

LOK SABHA

JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) BILL, 2014

[As introduced in Lok Sabha]

Notice of Amendments

Sl. No.	Name of the Member and text of Amendment	Clause No.
(TOKEN)		
SMT. MANEKA SANJAY GANDHI:		
1.	Page 2, line 1, for "Sixty-fifth", substitute "Sixty-sixth".	Enacting formula
2.	Page 2, line 5, for "2014", substitute "2015".	1
3.	Page 2, line 21, for "legitimate", substitute "lawful".	2
4.	Page 2, line 22, for "legitimate", substitute "biological".	2
5.	Page 3, line 44, after "who", insert "has been or".	2
6.	Page 7, line 46, omit "or offence committed,".	3
7.	Page 8, line 28, omit "from two different reputed non-governmental organisations".	4
8.	Page 9, line 15 and 16, omit "but is below twenty-one years of age".	6
9.	Page 11, line 9, for "Subject to provisions of section 7, if the court finds", substitute "If the court finds".	10
10.	Page 12, line 32, for "preliminary inquiry", substitute "preliminary assessment".	15
11.	Page 12, line 33, for "one months", substitute "three months".	15
12.	Page 12, line 35, omit "or serious".	15
13.	Page 12, line 37, for "Provided that for heinous offences", substitute "Provided that for serious or heinous offences".	15
14.	Page 13, for lines 13 to 19, substitute—	16
	<p>"16. (1) In case of a heinous offence alleged to have been committed by a child, who has completed or is above the age of sixteen years, the Board shall conduct a preliminary assessment with regard to his mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence, and may pass an order in accordance with the provisions of sub-section (3) of section 19:</p> <p>Provided that for such an assessment, the Board may take the assistance of experienced psychologists or psycho-social workers or other experts.</p>	<p>Preliminary assessment into heinous offences by Board.</p>

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	<i>Explanation.</i> —For the purposes of this section, it is clarified that preliminary assessment is not a trial, but is to assess the capacity of such child to commit and understand the consequences of the alleged offence.”	
15.	Page 13, line 20, <i>for</i> “preliminary inquiry”, <i>substitute</i> “preliminary assessment”.	16
16.	Page 13, <i>after</i> line 22, <i>insert</i> — “Provided that the order of the Boad to dispose of the matter shall be appealable under sub-section (2) of section 102.”;	16
17.	Page 13, line 23, <i>for</i> “Provided that”, <i>substitute</i> “Provided further that”;	16
18.	Page 13, line 23, <i>for</i> “inquiry”, <i>substitute</i> “assessment”.	16
19.	Page 14, line 33, <i>for</i> “preliminary inquiry”, <i>substitute</i> “preliminary assessment”.	19
20.	Page 14, line 33, <i>for</i> “comes to the conclusion”, <i>substitute</i> “pass an order”.	19
21.	Page 14, line 34, <i>omit</i> “further”.	19
22.	Page 14, line 37, <i>for</i> “preliminary inquiry”, <i>substitute</i> “preliminary assessment”.	20
23.	Page 14, line 41, <i>for</i> “section 22; or”, <i>substitute</i> “section 22, considering the special needs of the child, the tenets of fair trial and maintaining a child friendly atmosphere; or”.	20
24.	Page 14, lines 43 and 44, <i>for</i> “Section 18”, <i>substitute</i> “Section 19”.	20
25.	Page 16, <i>after</i> line 4, <i>insert</i> — Provided that in case of a child who has completed or is above the age of sixteen years and is found to be in conflict with law by the Children’s Court under clause (i) of sub-section (1) of section 20, the provisions of sub-section (1) shall not apply.”.	25
26.	Page 16, line 5, <i>for</i> “the Police or the Children’s Court and its”, <i>substitute</i> “the Police, or by the Children’s Court to its”.	25
27.	Page 16, <i>for</i> lines 8 to 10, <i>substitute</i> — “Provided that in case of a heinous offence where the child is found to be in conflict with law under clause (i) of sub-section (1) of section 20, the relevant records of conviction of such child shall be retained by the Children’s Court.”.	25
28.	Page 19, line 33, <i>for</i> “one months”, <i>substitute</i> “two months”.	36
29.	Page 20, line 29, <i>for</i> “38”, <i>substitute</i> “38.(1)”.	38
30.	Page 21, line 7, <i>omit</i> “one time”.	38
31.	Page 22, <i>for</i> line 3 and 4, <i>substitute</i> — “(4) The children in need of care and protection who are leaving	40

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	institutional care or children in conflict with law leaving special homes or place of safety on attaining eighteen years of age, may”.	
32.	Page 24, line 36, <i>omit</i> “a one-time”.	47
33.	Page 28, line 6, <i>for</i> “thirty days”, <i>substitute</i> “Sixty days”.	60
34.	Page 28, <i>after</i> line 7, <i>insert</i> — “Provided that children with physical and mental disability, siblings and children above five years of age may be given preference over other children for such inter-country adoption, in accordance with the adoption regulations, as may be framed by the Authority.”.	60
35.	Page 32, <i>after</i> line 42, <i>insert</i> — “Provided that case it is found that such abandonment of the child by the biological parents is due to circumstances beyond their control, it shall be presumed that such abandonment is not wilful and the penal provisions of this section shall not apply in such cases.”.	76
36.	Page 32, line 43, <i>for</i> “Provided that”, <i>substitute</i> “Provided further that”.	76
37.	Page 32, line 47, <i>for</i> “Provided further that”, <i>substitute</i> “Provided also that”.	76
38.	Page 38, <i>after</i> line 29, <i>insert</i> — “(IA) An appeal shall lie against the order of the Board, passed after making the preliminary assessment into a heinous offence under section 16 of the Act, before the Court of Sessions and the Court may, while deciding the appeal, take the assistance of experienced psychologists and medical specialists other than those whose assistance has been obtained by the Board in passing the order under the said section.”.	102
39.	Page 38, <i>for</i> line 32, <i>substitute</i> “committed an offence other than the heinous offence by a child who has completed or is above the age of sixteen years; or”.	102
40.	Page 39, <i>after</i> line 47, <i>insert</i> — “Public awareness on provisions of Act.	108A (New)
	108A. The Central Government and every State Government, shall take necessary measures to ensure that— (a) the provisions of this Act are given wide publicity through media including television, radio and print media at regular intervals so as to make the general public, children and their parents or guardians aware of such provisions; (b) the officers of the Central Government, State Governments and other concerned persons are imparted periodic training on the matters relating to the implementation of the provisions of this Act.”.	

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41.	Page 39, <i>after</i> line 47, <i>insert</i> —	108B (New)
	<p>“Monitoring of implementation of Act.</p> <p>4 of 2006</p> <p>“108B. (1) The National Commission for Protection of Child Rights constituted under section 3, or as the case may be, the State Commission for Protection of Child Rights constituted under section 17 (herein referred to as the National Commission or the State Commission, as the case may be), of the Commission for Protection of Child Right Act, 2005, shall, in addition to the functions assigned to them under the said Act, also monitor the implementation of the provisions of this Act, in such manner, as may be prescribed.</p> <p>4 of 2006</p> <p>(2) The National Commission or, as the case may be, the State Commission, shall, while inquiring into any matter relating to any offence under this Act, have the same powers as are vested in the National Commission or the State Commission under the Commission for Protection of Child Right Act, 2005.</p> <p>4 of 2006</p> <p>(3) The National Commission or, as the case may be, the State Commission, shall also include its activities under this section, in the annual report referred to in section 16 of the Commissions for Protection of Child Right Act, 2005.”</p>	
42.	Page 43, <i>after</i> line 8, <i>insert</i> —	109
	<p>“(via) to enable the National Commission, or as the case may be the State Commission to monitor implementation of the provisions of this Act under sub-section (1) of section 108B;”</p>	

NEW DELHI;
 May 1, 2015
 Vaisakha 11, 1937 (Saka)

ANOOP MISHRA
 Secretary General