

## A. THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

Prasad runs an NGO which deals with child rights. Sujata and Carmelina happen to visit the NGO at the same time. Sujata had approached the NGO about a case of a child who had run away from home repeatedly, whereas Carmelina approached regarding a child who was caught committing theft. Both wanted to know the law pertaining to such cases. Since both the issues were with respect to one and the same law, (The Juvenile Justice (Care and Protection of Children) Act 2015) Prasad decides to address them together.

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Let us learn about the Act through their conversation.

**Sujata:** Oh it's a new law? When did it come in force?

**Prasad:** The Juvenile Justice (Care and Protection of Children) Bill, 2015 was passed by Lok Sabha on 7<sup>th</sup> May, 2015; was passed by Rajya Sabha on 22<sup>nd</sup> December, 2015 and received Presidential assent on 31<sup>st</sup> December, 2015. It came into force on 15-January-2016.

**Carmelina:** In what way can the law help us in our cases?

**Prasad:** The JJ Act, 2015 provides for strengthened provisions for both children in need of care and protection and children in conflict with law.

**Sujata:** What is the difference between children in need of care and protection and children in conflict with law?

**Prasad:** The Act gives a list of children in need of care and protection. Such as children who are abused, orphaned, found begging, orphaned and surrendered children.

**Carmelina:** And who are children in conflict with law.

**Prasad:** These are children who break the law and commit a crime. However, they too are considered children in need of care and protection.

**Sujata:** Who deals with such type of cases? Do they have to go to court?

**Prasad:** No. there is a complete different mechanism under this Act.

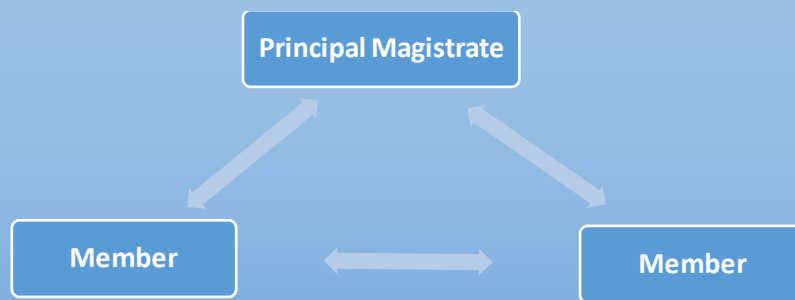
**Carmelina:** Which is the mechanism dealing with such cases?

**Prasad:** Sure. Let's learn about the first category i.e. children in conflict with law.

The Act defines petty, serious and heinous offences committed by children; all children who commit such crime are to be produced before Juvenile Justice Board.

**Carmelina:** What is the juvenile justice Board?

**Prasad:** This is a Board which deals with children who have committed a crime. The Board consists of three members.



**Carmelina:** Where does this Board meet?

**Prasad:** The Juvenile Justice Board have their sittings at Apna Ghar. In Goa we have a Juvenile Justice Board for each district.

**Carmelina:** - Can children be sent to jail?

**Prasad:** No. children who commit heinous crimes can be sent to a place of safety which is not the observation home. The Juvenile Justice Board is given the option to transfer cases of heinous offences by such children to a Children's Court (Court of Session) after conducting preliminary assessment.

**Carmelina:** What about the procedure before the Board?

**Prasad:** The Act provides that there should be a child friendly approach at every stage.

**Now let me tell you'll about Sujata's cases.**

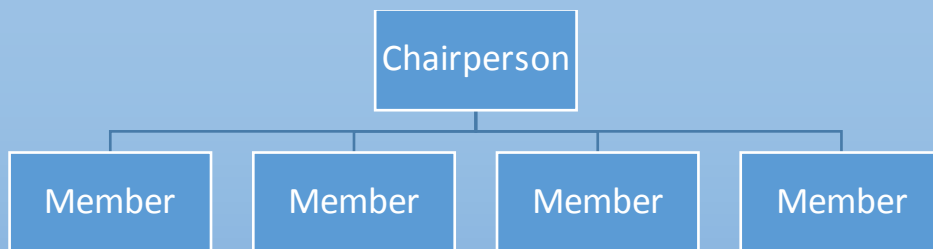
**Prasad:** The case what you told me about is to be treated in the second category which is children in need of care and protection.

**Sujata:** In this case too will the Juvenile Justice Board be the authority to try the case?

**Prasad:** No there is a different committee known as the Child Welfare Committee.

**Sujata:** Ok. Tell us about the CWC?

**Prasad:** The CWC comprises of 5 person as follows:-



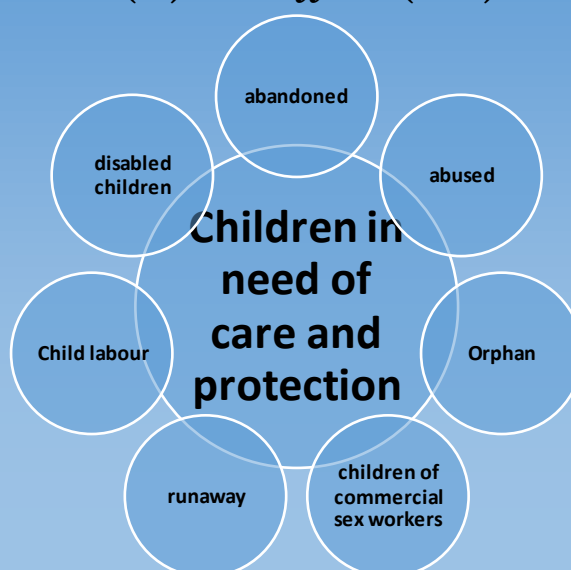
**Sujata:** Where does this Committee sit?

**Prasad:** They have their sitting at Apna Ghar Mercedes. There are two Committees in Goa one for the North District and other one for the South District.

**Sujata:** Who are children in need of care and protection?

**Prasad:** The categories of children in need of care and protection are as under

## Section 2 (14) of the JJ Act (2015)



**Sujata:** Is this a State Law or Central law?

**Prasad:** This is a Central law and is applicable to the whole of India except Jammu and Kashmir.

**Sujata:** Do we have to appoint a lawyer before the Board and the Committee?

**Prasad:** No, the District Court has appointed a panel of lawyers to represent children before the Juvenile Justice Board and Child Welfare Committee. The services of these lawyers are free.

**Sujata:** Does this law only deal with procedure? Are there any other areas that are dealt with under this Act?

**Prasad:** This Act also identifies certain type of abuse against children and punishment for the offences. Section 74 to 89 enlists different offences against children and the punishment for it. (For detailed information refer to the Bare Act).0000000