

Role of Principal Magistrates of Juvenile Justice Boards

Juvenile Justice
(Care & Protection of Children)
Act, 2015 & Model Rules, 2016

Presented By

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Juvenile Justice Committee

“THE CHIEF JUSTICE'S CONFERENCE” (9th and 10th March, 2006)

- Supreme Court of India, vide Item No. 22 of the Agenda under the heading "The plight of Juvenile Delinquents" the following resolution was passed-

“That High Courts will impress upon the State Governments to set up Juvenile Justice Boards, wherever not set-up. The Chief Justices may nominate a High Court Judge to oversee the condition and functioning of the remand/observation homes established under Juvenile Justice (Care and Protection of Children) Act, 2000”

ESTABLISHMENT OF SECRETARIAT JJC, HC OF MP

- Idea to establish Secretariat was Conceived on 2nd August 2016
- High Court of Madhya Pradesh in collaboration with Department of Women & Child Development, Bhopal and UNICEF Bhopal envisaged the concept as established in Allahabad High Court , UP.
- On 17th April 2018 Secretariat of Juvenile Justice Committee was inaugurated by Hon'ble The Chief Justice Hemant Gupta in presence of Hon'ble Chairperson Shri Justice J.K Maheshwari and Member Hon'ble Smt. Anjuli Palo, of the Committee.

Working of Juvenile Justice Committee

- Monitoring of State Action Plan-2015 on Child Protection.
- Regular District Level JJ Functionaries Meeting by Secretariat JJC to regularly monitor and evaluate district child protection functionaries.
- Monitoring of Child Care Institutions of MP through monitoring sheets on the basis of quarterly inspection reports and issues are submitted to the State Government for compliance.
- Implementation and monitor the progress of State in regard to orders passed by Hon'ble Supreme Court on the issues of Juvenile Justice Act, 2015.
- Action on Complaints and Grievances received in regard to violation of Juvenile Justice Act, 2015.
- Annual Planner developed for Child Care Institutions in Madhya Pradesh.



Important Reports and Forms for Principal Magistrates, JJB

Social Background Report (SBR) Form-1

- On production of child before Board, the Board must review report containing Social Background **(Form-1)** and circumstances appending the child.
- Post review of report Board may pass order u/s 17 & 18 (Rule 10)
 - 1. Disposing the case
 - 2. Referring child to committee (Where it appears that child is in need of care of protection)
 - 3. Releasing the child in supervision or custody of fit person, fit institution or probation officer.
 - 4. Directing the child to be kept in CCI.

Social Inquiry Reports (SIR) Form-6

- In all cases of release pending inquiry:
 - The board shall notify next day of hearing **not later than 15 days of first summary inquiry.**
 - Seek Social Investigation Report (**Form-6**) from Probation Officer through order in **Form-5.**
- In case of heinous offences alleged committed by child who completed 16 years of age:
 - CWPO shall produce statement of witnesses and other documents prepared during investigation within 01 month from date of first production.
- In petty/serious cases the final report to be filed before the Board at the earliest and not beyond the period of two months from date of information to police. Rule 10(6)

Ensuring Individual Care Plan (ICP) Form-7 for CICL with the help of Legal cum Probation Officer & Rehabilitation Card Form-14

- The Principal Magistrates must ensure the development of ICP for each child residing in CCIs. Further, the progress of each child must be monitored through ICP.
- - **Part-A** (Personal Details): To be filled once. The child resides in CCIs (within 15 days)
 - **Part-B** (Progress report of child): To be filled every fortnight for three months and thereafter once a month.

Part-C (Pre-release report): Prepared 15 days prior to release.

Part-D: Restoration Report of child/Follow up.

All dispositional orders passed by the board shall necessarily include ICP (**Form-7**) for CICL prepared by Probation officer. **Rule 11 (3)**

Whenever required issue rehabilitation card in **Form 14** to CICL for monitoring the progress made by the child. **Rule 7(1)(ii)**

Case Monitoring Sheet

- The Board shall maintain Case Monitoring Sheet for each case and every child in **Form-11**
- The form shall be kept on the top of file and updated on time to time
- Following points shall be considered so far as **“Progress of Inquiry”**
 - Time schedule for disposal of the case shall be fixed on the first date of hearing
 - The schedule date shall be the outer limit within which the steps are to be completed.

Quarterly Report by Juvenile Justice Board - Form 12

- The board shall submit quarterly report in **Form-12** about pendency of case, visit of Observation home, Special Home and Place of Safety to
 - 1. Chief Judicial Magistrate or Chief Metropolitan Magistrate
 - 2. District Magistrate

Monitoring visit to Observation Home/Special Home/Place of Safety

- Inspect CCIs for CICL issue directions in cases of noticeable lapses suggest improvement, seek compliances and recommend suitable action, including against any employee found in dereliction of duty to DCPU. **Rule 7 (1)(v).**
- Ensure smooth functioning of Children's Committee in CCI for CICL, for realising children's participation in the affairs and management of such CCI **Rule 7 (1) (vii)**
- Review the Children's Suggestion Book at least once in month **Rule 7 (1) (viii)**
- CCIs shall be adequate lighting, heating, cooling arrangements, ventilation, safe drinking water, clean accessible gender and age appropriate and disabled friendly toilet and high walls with barbed wire fencing. **Rule 29.**

Medical Care (Rule 34)

- The PMs must inspect the availability of Medical Officer on call for regular medical check up and treatments of children.
- Round the clock availability of nurse/paramedic in OH, SH & POS.
- The PMs must inspect development of Medical Records which include height, weight, record any sickness and treatment, and other physical or mental problems.
- Availability of first aid kits and trained staff in handling first aid.
- **Most Important:** Immunization of children and past record of immunization, Quarterly dental check up, eye testing and screening for skin problems.
- Base line investigation of Complete Blood Count, Urine Routine, HIV, VDRL, Hepatitis B/C test, addiction to drug shall be conducted at the time of entry in institution as suggested by the doctor after examining the child.
- All girls who attained puberty shall undergo health assessment to detect iron deficiency.

Education Facility for CICL (Rule 36)

- The PMs must inspect that every CCI provide education to all children according to age and ability.
- Education opportunity like mainstream inclusive school, Bridge school, open schooling, non formal education should be provided to children.
- Regularity of education programme and attendance of children must be ensured.

Vocational Training (Rule 37)

- Every CCI must provide gainful vocational training to the children according to their age, aptitude, interest and ability.
- Vocational training shall include occupational therapy, skill and interest based training, aimed at suitable placement at the end of course.
- **It is observed that many district provide Diya making training to children. Such Trainings are not occupational in nature and cannot lead to a suitable placement.**

Mental Health Rule 34 & 35

- During the inspection, the PM must ensure arrangements for regular counselling of every child and ensure specific mental health intervention for those in need of such services.
- A psycho-social profile of each child shall be maintained by CCI and updated every month.
- The DWCD has provided a list of trained counsellors to conduct counselling sessions.
- Support of such counsellors must be taken for counselling services.

Follow up of cases and Rehabilitation Initiatives

- It must be ensure that the children who are released have identity cards like disability certificate, immunization card, school certificate (if continued education), Aadhar Card (if developed in CCI).
- The follow up in regard to progress made in rehabilitation restoration plan must be followed up after 15 days, 02 months and after 06 months.



Discussion on issues identified for Juvenile Justice Boards

Monitoring of Jail to identify minor/CICL (sec 8 (3)(m))

- The PMs must conduct visits to Jail to identify minors living in Jails.
- Any minor CICL must be shifted to Observation Home/Special Home/Place of Safety as the case may be.
- Any child above the age of 6 years living with their mothers in jail must be shifted from the jail.

Free Legal Aid to CICL

- Ensure that the Legal cum Probation Officer in the District Child Protection Unit and the State or District Legal Aid Services Authority extends free legal services to children. **Sec 8 (3) (c); Rule 7 (1) (ix)**

Removal of disqualification on the findings of an Offence (Sec 24) & Destruction of Records (Rule 14)

- A Child who committed an offence and has been dealt under the provisions of the act must not suffer disqualification attached to a conviction of an offence.
- The Board shall make an order directing police or by the children Court to its own registry that relevant records of such conviction shall be destroyed after expiry of the period of appeal or a reasonable period as may be prescribed.
- The record of conviction in respect of CICL shall be kept in safe custody till expiry period of appeal or period of seven years. **(Rule 14)**
- Thereafter be destroyed by person in-charge or Board or children's court as case may be.
- Provided in case of heinous offence child is found to be in conflict with law under Section 19(1)(i) the relevant record of convictions detained by children's court

Video Conferencing Facility at JJB & Observation Home

- The Principal Magistrate must ensure VC facility at JJB & Observation Home along with suitable internet facility.
- **Letter No. 303 dated 24.06.2022** was sent to all DCPOs by DWCD regarding CIS Software Isolation. This letter can be used to ensure the abovementioned facility.



Directions for Juvenile Justice Boards by Hon'ble Supreme Court of India

- In Re-Contagion of Covid-19 Virus In Children Protection Homes (WP No. 04/2020)
 - JJBs must monitor situation in observation home in regard to the fear and anxiety cost due to disease.
 - JJBs must consider the best interest of the child health and safety concern while keeping the child in CCI.
 - The JJBs shall consider to release children on bail unless clear and valid reasons for the application of the proviso to Section 12 of JJ Act, 2015



In Re-Exploitation of children in orphanages in the State of Tamil Nadu Vs. Union of India (WP No. 102/2007) (Police Atrocities):

Any CICL must not be kept in jail or lockup.

The CICL must be granted bail or should be sent to CCIs.

The JJBs must not be mere spectators, they should act on any information regarding atrocities committed by police on CICL.



District level Coordination with Stakeholders

Sitting of Juvenile Justice Boards

Rule 6(7) of JJ Rules, 2016

The Board shall sit on all working days for a minimum of six hours commensurate with the working hours of a Magistrate Court. Also, Pms must maintain Board Diary.

(Memo No. C/2354/III-6-4/72-IX dated 13.05.2022 High Court of Madhya Pradesh, Jabalpur)

Coordination with Stakeholders

Child Welfare Committee:

- Transferring Matters concerning to CICL stated to be in need of care and protection at any stage. Recognising CICL can also be CNCP. Sec 8 (3)(g)
- Order Registration of FIR for offences committed against any CNCP on a written complaint by CWC to JJB. Sec 8 (3)(I)

Special Juvenile Police Unit:

- SJPU conducts Monthly convergence Meeting to Resolve issues with Stakeholder and Provide Refresher Training to CWPOs.
- Issues Related to: CICL apprehension, FIR, SBR (Form1), Police Atrocity, Police in Uniform can be dealt.

Visitor Judges:

- PMs must coordinate with Visitor judges and work on to resolve the issues highlighted in the visitor Judge's Report.

District Child Protection Unit:

- DCPU conducts District Child Protection Committee meeting on quarterly basis with all CP stakeholders.
- Develop ICP and Rehabilitation Cards for children through DCPU.
- Conduct follow on Cases through DCPU Sec 8 (3)(h)
- Conduct Inspection of CCIs and recommend Action for Improvement to DCPU Sec 8 (3)(j).
- DCPU to arrange educators, Medical professionals and counsellors for Children in CCI.

- DCPU to provide translators, interpreters for JJB.
- DCPU to provide a panel of Psychosocial experts for preliminary assessment. Rule 10A (3)
- DCPU to maintain Quarterly report for the Board Rule 85 (1)(i))

Coordination with HC-JJC and JJBs

- The Principal Magistrates must coordinate with PMs of other districts.
- PMs must share their best practices with HC-JJC and other Pms of JJBs.
- Several whatsapp groups have been developed of the Cooridnation. We expect to use them for doubt solving and to resolve technical issues/challenges faced by JJBs.
- **Coordination between PM and members of JJBs.**

Hierarchy of DWCD

- **State Level**

- Principal Secretary, DWCD
- Director, DWCD
- Joint Director, DWCD
- Deputy Director, DWCD
- Assistant Director, DWCD

- **Division Level**

- Joint Director-Divisional Level
- District Programme Officer/District Child Protection Officer
- Assistant Director, ICPS
- Protection Officer (CWC) & Legal Cum Probation Officer (JJB), DCPU
- Social Worker, Counsellor, Data Entry Operator, DCPU
- Outreach Worker, DCPU

Q & A

Any Questions ?



thank
you