



### Annexure 3

## Report on the Regional Round Table Conference of Eastern States On Effective Implementation of Juvenile Justice (Care and Protection of Children) Act, 2000 13-14 September 2014

### Introduction

The Regional Round Table Conference of Eastern States on the Effective Implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act) was attended by participants from the states of West Bengal, Bihar, Chhattisgarh, Jharkhand and Odisha. The participants included Hon'ble Mr. Justice S.C. Parija, Judge Orissa High Court & Member, Juvenile Justice Committee, Hon'ble Mr. Justice D.N. Patel, Acting Chief Justice, Jharkhand High Court, Hon'ble Mr. Justice V.N. Sinha, Judge Patna High Court, Hon'ble Mr. Justice Navin Sinha, Chhattisgarh High Court, Hon'ble Ms. Justice N. Patherya, Judge, Calcutta High Court, representatives of the Department of Women and Child Development; State Commissions for Protection of Child Rights; Department of Social Welfare; Department of Health; Department of Home; Director and Office bearers of the Odisha Judicial Academy; Members of the Registry of Orissa High Court; Member Secretaries of the State Legal Services Authority; Judicial Officers; Chairpersons and Members of the Child Welfare Committees; and civil society organisations.

### Issues of Common Concern:

At the Eastern Region Round Table, several challenges that impaired the effective functioning of the JJBs, CWCs, management of institutions, and provision for legal aid were shared. The lack of convergence among key stakeholders and need for greater dialogue and coordination among CWCs, JJBs, police, DCPUs, SLSAs and State Departments was repeatedly stressed upon. The need for scrutiny of the selection processes for the appointment of members of JJBs and CWCs was also identified as an issue that merits attention as it impacts the functioning of these bodies. Most participants emphasized on the need for a dedicated cadre of ICPS staffs that can be trained on the JJ Act and be expected to fulfill their responsibilities. The need to focus on rehabilitation measures also emerged very strongly during the State and Group presentations.

The issues that emerged have been depicted below in the form of a State-wise table under four themes.

### Effective Functioning of CWCs:

Key challenges that affect the effective functioning of CWCs that emerged from the State-wise Round Tables are as follows:

- ❖ Lack of Coordination: CWCs are not sufficiently coordinated with other stakeholders particularly the police resulting in many children not being produced before the CWC especially victims of trafficking and child sexual abuse. The communication of CWCs with the DCPO and with the LSAs is also very poor.
- ❖ Lack of sufficient infrastructure: CWCs lack basic infrastructural support such as separate office space, furnished office, travel support, etc which greatly impedes their functioning.
- ❖ Lack of a robust database and poor data management: Documentation at CWCs is poor consequently records do not have an organized database. This creates more work and confusion and impairs the functioning of these bodies. Accessibility to government schemes is minimal there is no comprehensive data on the functional schemes or clarity of their structural framework.



- ❖ Lack of initiative on the part of CWC members: CWC members often wait for children to be produced before them and do not take *suomotu* cognizance of cases.
- ❖ Staffing problems: CWCs face severe staffing problems resulting from failure to make appointments or due to frequent transfers
- ❖ Inappropriate Appointments: Some CWCs are presided over by IAS officers who generally play the monitoring role leading to a conflict in interest.

### Effective Functioning of JJBs

Key challenges that affect the effective functioning of JJBs that emerged from the State-wise Round Tables are as follows:

- ❖ Lack of proximity between the JJBs and OHs: The JJBs are situated at a distance from the Observation Homes thus making the transportation and production of children before JJBs a huge challenge. This in turn affects pendency.
- ❖ CJMs serving as Principal Magistrates: Chief Judicial Magistrates have been designated as Principal Magistrates in some JJBs in contravention of the JJ Act.
- ❖ No full-time Magistrates: The absence of full-time Magistrates in the JJBs affects the disposal of cases in a timely manner. There are no alternative arrangements made in case of absence of the Principal Magistrate if she or he is transferred or is on long leave. This in turn affects the speedy disposal of the cases.
- ❖ Large number of petty cases pending: There is a need to address the disposal of petty cases as a significant number of cases have been pending in most States for years. Some participants proposed the options of plea bargaining and BalSamvaad Adalats to deal with this issue.
- ❖ No clarity on role of Social Work Members: There is a need for clarity on the role of Social Worker Members in the JJB.
- ❖ Lack of accountability of Social Work Members: While the functioning of the Principal Magistrate is monitored by the judiciary, no such oversight mechanism exists in the case of the Social Work Members. It was proposed that the Director of DWCD be made responsible for monitoring the SW members.
- ❖ Lack of infrastructure/support systems has rendered the passing of certain orders impossible under Section 15 of JJ Act such as the ordering the juvenile to do community service etc.
- ❖ Places of safety are absent: Need for establishment of 'places of safety' as in most States they do not exist.
- ❖ No understanding of Individual Care Plans: There is a lack of understanding about preparation and implementation of individual care plans for children and this affects not only the orders passed by the JJB but the ultimate goal of rehabilitation and re-integration of children in conflict with the law.
- ❖ Problems with the grant of bail: There are problems with the grant of bail to juveniles by the JJBs due to insufficient understanding of section 12 of the Act.
- ❖ Poor data management and follow up: JJBs do not maintain a proper database and there is poor organization of their data, which contributes to pendency.

The following table indicates additional issues that were flagged as a concern by two or more states:

**Table 3: Issues affecting the effective management of Child Care Institutions**

	West Bengal	Bihar	Chhattisgarh	Jharkhand	Odisha
Shortage of staff	✓			✓	
Lack of trained staff	✓				
Limited/lack of after-care services	✓				✓
Paucity of funds and delay in release of funds	✓				
Need for focus on rehabilitation and social-integration		✓	✓	✓	✓
Violation of RTE	✓	✓			
Lack of adequate CCIs in every district	✓		✓	✓	✓

**West Bengal**

- \* SJPU exists only on paper.
- \* Child Welfare Officers are holding **additional charges**.
- \* Functioning of the CWCs is hampered by **lack of a robust database**.
- \* Children in conflict with the law are **not allowed to attend schools** and their right to education is affected.
- \* Children Homes, OH, SH, short stay homes and Swadhar homes are all clubbed together and there is **no separation or classification** as a result of which children from all categories are placed together.
- \* Persons in key positions hold **additional responsibilities** leading to **demotivation** of the staff as well as **lowering the standards of care** provided to children in their care.





## Key Challenges and Proposed Solutions to Ensure Effective Functioning of JJBs

Issue	Key Challenges	Proposed Solutions
<p><b>Infrastructural deficiencies</b></p>	<p>Lack of adequate number of Observation Homes and Special Homes. In several States, a single OH serves a group of districts and transportation time from the Home to the JJB can take several hours. With even fewer Special Homes, remoteness of these Homes it has become stressful and totally impractical to produce them before JJBs in a timely manner.</p> <p>Basic infrastructure lacking resulting in absence of a child-friendly ambience within most Obs. and Sp. Homes. Lack of segregation, study, vocational training and counseling areas, proper hygiene maintenance, inadequate security and safety, outdoor recreational areas, family meeting area etc. All this contributes to violation of children's rights and often leads to violence within Homes.</p> <p>Segregation of boys by age and gravity of offence and segregation of persons above 18 years in Homes not being followed causing management problems and increasing the vulnerability of younger children to abuse in closed environments (Homes) by young adults with history of unlawful behavior.</p>	<ul style="list-style-type: none"> <li>• Observation Homes and Special Homes should be established in every district.</li> <li>• Alternatively Place of Safety should be set up in every district for easy accessibility of juveniles to JJBs.</li> <li>• ICPS provides resources for various facilities which must be utilized. Additionally public funds could also be mobilized for better facilities. Example TV, beds, library, study materials etc.</li> <li>• Registration and licensing of institutions.</li> <li>• Each Home must have a Standards of Care manual /ISO certification and close monitoring by internal and external agencies to protect the rights of children entering the Homes.</li> <li>• The Odisha model of creating Juvenile Justice Bhavans in two districts where CWCs, JJBs and DCPUs and the Homes are all located in one complex would ensure improved monitoring.</li> <li>• Principal Magistrates and JJ Members must make unannounced visits and seek reports of Inspection Committees, Management Committees and Children's Committees as a monitoring strategy.</li> <li>• Place of safety for detainment of such persons should be identified or constructed.</li> </ul>



Issue	Key Challenges	Proposed Solutions
<b>Selection Process for Social Work Members</b>	Absence of transparency in the selection process.	<ul style="list-style-type: none"> <li>▶ Merit of the members should not be compromised</li> <li>▶ Transparency in the selection process should be adhered to and advertisements should be issued in the local and national print media.</li> <li>▶ Social Work Members should be appointed from the locality in which the JJB is functioning.</li> </ul>
<b>Magistrates</b>	<p>Part time magistrate</p> <p>In some States, JMFC are working as Principal Magistrates of JJB. There is a need to appoint experienced Judicial Magistrates.</p>	<ul style="list-style-type: none"> <li>▶ Where case load and pendency is high, full time must be assigned to the JJBs.</li> <li>▶ The Hon'ble High Courts may consider providing orientation on issues related to correctional administration relating to children to newly posted Principal Magistrates.</li> </ul>
<b>Pendency</b>	<p>SIRs delayed. Adjudication of cases of juveniles living out of district or State time consuming due to SIRs not coming in or families not seeking bail. Juveniles not traceable once sent on bail also a contributing factor. All these result in failure to complete investigation into case within stipulated period of 4 months.</p> <p>Where pendency and case load high, one JJB within a district insufficient to handle the case load.</p> <p>Transfer of Prl Magistrate or Social Workers or availing of long leave by Prl Magistrate and failure to fill in vacancy caused.</p>	<ul style="list-style-type: none"> <li>▶ The Act allows the creation of one or more JJBs and this must be done in districts with a high case load.</li> <li>▶ BalLokAdalats should be held on a quarterly basis to dispose off petty cases.</li> <li>▶ Police should be orientated and trained for providing bail at PS where this is permissible by law.</li> <li>▶ Additional POs must be recruited and attached to Homes/JJBs to expedite SIRs</li> <li>▶ High Court to oversee that JJBs function as full bench without any interruption .</li> </ul>
<b>Family Antecedents</b>	Economic and social depravity of families leading to exclusion, migration and dysfunctional families unable to provide care and protection to their children and a conducive and caring home for reform.	<ul style="list-style-type: none"> <li>▶ Children in need of care and protection should be the focus area of State because once they are taken care of they will not turn into children in conflict of law. Consequently need to strengthen CWC.</li> </ul>
<b>Role of Police</b>	Overall poor sensitivity of police force to child rights violations and in particular regarding reasons why children commit unlawful deeds. Police serving as CWOs/JCOs and in SJPU's not dedicated. Both reasons contribute to poor implementation of	<ul style="list-style-type: none"> <li>▶ SJPU's should perform their duties as mandated by law and optimize non-institutional options for Juveniles• Sensitization of police on priority basis for granting bails and disposing of petty cases would reduce the burdens of JJBs.</li> <li>▶ JJB must invoke accountability of police u/s 13(a)&amp;13(b)</li> </ul>



Issue	Key Challenges	Proposed Solutions
<p><b>Gaps in Human Resources</b></p>	<p>provisions in law like interacting with parents of Juveniles, giving bail etc. to the detriment of children. Failure to invoke responsibility provided u/s 13(a)&amp;13(b)</p> <p>Children apprehended unable to produce proof of age or misguided and often thus wrongly entering adult criminal justice system.</p> <p>Lack of clear understanding by JJBs of causes why children indulge in anti-social and unlawful behavior, come under peer influence, recruitment of children by naxalities and other outfits and cultural practices of certain tribal and other communities.</p> <p>Sanctioned posts not filled up particularly POs to undertake SIRs.</p> <p>Lack of supportive staff who are trained and skilled at JJBs</p> <p>Non availability of sufficient trainers for imparting training to the staff of Child Care Institution.</p> <p>Lack of sufficient number of NGOs with expertise in child care practices.</p> <p>Lack of trained persons in providing special education to children with special needs</p> <p>Lack of knowledge on certain elements of tribal culture, tradition, rites &amp; rituals and minimal interaction with outsiders by the tribal community cause for apprehension of juveniles</p> <p>Difficulties in implementing provisions u/s15 as per spirit of the Act.</p> <p>Legal Aid cell not attached to JJBs and failure to keep track of juveniles once the case is registered at JJB with the assistance of free legal aid</p>	<ul style="list-style-type: none"> <li>• The investigating officers should act as per provisions in law and collect the documents regarding age proof of the juveniles to prevent wrongful detention and entry into adult criminal justice system.</li> <li>• Thorough orientation and on the job training would empower Prl. Magistrate and Members to implement the various provisions according to the spirit of the Act.</li> <li>• Adequate number of POs must be sanctioned and attached to JJBs to facilitate implementation of provisions u/s 15.</li> <li>• Need for dedicated cadre of ICPS staff.</li> <li>• DCPU social workers must be available at JJBs to provide counseling etc.</li> <li>• Orientation of State functionaries including POs and police on tribal culture, tradition, rites &amp; rituals a necessity to gain better sensitivity to issues of juveniles of tribal origin</li> <li>• Support of local NGOs must be mobilised</li> <li>• State Legal Services Authority must recruit lawyers and set up Legal Aid unit at all JJBs to ensure that free legal aid is accessible by every juvenile entering the system.</li> <li>• Services of para legal volunteers would be used for this purpose too.</li> </ul>



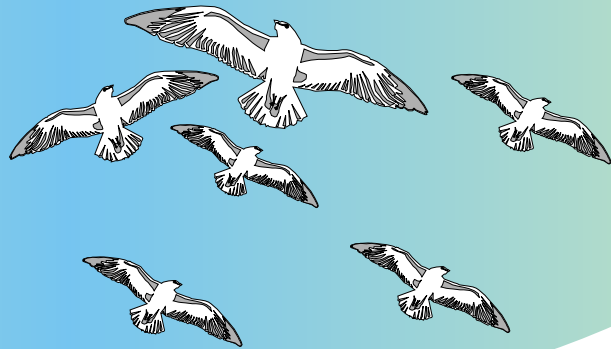
Issue	Key Challenges	Proposed Solutions
<p><b>Grant of Bail</b></p>	<p>Absence of Additional PPs in Chhattisgarh.</p> <p>Principles and provisions in JJ Act not complied with while granting bail.</p>	<ul style="list-style-type: none"> <li>• The issue can be taken care by the State Government.</li> <li>• Sensitization of Principal Magistrate and Members of Juvenile Justice Board required.</li> <li>• Bail should be granted in accordance with the principles contained in Section 12 of the J.J.Act.</li> <li>• Nature and gravity of offence should not be considered while granting bail.</li> <li>• Ends of justice to be construed in the context of welfare and development of juveniles.</li> <li>• Due consideration to be given to empirical data that brain matures slowly till the age of 25 and therefore the propensity to take risks among juveniles.</li> <li>• Justice Verma committee report relied on this research finding for rejecting the proposition to lower the definition of juvenile from 18 years to 16 years.</li> </ul>
<p><b>Rehabilitation and Reform</b></p>	<p>Lack of sufficient emphasis on rehabilitation and reform due to failure to prepare individual care plan for each juvenile, employing adequate skilled and trained human resources and building community linkages to facilitate reform, rehabilitation and reintegration of juveniles.</p> <p>Lack of convergence among key stakeholders and need for greater coordination among CWCs, JJBs, police, DCPUs, SLSAs and State Departments</p> <p>Victim rehabilitation and social integration lacking</p>	<ul style="list-style-type: none"> <li>• Stress on preventive measures rather than curative mechanism.</li> <li>• Need to focus on non-institutional forms of rehabilitation and avoid overreliance on institutional forms of care.</li> <li>• Mobilise sponsorship support from ICPS and through NGOs</li> <li>• High Court could seek monthly reports on rehabilitation outcomes for juveniles entering the system</li> <li>• State to ensure that State and District Advisory Boards discuss this matter as a priority agenda in their review meetings and Home Management Committees supervise the preparation of individual care plans based on inputs from juvenile, his/her family and their problems and specific needs.</li> <li>• Ensuring support to victims for their rehabilitation and social integration must gain priority</li> </ul>
<p><b>Assessment</b></p>	<p>Disposition of cases</p> <p>Absence of focus on quality of disposal</p>	<ul style="list-style-type: none"> <li>• Section 15 should be explored first and detention should be the last resort. Victim compensation scheme should be borne in mind.</li> <li>• The focus should be more on right protection than to ensure disposals</li> </ul>

Issue	Key Challenges	Proposed Solutions
<p><b>Data Management System</b></p>	<p>Absence of a data management system that maps or tracks the number and status of children in conflict with the law.</p>	<ul style="list-style-type: none"> <li>▶ Qualitative output should be stressed upon</li> <li>▶ Constant monitoring, after care, liasoning, among all stakeholders as JJB does not work in isolation.</li> </ul> <p>Need for the establishment of case management system for creating data base for mapping the children in conflict with the law and the status of the cases at the earliest.</p>

### Way Forward identified by Groups:

- ❑ Children in need of care and protection should be the focus area of State intervention. Once their interests are taken care of, their vulnerability to come in conflict with the law will be largely reduced.
- ❑ To become more accessible, JJBs should hold sittings at different places within the districts.
- ❑ Where pendency is high, JJBs should organize Lok Adalats quarterly
- ❑ Adequate legal aid counsels should be provided at all JJBs
- ❑ State should undertake constant monitoring of After Care Services and liaison with all stakeholders to provide linkages for the effective functioning of JJBs as they cannot work in isolation.
- ❑ Providing children sponsorship support through NGOs should be explored as a primary non-institutional approach to rehabilitation
- ❑ Stress should be on preventive measures rather than curative mechanisms.
- ❑ Focus should remain on implementation of all the provisions of JJ Act 2000 which seems a distant reality. The solution does not lie in re-enactment of the JJ Act.

ইচ্ছে ডানা, ইচ্ছে ডানা  
 নেই যে তোমার উড়তে মানা।  
 ইচ্ছে মত উড়ে যাও,  
 মনের খুশি লুটে নাও  
 আমার মনের ভাবনা গুলো  
 পায় গো যদি রঙিন পাখা  
 মেঘের মাঝে উড়ে গিয়ে  
 বাঁধবে যে তার বসতখানা।







Key Challenges and Proposed Solutions to Ensure Effective Functioning of CWCs

Issue	Key Challenges	Proposed Solutions
<b>Resource and Infrastructural Issues</b>	<p>General lack of adequate infrastructure</p>	<p>► State should specifically work for providing adequate infrastructural facilities for functioning of CWC.</p>
<b>Staffing</b>	<p>Reimbursement to the volunteers involves lots of procedural delays</p> <p>Inadequate interim shelter facilities to provide refuge to the child received by the CWC.</p> <p>Not all CWCs have independent bank accounts</p> <p>Inadequate number of trained personnel in CWCs</p> <p>Lack of adequate skilled child protection functionaries</p>	<p>► Child friendly environment to be created—Seating facility, waiting room, computer and internet facility , recreation area with toys, books, creative material to keep children engaged while they wait to be seen by the CWC .</p> <p>Expenses made by volunteers should be reimbursed expeditiously</p> <p>State needs to facilitate the establishment of a larger number of shelters for interim care and protection.</p> <p>Opening of bank account of CWCs and state authority for utilisation of funds</p> <p>Appointment of trained personnel in CWCs</p> <p>State should provide skilled child protection functionaries as per ICPS norms</p>
<b>Follow up &amp; Repatriation</b>	<p>Poor follow-up of children placed in CCIs or repatriated to families.</p> <p>The process of repatriation of children at the inter state/intra state level is cumbersome.</p> <p>Slow pace of inter-country repatriation due to lack of human resources and inter-country agreements</p> <p>Slow Pace of inter-state repatriation</p>	<p>Need to mobilise support from DCPU , District Inspection Committee and involving Panchayat/Block /Village Level Child Protection Committee to improve follow-up</p> <p>National level circular defining uniform transfer mechanisms must be followed</p> <p>MEA should liaise with other countries and finalise such agreements which would improve coordination and expedite repatriation</p> <p>States should through holding dialogues work out inter-state protocols to expedite repatriation</p>
<b>Police Support</b>	<p>Lack of support from police during lodging FIRs and other processes as mandated by law.</p>	<p>Sensitising and building skills and knowledge of the police is called for. When CWCs direct filing of FIRs, they should not be made a third party. Police need to work collectively with CWCs to protect the interests of CNCP they encounter</p> <p>Channel of communication between JJBs with</p>



Issue	Key Challenges	Proposed Solutions
<b>Rehabilitation of children who have faced trial before JJBs</b>	JJBs fail to refer cases that have been referred to CWCs for further rehabilitation and support .	CWCs must be open and on disposal of cases, JJBs must be advised to refer them to the CWCs for their rehabilitation and follow-up.
<b>Sittings and Workload</b>	Sittings of CWCs at three sittings per week are insufficient in several districts	Where vulnerable child population is high and case load has increased, provision for holding sittings should be increased to six days weekly. Additional financial allotment must also be made
<b>Visibility and Awareness about the CWCs</b>	Lack of awareness about the functioning of CWCs and lack of respect towards orders passed by CWCs	Awareness, sensitization and orientation on the provisions in the JJ Act and role and function of CWCs must be provided to all stakeholders
<b>Selection of CWC Members and Ensuring Competent Persons are selected</b>	<p>Non-compliance with the orders/directions/recommendations issued by the CWCs to CCIs, Police and other stake holders restricts the CWCs ability to make appropriate decisions in the best interest of CNCP</p> <p>Selection Committee for CWCs have not been constituted as per the JJ Rules</p>	<p>Strictures must be served by DCPUs against any agency / person / department not following the orders of the CWCs.</p> <p>Constitution of the Selection Committee should be strictly according to JJ Model rules 2007</p>
<b>Enquiry</b>	<p>Invitation/advertisement for calling of applications for appointing CWCs not followed.</p> <p>Efficiency of the Chairperson and Members is compromised</p>	<p>Public advertisements in newspapers should be undertaken for greater transparency</p> <p>Training and exposure of CWCs to best practices is a must</p>
<b>Rescue Operations</b>	Proper enquiry into antecedents of child sometimes become difficult	Seeking the support of agencies like police, Child line and Aanganwadis, etc would facilitate improved inquiry
<b>Nodal Departments</b>	Low efficiency of rescue operations of children who are being exploited	Coordination between CWCs within the State and also with all other stakeholders is a necessity
<b>Professional services</b>	Lack of initiative to mitigate the problems faced by CWCs by the nodal Department	Nodal Departments should take proactive steps of introducing CWCs all the stakeholders particularly the district administration
<b>Child Tracking</b>	Absence of professionals in CWC such as counselors, psychologists.	Appointment of said experts in the CWC must be considered as a priority
<b>Convergence</b>	No proper child tracking system in place	Appointing POC's in wards for better information flow
<b>Monitoring</b>	CWCs working in isolation to the detriment of CNCP	Need for convergence and proper communication between CWCs and all other stakeholders through monthly District Advisory Committee Meetings
<b>Monitoring</b>	Levels of functioning of CWCs not always upto the mark.	Need for putting in place a monitoring mechanisms to assess the functioning of the CWCs

### Way Forward identified by Groups:

- ⇒ State needs to ensure establishment of all types of institutions under the JJ Act and provide for skilled staff as per ICPS norms.
- ⇒ State should provide adequate infrastructural facilities for functioning of CWCs.
- ⇒ Constitution of Selection Committee should be in accordance of the JJ Model Rules, 2007. There is need for transparency in the selection of CWCs – advertisements must be issued.
- ⇒ Need for efficient coordination and convergence between all stakeholders.
- ⇒ Need to create awareness among all stakeholders about the functions and powers of CWCs
- ⇒ Penalties should be imposed for non-compliance of orders of CWCs.
- ⇒ Need for a monitoring mechanism to assess the functioning of the CWCs
- ⇒ Appointment of professionals in CWCs such as counselors, psychologists in the Committee
- ⇒ Child tracking necessary at the village level-involving panchayats in child tracking; appointing POCs in wards for better information flow and setting up Point of Contact (POCs) in Wards.
- ⇒ Need for a national level circular defining uniform transfer mechanism for repatriation of children inter-state / intra-state.
- ⇒ Provision for number of sittings per week should be revisited and a minimum of three days per week should not be a limitation.
- ⇒ Need for referral of CICL to CWCs after disposal for further rehabilitation and support system.
- ⇒ CWCs must open a bank account to have emergency funds and must be authorised to utilize the funds.
- ⇒ Need to ensure a child friendly environment – sitting facility, waiting room, computer and internet facility, recreation facility for children.
- ⇒ Need for a Child Protection Policy in all CCIs.





## Key Challenges and Proposed Solutions to Ensure Effective Management of Institutions

Issue	Key Challenges	Proposed Solutions
<p><b>Registration for child care institutions under JJ Act:</b></p> <p><b>Place of Safety</b></p> <p><b>Education</b></p> <p><b>Inadequate Health Care Services</b></p>	<p>Identification of registered and non-registered CCIs</p> <p>Inclusion of CCIs run by various depts.</p> <p>Lack of clarity as to what such an institution encompasses</p> <p>Non-implementation of such a provision</p> <p>Scope of such an institution is too limited</p> <p>CICLs are not given formal education and only CNCPs are provided this service</p> <p>Rampant failure to provide educational services in CCIs leading to violation of the RTE Act</p> <p>Lack of moral education and life skills</p> <p>No specific services for differently abled children.</p> <p>Poor status of WASH (Water, Sanitation &amp; Hygiene)</p>	<ul style="list-style-type: none"> <li>• Mapping of CCIs</li> <li>• Penalty procedures for non compliance to be introduced</li> <li>• Unrecognized CCIs to be prohibited from functioning unless approved under some other dept.</li> <li>• Govt. Order to be passed and advertised to promote the registration of CCIs</li> </ul> <p>Expediency in recognition / establishment of Places of Safety</p> <ul style="list-style-type: none"> <li>• Scope should be expanded to include children whose age verification is under process and persons who are young adults</li> <li>• Amendment of RTE Act to include children in CCIs</li> <li>• CICLs should also be included in services which provide formal education outside the CCIs</li> <li>• Build linkages of these CCIs with services under the SSA</li> <li>• Technical requirements by HRD must be exempted/removed to facilitate inclusion of children in CCIs</li> <li>• Moral education and vocational training including life skills to be given – linkage with National Skill Development Mission</li> <li>• Linking CCIs with National Health Mission:</li> <li>• Arrange regular visits by doctors to conduct health check-ups and provide medical attention</li> <li>• Fulltime para medical staff must be employed in CCIs</li> <li>• Guidelines for health care services for differently abled children (all categories) must be prepared and adopted by all CCIs</li> <li>• Statutory audit of all services must be a regular feature</li> </ul>



Issue	Key Challenges	Proposed Solutions
<b>Provision of Counseling in all CCIs</b>	Poor quality of counseling services prevalent	<ul style="list-style-type: none"> <li>▶ Recruitment of trained counsellors must be a priority.</li> <li>▶ Partnership with professional institutions &amp; NGOs working in this context.</li> </ul>
<b>Establishment of Monitoring Committees</b>	Non-functional Children's Committees	Strengthening Children's Committees in partnership with NGOs and academic institutes.
<b>Restoration rehabilitation and aftercare services</b>	Absence/poor quality of such services	<ul style="list-style-type: none"> <li>▶ Better coordination among various stakeholders: Develop and adopt state specific aftercare guidelines</li> </ul>
<b>Segregation</b>	Absence of age-wise classification	Age wise classification is necessary with separate accommodation
	Transporting of juvenile offenders with adult prisoners	<ul style="list-style-type: none"> <li>▶ Place of Safety must be established in proximity to the JJBs</li> <li>▶ Use of videoconferencing must become the norm to interact with CICLs housed in distant Homes</li> </ul>
<b>Number, Capacity &amp; Accessibility of Institutions</b>	Overcrowding in certain CCIs	For larger cities there should be more than 1 unit as per requirement
	Accessibility of Institutions	Establishment of at least 1 Observation Home for each cluster of districts- effective range of distance not to exceed 50 kms.
<b>Environment &amp; Infrastructure within the Institutions</b>	Environment and infrastructure is not child friendly	Upgradation of infrastructure as per ICPS guidelines and possible consultation with experts on this point
<b>Staff</b>	Perpetual shortfall of staff <i>vis-a-vis</i> sanctioned strength	All vacant posts should be filled up as per ICPS guidelines

### Way Forward identified by Groups:

1. Mandating a child protection policy for all CCIs (for example to include banning of corporal punishment etc.)
2. Building a cadre of skilled child protection professionals.
3. Exploring possibility of support through CSR in all aspects of CCIs.
4. Establishing standards of care for CCIs, notifying same and making it mandatory
5. Setting uniform standards for monitoring and evaluation of CCIs to avoid duplication and serve best interest of the child.
6. Re-orientating entire institutional set up under JJA towards rehabilitation, reintegration and re-socialisation



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7. Counseling and mentoring facilities a must for each and every CCI
8. Ensuring community and family involvement and making this a priority. Constant counseling support to children and families.
9. Humanizing CCIs and providing a homely environment for children
10. Converging all medical (including psychiatric) services preferably through a cluster referral unit.

### Way Forward identified by Groups:

- ◆ Separate allocations of funds for payment to panel lawyers must be assigned to JJBs. This will ensure their ready availability to CICLs.
- ◆ Need for legal representation of children before the CWCs should be considered in special cases with the consent of the CWCs. CWCs could take legal advice of panel lawyers to arrive at decisions which are in the best interests of children.
- ◆ Regular orientations programs for panel of lawyers, parents and community on JJ Act and child centric laws.
- ◆ Need for a robust database on utilization of legal aid lawyers to indicate whether children have had access to free legal aid services.
- ◆ Need to adopt a monitoring mechanism for JJB/CWCs to examine utilization of legal aid lawyers.
- ◆ Need for scheduled training on juvenile justice within the police training academy.

### Good / Innovative Practices that emerged from State Presentations

- \* BalSamvaad Adalats in Bihar for speedy disposal of petty cases.
- \* BalMitra Police Stations, AHTUs, Missing Child Helpline, One Stop Resource and Facilitation Centres, Social Policing Unit in Jharkhand.
- \* SOP for CWCs, child safety guidelines, detailed standards of care, food safety guidelines, protocol for repatriation in Odisha. State and District level festival – Rainbow.
- \* Process of registration of all CCIs under JJA has been initiated in West Bengal and there have been monitoring visits by State Level Inspection Team and High Court Committee.
- \* Legal clinics attached to all JJBs in Chhattisgarh.
- \* Act and Rules to contain Placement Agencies and protect children (from being trafficked) at source formulated and implemented across the State.



## WEST BENGAL

## Short Term Goals

1. Ensure disposal of cases before the JJB within the prescribed period.
2. Sensitize SJPU on handling CINCP
3. Ensure registration of all child care institutions including open shelters.
4. Ensure implementation of Rule 11(11 &12) by the police through training, orientation programmes and monitoring.
5. Ensure free legal aid to children in conflict with the law.
6. Ensure improvement in functioning of the JJ Homes with minimum standards of care in these institutions as part of the Home Management Committees.
7. Ensure use of the case monitoring sheet with, inclusion of socio-economic background of each child and drawing the individual care plan.
8. After Care Plan to be prepared for restored children especially trafficked girls.
9. Training/Orientation of judicial officials (at least one annually)
10. Annually organise one coordinating meeting between all stakeholders.
11. Establishment of a Children's Home for specially abled children is required in every district.
12. Undertake mapping CICL whose cases are yet to be disposed off, showing distribution of age, sex, nature of offences, time lag between apprehension and granting of bail and between granting of bail and reasons for delay in disposal.
13. Ensure establishment of a Legal Aid Clinics in every JJB having at least two panel advocates and two para-legal volunteers.

## Long-term Goals

1. Issue directives to the SJPU to prioritize cases involving CICL from different states.
2. Give directions to Probation Officers to pay attention to non-institutionalized care of CICLs after release on bail.
3. Urge district administration to create separate homes for CICLs and CNCs.
4. Sensitization of SJPU must be a priority
5. Initiate BalLokAadalats to clear pending cases at JJBs
6. Constantly pressuring the appropriate authorities to address infrastructural deficiencies.
7. Organise training of newly appointed Magistrates (JMFC) of the State batch-wise on the provisions in the JJ Act, 2000.
8. Organise training of Additional District Judges of the State batch-wise on POCSO Act, 2012.
9. Judicial Academy to undertake research programmes in collaboration with WB -NUJS on the topic "Juvenile Justice in Marginalised Section of the Society-Analysing the Reality".
10. Ensure Uniform standards of care in CCIs.
11. Ensure establishment of strong non-institutional services.
12. Establish a robust Child Protection Management Information System and (nation-wide) web-based child tracking portal. Case History Forms and Individual Care Plan should be filled up and updated regularly in consultation/involving the children concerned.
13. Implementation of RTE for each child coming within the purview of the JJ Act.
14. Convergence of various departments (Health, Education, Labour, etc) and Public-private-partnership (tapping CSR) and NGOs to ensure sustainable development of the CICLs through vocational training and at the same time ensuring minimum basic academic education of these children. Submit innovative project proposals to Government wherein the NGOs in partnership with the



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JJBs and various departments ensure academic education of the CICLs through vocational training and job placement of these children (above 14 years) in various sectors, thus inducting them into mainstream society.

15. Draw up of individual care plan for each child (CNCP & CICL) and follow up to ensure that the plan is implemented in a timely and appropriate manner.
16. Ensure the formation of dedicated SJPU in the State.
17. Spread/generate awareness in schools/academic institutions, amongst the public about the working of the Juvenile Justice System and gain their empathy and understanding for these marginalized, stigmatized children.
18. Use of culture therapy along with other tools to bring about positive changes in these children, where they are weaned away from unlawful activities and brought back to mainstream society.
19. Ensure the conviction of the adult perpetrators who are responsible for introducing children to the criminal world.
20. Ensure child-friendly infrastructure.
21. Ensure transparent selection process of competent and sensitive members in the CWCs.
22. Organise regular training and orientation for the police, advocates and PPs
23. Establish Coordination Committee/Task Force with inclusion of different stakeholders in each district.
24. Institute a Child Protection Policy.
25. De-institutionalization of children through sponsorship programmes under ICPS must be a priority
26. Ensure convergence of services provided by various Govt departments to bring about qualitative changes in the institutional care services
27. Ensure legal aid services to all CICLs and their parents.
28. WB-SLSA to organize regular awareness and training programmes of PLVs, Panel Advocates, Police (SJPU) and JMs.
29. Ensure victim compensation to all child victims.