

Standard Operating Procedure (SOP) for Communication and Compliance of Orders Passed by Juvenile Justice Boards of State of Bihar.

In order to ensure effective implementation of the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015, particularly in matters relating to declaration of juvenility, grant or refusal of bail to a child in conflict with law, and transfer to Observation Homes or Places of Safety, it has been considered necessary to streamline the procedure for prompt communication and execution of orders passed by the Juvenile Justice Boards to ensure strict compliance with statutory provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 and Bihar Juvenile Justice (Care and Protection of Children) Rules, 2017, following Standard Operating Procedure is issued.

1. Applicability

This SOP shall apply to:

- i. All Juvenile Justice Boards in State of Bihar
- ii. The Superintendents of District Jails
- iii. The Superintendents/Officials of Observation Homes / Places of Safety
- iv. The District Probation Officers/ Legal-cum-Probation Officers
- v. All other competent authority responsible for implementing orders passed by the Boards

2. Communication of Orders-

The Juvenile Justice Board shall ensure that every order passed in the following circumstances is forthwith communicated on the same day to the concerned authorities (Superintendent of Jail, Superintendent of Observation Home, District Probation Officer and DLSA):

- (i) **Order of Transfer of alleged Child in Conflict with the Law from jail to observation home / place of safety during pending age Determination inquiry of such alleged CICL:**

Hereinafter the Juvenile Justice (care and Protection of Children) Act, 2015 shall be referred as Juvenile Justice Act, 2015.

- Section 2(12) of Juvenile Justice Act, 2015 says that child means a person who has not completed eighteen years of age.
- Section 2(13) of Juvenile Justice Act, 2015 says that Child in Conflict with Law means 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.
- Section 5 of Juvenile Justice Act, 2015 of the Act says that where an inquiry has been initiated in respect of any child under this Act, and during the course of such inquiry, the child completes the age of eighteen years, then, notwithstanding anything contained in this Act or in any other law for the time being in force, the inquiry may be continued by the Board and orders may be passed in respect of such person as if such person had continued to be a child.
- Section 6(1) of Juvenile Justice Act, 2015 says that Any person, who has completed eighteen years of age, and is apprehended for committing an offence when he was below the age of eighteen years, then, such person shall, subject to the provisions of this section, be treated as a child during the process of inquiry.

- Section 6(2) of Juvenile Justice Act, 2015 says that the person referred to in sub-section (1), if not released on bail by the Board shall be placed in a place of safety during the process of inquiry.
- Section 8(m) of Juvenile Justice Act, 2015 - The Board shall conduct regular inspection of jails meant for adults to check if any child is lodged in such jails and take immediate measures for transfer of such a child to the observation home.
- Proviso to Section 10 expressly prohibits lodging child alleged to be in conflict with the law in police lock-up or jail.
- Section 9(4) of J.J. (Care and Protection of Children) Act, 2015 says that if the Court is doing inquiry regarding persons claim of being a child at the time of offence and if such person is required to be kept in protective custody, such person may be placed in the intervening period in a place of safety.
- **Note: This judgement will not be part of SOP and it is just for reference.**

A Division Bench comprising Hon'ble Justice Salil Kumar Rai and Justice Sandeep Jain of Allahabad High Court in case of (**Pawan Kumar and Anr. Vs State of U.P. and Ors 2025 AHC 173248-DB**), held that a juvenile or a person alleging juvenility cannot be kept in jail, either during the pendency of age determination or after being declared a child in conflict with the law until he attains Twenty-One years of age.

- The Board shall take immediate steps for transfer of a child in conflict with the law from jail to child care institutions of Bihar like observation home, place of safety as the case may be, considering nature of offence, during the pendency of age determination of such child in conflict with the law and shall take immediate steps for communication of such order to;
 - (a) Superintendent of the concerned District Jail (if the juvenile is in the jail)
 - (b) Superintendent of the Observation Home / Place of Safety
 - (c) District Probation Officer
 - (d) The Deputy Superintendent of Police, Headquarter
 - (e) All competent authority in the district
 - (f) Juvenile and his/her family members or Guardian
- Communication shall be made through:
 - (a) Official E-mail to the official E-mail ID of the concerned authority.
 - (b) Speed Post/Registered Post
 - (c) Special messenger/ Process Server
- **In the next meeting of Board, the Board shall seek execution report of such order communicated to above concerned authority.**
- (ii) **Orders related to Declaration of a child alleged to be in conflict with the law as a juvenile and his transfer from jail to any child care institutions of State of Bihar:**

Every Order related to Declaration of a child alleged to be in conflict with the law as a juvenile and his transfer from jail to any child care institutions of State of Bihar, shall immediately be communicated to:

- (a) Superintendent of the concerned District Jail (if the juvenile is in the jail) – for immediate transfer to specified child care institution of State of Bihar
- (b) Superintendent of the Observation Home / Place of Safety for needful compliance, if any transfer is made regarding such juvenile
- (c) District Probation Officer
- (d) All competent authority in the district
- (e) Juvenile and his/her family members or guardian
- (f) Special Juvenile Police Unit / Deputy Superintendent of Police, Headquarter of concerned district.

Communication shall be made through:

- (a) Official E-mail to the official E-mail ID of the concerned authority.
- (b) Speed Post/Registered Post
- (c) Special messenger/ Process Server

(iii) Orders Granting Bail

Whenever bail is granted to alleged CICL under Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015, the order shall be immediately communicated to:

- (a) The Superintendent of the District Jail
- (b) The Superintendent of Observation Home
- (c) The Superintendent of Place of Safety
- (d) District Probation Officer
- (e) All other Competent Authority
- (f) Alleged child in conflict with the law and his/her family members or guardian

The communication shall be sent through:

- (a) E-mail on the same day, followed by dispatch through Registered Post/Speed Post.
- (b) Special Messenger/Process Server

(iv) Orders Refusing Bail

Whenever bail is refused under Section 12(1) of the Act, the Board shall ensure strict compliance with Section 12(3) of the Act, which mandates that the child shall be sent to an Observation Home or Place of Safety.

Accordingly:

- (a) The order refusing bail shall specifically contain a direction for transfer of the child from jail to an Observation Home or Place of Safety.
- (b) The direction for such transfer shall form an integral part of the order passed by the Board.
- (c) The order shall immediately be communicated to the Superintendent of the Jail and Superintendent of the Observation Home / Place of Safety to ensure prompt transfer.

(v) Necessary Orders on production of Child Alleged to be in Conflict with Law Before the Board:

- (A) When the child alleged to be in conflict with the law is apprehended by police, he shall be produced by Child Welfare Police Officer before the Board within Twenty-Four hours of his being apprehended alongwith the age verification document of child but not Aadhar card, alongwith social background report(SBR), report regarding information given to parent or guardian of child (for ensuring presence of parent/guardian before the Board at the time of production), report regarding information given to Probation Officer for preparation of social investigation report, explaining the reasons

for the child being apprehended by the police. On production of alleged CICL before the Board or if child who has surrendered before the Board, the Board shall look for age verification document done by police officer/ child welfare police officer or any age related document on which alleged CICL had taken plea of his juvenility on the date of offence in concerned Court but not Aadhar card and may pass orders as deemed necessary, including sending the child to an observation home or place of safety (considering nature of offence) or a fit facility or a fit person and while passing such order the Board shall be guided by the principle enshrined u/s 3(iv)- Principle of Best Interest, u/s 3(xii)- Principle of Institutionalisation as a measure of last resort u/s 3(xiii) or principle of repatriation and restoration (every child in the Juvenile Justice System shall have the right to be re-united with his family at the earliest and to be restored to the same socio-economic and cultural status that child was in, before coming under the purview of the J.J. Act unless such restoration and repatriation is not in his best interest.

- (B) The Board shall mention the name and place of child care institution or other place from where alleged CICL has been produced before the Board and the place where child has been sent to or person who he has been handed over, in such judicial order.
- (C) Pending age determination inquiry, the Board shall mention the age of alleged CICL on the basis of material available on record in every judicial order and also mention the fact in the such judicial order that the age determination inquiry of alleged CICL is currently under process.

3. Mandatory Protocol

All Juvenile Justice Boards, with regard to orders related to age determination, bail orders and sending of alleged CICLs to any Child Care

Institution, shall mandatorily communicate to all concerned in the following manner:

- i. Communication to official email-id of concerned authority (Superintendent of Jail, Superintendent of Observation Home, District Probation Officer and DLSA).
- ii. Dispatched through Speed Post / Registered Post on the same day or the next working day.
- iii. Dispatched through Special Messenger or Process Server **or PLVs**.
- iv. Communicated to:
 - (a) Superintendent of Jail (if applicable)
 - (b) Superintendent of Observation Home / Place of Safety
 - (c) **Deputy Superintendent of Police, Headquarter**
 - (d) District Probation Officer
 - (e) All Competent Authority
 - (f) Juvenile and his/her family members or guardian

4. Creation of Official Whatsapp Group

- Juvenile Justice Boards of Bihar shall have whatsapp group for respective districts for coordinating different stake holders and it may run by any Board member/ Board Staff as per discretion of Principle Magistrate and this number shall be given to every stake holder for sending their compliance report within 48 hours of receipt of the order passed by the JJB and concerned stake holder shall also send compliance report to the Board through official email-id apart from compliance report through physical mode within 48 hours of receipt of the order of the Board.

5. Record Maintenance

In every district, Juvenile Justice Board, Superintendent of Jail, Superintendent of Observation Home, District Probation Officer and DLSA shall maintain a Communication and Compliance Register / Digital Record containing:

- (a) Date of order
- (b) Nature of order
- (c) Date and time of e-mail dispatch
- (d) Postal dispatch details
- (e) Compliance status

In the Observation homes and JJ Boards across the state, it shall be mandatory to maintain master register containing following details:

- a) Date of Admission: The specific date the juvenile was admitted to the Observation home.
- b) Date of order by which juvenility was decided.
- c) Age determined by the JJ Board.
- d) Status and date of order of Bail
- e) Date of release
- f) Place where the Child is currently residing

6. Monitoring Mechanism

- (i) The District Judge and District Magistrate shall periodically review compliance with this SOP.
- (ii) The District Probation Officer shall assist in monitoring implementation.

(iii) Any instance of non-compliance or delay shall be reported to District Judge and to the Hon'ble High Court, if required.

(iv) The Juvenile Justice Board shall also include compliance matter related to order of Board to the concerned in their monthly and quarterly meetings.

7. Legal Aid Integration

A copy of the order(s) passed by the Juvenile Justice Board may also be sent to the State or District Legal Services Authorities (subject to privacy and confidentiality constraints) for assisting the Juvenile / his family members for effective implementation of the order(s).

8. Coordination with State Government of Bihar

For effective implementation of this SOP, necessary coordination may be undertaken with the Government of Bihar, including:

- (a) Ensuring functional official E-mail systems
- (b) Availability of transport for transfer of juveniles
- (c) Institutional coordination between Jails and Observation Homes.

Note: In no case child alleged to be in conflict with the law shall be kept in police station during night time. If any CICL has been apprehended by police after 06.00 P.M. then Child Welfare Police Officer after filling FORM-42 in triplicate of Bihar Juvenile Justice (care and Protection of Children) Rules, 2017 will handover such CICL to Child Care Institutions or may produce such child before Principle Magistrate/ In-Charge Principle Magistrate/ Members of Juvenile Justice Board for further order.
