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Title: Introduction of the Juvenile Justice (Care and Protection of Children) Amendment Bill, 2021.

माननीय अध्यक्ष: आइटम नंबर – 14, श्रीमती स्मृति ज़ूबिन इरानी ।

THE MINISTER OF WOMEN AND CHILD DEVELOPMENT AND MINISTER OF TEXTILES (SHRIMATI SMRITI ZUBIN IRANI): Hon. Speaker, Sir, I rise to move for leave to introduce a Bill to amend the Juvenile Justice (Care and Protection of Children) Act, 2015.

माननीय अध्यक्ष: प्रस्ताव प्रस्तुत हुआ:

“कि किशोर न्याय (बालकों की देखभाल और संरक्षण) अधिनियम, 2015 का संशोधन करने वाले विधेयक को पुरःस्थापित करने की अनुमति प्रदान की जाए ।”

डॉ. शशि थरूर जी – आप बोलिए ।

DR. SHASHI THAROOR (THIRUVANANTHAPURAM): Thank you, Mr. Speaker. I am sorry to have to oppose the introduction of the Juvenile Justice (Care and Protection of Children) Amendment Bill under Rule 72 of the Rules of Procedure.

Firstly, the Bill violates the Constitutional principle of separation of powers as it assigns the responsibility of issuing an adoption order to a District Magistrate rather than the Civil Court. An adoption order,

under Section 61 of the principal Act, requires a deliberation on the welfare of the child and creates legal rights for the child and the adoptive parents. Thus, it has to be a Civil Court, which is the suitable authority to be dealing with this process.

Secondly, it further violates the Constitutional principle of separation of powers by providing for an appeal against an adoption order to be made to the Divisional Commissioner, under Section 101 of the principal Act, instead of giving a Civil Court, once again the final say over the legal process of adoption.

Thirdly, it delegates responsibilities to the District Magistrate and Additional District Magistrate including sanctioning and monitoring Child Care Institutions and overseeing the functioning of various agencies under the principal Act. This means that the protection of children under the principal Act suddenly becomes much more dependent on a single authority controlled by the Government.

For these reasons, Sir, I have to oppose the proposed Bill because there are very major concerns being expressed by stakeholders, experts, NGOs and others, which would also warrant reconsideration in addition to the Constitutional provisions that I have mentioned today. Thank you, Mr. Speaker.

SHRIMATI SMRITI ZUBIN IRANI : Hon. Speaker, Sir, I think that it would be a great disservice to this Bill if it is only looked myopically from the instances that have just been enunciated by the hon. Member.

Sir, I must highlight here that it is very much an Entry 5 in the Concurrent List, which empowers the Government of India to introduce this legislative Bill for your consideration and that of the House.

Here I must also raise the issue that there have been exhaustive consultations with all the stakeholders, including the State Governments. In fact, I must articulate that the State, Mr. Tharoor has the privilege of representing, also has supported this particular intervention by the Government of India.

To elaborate further, there was a positioned officer called the District Child Protection Officer who had the challenge of convening all officers within the district to protect children in a better manner in each district. It was felt incumbent upon administrations, both at the Centre and at the States, to empower officially the District Magistrate. I must also highlight here that the hon. Supreme Court of India has, in fact, identified a gap in terms of identification of a separate class of offences, which is now also a part of this amendment that we propose. Additionally, the Child Welfare Committee is being empowered with regard to qualifications of those who seek to serve in such a Committee. In totality, this is an amendment which helps to protect our children in a better manner.

Hence, I would appeal, through you, Sir, to the hon. Member to support the same.

माननीय अध्यक्ष : प्रश्न यह है:

“कि किशोर न्याय (बालकों की देखभाल और संरक्षण) अधिनियम, 2015 का संशोधन करने वाले विधेयक को पुरःस्थापित करने की अनुमति प्रदान की जाए । ”

प्रस्ताव स्वीकृत हुआ ।

SHRIMATI SMRITI ZUBIN IRANI: Sir, I introduce the Bill.
