

Resource Cell for Juvenile Justice Annual Report

April 2009- March 2010



*A Field Action
Project of*

Centre for
Criminology and
Justice

TATA INSTITUTE OF SOCIAL SCIENCES

Background

“**Resource Cell for Juvenile Justice**” (RCJJ) is a Field Action Project (FAP) under the Centre for Criminology and Justice (CCJ). It is aimed towards addressing issues in the Juvenile Justice (JJ) System with a specific focus on Juveniles in Conflict with Law (JCL) in an affirmative manner. The RCJJ aims to bring forth the challenges of working with the JJ system in collaboration with the various stake holders like the concerned government departments, civil society organizations and individuals.

Objectives of this project

1. To engage with the system and work towards a child friendly implementation of the JJ Act (with special focus on JCL) and work on issues related to rehabilitation and social integration of children into society.
2. To build capacities of the functionaries working in the JJ System to enhance their effective functioning in the system.
3. To generate knowledge and information on various aspects related to children in the JJ System.
4. To establish a Documentation Center and Resource Unit on Juvenile Justice.

WORK UNDERTAKEN BY RCJJ HAS BEEN DOCUMENTED BELOW.

Advocacy at the Judicial Level

CCJ conducted a research study on the ‘Status of the Juvenile Delivery System for Juveniles in Conflict with law in Maharashtra-2008’. The research was an attempt to highlight and document the working challenges of the various systems operating within juvenile justice and identify areas and issues of concern which need further intervention. A power point presentation was made before the Mumbai High Court (HC) where representatives of Women and Child Development Department (W&CD Dept) were also present. Clarifications on the findings of the study were sort which was then incorporated in the final report which was submitted formally to the Mumbai HC. RCJJ took the initiative of doing a follow up of the findings and

suggestions stated in the research study. Mumbai HC also took serious cognizance of this report and the direct outcome of the same were -

- A Juvenile Justice Committee was constituted, comprising of Hon'ble Shri Justice J.N. Patel and Hon'ble Smt. Justice Ranjana Desai.
- The High court organized joint meetings with the Principal Secretary, Commissioner and other officials from W&CD Dept, Law and Judiciary Department and Home Department and issued directions to implement recommendations stated in the study. To begin with, 14 recommendations were adopted for implementation. This was followed by a subsequent meeting on the 7th of December 2009, where the said departments were asked to report back before Hon'ble Justice J.N. Patel on the action taken by them to ensure the implementation of the 14 point recommendations.
- The honorarium of Juvenile Justice Boards (JJB) Social Workers has been increased from Rs. 150/- per sitting to Rs. 500/- per sitting.
- A one day training program was conducted for Social Workers on JJB. Training for the judicial magistrates is in the pipeline and is scheduled to be conducted shortly.
- In Yavatmal there were five different magistrates functioning which was hindering effective disposing of cases. Intervention by RCJJ resulted in the constitution of a proper Board who were given direction to increase the number of sittings which has resulted in faster disposal of cases.
- HC directed RCJJ to make a presentation of the research study at the National Judicial Academy, Bhopal. The study was well received by the various HC judges from the various states and by the Supreme Court Judges present there. The outcome of this presentation was that a Delhi HC Judge (who is also the member of the Juvenile Justice Committee of Delhi) took the initiative of replicating this study in Delhi in collaboration with RCJJ. The MOU for the same has been signed and this study is directly being funded by the Ministry of Justice, New Delhi.

- The states of TN, MP, Kerala, Bihar and Jharkand are in the process of seeking permissions to replicate this study in collaboration with RCJJ. This is an RCJJ's strategy to identify issues faced by the different states and then take this initiative at a national level for addressal.
- Mumbai HC issued directions to the State Judicial Academy of Maharashtra to incorporate Juvenile Justice into their training module for all levels of Judicial officers. RCJJ is being invited to conduct sessions for the same. We are also happy to state that, impressed by our training module of using case studies as a tool, the State Judicial Academy has adopted this as their teaching strategy for all their training sessions as well.
- RCJJ was granted permissions to work with the JJBs across Maharashtra based on which field engagement was initiated in the districts of Thane and Yavatmal. The objective of selecting these two districts was to get a deeper insight into the realities of a rural and urban context. Permissions were also sort to work with the Child Welfare Committee (CWC) of the concerned districts. The Women & Child Development Department strengthened this process by granting us permission to work in the observation homes of these districts. Activities carried out at the institutional and JJB level are given below.

Interventions in Children's / Observation Homes

Based on due permissions, RCJJ began with visiting the observation homes at Yavatmal and Thane. Both these residential institutions have been designated as Children's home cum Observation home. Hence the children residing there fall under the category of Children in Need of Care and Protection (CNCP) and Juveniles in Conflict with Law (JCL). RCJJ works on the lines of rehabilitation and reintegrating both the categories of children back into mainstream society.

The working experiences of Yavatmal and Thane have been different. Yavatmal was more forthcoming and accommodative of the social worker from RCJJ while it took a while for the same to happen in Thane. The tasks engaged in were building rapport

with the various personnel working in the home, management of the institution and the children residing in these homes.

Case work activities involved, interacting with the children, conducting home visits, preparing social investigation report with due discussions with the concerned child and the related individuals and authorities. Care however has been taken to ensure that at no time, the role of the Probation Officer is undermined or overpowered with the presence of the social worker. Conscious efforts were made to demonstrate the nature and quality of work to be expected from a PO so as to build pressure on the PO to maintain that level of standard. At the institutional level, RCJJ has been giving emphasis for using standard formats as given in the JJ Rules to be used by the Probation Officers while making the different types of enquiry reports on the children which could be used by the observational home staff and police to speeden up administrative procedures rather than frame templates every time a situation arises.

By attending sittings at the CWC and JJB, the social workers of RCJJ have been able to initiate discussions with the competent authority on various cases on the need to have individualized conditions set especially for bail orders. Dialogues are also being held to treat Section 15 of the JJ Act as a provision for rehabilitation and not mere 'disposal' of cases. Such dialogues has led to JJB settling compoundable cases faster and becoming open in taking RCJJ's opinion in ongoing cases. It is being observed that there has been an increase in the number of final orders being passed under section 15(a) which has the provision of sending the child back home after advise and admonition and 15 (e) of the JJ Act which states the provision of releasing the child on probation of good conduct and placing the child under the care of parent, guardian or a fit person. The Women and Child Development Department has declared the social worker at Yavatmal as a 'fit person' as per the provisions under the JJ Act 2000.

A notice that the magistrate, the lawyer and the police should not come in their respective uniforms has been posted on the walls of the observation home in Yavatmal.

Other activities initiated while working with the institutional setting was to address the issue of children being able to keep in touch with their parents / guardians, especially those children whose parents were in the prison. Through efforts made, a 'mulakat' (meeting) was arranged on two different days for the boys and girls residing in the observation home, to meet up with their mothers lodged in the prison. There were hurdles related to permissions, escort and travel and hence an initiative like this took a lot of efforts to convince authorities of the judiciary, prison authorities, police and the personnel at the observation home for the need for a process like this. All these efforts were despite the fact that there was a government resolution giving directions on the procedures for a mulakat between a parent and a child residing in such residential homes.

RCJJ has been able to identify the delay in repatriation of Bangladeshi children as one of the contributing factors of pendency. To address this issue, networks were built with NGOs in Bangladesh for home investigation of these children to speeden up the process of repatriation.

Another reason contributing for the pendency of cases was the delay in filing of chargesheet by the police. Visits are being made to the police station to speed up the process of filing charge sheet.

To equip children with skills for economic independence, RCJJ has been building networks with organizations like Government ITI Yavatmal, Kohinoor Technical Institute Yavatmal, and Yuva Parivartan Kendra to impart vocational training to children who are not only residing in the observation homes but also to extend services to those children who have been processed under the JJ system and are no longer residents of these homes.

A challenge faced while working towards the rehabilitation of children residing in residential homes has been that of the majority of children being school dropouts. As a result of this they did not qualify for trades being taught in the vocational training institutes. This called for immediate steps towards providing them with non-formal education especially for children aged 13 -16 years. The process has been

initiated and meetings are being held in collaboration with the NGO- Good Earth Foundation to train the teachers working in the residential home on the same.

Another challenge being faced with regard to rehabilitation and reintegration of child is the poor financial condition of the family of the child. Sponsorship facilities are being explored to look into this problem by approaching individual and agencies / institutions for this purpose.

Networks are also being built with various organizations like Sahara Aid Society to conduct a three weeks yoga training with the goal of physical fitness for the children in the Yavatmal residential homes. Similarly, a summer camp by NGO Navnirmite with a focus on Science and Math to make Math more interesting and to instill inquisitiveness about the universe is in the pipeline.

RCJJ is working on the idea of setting up a help desk in the observation home in Yavatmal and Thane to assist the children and families whose cases are ongoing in the JJB.

Case Study

Santosh, a college student, studying in his BA first year got involved in a dispute over water from a public tap based on which a case was lodged. The case was pending for 2 years. When Santosh came to the Observation Home, he interacted with the RCJJ social worker (sitting outside the JJB room- concept of help desk) and shared his difficulties. He was very frustrated as he was not only losing his attendance in the college but he was finding it difficult to do a part time job to supplement his family income. Besides this, he had engaged a lawyer who was charging heavy fees and was not able to dispose his case. The RCJJ social worker advised him to come accompanied with his parents and complainant on the next JJB sitting date given. RCJJ put forth this matter before the JJB.

As of result of RCJJ's intervention the JJB closed the case by passing an order of admonition.

Work with Child Welfare Committee and Juvenile Justice Board

The social workers of RCJJ regularly attend the sittings of CWC and JJB proceedings and have developed a rapport with the magistrate and the members of the Board and Committee. Consultations are made with the social workers of RCJJ on cases during the sittings of JJB and CWC. RCJJ has been assisting the JJB and CWC by preparing social investigation report with due discussions with the concerned child and the related individuals and authorities. The social worker at Yavatmal has also been discussing best possible options for bringing a closure to many cases by exploring community options. In Yavatmal a joint meeting between JJB, CWC and the district W&CD Officer was held to facilitate sharing of views, opinion and challenges faced while working in this system. This role of RCJJ was appreciated and it was felt that regular meetings of this nature should be facilitated by RCJJ. RCJJ also played an active role in putting forth its opinion in disposal of cases in Bal Lok Adalat.

Case Study

Asif aged 11 years was charged under section 324 IPC and his case was pending for a year. He was alleged to have beaten up an old lady aged 65 years. During RCJJ home study it was found that an argument between the old lady and the mother of this boy led Asif to be infuriated and so he beat up the old woman. Asif is the only son of his parent's. His father is a mason and his mother a housewife. Though they managed to get bail on the first appearance, the to and fro travel for the case proceedings started affecting Asif's attendance in school.

Being a compoundable case it was hear before the Bal Lok Adalat where through a dialogue, a compromise was sort between the old lady, Arif and his family. RCJJ social worker further took up his case as Asif was a bright student studying in class 6. His father's income was not sufficient to provide for his education. With the help of an individual sponsor, RCJJ has able to get the child receive a school kit comprising of text books, notebooks, school bag, uniform, shoe, and compass. It was decided to hand over this kit to the child in the presence of other children, Chief Judicial Magistrate and the District Judge so as to motivate the children to study.

Case study

Suresh was produced before the JJB on the charges of theft for the third time. The Observation Home staff and JJB were well acquainted with him. Interaction by the RCJJ social worker with Suresh revealed that he was staying with his grandmother in Yavatmal City and she was not able to guide or control him. RCJJ social worker felt that with a little guidance, the potentials of Suresh could be tapped. In the home investigation report, the RCJJ social worker put forth a suggestion to the JJB to pass an order of probation under a 'fit person' as per section 15(e) of the JJ Act. Taking into consideration this report, JJB passed an order under section 15(e) to release the boy on probation under the care of a fit person.

Importance of the need to use standard formats as provided in the Maharashtra JJ Rules has been stressed and a copy of these standard formats has been provided to the JJB.

Work with Police:

Sensitization programme have been conducted for Police Inspectors from police stations in Yavatmal which have been organized by the superintendent of police, Yavatmal. The response elicited by the above training was that JJB Jalgaon invited RCJJ to conduct police training in Jalgaon district for 80 police personnel. In addition to this, sensitization programmes have been conducted at the subdivision level for every five police stations. The target population was specifically directed to the CWO (Vishesh Bal Police Pathak). The objective of the sensitization programme was to present an overview of the JJ Act, Maharashtra JJ JJ Rules and focus on the role and responsibility of SJPU and CWO while working with children. Talks for conducting training programme in the Thane region have been initiated with the Assistant Police Commissioner. Process is also on to compile a data on the status of the working of the SJPU across Maharashtra.

Discussion with Superintendent of Police at Yavatmal is on for constitution of SJPU as per the Juvenile Justice Rules of Maharashtra. Emphasis is being placed in

ensuring that the police take up the practice of filing information according to standardized format given to them.

Similarly efforts are being under taken with Special Inspector General of Police, Amravati Range (in charge of 5 district Amravati, Yavatmal, Akola, Buldhana, Washim) for constitution of SJPU in the 5 district.

Case Study

Directions issued for the treatment and placement of abandoned child

A new born girl child was found abandoned a garbage bin at Pandharkavada in Yavatmal. As a result of the training progammes being conducted by RCJJ, the police station had the contact number of RCJJ social worker who was then called to help out in the case.

RCJJ social worker requested the police to feed and dress the child and admit the child to the nearest hospital for medical treatment. In the mean time the matter was reported the CWC and an order was passed to admit the child to Amravati Shishu gruh once the child was discharged from the hospital.



Networking and Partnership:

RCJJ recognizes the importance of building networks and partnerships with other agencies to further the cause of this issue. One of the challenges encountered by RCJJ in this process is that there is no organization in Maharashtra that is approaching this issue with a systems perspective. The organizations that are functioning in this area are working with the observation home, and since the JCL's are a part of the observation home, the organizations by default work with them. RCJJ recognizes the importance of work being done by these organizations and is in the process of having dialogues with them.

To raise the various issues identified from the research study conducted by the CCJ (TISS) and seek the assistance and collaboration of the various stakeholders in the endeavor to work towards these identified issues, day long seminars were held as a part of the dissemination of the findings of the research study. One such seminar was held in TISS which was attended by academicians from TISS, NGO's, Lawyers, POs from Observation Home, Unicef representatives from Mumbai and Delhi. A similar presentation was also held in Delhi, at the office of National Commission of Protection of Child Rights (NCPCR). This meeting was attended by Dr. Shanta Sinha- Chairperson N.C.P.C.R, Ms. Dipa Dixit- Member N.C.P.R, Ms. Mamta Sahay- Member Child welfare Committee, Ms. Sandhya Bajaj- Member N.C.P.R, Ms. Shreya Ghosh- Consultant N.C.P.C.R, Mr. Sanjay Tiwari, Mr. R.L. Madan, Ms. Surabhi



RCJJ has been attending meetings and been a part of meetings and discussions being held by various organizations on issues related to child protection, child sexual abuse, child helpline. One of the RCJJ project officer was deputed for a three day workshop on working with a child through Case management Process. Case management Process is a holistic process in which a multidisciplinary team of service providers (social workers, doctors, counselors, house parents, teachers etc) who work together in accessing the needs of a child to determine the needs of the child with the aim of developing a plan for the rehabilitation of the child.

Through collaborative efforts with Sahara Aid Society for rehabilitation of children, a three week session on yoga training with the aim of physical fitness for children residing in the residential home at Yavatmal has conducted.

RCJJ in joint collaboration with Bal- Prafula (NGO), W&CD Dept., and Unicef has been bringing out a monthly newsletter named 'Ujjwal'.

Talks are on with organizations from other states like Sudhar in Madhya Pradesh and Bal Sakha in Patna for conducting the research study on the status of Juvenile Justice in their respective states. Similar dialogues are on with other Universities/ Colleges like Criminology Department of Madras University and Rajagiri College of Social Work in Kerala for taking forward the research study on Status of Juvenile Justice in the State of Tamil Nadu and Kerala respectively.

Visits have been made to established Educational Institutions offering programs in Social Work, like 'Savitri Jyotirao Social Work College Yavatmal' and Gulab Nabi Azad College Pusad' and explore possibilities where teaching faculty along with the help of students could assist in supervision of juveniles especially in areas which are far from Yavatmal and which require intensive supervision.

Government ITI Yavatmal, Kohinoor Technical Institute Yavatmal, and Yuva Parivartan Kendra has been contacted to impart vocational training to children residing in the institutions as well as to those children who are out on bail or their cases have been disposed. Modalities are being worked out with NGOs like Good

Earth Foundation to impart vocational training and with NGO Navnirmitee to conduct summer camps on Science and Maths.

Publication of Newsletter

One of the recommendations made in the research study submitted to the Mumbai HC was the need to bring out a newsletter which would be a medium of communication to spread awareness and information on various practices, policies, GR's and so would be of importance to the various JJ functionaries while performing their duties. Due permissions were sort from the Mumbai HC for the same. This idea also found support with Unicef, W&CD Dept (GOM) and Balprafulta who expressed interest in the same as they were in the process of working on similar lines. An editorial board was set up to functionalise the newsletter comprising of representatives from the said agencies. The editorial board held meetings to discuss, give suggestions, edit and finalise the contents of the monthly articles.

RCJJ suggested the title of UJJWAL which was approved by all. UJJWAL is a monthly newsletter which published articles on issues related to CNCP and JCL on an alternative basis. Balprafulta took the initiative of focusing on issues related to CNCP while RCJJ took the initiative of writing articles on JCL.

The newsletter was inaugurated by Shri. Subhash Jhanak, Minister for W&CD Dept. Smt. Faujiya Khan (State Minister W&CD Dept.), Principal Secretary, W&CD - Dr. Sanjay Chahande and Commissioner W&CD - Shri. Bhajirao Jadhav on 20th November 2009 at Mantralaya.

So far 'Ujjwal' has bought out five editions of the newsletter. The first 3 editions of the newsletters were uploaded on the W&CD Department's website. However, with the change in Secretary at the dept level, this process of uploading was stopped.

Placement and Internship for Students:

A Law student from National Law School, Bangalore did her internship for a period of one month. RCJJ also placed a second year student of Masters in Social Work from

TISS as a part of field work for a period of one year. The experience and work of the students added value to the nature of work at RCJJ.

Advisory Board

A 3 member Advisory Board comprising of former Justice A.S Augair, (current chairperson of State Advisory Board as per provisions of the JJ Act 2000), Dr. Kamini Kapadia ex-faculty TISS and former regional head of Action Aid and Shri Wasudeo G. Gorde former Secretary to Government of Maharashtra and currently Ombudsman for the Maharashtra Electricity Regulatory Commission was constituted.

Since its constitution, two advisory board meetings have called for. In the first meeting the Advisory board members were oriented to the objectives of RCJJ and in the next meeting they were updated on the progress made. RCJJ has been fortunate to have these esteemed members on their board who have provided their inputs through guidance and have been helping RCJJ in looking at the issue from a macro perspective.

Future Plans:

The work in the year 2009-2010 concentrated mainly on creating a discourse on the issue of JCL with the various stake holders and laid a ground where the various systems acknowledged the issue and the need to work on the same. Focus was laid at the state level and the experience has been satisfying.

The work in the year 2010 would be concentrating on taking this discourse outside the state of Maharashtra and get the central government to take serious cognizance of this issue. In the mean time the work at the state level would continue with more serious interventions at the systems level.

At the Maharashtra level, work would continue to focus on –

- Working with the observation home at Thane and Yavatmal towards the rehabilitation of children.

- Set up help desk at the observation home of Thane and Yavatmal which would assist parents and their wards being processed within the JJ system to seek information and help regarding the progress of their case proceedings.
- Work closely with the JJB and CWC to strengthen the procedural aspects which would impact the rehabilitation options for the children.
- Conduct training programmes for the JJB personnel, police and other stakeholders
- Continue the dialogue with the Mumbai HC for regular interventions.
- Develop a Management Information(MIS) in collaboration with the concerned government departments and Judiciary.
- Work in close liaison with the Maharashtra State Legal Services Authority.

Work at the national level would involve -

- Conduct the research study on "The status of Justice Delivery System for Juveniles in Conflict with Law in different States" in collaboration with educational institutions and NGOs working in the concerned States. The MOU has already been signed with the Ministry of Justice, Delhi who is providing financial assistance to RCJJ to conduct this research study. The study is scheduled to begin by the 1st week of May. The Criminology Department of University of Chennai has already obtained permissions from the Tamil Nadu HC for conducting the study and is in the process of seeking funds for the same. Madhya Pradesh, Bihar and Jharkand are in the process of seeking permissions from the respective HC. A research of this nature would help gain an understanding into the manner in which the various justice delivery systems are functioning in the different states and help document the similarities and differences in the process. Currently in India there is no documentation of the practices of functioning of the various JJ systems. This study would be the first of its kind.
- Subsequent to the research studies, plans are being made to hold a national level conference to look into the research findings and work out a plan of

action and develop a Standard Operating Procedure Manual for the working of the Juvenile Justice system with special reference to JCL.

- Organise regional level seminars on sensitization and training of JJB members.

Acknowledgement: The FAP - RCJJ would like to acknowledge the financial support and guidance provided by Unicef whose interest in the issue of child rights and child welfare was extended to the widely neglected issue of JCL.

FAP- RCJJ would also like to thank support and cooperation of the Mumbai High Court and the Maharashtra Legal Services Authority for their support and cooperation rendered. A special thanks to Hon'ble Shri. Justice J. N. Patel who has personally taken keen interest right from granting permission to conduct the research on the 'Status of Juvenile Justice System in the State of Maharashtra-2008' to sitting patiently through our presentations, to organizing joint meetings with the various government departments for realizing the recommendations of the report.

It is due to the permission granted by the judiciary that the FAP could take out a newsletter and attend the sitting of JJB

RCJJ would like to thank the Department of Women and Child Development for granting permission to interact with the children of children's / observation home and working with us at every step for bringing taking out the newsletter- Ujjwal

We would like to thank the JJB and CWC members and the staff and children of the residential homes who have placed their trust and permitted us to work with children and engage with the various issues pertaining to the same with respect to rehabilitation and reintegration.

We would also like to thank TISS with a special mention to the Centre for Criminology and Justice for the support and valuable guidance rendered.

Team members of Resource Cell for Juvenile Justice:

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