



Preeti Madan
Joint Secretary

भारत सरकार
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GOVERNMENT OF INDIA
MINISTRY OF WOMEN & CHILD DEVELOPMENT
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D.O. 1-2/2004-CW-II

Dated: 20th June 2012

Dear

I am enclosing one copy each of Gazette of India, Extraordinary vide which Juvenile Justice (Care and Protection of Children) Amendment Act, 2011 and Juvenile Justice (Care and Protection of Children) Amendment Rules, 2011 has been notified on 9th September, 2011 and 26th December, 2011 respectively in the Gazette of India, Extraordinary

2. As you must be aware, the State Government is required to frame rules under Section 68 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2000. However, with a view to facilitate the formulation of rules for the State Government and also to ensure uniformity the Model Rules, 2007 framed by this Ministry had been sent to all States/UTs vide D.O. letter of even number dated 27th November, 2007 for reference. This Model Rules have temporary applicability in the State till the new rules are framed by the State Government concerned under the above said provision of the Act. Further, the enactment of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2011 and Juvenile Justice (Care and Protection of Children) Amendment Rules, 2011 has necessitated to carry out the corresponding changes in the relevant part of the rules framed by States/UTs.

3. I would, therefore, like to request you to take further necessary action in this regard so that the Juvenile Justice (Care and Protection of Children) Act, 2000 with all its amendments is implemented effectively and expeditiously.

Yours sincerely,

(Preeti Madan)

Encl: As above

1. The Principal Secretary/Secretary, Women and Child Development Department/Social Welfare Department (All States/UTs) (except J&K & Daman & Diu) Director (NIC), MWCD for uploading the two notifications on the Ministry's website.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II— खण्ड 1

PART II— Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 17]

नई दिल्ली, बृहस्पतिवार, सितंबर 8, 2011/ भाद्र 17, 1933(शक)

No. 17] NEW DELHI, THURSDAY, SEPTEMBER 8, 2011/BHADRA 17, 1933 (SAKA)

इस भाग में भिन्न 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, the 8th September, 2011/Bhadra 17, 1933 (Saka)

The following Act of Parliament received the assent of the President on the 7th September, 2011, and is hereby published for general information:—

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) AMENDMENT ACT, 2011

No. 12 OF 2011

[7th September, 2011.]

An Act to further to amend the Juvenile Justice (Care and Protection of Children) Act, 2000.

BE it enacted by Parliament in the Sixty-second 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, 2011.

Short title and commencement.

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

56 of 2000.

2. In the Juvenile Justice (Care and Protection of Children) Act, 2000 (hereinafter referred to as the principal Act), in section 48, sub-section (2) shall be omitted.

Amendment of section 48.

Substitution of
new section for
section 58.

Transfer of
juvenile or child
as are mentally
ill or addicted
to alcohol or
other drugs.

3. For section 58 of the principal Act, the following section shall be substituted, namely:—

‘58. (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 or the rules made thereunder.

14 of 1987.

(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 in-patient 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 any other corresponding scheme for the time being in force;

(b) "mentally ill person" shall have the meaning assigned to it in clause (f) 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 (g) of section 2 of the Mental Health Act, 1987.

14 of 1987.

V.K. BHASIN,
Secy. to the Govt. of India.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 688]

नई दिल्ली, मंगलवार, दिसम्बर 27, 2011/पौष 6, 1933

No. 688]

NEW DELHI, TUESDAY, DECEMBER 27, 2011/PAUSA 6, 1933

महिला और बाल विकास मंत्रालय

अधिसूचना

नई दिल्ली, 26 दिसम्बर, 2011

सा.का.नि. 903(अ).—केन्द्रीय सरकार, किशोर न्याय (बालकों की देख-रेख और संरक्षण) अधिनियम, 2000 (2000 का 56) की धारा 68 की उप-धारा (1) के परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, किशोर न्याय (बालकों की देख-रेख और संरक्षण) नियम, 2007 का संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम किशोर न्याय (बालकों की देख-रेख और संरक्षण) संशोधन नियम, 2011 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. किशोर न्याय (बालकों की देख-रेख और संरक्षण) नियम, 2007 (जिसे इसमें इसके पश्चात् मूल नियम कहा गया है) के नियम 45 में, खंड (त) के स्थान पर निम्नलिखित खंड रखा जाएगा, अर्थात् :—

"(त) ऐसे बालक, जो एल्कोहल या अन्य नशीले द्रव्यों के व्यसनी हैं जिससे व्यक्ति में व्यवहार परिवर्तन होता है, उन व्यसनियों के लिए समेकित पुनर्वास केन्द्र या मानसिक रूप से रुग्ण व्यक्ति (स्वापक ओषधि या मनःप्रभावी पदार्थ के व्यसनी व्यक्ति सहित) के लिए राज्य सरकार द्वारा अनुरक्षित उन्हीं केन्द्रों में ऐसे किशोर या बालक के अंतरंग रोगी उपचार हेतु अपेक्षित अवधि के लिए भेजा जाएगा।"

3. मूल नियम के नियम 46 में, उप-नियम (10) के स्थान पर निम्नलिखित उप-नियम रखा जाएगा, अर्थात् :—

"(10) किसी भी किशोर या बालक के प्रशिक्षित मानसिक स्वास्थ्य विशेषज्ञों द्वारा मनोवैज्ञानिक मूल्यांकन तथा रोग निदान के बिना मनोरोग की समस्याओं के लिए दवा नहीं दी जाएगी।"

4. मूल नियम के नियम 61 में,—

(क) उप-नियम (1) में, "मानसिक स्वास्थ्य समस्या से पीड़ित पाया जाता है, जिसके लिए लंबे समय तक चिकित्सीय उपचार की आवश्यकता हो या वह किशोर या बालक किसी स्वापक और मनःप्रभावी पदार्थ का आदी पाया जाता है" शब्दों के स्थान पर "मनोरोग समस्याओं से पीड़ित पाया जाता है, जिसके लिए लंबे समय तक चिकित्सीय उपचार की आवश्यकता हो, या वह एल्कोहल या अन्य मादक द्रव्यों का आदी पाया जाता है जिसके लिए व्यक्ति में व्यवहार परिवर्तन होता है।" शब्द रखे जाएंगे;

(ख) उप-नियम (2) में, "मानसिक स्वास्थ्य" शब्दों के स्थान पर "मनोरोग" शब्द रखा जाएगा;

- (ग) उप-नियम (3) का लोप किया जाएगा;
 (घ) उप-नियम (4) में, "और संक्रमण" शब्दों का लोप किया जाएगा।

[फा. सं. 1-2/2004-सी डब्ल्यू-11]

प्रीति मदान, संयुक्त सचिव

टिप्पण :—मूल नियम, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (i), तारीख 26 अक्टूबर, 2007 में सा.का.नि. 679(अ), तारीख 26 अक्टूबर, 2007 द्वारा प्रकाशित किया गया था।

MINISTRY OF WOMEN AND CHILD DEVELOPMENT
 NOTIFICATION

New Delhi, the 26th December, 2011

G.S.R. 903(E).—In exercise of the powers conferred by the proviso to sub-section (1) of Section 68 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000), the Central Government, hereby makes the following rules to amend the Juvenile Justice (Care and Protection of Children) Rules, 2007, namely :—

1. **Short title and commencement.**—(1) These rules may be called the Juvenile Justice (Care and Protection of Children) Amendment Rules, 2011.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Juvenile Justice (Care and Protection of Children) Rules, 2007 (hereinafter referred to as the principal rules), in rule 45, for clause (p), the following clause shall be substituted, namely :—

“(p) refer such children who are addicted to alcohol or other drugs which lead to behavioural changes in a person, 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) for the period required for in-patient treatment of such juvenile or child.”

3. In rule 46 of the principal rules, for sub-rule (10), the following sub-rule shall be substituted, namely :—

“(10) No juvenile or child shall be administered medication for psychiatric problems without a psychological evaluation and diagnosis by a trained medical health professional.”

4. In rule 61 of the principal rules,—

(a) in sub-rule (1), for the words “mental health problems requiring prolonged medical treatment, or is found addicted to a narcotic drug or psychotropic substance”, the words “psychiatric problems requiring prolonged medical treatment, or is found addicted to alcohol or other drugs which lead to behavioural changes in a person” shall be substituted;

(b) in sub-rule (2), for the words “mental health” the word “psychiatric”, shall be substituted;

(c) sub-rule (3) shall be omitted;

(d) in sub-rule (4), the words “and infection” shall be omitted.

[F. No. 1-2/2004-CW. II]

PREETI MADAN, Jt. Secy.

Note :—The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 26th October, 2007, vide number G.S.R. 679(E), dated the 26th October, 2007.