

**Report on the Regional Round Table Conference of Northern States
On
Effective Implementation of Juvenile Justice (Care and Protection of Children) Act, 2000¹
Lucknow, 7-8 February 2015**

I. Introduction

The Regional Round Table Conference of Northern States on the Effective Implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act) was attended by 150 participants from the States of Uttar Pradesh, Uttarakhand, Haryana, Punjab, Chandigarh, Himachal Pradesh and Jammu & Kashmir. The participants included Hon'ble Mr. Justice. V.K. Bist - Acting Chief Justice of the High Court of Uttarakhand, Hon'ble Mr. Justice Amar Saran - Allahabad High Court, Hon'ble Mr. Justice. Sudhir Kumar Saxena - Allahabad High Court, Hon'ble Mr. Justice M. Jeyapaul - High Court of Punjab and Haryana, Hon'ble Mr. Justice Muzaffar Hussain Attar - High Court of Jammu and Kashmir and Hon'ble Mr. Justice Madan B. Lokur - Judge, Supreme Court of India; police officials; representatives of the Department of Women and Child Development, Director - JTRI, Member Secretaries of the State Legal Services Authority; representatives of the State Commissions for Protection of Child Rights (SCPCRs), Principal Magistrates of the Juvenile Justice Boards; Chairpersons of the Child Welfare Committees, Members of the JJBs and CWCs; representatives from civil society organisations and the Vice-Chancellor and the faculty members of the Dr. RML National Law University, Lucknow.

In his Welcome Address, **Professor (Dr.) Gurdip Singh**, Vice-Chancellor of Dr. RMLNLU Lucknow extended a welcome to Hon'ble Mr. Justice Madan B. Lokur, the Hon'ble Justices, representatives of State Departments and other participants. He reminded the audience that by ratifying the United Nations Convention on the Rights of the Child, the Government of India had made a promise to protect the civil, political, cultural, economic and social rights of children. In this regard, the gaps in implementation of the Juvenile Justice (Care and Protection of Children) Act 2000 required to be urgently addressed.

In her remarks, **Dr. Niloufar Pourzand, Chief, UNICEF, Uttar Pradesh** welcomed the initiative of the Supreme Court and emphasized on the need for a stronger roadmap for the effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000. She stated that the justice for children approach seeks to ensure that all children have access to justice systems not merely as recipients but as participants in the system.

In his introductory remarks, **Hon'ble Mr. Justice Amar Saran**, Judge, Chairperson of High Court Juvenile Justice Committee, Allahabad High Court, highlighted some of the issues plaguing the juvenile justice system. These included opacity and lack of accountability, infrastructural problems, lack of appropriate human resources, lack of co-ordination among the actors and stakeholders, functioning of the police, the relative absence of drop in centres, fit institutions, alternatives like community services, restorative measures such as compensation for the victim from the child in

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conflict with law, foster care, adoption, inadequate responses to address the special problems of the challenged child, etc. Justice Saran pointed out the absence of an effective counselling service resulting in a critical gap in the system which prevents effective rehabilitation of children. He concluded by highlighting the important role of the High Court Committees in facilitating timely and regular reviews, and to facilitate interaction and coordination between the different stakeholders, and the hope that the deliberations would enable dialogue and meaningful outcomes in the interest of children in the juvenile justice system.

Sharing his reflections and views, **Hon'ble Mr. Justice Madan B. Lokur**, Judge, Supreme Court of India, made a reference to an international conference in Geneva where one of the important issues highlighted was how to get children to be responsible for their actions, but to also re-integrate them into their families and communities – and that 'Restorative Justice' was one such way to do this. He emphasized that rather than sending children into the criminal justice system what was required was to identify alternatives, and that perhaps discussion needs to begin on some of these issues.

With regard to children in need of care and protection, he said that this is a neglected area, referring to recent incidents that had taken place, which demonstrated that there is a severe gap in how these children are being provided care and protection.

Justice Lokur, while referring to the recent incident in Meerut where 91 children ran away from an Observation Home, said that something had to be done to improve the situation in these homes. He queried whether if a similar incident had happened in an adult jail, where 91 adult criminals escaped, would not a demand have been made that the IG Prisons be sacked or transferred, or for a judicial inquiry? Would there not have been a hue and cry in the media, and the government come under severe criticism? However, nothing of this kind had happened in Meerut, commenting that perhaps this is because when it comes to children, the attitude is one of apathy.

Justice Lokur asked whether this is also an issue of double standards – wherein children are not treated with the same respect as adults, even though they are also human beings and have a right to live in dignity. He explained that children are being compelled to live in conditions that are disturbing and that this is not a stray incident happening in one place – it is happening in several places across the country, despite which there is no discussion, transfers, suspensions, inquiry commissions, judicial commissions etc. This naturally means that these are now issues which require serious attention and action. Justice Lokur clarified that some states are attempting to do their job, but in other states, the response is lukewarm. The issue raised by some state governments is that the funding is inadequate – but this he said, is not a good enough excuse. He re-iterated that such an attitude would not be acceptable when the state is required to fulfill some obligation to adults, whereas with regard to children who are victims of state apathy and voiceless, this seems to be fine. He mentioned that there is a huge amount of money under the ICPS and the state machinery needs to wake up, to listen, and to feel the sense of urgency to do something in order to improve their lives.

Referring to the work of non-governmental organizations, he urged them to be proactive as they are the ones who are also working at the ground level along with the state functionaries.

As regards the judiciary, Justice Lokur said that in its role as the custodian of the rights of the people, the judiciary also has to play a pro-active role. Failure to protect the rights of the people would naturally mean a failure to perform its duty.

The Police needs to be sensitized even to basic principles including the one that requires a person to be treated as innocent till proven guilty. Justice Lokur said that moreover, there is a need for far more sensitivity by the police with regard to how they treat children, urging that not only police but all those in positions in authority should treat children as one would treat his/her own child. This he said would require a change of mindset.

Justice Lokur concluded by saying that the idea behind the Round Tables is to enable all participants to not just listen to presentations, but to dialogue and speak their mind on the issues and challenges related to the implementation of the Act. He urged the participants to shed all inhibitions that may be there due to the presence of judges or senior officers, saying 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 round table.

II. Challenges faced in the effective implementation of the JJ Act

On 7 February 2015, Day I of the Round Table, brief presentations on the status of implementation of the JJ Act were made by the Hon'ble Justices of the respective High Courts as well as select representatives of the government, SCPCRs and police.

Several systemic, infrastructural, and human resources related challenges that have impeded the effective realisation of the objectives of the JJ Act were highlighted. The unique challenges that emerged from the Northern Region Round Table pertained to the management of homes and the perception that the police do not have much of a role under the JJ Act.

The issues emerging from their presentations have been clustered below as follows:

- 2.1. Issues of Common Concern – a listing and tabular depiction of issues that were raised by two or more States.
- 2.2. State-specific Challenges – a listing of unique challenges faced by some of the States that affects the effective implementation of the JJ Act.

2.1. Issues of Common Concern

At the Northern Region Round Table, several challenges that impaired the effective functioning of the JJBs, CWCs, Management of Homes, and provision for Legal Services - the four major themes identified for the Round Table dialogue were shared.

The issues that emerged have been depicted below in the form of a State-wise table under the four themes.

2.1.1. *Effective Functioning of Child Welfare Committees (CWCs)*

Significant challenges that emerged were lack of adequate staff, infrastructure, travel allowance to enable the CWCs to function effectively, inadequate training, non-establishment of CWCs in the state of Jammu and Kashmir, problems arising due to gaps in procedures for selection and appointments, apathy by CWCs who fail to use their powers to be pro-active and go to the child in need of care and protection or take *suo moto* action, cases of CWCs engaged in activities that demonstrate moral turpitude.

The following table indicates issues that were flagged as a concern by the states during the State Presentations:

Table 1: Issues affecting the effective functioning of Child Welfare Committees

Please note that this matrix reflects only the issues that were specifically raised during the State presentations. It should not be interpreted to mean that these concerns are absent in other States.

| Issues | UP | UK | Punjab | Haryana | HP | Chandigarh | J & K |
|-------------------------------------|----|----|--------|---------|----|------------|-------|
| Selection Committee not constituted | √ | √ | √ | | | | |
| Vacancies | √ | √ | √ | | | | |
| Insufficient honorarium | | √ | | | | | |
| Inadequate staff and infrastructure | | √ | | | | | |
| Absence of monitoring of CWCs | | √ | √ | | | √ | |

2.1.2. Effective Functioning of Juvenile Justice Boards (JJBs)

Significant challenges that affect the effective functioning of JJBs that emerged from the presentations are as follows:

- JJBs not being pro-active in terms of visits to the institutions
- Availability of child and adolescent psychiatrists to inform the orders of the JJB and achieve the goals of the Act
- JJBs not functioning as a multi-disciplinary Bench of Magistrates

The following table indicates additional issues that were flagged as a concern by two or more states during the State Presentations:

Table 2: Issues affecting the effective functioning of Juvenile Justice Boards

Please note that this matrix reflects only the issues that were specifically raised during the State presentations. It should not be interpreted to mean that these concerns are absent in other States.

| Issues | UP | UK | Punjab | Haryana | HP | Chandigarh | J & K |
|-------------------------------------|----|----|--------|---------|----|------------|-------|
| Selection Committee not constituted | √ | √ | √ | | | | √ |
| Pendency | √ | | √ | | | | |
| Vacancies | √ | √ | √ | | | | |
| Lack of trained personnel | | √ | | | √ | | |

2.1.3. *Effective Management of Homes*

Fundamental issues that were raised in the context of child care homes pertained to the need for trained and sensitized personnel, need for more trained counselors, segregation of children, the need for more Fit institutions, effective registration of institutions, and a standard MIS system to ensure transparency effective supervision and monitoring of the institutions under the WCD. The critical importance of visits by the Principal Magistrates to the Observation Homes and Special Homes in his/her jurisdiction was also highlighted. Given that police can also grant bail for children alleged to be in conflict with law, this practice could be encouraged, so as to avoid unnecessary detention and over-crowding of the Observation Homes.

The following table indicates additional issues that were flagged as a concern by the states:

Table 3: Issues affecting the effective Management of Child Care Homes

Please note that this matrix reflects only the issues that were specifically raised during the State presentations. It should not be interpreted to mean that these concerns are absent in other States.

| Issues | UP | UK | Punjab | Haryana | HP | Chandigarh | J & K |
|---|----|----|--------|---------|----|------------|-------|
| Absence of after-care services and funds for it | | | √ | √ | √ | √ | |
| Insufficient Homes | | | | | √ | | |

| Issues | UP | UK | Punjab | Haryana | HP | Chandigarh | J & K |
|---|----|----|--------|---------|----|------------|-------|
| Inadequacy of escorts and insufficient funds to enable basic services during escort | | | | | √ | √ | |
| Absence of counsellors in homes | | | √ | √ | √ | √ | |
| Absence of segregation | √ | | √ | √ | √ | | |
| Absence of vocational training | √ | | √ | √ | | √ | |
| Lack of recreational activity and open spaces | √ | | √ | √ | | √ | |
| Overcrowding | √ | | √ | √ | | √ | |
| Absence of basic services | √ | | √ | | | | √ |
| Neglect of children with disabilities | √ | | | | | √ | |

2.1.4. *Effective Provision of Legal Services for Children*

Key issues that were raised include the delayed access to free legal services as a result of which children and their families invariably turn to private lawyers. The failure on the part of the police/SJPU in alerting the child/family or linking them to a Legal Aid Lawyer was flagged as a concern.

The following table indicates additional issues that were flagged as a concern by the states:

Table 4: Issues affecting the effective provision of Legal Services

Please note that this matrix reflects only the issues that were specifically raised during the State presentations. It should not be interpreted to mean that these concerns are absent in other States.

| Issues | UP | UK | Punjab | Haryana | HP | Chandigarh | J & K |
|--|----|----|--------|---------|----|------------|-------|
| Non-availability of LALs in JJBs | √ | √ | | | | √ | |
| Insufficient emoluments for LALs | √ | | | | | | |
| SJPU ineffective in linking child to LAL | | | | | | √ | |

2.2. State-specific Challenges

2.2.1. Uttar Pradesh

- Extended tenure of JJBs and CWCs beyond the statutory mandate.
- Two CWCs terminated for malpractices [They were allegedly indulging in human trafficking!]
- Poor condition and safety in homes
- Curtailment of liberty of children within the OH because the JJB holds its proceedings in the OH premises.
- Need for training for JJB members along with the Principal Magistrates
- Right to bail irrespective of the gravity of the offence is not understood

2.2.2. Punjab

- Board not functioning as a multi-disciplinary Bench as Members are sidelined by the Principal Magistrate.
- No SOPs.
- State Rules require to be amended to ensure that a retired judge of the High Court chairs the Selection Committee, instead of an officer of the Department.

2.2.3. Chandigarh

- Lack of availability of legal aid at the time of apprehension by the police
- Non-establishment of Shelter Homes and Special Juvenile Police Units
- Misrepresentation of juveniles as adults and their detention in jails
- Foster care, sponsorship programme and adoption require strengthening.
- Delay in restoration of children due to lack of coordination between States.
- Delay in receiving funds, and lack of funds to enable post release follow up

- No home for children with disabilities

2.2.4. Himachal Pradesh

- Despite geographical challenges CWCs are not given conveyance.
- Lack of guidelines for CWCs with respect to repatriation of children to Nepal.

2.2.5. Jammu & Kashmir

- Abysmal implementation of the JJ Act.
- Absence of statutory authorities and institutions.
- ICPS not implemented in the State.
- Geographical conditions create logistical challenges in transporting children from homes to the places of inquiry.

III. Key Challenges and Proposed Solutions

On 7th February 2015, participants were divided into eight groups under four themes and urged to deliberate on the key challenges, solutions and the way forward. The four themes were:

- Effective functioning of Juvenile Justice Boards
- Effective functioning of Child Welfare Committee
- Effective Management of Homes.
- Effective Legal Services for children

This section captures the solutions proposed on 8 February 2015 in response to the challenges identified by the participants.

3.1. Key Challenges and Proposed Solutions to Ensure Effective Functioning of JJBs

| Sl. | Issue | Key Challenges | Proposed Solutions |
|-----|-----------------------------------|--|---|
| 1. | Infrastructural Challenges | There is a severe and acute lack of proper infrastructure for the Juvenile Justice Boards (JJBs) in order to ensure their efficient functioning. For instance, even though the ICPS Scheme has been implemented in 72 districts of Uttar Pradesh, yet the State Government generally fails to pay the rent of the leased premises. | <ul style="list-style-type: none"> • State Government should take effective measures to provide proper infrastructure to the JJBs. • There should be separate chambers for the Board members. • Waiting rooms should be provided in the observation homes for the juveniles' parents and other visitors. • ICPS Scheme should be implemented strictly in its true sense in relation to the building space, etc. |
| | | The office of the JJB is not | Thoroughly upgraded |

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| | | properly provided with computers and other means of modern communications and technology. This hampers their effective functioning. | computers and technological devices with the NIS system installed on them must be provided to the JJBs so as to facilitate their efficient performance. |
| | | Setting up of JJBs in court premises. | To press upon the administration to provide for separate premise for the JJB at some observation Home or suitable place in any institution run under the Act – as per Rule 9(1) |
| | | Lack of child friendly atmosphere in Board Room | Increase in monthly allowance provided for maintenance of JJB's. |
| 2. | Maintenance of Case Files | There is no proper maintenance and consignment of files. The staff is completely incompetent and untrained in the ways and methods of the functioning of the JJBs, such as for instance, they don't even know how to correctly record the statements. | This problem is typical to the state of UP. It is never clear as to where the records are to be consigned after the enquiry is over. The staff should be properly trained so as to address this issue. |
| 3. | Lack of adequate payment | Non-judicial members of the JJB are demoralized due to lack of payment of adequate and timely honorarium. Due to this, persons of eminence refuse to be appointed as the members of the JJB. This problem is faced by each and every State. | The honorarium payable to the JJB members should be a fixed amount, preferably at par with the members of the Consumer Forum or the Lok Adalats. They should also be provided with travel allowances for visiting juvenile's observation homes. |
| 4. | Multi-tasking by JJBs | The Principal Magistrate of the JJB is simultaneously overburdened with other tasks as well which are not concerned with the duties and functions of the JJB. | The Principal Magistrate should have a separate Court, exclusively for the purpose of JJB, so that he/she can attend to his/her duties with full sincerity. |
| 5. | Lack of Coordination | There is serious lack of co-ordination between the JJB, the District Probation Officer (DPO), and the Child Welfare Committees (CWCs). The report of the DPO is to be considered at the stage of bail and at the time of final enquiry; | <ul style="list-style-type: none"> Mandatory notice should be issued to the DPO to attend the meetings of the Board and remain associated with the proceedings of the Board. An exclusive Probation Officer (PO) should be appointed under |

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| | | but the report is hardly produced by the DPO. Due to this, it becomes difficult to release the juvenile found guilty under any provision. | the JJ Act, so that he can give timely reports, on the lines of the Protection Officer under the Domestic Violence Act. • Also, the PO of each district of a state should be trained by the respective Judicial Academies of each State. |
| 6. | Need for training and sensitization of key stake holders | The police personnel are extremely insensitive while dealing with the juveniles who have committed any offence. They usually arrest the juvenile, whereas, they are required to be produced before the Principal Magistrate/ Member of the JJB. | It should be made mandatory that special police units are there as per the provisions of the JJ Act. Moreover, police personnel should be trained and sensitized specifically to deal with juveniles in conflict with the law. |
| | | Lack of knowledge regarding provisions of JJ Act amongst investigating authorities. | Regular Training Modules for investigating officers |
| | | Indifference of JJB's to child psyche | Providing training about child psychology to Principal Magistrate for his/her proper sensitization |
| 7. | Non-availability of counselors or psychologists | There are no counselors or psychologists available for the counseling of the juvenile. Also, there is no arrangement for their security outside the observation homes. This leads to their harassment and abuse by the general public. | The Government should provide police or some other kind of security guards for the protection of children outside the observation homes and reformation schools, on the lines of Home-guards being provided by the Govt. of Uttar Pradesh. |
| 8. | Challenges in implementation | Individual Care Plan is not being prepared as mandated under JJ Rules. This deters rehabilitation efforts for the child. | Appointment of suitable probation officers in each district & holding appropriate training programs for them |
| | | Difficulty in execution of dispositional orders passed under section 15 of JJ Act, 2000 | Issuance of directions to State Government for appointing suitable individuals for individual counseling or group counseling |
| 9. | Problems related to Age Determination & Juveniles treated as | Manipulation of school records, and birth records for claiming juvenility by unscrupulous persons. | Giving priority to birth certificate issued by a corporation or municipality or panchayat over and above the documents listed in Rule |

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| Adults | | 12(3)(a)(i) &(ii) in case of conflict. |
| | <ul style="list-style-type: none"> Juveniles produced as adults as no age determination test conducted. Due to this they face police lock-ups, jail and judicial remand FIRs are being filed and juveniles are being apprehended even for offences with less than 7 years imprisonment. | Increasing awareness amongst investigating authorities regarding procedure of production of juveniles after apprehension |
| | Non-appearance of witnesses resulting in delay of disposal of inquiries | <ul style="list-style-type: none"> Impressing urgency & priority upon the concerned SHO or investigating officer to ensure appearance of witnesses Appointing Juvenile Welfare Officers in every police station solely to deal with juvenile related matters in order to expedite investigation and inquiry. They must not be assigned any other role. |
| | Lack of separate process serving agencies for JJBs to expedite trial. | Requesting the State Government to provide for its set-up and association of functionaries in ICPS with the same. |

Way Forward identified by the Groups and participants:

- The Government should come up with some kind of standard/model operating procedure and a checklist for each of the Juvenile Justice Boards of all States.
- There should be proper implementation and monitoring/follow-up of the JJBs functioning.
- Rehabilitation of the juvenile could also be done by bringing him under the wings of the Child Welfare Committees (CWCs) in order to bring him into the main stream of the society.
- For better co-ordination, a convergence meeting may be convened monthly/quarterly of all the officers and agencies associated with the Juvenile Justice Act. In order to ensure the effective functioning and accountability of all such agencies, they should be made to report to the judiciary, i.e. the JJB Committees of the respective High Courts and not the executive.
- Exhaustive training to JJB members
- Principal Magistrates and Social Work Members of the JJB to function as a multi-disciplinary Bench of Magistrates in order to achieve the rehabilitative purpose of the inquiry.
- To ensure effective functioning of JJBs it is necessary that all the key role players involved in the functioning of JJBs are made more aware and to have good perception of the provisions of JJ Act, 2000

- Principal Magistrates should endeavor to complete every inquiry within four months after commencement of trial.
- Over-institutionalization of juveniles in conflict with law should be avoided.
- Sensitization of Police officials and other functionaries dealing with Juveniles in conflict with law.
- State to focus more on prevention of juvenile delinquency, perhaps through amendment of the Act itself to ensure accountability of the state in this regard.
- Reduction in pendency to be reflected in Performance Appraisal of JJB
- Separate cadre of Probation Officers under the JJ Act to be established, given that currently they are required to perform duties under a number of legislations

3.2. Key Challenges and Proposed Solutions to Ensure Effective Functioning of CWCs

| | Issue | Key Challenges | Proposed Solutions |
|----|-----------------------------------|--|--|
| 1. | Lack of coordination | Lack of co-ordination between law enforcing agencies and other departments | Proper communication; Meeting at district level every 3 months of ICPS. |
| | | Lack of coordination between CWC and Child Protection structure (CWC, DCPU, SJPU, CCI, etc.) | Development of SOPs with specific role and responsibilities of stakeholders |
| | | Lack of proper meetings of CWCs | Increase the frequency of the meetings, preferably 5 days in a week. |
| | | Lack of trust between CWCs and NGOs | Regular involvement/participation in NGO activities, understanding good practices |
| 2. | Appointment Issues | Selection of Child Welfare Committee | Selected persons should be qualified, experienced and should be properly trained |
| | | Ambiguous selection of CWC members, without following norms. Even government employees are being appointed in CWCs | Proper selection committee under the chairmanship of retired judges of High Courts be constituted for proper selections |
| | | Non-renewal of the membership of the members of the CWCs in many States. Example Uttarakhand | Regular selections should be made as soon as possible |
| | | In many of the districts, full bench is not in existence | Regular appointments should be done as soon as possible |
| 3. | Lack of visibility of CWCs | Lack of awareness regarding CWCs | <ul style="list-style-type: none"> • Publicity through print and electronic media • Creating modes of awareness through Cinema |

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| | | | halls, Schools, Cable TVs, Public buses, etc. |
| 4. | Insufficient training of stakeholders | Stakeholders are not sufficiently literate about CWC | Proper training and orientation of stakeholders |
| | | Capacity Building is an issue | Selection Process must be followed by an Induction Process in addition to proper trainings. Regular follow-ups and refresher trainings must be conducted. |
| 5. | Infrastructure, Resources and Staff Challenges | Shortage of support staff and sufficient infrastructure | <ul style="list-style-type: none"> • CWCs should be established as per provisions of the act. • Proper infrastructure and support staff should be made available as per ICPS |
| | | Lack of proper resources | Allocation of proper funds; Reimbursement of personal expenses. |
| | | Non-payment of honorarium of CWCs regularly in many states. | Government should release adequate funds timely to facilitate CWC working |
| | | Lack of child friendly infrastructure of CWCs | Proper infrastructure should be provided |
| | | Escort is not provided timely which delays restoration of children | SJPU should provide escort timely |
| 6. | Challenges in the provision of services to children | Non-institutional care like adoption, foster-care, and sponsorship not available | <ul style="list-style-type: none"> • Proper allocation of Human Resource. • Non-institutional services have to be strengthened |
| | | No vocational training is given in any children home/shelter home | Vocational training should be compulsory |
| | | Not all activities related to welfare of children undertaken by members of CWC are put on record as a “sitting” | All activities related to welfare of children undertaken by members of CWC should be considered as a “sitting”. |
| 7. | Maintenance of Information & Uniformity | Flow of information | MIS database; Nationwide directory of Child Line, DCPS, JJBs and should be properly updated. |

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| | in practices | Training & documentation of CWC not clear. Various CWCs are adopting different practices | Uniform manual should be prepared for CWC members and accordingly they should be trained so that uniformity can be maintained throughout India. |
| | | Standard operating procedures to deal with different categories of children like child beggars, child labour and victims of sexual offences, etc. | Proper SOPs be developed defining roles of not only CWC but all other allied agencies like police, labour, childline, DCPU, etc. |
| | | Lack of uniformity and inadequate data and documentation | State should provide for uniformity in orders. |
| 8. | Lack of sufficient Homes hampering the functioning of CWCs | No proper place for keeping rescued children | Shelter homes in every district along with all necessary child right benefits. |
| | | Lack of homes in each district | In each district, Open shelter homes should be through ICPS |
| 9. | Monitoring of CWCs | Monitoring of CWC is not being done | JJC should monitor the working of CWCs |

Way Forward identified by the Groups and participants:

- After the selection of members of CWCs, they should be given proper training in Judicial Academies and other renowned institutions and should also be given a training module;
- Dedicated landlines should be provided to the CWC members;
- Meeting of DCPS every 6 weeks;
- Monitoring of CCIs by State and District Level Inspection Committee;
- List of members of CWC along with other concerned persons to be displayed in every Police Station;
- Proper implementation of Foster Care Scheme
- Training for CWCs, particularly with regard to relinquishment of children

The group that discussed the effective functioning of the CWCs also listed short term and long term initiatives that could be taken. These were as follows:

SHORT TERM INITIATIVES

- Capacity Building
- Awareness and visibility
- Proper infrastructure and support staff will enhance the working of CWCs effectively.
- Constitution of Selection Committee under the chairmanship of retired judges of High Courts will bring people with proper credentials in CWCs
- Declaration of an institution as fit only on the recommendations of CWC

- At least in each district, Open shelter homes should be through ICPS.
- All activities related to welfare of children undertaken by members of CWC should be considered as sitting.
- JJC should monitor the working of CWCs.

LONG TERM INITIATIVES

- Strengthening the existing monitoring and coordination structure
- Proper SOPs be developed defining roles of not only CWC but all other allied agencies like police, labour, child line, DCPU, etc.
- Children homes to be provided with proper infrastructure in each district

3.3. Key Challenges and Proposed Solutions to Ensure Effective Management of Homes

| Issue | Key Challenges | Proposed Solutions |
|--|---|---|
| Infrastructure | Lack of infrastructure | Infrastructure should be as per the JJ Act. |
| Detention as a measure of last resort | Overcrowding of observation homes | <ul style="list-style-type: none"> • JJB should complete the cases as per the JJ Act, bail should be given for petty offences from the police station directly. • JJB's are supposed to ask for social investigation reports of the juvenile from the investigation officer and the probation officer |
| Staff | Lack of staff for homes | <ul style="list-style-type: none"> • Additional staff should be provided in homes, their wages should be as per the law, they should be kept on contract basis and not on outsourcing basis. The staff appointed should be full time. For minimum 50 children staff ratio should be as follows- • 3 helper, 3 sweeper, 1 superintendent, 1 assistant superintendent, 2 supervisors, 2 cooks, 2 trainers, 2 educationalists. |
| Health | Medical counseling for growing girls and boys | Once a month health camp should be organized at the homes. |
| Vocational Training | Vocational training by ITI | Technical institutes should be connected to homes for vocational training. Vocational training by ITI/ Skill development program should focus on the vulnerable section of society. Responsibility should be given to the DSPU'S so that the program should be effectively implemented and they should give a report of individual care plan to headquarters/ head officers as soon as possible. |
| After care | Post release program | After 18 years of age for rehabilitation of children there should be some provision for employment as well as a follow up study of the child should be done effectively. |

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| Recreation | No recreation, only 24 hours T.V is available. | More outdoor and indoor games, reading material should be provided. |
| Counselling | Absence of effective counseling | Effective counselor should be appointed who should repeat the counseling after 15 days |
| Placement of persons above 18 years | Where to keep child above 18 years | They should be sent to a place of safety. |
| Shelter Homes | Lack of shelter homes | <ul style="list-style-type: none"> • First admission in temporary shelter homes and then in permanent homes. • For this opening of more shelter homes is required. |
| Vacancy | Recruitment for CWC | Effective and regular recruitment of CWC members is required who can take regular meeting to resolve the cases as per the act. |
| Implementation of ICPS | ICPS Scheme implementation | Should be proper implementation of the ICPS.. |
| Repatriation to other states | Inter-state restoration of children | Proper SOP should be maintained for interstate restoration. |
| Security | No security in homes | All homes should be provided with security for safety of children. |

Commented [mbl1]: perhaps not pendency

Way Forward identified by Groups and participants:

- Training and sensitization program for stake holders.
- NGOs should give vocational training.
- Non institutional services should be strengthened and people should be trained.
- Child psychologists/counselors should be appointed in all homes in order to achieve the rehabilitative goals of the Act
- Much more attention to be given to ensure rehabilitation and re-integration through rigorous review and follow up
- Children found to be in conflict with law hailing from other states to be repatriated in a timely manner in order to enable family contact.
- Mentor NGOs to be identified to support each statutory home managed by the state government.
- Along with enhancing technological/infrastructural investments for better functioning of the homes, greater attention to be given to the human factor, which includes adherence to procedure while making selection of functionaries.

3.4. Key Challenges and Proposed Solutions to Ensure Effective provision of Legal Services for children

| Issue | Key Challenges | Proposed Solutions |
|---|---|---|
| Lack of awareness and sensitivity | Lack of dedicated and sensitive lawyers. | Appointment of qualified, experienced, dedicated and sensitive lawyers by establishing an appointment Committee at district level consisting of District Judge as Chairperson, the District Magistrate as member or coordinator and few experts nominated by District Judge with consultation of District Magistrate and his other senior colleagues. |
| | Lack of sensitization on child laws. | <ul style="list-style-type: none"> • Training programs, seminars and colloquiums on child laws that should include the practical aspects e.g, visiting OH and other homes. • Best practices should be shared between States. |
| | Low awareness about child laws among people dealing with children | Awareness programmes should be conducted to sensitize all the stakeholders. |
| | Lack of awareness by the legal authorities. | Principal Magistrates be sensitized and be made aware of the developments of recent laws and judgments. |
| Lack of proper mechanism to ensure legal aid. | Legal aid not made available to the child from the time of apprehension | Proper mechanism to be developed where immediately after lodging a case against a child DPO should be informed so as to ensure that legal aid is provided from the time of apprehension and information should be given immediately to the family of the child. |
| Lack of sufficient budgetary provisions | Low emoluments of legal aid lawyers that affects motivation. | Government may be instructed to provide respectable fees to the lawyers. |
| | Budgetary support to ensure compliance with Court orders with respect to para-legal volunteers a challenge. | Adequate budgetary support to be provided to ensure compliance. |
| Need for legal services to children in need of care and protection | Lack of transparency in declaring children as fit for adoption. | <ul style="list-style-type: none"> • Accountability must be fixed when child comes for adoption and complete transparency must be observed within a stipulated time period. • Adoption to be time bound as per CARA Guidelines. |
| | Identifying the destitute children who are in need of | <ul style="list-style-type: none"> • Proper accreditation of organizations involved in matters of children who |

| Issue | Key Challenges | Proposed Solutions |
|---|--|--|
| | care and protection. | are in need of care and protection. <ul style="list-style-type: none"> • Transparency to be ensured by making websites accessible and develop common website to have all information accessible at common portal. • Interstate coordination to be developed so that parents could be identified. |
| Need for greater coordination and cooperation between stakeholders | Lack of coordination between stakeholders and an institutional mechanism to ensure interface with children and their families. | <ul style="list-style-type: none"> • Sensitization program for stakeholders. • Developing cooperative coordination. • Fixing of accountability between stakeholders. |
| | Absence of police escorts while taking children home. | <ul style="list-style-type: none"> • Sensitized police officers to be deployed for escorting and restoring out-of-state children to their parents. • Module on JJ Act and POCSO Act to be included in all trainings for police |

Way Forward identified by Groups and participants:

- Legal provisions to be implemented in letter and spirit on ground reality basis.
- Highly professional approach with accountability to be encouraged.
- Pro-active steps by SLSAs to ensure that legal services are offered instead of waiting to be sought
- Justice-oriented approach to be developed.
- Assistance of Legal Aid Committees in National Law Universities can be taken by the SLSA to extend legal aid and legal services to children under the JJ Act.
- Full-time dedicated lawyers for children in conflict with the law who are paid respectable fees.
- Funds available with SLSAs to be spent in a meaningful way instead of being returned to NALSA

Good/Innovative Practices that emerged from State Presentations

Uttar Pradesh

- Proposed MIS to promote transparency, accountability and accessibility.
- Bal Samwad Adalats aimed at reducing pendency organized in partnership with SLSA.
- State Resource Centre constituted in partnership with TISS to enable training, capacity building and documentation.

- Camps organized by Sathi to enable children to be restored

Chandigarh

- Separate panel of lawyers for providing legal counselling and legal services to children under POCSO Act.

Haryana

- Direction from the High Court to District & Sessions Judges to ensure that additional work is not given to Principal Magistrates presiding over JJB where more than 100 cases are pending.

Jammu & Kashmir

- Extensive mapping of homes run by NGOs across the State.

Uttarakhand

- Online database created in order to track missing children.

IV. Short-term and Long-term Goals

This section captures the submissions by the participants on the one goal they would like to achieve in six months and the three goals they would like to achieve in the next two years to ensure the effective implementation of the JJ Act.

Uttar Pradesh

| Short Term Measures | Long Term Measures |
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| <ol style="list-style-type: none"> 1. JJB to implement Section 13, JJ Act. 2. Frequent visit of concerned DC 3. Quick disposal of juvenile cases. 4. Childline to visit homes to understand the reason for non-restoration and overcrowding and try to ensure restoration. 5. DCPS meeting to be held every three months to trace out main problems related to care and protection etc and other child related issue. 6. District Probation Officer to facilitate preparation of a complete action plan for the | <ol style="list-style-type: none"> 1. Build multi-institutional system under the Act 2. Promote coordination between the agencies constituted under the Act 3. Frame rules with clarity and precision to deal with the cases at par with Cr.P.C 4. Birthday Celebration in Children Homes 5. Organize excursions or outing for Children 6. Mainstream children in homes. 7. Create environment in which the juvenile in conflict with law can be reintegrated into society by occupational trainings and will not repeat crime 8. Parent who do not care for the children, should be motivated by NGOs to give them proper education and training to establish themselves in the society. 9. Enquiries should be held in familiar atmosphere for Juveniles and not in court atmosphere. |

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| <p>rehabilitation and after care of the juvenile by the ICPS staff.</p> <p>7. DCPO to create child friendly atmosphere within institutions and ensure vocational training for all inmates within observation home.</p> <p>8. DCPO to ensure that the individual care plan and follow up of every inmate is prepared and done.</p> <p>9. SCPCR to ensure rescue and rehabilitation of child beggars and child labourers.</p> <p>10. SHO, Mahila Thana to ensure dissemination of proper knowledge of JJ Act 2000 to each Child Welfare Officer in every police station.</p> <p>11. Sensitize the police personnel about the problems faced by JJBs from the police.</p> <p>12. District Probation Officer to initiate follow-up program in all homes.</p> <p>13. DPO to make observation home (boys) Allahabad as a model observation home with proper vocational training, sports facility, higher education availability etc</p> | <p>10. Work on a standard guideline for convergence model within district as pilot project.</p> <p>11. Training & sensitization program for district official/ stakeholder through the convergence system.</p> <p>12. Registration of homes & availability of space in district through scrutiny by local organization.</p> <p>13. Effective implementation of ICPS Scheme in District</p> <p>14. Protection Officer to find out problems at the district, block and village level and make effort to ensure effective implementation of ICPS under JJ Act, 2000.</p> <p>15. District Probation Officer to offer better instrumental support to CWC and JJB.</p> <p>16. District Probation Officer to strengthen after care plan and awareness programme in the district.</p> <p>17. District Probation Officer to provide vocational training in the observation home, self-improvement programs, and physiotherapy, music and yoga.</p> <p>18. Establish Shelter Home and open shelters in all districts.</p> <p>19. Strengthen foster care and sponsorship programs under the ICPS</p> <p>20. Make the district a child-friendly district.</p> <p>21. SCPCR to ensure proper implementation of POCSO Act, RTE Act and create awareness of child right among children.</p> <p>22. Avoid frequent transfers of Child Welfare Officers in police stations.</p> <p>23. Sub-Inspector to provide knowledge regarding provisions of JJBs to investigating officers.</p> <p>24. Sub-Inspector to invite NGOs to conduct workshops to provide knowledge to police personnel about working and problems of JJBs.</p> <p>25. Sub-Inspector to make efforts to make a healthy co-ordination between police and other agencies or departments involved.</p> <p>26. District Probation Officer to establish communication and coordination system among different stakeholders of ICPS.</p> <p>27. District Probation Officer to making observation home as model observation home.</p> <p>28. Organize Bal Samvad every month and try to reduce the pending cases before the JJB.</p> |
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| | <p>29. Means to produce children before the JJB to be made available to the police.</p> <p>30. Upload information about missing children on the website.</p> |
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Uttarakhand

| Short Term Goals | Long Term Goals |
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| <ol style="list-style-type: none"> 1. Judicial Academy to organize at least two training programmes for JJBs and other stakeholders under JJ Act, like members of CWC, SJPU, in-charge of observation/ special homes. 2. Establish infrastructure for the sitting of CWC 3. Ensure special provisions for mentally challenged children. 4. Sensitize children about their rights. 5. Proper adjustment and linkage of all the concerned departments for betterment of children 6. Provide training on child psychology to Principal Magistrates. | <ol style="list-style-type: none"> 1. Judicial Academy to conduct half yearly training/awareness programmes for stakeholders under Juvenile Justice Act, with direction of Hon'ble High Court of Uttarakhand 2. Judicial Academy to conduct half yearly inspections of observation/special shelter homes with approval from Hon'ble High Court. 3. Judicial Academy to conduct research for proper and effective implementation and removing bottlenecks in implementation in JJ Act 4. Establish Observation Homes for boys and girls in each district of the state. 5. Establish CWCs in all districts. 6. Continuous training for members of CWCs and JJBs. 7. Reconstitute and fill up of all the posts in CWC. 8. Develop SOP for CWCs. 9. Fill up of all the vacancies in the various homes in the state. 10. Ensure provisions of proper medical care and educational and vocational training in the various homes. 11. Establish a Shelter Home in every district. 12. Promote coordination between JJBs, CWCs, and NGOs. 13. Eradicate lack of resources in CWCs and other concerning bodies. 14. Zero tolerance of any kind of child abuse- physical, |

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| | <p>mental, emotional, psychological</p> <p>15. Protect and respect the rights of children</p> <p>16. Educate children and protect from all exploitation</p> <p>17. Sensitize police and JJBs.</p> |
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Chandigarh

| Short Term Measures | Long-term Measures |
|---|--|
| <ol style="list-style-type: none"> 1. Provide vocational training for all children in homes. 2. DCPO to ensure registration of CCIs under section 34. 3. DCPO to facilitate inter-state and inter-country restoration of children. 4. Ensure complete documentation of CWC proceedings. 5. Ensure that juveniles are not misrepresented as adults in the Courts. 6. Ensure children found begging on roads are provided rehabilitative services under the Act. 7. Sensitize those involved in the juvenile justice delivery system by imparting training at the judicial academy. 8. Establish a de-addiction centre for children in the home with the assistance of the Social Welfare Department. 9. Judicial Academy to ensure training of judicial officers on JJ Act. | <ol style="list-style-type: none"> 1. Ensure care plan for all children residing within Homes. 2. Ensure post-release and post-restoration follow-up. 3. Ensure that minimum standard of care is provided within homes. 4. More focus on non-institutional service. 5. More sensitization programmes for stakeholders including children and their families. 6. Focus on child friendly procedure during court proceedings. 7. Roll out sponsorship and foster care services. 8. Ensure formulation and implementation of SOP for home/ CWC/ other stakeholders. 9. Labour department to implement the Child Labour Act for protection of children who are below fourteen years of age. If anyone found working at any place the employer has to be prosecuted and joint inspection be conducted by the Anti- human trafficking team, CWC and social welfare department. 10. Juvenile Welfare Officers appointed in police stations to perform their duties under JJ Act efficiently. 11. Ensure presence of para- legal volunteers at the time of apprehension of juveniles. 12. Promote of transparency within the juvenile justice system. 13. Promote coordination between the different institutions involved in the juvenile justice delivery system. 14. Ensure vocational and skill development among the inmates. 15. JJB Member to ensure follow- up programmes in order to promote rehabilitation of children. 16. JJB Member to interact with each and every inmate of the |

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| | <p>home to make them understand that their life is as important as anybody else's and they can transform themselves as nobody is born bad or criminal from his/her mother's womb. This means that psychological treatment will be a continuous process till the object is achieved.</p> <p>17. Judicial Academy to conduct follow up and refresher courses on JJ Act.</p> <p>18. Judicial Academy to develop modules and check lists based on actual case files of JJBs in various districts.</p> |
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Haryana

| Short Term Goals | Long Term Goals |
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| <ol style="list-style-type: none"> 1. Create a healthier and juvenile friendly environment during JJB proceedings. 2. Work towards the early disposal of all pending enquiries and reduction of pendency. 3. Facilitate effective co-ordination among Child Protection Structure.(DCPU, CWC, SJPU & CCIs) 4. Prevent the presentation of juveniles as major before Magistrate and their consequent police/judicial remand. 5. Ensure implementation of Section 7-A, Section 14, Section 15, Rule 83, Rule 75-76, Section 21 & 23. 6. Work with State Government on drafting of SOPs for CWCs and JJBs. | <ol style="list-style-type: none"> 1. Provide better care programs for juveniles to facilitate their re-integration into the society. 2. Dispose all pending enquiries within time frame. 3. Harmonize the working of JJB and CWC to secure proper/well defined aftercare plan for juveniles in conflict with law. 4. Development of infrastructure at District level as per Juvenile Justice Act guidelines. 5. Effective convergence of services as per ICPS. 6. Regular capacity building of service providers and development of non-institutional services. 7. Completion of inquiries within 6 months as per Section 14 of JJ Act, 2000. 8. Prevent over-crowding of juveniles in observation home. 9. Secure prompt legal aid to poor and needy juveniles. 10. Sensitize police regarding non-apprehension of juveniles accused of having committed offences punishable with imprisonment of less than 7 years. 11. Develop child friendly CWC/JJB on a pilot basis that can be scaled up. 12. Facilitate evidence-based research on status of implementation of JJ Act. |

Himachal Pradesh

| Short Term Goals | Long Term Goals |
|---|---|
| <ol style="list-style-type: none"> 1. Improve the status of disabled children 2. Prevent discrimination between SC/ST and other children. 3. Reduce child labour. 4. Promote cleanliness in shelter homes. 5. Development of medical and physical training centres for children. 6. Training and orientation programmes for improving skills of decision making bodies or stakeholders. | <ol style="list-style-type: none"> 1. SCPCR to create awareness about child rights. 2. Promote uniformity among SCPCR's in all states. 3. SCPCR to create awareness among children about their right to education and <u>School Management Committees</u> about their roles and responsibilities. 4. SCPCR to follow up with children who have been acquitted by the Board 5. Introduction of vocational courses in observation homes 6. SCPCR to meet JJBs, CWCs, and CPCs within 3 months. 7. SCPCR to conduct research on proper and effective implementation and removing of bottlenecks in the implementation of JJ Act 8. Introduction of counselling services for juveniles in conflict with the law. 9. Proper infrastructure for JJBs. 10. Timely disposal of cases. 11. JJB Members to visit Observation Homes 12. Training to all JJB Members. 13. Improvement in basic amenities in Children's homes and shelters 14. Efforts for providing adequate funds to homes. 15. Training police, CWC and JJB members and sensitizing them. 16. Implementation of modern technology within homes. 17. Provision of more support staff within Homes. 18. Periodic orientation and training at district level for the effective provision of legal aid and services. 19. Proper implementation of SOP. |

Jammu & Kashmir

| Short Term Goals | Long Term Goals |
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| <ol style="list-style-type: none"> 1. Establish a separate Directorate namely Mission Director ICPS. 2. Constitution of Child Welfare Committees, JJBs and SJPU. | <ol style="list-style-type: none"> 1. Designate some homes as Observation Homes by improving their infrastructure etc. 2. Create Observation Homes, Shelter Homes and Special Homes. 3. State to make every effort to have its own homes for the |

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| <p>3. Form a Selection/search Committee</p> <p>4. Create awareness about the JJ Act among different social groups.</p> <p>4.5. <u>Constitute JJBs in the next two years</u></p> | <p>care and protection of children.</p> <p>4. Survey to determine the exact number of children who require care and protection.</p> <p>5. Capacity development of statutory bodies/stakeholders.</p> <p>6. Rolling out of ICPS.</p> <p>7. Academicians to make people understand essence of the Act, maybe through role plays at various places.</p> <p>8. Academicians to visit the two homes in the State to understand the cause of the problem so as to relate it to remedial steps by the concerned.</p> <p>9. Academicians to undertake advocacy with the State Government on the Act.</p> |
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Punjab

| Short Term Goals | Long Term Goals |
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| <ol style="list-style-type: none"> 1. Spread awareness about JJ Act. 2. Superintendent to work for the post release of children/juveniles. 3. Swift disposal of pending cases before the JJB. 4. Early disposal of cases before CWC. 5. NGO to teach children yoga and meditation Children's Home. 6. ICPS staff to cooperate and work more with DCPUs and tie up with alliance group (NGOs), departments, etc and coordinate with other government departments and stakeholders to ensure proper rehabilitation of children in conflict with law as well as children in need of care and protection | <ol style="list-style-type: none"> 1. Superintendent, Observation Home to work towards securing positive results through post release programs with the aid of DCPUs. 2. JJB to facilitate construction of Observation Homes and Protection Homes. 3. JJB to ensure that ICPS works for welfare of children. 4. CWC to identify the deserving and needy children and render appropriate help to them. 5. CWC to identify mentally retarded children and help in their rehabilitation. 6. Ensure hundred percent literacy and try to give them ethical education for the poor and downtrodden children 8. NGO to provide awareness about the JJ Act through awareness generation programmes by psychologists, counselors, etc with the help of prominent social workers. 7. NGO to facilitate coordination with the state government to ensure setting up of CWC and JJB in all the districts by the state governments. 8. NGO to facilitate coordination with the state governments for ensuring support services as provided under JJ Act. 9. In coordination with state governments, NGO will develop guidelines for the village level child protection committee as provided under ICPS. 10. ICPS staff to bring results of after care plan with the help of DCPUS and will help all the CWCs/ JJBs. |

