘child’ and ‘child in conflict with the law’.
- The Act defines orphaned, surrendered and abandoned children.
- It also gives definitions for petty, serious and heinous crimes by children.
 - A heinous offence is one that attracts a maximum punishment of 7 years’ imprisonment under any existing law.
 - A serious offence is one that attracts imprisonment of 3 to 7 years.
 - A petty offence is one that attracts a maximum of 3 years’ imprisonment.
- The Act gives more clarity on the functions and powers of the Juvenile Justice Board and the Child Welfare Commission.
- **Juvenile Justice Board:**
 - This is a judiciary body before which children detained or accused of a crime are brought.
 - This acts as a separate court for juveniles since they are not to be taken to a regular criminal court.
 - The Board comprises of a judicial magistrate of the first class and two social workers, one of whom at least should be a woman.
 - The Board is meant to be a child-friendly place and not intimidating for the child.
- **Child Welfare Committee:**
 - The State Governments set up these committees in districts in accordance with the provisions of the Act.
 - The Committees have the power to dispose of cases for the care, protection, treatment, development and rehabilitation of the children in need of care and protection, as well as to provide for their basic needs and protection.
- The Act provides for an efficient and organized system for the adoption of orphaned, surrendered and abandoned children.
- It also makes it compulsory for all child care institutions to be registered.
- **An important provision of the amended Act is that it provides for minors in the age group 16 - 18 years to be treated as adults in the case of heinous crimes.**
- The Act also gives the Central Adoption Resource Authority (CARA) statutory status.
- **The Act distinguishes between children in conflict with the law and children in need of care and protection.**
- Under the previous Act, any minor, regardless of the crime committed, could be convicted only to a maximum of 3 years. Under no circumstances could the minor be tried in an adult court or sent to an adult jail, or given a penalty longer than 3 years. However, this changed with the 2015 amendment. All children below the age of 18 would be treated equally except for one departure from the norm. That is, in the case of heinous crimes. Any minor of the age group 16 - 18 and who has been accused of committing a heinous crime can be tried like an adult. For this, the Juvenile Justice Board would assess the child’s physical and mental capacities, his/her ability to comprehend the consequences of the crime, etc. and determine whether the child can be treated as an adult.

Who is a Juvenile?