

PROCEDURE WHEN A CHILD COMMITS A HEINOUS CRIME/OFFENCE

Police registers a First Information Report and apprehends the child

Police cannot handcuff the child, or send child to lock-up or compel child to confess his/her guilt

Police

- Produces the child before a Juvenile Justice Board (JJB) within 24 hours
- Informs parents about the alleged offence by the child and the Board where the child will be produced and parents/guardians should be present
- Makes the social background report of the child

If child is below 16 years of age, Juvenile Justice Board conducts inquiry and takes into account the social background report, social investigation report

If child is between 16 to 18 years of age, Juvenile Justice Board conducts Preliminary assessment within 3 months, which is not a trial but an assessment to see if child committed the crime with "child-like mind" or an "adult-like

After inquiry, the JJB may send the child to a "Special Home" for reformation for a period not exceeding three years

If crime was committed with "child-like mind" then Juvenile Justice Board conducts inquiry and may send child to "Special Home" for a period not exceeding three years

If crime was committed with "adult-like mind" then Juvenile Justice Board transfers case to a Children's Court for inquiry and trial. The child may be given punishment as per the crime, which can be more than three years

Final order by the Juvenile Justice Board or the Children's Court includes an Individual Care Plan for the child's rehabilitation, including follow up by the Probation Officer or the District Child Protection Unit or a member of a non-governmental organisation

Under no circumstances, any child for any crime can be given capital punishment or life imprisonment without the possibility of release



SATYARTHI

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TO COMPLAINT ABOUT CHILD ABUSE, PLEASE CALL US ON:

 **1800-102-7222** (Toll-Free)

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JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

CHILDREN IN CONFLICT WITH LAW



CHILDREN IN CONFLICT WITH LAW

- Any child less than 18 years of age who is alleged to have committed an offence
- Any child less than 18 years of age who is found to have committed offence by the Juvenile Justice Board

TYPES OF CRIMES OR OFFENCES COMMITTED BY A CHILD

Petty Crimes/ Offences	Serious Crimes/ Offences	Heinous Crimes/ Offences
These are crimes/offences where punishment under IPC or any other law is imprisonment up to 3 years	These are crimes/offences where punishment under IPC or any other law is imprisonment between three to seven years	These are crimes/offences where punishment under IPC or any other law is imprisonment for 7 years or more
Example Mischief, Cheating, Theft	Example Sexual Assault, Harbours an Offender	Example Dacoity, Murder, Rape

INSTITUTIONS FOR CHILDREN IN CONFLICT WITH LAW

Special Juvenile Police Unit

- is formed in every district
- is headed by Deputy Superintendent of Police or above
- includes Child Welfare Police Officer from every police station in the district
- is supported by two social workers

Juvenile Justice Board

- headed by Principal Magistrate who is a Judicial Magistrate of First Class
- has two members of whom one is a woman

Observation Home

Established in every district or group of districts for temporary placement of children in conflict with law during the pendency of inquiry

Special Home

Established in every district or group of districts for rehabilitation of children who are found to have committed an offence by the Juvenile Justice Board

Place of safety

Established at least one in every state for children between 16-18 years of age who are accused or convicted for committing a heinous crime and persons above 18 years of age for committing the crime when they were a child

Powers of the Juvenile Justice Board

Juvenile Justice Board constituted for any district has the power to deal exclusively with all the proceedings under the Act, relating to children in conflict with law, in the area of jurisdiction of such Board

Key Functions of the Juvenile Justice Board

- ☞ Ensuring protection of child's rights throughout the process of apprehending the child, inquiry, aftercare and rehabilitation
- ☞ Ensuring availability of legal aid for the child through the legal services institutions
- ☞ Providing interpreter or translator to the child if he fails to understand the language used in the proceedings
- ☞ Directing Probation Officer, or Child Welfare Officer or a social worker, to undertake social investigation and ensuring social investigation report is submitted within a period of fifteen days
- ☞ Conducting at least one inspection visit every month of residential facilities for children in conflict with law and recommend action for improvement
- ☞ Order police for registration of FIR for offences committed against a child
- ☞ 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

PROCEDURE WHEN A CHILD COMMITS A PETTY OR SERIOUS CRIME/OFFENCE

Police registers a case in general daily diary

Police cannot apprehend the child or handcuff the child or send child to lock-up or compel child to confess his/her guilt

Police informs

- Parents/guardian of child about the alleged offence and address of Juvenile Justice Board where child will be produced and parents/guardian should also be present
- Juvenile Justice Board (JJB) within 24 hours along with a social background report of the child

Juvenile Justice Board conducts inquiry and takes into account

- Social background report of the child submitted by police
- Social investigation report submitted by probation officer or social worker

If inquiry in case of petty offence remains inconclusive for six months, then the JJB terminates the proceedings against the child

After inquiry, the JJB either allows child to go home after advice or admonition; or asks child to undergo counselling; or asks child to perform community service; or sends child to a "Special Home" for reformation for a period not exceeding three years

Final order by the Juvenile Justice Board includes an Individual Care Plan for the child's rehabilitation, including follow up by the Probation Officer or the District Child Protection Unit or a member of a non-governmental organisation