

DIVISIONAL JUDICIAL SEMINAR

DURG DIVISION : 27 APRIL 2025

(DISTRICTS- BALOD, BEMETARA , DURG, KABIRDHAM, RAJNANDGAON)



ON

**“Bird's Eye View: Trial of
Cases and Sentencing under
Juvenile Justice Act”**

Submitted by-

District – Rajnandgaon (CG)

Acknowledgement

We feel highly elated to work on the topic **“Bird's Eye View: Trial of Cases and Sentencing under Juvenile Justice Act ”**

We would like to thank the Hon'ble High Court of Chhattisgarh and Chhattisgarh State Judicial Academy for organizing this Divisional Seminar and providing us a platform to discuss on such crucial legal points.

We like to express our deepest regard and gratitude for Principal District and Session Judge, Rajnandgaon (CG). Her consistent supervision, constant inspiration and invaluable guidance have been of immense help in understanding and carrying out the nuances of the preparation of paper. Some printing errors might have crept in, which are deeply regretted. We would be grateful to receive comments and suggestions to further improve this presentation.

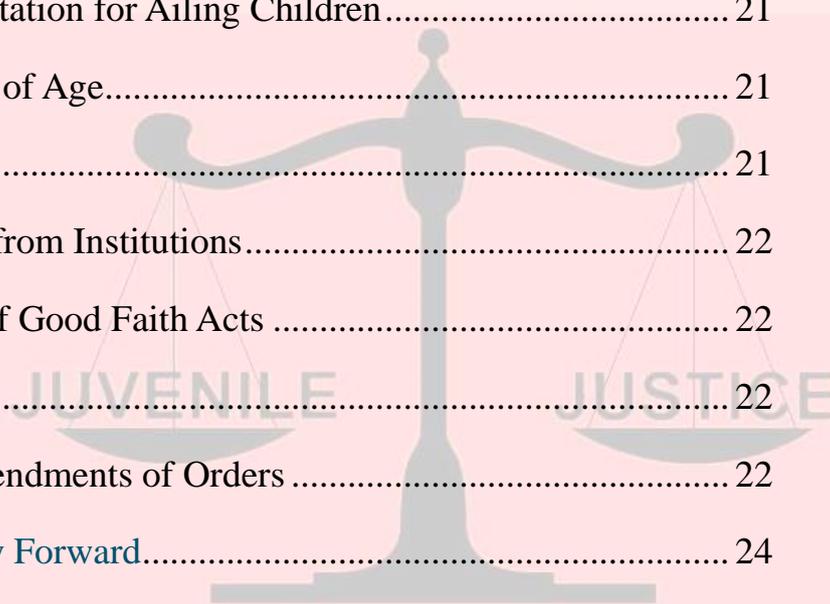
Finally we express our gratitude towards each and every one, who helped in providing contents, materials and various data and information, which greatly aided to prepare this presentation.

**Judicial Officers
District - Rajnandgaon (CG)**

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Chapter I: Introduction

“An Act to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social reintegration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established, hereinunder and for matters connected therewith or incidental thereto”

The Constitution of India casts a duty upon the State to safeguard and promote the welfare of children. Article 15(3) empowers the State to make special provisions for children, while Articles 39(e) and (f), 45, and 47 impose specific responsibilities to ensure that children's needs are met and that they are protected from abuse, exploitation, and neglect. These constitutional directives form the foundational framework for child welfare legislation in India.



In furtherance of its international obligations, the Government of India ratified the United Nations Convention on the Rights of the Child (UNCRC) on 11th December 1992. This Convention obligates State Parties to adopt measures that promote the dignity and worth of children, particularly those accused of committing offences. It calls for child-centric legal procedures that encourage reintegration and rehabilitation, while fostering respect for the rights and freedoms of others. India has also endorsed other international instruments, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990, and the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, 1993.

The Juvenile Justice (Care and Protection of Children) Act, 2000, was enacted with the objective of safeguarding children and ensuring their development in a protective environment. The Act was subsequently amended in 2006 and 2011 to address implementation gaps and introduce child-friendly reforms. However, practical challenges persisted. Reports revealed increasing incidents of abuse within child care institutions, inadequate rehabilitation and care facilities, inefficiencies in adoption processes, lack of clarity in institutional roles and responsibilities, and insufficient provisions to combat offences such as corporal punishment and trafficking of children for adoption. These issues underscored the need to thoroughly review and revise the prevailing legal framework.

A significant concern also emerged with the increasing number of heinous crimes committed by children in the 16–18 age group. Data from the National Crime Records Bureau highlighted a disturbing trend of serious offences by juveniles, particularly those involving grave violence. This exposed the limitations of the existing legal system in addressing such cases effectively and fairly.

In light of these challenges, the government proposed to repeal the Juvenile Justice (Care and Protection of Children) Act, 2000, and introduce a new, comprehensive

law. The proposed legislation aims to establish a robust framework for the care, protection, treatment, and rehabilitation of children. It sets out general principles for child welfare, provides distinct procedures for children in conflict with law and those in need of care and protection, streamlines adoption processes, and prescribes stringent penalties for offences against children. The new law is grounded in the principle of the best interest of the child and seeks to ensure child-friendly procedures at every stage, from apprehension to rehabilitation.

Ultimately, the proposed legislation aspires to create a protective and enabling environment for all children, ensuring their development and reintegration into society through a rights-based, compassionate, and responsive legal framework.



Chapter II: Definitions under the Act

Clarity in terminology is crucial for legal implementation. Section 2 of the JJ Act, 2015 provides comprehensive definitions:

- **Child [Sec. 2(12)]:** A person who has not completed 18 years of age.
- **Child in Conflict with Law [Sec. 2(13)]:** A child alleged or found to have committed an offence who was below 18 at the time of the offence.
- **Children's Court [Sec.2(20)]:** A court established under the Commissions for Protection of Child Rights Act, 2005 (4 of 2006) or a Special Court under the Protection of Children from Sexual Offences Act, 2012 (32 of 2012), wherever existing and where such courts have not been designated, the Court of Sessions having jurisdiction to try offences under the Act.
- **Heinous Offences [Sec. 2(33)]:** Offences for which the minimum punishment is imprisonment for 7 years or more.
- **Observation home [Sec. 2(40)]:** an observation home established and maintained in every district or group of districts by a State Government, either by itself, or through a voluntary or non- governmental organisation, and is registered as such, for the purposes specified in sub-section (1) of Section 47;
- **Place of safety [S. 2(46)]:** any place or institution, not being a police lock-up or jail, established separately or attached to an observation home or a special home, as the case may be, to receive and take care of the children alleged or found to be in conflict with law, by an order of the Board or the Children's Court, both during inquiry and ongoing rehabilitation after having been found guilty for a period and purpose as specified in the order;
- **Serious Offences [Sec. 2(54)]:** Offences punishable with imprisonment more than 3 years but less than 7 years.
- **Petty Offences [Sec. 2(45)]:** Offences punishable with imprisonment up to 3

years.

- **Fit Person and Fit Facility [Sec. 2(28), 2(27)]:** Recognized individuals or institutions that can temporarily assume the care of a child.
- **Probation officer** means an officer appointed by the State Government as a probation officer under the Probation of Offenders Act, 1958 (20 of 1958) or the Legal-cum-Probation Officer appointed by the State Government under District Child Protection Unit.
- **Board** means a **Juvenile Justice Board** constituted under section 4
- **Doli Incapax and Juvenile** The concept of *doli incapax* in criminal law signifies that a child is presumed incapable of forming criminal intent (*mens rea*), a fundamental requirement alongside *actus reus* (the physical act) for criminal liability. Under Indian law, Section 82 of the IPC provides absolute immunity to children below 7 years, recognizing their complete lack of criminal capacity. Section 83 extends conditional immunity to children aged 7 to 12, depending on their maturity to understand the nature and consequences of their actions. This legal approach is rooted in the belief that young children may lack the mental maturity required for criminal responsibility. Hence, in cases involving this age group, courts must assess the child's understanding and intent before attributing liability.



Chapter III: General Principles of Care and Protection

Fundamental Principles Guiding the Implementation of the Juvenile Justice Act

The Central Government, State Governments, the Juvenile Justice Board, the Child Welfare Committee, and other agencies involved in the administration of the Juvenile Justice (Care and Protection of Children) Act are obligated to follow certain fundamental principles that underpin the child-centric philosophy of the Act.

The first among these is the, whereby every child is presumed to be innocent of any criminal or mala fide intent up to the age of eighteen years. Closely linked to this is the **principle of dignity and worth**, which affirms that all human beings, including children, are to be treated with inherent dignity and equal rights.

Children also enjoy the **principle of participation**, which recognizes their right to be heard and to actively take part in any process or decision that affects their life. Due weight is to be given to their views, in accordance with their age and maturity. This is complemented by the **principle of best interest**, which mandates that all decisions relating to the child must be guided by what is in the child's best interest, with a focus on fostering their full potential.

Under the **principle of family responsibility**, the onus of care, protection, and upbringing of a child rests primarily on the biological, adoptive, or foster family. At the same time, the **principle of safety** ensures that children are protected from all forms of abuse, neglect, or exploitation, both within and outside the child care system.

The **principle of positive measures** requires the mobilisation of all available resources — including those of the family and the community — to support the child's well-being, identity development, and an inclusive environment that mitigates vulnerabilities. Further, the **principle of non-stigmatising semantics** prohibits the

use of accusatory or adversarial language when referring to or dealing with children under the Act.

Another cornerstone is the **principle of non-waiver of rights**, which means that no fundamental right of a child may be waived or considered relinquished, whether by the child, a representative, or any authority. The **principle of equality and non-discrimination** provides that no child shall be discriminated against on any grounds such as gender, caste, ethnicity, disability, or place of birth, and that all children shall enjoy equal access to care and justice.

The Act also upholds the **principle of right to privacy and confidentiality**, ensuring protection of the child's identity and personal information throughout the legal process. The **principle of institutionalisation as a measure of last resort** emphasizes that placing a child in institutional care must occur only after thorough inquiry and when no other suitable care arrangement is available.

In accordance with the **principle of repatriation and restoration**, children are to be reunited with their families at the earliest opportunity, and restored to their previous social and cultural status, unless such restoration is against their best interests. The **principle of fresh start** ensures that past records of children under the juvenile system are erased to give them a clean slate, except in exceptional circumstances.

The **principle of diversion** promotes handling cases involving children in conflict with law through means other than judicial proceedings, unless judicial intervention is absolutely necessary for the child or society. Lastly, the **principles of natural justice** mandate procedural fairness in all decisions affecting children, which includes the right to be heard, impartiality, and the right to seek review.

Together, these guiding principles establish a compassionate, rights-based, and rehabilitative framework that ensures the care, protection, and holistic development of children within the juvenile justice system.

Chapter IV: Juvenile Justice Board (JJB)

Juvenile Justice Board: Constitution, Powers, and Procedures

Constitution and Composition of the Board

Under Section 4 of the Juvenile Justice (Care and Protection of Children) Act, 2015, every district must have one or more Juvenile Justice Boards constituted by the State Government to handle cases involving children in conflict with law. The Board comprises a Principal Magistrate, who must be a Metropolitan Magistrate or Judicial Magistrate of First Class with at least three years of experience, and two social workers, at least one of whom must be a woman. These social workers must have at least seven years of active engagement in child welfare, education, health, or must be practicing professionals in child psychology, psychiatry, sociology, or law.

Eligibility and Disqualifications

Individuals with any record of human or child rights violations, convictions involving moral turpitude, dismissals from government service, or past involvement in child abuse or child labour are disqualified from being appointed as members of the Board. These provisions aim to ensure that only individuals with integrity and experience in child welfare are entrusted with such responsibilities.

Training and Tenure

The Act mandates that the State Government provide induction training and sensitisation to all Board members, including the Principal Magistrate, within sixty days of their appointment. The tenure, resignation, and conditions for removal of Board members are governed by rules prescribed under the Act. Members may be removed if they misuse their powers, remain absent from proceedings for extended periods without valid reason, or fail to attend the prescribed number of sittings.

Jurisdiction in Case of Age Attainment or Delay in Apprehension

If a child turns eighteen during the pendency of an inquiry, the Board may continue to deal with the case as if the person were still a child. Similarly, a person apprehended after attaining majority for an offence committed as a minor must also be treated as a child for the purposes of inquiry. Such persons, if not granted bail, shall be placed in a designated place of safety rather than regular jails.

Procedure and Functioning of the Board

The Board must operate in a child-friendly manner, avoiding any resemblance to a regular court, and meet as per prescribed rules. When the Board is not in session, a child may be produced before an individual member. However, for final orders, the presence of at least two members including the Principal Magistrate is necessary. In case of disagreement among members, the majority opinion prevails; if there's no majority, the Principal Magistrate's opinion is final.

Exclusive Powers and Responsibilities

The Board has exclusive jurisdiction to handle all cases under the Act involving children in conflict with law. It must ensure informed participation of the child and their guardian, protection of child rights throughout the proceedings, access to legal aid, and, where needed, availability of interpreters or translators. The Board is responsible for ordering social investigations, deciding cases, preparing rehabilitation and care plans, transferring matters to the Child Welfare Committee if needed, and inspecting facilities housing such children. It can also direct the registration of FIRs in cases of abuse against children and ensure that no child is kept in adult jails.

Referral by Non-Empowered Magistrates

If a Magistrate not empowered under the Act suspects that a person before them is a child, they must promptly forward the individual and the case records to the appropriate Board. Any court, if faced with a claim of juvenility, must conduct an age inquiry even at the post-disposal stage, based on evidence excluding affidavits, and if

the individual is found to be a child at the time of offence, the case is to be transferred to the Board. Any sentence passed in such circumstances is deemed void.

Determination of Juvenility: Case Law Insight

In *Rishipal Singh Solanki v. State of U.P.* (2022), the Supreme Court held that the burden of proving juvenility lies on the claimant, but once the requisite documents such as school records or birth certificates are submitted and proved under the Evidence Act, a presumption of juvenility arises. In *Narayan Chetanram Chaudhary v. State of Maharashtra* (2023), the Court ruled that such documents must be accepted unless rebutted by compelling contrary evidence. Furthermore, *Karan v. State of M.P.* (2023) provided a structured guideline on the preferred methods for accurate and fair age determination.



Chapter V: Trial Procedure for Children in Conflict with Law

Apprehension and Production of Child in Conflict with Law

As per Section 10, when a child alleged to be in conflict with law is apprehended, the police must hand over the child to the Special Juvenile Police Unit or a designated Child Welfare Police Officer. The child must then be produced before the Juvenile Justice Board within 24 hours, excluding travel time. Importantly, the Act prohibits placing such children in police lock-ups or jails under any circumstance. The State Government is empowered to frame rules regarding who may produce such children before the Board and how they may be sent to observation homes or places of safety.

Responsibility of Person in Whose Charge the Child is Placed

Under Section 11, any individual or institution entrusted with the custody of the child by the Board bears the same responsibilities as a parent would, including maintenance and protection. The child shall remain under such care for the duration specified by the Board, regardless of claims by parents or guardians, unless the Board deems them fit to take custody.

Bail Provisions for Juvenile Offenders

Section 12 mandates that any person, who appears to be a child and is apprehended for a bailable or non-bailable offence, shall ordinarily be released on bail, with or without sureties, or be placed under the supervision of a probation officer or a fit person. Bail may only be denied if there is a risk of the child associating with criminals, exposure to harm, or if the release would defeat the ends of justice. In such cases, the child must be placed in an observation home or place of safety. If the child fails to fulfil bail conditions within seven days, they must be produced before the Board for reconsideration of those conditions.

The Supreme Court in *Exploitation of Children in Orphanages in the State of T.N., In*

re, (2020) 14 SCC 327, emphasized that Juvenile Justice Boards must be proactive in ensuring that no child is detained in police custody or jail. The duty to safeguard the child lies not only with the police but also with the Board.

Information to Family and Social Inquiry

Section 13 obligates the Child Welfare Police Officer or Special Juvenile Police Unit to promptly inform the parents or guardians of the apprehended child and require their presence before the Board. Additionally, a probation officer or Child Welfare Officer must be informed to prepare a social investigation report within two weeks, which will aid the Board in the inquiry. This officer is also to be kept informed if the child is released on bail.

Inquiry by the Juvenile Justice Board

Section 14 outlines the inquiry process once the child is produced before the Board. The inquiry must be conducted in accordance with the Act and be completed within four months, extendable by two months with written reasons. For heinous offences requiring preliminary assessment under Section 15, such assessment must be completed within three months. If a petty offence inquiry remains inconclusive beyond the permissible extension, the proceedings are terminated. Further extension for serious or heinous offences must be sanctioned by the Chief Judicial Magistrate or Chief Metropolitan Magistrate.

The Board is required to verify that the child has not been subjected to ill-treatment and to conduct all proceedings in a simple and child-friendly manner. The child must be given an opportunity to be heard. Petty offences are to be dealt with summarily; serious offences through summons trial procedure; and heinous offences, depending on the child's age, through either summons procedure or the special process under Section 15. Children below sixteen are tried by the Board even for heinous offences, while those above sixteen undergo a preliminary assessment.

In *Exploitation of Children In Orphanages, In re*, (2017) 7 SCC 578, the Supreme Court noted that the interpretation of “child in need of care and protection” should be

broad and inclusive of victims of trafficking and sexual abuse under POCSO, thereby reinforcing the need for a sensitive approach during inquiry.

Preliminary Assessment in Heinous Offences

When a child in conflict with law, aged above 16 years, is alleged to have committed a heinous offence as defined under Section 2(33) of the Act, the Juvenile Justice Board (JJB) is mandated to conduct a preliminary assessment in accordance with Section 15. This assessment is essential to determine whether such a child should be tried as an adult by the Children's Court under Section 18(3) of the Act.

The preliminary assessment must be completed within a period of three months from the date of the child's first production before the Board. The process is governed by Rule 10A of the Juvenile Justice Rules, which provides procedural guidelines for the Board. As a first step, the Board confirms whether the child is above 16 years of age and proceeds with the inquiry. During the assessment, the child is to be presumed innocent unless proven otherwise.

To ensure a holistic understanding of the child's mental state, the Board may take assistance from psychologists, psycho-social workers, or other professionals experienced in working with children in difficult circumstances. Though the law uses the word "may," judicial interpretation has clarified that it should be read as "shall" to mandate expert involvement, as this is crucial for assessing the child's mental and emotional condition—an aspect the Magistrate may not be able to evaluate independently.

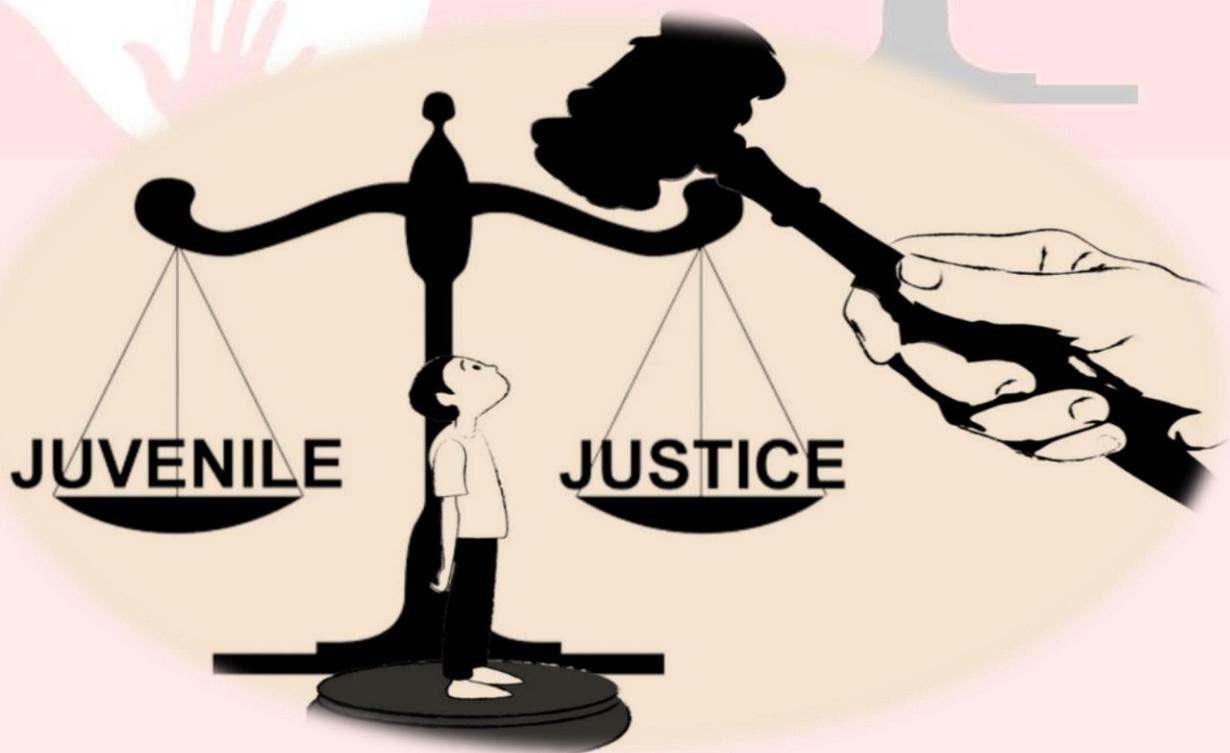
The assessment considers the child's mental and physical capacity to commit the offence, the ability to understand the consequences of the act, and the circumstances under which the offence was allegedly committed. Various reports form the basis of this evaluation. These include the Social Investigation Report prepared by a probation officer or NGO, which provides a detailed account of the child's family background, economic condition, and social environment, along with relevant recommendations. Additionally, the Social Background Report is compiled by the Child Welfare Police

Officer after contacting the child's parents or guardians, offering further insight into the child's upbringing and social context.

The Board also considers a physical and mental health assessment of the child, which includes any history of substance abuse. A psychological evaluation report, prepared by a qualified psychologist, details the circumstances of the child's apprehension and offers an expert analysis of their mental condition. Lastly, the Child Welfare Police Officer must submit witness statements and other investigation documents within one month from the child's first appearance before the Board.

Upon analyzing all these inputs, the Board issues a reasoned order indicating whether the child should be tried as an adult, depending on the findings of the preliminary assessment.

In *X (Juvenile) v. State of Karnataka*, (2024) 8 SCC 473, the Court clarified that the timeline under Section 14(3) for completing preliminary assessment is directory, not mandatory. It can be extended upon recording adequate reasons.



Chapter VI: Sentencing Powers and Orders

Disposal of Cases by the Juvenile Justice Board

When a child is found not to have committed any offence, Section 17 empowers the Juvenile Justice Board to pass an order declaring the same. However, if such a child is found to be in need of care and protection, the Board may refer the matter to the Child Welfare Committee for appropriate action.

If the child is found to be in conflict with law under Section 18, the Board may, depending on the type of offence and the circumstances, issue one or more of the rehabilitative orders, such as admonition, group counselling, community service, fine, probation under care of parent or guardian, supervision in a fit facility, or placement in a special home for up to three years. These orders may be combined with directions like attending school, vocational training, de-addiction or therapy centres. If the Board, after conducting a preliminary assessment under Section 15, finds that a child above sixteen years accused of heinous offences should be tried as an adult, it may transfer the case to the Children's Court.

In *Inhuman Conditions in 1382 Prisons, In re* (2016) 14 SCC 743, the Supreme Court stressed the need for appropriate prison reforms and creation of separate facilities like observation homes and places of safety for juveniles.



Trial by Children's Court

Section 19 deals with the powers of the Children's Court. After receiving the Board's preliminary assessment, it can either try the child as an adult or conduct an inquiry as a Board. If the child is found guilty, the Court must ensure inclusion of an individual care plan in the final order. The child is to be kept in a place of safety till the age of twenty-one and may then be transferred to a jail if necessary. During custody, reformatory services such as education, therapy, skill development, and psychiatric support must be provided. Periodic follow-up reports are required to monitor the child's progress.

Section 20 provides that once the child turns twenty-one but has not completed the term of stay, the Children's Court shall evaluate the child's reformatory progress before deciding either to release the child under supervision or direct completion of the term in jail. Each State must maintain a list of monitoring authorities for this purpose.



Prohibited Punishments and Special Protections

Under Section 21, no child in conflict with law can be sentenced to death or life imprisonment without the possibility of release, regardless of the nature of offence or law applicable. Section 22 bars application of Chapter VIII of the CrPC and preventive detention laws against any child.

Section 23 prohibits joint proceedings of a child with an adult. If it is discovered during trial that the accused is not a child, they are to be tried separately. This ensures

a non-intimidating and protective environment for juvenile trials.

Removal of Disqualification from Conviction

Section 24 provides that a child who is found guilty and dealt with under the Act shall not suffer disqualification attached to convictions under other laws. However, this benefit does not apply if a child above sixteen is found guilty of a heinous offence and tried as an adult under Section 19(1)(i). Records of such convictions are to be destroyed after the appeal period, except in such heinous cases, where the records are retained.

Effect on Pending Cases

Section 25 clarifies that proceedings pending before the commencement of the 2015 Act shall continue under the earlier law as if the new Act had not been enacted. In *Mumtaz v. State of U.P.*, (2016) 11 SCC 786, the Supreme Court held that even if the 2000 Act has been repealed, its benefits, such as referring juveniles to the Board for orders instead of sentencing, must still be extended where applicable.

Runaway Juveniles and Their Treatment

Section 26 provides that if a child runs away from a special home, observation home, or place of safety, any police officer may take custody of such child. The child must be produced before the Board within 24 hours. The Board must ascertain the reasons for escape and take appropriate rehabilitative steps. No additional legal proceedings are to be initiated against the child for running away.



Chapter VII: Miscellaneous Provision

Attendance and Exemption of the Child and Guardians

Sections 90 and 91 empower the Board or Committee to require the presence of a child's parent or guardian during proceedings. However, if the child's presence is not deemed necessary for the inquiry, the Board or Committee may exempt the child from attending except for recording their statement. When the child's attendance is required, reimbursement for travel is provided for the child and an escort.

Medical Treatment and Rehabilitation for Ailing Children

Under Sections 92 and 93, a child suffering from physical or mental illness or requiring extended medical care can be sent to a suitable medical or rehabilitation facility. Children suffering from mental illness or addiction may be transferred to psychiatric hospitals or Integrated Rehabilitation Centres, with due process and adherence to the Mental Health Act, 1987. Such transfer is strictly for treatment and not punitive in nature.

Presumption and Determination of Age

Section 94 provides that when it is obvious from appearance that the person is a child, the Committee or Board shall record their age and proceed without awaiting age confirmation. Where doubt arises, age determination must follow a prescribed order of documentary and medical evidence, prioritising school and birth certificates. If unavailable, ossification or other medical tests may be used. As clarified in *P. Yuvaprakash v. State* (2023 SCC OnLine SC 846), a school transfer certificate is not valid proof of age.

Transfer and Escort of Children

Sections 95 and 96 allow for the transfer of a child to their home district or another facility, within or outside the state, provided it is in the child's best interest. Inter-district or inter-state transfers must be conducted in consultation with the receiving

Committee or Board. Transfers should not extend the child's stay beyond their original term. Escort orders must be issued promptly, and girl children must be accompanied by female escorts.

Conditional Release and Leave from Institutions

Section 97 permits conditional or absolute release of children from institutions based on reports from relevant authorities. If conditions are breached, the child may be returned to the institution. Section 98 allows temporary leave of absence for emergencies such as family illness or exams. Non-return within permitted time can lead to extension of institutional stay.

Confidentiality and Protection of Good Faith Acts

Section 99 mandates that all reports considered by the Board or Committee must be treated as confidential, though they may be shared with stakeholders where necessary. Victims retain the right to access relevant case documents. Under Section 100, protection is granted to government authorities and their agents for actions taken in good faith under the Act.

Appeals and Revisions

Section 101 allows aggrieved persons to appeal orders of the Board or Committee to the Children's Court or District Magistrate (in certain cases like foster care or sponsorship decisions). Appeals from adoption orders lie with the Divisional Commissioner. Appeals must be filed within thirty days, extendable upon showing sufficient cause. No appeal lies from acquittal in non-heinous offences involving juveniles above sixteen. Section 102 gives the High Court revision powers to assess the legality or propriety of orders passed by lower authorities.

Procedures in Inquiries and Amendments of Orders

Under Section 103, inquiries must follow prescribed procedures or, in their absence, the procedure for summons trials under the CrPC. The same applies to appeals and revisions. Section 104 empowers the Committee or Board to amend its own orders

related to institutional placement or care arrangements. Such amendments must follow a participatory process and allow for the views of the affected parties. Clerical and accidental errors may be corrected at any time, either suo motu or on application.



Chapter VIII: Conclusion and Way Forward

The Juvenile Justice (Care and Protection of Children) Act, 2015, represents a landmark evolution in India's child justice system, aiming to strike a careful balance between protection, accountability, and rehabilitation. It reflects a thoughtful shift from punitive to restorative justice, firmly grounded in constitutional mandates and international human rights obligations, including the UN Convention on the Rights of the Child. The Act not only redefines the mechanisms for adjudicating offences committed by children but also reinforces the philosophy that children, by virtue of their age and evolving maturity, deserve a system that is reformatory and inclusive rather than retributive.

One of the most transformative features of the Act is the establishment and empowerment of the Juvenile Justice Board (JJB) as a central authority for inquiry and disposal of cases involving children in conflict with law. The Board operates within a procedural framework that emphasizes child-friendly practices, timely disposal of cases, and comprehensive assessment of a child's mental and social circumstances. The provision for preliminary assessment in heinous offences involving children aged sixteen years and above marks a sensitive yet controversial step. While it seeks to address public concerns about serious juvenile crimes, it still preserves the child's rights by mandating psychological evaluation and judicial oversight before transferring such cases to the Children's Court.

Equally significant are the sentencing provisions under the Act. The wide spectrum of rehabilitative options available to the Board—from admonition and counselling to community service and supervised probation—demonstrates the law's preference for correction over condemnation. Importantly, even in cases where a child is found guilty of a heinous offence, the law prohibits sentencing to death or life imprisonment without the possibility of release. The emphasis on creating and maintaining individualized care plans and periodic reviews, particularly when the child is placed

in a “place of safety,” reinforces the rehabilitative character of the legislation. The Supreme Court, through cases such as *Inhuman Conditions in 1382 Prisons, In re* and *Exploitation of Children in Orphanages*, has further underscored the necessity of implementing the Act in both spirit and practice, directing attention to infrastructure, training, and institutional accountability.

The Act also introduces mechanisms to ensure fair inquiry and procedural safeguards. The explicit instructions regarding apprehension, bail, production before the Board, and protection from police lock-up underscore the child's right to dignity and humane treatment. The clarity regarding age determination procedures, especially following the ruling in *Rishipal Singh Solanki v. State of U.P.*, affirms that the benefit of doubt must lean in favor of the juvenile, and the burden on the claimant is significantly reduced upon production of valid documentary evidence.

Further, the miscellaneous provisions reflect a well-rounded legislative vision. Provisions concerning attendance, medical treatment, rehabilitation, inter-institutional transfers, and confidentiality of proceedings ensure that the child's welfare remains central at every touch point within the system. The protection of records, removal of disqualification from conviction, and barring of joint trials with adults all resonate with the larger goal of safeguarding the child from stigma and facilitating reintegration into society.

Despite its progressive framework, the real test of the Juvenile Justice Act lies in its implementation. Challenges such as inadequate infrastructure, lack of trained personnel, poor coordination between agencies, and societal prejudices continue to hinder the full realization of the Act's objectives. For the system to succeed, judicial officers, law enforcement, probation officers, social workers, and non-governmental stakeholders must work in harmony with a shared commitment to child rights. Periodic training, timely financial and infrastructural support from the State, and community sensitization are crucial for building a justice system that not only punishes but heals, reforms, and protects.

In conclusion, the Juvenile Justice (Care and Protection of Children) Act, 2015 is more than just a statutory framework—it is a moral statement of a nation’s responsibility towards its children. It acknowledges that children are not just future citizens but current holders of rights. A justice system that understands the vulnerabilities and potential of children will be one that not only delivers justice but also creates a more compassionate and equitable society.

