Government of Tripura  
Office of the Director General of Police  
Tripura :::: Agartala.  
(Legal Cell) 

No. 76-90 /R-144/DGP/LC/2002,  

Dated, the 6th, Jan, 2017.

To  
The Superintendents of Police,  
North / Unokoti / Dhalai / Khowai/  
West / Sepahijala / Gomati and  
South Tripura District.

The Superintendent of Police, CID/GRP  
A.D Nagar, Agartala, Tripura (West).

The Asstt. Inspr. Genl. of Police(Pers),  
PHQ, Agartala.

Subject:- Forwarding of the minutes of proceedings of the National Consultation on Juvenile Justice System held at New Delhi on 04-09-2016 for implementation.

Please find enclosed copy letter No. F.1(41)-LAW/TSLSA/AGT/ESTT/11/4712-14 dated 28-12-2016 of the Member Secretary, TSLSA, Agartala alongwith copy of the proceedings of the National Consultation of strengthening restoration and rehabilitation of children in the Juvenile Justice System held at New Delhi on 04-09-2016 for implementation, contents of which is self explanatory.

It is requested to take immediate steps for implementation of recommendation "Police child interaction should be child friendly and child friendly SJPIUs should be created and they should be provided periodical training" of the National Consultation held at New Delhi and to submit time to time compliance report for sending the same to the Member Secretary, TSLSA, Agartala for necessary action.

Enclo:- As stated.

(Lalhomanga Darlong)  
Asstt. Inspr. Genl. Of Police (Crime),  
For Director General of Police.  
Tripura.

Copy along with its enclosures to:-  


(iii) The I/C, E-Governance Cell, PHQ for uploading the same in the Tripura Police Website.

Copy also to:-  
(iv) The Member Secretary, Tripura State Legal Services Authority, Melarmath, Agartala for information please.

(Lalhomanga Darlong)  
Asstt. Inspr. Genl. Of Police (Crime),  
For Director General of Police.  
Tripura.
‘Strengthening Restoration and Rehabilitation of Children in the Juvenile Justice System’

National Launch of Report

Organized by

The Supreme Court Committee on Juvenile Justice

Supported by

UNICEF INDIA

Technical Support by

Centre for Child and the Law (CCL)
National Law School of India University (NLSIU)
Bengaluru

4 September 2016

Kautiya Hall at Samrat Hotel, Kautiya Marg, Chanakyapuri, New Delhi
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### LIST OF ABBREVIATIONS

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<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>CCH</td>
<td>Child Care Homes</td>
</tr>
<tr>
<td>CICL</td>
<td>Child/Children alleged or found to be in conflict with law</td>
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<tr>
<td>CWC</td>
<td>Child Welfare Committee</td>
</tr>
<tr>
<td>FIR</td>
<td>First Information Report</td>
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<td>HCCJJ</td>
<td>High Court Committee on Juvenile Justice</td>
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<td>ICP</td>
<td>Individual Care Plan</td>
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<td>ICPS</td>
<td>Integrated Child Protection Scheme</td>
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<td>IPC</td>
<td>Indian Penal Code</td>
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<tr>
<td>JJ</td>
<td>Juvenile Justice</td>
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<tr>
<td>JJ ACT</td>
<td>Juvenile Justice (Care and Protection of Children) Act, 2000 or Juvenile Justice (Care and Protection of Children) Act, 2015, where applicable</td>
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<td>JJB</td>
<td>Juvenile Justice Board</td>
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<tr>
<td>LSA</td>
<td>Legal Services Authority</td>
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<td>NIPCCD</td>
<td>National Institute for Public Co-operation and Child Development</td>
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<tr>
<td>NALSA</td>
<td>National Legal Services Authority</td>
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<tr>
<td>NGO</td>
<td>Non-governmental organization</td>
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<tr>
<td>OH</td>
<td>Observation Home</td>
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<td>PO</td>
<td>Probation Officer</td>
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<tr>
<td>POCOSO</td>
<td>Protection of Children from Sexual Offences Act, 2012</td>
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<tr>
<td>RTE</td>
<td>Right of Children to Free and Compulsory Education Act, 2009</td>
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<tr>
<td>SCPCHR</td>
<td>State Commission for Protection of Child Rights</td>
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<tr>
<td>SCPS</td>
<td>State Child Protection Society</td>
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<tr>
<td>SH</td>
<td>Special Home</td>
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<td>SIR</td>
<td>Social Investigation Report</td>
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I. Genesis of the Round-table Consultations

Juvenile Justice is a key area of social policy, dealing with a growing number of children and youth who have been marginalized and displaced by rapid socio-economic changes. The framers of the Constitution of India placed a duty on the State to ensure that children live a life of dignity and respect. By also ratifying the United Nations Convention on the Rights of the Child, the Government of India had, in 1992, agreed to the international legal obligation to protect, promote, and fulfill the civil, political, cultural, economic and social rights of children. Yet, a large percentage of our children continue to live in deplorable situations both within the statutory homes established under law in the Juvenile Justice System, as well as in the wider community. This is a harsh reality which clearly demonstrates that justice is not being done to children despite several laws having been passed by the legislature.

The Juvenile Justice (Care and Protection of Children) Act 2000 was hailed as a progressive legislation and one of the finest of the world, particularly because juvenile justice law is not aimed at retribution but rehabilitation of the child. Success in adhering to legal obligations under the Constitution and the UNCRC requires commitment of the State, in active collaboration with civil society partners to implement this welfare legislation in letter and spirit. This commitment is dependent on and determined by the collective ability of all stakeholders to perform their roles and responsibilities with diligence and a sense of mission, which in turn will better ensure that no child enters the system a second time.

Effective implementation of the Juvenile Justice (Care and Protection of Children) Act 2000 (JJ Act 2000) was therefore a matter of serious concern for the Honorable Supreme Court. A one person Committee headed by Hon’ble Justice Mr. Madan B. Lokur was set up in August 2013 by the Chief Justice of India to ensure the effective implementation of the JJ Act, 2000. The Committee held a review meeting with the State level Juvenile Justice Committees of the Hon’ble High Courts on 22 February 2014. One of the suggestions that emerged from the meeting was to hold round table conferences of the High Court Committees to promote learning from across the states and to develop strategies for effective implementation of the JJ Act across the country.

UNICEF has been collaborating with the judiciary in its efforts to build adequate structures and systems for the effective implementation of the JJ Act at the National and State levels. As a follow up to the decision in the 22 February 2014 meeting, it was envisaged that a report on the status of implementation of the Act is developed, focusing on the experiences of States, the key bottlenecks and most importantly on concrete recommendations that could be made to help realize this goal.

Systemic deficiencies and challenges that impede or complicate the effective implementation of the JJ Act 2000 and The Juvenile Justice (Care and Protection of Children), Act, 2013 (in Jammu and Kashmir), were identified by the various stakeholders during the first round of regional consultations held between July 2014 and April 2015. The emphasis was on the need for all stakeholders to ensure compliance with the legislative vision as well as the legal obligations that arise from the Constitution and the UN Convention on the Rights of the Child, ratified by India.

Encouraged by the overwhelming response to the first round of Regional Round Table Conferences, a second round of regional conferences was organized during the period August 2015 - July 2016. The overarching theme that was addressed during the second round was Strengthening Restoration and Rehabilitation of Children under the Juvenile
Justice System (and applicable laws), while also taking stock of the progress made on goals/recommendations from the first round of the Regional Conferences.

The four sub-themes identified in relation to Rehabilitation of Children under the Juvenile Justice System, for deliberations during the second round were:
1. Social Investigation Reports and Individual Care Plans
2. Rehabilitation of Children in Conflict with Law in the Homes
3. Rehabilitation of Children in Need of Care and Protection in the Homes
4. Role of Police, Probationary Officers, Restoration and After Care

The Objectives of the second round of Regional Round Table Conferences were as follows:
1. To understand the status of the implementation of the JJ Act.
2. To identify promising practices that can be scaled up or replicated.
3. To identify challenges/gaps/deficiencies/bottlenecks in the implementation of the Act.
4. To identify concrete recommendations for policy and a road map for effective implementation of the Act.
5. To identify concrete recommendations for effective functioning of the High Court Committees.
6. To identify key areas of collaboration with UNICEF for effective monitoring of the implementation of the JJ Act.

Presentations were made by the respective High Court Committees of each state on Day 1 of the Conferences. These presentations were divided into two parts. The first part focused on the progress made from the first round based on the challenges identified, on the four major issues plaguing the juvenile justice system that had been identified for deliberation during the first round of Regional Round Table Conferences, which were as follows:
1. Effective functioning of the Child Welfare Committees
2. Effective functioning of the Juvenile Justice Boards
3. Effective Management of Homes
4. Effective provision of Legal Services to children

The second part of the presentations focused on the four themes identified for round two under the broad theme of Rehabilitation of Children under the Juvenile Justice System, mentioned above.

<table>
<thead>
<tr>
<th>Region</th>
<th>Date</th>
<th>Convening Institutions</th>
<th>State(s)</th>
<th>Law Colleges/Universities</th>
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<tr>
<td>North-East</td>
<td>12-13 September 2015</td>
<td>High Court Sesquicentennial Hall, Kolkata</td>
<td>West Bengal, Assam, Manipur, Meghalaya, Tripura</td>
<td>West Bengal National University of Juridical Sciences (NUJS) - Kolkata</td>
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A team of persons representing the Juvenile Justice team at the Centre for Child and Law (CCL), National Law School of India University (NLSIU), Bengaluru, provided technical support to the Supreme Court Committee for the facilitation of the Round Table Conferences, the preparation of the Regional level reports, the Consolidated Report summarizing the key issues highlighted during the Regional Conferences, and the report of this National Consultation.

The Regional level Round Table Conferences have been referred to as a 'breakthrough moment for India' - one that enabled dialogue and rejuvenated stakeholders towards more effective implementation of the JJ Act across the country. This was also recognized as an opportunity for multiple stakeholders from the participating States to share with one another their problems, experiences, and wisdom generated from these experiential insights. In essence the collective dialogue helped to not only develop strategies for more effective implementation of the JJ Act but to move closer to the ideal of ensuring that justice to children becomes a reality for all children in India. The conferences were therefore designed to enable participants to discover new ways to improve the implementation of the Act, to review the road taken so far and to plan ahead based on insights derived. In order to achieve this goal, Justice Lokur repeatedly urged the participants to shed all inhibitions that may arise due to the presence of judges or senior officers, stressing that a frank and open discussion on

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1 The team representing the Centre for Child and the Law (CCL), National Law School of India University (NLSIU), Bengaluru, who provided technical support for this National Launch of the Consolidated Report of the Regional Conferences are Adene Manoharan, Swagata Raba, Anjalil Shivasand, Aneesha Johnny and Ganga Nair.
how all actors and stakeholders could work together towards this common cause, is what will result in a successful outcome.

The deliberations revealed that several government and civil society organizations are indeed making efforts to attain this goal, reflected in the examples of the achievements and good practices shared in all the States. However, during this round of regional conferences, the Juvenile Justice (Care and Protection of Children) Act 2000 was repealed and the Juvenile Justice (Care and Protection of Children) Act 2015 was passed and came into force on 15th January 2016. This development was referred to in the subsequent regional conferences as one that should bring with it much greater focus on its implementation, as the JJ Act 2000 itself had not been fully implemented despite the fifteen years that had passed since it was notified. There was therefore an overwhelming clarity that we have miles to go before full realization of the rights of children and families under the law is ensured, as there are many obstacles which require to be removed on a mission mode.

The National Launch of the report on the Regional Level Round Table Conferences was therefore a culmination of a nationwide process of constructive dialogue facilitated amongst all stakeholders responsible for implementing the Juvenile Justice Act, one that produced deep insights and useful recommendations. A consolidated report reflecting the key highlights of interventions that were made by the participants during the Round Table Conferences was prepared for release by the Hon’ble Chief Justice of India - Mr. Justice T.S.Thakur, at this program. At the launch, brief presentations highlighting the key findings on the four major themes that were deliberated upon during the conference were made by a representative of the team from the Centre for Child and the Law, National Law School of India University, Bengaluru1. Panelists amplified the recommendations that emerged from the round table conferences and participants shared additional challenges and solutions.

Profile of Participants at the National Launch
The National Launch was attended by 140 persons ranging from the higher judiciary, MWCD, State Departments, police, academic institutions, NGOs, and UNICEF.

Profile of Participants

1 Arlene Manoharan, Fellow, Centre for Child and the Law, NLSIU, Bengaluru.
II. Inaugural Session

Introductory Remarks by Ms. Forooq Fouzat, Representative, UNICEF India

Ms. Fouzat welcomed all participants to the national launch of the report with an inspirational quote by Nelson Mandela – “History will judge us for the difference we make in the lives of our children”. Summarizing the outcomes of the regional round table conferences, Ms. Forooq stated that the process took stock of the structural issues, challenges, solutions as well as good practices. She described the report as being important because it succinctly documented the unique multi-stakeholder consultative process that had been facilitated through this initiative, and the outcomes of the same.

Ms. Foyouzat congratulated Justice Madan B. Lokur for rejuvenating the juvenile justice system and for bringing together a wide range of stakeholders to address the challenges faced in the process of rehabilitating children. She also appreciated the active participation of the Ministry of Women and Child Development and expressed that these consultations are setting an example beyond the borders of India, referring to the presence of Justice Iman Ali, judge, Supreme Court of Bangladesh in the audience, who has recently initiated a similar process in that country. She also observed that the very pace, at which the five regional conferences and this national launch were held, was proof that the momentum was being sustained.

Ms. Foyouzat reiterated that a robust justice system does not operate in isolation but is highly inter-dependent and enables a convergence among a wide range of actors which is an achievement in itself. She re-iterated that children coming in contact with the justice system may end up further victimized, if the system is unable to respond to their specific needs.

Ms. Foyouzat pointed out that the second round of regional consultations reported substantial progress, some of which were as follows: more regular reviews held at the state level, undertaken with a problem solving approach, cross fertilization and the strengthening visibility of issues concerning children in conflict with law. She also reiterated the need for more actors from the health, education, labour and other departments to participate in these consultations, to specifically address the issues emerging from the inter-linkages between the JJ Act and other laws such as the POCSO Act.

In conclusion, Ms. Forouzat encouraged the participants to maintain the same momentum for the third round and urged them to broaden the scope to include discussions on restorative versus retributive justice and the introduction of possible alternatives to imprisonment. She expressed that UNICEF is honoured to support this partnership with the state and reiterated its commitment to continue to work with the government of India, the judiciary and other stakeholders to further advance the cause for children in India.

Reflections by Ms. Leena Nair, Secretary, Ministry of Women &d Child Development, Government of India

Ms. Leena Nair described the round table conference and this national consultation as a unique platform to address the issues and challenges faced in the implementation of the Juvenile Justice Act across the country. She reported that officers from the Ministry had attended all the consultations and taken note of the issues as well as the good practises emerging from presentations and discussions. She highlighted and appreciated the guidance and leadership of Hon’ble Justice Mr. Madan B. Lokur, which she said had been of valuable help to the Ministry in promoting and strengthening the cause of child protection.

Ms. Nair pointed out that children make for about 39% of the Indian population and urged the participants to invest much more to ensure a safe, protected and dignified life for them. This she
said was particularly important, if India is to take full advantage of the economic opportunities created by this demographic window. She reiterated the need for the same by quoting Nelson Mandela – “There can be no keener revelation of a society’s soul than the way it treats its children.” She pointed out to the participants that there has been a considerable rise in crimes against children over the years, and yet the disposal of cases has been slow and the conviction rates have been poor. She asserted that these matters need to be urgently looked into so that justice is done to children. Ms. Nair acknowledged the Juvenile Justice (Care and Protection of Children) Act 2000 was a legal commitment by the government and enumerated several challenges that had prevented its effective implementation despite the passage of fifteen years. These include inadequate facilities in child care homes, lack of monitoring, delays in the judicial process and lack of clarity regarding roles and responsibilities among others. She announced that the Model Rules under this Act will be notified very soon, which would provide further clarity in this regard. Ms. Nair briefed the audience on two protocols that the Ministry was preparing to help strengthen functioning of systems – A Reform and Rehabilitation Protocol and A Model Preventive Protocol. She mentioned that the Ministry has also initiated programs to ensure active participation of multiple stakeholders from civil society, recognizing that all citizens share a responsibility towards children. Ms. Nair informed the audience that the Ministry has also undertaken another initiative to address the issues of lost, trafficked and runaway children who come in contact with the railways through child help desks/booths/kiosks. A draft National Plan of Action is also being developed through a consultative process, based on the principles embedded in the National Policy for Children, 2013.

Ms. Nair asserted that the Ministry is making an all-out effort to encourage the Chief Ministers to look into the composition and working of the CWCs. She also appealed to the Hon. Chief Justice to India to ensure speedy disposal of adoption cases. Ms. Nair stated that there were only two choices when faced with the challenges related to the effective implementation of the JJ Act – i.e. ‘to do something’ or ‘to do nothing.’ She however asserted that the Ministry was determined ‘to do everything’ in this regard. In conclusion, Ms. Nair reiterated that safety and security for children are the result of collective consensus and public investment and that this vulnerable group deserves much more, in order to live a life free of violence, fear and tears.

Hon’ble Mr. Justice Madan B. Lokur, Judge, Supreme Court of India began his remarks by expressing his gratitude to Hon’ble Mr. Justice T.S. Thakur, Chief Justice of India, who he said, has been giving tremendous support to carry forward the idea of making a concrete difference to the lives of children.

Justice Lokur emphasized that there is no doubt that the judiciary is interested in improving the lives of children in the country and making all out efforts to ensure that they get a better life. He highlighted that right from 2005, Mr. Justice Y.K. Sabharwal, the former Chief Justice of India supported this idea, and subsequent Chief Justices of India continued to support this effort. More recently Mr. Justice Mr. P. Sathasivam, former Chief Justice of India, had decided to constitute a One Man Committee to look at the effective implementation of the juvenile justice system in the country. Both CJJs had written to the Chief Justices of all High Courts, regarding the setting up of High Court – Juvenile Justice Committees (HC-JJC). He stated that all High Courts have constituted a HC JJJC, realising the importance of issues related to children. He shared that successive conferences of CJJs have also reiterated the commitment of the judiciary to the welfare of children. He however pointed out that this is not only the task of the judiciary - it requires the support of everyone. All stakeholders need to work together in order to strengthen the responses to issues concerning children and to support the efforts made by the Central and State Government, to bolster the SCPCRs, and to strengthen authorities such as the Police and Railways, the Departments of Health, Education and Skill Development, etc. He gave the example of the need for Police and Railways to work together in order to ensure
speedy escort of children from one State to another. With reference to the National Plan of Action that Ms. Nair had spoken about, he reiterated the need for a concrete and clear National Action Plan, as ad hoc measures are not enough or effective. He also expressed hope that all stakeholders would be consulted during the preparation of the same.

He lamented that the shortage/non-utilization of funds had emerged as an issue, one that is troubling all the judges involved in the HC JJC. While there are funds under the ICPS, for some reason or the other they are not being utilized in a timely or effective manner, resulting in the poor conditions of children in the Homes. He reiterated that lives of children cannot improve if the state does not improve in this aspect of administration.

Justice Lokur applauded all the JJC of all the HCs, who he said are doing an excellent job, as almost all judges are visiting the Homes and getting a first-hand experience of the lives of children and the challenges they face. He said this practice is extremely important as it gives the judiciary an indication of what is happening at the grass root level while also stating that the judiciary requires the continued support of everyone in this collective endeavour.

He further stated that a lot has been achieved since the beginning of this initiative. While appreciating UNICEF for its support and commitment, he stated that UNICEF had also committed support for this initiative in the future as well.

Finally he mentioned that the efforts being made are also having a positive impact in the region, as Bangladesh has also set up a Committee within their Supreme Court to look into issues concerning juvenile justice. He expressed his delight as the idea is being accepted around the region and remarked that changing the thought process of people in the region would be a great achievement.

In his Keynote Address, Hon’ble Mr. Justice T.S. Thakur, Chief Justice of India expressed his pleasure in participating in the deliberation and formulation of recommendations on the issue - which he described as ‘a contemporary subject of great importance’. He said that this country is a very large country - the second populous country after China - and that we take pride in being the largest democracy in the world. He pointed out that every sixth human being in the world is an Indian, and every 18th person is an Indian child - as one-third of the Indian population comprises children below 18 years. He also pointed out that 65% of the population of this country is below 35 years of age. He surmised that the since the largest population of children in the world is in India - the challenges that India faces is also formidable. Underscoring this point, he referred to the constitutional pledges which stated that ‘we will not rest till we wipe every tear from every eye,’ and said that today there are many more eyes from which tears have to be wiped.

Elaborating on this statement, Hon’ble Justice Thakur remarked that poverty alleviation is the foremost challenge, as approximately 40% of people in the country are below the poverty line. He then referred to the deplorable state of basic health care in India, referring to the recent news report about people being compelled to carry dead bodies on their shoulders due to the shameful absence of necessary hearse facilities. He also referred to the serious problems related to lack of access to safe drinking water, the high rates of pendency in the courts and the deplorable state of affairs with regard to the right to education, even though it has attained the status of a fundamental right. He reminded the participants that the problem of kidnapping, child abuse and child trafficking is more acute amongst vulnerable children, especially girls hailing from deprived families. Privileged families, on the other hand could afford to take care of their children, even sending them to the best of boarding schools in India and abroad. Referring to the NCRB data on Missing Children, he said that almost one lakh children disappear every year, with 22 children having disappeared in a single day from the capital city of Delhi alone. These children are from
the slums and *jugglies* of the dirty underbelly of Delhi. He also spoke about the compelling housing needs of people that push them to migrate for food and employment. He emphasized the need to recognize and address the magnitude of the problem, as only a few children are rescued and placed in statutory homes, after which the state takes on the duty of caring for and nurturing them into contributing citizens.

Hon'ble Justice Thankur stated that these conferences provide occasions and opportunities for soul searching and introspection, urging the participants to become more committed to ensuring compliance with domestic and international legal obligations and goals. This he said was an imperative, given that children are to be treated with care, respect and dignity and particularly because the entire civilized world has recognized the importance of protecting children from abuse, and of nurturing and providing them with all that is essential for human life to be meaningful and dignified.

Hon'ble Justice Thankur highlighted that the United Nations (UN) is a very powerful and resourceful organization and its activities are commendable in almost every part of the world. He expressed the hope that the UN would play an even greater role in ensuring that child rights and the realization of India's legal obligations and that too in more tangible ways. He remarked that the UN will do a great service to the entire human race if it enables proper care of all children in India, as this is amounts to essentially one-sixth of the world's entire child population! He however asserted that India has not only recognized but also guaranteed the rights of children through its Constitution and the range of domestic laws. He then recapitulated the guarantees provided for protecting the rights of children under the Constitution and other legislations including *The Guardian & Wards Act, 1890; The Child Labour (Prohibition and Regulation) Act 2015 The Pre-conception and Pre-natal Diagnostic Techniques Act, 1994; The Juvenile Justice (Care and Protection of Children) Act, 2015; The Commissions for Protection of Child Rights Act, 2005; The Child Marriage Prohibition Act, 2006; The Right of Children to Free and Compulsory Education Act, 2009; and The Protection of Children from Sexual Offences Act, 2012. He then raised a query as to why despite the strong legal framework to protect children, there are so many children who are vulnerable, sold, purchased and neglected? He answered this rhetorical question by asserting that the main cause is the poor enforcement of these laws.

Hon'ble Mr. Justice T.S. Thakur then stated that we need to have a reality check to understand the issues at hand better. According to Section 4, JJ Act, JJBs have to be established in all districts. According to the data collected by the Supreme Court's Registry for the Chief Ministers Conference, as on 1 Jan 2016, JJBs had not been constituted in all districts in some States. In Delhi, out of nine districts it has not been constituted in all nine, but as on 1.7.2016 one JJB has been constituted; in Gujarat seven districts were without JJBs; in Maharashtra there were two districts without JJBs, but as on 1.7.2016 there were three districts without a JJB; whereas in Guwahati one district was without a JJB and the same in Jharkhand as well.

As per data collected by the registry, as on 1.1.2016 the pendency is 146388 cases before JJBs across the country and there has been an actual increase of 4%, as pendency as on 1.1.2015 was 140564. As per data collected from online portal, pendency of JJBs was 1,42,000 as on 1.1.2016 and decreased to 118,000 as on 1.7.2016, which can be attributed to the interventions by High Courts concerned. He also said that delay in disposal of cases ranges from eight to ten months and some, for more than a year, whereas they are supposed to be disposed within a span of four months.

Another issue highlighted by Justice T.S. Thakur was regarding the high number of vacancies in JJBs. As on 1.1.2016 sanctioned strength of JJB was 1366 of which 435 positions were vacant i.e. 32 3/4% of JJB seats were vacant. He compared it with the High Court sanctioned strength and
stated that JJBs are in a better off position as the working strength of High Courts is 44%. Another issue marked by the CJ was the lack of institutional support. Out of the 648 districts, only 356 had Observation Homes and 80 had Special Homes in the country which means that each district does not have an OH. 70% of the districts do not have Shelter Homes and 32% are without Children Homes. He highlighted that the institutions are understaffed and have a vacancy of 29%, which affects the conditions in such homes.

CWCs have not been constituted in all districts in Delhi, Gujarat, Tripura, UP, West Bengal, MP, Punjab and Haryana. 61% of applications for declaring a child free for adoption are pending in the country for more than the statutorily prescribed period of two months, for children below two years and four months for children above two years (Section 38, JJ Act). 38% of these applications have been pending for more than one year.

There is a lack of District Child Protection Units in the states of HP, Maharashtra, Goa, UP, Sikkim and Assam. Similarly, SJPUUs have not been established in all districts of UP, Kerala, Manipur, Jharkhand, Punjab, Haryana, Gujarat, Maharashtra and Goa. Justice Thakur stated that the apathy of the government concerned appears to be the basic problem.

He then raised a couple of rhetorical questions regarding the need for a Supreme Court Committee on Juvenile Justice and the respective JJ HCCs. These were - What is the statutory significance of these committees? Why can’t the law be effective by itself? Why make a Supreme Court judge responsible to push the state governments and statutory bodies? He said that though the High Courts are not supposed to do administrative work and the government and statutory authorities are required to administer the law, it becomes necessary when the law is not enforced. The bane of the system, he said, is that we don’t do what we are supposed to do. If there was good governance, there would be no need to monitor or supervise. This, he said, shows that somebody somewhere, is not sensitive and is neglecting his/her responsibility. He underscored his statement by saying that the ideal situation would be, if those who have the duty to implement the Act, do so diligently, in which case there would be no need for these Supreme Court and High Court Committees. He accepted that there are challenges, since the system is failing, due to which the judiciary has stepped in.

He then stated that the statute casts a duty on the state to constitute a High Level Committee to monitor pendency before the JJBs which, he said is understandable. He however clarified that the legislation does not mandate the establishment of the Juvenile Justice Supreme Court Committee or the JJ HCCs. Yet, he said, there are two ways of looking at the situation - one is for the judiciary to not to bother about the plight of children and step in, (as it is already being accused of being ‘an activist judiciary’); whereas the other option is to acknowledge that people of this country have the greatest hopes from the judiciary and they look up to the judges for justice. He concluded his thoughts on this point by reiterating that this cause is very important and should not suffer, while also emphasizing that every problem/challenge cannot and should not be solved by the judiciary.

Hon’ble Justice Thakur then earnestly requested the participants to do whatever little they could do to protect the moral, ethical, human rights of children internationally and constitutionally, whatever the criticism that may come from any quarter. He expressed his happiness on about being part of this deliberation amongst judges who have come from different HCs to discuss this particular issue and that too with the kind of seriousness it deserves.

He then informed the participants about the establishment of a Research Centre in the Supreme Court, to look into the implementation of the resolutions passed in the Chief Justices (CJ) Conferences during the intervening period between the CJ Conferences. He reiterated that this
Resource Centre will associate closely with the High Courts, so that they remain sensitive to the need for timely action and to also seek feedback on progress made. He stated that the institutional response from the HC to the SC Resource Centre was equally important for effective delivery of the desired outputs, and that once the Resource Centre is established, then the SC Committee on Juvenile Justice will also be free to draw data from there to inform its ongoing activities related to the effective implementation of the law on juvenile justice.

Hon’ble Justice T. S. Thakur, expressed his gratitude to Justice Madan B. Lokur for the efforts he has taken to spend time on these issues concerning children, despite the burden of his judicial work. In conclusion, Justice T. S. Thakur expressed his sincere hope that the juvenile justice system will become a more vibrant and effective one, with concrete deliverables that impact that lives of children.

III Technical Session

Presentation on Key Findings and Panel Discussion

Ms. Arlene Manoharan, Fellow and Programme Head - Juvenile Justice Program, at the Centre for Child and the Law, NLSIU, Bengaluru made a brief presentation on the Key Findings from the second round of the Regional Round Table Conferences, on behalf of the team from CCL NLSIU that provided technical support for the same. She began by highlighting the progress made by States since Round 1 of the Regional Round Table Conferences. Some of the key areas of progress were the establishment and constitution of CWCs and JJBs and constitution of Selection Committee to fill vacancies in several States. To counter the issue of pendency, the frequency of JJB sittings had been increased and additional JJBs were established in districts with high pendency in some States. Adequate space, infrastructure and data management system has been provided to enable smooth functioning of the institutions in some States. Child friendly ambience had been created in JJBs and transportation between the OH and the JJB was in place in several States.

Effective monitoring of these institutions through submission of quarterly reports to the concerned HC JJC’s and respective nodal departments had also been undertaken in most States. Capacity building programmes were conducted for multiple stakeholders such as JJB members, CWC members, staff of CCHs and Legal Aid Lawyers, etc., to equip them with the laws concerning child rights. Several SLSAs also played a role in imparting training to stakeholders.

In the area of Effective Management of Homes, inspection and registration of CCHs had been undertaken and notices were issued to unregistered homes in some States. Basic facilities such as counselling, de-addiction programs, mental health services, life skill education and vocational training have been offered in many States. Management Committee and Children’s Committee have been constituted for effective functioning in some States.

In the area of Effective Provision of Legal Services, Legal Aid Clinics were established and attached to JJBs and CWCs in some States. Panel LALs have been constituted and their honnorariums were enhanced in some States. SJIPUs were established in all districts and Child Protection Committee has been formed in most states. Awareness on drug abuse, functioning of CWCs and on the JJ Act was also undertaken in some States.

Ms. Manoharan also presented the Challenges and Recommended solutions on themes identified for Round 2 of the Regional Round Table Conferences. The challenges related to Social Investigation Reports (SIR) and Individual Care Plans (ICP) pertained to the quality of SIRs, the need for a better template for the SIR, and that these documents should also be available in local languages. SOPs should be developed for SIRs to ensure qualitative inputs
from the child and the family were recorded and opinion is sought from significant people related to the child. While dealing with the efficiency of Probation Officers it was recommended to provide experiential and participatory training as POs are officers of the court, and they rely on the findings of PO to inform judicial order. Adequate number of POs should be appointed and a full time PO should be attached to every JJB and OH. ICPs should cater to the overall needs of the child and it should be a mandatory part of the final order. It should be ensured that children and their families have access to SIRs and ICPs. Monitoring and review of ICPs and SIRs should be conducted to ensure its quality.

Some of the Challenges and Recommendations discussed under Rehabilitation of Children in Conflict with Law pertained to functional issues such as establishment of SH and OH in each district and proximity between the JJB and the OH. Rights and services of children relating to their educational needs, job oriented courses and individualised rehabilitative services should be ensured. To enhance the rehabilitative nature of dispositions, diversion should be promoted and guidelines to structure community services and non-institutional dispositions should be framed. Foster care and sponsorship should be promoted and effective family intervention program should be developed. Preventive, monitoring and convergence measures such as systematic follow up mechanism, pro-active measures to engage community, school and parents and sensitisation of children in crime prone areas should be explored.

Challenges and Recommendations relating to Rehabilitation of Children in Need of Care and Protection were identified as the need for non-institutional alternatives, and for additional shelter homes and homes for children with severe disabilities. Right to education of the child living in CCHs should be ensured. Rehabilitation plans should be comprehensive and customised to the child’s need.

On the theme related to Social Integration, After Care and the Role of Police and Probationary Officers, it was highlighted that awareness should be provided in the community on rehabilitative needs of vulnerable children and adequate mental health interventions should be insured. A data bank of fit facilities and fit institutions should be maintained by DCPOs and the same should be made available to the police. Initiatives should be undertaken to improve police-child interactions including exposure visits to familiarise children with the role of police. Child-friendly SJPUs should be created and they should be provided periodic training.

Ms. Manoharan concluded the presentation by stating that the Regional Conferences have had a significant impact on the effective implementation of the Juvenile Justice system. They have enhanced multi-stakeholder convergence and triggered transformative change while also exploring restorative approaches for rehabilitation of children in conflict with law.

Panel Discussion

A panel of experts consisting of Hon’ble Justice Madan.B.Lokur, Judge, Supreme Court of India; Ms. Sutapa Sanyal - Director General (D.G.), U.P. Police, Mahila Samman Prakoshth & Human Rights Commission at Government of India Uttar Pradesh; Ms. Rashmi Saxena Sahni - Joint Secretary, Ministry of Women and Child Development, Government of India; Ms. Bharti Ali - Co-founder and Co-director of HAQ Centre for Child Rights; and Mr. Kamal Kumar Dayani - Principal Secretary, Department of Social Justice & Empowerment, Government of Gujarat made brief presentations on key issues to trigger discussion during the conference.

Ms. Sanyal, Director General (D.G.), U.P. Police, Mahila Samman Prakoshth & Human Rights Commission at Government of India Uttar Pradesh stated that each duty bearer has roles and responsibilities that drive change. She pointed that one cannot work in isolation, which is why a synergetic approach is required. Police are the first point of contact for
children and are most often the first responders in the juvenile justice system. They therefore play a very pertinent role and have a deep impact on children, who form an impression of the system based on these initial interactions. She stated that there is a need for "Gender-Sensitive Community Policing" as there is a gender divide in children's issue. She drew attention to an Allahabad High Court judgment that highlighted the need for differentiating between policing and crime functions and suggested that a third wing of social policing or a task force be created, one that will discharge monitoring and review functions. She concluded by saying that there a lot of people in the police who are keen to do this, but are diverted for other duties.

Ms. Sahni, Joint Secretary, Ministry of Women and Child Development, Government of India, began by stating that there is a robust legal framework but the problems are humungous. She pointed that the new JJ Act 2015 is comprehensive and stated that the Model Rules will be notified shortly. Ms. Sahni listed out the various initiatives rolled out by the Ministry such as "Adopt a Home" programme, vocational training, track child and Khyaati Panya and emphasised the need for all officials to fill in updated information. She spoke about a survey of 9000 homes conducted by Childline India Foundation and NCPCR that is expected to be over in a month, saying that results from this can be used to inform better policies and programme for children. Steps have been taken to setup a National Resource Centre within Childline India Foundation for child protection and a National Children's Fund to provide scholarships to children. She informed the participants that JJ Model Rules are comprehensive and have covered roles and responsibilities of key stakeholders and the Adoption Guidelines are also being revised as well.

Ms. Bharti Ali, Co-founder and Co-director of HAQ Centre for Child Rights stated that the problems being shared were not new and it is time to brainstorm and identify solutions. While referring to problems specific to Delhi, she highlighted that Delhi is undergoing a lot change in comparison to other places and this is leading to duplication and multiplicity of work and less synchronization. She pointed out that there has been a cut of Rs.14.98 crores in the Child Protection budget. According to her, the Schemes will not roll out when the States are not able to match the Central grant. She then highlighted the importance of birth registration, as children often fall out of the net of child protection merely because they do not possess a valid identity. In this regard she referred to a Delhi High Court's judgment and emphasized on the need to implement it. She opined that collaborations with organisations providing services like Spastic Society of India, Rehabilitation Council of India and training them on child rights law would contribute to more effective implementation of the law on juvenile justice. She then said that as a result of Writ Petition 8889/2011, a team constituted by the NCPCR visited the jails to identify children languishing there. She underscored the need to have SOPs for rehabilitation of CICL and earnestly requested the Ministry to bring in the component of restorative justice within group counselling at-least for non-serious offences. She concluded by highlighting the need for prevention, and that the idea behind the ICPS was to strengthen families and communities to ensure they do not fall out of the protective net.

Mr. Kmal Kumar Dayani, Principal Secretary of Social Justice and Empowerment Department, Government of Gujarat stated that the Round Table Conferences have been useful and interesting. He said that the State Governments are eagerly waiting for the Model Rules. As regards the effective functioning of JJBs, he stated that they need to be supported by adequate infrastructure and to be sensitised on an ongoing basis, as they

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1 Court on Its Own Motion v. Dept. of Women and Child Development & Ors., W.P. (C) 8899 of 2011 decided on 21 March 2012 by the Delhi High Court.
are frequently transferred. He stated that his key takeaways from the Round Table Conferences are the urgent need for enhanced coordination, convergence and training.

Open House Discussion

Hon’ble Justice Mr. Sandeep Mehta, Judge, Rajasthan High Court shared that he has envisioned a Centre of Excellence and shared the site plan prepared through Department of Social Justice and other officials, who he said have also agreed to contribute to the project. He expressed his desire to name the Centre after Hon’ble Justice Lokur.

Mr. Sunil Kumar IGP, Andhra Pradesh reported the progress made by the state after the Southern region Round Table Conference held in Bangalore. Under the supervision of Hon’ble Justice Mr. Ramesh Ranganathan, a state level meeting of all stakeholders was conducted which brought about clarity of roles among stakeholders. A WhatsApp group has been created where the good work carried out by stakeholders is shared. He also expressed the inability to use Trackchild software, as the username and password is not providing access to the website.

Ms. Sundari Nanda, Special Commissioner of Delhi Police laid emphasis on the need for greater focus on forensics. She suggested that one master laboratory be created for women and children in Delhi. Ms. Rashmi Saxena Sahni responded that a request has been sent to Ministry of Home Affairs by the MWCD for the same.

Ms. Stuti Kacker, Chairperson, NCPCR stated that Rajasthan has a separate Department for Child Rights. She advocated for efforts to be made to develop special skills to deal with children in conflict with law.

Ms. Roshni Sen, Secretary, Department of Women and Child Development and Social Welfare, West Bengal briefly reported the work undertaken by that State. She reported the Department has been working in close coordination with HCJJJC to address the issues concerning the implementation of the JJ Act. West Bengal is the hub for trafficking for the entire North East and all children pass through their state during transit. A task force has been set up in 2008 and in 2015 it has been strengthened by involving Railways, CID, NGOs working in the field of rehabilitation and repatriation and also the Bangladesh Deputy High Commissioner. An SOP has been designed for Rehabilitation, Rescue, Repatriation and Integration.1 She pointed that they have managed to repatriate 701 Bangladesh women and children. She concluded by saying an MoU with Maharashtra Task Force has been signed and they have been conducting regular meetings. A Directorate of Child Rights and Trafficking has also been set up.

Ms. Lalitha Rekha, Consultant Assam SCPCR highlighted three innovative steps undertaken by the State of Assam as a positive impact of the Round Tables. Pendency has reduced from 1900 to 1500. A separate Directorate for Women and Children has been set up. Child Protection Bulletin started by Hon’ble Mr. Justice Madan B. Lokur during his tenure as the Chief Justice of Guwahati High Court is being continued with funds from the ICPS budget that covers issues relating to child protection within the state.

Mr. Sanjay Singh, IG, CID, West Bengal Police stated sports can be a viable option to reduce the rate of recidivism among CICL. WB police have organised Jungle Mahal and

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they have formed stable bonds with children. The police are organising Goals programme along with British Premiere League that funds football coaching of disadvantaged children.

Mr. Satyaparakask, Programme Manager, SXB Suraksha India, stated that accountability was one of the major concerns and the District Magistrate and the Task Force for Child Labour does not hold meetings regularly.

Ms. Shelly Mittal, Programme Manager, Directorate of Social Security & Women & Child Development, Punjab sought clarification on non-relative adoption, and pointed out the discrepancy between Section 56 and CARA guidelines. She highlighted that State Agencies have a major role to play, but these agencies are just monitoring bodies in the Act and have nothing to do with the child.

Mr. Imamuddin Ahmad, Director, Social Welfare Department, Government of Bihar, put forth the following requests - Childline’s presence should be there in all districts as it is a vibrant organisation, Railway kiosks should be setup in major railway stations and especially in Patna station as there are thousands of children trafficked every day for child labour and Child Protection Committees in ICPS requires more funding to be functional at block, village and ward level.

Mr. Sunil Sharma, Assistant Director ICPS, Chhattisgarh highlighted few problems faced in the state. Frequent transfer of Principal Magistrate causes problems and gaps. Children involved in petty crimes should be granted bail, but in practice this procedure is not being followed. The Department is organising a National Conference of Children called Ulihas. Measures have been taken to create child friendly environment at homes.

Mr. GK Sharma, State Program Manager, DWCD stated that a meagre amount of only Rs.2000 is allocated per child for After Care, which hinders the process of after care, restoration and rehabilitation of children.

Dr. K. Nagargoje, Commissioner DWCD, Pune suggested that Deputy Commissioner of Bangladesh has to attend to repatriation issues and requested that steps be taken to ensure the Central Government takes this forward.

Ms. Neeam Sukhramani, Associate Professor, Department of Social Work, Jamia Millia Islamia stated the work done for children should be such that it is undertaken in the Rights Based Framework, resulting in services as an entitlement and not an act of benevolence. One should introspect if the operational modalities required to implement the Integrated Child Protection Scheme matches it requirements. Focus should be provided to allocation of funds to achieve deliverables.

Hon’ble Mr. Justice Ranganathan, Andhra Pradesh and Telangana High Court emphasized the need for coordination and training. He suggested that academic institutions, law schools and schools of social work should be actively involved especially for preparation of SIRs and ICPs. He also mentioned that even though the Model Rules ordinarily form the basis for State Rules, Draft State Rules have been drafted in collaboration with NALSAR pending the notification of the Model Rules.

Concluding Remarks

Hon’ble Mr. Justice Madan.B.Lokur concluded the session by highlighting some key points.

1. State Governments have a great deal of responsibility to ensure that the JJ Act is implemented effectively. He also clarified that though the State Governments can depend
on Central Governments for funds but the States also share equal responsibility to generate funds locally as well. Financial cuts have always been an issue. However, Justice Patel has conducted a study and said there is enough money in ICPS and a lot of it is returned unspent. Lack of budget has been a daunting issue and efforts should be made to use whatever is available to the extent available. One should also explore the option of Corporate Social Responsibility as the corporates are willing to help in terms of services.

2. The CJI has emphasized the lack of data collection in States. The State Governments are requested to get their act together and ensure accurate data is provided and not say “we think there are so many homes” This is because accurate data provides the foundation for concrete plans.

3. Research is another major component, which is why a culture of research needs to be developed. A lot of universities and NGOs are actively involved. The CJI has pointed that a resource centre in the Supreme Court has been established. The resources from National Police Academy and NIPGCD needs to be utilised as well.

4. Regional level Round Table Conferences should be conducted at the State, District and Taluk level. Such trainings have been conducted in Telangana, Bihar, Karnataka, Assam and other states. Frequent interaction should be ensured to create more sensitivity and retain the interests of stakeholders.

5. Steps should be taken to ensure greater involvement of children in institutions. It is good to talk about education, vocational training and skill development, but we cannot implement this unless we are directly involved with the institutions.

6. Few statutory institutions have a policy not to involve NGOs, they however need to relook at this policy, as the law is enabling and greater civil society involvement in the implementation of the law is a welcome measure. Ironically, in Delhi, parents are not allowed to meet children more than once a month whereas in Tihar jail, the inmates can meet their family members every week! We definitely need to monitor these interactions, but knee-jerk reactions are not the solution.

He stated that the above mentioned issues and many more will be discussed in the third round of the Regional Round Table Conferences that are planned. He thanked everyone for being gracious and spending time on this important issue for two days. He ended by saying that with greater involvement and renewed energy, he had no iota of doubt that a lot of progress can be made towards ensuring a better quality of life for children in the juvenile justice system.