

**Bill No. 106 of 2022**

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN)  
AMENDMENT BILL, 2022

By

SHRI BHARTRUHARI MAHTAB, M.P.

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BILL

*further to amend the Juvenile Justice (Care and Protection of Children) Act, 2015.*

BE it enacted by Parliament in the Seventy-third year of the Republic of India as follows:—

1. (1) This Act may be called the Juvenile Justice (Care and Protection of Children) Amendment Act, 2022.

Short title  
and  
commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 86 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in sub-section (2), for the words “non-cognizable”, the words “cognizable” shall be substituted.

Amendment  
of section 86.

## STATEMENT OF OBJECTS AND REASONS

The Juvenile Justice (Care and Protection of Children) Act was enacted in the year 2015 with the objective to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation.

The Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 made certain amendments to the principal Act, including section 86 thereof. Section 86 originally provided, *inter alia*, that an offence carrying punishable of imprisonment for three years and above upto seven years, shall be cognizable and non-bailable. However, the aforesaid amendment Act changed this provision to provide that such offences shall be non-cognizable and non-bailable. These include serious offences as defined under section 2(54) of the principal Act.

One such offence is sale and procurement of children for any purpose (section 81). The offence is punishable with rigorous imprisonment for upto five years. In the Act, as originally enacted, this offence was cognizable and the police was mandated to register a case and start investigation. Now, the offence has been made non-cognizable. The aggrieved must, therefore, approach the appropriate court and seek directions from the court for registration of a case so that the investigation may begin. Since these offences are committed against children, who are socially very vulnerable, it would be utterly absurd to expect such children or their parents to approach court for registration of a case. The new provision will definitely reduce the number of registered offences, but, at the same time, it will seriously dent the very objective of the Act, *i.e.* “care and protection of children” as a majority of such offences will remain unrecorded.

It is, therefore, essential that the aforesaid amendment to section 86 of the Act making such offences non-cognizable, is rescinded and the original provision, appearing in the original Act, is restored.

The Bill seeks to achieve the above objects.

NEW DELHI;

BHARTRUHARI MAHTAB

23 February, 2022.

*ANNEXURE*

EXTRACT FROM THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN)

ACT, 2015

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“86. (1) Where an offence under this Act is punishable with imprisonment for a term of more than seven years, then, such offence shall be cognizable and non-bailable.

Classification of offences and designated court.

(2) Where an offence under this Act is punishable with imprisonment for a term of three years and above, but not more than seven years, then, such offence shall be non-cognizable and non-bailable.

(3) Where an offence, under this Act is punishable with imprisonment for less than three years or with fine only, then, such offence shall be non-cognizable and bailable.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or the Commission for Protection of Child Rights Act, 2005 or the Protection of Children from Sexual Offences Act, 2012, offences under this Act shall be triable by the Children’s Court.”.

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*(Shri Bhartruhari Mahtab, M.P.)*

