

Their child-friendly approach wins the juvenile's trust and with it, the initial step in reforming the child begins.

5. It is again the police that provide the details of the case to the JJB in form of GD/FIR/Complaint Report and the social investigation report.

**To whom do the Police take these children after apprehension?**

If the child is a child in conflict with law (an offender) the police have to produce the juvenile before the Juvenile Justice Board but if the child is in need of care and protection (a victim) the police shall produce the child before the Child Welfare Committee.

**At the time of apprehension what are the most important things that the Police must do?**

Protect the child if he/she is being assaulted by the public or otherwise; Hand over the child to the Special Juvenile Police Unit/ designated police officer/Child Welfare Officer in the nearest police station; The police at the time of apprehension must decide whether a child is a juvenile in conflict with law (JCL) or child in need of care and protection (CNCP).

Further -

At the time of arrest/apprehension the police must ensure the age of the person arrested/apprehended by:

- Physical appearance
- Claim of the person to be a juvenile
- The documents produced by the parents/guardians
- In the absence of any documents it is mandatory for the police to produce the person before the Juvenile Justice Board on the basis of his physical appearance/ person's claims to be a juvenile.

**Is there any time limit as to when the JCL or CNCP should be produced?**

Yes, the JCL/CCL or CNCP should be produced before the JJB or CWC within 24hrs of his apprehension excluding the time taken to bring the juvenile from the police station or place of safety to the Board/CWC as the case may be. Sec 10. If the Special Juvenile Police Unit/Child Welfare Officer is not present due to official reasons, the Police Officer who had apprehended the juvenile shall produce him before the Board/CWC as the case may be.

**After apprehending the child and before producing him/her before the Board -**

The Police Officer must -

- ☑ the parent or guardian of the juvenile about the apprehension;
- ☑ them about the address of the Board, place, time & date when the parent or guardian should be present before the Board; about the need of surety & bail bond; give copy of police report; ask them to bring proof of juvenility; identity proof (voter ID card, ration card)
- ☑ the concerned Probation Officer about such apprehension.. sec13

**FAMILY MEMBERS / PO INFORMED ABOUT  
THE APPREHENSION**

**What information should be collected before producing the juvenile before the JJB?**

Circumstances of apprehension of the juvenile Offence alleged to have been committed. Record information about his social background

The information may be collected through personal interviews, from the members of the family and locality where they are residing, from the social agencies and other sources. This information shall be recorded in the case diary of the juvenile and forwarded to the Board at production of the CCL [Rule-11 (6),(9),(11)]

**How does a police produce a juvenile before the JJB during long vacations and government holidays?**

The juvenile can be produced by the police-before a single member of the Board.. Sec5(2).The concerned PS may ring up the member/members of the Board and produce the child at a mutual convenient place and receive order regarding the juvenile which shall be ratified in the next meeting of the Board.

**How shall the juvenile be treated in the Police Station?**

While in the police station or otherwise the child should not be mentally or physically abused/assaulted .The care & protection of the child begins from the PS Counseling of the child begins as soon as the child is apprehended and brought to the police station Police officer shall be in plain clothes and not in uniform (except at the time of apprehension)while dealing with the juveniles.. Rule 75.No handcuffs or fetters shall be used while dealing with the juveniles... Rule 76

**When shall the police apprehend a juvenile?**

Petty Offences – (punishable with fine up to Rs. 1000 only), police may dispose off the case at the police station itself.[Rule 13(2)(d)]

Non-Serious Offences – (punishable with imprisonment upto 7yrs), juvenile may be apprehended only if it is “necessary in the interest of the juvenile.” [Rule 11(7)(9)]

Serious Offences – (punishment with imprisonment for more than 7yrs), juvenile can be apprehended. [Rule 11(7)]

**When the name etc.of the CCL/CNCP be published?**

No! No report of any inquiry regarding the name, address, school particulars or any other particulars leading to the identification of the juvenile in conflict with law or child in need of care and protection shall be disclosed in any newspaper, magazine, news-sheet or visual media.

Any person who contravenes this provision shall be liable to a penalty which may extend up to twenty-five thousand rupees.

Only the authority holding the inquire JJB/CWC may allow such disclosure in the best interest of the juvenile or child, which shall be recorded.

**What is the punishment?**

Sec-23 (JJAct) : A person who is in actual charge of and control over a juvenile or child, assaults (any physical, sexual or emotional abuse), abandons, exposes or willful neglects the juvenile or child; or causes (be the cause of the reason for); or procures (bring about) him to be assaulted, abandoned, exposed or neglected

in a manner that may cause or likely to cause unnecessary mental or physical suffering, shall be punishable –

- a) Imprisonment up to six months;
- b) Fine;
- c) or both.

**Cruelty to juvenile**

If the juvenile or child has been physically, sexually, or emotional y abused or neglected in an institution by those responsible for care and protection, the Board/Committee shall –

- a) direct the local police station or the SJPU to register a case
- b) Take due cognizance of such occurrences
- c) Conduct necessary investigations

**Cruelty to juvenile**

**Sec- 24**JJAct...Employment of juvenile or child for begging

**Sec- 25**JJAct... Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to juvenile or child

**Sec- 26**JJAct...Exploitation of juvenile or child employee

**Sec- 27**JJAct... Special Offences: - The offences punishable under sections 23, 24, 25 and 26 shall be cognizable.



**POWERS OF CWC.....Sec-31**

- Final authority to dispose of cases for the care, protection, treatment, development, and rehabilitation of the children;
- Provide for their basic needs and protection of human rights
- Have the power to deal exclusively with all proceedings under the JJAct relating to CNCP.

**PRODUCTION BEFORE THE COMMITTEE Sec-32**

Any CNCP may be produced before the Committee by:-

- ☑ Any police officer or SJPU or a designated police officer
- ☑ Any public servant
- ☑ Child line, a registered voluntary organization or other voluntary organization or an agency recognized by the State Government
- ☑ Any social worker or public spirited citizen
- ☑ By the child himself/herself

Production of the child before the Committee within 24hrs excluding the time necessary for the journey

**INQUIRY BY THE COMMITTEE Sec-33**

On receipt of a report the committee shall hold an inquiry. The committee on its own or on the report from any person or agency may send the child to children’s home for speedy inquiry by a social worker or CWO. Inquiry shall be completed within four months of the receipt of the order. State Govt shall review the pendency of cases of the Committee every six months. On completion of the inquiry it

is the discretion of the Committee to allow the child continue to remain in the children's home till suitable rehabilitation is found or till he attains the age of 18yrs

The Police should have readily available list of:-

Various governmental & nongovernmental organizations (NGO's) working with children in the area shelter homes/children homes/fit institutions/child help lines, recognized and certified under the JJAct (as amended up to date)of government hospitals, with pediatric unit Should be conversant with the provisions of The Child Labour (Prohibition & Regulation) Act, 1986 & The Bonded Labour System (Abolition).

### **CNCP?**

An officer while dealing with CNCP should always be in plain clothes. All basic amenities & food requirements of child should be taken care of by the officer during the period child remains in his/her charge. Should be fully aware of the CWC(s), its place and days of sitting, names, addresses & Phone numbers of its individual members.

### **Duties of Probation Officer**

Upon information of apprehension obtain information regarding his antecedents and family background Prepare Social Investigation Report (SIR) Supervise juvenile/child when placed under her/him at

Three stages –

- (a) Bail
- (b) Final Order
- (c) Post Release

Assist institutionalized juvenile – communicating with family; attend Board proceedings and submit reports;

- Clarify problems of juvenile; participate in
- Rehabilitation programmes of juveniles
- Prepare Individual Care Plan
- Prepare restoration and follow up plan.

### **State Government**

Constitution of Statutory Bodies – Selection Committee; JJB;

CWC; Advisory Board;

Child Protection Unit.

Establishment of Homes

Observation Homes; Special Homes;

After Care Organization;

Children Homes; Open Shelters Training of personnel – members JJB/CWC; Police; Staff of Homes & Institutions preparation of Schemes & Programmes – Sponsorship; Grants-

In-aid; Linkages & Co-ordination; social auditing; guidelines for prevention of sexual abuse; after care programme; adoption; foster care. Creation of Juvenile Justice Fund .Frame Rules. Transfer juvenile outside State; arrange counseling & community service; set up de-addiction centers & centres for treatment of dangerous diseases

### **Legal Services Authority & Advocates**

Provide free legal service to al CCLs/CNCPs through State/District

Legal Aid Services Authority

Institute Legal Aid Clinic in the JJB (State Capital) ; provide name, addresses of panel lawyers to JJB and Para-legal volunteers

To provide moral, social and learning assistance to the CCL. Ensure that CCL are not made victims of overly harsh criminal procedure and that their rights are protected. The legal practitioner should bring all those relevant facts before the Board which may be useful for treatment and rehabilitation. Understanding the psyche of the child is necessary. Explain the morality of his action not the intricacies of the law and

Legality of a act Can offer information and referral, training and education, negotiations, legal services and monitoring.



**Rehabilitation of juveniles**

The very Nature of the Act is curative not punitive. Delinquent juvenile due to their immature understanding or unfavorable environment use to commit offence, but they have a long road to go and hence it's a moral duty on court and society to provide them with a chance to live healthy live and to bring them in main stream of development. There are very efficient and effective measures of rehabilitation for juvenile delinquent.

**Observation homes:**

The state govt. may establish and maintain either by itself or in association with voluntary organizations children's homes, in every district or group of district. Children's homes are constructed for the reception of child in need of care and protection during the pendency of an inquiry and subsequently for their care, treatment, education, training, development and rehabilitation.

Shelter Homes: shelter is a registered, voluntary welfare organization for children and teenagers who have been abandoned, neglected, orphaned or abused. Guided by the vision to give children at risk a childhood and future by protecting, guiding and healing them, and by building strong communities and loving families, Shelter's services and initiatives are aimed at:

- Providing care or children at risk through our residential homes, counseling, therapy and other services.
- Proactively raising public awareness on child abuse, child protection, parenting and youth issues, and equipping individuals with relevant skills to detect signs of abuse and to take action.

Prayas is one of India's largest Non Profit Organization dedicated to child rehabilitation.

**Children's homes.**-(1) The State Government may establish and maintain either by itself or in association with voluntary organizations, children's homes, in every district or group of districts, as the case may be, for the reception of child in need of care and protection during the pendency of any inquiry and subsequently for their care, treatment, education, training, development and rehabilitation.

(2) The State Government may, by rules made under this Act, provide for the management of children's homes including the standards and the nature of services to be provided by them, and the circumstances under which, and the manner in which, the certification of a children's home or recognition to a voluntary organization may be granted or withdrawn.

35. Inspection. - (1) The State Government may appoint inspection committees for the children's homes (hereinafter referred to as the inspection committees) for the State, a district and city, as the case may be, for such period and for such purposes as may be prescribed.

(2) The inspection committee of a State, district or of a city shall consist of such number of representatives from the State Government, Local Authority, Committee, voluntary organizations and such other medical experts and social workers as may be prescribed.

**Setting up child welfare committee:**

It is a sole authority to deal with matters concerning children in need of care and protection established by state govt. A committee to be constituted in each district, and consist of a chairperson and four other persons one of whom at least should be a woman.

The committee has final authority to deal with matters concerning children in need of care, protection, development and rehabilitation of the children as well as to provide for their basic needs and human rights. Children in need of care and protection are sent directly to the children's home by the CWC that passes necessary orders for their rehabilitation, restoration and social re-integration.

**Rehabilitation of Juvenile after being Released or Acquitted:**

When any child in conflict with law is released or acquitted and in the opinion of child welfare committee, he is in need of rehabilitation and social integration to come in the main stream of the society as an alternative by:

**Adoption:**

It is the primary responsibility of the family for providing care and protection to the child. The child shall be adopted for the purpose of rehabilitation of such children as are orphaned, abandoned, neglected or abused by means of institutional or non-institutional method. Children's and the state govt. owned institution shall be recognized as adoption agencies and these agencies are subjected to scrutiny and placement for adoption.

**Foster Care:**

Is the term used for a system in which a minor who has been made a ward is place in the private homes of a state certified caregiver. The state by the family court and child protection agency stand in loco parents to the minor, making all legal decisions while the foster parents are responsible for day to day care of said minor. Foster care is intended to be a short term situation until permanent placement can be made.

**Setting up After Care Organization:**

The state govt. is under statutory obligation to lay down the scheme and guidelines for setting up care organization, when the juvenile leaves special homes. The provision is incorporated by the legislature with a view of enabling the juveniles to lead an honest, industrious and useful life.