

**Summer Training at
Antakshari Foundation, Jaipur**

Study of Juvenile Justice

**By
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**Under the guidance of
Dr. Alok Kumar Mathur**

**MBA Rural Management
2015-2017**



**School of Rural Management
The IIHMR University, Jaipur
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CERTIFICATE

This is to certify that **Kiran Gautam** has undergone Summer Training in **Antakshari Foundation**, jaipur from 11st April to 11st June 2016.

The candidate herself completed the project assigned to her during summer training. Her approach to the project was sincere and proactive. This summer training is partial fulfillment of the course requirement recommended for the award of MBA in Rural Management.

I wish her success in all her future endeavors.


Dr. Ashok Mathur *June 14, 2016*

(Associate Professor)

IIHMR Jaipur


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Dean (Academic and Student Affair)

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Date :

12.08.2016

TO WHOM IT MAY CONCERN

This is to certify that **Ms. KiranGautam** student of Indian Institute of Health Management Research University (IIHMRU) has done her internship from 11th April to 31st May, 2016 in UNICEF supported project "Strengthening Child Protection System in Rajasthan" with Antakshari Foundation, Jaipur.

Ms. Kiran worked closely with the team and other staff of the organization and conducted a study on "Status of Juvenile Justice (Care and Protection of Children) Act, 2015 in Rajasthan". She was also trained on provisions of Prohibition of Child Marriage Act, 2006.

Ms. Kiranduring the period of her internship program with us she had been exposed to different process. She has completed her study and submitted the Final Report.

We wish her every success in her future professional and personal life.


(Govind Beniwal)
Project Director

Acknowledgement:

It is necessary to acknowledge all those persons who have directly shaped our work as well as lives.

We are extremely thankful to our institute of health management & Research centre, for giving us an opportunity to get hands on expectation in the rural part of India and knowing the issues of child protection closely. We also owe a great deal to Antakshari foundation Mr. Govind Beniwal; former member Rajasthan state child protection society & project director to help and guiding us in successful completion of the study. We would like to express our gratitude to Antakshari foundation for designing the study format.

We are also thankful to Mr. Govind Beniwal and Ms. Deepal Solanki, who assigned us this study & also helped us immensely in our project and ensured that our visit turns more meaningful. I would like to thank Dr. Gautam Sadhu, dean SRM (IIHMR) for his contribution in the successful completion of my project.

We would like to acknowledge and extend my heartfelt gratitude to my mentor Prof. Alok Mathur, for throe resolute guidance and for being a constant source of knowledge all through this period of time and for their vital encouragement and support last but not the least, from the bottom of my heart I wish to thank my family and my friends for being a constant support all through this period of time.

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ABBREVIATIONS:

CICL: Children In Conflict with Law

CNCP: Children in Need of Care and Protection

CPU: Child Protection Unit

CWC: Child Welfare Committee

CWO: Child Welfare Officers

DCPS: District Child Protection Society

DCPU: District Child Protection unit

JJB: Juvenile Justice Board

JJC: Juvenile Justice Committee

JJ Fund: Juvenile Justice Fund

JJS: Juvenile Justice System

NCPCR: National Commission for Protection of Child Rights

NGO: Non-Governmental Organization

PO: Probation Officer

SAA: Specialized Adoption Agency

SCPC: State Child Protection Committee

SCPU: State Child Protection Unit

SJPU: Special Juvenile Police Unit

CHAPTER 1

INTRODUCTION

Background:

The child rights and welfare concerns have been addressed in a number of International Conventions and Standards on child protection including the UN Convention of the Rights of the Child (UNCRC) 1989, the UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), 1985, the UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990, and the Hague Convention on Inter-country Adoption, 1993. The Government of India ratified the UN Convention on the Rights of the Child (UNCRC) in 1992. The Convention prescribes standards to be adhered to by all State parties in securing the best interest of the child. It emphasizes social reintegration of child victims, without resorting to judicial proceedings. The UNCRC outlines the fundamental rights of children, including the right to be protected from economic exploitation and harmful work, from all forms of sexual exploitation and abuse, and from physical or mental violence, as well as ensuring that children will not be separated from their family against their will.

India has adopted a number of laws and formulated a range of policies to ensure children's protection and improvement in their situation including, the Guardian and Wards Act 1890, Factories Act 1948, Hindu Adoption and Maintenance Act 1956, Probation of Offenders Act 1958, Bombay Prevention of Begging Act 1959, Orphanages and Other Charitable Homes (Supervision and Control) Act 1960, National Policy for Children 1974, Bonded Labour System (Abolition) Act 1976, Child Marriage and Restraint Act 1979, Immoral Traffic Prevention Act 1986, Child Labor (Prohibition and Regulation) Act 1986, National Policy on Education 1986, Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act 1987, National Policy on Child Labour 1987, Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992, National Nutrition Policy 1993, Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1994, Persons with Disabilities (Equal Protection of Rights and Full Participation) Act 2000, Juvenile Justice (Care and Protection of Children) Act 2000, National Health Policy 2002, National Charter for Children 2004, National Plan of Action for Children 2005 and presently working on National Plan for Children 2016 (which is yet to be finalized) and Commissions for Protection of the Rights of the Child, 2005.

However, these laws and policies promising respect for child rights, their protection and well being have not resulted in much improvement in lives of millions of Indian children who continue to be deprived of their rights, abused, exploited and taken away from their families and communities. Scant attention and feeble commitment to resolving child protection problems have resulted in poor implementation of these laws and policies; meager resources; minimal infrastructure; inadequate services in variety, quantity and quality; and inadequate monitoring and evaluation.

Child Protection' is about protecting children from or against any perceived or real danger or risk to their life, their personhood and childhood. It is about reducing their vulnerability to any kind of harm and protecting them in harmful situations. It is about ensuring that no child falls out of the social security and safety net and, those who do, receive necessary care, protection and support so as to bring them back into the safety net. While protection is a right of every child, some children are more vulnerable than others and need special attention. The Government recognizes these children as children in difficult circumstances', characterized by their specific social, economic and geo-political situations. In addition to providing a safe environment for these children, it is imperative to ensure that all other children also remain protected. Child protection is integrally linked to every other right of the child. The only two countries who have not ratified the treaty are the United States and Somalia.

Recognizing the need for special treatment for children, over the years several international standards of juvenile justice have been adopted which lay down how children who have offended are to be treated the UN standard minimum rules for the administration of juvenile justice (Beijing rules) adopted by general assembly on 29 November 1985, the UN guidelines for the prevention of juvenile delinquency (the Riyadh guidelines), adopted by general assembly on 14 December 1990 and many others, which are important but not legally binding international legal instruments. The most important binding obligation is set by the UN convention on the rights of the child or what popularly referred to as the UNCRC.

History of children Act:

The history of the implementation of the JJA 1986 is a history of hopes not realized and promised not fulfillment. It was enacted for the care, protection and treatment, development and rehabilitation of the neglected or delinquent children. A review of the act was undertaken to look into the lacunae as well as its non implementation. This process together with India satisfaction of the UN convention on the right of the child in 1992, as well as the changing social attitude offenses to children and the need for a more child friendly juvenile justice system wear some of the factors that lead to the passing of the juvenile justice(care and protection of children) Act 2000. This act replaced of the earlier Act of 1986.

Years	Children Act
1897	Reformatory schools Act was Introduced in India
1920	The Juvenile Court philosophy was first introduced in the Madras Children Act
1923	The Criminal Procedure Code (CrPC) was amended to provide a special procedure for adjudicating criminal cases concerning child offenders.
1960	The Children Act was passed, to function as a model legislation and for use in Union Territories.
1986	The Juvenile Justice Act, 1986, was enacted to provide for care, protection, treatment, development and rehabilitation of child.
2002	The Juvenile Justice Act was re-enacted with some modifications. It came into effect in April 2001. The 'Central Rules' were notified in June 2001.
2015	The juvenile justice (care and protection of children) Act, 2015

Juvenile Justice in India

Children constitute the most vulnerable section of society and are considered a supremely important asset of our nation. Protection and development programmers for the specially disadvantaged children should ensure that every child has equal opportunities for optimum personal growth. Socio-economic circumstances of a family often result in family stress, disintegration and child destitution. Special programmers have been evolved as a response to the needs of such families at risk. These services supplement or substitute parental care and supervision, to promote the overall well being of vulnerable children, prevent neglect, abuse and exploitation of children and provide care and shelter for disadvantaged children. The practice of child protection has undergone a significant change when seen from a historical perspective. The traditional approach of custodial care in an institution is being replaced because of a strong conviction that the right to family is one of the most basic right of a child. Recognizing this right of a child to a family, all interventions must try and ensure that the physical, social, emotional and educational needs of the child are met in a secure, nurturing family environment.

The Government of India enacted the Juvenile Justice Act in 1986. In 1989 the General Assembly of the United Nations adopted the Convention on the rights of a child. India ratified the UNCRC in 1992. The convention outlines the right of the child to reintegration into society without judicial proceedings where avoidable. Hence the Government, to fulfill the standards of the convention felt a need to re-write the law. Hence in 2000 the old law was replaced by the Juvenile Justice (Care and Protection of Children) Act, 1986. In 2000, the government of India enacted the juvenile justice (Care and protection of children) Act, 2000.

In this act a child or juvenile is defined as a person who has not completed his/her 18 year of age. It outlines two target groups: Children in need of care and protection and juveniles in conflict with law. This act protects not only the rights of children, but a person's rights when he/she was a child. Meaning that if a crime or an incident took place while the person was a child, and then during the preceding the juvenile ceased to be of age the case would continue as if the juvenile has not turned eighteen yet. The juvenile justice system is designed not only to respond to the need of young offenders but also provided specialized and preventive treatment services for children and young person's as a means of Prevention, Rehabilitation and Social Re- Integration.

Definition of ‘juvenile:

A “Juvenile” or “Child” means a person who has not completed eighteen years of age.

According to International Law, a ‘Child’ means every human being below the age of 18 years. Today this is a universally accepted definition of a child which comes from the United Nations Convention on the Rights of the Child (UNCRC).

Objective of JJ Act:

- Care and protection of children.
- Development right thing children need to achieve their full potential.
- Safeguards children are entitled to against all from of neglect, abuse, exploitation.
- To ensure that every child enjoy his rights.
- To stay on protection and care of children without facing harassment of abuse.
- To streamlining the central adoption resource agency.

CHAPTER TWO

ORGANIZATIONAL FRAMEWORK

Organizational profile:

History and organizational framework:

Antakshari Foundation was registered as a charitable trust under Indian Trusts Act 1882 in December 1996. The genesis of the organization is interestingly rooted in the social development work that commenced long back as a non-registered body ALARIPU. Started by renowned personalities in the theatre field like Laxmi Krishnamurthy, Tripurari Sharma, ALARIPU strived for social and cultural change by Theatre for Development and Theatre for Education. Several youths got associated with ALARIPU. Of them a few decided to carry on the work initiated by ALARIPU when members of ALARIPU divided over the decision to close down ALARIPU. Thus the idea to establish a separate organization which could carry out social development work got grounded as Antakshari Foundation.

Antakshari Foundation's endeavor is to contribute to the promotion of a secular, non-discriminatory, non-frightening, transparent and non-hierarchical environment both within and outside the organization. The focus is to work primarily with socially deprived and marginalized groups, poor communities and children especially with vulnerable children and children living in difficult circumstances.

Vision

A society where every human being lives a life with dignity and has the opportunity to achieve the highest human potential.

Mission

To undertake socio economic development of the socially and economically backward and marginalized people through awareness and capacity building.

Projects run by Antakshari Foundation

Jaipur:

- ✓ 1 Strengthening Child Protection System in Rajasthan:
- ✓ 2 child labour free jaipur
- ✓ 3 Technical support to centre for child protection of sardar patel university for police

Ajmer

- ✓ Khilti Kaliyaan Home
- ✓ Bridge Schools
- ✓ Bal Sansad

Bundi:

- ✓ Establishing Child Labor Free Zones (CLFZ) in India

CHAPTER THREE

RESEREC METHODOLOGY

Data collection

Data sources:

1. Primary data
2. Secondary data

The purpose of exploratory study of juvenile justice act I'm using many types of data sources. The study methodology is both quantitative and qualitative.

Primary sources information was taken from juvenile justice (care and protection of children) act, 2015, meeting, child marriage act meeting, and group discussion with tanning resource group members. I used primary sources and secondary sources of data to support in finding problems and solutions.

Visited children's home to know how children's home is children in need of care and protection, treatment education services provided. Visited CWC to know the current status of POCSO act and how can we improve this.

Secondary data are the data that are already collected and are only analyzed by different sources. Secondary sources of data collection are children act website, books & news paper.

CHAPTER –FOUR
JJ ACT 2015, SERVICERS & STRUCTURE

About the structure & Services under Juvenile Justice (Care and Protection of Children) Act, 2015:

A. Juvenile Justice Board:

The State Government shall, constitute for every district, one or more Juvenile Justice Boards for exercising the powers and discharging its functions relating to children in conflict with law under this Act.

The JJB is an authority constituted to deal with matters concerning children who have committed crimes for each district or group of districts. A crime is committed and the child is apprehended, the child within 24hrs is produced before the JJB.

The inquiry is pending the child is kept in an observation home, the child is sent to the special home or place of safety. A Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of First Class not being Chief Metropolitan Magistrate or Chief Judicial Magistrate with at least three years experience and two social workers selected in such manner as may be prescribed of whom at least one shall be a woman.

No social worker shall be appointed as a member of the Board unless such person has been actively involved in health, education, or welfare activities pertaining to children for at least seven years or a practicing professional with a degree in child psychology, psychiatry, sociology or law.

Function and responsibility of the board:

- Ensuring the informed participation of the child and the parent or guardian.
- Ensuring that the child's rights are protected throughout the process of apprehending the child, inquiry, aftercare and rehabilitation;
- Ensuring availability of legal aid for the child through the legal services institutions.
- Conducting inquiry for declaring fit persons regarding care of children in conflict with law.
- Order the police for registration of first information report for offences committed against any child in conflict with law, under this Act or any other law for the time being in force, on a complaint made in this regard.

B. CWC (Child welfare committee):

Section 29 of the act provides constituting five members district level quasi-judicial. State Government shall by notification in the Official Gazette constitute for every district, one or more Child Welfare Committees. The Committee shall consist of a Chairperson, and four other members as the State Government, at least one shall be a woman.

The committee shall have the authority dispose of cases for the care, protection, treatment, development and rehabilitation of the children in need of care and protection as well as provide for their basic needs and protection of human rights.

No person shall be appointed as a member unless he possesses such other qualifications as may be prescribed. No person shall be appointed for a period of more than three years as a member of the Committee.

Function:

- Conducting inquiry on all issues relating to and affecting the safety and wellbeing of the children under this act.
- Conducting inquiry for declaring fit persons for care of children in need of care and protection.
- Directing placement of a child in foster care.
- Taking action for rehabilitation of sexually abused children.
- Declaration of orphan, and surrendered child as legally free for adoption after due inquiry.
- Dealing with cases referred by the Board under sub-section (2) of section 17.
- Co-ordinate with the police, labour department and other agencies involved in the care and protection of children with support of the District Child Protection Unit or the State Government.

C. Inspection committees:

The State Government shall appoint inspection committees for the State and district, as the case may be, for all institutions registered or recognized to be fit under this Act for such period and for such purposes, as may be prescribed.

Such inspection committees shall mandatorily conduct visits to all facilities housing children in the area allocated, at least once in three months in a team of not less than three members, of whom at least one shall be a woman and one shall be a medical officer, and submit reports of the findings of such visits within a week of their visit, to the District Child Protection

Units or State Government, as the case may be, for further action.

D. Specialized adoption agencies:

The SAA shall identify vulnerable families and children for foster care support and prepare the Individual Care Plan of the child and recommend the case to the CWC for issuing appropriate order. Once the child is placed in foster care, the SAA will supervise and monitor the progress of the child and periodically report to both CWC and the DCPS.

Function:

- The State Government shall recognize one or more institutions or organizations in each district as a Specialized Adoption Agency, in such manner as may be provided in the adoption regulations framed by the Authority, for the rehabilitation of orphan, abandoned or surrendered children, through adoption and non-institutional care.
- The State Agency shall furnish the name, address and contact details of the Specialized Adoption Agencies along with copies of certificate or letter of recognition or renewal to Authority, as soon as the recognition or renewal is granted to such agencies.
- The State Government shall get every Specialized Adoption Agency inspected at least once in a year and take necessary remedial measures, if required.

E. State adoption agency:

The State Government shall set up a State Adoption Resource Agency for dealing with adoptions and related matters in the State under the guidance of Authority. State adoption agency in promoting adoption and regulating inter-country adoption. Under the act, to coordinate, monitor and develop the work of adoption and render secretarial and administrative assistance to the state adoption advisory committee.

Function:

- The State level Resource Centre to coordinate, monitor and develop the adoption programmer in the State.
- Provide legal recognition to SAAs and maintain a comprehensive list of such agencies.
- Ensure that all adoptions/permanent placements of children are done in accordance with the Laws & Guidelines of the Supreme Court of India and Government of India.
- Promote in-country and regulate inter-country adoptions in coordination with CARA.

- Enhance capacity of those working in the adoption system;
- Advocacy and awareness for promoting adoptions in the State;
- Develop and disseminate IEC materials.

F. Central Adoption Resource Agency:

Central adoption agency implements various provisions of the Hague Convention on Inter-country Adoption 1993 in the matter of rights, safeguards and procedures involving children that are orphaned, abandoned or surrendered. CARA shall function as an advisory body and think-tank for the Ministry of Women and Child Development.

Function:

- To promote in-country adoptions and to facilitate inter-State adoptions in co-ordination with State Agency.
- To regulate inter-country adoptions.
- To frame regulations on adoption and related matters from time to time as may be necessary.
- to carry out the functions of the Central Authority under the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption.

Power of Authority:

Specialized Adoption Agency or a Children Home or any child care institution housing any orphan, abandoned or surrendered child, any State Agency or any authorized foreign adoption agency and such directions shall be complied by such agencies.

Recommending to the concerned Government or Authority to take appropriate action against any official or functionary or institution under its administrative control, in case of persistent non-compliance of the instructions issued by it.

Forwarding any case of persistent non-compliance of its instructions by any official or functionary or institution to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the same as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.

G. Juvenile Justice Fund:

The State Government may create a fund in such name as it thinks fit for the welfare and rehabilitation of the children dealt with under this Act.

There shall be credited to the fund such voluntary donations, contributions or subscriptions as may be made by any individual or organization. The fund created under sub-section (1) shall be administered by the Department of the State Government implementing this Act in such manner and for such purposes as may be prescribed.

H. State Child Protection Society:

Every State Government shall constitute a Child Protection Society for the State and Child Protection Unit for every District, consisting of such officers and other employees as may be appointed by that Government, to take up matters relating to children with a view to ensure the implementation of this Act, including the establishment and maintenance of institutions under this Act.

Function:

- Ensure effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000 and its Amendment Act, 2006.
- Ensure effective implementation of other legislations and policies for child protection in the State viz. Hindu Adoption and Maintenance Act (HAMA) 1956; Guardians and Wards Act (GAWA) 1890; Child Labour (Prohibition and Regulation) Act 1986; Child Marriage and Restraint Act 1979 and Immoral Traffic Prevention Act 1986, Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act 1994 etc. and any other Act that comes into force for protecting child rights.
- Network and coordinate with all government departments to build inter-sectoral linkages on child protection issues, including Departments of Health, Education, Social Welfare, Urban Basic Services, Backward Classes & Minorities, Youth Services, Police, Judiciary, Labour, State AIDS Control Society, among others.
- Network and coordinate with voluntary and civil organizations working in the field of child rights and protection.
- Training and capacity building of all personnel (Government and Non-government) working under child protection system;
- Quarterly Progress report to the Ministry of Women and Child Development, Government of India on programme implementation and fund utilization;
- Liaisoning with the Ministry of Women and Child Development, Government of India and State Child Protection Societies of other States/UTs;
- Maintain a state level database of all children in institutional care and family based non-institutional care and update it on a quarterly basis.

I. District Child Protection Society:

Child Protection society for a District, established by the State Government under section 106, which is the focal point to ensure the implementation of this Act and other child protection measures in the district;

Function:

- Ensure that for each child in need of care there is an individual care plan and that the plan is regularly reviewed. Monitor the implementation of the plan.
- Identify families at risk and children in need of care and protection through effective networking and linkages with the ICDS functionaries, Specialized Adoption Agencies (SAA), NGOs dealing with child protection issues and local bodies, viz. PRIs and Urban Local Bodies, etc.;
- Assess the number of children in difficult circumstances and create district-specific databases to monitor trends and patterns of children in difficult circumstances;
- Map all child related service providers and services at district for creating a resource directory;
- Support implementation of family based non-institutional services including sponsorship, foster care, adoption and after care;
- Ensure effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000 and its Amendment Act, 2006 at district/city levels by supporting creation of adequate infrastructure, viz. setting up JJBs, CWCs, SJPU in each districts and homes in a cluster of districts as required;
- Facilitate effective implementation of other legislations for child protection in the district, viz. Hindu Adoption and Maintenance Act (HAMA) 1956; Guardians and Wards Act (GAWA) 1890; Child Labour (Prohibition and Regulation) Act 1986; Child Marriage and Restraint Act 1979 and Immoral Traffic Prevention Act 1986, Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act 1994, etc. and any other Act that comes into force for protecting child rights;
- Network and coordinate with all government departments to build inter-sectoral linkages on child protection issues, including Departments of Health, Education, Social Welfare, Urban Basic Services, Backward Classes & Minorities, Youth

Services, Police, Judiciary, Labour, State AIDS Control Society, among others;

- Network and coordinate with voluntary and civil society organizations working in the field of child rights and protection;
- Maintain a database of all children in institutional care and non-institutional care at the district level. This Data Management System will ultimately develop into a comprehensive, integrated, live database for children in care and in need of care in the country.

J. Chief judicial magistrate / chief metropolitan magistrate /Principal Magistrate:

The High Court may appoint any Judicial Magistrate of the first class to be the Chief Judicial Magistrate of the district. They are appointed to Guide, Supervise and control.

K. Child Welfare Police Officer:

Every police station, at least one officer, not below the rank of assistant sub-inspector, the child welfare police officer to exclusively deal with children either as victims or perpetrators, in co-ordination with the police, voluntary and non-governmental organizations.

L. Special Juvenile Police Unit:

State Government shall constitute Special Juvenile Police Units in each district and city, headed by a police officer not below the rank of a Deputy Superintendent of Police or above and consisting of all police officers designated under sub-section (1) and two social workers having experience of working in the field of child welfare, of whom one shall be a woman.

All police officers of the Special Juvenile Police Units shall be provided special training, especially at induction as child welfare police officer. Special Juvenile Police Unit also includes Railway police dealing with children.

M. State Commissions For Protection Of Child Right:

The National Commission for Protection of Child Rights constituted under section 3, or as the case may be, the State Commission for Protection of Child Rights constituted under section 17 of the Commissions for Protection of Child rights Act, 2005, shall, in also monitor the implementation of the provisions of this Act, in such manner, as may be prescribed.

The National Commission or, as the case may be, the State Commission, shall, while inquiring into any matter relating to any offence under this Act, have the same powers as are vested in the National Commission or the State Commission under the Commissions for

Protection of Child Rights Act, 2005.

N. Probation Officer:

Officer nominative by the State Government as a probation officer under the Probation of Offenders Act, 1958 or the Legal-cum-Probation Officer appointed by the State Government under District Child Protection Unit.

Probation Officer coordinates and supervises all the programs and activities relating to Juveniles in Conflict with law. Probation officer dual role one as a investigation and the other as supervisor. A child is released on bail, the child welfare officer or the probation officer shall be informed by the board.

Function:

- Collect and compile data on dimensions of the juvenile delinquency in the district;
- Attend proceedings of the JJB regularly;
- Support JJB in conducting inquiries;
- Prepare and submit social investigation reports;
- Maintain case files and other registers;
- Escort juveniles to a home/fit person/fit institution from the JJB;
- Undertake follow up visits of juveniles released under supervision and after release;
- Establish linkages with voluntary sector for facilitating rehabilitation and social reintegration of juveniles.

O. Children Court:

After the receipt of preliminary assessment from the Board under section 15, the Children's Court may decide that—

There is a need for trial of the child as an adult as per the provisions of the Code of Criminal Procedure, 1973 and pass appropriate orders after trial subject to the provisions of this section and section 21, considering the special needs of the child, the tenets of fair trial and maintaining a child friendly atmosphere;

There is no need for trial of the child as an adult and may conduct an inquiry as a Board and pass appropriate orders in accordance with the provisions of section 18. The report under sub-section(4) shall be forwarded to the children's court for record and follow up, as may be required.

Function:

- The children's court shall ensure ensure that the final order, with a child in conflict with law, shall include an individual care plan for the rehabilitation of child, including follow up by the district child protection unit or the probation officer or a social worker.
- The child who is found to be in conflict with law is sent to a safety place in the children's court ensure the age of twenty-one years and thereafter, the person shall be transferred to a jail.
- The place of safety provided to the services skill development, education, health, high education support shall be provided to the child during the period of his stay in the place of safety.
- The children's court shall ensure that there is a follow up report every year by the probation officer or a social worker and the district child protection unit, the place of safety to ensure that there is no ill-treatment to the child.

Services:

A. Children Home:

The state government, either by itself, or through a voluntary or non-government organization, established or maintained in every district, is registered in such section 50. The placement of children in need of care and protection for their care, treatment, education, training, development and rehabilitation.

The children home, separate bathing and sleeping facilities should be maintained for boys and girls in the age group of 5-10 years.

- Children's home including the standards and the nature of services to be provided by them, based on individual care and plan for each child.
- The placement of children in need of care and protection for their care, treatment, education, training, development.

B. Open Shelter:

Shelter homes for girls and boys, shelter homes for girls above the age of 10 years and boys in the age groups of 11 to 15 years. The state government, either by itself, or through a voluntary or non-government organization, established or maintained in every district.

- Community based facility for children in need of residential support, on short term basis, with the objective of protecting them from abuse or weaning them, or keeping them, away from a life on the streets.
- The open shelters shall send every month information, in the manner as may be prescribed, regarding children availing the services of the shelter, to the District Child Protection Unit and the Committee.

C. Observation Homes:

The state government, either by itself, or through a voluntary or non-government organization, established or maintained in every district, observation home which shall be registered under section 41 of this act, juveniles according to their age group preferably 7-11 years, 12-16 years and 16-18 years, giving due consideration to physical and mental status and degree of the offence committed.

- Observation homes, including the standards and various types of services to be provided by them for rehabilitation and social integration of a child alleged to be in conflict with law.
- child alleged to be in conflict with law who is not placed under the charge of parent or guardian and is sent to an observation home shall be segregated according to the child's age and gender, after giving due consideration to physical and mental status of the child and degree of the offence committed.

D. Special Homes:

The State Government may establish and maintain either by itself or through voluntary or non-governmental organizations, special homes, which shall be registered as such, in the manner as may be prescribed, in every district or a group of districts, as may be required for rehabilitation of those children in conflict with law who are found to have committed an offence and who are placed there by an order of the Juvenile Justice Board made under section 18. Special homes for girls above the age of 10 years and boys in the age groups of 11 to 15 and 16 to 18 years.

- Sub-section (2) under separation of children found to be in conflict with law on the basis of age, gender and the child mental and physical status.
- Various types of services to be provided by them are necessary for social re-integration.

E. Place Of Safety:

The State Government shall set up at least one place of safety in a State registered under section 41, so as to place a person above the age of eighteen years or child in conflict with law, who is between the age of sixteen to eighteen years and is accused of or convicted for committing a heinous offence.

- Every place of safety shall have separate arrangement and facilities for stay of such children or persons during the process of inquiry and children or persons convicted of committing an offence.
- The State Government may, by rules, prescribe the types of places that can be designated as place of safety under sub-section (1) and the facilities and services that may be provided therein.

F. Fit Facility:

A facility being run by a government organization or a voluntary or non-governmental organization registered under any law for the time being in force to be fit to temporarily take the responsibility of a child for a specific purpose after due inquiry regarding the suitability of the facility and the organization to take care of child in such manner as may be prescribed.

CHAPTER- FIVE

FINDING

Finding:

**JUVENILE JUSTICE (CARE AND PROTECTION OF
CHILDREN) ACT, 2015**

STRUCTURE	PURPOSE	Current status			Remarks (Functional or De-Funct)
		Formed	Not-Formed	Total	
CWC (Child welfare committee)	Authority to dispose of cases for the care, protection, Treatment, development and rehabilitation of children in need of care and protection.	33	0	33	Functional
DCPU(District child protection unit)	Focal point for the implementation of child protection programmers.	33	0	33	Functional
State child protection society	Children relating matters view to ensure the implementation, establishment, maintenance of institutions.	1	0	1	Functional
SJPU(Special juvenile police unit)	Coordinate and upgrade the police interface with children.	33	0	33	Functional
CWPO(Child welfare police officer)	Apprehension of child alleged to be in conflict with law.	33	0	33	Functional
Children's court	Deals with Child in conflict with law, include individual care plan for the rehabilitation of child.				
Juvenile justice fund	Children welfare and rehabilitation of children	1	0	1	
JJB(Juvenile justice board)	Deal with matter relating to juvenile in conflict with law.	33	0	33	Functional
Inspection committees	Visits to all facilities housing children.				33 but defunct
Central adoption resource agency	CARA primarily deals with adoption of orphan, abandoned and surrendered children through its associated /recognized adoption agencies. CARA is designated as the Central Authority to deal with inter-country adoptions in accordance with the provisions of the Hague Convention on Inter-country Adoption, 1993, ratified by	1	0	1	Functional

	Government of India in 2003				
State adoption resource agency	To coordinate, monitor and develop the work of adoption and render secretarial and administrative assistance to State Adoption Advisory Committee (SAAC). Also, to provide technical support to CWC in rehabilitation and social reintegration through Sponsorship, foster care, in-country and inter-country adoptions.	1	0	1	
Probation officer	Coordinate and supervise all the programs and activities relating to Juveniles in Conflict with law.	44	0	44	
Chief judicial magistrate / chief metropolitan magistrate /Principal Magistrate	Review the pendency of cases of the board once in every 3 months.	33	0	33	
State commission for protection of child rights	Responsible to protect, promote and defend child rights in each state. Also, responsible for Monitoring of implementation of the act.	1	0	1	
High level committee	The number of cases of JJB which is pending, nature of pendency & reason of JJB will be reviewed by high level committee in a period of 6 months.	33	0	33	
Grievance redresser authority	DM will be the grievance redressed authority for CWC and will look after the file petition of the connected to child and pass an appropriate order.				
SERVICES					
After care	Providing financial assistance to a person who has completed the age of 18 years may be provided in order to facilitate child re-integration for mainstreaming them in to society				
Foster care	Providing alternate care in the domestic environment of a family other than child biological family.				
Place of safety	A person above the age of 18 years	1	0	1	

	or child in conflict with law, and is accused of or convicted for committing a heinous offence.				
Open shelter	Children in need of residential support, on short term basis.				35 functional
Observation homes	Served by keeping children on Temporary reception, care and rehabilitation of any child alleged to be in conflict with law, during the pendency of any inquiry.	301	0	301	
Specialized adoption agency	Identify vulnerable families and children, prepare individual care plan, supervise and monitor the progress of child and periodically report to CWC and DCPU.	33	0	33	
Special home	Children in conflict with law under, providing housing and rehabilitative services.				12 OH has been defined as special homes
Children's home	Children special needs delivering services, depending on requirement.	95	0	95	
Fit facility	A child for a specific purpose after due inquiry regarding the suitability of the facility and the organization to take care of the child in such manner as may be prescribed.				
Sponsorship	Provide supplementary and financial support, for the medical, education and developmental needs of the child.				

Resource Group on Child protection

Two days Training on

Juvenile Justice (Care and protection of children) Act, 2015

Dated 16th -17th April 2016, IDS, Jaipur

Since the new juvenile justice (care and protection) act 2015, has been enacted. So there is a need to orient the stakeholder (CWC/JJB/SJPU/) with regard to the new act. The JJ act 2015 aims to strengthened provisions for both children in need of care and protection and children in conflict with law.

Recently JJB were re-constituted in 20 districts of Rajasthan and so the need was felt to impart a capacity building workshop for members on new JJ Act 2015 as how to implement and work with child in conflict with law.

The workshop has organized to bring together all the stakeholder in the implementation of juvenile justice act with respect to the inquiry, disposal, rehabilitation, restoration, long term stay of child in conflict with law. The prime objective of the workshop was to develop a common understanding of all the stakeholders on JJ Act 2015 with some other objective like.

- To orient participants on the new juvenile justice (care and protection) act 2015 with respect of their roles and respoaibilties of JJB and SJPU.
- To understanding challenges faced by members of JJB and police with respect to their roles in CICL.

Session plan;

The orientation program commenced with the formal inauguration and opening remarks form name:

Subject/ particular	Speakers/ facilitators
Welcome and introduction	Mr. Govind Beniwal
Concept of child Right and Child Protection	Mrs. Nitu Prasad Child Protection Expert, Jaipur
History and principles of Juvenile Justice (Care and Protection of Children) Act, 2015 Children in Conflict with Law under JJ Act, 2015 ➤ Power and function of JJBs ➤ Enquiry and Disposal ➤ Children court Pen Discussion on JJ Act,2015	Mr. Anant Kumar Asthana Advocate, Delhi High Court, New Delhi
Children in need of care and protection under JJ Act, 2015 ➤ Power and Function of CWCs ➤ Enquiry ➤ Disposal of Cases ➤ Restoration and Rehabilitation	Ms. Bharti Ali, Co-Founder, HAQ- Center for Child Right, New Delhi
Crime against children under JJ Act, 2015	Mr. Mahendra K. Dave, CJM deputy Registrar, State consumer forum, Raj.
Restoration and rehabilitation of children under JJ Act, 2015	Ms. Shahina Praveen

➤ Institutional care	Former Member, CWC, Kota
➤ Non –institutional Care	
	Mr. Sanjay Kumar Nirala, Child protection officer, UNICEF, Rajasthan
	Mr. Govind Beniwal Project Director, AF

Proceeding of the workshop:

The workshop was started with inaugural session and address by Mr. Govind Beniwal, former member RSCPCR and project director, Antakshari foundation. He welcome the chief guest, special guest and all participants in the workshop and then shared the purpose. The inaugural ceremony was commenced with the lighting of the lamp by a group of dignified person Mr. M.N Bhandari judge Rajasthan high court and member juvenile justice committee, Rajasthan high court.

Last section is finalization of roadmap for resource group with open discussion, By Mr. Sanjay Kumar Nirala, some issues outcome in this training in next training dissection in this issue.

Issues:

- Commutations skill
- Documentation tanning development
- Leadership quality
- Decision making skill
- Personality development
- Child marriage

Last section resource group members decided by next training dissection by child marriage and communication skills on date 28th – 29th May 2016 in jaipur.

Two days Training of Resource Group on Child protection on Prohibition of Child Marriage Communication Skills:

28- 29 May,2016, Bapu Nager, Jaipur

Since the child protection on prohibition of child marriage act 2006, has been enacted. So there is a need to orient the stakeholder (CWC/JJB/SJPU/) with regard to the act. The child marriage act 2006 aims to strengthened provisions for both children in need of care and protection and child protection on prohibition of child marriage and communication skill.

Section plan

Subject/ particular	Speakers/ facilitators
Scenario of child marriage in India and Rajasthan. More common in rural than in urban areas. A strong correlation between poverty and child marriage. High prevalence districts generally have higher concretion SC and ST level cast.	Mrs. Jyotsana Rajvanshi
Role and responsibilities of various authority Reporting of child marriage ➤ Police ➤ CWC ➤ Child line	Ms. Deepal solanki

➤ Control room ➤ District magistrate Role of child marriage Prohibition officer Role of CWC in Child Marriage Role of teacher Role of DCPU and role of DM	
Annulment and rehabilitation ➤ Provisions and procedure related to annulment ➤ Counseling and rehabilitation of victims ➤ Provisions related to maintenance	MS. Kriti Bharti
Presentation on communication skill ➤ Importance of effective communication skills ➤ Interpersonal Communication ➤ Different forms of communication	Mrs. Vandana Dubey
Presentation on communication skill ➤ Behavioral and right form of communication while counseling a child ➤ Communication challenges faced while handling cases of child	Ms. Lavina Rathore
Presentation on effective communicator ➤ Different forms of writing skill ➤ Presentation skill ➤ Factors • Knowledge • Practice	Dr. Tanjul Saxena, Associate professor. IIHMR University, Jaipur

• Positive attitude ➤ Five public speaking • Purpose • Preparation • Presentation • Passion • Personality	
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Finding:

- DCPU will provide the basis support to the Juvenile Justice Boards.
- Child care institution under this act for providing that are needs of such services providing by care and protection to children's.
- CWC care, protection, Treatment, development and rehabilitation of children in need of care and protection.
- Scenario of child marriage in India and Rajasthan.
- More common in rural than in urban areas.
- A strong correlation between poverty and child marriage.
- High prevalence districts generally have higher concretion SC and ST level cast.
- Behavioral and right form of communication while counseling a child
- Communication challenges faced while handling cases of child

CHAPTER- SIX

RECOMMENDATION & SUGGESTIONS

Suggestions and Recommendation:

- To make people aware of children's rights.
- Development clear understanding about age determination of the child and provision of bail to child.
- Development the clear understanding on roles and responsibility of children.
- Juvenile justice board should be provided all basic infrastructure and human right to carry out their functions smoothly.
- There is also a need of regular interaction at district level with police and CWCs so that institution can work effective with respect to Children in Conflict With Law (CLCL).
- It is compulsory for every organization, which is undertaking care of children, has to be register under Juvenile Justice Act 2015.
- To make people aware of child marriage.

ANNEXURE

Annexure:

General information

Name of child _____ Age of child: _____ Caste: _____

Name of father: _____ Gender: _____

Name of Mother: _____

Name of the Respondent: _____

Case of family Details:

1. Date of offence.
2. Date of FIR and name of Police Station.
3. Section invoked in FIR.
4. Case Status (Pending/Disposed).
5. At which place sexual offence occurred with the child?
6. Who was the offender? Is he your relative? Age of offender?
7. What is the status of family?
8. Is child studying regularly after the incidents?
9. What is the mental stage of child after the incident? Any change has been noticed in his/her behavior?
10. Has your child being able to cope up with the incidents?

Reporting and recording of Case by Police:

11. After the offence whom you have shared about this?
12. Have you complained to the police? (yes or not) if no then who made the complaint?
13. Has police recorded FIR immediately after the incident?
14. Have you referred to emergency medical care by police?

15. Is the place of recording chosen by you?
16. Where was your statement recorded by the police?
17. Who was with you when your statement was recorded?
18. During the police investigation was the offender in your contact?
19. How many times you have been called in the police station?
20. Has police regularly updating you about the development of your case?

Care and Protection:

21. Who has produced you before the CWC?
22. Has CWC placed you in child care institution? If yes, then for how much time.
23. Has CWC or police provides the services of counselor?
24. Was your medical examination conducted? (yes or No)
25. Who was with you during your medical examination?
26. How much was the total cost of treatment and who had bear it?

Legal Aid:

27. Has police or CWC informed you about free legal?
28. Has any Para legal volunteer contacted you and provide the support?
29. Are availing the free legal aid? If yes then are you satisfied with the support of lawyer?

Victim compensation:

30. Are you informed about the provisions of victim compensation under POCSO?
31. Have you got the interim Victim compensation? If yes then what is the amount.
32. Have you applied or special court ordered for final compensation? If yes then what is the status?
33. Have you got the compensation from other sources? If yes then pls provide the details.
34. Was the child's identity kept confidential by all authority? (yes or Not)
35. Is offender or his family pressurizing you or your family? If yes then hat you have done.

