

HIGH COURT OF MADHYA PRADESH, JABALPUR

ORDER

No. 211 /Confdl./2016
II-15-12/2000 (Pt.-11)

Dated 17th February, 2016

The Juvenile Justice Committee of High Court of Bombay under the aegis of the Supreme Court Committee on Juvenile is conducting two days Conference on “**Regional Consultation on Strengthening, Restoration and Rehabilitation of Children under the Juvenile Justice System**” on 12th – 13th March, 2016 at the Maharashtra Judicial Academy, Uttan, Thane, Maharashtra.

Judicial Officers whose name and posting figure in the endorsement are directed to attend the aforesaid Conference.

BY ORDER


(MANOHAR MAMTANI)
REGISTRAR GENERAL

Endt. No. 212 /Confdl./2016
II-15-12/2000 (Pt.-11)

Dated 17th February, 2016

Copy forwarded to :-

1. The Principal Secretary, Government of M.P., Law & Legislative Affairs Department, Vindhyachal Bhawan, Bhopal for information.
- 2.

1. Smt. Rashmi Mishra, IV Civil Judge Class-II, Ratlam.

Cell No.09893426768

E-mail : rmrush.me@gmail.com

2. Shri Vivek Shivhare, I AJ to I Civil Judge Class-II, Rajgarh.

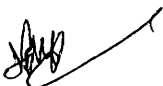
Cell No.09826602622

E-mail : v.shivhare@mphc.in

The nominated Judicial Officers are directed to attend the aforesaid Conference as per schedule.

The nominated Judicial Officers are directed to observe following instructions :-

- o To intimate the Registry after attending the Conference.



- To bring Laptop during the Conference.
 - To send comments / suggestions regarding experience of Conference to the Director, MPSJA, Jabalpur.
 - To arrange Board Diary in such a manner that no case is listed on the dates, on which they are directed to attend this Conference. In case, cases have been fixed for the said dates, Summons should not be issued and if Summons are issued, the parties should be informed about the change in dates.
 - The Participants are requested to contact the Maharashtra Judicial Academy, Uttan, Uttan-Gorai Road, Bhayandar (West), District Thane – 401 106 for making any query about accommodation arrangements and local conveyance.
Phone No.022 – 28451004 / 28451033, Fax No.022-28451002, e-mail : mjauttsc@indianjudiciary.gov.in OR Shri Vidhyadhar B. Kakatkar, Deputy Director, M.J.A. (Cell No. 08422997400, 09167196677) OR Shri Deepak D. Karve, Assistant Director, M.J.A (Cell No. 08828133351, 09224911899).
 - Copy of Draft Guidance Note for State Presentations, Participation Form, Agenda and Template is enclosed, herewith. The Participants are requested to fill the Participation Form and send the same to the Maharashtra Judicial Academy (**Phone No.022 – 28451004 / 28451010, Fax No.022 – 28451002, e-mail - mjauttsc@indianjudiciary.gov.in**).
3. The District and Sessions Judge, Ratlam / Rajgarh for information and necessary action. You are requested to send confirmation of receiving of this communication immediately, by fax.
 4. Shri Vinay G. Joshi, In-charge Registrar General, High Court of Bombay, Mumbai – 400 032 for information and necessary action in reference to your letter No.47/2016, dated 02.02.2016 and No.83/2016, dated 10.02.2016.
 5. The Member Secretary, MPSLSA, Jabalpur for information.
 6. The In-charge Director, MPSJA, Jabalpur, with a request to utilize the experience of the officers nominated for imparting training to other Judicial Officers during various training programmes.

Encl :- As above.


17/2/16
(MANOHAR MAMTANI)
REGISTRAR GENERAL


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Regional Consultation
on
Strengthening Restoration and Rehabilitation of Children under
the Juvenile Justice System

12th – 13th March 2016

Venue : Maharashtra Judicial Academy, Uttan

Organised by :

Supreme Court Juvenile Justice Committee
Bombay High Court Juvenile Justice Committee

Hosted by :

Bombay High Court
Department of Women and Child Development, Government of
Maharashtra

Supported by UNICEF

Technical Support from :

Centre for Child and the Law (CCL), National Law School of India
University (NLSIU), Bengaluru
Maharashtra Judicial Academy, Uttan

Revised Draft programme

Day 1 – Saturday 12th March 2016

9.00 AM - 9.30 AM	Registration
Inaugural Programme :	
9.30 AM - 9.35 AM	Welcome Address by Honourable Mr. Justice V. M. Kanade, Chairperson of the High Court Committee on Juvenile Justice, Bombay High Court
9.35 AM - 9.40AM	Address by Ms. Rajeshwari Chandrasekar, Chief of Field Office, UNICEF, Maharashtra
9.40 AM - 9.45 AM	Address by -----, Principal Secretary/ Jt. Secretary, Department of Women and Child Development, Government of India
9.45 AM - 9.55 AM	Address by Honourable Smt. Justice Vijaya Tahilramani, Acting Chief Justice of Bombay High Court
9.55 AM - 10.05 AM	Keynote address by Honourable Mr. Justice Madan B. Lokur, Judge, Supreme Court of India, Supreme Court Committee on Juvenile Justice
10.05 AM - 10.30 AM	Coffee/ Tea Break

Technical Session -1	
State experiences on * Follow up of Key Recommendations of First Round of Consultations * Sharing of Best Practices/Challenges for Rehabilitation of Children	
10.30 AM - 11.45 AM	Presentation by Maharashtra and Goa (Followed by open house discussion)
11.45 AM - 12.45 PM	Presentation by Gujrat (Followed by Open house discussion)
12.45 PM - 1.45 PM	Presentation by Delhi (Followed by open house discussion)
1.45 PM - 2.30 PM	LUNCH
2.30 PM - 3.30 PM	Presentation by Madhya Pradesh (Followed by open house discussion)
3.30 PM – 4.30 PM	Presentation by Rajasthan (Followed by open house discussion)
4.30 PM Onwards	Break-out groups to deliberate on (i) Challenges and (ii) Way Forward, Facilitated by CCL,

	Bengaluru [Tea / Coffee will be served in the Break-out group discussion]
Group 1 : Social Investigation Reports and Individual Care Plans Group 2 : Rehabilitation of Juveniles in Conflict with Law in the Homes Group 3 : Rehabilitation of Children in need of care and protection in the Homes Group 4 : Role of Police, Probation Officers, Restoration and After Care	

Day -2 Sunday 13th March 2016
Technical Session-2

9.30 AM - 9.45 AM	Summary Report of Proceedings of the Round Table by CCL & Open House
Presentation by Groups on Way Forward	
9.45 AM -10.30 AM	Group 1 : Social Investigation Reports and Individual Care Plans - Way Forward and Action Plan
10.30 AM - 11.15 AM	Group 2 : Rehabilitation of Juveniles in Conflict with Law in the Homes
11.15 AM - 11.45 AM	Coffee/ Tea Break
11.45 AM - 12.30 PM	Group 3 : Rehabilitation of Children in need of care and protection in the Homes
12.30 PM – 1.15 PM	Group 4: Role of Police, Probation Officers, Restoration and After Care
Valedictory Session	
1.15 PM - 1.20 PM	Address by Mr. Joachim Theis, Child Protection Chief, UNICEF India Country Office
1.20 PM - 1.30 PM	Closing Remarks - Honourable Mr. Justice Madan B. Lokur, Judge, Supreme Court of India
1.30 PM – 1.35 PM	Vote of Thanks – Smt. P. V. Ganediwala, Joint Director, MJA, Uttan
1.35 PM onwards	Lunch and Departure

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2/10/2016

Second Western Regional Round Table Consultation
on
**Strengthening Restoration and Rehabilitation of Children
under the Juvenile Justice System**

Organized by
**Supreme Court Juvenile Justice Committee
Bombay High Court Juvenile Justice Committee**

Supported by
UNICEF

Technical Support from
Centre for Child and the Law, (CCL), National Law School of India University
(NLSIU), Bengaluru
Maharashtra Judicial Academy, Uttan

Mumbai, 12-13 March 2016

**Action Taken & Progress Made
towards
The Effective Implementation of the Juvenile
Justice Act and
Strengthening the Juvenile Justice System
since the
First Western Regional Round Table Conference**

[State Name]

I. Effective Functioning of Child Welfare Committees

Progress Made & Action Taken

-
-
-

II. Effective Functioning of Juvenile Justice Boards

Progress Made & Action Taken

-
-
-

III. Effective Management of Homes under the JJ Act

Progress Made & Action Taken

-
-
-

IV. Effective Provision of Legal Services for Children

Progress Made & Action Taken

-
-
-

ROUND TWO
Strengthening Restoration and Rehabilitation
of Children
in the Juvenile Justice System

Status of implementation in the State on:

- a) Social Investigation Reports and Individual Care Plans
- b) Rehabilitation of Juveniles in Conflict with Law in the Homes
- c) Rehabilitation of Children in need of care and protection in the Homes
- d) Role of Police, Probation Officers, Restoration and After Care

7

Challenges related to
Social Investigation Reports and Individual Care Plans

(List any three critical Challenges related to SIR and ICP respectively)

7

2

**Challenges related to
Rehabilitation of Juveniles in Conflict with Law in the
Homes**

(List any three critical Challenges)

3

**Challenges related to
Rehabilitation of Children in need of care and protection
in the Homes**

List any three critical Challenges

3

**Challenges related to
Role of Police, Probation Officers, Restoration and After Care**

List any three critical Challenges

11

**Good Practices on
Rehabilitation of Children in the State**

List a maximum of 1 or 2 examples in the form of a Case Study with bullet points as depicted on next slide (no detailed explanations) within the following themes

1. Social Investigation Reports and Individual Care Plans
2. Rehabilitation of Juveniles in Conflict with Law in the Homes
3. Rehabilitation of Children in need of care and protection in the Homes
4. Role of Police, Probation Officers, Restoration and After Care

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Case Study 1:

An Idea:

The Context (where, why)

Key Activities:

Process Followed:

Partners in the Process:

Impact:

13

Case Study 2:

An Idea:

The Context:

Key Activities:

Process Followed:

Partners in the Process:

Impact:

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DRAFT GUIDANCE NOTE FOR STATE PRESENTATIONS

Regional Level Round Table Conferences on Strengthening Restoration and Rehabilitation of Children under the Juvenile Justice System

Organized by
**The Supreme Court Committee and High Court Committees
on Juvenile Justice**

Supported by
UNICEF

Technical Support from
**Centre for Child and the Law (CCL),
National Law School of India University (NLSIU), Bengaluru
&
Respective National Law University in the host State**

I. Introduction

Effective implementation of the JJ Act is a matter of serious concern for the Honorable Supreme Court. A one person Committee headed by Hon'ble Mr. Justice Madan B Lokur was set up in August 2013 to ensure the effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000. The Committee held a review meeting with the State level Juvenile Justice Committees of the Hon'ble High Courts on 22nd 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 22nd February 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.

A series of five Regional Level Round Table Conferences were organized across the country, by the Supreme Court Committee in collaboration with State High Court Committees, with support from UNICEF, and Technical Support from the Centre for Child and the Law, National Law School of India University, Bengaluru. These were held at Guwahati, Cuttack, Chennai, Lucknow and Bhopal for the North-East, East, South, North and West Regions respectively

and culminated with a National consultation held at New Delhi on 25th April, 2015.

The four identified themes for deliberation during by the stakeholders these round tables were:

- a. Effective Functioning of Juvenile Justice Boards,
- b. Effective Functioning of Child Welfare Committees,
- c. Effective Management of Homes, and
- d. Effective Legal Services for Children

These Regional Level Round Table Conferences were the first of its kind in the country and was referred to as a 'breakthrough moment for India' - one that enabled dialogue and collective action towards more effective implementation of the JJ Act across the country. This was an opportunity for multiple stakeholders from the participating States to share with one another their problems, experiences, ideas and wisdom and to not only develop strategies for more effective implementation of the JJ Act but to ensure that speedy justice to children becomes a reality for all children in India. The conferences were designed to enable participants to discover new ways to improve the implementation of the Act, to review the road taken so far and to draw a road map consisting of short term and long term goals, based on insights derived.

Encouraged by the overwhelming response to the first round of regional level roundtables, a second round of regional level consultations and National Consultation will now be organized during the period August 2015 - March 2016.

II. Objectives and Themes for deliberation during Round Two

Objectives

- Taking stock of progress on key recommendations from Round One
- Status of Restoration and Rehabilitation measures under the JJA
- Presentation on Best Practices that can be scaled up or replicated from some States/Organizations

A key theme that will be addressed during this second round will be **Strengthening Restoration and Rehabilitation under the JJ Act**, while also taking stock of the progress of the recommendations from the first round of the Round Table Conferences.

Sub-Themes:

The following four sub-themes that have been identified in relation to Restoration and Rehabilitation of children under the Juvenile Justice (Care and Protection of Children) Act, 2000 are:

a. Social Investigation Reports and Individual Care Plans

The preamble of the JJ Act as well as other key features of the Act and Rules - such as the composition of the Juvenile Justice Boards and Child Welfare Committees, and the inclusion of Social Investigation Reports and Individual Care Plans reflects the psycho-socio-legal approach inherent in the jurisprudence that forms the foundation of this welfare legislation. The Individual Care Plan is a comprehensive development plan for a juvenile or child based on age specific and gender specific needs and the case history of the juvenile or child, prepared in consultation with the juvenile or child, in order to restore the juvenile's or child's self-esteem, dignity and self-worth and nurture him into a responsible citizen.

Social Investigation Reports (SIRs) and Individual Care Plans (ICPs) are envisaged as means by which comprehensive and individualized assessments and orders are passed by the JJBs/CWCs and care for children who come within the purview of the JJ Act.

The JJ Act envisages that in every case, the Juvenile Justice Board or Child Welfare Committee in question shall consider the Social Investigation Report (to be filed by the probation officer or a registered NGO) to understand the background and circumstances of the child who is under inquiry. These reports are key in understanding whether the child has received education, the socio-economic conditions of the family, mental health concerns of the child, past conduct and behaviour, etc. This report is to be drawn from home visits and interviews with family members, relatives, teachers, neighbours, and other relevant persons who can give information about the child. These reports are vital for the Board and the Committee in not only understanding the child's context but also for arriving at best-interest determinations to inform individualized orders for each child, thereby enabling the achievement of the overall legislative goals of restoration and rehabilitation.

Individual Care Plans (ICP) are part of a comprehensive development plan for children prepared based on the specific needs of the child keeping in mind the age, gender, case history, health needs, emotional needs, family situation, educational needs, etc. The plans are designed with ultimate goal of effective rehabilitation and reintegration of the child into society. All orders of the Juvenile Justice Board and Child Welfare Committee need to mandatorily encompass an ICP for the child. These plans are also to be reviewed by the Management Committee of the Home housing the

child keeping in mind the physical and emotional changes that a child may undergo as well as a change in the needs of the child.

The effective use of the SIR and ICP will naturally result in achieving concrete outcomes for children (and their families) who entitled to receive care, protection, treatment, development and rehabilitation as envisaged in the law. States are therefore invited to share their experience in preparing these SIRs and ICPs, and the challenges they face in this regard. They may also share any innovative measures they may have taken in this regard which may be replicated in other states in the country.

b. Rehabilitation of Juveniles in Conflict with Law

Effective rehabilitation and re-integration into the community for juveniles in conflict with law, and concomitant lowering of recidivism rates is at the heart of efforts aimed at the effective implementation of this welfare legislation, whose long title itself confirms the rehabilitative jurisprudence on which it is premised. Success in this vital area is what determines how the juvenile and his/her family, the victims of juvenile crime, and the wider community experience and view 'juvenile justice'. Rehabilitation for this group of children therefore requires a higher order of commitment, deeper levels of understanding as well as specialized skills and may encompass several steps not restricted to probation, counseling, therapy, etc. It entails the coming together of several stakeholders such as the family, probation officers, counselors, advocates, doctors, Child Protection Units, community level workers, teachers, etc., and particularly the Juvenile Justice Boards and Child Welfare Committees themselves, all of who play roles related to assessment, care, protection, treatment and rehabilitation of the child.

The absence of specialized cadres of police, probation officers, JJBs, advocates, counselors and correctional staff in Observation Homes and Special Homes as well as work at the family, community and village/slum area pose numerous challenges that are barriers in achieving child friendly proceedings and effective rehabilitation. The urgent need for professionally designed services for juveniles and their families including Probation Services and rehabilitative services in Places of Safety and Special Homes in order to achieve the goals of rehabilitation and restoration has been identified as an area of prime importance in addressing juvenile crime.

States are invited to share their experience in providing rehabilitative services for children in conflict with law and any innovative measures they may have taken in this regard.

c. De-institutionalization, Restoration, Repatriation & Alternative care

The UN Guidelines on The Alternate Care of Children affirms that the family being the fundamental group of society and the natural environment for the growth, well-being and protection of children, efforts should primarily be directed to preventing the separation of children from their families unless such separation is in their best interests. Similarly the state has a duty to enable the child to remain in or return to the care of his/her parents, or when appropriate, other close family members. One of the fundamental principles of juvenile justice is that institutionalization of a child is to be ordered only as a step of the last resort and that too only for the minimum possible duration. JJBs and CWCs are also required to take full account of the desirability, in principle, of maintaining the child as close as possible to his/her habitual place of residence, in order to facilitate contact and potential reintegration with his/her family and to minimize disruption of his/her educational, cultural and social life.

While recognizing that residential care facilities and family-based care complement each other in meeting the needs of children, where large residential care facilities (institutions) remain, alternative placement options need to be effectively used in the context of an overall deinstitutionalization strategy, with precise goals and objectives, which will allow for their progressive elimination.

In lieu of this, the Act envisages several non-institutional measures for rehabilitation and reintegration including Sponsorship, Foster Care, and Adoption and placement in the care of a Fit Person. Most states do not have a functioning Sponsorship or Foster Care Scheme. Several non-institutional dispositional alternatives for children found to be conflict with the law such as admonition, counseling, community service, probation, payment of fines, etc are available. The law also requires restoration and rehabilitation efforts to begin as soon as the child is institutionalized, which implies that placement into the family or family based setting within the community as appropriate, is to be prioritized.

Restoration and Repatriation of children, particularly child victims of crime to their home state or to the country of origin in a timely and child friendly manner is a matter of concern in most states.

States are invited to share their experience and challenges faced in de-institutionalization and placement into family/family based settings, and in the provision of alternative care for children. States may also share any innovative measures they may have taken in this regard which may be replicated in other states.

d. After Care and Social Integration

The JJ Act envisages that for effective rehabilitation of children, particularly juveniles in conflict with law and child victims of crime into the community with dignity, social integration is absolutely vital. This may require several steps to be taken by the state child protection functionaries such as pre and post release planning for effective after care, individual and family counseling/ social work interventions, networking, resumption of formal schooling, provision of vocational training, financial support, skills training in life skills, independent living skills, periodic follow up by the probation officers and child protection unit functionaries. Community level work with families, schools, and other stakeholders responsible for children's well-being is most often conspicuous by its absence, resulting in little or no preventive or follow up monitoring and review of progress.

The law also demands no disqualification attached to conviction and prohibition on the violation of privacy.

States are invited to share their experience and challenges faced this regard in addition to any innovative measures they may have taken which may be replicated in other states.

III. State Presentations

Each State is given 60 minutes on Day one of the consultation to present the issues in the state and have an open-house discussion on the same. The State High Court Committee is required to make a brief presentation on the relevant issues and challenges arising in the concerned state. Best practices included in the presentation should be of programmes, models, innovations or approaches at some reasonable scale that could be replicated by others rather than individual case studies. The presentation shall not extend **45 minutes** and presenters are requested not to exceed the time given to them as this may compromise the time allotted for the 15 minute Open-house discussion of issues arising from that state.

The presentation must cover the following:

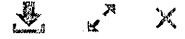
- i. Action Taken & Progress Made on the Four Themes in the First Regional Round of Consultations
 - a. Effective Functioning of Juvenile Justice Boards,
 - b. Effective Functioning of Child Welfare Committees,
 - c. Effective Management of Homes, and

- d. Effective Legal Services for Children
- ii. Key Challenges Identified in the State on the Four Themes identified in the Second Regional Round of Consultations on the Strengthening Rehabilitation of Children under the Juvenile Justice System
 - a. Social Investigation Reports and Individual Care Plans
 - b. Rehabilitation of Juveniles in Conflict with Law
 - c. De-institutionalization, Social Integration, Restoration, Repatriation & Alternative care
 - d. Social Integration and After Care
- iii. Key Challenges Arising on Other Issues
- iv. Best Practices on Rehabilitation and Restoration of Children in the State.

The template for the presentation to be used in creating the presentation (attached) and is to be used by each State High Court Committee for presentation in the standard Microsoft Office Power Point format. Presenters are requested to stick to the template provided to them in order to ensure uniformity with other states in respect of the issues to be discussed in the Consultations.

IV. Submission of State Presentations

The presenters from each state are hereby requested to email their final presentations (or speech as the case may be) in advance to arlene@nls.ac.in. These presentations and speech transcripts are vital for record-keeping and for the preparation of the report on the regional round table consultations. In the event that the presentation was not finalized ahead of the consultation, the presenter is requested to approach representatives from Centre for Child & the Law, NLSIU or the student volunteers from the respective National Law University which is supporting this initiative and who will be present at the consultation.



**The Regional Consultation on Strengthening Restoration and Rehabilitation of Children
under the Juvenile Justice System
On 12th and 13th March 2016 at The Maharashtra Judicial Academy, Uttan, Thane**

Participation Form

List of Participants From _____ State

S.N.	Name with Contact No. & Email	Designation	Arrival Date, Time	Flight No./ Train	Departure Date, Time	Flight No./ Train
1						
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Name of the State :

Focal Person :

Contact Details :