

JUVENILE JUSTICE (CARE & PROTECTION OF CHILDREN) ACT, 2015



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Under this Act any girl/boy below the age of 18 years comes under the category of Juvenile. This has been given the status of a special law for all the children who are either in conflict with law and are in need of care and protection.

According to this Act, children are divided into two categories viz:

1) Children in conflict with law :

The 'Juvenile' in conflict with law has been redefined under the Juvenile Justice(Care and Protection of Children)Act, 2015 as a 'child' in conflict with law. Offences have been categorized as petty/ serious/ heinous offences. Children in the age group of 16 - 18 years may be tried as adults in cases of heinous offences after preliminary assessment by the Juvenile Justice Board.

2) Children in Need of Care and Protection:

- a) who is found without any home or settled place of abode and without any ostensible means of subsistence; or
 - ii. who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street; or
 - iii. who resides with a person (whether a guardian of the child or not) and such person—
- b. has injured, exploited, abused or neglected the child or has violated any other law for the time being in force meant for the protection of child; or

- c. has threatened to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out; or
- d. has killed, abused, neglected or exploited some other child or children and there is a reasonable likelihood of the child in question being killed, abused, exploited or neglected by that person; or
- iv. who is mentally ill or mentally or physically challenged or suffering from terminal or incurable disease, having no one to support or look after or having parents or guardians unfit to take care, if found so by the Board or the Committee; or
- v. who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated, by the Committee or the Board, to care for and protect the safety and well-being of the child; or
- vi. who does not have parents and no one is willing to take care of, or whose parents have abandoned or surrendered him; or
- vii. who is missing or run away child, or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed; or
- viii. who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts; or
- ix. who is found vulnerable and is likely to be inducted into drug abuse or trafficking; or
- x. who is being or is likely to be abused for unconscionable gains; or
- xi. who is victim of or affected by any armed conflict, civil unrest or natural calamity; or

- xii. who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnisation of such marriage;

Procedure regarding children who are allegedly in conflict with law:

Apprehension of a child alleged to be in conflict with law.

- a) As soon as a child alleged to be in conflict with law is apprehended by the police, the child shall be placed under the charge of the special juvenile police unit or the designated child welfare police officer, who will then produce the child before the juvenile justice board without any loss of time but within a period of twenty-four hours of apprehending the child excluding the time necessary for the journey.
- b) Under no circumstances, child alleged to be in conflict with law shall be placed in a police lockup or lodged in a jail.

The State Government shall make rules consistent with this Act,—

- i) to provide for persons through whom (including registered voluntary or nongovernmental organisations) any child alleged to be in conflict with law may be produced before the Board;
- ii) to provide for the manner in which the child alleged to be in conflict with law may be sent to an observation home or place of safety, as the case may be.

Information to parents, guardian or probation officer.

- 1. Where a child alleged to be in conflict with law is apprehended, the officer designated as child welfare police officer of the police station, or the special juvenile police unit to which such child is brought, shall, as soon as possible after apprehending the child, inform —
 - i. the parent or guardian of such child, if they can be found, and direct them to be present at the Board before which the child is produced; and

- ii. the probation officer, or if no probation officer is available, a Child Welfare Officer, for preparation and submission within two weeks to the Board, a social investigation report containing information regarding the antecedents and family background of the child and other material circumstances likely to be of assistance to the Board for making the inquiry.
2. Where a child is released on bail, the probation officer or the Child Welfare Officer shall be informed by the Board.

Orders regarding child found to be in conflict with law.

1. Where a Board is satisfied on inquiry that a child irrespective of age has committed a petty offence, or a serious offence, or a child below the age of sixteen years has committed a heinous offence, then, notwithstanding anything contrary contained in any other law for the time being in force, and based on the nature of offence, specific need for supervision or intervention, circumstances as brought out in the social investigation report and past conduct of the child, the Board may, if it so thinks fit,—
 - a. allow the child to go home after advice or admonition by following appropriate inquiry and counselling to such child and to his parents or the guardian;
 - b. direct the child to participate in group counselling and similar activities;
 - c. order the child to perform community service under the supervision of an organisation or institution, or a specified person, persons or group of persons identified by the Board;
 - d. order the child or parents or the guardian of the child to pay fine:

Provided that, in case the child is working, it may be ensured that the provisions of any labour law for the time being in force are not violated;

- e. direct the child to be released on probation of good conduct and placed under the care of any parent, guardian or fit person, on such parent, guardian or fit person executing a bond, with or

without surety, as the Board may require, for the good behaviour and child's well-being for any period not exceeding three years;

- f. direct the child to be released on probation of good conduct and placed under the care and supervision of any fit facility for ensuring the good behaviour and child's well-being for any period not exceeding three years;
- g. direct the child to be sent to a special home, for such period, not exceeding three years, as it thinks fit, for providing reformative services including education, skill development, counselling, behaviour modification therapy, and psychiatric support during the period of stay in the special home:

Provided that if the conduct and behaviour of the child has been such that, it would not be in the child's interest, or in the interest of other children housed in a special home, the Board may send such child to the place of safety.

- 2. If an order is passed under clauses (a) to (g) of sub-section (1), the Board may, in addition pass orders to—
 - i. attend school; or
 - ii. attend a vocational training centre; or
 - iii. attend a therapeutic centre; or
 - iv. prohibit the child from visiting, frequenting or appearing at a specified place; or
 - v. undergo a de-addiction programme.
- 3. Where the Board after preliminary assessment under section 15 pass an order that there is a need for trial of the said child as an adult, then the Board may order transfer of the trial of the case to the Children's Court having jurisdiction to try such offences.

Order that may not be passed against a child in conflict with law

No child in conflict with law shall be sentenced to death or for life imprisonment without the possibility of release, for any such offence, either under the provisions of this Act or under the provisions of the Indian Penal Code or any other law for the time being in force.

Provision with respect of runaway child in conflict with law

1. Notwithstanding anything to the contrary contained in any other law for the time being in force, any police officer may take charge of a child in conflict with law who has run away from a special home or an observation home or a place of safety or from the care of a person or institution under whom the child was placed under this Act
2. The child referred to in sub-section (1) shall be produced, within twenty-four hours, preferably before the Board which passed the original order in respect of that child, if possible, or to the nearest Board where the child is found
3. The Board shall ascertain the reasons for the child having run away and pass appropriate orders for the child to be sent back either to the institution or person from whose custody the child had run away or any other similar place or person, as the Board may deem fit

Provided that the Board may also give additional directions regarding any special steps that may be deemed necessary, for the best interest of the child.

4. No additional proceeding shall be instituted in respect of such child

Section	Provision	Punishment
Section 74	<p>1. No report in any newspaper, magazine, news-sheet or audio-visual media or other forms of communication regarding any inquiry or investigation or judicial procedure, shall disclose the name, address or school or any other particular, which may lead to the identification of a child in conflict with law or a child in need of care and protection or a child victim or witness of a crime, involved in such matter, under any other law for the time being in force, nor shall the picture of any such child be published:</p> <p>Provided that for reasons to be recorded in writing, the Board or Committee, as the case may be, holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the best interest of the child.</p> <p>2. The Police shall not disclose any record of the child for the purpose of character certificate or otherwise in cases where the case has been closed or disposed of.</p>	<p>Any person contravening the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or fine which may extend to two lakh rupees or both.</p>

Section
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- a) Whoever, having the actual charge of, or control over, a child, assaults, abandons, abuses, exposes or wilfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering,

Provided that in case it is found that such abandonment of the child by the biological parents is due to circumstances beyond their control, it shall be presumed that such abandonment is not wilful and the penal provisions of this section shall not apply in such cases:

shall be punishable with imprisonment for a term which may extend to three years or with fine of one lakh rupees or both:

Provided further that if such offence is committed by any person employed by or managing an organisation, which is entrusted with the care and protection of the child, he shall be punished with rigorous imprisonment which may extend up to five years, and fine which may extend up to five lakhs rupees

Provided also that on account of the aforesaid cruelty, if the child is physically incapacitated or develops a mental illness or is rendered mentally unfit to perform regular tasks or has risk to life or limb, such person shall be punishable with rigorous imprisonment, not less than three years but which may be extended up to ten years and shall also be liable to fine of five lakhs rupees or both

<p>Sec 76</p>	<p>Any person having actual charge or by any means employs or force any child to beg or creates such a situation to make the child beg</p>	<p>Such person shall be punished with the imprisonment of maximum of five years and fine of upto Rs.one lakh.</p> <p>Provided that, if for the purpose of begging, the person amputates or maims the child, he shall be punishable with rigorous imprisonment for a term not less than seven years which may extend up to ten years, and shall also be liable to fine of upto Rs. five lakh or both</p>
<p>Sec 77</p>	<p>Whoever gives, or causes to be given, to any child any intoxicating liquor or any narcotic drug or tobacco products or psychotropic substance, except on the order of a duly qualified medical practitioner</p>	<p>Such person shall be punishable with rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine which may extend up to Rs one lakh or both</p>
<p>Sec 78</p>	<p>Whoever uses a child, for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance</p>	<p>Such person shall be liable for rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine up to Rs. one lakh or both</p>

<p>Sec 79</p>	<p>Notwithstanding anything contained in any law for the time being in force, whoever ostensibly engages a child and keeps him in bondage for the purpose of employment or withholds his earnings or uses such earning for his own purposes</p>	<p>Such person shall be punishable with rigorous imprisonment for a term which may extend upto five years and shall also be liable to fine of Rs. one lakh or both</p>
<p>Sec 80</p>	<p>If any person or organisation offers or gives or receives, any orphan, abandoned or surrendered child, for the purpose of adoption without following the provisions or procedures as provided under this Act</p>	<p>Such person or organisation shall be punishable with imprisonment of either description for a term which may extend upto three years, or with fine of upto Rs. one lakh or both</p>
<p>Sec 81</p>	<p>a) Any person who sells or buys a child for any purpose</p> <p>Provided that where such offence is committed by a person having actual charge of the child, including employees of a hospital or nursing home or maternity home</p>	<p>a) Such person shall be punishable with rigorous imprisonment for a term which may extend to five years and shall also be liable to fine of upto Rs. one lakh</p> <p>b) The term of imprisonment shall not be less than three years and may extend up to seven years.</p>

Sec 82

- a) Any person in-charge of or employed in a child care institution, who subjects a child to corporal punishment with the aim of disciplining the child
- b) If a person employed in an institution referred to in above mentioned situation is convicted of an offence under it
- c) In case, where any corporal punishment is reported in an institution referred to in part (a) and the management of such institution does not cooperate with any inquiry or comply with the orders of the Committee or the Board or court or State Government, the person in-charge of the management of the institution

a) shall be liable, on the first conviction, to a fine of ten thousand rupees and for every subsequent offence, shall be liable for imprisonment which may extend to three months or fine or with both

b) such person shall also be liable for dismissal from service, and shall also be debarred from working directly with children thereafter

c) shall be liable for punishment with imprisonment for a term not less than three years and shall also be liable to fine which may extend to one lakh

<p>Sec 83</p>	<p>a) Any non-State, self-styled militant group or outfit declared as such by the Central Government, if recruits or uses any child for any purpose</p> <p>b) Any adult or an adult group uses children for illegal activities either individually or as a gang</p>	<p>a) shall be liable for rigorous imprisonment for a term which may extend to seven years and shall also be liable to fine of upto Rs five lakh</p> <p>b) shall be liable for rigorous imprisonment for a term which may extend to seven years and shall also be liable to fine of Rs. five lakh</p>
<p>Sec 84</p>	<p>Kidnapping and abduction of child</p>	<p>The provisions of Sections 359 to 369 of the Indian Penal Code, shall apply to a child or a minor who is under the age of 18 years and all the provisions shall be construed accordingly</p>
<p>Sec 85</p>	<p>If any of the above mentioned crime is committed with a disabled child</p>	<p>Such person shall be liable to twice the penalty provided for such offence</p>

Cognizable and Non- Bailable offences

- 1) - Crimes in which punishment is for more than seven years
 - These cases will be handled by Juvenile Court (District and Session Courts)
- 2) - Crimes where punishment is from 3 years to 7 years
 - Such crimes which handled by Judicial Magistrate of First Class.
 - Crimes in which imprisonment is less than 3 years or only fine is mentioned
 - Such crimes will be handled by any Judicial Magistrate.

To whom complaint can be made:

- i) Any officer of Special Juvenile Police Units
- ii) Chairperson or any member of Child Welfare Committee
- iii) Chairperson or any member from Juvenile Justice Board
- iv) Appeal can be made to session court after JJ Board
- v) Appeal can be made to District Magistrate after Child welfare Committee

Toll Free Number 1098 or 100

National Commission for Protection of Child Rights monitors the implementation of the Act.

The National Commission for Protection of Child Rights (NCPCR) was set up in March 2007 under the Commissions for Protection of Child Rights (CPCR) Act, 2005, an Act of Parliament (December 2005). National Commission for Protection of Child Rights (NCPCR) is a statutory body under the Commissions for Protection of Child Rights (CPCR) Act, 2005 under the administrative control of the Ministry of Women & Child Development, Government of India.

NCPCR and State Commission for Protection of Child Rights(SCPCR) were made responsible for implementation and monitoring of below mentioned Acts:

- 1) The Juvenile Justice (Care and Protection of Children) Act,2015
- 2) The Protection of Children from Sexual Offences Act, 2012
- 3) Right of Children To Free and Compulsory Education Act , 2009



Head Office: 23, Friends Colony West, New Delhi 110065

📞 T. +91 11 47511111 🌐 www.satyarthi.org.in 📘 /KSCFIndia

**TO COMPLAINT ABOUT CHILD ABUSE, PLEASE CALL 1098
OR BACHPAN BACHAO ANDOLAN HELPLINE NUMBER 18001027222**