



## **Suggestions from Commonwealth Human Rights Initiative (CHRI) on the Juvenile Justice (Care & Protection) Bill, 2014**

### **1. Mandatory Training of Magistrates -**

We need to make legal provisions for establishment of appropriate institutions for it.

Section 4(5) of the Juvenile Justice Bill, 2014 provides for 'induction training and sensitization of all members of the Board, including the Principal Magistrate, on care, protection, rehabilitation, legal provisions and justice for children as may be prescribed within a period of sixty days from the date of their appointment'.

Although no specific mention of such induction training has been made in the Bill for the members of the CWC but current circumstances and future requirements of appropriate candidates to carry out these important assignments shall eventually necessitate both initial orientation training and refresher courses for most of the members.

The mandatory provision of initial training for JJB members is a positive yet chimerical provision unless there co-exists a well-thought legal provision for constitution of State academies and institutes for training the members of Boards (and CWCs). As of now, there is no institute in the country that exclusively deals with matters relating to juvenile justice and child rights. The proposed academies shall function as institutes for foundation training, refresher courses, studies, research, resource units and legal, procedural and institutional reforms in this field.

Without such mandatory provision, the mandatory provision of initial training will run the risk of remaining just ink on paper and the impact desired will not be met.

It is therefore, proposed that a new section should be added to the Bill at any place after Section 105 which may run as follows:

*Every State Government/UT Administration, or a regional group of them, shall, within a period of two years from the commencement of this Act, establish an Academy for Juvenile Justice and Child Rights to function as a legal resource for training, research and resource agency for all aspects of work in relation to juveniles in conflict with law and children in need of care and protection,*

### **2. Concept of Selection Committees for Members of Board and CWCs**

We need a rethinking on it in the new Bill

Considering the uncompromising need for fair selection of members of the Juvenile Justice Boards and Child Welfare Committees, the concept of Selection Committees should not be scrapped and should remain intact in the new Bill as well. This, added with pre-established criteria for selection, will preclude arbitrariness in the procedure

of recruiting the members. Moreover, it will make it easier to track and monitor the performance of the Members.

### **3. Children's Court**

#### **The need for rethinking**

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Section 2(20) of the Juvenile Justice Bill, 2014 defines 'Children's Court' as 'a court established under the Commissions for Protection of Child Rights Act, 2005 or a Special Court under the Protection of Children from Sexual Offences Act, 2012, wherever existing and where such courts have not been designated, the Court of Sessions having jurisdiction to try offences under the Act'

This provision is an antithesis to the entire concept of Juvenile Justice. The intention of creating a separate Act for children was to have a parallel system for children in conflict with law and not include them in the criminal justice system. This Section completely delineates the difference between children and adults. It further diminishes the distinction between child victims and children in conflict with law by entitling the courts under POCSO the jurisdiction to adjudicate the cases involving children in conflict with law.

This needs rethinking and the restoration of special socio-judicial adjudication of matters related to children through the Juvenile Justice Boards by discarding the punitive-retributive approach of the present bill.

Thanks and Regards,

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