

Bill Summary

The Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021

- The Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021 was introduced in Lok Sabha by the Minister of Women and Child Development, Ms. Smriti Zubin Irani on March 15, 2021. The Bill amends the Juvenile Justice (Care and Protection of Children) Act, 2015. The Act contains provisions related to children in conflict with law and children in need of care and protection. The Bill seeks to introduce measures for strengthening the child protection setup. Key amendments proposed by the Bill include:
 - **Serious offences:** The Act provides that the Juvenile Justice Board will inquire about a child who is accused of a serious offence. Serious offences are those for which the punishment is imprisonment between three to seven years. The Bill adds that serious offences will also include offences for which maximum punishment is imprisonment of more than seven years, and minimum punishment is not prescribed or is of less than seven years.
 - The Act provides that an offence which is punishable with imprisonment between three to seven years will be cognizable (where arrest is allowed without warrant) and non-bailable. The Bill amends this to provide that such offences will be non-cognizable.
 - **Adoption:** The Act prescribes the procedure for the adoption of children by prospective adoptive parents from India and abroad. On the acceptance of the child by prospective adoptive parents, a specialised adoption agency applies to a civil court to obtain the adoption order. The adoption order issued by the court establishes that the child belongs to the adoptive parents. The Bill provides that instead of the court, the District Magistrate (including Additional District Magistrate) will issue such adoption orders.
 - As per the Act, in cases where a person living abroad intends to adopt a child from his relative in India, he is required to obtain an adoption order from the court. The Bill amends this to empower the District Magistrate instead, to issue such adoption orders.
 - **Appeals:** The Bill provides that any person aggrieved by an adoption order passed by the District Magistrate may file an appeal before the Divisional Commissioner, within 30 days from the date of passage of such order. Such appeals should be disposed within four weeks from the date of filing of the appeal.
- The Act provides that there will be no appeal for any order made by a Child Welfare Committee finding that a person is not a child in need of care and protection. The Bill removes this provision.
- **Additional functions of the District Magistrate:** These include: (i) supervising the District Child Protection Unit, and (ii) conducting a quarterly review of the functioning of the Child Welfare Committee.
- **Designated Court:** The Act provides that an offence against children under the Act, punishable with imprisonment of a term more than seven years, will be tried in the children's court. Other offences (punishable with imprisonment less than seven years) will be tried by any Judicial Magistrate. The Bill proposes that all offences under the Act be tried in children's court.
- **Child Welfare Committees (CWCs):** The Act provides that states constitute one or more CWCs for each district for dealing with children in need of care and protection. It provides certain criteria for the appointment of members to CWC. For instance, an appointee should be: (i) involved in health, education, or welfare of children for at least seven years, or (ii) a practising professional with a degree in child psychology, psychiatry, law, or social work.
- The Bill specifies certain additional criteria for the appointment of CWC members. It provides that a person will not be eligible to be a member of the CWC if he: (i) has any record of violation of human rights or child rights, (ii) has been convicted of an offence involving moral turpitude, and such conviction has not been reversed, (iii) has been removed or dismissed from service of the central government, or any state government, or an undertaking owned by the government, or (iv) is part of the management of a child care institution in a district.

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