

Madhya Pradesh State Stakeholders Consultation on

CHILD PROTECTION

“विमर्श”

**Children in Conflict with Law :
Prevention, Restorative Justice and Diversion,
Alternatives to Detention**



Madhya Pradesh State Stakeholders Consultation
on
CHILD PROTECTION

“विमर्श”

26th & 27th August 2023

Organised at
Madhya Pradesh State Judicial Academy, Jabalpur



Blank

Contents

Overview of Vimarsh	1
Background	1
Profile of Participants	1
Highlights of the Inaugural Session	2
Design of the Consultation	4
I. Progress on key action areas identified in “Manthan”	6
II. Key Progress on Children in Conflict with Law	8
III. Challenges and Reflections	11
3.1. Prevention of child offending	11
3.2. Diversion, alternatives to detention and non custodial alternatives with focus on role of police	12
3.3. Rehabilitation and restorative practices	13
3.4. Right to a fair trial and child friendly procedures, including legal and other appropriate assistance	15
3.5. Minimum age of criminal responsibility (MACR) and age of criminal majority (Preliminary Assessment)	18
IV. Way Forward and Action Plan	21
4.1. General Measures	21
4.2. Prevention of child offending	22
4.3. Diversion, alternatives to detention and non-custodial alternatives	24
4.4. Rehabilitation and restorative practices	25
4.5. Right to a fair trial and child friendly procedures, including legal and other appropriate assistance	26
4.6. Minimum age of criminal responsibility and age of criminal majority (Preliminary Assessment)	28
V. Promising Practices	30
5.1. Prevention of Child Offending	30
5.2. Diversion, alternatives to detention and non-custodial alternatives	30
5.3. Rehabilitation and restorative practices	30
5.4. Right to a fair trial and child friendly procedures, including legal and other appropriate assistance	33
5.5. Minimum age of criminal responsibility and age of criminal majority (Preliminary Assessment)	34
Annexure 1 - Agenda for “Vimarsh Consultation”	35
Annexure 2 - Overview of State Action Plan 2023-27	41
Annexure 3 - Analysis of Data on Children in Conflict with the Law	44
Photo Gallery	57



Blank

OVERVIEW OF VIMARSH

Background

The High Court of Madhya Pradesh-Juvenile Justice Committee, (MP HC-JJC) with support from Madhya Pradesh Government and UNICEF-Bhopal, organised a two-day State-level Multi-Stakeholder Consultation on Child Protection, “Vimarsh” on 26th & 27th August 2023, at the Madhya Pradesh State Judicial Academy in Jabalpur. The focus of the Consultation was on children in conflict with law, encompassing themes of prevention, rehabilitation, restorative justice, diversion and non-custodial measures, age of criminal responsibility, and right to a fair trial and child-friendly procedures. Vimarsh was organised in keeping with the guidance of the Juvenile Justice & Child Welfare Committee, Hon'ble Supreme Court of India, in preparation for the Eighth Round of the National Stakeholders Consultation in September 2023. The objectives were to:

1. Map the progress on previous annual consultation of 2022 on POCSO Act, 2012 and key action areas.
2. Take stock on action, progress and key challenges regarding Justice for Children and Children in Conflict with the Law, (CICWL).
3. Document promising practices
4. Identify specific priority actionable recommendations that will form an Action Plan for Enhancement of Justice for Children.

To understand the challenges and document promising practices adopted by different functionaries, an online pre-consultation survey was designed with assistance from Enfold Proactive Health Trust, Bangalore. With the approval from the MP-JJC, it was thereafter administered to the Principal Magistrates and Members of JJBs, Presiding Judges of Children's Courts, Legal-cum-Probation Officers (LCPOs), District Child Protection Units (DCPU) and Superintendents of Observation Homes (OHs) and Places of Safety (PoS). Responses were received from 152 functionaries - 47 Members of Juvenile Justice Boards (JJBs) and 42 Principal Magistrates of JJBs, 23 Presiding Judges of Children's Court, 31 LCPOs, 08 OHs, and 01 PoS. The pre-consultation survey aided in the identification of issues, challenges, and potential solutions which have been documented in this report along with the issues highlighted in the two-day consultation.

Profile of Participants

The Vimarsh consultation was attended by 150 participants, including senior officers and representatives of Home Department (Police Headquarter Training, Crime Investigation Department, Crime Against Women, Cyber Cell), Department of Women & Child Development

(DWCD), Department of School Education, Department of Health, Department of Tribal Affairs, Department of Social Justice, Department of Law and Legislative Affairs, Department of Technical Education and UNICEF.

Further, district-level stakeholders attended the consultation including Judges of the Children Court, representatives of the District Legal Service Authority (DLSA), Principal Magistrate and Members of JJBs, Nodal Officers, Special Juvenile Police Units (SJPU), Child Welfare Police Officers (CWPO), District Child Protection Officers (DCPO), Legal Cum Probation Officers (LCPOs), Superintendents of Observation Homes (OH), Special Homes (SH) and Places of Safety (PoS), Assistant District Public Prosecution Officers, Chairpersons and Members of Child Welfare Committees (CWC), Counsellors, District Legal Aid Officers, Mental Health Professionals, and representatives of Civil Society Organisations (CSOs).

Highlights of the Inaugural Session



The Hon'ble Chief Guest, Shri Justice Ravi Mailmath, Chief Justice of the High Court of Madhya Pradesh, started his note by emphasising the understanding of child protection as encompassing both physical and psychological well-being of children. He urged the functionaries to focus on the mental well-being of the children and noted that the objectives of the Juvenile Justice Act (Care and Protection of Children) Act, 2015 could not be achieved without ensuring this. He also shared that this is an effective step towards prevention of crime. In pursuance of this, he noted a need to assess the problems of lack of awareness regarding mental health, overcoming the stigma surrounding mental health and lack of mental health care professionals in the State. This issue was emphasised upon, during 'Manthan' - the

annual consultation of 2022 focused on the Protection of Children from Sexual Offences Act, 2012 (POCSO) as well. In order to address this issue, the Hon'ble Chief Justice suggested the appointment of skilled therapists on a part-time basis in schools, as this will help in parents being more amenable to children accessing mental health support. His Lordship also laid emphasis on timely and effective counselling and the need to increase access to mental health care for children.

Hon'ble Shri Justice Anand Pathak, Judge & Member, Juvenile Justice Committee, High Court of Madhya Pradesh expressed the need for sensitivity among the functionaries involved in the child protection system. Lordship emphasised that, 'a child is a life and not merely a file to process' and noted the importance of the need for a fresh start. While highlighting child protection as a responsibility of the society, he suggested that privileged sections of the society should take steps towards fulfilling educational, legal and other needs of the children in any way they can. Lordship also highlighted the need for community-based initiatives in this regard. Lastly, His Lordship urged participants to become role models for children and expressed that appropriate resources should be collated and utilised to advance the child protection agenda.



Dr. Rajesh Rajora, Additional Chief Secretary, Home Department, Govt. of Madhya Pradesh emphasised that the issues of CICLs are urgent, specifically in Madhya Pradesh as the State has the highest incidence of crime in the country as per the NCRB data. The crime rate of juveniles in Madhya Pradesh (19.8 per 1 lakh persons) is three times more than the national average of 7 per 1 lakh persons. He noted that it is imperative that a policy strategy is devised to effectively address the rising use of technology and exposure to social media, poverty and unemployment which are contributing to the rise in crimes by children. He highlighted that the previous consultations have been instrumental in addressing issues related to child protection including

those related to CICLs. Some of the steps taken in this regard include setting up child-friendly spaces in police stations, continuous training for Child Welfare Police Officers (CWPOs) and Special Juvenile Police Units (SJPU) across the state, terms of reference for all CWPOs and SJPU, SOP for missing children and directions to all police officers not to be in uniform while interacting with CICLs, setting up of 14470 cameras in 1680 police stations and chowkis, ongoing projects of establishing two new Forensic Sciences labs in Rewa and Ratlam and the issue of directions for SJPU and CWPOs to not be transferred before 3 years.

Ms. Margaret Gwada, CFO, UNICEF appreciated and thanked the Hon'ble Chief Justice and the MP HC-JJC for prioritising the needs of children. She emphasised the principle enshrined in the UNCRC that every child has the right to a fresh start and shared that many global studies on the push factors sending children into crime highlight the emotional, physical and developmental vulnerabilities of children. She urged the child protection system to realise all the rights of the child and address the underlying root causes that push them into crime. She highlighted critical areas for consideration including strong and effective prevention programs for families, vulnerability mapping as envisaged in Mission Vatsalya, welfare support for vulnerable families, family strengthening programs to ensure the well-being of the child, development of robust probation, supervision, restorative practices and diversion programs; capacity strengthening of the workforce and appointment of staff to fill vacancies.



Mr. Samresh Singh, Secretary Juvenile Justice Committee, High Court of Madhya Pradesh welcomed the participants and dignitaries and stated that the focus of 'Vimarsh' is issues concerning Children in Conflict with Law (CICL). He explained the structure of the consultation as divided into five Technical Sessions - (1) Prevention of child offending, (2) Diversion, alternatives to detention and non-custodial alternatives, (3) Rehabilitation and Restorative Practices, (4) Right to a fair trial and child friendly procedures, including legal and other appropriate assistance and (5) Minimum age of criminal responsibility and age of criminal majority (Preliminary Assessment) with open house discussions after each session. He encouraged participants to reflect upon the current state of affairs, propose innovative measures and actively contribute towards making a roadmap for Madhya Pradesh with respect to child protection.

Design of the Consultation

The Consultation was designed based on the guidance note shared by the Supreme Court Committee, with dedicated technical sessions on the five themes across two days. The agenda is contained in **Annexure-1**.

On the first day, the session on *Prevention of Child Offending* was chaired by **Hon'ble Shri Justice Anand Pathak, Member, Juvenile Justice Committee & Judge, High Court of Madhya Pradesh**. In this session, **Mr. Amitabh Awasthi, Joint Director, Mission Vatsalya** presented on the rehabilitation

services, challenges, and recommendation and **Mr. G.P. Singh, Special Director General of Police, CID PHQ, Bhopal** presented trends in child offending in Madhya Pradesh. **Ms Swagata Raha, Director-Research, Enfold Proactive Health Trust**, presented an analysis on data on CICLs in the state and **Dr. Vineet Kapoor AIG, PHQ, Bhopal** presented preventive initiatives of the Bhopal Police.

The next session on *Diversion, Alternatives to Detention and Non-custodial Alternatives* was chaired by **Hon'ble Shri Justice Anand Pathak, Member, Juvenile Justice Committee & Judge, High Court of Madhya Pradesh**. **Ms Arlene Manoharan, Co-Director, Restorative Practices, Enfold Proactive Health Trust** presented on prevention measures; **Ms Swagata Raha, Director-Research, Enfold Proactive Health Trust** presented on Diversion, Restorative Practices Alternatives to Detention and **Fr. Anthony Sebastian, ECHO** presented on Rehabilitation and Restorative Practices. Both the sessions concluded with an open house discussion on the challenges and solutions pertaining to the session themes among the participants.

On the second day, the session on *Right to a Fair Trial and Child-friendly Procedures, including legal and other appropriate assistance* was chaired by **Hon'ble Shri Justice Gural Singh Ahluwalia, Member, Juvenile Justice Committee & Judge, High Court of Madhya Pradesh**. **Ms Swagata Raha, Director-Research, Enfold Proactive Health Trust**, presented on the right to a fair inquiry, followed by an open house discussion by the participants.

The next session on *Minimum Age of Criminal Responsibility and age of criminal majority (Preliminary Assessment)* was chaired by **Hon'ble Shri Justice Vivek Agrawal, Judge, High Court of Madhya Pradesh**. **Shri Anant Asthana, Advocate & Trainer JJ Act** presented on the age of criminal responsibility and also spoke briefly on the right to fair trial.

The concluding session titled '*Justice for CICL : Roadmap for Madhya Pradesh, Key Action Points*' was chaired by **Hon'ble Smt. Justice Anuradha Shukla, Judge, High Court of Madhya Pradesh** and was facilitated by an Expert Panel comprising **Ms Swagata Raha, Ms Arlene Manoharan** and **Shri Anant Asthana**. The technical sessions ended with an interactive open house discussion amongst participants on challenges and suggestions for action under each theme. To enhance a wider participation in the Open House sessions, **Padlet**, an online platform to help participants express their views anonymously, was used. The QR codes and links to access Padlet links for each session were provided in the Consultation Agenda Sheet and the participants used their phones to input responses to particular questions into the Padlet, which were viewable by all the participants.

The progress, challenges, and potential solutions that emerged during the Consultation, from the pre-consultation surveys, responses captured via Padlet and data shared by Nodal Departments with the Juvenile Justice Committee is detailed in the sections that follow.



III

Progress on key action areas identified in “Manthan”

1.1 Development and adoption of the State Action Plan 2023-27 (SAP)

A SAP was developed through a consultative process involving the Secretariat of the MP-HCJJC, DWCD, various other stakeholder departments, and UNICEF. The final SAP was passed in consensus with all stakeholder departments in the MP HC-JJC Quarterly meeting in July 2023. The SAP has **measurable indicators and specifies time lines for review** of the key action points; delineation of roles and responsibilities of departments; inclusion of the Urban Development and Housing department and Youth Welfare Department as additional stakeholders; inclusion of action points related to child marriage, child labour, victims of sexual abuse, and children in street situation; while focusing on strengthening the role of community in the child protection system. Kindly refer to **Annexure-2** for the Overview of SAP-2023-27.

1.2 Significant Initiatives by the Department of Women & Child Development (DWCD)

- ❖ **Shourya Dal and Shourya Didi**, an initiative for prevention of violence against children including sexual abuse, was launched as a pilot project in Harda, Betul, Narmadapuram and Raisen.
- ❖ Community Mediation Centres established in Indore performed exceptionally to resolve matrimonial dispute arising in their communities. This role of community was acknowledged and extended to support vulnerable children of the society. Thus, 22 Communities have established **Community Support Centres in District-Indore** to support the existing Juvenile Justice System for rehabilitation and restoration of vulnerable children, children in need of care and protection, children in conflict with law.
- ❖ **Resource pool of Support Persons has been created** and guidelines on the appointment, responsibility, reimbursement and their accountability are being developed.
- ❖ **Mapping of experts** for psycho-social support, interpreters, translators and special educators has been done who can support during investigations and trial of offences under POCSO Act.
- ❖ **Scope of the Juvenile Justice Fund has been widened** and special relief for POCSO survivors under Rule 8(2) of POCSO Rules, 2020 can be drawn from it.
- ❖ **Refresher training** was conducted on the POCSO Act and Rules for Chairpersons and Members of the Child Welfare Committees.

1.3 Significant Initiatives by the Home Department

- ❖ The Home Department has issued circulars for investigating crimes against women by women sub-inspectors; guidance on conducting medical examinations and DNA tests in rape cases; and prescription of time limits for investigation in missing cases.
- ❖ The department introduced Adhikar Patra for family/informants to receive updates of investigation in pending cases of minor kidnapped and missing girls.
- ❖ Programs for sensitisation of Investigating Officers (IOs) on the POCSO Act, 2012 for child-friendly procedures and investigations was undertaken.
- ❖ A gender-focused child protection syllabus, including provisions of POCSO, was developed by the department and UNICEF for all police training academies and pre-service training.
- ❖ Awareness campaigns for cyber safety for children were conducted through the Cyber Cell.
- ❖ The capacity for DNA examination was increased from 350 per month in 2020 to 600 per month in 2022, by establishing forensic labs in Bhopal and Indore.
- ❖ Several operations have been launched by the Bhopal Police such as **Operation Chetna** under which police stations are tasked with the duty of **creating awareness regarding sexual violence** and abuse in their jurisdictional areas; and Operation Muskan which is focused on recovering missing children. The **Asli Hero** program recognises and appreciates citizens who raise their voices against violence and crimes against women and children.

1.4 Significant Initiatives by the Health Department

- ❖ The Health Department organised training programmes for doctors on preparing proper medico-legal case (MLC) reports of POCSO survivors.
- ❖ Doctors have been nominated at district hospitals in every district for preparing MLC reports of child sexual abuse survivors.
- ❖ Guidelines¹ were issued for doctors regarding preparation of MLC reports of child sexual abuse survivors.

1.5 Initiatives by Tribal Welfare Department

- ❖ 33 tribal hostels were declared as fit facilities for care and shelter for survivors of child sexual abuse.

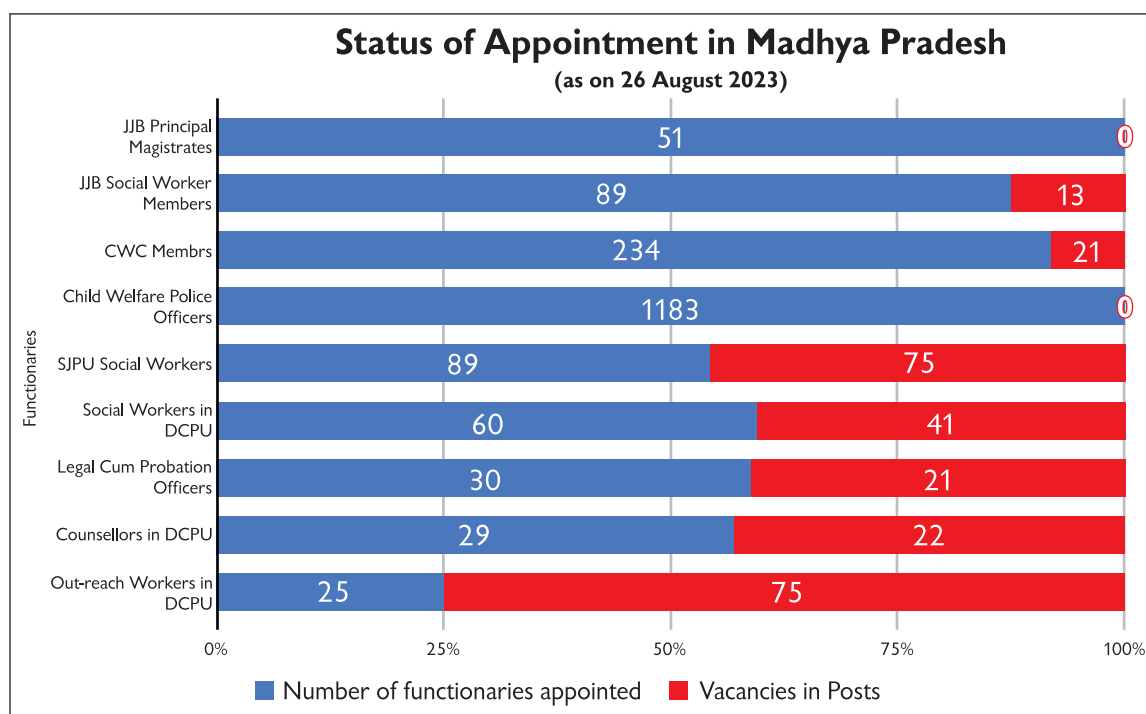
¹ https://mphc.gov.in/PDF/web_pdf/JJC/PDF/LAW%20%20POLICY/GUIDELINES/Guidelins%20%20Protocols-%20Medico-Legal%20Care%20for%20Survivors-Victims%20of%20sexual%20violence.pdf

[III]

Key Progress on Children in Conflict with Law

2.1 Status of establishment of JJBs and CWCs, Child Care Institutions (CCI), and available workforce:²

- ❖ Children's Courts have been designated and JJBs established in 51 districts.
- ❖ All 51 JJBs are functional, but one Social Worker Member post is vacant in 13 JJBs. All JJB and CWC Members have been trained.
- ❖ 55 SJPU have been constituted with 89 social workers and 1183 CWPOs.
- ❖ 60 Social Workers, 30 Legal-cum-Probation Officers (LCPO), 29 Counsellors, and 25 out-reach workers have been appointed in the District Child Protection Unit (DCPU), **but 159 out of 303 sanctioned posts in the DCPU remain vacant.**
- ❖ 18 Observation Homes including two for girls, three Special Home including one for girls, and three Places of Safety including one for girls, have been established.



² Presented by the Joint Director, ICPS at “Vimarsh”- State Level Stakeholders Consultation on Child Protection, 26 Aug, 2023

2.2 Prevention initiatives :

- a. **Vulnerability mapping** of children was done in Ujjain by DWCD (2022-23) and 3580 children in difficult circumstances were identified of which 1341 were linked to social protection schemes.
- b. **Child Protection Committees (CPC) were constituted** in 23169 villages, 6145 wards 312 blocks and 10946 trainings were conducted.
- c. **Community policing** approach and sustained community engagement with children in violence prone communities was undertaken by the police in Bhopal through Shakti Samities, Nagar Raksha Samitis, Shourya Didi, Jan Samvad and student internships. **Abhimanyu Abhiyaan** has been launched by the Bhopal police that specifically focuses on adolescent boys in vulnerable communities and creates awareness and sensitises men and boys on gender-based violence against women and girls.
- d. The Education Department and UNFPA have created a life skills education module titled **Ujjwal** on positive masculinities, to address harmful gender stereotypes and promote positive masculinity. Teachers have been trained in this module and it is being rolled out in schools in Madhya Pradesh.

2.3 Rehabilitation Efforts:

- a. 2303 boys and 54 girls were connected to **vocational training programmes**. The boys in OH are being imparted training on motor winding, tailoring, rakhi making, carpentry and diya making.
- b. 2590 boys and 18 girls in CCLs were provided **counselling services** between 1 April 2022 and 22 Aug 2023.
- c. **Open libraries** were established in the SH, Indore and OHs in Indore, Khandwa and Ratlam.
- d. **Computer labs** were established in the SH at Indore and OHs in Indore, Khandwa, Ratlam, Jabalpur and Bhopal.
- e. Between 1st April 2022 and 22nd Aug 2023, 7359 children were produced before the JJB, out of which Social Investigation Reports (SIRs) were prepared for 5175 children (70.32%), and Individual Care Plans (ICPs) were made for 2012 children (27.3%).
- f. The children in the CCLs are engaged in recreational activities such as chess and carrom. Outdoor activities are organised for boys and girls and exposure visits are organised.
- g. **Samvad** is organised between JJB and the parents of those children who are repeatedly coming in conflict with the law in an attempt to strengthen the family relationships.

h. Children's voices and inputs relating to the food and vocational training programme are being heard through the meetings of the Children's Committees.

- 2.4** Attempt to ensure **compliance with the protection against disqualification Section 24, JJ Act, 2015** has been made by most JJBs in Madhya Pradesh by including an express instruction to the police with respect to non-disclosure of records of a CICL and destruction of records in their disposal orders.
- 2.5** “**Golmez**”, a forum convened by the Bhopal police has been initiated to promote **multi-agency convergence** and action-oriented dialogue between the police, civil society, government agencies, JJBs and CWCs.
- 2.6** Data pertaining to CICLs based on the template shared by the Supreme Court has been analysed in detail and gaps in implementation and the variations in data shared by JJBs, DWCD, and SCRB have been identified. The analysis is given in **Annexure-3**.

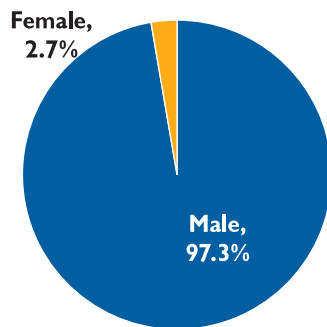


[III] Challenges and Reflections

3.1 Prevention of child offending

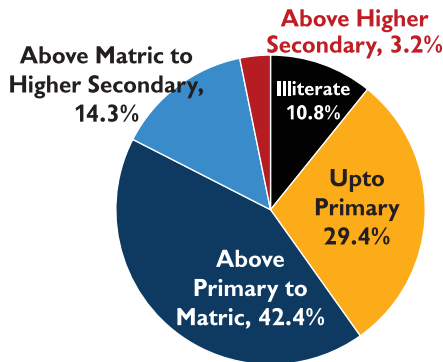
1. There is a **need for district-level mapping** of vulnerable families and children in difficult circumstances, as well as **identification of hotspots** where children are vulnerable and are exposed to violence, sex work, drugs, etc.

Gender Profile of CICLs



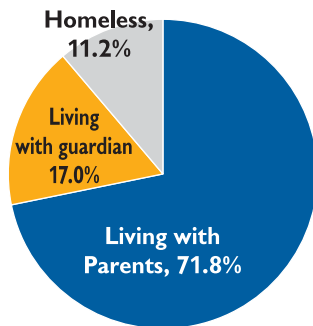
Source: JJBs from MP
(2019-June 2023)

Educational Profile of CICLs



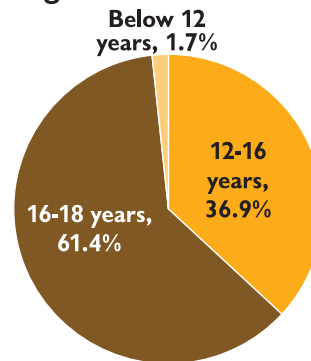
Source: SCRB
(2020-2022)

Family Background of CICLs



Source: SCRB
(2020-2022)

Age Profile of CICLs



Source: JJBs from MP
(2019-June 2023)

2. Drug addiction is identified as a driver of child offending. There is a need for adequate de-addiction services for children and adolescents, including those already in the juvenile justice system. At present there are only 08 de-addiction centres³ specifically for children in the State.

³ List of De-addiction Centres in Madhya Pradesh, https://socialjustice.mp.gov.in/uploads/media/List_of_De-Addictin_Center_in_MP.pdf

3. Data from JJBs⁴ indicates that most CICLs are boys (97.3%). The predominant age group of CICLs is between 16-18 years (61.4%), followed by the age group of 12-16 years (36.9%). **There is thus a need for targeted community-based programmes for adolescent boys.**
4. Poverty, burden of family responsibilities, lack of awareness, illiteracy, media influence, peer influence, parental neglect and absence, and domestic violence are some of the drivers for child offending. As a majority of CICLs (88.8%)⁵ were living with parents or a guardian, family strengthening programmes are imperative.
5. Most CICLs had an interface with school -29.4% had primary education, 44.4% studied till matriculation, and 14.3% had studied till higher secondary⁶. This indicates a need for further examination of the **school-to-JJ system pipeline** including what causes children to drop out and how prevention programs, and mental health support programmes can start within schools.
6. **Sponsorship and aftercare** support is rarely extended to CICLs and this leads to higher risk of re-offending.
7. Some **children are used by adults and gangs to commit offences** to evade culpability. The extent to which provisions that criminalise the use of a child to commit offences needs to be examined and prevention strategies need to be developed to tackle this.

3.2 Diversion, alternatives to detention and non-custodial alternatives with focus on role of police

1. **Community service and group counselling are underutilised** non-custodial alternatives due to lack of adequate counsellors and identification of institutions or settings where community service may be carried out. Stakeholders shared that operationalisation of community service has been challenging due to lack of guidelines and absence of identification of organizations/institutions who are willing to accept CICLs for community service.⁷
2. There is an **absence of a clear and shared understanding of the concept of diversion among stakeholders**, with several stakeholders equating it with release on bail and the use of non-institutional alternatives after a child has been found to have committed an offence.

⁴ Data from JJBs and Madhya Pradesh State Legal Services Authority based on the template sent by Hon'ble Supreme Court (Data Time Period is 2019-June 2023).

⁵ Madhya Pradesh SCRB data (2019-2022).

⁶ Madhya Pradesh SCRB data (2019-2022).

⁷ Of the 33 participants who participated in a poll during "Vimarsh", 87.9 % stated that their district did not have adequate infrastructure for group counselling and 74.2 % participants stated that their district did not have community service programs for CICLs.

3. Although Rule 10(1), JJ Model Rules empowers the JJB to dispose of cases of petty offences when the child is first produced before it, significantly reducing time spent by the child in contact with the justice system, only **5.6% of the total number of petty cases were disposed of in this manner.**⁸ Considering the large number of CICLs (47.2%)⁹ being allegedly involved in petty offences and a large majority of CICLs being apprehended for the first time,¹⁰ there is potential for its better utilisation by the JJBs.
4. **CICLs are sent to the OH as SIRs and Social Background Reports (SBRs) are not submitted in a timely manner** and where available, they are lacking in necessary details, making it difficult for the JJB to assess whether it will be safe for the child to be released on bail.
5. Release on **bail is delayed** when the **CICLs' family is in another State/District** or if the **CICL is orphaned** or if no guardian is available to assume responsibility.
6. Due to delay in disposal of children's cases or delays in grant of bail due to non-receipt of SIRs, some OH are overcrowded as the children residing therein are much more than the prescribed capacity.

3.3 Rehabilitation and restorative practices

1. **Factors affecting preparation of SIRs/ICP/follow-up reports:**
 - a. Vacancies in the posts of Legal cum Probation Officers (LCPOs) (21/51), Social Workers (41/101), Counsellors (22/51) and Outreach Workers (75/100) is **affecting the preparation and quality of SIRs, ICPs, counselling, follow-up and preparation of progress reports of CICLs.**
 - b. Home visits and **follow-up by LCPOs are affected** in cases of children placed in an OH/PoS/SH away from their home district. Frequent migration, relocation, or residence of families in remote tribal areas coupled with absence of transportation facilities and adequate travel allowances, affects home visits, progress tracking, and in turn, the quality of reports.
 - c. Families and neighbours do not cooperate with LCPOs and a written order authorising LCPOs to make such visits and seek information would be useful in such situations.
 - d. LCPOs encounter safety risks while visiting remote or “crime prone areas”, and the absence of insurance or physical security deters some from making home visits.

⁸ Data from JJBs and MP SLSA from MP based on the template sent by Hon'ble Supreme Court (Data Time Period - 2019-June 2023).

⁹ Data from JJBs and MP SLSA from MP based on the template sent by Hon'ble Supreme Court (Data Time Period - 2019-June 2023).

¹⁰ Madhya Pradesh SCRB data (2020-2021). [96.6% of CICLs in 2020 and 86.2 % of CICLs in 2021 were apprehended for the first time.]

- e. CCI staff find it difficult to prepare ICPs as they are not provided with any background documents like marksheet, Ayushman Card, Samagra ID or birth certificate. It is also difficult to gain the trust of the child in a short period to ascertain their realities without the presence of a trained mental health professional.

2. Factors affecting children's reintegration:

- a. Concerns of **stigma and breach of privacy arise when the LCPOs visit the child's workplace or school** to fill Form 10 when the child is released on probation, or prepare SIRs and they thus encounter resistance from the children and families making it difficult to prepare the SIR and periodic reports. Such visits have resulted in the revelation of the case against the child and led to expulsion and disruption of education in some cases.
- b. After the grant of bail, the CICLs find it difficult to lead a normal life in public due to repeated harassment by the police and the risk of falling back into bad company.

3. Challenges in provision of rehabilitative services within CCLs :

- a. There are **difficulties in catering to varied educational needs** of children in OH as the children have different learning levels and abilities, are in the OH for a short duration, and the positions of teachers are also vacant in some OHs.
- b. **Outdoor recreational facilities are limited** in some OHs due to lack of space and lack of adequate security personnel to accompany CICLs. Further, there are additional restrictions imposed on girls in OHs, who are usually not allowed to step outside the Home for sports or training programs.
- c. **Health check-ups are affected** as the doctor on-call does not visit regularly citing inadequate compensation. The staff is also not trained to attend to medical emergencies and there is a lack of a vehicle in the OH to take the CICLs to the hospital.
- d. Dietary standards prescribed for children and young adults residing in the PoS are also insufficient to meet the dietary needs of adults in the PoS.
- e. There is a need for de-addiction services for CICLs residing in the OHs as there are only 08 de-addiction centres specifically for children in the State, which cannot cater to the demand for such services in different districts.

4. **Safety Concerns:**

- a. **Safety and well-being concerns arise** where the **PoS operates from the same premises as the OH**, as it results in routine exposure of children to older adults and adversely impacts their behaviour, and participation in rehabilitative interventions.
- b. Security concerns arise when the guards posted in these OHs lack sensitivity and training and openly consume substances or smoke and encourage consumption by the children.
- c. There are **not enough rooms or dormitories** within OH, SH, and PoS **to enable segregation** of CICLs based on age and type of offence, as prescribed in Rule 29, JJ Model Rules, 2016.

5. **Gaps in post-release rehabilitation:**

- a. ICP and Post Release Plan are often not prepared for the child by the Probation Officer.
- b. CICLs are being released from OH/SH **without ensuring adequate linkage to rehabilitative services**, de-addiction, and thus root causes that contribute to vulnerability and offending remain unaddressed.
- c. CICLs are not informed by the DCPU about the available government schemes.
- d. Participation and engagement of children and families in rehabilitative programs is low because of the lack of confidence in the system and **absence of linkages to meaningful skill development**, vocational training programs, de-addiction, counselling services, bridge courses in schools and NGOs working specifically for CICLs.
- e. It is difficult to monitor the progress of the CICL in the absence of follow-up reports.

3.4 **Right to a fair trial and child friendly procedures, including legal and other appropriate assistance**

1. **Children's participation rights are affected:**

- a. In the absence of an OH in every district, **CICLs' interaction with their lawyers and participation** in the ongoing inquiries and trials in the jurisdictional JJBs and Children's Court and the **quality of legal representation is affected**. Children are connected via video conferencing, which does not allow adequate and effective communication between the JJBs and the CICLs.

- b. **Children are often not informed** about the procedures and status of their cases, their right to appeal, or the purpose of preliminary assessment and that information they share may be used against them. For instance, some children believe that the proceedings have ended after they have been granted bail and experience disruption, shock, and confusion when they are summoned later.
2. **Low utilisation of free legal aid :** From 2019 to June 2023, utilisation of the services of free legal aid lawyers was **low during inquiries before the JJB (14.8%), and negligible in trials before the Children's Court (2.1%).**¹¹ **No legal aid was utilised at the appeal stage across all years**¹², raising concerns about the access of CICLs to legal aid for appeals. Information is needed about the nature of legal representation available to a child during preliminary assessment under Section 15 of JJ Act, 2015.
3. **Illegal detention :** There have been reports of illegal detention of minors and torture in police stations¹³ and there is little recourse available to CICLs to report such abuse without fear of reprisal. In the naxal prone remote areas where police stations are situated far away from JJBs and OHs, children are kept in the police station until production before the JJB.
4. **Treatment of children as adults:**
- a. From 2019 to June 2023, 319 accused persons were transferred to the JJB from the adult court after holding that the accused was a minor at the time of commission of the offence, raising concerns about the lapses by law enforcement as well as courts.¹⁴
- b. In some cases, the police prepare a common chargesheet/final report for CICL and other adults accused even though the CICL may not be implicated in all the offences included in the chargesheet.
- c. Section 23, JJ Act, 2015 prohibits joint proceedings of a CICL with a person who is not a child and data is needed on whether children transferred to the Children's Court for trial as an adult are being tried separately from adult accused persons in the same case.
5. **Future employment and travel prospects** of CICLs are **affected by the disclosure of the police about pending or disposed cases** during the police verification process despite the statutory prohibition of such disclosure under Sections 24 and 74(2) of the JJ Act, and express orders from the JJB not to disclose such information.

¹¹ Data from JJBs and MP SLSA from MP based on the template sent by Hon'ble Supreme Court (Data Time Period - 2019-June 2023).

¹² Data from JJBs and MP SLSA from MP based on the template sent by Hon'ble Supreme Court (Data Time Period - 2019-June 2023).

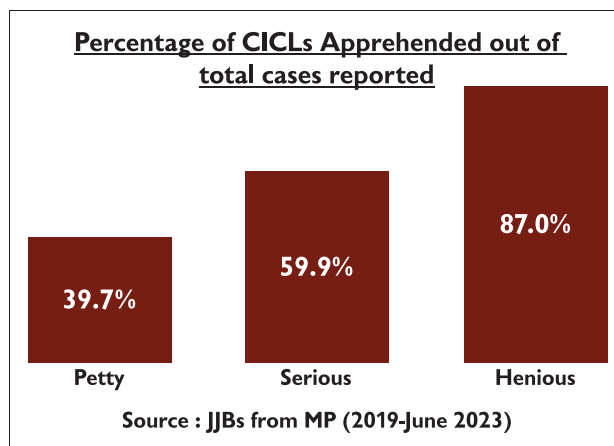
¹³ PTI, NHRC notice to MP govt, DGP over 'illegal' detention of 4 juveniles, 8 May 2022, <https://www.deccanherald.com/india/nhrc-notice-to-mp-govt-dgp-over-illegal-detention-of-4-juveniles-1107358.html>

¹⁴ Data from JJBs and MP SLSA from MP based on the template sent by Hon'ble Supreme Court (Data Time Period - 2019-June 2023).

6. Challenges in ensuring compliance with child-friendly procedures :

a. Contrary to Rule 8(1) of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016, **FIRs are being lodged and CICLs are being apprehended in petty offences (39.7%) and serious offences (58.9%)**. This is partly due to a lack of awareness of the provisions of the JJ Model Rules among the policies, as well as the pressure from the complainant on the police to register an FIR.

b. In the absence of a child-friendly mindset, **inquiries are, at times, conducted like trials by JJBs. Child-friendly environment is also difficult to ensure during trials** as the conduct of the trial and the infrastructure of the court remains unchanged. For example, there is no private



space in the JJBs to hear the CICLs confidentially. CICLs thus find it difficult to share personal information or information about facing any violence by the police.

c. Consistent adherence by the police to child-friendly procedures becomes challenging due to frequent transfers of trained CWPOs. Although a circular has been issued by the Home Department, stating that CWPOs should not to be transferred before three years so that continuity is maintained,¹⁵ the implementation of this rule has been challenging and the gains of training have not been realised due to frequent transfers.

d. The SJPU, CWPOs, and police do not share information about the crime or prompt information about the apprehension of a CICL with the LCPOs.

7. Though grant of bail to the CICL is a right under the JJ Act regardless of the type of offence, the percentage of petty offences in which bail was given is 66.5%.¹⁶ Clarity is required on the remaining cases regarding the number of cases in which bail was denied, including the reasons for denial, and whether the question of bail may not have

¹⁵ https://mphc.gov.in/PDF/web_pdf/JJC/LAW%20&%20POLICY/CIRCULARS%20&%20ORDERS/sjpu%20order.jpg.

¹⁶ Data from JJBs and MP SLSA from MP based on the template sent by Hon'ble Supreme Court (Data Time Period - 2019-June 2023).

arisen because the child could not be found or the matter was disposed of by the JJB at first production, or any other reason.

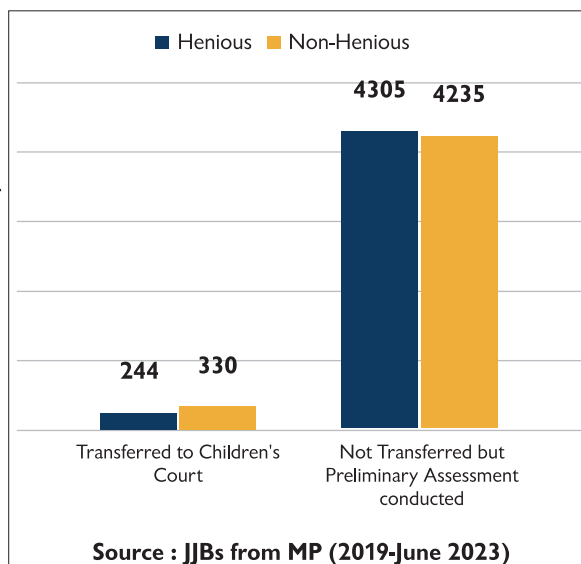
8. High transport costs and loss of daily wages affects the appearance of local witnesses and children before the JJB, and thus delays the timely disposal of cases.

3.5 Minimum age of criminal responsibility (MACR) and age of criminal majority (Preliminary Assessment)

1. From 2019 to June 2023, cases were reported against 972 CICLs below 12 years and there is a need to examine how such cases have been dealt with by JJBs.¹⁷
2. Adequate information is not necessarily shared with CICLs about the purpose of preliminary assessment, or the reports being relied upon by the JJBs during preliminary assessment, and legal assistance to CICLs during the assessment is limited. It is not known whether the defence is allowed to cross-examine the expert who assessed the mental capacity of the child.

3. Challenges related to conduct of preliminary assessment by JJBs :

- a. There is a shortage of psychologists and psycho-social experts in most districts and children have to be sent to other districts for assessment which results in delays in preliminary assessment by JJBs, as well as the Children's Courts.
- b. For a proper report, detailed history from the family and regular interactions with the child are required which is time consuming and cannot be done in the short time frame given to psychologists by the JJB.
- c. In the absence of clear guidance on the conduct of preliminary assessment JJB, there is a lack of clarity on whether witnesses listed by the police can be summoned as part of the preliminary assessment and the nature of questions that must be asked to the CICL during the preliminary assessment.
- d. SIRs and SBRs are either not submitted in time or not filled



¹⁷ Data from JJBs and MP/SLA from MP based on the template sent by Hon'ble Supreme Court (Data Time Period: 2019-June 2023).

properly, and there is thus insufficient material to understand the circumstances of the CICL to conduct the preliminary assessment.

- e. Psychologists' reports are filled in mechanically and are lacking in material details such as the mental and emotional state of the child. They usually contain statements that the child's IQ is found to be normal and the child has an understanding of consequences of the offence.
 - f. Mental Health Professionals are unaware about the legal intricacies surrounding preliminary assessment, and have not been provided any orientation on the JJ Act, guidelines issued by the NCPCR, purpose of preliminary assessment and the expectations of the JJB from them.
 - g. Preliminary assessment is difficult when there is a considerable delay between the date of the alleged offence and the assessment, and there could be a change in maturity and understanding of consequences of the offence with the passage of time.
 - h. Preliminary assessment is delayed when the age of the child is contested and two different sets of documents are produced, or if scholar registers have to be called from other districts in many cases.
 - i. There is a lack of clarity on how preliminary assessment can be conducted afresh or retrospectively when it has been set aside by the appellate courts and the matter is sent back to the JJB.
4. Though preliminary assessment is limited to cases of heinous offences under Section 15 of the JJ Act, data from the JJBs suggests that preliminary assessments are being conducted in petty and serious offences (4,235 cases) as well. CICLs are also being transferred (330 cases) to the Children's Court in these cases.¹⁸
5. **Concerns related to evaluation under Section 20:**
- a. 22 CICLs tried and convicted as adults were transferred to jail after turning 21 years, and only 1 CICL was released after turning 21 on basis of progress report of the monitoring authority,¹⁹ raising concerns about the quality of reformatory services being provided in the Place of Safety, progress reports, and the evaluation process adopted by the Children's Court under Section 20 of JJ Act, 2015.

¹⁸ Data from JJBs and MP SLSA from MP based on the template sent by Hon'ble Supreme Court (Data Time Period - 2019-June 2023).

¹⁹ Data from JJBs and MP SLSA from MP based on the template sent by Hon'ble Supreme Court (Data Time Period - 2019-June 2023).

- b. The Place of Safety is required to provide reformatory services including education, skill development, counselling and mental health support to the child. However, in the absence of regular follow-up reports and assessment of the quality of rehabilitative services provided to children, clarity is needed about the basis on which a Children's Court decides whether the child has undergone reformatory changes.

Additional Issues

1. Child victims in a POCSO case and the police escort are kept waiting for long hours in the hospital thus delaying the medical examination and causing hardship to the child. **To avoid this, the police escort can coordinate in advance with the duty doctor and fix a suitable time for the examination.**
2. In cases of MTP, the police are often asked to arrange for the container in which the products of conception need to be preserved.
3. JJBs are receiving a high number of 'romantic cases' involving consensual sex between persons below 18 years of age, where they are charged under the IPC and POCSO Act.



[IV]

Way Forward and Action Plan

4.1 General Measures

1. An **integrated CPMIS should be developed** to ensure standardised and systematic data collection in respect of CICLs and working of JJBs and Children's Courts.
2. The Hon'ble High Court may consider:
 - a. **revisiting unit norms** for JJBs and Children's Court as processes involving CICLs are sensitive and time-consuming;
 - b. increasing the number of working days in districts with high pendency;
 - c. instructing the District Judges to conduct monthly **district-level convergence meetings** to address operational challenges in the implementation of the JJ Act.
3. The following measures may be considered by the DWCD:
 - a. For effective convergence, monitor **regular conduct of the DCPC meetings** and explore the possibility of meeting via video conferencing;
 - b. **Fill vacancies** in DCPU, CCLs, and JJB at the earliest so as to enable effective implementation of the Act and Rules;
 - c. Instruct the DCPU to create a **panel of psycho-social experts and other experts** that JJBs and Children's Courts can draw from for the purpose of preliminary assessments.
 - d. Encourage the DCPU to **leverage community resources**, professionals familiar with child psychology, child rights and non-governmental organisations working in the field need to bridge the resource gap and achieve the legislative goal of rehabilitation and reintegration of CICLs.
 - e. Ensure a **well-defined career progression and salary adjusted for inflation** and years of experience of **staff within CCLs and DCPUs**, who are mostly contractual.
 - f. Provide necessary infrastructure support, security, and travel allowances to LCPOs to enable them to effectively discharge their role.
 - g. Look into payment of honorariums to Social Worker Members for discharging their responsibilities on roster duty.
 - h. Establish OHs in all districts.

4. The Home Department should create a **dedicated force of CWPOs** as part of the State Action Plan, 2023-2027 to ensure continuity in tenure and allocation of adequate resources.
5. **Capacity Building:**
 - a. **Interdisciplinary approach needs to be encouraged through integrated training programmes** involving JJB Members and Magistrates, police/SJPU, DLSA, DCPU, LCPO, Counsellors, CWCs, Social Workers, mental health experts, and CSOs, among others.
 - b. **Joint training of Magistrates and Members** needs to be organised to enable them to **work together as a multi-disciplinary bench**.
6. Booklets containing responses to **common questions of stakeholders relevant to CICLs** and documenting **good practices** adopted by different stakeholders should be developed and widely disseminated.

4.2 Prevention of child offending

1. DCPU should **undertake prior “social investigation” through vulnerability mapping at the district level** to identify families and children at risk and hotspot areas in all districts, link them to available social protection schemes, preventative sponsorship and education, and facilitate preventive interventions.
2. **Active involvement of members of the community** such as University students, government officers, social workers, SHGs, women's collectives, and those working in the private sector should be encouraged so that they can connect with, mentor, and motivate neglected and vulnerable children in government schools and communities, particularly adolescent boys.
3. **Existing structures and programs** under Mission POSHAN, Mission Vatsalya, National Health Mission, Panchayati Raj Institutions, Education Department, Skills Mission, Minorities Department, Tribal Department, DLSA, among others should be leveraged to improve outreach, awareness, and linkages of vulnerable families and children to existing social protection schemes.
4. **Sustained and systematic awareness raising programs** should be undertaken in the community on parenting, issues that can contribute to prevention of offending by children, and the harmful impact of labelling and stigmatising children from certain communities as being 'delinquents' or 'habitual' offenders.

5. **Information about the de-addiction centres in the districts**, operated by the Department of Social Justice & Disabled Welfare through public-private partnership, should be widely disseminated to all JJBs, CWCs, and DCPUs. Additionally, information regarding the number of children that require child specific de-addiction services in each district should be collected and well-staffed de-addiction centres should be established accordingly.
6. JJBs and CWCs should proactively **order sponsorship and aftercare** for CICL and children at risk of offending.
7. **The Education Department** can offer **training to teachers and staff of the OH, SH and PoS** based on the Ujjwal Module on positive masculinity.
8. **Counsellors** should be appointed in every **school** to ensure that mental health support is available.
9. **Data** should be gathered on reported cases against CICLs in which an **adult is involved, application of Sections 77, 78, and 83, JJ Act, 2015** and number of **CICLs who entered the system previously as CNCP**, so that gaps can be ascertained and preventive action can be taken.
10. **Preventive measures specified in the Madhya Pradesh Child Protection Policy, 2020** should be implemented.

Preventive measures in the Madhya Pradesh Child Protection Policy, 2020²⁰

Para 20. For Effective Prevention

- a. Family, as the primary care giver for children, will play a vital role in the protection and safety of their children, including prevention of any risks, and the Government of Madhya Pradesh will support them adequately, in the effective performance of this role.
- b. Universal birth registration must be ensured to ensure the identity of the child as a rights holder before the law is recognized.
- c. Local authorities and community based mechanisms like Child Protection Committees, School Management Committees, para-legal volunteers are encouraged and supported to focus on prevention and protection of children against violence, abuse and exploitation, as well as substance abuse.

²⁰ https://mphc.gov.in/PDF/web_pdf/JJC/PDF/LAW%20&%20POLICY/GUIDELINES/Madhya%20Pradesh%20Guidelines/Madhya%20Pradesh%20Child%20Protection%20Policy,%202020.pdf

- d. Surveys and vulnerability mapping is conducted at regular intervals by the District Child Protection Unit to identify children or families at risk and steps are taken to bring them under the coverage of social protection or within the ambit of the juvenile justice system.
- e. Crèche and day care facilities are ensured for the care and protection of children.
- f. Awareness campaigns and sessions on prevention mechanisms, positive parenting, gender equality, substance abuse, available helplines, laws and schemes relevant to child protection are undertaken and made accessible to all children, parents and adults, taking into account their age, educational status, and disability.
- g. Comprehensive life skills and age-appropriate personal safety (including online safety) programmes are introduced through school curriculum and for children in the community as well as in child care institutions through other ways.
- h. Empowerment and self-determination of children, adolescents and youth through the promotion of their rights-based participation and civic engagement.
- i. Caregivers and service providers, who are invested with the responsibility of the care and protection of children, abide by the MPCPP and the applicable Operational Guidelines in their behaviour and conduct with children. ”

4.3 Diversion, alternatives to detention and non-custodial alternatives

1. **Existing models of diversion** in Madhya Pradesh, such as the Bhopal SJPU model, including unconditional diversion by the police, should be documented and available resources and rehabilitative services within the community to support a diversion programme should be mapped.
2. **A common and shared understanding of diversion measures** among police, SJPU, JJBs, DCPU, DLSA and other stakeholders should be fostered through workshops and orientation. Following this, Social Workers in the SJPU can be trained to identify cases that may be diverted.
3. **Standards for diversion** based on the existing legal framework, including guidance on types of cases, stage of diversion, and nature of diversion programmes should be developed and pilot programmes may be considered.
4. **JJB** should proactively consider **using their powers under Rule 10(1)** of the JJ Model Rules to dispose of cases of petty offences when the child is first produced before it, to significantly reduce the child's contact with the justice system.

5. JJB should impose bail conditions that can be practically adhered to by the concerned child and family and modify the conditions if the child/family are unable to fulfil them within seven days of the bail order in accordance with Section 12(4) of the JJ Act. Superintendents of OHs can ensure that such cases are brought to the attention of the JJB for modification of bail conditions.
6. **Community service programs** such as services in hospitals, planting of trees, etc., should be **proactively identified** in each district and links to be established with local administration and the district collectorate to identify opportunities for community service and funds should be made available for community service programs.
7. **DWCD should appoint qualified counsellors** and impart necessary training to enable the **operationalisation of group counselling**.
8. Release of a child sent to a SH or PoS before the completion of the period of stay ordered as provided for in Section 97 of the JJ Act needs to be proactively considered by the JJB and Children's Court.

4.4 Rehabilitation and restorative practices

1. Capacity building:

- a. DWCD should impart **regular training** to staff for **improving the quality of SIRs and ICPs**. SIRs should capture both the risk factors and the protective factors in the child's family, school, and community.
- b. **Sensitisation workshops** should be conducted for all staff, including guards in CCLs for CCLs.
- c. **Dreams and aspirations** of the child should be ascertained and **taken into account at each stage** by LPOs, JJB, Children's Court, and CCI staff - while preparing the SIR, crafting a rehabilitative order, preparing the ICP, and providing care to the child in CCLs.

2. Rehabilitative Services within CCLs:

- a. To ensure health services for CCLs, a doctor and compounder must be available if the OH houses more than 10 children and a trained paramedical staff should be appointed. Doctors should be mandated to visit the OH at least thrice a week.
- b. Transport costs of service providers, teachers, and those offering rehabilitative services may be provided to encourage them to visit the OH, PoS and SH.

- c. The children in OHs, PoS and SHs should be provided with adequate facilities for outdoor sports.
- d. Voluntary organisations should be identified and encouraged to work with CICLs.

3. Addressing Safety Concerns :

- a. **Composite Infrastructure** (CI) for Child Protection Service, will to some extent, address the challenges arising from shared infrastructure for PoS & OH.
- b. **Security audits** should be carried out in CCLs to assess safety of children and identify corrective measures needed to address the gaps.

4. Convergent efforts by JJBs and CWCs : JJBs may transfer CICLs who are CNCPs to the CWC for rehabilitation, or alternatively the JJB can also take measures to ensure their rehabilitation in accordance with the objectives of the JJ Act.

5. Post-release rehabilitation:

- a. **CPCs should be activated at the village and ward levels** to facilitate individualised interventions for children within their community and better communication, and coordination between the children, their families, and the LPOs.
- b. Since the family background/poverty/domestic violence are drivers for child offending, **JJBs can expressly direct the DCPU to connect the families to relevant government social protection schemes and arrange for family counselling.**
- c. Counselling services provided to the child should involve the parents as well as to strengthen family relations and also offer tools to the family to support and deal with the child.

6. CWPOs may be deputed to accompany LCPOs to remote, and sensitive areas where home visits are fraught with risk. Provision of **insurance for LCPOs** may be considered as it will afford necessary security to undertake visits in such areas.

7. Evidence-based approach should be adopted to **ascertain suitability and viability of restorative justice processes** in the context of CICLs.

4.5 Right to a fair trial and child friendly procedures, including legal and other appropriate assistance

1. Ensuring accountability and adherence to child-friendly procedures:

- a. The addition of a clause in Form-1 (Social Background Report) should be considered requiring the police to state the **reasons for lodging FIR in petty and serious offences**. JJB to seek accountability and explore application of Rule 91, JJ Model Rules, 2016 in appropriate cases.

- b. The issue of indiscriminate registration of FIR and apprehension of CICLs in petty and serious offences should be taken up in the monthly or quarterly convergence meetings called by the DCPC or the District Judge.
- c. Police and SJPU should be regularly oriented about Rule 8, JJ Model Rules at such meetings, and the provision should also be prominently displayed in the police station.
- d. General Daily Diary can be presented to JJB and an FIR can be lodged in petty/serious cases only if it is endorsed by them.

2. Improving access to free legal aid services :

- a. In accordance with Rule 8(6) of the Model Rules, a list of all designated Para Legal Volunteers and District Legal Services Authorities and the right to free legal aid should be displayed prominently in the child friendly area in each police station, alongwith the contact numbers of DLSA and Legal Aid Lawyers. This should also be displayed in the JJB, OH, SH and PoS.
- b. **Legal Aid Defence Counsel program** should be leveraged to ensure assistance of these lawyers for CICLs during the trial, appeal, and bail process.

3. Ensuring adherence to protection against disqualification and disclosure of records:

- a. The police need to be regularly oriented about the prohibition on disclosure of any pending or disposed case against a CICL and this point can be included in a list of do's and don'ts for the police while dealing with CICL and be prominently displayed in all police stations.
- b. The format for police verification should be modified to expressly indicate that pending or disposed cases against a child below 18 years (except a child above 16 years found guilty by a Children's Court after trial as an adult) should not be disclosed.
- c. **Guidelines should be developed for masking and destruction of records of CICLs by the police and JJB together.** To address the confusion regarding the manner of destruction of records, a joint consultation of the judiciary and home department should be conducted to develop a clear procedure for destruction of records of CICLs while retaining relevant data. Guidelines similar to the Delhi JJB (Maintenance and Disposal of Records) Rules, 2018,²¹ issued by the Department of Women and Child, Government of NCT Delhi, may be considered.

²¹ Available at http://www.wcdcl.in/circulars/GP_JJB_15062018.pdf

4. Enhancing participation of children in inquiries:

- a. JJBs should apply **Section 91(2), JJ Act** and **provide travel reimbursement** to encourage timely appearance and participation of the child in the inquiry.
- b. Meals, counselling, linkages to vocational training, and de-addiction services, may also be offered to encourage appearance.
- c. Appointment of Support Persons (similar to Support Persons in POCSO cases) for CICLs to assist them during the inquiry or trial needs to be considered.

5. Addressing pendency and ensuring speedy inquiries:

- a. An **increase in the number of sittings of JJBs and full-time Principal Magistrates** should be considered to address pendency.
- b. To ensure presence of the witnesses in Children's Courts and JJBs, their contact number and that of the **Sarpanch** of the village where the witness resides can be taken for contact purposes.
- c. Submission of relevant reports and orders through email should be allowed.
- d. Evidence of doctors and IOs can be recorded through videoconferencing to avoid delays due to travelling and other logistics. Digital infrastructure needs to be provided and upgraded in all JJBs and Children's Courts to enable video conferencing.

4.6 Minimum age of criminal responsibility and age of criminal majority (Preliminary Assessment)

1. Ensuring availability of experts:

- a. DCPU should **create a panel of trained counsellors, psychologists, and other experts in every district** to support the conduct of preliminary assessment.
- b. Social Worker Members with requisite experience and qualifications in child psychology or psychiatry may be appointed to the JJB so that they can conduct the assessment.
- c. An expert panel may also be created at the State and national level, for guidance and support.
- d. JJBs should exercise their **discretion to engage any other expert**, such as an endocrinologist to make an assessment, as hormonal changes may impact decision-making during adolescence.
- e. JJBs can consider designating specific days in a week/month on which experts may visit the OH/JJB to assess mental capacity.

- f. District Collector may identify psycho-social workers, psychologists or other experts from neighbouring districts, make the list available to the JJB, and direct such experts to provide their services to the JJB at least once or twice a week.

2. **Capacity Building:**

- a. JJB Magistrates and Social Worker Members should be trained on child psychology.
 - b. Psycho-social experts whose assistance is being sought during preliminary assessment should be trained about the JJ Act, child rights, the purpose of preliminary assessment, and guidelines issued by NCPCR.
3. Experts should desist from giving vague reports, or excessively relying on limited tools like IQ test to provide a conclusion on mental capacity and request for additional time, if needed, to make a **holistic assessment**.
4. **Clarity on retrospective preliminary assessment is needed** and recourse in cases of preliminary assessment conducted beyond three months needs to be identified.
5. The process of evaluation adopted by Children's Court under Section 20 of JJ Act, 2015 and the gaps in rehabilitative interventions available in the Place of Safety should be studied.
6. Policy makers need to **revisit India's MACR of 7 years** as it is non-compliant with international standards which state that it should be at least 14 years.



[V]

Promising Practices

In some districts, regular interaction between the JJB, SJPU, CWPOs and staff of the OH, PoS and other actors in the child justice system enables better communication and coordination of efforts. For example, the JJB in **Rewa** conducts monthly coordination meetings involving the JJB and SJPU and workshops for SJPU, due to which the working of SJPU has improved considerably. In **Dindori and Katni**, the JJB conducted a workshop for the Police and DCPO to inform them about the legal provisions and procedure of JJ Act.

5.1 Prevention of Child Offending

1. In **Mandla** regular counselling of the parents along with the child is undertaken in the JJB. This helps parents to understand the needs of their children and helps them to prevent further offences.
2. In certain areas of **Mandsaur and Neemuch**, where there are practices of families pushing children into sex work/prostitution and related activities that result in criminal offences, preventive interventions included exposure of the children to role models from the same community who now work as professionals in the government and other lines of work.

5.2 Diversion, alternatives to detention and non-custodial alternatives

1. **JJB Balaghat** ordered a 17-year-old CICL boy to do community service in DLSA, under legal aid. The boy attended many camps and seminars and today is working as a volunteer. Children are also asked to do community service in the government school or in the local hospital while considering the dignity and capability of the child.
2. The Superintendent of the PoS in **Indore** referred children unable to fulfill the conditions of the bail order to the JJB to be released on personal bond.

5.3 Rehabilitation and restorative practices

1. In some districts, efforts are being made to **ensure the education** of the child where proceedings or other factors have interrupted their studies. For example:
 - a. In **Chhindwara**, an LCPO reported that where children have either failed in class 9th/10th recently or have left their studies, efforts are made by the LCPO to admit them to a school with hostel facilities or to arrange for hostel facilities. About 10 children have been rehabilitated in this way.

- b. On receiving the information about the expulsion of the children from their school in **Indore** due to registration of FIRs against the children, the LCPO went to the school and explained the JJ Act to the school management and the decision to expel the children was reversed.
 - c. Some JJBs make use of their powers under Section 8(3)(g) and 17(2), JJ Act to refer matters involving CACLs and CICLs to the CWC where possible to prevent the child from coming into conflict with the law again. In **Khargone (Mandleshwar)**, the JJB ensured that the CICLs who are not going to school were admitted to school and ITIs with the involvement CWC.
 - d. In **Chhindwara**, a Balmitra Library has been created in the JJB premises for children who are given access to literature that motivates them.
2. Several districts have facilitated CICLs **engagement in constructive and creative activities and explored linkages with local vocational training institutes and existing government schemes** beneficial to the CICL. For instance:
- a. To inculcate a sense of responsibility and sensitivity towards the environment, CICLs are engaged in gardening and planting trees by JJBs in **Mandla, Satna, Ashoknagar and Khargone**.
 - b. CICLs were engaged in serving the meals provided to beneficiaries under the mid-day meal scheme.²²
 - c. In **Satna**, the JJB organised skill development workshops for CICLs staying in the area though there is no OH in collaboration with NGOs and the Forest Department on making household items using bamboo and other materials. The children's creations were displayed in an exhibition organized at district court. To encourage them, certificates of participation and gifts were also distributed to them. The JJB also motivates the children to undertake plantation and gardening activities in schools, hospitals, old age homes and engages them in community service.
 - d. Skill development programs were also conducted in CCLs in **Jhabua, Morena**.
 - e. In **Chhindwara**, children were motivated to attend training programs offered under the Prime Minister's Skill Development Program and by Ambuja Foundation.
 - f. In **Dindori**, the JJB is linking CICLs with creative activities such as soil-handicraft, computer training, electrical equipment repair training, painting, essay, speech and yoga-asana etc. for life-skill development.

²² Technical session 3 Q&A

- g. In **Gwalior**, children are given training in recycling waste products to create domestic products like toys, lamps etc.
- h. In **Katni**, a WhatsApp group was formed for CICLs where they are informed about education, skill, awareness programs, camps, etc.
- i. In **Morena**, the JJB is passing orders under Section 18 of the JJ Act for training of CICLs through Pradhan Mantri Kaushal Vikas Karyakram.
- j. In **Rewa**, the JJB has developed a format for collecting information about the CCLs and this database is used to organise camps on education and employment relevant to them.
- k. In **Khargone**, an employment program was organized on Krishi Vigyan Kendra Dewas to rehabilitate CICLs in which training was provided to about 80 children. The JJB is also planning to organise a talent hunt competition for CICLs.
- l. In **Narmadapuram**, from time to time, various activities and programs are organized by the DWCD, including career counseling.

3. Some examples of mobilisation of community resources are as follows:

- a. There was no playground in the OH in **Indore**. After discussion with a nearby college, the JJB arranged for the use of their facilities by the children in the OH.
- b. In **Jabalpur**, the post of the teacher in the OH is vacant. Till the position is filled, the JJB has engaged the services of a visiting teacher with the support of Catalysts for Social Action.

4. Some JJBs try to develop meaningful connections with the children to empower them. For example,

- a. In **Vidisha**, if a CICL passes an exam and moves to a higher class, the JJB members felicitates them with chocolates, have tea with them and plant a tree with them in the premises, to motivate them.
- b. In **Guna**, the Magistrate and JJB members buy books and stationery for the children at their own expense and counsel them regarding education.
- c. In **Gwalior**, group meetings where children engage with each other and Balsabhas are organised every Saturday.

5. Some JJBs try to impart moral education to CICLs:

- a. In **Morena**, Anandam Sanstha or Brahma kumari Sanstha and other similar organisations motivate CICLs by organising motivational classes.

- b. In **Shivpuri**, the JJB explains law and moral values to children.
 - c. In **Sidhi**, the children attending the JJB proceedings are given a book of inspirational stories, which has a positive impact on them.
6. Some illustrative examples of proactive intervention by JJBs are as follows:
- a. The candidature of a CICL in **Jabalpur** for training in a defence institution was questioned on the ground that there were proceedings under the Juvenile Justice Act. The JJB in this case, sent written communication to the institution concerned regarding the prohibition of disqualification of any child on the ground of proceedings under the Juvenile Justice Act and the candidature of the CICL was accepted. The JJB also adds a line at the end of every order of disposal to the relevant police station asking them not to reveal the proceedings of the case.
 - b. In **Jabalpur**, the JJB with the help of the Sarpanch and the Education Department, assisted a CICL in obtaining the identity documents required to avail the benefit of the various government schemes for which he was eligible. The JJB also ensured that he was enrolled in school along with a plan on how to address his gap in education.
 - c. In Guna, counselling services are provided to the CICLs at the premises of the JJB when they come for proceedings.
7. In **Burhanpur**, efforts are made towards encouraging mutual understanding and resolution of conflict between the aggrieved party and the CICL instead of conducting an inquiry.
8. In **Vidisha**, in motor accident cases, if the CICL is above 16 years of age as on date of filing of final report by the police, the JJB ensures that their learner's licence is prepared before conclusion of inquiry with the aid of a probation officer.

5.4 Right to a fair trial and child friendly procedures, including legal and other appropriate assistance

- 1. Some JJBs insist on adherence to all procedural safeguards by other institutions. For example,
 - a. In **Rewa**, there is insistence on production of the CICL with FORM 1.
 - b. In **Harda**, the JJB issues certificates under Section 24 to destroy records of CICLs.

- c. The JJB, **Dindori** insists that SIR should be produced in each case and free legal aid should be provided to the CICLs.
- d. The JJB, **Bhopal** refuses to accept a challan in the absence of the Child Welfare Police Officer.

2. To ensure legal awareness:

- a. In **Mandla**, a paralegal volunteer deputed by the Legal Aid Department conducts legal awareness services and distributes pamphlets on the rights of the CICL to children and their families in the JJB premises. Some JJBs employ case management techniques, planning and use of ICT to reduce delay
- b. In **Katni**, legal awareness camps are organised by the JJB in schools and a WhatsApp group was created for CICLs who are informed about hearings, education, skill, awareness programs, camps etc.

3. To avoid delays in disposal:

- a. In **Anuppur**, JJB lists out the relevant witnesses at the time of presentation of the challan itself so that there is no wastage of time in calling the witnesses irrelevant to the case. They also call doctors at the first instance itself for 'janchsakshya' so as to avoid delay due to their transfers. Further, the JJB encourages there cording of evidence of doctors and investigating officers through Video Conferencing so as to ensure completion of inquiry in time.
- b. In **Guna**, where the CICL contests the allegations in the final report of the police, the officer presenting the final report at the JJB is given the summon for witnesses on the very same day by the JJB so that the officer can dispatch the summons to the witnesses without delay.

4. To encourage participation in proceedings:

- a. In **Mandla**, nutritional meals are organised for children coming to the JJB with the help of the DWCD to encourage regular appearance of the child.
- b. In **Guna**, children coming to testify are made to feel comfortable by being given treats, toys and other items of comfort.

5.5 Minimum age of criminal responsibility and age of criminal majority (Preliminary Assessment)

- 1. In **Rewa**, the JJB has fixed two days a month for the psycho-social experts to visit the JJB to support the conduct of preliminary assessment.



Annexure-1

Agenda for “Vimarsh Consultation”

“Vimarsh”- State-Level Stakeholders Consultation on Child Protection

Dates : 26th & 27th August 2023

Venue : Madhya Pradesh State Judicial Academy, Jabalpur

Objectives

1. Review progress made and key challenges regarding Justice for Children and CICWL
2. Identify promising practices that can be replicated to scale to ensure justice for CICWL [addressing pendency, analysis of custodial/noncustodial measures, rehabilitation measures etc]
3. Identify specific priority actionable recommendations that will form an Action Plan for the Enhancement of Justice for Children for CICWL.
4. Review the role of training institutes/ academies in supporting adequate training of stakeholders

Time	Theme	Facilitator/Resource Person
DAY 1, 26th August, 2023		
9.00-9.45	Arrival of Participants and Registration	
9.45-10.00	Welcoming Dignitaries & Lighting of the Lamp	Secretary, Juvenile Justice Committee, High Court of Madhya Pradesh
10.00-11.00	Welcoming Dignitaries on the dais Presentation of Saplings Introduction & setting the context of the consultation Remarks by:	• Shri Samresh Singh, Secretary, Juvenile Justice Committee, High Court of Madhya Pradesh • Ms Margaret Gwada, Chief of Field Office, UNICEF • Dr. Rajesh Rajora Additional Chief Secretary Home Department

Time	Theme	Facilitator/Resource Person
	Keynote Address by	Hon'ble Shri Justice Anand Pathak Judge, High Court of Madhya Pradesh, Member, Juvenile Justice Committee, Honb'le Shri Justice Ravi Malimath Hon'ble Chief Justice, High Court of Madhya Pradesh Shri Krishnamurty Mishra Director, Madhya Pradesh State Judicial Academy, Jabalpur
	Vote of Thanks	
	National Anthem	
	Scan QR to Watch Video of Inaugural Ceremony	
11.00	High Tea	
11:30- 12.00	<u>Technical Session-I</u> Manthan 2022: Progress and Achievements	
	Introduction to the session by	Chair: Hon'ble Shri Justice Anand Pathak Judge, High Court of Madhya Pradesh, Member, Juvenile Justice Committee,
	Presentation on Progress and Achievements of Manthan 2022 including introducing the State Action Plan on Child Protection 2023-2027	Shri Samresh Singh, Secretary, Juvenile Justice Committee, High Court of Madhya Pradesh
	<u>Voices of Adolescents: a short movie on Children in conflict with law</u>	
12.00- 14:00	<u>Technical Session-II</u> Child Offending in Madhya Pradesh – An overview (i) Status update and trends in child offending in Madhya Pradesh (ii) Prevention of child offending: Push factors, preventive strategies, challenges (iii) Best Practice in MP: Preventive Initiatives of Bhopal Police	
	Introduction to the session by	Chair: Hon'ble Shri Justice Anand Pathak Judge, High Court of Madhya Pradesh, Member, Juvenile Justice Committee,

Time	Theme	Facilitator/Resource Person
	(i) Status update and trends in child offending in Madhya Pradesh To capture: • Data on the number of children apprehended [petty, serious, heinous], numbers brought before the JJB, numbers sent to OH/POS, numbers bailed out • Nature of offenses by CICL • Rehabilitation Services made available – including legal aid, skilling, Counselling etc. • Challenges • Recommendations	Presentations on: Update in MP Shri Amitabh Awasthi Joint Director ICPS Department of Women Child Development Trends observed in MP Shri G.P. Singh Special Director General of Police CID-PHQ, Bhopal
	(ii) Analysis of Data on CICL in MP	Swagata Raha Legal Researcher and Expert Enfold Proactive Health Trust Presentation by Expert
	(iii) Best Practice in MP: Preventive Initiatives of Bhopal Police	Dr. Vineet Kapoor Principal Staff Officer to DGP & OSD Community Policing, Police Headquarters
	Introduction and demonstration of padlet	Video tutorial
	Plenary Session on Prevention of child offending	
	Scan QR to Watch Video of Technical Session - I & II	
14:00 -15:00	LUNCH	
15:00-15:45	<u>Technical Session-III</u> Approaches to dealing with CICL: Part 1: Diversion, alternatives to detention and non-custodial alternatives Part 2: Rehabilitation and restorative practices	

Time	Theme	Facilitator/Resource Person
	Introduction to the session by Part 1: Diversion, alternatives to detention and non-custodial alternatives Presentation by Experts Prevention of child offending: Push factors, preventive strategies, challenges Diversion: Conceptual understanding and legal position Best Practice	Chair: Hon'ble Shri Justice Anand Pathak Judge, High Court of Madhya Pradesh, Member, Juvenile Justice Committee Ms. Arlene Manoharan, Enfold Proactive Health Trust Ms Swagata Raha, legal expert Fr Anthony Sebastian, ECHO
	Part 2: Rehabilitation and restorative practices	Fr Anthony Sebastian, ECHO
	Scan QR to Watch Video of Technical Session - III	
15:45- 16:15	Tea break	
16:15-17:15	Plenary Session on Approaches to dealing with CICL (60 mins)	
DAY 2, 27th August 2023		
10.00- 11.30	Technical Session- IV Justice for CICL: Right to a fair trial and child friendly procedures, including legal and other appropriate assistance: Gaps, challenges and recommendations	
	Introduction to the session by Presentation by Expert	Chair : Hon'ble Shri Justice Gurpal Singh Ahluwalia Judge, High Court of Madhya Pradesh, Member, Juvenile Justice Committee, Adv. Anant Asthana, National Trainer on Juvenile Justice

Time	Theme	Facilitator/Resource Person
	Plenary Session on Right to a fair trial and child friendly procedures	
	Scan QR to Watch Video of Technical Session - IV	
11:30	Tea break	
12:00 -13:00	Technical Session- V Minimum age of criminal responsibility and age of criminal majority: Process, challenges and emerging concerns around preliminary assessments	
	Introduction to the session by	Chair : Hon'ble Shri Justice Vivek Agarwal Judge, High Court of Madhya Pradesh
	Status in MP	Ms. Swagata Raha , Legal expert
	Presentation by Expert	Adv. Anant Asthana , National Trainer on Juvenile Justice
	Plenary Session on Minimum age of criminal responsibility and age of criminal majority	
	Scan QR to Watch Video of Technical Session - V	
13:00 -14:00	LUNCH	
14:00 -15:30	Technical Session-VI Justice for CICL: Roadmap for Madhya Pradesh with Key action points under each thematic session	
	Introduction to the session by	Chair : Hon'ble Smt. Justice Anuradha Shukla Judge, High Court of Madhya Pradesh
	Plenary Session facilitated by experts panel	Mr. Anant Asthana Ms. Swagata Raha Ms. Arlene Manoharan

Time	Theme	Facilitator/Resource Person
	Scan QR to Watch Video of Technical Session - VI	
15:30-16:30	Valedictory	
	Reflections Closing Remarks Vote of Thanks	UNICEF Hon'ble Shri Justice Anand Pathak Judge, High Court of Madhya Pradesh, Member, Juvenile Justice Committee. Shri Samresh Singh, Secretary, Juvenile Justice Committee, High Court of Madhya Pradesh
	Scan QR to Watch Video of Valedictory Ceremony	
11:30	Tea & Departure	
Scan QR to Watch PHOTO GALLERY OF VIMARSH		



Annexure-2

Overview of State Action Plan 2023-27

SI No	Key Action to be taken	Lead Responsibility	In Coordination With
1	Planned Composite Infrastructure (CI) for Child Protection Services	DWCD	Finance, Revenue, High Court of M.P and Department of Social Justice
2	Child Friendly Police Stations with Resources	PHQ-MP Police	Home
3	Child Protection Workforce Development:	DWCD, PHQ-MP Police/Home, MPSLSA, MPSJA	High Court of M.P., Health, Labour, GAD, UNICEF
4.	Quality of Care in Child Care and Residential Institutions for children (DWCD Dept of Social Justice and Tribal), including standards of care:	DWCD	School Education, Social Justice, Tribal, HCJJC, MPSLSA, Dept Technical Education, Skill Development & Employment, Department of Health
5.	Strengthening Family Based Alternative Care (FBAC) Services:	DWCD	RDPR, School Education, Social Justice, Labour, Technical Education, Revenue, MPSLSA
6.	Adolescent Empowerment Programme with focus on preventing Violence Against Children and Child Marriage:	DWCD, School Education, Tribal, HC-JJC	Health, Social Justice, Labour, RDPR, Technical Education, MPSLSA, PHQ-MP Police, UNICEF

SI No	Key Action to be taken	Lead Responsibility	In Coordination With
7.	Communication Campaigns and Strategies to Prevent Violence Against Children:	DWCD, School Education, Tribal, RDPR, PHQ-MP Police, Urban Development & Housing	UNICEF
8	Addressing needs of children in Extreme Vulnerable Conditions like missing children and trafficking of children child labour of Children in Street Situations Children in conflict with law	DWCD Home/PHQ-MP Police, Labour	RDPR, Urban Development & Housing Department, MPSLSA, School Education, Technical Department and High Court of M.P.
9	Community Support Centres to address Child Vulnerability and Violence	DWCD, HCJJC and UNICEF	MPSLSA, School Education, Tribal, RDPR, Technical Education, NGOs
10	Strengthening District, Block, Panchayat and Ward Child Protection Committees and other Community Stakeholders	DWCD	Urban Development & Housing Department, RDPR, PHQ-MP Police
11	Mental Health and Psycho-Social Support (MHPSS)	DWCD	Health, School Education, UNCIEF and Tribal Department
12	De- Addiction Centers for Children and Homes for specially abled Children	Social Justice, RDPR, Urban Development & Housing Department, Home Department	

SI No	Key Action to be taken	Lead Responsibility	In Coordination With
13	Strengthening Aftercare Services	DWCD	Technical Education, Skill Development & Employment
14	MP State Child Protection Policy 2020	DWCD	School Education, Tribal, Health, PHQ-MP Police
15	Juvenile Justice Fund	DWCD	
16	Review, Convergence and Coordination of Child Protection Services and System	DWCD, Law and Legislative Affairs Department	Labour, Home, High Court of M.P., MPSJA
17	Evidence (CPMIS) on Child Protection	DWCD	High Court of M.P., Home Department and UNICEF
18	Strengthening Support & Rehabilitation under POCSO Act	DWCD, MPSJA and MPSLSA	UNICEF
19	Strengthening Forensic and Medical Examination in POCSO cases	Health, Home	DWCD, UNICEF
20	Strengthening Investigation in POCSO Cases	Home/PHQ-MP Police	UNICEF

Scan QR to download
THE STATE ACTION PLAN : 2023-27



Annexure-3

Analysis of Data on Children in Conflict with the Law

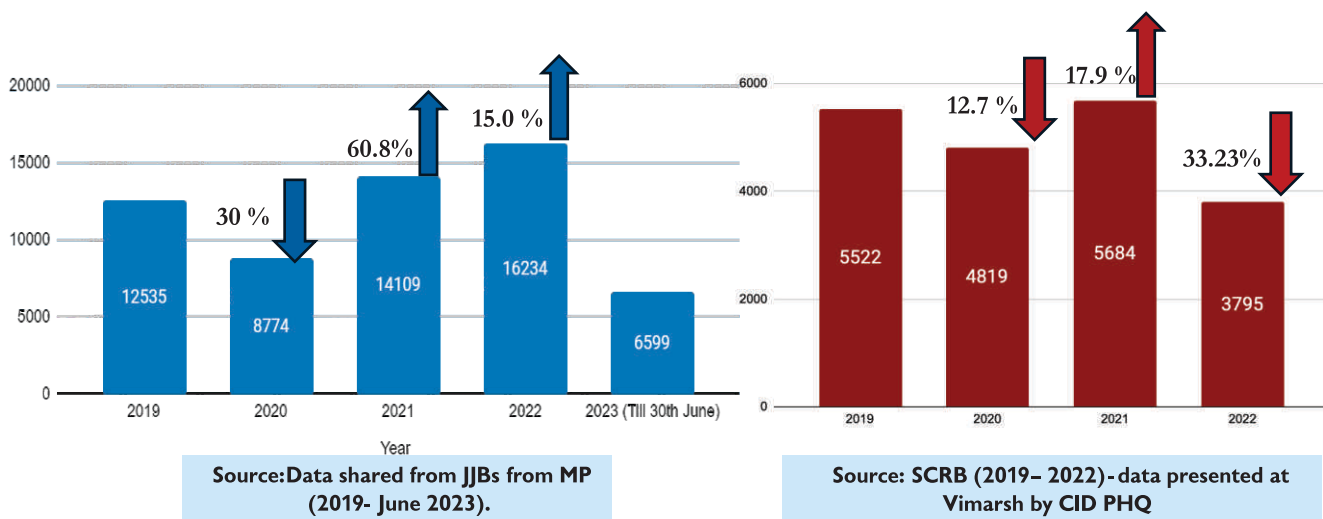
Data Sources

1. Data from JJBs and MPSLSA from MP based on the template sent by Hon'ble Supreme Court (2019-June 2023)
2. Madhya Pradesh SCRB data (2019-2022)

Overview of Child Offending in Madhya Pradesh

Total Number of Cases Registered against CICLs

MP has the highest number of CICLs reported among all states and UTs in India from 2019-21 according to NCRB data.



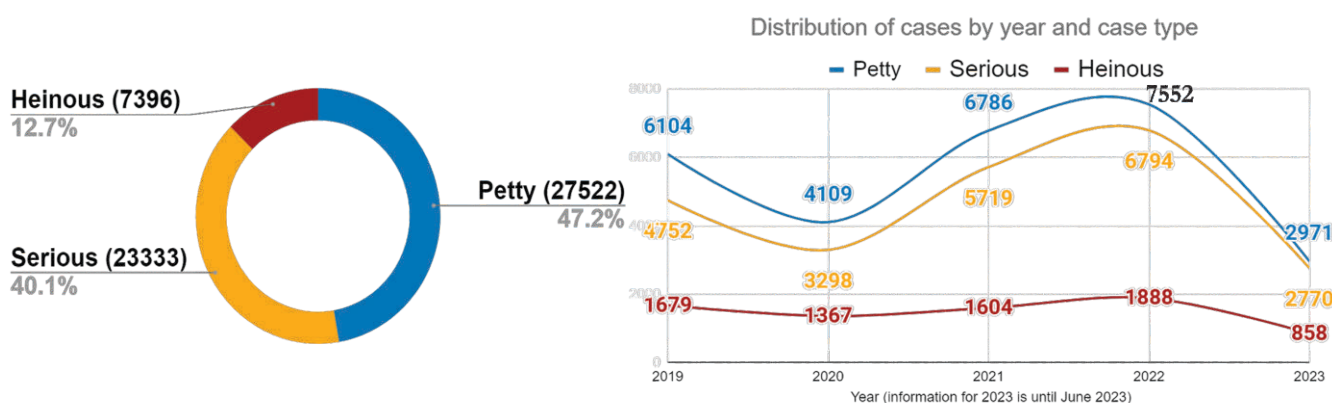
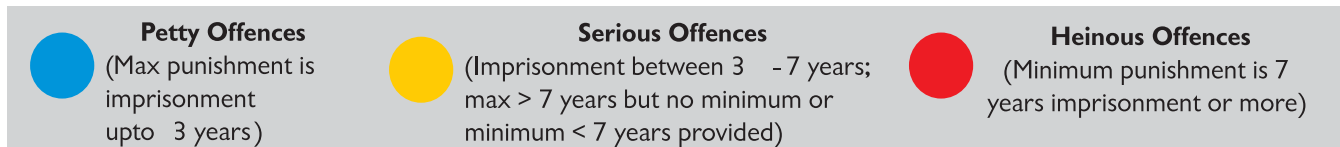
The total cases registered against CICL as SCRB and as per data provided by JJBs are different.

Nature of cases in which CICLs are involved

	Petty		Serious		Heinous	
Year	Police Data	JJB Data	Police Data	JJB Data	Police Data	JJB Data
2019	5483	6104	3669	4752	1477	1679
2020	4629	4109	2739	3298	1187	1367
2021	6528	6786	4509	5719	1510	1604
2022	7206	7552	5065	6794	1741	1888
Till June 2023	2993	2971	2123	2770	684	858

A difference is seen in number of petty, serious and heinous cases in which CICL are involved in as per data provided by the police and JJBs. One explanation could be that the police data is based on FIRs, while the JJB data may also include cases in which an FIR was not filed, but the child was produced before the JJB.

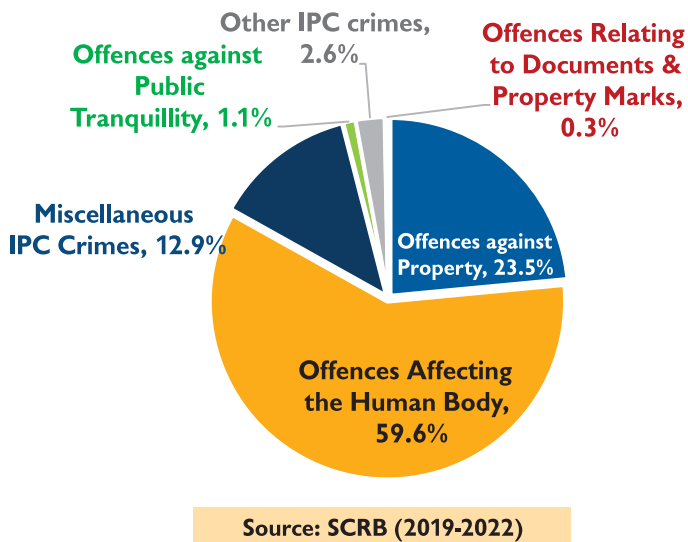
Source : District Police Data (presented at Vimarsh) and Data shared from JJBs from MP (2019 -June 2023)



Source: JJBs from MP (2019– Jun 2023)

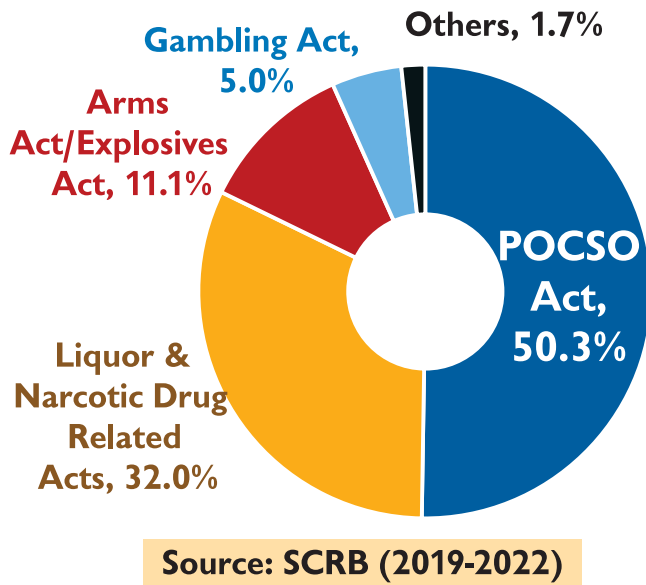
Nature of Offences under Indian Penal Code, 1860

Data needed on total number of cases in which an adult was also involved; proportion of “romantic” cases under rape and kidnapping



Top 10 offences registered against CICLs under IPC					
	2019	2020	2021	2022	Total
Hurt	1586	1693	1630	1096	6005
Theft	700	592	667	440	2399
Burglary	324	309	276	267	1176
Assault on Women with Intent to Outrage her Modesty	348	293	243	140	1024
Rape	295	27	280	237	839
Rash Driving on Public way	244	138	340	106	828
Kidnapping and Abduction	176	165	215	153	709
Attempt to Commit Murder	128	144	140	153	565
Criminal Intimidation	183	183	48	103	517
Obscene Acts and Songs at Public Places	193	71	106	139	509

Nature of Offences – Special & Local Laws

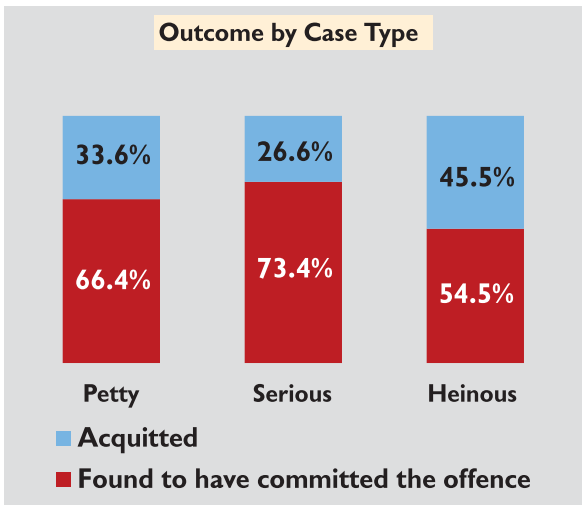


From 2019-2022, a total of 1512 of 3008(50.3%) SLL Crimes were under the POCSO Act, followed by 842 cases under Excise Act.

Data is needed on:

- Percentage of cases under POCSO that pertain to **elopements or are “romantic” cases**.
- Provisions under Excise Act and NDPS Act against CICLs and **whether provisions under Sections 77, 78 and 83, JJ Act, 2015 are also invoked** against adults using children.
- Total number of cases in which an **adult was involved**.

Outcome in CICL cases



Need for CPMIS		
Data Source	Conviction Rate JJBs	Conviction Rate SCRB
2021	65.3%	96.1%
2022	70.4%	86 %

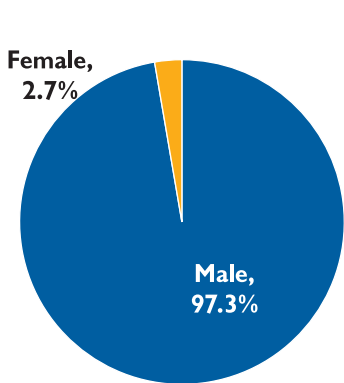
Source: JJBs from MP (2019-June 2023)

Data relevant to Prevention of Child Offending

Profile of CICLs

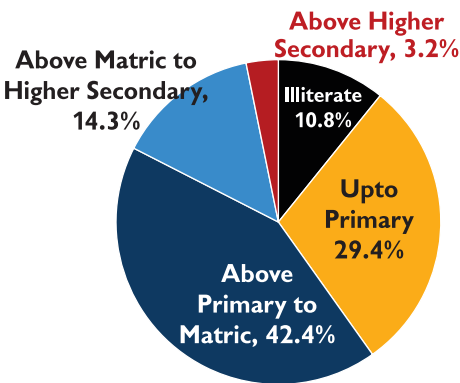
How many of the children entering as CICLs had been previously produced before a CWC?

Gender Profile of CICLs



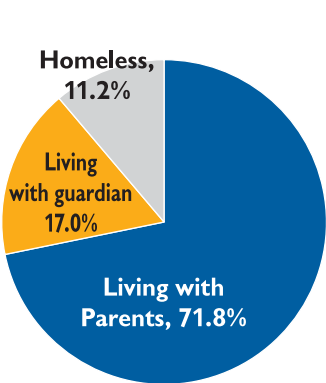
Source: JJBs from MP (2019-June 2023)

Educational Profile of CICLs



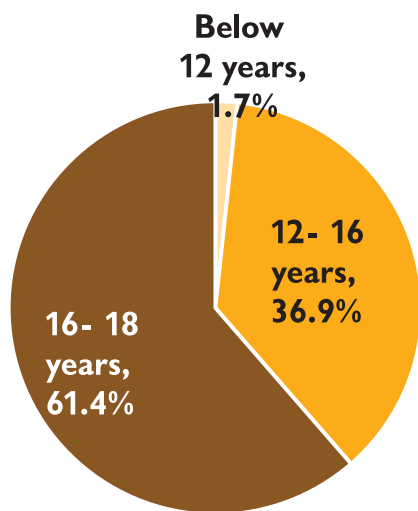
Source: SCRB (2020-2022)

Family Background of CICLs

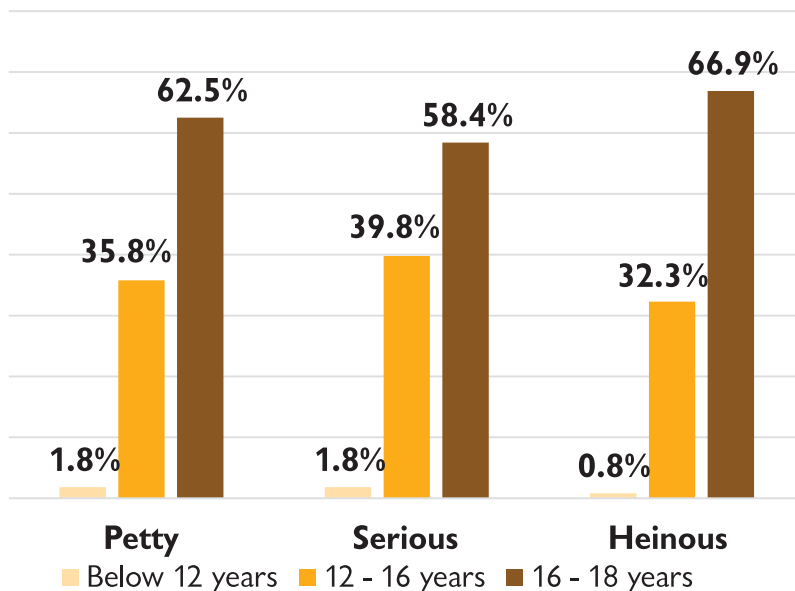


Source: SCRB (2020-2022)

Age Profile of CICLs



Age Profile of CICLs by Case Type



Source: JJBs from MP (2019–June 2023)

Data relevant to Diversion, Alternatives to Detention and Non-custodial Alternatives

Potential for Diversion: Children apprehended for the first time

	Total number of CIGLs apprehended (IPC & SLL)	CIGLs apprehended for the first time (IPC & SLL)
2020	5497	5309 (96.6%)
2021	6397	5514(86.2%)

Source: SCRB reports (2020-2021), Tables “Disposal of Juveniles Apprehended under IPC & SLL in Madhya Pradesh ” and “Recidivism Among Persons Arrested(IPC+SLL)”

Note: International standards do not envisage diversion to be limited to first time offenders or its application in only petty cases and the CRC has urged States to “continually extend the range of offences for which diversion is possible, including serious offences where appropriate.” (GC 24)

Rule 10(1), JJ Model Rules: JJB can dispose matter at first appearance if case is unfounded or petty

	Petty	Serious	Heinous
Number of Cases disposed under Rule 10(1) (from 2019 to Jun 2023)	1543 5.6 % of total petty cases	506 2.1 % of total serious cases	276 3.7 % of total heinous cases

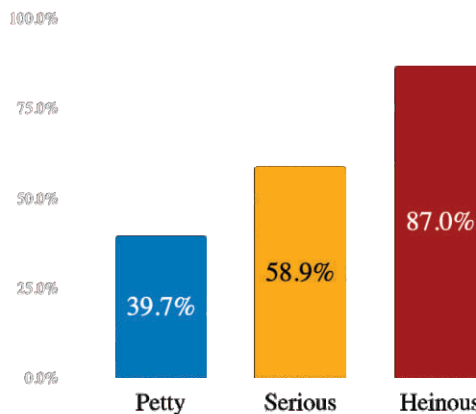
Source : JJBs from MP (2019-June 2023)

Compliance with Rule 8(1), JJ Model Rules: Apprehension only in heinous offences, unless it is in best interest of child

Data is needed from the police on total number of:

- (a) children apprehended by the police
- (b) children not apprehended but directed to appear before the JJB
- (c) number of petty and serious cases in which (1) FIR was lodged (2) case was recorded in general daily diary
- (d) number of SBRs being submitted

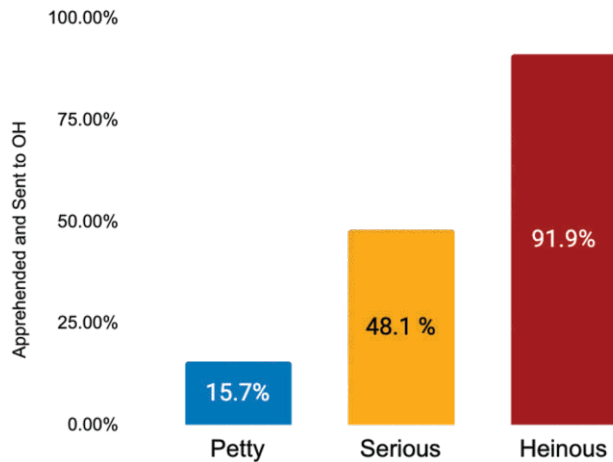
Percentage of CICLs Apprehended out of Total Reported Cases



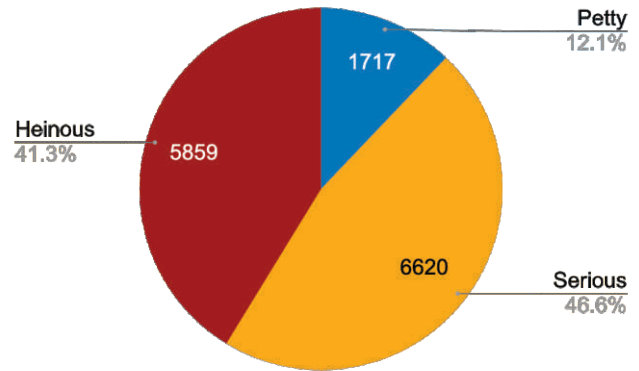
Source: JJBs from MP (2019 – June 2023)

Compliance with Section 3(xii) : Principle of institutionalisation as a measure of last resort

Percentage of CICLs Apprehended and Sent to OH/POS out of total number of CICLs apprehended



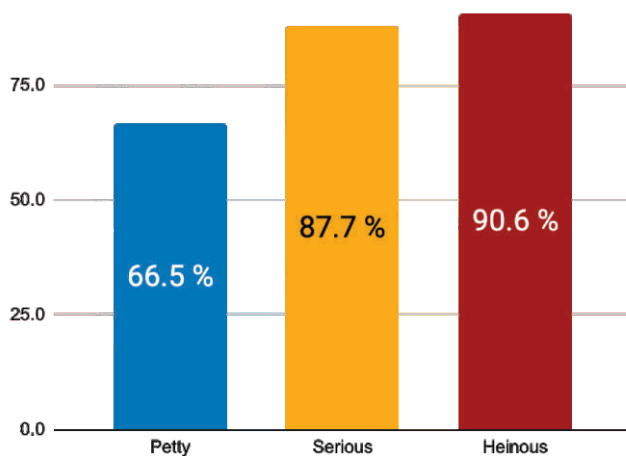
CICLs Apprehended and Sent to OH/POS by case type



Source : JJBs from MP (2019-June 2023)

Section 12, JJ Act: Bail is the rule and denial only on specific grounds

Bail Granted to CICLs by Case type (out of total number of cases reported)



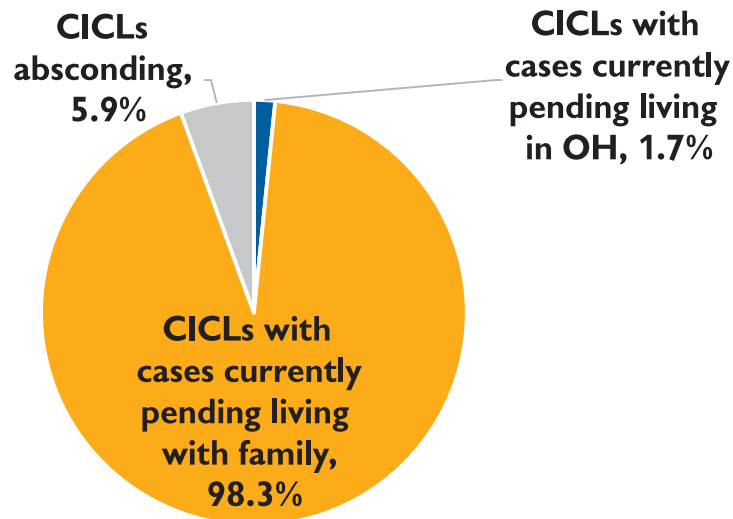
Source: JJBs from MP (2019-June 2023)

Data is needed on total number of

- (a) children granted bail by the police
- (b) children denied bail by JJB
- (c) children residing in the OH beyond 7 days despite being granted bail due to inability to fulfil bail condition.
- (d) Cases where bail application is pending

Note: The question of bail may not have arisen in cases which were disposed in the first hearing or cases in which the child may not have been found/is untraceable.

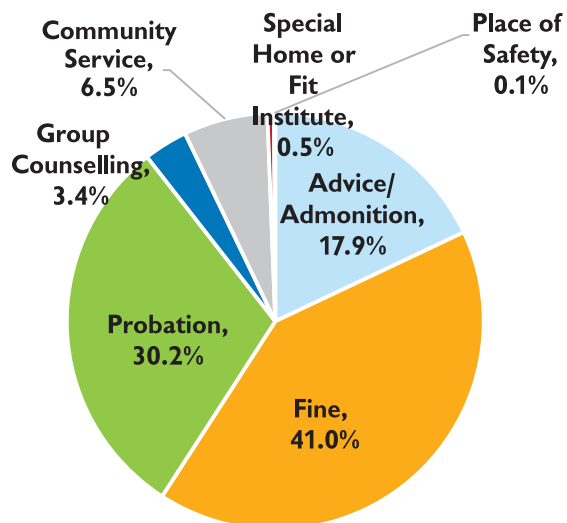
Institutionalisation Pending Inquiry: An Exception?



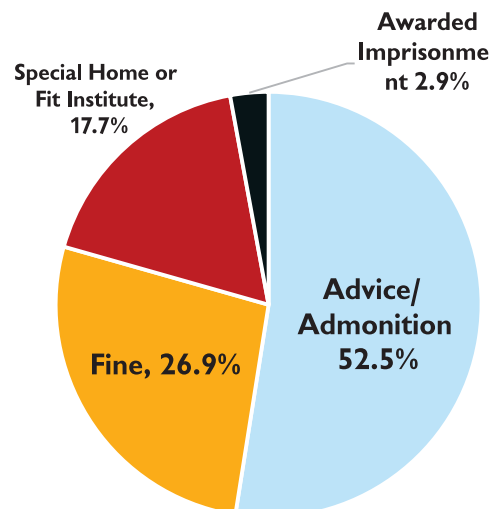
Source: JJBs from MP (2019-June 2023)

Nature of Institutional and Non-Institutional Dispositions

Wide disparity in data with respect to placement in Special Home, fine, and advice/admonition.

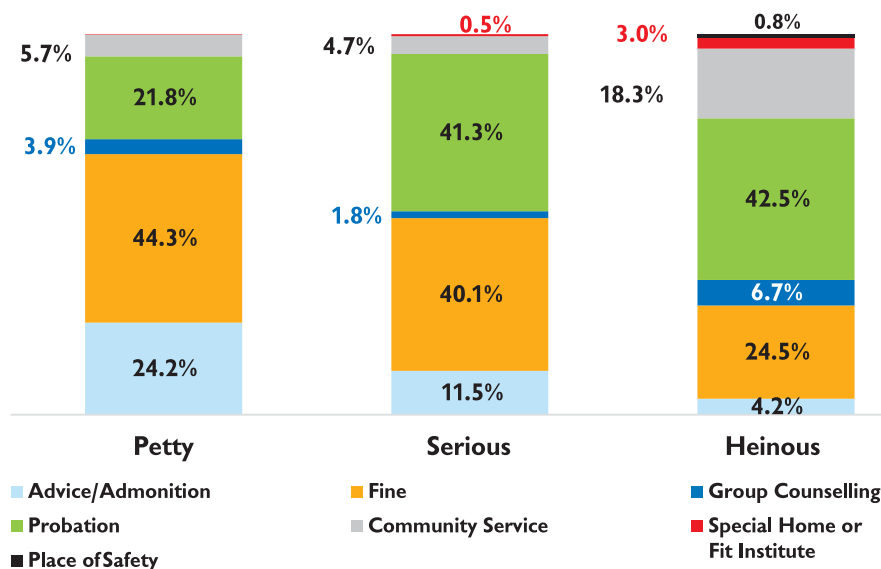


Source: JJBs from MP (2019-June 2023)



Source: Madhya Pradesh SCRB (2019-2021)

Dispositions by Case Type



Source: JJBs from MP (2019-June 2023)

- Non-institutional alternatives were the norm in all types of cases.
- Release on probation, and imposition of fine were commonly ordered in all types of cases.
- Order of **community service and group counselling is low.**
- Information needed on **nature and duration of group counselling**
- Data on dispositions under Section 18(2), JJ Act, 2015 also needs to be collected.

Period of Detention of Children found to be in Conflict with Law

Period of Detention in Petty Cases		Period of Detention in Serious Cases		Period of Detention in Heinous Cases	
Period of Detention	Percentage of Cases	Period of Detention	Percentage of Cases	Period of Detention	Percentage of Cases
< 1 month	95.1%	< 1 month	83.4%	< 1 month	71.6%
1 month - < 6 months	4.6%	1 month - less than 6 months	11.4%	1 month - less than 6 months	17.3%
6 months- less than 1 year	0.2%	6 months - less than 1 year	2.0%	6 months - less than 1 year	4.8%
1 year- less than 2 years	0.1%	1 year- less than 2 years	1.3%	1 year- less than 3 years	4.8%
2 years and greater	0.1%	2 years and greater	1.9%	3 years and greater	1.5%

Source: JJBs from MP (2019 – June 2023)

Data Relevant to Rehabilitation

Rehabilitation Services for Children in the OH/SH/Place of Safety

From 2019-June 2023

- **14469 CICLs** were provided with rehabilitative services out of which **14017** were boys, **444** were girls and **8** were transgender CICL.
- **14932 CICLs** were “successfully” rehabilitated.



Education



Individual Care Plan

Social

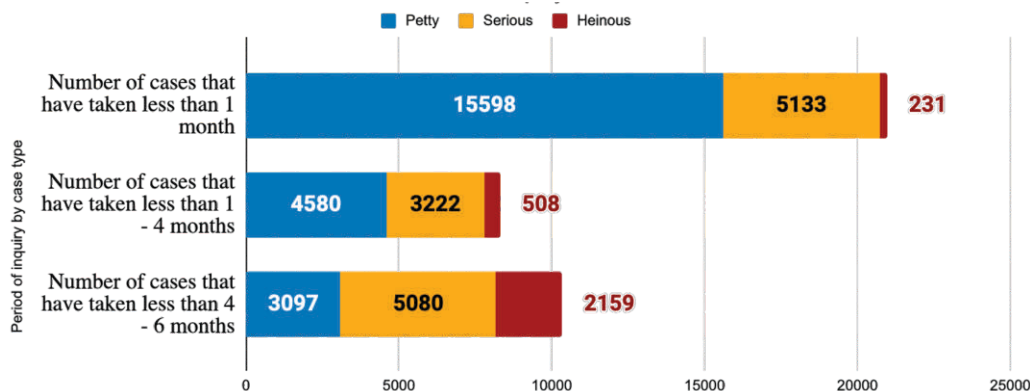
Investigation Report

- **Observation Home** : 708 children were connected to educational services*
- **Special Home**: One CICL residing in Special Home was connected to educational services
- **Place of Safety**: 35 CICLs in place of safety were connected to educational services*
- **Data on age, educational status, and total number of CICLs in OH/SH/POS** needed
- **Observation Home**: 835 CICLs had an ICP
- **Special Home**: One CICL residing in Special Homes had an ICP
- **Place of Safety**: 12 CICL in place of safety are with an ICP
- **Information on quality of ICP and implementation** needed.
- **CICL to PO/Social worker ratio** needs to be examined
- **Data on SIRs being submitted and their quality** needs to be gathered

Data relevant to Right to a Fair Trial and Child-friendly Procedures, including Legal and other Appropriate Assistance

319 accused persons were transferred to the JJB from the adult court after holding that accused was minor during commission of crime.

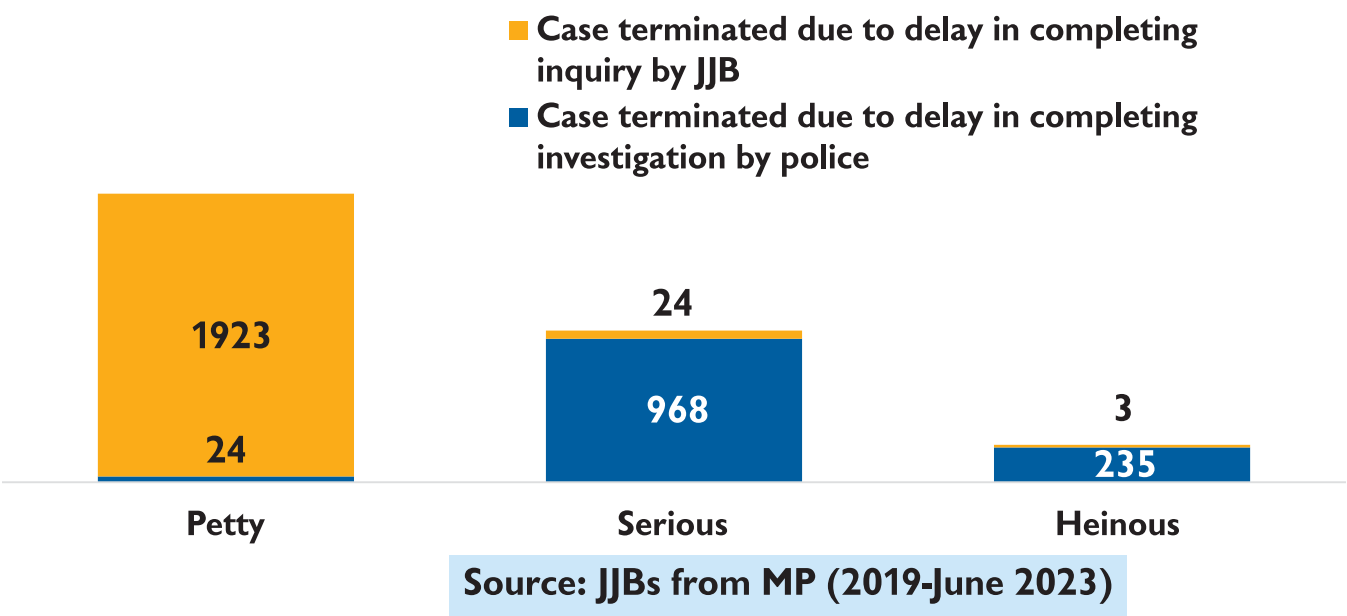
Section 14(2) and 14(3): Inquiries by JJB should be time-bound



Source : JJBs from MP (2019-June 2023)

The Data Entry template **does not capture information for cases that have taken longer than 6 months to dispose**. Data is needed on this point to understand the duration of inquiries by JJBs, identify the reasons for delay in completion, and consider suitable intervention.

Section 14(4), JJ Act: Proceedings in petty offences shall be terminated if the inquiry remains inconclusive after extended period



Cases Pending before the JJB

	Petty	Serious	Heinous	Total
2019	336	1027	726	2089
2020	450	1020	678	2148
2021	590	1795	863	3248
2022	730	2203	999	3932
2023 (June)	582	1565	601	2748

Source: JJBs from MP (2019-June 2023)

Section 8(3)(c): Obligation of JJB to ensure legal aid through legal service institutions

	Legal Aid provided
2019	17.5%
2020	18.7%
2021	17.9%
2022	15.2%
2023 (till June)	15.7%
Overall	16.9%

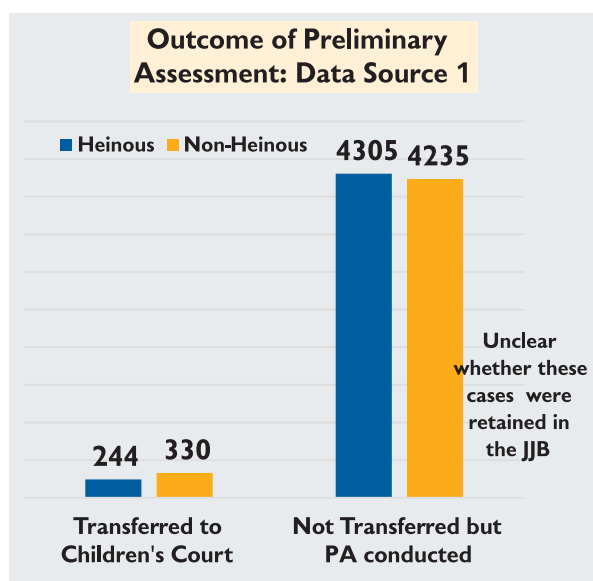
- Only 16.9% of children in conflict with law were provided free legal services , of which 14.8% received free legal services during the inquiry before the JJB, and 2.1% received it during trial before the Children's Courts .
- Legal aid was not utilised at the appeal stage across all years , raising a concern about the access of CICL to legal aid for appeals.

Source: JJBs from MP (2019 -June 2023)

Data relevant to Minimum age of Criminal responsibility and Age of Criminal majority & Preliminary Assessment

Minimum Age of Criminal Responsibility

- From 2019 till June 2023, cases were reported against 972 CICL below 12 years. Information is needed on **how such cases have been dealt with by JJBs.**
- Information is also needed on **whether cases have been filed against children below 7 years** and how the police have dealt with or will deal with cases against children below 7 years.



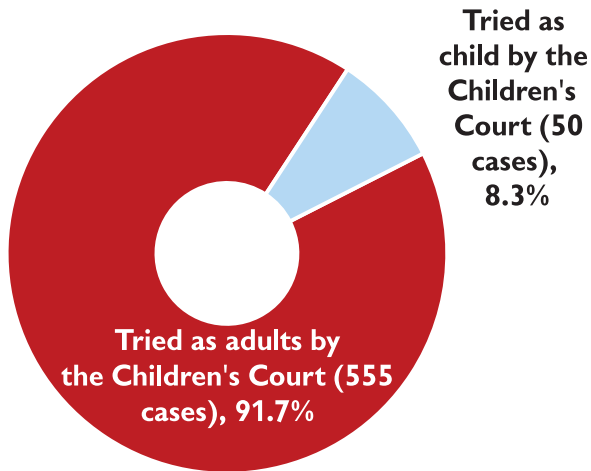
Source: JJBs from MP (2019 - June 2023)

Data Source 1: Total Number of Children Transferred to Children's Court	574
Data Source 2: Total Number of Children Transferred to Children's Court	209

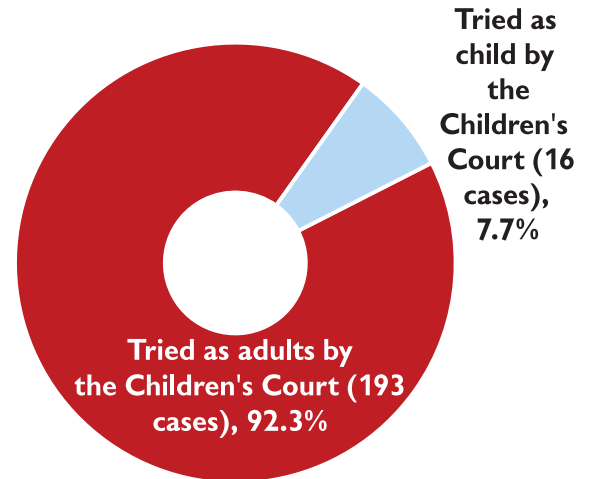
- Clarification needed on whether Preliminary Assessment is being done in petty & serious offences.
- More non-heinous cases transferred than heinous cases despite Section 15 mandating PA only in heinous offences –accuracy of data needs to be examined.

Status of Cases Transferred to the Children's Court

Data Source 1: Status of cases transferred to Children's Court



Data Source 2: Status of cases transferred to Children's Court



Source: JJBs from MP (2019 - June 2023)



Photo Gallery

Blank

Vimarsh : State Consultation on Child Protection



Inaugural Session



Technical Session-1



Technical Session-2



Technical Session-3



Technical Session-4



Technical Session-5



Plenary Session





Child Protection Themed Cultural Programme



Valedictory Session



Prize Distribution for Cultural Programme Participants



Blank

**Secretariat, Juvenile Justice Committee
High Court of Madhya Pradesh,
Jabalpur**

