

WORKSHOP REPORT



Workshop: Understanding the Juvenile Justice Act

Supported By: The Lisle Global Seed Fund

Number of Participants: 62

Location: Dehradun

Date: 24th – 25th 2011

The Mountain Children's Foundation
63-A Vyom Prasth G.M.S Road
Dehradun Uttarakhand

INTRODUCTION

Children make up 42% of the population in Uttarakhand. But, as in any society, in Uttarakhand too, neglected children frequently become victims... The National Juvenile Justice (Care and Protection of Children) Act, 2000 was enacted with a view to ensure the safety and care of young people who are in conflict with the law and also children in need of care and protection. Uttarakhand passed the Juvenile Justice Act in 2000. Sadly, there is very little implementation of these laws leaving many children vulnerable. The lack of understanding and awareness in rural mountain communities about them or even the very nature of child rights and the need to insure their protection means there is little momentum or political will to work on them.

The Mountain Children's Foundation (MCF), which has used the power of collective action by children to raise the profile of issues concerning children and the communities in which they live, received a grant from Lisle International to help increase awareness of child protection issues and build bridges of understanding and communication between the children and the officials responsible for enforcing the laws that pertain to their safety.

The Child Welfare Committee (CWC) and the Juvenile Justice Boards (JJB) were created by the Social Welfare Department of Uttarakhand in 2005. However in 2008 the terms of both the CWC and the JJB came to an end and they have not been renewed or recreated since. The Supreme Court issued a ruling on the 22nd of Jan 2010 directing states to create a CWC, JJB and the Special Police Juvenile Unit in each district. Uttarakhand was among the states referred to that had not complied with the JJ Act. In recent months most of the JJBs and CWCs have been constituted. It is a well known fact that most of the members in both committees, but especially in the CWC, are from political backgrounds and have very little knowledge of or sensitivity towards the JJ act and are unclear about their roles as members. The Special Juvenile Protection Units have not been created in every district, and in some districts they are synonymous with the helplines for women that the police have set up. The state government has not undertaken any awareness generating measures and there is very little knowledge of the JJ Act.

Uttarakhand has traditionally been plagued by a host of problems relating to children ranging from child labour to trafficking, making it essential to safeguard the children by ensuring sensitive implementation of the JJ Act..

We would like to thank The Lisle Global Seed Fund and their support for the MCF in an endeavor to reach out to children from different regions of Uttarakhand to explain the Juvenile

Justice Act for children. To this end, The MCF organized a state-wide workshop in Dehradun on the 24th and 25th of June 2011. A total of 62 children and adults attended the workshop.

This workshop was originally planned for a total of 47 participants from the MCF's partner organizations: Sudha (Almora), Vimarsh (Nainital), Chaahat (Nainital), Arpan (Pithoradgarh), and children from the MCF field in Vikas Nagar. The additional participants came from YALP (Youth for a Living Planet) (Ramnagar). These children were previously members of the MCF and we thought it important for them to meet with the other participants as they came with a unique view that was focused on the environment as well. Also attending this workshop were 5 children from urban Dehradun, who live in slum areas, and 6 children who receive academic coaching at the MCF office and also live in slum areas. The mix of children was interesting as it was not just children from different regions of Uttarakhand but a rural and urban mix as well. We feel that this complemented the MCF mission of reaching out to diverse regions and cultures

We would also like to thank the two special guests were invited to the workshop, Mrs. Malti Singh (Member Juvenile Justice Board) and Ms. Sweety Aggarwal, Superintendent of Police (SP), Training) from the Police Headquarters. They shared their experiences and responded to the children's questions.

DAY 1:

The training started on the 24th of June at 9:30 am with the traditional lighting of the lamp where the youngest participant from each organization lit the lamp.



The trainers for the workshop were Sudhir Bhatt, Aditi P Kaur, Dwarika Prasad Nauni and Harish Panwar. Though the topic was technical, the MCF felt that it was important that the children understood this very important Act. The Facilitating Team – Sudhir Bhatt and Aditi P Kaur - met a few times to discuss how to simplify the Act so that the children could gain a clear understanding of it and its implication for the children in Uttarakhand.

The workshop started with an ice breaking game. The game was to ensure that the children interacted with each other and learnt about each other. There were 30 sets of animal names and each child was to pick up a slip of paper that had the name of the animal and find its pair.



The children had to speak with each other to find their partner and once the partner was found, interview them and introduce them to the entire group. This game had two purposes, one was to ensure that the group was well mixed and the other was to give each child a chance to stand in front of the group, with a mike in their hands, and address them. The children were given a fair amount of time to speak with one another and find out their likes and dislikes. What colours do you like, what food do you like, which are your favorite actors and actresses etc. were some of the questions they asked.

The children then made the rules for the workshop – what time the workshop would start what time it would end and what time the breaks would be, when the food would be served etc. The training team also added a few rules – each participant should respect the other and listen to them carefully, the children would retire to their own rooms and lights would be switched out at 10pm, and no going out of the hotel premises, for the children’s safety.

The introductions were followed by a small presentation on attitude, where Sudhir showed the children three slides. The first slide had three buckets – one overflowing bucket, a bucket with a hole in it and one that was half filled. He then asked the children what they saw in the picture and helped them understand that we cannot understand anything if our minds are overflowing like the buckets or have a hole in them.



Next there was a picture of a buffalo, a man was pulling this buffalo and another was pushing the buffalo, but the buffalo was not budging. This was an instant hit with the children as they found the picture funny and also understood what it was trying to depict - you cannot force someone to learn until they want to. The last picture was of a boy, with a lock on his forehead, and the key in front of him. The picture also depicted a girl who did not have a lock on her forehead. When the children were asked what was depicted, they said that the boy can open the lock himself if he wants to as the key is in his hand. He is illiterate that is why his brain is locked. Sudhir said that the lock was not placed by anybody and it was up to the boy to unlock his mind - it is important that we all open our own locks. The last picture was of a crane trying to eat a frog but the frog had his hands firmly wrapped around the cranes neck. He asked the children if the frog could save himself – they said yes. He asked how, they said that he was trying to save himself by preventing the crane from eating him. Sudhir then spoke about the different types of efforts we make, efforts we make to show others, and the efforts we make for ourselves. He asked what type of effort was the frog making, the children responded “for himself”, and Sudhir explained that we must try to do things for ourselves, not to show others. If we persist we will always be successful.

This was followed by a discussion on protection. Bharat the facilitator from Gairsain told everyone, how 8 people were killed by the leopard out of which only 2 were adults. The children from Gairsain said that there were no toilets and so they had to go out into the jungle where they could be attacked by leopards – they said that children needed more protection. Dr. Bisht the facilitator from Kasialekh, Nainital, said that during the last monsoon 18 children were killed due to a wall collapse in a school. Mohini, from Nainital, spoke about how young girls are trafficked from Nepal and sold in bigger towns, and how young girls from Nainital are given into marriage into different communities as those communities do not have enough girls to get married to.

The facilitator said that protection was the right of each child as enshrined in the United Nations Convention on the Rights of the Child (UNCRC) that has been ratified by India. 40% of

the population of India is children and India spends only 0.03% of its national budget on the protection of children.

The group was then broken into 5 smaller groups where they had to discuss what they had to be protected against and how they could access the protection and what the children's and communities role would be to ensure their protection.

After lunch Sita and Neetu from MCF sang a song on Mahatma Gandhi and recited a poem. Santosh Kumar from Kaulagarh spoke about blood donation and how it was important for everyone between the age of 18 – 55 to donate blood, He said that by donating blood no one gets weak, the body makes the blood up within 48 hours and the serum is created within a month. We must donate blood and inspire others to donate blood as well, he said.

The Groups then made their presentations.

Group 1

We need protection from:

Fire, wild animals, floods, landslides, drunkards, earthquakes, while bathing in the river, mad dogs, thieves and vehicular traffic

How can we be protected at the village level:

By cutting the dry grass and giving it to the cattle in our homes - so that dry grass does not ignite and set the forest on fire.

By not cutting trees and forests so that the wild animals have their own home and can eat the food they are used to

By planting trees near the rivers, to ensure step cultivation in the mountains so that mudslides can be prevented

By educating children about earthquakes and disaster preparedness

Earthquake proof construction of houses should be encouraged

What should the Panchayat (local government) do to ensure our protection:

The Panchayat should ensure that no hunting takes place in the village



That there is a protective wall near the rivers

That there are no liquor shops near the village and definitely not near the school

The Panchayat should also work at creating awareness about earthquakes and other natural disasters.

GROUP 2

We need protection from:

Non social elements that come from outside our society, natural disasters, intoxicating substances, violence at home and at school, child labour, discrimination of all types, sexual violence, poisonous pesticides



How can we be protected at the village level:

By increasing awareness amongst the government and the NGOs to be more active

By ensuring that we as a society need to stand together

By understanding the children and their feelings

What is our role:

We should create awareness in our community, share information, make children's groups, call 1098 (a emergency child helpline) if a child needs protection

GROUP 3

We need protection from:

Wild animals, natural disasters, electrical equipment, strangers

How can we be protected at the village level:



Children should be looked after by their parents or left in the care of the neighbours, the villagers and panchayats should construct toilets, and children should not talk to strangers

GROUP 4

We need protection from:

Wild animals, road accidents, drowning in rivers and lakes, lack of sanitation, electricity, alcoholism, and natural disasters

How can we be protected at the village level

By creating awareness – posters, wall writing, rallies and street plays

Letting children be a part of the Panchayat meetings and parent teacher meetings in schools

By preventing a child from working but to also find out why the child has to work and help solve their problem

Help children who have to drop out from school



GROUP 5

We need protection from:

Wild animals, disruptive family situation, from sharp instruments, the lack of toilets, water, lack of boundary walls, lack of proper roofs in schools, child labour



How can we be protected at the village level:

There should at least be one person in the family who is responsible for the children, ensuring that food is given on time and that proper health check-ups take place

The government should protect the children from wild animals and try and ensure that animals do not enter the village. They can do this by providing a light outside each home – this will prevent the animal from approaching the house

There should be awareness generation at the village, block and district level and the disaster prevention committee should be more active

The guest for the afternoon, Mrs Malti Singh a member of the Juvenile Justice Board (JJB), interacted with the children and explained the JJ Act and the Child Welfare Committee. She told the children that apart from having all the laws, children should also have some responsibilities. If a vendor selling narcotic substances to children is apprehended and punished, then it is also the responsibility of the child to stop taking those substances.

She said that there were two types of children that the JJ Act (Juvenile Justice Act 2000) aims to help—those children in conflict with the law and those in need of care and protection. She said that the Act was for children between the ages of 0-18. There is a Child Welfare Committee to deal with children in need of care and protection. The Committee is composed of five members and one has to be a woman. The Juvenile Justice Board deals with children in conflict with law, there are three members in this board. One is a judicial magistrate and the other two are social workers, one of which must be a woman. She said that there were 2 social workers to help the judge understand the workings of a child's mind and to ensure that the judge does not treat the child as an adult while passing judgment.



She said that the children who came in conflict with the law were given every opportunity to change themselves. In most cases the children were petty thieves and they were often released back into the custody of their parents. In cases that were more serious the children were sent to an observation home. The child is treated kindly during the trial, they are allowed to sit on a chair, the atmosphere is non threatening, no police are in uniform and the child cannot be hand cuffed. Sudhir asked if a child is too poor to get its own lawyer what happens. Ms. Singh said the state would provide the child with a lawyer. Bhuvan Bora from Almora asked,

what would happen to an 18 year old boy in Almora, who had killed his mother? Ms. Malti

Singh said that the Indian Penal Code would apply, but the child could not be sent to jail but to a special home. Sudhir asked how they determined the age of a child, Ms. Malti Singh said that they looked for a birth registration certificate, in the absence of that they looked at the school leaving certificate or the age that the child gave when they entered school. She also mentioned that the JJB always gives the benefit of doubt to the child. If no documents were present, then the JJB would ask for a medical examination to determine the age of the child.

Ganga Singh Bisht from Kasialekh said that there were children employed in the MNREGA scheme (*India's National Rural Employment Guarantee Act*). Ms. Malti Singh said that in such instances, the community should complain to the District Magistrate. Mr. Bisht also asked what could be done in the case of an Inspector General of Police who had a 9-year-old working for him. Ms. Singh said that a complaint should be filed with the Child Welfare Committee and that the applicant's name would be kept secret. She said that an application could also be sent to the National Committee on the Protection of Child Rights (NCPCR).

Ms. Malti Singh concluded her talk by saying that children must inform people if anything wrong is being done to them. "Our protection starts with ourselves".

Sudhir followed Ms. Malti Singh's talk with a presentation on the JJB Act that focused on the working of the Child Welfare Committee and other details.

The cultural program began at 6:30pm. Children sang and danced to songs from their region (Kumaon and Garhwal), told jokes and read poems. It was surprising that the boys were very shy and not willing to take part in the cultural activities. At the end the facilitators danced so that many of the children who were not dancing could lose their shyness and dance with the rest of the crowd.



DAY 2



Day two started with a song by young children from the MCF office. They sang a devotional song and then surprised everyone by singing the national anthem which had all the facilitators and participants scrambling to stand for the national anthem.

Deepshikha from Pithoragarh did a quick recap of what had happened during the previous day. The large group was then broken up into 4 smaller groups and a quiz was held on the JJ Act.¹ Group 4 won the quiz - the main purpose of the quiz was to ensure that everyone understood the act properly and clear any doubts. The winning team was given a packet of toffees which they very generously decided to share with all the participants.

Aditi then explained the difference between the JJB and CWC and what type of children had been helped by them. She said that membership to the board or committee was on the basis of work done with children, and the child psychiatrist and members have to be above the age of 35. In Uttarakhand there are 13 JJBs and only 9 CWCs. Rudraparyag, Uttarkashi, Bagehwar and Champawat districts do not have CWCs.

Sudhir said that the first priority of the CWC, on finding a child, was to send her or him back to their parents / families, if that was not possible, then the child would be placed in a children's home.

Sudhir then spoke about the rights given to the children through the UNCRC and that the Right to Protection was an important right. He said that, often when things happen to girls they do not want to tell their parents because their parents would say it's the girls fault and they would have to leave school. Deepshikha told the participants what her Bal Panchayat had done in Pithoragarh. There was a teacher in their school who used to harass the girls. They complained to the principal about him – the principal did nothing, they then went to the Block Education Officer and told him about their problems. The Block Education Officer had the teacher transferred from that school. The children said they were happy that the teacher had left their school but were worried that the teacher would harass girls in the other school.

Mohini told the group about how the teacher at her Inter School in Magori Village would drink and come to class. He would then ask the boys to leave and harass the girls. The girls at the

¹ Please see Annex 1 for the details of the questions in the quiz.

school told the boys about this, and they went to the principal and got the teacher transferred out.

Bharat said that in a school in Gairsain children had been giving computer fees for 3 years without being taught computers. They used the Right to Information act to get their right to computer education. Udit from Almora said that the DM had provided toilets and solar lamps to families to protect them from wild animals.



Mohini from Nainital said that the police in Naintal supported them and helped them prevent child labour in their village.

Mr. Bisht said told the group how in his village 18 children were found to be working. Of these 3 did not have mothers and 2 did not have fathers. The contractor had taken unfair advantage of the children giving them only Rs 60/- a day while he gave the adults working there Rs 150/-. Mr. Bisht spoke to the contractor, saying it was against the law to employ children. While some children stopped working others still continue. He said it was often the parents who told their child to buy cigarettes or tobacco for them, or asked them to light the bidi/cigarette. Once a habit is formed it is very difficult to let go. He also said that in a village called Batel there was an alcohol shop on the way to the girl's school. Men and young boys would come to drink and pass lewd comments at the girls and harass them. They asked the police to patrol the areas during school hours to stop the harassment. With the police's support they managed to alleviate the problem.

The second guest for the workshop Ms. Sweety Agarwal (SP Training – Police Head Quarters) was there on Day 2. She said was happy to be at the workshop, to have met the children and wished them success in all their endeavours. She told the group how all the children's issues were dealt with by the women's help line that exists in each police station. She said the police's main responsibility is to strengthen the family not break the family, so their first priority is to keep the family together.



Himani from Nanital then made a presentation on the Child Protection Network - several organizations together formed a Child Protection Network where the community would ensure that the children would have a protected environment. The network engaged with the community regarding children with disabilities, children who took drugs and told them how to protect children from falling into bad

habits. Himani also spoke about how the police, especially in Nainital, had supported them in pasting flyers about the network and helped them to stop child labour. However, in one case of rape, of a young girl, the police refused to file an FIR and so they had to call the District Magistrate.

The SP said that it was very important that children get sexual education and that teachers impart sexual education in schools. She said that she was glad that the police in Nainital were supportive of the children. When asked how the participants could get information about the Special Juvenile Protection Unit (SJPU), she said that each SSP would be able to give their districts position on the SJPU.

The children asked how they could get into the police force, Ms. Agarwal then told them the different entry levels and what subjects they had to study and what the process was.

Many villages in Uttarakhand are not under the police department but under the revenue department. Mr. Bisht asked what one could do if there was a problem in one of the villages where the local officials refused to do anything. Ms. Aggarwal said that normally such cases were bought directly to the police but if they are not then they should speak to the DM who will then instruct the closest police station to take action. She said that each Bal Panchayat (village-level children's group) should have the phone numbers of the District Magistrate and the Superintendent of Police with them.

She also said that children were scared of the police and that was because their parents scared them and the media did not present a good picture of the police. She said, as in all organisations, there were good officers and bad officers but not everything was bad. She requested the MCF to take the children to a police station so that the children could meet with the police and see what happens at a police station.

The children then had a group photograph with her.

Sudhir then divided the participants into 3 groups. He gave them 3 situations and asked them how they would respond to it. The group had to discuss the situation and then enact it.

SITUATION 1:



Ramesh is a young boy – he lives in the village, mostly alone, as his parents work in the fields. One day he steals some money from his neighbour's house. The neighbour catches him and takes him to the police. The police beat him and take him to the

police station. Ramesh's father comes to you, what will you do?

- The group said they would find out the age of the child in accordance to his high school certificate
- They will then go to the police station and find out what happened and also ascertain whether Ramesh was hit by the police or not
- They would then tell the police that their actions have violated the JJ Act

Sudhir asked them if they would counsel the child and his family or not. He also said that it was important, when counseling the child, to not tell others what the child has confided in you.

SITUATION 2:

Munni is a young girl who has lost her parents. Her neighbours were taking care of her but now they cannot take care of her. What would you do?

- They would first collect all information about Munni, her age, information of her parents etc
- They would then inform the CWC
- After taking support from the village community they would take Munni to the CWC
- The CWC should then place Munni in a children's home where she would be taken care of by the government.
- The CWC should ensure that Munni gets married or gets a job



SITUATION 3:

A young girl stays in the house next to yours. You hear the sound of crying every day. What will you do?

- We will try to meet the child
- We will try to take a video or photo of the girl working, if she is a child labourer
- We will collect information from the next door neighbours about the little girl
- We will try to get support from the child labour commissioner, the police and the CWC.

- They will then get the child released with the help of the police and the child labour officer.
- The police will present the child before the CWC
- The CWC will take a decision in the best interest of the child. They will either send the child back to her parents, or send her to a home from where she can be adopted



The plays were all very well thought out and every one had a role to play. In fact Sunny (a 9-year-old boy) who lives in the slums, was able to solve his group's problem. When the group was discussing how they could get the Labour Commissioner to understand that the child was a child labourer, Sunny said that they could take a photograph of the child at work, which would be proof!

Sudhir thanked everyone for their excellent performances and said that it seemed as though almost everyone had understood the JJ act and how it could help children who needed protection.

PARTICIPANTS FEEDBACK

1) What had they learnt?

- "The topic was very new for me, I learnt about the JJ act".
- Even though they were a part of the child protection network they had not learnt about the act and it was very important/ This act dealt with children who are in conflict with the law and who need care and protection.

2) What they liked?

- Meeting with the CWC member Malti Singh & Meeting with Ms Sweety Agarwal SP training from the police headquarters
- Eating ice cream, the cultural program in the evening.

- “ I liked it when all the facilitators danced, everyone was treated equally, the facilitators were very nice, they spoke to everyone very nicely, they took care of us, Sudhir sir explained everything very nicely”.

3) What they did not like?

- That all the sessions were indoors and they did not get time to visit anyplace in Dehardun
- “The rooms had mosquitoes”.
- “ I liked everything”.

4) How were the staying arrangements?

- “I liked the staying arrangements”.
- The food was very nice, we don’t get to eat this type of food everyday at home”.
- “There was enough hot and cold water to bathe with and we got our food on time”.

Aditi thanked all the participants and their facilitators, for coming to the workshop and enriching everyone’s learning.

Games that were played during the workshop



Annexure 1

Quiz Held With the Children on The JJ Act

1) What is the full form of the JJ Act?

Juvenile Justice act 2000

2) What type of children does the Act Serve?

Children in conflict with the law and children in need of care and protection

3) What does the state government have to do to ensure that the enforcement of the act?

Make the law, Collect financial and other resources and make the rules to the law.

4) What are the 4 instances a child can be in conflict with the law?

Theft, rape, murder, selling of drugs or other intoxicants

5) What are the different types of children who need care and protection?

There are 7 types – orphaned children, physically and mentally challenged children, abandoned children, surrendered children, children with terminal illnesses, those under the influence of drugs or other intoxicants, children in armed conflict, children who are sexually, physically or mentally abused or exploited

6) What is the full form of CWC?

Child Welfare Committee

7) Is the CWC formed at the state or district level?

District level

8) What are the posts in the CWC?

Chairperson and members

9) What are the types of children without parents that the CWC helps?

Orphaned children, Abandoned children and Surrendered children.

10) After Children are legally adopted can they be left by the parents?

No

11) Who are surrendered children?

Children who cannot be looked after by their parents, the parents then surrender them to the government.

12) What type of children are sent to the observation home?

Those children who are in conflict with the law

13) Are children kept according to their age in a children's home

Yes

14) Can the parents of a surrendered child take the child back?

Yes

15) Within how many days?

Within 2 months