



Practice of Preliminary Assessment

Under Juvenile Justice (Care and Protection of Children Act) 2015

Study and Report by:
Centre for Child Rights
National Law University Odisha



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Chapter-I

Introduction

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I.1. Juvenile Justice

India's legal regime on juvenile justice has been formulated and strengthened by the judgments of the Supreme Court of India¹ as well as the developments at the international level. The UN Guidelines on Standard Minimum Rules for Administration of Juvenile Justice, 1985 (Beijing Rules) served as trigger for the introduction of JJ Act, 1986, to provide uniform legal framework for children all over the country for the first time. India's accession to UN Convention on the Rights of the Child, 1989 (UNCRC) on 11 December 1992 was a milestone in the progress of juvenile justice. As JJ Act, 1986 was found to be incompatible with juvenile justice perspective of UNCRC, the Parliament of India enacted the Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act, 2000), repealing JJ Act, 1986. The JJ Act 2000 was a progressive legislation aimed to enhance the protective environment for vulnerable, neglected and abused children and those in conflict with law. The JJ Act, 2000 was amended in 2006 to comply with the concluding observations of the Committee on the Rights of the Child in 2004 in which it expressed concern about the Supreme Court's ruling that the date on which the offence was committed was irrelevant to the determination of a person's juvenility.² The Act was further amended in 2011 to ensure better care and protection for children keeping in mind the provisions of the international standards and guidelines. It would be pertinent to highlight some of the key features of the Amendments in JJ Act, 2000:

- i. Change in the definition of 'juvenile in conflict with law', which means a juvenile who is alleged to have committed an offence and has not completed eighteenth year of age as on the date of the commission of such offence.
- ii. Setting up of JJBs and CWCs in each district.
- iii. Prohibition of handcuffing of juvenile/child and placing juvenile in police lock-up/ jail.

¹ Sheela Barse vs. Union of India, 1986 SCALE (2) 230

² Committee on the Rights of the Child, Consideration of Reports submitted by State Parties under Article 44 of the Convention- Concluding Observations: India, CRC/C/15/Add.228, 26 February 2004, para 78.

- iv. Review of pending cases every six months and special powers to magistrate for speedy disposal of pending cases.
- v. Setting up of Child Protection Units (CPUs) at State and District Level.
- vi. Prime importance to 'best interest' of children.
- vii. Specification of minimum standards for child care institutions.
- viii. Registration of all child care institutions.
- ix. Prohibition on disclosing the identity of juvenile in conflict with law to media.
- x. Prohibition of life imprisonment or any form of imprisonment.
- xi. Special emphasis on rehabilitation and social re-integration of the juvenile in conflict with law.
- xii. Transfer of juvenile/child as are mentally ill or addicted to alcohol or other drugs in accordance with the provisions of Mental Health Act, 1987
- xiii. Widening the scope of adoption for children under institutional care.

The Delhi gang rape case in 2012 triggered the repeal and replacement of JJ (CPC) Act 2000 by the Juvenile Justice (Care and Protection of Children) Act, 2015. Key changes introduced in the JJ Act, 2015 are as follows:

- i. **Change in nomenclature** from 'juvenile in conflict with law' to 'child in conflict with law' across the Act to remove negative connotation associated with the word 'juvenile'.
- ii. **Strengthen rights framework** by incorporating fundamental principles in the statute to guide the stakeholders to adhere those in the implementation of the Act.
- iii. Clarity in powers, functions and responsibilities of JJB and CWC, and clear timelines for inquiry by JJB to **strengthen accountability** of the juvenile justice system.
- iv. **Definition and classification of offences:** petty, serious and heinous offences committed by children.
- v. **Introduction of preliminary assessment** by JJB in heinous offence alleged to have been committed by a child who has completed or is above the age of sixteen years.
- vi. **Inclusion of 'transfer system'** for children alleged to have committed a heinous offence for trial and sentencing as an adult.

- vii. **Recognition that a child in conflict with law can also be a child in need of care and protection.**
- viii. **Inclusion of new offences committed against children** such as sale and procurement of children for any purpose including illegal adoption, corporal punishment, use of child by militant groups, employment of child for begging, intoxicating liquor or narcotic drug or psychotropic substance to child, kidnapping and abduction of child, offences against disabled children.
- ix. **Procedures of age determination incorporated in the Act.**
- x. **Strengthening of accountability of child care institutions.** Mandatory registration of all child care institutions, whether run by state government or by voluntary or non-government organizations, within six months from the date of commencement of the Act. Stringent penalty in case of non-compliance.
- xi. **Separate chapter on ‘Adoption’** to streamline adoption of orphan, abandoned and surrendered children.
- xii. **List of functionaries expanded.** Role clarity among the functionaries dealing with children with law is as follows.

Police	<ul style="list-style-type: none"> ❖ Apprehend Child in Conflict with Law. ❖ Immediately handover the case to Special Juvenile Police Unit.
Special Juvenile Police Unit	<ul style="list-style-type: none"> ❖ Apprehend Child in Conflict with Law ❖ Filling First Information Report/Record information in the Daily Diary ❖ Inform Probation officer ❖ Inform parents/guardian ❖ Provide medical assistance, assistance of interpreter or special educator, if requires ❖ Inform District Legal Services Authority ❖ Prepare Social Background Report ❖ Produce child before Juvenile Justice Board ❖ Investigation of the case ❖ Coordination and support to Probation Officer while conducting Social Investigation Report.
Juvenile Justice Board	<ul style="list-style-type: none"> ❖ Production of child before JJB as per the provision under JJ Act 2015 ❖ Production of child before an individual member, when Board is not in sitting.

	<ul style="list-style-type: none"> ❖ Ensure child friendly procedure ❖ Ensure informed participation of the child ❖ Ensure 'best interest' of the child is protected ❖ Ensure availability of legal aid ❖ Call for Social Investigation Report ❖ Ensure safety of child ❖ Give bail orders ❖ Pass orders for placing child in appropriate Child Care Institutions ❖ Linkage child with CWC for care and protection, if required ❖ Conduct preliminary assessment into heinous offences by the child of 16-18 years. ❖ Adjudication and disposal of the matter with orders for rehabilitation of the child ❖ Inspection of Observation/Special Homes to oversee quality of services and recommend action for improvement.
District Child Protection Unit	<ul style="list-style-type: none"> ❖ Maintain report about children in conflict with law ❖ Conduct follow up of the individual care plan on the direction of the Children's Court for the children committing heinous offence ❖ Arrange for individual or group counseling and community service for children ❖ Conduct review of the child placed in the place of safety and forward the report to the Children's Court.
Probation Officer	<ul style="list-style-type: none"> ❖ Conducting Social Investigation Report ❖ Preparing Individual Care Plan ❖ Observe and report the conduct of the child if placed under the supervision of probation officer ❖ Conduct follow-up ❖ Attend the proceeding of cases in JJB.
Child Care Institutions	<p>Observation Homes, Special Homes and Place of Safety where the children in conflict with law are placed shall provide the following in the process of rehabilitation and re-integration of children</p> <ul style="list-style-type: none"> ❖ Basic requirements such as food, shelter, clothing, and medical attention as per the prescribed standards.

	<ul style="list-style-type: none"> ❖ Appropriate education ❖ Skill development ❖ Mental health interventions ❖ Recreational activities ❖ Legal aid
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1.2. Classification of Offences

The JJ Act, 2000 did not provide explicit classification of offences committed by children. However, there was a reference to two categories of offences - 'serious offences' in Rule 11(7) and 'non-serious offences' in Rule 11(9) of the JJ Rules, 2007. 'Serious offences' were those entailing punishment of more than seven years imprisonment for adults. 'Non-serious offences' were all other offences entailing a punishment of less than seven years imprisonment for adults. Rule 13(2) of JJ Rules 2007 provided that petty offences may be disposed off through summary proceedings or inquiry, and in serious offences, procedure of trial in summon cases shall be followed whereas in heinous offences, due process of inquiry may be followed. So ambiguity in JJ Act 2000 and Rules-2007 was that first there was no provision for trial of 'non-serious offences' and secondly 'petty offences' and 'heinous offences' were not defined. But the Juvenile Justice (Care and Protection of Children) Act, 2015 has introduced classification of offences into three categories, namely petty, serious and heinous on the basis of punishment prescribed for the offence.

1. **'Petty offences'**³ includes the offences for which the maximum punishment under the Indian Penal Code or any other law for the time being in force is imprisonment up to three years.
2. **'Serious Offences'**⁴ includes the offence for which the punishment under the Indian Penal Code or any other law for the time being in force is imprisonment between three to seven years.
3. **'Heinous offences'**⁵ includes the offence for which the minimum punishment under the Indian Penal Code or any other law for the time being in force is imprisonment for seven years or more. List of heinous offences is given in **Annexure-I**.

³ JJ Act, 2015, Section -2(45)

⁴ JJ Act, 2015, Section- 2(54)

1.3.Preliminary Assessment

'Preliminary Assessment', as incorporated under section 15 of JJ Act, 2015, is a completely new insertion in the realm of juvenile justice. This is applicable in case of a 16-18 years old child alleged to have committed a heinous offence. The JJB is given the option to transfer cases of heinous offences by such children to the Children's Court after conducting preliminary assessment. For this purpose, the JJ Act, 2015 obligates JJB to assess the child's mental and physical capacity to commit the offence, the child's ability to understand the consequences of the offence, and the circumstances in which the offence was allegedly committed.⁶ The JJB is required to first, determine that the child in conflict with law who has been brought before it is above 16 years of age but less than 18 years on the date of commission of offence. Secondly, examine whether the relevant section under which the child has been alleged to have committed the offence falls within the purview of a "heinous offence". Thirdly, conduct the assessment based on the factors mentioned in Section 15(1) and pass a reasoned order following the assessment.

Although JJ Act, 2015 states that preliminary assessment is not a trial⁷ and it shall be disposed of by the Board within a period of three months from the date of first production of the child before the Board⁸, no guidelines have been formulated to guide JJB about the methodologies and indicators to conclusively determine the mental capacity of the child to commit and ability to understand the consequences of the alleged offence. The JJB may take the assistance of experienced psychologists or psycho-social workers or other experts for such assessment. The order passed by JJB after making preliminary assessment is appealable before the Court of Session wherein the Court may, while deciding the appeal, take the assistance of experienced psychologists and medical specialists other than those whose assistance has been obtained by the JJB.⁹

⁵ JJ Act, 2015,Section -2(33)

⁶ JJ Act,2015, Section 15(1)

⁷ Explanation u/s 15(1)

⁸ JJ Act, 2015,Section 14(3)

⁹JJ Act, 2015, Section 101(2)

I.4.Age Determination

The procedures laid down in rule-12 of JJ Rules, 2007 relating to age determination has been brought into the Act itself by the JJ Act, 2015. Section 94 of JJ Act, 2015 says that where it is obvious to the Committee or Board, based on the appearance of the person brought before it, that the said person is a child, the Committee or Board shall record such observation stating the age of the child as nearly as may be, without waiting for further confirmation of age.¹⁰ In case the Committee or the Board has reasonable grounds for doubt regarding juvenility, the Committee or the Board, shall undertake the process of age determination, by seeking evidence by obtaining-

- i. the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;
- ii. the birth certificate given by corporation or a municipal authority or a panchayat;
- iii. and only in the absence of those documents, the age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board¹¹.

The age inquiry is to be completed within fifteen days from the date of first production of the child before the Board as compared to one month¹² given under JJ Act 2000. The issue of age determination will have far reaching consequences where a child on the borderline of 16 years or 18 years age is alleged to have committed a heinous offence. Since majority of children coming into the juvenile justice system are neither school going nor not necessarily having birth certificate, JJBs would have to be highly cautious to determine the age of the children who falls within the crucial age range of 16-18 years.

¹⁰ JJ Act, 2015,Section- 94(1)

¹¹JJ Act, 2015, Section- 94(2)

¹² JJ Rules, 2007; Rule 12(1)

I.5. Inquiry Procedures

JJ Act 2015 has laid down procedures for inquiry depending on the nature of the offences. Cases of 'petty offences' shall be disposed of by the Board through summary proceedings¹³, inquiry of 'serious offences' committed by a child below the age of eighteen years and inquiry of 'heinous offences' committed by the child below the age of sixteen years shall be disposed of by the Board, by following the procedures for trial in summon cases under the Code of Criminal Procedure, 1973.¹⁴

If Board is satisfied on preliminary assessment that the matters should be disposed of by the Board, it shall follow the procedure of trial in summon cases¹⁵. Where conducting such inquiry the Board pass an order that there is a need for trial of the said child as an adult, then it will transfer the case to children's court.¹⁶

Inquiry into heinous offences by the child of 16-18 years age

- Police shall register First Information Report where a heinous offence is alleged to have been committed by the child or when such offence is alleged to have been committed jointly with adults.
- The child shall be produced before the Board within 24 hours of apprehension along-with a report explaining the reasons of being apprehended by the police.
- Child shall be given opportunity of being heard and participate in the inquiry.
- The Board shall hold inquiry in accordance with the provision of the JJ Act, 2015 and may pass such orders as deemed necessary, including sending child to an observation home or a place of safety or release on bail, as appropriate.
- Police shall produce the statement of witness recorded and other documents prepared during the course of investigation within a period of one month from the date first production of the child before the Board.
- The Board shall conduct a preliminary assessment with regard to the child's mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence.
- A preliminary assessment of the child under section 15 of the Act shall be disposed off by the Board within a period of three months from date of first production of the child before the Board.
- After preliminary assessment, the Board may retain the child and proceed with inquiry as per the JJ Act or transfer the case for trial by the Children's Court as per sub-section (3) of section 18 of the Act.
- Where the Children's Court decides that there is no need for trial of the child as an adult, the court shall conduct inquiry as per the procedure for trial in summon case under the Code of Criminal Procedure, 1973 and it may pass any orders as provided in sub-sections (1) and (2) of Section 18 of the Act.
- Where the Children's Court decides that there is a need for trial of the child as an adult, it shall follow the procedures of sessions trial prescribed by the Code of Criminal Procedures, 1973 and it shall pass order as prescribed in sub-section 3 of section 19 of the Act.

¹³ JJ Act, 2015, Section-14(5)(d)

¹⁴ JJ Act, 2015, Section- 14(5) (e) & 14(5) (f) (i)

¹⁵ JJ Act, 2015, Section-15(2)

¹⁶ JJ Act, 2015, Section-18(3)

Chapter-2

Research Design

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2.1. Context

The JJ Act, 2015 introduced the provision of transfer of 16-18 years old children alleged to have committed a heinous offence to the adult criminal court. The JJB has been given the responsibilities of determining age, determine whether the offences is heinous, conducting a preliminary assessment, then taking the decision whether to transfer or not transfer the child to the Children's Court for trial as an adult. The Children's Court is required to determine if the child so transferred, should be dealt with as a child or tried as an adult. If the Children's Court concludes that trial as an adult is not required, it should conduct an inquiry as a Board and pass appropriate order under section 18 of JJ Act, 2015, including directing the child to be sent home after advice or admonition, participation in group counseling or community service, attending vocational training, ordering the child to be released on probation of good conduct, or to be sent to Special Home. If the Children's Court determines that the child should be tried as an adult, then trial of the child would proceed as per the provision of the Code of Criminal Procedure, 1973.

It may be viewed from the above context that the provision of preliminary assessment in the JJ Act, 2015 has triggered a new approach in the juvenile jurisprudence with respect to inquiry to the child above the age of sixteen years, accused of committing heinous offences. However the essentiality and legality of the preliminary assessment has often been questioned. Argument raised against the preliminary assessment is that it contravenes the fundamental rights under Article 14 and 21 of the Constitution and violates equality and procedural fairness. Available literature indicates that preliminary assessment is sentencing decision before guilt is established¹⁷ hence it contravenes the constitutional guarantee of presumption of innocence¹⁸. Individualized assessment of adolescent mental capacity is not

¹⁷ Parliamentary Committee on Human Resource Development, Rajya Sabha, The Juvenile Justice (Care and Protection of Children) Bill, 2014; Two Hundred and Forty Sixth Report, 54 (2015).

¹⁸ Dhavani Mehta, An Iron First in a Velvet Glove; Draft Juvenile Justice Bill, Economic and Political Weekly ,13 (2014)

possible and if it is done it would mean 'exceeding the limit of science'.¹⁹ It is also argued that due to non-availability of any definite scientific tools to aid JJB in determining mental maturity and possible difficulties in procuring the services of psychologists, the assessment would be entirely subjective opinion of the JJB.

2.2.Objectives

1. To identify heinous offences from Indian Penal Code and the special laws in the yardstick of the definition of 'heinous offences' under section 2(33) of the JJ Act, 2015.
2. To understand and analyze the tools and methods being administered by the JJBs in preliminary assessment, particularly to determine the mental capacity of the child to understand the consequence of the offence.
3. To examine the scope and limitations of JJBs in procuring the services of psychologists or psychosocial experts to complete preliminary assessment within the statutory period.
4. To identify and analyze the issues and challenges faced by the JJBs in ensuring uniformity and objectivity in preliminary assessment.
5. To provide suggestions to improve quality and efficacy of preliminary assessment .

2.3.Methodologies:

External review of study design: Design of the study, survey tools and data collection formats were reviewed and validated by the Juvenile Justice Committee of Orissa High Court. Permission accorded by Hon'ble Court for research and data collection from JJBs without disclosing in the report the name of the parties, name of the court, case number and name of the persons interviewed.

Primary data collection: Case statistics were collected from JJBs by using structured data schedule. The data pertained to total number of cases registered, cases of heinous offences registered against 16-18 years aged children, number of preliminary assessments

¹⁹ Centre for Child and Law, NLSIU, Bengaluru submission to Parliamentary Standing Committee

completed, and number of cases transferred to the Children's Courts during the period between 2016 and 2018.

Case Study: By using a structured schedule, records were collected from JJBs of the cases in which preliminary assessments were completed or pending. A total of 109 cases were collected and reviewed. The study examined and analyzed the documents verified and factors considered by JJBs during the course of preliminary assessment.

Interviews: Scheduled questionnaire was administered to interview and interact with JJBs. Their views on the procedures, practices and problems of preliminary assessment were enquired and examined.

Case law analysis: The study collected and analyses the judgments of the Supreme Court and the High Courts in India providing interpretation and guidelines to the preliminary assessment stipulated under section 15 of the JJ Act, 2015.

2.4. Sampling:

Odisha has 30 districts. The districts chosen for this study are based upon the following sample approach.

- Centre for Child Rights, NLUO had undertaken a study on 'Effective Disposal of Cases in JJBs of Odisha'. The study reported the registration, disposal and pendency of cases in JJBs of 30 districts in Odisha. It revealed that a total of 4867 cases²⁰ were pending in the JJBs as on 31.3.2018.
- There are 3 Revenue Division Circles (RDC) in Odisha. Each RDC has 10 districts. Field survey was planned for 12 districts comprising four districts from each RDC. The districts ranked top four in terms of case pendency from each RDC were

²⁰ District-wise pending cases were Angul-110, Balasore-184, Bargarh-250, Bhadrak-149, Balangir-119, Boudh-69, Cuttack-260, Deogarh-9, Dhenkanal-90, Gajapati-16, Ganjam-440, Jagatsinghpur-43, Jajpur-50, Jharsuguda-159, Kalahandi-68, Kendrapara-116, Keonjhar-109, Khordha-533, Koraput-249, Malkangiri-21, Mayurbhanj-114, Nabarangpur-76, Nayagarh-63, Nuapada-39, Phulbani-103, Puri-310, Rayagada-6, Sambalpur-538, Sonepur, 41 and Sundargarh-433.

chosen for the study. They were Khordha, Puri, Cuttack & Balasore from central division; Ganjam, Koraput, Phulbani & Nabarangpur from southern division; and Sambalpur, Sundergarh, Bargarh and Jharsuguda from northern division. Finally the survey was concluded with 10 districts as data could not be obtained from the JJBs of Khordha and Sambalpur due to administrative reasons. So the analysis presented in the report is based upon the primary data collected from the JJBs of 10 districts, viz. Balasore, Bargarh, Cuttack, Ganjam, Jharsuguda, Koraput, Nabarangpur, Phulbani, Puri, Sundargarh.

Chapter-3

Review of Preliminary Assessment

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3.1. Policy Discourse

The provisions of 'preliminary assessment' and 'transfer system' have been debated and criticized. It is contextually relevant to highlight the discourse and dissents of the Parliamentary Standing Committee²¹ with regard to preliminary assessment during the deliberation on the Juvenile Justice (Care and Protection of Children) Bill, 2014, i.e. in pre-legislation stage.

- 1) "The existing juvenile system is not only reformatory and rehabilitative in nature but also recognizes the fact that 16-18 years is an extremely sensitive and critical age requiring greater protection. Hence there is no need to subject them to a different or adult judicial system as it will go against Articles 14 and 15(3) of the Constitution.
- 2) The provision of preliminary inquiry proceeds on the assumption that the alleged offences have been committed by the child and is contrary to the presumption of being innocent till proved guilty. It thus violates Fundamental Rights guaranteed under Article 14 and 21 of the Constitution by directing JJB to inquire into the culpability prior to prima facie establishment of the guilt.
- 3) All children below 18 years are amenable and should be treated in the same manner because of the fact that their involvement in offending acts was primarily due to their environmental factors or their unique developmental features such as risk taking nature, less future orientation, adventurism etc. The process suggested for treating 16-18 years children involved in heinous offences would lead to multiple and repeated trials before different authorities that would psychologically drain him/her.
- 4) There is severe shortage of competent psychologists, psycho-social workers and other experts and this will adversely affect the quality of inquiry and timely disposal of cases.
- 5) The concept of Children's Court was specifically designed to try offences against children and offences by them. These courts are essentially session courts and they

²¹ Rajya Sabha Parliamentary Standing Committee Report No-264

have given with the additional task of ensuring speedy trial of offences against children. Therefore, by all interpretations they are courts for adults. The objective of juvenile justice is to create separate system for children in conflict with law and not include them in criminal justice system.”

As viewed by the Committee that the provisions of preliminary inquiry and transfer system in the JJ Act 2015 are in contravention of the UN Convention on the Rights of the Child.

Provisions in the JJ (CPC) Act, 2015	Provisions in the UN Convention on the Rights of the Child
Section 18(3), 19(1): Transfer by JJB of a child in conflict with law to the Children’s Court and sentencing by the Children’s Court.	Article-2: Prohibition of non-discrimination. Article-3: best interest considerations (rehabilitative, re-integration and restorative justice objectives) must outweigh the consideration of the need of public safety, sanctions and retribution. Article 40(1): Right to be treated with dignity and which reinforces the desirability of promoting the child’s re-integration.
Section-15(1): Preliminary assessment:	Article 40(2)(b)(i): Presumption of innocence which also prohibits the prejudging of outcome.
Section 20(1): Evaluation by Children’s Court whether child has undergone reformation and can make meaningful contributions to society.	Article 37(b): Arbitrary deprivation of liberty
Section 18(1): Exclusion of children between 16 and 18 years found to have committed a heinous offence from rehabilitative dispositions that can be passed by JJB.	Article 37(b): deprivation of liberty to be measure of last resort. Article40(4): Alternative disposition
Article 20(2)(ii): Transfer to prison	Article 37 (c): Separation of juveniles from adults which does not mean that a child placed in a facility for children to be moved to a facility for adults immediately after he/she turns 18.

3.2. Procedure Analysis

The Juvenile Justice Act of 2015 recognized a child in conflict with law is a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence.²² However, the Act has proposed two types of intervention in respect of heinous offences committed by children. One is to handle the children below 16 years of age as CCL by the Board. For others, a preliminary assessment and followed by it to transfer to Children's Court to conduct trial as adult if require. One of the key changes introduced by the JJ Act, 2015²³ having a bearing on children in conflict with the law was the introduction of the “**transfer system**”. The JJB is required to conduct a preliminary assessment in cases of children aged 16 or above and below 18 years, alleged to have committed a heinous offence to determine whether they should be transferred to a Children's Court to be tried as an adult.²⁴ For this purpose, the JJB should assess the child's mental and physical capacity to commit the offence, the child's ability to understand the consequences of the offence, and the circumstances in which the offence was allegedly committed.²⁵

The assessment on physical and mental capacity of those who have committed heinous crimes and aged above 16 years but below 18 years are to be considered on the lines of such persons capability and visualization on the consequences of the offence. Therefore, the culpability should be determined based on various factors such as the situations and circumstances and to ensure the child's access to justice. Access to justice refers to accessibility of the person to defend his or her right in conformity to law in forums which are either adjudicating or processing justice delivery on the line of Covenants on Civil and Political Rights.²⁶ This is one of the important considerations of administration of juvenile

²² Section 2(13) of JJ Act, 2015

²³ Section 15 (2) of JJ Act, 2015

²⁴ JJ Act, 2015, Section 15(1).

²⁵ JJ Act, 2015, Section 15(1).

²⁶International Covenant on Civil and Political Rights (ICCPR) Article 2.3. Each State Party to the present Covenants undertakes

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

justice. Hence, the important factors that are to be taken into consideration are the principles of proportionality and the consequences of crime committed.

In crime and delinquency the two fundamental issues to be noted are “*mens rea*” and the “*actus reus*”. *Mens rea* is the legal term which defines the status of mind of a perpetrator to commit a crime. *Actus reus* refers to the actual action of committing a crime. As these two elements are commonly seen in criminal behaviour, it is important to correlate the action and mental conditioning. In so far as the preliminary assessment is concerned the issue of “*mens rea*” is important. Those who advocate treatment for delinquency behaviours emphasized the concept of cognitive behaviourism. It works on the notion that offenders have faulty thinking or deficient thinking which causes them to engage in immoral or criminal behaviour²⁷. Unfortunately, the state of mind in committing crime and its impact on victim cannot be measured accurately unless we have the capacity to judge the mental ability of a person which is called **psychopath**. A psychopath is one “with a mental disorder characterized by an extremely antisocial personality that often leads to aggressive, perverted, or criminal behaviour”.²⁸

Another factor that relates to crime and delinquency may be psychosis that means a condition that causes an individual to lose touch with reality. The challenge may be the application of appropriate test and diagnosing and managing cases of psychopath and psychosis. In addition to these psychopath and psychosis, **the strain theory** (individuals who commit crimes in order to relieve some sort of psychological strain or stress), **social learning theory** (conditioned by their environments), **Control theory** (it is easier than alternative) and **Anomie theory** (normlessness – purposefully deviate from the acceptable standards of society, school, religion, or the law). Lack of cognitive proper thinking capability is therefore positively correlated with the strain theory, social learning theory, and control

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

²⁷ Chapter-4 on what works in Probation edited by George Mair, 2004. (ISBN 1-84392-052-2 (paperback)

²⁸Meagan Cline, Psychopathology and Crime Causation: Insanity or Excuse?, *Fidei et Veritatis: The Liberty University journal of Graduate Research*, Vol. 1 Issue 1, Article 4, 2016, at 1, https://digitalcommons.liberty.edu/cgi/viewcontent.cgi?referer=https://www.google.co.in/&httpsredir=1&article=1031&context=fidei_et_veritatis

and anomie theory. Therefore assessment on mental and physical conditions of a person who has committed heinous offences is a complex process which requires skills in the administration of psychological tests to assess the level of intelligence and personality traits which has many dimensions as mentioned supra. Even after the administration of appropriate psychological tests and mental and physical capacity of a person to commit heinous crime is made, there is also a correlation between the circumstances and situations in which an offence was committed. In view of these factors, the principles of proportionality were proposed to take into consideration.

Although the offences have been classified into petty offences, serious offences and heinous crimes, adaption of the principles of proportionality has not been defined. The classification has been made with the limited purpose of preliminary assessment on heinous crimes committed by children above 16 years but below 18 years. Therefore, the preliminary assessment shall be made scientifically with developed indicators to determine the culpability of those who have committed heinous crimes and aged above 16 years of age but below 18 years of age.

3.2.1. Principles of proportionality and preliminary assessment: Root issues of children lie not with children but on those who failed in their role to socialize them to pro-social values.²⁹ The notion that nothing works in the case of “children in conflict with law” is prejudicial. Developing and identifying the appropriate treatment model will be most effective to re-socialize children in vulnerable situations and circumstances, including street children and “children in conflict with law”. Therefore, failure of the system means the failure of evolving appropriate strategies.

Further, Dealing with children’s issues is very complex, because many of the legislations are either not in conjunction with international obligations and rights-based approach, or there are many laws with conflicting provisions. According to an estimate, it has been mentioned that there are more than 250 statutes, both Central and State, under which children’s issues are covered.³⁰

3.2.2. Methods and procedure adopted: Juvenile Justice Act of 2015 stipulates that preliminary assessment can be made in respect of those who have committed heinous

²⁹ Children and Crime by Saju Parackal and Rita Panicker, 2016

³⁰ Asha Bajpai. Child Rights in India, law, policy and practice, Oxford University Press, 2003

offences and aged above 16 years but below 18 years³¹. Therefore age determination is crucial, prerequisite and significance. The idea is twofold. One is that a child in conflict with law who is alleged or founded to have committed an offence is entitled to be dealt with under the provisions of Section 14 of the Juvenile Justice (Care and Protection of Children) Act, 2015³². The other factor is that unnecessarily an adult could avail the benefit of the provisions. It is therefore necessary and pre-requisite to determine the age of a child in conflict with law to determine the persons falls under the age group of 16 and 18 years of age³³.

3.2. Case Laws

Our judiciary by way of progressive interpretations and judicial pronouncements has strengthened and stimulated juvenile justice in India. In this study, we have tried to collate

³¹ Section 15 (1) of J J Act, 2015: In case of a heinous offence alleged to have been committed by a child, who has completed or is above the age of sixteen years, the Board shall conduct a preliminary assessment with regard to his mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence, and may pass an order in accordance with the provisions of subsection (3) of section 18:

³² Section 14 (1) of J J Act, 2015: Where a child alleged to be in conflict with law is produced before Board, the Board shall hold an inquiry in accordance with the provisions of this Act and may pass such orders in relation to such child as it deems fit under sections 17 and 18 of this Act.

(2) The inquiry under this section shall be completed within a period of four months from the date of first production of the child before the Board, unless the period is extended, for a maximum period of two more months by the Board, having regard to the circumstances of the case and after recording the reasons in writing for such extension.

(3) A preliminary assessment in case of heinous offences under section 15 shall be disposed of by the Board within a period of three months from the date of first production of the child before the Board.

(4) If inquiry by the Board under sub-section (2) for petty offences remains inconclusive even after the extended period, the proceedings shall stand terminated:

Provided that for serious or heinous offences, in case the Board requires further extension of time for completion of inquiry, the same shall be granted by the Chief Judicial Magistrate or, as the case may be, the Chief Metropolitan Magistrate, for reasons to be recorded in writing.

³³ Rule 10 –A of the Juvenile Justice Model Rules, 2016: (1) The Board shall in the first instance determine whether the child is of sixteen years of age or above; if not, it shall proceed as per provisions of section 14 of the Act read with Rule 17 (1) of the Odisha Juvenile Justice (Care and Protection of Children) Rules, 2018

few judgments of the Supreme Court and various High Courts of India relating to preliminary assessment that sets guiding principles for better quality, standardization and objectivity in such assessment.

Ashish vs. State of Haryana:³⁴ In this case, the child in conflict with law was 17 years and 6 months of age at the time of commission of offence. He was alleged with the offence of murder of the husband of the complainant. The offence in this case is a heinous offence. Hence the JJB conducted a preliminary assessment as directed u/s 15 of the JJ (CPC) Act, 2015. It was revealed to the Board from the final report that the child in conflict with law actively participated in the commission of offence. The Social Investigation Report showed that the child in conflict with law was mature to understand the consequences of a criminal of his acts. Based on the personal examination of the child in conflict with law, the Board observed that he was found physically fit to commit an offence and he was fully mature to understand the consequences of criminal act and his acts. Hence the Board after completing preliminary assessment passed the order that the child in conflict with law to be tried as an adult by the Children's Court. The Session Judge in appeal affirmed the order of the Board which had been challenged in the High Court of Punjab and Haryana. The content of the appeal was that the inquiry conducted by the JJB was not as per the spirit of Section 15(1) of the Act. It was also contended that the questions which were put to the child by the Board were general questions and no questions regarding the offence in this case and the consequences of the offence were put to the child in conflict with law. Admittedly the Board has not put any specific question with regard to the offence committed in this case and rightly so because the Board was required to confront the 'child in conflict with law' with version of the prosecution in this case as it is a subject matter of trial and the Board to its wisdom rightly skipped to put any question with regard to the facts of the case in hand.

With the above observation, Hon'ble Court did not find any legal or factual infirmity in the order passed by Juvenile Justice Board and affirmed by the Appellate Court below to call for any interference. The revision petition was dismissed.

³⁴ CrI. Revision No.851 of 2017, Punjab & Haryana High Court at Chandigarh, Decided on March 22, 2017

Bholu vs. Central Bureau of Investigation³⁵: The brief facts of this case is that a child aged about seven years, who was a student of Class-II, was found lying in an injured condition in the washroom of the school. He was immediately shifted to the hospital where he was declared dead. The investigation of the case was handed over to the Central Bureau of Investigation. During the investigation it was found that the student of the same school aged above 16 years was allegedly involved in the commission of offence. A preliminary assessment conducted by the Board as per provisions of Section 15, JJ Act, 2015 has held that he was to be tried as an adult in view of the provisions of Section 18(3) of the Act, 2015. Said order of assessment made by the Board was challenged in an appeal before the Additional Session Judge which was dismissed by upholding that there was no illegality and perversity in the order passed by the Board. Hence the revision petition was filed by the petitioner in the High Court of Punjab and Haryana to challenge the impugned order passed by the Additional Session Judge. The contentions of the revision petition before the Hon'ble Court were that:

- a. the inquiry conducted by the Board before passing the impugned order as required under sub section 3 of Section 18 of the Act was not as per the spirit of Section 15(1) of the Act.
- b. the assessment report was based on inappropriate tests, namely Coloured Progressive Matrices (CPM) and Malin's Intelligence Scale for Indian Children (MISIC) meant for children between the age group of 5-15 years which were taken as the basis for the determination of the mental capacity of a child of 16 and half years old. The clinical psychologist who conducted two tests upon the juvenile suggested that for further assessment, the juvenile may be sent to the Institute of Mental Health, University of Health Sciences, Rohtak.
- c. the copies of the reports were not supplied to the petitioner to cross examine the psychologist.
- d. the juvenile has a right of privacy and confidentiality which is mandatory to be maintained but the right of confidentiality and privacy has been misinterpreted by the Board as well as by the lower Appellate Court.
- e. list of witness and documents were not supplied to the petitioner or his parents or guardian, which itself shows that the Board as well as the Appellate Court has decided the case in contrary to the provisions of Section-15 of the Act.

³⁵ CrI.Revision No.2366 of 2018, High Court of Punjab and Haryana

In view of the facts and the arguments raised, the Hon'ble Court set aside the impugned order passed by the Juvenile Justice Board and order passed by Additional Session Judge. The case was remanded back to the Board for afresh consideration after assessing the intelligence, maturity, physical fitness as to how the child in conflict with law in a position to know the consequences of the offence.

Saurabh Jalinder Nangre & others vs. State of Maharashtra³⁶ In this case, the alleged offence against petitioners is that they had attempted to commit an offence of murder punishable U/s 307 of IPC. They all were aged 17 years at the time of the commission of the offence and were admittedly falling under the definition of 'child in conflict with law' as per provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015. Hence the Juvenile Justice Board referred them to a psychologist for assessment. On the preliminary assessment, the Board observed that the mental and physical capacity of CCL was sufficient to commit crime, they were aware about the consequences and they have voluntarily participated in the offence. Therefore, the Board transferred the matter to Children's Court as per section 18(3) of the JJ Act, 2015. This order of the Board was challenged by the petitioners before the High Court. The issues raised by the petitioners were that:

- a. whether a child, who has not committed heinous offence, can be transferred to Children's Court.
- b. Offence punishable U/s 307 of IPC cannot fall within the ambit of heinous offence. Hence Section 15 of the J Act, 2015 i.e. preliminary assessment cannot be attracted in this case.
- c. Order passed u/s 18(3) of the JJ Act 2015 of transferring the case to Children's Court will cause prejudice to a child in conflict with law.

In the present case, the Court was of the opinion that the offence alleged to have been committed by the petitioners was a serious offence and not heinous offence. Hence impugned order was quashed and set aside. Accordingly, direction was given to the Board to proceed with the inquiry U/s 18(3) of the JJ Act, 2015.

³⁶ Criminal Writ Petition No. 4044 of 2018; High Court of Judicature at Bombay; 2019 ALL MR (Cri) 438; Decided on December 10, 2018.

In this case, the High Court directed Board to follow the following steps in the preliminary assessment.

- a. Ascertain the age of the child. Whether he is above 16 years old, but below 18 years old;
- b. Decide the nature of the offence. Whether the offence is a heinous offence or a serious offence or a petty offence.
- c. JJB to consider Section 15 of the JJ Act, 2015 only if the offence is of heinous nature and it committed by a child, who is between 16 to 18 years, then JJB shall go for preliminary assessment.
- d. Under Section 15, JJB may take assistance of experts psychologists or psycho-social workers.
- e. JJB may order transfer of the trial of the case to the Children's Court if there is a need for trial of the said child as an adult [u/s 18(3)]
- f. The Children's Court to try the child as per Section 19 of the Act.

Pradeep Kumar vs. NCT of Delhi³⁷ In this case two children were alleged to have committed offences U/s 363/302/201& 34 of IPC. The impugned order of JJB that accused to be tried before JJB as children was upheld by the Additional Session Judge. Hence the petitioner moved Delhi High Court. Interpreting section-15 of JJ Act 2015 and the proviso thereto, Hon'ble Court observed: "There is no doubt that the JJ Board may seek the opinion of an expert regarding the mental and physical capacity of CCL to commit an offence and it is not necessary that if an expert opined that the mental and physical capacity of CCL and his ability to understand the consequence of the offence are positive, then the JJ Board is bound by the expert opinion. It is well within the jurisdiction of the JJ Board to agree or disagree with the preliminary assessment report of the CCL submitted by such a psychologist to the JJ Board."

Manas Kumar Khuntia vs. State of Orissa³⁸ In this case, the petitioner is alleged with the offences U/s 363/366/376 of IPC read with Section 4 of the Protection of Children from Sexual Offences Act, 2012. The petitioner was aged about 17 years 3 months on the date of the commission of the offence. The offence has come within the definition of 'heinous

³⁷ SCC Online Del 8251

³⁸ CRLREV No.517 of 2016; High Court of Orissa; MANU/OR/0406/2016

offence'; hence it was subjected to preliminary assessment as per the provision u/s 15 of JJ Act, 2015. The issue raised in this case was whether the child could be sent out on bail u/s 12 of the Act. The Court held that though the term 'may' have been used in the proviso to sub-section (1) of Section 15 of 2015 Act, but in the context of the provision, when the power is coupled with an obligation and duty, the word 'may' which denotes discretion should be construed to mean a 'command' and for maintaining the purpose of the statute, it becomes mandatory.

Chapter-4

Analysis and Findings

The analysis and findings given below is based upon the primary data collected from the JJBs of 10 districts of Odisha. They are Balasore, Bargarh, Cuttack, Ganjam, Jharsuguda, Kandhamal, Koraput, Nabarangpur, Puri, and Sundargarh

4.1. Statistics

- A total of 2546 cases were registered in the period from 2016 to 2018. District-wise information is provided in **Annexure-3**. District Sundargarh registered the highest number of cases, i.e., 650 cases. This was followed by Cuttack and Puri with 287 cases each, followed by Ganjam (275), Koraput (232), Bargarh(227), Balasore(186), Jharsuguda(158), Kandhamal (148),and Nabarangpur (96 cases).
- Cases of heinous offences were 775, which accounts for 30per cent of the cases registered during 2016-18. Of the cases registered during 2016-18, share of heinous offences cases was found to be the highest in Koraput, i.e 57per cent and lowest in Puri, i.e., 7per cent. It constituted 53per cent of cases in Jharsuguda, 48per cent in Kandhamal, 45per cent in Baragarh, 38per cent in Ganjam, 27per cent in Balasore, 27per cent in Nabarangpur, 19per cent in Sundargarh and 18per cent in Cuttack.
- As many as 495 cases of heinous offences were registered against the children of 16-18 years age, which constituted 64per cent of total heinous offence cases against children. In terms of absolute number, Ganjam has recorded highest of 94 cases of heinous offences allegedly by children of 16-18 years, followed by 88 cases in Ganjam, 79 cases in Bargarh, 57 cases in Koraput, 52 cases in Kandhamal, 44 cases in Balasore, 22 cases in Cuttack, 20 cases in Jharsuguda, 20 cases in Nabrangpur and 19 cases in Puri.
- Out of the total cases of heinous offences, children between 16-18 years were found to be alleged in the heinous offences in 86.3per cent cases in Puri district followed by

86.2per cent in Balasore, 83per cent in Ganjam, 78per cent in Bargarh, 77per cent in Nabarangpur, 73per cent in Sundargarh, 72per cent in Kandhamal, 43per cent in Koraput, 42per cent in Cuttack, and 23per cent in Jharsuguda,

- Between 2016 and 2018, JJBs initiated preliminary assessment in 272 cases out of which assessment was completed in 230 cases. During this period, JJB Ganjam completed preliminary assessment in 50 cases, followed by 44 cases in Puri, 29 in Balasore, 21 in Koraput, 20 in Kandhamal, 20 in Nabarangpur, 19 in Jharsuguda 10 in Puri, 9 in Cuttack, and 8 in Bargarh.
- After preliminary assessment, a total of 96 cases i.e. 42per cent of cases were transferred to the Children's Courts on the finding that there is a need for trial of such children as adults as per the provision of section 18(3) of JJ Act, 2015. Whereas no case has been transferred by the JJBs in the districts of Cuttack and Koraput during 2016-18 , number of cases transferred to the Children Court were 33 in Ganjam, 15 in Balasore, 15 in Nabrangpur, 14 in Kandhamal, 7 in Puri, 5 in Jharsuguda, 5 in Sundargarh and 2 in Bargarh.

4.2. Case study

- Out of the 109 case studies reviewed, 28 cases (26per cent) were registered in 2016, 37 (34per cent cases) in 2017 and 44 (40per cent) in 2018.
- Offences involved included rape in 30per cent cases, kidnapping & rape in 28per cent cases, murder in 16per cent cases, dacoity, robbery, lurking house trespass and voluntarily causing hurt in 18per cent cases. Offences in violation to NDPS Act were alleged in 8per cent cases.
- In 40 cases, i.e. 37per cent of cases, offence was alleged to have been committed jointly, either involving adult persons or children in conflict with the law .
- Age determination was based on evidence of school certificate in 44per cent cases, school admission register in 32per cent cases, birth certificate in 4per cent cases,

medical report in 4per cent cases, and other documents including Aadhar card in 16per cent cases.

- In 83per cent cases, JJBs took the assistance of psychologists or other experts during preliminary assessment as per the proviso u/s 15(1) of JJ Act, 2015.
- Social Background Report was available to the JJB during preliminary assessment barely in 16per cent cases.
- i. In 85per cent cases, Social Investigation Report was available to JJB during the preliminary assessment.
- ii. In 60per cent cases of preliminary assessment, the children alleged to be in conflict with law were staying in the Observation Homes at the time of preliminary assessment.
- iii. 42per cent cases were transferred to the Children’s Court having jurisdiction to try such offences as per the provision under clause-3 of Section 18 of JJ Act, 2015.

4.3. Practices: The principles determined in the statute for preliminary assessment and practices documented by this study are analyzed hereunder.

4.3.1 Age determination: The legal position is that the Board shall in the first instance determine whether the child is of sixteen years of age or above; if not it shall proceed as per the provision of section 14 of the Act [*Rule-10-A of Model Rules, 2016 & Rule-17 of Odisha Juvenile Justice (Care and Protection of Children) Rules, 2018*]. The Board shall determine the age of the juvenility based upon the appearance of the person brought before it³⁹. Where Board has reasonable doubt regarding whether the person brought before it is a child or

³⁹ Section 94(1) reads “where, it is obvious to the Committee or Board, based on the appearance of the person brought before it under any of the provisions of this Act (other than for the purpose of giving evidence) that the said person is a child, the Committee or the Board shall record such observation stating the age of the child as nearly as may be and proceed with inquiry under section 14 or section 36, as the case may be, without waiting for further confirmation of the age”

not, then Board shall undertake the process of age determination⁴⁰ by seeking evidence of date of birth from (i) school certificate; or (ii) birth certificate; or (iii) by an ossification test or any other latest medical age determination test in the absence of school certificate and birth certificate.

In relation to the determination of age, all the nine respondents have informed that either the school certificate or the birth certificate is considered as valid document to determine the age. However, there are circumstances in which medical opinion is also obtained responded six Magistrates. In case of any further validation is required, the authorities' are summoned and testify the authenticity of the documents responded six Magistrates. Four Principal Magistrate have also responded that the Probation Officer is directed to verify the authenticity of the document and report. Six of them have responded that the Police are also requested to report.

From the response of Principal Magistrates it is assumed that age determination is being made in accordance with the provisions of Juvenile Justice Act, 2015⁴¹ and the provisions of

⁴⁰ Sub-section (2) of Section 94 reads "in case, the Committee or Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board, as the case may be, shall undertake the process of age determination, by seeking evidence by obtaining-

- i. the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;
- ii. the birth certificate given by the corporation or a municipal authority or a panchayat;
- iii. and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board;

Provided such age determination test conducted on the order of the Committee or Board shall be completed within fifteen days from the date of such order.

⁴¹ Section **94 of J J Act, 2015:** (1) Where, it is obvious to the Committee or the Board, based on the appearance of the person brought before it under any of the provisions of this Act (other than for the purpose of giving evidence) that the said person is a child, the Committee or the Board shall record such observation stating the age of the child as nearly as may be and proceed with the inquiry under section 14 or section 36, as the case may be, without waiting for further confirmation of the age.

(2) In case, the Committee or the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board, as the case may be, shall undertake the process of age determination, by seeking evidence by obtaining —

- (i) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;
- (ii) the birth certificate given by a corporation or a municipal authority or a Panchayat;
- (iii) and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board:

Odisha Juvenile Justice (Care and Protection of Children) Rules, 2018. Date of birth mentioned in the Aadhar Card is also taken into consideration in such instances where no other documents regarding age proof is available, even though the Board recognizes *Aadhaar* is the 'identity proof' rather than birth proof.

Where the Board has reasonable doubt on the authenticity of the document produced in relation to age, the Board summons the competent authority and enquires them and verify the documents. Where required, JJB directs police or probation officer to obtain information from school register or birth registry for valid documents of age proof.

4.3.2 Determining heinous offence: Definitions to offences- heinous⁴², serious⁴³ and petty⁴⁴ have been provided in the JJ Act, 2015. In the offence, if the minimum punishment is given for seven years, then only it is to be considered as heinous offence under section 2(33) of the Act

In response to the question on Charges of heinous offence against the children, most of the Principal Magistrates have responded that police version in FIR on the nature of offences committed by a child in conflict with law (who was above 16 years but below 18 years) is

Provided such age determination test conducted on the order of the Committee or the Board shall be completed within fifteen days from the date of such order.

(3) The age recorded by the Committee or the Board to be the age of person so brought before it shall, for the purpose of this Act, be deemed to be the true age of that person.

⁴² Sub-section 33 of Section-2 reads "heinous offences" includes the offences for which the minimum punishment under the Indian Penal Code (45 of 1860) or any other law for time being in force is imprisonment for seven years or more.

⁴³ Sub-section 54 of Section-2 reads "serious offences" includes the offences for which the punishment under the Indian Penal Code (45 of 1860) or any other law for the time being in force, is imprisonment between three to seven years.

⁴⁴ Sub-section 45 of Section 2 reads "petty offences" includes the offences for which the maximum punishment under the Indian Penal Code (45 of 1860) or any other law for the time being in force is imprisonment up to three years.

accepted, if the offences as mentioned in the FIR are as such and falls under the definition of heinous offences⁴⁵.

Based upon the police report in the Final Form, charges are framed under the heinous offences. Board also reassess and review the classification of heinous offence being reported by police.

The JJBs, by and large, take into consideration the Social Background Report and Social Investigation Report in the determination of 'heinous offences'. 164 statements victims, mental conditions of the juvenile are also looked into by few JJBs.

From the responses it is inferred that Principal Magistrates of Juvenile Justice Boards ensure that the preliminary assessment is ordered only after satisfaction on the charges leveled against children is/are heinous offences and the offences are committed by children in the age group of 16-18 years. It is assumed that the cautious approaches by Principal Magistrates are to any hardship to children who have not actually committed heinous offence(s).

4.3.3 Deciding preliminary assessment: According to Section 14(5) (c) every child brought before the Board shall be given opportunity of being heard and participate in the inquiry. If the offence is of heinous nature and it committed by a child, who is between 16 to 18 years, then JJB shall go for preliminary assessment in the manner prescribed under section-15.⁴⁶

⁴⁵ Section 2(33) of J J Act, 2015: "heinous offences" includes the offences for which the minimum punishment under the Indian Penal Code or any other law for the time being in force is imprisonment for seven years or more;

⁴⁶ Section 15 reads (1) "In case of a heinous offence alleged to have been committed by a child, who has completed or is above the age of sixteen years, the Board shall conduct a preliminary assessment with regard to his mental and physical capacity to commit such offence, the ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence, and may pass an order in accordance with the provisions of sub-section (3) of section 18.

Provided that for such an assessment, the Board may take the assistance of experienced psychologists or psycho-social workers or other experts.

Explanation- For the purpose of this section, it is clarified that preliminary assessment is not a trial, but is to assess the capacity of such child to commit and understand the consequences of the alleged offence.

(2) Where the Board is satisfied on preliminary assessment that the matter should be disposed of by the Board, then the Board shall follow the procedure, as far as may be, for trial in summons case under the Code of Criminal Procedure, 1973.

Section 15 has laid down three basic parameters for making preliminary assessment, i.e., the mental and physical capacity, ability to understand the consequences of the offence and the circumstances under which the alleged offence has been committed are necessary to be followed by the Board.

Rule 10-A (2) states that a panel of experts for preliminary assessment may be made available by the District Child Protection Unit, whose assistance can be taken up by the Board or could be accessed independently. The child shall be presumed to be innocent during the preliminary assessment (*Rule 10-A (3) of the Model Rules, 2016*). Where the Board after preliminary assessment passes an order that there is a need for trial of the said child as an adult, it shall assign the reason for the same and copy of the order shall be provided to the child forthwith.

The Boards undertake preliminary assessment into all the heinous offences alleged to have been committed by the child who has completed the age of sixteen years. There is felt need of the assistance of psychologists by JJB, but such experts are not available in 50 per cent of the districts in Odisha.

Among the Principal Magistrates interviewed, 80 per cent have favored the opinion of the psychologists, 70 per cent opined for the assessment of mental capacity through interaction and observation, 60 per cent favored report of the probation officers, 50 per cent observed physical capacity based on height, weight and physique of the juvenile, 50 per cent favored medical opinion to assess the mental and physical capacity of the child to commit such offence.

4.3.4 Criteria of preliminary assessment: In relation to the understanding on the concept of preliminary assessment, six of the respondents have informed that height, weight and medical observation on physique and a concluding decision on the mental capacity by interaction (8 responded) and observation is the concept to take decisions. However, the opinion of Psychologist or Psychiatric social workers is important responded six Principal Magistrates. The same level of respondents (six) have also expressed that the report of

Provided that the order of the Board to dispose of the matter shall be appealable under sub-section (2) of section 101.

Provided further that the assessment under this section shall be completed within the period specified in section 14.

Probation Officer or Medical expert may also be the part of preliminary assessment. Obtaining the views and opinions of speech therapist, special educator, school teacher and an Artist or play therapist would not fall under the concept of preliminary assessment. Obtaining the opinion of a neutralist is also the concept of preliminary assessment responded three Magistrates.

From the responses it is viewed that in the absence of standard operating procedure or guidelines for conducting preliminary assessment, due importance is given to physical appearance and responses and views of psychologists.

4.3.5 Determining factors of preliminary assessment: Factors/report taken into consideration by JJB on preliminary assessment all the respondents have expressed that the social background report from police, social investigation report and the observations on the responses of the child in conflict with law are the factors taken into consideration while taking decision. One of the Principal Magistrates has expressed that the views and opinions of psychologist is the prime consideration.

From the responses of majority of Principal Magistrates it is viewed that due care and process is taken while deciding either to transfer the case to Children's Court for trial or to handle the affairs by the Board itself

4.3.6 Feasibility of conducting preliminary assessment by Board without assistance of experts: In this context, four of the respondents have expressed their views that the Board can conduct the preliminary assessment on its own without involving Psychologist or Psychiatric social worker or any experts and the remaining five have not supported it. In case of any necessity to conduct the preliminary assessment on its own, the criteria for consideration shall be the statements recorded by Police under Section 161 Cr.P.C (2 respondents) and the Statement recorded by a Magistrate under Section 164 Cr.P.C (2 respondents). In addition, the information on social investigation report (4 respondents), educational level of the child in conflict with law, physical appearance and the observations through interaction (8 respondents).

It is the responsibility of the board to conduct the preliminary assessment and for the purpose the assistance of Psychologists or Psycho-social workers or other experts may be

obtained by the Board⁴⁷. Since the word may is used in the legislation, technically it is the discretionary power of the Board to get the assistance of Psychologists or Psycho-social workers or other experts or not. Unfortunately, there are no clear indicators in the procedural laws, the Model Rules and also the Odisha State Rules. But it is clarified that a panel of expert may be made available to Board by the District Child Protection Unit⁴⁸. Although there are no guiding factors to the use of discretionary power of obtaining the assistance of the services of Psychologists or Psycho-social workers or other experts, the Juvenile Justice Boards avails their assistance while doing preliminary assessment.

4.3.7 Availability of psychologists, psychosocial workers or other experts : It is ascertained from the District Child Protection Units and also during interaction with the Principal Magistrates of Juvenile Justice Boards at Ganjam, Puri, Balasore, Kandhamal, Deogarh, Jhursuguda, Sundargarh, Koraput and Nawarangpur, the panel of experts have not been made available to the Juvenile Justice Board.

The Principal Magistrates of Juvenile Justice Boards at Deograh and Jhursuguda have informed that in the absence of experts like psychologists or psycho-social workers or other experts, the preliminary assessment is made based on interaction with the children in conflict with law. The same view has also been expressed by the The Principal Magistrate, Kandhamal. However, from 2018 onwards, the availability of expert in Kandhamal has been utilized.

⁴⁷ Rule 10-A (2) of Juvenile Justice Model Rules,2016 read with Rule 17 (2) of Odisha Juvenile Justice (Care and Protection of Children) Rules, 2018 : For the purpose of conducting a preliminary assessment in case of heinous offences, the Board may take the assistance of psychologists or psycho-social workers or other experts who have experience of working with children in difficult circumstances. A panel of such experts may be made available by the District Child Protection Unit, whose assistance can be taken by the Board or could be accessed independently.

⁴⁸ Rule 10-A (2) of Juvenile Justice Model Rules,2016 read with Rule 17 (2) of Odisha Juvenile Justice (Care and Protection of Children) Rules, 2018 : For the purpose of conducting a preliminary assessment in case of heinous offences, the Board may take the assistance of psychologists or psycho-social workers or other experts who have experience of working with children in difficult circumstances. A panel of such experts may be made available by the District Child Protection Unit, whose assistance can be taken by the Board or could be accessed independently.

4.3.8 Practice on preliminary assessment: During interaction with Principal Magistrates and also a few Social Worker members in Ganjam, Balasore and Sundargarh, it is observed that the Board fixes the date of Preliminary assessment and issue notice to the Medical Hospitals to depute the Clinical Psychologist/Psychiatrist on the day of preliminary assessment to assist the Board. Invariability this is the procedure being adopted and all the experts do not have specific tools as medium for preliminary assessment. It is therefore observed that in order to satisfy the provisions of law, the experts have been consulted and the reports of consultants may not be scientific.

In all the reports of Psychologists or experts, it is observed that the issues concerning the child in conflict with law presumed to be innocent is silent. These experts in their observations exhibit their opinion regarding their views and opinions based on the attitude, response and understanding the questions. Invariability in all the cases, it is observed that the children in conflict with law were/are not aware of law and policy relating to sexual abuse and exploitation. The Boards taking into consideration of their own observation and also the report of experts determine the case to be transferred to Children's Court or not. In the absence of standard operating procedure or guidelines or indicators to be observed while conducting the preliminary assessment, the experts' use their expertise without any structured tools and give their opinion in the form of a report.

4.3.9 Child's entitlement to obtain the copy of preliminary assessment report:In response to the entitlement of the child in conflict with law to get the copy of preliminary assessment report, six of the respondents have expressed that the person is entitled to receive the copy of the report. Eight of the respondents have expressed their views that the child is entitled to prefer an appeal against the order of preliminary assessment and denying the copy is preventing the right of such person to defend him/her in adjudication

4.3.10 Right of CCL to defend against the assessment: If a CCL aggrieved on the preliminary assessment and question the validity of the assessment, the Board cannot provide any opportunity to the CCL responded seven Magistrates and two of them responded otherwise. In this context, 5 of the responded have expressed that there is no provision for providing such opportunity. However, 3 of them have responded the opinion of experts may be obtained.

It is inferred that preliminary assessment is not a trial, but is to assess the capacity of such child to commit and understand the consequences of the alleged offence⁴⁹. In view of this, it is enshrined that If a Board determines to transfer the case for trial of the child in conflict with law as an adult, the reasons shall be assigned and the copy of the order shall be provided to the child.⁵⁰ In this context among the 9 responded Principal Magistrates, 7 of them have acknowledged that a child in conflict with law is entitled to receive the copy of the order and 2 of them have responded negatively. However, all of them have responded that a child in conflict with law is entitled to appeal against the decision of the Board in transferring the case to Children's Court for trial of a child in conflict with law as an adult.

⁴⁹ Proviso and explanation to Section 15 of J J Act, 2015

⁵⁰ Sub –rule (4) of Rule 10-A of Juvenile Justice Model Rules, 2016 read with sub-rule (4) of 17 of Odisha Juvenile Justice (Care and Protection of Children) Rules, 2018: Where the Board, after preliminary assessment under section 15 of the Act, passes an order that there is a need for trial of the said child as an adult, it shall assign reasons for the same and the copy of the order shall be provided to the child forthwith.

Chapter-5

Conclusion

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5.1. Issues and Challenges

An analysis of Section-15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 has raised critical issues of policy and practice perspectives questioning the efficacy of the preliminary assessment. They are discussed in below.

International perspective: The United Nations General Assembly adopted the Convention on the Rights of the Child, 1989(CRC) which India has signed and ratified. Under CRC, a child has been defined as a human being below the age of 18 years. It recognized the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in accordance with the provisions of article 40 of CRC. This means that every person under the age of 18 years, at the time of the alleged commission of an offence, must be treated in accordance with the rules of juvenile justice. It is fact that there is no change in the definition of child in JJ Act 2015 over JJ Act 2000. But Section-15 of JJ Act, 2015 of the Act with regard to different treatment of children in the age group of 16-18 years who committed heinous offence is found to be incoherent with the provision of UN CRC and particularly CRC committee General Comment No 10 recommending non-discriminatory application of juvenile justice principles to all children below 18 years.

Constitutional perspective: The preamble of JJ Act, 2015 takes note of Articles 15 (3), 39(e) & (f), 45 and 47 of the Constitution of India reinforcing constitutional mandate to protect basic human rights of children. Discriminating a section of children on age factor from the protection of juvenile justice system is a violation of cardinal principles of human rights- right to equality and non-discrimination. A different approach within the juvenile justice system for adjudication of heinous offences by children between 16-18 years is inconsistent with the judgment of the Supreme Court of India which upheld the constitutionality of definition of child under 18 years that:

“The age of eighteen years has been fixed on account of the understanding of the experts in child psychology and behavior patterns that till such an age the children in conflict with law could still be redeemed and restored to mainstream society, instead of becoming hardened criminals in future. It is probably better to try and reintegrate children with criminal propensities into mainstream society, rather than to allow them to develop into hardened criminals, which does not augur well for the future.”⁵¹

Legal perspective: The JJ Act, 2015 has introduced three-fold classification of offences—petty, serious and heinous offence. There is ambiguity in the difference between serious offences and heinous offences. For serious offence the punishment is between three to seven years. Heinous offence includes offence for which minimum punishment is imprisonment for seven years or more. There are offences in IPC where no minimum punishment has been mentioned but punishment is more than seven years. They do not fall within the ambit of the either serious or heinous offence. For example, section -304 (culpable homicide not amounting murder), s.306 (abetment for murder), s.326 (voluntarily causing grievous hurt by dangerous weapons), s.392 (robbery), s.395 (dacoity) of IPC prescribe maximum period of punishment for 10 years but no minimum period. The offence under Section 302 being punishable with death penalty or life imprisonment falls within the category of ‘heinous offence’ but child in conflict with law shall not be sentenced to such punishment⁵². Where child in conflict with law is found to be guilty of offence punishable under section 302 of IPC, the quantum of punishment to be decided by the children’s court would be subjective without sanction of law.

Another ambiguity is that the JJ Act, 2015 is silent about the final orders that the JJB may pass in case of 16-18 years old child is found to have committed a heinous offence. This has been debated in the context of Section-18⁵³ which prescribes the orders to be passed in

⁵¹ Salil Bali vs. Union of India (2013) 7 SCC 705

⁵² JJ Act, 2015; Section 21 reads ‘no child in conflict with law shall be sentenced to death or for life imprisonment without the possibility of release, for any such offence, either under the provisions of this Act or under the provisions of the Indian Penal Code or any other for time being in force.

⁵³ JJ Act, 2015; Section 18 (1) speaks ‘where a Board is satisfied on inquiry that a child irrespective of age has committed a petty offence, or a serious offence, or a child below the age of sixteen years has committed a heinous offence, then, notwithstanding anything contrary contained in any other law for the time being in

final disposal applies to petty and serious offences committed by children below 18 years and heinous offences committed by children below 16 years old but it excludes from its purview heinous offences by 16-18 years old children.

Operational perspective: Section-15 of JJ Act 2015 mandates JJB to conduct preliminary assessment with regard to mental and physical capacity of child in conflict with law to commit an offence. But there are no guidelines regarding preliminary assessment stipulated under section 15 of the Act, except the proviso that the Board may take the assistance of experienced psychologists or psycho-social workers or other experts to understand the mental status of the child. The study reveals that the JJBs have taken experts assistance in 83per cent of cases, but the irony of the fact they are mostly medical doctors or psychology teachers without having knowledge on clinical child psychology. Difficulties in procuring the services of psychologist to make preliminary assessment are noticed in the interior districts

force, and based on the nature of offence, specific need for supervision or intervention, circumstances as brought out in the social investigation report and past conduct of the child, the Board may, if it so thinks fit,-

- a) allow the child to go home after advice or admonition by following appropriate inquiry and counseling to such child and to his parents or the guardian;
- b) direct the child to participate in group counseling and similar activities;
- c) order the child to perform community service under the supervision of an organization or institution, or a specified person, persons or group of persons identified by the Board;
- d) order the child or parents or the guardians of the child to pay fine;

Provided that, in case the child is working, it may be ensured that the provisions of any labour law for the time being in force are not violated;

- e) direct the child to be released on probation of good conduct and placed under the care of any parent, guardian or fit person, on such parent, guardian or fit person executing a bond, with or without surety, as the Board may require, for the good behavior and child's well being for any period not exceeding three years;
- f) direct the child to be released on probation of good conduct and placed under the care and supervision of any fit facility for ensuring the good behaviour and child's well-being for any period not exceeding three years;
- g) direct the child to be sent to a special home, for such period, not exceeding three years, as it thinks fit, for providing reformative services including education, skill development, counseling, behavior modification therapy, and psychiatric support during the period of stay in the special home:

Provided that if the conduct and behavior of the child has been such that , it would not be in the child's interest, or in the interest of other children housed in a special home, the Board may send such child to the place of safety.

like Kandhamal and Koraput. It is further noticed that orders passed by JJBs are mostly stereotyped with the observation that the IQ of the child is normal and he has mental and physical capacity to commit such offence but arriving such conclusion is unclear. In many cases normal IQ seemed to be basis to decide on capacity. The JJB does not appear to have considered the factors other factors to determine child understanding of consequences and circumstances.

It is evident that no standardized mechanism is in practice in the assessment of physical and mental capacity of children who have committed heinous offences and aged above 16 years but below 18 years.

In the absence of guidelines to conduct preliminary assessment, the exercise is a formal discussion with professional experts who do not have standard tools to apply. The exercise cannot be considered as default as the Boards have been taking their efforts to consult the available experts and act on their opinions. The final decision is taken by the Board on the basis of its assessment coupled with the opinions given by experts.

Knowledge perspective: The JJ Act 2015 empowers JJB to conduct preliminary assessment into heinous offences. But the noticeable fact that preliminary assessment has been made in non-heinous offences although none of the cases were transferred to the Children's Court. It is noticed that some of the rape cases involve consensual relationship between CCL and victim. While some JJB have retained the cases, others have transferred the matter to the Children Court. Many JJBs have indicated that the child cooperated with preliminary assessment. But the analysis reveals where the child has refused to answer the questions or remained silent, adverse inference have been drawn. This shows knowledge gap in JJB about the protection provided under Article 20(3)⁵⁴ of the Constitution of India which recognizes the privilege against self-incrimination and right to be heard under section-14(c)⁵⁵ of JJ Act, 2015.

⁵⁴ Article 20(3) of the Constitution of India says 'no person accused of any offence shall be compelled to be a witness against himself'.

⁵⁵ Section 14 (c) of JJ Act 2015 says 'every child brought before the Board shall be given the opportunity of being heard and participate in the inquiry'.

5.2. Recommendations

- A Standard Operating Procedure (SOP) shall be formulated for preliminary assessment to bring uniformity and consistency as the statutory provision is silent on the procedures of preliminary assessment. A comprehensive tools towards the conduct of preliminary assessment may be explored. Preliminary assessment involves mainly assessing the level of intelligence, cognitive thinking and behavior out come because of defective cognitive thinking coupled with emotional and psychological variations.
- The Centre for Child Rights, NLU Odisha shall explore the development of comprehensive tools for preliminary assessment and to provide other professional services. A consultation with teaching and practicing psychologists, Psychiatric Social workers, Criminologists, and other experts may be organized.
- In the absence of professional bodies to assist JJBs in assessing mental and physical capacity of CCL, the preliminary assessment is being made on presumption of assumption. Hence it is recommended that Child Guidance Centre may be established with the support of trained clinical psychologists. The Centre for Child Rights may explore the similar practices being adopted by the Juvenile Guidance Centre, Chennai (established at the imitative of Chief Metropolitan Magistrate, Chennai in consultation with the Department of Psychology, University of Madras and the Police Commissioner, Chennai in 1956) and the Child and Adolescent Psychiatric Department, NIMHANS, Bengaluru
- JJBs, Police, Probation officers, Public prosecutors and a panel of psychologists and psycho-social experts shall be trained and sensitized on standardized methods, tools and indicators of preliminary assessment and their application.
- NIMHNANs, Bengaluru has developed a format and guidelines for conducting preliminary assessment on children (who have committed heinous offences and aged above 16 years but below 18 years of age) referred to them by Juvenile Justice Boards.

- The Centre for Child Rights, NLU Odisha may be declared as Technical experts on the administration of juvenile justice for the purpose of providing technical support, developing online and contact programmes, capacity building programmes, performance appraisal and social auditing, research and publications including self-learning materials and guidebooks.

- Legal Aid Clinics and Child Guidance Centres shall be established in Observation Homes by the Centre for Child Rights, NLU Odisha to provide legal and professional services. Draft proposal is exhibited in the annexure

Annexure-I

Case Briefing

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Case study-I				
Year 2016	Date of Offence: 14.12.2016	Date of FIR: 15.12.2016	Offences U/s: 457/380/34 of IPC	Offence committed: Jointly
Gender: Male	Age: 17 years 6 months	Age proof: School certificate	Apprehension: FIR registered a day after the offence committed. Child was apprehended on the next day of FIR.	
<p>JJB order on first hearing: In the order dated 16.12.2016, JJB rejected the bail and called for case diary and Social Investigation Report. CCL was sent to the Observation Home. Matter was posted for hearing on 20.12.2016.</p>				
<p>Key findings of preliminary assessment: The offence alleged against the CCLs is a heinous offence in view of Sec.2 (33)of the JJ (CPC) Act 2015. The offences were alleged against two children. But preliminary assessment was done for one child as the age of the child alleged in the offence was below 16 years. During the process of preliminary assessment, variety of questions were put to the CCL by the Board. From the answers given by the CCL, as well as from the gesture, posture and physical appearance of the CCL, it is assessed that the CCL was having physical capacity to commit the alleged offence. But he was very much comfortable during his interactive and counseling session. He pleaded that he is completely innocent about the occurrence; and that he has been falsely implicated in this case. His manner of answering reflects his simplicity and ignorance about the risk factor. Thus it appears that the CCL was not having sufficient mental ability to understand the consequences of the offence. Moreover, from the social Investigation Report, it is ascertained that the reasons for commission of the offence is due to immature of mind and also due to bad companions, which led the CCL to commit such offence. Under the above fact and circumstances, this Board is satisfied on preliminary assessment that the matter should be disposed of by this Board, in view of the provisions of sec.15(2) of the JJ (CPC) Act,2015 .</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 7.12.2017 • Status of preliminary assessment: Completed on 8.3.2018 • Whether expert assistance was taken in preliminary assessment: No 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No 		

Case study-2				
Year 2016	Date of Offence: 5.4.2016	Date of FIR: 9.4.2016	Offences U/s: 363/376 (2)(n) of IPC r/w Sec. 6 POCSO Act.	Offence committed: Individually
Gender: Male	Age: 17 years	Age proof: HSC Admit Card	Apprehension: FIR registered after four days of commission of offence. Child was apprehended after four months of FIR.	
<p>JJB order on first hearing: Order dated 22.08.2016. JJB rejected bail and called for case diary, medical report and Social Investigation Report. Matter was posted to 26.8.2018 for further order.</p>				
<p>Key findings of preliminary assessment: The offence alleged against the CCL is a heinous offence in view of Sec.2 (33) of the JJ (CPC) Act 2015. It appears that the CCL was not having sufficient mental ability to understand the consequences of the offence, Moreover, from the Social Investigation Report Submitted by the LPO, it is ascertained that the reasons for commission of the offence is due to immature of mind and also due to age factor, which led the CCL to commit such offence. Under the above facts and circumstances, this Board is satisfied on preliminary assessment that the matter should be disposed of by this Board, in view of the provisions of sec. 15(2) of the JJ (CPC) Act, 2015 .</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 20.10.2017 • Status of preliminary assessment: Completed on 25.10.2017 • Whether expert assistance was taken in preliminary assessment: No 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No 		

Case study-3				
Year 2016	Date of Offence: 20.4.2016	Date of FIR: 21.4.2016	Offences U/s: 363/366(A) of IPC	Offence committed: Individually
Gender: Male	Age: 17 years 7 months 10 days	Age proof: School certificate	Apprehension: FIR registered on the next day of the offence committed. Child was apprehended a day after FIR was registered.	

JJB order on first hearing:

Order dated 23.04.2016, JJB called for case diary, medical report of the victim and a report regarding of the CCL from IO and Social Investigation Report from LPO. Posted the matter to 27.4.2016 for consideration of bail.

Key findings of preliminary assessment:

The offence alleged against the CCL is a heinous offence in view of Sec.2 (33) of the JJ (CPC) Act 2015. The age of the CCL was more than 17 years old on the date of occurrence. It appears that the CCL was not having sufficient mental ability to understand the consequences of the offence. It is ascertained from the S.I.R that the reasons for commission of the offence is due to immature of mind and also due to age factor, which led the CCL to commit such offence. Under the above facts and circumstances, this Board is satisfied on preliminary assessment that the matter should be disposed of by this Board, in view of the provisions of sec. 15(2) of the JJ (CPC) Act, 2015 .

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 12.1.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: No | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No |
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Case study-4				
Year 2016	Date of Offence: 17.8.2016	Date of FIR: 18.8.2016	Offences U/s: 457/380/411/34 of IPC	Offence committed: Jointly (with adults)
Gender: Male	Age: 16 years 10 months 17 days	Age proof: School admission register	Apprehension: FIR registered a day after the offence committed. Child was apprehended after three days of FIR.	
JJB order on first hearing: Order dated 23.08.2016; JJB rejected bail and called for case diary, SBR and S.I.R. Matter was posted to 27.8.2016 for consideration of bail application.				
Key findings of preliminary assessment:				
<ul style="list-style-type: none"> • Order for preliminary assessment: 8.11.2017 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: No 			<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child was during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No 	

Case study-5				
Year 2016	Date of Offence: 24.11.2016	Date of FIR: 25.11.2016	Offences U/s: 394/34 IPC	Offence committed: Jointly
Gender: Male	Age: 17 years 4 months 10 days	Age proof: School certificate	Apprehension: F.I.R registered a day after the offence committed. Child was apprehended on the next day of F.I.R	
<p>JJB order on first hearing: Order Dated 26.11.2016, JJB called for up-to-date case diary along with CA report of the CCL if any from the IO. S.I.R was called for from LPO. Case posted to 1.12.2016 for consideration of bail application of the CCL.</p>				
<p>Key findings of preliminary assessment: The offence alleged against the CCLs is a 'heinous' offence in view of Sec.2 (33) of the JJ (CPC) Act 2015. Moreover, the age of the CCLs was more than 16 years on the date of occurrence. It appears that the CCL was not having sufficient mental ability to understand the consequences of the offence, Moreover, from the Social Investigation Report Submitted by the LPO, it is ascertained that the reasons for commission of the offence by the CCL is due to influence of bad companions, which led him to commit such offence. Under the above facts and circumstances, this board is satisfied on preliminary assessment that the matter should be disposed of by this Board, in view of the provisions of sec. 15(2) of the JJ (CPC) Act, 2015.</p>				
<ul style="list-style-type: none"> Order for preliminary assessment: 6.4.2018 Status of preliminary assessment: Completed on 11.4.2018 Whether expert assistance was taken in preliminary assessment: No 		<ul style="list-style-type: none"> SBR was in record : No SIR was in record: Yes Status of child during preliminary assessment: on bail Whether case is transferred to the Children's Court: No 		

Case study-6				
Year 2016	Date of Offence: 22.10.2016	Date of FIR: 27.10.2016	Offences U/s: 376/511 of IPC r/w sec. 12 of POCSO Act.	Offence committed: Individually
Gender: Male	Age: 16 years 9 months	Age proof: School certificate	Apprehension: FIR registered after 5 days of offence committed. Child was apprehended within a day after the FIR.	
<p>JJB order on first hearing: Order dated 29.10.2016, JJB rejected the bail. Called for case diary, CA report of the CCL, medical report of the victim from IO and S.I.R from LPO. Case posted to 2.11.2016 for consideration of bail application of the CCL .</p>				
<p>Key findings of preliminary assessment: The offence alleged against the CCLs is a heinous offence in view of Sec.2 (33) of</p>				

the JJ (CPC) Act 2015. During the process of preliminary assessment, variety of questions were put to the CCL. From the rational answers given by the CCL, as well as from the gesture, posture and physical appearance of the CCL, it is assessed that the CCL was having good mental and physical capacity to commit the alleged offence and that he has having sufficient ability to understand the consequences of the offence. Moreover, from the Social Investigation Report, it is ascertained that there is no such adverse circumstances, which led the CCL to commit such offence. it is mentioned in the report that the cause of juvenility is due to age factor. Under the above fact and circumstances, this Board is satisfied on preliminary assessment that the child should be tried as an adult. Hence in view of sec 18 (3) of the JJ CPC Act 2015, it is ordered by this Board that the record shall be transferred to the Children's Court for the purpose of trial. The CCL is directed to appear in the children's court on 04.05.2018 for further proceeding of this case. Grant free copy of the order to the CCL forthwith.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 4.1.2018 • Status of preliminary assessment: Completed on 24.4.2018 • Whether expert assistance was taken in preliminary assessment: No | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: Yes |
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Case study-7				
Year 2016	Date of Offence: 29.6.2016	Date of FIR: 9.7.2016	Offences U/s: 376(2)(n)of IPC r/w Sec. 6 of POCSO Act r/w Sec. 3 (1)(xii)(2)(v) of SC & ST (PA)Act.	Offence committed: Individually
Gender: Male	Age: 16 years 7 months 16 days	Age proof: School register	Apprehension: Child was apprehended after seven days of the FIR.	
<p>JJB order on first hearing: Order dated 16.07.2016. Legal Aid Counsel of Front Office moved bail petition for the CCL. Matter was posted to 19.7.2016 for consideration of bail application. On that day JJB called for the case diary, medical report of the victim and Social Investigation Report.</p>				
<p>Key findings of preliminary assessment: The offence alleged against the CCL is a heinous offence in view of Sec.2 (33)of the JJ (CPC) Act 2015. In view of Section 15 of the JJ (CPC) Act. 2015, if a child, who has completed or is above the age of 16 years, commits or alleged to have committed a heinous offence, the board shall conduct the preliminary assessment with regard to his mental and physical capacity to commit such offence, ability to understand the consequences of offence and the circumstances in which he allegedly committed the offence. During the process of preliminary assessment, variety of questions were put to the CCL by the members of the Board as well as by the Principal Magistrate . From the rational answers given by the CCL, as well as from the gesture, posture and physical appearance of the</p>				

CCL, it is assessed that the CCL was having good mental and physical capacity to commit the alleged offence. He has having sufficient ability to understand the consequences of the offence. Moreover, from the social Investigation Report it is ascertained that there is no such adverse circumstances, which led the CCL to commit such offence. It is mentioned in the report that the cause of juvenility is due to age factor. Under the above facts and circumstances, this Board is satisfied on preliminary assessment that the child should be tried as an adult. Hence in view of sec 18 (3) of the JJ CPC Act 2015, it is ordered by this Board that the record be transferred to the Children's Court for the purpose of trial.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 4.5.2017 • Status of preliminary assessment: Completed on 21.10.2017 • Whether expert assistance was taken in preliminary assessment: No | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: No • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: Yes |
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Case study-8

Year 2016	Date of Offence: 19.4.2016	Date of FIR: 19.4.2016	Offences U/s: 376/294/493/580 IPC	Offence committed: Individually
Gender: Male	Age: 17 years 11 months 12 days	Age proof: Birth certificate	Apprehension: The child was apprehended and produced before JJB on 30.4.2016,	
JJB order on first hearing: In the order dated 30.4.2016, JJB rejected the bail of the CCL.				
Key findings of preliminary assessment: JJB feels that further inquiry in this case is required which will be conducted by the Board.				
<ul style="list-style-type: none"> • Order for preliminary assessment: 7.12.2016 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: No • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No 		

Case study-9

Year 2016	Date of Offence: 14.9.2016	Date of FIR: 15.9.2016	Offences U/s: 147/148/341/325/307/ 427/452/336/354/294/ 506/149 IPC	Offence committed: Jointly with a child
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Gender: Male	Age: 17 years 6 months 3 days	Age proof: Birth certificate	Apprehension: Child was apprehended on 17.9.2016 and produced before JJB on the same day.
JJB order on first hearing: Bail rejected and CCL was sent to Observation Home			
Key findings of preliminary assessment: The Board feels the further inquiry in this case and further inquiry in this case should be conducted by the Board.			
<ul style="list-style-type: none"> Order for preliminary assessment: 7.3.2017 Status of preliminary assessment: Completed Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> SBR was in record : No SIR was in record: Yes Status of child was during preliminary assessment: on bail Whether case is transferred to the Children's Court: No 	

Case study-10				
Year 2016	Date of Offence: 26.10.2016	Date of FIR: 26.10.2016	Offences U/s: 392 IPC	Offence committed: Individually
Gender: Male	Age: 16 years 4 months 1 day	Age proof: School transfer certificate	Apprehension: Child was produced before JJB on 9.11.2016, being apprehended after two weeks after FIR was registered.	
JJB order on first hearing: In the order dated 9.11.2016, JJB rejected the bail. Child was sent to the observation home.				
Key findings of preliminary assessment: The Board feels the further inquiry in this case and further inquiry in this case should be conducted by the Board.				
<ul style="list-style-type: none"> Order for preliminary assessment: 23.12.2016 Status of preliminary assessment: Completed Whether expert assistance was taken in preliminary assessment: Yes 			<ul style="list-style-type: none"> SBR was in record : Yes SIR was in record: Yes Status of child during preliminary assessment: on bail Whether case is transferred to the Children's Court: No 	

Case study-11				
Year 2016	Date of Offence: 8.2.2016	Date of FIR: 12.2.2016	Offences U/s: 363/376(2)(i)(n) IPC & u/s 6 of POCSO Act	Offence committed: Individually

Gender: Male	Age: 16 years 10 months 4 days	Age proof: High School Certificate	Apprehension: FIR registered after 4 days of offence committed. Child was apprehended after 2 days of FIR and produced on next day before JJB
JJB order on first day: Produced before JJB on 15.2.2016 through escort party. The CCL sent to observation home, Rourkela.			
Key findings & order of JJB on preliminary assessment: The CCL unable to understand the consequences of the alleged offence			
<ul style="list-style-type: none"> • Order for preliminary assessment: 23.2.2016 • Status of preliminary assessment: Completed on 15.2.2017 • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: On bail • Whether case is transferred to the Children's Court: No (Case is with JJB for inquiry) 	

Case study-12				
Year 2016	Date of Offence: 15.2.2016	Date of FIR: 16.2.2016	Offences U/s: 395 IPC & u/s 25 (IAA) of Arms Act	Offence committed: Jointly(accompanied by 6 adults and 1 child)
Gender: Male	Age: 17 years 7 months 4 days	Age proof: High School Certificate	Apprehension: FIR registered on the day that offence committed. CCL was apprehended on next day of FIR and produced before JJB on next day.	
JJB order on first day: Produced before JJB on 17.2.2016 through escort party. The CCL sent to Observation Home.				
Key findings & order of JJB on preliminary assessment: The CCL is unable to understand the consequences of the alleged offences and his mental condition is also weak.				
<ul style="list-style-type: none"> • Order for preliminary assessment: 1.3.2016 • Status of preliminary assessment: Completed on 14.3.2016 • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child was during preliminary assessment: at the Observation Home • Whether case is transferred to the Children's Court: No (case is with JJB for inquiry) 		

Case study-13				
Year 2016	Date of Offence: 5.6.2016	Date of FIR: 5.6.2016	Offences U/s: 302/201/34 IPC & u/s 25/27 Arms Act	Offence committed: Jointly (accompanied by adult)
Gender: Male	Age: 17 years 11 months	Age proof: School Transfer Certificate	Apprehension: FIR registered on the date that offence committed. Child was apprehended after 2 days of FIR and produced before JJB on next day	
JJB order on first day: Produced before JJB on 8.6.2016, The CCL is sent to Observation Home.				
Key findings & order of JJB on preliminary assessment: The CCL is unable to understand the consequences of the alleged offences.				
<ul style="list-style-type: none"> • Order for preliminary assessment: 5.7.2016 • Status of preliminary assessment: Completed on 12.7.2016 • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child was during preliminary assessment: Staying in Observation Home • Whether case is transferred to the Children's Court: Case is kept in JJB for inquiry. 		

Case study-14				
Year 2016	Date of Offence: 8.8.2016	Date of FIR: 17.8.2016	Offences U/s: 366/376(2) (n) IPC & u/s 6 of POCSO Act	Offence committed: Individually
Gender: Male	Age: 17 years 7 months 10 days	Age proof: High School Certificate	Apprehension: FIR registered after 8 days of offence committed. CCL was apprehended after 2 days of FIR and produced before JJB on the day of apprehension.	
JJB order on first day: Produced before JJB on 19.8.2016. The CCL is sent to Observation Home.				
Key findings & order of JJB on preliminary assessment: The CCL is unable to understand the consequences of the alleged offences.				
<ul style="list-style-type: none"> • Order for preliminary assessment: 8.11.2016 • Status of preliminary assessment: Completed on 10.11.2016 • Whether expert assistance was 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child was during preliminary assessment: On bail • Whether case is transferred to the 		

taken in preliminary assessment: Yes	Children's Court: Yes
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Case study-15				
Year 2016	Date of Offence: 2.10.2016	Date of FIR: 2.10.2016	Offences U/s: 392 IPC	Offence committed: Jointly (accompanied by 2 adults)
Gender: Male	Age: 17 years 3 months 9 days	Age proof: School Transfer Certificate	Apprehension: FIR registered on the date that offence committed. Child was apprehended on the day that FIR registered and produce in JJB on next day.	
JJB order on first day: The CCL was produced in JJB on 3.10.2016 and sent to Observation Home.				
Key findings & order of JJB on preliminary assessment: The CCL is unable to understand the consequences of the alleged offences				
<ul style="list-style-type: none"> • Order for preliminary assessment: 24.10.2016 • Status of preliminary assessment: Completed on 10.11.2016 • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child was during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No (case is kept by JJB for inquiry) 		

Case study-16				
Year 2016	Date of Offence: 12.11.2016	Date of FIR: 17.11.2016	Offences U/s: 363/374 IPC & u/s 4 of POCSO Act	Offence committed: Individually
Gender: Male	Age: 16 years 7 months 23 days	Age proof: High School Certificate	Apprehension: FIR registered after 5 days of offence. CCL was apprehended after six days of FIR and produced before JJB on the day he was apprehended.	
JJB order on first day: Produced on 23.11.2016. The CCL is sent to Observation Home.				
Key findings & order of JJB on preliminary assessment: The CCL is unable to understand the consequences of the alleged offences.				
• Order for preliminary		• SBR was in record : No		

assessment:23.11.2016 <ul style="list-style-type: none"> • Status of preliminary assessment: Completed on 16.1.2017 • Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> • SIR was in record: Yes • Status of child during preliminary assessment: Staying at Observation Home • Whether case is transferred to the Children's Court: No (case is with JJB for inquiry)
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Case study-17				
Year 2016	Date of Offence: 6.8.2016	Date of FIR: 6.8.2016	Offences U/s: 454/380/34 IPC	Offence committed: Jointly (accompanied by 2 adults)
Gender: Male	Age: 17 years 4 months	Age proof: School certificate	Apprehension: FIR registered on the day that offence committed. CCL was apprehended after 20 days of FIR.	
JJB order on first day: Produced in JJB on 25.11.2016. The CCL is sent to Observation Home.				
Key findings & order of JJB on preliminary assessment: The CCL is unable to understand the consequences of the alleged offences.				
<ul style="list-style-type: none"> • Order for preliminary assessment: 25.11.2016 • Status of preliminary assessment: Completed on 16.1.2017 • Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: Staying at Observation Home • Whether case is transferred to the Children's Court: No (case is kept with JJB for inquiry) 			

Case study-18				
Year 2016	Date of Offence: 29.10.2016	Date of FIR: 29.10.2016	Offences U/s: 392 IPC	Offence committed: Individually
Gender: Male	Age: 16 years 2 months 8 days	Age proof: school certificate	Apprehension: FIR registered on the day that offence committed. CCL was apprehended on next day of FIR and produced before JJB on the next day of apprehension.	
JJB order on first day: Produced on 31.10.2016. The CCL is sent to Observation Home.				

Key findings & order of JJB on preliminary assessment:

The CCL is unable to understand the consequences of the alleged offences.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 11.11.2016 • Status of preliminary assessment: Completed on 11.11.2016 • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child was during preliminary assessment: staying at Observation Home • Whether case is transferred to the Children's Court: No (case is kept with JJB for inquiry) |
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Case study-19

Year 2016	Date of Offence: 29.3.2016	Date of FIR: 27.8.2016	Offences U/s: 376/506 of IPC & 6 of POCSO Act	Offence committed: Individually
Gender: Male	Age: 16 years 11 months 23 days	Age proof: HSCE document	Apprehension: FIR registered after 5 months of offence committed. Child was apprehended on next day of FIR.	

JJB order on first day:

In order dated 28.8.2016, JJB called for Social Investigation Report from DPO and the CCL shall be kept in the Observation Home till 3.9.2016

Key findings & order of JJB on PA:

This Board holds that this CCL has the required physical and mental capacity to commit the heinous offences as alleged against him and he has the ability to understand the consequences of such offences and this circumstances of which he allegedly committed of this offence. So there is need for trial of the CCL as an adult by the Children's Court.

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| <ul style="list-style-type: none"> • Order for preliminary assessment : 6.10.2016 • Status of preliminary assessment: Completed on 7.11.2016 • Whether expert assistance was taken during preliminary assessment : No, as not available in district | <ul style="list-style-type: none"> • SBR was in record: No • SIR was in record : Yes • Status of the child during preliminary assessment: at the Observation Home • Whether case is transferred to the Children's Court: Yes |
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Case study-20

Year 2016	Date of Offence: 30.12.2015	Date of FIR: 1.1.2016	Offences U/s: 457/363/376/323/506/34 of IPC read with u/s 4 of POCSO Act.	Offence committed: Jointly
Gender: Male	Age: 16 years 5 months and 3	Age proof: School Admission	Apprehension: FIR registered after two days from the day of offence committed. Child was	

	days	Register	apprehended after 4 days from the date of FIR filed.
<p>JJB order on first hearing: Order Dated 06.01.2016: The CCL was produced before Board by IO along with production report, Property Seizure memo, zimanama, apprehension memo, 161 Cr. PC statement and other relevant documents. JJB rejected bail. The CCL sent to observation Home till 13.01.2016 and I.O was directed to submit final report.</p>			
<p>Key findings of preliminary assessment: CCL is called by the co-accused, and he assist him to come to victims home but no such offence committed by CCL he is very innocent in nature and upon asked he disclosed all the things innocently. He does not know the consequences of the alleged offence as he just wanted to help his friend. During assessment it was revealed that CCL was very co-operative in nature and he is very innocent. Involvement of the CCL in the alleged heinous offence is due to poor parental discipline and supervision, social isolation, school disorganization, curiosity for deviant sexual interest. He has lack of understanding to the consequence of the offence.</p>			
<ul style="list-style-type: none"> • Order for preliminary assessment: 3.5.2017 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: No • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No 	

Case study-21				
Year 2016	Date of Offence: 11.2.2016	Date of FIR: 12.2.2016	Offences U/s: 363/366(A)/376(i) of IPC read with Section-4 Of POCSO	Offence committed: Individually
Gender: Male	Age: 16 years	Age proof: Adhar Card	Apprehension: Child was apprehended the day after FIR was registered.	
<p>JJB order on first hearing: On 13.02.2016, the CCL was produced by the IO before Board along with relevant documents. The date of birth of CCL verified. IO directed to submit 164 statement and final form and CCL sent to observation home till next hearing. LPO was directed to submit SIR.</p>				
<p>Key findings of preliminary assessment: It was concluded by the Board from the assessment that the involvement of CCL in the alleged heinous offence is due to poor parental discipline and supervision, social isolation, school disorganization, curiosity for deviant sexual interest, lack of social and sexual knowledge. Therefore the CCL involvement in the heinous</p>				

offence is due to lack of understanding the consequence of the offence and his mental and physical immaturity.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 20.5.2017 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: No • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No |
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Case study-22

Year 2016	Date of Offence: 15.1.2016	Date of FIR: 16.1.2016	Offences U/s: 294/354(B)/ 506,/507 of IPC read with section-8 of POCSO Act.	Offence committed: Individually
Gender: Male	Age: 16 years 10 months 5 days	Age proof: School Register	Apprehension: FIR registered in the next day of the offence committed. Child was apprehended after 2 days of the FIR.	

JJB order on first hearing:

Order dated 18.01.2016- CCL produced before Board by IO along with 161 statements, Production report, Property seizure memo, court surrender memo and other relevant documents. CCL cross examined by the Board and he stated no ill treatment had there while in police custody. Bail granted with the condition that he will join investigation as and when required.

Key findings of preliminary assessment:

The family members of victim are not happy as CCL had regular contact with victim by social network. Family of victim objected to meet CCL hence; CCL got angry and started abusing victim. The CCL was mentally sound. The CCL had no such intention to black mail the victim or to take her life and he was not in the mental state to understand the consequence of the offence he committed. Preliminary assessment concluded that the involvement of CCL in the alleged offence is due to poor parental discipline and supervision, social isolation, school disorganization. Therefore the CCL involvement in the heinous offence is due to lack of understanding the consequence of the offence and his mental and physical immaturity.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 5.3.2016 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No |
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Case study-23				
Year 2016	Date of Offence: 4.3.2016	Date of FIR: 7.3.2016	Offences U/s: 363/366(A) 376 (2) (i) (n) of IPC read with Sec- 6 of POCSO Act.	Offence committed: Individually
Gender: Male	Age: 17 Years 20 days	Age proof: School admission register	Apprehension: Child was apprehended a day after F.I.R was registered.	
<p>JJB order on first hearing: On 8.4.2016 CCL was produced by the IO before the JJB along with production report. 161 statements, seizure memo, detention memo and other documents. Board directed Investigating Officer to submit the final report and SBR. LPO directed to submit S.I.R. Bail rejected and the CCL was sent to Observation Home till next hearing.</p>				
<p>Key findings of preliminary assessment: During Assessment the CCL was co-operative in nature. He had never forcible kidnapped the victim, he had also never harassed the victim girl, he had no knowledge regarding the consequences of offence committed as both are close to each other hence he committed the offence with consent of victim. The involvement of CCL in the alleged heinous offence is due to poor parental discipline and supervision, social isolation, school disorganization, curiosity for deviant sexual interest, lack of social and sexual knowledge. Therefore the CCL involvement in the heinous offence is due to lack of understanding the consequence of the offence and his mental and physical immaturity.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 10.5.2017 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No 		

Case study-24				
Year 2016	Date of Offence: 20.5.2016	Date of FIR: 21.5.2016	Offences U/s: 363/376 (2) (i) 506/ 34 of IPC r/w section 4 of POSCO Act	Offence committed: Jointly
Gender: Male	Age: 16 years	Age proof: School Admission Register	Apprehension: Child was apprehended after three months of F.I.R.	

JJB order on first hearing:

On 8.8.2016, the CCL was produced before JJB by the IIC, Police Station along-with victim's statements u/s 161 and 164 Cr.PC, court surrender memo, seizure memo. The Board examined date of the birth of the CCL. Bail granted with security of Rs.10,000/- and on the conditions that CCL shall join the investigation as and when required; he shall not threaten the victim at any circumstances, and shall be indulged in any other offences till inquiry is over.

Key findings of preliminary assessment:

Mental and physical state of CCL was like adolescent. He was not in a mental state at the time of offence committed to understand the consequence of it. The CCL was living in a society where this type of offence are committed and practiced among the adolescent and it was a social effect. He needs parental guidance as not to move with such type of friends. Besides environmental factors such as unfavorable condition of neighborhood, socially unawareness may be the reason where CCL committed such offence. Board observed in the preliminary assessment that the involvement of CCL in the alleged heinous offence is due to poor parental discipline and supervision, social isolation, school disorganization, curiosity for deviant sexual interest, lack of social and sexual knowledge. Therefore the CCL involvement in the heinous offence is due to lack of understanding the consequence of the offence and his mental and physical immaturity.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 5.3.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: On bail • Whether case is transferred to the Children's Court: No |
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Case study-25

Year 2016	Date of Offence: 1.6.2016	Date of FIR: 2.6.2016	Offences U/s: 363/366/376(2) (n) of IPC r/w Sec.-6 of POCSO Act.	Offence committed: Individually
Gender: Male	Age: 16 years and 9 months.	Age proof: Birth certificate	Apprehension: FIR registered on the next day of the offence committed. Child was apprehended after four days of FIR.	

JJB order on first hearing:

Order dated 7.5.2018, The record received from Additional Session Court. The Board felt that the allegation brought against the CCL is heinous in nature and the Board ordered to conduct Preliminary Assessment of CCL to understand the circumstances, physical and mental capacity of CCL to commit the offence.

Key findings of preliminary assessment:

During inquiry the CCL was not enough co-operative and kept secret to all the questions put to him. He made simple denial of all the circumstances and stated

he knows nothing about the case and it was found that the CCL understands the illegality and gravity of his act for which he does not want to disclose. It shows that he has sufficient mental capacity of understanding the nature and consequences of his act. Hence the case shall be transferred to Children's court.

<ul style="list-style-type: none"> • Order for preliminary assessment: 7.5.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> • SBR was in record : Yes • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: Yes
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Case study-26

Year 2016	Date of Offence: 13.10.2016	Date of FIR: 13.10.2016	Offences U/s: 302/34 of IPC	Offence committed: Jointly
Gender: Male	Age: 17 years 1 months 18 days	Age proof: Birth certificate	Apprehension: CCL was apprehended two days after F.I.R.	

JJB order on first day:
CCL sent to observation home, ordered preliminary assessment, LPO to file SIR by order dated 3.4.2017.

Key findings & order of JJB on preliminary assessment:
Mentally and Psychologically capable to commit such offence. He clearly understands the consequence of the offence. According to him such offence coming under major crime and by committing such offence he will get punishment. No personal enmity, but in sake friendship with other accused, he accompanied them.

<ul style="list-style-type: none"> • Order for preliminary assessment: 3.4.2017 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes (clinical psychologist) 	<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying in the observation home • Whether case is transferred to the Children's Court: Yes(transferred on 9.5.2017)
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Case study-27

Year 2016	Date of Offence: 24.6.2016	Date of FIR: 24.6.2016	Offences U/s: 366/376(2)(n) /313/323/324/506 r/w sec. 6 of POCSO	Offence committed: Individually
Gender:	Age: 16 years	Age proof: school	Apprehension:	

Male		admission register	F.I.R registered on the day of the commission of offence. Next day of FIR, child was apprehended and produced in the JJB.
JJB order on first hearing: CCL sent to observation home. Called for S.I.R.			
Key findings of preliminary assessment: Mental and physical capacity of the CCL is normal. His thought process appears emotional. He did not visualize the consequence of the offence.			
<ul style="list-style-type: none"> • Order for preliminary assessment: 23.3.2017 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : Yes • SIR was in record: Yes • Status of child during preliminary assessment: staying in observation home • Whether case is transferred to the Children's Court: No 	

Case study-28				
Year 2017	Date of Offence: 7.12.2017	Date of FIR: NA	Offences U/s: 376(2)(n)/506/417/34 of IPC	Offence committed: Jointly with adult
Gender: Male	Age: 17 years	Age proof: School certificate	Apprehension: Child was apprehended on 12.7.2017, i.e. after four days of the commission of offence.	
JJB order on first hearing: Order dated 12.12.2017. The CCL is forwarded for committing a punishable offence U/s -376(2)(n)/506/417/34 of IPC in which the offence U/s-376(2)(n) of IPC is heinous in nature. Such being the situation this Board is of the considered view that the preliminary assessment of the CCL involved in this case is necessary which is accordingly fixed to be conducted on 12.12.2018. Hence the CCL is sent to observation home for safe custody till then. Order passed to Issue a letter to the CDMO & to DCPU with a request to depute a psychologist & psycho-social worker on the date fixed for counseling of the CCL and preliminary assessment. The LPO is also directed to submit the social investigation report.				
Key findings of preliminary assessment: The CCL is produced before the Board for preliminary assessment; the psychologist & psycho-social worker are also present. The CCL is duly counseled by the Psychologist & psychosocial worker whereupon they submitted their report before the Board. During the Preliminary assessment the Board took into consideration the socio economic background of the CCL, the mental and physical capacity of the CCL to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly				

committed the offence so , also the social investigation report and the report placed by the psychologist & psycho-social worker and the board is satisfied that the said CCL is mentally and physically capable of committing such offence and he is also able to understand the consequence of offence committed by him. On perusal of the report submitted by the psycho-social worker and psychologist it is found that the said CCL is able to understand all the questions put to him during counseling. Both the psycho-social worker and psychologist in their report has also stated that the CCL is physically and psychologically sound. The age of the CCL on the date of commission of offence is more than 16 years as per the school certificate available on record and as per police report. Perused the case record and find that the alleged offence against the CCL is U/s-376(2)(n)/506/417/34 of IPC out of which offence U/s-376(2)(n) of IPC is heinous in nature as per sub-section (33) of section 2 of the JJCPC Act as the prescribed minimum punishment thereof are more than seven years. In considering the above facts and circumstances it is unanimously decided by Board that the case should be tried before the Children's court. Hence the case record be submitted to the Children's Court in terms of Section 18 (3) of the JJCPC Act. The CCL be produced before the Children's Court for further orders.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 11.12.2017 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: Yes |
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Case study-29

Year 2017	Date of Offence: 1.3.2017	Date of FIR: 1.3.2017	Offences U/s: 417/376(2)(n)/294/506/34 of IPC & Section 6 of POCSO Act 2012	Offence committed: Jointly (with adult)
Gender: Male	Age: 17 years	Age proof: school certificate	Apprehension: Child was apprehended on the next day after F.I.R was registered and was produced before JJB.	

JJB order on first hearing:

Order dated 3.3.2017. The CCL is forwarded for committing a punishable offence in which the offence u/s-376(2)(n) of IPC & Section 6 of POCSO Act-2012 are heinous in nature. This Board is of the considered view that the preliminary assessment of the CCL involved in this case is necessary which is accordingly fixed to be conducted on 24.03.2017. Hence the CCL is sent to observation home for safe custody till then. Letter Issued to the CDMO & DCPU with a request to depute a psychologist & psycho-social worker on the date fixed for counseling of the CCL and preliminary assessment . The L.P.O is also directed to submit the social investigation report.

Key findings of preliminary assessment:

During the Preliminary assessment the Board took into consideration the socio economic background of the CCL, the mental and physical capacity of the CCL to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence so also the social investigation report and the report placed by the psychologist & psycho-social worker and the Board is satisfied that the said CCL is mentally and physically capable of committing such offence and he is also able to understand the consequence of offence committed by him. On perusal of the report submitted by the psycho-social worker and psychologist it is found that the said CCL is able to understand all the questions put to him during counseling. Both the psycho-social worker and psychologist in their report have also stated that the CCL is physically and psychologically sound. The age of the CCL on the date of commission of offence is more than 16 years as per the school certificate available on record and as per police report. Perused the case record and find that the alleged offence against the CCL are heinous in nature as per sub-section (33) of section 2 of the JJ Act, 2015 as the prescribed minimum punishment thereof are more than seven years. In considering the above facts and circumstances the Board is of the opinion that the case should be tried before the Children's Court. Hence the case record be submitted to the Children's Court in terms of Section 18 (3) of the JJ Act, 2015.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 3.3.2017 • Status of preliminary assessment: Completed on 14.3.2017 • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying in the observation home • Whether case is transferred to the Children's Court: Yes |
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Case study-30

Year 2017	Date of Offence: 1.4.2017	Date of FIR: 2.4.2017	Offences U/s: 457/380/34of IPC	Offence committed: Jointly
Gender: Male	Age: 16 years	Age proof: Age certificate from School Headmaster	Apprehension: FIR registered and child was apprehended on the day of the commission of the offence.	

JJB order on first hearing:

Order dated 3.4.2017, JJB instructed IO to submit case diary and criminal antecedent report. SIR was called for from the LPO. Case was posted to 7.4.2016 for consideration of bail application.

Key findings of preliminary assessment:

The offence alleged against the CCL is a heinous offence in view of Sec.2 (33) of the JJ (CPC) Act 2015. In the case in hand, the occurrence took place on 01.04.2017. But the Date of Birth of the CCL is 20.07.2001, as reveals from the SIR submitted by the LPO that the age of the CCL was less than 16 years on the

date of occurrence. Though the IO has mentioned in the charge sheet that the age of the CCL is 16 years, but on perusal of the certificate issued by the head master of the concerned school and the SIR submitted by the LPO the age calculated to be less than 16 years. In view of this, it is held that there is no need for preliminary assessment for the CCI. This Board is of the opinion that the matter should be disposed of by this JJB.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 23.11.2017 • Status of preliminary assessment: Completed on 17.9.2018 • Whether expert assistance was taken in preliminary assessment: No | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: On bail • Whether case is transferred to the Children's Court: No |
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Case study-31

Year 2017	Date of Offence: 5.1.2017	Date of FIR: 5.1.2017	Offences U/s: 36(A)(1)(d)of N.D.P.S. Act.	Offence committed: Individually
Gender: Male	Age: 17 years 5 months 11 days	Age proof: Birth certificate	Apprehension: CC was apprehended on 6.1.2017 and produced before JJB in the same day.	
JJB order on first hearing: In the order dated 6.1.2017, JJB rejected the bail of the CCL. Accordingly child was sent to the Observation Home.				
Key findings of preliminary assessment: This case is not suitable to be sent to the Children's Court for its adjudication.				
<ul style="list-style-type: none"> • Order for preliminary assessment: 6.1.2017 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: Staying in the observation home • Whether case is transferred to the Children's Court: No 			

Case study-32

Year 2017	Date of Offence: 20.2.2017	Date of FIR: 20.2.2017	Offences U/s: 20(b)(ii)(B)of NDPS Act.	Offence committed: Individually
Gender: Female	Age: 16 years 11 months 19 days	Age proof: HSC certificate	Apprehension: Child was produced before JJB 1.3.2017 being apprehended after eight days of FIR.	

<p>JJB order on first hearing: Bail granted to the CCL by the order dated 1.3.2017.</p>			
<p>Key findings of preliminary assessment: The Board feels further inquiry in this case .</p>			
<ul style="list-style-type: none"> Order for preliminary assessment: 27.4.2017 Status of preliminary assessment: Completed on 9.5.2017 Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> SBR was in record : Yes SIR was in record: Yes Status of child during preliminary assessment: on bail Whether case is transferred to the Children's Court: No 		

Case study-33				
Year 2017	Date of Offence: 12.3.2016	Date of FIR: 1.8.2016	Offences U/s: 302 IPC	Offence committed: Individually
Gender: Male	Age: 17 years	Age proof: Ossification report	Apprehension: FIR registered nearly five months after the date of the commission of offence.	
<p>JJB order on first hearing: In the order dated 11.4.2017, JJB rejected the bail. Accordingly, CCL was sent to Observation Home.</p>				
<p>Key findings of preliminary assessment: The Board feels further inquiry in this case.</p>				
<ul style="list-style-type: none"> Order for preliminary assessment: 22.4.2017 Status of preliminary assessment: Completed on 27.4.2017 Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> SBR was in record : Yes SIR was in record: Yes Status of child during preliminary assessment: staying in observation home Whether case is transferred to the Children's Court: No 			

Case study-34				
Year 2017	Date of Offence: 15.6.2017	Date of FIR: 15.6.2017	Offences U/s: 302 IPC	Offence committed: Individually
Gender: Male	Age: 16 years 11 months 7 days	Age proof: School admission	Apprehension: Child was apprehended on 5.12.2017, i.e. nearly five months after FIR registered.	

	register	
<p>JJB order on first hearing: Bail rejected and CCL was sent to the Observation Home.</p>		
<p>Key findings of preliminary assessment: Preliminary assessment is under process.</p>		
<ul style="list-style-type: none"> • Order for preliminary assessment: 8.3.2019 • Status of preliminary assessment: Pending • Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying in the observation • Whether case is transferred to the Children's Court: Pending in JJB as preliminary assessment is not completed. 	

Case study-35				
Year 2017	Date of Offence: 9.9.2017	Date of FIR: 9.9.2017	Offences U/s: 376(2), 417 of IPC & u/s 6 of POCSO	Offence committed: Individually
Gender: Male	Age: 17 years 9 months 19 days	Age proof: School certificate	Apprehension: Child was apprehended after 4 days of commission of offence.	
JJB order on first day: Produced in JJB on 13.10.2017. Board rejected the bail and ordered for preliminary assessment.				
Key findings & order of JJB on preliminary assessment: CCL has normal IQ level and psychologically fit. Needs psycho-social support				
<ul style="list-style-type: none"> • Order for preliminary assessment: 13.10.2017 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes (clinical psychologist) 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying at the Observation Home • Whether case is transferred to the Children's Court: Yes 		

Case study-36				
Year 2017	Date of Offence: 19.6.2017	Date of FIR: 1.8.2017	Offences U/s: 452/354(D)/ 376/511/ 506 of IPC & u/s 8 of POCSO, 66 (C)/67 (B) of IT Act	Offence committed: Individually
Gender: Male	Age: 16 years 7 months 2 days	Age proof: School certificate	Apprehension: FIR registered after 2 days of the offence. Child was apprehended after 2 days of FIR.	
JJB order on first day: On order dated 3.8.2018, JJB rejected bail and sent the child to Observation Home, and passed order for preliminary assessment.				
Key findings & order of JJB on preliminary assessment: CCL is found to be psychologically fit and mentally capable to commit the alleged offences.				
<ul style="list-style-type: none"> • Order for preliminary assessment: 8.8.2017 • Status of preliminary assessment: Completed • Whether expert assistance was 		<ul style="list-style-type: none"> • SBR was in record: No, Apprehension Memo was on record. • SIR was in record: No • Status of child during preliminary assessment: staying in the Observation 		

taken in preliminary assessment: Yes	Home <ul style="list-style-type: none"> Whether case is transferred to the Children's Court: Yes, transferred on 25.9.2017
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Case study-37				
Year 2017	Date of Offence: 29.8.2017	Date of FIR: 5.10.2017	Offences U/s: 376 IPC	Offence committed: Individually
Gender: Male	Age: 16 years 9 months 27 days	Age proof: School certificate	Apprehension: FIR registered after 7 days from the date offence committed. Child surrendered in JJB through his grandfather almost a year after registration of FIR.	
<p>JJB order on first day: On order dated 10.10.2018, JJB called for SIR , passed order for preliminary assessment, and sent CCL to observation home.</p>				
<p>Key findings & order of JJB on preliminary assessment: IQ of CCL is normal and psychologically fit to understand the consequence of criminal activity.</p>				
<ul style="list-style-type: none"> Order for preliminary assessment: 10.10.2018 Status of preliminary assessment: Completed Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> SBR was in record : No SIR was in record: Reported on 14.11.2018, but SIR was not available during preliminary assessment. Status of child during preliminary assessment: staying in the observation home. Whether case is transferred to the Children's Court: Yes 		

Case study-38				
Year 2017	Date of Offence: 16.12.2017	Date of FIR: 16.12.2017	Offences U/s: 20(b) of NDPS Act	Offence committed: Jointly with a adult
Gender: Male	Age: 17 years 3 months 4 days	Age proof: HSC certificate	Apprehension: CCL was apprehended on the date that FIR registered.	
<p>JJB order on first day: Police produced the CCL in the court of Special Judge. As he was found to be</p>				

a child, the case transferred to JJB. Child was brought to JJB on 8.2.2018 wherein the Board called for SIR, psychological report and CCI sent to Observation Home.

Key findings & order of JJB on preliminary assessment:

CCL is psychologically fit to understand the consequence of such act. So he may be knowingly committed such offence. JJB is of the opinion that such CCL need tried as an adult in the Children's Court u/s 1893) of JJ Act, 2015.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 8.2.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : Yes • SIR was in record: Yes • Status of child during preliminary assessment: Staying in the Observation Home • Whether case is transferred to the Children's Court: Yes |
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Case study-39

Year 2017	Date of Offence: 1.7.2017	Date of FIR: 1.7.2017	Offences U/s: 302/394/427 IPC	Offence committed: Individually
Gender: Male	Age: 17 years	Age proof: Ossification test	Apprehension: FIR registered on the date that offence committed. Child was apprehended after 10 days of FIR and produced before JJB on the same day	
JJB order on first day: Produced in JJB 11.7.2017. The CCL is sent to Observation Home.				
Key findings & order of JJB on preliminary assessment:				
The CCL has sufficient mental and physical capacity and understanding of the consequences of the offence and the circumstances.				
<ul style="list-style-type: none"> • Order for preliminary assessment: 12.7.2017 • Status of preliminary assessment: Completed on 14.11.2017 • Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying at Observation Home • Whether case is transferred to the Children's Court: Yes 			

Case study-40				
Year 2017	Date of Offence: 13.7.2017	Date of FIR: 13.7.2017	Offences U/s: 452/376/(2)(i) (n) 506 IPC & u/s 5 of POCSO Act	Offence committed: Individually
Gender: Male	Age: 17 years 4 months 8 days	Age proof: High School Certificate	Apprehension: FIR registered on the day that offence committed. Child was apprehended and produced before JJB on the next day of FIR.	
JJB order on first day: Produced on 14.7.2017. Case record received from ADJ. The CCL is sent to Observation Home.				
Key findings & order of JJB on preliminary assessment: The CCL has sufficient mental and physical capacity and understanding of the consequences of the offence and the circumstances.				
<ul style="list-style-type: none"> • Order for preliminary assessment: 18.8.2017 • Status of preliminary assessment: Completed on 14.11.2017 • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying at Observation Home • Whether case is transferred to the Children's Court: Yes 		

Case study-41				
Year 2017	Date of Offence: 15.8.2017	Date of FIR: 19.8.2017	Offences U/s: 394/411 IPC	Offence committed: Jointly (accompanied by 2 adults)
Gender: Male	Age: 17 years 3 months 19 days	Age proof: High school certificate	Apprehension: FIR registered after 4 days of offences committed. Child was apprehended after a month of FIR. Produced in JJB on next day of apprehension.	
JJB order on first day: Produced on 16.9.2017. The CCL is sent to Observation Home .				
Key findings & order of JJB on preliminary assessment: The CCL has no such ability to understand the consequence of the offence.				
<ul style="list-style-type: none"> • Order for preliminary assessment: 21.9.2017 • Status of preliminary assessment: Completed on 19.10.2017 • Whether expert assistance was taken in preliminary assessment: 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying in Observation Home • Whether case is transferred to the 		

Yes	Children's Court: No (case is kept with JJB for trial)
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Case study-42				
Year 2017	Date of Offence: 11.7.2017	Date of FIR: 11.7.2017	Offences U/s: 473/323/294/307/49 of IPC	Offence committed: Jointly (accompanied by 6 adults)
Gender: Male	Age: 16 years 5 months 17 days	Age proof: High school certificate	Apprehension: FIR registered on the day that offence committed. The CCL was apprehended after 2 months of FIR.	
JJB order on first day: Produced on 23.9.2017. The CCL is sent to Observation Home.				
Key findings & order of JJB on preliminary assessment: The CCL has no such ability to understand the consequence of the offence.				
<ul style="list-style-type: none"> • Order for preliminary assessment:23.9.2017 • Status of preliminary assessment: Completed on 9.10.2017 • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying at Observation Home • Whether case is transferred to the Children's Court: No(case is kept with JJB for inquiry). 		

Case study-43				
Year 2017	Date of Offence: 30.03.2017	Date of FIR: 30.03.2017	Offences U/s: 20(b)(ii) (c) NDPS Act	Offence committed: Jointly (with adult)
Gender: Male	Age: 17 years	Age proof: Prosecution report	Apprehension: FIR registered on the date of offence committed, i.e on 30.03.2017 and child was apprehended on next day of FIR.	
JJB order on first day: In order dated 31.03.2017, JJB called for Social Investigation Report from DPO, and the CCL shall be kept Observation Home.				
Key findings & order of JJB on preliminary assessment: This Board holds that this CCL has the required physical and mental capacity to commit the heinous offences as alleged against him and he has the ability to understand the consequences of such offences and this circumstances of which he allegedly committed of this offence. So there is need for trial of the CCL as an adult by the Children's Court				
<ul style="list-style-type: none"> • Order for preliminary assessment : 		<ul style="list-style-type: none"> • SBR was in record : No 		

<p>10.05.2017</p> <ul style="list-style-type: none"> • Status of preliminary assessment: Completed on 5.6.2017 • Whether expert assistance was taken during preliminary assessment : No, as not available in district 	<ul style="list-style-type: none"> • SIR was in record : Yes • Status of child during preliminary assessment: at the Observation Home, Whether case is transferred to the Children's Court: Yes
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Case study-44				
Year 2017	Date of Offence: 20.10.2016	Date of FIR: 20.04.2017	Offences U/s: 363/376/294/506/34 IPC & u/s 6 of POCSO Act	Offence committed: Individually
Gender: Male	Age: 17 years 8 month and 15 days	Age proof: Admission Register	Apprehension: FIR registered after 7 months from the date of offence committed, and the child was apprehended on next day of FIR.	
<p>JJB order on first day: In order dated 12.05.2017, record received from ADJ Court, and issued production Warrant to the Dist. Jail, for production of CCL.</p>				
<p>Key findings & order of JJB on preliminary assessment: This Board holds that this CCL has the required physical and mental capacity to commit the heinous offences as alleged against him and he has the ability to understand the consequences of such offences and this circumstances of which he allegedly committed of this offence. So there is need for trial of the CCL as an adult by the Children's Court .</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 11.7.2017 • Status of preliminary assessment: Completed on 11.7.2017 • Whether expert assistance was taken in preliminary assessment: No, as not available in district 	<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: Yes 			

Case study-45				
Year 2017	Date of Offence: 4.11.2017	Date of FIR: 19.11.2017	Offences U/s: 341/323/506/376(2)(n) IPC read with 6 of POCSO Act.	Offence committed: Individually
Gender: Male	Age: 17 years 2	Age proof: School	Apprehension: FIR registered after 15 days of offences	

month and 25 days	certificate	committed. Child was apprehended on the day FIR registered.
JJB order on first day: In order dated 19.11.2017, JJB called for Social Investigation Report, and the CCL shall be kept Observation Home .		
Key findings & order of JJB on preliminary assessment: This Board holds that this CCL has the required physical and mental capacity to commit the heinous offences as alleged against him and he has the ability to understand the consequences of such offences and this circumstances of which he allegedly committed of this offence. So, there is need for trial of the CCL as an adult by the Children's Court.		
<ul style="list-style-type: none"> • Order for preliminary assessment: 31.01.2018 • Status of preliminary assessment: Completed on 8.2.2018 • Whether expert assistance was taken in preliminary assessment: No, as not available in the district 	<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: Yes 	

Case study-46				
Year 2017	Date of Offence: 26.11.2017	Date of FIR: 28.12.2017	Offences U/s: 363/376(2)(I)(n)/506/34 of IPC	Offence committed: Jointly
Gender: Male	Age: 17 years 7 months and 25 days	Age proof: School certificate	Apprehension: FIR registered after one month from the date of offence committed, and child was apprehended on the next day of FIR.	
JJB order on first day: In order dated 29.12.2017, JJB called for Social Investigation Report from DPO and the CCL shall be kept Observation Home .				
Key findings & order of JJB on preliminary assessment: <ul style="list-style-type: none"> • This Board held that this CCL has the required physical and mental capacity to commit the heinous offences as alleged against him and he has the ability to understand the consequences of such offences and this circumstances of which he allegedly committed of this offence. So, there is need for trial of the CCL as an adult by the Children's Court. 				
<ul style="list-style-type: none"> • Order for preliminary assessment: 2.2.2018 • Status of preliminary assessment: Completed on 2.2.2018 • Whether expert assistance was taken in preliminary assessment: No, as not available in the district 	<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying in Observation Home. • Whether case is transferred to the Children's Court: No 			

Case study- 47				
Year 2017	Date of Offence: 16.4.2017	Date of FIR: 16.04.2017	Offences U/s: 20 (B) (II) (C) NDPS Act.	Offence committed: Jointly with adult
Gender: Male	Age: 16 years 9 months	Age proof: HSC certificate	Apprehension: FIR registered on the date that offence committed , and child was apprehended on the next day of FIR	
JJB order on first day: In order dated 26.04.2017, JJB called for Social Investigation Report from DPO, and the CCL shall be kept Observation Home .				
Key findings & order of JJB on preliminary assessment: This Board holds that this CCL has the required physical and mental capacity to commit the heinous offences as alleged against him and he has the ability to understand the consequences of such offences and this circumstances of which he allegedly committed of this offence. So, there is need for trial of the CCL as an adult by the Children's Court.				
<ul style="list-style-type: none"> • Order for preliminary assessment: 11.5.2017 • Status of preliminary assessment: Completed on 5.6.2017 • Whether expert assistance was taken in preliminary assessment: No 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child was during preliminary assessment: staying in Observation Home. • Whether case is transferred to the Children's Court: No 		

Case study-48				
Year 2017	Date of Offence: 9.11.2016	Date of FIR: 15.1.2017	Offences U/s: 363/376(2) (n)/323/506/34 of IPC	Offence committed: Jointly
Gender: Male	Age: 17 years 8 months and 27 days	Age proof: School admission register	Apprehension: FIR registered after 2 months of offence committed. Child was apprehended a day after FIR registered.	
JJB order on first hearing: Order Dated 17.01.2017. Victim statement U/s 164 of Cr.Pc is received from JMFC. Bail petition moved by the Advocate of the CCL stated that he is innocent and he has been falsely implicated in this case due to previous enmity and he is a student and ready to furnish solvent surety. Board granted bail to the CCL upon the solvent security of Rs. 10,000/-. The Board directed LPO to				

submit the Social Investigation Report.

Key findings of preliminary assessment:

The CCL does not know what is right and wrong so he is very sound and stable in mentally and physically and he is tried to be an adult but he is not attempted the offence as he loves that girl it is only misunderstanding between both of them. Both the victim and the accused know each other since last 8 years hence the affection matters these things. When both caught by parents and victim tortured by parents and forcibly lodged the FIR against the CCL. CCL has not committed any offence against victim. The intimacy between both is upon the consent of victim. The Final Form submitted by I.O on 04.09.2017 stated that the victim is not minor she is 3 years elder than accused.

The CCL is alleged with the offence due to poor parental discipline and supervision, social isolation, school disorganization, curiosity for deviant sexual knowledge. He involved due to lack of understanding consequence of the offence and his mental and physical immaturity,

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| <ul style="list-style-type: none"> • Order for preliminary assessment: • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No |
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Case study-49

Year 2017	Date of Offence: 6.1.2017	Date of FIR: 6.1.2017	Offences U/s: 20(b)(ii) (C) NDPS Act	Offence committed: Jointly
Gender: Male	Age: 16 years 10 month and 26 days	Age proof: Adhar card	Apprehension: FIR registered on the same day of offence committed. Child was apprehended on the day of FIR registered.	

JJB order on first hearing:

In the order dated 31.01.2017 the Court of Additional District Judge directed to produce the CCL in JJB on 09.02.2017. Hence on 09.02.2017 the previous bail petition heard in JJB the CCL was released on bail with a solvent surety bond of Rs.10000/-.

Key findings of preliminary assessment:

The involvement of CCL in the alleged offence is due to poor parental discipline and supervision, social isolation school disorganization, low family income, high proportion of unsupervised time with peers and opportunity of crime. Therefore the CCL involvement in the heinous offence is due to lack of understanding the consequences of the offence and his mental and physical immaturity.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 22.5.2017 • Status of preliminary assessment: | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary |
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Completed <ul style="list-style-type: none"> Whether expert assistance was taken in preliminary assessment: Yes 	assessment: on bail <ul style="list-style-type: none"> Whether case is transferred to the Children's Court: No
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Case study-50				
Year 2017	Date of Offence: 11.3.2017	Date of FIR: 12.3.2017	Offences U/s: 363/376(2)(i)(n)/34 of IPC) read with u/s 6 POCSO Act.	Offence committed: Jointly
Gender: Male	Age: 16 years 8 months and 26 days	Juvenility proof: School admission register	Apprehension: FIR registered a day after the commission of offence. The CCL was apprehended after 3 days from the date of FIR.	
<p>JJB order on first hearing: On 16.03.2017, CCL was produced before JJB. The Board cross validated the date of birth of CCL and confirmed that person is a CCL and directed the LPO to prepare SIR and also directed IO to submit other relevant documents at earliest and the board also directed the I.O to produce victim in CWC and CCL sent to Observation Home.</p>				
<p>Key findings of preliminary assessment: Both victim and offender went away from their village to other village with an understanding to live like couple which the offender was totally ignorant about the circumstances, he went only on the request of the victim, where there was no purpose of kidnapping and taking advantages of sexual relation. The CCL has continuous physical intimacy with the minor girl. As per CCL statement he has understood the consequences of the offence as both have love since long period and they keep planning to make physical relationship and to become life partner. It was observed by the Board during preliminary assessment that the involvement of CCL in the alleged heinous offence is due to poor parental discipline and supervision, social isolation, school disorganization, curiosity for deviant sexual interest, lack of social and sexual knowledge. Hence the CCL involvement in the heinous offence is due to lack of understanding the consequences of the offence and his mental and physical immaturity.</p>				
<ul style="list-style-type: none"> Order for preliminary assessment: 11.8.2017 Status of preliminary assessment: Completed Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> SBR was in record : No SIR was in record: No Status of child during preliminary assessment: on bail Whether case is transferred to the Children's Court: No 		

Case study-51				
Year 2017	Date of Offence: 11.4.2017	Date of FIR: 12.4.2017	Offences U/s: 394 IPC	Offence committed: Individually
Gender: Male	Age: 16 Years 3 month and 9 days	Age proof: Matriculation certificate	Apprehension: FIR registered a day after the offence committed. Child was apprehended approximately after three months of FIR.	
<p>JJB order on first hearing: The CCL was produced before JJB on 20.07.2017 by IIC along with occurrence report, detention memo, memo of arrest, court surrender memo , property seizure memo, copy of 161 Cr.PC statement, medical report and other police paper. Bail petition moved by the Advocate. Due to non availability of SBR and SIR the Board directed the IO and LPO to submit both documents. CCL was released on bail with bail bond of Rs. 10,000/- and with an undertaking of the guardian as per Form-2 of JJCPC Act, Model Rule 2016.</p>				
<p>Key findings of preliminary assessment:</p> <p>The mental capacity of CCL to commit the offence is not enough to commit. He is unable to understand about the nature of the offence and consequence of it. The CCL is falsely implicated in the case. He is innocent in nature. The offender admitted that that collection of money from the public without their consent is offence and he promised that this activity will not happen in future. He understood his mistake.</p> <p>The Board observed that the involvement of CCL is due to poor parental discipline and supervision social isolation , school disorganization , low family income, high proportion of unsupervised time with peers and opportunity of crime, therefore the CCL involvement in the heinous offence is due to lack of understanding the consequence of the offence and his mental and physical immaturity.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 11.8.2017 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: No • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No 		

Case study-52				
Year 2017	Date of Offence: 19.3.2017	Date of FIR: 20.3.2017	Offences U/s: 394 IPC	Offence committed: Jointly
Gender: Male	Age: 17 years 5 month and 9 days	Age proof: Matriculation certificate	Apprehension: FIR registered in a day after the offence committed. Child was apprehended approximately after 2 months of FIR.	

JJB order on first hearing:

On dated 19.05.2017, the CCL was produced by IO before the Board along with relevant documents. The DOB reveals that CCL is under the age of 18 years. The Board directed the Investigation Officer to submit Social Background Report and Case Diary. The LPO also directed to prepare SIR. The Board accepted the Vakalatnama filed by Advocate on behalf of CCL. JJB rejected the bail and the CCL was sent to the Observation Home .

Key findings of preliminary assessment:

The assessment conducted with regards to the mental and physical capacity of the CCL to commit such, ability to understand the consequences of the offence and circumstances in which the CCL allegedly committed the offence. The assessment revealed that the involvement of CCL in the alleged heinous offence is due to poor parental discipline and supervision, social isolation, school disorganization. Therefore the involvement in the heinous offence is due to lack of understanding the consequences of the offence and his mental and physical immaturity. Hence the Board is satisfied on preliminary assessment and the case should be disposed of by the board.

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| <ul style="list-style-type: none"> Order for preliminary assessment: 5.3.2018 Status of preliminary assessment: Completed Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> SBR was in record : No SIR was in record: Yes Status of child during preliminary assessment: on bail Whether case is transferred to the Children's Court: No |
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Case study-53				
Year 2017	Date of Offence: 6.12.2016	Date of FIR: 9.12.2016	Offences U/s: 366/376 (2) (n) of IPC	Offence committed: Individually
Gender: Male	Age: 16 years	Age proof: school transfer certificate	Apprehension: FIR registered a day after the commission of offence. CCL was apprehended almost a month after the FIR.	
JJB order on first hearing: CCL sent to observation home. Social Investigation Report was called for from LPO.				
Key findings of preliminary assessment: After Preliminary Assessment report submitted by psychologist it is found that the CCL has ability to understand the consequence of the offence. During examination, the Board felt that the CCL does not want to disclose the threat committed by him, from which it is felt appropriate to submit the case record to children's court for further proceeding CCL is directed to appear before the				

children's court accordingly.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 9.1.2017 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : Yes • SIR was in record: Yes • Status of child during preliminary assessment: staying in the observation home • Whether case is transferred to the Children's Court: Yes |
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Case study-54

Year 2017	Date of Offence: 4.5.2017	Date of FIR: NA	Offences U/s: 302/34 IPC	Offence committed: jointly
Gender: Male	Age: 16 years	Age proof: School admission register	Apprehension: Produced before regular court. Subsequently transferred to JJB after found to be child.	
<p>JJB order on first hearing: The CCL is produced from sub-jail. No bail petition is filed and the CCI sent to observation Home.</p>				
<p>Key findings of preliminary assessment: Record is put up for holding of preliminary assessment report of CCL. Examined and observed by the Board that the CCL has the ability to understand the illegality and gravity of the offence to show that he has sufficient mental capacity. Hence record sent to the Children's Court.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 7.12.2017 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> • SBR was in record : Yes • SIR was in record: Yes • Status of child during preliminary assessment: staying in observation home • Whether case is transferred to the Children's Court: Yes 			

Case study-55

Year 2017	Date of Offence: 22.9.2016	Date of FIR: 22.9.2016	Offences U/s: U/S-450/376(2)(i)/ 506 IPC R/w Sec 6 of POCSO Act.	Offence committed: Individually
Gender: Male	Age: 16 years 6 months 19 days	Age proof: school register	Apprehension: FIR registered on the day offence. Child was apprehended nearly three months after FIR.	
<p>JJB order on first hearing: Order dated 9.1.2017, CCL was produced before JJB by the Investigation Officer. Direction</p>				

given to LPO to submit SIR. CCL sent to the Observation Home.

Key findings of preliminary assessment:

It is found that the CCL not completed the age of 16 years as on the date of offence committed hence preliminary assessment is not necessary.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 15.5.2017 • Status of preliminary assessment: Not done • Whether expert assistance was taken in preliminary assessment: No | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: NA • Whether case is transferred to the Children's Court: No |
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Case study-56

Year 2017	Date of Offence: 1.5.2017	Date of FIR: 3.5.2017	Offences U/s: 366/376/ 363 of IPC r/w Sec 6 of POCSO Act.	Offence committed: Individually
Gender: Male	Age: 17 years 2 months 14 days	Age proof: school register	Apprehension: F.I.R registered after a day of the commission of offence. Child was apprehended in the next day of F.I.R.	

JJB order on first hearing:

Dated.05.05.2017, The CCL produced by the escort party, The CCL complains of ill treatment while he was in the police custody. The CCL sent to the observation home.

Key findings of preliminary assessment:

CCL co-operated the Board for conducting the assessment. He is desirous to marry the victim as both are in love with each other. They were in plan to get married. On such examination the Board is of the view that the CCL is being influenced by the practice of marriage tradition (UDULIA) in their society and he wants to advance the relationship without being aware of its legal consequences.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 14.7.2017 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying in Observation Home • Whether case is transferred to the Children's Court: No |
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Case study-57

Year 2017	Date of Offence: 20.6.2017	Date of FIR: 20.6.2017	Offences U/s: 376 (2)(i)(n) read with section- 6 of POCSO	Offence committed: Individually
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			& Sec 3 (2) (v) SC & ST (PA) Act
Gender: Male	Age: 18 years	Age proof: School certificate	Apprehension: FIR registered on the day that offence committed. Child was apprehended in a day after the FIR.
<p>JJB order on first hearing: The CCL produced through the escort party, called for social investigation report from the LPO and put up on 24.06.2017 for hearing on bail application. Call for hearing of IO regarding non-submission of original FIR. The CCL was sent to Observation Home.</p>			
<p>Key findings of preliminary assessment: On examination the Board is of the opinion that the CCL being influenced by the practice of marriage prevalent in the community. But he was not aware of the legal consequences and he has also no ability to understand the consequence of his act. Thus the Board is satisfied that this case need not be sent to the Children's Court and should be disposed by the Board.</p>			
<ul style="list-style-type: none"> • Order for preliminary assessment: 8.9.2017 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying in observation home • Whether case is transferred to the Children's Court: No 	

Case study-58				
Year 2017	Date of Offence: 28.5.2017	Date of FIR: 29.5.2017	Offences U/s: 147/148/341/506/302/323/294/379/149 IPC	Offence committed: Jointly with adults
Gender: Male	Age: 16 years month 8 days	Age proof: School Certificate	Apprehension: FIR registered on the next day of offence. CCL apprehended in two days of FIR.	
<p>JJB order on first day: In the order dated 30.5.2017, JJB passed order for Social Investigation Report and Preliminary Assessment.</p>				
<p>Key findings & order of JJB on preliminary assessment: CCL has no previous interaction with the complainant. He has no previous rivalry with the complainant. No such circumstances found out while interacting with him to commit such offence.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 30.5.2018 • Status of preliminary assessment: Completed 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying in Observation 		

<ul style="list-style-type: none"> • Whether expert assistance was taken in preliminary assessment: Yes (clinical psychologist) 	Home Whether case is transferred to the Children's Court: No
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Case study-59				
Year 2017	Date of Offence: 2.1.2017	Date of FIR: 2.1.2017	Offences U/s: 376/351 of IPC & 6 of POSCO	Offence committed: Individually
Gender: Male	Age: 17 years	Age proof: medical report	Apprehension: CCL apprehended eight days after the offence.	
JJB order on first day: In the order dated 11.1.2017, JJB passed order to conduct preliminary assessment and send the child to the observation home.				
Key findings & order of JJB on preliminary assessment: Child is mentally and physically capable to commit such offence. He understands the consequence of the offence. According to him if somebody involved in such offence, he may get 2-3 years imprisonment. So he does not know the exact gravity of offence. He strongly denied the offence committed. As stated by the child, he is not at all involved in the offence.				
<ul style="list-style-type: none"> • Order for preliminary assessment: 11.1.2017 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes (clinical psychologist) 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: Staying in the Observation Home • Whether case is transferred to the Children's Court: Yes 		

Case study-60				
Year 2017	Date of Offence: 22.4.2017	Date of FIR: 22.4.2017	Offences U/s: 376(2) (i) IPC and u/s 6 of POCSO Act	Offence committed: Individually
Gender: Male	Age: 17 years 2 months 22 days	Age proof: School certificate	Apprehension: FIR registered on the day offence committed. CCL was apprehended after five days of the offence.	
JJB order on first day: Ordered for preliminary assessment and bail petition posted till preliminary assessment is over. Child was sent to Observation Home				

Key findings & order of JJB on preliminary assessment:

Mentally and psychologically capable of doing the offence. He understands the consequence and according to him if somebody involved in such offence, he may be given punishment. He does not know the exact gravity of the offence. The CCL is acquainted with the girls and familiar with the whole family. Out of adolescence urge he allegedly assaulted and abused the victim.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 28.4.2017 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying in the observation home • Whether case is transferred to the Children's Court: Yes, transferred on 18.5.2017. |
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Case study-61

Year 2017	Date of Offence: 18.7.2017	Date of FIR: 18.7.2017	Offences U/s: 341/376D/506 /34 of IPC, r/w Sec 6 of POCSO Act	Offence committed: jointly
Gender: Male	Age: 17 years	Age proof: school certificate	Apprehension: F.I.R registered on the day of the commission of offence. Child was apprehended on the day FIR registered.	

JJB order on first hearing:

CCL sent to the Observation Home. SIR was called for.

Key findings of preliminary assessment:

CCL has no mental capacity and not aware of the consequence.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 15.9.2017 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : Yes • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No |
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Case study-62

Year 2017	Date of Offence: 27.3.2017	Date of FIR: 30.3.2017	Offences U/s: 341/323/294/354/450/ 380/376-D/506/34 of IPC	Offence committed: Jointly
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Gender: Male	Age: 17 years	Age proof: School certificate	Apprehension: FIR registered after one day of offence committed. Child was apprehended on the next day of FIR.
JJB order on first hearing: CCL sent to Observation Home. SIR called for.			
Key findings of preliminary assessment: CCL is nervous. No mental capacity to understand the consequence of offence. Hence Board decided to deal the case by itself.			
<ul style="list-style-type: none"> Order for preliminary assessment: 21.4.2017 Status of preliminary assessment: Completed Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> SBR was in record : No SIR was in record: Yes Status of child during preliminary assessment: on bail Whether case is transferred to the Children's Court: No 	

Case study-63				
Year 2017	Date of Offence: 16.12.2017	Date of FIR: 16.12.2017	Offences U/s: 376 IPC r/w Sec 6 of POCSO Act	Offence committed: individually
Gender: Male	Age: 17 years	Age proof: school record	Apprehension: FIR registered on the day of commission of offence. Child was apprehended after three day FIR.	
JJB order on first hearing: CCL sent to the observation home. Called for SIR and preliminary assessment.				
Key findings of preliminary assessment: Mental and physical capacity of the CCL is normal. His though process appears to be consistent with the emotional express. He did not visualize the consequence of the offence.				
<ul style="list-style-type: none"> Order for preliminary assessment: 19.12.2017 Status of preliminary assessment: Completed Whether expert assistance was taken in preliminary assessment: Yes 			<ul style="list-style-type: none"> SBR was in record : No SIR was in record: Yes Status of child during preliminary assessment: Staying in observation home Whether case is transferred to the Children's Court: No 	

Case study-64				
Year 2017	Date of Offence: 5.11.2017	Date of FIR: 8.11.2017	Offences U/s: 366/376 IPC r/w section-6 of POCSO Act	Offence committed: Individually
Gender:	Age: 17 years	Age proof:	Apprehension:	

Male		Aadhar card	FIR registered after three day of the commission of offence. Child was apprehended after two weeks of the FIR.
<p>JJB order on first hearing: CCL sent to observation home till 3.1.2018. Called for social investigation report.</p>			
<p>Key findings of preliminary assessment: Victim and the CCL was schoolmate. CCL left school for earning. They were having physical relationship from two year. Victim family lodged a complaint. The CCL is steady of understanding. He did not think that it would in police complaint. Hence Board decided to deal the matter by itself.</p>			
<ul style="list-style-type: none"> • Order for preliminary assessment: 18.4.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying in Observation Home • Whether case is transferred to the Children's Court: No 	

Case study-65				
Year 2018	Date of Offence: 27.6.2018	Date of FIR: NA	Offences U/s: 363/376/34 of IPC & Section 4 of POCSO Act-2012	Offence committed: Jointly (with adult)
Gender: Male	Age: 17 years	Age proof: School Certificate	Apprehension: Child was apprehended after seven days of FIR being registered.	
<p>JJB order on first hearing: Order dated 4.7.2018. The CCL is forwarded for committing a punishable offence U/s -376(2)(n)/506/417/34/376/34 of IPC & Section -4 of POCSO Act in which offence U/s-376 of IPC & Section 4 of POCSO are heinous in nature as per Sub-section (33) of Section 2 of the JJCP Act. Such being the situation this Board is of the considered view that the preliminary assessment of the CCL involved in this case is necessary which is accordingly fixed to be conducted on 13.08.2018. Hence the CCL is sent to observation home for safe custody till then. Order given to issue a letter to the CDMO & DCPU with a request to depute a psychologist & psycho-social worker on the date fixed for counseling of the CCL and preliminary assessment. The LPO is also directed to submit the social investigation report.</p>				
<p>Key findings of preliminary assessment: During the Preliminary assessment the Board took into consideration the socio economic background of the CCL, the mental and physical capacity of the CCL to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence so , also the</p>				

social investigation report and the report placed by the psychologist & psycho-social worker and the Board is satisfied that the said CCL is mentally and physically capable of committing such offence and he is also able to understand the consequence of offence committed by him. On perusal of the report submitted by the psycho-social worker and psychologist it is found that the said CCL is able to understand all the questions put to him during counseling. Both the psycho-social worker and psychologist in their report have also stated that the CCL is physically and psychologically sound. In considering the above facts and circumstances it is unanimously decided by the JJB that the case should be tried before the Children's Court. Hence the case record be submitted to the Children's Court in terms of Section 18 (3) of the JJCP Act. The CCL be produced before the Children's Court for further orders.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 4.7.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying in the observation home • Whether case is transferred to the Children's Court: Yes |
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			Case study-66	
Year 2018	Date of Offence: 7.3.2018	Date of FIR: NA	Offences U/s: Sec.363/366 (A)/376(i)/34 of IPC & u/s 6 of POCSO Act-2012	Offence committed: Jointly with adult
Gender: Male	Age: 17 years	Age proof: school certificate	Apprehension: Child was apprehended after five months of the offence being committed.	

JJB order on first hearing:
Order dated 14.8.2018.The CCL is forwarded for committing a punishable offence ,out of which offence U/s-376(i) of IPC & Section 6 of POCSO are heinous in nature as per Sub-section (33) of Section 2 of the JJCP Act as the prescribed minimum punishment thereof are more than seven years. This Board is of the considered view that the preliminary assessment of the CCL involved in this case is necessary which is accordingly fixed to be conducted on 24.08.2018. Hence the CCL is sent to observation home for safe custody till then. Order given to Issue a letter to the CDMO & DCPU with a request to depute a psychologist & psycho-social worker on the date fixed for counseling of the CCL and preliminary assessment. The L.P.O is also directed to submit the social investigation report.

Key findings of preliminary assessment:
During the Preliminary assessment, the Board took into consideration the socio economic background of the CCL, the mental and physical capacity of the CCL to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence so , also the social investigation report and the report placed by the psychologist & psycho-social worker and the Board is satisfied that the said CCL is mentally and

physically capable of committing such offence and he is also able to understand the consequence of offence committed by him. On perusal of the report submitted by the psycho-social worker and psychologist it is found that the said CCL is able to understand all the questions put to him during counseling. Both the psycho-social worker and psychologist in their report have also stated that the CCL is physically and psychologically sound. The age of the CCL on the date of commission of offence is more than 16 years as per the school certificate available on record and as per police report. Perused the case record and find that the alleged offence against the CCL is U/s-363/333(A)/376(i)/34 of IPC & Section 6 of POCSO Act-2012. In considering the above facts and circumstances the Board is of the considerate view that the case should be tried before the Children's Court. Hence the case record be submitted to the Children's Court in terms of Section 18 (3) of the JJCPC Act. The CCL be produced before the Children's Court for further orders.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 14.8.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying in the observation home • Whether case is transferred to the Children's Court: Yes |
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Case study-67				
Year 2018	Date of Offence: 9.4.2017	Date of FIR: 13.6.2017	Offences U/s: 363/366/376 (i) (n) of IPC	Offence committed: Individually
Gender: Male	Age: 17 years 9 days	Age proof: School certificate	Apprehension: FIR registered after 2 months of offence. Child was apprehended after one and half year of FIR	
JJB order on first day: On order dated 15.11.2018, JJB passed order to place child in observation home, and preliminary assessment by clinical psychologist on 22.11.2018.				
Key findings & order of JJB on preliminary assessment: IQ of the CCL is normal and he is psychologically fit.				
<ul style="list-style-type: none"> • Order for preliminary assessment: 15.11.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> • SBR was in record: No. Apprehension memo was on record • SIR was in record: No • Status of child during preliminary assessment: staying at observation home. • Whether case is transferred to the Children's Court: Yes 			

Case study-68				
Year 2018	Date of Offence: 3.10.2018	Date of FIR: 4.10.2018	Offences U/s: 302/396 of IPC	Offence committed: Individually
Gender: Male	Age: 17 years 7 months 29 days	Age proof: NA	Apprehension: FIR registered on the next day of the offence. Police apprehended child after 4 days of FIR. Child was produced in SDJM court on 8.10.2018 and before JJB on 24.11.2018.	
<p>JJB order on first day: On 8.10.2018, SDJM passed order to keep the child on remand. On the order dated 24.11.2018 by JJB, Legal aid lawyer designated, Preliminary Assessment ordered and child was sent to Observation Home</p>				
<p>Key findings & order of JJB on preliminary assessment: IQ of the CCL is normal and psychologically fit to understand the consequence of criminal activity.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 24.11.2018 • Status of preliminary assessment: Completed on 28.11.2018 • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: No • Status of child during preliminary assessment: staying at observation home • Whether case is transferred to the Children's Court: Yes, transferred on 28.11.2018. 		

Case study-69				
Year 2018	Date of Offence: 9.8.2018	Date of FIR: 9.8.2018	Offences U/s: 394 IPC	Offence committed: Individually
Gender: Male	Age: 16 years 6 months 7 days	Age proof: School certificate	Apprehension: FIR has been registered on date of offence; Police apprehended child after 28 days from the date of offence.	
<p>JJB order on first day: Child was produced before SDJM who transferred the matter to JJB, Child was sent to Observation Home on the order dated 6.9.2018 by JJB.</p>				
<p>Key findings & order of JJB on preliminary assessment: Preliminary assessment was made on 22.11.2018. The finding was that IQ level of CCL normal and he is psychologically fit to commit the alleged offence.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 21.11.2018 • Status of preliminary assessment: 		<ul style="list-style-type: none"> • SBR was in record: No, but 161 statement and Apprehension Memo were on record. 		

<p>Completed</p> <ul style="list-style-type: none"> • Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> • SIR was in record: Yes • Status of child during preliminary assessment: staying at observation home • Whether case is transferred to the Children's Court: Yes
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Case study-70				
Year 2018	Date of Offence: 7.7.2018	Date of FIR: 7.7.2018	Offences U/s: 20 (b) (ii) (C) of U/s 87 of NDPS Act	Offence committed: Individually
Gender: Male	Age: 16 years 4 months 3 days	Age proof: School certificate	Apprehension: On the date of the commission of the offence, FIR registered and child was apprehended and produced in JJB.	
<p>JJB order on first day: CCL sent to Observation Home. Directed to produce the cash of Rs.4300/- before the judge in charge of Nigarat, District Court.</p>				
<p>Key findings & order of JJB on preliminary assessment: CCL denied the commission of offence. IQ is normal and psychologically fit to understand offence and its consequence.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 19.7.2018 • Status of preliminary assessment: Completed on 24.7.2018 • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record: No, but case diary was record. • SIR was in record: No • Status of child during preliminary assessment: Staying in observation home • Whether case is transferred to the Children's Court: Yes, transferred on 18.8.2018. 		

Case study-71				
Year 2018	Date of Offence: 16.11.2018	Date of FIR: 17.11.2018	Offences U/s: 294/323/324/326/307/ 506/34 of IPC	Offence committed: Jointly
Gender: Male	Age: 17 years 8 months 11 days	Age proof: School certificate	Apprehension: FIR registered in the next day of the offence. CCL was apprehended after seven days of FIR.	
<p>JJB order on first day: On first order dated 24.11.2018, JJB passed order to send CCL to Observation</p>				

Home and for preliminary assessment.

Key findings & order of JJB on preliminary assessment:

IQ of the CCL is normal and he is psychologically fit to understand the consequence of criminal activity.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 24.11.2018 • Status of preliminary assessment: Completed on 28.11.2018 • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : No, but 161 statement & Apprehension memo was on record • SIR was in record: No • Status of child during preliminary assessment: staying in the observation home. • Whether case is transferred to the Children's Court: Yes |
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Case study-72

Year 2018	Date of Offence: 14.11.2018	Date of FIR: 15.11.2018	Offences U/s: 457/376 D/ 511/ 354 B/ 323/506/ 34 of IPC	Offence committed: Jointly with a child)
Gender: Male	Age: 16 years 9 months 2 days	Age proof: NA	Apprehension: FIR registered on next day of that offence committed. Apprehended within 2 days of FIR.	
<p>JJB order on first day: On first order dated 16.11.2018, JJB passed order for preliminary assessment, and free legal aid to the CCL.</p>				
<p>Key findings & order of JJB on preliminary assessment: IQ level is normal, psychologically fit, acted with criminal intention, understand the consequence. Report noted that the above points are the psychological observation after conversation with CCL. But the final decision on the said matter shall be decided by the JJB.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 16.11.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 			<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: No • Status of child during preliminary assessment: Staying in the Observation Home. • Whether case is transferred to the Children's Court: Yes 	

Case study-73				
Year 2018	Date of Offence: 16.5.2018	Date of FIR: 18.5.2018	Offences U/s: 452/377/294,/354/506 of IPC & u/s 4 of POCSO Act.	Offence committed: Individually
Gender: Male	Age: 17 years 3 months	Age proof: School certificate	Apprehension: F.I.R registered in 2 days of the offence committed. Apprehended after 3 days of the F.I.R.	
<p>JJB order on first day: 164 statements recorded. Bail rejected. Child was sent to observation home on the order of JJB dated 21.5.2018.</p>				
<p>Key findings & order of JJB on preliminary assessment: CCL has normal IQ. He is psychologically fit. He has low socio-economic status and worked as labour.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 21.5.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 			<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: No • Status of child during preliminary assessment: staying at the Observation Home • Whether case is transferred to the Children's Court: Yes, transferred on 2.6.2018. 	

Case study-74				
Year 2018	Date of Offence: 16.10.2018	Date of FIR: 19.10.2018	Offences U/s: 302/201/ 34 of IPC	Offence committed: Jointly with a child
Gender: Male	Age: 17 years 7 months 3 days	Age proof: School certificate	Apprehension: F.I.R registered after 3 days of offence. Apprehended after seven days of F.I.R.	
<p>JJB order on first day: On first order dated 26.10.2018, CCL was sent to the observation home and order for preliminary assessment was given.</p>				
<p>Key findings & order of JJB on preliminary assessment: IQ level of the CCL is normal and he is psychologically fit to commit the alleged offence.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 26.10.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 			<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: No • Status of child during preliminary assessment: Staying in the Observation Home • Whether case is transferred to the Children's Court: Yes 	

Case study-75				
Year 2018	Date of Offence: 7.10.2018	Date of FIR: 8.10.2018	Offences U/s: 302/34 of IPC	Offence committed: Jointly with adult)
Gender: Male	Age: 16 years 7 months 2 days	Age proof: School certificate	Apprehension: F.I.R registered on next day. Apprehended within 2 days of F.I.R.	
<p>JJB order on first day: Ordered for SIR, instruction given CDMO to depute one psychologist for preliminary assessment along with Board members. Ordered to send CCL to observation Home.</p>				
<p>Key findings & order of JJB on preliminary assessment: As per the opinion of the psychologist that the CCI understood the consequences of such criminal activity and fact of offence. The Board of the opinion that the CCL needs to be tried as an adult in Children Court as per Rule 18 (3) of JJ Rules. The said case shall be transferred to the Children's Court.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 24.11.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record :No • Status of child during preliminary assessment: Staying in the Observation Home • Whether case is transferred to the Children's Court: Yes 		

Case study-76				
Year 2018	Date of Offence: 26.11.2018	Date of FIR: 27.11.2018	Offences U/s: 457/38 of IPC	Offence committed: Individually
Gender: Male	Age: 17 Years 9 months 24 days	Age proof: School certificate	Apprehension: Child was apprehended after seven days of offence.	
<p>JJB order on first day: On order dated 3.12.2018 JJB called for Social Investigation Report and Preliminary Assessment , CCL was sent to Observation Home.</p>				
<p>Key findings & order of JJB on preliminary assessment: As per the opinion of the Psychologist that the CCL performed the act having criminal attitude. He understands the consequence of the criminal activity. So the case shall be transferred to the Children's Court for trial as the adult.</p>				

<ul style="list-style-type: none"> • Order for preliminary assessment: 3.12.2018 • Status of preliminary assessment: Completed on 7.12.2018 • Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: No • Status of child during preliminary assessment: Staying in the observation home • Whether case is transferred to the Children's Court: Yes
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Case study-77				
Year 2018	Date of Offence: 12.1.2018	Date of FIR: 12.1.2018	Offences U/s: 450/376/376(2) (1) of IPC, & u/s 4 f POCSO	Offence committed: Individually
Gender: Male	Age: 16 years 10 months 11 days	Age proof: School certificate	Apprehension: F.I.R registered on the day offence committed. CCI was apprehended after three days of F.I.R.	
<p>JJB order on first day: Called Social Investigation Report from LPO, psychological report of CCL, injury report and 164 statement of the victim.</p>				
<p>Key findings & order of JJB on preliminary assessment: CCL has normal IQ level and psychologically fit to understand fact and consequence of the offence committed.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 15.1.2018 • Status of preliminary assessment: Completed on 20.1.2018 • Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> • SBR was in record : Yes • SIR was in record: Yes • Status of child during preliminary assessment: Staying in the Observation Home • Whether case is transferred to the Children's Court: Yes 			

Case study-78				
Year 2018	Date of Offence: 6.3.2018	Date of FIR: 13.3.2018	Offences U/s: 376(2) (i) (n) IPC & u/s 6 of POCSO Act	Offence committed: Individually
Gender: Male	Age: 16 years 4 months	Age proof: School transfer certificate	Apprehension: FIR registered after a week that offence committed. CCL was apprehended and	

			produced in JJB on next day of FIR.
JJB order on first day: Produced on 14.3.2018. The CCL is sent to Observation Home.			
Key findings & order of JJB on preliminary assessment: There is need for trial of the said child as an adult.			
<ul style="list-style-type: none"> • Order for preliminary assessment: 26.7.2018 • Status of preliminary assessment: Completed on 18.8.2018 • Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: Yes 		

Case study-79				
Year 2018	Date of Offence: 27.3.2018	Date of FIR: 2.4.2018	Offences U/s: 363/366/376 IPC & u/s 6 of POCSO Act	Offence committed: Individually
Gender: Male	Age: 17 years 11 months 24 days	Age proof: School transfer certificate	Apprehension: FIR registered after 6 days of offence committed. Child was apprehended after 4 days of FIR and produced in JJB on the next day.	
JJB order on first day: Produced on 7.4.2018. The CCL is sent to Observation Home..				
Key findings & order of JJB on preliminary assessment: There is need for trial of the said child as an adult.				
<ul style="list-style-type: none"> • Order for preliminary assessment: 16.7.2018 • Status of preliminary assessment: Completed on 18.8.2018 • Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: Staying in Observation Home • Whether case is transferred to the Children's Court: Yes 			

Case study-80				
Year 2018	Date of Offence: 10.1.2018	Date of FIR: 10.1.2018	Offences U/s: 34/307/120 (B) IPC & u/s 25/27 of Arms Act	Offence committed: Jointly (accompanied by 7 adults)
Gender:	Age: 17 years 10	Age proof:	Apprehension:	

Male	months 8 days	School certificate	FIR registered on the day that offence committed. Child was apprehended after 3 days of FIR and produced in JJB on same day.
JJB order on first day: Produced in JJB on 13.1.2018. The CCL is sent to Observation Home.			
Key findings & order of JJB on preliminary assessment: There is need for trial of the said child as an adult.			
<ul style="list-style-type: none"> • Order for preliminary assessment: 24.7.2018 • Status of preliminary assessment: Completed on 1.8.2018 • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: Yes 	

Case study-81				
Year 2018	Date of Offence: 14.3.2016	Date of FIR: 15.03.2016	Offences U/s: 20 (B) (II) (C) NDPS Act.	Offence committed: Jointly with adult
Gender: Male	Age: 16 years 9 months and 13 days.	Age proof: School certificate	Apprehension: F.I.R registered in the next day that offence committed.	
JJB order on first day: In order dated 05.05.2018, JJB called for Social Investigation Report from DPO and the CCL shall be kept Observation Home.				
Key findings & order of JJB on preliminary assessment: This Board holds that this CCL has the required physical and mental capacity to commit the heinous offences as alleged against him and he has the ability to understand the consequences of such offences and this circumstances of which he allegedly committed of this offence. So, there is need for trial of the CCL as an adult by the Children's Court.				
<ul style="list-style-type: none"> • Order for preliminary assessment: 28.8.2018 • Status of preliminary assessment: Completed on 1.9.2018 • Whether expert assistance was taken in preliminary assessment: No 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No 		

Case study- 82				
Year 2018	Date of Offence: 23.5.2018	Date of FIR: 23.05.2018	Offences U/s: 20 (B) (II) (C) NDPS Act	Offence committed: Jointly with adult
Gender: Male	Age: 17 years 8 months and 12 days.	Age proof: School certificate	Apprehension: F.I.R registered on the day that offence committed, and the child was apprehended on the same day also.	
<p>JJB order on first day: In order dated 05.05.2018, JJB called for Social Investigation Report from DPO and the CCL shall be sent to Observation Home.</p>				
<p>Key findings & order of JJB on preliminary assessment:</p> <p>This Board holds that this CCL has the required physical and mental capacity to commit the heinous offences as alleged against him and he has the ability to understand the consequences of such offences and this circumstances of which he allegedly committed of this offence. So, there is need for trial of the CCL as an adult by the Children's Court.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 1.9.2018 • Status of preliminary assessment: Completed on 1.9.2018 • Whether expert assistance was taken in preliminary assessment: No 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying in Observation Home • Whether case is transferred to the Children's Court: No 		

Case study-83				
Year 2018	Date of Offence: 4.3.2018	Date of FIR: 5.3.2018	Offences U/s: 376(2)(i)/506IPC & U/s 4 of the POCSO Act.	Offence committed: Individually
Gender: Male	Age: 16 years	Age proof: School admission register	Apprehension: F.I.R registered a day after of offence committed. Child was apprehended after 3 days from the date of F.I.R.	
<p>JJB order on first hearing: Dated 09.03.2018, On first production dated 9.3.2018, JJB passed order to produce Social Background Report by IO and Social Investigation Report by LPO. JJB rejected the bail and the child was sent to Observation Home till 15.03.2018.</p>				
<p>Key findings of preliminary assessment:</p>				

Involvement of CCL in alleged heinous offence is due to poor parental discipline and supervision, social isolation, school disorganization, curiosity for deviant sexual interest, lack of social and sexual knowledge. Therefore the CCL involvement in heinous offence is due to lack of understanding the consequences of the offence and his mental and physical immaturity and hence this Board is satisfied on preliminary assessment. Final Form is received on 17.07.2018 vide C.S No-17/18 and cognizance taken of offence u/s -376(2)(I)(n)/506 of IPC and read with section 6 of POCSO Act.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 14.5.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : Yes • SIR was in record: Yes • Status of child during preliminary assessment: on bail. • Whether case is transferred to the Children's Court: No |
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Case study-84

Year 2018	Date of Offence: 22.3.2018	Date of FIR: 24.3.2018	Offences U/s: 363/366/452/342/ 34 IPC	Offence committed: Jointly
Gender: Male	Age: 17 years 6 months and 3 days	Age proof: School Leaving Certificate	Apprehension: FIR registered after 2 days of offence committed. Child was apprehended after 2 days from the date of FIR.	

JJB order on first hearing:

Victim statement u/s -164 of Cr.P.C received from SDJM court and bail petition of the CCL is allowed with surety bond of Rs.10,000.00 (Rupees Ten Thousand only) and further the Board gave instruction to IO to submit Final Form along with S.B.R and SIR to LPO, Hence the CCL is released on bail.

Key findings of preliminary assessment:

Involvement of CCL in alleged heinous offence is due to poor parental discipline and supervision, social isolation, school disorganization curiosity for deviant sexual interest. Therefore the involvement of CCL is due to lack of understanding the consequences of the offence and his mental and physical immaturity Final Form is -prepared on 05.06.2018 and submitted to JJB on 19.06.2018 and changed by police in final form is u/s 366/363 of IPC.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 14.5.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No |
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Case study-85				
Year 2018	Date of Offence: 4.2.2018	Date of FIR: 9.2.2018	Offences U/s: 363/376 of IPC read with sec 6 of POCSO	Offence committed: Individually
Gender: Male	Age: 17 years	Age proof: HSC Admit Card	Apprehension: F.I.R registered after 4 days of offence committed. Child was apprehended after 2 months from the date of FIR.	
<p>JJB order on first hearing: On dated 03.04.2018 , JJB received case record of GR No..133/18 arising out of PS case No-25 of 09.02.2018 from Addl. Session Judge cum Special Judge. As the CCL is not produced by I.O hence the case is put off to 06.04.2018 and on 06.04.2018 the CCL produced by the I.O before the JJB. Directed the LPO and I.O to submit SIR and SBR on or before 13.04.2018. The CCL also sent to Observation Home. CCL released on bail on 17.04.2018 upon bail bond of Rs. 20,000/-.</p>				
<p>Key findings of preliminary assessment: The involvement of the CCL in the alleged heinous offence is due to poor parental discipline and supervision, social isolation, school disorganization, curiosity for deviant sexual interest, lack of social and sexual knowledge. Therefore the CCL involvement is due to lack of understanding the consequences of the offence and his mental and physical immaturity. Final for submitted 09.06.2018 cognizance taken u/s -363/376(2)(1)(n)/34 IPC and section 6 of POCSO Act.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 7.5.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: No • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No 		

Case study-86				
Year 2018	Date of Offence: 1.3.2018	Date of FIR: 3.3.2018	Offences U/s: 363/376 (2)(i), IPC, read with sec-4 of POCSO r/w - Sec (3) (2) (v) of S.C & S.T (Atrocities) Act	Offence committed: Jointly
Gender: Male	Age: 16 years	Age proof: School Admission	Apprehension: F.I.R registered after two days from the day of offence committed and child was	

	Register	apprehended after 5 days from the date of F.I.R filed.
<p>JJB order on first hearing: In the order dated 9.3.2018, JJB rejected the bail. CCL was sent to the Observation Home till 15.3.2018. Board directed IO to submit Social Background Report and LPO to submit Social Investigation Report.</p>		
<p>Key findings of preliminary assessment: The CCL has no ability to understand the consequences of the offence as both the CCL and victim are co-villagers and from childhood both know each other. Hence they fell in love. As both are from different caste and their family denied accepting them, hence father of victim lodged FIR against the CCI. During the course of interaction the expert felt that the CCL is very co-operative in nature and did not know about the law and he committed the offence without knowing the consequence. The CCL also admitted that he will marry her. The Board observed from the preliminary assessment that the involvement of CCL in the alleged offence is due to poor parental discipline and supervision, social isolation, school disorganization, curiosity for deviant sexual interest, lack of social and sexual knowledge. Hence the CCL involvement in the heinous offence is due to lack of understanding the consequence of the offence and his mental and physical maturity.</p>		
<ul style="list-style-type: none"> • Order for preliminary assessment: 16.5.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> • SBR was in record : Yes • SIR was in record: Yes • Status of child during preliminary assessment: On bail • Whether case is transferred to the Children's Court: No 	

Case study-87				
Year 2018	Date of Offence: 7.1.2018	Date of FIR: 8.1.2018	Offences U/s: 363/366/376/506/34 IPC r/w section- 6 of POCSO Act.	Offence committed: jointly
Gender: Male	Age: 17 years	Age proof: school admission register	Apprehension: CCL was apprehended after a week of the F.I.R registered.	
<p>JJB order on first hearing: Forwarding report of the CCI is received CCI is produced through escort party, CCL sent to Observation Home .</p>				
<p>Key findings of preliminary assessment: During examination by the Board the CCL made simple denial of all the circumstances and stated that he knows nothing about the case. On a trough examination it is felt by the Board that the CCL understands the illegality and</p>				

gravity of his act. Hence case is sent to the Children's Court.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 16.1.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : Yes • SIR was in record: Yes • Status of child during preliminary assessment: Staying in observation home • Whether case is transferred to the Children's Court: Yes |
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Case study-88

Year 2018	Date of Offence: 7.2.2018	Date of FIR: NA	Offences U/s: 376 IPC	Offence committed: Individually
Gender: Male	Age: 17 years	Age proof: School admission register	Apprehension: CCL was apprehended after a month of the commission of offence.	

JJB order on first hearing:

No bail application is filed, Hence the CCL sent to Observation Home.

Key findings of preliminary assessment:

Record is put up for Preliminary Assessment. It is found that CCI is able to understand the consequence of the offence and has sufficient mental capacity, Hence the case sent to Children's court and the CCL is directed to appear before the children's court.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 12.3.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : Yes • SIR was in record: Yes • Status of child during preliminary assessment: staying in observation home • Whether case is transferred to the Children's Court: Yes |
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Case study-89

Year 2018	Date of Offence: 9.3.2018	Date of FIR: 13.3.2018	Offences U/s: 363/366/376(2) (n)(i) IPC	Offence committed: Individually
Gender: Male	Age: 16 years 10 months	Age proof: School admission register	Apprehension: Child was apprehended a day after the F.I.R.	

JJB order on first hearing:

Bail is not granted. CCL sent to observation home. Called for Social Investigation Report.

Key findings of preliminary assessment:

After examination the Board felt that the CCL understand the illegality and gravity of his act for which he is trying not to disclose the same, it goes to show that he has sufficient mental capacity to understand the nature and consequence of his act. Thus it is felt appropriate to submit the case record to Children's Court for further proceeding of the case.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 19.3.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : Yes • SIR was in record: Yes • Status of child during preliminary assessment: staying in observation home • Whether case is transferred to the Children's Court: Yes |
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Case study-90

Year 2018	Date of Offence: 8.3.2018	Date of FIR: 11.3.2018	Offences U/s: 376(2)(n)(i) of IPC	Offence committed: Individually
Gender: Male	Age: 18 years	Age proof: Adhar card	Apprehension: F.I.R registered after three days of the commission of offence. CCL was apprehended after two days of F.I.R.	
<p>JJB order on first hearing: On 14.3.2018, the IO produced the CCL in JJB. The CCI complained the ill treatment by police. Called for Social Investigation Report from LPO.</p>				
<p>Key findings of preliminary assessment: As per the report of the psychologist, the CCL is able to understand the consequences of the offence. So case records shall be transferred to Children's Court for further proceeding.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 14.3.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> • SBR was in record : Yes • SIR was in record: Yes • Status of child during preliminary assessment: staying in observation home • Whether case is transferred to the Children's Court: Yes 			

Case study-91

Year 2018	Date of Offence: 24.3.2018	Date of FIR: 24.3.2018	Offences U/s: 363/366/376(2)(n) of IPC and Section-4 POCSO	Offence committed: Individually
Gender: Male	Age: 17 years 9 days	Age proof: School admission register	Apprehension: F.I.R registered on the day offence committed. Child was apprehended after three days from the date of F.I.R.	

JJB order on first hearing:
Order dated 27.03.2018. Vakalatnama filed on behalf of the CCL is accepted. Called for SIR. Case posted to 31.3.2018 for consideration of bail

Key findings of preliminary assessment:

During examination by the Board the CCL stated that to have eloped with victim due to their love affair. The Board observed that the CCL has sufficient mental capacity to understand the nature and consequences of act. Sent the case record to Children's court.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 31.3.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying in observation home • Whether case is transferred to the Children's Court: Yes |
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Case study-92

Year 2018	Date of Offence: 1.5.2018	Date of FIR: 9.5.2018	Offences U/s: 302 IPC	Offence committed: Individually
Gender: Male	Age: 16 years	Age proof: school admission register	Apprehension: FIR registered after eight days of the offence.	

JJB order on first hearing:

CCL sent to the observation home. Called for S.I.R.

Key findings of preliminary assessment:

During examination by Board the CCL clearly admit that he has committed the murder. The Board is of the opinion that it is appropriate to transfer the case record to Children's Court.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 26.7.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : Yes • SIR was in record: Yes • Status of child during preliminary assessment: staying in observation home • Whether case is transferred to the Children's Court: Yes |
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Case study-93

Year 2018	Date of Offence: 31.5.2018	Date of FIR: 1.6.2018	Offences U/s: 363/376(2) (i) (n) /34, r/w Sec 4 & 6 of POCSO Act	Offence committed: Jointly
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Gender: Male	Age: 16 years and 5 months	Juvenility proof: Adhaar card	Apprehension: F.I.R registered in the succeeding day of the commission of offence. Child was apprehended after a week of F.I.R.
<p>JJB order on first hearing: Advocate appeared on behalf of CCL. CCL was sent to the observation home till the hearing of the bail on next date.</p>			
<p>Key findings of preliminary assessment: During the examination by the Board, the CCL remain silent to the question regarding to the physical relationship with the victim, Further he avoided to answer. The case record sent to children's court and the CCL is directed to appear before the children's court.</p>			
<ul style="list-style-type: none"> • Order for preliminary assessment: 26.7.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying in Observation Home • Whether case is transferred to the Children's Court: Yes 	

Case study-94				
Year 2018	Date of Offence: 25.5.2018	Date of FIR: 5.6.2018	Offences U/s: 363/376(2) (i) (n) /34 r/w Sec 4 & 6 of POCSO Act.	Offence committed: Jointly
Gender: Male	Age: 18 years	Age proof: HSC certificate	Apprehension: F.I.R registered after 10 days of the commission of offence. Child was apprehended on the next of F.I.R.	
<p>JJB order on first hearing: CCL was sent to the observation home. SBR was called for from LPO.</p>				
<p>Key findings of preliminary assessment: During examination by the Board the CCI clearly denied the allegations brought against him. It is felt by the Board that the CCI understand the illegality and gravity of the act. It shows that he has sufficient capacity of understanding the consequences. After all it is felt appropriate to submit the case record to the Children's Court for further proceeding of the case , Hence the case record sent to the Children's Court.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 19.6.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : Yes • SIR was in record: Yes • Status of child during preliminary assessment: staying in observation home • Whether case is transferred to the Children's Court: Yes 		

Case study-95				
Year 2018	Date of Offence: 25.9.2018	Date of FIR: 26.9.2018	Offences U/s: 376 (2)(n) 3 of IPC r/w Sec 6 of POCSO Act .	Offence committed: Individually
Gender: Male	Age: 16 years 7 months 16 days	Age proof: School admission register	Apprehension: F.I.R registered on the next day of the commission of offence.	
<p>JJB order on first hearing: The CCL is produced by the escort party, No bail filed on behalf of the CCL. The CCL is remanded to Observation Home.</p>				
<p>Key findings of preliminary assessment: Based on the report of the psychologist and the circumstances in which the alleged offence committed it is felt appropriate to submit the case record to the Children's Court for further proceeding of the case. Send the case record to the Children's court and intimated the observation home.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 26.9.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying in observation home • Whether case is transferred to the Children's Court: Yes 		

Case study-96				
Year 2018	Date of Offence: 3.8.2018	Date of FIR: 4.8.2018	Offences U/s: 376 D/109 IPC and u/s 4 & 6 of POCSO, and 3(2) (v) (va) of SC & ST (Atrocity) Act	Offence committed: Jointly with adult
Gender: Male	Age: 16 years 4 months 28 days	Age proof: School certificate	Apprehension: FIR registered in the next day of the offence committed. Child was apprehended on the day that FIR registered.	
<p>JJB order on first day: In the order dated 4.8.2018, JJB called for Social Investigation Report and passed order for preliminary assessment of the CCL.</p>				
<p>Key findings & order of JJB on preliminary assessment: The CCL has allegedly committed the offence in intentional and planned circumstances.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 4.8.2018 • Status of preliminary assessment: Completed 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying in the Observation 		

<ul style="list-style-type: none"> • Whether expert assistance was taken in preliminary assessment: Yes (medical doctor) 	<p>Home.</p> <ul style="list-style-type: none"> • Whether case is transferred to the Children's Court: Yes
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Case study-97				
Year 2018	Date of Offence: 21.11.2018	Date of FIR: 23.11.2018	Offences U/s: 363/366 A/ 376 (3) of IPC & u/s 6 of POCSO	Offence committed: Individually
Gender: Male	Age: 17 years 3 months 13 days	Age proof: School certificate	Apprehension: F.I.R registered after two days of offence. CCL was apprehended after 3 days of FIR.	
<p>JJB order on first day: In the first hearing on 26.11.2018, JJB passed order for Social Investigation Report and for preliminary assessment.</p>				
<p>Key findings & order of JJB on preliminary assessment: The report of the preliminary assessment is awaited.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 26.11.2018 • Status of preliminary assessment: under process • Whether expert assistance was taken in preliminary assessment: Not arise 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying in the observation home • Whether case is transferred to the Children's Court: Not arise 		

Case study-98				
Year 2018	Date of Offence: 29.10.2018	Date of FIR: 29.10.2018	Offences U/s: 376(2) (i)/323/506/34 of IPC	Offence committed: Jointly
Gender: Male	Age: 17 years 8 months 1 day	Age proof: School certificate	Apprehension: F.I.R registered on the day of offence. CCL apprehended after 6 days of offence.	
<p>JJB order on first day: In the order dated 5.11.2018, JJB passed order to conduct preliminary assessment by taking assistance of the experienced psychologist or psycho-social worker or other experts and called for Social Investigation Report.</p>				
<p>Key findings & order of JJB on preliminary assessment: CCL has molested the victim out of adolescent urge. He has ability to understand the consequence of the offence.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 5.11.2018 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes 		

<ul style="list-style-type: none"> • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> • Status of child during preliminary assessment: Staying in Observation Home • Whether case is transferred to the Children's Court: Yes
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Case study-99				
Year 2018	Date of Offence: 20.9.2018	Date of FIR: 28.9.2018	Offences U/s: 363/366/376(2) (n) of IPC	Offence committed: Individually
Gender: Male	Age: 17 years 2 months 10 days	Age proof: Adhar card	Apprehension: F.I.R registered after eight days of offence committed. CCL apprehended on next day of F.I.R.	
<p>JJB order on first day: In the order dated 29.11.2018, JJB withheld the bail till preliminary assessment is made. CCL was sent to Observation Home. Order held for the preliminary assessment by Chief District Medical Officer.</p>				
<p>Key findings & order of JJB on preliminary assessment: Assessment is under process.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 29.11.2018 • Status of preliminary assessment: under process • Whether expert assistance was taken in preliminary assessment: Not arise 			<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: No • Status of child during preliminary assessment: staying in the observation home • Whether case is transferred to the Children's Court: Not arise 	

Case study-I00				
Year 2018	Date of Offence: 5.7.2018	Date of FIR: 19.6.2018	Offences U/s: 363/376(2) (i) (n) of IPC, 6 of POSCO and u/s 10 & 11 of PCM Act, 2006	Offence committed: Individually
Gender: Male	Age: 17 years 2 months 10 days	Age proof: school certificate	Apprehension: On the same day of FIR the child was apprehended. But FIR registered after fifteen days of the offence committed.	
<p>JJB order on first day:</p>				

In the order dated 31.7.2018, JJB passed order to send the child to Observation Home and to conduct preliminary assessment.

Key findings & order of JJB on preliminary assessment:

The CCL has mental and psychological capacity to commit such offence. He has ability to know the consequences. Circumstances of love affair and apparent initiative of interest shown by other side.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 31.7.2018 • Status of preliminary assessment: Completed on 13.8.2018 • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: Staying in Observation Home • Whether case is transferred to the Children's Court: Yes, transferred on 16.8.2018 |
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Case study-101

Year 2018	Date of Offence: 24.9.2018	Date of FIR: 1.10.2018	Offences U/s: 376/323/506 IPC r/w section- 6 of POCSO Act	Offence committed: Individually
Gender: Male	Age: 16 years 10 months	Age proof: school admission register	Apprehension: FIR registered after seven day of the commission of offence. Child was apprehended after two days of FIR.	
<p>JJB order on first hearing: CCL sent to Observation Home. Legal aid lawyer provided. Called for Social Investigation Report and victim statements.</p>				
<p>Key findings of preliminary assessment: The CCL has Impulsive control problem because of frequent problem with parents. Poor parental control. Alcohol used to watch pornographic video. CCL came to know that one of his friends abused the victim sexually. He also attempted. His plea was that his friend escaped but he was caught. He has mental capacity to commit crime. But he was not aware of the consequence of the crime.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 4.12.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No 			

Case study-I02				
Year 2018	Date of Offence: 27.12.2018	Date of FIR: 30.12.2018	Offences U/s: 363/376 (1)/ 506 IPC r/w sec. 6 of POCSO	Offence committed: Individually
Gender: Male	Age: 17years 10 months 17 days	Age proof: School admission register	Apprehension: F.I.R registered after two day of offence committed. Child was apprehended on next day of F.I.R .	
JJB order on first hearing: CCL sent to observation home. SIR called for. Preliminary assessment order given.				
Key findings of preliminary assessment: Home atmosphere of the CCL is not stable. He is normal and thought process is continuous with emotion. Family of the CCL is dysfunctional. Parents living separately. CCL worked in Gujrat. He has affairs with the victim. They stayed together. He has mental and physical capacity to commit the offence. He did not have insight to understand the consequence of the offence.				
<ul style="list-style-type: none"> • Order for preliminary assessment: 31.12.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : Yes • SIR was in record: Yes • Status of child during preliminary assessment: staying in Observation Home • Whether case is transferred to the Children's Court: No 		

Case study-I03				
Year 2018	Date of Offence: 20.7.2018	Date of FIR: 21.7.2018	Offences U/s: 302/201/120B of IPC	Offence committed: Jointly
Gender: Male	Age: 16 years	Age proof: Adhar card	Apprehension: FIR registered on the next day of offence. Child was apprehended after five day of FIR.	
JJB order on first hearing: CCL sent to observation home. Called for S.I.R.				
Key findings of preliminary assessment: Village believes in black magic which is the reason for the death of his father. The plan was known to him but he did not participate.				
<ul style="list-style-type: none"> • Order for preliminary assessment: 8.11.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : Yes • SIR was in record: Yes • Status of child during preliminary assessment: staying in Observation Home • Whether case is transferred to the Children's Court: No 		

Case study-I04				
Year 2018	Date of Offence: 1.9.2018	Date of FIR: 1.9.2018	Offences U/s: 366/366A/376 (2) (n) of IPC read with Section 6 of POCSO	Offence committed: Individually
Gender: Male	Age: 17 years 11 months	Age proof: School certificate	Apprehension: F.I.R registered on day that offence committed. CCL was apprehended and produced in JJB on next day of F.I.R.	
<p>JJB order on first hearing: The CCL is sent to Observation Home, Rourkela till 20.09.2018 awaiting final form. The IO is directed to produce the school leaving certificate of CCL to prove his age on or before the date fixed.</p>				
<p>Key findings of preliminary assessment: The CCL has mental capacity and ability to commit the offence. On perusal of the case record, it is revealed that the victim had gone to church where he met with the CCI. They knew each other and on being called by the CCL the victim had gone with him and told her to marry him and on the night the CCL had kept physical relationship with her. This Board after due consideration of all the material facts and going through all the relevant documents come to conclusion that the CCL should be enquired by the Juvenile Justice Board.</p>				
<ul style="list-style-type: none"> • Order for preliminary assessment: 17.11.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No 		

Case study-I05				
Year 2018	Date of Offence: 21.9.2018	Date of FIR: 21.9.2018	Offences U/s: 363/376 (3) of IPC r/w sec 4 of the POCSO Act.	Offence committed: Individually
Gender: Male	Age: 17 years	Age proof: Aadhar card	Apprehension: FIR registered on the day that offence committed. Child was apprehended after two day of F.I.R.	
<p>JJB order on first hearing: CCI sent to Observation Home till the next hearing on 11.10.2018. Direction given to IO to produce the school leaving certificate of the CCL to prove his age on or before the date fixed. IO also directed to produce the victim girl before the concerned judicial magistrate to record her statements u/s 164 Cr.P.C.</p>				
<p>Key findings of preliminary assessment: On perusal of the case record , it is revealed that the victim and the CCI had love with each other , it also reveals that on the pretext of marry the CCL had kept physical relationship with victim girl in many times. The Board after due consideration of all the material facts, and going through all the relevant documents came to a conclusion that the CCL should be enquired by the JJB.</p>				

<ul style="list-style-type: none"> • Order for preliminary assessment: 24.9.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 	<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No
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Case study-I06

Year 2018	Date of Offence: 26.7.2018	Date of FIR: 28.7.2018	Offences U/s: 363/366/376 (3) of IPC r/w sec 6 of POSCO Act and sec 3(3)(v) of SC/ ST (PA) Act.	Offence committed: Individually
Gender: Male	Age: 17 years 6 months 19 days	Age proof: school certificate	Apprehension: F.I.R registered a day after the commission of offence. Child was apprehended after four day of F.I.R.	

JJB order on first hearing:
CCI sent to observation home. S.I.R called for. Record sent to SDJM to record 164 statements of the victim.

Key findings of preliminary assessment:
On perusal of the case record, it is revealed that the CCL and the victim girl were known to each other. While the victim girl had gone to pond to take bath at around 12 noon, the CCL called her and they were gossiping near rides of the pond and after a while they had proceed to a dilapidated house, where they stayed together for few hours. As state in the 161 statements that they have kept physical relationship in the said house and the girl wants to reside with the CCL but her parents did not agree.

<ul style="list-style-type: none"> • Order for preliminary assessment: 2.8.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: No 	<ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: staying in observation home • Whether case is transferred to the Children's Court: No
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Case study-I07

Year 2018	Date of Offence: 21.10.2018	Date of FIR: 17.11.2018	Offences U/s: 376(2)(n) IPC read with section 6 of POCSO Act.	Offence committed: individually
Gender: Male	Age: 17 years 10 months 6 days	Age proof: school admission register	Apprehension: F.I.R registered after four weeks of the offence. Child was apprehended nearly a month after the FIR.	

JJB order on first hearing:
Counsel engaged for CCL from the legal aid panel lawyer. CCL sent to

Observation Home till 4.12.2018. SIR was called for.

Key findings of preliminary assessment:

The CCL had love relationship with the victim girl, but he was ignorant about her age. It appears that ignorance of law and social adjustments are the causative factors of the offence. It is revealed that the victim fled with the CCL with intention to marry, hence they had physical relationship.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 20.1.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: No | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No |
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Case study-I08

Year 2018	Date of Offence: 18.1.2018	Date of FIR: 18.1.2018	Offences U/s: 366/366A/376 (2) (n) / 344 of IPC of Sec 6 of POCSO	Offence committed: Jointly
Gender: Male	Age: 17 years	Age proof: school certificate	Apprehension: Child was apprehended nearly after four and half months of the commission of offence.	

JJB order on first hearing:

Matter brought to JJB being forwarded from SDJM court where the CCL was produced by the police. By the order of JJB on 3.6.2018, CCL sent to observation home and S.I.R was called for.

Key findings of preliminary assessment:

The victim and the juvenile lived together for six months. The CCL has mental and physical capacity to commit but not aware of the consequence of marrying a minor girl. Hence the Board decided to treat him as juvenile and dealt with him by itself.

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| <ul style="list-style-type: none"> • Order for preliminary assessment: 11.9.2018 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes | <ul style="list-style-type: none"> • SBR was in record : No • SIR was in record: Yes • Status of child during preliminary assessment: on bail • Whether case is transferred to the Children's Court: No |
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Case study-I09

Year 2019	Date of Offence: 17.12.2018	Date of FIR: 6.1.2019	Offences U/s: 302 IPC	Offence committed: Individually
Gender:	Age: 17 years	Age proof: school	Apprehension:	

Male		admission register	FIR registered after twenty day of the commission of offence. Child was apprehended three day after FIR.
<p>JJB order on first hearing: CCL sent to observation home. Report called for from the probation officer. Order given for preliminary assessment.</p>			
<p>Key findings of preliminary assessment: CCL appeared to be younger than the stated age. His speech was not clear. He was confused, ignorant and hesitant. He does not have mental and physical capacity to commit crime.</p>			
<ul style="list-style-type: none"> • Order for preliminary assessment: 10.1.2019 • Status of preliminary assessment: Completed • Whether expert assistance was taken in preliminary assessment: Yes 		<ul style="list-style-type: none"> • SBR was in record : Yes • SIR was in record: Yes • Status of child during preliminary assessment: staying in observation home • Whether case is transferred to the Children's Court: No 	

Annexure-2

List of ‘Heinous Offences’ as per the Juvenile Justice (Care and Protection of Children) Act, 2015⁵⁶

Sl.No.	Law	Description	Punishment
A. The Indian Penal Code			
1	s.121	Waging or attempting or abetting to wage war against Government of India	Death or imprisonment for life
2	s.195	Giving or fabricating false evidence with intent to procure conviction of offence punishable with for life or imprisonment	Punishment same as the person convicted for that offence would be liable to be punished- minimum 7 years
3	s.195A	Threatening any person to give false evidence whereby innocent person is convicted and sentenced in consequence of such false evidence with death or imprisonment for more than seven years	Punishment same as the sentence received by innocent person
4	s.302	Punishment for murder	Death or imprisonment for life
5	s.304B	Dowry deaths	Minimum 7 years and can extend to life
6	s.311	Punishment for thugs	Imprisonment for life
7	s.326A	Acid attack causing permanent or partial damage/deformity	Minimum 10 years and up-to life
8	s.370(2)	Trafficking	Minimum 7 years and up-to 10 years
9	s.370(3)	Trafficking of more than one person	Minimum 10 years up-to life
10	s.370(4)	Trafficking of minor	Minimum 10 years up-to life
11	s.370(5)	Trafficking of more than one minor	Minimum 14 years up-to life
12	s.370(6)	Trafficking of minor on more than one occasion	Imprisonment for life-remainder of that person's natural life
13	s.376(1)	Punishment for rape	Minimum 7 years up-to life
14	s.376(2)	Custodial rap, rape on minor or pregnant women etc.	Minimum 10 years up-to life
15	s.376A	Rape resulting in death or permanent vegetative state of women	Minimum 20 years or remainder of persons' natural life or death
16	s.376D	Gang rape	Minimum 20 years or

⁵⁶ Centre for Child and Law, NLSIU, Bengaluru

			remainder of persons' natural life or death
17	s.376E	Repeat of s.376,376A or 376D	Imprisonment of remainder of person's natural life or death
18	s.397	Robbery, or dacoity with attempt to cause death or grievous hurt	Minimum 7 years
19	s.398	Attempt to commit robbery or dacoity when armed with deadly weapon	Minimum 7 years
B. The Commission of Sati (Prevention) Act, 1987			
20	S.4(1)	Abetment of sati when sati committed	Imprisonment for life or death
21	S.4(2)	Abetment of sati when sati attempted	Imprisonment for life
C. The Narcotic Drugs and Psychotropic Substances Act, 1985			
22	S.15(c)	Punishment for contravention in relation to poppy straw involving commercial quantity	Minimum 10 years and up-to 20 years
23	s.17 (c)	Punishment for contravention in relation to prepared opium involving commercial quantity	Minimum 10 years and up-to 20 years
24	s.18(b)	Punishment for contravention in relation to opium poppy and opium involving commercial quantity	Minimum 10 years and up-to 20 years
25	s.19	Punishment or embezzlement of opium by cultivator	Minimum 10 years and up-to 20 years
26	s.20 C	Punishment for contravention in relation to cannabis plant and cannabis involving commercial quantity	Minimum 10 years and up-to 20 years
27	s.21 (c)	Punishment for contravention in relation to manufactured drugs and preparations involving commercial quantity	Minimum 10 years and up-to 20 years
28	s.22 (c)	Punishment for contravention in relation to psychotropic substances involving commercial quantity	Minimum 10 years and up-to 20 years
29	s.23 (c)	Punishment for illegal import into India, export from India or transshipment of narcotic drugs and psychotropic substances involving commercial quantity	Minimum 10 years and up-to 20 years
30	s.24	Punishment for external dealings in narcotic drugs and psychotropic substances	Minimum 10 years and up-to 20 years
31	s.25	Punishment for allowing premises, etc to be used for commission of an	As much as the punishment for that offence

		offence	
32	s.27A	Punishment for financing illicit traffic and harbouring offenders	Minimum 10 years rigorous imprisonment and up-to 20 years and minimum of Rupees one lakh which may extend to two lakh
33	s.31 A	Repetition by persons convicted of commission, attempt, abetment, conspiracy of offence u/s 19,24,27A and for offence involving commercial quantity of any narcotic drugs or psychotropic substances who are subsequently convicted of the commission, attempt, abetment, criminal conspiracy of an offence in relation to certain ND & PS of specified quantity.	Death
D.The Arms Act, 1959			
34	s.27(2)	Use of any prohibited arms or prohibited ammunition in contravention of section 7 (relating to 'prohibition of acquisition or possession, or of manufacture or sale, of prohibited arms or prohibited ammunition')	Minimum 7 years and up-to life
35	s.27(3)	Use of any prohibited arms or prohibited ammunition or does any act in contravention of section-7 that results in death	Death
E.The unlawful Activities (Prevention) Act, 1967			
36	s.10(b)(i)	Penalty for being member of an unlawful association, etc who does any act that results in death of any person	Death or imprisonment for life
37	s.16(1)(a)	Punishment for terrorist act if such act has resulted in the death of any person	Imprisonment for life and death
F. The Food safety and Standards Act, 2006			
38	s.59(iv)	Punishment for unsafe food where a contravention or failure results in death of a person	Minimum 7 years and up-to life
G. The Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989			
39	s.3(2)(i)	Giving or fabricates false evidence intending to lead to a conviction of any member of a Scheduled Caste or a Scheduled Tribe to be convicted of a capital offence.	Imprisonment for life

40	s.3(2) (iv)	Commission of mischief by fire or explosive substance intending to cause destruction o a building used by a member of SC/ST	Imprisonment for life
H. Protection of Children from Sexual Offences Act, 2012			
41	s.4	Punishment for penetrative sexual assault	Minimum 7 years which may extend to life imprisonment + fine
42	s.6	Punishment for aggravated penetrative sexual assault	Rigorous imprisonment for 10 years which may extend to life + fine
43	s.14(2)	Using a child for pornography and committing penetrative sexual assault	Minimum 10 years which may extend to life +fine
44	s.14(3)	Using a child for pornography and committing aggravated penetrative sexual assault	Rigorous life imprisonment +fine
I. Immoral Traffic (Prevention) Act, 1956			
45	s.5B	Trafficking in person and attempt to commit or abet trafficking	First conviction is punishable with rigorous imprisonment of minimum seven years and second or subsequent conviction is punishable with life imprisonment
46	s.6(1)	Detaining a person in premises where prostitution is carried on	Minimum seven years
47	s.7(1-A)	Prostitution in or in the vicinity of public place in respect of a child	Minimum seven years
48	s.9	Seduction of a person in custody	Minimum seven years

Annexure-3

Case Statistics

JJB	Case statistics
Balasore	Registered a total of 186 cases in the period from 2016 to 2018. Of these, 51 cases were registered under heinous offences. A total of 44 cases of heinous offences were registered against children of 16-18 years age. JJB has completed preliminary assessment in all 44 cases, out of which 29 cases have been transferred to the Children's Court as per the provision u/s 18(3) of JJ(CPC) Act, 2015 based upon the satisfaction of Board on the preliminary assessment that there is a need for trial of such children as adult. Cases transferred to Children's Court involving offences U/s 376 of IPC and 4 of POCSO Act, 2012.
Bargarh	Registered a total of 227 cases in the period between 2016 and 2018. Of these, 101 cases were registered under heinous offences. A total of 79 cases of heinous offences were registered against children of 16-18 years age. Preliminary assessment has been completed in 8 cases, out of which 2 cases were transferred to the Children's Court based upon the satisfaction of the Board on the preliminary assessment that there is a need for the trial of the child as an adult. Cases transferred to the Children's Court involved offences U/s 376 of IPC, 6 of POCSO Act and SC & ST (Prevention of Atrocities) Act.
Cuttack	As many as 287 cases were registered during the period from 2016 to 2018. Of these, 52 cases were registered under heinous offences. 22 cases of heinous offences were registered against children of 16-18 years age. JJB has given order for conducting preliminary assessment on 11 cases, out of which assessment has been completed in 9 cases. No case has been transferred to Children's Court. Therefore all the 9 cases in which preliminary assessment has been completed are lying with JJB for further inquiry as per the provision U/s 15(2) of JJ (CPC) Act, 2015. The cases involved offences U/s 302/307/376/392 of IPC and NDPS Act.

Ganjam	Registered a total of 275 cases in the period from 2016 to 2018. Of these, 105 cases were registered under heinous offences. A total of 88 cases of heinous offences were registered against children of 16-18 years age. Preliminary assessment has been completed in 50 cases, out of which 33 cases were transferred to the Children's Court based upon the satisfaction of the Board on the preliminary assessment that there is a need for the trial of the child as an adult. Cases transferred to the Children's Court involved offences U/s 376 of IPC, 6 of POCSO Act.
Jharsuguda	Registered a total of 158 cases during the period from 2016 to 2018. Of these, 84 cases were registered under heinous offences. A total of 20 cases of heinous offences were registered against children of 16-18 years age. Preliminary assessment has been completed in 19 cases, out of which 5 cases were transferred to the Children's Court based upon the satisfaction of the Board on the preliminary assessment that there is a need for the trial of the child as an adult. Cases transferred to the Children's Court involved offences punishable U/s 307/376/395 of IPC. Remaining 14 cases are kept with JJB for further inquiry as the provision U/s 15(2) of JJ(CPC) Act, 2015.
Kandhamal	Registered a total of 148 cases during the period from 2016 to 2018. Of these, 72 cases were registered under heinous offences. A total of 52 cases of heinous offences were registered against children of 16-18 years age. Preliminary assessment has been completed in 20 cases, out of which 14 cases were transferred to the Children's Court based upon the satisfaction of the Board on the preliminary assessment that there is a need for the trial of the child as an adult. Cases transferred to the Children's Court involved offences punishable U/s 376 of IPC, POCSO and NDPS Act.
Koraput	Registered a total of 232 cases during the period from 2016 to 2018. Of these, 134 cases were registered under heinous offences. A total of 57 cases of heinous offences were registered against children of 16-18 years age. JJB initiated preliminary assessment in 42 cases, out

	of which assessment has been completed in 21 cases. No case has been transferred to Children's Court.
Nabarangpur	Registered a total of 96 cases during the period from 2016 to 2018. Of these, 26 cases were registered under heinous offences. A total of 20 cases of heinous offences were registered against children of 16-18 years age. Preliminary assessment as per under section 15 of JJ (CPC) Act has been completed in 20 cases, out of which 15 cases have been transferred to Children's Court as per under 18(3) of the Act. The cases transferred to Children's Court involved offences U/s 376/363/302 of IPC and cases under POCSO Act.
Puri	Registered a total of 287 cases during the period from 2016 to 2018. Of these, 22 cases were registered under heinous offences. A total of 19 cases of heinous offences were registered against children of 16-18 years age. JJB initiated preliminary assessment in 12 cases as per the provision under section 15 of JJ (CPC) Act. Preliminary assessment completed in 10 cases out of which 7 cases have been transferred to the Children's Court as per the provision under section 18(3) of the Act. Cases transferred to Children's Court involved offences punishable under sections 302/376 of IPC and POCSO Act.
Sundargarh	Registered a total of 650 cases during the period from 2016 to 2018. Of these, 128 cases were registered under heinous offences. A total of 94 cases of heinous offences were registered against children of 16-18 years age. In 44 cases, preliminary assessment has been completed out of which 5 cases have been transferred to the Children's Court as per the provision under section 18(3) of the JJ(CPC) Act. Remaining 39 cases are kept with JJB for further inquiry as per the provision under section 15(2) of the Act.

Annexure-4

Guidance Notes on Preliminary Assessment Report for Children in Conflict with Law

Developed by:
Department of Child & Adolescent Psychiatry, NIMHANS, Bengaluru

The preliminary assessment uses information from the detailed psychosocial and mental health assessment (that is done first) and presents that information as outlined below.

A. Mental & Physical Capacity to Commit Alleged Offence

The child's ability to make social decisions and judgments are compromised due to:

- i. Life skills deficits (emotional dysregulation/ difficulty coping with peer pressure/ assertiveness & negotiation skills /problem-solving/ conflict-resolution/ decision-making).
- ii. Neglect / poor supervision by family/poor family role models
- iii. Experiences of abuse and trauma
- iv. Substance abuse problems
- v. Intellectual disability
- vi. Mental health disorder/ developmental disability
- vii. Treatment/ interventions provided so far

Guidance Notes

For this section, the professional filling out the preliminary assessment form is simply required to mark off against each item (a tick mark to indicate 'yes' and an X mark to indicate 'no') whether or not the child is compromised in this particular area. The information is drawn from relevant sections of the detailed psychosocial and mental health proforma, which contain information on: how a child's abilities to make appropriate social decisions and judgements (which translate into actions and behaviours) have been affected by the child's life circumstances and mental health or developmental problems.

For item (i) on life skills deficits, refer to Section 6, 'Life Skills Deficits and Other Observations of the Child' and sub-section 6.1. on 'Life Skills Deficits'.

For item (ii), refer to Section 2, sub-section 2.1. on 'Family Issues Identified'.

For item (iii) on experiences of abuse and trauma, refer to Section 3, 'Trauma Experiences: Physical, Sexual and Emotional Abuse Experiences'.

For items (iv) and (vi) on substance abuse problems and mental health disorders/ developmental disability, refer to Section 5, 'Mental Health Concerns'.

For item (v) on intellectual disability, you may rely on your judgement based on your interaction with the child during the entire process of administering the psychosocial and mental health proforma—if the child was unable to respond to most questions or responded in an age-appropriate manner (like a younger child would, demonstrating little understanding of many things asked or discussed), then you may suspect that he/she has intellectual disability. (Following this, it would be useful and necessary to confirm this through relevant IQ testing conducted by psychologists located in mental health facilities).

For item (vii), you may have enquired from the child, during the assessment, about whether he/she has received any professional assistance or treatment for any mental health issues/ family problems or life skills deficits that he/she has. (Generally, children in the Observation Home have never received any treatment or interventions for their problems).

In actual fact, everyone, except someone with serious physical disability (the type that severely impacts locomotor skills) or with intellectual disability, has the mental and physical capacity to commit offence. So, to ask whether a given child has the mental and physical capacity to commit offence, in simplistic terms, is likely to elicit the answer 'yes' in most cases. And just because someone has the physical and mental capacity to commit an offence, does not mean that they will or that they have. Therefore, a dichotomous response as elicited by this question posed by the JJ Act is of little use in making decisions regarding child who has come into conflict with the law.

Thus, in response to the problems resulting from a simplistic dichotomous response to the physical-mental capacity question, we have adopted a more detailed, descriptive and nuanced interpretation. As per the preliminary assessment report we have developed, mental and physical capacity to commit offence is the ability of a child to make social decisions and judgments, based on certain limitations that the child may have. In other words, a child's abilities to make social decisions and judgments are compromised due to life skills deficits, neglect / poor supervision by family/poor family role models, experiences of abuse and trauma, substance abuse problems, intellectual disability, and/or mental health disorder/ developmental disability. Such issues (if untreated) adversely impact children's world view, and their interactions with their physical and social environment, thereby placing them at risk of engaging in antisocial activities.

B. Circumstances of Alleged Offence

- i. Family history and relationships (child's living arrangements, parental relationships, child's emotional relationship & attachment to parents, illness & alcoholism in the family, domestic violence and marital discord if any).
- ii. School and education (child's school attendance, Last grade attended, reasons for child not attending school- whether it is due to financial issues or lack of motivation, school refusal, corporal punishment).
- iii. Work experience/ Child labour (why the child had to work/ how child found the place of work, where he was working / hours of work and amount of remuneration received, was there any physical/emotional abuse by the employer and also regarding negative influence the child may have encountered in the workplace regarding substance abuse etc).
- iv. Peer relationships (adverse peer influence in the context of substance use/ rule-breaking/inappropriate sexual behaviour/school attendance)
- v. Experiences of trauma and abuse (physical, sexual & emotional Abuse experiences)
- vi. Mental health disorders and developmental disabilities: (Mental health disorders and developmental disabilities that the child may have).

Guidance Notes

All of the above information for this section is to be documented as it is in the detailed psychosocial and mental health assessment, drawing on relevant sections from the detailed assessment, so as to present the factors and circumstances that made the child vulnerable to committing offence.

Information for the first four heads needs to be drawn from Section 2, Social History, of the psychosocial and mental health proforma—which contains details on family, school, institution and peer issues; Information for the fifth item on trauma, needs to be drawn from Section 3, Trauma Experiences: Physical, Sexual, and Emotional Abuse Experiences' of the psychosocial assessment form;

For the sixth item on Mental Health Disorders, Section 5, 'Mental Health Concerns' (including substance abuse) from the psychosocial assessment form, would need to be used.

It is important to recognize that ‘Circumstances of the Offence’ does NOT refer to proximal factors i.e. what happened right before the offence incident took place. This is because proximal factors have a history which is important to recognize—there is a whole set of factors and life events that led up to the decisions and actions to just before the offence as well as the offence itself. Therefore, ‘circumstances’ are interpreted as life circumstances and a longitudinal approach is taken to understanding vulnerabilities and pathways to offences. This entails events and circumstances starting from the child’s birth (or starting with the mother’s pregnancy experiences) to the current date. This is the universal approach to history-taking in child and adolescent mental health, to be able to understand children’s emotions and behaviours based on their contexts and experiences, as they have played out over several years (and so it is not actually specific to children in conflict with the law).

C. Child’s Knowledge of Consequences of Committing the Alleged Offence

(A brief about the child’s understanding of social/ interpersonal and legal consequences of committing offence along with the child’s insights regarding committing such an offence).

Guidance Notes

This is based on the ‘Potential for Transformation’ section in the detailed psychosocial and mental health assessment, as well as the first level interventions provided immediately after. How the child responded during the assessment i.e. extent of his/her insight and motivation, must be documented here.

Social and interpersonal consequences refer to the child’s sense of empathy and understanding of how his/her actions would (negatively) impact his/her relationship with family, friends and others; legal consequences refer to the child’s understanding of his/her actions as being a boundary violation/ breaking of rules with serious negative consequences for himself/herself, including punishment and coming into conflict with the law.

D. Other Observations & Issues

Guidance Notes

Any other observation made during the assessment regarding the child's social temperament/ child's behaviour in the observation home/ level of motivation for change/ if any positive behaviour noted is also provided. This may be drawn from Section 6 of the psychosocial and mental health proforma, on 'Life Skills Deficits and Other Observations of the Child', sub-section 6.2 'Other Observations of the Child'.

These refer not just to negative observations but also to positive ones you might have made during the assessment. Observations may thus include the child's demeanour, or any views or ideologies that the child may have expressed regarding problem behaviours such as violence or abuse—which may better help understand who he/she is (and help the magistrate view the offence behaviour from varied perspectives). They may also include any odd behaviours that you observe which might help substantiate the evidence on mental health disorders and developmental disabilities—for instance, if the child's responses appear socially and cognitively inappropriate to his age, you may note possible intellectual disability; or if a child appears disoriented in terms of place and time or has marks of self-harm on his body, then you might note mental health issues.

E. Recommendations

Guidance Notes

Finally, the report makes recommendations for treatment and rehabilitation interventions for the child, based on the interests and desires of the child. These could pertain to placement, living arrangements, education and schooling, counseling for parents, referral to a tertiary facility for further mental health and psychosocial care and treatment. This sub-section is critical as it provides the JJB magistrate with clear direction on what assistance the child requires, thus creating an imperative for the board to consider options and respond in ways that are supportive and proactive (versus making decisions of transfer to the adult justice system).

JJB magistrates may be requested to refer the child to a psychiatric facility for treatment, so that other issues pertaining to family and school can also be taken care of by the mental health system, which is then obligated to report to the JJB on the child's progress. In many instances, JJB magistrates have issued a conditional bail to ensure that the child and family follow through with mental health services as required i.e. bail is given to the child on condition that he/she presents at the mental health facility and complies with treatment (if the child refuses to do so, the magistrate can revoke the bail). Thus, there are adequate provisions under the JJ Act, which if effectively invoked, can be used to protect CICL from transfer to adult systems, and to facilitate their rehabilitation instead.