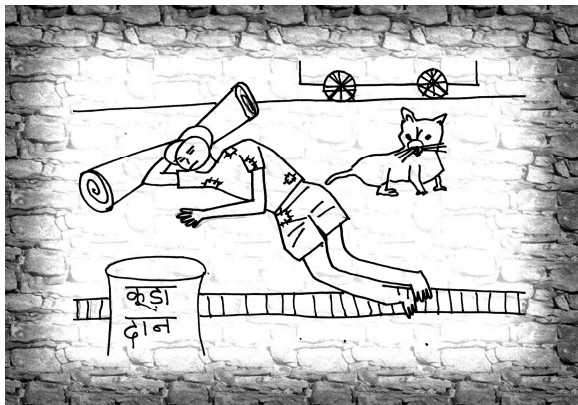


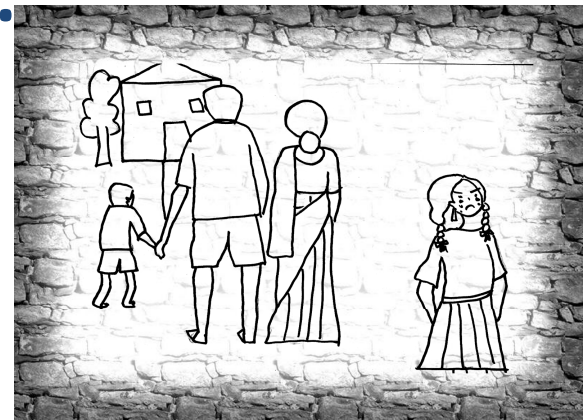
**Juvenile Justice
(Care and Protection of Children) Act,
2000 & Amendment Act, 2006 and
Central Rules 2007**

Please let us know in your service tenure what kind of cases of children has come to your notice or you handled?

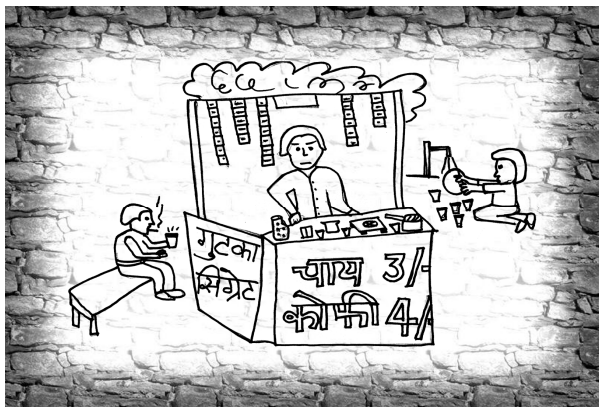
Children in need of care and protection. Like...



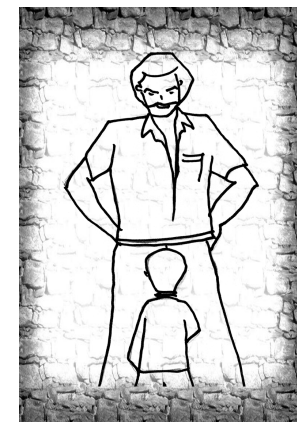
Homeless or beggar children



Lost or abandon children



Child labor, bonded labor

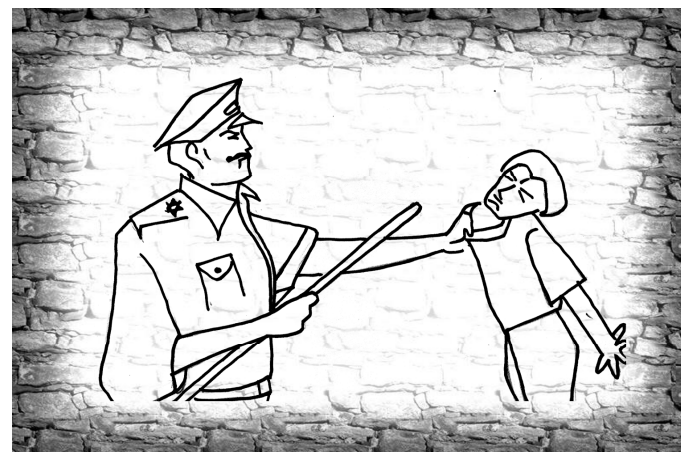


Physical, sexual, emotional Abuse victims

And children in conflict with law, Like...



Through public complaints, PCR calls.
Petty or heinous crime



In your routine field work or
investigations

Do you know the name of the law under which the cases of these children will be handled?

It is...

Juvenile Justice (Care and Protection) Act 2000, Amended 2006

Children in need of care and protection will be produced before?

Child Welfare Committee

Children in conflict with law will be produced where?

Juvenile Justice Board

THE BASIS

- Provisions of the Indian Constitution
- The United Nations Standard Minimum Rules for the Administration of the Juvenile Justice, 1985 (The Beijing Rules)
- Four broad RIGHTS of the UN Conventions on the Rights of the Child
 - ✓ Right to Survival
 - ✓ Right to Protection
 - ✓ Right to Development
 - ✓ Right to Participation

Principal of Juvenile Justice System

I. Principle of presumption of innocence

II. Principle of dignity and worth

III. Principle of Right to be heard

IV. Principle of Best Interest

V. Principle of family responsibility

VI. Principle of Safety

VII. Positive measures

VIII. Principle of non-stigmatizing semantics, decisions and actions

IX. Principle of non-waiver of rights

X. Principle of equality and non-discrimination

XI. Principle of right to privacy and confidentiality

XII. Principle of last resort

XIII. Principle of repatriation and restoration

XIV. Principle of Fresh Start

Overall Approach

Preserving best interest of the children

BY



- ❖ Fostering rights of the children.
- ❖ Creating child friendly environment.

MAJOR FEATURES

- Age of boy child raised to 18 from 16 years.
- Two broad categories of children dealt with:
 - * Children in conflict with law
 - * Children in need of care and protection
- Neglected child is defined as “child in need of care and protection” and includes new categories of children.

Categories of Children in need of Care & Protection

A child who is:

- Homeless
- Having incapacitated parent
- Abandoned, missing or runaway
- Victim of natural and man-made calamity
- Victim of abuse and exploitation
- Mentally or physically challenged
- Mentally or physically ill
- HIV/AIDS affected or infected
- Suffering from terminal illnesses
- Trafficked- for labour and/or sexual purposes

Additional Categories

- *Surrendered
- *Street Child
- *Working
- *Begging

Who is Juvenile in Conflict with law???

Juvenile in conflict with law is one who is *alleged* to have committed an offence and *has not completed 18th year of age* as on the *commission of such offence.*

Processes and procedures

**Children in Conflict
with Law**



Juvenile Justice Board

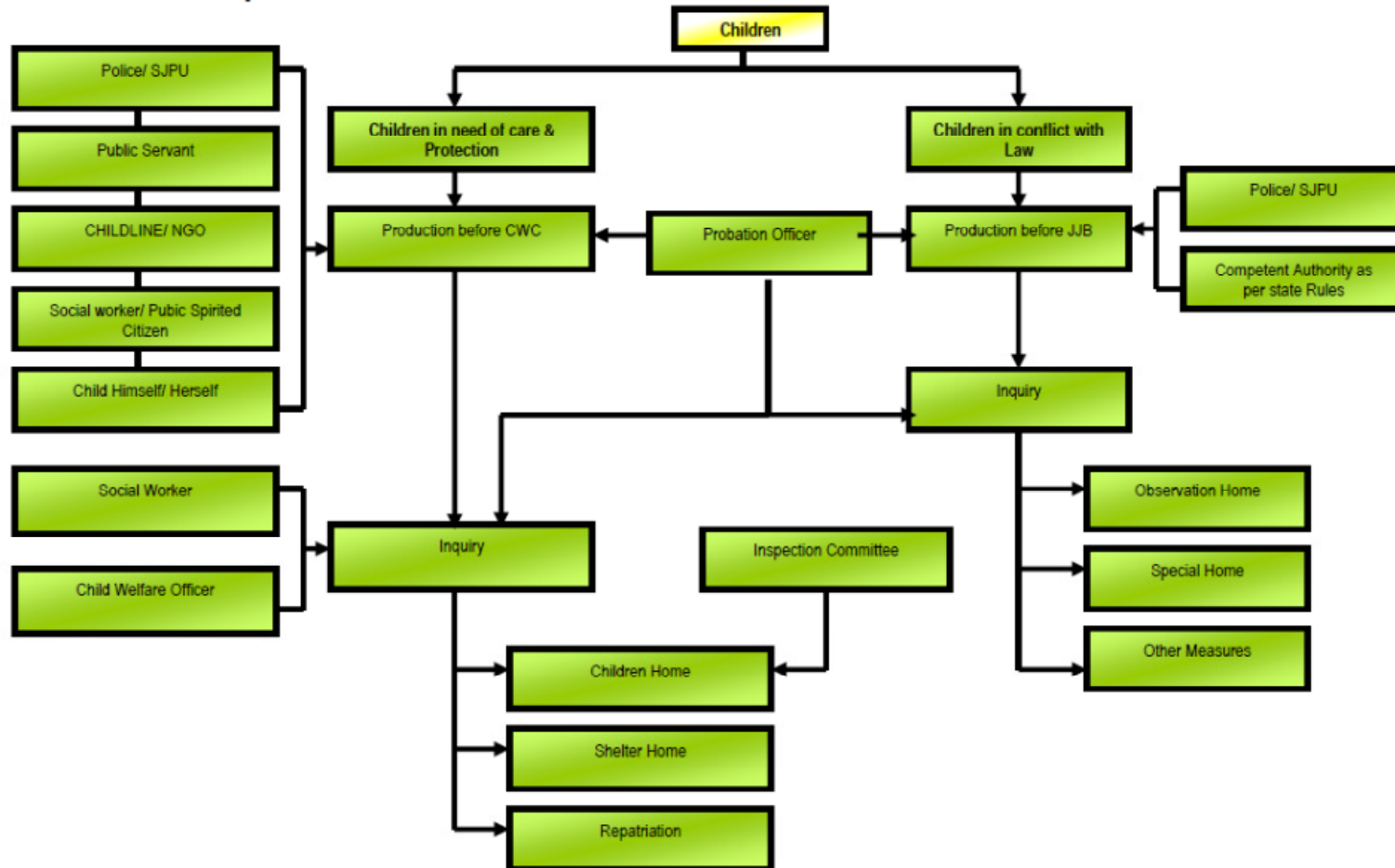
**Children in Need of
Care & Protection**



Child Welfare Committee

Operation Structure

The Micro Level Operational Structure



Composition and Structure

Juvenile Justice Board

Chairperson → M.M. or Judicial M. of the
1st class

Members → Social Workers- At least
Two one woman

Child Welfare Committee

Chairperson → At least one Woman

+

+

Members → One expert on matters concerning

Four

Children

Eligibility

Juvenile Justice Board

Magistrate → Must have special knowledge or training
in *child Psychology or child welfare*

Social Workers → Must be actively involved in
health, education, or welfare activities
pertaining to children at least for seven
years

Eligibility

Child Welfare Committee

1. Five years experience in their respective field

AND one of the followings:

2. Special knowledge of social work, child psychology education, sociology or home science.

OR

A teacher, a doctor or a senior retired public servant involved in work concerning child welfare.

OR

A professional worker of repute, who has been directly engaged in child welfare.

Selection of CWC & JJB Members

The Chairperson and members of the CWC as well as two members of the JJB shall be appointed on the recommendation of a Selection Committee set up by the State Govt. for the purpose.

Shall have SEVEN members

- Chairperson- A retired Judge of the H.C. or retired Secretary to Govt.-experience in social welfare.
- Two reps. of NGO working in area of CW.
- One academician.
- Two reps. from concerned State Dept.
- One from State Human Rights Comm. or a similar agency or a retired special Judicial Magistrate.

Production By

To the J J B



- The special juvenile police unit
- The designated police officer
- Registered voluntary organization

To the C W C



- Any police officer
- Childline
- Any Voluntary Organization
- Any social worker
- Self production by child
- Any citizen

Inquiry of a Juvenile/Child

Section 14, 33

- To be completed maximum within a period of four months by the concerned Competent Authority.
- Period to be extended by the Authority in special cases after due recording in writing.

What happens to the Child?

The Juvenile



- Observation Home
- Special Home
- Restoration
- After Care Org.

The Child



- Shelter Home
- Children Home
- Restoration
- After Care Org.

Section 7

- (1) If a person brought before the Magistrate who is not empowered under the J.J.Act is a juvenile or child, s/he be forwarded with the recording to the concerned competent authority (JJB, CWC) without any delay. (Other than for the purpose of giving evidence)

Determination of AGE

- The court shall make an inquiry. Take such evidence as may be necessary (but not an affidavit), record the finding and state the age of the juvenile or the child as nearly as may be. [Sec. 7A. (1)].
- If the court finds a person to be a juvenile on the date of commission of offence under sub-sec (1), it shall forward the juvenile to the board for passing appropriate order, and the sentence if any, passed by a court shall be deemed to have no effect. [Sec.7A. (2)].

Power of Statutory Body

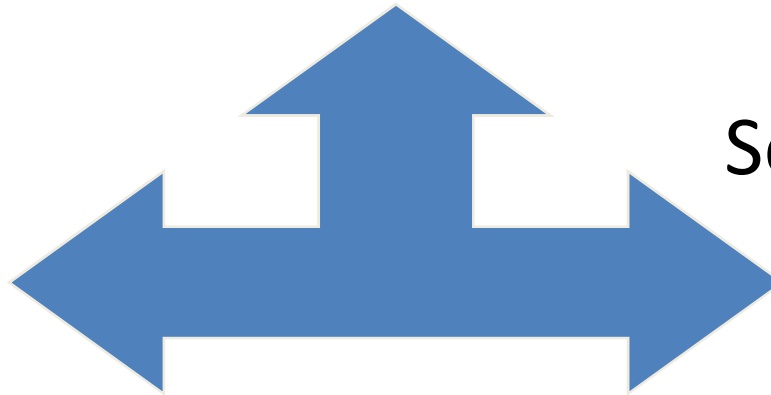
Powers of both the bodies (Section 4(2) in case of JJB & 29(5) in case of CWC) conferred by the *Code of Criminal Procedure, 1973(2 of 1974)*, on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the First Class.

POWERS OF THE CWC

Section 31
(1), (2)

Section 39
(3)

Section 52
(1)



Powers of Committee : Section 31

- The Committee shall have *the final authority* to dispose of cases for the care, protection, treatment, development and rehabilitation of the children as well as to provide for their basic needs and protection of human rights. **(Sec 31 (1))**
- Where a **Committee** has been constituted for any area, such Committee shall, notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, *have the power to deal exclusively with all proceedings under this Act relating to children in need of care and protection.* **(Sec 31 (2))**

Section 39

Restoration

- (3) The Committee shall have *the powers to restore any child* in need of care and protection.
- Restoration & protection of a child means restoration to his parents, guardian, fit person, fit institution, adopted parents, foster parents as the case may be, and give them suitable directions.

Section 52

- Appeals.-
 - (1) Subject to the provisions of this section, any person *aggrieved* by an order made by a competent authority under this Act may, within thirty days from the date of such order, prefer *an appeal to the Court of Session:*

POWERS OF THE J.J.B.

Section 6

- (1) The JJB has the power to deal exclusively with all proceedings under this Act relating to juvenile in conflict with law.
- (2) The powers conferred on the Board may also be exercised by the High Court and the Court of Sessions when the proceedings comes before them in appeal, revision or otherwise.

JJB-Orders that can be passed

Section 15

- Counsel parents/guardian and the juvenile.
- Allow to go home after advise/admonish.
- Direct to participate in group counseling, similar activities and community service.
- Order payment of fine, if above 14 yrs. & earning.
- Release on probation of good conduct & place under care of parent/guardian, other fit person or fit institution.
- Can be sent to special home—3 years.

JJB- Orders that cannot be passed

Section 16

- Cannot be sentenced to death/ life imprisonment or committed to prison.
- Cannot be charged with/ tried for offence with an adult.

JJB must DO

Section 19

Must remove records of conviction after the expiry of appeal or a reasonable period as prescribed under the rule.

Remember

- Juvenile must be released on bail irrespective of the offence.
- Juvenile can be released on bail with/without surety.
- Not to be released on bail only if
 - # Release brings him into association with a criminal.
 - # Exposes him to moral, physical or psychological danger.
 - # Defeats the ends of justice.
- One not released on bail must be kept in Obs. Home place of safety pending inquiry.
- Parents/guardian must be informed of detention of juvenile as soon as possible.

Non-institutional Services

The following three are now a part of the Act:

- Adoption
- Foster care
- Sponsorship
- After Care

What is Special Juvenile Police Unit (SJPU)?

- In each district - will be headed by an officer at rank of **Inspector**
- Each police station has Juvenile/ Child Welfare Officers
- Police officers to be instructed and trained on child issues and JJ Act
- Police Officer shall have aptitude and orientation to handle the cases of Juvenile or children in terms of provisions of the Act
- Management of SJPU with help of nominated NGO as SJPU member
- Report the cases related to children in need of care and protection and in conflict with law to the local SJPU units as instructed

ROLE OF POLICE

About Provisions

- To set up Special Juvenile Police Unit in every District & Juvenile/ Child Welfare Officers in every Police Station
- Police officers to be instructed and trained on child issues and JJ Act
- Police Officers to be in plain clothes (Rule 75)
- No handcuff or lock-up of child or juvenile (Rule 76)

About production: (Rule 11 (12) and Rule 84 (8))

- To produce the child before the CWC
- To produce the juvenile before the JJB
- To inform the parents of the apprehending of the juvenile

Apprehension of juvenile in conflict with law

As soon as a juvenile in conflict with law is apprehended by police, he shall be placed under the charge of the special juvenile police unit or the designated police officer who shall immediately report the matter to a member of the Board.*(Section 10)*

Information to parent, guardian probation officer

The officer in charge of the police station or the special juvenile police unit to which a juvenile is brought is required to inform-

- (a) the parent or guardian of the juvenile and direct him to be present at the Board before which the juvenile will appear; and
- (b) the probation officer to enable him to obtain information regarding the antecedents and family background of the juvenile and other material circumstances likely to be of assistance to the Board for making the inquiry. (Section 13)

Investigation

The police must complete their investigation within 60 days of the filing of FIR in the case of minor and petty offences and within 90 days of the filing of FIR in the case of grievous and serious offences.

No FIR in certain cases

- Where the nature of offence is such that it invites punishment of less than 7 years, there shall be no FIR(Rule 11 (11))
- In such cases the police shall simply make a DD entry, inform the parents of the child and prepare a social background report to be presented before the JJB within 24 hours.

Continuation of inquiry in respect or juvenile who has ceased to be a juvenile

Where an inquiry has been initiated against juvenile in conflict with law or a child in need of care and protection and during the course of such inquiry the juvenile or the child ceases to be such, then, notwithstanding anything contained in this Act or in any other law for the time being in force, the inquiry may be continued and order may be made in respect of such person as if such person had continued to be a juvenile or a child. (Section 3)

Remember

No juvenile shall be charged with or tried for any offence together with a person who is not a juvenile. **(Section 18)**

No report in any newspaper, magazine, news-sheet or visual media of any inquiry shall disclose the identity of Juvenile. In contravening the provisions shall be punishable with fine, which may extend to one thousand rupees. **(Section 21)**

Any Juvenile who has escaped from a home or from the care of the person shall be sent back to them and no proceeding shall be instituted against him. **(Section 22)**

Sections to Remember

Section 23

Punishment for cruelty to Juvenile or Child

- Assaults, abandons, exposes or willfully neglects
- And is likely to cause mental and physical suffering
- Punishment—imprisonment for up to 6 mths.
or fine or with both

Section 24

Employment of juvenile or child for begging

Whoever employs or uses any juvenile/ child for the purpose or causes to beg shall be punishable with imprisonment for up to three years and fine.

Section 25

Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to juvenile or child

Punishment of imprisonment up to three years and fine for giving or causes to be given any intoxicating liquor in a public place or any narcotic drug or psychotropic substance to a child/ juvenile

Section 26

Exploitation of juvenile or child employee

- Procures for the purpose of any hazardous employment
- Keeps in bondage
- Withholds earnings or uses for his own purposes punishment- imprisonment up to three years
and fine

Section 27

Special Offences

Offences punishable under section 23 for Cruelty, section 24 for Begging , section 25 for intoxication and section 26 for Exploitation of Child Employee shall be **cognizable**.

Section 28

Alternative Punishment

Where an act or omission constitute an offence punishable under this Act and also under any Central or State Act, an Act that provides punishment greater in degree shall apply.

In relation to Media

No report of any inquiry in regard to a juvenile or child in print or visual media can disclose the name, address or school or any other particulars that can lead to the identification of a juvenile or a child or any picture of such juvenile or child, unless the authority holding the inquiry permits such inquiry in writing [Sec. 21 (1)].

In case of contravention- penalty up to Rs. 25000/-
[Sec. 21 (1)].

Continued

- Pendency of cases to be reviewed six monthly by CJM/CMM in case of JJB and State Govt. in case of CWC. Can direct to increase the number of days or cause the constitution of additional bodies [Sec. 14 (2), 33 (3)].
- Bail of juvenile-Released on bail or placed under the supervision of a Probation Officer or under the care of any fit institution or fit person [Sec. 12(1)].

Registration of Institutions-

- All GO or NGO institutions for children in need of care and protection shall within a period of six months from the commencement of Amendment Act, 2006, be registered under this Act. [Sec. 34(3)].

Continued

- **Regarding transfer of children:**

The State Govt. may direct the transfer of any juvenile or child within or outside the state to an institution of like nature with prior intimation to the Committee/ Board and in consultation with the concerned State Govt. and will be binding on the competent authority where the child is sent.
[Sec. 57]

Disposal of Records and Documents

- The records or documents in respect of a juvenile or a child or a juvenile in conflict with law shall be kept in a safe place for a period of seven years and no longer, and thereafter be destroyed by the Officer-in-Charge or Board or Committee, as the case may be (Rule 99)

THANK YOU