

No. 1-3/2012-CW-II (Pt.)
Government of India
Ministry of Women and Child Development

Subject: Repeal and re-enactment of the Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act)

The issue of amendments to Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000) (JJ Act), the primary law relating to juveniles/child in conflict with law (JCL) and children in need of care and protection (CNCP), has been under consideration of the Government of India. The Act has been amended earlier on two occasions in 2006 and 2011.

2. Over the last few years, concerns regarding protection of children and implementation issues related to the legislation have arisen, which need to be addressed as a priority through strengthening of existing provisions and introduction of new clauses in the Act. Discussions with States/UTs and Civil Society organisations have brought out various issues : a) Increase in reported incidents of abuse of children in institutions, families and communities; b) Inadequate facilities, quality of care and rehabilitation measures in Homes; c) Delays in various processes under the Act, such as decisions by Child Welfare Committees (CWCs) and Juvenile Justice Boards (JJBs) leading to high pendency of cases; d) Delay in adoption process ; e) Inadequate provisions to deal with offences against children; f) provisions related to juveniles in conflict with law, in the age group of 16 to 18 years etc.

3. It has now been decided to repeal and re-enact the JJ Act, 2000. A draft of the proposed Juvenile Justice(Care and Protection of Children) Bill, 2014 incorporating the suggestions already received during previous consultation process has been prepared. A copy of the draft Bill is placed on the website of the Ministry for suggestions /comments from the Civil Society Organisations, Non-Government Organisations and Individuals, who are encouraged to review the provisions of the proposed Bill and send their comments (**not more than five A4 size pages**) to the Ministry at email id vivek.joshi@nic.in with a copy to ashi.kapoor@nic.in, jyotimathur21@yahoo.co.in within 15 days of the publication of this notice in website of the Ministry i.e. latest by 03.07.2014 till 6:00 pm. The title of the email must mention the subject as given above.

Date: 18.06.2014
New Delhi


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

An Act to consolidate and amend the law relating to **children** in conflict with law and children in need of care and protection by catering to their developmental needs through proper care, protection and treatment, and by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their ultimate rehabilitation through processes provided, and institutions established, under this enactment and for matters connected therewith or incidental thereto.

WHEREAS the provisions of the Constitution confer powers and impose duties, particularly under clause (3) of article 15, clauses (e) and (f) of article 39, articles 45 and 47, on the State to ensure that all the needs of children are met and that their basic human rights are fully protected;

AND WHEREAS, the General Assembly of the United Nations has adopted the Convention on the Rights of the Child on the 20th November, 1989;

AND WHEREAS, the Convention on the Rights of the Child provides a set of standards to be adhered to by all State parties in securing the best interest of children;

AND WHEREAS, the Convention on the Rights of the Child emphasises social reintegration of child victims, to the extent possible;

AND WHEREAS, the Government of India has ratified the Convention on the 11th December, 1992;

AND WHEREAS, it is expedient to re-enact the existing law relating to **children alleged and found to be** in conflict with law and children in need of care and protection, bearing in mind the standards prescribed in the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing rules), the United Nations Rules for the Protection of

	Juveniles Deprived of their Liberty (1990), Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption (1993), and all other relevant international instruments. Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows :—	
	CHAPTER I PRELIMINARY	
Short title, extent, commencement and application.	1. (1) This Act may be called the Juvenile Justice (Care and Protection of Children) Act, 2014. (2) It extends to the whole of India except the State of Jammu and Kashmir. (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. (4) Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall apply to all - (i) cases involving detention, prosecution or penalty of imprisonment; (ii) matters or processes relating to apprehension, production before court, disposal orders and restoration, and (iii) procedures and decisions related to adoption of children and rehabilitation and reintegration, of children, in conflict with law or, as the case may be, in need of care and protection, under such other law.	
Definitions.	2. In this Act, unless the context otherwise requires,— (a) “abandoned child” means a child deserted by his biological or adoptive parents or guardians, who has been declared as abandoned by the Committee after due inquiry; (b) “adoption” means the process through which the adopted child is permanently separated from his biological parents and becomes a legitimate child of his adoptive parents with all the rights, privileges and responsibilities that are attached to the	

	<p>legitimate child;</p> <p>(c) “aftercare” means provision of support, financial or otherwise, to young adults, who have completed the age of eighteen years but have not completed the age of twenty-one years, and have left institutional care, to help them to join mainstream society;</p> <p>(d). “begging” means—</p> <p class="list-item-l1">(i) soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, under any pretence;</p> <p class="list-item-l1">(ii) exposing or exhibiting with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;</p> <p>(e) “Best Interest of Child” means the basis for any decision taken regarding the child, to ensure his social well-being and physical, emotional and intellectual, development;</p> <p>(f). “Board” means a Juvenile Justice Board constituted under section 5 ;</p> <p>(g) Central Adoption Resource Authority means the Central Adoption Resource Authority referred to in section 67;</p> <p>(ga) “Chief Medical Officer” means an officer appointed by the State Government as head of medical services in the District.</p> <p>(h) “Child” means a person who has not completed eighteen years of age;</p> <p>(i) “Child in conflict with law” means a child who is found by the Board to have committed an offence and who has not completed eighteen years of age as on the date of commission of the offence;</p> <p>(j). “child in need of care and protection” means a child –</p> <p class="list-item-l2">(i) who is found without any home or settled place of abode and without any ostensible means of</p>	
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	subsistence; or (ii) who is found begging, or living on the street, or working in contravention of Child Labour (Prohibition and Regulation) Act, 1986, irrespective of whether the child is living with or without a family or any home or settled place of abode; or (iii) who resides with a person (whether a guardian of the child or not) and such person— (a) has injured, exploited, abused or neglected the child; or (b) has threatened to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out; or (c) has killed, abused, neglected or exploited some other child or children and there is a reasonable likelihood of the child in question being killed, abused, exploited or neglected by that person; or (iv) who is mentally ill or mentally or physically challenged or suffering from terminal or incurable disease, having no one to support or look after or having parents or guardians, unfit or unable to take care, if found so by the Competent Authority; or (v) who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated, by the Competent Authority, to care for and protect the safety and well-being of the child; or (vi) who does not have parents and no one is willing to take care of or whose parents have abandoned or surrendered him or who is missing or run away child, and whose parents cannot be found after reasonable inquiry; or	
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	(vii) who is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts; or (viii) who is found vulnerable and is likely to be inducted into drug abuse or trafficking ; or (ix) who is being or is likely to be abused for unconscionable gains ; or (x) who is victim of any armed conflict, civil unrest or natural calamity; (k) “child friendly” means any interpretation, practice, process, attitude, environment or treatment that is humane, considerate and in the best interest of the child; (l) “child legally free for adoption” means a child declared as such under sub-section (1) of section 37 by the Committee after due inquiry; (m) “Open Shelter” means a drop in centre for children, established and maintained by the State Government, either by itself, or through a voluntary or non-governmental organisation under sub-section (1) of section 42, and registered as such, for the purposes specified in that section; (n) “Children’s Home” means a children’s home, established or maintained, in every district or group of districts, by the State Government, either by itself, or through a voluntary or non-governmental organisation, and is registered as such for the purposes specified in sub-section (1) of section 50; (o) “Child Welfare Officer” means an officer attached to a Children’s Home, who is responsible, as prescribed, for carrying out directions given by the competent authority; (p) “Child Welfare Police Officer” means the officer designated as such , under subsection (2) of section 108; (q) “Committee” means a Child Welfare Committee	
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	constituted under sub-section (1) of section 25; (r) “Competent Authority” means, in relation to children in need of care and protection, a Committee, and in relation to children in conflict with law, a Board; (s) “Corporal Punishment” means the intentional subjecting of a child, by any person, for disciplinary purposes, to any physical penalty causing hurt and grievous hurt, and persistent verbal abuse causing severe emotional distress or trauma; <i>Explanation:</i> For the purposes of this clause, the terms ‘hurt’ and ‘grievous hurt’ shall have the meanings ascribed to them under the Indian Penal Code, 1860. (sa) “Deputy Commissioner” means an officer appointed by the State Government as the executive head of the district. (t)“District Child Protection Unit” means a Child Protection Unit for a District, established by the State Government under section 107, which is the focal point to take up all matters relating to children and to ensure the implementation of this Act; (u) “fit facility” means a facility being run by a Governmental Organisation or a registered voluntary or non-governmental organisation, prepared to temporarily own the responsibility of a child for a specific purpose, on a short term or long term basis, and such facility is recognised as fit for the said purpose, by the District Child Protection Unit, under sub-section (1) of section 51; (v) “fit person” means any person, prepared to own the responsibility of a child, for a specific purpose on a short term or long term basis, and such person is identified after inquiry made in this behalf and recognised as ‘fit’ for the said purpose, by the Committee or the Board, as the case may be, to receive and take care of the child; (w) Foreigner shall have the same meaning as defined in the Foreigners Act, 1946;	61 of 1985.
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	(x) “Foster Care” means placement of a child, in a family, which is not his biological family, for care and protection, for a short or long term;	20 of 1958
	(y) “guardian”, in relation to a child, means his natural guardian or any other person, having, in the opinion of the Competent Authority, the actual charge of the child, and recognised by the Competent Authority as a guardian in the course of proceedings before that Authority;	104 of 1956
	(z) “habitual residence” means a place of settled dwelling, which constitutes a person's ordinary residence at least for a period of one year;	
	(za) “narcotic drug” and “psychotropic substance” shall have the meanings respectively assigned to them in the Narcotic Drugs and Psychotropic Substances Act, 1985;	
	(zb) “No Objection Certificate” for inter-country adoption means a certificate issued by the Central Adoption Resource Authority for the said purpose;	
	(zc) “Non-Resident Indian” (NRI) means person who holds an Indian passport and is presently residing abroad for more than one year;	
	(zd) “Notification” means the notification published in the official Gazette of India, or as the case may be, in the gazette of a State, and the expression “notify” shall be construed accordingly;	
	(ze) “observation home” means an observation home, established and maintained, in every district or group of districts, by a State Government, either by itself, or through a voluntary or non-governmental organisation, and is registered as such, for the purposes specified in sub-section (1) of section 46;	
	(zf) “offence” means an offence punishable under any law for the time being in force;	
	(zg) “orphan” means a child – (i) who is without biological or adoptive parents or	

	legal guardian; or (ii) whose legal guardian is not willing to take, or capable of taking care, of the child; (zh) “Overseas Citizen of India” means a person registered as such under the Citizenship Act, 1955; (zi) “Person of Indian Origin” means a person, any of whose lineal ancestors is or was an Indian national, and who is presently holding a Person of Indian Origin Card issued by the Government of India; (zj) “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 may be, the person in-charge of which is willing to receive and take care of children, or other persons, in conflict with law placed there, by order of the Board, for a period and purpose as defined in the order; (zk) “pre-adoption foster care” means a stage when the custody of a child is given to prospective adoptive parents (PAPs) with a view to adopt; (zl) “prescribed” means prescribed under rules made under this Act; (zm) “Probation Officer” means an officer appointed by the State Government as a probation officer under the Probation of Offenders Act, 1958 (20 of 1958); (zn) “Prospective Adoptive Parents” means person (s) eligible to adopt as per the criteria that may be prescribed; (zo) “public place” shall have the meaning assigned to it in the Immoral Traffic (Prevention) Act, 1956 (104 of 1956); (zp) “Ragging” means any such conduct, or act which has the effect of teasing, treating or handling with rudeness any student or child in an institution; indulging in rowdy or indisciplined activities which cause, or are likely to cause, hardship, physical or psychological harm or raise	2 of 1974
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	fear or apprehension thereof, in a fresher or junior student and which has the effect of causing or generating a sense of shame or embarrassment so as to adversely affect the psyche of a new or junior student or another child; (zq) “Registered” with reference to child care institutions or agencies or facilities managed by the State Government, or a voluntary or non-governmental organization, means child care institutions or agencies or facilities authorized and registered under section 40, for providing residential care to children, on a short term or long term basis; (zr) “Shelter Home” means an institution established by a state government or by a voluntary organisation and registered by that government under section 40, for receiving and providing temporary care for child in need of care and protection placed there by the Committee; (zs) “special juvenile police unit” means a unit of the police force of a district or city as the case may be designated for handling of children under section 108; (zt) “special home” means an institution established by a State Government or by a voluntary or non-governmental organization, registered under section 47, for housing and providing rehabilitative services to children in conflict with law, who are found, through inquiry, to have committed an offence and are sent to such institution by order of the Board; (zu) “Specialised Adoption Agency” means an institution established by State Government or by a voluntary or non-governmental organisation, registered under section 61 of this Act, for housing orphans, abandoned and surrendered children, placed there by order of the Committee, for the purpose of adoption; (zv) “sponsorship” means provision of supplementary support, financial or otherwise, to the families to meet the developmental needs of the child; (zw) “State Government”, in relation to a Union Territory,	
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	means the Administrator of that Union Territory appointed by the President under article 239 of the Constitution; (zx) “surrendered child” means a child, who is relinquished by the parent(s) or guardian to the Committee, on account of physical, emotional and social factors beyond their control, and declared as such by the Committee; (zy) All words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1973, shall have the meanings respectively assigned to them in that code.	
Placement of persons, who cease to be a child during process of inquiry under this Act	3. (1) Where an inquiry has been initiated in respect of any child under this Act, and during the course of such inquiry such a child ceases to remain a child, then, notwithstanding anything contained in this Act or in any other law for the time being in force, the inquiry may be continued by the concerned Competent Authority and orders may be made in respect of such person as if such person had continued to be a child. (2) Persons in conflict with law under sub-section (1), in respect of whom an inquiry is on-going or those persons in conflict with law apprehended after attaining the age of eighteen years for offence committed while still a child, and not released on bail, shall be placed in a place of safety till the inquiry is completed. (3) In matters involving any child in need of care and protection under sub-section (1) placed in institutional care, such person shall remain in a children’s home till such time that the inquiry is completed, only if there is no fit family for restoration of such person.	
	CHAPTER-II FUNDAMENTAL PRINCIPLES FOR CARE, PROTECTION, REHABILITATION AND JUSTICE FOR CHILDREN	
Fundamental principles for care, protection rehabilitation and justice for children.	4. The principles mentioned in this section, henceforth are called ‘Fundamental Principles’, which are fundamental to the understanding and implementation of the Act and all Competent Authorities or agencies, as the case may be, shall abide and be guided by these Principles to apply, interpret and implement any provision related to	

	Care, Protection, Rehabilitation and Justice for Children, under this Act. These Principles are: (i) <i>Principle of presumption of innocence:</i> Any child is to be presumed to be innocent of any malafide or criminal intent upto the age of eighteen years. (ii) <i>Principle of dignity and worth:</i> All human beings are to be treated as equal in dignity and rights. (iii) <i>Principle of participation:</i> Every child has a right to be heard and to participate in all processes and decisions affecting his or her interest and the child's views shall be taken into consideration with due regard to the age and maturity of the child. The family of the child also has a right to such participation unless decided otherwise by the Competent Authority, in the best interest of the child. (iv) <i>Principle of best interest:</i> All decisions regarding children should be based on the primary consideration that they are in the best interest of the child and shall help the child thereby to develop to his or her full potential. (v) <i>Principle of family responsibility:</i> The primary responsibility of care, nurture and protection of the child is that of the biological family or adoptive or foster parents as the case may be. (vi) <i>Principle of safety (no harm, no abuse, no neglect, no exploitation and no maltreatment):</i> All measures will be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system, and thereafter. (vii) <i>Positive measures:</i> All resources shall be mobilized including those of family and community, for promoting well-being, facilitating development of identity and providing an inclusive and enabling environment, to reduce vulnerabilities of children and the need for intervention under this Act.	
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	(viii) <i>Principle of non-stigmatizing semantics:</i> Use of adversarial or accusatory words should not be made in processes pertaining to a child under this Act (ix) <i>Principle of non-waiver of rights:</i> No waiver of rights of the child is permissible or valid, whether sought by the child or person acting on behalf of the child, or a Competent Authority under this Act. (x) <i>Principle of equality and non-discrimination:</i> There shall be no discrimination against a child on any grounds including sex, place of birth, disability, offence committed etc. and equality of access, opportunity and treatment shall be provided to every child under this Act. (xi) <i>Principle of right to privacy and confidentiality:</i> The child has a right to protection of his/her privacy and confidentiality, by all means and through all stages of the proceedings under this Act. (xii) <i>Principle of institutionalization as a measure of last resort:</i> A child shall be placed in institutional care only temporarily and if no other family based care option is possible or available. (xiii) <i>Principle of repatriation and restoration:</i> Every child in the juvenile justice system has the right to be reunited with their families at the earliest and to be restored to the same socio- economic and cultural status that they were in before coming under the purview of the Act, unless such restoration and repatriation is not in their best interest. (xiv) <i>Principle of fresh start:</i> All past records of any child under the Juvenile Justice system should be erased. (xv) <i>Principle of diversion:</i> Measures for dealing with children in conflict with law without resorting to judicial proceedings, shall be promoted. (xvi) <i>Principles of natural justice:</i> Basic procedural standards of fairness should be adhered to, including the right to a fair hearing, rule against bias and the right to review, by all persons or bodies, acting in a judicial	
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	capacity under this Act.	
	CHAPTER-III JUVENILE JUSTICE BOARD	
Juvenile Justice Board	5. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973(2 of 1974), the State Government shall, constitute for every district, one or more Juvenile Justice Boards for exercising the powers and discharging the duties conferred or imposed on such Boards in relation to children in conflict with law under this Act. (2) A Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of the first class, as the case may be, not being Chief Metropolitan Magistrate or Chief Judicial Magistrate, and two social workers, at least one of whom shall be a woman, forming a Bench and every such Bench shall have the powers conferred by the Code of Criminal Procedure, 1973 (2 of 1974) on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the first class. (3) The Magistrate on the Board shall be designated as the Principal Magistrate. (4) No social worker shall be appointed as a member of the Board unless such person has been actively involved in health, education, or welfare activities pertaining to children for at least seven years or a practicing professional with a degree in child psychology. (5) The State Government shall ensure that induction training & sensitization of all members of the Board on care, protection, rehabilitation, and justice for children, as prescribed, is provided within two months of appointment. (6) The term of office of the members of the Board and the manner in which such member may resign shall be such as may be prescribed. (7) The appointment of any member of the Board, except for that of the Principal Magistrate, may be terminated after holding inquiry, by the State Government, if – (i) he has been found guilty of misuse of power vested	2 of 1974. 2 of 1974.

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18th June 2014

	under this act, (ii) he has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or he has not been granted full pardon in respect of such offence, (iii) he fails to attend the proceedings of the Board for consecutive three months without any valid reason or he fails to attend less than three-fourths of the sittings in a year.	
Procedure in relation to Board	6. (1) The Board shall meet at such times and shall, observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed, to ensure that all procedures are child friendly and that the venue is not intimidating to the child and does not resemble adult courts. (2) A child in conflict with law may be produced before an individual member of the Board, when the Board is not sitting. (3) A Board may act notwithstanding the absence of any member of the Board, and no order made by the Board shall be invalid by reason only of the absence of any member during any stage of proceedings: Provided that there shall be at least two members including the Principal Magistrate present at the time of final disposal of the case. (4) In the event of any difference of opinion among the members of the Board in the interim or final disposal, the opinion of the majority shall prevail, but where there is no such majority, the opinion of the Principal Magistrate, shall prevail.	
Powers, Functions and Responsibilities of the Board.	7. (1). Notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, the Board constituted for any district shall have the power to deal exclusively with all the proceedings under this Act, relating to children in conflict with law, in the area of jurisdiction of such Board:	

	(2). The powers conferred on the Board by or under this Act may also be exercised by the High Court and the Court of Sessions, when the proceedings come before them in appeal, revision or otherwise. (3). The functions and responsibilities of the Juvenile Justice Board shall include: (a) ensuring the informed participation of the child and the parent or guardian, in every step of the process; (b) ensuring that the child's rights are protected throughout the process of apprehending the child, inquiry and rehabilitation; (c) ensuring availability of legal aid for the child through the legal services institutions; (d) directing the Probation Officer, or in case a Probation Officer is not available the Child Welfare Officer, to undertake a social investigation into the case, and submit a report to ascertain circumstances in which the alleged offence was committed; (e) inquiring into the case; (f) disposing of the matter and passing a final order that includes an individual care plan for the child's rehabilitation, including follow up by the Probation Officer or the District Child Protection Unit, as required; (g) conducting inquiry for declaring 'fit persons' regarding care of children in conflict with law; (h) conducting regular inspection visits of residential facilities for children in conflict with law (minimum one inspection visit in a month) and recommend action for improvement in quality of services to the District Child Protection Unit and State Government; and (i) any other function that may be prescribed.	
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Procedure to be followed by a Magistrate who has not been empowered under this Act.	8. (1) When a magistrate, not empowered to exercise the powers of Board under this Act is of the opinion that the person alleged to have committed the offence and brought before him is a child, he shall, without any delay, record such opinion and forward the child immediately, and send record of such proceeding, to the Board having jurisdiction over the proceeding. (2) In case a person alleged to have committed an offence claims before a Court other than a Board, that the person is a child or was a child on the date of commission of the offence, or if the court itself is of the opinion that the person was a child on the date of commission of the offence, the said court shall make an inquiry, take such evidence as may be necessary (but not an affidavit) to determine the age of such person, and shall record a finding on the matter, stating the age of the person as nearly as may be: Provided that such a claim may be raised before any court and it shall be recognized at any stage, even after final disposal of the case, and such a claim shall be determined in terms of the provisions contained in this Act and the rules made hereunder even if the person has ceased to be a child on or before the date of commencement of this Act. (3) If the court finds that a person has committed an offence and was a child on the date of commission of the offence, it shall forward the child to the Board for passing appropriate orders and the sentence, if any, passed by the court shall be deemed to have no effect. (4) In case a person under this Section is required to be kept in protective custody, while the person's claim of being a child is being inquired into, such person may be placed, in the interim period, in a place of safety.	
	CHAPTER-IV PROCEDURE IN RELATION TO CHILDREN IN CONFLICT WITH LAW	
Apprehending of child alleged to be in	9 (1). As soon as a child alleged to be in conflict with law is apprehended by the police, such child shall be placed under	

conflict with law.	the charge of the special juvenile police unit or the designated child welfare police officer, who shall produce the child before the Board without any loss of time but within a period of twenty-four hours of apprehending of the child excluding the time necessary for the journey, from the place where the child alleged to be in conflict with law was apprehended: Provided that in no case, shall a child alleged to be in conflict with law, be placed in a police lockup or lodged in a jail. (2) The State Government shall make rules consistent with this Act,- (i) to provide for persons through whom (including registered voluntary or non-governmental organisations) any child alleged to be in conflict with law may be produced before the Board; (ii) to provide the manner in which such child alleged to be in conflict with law may be sent to an observation home or place of safety, as the case may be.	
Role of custodian of child in conflict with law.	10. Any person in whose charge a child in conflict with law is placed, shall while the order is in force, have authority over the said child, as if the said person was the child's parent and responsible for the child's maintenance. Provided that the child shall continue in such person's charge for the period stated by the Board, notwithstanding that the said child is claimed by the parents or any other person.	
Bail of child alleged to be in conflict with law.	11.(1) When any person alleged to have committed a bailable or non-bailable offence, who is apparently a child, is apprehended or detained or appears or is brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a Probation Officer or under the care of any fit facility or fit person: Provided that such person shall not be so released if there appears reasonable grounds for believing that the release	2 of 1974

	is likely to bring this person into association with any known criminal or expose the said person to moral, physical or psychological danger or that the person's release would defeat the ends of justice. (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 in the prescribed manner until the person can be brought before a Board. (3) When such person is not released on bail under sub-section (1) by the Board it shall, make an order sending him to an observation home or a place of safety, as the case may be, for such period during the pendency of the inquiry regarding the person as may be specified in the order.	
Information to parents, guardian or Probation Officer	12. Where a child alleged to be in conflict with law is apprehended, the officer designated as Child Welfare Police Officer of the police station, or the special juvenile police unit to which such child is brought, shall, as soon as possible after apprehending the child, inform - (i) the parent or guardian of such child, if they can be found, and direct them to be present at the Board before which the child will appear; and (ii) the probation officer, or if no probation officer is available, a Child Welfare Officer, for preparation and submission within two weeks to the Board, a social investigation report containing information regarding the antecedents and family background of the child and other material circumstances likely to be of assistance to the Board for making the inquiry.	
Inquiry by Board regarding child in conflict with law .	13. Where a child alleged to be in conflict with law having been charged with the offence is produced before a Board, the Board shall hold the inquiry in accordance with the provisions of this Act and may make such order in relation to such child as it deems fit: Provided that an inquiry under this section shall be completed	

	within a period of four months from the date of its commencement, unless the period is extended, for a maximum period of two more months by the Board, having regard to the circumstances of the case and after recording the reasons in writing for such extension. Provided that if such inquiry by the Board remains inconclusive even after the extended period, the proceedings shall stand terminated. Provided further that for serious offences, in case the Board requires further extension of time for completion of inquiry, the same may be granted by the Chief Judicial Magistrate for reasons to be recorded in writing. <i>Explanation:</i> For the purpose of this section, any serious offence is an offence entailing a punishment of more than seven years imprisonment for adults.	
Inquiry into specific offences by the Board	14 (1) In case of a child alleged to be in conflict with law, who has completed sixteenth year of age as on the date of commission of an offence under sections 302, 326A, 376, 376A or section 376D of the Indian Penal Code, the Board shall conduct an inquiry within a period of one month from the date of production of such child before the Board, regarding the premeditated nature of such offence, the mitigating circumstances in which such offence was committed, the culpability of the child in committing such offence and the child's ability to understand the consequences of the offence, and make an order in accordance with the provisions of sub-section (3) of section 17. (2) In case of a child in conflict with law who has completed sixteenth year of age and has committed an offence under sections 307, 354B, 363, 364, 365, 366, 367, 368, 369, 371, 372, 373, 392, 395, 396, 397 or section 398 of the Indian Penal Code, the Board shall conduct inquiry within a period of one month from the date of production of such child before the Board, regarding previous history of commission of such offences by the child, premeditated nature of such offence, mitigating circumstances in which the offence was committed,	45 of 1860

	culpability of the child in committing such offence and the child's ability to understand consequences of offence so committed and if the child is found to be a repeat offender of such offence, it shall make an order in accordance with the provisions of sub-section (3) of section 17. <i>Explanation.</i>—For the purposes of this sub-section, it is clarified that no child shall be considered as a repeat offender on the ground that there is a case pending against such child in respect of an offence specified in sub-section (2) of this section.	
Review of pendency of Inquiry	15 (1). The Chief Judicial Magistrate or the Chief Metropolitan Magistrate shall review the pendency of cases of the Board at every three months, and shall direct the Board to increase the frequency of its sittings or may recommend the constitution of additional Boards. (2). The number of cases pending in the Boards, period for which pending, nature of pendency and reasons thereof etc. shall be reviewed bi-annually by a high level committee chaired by Executive chairman of the State Legal Services Authority and consisting of the Home Secretary, the Secretary responsible for implementation of this Act in the State and a representative from a voluntary or non-governmental organization to be nominated by the Chairperson. (3). Information of such pendency shall also be furnished by the Boards to the State Government on a quarterly basis in a format as prescribed by the State Government.	
Orders that may be passed regarding a child not found to be in conflict with law.	16. (1) Where a Board is satisfied on inquiry that the child brought before it has not committed any offence, then notwithstanding anything to the contrary contained in any other law for the time being in force, the Board may pass orders to this effect. (2) In case it appears to the Board that the child under sub-section (1) is in need of care and protection, it may refer the child to the Committee.	

Orders that may be passed regarding a child found to be in conflict with law.	17. (1) Where a Board is satisfied on inquiry that the child brought before it has committed an offence, then notwithstanding anything to the 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, mitigating circumstances as brought out in the social investigation report and past record of the child, the Board may if it so thinks fit,- (a) allow the child to go home after advice or admonition following appropriate inquiry and counselling to the parent or the guardian and the said child; (b) direct the child to participate in group counselling and similar activities; (c) order the child to perform community service under the supervision of an organization or institution, or a specified person, persons or group of persons identified by the Board; (d) order the parent of the said child or the child himself to pay a fine, if he is over fourteen years of age and earns money; Provided that, in case the child is earning, it may be ensured that the provisions of the Child Labour (Prohibition and Regulation) Act, 1986 and the Right of Children to Free and Compulsory Education Act, 2009 are not violated. (e) direct the child to be released on probation of good conduct and placed under the care of any parent, guardian or other fit person, on such parent, guardian or other fit person executing a bond, with or without surety, as the Board may require, for the good behaviour and well-being of the child for any period not exceeding three years; (f) direct the child to be released on probation of good conduct and placed under the care and supervision of any fit facility for ensuring the good behaviour and	61 of 1986.
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	well-being of the child for any period not exceeding three years; (g) direct that the child be sent to a special home, for such period, not exceeding three years, as it thinks fit, for providing <i>inter alia</i> reformative services including educational services, skill development, alternative therapy such as counselling, behaviour modification therapy, and psychiatric support during the period of stay in the special home. Provided that : (i) where the child has attained the age of sixteen years and has committed an offence and the Board is satisfied that the offence is of serious nature, or that the child's conduct and behaviour have been such that it would not be in the child's interest, or in the interest of other children housed in a special home, to send such child to the special home; or (ii) in case the child is a habitual offender, and none of the other measures provided under this Act is suitable or sufficient; or (iii) if the person is above eighteen years of age at the time of final orders; the Board may order such child or person to be kept in a place of safety and in such manner as it thinks fit and the period of detention so ordered shall not exceed in any case the maximum period provided for under this Act. (2). If an order is passed under (a) to (f) of sub-section (1), the Board may, in addition also pass orders related to : i) attend school; ii) attend a vocational training centre; iii) attend a therapeutic centre; iv) prohibit the child from visiting, frequenting or appearing at a specified place; (3) Subject to the provisions of this section, the Board	
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	shall, after the inquiry under sub-section (1) or sub-section (2) of section (14), pass an order for continued adjudication of the case in accordance with the provisions of this Act or to transfer such case to the court having jurisdiction over such offence.	
Order that may not be passed against a child in conflict with law.	18. Notwithstanding anything to the contrary contained in any other law for the time being in force, no child in conflict with law shall be placed in a special home in default of payment of fine or in default of furnishing security or sentenced to death or life imprisonment for any offence committed by the child.	
Order that may not be passed against child in conflict with law with respect to specific offences	19. No juvenile in conflict with law who has completed sixteenth year of age and is found to have committed an offence referred to in sub-sections (1) and (2) of section 14 shall be sentenced to death or for life imprisonment without the possibility of release, for any such offence, either under the provisions of this Act or under the provisions of Indian Penal Code.	45 of 1860.
Proceeding under Chapter VIII of the Code of Criminal Procedure not to apply against child.	20. Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973, or any preventive detention law for the time being in force, no proceeding shall be instituted and no order shall be passed against any child under Chapter VIII of the said Code.	2 of 1974
No joint proceeding of child in conflict with law and person not a child.	21. (1) Notwithstanding anything contained in section 223 of the Code of Criminal Procedure, 1973 or in any other law for the time being in force, there shall be no joint proceedings of a child alleged to be in conflict with law with a person who is not a child. (2). If a child is alleged to have committed an offence for which under section 223 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force, such child and any person who is not a child, but for the prohibition contained in sub-section (1), have been charged and tried together, the Board taking cognizance of that offence shall direct separate trials of the child alleged to be in conflict with law and the other person.	2 of 1974. 2 of 1974.
Removal of	22. (1) Notwithstanding anything contained in any other law	

disqualification on the findings of an offence.	for the time-being in force, a child who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attached to a conviction of an offence under such law. (2). The Board shall make an order directing that the relevant records of such conviction shall be removed after the expiry of the period of appeal or a reasonable period as prescribed under the rules, as the case may be.	
Special provision in respect of pending cases.	23. Notwithstanding anything contained in this Act, all proceedings in respect of a child alleged or found to be in conflict with law in any Board or court on the date on which this Act comes into force, shall be continued in that Board or court as if this Act had not been passed. Provided that provisions of section 13 of this Act shall apply with regard to inquiry pending before the Board.	
Provision with respect of run-away child in conflict with law .	24. (1). Notwithstanding anything to the contrary contained in any other law for the time being in force, any police officer may take charge without warrant of a child in conflict with law who has run away from a special home or an observation home or a place of safety or from the care of a person or institution under whom the child was placed under this Act. (2). The said child shall be produced, within twenty four hours of the child being taken charge of by the police officer, preferably before the Board which passed the original order in respect of that child if possible, or the Board nearest to where the child is found. (3). The Board shall ascertain the reasons for the child having run away and pass appropriate orders for the child to be sent back either to the institution or person from whose custody the child had run away or any other similar place or person that the Board may deem fit. Provided that the Board may also give additional directions regarding any special steps that may be deemed necessary, in respect of the best interest of the child. (4). No additional proceeding shall be instituted in respect of such child.	

	CHAPTER-V CHILD WELFARE COMMITTEE	
Child Welfare Committee	25. (1). The State Government shall constitute for every district, one or more Child Welfare Committees for exercising the powers and to discharge the duties conferred on such Committees in relation to children in need of care and protection under this Act, by notification in the Official Gazette and ensure that induction training and sensitisation of all members of the committee is provided within two months of notification of the committee. (2) The Committee shall consist of Deputy Commissioner or District Magistrate, as the case may be as Chairperson, Chief Medical Officer of the district and three social workers as members, at least one of whom shall be a woman. (3) No social worker shall be appointed as member of the Committee unless such person has been actively involved in health, education, or welfare activities pertaining to children for atleast seven years or a practicing professional with a degree in child psychology. (4) The qualifications of the social workers and the tenure for which they may be appointed shall be such as may be prescribed. (5) The appointment of any member of the Committee may be terminated, after inquiry, by the State Government, if- (i) he has been found guilty of misuse of power vested under this Act; (ii) he has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or he has not been granted full pardon in respect of such offence; (iii) he fails to attend the proceedings of the Committee for consecutive three months without any valid reason or he fails to attend less than three-fourths of the sittings in a year.	2 of 1974.

	(6) The Committee shall function as a Bench of Magistrates and shall have the powers conferred by the Code of Criminal Procedure, 1973 on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the first class.	
Procedure in relation to Committee.	26. (1) The Committee shall meet at such times and shall observe such rules of child friendly procedure in regard to the transaction of business at its meetings, as may be prescribed. (2) A child in need of care and protection may be produced before an individual member for being placed in safe custody when the Committee is not in session. (3) In the event of any difference of opinion among the members of the Committee at the time of any decision, the opinion of the majority shall prevail but where there is no such majority the opinion of the Chairperson shall prevail. (4) Subject to the provisions of sub-section (1), the Committee may act, notwithstanding the absence of any member of the Committee, and no order made by the Committee shall be invalid by reason only of the absence of any member during any stage of the proceeding. Provided that there shall be atleast three members including the chairperson present at the time of final disposal order of the case.	
Powers of the Committee.	27. (1) The Committee shall have the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of children, in need of care and protection, as well as to provide for their basic needs and protection of human rights. (2) Where a Committee has been constituted for any area, such Committee shall, notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, have the power to deal exclusively with all proceedings under this Act relating to children in need of care and protection.	
Functions and	28. The Functions and responsibilities of the Committee	

responsibilities of the Committee.	shall include : (i) taking cognizance of and receiving children produced; (ii) conducting inquiry on all issues relating to and affecting the safety and well-being of children under this Act; (iii) directing the Child Welfare Officers or Probation Officers or Non-Governmental Organisations to conduct social investigation and submit a report before the Committee; (iv) conducting inquiry for declaring ‘fit persons’ for care of children in need of care and protection; (v) ensuring care, protection, appropriate rehabilitation or restoration of children in need of care and protection, based on the child’s individual care plan and passing necessary directions to parents or guardians or fit persons or children’s homes or fit facility in this regard; (vi) selecting registered institution for placement of each child requiring institutionalization, based on the child’s age, gender and needs and keeping in mind the available capacity of the institution; (vii) conducting regular inspection of residential facilities for children in need of care and protection (minimum one inspection visit per month) and recommend action for improvement in quality of services to the District Child Protection Unit and the State Government; (viii) witnessing the execution of the surrender deed by the parents and ensuring that they are given time to reconsider the decision as well as making all efforts to keep the family together; (ix) ensuring that all efforts are made for restoration of abandoned or lost children to their families following due process as may be prescribed; (x) declaration of orphan, abandoned and surrendered child as legally free for adoption; (xi) taking <i>suo moto</i> cognizance of cases and reaching out to children in need of care and protection, who are not produced before the Committee provided such decision is taken by atleast three members including the	32 of 2012.
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	chairperson; (xii) taking action for rehabilitation of sexually abused children who are reported as children in need of care and protection to the Committee by Special Juvenile Police Unit or local Police, as the case may be, under the Protection of Children from Sexual Offences Act, 2012.	
	CHAPTER-VI PROCEDURE IN RELATION TO CHILDREN IN NEED OF CARE AND PROTECTION	
Production before Committee.	29. (1). Any child in need of care and protection may be produced before the Committee by any of the following persons :- (i) any police officer or special juvenile police unit or a designated Child Welfare Police Officer or Inspector appointed under section 17 of Child Labour (Prohibition and Regulation) Act, 1986; (ii) any public servant; (iii) Childline Services or by any voluntary or non-governmental organisation or any agency as may be recognised by the State Government; (iv) Child Welfare Officer or Probation Officer; (v) any social worker or a public spirited citizen; or (vi) by the child himself. Provided that the child shall be produced before the Committee without any loss of time but within a period of twenty-four hours excluding the time necessary for the journey. (2) The State Government may make rules consistent with this Act to provide for the manner of making the report to the Committee and the manner of sending and entrusting the child, children's home or shelter home or fit facility or fit person, as the case may be, during the period of the inquiry.	61 of 1986.
Mandatory reporting regarding a child found separated	30. Any individual or organization or a nursing home or hospital or maternity home, who or which finds and takes charge, or is handed over, a child who appears or claims	

from guardian	to be abandoned or lost, or a child who appears or claims to be an orphan without family support, shall within twenty-four hours (excluding the time necessary for the journey), give information regarding this to Childline Services or the nearest police station or to a Child Welfare Committee or to the District Child Protection Unit, or hand over the child to a child care institution registered under this Act, as the case may be.	
Offence of non-reporting	31. If information regarding a child as required under section 30 is not given within the stipulated time, such act shall be regarded as an offence.	
Penalty for non-reporting	32. The person or person incharge of organisation or nursing home or hospital or maternity home responsible for reporting under section 30 shall be liable to imprisonment up to six months or fine of Rs. 10,000/- or both, in case they commit an offence under section 31.	
Surrender of Children.	33. (1) A parent or guardian, who for physical, emotional and social factors beyond their control, wishes to surrender a child, may produce the child before the Committee. Provided that an unwed mother wishing to surrender her child, may do so in the presence of a single member of the Committee, in the manner prescribed. (2). If, after prescribed process of inquiry, in the opinion of Committee, surrender is inevitable, a surrender deed as prescribed shall be executed by the parent(s) or guardian, as the case may be, before the Committee. (3). The surrendering parents or guardian, as the case may be, shall be given one month time to reconsider their decision to surrender the child and in the interim period the Committee shall either allow, after due inquiry, the child to be with the parents/guardians under supervision, or place the child in a Specialised Adoption Agency if he or she is below six years of age, or a children's home if older.	

Inquiry.	34. (1) On production of a child or receipt of a report under section 29, the Committee shall hold an inquiry in the prescribed manner and the Committee, on its own or on the report from any person or agency as mentioned in sub-section (2) of section 29, may pass an order to send the child to the a children's home or shelter home or a fit facility or fit person, and for speedy social investigation by a social worker or child welfare officer or child welfare police officer. Provided that all children below six years of age, who are orphan, surrendered or appear to be abandoned shall be placed in Specialised Adoption Agency, where available. (2). The social investigation shall be completed expeditiously so as to enable the Committee to pass the final order within four months of first production of the child; Provided that for orphan, abandoned or surrendered children, the time for completion of inquiry shall be as per section 37. (3). After the completion of the inquiry, if, the Committee is of the opinion that the said child has no family or ostensible support or is in continued need of care and protection, it may send the child to a Specialised Adoption Agency if the child is below six years of age, children's home or to a fit facility or person, till suitable means of rehabilitation are found for the child, as prescribed, or till the child attains the age of eighteen years; Provided that the situation of the child placed in a children's home or with a fit facility or person, shall be reviewed by the Committee, as may be prescribed. (4) The Committee shall submit a quarterly report of nature of disposal of cases and pendency to the State Government in the manner prescribed, for review of pendency of cases every three months; Provided that the State Government shall direct the Committee to increase the frequency of its sittings to address
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	pendency and may cause the constitution of additional Committees, when necessary; Provided also that if pendency continues to be unaddressed by the Committee even after three months of receiving such directions, the State Government may reconstitute the Committee responsible for the same. (5) The pendency shall also be reviewed biannually by a high level committee constituted by the State Government, headed by the Executive chairman of the State Legal Services Authority and consisting of the Secretary responsible for implementation of this Act in the State, the Chairperson of the State Commission for Protection of Child Rights and a representative from a voluntary or non-governmental organization to be nominated by the head of the high level committee.	
Orders that may be passed regarding a child in need of care and protection	35. The Committee on being satisfied through the Inquiry that the child before the Committee is a child in need of care and protection, on consideration of Social Investigation Report submitted by Child Welfare Officer and taking into account the child's wishes in case the child is sufficiently mature to take a view, may pass one or many of the following orders: (a) declaration of a child as in need of care and protection; (b) restoration of child to the parents or legal guardian or family with or without supervision of child welfare officer or designated social worker; (c) placement in Reception Centre or Children's Home or fit facility or Specialised Adoption Agency (for children less than six years of age whose family cannot be traced), for long term or temporary care, keeping in mind the capacity of the institution for housing such children, either after reaching the conclusion that the family of the child cannot be traced or even if traced, restoration of the child to the family is not in the best interest of the child; (d) placement with 'fit person' for long term or	

	temporary care; (e) foster care orders under section 43 of this Act; (f) sponsorship orders under section 44 of this Act; (g) directions to persons or institutions or facilities in whose care the child is placed, regarding care, protection and rehabilitation of the child, including directions related to immediate shelter and services such as medical attention, psychiatric and psychological support including need-based counselling, occupational therapy or behaviour modification therapy, skill training, legal aid, educational services, and other developmental activities, as required, as well as follow-up and coordination with District Child Protection Unit or State Government and other agencies; (h) declaration of child as legally free for adoption under section 37 of this Act; (2) The Committee may also pass orders for: (i) declaration of fit persons for foster care ; (ii) pre- adoption foster care; and (iii) placing a child in After care under section 45 of the Act. (3) An order related to any other function prescribed.	
Orders that may not be passed regarding a child in need of care and protection	36. No order shall be passed by the Committee regarding a child in need of care and protection related to: (i) adoption orders for the said child under any law for the time being in force (ii) custody of the child in cases of marital dispute	
Procedure for declaring a child 'legally free for adoption'.	37. (1). In case of orphan and abandoned children, the Committee shall make all efforts for tracing the parents or guardians of the child as prescribed and on completion of such inquiry, if it is established that the child is either an orphan having no one to take care, or abandoned, the Committee shall declare the child legally free for adoption.	

	Provided that such declaration shall be made within a period of two month from the date of production of the child, for children who are up to two years of age and within four months for children above two years of age. (2). In case of surrendered children, the institution where the child has been placed by the Committee on application for surrender, shall bring the case before the Committee, immediately, on completion of the reconsideration period as provided under section 33, for declaring the child legally free for adoption. (3) The decision to declare orphan, abandoned and surrendered children as legally free for adoption, shall be taken by at least three members of the Committee, including the chairperson. (4) The Committee shall inform the State Government and Central Adoption Resource Authority regarding number of children declared legally free for adoption and number of cases pending for decision in the manner prescribed, every three months.	
	CHAPTER-VII REHABILITATION AND SOCIAL RE-INTEGRATION	
Process of rehabilitation and social re-integration.	38. (1)The process of rehabilitation and social integration of children under this Act shall be undertaken, based on the individual care plan of the child, preferably through family based care i.e. by restoration to family or guardian with or without supervision or sponsorship, or adoption or foster-care. Provided that all efforts shall be made to keep siblings placed in institutional or non-institutional care, together, unless it is in their best interest not to be kept together. (2) For children in conflict with law the process of rehabilitation and social integration shall be undertaken in the observation homes if the child is not released on bail or in special homes or place of safety or fit facility or with a fit person, if placed there by orders of the Board.	

	(3) Children in need of care and protection who are not placed in families for any reason may be placed in an institution registered for such children under this Act or with a fit person or a fit facility, on a temporary or long-term basis, and the process of rehabilitation and social integration shall be undertaken wherever the child is so placed. (4). Children in need of care and protection who are leaving institutional care on attaining eighteen years of age, or children in conflict with law leaving special homes, may be provided support through aftercare services under section 45, to help them reintegrate into society.	
Restoration of child in need of care and protection.	39. (1). Restoration and protection of a child shall be the prime objective of any children's home, Specialised Adoption Agency or Open Shelter. (2). The children's home, specialised adoption agency or an Open Shelter as the case may be, shall take such steps as are considered necessary for the restoration and protection of a child deprived of his family environment temporarily or permanently where such child is under their care and protection. (3). The Committee shall have the powers to restore any child in need of care and protection to his parent, guardian or fit person, as the case may be, after determining the suitability of the parent or guardian or fit person to take care of the child, and give them suitable directions. <i>Explanation.-</i> For the purposes of this section "restoration of and protection of a child" means restoration to- (a) parents; (b) adoptive parents; (c) foster parents. (d) guardian; (e) fit person;	
Registration of child care institutions housing a child.	40. (1) Notwithstanding anything contained in any other law for the time-being in force, all institutions, whether run by State Government or those run by voluntary or non-governmental organizations, which are meant, either	

	wholly or partially, for housing children in need of care and protection as defined under section 2(j) or children in conflict with law, shall, be registered under this Act, in such manner as may be prescribed, within a period of six months from the date of commencement of this Act, regardless of whether they are receiving grants from the Government or not, Provided that 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 be registered under this Act. (2). At the time of registration under this section, the State Government shall determine and record the capacity and purpose of the institution and shall register the institution as a Shelter Home, or 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. (3). On receipt of application for registration under sub-section (1), from an existing or new institution housing children in need of care and protection or children in conflict with law, the State Government may grant provisional registration, within one month of the date of application, for a maximum period of six months, in order to bring such institution under the purview of this Act, and shall determine the capacity of the Home which shall be mentioned in the registration certificate. Provided that if the said institution does not fulfil the prescribed criteria for registration, within the stipulated time, the provisional registration will stand cancelled and provisions of sub-section (5) shall apply. (4). The initial period of registration of an institution shall be five years, after which, it shall be subject to renewal every five years. (5). The State Government may, following procedure as prescribed, cancel or withhold registration, as the case may be, of such institutions which fail to provide	
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	rehabilitation and reintegration services as prescribed under section 53 and till such time that the registration of an institution is renewed or granted, the State Government shall manage the institution or hand over the management to another registered agency with the financial support required for such task: Provided that, if a suitable agency is not available, such institution may be closed and the State Government may transfer the children to some other similar institution with adequate financial support. (6) Notwithstanding anything contained in any other law for the time-being in force, the inspection committee set up under section 54, shall have the powers to inspect any institution housing children, even if not registered under this Act, to determine if such institution is housing children in need of care and protection.	
Penalty for non-registration of institutions housing children	41. Any person, or persons, in-charge of an institution housing children in need of care and protection and children in conflict with law, who fails to comply with sub-section (1) of section 40 shall be punished with imprisonment which may extend to one year or fine not less than one lakh rupees or both: Provided that every thirty day delay in applying for registration shall be considered as a separate offence.	
Open Shelter	42. (1) The State Government may establish and maintain, by itself or through voluntary or non-governmental organisations, as many Open Shelters as may be required, and these shall be registered as such in the manner prescribed. (2). The Open Shelters referred to in sub-section (1) shall function as a community based facility for children in need of urgent support, on a short term basis, with the objective of protecting them from abuse or weaning them, or keeping them, away from a life on the streets. Provided that the maximum length of association of a child with the Open Shelters shall be as prescribed.	

	(3). The Open Shelters shall have such facilities as may be prescribed including services for education, health, need-based counselling and recreation and referral services for vocational training and skill development. (4). The Open Shelters shall send monthly information, in a manner prescribed, regarding children availing services of the shelter to the District Child Protection Unit and the Child Welfare Committee.	
Foster care.	43.(1)Children under this Act may be placed in foster care, through orders of the Committee, following procedure as prescribed in this regard, in a family which does not include the child's biological or adoptive parents or in an unrelated family recognised as suitable for the purpose by the State Government, for a short or extended period of time. (2) The selection of the foster family shall be based on family's ability, intent, capacity and prior experience of taking care of children. (3) Based on number of children, the State Government shall provide funding for such foster care through District Child Protection Unit. (4). In case of children who have parents but are placed in foster-care because the parents are unfit or unable to take care of the child, the child's parents may visit the child in the foster family at regular intervals, unless the Committee feels that such visits are not in the best interest of the child, for reasons recorded therefor; and eventually, the child may return to the parent's homes once the parents are determined by the Committee to be fit to take care of the child. (5) The State Government may make rules for the purpose of defining procedure, criteria and the manner in which foster care services shall be provided for children.	
Sponsorship.	44. (1) The State Government shall make rules for the purpose of undertaking various programmes of sponsorship	

	of children, such as individual to individual sponsorship, group sponsorship or community sponsorship. (2) The sponsorship programme may provide supplementary support to families, to children's homes and to special homes to meet medical, nutritional, educational and other needs of the children, with a view to improving their quality of life.	
After care of young adults leaving institutional care.	45 (1). The State Government shall register, for the purpose and in the manner prescribed, organizations that shall provide after care services, as directed by the Board or Committee, and based on the individual care plan, for young adults, leaving institutional care under this Act on attaining eighteen years of age, to provide additional support to them as they transit from residential care to mainstream society. Provided that the provision of such after care services shall be based on the report of the Probation Officer or Child Welfare Officer which shall include, necessity and nature of after-care for the child, the period of such after-care, supervision thereof and the manner in which follow up is to be conducted. Provided also that such after care services shall only be provided until the young adult attains the age of twenty-one years. (2) The State Government may make rules prescribing the procedures and services to be provided under After Care.	
Observation Homes.	46. (1) The State Government shall establish and maintain in every district or a group of districts, either by itself, or through voluntary or non-governmental organisations, observation homes, which shall be registered as such, for the temporary reception, care and rehabilitation of any child alleged to be in conflict with law, during the pendency of any inquiry regarding them under this Act. (2) Where the State Government is of the opinion that any registered institution other than a home established or maintained under sub-section (1), is fit for the temporary reception of such child alleged to be in conflict with law	

	during the pendency of any inquiry regarding them under this Act, it may register such institution as an observation home for purposes of this Act. (3) The State Government may, by rules made under this Act, provide for the management and monitoring of observation homes, including the standards and various types of services to be provided by them for rehabilitation and social integration of a child alleged to be in conflict with law and the circumstances under which, and the manner in which, the registration of an observation home may be granted or withdrawn. (4). Every child alleged to be in conflict with law who is not placed under the charge of parent or guardian and is sent to an observation home shall be classified according to the child's age and gender, giving due consideration to physical and mental status of the child and degree of the offence committed. Provided that children of each group shall be accommodated separately for care and purpose of preliminary inquiry.	
Special Homes.	47. (1) The State Government may establish and maintain either by itself or through voluntary or non-governmental organisations, special homes, which shall be registered as such, in the manner prescribed, in every district or a group of districts, as may be required for rehabilitation of those children in conflict with law who are found to have committed an offence and who are placed there by order of the Juvenile Justice Board under section 17 of this Act. (2). Where the State Government is of the opinion that any registered institution other than a home established or maintained under sub-section (1), is fit for placement of children found to be in conflict with law under this Act, it may register such institution as a special home for the purposes of this Act. (3). The State Government may, by rules, provide for the management and monitoring of special homes, including the standards and various types of services to be provided by	

	them which are necessary for social re-integration of a child, and the circumstances under which, and the manner in which, the registration of a special home may be granted or withdrawn. (4). The rules made under sub-section (3) may also provide for the classification and separation of children found to be in conflict with law on the basis of age, gender, the nature of offences committed by them and the child's mental and physical status.	
Place of Safety.	48. (1). The State Government may arrange to place a person or child in conflict with law, referred to it under sub-section (1 (g)) of section 15 of this Act, in a place of safety, registered by the State Government for such purpose, as it deems proper and may order such child to be kept under protective custody, at such place and on such conditions, as it thinks fit. (2) The State Government may, by rules, prescribe the types of places that can be designated as place of safety under sub-section (1) and the facilities and services that may be provided therein.	
Shelter Home	49. (1) The State Government may establish and maintain, in every district or group of districts, either by itself or through voluntary or non-governmental organisations "shelter homes" including short stay homes and Reception centres; (2) The Short stay homes may house children for a maximum period of one year and provide specialised services as may be prescribed including de-addiction programme, vocational training and bridge education. (3) Reception Centres are separate units linked to Children's Homes which shall receive children in need of care and protection, placed there by a Child Welfare Committee to provide temporary shelter, care and protection, during the period of inquiry.	
Children's Home	50. (1) The State Government may establish and maintain, in every district or group of districts, either by itself or through voluntary or non-governmental organisations, children's	

	homes, which shall be registered as such, for the placement of children in need of care and protection for their care, treatment, education, training, development and rehabilitation. (2) The State Government shall designate any children's home as a home fit for children with special needs delivering specialized services, depending on requirement. (3) The State Government may, by rules made under this Act, provide for the monitoring and management of children's homes including the standards and the nature of services to be provided by them, based on individual care plans for each child.	
Fit facility	51. (1) The District Child Protection Unit shall recognise, in the manner prescribed, a facility being run by a Governmental Organisation or a voluntary or non-governmental organisation registered under any law for the time being in force, fit to temporarily take the responsibility of the child for a specific purpose after due inquiry regarding the suitability of the facility and the organisation to take care of the child. (2) The District Child Protection Unit may withdraw the recognition under sub-section (1) above for reasons to be recorded in writing.	
Fit person	52. (1) The Board or the Committee shall, after due verification of credentials, recognise any person fit to temporarily receive a child for care, protection and treatment of such child for a specified period and in the manner prescribed. (2) The Board or Committee, as the case may be, may withdraw the recognition granted under sub-section (1) for reasons to be recorded in writing.	
Rehabilitation and re-integration services in institutions registered under this	53. (1) The services that shall be provided, in the manner prescribed, by the institutions registered under this Act in the process of rehabilitation and re-integration of children may include:	

Act and management thereof.	(i) basic requirements such as food, shelter, clothing and medical attention as per standards prescribed; (ii) Equipment such as wheel-chairs, prosthetic devices, as required, for children with special needs; (iii) age appropriate education, including supplementary education, special education, and appropriate education for children with special needs, <i>Provided that for children between six to fourteen years of age the provisions of the Right of Children to Free and Compulsory Education Act, 2009 shall be followed;</i> (iv) skill development; (v) occupational therapy and life skill education; (vi) mental health interventions, including counselling specific to the need of child; (vii) recreational activities including sports and cultural activities; (viii) legal aid where required; (ix) referral services for education, vocational training, de-addiction, treatment of diseases etc., where required; (x) case management including preparation and follow up of individual care plan; (xi) birth registration; (xii) assistance for obtaining the proof of identity, where required; and (xiii) any other service that may reasonably be provided in order to ensure the well being of the child, either directly by the State Government, registered or fit individuals/institutions or through referral services. (2) Each institution shall have a Management Committee, set up in a manner prescribed, to manage the institution and monitor the progress of every child. (3). The officer in-charge of every institution, housing children above six years of age, shall facilitate setting up of children's committees for participating in such activities as may be prescribed, for the safety and well-
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	being of children in the institution.	
Inspection of institutions registered under this Act	54. (1) The State Government shall appoint inspection committees for all institutions registered or recognised fit, under this Act, for the State and district , as the case may be, for such period and for such purposes as may be prescribed. Provided that such inspection committees shall 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 submit reports of the findings of such visits, to the District Child Protection Units or State Government, as the case may be, for further action. (2). The inspection committee of a State or district shall consist of such number of representatives, including at least one woman, from the State Government, Local Authority, Committee or voluntary or non-governmental organisations and such other medical experts and social workers as may be prescribed. (3) On the report of the inspection committee, appropriate action shall be taken within a week by the District Child Protection Unit or the State Government.	
Evaluation of functioning of structures	55. (1) The Central Government or State Government 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. (2) In case such independent evaluation is conducted by both the Governments, the evaluation by the Central Government shall prevail.	
	CHAPTER-VIII ADOPTION	
Adoption	56. (1). The primary responsibility for providing care and protection to any child shall be of the child's family. Explanation: For the purpose of this section, family includes parents, grandparents, adult siblings, siblings of	

	parents. (2). Notwithstanding anything contained in any other law for the time being in force in this regard adoption of orphan, abandoned or surrendered children shall take place as per the principles, criteria and procedure as may be prescribed by Central Government.	
Eligibility of prospective parents.	57. Notwithstanding anything contained in any other law for the time being in force, an Indian or foreign citizen should be eligible for adopting children, as per the criteria and procedure that may be prescribed;	
Procedure for adoption by persons not related to the child.	58. (1) An application for adoption by the Prospective Adoptive Parents, under this Act, shall be filed with the Principal Magistrate of the concerned district where the specialised adoption agency is located, in the manner prescribed, only by an agency registered under section 61 as a Specialised Adoption Agency; Provided that inter-country adoption applications shall be filed only by a Specialised Adoption Agency which has been recognised by the Central Adoption Resource Authority for processing cases of inter-country adoption; (2) Adoption Orders shall be passed by the Principal Magistrate, following the procedure prescribed. (3) All legal proceedings shall be held <i>in camera</i> and order shall be pronounced in the first hearing itself or within a period of two weeks from the date of filing of application for adoption. (4) Failure to adhere to the time period prescribed in sub-section (3) may be construed by higher authority of Principal Magistrate as dereliction of duty.	
Conditions without which adoption of a child shall not take place.	59. A child shall be considered for adoption under this Act only if: (a) the child has been declared legally free for adoption by the Committee as prescribed in section 37, and	

	(b) in case of a child who can understand and express consent, the child has given consent; Provided that the child's capacity to understand is assessed by the Child Welfare Committee. Provided also that in case of adoption by relatives, declaration of child as legally free for adoption by Committee shall not be required.	
Person's eligible to adopt	60. The Principal Magistrate shall allow a child to be given in adoption to: (a) to a person irrespective of marital status; or (b) to parents to adopt a child of same sex irrespective of the number of living biological sons or daughters; or (c) to childless couples	
Specialised Adoption Agencies.	61. (1) The State Government shall register one or more institutions in each district as a specialized adoption agency, in such manner as may be prescribed, for rehabilitation of orphan, abandoned or surrendered children, through adoption and non-institutional care. (2) The specialised adoption agency shall ensure that all orphan children, abandoned or surrendered children are declared free for adoption by the Committee, under section 37 of this Act and in the manner prescribed.	
Adoption of children residing in institutions not registered as adoption agencies.	62. (1) All the institutions registered under this Act, which are not specialized adoption agencies, shall also ensure that all orphan children without close families willing to take care of them, as well as abandoned or surrendered children, are declared free for adoption by the Committee in a manner prescribed. (2) All such institutions under sub-section (1) shall develop formal linkages with a nearby specialized adoption agency, and details of children declared legally free for adoption shall be referred to that specialized adoption agency for placement of such children in adoption in accordance with the procedure prescribed.	

Applicability and effect of adoption	63. (1) An adoption order shall take effect on such date as may be specified therein by the Principal Magistrate. (2). A child in respect of whom an adoption order is made shall become the child of the adoptive parent(s), and the adoptive parent(s) shall become the parent(s) of the child as if the child had been born to the adoptive parent(s), 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; Provided that any property which vested in the adopted child immediately before the date on which the adoption order takes effect shall continue to vest in the adopted child subject to the obligations, if any attaching to the ownership of such property including the obligations, if any, to maintain the relatives in the biological family.	
Providing information regarding adoption orders	64. Notwithstanding anything contained in any other law for the time being in force, information regarding all adoption orders issued by the Principal Magistrates, concerned courts, registrars or sub-registrars executing such deeds of adoption, shall be provided to the Central Adoption Resource Authority on a monthly basis as may be prescribed.	
Prohibition of payments for adoption	65. No person shall give or receive or agree to give or receive any payment or other reward in consideration of the adoption of any child, except that which is permitted under the rules or guidelines issued under this Act.	
Penalty for violation of prohibition of payments for adoption	66. If any person contravenes the provisions of section 65 he shall be punished with imprisonment, which may extend to three years and shall also be liable to fine of rupees one lakh or both, for each violation.	
Central Adoption Resource Authority.	67. The Central Adoption Resource Agency existing before the commencement of this Act, shall be deemed to have been constituted as the Central Adoption Resource Authority under this Act to perform the following functions: (a) to promote in-country adoptions;	

	(b) to regulate inter-country adoptions; (c) to issue guidelines on adoption and related matters from time to time as may be necessary; (d) to carry out the functions of the Central Authority under the Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption; (e) any other function that may be prescribed.	
Steering Committee of Central Adoption Resource Authority	68. (1) Central Adoption Resource Authority shall have a Steering Committee, the constitution of which shall be as under: (a) Secretary, Ministry of Women and Child Development, Government of India, who shall be the ex-officio Chairperson; (b) Joint Secretaries, Ministry of Women and Child Development, Government of India, dealing with adoption and finance, as Ex-officio Members; (c) Representatives of the Ministry of External Affairs, Ministry of Home Affairs and Ministry of Law and Justice, in the rank of Joint Secretary to the Government of India, as ex – officio Members; (d) Three members, out of which at least two shall be women, from the following fields, to be appointed by the Central Government in the manner prescribed from amongst persons of experience in:- (i) law, (ii) social work/psychology/psychiatry and (iii) medical profession (preferably paediatrics) (e) Member Secretary, who shall also be Chief Executive Officer of the Authority; (2) Criteria for selection of the Member Secretary and non-ex officio members, and the tenure and terms and conditions of service shall be as prescribed. (3) The authority shall function from its headquarter and through its regional offices as may be set up as per its functional necessity.	

Powers and Rules of Business of Central Adoption Resource Authority	69. The administrative, financial and programmatic powers as well as the rules of business of Central Adoption Resource Authority shall be exercised in a manner that may be prescribed by the Central Government. Provided that in case of any conflict resulting from exercise of such powers by the Central Adoption Resource Authority, the decision of Steering Committee of the Central Adoption Resource Authority shall be final.	
Annual Report of Central Adoption Resource Authority	70. (1) The Central Adoption Resource Authority shall submit an annual report to the Central Government in the manner that may be prescribed. (2) The Central Government shall cause the annual report of Central Adoption Resource Authority to be laid before each house of Parliament.	
Grants by Central Government	71. (1) The Central Government shall, after due appropriation made by the Parliament by law in this behalf, pay to the Central Adoption Resource Authority by way of grants such sums of money as the Central Government may think fit for being utilised for performing the functions of Central Adoption Resource Authority under this Act. (2) Central Adoption Resource Authority may spend such sums of money as it thinks fit for performing the functions, as prescribed under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1);	
Accounts and audit of Central Adoption Resource Authority	72. (1) The Central Adoption Resource Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India. (2) The accounts of Central Adoption Resource Authority shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Central Adoption Resource Authority	

	to the Comptroller and Auditor-General. (3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Central Adoption Resource Authority under this Act shall, have the same rights and privileges and the authority in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of Central Adoption Resource Authority. (4) The accounts of the Central Adoption Resource Authority as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by Central Adoption Resource Authority. (5) The Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.	
Protection of action taken in good faith	73. No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Government, Central Adoption Resource Authority or any Member thereof or any person acting under the direction either of the Central Government, State Government, or Central Adoption Resource Authority, in respect of anything which is done in good faith or intended to be done in pursuance of this Act or of any rules made thereunder or in respect of the publication by or under the authority of the Central Government, State Government of any report or paper.	
	CHAPTER-IX OTHER OFFENCES AGAINST CHILDREN	
Prohibition on disclosure of identity of children.	74. (1) No report in any newspaper, magazine, news-sheet or audio-visual media or other forms of communication regarding any inquiry or investigation or judicial procedure, shall disclose the name, address or school or any other particular, which may lead to the identification of a child in conflict with law or a child in need of care and protection or a child victim or witness of a crime, involved	

	in such matter, under any Act for the time being in force, nor shall the picture of any such child be published. Provided that for reasons to be recorded in writing, the Board or Committee, as the case may be, holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the best interest of the child. (2) Any person contravening the provisions of sub-section (1) shall be punishable with imprisonment for six months or fine which may extend to two lakh rupees or both.	
Punishment for cruelty to child.	75. (1). Whoever, having the actual charge of, or control over, a child, assaults, abandons, abuses, exposes or wilfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering shall be punishable with imprisonment for a term which may extend to three years or fine of rupees one lakh or both. <i>Provided that if such offence is committed by any person employed by or managing an organization, which is entrusted with the care and protection of the child, the punishment shall be rigorous imprisonment which may extend up to five years, and fine up to rupees five lakhs or both.</i> <i>Provided also that, if as a result of the aforesaid mentioned cruelty, the child is physically incapacitated or develops a mental illness or is rendered mentally unfit to perform regular tasks or has an unreasonable risk to life or limb, the punishment shall be rigorous imprisonment, not less than three years but can be extended up to ten years and shall also be liable to fine of rupees five lakhs or both.</i>	
Employment of child for begging.	76. (1). Whoever employs or uses any child for the purpose of begging or causes any child to beg shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine of rupees one lakh or both. <i>Provided that, if for the purpose, the person amputates or</i>	

	maims the child, the punishment shall be rigorous imprisonment for not less than seven years which can extend up to ten years, and shall also be liable to fine of rupees five lakh or both. (2) Whoever, having the actual charge of, or control over the child, abets the commission of an offence under sub-section (1), shall be punishable with the same punishment as provided for in subsection (1) and such person shall be considered unfit under section 2 (j) (v) of this Act. Provided that the said child, shall not be considered a child in conflict with law under any circumstances, and shall be removed from the charge or control of such guardian or custodian and produced before the Committee for appropriate rehabilitation.	
Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to a child.	77. Whoever gives, or causes to be given, to any child any intoxicating liquor or any narcotic drug or tobacco products or psychotropic substance, except on the order of a duly qualified medical practitioner, shall be punishable with rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine up to rupees one lakh or both.	
Using a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance	78. Whosoever uses a child, for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance, shall be liable for rigorous imprisonment for a term which may extend to seven years and to a fine up to rupees one lakh or both.	
Exploitation of a child employee.	79. Subject to the provisions of the Child Labour (Prohibition and Regulation) Act, 1986, whosoever ostensibly procures a child for the purpose of employment or keeps him in bondage for the purpose or withholds his earnings or uses such earning for his own purposes shall be punishable with rigorous imprisonment for a term which may extend to five years and shall be liable to fine of rupees one lakh or both. Explanation: For the purpose of this sub-section	

	employment shall also include selling goods and services and entertainment in public places for economic gain.	
Punitive measures for adoption without following prescribed procedures.	80. (1) Whosoever, in contravention of sub-section (2) of section 56 and sub-section (1) of section 58 of this Act, offers or gives or receives, any orphan, abandoned or surrendered child, for the purpose of adoption, shall be punished with imprisonment of either description for a term not less than three years, which can be extended upto seven year, or with fine of one lakh rupees per child, or with both. Provided in case where the offence is committed by a registered adoption agency, in addition to the above punishment awarded to the persons in-charge of, and responsible for the conduct of the day-to-day affairs of the registered adoption agency, the registration of such agency under section 40 shall also be withdrawn for a minimum period of one year. (2) Where any minor procedural lapse is committed out of ignorance either by biological or adoptive parent(s), in case of adoption by relatives, punitive measures mentioned in sub-section (1) may not apply. Provided that the court or registering authority dealing with such adoption case is satisfied that the procedural lapse occurred without any mala fide intent.	
Sale and procurement of children for any purpose.	81. Any person who sells or procures a child for any purpose shall be punishable with rigorous imprisonment for a term which may extend to five years and shall also be liable to fine of rupees one lakh or both. Provided that where such offence is committed by person having actual charge of the child, including employees of a hospital or nursing home or maternity home, the term of imprisonment shall not be less than three years and may extend up to seven years.	
Corporal punishment.	82 (1). Whosoever subjects a child to corporal punishment causing hurt and emotional distress for the child, shall be liable, on the first conviction, for imprisonment which can extend to six months or fine or both and for every subsequent offence the person shall be liable for imprisonment which may extend to three years and fine	

	or both. <i>Provided that, if a person employed in an institution providing services to children, is convicted of an offence under this section on more than one occasion, such person shall also be dismissed from service.</i> (2) In case the corporal punishment has caused grievous hurt or severe mental trauma for the child, the person having committed the offence shall be liable, for rigorous imprisonment of three years and fine of rupees fifty thousand and for subsequent conviction, imprisonment which may extend to five years and shall also be liable to fine of rupees one lakh or both. <i>Provided that, if a person employed in an institution providing services to children, is convicted of an offence under this sub-section such person shall also be dismissed from service, and debarred from working directly with children thereafter.</i> (3) In case, where any corporal punishment is reported in an institution and the management of such institution, does not cooperate with any inquiry or comply with the orders of competent authority or court or state government, the person incharge of the management of the institution shall be liable for punishment with imprisonment for a term not less than three years and shall also be liable to a fine which may extend to one lakh rupees.	45 of 1860.
Ragging of a child in an institution.	83. (1). Whosoever, commits the offence of ragging within or outside an institution, or abets or propagates ragging, directly or indirectly, shall be punished with imprisonment for a term which may extend to six months or fine or with both. <i>Provided that, the person who commits any of the afore-said acts, shall also be liable to suspension from the said institution.</i> (2) If any of the aforesaid acts has endangered the life of the child or physically incapacitated the child and caused severe mental or emotional damage, the person or persons responsible shall be punished with imprisonment for a	

	term which may extend to three years and shall also be liable to a fine which may extend to ten thousand rupees. <i>Provided that, the person who commits such offence shall also be liable to expulsion from the said institution.</i> (3) In case, where an incidence of ragging is reported in an institution and the management of such institution, does not cooperate with any inquiry or comply with the orders of competent authority or court or state government, the person incharge of the management of the institution shall be liable for punishment with imprisonment for a term not less than three years and shall also be liable to a fine which may extend to one lakh rupees.	
Use of child by militant groups.	84. Any non-State, self-styled militant group or outfit recognised as such by the Government, who recruit or use any child for any purpose, shall be liable for rigorous imprisonment which can extend to seven years and shall also be liable to fine of rupees five lakh or both.	
Kidnapping and abduction of child.	85. For the purposes of this Act, the provisions of the Indian Penal Code, 1860, under section 359 to section 369 shall apply <i>mutatis mutandis</i> to a child. <i>Provided that, in those sections, a ‘child’ or a ‘minor’ shall mean any person under the age of eighteen years and all the provisions shall be construed accordingly.</i>	
Offences committed on disabled children.	86. Whoever commits any of the offences referred in this Chapter, on any child who is disabled, and this is certified by a medical practitioner, the person committing such offence shall be liable to twice the penalty that would otherwise be imposed. <i>Explanation: For the purpose of this Act, the term ‘disability’ shall have the same meaning ascribed to it, under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.</i>	of 1995.
False complaints or false information	87. (1) Any person who makes a false complaint or provides false information against any person, in respect of an offence under this Act, solely with the intention to humiliate, extort or threaten or defame him, shall be	

	punished with imprisonment for a term which may extend to six months or with fine or with both. (2) Whoever, not being a child, makes a false complaint or provides false information against a child, knowing it to be false, thereby victimizing such child in any of the offences under this Act, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.	
Designated court for trial of offences against children.	88. For such act or omission which constitutes an offence against a child punishable under this Act and also under any other Central or State Act, notwithstanding anything contained in any law for the time being in force, the offence shall be inquired into and offender tried, only by a Children's Court, established under section 25 of the Commission on Protection of Child Rights Act, 2005 or Special Courts, established under section 28 of the Protection of Children from Sexual Offences Act, 2012, wherever existing and where such courts have not been designated, by a competent court for trial of the offence.	of 2005.
Special offences.	89. (1). The offences punishable under section 66 and any of the sections in this Chapter shall be cognizable and non-bailable. (2) Whosoever either abets any offence under this Act, if the act abetted is committed in consequence of the abetment, shall, be punishable with the punishment provided for that offence. (3) Whosoever, attempts to commit any offence under this Act, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall be liable for half the punishment provided for that offence. (4) Whosoever, having been convicted of an offence punishable under this Act, commits such offence again or some other offence punishable under the same section, shall be punished with imprisonment of either description for a term which may extend to ten years and not less than three years and shall also liable to fine of rupees five	

	lakhs or both.	
Alternative punishment.	90. Where an act or omission constitute an offence punishable under this Act and also under any other Central or State Act, then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offences shall be liable to punishment only under such Act as provides for punishment which is greater in degree.	
	CHAPTER-X MISCELLANEOUS	
Attendance of parent or guardian of child.	91. Any competent authority, before which a child is brought under any of the provisions of this Act, may, whenever it so thinks fit, require any parent or guardian having the actual charge of the child to be present at any proceeding in respect of that child.	
Dispensing with attendance of child.	92. If, at any stage during the course of an inquiry, a competent authority is satisfied that the attendance of the child is not essential for the purpose of inquiry, the competent authority shall dispense with the attendance of a child and limit the same for the purpose of recording the statement and subsequently, the inquiry shall continue even in the absence of the child concerned, unless ordered otherwise by the competent authority.	
Placement of a child suffering from disease requiring prolonged medical treatment, in an approved place.	93. When a child who has been brought before a competent authority under this Act, is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment, the competent authority may send the child to any place recognised as a fit facility as prescribed for such period as it may think necessary for the required treatment.	
Transfer of children as are mentally ill or addicted to alcohol or other drugs	94(1) Where it appears to the competent authority that any juvenile or child kept in a special home or an observation home or a children's home or a shelter home or in an institution in pursuance of this Act, is a mentally ill person or addicted to alcohol or other drugs which lead to behavioural changes in a person, the competent authority may order his removal to a psychiatric hospital or psychiatric nursing home in accordance with the provisions of the Mental Health Act, 1987 (14 of 1987) or the rules made thereunder.	

	(2) In case the juvenile or child had been removed to a psychiatric hospital or psychiatric nursing home under sub-section (1), the competent authority may, on the basis of the advice given in the certificate of discharge of the psychiatric hospital or psychiatric nursing home, order to remove such juvenile or child to an Integrated Rehabilitation Centre for Addicts or similar centres maintained by the State Government for mentally ill persons (including the persons addicted to any narcotic drug or psychotropic substance) and such removal shall be only for the period required for the inpatient treatment of such juvenile or child. Explanation.—For the purposes of this sub-section,— (a) "Integrated Rehabilitation Centre for Addicts" shall have the meaning assigned to it under the scheme called "Central Sector Scheme of Assistance for Prevention of Alcoholism and Substance (Drugs) Abuse and for Social Defence Services" made by the Government of India in the Ministry of Social Justice and Empowerment or anyother corresponding scheme for the time being in force; (b) "mentally ill person" shall have the meaning assigned to it in clause (l) of section 2 of the Mental Health Act, 1987 (14 of 1987); (c) "psychiatric hospital" or "psychiatric nursing home" shall have the meaning assigned to it in clause (q) of section 2 of the Mental Health Act, 1987 (14 of 1987).'	
Presumption and determination of age.	95. (1). Where, it is obvious to the competent authority, based on the appearance of the person brought before it under any of the provisions of this Act (other than for the purpose of giving evidence) that the said person is a child, the competent authority shall record such observation stating the child's age as nearly as may be and proceed with the inquiry under section 13 or section 34, as the case may be, without waiting for further confirmation of the age. Provided that when any further information about age is required, the process of age determination shall be conducted in the manner prescribed, simultaneously with the inquiry.	

	(2) In case, the competent authority has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the competent authority shall undertake the process of age determination, following procedure as prescribed and such process shall be completed within fifteen days of first production. (3) State government shall make rules defining the procedure to be followed for age determination. (4). No order of a competent authority shall be deemed to have become invalid merely by any subsequent proof that the person in respect of whom the order has been made is not a child, and the age recorded by the competent authority to be the age of person so brought before it, shall for the purpose of this Act, be deemed to be the true age of that person.	
Transfer of a child to place of residence.	96. (1). If during the inquiry it is found that a child hails from a place outside the jurisdiction of the competent authority, the Board or Committee as the case may be, shall, if satisfied after due inquiry that it is in the best interest of the child and after due consultation with the competent authority of the child's home district, order the transfer of the child, as soon as possible, to the said authority, along with relevant documents and following such procedure as shall be prescribed. Provided that such transfer can be made in case of a child in conflict with law, only after the inquiry has been completed and final order passed by the Board. Provided also that in case of inter-State transfer, the child shall be, if convenient, handed over to the competent authority of the home district of the child, or to the competent authority in the capital city of the home State. (2) Once the decision to transfer is finalized, the Committee or Board as the case may be, shall give an escort order to the Special Juvenile Police Unit to escort the child, within 15 days of receiving such order; Provided that a girl child shall be accompanied by a woman officer; and Provided also that where a Special Juvenile Police Unit is	

	not available, the Committee or Board, as the case may be, shall direct the institution where the child is temporarily staying or District Child Protection Unit, to provide an escort to accompany the child during travel. (3) The State government shall make rules to provide for travelling allowance to the escorting staff for the child, which shall be paid in advance. (4). The competent authority receiving the transferred child shall have the same powers in relation to the child as if the original order had been passed by itself and will process for restoration or rehabilitation or social reintegration, as laid down under this Act.	
Transfer of child between children's homes, or special homes or fit facility or fit person of like nature in different parts of India	97. (1) The State government may at any time, on recommendation of a Committee or Board, as the case may be, notwithstanding anything contained in this Act, and keeping the best interest of the child in mind, order the child's transfer from any children's home or special home or fit facility or fit person, to a home or facility or person of a like nature, within the State with prior intimation to the concerned competent authority. Provided that for transfer of a child between similar home or facility or person within the same district, the Committee or Board, as the case may be, of the said district shall be the competent authority to issue such an order. (2). If transfer is being ordered by a State government to an institution outside the State, this may be done only in consultation with the concerned State government; (3). The total period of stay of the child in a children's home or a special home shall not be increased by such transfer; (4). Orders passed under sub-section (1) and (2) shall be deemed to be operative for the competent authority of the area to which the child is sent, and with respect to any matter arising subsequently the said competent authority will have the same powers in relation to the child as if the	

	original order had been passed by itself.	
Release of a child from an institution.	98. (1). When a child is kept in a children's home or special home and on a report of a probation officer or social worker or of government or a voluntary or non-governmental organisation, as the case may be, the competent authority may consider, the release of such child, either absolutely or on such conditions as it may think fit to impose, permitting the child to live with parents or guardian or under the supervision of any authorised person named in the order, willing to receive and take charge, educate and train the child, for some useful trade or calling or to look after the child for rehabilitation, after the competent authority has satisfied itself regarding the suitability of the person taking charge of the child. Provided that if a child who has been released conditionally under this section, or the person under whose supervision the child has been placed, fails to fulfil such conditions, the Board or Committee may, if necessary, cause the child to be taken charge of and to be placed back in the concerned Home. (2). If the child has been released on a temporary basis, the time during which the child is not in the concerned home in pursuance of such permission granted under sub-section (1) shall be deemed to be part of the time for which the child is liable to be kept in the children or special home: Provided that in case of a child in conflict with law's failure to fulfil the conditions set by the Board as mentioned in sub-section (1), the time for which he is still liable to be kept in the institution shall be extended by the Board for a period equivalent to the time which lapses due to such failure.	
Leave of absence to a child placed in an institution.	99. (1) The competent authority may permit leave of absence to any child, to allow him, on special occasions like examination, marriage of relatives, death of kith or kin or accident or serious illness of parent or any emergency of like nature, under supervision, for a period generally not exceeding seven days in one instance, excluding the time taken in journey. (2). The time during which a child is absent from an	

	institution where he is placed, in pursuance of such permission granted under this section, shall be deemed to be part of the time for which he is liable to be kept in the children's or special home: (3). If a child refuses, or has failed to return to the children's or special home, as the case may be, on the leave period being exhausted or permission being revoked or forfeited, the Board/Committee may, if necessary, cause him to be taken charge of and to be taken back to the concerned home; Provided that when a child in conflict with law has failed to return to the special home on the leave period being exhausted or on permission being revoked or forfeited, the time for which he is still liable to be kept in the institution shall be extended by the Board for a period equivalent to the time which lapses due to such failure.	
Reports to be treated as confidential.	100. All reports related to the child and considered by the competent authority shall be treated as confidential. Provided that the competent authority may, if it so thinks fit, communicate the substance thereof to another authority or to the child or to the child's parent or guardian, and may give such authority or the child or parent or guardian, an opportunity of producing evidence as may be relevant to the matter stated in the report.	
Appeals.	101. (1). Subject to the provisions of this Act, any person aggrieved by an order made by a competent authority under this Act may, within thirty days from the date of such order, prefer an appeal to the Court of Session, except for decisions by the Committee related to Foster Care and Sponsorship After Care for which the appeal shall lie with the District Magistrate; Provided that the Court of Sessions, or the District Magistrate, as the case may be, may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time and such appeal shall	

	be decided within a period of sixty days. (2) No appeal shall lie from,- (a) any order of acquittal made by the Board in respect of a child alleged to have committed an offence; or (b) any order made by a Committee in respect of finding that a person is not a child in need of care and protection. (3) No second appeal shall lie from any order of the Court of Session, passed in appeal under this section.	
Revision.	102. The High Court may, at any time, either of its own motion or on an application received in this behalf, call for the record of any proceeding in which any competent authority or Court of Session has passed an order, for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit: Provided that the High Court shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.	
Procedure in inquiries, appeals and revision proceedings.	103. (1) Save as otherwise expressly provided by this Act, a competent authority while holding any inquiry under any of the provisions of this Act, shall follow such procedure as may be prescribed and subject thereto, shall follow, as far as may be, the procedure laid down in the Code of Criminal Procedure, 1973 for trials in summons cases. (2) Save as otherwise expressly provided by or under this Act, the procedure to be followed in hearing appeals or revision proceedings under this Act shall be, as far as practicable, in accordance with the provisions of the Code of Criminal Procedure, 1973.	2 of 1974. 2 of 1974.
Power of competent authority to amend its own Orders.	104. (1) Without prejudice to the provisions for appeal and revision under this Act, the competent authority may, on an application received in this behalf, amend any orders passed by itself, as to the institution to which a child is to be sent or as to the person under whose care or supervision a child is to be placed under this Act:	

	Provided that during the course of hearing for amending any such orders, there shall be at least two members of the Board and at least three members of the Committee and all persons concerned, or their authorized representatives, whose views shall be heard by the competent authority before the said orders are amended. (2) Clerical mistakes in orders passed by a competent authority or errors arising therein from any accidental slip or omission may, at any time, be corrected by the competent authority either on its own motion or on an application received in this behalf.	
Contribution by parents and assistance for travel to parents.	105. (1) The competent authority which makes an order for sending a child to a children's home or to a special home or for placing a child under the care of a fit person or fit facility may make an order requiring the parent or other person liable to maintain the said child to contribute to his maintenance, if able to do so, in the prescribed manner according to income. (2) The competent authority may direct, if necessary, payment to be made to poor parents or guardian by the Superintendent or Manager of the institution or District Child Protection Unit to pay such expenses for the journey of the child or parents or guardian or both, between the institution and the parent's or guardian's ordinary place of residence at the time of sending the child, as may be prescribed.	
Juvenile Justice Fund.	106. (1). The State Government may create a fund under such name as it thinks fit for the welfare and rehabilitation of the children dealt with under this Act. (2). There shall be credited to the fund such voluntary donations, contributions or subscriptions as may be made by any individual or organisation. (3). The fund created under sub-section (1) shall be administered by the Department of the State Government implementing this Act in such manner and for such purposes as may be prescribed.	
Constitution of child protection unit	107. Every State Government shall constitute a Child Protection Society for the State and Child Protection Units for	

responsible for implementation of the Act.	every District, consisting of such officers and other employees as may be appointed by that Government, to take up matters relating to children with a view to ensure the implementation of this Act, including the establishment and maintenance of institutions under this Act, notification of competent authorities in relation to the children and their rehabilitation and co-ordination with various official and non-official agencies concerned and to discharge such other functions as may be prescribed.	
Child Welfare Police Officer in Police Stations and Special Juvenile Police Unit.	108. (1). In every police station, at least one officer, not below the rank of assistant sub-inspector, with aptitude, appropriate training and orientation may be designated as the 'child welfare police officer' to exclusively deal with children and be engaged in the prevention of crime by children, in co-ordination with the police, voluntary and non-governmental organisations. (2). To co-ordinate all functions of police related to children, the State Government shall constitute Special Juvenile Police Units in each district and city, headed by a police officer not below the rank of an Inspector or above and consisting of all police officers designated under sub-section (1) and two social workers having experience of working in the field of child welfare, of whom one shall be a woman. (3). All police officers of the Special Juvenile Police Units shall be provided special training, especially at induction as child welfare police officer, to enable them to perform their functions more effectively.	
Power to make rules.	109. (1) The State Government shall, by notification in the Official Gazette, make rules to carry out the purposes of this Act. Provided that the Central Government may, frame model rules in respect of all or any of the matters with respect to which the State Government is required to make rules and where any such model rules have been framed in respect of any such matter, they shall apply to the State mutatis mutandis until the rules in respect of that matter are made by the State Government and while making any such rules, they conform to such model rules.	

	(2). In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :- (i) the term of office of the members of the Board, qualifications and the manner in which such member may resign under section 5; (ii) the time of the meetings of the Board and the rules of procedure in regard to the transaction of business at its meeting under section 6; (iii) the management and monitoring of observation homes; special homes and children homes, including the standards and various types of services to be provided by them and the circumstances in which and the manner in which, the registration may be granted or withdrawn and such other matters as are referred to in the relevant sections in Chapter VII; (iv) persons by whom any child in conflict with law may be produced before the Board and the manner of sending and keeping such child, to an observation home under section 17; (v) matters relating to removal of disqualifications under section 22 ; (vi) the qualifications of the Chairperson and members, and the tenure for which they may be appointed under sub-section (3) of section 25; (vii) the time of the meetings of the Committee and the rules of procedure in regard to the transaction of business at its meeting under section 26; (viii) the manner of making the report to the police and to the Committee and the manner of sending and entrusting the child to reception centre, fit person, fit institution or children's home pending the inquiry under section 28; (ix) appointment of inspection committees, management committees and children's committees, for homes, their tenure and purposes for which inspection committees may be appointed and such other matters as are referred to in section 53 and 54; (x) facilities to be provided by and length of association with Open Shelters and Reception Centres under section	
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	42 and section 49 respectively; (xi) rehabilitation mechanism to be resorted to in adoption under section 38 and the manner of registration of specialized adoption agencies under section 61; (xii) for carrying out the scheme of foster care programme of children under section 43; (xiii) for carrying out various schemes of sponsorship of children under section 44; (xiv) matters relating to after-care organisations under section 45; (xv) the purposes and the manner in which the Juvenile Justice Fund shall be administered under section 106; (xvi) Composition, role and functions of DCPU under section 107; (xvii) Details of training, induction and otherwise of JJB, CWC, SJPU under section 5, section 25 and section 108 respectively; (xviii) Functions of Board and Committee under section 7 and section 28 respectively; (xix) Details regarding places that can be designated as ‘places of safety’ and facilities and services that may be provided therein under section 48; (xx) Child friendly procedures, environment, treatment, decisions etc. under section 6,7,26 and 27; (xxi) Checklist of criteria for fit persons, guardians and institutions and procedure for declaration as such under section 51 and 52; (xxii) Procedure for Age determination under section 95; (xxiii) travelling allowance to escorting staff under section 96; (xxiv) Functions of Board and Committee under section 7 and section 28 respectively; (xxv) manner in which information regarding pendency shall be furnished by Board and Committee to State Government under section 15 and section 34 respectively; (xxvi) efforts to trace family of abandoned and lost children under section 28;
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	(xxvii) process of surrender by parents/guardians including surrender of child by unwed mother and efforts to keep biological family together as referred to in section 33; (xxviii) procedure for transfer of children in various situations as detailed in chapter X under section 96 and 97; (xxix) manner in which contribution shall be made by parents for maintenance of a child kept in an institution under this Act or with a fit person under section 105; (xxx) Rules relating to Chapter VIII (CARA) (xxxi) Any other matter which is required to be or may be, prescribed (3). Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.	
Repeal and savings.	110. (1) Provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000 and all provisions concerning children in the Orphanages and other Charitable Homes (Supervision and Control) Act, 1960 and the Women's and Children's Institutions (Licensing) Act, 1956, are hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the said Acts shall be deemed to have been done or taken under the corresponding provisions of this Act.	
Power to remove difficulties.	111. (1). If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order,	

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	not inconsistent with the provisions of this Act, remove the difficulty : Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Act. (2) However, order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.	
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