

# Powers and Functions of Juvenile Justice Board (JJB)

(Constituted by the State Government under Section 4 of the Juvenile Justice Act, 2015).

This document explains powers and functions of the Juvenile Justice Board created under section 4 of the Juvenile Justice Act, 2015 in relation to child in conflict with law under this Act.

'Child in conflict with law (CCL), means a person who is alleged or found to have committed an offence and who has not completed 18 years of age on the date of commencement of such offence.<sup>1</sup>

Every State Government shall, constitute in every district, one or more Juvenile Justice Boards for exercising powers and discharging functions relating to child in conflict with law under this Act.<sup>2</sup>

## Powers and Functions of Juvenile Justice Board<sup>3</sup>

- Ensure informed participation of the child and the parent/ guardian, in every step of the process. (Section 8(3)(a))
- Ensure that the child's rights are protected throughout the process of apprehending the child, enquiry, after care and rehabilitation. (Section 8(3)(b))
- Ensure availability of legal aid for the child through legal service institution. (Section 8(3)(c))
- Wherever necessary, provide an interpreter or translator, having such qualifications, experience, and on payment of such fees as may be prescribed, to the child if he fails to understand the language used in the proceedings. (Section 8(3)(d))
- Direct Probation Officer/Child Welfare Officer/Social Worker to conduct social investigation to ascertain the circumstances in which the alleged offence was committed and to submit report within 15 days from the date of first production of the child before the JJB. (Section 8(3)(e))
- adjudicate and dispose of cases of children in conflict with law in accordance with the process of inquiry in section 14. (Section 8(3)(f))
- When a CCL is in need of care and protection, JJB will simultaneously transfer such matters to Child Welfare Committee. (Section 8(3)(g))
- Include an individual care plan for the child's rehabilitation in a final order disposing of the matter. (Section 8(3)(h))
- Conduct enquiry for declaring fit persons regarding case of children in conflict with law. (Section 8(3)(i))
- Conduct at least one monthly inspection of the residential facilities of children in conflict with law and recommend action for improvement in quality of services to the DCPU and the State Government. (Section 8(3)(j))

- Order police to register F.I.R. for offences committed against child in conflict with law on a complaint made in this regard. (Section 8(3)(k))
- Order police to register F.I.R. for offences against child in need of care and protection on a written complaint by a CWC. (Section 8(3)(l))
- Conduct regular inspection of jails meant for adults, to ensure no child is locked in such jails and take immediate measures for transfer of such a child to the observation home. (Section 8(3)(m))
- The JJB shall make an order directing the Police to destroy relevant records of such conviction after the expiry of the period of appeal or a reasonable period. (Section 24(2))

## Apprehension of child in conflict with law<sup>4</sup>

- Apprehended CCL shall immediately be placed under the charge of SJPU or the designated child welfare police officer. (Section 10(1))
- SJPU shall produce CCL before the JJB within 24 hours of apprehension. (Section 10(1))
- In no case a CCL shall be placed in police lockup or lodged in a Jail. (Section 10(1) Proviso)
- Any person in whose charge the JJB places the child shall have the responsibility of the child. (Section 11)
- The CWPO / SJPU shall as soon as possible inform the parent/guardian of such child and direct them to be present before the JJB. (Section 13(1)(i))
- The CWPO / SJPU shall as soon as possible inform the probation officer/ Child Welfare Officer, for preparation and submission of social investigation report within two weeks containing information regarding the antecedents and family background of the child and other material circumstances likely to be of assistance to JJB for making the inquiry. (Section 13(1)(ii))

### Inquiry by Juvenile Justice Board<sup>5</sup>

- Inquiry shall be completed within 4 months from the date of first production of the child before the JJB ; it may be extended by two more months by the JJB after recording the reasons in writing for such extension. (Section 14(2))
- A preliminary assessment incase of heinous offences u/s. 15 shall be disposed of by the JJB within a period of 3 months from the first production. (Section 14(3))
- If enquiry of petty offences remains inconclusive even after extended period under S. 14(2), such proceeding shall stand terminated. (Section 14(4))
- JJB shall ensure that the CCL has not been subjected to any ill-treatment by police or any other person. (Section 14(5)(a))
- The proceedings shall be conducted in simple manner and in child friendly atmosphere. (Section 14(5)(b))

### Bail to Child in Conflict with Law<sup>6</sup>

- Except in circumstances below, police/JJB shall release a CCL on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person. (Section 12(1))
- The child shall not be released on bail if there are chances of the child getting exposed to moral, physical or psychological danger or being associated with criminals. (Section 12(1) Proviso)
- When a CCL is not released on bail by police, such police will keep the CCL only in an observation home until the CCL can be brought before a JJB. (Section 12(2))
- The child may be kept in an observation home or place of safety if not released on Bail. (Section 12(3))
- If the child in conflict with law is unable to fulfill the conditions of bail within 7 days of the order the JJB shall modify the conditions of the bail. (Section 12(4))

### Preliminary assessment into heinous offences<sup>7</sup>

- In case of a heinous offence allegedly committed by CCL who is above 16 years, JJB shall conduct a preliminary assessment with regard to his mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence, and may pass an order accordingly u/S. 18(3). For such assessment JJB may take assistance of experienced psychologists or psycho-social workers or other such experts. (Section 15(1)).

### Orders that may / may not be passed by JJB

- No child in conflict with law shall be sentenced to death or for life imprisonment without possibility of release. (Section 21)
- There shall be no joint proceedings of a child alleged to be in conflict with law, with a person who is not a child. (Section 23(1))
- If the child brought before JJB is found to be a child in need of care and protection, the JJB may refer the child to CWC with appropriate directions. (Section 17(2))
- In case of offence (petty or serious) committed by a child of any age or in case of heinous offence committed by a child below 16 years of age, JJB may: (Section 18(1))
  - a) allow the child to go home after advice/admonition and counseling to the child, its parents or guardian. (Section 18(1)(a))
  - b) direct the child to participate in group counselling and similar activities. (Section 18(1)(b))
  - c) order the child to perform community service (Section 18(1)(c))
  - d) order the child or parent or guardian to pay fine. (Section 18(1)(d))
  - e) direct the child to be released on probation of good conduct. (Section 18(1)(e))
  - f) place the child under the care and supervision of any fit facility. (Section 18(1)(f))
  - g) direct the child to be sent to special home. (Section 18(1)(g)).
  - h) In addition to above JJB may pass orders for a child to attend school, vocational training centre, therapeutic centre or to undergo a de-addiction programme. (Section 18(2))

### Points of importance

- All proceedings in respect of a child in conflict with law pending on the date of commencement of this Act before any JJB or Court, shall be continued in that Board or Court as if the Act has not been enacted. (Section 25)
- The power conferred on the Board by or under this Act may also be exercised by the High Court and the children's court when the proceedings come before them under section 19 or in appeal, revision or otherwise. (Section 8(2))

<sup>5</sup> Section 14 of JJ Act, 2015

<sup>6</sup> Section 12 of JJ Act, 2015

<sup>7</sup> Section 15 of JJ Act, 2015

## GLOSSARY

**JJB:** Juvenile Justice Board

**CCL:** Child in Conflict with Law

**CWPO:** Child Welfare Police Officer

**JJ Act:** The Juvenile Justice (Care and Protection of Children) Act, 2015

**SJPU:** Special Juvenile Police Unit