

CRIMINAL PROCEDURE

UNIT – V

Juvenile Justice & Probation of Offenders

JJ Act • Probation of Offenders Act • Reformatory Approach

UNIT-V Full Coverage

1. Philosophy of JJ System

2. JJ Act – Evolution

3. Who is a Child / Juvenile

4. Children in Conflict with Law

5. Children in Need of Care

6. Juvenile Justice Board

7. Child Welfare Committee

8. Procedure before JJB

9. Orders that JJB can Pass

10. Rehabilitation & Social Reintegration

11. Preliminary Assessment (16-18)

12. Salient Features of JJ Act

13. Probation – Concept

14. Probation of Offenders Act 1958

15. Who can get Probation

16. Conditions of Probation

17. Role of Probation Officer

18. Benefits of Probation

19. Key Cases

20. Key Takeaways

Reform, not Retribution

The juvenile justice system is founded on the belief that children in conflict with law are capable of reform. The emphasis is on rehabilitation, reintegration and the best interest of the child rather than on punishment.

Best Interest of Child

Paramount consideration in every decision.

Presumption of Innocence

Even stronger protection for children.

Participation

Child has a right to be heard in proceedings.

Diversion

Avoid formal judicial proceedings where possible.

Care & Protection of Children

Two Categories

Children in Conflict with Law (CCL) and Children in Need of Care & Protection (CNCP).

Age

Child – below 18 years. Special provisions for 16–18 in heinous offences.

JJ Board

Exclusive body to deal with children in conflict with law.

CWC

Child Welfare Committee – deals with children in need of care and protection.

No Jail

Children cannot be kept in jail or lock-up. Observation homes / special homes.

Rehabilitation

Individual care plan, education, vocational training, counselling, restoration.

Composition & Powers

Composition

Metropolitan / Judicial Magistrate
+ two social workers (at least one woman).

Exclusive Jurisdiction

Only JJB deals with children in conflict with law for offences alleged.

Procedure

Child-friendly. No adversarial formality. Best interest principle.

Orders

Admonition, probation, community service, fine, stay in special home, etc.

Preliminary Assessment

For 16–18 years alleged to have committed heinous offence – assessment of mental & physical capacity.

Transfer to Adult Court

Only after preliminary assessment and only for heinous offences in the 16–18 age group.

CNCP

Composition

Chairperson + four members (at least one woman). Expertise in child welfare.

Function

Deal with children in need of care and protection – abandoned, orphaned, trafficked, abused, etc.

Powers

Inquiry, restoration to family, placement in fit facility / foster care / adoption process.

Production

Any person / police can produce a child before CWC.

Individual Care Plan

Mandatory for long-term rehabilitation.

Link with Adoption

CWC plays a role in declaring a child legally free for adoption in appropriate cases.

Release on Conditions

Probation is a sentencing alternative in which the offender is released into the community under supervision instead of being sent to prison. It is based on the reformatory theory of punishment.

Object

Reform the offender while protecting society through supervision.

When Used

First offenders, young offenders, less serious offences – where reform is possible.

Supervision

Probation Officer monitors compliance with conditions.

Breach

If conditions are breached, Court may sentence for the original offence.

Salient Features

Sec 3

Court may release after admonition in certain petty cases.

Sec 4

Release on probation of good conduct – enter into bond with or without sureties.

Conditions

Offender must not have been previously convicted of an offence punishable with > certain imprisonment (with exceptions).

Age Consideration

Special regard to persons under 21 years.

Probation Officer

Key role – inquiry, supervision, after-care.

Benefit

Avoids stigma of imprisonment; allows rehabilitation in community.

Practical Working

Typical Conditions

Remain under supervision, not commit further offence, abstain from intoxicants, reside at specified place, report periodically.

Duration

Period of bond – usually up to 3 years.

Probation Officer

Prepares report on character and surroundings; supervises; assists in rehabilitation; reports breach.

Failure to Observe

Court may issue warrant, remand, and pass sentence for original offence.

Advantages

Reduces prison overcrowding; cheaper; better chance of reform; family remains intact.

Limitations

Not suitable for habitual / dangerous offenders; depends on quality of supervision.

Juvenile & Probation

Salil Bali / JJ Cases

Supreme Court has repeatedly emphasised reformatory approach and best interest of the child.

Preliminary Assessment

Must be conducted carefully before any transfer of 16–18 year old to adult system.

Rattan Lal (Probation)

Classic case on the beneficial interpretation of the Probation of Offenders Act.

Object of PO Act

Reform the offender; give a chance to first offenders and young persons.

Mandatory Consideration

In many situations Court is expected to consider probation before awarding imprisonment.

Exam Tip

Link both statutes to the reformatory theory of punishment.

UNIT-V

01

JJ Philosophy

Reform and best interest of the child – not retribution.

02

Two Categories

CCL (JJ Board) and CNCP (Child Welfare Committee).

03

No Jail for Children

Observation homes / special homes only.

04

Probation

Release on bond under supervision – reformatory alternative to prison.

05

PO Act 1958

Sec 3 (admonition) and Sec 4 (probation of good conduct) are core.

06

Common Thread

Both systems prioritise rehabilitation over pure punishment.

End of UNIT – V

Juvenile Justice • Probation of Offenders

Criminal Procedure Series Completed