

RECOMMENDATIONS BY THE GROUPS, MADE DURING THE INTRA GROUP DISCUSSIONS, HELD ON 20.02.2020 DURING THE STATE CONSULTATION ON JUVENILE JUSTICE SYSTEM CONDUCTED BY DCPCR, ILI AND CRACR & PD, HELD AT INDIAN LAW INSTITUTE (ILI).

The state consultationheld on 20th February, 2020, the World Day of Social Justice, was organized by Centre for Research & Advocacy for Child Rights & Persons with Disability [CRACR&PD] in collaboration with Delhi Commission for Protection of Child Rights [DCPCR] and Indian Law Institute [ILI]. This was uniquely designed consultation as in the 3rd session, the participants were divided into four groups and each group was led by one facilitator as given below-

Sr. no.	Name of the Group	Facilitators
01	Child Welfare Committee (CWC)	Sh. Pramodya Khaka
02	District Child Protection Unit (DCPU)	Smt. Rita Singh
03	Special Juvenile Police Unit (SJPU)	Sh. Shashank Shekhar
04	Counselors, Social Workers, Childline Personnel, Students, othrs.	Smt. Ratna Saxena

During the third session, each group discussed:

1. The provisions of JJ Act, 2015 and Model Rules 2016, within the context of their work area,
2. Their problems and also tried to find- out problems of other members of the group and their solution/s,
3. Sharing of best practices,
4. Suggestions with regard to team work and any out of box thinking,

The facilitator remained passive observer and did not participate until requested by the group on any issue.

In the Fourth Session:

Each Group made presentation before the House, presentations were made by the group members in the presence of the facilitator, the facilitator generallyrestrained herself/himself in intervening during presentation, until and unless required.

The objective of the consultation is summarized as follows:

- Effective engagement of various stakeholders under the Juvenile Justice system,
- Giving opportunity to each stakeholder in the specific designated category to understand their specific responsibilities towards, children, to whom they serve under the JJ System
- To share with other stakeholders, their roles and responsibilities by way of group presentations
- Facilitating each stakeholder to perceive and understand the importance of working in togetherness, engaging for the betterment of children coming under the JJ systems.

The overall consultation was **planned in five sessions,**

Session-1-Inaugural Session and Welcome: Setting the context – issues around Juvenile Justice Systems & stakeholders Role,

Speakers:

- Sh. Ramesh Negi, Chairperson, DCPCR
- Prof. (Dr) Manoj Kumar Sinha, Director, Indian Law Institute (ILI)
- Sh. S.B Shashank, IAS, Director, Women and Child Development
- Smt. Rita Singh, Member DCPCR
- Sh. Pramodya Khaka, Assistant Director, Women and Child Development
- Smt. Jyoti Dogra Sood – ILI
- Sh. Shashank Shekhar, Advocate Supreme Court, Former Member, DCPCR & Founding Member, CRACR & PD

Session-2-Discussion, Juvenile Justice [Care & Protection of Children] Act, 2015 its Implementation

Moderated by Ms. Rita Singh, Member, DCPCR

Panelist were-

- Sh. Pramodya Khaka, Assistant Director, Women and Child Development
- Ms. Jyoti Dogra Sood – ILI
- Sh. Shashank Shekhar

Session 3:

Intra-Group Discussions, in four separate groups, namely

1. Child Welfare Committee,
2. District Child Protection Unit,
3. Special Juvenile Police Unit and

4. Counsellors, Social Workers, Childline personnel, students, etc.

First three groups were provided photo copies of the following provisions of JJ Act, 2015 and Model Rules, 2016, so as to facilitate their discussion,

i. Child Welfare Committee: Copy of sections 31 to 38 of JJ Act, 2015 & Copies of Model Rules 15, 17, 18, 19 & 20 of Model Rules,2016.

ii. District Child Protection Unit: Copy of Section 106 of JJ Act, 2015 & Copies of Model Rules 84 and 85 of Model Rules,2016.

iii. Special Juvenile Police Unit: Copy of Section 107 of JJ Act,2015 & Copies of Model Rules 86, 08, 09, 10, and 92 of Model Rules, 2016.

iv. Counsellors, Social Workers, Childline personnel, students, etc.: Since this was a varied group, they were left to discuss their issues by themselves.

Session 4:

Each group was provided a minimum of 15 minutes to make their presentation to the joint house.

Session 5: Way Forward,

Panellist: Mrs. Rita Singh, Mrs. Ratna Saxena and Mr. Shashank Shekhar

Session 6: Thanks Giving by Hon'ble Chairperson, DCPCR.

RECCOMENDATIONS BY VARIOUS GROUPS

GROUP 4: COUNSELORS, SOCIAL WORKERS, CHILDLINE PERSONNEL, STUDENTS, ETC

1. Proper counselling to children in both the cases whether CNCP or CCL as children change their statements as soon as they come into contact of police, parents and other stakeholders.

2. Different stakeholders ask the same questions repeatedly to the child. The child relives the incident.
   - We suggest that a protocol for counselling of the children must be developed by the government with the help of experts, NGOs and other relevant stake-holders.

3. The approach of the police towards social workers and rescue workers should be cooperative, positive, friendly and non-hostile.

4. Legal Authorities, especially, courts may be apprised of the importance of the works done by these personnel and the limitation within which they perform their duties.
   - These personnel are the first JJ Stake holder to approach the child and to win their confidence and trust. Since they are the first stakeholder, the statements recorded by them have great evidence ARY value.

- The details of the incident that happened with the child is recorded by these stakeholders & thus the authorities concerned should take note of this recorded version as told by the child to them.

5. Problems in dealing with Children into Begging:
    A. Repetition of children involved in Begging,
    B. Restoration of rescued child beggar to his/her family by CWC,
    C. Absence of any Rehabilitation Policy for these children.

6. Problems related to Children in Substance Abuse:
    A. Repetition of children into Substance Abuse.

- May be because of lack of number of qualified counsellors and /or lack of number of Drug Rehabilitation Centre.

7. Delay in DD-Entry and Medical Examination.
    A. In appropriate behaviour with Child Sexual Abuse victims.

- Protocol for DD entry or filing of FIR and Medical Examination must be developed and implemented, even group 3 consisting of SJPUs, also complained about delay in medical examination.

8. Transportation/ Resources
    A. Safety of child and Staff during Transportation,
    B. Insurance for staff.
    C. Protocols followed by NGOs, Childline for rescue of children should be followed by other stakeholders as well

9. Allied System:
    A. SBR from 1098, be given proper importance,
    B. SIR, Home visit may be asked to be done on the basis of the jurisdiction or work area of the personnel,
    C. They may not be forced by authorities to file reports at the whims and fancies of the Authorities.

10. Confidentiality with respect to their work and reports must be maintained.

- The government may declare them as Whistle blowers.

11. Motivation:
    A. Salary not revised for last five years under ICPS is one of the major demotivating factor
    B. ICPS should be revised for financial norms and its alignment with JJ act, 2015

- Although they did not mention in writing, but orally they wanted other stakeholders, including CWC, to deal them with dignity and respect, which they really deserve to.

OUR SUGGESTIONS:

Our experience says that Rescue workers and Social workers are the basic units of the JJ System. Most of them are hard-working but de-motivated because of their work environment and lack of recognition. We recommend that their salaries may be enhanced without delay and some of such personnel may be felicitated annually by government in public function in the presence of other stakeholders, for their excellent work.

GROUP 3: Special Juvenile Police Units [SJPU]

1. Transportation of child from one place to other, most of the time transportation expenses are to be made from the pocket of the police personnel.
   - Rule83 (4)(ix), CWO posted in every police station may be handed over imprest money for this purpose.

2. They reported that it was not easy for them to deal with placement agencies in the absence of any law relating to them.
   - In the end of the session their attention was drawn to section 370 IPC, but we need to have a policy to deal with placement agencies and their constant monitoring by police.

3. Interaction with Child Welfare Committee [CWC]:
   A. They reported that they face problems in complying with verbal orders of CWCs,
   B. CWCs to deal with police personnel with dignity,
   C. At least one member shall be available in each CWC till about 6pm, so that the child after medical examination may be presented before the CWC,
   D. Lack of coordination among CWC/JJB, police, DCPU and DLSA,
   E. Problems in getting statement of the child recorded under Section 164 Cr.P.C. as the CWCs insist on getting the 164-statement recorded before the child is presented before the CWC and sometimes it is not possible to be done within 24 hrs., police personnel wanted clear guidelines in such conditions.

4. Interaction with Non Governmental Organisations [NGOs]:
   A. NGOs generally do not cooperate with police, even in getting the statement recorded,
   B. NGOs generally do not cooperate with police even for over-night institutional care in the absence of a CWC order and medical examination report of the child,

5. Police Station:
   A. They wanted a child friendly corner in each police station

B. They wanted that the Child Welfare Police Officers [CWPOs] should be dedicated to the children causes only.

C. SJPU is in complete in the absence of two social workers. These should also be exclusively provided.

6. Continuous orientation of Police personnel at District level on the issues and laws related to child rights, preferably, after 4 pm, when the police personnel are back from different courts.

7. Proceedings related to children should be more child friendly

8. Medical Tests of children take almost the whole of the day. There shall be clear cut guidelines for medical test of children.

GROUP 2: District Child Protection Units [DCPU]

The group has identified following **challenges**:

a) Staff Crunch

b) Extension and Revision of ICPS

c) Inter-departmental Pressure and Interference from organisations like DCPCR, Courts, NCPCR, CARA, SARA, Police from different states, CWC, JJB and District Administration

d) Need of Mental Health expert in DCPU

e) Fund utilisation due to Administrative Issues

f) Street Children

g) Family strengthening

h) Day Care Centres, related policies and guidelines

i) Open Shelter, related policies, guidelines, SOP etc.

j) Ward Level Child Protection Committee.

k) Conflicts with CWCs over roles & responsibilities

Their further Recommendations:

1. **Awareness/training** of CWCs, Community, Child Care Institutions [CCI], Schools, Police, Health Department, NGOs, Integrated Child Development Scheme [ICDS] functionaries.

2. **Identification of Vulnerable Children,** District need assessment vis a vis these children, Health Camps

3. **Strengthening of CCIs** for

   a) Career counselling,

   b) Functioning of Children and Management Committee,

c) Life Skill Training
d) Recreational Activity
e) Training of marketable skills
f) Social Investigation Report [SIR] and Home visits
g) Night Inspection
h) DIC
i) Aftercare

4. Adoption:

A. Promoting safe Abandonment
B. Family strengthening
C. HSR and Family background Report

Sponsorship- need clear cut guidelines for Preventive & Rehabilitative sponsorship

5. **Rescue:** Guidelines for various stakeholders during Rescue of children into begging, child marriage, trafficking, etc.

GROUP 1: CWC

1. CWCs were not given mandatory Induction Training
2. Child Labour: School admission, Bank account, Aadhar Card, Coordination with employers, Wages Recovery, Linkages with Departments more particularly health.
3. Street Children: Awareness, Counselling and Health care
4. Child Rights, Open House Session in child Rights
5. Missing Children, Awareness camps
6. SIR, ICP, Home visit, Home identification
7. Support person under POCSO Act
8. Cross interventions by different stakeholders in any matter
9. Assistance in Interpretation of different orders of Courts.

SHASHANK SHEKHAR RATNA SAXENA