

(2) education or  
welfare activities  
pertaining to



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BUSTER**

(2) A Board shall consist of Metropolitan Magistrate or a Judicial Magistrate of the First Class, as the case may be, and two social workers of whom at least one shall be a woman, forming a Bench and every such Bench shall have the powers conferred by the Code of Criminal Procedure, 1973 (2 of 1974) on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the First Class and the Magistrate on the Board shall be designated as the principal Magistrate. (3) No Magistrate shall be appointed as a member of the Board unless he has special knowledge or training in child psychology or child welfare and no social worker shall be appointed as a member of the Board unless he has been actively involved in health, education or welfare activities pertaining to children for at least seven years.

(4) The term of office of the members of the Board and the manner in which such member may resign shall be such as may be prescribed. (5) The appointment of any member of the Board may be terminated after holding inquiry, by the State Government, if— (i) He has been found guilty of misuse of power vested under this Act; (ii) He has been convicted of an offence involving moral turpitude, and such conviction has been reversed or he has not been granted full pardon in respect of such offence; (iii) He fails to attend the proceedings of the Board for consecutive three months without any valid reason or he fails to attend less than three-fourth of the sittings in a year.

Comment: This section provides for the constitution of Juvenile Justice Board for the inquiry and hearing in the case of a juvenile who is in conflict with law. It also lays down the qualifications for the appointment of the members of the Board and conditions for removal. According to this section, the Juvenile Justice Board shall consist of three members out of which one shall

be the Metropolitan Magistrate or Magistrate of the first class, as the case may be, and other two members should be social workers out of which one must be a woman.

The Board has been conferred magisterial powers under the Code of Criminal Procedure, 1973. For the membership of the Board it is necessary that a person should have special knowledge or training in child psychology or child welfare in case of the Magistrate-member, and in case of social worker, he should have been actively involved in health, education or welfare activities pertaining to children for at least seven years. Sub-section (5) provides that the appointment of any member of the Juvenile Justice Board may be terminated after holding enquiry, if in the opinion of the Government (i) he has been found guilty of misusing his power under the Act, or (ii) he has been convicted of an offence involving moral turpitude, or (iii) if he fails to attend the proceedings of the Board for three consecutive months without any valid reason or fails to attend less than three-fourth of the sittings in a year. It is necessary that before terminating the membership of the Board, the member concerned should be given opportunity to be heard in the enquiry held against him.