

Table of Amendments 2021 in the Juvenile Justice (Care and Protection of Children) JJ Act, 2015

Section of JJ Amendment Bill, 2021	Related Section in JJ Act, 2015	Content of Amendment
1(1)	NA	It is name of Amendment Act.
1(2)	NA	It is date of enforcement of Amendments.
2 (i)	2(4)	Definition of "administrator" has been deleted.
2 (ii) (a)	2(14) (ii)	Child in need of care and protection means a child who is found working in contravention of this provision of the Act or labour laws for the time being in force or is found begging, or living on the street; or
2 (ii) (b)	2(14) (vi)	Child in need of care and protection means a child who does not have parents and no one willing to take care and protect or who is abandoned or surrendered;
2 (ii) (c)	2(14) (ix)	Child in need of care and protection means a child who is found vulnerable and has been or is being or is likely to be inducted into drug abuse or trafficking; or
2 (iii)	2(17)	"Child Welfare Officer" means an officer attached to a child

		care institution , for carrying out the directions given by the Committee or, as the case may be, the Board with such responsibility as may be prescribed;
2 (iv)	2 (26)	"District Child Protection Unit" means a Child Protection Unit for a District, established by the State Government under section 106, which shall function under the supervision of the District Magistrate to ensure the implementation of this Act and other child protection measures in the district;
2 (v)	2 (26) A	District Magistrate' includes Additional District Magistrate of the District
2 (vi)	2(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 maybe, 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;
2 (vii)	2 (54)	"serious offences" includes the offences for which the punishment under the Indian Penal Code or any other law for

		<p>the time being in force, is,—</p> <p>(a) minimum imprisonment for a term more than three years and not exceeding seven years; or</p> <p>(b) maximum imprisonment for a term more than seven years but no minimum imprisonment or minimum imprisonment of less than seven years</p> <p>is provided.’</p>
3	3	The Central Government, the State Governments, the Board, the Committee and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles, namely:-
4	4(7)(iii)	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 fails to attend minimum three-fourths of the sittings in a year; or
5	8(3)(m)	The functions and responsibilities of the Board shall include conducting regular inspection of jails meant for adults to check if any child is lodged in such jails and take immediate measures for transfer that child to an observation home or place of safety, as the case may be ; and

6	12(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 or a place of safety, as the case may be in such manner as may be prescribed until the person can be brought before a Board.
7	16(4)	The District Magistrate may, as and when required, in the best interest of a child, call for any information from all stakeholders including the Board and the Committee
8	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 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, 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.
9 (i)	27(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 able children.
9(i)	27(4)(A)	No person shall be eligible for selection as a member of the Committee, if he— <i>(i)</i> has any past record of violation of human rights or child rights, <i>(ii)</i> 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, <i>(iii)</i> 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, (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
9 (ii)	27(7)(iii)	The appointment of any member of the Committee shall be terminated by the State Government after making an inquiry, if he fails to attend the proceedings of the Committee consecutively for three months without any valid reason or he fails to attend minimum three fourths of the sittings in a year.
9 (iii)	27(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.
9 (iv)	27(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.”.
10	32(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	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 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:—
12	38(5)	The Committee shall inform the District Magistrate 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
13	40(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.”
14 (i)	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, 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.
14 (ii)	41(2)	At the time of registration under this section, the State Government shall ,after considering the recommendations of the District Magistrate, determine and record the capacity and purpose of the institution and shall register the institution as children’s Home or open shelter or Specialized Adoption

		Agency or observation home or special home or place of safety, as the case may be.
15 (i)	54(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 District Magistrate for further action
15 (ii)	54(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 District Magistrate and a compliance report shall be submitted to the State Government.
16	55(1)	The Central Government or State Government or District Magistrate 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.
17	56(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 District Magistrate, shall be punishable as per the provisions of section 80.
18 (i)	58(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 before the District Magistrate for obtaining the adoption order, in the manner as provided in the adoption regulations framed by the Authority.
18 (ii)	58(4)	On the receipt of a certified copy of the order passed by the District Magistrate, the Specialised Adoption Agency shall send immediately the same to the prospective adoptive parents
19 (i)	59(7)	On receipt of the acceptance of the child from the prospective adoptive parents, the Specialised Adoption Agency shall file an application before the District Magistrate for obtaining the adoption order, in the manner as provided in the adoption regulations framed by the Authority.

19 (ii)	59(8)	On the receipt of a certified copy of order passed by the District Magistrate, the Specialized adoption agency shall send immediately the same to Authority, State Agency and to the prospective adoptive parents, and obtain a passport for the child.
20	60(1)	A relative living abroad, who intends to adopt a child from his relative in India shall obtain an order from the District Magistrate and apply for no objection certificate from Authority, in the manner as provided in the adoption regulations framed by the Authority.
21(i)	61(1) Title	Court Procedure and penalty against payment in consideration of adoption
21 (ii)	61(1)	Before issuing an adoption order, the District Magistrate 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

		inconsideration 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.
21(iii)	61(2)	The adoption proceedings shall be held in camera and the case shall be disposed of by the District Magistrate within a period of two months from the date of filing.
22	63	A child in respect of whom an adoption order is issued by the District Magistrate, 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
23	64	Notwithstanding anything contained in any other law for the time being in force, information regarding all adoption orders issued by the District Magistrate, 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

24	65(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, forgetting 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 District Magistrate within the stipulated time, such Specialized Adoption Agency shall be punishable with a fine which may extend up to fifty thousand rupees and incase of repeated default, the recognition of the Specialised Adoption Agency shall be withdrawn by the State Government.
25	74(2)	The Police shall not disclose any record of the child for the purpose of character certificate or otherwise in the pending case or in the case which has been closed or disposed of.
26	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. (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-

		<p>cognizable and non-bailable.</p> <p>(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.</p> <p>(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.</p>
27	87 Explanation	Explanation- 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.
28 (i)	101(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.
28 (ii)	101(6) 101(7)	<p>“(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.</p> <p>(7) Every appeal filed under sub-section (6), shall be decided</p>

		<p>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:</p> <p>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.”</p>
29 (a)	S.110 (2) (xiva)	the form of report submitted to the District Magistrate under subsection (8) of Section 27
29 (b)	Section 110(2) (xxiia)	Form for quarterly report regarding restored, dead and runaway children under sub-section (4) of section 40