

APO RPSC Mains Examination: Juvenile Justice (Care and Protection of Children) Act, 2015

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The Rajasthan Public Service Commission (RPSC) Assistant Prosecution Officer (APO) Examination is one of the most prestigious competitive examinations for law graduates aspiring to join the prosecution service in Rajasthan. The examination demands not only a thorough understanding of criminal laws but also the ability to apply legal principles with clarity and precision.

Keeping the requirements of the latest RPSC APO Mains Examination syllabus in mind, this comprehensive guide has been meticulously crafted to cover the **Juvenile Justice (Care and Protection of Children) Act, 2015**.

| Syllabus Coverage Framework

This exhaustive guide covers the following structured components as officially prescribed for the RAJ APO Mains:

- **1. Preliminary** (Section 1 and 2)
- **2. Juvenile Justice Board** (Section 4 to 9)
- **3. Procedure in relation to Children in conflict with Law** (Section 10 to 26)
- **4. Other offences against Children** (Section 74 to 89)
- **5. Miscellaneous** (Section 90 to 107)

The objective of this guide is to help aspirants understand legal concepts, remember important statutory provisions, and develop the ability to solve subjective and descriptive questions with confidence. Along with concise legal notes, this compilation contains heavily tested concepts, landmark judicial precedents, and dedicated Question & Answer sets to strengthen answer writing skills.

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| 1. Preliminary (Sections 1 and 2)

Core Purpose & Philosophy of the Act

The primary objective of the JJ Act, 2015 is reformatory and rehabilitative, rather than retributive (punitive). It is rooted in Article 15(3) (special provisions for children) and Article 39(e) & (f) (directive principles protecting childhood from exploitation) of the Constitution of India, as well as the United Nations Convention on the Rights of the Child (UNCRC).

The Act targets two primary categories of children:

- **Children in conflict with law (CCL):** Children who are alleged or found to have committed a crime.
- **Children in need of care and protection (CNCP):** Children who are vulnerable, abandoned, or abused and need state intervention.

Section 1: Short Title, Extent, Commencement, and Application

This section is highly important for preliminary objective questions regarding geographical applicability and institutional jurisdiction.

Name & Commencement: The Act is called The Juvenile Justice (Care and Protection of Children) Act, 2015. It came into force on January 15, 2016.

Extent: It extends to the whole of India.

Overriding Application [Section 1(4)] (APO Exam Favorite): This subsection explicitly states that the provisions of this Act will override all other laws in force regarding children in conflict with law and children in need of care and protection. Even if an offence is registered under a special law (like the POCSO Act, NDPS Act, or local state laws), the procedure for handling a minor offender will still strictly follow the JJ Act, 2015.

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| Section 2: Vital Definitions

Section 2 is a foundational tool for prosecution officers. You must memorize the exact criteria for age and offence categories.

A. Child & Child in Conflict with Law (CCL)

"Child" [Section 2(12)]: A person who has not completed 18 years of age.

"Child in Conflict with Law" [Section 2(13)]: A child who is alleged or found to have committed an offence and who has not completed 18 years of age on the date of the commission of such offence.

Example: If a boy commits a theft at the age of 17 years and 11 months, but is arrested by the police when he turns 18 years and 2 months, he will still be treated as a CCL. The age at the time of the offence is what matters, not the age at the time of arrest or trial.

B. Child in Need of Care and Protection (CNCP) [Section 2(14)]

The definition lists multiple clauses defining which children need protection. A child is considered a CNCP if they:

- Are found without any home or settled place of abode and without any ostensible means of subsistence (e.g., homeless or street children).
- Are found working in contravention of labor laws, or begging.
- Reside with a guardian who has injured, exploited, abused, or neglected the child.
- Have no parents, or have parents/guardians declared unfit or incapacitated by the Child Welfare Committee (CWC).
- Are missing, run away, or abandoned.
- Are vulnerable and at risk of being inducted into drug abuse or illegal acts.



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| The Three Categories of Offences

The 2015 Act introduced a strict classification of offences to decide how a juvenile should be treated, particularly regarding whether a child aged 16 to 18 can be tried as an adult for severe crimes.

Category	Section	Definition / Quantum of Punishment	Example under IPC / BNS
Petty Offences	Section 2(45)	Offences for which the maximum punishment provided under any law is imprisonment up to 3 years.	Theft, Simple Hurt, Affray.
Serious Offences	Section 2(54)	Offences for which the punishment provided under any law is imprisonment between 3 to 7 years.	Cheating, Assaulting a woman with intent to outrage her modesty.
Heinous Offences	Section 2(33)	Offences for which the minimum punishment under any law is imprisonment for 7 years or more.	Murder, Rape, Dacoity.

The "4th Category" Loophole

Shilpa Mittal v. State of NCT of Delhi (2020 SC)

This is the most critical case law for any upcoming prosecution exam involving the JJ Act.

The Issue: The Supreme Court encountered an issue regarding offences where the maximum punishment is more than 7 years (e.g., up to 10 years or life), but no minimum punishment is prescribed (such as Culpable Homicide Not Amounting to Murder under Section 304 IPC / Section 105 BNS). These did not fit into Serious Offences (capped at 7 years) or Heinous Offences (which strictly require a minimum of 7 years).

The Ruling: The Supreme Court held that the judiciary cannot rewrite the words of the legislature. Since "heinous offences" strictly use the word "minimum", any offence that does not specify a minimum sentence of 7 years cannot be called heinous.

The Outcome: The Court ruled that until Parliament amends the Act, this "4th category" of undefined offences must be treated as Serious Offences. Consequently, a juvenile between 16 to 18 years cannot be tried as an adult for these crimes, ensuring the beneficial nature of the Act remains intact.

Other Notable Judgments on Preliminary Concepts

Hansraj v. State of Uttar Pradesh (2025 SC): The Court reaffirmed that the beneficial provisions of the Juvenile Justice Act apply retrospectively. A claim of juvenility can be raised before any court, at any stage of the proceedings (even after the final disposal of the case).

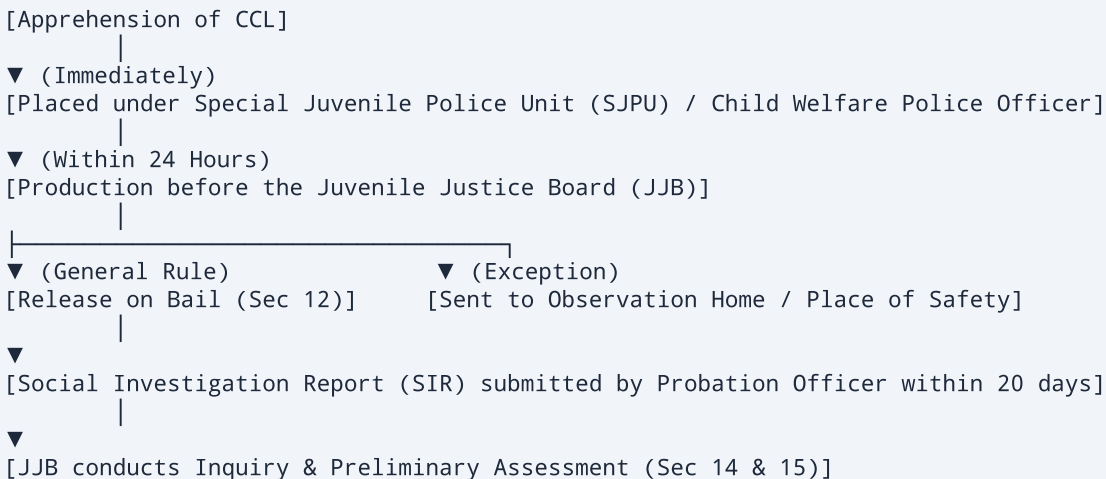
Vinod Katara v. State of UP (2024 SC): Laid down clear directives for trial courts on how to conduct inquiries and record findings regarding age determination when an accused claims to be a minor.

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3. Procedure in relation to Children in conflict with Law (Section 10 to 26)

1. Statutory Flowchart: The Immediate Post-Apprehension Process

When a child is alleged to have committed an offence, the procedure completely shifts away from standard criminal procedure. The path looks like this:



| Section 10: Apprehension of Child in Conflict with Law

No Regular Arrest: A child is apprehended, not "arrested".

Immediate Custody: As soon as a child is apprehended, they must be placed under the charge of the Special Juvenile Police Unit (SJPU) or the designated Child Welfare Police Officer (CWPO).

Production Timeline: The child must be produced before the Juvenile Justice Board (JJB) within 24 hours of apprehension (excluding journey time).

Strict Prohibitions

- The child cannot be placed in a police lock-up or a regular jail.
- The child cannot be kept with adult accused persons.
- **Rule 8 of JJ Rules:** Handcuffs or fetters must never be used on a child, and force should be avoided. Police officers must be in civilian clothes, not uniform.

| Section 11: Role of the Person in Whose Charge the Child is Placed

Duty of Care: The SJPU, CWPO, or designated NGO who takes immediate charge of the child is personally responsible for the child's safe custody, food, shelter, and medical care until they are physically produced before the Board.

Exploitation of Children in Orphanages v. Union of India (2017 SC): The Supreme Court issued strict directives ensuring that no child is kept in a police lock-up or jail even for a few hours. The Court ruled that any police officer keeping a child in a standard cell will face immediate departmental and contempt action.



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| Section 12: Guiding Principles for Bail to a Juvenile

Section 12 is arguably the most heavily tested section in the Rajasthan APO exam. It creates a statutory presumption in favor of bail for juveniles, completely overriding the regular bail provisions of the CrPC/BNSS.

The Mandate: When any person accused of a bailable or non-bailable offence who appears to be a child is apprehended, they shall be released on bail (with or without surety) or placed under the supervision of a probation officer.

The Three Strict Exceptions

Bail can only be denied if the Board records clear reasons showing that release would:

1. Likely bring the child into association with known criminals, OR
2. Expose the child to moral, physical, or psychological danger, OR
3. Defeat the ends of justice (render the child unsafe or cause them to disappear).

Action upon Rejection: If bail is rejected based on these exceptions, the Board must send the child to an Observation Home or a Place of Safety during the pendency of the inquiry.

APO Exam Tip: The financial status of the parents is not a ground to deny bail. If the parents cannot afford a monetary surety bond, the Board must release the child on a personal bond or supervision order.

Praveen Kumar v. State of Rajasthan (Rajasthan HC): The High Court reiterated that the exceptions listed in Section 12 are exhaustive. The gravity or heinous nature of the offence itself cannot be the sole reason to deny bail to a child. The prosecution must explicitly prove that the child will fall into the company of bad elements or be put in danger if released.

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| Section 13: Information to Parents, Guardian, or Probation Officer

Immediately upon apprehension, the CWPO/SJPU must inform:

- **The Parents/Guardian:** Directing them to be present at the Board when the child is produced.
- **The Probation Officer:** So that the officer can immediately start preparing the Social Investigation Report (SIR). The SIR details the child's family background and social circumstances and must be submitted to the Board within 20 days from the date of apprehension.

| Section 14: Timeframe for Inquiry

The statute lays down strict timelines to ensure that a child does not suffer prolonged detention during the inquiry phase.

- The Board must complete its inquiry within **4 months** from the date of the child's first production.
- An extension of up to **2 months** can be granted by the Board if reasons are recorded in writing.
- **For Petty Offences:** If the inquiry is not completed within 6 months, the proceedings stand automatically terminated.



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| Section 15: Preliminary Assessment for Heinous Offences

This is a critical provision introduced to address cases involving severe crimes committed by older juveniles.

Target Group: Applies only to children between 16 and 18 years of age who are alleged to have committed a Heinous Offence (an offence carrying a minimum punishment of 7 years or more).

The Board's Task: The JJB must conduct a preliminary assessment regarding:

- The child's mental and physical capacity to commit such an offence.
- The child's ability to understand the consequences of the offence.
- The circumstances under which the offence was committed.

Timeline: This assessment must be completed within 3 months from the date of first production.

Expert Assistance: The Board may take the assistance of experienced psychologists, psycho-social workers, or other medical experts.

The Outcome: If the Board finds that the child needs to be tried as an adult, it passes an order transferring the trial to the Children's Court (Session Court) having jurisdiction.

Barun Chandra Thakur v. Master Bholu (2022 SC): The Supreme Court gave crucial guidelines regarding Section 15. The Court held that a preliminary assessment is not a mechanical exercise. It is a highly sensitive evaluation of the child's maturity. The JJB must ensure that the child is provided legal aid and that the psychological evaluation is thorough, rather than just a superficial interview.

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| Section 16: Review of Pendency of Inquiry

To ensure cases do not drag on indefinitely, Section 16 establishes a strict top-down monitoring system for the Juvenile Justice Board (JJB).

- **Chief Judicial Magistrate (CJM) / Chief Metropolitan Magistrate (CMM):** Must review the pendency of cases before the JJB every three months.
- **Directives:** If an inquiry is delayed beyond the statutory timeline (4+2 months), the CJM/CMM can direct the Board to speed up proceedings or increase the frequency of its sittings.
- **Executive Magistrate Review:** The District Magistrate (DM) also conducts a bi-annual review of the institutional performance of the JJB.

| Section 17 & 18: Orders That Can and Cannot Be Passed (The Core Outcome)

Section 17: Orders regarding a child found NOT to be in conflict with law

If the Board conducts its inquiry and finds that the child has not committed any offence, the child is immediately discharged. If the Board feels the child is vulnerable, it can pass an order transferring the child to the Child Welfare Committee (CWC) as a Child in Need of Care and Protection (CNCP).



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| Section 18: Orders that CAN be passed if the child is found guilty

If the Board establishes that the child has committed an offence, it completely avoids traditional criminal sentencing. Instead of a "conviction," the Board can pass one or more of the following rehabilitative orders:

- Allow the child to go home after advice or admonition (verbal warning).
- Direct the child to participate in group counseling or similar activities.
- Order the child to perform community service under supervision.
- Direct the parents/guardian or the child (if employed) to pay a fine (only if applicable, and never if it leads to detention for non-payment).
- Release the child on probation of good conduct and place them under the care of a parent, guardian, or fit person for a period not exceeding 3 years.
- Release the child on probation under the supervision of a Probation Officer.
- Direct the child to be sent to a Special Home for a period not exceeding 3 years to receive education, vocational training, and counseling.

Section 18(3): The Transfer Order (Adult Trial)

If the Board has conducted a preliminary assessment under Section 15 for a child aged 16 to 18 who committed a heinous offence, and concludes the child should be tried as an adult, the Board will transfer the case directly to the Children's Court (Sessions Court) for trial.

| Section 19: Powers of the Children's Court

When a case is transferred under Section 18(3), the Children's Court must independently apply its mind:

Re-evaluating Adult Trial: The court can independently decide whether there is a need for trial as an adult. If it feels an adult trial is not necessary, it can conduct the inquiry itself as a Board and pass orders listed under Section 18.

If Tried as an Adult: The court can try the child under standard criminal procedures but must ensure the environment is child-friendly.

Place of Safety: If found guilty, the child is kept in a Place of Safety until they reach the age of 21 years, after which an evaluation is done to see if they can be shifted to a regular jail or released.

| Section 21: The Absolute Statutory Bars on Sentencing

This section is a highly favored question for preliminary and main examinations. It sets out absolute human rights protections for juveniles that cannot be breached under any circumstance, even by the Children's Court.

Section 21 Mandate: No child in conflict with law shall, under any circumstances, be sentenced to:

- Death Penalty (Capital Punishment).
- Life Imprisonment without the possibility of release.

Even if a 17-year-old is tried as an adult for a mass casualty or rarest-of-rare terror attack, the court cannot sentence them to death or hand down a natural-life sentence without review options.

| Section 22: Statutory Exclusion of Joint Trials

No Joint Trial with Adults: A child in conflict with law cannot be tried jointly with an adult accused under Section 223 of the CrPC / Section 246 of the BNSS.

Separation of FIR/Chargesheet: If a child and an adult commit a crime together, the police must bifurcate the proceedings. The adult goes to the regular criminal court, and the child's case file is submitted exclusively to the JJB.



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| Section 23 & 24: Removal of Disqualifications and Records

Section 23: Removal of Disqualifications

Clean Slate: A child who is found guilty of an offence and dealt with under this Act shall not suffer any disqualification attaching to a conviction of an offence under any law.

Government Jobs & Records: The finding of guilt cannot be used to bar them from future government employment, passport applications, or higher education.

Exception: This systemic cleaning of records does not apply to a child aged 16–18 who was explicitly tried and convicted as an adult by the Children's Court.

Section 24: Destruction of Criminal Records

The records of the conviction/guilt must be destroyed after the expiry of the appeal period or as per the specific rules, ensuring no permanent criminal stigma follows the child into adulthood.

| Landmark Judgments regarding Procedures

Satya Deo v. State of Bihar (2020 SC): The Supreme Court held that the benefit of Section 23 (Removal of Disqualification) is an absolute statutory right. The Court directed that even if an accused establishes their juvenility years after their conviction, any civil or employment disqualifications arising out of that past conviction must instantly disappear.

State of Rajasthan v. Narayan Lal (Rajasthan HC): The Rajasthan High Court set aside a joint trial conviction where a minor was tried alongside his father in a regular Sessions Court for murder. The High Court reiterated that Section 22 is mandatory and absolute; a joint trial of a juvenile with an adult vitiates the entire trial process against the minor, making it null and void.

| 4. Other offences against Children (Section 74 to 89)

Protection of Privacy & Dignity (Section 74)

Prohibition on Disclosure of Identity (Section 74): Strictly prohibits the publication or media transmission of any detail (name, address, photo, school) that could identify a Child in Conflict with Law (CCL), a Child in Need of Care and Protection (CNCP), or a child victim/witness.

Punishment: Imprisonment up to 6 months, or fine up to ₹2,00,000, or both.

Exception: Board or Committee may permit disclosure in writing solely if it is in the best interest of the child.

Cruelty and Institutional Exploitation (Sections 75 & 82)

Cruelty to Child (Section 75): Penalizes anyone having charge/control of a child who assaults, abandons, abuses, exposes, or willfully neglects the child causing unnecessary mental or physical suffering.

- **General Penalty:** Imprisonment up to 3 years or fine of ₹1,00,000, or both.
- **Enhanced Penalty (Organized/Institutional Care):** If committed by an employee or management of a Child Care Institution (CCI), imprisonment extends up to 5 years and fine up to ₹5,00,000.

Corporal Punishment (Section 82): Penalizes CCI staff subjecting a child to physical punishment under the guise of discipline.

- **First Conviction:** Fine of ₹10,000.
- **Subsequent Offense:** Imprisonment up to 3 months, fine, or both.

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| **Exploitation, Substance Abuse & Illegal Vending**

Employment for Begging (Section 76)

Imprisonment up to 5 years and fine of ₹1,00,000. If the child is amputated or maimed for begging, rigorous imprisonment ranges from 7 to 10 years with a fine of ₹5,00,000.

Intoxicants, Tobacco, Vaping & Narcotics (Section 77)

Giving or causing to give any intoxicating liquor, narcotic drug, psychotropic substance, or tobacco product (including e-cigarettes/vapes) to a child carries rigorous imprisonment up to 7 years and a fine up to ₹1,00,000.

Using Child for Peddling/Smuggling (Section 78)

Using a child for vending, peddling, carrying, or smuggling intoxicants or drugs attracts rigorous imprisonment up to 7 years and a fine up to ₹1,00,000.

Exploitation of Child Employee (Section 79)

Keeping a child in bondage, withholding earnings, or using their income for personal gain is punishable with rigorous imprisonment up to 5 years and a fine of ₹1,00,000.

| **Illegal Adoption, Sale & Trafficking**

Adoption Without Prescribed Procedures (Section 80)

Performing or offering an adoption without following the mandatory statutory procedures laid out by the Act/CARA is punishable with imprisonment up to 3 years, fine of ₹1,00,000, or both.

Sale and Procurement of Children (Section 81)

Buying, selling, or procuring a child for any purpose (regardless of consent) is a severe offense punishable with rigorous imprisonment up to 5 years and a fine of ₹1,00,000. If committed by an institution or hospital staff, imprisonment extends from 3 to 7 years.

Kidnapping and Abduction (Section 84)

Sections of IPC/BNS relating to kidnapping apply in conjunction with the JJ Act, treating non-consensual removal of a child as a high-gravity offense.

| Armed Conflicts & Aggravated Offenses

Use of Children by Militant Groups/Adults (Section 83)

Recruiting or using children in illegal gangs, militant groups, or armed conflicts carries rigorous imprisonment up to 7 years and a fine of ₹5,00,000.

Offenses Against Disabled Children (Section 85)

Any offense listed under Chapter IX committed against a child with a disability attracts double the penalty specified for that offense.

| Overview of Penal Provisions

Offense	Relevant Section	Maximum Punishment	Fine Amount
Disclosure of Child Identity	Sec. 74	6 months	Up to ₹2,00,000
Cruelty to Child (Institutional)	Sec. 75	Up to 5 years	Up to ₹5,00,000
Employing Child for Begging (Maiming)	Sec. 76	7 to 10 years (Rigorous)	₹5,00,000
Supply of Intoxicants/Tobacco/Drugs	Sec. 77	Up to 7 years (Rigorous)	Up to ₹1,00,000
Illegal Adoption (Bypassing CARA)	Sec. 80	Up to 3 years	₹1,00,000
Sale & Procurement of Children	Sec. 81	Up to 5 years (Up to 7 yrs for CCIs)	₹1,00,000
Recruitment by Militant/Illegal Groups	Sec. 83	Up to 7 years (Rigorous)	₹5,00,000

Categorization & Cognizability (Sec. 86)

Under Section 86 of the Act (as amended):

- **Cognizable & Non-Bailable:** Offenses punishable with imprisonment for 3 years and above.
- **Non-Cognizable & Bailable:** Offenses punishable with imprisonment for less than 3 years or fine only.

Jurisdiction: Cognizable offenses under this Chapter are triable by the Children's Court or the Court of Session, ensuring specialized judicial oversight.

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5. Miscellaneous (Section 90 to 107)

Transfer and Placement of Children (Sections 92, 95–98)

Section	Subject Matter	Key Statutory Mandate
Section 92	Child Suffering from Serious Disease	Allows the JJB/CWC to transfer a child suffering from a severe mental or physical illness to an appropriate specialized medical facility or psychiatric hospital.
Section 95	Transfer to Place of Residence	Authorizes sending a child found outside their home state/district back to their native place or parents, provided it is in the best interest of the child.
Section 96	Inter-State Transfer	Empowers the State Government to order the transfer of a child from an institution in one state to a similar institution in another state.
Section 97	Release on License / Probation	Permits the JJB/CWC to allow a child residing in a Special Home or Place of Safety to live with a parent, guardian, or fit person under specific conditions.
Section 98	Removal from Harmful Environment	Directs the immediate relocation of a child if their current living condition or surroundings present imminent moral or physical danger.

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| Presumption and Determination of Age (Section 94)

Section 94 sets out a strict statutory hierarchy for age determination whenever a person's status as a child/juvenile is in question before the CWC, JJB, or Courts.

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[Visual Assessment by JJB/CWC (Sec. 94(1))]  
      |  
      (If doubt arises regarding age)  
      v  
=====
```

PRIMARY EVIDENCE (Hierarchy per Sec. 94(2)):

```
-----  
1. Date of Birth Certificate from School OR  
   Matriculation / Equivalent Certificate  
      |  
      (In the absence of Tier 1)  
      v  
2. Birth Certificate from Municipal Corporation /  
   Panchayat / Local Authority  
=====
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|
 (Only in the absence of BOTH 1 & 2)
 v
=====

SECONDARY EVIDENCE:

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-----  
3. Ossification Test / Latest Medical Age  
   Determination Test  
   (Must be completed within 15 days of order)  
=====
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Deemed True Age (Sec. 94(3)): The age recorded by the Board or Committee based on this procedure is legally presumed to be the true age for all proceedings under the Act.

Judicial Precedence (Vinod Katara v. State of U.P., 2024): The Supreme Court has repeatedly affirmed that valid documentary evidence under Tier 1 or Tier 2 strictly precludes ordering an ossification test. Medical opinions serve only as a secondary resort in the complete absence of authentic records.

| Appeals and Revisions (Sections 101 to 104)

Appeals (Section 101):

- An appeal against an order passed by the CWC or JJB lies before the Children's Court (or Court of Session) within 30 days of the order.
- Appeals against orders passed by the District Magistrate (specifically regarding adoption or administrative decisions under the 2021 Amendment) lie before the Divisional Commissioner within 30 days.
- No appeal lies against an order of acquittal of a child alleged to be in conflict with law or an order finding a child not in need of care and protection.

Revision (Section 102): The High Court may, at any time, on its own motion or on an application, call for the records of any proceeding to satisfy itself as to the legality or propriety of any order passed under the Act.

Procedure (Section 103): The High Court or Children's Court, while hearing appeals or revisions, follows the procedure laid down under the Code of Criminal Procedure (CrPC / BNSS).

Power to Amend Orders (Section 104): The JJB or CWC may amend its own orders regarding the institution, fit facility, or fit person to whose care the child is committed, if circumstances alter.

| Other Key Miscellaneous Provisions

Maintenance of Reports and Confidentiality (Section 99): Social Investigation Reports (SIR) and psychological evaluations prepared by Probation Officers or Child Welfare Officers are treated as strictly confidential.

Protection of Action Taken in Good Faith (Section 100): Grants immunity from prosecution or legal proceedings to the Central/State Government, DM, CWC, JJB, or CCIs for actions done in good faith under the Act.

Power to Remove Difficulties (Section 106): Central Government holds the power to publish executive orders in the Official Gazette to clear operational ambiguities without altering the essential provisions of the Act.



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QUESTION PAPER: JUVENILE JUSTICE ACT, 2015 (MAINS)

PART A: Core Principles & Juvenile Justice Board

Q1. Explain the 'Principle of Fresh Start' as enumerated under Section 3 of the JJ Act, 2015. How does this principle impact the criminal record of a child?

Answer:

1. Concept: The 'Principle of Fresh Start' under Section 3(xiv) dictates that the principle of erasing past records applies to all children under the JJ Act, allowing them to begin a new life and seamlessly reintegrate into society without the stigma of past mistakes.

2. Impact on Criminal Record: This principle guarantees that a juvenile's conviction or interaction with the justice system does not result in a permanent criminal disqualification. Except for specific heinous crimes tried in a Children's Court, police records of a child must be destroyed or kept completely confidential to ensure their future employment and social standing are not prejudiced.

Q2. Under Section 15 of the JJ Act, 2015, what is the procedure for dealing with a Child in Conflict with Law (CCL) who is alleged to have committed a heinous offence? What age group does this apply to?

Answer:

1. Target Age Group: Section 15 applies exclusively to a Child in Conflict with Law (CCL) who has completed 16 years of age and is alleged to have committed a heinous offence (an offence carrying a minimum punishment of 7 years' imprisonment).

2. Procedure: The Juvenile Justice Board (JJB) must conduct a preliminary assessment to determine the child's mental and physical capacity to commit such an offence, their ability to understand the consequences, and the circumstances of the act. If the Board concludes that the child should be tried as an adult, it transfers the case to the designated Children's Court for trial.

Q3. Discuss the general rule of Bail for a person who is apparently a child under Section 12 of the JJ Act. What are the strict statutory exceptions where bail can be denied?

Answer:

1. General Rule: Under Section 12, bail is the absolute rule for a child. Any person apparently a child apprehended for a bailable or non-bailable offence shall be released on bail with or without surety, or placed under the supervision of a probation officer.

2. Statutory Exceptions: Bail can only be denied if the Board has reasonable grounds to believe that the release is likely to: (a) Bring the child into association with any known criminal. (b) Expose the child to moral, physical, or psychological danger. (c) Defeat the ends of justice. If bail is denied, the child is kept in an Observation Home.

PART B: Child Welfare Committee & Rehabilitation

Q4. Describe the constitution and composition of the Child Welfare Committee (CWC) under Section 27 of the JJ Act, 2015. Which category of children falls strictly under its jurisdiction?

Answer:

- 1. Constitution & Composition:** The State Government constitutes one or more CWCs for every district. The Committee consists of a Chairperson and four other members. Statutorily, at least one member must be a woman, and at least one must be an expert on matters concerning children.
- 2. Jurisdiction:** The CWC exercises exclusive jurisdiction to dispose of cases for the care, protection, treatment, development, and rehabilitation of Children in Need of Care and Protection (CNCP). This includes orphans, abandoned children, abused children, and child victims, distinguishing them from juveniles in conflict with the law (who go to the JJB).

Q5. What is the concept of 'Aftercare' under Section 46 of the JJ Act, 2015? Who is eligible to receive aftercare financial support?

Answer:

- 1. Concept of Aftercare:** Aftercare is a vital rehabilitative measure under the JJ Act designed to ensure a smooth transition from institutional care to independent adult life in mainstream society.
- 2. Eligibility:** Financial and social support under the aftercare program is provided to persons who have left a Child Care Institution (like a Children's Home or Special Home) upon completing 18 years of age. They are eligible to receive this continued support and guidance to help them secure education or employment until they attain the age of 21 years.



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PART C: Offences Against Children

Q6. Define the offence of 'Punishment for cruelty to child' under Section 75 of the JJ Act, 2015. 'A' runs an orphanage and willfully neglects giving food to a child, causing severe malnutrition. Is 'A' liable?

Answer:

- 1. Definition:** Section 75 penalizes whoever, having the actual charge or control over a child, assaults, abandons, abuses, exposes, or willfully neglects the child in a manner likely to cause the child unnecessary mental or physical suffering.
- 2. Application:** Yes, 'A' is strictly liable. Reasoning: Since 'A' runs the orphanage, they have actual charge and control over the child. Willfully neglecting to provide adequate food resulting in malnutrition squarely fulfills the ingredients of Section 75, making 'A' liable for rigorous imprisonment and a fine.

Q7. Explain the statutory prohibition on the disclosure of the identity of children under Section 74 of the JJ Act, 2015. Can the police publish the photograph of a lost child without committing an offence?

Answer:

- 1. Statutory Prohibition:** Section 74 strictly prohibits the disclosure of the name, address, school, or any other particulars that may lead to the identification of a child in conflict with law or a child in need of care and protection in any media.
- 2. Exception:** Yes, the police can publish a photograph. The strict bar on publication does not apply if the Board or Committee holding the inquiry writes an order recording reasons that such disclosure (e.g., publishing the photo of a missing or abandoned child) is essential for tracing the parents and is in the best interest of the child.

Q8. What is the punishment prescribed for employing a child for begging under Section 76 of the JJ Act? Is the punishment enhanced if the child is maimed for this purpose?

Answer:

- 1. General Punishment:** Under Section 76, whoever employs or uses any child for the purpose of begging, or causes any child to beg, commits a severe offence punishable with imprisonment which may extend to five years, and a fine of one lakh rupees.
- 2. Enhanced Punishment (Maiming):** Yes, the punishment is drastically enhanced. If a person amputates or maims a child for the purpose of begging, the offence becomes heavily aggravated. The punishment is enhanced to rigorous imprisonment for a term not less than seven years, which may extend to imprisonment for life.

PART D: Age Determination & Appeals

Q9. Describe the statutory matrix for the presumption and determination of age under Section 94 of the JJ Act, 2015. In what specific order must the Committee or Board examine the evidence of age?

Answer:

- 1. Procedure:** When a person is brought before the JJB or CWC and appears to be a child, the authority must determine their age.
- 2. Statutory Order of Evidence:** Section 94 mandates a strict hierarchical matrix for determining age. The authority must seek evidence in this precise order:
 - (a) The date of birth certificate from the school, or the matriculation/equivalent certificate.
 - (b) In the absence thereof, the birth certificate given by a corporation, municipal authority, or panchayat.
 - (c) Only in the absence of the above documents, an ossification test or other medical age determination test conducted by a Medical Board.

Q10. Discuss the hierarchy of Appeals under Section 101 of the JJ Act, 2015. Does a second appeal lie from an order of the Children's Court?

Answer:

1. Hierarchy of Appeals:

- *From JJB:* Any person aggrieved by an order made by the Juvenile Justice Board may file an appeal to the Children's Court within 30 days.
- *From CWC:* An appeal against an order made by the Child Welfare Committee lies to the District Magistrate.

2. Second Appeal: No, a second appeal is explicitly barred. Section 101(5) dictates that no second appeal shall lie from any order of the Court of Session (Children's Court) passed in appeal. However, a revision petition can be filed before the High Court.

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QUESTION PAPER: JUVENILE JUSTICE ACT, 2015 (PART II)

PART E: Specific Offences Against Children

Q11. What constitutes the offence of administering an intoxicating liquor, narcotic drug, or psychotropic substance to a child under Section 77 of the JJ Act? Is a medical practitioner protected under this section?

Answer:

1. The Offence: Whoever gives, or causes to be given, to any child any intoxicating liquor, narcotic drug, or psychotropic substance commits an offence punishable with rigorous imprisonment up to seven years and a fine up to one lakh rupees.

2. Medical Practitioner Exception: Yes, the statute strictly protects legitimate medical practice. The offence is not committed if the substance is administered upon the order of a duly qualified medical practitioner, strictly for genuine medical purposes or treatment of the child.

Q12. Discuss the aggravated offence of using a child by militant groups or adults under Section 83 of the JJ Act, 2015. What is the prescribed punishment for this offence?

Answer:

1. The Offence: Section 83 strictly penalizes any non-State, militant group, or outfit declared as such by the Central Government, if they recruit or use any child for any purpose, including participation in armed conflict or illegal activities.

2. Prescribed Punishment: This is an aggravated offence carrying rigorous imprisonment which may extend to seven years and a fine of five lakh rupees. Furthermore, any adult who uses a child to vend, smuggle, or traffic illegal drugs/substances faces the same stringent punishment under this section.



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