



सत्यमेव जयते



DELHI HIGH COURT LEGAL SERVICES COMMITTEE

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No. 876 DHCLSC/2024/_____

Dated 15.04.2024

To,

Ld. Principal District & Sessions Judge
North West District, Rohini Courts
Delhi

Subject: Exercising of Statutory Right to Appeal under Section 101(5) of Juvenile Justice (Care and Protection of Children) Act, 2015

Respected Sir

1. Apropos the abovementioned subject, it is pertinent to note that after an order of Preliminary Assessment qua a Child in Conflict with Law(CCL) is passed by the Juvenile Justice Board (JJB) u/s 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and the Juvenile Justice Board is of the opinion that there is a need for trial of the child as an adult, then u/s 18(3) of the said Act, the Juvenile Justice Board may order transfer of the trial of the case to a Children's Court. Thereafter, u/s 19 (1)(i), the Children's Court may decide that there is need for trial of the child as an adult, and may pass appropriate orders thereafter.
2. Further, Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 provides for a Statutory Right to Appeal before the

Hon'ble High Court, against the aforementioned order of Children's Court of trial of a child as an adult.

3. At times, **the Statutory Right to appeal u/s 101(5) of the said act is not availed** by a large number of Children in Conflict with Law (CCLs). Denial of this right, for lack of information/awareness or otherwise, would jettison the *raison d'etre* of the Juvenile Justice (Care and Protection of Children) Act, 2015. Ergo, it is the desideratum that rather than having an *ad-hoc* arrangement of appointing Legal Aid Counsels only when a stray, individual case is brought to the notice of Delhi High Court Legal Services Committee (DHCLSC), **an effective streamlined mechanism** be put in place so that the Statutory Right to Appeal before the Hon'ble High Court u/s 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 may be availed by every Child in Conflict with Law (CCL), and that no CCL shall be, so as to say, left behind.
4. In this regard, the Hon'ble Mr Justice Rajiv Shakhder, Judge, High Court of Delhi & Hon'ble Chairman, DHCLSC has given his kind approval on the Administrative side, **making it incumbent upon all the Ld. Children's Courts of Delhi to mandatorily send copy of their orders** where they decide that there is a need for trial of the child as an adult, to the office of the Secretary, DHCLSC. The orders sent to the DHCLSC should provide sufficient details of the Child in Conflict with Law (CCL) so that the office of DHCLSC can reach out to the concerned Child in Conflict with Law (CCL) and his family. After receipt of such orders, the office of DHCLSC, Observations Homes/Special Homes/Place of Safety shall depute a Legal Aid Counsel to visit the Place of Safety, in case the Child in Conflict with Law (CCL) is lodged therein and move appropriate applications, especially in cases

where services of a private counsel are not available to the Child in Conflict with Law (CCL).

5. The Hon'ble Chairman, DHCLSC has also approved that the Juvenile Justice Board be also apprised to facilitate visits of DHCLSC Panel Advocates to the Observation Homes/Special Homes/Place of Safety unhindered. Further, **Ld Children's Courts be also sensitized to apprise the concerned Child in Conflict with Law (CCL)/his family about his Statutory Right to Appeal** before the Hon'ble High Court u/s 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 against orders where his trial is conducted as an adult, **and to incorporate this fact in their final orders.**
6. Thus, it is humbly requested to your goodself to kindly issue directions in this regard to Ld. Children's Courts and Ld Juvenile Justice Boards concerned for further necessary action.

Your sincerely



Arul Varma
Secretary, DHCLSC

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE:
NORTH-WEST DISTRICT, ROHINI COURTS, DELHI

No. 6007-6011...Genl.I/F. 3(A)/N-W/RC/2024 Delhi, dated 24-4-2024

Copy of letter bearing No. 876/DHCLSC/2024 dated 15.04.2024 as received from the Secretary, Delhi High Court Legal Services Committee, High Court of Delhi, is being forwarded for information and necessary action to :-

1. All the Ld. Judicial Officers (**POCSO**), **North-West** District, Rohini Courts, Delhi.
2. The Dealing Official, Computer Branch, Rohini Courts, Delhi for uploading the same on **WEBSITE** of **North-West** District.
3. The Dealing Official, R & I Branch, Rohini Courts, Delhi for uploading the same on **LAYERS**.


(**VINOD YADAV**)

District Judge, Comm. Court-02 (N/W)
Officer In-charge, General Branch
Rohini Courts Complex, Delhi

Encl:- As above