

Bill No. 56 of 2021

**THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN)
AMENDMENT BILL, 2021**

A

BILL

to amend the Juvenile Justice (Care and Protection of Children) Act, 2015.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021. Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2 of 2016. **2.** In section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as principal Act),— Amendment of section 2.

(i) clause (4) shall be omitted;

(ii) in clause (14),—

(a) in sub-clause (ii), after the words “contravention of”, the words “the provisions of this Act or” shall be inserted;

(b) for sub-clause (vi), the following sub-clause shall be substituted, namely:—

“(vi) who does not have parents and no one is willing to take care of and protect or who is abandoned or surrendered;”;

(c) in sub-clause (ix), for the words “is likely to be”, the words “has been or is being or is likely to be” shall be substituted;

(iii) in clause (17), for the words “Children’s Home”, the words “child care institution” shall be substituted;

(iv) in clause (26), for the words “which is the focal point”, the words “which shall function under the supervision of the District Magistrate” shall be substituted;

(v) after clause (26), the following clause shall be inserted, namely:—

“(26A) “District Magistrate” includes Additional District Magistrate of the District;”;

(vi) in clause (46), the words “the person in-charge of which is willing” shall be omitted;

(vii) for clause (54), the following clause shall be substituted, namely:—

“(54) “serious offences” includes the offences for which the punishment under the Indian Penal Code or any other law for the time being in force, is,—

(a) minimum imprisonment for a term more than three years and not exceeding seven years; or

(b) maximum imprisonment for a term more than seven years but no minimum imprisonment or minimum imprisonment of less than seven years is provided.’.

Amendment of section 3. **3.** In section 3 of the principal Act, for the words “the Board, and”, the words “the Board, the Committee, or” shall be substituted.

Amendment of section 4. **4.** In section 4 of the principal Act, in sub-section (7), in clause (iii), for the words “less than”, the word “minimum” shall be substituted.

Amendment of section 8. **5.** In section 8 of the principal Act, in sub-section (3), in clause (m), for the words “of such a child to the observation home”, the words “that child to an observation home or place of safety, as the case may be,” shall be substituted.

Amendment of section 12. **6.** In section 12 of the principal Act, in sub-section (2), after the words “observation home”, the words “or a place of safety, as the case may be,” shall be inserted.

Amendment of section 16. **7.** In section 16 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) The District Magistrate may, as and when required, in the best interest of a child, call for any information from all the stakeholders including the Board and the Committee.”.

Amendment of section 18. **8.** In section 18 of the principal Act, in sub-section (1), after the words “heinous offence,”, the words and figures “or a child above the age of sixteen years has committed a heinous offence and the Board has, after preliminary assessment under section 15, disposed of the matter” shall be inserted.

9. In section 27 of the principal Act,—

Amendment of
section 27.

(i) for sub-section (4), the following sub-sections shall be substituted, namely:—

5 “(4) No person shall be appointed as a member of the Committee unless he has a degree in child psychology or psychiatry or law or social work or sociology or human health or education or human development or special education for differently abled children and has been actively involved in health, education or welfare activities pertaining to children for seven years or is a practicing professional with a degree in child psychology or psychiatry or law or social work or sociology or human health or education or human development or special education for differently abled children.

10 (4A) No person shall be eligible for selection as a member of the Committee, if he—

(i) has any past record of violation of human rights or child rights,

15 (ii) has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or has not been granted full pardon in respect of such offence,

(iii) has been removed or dismissed from service of the Government of India or State Government or an undertaking or corporation owned or controlled by the Government of India or State Government,

20 (iv) has ever indulged in child abuse or employment of child labour or immoral act or any other violation of human rights or immoral acts, or

(v) is part of management of a child care institution in a District.”.

(ii) in sub-section (7), in clause (iii), for the words “less than”, the word “minimum” shall be substituted;

25 (iii) for sub-section (8), the following sub-section shall be substituted, namely:—

“(8) The Committee shall submit a report to the District Magistrate in such form as may be prescribed and the District Magistrate shall conduct a quarterly review of the functioning of the Committee.”;

(iv) for sub-section (10), the following sub-section shall be substituted, namely:—

30 “(10) The District Magistrate shall be the grievance redressal authority to entertain any grievance arising out of the functioning of the Committee and the affected child or anyone connected with the child, as the case may be, may file a complaint before the District Magistrate who shall take cognizance of the action of the Committee and, after giving the parties an opportunity of being heard, pass appropriate order.”.

35 **10.** In section 32 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment of
section 32.

40 “(2) The information regarding a child referred to in sub-section (1) shall be uploaded by the Committee or the District Child Protection Unit or the child care institution, as the case may be, on a portal as may be specified by the Central Government in this behalf.”.

11. In section 37 of the principal Act, in sub-section (1), the words “submitted by Child Welfare Officer” shall be omitted.

Amendment of
section 37.

45 **12.** In section 38 of the principal Act, in sub-section (5), after the words “shall inform”, the words “the District Magistrate,” shall be inserted.

Amendment of
section 38.

- Amendment of section 40. **13.** In section 40 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely: —
- “(4) The Committee shall submit a quarterly report regarding restored, dead and runaway children to the State Government and the District Magistrate in such form as may be prescribed.”. 5
- Amendment of section 41. **14.** In section 41 of the principal Act,—
- (i) in sub-section (1), the words “, within a period of six months from the date of commencement of this Act,” shall be omitted;
- (ii) in sub-section (2), for the words “shall determine”, the words “shall, after considering the recommendations of the District Magistrate, determine” shall be substituted. 10
- Amendment of section 54. **15.** In section 54 of the principal Act,—
- (i) in sub-section (2), for the words “District Child Protection Units or State Government, as the case may be”, the words “District Magistrate” shall be substituted;
- (ii) in sub-section (3), for the words “District Child Protection Unit or the State Government”, the words “District Magistrate” shall be substituted. 15
- Amendment of section 55. **16.** In section 55 of the principal Act, in sub-section (1), after the words “State Government”, the words “or District Magistrate” shall be inserted.
- Amendment of section 56. **17.** In section 56 of the principal Act, in sub-section (5), for the word “Court”, the words “District Magistrate” shall be substituted. 20
- Amendment of section 58. **18.** In section 58 of the principal Act,—
- (i) in sub-section (3), for the words “in the court”, the words “before the District Magistrate” shall be substituted;
- (ii) in sub-section (4), for the words “court order”, the words “order passed by the District Magistrate” shall be substituted. 25
- Amendment of section 59. **19.** In section 59 of the principal Act,—
- (i) in sub-section (7), for the words “in the court”, the words “before the District Magistrate” shall be substituted;
- (ii) in sub-section (8), for the words “court order”, the words “order passed by the District Magistrate” shall be substituted. 30
- Amendment of section 60. **20.** In section 60 of the principal Act, in sub-section (1), for the word “court”, the words “District Magistrate” shall be substituted.
- Amendment of section 61. **21.** In section 61 of the principal Act,—
- (i) for the marginal heading, the following marginal heading shall be substituted, namely:— 35
- “Procedure for disposal of adoption proceedings.”;
- (ii) in sub-section (1), for the word “court”, the words “District Magistrate” shall be substituted;
- (iii) in sub-section (2), for the word “court”, the words “District Magistrate” shall be substituted. 40
- Amendment of section 63. **22.** In section 63 of the principal Act, for the word “court”, the words “District Magistrate” shall be substituted.

	23. In section 64 of the principal Act, for the words “concerned courts”, the words “District Magistrate” shall be substituted.	Amendment of section 64.
	24. In section 65 of the principal Act, in sub-section (4), for the word “court”, the words “District Magistrate” shall be substituted.	Amendment of section 65.
5	25. In section 74 of the principal Act, in sub-section (2), for the words “in cases where the case”, the words “in the pending case or in the case which” shall be substituted.	Amendment of section 74.
	26. For section 86 of the principal Act, the following section shall be substituted, namely:—	Substitution of section 86.
10	“86. (1) Where an offence under this Act is punishable with imprisonment for a term of more than seven years, then, such offence shall be cognizable and non-bailable.	Classification of offences and designated court.
	(2) Where an offence under this Act is punishable with imprisonment for a term of three years and above, but not more than seven years, then, such offence shall be non-cognizable and non-bailable.	
15	(3) Where an offence, under this Act is punishable with imprisonment for less than three years or with fine only, then, such offence shall be non-cognizable and bailable.	
2 of 1974. 4 of 2006. 32 of 2012. 20	(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or the Commission for Protection of Child Rights Act, 2005 or the Protection of Children from Sexual Offences Act, 2012, offences under this Act shall be triable by the Children’s Court.”.	
	27. In section 87 of the principal Act, for the “ <i>Explanation</i> ”, the following <i>Explanation</i> shall be substituted, namely:—	Amendment of section 87.
45 of 1860.	‘ <i>Explanation.</i> —For the purposes of this section, the expression “abetment” shall have the same meaning as assigned to it in section 107 of the Indian Penal Code.’.	
25	28. In section 101 of the principal Act, —	Amendment of section 101.
	(i) for sub-section (3), the following sub-section shall be substituted, namely:—	
	“(3) No appeal shall lie from any order of acquittal made by the Board in respect of a child alleged to have committed an offence other than the heinous offence by a child who has completed or is above the age of sixteen years.”.	
30	(ii) after sub-section (5), the following sub-sections shall be inserted, namely:—	
	“(6) Any person aggrieved by an adoption order passed by the District Magistrate may, within a period of thirty days from the date of such order passed by the District Magistrate, file an appeal before the Divisional Commissioner.	
35	(7) Every appeal filed under sub-section (6), shall be decided as expeditiously as possible and an endeavour shall be made to dispose it within a period of four weeks from the date of filing of the appeal:	
40	Provided that where there is no Divisional Commissioner, the State Government or Union territory Administration, as the case may be, may, by notification, empower an officer equivalent to the rank of the Divisional Commissioner to decide the appeal.”.	
	29. In section 110 of the principal Act, in sub-section (2),—	Amendment of section 110.
	(a) after clause (xiv), the following clause shall be inserted, namely:—	
	“(xiva) the form of report submitted to the District Magistrate under sub-section (8) of section 27;”;	

(b) after clause (xxii), the following clause shall be inserted, namely:—

“(xxiii) the form of quarterly report regarding restored, dead and runaway children under sub-section (4) of section 40;”.

STATEMENT OF OBJECTS AND REASONS

The Juvenile Justice (Care and Protection of Children) Act, 2015 (the Juvenile Justice Act) came into force with effect from the 15th January, 2016, by repealing the Juvenile Justice Act, 2000, with a comprehensive provision for the children alleged or found to be in conflict with law and children in need of care and protection. The Juvenile Justice Act has been made in pursuance of the Constitution of India which mandates equal rights for children and also mandates upon State, *inter alia*, to take suitable measures for protection of children. The Act also fulfils the India's commitment as a signatory to the United Nations Convention on the rights of the child, the United Nations Standard Millennium Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules), the Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption (1993) and other related international instruments.

2. Sub-section (1) of section 56 of the Juvenile Justice Act provides that adoption shall be resorted to for ensuring right to family for the orphan, abandoned and surrendered children, as per the provisions of the said Act and the rules and regulations made thereunder. Section 63 of the Juvenile Justice Act stipulates that the adoption is final on the issuance of the adoption order by the Court. Sub-section (2) of section 61 of the said Act also provides that the adoption proceedings shall be disposed of by the court within a period of two months from the date of filing of an application. It was observed that there is significant delay in finalisation of adoption cases in Courts. Besides, these adoption cases are non-adversarial in nature and to be dealt according to well laid out process. Hence, it is proposed to culminate the adoption process at the level of District Magistrate in the District.

3. District Magistrate, being the Chief Executive Officer in the District, is suitably placed to ensure effective coordination among the stakeholders for facilitation of necessary services for children's rehabilitation/re-integration. By further empowering District Magistrate to deal with child protection and adoption process, it aims to facilitate a coordinated and effective response of District Administration to various issues pertaining to children, including adoption.

4. The Juvenile Justice Act deals with "Petty", "Serious" and "Heinous" categories of offences. Hon'ble Supreme Court in the matter of Shilpa Mittal Vs. State of NCT of Delhi (Criminal Appeal No. 34 of 2020), *vide* its judgment dated the 9th January, 2020 has observed that the Juvenile Justice Act does not deal with the fourth category of offences viz., offence where the maximum sentence is more than seven years imprisonment, but no minimum sentence, or minimum sentence of less than seven years is provided and treated the same as "serious offences" under the Act.

5. Accordingly, the Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021, *inter alia*, proposes:—

(a) to strengthen child protection at district level by empowering District Magistrate including Additional District Magistrate to effectively coordinate and monitor the functions of various agencies responsible for implementation of the provisions of the Juvenile Justice Act;

(b) to empower District Magistrate including Additional District Magistrate to authorise orders of adoption, in order to address issues of delay in adoption and to propose that appeals on the orders of adoption may be preferred to the Divisional Commissioner;

(c) to strengthen the Child Welfare Committee by incorporating provisions relating to educational qualifications for the members and stipulating eligibility conditions for selection of the committee;

(d) to categorise offences wherein maximum sentence is more than seven years imprisonment but no minimum sentence, or a minimum sentence of less than seven years has been provided as "serious offences" under the Juvenile Justice Act; and

(e) to remove difficulties in interpretation of the Juvenile Justice Act.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 9th March, 2021.

SMRITI ZUBIN IRANI.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 29 of the Bill seeks to amend section 110 of the Juvenile Justice (Care and Protection of Children) Act, 2015 which provides the Central Government to make rules for—

(a) the form of report submitted to the District Magistrate under sub-section (8) of section 27; and

(b) the form of quarterly report regarding restored, dead and runaway children under sub-section (4) of section 40.

2. The matter in respect of which the aforementioned rules may be made are matters of procedure and administrative details, and as such, it is not practicable to provide for them in the proposed Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015
(2 OF 2016)

Definitions. * * * * *

2. In this Act, unless the context otherwise requires,—

* * * * *

(4) "administrator" means any district official not below the rank of Deputy Secretary to the State, on whom magisterial powers have been conferred;

* * * * *

(14) "child in need of care and protection" means a child—

* * * * *

(i) who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street; or

* * * * *

(vi) who does not have parents and no one is willing to take care of, or whose parents have abandoned or surrendered him; or

* * * * *

(ix) who is found vulnerable and is likely to be inducted into drug abuse or trafficking; or

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(17) "Child Welfare Officer" means an officer attached to a Children's Home, for carrying out the directions given by the Committee or, as the case may be, the Board with such responsibility as may be prescribed;

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(26) "District Child Protection Unit" means a Child Protection Unit for a District, established by the State Government under section 106, which is the focal point to ensure the implementation of this Act and other child protection measures in the district;

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(46) "place of safety" means any place or institution, not being a police lockup or jail, established separately or attached to an observation home or a special home, as the case may be, the person incharge of which is willing to receive and take care of the children alleged or found to be in conflict with law, by an order of the Board or the Children's Court, both during inquiry and ongoing rehabilitation after having been found guilty for a period and purpose as specified in the order;

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(54) "serious offences" includes the offences for which the punishment under the Indian Penal Code or any other law for the time being in force, is imprisonment between three to seven years;

* * * * *

CHAPTER II

GENERAL PRINCIPLES OF CARE AND PROTECTION OF CHILDREN

3. The Central Government, the State Governments, the Board, and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles, namely:—

General principles to be followed in administration of Act.

(i) *Principle of presumption of innocence*: Any child shall be presumed to be an innocent of any *mala fide* or criminal intent up to the age of eighteen years.

(ii) *Principle of dignity and worth*: All human beings shall be treated with equal dignity and rights.

(iii) *Principle of participation*: Every child shall have a right to be heard and to participate in all processes and decisions affecting his interest and the child's views shall be taken into consideration with due regard to the age and maturity of the child.

(iv) *Principle of best interest*: All decisions regarding the child shall be based on the primary consideration that they are in the best interest of the child and to help the child to develop full potential.

(v) *Principle of family responsibility*: The primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be.

(vi) *Principle of safety*: All measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system, and thereafter.

(vii) *Positive measures*: All resources are to be mobilised including those of family and community, for promoting the well-being, facilitating development of identity and providing an inclusive and enabling environment, to reduce vulnerabilities of children and the need for intervention under this Act.

(viii) *Principle of non-stigmatising semantics*: Adversarial or accusatory words are not to be used in the processes pertaining to a child.

(ix) *Principle of non-waiver of rights*: No waiver of any of the right of the child is permissible or valid, whether sought by the child or person acting on behalf of the child, or a Board or a Committee and any non-exercise of a fundamental right shall not amount to waiver.

(x) *Principle of equality and non-discrimination*: There shall be no discrimination against a child on any grounds including sex, caste, ethnicity, place of birth, disability and equality of access, opportunity and treatment shall be provided to every child.

(xi) *Principle of right to privacy and confidentiality*: Every child shall have a right to protection of his privacy and confidentiality, by all means and throughout the judicial process.

(xii) *Principle of institutionalisation as a measure of last resort*: A child shall be placed in institutional care as a step of last resort after making a reasonable inquiry.

(xiii) *Principle of repatriation and restoration*: Every child in the juvenile justice system shall have the right to be re-united with his family at the earliest and to be restored to the same socioeconomic and cultural status that he was in, before coming under the purview of this Act, unless such restoration and repatriation is not in his best interest.

(xiv) *Principle of fresh start*: All past records of any child under the Juvenile Justice system should be erased except in special circumstances.

(xv) *Principle of diversion:* Measures for dealing with children in conflict with law without resorting to judicial proceedings shall be promoted unless it is in the best interest of the child or the society as a whole.

(xvi) *Principles of natural justice:* Basic procedural standards of fairness shall be adhered to, including the right to a fair hearing, rule against bias and the right to review, by all persons or bodies, acting in a judicial capacity under this Act.

CHAPTER III

JUVENILE JUSTICE BOARD

Juvenile Justice Board.	<p>4. (1)* * * * *</p> <p>(7) The appointment of any member of the Board, except the Principal Magistrate, may be terminated after holding an inquiry by the State Government, if he—</p> <p>* * * *</p> <p>(iii) fails to attend less than three-fourths of the sittings in a year; or</p> <p>* * * *</p>
Powers, functions and responsibilities of the Board.	<p>8. (1)* * * * *</p> <p>(3) The functions and responsibilities of the Board shall include—</p> <p>* * * *</p> <p>(m) conducting regular inspection of jails meant for adults to check if any child is lodged in such jails and take immediate measures for transfer of such a child to the observation home; and</p> <p>* * * *</p>
Bail to a person who is apparently a child alleged to be in conflict with law.	<p>12. (1)* * * * *</p> <p>(2) When such person having been apprehended is not released on bail under sub-section (1) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home in such manner as may be prescribed until the person can be brought before a Board.</p> <p>* * * *</p>
Orders regarding child found to be in conflict with law.	<p>18. (1) Where a Board is satisfied on inquiry that a child irrespective of age has committed a petty offence, or a serious offence, or a child below the age of sixteen years has committed a heinous offence, then, notwithstanding anything contrary contained in any other law for the time being in force, and based on the nature of offence, specific need for supervision or intervention, circumstances as brought out in the social investigation report and past conduct of the child, the Board may, if it so thinks fit,—</p> <p>(a) allow the child to go home after advice or admonition by following appropriate inquiry and counselling to such child and to his parents or the guardian;</p> <p>(b) direct the child to participate in group counselling and similar activities;</p> <p>(c) order the child to perform community service under the supervision of an organisation or institution, or a specified person, persons or group of persons identified by the Board;</p> <p>(d) order the child or parents or the guardian of the child to pay fine:</p> <p>Provided that, in case the child is working, it may be ensured that the provisions of any labour law for the time being in force are not violated;</p>

(e) direct the child to be released on probation of good conduct and placed under the care of any parent, guardian or fit person, on such parent, guardian or fit person executing a bond, with or without surety, as the Board may require, for the good behaviour and child's well-being for any period not exceeding three years;

(f) direct the child to be released on probation of good conduct and placed under the care and supervision of any fit facility for ensuring the good behaviour and child's well-being for any period not exceeding three years;

(g) direct the child to be sent to a special home, for such period, not exceeding three years, as it thinks fit, for providing reformatory services including education, skill development, counselling, behaviour modification therapy and psychiatric support during the period of stay in the special home:

Provided that if the conduct and behaviour of the child has been such that, it would not be in the child's interest, or in the interest of other children housed in a special home, the Board may send such child to the place of safety.

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CHAPTER V

CHILD WELFARE COMMITTEE

27. (1)* * * * * * Child Welfare Committee.

(4) No person shall be appointed as a member of the Committee unless such person has been actively involved in health, education or welfare activities pertaining to children for at least seven years or is a practicing professional with a degree in child psychology or psychiatry or law or social work or sociology or human development.

* * * * *

(7) The appointment of any member of the Committee shall be terminated by the State Government after making an inquiry, if—

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(iii) he fails to attend the proceedings of the Committee consecutively for three months without any valid reason or he fails to attend less than three-fourths of the sittings in a year.

(8) The District Magistrate shall conduct a quarterly review of the functioning of the Committee.

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(10) The District Magistrate shall be the grievances redressal authority for the Child Welfare Committee and anyone connected with the child, may file a petition before the District Magistrate, who shall consider and pass appropriate orders.

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32. (1)* * * * * * Mandatory reporting regarding a child found separated from guardian.

(2) The information regarding a child referred to in sub-section (1) shall be mandatorily uploaded on a portal as may be specified by the Central Government or the Committee or the District Child Protection Unit or the child care institution, as the case may be.

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Orders passed regarding a child in need of care and protection.

37. (1) The Committee on being satisfied through the inquiry that the child before the Committee is a child in need of care and protection, may, on consideration of Social Investigation Report submitted by Child Welfare Officer and taking into account the child's wishes in case the child is sufficiently mature to take a view, pass one or more of the following orders, namely:—

(a) declaration that a child is in need of care and protection;

(b) restoration of the child to parents or guardian or family with or without supervision of Child Welfare Officer or designated social worker;

(c) placement of the child in Children's Home or fit facility or Specialised Adoption Agency for the purpose of adoption for long term or temporary care, keeping in mind the capacity of the institution for housing such children, either after reaching the conclusion that the family of the child cannot be traced or even if traced, restoration of the child to the family is not in the best interest of the child;

(d) placement of the child with fit person for long term or temporary care;

(e) foster care orders under section 44;

(f) sponsorship orders under section 45;

(g) directions to persons or institutions or facilities in whose care the child is placed, regarding care, protection and rehabilitation of the child, including directions relating to immediate shelter and services such as medical attention, psychiatric and psychological support including need-based counselling, occupational therapy or behaviour modification therapy, skill training, legal aid, educational services, and other developmental activities, as required, as well as follow-up and coordination with the District Child Protection Unit or State Government and other agencies;

(h) declaration that the child is legally free for adoption under section 38.

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Procedure for declaring a child legally free for adoption.

38. (1)* * * * *

(5) The Committee shall inform the State Agency and the Authority regarding the number of children declared as legally free for adoption and number of cases pending for decision in the manner as may be prescribed, every month.

* * * * *

Registration of child care institutions.

41. (1) Notwithstanding anything contained in any other law for the time being in force, all institutions, whether run by a State Government or by voluntary or non-governmental organisations, which are meant, either wholly or partially, for housing children in need of care and protection or children in conflict with law, shall, be registered under this Act in such manner as may be prescribed, within a period of six months from the date of commencement of this Act, regardless of whether they are receiving grants from the Central Government or, as the case may be, the State Government or not:

Provided that the institutions having valid registration under the Juvenile Justice (Care and Protection of Children) Act, 2000 on the date of commencement of this Act shall be deemed to have been registered under this Act. 56 of 2000.

(2) At the time of registration under this section, the State Government shall determine and record the capacity and purpose of the institution and shall register the institution as a Children's Home or open shelter or Specialised Adoption Agency or observation home or special home or place of safety, as the case may be.

* * * * *

Inspection of institutions registered under this Act.

54. (1)* * * * *

(2) Such inspection committees shall mandatorily conduct visits to all facilities housing children in the area allocated, at least once in three months in a team of not less than three members, of whom at least one shall be a woman and one shall be a medical officer, and submit reports of the findings of such visits within a week of their visit, to the District Child Protection Units or State Government, as the case may be, for further action.

(3) On the submission of the report by the inspection committee within a week of the inspection, appropriate action shall be taken within a month by the District Child Protection Unit or the State Government and a compliance report shall be submitted to the State Government.

55. (1) The Central Government or State Government may independently evaluate the functioning of the Board, Committee, special juvenile police units, registered institutions, or recognised fit facilities and persons, at such period and through such persons or institutions as may be prescribed by that Government.

Evaluation of functioning of structures.

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CHAPTER VIII

ADOPTION

56. (1)* * * * * *

Adoption.

(5) Any person, who takes or sends a child to a foreign country or takes part in any arrangement for transferring the care and custody of a child to another person in a foreign country without a valid order from the Court, shall be punishable as per the provisions of section 80.

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58.(1) * * * * *

Procedure for adoption by Indian prospective adoptive parents living in India.

(3) On the receipt of the acceptance of the child from the prospective adoptive parents along with the child study report and medical report of the child signed by such parents, the Specialised Adoption Agency shall give the child in pre-adoption foster care and file an application in the court for obtaining the adoption order, in the manner as provided in the adoption regulations framed by the Authority.

(4) On the receipt of a certified copy of the court order, the Specialised Adoption Agency shall send immediately the same to the prospective adoptive parents.

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59. (1) * * * * *

Procedure for inter-country adoption of an orphan or abandoned or surrendered child.

(7) On receipt of the acceptance of the child from the prospective adoptive parents, the Specialised Adoption Agency shall file an application in the court for obtaining the adoption order, in the manner as provided in the adoption regulations framed by the Authority.

(8) On the receipt of a certified copy of the court order, the specialised adoption agency shall send immediately the same to Authority, State Agency and to the prospective adoptive parents, and obtain a passport for the child.

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60. (1) A relative living abroad, who intends to adopt a child from his relative in India shall obtain an order from the court and apply for no objection certificate from Authority, in the manner as provided in the adoption regulations framed by the Authority.

Procedure for inter-country relative adoption.

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Court procedure and penalty against payment in consideration of adoption.

61. (1) Before issuing an adoption order, the court shall satisfy itself that—

(a) the adoption is for the welfare of the child;

(b) due consideration is given to the wishes of the child having regard to the age and understanding of the child; and

(c) that neither the prospective adoptive parents has given or agreed to give nor the specialised adoption agency or the parent or guardian of the child in case of relative adoption has received or agreed to receive any payment or reward in consideration of the adoption, except as permitted under the adoption regulations framed by the Authority towards the adoption fees or service charge or child care corpus.

(2) The adoption proceedings shall be held in camera and the case shall be disposed of by the court within a period of two months from the date of filing.

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Effect of adoption.

63. A child in respect of whom an adoption order is issued by the court, shall become the child of the adoptive parents, and the adoptive parents shall become the parents of the child as if the child had been born to the adoptive parents, for all purposes, including intestacy, with effect from the date on which the adoption order takes effect, and on and from such date all the ties of the child in the family of his or her birth shall stand severed and replaced by those created by the adoption order in the adoptive family:

Provided that any property which has vested in the adopted child immediately before the date on which the adoption order takes effect shall continue to vest in the adopted child subject to the obligations, if any, attached to the ownership of such property including the obligations, if any, to maintain the relatives in the biological family.

Reporting of adoption.

64. Notwithstanding anything contained in any other law for the time being in force, information regarding all adoption orders issued by the concerned courts, shall be forwarded to Authority on monthly basis in the manner as provided in the adoption regulations framed by the Authority, so as to enable Authority to maintain the data on adoption.

Specialised Adoption Agencies.

65. (1)

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(4) In case any Specialised Adoption Agency is in default in taking necessary steps on its part as provided in this Act or in the adoption regulations framed by the Authority, for getting an orphan or abandoned or surrendered child legally free for adoption from the Committee or in completing the home study report of the prospective adoptive parents or in obtaining adoption order from the court within the stipulated time, such Specialised Adoption Agency shall be punishable with a fine which may extend up to fifty thousand rupees and in case of repeated default, the recognition of the Specialised Adoption Agency shall be withdrawn by the State Government.

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CHAPTER IX

OTHER OFFENCES AGAINST CHILDREN

Prohibition on disclosure of identity of children.

74. (1)

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(2) The Police shall not disclose any record of the child for the purpose of character certificate or otherwise in cases where the case has been closed or disposed of.

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Classification of offences and designated court.

86. (1) Where an offence under this Act is punishable with imprisonment for a term more than seven years, then, such offence shall be cognizable, non-bailable and triable by a Children's Court.

(2) Where an offence under this Act is punishable with imprisonment for a term of three years and above, but not more than seven years, then, such offence shall be cognizable, non-bailable and triable by a Magistrate of First Class.

(3) Where an offence, under this Act, is punishable with imprisonment for less than three years or with fine only, then, such offence shall be non-cognizable, bailable and triable by any Magistrate.

87. Whoever abets any offence under this Act, if the act abetted is committed in consequence of the abetment, shall be punished with the punishment provided for that offence. Abetment.

Explanation.—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy or with the aid, which constitutes the abetment.

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101. (1) * * * * * Appeals.

(3) No appeal shall lie from,—

(a) any order of acquittal made by the Board in respect of a child alleged to have committed an offence other than the heinous offence by a child who has completed or is above the age of sixteen years; or

(b) any order made by a Committee in respect of finding that a person is not a child in need of care and protection.

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110. (1) * * * * * Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

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(xiv) qualifications of the members of the Child Welfare Committee under sub-section (5) of section 27;

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(xxii) information to be given every month by the Committee to State Agency and Authority regarding number of children declared legally free for adoption and number of cases pending under sub-section (5) of section 38;

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to amend the Juvenile Justice (Care and Protection of Children) Act, 2015.

(Smt.Smruti Zubin Irani, Minister of Women and Child Development)