



Report on National Conference on **JUVENILE JUSTICE BOARDS**

Report on National Conference on
Juvenile Justice Boards

National Judicial Academy, Bhopal
(27-28 May 2015)



CONTENTS

THE CONTEXT

THE PROGRAMME SCHEDULE

THE PARTICIPANTS

THE OPENING SESSION

GROUP DISCUSSIONS

GROUP-I: BOTTLENECKS IN EFFECTIVE FUNCTIONING OF THE JUVENILE JUSTICE BOARD

GROUP-II: BOTTLENECKS IN EFFECTIVE FUNCTIONING OF THE JUVENILE JUSTICE BOAR

GROUP-III: FACTORS THAT DETERMINE ORDERS UNDER SECTION 15 OF THE JJ ACT

GROUP-IV : FUNCTIONING AND EFFICACY OF THE BOARD

GROUP-V : MANAGEMENT OF INSTITUTION

THE PANEL DISCUSSION:

OTHER ISSUES

OUTCOME OF GROUP DISCUSSION: RESPONSES AND SUGGESTIONS

GROUP-I & II: BOTTLENECKS IN EFFECTIVE FUNCTIONING OF THE JUVENILE JUSTICE BOARD

GROUP-III: FACTORS THAT DETERMINE THE ORDERS U/S 15 OF THE JJ ACT

GROUP IV: FUNCTIONING AND EFFICACY OF ALL THE STAKEHOLDER

GROUP V: MANAGEMENT OF INSTITUTION FOR JUVENILE IN CONFLICT WITH LAW

OTHER SIGNIFICANT ISSUES AND SUGGESTIONS DELIBERATED DURING THE GROUP DISCUSSION:

RESPONSE TO THE QUESTIONNAIRE

ANNEXURE (PROGRAMME SCHEDULE)

ANNEXURE (LIST OF PARTICIPANTS)

ANNEXURE (PHOTOGRAPHS)



The Context

The Juvenile Justice Act, 2000 provides for the constitution of Juvenile Justice Board by the State Government. Every District in the Country is supposed to have at least one Juvenile Justice Board to deal with juveniles in conflict with Law. The Board consists of a Metropolitan Magistrate or Judicial Magistrate of first Class and two Social Workers (one of whom is a woman). It is mandated to observe prescribed rules and procedures including the frequency of settings, provision for production of a Child in conflict before individual Member etc.

The JJB is authorized to conduct inquiry, in accordance with the provisions of this Act, in those cases where a juvenile charged with the offence is produced before it and to make such orders in relation to the juvenile as it deems fit. Preferably, all such inquiries shall be completed within a period of four months from the date of its commencement, unless the period is extended by the Board having regard to the circumstances of the case and in special cases after recording the reasons in writing for such extension.

The Chief Judicial Magistrate or the Chief Metropolitan Magistrate is supposed to review the pendency of cases of the Board every six months, and shall direct the Board to increase the frequency of its sittings or may cause the constitution of additional Boards.

In case the JJB, after inquiry, is satisfied that a juvenile has committed an offence, then, notwithstanding anything to the contrary contained in any other law for the time being in force, it may take one of the following decisions:

- (a) allow the juvenile to go home after advice or admonition following appropriate inquiry against and counseling to the parent or the guardian and the juvenile;
- (b) direct the juvenile to participate in group counseling and similar activities;
- (c) order the juvenile to perform community service;

- (d) order the parent of the juvenile or the juvenile himself to pay a fine, if he is over fourteen years of age and earns money;
- (e) direct the juvenile to be released on probation of good conduct and placed under the care of any parent, guardian or other fit person, on such parent, guardian or other fit person executing a bond, with or without surety, as the Board may require, for the good behavior and well-being of the juvenile for any period not exceeding three years;
- (f) direct the juvenile to be released on probation of good conduct and placed under the care of any fit institution for the good behavior and well-being of the juvenile for any period not exceeding three years;
- (g) make an order directing the juvenile to be sent to a special home for a period of three years;

During 2014-15, the National Commission for Protection of Child Rights (NCPCR) organized several zonal workshops of Child Welfare Committees (CWCs) to understand their issues and concerns and to evolve a strategy to strengthen their functioning. Encouraged by the outcome of these workshops, the Commission decided to undertake a similar exercise for the Juvenile Justice Boards (JJBs) also. The JJBs have been set up in the districts to deal with the cases of children in conflict with law. Their primary objective is to ensure justice to such children in a child friendly manner, protecting their identities and rights and reforming and rehabilitating them. However, a perusal of data available with the NCPCR showed that there is huge pendency of cases with JJBs in many states. In order to understand the reasons for the pendency as well as other operational issues of JJBs, the NCPCR approached National Judicial Academy, Bhopal with a request to facilitate a national workshop for the Principal Magistrates and Members. NJA was very supportive of this initiative and agreed to hold the workshop.

National Commission for Protection of Child Rights (NCPCR), in collaboration with National Judicial Academy, Bhopal organized a two days National Conference of Principal Magistrates and Members, Social Workers of Juvenile Justice Boards (JJBs) of the States/Union Territories on 27-28 May 2015. In all, 95 Principal Magistrates and members of Juvenile Justice Boards participated in the Conference from 25 States. The objectives of the Conference were:

- (i) To understand technical issues that defeat the objectives of the Juvenile Justice Act; and
- (ii) To learn from the judges/members about their practical procedural difficulties in administering justice to the child trapped in the Criminal Justice System.

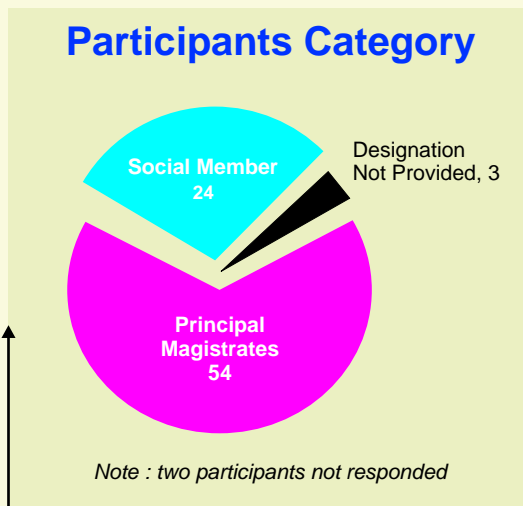


The Programme Schedule

A copy of the full program schedule can be seen at Annexure. Besides inaugural session, the deliberations in the conference were conducted in 5 groups on day one. The summary and recommendations of each group were taken up for discussion before the concluding session on second day. The themes/issues taken up for discussion by each group have been discussed in the ensuing paragraphs. The conference concluded with a Panel Discussion on 'Future of Juvenile Justice System in India: Vision 2030'.

The Participants

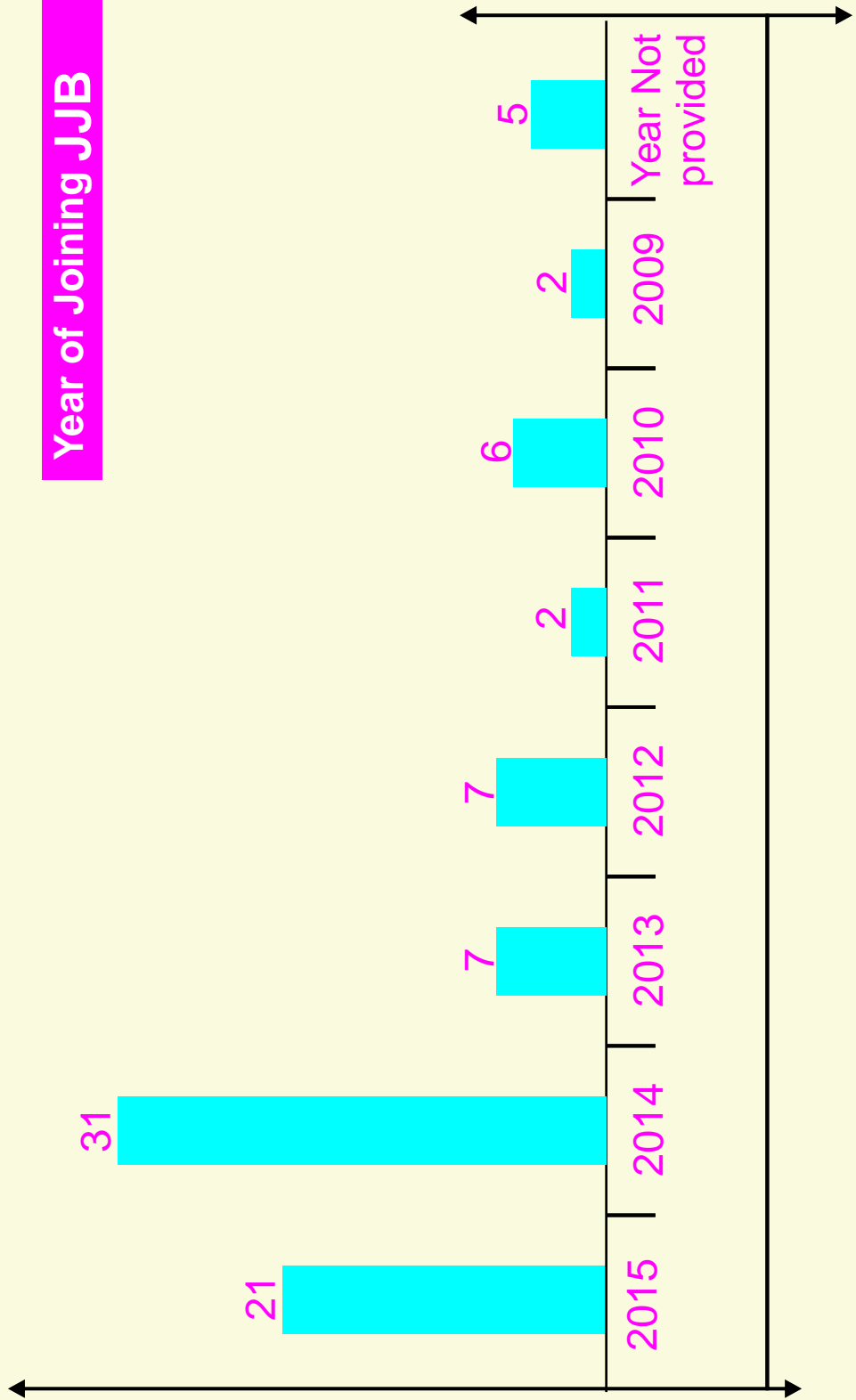
A total of 83 Members of JJBs from 72 districts of 28 States attended the conference. Out of this, 54 were the Judicial Members while 29 were the Social Workers. A graphic representation of participants by category is given below.



Nearly 40% participants had joined in 2014 and 27% were recent entrants (2015). Two participants (Member Social Work), one from Korba district in Chhattisgarh State and the other from Kasaragod District in Kerala were the most experienced participants having served the JJB since 2009.

The Programme Schedule The Participants

Year of Joining JJB





The Opening Session

The proceedings of the conference began with the welcome address by Dr. (Ms) Geeta Oberoi Director, National Judicial Academy, Bhopal. She welcomed Justice S. Vimala, Justice Reva Khetrapal, Ms Bharti Ali, Shri Ranjit Malhotra, Prof. (Ms) Mohua Nigudkar and all delegates attending the Conference. She profusely thanked Shri Asheem Srivastav, Member Secretary, NCPCR for taking the initiative for organizing and supporting this exclusive national workshop.

Shri Asheem Srivastav, Member Secretary, NCPCR welcomed and conveyed his thanks to all participants of the Conference. Shri Srivastav also conveyed special thanks to the Director-in-charge of the Academy, Dr. Oberoi for accepting the offer of organizing the National Conference in Bhopal. He informed the participants that the purpose of the conference was to learn from each other's experiences, understand the issues and problems faced in implementing the provisions of law and suggest corrective measures. Shri Srivastav made an educative and detailed presentation on the 'Status of children in India'.

Hon'ble Justice S. Vimala, of Madras High Court delivered her address 'Philosophy of Juvenile Justice in India'. She highlighted that the philosophy of the Juvenile Justice System was different from the Criminal Justice System and requested all the participants to go through the main causal factors of committing offences by the children before deciding any case of juvenile. [The Hon'ble Justice Vimala narrated a poem on a child quoted by the Hon'ble Supreme Court in the case of M.C. Mehta Vs State of Tamil Nadu and others \(10.12.1996\):](#)

"I am the child.

All the world waits for my coming.

All the earth watches with interest to see what I shall become.

Civilization hangs in the balance,

For what I am, the world of tomorrow will be. I am the child.

You hold in your hand my destiny.

You determine, largely, whether I shall succeed or fail, Give me, I pray you, these things that make for happiness.

Train me, I beg you, that I may be a blessing to the world".

Hon'ble Justice Vimla further quoted the following para from a Supreme Court case:

" It may be that the aforesaid appeal lies at the back of the saying that "child is the father of man". To enable fathering of a valiant and vibrant man, the child must be groomed well in the formative years of his life. He must receive education, acquire knowledge of man and materials and blossom in such an atmosphere that on reaching age, he is found to be a man with a mission, a man who matters so far as the society is concerned."

Hon'ble Justice (retired) Ms Reva Khetrapal spoke on 'Salient Features of the Juvenile Justice (Care and Protection of Children) Bill, 2014'. She dwelled on the various proposed amendment to the Juvenile Justice Act, 2000 and expressed her concern regarding running away of children from the homes in the country. Justice Khetrapal wanted to know from the participants as to why the children are running from the Observation/Special Homes? Whether the conditions and environments in these Homes are not like that in the parental's homes? If not, what are the suggestions? Hon'ble Justice informed the participants that proposed amendment in the Bill 2014 may help in the effective functioning of the Juvenile Justice System in the country.

Shri Ranjit Malhotra, Advocate from Chandigarh made a presentation on 'Salient Features of Protection of Children from Sexual Offences Act, 2012' followed by discussion and question/answers by Ms Bharti Ali. Shri Malhotra informed the participants that Police personnel are not aware about the provisions of the said Act. Therefore, Juvenile Justice Board may play an important role in such cases. Ms Bharti clarified the issues raised by various participants on the implementation of the said Act.





Group Discussions

The participants were divided into following five groups:

- (i) Group-I: Bottlenecks in effective functioning of the Juvenile Justice Board;
- (ii) Group-II: Bottlenecks in effective functioning of the Juvenile Justice Board;
- (iii) Group-III: Factors that determine orders under section 15 of the JJ Act;
- (iv) Group-IV: Functioning and efficacy of the various functionaries under the JJ Act;
- (v) Group: V: Management of Institution

Group-I: Bottlenecks in effective functioning of the Juvenile Justice Board

The session was chaired by Hon'ble Justice S. Vimala. Shri Premoday Khakha, Superintendent (Observation Home for Boys), Delhi was the rapporteur. Following issues were placed before the participants to discuss:

- (i) Is the composition of JJB appropriate and adequate? If not, what shall be the composition?
- (ii) In your views what is the best qualification/special knowledge which make the Board Members (including you as Principal Magistrate) competent to deliver the most appropriate orders for juveniles to protect them from delinquency.
- (iii) Do you think that the Social Investigation Report and the deposition of Probation Officer is helpful in understanding the factors of delinquency and to decide on rehabilitation alternatives?

- (iv) What are the elements that determine the child friendly environment while holding the proceedings of the Board?
- (v) What additional attributes are required to ensure that dispositional order is issued in stipulated four months time?
- (vi) Do you think that there should be a SOP for juvenile crime investigation? If yes, what shall be the guiding factors?
- (vii) Will it be useful to have an amicus curie appointed by the Board?
- (viii) How does presence of a Women Social Member Worker influence the proceedings of the Board and in decision making?
- (ix) In case of vacation in the Board, which authority deals with the juveniles and whether the Petitions for Bail or disposition is also heard?
- (x) Specify the factors which contribute to delay in the disposition of the cases.
- (xi) What are the motivating factors that will attract Judicial Officers to opt for JJB on a regular long term basis?
- (xii) Will it be useful to have e-JJB? If yes, how?
- (xiii) What prevents the Members Social Workers in conducting monitoring/inspections of the Homes for juveniles?
- (xiv) There are many States where a large number of cases are pending for many years and the juveniles have become adults. In your view how such cases can be dealt?
- (xv) Problems faced in age determination and practical suggestions for overcoming.

Group-II: Bottlenecks in effective functioning of the Juvenile Justice Board

The session was chaired by Ms Bharati Ali. Ms Neha Mam, Consultant, NCPCR was the rapporteur. Participants of Group-II also deliberated on the same issues as listed in Group-I above. In Group-I, the participants were the Principal Magistrates and in Group-II were the Social Members of the Juvenile Justice Board.

Group-III: Factors that determine orders under section 15 of the JJ Act

The session was chaired by Ms Mohua Nigudkar. TISS Mumbai. Shri J.B. Oli, Senior Technical Expert, NCPCR was the rapporteur. The Group discussed the following issues:

- i. Are the options prescribed u/s 15 relevant and practical in view of the legislative intent of the Justice Act (E.g. child friendly approach, in the best interest of the child and for ultimately rehabilitation of children)?

Do these provisions ensure process/procedure, interpretation, attitude, environment and treatment, that is humane, considerate and in the best interest of the child?

If not, what are your comments?

- (i) What are the criteria adopted while making the decision? Which is the best option in order of priority and why?
- (ii) How much weightage is given to the following factors during decision making:
 - a. Economic condition
 - b. Health of the child
 - c. Disability in the family/of child
 - d. Education
 - e. Social status of family or
 - f. Any other
- (iii) Do you think that the options available u/s 15 are appropriate and adequate to reform the child? If no why?
- (iv) What are the real issues that affect social reintegration of a child after dispositional order?
- (v) How can dispositional order and social reintegration be interlinked?
- (vi) What other option should be available in place of directing the juvenile to be sent to special home?

- (vii) Do you find family/community helpful for rehabilitation of juveniles?
- (viii) What are considerations for treating a juvenile in need of care and protection and referred to Child Welfare Committee by the Board? What is the percentage of such children by the board?
- (ix) Is CWC in your district efficient and responsive to address the need of such children?
- (x) Is placing the juvenile under institutional care the best option?
- (xi) What other options do you suggest for custody/supervision of juveniles in place of institutional care?
- (xii) What are your suggestions for providing individualized assessments to rehabilitate and prevent further delinquent behavior of the juvenile?
- (xiii) What punishment will you award to a juvenile convict (17 years) having committed two brutal murders; whose parents lived under abject poverty, abused the child, forcing him to run away and spend five years on the streets of Delhi/Mumbai?
- (xiv) What punishment will you award to a juvenile convict (17 years) having committed rape of a minor (below 10 years). The juvenile convict comes from extremely poor and illiterate family; who was physically and sexually abused while growing up, forcing him to run away and spend many years on railway platform?

Group-IV : Functioning and efficacy of the Board

- (i) The session was chaired by Hon'ble Justice Dalip Singh. Ms Nidhi Sharma, Consultant, NCPCR was the rapporteur. Following issues were placed before the participants to discuss:
- (ii) Do you think that an additional JJB is required in your District for expeditious disposal of cases?
- (iii) Whether the principles and provisions of Juvenile Justice Act are complied with while granting bail?
- (iv) Whether Probation Officer functions independently or hold additional charge?
- (v) Whether delay is caused by Police in serving of summons in juvenile cases?

- (vi) Whether Juvenile Welfare Officers are adequately trained to deal with juvenile delinquents' cases?
- (vii) Whether the findings of Social Investigation Report are accurate? For example how does probation officer arrive at finding in respect to emotional factors, intelligence, etc.
- (viii) Can the social investigation report be modified to have an accurate assessment of the juvenile?
- (ix) Whether making the Social Investigation Report takes time?
- (x) Whether the Public Prosecutors with required knowledge, skills and training are timely available?
- (xi) Do you think that paid Social Members in SJPU are effective in preventing juvenile crimes?
- (xii) Does the SJPU prepare the list of juveniles in conflict with law in consultation with NGOs, Panchayat, Gram Sabhas or Resident Welfare Association?
- (xiii) How can the performance of SJPU be enhanced to prevent?
- (xiv) Juvenile Crimes
- (xv) Handling of juveniles.
- (xvi) Will it be useful to have e-JJB?
- (xvii) How should be the individual care plans?
- (xviii) The general impression is that the Social Investigation Report is prepared by probation officer in a casual manner. How can we improve the quality of Social Investigation Report.
- (xix) How can the performance of Juvenile Welfare Officer be improved?

Group-V : Management of Institution

- (i) The session was chaired by Dr (Ms) Vidya Shankar. Dr Dhani Ram, Consultant, NCPCR was the rapporteur. Following issues were placed before the participants to discuss and decide.
- (ii) Do you think that an additional JJB is required in your District for expeditious disposal of cases?
- (iii) Do you think that e-JJB can replace existing JJB?
- (iv) Suggestions for making a child friendly JJB.
- (v) Keeping in view the negligible number of heinous crimes committed by

girls and also the fact that they are vulnerable to abuse, do you think that a girl child should be kept in Observation Home?

- (vi) If no, what are the suggested alternatives?
- (vii) What is the bare minimum staff required for closing the case in four months?
- (viii) The general impression is that Social Investigation Report is prepared by Probation Officer in a casual manner. How can we improve the quality of social investigation report?
- (ix) (viii) Similarly, how can the performance of Juvenile Welfare Officer be improved?
- (x) Do you think NGO run Observation Homes are better or Government run?
- (xi) Is Corporate Social Responsibility (CSR) a better option than NGO and Government run Observation Home?
- (xii) Whether the concept of Observation Homes / Special Homes has succeeded in reforming the child / making him a good human being?
- (xiii) If not, what are the alternatives?
- (xiv) How can we improve the transparency in the functioning of Observation Homes?
- (xv) In your view, how much funds are required (annually) to run an ideal Observation Home having capacity of 100 children?
- (xvi) Suggestions for improving -
- (xvii) Vocational training,
- (xviii) Education,
- (xix) Health care,
- (xx) Nutrition,
- (xxi) Mental health intervention,
- (xxii) Drug de-addiction and
- (xxiii) Legal aid services.
- (xxiv) Do you think recreational activities have positive effect on the child in Observation Home? If yes, please list the type of recreational activities in order of preference.
- (xxv) Do you think exposure visits of children to different places such as FACTORIES, INSTITUTIONS etc. is a good and feasible idea?
- (xxvi) Please suggest a workable daily routine.
- (xxvii) How to improve the quality of food (ensure nutrition value)?



The Panel Discussion:

A panel discussion on 'Future of Juvenile Justice System in India: Vision 2030' was held in the last session. Following were the panelists:

- (i) Shri Anant Asthana, Advocate
- (ii) Ms Bharti Ali, Co-Director, HAQ, Centre for Child Rights
- (iii) Shri Ranjit Malhotra, Advocate

Many issues relating to Juvenile Justice System were discussed with the participants. The panelists clarified the points raised by the participants on various aspects of the functioning of Juvenile Justice Board.

Shri Ranjit Malhotra made following suggestions to improve the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000 and the Protection of Children from Sexual Offences Act, 2012:

- (i) Sensitizing the public and creating mass awareness about the existence of these Acts especially at the grass roots level should be undertaken. Systematic, well-structured and regular training to the police officials, especially at local police stations level, should get the high priority.
- (ii) With a view to regularly monitor the efficacy of these Acts, and to suggest changes if need be, there should be a permanent institutional mechanism at the Centre. For this purpose, a nodal agency, with representation from Ministry of Women and Child Development, Law Ministry (Legal and Treaties Division), National Commission for Women, National Commission for the Protection of Child Rights, Indian Council of Medical Research etc., should be constituted. Such a mechanism is already in place in CARA in pursuant of the directions of the Hon'ble Supreme Court in the case of Laxmi Kant Pandey way back in the year 1986.
- (iii) Concept of locus standi should be given a broad interpretation by the

Hon'ble Courts with a view to offer a meaningful recourse to aggrieved persons. Positive third party intervention in favour of aggrieved juveniles should be allowed so as to promote the concept of reformatory justice.

- (iv) There should be time bound fast track adjudication of all complaints pertaining to JJ Act and POCSO Act.
- (v) Currently, there is a system of designated Hon'ble Judges of the High Courts exercising supervisory administrative control over allocated districts. Similar arrangement should be put in place where a designated High Court Judge oversees the overall working of the JJ Board and the State Commission for Protection of Child Rights.
- (vi) The National, State and District Legal Services Authorities should have an exclusive fast track cell dedicated to aggrieved JJ Act / POCSO Act victims, their parents, members of the immediate and extended family for providing legal aid and assistance, especially to the weaker sections of the society.
- (vii) Extra territorial application of the provisions of the JJ Act, plea of Data Protection legislation by foreign missions in India should not be allowed to be used to obstruct, thwart or stall the enquiry process in case of JJ Act / POSCO complaints, where the accused/offenders are resident and domiciled overseas. A designated board and/or the NCW or NCPCR or an appropriate State level forum should also be empowered and authorized to correspond, liaise and coordinate with foreign missions so as to take action against such offenders.
- (viii) The Hague Convention on Inter-country adoption, which was ratified by the Government of India on 6th June 2003, should be given wide publicity. There should be increased collaboration with international community/institutions on issues relating to children. A provision should be made for select accredited volunteer groups to conduct regular inspections of juveniles homes.

Shri Anant Asthana, Advocate was, however, of the view that there is no paucity of funds. The problem is that the funds are not being fully utilized by the States. He also pointed out that Section 10 of the J.J. Act, 2000 gives extensive powers to JJBs to function effectively. He stressed the need to compile and share the best practices among all stakeholders. He also informed that Delhi High Court has already established a Juvenile Justice Committee to monitor the implementation of the J.J. Act.

Ms Bharti Ali was of the view that an action plan should be formulated to implement the JJ Act effectively.



Other Issues

Besides the issues/themes listed in the agenda, the following issues also came up for discussion in the Conference:

- (i) All State Judicial Academies should organize regular sensitization programs for the JJBs and other functionaries at the State and District Levels. The NCPCR should make the 'National Conference of JJBs' annual feature of their programmatic activities.
- (ii) JJB, Goa has started sensitization programme for police and other functionaries. It was recommended that NCPCR may obtain the training Module from Goa, JJB and circulate it to all concerned.
- (iii) The shortage of experienced Counselors in child psychology was noted. It was recommended that adequate number of psychologists should be made available to the institution/home for group counseling and rehabilitation of juveniles.
- (iv) It was informed that Odisha JJBs are getting funds directly from WCD. Orders in this regards have also been issued in Bihar. It was recommended that all concerned JJBs should take up the matter with their State Governments to get the funds released directly to them.
- (v) The problem of shortage of safe place to lodge/keep the juveniles who are beyond 18 years was also raised. It was recommended that there should be a safe place for such juveniles in the vicinity of the JJB. This would help in better monitoring of such places and activity of their occupants.

Shri Asheem Srivastav, Member Secretary, NCPCR close the deliberations by thanking all guests and participants for their valuable contributions in the maiden National Conference of JJBs. He assured the participants that their suggestions and recommendations will be useful inputs to improve the Juvenile Justice System in the country. He concluded by thanking the Director and her entire team of NJA for making the conference a success and hoped that in future too the NCPCR will get the same enthusiastic cooperation from the academy.



Outcome of Group Discussion: Responses and Suggestions

Group-I & II: Bottlenecks in effective functioning of the Juvenile Justice Board

Sl. No	Issues	Responses
I.1	Appropriateness and adequacy of Juvenile Justice Board	The participants were in agreement that the existing composition of the Board consisting of Principal Magistrate and two Members social workers including woman member is appropriate and adequate.
I.2	Best qualification/special knowledge for competency of the board	<p>(i) As far as judicial members are concerned, their qualification was found adequate. However, it was agreed that there should be one month training capsule in juvenile justice system for all judicial magistrates at the time of induction itself.</p> <p>(ii) It was also agreed that all judicial magistrates of JJB should have five years working experience instead of present three years as prescribed in the JJ Act.</p> <p>(iii) The present qualification and experience prescribed for Member Social Worker was considered appropriate. As in case in case of judicial members, a one month training capsule in juvenile justice system was also prescribed for Member Social Workers.</p>

I.3	Utility of Social Investigation Report and deposition of Probation officer in decision making	<p>(i) Most of the participants were of the view that the social investigation report prepared by the PO lacks clarity; is invariably incomplete and not submitted on time.</p> <p>(ii) Since most of the probation officers are from regular probation officer services of the state government who deal with cases of adults, the report prepared by them on juveniles lacks clarity. Delayed submission of SIR was identified as one of the major factors that affects the timely deposition of probation officer.</p>
I.4	Elements that determine the child friendly environment of the Board	<p>The following elements were considered important for maintain child friendly environment:</p> <p>(i) The Board shall have round table sitting arrangement instead of dais system;</p> <p>(ii) Juvenile as well accompanying family members should be allowed to be a part of the round table;</p> <p>(iii) The Police, lawyers and Judicial Officers/Members should wear plain cloth during round table hearing;</p> <p>(iv) Lawyer's chamber in the Board premises should not be allowed;</p> <p>(v) The Board should require the appearance of juvenile only when eye witness is examined and wherever identity is not under dispute. Presence of JCL may be dispensed with;</p>
I.5	Additional attributes required for timely disposition	<p>(i) The Principal Magistrate should not be given any other additional charge;</p> <p>(ii) JJB should be provided with adequate and permanent support staff such as constables for serving summons and</p>

Outcome of Group Discussion: Responses and Suggestions

		<p>processes, etc.; steno-cum-clerk, full time public prosecutor and juvenile welfare officer.</p> <p>(iii) In order to clear pendency of cases and timely disposition, the powers provided under Rule 13 (1A) and Rule 13 (7) of the JJ Rules should be used to terminate cases of petty offences.</p> <p>(iv) Forensic reports should be provided on priority basis to avoid the delay in disposition.</p>
1.6	Standard Operating Procedure (SOP) for juvenile crime investigation	Participants were unanimous in their opinion that since each case is unique and is dealt in accordance with Cr.P.C. and JJ Rules, a separate SOP is not required.
1.7	Appointment of Amicus Curie	Appointment of amicus curie may be considered if it is indispensable or the facts of case warrant such appointment.
1.8	Significance of Woman Social Worker	The participants agreed that many a time presence of a woman member has calming effect on the juvenile. Besides, a woman member's presence is useful in dealing with cases under POCSO Act, counselling of children and the family.
1.9	Hearing of bail cases of juvenile during vacation of Board.	In case of vacation in the Board, juvenile may be produced before any member of the Board for bail or special application.
1.10	Factors responsible for causing delay in disposition of orders	<p>(i) Non submission of inquiry report by JWO/IO.</p> <p>(ii) Non submission of SIR by Probation Officer.</p> <p>(iii) Non availability of staff for serving summons/making process.</p> <p>(iv) Posting in JJB as additional responsibility.</p> <p>(v) Non availability of Member Social Workers.</p>

		<p>(vi) Delay in age determination/non constitution of Medical Board.</p> <p>(vii) Delay in submission of forensic report.</p> <p>(viii) Inadequate physical infrastructure/logistics.</p> <p>(ix) Inadequate availability of funds at the disposal of JJB.</p> <p>(x) Production of materials objects delayed from the Court where an adult accomplice is tried.</p>
I.11	Motivating factors to opt for JJB	<p>(i) The disposal of cases of JJB should be clearly reflected in the performance appraisal of the principal magistrates and should be equated at par with adult cases;</p> <p>(ii) In case of additional charge, the Principal Magistrate should be provided additional remuneration;</p> <p>(iii) Additional weightage should be given to juvenile cases dealt by Principal Magistrates at the time of their promotion.</p> <p>(iv) Some participants were of the view that reformatory justice done to a juvenile gives them a sense of social fulfillment.</p>
I.12	Usefulness of e-JJB	<p>The participants were of the view that video conferencing (e-JJB) will be useful in those cases where the principal magistrates are holding additional charge and the jurisdiction of JJB overlaps several districts. Another added benefit of e-JJB would be avoidance of transportation of juveniles to long distances for which funds and vehicles are invariably not available.</p> <p>Some participants were however apprehensive about the operational ease</p>

Outcome of Group Discussion: Responses and Suggestions

I.13	Monitoring/Inspection of Homes by Members Social Workers	<p>of video conferencing.</p> <p>(i) The participants accepted the fact that monitoring/inspection of Homes are not being conducted by Members Social Workers mainly due to lack of interest and no provision for remuneration;</p> <p>(ii) Member Social workers also felt that since they need approval of Principal Magistrate for inspection visits, they invariably tend to avoid such visits;</p> <p>(iii) Member Social workers were also skeptical regarding the compliance of their recommendations by the JJB.</p>
I.14	Steps to reduce pendency of cases	<p>(i) Invoke provisions under rule 13(1A) and 13(7) of Juvenile Justice (CPC) Rules, 2007 for termination in cases of petty offences.</p> <p>(ii) Utilize services of SJPU for fast tracking the inquiry.</p> <p>(iii) Dispose of the cases with examination of formal witnesses only, wherever possible.</p>
I.15	Difficulties in Age determination and suggestion	<p>(i) Non-availability of document in support of age.</p> <p>(ii) Ambiguity in the report of the IO.</p> <p>(iii) Contradictory documents being produced.</p> <p>(iv) Medical Boards are not constituted in most of the districts.</p> <p>Suggestions:</p> <p>(i) Birth registration should be made mandatory</p> <p>(ii) AADHAR registration</p> <p>(iii) Creating and maintaining data base of birth at district level.</p>

Group-III: Factors that determine the Orders u/s 15 of the JJ Act

Sl. No.	Issues	Responses
III.1	Relevance and practicality of provisions u/s 15 of the JJ Act.	<p>(i) The participants agreed that all the provisions of Section 15 of JJ Act are relevant, practical and applicable. Problem lies with the implementation of the order by the concerned stakeholder;</p> <p>(ii) Some participants were of the view that every order issued under Section 15 should also incorporate post-release rehabilitation programme. This may prevent repeat of offence by the juvenile.</p>
III.2	Stage of applicability of provisions u/s 15	<p>There was consensus that the process of reformation and rehabilitation of a juvenile begins at first contact with the Police. However, it was felt that first four options {Under Section 15(a) to 15(d)} must be connected with the Fundamental Principles of Family Responsibilities. Option provided under Section {15 (e) and Section 15(f)} should be exercised engaging dedicated Juvenile Police Officers along with Probation Officer in monitoring the conduct and behavior of released juveniles in the respective Districts in order to protect them from harmful situation. Last option under Section 15, directing the juvenile to be sent to special home should be exercised only on the basis of individual care plan and rehabilitation of the available in the institution for the appropriate period.</p>
III.3	Criteria for making the decision	<p>The participants identified that following major factors which are taken into account while making disposition order by the Juvenile Justice Board besides facts and circumstances of each individual:</p> <ul style="list-style-type: none"> • economic condition of the family of the juvenile

Outcome of Group Discussion: Responses and Suggestions

		<ul style="list-style-type: none"> • health of the juvenile • disability in the family/of the child • social status of family • Scope of social reintegration/ mainstream of the juvenile. • Scope of opportunities for education including skill development/vocational training available to the juvenile. • Future plans of the juvenile including employment, • Behavioral progress during the stay in the institution. • Record of previous offences by the juvenile, if any.
III.4	Best Option in order of priority u/s 15	The participants were of the opinion that decision to apply a particular provision depends on facts and circumstances each case and as such no option can be considered as the best or otherwise.
III.5	Real issue that affect social reintegration after disposition order	<p>The following issues were identified:</p> <ul style="list-style-type: none"> • Socio- economic conditions and capability of family/guardian. • Attitude of the family towards the juvenile and ability to exercise control over the juvenile. • Enabling community environment and availability of development opportunities such as continuation of education, vocational training, and counseling support. • Attitude of the functionaries e.g. the Police, Probation Officer, Counselor etc.

		<ul style="list-style-type: none"> • Clarity regarding rehabilitation process, practices and roles. • Acceptance of juveniles by schools and support institutions. • Availability of material and human resources for rehabilitation.
III.6	Role of family/ community in rehabilitation of juveniles.	The participants were of the view that getting support of family and community for rehabilitation of juveniles is very challenging as the stigma of juvenile in conflict with law continues even after the release. Lack of sensitivity of community also becomes a barrier in social reintegration of the juvenile.
III.7	Suggestions for providing individualized assessments to rehabilitate and prevent further delinquent behavior	<p>The participants suggested that:</p> <ul style="list-style-type: none"> • Experts in the field of behavioral science and criminal psychology should be engaged for assessment of individual cases. • Every State must prepare a comprehensive Action Plan for reformation and rehabilitation and create adequate facilities for education, skill enhancement and rehabilitation. • Community based correctional intervention centers should be established which would also cater the needs of family where parents/guardian are unable to exercise control over the juveniles. • Professional counseling from experts having special knowledge of child psychology and child mental health should be available. • Regular networking with voluntary organizations working in the field of child welfare and child protection should be developed.

- JJB should establish networking with institutions providing skill development courses as per the individual interest and aptitude of the child. The Board may have list of such institutions and pass order for enrolment of the child in such institutions.
- Quality care in the Child Care Institution with the JJ System should be established.
- Disposal order should include individual care plan including admission in school/colleges. It should also include life skills and positive socialization skills in their curricula.

Group IV: Functioning and Efficacy of all the Stakeholders

Sl. No.	Issues	Responses
IV.1	Compliance of provisions of JJ Act while granting Bail	<p>The participants informed that:</p> <ul style="list-style-type: none"> • Juveniles are apprised about their right of bail and legal aid, etc. • Provisions of Section 12 of the JJ Act are considered with sensitivity while granting bail. • Besides nature and circumstances of the offence, the best interest of juvenile and his protection is considered for granting bail.
IV.2	Functioning/Efficiency of Probation Officers	<p>It was informed by the participants that:</p> <ul style="list-style-type: none"> • POs come from other services and hold additional charge of JJB. This additional responsibility affects the quality of reports and also timely submissions;

		<ul style="list-style-type: none"> • The individual care plans are not properly prepared and sometimes even not annexed; • Follow up after probation is not properly carried out/not at all carried out in some cases; • Therefore, it was suggested that the State Government should appoint exclusive POs for JJBs.
IV.6	Reasons for delay by police in serving summons	<p>The participants informed that:</p> <ul style="list-style-type: none"> • Delay caused in serving summons/processes by police is mainly because of time constraints as they have multiple tasks to perform at Police Stations; • Police Officers lacks training and orientation and usually do not prioritize matters of JJB; • Special Juvenile Police Units needs to be strengthened with appointment of dedicated juvenile police team to overcome these issues; • Summons/notices may be sent through courier/ emails or fax to avoid delay.
IV.7	Quality of inquiry report of JWOs	<p>The participants were of the view that quality of inquiry report of JWOs is poor since:</p> <ul style="list-style-type: none"> • In most of the cases JWOs are not adequately trained or even possess proper understanding of child laws. Besides, they are assigned additional tasks to act as JWO. They should be given exclusive charge in their police stations as JWOs and should not be overburdened; • The senior police officers are also

Outcome of Group Discussion: Responses and Suggestions

		<p>required to be sensitized in respect to juvenile justice matters.</p> <p>It was further recommended by the participants that:</p> <ul style="list-style-type: none"> • Social Background Report should be done immediately at the time of apprehension of juvenile (should be strictly followed) • Probation Officer should inform parents at the time of apprehension ✓ At the time of first production of juvenile before the Board ✓ Police stations must be provided with the printed necessary forms for intimation of parents
IV.8	Availability of trained Public Prosecutors	<p>The participants recommended that:</p> <ul style="list-style-type: none"> • State should appoint exclusive Prosecutors for JJBs having special knowledge and understanding of laws relating to children and juvenile justice. • State Judicial Academies should organize training programmes and take up the matter with Directorate of Prosecution to nominate prosecutors in training courses.
IV.9	Role of Social Workers in SJPU	<p>It was informed by the participants that:</p> <ul style="list-style-type: none"> • Social Workers are appointed in District Child Protection Units and expected to extend their services to SJPU which is not practical. It was therefore suggested to have exclusive Social Workers for SJPU to ensure availability and timely intervention as and when cases of juveniles reported.
IV.10	Role of SJPU	<ul style="list-style-type: none"> • SJPU consists of Juvenile/ Child Welfare Officers of Police Stations and

		<p>two Social Workers in a district but they cannot work in a team or as a special unit instead there is always an individual approach restricted to Police Stations.</p> <ul style="list-style-type: none"> • Due to lack of coordination and inadequate staff and infrastructure, SJPU do not function effectively.
IV.11	Ideal Individual Care Plan	<p>The participants suggested that:</p> <ul style="list-style-type: none"> • The process of preparing Individual Care Plan should ideally begin at the first stage when a juvenile comes in contact with police. Social Workers attached to SJPU should assist in recording statements and assessment of the juvenile. • Report of the Probation Officer should also be shared with the institution that the Welfare Officer the inputs, findings and recommendations in the individual care plan. • The individual care plan can be made effective only when post-release follow up and non-institutional activities or community base support services are linked. • This was also suggested that Social Workers/ Counsellors should be attached with every police station which would be useful to address the issues concern of juveniles at the time of apprehension, during institutionalization and follow up after release. Consultation therefore will be important with the Social Worker/ Counsellors while preparing Individual Care Plan. • Protection Officer (institutional care) in DCPU should visits Homes regularly to examine individual case files and assist

Outcome of Group Discussion: Responses and Suggestions

		<p>in preparing individual care plan suitable to the juveniles based on individual needs and availability of resources.</p>
<p>IV.12</p>	<p>Accuracy of Social Investigation Report (SIR)</p>	<p>The participants informed that:</p> <ul style="list-style-type: none"> • SIRs are neither accurate nor proper, as it require PO to visit the home of juvenile to gather the accurate information. But, what POs do is they just provide information in it by interviewing the juvenile only. • It has also been seen in some cases that POs have demanded money from the parents of juvenile to prepare SIR. <p>Further the participants recommended that:</p> <ul style="list-style-type: none"> • Some additional things can be incorporated to make it more workable for example family values, emotional bonding of family members, ambition of juvenile, positive traits/ skills of the juvenile should be highlighted, written documents of pradhan, neighbour, school that the PO has contacted must be provided to give report authenticity. • Name of source from where the information was gathered should be mentioned in the SIR. • Module should be prepared / trained by experts coming from psycho social background. • Positive traits/ skills of the juvenile should be highlighted. • SIR should be prepared and submitted within 1 or 2 weeks. • Probation Officers are not adequately paid conveyance allowance for field visits and others by the State Government; they should be given allowances for same.

Group V: Management of Institution for Juvenile in Conflict with Law

Sl. No.	Issues	Responses
V.1	Requirement of additional JJB	<p>(i) The participants were of the view that by enlarge one JJB per district is sufficient. In case the district is large and the juvenile cases are high, an additional JJB can be set up.</p> <p>(ii) Since the pendency in most of the JJBs is attributed to additional charge of Principal Magistrate, it will therefore be important to have principal magistrate exclusively for each JJB.</p>
V.2	Option of Observation Home for Girls	The participants recommended that keeping in view the negligible number of heinous crimes committed by girls and also the fact that they are vulnerable to abuse, girl child should be sent to their parent/guardian home, failing which, residential school may be considered as an alternative.
V.3	Minimum staff for closing the case in four months	<p>The participants recommended that following minimum regular staff should be made available to JJB to decide the case within the prescribed time limit:</p> <ul style="list-style-type: none"> • Constable for serving summons/making process • One steno/clerk • Trained and dedicated JWO • Qualified and competent Probation Officer • Infrastructure facilities as mentioned in the JJ Act.

Outcome of Group Discussion: Responses and Suggestions

V.4	Suggestions for improvement in quality of social investigation report	<p>(i) It was suggested that there should be dedicated and qualified Probation Officers attached to the Board.</p> <p>(ii) The essential qualifications of the Probation Officer should be Master Criminology or Social Work or behavioral science.</p> <p>(iii) They should undergo one month training in juvenile justice system at the time of induction.</p> <p>(iv) The format for SIR needs to be revised.</p> <p>(v) The Probation Officer should be provided vehicles/funds for visit to various places related to the juvenile.</p>
V.5	Suggestions for improvement in performance of JWO	Every Juvenile Welfare Officer should undergo a qualifying test in juvenile justice system. Successful JWOs should then be imparted four weeks refresher course in child psychology, behavioral science, child laws, programme and schemes for child development and protection, etc.
V.6	Management of Observation Home by Govt. or NGO	Since the homes for juveniles require statutory compliance, the participants were of the view that they should be run by the State government only. However, to improve the facilities for rehabilitation and correctional services, networking with voluntary organizations may be established.
V.7	Observation Home run by corporate under CSR	The participants were of the view that while the management of services should remain with State government, the funding for services can be availed under CSR.
V.8	Success of existing CCIs for Juveniles in reforming them	<p>The participants were of the opinion that the institutions have not succeeded in reforming the child due to the following major reasons:</p> <p>(i) Inadequate facilities for reformation and rehabilitation.</p>

		<p>(ii) There are provisions in JJ Act for setting up of services for rehabilitation and social reintegration in CCLs for juveniles. However, there is no clarity for standard and specific rehabilitation programme.</p> <p>(iii) There is no specific option available under section 15 of the Act which can be included in the order to enforce for reformation and rehabilitation.</p>
V.9	Transparency in the functioning of Observation Home	<p>(i) Every State should have website giving appropriate details of children, activities, services being offered in each CCLs.</p> <p>(ii) It should also have progress of each case of JJB.</p> <p>(iii) Regional Level Meet of JJB, CWC, JWO, and Probation Officer should be organized to share the knowledge and data on the subject.</p>
V.10	Funds required to run an Ideal OH for 100 children	The participants mentioned that since an exhaustive monitoring including that of financial flow etc., has not been done by them, they were not in position to comment on this aspect.
V.11	Suggestions for improvement in CCLs	<p>The participants suggested various measures to improve activities of institutions.</p> <ul style="list-style-type: none"> • Professional training facilities like computer hardware, mobile repairing based on interest of juvenile during counseling. • Mental health facilities should be ensured. In most of the institution, de-addiction facilities are not available. • Nutrition with proper hygienic conditions be ensured.

Outcome of Group Discussion: Responses and Suggestions

		<ul style="list-style-type: none"> • Legal aid services should be extended to all. • Collaboration with NGOs should be established to provide educational facilities to all children. • CCTV should be installed to monitor the abuse of juveniles.
V.12	Visit of children to different places such as factories, institutions etc.	The participants were of the view that the juveniles of special homes may be taken for visit to factories/institutions to expose the work culture.
V.13	Workable daily schedule	The participants suggested that activities like Yoga, Prayer, Music, Sports and Library etc. should also be included and displayed at various places within the institution.
V.14	Functioning of Management Committee	It was brought to the notice that only 3 representing States have set up the Management Committee. It was recommended that every institution should set up Management Committee to manage and monitor the progress of every juvenile to ensure proper care and treatment as per the individual care plan.
V.15	Functioning of Children Committee	It was recommended that every institution should set up Children Committee to encourage children to participate in various activities relating to improvement of conditions of institution, reviewing the standards of care, preparing daily routine, diet scale and developing educational/ vocational/recreation plan etc.

