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### Though criticised, Juvenile Justice Bill has a reformatory approach

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DNAHM98728 | 3/18/2016 | Author : Brijesh K Chhatrola | WC :590

#### FROM A LEGAL PERSPECTIVE

Parliament passed the much-needed Juvenile Justice (care and protection of children) Bill of 2015 on December 22 by voice vote amidst walkout by Left parties which demanded it be sent to a select committee for reconsideration. The day was marked with criticism from various sections of society, like lawyers, judges, politicians and various public figures.

Though the bill contains significant provisions for the protection, rehabilitation, social reintegration and reformation of children, it led to criticism and ruckus due to a single provision relating to criminal trial and age for conviction of a child offender contained in the bill.

Rajya Sabha passed the Juvenile Justice Bill in 2015, clause 15(3) of which, states that 'if a juvenile above the age of 16 years commits a heinous offence, he may be tried as an adult and subject to all provisions contained in Code of Criminal Procedure'. It also said that Juvenile Justice Board will determine whether the juvenile is fit to be tried as an adult based on the findings of the preliminary inquiry and also determine severity of offence and capability of juvenile offender to foresee the consequences of his action.

The period for preliminary inquiry was one month in the bill introduced in Lok Sabha in 2014 which was extended to three months in the bill passed by Rajya Sabha in 2015. The passing of such bill was criticised as it was against child rights and many named it as an influence of public moral rather than sound law mechanism. It was argued that the proposed clause 15(3) violates the Article 14 of the Right to Equality as it violates the fundamental right of the children by providing separate procedure of trial for the child offender of heinous crime.

The rehabilitation and reformatory approach of the bill is shown in the punishment as it does not allow juvenile to be sentenced to death or life imprisonment. Good behaviour of child offender and proper reformation for the rehabilitation in society will help in allaying the severity of punishment.

The proposed provisions of conviction of child offender may work as a means of deterrent. The Juvenile Justice Bill 2015 tried to balance between public moral and conscience and adhere to the Constitution and other laws but moral overweighs law. The purpose to convict the juvenile offender will be achieved only if court also takes liberal view in adjudicating matters.

UN convention on Rights of Children also stands in support of equal treatment to be followed for all children under the age of 18 years. Prima facie proposed bill violates such provision of UN convention but states are able enough to make and construe laws as per their prevailing circumstances in furtherance of the principal of justice and equity. Though much criticism moulded upon proposed bill it seems that masses received what they wanted from Parliament and Government. The purpose of democracy rules another time over the strict adherence to law. It was one of the oldest principal that those who does the crime, deserves the punishment.

Brijesh K Chhatrola, first year: 2015-2020, GNLU.

Legal system in other countries

As per the laws in England, a child above the age of 10 is liable for criminal offences.

In Australia, children above the age of 14 can be held liable for criminal offences.

Many states in the US also have provision of convicting child offenders for 12 years.

Our neighbour Bangladesh has a law to punish child above age 16 for severe offences.

Denmark and Russia have provisions of 15 and 16 years respectively.

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#### Stirs led to birth of most parties: PAAS

DNAHM111892 | 5/16/2017 12:00:00 AM | Author : DNA Correspondent | WC :290

Ahmedabad: Rajkot PAAS convener and PAAS Saurashtra spokesperson Brijesh Patel on Monday said that BJP is trying to take unnecessary political mileage out of the Patidar leaders' meeting with the Congress. In a message posted by him on various What

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#### 150 duped of `32L in name of Goa tour package

DNAHM111893 | 5/16/2017 12:00:00 AM | Author : DNA Correspondent | WC :107

Ahmedabad: More than 150 people have been duped of Rs32 lakh by a travel agency in the name of providing them a three day-four night package to Goa at Rs7,777 per person. Navrangpura police have lodged a complaint against Parth Shah, owner of Destiny

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**MICA student gets a `40.88 lakh job offer**

DNAHM111894 | 5/16/2017 12:00:00 AM | Author : DNA Correspondent | WC :270

Ahmedabad: A MICA graduate bagged the highest salary package of Rs40.88 lakh at the institute's annual campus placements, which was an increase of 60% over the last year, the institute said on Monday. MICA said in a release that the highest domestic



**Traffic cop arrested for murder of minor girl**

DNAHM111895 | 5/16/2017 12:00:00 AM | Author : DNA Correspondent | WC :151

Ahmedabad: Krishnanagar police on Monday arrested traffic cop Lakhan Singh for his involvement in murder of a 17-year-old Rita (name changed). She was killed when she resisted her lover's attempt to push her into flesh trade. Rita was brought to the



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