

Juvenile Justice Amendment Bill, 2021

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In news : Juvenile Justice Amendment Bill, 2021 has been passed by the Lok Sabha recently

Key amendments

The Bill amends the Juvenile Justice (Care and Protection of Children) Act, 2015

The Bill seeks to introduce measures for strengthening the protection and adoption of children

Following are the key amendments proposed under the bill:

- **Synergising officers:** Amendment Bill seeks to make District Magistrates “synergising officers” in cases of both protection as well as adoption by increasing their role.
- **More powers to DMs:** DMs are already empowered to review issues related to child protection. After the Bill becomes law, their scope will go beyond review. And once they are legally ordained, they would make child rights and protection a priority area
- **Protection of children:** The bill looks to aid children in need of protection under law as well as children in conflict with the law. Placing the Child Care Institutions (CCIs) under the direct supervision of the DMs is expected to make them more accountable.
- **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.

- **Child welfare committee:** The bill mentioned that no person shall be appointed as a member unless they have 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.
- **Termination of membership:** The bill proposes that 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 committee consecutively for three months without any valid reason or if they fail to attend less than three-fourths of the sittings in a year.
- **The Bill specifies certain additional criteria for the appointment of CWC members. It provides that a person will not eligible to be a member of the CWC:**
 - If he has any record of violation of human rights or child rights
 - If he has been convicted of an offence involving moral turpitude, and such conviction has not been reversed
 - If he has been removed or dismissed from service of the central government, or any state government, or an undertaking owned by the government, or
 - If he is part of the management of a child care institution in a district.
- **Children's court:** The Bill proposes that all offences under the Act be tried in children's court.
- **Adoption:** The Bill provides that instead of the court, the District Magistrate (including Additional District

Magistrate) will issue such adoption orders.

▪ **Offences:**

- The proposed **bill categorises offences** wherein the 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 to remove difficulties in interpretation of the Act.
- "Serious offences" include offences 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 (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 Juvenile Justice (Care and Protection of Children) Act, 2015 has come into force from January 2016 and repeals the Juvenile Justice (Care and Protection of Children) Act, 2000

Extra reading:

<https://journalsofindia.com/the-juvenile-justice-care-and-protection-of-children-act-2015/>