

GOVERNMENT OF ASSAM
POLITICAL (A) DEPARTMENT, DISPUR, GUWAHATI

No. PLA 408/2016/5-A

Dated Dispur, the 19th August, 2016

K. Bhagawati, ACS
Joint Secretary to the Govt. of Assam
Home & Political Deptt., Dispur

To: The Addl. Director General of Police (CID)
Assam, Guwahati

Sub: Submission of report regarding implementation of Section 77 & 78 of the
Juvenile Justice (Care and Protection of Children) Act, 2015

Sir,

In enclosing herewith a copy of letter No. 2801/07/2016-Media/Pl-2/43811, dated
25/07/2016, received from Shri G. Mohanty, Advisor (Media), Government of India, National
Commission for Protection of Child Rights, New Delhi-01 regarding implementation of Section
77 & 78 of the Juvenile Justice (Care and Protection of Children) Act, 2015, I am directed to
request you kindly to furnish the report on the same to this Department urgently for onward
submission of the same to the National Commission for Protection of Child Rights as sought for
In this context, a copy of the related portion of the Section 77 & 78 of the Juvenile Justice (Care
& Protection of Children) Act, 2015 is also enclosed herewith for your reference.

Encl: As stated above

Yours faithfully,

Joint Secretary to the Govt. of Assam,
Home & Political Deptt., Dispur

Memo NO PLA 408/2016/5-A

Dated Dispur, the 19th August, 2016

Copy along with enclosures for favour of kind information and necessary action to

The Director General of Police, Assam, (Urban), Guwahati

Joint Secretary to the Govt. of Assam,
Home & Political Deptt., Dispur

Memo no. *Commlt/psm/ps016/7408-*
19 dt. 31-8-16.

*Pls. file it in
file no. 19*

Subal

24 SP/199
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RECEIVED
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
असम विभाग 781 001

NCPDR

2301/07/2016 Media/PL 2
July 25, 2016

To
The Chief Secretary,
Government of Assam,
Assam Sahivalaya, Block I
3rd Floor, Dispur, Guwahati-781006.

Sub: Action taken Report of implementation on section 77 & 78 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Madam/Sir,

Reference is invited to the Commission's letter No. 2301/07/2016/Media/2/NCPDR Dated 21.04.2016 vide which the Commission had requested to take appropriate action for implementation of provisions of section 77 & 78 of the Juvenile Justice (Care and Protection of Children) Act 2015. (Copy of letter enclosed)

The Action Taken Report, as requested in the above said letter, has not been received by the Commission from your State/UT so far, it is requested that the same may kindly be forwarded to NCPDR at the earliest.

Yours faithfully,

(Signature)
ADVISOR



भारत का राजपत्र The Gazette of India

अध्यादेश
EXTRAORDINARY
भाग II - खण्ड 1
PART II - Section 1
प्रकाशक से प्रकाशित

PUBLISHED BY AUTHORITY

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इस भाग में अपने पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, 15th January, 2016/Pausa 11, 1937 (Saka)

The following Act of Parliament received the assent of the President on the

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

No. 21 of 2015

An Act to consolidate and amend laws 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 protective 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 through processes provided, and institutions and bodies established, hereinafter and for matters connected therewith or incidental thereto.

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

and, whereas, the Government of India has acceded on the 11th December, 1952, to the Declaration on the Rights of the Child, adopted by the General Assembly of United Nations, which has been translated into a series of instruments to be adhered to by all State parties in accordance with the provisions of article 17,

which is a comprehensive provision for children affected and found to be in need of care and protection, and which is in conformity with the standards prescribed in the United Nations 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), the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, 1993 and other related international instruments.

It is enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

Section 3
Commencement
Application

1. (1) This Act may be called the Juvenile Justice (Care and Protection of Children) Act, 2015.

(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 matters concerning children in need of care and protection and children in conflict with law, including:

(i) apprehension, detention, prosecution, penalty or imprisonment, rehabilitation and social re-integration of children in conflict with law;

(ii) procedures and decisions of officers relating to rehabilitation, adoption, re-integration, and responsibility of children in need of care and protection.

(5) In this Act, unless the context otherwise requires, the following definitions shall apply:—
(1) "abandoned child" means a child who has been declared as abandoned by the Committee after due inquiry;

(2) "adoption" means the process through which the adopted child is permanently separated from his biological parents and becomes the lawful child of his adoptive parents with all the rights, privileges and responsibilities that are attached to a biological child;

(3) "adoption regulations" means the regulations framed by the Ministry and notified by the Central Government in respect of adoption;

(4) "administrator" means any district official not below the rank of Deputy Secretary to the State, on whom magisterial powers have been conferred;

(5) "aftercare" means making provision of support, financial or otherwise, to persons who have completed the age of eighteen years but have not completed the age of twenty-one years and have left any institutional care to join the mainstream of the society;

(6) "authorised foreign social welfare agency" means a foreign social welfare agency that is authorised by the Central Government, in consultation with the Ministry of External Affairs, as a government department of that country, to provide care and protection to children in need of care and protection, or to act as prospective adoptive parents for adoption of a child in India;

(7) "Childline" means the Central Child Helpline, established under section 18.

THE GAZETTE OF INDIA EXTRAORDINARY

... or his risk to life or limb, such person shall be punishable with rigorous imprisonment, which may extend to five years but which may be extended up to ten years and shall also be liable to fine of one lakh rupees.

Provided that, if for the purpose of begging, the person amputates or maims the child, he shall be punishable with rigorous imprisonment for a term not less than seven years which may extend up to ten years, and shall also be liable to fine of five lakh rupees.

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 the person (1) and such person shall be considered to be the person who committed the offence under section 17.

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 person and shall be produced before the Committee for appropriate rehabilitation.

✓ 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 which may extend up to one lakh rupees.

Proviso, for giving intoxicating liquor or narcotic drug or tobacco-products or psychotropic substance to a child.

✓ 78. Whoever takes a child, for vending, peddling, carrying, supplying or stungling any intoxicating liquor, narcotic drug or psychotropic substance, shall be liable to rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine up to one lakh rupees.

Proviso, for taking a child for vending, peddling, carrying, supplying or stungling any intoxicating liquor, narcotic drug or psychotropic substance.

79. Notwithstanding anything contained in any law for the time being in force, a person who is engaged in a trade and carries on or conducts for the purpose of employment or holds his premises or premises for the purpose of his trade shall be punishable with rigorous imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees.

Explanation: For the purposes of this section, the term "employment" shall include selling goods and services and entertainment in public places for economic gain.

Explanation: For the purposes of this section, the term "employment" shall include selling goods and services and entertainment in public places for economic gain.

80. If any person or organization offers or gives or receives, any orphan abandoned or destitute child for the purpose of adoption without fulfilling the provisions of section 17, he shall be punishable with rigorous imprisonment for a term which may extend to five years and shall also be liable to a fine of one lakh rupees.

Explanation: In a case where the offer is made to a registered adoption agency, the person or organization shall not be punishable under this section if the agency, the registration of which is in force, has accepted the child and the registration under section 17 shall also be within the force of law.

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