pro bono INDIA

UNDERSTANDING CCL RIGHTS AND JJB PROCEDURES



A Practical FAQ Guide

Objective

This booklet has been developed to address the most common questions that arise in the day-to-day implementation of the juvenile justice system. Drawing from years of experience working on these issues, iProbono India has frequently encountered gaps in understanding regarding the functioning of the Juvenile Justice Board (JJB) and the rights of Children in Conflict with Law (CCL).

The objective of this document is to provide clear, accessible, and practical answers to these frequently asked questions, based on real queries received during field engagements, training, and online interactions. By simplifying legal provisions and procedures, this booklet aims to support stakeholders including police officials, legal practitioners, child protection functionaries, and the general public in better understanding and upholding the rights of children within the juvenile justice system.



Q. Who is considered a "child in conflict with law" under the JJ Act?

- As per section 2(13), Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act, 2015) a child in conflict with law (CCL) is any person who is alleged or found to have committed an offence and was below 18 years of age on the date of commission of the offence, regardless of the date on which they are apprehended or brought before the Juvenile Justice Board (JJB).
- This definition ensures that the legal status of the individual is determined by their age at the time of the incident, not by their current age when proceedings begin.

Q. What is a Social Background Report?

- A Social Background Report (SBR) is a key document prepared for every child alleged to be in conflict with law under the JJ Act, 2015.
- It provides the JJB with detailed information about the child's family, social and economic background, education, and the circumstances of the alleged offence.
- The SBR is typically prepared by the Child Welfare Police Officer (CWPO) or the Special Juvenile Police Unit (SJPU) at the time of the child's first contact with the system.
- The SBR is submitted in Form 1 as prescribed under Rule 8(1) and Rule 8(5) of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 (JJ Model rules 2016).

Q. What is a Social Investigation Report?

- A Social Investigation Report (SIR) provides a detailed assessment of the child's background, family circumstances, and personal needs.
- It helps the JJB or Child Welfare Committee (CWC) understand the child's social, economic, and psychological context and guides decisions related to care, rehabilitation, and legal proceedings.
- For a CCL, a SIR is prepared by a Probation Officer, Child Welfare Officer, or recognised social worker after the child's first appearance before the JJB, typically within 15 days.
- The preparation involves interviews with the child, family, and relevant persons, and may include home visits to understand the child's living environment.
- The SIR is submitted in Form 5 and is mandated under Rule 10(9) and 11(2) of the JJ Model Rules, 2016; for CCL.

Citation: Section 8(3)(e), 13 (1)(iii) JJ Act, 2015

Q. What is an Individual Care Plan?

- An Individual Care Plan (ICP) is a comprehensive, child-specific developmental plan for every child who comes into contact with the Juvenile Justice system, whether as a CCL or a CNCP.
- For CCLs, the ICP must be prepared at the time of the first interaction and updated regularly by the Probation Officer or Child Welfare Officer.
- The ICP is prepared in Form 7 and is mandated under Rules 11(3), 13(7)(vi), and 13(8)(ii) of the JJ Model Rules, 2016, upon completion of inquiry or trial for CCL.
- The legal basis for ICP is provided under Section 39(1) of the JJ Act, 2015, which requires that rehabilitation and reintegration be based on an ICP.
- Rule 2(ix) of the JJ Model Rules, 2016 provides the working definition of an ICP.

Q. What is the role and scope of a Probation Officer under JJ, Act 2015?

- A Probation Officer plays a key role in assisting the JJB in the inquiry, supervision, and rehabilitation of children in conflict with law.
- A Probation Officer is required to prepare a SIR using Form 6.
- A Probation Officer may also be asked to prepare and submit an ICP as per Form 7.
- A Probation Officer provides supervision and follow-up reports if the child is released on bail or probation, ensuring compliance with the Board's directions.
- A Probation Officer may be required to give evidence or offer oral inputs before the Board during inquiry.
- The scope of this role extends to rehabilitation planning, aftercare support, and acting as a key facilitator in the child's reintegration.



Q. Can a child simultaneously be classified as a CCL and a Child in Need of Care and Protection (CNCP)? What is the legal procedure in such cases?

- Yes, under Indian law, a child can simultaneously be classified as a CCL and a Child in Need of Care and Protection (CNCP).
- Section 8(3)(g) of the JJ Act 2015 empowers the JJB to transfer the child to the CWC if it finds that the CCL is also in need of care and protection.
- Section 17(2) of the JJ Act 2015 states that if the child is not found to have committed an offence but is in need of care and protection, the JJB shall transfer the child to the CWC with appropriate directions.
- Rule 9(3) of the JJ Model Rules 2016 provides that a child used by militant groups or for illegal activities may be declared a CNCP and transferred to the CWC after due inquiry by the JJB.

Q. What is the difference between an Observation Home, Special Home, and Place of Safety?

- Each of these institutions under the JJ Act serve a different purpose depending on the stage of the inquiry and the nature of the offence allegedly committed by the child.
- Observation Home: A temporary facility where a CCL is placed during the pendency of the inquiry before the JJB. It functions as a custodial, rehabilitative, and care facility but only until the Board passes its final order.
- Place of Safety: A designated facility meant for children above 16 years alleged or found to have committed heinous offences, or individuals who have turned 18 during the pendency of the case and require safe custody.
- Special Home: A long-term rehabilitation facility where a child is placed after being found to have committed a serious or heinous offence, but is not transferred to be tried as an adult.

Citation: Sections 47, 48, and 49, JJ Act, 2015.

Q. Can police register FIR in cases related to CCL?

As per Rule 8 (1) of JJ Model Rules 2016, no FIR can be registered, except in heinous offences cases or, where offence has been allegedly committed by a child jointly with adults. In all other cases, information is recorded in the general daily diary and forwarded to the Board.

Q. What is the immediate legal procedure that must be followed when a child is apprehended (arrested) by the police?

- The child must be placed under the charge of the Special Juvenile Police Unit (SJPU) or a Child Welfare Police Officer (CWPO) immediately after apprehension.
- The child and the parents or guardians must be informed of the alleged charges, and a copy of the FIR or police report, if any, must be provided.
- The CWPO must inform the parents or guardians of the child's apprehension, along with the address of the JJB and the date and time of the child's production before it.
- The child must be produced before the JJB within 24 hours of apprehension (excluding travel time).
- The CWPO must prepare a SBR of the child and submit it at the time of production before the Board.

Citation: Section 10, JJ Act, 2015; Rules 8 and 9 of the JJ Model Rules, 2016.

Q. Is it legally permissible for a child in conflict with law to be placed in a police lock-up or adult jail at any stage of the proceedings? What safeguards prevent this?

- No, it is not legally permissible for a CCL to be placed in a police lock-up or adult jail at any stage of the proceedings; the child must instead be placed in an Observation Home or Place of Safety.
- Any violation of these provisions may attract disciplinary action against the erring officers and can be challenged through writ petitions, or by filing complaints before the CWPO or the State Commission for Protection of Child Rights(SCPCR)

Citation: Section 10(1), JJ Act, 2015; Rule 8(3)(i), JJ Model Rules, 2016.

Q. What documents are acceptable for determining the age of a child in conflict with the law?

A hierarchy of documents has been laid down under Section 94, JJ Act, 2015 , which must be followed in order of preference:

- Date of Birth Certificate from the school attended OR Matriculation or equivalent certificate from the concerned examination board
- Birth certificate issued by a Corporation, Municipal Authority, or Panchayat
- Medical opinion for age estimation, which may include ossification test or other medically accepted age determination tests

The Supreme Court in Vinod Katara v. State of UP (Crl.) No. 121 of 2022, reiterated this hierarchy, stating: “In the order of priorities, the date of birth certificate from the school stands at the highest pedestal whereas ossification test has been kept at the last rung to be considered, only in the absence of the criteria Nos. 1 and 2.”

Q. Do police officials have the authority to grant bail to children apprehended?

- Yes, police officials do have the authority to grant bail under Section 12(2) of the JJ Act, 2015.
- When the child is released in a case where apprehending of the child is not warranted, the parents or guardians or a fit person in whose custody the child alleged to be in conflict with law is placed in the best interest of the child, shall furnish an undertaking on a non-judicial paper in Form 2 to ensure their presence on the dates during inquiry or proceedings before the Board.

Q. Is gravity of offence a factor in deciding on bail?

- Gravity of Offence is NOT a relevant factor for deciding bail. Under Section 12 of the JJ Act 2015, bail must be granted to a CCL regardless of the gravity of the offence.
- In X (Minor) v. State of Uttar Pradesh, 2024 SCC OnLine All 1057, the Allahabad High Court observed that “the gravity of the offence is not a relevant consideration for declining the bail to the juvenile”.
- Bail under section 12 can be denied in only 3 circumstances if the release is likely (i) to cause physical and psychological danger to CCL; (ii) likelihood of being in company of known criminal; (iii) defeat the ends of justice

Q. What does "defeats the ends of justice" mean when deciding bail under Section 12?

- The phrase "defeat the ends of justice" in Section 12(1) of the JJ Act must be interpreted in light of the Act’s objective—to provide care, protection, and rehabilitation of children in a child-friendly manner.
- In Master Abhishek (Minor) v. State, 2005 VI AD Delhi 18, the Delhi High Court held that custody is justified only when it is necessary to meet the developmental needs of the child, for rehabilitation, or for care and protection. The possibility of the child repeating the offence may also amount to defeating the ends of justice.

- In Dev Vrat (Minor) v. State (Govt. of NCT of Delhi), 2006 (3) JCC 1430, the Court reiterated that “ends of justice” must be understood with reference to the best interest of the child, and that denial of bail is permissible only when custody furthers care, protection, or rehabilitation.

Q. What documents are needed when deciding bail under Section 12?

Section 12 does not mandate any documents for deciding bail application. However JJB may take into consideration:

- SBR
- ICP (if available), to assess supervision or rehabilitation conditions.
- SIR.
- FIR or DD entry, if available.

Citation: Rules 8(1), 10(9), 11(10), Juvenile Justice Model Rules, 2016; Forms 1, 6.

Q. Can bail under the JJ Act come with conditions?

Yes, bail granted under the JJ Act, 2015 can come with conditions to ensure the child’s presence and proper conduct during the pendency of the inquiry.

Citation: Section 12(1), JJ Act, 2015; Rule 10(1)(iii), JJ Model Rules, 2016.

Q. Is a child eligible to apply for bail before the Preliminary Assessment is completed in a heinous offence case?

- Yes, a child alleged to be in conflict with law for a heinous offence and aged between 16–18 years can apply for bail prior to the completion of the Preliminary Assessment under Section 15 of the JJ Act.
- Section 12 of the JJ Act 2015 governs the grant of bail and does not prohibit the JJB from entertaining a bail application before the Preliminary Assessment is conducted.
- In Prahlad Singh Parmar v. State of Madhya Pradesh, MCRC-3085-2021, the Gwalior Bench of the Madhya Pradesh High Court held: "...There is no provision in [Section 12] to the effect that the said application cannot be entertained prior to holding any preliminary assessment under Section 15 of the Act, 2015..."
- The Court further clarified: "Preliminary assessment is to be made for the purpose of trial... the bail application can always be decided much prior to that."

Q. Is there a standard Bail Bond form for CCL under the JJ rules ?

- Yes, the JJ Model Rules, 2016 provide standardised bail bond formats to be used when a CCL is released on bail.
- Form 8 under Rule 11(6) is the undertaking/ bond to be executed by a parent/ guardian/ /fit person in whose care a CCL is placed .
- Form 9 under Rule 11(7) is the prescribed Personal Bond form to be executed when the child is released on their own bond without a surety.

Q. Can bail granted to a child under the JJ Act be cancelled?

- Bail granted under Section 12 of the JJ Act, 2015 can be cancelled only if the child fails to appear before the JJB.
- As per Rule 10(3) of the JJ Model Rules, 2016, the Board shall issue directions to the CWPO and the Person-in-charge of the Police Station for the production of the child.
- If the CWPO fails to produce the child before the Board, Rule 10(4) authorises the Board to direct the police to trace and produce the child and pass appropriate orders under Section 26 of the JJ Act, 2015.

Q. What happens if a child on bail stops appearing before the JJB?

- If a CCL fails repeatedly to appear before the JJB, it shall issue a notice to the CWPO or SJPU to produce the child under Rule 10(3) of the JJ Model Rules, 2016.
- If the child does not respond or CWPO fails to produce the child, the JJB may pass orders under Section 26 of the JJ Act, 2015 directing police officers to take charge of the child and produce before the Board.
- The Board can then, after ascertaining the reasons for non-appearance, can send back the child to a child care institution or to a custody of a fit person, along with directing any special steps as may be necessary.

Q. Why is 'framing of notice' used in JJBs instead of 'framing of charge'?

- As per Section 14(5)(e) and (f) of the JJ Act, 2015, in inquiries involving serious offences or heinous offences triable by the Board, the procedure for trial of summons cases by Magistrates is to be followed.
- Consequently, the Board issues a notice of accusation under Section 251 of the CrPC (274 BNSS), rather than framing a charge under Section 228 of the CrPC (251 BNSS), which applies to trials before a Court of Session

Q. When is an Order to Produce Juvenile (OPJ) issued, and how have courts interpreted it?

- When the CCL, after being admitted to bail, fails to appear before the Board, on the date fixed for hearing, the Board shall issue to the CWPO and the Person-in-charge of the Police Station directions for the production of the child. (OPJ). This is a practice which evolved in the JJBs of Delhi.
- It is in lieu of Rule 10 (3) and (4) of the JJ Model Rules, 2016 which prohibits process under Section 82 of CrPC (Proclamation for person absconding).

Citation: FAQs published by the Juvenile Justice Committee of Delhi High Court; Rule 8(1) and 10 (3) and (4), Juvenile Justice Model Rules, 2016.

Q. What safeguards protect children from being forced to produce evidence?

- CCLs are protected by the constitutional guarantee under Article 20(3), which provides the right against self-incrimination.
- Section 3(i) of the JJ Act, 2015 affirms the principle of presumption of innocence, ensuring that children are not treated as offenders before the inquiry concludes.
- Rule 8(3)(v and vi) of the JJ Model Rules, 2016 expressly prohibits police from compelling a child to confess guilt or sign any statement.

Q. Does "produced before the Board" allow for virtual hearings within 24 hours?

- Yes, "produced before the Board" can include virtual hearings within 24 hours, provided the child's rights and procedural safeguards are fully protected.
- Section 10(1) of the JJ Act, 2015 requires that a CCL be produced before the JJB within 24 hours of apprehension (excluding travel time).

- The Act does not specify the mode of production, and courts across India have permitted virtual production to satisfy this requirement, particularly during public health emergencies like the COVID-19 pandemic.
- The use of video conferencing must uphold principles of child-friendliness, privacy, and the right to legal representation and meaningful participation.
- National and State-level juvenile justice authorities, including CWCs and JJBs, have adopted video conferencing in practice, provided it does not compromise any legal safeguard.
- Virtual production should not be used to circumvent due process or delay physical production where required.

Q. Can the JJB exempt a child from attending inquiry proceedings?

Yes. Section 91 (1) of the JJ Act 2015 provides that the Board can dispense with the attendance of a child at any stage of the inquiry if it is satisfied that the child's presence is not essential. The inquiry can continue in the child's absence, except where their appearance is required for recording their statement or for any other purpose as directed by the Board.

Q. Is a CCL entitled to diet money

Yes a CCL is entitled to diet money. Under section 91 (2) if a child is required before the Board or the Committee, such child shall be entitled to travel reimbursement for self and one escort accompanying the child as per actual expenditure incurred, by the Board, or the Committee or the DCPU, as the case may be.



Q. When a CCL turns 18 mid-inquiry, should the JJB immediately hand them over to adult courts, or can it complete the inquiry under juvenile procedures?

- The JJB is legally empowered to continue and complete the inquiry under juvenile justice system even if the CCL turns 18 during the pendency of the case.
- As per Section 5 of the JJ Act, 2015, all proceedings initiated while the individual was a child shall continue before the Board as if the child has not attained the age of majority.
- The definition of CCL under Section 2(13) is based on the age of the child on the date of commission of the offence, not on the date of inquiry or trial.
- The JJB retains exclusive jurisdiction and conducts the inquiry using juvenile justice procedures and safeguards, including child-friendly processes and orders under Section 18.

Q. What is the role of parents or guardians during the pendency of inquiry?

- Parents or guardians must be present during all stages of inquiry and proceedings before the JJB to ensure the child's best interests are represented.
- They must ensure the child appears before the JJB whenever required and complies with all conditions of bail or probation.
- They are entitled to be promptly informed about the child's apprehension, charges, and developments in the case under Section 13 of the JJ Act, 2015.
- They must receive copies of the FIR, police report, and witness statements within one month of the child's first production as per Rule 10(5), JJ Model Rules, 2016.
- They must cooperate with authorities and provide necessary information or documentation for the inquiry and care planning process.
- They may be directed by the Board to participate in counselling or support the implementation of the ICP.
- They may be directed to pay a fine if the child is found to be in conflict with law.
- They are legally bound to comply with all directions and orders of the Board, including supervision conditions or other directions issued under Section 18.

Q. Are CCL required to acknowledge or realise their guilt as part of the rehabilitative process? Or is it permissible to persuade/ force/ manipulate CCL to say sorry/tender apology to the victims?

- No, a CCL is not legally required to acknowledge or accept guilt as a precondition for rehabilitation under the JJ Act, 2015.
- The JJ system is based on the presumption of innocence under Section 3(i) of the Act and protects children from coercion or self-incrimination.
- Rule 8(3)(v and vi) of the JJ Model Rules, 2016 bars police officers from compelling a child to confess guilt or sign any statement.
- Rehabilitative measures such as counselling, education, vocational training, or community service are to be undertaken without linking them to guilt or blame.
- As per NCPCR guidelines on preliminary assessment and Vikas Sangwan v. State of Delhi, (CRL.A. 193/2018) confession cannot be taken under Section 15.

Q. Can an adult be tried along with a CCL in a Children's Court?

- No, an adult co-accused cannot be tried jointly with a CCL, even when the child is being tried as an adult.
- Section 23 of the JJ Act, 2015, expressly bars joint proceedings between a child and an adult. It mandates that if, during inquiry, a person is found not to be a child, they shall not be tried together with the CCL.
- In CCL 'K' v. State (NCT of Delhi) CRL.REV.P. 436/2022 the Hon'ble Delhi High Court clarified that even if the CCL is undergoing trial as an adult, the adult co-accused cannot be brought into the Children's Court for a joint trial.

Q. Are all CCLs over 16 automatically tried as adults in heinous cases?

- No, CCLs over 16 are not automatically tried as adults, even in cases of heinous offences.
- The JJB must first conduct a Preliminary Assessment under Section 15 of the JJ Act to evaluate the child's mental and physical capacity, ability to understand the consequences, and the circumstances of the offence.
- The child is tried as an adult only if the Board passes a reasoned order of transfer under section 18 (3) of the JJ Act; otherwise, the child continues to be tried as a child and proceedings go before the Board.

Q. What is the deadline for completing Preliminary Assessment?

- Section 14 (3) of the JJ Act 2015 mandates that the Preliminary Assessment under Section 15 in cases of heinous offences shall be disposed of by the JJB within three months from the date of first production of the child before the Board.
- However, the Supreme Court in Child in Conflict with Law through his Mother v. State of Karnataka and Another, 2024 SCC OnLine SC 798, clarified that this three-month period is directory and not mandatory.
- Delay in completing the assessment does not vitiate the proceedings, and the timeline may be extended by the Chief Judicial Magistrate or Chief Metropolitan Magistrate for reasons recorded in writing.

Q. What is the defence counsel's role during Preliminary Assessment?

- The legal aid counsel or the private counsel, as the case may be, shall have unrestricted access to the CCL and the right to be present at every interaction during the course of preliminary assessment, as outlined in the guidelines published by the NCPCR on Preliminary Assessment.
- The legal aid counsel or the private counsel, as the case may be, shall, mandatorily, be supplied all documents relied on during the assessment.
- As is the practice, the legal aid counsel or the private counsel can argue on the issue of Preliminary Assessment before the Board makes its order.

Q. What happens to the child when found not to be in conflict with law?

- In such cases, the Board shall pass an order with the finding that the child has not been found to be in conflict with law, and the child must be released immediately (if in protective custody).
- Section 17(2) of the JJ Act states that if the child is not found to have committed an offence but is in need of care and protection, the JJB shall transfer the child to the CWC with appropriate directions.

Q. What orders can the JJB pass when a child is found to be in conflict with law after inquiry?

- When a child is found to be in conflict with law after inquiry by the JJB, the Board may pass any of the dispositional orders under Section 18(1).
- These include advice or admonition, group counselling or similar activities, community service, payment of fine, release on probation under the care of parent, guardian or fit person for up to three years, or placement in a Special Home for a maximum period of three years.
- In addition, under Section18 (2), the Board may direct the child to attend school or vocational training, attend a therapeutic centre, undergo a de-addiction programme, or prohibit the child from visiting, frequenting, or appearing at a specified place.
- The Board may also require an ICP and follow-up by the Probation Officer to support the child's progress.

Q. What happens to the legal records of a child once the case is disposed of by the Board?

- Records of a CCL must be kept in safe custody either by the Board, Children's Court, or the officer in charge, until the expiry of the appeal period or for seven years, whichever is earlier. After that, such records must be destroyed.
- In cases of heinous offences where the child has been found in conflict with law and tried as an adult, the Children's Court must retain the records of conviction.
- No child should suffer disqualification attached to a conviction under any law, except when a child is tried and convicted as an adult for a heinous offence.
- In Lokesh Kumar v. State of Chhattisgarh (SLP (Crl.) No. 851/2025), the Supreme Court held that Section 24 of the JJ Act, 2015 protects CCL from suffering ongoing disqualification in adulthood.
- As per section 99 of the JJ Act, 2015 all reports related to a CCL must be treated as confidential, and access is limited though the victim may be granted access in certain circumstances.

Citation: Rule 14 of the JJ Model Rules, 2016

Q. Can an FIR under Protection of Children from Sexual Offences (POCSO) Act be quashed by the JJB if the incident was later proven to be a consensual adolescent relationship?

- The JJB does not have the power to quash an FIR, including those registered under the POCSO Act.
- The power to quash an FIR lies exclusively with the High Court under Section 482 of the Code of Criminal Procedure, 1973 or Section 532 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).
- Under Rule 10 (1) the JJB does have the power to dispose of the case after consideration of the documents and record submitted at the time of his first appearance.

Q. Can the victim or complainant appeal against an order of acquittal passed in favour of a CCL?

- Section 101(3) of the JJ Act, 2015, expressly bars any appeal against an acquittal by the JJB.
- Exception: An appeal is permitted if the acquittal relates to a heinous offence committed by a child who is 16 years of age or older.

Q. If a child is booked under a Special Law (NDPS, NIA), will the case go to the JJB or the Special Court?

- All cases involving CCLs including those booked under Special Laws such as the NDPS Act, PMLA, UAPA, etc., are to be dealt with by the JJB.
- As per Section 1(4), the Act overrides all other laws in matters concerning CCL. The Act has the exclusive mandate to deal with such cases, irrespective of the nature of the offence or the law under which it is registered.



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iProbono INDIA

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