

7. Court Sets Aside Order to Try Juvenile as Adult

Prelims: Polity & Governance- Rights Issues

Mains: GS-II- Government Policies and Interventions for development in Various Sectors and issues arising out of their design and Implementation.

Why in News?

- ▶▶ A Delhi court has set aside the order of a Juvenile Justice Board (JJB) directing a Child in Conflict with Law (CCL) to face trial in a murder case as an adult.

Salient features of the Juvenile Justice Act 2015:

Children in conflict with the Law:

- ▶▶ It treats all the children below 18 years equally, except that those in the age group of 16-18 can be tried as adults if they commit a heinous crime.
- ▶▶ A child of 16-18 years age, who commits a lesser offence (a serious offence), may be tried as an adult if he is apprehended after the age of 21 years.
- ▶▶ A heinous offence attracts a minimum of seven years of imprisonment. A serious offence attracts three to seven years of imprisonment and a petty offence is treated with three-year imprisonment.
- ▶▶ No child can be awarded the death penalty or life imprisonment.

Children in need of care and protection:

- ▶▶ It calls for setting up of Child Welfare Committees (CWCs) in each district with a chairperson and four other members who have experience in dealing with children.
- ▶▶ The committee decides whether an abandoned child should be sent to care home or put up for adoption or foster care.

Juvenile Justice Boards:

- ▶▶ The Act mandates setting up of Juvenile Justice Boards (JJBs) in each district with a metropolitan magistrate and two social workers, including a woman.
- ▶▶ The JJBs will conduct a preliminary inquiry of a crime committed by a child within a specified time period and decides whether he should be sent to rehabilitation centre or sent to a children's court to be tried as an adult.
- ▶▶ The board can take the help of psychologists and psycho-social workers and other experts to take the decision.