



# JJ Act and the role of JJBs

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# Understanding the Juvenile Justice Board (JJB): Composition and Functions

- Constituted under Section 4 of the JJ Act, 2015
- Unique judicial body to deal with children in conflict with law
- Composition: 1 Metropolitan/Judicial Magistrate + 2 social workers (at least 1 woman)
- Mandated to ensure child-friendly procedures and uphold best interests
- Exclusive jurisdiction over inquiry and

*"The JJB is not just a court – it is a child's first step toward justice, care, and reform"*



# Section 14: Time-Bound Inquiry – Ensuring Substantive, Not Rushed, Justice



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Inquiry must be completed within 4 months of first production before the Board

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Extension allowed only once, with a written and reasoned order

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Delays cannot compromise child-sensitive inquiry

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Procedural safeguards include: free legal aid, presence of parent/guardian, and social investigation reports

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•Objective: Swift, fair, and rehabilitative justice – not rushed adjudication

*“Speed must never replace substance – justice must be timely and thorough.”*



# Procedural Safeguards Before Categorisation – Child-Centric Inquiry

- Right to legal aid from the first appearance
- Parent/guardian presence during proceedings
- Child-friendly environment – No uniformed officers, intimidating spaces
- Social investigation report to understand background and context
- Role of Special Juvenile Police Unit (SJPU) and Child Welfare Police Officer (CWPO)

• I *“Classification is not a formality – it shapes a child’s entire journey through the system.”*

First production

Legal aid and parent presence

Child friendly environment

Social Investigation Report

Categorisation

# The Statutory Architecture of Juvenile Offences: Petty, Serious, Heinous

- Categorisation under Sections 2 (45), 2 (54), 2 (33)
- Rationale: Age-appropriate, capacity-sensitive justice
- Section 15: Preliminary assessment in heinous offences
- Section 18(3): Cautious invocation of adult trial
- Presumption of reformation and rehabilitation



*“The reintegrattion of child in conflict with the law shall be the primary aim.”*

# Beyond Timelines: Addressing Structural Delays in Juvenile Cases



Common sources of delay: adjournments, poor coordination, delayed reports



JJB's proactive role: early scheduling, case prioritisation, strict adjournment policy



Importance of inter-agency communication: CWP0s, legal aid, Childline, CWC



Use of tech: case tracking, WhatsApp coordination, disposal dashboards



Delay is systemic – but accountability begins at the Board

*“Justice delayed is childhood denied – we must fix the system, not blame the clock.”*

# Building Institutional Capacity for Timely Juvenile Justice

Institutionalise	Institutionalise regular delay audits and review mechanisms
Strengthen	Strengthen capacity-building for CWPOs, legal aid lawyers, probation officers
Develop	Develop district-level Juvenile Justice Action Plans with measurable timelines
Encourage	Encourage High Court Committees to actively monitor JJB performance
Integrate	Integrate JJ case data into e-court and ICJS platforms for real-time tracking
Promote	Promote leadership and innovation from within Boards

*“Statutory timelines mean little without trained hands and working systems.”*

# Preliminary Assessment under Section 15 – A Safeguard, Not a Gateway

Triggered only for heinous offences by children aged 16 or above

Assessment is not of guilt, but of capacity, understanding, and circumstances

Experts must assist the Board; findings must be reasoned and evidence-based

Misuse or superficial conduct undermines due process and child rights

“Not a trial – No finding of guilt”

# Transfer to Children's Court – Narrow Gate, Heightened Safeguards



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Triggered only if JJB concludes child should be tried as an adult [Section 18(3)]

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Children's Court must conduct independent review under Rule 13

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Trial must follow child-friendly procedures unless otherwise directed

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Transfer is not automatic – still subject to judicial scrutiny

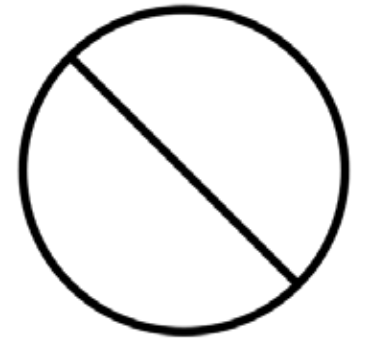
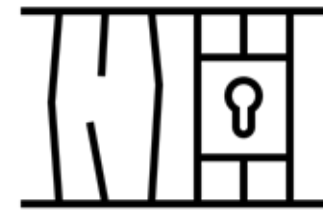
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*“Trying a child as an adult must remain the rarest of rare exceptions.”*

# Sentencing Safeguards under Section 21 – Justice with Humanity

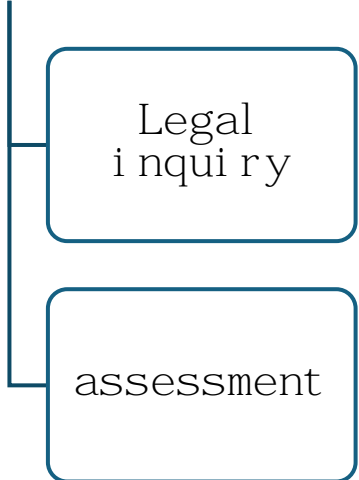
- No death penalty or life imprisonment without release [Section 21]
- Upholds constitutional values and India's obligations under the UNCRC
- Applies even if child is tried as an adult
- Emphasises reform, not irreversible punishment

*“No child can be sentenced to die in prison – and no child should feel abandoned by the law”*

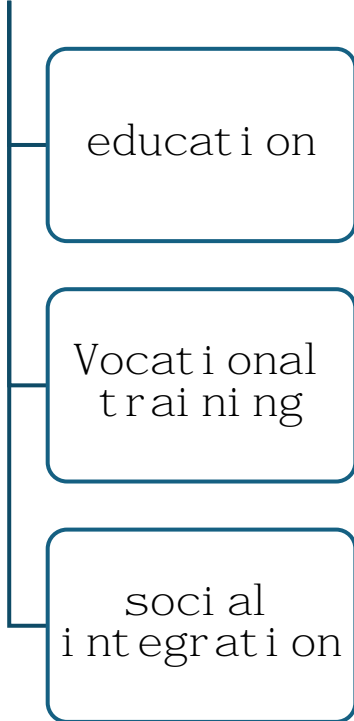


# Rehabilitation, Not Retribution – The Heart of Juvenile Justice

## Before



## After



Statutory emphasis on reform and social reintegration (Preamble, Sections 3 & 39)

Individual Care Plans (ICPs): Personalised, not perfunctory

Role of Fit Facilities, Special Homes, and Place of Safety

Education, skill training, and counselling as core components

Planning for reintegration begins at the stage of inquiry itself

*“Every child has the potential to reform – our systems must give them that chance.”*

# Mental Health Support – The Missing Link in Juvenile Rehabilitation



Mental health needs are often unassessed and unmet



Rule 10A(6) & Rule 11(7): Mandatory psychological assessment and therapeutic services



Need for trauma-informed care: Many children enter the system already harmed



Continuity of care: From inquiry through institutional stay to reintegration



Invest in trained professionals – not token appointments



*“Healing must precede reform. Without mental health support, justice remains incomplete.”*

# Mental Health Interventions across the Juvenile Justice Continuum

Apprehension & Inquiry Stage  
(Preliminary Assessment / Inquiry under JJB)

- Psychological assessment by trained professionals (Rule 10A(6), JJ Rules)
- Trauma screening at the time of apprehension (can be part of social investigation)
- Immediate counselling support, especially in cases of abuse, substance dependence, or self-harm risk
- Development of a preliminary psychosocial profile to inform the Individual Care Plan (ICP)

Institutional Stay  
(Observation Homes/ Special Homes/ Fit Facilities)

- Ongoing counselling by qualified counsellors or psychologists (Rule 11(7))
- Group therapy / behaviour modification sessions (especially for children with peer-related offences)
- Crisis intervention services (for suicide risk, violence, etc.)
- Therapy-informed education and vocational training
- Regular review and updating of the Individual Care Plan, including mental health goals
- Continued counselling support during aftercare (Rule 49 of JJ Rules – Aftercare Plan)

Post-release reintegration

- Linkage to community-based mental health services (e.g., DMHP, NGOs)
- Mentoring and peer support networks
- Parental/family counselling, if child is returning to family setting
- Monitoring of reintegration stress, relapse risks, and behavioural health indicators

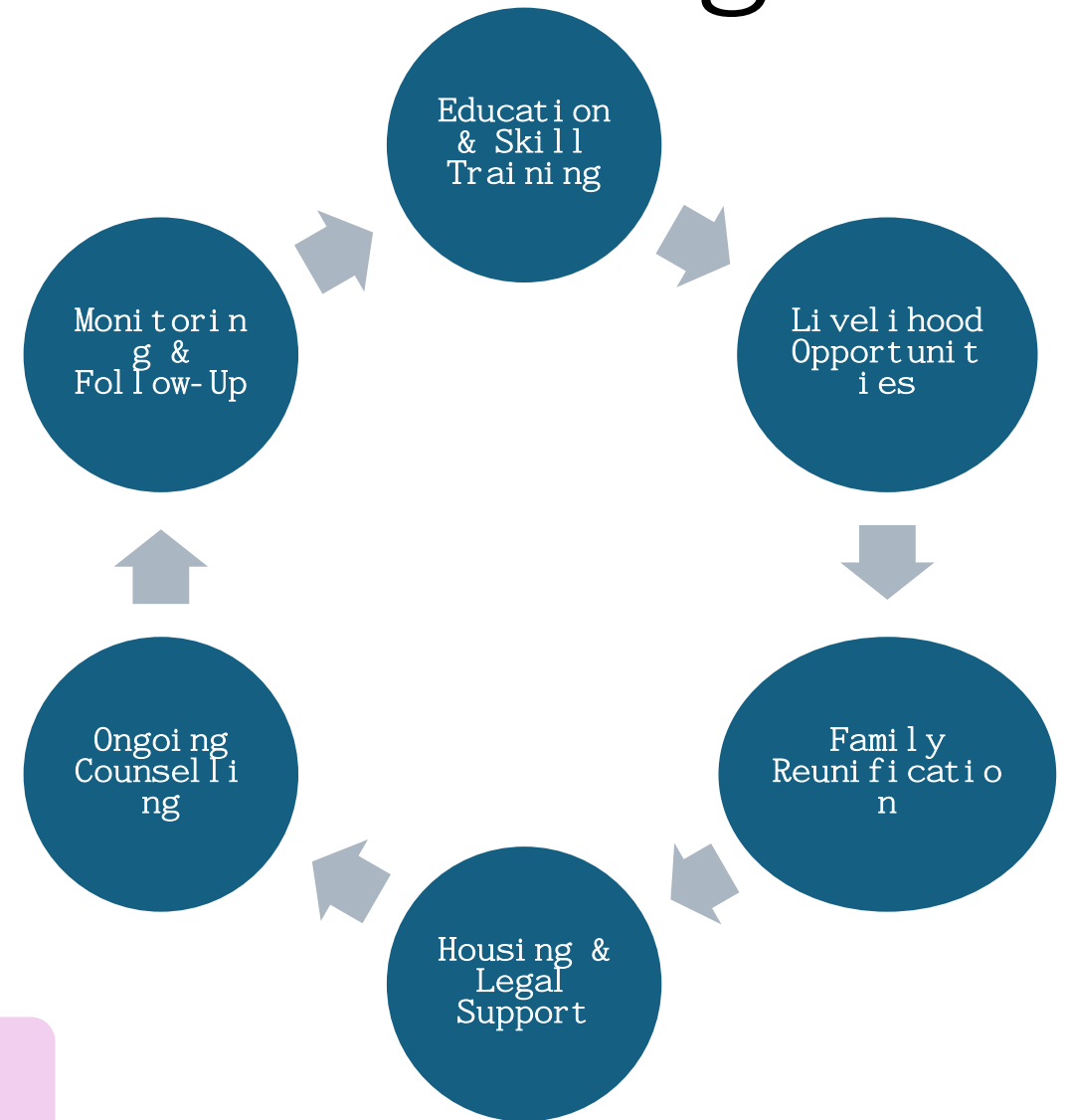
# Post-Release Reintegration: Restoring Dignity, Rebuilding Futures

- Reintegration is a *statutory mandate*, not a discretionary act (Rule 51, JJ Rules 2016).
- Individual Care Plan must extend *beyond release* – covering education, employment, housing, and family reintegration.
- *District Child Protection Units (DCPUs)* and *Child Welfare Officers* are responsible for coordinating reintegration support.

- *NGO partnerships*, community

*“Release is not the end – true reintegration begins after the court’s last word.”*

- Monitoring mechanisms: *Follow-up*



# Bridging the Implementation Gap: Mental Health Services in Practice

Limited availability of trained child psychologists, especially in remote districts

Lack of dedicated budgets and inter-agency coordination

Inadequate training for JJB members, CWPOs, and counsellors on trauma-informed care

Disruption of counselling during transfers between institutions

Weak linkage between institutional care and community mental health services

Need for robust monitoring and data on child mental health outcomes

*“Mental health must move from the margins to the mainstream of juvenile justice.”*

# JJ Act and the Courts

- *Rahul Kumar Yadav v. State of Bihar* [2024] 5 SCR 501 – a plea of juvenility can be raised at any stage of the proceedings
- *State of MP v. Ramji Lal Sharma & Anr.* 2024 INSC 747 - Plea of Juvenility can be raised even after conviction and sentence has attained finality
- *Thirumoorthy v. State* – Juvenile accused cannot be tried as an adult in absence of preliminary assessment and reports by the JJB
- *Tushar Gandhi v. State of Uttar Pradesh* WP (Crl.) No. 406/2023 - *the obligation of the state government to pay for the*



# JJ Act and the Courts

- *Child in Conflict with Law v. State of Karnataka*, 2024 SCC OnLine SC 798:
  - Children's Court and Court of Sessions under JJ Act are to be read interchangeably
  - Clear timeline of 30 days for filing appeals against preliminary assessment by JJB [3 month under s. 14(3) is directory]
- *Lokesh Kumar v. State of Chhattisgarh & Anr.* [SLP(Crl.) No(s). 851/2025]:
  - Section 24 of the JJ Act, which states that a child shall not suffer disqualification due to a conviction of an offence under this Act, is protective in nature
  - Irrespective of whether the conviction is left intact, Section 24 of the JJ Act, 2015 protects juveniles from suffering ongoing disqualification in adulthood.
- *Juvenile in Conflict with the Law v. State of Rajasthan* SLP (Crl.) No. No 9566/2024



# Conclusion – From Legal Safeguards to Living Systems

Juvenile justice must remain rooted in reform, not retribution



- Statutory protections are only meaningful if they translate into practice
- Timely disposal, individualised assessment, and mental health care are not competing goals – they are interlinked
- Invest in training, inter-agency coordination, and community reintegration
- Build systems that prioritise the child's voice, dignity, and future