

Juvenile Justice Act, 2015 (Part II)



Anoop Upadhyay | Judiciary Expert



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(Linking Sir)

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Juvenile Justice (Care and Protection of Children) Act, 2015

CHAPTER III - JUVENILE JUSTICE BOARD / किशोर न्यायिक बोर्ड

JJB
X
C.W.C.



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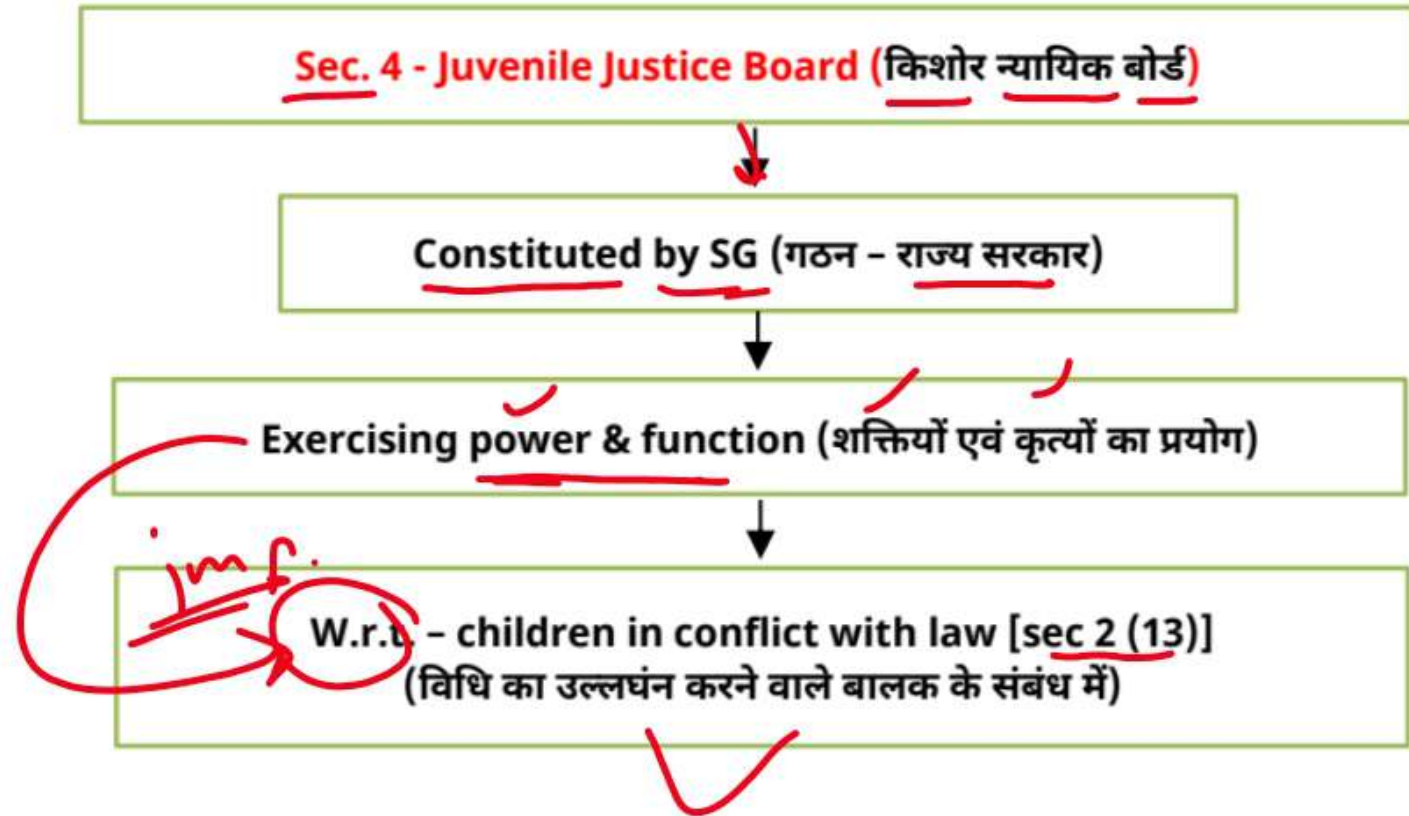
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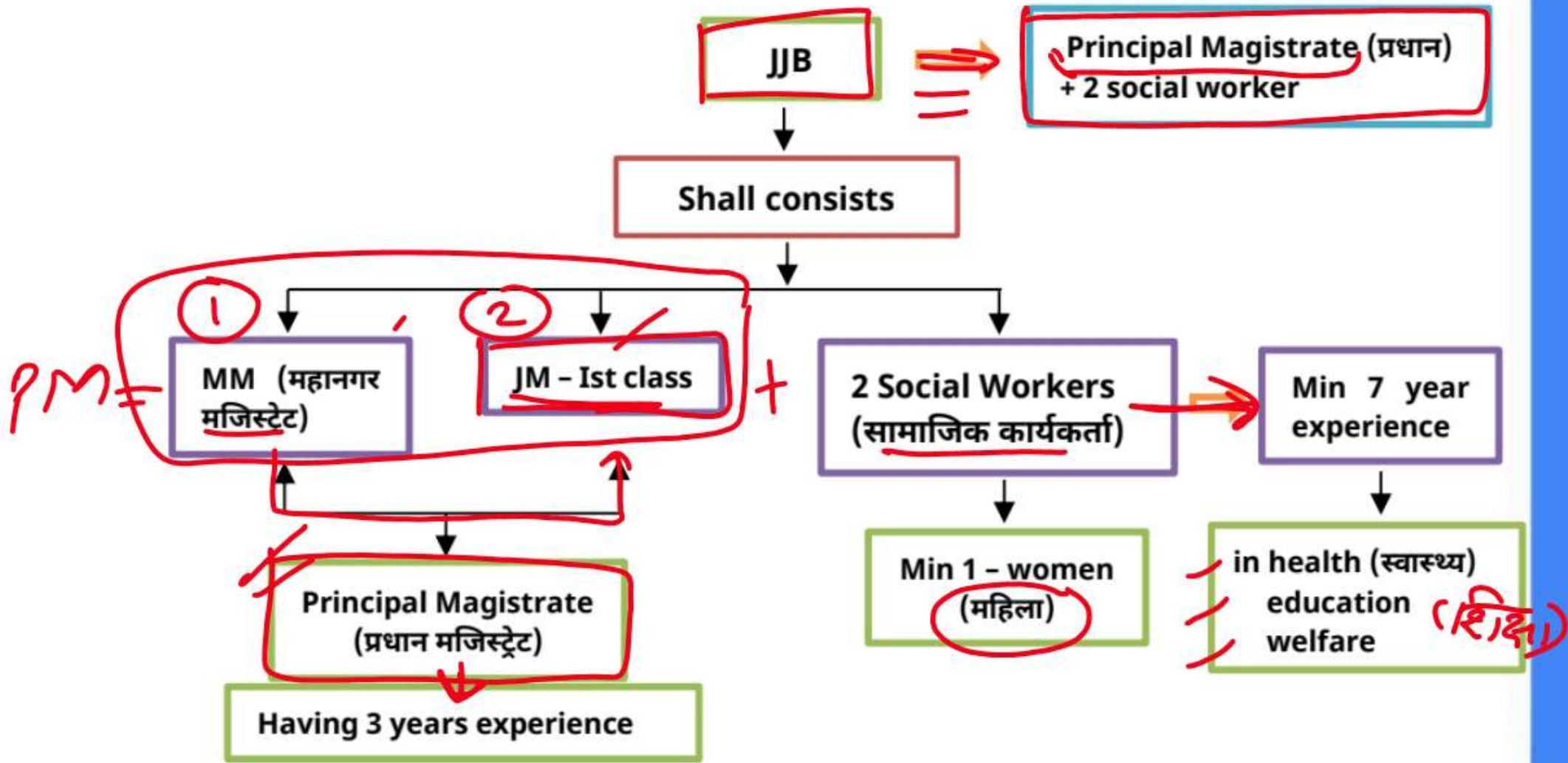


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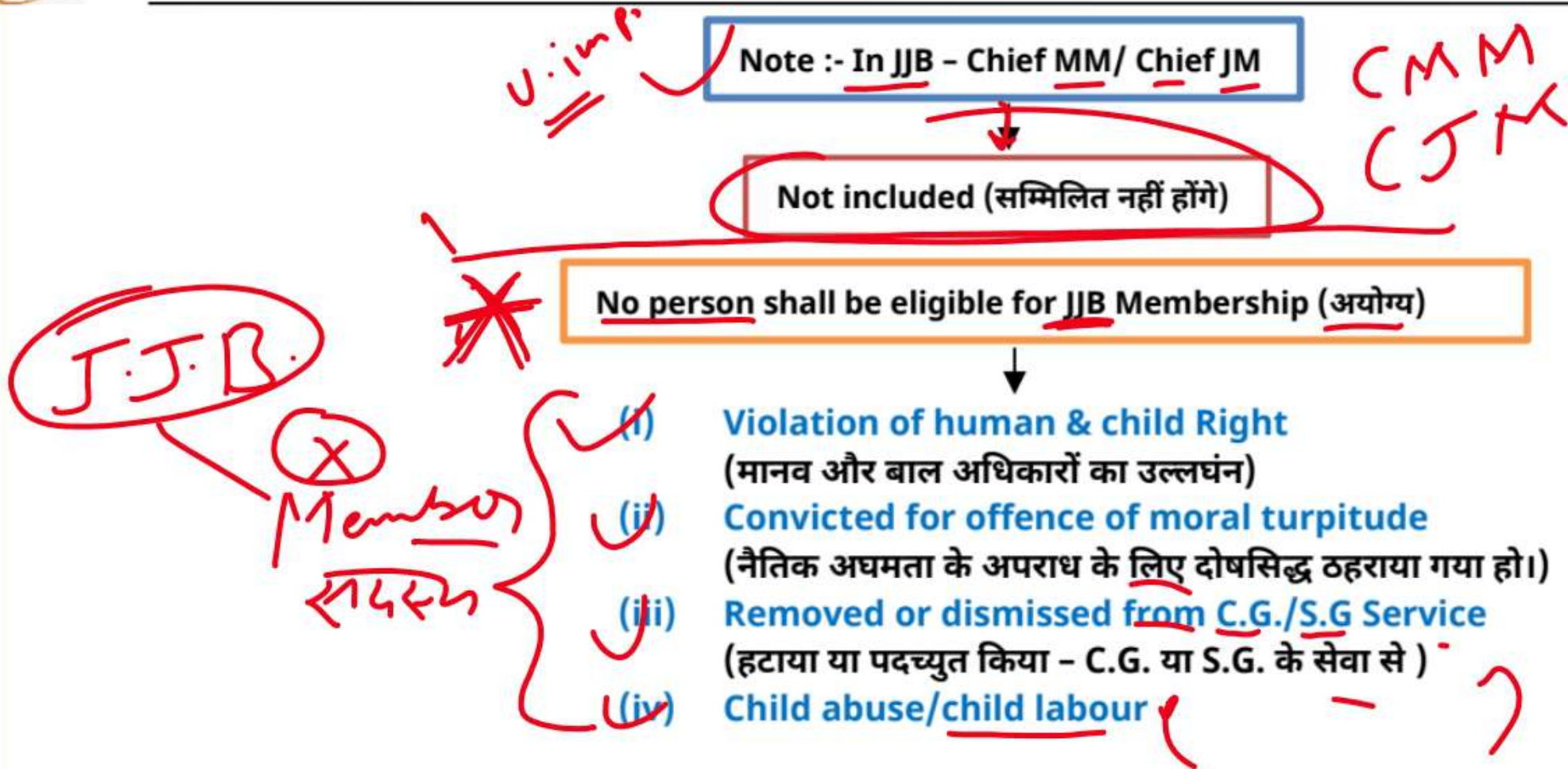


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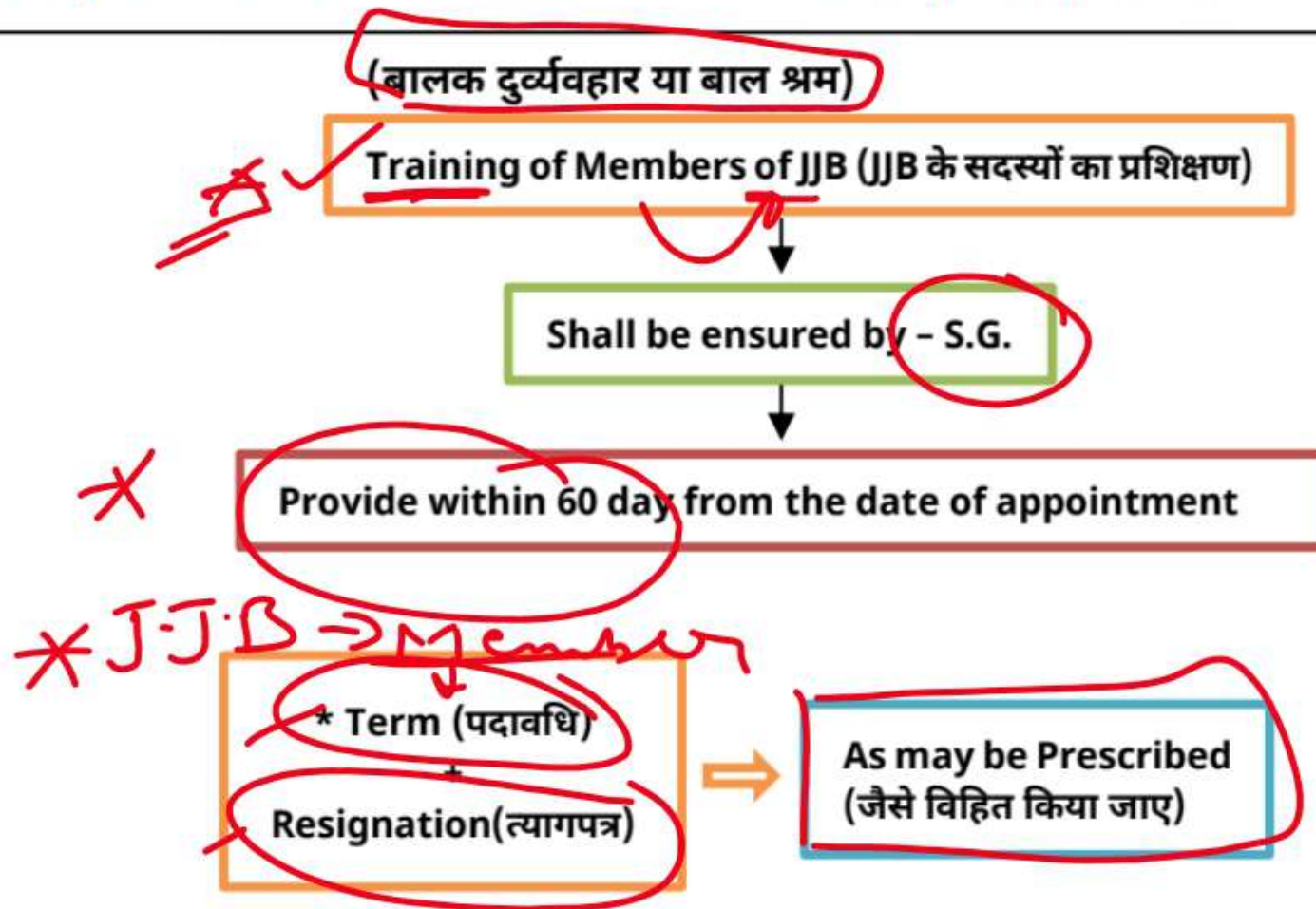


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Termination (समापन) by - SG

Grounds (आधार)-

1. Misuse of Power (शक्ति का दुरुपयोग)
2. Not attend continuously 3 months board Proceeding
(बोर्ड की कार्यवाहियों में लगातार तीन मास तक भाग लेने में असफल रहता है)
3. Fails to attend sining - Minimum 3/4th in a year (min 75% attendance mandatory)
4. ineligible as a Member (अपात्र)

2021

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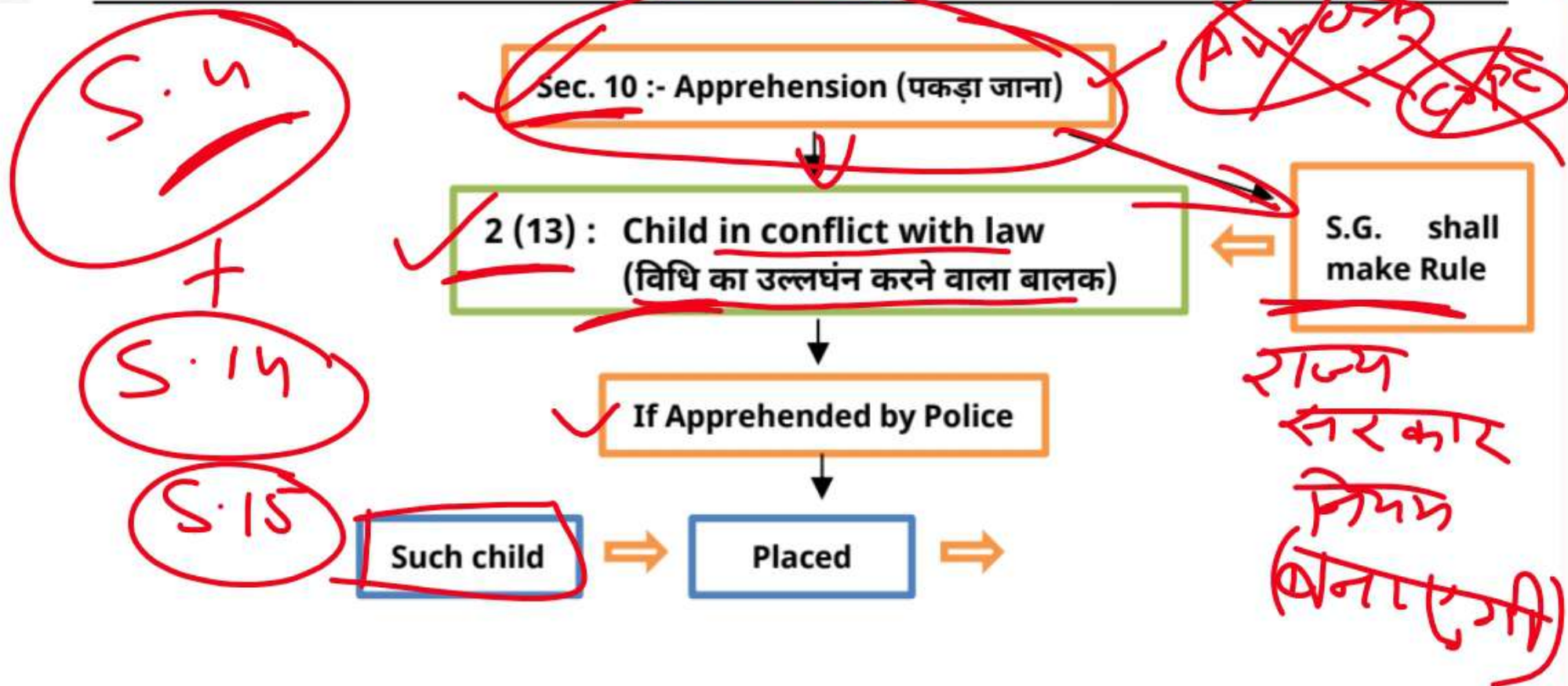


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Pre + Mains
Sec. 4
+ Sec. 14
15
← S-10
Pre + Mains



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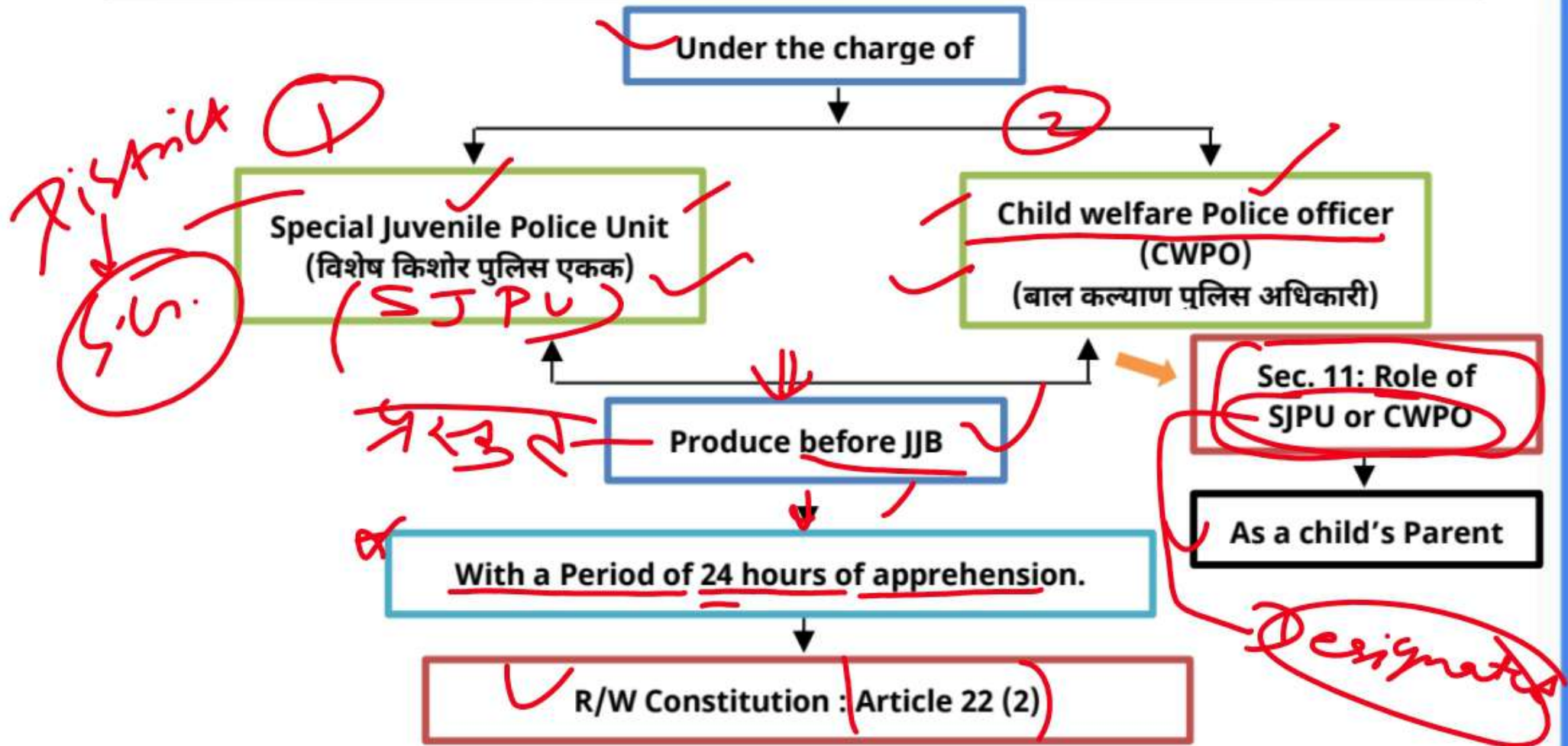


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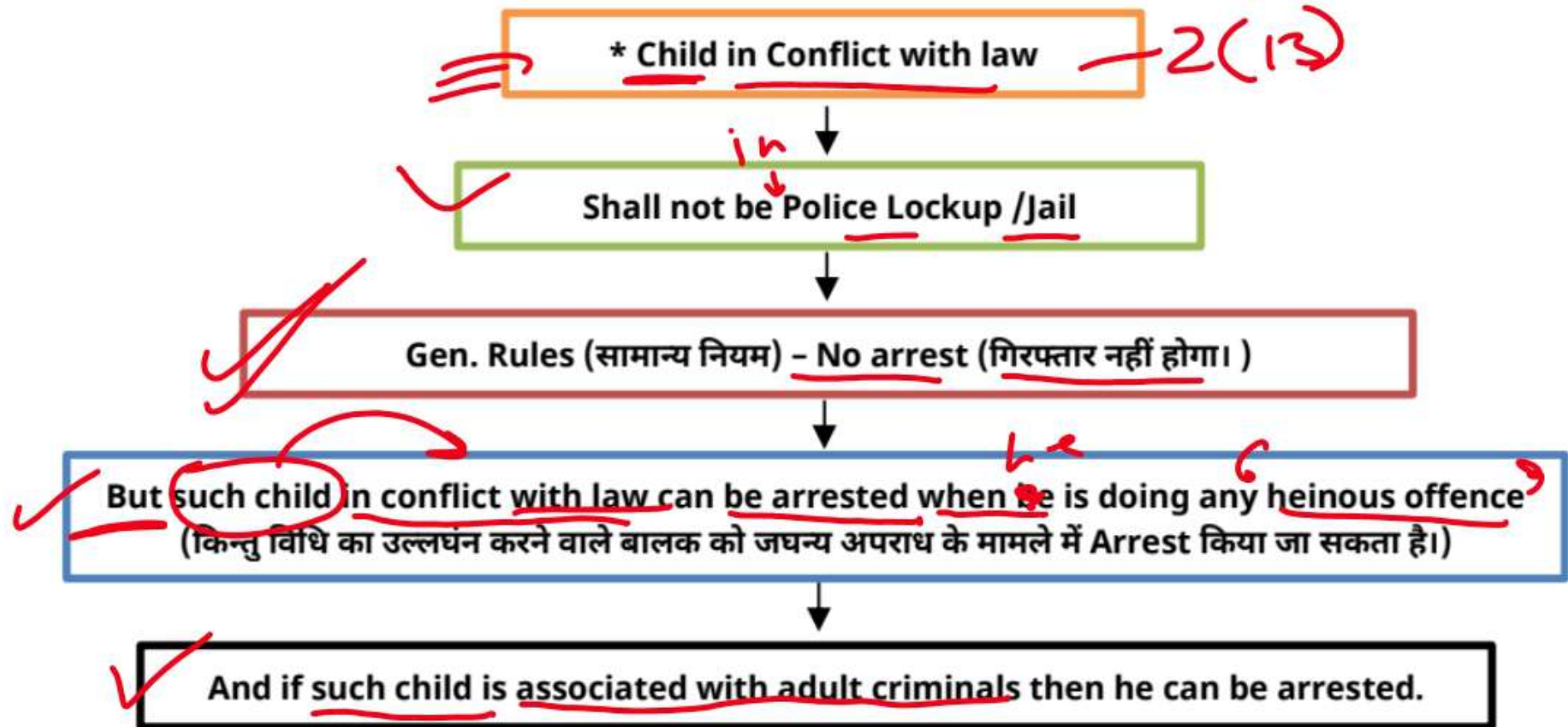


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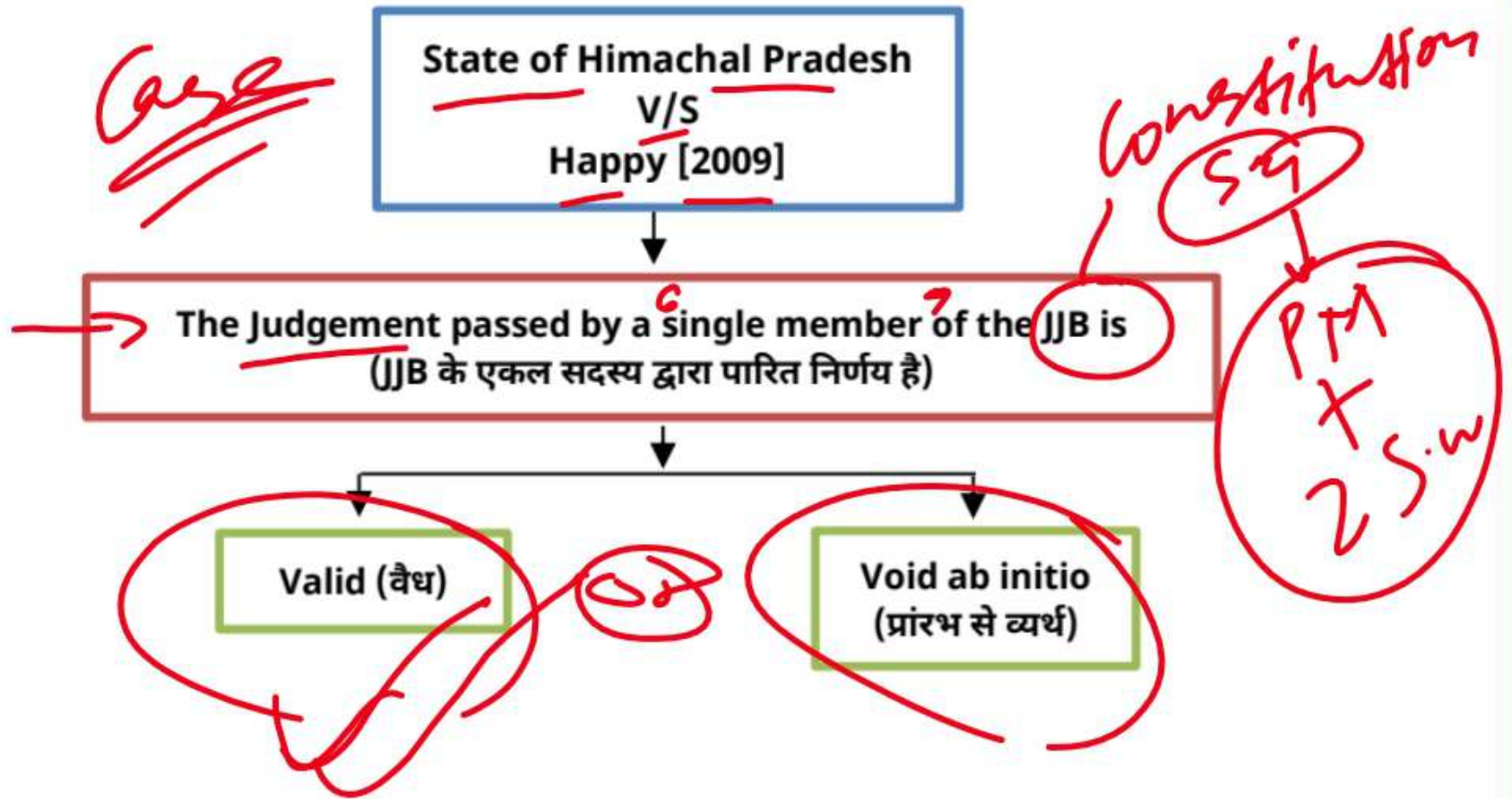


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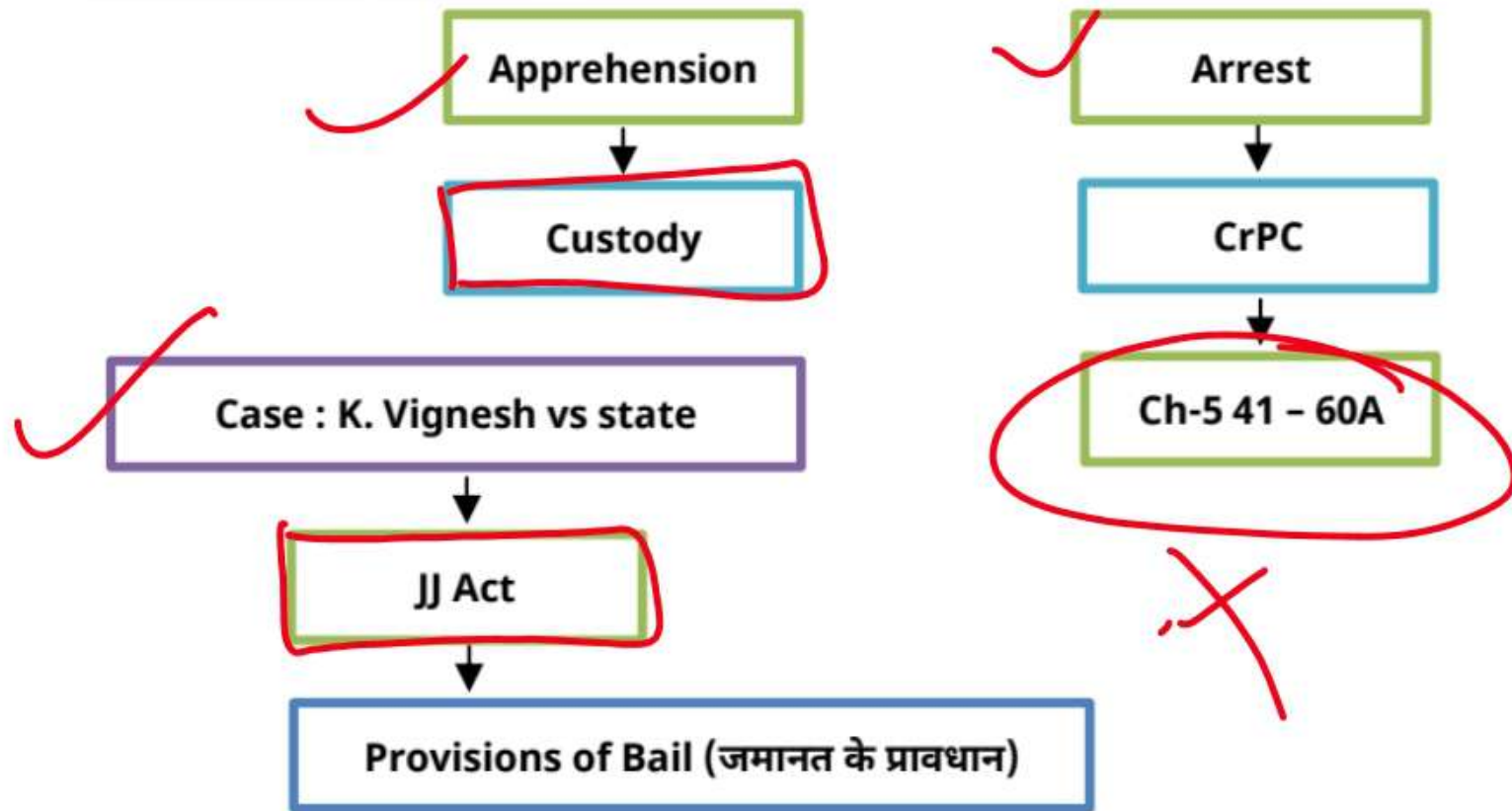
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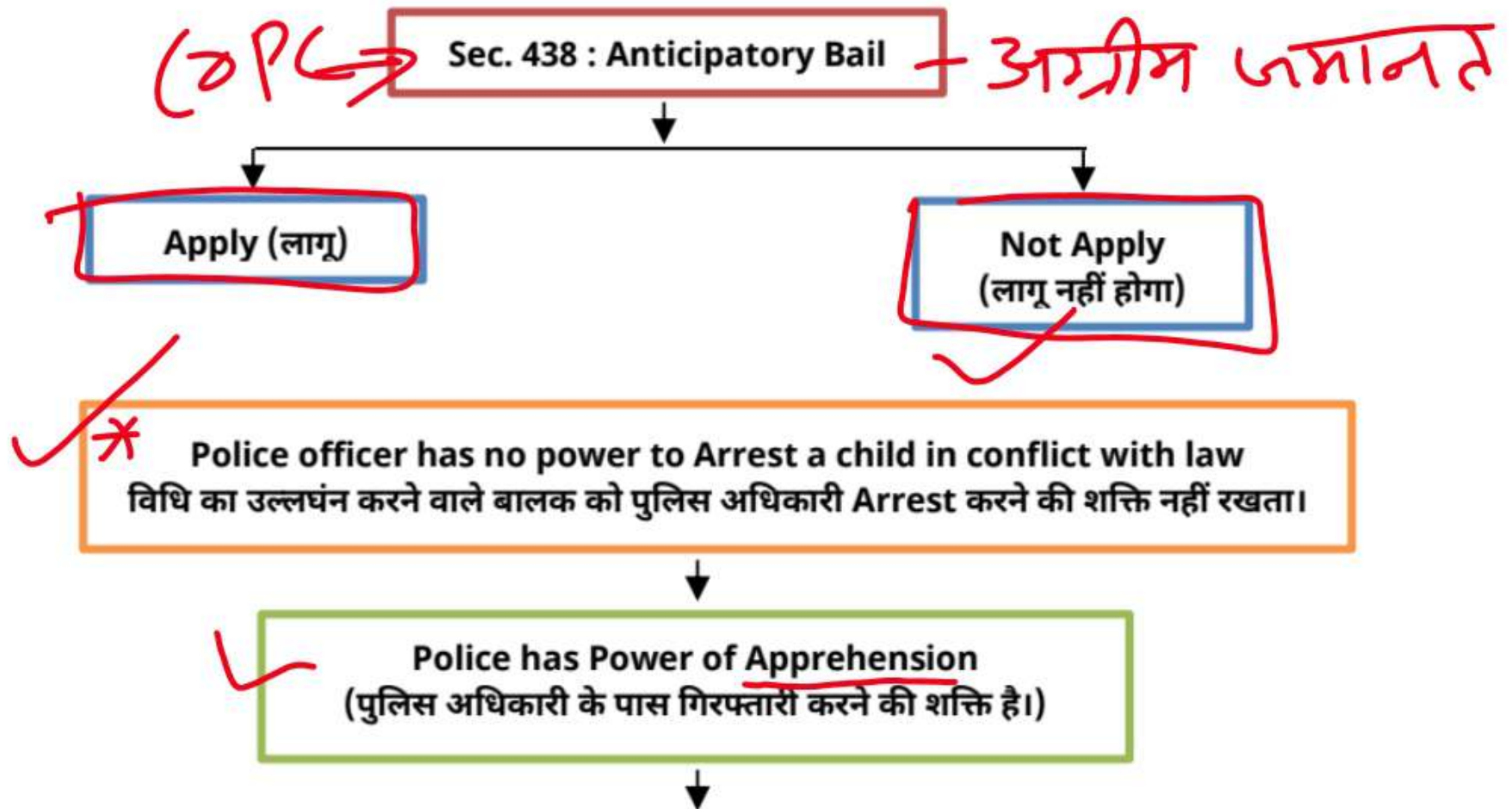


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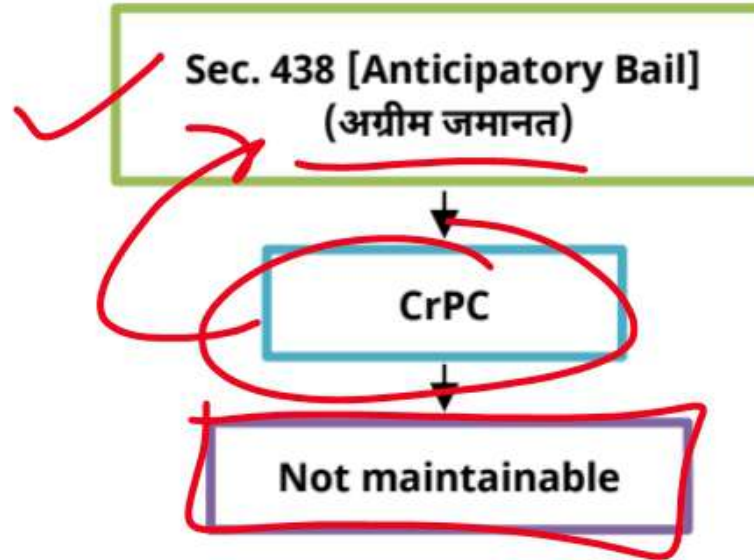
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S. 4
10
+
R/W
S. 14
/ 15

✓ Sec. 14 Inquiry by JJB (JJB द्वारा जाँच)

✓ Of a child in conflict with law (विधि का उल्लंघन करने वाले बालक का)

Pass orders u/s 17 & 18
(धारा 17 और 18 के अधीन आदेश पारित करेगा)

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$$5.4 + 10 + 14 + 15$$



order 17 | 18

$$= 27$$

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SSB
✓
Completion of Inquiry (जाँच पूरी की जाएगी)

Pre
Within 4 months from the date of production before JJB
(JJB के समझ पेश किए जाने के 4 माह के अन्दर)

✓
JJB can extend the period for further Max 2 month after recording the reasons in writing.

(लिखित में कारण लेखबद्ध करने के बाद JJB 2 और अधिकतम मास के लिए विस्तारित कर सकता है)

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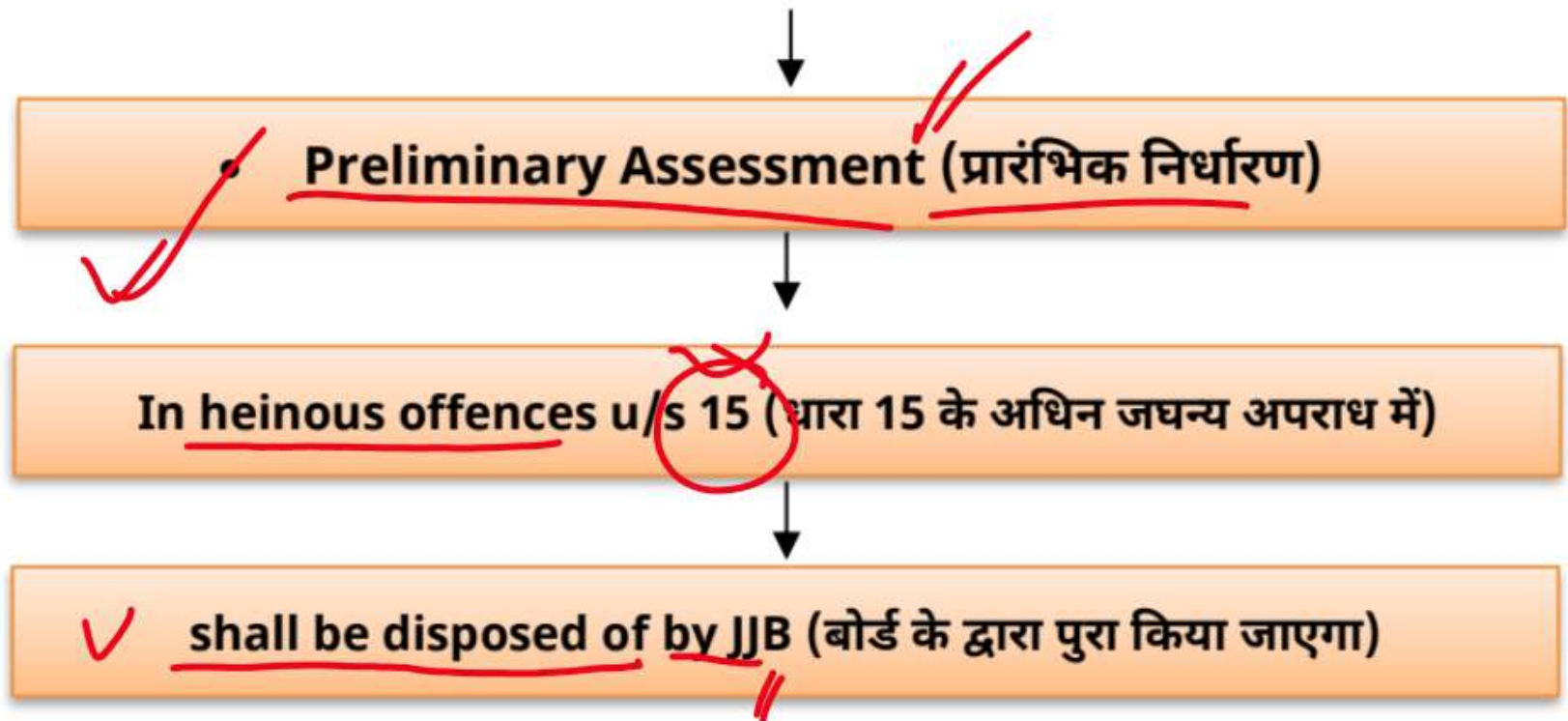


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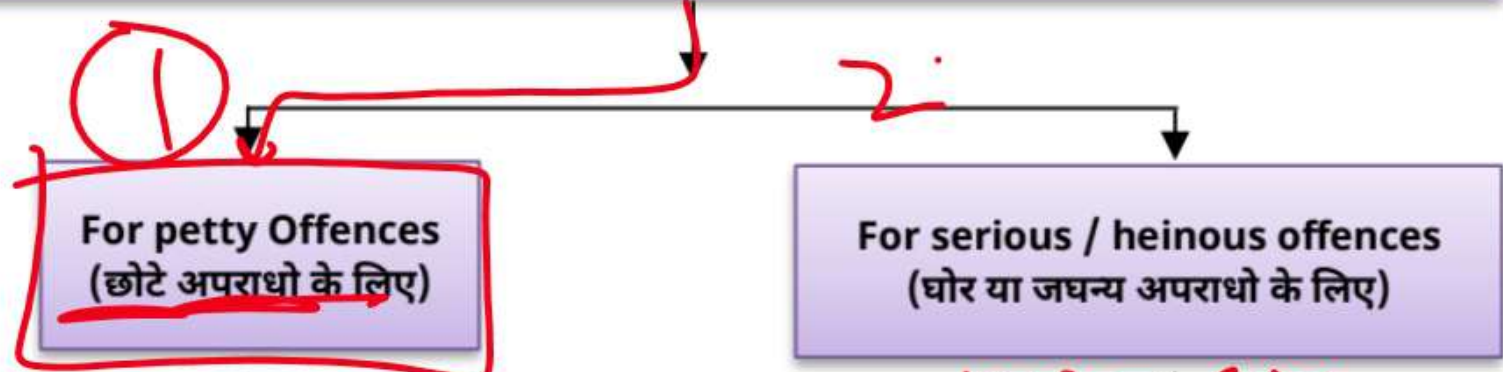


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Part 2 = 6M → After
25 months

✓ • Inquiry after extended period (विस्तारित अवधि के बाद जाँच)



✓
Proceeding shall terminated
(कार्यवाहियां समाप्त हो जाएगी)

Part 2 = 6M

✓
If JJB requires further extension
of time (यदि JJB समय और बढ़ाने की
अपेक्षा करता है)

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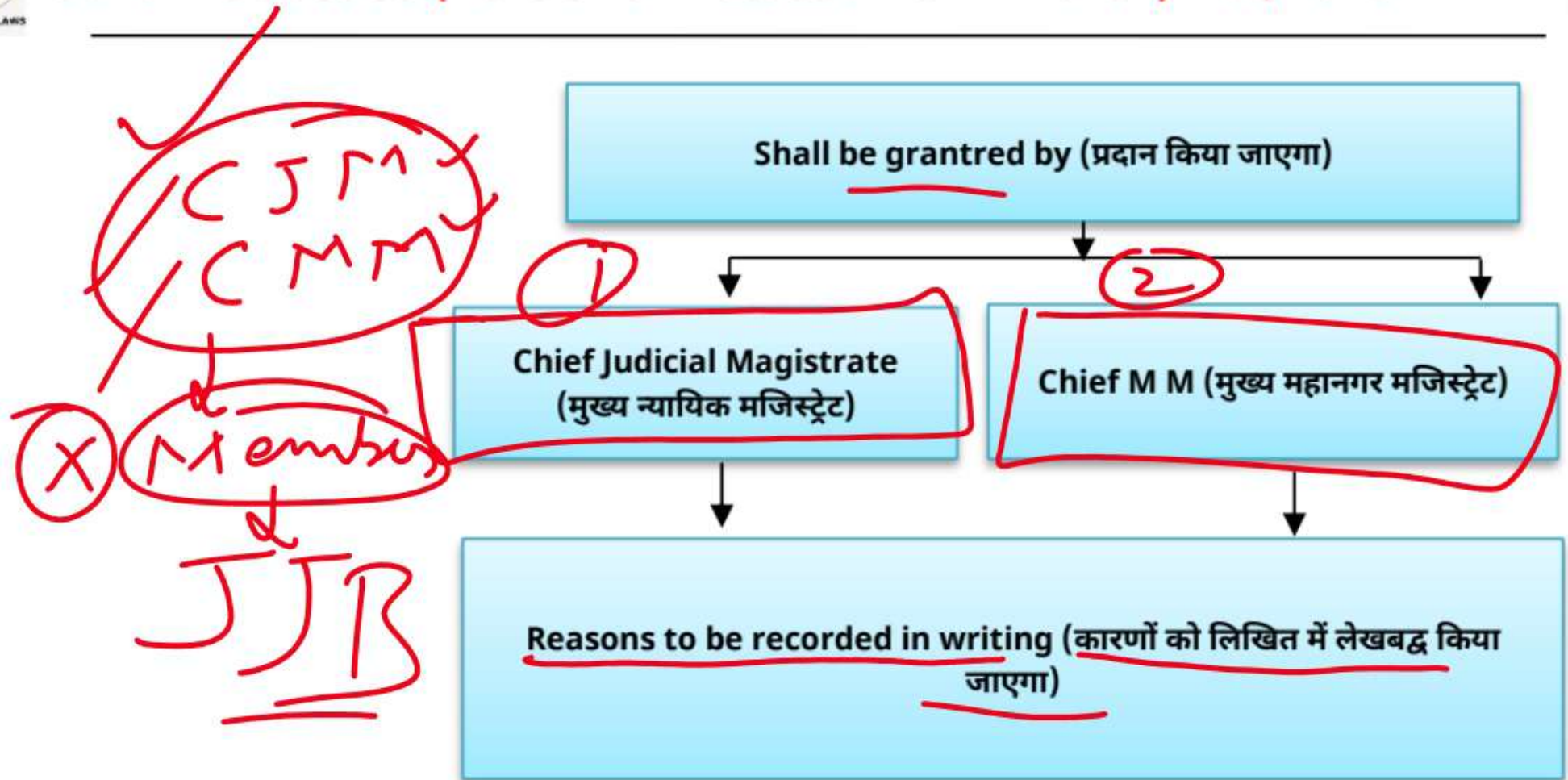


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✓ * JJB shall take steps (JJB उपाय करेगा)



✓ 1. No ill-treatment with child

(बालको के साथ दुर्व्यवहार न किया जाए)

✓ 2. Proceedings conducted in simple manner
(कार्यवाही साधारण रीति से की जाए)

✓ 3. To give child-friendly atmosphere

(बाल हितैषी वातावरण दिया जाए)

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4. To give child the opportunity of being heard (सुनवाई का अवसर बालक को दिया जाए)

Summon
Proceedings

①
✓ Disposal of petty offences by JJB
(छोटे अपराधो का बोर्ड द्वारा निपटारा)

✓ Through Summary proceedings (crpc)
[संक्षिप्त कार्यवाही के माध्यम]

②
✓ Disposal of inquiry of serious offences by JJB
(जेजेबी द्वारा घोर अपराधो की जांच का निपटारा)

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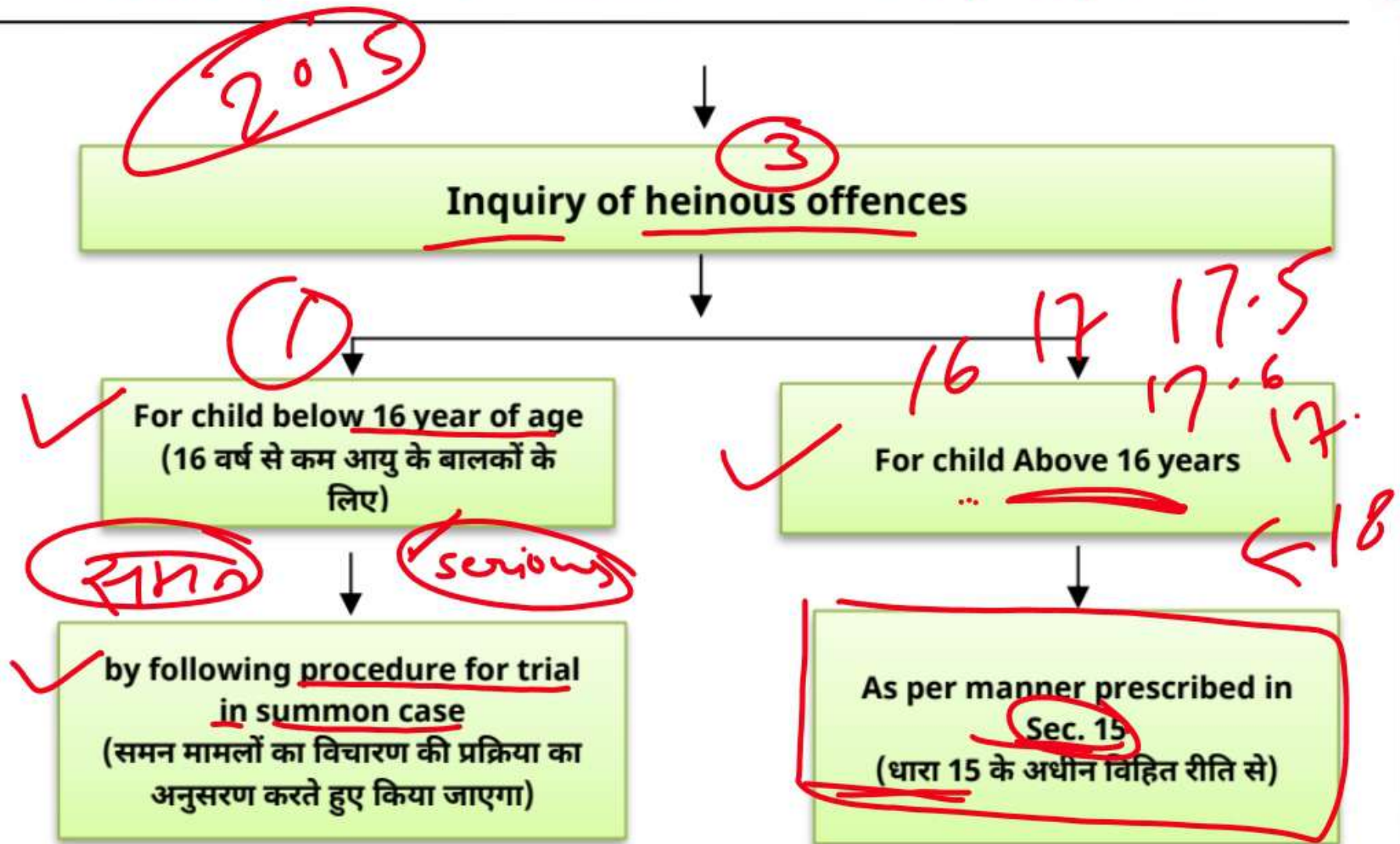


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↓

Sec. 15: JJB shall conduct Preliminary Assessment into heinous offence
(JJB द्वारा जघन्य अपराधों में प्रारंभिक निर्धारण किया जाएगा)

↓

With regard to

- ↓
1. Mental & physical capacity of child
(बालक के मानसिक और शारीरिक क्षमता)
 2. ability to understand consequence of offence
(अपराध के परिणामों को समझने की योग्यता)

↓

then pass order u/s 18(3)

↓

For the trial of Child as an adult transfer the case to children's Court
(बालक का वयस्क के रूप में विचारण करना और मामले को बालक न्यायालय को अंतरित करना)

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Achawal

✓ Case: Achawal & ors. v/s state of Assam and Ors.



✓ Preliminary Assessment is Not a Trial
(प्रारंभिक निर्धारण कोई विचारण नहीं है)

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4, 10, 14, 15
18(3)
19
21

✓ Sec.19: Power of Childrens Court²⁽²⁰⁾
(बालक न्यायालय की शक्तियां)

After Preliminary Assessment u/s 15
(धारा 15 के अधीन प्रारंभिक निर्धारण के बाद)

✓ 1. Children's Court dicide that there is need for Trial of child as an Adult ✓
(बालक न्यायालय यह विनिश्चय करेगा कि बालक का वयस्क के रूप में विचारण करना की आवश्यकता है)

✓ 2. No Need for Trail of child as an adult ✓

✓ And pass appropriate order ✓
(समुचित आदेश पारित करे)

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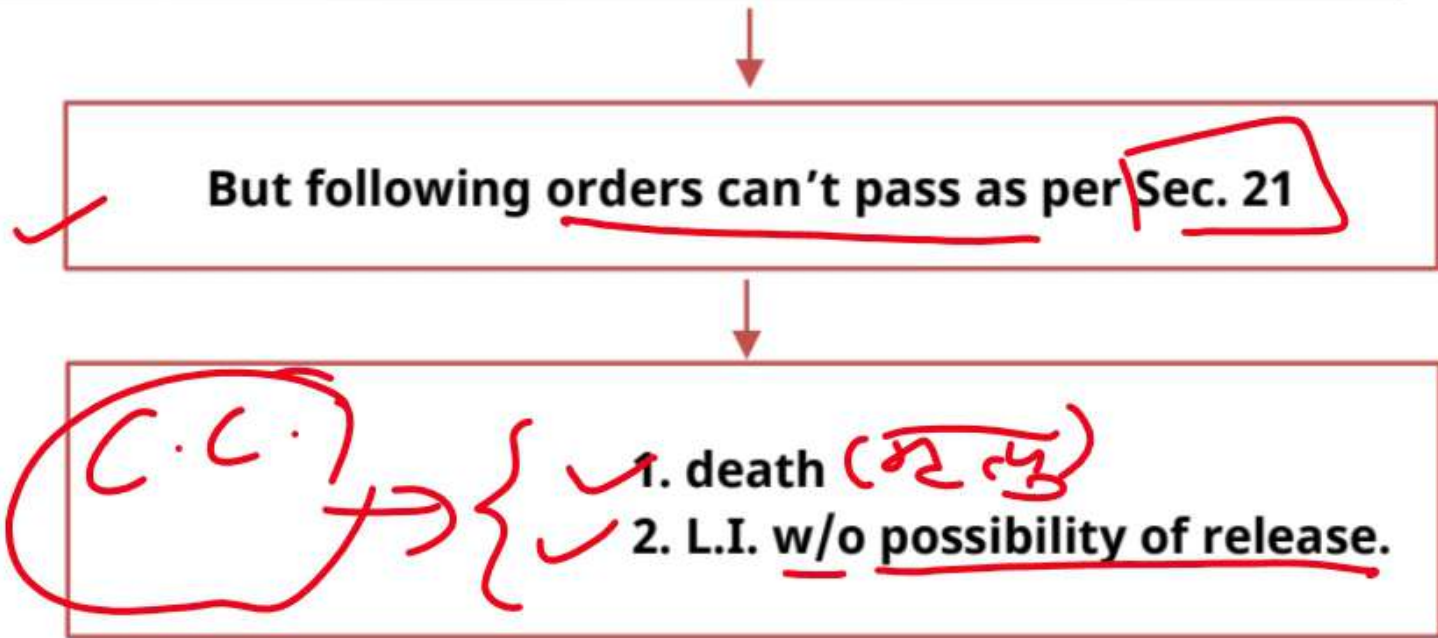


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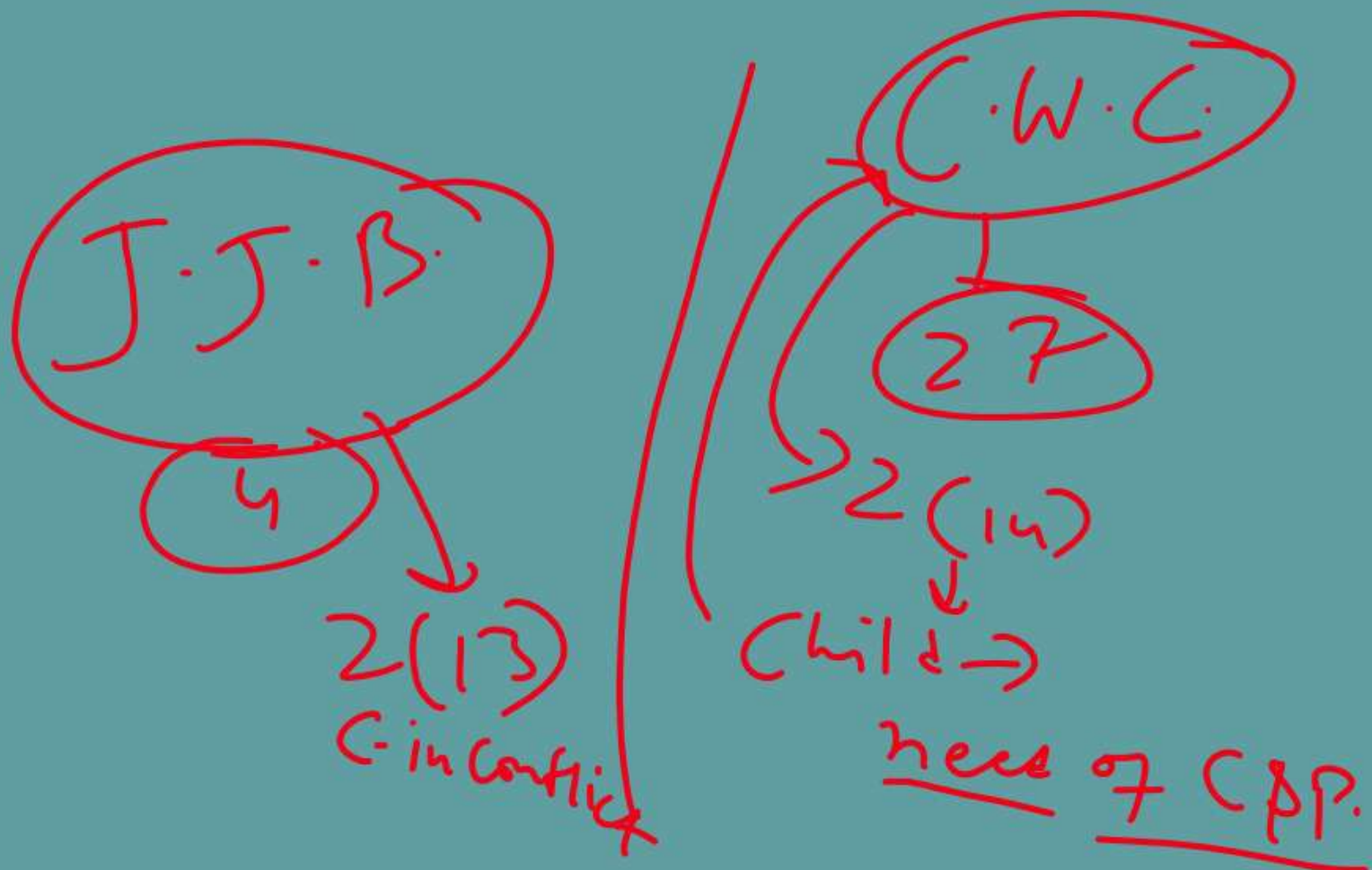
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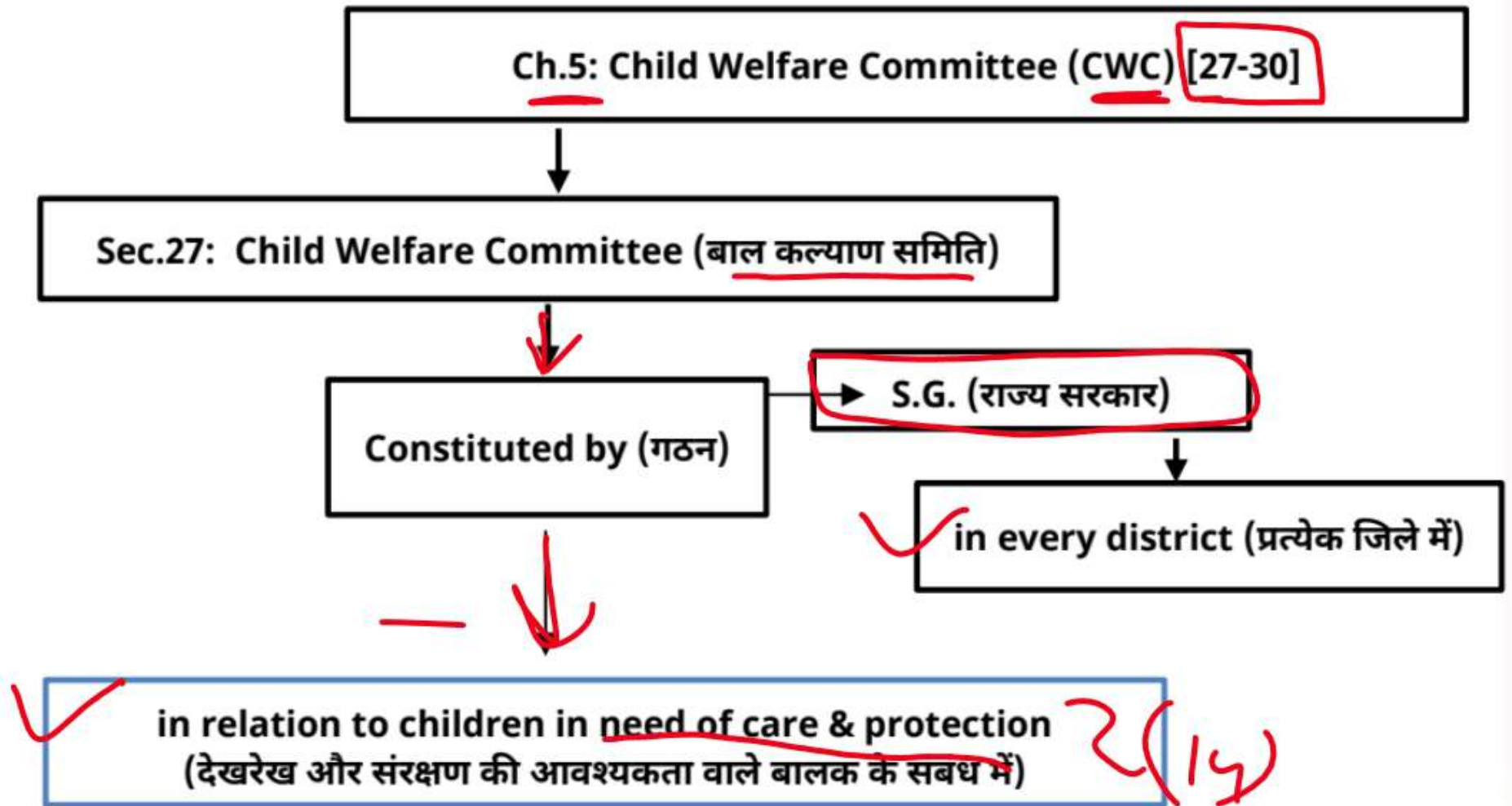


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(cwc यह सुनिश्चित करेगी कि इसके सभी सदस्यों के अधिष्ठापन प्रशिक्षण और संवेदनशील की अधिसूचना की तारीख से 2 महीने के भीतर व्यवस्था हो)

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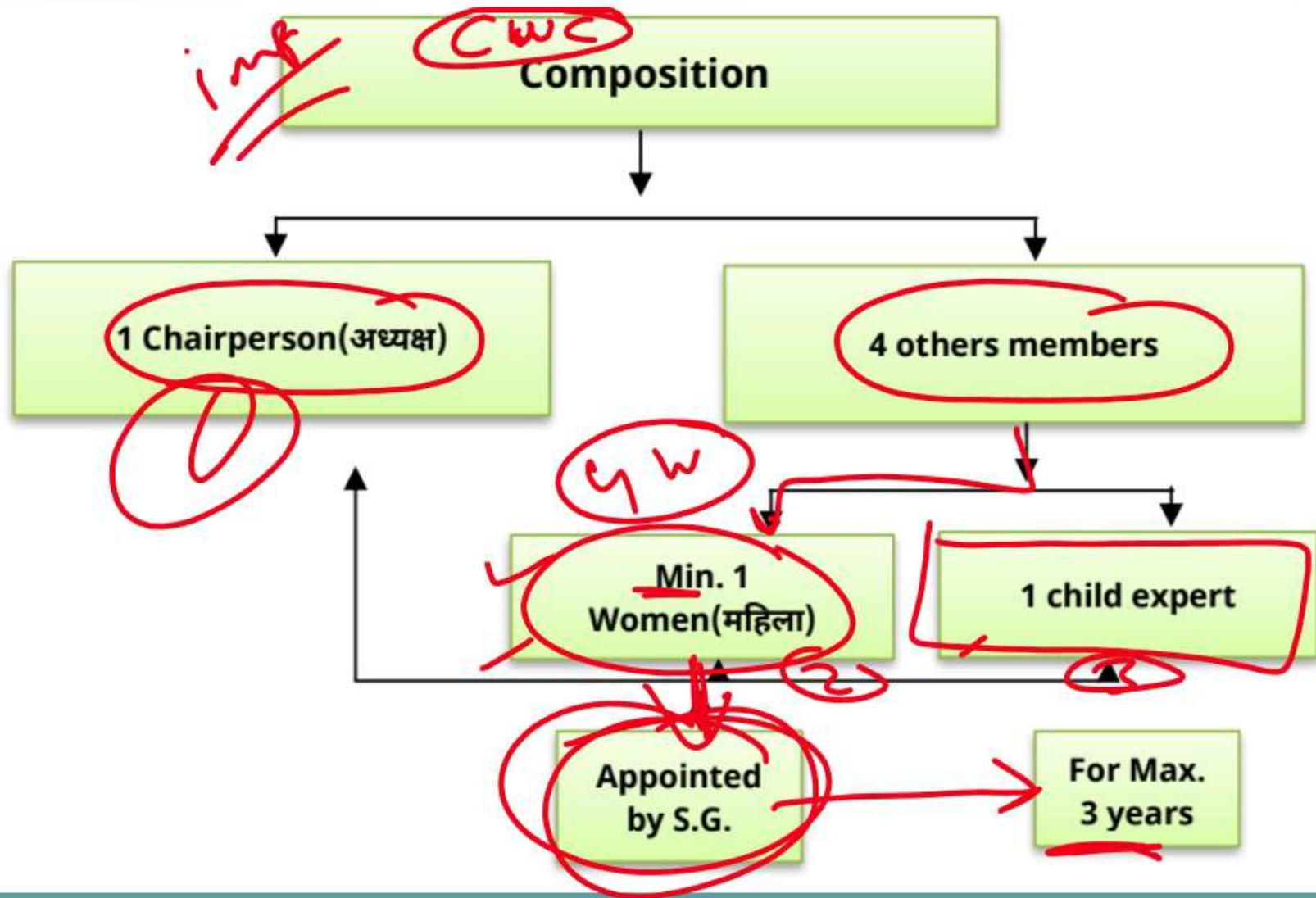


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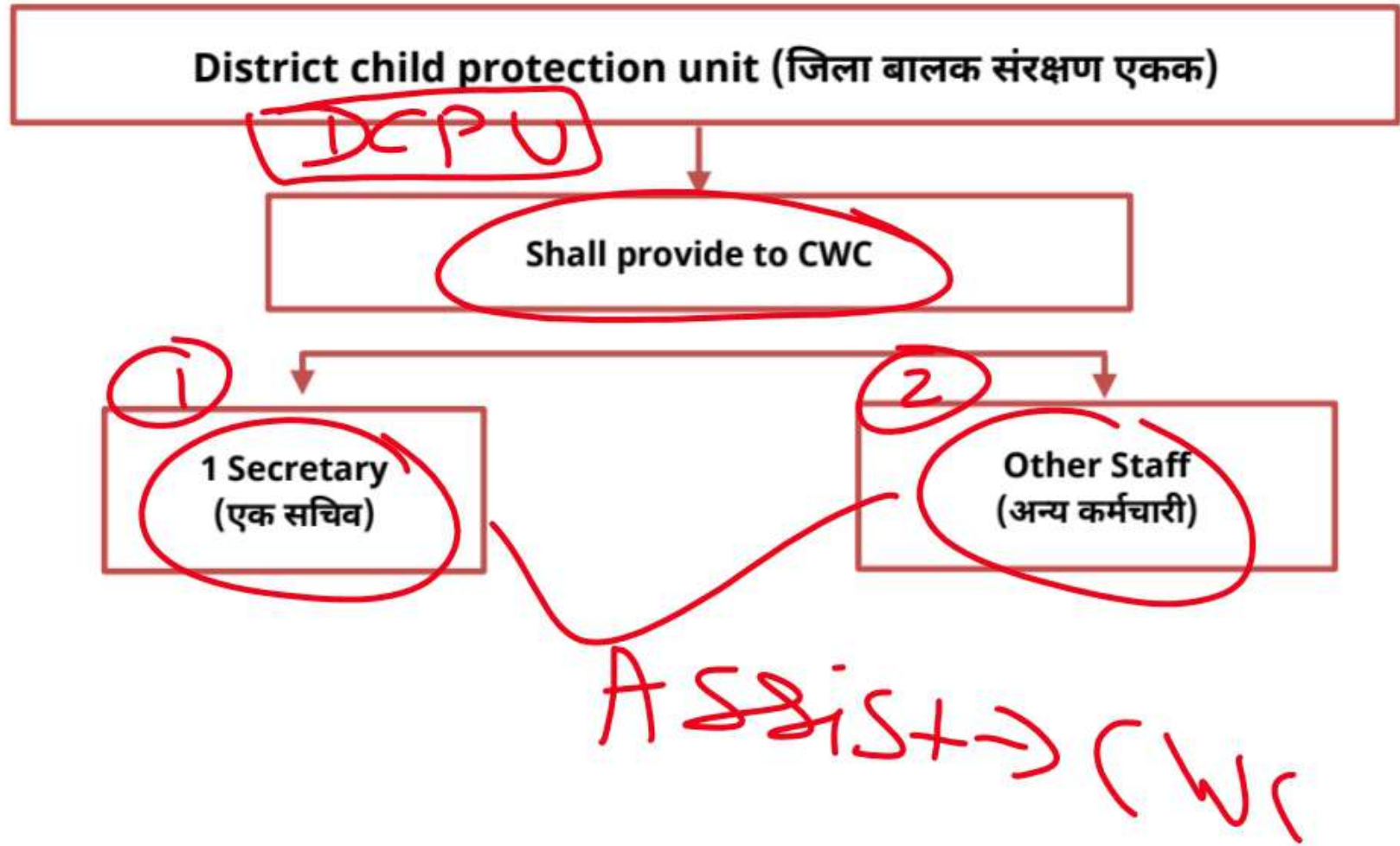


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Qualification to become Member of CWC

1. Min. 7 years experience in health (स्वास्थ्य) education, (शिक्षा) welfare activities (कल्याण संबंधि कार्यकलापों) relating to children
2. **Practicing Professional with degree in (डिग्री के साथ व्यावसायत व्यवसायी)**

Child psychology (बाल मनोविज्ञान)

Psychiatry (मनोरोग विज्ञान)

Law (विधि)

Social work (सामाजिक कार्य)

Sociology (समाज शास्त्र)

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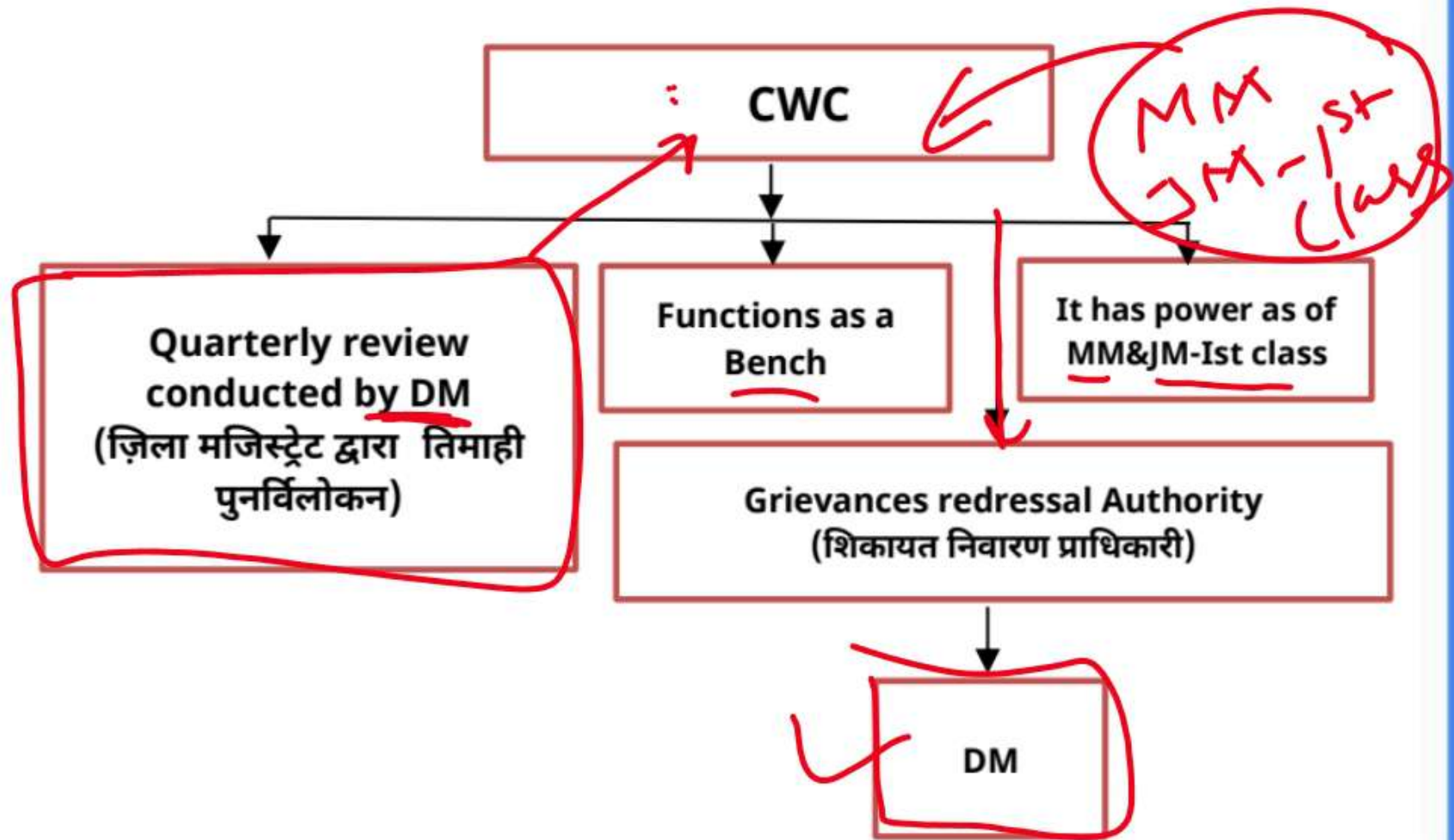


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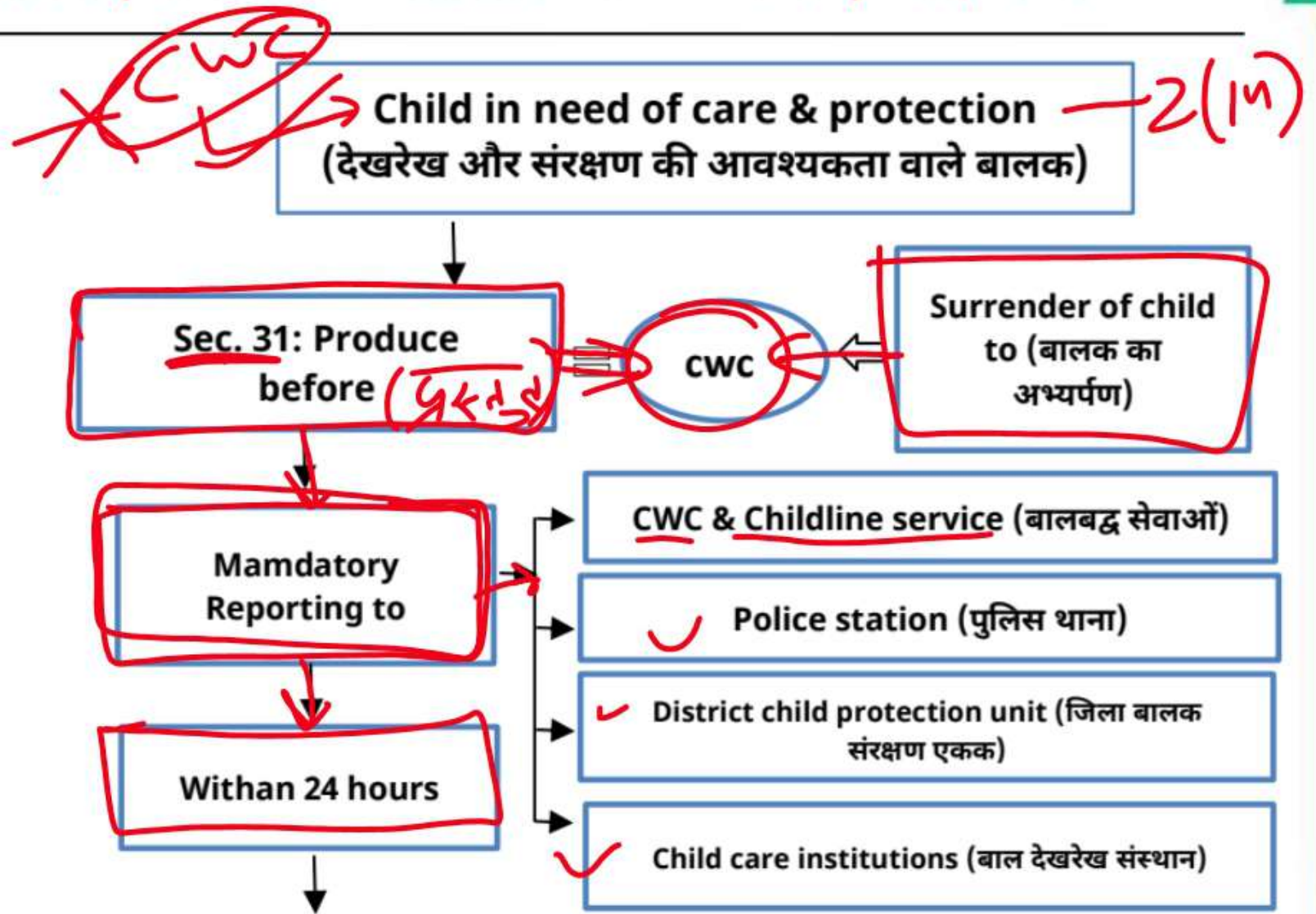


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3 months



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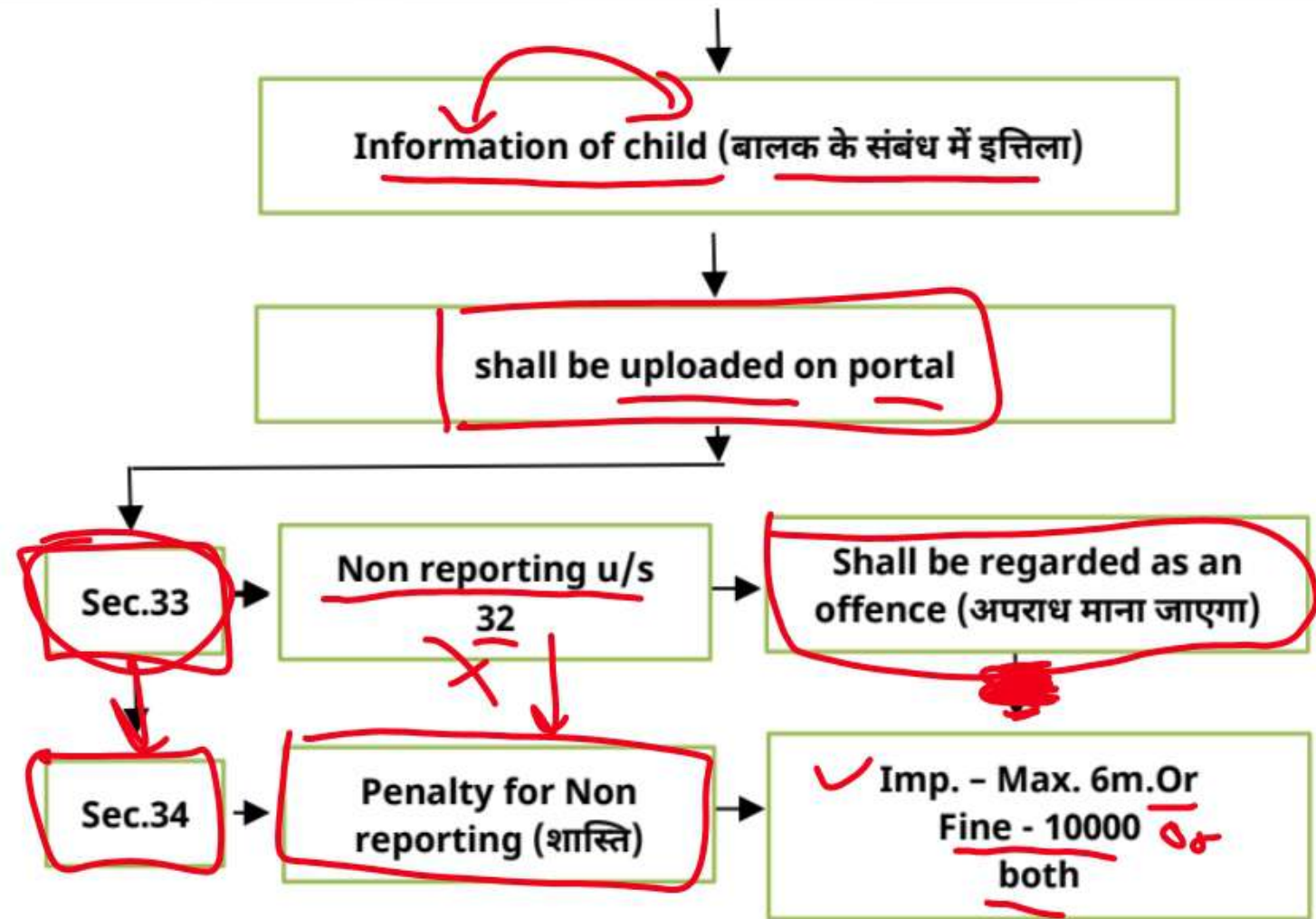


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Juvenile Justice (Care and Protection of Children) Act, 2015

Previous year questions

Juvenile in conflict with law (2013)

↓

2(13) of JJ Act, 2015

Ans → J.J.B. (Juvenile Justice Board)

Questions → Appeal

Meo.

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Q

Discuss the provisions relating to rehabilitation & social re-integration of children under JJ Act 2015 (2016)



Ans. Sec.39

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What do "heinous offences" means (2016)

↓
बर्बरता का अपराध

Ans. Sec. 2(33) of JJ Act 2015

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Q.

Discuss the provision relating to "bail of juvenile" under JJ Act, 2015 (2015)

↓
Ans. Sec. 12

+ Case laws

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What procedure is to be followed when claim of juvenility is raised before any court?

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1. किशोर न्याय बोर्ड का प्रधान दंडनायक कौन होगा?
Juvenile Justice Board shall consist of which category of Magistrate ?

JJB

- (a) मुख्य न्यायिक दंडनायक / Chief Judicial Magistrate
- (b) महानगर दंडनायक अथवा प्रथम श्रेणी न्यायिक दंड नायक न्यूनतम तीन वर्ष के अनुभव सहित / Metropolitan Magistrate or Judicial Magistrate of First Class with at least three years experience
- (c) प्रथम श्रेणी न्यायिक दंडनायक अथवा न्यूनतम पांच वर्ष अनुभव सहित द्वितीय श्रेणी न्यायिक दंड नायक / Judicial Magistrate of the First Class or of the Second Class with at least five years experience
- (d) वरिष्ठतम कार्यकारी दंडनायक / Senior most Executive Magistrate

PM → MM / JMF (→ 3yr)

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2. पीठ गठन के लिए किशोर न्याय बोर्ड से मिलाकार कर बनेगा
For forming a Bench, the Juvenile Justice Board shall consist of

(a) महानगर दंडनायक अथवा प्रथम श्रेणी न्यायिक दंडनायक (मुख्य न्यायिक दंडनायक मुख्य महानगर का के रूप में नहीं) कम से कम सात वर्ष अनुभव सहित / A Metropolitan Magistrate or a Judicial Magistrate of First Class (not being Chief Metropolitan or Chief Judicial Magistrate) with at least three years experience

(b) दो सामाजिक कार्यकर्ता जिनका चयन विहित तरीके में हुआ हो जिनमें से कम से कम एक महिला हो। / Two social workers selected in such manner as may be prescribed, of whom at least one shall be a woman

(c) दोनों (a) एवं (b) / Both (a) and (b)

(d) या तो (a) अथवा (b) / Either (a) or (b)

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3. प्रधान दंड नायक के अतिरिक्त बोर्ड के किसी सदस्य की नियुक्ति को राज्य सरकार की ओर से जांच के बाद समाप्त किया जा सकेगा यदि वह-

The appointment of any member of the Juvenile Justice Board, except the Principal Magistrate, may be terminated after holding an inquiry by the State Government, if he

(a) किशोर न्याय (बालकों की देखभाल एवं संरक्षण) अधिनियम, 2015 के अधीन निहित शक्तियों का दुरुपयोग करता पाया गया है/Has been found guilty of misuse of power vested under the Juvenile Justice (Care and Protection of Children) Act, 2015

(b) बिना किसी वैध कारण के लगातार तीन माह से बोर्ड की कार्यवाही में उपस्थित नहीं रहा है/Fails to attend the proceedings of the Board consecutively for three months without any valid reason

(c) वर्ष में तीन चौथाई से कम बैठकों में शामिल होने में विफल रहा है / Fails to attend ~~less~~ than three-fourths of the sittings in a year

(d) (a) अथवा (b) अथवा (c) / (a) or (b) or (c)

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Juvenile Justice (Care and Protection of Children) Act, 2015

4. किशोर न्याय (बालकों की देखभाल एवं संरक्षण) अधिनियम, 2015 के अधीन किसी बालक के बारे में जहां कोई जांच शुरू की गई है, और उस जांच के दौरान बालक की आयु अठारह वर्ष पूर्ण हो जाती है, तब, जांच..... की और से जारी रखी जा सकेगी और उस व्यक्ति के बारे में आदेश पारित किए जा सकेंगे यदि वह व्यक्ति तब भी बालक है।

Where an inquiry has been initiated in respect of any child under the Juvenile Justice (Care and Protection of Children) Act, 2015, and during the course of such inquiry, the child completes the age of eighteen years, then, the inquiry may be continued by the..... and orders may be passed in respect of such person as if such person had continued to be a child.

(a) मुख्य न्यायाधिक दंडनायक अथवा मुख्य महानगर दंड नायक / Chief Judicial Magistrate or Chief Metropolitan Magistrate

(b) किशोर न्याय बोर्ड / Juvenile Justice Board

(c) बाल न्यायालय / Children's Court (d) सत्र न्यायालय / Sessions Court

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5. ✓
4 ✓
M ✓
↓
2 ✓
1 ✓
1 ✓

किशोर न्याय बोर्ड की ओर से अवधि विस्तार के बाद भी यदि गौण अपराध की जांच निष्कर्ष रहित बनी रहती है तो कार्यवाही की स्थिति होगी -

If an inquiry by the Juvenile Justice Board for petty offences remain inconclusive even after the extended period, the proceeding shall stand-

- (a) समापन / Terminated
- (b) समीक्षा / Reviewed
- (c) दो माह के लिए और विस्तार / Further extended for two months
- (d) उपरोक्त में से कोई नहीं / None of the above

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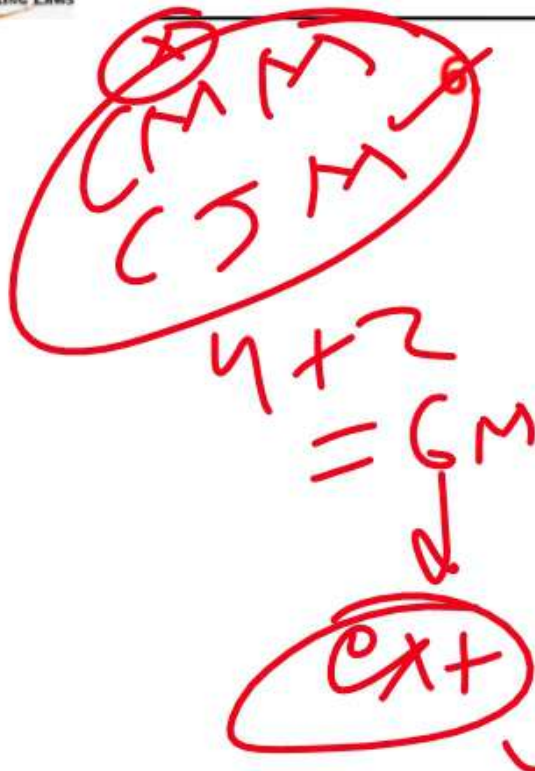


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किशोर न्याय बोर्ड यदि गंभीर अथवा जघन्य अपराध के लिए जांच की पूर्णता के समय का और विस्तार चाहता है, तो किसकी ओर से वह विस्तार अनुदत्त होगा।

If for serious or heinous offences the Juvenile Justice Board requires further extension of time for completion of the inquiry, then by whom such extension shall be granted?

- (a) सत्र न्यायालय / Sessions Court
- (b) बाल न्यायालय / Children's Court
- (c) मुख्य न्यायिक दंड नायक अथवा मुख्य महानगर दंड नायक / Chief Judicial Magistrate or Chief Metropolitan Magistrate
- (d) उच्च न्यायालय / High Court

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✓ 7. किसकी ओर से गौण प्रकरणों का निस्तारण होगा?

By whom petty cases shall be disposed of?

- ✓ (a) किशोर न्याय बोर्ड / Juvenile Justice Board
- (b) बाल न्यायालय / Children's Court
- (c) प्रथम श्रेणी न्यायिक दंडनायक / Judicial Magistrate of the First Class
- (d) द्वितीय श्रेणी न्यायिक दंडनायक / Judicial Magistrate of the Second Class

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8. किशोर न्याय बोर्ड की ओर से आपराधिक प्रक्रिया संहिता, 1973 से विहित प्रक्रिया के दृष्टिगत गौण प्रकरणों के निस्तारणार्थ क्या प्रक्रिया अपनाई जाएगी?
What procedure shall be adopted by the Juvenile Justice Board to dispose of the petty cases keeping in view the procedure prescribed by the Code of Criminal Procedure, 1973?

- (a) संक्षिप्त कार्यवाही के विचारण के लिए प्रक्रिया / Procedure for trial of summary proceedings
- (b) सम्पत्ती प्रकरणों के विचारण के लिए प्रक्रिया/ Procedure for trial of summons cases
- (c) वारंट प्रकरणों के विचारण के लिए प्रक्रिया/ Procedure for trial of warrant cases
- (d) सत्रीय प्रकरणों के विचारण के लिए प्रक्रिया/ Procedure for trial of sessions cases

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9. ✓

किशोर न्याय बोर्ड की ओर से आपराधिक प्रक्रिया संहिता, 1973 से विहित प्रक्रिया के दृष्टिगत गंभीर अपराधों के निस्तारणार्थ क्या प्रक्रिया अपनाई जाएगी?
For inquiry of serious offences by the Juvenile Justice Board what procedure shall be adopted by it keeping in view the provisions of the Code of Criminal Procedure, 1973?

- (a) संक्षिप्त कार्यवाही के विचारण के लिए प्रक्रिया/ Procedure for trial of summary proceedings
- (b) सम्पत्ती प्रकरणों के विचारण के लिए प्रक्रिया/ Procedure for trial of summons cases
- (c) वारंट प्रकरणों के विचारण के लिए प्रक्रिया/ Procedure for trial of warrant cases
- (d) सत्रीय प्रकरणों के लिए प्रक्रिया/ Procedure for trial of sessions cases.

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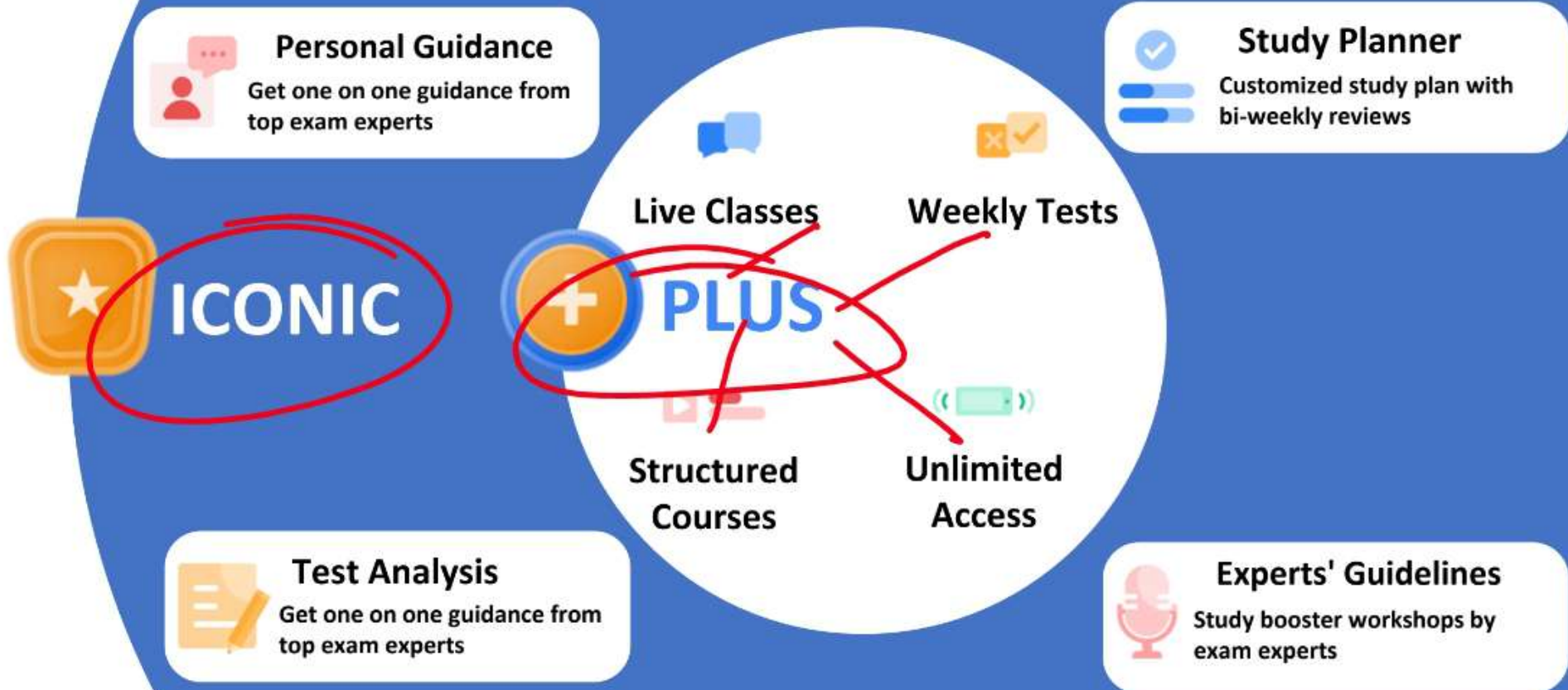
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