

The Odisha Gazette



EXTRAORDINARY

No. 402 CUTTACK, MONDAY, MARCH 12, 2012/FALGUNA 22, 1933

LAW DEPARTMENT

NOTIFICATION

The 29th February 2012

No. 2348—Legis.-1/2011-L.—The following Act of Parliament which is assented by the President on the 7th September 2011 and published by the Government of India, Ministry of Law & Justice (Legislative Department) in the Gazette of India, Extraordinary, Part-II, Section I, dated the 8th September 2011 is hereby republished for general information.

By order of the Governor

D. DASH

Principal Secretary to Government

Assented to on the 7th September 2011

(ACT No. 12 OF 2011)

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN)

AMENDMENT ACT, 2011

(AS PASSED BY THE HOUSES OF PARLIAMENT)

An Act 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:

Short title and commencement.

1. (1) This Act may be called the Juvenile Justice (Care and Protection of Children) Amendment Act, 2011.

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

Amendment of Section 48.

2. In the Juvenile Justice (Care and Protection of Children) Act, 2000 ^{56 of 2000.} (hereinafter referred to as the principal Act), in Section 48, sub-section (2) shall be omitted.

Sustitution of
new section
for Section
58.

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

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

'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 childrens 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 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 (l) 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 (q) of Section 2 of the Mental Health Act, 1987. 14 of 1987.