

**THE JUVENILE JUSTICE  
(CARE AND PROTECTION OF CHILDREN)ACT, 2015  
&  
TAMIL NADU JUVENILE JUSTICE(CARE AND  
PROTECTION) RULES 2017**

**LAW AND PROCEDURE  
IN THE  
JUVENILE JUSTICE BOARD  
AND  
CHILDREN'S COURT**

**Dr.S.T.Lakshmi Ramesh, M.L.,Ph.D.,  
DISTRICT JUDGE,  
Chairman, Permanent Lok Adalat,  
Tiruppur.**

**PROCEDURE TO BE ADOPTED BY JUVENILE JUSTICE BOARD AND  
CHILDREN'S COURT**

**THE JUVENILE JUSTICE (CARE AND PROTECTION OF  
CHILDREN)ACT, 2015**

**With effect from 1.01.2016**

**TAMIL NADU JUVENILE JUSTICE(CARE AND PROTECTION)RULES 2017**

**With effect from 11.08.2017**

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| 1 | Child Sec.2(12)JJAct  | : | A person who has not completed eighteen years of age.   |
| 2 | Juvenile Sec 2(35)  | : | A child below the age of eighteen years.  |
| 3 | Child in Conflict with Law.<br>(CCL)<br>Sec.2(13)JJ Act 2015    | : | A child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence.   |
| 4 | Petty offences Sec 2(45) JJ<br>Act 2015                         | : | Offences punishable up to three years.  |
| 5 | Serious offences<br>Sec 2(54) JJ Act 2015                       | : | Offences punishable between 3 to 7 yrs.   |
| 6 | Heinous Offence<br>Sec 2(33) JJ Act 2015                        | : | Those Offences for which the minimum punishment is 7 yrs or more.   |
| 7 | Child in need of care and<br>protection(CNCP)<br>Sec.2(14)JJAct | : | <p><b>(i)</b> who is found without any home or settled place of abode and without any ostensible means of subsistence;</p> <p><b>(ii)</b> who is found working in contravention of labour laws, is found begging, or living on the street; or</p> <p><b>(iii)</b> who resides with a person (whether a guardian of the child or not) and such person—</p> <p>(a) has injured, exploited, abused or neglected the child or has violated any other child protection laws.</p> |

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|  | <p>(b) has threatened to kill, injure, exploit or abuse the child and exposed to threat.</p> <p>(c) has killed, abused, neglected or exploited some other child or children and there is a reasonable likelihood of the child in question being killed, abused, exploited or neglected by that person; or</p> <p>(iv) who is mentally ill or mentally or physically challenged or suffering from terminal or incurable disease, having no one to support or look after or having parents or guardians unfit to take care, if found so by the Board or the Committee; or</p> <p>(v) who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated, by the Committee or the Board, to care for and protect the safety and wellbeing of the child; or</p> <p>(vi) who does not have parents and no one is willing to take care of, or whose parents have abandoned or surrendered him; or</p> <p>(vii) who is missing or run away child, or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed; or</p> <p>(viii) who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts; or</p> <p>(ix) who is found vulnerable and is likely to be inducted into drug abuse or trafficking; or</p> <p>(x) who is being or is likely to be abused for unconscionable gains; or</p> <p>(xi) who is victim of or affected by any armed conflict, civil unrest or natural calamity; or</p> <p>(xii) who is at imminent risk of marriage before</p> |
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|    |   | attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnization of such marriage   |
| 8  | Child Welfare Officer (CWO) Sec2(17) :  | An officer attached to a Children's Home, for carrying out the directions given by the Committee or the Board.  |
| 9  | Child Welfare Police Officer (CWPO) Sec 2(18 ) JJ Act 2015 :  | A designated police officer not below the rank of Asst. SubInspector, with aptitude, appropriate training and orientation, to exclusively deal with children either as victims or perpetrators, in co ordination with the police, voluntary and non governmental organizations. Sec 107.  |
| 10 | Special Juvenile Police Unit (SJPU) Sec 2(55)<br>In Tamil Nadu it is referred as (JAPU)<br>Juvenile Aid Police Unit : | A unit of the police force of a district or city or, dealing with children and designated to handle children under Section 107. Such unit shall be constituted in each district and city, headed by a police officer not below the rank of a DSP or above and consisting of all Child Welfare Police Officers of the said District along two social workers having experience of working in the field of child welfare, of whom one shall be a woman. |
| 11 | District Child Protection Unit (DCPU) :   | A unit for a District, established by the State Government to implement the Act.  |
| 12 | Observation Home (OH) :   | A home established and maintained in every district or group of districts by a State Government or NGO for temporary reception, care and rehabilitation of any CCL pending inquiry.   |
| 13 | Special Home :  | A home established for housing and providing rehabilitative services to those CCL's who are found to have committed an offence and who are placed there by the orders of the JJB  |
| 14 | Place of safety Sec.2(46 ) :  | Any place or institution, not being a police lockup or jail, established separately or attached to an observation home or a special home for receiving and taking care of the children alleged  |

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|    |   | or found to be in conflict with law, by an order of the Board or the Children's Court, both during inquiry and rehabilitation after having been found guilty.   |
| 15 | Open Shelter<br>Sec2(41) JJ Act 2015 :    | It is a community based facility for children in need of residential support, on short term basis, to protect them from any sort of abuse.  |
| 16 | Child friendly<br>Sec 2(15) JJ Act 2015 : | means any behavior, conduct, practice, process, attitude, environment or treatment that is humane, considerate and in the best interest of the child.   |
| 17 | Juvenile Justice Board                    | A Board consist of a Metropolitan Magistrate or a Judicial Magistrate of First Class not being Chief Metropolitan Magistrate or Chief Judicial Magistrate with at least three years experience and two social workers of whom at least one shall be a woman, forming a Bench and every such Bench with Magisterial powers conferred by the Code of Criminal Procedure, 1973 to discharging its functions relating to children in conflict with law. |
| 18 | Child Welfare Committee                   | The Committee shall consist of a Chairperson, and four other members as the State Government may think fit to appoint, of whom at least one shall be a woman and another, an expert on the matters concerning children in need of care and protection.  |
| 19 | Children's Court                          | means a court established under the Commissions for Protection of Child Rights Act, 2005 or a Special Court under the Protection of Children from Sexual Offences Act, 2012, wherever existing and where such courts have not been designated, the Court of Sessions having jurisdiction to try offences under the Act. (As far as Tamil Nadu is concerned the Mahila Courts which deals with POCSO cases are designated as Children's Court).      |

## **PROCEDURE TO BE ADOPTED BY THE JUVENILE JUSTICE BOARD**

### **Inquiry and Production of the Child in Conflict with law.(CCL)**

- All Inquiries shall be strictly conducted in a child friendly manner and within 4 months unless extended for a further period of two months for specific reasons. Sec 14(2) (JJ Act 2015).
- No strict adversarial proceedings in the Board.
- The Board shall hold its sittings for minimum three days in a week.
- A Child in conflict with law shall be normally produced before the board.
- However, in the event of the Board not sitting the child may also be produced either before any individual member of the Board, even at his/her residence. Sec 7 (2 ) JJ Act.
- In such case,the child shall be produced before the Board at its very first sitting, immediately thereafter; (TN JJ Rules 2017, Rule9)
- If a person, who has completed 18 yrs of age, is apprehended for an offence committed while he was below 18 yrs, he shall also be treated as a child during the process of inquiry. (Sec 6(1)),(JJ Act 2015).
- In cases of petty offences, the Board shall dispose it as summary proceedings, as per Cr.P.C. Sec 14(d) (JJ Act 2015).
- In case of serious offences the Board shall dispose the case by following the procedure, for trial in summons cases under the Cr.P.C. Sec 14(e) (JJ Act 2015).
- In case of heinous offences for a child below the age of sixteen years as on the date of commission of an offence shall be disposed of by the Board by following trial of summons case. Sec 14(f) (JJ Act 2015).
- For a child above the age of sixteen years as on the date of commission of an offence the board shall conduct preliminary assessment as per Sec.15 of the Act.
- Preliminary assessment shall be completed within a period of three months Sec 14 (3) JJ (Act 2015).

## **Determination of Age**

- The Board before whom a child is produced shall , prima facie determine the age of the child to ascertain its Jurisdiction for further inquiry. Such determination of age may be made by any two members which shall necessarily include the Principal magistrate. Rule 9(xvii).(TN JJ Rules).
- If any Court is of the opinion that the person produced before it for any offence was a child, at the time of its commission, the court may take such evidence and record its finding and forward the child to the Board, for passing appropriate sentence. No affidavit shall be obtained. Sec 9(2).(JJ Act 2015)
- When any other magistrate before whom a person produced is of the opinion that the person produced before him/her is a child, he/she shall immediately order production of the child before the Board. Sec 9(1),(JJ Act 2015)
- When it is apparent that the child produced or appeared before the Board is below 16 yrs determination of age is not required by the Board.
- Where an appeal has been filed against the order of the Board declaring the age of the child, the Children's court shall first decide the said appeal.

## **Functions and Responsibilities of the Board Sec 8 JJ Act 2015.**

- The Board may ensure the informed participation of the child/parent/guardian, in each and every step of the process including Placement of child or person, who cease to be a child during process of inquiry.
- Ensure that the child's rights are protected throughout the process of apprehending the child, inquiry, aftercare and rehabilitation.
- ensure availability of legal aid for the child through the legal services institutions.
- Shall provide an interpreter or translator, having such qualifications, experience, and on payment of such fees as may be prescribed, to the child if he fails to understand the language used in the proceedings.
- Direct the Probation Officer/Child Welfare Officer/social worker, to undertake a social investigation into the case and submit a social investigation report

within fifteen days from the date of first production before the Board to ascertain the circumstances in which the alleged offence was committed.

- adjudicate and dispose of cases of children in conflict with law in accordance with the process of inquiry specified in section 14.
- transfer to the Committee, matters concerning the child if found to be in need of care and protection.
- Dispose matters by passing a final order which includes an individual care plan for the child's rehabilitation and follow up by the Probation Officer or such other office as ordered.
- Conduct inquiry for declaring fit persons/fit facility regarding care of children in conflict with law.
- conducting at least one inspection visit every month of residential facilities for children in conflict with law and recommend action for improvement in quality of services to the District Child Protection Unit and the State Government.
- order the police for registration of first information report for offences committed against any child in conflict with law, under this Act or any other law for the time being in force, on a complaint made in this regard.
- order the police for registration of first information report for offences committed against any child in need of care and protection, under this Act or any other law for the time being in force, on a written complaint by a Committee in this regard.
- conducting regular inspection of jails meant for adults to check if any child is lodged in such jails and take immediate measures for transfer of such a child to the observation home.
- The Juvenile Justice Board shall inspect and evaluate the activities of observation home or a place of safety or a special home ***at least once in two months*** to ensure that the child's developmental needs have been adequately addressed in terms of educational, vocational, medical, behavioural management or any other condition.



## **Procedure to be followed on production of the CCL**

- On production of the child before Board, the Board shall ensure that the CWPO had intimated his/her Parents and the Probation officer of the respective jurisdiction in which the child resides. Rule 9(5),(TNJJ Rules).
- A written declaration from the Police in writing shall be obtained that the child was not kept in police lock up or jail, was not ill treated, was produced within twenty four hours of taking charge. Rule 9(iv and vi),(TNJJ Rules).
- In case of a girl child a declaration from police in writing that the child was dealt with due regard for decency shall be obtained.
- The child shall be inquired privately and his/her views and expressions shall be recorded. Proceedings shall be made on the views and expressions of the child. Rule 9(iv),(TNJJ Rules).
- The Board shall initiate action against any media or institution for publishing any matter relating to children which would affect the interest of the child. Rule 9(vi),(TNJJ Rules).
- Before, sending the child to the observation Home or Place of safety the board shall interact with the child on one to one basis and :
  - (i) elicit information on his background ;
  - (ii) inform him about the case against him;
  - (iii) inform him about his right of free legal aid:
  - (iv) help him to understand the process of the proceedings;
  - (v) obtain his point of view about the commission of offence;
  - (vi) take cognizance against police or any other authority, for any dereliction or excesses committed(Rule 9(iii) (TNJJ Rules).
- Hearing dates shall be fixed within 15 days each time. Rule 9(xiii),(TNJJ Rules).
- Social investigation report from the probation officer shall be obtained.
- Separate report from professionals or experts on cases pertaining to psychological or psychiatric problems of the child may also be called for if necessary. Rule 9(xv),(TNJJ Rules).
- In cases of petty and serious offences, the final report shall be filed within a

period of three months from the date of information to the police; Rule 9(xxxvi).(TN JJ Rules).

- If delayed without any reason, the Board shall issue a notice to police for appearance and fix a hearing date for final disposal. As earlier stated the Board shall normally complete the inquiry within 4 months unless extended for a further period of two months and dispose the case on the basis of materials available before it. Sec 14(2) JJ Act and Rule 9(xxxvii) (TN JJ Rules).
- If the Police justifies the delay to the satisfaction of the Board, it may extend a specified time limit to Police to complete the investigation and file the necessary report and a copy may be sent to the concerned Commissioner or Superintendent of Police.
- If the Police does not complete the investigation even after the time ~~granted~~ the Board is free to adjudicate the final disposal of the case as it deems fit;Rule 9(xxxvii) (TN JJ Rules).
- If inquiry by the Board under subsection(2) for petty offences ~~remains~~ inconclusive even after the extended period, the proceedings shall stand terminated Sec 14(4) JJ act 2015.
- In case of serious or heinous offences, if the Board requires further ~~extension~~ of time for completion of inquiry, the same shall be granted by the CJM/CMM, as the case may be, with proper reason in writing. Sec 14 (4) JJ Act 2015.
- In cases of heinous offences alleged to have been committed by a child, who has completed the age of 16 yrs , the CWPO shall produce the statements of witnesses recorded by him and other documents prepared during the course of investigation within a period of one month from the date of first production of the child before the Board.
- All dispositional orders passed by the Board shall necessarily include an individual care plan in Form V for the child in conflict with law concerned, prepared by a probation officer. Rule 9(XL) (TN JJ Rules 2017)

## **MODEL PLACEMENT ORDER TO BE WRITTEN ON THE PLACEMENT REQUEST( for understanding Remand Report)**

*“ Child in Conflict with law Produced. Records Perused. Parents and Probation officer informed. Parents present/not present. Written declaration obtained from the Child Welfare Police Officer. Child inquired and recorded. Informed his/her right to free legal aid. Informed him about the case and obtained his views. Satisfied that the child was not ill treated by police, or (if injuries found, note the nature of injuries) Fit case to release the Child on parent's custody. (if not inclined to grant bail) Not a fit case to release on bail. Sent to Observation Home. To be produced before the board on (Not later than 15 days).”*

### **Bail to the Juvenile**

- Irrespective of the nature of offence committed by the child the Board shall release the child on bail with or without surety to the parents/legal guardian/fit
- person, if it is in his/her best interest, with or without condition or place the child for supervision before probation officer. Sec 12,(JJ Act 2015)
- Probation officer's report shall be considered before deciding the bail. Rule 9(ix) (TN JJ Rules).
- Bail can be refused only if releasing the child would go against his best interest. If, not released on bail, juvenile shall be sent to the observation home. (Respective Districts)
- Whenever the Board is of the opinion that the apprehension of the child is not warranted, an undertaking shall be obtained from the parents or guardians or a fit person in whose custody the child is released, in a nonjudicial paper in Form VII, to ensure his presence for further proceedings. Rule 11(v) (TN JJ Rules).
- If a person above 18 years having stated to have committed an offence while he was below 18 years is not released on bail, he shall be sent to place of safety. (Inside the campus of Chengelpattu observation Home) Sec 6(2),(JJ Act 2015).
- Where a Board is satisfied on inquiry that the child brought before it has not committed any offence, the Board shall pass such orders (may set him at liberty). Sec 17(1) JJ Act 2015.

- In case it appears to the Board that the child who has not committed any offence is in need of care and protection, it may refer the child to the Committee with appropriate directions. Sec 17(2) (JJ Act 2015)

### **Orders to be passed by the Board Sec 18 JJ Act 2015**

The Board may after inquiry pass the following orders:

- i) allow the child to go home after advice or admonition by following appropriate inquiry and counseling to the child and his parent/guardian.
- ii) direct the child to participate in group counseling and similar activities;
- iii) order the child to perform community service under the supervision of an organization or institution, or any other person identified by the Board;
- iv) order the child to pay fine if he is above 14 years and earning.  
*Provided that, in case the child is working, it may be ensured that the provisions of any labour law for the time being in force are not violated;*
- v) order the child's parents/guardian to pay fine.
- vi) direct the child to be released on probation of good conduct and placed under the care of any parent, guardian or fit person, upon executing a bond, with or without surety, for any period not exceeding three years.
- vii) direct the child to be released on probation of good conduct and placed under the care and supervision of any fit facility for ensuring the good behaviour and child's wellbeing for any period not exceeding three years.
- viii) direct the child to be sent to a special home, for such period, not exceeding three years, for providing reformatory services including education, skill development, counselling, behaviour modification therapy, and psychiatric support during the period of stay in the special home:
- ix) If the conduct and behaviour of the child has been such that, it would not be in the child's interest, or in the interest of other children housed in a special home, the Board may send such child to the place of safety.

(x ) In addition to the above orders the board may also pass orders directing the child to i) attend school; (ii ) attend a vocational training centre; (iii ) attend a therapeutic centre; (iv ) prohibit the child from visiting, frequenting or appearing at a specified place; (v ) undergo a deaddiction programme.

(xi) The Board shall wherever situation arises and is of the opinion that a child in conflict with law is also a child in need of care and protection shall transfer the child to the child Welfare Committee.

### **Runaway Child**

- When the child in conflict with law, released on bail, fails to appear before the Board, on any date fixed for hearing and no reason or representation has been made for exemption, the Board shall, issue directions to the Child Welfare Police Officer and the Person in charge of the Police Station for production of the child. Rule 11(7) TN JJ Rules.
- If the Child Welfare Police Officer fails to produce the child before the Board even after the issuance of the directions for production of the child, the Board shall instead of issuing process under section 82 of the Code of Criminal Procedure, 1973 pass appropriate orders under section 26 of the Act and the child shall also be treated as a missing child. Rule 11(8), TN JJ Rules.
- If a child in conflict with law, runs away from a child care institution, the Officer in charge of the child care institution shall immediately:
  - (i) send a report to the area Police Station or Special Juvenile Police Unit or Child Welfare Police Officer along with the details and description of the child, the identification marks and a photograph.
  - (ii) shall send a copy marked to the Board or the Children's court as the case may be and to the Director of Social Defence.
  - (iii) the parents or guardians shall be informed immediately.
  - (iv) the Officer in charge of the child care institution shall hold an inquiry and send his report to the Board, the Children's court as well as to the Director of Social Defence. The details of the child shall also be uploaded on the Track Child portal.
- When the run away child is apprehended again, the said fact shall be notified to all the persons concerned.
- If the child is untraceable then, the child shall be treated as a missing child Rule 12, (TN JJ Rules)

## Preliminary Assessment by the Board

*Preliminary assessment shall be made by the Board in respect of a child between 16 to 18 years involved in a heinous offence. It is made in order to assess the mental capacity of the child and his understanding with regard to the consequences of the offence. Sec 15(1) JJ act 2015.*

- Preliminary assessment is not a trial.
- For the purpose of conducting a preliminary assessment, the Board shall interact with the child, his family members, wherever available, his counsel's submissions if any shall also be considered.
- The Child shall be referred to a psychologist or psychosocial workers or ~~other~~ experts in order to ascertain his mental capacity to understand the consequences of the offence and circumstances in which he committed the same.
- The Probation officer's report shall be called for.
- If the Board upon preliminary assessment decides that the child did not ~~have~~ sufficient mental capacity to understand the consequences of the offence, at the time of its commission, the matter should be disposed of by the Board, by following summons procedure as per Cr.P.C.
- If the Board decides that the child in conflict with law needs to be treated as an adult, the board shall refer the child to the Children's court.
- The order passed by the Board on preliminary assessment shall be taken by majority including the Principal Magistrate.
- The report of investigation, statements of witnesses, recorded by the Child Welfare Police Officer, medicolegal report, forensic report and other documents prepared during the course of investigation filed by the police shall also be considered.
- The medical reports, mental health reports including an assessment of ~~the~~ cognitive maturity of the child needs to be considered.

- Reasons shall be assigned for passing an order that there is a need for trial of the said child as an adult before the Children's Court. Free copy shall be provided to the child.
- The Board shall inform the child of his right to appeal against the order.
- Free copy of the order shall be provided to the child in conflict with law.
- The order is appealable. The appeal against an order of preliminary assessment lies before the Children's Court. Sec 101 JJ Act 2015.

### **Preliminary assessment by the Children's Court**

- The Children's Court may, while deciding the appeal, conduct an independent inquiry for preliminary assessment.
- The Children's court shall also take the assistance of experienced psychologists and medical specialists *other than those whose assistance* has been obtained by the Board in passing the order under the said section.
- If the Children's court decides there is a need for trial of the child as an adult, the children's court may pass appropriate orders after trial.
- If the Children's court feels that there is no need for trial of the child as an adult, it may conduct an inquiry as a Board and pass appropriate orders in accordance with the provisions of section 18.
- The Children's Court shall ensure that the final order, shall include an individual care plan for the rehabilitation of child, including follow up by the probation officer or the District Child Protection Unit or a social worker.
- Appeal against any order of the Children's Court lies before the High Court .

### **15. Procedure in relation to Children's court for preliminary assessment.**

- Where an appeal has been filed against the finding of the preliminary assessment done by the Board, the Children's court shall first decide the appeal.
- Upon receipt of preliminary assessment from the Board the Children's court may decide whether there is need for trial of the child as an adult or as a child and pass appropriate orders.

- Where the appeal under subsection (2) of section 101 of the Act is disposed of by the Children's court on a finding that the child should be tried as an adult the Children's court shall call for the file of the case from the Board and dispose of the matter as per the provisions of the Act and rules.
- When such appeal has been disposed of by the Children's court on a ~~finding~~ that there is no need for trial of the child as an adult, it shall dispose of the same as if it were functioning as a Board by following summons procedure . Rule 15(7).(TN JJ Rules 2017).

### **Inquiry/Trial by the Children's Court.**

- The proceedings of the Children's Court shall be conducted in camera and in a child friendly atmosphere. Rule 15(7)(iii) (TN JJ Rules 2017).
- No joint trial of a child alleged to be in conflict with law, with a person who is not a child shall be made. Rule 15(7)(iv) (TN JJ Rules 2017).
- No strict adversarial proceedings. Rule 15(7)(iv) (TN JJ Rules 2017).
- The powers conferred by section 165 of the Indian Evidence Act, 1872, shall be liberally used.15(7)(iv) (TN JJ Rules 2017).
- While recording statement of the child, the Children's court shall address ~~the~~ child in a ***childfriendly manner*** in order to put the child at ease and encourage him to state the facts and circumstances without any fear, not only in respect of the offence which is alleged against the child, but also in respect of the home and social surroundings and the influence to which the child might have been subjected to.15(7)(v) (TN JJ Rules 2017).
- The dispositional order passed by the Children's court ***shall necessarily include an individual care plan*** in Form V for the child in conflict with law concerned, prepared by a probation officer or Child Welfare Officer or recognized voluntary organization.
- Where the Children's court decides that the child has been found to be ~~involved~~ in the offence, the child may be sent to a place of safety till the age of twenty one years.



- An *yearly periodical review* shall be made while the child remains at the place of safety, by the probation officer or the District Child Protection Unit or a social worker in Form IX to evaluate the progress of the child and the reports shall be forwarded to the Children's court.
- The Children's court may also direct the child to be produced before it periodically and at least once every three months for the purpose of assessing the progress made by the child and the facilities provided by the institution for the implementation of the individual care plan.
- The Children's Court shall ensure that the child who is found to be in conflict with law is sent to a place of safety till he attains the age of twentyone years and thereafter shall be transferred to a jail.
- Prior to that, the re-formative services including educational services, skill development, alternative therapy such as counseling, behavior modification therapy, and psychiatric support shall be provided to the child during the period of his stay in the place of safety.
- When the child attains the age of twenty-one years and is yet to complete the term of stay, the Children's court shall,
  - (a) interact with the child in order to evaluate whether the child has undergone reformative changes and if the child can be a contributing member of the society.
  - (b) take into account the periodic reports of the progress of the child, prepared by the probation officer or the District Child Protection Unit or a social worker, if needed and further direct that institutional mechanism if inadequate be strengthened.
  - (c) After making the evaluation, the Children's court may decide to,
    - (ca) release the child forthwith;
    - (cb) release the child on execution of a personal bond with or without sureties for good behaviour;
    - (cc) release the child and issue directions regarding education, vocational training, apprenticeship, employment, counselling and other therapeutic interventions with a view to promoting adaptive and positive behaviour etc.;
    - (cd) release the child and appoint a monitoring authority for the remainder of the prescribed term of stay. The monitoring authority

where appointed shall maintain a Rehabilitation Card for the child in Form X.

- A probation officer or Case Worker or Child Welfare Officer or a fit person may be appointed as a monitoring authority.
- The District Child Protection Unit shall maintain a list of such persons who can be engaged as monitoring authorities which shall be sent to the Children's Court along with biannual updates.
- The child shall for the first quarter after release, meet with the monitoring authority on a fortnightly basis or at such intervals as may be directed by the Children's court. The monitoring authority shall forward its observations on the progress of the child on a monthly basis to the Children's court.
- After the first quarter, the child shall meet the monitoring authority at such intervals as may be directed by the Children's court based on the recommendations made by the monitoring authority at the end of the first quarter and the monitoring authority shall forward its report to the Children's court which shall review the same every quarter.
- Where the child, after release is found to be indulging in criminal activities or associating with people with criminal antecedents, he shall be brought before the Children's court for further orders.
- After the completion of the procedure the Children's Court
  - (i) may either decide to release the child on such conditions.
  - (ii) may appoint a monitoring authority for the remainder of the prescribed term of stay.
  - (iii) decide that the child shall complete the remainder term in jail.
- If it is found that the child no longer requires to be monitored, the monitoring authority shall place the detailed report with recommendations before the Children's court which shall issue further directions either terminating the monitoring or for its continuation.

### **Role of Chief Judicial Magistrate/Chief Metropolitan Magistrate.**

- Where the proceedings are delayed beyond four months, the Board shall send a report to the Chief Judicial Magistrate or Chief Metropolitan Magistrate as the case may be for the delay as well as steps being taken to expedite the matter.

Rule 9(xxxviii).(TN JJ Rules).

- The Board shall send the quarterly report in Form VI to the Chief ~~Judicial~~ Magistrate or Chief Metropolitan Magistrate, District Magistrate and the Director of Social Defence. Rule 10, (TN JJ Rules).
- In case of serious or heinous offences, if the Board requires further ~~extension~~ of time for completion of inquiry, the same shall be granted by the Chief Judicial Magistrate or, as the case may be, the Chief Metropolitan Magistrate, for reasons to be recorded in writing. Sec 14 (4) JJ Act 2015
- The Chief Judicial Magistrate or the Chief Metropolitan Magistrate ~~shall~~ review the pendency of cases of the Board once in every three months, and shall direct the Board to increase the frequency of its sittings or may recommend the constitution of additional Boards. Sec. 16(1) (TN JJ Rules).
- The information of such pendency shall also be furnished by the Board to ~~the~~ Chief Judicial Magistrate or the Chief Metropolitan Magistrate and the District Magistrate on quarterly basis in such form as may be prescribed by the State Government. Sec 16(3) JJ Act 2015.
- Inspection shall be carried out by the Chief Judicial Magistrate or ~~Chief~~ Metropolitan Magistrate, as the case may be, in relation to the functioning of Juvenile Justice Boards. Rule 42(3) (TN JJ Rules)

### **Role of District and Sessions Judge**

- The Principal District Judge is the Chairperson of the selection ~~committee~~ which consists of the District Collector and Commissioner of police/Superintendent of Police as members, for the Child Welfare committee. Rule 17 (TN JJ Rules 2017).
- District and Sessions Judge shall be the Inspecting Officer of the activities of the Juvenile Justice Board under whose jurisdiction the Juvenile Justice Board functions. Rule 43 (TN JJ Rules 2017)
- The District and Sessions Judge shall be the Inspecting Officer of the ~~activities~~ of the Juvenile Justice Board under whose jurisdiction the Juvenile Justice Board functions.

- The District and Sessions Judge shall inspect the functions of Juvenile Justice Board at least once in six months and report to the Government and the High Court for followup.
- The District and Sessions Judge shall also be the Vigilance Officer for the purpose of entertaining any allegations or complaints if any, made on the activities of Juvenile Justice Board or against the Principal Magistrate, social worker members and other staff of the Board. Rule 43(5) (TN JJ Rules 2017).
- The District and Sessions Judge shall arrange for a review meeting once in three months consisting of the Principal Magistrate and the members of Juvenile Justice Board, Police, Assistant Public Prosecutor in the Board, Officer in charge of the observation home or special home or probation officers, medical personnel to ensure that children related issues and rehabilitation are being carried out effectively.

### **Role of the State Legal services Authority**

- Shall provide free legal assistance to the child in conflict with law.
- The Executive Chairman of the State Legal Services Authority, is the Chairperson, of the High level Committee. Sec 16(2) JJ Act 2015.
- The High level Committee consists of Executive Chairperson of the State Legal Services Authority, the Home Secretary, the Secretary responsible for the implementation of this Act in the State and a representative from a voluntary or nongovernmental organisation to be nominated by the Chairperson.
- The nature of cases pending before the Board and the duration of pendency shall be reviewed by the high level committee once in six months.

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