

RELEVANT PROVISIONS REGARDING POWER & JURISDICTION

S.NO.	PARTICULARS	PROVISIONS J.J. Act, 2000/ Rules 2007
[1]	Board has exclusive jurisdiction to deal with Juvenile in conflict with law notwithstanding any other law for the time being in force;	Section 6
[2]	Inquiry shall be continued by the Board even if the juvenile ceases to be a child during the pendency of the inquiry and orders may be passed as if he is a juvenile	Section 3
[3]	Every Board has the powers conferred by the Cr.P.C.	[Rule 5(2)]
[4]	In case Board is not sitting, the juvenile may be produced before any single member of the Board, who is empowered to pass all appropriate orders except final disposal. Any such order is to be ratified by the Board in the next meeting.	Section 5(2)(3) r/w Rule 11 (10) (14)
[5]	In the event of any difference of opinion among the members of the Board in the interim or final disposition, the opinion of the majority shall prevail. Where there is no such majority, the opinion of the Principal Magistrate shall prevail.	Section 5(4)

RELEVANT PROVISIONS REGARDING ORDER ON FIRST PRODUCTION OF JUVENILE

On production of juvenile, the Board shall pass the following order in the first summary inquiry on the same day, namely-

S.NO.	PARTICULARS	PROVISIONS J.J.Act, 2000/ Rules 2007
[1]	Dispose of the case, if the evidence of his conflict with law appears to be unfounded or where the juvenile is involved in trivial law breaking; or	Rule 13(l)(a)
[2]	Transfer the juvenile to the CWC, if the police report states that the juvenile is in need of care and protection; or	Rule 13(l)(b)
[3]	Consider release of juvenile on bail; or	Section 12
[4]	Release the juvenile in the supervision or custody of fit persons / institutions or Probation Officers, through an order in Form-I; or	Rule 13(l)(c)
[5]	Detain the juvenile in an Observation Home or fit institution pending inquiry, only in cases of juvenile's involvement in serious offences, as per order in Form-II	Rule 13(l)(d)

RELEVANT PROVISIONS REGARDING AGE DETERMINATION

When a person is brought before a Board under any of the provisions of the Act who appears to be juvenile, the Board shall make due inquiry as to the age of that person [Section 49]. While determining age of juvenile the following points be kept in view:

S.NO.	PARTICULARS	PROVISIONS J.J.Act, 2000/ Rules 2007
[1]	Age determination shall be made within a period of 30 days.	Rule 12(1)
[2]	All persons who have not completed 18 years of age on the date of alleged commission of offence shall be treated as 'Juvenile in Conflict with Law'	Section 2(1)
[3]	On production of a person, the Board is to decide the Juvenility or otherwise, prima facie, on the basis of physical appearance or documents, if available, and send him to the Observation Home or jail	Rule 12(2)
[4]	The Board can consider bail application of the person, if it is of the prima facie opinion that the person produced is apparently a juvenile	Section 12(1)
[5]	The age determination inquiry shall be conducted by the Board by seeking evidence by obtaining following documentary evidence: i. Matriculation or equivalent certificates; ii. Date of birth certificate from the school; certificate given by corporation or municipality or panchayat.	
[6]	In the absence of aforesaid documents, the medical opinion can be sought from a Medical Board	
[7]	The Board may, for reasons to be recorded, give benefit to the juvenile by considering his / her age on lower side within the margin of one year.	Rule 12(3)
[8]	Determination by the Board as above by an order is conclusive proof of the age as regards such juvenile.	Rule 12 (3) (4)

GUIDING PRINCIPLES FOR CONSIDERATION OF APPLICATION FOR BAIL

When any person apparently a juvenile is brought before a Board such person shall be released on bail or placed under the supervision of a Probation Officer / fit institution / fit person. Bail can be denied only if there appear reasonable grounds for believing that

S.NO.	PARTICULARS	PROVISIONS J.J.Act, 2000/ Rules 2007
[1]	The release is likely to bring him into association with any known criminal; or	Section 12
[2]	Expose him to moral, physical or psychological danger; or	
[3]	His release would defeat the ends of justice.	

RELEVANT PROVISIONS REGARDING PROCEDURAL ASPECTS

S.NO.	PARTICULARS	PROVISIONS J.J.Act, 2000/ Rules 2007
[1]	"Petty offences" may be disposed off by the Board through summary proceedings or inquiry	Rule 13(2) (d)
[2]	The Board shall follow the procedure of trial in summons cases, as far as may be, in inquiry pertaining to non-serious offences (punishable with imprisonment upto 7 years).	Section 54(1) r/w Rule 13(2) (d)
[3]	The Board shall follow the procedure of trial in summons cases in inquiry pertaining to serious offences (punishable with imprisonment of more than 7 years for adults).	Section 54(1) r/w Rule 13(2) (d)
[4]	The Board has to satisfy that the juvenile has not been subjected to any ill-treatment by the police or lawyer or probation officer.	Rule 13(2) (a)
[5]	The Board shall make sure that the parents / guardian have been-	
	<ul style="list-style-type: none"> (i) Supplied with copy of police report by the concerned police officer or JCWO before or on the day of production of the juvenile in the Board. (ii) Informed about apprehension of the Juvenile and production before the Board. (iii) Informed about the possible need of personal bond / surety in the event of bail be granted and the provision relating to bonds in Chapter 33 Cr.P.C. shall apply (Section 50 & 65 r/w section 50A Cr.P.C. 	33 Cr.P.C. shall apply (Section 50 & 65 r/w section 50A Cr.P.C.

[6]	The Board shall ensure that the police has informed the probation officer about the apprehension of the Juvenile for the purpose of obtaining information of the background of the juvenile and other necessary material circumstances.	Section 13(b) r/w Rule 11(1)(c)
[7]	The Board shall notify the next date of hearing, not later than 15 days of the first summary enquiry and also seek social investigation report from the concerned Probation Officer through an order in Form-III;	[Rule 13(1)]
[8]	The Board has to conduct the proceedings in a child friendly atmosphere	Rule 13(2) (b) & 13 (4)
[9]	Every juvenile shall be given the opportunity to be heard and participate in his inquiry	Rule 13(2) (c)
[10]	The Board may require any parent or guardian to be present at any proceeding	Section 46
[11]	The Board may dispense with attendance of the juvenile, if it is not essential for the purpose of inquiry.	Section 47
[12]	The inquiry shall be conducted in the spirit of non-adversarial proceedings.	Rule 13(3) r/w Rule 14(1)
[13]	The Board may use the powers of questioning witnesses conferred by section 165 of the Indian Evidence Act, 1872 (added)	Rule 13(3)

	<p><i>In Rule 13(3), the word used is "shall" and instead of "may" and therefore substitution of VIII(13) is suggested as follows:-</i></p> <p><i>"The Board shall use the powers of questioning witnesses conferred by section 165 of the Indian Evidence Act 1872 [Rule 13(3)]".</i></p>	
[14]	The Board shall proceed with the presumptions that favour the juvenile's right to be restored.	Rule 13(3)
[15]	The Board may take into account the report of the police containing circumstances of apprehension and offence alleged to have been committed.	Rule 13(5)
[16]	The Board shall take into account the Social Investigation Report prepared by Probation Officer or voluntary organization.	Section 15(2) r/w Rule 13(5) and 15(2)
[17]	The Board shall ensure grant of free legal aid and right to counsel.	Rule 14
[18]	No juvenile shall be charged with or tried for any offence together with an adult	Section 18
[19]	No proceeding shall be instituted and no order shall be passed against juvenile regarding security for keeping peace and good behaviour	under Chapter VIII Cr.P.C. [Section 17].
[20]	Use of accusatory words, such as, arrest, remand, accused, charge sheet, trial, prosecution, warrant, summons, conviction, inmate, delinquent, neglected, custody or jail is prohibited.	Rule 3 (VIII)

RELEVANT PROVISIONS REGARDING PERIOD OF INQUIRY

S.NO.	PARTICULARS	PROVISIONS
[1]	The inquiry to be completed within a period of 4 months after the first summary inquiry unless extended for reasons in writing.	Section 14(1) r/w Rule 13(6) and Rule 15(1)
[2]	The period of inquiry may be extended by 2 months in the following exceptional cases <ul style="list-style-type: none">• cases involving trans-national criminality; or• large number of accused; or inordinate delay in production of witnesses	Rule 13(6)
[3]	Delay beyond 4 to 6 months leads to the termination of proceedings in non-serious offences.	Rule 13(7)
[4]	Delay beyond six months in serious offence has to be reported by the Board to the CJM / CMM stating 'the reason for delay and steps taken.	Rule 13(8)
	Note:- Discretion to close an inquiry always is left to the Board taking into consideration the facts and circumstances of a case. However it is advisable to keep outer time limit for balancing interest of victims and sufferers.	

RELEVANT PROVISIONS REGARDING LEGAL AID

S.NO.	PARTICULARS	PROVISIONS
[1]	Every child who has to file or defend a case is entitled to free legal services.	Section 12(1) (c) of Legal Services Authority Act. 1987
[2]	The Board shall ensure free legal services to all juvenile through State Legal Aid Services Authority or recognized voluntary legal services organizations or the University legal services clinics.	Rule 14(2)(4)
[3]	The Board may also deploy the services of the student legal services volunteers and non-governmental organization volunteers in para-legal tasks such as contacting the parents of juveniles and gathering relevant social and rehabilitative information.	Rule 14(5)

RELEVANT PROVISIONS REGARDING FINAL DISPOSITIONAL ORDERS:-

The Board, if satisfied that a juvenile has committed an offence, may pass one of the following final orders-

S.NO.	PARTICULARS	PROVISIONS
[i]	Allow the juvenile to go home after advice or admonition and counseling to parent / guardian and juvenile.	Section 15(1)(a)
[ii]	Direct the juvenile to participate in group counseling and similar activities and necessary direction may also be made to the District or State Child Protection Unit or the State Government for arranging individual counseling and group counseling.	Section 15(1)(b) r/w Rule 15(4)
[iii]	Order the juvenile to perform community service that is not degrading and dehumanizing and necessary direction may also be made to the District or State Child Protection Unit or the State Government for arranging community service which may include (i) Cleaning a park; (ii) Getting involved with habitat for humanity; (iii) Serving the elderly in nursing homes; (iv) Helping out a local fire or police department; (v) Helping out at a local hospital or nursing home; and (vi) Serving disabled children.	Section 15(1)(c) r/w Rule 2(e) and 15 (4)
[iv]	Order the parent or the juvenile himself to pay fine, if he is over 14 years of age and earns money; however, no juvenile shall be committed to prison in default of payment of fine.	Section 15(1) (d) r/w Section 16(1)

[v]	Direct the juvenile to be released on probation of good conduct and place him under the care of parent, guardian or other fit person, on executing a bond in Form V, for the good behaviour and well-being of the juvenile for a maximum period of three years. In addition, the Board may also direct furnishing of surety and / or execution of bond in Form VI by juvenile and / or juvenile to remain under the supervision of a Probation Officer	Section 15(1) (e) (3) & (4) r/w Rule 15(5), (6) & (8)
[vi]	Direct the juvenile to be released on probation of good conduct and placed under the care of any fit institution for the good behaviour and well-being of the juvenile for any period not exceeding three years, located nearest to the place of residence of the juvenile's parent or guardian. In addition, the juvenile may be placed under supervision of a Probation Officer.	Section 15(1) (f), (3) & (4) r/w Rule 15(7) & (8)
[vii]	Make an order directing the juvenile to be sent to a special home for a maximum period of three years located nearest to the place of residence of the juvenile's parent or guardian.	Section 15(1) (g) r/w Rule 15(7)
_____	All final orders shall necessarily include an individual care plan for the concerned juvenile	Rule 15 (3)

RELEVANT PROVISIONS REGARDING POST FINAL ORDER

The Board has the following power in respect of juvenile after the final order has been passed:

S.NO.	PARTICULARS	PROVISIONS
[1]	The Board may discharge or transfer a juvenile from one Special Home to another keeping in view the best interest of the juvenile and his natural place of stay.	Section 56
[2]	The Board, on a report of a Probation Officer / Government or social worker may release a juvenile permitting him to live with his parent or guardian or of any authorized person to educate and train him for some useful trade or to look after him for rehabilitation.	Section 59(1)
[3]	The Board may permit any juvenile to go on leave on special occasions like examination or admission, marriage of relatives, death of kith and kin or the accident or serious illness of parent or any emergency of like nature for a maximum period of 7 days. The period of such leave shall be counted as a part of the period of stay in the institution.	Section 59(2) (3) & (4) r/w Rule 62
[4]	The Board shall pass order for restoration of the juvenile after hearing the juvenile and his parents or guardian as well as on the report of the Probation Officers. In case of girl, the juvenile shall be accompanied by a female escort. When a juvenile expresses his unwillingness to be restored back to the family; the Board shall not coerce him to go back to the family, particularly if the Social Investigation Report establishes that restoration to the family may not be in the best interest of the juvenile	Rule 65

CASE MONITORING SHEET

(Separate Sheet may be used in case there are more than one Juvenile)

Juvenile Justice Board, District _____

Case No. _____ of _____

State *Versus* _____

Police Station	Date.....
U/s.....	FIR/ GD/ DD No.
Name of Probation Officer.....	Name of IO
Name of Lawyer	Name of JWO.....
<i>(If not represented provide Legal Aid Lawyer)</i>	
NATURE OF OFFENCE	<input type="checkbox"/> HEINOUS* <input type="checkbox"/> NOT HEINOUS
<i>(* Entailing a Punishment of more than 7 years imprisonment for adults)</i>	

PARTICULARS OF JUVENILE			
Name	Parent/ Guardian with Contact No.	Present address	Permanent address

DATE AND TIME OF APPREHENSION	<input type="text"/>	<input type="text"/>
DATE AND TIME OF FIRST PRODUCTION	<input type="text"/>	<input type="text"/>
APPREHENSION MEMO - DULY FILLED	<input type="text" value="YES"/>	<input type="text" value="NO"/>
-SUPPLIED TO JUVENILE/ GUARDIAN	<input type="text" value="YES"/>	<input type="text" value="NO"/>
MEDICAL EXAMINATION UNDER SECTION 54 CrPC CONDUCTED ON	<input type="text"/>	
AGE DETERMINATION		
1. Age on the Date of offence	<input type="text"/>	
2. Date of Determination & Time taken	<input type="text"/>	<input type="text"/>
3. Determination by	<input type="text" value="BOARD"/>	<input type="text" value="COURT"/>
4. Evidence Relied:	<input type="text" value="Documenta"/>	<input type="text" value="Medical"/>
		<input type="text" value="Others"/>
CUSTODY OF THE JUVENILE		
In Observation Home	Date of grant of bail	Sent under supervision <i>(Name of Institution)</i>
From.....To.....		
From.....To.....		
From.....To.....		

PROGRESS OF ENQUIRY

(Time schedule for disposal of the case to be fixed on the first date of hearing)

Steps to be taken (1)	Scheduled Date* (2)	Actual Date (3)
Day 1: Social Background Report by Police (in Form No. SJPU-2)	Dated _____	
Day 1: Consideration of Bail	Dated _____	
Day 2: Age determination	Dated _____ (within 30 days)	
Day 2: SIR (Form No.IV) by Probation Officer	Dated _____ (within 30 days)	
Day 2: Section 173 CrPC Final Report by Police on completion of Investigation	Dated _____ (within 30 days)	
Day 3: Submission of Report on Provisions of further investigation, if any.		
Day 3: Section 251 CrPC Notice	Dated _____ (within 45 days)	
Day 4-6: Prosecution Evidence (from _____ to _____) <i>(Depending on number of witnesses continuous dates may be fixed)</i>	Dated _____ Dated _____ Dated _____ (within 75 days)	
Day 7: Statement of Juvenile under Section 281 CrPC	Dated _____ (within 82 days)	
Day 8: Defence Evidence	Dated _____ (within 90 days)	
Day 8: Individual Care Plan <i>(In case of child in institutional care Individual Care Plan should be prepared within one month of admittance)</i>	Dated _____ (within 90 days)	
Day 9: Final Arguments	Dated _____ (within 105 days)	
Day 10: Dispositional (Final) Order	Dated _____ (within 120 days)	
Day 11: Post Dispositional Review	Dated _____ (30 to 90 of Dispositional Order)	

- NB:** 1. Scheduled Date given in column No. (2) are the outer limit within which the steps indicated in column (1) are to be completed.
2. Scheduled Dates are not the actual dates of hearing and Board may fix more than one date of hearing.

FORM: JJB - 2

QUARTERLY REPORT BY JUVENILE JUSTICE BOARD

District	Period: From.....to.....	Date:
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PRINCIPAL MAGISTRATE AND MEMBERS
Principal Magistrate: Name..... Training/ Special Knowledge in JJ System.....
Member - 1: Name..... Training/ Special Knowledge in JJ System.....
Member - 2: Name..... Training/ Special Knowledge in JJ System.....

HONORARIUM TO MEMBERS
Per sitting <input type="text" value="Rs."/> Paid up to <input type="text"/>

SITTINGS OF THE BOARD	
A. Scheduled Sittings	<input type="text" value="Daily"/> <input type="text" value="Twice in a Week"/> <input type="text" value="Weekly"/>
B. Duration:	<input type="text" value="Full day"/> <input type="text" value="Half day"/>
C. Premises:	<input type="text" value="Outside Court premises"/> <input type="text" value="Regular Court Room"/>
D. Raised platform used by the Board:	<input type="text" value="Yes"/> <input type="text" value="No"/>
E. Total Number of sittings during the quarter:	<input type="text"/>
Attended By:	
Principal Magistrate <input type="text"/>	Member-1 <input type="text"/> Member-2 <input type="text"/>

STAFF OF THE BOARD
(Mention only those who are exclusively working for the Board)

Designation	Contact No.

INFRASTRUCTURE AVAILABLE WITH THE BOARD

a. Board Room	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
b. Waiting Room for Juvenile in custody	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
c. Waiting Room for parents/visitors	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
d. Room for Principal Magistrate & Members	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
e. Record Room	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
f. Room for Probation Officer	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
g. Working Computer	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
h. Drinking water	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
i. Toilet facilities	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
j. Typist, Photocopy etc for Juvenile/ Parent in the vicinity	<input type="checkbox"/> YES	<input type="checkbox"/> NO	

LEGAL SERVICES AUTHORITY LAWYER

No. of lawyers <input style="width: 50px;" type="text"/>	No. of cases referred <input style="width: 50px;" type="text"/>
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PROBATION OFFICERS

No. of Probation Officers	<input type="text"/>	No. of cases referred	<input type="text"/>
SIR- submitted within 30 days	<input type="text"/>	Individual Care Plan - submitted	<input type="text"/>
- Submitted after 30 days	<input type="text"/>	- Pending	<input type="text"/>
- Pending beyond 30 days	<input type="text"/>		

RECOGNIZED NGO's

No. of NGOs	<input type="text"/>	No. of cases referred	<input type="text"/>
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VISIT TO HOMES BY PRINCIPAL MAGISTRATE

Date of visit:

Remark :

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CASES INSTITUTED DURING THE QUARTER:

	HEINOUS	NOT HEINOUS	TOTAL
a. Number cases			
b. Number of Juvenile			
c. Juveniles granted bail			
d. Juvenile sent to Observation Home			
e. Number of cases where more than 30 days is taken for age determination.			

DETAILS OF LAST JUVENILE JUSTICE BOARD MEETING HELD ON 	
Participants	Summary of Proceedings
COMPLAINT/SUGGESTION, IF ANY, RECEIVED AND ACTION TAKEN	
REMARK/SUGGESTION BY BOARD	
a. Principal Magistrate _____ _____	
b. Member : 1 _____ _____	
c. Member: 2 _____ _____	

Principal Magistrate	Member -1	Member -2
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