

CHAPTER – II
JUVENILE JUSTICE BOARD

3. **Board.** -There shall be one or more Boards in each district to be constituted by the State Government through a notification in the Official Gazette.
4. **Composition of the Board. –**
 - (1) The Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of First Class having at least three years experience to be designated as the Principal Magistrate of the Board and two social worker members, of whom one shall be a woman, forming a Bench.
 - (2) The social worker members shall be appointed by the State Government on the recommendations of the Selection Committee constituted under these rules.
 - (3) The social worker members shall not be less than thirty-five years of age and shall have at least three years of experience of working with children in the field of education, health, or welfare activities, or should be a practicing professional with a degree in child psychology or psychiatry or social work or education or sociology or in the field of law.
 - (4) As far as possible, the two social worker members so selected for a Board shall be from different fields.
 - (5) All members of the Board including the Principal Magistrate shall be given induction training and sensitization within a period of sixty days from the date of appointment.
5. **Term of Members of the Board. –**
 - (1) The term of the social worker member of the Board shall not be more than for a period of three years from the date of appointment.
 - (2) A social worker member of the Board shall be eligible for appointment of two consecutive terms, after which, it shall not be ordinarily continuous.
 - (3) The members may resign at any time, by giving one month's notice in writing to the State Government.
 - (4) Any vacancy in the Board shall be filled by appointment of another person from the panel of names prepared by the Selection Committee.
 - (5) The Board may automatically continue after the completion of its tenure if a new Board is not constituted for any reason thereof.

6. Sittings of the Board. –

- (1) The Board shall hold its sittings in the premises of an observation home or at a place in proximity to the observation home or, at a suitable premises in any Child Care Institution meant for children in conflict with law run under the Act, and in no circumstances shall the Board operate from within any court or jail premises.
- (2) The Board shall ensure that no person(s) un-connected with the case remains present in the room when the case is in progress.
- (3) The Board shall ensure that only those person(s), in the presence of whom the child feels comfortable, are allowed to remain present during the sitting.
- (4) The Board shall hold its sittings in a child-friendly premises which shall not look like a court room in any manner and the sitting arrangement should be such as to enable the Board to interact with the child face to face.
- (5) While communicating with the child, the Board shall use child friendly techniques through its conduct and shall adopt a child friendly attitude with regard to body language, facial expression, eye contact, intonation and volume of voice while addressing the child.
- (6) The Board shall not sit on a raised platform and there shall be no barriers, such as witness boxes or bars between the Board and the child.
- (7) The Board shall sit on all working days for a minimum of six hours commensurate with the working hours of a Magistrate Court, unless the case pendency is less in a particular district and the State Government issues an order in this regard, or the State Government may, by notification in the Official Gazette constitute more than one Board in a district after giving due consideration to the pendency of the cases, area or terrain of the district, population density or any other consideration.
- (8) When the Board is not sitting, a child in conflict with law may be produced before an individual member of the Board. For the said purpose, one member of the Board shall always be available or accessible to take cognizance of any matter of emergency and necessary directions required to deal with the emergency situation shall be given by such member to the Special Juvenile Police Unit or the local police of the district. The Principal Magistrate shall draw up a monthly duty roster of the members who shall be so available and accessible every day, including on Sundays and holidays. The roster shall be circulated in advance to all the police stations, the Chief Judicial Magistrate/ Chief Metropolitan Magistrate, the District Judge, the District Magistrate, the Committees, the District Child Protection Unit and the Special Juvenile Police Unit.

(9) The Principal Magistrate and social worker members of the Board shall be paid not less than Rs. 3000/- & 1500/- respectively, per sitting which shall include sitting allowance, travel allowance and any other allowance, as the State Government may prescribe.

(10) The Board shall be provided infrastructure and staff by the State Government.

7. Functions of the Board. –

(1) The Board shall perform the following additional functions, namely:

- (i) Whenever necessary, the Board shall provide a translator or interpreter or special educator who shall be paid not less than Rs.1500 per day and in case of translator, not exceeding Rs.100 per page. For the said purpose, the District Child Protection Unit shall maintain a panel of translators, interpreters and special educators who shall forward the same to the Board, the qualifications of the translator, interpreter and special educator shall be as prescribed under the POCSO Act, 2012 and rules framed thereunder;
- (ii) wherever required issue rehabilitation card in **Form 14** to the child in conflict with law to monitor the progress made by the child;
- (iii) wherever required, pass appropriate orders for re-admission or continuation of the child in school where the child has been disallowed from continuing his education in a school on account of the pendency of the inquiry or the child having stayed in a Child Care Institution for any length of time;
- (iv) interact with Boards in other districts to facilitate speedy inquiry and disposal of cases through due process of law, including sending a child for the purpose of an inquiry or rehabilitation to a Board in another district or State;
- (v) inspect Child Care Institutions for children in conflict with law, issue directions in cases of any noticeable lapses, suggest improvements, seek compliance and recommend suitable action, including against any employee found in dereliction of duty to the District Child Protection Unit;
- (vi) maintain a suggestion box or grievance redressal box in the premises of the Board at a prominent place to encourage inputs from children and adults alike which shall be operated by the nominee of the Principal Magistrate;
- (vii) ensure smooth functioning of Children's Committees in the Child Care Institutions for children in conflict with law, for realising children's participation in the affairs and management of such Child Care Institutions;
- (viii) review the Children's suggestion book at least once in a month;

- (ix) ensure that the Legal cum Probation Officer in the District Child Protection Unit and the State or District Legal Aid Services Authority extends free legal services to a child; and
- (x) deploy, if necessary, the services of student volunteers or non-governmental organisation volunteers for para-legal and other tasks such as contacting the parents of child in conflict with law and collecting relevant social and rehabilitative information about the child.