

GOVERNMENT OF INDIA  
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

New Delhi, the \_\_\_\_\_, 2006

To

The Secretary General,  
Lok Sabha Secretariat,  
New Delhi.

Sir,

I give notice of my intention to move the following amendments after the adoption of the motion that the Juvenile Justice (Care and Protection of Children) Amendment Bill, 2005 be taken into consideration, namely:-

Sl.No.	Text of amendments	Clause No.
1.	Page 1, line 1, <u>for</u> "Fifty-sixth", <u>substitute</u> Fifty-seventh";	Enacting Formula.
2.	Page 1, line 3, <u>for</u> "2005.", <u>substitute</u> "2006.";	1.
3.	Page 1, <u>for</u> lines 14 and 15, <u>substitute</u> - "detention, prosecution, penalty or sentence of imprisonment of juveniles in conflict with law under such other law.";	2.
4.	Page 2, <u>after</u> line 1, <u>insert</u> - '(i) after clause (a), the following clause shall be inserted, namely:-  '(aa) "adoption" means the process through which the adopted child is permanently separated from his biological parents and become the legitimate child of his adoptive parents with all the rights, privileges and responsibilities that are attached to the relationship;'  (ii) in clause (d),-  (I) after sub-clause (i), the following sub-clause shall be inserted, namely:-	4.

“(ia) who is found begging, or who is either a street child or a working child.”;

(II) in sub-clause (v), after the word ‘abandoned’, the words ‘or surrendered’ shall be inserted;

(iii) in clause (h), for the words “competent authority”, the words “State Government on the recommendation of the competent authority” shall be substituted;’;

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|----------------------------|---|---------------------------|
| 5.                         | Page 2, line 2, <u>for</u> “(i)”, <u>substitute</u> “(iv)”;   | 4.                        |
| 6.                         | Page 2, line 6, <u>for</u> “(ii)”, <u>substitute</u> “(v)”;   | 4.                        |
| 7.                         | Page 2, <u>after</u> line 8, <u>insert</u> -  | New clauses<br>5A and 5B. |
| Amendment of<br>section 4. | ‘5A. In section 4 of the principal Act, in sub-section (1), for the words “by notification in the Official Gazette, constitute for a district or a group of districts specified in the notification”, the words “within a period of one year from the date of commencement of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, by notification in the Official Gazette, constitute for every district” shall be substituted. |                           |
| Amendment of<br>section 6. | 5B. In section 6 of the principal Act, in sub-section (1), the words “or a group of districts” shall be omitted.’;  |                           |
| 8.                         | Page 2, line 12, <u>omit</u> “produced before it”;  | 6.                        |
| 9.                         | Page 2, <u>for</u> lines 18 and 19, <u>substitute</u> “recognized at any stage, even after final disposal of the case, and such claim shall be determined in terms of the provisions contained in this Act and the rules made thereunder, even if the juvenile has ceased to be so on or before the date of commencement of this Act.”;   | 6.                        |
| 10.                        | Page 2, <u>for</u> lines 20 and 21, <u>substitute</u> –   | 6.                        |
|                            | “(2) If the court finds a person to be a juvenile on the date of commission of the offence under sub-section (1), it shall forward the juvenile to the Board for passing appropriate order, and the sentence, if any, passed by a court shall be deemed to have no effect.”;  |                           |

11. Page 2, after line 28, insert “Provided that in no case, a juvenile in conflict with law shall be placed in a police lockup or lodged in a jail.”; 7.
12. Page 2, line 30, for “or placed under the care of any fit institution”, substitute “or placed under the supervision of a Probation Officer or under the care of any fit institution or fit person”; 8.
13. Page 2, after line 30, insert - New clause 8A.
- Amendment of section 14. **‘8A.** Section 14 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) so renumbered, the following sub-section shall be inserted, namely :-
- “(2) The Chief Judicial Magistrate or the Chief Metropolitan Magistrate shall review the pendency of cases of the Board at every six months, and shall direct the Board to increase the frequency of its sittings or may cause the constitution of additional Boards.”;’ ;
14. Page 2, line 34, omit “or until he ceases to be a juvenile, whichever is later”; 9.
15. Page 2, for lines 38 and 39, substitute 10.
- ‘10.** In section 16 of the principal Act,-
- (i) in sub-section (1), for the words “or life imprisonment”, the words “or imprisonment for any term which may extend to imprisonment for life” shall be substituted;
- (ii) in sub-section (2), for the proviso, the following proviso shall be substituted, namely:-’;
16. Page 2, line 41, after “section 15”, insert “of this Act.”; 10.
17. Page 2, for line 45, substitute – 11.
- “Explanation. - In all pending cases including trial, revision, appeal or any other criminal proceedings in respect of a juvenile in conflict with law,”;
18. Page 3, line 12, for “one thousand rupees”, substitute “twenty five thousand rupees”; 12

19.  Amendment of section 29.	Page 3, <u>after</u> line 12, <u>insert</u> -  <b>‘12A.</b> In section 29 of the principal Act, in sub-section (1), for the words “by notification in Official Gazette, constitute for every district, or group of districts specified in the notification”, the words “within a period of one year from the date of commencement of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, by notification in the Official Gazette, constitute for every district” shall be substituted.’;	New clause 12A.
20.	Page 3, <u>for</u> line 14, <u>substitute</u> -  (a) in sub-section (1),-  (i) in clause (iv), the words “authorised by the State Government” shall be omitted;  (ii) the following proviso shall be inserted at the end, namely:-’;	13.
21.	Page 3, <u>for</u> line 22, <u>substitute</u> –  (b) for sub-section (3), the following sub-sections shall be substituted, namely:-  “(3) The State Government shall review the pendency of cases of the Committee at every six months, and shall direct the Committee to increase the frequency of its sittings or may cause the constitution of additional Committees.”.’;	14.
22.	Page 3, line 23, <u>for</u> “(3)”, <u>substitute</u> “(4)”;	14.
23.  Amendment of section 34.	Page 3, <u>after</u> line 27, <u>insert</u> -  <b>‘14A.</b> In section 34 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:-  “(3) Without prejudice to anything contained in any other law for the time being in force, all institutions, whether State Government run or those run by voluntary organizations for children in need of care and protection shall, within a period of six months from the date of commencement of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, be	New clause 14A.

registered under this Act in such manner as may be prescribed.”;’;

24. Page 3, for lines 39 to 42, substitute – 16.
- ‘(i) for sub-sections (2), (3) and (4), the following sub-sections shall be substituted, namely:-
- “(2) Adoption shall be resorted to for the rehabilitation of the children who are orphan, abandoned or surrendered through such mechanism as may be prescribed.
- (3) In keeping with the provisions of the various guidelines for adoption issued from time to time, by the State Government, or the Central Adoption Resource Agency and notified by the Central Government, children may be given in adoption by a court after satisfying itself regarding the investigations having been carried out as are required for giving such children in adoption.
- (4) The State Government shall recognize one or more of its institutions or voluntary organizations in each district as specialised adoption agencies in such manner as may be prescribed for the placement of orphan, abandoned or surrendered children for adoption in accordance with the guidelines notified under sub-section (3):
- Provided that the children’s homes and the institutions run by the State Government or a voluntary organization for children in need of care and protection, who are orphan, abandoned or surrendered, shall ensure that these children are declared free for adoption by the Committee and all such cases shall be referred to the adoption agency in that district for placement of such children in adoption in accordance with the guidelines notified under sub-section (3).”.’;
25. Page 4, line 2, for “Board”, substitute “court”; 16.
26. Page 4, for line 3, substitute “(a) to a person 16.  
irrespective of marital status;”
27. Page 4, line 6, for ‘parent”, substitute “couples”; 16.
28. Page 4, omit lines 7 to 9; 16.

29. Page 4, line 14, after “institution of a like nature”, insert “or to such institutions outside the State in consultation with the concerned State Government and”; 17.
30. Page 4, after line 19, insert - New clause 18A.  
 Insertion of new section 62A. ‘**18A.** After section 62 of the principal Act, the following section shall be inserted, namely :-  
 “62A. Every State Government shall constitute a Child Protection Unit for the State and, such Units for every District, consisting of such officers and other employees as may be appointed by that Government, to take up matters relating to children in need of care and protection and juveniles in conflict with law with a view to ensure the implementation of this Act including the establishment and maintenance of homes, notification of competent authorities in relation to these children and their rehabilitation and co-ordination with various official and non-official agencies concerned.”.’; Constitution of Child Protection Unit responsible for implementation of the Act.
31. Page 4, for line 20, substitute - 19.  
 ‘**19.** In section 64 of the principal Act, -  
 (i) for the words “the State Government may direct”, the words “the State Government shall direct” shall be substituted;  
 (ii) the following proviso and Explanation shall be inserted, namely:-’;
32. Page 4, for line 23, substitute – 19.  
 “case of a juvenile in conflict with law undergoing a sentence of imprisonment, who has ceased to be so on or”;
33. Page 4, line 29, for “decided in terms of the”, substitute “decided in terms of clause (l) of section 2 and other”; 19.
34. Page 4, line 32, after “period of the sentence”, insert “but such sentence shall not in any case exceed the maximum period provided in section 15 of this Act.”; 19.

35. Page 4, for lines 41 and 42, substitute - 20.

‘(b) in sub-section (2), -

(i) in clause (x), after the words, letter and brackets “sub-section (2)”, the following words, letter and brackets shall be inserted, namely:-

“and the manner of registration of institutions under sub-section (3)”;

(ii) after clause (xii), the following clause shall be inserted, namely:-’;

36. Page 4, for line 44, substitute “section (2), notification of guidelines under sub-section (3) and the manner of recognition of specialised adoption agencies under sub-section (4) of section 41;”. 20.

Yours faithfully,

(RENUKA CHOUDHRY)

Copy forwarded to:

1. Ministry of Parliamentary Affairs (Legislative Department), New Delhi.
2. Ministry of Law and Justice (Legislative Department), New Delhi.
3. Parliament Section, Ministry of Women and Child Development.