

## Module 4: Juvenile Justice Board

### Session 1: Structure and Composition

Duration: 21:51 min

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Welcome to the Module 4 of the **Child Protection E-Learning Module**. At the end of this module you will be able describe the:

- Structure and composition of CCL
- Procedure in relation to JJB
- Powers, functions and responsibilities of JJB. Let us begin this session with the thought provoking words of Chilean educator and humanist Gabriela Mistral

*We are guilty of many errors and many faults, but our worst crime is abandoning the children, neglecting the fountain of life. Many of the things we need can wait. The child cannot. Right now is the time his bones are being formed, his blood is being developed. To him we cannot answer 'Tomorrow,' his name is today.*

Juvenile Justice Board plays a very critical role in ensuring speedy justice, care and protection for children.

### Session Overview

The Juvenile Justice Act provides for the setting up of one or more Juvenile Justice Boards (JJBs) at district level for exercising the powers and discharging its functions relating to children in conflict with law (CCL). This module talks in detail about the composition of JJB and the role that it plays from the time when the child alleged to be in conflict with law is produced before the Board for the first time till the case is disposed. The section also touches upon the key changes that have been brought about in the JJ Act, 2015 with respect to the categories of offences by children and the prescribed provisions to deal with such cases.

Let us watch a small video on the JJ Act 2015 and the implications of the Amendments to the Act for CCLs

As seen in the video the amendments to the JJ Act 2015 has implications for CCLs. However, it is the principal Act to 'provide specialised and preventive treatment services for children and young persons as a means of 'secondary prevention, rehabilitation and improved socialisation'. Before understanding more about JJBs let us first relook at the definition of "Child in Conflict with Law" and the confusions associated with it.

A child who is alleged or found to have committed an offence and who has not completed the 18<sup>th</sup> year of age on the date of commission of such offence is considered a “Child in Conflict with Law” as per Sec. 2 (13) of the JJ Act.

For determining applicability of JJ Act over a person, relevant date is “Date of Commission of Offence”. Considerable confusion arises in dealing with cases where a person who was a child at the time of commission of offence but turns adult subsequently.

Section 5 and 6 of the JJ Act 2015 deal with situations where:

- (1) a child completes the age of 18 years during the course of inquiry and
- (2) a person is apprehended for committing an offence when such person was below the age of 18 years.

The law is abundantly clear that persons mentioned above shall continue to be treated as children and orders will be passed as if such person continues to be a child, irrespective of such person having turned adult.

Additionally, there is confusion regarding the placement of a person or a child - who may have crossed the age of 18 years at the time of apprehension or in the course of the inquiry - in an institution.

The JJ Act is very clear on this. It states (u/s 49) that for such persons or children (if apprehended after the age of 18 years) the State Government shall set up at least one place of safety in a state, duly registered under Section 41, in which such persons or children shall be placed.

A CCL, who is between the age of 16 to 18 years and is accused of or convicted for committing a heinous offence shall also be placed in a Place of Safety.