



## SPECIAL JUVENILE (CHILD) POLICE

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The police in India, created under the Indian Police Act 1861 or other Police Acts, are traditionally trained to enforce the provisions of the Indian Penal Code, 1860, and local and special laws, in accordance with the Code of Criminal Procedure, 1973. Although, there are provisions for the children, these laws are primarily meant for adults. As such, few police-officers are exposed to the modern concepts of the Juvenile Justice System, rights of the child, child protection, welfare and development, National Policy on Children, juvenile detention, institutional services, non-institutional alternatives, juvenile aftercare, public participation in juvenile correction and the like. Most of the time, the first contact that children or juveniles have with the legal system is with a police officer and most of the time the experience is unpleasant since the policeman is not trained or sensitized to handle them. Since the police officer has relatively wide discretionary powers, he can wield a great influence on the child's future behaviour and they can also create an indelible impression on the child and society.

The situation has vastly changed under the Juvenile Justice (Care and Protection of Children) Act, 2000, though in practice, it remains much the same in most of the country. Under Section 63 of the Act, a Special Juvenile Police Unit has to be constituted in every police district of India. The Special Juvenile Police Unit (SJPU), created under the new law, shall be exclusively to deal with 'juveniles in conflict with law' and 'children in need of care and protection'. The unit at the district level is to function under a Police Officer of the rank of inspector of police who may be assisted by at least two social workers one of whom shall be woman and another preferably child expert or having relevant experience). For the purpose, it is advisable to give training to two or three policemen out of whom may be deputed specially for this kind of job. In case of non-availability of the Juvenile Police Officer for any valid reason the services of other trained officers may be taken on a temporary basis. The unit may function under the direct supervision of a Deputy Superintendent of Police who may besides this specialized job continue to perform other normal duties.

At the police station level, two policeman of the rank of SI or ASI may be deputed for the purpose who may be designated as Juvenile / Child Welfare Officer. At the police station level the unit will be assisted by at least two or more honorary social workers. Such police officers deputed shall be specially instructed and trained to deal

with the cases of child / juvenile. Thus, the Juvenile Police Unit, at the district level and the Juvenile / Child Welfare Officer at the police station level will have a team of at least three, one from the police and two social workers from the community.

## **DUTIES**

### **PRODUCTION OF CHILD / JUVENILE**

- ∅ To produce the child before Child Welfare Committee (CWC)
- ∅ To produce juvenile before Juvenile Justice Board (JJB)
- ∅ May hand over the child / juvenile to Voluntary Organisation
- ∅ Child / juvenile must be produced before the CWC / JJB within 24 hours
- ∅ Juvenile may be kept in Observation Home before production, if for any unavoidable reason cannot be produced immediately before JJB. But the juvenile must be produced in the subsequent sitting of the JJB

### **PROTECTION OF CHILD / JUVENILE**

The law provides certain protection which are mentioned below. The police should keep in mind the protection while handling the child / juvenile:

- ∅ Handling by Special Juvenile Police / Juvenile / Child Welfare Officer
- ∅ Handcuffing of juvenile/child prohibited
- ∅ No detention in lock up or prison
- ∅ Crimes against children are cognizable offence
- ∅ No death penalty or life imprisonment
- ∅ Proceeding are informal, participatory and private
- ∅ Parents involvement in Juvenile process
- ∅ Right to free legal aid
- ∅ Information about Juvenile cannot be released to media
- ∅ No case can be filed against a child below the age of 7 (Section 82 IPC)
- ∅ No case can be filed against a child between the age of 7-13 if the child does not know the consequences of committing the crime (Section 83 IPC)
- ∅ Child / juvenile cannot be tried in the normal court

### **DUTIES DURING APPREHENSION / TRIAL PHASE**

- ∅ Must inform parents / guardians about apprehension of child / juvenile
- ∅ Must inform the Probation Officer of the area about the apprehension of juvenile
- ∅ May release juvenile on bail
- ∅ Must make entry in the daily diary of the apprehension of child / juvenile and also enter the age of the child / juvenile
- ∅ FIR against victimizer of a child
- ∅ Conduct enquiry or age verification, as per the order of CWC / JJB

The above provisions, under the JJ Act, have been made to ensure this legal treatment, protection to the child / juvenile and their rights which, in any case, can be realized by making the police force child friendly.