

REPORT ON THE CONFERENCE ON JUVENILE JUSTICE ACT, 2015
HELD ON 28.04.2018.

1. Back ground of the Conference

A letter dated 27.03.2018 was received from Hon'ble Juvenile Justice Monitoring Committee for organising one day conference in April, as per the directions of Hon'ble Supreme Court vide letter dated 25.03.2018 to have a State Level Programme in April.

In pursuance of above said directions, the one day Conference was held on 28.04.2018 at Chandigarh Judicial Academy, Chandigarh under the auspices of Hon'ble Juvenile Justice Monitoring Committee chaired by Hon'ble Mr. Justice Jaswant Singh Chairperson of the Committee in collaboration with the Chandigarh Judicial Academy under the guidance of Dr. BalramK. Gupta, Director Academics and Shri Inderjit Mehta, Director Administration, Chandigarh Judicial Academy. The Conference was coordinated by Ms. Mandeep Pannu, Faculty Member-cum-ADJ and Shri Sundeep Singh, Registrar (Administration).

2. Target audience

Participants Summary: Conference on Juvenile Justice			
Department	Punjab	Haryana	Chandigarh
1. Secretary to the department of Women & Child Development	1	1	1
2. Director to the Department of Women & Child Development	2	2	
3. Police Officers of the Rank of DGPs	1	1	1
4. Chairpersons, State Commission for Protection of Child Rights	1		2 (Dy. Director)
5. Member Secretaries, Legal Services Authorities	1	1	
6. Presiding Officers of Children Court (POSCO Act)	22	19	1
7. Principal Magistrate of Juvenile Justice Board	22	14	1
8. Members of Juvenile Justice Board to be nominated by the Director, Women & Child Development Department	5	9	1
9. Chairpersons, Child Welfare Committee	7	7	
10. Members, Child Welfare Committees to be nominated by the Director, Women & Child Development Department	5	8	1
11. Probation Officers/District Child Protection Officers	19	27	2
12. Gazetted Officers of Special Juvenile Police Unit to be nominated by DGPs of respective states	26	42	2
13. Faculty Members, Chandigarh Judicial Academy	7		

3. Overview of the programme

The overview of the programme was given by Dr. Balram K. Gupta, Director (Academics). Dr. Gupta pointed out that JJ Act creates a Robust Legal Framework for protection of rights of children whether in conflict in law or in need of care and protection. It is easier to built strong children. It is difficult to repair broken children. While focusing on the different issues included in four different sessions during the course of the day, a meaningful reference was made to the directions given by the Hon'ble Supreme Court in Sampurna Behura vs. Union of India and Ors. (2018 SCC OnLine SC 106). The entire purpose of the directions was to effectively implement and translate the legal framework for the protection of rights of children. The Government of India and the State Governments should ensure that all positions in the NCPDR and SCPCRs a filled up valentine. Adequate staff be also provided to the statutory bodies so that they can function effectively and meaningfully. The different bodies should take their duties, functions and responsibilities with great earnestness. These bodies have a significant and proactive role to play in improving the lives across the country. A study should be conducted for estimating the number of probation officers required for effective implementation of JJ Act. The police need to understand its role pertaining to offences allegedly committed by children as well as offences committed against children. The National Police Academy and State Police Academies must consider including child rights as a part of their curriculum on a regular basis. The participants were apprised of the objectives of the conference and the role of various stakeholders under the JJ Act.

4. Key note address

Key note address was given by Hon'ble Mr. Justice Jaswant Singh, who apprised the audience that the main purpose of the State Level Conference is to identify 5 most significant progress areas related to effective implementation of Juvenile Justice Act, since 2014 and also to discuss 3-4 areas where progress has not been made and the hurdles faced in those areas. His Lordship laid emphasis on the fact the purpose of this conference is to Sensitize all stake holders, to remind them of their roles to cull out the problems being faced by them at ground level and work in tandem to find solutions to those problems. His Lordship said that Emphasis of this

Conference is more upon the role of the SJPU's and Probation Officers who are the linchpins of the Juvenile Justice system. As a whole we have to keep the candid principle of interest of Children in mind in whatever we do. The emphasis would also be on the rehabilitation of the Children through CIC and CNCP, because these are the areas which experience problems where we drastically lack towards the implementation of the Act. His Lordship said that discussion will also be on ICPS. The scheme is developed to improve wellbeing. His lordship apprised the participants of various topics to be discussed in 4 sessions.

His Lordship express his hope that the Conference would not only prove to be helpful for all concerned stake-holders dealing with the implementation of the Juvenile Justice Act, but also would certainly enhance their knowledge as well as skill in dealing with the difficulties and for effective implementation of the **Juvenile Justice Act, 2015**.

The knowledge, experiences and view shared during this Conference would guide all the functionaries under this Act in due discharge of their duties with vision, compassion and clarity of mind.

5. First Session-“Role of Police and Probation Officers and hurdles faced by them in implementation of Juvenile Justice Act, 2015”.

Presentation on the topic was given by **Ms. Mandeep Pannu**, Faculty Member, Chandigarh Judicial Academy.

She discussed various steps to be adopted by the police at the time of reporting of the case and at the time of apprehension of the child in conflict with law. The need to prepare Social Background Report (SBR) forthwith and to be forwarded to Board was emphasized. Police officers were impressed upon to comply with the provisions of Section 26, Rule 92 in case of missing/run away child and not to handcuff the child offenders and to provide appropriate medical assistance and interpreter to the child wherever required.

The probation officers were also apprised of their role regarding the preparation of **Social Investigation Report (SIR)** and **Individual Care Plan (ICP)**. They were impressed upon not to prepare these documents mechanically. They were explained the procedure regarding the preparation of individual care plan which is the basic requirement of the Act. Police authorities were informed that under Section **69 D-** Child was to be kept in overnight protective stay in CCI if Member of Juvenile Justice Board is not available in night.

Thereafter, presentation on the hurdles faced by them in implementation of Juvenile Justice Act was given by **Shri Mohit Handa, ACP**, Haryana. The main hurdles pointed out by him were regarding the infrastructure, inadequate facilities, lack of de-addiction centres in the district, unavailability of CWC members and chairpersons beyond office hours, non-availability of social workers with SJPU and delay in medical examination of victims.

Thereafter, resource person, **Mr. K.P. Singh, DGP (Prisons)**, Haryana addressed on the topic and provided solution to remove the hurdles pointed out by the police officers. In the interactive session, various queries were put by the participants which were answered by resource person and panelists.

Directions were issued to the concerned department by Hon'ble Mr. Justice Jaswant Singh are as under:-

<p>Police</p> <p>(a) Social workers not appointed with SJPU in Punjab, Haryana and UT, Chandigarh.</p> <p>(b) No 15 days induction training to SJPU as per Rule 86 and Rule 89 of Model Rules.</p> <p>(c) Rule 86 (4) of Model Rules i.e. transfer and posting of CWPOs within same district not being followed in both the States and UT, Chandigarh.</p> <p>(d) No coordination of SJPU with DCPU, Board, Committee and DLSA in the matters concerning welfare of children (Rule 86 (12) (13)).</p> <p>(e) No child friendly premises/corner in some of the police districts of both states as per Rule 8 (v)</p> <p>(f) Social background report not being prepared forthwith by SJPU in most of the cases as per Rule 8 (1).</p>	<p>(a) Directions issued to WCD of both the states and U.T., Chandigarh to appoint two social workers in each district.</p> <p>(b) Directions issued to DGPs/heads of police academies to impart proper 15 days training to SJPU before their induction as SJPU of both states.</p> <p>(c) Directions issued to DGP to comply with this provision and trained SJPU be not transferred to any other post as far as possible.</p> <p>(d) Directions issued to DGPs of both states to further direct the SJPU to coordinate with these stakeholders.</p> <p>(e) Directions issued to DGPs to provide child friendly rooms/corner in each police stations for interviewing juveniles in conflict with law.</p> <p>(f) Directions issued to DGPs to further direct the SJPU to comply with this provision.</p>
<p>Medical reports</p> <p>(a) Ossification test reports for determination of age of Juvenile not being furnished within 15 days as prescribed</p>	<p>(a) Directions issued to Secretary/Director Health Services to further direct the concerned authorities to submit</p>

<p>under Section 94. (b) Medical examination of Victim child being delayed by the hospitals.</p>	<p>ossification report in time. (b) Directions issued to Secretary/Director Health Services to further direct the concerned authorities to conduct medical examination of victim child immediately without any delay.</p>
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6. Second Session-“The Right of Children to Free Legal Aid and Role of JJB and Children’s Courts and Challenges Faced by JJB”.

Ms. Harpreet K. Jiwan, District and Sessions Judge-cum-Member Secretary, Punjab Legal Services Authority gave presentation on the topic. She explained the role of JJBs and Children’s Courts under JJ Act and necessity of providing free legal aid to the children. She apprised the participants of the key changes in the amended Act i.e. importance of conducting preliminary assessment under Section 15 of JJ Act and mandatory inclusion Of Individual Care Plan (ICP) at the time of dispositional order. She informed the audience that 15 Cradle Points has been established throughout the State of Punjab in 12 Districts. **178 Children were received in the year 2017 and out of them 137 were given adoption.**

Thereafter, challenges faced by JJBs were presented by **Dr.Sukhda Pritam**, Principal Magistrate, JJB. Besides disclosing challenges faced on the infrastructural side, she also apprised the participants and panellists regarding the challenges faced at the time of conducting preliminary assessment, by non-filing of social background report by the police in time and lack of training to SJPU. She also pointed about the lack of sufficient number of CCI’s.

Thereafter, resource person, **Hon’ble Mr. Justice Jaswant Singh** provided the ways and means to meet out the challenges faced by the JJBs and the Children’s Courts. His Lordship answered various queries of the participants. He also explained the procedure to deal with the child where he absconds or his whereabouts are not known. His Lordship assured that directions will be issued to the police department for preparing Social Background Reports in time.

<p>JJBs and Children’s Courts (a) Enquiries not being disposed of within stipulated period by JJBs. (b) Individual care plans not included in the dispositional orders as per Rule 11 (3)</p>	<p>(a) Directions issued to JJBs to dispose of the enquiries within the stipulated period as mentioned in Rule 14. (b) Directions issued to JJBs and Children’s Courts to include</p>
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<p>by Boards and Children's Courts.</p> <p>(c) Rehabilitation processes as required to be initiated by the Board at initial stage as per rule 9 (4).</p> <p>(d) No after care or sponsorship ordered by JJB or Children's Court as per Rule 24 (5) and Rule 25.</p> <p>(e) Monthly duty roster of members of the Boards not being prepared by Principal Magistrates which causes inconvenience to the SJPU's to produce the child during holidays as per Rule 6 (8).</p> <p>(f) Chief Judicial Magistrates not reviewing the pendency of the cases of the Board once in every three months as per Section 16.</p> <p>(g) Many juveniles still being lodged in the District Jail.</p>	<p>individual care plans in the dispositional orders.</p> <p>(c) Directions issued to JJBs to comply with the provision.</p> <p>(d) Directions issued to JJBs and Children's Courts to comply with the provision.</p> <p>(e) Direction issued to all JJBs to comply with the provisions.</p> <p>(f) Directions issued to the Chief Judicial Magistrates to review the pendency of the cases of the board once in every three months as the provision.</p> <p>(g) All the District & Sessions Judges in the State of Punjab, Haryana and Chandigarh to inspect Jails regularly and identify any juvenile lodged in the District Jail and to shift them to the Observation Home.</p>
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7. Session Three-"Role of Child Welfare Committee and Child care Institutions and Challenges faced by them".

First presentation was given by **Ms. Sangeeta Vardhan**, Chairperson, Child Welfare Committee. Besides, explaining the role of Child Welfare Committee, she pointed out various challenges faced by Child Welfare Committee in implementation of the Act.

Role of CCI and Challenges faced by them were discussed at length by **Mr. Amodh K. Kant, General Secretary, Prayas**. He explained the procedure to be adopted by the child care institutions while receiving the child and how to take care of the children received in the institutions. The functioning of various child care institutions was explained to the participants.

During the discussion with panelists, various queries put by the participants were answered by Hon'ble Mr. Justice Jaswant Singh. Necessary directions were given to heads of department present there.

<p>SCPS (State Child Protection Society)/State Govt. and WCD.</p> <p>Budget</p> <p>(a) No Budget was allocated in the year 2014-15, 2015-16, 2016-17 and 2017-18</p>	<p>(a) Directions issued to Punjab Govt. to allocate budget as per</p>
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<p>(as per the answers to questionnaire submitted by Punjab Govt.)</p> <p>(b) (As per the response to the questionnaire by the Punjab Govt.), there is no provision to allocate funds under ICPs scheme.</p> <p style="text-align: center;">Vacancies/Appointments</p> <p>(c) Shortage of members of Juvenile Justice Boards, Child Welfare Committees and Probation Officers, DCPUs, Child Welfare Officers in both the State of Punjab and Haryana.</p> <p style="text-align: center;">SCPS</p> <p>(d) No proper training provided to Probation Officers regarding preparations of individual care plans and other matters.</p> <p>(e) No programmes developed for Foster care, Sponsorship and aftercare by SCPS as per Rule 84 (v).</p> <p>(f) No data base maintained of medical and counseling centre, de-addiction centres, hospitals, open schools, educational facilities and vocational training programmes and recreational facilities for children with special needs at the state level as per Rule 84 (xi).</p> <p>(g) Juvenile justice funds not being monitored and administered properly by the SCPS as per Rule 84 (xii).</p> <p style="text-align: center;">Probation Officers/Child Welfare Officers</p> <p>(h) Individual care plans not prepared by Probation Officers/Child Welfare Officers.</p> <p>(i) Social Investigation Report either not being prepared or if prepared, is being delayed.</p> <p style="text-align: center;">DCPUs</p> <p>(j) DCPUs not organising meetings with all stakeholders at district levels to review the progress and implementation of the Act as per Rule 85 (xxii) of the Model Rules.</p>	<p>Rule 83 of Model Rules.</p> <p>(b) Directions issued to concerned department.</p> <p>(c) Directions issued to government/WCD department to fill the vacancies as soon as possible.</p> <p>(d) Directions given to SCPS to provide training to Probation Officers.</p> <p>(e) Directions issued to SCPS to develop such programmes.</p> <p>(f) Directions issued to SCPS to comply with the provisions particularly to provide de-addiction centres.</p> <p>(g) Directions issued to SCPS as per the provisions.</p> <p>(h) Directions issued to WCD to further direct Probation Officers/Child Welfare Officers working under them to prepare individual care plans wherever required.</p> <p>(i) Directions issued to WCD to further direct Probation Officers to prepare social investigation reports in all cases within stipulated period.</p> <p>(j) Directions issued to WCD to further direct the DCPUs to comply with the provisions.</p>
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8. Session Four-“Rehabilitation and Re-Integration of the Children and Integration of ICP scheme”.

Presentation on scope of Rehabilitation and Re-Integration of the Children was given by **Dr.Upneet Lalli**, Dy. Director, Institute Correctional Administration who discussed the parameters for the rehabilitation and reintegration of the children in conflict with law as well as the children in need of care and protection.

Thereafter, presentation was given by **Mr. Aftab Mohammed, Child Protection Specialist, UNICEF** on integrated child protection schemes with the aid of case studies. He enlightened the participants regarding the rehabilitation of the children by making use of ICPs and by adopting effective modes of vocational trainings.

In the end, **Hon’ble Mr. Justice Jaswant Singh**, gave various directions to the concerned heads of the departments present in the conference to remove the shortfalls pointed out by the various stakeholders.

Child Welfare Committee	
(a) No quarterly review of the functioning of the Child Welfare Committees by District Magistrate of all districts in the states of Punjab, Haryana and U.T., Chandigarh.	(a) Directions issued to District Magistrate of all districts in the states of Punjab, Haryana and U.T., Chandigarh to conduct a quarterly review of the functioning of the Committees as per the Rule 27 (8).
(b) No proper Vocational Training.	(b) Directions issued to initiate process for Vocational Training Programmes whereby children are equipped with skills to earn livelihood so as to help in their reintegration with society.

9. Conclusion

After the conclusion of the training programme, worthy Director, Shri Inderjit Mehta, expressed his gratitude to all the dignitaries including resource persons, panelists, presenters and participants for their participation. He emphasized the participants to imbibe the tips given by panelists and the resource persons.

Submitted by

Mandeep Pannu, ADJ
Coordinator of Conference