

# Government to revise Juvenile Justice Act

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With crime trends showing spiraling cases of involvement of juveniles in heinous crimes like rapes and murders, the Modi Government has decided to revise the Juvenile Justice (Care and Protection of Children) Act, 2000 to give more teeth to the juvenile justice board in deciding the fate of the young culprits.

The Woman and Child Development (WCD) Ministry has proposed, in cases of juvenile in the age group of 16-18 years involvement in heinous crimes such as rape, gangrape and murder, the Juvenile Justice Board will decide whether the juvenile should be sent to observation home or require a trial under a regular court.

"In case of a child alleged to be in conflict with law who has completed 16th year of age as on the date of commission of an offence under sections 302, 326A, 376, 376A or 376D of IPC, the JJ Board shall conduct an inquiry regarding the premeditated nature of such offence, the mitigating circumstances in which such an offence was committed, the culpability of the child on committing such offence," the draft says.

"It will then pass an order for continued adjudication of the case in accordance with the provisions of this Act or to

## THE NEW DRAFT...



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transfer such case to the court having jurisdiction over such offence," the draft says.

However according to the Bill, in no case the juvenile involved in a heinous crime will be sentenced to death or life imprisonment either when tried under the provisions of JJ Act or under the provisions of IPC, the draft states.

The former WCD Minister Krishna Tirath during the UPA regime had proposed that juveniles above 16 years of age, guilty of heinous crimes, be treated on par with adult offenders. This move was opposed by various NGOs and NCPDR who stated that this kind of proposal was against child rights.

The decision comes almost a year after the role of the juve-

nile in the December 16 gang-rape case which sparked off a debate over lowering the age limit for juveniles involved in heinous crimes and trying them under the provisions of the Indian Penal Code applicable for adults.

Apart from that, the revised version also calls for heavy penalty for children homes operating without registration and reporting abuse.

According to the officials, various organisations have raised the issues of delay in adoption process, inadequate provisions to deal with offences against children, and provision related to juveniles in conflict with law, in the age group of 16-18 years following which the Ministry decided to repeal and re-enact the JJ Act 2000.

