

CHARTER OF DUTIES FOR THE JJBs UNDER THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) 2000 AND DELHI JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) RULE 2009

(I) JUDICIAL DUTIES

1. FRESH PRODUCTION OF JCL

- 1) In case no family member is accompanying the JCL, order is passed to direct the IO, to locate the parents, guardians or any other member.
- 2) Reference of JCL to Legal Services Clinics of DSLSA after apprising him/her of the facilities available of free legal aid.
- 3) Subsequent referral of JCL to Probation Officer Unit.
- 4) Board has to ascertain whether all the relevant documents such as Social Background Report, Apprehension Memo, Personal Search Memo, Version of Child, Intimation of Apprehension to the parents/guardian are prepared by the IO.
- 5) Follow up of preparation of Social Investigation Report by the Probation Officer.
- 6) Interaction with the Juvenile to ascertain if JCL has been subjected to any torture or abuse by the police or anyone else.
- 7) To ascertain whether Juvenile has any special need such as suffering for any disability mentally or physically.
- 8) In case the child is found to have been abused or treated with cruelty, assaulted in custody or otherwise, the statement of the JCL is to be recorded and order may be passed for medical examination of the JCL in any Government hospital by sending the JCL in the custody of Third Battalion Officials.

- 9) In case medical report is positive about physical assault, a separate order is passed qua maltreatment of the child by senior officers of the police department or in extreme cases order is passed for lodging of an FIR.
- 10) In case the statement of the JCL shows lapses by the IO/SHO, order for initiating departmental inquiry for the lapses to be completed within one month.
- 11) In case, it is found that the JCL has been subjected to torture cruelty or abuse of any kind, necessary follow up action is taken including directions of lodging of FIR under Section 23 under the JJ Act.
- 12) Perusal and appreciation of the material places so far as to ascertain whether there is any sufficient material which invoking of Penal provisions against the JCL.
- 13) Hearing of submissions of DSLSA panel lawyer and interaction with IO in regard to the facts and circumstances of the case, and also the Juvenile, queries and/or thereto is also in regard to JCL.
- 14) Hearing of submissions of the Probation Officer qua the JCL.
- 15) The Board upon considering the Social Background Report, facts and circumstances of apprehension shall review the entire material of JCL may pass summarily dispose of/discharge in case of trivial violation of law or trivial offence.
- 16) In event the case is not disposed of then to consider the entire material as to whether the JCL can be released in supervision of a fit person i.e. parent, guardian or other relative.
- 17) The Board on the recommendation of the JCL or *suo moto* finding that a JCL in need of Care and Protection can pass orders to transfer the JCL to Child Welfare Committee.

- 18) In case the matter is not discharge/disposed of, or JCL is not released on bail, to consider the matter to send him to Observation Home under protective custody.
- 19) In case a child is to be found abused or treated with cruelty assaulted pre-custody or otherwise (his separate statement is recorded) the order is passed for medical examination or government hospital in the custody of Third Battalion official and not in the custody of IO.
- 20) In case, it is found that JCL has been produced from Adult Jail on directions of any Court on the basis of inquiry which is found to be incomplete as regards age verification and determination, the order is passed to send the JCL to the Observation Home with the directions to produce the JCL before the Court concerned and with the request to hold proper inquiry and submit its finding to the Board.
- 21) The Board also passes any directions in regard to release of case property found as personal possession of the JCL or as regards case property.

2. AGE INQUIRY

- 1) Ascertain from the JCL and his parents, guardian or relative present whether child has studied in a school and raise queries to ascertain the particulars of the school last attended.
- 2) Ascertaining admissibility and appreciating genuineness of the documents furnished by police as well as by the parents, guardian or relative and in some cases by the victim as well.
- 3) Recording statement of the Principal of the school as well as of the parents, guardian or other relative of the JCL.

- 4) Passing order of Ossification Test (in case the parents give the statement that child has not attended the school.
- 5) Age Estimation Report, Summoning and Examining of all the three doctors of the Medical Board with cross examination by the opposite party.
- 6) Hearing of arguments of prosecution, defence and complainant as well on the plea of Juvenility and then passing of detail order on each age inquiry.

3. SUBSEQUENT PRODUCTIONS OF JCL

From Observation Home

- 1) Considering the behavior report of the JCL.
- 2) Checking well being and proper upkeep of JCL.
- 3) In case child is found to be maltreated or abused, an inquiry is to be initiated.
- 4) Interaction with the Juvenile as to what vocational training or education he is receiving inside the home.

In case of Bail Applications

- 1) Checking well being and proper upkeep of JCL.
- 2) Ascertaining whether the JCL is attending the classes with any voluntary organization or counselling session.
- 3) Whether the parents, guardian or relatives are taking care of the child or not?
- 4) Whether child is going to the school or not?
- 5) Whether the conditions of bail are being complied with or not?

- 6) In case the name of the Juvenile is struck off from the school record, Principal concerned is summoned and a detail order is passed for his/her re-admission u/s 19 of the JJ Act.

4. POLICE INVESTIGATION REPORT (PIR)

- 1) Checking of PIR to ascertain all necessary documents are appended.
- 2) To check if the Juvenile is over or under charged in PIR, if so found passing of remedial orders.
- 3) Taking cognizance of offence.
- 4) Supply of copies to the Defence Counsel for JCL.
- 5) In appropriate cases, remanding the matter back for further investigation.

5. FRAMING OF NOTICES

- 1) Hearing all the parties concerned namely prosecution, complainant and Id. Defence Counsel for JCL.
- 2) Passing of order on framing of notice/ discharge
- 3) In case Juvenile admits his involvement, through questioning regarding the circumstances in which JCL came into a situation in conflict with law.
- 4) The Board has to apprise him that he is not bound to make a statement to admit the crime or self incriminate himself and he has right to consult his counsel.

6. PROSECUTION EVIDENCE

1. Identification of the material witness which needs to be examined for just disposal of the inquiry.

2. Holding of in camera recording of deposition of all witnesses in sexual assault cases, which consumes substantial time.
3. Examination of child witnesses by itself is a time consuming process particularly when the cases pertain to the Protection of Children from Sexual Offences Act, 2012.
4. Taking care of special need of other witnesses like Interpreters, Translators, Sign Language experts etc. in case of witness suffering from any mental or physical disabilities.
5. Supply of copy of evidence to the Defence Counsel.

7. STATEMENT OF JUVENILES

1. Explaining to the juvenile in a simplified manner about all the incriminating evidence which came on record and to seek his reply about the same.
2. The reply to be recorded in the language of the juvenile.
3. A specific question is to be put to the juvenile that he/she has a right to produce his/her witnesses in his/her defence and whether he would like to examine them.

8. DEFENCE EVIDENCE

1. Examination of the witnesses produced by the juvenile and cross examination by the Ld. APPs.
2. In case of need, Board summons expert/public witnesses under Section 311 Cr.P.C.

9. FINAL ARGUMENTS

1. Patient hearing is given to prosecution, defence including JCL apart from victim, if present in person or through a counsel.
2. Written final arguments and case laws are also received and appreciated during final arguments.

10. JUDGMENTS

1. Reasoned Judgments are passed covering all the issues raised by all the parties while citing statutory provisions and case law.

11. DISPOSITIONAL ORDER

1. Social Investigation Report has to be taken into consideration.
2. Detail interaction has to be done with the juvenile in order to ascertain the reason for his coming into situation of Conflict with Law.
3. Orders under Section 15(1) are passed considering the needs and requirement for rehabilitation and reformation of the juvenile such as :
 - a) Advise and admonition.
 - b) Group Counseling.
 - c) Community service.
 - d) Fine upon the juvenile or his parent/guardian or near relative.
 - e) Release on probation after ascertaining whether juvenile has to be placed under the supervision of his Parents/Guardian/Fit Person/Probation Officer/Fit Institution.
 - f) Sending the JCL to special home
4. In case of absence of family member or the circumstances so demand the JCL is referred to CWC.
5. Individual care plan of the juvenile has to be finalized.

9. **FINAL ARGUMENTS**

1. Patient hearing is given to prosecution, defence including JCL apart from victim, if present in person or through a counsel.
2. Written final arguments and case laws are also received and appreciated during final arguments.

10. **JUDGMENTS**

1. Reasoned Judgments are passed covering all the issues raised by all the parties while citing statutory provisions and case law.

11. **DISPOSITIONAL ORDER**

1. Social Investigation Report has to be taken into consideration.
2. Detail interaction has to be done with the juvenile in order to ascertain the reason for his coming into situation of Conflict with Law.
3. Orders under Section 15(1) are passed considering the needs and requirement for rehabilitation and reformation of the juvenile such as :
 - a) Advise and admonition.
 - b) Group Counseling.
 - c) Community service.
 - d) Fine upon the juvenile or his parent/guardian or near relative.
 - e) Release on probation after ascertaining whether juvenile has to be placed under the supervision of his Parents/Guardian/Fit Person/Probation Officer/Fit Institution.
 - f) Sending the JCL to special home
4. In case of absence of family member or the circumstances so demand the JCL is referred to CWC.
5. Individual care plan of the juvenile has to be finalized.

6. Apart from orders under Section 15 of JJ Act orders are also passed for counseling of the JCL and his guardian.

12. VICTIM COMPENSATION

1. The determination of interim as well as final compensation amount to the victim of sexual offences in POCSO Act and in terms of Rule 7 of the POCSO Rules.
2. Reference of matter to DSLSA/DLSAs for awarding compensation in other cases post inquiry in matters under IPC and other penal enactments.
3. Passing orders for information as to the bank account details of the victims of crime and wherever necessary passing directions for opening of bank accounts in the name of the victims of crime.

13. BAIL BONDS

1. Amount of surety is ensured to be of lesser amount.
2. Bail conditions are imposed viz. victim and JCL shall not reside in same locality; and JCL shall not approach, contact the victim.
3. In deserving cases, JCL is released on personal bond.
4. In case of JCL found to be used by the organized gang, conditions are imposed qua his movement to other state.
5. Interaction with the parents of the JCL to ensure good behavior.

14. MISC. APPLICATION/ORDER

1. Efforts are made to dispose of the application preferably on the same day or two-three days.

15. VISIT TO OBSERVATION HOMES

- 1) Taking notice of lapses, irregularities, if any, and passing necessary directions to improve the function of the Homes cleanliness, kitchen etc.
- 2) To ensure well being of all the JCLs kept in the Observation Home or on bail.
- 3) Regular Interaction with the Juvenile.
- 4) Keeping a check on the quality of Food, Menu and daily routines in the Home.
- 5) Daily routine on the display
- 6) Checking of individual check file
- 7) Ascertaining if all the JCL are getting proper legal services under Legal Services Clinics opened by DSLSA.
- 8) To ascertain whether JCL is meeting with the family members.

6. MISC. APPLICATION/ORDER

- 1) Misc. application u/s 19 & 21 of the JJ Act.
- 2) Additional applications viz. application for surety released
- 3) Judicial file application
- 4) Modification of application
- 5) Mulakat application
- 6) Termination of proceedings application
- 7) Leave of absence application
- 8) OPJ (Order for Production of Juvenile) NBW cancellation application
- 9) Furnishing of bail bond.

(II) DUTIES FOR WELFARE, REHABILITATION & SOCIAL INTEGRATION MEASURES OF JCL

1. Visit to Observation Homes
2. Consideration of Social Investigation Report (SIR)
3. Finalization and review of individual care plan of each JCL.
4. Monitoring the progress of education of JCL.
5. Monitoring the progress of the vocational training of JCLs.
6. Assisting the JCLs who have attained majority to secure job
7. Counselling of parents/ guardian and relatives of JCLs
8. Organizing sports, cultural activities and other events in the homes
9. Liasioning with the JJBs and CWCs of other districts and states
10. Liasioning with the DCPU, SCPS and DWCD, GNCTD
11. Liasioning with the voluntary organizations involved in welfare of children
12. Assessment of his reformation and rehabilitation process
13. Training programme as participants as well as resource persons
14. To identify the symptoms of drug use, abuse or addiction in the juveniles and to refer them to Drug Deaddiction Centre for rehabilitation.
15. Physical and Mental Development Report (PMD) for psychiatric profiling of the child

III. ADMINISTRATIVE DUTIES

- (1) Marking cases for counseling
- (2) Reading the counseling reports
- (3) Coordinating with respective High Commission/Embassy for repatriation of a JCL who is a foreign National (Rule 79)

- (4) Recognizing a 'fit person' after due inquiry (Rule 69)
- (5) Recommending a 'fit institution' to the State Government after due inquiry (Rule 69)
- (6) Participation in the following Committees:
 - (i) Juvenile Justice Committee
 - (ii) Supervision Committee of the Homes.
 - (iii) Committee for framing guidelines constituted by the High Court of Delhi in WPC No. 787/2012
 - (iv) Committee meeting called with NCPCR from time to time.
 - (v) Meeting with DSLSA
 - (vi) Meeting with Department of Women Child Development.
 - (vii) Meeting for framing of rules weeding out rules.