



How India's integrated juvenile justice system has strengthened over time

The law for child rights in India has evolved to strengthen and ensure the safety and well-being of children. For example, the Juvenile Justice (Care and Protection of Children) Act (JJA), 2015, was enacted to remove the ambiguities in its predecessor (2000) and introduce reformatory, welfare-oriented and more stringent safeguards for children. After its implementation, JJA created facilities, structures, and systems that addressed children's needs in the protection system.

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

1. The amendments reflect due consideration given by the government to issues that impact society and its correlation with some of the core provisions amended under JJA, which would otherwise have created unnecessary issues within the families, schools, and among custodians.
2. The other reason behind these amendments is the growing evidence of cases involving couples in marital dispute, dragging their children into these fights, invoking provisions against a spouse for vindictive reasons, fraudulent First Information Reports (FIRs) against teachers, custodians of incapacitated parents, and overlapping or doubling of provisions with other laws.
3. Over the course of time, the juvenile justice system is becoming more integrated and dynamic, with various other laws playing their part to crack down on criminal offences committed against children.
4. The amendments in JJA have brought more clarity and a better understanding of the classification of offences while dealing with crimes against children.
5. That is to say, offences where the punishment is imprisonment for more than seven years are cognisable and non-bailable, offences where the punishment is imprisonment for between three and seven years are non-cognisable and non-bailable and petty offences, where the punishment is imprisonment for less than three years or only a fine, are non-cognisable and bailable.
6. All such offences under this Act, after the 2021 amendment, have to be tried by a children's court. This amendment, when understood correctly, makes it clear that while an offence may be non-cognisable, the person committing the crime will not get bail easily as the offence is non-bailable.

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7. The creation of a special jurisdiction for trial offences under the Act by a children's court simplifies the ambiguities regarding trial of offences and provides for trial by a special court of law meant for crimes committed against children.

Way forward:

1. Redefining the role of district magistrates (DMs) in JJA implementation could lead to the participation of officers at the district-level in implementing the Act.
2. Further, more responsibility to the district administration will make the process of review and accountability of the protection easier and more efficient.