

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO. †2689
TO BE ANSWERED ON 06.03.2020

JUVENILES IN CONFLICT WITH LAW

†2689. SHRI PANKAJ CHAUDHARY:

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

- (a) whether the Government has formulated or proposes to formulate any plan for the prevention of juvenile delinquency and if so, the details thereof;
- (b) whether the Government is considering to review the Juvenile Justice (Care and Protection of Children) Act, 2000 keeping in view the gravity of crimes being committed by the juveniles in conflict with the law and if so, the details thereof; and
- (c) whether the Government has proposed to assign the responsibility of care and protection of juveniles in conflict with the law to the Ministry of Women and Child Development instead of juvenile justice committee?

ANSWER

MINISTER OF WOMEN AND CHILD DEVELOPMENT
(SRIMATI SMRITI ZUBIN IRANI)

(a) to (c): The Ministry of Women and Child Development has enacted Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) which is the primary law for children in country. The Act provides a security net of service delivery structures including measures for institutional and non-institutional care to ensure comprehensive well being of children in distress situations. As per Section 2 (13) of Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act), "child in conflict with law" (CCL) means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence". As per Section 8 (3) (g) of the JJ Act, the functions and responsibilities of the Board shall include as transferring to the Committee, matters concerning the child alleged to be in conflict with law, stated to be in need of care and protection at any stage, thereby recognizing that a child in conflict with law can also be a child in need of care simultaneously and there is a need for the Committee and the Board to be both involved. Section 53 of the Act prescribes various rehabilitation and reintegration services to be provided in institutions for children. As per Section 3(vii) of the JJ Act, all resources are to be mobilised including those of family and community, for promoting the well-being, facilitating development of identity and providing an inclusive and enabling environment, to reduce vulnerabilities of children and the need for intervention under this Act. The primary responsibility of execution of the Act lies with the State Governments/UT Administrations concerned.

The Juvenile Justice (Care and Protection of Children) Act, 2000 was repealed by Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) which has come into effect from 15.01.2016. Some of the salient features of 'JJ Act' include categorisation of crime by children into petty, serious & heinous and special provisions to address heinous offences committed by children above the age of 16 years to act as a deterrent for child offenders committing such crimes.

Section 4 (1) of the JJ Act, provides that the State Government shall constitute for every district one or more JJBs for exercising the powers and discharging its functions relating to children in conflict with law.
