

JUVENILE JUSTICE ACT

STAKE HOLDERS AND THIER ROLES

APPROACH TO CHILD BY LAW ENFORCEMENT AGENCY TO CHILD

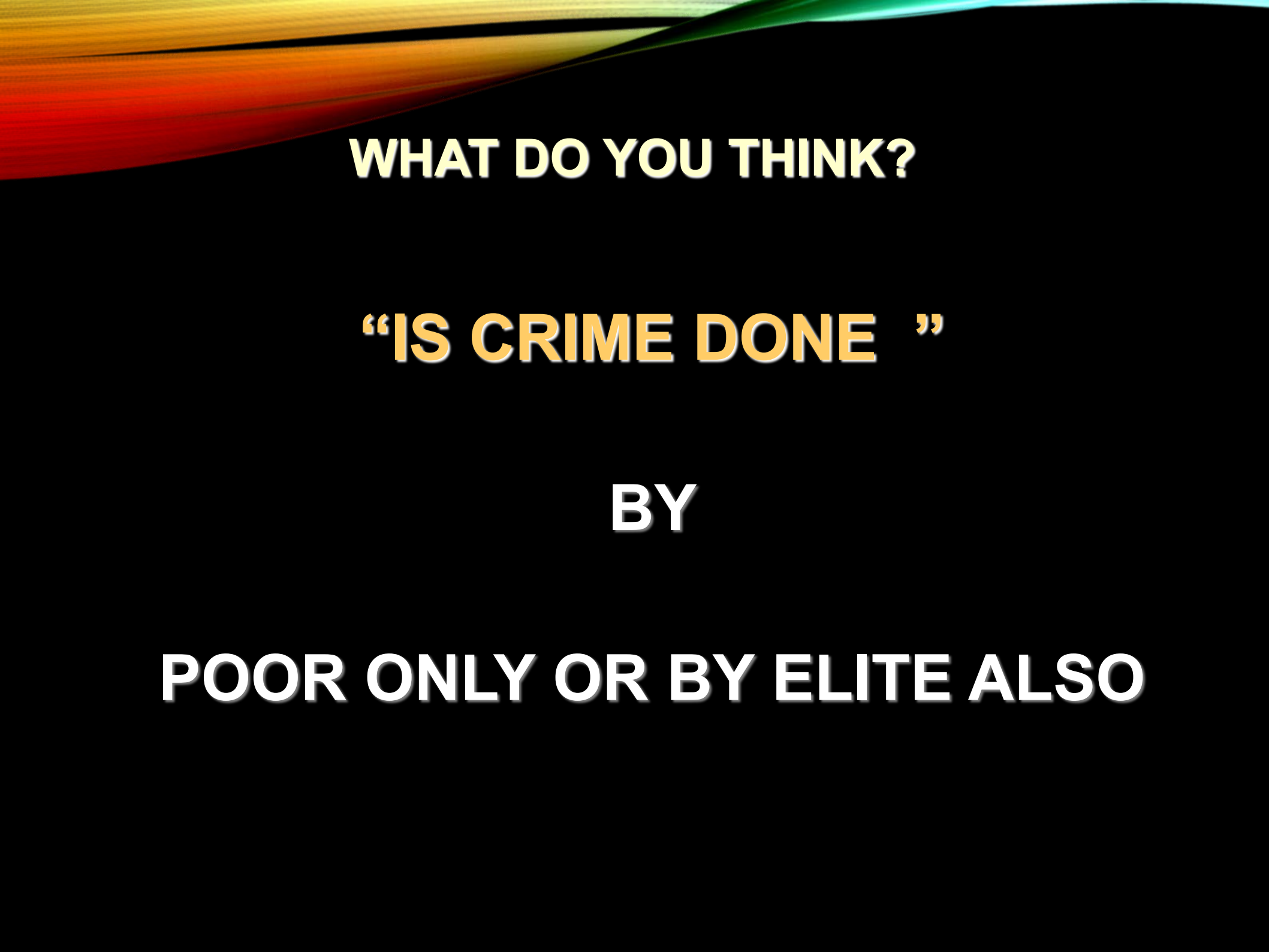


BEST PRACTICES

durga prasad d

OUR JOURNEY STARTS





WHAT DO YOU THINK?

“IS CRIME DONE ”

BY

POOR ONLY OR BY ELITE ALSO

Myth or Fact?

Crimes are committed by the less educated people of society.

Myth

Many crimes are committed by people who are otherwise considered quite respectable by themselves and others.

Fact

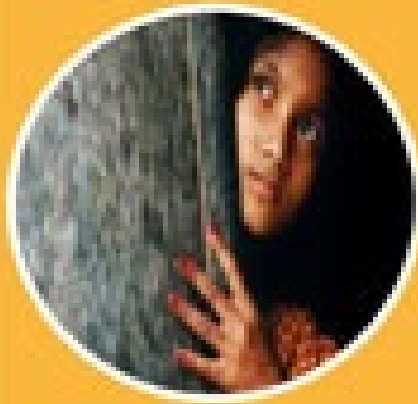
WHAT IS CHILD RIGHT?



**Right to
Survival**



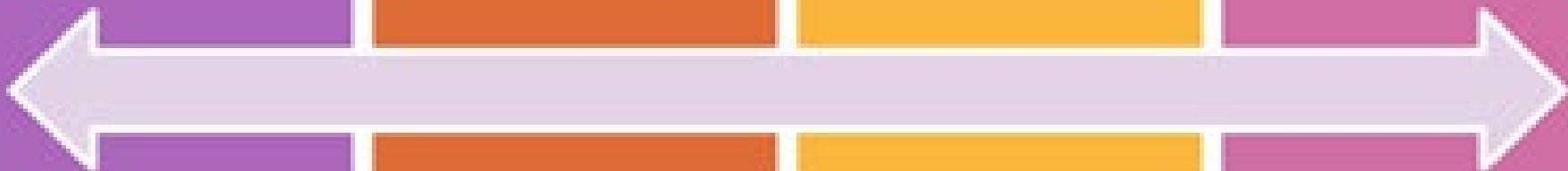
**Right to
Development**



**Right to
Protection**



**Right to
Participation**



IMPORTANT RIGHT

RIGHT

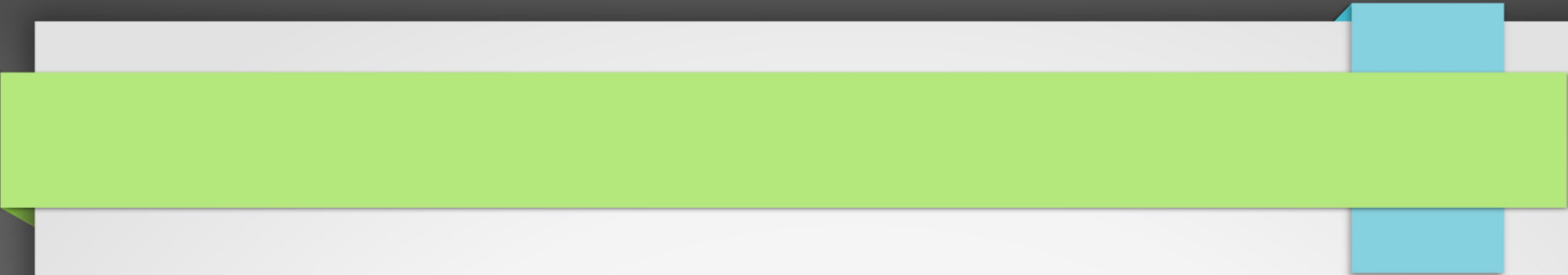
TO

PARTICIPATION

⦿ Right to Participation includes

- ⦿ Respect for the views of the child.
- ⦿ Freedom of expression.
- ⦿ Access to appropriate information.
- ⦿ Freedom of thought, conscience and religion.

Who is called a
“Juvenile” or “Child”



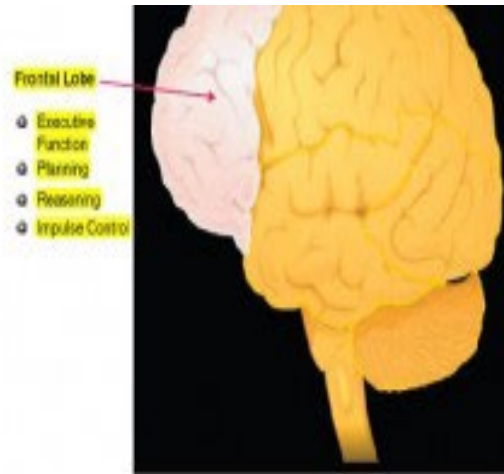
“Juvenile” or “Child”

means

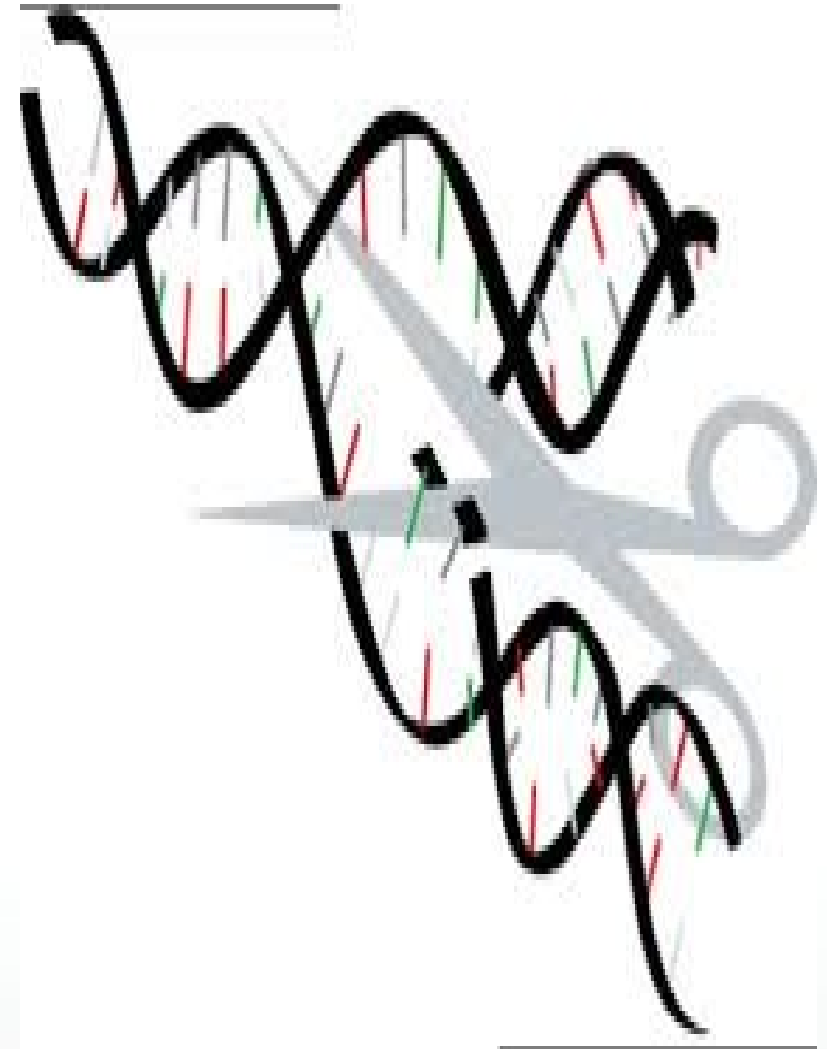
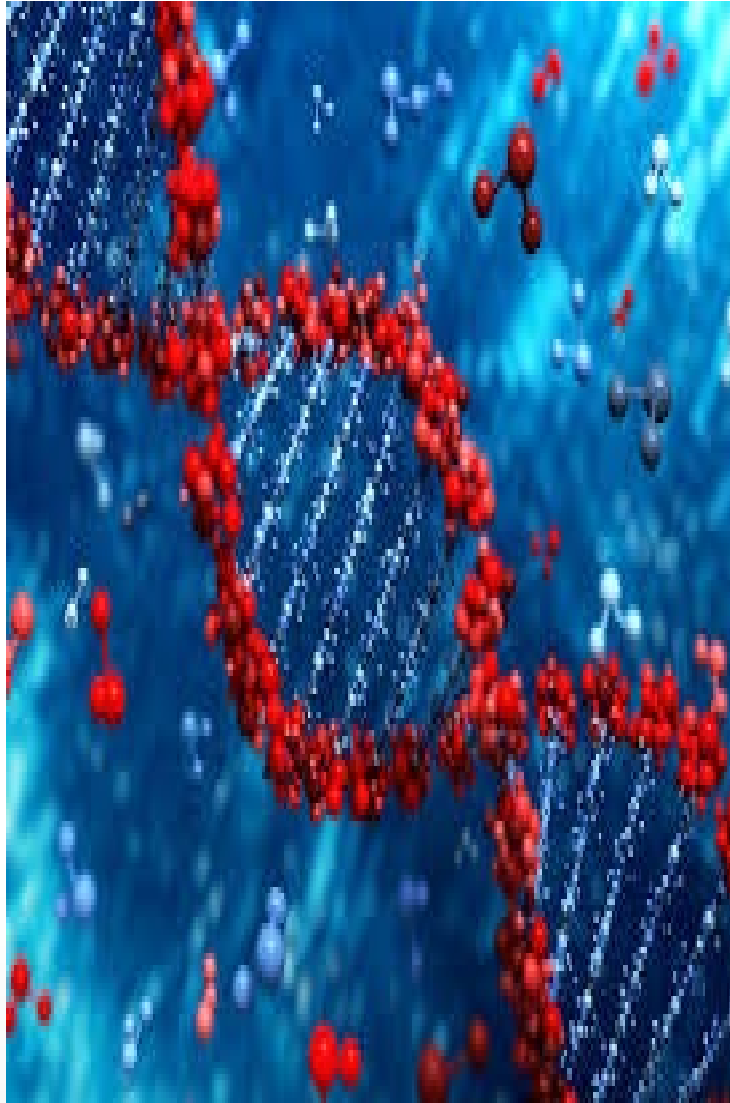
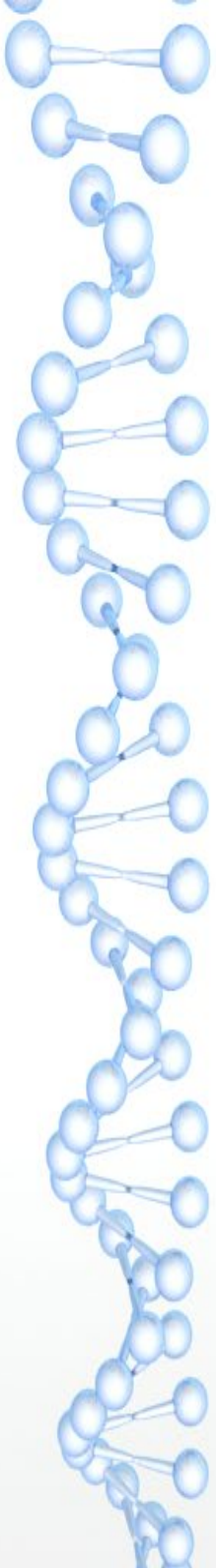
a person who has not completed **eighteen**
years of age..Sec 2(l)

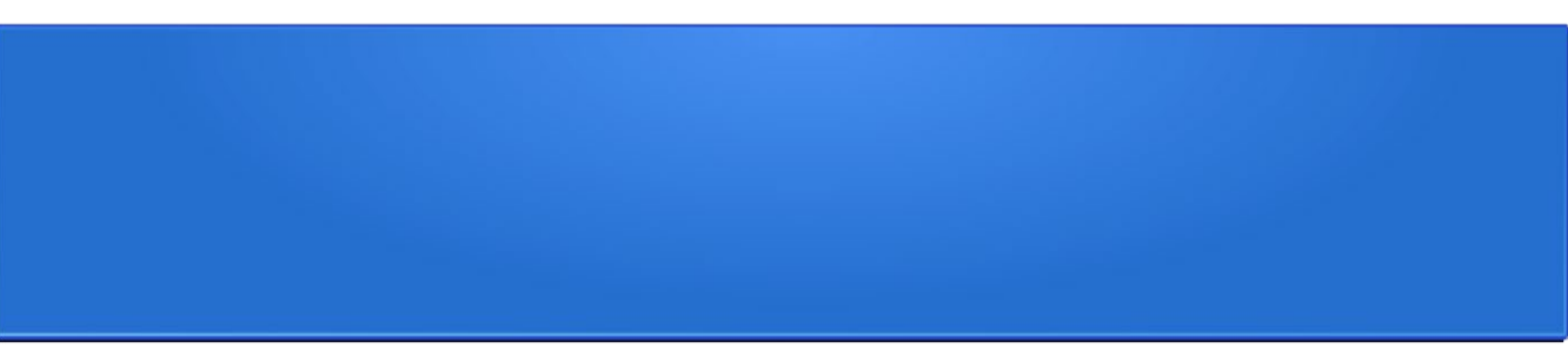
**WHY
&
HOW CHILD BECOMES JUVENILE**

Adolescents are neuro-biologically distinct from adults



DEFECTIVE GENE



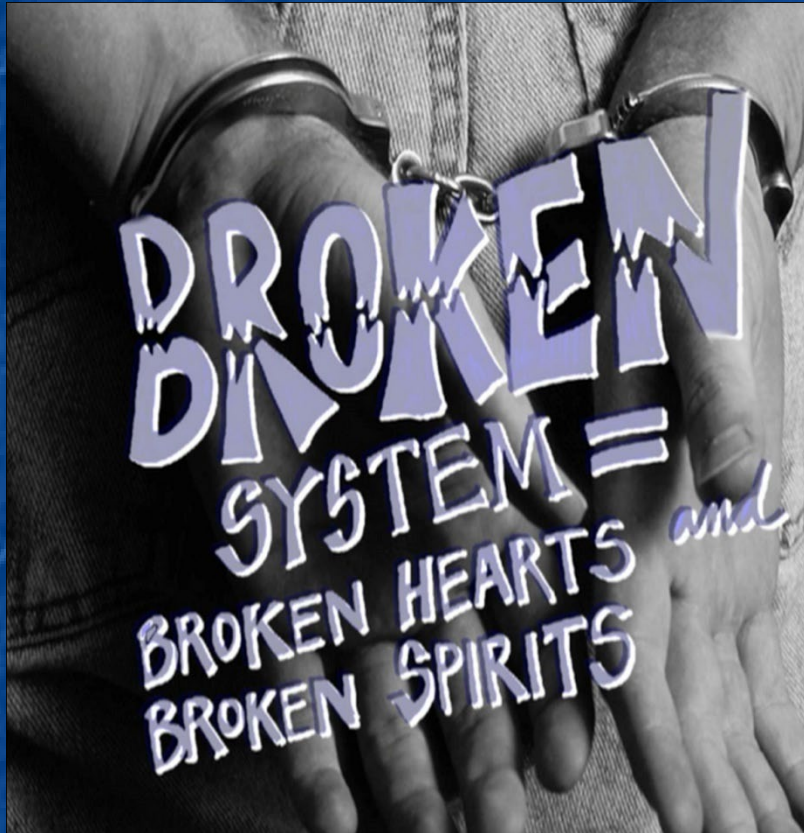


BIOLOGICAL CAUSES

- **SPEECH AND HEARING PROBLEMS**
- **IRRITATION**
- **EXXCESSIVE STRENGTH**

>>>>> LEADS TO DELIQUENCY

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POVERTY



PEER GROUP INFLUENCE

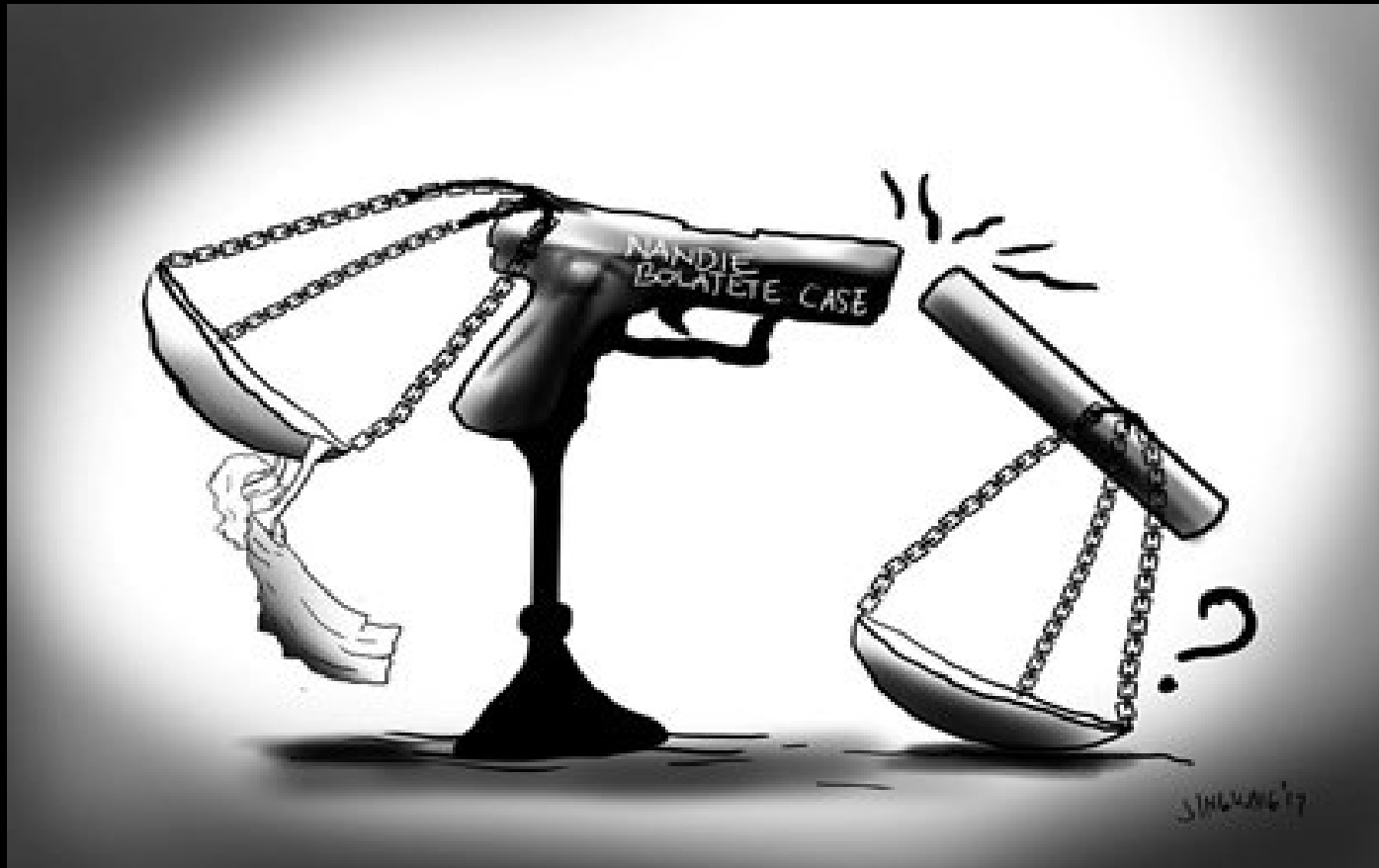




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THREAT/ INTIMIDATION.....



FRUSTRATION - ANGER



OTHER FACTORS

- >BEHAVIOUR OF PARENTS**
- >MIGRATIONS DUE TO WAR, TERRORISM**
- >LOW INTELLIGENCE AND ACADEMIC FAILURE**
- >SOCIO-ECONOMIC AND PSYCHOLOGICAL REASONS.**
- >RURAL-URBAN MIGRATION,**
- >INFLUENCE OF MEDIA**
- >ATTRACTION TO THE GLAMOROUS BIG CITIES,**
- >LACK OF EMPLOYMENT OPPORTUNITIES**



PERSONALITY FACTORS

Hyperactivity

Tendency to alcoholism

Psychosis

Low measured intelligence

Small stature and poor health

Male rather than female



CHILD IS VULNERABLE



CHILD PORNO- FEMALE FEOTICIDE. CHILD LABOUR

Who is the competent authority to deal with CCL/CNCP?

- **Juvenile Justice Board.. (Child in Conflict with Law)**
- **Child Welfare Committee. (Child In Need of Care and Protection)**

IS HE AT FAULT

"NO"

HE IS

VICTIM

OF

(IMPROPER) **SOCIALIZASTION**

BE A ROLE MODEL



*Children are like wet
cement*

*Whatever falls on them makes
an impression.*

- Dr. Haim Ginott

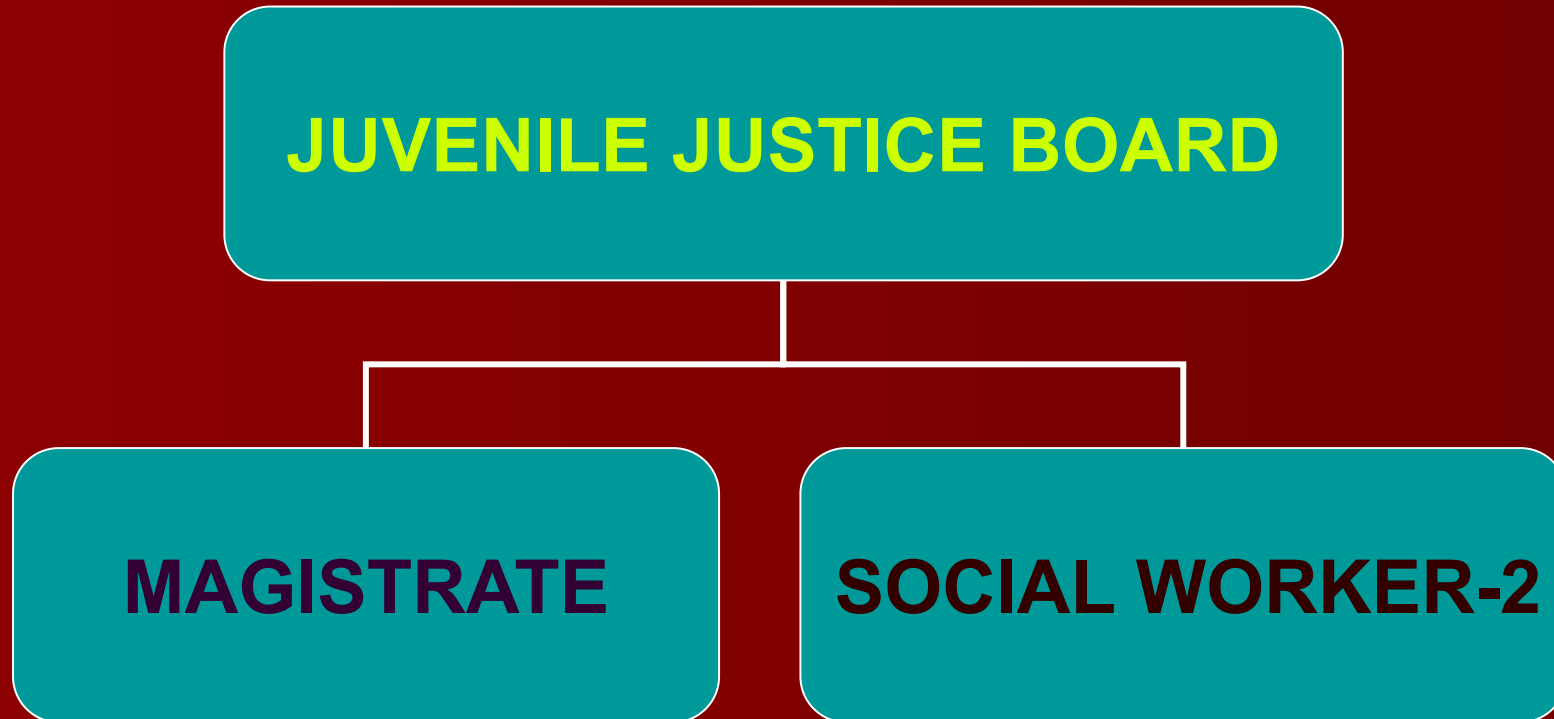
Who is the competent authority to deal with CCL/CNCP?

- **JJB..** (Child in Conflict with Law)
- **CWC.** (Child In Need of Care and Protection)

Who is the competent authority to deal with CCL/CNCP?

- **Juvenile Justice Board.. (Child in Conflict with Law)**
- **Child Welfare Committee. (Child In Need of Care and Protection)**

COMPOSITION OF JJB



THE OBJECTIVES (five R's)

Rescue

Reformation

Rehabilitation

Reintegration

Restoration

TYPES OF CICL

>MINOR TRAFFIC VIOLATORS

>PROPERTY VIOLATORS

**>MAJOR TRAFFIC VIOLATORS LIKE HIT AND RUN CASES,
AUTOMOBILE THEFT**

>HUMAN ADDICTIONS LIKE DRUGS, ALCHOL

**>BODILY HARMS LIKE ASSUALT ON WOMEN , MURDER AND
KIDNAPPING**

STAKE HOLDERS

- THE JUVENILE JUSTICE BOARD/CHILD WELFARE COMMITTEE
- POLICE/ CHILD WELFARE OFFICERS (JCWOs)
- COURTS
- STATE LEGAL AID AUTHORITY/DISTRICT LEGAL AID AUTHORITY
- GOVERNMENT OBSERVATION/SPECIAL HOMES/CHILDREN'S HOME/AFTER CARE CENTRES
- NGOs/COMMUNITY/FAMILY
- FAMILY

INQUIRY

- ❑ Petty Offences may be disposed off by the Board through summary proceedings.. [Rule13(2)(d)]
- ❑ Non Serious Offences (less than 7 yrs imprisonment for adults) the Board shall follow the procedure of trial in summons cases... [Sec 54(1) read with rule 13 (2)(d)]
- ❑ Serious offences (punishable with imprisonment of more than 7 yrs for adults) the Board shall follow procedure of trial in summons cases.. [Sec 54(1) read with rule 13 (2)(d)(e)]

CHILDREN' COURT

HEINIOUS OFFENCES / SERIOUS OFFENCES

Offences for which the minimum punishment under the IPC or any other law is imprisonment ≥ 7 years.

- Persons above 16 years can now face severe punishments even for offences that are not against the body, such as trading in certain drugs, attempts to commit robbery armed with a weapon, etc. They can also be tried as adults under the Protection of Children from Sexual Offences Act, 2012 and the Indian Penal Code for engaging in consensual sex with persons below the age of 18 years.

SJPU

stands for

**Special Juvenile Police
Unit**



Abbreviations.com

Police(organization)

State Level IGP
(Nodal Officer)

District/City
Level(SJPU)
headed by SP

Police Station
Level Juvenile or
Child Welfare
Officer (JCWO)

Members of
**Special
Juvenile
Police
Unit..Sec2(
w)/63, Rule
84**

Superintendent of Police

JCWO of the rank of
Police Inspector

Paid Social Worker

Paid Social Worker
(Woman)

J/CWO of every Police
Station

DISTRICT PROBATIONARY OFFICER

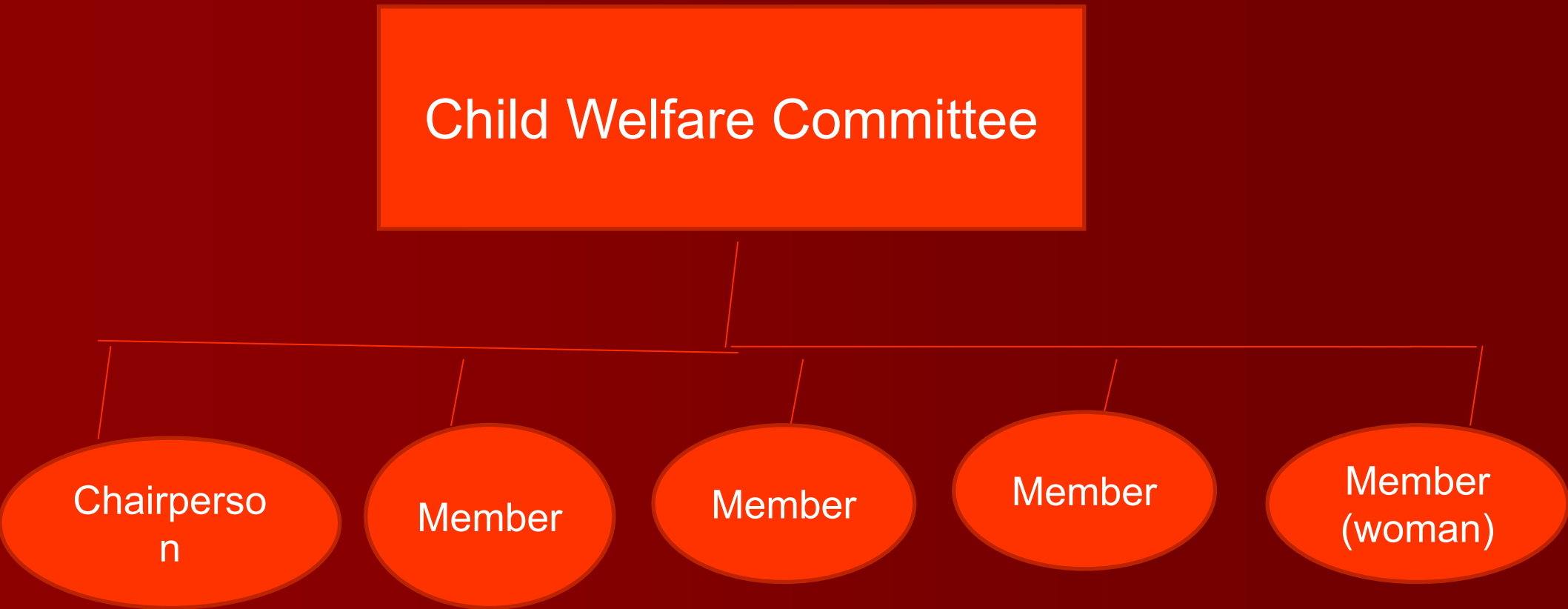


SOCIAL INVESTIGATION REPORT

ROLE OF PROBATION OFFICER

- 1.District probation officers were redeployed in each district and attached to JJB.**
- 2.DPOs are designated as nodal officers for CP BHAVAN**
- 3.Submission of Social Investigation Report(SIR) and Assisting JJB while conducting Preliminary Assessment .**
- 4.Regular monthly visits were made by DPOs to identify the Juveniles in Central & District Prisons.**
- 5.Monthly reports of children who were kept under supervision of DPO submitted to JJB, CWC and Courts**

Child Welfare Committee Sec-29



CATEGORIES OF CHILDREN

- ☐ Homeless
- ☐ Having incapacitate parent
- ☐ Abandoned, missing or run away
- ☐ Victim of natural calamities
- ☐ Victim of armed conflict Victim of civil commotion
- ☐ Victim of sexual abuse
- ☐ Mentally or physically challenged
- ☐ Mentally or physically ill
- ☐ Suffering with terminal diseases AIDS/HIV affected
- ☐ Drug abused or trafficked
- ☐ Neglected
- ☐ Orphaned

- ◉ IMMEDIATELY REPORT TO CHILD LINE OR CHILD WELFARE COMMITTEE SET UP TO PROTECT THE RIGHTS OF CHILDREN AND BE A SUPPORT.





EVERY CITIZEN SHOULD BE AWARE



TOLL FREE



ROLE OF NGO'S IN DISPOSAL OF CASES BEFORE CWC

- **Social Workers**
- **Support Persons**
- **Interpreters**
- **Special Educators**
- **Experts**
- **Awareness and Sensitization**
- **De-institutionalization**
- **Foster Car**
- **Narcotics Anonymous & De – Addiction programmes for children and their family members**
- **Facilitating Life Insurance, Health Insurance, PAN Cards for parents, guardians, Class I and Class II relations.**
- **Skill development trainings for single mothers**

DISTRICT CHILD PROTECTION UNIT OFFICER





TYPES OF OFFENCES CAN BE REGISTERED

1. IDENTITY OF JCL (74(1) - 6 MONTHS or 2 LAKHS

2. ASSAULTS / ABUSE (75) – 3 YRS or 1 LAKH

A.BIOLOGICAL PARENTS IF NOT WILL FUL- NO PENAL

B.EMPLOYER – 5 YRS OR 5 LAKHS

C. PHYSICAL DEFORMITY- TEN YEARS & 5 LAKHS

3.BEGGING (76) - 5 YEARS or 5 LAKH

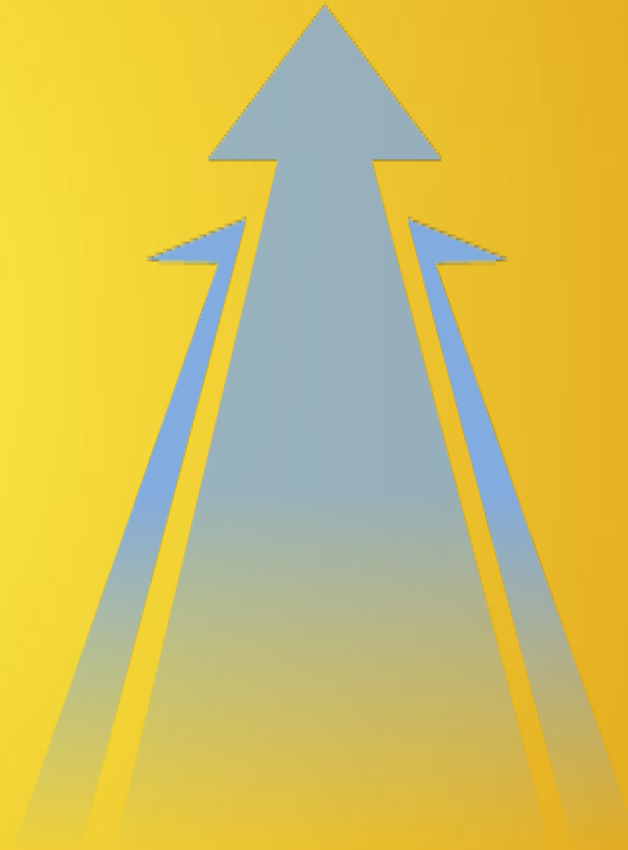
4. INTOXICATION (77) 7 YEARS & 1 LAKH

5. SMUGGLING- (78) 7 YEARS & 1 LAKH

6. BUSSINESS – (79) 5 YEARS & 1 LAKH

7. SELLS - (81) 5 YEARS & 1 LAKH

8. CORPORAL PUNISHMENT- 82(1) 3 MONTHS or FINE





□ WHAT TO DO
WHEN CHILD
IS APPREHENDED ??

JUVENILE RECEPTION CENTRE





**CHILDREN TREATED WITH DIGNITY
AND RESPECT**

EITHER BY
FAMILY OR TEACHERS.

IT'S
NEVER
OK
TO
HIT A
CHILD

**PRODUCE ME
BEFORE THE JJB
WITHIN 24 HOURS**



DO NOT DELAY IN MY PRODUCTION PLEASE.....

**DURING HOLIDAYS CHILD PRODUCED BEFORE A
SINGLE MEMBER OF THE BOARD**

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

The Police Officer must -

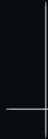
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- ☐ the parent or guardian of the juvenile about the apprehension;
- ☐ them about the address of the Board, place, time & date when the parent or guardian should be present before the Board; about the need of surety & bail bond; give copy of police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

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) JJRule,2007].

DONT ' S

- 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 (**LPO**)
 - Police officer shall be **in plain clothes** and not in uniform while dealing with the juveniles.. Rule 75
-
- 

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The Police Officer after apprehension of the child

- ☐ as the escort police are aged 50 years or so
- ☐ as they are obsess
- ☐ Has put hand cuffs to the child
- ☐ As we all know the child below 18 are young and energetic
- ☐ Is there any flaw in this ???

NO HANDCUFF



No handcuffs or fetters shall be used while dealing with the juveniles... Rule 76

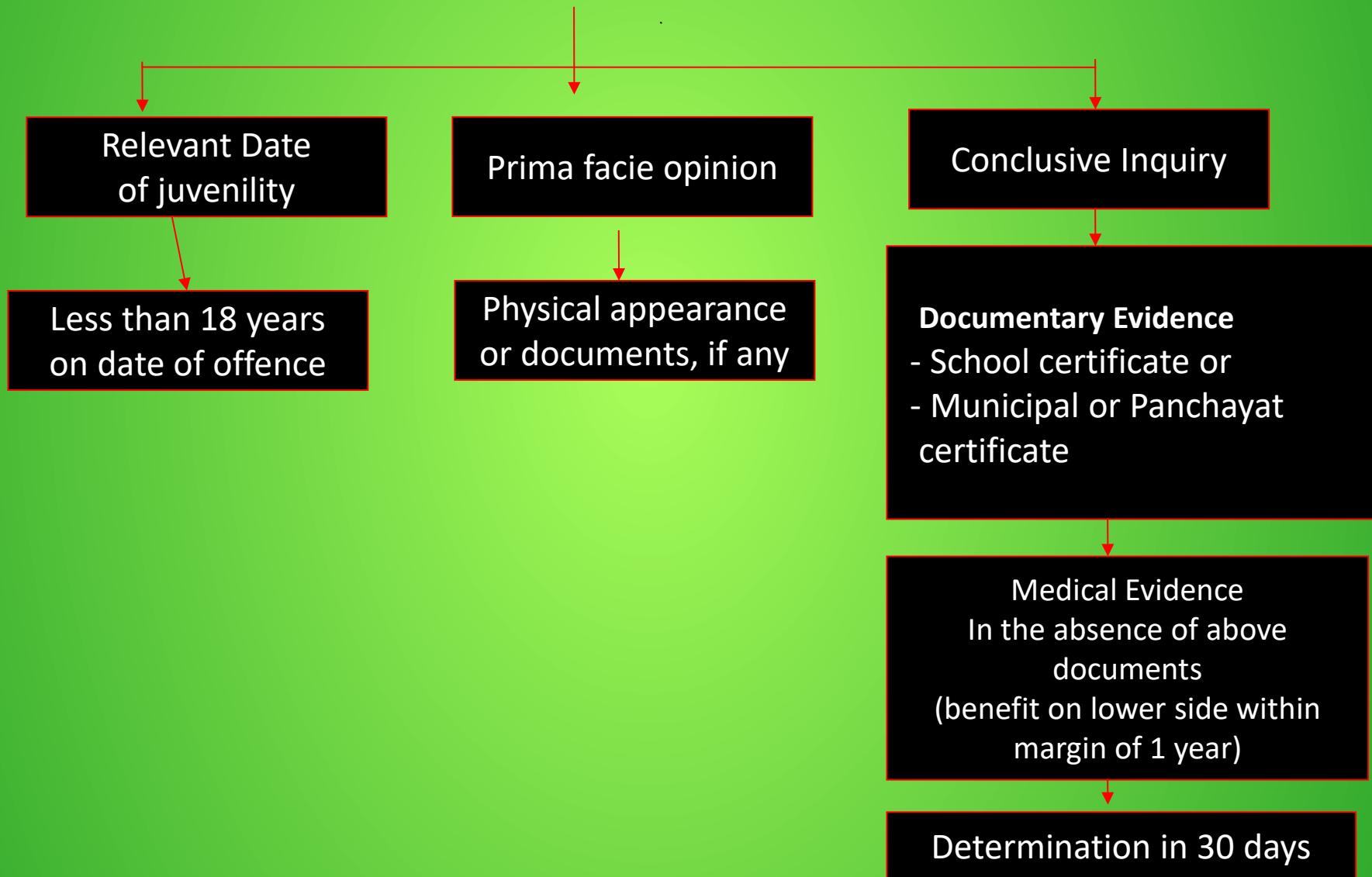
The Police Officer after apprehension of the child

- ❑ Generally they will do parade before press
- ❑ With the articles seized
- ❑ Of course most of the time they cover the face of the child with mask
- ❑ Even publish the details of the crime and the child in the next day daily news paper
- ❑ Is there any flaw in this ???

IDENTITY OF JUVENILE



Age Determination -94(1)



STATION MANAGEMENT



A Child Friendly Police Station would include the following aspects in terms of:

1. Child Friendly Room Infrastructure

2. Child Friendly Personnel

3. Child Friendly Processes

4. Outreach & Convergence

FIT PERSON





WHO CAN

SEND JCL TO HOME

1. PRL. MAGISTRATE
2. JJ BOARD MEMBER

GRANT BAIL

1. PRL. MAGISTRATE
2. JJ BOARD MEMBER



JCWO HAS TO

- **MENTAL CAPACITY and PHYSICAL CAPACITY**
 - **FINANCIAL CAPACITY**
 - **INFORM THE LEGAL AID**
 - **OTHER STAKE HOLDER'S DETAILS**
 - **INFORM THE PARENTS**
 - **USE OF PSYCHOLOGISTS**
 - **PROBATIONARY OFFICER SERVICES**
 - **PRODUCE BEFORE JJB IN 24 HRS**
 - **MONITOR THE CHILD THROUGH DPO**
 - **NO HARSH METHODS**
- 

Non-Stigmatizing Semantics to be used.....

Prohibited

To be strictly adhered to

■ Arrest.....	Apprehension
■ Accused.....	Juvenile/Child in Conflict with Law
■ Delinquent....	Juvenile/Child in Conflict with Law
■ Inmate.....	Juvenile/Child in Conflict with Law
■ Trial.....	Inquiry
■ Summon.....	Notice
■ Warrant.....	Notice for Apprehension/Production
■ Remand.....	Sent to Place of Safety
■ Crime.....	Offence

- ❑ No juvenile shall be charged with or tried for any offence together with an adult. [Sec18]
- ❑ Principle of non-stigmatizing semantics, decisions and actions to be followed. [Rule 3(VIII)]
- ❑ Even if the juvenile ceases to be a child during the pendency of the inquiry the Board shall pass orders as if he is a juvenile[Sec 3]
- ❑ The inquiry to be completed within a period of 4 months after the first summary inquiry. [Sec 14 (1) read with rule 13(6) and rule15(1)]
- ❑ In case of a foreign national the Board gives due protection to the child till he/she gets repatriated to the country of his/her origin at the earliest in coordination with the respective Embassy or High Commission.[Rule79(4)(5)(6)]

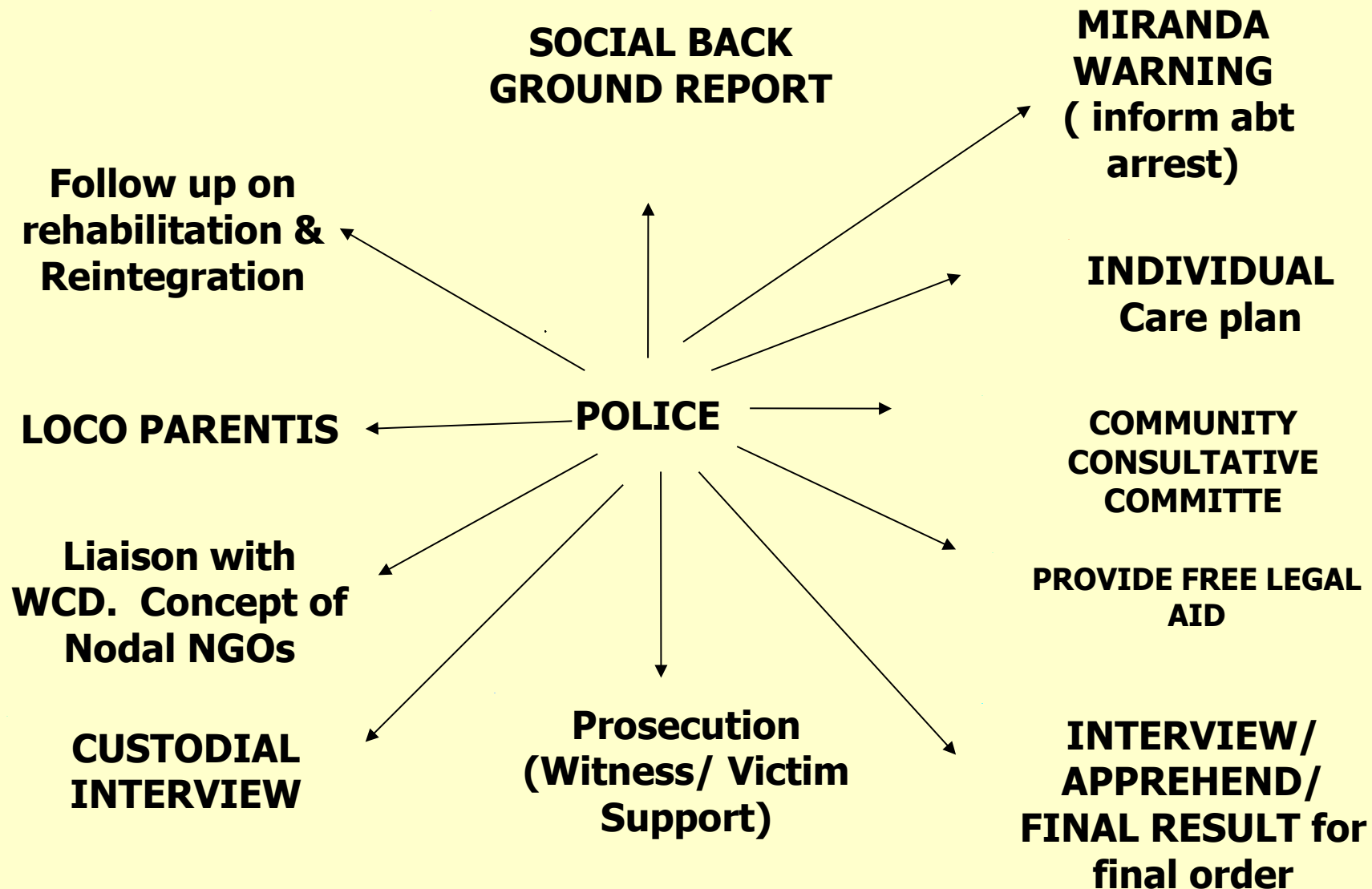


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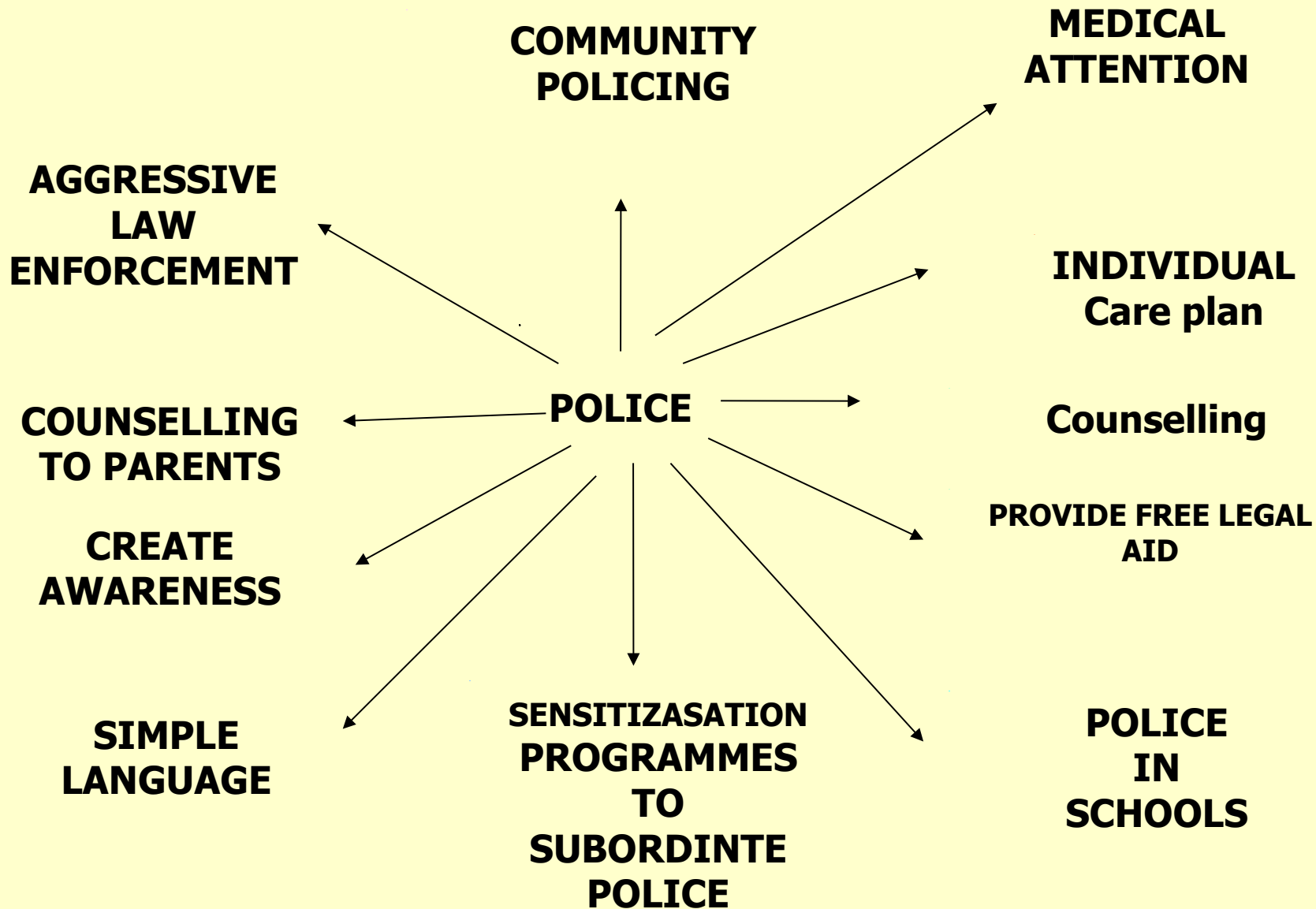
SRI KRISHNA JANMASTHANAM

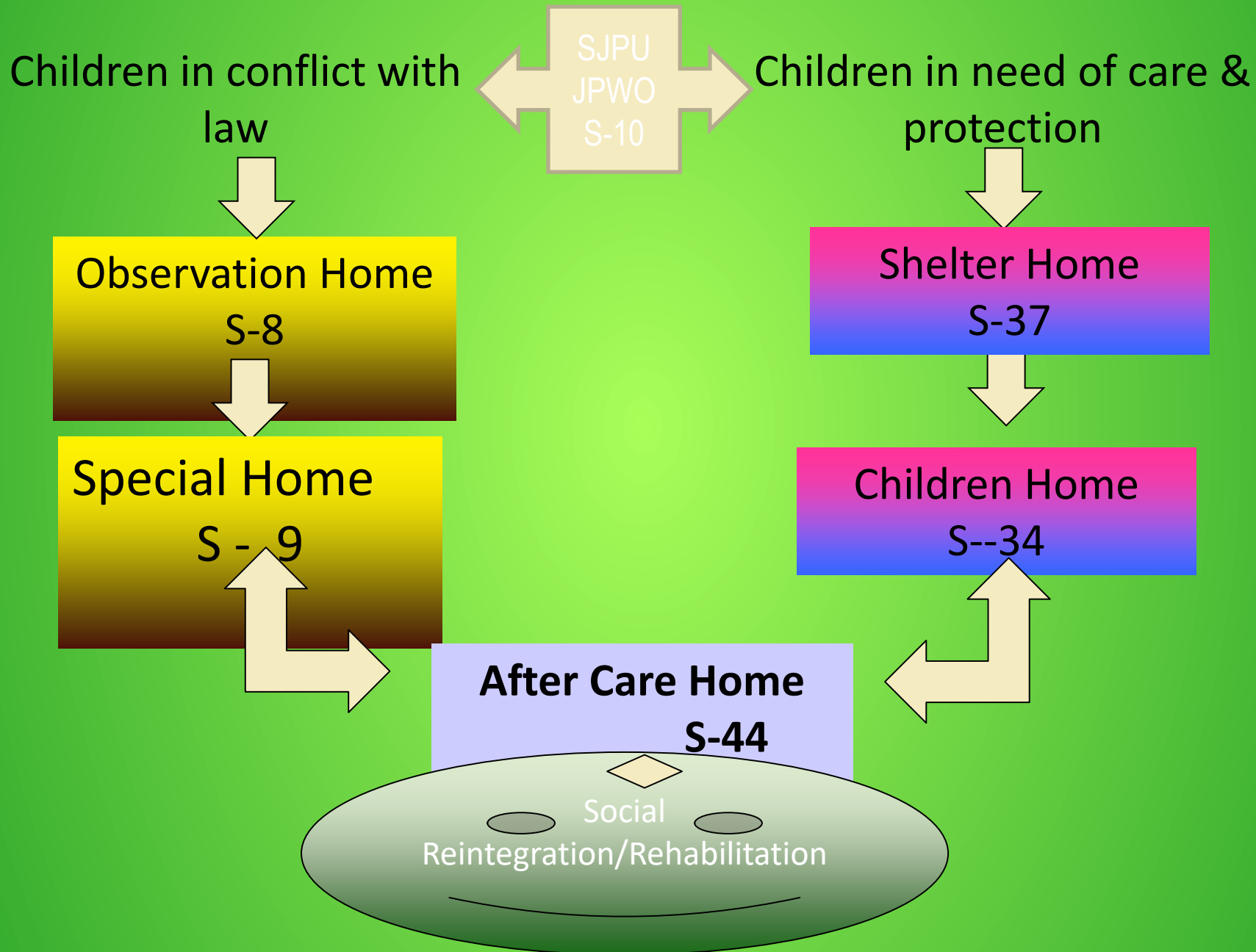


ROLE OF POLICE-I



ROLE OF POLICE -II





**WHAT ARE THE DIFFERENT
PHILOSOPHIES
USED IN JUVENILE JUSTICE**

FOUR MODELS

➤ **TREATMENT MODEL,**

➤ **JUSTICE MODEL,**

➤ **CRIME MODEL,**

➤ **BALANCED AND RESTORATIVE MODEL**

TREATMENT MODEL:

**BASED ON THE BELIEF THAT THE BASIC
MISSION OF JUVENILE JUSTICE IS TO
REHABILITATE YOUTHFUL OFFENDERS.**

JUSTICE MODEL:

BOTH JUVENILE AND ADULT OFFENDERS ARE VOLITIONAL AND RESPONSIBLE HUMAN BEINGS AND DESERVE TO BE PUNISHED BY THE LAW. THE PUNISHMENT THEY RECEIVE MUST BE PROPORTIONATE TO THE SERIOUSNESS OF THE OFFENSE.

CRIME CONTROL MODEL: EMPHASIZES PUNISHMENT AS THE REMEDY FOR JUVENILE MISBEHAVIOR. THE CRIME CONTROL MODEL HOLDS THAT THE FIRST PRIORITY OF JUSTICE SHOULD BE TO PROTECT THE LIFE AND PROPERTY OF THE INNOCENT.

BALANCED AND RESTORATIVE JUSTICE

MODEL:

MISSION IS TO DEVELOP A COMMUNITY-ORIENTED APPROACH TO THE CONTROL OF OFFENDERS RATHER THAN RELYING SOLELY ON EITHER PUNISHMENT BY CONFINEMENT OR INDIVIDUAL REHABILITATION THROUGH COUNSELING.

WHAT HAPPENS AT EACH

STAGE OF

JUVENILE PROCESSING.

PRELIMINARY ASSESSMENT: SEC 15

> FOR THE OFFENCE: 7 YEARS OR ABOVE

> Psychologists or psycho-social experts, or

> Other professionals experienced with child psychology or mental health.

> ASSESS:

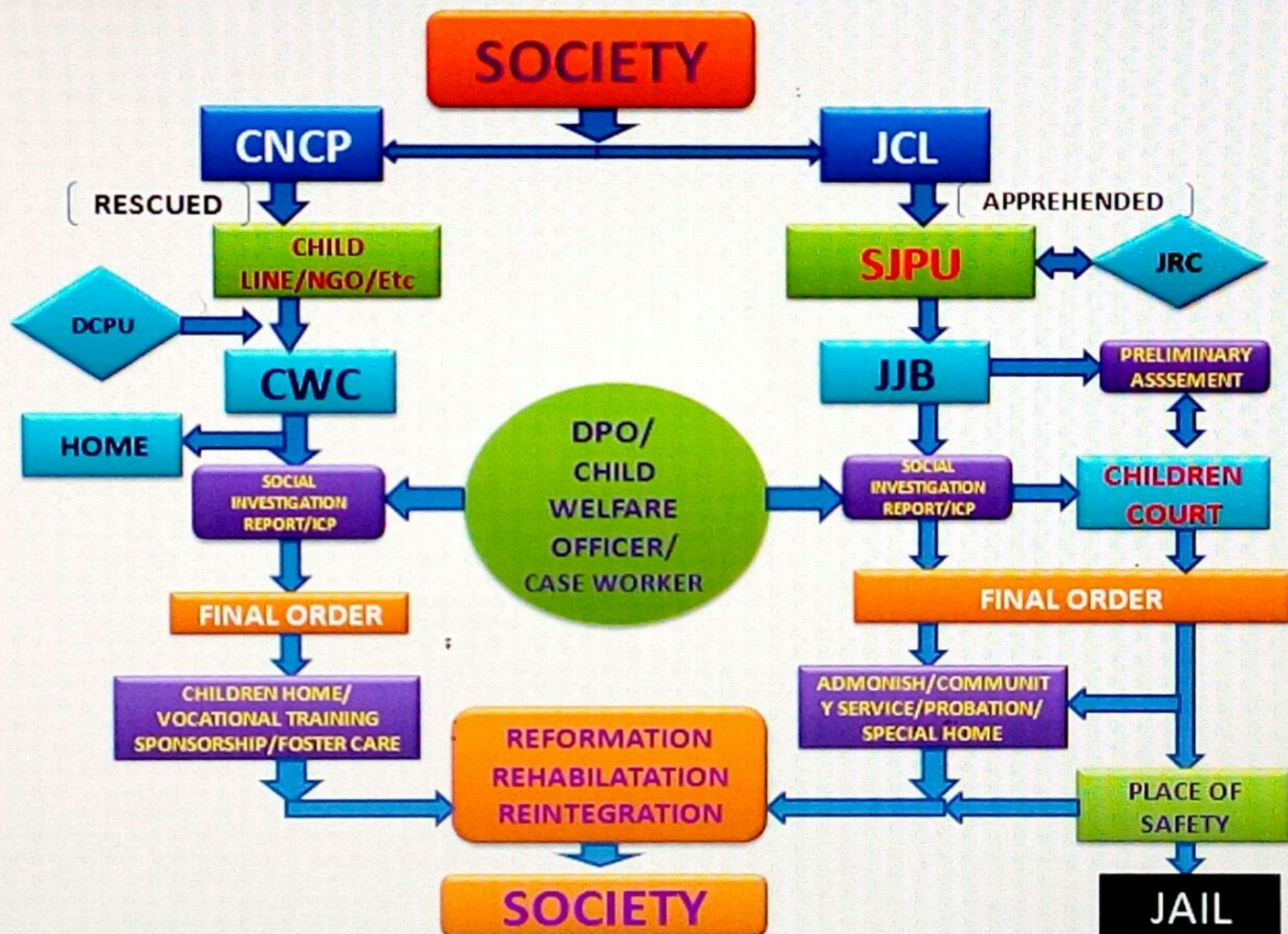
**> MENTAL – PHYSICAL- CIRCUMSTANCES-
UNDERSTANDING**

> 3 MONTHS TIME

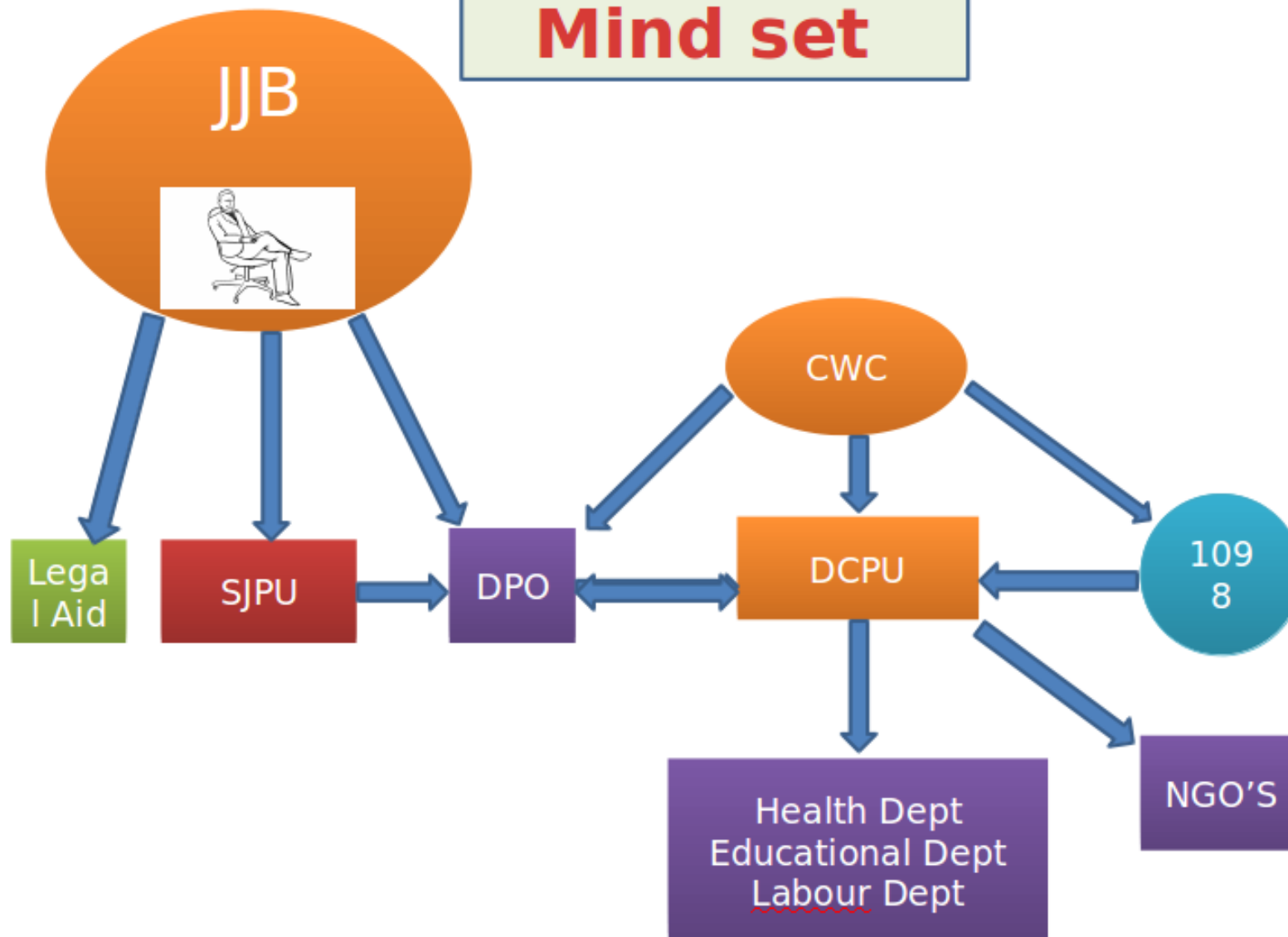
» CHILDRENS COURT

As per Section 21 JJ Act, 2015,

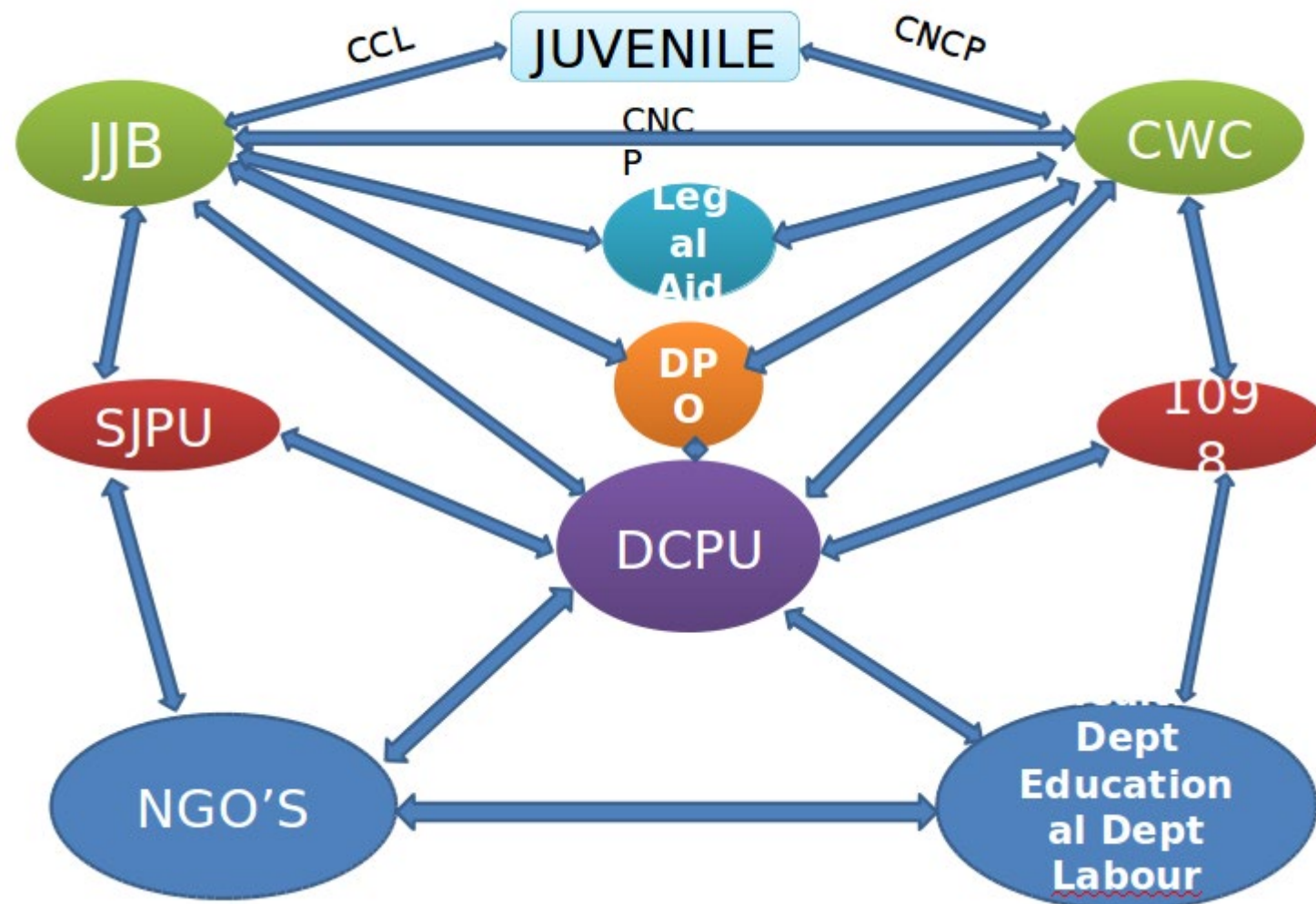
- > “No child in conflict with law shall be sentenced to death or life imprisonment without the possibility of release.”
- > Social investigation report considered before sentence
- > 16- 18 : JJB (3 YEARS)
- > 16 -18 : CHILDREN COURT : Maximum imprisonment as per the offence



Mind set



Mind set



WEAK - TEAM SPIRIT



INTER- LINKED APPRAOCH





HUMAN TOUCH

**“NOTHING IS SO HEALING AS THE HUMAN
TOUCH.”**

BOBBY FISCHER

© Lifehack Quotes

Y & WHAT

WHAT IS



SERVICE?

From 2000 to 2015

JUVENILE JUSTICE ACT

" + " GROWTH

The Positives

- **Rehabilitation and Social re-integration of CICL**
- **Establishment of facilities such as children's homes, observation homes.**
-
- **Minimum Mandatory rehabilitation and re-integration services**
- **3 MEMBERS OF CWC could declare a child legally free for adoption.**
- **Greater Penalty for disclosure of identity of child**
- **Addition to special offences against children - use of children for drug peddling, smuggling**

The Positives

- **16-18 YEARS**
- **PRELIMINARY ENQUIRY FOR JUVENILE**
- **APPEAL TO CHILDREN COURT**
- **INTER COUNTRY ADOPTION**

New Definitions

1. **Adoption Regulations** – framed by CARA
2. **After care** – financial or other support (**but Sec. 46 only mentions financial support**)
3. **Child Welfare Officer** – **attached to Children's Home** to carry out directions of CWC/JJB
4. **Child Welfare Police Officer** – At police station level. (**As per Sec. 107, cannot be below the rank of ASI**)
5. **Children's Court** – under CPCR Act, POCSO, Sessions Court having jurisdiction to try offences under JJ
6. **Child care institution** – CH, OH, SH, Place of Safety, Open Shelter, Fit Facility **recognised** for care and protection of children

> CHILD LINE SERVICES

> District Child Protection Unit

- > **Foster care : Foster family** – found suitable by DCPU : **Group Foster care**
- > **Inter-country adoption** – by NRIs, PIOs, Foreigners. OCIs not mentioned.
- > **No objection certificate** – issued by CARA for inter-country adoption
- > **Open Shelter** – a facility for children registered under Sec. 43. (not specified as a facility for short term or temporary care in the definition)

WE SHOULD PROGRESS

FROM

Talkers to Doers

Doers to Performers

Performers to Achievers

Achievers to Trend Setters

Trend setters to Reformers

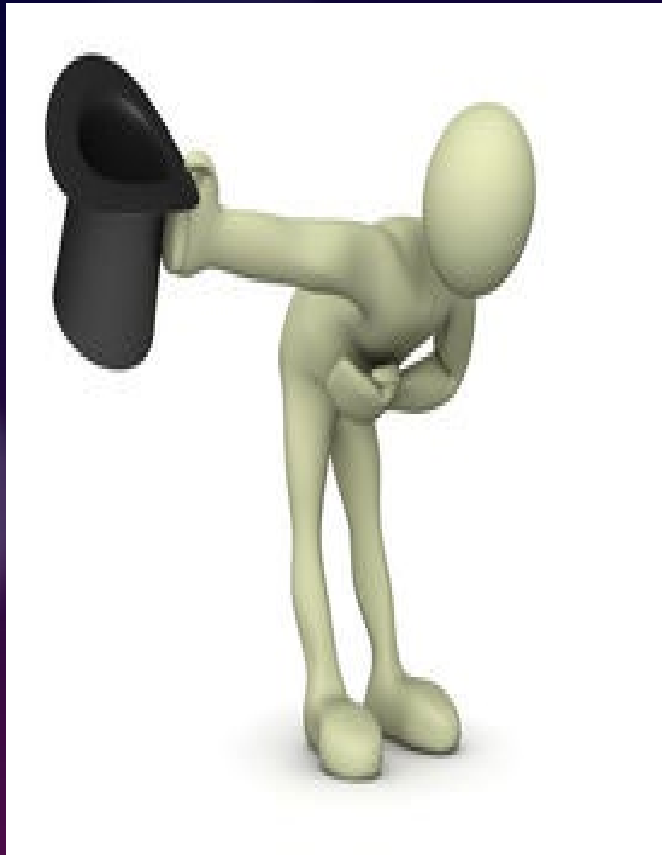
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JOURNEY ENDS





ANY QUERIES



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