

Bill changes child protection course

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KOCHI: There's a saying that a new law is created when there is a need. Taken in that spirit, the new Juvenile Justice (care and protection of children) Bill is a positive legislation that keeps pace with changing times, said government officials, civil society groups and legal experts as it addresses the needs of a child, in need of protection, in a wholesome manner. Now, states need to amend JJ rules.

"Every law has to be revisited, at least once in five years, to understand how the state and citizens have benefitted from it. The criminal laws were amended in 2015, but the JJ Bill was not passed and it had become difficult to carry out prosecution proceedings against several accused in many cases. They got away because the laws were not in place," said director general of prosecutions (DGP) T Asaf Ali.


It is a fact that the public discourse after Nirbhaya's gangrape - a case which shook the conscience of a nation - helped the bill's passage. Human Rights Law Network director Sandhya Raju said that it took seven years for the state to notify JJ Rules (2007) and only during the past few years did the all-important `arms' - including child welfare committees (CWCs), juvenile justice boards (JJBs), child protection units (CPU) - started functioning in all districts. It took seven years for the child protection units to be set up in each district, she said.

Sandhya said that police and the judiciary should sensitize persons handling such cases. "We need a full-time judge to look into the cases of children in need of protection. We don't want officials who will presume that a child is guilty. We need people who will probe and bring out the truth and that too by following `due' process," she said.

Activists felt that `problem' habits in kids can be detected early. Some need clinical intervention or counselling with a psychologist. "Such interventions lay bare the actual problem. The setting up of a child protection unit has helped JJ rules," said advocate Babitha Balraj, a JJB-member, Kozhikode.

WHAT THE LAW SAYS						A GRUESOME BACKGROUND
CRIME & PUNISHMENT	HALL OF SHAME (*till Sept)					
<ul style="list-style-type: none"> ➤ If a heinous crime is committed by a person aged between 16 and 18, it will be examined by the juvenile justice board (JJB) ➤ The assessment will be made by the board's panel of psychologists and social experts to ensure that the rights of the juvenile are duly protected ➤ The decision to try him/her as an adult would be on the basis of their assessment 	Year	Murder	Rape	Kidnapping	Procuring minor girls	Crimes against kids
	2008	37	215	87	13	183
	2009	44	235	83	14	206
	2010	42	208	111	6	211
	2011	47	423	129	9	835
	2012	34	455	147	10	664
	2013	40	637	136	15	1,024
	2014	39	709	116	10	1,385
	2015*	27	539	116	4	1,058

The primary trigger over the age of a perpetrator was the Nirbhaya case, a gruesome gangrape that shook the nation in December 2012. One of the accused in the case was a minor. This led to the question of a change in provision and stronger law

ADOPTION PROCESS	
<ul style="list-style-type: none"> ➤ The new legislation proposes to streamline adoption procedures for orphaned, abandoned and surrendered children as it establishes a statutory status for child adoption resources authority (CARA) 	 <ul style="list-style-type: none"> ➤ There are several rehabilitation and social integration measures for institutional and non-institutional children, along with sponsorship and foster care

The district child protection unit (DCPU) has a legal-cum-probation officer who comes into the picture when a child in conflict with law is brought in. "This officer submits a report on the child including his background, environment, behaviour and the crime. He is part of the JJB sitting and his report guides us. First-timers are admonished, warned and monitored for a year. If there is a repeat offence, we will bring the child back," said Babitha, who was part of a 20-member team of JJB members that visited all the observation and children's homes in Delhi.

One of the long-drawn demands have been for an effective 'counselling' system to redress the issues troubling a child. As of now there is no permanent counsellor, psychiatrist or psychologist in observation or children's home. "Most inmates don't open up before a part time counsellor because they perceive that such persons are associates of authorities," said Sandhya.

Interestingly, DGP Asaf Ali said that even the new bill is incomplete as it does not address several core points like the qualifications of CWC members. "They have been given magisterial powers to issue summons like statutory bodies. But there is no proper definition of who can become a member. There has to be a proper definition," he said.