

Module 4: Juvenile Justice Board

Session 2: Procedure in relation to CCL

Duration: 3:21 min

Let us now understand procedures to be followed by JJB for CCL between 16-18 years who allegedly commits a Heinous Offence. These are guided by Sections 14, 15, 19 and Rule 10A.

Juvenile Justice Board

JJB conducts a preliminary assessment with regard to his mental & physical capacity to commit such offence, ability to understand the consequences of the offence & circumstances in which he allegedly committed the offence, u/s 15. If JJB feels that child should be treated as adult, transfers the case to Children's Court. {Section 18 (3)}

JJB passes an order for rehabilitation of CCL where it is satisfied on preliminary assessment that matter should be disposed off by the Board. JJB shall follow the procedure for Trial as in a Summons Case in accordance with the Code of Criminal Procedure, 1973 {Section 15 (2) & Section 18(1) & (2)}

Step 5 pertains procedures to be followed by Children's Court when a CCL between 16-18 years allegedly commits a Heinous Offence.

On receipt of preliminary assessment from JJB (Section 15), the Children's Court may decide (Section 19)

There is a need for trial of the child as an adult as per the provisions of CrPC, 1973 and pass appropriate orders after trial subject to the provisions of Section 21 considering the special needs of the child, the tenets of fair trial and maintaining a child friendly atmosphere. (Section 19 ((1)(i))

There is no need for trial of the child as an adult and may conduct an inquiry as JJB and pass appropriate orders in accordance with provisions of Section 18 {Section 19 (1) (ii)}

Children's Court shall ensure that the final order, with regard to child shall include an individual care plan for rehabilitation of child, including follow up by PO or by DCPU or a social worker {Section 19 (2)}

Children's Court shall ensure that the child who is found to be in conflict with law is sent to a Place of Safety till he attains the age of 21 years and thereafter, the person may be transferred to a jail. {Section 19 (3)}.

Children's Court shall ensure that there is a periodic follow up report every year by the PO or the DCPU or a social worker, as required, to evaluate the progress of the child in the Place of Safety and to ensure that there is no ill-treatment to the child in any form. {Section 19 (4)}

Reports {Section 19 4)} shall be forwarded to the Children's Court for record and follow up, as may be required. {Section 19 (5)}

Destruction of records

The records of conviction in respect of a CCL shall be kept in safe custody till the expiry of the period of appeal or for a period of seven years, and no longer, and thereafter be destroyed by the person in-charge or Board or Children's Court, as the case may be.

Provided that in case of a heinous offence where the child is found to be in conflict with law under clause (i) of Section 19 (1) of the Act, the relevant records of conviction of such child shall be retained by the Children's Court. (Section 14)