

ROLE OF JJB & CWC IN PROTECTING CHILD RIGHTS

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Introduction

Children are considered the greatest assets of a country. The future of any country depends upon how the children of that country are treated. Various rights are provided to children for their growth in a healthy and safe environment. Children rights are human rights that provide opportunities to children to develop their social, mental and physical well-being. India ratified the United Nations Conventions on the Rights of Child (UNCRC) in 1992, which have the provisions to end child suffering and provide rights to children according to their wants, needs and overall physical, social, and mental development. The Constitution of India under Article 14, Article 21, Article 23, Article 24 provide fundamental rights to the children and any laws regarding the children are framed with regard to these Constitutional provisions. Though the rights are provided to children, there is a lack of enforcement. We can still see the cases of child marriage, child labour and discrimination against children inform education, health care and many more. The infant mortality rate is still high in India. During the period of Covid 19, the condition of children, especially the poor children, became worst as they were deprived of education, food, health care facilities etc. The government enacted special legislation to protect the rights of children, like the Juvenile Justice Act. In this paper, the author will discuss the role of the Juvenile Justice Board and the Child welfare commission in protecting the rights of children.

Juvenile Justice Board & Child Welfare Commission

In 1986, India enacted the Juvenile Justice Act and The Juvenile Justice (care and protection) Act, 2015, after repealing the Juvenile Justice Act (Care and Protection) Act, 2000. After the case of Mukesh & Anr v State for NCT of Delhi & Ors, popularly known as the "Delhi gang rape case", the central government enacted this new Act. In general concept, a child means a person under the age of eighteen years and is not mature enough to understand what is right and what is wrong. The child is defined under Section 2(12) of the Juvenile Justice (care and protection) Act as a "child", which means a person who is under the age of eighteen years. This Act classifies the child into two categories that are "child in conflict with law" and "child in need of care and protection". On the date of commission of the crime, if the age of the child is under eighteen years, he is known as a child in conflict with the law. Under Juvenile Justice Act, there is a provision to constitute Juvenile justice board and child welfare commission.

Constitution of Juvenile Justice Board

In the Juvenile Justice (care and protection) Act, 2015, there is a provision to constitute Juvenile Justice Board. The objective behind the Constitution of the Juvenile justice board was to provide reformation and rehabilitation to a child who has committed the offence and not held the child guilty by punishment. This Act is constituted to deal with children in conflict with law under Section 4 of the Act. Under this Act, the board shall consist of a Principal Magistrate who is the Chief Judicial Magistrate or a Metropolitan Magistrate who have at least three years of experience. There shall be two social workers, of which one shall be women as prescribed by the law. The decision of the principal magistrate shall be final. Under Section 4(4) of the Act, the measures are given on which the member can be disqualified from being an aperture of the board.

Constitution of Child Welfare Commission

In the Juvenile Justice (Care and Protection) Act, 2015, there is a provision to constitute Child Welfare Commission. The Child welfare commission is constituted to deal with the child in need of care and protection under Section 27 of the Act. According to this Act, there shall be one or more than one child welfare committee in every district of the state to perform duties for the children in need of care and protection. There shall be a chairman and four other members in which at least one member should be a woman in this commission. To become a member of the child welfare committee person should possess all the prescribed conditions. For at least seven years, A person should be actively involved in education, welfare activities, and health in relation to children.

Protection of Child Rights

Juvenile Justice Board and Child Welfare Commission are responsible for protecting children and their various rights. The role of these bodies in protecting child rights are-

Role of Juvenile Justice Board

The juvenile justice board deal with the cases related to children in conflict with law constituted in any district. There are various functions of the Juvenile justice board-

- Board will ensure informed participation of the child, parents or guardians in the whole process.
- Ensure that the child's rights are being protected in the whole process of inquiry, arrest and rehabilitation.
- Ensure that legal aid should be available for the child through various legal services institutions.
- Suppose the child cannot understand the language during the proceedings. In that case, the board will provide a qualified interpreter or translator to that child.
- Board will include an individual care plan for child rehabilitation while disposing of the matter or passing the final order.

- Board will conduct an inspection of residential facilities provided to children in conflict with the law every month and will recommend District Child Protection Unit and State government to improve the quality of these residential facilities.

Role of Child Welfare Commission

The Juvenile Justice (care and protection) act states the function of the child welfare commission under Section 30. The child welfare commission deals with children in need of care and protection. In protecting the rights of children, the role of the Child Welfare Commission are-

- Conduct inquiry on the matters related to the safety of the children and will direct to investigate and submit reports in issues related to child to District child protection unit, child welfare officers, and non-governmental organisations.
- Conduct the inquiry to find a fit person who can take care of children who is in need of care and protection.
- The commission will select the institution to shift the child that requires special support on the basis of the child's age, disability, gender and need.
- The commission will ensure rehabilitation, restoration, care and protection to the child. It can give instructions to parents or guardians or the people who are fit to provide facilities necessary for the well-being and proper development of the child.
- It collaborates with the institutions involved in the care and protection of children like police, non-governmental organisations and other agencies to provide services to a child in need of care and protection.
- Commission make all efforts to find the families of lost and abandoned children and restore them to their families.

These are the various roles of the Juvenile justice board and child welfare commission in protecting the rights of children. These bodies protect the rights of children and provide them with a safe environment for their well-being. Children in conflict with the law need special care and protection instead of treating them like the other criminals, and the Juvenile justice board ensures the protection of their rights during proceedings. Child welfare committees are constituted to protect the children in need of care and protection and carrying out functions to protect the right of these children.

Conclusion

Our Constitution provides various legal, social and political rights to the children to live with dignity, good health, protection and education. There are various special laws to protect the rights of children, and one of them is the Juvenile Justice (care and protection) Act, 2015. This Act provides protection to children below 18 years of age. It has categorised children as children in need of care and protection and child in conflict with the law. It has the provisions to establish the Juvenile justice board and child welfare commission which protect the children and their rights. Due to the influence of society, social media or various internet

sites, children are involving in different criminal activities. These types of bodies are required to protect children from these activities. There are some children who need special care and protection, and the child welfare commission works for these children to protect them and their rights.

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