



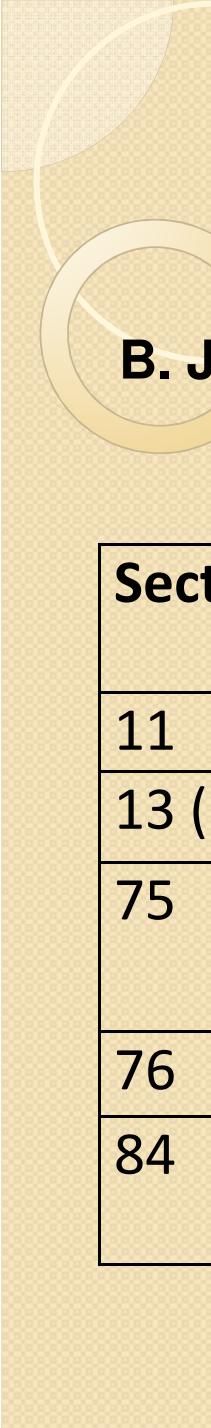
Juvenile Justice (Care and Protection of Children) Act, 2000

Role of Police

I. RELEVANT STATUTORY PROVISIONS

A. Juvenile Justice (Care and Protection of Children) Act, 2000

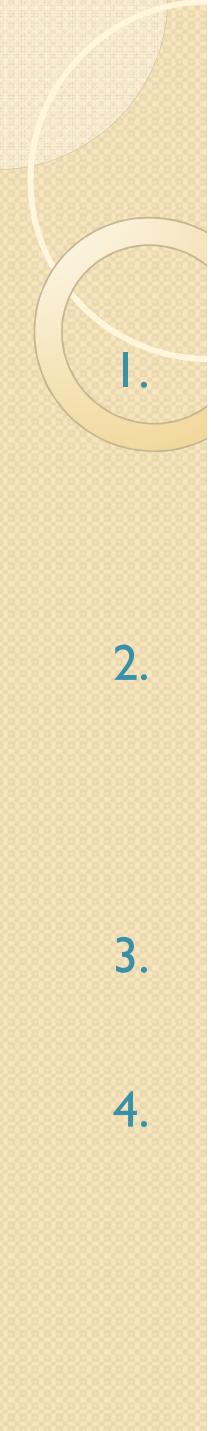
Section	Content
2(w)	'Special Juvenile Police Unit' (SJPU) defined.
10	Steps to be taken on apprehension of juvenile by police.
13	Information of arrest/apprehension of juvenile by police to parent, guardian and Probation Officer.
22	Provision in respect of escaped juvenile.
63	Constitution of 'Special Juvenile Police Unit' to deal with juvenile.



I. RELEVANT STATUTORY PROVISIONS

B. Juvenile Justice (Care and Protection of Children) Rules, 2007*

Section	Content
11	Pre and post-production action of Police.
13 (2)(d)	Petty offences can be disposed off by the police.
75	Police Officers to be in plain clothes except at the time of arrest.
76	Prohibition on the use of handcuffs and fetters.
84	Constitution and functions of 'Special Juvenile Police Unit'.



Organization Structure

1. An officer of the rank of not less than Inspector General of Police (IGP) to act as Nodal Officer to coordinate and upgrade role of Police in issues pertaining to Juvenile. [Rule 84 (10)]
2. In every district and city there should be a '*Special Juvenile Police Unit*' (*SJPU*) to handle juvenile to be constituted within 4 months of the notification of the Rules i.e. by 26.2.2008. [Section 63(3) r/w Rule 84(1)]
3. Superintendent of Police of district to head SJPU and oversee its functioning. [Rule 84 (9)]
4. SJPU shall consist of Juvenile or Child Welfare Officer (JCWO) of the rank of Police Inspector and two paid social workers one of whom shall be a woman. [Rule 84 (1)]



Organization Structure....Contd

4. In every police station at least one officer, specially instructed and trained, to be designated as the JCWO to deal with juvenile. [Section 63(2)(3) r/w Rule 84 (3)]
5. List of designated JCWO and members of SJPU with contact details to be prominently displayed in every police station. [Rule 11 (4)]
6. SJPU to seek assistance from NGOs, Panchayat & Gramshabhas and Residents Welfare Associations. [Rule 84 (7) (8)]
7. Central and State Government to monitor establishment and functioning of SJPU. [Rule 64(I)]



III. DUTIES & FUNCTIONS

A. APPREHENSION/ARREST

1. In case of petty offences (punishable with fine upto Rs.1000/- only), the police may dispose off the case at the police station itself. [Rule 13(2) (d)]
2. In case of non serious offences (punishable with imprisonment upto 7 years) juvenile can be apprehended only if it is "necessary in the interest of the juvenile". [Rule 11(7)(9)]
3. In case of serious offence (punishable with imprisonment for more than 7 years) juvenile can be apprehended. [Rule 11 (7)]

Apprehension....Contd

B. DUTIES UPON APPREHENSION

- I. Upon apprehension of a juvenile, the police shall not:
 - I. Hand-cuff, chain or otherwise fetter the juvenile; [Rule 76]
 - II. Send the juvenile to police lock up or jail; [Section 10(I) proviso r/w Rule 11 (3)]

Remember : Courts have even awarded monetary compensation where juvenile has been kept in jail or police lock up. **Master Salim Ikramuddin Ansari Vs. Officer-in-charge 2005 Cri.LJ 799, 2004 (4) MhLJ 725 MANU/MH/0517/2004 (Bombay); Master Rajeev Shankarlal Vs. Officer-in-charge 2003 CriLJ 4522 MANU/MH/0471/2003 (Bombay)**

Apprehension....Contd

2. Upon apprehension of Juvenile the police shall:

- Inform the designated JCWO of the nearest police station to take charge of the juvenile and matter; [Section 10 (I) r/w Rule 11(I)(a)]
- Inform the parents/guardian about apprehension of the juvenile, address of the Board and date and time of production; [Section 13 (a) r/w Rule 11 (I)(b)]
- Explain to the parents/guardian about the possible need of personal bond/surety; [Section 50 (2) Cr.P.C.]
- Give copy of police report to the parents/guardian free of cost; [Section 50 (I) r/w section 50A (I) & 207 Cr.P.C]

Apprehension....Contd

- Ask the parents/guardian to bring documents regarding age of juvenile;
- Inform the Probation Officer; [Section 13 (b) r/w Rule 11 (1)(c)]
- Record social background of the juvenile and circumstances of apprehension in the case diary and forward to the Board; [Rule 11 (6)]
- Be responsible for the safety, food and basic amenities during the period of apprehension; [Rule 11 (13)]
- Produce before the Board within 24 hours of apprehension; [Section 10 r/w Rule 11 (2)] and in case the Board is not sitting, the juvenile shall be produced before a single member of the Board, who is empowered to pass all orders except final disposal; [Sec. 5(2) r/w Rule 11 (10)]
- Where juvenile is not released on bail, he shall be sent to Observation Home; [Section 12(2)]



Apprehension....Contd

- In case of apprehension apparently in the interest of juvenile, the police shall make a report to the Board for transferring the child to the Child Welfare Committee. [Rule 11 (8) r/w Rule 13 (I)(b)]
- In case of non-serious offence, no FIR or charge-sheet is required. Police may record the Information regarding the alleged incident in General Diary. A social background report, circumstances of apprehension and offence shall be submitted to the Board before the first hearing. [Rule 11 (11)]



C. OTHER IMPORTANT ASPECTS

- The police shall complete the investigation at the earliest having regard to the requirement of the Act to complete the inquiry by the Board within 4 months. [proviso to section 14 (1)]
- The police shall attend the Board proceedings in plain clothes and shall not wear police uniform except at the time of arrest. [Rule 75]
- Every juvenile is entitled to be released on bail, except:
 - Release is likely to bring him into association with any known criminal, or
 - Expose him to moral, physical or psychological danger, or
 - Release would defeat the ends of justice. [Section 12 (1)]

Contd....

- In case of escape, police may trace the juvenile and send him back. No proceeding for such escape can be initiated against the juvenile. [Section 22, Rule 18(2)(a)]
- SJPU to act as watch-dog against cruelty, abuse and exploitation of juvenile. [Rule 84(5)]
- Police to accompany the juvenile for restoring him back to the family. [Rule 65(4)]
- Police Officer if found guilty of torturing a child, is liable to be removed from service besides being prosecuted under section 23 of the Act. [Rule 84 (II)]



Thanks