

Status of Human Rights, Juvenile Justice and Freedom of the Press in India

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Indian Media remembers Lippmann quote that there can be no higher law in journalism than to tell the truth and to shame the devil but forgets Section 21 of Juvenile Justice Act which is inspired by the UNCRC.

The Juvenile Justice Act [JJ Act] inspired by nothing less than the UNCRC - United Nations Convention on the Rights of the Child is a marvellous law. It has a specific provision that bans trial by media. However, on 03/06/2009, a news item appeared in the New Delhi Edition of The Times of India on page 4, titled “BOY SHOOTS FRIEND OVER TV REMOTE”. It reveals the age, name and address of the juvenile in question.

In the past, while reporting about Gurgaon Euro International School shooting, eight year old Bihar child serial killer, Satna School killing etc the media had violated Section 21 of JJ Act. It seems that disobeying law by media in India seems to be the order of the day.

The said provision in essence bars publication of name, etc., of juvenile or child in need of care and protection involved in any proceeding under the Act.

Section 21(1) states that: No report in any newspaper, magazine, news-sheet or visual media of any inquiry regarding a juvenile in conflict with law or a child in need of care and protection under this Act shall disclose the name, address or school or any other particulars calculated to lead to the identification of the juvenile or child shall nor shall any picture of any such juvenile or child shall be published: Provided that for any reason to be recorded in writing, the authority holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the interest of the juvenile or the child.

Section 21(2) states that: Any person who contravenes the provisions of sub-section (1), shall be liable to a penalty which may extend to twenty-five thousand rupees”.

In Jose Maveli, Director v. State of Kerala and Anr., [2007 CriLJ 2709 at paras. 92, 94.] it was held by the Hon’ble High Court of Kerala in paragraph 92 of the judgement that publications violating Section 21 of JJ Act must be stopped forthwith. Justice Hema in para. 94 observed that publications in contravention of Section 21 are clearly illegal. There should be no doubt that Section 21 must be scrupulously followed by the media and all concerned.

Its high time for the National Commission for Protection of Child Rights (NCPCR) to act as per the Commission for Protection of Child Rights Act, 2005 and examine the safeguards provided by or under JJ Act and also recommend measures for their effective implementation. It should also inquire into violation of child rights and recommend initiation of proceedings in such cases.

About Author Arjun Natarajan: I attach immense importance to the rule of law and the right to fair trial, with special emphasis as regards juveniles in conflict with law. For further details about me visit www.linkedin.com/pub/arjun-natarajan/10/76/6a6

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