

**'Effective Implementation of  
The Juvenile Justice (Care and Protection of Children) Act 2000'**

## **National Conference**

Organized by

**The Supreme Court Committee on Juvenile Justice**

Supported by

**UNICEF INDIA**

Technical Support by

**Centre for Child and the Law (CCL)  
National Law School of India University (NLSIU)  
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## LIST OF ABBREVIATIONS

APP	Assistant Public Prosecutor
AHTU	Anti Human Trafficking Unit
CARA	Central Adoption Resource Agency
CCH	Child Care Homes
CH	Children's Home
CJM	Chief Judicial Magistrate
CMM	Chief Metropolitan Magistrate
CNCP	Children in Need of Care and Protection
CrPC	Criminal Procedure Code
CWC	Child Welfare Committee
CWO	Child Welfare Officer
CSR	Corporate Social Responsibility
DCPU	District Child Protection Unit
DCPO	District Child Protection Officer
DLSA	District Legal Services Authority
FIR	First Information Report
HCCJJ	High Court Committee on Juvenile Justice
ICP	Individual Care Plan
ICPS	Integrated Child Protection Scheme
IPC	Indian Penal Code
JAPU	Juvenile Aid Police Unit
JCL	Juvenile alleged or found to be in Conflict with Law ( <i>as per context</i> )
JJ	Juvenile Justice
JJ ACT	Juvenile Justice (Care and Protection of Children) Act, 2000
JJB	Juvenile Justice Board
JM	Judicial Magistrate

JMFC	Judicial Magistrate of the First Class
JWO	Juvenile Welfare Officer
LSA	Legal Services Authority
MIS	Management of Information Systems
MNREGA	Mahatma Gandhi National Rural Employment Guarantee Act
NJA	National Judicial Academy
NIPCCD	National Institute for Public Co-operation and Child Development
NLSA	National Legal Services Authority
NGO	Non-governmental organization
OH	Observation Home
PLV	Paralegal Volunteer
PO	Probation Officer
POCSO	Protection of Children from Sexual Offences Act, 2012
PRI	Panchayati Raj Institution
PWD	Public Works Department
RTE	Right of Children to Free and Compulsory Education Act, 2009
SARA	State Adoption Resource Agency
SCPCR	State Commission for Protection of Child Rights
SCPS	State Child Protection Society
SH	Special Home
SHO	Station House Officer
ShH	Shelter Home
SIR	Social Investigation Report
SJPU	Special Juvenile Police Unit
SLSA	State Legal Services Authority
SOP	Standard Operating Procedure
SSA	Sarva Shiksha Abhiyan
TOT	Training of Trainers
UNCRC	United Nations Convention on the Rights of the Child



# **REPORT**

## **Introduction**

### **I. Genesis of the Round-table Consultations**

Juvenile Justice is a key area of social policy, dealing with a growing number of children and youth who have been marginalized and displaced by rapid socio-economic changes. The framers of the Constitution of India placed a duty on the State to ensure that they live a life of dignity and respect. By also ratifying the United Nations Convention on the Rights of the Child, the Government of India had, in 1992, made a promise to protect the civil, political, cultural, economic and social rights of children. Yet, 40% <sup>1</sup>of our children continue to live in deplorable situations both within the statutory homes under the Juvenile Justice (Care and Protection of Children) Act 2000 Act (JJ Act), as well as in the wider community, a harsh reality that clearly demonstrates that justice is not being done to children, and that the law is still largely only on paper. During the deliberations, the Act was hailed as a progressive legislation and one of the finest of the world, particularly because juvenile justice law is not aimed at retribution but rehabilitation of the child. Success in adhering to legal obligations under the Constitution and the UNCRC requires commitment of the State, in active collaboration with civil society partners to implement this welfare legislation in letter and spirit. This commitment is dependent on and determined by the collective ability of all stakeholders to perform their roles and responsibilities with diligence and a sense of mission, which in turn will better ensure that no child enters the system a second time.

Effective implementation of the JJ Act is therefore a matter of serious concern for the Honourable Supreme Court. A one person Committee headed by Hon'ble Mr. Justice Madan B Lokur was set up in August 2013 to ensure the effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000. The Committee held a review meeting with the State level Juvenile Justice Committees of the Hon'ble High Courts on 22nd February 2014. One of the suggestions that emerged from the meeting was to hold round table conferences of the High Court Committees to promote learning from across the states and to develop strategies for effective implementation of the JJ Act across the country.

UNICEF has been collaborating with the judiciary in its efforts to build adequate structures and systems for the effective implementation of the JJ Act at the National and State levels. As a follow up to the decision in the 22<sup>nd</sup> February meeting, it was envisaged that a report on the status of implementation of the Act is developed, focusing on the experiences of States, the key bottlenecks and most importantly on concrete recommendations that could be made to help realize this goal.

A series of five Regional Level Round Table Conferences were organized across the country, to deliberate on four major themes, which were as follows:

- 1. Effective functioning of the Child Welfare Committees**
- 2. Effective functioning of the Juvenile Justice Boards**
- 3. Effective Management of Homes**
- 4. Effective provision of Legal Services to children**

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<sup>1</sup>wcd.nic.in/icpsmon/pdf/icps/final\_icps.pdf, pg 7.

The details concerning the Regional Level Conferences are indicated in the table below:

S. No.	Region	Date	Venue	Participating States
1.	<b>North-East</b>	23 <sup>rd</sup> and 24 <sup>th</sup> August 2014	National Law University and Judicial Academy, (NLUJAA), Guwahati, Assam	Assam, Manipur, Meghalaya, Tripura, Arunachal Pradesh, Mizoram, Nagaland and Sikkim
2.	<b>East</b>	13 <sup>th</sup> and 14 <sup>th</sup> September 2014	Odisha Judicial Academy, Cuttack	West Bengal, Bihar, Chhattisgarh, Jharkhand and Odisha
3.	<b>South</b>	11 <sup>th</sup> and 12 <sup>th</sup> October 2014	Tamil Nadu Judicial Academy, Chennai	Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and Puducherry, and Telangana
4.	<b>North</b>	7 <sup>th</sup> and 8 <sup>th</sup> February 2015	Ram Manohar Lohia National Law University, Lucknow, Uttar Pradesh	Uttar Pradesh, Uttarakhand, Haryana, Punjab, Chandigarh, Himachal Pradesh and Jammu and Kashmir
5.	<b>West</b>	28 <sup>th</sup> February and 1 <sup>st</sup> March 2015	Hotel Jehan Numa Palace, Bhopal, Madhya Pradesh	Madhya Pradesh, Maharashtra, Delhi, Goa, Gujarat, and Rajasthan

The Round Table Conferences were organized by the respective UNICEF offices in each of the regions. In some Conferences the State Judicial Academy or a National Law School also contributed to the same. A team of persons representing the Juvenile Justice team at the Centre for Child and Law (CCL), National Law School of India University (NLSIU), Bengaluru<sup>2</sup> provided technical support to the Supreme Court Committee for the facilitation of the Round Tables, the preparation of the Regional level reports, the Consolidated Report summarizing the key issues highlighted during the Regional Conferences, and the report of this National Consultation.

The **objectives of the Round Table Conferences** were as follows:

1. To understand the status of the implementation of the JJ Act in the country, with particular focus on the functioning of the statutory bodies, as well as the care, protection, treatment and rehabilitation of children in need of care and protection and juveniles alleged/found to be in conflict with law, provision of legal services to children, and adherence to minimum standards in the running of child care homes, and effectiveness of inspection and monitoring mechanisms.
2. To identify best practices that can be scaled up or replicated.
3. To identify Challenges/Gaps/Deficiencies/Bottlenecks in the implementation of the Act
4. To identify concrete recommendations for policy and a road map for effective implementation of the Act
5. To identify concrete recommendations for effective functioning of the High Court Committees

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<sup>2</sup>The team representing the Centre for Child and the Law (CCL), National Law School of India University (NLSIU), Bengaluru, who provided technical support to the Supreme Court Committee on Juvenile Justice for the Regional Round Table Conferences and the National Conference on 'Effective Implementation of the JJ Act 2000' are Arlene Manoharan, Swagata Raha, Shruthi Ramakrishnan, Nina Nayak and Bharti Sharma, with support from Kalpana Purushothaman, Archana Mehendale, Gullika Reddy, Maya CP and Sangappa Vaggar.

6. To identify key areas of collaboration with UNICEF for effective monitoring of the implementation of the JJ Act

The Regional level Round Table Conferences were the first of its kind in the country and was referred to as a 'breakthrough moment for India' - one that enabled dialogue and collective action towards more effective implementation of the JJ Act across the country. This was an opportunity for multiple stakeholders from the participating States to share with one another their problems, experiences, ideas and wisdom and to not only develop strategies for more effective implementation of the JJ Act but to ensure that speedy justice to children becomes a reality for all children in India. The conferences were therefore designed to enable participants to discover new ways to improve the implementation of the Act, to review the road taken so far and to draw a road map consisting of short term and long term goals, based on insights derived. In order to achieve this goal, Justice Lokur repeatedly urged the participants to shed all inhibitions that may arise due to the presence of judges or senior officers, stressing that a frank and open discussion on how all actors and stakeholders could work together towards this common cause, is what will result in a successful outcome.

The deliberations during the regional round table conferences revealed that several government and civil society organizations are indeed making efforts to attain this goal, reflected in the examples of the achievements and good practices shared in all the States. However, what also emerged was an overwhelming clarity that we have miles to go before full realization of the rights of children and families under this law is ensured, as there are many obstacles which require to be removed on a mission mode.

The National Conference was a culmination of a nationwide process of constructive dialogue facilitated amongst all stakeholders responsible for implementing the Juvenile Justice Act, one that produced deep insights and useful recommendations. A consolidated report reflecting the key highlights of interventions that were made by the participants during the Round Table Conferences was prepared for release by the Hon'ble Chief Justice of India - Mr. Justice H.L. Dattu, during this National Conference.

At the National Conference, brief presentations highlighting the Key Challenges and Recommendations on the four major themes that were deliberated upon during the conference were made by representatives of the team from the Centre for Child and the Law, National Law School of India University, Bengaluru during the National Conference. Panelists amplified the recommendations that emerged from the round table conferences and participants shared additional challenges and solutions.

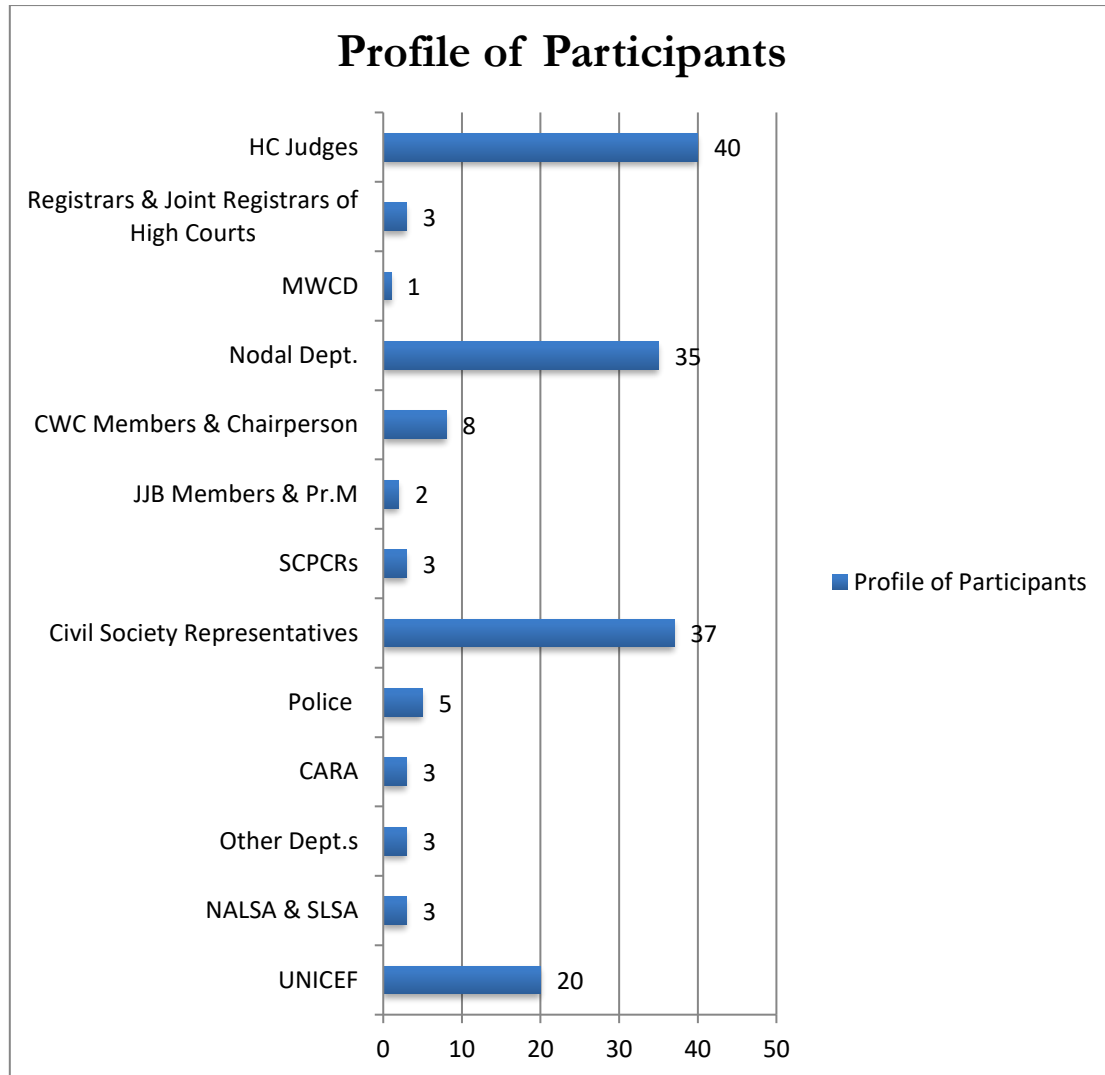
Finally, participants were requested to identify one positive development or promising practice that they were proud of in their home state, and submit the same to the organizers. The responses to this question have been tabulated and are available in **Annexure 1**.



## Profile of participants at the National Conference

The National Consultation was attended by a variety of stakeholders with Judges of the High Court forming the largest group followed by civil society representatives. The group also included representatives from the Nodal Department of states, the police force and members and Chairpersons of various Child Welfare Committees and Juvenile Justice Boards across the country.

A profile of the major participants is represented in the graph below:



### Inaugural Session

#### Introduction and Background by Hon'ble Mr. Justice Madan B. Lokur, Supreme Court of India

Hon'ble Justice Lokur gave a brief background about the genesis of the Supreme Court Committee on Juvenile Justice. He recounted that in 2005, the then Chief Justice of India, Honb'le Mr. Justice Shri Y. K. Sabharwal, had received complaints about how children were being treated in the juvenile justice system and had then written a letter to High Courts requesting them to set up a Juvenile Justice High Court Committee (JJ HCC), to look into the implementation of the Act. Subsequently, since 2006 many High Courts set up these Committees

and are involved in trying to effect a positive transformation in the juvenile justice system. This initiative, he said, is therefore now ten years old.

In September 2013, Hon'ble Mr. Justice Shri P. Sathasivam, former Chief Justice of India, felt that there should also be a Juvenile Justice Committee in the Supreme Court, and requested Justice Lokur to head this Committee. The first meeting of all the Juvenile Justice High Court Committees was held on 22<sup>nd</sup> February 2014. Justice Lokur explained that one of the key recommendations that emerged from this consultation was the need for greater awareness, and to understand what is plaguing the system through a positive dialogue with the stakeholders. This idea then resulted in a decision to hold five Regional Level Round Table Conferences, bringing together all stakeholders to identify the challenges they faced in implementing the Act, the solutions that could help meet these challenges, and recommendations for the way forward, in the spirit of dialogue and co-operation through frank and open discussion. The five regional conferences included representatives from the nodal Departments responsible for implementation of the Act in the States, other Departments such as the Police, Health and Education Departments, the State Commissions for Protection of Child Rights, Juvenile Justice Boards, Child Welfare Committees, the State High Court Committees on Juvenile Justice, representatives from academia and civil society organizations.

Justice Lokur expressed his happiness that UNICEF came forward to extend support for these Conferences and said that the outcome of this dialogue in five regions have been captured in a Consolidated Report that would be released by the Hon'ble Chief Justice – Shr. H.L. Dattu shortly.

Justice Lokur appreciated the content of the consolidated report that had been prepared by representatives of the Juvenile Justice Team at the Centre for Child and the Law, National Law School of India, Bengaluru, describing it as 'a gold mine' of recommendations emerging from the stakeholders themselves, a document that could guide the way forward.

Justice Lokur emphasized the **heightened awareness** on the need for effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000 that has been triggered through meaningful participation in these conferences by stakeholders from all the states. The unanimous articulation of an urgent necessity to effect this positive change was a significant achievement. He appreciated the establishment of Centres for Child Rights in law schools on the lines of the Centre for Child and the Law at the National Law School Bengaluru as well as other academic programmes concerning children and the law. Similarly, initiatives taken by the Police University in Rajasthan, as well as the National Police Academy have begun developing and offering awareness and capacity building programmes on juvenile justice, and these were very encouraging developments that are bound to result in something positive.

Justice Lokur concluded by warmly welcoming all the participants to the National Conference, and again expressing his gratitude to UNICEF, the participants, and most of all to the Hon'ble Chief Justice of India for his encouragement and support in this endeavour.

#### **Introductory Remarks: Mr. Louis-George Arsenault, Representative, UNICEF India**

Mr. Arsenault referred to the five Regional Level Conferences that have led up to this event as being the first of its kind, with a high level of discussion and therefore a very important and welcome initiative of the Supreme Court Committee on Juvenile Justice, led by the vision of the Hon'ble Mr. Justice B. Lokur.

He summarized the 'Justice to Children' approach as an approach that seeks to ensure that all children have access to justice systems not merely as recipients but as participants, and that children are better served and protected by these systems and within the ambit of international norms and standards, particularly the legally binding UN Convention on the Rights of the Child.

Since the JJ Act 2000 has been in effect for over a decade, there have been significant experiences of implementation across the country, and that this is a good time to take stock of what has worked and what has not worked, and to look ahead at some of the challenges that can be addressed jointly by all stakeholders.

Children who are dependent on justice mechanisms may find themselves further victimized unless the system is geared up to meet their specific needs. A robust system cannot function in isolation because of the very inter-dependent nature of services in child protection.

He was of the opinion that the regional round table conferences provided a very good platform to debate on some of the critical learnings, gaps and to help determine the way forward by drawing out a road map to improve justice to children in India.

Recapitulating the four major themes that were the focus of the discussions, he described them as being the back bone of the child protection system in India. He concluded by saying that the key challenges and recommendations that emerged have been compiled into a report that is to be released by the Hon'ble Chief Justice of India, a document that will serve as a useful guide for the states to help craft concrete action plans to improve the quality of child protection services. This he said is a great opportunity, and urged all participants to build on the momentum that has been generated to achieve this goal.

Mr. Arsenault concluded by expressing his happiness in UNICEF having had the opportunity and honour to partner the Supreme Court of India in organising this landmark initiative that highlights the need for effective monitoring of juvenile justice institutions, and strengthening coordination and convergence of government programmes. He re-iterated UNICEF's commitment to work closely with the Supreme Court Committee on Juvenile Justice, the Ministry of Women and Child Development and civil society to support the implementation of some of the recommendations that are emerging from this consultation.

### **Reflections and Views – Mr. V.S. Oberoi, Secretary, Ministry of Women and Child Development, GOI**

Mr. Oberoi said that he is both delighted and honoured to continue a dialogue between the Ministry, the men and women charged with the implementation of the JJ Act and all stakeholders, given that all are working in common cause- the welfare, protection and development of children. He stated that the JJ Act is in the process of review and after approximately eight months of discussion with a wide range of consultations with stakeholders is now in a somewhat modified shape and going to be tabled in Parliament. He believed that the Parliamentary debates would result in an Act that is more responsive and transparent with new provisions.

Mr. Oberoi said that he is particularly enthused by the intensive consultations that have been held through the regional level conferences held across the country. He appreciated Justice Lokur's vision and the commitment and intensity of these consultations, and then outlined some of his key concerns, as follows.

1. Awareness and knowledge of the JJ Act is inadequate. He said that many of the implementing agencies – the police, judiciary, or the executive at the District level all have to make a greater effort to bring about an awareness of the Act, particularly about what it can

and cannot do. Capacity building therefore needs to be undertaken at various levels, and a beginning has been made with academic institutions and judicial academies. He underlined the need for the judicial and executive systems to work together to bring about this capacity building.

2. A lot depends on what is on ground, on the provisioning, the resources and personnel. He said that there have been several changes this year, particularly the very significant devolution of resources to the states, and that more untied funds would go to the states. He expressed the hope that the stakeholders would be able to establish common priorities and also make sure that these funds are utilized along with central government funds for child development and child protection, but more specifically on areas such as Adoption, Foster care and After care, as these he felt are not fully developed in India. He emphasized that the Ministry wishes to work with all stakeholders in the future to this end. With the increasing number of parents wanting to adopt, and the potentially large corpus of children in need of a better life, adoption therefore becomes one way that both these needs can be met, and it is to achieve this goal that some provisions have been made in the draft bill to make the processes more streamlined and better known. The public and implementing agencies need to be made more aware about Foster Care and After Care.

He concluded by saying that at the level of the Ministry, there is some level of interface, but is in the States that the critical actions take place, which is why the Ministry believes that it needs to take the states along and partner with them and is therefore taking steps in that direction. Mr. Oberoi said that he would be studying the recommendations and outcomes, and gave an assurance to Justice Lokur that the Ministry would take them very seriously, in order to move forward.

### **Keynote Address: Hon'ble Mr. Justice H.L. Dattu, Chief Justice of India**

Hon'ble Mr. Justice H.L. Dattu, in his Key Note Address, expressed the sentiment that he is extremely honored to have been given the opportunity to address this august gathering, especially on such an urgent topic, namely juvenile justice. He began by quoting the great Nelson Mandela – *‘there can be no keener revelation of a society’s soul than the way it treats its children,’* urging the participants to keep these words constantly in their minds to guide the course of the deliberations during the day. The remaining text of his speech is given below:

“We have gathered today to have a discussion and deliberation over what in my opinion, is one of the most sensitive issues before our society today – our children. I am reminded of a famous idiom, stated by William Wordsworth – “the child is the father of man.” With this phrase the poet wishes to convey to the reader that all what we do today will influence and affect our children and the generations to follow. Our actions today will mould the way our children perceive things and make an important impact upon the mind set of society. We are at a crucial juncture in the history of humanity – all our acts are recorded and will serve as a guiding force for the future.

In this context this National Conference serves as the most opportune moment to be reminded about the most precious treasure of humanity. Abraham Lincoln once said – *“a child is a person who is going to carry on what you have started. He is going to sit, where you are sitting, and when you are gone; attend to those things you think are important. You may adopt all the policies you please, but how they are carried out depends on him.... The fate of our humanity is in his hands.”* Ladies and gentlemen, our children are the future – let us protect that future, let us preserve the purity that is inherent in a child – let us preserve the purity of humanity.

I am sure that everyone here is familiar with the English writer regarded as the greatest novelist of his era – named Charles Dickens. One of his most famous works published in 1839 was titled

'Oliver Twist'. It is a wonderful read and is considered till date as a book that each of us must read at least once. Dickens's novels were, among other things, works of social commentary. He was a fierce critic of the poverty and social stratification of society. His novel 'Oliver Twist' shocked readers with its images of poverty and crime. It shouted out the conditions of children prevalent in society, such that the same could no longer be ignored.

That book was published in 1839, and today we stand in 2015, more than 175 years hence. I ask the question – what is the status and condition of our society today? Have we been taking care of them? Do they have education, opportunity, parental guidance secured to them? Are they being nurtured in an environment that is conducive to their wholesome growth and development?

The journey of India on the path of securing justice for its children started through the Constitution itself, wherein Articles 15, 39, 45 and 47 impose upon the state a primary responsibility of ensuring that all the needs of our children are met and their basic human rights are fully protected. In the year 1960, the national Children's Act was enacted to provide for inter alia, the care, protection, education and rehabilitation of neglected or delinquent children. An interesting feature under that Act was the provision to set up Special Schools for delinquent children to ensure their wholesome development. The said legislation also sought to provide for the trial of delinquent children in the Union Territories in Special Courts established for the said purpose.

This was followed by the JJ Act, 1986 and presently, the JJ Act, 2000. Earlier legislations in India were criticized for not focusing enough on the welfare of children. Today the juvenile justice law in India deals with children in need of care and protection as well as children in conflict with law. These two terminologies have been given wide definitions to ensure that the benefit of this legislation is ensured to the maximum.

Perhaps because of the fact that I have been a part of the legal fraternity for over four decades, I seem to have started laboring upon the statutory aspect of the juvenile justice in India. The laws may be just and sufficient but it is the implementation under each law that is the primary issue before us. Therefore I would try to refrain from commenting about the efficacy or otherwise of the prevalent legislations in India. There are far more competent and experienced personalities present today who can better address those issues in the technical sessions to follow.

When one talks about rights of a child, one must necessarily come across the great Nelson Mandela multiple times. He had said – *“safety and security don't just happen, they are the result of collective consensus and public investment. We owe our children, the most vulnerable citizens in our society, a life free of violence and fear.”* Each time we come across one of the guiding quotes of Mandela, we inevitably are reminded of our obligation towards the protection of children. When a man of the stature of Nelson Mandela implores us to walk on the right path, why do we still have children who are crying for society to discharge its most basic duties of protecting and nurturing them?

India is home to about 20% of the total child population in the world. This figure roughly represents that, 40% of the population in India are children. In this context, one would automatically presume that this class of population that represents nearly half of the population of this country would surely be adequately taken care of. It brings me pride to state that India was one of the first countries in the world to have a separate budget for children. However, every coin has two sides to it. As per data in the last fifteen years, the budget has never allocated more than 5% towards children. Furthermore, I have been told that there are a little over 800 statutory Child Care Homes in India that can accommodate 35,000 children. But as per records, there are several hundreds of thousands of juveniles in the country who have been accused of being in conflict with the law.

There are several burning issues that need our immediate attention, such as legal aid, guidance and counseling to juveniles. The National Crime Reports Bureau (NCRB) came out with its recent report titled – Crime in India 2013, where data has been extensively compiled to deal with questions on the reasons for juveniles coming in conflict with law. Family background, poverty, illiteracy are certain common factors that force a child to stray on the wrong path. We must remember that no individual is born a criminal – they are victims of circumstances. No child can be said to be born bad. They are at the mercy of nature and nurture.

As the head of the Apex Court of this nation, it would not be proper for me to comment on the merits of the existing laws. I can only express my deep pain whenever I come across the condition of our children, and the abuse suffered by them. I recently read an article that followed the story of a 14 year old in a statutory Child Care home. Kindly excuse me for the use of this phrase, but the child described the experience as ‘similar to hell.’ The article suggested that remand homes in India are not conducive to the reformation and rehabilitation of juveniles as they lack trained counselors and infrastructure. As per certain reports, due to the lack of a follow up programme post release, a substantial number of children in conflict with law became victims of recidivism.

Another aspect I must mention would be the issue pertaining to the age of a juvenile. Recently, the Union government appears to have decided to amend the prevalent law, providing that a juvenile between the age of 16 – 18 years can be tried as an adult in cases of heinous offences. As per UN Standard Minimum Rules for the Administration of Juvenile Justice, 1985, the age of a juvenile is not fixed at 18 years. However, the UN Convention on the Rights of the Child, 1989, fixes the age at 18 years. However, unfortunately, as a judicial officer, I cannot opine on this issue outside the courtroom, but I am certain that this issue would be addressed today, and I look forward to the opinions of the intelligentsia present today on the said issue.

India is a diverse nation, and it is a known fact that there is no straight jacket formula that can be applied throughout this country that would be suitable and effective for all regions. In fact, the data collected by the NCRB, shows that there is a wide disparity in the statistics related to juvenile delinquency across the country. In this regard, the regional conferences conducted prior to this, would serve as the most beneficial in earmarking the areas where our country needs to improve and work towards.

On a positive note, I would like to state that the world has recognized and heard the voice and the plight of the children. There can be no better testament to this, than the fact that the Nobel Peace Prize last year, was awarded to two noble individuals who have dedicated their lives for securing justice to children. At this juncture, I would not only like to quote one lady who was recently the recipient of the Nobel Peace Prize, regardless of age or gender, she serves as an inspiration to the world. She is proof that there is no greater force, no stronger voice, than that of our children. Malala Yousafzai said, - *“I speak not for myself, but for those without voice, those who have fought for their rights..., their right to live in peace, their right to be treated with dignity, their right to equality of opportunity, their right to be educated.”* She is a gift to humanity and a leader to youth of the world. To see such courage at such a tender age, one feels saddened that the world, forced her to face its harshness, but at the same time, one feels assured that our future does have fresh rays of optimism and hope.

I have always been a firm believer in the saying that no nation can achieve success, unless education is accorded to all its citizens. Not only must children receive adequate food, health care, and education, they must be given every opportunity to develop their capacities. To quote Nelson Mandela once again, he said, *“Education is the most powerful weapon which you can use to change the world.”* Imparting education and creating awareness – these may serve as the foundation to the

solution we try to mould. An educated human understands the value of each individual regardless of age or gender. Education and awareness must be focused on all. Before I conclude today, I would like to quote a sentence from Oliver Twist:

*“The boy was lying, fast asleep, on a rude bed upon the floor: so pale with anxiety, and sadness, and the closeness of his prison, that he looked like death; not death as it shews in shroud and coffin, but in the guise it wears when life has just departed; when a young and gentle spirit has, but an instant, fled to Heaven: and he gross air of the world has not had time to breath upon the changing dust it hallowed.”*

It is my hope, my dream, and particularly my desire as regards the outcome of this National Conference is, that this quote will never be repeated in any form, for any child in India and in the world. One might say that my address today has been leaning towards the negative. That has not been my intention. I have merely tried to address this gathering as a human whose soul flinches whenever he sees a child suffering, especially since majority of the same is due to our own inabilities.

Ladies and gentlemen, we have an obligation to put sunshine in the heart of our children and protect them from darkness. They are our precious possessions. They deserve what happiness and opportunities that life has to offer. Focusing our efforts on the procedural or punitive aspect of juvenile justice may not be the correct way forward. With these final words, holding a firm hope that we are taking the right steps to ensure a brighter future for our children, I thank this wonderful audience for their patience. I am humbled by this intellectual gathering before me. I am grateful for having been given the privilege of addressing you on such a vital and pressing issue.

I congratulate my noble Brother Justice Lokur – Chairman of the Supreme Court Committee on Juvenile Justice, UNICEF-India, the Centre for Child and the Law-National Law School of India University, Bengaluru, for taking the much needed initiative to arrange this conference with equally vital agenda in the technical sessions. I am grateful to the dignitaries and the delegates present today for listening to me with patience. I wish this Conference all the success in achieving its noble goals. The success of this Conference would be symbolic of our society taking the right steps towards the protection of the purity and innocence of our future generation”.

### **Release of the Consolidated Report of the Regional Round Table Conferences by the Hon’ble Chief Justice**

The Hon’ble Chief Justice of India was then invited to release the Consolidated Report of the five regional round tables, which he graciously did, along with the other panellists on the dais – i.e. Hon’ble Justice Mr. Madan B. Lokur, Mr. V.S. Oberoi, Secretary, Ministry of Women and Child Development, Government of India and Mr. Louis – Georges Arsenault, Representative – UNICEF India.

## TECHNICAL SESSIONS

### Panel Discussion on Effective Functioning of JJBs

This session was chaired by **Hon'ble Mr. Justice H.G.Ramesh**, Karnataka High Court. The panelists were **Ms. Bahaguna, IPS - Director, National Police Academy**, Hyderabad and **Ms. Maharukh Adenwalla, Legal practitioner**.

A snapshot of the key issues and recommended solutions for the effective functioning of Juvenile Justice Boards that emerged from the regional round tables was presented by **Ms. Nina Nayak**, on behalf of CCL NLSIU. They were as follows:

- To strengthen the JJBs foundationally, **selections and appointment should be transparent**. Selection Committee should be constituted in accordance with the JJ Model Rules and chaired by a retired High Court Judge. Political appointees, retired govt. officers, those engaged full time in other Committees and persons running homes should not be appointed. Principal Magistrates should be drawn from a pool of experienced and motivated Judicial Magistrates. Honorarium of JJB members should be on par with members of Consumer Forum/Lok Adalat to attract good talent.
- To address **pendency**, petty offences should be expeditiously disposed of, duration/days of sittings of the JJB should be increased, and JJBs should work full time where pendency is high. If necessary, additional JJBs should be constituted. Periodic Bal Lok Adalats should be organized but clarity is required on its compatibility with the JJ Act. Additional POs should be recruited and attached to Homes/JJBs to expedite Social Investigation Reports. Bail should be granted as per Section 12 and not be based on the nature and gravity of the offence.
- **Police functioning** could be improved by ensuring that fully dedicated SJPU's are established with adequate infrastructure and two professional social workers (ICPS). Police should be trained and encouraged to dispose petty cases without filing FIRs. The IO should expeditiously submit age proof of juveniles and prevent wrongful detention in police lockup or adult jails. There should be zero tolerance for violence against juveniles. Investigation reports should be submitted within a week in cases of petty offences and 15 days in cases of serious offences.
- To overcome the **resource and infrastructural gaps**, participants recommended that efficiency and effectiveness of JJBs can be enhanced by ensuring chambers for hearings, waiting rooms, video conferencing, a child friendly ambience and location within the OH premises. State should provide efficient secretarial staff, professionals like clinical psychologists, counselors etc., to provide mental health support to juveniles till final orders and re-integration. State should establish OH, SH, place of safety, Fit Institutions in every district to accommodate boys and girls and persons above 18 years.
- Emphasis was placed on the need for **convergence and coordination** and it was recommended that the DLSA could support the District Administration in conducting meetings of the District Advisory Board which is expected to review the implementation of the JJ Act and enhance convergence between departments and all other stakeholders. To facilitate role clarity, the State should develop operational guidelines for DCPU, CWC, JJB and other stakeholders. JJBs must recognize the vulnerability of juveniles and collaborate with CWCs to promote their interests.



- For **better data management, and enhanced capacity and awareness**, bench books should be developed to facilitate effective functioning of JJBs. Development of training resources and periodic training of JJBs, administrative staff, Police, APPs and Probation Officers is also required. Data Management Systems are required for tracking status and mapping the total number of children in conflict with the law.
- Emphasis has to be placed on **rehabilitation** as there is a need to explore alternatives to institutionalization and avoid overreliance on custodial care. Community service and other options under Section 15(1) need to be invoked. There is an urgent need to link de-addiction centres to the juvenile justice system. Juvenile Assessment Centres also need to be setup as a one stop unit for personality assessment of juveniles. Individual Care Plan (ICP) of each child should be part of final orders.
- **Monitoring systems** should be in place. The District and Sessions Judge should undertake regular appraisal of the Principal. Magistrate. Performance of Members should be reviewed by State Government through the Selection Committee. The High Court Juvenile Justice Committee should monitor the working of JJBs. Performance appraisal systems should be in place for POs, deputed ICPS functionaries, APPs, Legal Aid Lawyers and police, etc.

**Ms. Bahugana, IPS, Director, Sardar Vallabhbhai Patel National Police Academy (SVPNPA),** Hyderabad, laid emphasis on training and the need for better conditions with the Homes. She shared that:

- **Joint training sessions between the police and judiciary** produces a lot of synergy. Specialized and distinct training is required to deal with children in need of care and protection and children in conflict with the law. Children in conflict with law are unfortunately treated like criminals.
- Systems in place should be implemented with care. The **provision for diversion should be implemented** as it is an important tool to prevent branding of petty offenders. For instance, children found to have committed non-serious offences should be involved in community service and correctional activities.
- **Children are getting criminalized within the Homes.** Even though there is provision for segregation, this is not being applied and as a result little children are in the same hall as a grown up child with disastrous results. The services of counsellors and psychiatrists are an absolute necessity for reformation. However, this is not available and is resulting in repeat offenders. CWCs and JJBs should meet regularly to deliberate on the condition with the Homes and the direction in which the children are heading to plan course correction.
- The **police view their duties under the Act as a burden.** They respond to children in a knee-jerk manner. For instance, the child may be involved in petty crime but is apprehended and detained and then keeps entering the system. Some feel that **children are safer in the street than in the homes.**
- An **in depth study is required** on what leads children to come into a life of crime.
- **Availability of free legal aid should be publicized** so that families are aware of these services.
- The SVPNPA has been entrusted with the task of creating a standard training curriculum and module for the police officers on the subject of “Missing children” by the directives of Hon’ble Supreme Court. The objective is to impart training to the police officers and sensitize them about the issue and to trace out the missing children as well as to prevent human trafficking, child labour and other vices that go along with the exploitation of

missing children. The **SVPNPA has a Standard Training Curriculum for training police on child laws; the Academy would like to involve NGOs and other agencies** in teaching as well. The Module consists of 11 sessions over 5 days including one full day field visit for the purpose of sensitization.

- Participants to the course in NPA will include trainers of State Police Academies, who after successfully completing this course, would be in a position to conduct similar courses in their respective state training schools/ academies for the officers handling such issues at the ground level. The Academy would also like to conduct such courses for all stakeholders together too.

**Ms. Maharukh Adenwalla, a legal practitioner, laid emphasis on the need for adherence to the principles of juvenile justice. She made the following submissions:**

- **The contact with the juvenile justice system** howsoever minimal **should always result in a positive impact upon the juvenile.**
- **Gravity of the offence is not the only consideration.** It is **also the circumstances and peculiarity of the juvenile's involvement in any offence.**
- **The Principal Magistrate and Social Workers play an equal role within the JJB.** The socio-legal approach requires all three to work together as a Bench. Magistrates should understand that they play a crucial role and only if they are able to work together can rehabilitation happen. In this regard, **empirical and legal studies should be undertaken on socio-legal functioning and jurisprudence in other countries** should also be examined. The Social Workers in the JJB have to be encouraged to discharge the role they are supposed to play.
- **The juvenile justice system treats the child age appropriately and not leniently.** The whole essence of Section 15 is that each provision has to be implemented.
- **The selection process to identify suitable persons to serve on the JJB** is very individual centric. It is important that persons who believe in the principles of the JJ system are appointed. For instance, if the JJB is proactive and expeditiously completes the matter, the juvenile feels that his/her matter is at least proceeding. However, if the JJB is not as proactive, juveniles end up feeling despondent and then we wonder why children are going on a rampage. Currently, the Chief Judicial Magistrate whether he wants to be or not is made the Principal Magistrate. The selection process is not confined merely to the Selection Committee, and rests on ensuring that interested persons apply. To facilitate this, prior orientation about the system should be given so that only interested persons apply. We have to think of innovative methods for proper selections.
- The Chief Judicial Magistrates have the power to **extend the number of sittings and to create additional JJBs to address pendency and delays.** A copy of their report should also be sent to the High Court Juvenile Justice Committee so that they can also look into pendency and can recommend additional sittings.
- For better coordination, concerned **stakeholders should meet every 15 days**

**Issues and solutions that emerged from the Chair, panelists and the participants on this theme are as follows:**

- Frequent transfers of police officers from one station to another renders the training futile. **Child/Juvenile Welfare Officers should have a fixed tenure** for the training to

have any impact. One suggestion was that the officers **should be transferred to another SJPU** to realize the benefits of the training.

- **Chief Judicial Magistrates are overburdened and hence should not be appointed as Principal Magistrates.** The CJMs are also expected to review pendency and it is hard for them to play a dual role. **Additional Chief Judicial Magistrates** should be appointed instead.
- A **central website** should be created to **document good practices** in different States.
- The **ICPS should be fully utilized** to ensure that **two social workers are associated with the SJPU**. Their presence will completely change the style in which the police functions.
- The **case files should be kept in the JJB and not in the District Court** so that the Social Work Members can access them.
- **Places of safety and fit institutions** need to be declared.
- **All provisions of the JJ Act need to be operationalized.**

### Panel Discussion on Effective Functioning of CWCs

This session was chaired by **Hon'ble Mr. Justice Jayant Patel**, Gujarat High Court. The panelists were **Mr. Saswat Mishra, IAS, Secretary, DWCD, Odisha** and **Mr. Keisam Pradipkumar, Manipur Alliance for Child Rights**.

A snapshot of the key issues and recommended solutions for the effective functioning of Child Welfare Committees that emerged from the regional round tables was presented by **Ms. Swagata Raha** on behalf of CCL NLSIU. They were as follows:

- To strengthen the CWCs foundationally, **selections and appointment should be transparent.** Selection Committee should be constituted in accordance with the JJ Model Rules and chaired by a retired High Court Judge. **Detailed guidelines for selections** should be adopted. Personnel from NGOs who are running Child Care Homes should not be appointed so as to avoid a conflict of interest. The selection process should be initiated and completed prior to the expiry of the term of the existing members to avoid delays in filling of vacancies.
- To overcome the **resource and infrastructural gaps**, State should specifically provide **adequate infrastructural facilities** to ensure smooth functioning of CWCs. Efforts must be made to create a **child friendly environment** and enable privacy for interactions with children. Adequate **trained child protection personnel and support staff** such as a data entry operator, a full time Protection Officer, and a Legal Aid Lawyer should be made available to CWCs.
- Emphasis was placed on the urgent need for **convergence and coordination** and it was recommended that **Quarterly District Advisory Committee Meetings** should be held as convergence is urgently required on issues of protection, treatment and development between JJBs, CWCs, Department, DCPU, SJPU, staff of homes, and other stakeholders. There is need for clarity on the role of the Chairperson of the CWC *vis-à-vis* members as well as the DCPU *vis-à-vis* the CWC. For better coordination, the place of sitting of CWCs and child care facilities could preferably be under one roof.
- For **improved working methods**, CWCs should **increase the number of sittings, or even work full time** in order to reduce pendency. Additional financial allocations should also be made to facilitate these sittings. **Proper SOPs** should be developed defining the role of CWC and allied agencies like police, labour, childline, DCPU and others on

dealing with missing children, child labour, trafficking, and cases under POCSO Act. Documentation of cases by CWC needs to be detailed and record keeping should be standardized. Protocols for preservation and maintenance of records should be formalized.

- For **better data management, and enhanced capacity and awareness**, separate training modules and manuals should be developed and standardized for CWCs. **Refresher courses** should be organized periodically. All stakeholders should be sensitized on child rights. They must also be oriented about the role and powers of CWCs so that directions issued are not disregarded. **Resource Directory** should be made available to CWCs. MIS database and national directory of Childline should be regularly updated so that information on children in need of care and protection is readily available.
- To overcome the **gaps and difficulties in restoration**, a national level **guideline prescribing uniform transfer mechanism for inter-state and intra-state repatriation of children should be formulated**. SJPU should facilitate prompt escort services within the State and outside. Authorized NGOs could also be given this responsibility. **CWCs should periodically review progress of all children**. DCPU, District Inspection Committee and Panchayat/Block/Village Level Child Protection Committees should follow-up on children restored or placed in homes
- **Juvenile Justice Committee** should **monitor** the working of CWCs. The functioning of the CWCs should be reviewed at **quarterly intervals**.

**Mr. Saswat Mishra, IAS, Secretary, DWCD, Odisha** shared the following reflections on the effective functioning of CWCs:

- A very **rigid application of the eligibility criteria gives rise to vacancies**. For instance, though a post graduate qualification is preferable, in remote districts such candidates are not available. Going by the JJ Rules, Selection Committees tend to reject experienced candidates with an undergraduate degree even in places where persons with postgraduate degrees rarely apply. As a result, these posts lie vacant. Some degree of flexibility is therefore necessary while interpreting the eligibility criteria, given the context in the states. There is also a need to build a pool of resource persons who can occupy these positions. This can be done through courses on child rights so that a sufficient pool of persons positively inclined towards these issues is created.
- The Odisha guidelines debar persons running a State Adoption Agency being appointed to the CWC. However, **persons running other Homes are applying and are being appointed** to CWCs. The prohibition needs to be extended to those running all homes as well.
- In **Odisha, CWCs enjoy autonomy**. They have independent office space as well as an independent bank account to which funds from the State exchequer are directly credited. The Chairperson, CWC submits a utilization certificate to the State Government.
- Child-friendliness of the CWC is a real point of concern as some **CWCs perceive themselves as Magistrates and conduct proceedings with the trappings of a formal Court**.
- There is **need to enhance the visibility of CWCs**.
- The **High Court Committees on Juvenile Justice should monitor the functioning of CWCs**. The government cannot monitor CWCs because they are quasi-judicial bodies.

**Mr. Keisam Pradipkumar, Manipur Alliance for Child Rights** stressed on the importance of individual efforts to ensure proper implementation, especially in a state like Manipur, where

violent and armed conflict as well as HIV/AIDS has a disproportionate impact on children. He made the following submissions:

- **CWCs are often city/town centric** and they often **wait for children to be presented** before them at their place of sitting, instead of being pro-active and taking *suo motu* cognizance. CWC should have adequate number of **camp sittings by arranging sittings to reach out to vulnerable children who are largely inaccessible** to the juvenile justice delivery mechanism. The pro-activeness and dedicated spirit of the CWCs will definitely inspire and motivate the other stake holders and state to a great extent that will result in overall improvement in the JJ system. In Manipur certain CWCs proactively rescued trafficked children by networking with other NGOs, bodies, police besides the State and thus produced fruitful results.
- In Manipur, while drafting the SOP for CWCs, it was proposed to **include child soldiers in the definition of victims of armed conflict** so that they are treated as children in need of care and protection.
- Most of the **challenges faced by CWCs are institutional, political, financial and structural**, the solution to which lies largely with state/agencies and institutions.
- Convergence can be improved when CWCs proactively **engage with and advocate consistently with key stake holders**. For instance, close networking and constant sensitization of the police has resulted in better compliance under the POCSO Act in Manipur.
- **Convergence with SLSA/DLSA** is required in a more systematic way as victims are not getting compensation or other support from the state.
- Lack of post restoration follow up by CWCs in respect of the socio-economic rehabilitation and psycho-social care of child survivors of trafficking, sexual assault is a concern. Follow up depends on the discretion, conscience, and sensibility of persons in the Committee instead of being a mandatory function.
- In Manipur, there is a conflict between customary practices and JJ Act in tribal dominated areas. POCSO Act is also rampantly used against juveniles in the context of elopements. Further, POCSO cases are being settled outside the court through exchange of money, only to serve vested interest of the parties. There is also inconsistency between the POCSO Act and the Armed Forces Special Powers Act, 1958, particularly Section 6, that mandates prior sanction of the Central Government even if the Armed Forces personnel are suspected of having committed a sexual offence against a child.
- CWCs could also use their quasi-judicial powers in a way to connect philanthropic organizations, resourceful agencies, civil society for extending their help to the needy poor children requiring major expensive operations such as heart operation, brain operation, etc.
- There are good numbers of children who have been forcibly recruited by armed militants. However, they are not formally brought before JJBs. Few that are produced before the JJBs are never referred to CWCs. The need to identify the children recruited by armed groups as victims of armed conflict or trafficking is yet to be realized, since such juvenile are being treated as juvenile offender or young cadres of outlawed groups.
- There is a need to enact regulatory guidelines effectively for hostels/boarding for school children to prevent abuse, corporal punishment, assaults to the children/children in these institutions. This requires proactive convergence between the Social Welfare Department, Education Department and CWCs.
- A monitoring mechanism as well as a grievance redressal mechanism for CWCs should be established at the level of the State High Court Committee.

**Reflections, issues and solutions that emerged** from the Chair, panelists and the participants on this theme are as follows:

- CWCs are operating as independent authorities while JJBs are under the control of the High Court.
- There should be regular interaction between the JJB and CWC members. An Additional District Judge could coordinate this.
- CWCs are supposed to review the progress of the child but this is not being done systematically. This review should be further supervised by the High Court Committee and remedial measures can be suggested if for some reason the progress is affected.
- Every CWC should have a ready panel of experts available so that they can be consulted if a child has a particular need or deficiency so that help is taken and improvement ensured.
- Selection Committees have not been formed in Gujarat and selections are taking place without the involvement of civil society representation. The Juvenile Justice Committee is pursuing this with the State Government. In Punjab, the Principal Secretary was appointed as Chair of the Selection Committee even though the Model Rules prescribe a retired High Court judge as chair. The High Court Juvenile Justice Committee issued an instruction to the State Government that the composition of the Selection Committee should be in accordance with Central Rules.
- Transparency in the selection of Chair and Members should be ensured. Pre-appointment orientation should be conducted otherwise the spirit of the Act will be lost.
- Aftercare system, Foster care and sponsorship should be operationalized. Some States follow it and others don't. Funds for Foster care remain unutilized year after year. The CWCs should create greater awareness about Foster care.
- A common induction program should be held for everyone (guards, cooks, teachers, temporary and permanent staff, etc.) and not just functionaries, as the child interacts with everyone.
- CWCs and JJBs should have monthly meeting with children, families, constables, social workers as there is a lot of experience within the field. If they have such meetings there will be increased sense of ownership
- A positive Human Resource (HR) policy is required so that motivation and accountability is increased, as it can be very taxing to work with children entering the JJ System.
- Social protection of a child and not just physical protection is required, and this means attending to the root causes. CWCs should be aware of social development policies and schemes so that they can connect families to them, thereby strengthening their ability to take care of their own children through state support.
- Appointments should be monitored and a biometric system should be introduced to ensure attendance of Chairperson and Members.

### **Panel Discussion on Effective Management of Homes**

This session was chaired by the **Hon'ble Mr. Justice D.N. Patel**. The panelists were **Mr. H.K. Sarma, IAS Commissioner and Secretary, Social Welfare Department, Assam** and **Mr. Amod Kanth (IPS ret'd.), Prayas, New Delhi**.

A snapshot of the key issues and recommended solutions for the effective management of Homes that emerged from the regional round table conferences was presented by **Ms. Arlene Manoharan**, on behalf of CCL NLSIU. They were as follows:

- A critical gap was highlighted in all the conferences that children living in homes under the Act are denied of **their rights and services**. In order to overcome these gaps, the **Right to Education** has to be ensured for all children in all Homes and **counselling** and creative methods have to be deployed to create an interest in education. Further, it is essential that **Vocational training** be introduced in all homes with the assistance of technical institutes, and private sector, with linkages to the National Skill Development Corporation. **All services for children under the JJ Act and ICPS** should be made available in mission mode, particularly **mental health services**, and services for **children with special needs**.
- The utter failure to address the basic needs of children living in these homes was highlighted in all conferences. These include the lack of systems to address the varying psycho-social needs of children, given the range of backgrounds they hail from. For addressing these needs,, **trained counselors** must be appointed and **meaningful age appropriate activities** should be conducted in the homes, particularly for children with disability, children from culturally diverse backgrounds, street children, adolescents, etc., who need to be provided special services. **Parent-child interactions** may also be arranged **periodically**.
- The abysmal condition in which children are compelled to live in these homes was raised in all conferences. The recommendations that emerged were that the **infrastructure** within homes should be **upgraded** as per minimum standards and experts to be consulted on how the atmosphere can be made **child friendly**. Systems for classification and segregation have to be adopted, as also a Child Protection Policy. **Awareness programs** on addiction, sexuality, life skills and soft skills should be conducted and **counselling** should be offered to help children cope with peer pressure.
- To address the critical Human Resource and Infrastructural gaps, the participants repeatedly urged that all **types of Homes envisaged** in the Act have to be established in **every district**. A **Place of Safety** should be established in **proximity to the JJB**. Huge investments required on building a cadre of caring and competent cadre of staff in Child Care Homes for which an **Indian Child Protection Service Cadre** should be considered. **Recruitment policy** should be revised to ensure appointment of competent staff with aptitude and ability to connect emotionally with children.
- Drastic measures are required to transform the Child Care Homes into genuinely nurturing, caring, protective and rehabilitative spaces, where children feel safe, loved, are able to voice their concerns and have hope for the future. The effective Monitoring of Homes requires that all Child Care Homes should be **mapped and registered** along with an imposition of **penalty for non-registration**. In addition, **Children's Committees and Management Committees should be established and made functional** in partnership with NGOs and academic institutes to enable internal monitoring, review and participation of children in matters concerning them. **Social Audits, Monitoring and Inspection** of all homes must be undertaken regularly and action taken reports sought to ensure zero tolerance for violation of norms. **CWCs and JJBs and the State High Court Committees** should also **proactively monitor** the conditions in homes and facilitate dialogue towards effective management.
- The failure to achieve the core rehabilitative goal of the JJ Act was highlighted repeatedly in all the Round Tables. In order to enable effective rehabilitation and reintegration of children, **Social Investigation Reports need to be given high priority** so as to enable deeper understanding of the circumstances of each child. CWC/JJB final orders should be accompanied by an **Individual Care Plan, customized to the unique needs and problems of each child**, such as drug detox, behaviour modification, mental health, life skill and livelihood training, etc. **After care services are vital** to enable effective transition into the community, and require individual follow up on a regular basis. **Institutionalization should be the last option** for placement by CWCs/JJBs and those children who are placed

require periodical review of progress to enable de-institutionalization and placement in family based settings within the community.

- The **role of the state is to ensure children live a life of dignity as envisaged in the Constitution.** Homes under the Act need to be nurturing caring and safe place, where children are supported to grow to their full potential, heal and recover from trauma, abuse, neglect, violence, the experience of being involved in crime, and to re-establish or strengthen relationships with their families and communities. **Homes under the Act need to be a ‘sanctuary,’ as this is what operationalizes the phrase ‘Justice to Children’.** This sentiment was echoed unanimously in all regional conferences, as this is what we owe our nation’s children and young people as well as their families.

**Mr. H.K. Sarma, IAS Commissioner and Secretary, Social Welfare Department, Assam** shared the following reflections on the effective management of Homes:

- Homes must **have good facilities** as the notion of an ideal Home has changed. Today’s Homes must have better rooms, medical rooms, tables for study, a playground, etc.
- With respect to **education of a child in need of care and protection,** they need proper education until they are 14 years of age. Bridge courses are required for children who have never been to school. These children can go to a school close to the Home where there is one available. With respect to **education of children in conflict with law,** special tutors should be arranged by the SSA until 9<sup>th</sup> standard after which the RMSA must play a greater role. If a child wishes to appear for Board Exams, he will require special tutors.
- It is essential to build a good human resource for these homes with **staff who have a positive attitude** and recruitments must be conducted accordingly. Some homes can have a tie up with universities who can play a role in this regard.
- **Video conferencing facilities** are the need of the hour, especially since Observation Homes are not there in every district.
- **NGOs may be handed over the responsibility** of managing some of the Homes as they are seen to be quite successful in this.
- **Non-institutional care** is required along with development of **After Care and rehabilitation** programs for children.

**Mr. Amod Kanth, Prayas, Delhi** stressed on the need for better institutional care for children and made the following submissions:

- The controversy of institutional versus non-institutional care shows that **institutionalization is often not the last resort but the first resort.** There are six provisions under section 15 and only the 7<sup>th</sup> provision happens to be institutionalization. **A large number of children unfortunately do need to be sent to these homes** such as street children, homeless children, etc., and in such cases institutionalization need not be a measure of last resort.
- **If you put children in captivity they will run away.** There were nearly 10,763 children who were housed in the home run by Prayas in Ferozeshah Kotla, and only 24 children ‘walked out’ (not escaped) from this home in ten years. It is essential that Homes have to be home-like and not like places of captivity.
- The environment of the Prayas run Observation home in Delhi was transformed after efforts were made to ensure a child friendly Juvenile Justice Board proceeding, wherein



the **JJB hearings were conducted inside the home**, and rapport built with the children who referred to the members of the JJB as '*Bhaiya*' or '*Didi*'<sup>3</sup>.

**Reflections, issues and solutions that emerged from the Chair and the participants** on this theme are as follows:

- The Government of India has been cutting down funds including for MNREGA. It is requested that all **efforts be made to ensure that funds for ICPS are not cut**.
- **Corporate Social Responsibility can be utilized** effectively.
- There is a need for a **policy as regards placement of children who turn 18 years old during the course of the proceedings** under the JJ Act.
- **Registration of Homes** is indispensable to monitor them as some NGO run Homes misrepresent the number of children they house and often do not take run appropriate programmes for children.
- Every month the **institution has to be monitored to ensure that only authorized children in need of care and protection are housed** there and the Home is not run like a hostel program.
- The **experience of a child in these Homes can make or break them**.
- A large number of **Bangladeshi children are languishing** in our Homes even though the repatriation order has been passed. We require video conferencing options for these children.
- Each of the **Juvenile Justice High Court Committees need to have a website** of their own with the details of the Committee, and information about this should be put in all homes to **enable children to approach the Committee directly**. These committees require a small **secretariat** as well.

### **Panel Discussion on the Provision of Effective Legal Services for Children**

This session was chaired by the **Hon'ble Mr. Justice V.M. Kanade of the Bombay High Court High Court**. The panelists were **Ms. Asha Menon, Member Secretary, National Legal Services Authority**, and **Fr. Antony Sebastian, Executive Director, ECHO, Bangalore**

A snapshot of the key issues and recommended solutions for the provision of effective legal services for children that emerged from the regional round tables was presented by **Ms. Shruthi Ramakrishnan**, on behalf of CCL NLSIU. They were as follows:

- In order to enhance the quality of legal services, **Guiding Principles on Quality Legal Services to Children** are required to be developed to address accessibility, speedy delivery of justice, eligibility criteria for legal service providers for children, and setting standards for child friendly legal services. Qualified, experienced, and sensitive lawyers should be appointed through a **district level appointment committee** consisting of District Judge as Chairperson, the District Magistrate as member and few experts nominated by the District Judge in consultation with District Magistrate and other senior colleagues. **Better monetary incentives** are indispensable to attract talented panel lawyers who can provide quality legal services to children.
- For improving **the accessibility of Legal Services**, a **Cell** should be established in all JJBs and **paralegal volunteers from law schools or NGOs** should be engaged to provide

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<sup>3</sup>Hindi words for 'brother' and 'sister'.

services in **Observation Homes and police stations**. SLSAs and panel lawyers should enable access to benefits under the **State Victim Compensation Schemes to all child victims**. SLSAs and the Nodal Department should coordinate to ensure that **Legal Aid Lawyers attached to JJBs/CWCs visit Child Care Homes** to meet children whose cases they are handling and to take up cases of unrepresented children in a timely manner. It is essential that legal services are made available to children in need of care and protection, and to juveniles **from the time of apprehension, till the legal procedures are concluded**.

- To overcome the budgetary challenges, **sanctioned funds should be made available** in a **timely** manner for payment of honorarium to panel lawyers and para legal volunteers. The SLSAs must collectively develop and implement a **uniform legal services fee structure** across the country. **Facilities** (i.e. room, computer, printer, stationary, telephone, etc.) should be provided to Legal Aid Lawyers at JJBs in capital cities and/or where pendency is high.
- For the effective monitoring of the provision of legal services to children, **SLSAs should monitor** the quality and accessibility of legal services being provided by LALs, and establish a complaints management system. **Periodic review meetings** should be held between the CWC, JJBs, SLSA and the judiciary to assess the quality of legal aid services provided to children.
- In order to increase legal awareness, the SLSAs should develop **awareness programs** for parents, police, civil society, CWCs, schools, colleges and the community to orient them about the JJ System, child laws, rehabilitative services and the right to free legal services. A **resource directory** on laws and the role of stakeholders must be developed.

**Ms. Asha Menon, member Secretary of the National Legal Services Authority** shared the following reflections on provision of effective legal services to children:

- There is currently **no emphasis on the requirement of legal services for children in CWCs**. Even NGOs only stress the importance of legal representation for children in conflict with the law. However, **legal representation for children in need of care and protection is equally important**. There are instances where children are rescued from trafficking and these children need handholding to depose in court. Legal Aid Layers (LALs) must be encouraged to give legal aid even in CWCs.
- The **Homes must have a legal services room** where children can access these services comfortably.
- **Paralegal Volunteers** must be encouraged. Many police stations do not understand the role and importance of such volunteers and prevent them from engaging at the police stations.

**Fr. Antony, ECHO, Bangalore**, stressed on the immediate need to incorporate certain changes that will improve the provision of legal services to children and made the following submissions:

- **Legal Aid and Legal Proceedings must be made more accessible** to children, the common man, parents and social workers. The parents of juveniles and also Social Workers should be permitted to submit their application for bail/adjournment and other proceedings, except where a legal practitioner is required. Legal aid should reach the juvenile at the time of first contact with the law.
- **A child-centred approach, based on diversion, restorative justice and preference towards community-based rehabilitation**, is to be incorporated as a principle. Legal assistance should focus on overall development of the juvenile while providing legal assistance and counseling should focus on his rehabilitation and reintegration.

- **A Juvenile Service Unit at all levels needs to be created** which can enable the convergence of all service providers from the SJPU, Child line, DCPU, and Probation officers are available at one place on every JJB/CWC sitting day.
- **Greater involvement of civil society** is required for which the support of NGOs, Lawyers, Social Workers, Colleges, and academicians who are interested in providing legal aid and help in rehabilitation can be solicited.
- A **directory of free legal aid service providers** must be available at all JJBs.
- A **follow-up plan is to be developed** for children who have availed legal services, as juveniles are often caught up in situations, including those involving the police, which do not free them even after the completion of proceedings. Legal aid should be provided whenever and where ever it is required as a follow up by the Legal Services Authority.
- Currently the Criminal Procedure Code is being used to deal with children in conflict with law, but this procedure tends to be more criminalizing. This has to be replaced by a **Juvenile Justice Procedure Code** or any other child friendly code.
- A **capacity building of prominent stakeholders** such as functionaries of SJPU, CWC and JJB Members, clerical staff of JJB and CWC, NGOs, Probation officers, Child line, LSAs, etc., is needed to be conducted periodically.

**Reflections, issues and solutions** that emerged from the Chair, the panelists and the audience on this theme are as follows:

- Sometimes the **JJBs do not sit as a Board** and discrimination is often witnessed within the Board. **Joint trainings** will make a difference in addressing these concerns.
- It is necessary to **compile data about Shelter Homes**.
- The **Victim Support Unit** is only present in some states such as Goa. The judges sometimes don't listen to children and even victims need legal assistance. This sometimes even leads to children escaping from Homes. The atmosphere in the court often terrifies young children. A **child friendly court** is essential.
- Although it is true that children in need of care and protection do require free legal aid, the role of the LAL within a CWC is different. The role of LALs in CWCs should not be adversarial, and should also assist the CWC in arriving at a decision.
- More than a Legal Services Cell, what is required is a **Socio-Legal Cell** for providing comprehensive services.
- The practice of **Bal Lok Adalat** needs to be seriously reconsidered as a solution to address pendency as these Adalats seriously compromise confidentiality. This may not be appropriate within the JJ system and instead the JJB hearings can be increased or a **mobile JJB** can be considered.
- Where the **CWCs are aware of their role, the LALs can be directed to help the child**. They can interact with the parents and can even enable the child to depose and give a Section 164 statement.
- While releasing children, documents such as age proof, and proof of parentage is often not forthcoming. **Affidavits by parents are not reliable** as many times in cases of children rescued from trafficking, traffickers themselves have come and posed as their guardians. In such situations it is vital for a home study to be conducted, and only after this should they be restored.
- In addition to legal aid there are **other duties allocated to the SLSAs**, such as empowering CWCs. In the landmark case of *Sampoorna Behura* the Hon'ble Supreme Court said the court cannot deal with individual complaints and entrusted the LSAs to see that CWCs are provided adequate infrastructure. The SLSAs need to discharge this mandate.

- **The fee structure for payment of honorarium to free legal aid lawyers suggested by NALSA needs to be ratified** by the State Government, as this has not been done in many states.

## Way Forward

Mr. Justice B. Lokur triggered the discussions on proposals for the Way Forward, by stating that the Consolidated Report just released by the Hon'ble Chief Justice is a 'gold mine of recommendations' that could be used to charter the road ahead. He explained that this is not the end of the Chapter, and expressed hope that UNICEF would continue to extend its support to the Supreme Court Committee in the second round of deliberations that he envisions as part of this ongoing endeavor to enable effective implementation of the JJ Act. Through this, he hoped to concretely impact the lives of vulnerable children and their families. He then shared his thoughts on what he believed could be part of the plans for the future.

1. The Supreme Court Committee would like to **continue this process of dialogue and collective action in the same mode**, and would like to enable deliberations on four other themes, which could be identified. One theme that he felt should definitely be included was **'Restoration and Rehabilitation,'** as these are very critical aspects of the law that urgently need to be implemented.
2. The **State High Court Committees on Juvenile Justice could consider facilitating similar State Level and District Level Round Table Conferences** to not only deliberate on the Consolidated Report, but to also brainstorm and come up with **State and District Level Action Plans** that could help to implement the recommendations that were found to be suitable for adoption at the State level.
3. All **individuals who occupy positions of authority**, including CWCs, JJBs, Superintendents of Homes, Legal Service Authority officials at various levels, etc., should be **'aggressively pro-active' in playing a far more effective role** than what they have been so far, identifying bottlenecks and actively searching for solutions to resolve them. The State High Court Committee on Juvenile Justice could also be more pro-active, as they are in the best position to enable concrete action through positive dialogue with all concerned stakeholders.
4. **Other Departments, who have not yet come on board for these round table conferences, should be invited to this dialogue.**
5. There is a perception that funds have been slashed, which may be true; however **funds that are already available need to be utilized effectively** and completely.

Justice Lokur then introduced the panelists inviting them to share recommendations that they had for the Way Forward.

### **Ms. Renuka Kumar, Principal Secretary, Department of Women and Child Development, Uttar Pradesh**

Ms. Kumar appreciated the list of suggestions that had emerged from the regional conferences and the deliberations during the day, saying that she would like to share ideas from what were identified as critical needs or have actually worked in Uttar Pradesh. These were as follows:

1. **Secretariat for the State High Court Committees on Juvenile Justice:** If convergence and follow up is to be done in a timely and effective manner, the

establishment of a Secretariat will go a long way. The Secretariat could also monitor the implementation of the JJ Act as well as the POCSO Act.

2. **MIS to be developed and operationalized in all States:** In Uttar Pradesh, the Directorate, CWCs, JJBs, NGOs, and homes have all been linked up through the dedicated MIS with the State High Court Committee on Juvenile Justice. This enables transparency and easy access to information. The MIS should be accessed by the Secretariat for assessment of performance of JJ stakeholders. **Periodical review** should be done to fill the gap areas in a time bound manner.

The **Secretariat of the Supreme Court Committee on Juvenile Justice should then be linked to the MIS of all States.**

3. **Guidelines for Selection Committees:** Detailed guidelines should be developed along lines of Standard Operating Procedures (SoPs) already existing in some states (eg. Maharashtra, Delhi). The selection mechanism should be under the aegis of the honorable High Court, and should include a two –tier selection process, including a written exam. Those individuals only who pass the written exams should be made eligible to apply for these positions. The profiles of scrutinized candidates should be placed on High Court and District Administration websites, and publicized widely to invite constructive public feedback to screen suitable candidates. Their credentials should also be duly verified by local administration. Once this process is completed, those candidates who pass this second level of screening should then sit for a Group Interview, to enable the Selection Committee to better understand their attitudes and psyche. All these procedures should result in selection of persons with the required competence and sensitivity that could form a cadre of experts. Renewal of term of the Members should also be based upon written examination and group discussions under expert supervision. Over time, the selection of members to CWCs and JJBs should only be done from a pool of experts, and unless this is done, the future of children is in jeopardy. This is all the more because of the specialized inquiries that are now mandated under the POCSO Act. In addition, the training programmes conducted for Magistrates for selecting them as Principal Magistrates of JJB could also be extended to non-judicial members.
4. **Non-stigmatization of children:** All efforts should be made to address the stigmatization of children, and prevent this from happening in the future.
5. **Alternatives to Institutionalization:** The JJ Act was amended to ensure focus on community based measures that enable effective rehabilitation of children. All efforts should be made to find alternatives to institutionalization.
6. **Replicable Models:** Models such as the **‘Re-unification- Retention Support Mechanism’** by Ehsaas through Home Care Support Volunteers focusing at Strengthening of Families, and being implemented in six Districts of Uttar Pradesh; the **Sathi Camp Model to enable ‘Home Tracing and Reintegration,’** and the **Traffic Police Volunteer model developed by ECHO** in Karnataka, should be replicated in other states.
7. **Mapping High Vulnerability areas** and focused interventions required.
8. **Provision of Open Shelter cum Night Shelter for Children on Major Railway Stations:** The key stakeholders from Government, NGOs and civil society should be engaged in making Railway Stations child friendly - for example the **child friendly railway station**, Lucknow initiated by Ehsaas, a model that is now being replicated in all major Western Uttar Pradesh Railway Stations.
9. **Child Drug De addiction Centers** should be set up in every state, as it is becoming a major area of concern. An example of this is the centre being set up with assistance from KGMU and an NGO called ‘Nirvan’ in Lucknow.
10. **Skill and Capacity Building of children to enable Re-integration with families:** This was identified as a critical area requiring urgent attention. Programmes that build on

the existing resilience of children, particularly young offenders residing in Observation Homes, have to be mainstreamed.

11. **Mentor NGOs** can be drawn in to strengthen the rehabilitation and reintegration process. Sathi has been undertaking this very effectively, and this should be replicated in other states. The services that could be extended include psycho-social support to children, support in expediting the tracing of children's families; preparation of Individual Care Plans through a participatory process; facilitating a process to help in identifying and nurturing each individual child's creative skills and the development of long-term follow up plans for reintegration of children through **mapping of and roping in of local support groups**.
12. **Bal Mitras – or Friends of Children** should be identified, and they could play the role of supporting in Advocacy and Awareness Programmes. In Lucknow, Kanpur and Meerut, Bal Mitra cards have been issued to doctors, NGOs, and teachers. A Bal Mitra website has been designed linking Bal Mitras with Child Care Homes, to enable an active interface between the community based Bal Mitras and children, which is to be launched soon.
13. **Community Participation for Mainstreaming of Children from Child Care Homes into the community:** The community should also be encouraged to come forward and own responsibility for vulnerable children who land up in the juvenile justice system. This could be facilitated through the identification of suitable fit persons in the community who could interface with individual children to facilitate mainstreaming.
14. **Bal- Samwad Adalats** should be initiated to actively facilitate reduction of pendency related to juvenile's cases.
15. **Students of Law, Social Work and related disciplines should undergo compulsory internship** in Observation Homes, and other Child Care Homes in every state, as this will not only ground them in the harsh realities of children's lives, but also inspire them to take up a career in child protection.
16. A **certificate/full time course in Juvenile Justice and Child Psychology** should be designed and offered by Universities and other educational institutions, as this could help in building a cadre of experts and professionals who could extend support to children.
17. **Creation of Juvenile Justice Fund:** The states should create the Juvenile Justice Fund in order to support the effective implementation of programmes for the welfare and rehabilitation of children. These include support to institutions in carrying out meaningful interventions that qualitatively enhance the lives of vulnerable children, in recruiting specialist and need based social workers, crisis intervention, exposure visits, skill development programmes, and outreach activities through camps, etc.
18. The Juvenile Justice Committee of Hon'ble Supreme Court should ensure that the **Best Practices emerged under JJ Act / ICPS are being monitored** at their level for effective implementation in all the states.
19. **A Mini JJ Secretariat** should be established in all Hon'ble High Courts. They will be instrumental in assisting JJs to effectively monitor the implementation of JJ and POCSO Acts in respective jurisdiction of High Courts.
20. **The Juvenile Justice Funds** should be created in all the states. A substantial amount along with the provision of corpus should be made available to this fund.

**Ms. Atiya Bose, Director, Aangan Trust**, shared her thoughts and ideas for the way forward, which include the following:

1. **State Level Action Plans** should be developed through the involvement of all stakeholders including the State High Court Committees on Juvenile Justice, with appropriate time lines.

2. Recommendations that have emerged should be implemented so that bottlenecks can be dealt with head on be it from simple things like the lack of tables and chairs, to other issues.
3. Greater emphasis needs to be placed on **rehabilitation of children** within their own families and communities, and for this deeper dialogue on what the term ‘rehabilitation’ itself means is essential. There is therefore an urgent need for **empirical research**, particularly on issues such as **Rehabilitation**. A **Task Force** could be set up to examine what is effective rehabilitation, and to study the status of Rehabilitation in the country.
4. **Mapping of vulnerable districts** should be undertaken which could provide data on children, their vulnerabilities, what **factors result in institutionalization**, etc.
5. **Linkages and Co-ordination** between all Community Resources in the District needs to be undertaken on priority, and information on resources available should be provided to every single CWC.
6. There is a need for the **creation of spaces for real dialogue among all the stakeholders**, and particularly between CWCs.
7. Much **greater investment is required to be pumped into the system** in order to enhance the quality of child protection services.
8. In light of what is likely to happen with the Juvenile Justice Bill in the near future, there is a critical need to **strengthen the JJBs so that they are able to keep as many juveniles as possible within the ambit of the rehabilitative juvenile system**.
9. There is a need to engage more on the **issues concerning child sexual abuse** such as mandatory reporting and the plight of child victims of sexual abuse, particularly the lack of adequate support persons, and the gaps in rehabilitation programmes that specifically meet their complex needs.

**Reflections, issues and solutions** that emerged from the Chair, the panelists and the audience on the possible Way Forward are as follows:

- Much more emphasis and attention needs to be paid to the issue of **prevention**.
- In Karnataka efforts are underway on how to prevent children from becoming vulnerable by **establishing the Village level Child Protection Unit in the Grama Sabha under the Panchayati Raj Act**, so that this automatically becomes a statutory body.
- In **addition to institutional reform, what is required is ‘individual reform’**, wherein individuals are inspired to do whatever is in their power to bring about transformative change, despite the systemic challenges.
- The **ICPS should not be ignored**. Efforts targeting effective implementation of the JJ Act should be closely linked to those designed to ensure implementation of this umbrella scheme. Moreover, concerted attention needs to be made to ensure that the funds are utilized effectively.
- An **Additional Director could be appointed through the Public Service Commission**, as has been done in Bihar, which could strengthen the administration and result in more visible and systemic change.
- The **role of the SCPCRs particularly under the POCSO Act needs to be clarified**, and these bodies urgently need to be strengthened. Selection Committee **procedures for selecting members to these bodies** also require to be urgently looked into.
- Excluding individuals who run homes from being eligible to apply for appointment to CWCs and JJBs may not be a good idea, as these are the very people who have the experience and sensitivity to engage with vulnerable children.
- A **District level Committee at District** should be set up, having as its members the, Collector, the Superintendent of Police, etc.

- There are **concerns about the provisions of the POCSO Act relating to the burden of proof, which require further debate and capacity building** as well.
- **Adolescent boys** require specialized care and attention, as well as life skill education.
- **Non – institutional measures** such as Foster Care and Sponsorship as preventive measures need to be considered and adopted.
- The **Company’s Act could be amended** to enable contributions to be made to Child Protection, just as the amendment enabling contribution to the *Swach Bharath Abhiyan*.

### **Conclusion:**

The National Conference marked the beginning of a rich and constructive dialogue amongst all stakeholders responsible for implementing the JJ Act around the country, facilitated by the Supreme Court Committee on Juvenile Justice. However, as evident from the concrete changes that have already been demonstrated during this short period reported during the deliberations, the process has triggered genuine systemic reform from within the system, a significant milestone in the history of juvenile justice in India. The positive energy that has been generated through this process augurs well for marginalized children and their families, but requires ‘aggressive pro-active’ action, in the words of Hon’ble Justice Madan B. Lokur.



**Annexure 1:**

**Practices that participants are proud of in their home States, with regard to progressive implementation of the JJ Act**

Participants were asked to state one practice they are proud of in relation to the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000 in their home State. The table below captures their responses.

S. No.	PRACTICES THAT PARTICIPANTS ARE PROUD OF IN THEIR HOME STATE
<b>ANDHRA PRADESH</b>	
1.	After the Southern Regional Round Table Conference, the Dept. of Juvenile Welfare conducted sessions for building capacities of CWC Members.
2.	CWCs regularly meet twice a week and give directions to various departments.
<b>ANDAMAN and NICOBAR Islands</b>	
3.	Child Rights and Child Protection Workshop conducted.
4.	Provision of infra-structural facilities and establishment of different committees including Children's Committees and Inspection Committees.
<b>ASSAM</b>	
5.	As program manager, Child protection under ICPS, frequent visits are made to CCIs, CWCs and JJB office to know the status of case pendency in the concerned statutory bodies. We are very strict to implement the JJ Act and Rules in right direction for protection of children.
<b>BIHAR</b>	
6.	Appointment of functionaries in DCPU (DCPO, CPO, Accountants) and CCI's (Superintendents, Accountants, etc.).
7.	Opening of more CCI's (Children's homes, open Shelters, SAA's, After care Homes, etc.)
8.	Recruitment of young and competent people to perform their roles effectively and efficiently.
9.	Having a separate cadre of Asst. Director Child Protection, and Child Protection Officers, appointed by State Public Service Commission.

10.	Combined meeting of District Magistrate, District Judge and Superintendent of Police at District level with JJ High Court Committee.
11.	Disposal of non-serious cases under Rule 13(7) within 30 days through a Bal Samvad Adalat held every month.
12.	Regular meetings of all stakeholders have shown positive results.
<b>CHANDIGARH</b>	
13.	Sensitization of senior officers of the government to improve conditions in juvenile homes.
14.	Juvenility of 12 out of 19 persons who were identified in 6 visits since 2014 to the Model Jail Chandigarh was established and they were sent to the Observation Home and their cases heard by the JJB. The drive is being done by ICPS, Chandigarh.
15.	Rescue drives were initiated in March 2015 through convergence between DCPU, Labour Department and AHTU to address issues of child beggars and Child Labour in the city, through which 27 children were rescued.
16.	Nutrition Program for Street Children.
17.	Aadhar enrolment camps for children at children's homes (CH's) with 100% enrolment
18.	Directions were issued to provide hot water facility in all homes within 7 days, or face a case on the judicial side, after which the direction was complied with in 5 days' time.
<b>CHHATTISGARH</b>	
19.	SJPUs appointed in all Police Stations and trained on JJ, POCSO, Human Trafficking in all 27 districts.
20.	AHTUs established in all districts.
21.	CWCs constituted in all 27 districts.
22.	Transparent Selection Process of CWC and JJB Members, in line with JJ Rule 91.
23.	Chhattisgarh has made an activity calendar for all children homes, consisting of all activities directly related with the overall development of children. It will be implemented from May 2015.
24.	Comic books have been introduced on various themes to educate children about their rights.
25.	DLSA and the Principal Magistrate of the JJBs were directed to permit and establish legal clinics in all JJBs.
<b>DELHI</b>	
26.	The Public Private Participation between the government (DWCD) and Prayas (an NGO), to run an Observation Home in Delhi.
27.	There are speedy disposal of cases by the JJBs in Delhi.
28.	There is a web Portal for Child Tracking and Caring system, known as 'www.childmiss.org' - or Child MISS (Management Information System and Services). It is an online tracking system and network for effective data management, monitoring and reporting of care, protection and development of children, which can assist both government and non-governmental organizations to document all their services and follow-up

	interventions through a single window system to enhance their mission/services for CNCs and JCLs.
29.	The Prayas Observation Home (Prayas) is focused more in creating mechanisms to groom children as sportsmen and to nurture their talents. A football and chess academy has been established and the Home is striving to connect children with regular sports even after having been released on bail, through a tie up with the United Football Soccer Association.
30.	The JJBs work full time (10 am to 5 pm), and on all working days. There are free Legal Aid Lawyers in both the JJBs in Delhi, and the lawyers receive good honorariums, adequate facilities, and are monitored by a senior lawyer.
31.	Yuva Co. Program for the aftercare, rehabilitation and social reintegration of juveniles in conflict with law at Ferozshah Kotla Observation Home for boys, jointly launched by Delhi Police, Delhi Commission for Protection of Child Rights and Prayas in 2011, which covers over 400 children. The JJB and the home staff work with the families and communities, and run it successfully.
32.	Introduction of 'age memo' for 18-21 year olds, whereby a preliminary age inquiry is conducted so that no person below the age of 18 is incarcerated in jails. The jail official doesn't admit a person if the age memo is not attached. (W.P.8889/2011-DHC order).
<b>GOA</b>	
33.	Enactment of Goa Children's Act – though not enacted under the JJ Act, it is one of the finest Acts enacted over a decade prior to the enactment of the POCSO Act. This Act also achieves the object envisaged under the JJ Act. It takes care and protects the children who are victims of crimes. These children who are victims of crimes, if not provided care and protection are susceptible to become juveniles.
<b>GUJARAT</b>	
34.	Joint voluntary initiative by different stakeholders to operationalize Child Protection Committees in schools, from primary to higher secondary, in Bhavnagar district, and children are also members of these committees.
35.	State Child Protection Unit set up and SJPU functions in all police stations.
36.	We are about to coordinate with the associations/ <i>samaj</i> of a particular community or language, to help us in rehabilitating them in a sustainable manner like education/ vocational training/ job/ marriage, etc.
37.	Developed mechanisms in Bhavnagar to identify and rescue children at high risk and provide safety to children at district level.
<b>HARYANA</b>	
38.	Monitoring is being done by District level Inspection Committees. Check list has been developed for inspection of CCIs in the state. These inspection committees check whether all CCIs are maintaining minimum standards of care and protection. Shortcomings observed during inspections are conveyed to the authorities in the CCIs to rectify them within a period of one month, under the supervision of Dist. Child Protection Unit.
39.	Exhaustive mapping of CCIs was done at Dist. Level through District

	Magistrates. After mapping, registration of identified CCIs was done under Sec 34(3) of JJ Act 2000. Provisional registration valid only for one year is being given to CCIs. Thereafter, based on the state and district inspection report, if the District Magistrate recommends, regular registration certificate valid for three years is given.
<b>HIMACHAL PRADESH</b>	
40.	We are proud to rehabilitate the CNCP children who were in the Children Homes for a long time who are now safe, secure and happy with their families, through foster care, adoption and inter-state transfer process.
41.	We have started the process to restore the children from Nepal, who were either trafficked or had voluntarily left their homes and come to our State to engage in child labour.
<b>JAMMU and KASHMIR</b>	
42.	The Central Act on Juvenile Justice does not apply to Jammu and Kashmir (Jand K). Therefore, the earlier J& K Juvenile Justice Act was immediately repealed and the J& K Juvenile Justice (Care and Protection of Children) Act, 2013 and Rules were enacted to pave way for the care and protection of juveniles in conflict with law and children in need of care and protection.
<b>JHARKHAND</b>	
43.	Child Friendly Police Station Initiative to implement the provisions laid down in the JJ Act and Rules (by the police), and to sensitize the police and to help them perform their role better.
44.	Child Marriage of a girl was successfully prevented. Counselling of parents and community leaders helped to quell the agitation over the issue.
<b>KARNATAKA</b>	
45.	The DCPO – Dharwad district, has been advised to do a socio-medico profiling of the victim and accused.
46.	The attitude of the executive in taking steps to provide infrastructure, though not at desired pace, is still positive.
47.	The Capacity Building of the SJPU's across the State through a convergent initiative of the DWCD and Karnataka State Police.
48.	Implementation of the E-Just child tracking system, which is the first of its kind in the country.
49.	E- Just, Police Training, Crisis Centre, NIMHANS comprehensive care of children.
50.	The Public- Private- Participation between the government (DWCD) and ECHO (an NGO) to run a Special Home in Bengaluru.
<b>KERALA</b>	
51.	The State High Court Juvenile Justice Committee has got a PIL filed in the High Court challenging an order issued by the State Government exempting institutions registered under the Orphanages Act from registering under the JJ Act.
<b>MADHYA PRADESH</b>	
52.	Services of Armed Forces, NCC, SAF is taken for physical training and vocational guidance of children in the homes. Children feel motivated through interactions with the forces. The AWWA (Army Wives Welfare

	Association) is also being contacted to provide services.
53.	Appointment of DCPU has been done in all districts and they are creating the awareness n through School awareness programs and other meetings.
54.	Formation of JJBs and CWCs in all 50 districts.
55.	More than 4000 children sent for foster care
56.	Physical infrastructure provided to all JJBs and CWCs.
<b>MAHARASHTRA</b>	
57.	Speedy inquiry is conducted for age determination and quick reports are given by the Committee appointed under the Rules.
58.	SCPCR is very proactively engaged in not only monitoring of the Act, but also in implementation. It has already inspected all Homes under JJ Act and based on its findings has organized capacity building and trainings of CWCs, police, CSO's, media. Now the Homes are working better and general masses have better awareness. There is a strengthened community and better monitoring over the functioning of the homes.
59.	Standardization of training of CWCs and JJBs through initiative of multi - stakeholder training programmes on the JJ Act.
60.	Family-tracing of the juveniles who are not residing in Mumbai has been undertaken in collaboration with the Police, POs, NGOs and student social workers, depending on the need and priority.
61.	Community Service has been introduced as per Section 15 of the JJ Act in collaboration with NGOs.
62.	Individualized attention and interaction with as many juveniles as possible by the Juvenile Justice Board. They were asked their goals and hopes for the future.
63.	At the initiative of the Principal Magistrate, the number of free legal aid lawyers was increased.
<b>MANIPUR</b>	
64.	Police are well sensitized about POCSO Act and the POCSO norms are being complied with. Child victims are produced before the CWC within 24 hours of registration of the FIR.
65.	Adoption procedures, which were very lengthy and taking many hearings can now be completed within 1 week to 1 month, after the judiciary's positive involvement and sensitization towards the JJ Act implementation.
<b>MEGHALAYA</b>	
66.	One juvenile home is under construction to address the lack of homes in the state.
<b>NAGALAND</b>	
67.	Mass sensitization has been undertaken on the issue of child trafficking, and Children's Homes have been established in all the 11 Districts.
<b>ODISHA</b>	
68.	Establishment of CWC, JJB and SJPu under the JJ Act and DCPU under ICPS program is a very big achievement. In addition to this, the SCPCR and Children's Court are very much active in the State.
<b>RAJASTHAN</b>	

69.	There is a big problem of migratory child labor being utilized in different kinds of factories in Rajasthan. They are used almost as bonded labor in extremely unhealthy and unsafe conditions. A drive was organized to rescue such children and large numbers of children were rescued. The state of Rajasthan has introduced a scheme to compensate such children under the Victim Compensation Scheme framed under section 357A Cr.P.C. A very simple procedure has been introduced by the State Legal Services Authority to disburse this compensation.
70.	A separate dedicated Department for Child Rights established in the state, as this was found to be crucial for effective implementation of the Act.
<b>SIKKIM</b>	
71.	One juvenile in conflict in law was involved in a case under the POCSO Act. The school asked him not to attend after his apprehension. The JJB intervened and keeping into consideration of Article 21A of the Constitution of India and the JJ Act itself, the juvenile was reinstated in the school and his education continued.
<b>TAMIL NADU</b>	
72.	In two districts we have brought together all the child protection structures within a network to respond effectively on all issues of children reported in relation to the JJ Act. CWCs, JJBs, Child Helpline, Police, SW Department, and District Administration together formed a Monitoring Committee to improve the efficiency of justice delivery.
73.	We have taken the practice of visiting all the Homes, both Observation Homes and Children's Homes without prior intimation, which has put the functionaries on high alert as regards the proper management. Any deficiency is immediately addressed.
<b>TELENGANA</b>	
74.	Encouraging sponsorship for children living with or affected by HIV/AIDS, specially challenged children, foster care to promote non-institutional care and family care.
75.	Many CWCs are committed and have passion to address the needs of the children in need of care and protection, even despite many limitations. These include regular sitting, spending own resources to meet the immediate needs of the children, etc.
76.	About 128 Child Protection Committees formed and trained on child related Acts and Laws and connected to report child abuse cases of the area.
77.	Encouraged involvement of Panchayati Raj Institutions (PRIs) in trainings to ensure 'child friendly villages'. The Sarpanch, (a Post Graduate, M.Tech), Kandapakala Village of Kareemnagar District declared his village is a Child Friendly Village with no child labour, and no school drop outs. Orphans and semi orphans are taken care. All this is being undertaken through a process that involves all the grass root functionaries and youth leaders, Self Help Groups, boys and girls. 200 villages are currently involved in this process, i.e. 20 villages in each District.
<b>TRIPURA</b>	
78.	All the JJBs in the State have a panel of lawyers and JJBs ensure that every juvenile in conflict with the law has a lawyer.

<b>UTTAR PRADESH</b>	
79.	Bal Samvad Adalat to reduce pending cases against children in conflict with the law.
80.	Recent development of Management Information System (MIS) by Pr. Secy, WCD in UP. It ensures the scope for effective monitoring of the system, services and accountabilities on part of functionaries. (Two responses were submitted on the MIS system)
81.	Saathi NGO's family reintegration camps.
82.	On the direction of Hon'ble High Court of Allahabad - Lucknow Bench, two Shelter Homes for mentally challenged children have been started in Lucknow, one supported by Viklang Kalyan and others by Mahila Kalyan.
83.	Viklang Kalyan has also started 3 Shelter Homes cum training centre's at Gorakhpur, Bareilly and Meerut for Mentally challenged children/adults.
84.	To reduce pendency in JJB, Bal Samvad Adalats are held.
<b>UTTARAKHAND</b>	
85.	As a pilot project, additional JJ Boards have been set up, in three districts where the pendency is more than 100 cases.
<b>WEST BENGAL</b>	
86.	Formation and proper functioning of the JJB in all 19 districts.
87.	Mapping of JJBs, CWCs and stakeholders by National University of Juridical Sciences (NUJS) and UNICEF.
88.	Children in the JJ Board feel at home during the proceedings, because it was child-friendly as the Principal Magistrate ensured that everyone from the orderly, bench clerk, and other officers/functionaries were all child friendly. Children fully participated in the proceedings. Dates for hearing are given according to the convenience of the child. All proceedings are explained to the child.
89.	Children in non-hazardous jobs were encouraged to keep some money in a joint account opened with their parents and a follow up was done.
90.	Bridge – courses, liaisons with National Open School, Rashtriya Madhyamika Vikas, etc., where children were encouraged to continue their education.
91.	De-addiction of children was taken up.
92.	A case was initiated against the media and TV channels for exposing children whose cases were being heard by the JJB.
93.	I advocate for my children and train the police personnel of WB.
94.	Implementation of child friendly procedure under the POCSO Act was ensured in a JJB, by placing a screen between the victim and the accused during evidence and taking questions in writing.
95.	All the districts in the state have a functional JJBs.

## Annexure 2: Schedule for the National Conference



### National Consultation Effective Implementation of Juvenile Justice (Care and Protection of Children) Act, 2000

Venue: Jacaranda Hall, India Habitat Centre  
25th April 2015

Organised by:  
Supreme Court Committee  
on Juvenile Justice

Supported by:  
UNICEF  
India Country Office

Technical Support from:  
Centre for Child and the Law  
National Law School of India University, Bangalore

09:30 – 10:00 am	<b>Registration</b>
<b>Inaugural</b>	
10.00 - 10.10 am	Introduction and Background Hon'ble Mr. Justice Madan B. Lokur Judge, Supreme Court of India
10:10 - 10:20 am	Introductory Remarks Mr. Louis-Georges Arsenault Representative, UNICEF India
10:20 - 10:30 am	Reflections and Views Mr. V.S. Oberoi Secretary, Ministry of Women and Child Development, Gol
10:30 - 10:50 am	Keynote Address Hon'ble Mr. Justice H.L. Dattu Chief Justice of India
10:50 - 11.00 am	Release of Recommendations - Regional Roundtables Hon'ble Mr. Justice H.L. Dattu Chief Justice of India
11.00 - 11.30 am	<b>Coffee / Tea Break</b>
<b>Technical Sessions</b>	
11.30 - 12:30 pm	Presentation and Panel Discussion Effective Functioning of Juvenile Justice Boards Presentation: Ms. Nina Nayak Panel: Chair - Hon'ble Mr. Justice H.G. Ramesh- Karnataka High Court Ms. Bahuguna, IPS, Director, National Police Academy, Hyderabad Ms. Maharukh Adenwalla, Lawyer
12:30 - 13.30 pm	Presentation and Panel Discussion Effective Functioning of Child Welfare Committees Presentation: Ms. Swagata Raha Panel: Chair- Hon'ble Mr. Justice Jayant Patel- Gujarat High Court Mr. Saswat Mishra, IAS, Secretary, DWCD, Odisha Mr. Keisam Pradipkumar, Manipur Alliance for Child Rights





13.30 – 14.15 pm	<b>Lunch</b>
14.15 – 15.15 pm	<b>Presentation and Panel Discussion</b> Effective Management of Children's Homes  Presentation: Ms. Arlene Manoharan Panel: Chair-Hon'ble Mr. Justice D. N. Patel– Jharkhand High Court Mr. H.K. Sarma, IAS, Commissioner and Secretary, Social Welfare Department, Assam Mr. Amod Kanth, Prayas, Delhi
15:15 – 16:15 pm	<b>Presentation and Panel Discussion</b> Effective Legal Services for Children  Presentation: Ms. Shruti Ramakrishnan Panel: Chair- Hon'ble Mr. Justice V.M. Kanade – Bombay High Court Ms. Asha Menon, Member Secretary, National Legal Services Authority Fr. Antony, ECHO, Bangalore
16.15 – 16.45 pm	<b>Coffee / Tea Break</b>
16:45 – 17:30 pm	<b>Way Forward</b> Panel: Chair – Hon'ble Mr. Justice Madan B. Lokur – Supreme Court of India Ms. Renuka Kumar, IAS, Principal Secretary, Department of Women and Child Development, Uttar Pradesh Ms. Atiya Bose, Aangan Trust, Mumbai



