

AS INTRODUCED IN THE RAJYA SABHA
ON 1ST APRIL, 2022

Bill No. XXI of 2022

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

A

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 of 2016

2. In section 86 of the Juvenile Justice (Care and Protection of Children) Act, 2015,—

Amendment
of section 86.

(i) in sub-section (1), for the words “more than seven years”, the words “of three years and above” shall be substituted.

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(ii) sub-section (2) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 has been published in Official Gazette on 9th August, 2021 and is pending enforcement by the Central Government since then.

2. Section 26 of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 has amended Section 86 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in such manner that all offences under the Juvenile Justice (Care and Protection of Children) Act, 2015 for which punishment is imprisonment for a term of three years and above, but not more than seven years have been made non-cognizable.

3. This makes it difficult for child victims of such offences and for police to register First Information Report without an order of a Magistrate. Such arrangement shifts the balance of convenience and ease in favour of offenders. Similar concerns have been flagged by Delhi Commission for Protection of Child Rights (DCPCR), Government of National Capital Territory of Delhi.

4. Accordingly, the Juvenile Justice (Care and Protection of Children) Amendment Bill, 2022, *inter alia*, proposes to make all offences under the Juvenile Justice (Care and Protection of Children) Act, 2015, for which punishment is imprisonment for a term of three years or above, cognizable.

5. The Bill seeks to achieve the above objective.

SANJAY SINGH

ANNEXURE

EXTRACTS FROM THE JUVENILE JUSTICE (CARE AND PROTECTION OF
CHILDREN) ACT, 2015

(2 OF 2016)

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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.

2 of 1974.
4 of 2006.
32 of 2012.

(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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RAJYA SABHA

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

(Shri Sanjay Singh, M.P.)