



The Juvenile Justice Amendment Bill, 2021

Why in News

Recently, the Lok Sabha passed the **Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021** that seeks to strengthen and streamline the provisions for protection and adoption of children.

- The Bill amends the [Juvenile Justice \(Care and Protection of Children\) Act, 2015](#) and contains **provisions related to children in conflict with law** and **children in need of care and protection**.

Key Points

▪ Need of the Amendment:

- The [National Commission for Protection of Child Rights \(NCPCR\)](#) audit of [Child Care Institutions \(CCIs\)](#) in 2020, 90% of which are run by NGOs, found that 39% CCIs were not registered, even after the 2015 amendment was brought in.
- It also found that less than 20% CCIs, especially for girls, had not been set up in some states, 26% child welfare officers were not there.
- Moreover, three-fifths have **no toilets**, one-tenth have **no drinking water** and 15% homes don't have provisions of separate beds, no diet plans.
- Rehabilitation of children is not a priority for childcare homes and children are reportedly kept in such institutions to get funds.

▪ Key Amendments Proposed by the Bill:

- **Serious offences:** 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.
 - Serious offences are those for which the punishment under the Indian Penal Code or any other law for the time being is **imprisonment between three and seven years**.
 - Juvenile Justice Board inquires about a child who is accused of a serious offence.
- **Non-cognizable Offences:**
 - The present Act provides that an offence which is punishable with imprisonment between three to seven years to 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:** Presently, 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.
- **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.
- **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 Bill proposes that all offences under the earlier Act be tried in children's court.
- **Child Welfare Committees (CWCs):** It provides that a person will **not eligible** to be a member of the CWC if he/she
 - has any record of **violation of human rights** or child rights,
 - has been **convicted of an offence** involving moral turpitude,
 - has been removed or dismissed from service of the central government, or any state government, or a government undertaking,
 - is part of the management of a child care institution in a district.
- **Removal of Members:** The appointment of any member of the committee shall be terminated by the state government after an inquiry if they fail to attend the proceedings of the CWCs consecutively for three months without any valid reason or if they fail to attend less than three-fourths of the sittings in a year.

Juvenile Justice (Care and Protection of Children) Act, 2015

- The Juvenile Justice (Care and Protection of Children) Act, 2015 **replaced the Juvenile Justice (Care and Protection of Children) Act, 2000.**
- **Change in Nomenclature:**
 - The Act changes the nomenclature from 'juvenile' to 'child' or 'child in conflict with law'. Also, it removes the negative connotation associated with the word "juvenile".
 - It also includes several new and clear definitions such as orphaned, abandoned and surrendered children; and petty, serious and heinous offences committed by children.
- **Special Provisions for Age 16-18 years:**
 - Included special provisions to tackle child offenders committing heinous offences in the age group of 16-18 years.
- **Mandatory Constitution of the JJ Board:**
 - It mandates setting up Juvenile Justice Boards and Child Welfare Committees in every district. Both must have at least one woman member each.
- **Adoption Related Clauses:**
 - A separate new chapter on Adoption to streamline adoption procedures for an orphan, abandoned and surrendered children.
 - Also, the **[Central Adoption Resource Authority \(CARA\)](#)** was granted the status of a statutory body to enable it to perform its function more effectively.
 - The Act states that the adoption of a child is final on the issuance of an adoption order by the court. Currently, there are 629 adoption cases pending in various courts.
- **Child Care Institutions (CCI):**
 - All Child Care Institutions, whether run by State Government or by voluntary or non-governmental organisations are to be mandatorily registered under the Act within 6 months from the date of commencement of the Act.

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