

of 1860).

83. Power to give directions.—The Central Government may give directions to any State Government as to the carrying into execution in the State of any of the provisions of this Act or of any rule, regulation or order made thereunder.

84. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Government, the Controller or any person acting on behalf of him, the Presiding Officer, adjudicating officers and the staff of the Cyber Appellate Tribunal for anything which is in good faith done or intended to be done in pursuance of this Act or any rule, regulation or order made thereunder.

85. Offences by companies.—(1) Where a person committing a contravention of any of the provisions of this Act or of any rule, direction or order made hereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Not with standing anything contained in sub-section (1) where a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (i) “*company*” means any body corporate and includes a firm or other association of individuals; and
- (ii) “*director*” in relation to a firm, means a partner in the firm.

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000

(Act No. 56 of 2000)

[30th December, 2000]

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An Act to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation ¹[*and for matters connected therewith or incidental thereto*].

Whereas the Constitution has, in several provisions including clause (3) of article 15, clauses (e) and (f) of article 39, articles 45 and 47, impose on the State a primary responsibility of ensuring 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 has prescribed a set of standards to be adhered to by all State parties in securing the best interests of the child;

And Whereas, the Convention on the Rights of the Child emphasises social reintegration of child victims, to the extent possible, without resorting to judicial proceedings;

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 juveniles 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), and all other relevant international instruments.

Be it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. Short title, extent ²[**Commencement and application**].—(1) This Act may be called the Juvenile Justice (Care and Protection of Children) Act, 2000.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date³ as the Central Government may, by notification in the Official Gazette, appoint.

⁴[(4) Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall apply to all cases involving detention, prosecution, penalty or sentence of imprisonment of juveniles in conflict with law under such other law.]

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “*advisory board*” means Central or a State advisory board or a district and city level advisory board, as the case may be, constituted under section 62;

⁵[(aa) “*adoption*” means the process through which the adopted child is permanently separated from his biological parents and become the legitimate child of his

1. Subs. for certain words by Act No. 33 of 2006 (w.e.f. 22-8-2006).

2. Subs. for ‘and Commencement’ by Act No. 33 of 2006.

3. Act came into force w.e.f. 1-4-2001, *vide* S.O. 177(E), dated 28th February, 2001.

4. Ins. by Act No. 33 of 2006 (w.e.f. 22-8-2006).

5. Ins. by Act No. 33 of 2006 (w.e.f. 22-8-2006).

adoptive parents with all the rights, privileges and responsibilities that are attached to the relationship.”]

- (b) “*begging*” means—
 - (i) soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, whether under any pretence;
 - (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;
- (c) “*Board*” means a Juvenile Justice Board constituted under section 4;
- (d) “*child in need of care and protection*” means a child—
 - (i) who is found without any home or settled place or abode and without any ostensible means of subsistence,
 - [(i) who is found begging, or who is either a street child or a working child.”]
 - (ii) who resides with a person (whether a guardian of the child or not) and such person—
 - (a) has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out, or
 - (b) has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person,
 - (iii) who is mentally or physically challenged or ill children or children suffering from terminal diseases or incurable diseases having no one to support or look after,
 - (iv) who has a parent or guardian and such parent or guardian is unfit or incapacitated to exercise control over the child,
 - (v) who does not have parent and no one is willing to take care of or whose parents have abandoned ¹[or surrendered] him or who is missing and run away child and whose parents cannot be found after reasonable inquiry,
 - (vi) who is being or is likely to be grossly abused, tortured or exploited for the purpose of sexual abuse or illegal act,
 - (vii) who is found vulnerable and is likely to be inducted into drug abuse or trafficking,
 - (viii) who is being or is likely to be abused for unconscionable gains,
 - (ix) who is victim of any armed conflict, civil commotion or natural calamity;
- (e) “*children’s home*” means an institution established by a State Government or by voluntary organization and certified by that Government under section 34;
- (f) “*Committee*” means a Child Welfare Committee constituted under section 29;
- (g) “*competent authority*” means in relation to children in need of care and protection a Committee and in relation to juveniles in conflict with law a Board’;
- (h) “*fit institution*” means a governmental or a registered non-governmental organization or a voluntary organization prepared to own the responsibility of a child and such organization is found fit by ²[State Government on the

1. Ins. by Act No. 33 of 2006 (w.e.f. 22-8-2006).

2. Subs. for “the competent authority” by Act No. 33 of 2006 (w.e.f. 22-8-2006).