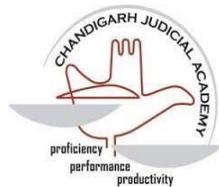


Workshop of Judicial Officers of Juvenile Justice Boards (JJBs) of Punjab, Haryana and UT of Chandigarh



Chandigarh
April 18, 2015

PROGRAMME

Welcome Address and Theme of the Workshop

Prof. Nishtha Jaswal
Member, CCPCR

Key note address

Hon'ble Justice Sh. Suryakant,
Judge Punjab and Haryana High Court, Chandigarh

Address by Guest of Honour Sh. Asheem Srivastav, Member Secretary, NCPCR

Vote of Thanks

Sh. Gobinder Singh
ADSJ and Director Administration, Chandigarh Judicial Academy

Technical Session 1:

JJ Board and Procedures with regard to Children in conflict with law.
Dr. Upneet Lalli, Director , Institute of Correctional Administration

Technical Session 2:

A perspective on the psychological needs of children in observation homes.
Prof. Adarsh Kohli , PGI, Chandigarh.

Group Discussions :

Group I: How to improve the efficiency of the JJB Group II: Gaps in J. J. Act and suggestions

Group III: How to improve intra and interagency coordination



Workshop of Judicial Officers of Juvenile Justice Boards (JJBs) of Punjab, Haryana and UT of Chandigarh

A sensitization workshop of Judicial Officers of Juvenile Justice Boards (JJBs) functioning in the States of Punjab, Haryana and UT of Chandigarh was organized on 18th April, 2015 at Chandigarh by Chandigarh Judicial Academy in collaboration with Chandigarh State Commission for Protection of Child Rights (CSCPCR) and National Commission for Protection of Child Rights (NCPCR). The day long workshop was attended by 44 Judicial Magistrates of JJBs from the states of Punjab, Haryana and Chandigarh, Chairperson and Members of CSCPCR and Member Secretary, NCPCR.

The Workshop commenced with an inaugural session which was graced by the dignitaries who address the participants and expressed their views on Juvenile Justice System.

Prof. Nishta Jaswal while welcoming the guests and the participants conveyed her appreciations to the Hon'ble Justice Shri Suryakant for taking out time to be a part of the workshop. She spoke about providing proper care, protection and rehabilitation of the children as per the JJ Act and felt that for the betterment of the society at large, juvenile delinquency must be stopped in the coming days.

Hon'ble Justice Shri Suryakant, Judge Punjab & Haryana High Court, Chandigarh in his key note address observed that in country like India with its multi-cultural, multi-ethnic and multi-religious population, the problems of socially marginalized and economically backward groups are immense and within such groups the children are most vulnerable.

The Hon'ble Justice emphasized that the purpose of a separate court is that of socio-legal rehabilitation and reformation, and not punishment. The aim is to hold a child culpable for their criminal activity, not through punishment, but counselling the child to understand their actions and persuade them away from criminal activities in future.



Shri Asheem Srivastav, Member Secretary, NCPCR, being the Guest of Honour, spoke about the life of a child and said that every child has a right to survival, protection, care and development and it is the responsibility of the state to ensure that. He mentioned that lack of care, inadequate nutrition, health and education facilities often result in reduced physical and mental ability. The learning capacity of such children is reduced and they tend to dropout from schools at an early stage. Shri Srivastav spoke about the children who run-away or go missing from home due to avoidable reasons. Such children are the soft targets for the traffickers and that females are more prone to trafficking as compared to their male counterparts.

Shri Gubinder Singh, District and Session Judge and Director, Administration Chandigarh Judicial Academy conveyed thanks and expressed gratitude to Hon'ble Shri Justice Suryakant for taking out time from his very busy schedule to address all the Judicial Officers of the states of Punjab, Haryana and Chandigarh. He also thanked the Chandigarh SCPCR and NCPCR for making efforts towards organizing the workshop.

Technical Sessions

There were two technical sessions. Technical Session-1 was on 'JJ Board and procedures with regard to children in conflict with law' and Technical Session-2 was on 'A perspective on the psychological needs of children in observation homes'.

Technical Session-1

JJ Board and Procedures with regard to children in conflict with law by Dr. Upneet Lalli, Director, Institute of Correctional Administration, Chandigarh

The first technical session was conducted by Dr. Upneet Lalli, Director, Institute of Correctional Administration, Chandigarh. She spoke about the JJ Act, explained in detail about the Fundamental principles of Juvenile Justice Act. The following principles were discussed in detail:

- Principle of presumption of innocence



- Principle of Best interest of the Child
- Principle of Safety
- Principle of Family responsibility
- Principle of Fresh start
- Principle of Last resort
- Principle of Privacy and confidentiality
- Principle of Equality and non-discrimination

While speaking about the corner stones of the Juvenile Justice Act and what it aims to achieve, she said that the aim was to provide care protection to children by catering to a child's development needs while adopting a child friendly atmosphere and approach for adjudication of cases related to Juvenile children while keeping the child's best interest.

While speaking about the Powers of the Juvenile Justice Board, as provided under Section-6 of the Act, have power to deal exclusively with all proceedings under the Act relating to juvenile in conflict with law. She mentioned that, as per the Act, JJBs will also monitor institutions for Juvenile in conflict with law (Rule-10(c)).

While speaking about the Challenges being faced in the implementation of the J. J. Act, she mentioned about pathetic conditions of observation homes, delayed inquiries, lack of infrastructure and trained personnel, follow up sessions and the failure to rehabilitate the juveniles in conflict with law.

Technical Session-2

A Perspective on the Psychological needs of Children in Observation Homes by Prof. Adarsh Kohli, Associate Professor, PGI, Chandigarh

The second technical session was conducted by Prof. Adarsh Kohli, Associate Prof., PGI, Chandigarh. Prof. Kohli said that and estimated one million children worldwide in detention. While speaking about the Gaps she spoke about the Lack of quantitative and

qualitative data in respect to Children, standard of care not established and implemented and lack of non-institutional and family based care system for children.

Prof. Kohli while speaking about the Socio-cultural impact of Children in conflict with law, observed that the children who run away from home face the guilt of crime and also are away from family, their loved ones and are deprived of emotional and psychological well being. While speaking about the political issues, Prof. Kohli spoke about the lack of appropriate legal help and lack of empathy from the care givers.

While speaking about the Psychological issues faced the following were discussed in detail:

- i. Hyper vigilance
- ii. Loss of interest in life
- iii. Inability to sleep
- iv. Worry about their future
- v. Guilt/shame
- vi. Poor self confidence
- vii. Low self esteem
- viii. Facing the trauma of the stigma
- ix. Helplessness of despair
- x. Anxiety
- xi. Labeling and negative attitudes of the care givers

While dealing with the possible problems faced by the children who are in detentions, Prof. Kohli described the following issues being faced by the children which included poor health, powerlessness, lack of access to education, feeling of retaliation, aggression, physical restraint and no proper utilization of free time. While explaining how a child can be helped, she discussed about:

- i. Accepting the child as he is



- ii. Accepting the emotional reactions of children
- iii. Non punitive approach
- iv. Emphasizing confidentiality
- v. Non-judgmental attitude/listening skills
- vi. Emphasizing and confidentiality
- vii. Empathizing with the children/ perspective
- viii. Healing approach rather than punishment

Group Discussions

The workshop was then structured around three parallel group discussions representing three **key themes** for discussions. All the participating Judicial Officers were divided into three Groups and given one topic each. A Group Coordinator and Rapporteur were assigned to each Group. Bases on the outcome of the Groups, the Group leaders presented identified issues and possible solutions related to the topics assigned to them.

The Group discussion topics were as follows:

- 1. How to improve the efficiency of the JJBs**
- 2. Gaps in J. J. Act and suggestions**
- 3. How to improve intra and inter agency coordination**

The Groups deliberated at length on the topics assigned and highlighted issues of concern with suggested solutions. The issues emerged out of the Group work with suggested solutions in respect of the individual topics are detailed below:

Improving the efficiency of Juvenile Justice Boards:

Group I Topic : **How to improve the efficiency of the JJB**

Presentation by : **Sh. Mohit Aggarwal, PMJJB, Ambala**



Coordinator: **Coordinator: Dr. Madanjit Sahota**

Rapporteur **Dr. Lakhwinder Singh**

The group focused on the gaps in the existing system that was impeding the efficiency of the JJBs.

- i. Almost all Principal Magistrates (95% of the participants) mentioned that they were holding additional charge of JJB and therefore were not in a position to devote adequate time;
- ii. It was mentioned that no additional weight-age was given to their work and achievements as Principal Magistrates of JJB at the time of performance review;
- iii. Only 35% of participating members mentioned that their JJBs meet more than 2 days in a week, 40% stated that they meet twice a week while 25% accepted that they meet only once a week as against Rule-9 (3) of JJB which states that the board shall meet on all working days of a week;
- iv. Most of the Principal Magistrates mentioned that social members do not attend sittings regularly. Time and again, they are required to be informed for sitting.
- v. 56% of the participants were of the opinion that social members provide adequate contribution in the decision making. Others were not satisfied with the contribution of Social members;
- vi. Legal Aid Services being provided to the juveniles in conflict with law are not effective as the Advocates/Counsels do not have adequate knowledge of law;
- vii. Lack of administrative and support staff to the Board impedes in its functioning. There is also no provision for equipment like computers, printers and stationary etc. for regular functioning of the Board;



- viii. JJBs do not get persons for serving summons and delivery of documents to other agencies which result in delay in the disposal of cases;
- ix. Absence of office in CCI premises force them to hold JJBs in regular court premises. As per the feedback of the participants, 67% hold sittings in regular court complex, 28% hold sittings in other offices while only 5% conduct sittings in JJB premises as against Rule-9 of JJ Act which indicates that in no circumstances the JJB shall operate from within the court premises;
- x. Enquiries are not conducted within the time-limit as per Rule-13(6) of JJ Act which indicates that every enquiry by the Board shall be completed within a period of four months - extendable by two months on recording of reasons by the Board;
- xi. Special Juvenile Police Units are not fully functional in all the districts;
- xii. The Juvenile Welfare Officers are also not acquainted with the provisions of the JJ Act;
- xiii. Lack of contingency funds hamper the decision making;

Short term and Long term goals for improving the working of the Juvenile Justice Board

Short Term Goals

- Independent and separate staff for JJB;
- Number of places of safety and observation homes to be increased;
- Immediate appointments be made in every branch of the Juvenile Justice System;
- Attendance of the members of JJB should be made compulsory;
- Inquiries be conducted within the time limit;

Long Term Goals

- Transparency in the whole Juvenile Justice System;
- State should spend more money and resources in the Juvenile Justice System;



- Orientation programs for all persons involved in the juvenile justice system;
- Make child-friendly system;
- Surveying agencies should be constituted;

Gaps in Juvenile Justice (Care and Protection of Children) Act, 2000:

The participants deliberated on various sections of the JJ Act 2000 and expressed following views:

Group II Topic :	Gaps in J. J. Act and suggestions
Presentation by :	Ms. Anudeep Kaur Bhatti, PMJJB Panchkula
Coordinator:	Mr. Pramod Sharma, Member, CCPCR
Rapporteur	Dr. Anjali Bansal

- i. Age of delinquency should be based on factors that forced the delinquent to indulge in wrongful acts. Either the law should clearly state those factors or lay broad guidelines. Besides, small discretions should be left to the JJB also to ascertain and analyze the level of maturity;
- ii. JJ Act should have its own laid down simple procedure instead of following Code of Criminal Procedure as it create problems in implementing child friendly procedures;
- iii. Probation Officers should be answerable to JJBs. Monitoring and reporting of the Probation Officer to JJB should be made mandatory. There should be separate cadre of Probation Officers under the JJB;
- iv. Like many Judicial Magistrates who are holding additional charge of JJB, additional responsibilities have been assigned to SJPU and JWO to deal with juveniles in conflict with law. They have also been performing duties relating to cases other than juveniles. By virtue of their approach in handling hardcore criminals, they cannot do justice with the juveniles in conflict with law. Therefore, there should be separate cadre of SJPU and JWO having vast experience in child psychology and child welfare;



- v. Trials are required to be completed within 4 months but no procedure has been prescribed. There is a need to reform the procedural factors. Statement recorded by Session Courts should be taken into account. Moreover, the current procedure is still governed by criminal procedure code which should be changed. Recording of evidence should be done by Juvenile Officers only;
- vi. There is an urgent need to decentralize the system e.g. the proceedings of a observation home in Ambala are carried out from Panchkula. It is not possible for judicial officers to inspect them regularly and therefore, there should be an observation home in each district;
- vii. One of the mandatory responsibilities of the JJBs is to visit and monitor the functioning of the Observations Homes. Most of the Principal Magistrates could not visit and monitor the Observation Homes due to various reasons including work overload and large distance between JJB and Observation home;
- viii. There is no provision for parental responsibility. Provision should be made for accountability of parents in case of children involving in heinous crimes;
- ix. There should be provision for grave punishment for 'repeat offenders';
- x. There is no provision for victim compensation. Victim compensation as a matter of right should be introduced in all Boards and all cases should be filed;
- xi. JJB is not the only agency to deal with the juveniles in conflict with law. There is an urgent need to sensitize other agencies involved in Juvenile Justice System and to bring them into the system;
- xii. There is no provision for follow up of the child in case of community service. Community service should be made condition precedent for probation. Provision should be made for ensuring its compliance;
- xiii. There are no dedicated funds earmarked for the JJB. It always depends on the infrastructure and manpower support from regular courts. It should be ensured that adequate funds are earmarked for JJBs.

Short Term Goals

- Improved co- ordination and cooperation between CWC and JJB which would increase the efficiency of both of them;



- Disposal burden in other area should be reduced for that judicial officer who is dealing with juvenile cases;
- There should be an exclusive committee of two trained judicial officers to deal with these cases;

Long Term Goals

- Preventive mechanism to juvenile crime;
- Data regarding working and functioning of observation homes should be made available and accessible to all. Transparency will itself ensure accountability.

How to improve intra and inter agency coordination

Group III Topic :	How to improve intra and interagency coordination
Presentation by :	Sh. Harsimranjit Singh, ACJ (SD)-C-PMJJB, Rupnagar
Coordinator:	Mr. Neil Roberts, Chairperson, CWC
Rapporteur	Ms. Shilpa

The participants identified several factors affecting the inter and intra agency coordination:

- i. There is lack of coordination amongst the agencies including between JJB and CWC involved in the system. It should be ensured that prompt action is taken on receipt of communication of a particular case of juvenile in conflict with law. There should be integrated approach between both the agencies;
- ii. Lack of coordination and cooperation between judiciary, district administration and police department. There is an urgent need for commitment of departments/ members in making the system efficient;
- iii. WCD/Social Welfare Department is not sensitive to the provision of basic facilities to the JJBs which hampers the functioning of JJBs;
- iv. Responsibility of all other stakeholders for failure of Juvenile Justice System should be fixed in the Act;



- v. Selection system for JJBs social members is defective. Political appointment with lack of legal knowledge should be avoided. Appointee should have subject knowledge, devotion to children and should be held accountable for disposal of cases;
- vi. Committed and motivated social workers should be appointed after considering their qualifications;
- vii. Probation Officers lack the conceptual clarity of their duties. They should be made accountable to magistrates;
- viii. Practical difficulties in relying on documents mentioned in rules. Difficulty in age verification (schools provide fake certificate e.g. of U.P, also in Chandigarh) and delay in ossification test;
- ix. Lack of observation homes and inadequate infrastructure. More agencies, NGOs need to be evolved and monitoring system needs to be strengthened;
- x. Proper follow up and proper social investigation of juvenile is required.

The Group III identified the following short term and long term goals for improving the work of the Juvenile Justice Board

Short Term Goals

- JJB meeting should be held in different premises, special court for JJB required also there working could be made separate for more positive results.
- Special recruitments of police officer for Juvenile. Special juvenile unit in police department should be made who are trained in dealing with juvenile cases.
- Incentives should be given for juvenile cases with no additional cases.
- Classification of crimes on the basis of motive and intensity of crime, flexibility in law is required, as there are few offenders.
- Place of safety for juvenile should be prepared (Punjab/Haryana and Himachal Pradesh by far no place of safety).

Long Term Goals

- Rehabilitation of the juvenile and deterrence of future crime. Enhance the interpersonal growth and reintegrate child back to the society.
- Maintaining the confidentiality of child and keeping the non-judgmental attitude.



- Need for non -institutional and family based care system.
- JJB should not be disposal oriented but quality based.
- Committed and expert administrative system to be prepared for the working of juveniles.
- Effective attempt to implement the JJ Act from grassroots level.

PHOTO GALLERY





Group 3



AGENDA

Time	Session	Details of programme
9:30-10:00 AM	Registration of the Participants	Chandigarh Judicial Academy
10.00-10.05 AM	Welcome Note	Ms. Manpreet Kaur
10:10 -10:25 AM	Welcome Address and Theme of the Workshop	Prof. Nishtha aswal Member, CCPCR
10:25 - 10:40 am	Address by Guest of Honour	Sh. Asheem Srivastav, Member Secretary, NCPCR
10:42 -11:00 am	Key Note Address (Chief Guest)	Hon'ble Justice Sh. Suryakant, Judge Punjab and Haryana High Court, Chandigarh
11.02 - 11:10	Felicitation and Vote of Thanks	Sh. Gobinder Singh, Director, Judicial Academy
11:12 - 11:30 am	Tea	
11:35 - 12:00 pm	Technical session 1: JJ Board and Procedures with regard to Children in conflict with law.	Dr. Upneet Lalli, Director , Institute of Correctional Administration
12:00 - 12:30 pm	Technical session 2: A perspective on the psychological needs of children in observation homes.	Prof. Adarsh Kohli , PGI, Chandigarh.
12:35 - 1:45 pm	Group Discussions and Presentations	
2:00 - 2:30 pm	Lunch	
2:30 - 2:45 pm	Concluding Remarks	by Sh. Asheem Srivastav, Member Secretary, NCPCR



PARTICIPANTS OF THE WORKSHOP

Sl. NO	NAME OF JUDICIAL OFFICER	DISTRICT
1.	Ms. Sushma Devi	Amritsar
2.	Dr. Sushil Bodh	Barnala
3.	Ms. Pushpa Rani	Bhatinda
4.	Sh. Satish Kumar	Faridkot
5.	Sh. Ajay Mittal	Fatehgarh Sahib
6.	Ms. Monica Sharma	Fazilka
7.	Ms. Monika Lamba	Ferozpur
8.	Sh. Raj Pal	Gurdaspur
9.	Sh. Amit Kumar Garg	Hoshiarpur
10.	Sh. Suresh Kumar Goyal	Jalandar
11.	Sh. Sumit Sabarwal	Kapurthala
12.	Sh. Jaapinder Singh	Ludhiana
13.	Sh. Vineet Kumar Naarang	Mansa
14.	Sh. Prashant Verma	Moga
15.	Sh. Aashish Saldi	Mohali
16.	Sh. Parvinder Singh Ghotra	Pathankot
17.	Ms. Harpreet Kaur	Patiala
18.	Sh. Anup Singh	Rupnagar
19.	Sh. Gurmeet Tiwana	Sangrur
20.	Ms. Manpreet Kaur	SBS Nagar
21.	Sh. Mahesh Kumar	Sri Muktasar Sahib
22.	Ms. Sucheta Ashish Dev	Tarn Taran



Sl. NO	NAME OF JUDICIAL OFFICER	DISTRICT
1.	Ms. Shifa	Chandigarh
2.	Sh. Mohit Aggarwal	Ambala
3.	Ms. Sukriti	Bhiwani
4.	Sh. Khatri Saurabh	Faridabad
5.	Ms. Kriti Jain	Gurgaon
6.	Sh. Ashish Sharma	Hisar
7.	Sh. Amit Sharma	Jhajjar
8.	Sh. Dharampal	Jind
9.	Sh. Himanshu Singh	Kaithal
10.	Sh. Arvind Kumar	Karnal
11.	Dr. Kavita Kamboj	Kurukshetra
12.	Sh. Sandeep Chauhan	Narnaul
13.	Sh. Amit Verma	Nuh at Mewat
14.	Dr. Renuka Solke	Palwal
15.	Ms. Anudeep Kaur	Panchkula
16.	Ms. Arya Sharma	Panipat
17.	Sh. Manoj Kumar Rana	Rewari
18.	Ms. Savita KUMari	Rohtak
19.	Ms. Anuradha	Sirsa
20.	Sh. Jasbir	Sonipat
21.	Sh. Bharat Bhushan	Yamuna Nagar





Hon. Mr. Justice Suryakant, Judge Punjab and Haryana High Court interacting with members of Chandigarh Commission for Protection of Child Rights (CCPCR) and National Commission for Protection of Child Rights (NCPCR)

TRAINING OF JUDICIAL OFFICERS OF JUVENILE JUSTICE BOARDS OF PUNJAB, HARYANA AND THE U.T. OF CHANDIGARH

TEAM FROM NCPCR

1	Sh. Asheem Srivastava	Member Secretary, NCPCR
2	Dr. Dhani Ram	Consultant, NCPCR
3	Sh. J.B Oli	Consultant, NCPCR
4	Sh. Amit Mane	Consultant, NCPCR
5	Ms. Nidhi Sharma	Consultant, NCPCR
6	Ms. Neha	Consultant, NCPCR

TEAM FROM CCPCR

S. No	Name	Designation
1	Prof. Devi Sirohi	Chairperson, CCPCR
2	Prof. Nishtha Jaswal	Member, CCPCR
3	Sh. Pramod Sharma	Member, CCPCR
4	Sh. Kartar Singh	Law Officer, CCPCR
5	Sh. Neil Roberts	Consultant, CCPCR
6	Sh. Farhan	Senior Assistant, CCPCR
7	Sh. Vikas	P.A to chairperson, CCPCR
8	Sh. Mahesh	Office staff, CCPCR
9	Sh. Devnath	Office Staff, CCPCR

WORKSHOP TECHNICAL SUPPORT TEAM OF CCPCR

1	Dr. Manpreet Kaur	Program Compere
2	Dr. Lakhwinder	Rapporteur
3	Dr. Anjali Bansal	Rapporteur
4	Ms. Shilpa Mehata	Rapporteur
5	Mr. Shashikant	Volunteer, CCPCR
6	Ms. Ritika	Volunteer, CCPCR

