

# Resource Cell for Juvenile Justice Annual Report (June 2010- May 2011)



*A Field Action  
Project of*

Centre for  
Criminology  
and Justice

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## **Background**

“**Resource Cell for Juvenile Justice**” (RCJJ) is a Field Action Project (FAP) with the Centre for Criminology and Justice (CCJ) TISS. It was established in 2004 to situate Juvenile Justice within the larger framework of Child Rights with a special reference to JCL’s. The FAP got a fillip through its research study entitled “**Justice Delivery System for Juveniles in Conflict with Law in the state of Maharashtra**”. The High court took cognizance of the findings of this study and initiated systemic changes within the system. RCJJ since, is working with the residential institutions for children and other stakeholders in Thane & Yavatmal to demonstrate practices within the spirit of the Juvenile Justice Act (JJ Act)

### **WORK UNDERTAKEN BY RCJJ HAS BEEN DOCUMENTED BELOW**

#### **Working in Children’s cum Observation Homes**

The main objective of working in Children’s cum Observation home was to understand the ground realities and demonstrate the need for systematic and informed intervention which can result in the realization of the rights of the child along with their rehabilitation.

For this RCJJ developed an effective rapport with multiple stakeholders working in these homes. As a result they are handling cases referred by JJB and CWC. They at present are involved in home investigation, social investigation, supervision of cases under section 15 of the JJ Act. RCJJ has also taken the initiative to identify cases which need attention in the residential facilities and has approached the JJB/ CWC for expediting such/these cases.

Since children in residential homes come from diverse backgrounds (age, religion, region) group sessions were also undertaken on a wide range of issues. Sessions for children in the age group of 8-14 years comprised of activities such as coloring and painting on topics like cleanliness, celebration of festivals- Diwali, Christmas, and Republic Day. Sessions for children in the age group of 14-18 year comprised of activities like essay writings on topics like protection of children, life inside the institute viz a viz life outside. Group discussions with Bangladeshi children focused on helping them understand their position in the home besides addressing issues on bullying of younger children by elder children.

### Case Study

Sarita(name changed) a 16 year old adopted girl child was influenced by her friends that her parents were not treating her well as she was adopted. This led Sarita to rebel by staying out late, missing school, giving away her gold jewellery to friends and stealing credit card and jewellery from home. Initially her parents tried to cajole her out of her rebellious behavior but when she went missing for 15 days, they decided to send her to a children's institution. RCJJ was assigned Sarita's case. While interacting with Sarita, initially she refused to give any information but later she confided in the social worker and realized her folly. RCJJ submitted an initial home investigation report and undertook another follow up visit to formulate an effective rehabilitation plan with the active participation of her family members. In this course it was found that Sarita's case was filed both with CWC as a missing child's case and with JJB for stealing. RCJJ facilitated a joint meeting of the CWC, JJB and Sarita's parent's for a combined decision of the future of the child. A decision was arrived at jointly to send Sarita to a private boarding school till she is eighteen by which time she would have finished her high school and would be mature enough to make decisions for her life.

RCJJ is actively involved in working on a wide variety of cases including- runaway children, cases of eloping, trafficked cases, children with psychological needs, children with disabilities besides the routine cases in the residential facilities.

## **Help Desk in the Institutions**



Social Worker at Help Desk Yavatmal

Working in the residential facilities has shown that many children especially Juveniles in Conflict with law (JCL's) have been languishing in the institutions as their parents/ guardians are bereft of information/ knowledge with respect to the nature of documents to be submitted or are ignorant of procedures required for their release.

With permission from High Court Mumbai, RCJJ has started a Help Desk in Thane and Yavatmal. Help Desk is now being approached by various stakeholders like parents, relatives, police personnel, community workers and personnel of the home. Though Help Desk started with the prime objective of providing information, it has had to extend its activities and now engages in a wide range of activities like interacting with children, identifying cases which need intervention, strengthening the bond between the parent's and their child, referrals in case of either the parent or the child has a problem related to health or addiction, co-ordinating with the police and other courts for faster disposal of cases. RCJJ has also handled enquires for adoption, release of a child from JJB, requests for admission in children homes, for assistance to parents/ guardians of victims, JCL's and CNCPC's who otherwise get lost in the system due to lack of information. For this the social workers of RCJJ have had to take a stand in the best interest of the child which have led to conflict with certain stakeholders such as the private lawyers functioning in the observation home.



Social Worker at Help Desk Bhiwandi, Thane

### **Highlights**

The Help desk in Yavatmal referred 1 child to CWC and 3 to JJB. Legal guidance given was to 6 and Social guidance was given to 19.

RCJJ facilitation for final order before JJB has resulted in 6 JCL ordered admonition, 1 JCL was given probation under fit person and 1 JCL was left on supervision. After final order RCJJ followed up 1 case of CNCP and 3 of JCLs .

In Thane 8 children were referred to the CWC and 66 children were represented before the JJB. Legal guidance was provided in 105 cases and Social guidance was given to 53 and 6 were given socio-legal guidance. RCJJs facilitated in 16 cases for final order.

(Note: RCJJ in Thane had to face stiff resistance for any new final orders apart from the usual advice or fine given. With a lot of persuasion one case was given for supervision to RCJJ and in 1 case the final order was released for psychiatric assessment and necessary treatment.)

### **Work with Child Welfare Committee (CWC) and Juvenile Justice Board (JJB):**

RCJJ staff/representatives sit in the proceedings of the CWC or the JJB which has facilitated the bodies to involve RCJJ in referrals for casework (counseling), home investigation reports (HIR), Social Investigation reports (SIR) of children. RCJJ personnel conduct HIR's and SIR's but ensure that the Probation Officers are involved at every stage.

### **Case study**

Kishor (name changed), illiterate, age 15 belongs to a traditionally backward tribal community and resides in remote Pada (small village). He used to earn livelihood for his family by hunting and selling meat of bird (Marathi – Batter). He was produced before JJB for killing and selling of meat. RCJJ presented before the JJB that Kishor used to hunt and sell meat, as there was no livelihood option available to him. They further informed the JJB that he was also ignorant about the fact that killing a bird is an offense. Through this presentation of facts the Social Worker of RCJJ facilitated final disposition of case. JJB passed an order of probation under fit person, to keep him in contact with SW and help him to search for alternative livelihood options. He was illiterate and refused to join any vocational training courses as his family was dependent on him. As a result efforts are being made to assist him in taking up an alternative livelihood option besides upgrading his skills.

In keeping with the mandate of ensuring successful rehabilitation of the child, RCJJ has compiled data of the JCL's and CNCP's in the home which includes details as well as recommendations for rehabilitation for each child. Thus children residing in the home for long duration, the possibility for enrolling in regular school are being explored. For children whose stay is for a short duration, in-depth dialogue with the in- house teacher for the curriculum best suited for them has been undertaken. In addition, the strengths and weaknesses and interest of the child is assessed to gauge the kind of vocational training suited to them. Non institutional forms of rehabilitation are being given priority. Repatriation of children whose parents are in the other state or country are being looked into.

### **Highlights**

In Yavatmal a total of 25 home visits and 17 social investigation reports and in Thane 6 home visits and 3 social investigation reports were submitted to the concerned authorities.

### Case study

Sanjay Kamble( name changed) presently aged 21 years who belongs to the Pardhi tribe is presently the longest inmate in the children/observation home. He was lodged in the adult prison for almost two years when the judge transferred him to the observation home where he has spent another two years. In spite of efforts by different parties this case is nowhere near closure. He was arrested one night with his entire family which included his aged mother, three sisters and sister-in-law. His case became complicated as he was charged under Maharashtra Control of Organised Crime Act,( MCOCA) for robbery, house breaking in 10 different police stations of different districts. RCJJ after informing itself of the case dealt with it at different levels. The first step involved getting his different cases transferred to the Juvenile Justice board. This involved co-ordination and communication with the various courts where his case was registered. This also required the Social Worker to be proactive and request for a change of lawyer who were not taking prompt action. RCJJ represented on behalf of the juvenile in MCOCA courts and negotiated with the judge that they under the JJ Act would assist Sanjay towards rehabilitation. RCJJ also co-ordinated with NGO's to keep Sanjay updated about his family members. Besides coordinating with the courts simultaneous work towards rehabilitation was initiated by vocational training courses like wireman course and mobile repairing course. Today Sanjay has been motivated to give his 10<sup>th</sup> class exam. His four cases have been transferred to the Juvenile Justice Board. An achievement in his case has been that the most complicated case MCOCA court after an age determination test has proclaimed Sanjay to be a juvenile at the time of commission of crime.

### Work with Police:

**Training and sensitization programme for police has been successfully conducted in all the districts of Yavatmal.**

As a part of the recommendation made in the CCJ-TISS research study on Juvenile Justice, the status of the appointment of Special Juvenile Police Units (SJPU) and Juvenile / Child Welfare officers(J/CWO's) across Maharashtra was called upon by the High court. Analysis of the data revealed that barring the district of Yavatmal in which RCJJ's has facilitated the

constitution of SJPU as per the spirit of Juvenile Justice Act, very few districts have a proper SJPU. The data was presented to the home department who has given assurance to look into the matter.

In addition to this regular visits to police stations with regards to cases of JCLs are being made to network and interface with the police on cases related to JCLs.

**Highlights:**

In Yavatmal 28 visits and in Thane 6 visits were made to police stations across different districts/ Zones.

**Training and Capacity Building**



Sensitization Programme for Police Officers at Yavatmal

It was seen and experienced that awareness regarding JJ Act is limited and more so with the JJ functionaries. As a result training and sensitizing has become an important component.

RCJJ has contributed to the different trainings conducted with-

- JJB's across different districts of Maharashtra.
- Magistrates of different ranks with the Maharashtra Judicial Training Academy & Indian Mediation Centre & training institute, Thane

- Undertook police sensitization programmes in 5 subdivisions of Yavatmal district, 1 in Amravati district. The initiative of police sensitization programme was further replicated in Jalgaon district of Maharashtra.



- Railway Police Force and Multi group comprising of Probation Officers, Special Juvenile Police and CWC

members in Mumbai with Childline

Sensitization Programme for Railway Police Force at Thane

- Prison Officers in Mumbai with Prayas on the issue of relevance of care plans in the rehabilitation of juvenile in conflict with law
- A half day session at Nagpur High Court was conducted at the behest of Vidharbha Lady Lawyers Association to Hon'ble Justice Nagpur Bench, Bombay High Court. This session was attended by high court judges, JJB Nagpur, CWC Nagpur, Additional Commissioner of Police, Nagpur, NGOs, representatives from DWCDO, Juvenile/Child Welfare Officers (Nagpur police).

### **Networking and Partnership:**

RCJJ recognizes the importance of building networks and partnerships with other agencies to further the cause of this issue. It proposes to strengthen the systems perspective of work within the Juvenile Justice System to ensure the engagement of multiple stake holders within the system to realize the goal of protection of children.

RCJJ has been attending stakeholders meetings and has been a part of meetings and discussions being held by various organizations on issues related to child protection, child sexual abuse, child helpline.

As a part of building in-house capacity of RCJJ staff, they have attended training sessions on,

- Five Days Training Programme on Counseling Skills on Child Protection organized by SAMARTH a National Child Centered Organization from December 20-24, 2010 at Delhi.
- Three day experiential workshop on conflict resolution skills organized by NGO- Alternatives to Violence Project (AVP) & Social Welfare Department , Kerala.



Session on Juvenile Justice at Nagpur High Court

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' to explore possibilities where students could be placed in RCJJ.

Government ITI Yavatmal, Kohinoor Technical Institute Yavatmal, voluntary Organisations like Sahara Aid Society, Savitri Jyotirao Social Work College, Yavatmal, Gulab Nabi Azad College, Pusad and Yuva Parivartan Kendra, Mumbai have 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 training for teachers on new teaching methodology and with Navnirmitee to conduct summer camps on Science and Math's. Children have been referred to Sankalp foundation for de- addiction purposes. Efforts are on to get a team from the Thane civil hospital to come on regular basis for psychiatric assessment and treatment of children. In this endeavor-a team of Psychiatrists and Psychiatric counselors from the dept. of Psychiatry, Rajiv Gandhi Medical College made a presentation before CWC, JJB and the staff of home on the component of mental health for rehabilitation.

### **Advocacy at the Judicial Level**

Based on the research study-‘Status of the Justice Delivery System for Juveniles in Conflict with law in Maharashtra-2008’ RCJJ has been closely working with the Mumbai High Court and the various government departments. Discussion and meetings are being held to implement the recommendations.

Some of the outcomes of these meetings have been:

- Management Information System (MIS) format submitted by RCJJ has been sent to JJB’s of different districts for updating and uploading in the website. Some districts have begun to computerize the system and started upload information of the same on its website.
- A five member committee has been set up for the preparation of the Standard Operating Procedures with respect to JCLs.
- JJB training was undertaken for all the 35 JJB’s across Maharashtra. Juvenile Justice Act and sensitization on child rights has been incorporated in the training of magistrates at various levels in the State Judicial Academy.
- Infrastructural facilities are being provided to each JJB for its effective functioning. The list of infrastructural facilities to be provided to JJBs was given by RCJJ.
- Increase in the number of sittings of JJB’s- The High Court increased the number of sittings to six days a week in districts having a high pendency for a period of six months. The work loads of these districts are currently being reviewed by the High Court.

### **Internship of Students**

RCJJ facilitates students learning in the Juvenile Justice arena. Since its inception it has had a steady stream of students applying for internships. This year a Law student from National Law School, Hyderabad did his internship for a period of one month. RCJJ also placed two first year student of Masters in Social Work from TISS as a part of field work for a period of one year. Two students from Kalinga Institute of Industrial Technology (KIIT Law School), Bhubaneswar, got an orientation regarding socio-legal approach of dealing with Juveniles in Conflict with law. At Yavatmal RCJJ conducted an orientation of its work at Savitri Jyoti Rao social work college at Yavatmal and initiated placement of students at RCJJ as part of their field work placement. The experience and work of the students has added value to the nature of work at RCJJ.

### **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 is concentrated on taking this discourse outside the state of Maharashtra to get the central government take 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.
- Help desk at the observation home of Thane and Yavatmal would be strengthened. The focus would be on strengthening and streamlining the procedural aspects which would impact the rehabilitation options for the children.
- Conducting training programmes for the JJB personnel, police and other stake holders
- Continue the dialogue with the Mumbai High Court and other government departments 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.
- Develop Standard Operating Procedures for Juvenile Justice to be incorporated in the criminal manual

Work at the national level would involve –

- Follow up on research studies-
  - Delhi- “The status of Justice Delivery System for Juveniles in Conflict with Law in different States” has been completed and presented to the Joint Secretary – Department of Justice. Efforts are on to get the system to implement the recommendations of the study and address the issues raised.

- Tamil Nadu- The research study is being conducted by the University of Tamil Nadu on the basis of Maharashtra research study. After finishing data collection the research study is at the stage of data analysis.
- West Bengal- the High Court has given permission and funds from the Ministry of Justice is awaited. The West Bengal Judicial Academy has proposed to replicate the Maharashtra research study in collaboration with RCJJ. The West Bengal High Court has already given permission for the same.
- RCJJ aims to organize regional level seminars on sensitization and training of JJB members.

### **Acknowledgement**

RCJJ would like to acknowledge the financial support and guidance provided by Railway Children. 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 mention has to be made to Hon'ble Justice Ranjana Desai who has personally taken keen interest in organizing joint meetings with the various government departments for realizing the mandate of Juvenile Justice through the recommendations of the report.

It is due to the permission granted by the High Court, Mumbai that the FAP could take some key initiatives such as publishing a newsletter, starting help desk in the homes of Thane and Yavatmal besides attending the sitting of JJB

RCJJ would like to thank the Department of Women and Child Development for granting permission to work in the children's / observation home.

We would like to thank the JJB and CWC members and the secretary, superintendent, 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 Finance and Accounts section and Centre for Criminology and Justice for the support and valuable guidance rendered.

**Team members of Resource Cell for Juvenile Justice**



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