
Juvenile Justice (Care and Protection of Children) Act, 2000

Introduction

The Juvenile Justice (Care and Protection of Children) Act, 2000 is a landmark legislation enacted by the Parliament of India. It provide a comprehensive **framework for the care, protection, treatment, development, and rehabilitation** of juveniles in conflict with law and children in need of care and protection.

The Juvenile Justice (Care and Protection of Children) Act, 2000 was **assented to by the President of India on December 30, 2000**. It was subsequently published in the Gazette on December 30, 2000, and officially came into force on **April 1, 2001**.

It replaced the earlier Juvenile Justice Act, 1986, and was enacted in conformity with the **United Nations Convention on the Rights of the Child (UNCRC), 1989**, which India ratified in 1992.

Definition of Juvenile

Under this Act, a **juvenile** is defined as a person who has not completed **18 years of age**. This is a significant change from the 1986 Act, which defined a juvenile boy as below 16 years and a juvenile girl as below 18 years. The Act recognizes two categories:

1. **Juvenile in Conflict with Law** – A juvenile who is alleged to have committed an offence.
 2. **Child in Need of Care and Protection** – A child who is abandoned, neglected, abused, or without family support.
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Key Provisions of the Act

1. Juvenile Justice Board (JJB)

- Each district must establish a **Juvenile Justice Board** to deal with juveniles in conflict with law.
- The Board consists of a **Metropolitan Magistrate or Judicial Magistrate** and **two social workers (at least one woman)**.
- The Board follows a **child-friendly approach during inquiry** and does not treat the juvenile as a criminal.
- No juvenile can be tried in a regular criminal court.

2. Child Welfare Committee (CWC)

- Each district must have a **Child Welfare Committee (CWC)** to deal with children in need of care and protection.
- It consists of a **Chairperson and four other members**, including at least one woman.
- The CWC has the power to place the child in a children's home, shelter home, or with a fit person/institution.

3. Observation Homes

- Every State Government must establish **Observation Homes** for the temporary reception of juveniles in conflict with law during the pendency of inquiry.
- These homes ensure the juvenile's safety and well-being while the case is being heard.

4. Special Homes

- **Special Homes** are established for the rehabilitation and reformation of juveniles found to have committed an offence.
- The focus is on reformation, not punishment.

5. Children's Homes

- **Children's Homes** are established for the reception and care of children in need of care and protection.
- State Governments may run or aid voluntary organizations to run such homes.

6. Shelter Homes

- **Shelter Homes** are set up for children who are in need of urgent support, including street children and runaways.
- These serve as drop-in centres for immediate relief.

7. Prohibition of Certain Punishments

- A juvenile **cannot be sentenced to death or life imprisonment**.
- No juvenile shall be committed to prison.
- The Act prohibits joint proceedings of a juvenile with an adult accused.

8. Bail Provisions

- A juvenile (child below 18 years) **has the right to get bail**, even if the crime committed is serious. However, bail can be refused only **if releasing the juvenile could be dangerous** — either for the juvenile himself/herself, or for the general public.
- If bail is not granted, the juvenile must be **sent to an observation home**, not jail.

9. Rehabilitation and Social Reintegration

- The Act emphasizes **rehabilitation** over punishment.

- Measures include:
 - **Adoption** – Placing the child with a **legally adoptive family**.
 - **Foster Care** – Temporary placement with a family.
 - **Sponsorship** – **Financial and other support** to a child's family.
 - **After-care Programmes** – Support for juveniles leaving special homes.

10. Adoption

- The Act provides a **legal framework for adoption** of orphaned, abandoned, or surrendered children.
- It requires State Governments to **recognize adoption agencies** and **maintain registers of adoptable children**.

11. Fit Persons and Fit Institutions

- The **Board or CWC** may place a child **under the care of a fit person or fit institution** when institutional care is not in the child's best interest.

12. Confidentiality

- The Act ensures **confidentiality of proceedings**. No report in any newspaper, magazine, or visual media shall disclose the name, address, school, or any other detail that could identify a juvenile.

13. Role of State Government

- State Governments are **responsible for establishing and maintaining all homes, boards, and committees** under the Act.
- They must also **constitute inspection committees to regularly inspect** homes and institutions.

14. Appeal Provisions

- Any person aggrieved by an order of the JJB or CWC may appeal to the **Children's Court or the High Court**.

Principles Underlying the Act

The Act is guided by the following key principles:

- **Best interest of the child** is the paramount consideration.
 - **Non-stigmatization** – No labeling of juveniles as criminals.
 - **Reintegration** – Every effort to restore the child to the family and society.
 - **Child-friendly procedures** – All proceedings must be conducted in a simple, non-adversarial manner.
 - **Non-waiver of rights** – A juvenile cannot waive any rights guaranteed under the Act.
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Significance of the Act

The JJ Act, 2000 marked a major shift in India's approach to juvenile justice — from a punitive model to a **welfare and rehabilitation model**. It recognized that children who come in conflict with law are often themselves victims of social, economic, or family failure, and therefore need care and correction rather than punishment. It also aligned India's legal framework with international standards set by the UNCRC and the **Beijing Rules (UN Standard Minimum Rules for Juvenile Justice)**.

Conclusion

The Juvenile Justice (Care and Protection of Children) Act, 2000 is a progressive legislation that upholds the rights, dignity, and best interests of children. By establishing special institutions, boards, and committees with a rehabilitative focus, it ensures that juveniles are treated with compassion and given an opportunity to reform and reintegrate into society. It laid the foundation for the more comprehensive **JJ Act, 2015**, which introduced further reforms including the controversial provision to try juveniles aged 16–18 as adults in heinous offences.