

Module 4: Juvenile Justice Board

Session 1: Structure and Composition

Duration: 5:02 min

We will now talk about detailed procedures in relation to CCL such as apprehension, bail, inquiry by JJB etc.

Let us start with apprehension of child alleged to be in conflict with law. Such child when apprehended by the police, within 24 hours shall be produced before the Principal Magistrate of the Board, or before a social worker member even at their residence, when the Board is not sitting.

Bail of child alleged to be in conflict with law

1. A child alleged to have committed a bailable or non-bailable offence and brought before a Board shall be released on bail with or without surety or placed in an Observation Home under the supervision of a PO or a Place of Safety or a Fit Facility or a Fit Person.

Placement of a child with Fit Person is an important provision that JJB members must be aware of. We will discuss more about it in subsequent sections.

2. The Board may not release the child on bail if there appear reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice. The Board shall record the reasons for denying the bail and circumstances that led to such a decision.

3. When the CCL is not released on bail by the Board, it shall make an order sending him to an Observation Home or a Place of Safety, as the case may be, for such period during the pendency of the inquiry.

4. When a CCL is unable to fulfill the conditions of bail order within seven days of the bail order, such child shall be produced before the Board for modification of the conditions of bail.

5. Where a child is released on bail, the PO or the CWO shall be informed by the Board.

Inquiry by Board regarding CCL (Section 14, JJ Act 2015)

1. In case of a child alleged to be in conflict with law, the Board shall hold an inquiry in accordance with the provisions of JJ Act and may pass such orders in relation to such child as it deems fit.

2. The inquiry shall be completed within a period of four months from the date of first production of the child before the Board, unless the period is extended, for a maximum period of two more months by the Board.

Inquiry in case of petty offences

1. Cases of petty offences shall be disposed of by the Board through summary proceedings, as per the procedure prescribed under the Code of Criminal Procedure, 1973.
2. The inquiry shall be completed within a period of four months from the date of first production of the child before the Board, unless the period is extended, for a maximum period of two more months by the Board

If inquiry by the Board for petty offences remains inconclusive even after the extended period, the proceedings shall stand terminated.

Inquiry in case of serious or heinous offences

1. Inquiry of serious offences shall be disposed of by the Board, by following the procedure for trial in summons cases under the Code of Criminal Procedure, 1973.
2. Inquiry of heinous offence by a child below the age of 16 years as on the date of commission of an offence shall be disposed of by the Board, by following the procedure for trial in summons cases under the Code of Criminal Procedure, 1973.
3. In case of a heinous offence alleged to have been committed by a child who has completed or is above the age of 16 years, the Board 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 (in accordance with the provisions of section 18 (3) of the JJ Act:
 - That there is a need for trial of the said child as an adult and the Board may order transfer of the trial of the case to the Children’s Court having jurisdiction to try such offences.
 - The Board may take the assistance of experienced psychologists or psychosocial workers or other experts for such an assessment.
 - Preliminary assessment is not a trial but is to assess the capacity of such child to commit and understand the consequences of the alleged offence.
4. Where the Board is satisfied on preliminary assessment that the matter should be disposed of by the Board, then the Board shall follow the procedure, as far as may be, for trial in summons case under the Code of Criminal Procedure, 1973.
5. A preliminary assessment in case of heinous offences shall be disposed of by the Board within a period of three months from the date of first production of the child before the Board.
6. For serious or heinous offences, in case the Board requires further extension of time for completion of inquiry, the same shall be granted by the Chief Judicial Magistrate or, as the case may be, the Chief Metropolitan Magistrate, for reasons to be recorded in writing.