



ODISHA POLICE
CRIME BRANCH
CRIMINAL INVESTIGATION DEPARTMENT

POLICE CIRCULAR ORDER NO.364/2016

Sub: Implementation of the orders of Hon'ble High Court, Delhi in WP(C) No.8889/2011: procedure to be followed in connection with Juveniles in conflict with law

Chairperson, National Commission for Protection of Child Rights, New Delhi has requested Chief Secretary, Odisha for implementation of the judgement of Hon'ble High Court of Delhi in the Writ Petition referred above. Accordingly, the following guidelines are formulated in connection with investigation of cases in which juveniles are involved.

For the Investigating Officer/Arresting Officer

- (i) Every Police Officer at the time of arresting/apprehending young offenders below 18 years of age shall be under obligation to inform the alleged offender about his right under the provisions of Juvenile Justice (Care & Protection of Children) Act.
- (ii) Any Police Officer effecting arrest/apprehension shall prepare an Age Memo (Annexure). A copy of such Age Memo shall be delivered to the alleged offender and his parents/guardians/relatives who are intimated about his arrest. .
- (iii) At the time of forwarding the copy of FIR to the Magistrate within 24 hours, IO shall be under duty to file the preliminary Age Memo

register a Station Diary Entry to this effect immediately and take up the issue with the Juvenile Welfare Officer (JWO) or Investigation Officer concerned or the Officer In Charge concerned and cause corrective steps to be taken by such police officer. JWO shall furnish a copy of such Station Diary entry to the aggrieved person/ complainant. A report about such complaint, copy of SD entry, details of action taken or proposed to be taken shall be forwarded to the District Special Juvenile Police Unit (SJPU) within 24 hours of receiving such complaint.

- (ix) Investigating officers, while making arrest shall reflect the age of the person arrested in the Arrest Memo. It would be the duty of the Police Officer to ascertain the said age by making inquiry from the person arrested if such person is in possession of any age proof etc. . In other cases if a person, from appearance, appears to be juvenile and the police officer has belief that the person is a juvenile, he shall be produced before the JJB instead of criminal court.
- (x) During the course of arrest, the I.O. shall ask the person if he has been a part of formal schooling at any point of time and if the child answers in affirmative, the I.O. should verify the record of such school at the earliest.

If the parents of the arrestee are available, the inquiry should be made from them. The I.O. should ask the parents if they have got the date of birth of the child registered with the Municipality/Municipal Corporation/Gram Panchayat or Gram Pradhan etc. as provided under laws and take the answers/documents on record.

Where no such document is found immediately and the I.O. has reasonable grounds to believe that such document might be existing, he shall produce such person before J.J Board and should seek time for obtaining these documents.

A preliminary inquiry can be made from the parents of such person about the time of their marriage and the details of how many children do the parents have and after how long of the marriage were these children born.

- (xi) In addition to above, an inquiry of previous criminal involvement of the juvenile shall necessarily be made with the effort to find if there is any past declaration of juvenility. For this, the police should also maintain data of declaration of juvenility.
- (xii) The inquiry conducted in each case shall be recorded in writing and shall form a part of investigation report in each case where a child claims his age up to 21 years irrespective of whether he is found to be a juvenile or an adult.
- (xiii) Special Police Juvenile Unit shall set up a mechanism in place for necessary coordination and assistance to Police officers who may require such information.

For Deputy Commissioners of Police/Supdt. of Police of Police Districts concerned

- (i) In case any person approaches the DCP/S.P with a complaint that Police is not taking notice of juvenility of any offender and is refusing to take on record the documents being provided to suggest juvenility and instead treating a child as an adult, it shall be the duty of DCP/S.P concerned to do an immediate inquiry into such complaint. Such inquiry shall be completed within 24 hours of having

received such complaint and if the complaint turns out to have merit and truth, DCP/S.P concerned shall make orders to the concerned police officers to immediately take corrective steps and shall also initiate disciplinary action against erring police official.

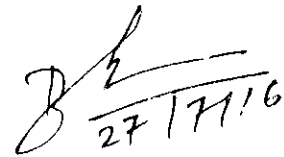
- (ii) In case where any action is taken against an erring police officer, a quarterly report of the same containing the nature and reasons of such lapse and details of action taken shall be furnished by the DCP/S.P concerned to the concerned Juvenile Justice Board having jurisdiction over that district along with a copy to the Nodal Head of Special Juvenile Police Unit for their record and intimation.
- (iii) DCsP/SsP shall, during the regular monthly meeting with all the IsIC/OsIC & other officers, shall brief them about their responsibilities, any new judgment or order from JJBs and Courts, any practice direction etc. and shall ensure that their subordinate police officers do not show children as adults, take all necessary steps to verify the age of the accused and are in overall compliance with the provisions of JJ Act & Rules.
- (iv) DCsP/SsP shall also ensure that all the police stations under their jurisdiction put in place the required setup and required notice boards etc, as has been specified in the Standing Orders.
- (v) On being intimated by the JJBs about any lapse having been committed on age investigation, DCP/S.P concerned shall institute an inquiry and take such action as may be required or appropriate. An action taken report shall be submitted to the JJB by the D.CP/S.P. concerned within a month from the receipt of such intimation.

For the Officer In Charge of the Police Station:

- (i) It shall be the duty of the Officer In-charge of the Police Station to ensure that police officers of his or her police station have taken all measures to ensure that proper inquiry or investigation on the point of age has been carried out and that all the required formalities/procedure have been carried out and required documents have been prepared in this regard.
- (ii) Officer In Charge shall also ensure that a notice board, prominently visible, in Odia, Hindi, and English language informing that persons below the age of 18 years are governed under the provisions of JJ act and cannot be kept in police lock up and jails and are not to be taken to the Adult Criminal Courts. Such notice Board shall also contain the names and contact details of Juvenile Welfare Officers, Probation Officers and Legal Aid Lawyers of DSLSA

You are therefore, requested to circulate the directives amongst the field functionaries in your district for its proper implementation.

Draft format for preparation of Age Memo of Juvenile is enclosed for follow up action.



(K.B. Singh)

Director General of Police,
Odisha, Cuttack

Memo No. 22764 /CID-JD

Date

28 7.2016

Copy to:

- All district SsP/DCsP Bhubaneswar & Cuttack/ SsRP Cuttack/Rourkela/SP EOW/SP, STF
- Addl. DG of Police, HRPC, Cuttack/Commissioner of Police, Bhubaneswar-Cuttack, Bhubaneswar/IGP, EOW, Bhubaneswar/ IGP, STF, Bhubaneswar/ IGP, Railways, Cuttack/All Range IsGP/ DIsG of Police, Odisha

for information and necessary action please.



(K.B.Singh)

Director General of Police,
Odisha, Cuttack

Address- Buxibazar, Cuttack - 753 001 Tel- 0671-2304834

Fax: 0671-2304659 e-mail: adgcidcb.orpol@nic.in

ANNEXURE

AGE MEMO

(To be filled out in the case of youthful offenders)

As per the directions of Hon'ble High Court of Delhi
in Writ Petition (Civil) No.8889 of 2011

FIR No. Year: Date:

PS: District:

1. Name of the arrestee		
2. Name of Father & Mother	Father	
	Mother	
3. Date of Birth/Age as stated by the arrestee		
4. Name of documentary proof showing the age and date of birth of the arrestee (If available)		
5. Age as stated by the person who is informed of the arrest (to be done only in case when arrestee does not know his/her age)		
6. Age as observed by the arresting officer (to be entered only when the age cannot be stated by the arrestee and no one is available to give information about the age)		
7. Name of school and class last attended and year of leaving		
8. Has the arrestee been dealt with under the provision of Juvenile Justice Act, 2000 ? (Relevant column to be ticked by the IO as per the answer given by arrestee or his family members/ relatives)	YES	Year:
	NO	
	Do not Remember	Probably yes

9. History of prior inquiry in Juvenile Justice Board (This column needs to be filled in as per the verification done from the Nodal Special Juvenile Police Unit)

Name of Juvenile Justice Board:

FIR No:

Date of offence

Police Station

U/S

Whether copy of age declaration available with arrestee or his parents/relatives/next of kin:

Age as declared by the JJB:

District:

Age at the time of present offence as per the age declaration done by JJB:

Witnesses: 1

Name and Number of JWO to whom information of this arrest has been given:

Date:

Time:

Name of Investigation Officer or any other police officer who prepared this Age Memo:

Rank & No.

Police Station:

District:

Date & Time of preparation of Age Memo :

Signature of the police officer who prepared this Age Memo:

Receipt from Arrestee:

I have received the copy of this Age Memo on date _____
time _____ place _____

(Name & Signature of arrestee)

Receipt from Parents/Family:

I have received the copy of this Age Memo on date _____
time _____ place _____

(Name & Signature of Father/Mother/Wife/
Family Member/Relative of arrestee)

A copy of this Age Memo has to be supplied to the arrestee, his/her parents or relatives, District Legal Services Authority and to be produced before the Court at time of first production of arrestee by the Investigation Officer.