

# REPORT

ON THE STATE LEVEL CONSULTATION  
ON ISSUES RELATING TO SAFETY OF  
CHILDREN IN CHILD CARE INSTITUTIONS

UNDER JUVENILE JUSTICE  
ACT, 2015

AT

CHANDIGARH JUDICIAL ACADEMY

CHANDIGARH

ON 25-NOVEMBER 2018

JUVENILE JUSTICE MONITORING COMMITTEE  
PUNJAB AND HARYANA HIGH COURT

CANDIGARH

## 1. Back Ground of the Conference:

Pursuant to the directions of Hon'ble Supreme Court vide letter dated 6th October, 2018, to hold a State Level Consultation with regard to the Safety of Children in Child Care Institutions, the **Hon'ble Chief Justice Mr. Justice Krishna Murari**, of Punjab and Haryana High Court, Chandigarh, approved to conduct the State Level Consultation on this issue and accordingly a State Level Consultation in respect of issues relating to the **Safety of Children in Child Care Institutions** was convened on 25.11.2018 at Chandigarh Judicial Academy under the patronage of **Hon'ble Mr. Justice Jaswant Singh, Chairperson of the Juvenile Justice Monitoring Committee (JJMC)** in collaboration with the Chandigarh Judicial Academy under the guidance of Dr. Balram K. Gupta, Director Academics, Chandigarh Judicial Academy, Chandigarh. The Consultation was co-ordinated by Mr. Rajnish Kumar Sharma, Additional District and Sessions Judge-cum-OSD (JJMC) and Dr. Gopal Arora, Additional District and Sessions Judge-cum-Faculty Member, Chandigarh Judicial Academy, Chandigarh.

## 2. Participants:

<b>Participants Summary: Consultation on Juvenile Justice</b>			
<b>Department</b>	<b>Punjab</b>	<b>Haryana</b>	<b>Chandigarh</b>
1. Principal Secretary to the Department of Women & Child Development.	1	1	-
2. Director/Joint Director to the Department of Women & Child Development.	1	2	1
3. Police Officers of the Rank of DGPs.	-	-	1
4. Chairpersons, State Commission for Protection of Child Rights.	1	2	1
5. Chairpersons/Member, Child Welfare Committee.	19	14	1
6. Member Secretary, State Legal Services Authority.	1	1	1
7. Probation Officers/District Child Protection Officers.	21	19	
8. Gazetted Officers of Special Juvenile Police Unit to be nominated by DGPs of respective states.	25	20	4
9. Faculty Members, Chandigarh Judicial Academy.	6	-	-

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### 3. Opening Session:

The proceedings of State Level Consultation began with the welcome address by Dr. Balram K. Gupta, Director (Academics), Chandigarh Judicial Academy, Chandigarh. He welcomed **Hon'ble Mr. Justice Jaswant Singh**, Chairperson of the Juvenile Justice Monitoring Committee, Mr. K.P.Singh, DGP, Haryana, Human Rights Commission, Mr. Sanjay Baniwal, DGP, U.T. Police, Ms. Mandeep Pannu, Additional District and Session Judge, SBS Nagar, Ms. Sangita Vardhan, Chairperson, Child Welfare Committee and the participants. Dr. Balram K. Gupta, highlighted the issues under discussion at the State Level Consultation by remarking that this State Level Consultation has been specifically focused on the issues relating to the Safety of Children in Child Care Institutions. In this connection, it was considered appropriate to focus on the key role of Police, Probation Officers and Protection Officers to watch the Safety of Children. Equally, the key role of Child Welfare Committees in watching the Safety of the Child in Need of Care and Protection was included. The importance of skill development was another area of focus. Accordingly, the programme schedule was structured.

### 4. Key Note Address:

Key Note was addressed by **Hon'ble Mr. Justice Jaswant Singh**. His Lordship welcomed and conveyed his thoughts to all the participants of the State Level Consultation. **Hon'ble Mr. Justice Jaswant Singh also conveyed special thanks to Mr. K.P.Singh, DGP, Haryana Human Rights Commission, Mr. Sanjay Baniwal, DGP, U.T. Police for accepting the offer of attending the State Level Consultation** for discussing the issue with regard to Safety of Children in Child Care Institutions. His Lordship spoke that Children are the most vulnerable, voiceless, but supremely important national assets of any country and their protection assumes great importance. Parliament is alive to this issue. There have been much legislation which holds the complete flavor of protection of children from exploitation like Child Rights Act, 2005, Right of Children to free and Compulsory Education Act, 2009, the Enactment of the POCSO Act 2012. The Indian Judiciary has also been equally responsible.

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Various judgments have been passed with directions and guidelines to the stakeholder under JJ Act to protect the rights of the children in the Child Care Institutions. So what is lacking of, is full implementation of various provisions of Juvenile Justice Act. Hon'ble Supreme Court of India, of course, in the last 15 years has rendered many judgments in which various directions have been issued to various stakeholders for implementation of Juvenile Justice Act and to monitor it. Since the task is onerous. Therefore, after 2009 each states has its own Juvenile Justice Committees to monitor the implementation of the Juvenile Justice Act and for this purpose we have organized certain programmes, educational seminars, periodic conferences etc. Now inspite of all this, there is need for such much to be done. Recently, we have unfortunate episode in Bihar, U.P. Ambala and sometime also back in Ludhiana had also surfaced. Safety of Children is most paramount for protecting their rights. Today's meet is dedicated towards the Safety of Children especially towards Child in Need of Care and Protection (CNCP). Therefore, we all of us once again have gathered to fulfill our moral, statutory, social and constitutional obligations towards this section of society. Children within scope of Juvenile Justice Act also need proper care, moral, love, affection and social support above all safety for them to survive, develop and thrive. Protection from perceived or real risk, danger or damage relates not only to a person's physical condition, but to all the nuances of life and status in the diversity of physical, social, material, civil cultural, psychological and political settings and usually to a complex mix of them. The National Policy for Children, 2013, identifies the right to protection as a key priority and emphasizes that a safe, secure and protective environment is the pre-condition for the realization of all rights of children.

At the end, his Lordship, spoke that in fact Juvenile Justice Act, 2015, and Model Rules, 2016, are based upon the Principle of Guardianship. Therefore all forums/stakeholders must act as guardians and in a child friendly manner rather than having authoritative hold on such vulnerable sections. His Lordship also expressed his vision regarding the implementation of Child Rehabilitation and Integration Schemes.

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## 5. **Audit of Earlier conference:**

The audit of earlier conference was presented by **Ms. Harpreet Kaur Jeewan** (Member Sectary, State Legal Service Authority, Punjab), **Mr. Puneesh Jindia** (Member Sectary, State Legal Service Authority, Haryana) and **Mr. Mahavir Singh** (Member Sectary, State Legal Service Authority, Chandigarh).

**Ms. Harpreet Kaur Jeewan**, Member Secretary, Punjab State Legal Services Authority has highlighted the role of State Legal Service Authority in performing various welfare services to the child in need care of protection and child in conflict with law and also apprised about the child and women helpline in case of any casualty. Further she explained that keeping in consideration the important role to be played by the legal service authority, the State Legal Service Authority of Punjab has been putting best foot forward to achieve the real objectives. Within the duration of earlier conference till the present one there has been large number of juveniles who were provided legal aid services and legal advice.

**Mr. Puneesh Jindia** (Member Sectary, State Legal Service Authority, Haryana) was the second speaker. He beautifully emphasized that the focal point of this Act is "Rehabilitation and Re- integration of children in need of care and protection". He further brought into discussion few challenges which are faced during a better implementation of the Act like:

- No uniformity in the rehabilitation programs all over India as it varies from state to state.
- CCI are not performing their functions properly and are largely in news for wrong reasons.
- CCI are considered to be children's Jail by layman person rather than a rehabilitation and Re- integration institution.

It was further submitted by **Mr. Puneesh Jindia** that in Haryana constant efforts are made to bring out the true spirit of law. Regular visits are being made by the judicial officers, in-fact His Lordship **Hon'ble Mr. Justice Jaswant Singh** have made it a regular routine to visit the Jails off and on and see if no juvenile is illegally detained therein.

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Further he also disclosed that empirical research project has already been pioneered by Haryana State Legal Service Authority to find out in detail the real statistics of implementation of various aspects of the Act like;

- Staff recruitment and training
- Overcrowding in juvenile homes
- documentation and reports maintained

The next address was followed by **Mr. Mahavir Singh** (Member Sectary, State Legal Service Authority, Chandigarh). He positively opened up his audit report and stated that in Chandigarh good co-ordination is observed in all the functionaries related to juveniles.

There is a regular feature of visits in juvenile homes and CCI's. A special panel of lawyers is appointed for observation homes who on daily basis pay their visits to such homes. In addition to it a separate lawyer is appointed to deal with the adoption cases so that no unnecessary lingering on of the matter takes place and adoption takes place in due process of law. Welfare department and lawyers are on their toes to identify children in need of care and whenever they find someone in need due protection and care is provided to such child.

More than fifty sensitization programs have been successfully conducted for children. Two major programs were organized in Chandigarh in which the main thrust was the disabled children.

Police officials are also very helpful and provide their assistance whenever required. Giving example of the same he highlighted that five Nepali children who were immorally trafficked were rescued with the help of police force.

He further submitted that in the further action plans they are trying to identify the subjects that can bring harm to children like drug abuse etc.

## **6. SESSION 1:**

### **Key Role of Police, Probation Officers and Protection Officers to Watch the Safety of Children.**

The first session was addressed by **Dr. K.P. Singh**, DGP, (Haryana Human Rights Commission). He explained that to achieve the true ends of justice for rehabilitation and re-integration of children in need of care and protection, a

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simple formula with four basic principles must be kept in mind always, i.e.:

- Spreading awareness and knowledge
- Changing adversarial mindset
- Create infrastructure
- Supervision and monitoring

He stated that much has been written in black and white but less has been practically performed on the ground. **There are still many lacunas in understanding the true concept of protection of children.** There is lack of knowledge, lack of motivation, lack of resources and lack of infrastructure which leads to black hole theory in achieving success.

He emphasized that the police officials who are dealing with the children must behave friendly to them and should not wear uniform while dealing with them so as to make the children comfortable. He further said that such children should be placed under the charge of CWPO/SJPU and also a CWPO or a case worker should accompany such SJPU. They should be provided with proper medical assistance and food. No FIR should be registered for a juvenile delinquent who has not committed an offence resulting in punishment for seven or more years. He here highlighted that it is a common mistake committed while dealing with the juvenile delinquent.

For the probation officers he emphasized that they should not only behave like friend such children but put themselves into the shoes of guardian and mentor to them. The probation officers play the most important role therefore it is essential they should be properly trained. They must prepare their investigation report in unbiased manner and for planning the rehabilitation programs they must keep on priority the best interest of the child. They must understand the child, his/her psychology, his/her environment and keeping all the factors in mind lend his helping hand to overcome their traumas and fears.

In respect of protection officers, he submitted that since such children are under their supervision, it is indispensable that they provide a comfortable environment to them so that it motivates them to be a good citizens rather than being a hardened criminal.

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His address was followed with some questions by the present stakeholders on which a discussion took place he answered their queries.

In respect of protection of child in need of care and protection he suggested that;

- Trained staff should be recruited.
- Regular feature of sensitization programs to be included.
- Proper check upon observation homes, CCI's and jail to be conducted.
- Best interest of child to be always borne in mind while dealing with them.
- **Hon'ble Mr. Justice Jaswant Singh** launched a mobile web portal "**drkpsingh.live**" for the benefit of all the stakeholders in Juvenile Justice. The portal is designed to answer queries of police officers and others interested in proceedings under the JJ Act. The portal is managed by **Dr. K.P. Singh, DGP Haryana Human Rights Commission**. The stakeholders may connect with the portal with a click on the mouse and pose their queries on the portal. The answer of the query will be posted on the portal twice a day, at 10.00 A.M. and 8.00 P.M. Queries of urgent nature will be responded immediately provided an SMS is sent to the manager of the portal in this regard. The portal will be a handy tool for the stakeholders to settle their doubts on law as procedures, especially relating to Juveniles.

## 7. **SESSION 2:**

### **Key Role of CWC in Watching the Safety of the Child in Need of Care and Protection.**

Second session was addressed by **Ms. Mandeep Pannu** (Additional District and Sessions Judge, SBS Nagar) and **Ms. Sangita Vardhan**, (Chairperson, Child Welfare Committee).

#### **Ms. Mandeep Pannu:**

She threw light upon the importance of protecting our children specifically those who are in need of care and protection and highlighted that how this objective can also be achieved through better implementation of Juvenile Justice Act. She explained that the key role to be played by child welfare committee is to frame a suitable decision/action/rehabilitation by the police, CHILDLINE,

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NGO or any concerned citizen within 24 hours of being found. They should be properly placed in the suitable custody of observation homes, shelter homes and there after prepare a proper Rehabilitation Programmes of such children.

Further she added that all the possible efforts should be made to re-unite such children with their families and provide suitable counseling when ever required.

The second half of this session was carried by **Ms. Sangita Vardhan**, (Chairperson, Child Welfare Committee) where she highlighted that despite being a challenging task to successfully rehabilitate such children in the society and help them overcoming their traumas, CWC is making constant efforts to provide best assistance to such children not only in rehabilitation but also preparing a well fitted program to suit their need of future years. And while dealing with the cases the utmost consideration is upon the doctrine of 'best interest of child'.

She said that while dealing with such cases emphasis are laid on to reunite the child with his/her family and if a child is found to be family-less, they are put under the proper custody of CCI's where their overall development is taken care of.

## **8. SESSION 3:**

### **Importance of Skill development and juvenile justice.**

The resource person for the third session was **Mr. Sanjay Baniwal**, DGP, U.T. Chandigarh.

Explaining the importance of skill development in juveniles, he shared his experience of taking up the challenge of providing Skill Development Programme in one of the observation home in Delhi. He said that indeed there were many teething problems initially to even start with such idea and the biggest confront to face with was from the children themselves who were to be trained, but with the unconditional assistance provided by the head of observation home and the encouragement forwarded by the Hon'ble Judges of Delhi High court, all the problem were tackled with patience and comfort. In-fact the final outcome was so satisfactory that it motivated to come up more with such programs.

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After sharing his experience he submitted that it is very essential to provide an opportunity to all the sections of society especially juveniles so that they are boosted with confidence again and are encouraged to be a good citizen in future.

He finally concluded his session by saying that small efforts can also lead to big success.

## **9. Closing Observations:**

In closing observation **Hon'ble Mr. Justice Jaswant Singh, Chairperson, Juvenile Justice Monitoring Committee**, stated that though much has been done but much more still requires to be done. He welcomed the suggestions forwarded by all the resource persons and stated that we still require to strengthen our efforts to provide best services to child in need of care and protection.

His Lordship appreciated the research work project taken up by Haryana State and encouraged such projects to be carried out in other states too. He also emphasized on the importance of awareness programs and proper supervision as well as monitoring.

In respect of the problems like funding or lack of infrastructure, His Lordship observed that Additional Deputy Commissioner of each district be appointed as Nodal Officer to redress the problems for the CWCs/JJBs like maintenance work, inadequate medical facilities, and security staff, sub standard food articles including the timely release of funds, salaries of the members, staff concerned. For effective monitoring Nodal Officer shall supply the requisite information regarding redressal of problems and grievances to the District and Sessions Judge-cum-Chairman, District Legal Services Authority. In case there would be any officialdom, non-cooperation by the District Administration, then the District and Sessions Judge-cum-Chairman, District Legal Services Authority, shall immediately report the matter to the Juvenile Justice Monitoring Committee of the Hon'ble High Court.

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## 10. Vote of Thanks:

After the conclusion of the State Level Consultation, worthy Director, **Dr. Balram K. Gupta**, expressed his gratitude for the contribution made by different speakers, Dr. Gupta pointed out that this has been a meaningful consultation. The different stake-holders were apprised of their respective roles in ensuring the safety of the Children. Therefore they need to be provided special training so that their capacity to play their role effectively be strengthened. Equally, it was emphasized that continuous monitoring would be necessary in this context. The skill development is an important component in order to ensure the rehabilitation of juveniles in conflict with law. This exercise, if effectively managed and carried out, could go a long way in making it possible to rehabilitate the juveniles. They need to be sensitized that they have a contributory role towards their families as also towards the society. Resultantly, a serious and genuine effort needs to be put in, in this regard. He emphasized the participants to imbibe the tips given by panelists and the resource persons. Dr. Balram K. Gupta, Director (Academics), Chandigarh Judicial Academy after the conclusion of training programme has expressed his gratitude to all the dignitaries including resource persons, participants for their participation and Co-ordinators.

In planning, structuring and executing this State Level Consultation on Juvenile Justice Act focusing on the Safety of Children, we had the supportive umbrella of **Hon'ble the Chief Justice Mr. Justice Krishna Murari**, the paterfamilias of Punjab and Haryana High Court, Chandigarh. This constant support proved to be so meaningful in many ways.

Submitted by

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