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<td>C.C.J</td>
<td>Centre for Criminology and Justice</td>
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<td>CH</td>
<td>Children’s Home</td>
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<td>CJM</td>
<td>Chief Judicial Magistrate</td>
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<td>Criminal Justice System</td>
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<td>C.N.C.P</td>
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<td>Judicial Magistrate First Class</td>
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<td>MCOCA</td>
<td>Maharashtra Control of Organised Crime Act, 1999</td>
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<td>OH</td>
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<td>R.C.J.J</td>
<td>Resource Cell for Juvenile Justice</td>
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<td>SH</td>
<td>Special Home</td>
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<td>SIR</td>
<td>Social Investigation Report</td>
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<td>W&amp; CD</td>
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I. Introduction: R.C.J.J

Resource Cell for Juvenile Justice (R.C.J.J) is a Field Action Project (FAP) with the Centre for Criminology and Justice (CCJ), School of Social Work (SSW), TISS (TISS). R.C.J.J was conceptualized in 2005, with the objective of working on issues relating with children with a special focus on Juveniles in Conflict with Law (JCL), and contextualising them within the child protection arena. Focus on JCL’s was due to the fact that JCL’s over the years were pushed to the fringes within the larger arena of child welfare, development, protection, and legal sector. R.C.J.J hence took up the challenge of mainstreaming the issue of Juvenile Justice at large and with respect to JCL’s in particular by highlighting work on both the social and legal issues.

To begin with, R.C.J.J with the support of TISS undertook a research study titled ‘Status of Justice Delivery System for JCL’s in Maharashtra’ in 2008. The study was conducted with due permissions from the Bombay HC and the W&CD, Government of Maharashtra (GOM). The final report was submitted to the Hon’ble Bombay HC in the year 2009. The study elucidated many concerns regarding JCL’s and their situation with respect to the functioning of the W&CD, judiciary, police, legal aid. This evidence based research was well received by the Bombay HC and it resulted in the much required systemic interventions in various departments related to JJS. Following which, work was initiated in two districts of Maharashtra – Thane (Urban based) and Yavatmal (Rural based). Both these districts have a distinct profile in terms of urban and rural reach. The aim was to begin work from within institutions and then initiate change at district level which in turn could be expanded at the state level.

1. Brief Profile of Present Locations of R.C.J.J

Administratively, R.C.J.J is located in TISS, a deemed university. The field locations are at Thane and Yavatmal. The work is strategically located in sub-urban and rural base to capture the heterogeneity of issues of JCL’s and build on advocacy to impact State and National agendas around Juvenile Justice.

1.1 Profile of Thane

Thane is the most populated district in the nation with a population of 81,31,849 (Census of India, 2011). It is an extension of Mumbai district and well connected to the other States via road and rail. The district comprises of 13 Talukas marked with a wide variation. The number of Police stations across the districts is 60 each in Urban Thane and in Rural Thane. There are two Prisons and one OH for the entire district. It has one JJB for the entire district which has its sitting in the OH on every Thursday and Friday.
Marked with variations, Thane has emerging townships like Navi- Mumbai, Mira- Bhayander on the one hand and at the same time a sizable number of tribal population living in its rural belt namely Javhar, Vada, Mokhada which also occupies a sizable geographical area. It comprises of 1548 large/ medium scale and 18,480 small scale industries. Certain places in Thane district is often referred to as refugee areas post independence and till date attract migrants from across states and purportedly across borders. Bhiwandi and Ulhasnagar are two such areas. Consequently, it has a floating population of extreme diversity. Mumbra and Bhivandi are known to be highly communally sensitive areas.

Bhiwandi home better known as DPAACA is the only OH cum CH for boys and girls in Thane district. This home being semi-government, is administratively an NGO but financially is government dependent for grant and the superintendent of this institution is a deputed government officer. Geographically the home is difficult to access and thus reaching there is a time consuming process and taxing financially. The CWC and JJB hold their sitting in this home. CWC sits on Monday and Wednesday at Bhiwandi while JJB holds its sitting on Thursday, Friday and 1st and 3rd and 5th Saturday.

From the inception of our intervention in 2009, till date, Thane has been one of those few districts in Maharashtra with maximum pendency of cases with a case load of upto 3500. Given these reasons and that not many NGO’s/ Civil Society organizations work in or have been able to sustain work in Bhiwandi, this area was selected for intervention.

1.2 Profile of Yavatmal:

Yavatmal, a rural district, is geographically seventh largest district of Maharashtra. It falls under the revenue division of Amravati. 29 Police Stations manage its 16 Talukas. It is one of the major cotton growing districts of Maharashtra. It has few non- agricultural employment opportunities, due to sparse presence of industries.

The two areas that majorly contribute to the J.C.L population in this district are Wani and Pusad. Pusad has a considerable population from the ‘Phanse Pardi’ community, which are classified as denotified tribes. Wani Taluka has coalmines, which attracts migrants in large number from Andhra Pradesh. Yavatmal’s children’s cum OH is a government run home which has limited infrastructural facilities and is meant for boys. The JJB/ CWC has its sittings within the premises of this CH cum OH Yavatmal. The JJB has its sittings on Monday, Wednesday and Friday from 11.00 to 2.00 PM and the CWC has its sittings on every Wednesday from 4.00 PM-6.00PM and emergency sittings whenever the need arises. The CH cum OH for girls is located at Amravati.
II. Work of R.C.J.J

2 R.C.J.J’s Mandate:

Children who break the law do not do so of their own free will, but rather because of restricted opportunities available for their development. Such opportunities become even more restricted once they enter the C.J.S. Juveniles from risk groups that could get in conflict with the law are often victims of abuse and neglect, negligent and poor parenting and economic difficulties. Child offending is evidence of the society failing to ensure protective environment for its children. Labelling such children results in exclusion from society rather than assistance in their rehabilitation. If juvenile offenders continue being criminalized while at the same time being denied a ‘second chance’ that they deserve, their ‘chances’ will lead to nothing but their reoffending when they grow up. These children need support while they are still children. The efforts of the society to rehabilitate such children are insufficient for their developmental needs and are incompliant with the principle of full respect for the rights of the child. The child’s personality is developed throughout his or her development and depends on the stage of development: the child becomes capable of taking responsibility for its needs, acts, health and safety. Therefore, the society has the duty to ensure and provide special protection to children.

Juvenile Justice is a fundamental but often overlooked component of justice systems. It is also a critical element of successful international legal development models, but is not a major focus of many organisations. In the larger context of child protection, the Convention on the Rights of the Child (CRC) establishes international standards for the treatment of children, including children in conflict with law. Legal provisions in signatory states rotates around the globe supplement of this international mandate. Yet, Juvenile Justice, competes for resources with other pressing government concerns like security and economic stabilization. In India, J.J.S has continuously encountered systemic challenges.

In this light, R.C.JJ reviews recent developments in government policy designed to provide an integrated framework for children’s services, in the light of the continuing and long-running debate between principles of welfare and justice. It is observed that at the level of policy, it has repeatedly been argued that responding to the offences of children and providing for their welfare are inseparable. However, this apparent consensus has resulted in a range of different service structures and delivery systems over the years, characterised by ‘turf wars’ amongst policy-makers and practitioners, and unintended consequences in terms of damaging outcomes for children. Thus, R.C.JJ through systematic evidence based processes elucidates how policy initiatives from government leave this tension unresolved; and attempts to position the need to develop informed collaborative interventions with Juveniles in conflict with law.

R.C.JJ also envisions evolving intervention strategies and program models that reduce offending and promote pro-social development. This involves evolving evidence-based community programs, which can reduce encounters of the children with the justice system. The emphasis is on evidence-based practice, to document effectively the benefits, and the challenges it may pose for those who adopt it, to implement the best practices and overcome potential barriers to successful implementation of reintegration and prevention programs. The challenge for RCJJ is to push these reforms into the mainstream of Juvenile Justice and Child Protection. RCJJ operationalises its mandate through the following activities:
2.1 Work with Individual (Children):

The children / juveniles that R.C.J.J works with are either identified by R.C.J.J personnel or are referred by functionaries within the JJSs comprising of JJB, CWC, police, superintendent, caretakers, lawyers and other concerned personnel. In many cases, the parents or children directly approach R.C.J.J for help. Direct work with children involves providing:

- Legal guidance & assistance
- Home visits,
- Preparation of HIR’s / SIR’s,
- Home tracing & repatriation
- Strengthening bonds between the family by facilitating meeting of children with their parents who are in the community or lodged in the prisons,
- Assistance in financial assistance in vocational and educational guidance,
- Representing children / juvenile before the concerned authorities like CWC/JJB/ adult courts.
- Referral to other agencies

Some of the direct intervention work is elucidated in the following pages –

1. Help Desk:

At the onset it was evident that the juveniles and their parents/guardians were not aware of the working procedures of the JJS. It also was apparent that there was no one person in the system, who could explain the same and clarify their doubts. It also emerged that the JJS functioned mostly on the tenets and understanding of the adult CJS thus awareness on the working of the JJS within the system was limited. This resulted in children and their parents / guardians being mislead, misinformed or even exploited by the various stakeholders both within and outside the system.

With due permission from Bombay H.C, Help Desk’s were set up within the OH premises at Thane and Yavatmal. The objective of help desk is to provide information and guidance to the parents, children and assist functionaries to operationalise the child protection tenets of JJS. The working days of help desk are synchronised with the sittings days of the JJB. Thus, Help desk functions on Thursday & Friday in Thane and on Monday, Wednesday and Friday at Yavatmal. A register is maintained to document details of the people approaching Help desk, the problems they approach with and the kind of intervention being done. On the other days, R.C.J.J personnel are available on the OH premises working on initiatives to strengthen the mandate of juvenile justice both within the system and in the community. For this the other services provided through the help desk are -

a) Standardised formats:

Help Desk has prepared standardized formats free of cost for simple procedure like filing applications for bail, leave of absence, speedier disposal of cases etc. These formats were evolved based on the repeated requests from the parents/guardians of the children for these procedures. Thus to facilitate parent’s access and understanding of the system formats with the required language were evolved. It was seen that through this initiative parents who were charged by lawyers between Rs. 100/- to 500/- or more, to type a simple letter were relieved of this uncalled expense. It was observed through the data in register at the help desk that the majority (about 80%) of the parents/guardians were not educated and belonged to the lower socio-economic group.
Thus, most were daily wage earners earning about Rs 100/- per day. Thus the expense of spending an amount of Rs 100/- to Rs 500/- to prepare an application, the lawyers’ fees, the travel expense of parents/guardians to come to the JJB was actually proving to be deterrent for parents, as it becomes a choice of survival for the family versus protection of one child’s interest. The help desk thus attempts to reduce, a fraction of this economic burden by providing these formats free of cost so that the people can fill the basic information, which the social worker at the help desk assists to complete. The help desk also assists people to write applications for various purposes both at the OH as well as to access government schemes in their villages and districts. It is being observed that the activities of the help desk have lead to a decline in the exploitation experienced by parents/guardians due to the lawyers present in the OH premises.

b) Representing children before the JJB:

The R.C.J.J personnel found that there were various reasons, which lead to delay in the hearing of cases of juveniles. One of the predominant reasons was parents/guardians inhibition to approach the JJB. The inhibition was either out of fear, lack of information and misinformation that they cannot approach the JJB without the help of a lawyer. With the financial constrains facing the parents to hire a lawyer parents / guardians approached help desk for representation assistance. This involved a holistic approach, which involves providing the family with emotional support besides the legal guidance to approach the JJB directly and present the case before the JJB. R.C.J.J social worker accompanies the parents when they approach the JJB directly and provides them with all the requisite support thereby building their capacity to represent their child. However, there are certain situations where due to pressing circumstances R.C.J.J represents the child directly before the JJB. Some of the situations where RCJJ has represented the child directly are mentioned below:

(i) Facilitation of bail and final orders:

The social worker with the consent or on request of the JJB prepares the SIR/HIR and presents the same before the JJB. In the report, the R.C.J.J social worker writes his/her recommendations for the consideration of JJB which provides a road map for the juvenile’s rehabilitation. Based on the SIR/HIR prepared and submitted by R.C.J.J, JJB has passed orders related to conditional bail on the grounds that the juvenile: agree to attend school, attend de-addiction sessions, pursue vocational course or re-enrol self to an educational institution. Similarly, based on R.C.J.J reports, orders of admonition, supervision of the juvenile have been passed.

(ii) Identifying cases and presenting them before JJB:

Based on the intensive work in the children’s homes R.C.J.J identifies children whose cases are pending or require follow-up. These cases are presented before the competent authority and due assistance is provided to childcare authorities for the transfer and repatriation of the children. Similarly, when R.C.J.J finds that the juvenile or child is mentally disturbed or requires counselling, needs health services, the same is bought before the notice of the JJB or CWC for further referral. This work involves building a healthy rapport with the concerned JJB, institutions childcare authorities and related stakeholders.

(iii) Atrocities against children:

Direct work with children has brought forth complaints of abuse meted out by the staff on them. R.C.J.J have been able to represent these cases before the JJB and the superintendent of the institution for further perusal and action by authorities. For this, the due process is followed and written representations are made to the concerned authorities.
2. Supervision of children as per section 15 (3) of JJA:

The JJB by passing orders under Section 15 (3) of JJA has entrusted R.C.J.J personnel with supervision of a few cases of juveniles for the purpose of their rehabilitation and follow up. Orders passed under this section are being averred to as ‘good practice’ as very few JJB's in the state or anywhere in India pass orders using this section.

Supervision of juveniles involves multiple tasks such as keeping regular touch with the child, their parent’s/guardians, teachers or employers, demands regular visits to the child’s home, school or place of employment. It also involves responsibilities like the child’s safety and security in the community. To ensure his/her reintegration in the community the RCJJ social worker has to ensure that the child is suitably and productively engaged. R.C.J.J social worker visit the child at regular intervals at their place of stay. While this facilitates regular monitoring it also provides the child with an option to approach the R.C.J.J personal in case of difficulties. Thus the social worker plays a role of a mentor as well as that of supervisor.

Supervision of children in the community is a supremely demanding and challenging task for a social worker because visiting the child regularly is an extremely time consuming activity. The vast geographical expanse and difficult terrain of Thane and Yavatmal has some children living in remote places like in a hamlet on top of a hill. Most reside in slums with no land mark or belong to mobile migrant family, which makes it difficult to locate them. Often, it is seen parents send the juvenile back to their village fearing further police action. Follow up of such cases is challenging. Another challenge faced during the supervision process is the mismatch between the educational profile of the juvenile and his or her expectations and aspirations. This proves to be a stumbling block in the reintegration process which in some cases leave little options for the social worker to proceed.

An additional obstacle faced is the lack of acceptance by the community in which the juvenile resides. At such times, R.C.J.J has had to shift the child temporarily to an alternative community to avoid the continuous stigmatisation of the child. Additionally schools have refused to readmit the juvenile back and at such times, R.C.J.J has pro-actively advocated with the school authorities and readmitted the child successfully. Similarly, R.C.J.J deals with numerous cases where the police apprehends the child on bail or during the phase of supervision, as a suspect for another offence that took place in the nearby locality.

All these processes are reported back to the JJB in continuation to the SIR/HIR, mandating rigorous case documentation and periodic submission. Supervision of children, entrusts the social worker with the responsibility of ensuring the safety, security and reintegration of the child, which while an extremely time consuming activity is a supremely enriching experience. R.C.J.J was entrusted with 24 cases for supervision in Thane and 8 cases in Yavatmal from June 2012 – May 2013.

3. Facilitating speedy disposal of cases:

Work with children in the home brings forth pending cases of juveniles, for many reasons such as lack of follow up, lack of coordination between various systems responsible for the protection of the child. Most common delays are due to the failure of the police station to submit the final report (also known as charge sheet), lack of coordination between the JJB and CWC, cases pending in adult court, lack of probation officer hence delays in SIR etc. Such cases when observed in the course of work in the O.H
Help Desk at Yavatmal and Thane
Home Visits and Supervision Cases
Home Visits and Supervision Cases
Group Activities and Sessions for Children
or when brought to the notice of the R.C.J.J social worker on the help desk, an authority letter from the JJB is obtained to follow the case with the concerned police station to expedite the process.

R.C.J.J works towards networking and co-ordinating cases between with CWC and JJB by facilitating transfer of cases from JJB to CWC in cases like section 498(A) and passport cases where children are required to be treated as CNCP (ref- GR No: JJA- 1209/ Ch. no 872/ Subject -6 issued on 6th October, 2010) but get charged with IPC sections and become JCL's which has a debilitating effect on the psyche of the child. Even after such transfers RCJJ continues to follow up on the rehabilitation of the child.

4. Guidance and assistance:

involves instituting a robust referral services for children for special education, vocational training, re-enrolment of children in schools and job opportunities. It was also observed that occasionally parents found it difficult to accept children who commit offences. At times, the relation between the juvenile and his family is completely severed and there is no communication channel between the juvenile and the parent/guardian. In such times, R.C.J.J social worker interact with all members individually and jointly and initiate the process of bonding to ensure child's reintegration. Discussions are held with the child, parent and teachers to assess the child's strengths and weakness. Some cases dealt with by R.C.J.J are illustrated below

R.C.J.J worked with an eight year old rape victim.
The girl was brutally raped due to which she suffered from severe uterine infection. Since parents belong to the lower income group they could not provide for adequate medical facilities.

R.C.J.J along with other NGO's initially mobilized money for the medical expenses after which R.C.J.J pursued the case to get the child compensation under government Victim Compensation Scheme u/s 357 (A) of the Cr.P.C. The child with good medical treatment is recovering and is now attending school.

Care plans are developed using these assessments and it serves as a guide in selection of subjects or vocational course. R.C.J.J has assisted JCL's who have dropped out of education or vocational courses to continue their vocation. R.C.J.J ensures that either the child or the parents take the obligation of partial funding to ensure that the child completes the course sincerely. Two boys at Yavatmal were motivated to pursue vocational course in construction which was conducted by an NGO Pratham. Three boys took up MS-CIT course and one girl took up a tailoring course. In all the four cases R.C.J.J provided partial financial aid. In Thane a tribal boy who had learnt tailoring was provided with a sewing machine through a private donor within the community.

Guidance and assistance is provided not only to the children and parents but also to police personnel and child care authorities on various matters related to the child in specific or about JJA in general. R.C.J.J over a period of time observed that the practice of the police of charging children with chapter cases which allows them to apprehend children without any substantial reason was having a detrimental effect on the children. This apprehension led to the police attaching juvenile records at the time of verification of
passport pressurising parents and children with undue threats unlawful detention of children and physical abuse of children in police custody. To address this R.C.J.J held a meeting with the Joint Commissioner of Police Thane as well as with the Deputy Commissioner of Police to address the above mentioned practices. Parents of one JCL who was concerned with this practice were also called for this meeting. The authorities took cognizance of it and immediately warned the concerned police stations to stop such practices. However soon after different police stations in Thane unreasonably apprehended 6 to 7 children on a round up activity in a single day. RCJJ convened an urgent meeting with the D.C.P of that zone and the police stations were issued a warning against indulging in such practices. This has resulted in the decline of such cases as per the feedback of some JCL’s parents.

While working in the OH it was found that some children of Bangladeshi origins were presented before the CWC while the rest were presented in JJB. On exploring the reasons for this RCJJ found this was due to the charge sheet prepared by the police. R.C.J.J thus began the process of getting these cases transferred from the JJB to the CWC to prevent their stigmatisation as offenders. R.C.J.J is constantly negotiating with the CJS that ‘legally’ these children may have be in conflict with the law as they crossed international borders without proper documentation but the ‘intent’ was the parents who cross borders in search of livelihood and while doing so could not leave their children behind. Therefore, children are victims of circumstances needing care and protection.

R.C.J.J through intense advocacy got the Home Department (G.O.M) to pass a Government Resolution1 (GR) for the police instructing them against charging such children against the Passport Act. This GR was presented before the JJB and these cases were transferred from JJB to CWC. There were 12 JCLs whose cases were pending in the OH as their parents did not approach the JJB for over two months. Procedure mandates JJB to issue an order to the police probation officer or NGO to trace the family and order the police to inform the parents or issue summons for the parents to appear before the Board. JJB was under tremendous pressure to dispose the cases given the high pendency rates. Hence it skipped these steps and ordered the release of the children on PR bonds and transferred them to the CWC who found it difficult to accept the case or its hasty transfer. RCJJ after discussion with the JJB as well as District Judge took the initiative to trace the parents of the children. RCJJ on tracing the parents of 8 children also helped the parents to bail out their children. After this incident, the JJB gave a written order to R.C.J.J to undertake home tracing of all JCLs who were staying in the OH. However, RCJJ is advocating for adequate recruitment of probation officers who are the personnel entrusted with this task of home tracing within the JJS.

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1 The GR No: JJA-1209/ Ch no.872/Subject-6 issued on 6th October, 2010 is a public document that can be referred by all.
Case Studies

A Juvenile was staying in O.H for two years as his case was being heard in eight different courts of Maharashtra for different offences. In one case he was also charged under Maharashtra Control of Organised Crime Act, 1999, (MCOCA) and was being tried in the special MCOCA court. R.C.J.J worked with the JJB in corresponding with the different courts for getting all the cases transferred to the JJB. R.C.J.J contacted the lawyer of the juvenile to follow up on the progress made in the case. Sensing laxity on part of the lawyer, R.C.J.J social worker represented the case of the juvenile before the MCOCA court and put forth an application appealing the transfer of the case to JJB. In the meantime, regular contacts was maintained with the family who were persuaded to attend the hearings. Simultaneously, the juvenile in OH was imparted training on mobile repairing, wireman course. He was kept meaningfully engaged by requesting the superintendent to involve him in few administrative activities. This helped the boy maintain a high morale and self esteem and today he is back with his family in his home town.

Sheela, a 16 year old tribal girl stayed in a joint family with her parents, elder brother, sister-in-law and other extended family members. Her brother got married to a woman who according to them was mentally disturbed. When Sheela’s brother and family became aware of this condition, they questioned the bride's family about the same. This led to a feud between the two families and Sheela’s brother's wife was stated to have retaliated by lodging a complaint against Sheela’s family under section 498(A). Following which 12 members in the family were charged including Sheela who was 14 years at that time. Her family thus had to approach both the adult court for other family members and JJB for Sheela.

For the JJB hearing Sheela had to travel around 3 hours by state transport bus. Since she was not used to traveling she suffered from travel sickness. Her continuous vomiting bouts would leave her dehydrated and weak. Many a times medical treatment had to be accessed soon after attending the JJB sitting. RCJJ met Sheela during one of the JJB hearing and felt that Sheela was highly malnourished. Further probing revealed that the financial condition of family was precarious and that the travel and other costs related to JJB sittings had brought them to hand to mouth existence as all adult earning members in the family had lost their jobs given that they had to make frequent rounds to the courts. They had mortgaged their 2 acres of land to meet the legal and travel expenses that were being incurred.

Since Sheela's health had a setback and she found it difficult to travel, her elder brother began to appear before JJB. When JJB members began to insist on her presence, RCJJ intervened and provided them with a free legal aid lawyer. RCJJ also gave a written application requesting the JJB to call her to attend hearings once a month given her medical and financial status. RCJJ was asked to prepare the SIR. The mental, physical, social and financial strain has taken a toll on the family and on Sheela. She has become very quiet. The same was reported in the SIR report and based on this report; Sheela’s case was closed with no legal consequence. During the last home visit, it was found that Sheela’s brothers wife had come back and that the family was trying to make adjustments to accommodate her.
2.2 Working with groups:

R.C.J.J has been facilitating/conducting group activities with the objective of enabling children to form bonds with peers so that they can discuss their feelings and ideas openly. Also as children in institutions are not provided with adequate child-specific activities, some group activities are conducted by R.C.J.J a few of which are illustrated below:

a. Celebration of festivals is one reason to infuse the institution with festivities and to make use of the opportunity to get the children to learn through celebration. Of the many festivals, Rakhi was celebrated to emphasise the importance of human relations. Through this activity symbolises the importance of relationships beyond the traditional brother and sister bond was demonstrated. R.C.J.J staff also undertook the initiative to try and reunite siblings living in different institutions. However this did not materialise due to bureaucratic hurdles and this remains an activity to be followed up in subsequent months. Republic day was utilised to instil a sense of responsibility and national pride in children. The children in the institution were motivated by R.C.J.J to organize and conduct the entire programme by themselves thereby instilling a sense of purpose, responsibility and achievement in them. The children compered and participated in the entire day’s program. An elocution competition was organised on the occasion of Children’s day. This was followed by a movie screening on ‘I am Kalam’ which ended with a discussion. During Diwali children got involved in making lanterns and were thrilled when their lanterns were put up. These celebrations with activities are an effective ways of tapping the creative potential of children.

b. Other activities conducted to explore and elucidate the creativity of children were Drawing and craft sessions. A session on Origami was also conducted to introduce them to the skills associated with the art of paper folding. A puppet show was organised for adolescents to make them reflect on consequences of eloping at a minor age. It highlighted the consequences of parents not accepting the relationship thereby resulting in the ‘eloped’ couple dropping out from studies, forced to take up low paying jobs to meet their economic needs. The discussion effectively dealt with issues such as pregnancy at a young age. It also highlighted how parents unable to trace their children lodge complaints with the police which lead to the girl being treated as C.N.C.P and the boy as JCL. This activity got some children to dwell on their follies and seemingly agreed to go back home and pursue further studies. Regular indoor and outdoor games, skits and plays are being conducted by R.C.J.J along with the care takers. The idea was to involve staff in such activities and build their bond with the children and facilitate positive communication.

c. Interactive educative sessions are also conducted for children. These sessions are regularly conducted to address issues related to - bullying by older children, violence and addiction amongst children, anger and stress management, and enhancing communication skills, building a positive self-image and instilling confidence in them. These informative and participative sessions are followed by a session where children explore their own interests. One area, which was often figuring in children’s queries, was future options related to employment. Thus, career guidance was arranged for the children and their queries related to qualifications required for getting a vocation of their interest were responded too. R.C.J.J Yavatmal, networked with the
Government Polytechnic to conduct an orientation of the courses offered by them and the corresponding job opportunities, which one could avail of. Seven children expressed interest for vocational courses and were provided training in areas of Maharashtra State certificate in information technology (MSCIT), Desktop publishing (DTP), accounts software Tally, computer hardware and networking course and tailoring. R.C.J.J partly funded vocational courses for three JCL's thereby ensuring that the parent's also took on the responsibility of providing for and monitoring their children. Out of the three, one JCL successfully completed MSCIT and is presently employed in a computer centre.

d. Interaction with JCL's at Thane revealed that many of the boys had addiction issues. NGO's-Pratham and Sankalp were invited to the OH to conduct sessions highlighting the harmful effects of tobacco, drugs and alcohol. This led to some children getting motivated to attend de-addiction programmes and overcome the problem of addiction. Session are also conducted around issues of health and hygiene. R.C.J.J was informed by children that they were battling with the problem of skin ailments. As a follow up of this session, R.C.J.J networked with Indira Gandhi Medical (IGM) Institute who agreed to conduct a medical camp in the institution, where children were examined and given essential treatment.

e. A session on children's rights and JJA holistically presenting a perspective of rights and responsibility was presented before the children. In continuation to this a session, on the working of the system was explained to them. This was to inform and thereby address the frustration of the children's residing in the institutions, who due to no information are not aware the systems procedure and consequently their future and finally their release. This living in a constant state of uncertainty exaggerates their frustration, which then is expressed through episodes of violence, anger, bullying and even attempts to run away from the institution. Thus, R.C.J.J conducted a session informing them about the steps towards release or transfer, the time consumed in each procedure, the reasons of delay and the intention of the system to provide for them and thus their right to demand for services for their protection, thereby putting their anxieties at rest and addressing their fear. Regular Open House sessions are held to provide a platform for the parents and children to vent their feelings, emotions, and problems. The discussions and issues raised during these sessions are addressed by the R.C.J.J social worker by either empowering parents and children to speak up or by putting forth the issues before the concerned authorities for redressal. Discussions held has resulted in children and parents sharing their experiences with police, their peers, staff in the institution.

f. A session for children and parents of JCL was conducted by R.C.J.J in collaboration with JJB, Legal Aid Lawyers, and members of DW& CDO, CWC and Staff of the Children's Home at Yavatmal, Mumbai. This session was aimed at providing a platform to children to share their worries, difficulties and to assist them to resolve issues at their own level failing which R.C.J.J and JJB would try to assist them. Similar opportunities were given to C.N.C.P children to ventilate their feeling.
Coverge in News papers
Group Activities and Sessions for Children
2.3 Networking:

The divide amongst the different systems responsible to ensure the smooth functioning of the J.J.S has led to damaging outcomes for children. R.C.J.J has been facilitating the J.J.S to provide an integrated framework for children's services amongst the range of structures and delivery systems over the years. Thus, R.C.J.J actively networks with all the systems involved in the delivery of J.J.S and attempts to develop informed collaborative interventions for JCL’s. This whole process of network is collaborative wherein R.C.J.J informs the system its responsibility and at times demonstrates ways of achieving the mandate but abstains from replacing or taking over the responsibility of the systems functionaries.

Some of the systems we have been networking with are given below:

**Judiciary:** R.C.J.J collaborates extensively with all the arms of the Judiciary. Thus RCJJ works closely with the District Courts, the Mumbai and Nagpur H.C, Maharashtra State Judicial Academy and District Legal services authorities. This has led to eliciting the required cooperation from various judges/magistrates heading different courts. The outcome of this sustained networking advocacy is that judicial officers across the state remain in touch with R.C.J.J even after being transferred from the concerned districts and request advice when unsure of the JJA’s mandate in a particular case.

The district courts are entrusted with the task of monitoring the working of the JJB. The Chief Judicial Magistrate (C.J.M) and the Principle district Judge(P.D.J) of Thane and Yavatmal have extended support to R.C.J.J activities and initiatives on various occasions. The PDJ of Yavatmal called for a joint meeting of the Judiciary, Police, W&CD officials and requested R.C.J.J to facilitate the meeting. This has given an impetus to the working of the JJS in Yavatmal. R.C.J.J also approaches the district courts to transfer cases of juveniles to the JJB when erroneously implicated in the adult C.J.S system.

The research study titled “Study of the Justice Delivery System with respect to JCL’s in Maharashtra, 2008” was well received by the Mumbai HC. As a result, a JJ committee was set up at the HC in the year 2009 comprising of five Hon’ble Judges to look into the recommendations made in the study. In the past 3 years, the HC has proactively called for meetings of the HC appointed Juvenile Justice Committee and invited R.C.J.J for all the meetings. Presently, the agenda and points of discussions are jointly prepared by the Registrar HC and R.C.J.J. R.C.J.J informs this committee of the ground realities, success stories and working difficulties in the field, which are then looked into, and relevant action initiated to improve the working of the J.J.S. As a result of this interaction the Committee is convinced of the need for collaboration between diverse stakeholders of the J.J.S such as the Home department, the W&CD Department, SJA, MSLSA, Planning and Finance department. The committee thus now calls for a joint meeting with all the stakeholders and discuss issues to facilitate outcomes in the best interest of the child. This initiative has reduced the bureaucratic slackness between departments and leads to instant clarifications and reassigning of responsibilities, addressing gaps in delivery systems as per the mandate of the J.J.S. Each department thus in each meeting has a responsibility assigned and the same is recorded in the minutes of the committee meeting. The subsequent meeting mandates the concerned departments to report the progress made and the stumble blocks faced in executing a certain process. This has
initiated a healthy process for systems to brainstorm on the best course of action in the given limitations, complications, to ensure there is a movement towards ensuring the best interest of the child. In the light that there are no working guidelines for JJB functioning and given the fact that JJ functionaries rely heavily on CrPC for procedures, RCJJ was able to convince the JJ committee for the need to develop procedural guidelines for JJB. This manual was prepared under the guidance and leadership of MSJA & RCJJ was a part of the committee formed to prepare the manual (SOP).

Based on the sustained work of R.C. JJ, the HC appointed JJ committee which has passed directions to the **Maharashtra State Judicial Academy** (MSJA) to incorporate the component of Child Rights and Juvenile Justice in their training syllabus across all ranks of Judicial officers for induction, refresher and other regular courses. R.C. JJ are invited as resource persons in the MSJA and National Judicial Academy (Bhopal) on issues related to Child Rights and Juvenile Justice. This practice of judicial academies to invite social workers as resource persons to interact and take sessions for the legal fraternity is the first step to socially inform the system.

R.C. JJ has been networking with **Maharashtra State Legal Services Authority (MSLSA) and District Legal Services Authorities (DLSA)**. A series of six workshops on the issue of “Children and Prisons” were conducted across six districts of Maharashtra to highlight the issue of children of prisoners and children wrongly lodged in jails. These workshops covered districts of Aurangabad, Nashik, Thane, Mumbai, Pune and Nagpur. Besides the challenges of the JJS another vital issue covered in the workshops was the issue of child protection of parents incarcerated for crime. Soon after the workshops R.C. JJ received calls from magistrates later in the month stating that they had begun asking this question and had actually come across parents who were distressed as their child was left alone when the police apprehended the parent. The magistrates as a result ordered the police to go back and trace the child and admit the child to the nearest children’s home.

R.C.JJ does not believe in institutionalisation, it was the first step towards elucidating the safety of the child in the adult CJS. We in R.C.JJ hope, too further expand these small but important achievements through similar workshops.

Lastly but not the least Members appointed on the JJB and CWC are designated as Judicial Magistrates 1st class. R.C.JJ closely works with the JJB and CWC of Thane and Yavatmal and a few other districts like Nasik and Amravati.

**Government Departments:** As already mentioned the JJS requires many systems and sub systems to work closely to ensure its smooth functioning. The JCL resides in the institution which is managed by the W&CD and is apprehended by the police which is under the Home department. Consequently, R.C.JJ has been working with W&CD at the State and district levels to push the directive for effective implementation of the JJA. The first step to push was put forth through the HC appointed JJJC, the appointment of social workers by W&CD department across all districts of Maharashtra in the JJB. The committee ensured that the member social workers of the JJB had the requisite expertise for child protection and that legal qualifications or experience were not seen as the qualifying experience. This was important to reposition the socio-legal mandate of the JJA over the legal mandate which had deteriorated over the past few years. Another important cog in the wheel for JJS is the Probation Officer (PO). With the number of PO’s reducing drastically and their work being diverted from their core work profile, R.C.JJ has initiated the process for
amendments of the Probation of Offender’s Act and Maharashtra State JJ Rules. Committees have been set up for the same with R.C.JJ representation. R.C.JJ has initiated the process of mapping of children's institution across Maharashtra with the state government. Additionally, R.C.JJ has also initiated discussions to strengthen rehabilitation objectives of the JJA, the need to establish more After Care Homes and child specific de-addiction services.

Work with Home department has been with regards to initiating training for police on Juvenile Justice, constitution of SJPU across all districts of Maharashtra as per JJA, facilitating the process of the department to issue GRs to police for not charging children under section 498(A) and Passport cases. R.C.JJ has negotiated with Nashik Police Training Academy to incorporate ‘Child Rights and Juvenile Justice’ in their training curriculum for all levels of police personnel. R.C.JJ has regular interaction with CWC with regards to C.N.C.P children. The entrust cases of children for the purpose of preparing HIR’s / SIR’s, tracing missing children parents, interact with children in difficult circumstances etc. CWC also takes assistance of RCJJ for transferring children from one institution to another, or repatriating the child back to his/her home in the state/another state or neighbouring countries. Assistance is also provided in areas of vocational training and access to education for C.N.C.P children. As a result, CWC members are supportive of R.C.JJ activities. They have been coming in as resource persons for the programmes conducted for all stakeholders in the concerned districts.

While the responsibility of JJS rests with the state, the NGO’s/Civil Society Organisations work with R.C.JJ on issues related to home tracing, vocational training, de-addiction, children of prisoners, imparting different life skills and enhancement of knowledge, conducting personality development sessions, exploring and facilitating transfer of the children etc continues. Organisations namely: Samtol Foundation, Project Mainstream, Navnirmitee, Sankalp Foundation and Kripa Foundation, Karuna Welfare, Children of the World (Nerul), Janani Aashish (Dombivli), Prayas, Sahara Aid society, Apeeksha, Childline, Kohinoor technical Institute, Saathi Raichur Rotary Club Yavatmal and Inner Wheel club of Mumbai Airport- Bombay have extended support for several of our programmes related to education and vocational training.

R.C.JJ’s efforts to coordinate with medical institutions for the physical and mental well being of children have resulted in collaboration with many Health Institutions’ namely : Vishwas Hospital, Thane, Mental Health Institute, Thane Civil Hospital, Psychiatric departments of Rajiv Gandhi Medical College and Sion Hospital. Private psychiatrist practitioners have also provided supported through Psychiatric referrals, assessment, treatment and sensitization on the issue of Mental Health. Assessment and treatment of skin ailments that children were suffering with was done by Indira Gandhi Medical Institute (IGM) and the Psychiatric department of L.T.M.G, Sion, Mumbai conducted a psychological assessment camp in Bhiwandi.

R.C.JJ has consciously networked with Colleges of Social Work like Gulab Navi Social Work College, Savitri Jotirao Social Work College, Amlokchand Vidhi Mahavidhyala. Thus, RCJJ has many social work student’s involved in institutional work and community initiatives. R.C.JJ Thane is also one of the fieldwork settings for placing students of TISS.

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2 GR no: JJA-1209/ Ch no 872/Subject-6 issued on 6th October, 2010


2.4 Training, Sensitization and Awareness Programme:

Working with the various systems of JJS, R.C.JJ has realised that various individuals working in the system also face difficulties while working with children. Some officers/staff who know the philosophy of child rights and believe in it, are flummoxed on how to work in the best interest of the child and implement the law impartially. Some are well versed with the law but hold contradictory views on child rights. Unfortunately, some for different reasons such as deputation etc. are neither aware of child rights or the law. Thus training and sensitizing the personnel from the fields of judiciary, police, social work, government officials is a central focus of R.C.JJ. It would be evident that no one group is homogenous and thus each session is a challenging task as care is taken to evolve training relevant to the audience and emphasis on networking is given in each session. Thus, topics included in training and sensitisation programme are child rights and juvenile justice, roles and responsibility of personnel working with children and their skill enhancement. Because of the training / sensitization programmes, personnel's contact R.C.JJ regularly to clarify queries related to handling of children in the JJS. Some of the programmes organised by R.C.JJ are:

State Level Consultation on After Care for Children & Youth In Maharashtra was held on 13th August, 2012 in collaboration with W&CD. The consultation had representatives from W&CD department, including Superintendent of Children’s/OH and After care Homes, Probation Officers, Social Welfare officers, representatives from NGO’s, representatives of CSR initiatives of Godrej, Tata Motors and Kotak Mahindra. The objective of the consultation was to review the aftercare scheme of Maharashtra, difficulties faced by children once they are released from After Care homes, reasons for absence of suitable vocational courses offered in After care homes. It also aimed to connect CSR training initiatives with after care homes.

R.C.JJ conducts regular sessions on child rights for Judges and Magistrates not only in Thane and Yavatmal, but also in Akola, Nagpur and Nashik. These sessions have resulted in JJBs of these districts involving R.C.JJ in critical cases for passing suitable final orders and for suggesting appropriate rehabilitation options. Workshop on Children & Prison was conducted in collaboration with MSLSA for six districts of Maharashtra in the month of November, December & January. These workshops elicited participation from 557 personnel across different cadres of the judiciary.

On 4th August 2012 in Asegaon, Purna Police Station a Training session on Child Rights and Protection issues was conducted jointly by NGO Disha Amravati and R.C.JJ for Dakshata Committee which is a people’s collective at Police station level for bringing communal peace and harmony and assisting in maintaining law and order. 16 members of the Dakshata Committee attended this. A meeting of NGO’s was held on 16th April 2013 at Thane in collaboration with DW& CDO (Thane). This provided an opportunity for both the Government and NGO’s to come and share their work and challenges. As a result, R.C.JJ was invited on the 3rd of May to be a member of the NGO forum of Vasai and Virar.

R.C.JJ invited parents of J.C.L’s for a session on conduct disorder leading to children committing offences on 22nd April 2013. Psychologist from Institute for psychological Health- Thane was invited for conducting the session. This session gave an opportunity for parents to discuss issues faced with adolescent children. The Psychologist also counselled parents who sought counselling for their child. At the request of the parents a session on JJA and issues faced by parents while
Training, Sensitization and Awareness Programmes
Training, Sensitization and Awareness Programmes
dealing with the JJS specifically issues arising with police and procedures associated with getting bail was organized for JCL parents on 28th May 2013.

On the 10th of April 2012 a Sensitization Programme of Police Patils and members of Tanta Mukti samiti in 40 villages was jointly organized by Assengaon Police Station, NGO Disha (Amravati) and R.C.J.J on the issue of Child Rights and JJS. This was attended by 55 police personnel. R.C.J.J in coordination with ‘Save the Children India’ organized Police training for Thane Urban Police on 4th Aug 2012. This elicited participation from 33 sub inspectors and 35 constables and Hawaldar from Thane (urban). The sessions were jointly taken by RCJJ and CWC/ JJB members on role and expectations of police in JJA, 2000.

Other sessions facilitated and conducted by R.C.J.J include trainings initiated at Nashik Police Training Academy and Maharashtra State Judicial Academy-Uttan. After a series of meetings and discussions, Nashik Police Training Academy has incorporated issues of Child Rights and Juvenile Justice in their training curriculum. The first training by R.C.JJ at the academy took place between the 15th -18th of January. Topics included issues like child rights, child labour, child prostitution, child sexual abuse, the legal provisions related to each of these issue discussed and emphasised the skills of working with children. In this training 1247 trainee, sub inspectors both male and female attended the training programme over a period of four days.

Similarly, MSJA- Uttan has introduced a course on Juvenile Justice as a part of the curriculum for training of Magistrates at all levels. In November 2012 R.C.J.J team conducted a training programme on JJA for 100 judicial magistrates. Training of allied systems of JJ such as the Education department, Health, ICDS, W& CD, C/JWO’s which was organized by Childline at Yavatmal & Akola. R.C.J.J took sessions on Child Rights and Protection issues of children for the 52 people who attended the training.

DLSA organised training for Child /Juvenile Welfare Officer across 29 police stations in Yavatmal on the 30th June 2012. This was attended by 65 police personnel. R.C.J.J was invited to conduct sessions on issues of Child Rights and JJS. Office of Special Inspector General of Police, (Amravati Range) organized a training on 22nd December 2012, for which R.C.J.J took a session on the ‘Need for rehabilitation of children in JJS’ This was attended by 350 police personnel including 5 Superintendent of Police, Legal Advisors and Public Prosecutors. Following which, SP Yavatmal & SP Amravati invited R.C.J.J to take a session on child rights and JJS for a training organized for Police Officers in Yavatmal & Amravati on 28th December 2012 & 3rd January 2013 respectively which was jointly attended by around 120 police personnel.

Training / Seminars/ Consultation/ Forums attended: R.C.J.J was invited to the two Day Training Programme on the Overview of the Juvenile Justice Act (JJA) and the role of various Stakeholders in collaboration with MSLSA for the advocates on 7th-8th April 2012. On 29th November 2012, 67 Judicial Officers underwent an Induction Training Programme at the Academy in which a session on Juvenile Justice and Child rights was conducted by R.C.J.J. In the seminar on Capacity Building on Integrated Child Protection Scheme’ by NIPCCD, Indore, R.C.J.J made a presentation on SOP (Standard Operating Procedures) for JJB.

RCJJ was invited to the conference Asia Pacific Conference on Child Abuse and Neglect at Delhi on 28th December 2012, to make a presentation on the Research on the study of the Justice Delivery system with respect to JCL’s in Delhi.

Vidharbha Ladies Lawyers Association invited R.C.J.J for a session on Juvenile Justice in Nagpur HC, which resulted in lawyers realising that the issue of JCL’s needs to be addressed from a social perspective as well. Similarly we were called upon to take sessions on Juvenile Justice for Railway Police Force and Multi Group consisting of SJPU, CWC and JJB. This led to a discussion on challenges faced by each while handling children and how it could be resolved. R.C.J.J staff attended the presentation of State Draft Policy on children prior to finalization of ICPS Plan. R.C.J.J put forth their points with regards to having a plan for migrant children who are vulnerable to exploitation

R.C.J.J was invited to participate in a Round Table Discussion on Child Rights with SCPCR and Civil society organized by the Centre for Child and the Law of the National Law School of India University Bangalore. We were involved in reviewing and preparing the amendment to JJA. R.C.J.J personnel were invited for a Seminar on- ‘Understanding the Rainbow Home model for residential care of vulnerable and street girls and suggesting a way forward’. R.C.J.J supported the views of others that children entering Rainbow homes should be brought within the purview of CWC.

R.C.J.J personnel attended Project Partners meeting organized by CRY. It gave an opportunity to meet grass root workers from different parts of Maharashtra and understand their working on children’s issues. Our team from Yavatmal attended ‘National Consultation on Child Labour’ organised by APEKSHA at Nagpur. For the first time the issue of JCL’s was put forth in a consultation in the Vidharbha region . R.C.J.J’s Paper on “Restorative Justice in J.J.S” was selected by the University of Criminology- Chennai. R.C.J.J presented a paper on - Help Desk a socio-legal intervention for JCL’s in the International Criminology conference held in TISS on 15th April 2013. Project Director of R.C.J.J is a part of the team entrusted to draft the SOP besides being a member of the sub-committee formed by the JJC of Mumbai HC. In a GR issued by the W&CD Secretariat, Project Director R.C.J.J has been designated as one of the members for the Amendment of Maharashtra Juvenile Justice Rules. The project director was a Key Note Speaker, for a seminar on “Reduction of age of Juvenile under Juvenile Justice Act, 2000” on January 31st, 2013 organised by Department of Law, Mumbai University & Hurt Foundation. Additionally, R.C.J.J Project Officer was called upon to chair a panel discussion on “Age of Juvenile: - 16 or 18 years” for the Mumbai Police meeting held on April 4th, 2013.

Media- R.C.J.J understands the importance of media as a major stakeholder both for dissemination of information as well as to be sensitised for responsible publishing of information for the protection of the best interest of the child. RCJJ pursues publishing houses when newspapers publish the photographs or names of children especially JCL’s. This practice stigmatizes the child and hence are aggressively pursued. R.C.J.J puts forth before the child care authorities- JJB, CWC and CJM as well through letters to the chief editor of the violating newspaper. In this light when an article of the incident in Warora Taluka of Chandrapur district of two children engaged in rag
picking, on suspicion of theft, were tonsured and tied to a tree was covered in Lokmat newspaper with a photograph RCJJ took up the matter with all stakeholders. R.C.J.J corresponded with Nagpur HC, Chief Editor of Lokmat group, DW& CDO, JJB and CWC, as this article was in violation of Section 21 of JJA. This section prohibits the publication of name and photograph of a juvenile. This resulted in DW& CDO informing the Police and legal action has been initiated against the publishers. Following which RCJJ was requested to conduct a media sensitization programme in Yavatmal in coordination with District Information Office.

Work with Academic institutions: R.C.J.J provides guidance to social work students and educators, to help them implement United Nations Convention on the Rights of the Child them in their work with JCL. It strives to educate students that:

- Children are people and not people-in-the-making. It is critical that social workers respect and value children as complete human beings from the moment they are born. This does not deny that children will change and develop over the years. However, it does accord them full human status from birth.

- Childhood is valuable in its own right and is not simply a stage towards adulthood. This has major implications for social programmes and services, shifting the emphasis of work with children. If this perspective were universally accepted, systems would be founded on children's self-fulfilment and happiness in addition to the need for them to acquire skills and qualifications for their future adult lives.

- Children are active agents of their own lives. Social workers must not under-estimate children's accumulated knowledge and insights into their own needs and life history. Although they may have access to information not shared with children, social workers must never assume they know more about a child's life than the child.

- Age discrimination needs to be identified and tackled, recognising that children are treated less seriously than adults simply because of their age and

- A commitment to working from a children's human rights perspective requires social workers to address the special vulnerability of children, arising from their smaller size and physical strength and from their low status and dependency on adults. Children are vulnerable because they do not have the physical strength, experience or psychological capacity to withstand pressure from adults. This can easily lead to situations of exploitation and abuse.

R.C.J.J Yavatmal is striving to inculcate the above in the fieldwork experience of social work students. The Yavatmal team made presentations in Social Work Departments/Colleges of Yavatmal and elicited placement of students in R.C.J.J. Field Work placement's which are mutually beneficial to both the student as well as for R.C.J.J. While R.C.J.J aims to enhance the professional capacity of the students by giving them exposure to a multitude of tasks from direct work with children to policy intervention, students contribute by conducting case work and group work activities. They learn to conduct HIR's/SIR's, writing reports and are involved in making of rehabilitation plans with the concerned child care authorities. The students conduct group activities / sessions
and learn dynamics of group functioning amongst institutional children. Furthermore, they learn to network with educational institutions, hospitals, police stations, other homes and NGO’s. All activities are done under close supervision and guidance of R.C.J.J Project Officer. R.C.J.J has also been orientating Social Work Colleges to explore social work in J.J.S. Other initiatives include, a three day training on JJA and Child Rights for different batches of Social Work students of Savitri Jotirao Mahavidyala. Approximately 65 students attended each session.

In continuation to opening the vistas of J.J.S to young minds, R.C.J.J conducted a Para-Legal Training on JJA and Child Rights for student of Law of Amlokchand Vidhi Mahavidyala which was organized by District Legal Services Authority, Yavatmal. 44 students attended this para-legal training. Students from National Law School Bangalore and Hyderabad have been placed in R.C.J.J for internship. Students from Kalinga Institute of Industrial technology (KIIT), Bhubaneswar were oriented to the work of R.C.J.J and helped them contextualise the importance of a socio-legal dimension and how legal perspective alienates the very client group it was evolved to assist.
Posters developed by RCJJ
Some highlights
2.5 Documentation:

Documentation and dissemination in R.C.J.J concentrates on developing material for use by frontline JJ functionaries such as the police constables, caretaker of the homes etc. The rationale for this decision is that while many manuals have been developed not many are available for people directly interfacing with children. These are developed, tested in the field and then finalised for printing and dissemination. The poster developed below has been appreciated by functionaries across systems and ranks for its simplicity and brevity.

This poster gives information on the role of CWC, JJB and J.J.S. Permission has been granted to display them in the police stations of five districts of Amravati, Yavatmal, Buldhana, Washim, and Akola.

Additionally, an information booklet on J.J.S has also been prepared for dissemination of information during training programmes.

Resource directories giving information of JJ functionaries, NGO's and other stakeholders and service providers working on issues of health, vocational training and education to be used for children's benefit has been developed and made available at Yavatmal. R.C.J.J has made a resource directory of Juvenile Justice functionaries of Yavatmal.

Exclusive formats to be used by stakeholders’ viz Police, Personnel of Homes and at the Help Desk have been formulated and disseminated which has facilitated expediting the processing of J.C.L’s.

2.6 Advocacy:

R.C.J.J has actively advocated with the HC and through their interest and intervention, a few significant developments in the area of JJS were achieved. A few of which are shared in the following pages. The HC on learning from RCJJ that the JJB’s across the state were not constituted appropriately and the majority of social workers had a law background ordered the same to be rectified. As a result, constitution of JJB’s with two Social Workers and One Magistrate ensued across the state. The state ensured that social workers were appointed as per the JJA and Rules. This was further followed up with a request that State level training be conducted by the State Judicial Academy. As a result, training on Juvenile Justice is a part of the curriculum for all magistrates at the Maharashtra Judicial Academy located at Uttan.

In Yavatmal it was observed that different magistrates were heading the JJB on different days, which resulted in five magistrates for the five days of the JJB. This was in contravention of the rules of the JJA. This was pointed out to the HC and the merits of having a stable JJB were shared with the JJC, as a result, orders for a single JJB were passed.

The number of sitting of JJB’s was increased in those districts having a high pendency. After six months a review of pendency was taken and where pendency continued, full time JJBs were also appointed. For the smooth functioning of the JJB, basic infrastructure facilities like computers, printers, stationary have been provided to all JJB’s. Some JJB’s have also started having full time clerks and these provisions have been due to the directives issued by the HC to the W & CD.

To ensure effective monitoring R.C.J.J prepared M.I.S formats for intranet access for all functionaries of the judicial system. At present, some districts have started upload relevant information in their portals. The research study had pointed out how JJB’s across districts were following their own
procedures as per their understanding of the JJA. To combat this issue, it was recommended that SOP needs to be developed to ensure uniformity in the functioning of JJB across all districts. A core group for drafting the SOP was set up and Project Director of R.C.J.J was a part of the core team. The first draft of S.O.P is ready and has been circulated amongst all the JJB’s across Maharashtra for implementation. R.C.J.J along with MSJA proposes to organise a review meeting with multiple stakeholders before finalizing the SOP to be incorporated in the Criminal Manual of Maharashtra.

Another achievement through the advocacy work with the HC is that honorarium for social workers members on JJB was a mere Rs. 150/- in 2010 which has been increased to Rs. 500/-. R.C.J.J advocated with DLSA to implement the Supreme court order dated 19/08/2011, No: 473/2005 to attach Legal Aid Centres to the JJBs. The Public prosecutor of JJB Bhiwandi immediately called applicants from lawyers for legal aid panel. R.C.J.J passed this information to DLSA who interviewed the applicants and formed the legal aid panel. Legal Aid Panels have been constituted for all JJB’s across Maharashtra.

R.C.J.J has been instrumental in instituting the mechanism through the office of the district Judge for convening a joint meeting of all stakeholders of JJS every quarter in Yavatmal. The District Judge has delegated this responsibility to the DW & CDO to conduct monthly joint meetings of all JJ functionaries. Parallel efforts are on at Thane for facilitating a joint meeting of all stakeholders with the District Judge. For setting the agenda for the meeting, a list of roles and responsibilities of various stakeholders of the JJS was submitted. The district Judge has already called for a meeting within its department to discuss the fulfilment of its roles & responsibilities prior to calling for the joint meeting.

The office of the Director General Police in Colaba has provided a list of SJPU’s/CWO’s across Maharashtra. Analysis of data revealed that there is no clarity in the data regarding constitution of SJPU as per JJA. R.C.J.J pursued the matter with the HC and it has resulted in the appointment of SJPU/ CWO’s in all the districts. Presently R.C.J.J’s efforts are towards instituting a mechanism of training within the police system thereby mainstream Juvenile Justice in Policing. R.C.J.J is also advocating removal of stigmatization in cases of passport denial, and re-enrolment in schools of JCI’s.

For advocacy evidence in the form of research, studies are invaluable. R.C.J.J has undertaken research in other states following the outcome of the research undertaken in Maharashtra (2008). The Delhi study was undertaken in 2009 and at present, we are trying identify partners interested in taking the issue forward. Tamil Nadu study (2010) was conducted with Madras University with the due permission of the Tamil Nadu HC. All these studies were based on the study conducted by R.C.J.J in Maharashtra. The process to undertake the study was initiated in West Bengal (2011) as R.C.J.J was invited to conduct the research. Even though the Calcutta HC granted permissions, certain bureaucratic hurdles resulted in the research not taking off.

R.C.J.J’s work for four years within the children’s institution, has led to identification of many issues, which need attention. Issues such as: lack of regular availability of medical practitioners, lack of adequate staff in the homes, water shortage in the homes, lawyers using premises of children’s institution’s for private practice, sexual harassment of younger children by older children, corporal
punishment and fraudulent practices by staff of the institution etc. have been taken to concerned authorities and pursued till action was not taken in the best interest of the child.

RCJJ in Media: Activities of R.C.J.J are being regularly covered in media both print and electronic media. The activities of Yavatmal covered in Lokmat (Yavatmal Edition) on 26th June 2012. This article was titled “A Discussion on Juvenile Justice Procedures”. Lokmat Times (Vidharbha Edition) covered the “Juvenile Justice Awareness programme” conducted on 27th June 2012. R.C.J.J is recognized as one of the few projects working on the issue of JCL’s. The local cable channel ‘AAP TAK’ of Yavatmal had invited R.C.J.J personnel to give information about child rights and government facilities available for children and people. This programme was relayed on 30th November, 2010. R.C.J.J was interviewed by the All India Radio on 26th December 2011 on the work initiated for Juvenile Justice in Yavatmal. Times of India (Thane edition) on 5th October 2012 covered the setting up of SJPU’s in Thane and credited R.C.J.J for having brought for the issue of absence of SJPU in Maharashtra. Hindustan times on January 23, 2013 interviewed R.C.J.J Project director and Project Officer and their views were quoted in the article “Most Juveniles are booked for petty crimes”. An article written by R.C.J.J project officer on the need of rehabilitation for JCLs and provisions in the Indian laws was published in Loksatta on 22nd March 2013.

Manish (name changed) a sixteen year old boy from Thane district was a co-accused with his mother for the murder of his father. His mother was arrested and lodged in Adharwadi Prison in Thane. When RCJJ met him in the OH at Bhiwandi no one from home had visited him. Interactions with Manish, revealed that he was missing his paternal family with whom he seemed to share close ties. His sister also was residing with them. He was disturbed that they did not come to visit him. RCJJ contacted his paternal grandfather who stated that he did not want to do anything with Manish. It took a lot of persuasion by RCJJ through home visits and phone calls to convince the paternal grandfather and uncle to meet Manish as well as to attend the case hearings in JJB. They were further convinced to take custody of Manish. For this the RCJJ team maintained onstant contact and through home visits and phone calls the family was convinced to accept the child. RCJJ does acknowledge the offence of the juvenile but emphasised on the need to provide a second chance to the child to benefit from the opportunities available for rehabilitation. JJB gave custody of Manish to his grandfather and uncle and placed him under the supervision of RCJJ. The school which Manish was studying had expelled him from school. RCJJ visited the authorities to convince them to re-admit Manish to school. The same was achieved after a lot of persuasion. At the time of writing this report, Manish continues to stay with his paternal family, says he is happy and now he regularly attends school.
Most juvenile delinquents booked for petty crimes: study

The Tiss study on the status of justice delivery system for juveniles in conflict with the law states that 62% of the children booked in Maharashtra were either illiterate or had only completed primary education.

Coverge in Newspapers

बालगुंडेगारीविरोधांते ‘बाल पोलिस’ पस्तक
17 year old, Naresh, was charged for theft. RCJJ was told that he was a habitual offender who had been caught several times by the police for stealing. His peer group too allegedly had children who committed theft. He was addicted to tobacco and cigarette. In an attempt to keep him away from his friends, his parents admitted him to an Ashramshaala. But he ran away from there. When we met Naresh in the OH, his family was unwilling to take him back. They were economically not in a position to afford a lawyer, and were afraid that the community would not accept him.

RCJJ worked with the parents by gaining their confidence by dispelling their fears and making them aware of the working of the system. Parents and Naresh were counseled individually in an attempt to build their trust and improve their bonding with each other. While Naresh was in the OH, he confided regarding an urinary tract infection. This was informed to the Superintendent and follow up’s were done to ensure that Naresh was given proper treatment. Naresh was admitted in the KEM hospital and treated for the infection. Naresh was counseled to attend a de-addiction programme, which helped him to abstain from tobacco and cigarette addiction.

RCJJ got him a free legal Aid lawyer. Regular follow up’s with JJB, resulted in JJB passing an order under Section 15(e) & 15 (3) where Naresh was handed over to his parents under the supervision of RCJJ. His parents with a reference of the caretaker of the OH placed him in a residential job in a garment shop. During a Supervision visit RCJJ personnel felt something amiss about Naresh’s behavior. RCJJ personnel gave him his card to contact him in case of any problem. Naresh revealed that he was being physically abused by his employer as he had been warding off attempts of sexual exploitation. RCJJ advised him to leave the job and spoke with his parents to accept him back home.

After a few months Naresh was again picked up by the police on the charges of theft section 379 and kept in the police lock up for more than 24 hours without an FIR. Naresh claims that these charges were false. The parents of Naresh contacted RCJJ. RCJJ personnel rushed to the police station to get Naresh released. However, the police did not let the social worker meet Naresh. A written letter was then submitted to the JJB Magistrate. This matter was reported to the Thane Police Commissioner. The authorities quickly released Naresh. However since his documentation with respect to apprehension date was manipulated it was difficult to prove that Naresh was kept in the lock up for over 24 hours.

Naresh has been going through many emotional ups and downs. He even attempted suicide once and RCJJ was called for help. RCJJ had to do intensive counseling. Today, Naresh works in a biscuit factory and stays in regular touch with RCJJ personnel.
III. Work in Progress and Future Plans

1. RCJJ proposes to continue advocacy based on the data generated from the activity of Mapping of children's institutions in Maharashtra. Available data on the sanctioned 1300 homes in Maharashtra reveals that there is no holistic documentation on the type of homes sanctioned. It is seen that one district may have many girls’ homes but no homes for physically challenged or mentally challenged. This indicates that there is no congruence between the sanctions for homes and the need of the child. R.C.JJ along with the Commissionerate of WCD and external agency ‘Manthan Facilitators’ have mapped the children's institution existing in 3 divisions of Maharashtra through Geographic Information System (GIS). The remaining three divisions are in the process of being done. This process will be helpful in keeping a track of Children's institutions and will help in sanctioning institutions as per need.

2. Collection and compilation of data on Children's Homes across India has been undertaken and for this RTI has been filed in all states for information on children's institution. This is a long process as names and addresses in the website are not proper. Even when RTI has been filed complete information is not given or the information given is slow.

3. As per the JJA, a scheme of aftercare programme is to be followed for the purpose of taking care of Juveniles after they leave special / children’s homes and for the purpose of enabling them to lead an honest industrious life above the age of 18 years. Considering the number of CHs there is a need for more After Care Homes for the rehabilitation of children.

4. Children in vulnerable situation are prone to acquire addictive habits. However this reality, though discussed often has not lead to creation of de addiction centres for children. R.CJJ proposes to advocate for the establishment of De-addiction homes exclusively for de-addiction of Children.

5. JJS is meant to rehabilitate the child, hence the role of PO is significant as based on the PO report the JJB releases the child on bail/ final order and also designs the care/ rehabilitation plan for the Juvenile. Presently there are no POs exclusively for Juveniles. R.C.JJ has facilitated presentation of the research report ‘Study on the Status of PO in the state of Maharashtra’ before HC Bombay R.C.JJ will actively take up the issue of lack of PO with the HC and through the W& CD.

6. R.C.JJ has facilitated the preparation of the first draft of SOP which has been distributed amongst the JJB’s of Maharashtra. The HC has directed the MSJA to call for a regional level workshop to finalize the SOP so that it can be incorporated in the criminal manual. R.C.JJ is in dialogue with NIPCCD for undertaking training on SOP in states under Western Region

7. RCJJ will pursue the formation of additional JJB’s in districts of Thane and Pune which have high pendency of cases. This matter has been put forth before Mumbai HC and the has already ordered for identification of additional JJB’s in Thane and Pune.

8. Maharashtra Juvenile Justice rules when amended in 2011 incorporated more Legal sections than the Socio-legal mandate thereby leaning heavily on the Cr.P.C. R.C.JJ is advocating for redrafting of Maharashtra JJ rules with the objective of making it comprehensively socio-legal over the legal approach.

9. If permissions from concerned authorities and funding is secured in the next phase RCJJ proposes to expand Help Desk to the divisions of Amravati, Nagpur and Palghar-Thane-II, Pune, Nashik, Raigarh and Mumbai.

10. Initiatives with Supreme Court Delhi are being undertaken proactively for implementation of the findings of research study in Delhi. For this a help desk in Delhi and Community initiatives in East Delhi are proposed as the starting points.

11. R.C.JJ is collaborating with W& CD Amravati range to conduct training for staff of child care institutions across five districts of Amravati range and a resource directory of juvenile justice functionaries for Thane and Amravati will be made in the coming year.
Session for Juveniles in Conflict with Law.

Training for Caretakers

Session for Social Work Students

After Care Consultation
IV. Team of Resource Cell for Juvenile Justice

Dr. Ruchi Sinha  
Project Director - RCJJ  
Associate Professor - CCJ

Dr. K.P. Asha Mukundan  
Project Director - RCJJ  
Assistant Professor - CCJ

Ms. Jyoti Mhatre Khandpasole  
Project Officer

Ms. Madhu Madhavan  
Project Officer

Ms. Vibhavari Kavle  
Project Officer

Mr. Vijay Doiphode  
Social Worker

Mr. Devendra Rajurkar  
Social Worker

Mr. Suraj Rameshan  
Administrative Assistant
Contact Details:

**Mumbai Office:** V.N. Purav Marg, Deonar, Mumbai 400 088.  
Tel.: +91 22 2552 5454/ 5459 • Fax: +91 22 2552 5050 • E: rcjuvenilejustice@gmail.com

**Yavatmal Office:** Teacher Colony, Near L.S.C Colony,  
Post Rukhmini Nagar, Amravati 444 606.  
Tel.: +91 9766332169 • E: mhatrejyoti@yahoo.com