

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

RAJYA SABHA
UNSTARRED QUESTION NO. 1593
TO BE ANSWERED ON 02.08.2023

JUVENILE JUSTICE ACT, 2015

1593 SHRI VIVEK THAKUR:

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

- (a) whether the Ministry is considering reducing the maximum age limit of the accused in respect of serious and heinous crimes under the Juvenile Justice Act; and
- (b) if not, the reasons therefor?

ANSWER

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

(a) & (b) : No sir. The Government is administering the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act, 2015) as amended in 2021, which is the primary law for children in difficult circumstances. JJ Act, 2015, divides the offences into three main categories: petty offences, serious offences and heinous offences. Treatment of a child in conflict with the law is based on the offence the child is alleged to have committed, which was introduced for the first time under the JJ Act, 2015. As a result, determining the type of offence is critical, particularly in the case of "heinous offences," since children in conflict with the law may be tried as adults under section 18 (3) of the JJ Act, 2015, which provides that where the Juvenile Justice Board (JJB), after preliminary assessment under section 15, passes an order for trial of the said child as an adult. Thereafter, the JJB may order to transfer the case to the Children's Court for trial. Preliminary assessment is based on the principle of presumption of innocence of any malafide or criminal intent up to the age of eighteen years.

As per section 15 of JJ Act, 2015, in case of a heinous offence alleged to have been committed by a child, who has completed or is above the age of sixteen years, the JJB conducts a preliminary assessment with regard to his mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence, and may pass an order in accordance with the provisions of section 18 (3) of the JJ Act, 2015.
