

Module 4: Juvenile Justice Board

Session 2: Procedure in Relation to CCL

Duration: 4:48 min

Presumption and determination of age (Section 94, JJ Act 2015)

Where it is obvious to the Board, based on the appearance of the child brought before it under any of the provisions of this Act (other than for the purpose of giving evidence) that the said person is a child, the Board shall record such observation stating the age of the child as nearly as may be and proceed with the inquiry (as under Section 14 for CCL or Section 36 for CNCP, as the case may be), without waiting for further confirmation of the age.

In case the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board, as the case may be, shall undertake the process of age determination, by seeking evidence by obtaining:

- the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof
- the birth certificate given by a corporation or a municipal authority or a panchayat
- and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Board

Provided such age determination test conducted on the order of the Board shall be completed within 15 days from the date of such order. The age recorded by the Board to be the age of person so brought before it shall, for the purpose of this Act, be deemed to be the true age of that person.

Transfer of a child to place of residence (Section 95, JJ Act 2015)

If during the inquiry it is found that a child hails from a place outside its jurisdiction, the Board shall, if satisfied after due inquiry that it is in the best interest of the child and after due consultation with the Board of the child's home district, order the transfer of the child, as soon as possible, to the said Board, along with relevant documents and following the prescribed procedures.

Such transfer can be made in case of a CCL only after the inquiry has been completed and final order passed by the Board.

In case of inter-state transfer, the child shall be, if convenient, handed over to the Board of the home district of the child, or to the Board in the capital city of the home State.

Once the decision to transfer is finalised, the Board, as the case may be, shall give an escort order to the Special Juvenile Police Unit (SJPU) to escort the child, within 15 days of receiving such order.

A girl child shall be accompanied by a woman police officer.

Where a SJPU is not available, the Board, shall direct the institution where the child is temporarily staying or DCPU to provide an escort to accompany the child during travel.

The Board, on receiving the transferred child will process for restoration or rehabilitation or social re-integration, as provided in this Act.

Inspection of jails and other institutions for CCL by JJB

Conducting at least one inspection visit every month of residential facilities for CCL and recommend action for improvement in quality of services to the DCPU and the State Government.

Conducting regular inspection of jails meant for adults to check if any child is lodged in such jails and take immediate measures for transfer of such a child to the observation home.

Other functions of JJB with respect to the child brought before it

- If, at any stage during the course of an inquiry, the Committee or the Board is satisfied that the attendance of the child is not essential for the purpose of inquiry, the Committee or the Board, as the case may be, shall dispense with the attendance of a child and limit the same for the purpose of recording the statement.
- If the child is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment, the Board may send the child to any place recognised as a Fit Facility for the required treatment.
- The Board may permit leave of absence to any child, to allow him on special occasions like examination, marriage of relatives, death of kith or kin or accident or serious illness of parent or any emergency of like nature, under supervision, for a period generally not exceeding seven days in one instance, excluding the time taken in journey.

The Board may increase the frequency of its sittings based on recommendation of the Chief Judicial Magistrate or the Chief Metropolitan Magistrate after the review of pendency of cases of the Board once in every three months