

**Standard Operating Procedure (SOP) for age determination of an alleged  
CICL before the Juvenile Justice Board, Bihar**

1. The person claiming Juvenility or his/her parent/guardian/next friend/advocate, as the case may be, shall give complete information to the concerned Juvenile Justice Board regarding all the schools attended by him along with his complete address both present and permanent.

Further, in case where a child alleged to be in conflict with the law has been apprehended by the Police, the Board may call for a report from the Special Juvenile Police Unit (SJPU) /Child Welfare Police Officer (CWPO) /Local Police regarding the verification of age of such child undertaken by it.

2. The aforesaid information shall be accompanied by the original, attested photo copy of the date of birth certificate from school (First attended school), or the matriculation or equivalent certificate from the concerned examination board, if available. In the absence of the same, the original/attested photo copy of birth certificate given by a Corporation or Municipal authority or a Panchayat shall be filed.
3. An affidavit/Undertaking to the satisfaction of Board, shall be filed by the parent/guardian/next friend, as the case may be, of the person claiming Juvenility to the effect that the documents filed in support of plea claiming Juvenility are genuine and its content are true. The aforesaid affidavit/undertaking, as the case may be, shall also contain a declaration that: (a) No any other certificate/document, disclosing his date of birth issued by a school/examination Board/corporation/municipal authority/panchayat has intentionally been withheld;  
(b) Whether any age assessment of such child has previously been done in any other judicial proceeding before a Juvenile Justice Board or Court or not; and  
(c) In case, any of the document(s)/information furnished is found to be false, he/she shall render himself/herself liable to be prosecuted in accordance with law.
4. It must be made mandatory practice to inform the victim/informant of the offence at the time of age determination of alleged CICL, as the victim cannot be expected to remain fence sitter and a mute spectator.

5. If the Board is determining the age of alleged CICL on the basis of mere appearance, it must be obvious to the Board on basis of physical appearance of such alleged CICL that he/she is child. Normally, this practice may be safely followed in case of children below 15 years of age.
6. It must be ensured that at first instance, in the absence of matriculation or equivalent certificate from the concerned Board, the date of birth certificate issued by the school in which the child was first admitted and the school admission register, where the child has first studied, be taken into consideration for age determination under section 94(2). School admission register of any other school in which the alleged CICL has taken on the basis of school leaving certificate may be examined for ensuring their genuineness.
7. In matter where any document has been filed by alleged CICL/by his Learned Counsel/his/her parents/guardian/next friend/relating to his/her date of birth then the Board shall send such document to District Education Officer (DEO) concerned for verification of such documents and the genuineness of documents must be ensured properly before relying upon it. The DEO concerned shall verify every document related to date of birth of alleged CICL before sending its report in the Board. The Board shall call for admission register, school leaving certificate of first attended school of alleged CICL through DEO concerned and it would be prudent to call for any other contemporaneous document such as attendance sheets, fee receipts, I-cards and benefits provided to student (alleged CICL) under government schemes. However, these are only to satisfy with the genuineness of the admission register. This is not to be construed as entering into roving enquiry into the correctness of the entry of date of birth.
8. The District Education Officer (DEO) concerned shall produce headmaster or authorised person, who is well acquainted with signature of the headmaster/teacher and the entries made in the admission register/school leaving certificate etc. While appreciating enquiry evidence at the time of age determination of alleged CICL, the Board shall do an intelligent enquiry for ensuring genuineness of documents produced before it. It is for the JJB to appreciate the evidence and take appropriate view of the matter keeping in view the judicial pronouncement of the subject.

9. It must be ensured that the Bar Code/QR code of the original documents produced in support of proof of age is duly scanned and verified in order to ascertain its genuineness. Genuineness of a School Leaving Certificate, if no bar code/QR code is available on the document may be got verified through office of the concerned District Education Officer.
10. As regard to quorum, the Board shall follow Section 7 of J.J(Care and protection of children) Act, 2015 read with rule 5 of Bihar J.J (Care and Protection of children) Rules, 2017, at the time of age determination of alleged CICL

**Note:- It has been directed that all the JJBs dealing with the age determination of alleged CICL, shall make all endeavours to follow the above guidelines at the time of age determination of alleged CICL.**