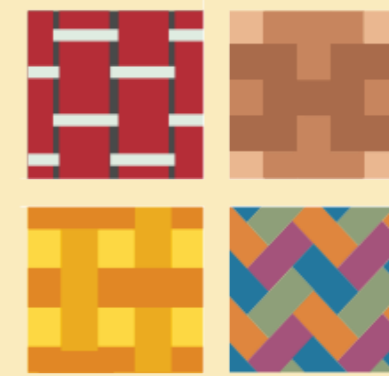


Hanns  
Seidel  
Stiftung



JUSTICE  
adda

**JUVENILE  
JUSTICE  
(CARE AND  
PROTECTION OF  
CHILDREN)  
ACT, 2015**



# CONTEXT

Children are regarded as supreme assets of a country. The state can make special provisions, in congruence with children's age, physical growth and mental capacity, towards their full development. This understanding underpins the Juvenile Justice system in India, which primarily aims at rehabilitating children found in conflict with the law and children in need of care and protection.

**According to National Crime Record Bureau, the percentage of juvenile crime has increased from 1% to 1.2% from 2003-2013 and children between the ages of 16-18 are found to be committing more heinous crimes in the recent past.**

**In this context, the Ministry of Women and Child Development introduced the Act in the Lok Sabha on 12 August 2014. The Act amends the former Juvenile Justice (Care and Protection) Act 2000 and reduces the age of criminality from that of 18 years to 16 years in case heinous offences committed by children.**

**The Act also seeks to protect children who are vulnerable by streamlining adoption procedures for orphaned, abandoned and surrendered children and provisioning rehabilitation facilities for children in need.**



# KEY PROVISIONS

## REDUCTION IN JUVENILE AGE

The law allows for children between the ages of 16-18 years to be tried as adults for heinous offences (punishment of seven years or more).

## JUVENILE JUSTICE BOARD

A Juvenile Justice Board is responsible for assessing if children in conflict with law should be tried as an 'adult' or a 'child'.



## **CHILD WELFARE COMMITTEE**

**A statutory body, the Child Welfare Committee is tasked with providing care and protection to orphaned, abandoned, missing children, among others, after making detailed inquiries.**

## **OBSERVATION HOMES**

**Children in conflict with law are kept in observation homes in order to rehabilitate them and facilitate their social integration into society.**

## **ADOPTION**

**CARA or Child Adoption Resource Authority frames the rules for adoption**

**of orphaned or surrendered children. If the child is not adopted by Indian parent(s) within the 30 days adoption window, inter-country adoption is permitted.**

## **FOSTER CARE**

**Children in need of care and protection reside with foster families who ensure their full development.**

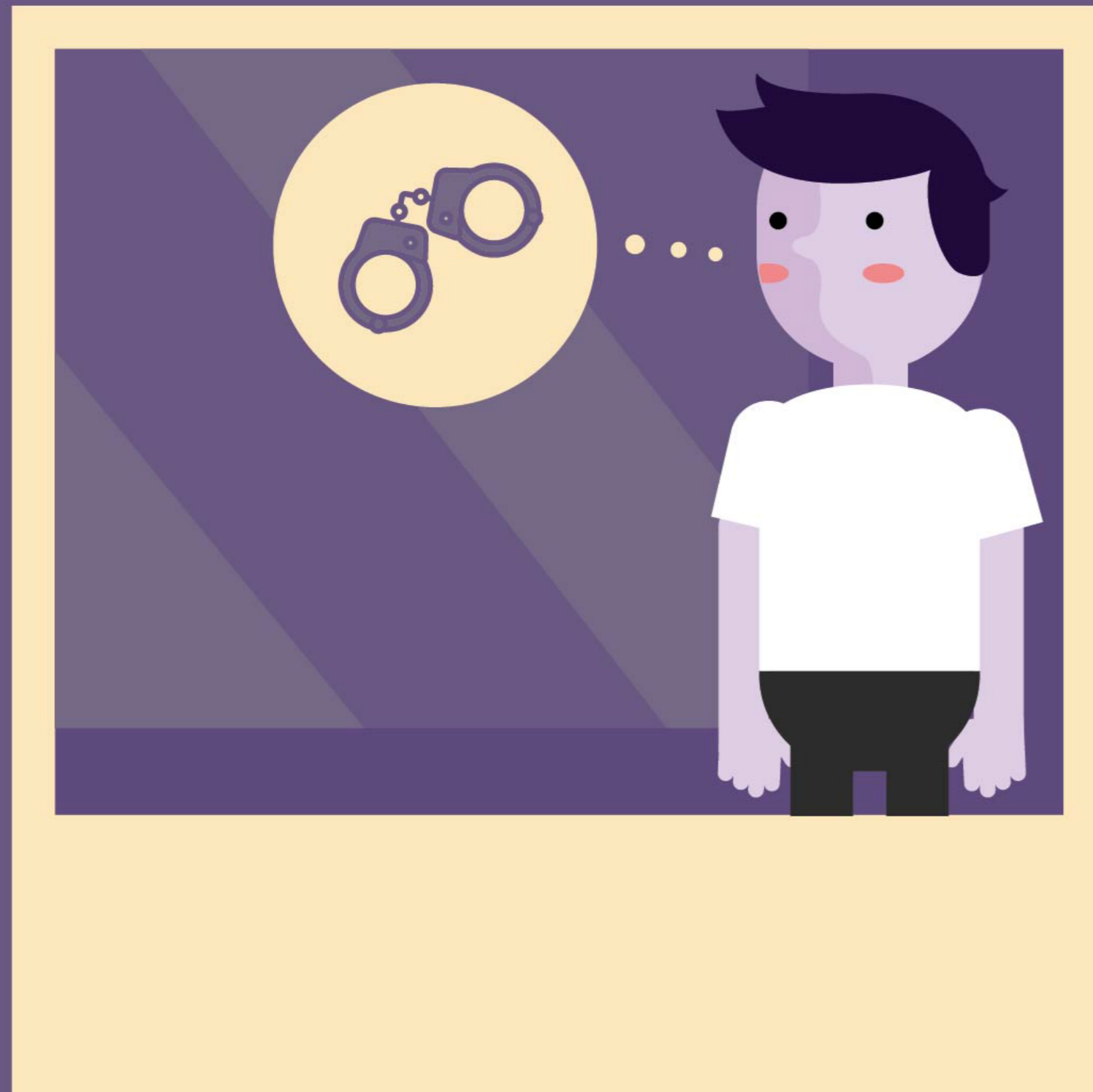
## **AFTER CARE**

**Children leaving a child care institution on the completion of 18 years are to be provided with financial support to facilitate their re-integration.**

# **ACTION POINTS**

**Supporters of the law opined that lowering the age (from 18 years) and trying a 16-year-old as an adult will deter crime. Critics of the law felt that the age amendment was a kneejerk response to public anger over increasing instances of violence against women and it ignored consideration of personal circumstances and mental capacity of children. Does this contradict the original objective of the law to rehabilitate children in conflict with the law?**

**As of now law enforcement authorities rely on documents such as matriculation and birth certificates (which help determine a child's physical age) to consider a child's mental capacity and psychological development.**



**The disciplines of neuroscience and child psychology could be an aid here. 77.5% of juvenile crimes or children in conflict with the law come from marginalised backgrounds. Will lowering the age disadvantage poor households without addressing structural inequalities in Indian society? Can the Juvenile Justice law facilitate constructive engagement between children in conflict with the law and survivors of juvenile crime and their families?**