



सत्यमेव जयते

**TRAINING MANUAL FOR LEGAL-CUM-PROBATION
OFFICERS OF DISTRICT CHILD PROTECTION UNITS
(DCPUs) AND PROBATION OFFICERS OF CHILD
CARE INSTITUTIONS (CCIs)**

(For 15 Days)



**National Institute of
Public Cooperation and Child Development**

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S. No.	Abbreviations	Abbreviations Explanation
1	BLCPC	Block Level Child Protection Committee
2	CARA	Central Adoption Resource Authority
3	CCI	Child Care Institutions
4	CCL	Children in Conflict with Law
5	CIF	Childline India Foundation
6	CMO	Chief Medical Officer
7	CMPA	Child Marriage Prohibition Act
8	CNCP	Children in Need of Care and Protection
9	CPCRA	Commissions for Protection of the Child Rights Act, 2005
10	Cr. PC	Criminal Procedure Code
11	CTS	Child Tracking System
12	CWC	Child Welfare Committee
13	CWPO	Child Welfare Police Officer
14	DCPC	District Child Protection Committee
15	DCPO	District Child Protection Officer
16	DCPU	District Child Protection Unit
17	DLSA	District Legal Services Authority
18	GAWA	Guardians and Wards Act
19	HAMA	Hindu Adoption and Maintenance Act
20	HDI	Human Development Index
21	HIV/AIDS	Human Immuno-deficiency Virus/ Acquired Immuno-Deficiency Syndrome
22	ICDS	Integrated Child Development Services
23	ICPS	Integrated Child Protection Scheme
24	ICP	Individual Care Plan
25	IEC	Information, Education, and Communication
26	IMR	Infant Mortality Rate
27	IPC	Indian Penal Code
28	ITPA	Immoral Traffic Prevention Act, 1986
29	JJB	Juvenile Justice Board
30	LPO	Legal cum Probation Officer
31	NCC	National Charter for Children, 2004
32	NCPCR	National Commission for Protection of Child Rights
33	NGO	Non-Government Organization
34	NIPCCD	National Institute of Public Cooperation and Child Development
35	NPAC	National Plan for Action for Children, 2016
36	NPCL	National Policy on Child Labour
37	NPC	National Policy for Children, 2013
38	PCPNDT	The Pre-Conception and Pre-natal Diagnostic Technique (Prohibition of Sex Selection) Act, 1994
39	SCPCR	State Commission for Protection of Child Rights
40	SAA	Specialized Adoption Agency
41	SARA	State Adoption Resource Agency
42	SCPC	State Child Protection Committee
43	SCPS	State Child Protection Society
44	SFCAC	Sponsorship and Foster Care Approval Committee
45	SIR	Social Investigation Report
46	SLSA	State Legal Services Authority
47	SJPU	Special Juvenile Police Unit
48	UNCRC	United Nations Convention on Rights of the Child
49	VLCP	Village Level Child Protection Committee

Introduction to the Manual

Background:

Children are innocent, vulnerable and dependent. They are to be looked after and groomed well, not merely on the basis of Constitutional or Statutory provisions but also with great human touch and concern. Every child deserves a life free from abuse, exploitation, neglect and violence, which occur at homes, families, schools, workplaces and communities across all contexts. There is significant evidence that children face a range of issues which make them vulnerable to abuse and exploitation, thereby creating an extremely debilitating environment for their growth and development, which at times could even be life-threatening. This entails not just an individual human cost but also stunts the development of society and the nation. The failure to protect children from abuse is generally the result of an inability of the duty-bearers to take appropriate or timely action.

The Convention on Rights of Children adopted by United Nations' General Assembly in year 1989 is "the most complete document of child rights ever made". Recognizing that children also have human rights, the General Assembly of the United Nations adopted the *Convention on the Rights of the Child (CRC)* which has prescribed a set of standards to be adhered to by all State-parties in securing the best interests of the child. Article 40.1 of the United Nations Convention on the Rights' of the Child (UNCRC) mandates that "States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society". For countries that are signatories to the UNCRC, this ideal has led to the promotion of a separate or specialized system of justice – Juvenile Justice – that specifically pertains to laws, practices, institutions, and mechanisms that deal with child offenders.

Government of India has repealed recently a legislation for children namely, the Juvenile Justice (Care & Protection of Children) Act, to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by

catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation. The JJ Act, 2015 provides for strengthened provisions for both children in need of care and protection and children in conflict with law. Under Section 15, special provisions have been made to tackle child offenders committing heinous offences in the age group of 16-18 years. The provisions provide for placing children in a 'Place of Safety' both during and after the trial till they attain the age of 21 years after which an evaluation of the child shall be conducted by the Children's Court. After the evaluation, the child is either released on probation and if the child is not reformed then the child will be sent to a jail for remaining term. The current law acts as deterrent for child offenders committing heinous offences such as rape and murder and will protect the rights of victim.

In order to address the issues relating to child protection adequately and to provide a safe, secure and a protective environment for the children who are in difficult circumstances, the Ministry of Women & Child Development, Government of India has been implementing a Centrally Sponsored Scheme namely 'Child Protection Service Scheme' since the year 2009-10. In order to implement the scheme effectively at District level, the States have set up Units (District Child Protection Units) in each District to plan for and to oversee child care and protection activities in the district. District Child Protection Officer (DCPO) plays a key role in effective implementation of ICPS at the district level.

The Legal cum Probation Officers are the key functionaries of the Unit, working under the supervision of DCPOs, to coordinate and supervise all the programs and activities relating to Children in Conflict with law. The Probation Officer is the key functionary in the child's journey through the system from the time of apprehension till his/her rehabilitation and re-integration. As per the provision of the Act, every district shall have a maximum of three Legal cum Probation Officers on the basis of geographical spread and child population of the district. Similarly, as per the provision under Section 26 of the J.J Model Rules, 2016, three Probation Officers or Child Welfare Officers or Case Workers should be appointed in a Child Care Institution with a capacity of 100 children. The role of Probation Officer begins with apprehension of a child by police and continues through supervision of child, till his/her

rehabilitation and social re-integration. Probation Officer acts as the friend, philosopher and guide of the child in conflict with law.

Training continues to be an integral component of the development programmes as the main instrument for human resource. India's determined effort in development planning in recent years, paying increasing attention to the formulation of a large number of programmes/projects and making large investments of resources with regard to development have laid a promising base for economic and social development of the country. Training enhances the efficiency and effectiveness of people at work for development programmes by enhancing their functional knowledge and skills and changing attitudes required for the accomplishment of their assigned responsibilities at a desirable level of performance. It is specially designed to improve and update professional knowledge; develop skills and relevant know-how; and foster effective perceptions and attitude towards work, fellow officials and the people.

At present, there is an acute shortage of trained professional manpower to provide comprehensive services to children in Need of Care and Protection (CNCP), Children in Conflict with law, Children in Contact with Law and Children in Difficult Circumstances. Therefore, training is required for new recruits under ICPS (to be recruited by State Governments) and existing manpower that needs capacity enhancement and sensitization. As envisaged in the scheme, training and capacity building of all personnel involved in the Child Protection Scheme throughout the country including those working under ICPS shall be taken up on priority basis. Such personnel need to be trained and groomed to join the child protection work force in child friendly manner at all levels.

NIPCCD has been designated as a Nodal Agency by MWCD for training and capacity building of the functionaries of Integrated Child Protection Scheme (ICPS). The proposed Manual was part of the approved Work plan of the Institute approved by Executive Council of the Institute for the year 2018-19. Accordingly, this Manual among others has been indicated in the approved training calendar for the year 2018-19, of the Institute. This Manual would facilitate the training process.

Keeping this in view, the Institute proposes to develop a training manual for Legal cum Probation Officers of DCPUs and Probation Officers of Child Care Institutions engaged in

ICPS, customised in reference to the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 and Rules thereunder.

A study was conducted by Suparna Gupta & Atiya Bose (2010), the Aangan Trust, Mumbai on “A Real Opportunity for Change”- What Young Offenders need and how Probation Officers respond: A Study in Maharashtra with the specific objectives: to look at the statutory role and responsibility of the Probation Officer (PO), and compare it to the reality of what they do and to understand the challenges POs face and possible solutions. The methodology used in the study include Individual interviews with Probation Officers and acting Probation Officers in Observation Homes and Individual interviews with Juvenile Justice Boards and focus-group discussions with institutionalized Children in Conflict with Law in 18 districts of Maharashtra. It was evident that there was a great disparity between what children in conflict with law need, what they have been promised by law, and what the reality of their situation was. Urgent and decisive action was needed in order for the crisis that the Juvenile Justice system faces to be ameliorated. What had emerged from this study are key areas in which action can be taken in both policy as well as practice. In summary these were:

- a.** A Departmental review of recruitment guidelines for POs, to ensure appropriate personnel are hired for this position. This should include determining requisite qualifications, experience and skills as well as detailing a job description according to the JJ Act and Rules.
- b.** Planning a structured training program for POs that include training on key functions such as interview skills, writing the SIR, making a care plan, supervision and mentoring. Trainings should be ongoing, and POs should be required to undergo periodic refresher trainings. The State can seek assistance for this from the National Institute for Public Cooperation and Child Development (NIPCCD), as well as from social work colleges
- c.** Regular supervision of POs by the Department to ensure standards of work, as well as to oversee the relationship between the PO and other significant stakeholders, most especially the JJB. POs must be supported in order that they may assert themselves to act in the best interest of the child
- d.** A review of caseload distribution and the corresponding staffing pattern across the State with the view to provide high-density districts with additional support through the help of VPOs and other partnerships. In this regard, the amendment to Rule 6 (33C)(3) of the

Maharashtra Amended JJ Rules 2011 wherein JJBs can appoint NGO partners to provide paralegal and other services provides the necessary framework. In Mumbai, JJBs are already using this provision to get assistance from NGO partners with the work of writing SIRs, counseling, tracing families and supervision

- e. Periodic orientation for JJB members about the importance of the SIR and how it can be used to determine the child's future, on the care plan, and to emphasize the role of the PO's.
- f. Enforcing the submission and implementation of the individual care plan.

Another study titled "**Children, Rights and the Law: An Empirical Study of Deprivation of Rights and Humane Treatment of Juveniles in Conflict with Law in India**" was undertaken by Dr. Shiyamil Wani, Department of Sociology, University of Kashmir as a part of PhD thesis (2015). The objective of the study was to understand the condition of children in conflict with law in India from the standpoint of the provisions guaranteed to them by the Juvenile Justice (Care and Protection of Children) Act, 2000. The target group for this study was 400 children, whose in-depth interviews were taken and data from 200 juvenile court cases was collected. The major findings of the studies, included –

- As many as 75% of the children in conflict with law reported lack of warm relations among them and their parents. A lack of understanding, parental hostility and rejection, parents involving them in stealing and lack of mother's attention due to their jobs were reported by these children. Out of the total number of children studied, 60% accepted that there is some type of undesirability in the behaviour of their parents like, drunkard parents, drug addicts and use of bad language.
- The data shows that 70% of the children studied have fathers who have lowest paying jobs, which reveals a situation of general hardship. Among them, 38.75% are whose parents have servile jobs, 45.75% are those who earn hand to mouth. Due to the nature of jobs of parents, 35.5% have feelings of inferiority, 24% say their daily needs go unmet and 11.3% reported that their education has suffered.

Need of the Manual:

This Manual is an attempt to keep training tools flexible to suit the faculty, availability of time and demands of curriculum. The content from the Manual may be used with equal ease by regular, as well as guest faculty.

- It tries to combine different methodologies and tools to deliver the training sessions and highlights the following –

- Lectures
- Judgments & Readings
- Case Studies
- Role play
- Literature
- Films
- Slides & PowerPoint
- Questionnaires

How to use the Manual:

This Manual is based on interaction between trainers and participants. It emphasizes extensive use of participatory and interactive exercises to help the participants in the learning process. It is designed in the form of a reference document and to assist the trainer to accomplish the task with tips for trainers and facilitators where necessary, games and exercises that can help facilitate the sessions and content specific information which will help the trainers/facilitators/resource persons conduct training programmes successfully.

Trainers/facilitators in different states will have to look for state-specific information to assist the participants with tools that will help them perform their role suitably. These include state-specific situation of children, cases, issues and concerns of children etc.

Objectives

The main objective of the Project would be to develop a training manual for training of Legal cum Probation Officers of District Child Protection Units (DCPUs) and Probation Officers of Child Care Institutions (CCIs) implementing Child Protection Services Scheme with following specific objectives:

Objective – 1

To sensitize the POs and LPOs to carry out effectively their roles and responsibilities towards children in conflict with law and children in need of care & protection under JJ Act 2015 and JJ Model Rules 2016

Objective – 2

To enable them about the provisions under child protection services, JJ system and other legislations concerning children

Objective – 3

To make them aware about the need and importance of probation service for the social reintegration of children

Objective – 4

To orient them about various skills and techniques to deal with children's issues in challenging situations.

Methodology

A training manual for Legal cum Probation Officers of District Child Protection Units (DCPU) and Probation Officers of Child Care Institutions (CCIs) on Child Protection was drafted by a senior faculty member having expertise on legal safeguards concerning children and child protection policies and programmes, after undertaking literature review and designing appropriate text and activities in consonance with Juvenile Justice (Care and Protection of Children) Act, 2015 & Rules, 2016.

Training Manual and Programme Schedule
(Fifteen Days Duration)

DAY – 1 (Monday)	
Time	Topic
9:30 a.m. – 10:00 a.m.	Registration
10:00 a.m. - 10:45 a.m.	Introductory/ Inaugural Session
10:45 a.m. -11:00 a.m.	Tea Break
11:00 a.m. – 12:15 p.m.	Rapport Building/ Ice Breaking & Pre-Training Assessment
12:15 p.m. – 1:30 p.m.	Child rights mechanisms for rights-based strategy and conceptual framework of child protection
1: 30 p.m. – 2:15 p.m.	Lunch Break
2:15 p.m. – 3:15 p.m.	Situational Analysis of Children in India with special emphasis to Child Protection issues
3:15 p.m. - 3:30 p.m.	Tea Break
3:30 p.m. – 4:30 p.m.	Understanding Psychology of Children
4:30 p.m. – 5:30 p.m.	Movie/Film on Child Protection issues: I am Kalam or any other relevant movie.
DAY – 2 (Tuesday)	
Time	Topic
9:30 a.m. – 10:00 a.m.	Recap of the Previous Day
10:00 a.m. - 10:45 a.m.	Constitutional Provisions, International Conventions relating to Children, National Policies for Children in India and National Plan of Action
10:45 a.m. -11:00 a.m.	Tea Break
11:00 a.m. – 12:00 p.m.	Difference between Social Investigation and Criminal Investigation
12:00 p.m. – 1:00 p.m.	Salient Features of the Juvenile Justice (Care and Protection of Children) Act, 2015 & Model Rules, 2016
1: 00 p.m. – 2:00 p.m.	Lunch Break
2:00 p.m. – 3:30 p.m.	Legislations Concerning Protection of Children including online protection: An Update (Child Marriage Prohibition Act, Immoral Traffic Prevention Act, PCPNDT, Child & Adolescent Labour Prohibition & Regulation Act, IT Act, etc.)
3:30 p.m. – 3:45 p.m.	Tea Break
3:45 p.m. – 5.30 p.m.	Procedures of handling cases relating to CCL and role of JJB

DAY – 3 (Wednesday)

Time	Topics
9:30 a.m. – 10:00 a.m.	Recap of the Previous Day
10:00 a.m. - 10:45 a.m.	Types of Offences and Bail procedure
10:45 a.m. -11:00 a.m.	Tea Break
11:00 a.m. – 12:00 p.m.	Apprehension of Child, Post – Apprehension Procedure and Rights of CCL
12:00 p.m. – 1:00 p.m.	Applicability of IPC, CrPC & Evidence Act procedures in dealing with cases relating to children
1: 00 p.m. – 2:00 p.m.	Lunch Break
2:00 p.m. – 3:30 p.m.	Preliminary Assessment and Placement of Children who turned adult (above 18 years) during the pendency of inquiry
3:30 p.m. – 3:45 p.m.	Tea Break
3:45 p.m. – 5.30 p.m.	Conducting Inquiry by Juvenile Justice Board

DAY – 4 (Thursday)

Time	Topic
9:30 a.m. – 10:00 a.m.	Recap of the Previous Day
10:00 a.m. - 10:45 a.m.	Age Determination
10:45 a.m. -11:00 a.m.	Tea Break
11:00 a.m. – 12:00 p.m.	Identifying substance abuse and handling such cases
12:00 p.m. – 1:00 p.m.	Powers and Functions of Children Court under JJ Act
1: 00 p.m. – 2:00 p.m.	Lunch Break
2:00 p.m. – 3:30 p.m.	Amendment, Appeal and Revision of Orders
3:30 p.m. – 3:45 p.m.	Tea Break
3:45 p.m. – 5.30 p.m.	Procedures for dealing with cases relating to CNCP and role of CWC

DAY – 5 (Friday)

Time	Topic
9:30 a.m. – 10:00 a.m.	Recap of the Previous Day
10:00 a.m. – 10:45 a.m.	Role of Special Juvenile Police Unit (CWPO) under the J.J Act & Rules
10:45 a.m. – 11:00 a.m.	Tea Break
11:00 a.m. – 12:00 p.m.	Offences against Children under JJ Act (Chapter IX)

12:00 p.m. – 1:00 p.m.	Interviewing / Communicating with a child
1:00 p.m. – 2:00 p.m.	Lunch Break
2:00 p.m. – 5:30 p.m.	Field Visits to Children Home and Place of Safety Discussion on Field Visit
DAY – 6 & 7 (Saturday & Sunday) – Holiday	
DAY – 8 (Monday)	
Time	Topic
9:30 a.m. – 10:00 a.m.	Recap of the Previous Day
10:00 a.m. - 10:45 a.m.	An overview of POCSO Act & Rules
10:45 a.m. -11:00 a.m.	Tea Break
11:00 a.m. – 12:00 p.m.	Types of child care institutions, its functionaries and their roles, communication skills & counseling requirements in CCIs
12:00 p.m. – 1:00 p.m.	Child Care Standards – physical infrastructure, nutrition/diet, health care and mental health
1: 00 p.m. – 2:00 p.m.	Lunch Break
2:00 p.m. – 3:30 p.m.	Safety & Security of Children in CCIs
3:30 p.m. – 3:45 p.m.	Tea Break
3:45 p.m. – 5.30 p.m.	Procedures for Adoption under the JJ Act and Adoption Regulations, 2017
DAY – 9 (Tuesday)	
Time	Topic
9:30 a.m. – 10:00 a.m.	Recap of the Previous Day
10:00 a.m. - 10:45 a.m.	An overview of Integrated Child Protection Scheme (ICPS)
10:45 a.m. -11:00 a.m.	Tea Break
11:00 a.m. – 12:00 p.m.	Service Delivery Structure at State and District levels under ICPS
12:00 p.m. – 1:00 p.m.	Role and responsibilities of Legal cum Probation Officers of DCPUs
1: 00 p.m. – 2:00 p.m.	Lunch Break
2:00 p.m. – 3:30 p.m.	Roles and Responsibilities of ICPS Functionaries (Programme Managers, Programme Officers, DCPOs, POs, LPOs, SWs & Counsellors)
3:30 p.m. – 3:45 p.m.	Tea Break
3:45 p.m. – 5.30 p.m.	Relevant judgments of Supreme Court & High Courts of India
DAY – 10 (Wednesday)	

Time	Topic
9:30 a.m. – 10:00 a.m.	Recap of the Previous Day
10:00 a.m. - 10:45 a.m.	Who is a Probation Officer?
10:45 a.m. -11:00 a.m.	Tea Break
11:00 a.m. – 12:00 p.m.	Duties of Probation Officers appointed in CCIs
12:00 p.m. – 1:00 p.m.	Powers and Obligations under the Probation of Offenders Act, 1958
1: 00 p.m. – 2:00 p.m.	Lunch Break
2:00 p.m. – 3:30 p.m.	Probation, Supervision and Follow-up
3:30 p.m. – 3:45 p.m.	Tea Break
3:45 p.m. – 5.30 p.m.	Importance of Counseling for Juvenile Justice
DAY – 11 (Thursday)	
Time	Topic
9:30 a.m. – 10:00 a.m.	Recap of the Previous Day
10:00 a.m. - 10:45 a.m.	Handling Transfer Related Issues By POs and LPOs
10:45 a.m. -11:00 a.m.	Tea Break
11:00 a.m. – 12:00 p.m.	The role of Legal Service Authorities in Juvenile Justice
12:00 p.m. – 1:00 p.m.	Specific roles of PO/LPO and linkages with other Stake Holders
1: 00 p.m. – 2:00 p.m.	Lunch Break
2:00 p.m. – 3:30 p.m.	Role of Probation Officer in dealing with CNCP children
3:30 p.m. – 3:45 p.m.	Tea Break
3:45 p.m. – 5.30 p.m.	Role of PO in monitoring community service performance by child in conflict with law [Kajal Sarkar v. State (DELHC:MANU/DE/3626/2017)]
DAY – 12 (Friday)	
Time	Topic
9:30 a.m. – 10:00 a.m.	Recap of the Previous Day
10:00 a.m. – 10:45 a.m.	Role of PO in arranging inter-state transfer of a child for placing before JJB having jurisdiction
10:45 a.m. – 11:00 a.m.	Tea Break
11:00 a.m. – 12:00 p.m.	Case Studies on work ethics for PO
12:00 p.m. – 1:00 p.m.	Innovative and good practices adopted by States/UTs in effective implementation of the Scheme

1:00 p.m. – 2:00 p.m.	Lunch Break
2:00 p.m. – 5:30 p.m.	Field Visits to Observation Home and Special Home Discussion on Field Visit
DAY – 13 & 14 (Saturday & Sunday) – Holiday	
DAY – 15 (Monday)	
Time	Topic
9:30 a.m. – 10:00 a.m.	Recap of the Previous Day
10:00 a.m. - 10:45 a.m.	Documentations under JJ Act & ICPS i.e. SIR, SBR, ICP, QPR, preparation of Annual Report
10:45 a.m. -11:00 a.m.	Tea Break
11:00 a.m. – 12:00 p.m.	Maintenance of Records & registers
12:00 p.m. – 1:00 p.m.	Role of ICT in Child Protection (Track Child Portal, CARINGS & CCI Registration Portal)
1: 00 p.m. – 2:00 p.m.	Lunch Break
2:00 p.m. – 3:30 p.m.	Developing strategy to provide better care and protection services to children in difficult circumstances (Group Work) and Presentation of group work by Participants
3:30 p.m. – 3:45 p.m.	Tea Break
3:45 p.m. – 5.30 p.m.	Post – Training Assessment & Course Evaluation

DAY 1 (Monday)

Registration and Inauguration Session

1. Give registration form to the participants.
2. Match the registration forms with the list of confirmed participants.
3. Distribute training kit to the participants.
4. Ensure that the training kit shall have a copy of the following:
 - a) Programme Schedule
 - b) TA form in case of non-official participant
 - c) Note Pad/Pen
 - d) Copy of JJ Act & POCSO Act
 - e) Copy of ICPS & other relevant documents in a compendium form.
5. Welcoming the participants.
6. Inaugural address by the head of the Institution.
7. Ensure that the introductory addressing shall highlight the following: Introduction to the training schedule, briefing on running programme, objectives, programme schedule, working hours, and activities of the Institute pertaining to Child Protection.

Learning Objectives:

- To enable participants to know about the Institute.
- To make them aware about the objectives and contents of training programme.
- To help the participants understand the basic norms to be followed by all of them during the training programme.

Materials Requirement: Flip Chart, Marker, Projector, Computer, etc.

Duration: 1 hour 15 minutes

Rapport Building/ Ice Breaking & Pre-Training Assessment

- Introduction of participants and ice breaking game(s).
- To help them to develop a rapport with each other.

Duration: 1 hour 15 minutes

Contents –

1. Registration of participants and distribution of kit.
2. Welcome and inaugural address (NIPCCD introduction, brief of programme objectives & content coverage)
3. Introduction of participants and ice breaking game(s).
4. Setting the ground rules for the Training Programme.

TECHNICAL SESSIONS –

Session 1: Child Rights – Mechanism for Rights-based Strategy and conceptual framework of Child Protection.

Objectives:

- To gain an overview of key concept of Child Rights.
- To understand the need for Rights-based Strategy and conceptual framework of Child Protection.

Methodology: Presentation, lecture, discussion and group exercise

Materials Required: LCD Projector, computer slides on ' Child Rights', flip chart, and White Board marker

Duration: 1 hour 15 minutes

Instructions: Divide the session into two parts.

Part I - Understanding the Concept of Child Rights

1. Ask the participants what they understand by the term 'child' and explain the definition of Child as per law.
2. 10 minutes for sharing information.
3. Quickly write their responses on the flip chart and lead the discussion with the help of reference material.
4. Explain the participants about the concept of Child Rights with the help of slides.

Part II – Mechanism for Rights-Based Strategy and Conceptual framework of Child Protection

1. Ask the participants what they understand with the terms like ‘rights’ and ‘needs’.
2. Explain the difference between 'rights' and 'needs'.
3. Carry out discussion on difference between need based and rights based approaches and explain the concept with the help of power point presentation.
4. Use PowerPoint presentation to explain the conceptual framework of Child Protection. (20 minutes for presentation)
5. Keep a track of time and wind up the session.

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand the concept of child rights and rights-based strategy.
- As this is theoretical session try to seek as much participants as possible.
- Try to link the participant’s viewpoints with the available literature
- Read the slides carefully before conducting the session
- Keep a track of the time as it is an extensive session

Reference Materials:

Part I - Understanding the Concept of Child Rights

- **Who is a child?**

- ❖ *“A child as any human being under the age of eighteen, unless an earlier age of majority is recognized by a country's law.” (UNCRC)*
- ❖ *As per the provision of Juvenile Justice (Care and Protection of Children) Act, 2015, “child” means a person who has not completed eighteenth year of age.*

- **Child Rights**

Children do have rights like adults. Human rights are for all people, including children, regardless of their age. However, children need extra protection and guidance from adults, and they have special rights of their own. Children's rights are also human rights, and they are laid down in the United Nations Convention on the Rights of the Child (UNCRC).

- **What are the Child Rights?**

All people under the age of 18 are entitled to the standards and rights guaranteed by the laws that govern our country and the international legal instruments we have accepted by ratifying them. The Constitution of India guarantees all children certain rights, which have been specially included for them. These include:

- Right to free and compulsory elementary education for all children in the 6-14 year age group (Article 21 A).
- Right to be protected from any hazardous employment till the age of 14 years (Article 24).
- Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength (Article 39(e)).
- Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment (Article 39 (f)).

Part II – Mechanism for Rights-Based Strategy and Conceptual framework of Child Protection

- **Understanding Wants, Needs and Rights:**

1. A need is something that is basic to being alive example water, food, shelter, work, money.
2. A want is something that you might want to have but don't have ex. radio, TV, fancy clothes, cell phone etc.
3. Wants and needs are varies from person to person, but rights are common to all.

4. Every child has rights. No matter which region/state they are from, which community or religion they belong to, how old they are, irrespective of their sex- all have same rights.
5. All wants are not needs -
 - Things that are WANTS but not NEED are called desirable but not necessary for survival (e.g. toys, games etc.).
 - Rights are non- negotiable , they are legal entitlements recognized by Government
- The Governments are the duty bearers of rights of children. They have an obligation to fulfill them.

• **Difference between needs and rights based approaches:**

Needs Based Approach	Rights Based Approach
Children deserve help	Children are entitled for help
Government ought to do something	Government have binding legal and moral obligation
Children can participate so as to improve service delivery	Children are active participants by rights
Given scare resources, some children may have to be left out	All children have same right to fulfil their potential
Each activity meets a set goal, but there is no unifying purpose	All activities contribute to an overarching goal
Certain groups have expertise to meet children's needs	All adults can play a role in achieving children's right
Focus is on the specific immediate situation	Analyses root cause

• **Conceptual Framework of Child Protection**

Child protection addresses every child's right to not to be subjected to harm. It thus complements other provisions which ensure that children receive all that they need in order to survive, develop and thrive. Protection from perceived or real risk, danger or damage relates not only to a person's physical condition, but to all the nuances of life and status in the diversity of physical, social, material, civil, cultural, psychological and political settings, and usually to a complex mix of them

The key to prevention and prohibition of violence -

- All children have the right to be protected wherever they are — at home, in school, on the streets, and at all times — in times of peace or conflict or calamity.
- Their right to protection is as intrinsic to their well-being, as is the right to survival, development and participation.
- Children deserve to live in an environment where good governance and the full enjoyment of human rights are mutually reinforcing.

The National Policy for Children 2013 identifies the right to protection as a key priority and emphasizes that a safe, secure, and protective environment is a precondition for the realization of all rights of children. The Integrated Child Protection Scheme (ICPS) of the Ministry of Women and Child Development (MWCD), launched in 2009, aims at establishing and strengthening a comprehensive child protection system at the state, district, and community levels, and provides a range of child protection services to children.

Child protection has been defined in the guidelines of the ICPS as:

“Protecting children from or against any perceived or real danger or risk to their life, their personhood and childhood; reducing vulnerability to any kind of harm and ensuring that no child falls out of the social safety net; and in case children fall out of the safety net, then ensuring that they receive necessary care, protection, and support so as to bring them back into the safety net”.

Session 2: Situational Analysis of Children in India with special emphasis to Child Protection issues.

Objectives:

- To develop an insight of the situation of children with special emphasis on Child Protection in Indian Perspective.
- To make the participants understand about the current Child Protection issues.
- Enable the participants to strategize their work keeping in mind the situation of children they would be addressing to.

Methodology: Presentation, discussion and group exercise

Materials Required: Projector, computer slides on ‘Situational Analysis of Children in India’, flip chart, white board & marker

Duration: 1 hour

Instructions: Divide the session into two parts.

Part I- Situational Analysis of Children in India

1. Show the slides on ‘Situation of Children in India’ (give 20 minutes to presentation).
2. Ask participants to share the situation of children in their area/region/state.
3. 10 minutes for sharing information.
4. Quickly write the responses of the participants on flip chart.
5. Quickly analyze the responses and presentation with discussion and proceed to part II.

Part II: Vulnerable Children

1. Ask the participants about the categories of Vulnerable Children
2. Clarify the categories of Vulnerable Children with the help of slides.
3. Then discuss the issues related to these vulnerable children with participants.
4. Use power point presentation to lead the discussion.
5. Keep a track of time and wind up the session.

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand the situation of children in India and also the types and causes of their vulnerability.
- The group exercise for this session will help the participants to know the condition of children in various parts of India. Further this will also help in seeking their participation.
- Read the slides carefully before conducting the session.
- Have updated data on situation of children in India.
- Keep a track of the time as it is an extensive session.

In fact, in this technical session, overall situations of children can be discussed along with district-wise data on CNCP Children issues & concerns relating to such children. On the field challenges & difficulties and also the expectations on the proposed training programme by the participants would be helpful.

Contents:

- a. **Child Protection issues**
 - Crimes against Children
 - Crimes committed by Children
 - Child Labour
 - Child trafficking
 - Child Marriage
 - Child Sexual Offences
 - Children living in areas affected by violence
 - Adoption
 - Vulnerable children & their issues

Reference Materials:

Part I - Situational Analysis of Children in India

- a. **Child Protection issues:**
 - **Crimes against Children**

There has been a considerable rise in number of registered cases of crimes against children over the years. According to the National Crime Record Bureau Report, *Crime in India 2016: Compendium*, a total of 1, 06,958 cases of crimes against children were reported in the country during 2016 as compared to 94,172 cases during 2015. Similarly 36, 022 cases have been registered under the POCSO Act during 2016.

Supreme Court had prepared a list of child rape cases in the past six months, from January to June 2019, and found that out of the 24,000 cases lodged in this period; only 900 had completed trial and disposed of.

- **Children in conflict with law**

As per NCRB data, 2016, there were **6,645 crimes** committed by children reported during 2016 in comparison to 5,948 cases in the year 2015. Maximum number of cases under Children in Conflict with Law were reported in **Delhi (35.6%)** followed by **Mumbai (14.2%)** and **Pune (11.3%)** during 2016.

Cases Registered against Children in Conflict With Law under Different Crime Heads of IPC During 2015 and 2016	2015 No. of Cases	2016 No. of Cases
Murder (Section 302 IPC)	853	892
Attempt To Commit Murder (Section 307 IPC)	980	933
Culpable Homicide Not Amounting To Murder (Section 304 IPC)	36	45
Attempt to Commit Culpable Homicide (Section 308 IPC)	60	53
Rape (Section 376 IPC)	1688	1903
Attempt To Commit Rape (Section 376/511 IPC)	77	67
Kidnapping and Abduction	1630	1538
Dacoity	178	218
Making Preparation And Assembly For Committing Dacoity	48	
Robbery	1358	1276
Criminal Trespass	2605	2747
Theft	6046	7717
Unlawful Assembly	118	122
Riots	1017	1315
Criminal Breach of Trust	26	-
Cheating	90	162
Grievous Hurt	1027	1151
Assault On Women With Intent To Outrage Her Modesty	1439	1540
Dowry Deaths	237	-

Causing Death By Negligence (Section 304-A IPC)	329	319
Causing Injuries Under Rash Driving/Road Rage	1538	1196

- **Missing Children:**

A total of **1, 11,569** children (41,175 males and 70,394 females) were reported missing in which maximum children missing were reported from **West Bengal (16,881 children)**, (4,595 males and 12,286 females) followed by **Delhi UT (14,661 children)**, (6,125 males and 8,536 females) and **Madhya Pradesh (12,068 children)**, (3,446 males and 8,622 females) during 2016 (NCRB, 2016). Out of total 1, 11,569 missing children during the year 2016, a total of **55,944 children** (20,364 males and 35,580 females) **were traced** and 55,625 children (20,811 males and 34,814 females) were untraced at the end of the year (including previous year)

- **Child Marriage:**

According to Child Marriage Prohibition Act, 2016, ‘child’ means, a girl under 18 years or a boy under 21 years. India has the largest number of child brides in the world – one third of the global total. Recent data indicates that in the last decade there has been a significant decline in the prevalence of child marriage from 47 per cent to 27 per cent of the proportion of women aged 20-24 years who were married before age 18 from 2005/2006 to 2015/2016.

The Hon’ble Supreme Court of India on the International Girl Child Day, 11 October 2017, gave a Landmark Judgment, amending a 77 years old law, upholding the social justice of girl children and read down the Exception 2 of Section 375 of Indian Penal Code, 1860 Criminalizing “Sexual inter-course by a man with his own wife, the wife being under eighteen years of age, as Rape.”



Session 3: Understanding Psychology of Children

Objectives:

- To orient the participants about the concept and importance of Child Psychology.
- Enable the participants to understand the different developmental stages of children.
- To make the participants understand about the learning and behavioural problems faced by the children living in institutional setting.

Methodology: Presentation, Lecture-cum-discussion, group-exercise.

Materials Required: Projector, Presentation on ‘Psychology of Children’, flip chart, white board & marker

Duration: 1 hour

Instructions:

Proceed the session with the help of presentation on concept and importance of Child Psychology.

Tips for the facilitators/Resource Persons:

- Appreciate and acknowledge the participant's knowledge as and when required.
- Keep a track of the time as it is an extensive session.

Contents:

- What is Child Psychology?
- Why it is important for the Probation Officer to understand Child Psychology?
- What are the different development stages of the children?
- External factors effecting development of child.
- What is the Child delinquency, what are its causes, types and effects?
- What is the importance of early intervention

Reference Materials:

- **Child Psychology**

Child psychology is the study of subconscious and conscious childhood development. Understanding the normal and abnormal psychological patterns of a child can help understand how to best communicate and connect with the child.



- **Importance for Probation Officer to understand Child Psychology**

Young children placed in institutional care are at risk of harm in terms of attachment disorder and developmental delays in social, behavioral, and cognitive domains. Delays in physical growth, neural atrophy, and abnormal brain development Children exposed to institutional care often suffer from “structural neglect” which may include minimum physical resources, unfavorable and unstable staffing patterns, and social-emotionally inadequate caregiver-child interactions. After centuries of silence, misunderstandings and outright abuse, children mental health problems now receive greater attention, which corresponds to society's recent concern about children's well-being. Earlier people distinguished children with intellectual defects, children with behaviour and emotional problem was derived from religious views of immoral behaviour.

Children who had normal cognitive abilities but who were disturbed were thought to suffer from moral insanity, which implied a disturbance in personality or character –

- institutions characterized by global deprivation of the child's health, nutrition, stimulation, and relationship needs.
- institutions with adequate health and nutrition support, but deprivation of the child's stimulation and relationship needs.
- institutions that meet all needs except for stable, long-term relationships with consistent caregivers. Logically it is possible to add a fourth level, namely an institutional environment that provides for stable and consistent caregiving, and only deprives children of a regular family life embedded in a regular social environment.

The recognition of psychological influence emerged early in the twentieth century, when attention was drawn to the importance of major psychological disorders and to formulating a taxonomy of illness. Such recognition allowed people to better understand the basic psychological and emotional need of a child and importance of better care and protection needed by the child in the growing age. This also allowed researchers to organize and categorize ways of differentiating among various psychological problems. At the same time there was concern that attempts to recognize the wide range of mental health needs of children and adults could easily be backfire and lead to neglect of persons with more severe disorder. This shift in perspective and increase in knowledge also prompted the development of diagnostic categories and new criminal offenses, the expansion of descriptions of deviant behaviour, and the addition of more comprehensive monitoring procedures for identified individuals.

- **Different development stages of children**

Children change rapidly as they grow. Many of these changes are physical. Other changes are cognitive, which means the changes affect the way children think and learn. Child development occurs in five stages -



- **Psychology of Children in Conflict with Law (CCL)**

“A child in Conflict with Law refers to any person between the ages of 10 and 17 found guilty of an offence that would be criminal in an adult.”

a. Psychologist's approach - Deficiency in the formation of superego- the delinquent child fails to internalize primitive taboos and code of conduct set by family and society.

b. Delinquency as aggression – Manifestation of frustrated needs of child which ultimately

lead to aggression.

- c. **Biological view** - Genetic basis of antisocial personality or traits due to organic or pathological causes of the nervous system.
- d. **Sociological approach** - Emphasizes on adverse social conditions- leads to failure to achieve goals legitimately- causes person to engage in antisocial, non-legal means to identify goals.
- e. **Legal view**- till a person is brought to the court, he is not a delinquent.
- f. **Mental hygiene approach** - Expression of an individual's needs. Child attempts to gratify his needs by antisocial behaviour when he fails to do the same by socially acceptable behaviour.

- **Characteristics of CCL/delinquents**

- a. **Physical** - muscular, mesomorphic, bold.
- b. **Temperament** - Restlessly energetic, impulsive, aggressive, extroverted.
- c. **Attitude** - Hostile, defiant, resentful, non-submissive to authority, suspicious.
- d. **Psychological** - less methodical in their approach to problems, more direct
- e. **Socio cultural** - less affection, stability, moral standards of parents poor.

Types of delinquent acts

- **Acquisitive tendency** - Stealing
- **Forgery**
- **Aggression** - Physical aggression, destructive behaviour, bullying, animal torture, suicide.
- **Sex delinquency** - Obscene drawings and writings, exhibitionism, prostitution, abduction and rape
- **Tendency to escape** - Truancy, running from home, unable to face reality.
- **Sex delinquency** - Homosexuality/ heterosexuality, obscene language, abduction, rape, molestation

- **Causes of delinquency**

Two different views –

Delinquency is based on heredity

Environmental factors are the sole cause.

Causes of delinquency

Heredity and Individual Factors

Behaviour - 90% show features of conduct disorder in middle childhood.

Appearance- Criminals have certain physical characteristics like big body, broad jaws, strong chin, and swift eye movements and so on.

Intelligence- Lower IQ levels seen, may lead to educational failure, poor self-esteem and frustration delinquency.

Biology - Genetic makeup of greater aggressive tendencies, poor attention skills, impulsivity, impaired passive avoidance, thrill seeking and lesser reactivity to stress. They can have episodic dyscontrol due to brain pathology and antisocial personality disorder.

Relationships - Impaired relations with same sex peers and opposite sex. Antisocial peers increase persistence of criminal behaviour, defective discipline, and parental indifference.

Environmental Factors

Ecological factor - Dense population, congestion, slum areas

Home factors –

- Broken families, marital conflict, working couple.
- Poverty
- Disabled parents , lack of affection
- Lack of moral code in family
- Dependence on servants
- Crowded homes, too many children

School factors –

- Lack of discipline
- Emotional climate
- Lack of co-curricular activities
- Defective curriculum
- Lack of games, library

Social factors - Casteism, communalism, civil conflict, war

- **Treatment - Psychotherapy**

- i) Re-education
- ii) Abreaction
- iii) Persuasion
- iv) Suggestion and counseling- child, parents.
- v) Environmental treatment
- vi) Behaviour modification
 - Define desired behaviour
 - Positive reinforcement

- **Prevention**

- a. Parent training in child rearing skills
- b. School interventions-
 - i) Teacher training in classroom management
 - ii) Reading remediation
 - iii) Identification of problem child.
- c. High risk children for targeted intervention
- d. Social awareness- training of members of a community to impart behaviour modification.
- e. Social agencies can play a pivotal role.

DAY 2 (Tuesday)

Session 5: Constitutional Provisions, International Conventions relating to Children, National Policies for Children, National Policy on Child Protection, ECCE Policy and National Plan of Action.

Objectives:

- To orient the participants about salient features of Constitution of India highlighting rights for children as citizens of the country.
- To make the participants aware and discuss on UNCRC, National Policies for children in India, National Plan of Action, 2016

Methodology: Presentation, lecture, discussion and group exercise

Materials Required: LCD Projector, computer slides on ‘UNCRC, Optional Protocols, Policies and programmes related to children in India etc., flip chart, and White Board marker

Duration: 45 minutes

Instructions: Divide the session into two parts.

Part I - Rights enshrined in Indian Constitution

1. Explain various rights articulated in Indian Constitution such as right to equality, non-discrimination, life with dignity, right to protection from abuse, exploitation, etc.
2. 10 minutes for sharing information.

Part II - International Conventions relating to Children, National Policies for Children in India and National Plan of Action.

1. Explain the participants about various conventions on child rights.
2. Show and explain the slides on International Conventions on Child Rights (give 20 minutes to presentation).
3. Ask the participants about the various national policies for children in India.
4. Use slides to explain National Policies for Children in India and National Plan of Action.

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand the Constitutional Provisions, International Conventions and National Policies for children in India.
- As this is theoretical session try to seek as much participants as possible.
- Read the slides carefully before conducting the session.
- Keep a track of the time as it is an extensive session.

Reference Materials:

- **Constitutional Provisions Concerning Basic Rights Of Children**

Box-1.2 CONSTITUTIONAL PROVISIONS CONCERNING BASIC RIGHTS OF CHILDREN

1. **Art. 15. Non- discrimination against any citizen on ground of religion, race, caste, sex, place of birth or any of them**
2. **Article 15(3):** - The State can make special provision for children.
3. **Art 21. No person shall be deprived of his life or personal liberty except according to procedure established by law.**
4. **Article 21A:** - The State shall provide free and compulsory education to all children in the age of six to fourteen years.
5. **Article 23: Prohibits traffic in human beings and beggar and other similar form of forced labour.**
6. **Article 24:** - No child below the age of 14 years shall be employed to work in a factory, mine or any other hazardous employment.
7. **Article 39(e):** - The tender age of children is not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength.
8. **Article 39(f):** - Children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that youth are protected against exploitation and against moral and material abandonment
9. **Article 45:** - The State shall endeavor to provide early childhood care and education for all children until they complete the age of six years.
10. **Article 51A (Clause 11):** - Whereas, it is Fundamental Duty of a parent or guardian to provide opportunities for education to his/her child or ward between the age of six and fourteen years.

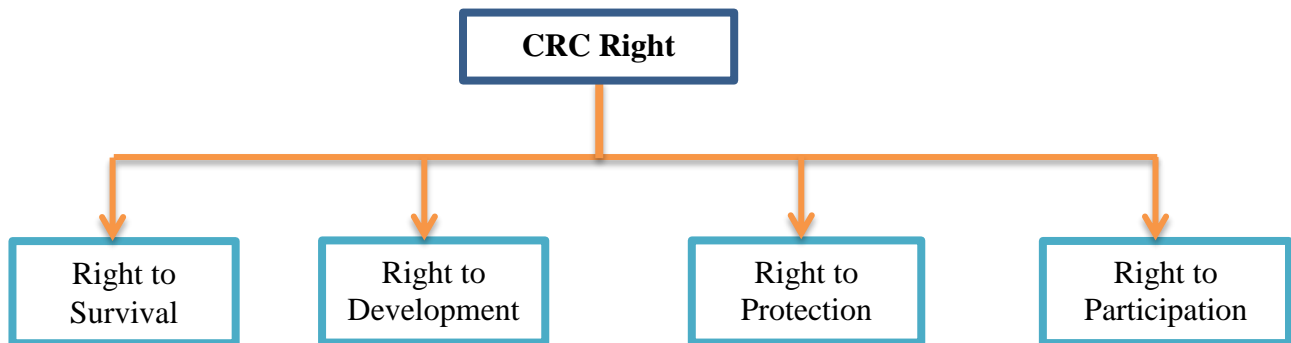
- **UN Convention on the Rights of the Child (UNCRC)**

The UN Convention on the Rights of the Child is an international treaty that recognizes the human rights of children, defined as persons up to the age of 18 years. The Convention establishes that States Parties must ensure that all children, without discrimination in any form:

- Benefit from special protection measures and assistance;
- Have access to services such as education and health care
- Can develop their personalities, abilities and talents to the fullest potential;
- Grow up in an environment of happiness, love and understanding;
- Are informed about and participate in, achieving their rights in an accessible and active manner.

- **Rights articulated in the UNCRC**

The UNCRC lays emphasis on four types of rights which are equally important, interrelated and interdependent. They are:



- **The National Policy for Children, 2013**

The National Policy for Children, 2013, emphasizes a safe, secure and protective environment for children which are the pre-conditions for the realization of all other rights of children. One of the key priorities of the Policy mandate is that the State shall create a caring, protective and safe environment for all children, to reduce their vulnerability in all situations and to keep them safe at all places, especially public spaces. The State shall protect all children from all forms of violence and abuse, harm, neglect, stigma, discrimination, deprivation, exploitation including economic exploitation and sexual exploitation, abandonment, separation, abduction, sale or trafficking for any purpose or in any form, pornography, alcohol and substance abuse, or any other activity that takes undue advantage of them, or harms their personhood or affects their-development.

- **National Plan of Action for Children, 2016**

The National Plan of Action for Children, 2016 is based on the principles embedded in the National Policy for Children, 2013 and provides a roadmap that links the Policy objectives to

actionable programmes. It is an initiative to further strengthen and activate the implementation and monitoring of National, Constitutional and Policy commitments and the UN Convention on the Rights of the Child. The Plan takes into account the sustainable Development Goals and provides a roadmap towards achieving them through co-ordination and convergence with different stakeholders. The Plan aims to protect all children from all forms of violence and abuse, harm, neglect, stigma, discrimination, deprivation, exploitation including economic exploitation and sexual exploitation, abandonment, separation, abduction, sale or trafficking, etc.

Session 6: Difference between Criminal Justice System and Juvenile Justice System

Objectives:

- To enable the participants differentiate between Criminal Justice System and Juvenile Justice System

Methodology: Presentation, lecture, discussion and group exercise

Materials Required: Projector, computer, flip chart, white board and marker

Duration: 1 hour

Instructions: Proceed the session with the help of presentation on Criminal Justice System and Juvenile Justice System

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand why children are dealt under Juvenile Justice System.
- Read the slides carefully before conducting the session
- As the session is theoretical, make it interactive by encouraging participants to share their experiences.
- Prepare a set or guide of questions and answers to be asked from the participants in between the session.
- Appreciate and acknowledge the participants' knowledge as and when required.
- Keep a track of the time as it is an extensive session

Reference Materials:

Criminal Justice System

Criminal Justice refers to the agencies of government charged with enforcing law, adjudicating crime, and correcting criminal conduct. The criminal justice system is essentially an instrument of social control; society considers some behaviors so dangerous and destructive that it either strictly controls their occurrence or outlaws them outright. It is the job of the agencies of justice to prevent these behaviors by apprehending and punishing transgressors or deterring their future occurrence. Although society maintains other forms of

social control, such as the family, school, and church, they are designed to deal with moral, not legal, misbehavior, only the criminal justice system has the power to control crime and punish criminals. The age is very significant here, as a person who is a minor or a child cannot be tried and convicted in the same manner as an adult as at the time of commission of the offence, the child was not capable of understanding the consequences of his/her actions and had no mens rea and was a doli incapax-that is, not understanding the right from the wrong. Article 40 (3) (a) of the CRC requires State Parties to promote the establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law. The age of criminal responsibility in India is 7 years. Hence, a child below the age of 7 years cannot be considered a child in conflict with law. Nothing is an offence done by children between 7 and 12 years of age who have not attained sufficient maturity of understanding to judge the nature and consequences of their conduct on that occasion and did not know that what they were doing was wrong. If there is a legislation dealing with the criminal liability of minors, the benefit of this legislation must be accorded to an accused who is a minor and such accused should not be tried under the ordinary law for adults. Children have to be dealt with under the juvenile justice system and not the adult criminal justice system.

Juvenile Justice System

On the other hand, Juvenile Justice (Care and Protection of Children) Act, 2015, is meant for children below the age of 18 years. The stakeholders involved are: Child Welfare Committee, Juvenile Justice Board, Special Juvenile Police Unit, District Child Protection Unit, Media, NGOs, Childline and other concerned government and non-government agencies, family and the community. The child is taken to Observation Home and Place of Safety instead of police lock-up or jail as per the order of the JJB and Children Court. The Act provides for rehabilitation & social reintegration of children in conflict with law through vocational education, counseling and building their self- esteem skills.

The pro-active provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015, are based on the (i) provisions of the Indian Constitution; (ii) United Nations Convention on Rights of the Child, 1989; (iii) United Nations Standard Minimum Rules for the administration of Juvenile Justice, 1985 (the Beijing Rules); (iv) United Nations Rules for the Protection of Juveniles deprived of their Liberty, 1990, besides the national policies.

Why is a child dealt with under the juvenile justice system and not under the adult criminal justice system?

Children are among the most vulnerable members of society. The law of the state protects children until they are deemed to be able to interact in society as adults. Adolescents' decisions to commit crimes, which are usually rash and made in the presence of peers are understood to be lacking psychosocial capacities that are present in aiding adults' decisions in similar scenarios.

Therefore, the Juvenile Justice (Care and Protection of Children) Act 2015 outlines the following Fundamental Principles that Guide the Stakeholders (JJ Act, 2015):

- i. Principle of presumption of innocence:** Any child shall be presumed to be an innocent

of any mala fide or criminal intent up to the age of eighteen years.

- ii. **Principle of dignity and worth:** All human beings shall be treated with equal dignity and rights.
- iii. **Principle of participation:** Every child shall have a right to be heard and to participate in all processes and decisions affecting his interest and the child's views shall be taken into consideration with due regard to the age and maturity of the child.
- iv. **Principle of best interest:** All decisions regarding the child shall be based on the primary consideration that they are in the best interest of the child and to help the child to develop full potential.
- v. **Principle of family responsibility:** The primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be.
- vi. **Principle of safety:** All measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system, and thereafter.
- vii. **Positive measures:** All resources are to be mobilised including those of family and community, for promoting the well-being, facilitating development of identity and providing an inclusive and enabling environment, to reduce vulnerabilities of children and the need for intervention under this Act.
- viii. **Principle of non-stigmatizing semantics:** Adversarial or accusatory words are not to be used in the processes pertaining to a child.
- ix. **Principle of non-waiver of rights:** No waiver of any of the right of the child is permissible or valid, whether sought by the child or person acting on behalf of the child, or a Board or a Committee and any non-exercise of a fundamental right shall not amount to waiver.
- x. **Principle of equality and non-discrimination:** There shall be no discrimination against a child on any grounds including sex, caste, ethnicity, place of birth, disability and equality of access, opportunity and treatment shall be provided to every child. General principles to be followed in administration of Act
- xi. **Principle of right to privacy and confidentiality:** Every child shall have a right to protection of his privacy and confidentiality, by all means and throughout the judicial process.
- xii. **Principle of institutionalization as a measure of last resort:** A child shall be placed in institutional care as a step of last resort after making a reasonable inquiry.
- xiii. **Principle of repatriation and restoration:** Every child in the juvenile justice system shall have the right to be re-united with his family at the earliest and to be restored to the same socio-economic and cultural status that he was in, before coming under the purview of this Act, unless such restoration and repatriation is not in his best interest.
- xiv. **Principle of fresh start:** All past records of any child under the Juvenile Justice system should be erased except in special circumstances.
- xv. **Principle of diversion:** Measures for dealing with children in conflict with law without resorting to judicial proceedings shall be promoted unless it is in the best interest of the child or the society as a whole.
- xvi. **Principles of natural justice:** Basic procedural standards of fairness shall be adhered to, including the right to a fair hearing, rule against bias and the right to review, by all persons or bodies, acting in a judicial capacity under this Act.

Session 7: Salient Features of the Juvenile Justice (Care and Protection of Children) Act, 2015 & Model Rules, 2016

Objectives:

- To make the participants aware about the evolution and salient features of JJ Act.

Methodology: Presentation, Lecture-cum-discussion and group-exercise.

Materials Required: Projector, computer, flip chart, white board and marker

Duration: 1 hour 30 minutes

Instructions:

1. Start the session by asking the following questions:
2. What was the need of repealing the J.J System
3. Explain them main changes in the new Act & Rules
4. Discuss different categories of children
5. Precede the discussion with the help of slides.
6. Show slides on Historical overview of Juvenile Justice Law in India.
7. Ask the participants to share their views on Principles of Juvenile Justice and Protection of Children. Ask the participants, the meaning of any two or three of the following terminologies:
 - a. Child and juvenile
 - b. Juvenile in Conflict with Law
 - c. Child in Need of Care and Protection
 - d. Fit institution
 - e. Fir person
 - f. Children's home
 - g. Special home
 - h. SAA
 - i. Open Shelter home
 - j. Observation home
 - k. Place of safety
8. Clarify all the terminologies as per the provision of Juvenile Justice (Care and Protection of Children) Act, 2015.
9. Ask the participants what they understand by the term 'Alternative Justice Mechanism'.
10. Wind up the session by answering the relevant queries.

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand the origin and important components of Juvenile Justice Act, 2015.

- Read the slides carefully before conducting the session
- As the session is theoretical, make it interactive by encouraging participants to share their experiences.
- Prepare a set or guide of questions and answers to be asked from the participants in between the session.
- Appreciate and acknowledge the participants' knowledge as and when required.
- Keep a track of the time as it is an extensive session.

Contents –

- Juvenile Justice Board, procedure in relation to Children in Conflict with Law .
- Child Welfare Committee
- Procedure in relation to Children in Need of Care and Protection
- Rehabilitation & Social Integration
- Adoption
- Other Offences against Children
- Miscellaneous Provisions
- Comparison between 2000 and 2015 Act

Reference Materials:

The Juvenile Justice (Care and Protection of Children) Act, 2015 and Child Protection

The Government of India has repealed recently a legislation for children namely, the Juvenile Justice (Care & Protection of Children) Act, to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation. The JJ Act, 2015 provides for strengthened provisions for both children in need of care and protection and children in conflict with law. Some of the key provisions include: change in nomenclature from 'juvenile' to 'child' or 'child in conflict with law', across the Act to remove the negative connotation associated with the word "juvenile"; inclusion of several new definitions such as orphaned, abandoned and surrendered children; and petty, serious and heinous offences committed by children; clarity in powers, function and responsibilities of Juvenile Justice Board (JJB) and Child Welfare Committee (CWC); clear timelines for inquiry by Juvenile Justice Board (JJB); special provisions for heinous offences committed by children above the age of sixteen; separate new chapter on Adoption to streamline adoption of orphan, abandoned and surrendered children; inclusion of new offences committed against children; and mandatory registration of Child Care Institutions.

Under Section 15, special provisions have been made to tackle child offenders committing heinous offences in the age group of 16-18 years. The Juvenile Justice Board is given the option to transfer cases of heinous offences by such children to a Children's Court (Court of Session)

after conducting preliminary assessment. The provisions provide for placing children in a 'place of safety' both during and after the trial till they attain the age of 21 years after which an evaluation of the child shall be conducted by the Children's Court. After the evaluation, the child is either released on probation and if the child is not reformed then the child will be sent to a jail for the remaining term. The law will act as a deterrent for child offenders committing heinous offences such as rape and murder and will protect the rights of victim.

Several rehabilitation and social reintegration measures have been provided for children in conflict with law and those in need of care and protection. Under the institutional care, children are provided with various services including education, health, nutrition, de-addiction, treatment of diseases, vocational training, skill development, life skill education, counselling, etc., to help them assume a constructive role in the society. The variety of non-institutional options include: sponsorship and foster care including group foster care for placing children in a family environment which is other than child's biological family, which is to be selected, qualified, approved and supervised for providing care to children. All child care institutions, whether run by State Government or by voluntary or non-governmental organizations, which are meant, either wholly or partially for housing children, regardless of whether they receive grants from the Government, are to be mandatorily registered under the Act within six months from the date of commencement of the Act. Stringent penalty is provided in the law in case of non-compliance.

Several new offences committed against children, who are so far not adequately covered under any other law, are included in the Act. These include: sale and procurement of children for any purpose including illegal adoption, corporal punishment in child care institutions, use of children by militant groups, offences against disabled children and, kidnapping and abduction of children.

Child Welfare Committee

For exercising the powers and to discharge the duties conferred on such Committees in relation to children in need of care and protection and ensure that induction training and sensitization of all members of the committee is provided.

Session 8: Legislations Concerning Protection of Children including online protection: An Update (Child Marriage Prohibition Act, Immoral Traffic Prevention Act, PCPNDT, Child & Adolescent Labour Prohibition & Regulation Act, IT Act, etc.)

Objectives:

- To sensitize the participants about existing laws pertaining to children especially laws for child protection, and,
- To discuss about different mechanisms established under various legislations to implement the laws relating to children.

Methodology: Lecture, Presentation and discussion

Materials Required: Projector, computer, slides on ‘legislations related to children in India ’, flip chart, marker

Duration: 1 hour

Instructions:

1. Ask the participants to list down the legislations related to protection of children in India
2. Explain all legislations with the help of slides
3. Now ask the participants to list down existing mechanisms set up to implement the laws for children in India.
4. Conclude the session highlighting the similarities and uniqueness of each of the legislation.

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand various legislations for children in India.
- As this is a theoretical session, involve participants wherever possible.
- Try to appreciate participants for their participation during the discussion.
- Read the slides carefully before conducting the session.

Reference Materials:

A child in need of care and protection is a child:

- i. who is found without any home or settled place of abode and without any ostensible means of subsistence; or
- ii. who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street; or
- iii. who resides with a person (whether a guardian of the child or not) and such person— (a) has injured, exploited, abused or neglected the child or has violated any other law for the time being in force meant for the protection of child; or (b) has threatened to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out; or (c) has killed, abused, neglected or exploited some other child or children and there is a reasonable likelihood of the child in question being killed, abused, exploited or neglected by that person; or
- iv. who is mentally ill or mentally or physically challenged or suffering from terminal or incurable disease, having no one to support or look after or having parents or guardians unfit to take care, if found so by the Board or the Committee; or
- v. who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated, by the Committee or the Board, to care for and protect the safety and well-being of the child; or
- vi. who does not have parents and no one is willing to take care of, or whose parents have abandoned or surrendered him; or

- vii. who is missing or run away child, or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed; or
- viii. who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts; or
- ix. who is found vulnerable and is likely to be inducted into drug abuse or trafficking; or
- x. who is being or is likely to be abused for unconscionable gains; or
- xi. who is victim of or affected by any armed conflict, civil unrest or natural calamity; or
- xii. who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnisation of such marriage.

- **Child and Adolescent Labour (Prohibition And Regulation) Act 1986**

Who is a Child Labourer?

A child who has not completed the age of 14 years and is employed or permitted to work in any occupation or process with the exception of a child who helps his family or family enterprises other than hazardous occupations or processes set forth in the Schedule after school hours or during vacations or who works as an artist in an audio-visual entertainment industry subject to safety measures. [Section 3]

Who is an Adolescent Labourer?

A person who has completed his fourteenth year of age but has not completed his eighteenth year who is employed or permitted to work in any of the hazardous occupations or processes in the schedule. [Section 3A]

In case of Adolescents working in non-hazardous industries, following are the conditions of work:

- Period of work to not exceed three hours without a break of one hour in the middle.
- Inclusive of the period of rest the total working hours should not exceed six hours
- No Adolescent may work between 7 p.m. and 8 a.m./ overtime/ in two establishments at the same time
- Holiday of one whole day

Nature of Offences

All offences under the amended Child Labour Act [Sections 3 and 3A] are **Cognizable**.

Penalty for Offences

- For employment of Child Labourer: Imprisonment for 6 months to 2 years; fine Rs. 20000- Rs. 50000
- For employment of Adolescent: Imprisonment for 6 months to 2 years; fine Rs. 20000- Rs. 50000

- **The Immoral Traffic (Prevention) Act, 1956 - An overview**

The Immoral Traffic (Prevention) Act, 1956, originally the Suppression of Immoral Traffic in Women and Girls (SITA), 1956, is the Central legislation dealing with trafficking in India.¹⁶ However, even though the name refers to immoral trafficking of persons, the ITPA's scope is limited to commercial sexual exploitation or prostitution and penalizes those who facilitate and abet commercial sexual exploitation, including clients and those who live off the earnings of prostitutes. It also provides for welfare measures towards rehabilitation of victims in the form of protective homes to be set up and managed by state governments. Unfortunately, even as a law dealing with sexual exploitation it leaves a lot to be desired. Discussed below are some of the gaps.

- **Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996 (As Amended in 2003)**

1. the law prohibits sex selection both before and after conception
 2. It regulates various pre-natal diagnostic techniques so as to prevent their misuse for sex-determination and also to prevent gender biased ex selective elimination.
 3. under the PCPNDT Act, prenatal diagnostic tests include:
 - ultrasonography
 - otoscopy
 - Taking/removing samples of amniotic fluid (fluid from the sac in the womb which contains the unborn child), chronic villi, tissue or blood.
 - taking /removing blood or tissue from the pregnant women for genetic testing
- the pre diagnostic technique regulated under the PCPNDT Act include the techniques used for the purpose of detecting:
 - chromosomal abnormalities
 - genetic metabolic diseases
 - haemoglobinopathies
 - sex linked genetic diseases
 - blood related disorder
 - any other disorder specific by the central supervisory board
 - a prenatal diagnostic technique can be used only when a person qualified under the act is convinced of any serious anomalies in the fetus and records it in writing .also ,at least one of the following condition should be fulfilled in each case:-
 - Pregnant women being above thirty five years.
 - The pregnant women who suffered two or more spontaneous abortions.
 - pregnant women who has been exposed to /had teratogenic agent such as drugs, radiation, infection or chemicals
 - If the pregnant women ha a family history of mental retardation or physical deformity such a spasticity or any other genetic disease.
 - Any other condition as specified by the central supervisory board.
 - A genetic clinic is a clinic /hospital/nursing home/institute /any other place where pre-natal diagnostic procedures are conducted.

- A mobile vehicle with machine to conduct prenatal diagnostic tests is also treated under this law as a genetic clinic.
- A genetic counselling center is any institution /hospital/nursing home / any other place where genetic counselling is imparted to potential parent.

Offences and penalties

- **Prohibition of advertisement relating to PNP/CDT:** An advertisement published stating that they provide services of any kind for sex selection .any person/organisation associated with the advertisement related to sex determination in liable to punishment for a term which may extend up to 3 years and a fine up to rs.10,000/-
- **Offences and Penalties:** Any medical personnel who perform gender selections or offer his services shall be punishable with a term which may extend to three year with a fine of Rs. 10,000

Session 9: Procedures of handling cases relating to CCL and role of JJB

Objectives:

- To sensitize the participants on procedures of handling cases relating to CCL
- To explain role of Juvenile Justice Board (JJB)

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, computer, slides on procedures of handling cases relating to CCL as per JJ Act & Rules, flip chart, white Board, marker

Duration: 1 hour 45 minutes

Instructions:

1. Start the session by asking the following questions:
2. What do they mean by petty, serious and heinous offence?
3. Explain them detail about recruitment of JJB Members, qualifications, tenure, sittings, etc.
4. Discuss different procedures of handling petty offences, serious offences and heinous offences, inquiry procedure, Bail, etc.
5. Precede the discussion with the help of slides.
6. Show slides on procedures and explain them details.
7. Ask the participants to share their views on any such cases they have come across.
8. Wind up the session by answering the relevant queries

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand about an important component of J.J Act i.e. procedures of dealing with CCL

- Read the slides carefully before conducting the session
- As the session is theoretical, make it interactive by encouraging participants to share their experiences.
- Prepare a set or guide of questions and answers to be asked from the participants in between the session.
- Keep a track of the time as it is an extensive session

Reference Materials:

- **Children in Conflict with Law (CCL)**

‘Child in conflict with law’ means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence. Children in Conflict with Law ought to be treated as Children in Need of Care and Protection. Even though the number of children in conflict with law is far less than those in need of care and protection, this segment of children receives much greater attention from the public due to their association with crime and concerns related to safety.

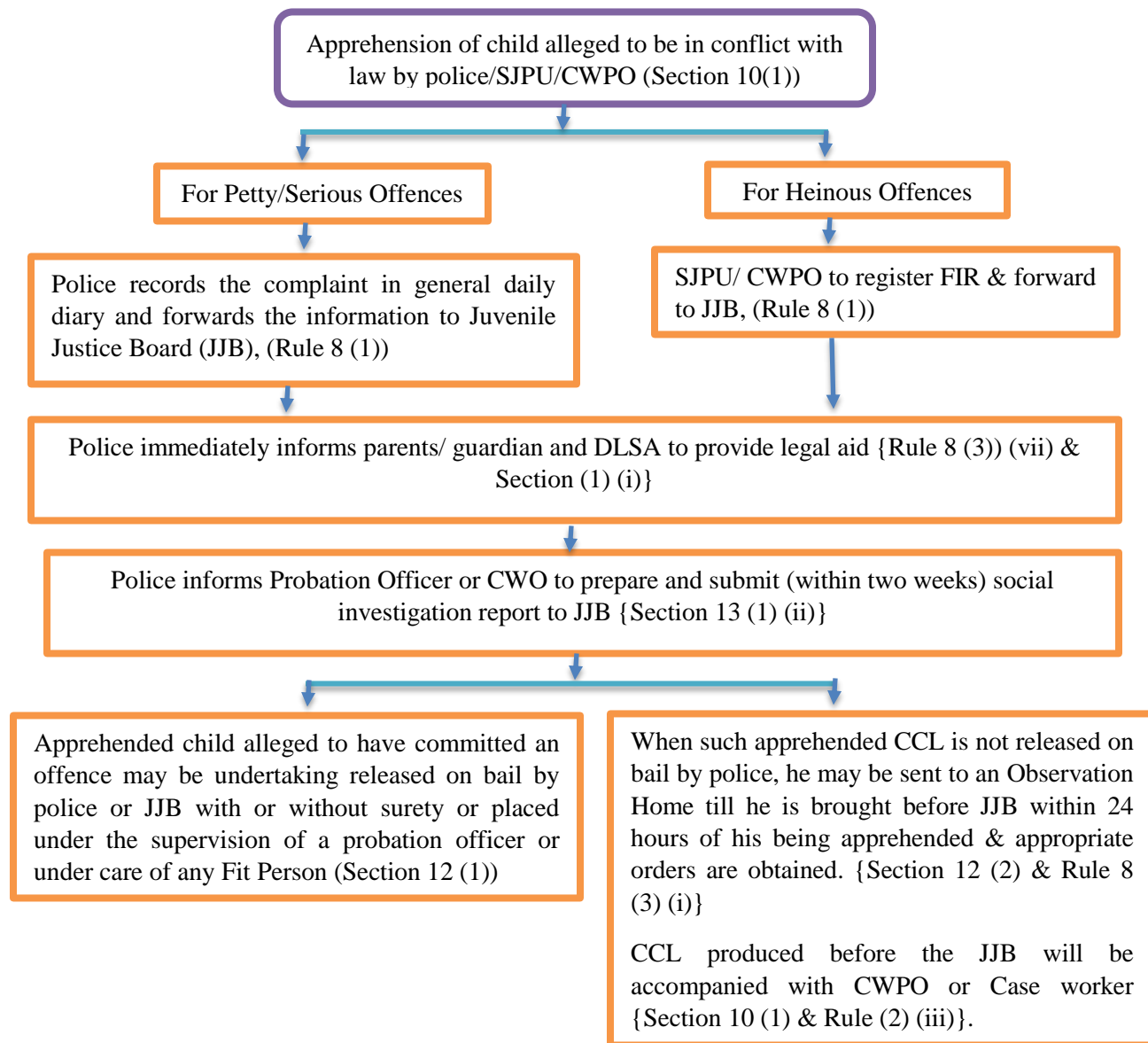


No child is born as a criminal. They are led into it. It might be their surroundings, the peer group, improper socialization, and lack of parental care, which give rise to the delinquent behavior among children. The Juvenile Justice System assumes that child offender is a product of unfavorable environment and is entitled to a fresh chance to begin his life. The offences may have been committed without any criminal intent on certain occasions.

- **Juvenile Justice Board**

Juvenile Justice Boards are constituted under Section 4 of the JJ Act 2015 for exercising the powers and discharging its functions relating to children in conflict with law.

Procedure for dealing with Child in Conflict with law



Functions of the Board –

The Board shall perform the following additional functions, namely –

- i. Whenever necessary, the Board shall provide a translator or interpreter or special educator who shall be paid not less than Rs. 1500 per day and in case of translator, not exceeding Rs. 100 per page. For the said purpose, the DCPU shall maintain a panel of translators, interpreters and special educators who shall forward the same to the Board, the qualifications of the translator, interpreter and special educator shall be as prescribed under the POCSO Act, 2012 and rules framed thereunder;
- ii. Wherever required issue rehabilitation card in Form 14 to the child in conflict with law to

- monitor the progress made by the child;
- iii. Wherever required, pass appropriate orders for re-admission or continuation of the child in school where the child has been disallowed from continuing his education in a school on account of the pendency of the inquiry or the child having stayed in a Child Care Institution for any length of time;
 - iv. Interact with Boards in other districts to facilitate speedy inquiry and disposal of cases through due process of law, including sending a child for the purpose of an inquiry or rehabilitation to a Board in another district or State;
 - v. inspect Child Care Institutions for children in conflict with law, issue directions in cases of any noticeable lapses, suggest improvements, seek compliance and recommend suitable action, including against any employee found in dereliction of duty to the District Child Protection Unit;
 - vi. Maintain a suggestion box or grievance redressal box in the premises of the Board at a prominent place to encourage inputs from children and adults alike which shall be operated by the nominee of the Principal Magistrate;
 - vii. Ensure smooth functioning of Children's Committees in the Child Care Institutions for children in conflict with law, for realizing children's participation in the affairs and management of such Child Care Institutions;
 - viii. Review the Children's suggestion book at least once in a month;
 - ix. Ensure that the Legal cum Probation Officer in the District Child Protection Unit and the State or District Legal Aid Services Authority extends free legal services to a child; and
 - x. Deploy, if necessary, the services of student volunteers or non-governmental organisation volunteers for para-legal and other tasks such as contacting the parents of child in conflict with law and collecting relevant social and rehabilitative information about the child.

DAY 3 (Wednesday)

Session 10: Types of Offences and Bail procedure

Objectives:

- To orient the participants about the different types of offences.
- To make the participants understand about the Bail procedure.

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, computer, flip chart, white board, and marker

Duration: 45 minutes

Instructions: Divide the session into two parts.

Part I – Types of Offences

1. Explain the categories of Offences to the participants.

2. 10 minutes for sharing information.

Part II – Bail Procedure

1. Ask the participants what they know about the bail procedure.
2. Use slides to explain the bail procedure (20 minutes presentation).
3. Discussion on some real cases of JJBs on grant/denial of bail.
4. Activity on Bail Order writing

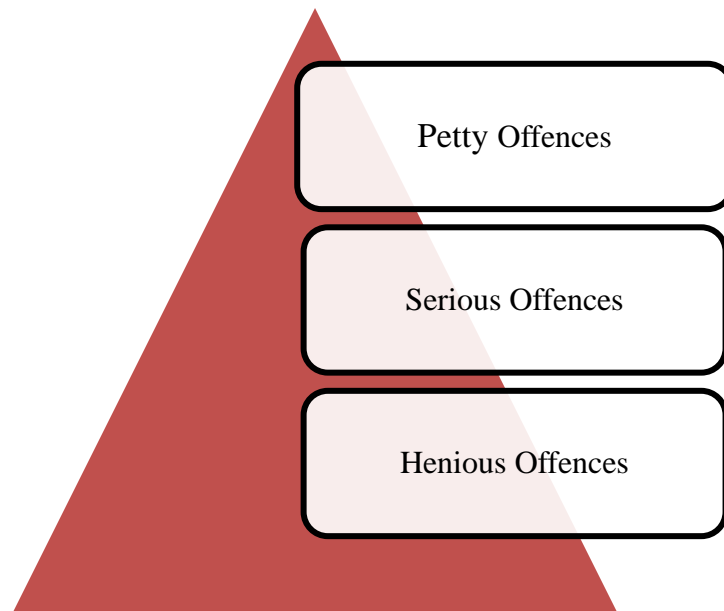
Tips for the facilitators/Resource Persons:

- As the session is theoretical, make it interactive by encouraging participants to share their experiences.
- Prepare a set or guide of questions and answers to be asked from the participants in between the session.
- Appreciate and acknowledge the participants' knowledge as and when required.

Reference Materials:

Part I - Types of Offences –

There are three categories of Offences under the JJ Act 2015 –



What are Petty Offenses?

Any offence for which Maximum Punishment is up to three years under the IPC or any other Law in force

Procedure to be followed by the Police if a child commits a Petty Offence:

- Child may only be apprehended if it is in his/her best interest
- Information regarding the crime may be forwarded along with the Social Investigation Report to the parent/guardian as to when the child is to be produced before the Board
- No FIR should be registered [*Rule 8, the JJ Model Rules 2016*].
- Information regarding such offences may be recorded in the General Diary
- If inquiry by the Board remains inconclusive after the expiry of a maximum period of 6 months from the date of the first production of the child, such proceedings shall stand terminated [*Section 14, JJ Act 2015*]
- Cases are disposed of through Summary proceedings
- Bail may not be refused on the grounds on recidivism alone

What are Serious Offenses?

Any Offence for which the punishment ranges from 3 years to 7 years under the IPC or any other Law under force -

- Child may only be apprehended if it is in his/her best interest
- Information regarding the crime may be forwarded along with the Social Investigation Report to the parent/guardian as to when the child is to be produced before the Board
- No FIR should be registered [*Rule 8, the JJ Model Rules 2016*].
- Information regarding such offences may be recorded in the General Diary
- For further extension of Inquiry period beyond the mandated 6 months by the Board a written order may be obtained from the Chief Judicial/Metropolitan Magistrate regarding the same
- Cases are disposed of through Trial in Summons cases
- Bail may not be refused on the grounds on recidivism alone.

What are Heinous Offenses?

Any offence for which the punishment is 7 years or more

Common Procedure across all age:

- FIR may be registered in case of a heinous crime alleged to be committed by a child or when such an offence is alleged to have been committed jointly with adults

For Children below 16 years of age

- Cases are disposed of through Summary Proceedings

For Children in the age group 16- 18 years

- A Preliminary Assessment with regard to mental and physical capacity to commit the offence, ability to understand the consequences of the offence and the circumstances in which the offence was committed, is conducted by the Board within a period of 3 months from the date of first production of the child before the Board; for further extension, a written order may be obtained from the Chief Judicial/Metropolitan Magistrate
- In case the Board decides to dispose of the matter itself, procedure for trial in summary cases is followed

In case the Board finds that there is a need to conduct the trial of a child as an adult then the board may transfer the trial of the case to the Children's Court.

Functionaries – Police (CWPO/SJPU), Probation Officer, Legal Aid Lawyer

Institutions – Observation Home Fit Facility, Special Home, and Place of Safety.

Children’s Court:

1. Upon receipt of PA from JJB CC may decide whether there is a need for trial as an adult or as child
2. CC to decide appeal regarding age of child/PA first
3. CC to record reasons while arriving at a conclusion
4. Child: Conduct inquiry, trial in summon cases, in camera in a child friendly atmosphere, no joint trial, not in strict adversarial proceedings
5. Adult: Trial by sessions
6. Order includes ICP
7. If found involved in offence, may be sent to Place of Safety till 21 yrs.: yearly review by PO/DCPU.

Bail as a matter of Right –

The notion of bail under the JJ Act, 2015, is very different from that of bail as understood in Criminal Law. Such difference is in tune with the child centric and rehabilitative approach of the JJ Act.

All children alleged to be in conflict with the law are entitled to bail irrespective of whether the offence is bailable or non-bailable. Bail can be denied only if the JJB has reasonable grounds to believe that the release would bring the child into association with any known criminal or expose the person to moral, physical or psychological danger or the child’s release would defeat the ends of justice.

Session 11: Apprehension of Child, Post – Apprehension Procedure and Rights of CCL

Objectives:

- To orient the participants about the apprehension procedure of CCL.
- To make the participants understand about the rights of CCL.

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, computer, slides on apprehension procedure of CCL, flip chart, white Board, marker

Duration: 1 hour

Instructions:

1. Ask the participants what they understand by the term 'apprehension of child'.
2. Show slides on procedures for apprehension procedure of CCL.
3. Ask the participants and discuss the Rights of CCL.

Tips for the facilitators/Resource Persons:

- This is an important component of the J.J Act and there is separate chapter i.e. chapter IV
- As the session is theoretical, make it interactive by encouraging participants to share their experiences.
- Prepare a set or guide of questions and answers to be asked from the participants in between the session.
- Appreciate and acknowledge the participants' knowledge as and when required.

Reference Materials:

- **Functions With Regard To Children In Conflict With Law**

At the Stage of Apprehension

Pre - Production Stage

On receipt of information from the Police or Child Welfare Police Officer, without waiting for a formal order from the Board, the LCPO must inquire into the circumstances of the child relevant to the inquiry and submit a Social Investigation Report in Form 6 of the JJ Model Rules 2016.

Post-Production Stage

To submit the Social Investigation Report within a period of fifteen days from the date of first production before the Board.

- i. The Probation officer must ensure that a child in conflict with law is produced before the board within 24 hours and is not handcuffed during the process of arrest and production before the JJB.
- ii. Must also ensure that the child is placed in a separate place in the police station and not with regular offenders.
- iii. Must give legal counselling to the child/family in a simple and understandable language.
- iv. Counselling must include information on free legal aid available to the child, nature of charges and the potential rehabilitation options to the child.

At the stage of Inquiry

- i. Must ensure that the Child has Legal Aid.
- ii. Attend the proceedings of the Juvenile Justice Board regularly.
- iii. To accompany children wherever possible, from the office of the Board to the observation home, special home, place of safety or fit facility as the case may be;
- iv. Maintain a diary case file, case records and such register as may be prescribed from time to time.
- v. Provide support to the District Administration and JJB for identifying fit institution in the District for temporary housing of the children.
- vi. Bring children who have not been of good behaviour/or who are at risk during the period of supervision to the immediate attention of the Board.
- vii. Must liaison with the board to facilitate speedy inquiry and disposal of cases through due process of law (within the prescribed time frame as per the JJ Act).
- viii. The Probation Officer has to sensitize the JJB so that child-friendly manner is followed while the board is recording the statement of the child.

At the stage of Final Order

Dispositional Orders by the JJB/Children's Court contain following Documents to be prepared by the Probation officers.

- i. An individual care plan for the rehabilitation of child in Form 7 on the basis of interaction with the child and his family, where possible.
- ii. Follow up by the probation officer: The follow-up report shall state the situation of the child post restoration and the measures necessary in order to reduce further vulnerability of the child.
- iii. For which links must be established with Probation Officers in other Districts and States

Session 12: Applicability of IPC, CrPC & Evidence Act procedures in dealing with cases relating to children

Objectives:

- To orient the participants in understanding the applicability of IPC, CrPC and Evidence Act procedures in dealing with cases related to children.

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, computer, presentation, flip chart, white Board, marker

Duration: 1 hour

Instructions:

- Ask the participants if they are aware of IPC and CrPC.
- Can carry out group discussions among the participants.
- 10 minutes for sharing information.
- Proceed the session with the help of slides (20 minutes presentation).

Tips for the facilitators/Resource Persons:

- Read the slides carefully before conducting the session
- As the session is theoretical, make it interactive by encouraging participants to share their experiences.
- Keep a track of the time as it is an extensive topic.

Reference Materials:

- According to the section 82 of Indian Penal Code (IPC), nothing is an offence which is done by a child under seven years of age.
- According to the section 83 of Indian Penal Code (IPC), nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.
- Proceeding under Chapter VIII of the Code of Criminal Procedure not to apply against child –
Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973, or any preventive detention law for the time being in force, no proceeding shall be instituted and no order shall be passed against any child under Chapter VIII of the said Code.
- No joint proceedings of child in conflict with law and person not a child –
Notwithstanding anything contained in section 223 of the Code of Criminal Procedure, 1973 or in any other law for the time being in force, there shall be no joint proceedings of a child alleged to be in conflict with law, with a person who is not a child.
If during the inquiry by the Board or by the Children's Court, the person alleged to be in conflict with law is found that he is not a child, such person shall not be tried along with a child.
- To ensure that trial of the juvenile delinquents is carried out in an amicable manner, Section 27 of The Code of Criminal Procedure (CrPC) asserts the jurisdiction in case of juveniles. It states that any offense not punishable with death or imprisonment for life, committed by any person who at the date when he appears or is brought before the court is under the age of sixteen years, may be tried by the court of a Chief- Judicial Magistrate, or by any court specially empowered under the Children Act, 1960 (60 of 1960), or any other law for the time being in force providing for the treatment, training and rehabilitation of youthful offenders.
- The Indian Constitution also has special provisions for the children of state. Article 21(a) of the constitution states that all children between the ages of six to fourteen should be provided with free and compulsory education. Article 45 of the same bare act states that the state should provide early childhood care and education to all children

below the age of six. Thus we see that the Indian Legal System has indeed made separate provisions in the best interest of its young citizens.

Session 13: Preliminary Assessment and Placement of Children who turned adult (above 18 years) during the pendency of inquiry

Objectives:

- To make the participants understand the Preliminary Assessment and Placement of Children who turned adult (above 18 years) during the pendency of inquiry.

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, computer, presentation, flip chart, white Board, marker

Duration: 1 hour 30 minutes

Instructions:

- Ask the participants to think upon the preliminary assessment.
- Can carry out group discussions among the participants.
- 10 minutes for sharing information.
- Proceed the session with the help of slides (20 minutes presentation).

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand about the Preliminary Assessment and Placement of Children who turned adult (above 18 years) during the pendency of inquiry.
- Read the slides carefully before conducting the session
- As the session is theoretical, make it interactive by encouraging participants to share their experiences.

Reference Materials:

- **Preliminary assessment into heinous offences by Board**

(1) The Board shall in the first instance determine whether the child is of sixteen years of age or above; if not, it shall proceed as per provisions of section 14 of the Act.

(2) For the purpose of conducting a preliminary assessment in case of heinous offences, the Board may take the assistance of psychologists or psycho-social workers or other experts who have experience of working with children in difficult circumstances. A panel of such experts may be made available by the District Child Protection Unit, whose assistance can be taken by the Board or could be accessed independently.

(3) While making the preliminary assessment, the child shall be presumed to be innocent unless proved otherwise.

(4) Where the Board, after preliminary assessment under section 15 of the Act, passes an order that there is a need for trial of the said child as an adult, it shall assign reasons for the same and the copy of the order shall be provided to the child forthwith.

**Psychosocial & Mental Health of Children in Conflict with the Law (Age 16 to 18 Years)
Preliminary Individual Assessment Report for Juvenile Justice Board Community Child
& Adolescent Mental Health Service Project Dept. of Child & Adolescent Psychiatry,
NIMHANS-DWCD**

Name of Child: Age: Sex: Place of Origin:

A. Mental & Physical Capacity to Commit Alleged Offence

The child’s ability to make social decisions and judgments are compromised due to:

Physical disability (observed in child)	
Life skills deficits (emotional dysregulation/ difficulty coping with peer pressure/ assertiveness & negotiation skills /problem-solving/ conflict-resolution/ decision-making)	
Neglect / poor supervision by family/poor family role models	
Experiences of abuse and trauma	
Substance abuse problems	
Intellectual disability	
Mental health disorder/ developmental disability	
Any other (specify):	
No treatment/ interventions provided so far to address the above issues	

*NA- Not applicable

B. Circumstances of Alleged Offence

Family History:

School History:

Child Labour:

Peer Relationships:

Abuse and Trauma:

Mental Health Disorder/ Developmental Disability:

C. Child's Knowledge of Consequences of Committing the Alleged Offence

Child's Understanding of Social/ Interpersonal and Legal Consequences of Committing Offence:

D. Other Observations & Issues E. Recommendations

[Name/Signature/ Designation/ Institution of Assessor]

- **Completion of Inquiry**

(1) Where after preliminary assessment under section 15 of the Act, in cases of heinous offences allegedly committed by a child, the Board decides to dispose of the matter; the Board may pass any of the dispositional orders as specified in section 18 of the Act.

(2) Before passing an order, the Board shall obtain a social investigation report in Form 6 prepared by the Probation Officer or Child Welfare Officer or social worker as ordered, and take the findings of the report into account.

(3) All dispositional orders passed by the Board shall necessarily include an individual care plan in Form 7 for the child in conflict with law concerned, prepared by a Probation Officer or Child Welfare Officer or a recognized voluntary organisation on the basis of interaction with the child and his family, where possible.

(4) Where the Board is satisfied that it is neither in the interest of the child himself nor in the interest of other children to keep a child in the special home, the Board may order the child to be kept in a place of safety and in a manner considered appropriate by it.

(5) Where the Board decides to release the child after advice or admonition or after participation in group counselling or orders him to perform community service, necessary direction may also be issued by the Board to the District Child Protection Unit for arranging such counselling and community service.

(6) Where the Board decides to release the child in conflict with law on probation and place him under the care of the parent or the guardian or fit person, the person in whose custody the child is released may be required to submit a written undertaking in Form 8 for good behaviour and well-being of the child for a maximum period of three years.

(7) The Board may order the release of a child in conflict with law on execution of a personal bond without surety in Form 9.

(8) In the event of placement of the child in a fit facility or special home, the Board shall consider that the fit facility or special home is located nearest to the place of residence of the child's parent or guardian, except where it is not in the best interest of the child to do so.

(9) The Board, where it releases a child on probation and places him under the care of parent or guardian or fit person or where the child is released on probation and placed under the care of fit facility, it may also order that the child be placed under the supervision of a Probation Officer who shall submit periodic reports in Form 10 and the period of such supervision shall be maximum of three years.

(10) Where it appears to the Board that the child has not complied with the probation conditions, it may order the child to be produced before it and may send the child to a special home or place of safety for the remaining period of supervision.

(11) In no case, the period of stay in the special home or the place of safety shall exceed the maximum period provided in clause (g) of sub-section (1) of section 18 of the Act.

- **Review of pendency of inquiry**

(1) The Chief Judicial Magistrate or the Chief Metropolitan Magistrate shall review the pendency of cases of the Board once in every three months, and shall direct the Board to increase the frequency of its sittings or may recommend the constitution of additional Boards.

(2) The number of cases pending before the Board, duration of such pendency, nature of pendency and reasons thereof shall be reviewed in every six months by a high level committee consisting of the Executive Chairperson of the State Legal Services Authority, who shall be the Chairperson, the Home Secretary, the Secretary responsible for the implementation of this Act in the State and a representative from a voluntary or non-governmental organisation to be nominated by the Chairperson.

(3) The information of such pendency shall also be furnished by the Board to the Chief Judicial Magistrate or the Chief Metropolitan Magistrate and the District Magistrate on quarterly basis in such form as may be prescribed by the State Government.

Session 14: Conducting Inquiry by Juvenile Justice Board

Objectives:

- To orient the participants about the apprehension procedure of CCL.

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, computer, slides on 'Inquiry by JJB', flip chart, white Board, marker

Duration: 1 hour 45 minutes

Instructions:

1. Initiate the session by asking if they are aware of the inquiry by Juvenile Justice Board.
2. 10 minute for sharing information.
3. Proceed the session with the help of slides (20 minutes presentation).

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand about the inquiry conducted by Juvenile Justice Board.
- Read the slides carefully before conducting the session

- As the session is theoretical, make it interactive by encouraging participants to share their experiences.

Reference Materials:

- **Inquiry by Board regarding child in conflict with law**

(1) Where a child alleged to be in conflict with law is produced before Board, the Board shall hold an inquiry in accordance with the 16 provisions of this Act and may pass such orders in relation to such child as it deems fit under sections 17 and 18 of this Act.

(2) The inquiry under this section shall be completed within a period of four months from the date of first production of the child before the Board, unless the period is extended, for a maximum period of two more months by the Board, having regard to the circumstances of the case and after recording the reasons in writing for such extension.

(3) A preliminary assessment in case of heinous offences under section 15 shall be disposed of by the Board within a period of three months from the date of first production of the child before the Board.

(4) If inquiry by the Board under sub-section (2) for petty offences remains inconclusive even after the extended period, the proceedings shall stand terminated: Provided that for serious or heinous offences, in case the Board requires further extension of time for completion of inquiry, the same shall be granted by the Chief Judicial Magistrate or, as the case may be, the Chief Metropolitan Magistrate, for reasons to be recorded in writing.

(5) The Board shall take the following steps to ensure fair and speedy inquiry, namely -

- At the time of initiating the inquiry, the Board shall satisfy itself that the child in conflict with law has not been subjected to any ill-treatment by the police or by any other person, including a lawyer or probation officer and take corrective steps in case of such ill-treatment;
- In all cases under the Act, the proceedings shall be conducted in simple manner as possible and care shall be taken to ensure that the child, against whom the proceedings have been instituted, is given child-friendly atmosphere during the proceedings;
- Every child brought before the Board shall be given the opportunity of being heard and participates in the inquiry;
- Cases of petty offences shall be disposed of by the Board through summary proceedings, as per the procedure prescribed under the Code of Criminal Procedure, 1973 (2 of 1974);
- Inquiry of serious offences shall be disposed of by the Board, by following the procedure, for trial in summons cases under the Code of Criminal Procedure, 1973 (2 of 1974);
- Inquiry of heinous offences -

(i) For child below the age of sixteen years as on the date of commission of an offence shall be disposed of by the Board under clause (e);

(ii) For child above the age of sixteen years as on the date of commission of an offence shall be dealt with in the manner prescribed under section 15.

DAY 4 (Thursday)

Session 15: Age Determination

Objectives:

- To orient the participants about Age Determination.

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, computer, flip chart, White Board, marker

Duration: 45 minutes

Instructions:

1. Initiate the session by asking 'What do they understand by Age determination?'
2. Proceed the session with the help of slides and role-play among the participants.

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand about the topic 'Age Determination'.
- Read the slides carefully before conducting the session
- As the session is theoretical, make it interactive by encouraging participants to share their experiences.

Reference Materials:

- **Presumption and determination of age**
1. Where, it is obvious to the Committee or the Board, based on the appearance of the person brought before it under any of the provisions of this Act (other than for the purpose of giving evidence) that the said person is a child, the Committee or the Board shall record such observation stating the age of the child as nearly as may be and proceed with the inquiry under section 14 or section 36, as the case may be, without waiting for further confirmation of the age.
 2. In case, the Committee or the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board, as the case may be, shall undertake the process of age determination, by seeking evidence by obtaining —
 - the date of birth certificate from the school, or the matriculation or equivalent certificate

- from the concerned examination Board, if available; and in the absence thereof;
- the birth certificate given by a corporation or a municipal authority or a panchayat;
 - and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board:
- Provided such age determination test conducted on the order of the Committee or the Board shall be completed within fifteen days from the date of such order.
3. The age recorded by the Committee or the Board to be the age of person so brought before it shall, for the purpose of this Act, be deemed to be the true age of that person.

Session 16: Identifying substance abuse and handling such cases

Objectives:

- To make the participants aware about the different types of substance abuse.
- To orient the participants in identifying substance abuse and penalty provisions in JJ Act.

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, computer, flip chart, White Board, marker

Duration: 1 hour

Instructions: Divide the session into three parts –

- Part 1 – Children with substance abuse
- Part 2 – Intervention for substance use in the context of CCI
- Part 3 – Penalty Provisions in JJ Act

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand about the topic ‘Substance Abuse’.
- Read the slides carefully before conducting the session
- As the session is theoretical, make it interactive by encouraging participants to share their experiences.

Reference Materials:

- **Children with Substance Abuse**

Substance use along with behavioral and/or emotional problems is more common among vulnerable children such as those in Child Care Institutions. It often results in self-injurious behaviour, immediate health consequences like injuries, sexual risk taking, medical conditions such as asthma, depression and anxiety and impaired brain function and long-term consequences like poor academic performance and delinquency. Substance use also causes high mortality among children and youth and is a major contributor to three leading causes of death

among adolescents-accidents, homicides and suicides. The younger the age when first used, the greater the chance of developing dependence and complications in later life.

- **Intervention for substance use in the context of CCI**

Screening for substance use –

Purpose – To identify children who need a more comprehensive assessment for substance use disorders and substance-related problems.

Aim – To reveal the various areas in a child’s life that are affected by substance use, with/without making an involved diagnosis.

On whom to apply – All children in CCI who exhibit any signs of substance use.

Prompt application – To identify use of substances known to cause intoxication/withdrawal symptoms and physical and/or psychiatric complications.

Basic principles of intervention

Adolescents must be approached differently because of their unique developmental processes, physical differences and differences in belief and value systems. Individual, family, peer, school, neighbourhood/community, and societal factors can influence substance use and its management and these factors also reinforce each other. Higher the number of risk factors, greater the chance of severity of drug problem. Thus, a multi-dimensional treatment strategy to address the risk factors is needed in these children.

- **Penalty Provision in JJ Act**

Whoever uses a child, for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance, shall be liable for rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine up to one lakh rupees.

Session 17: Powers and Functions of Children Court under JJ Act

Objectives:

- To sensitize the participants about the powers and functions of Children Court under JJ Act.

Methodology: Presentation and Lecture-cum discussion

Materials Required: Projector, computer, PowerPoint presentation, flip chart, white Board, marker

Duration: 1 hour

Instructions:

1. Initiate the session by asking the participants about the powers of Children Court.
2. Proceed the session with the help of slides.

Tips for the facilitators/Resource Persons:

- Read the slides carefully before conducting the session
- As the session is theoretical, make it interactive by encouraging participants to share their experiences.
- Prepare a set or guide of questions and answers to be asked from the participants in between the session.
- Keep a track of the time as it is an extensive session

Reference Materials:

- **Powers of Children's Court**

1. After the receipt of preliminary assessment from the Board under section 15, the Children's Court may decide that—
 - i. there is a need for trial of the child as an adult as per the provisions of the Code of Criminal Procedure, 1973 and pass appropriate orders after trial subject to the provisions of this section and section 21, considering the special needs of the child, the tenets of fair trial and maintaining a child friendly atmosphere;
 - ii. there is no need for trial of the child as an adult and may conduct an inquiry as a Board and pass appropriate orders in accordance with the provisions of section 18.
2. The Children's Court shall ensure that the final order, with regard to a child in conflict with law, shall include an individual care plan for the rehabilitation of child, including follow up by the probation officer or the District Child Protection Unit or a social worker.
3. The Children's Court shall ensure that the child who is found to be in conflict with law is sent to a place of safety till he attains the age of twenty-one years and thereafter, the person shall be transferred to a jail:

Provided that the reformatory services including educational services, skill development, alternative therapy such as counselling, behaviour modification therapy, and psychiatric support shall be provided to the child during the period of his stay in the place of safety.

4. The Children's Court shall ensure that there is a periodic follow up report every year by the probation officer or the District Child Protection Unit or a social worker, as required, to

evaluate the progress of the child in the place of safety and to ensure that there is no ill-treatment to the child in any form.

5. The reports under sub-section (4) shall be forwarded to the Children's Court for record and follow up, as may be required.

Session 18: Amendment, Appeal and Revision of Orders

Objectives:

- To make the participants aware about the amendment, appeal and revision of orders.

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, computer, PowerPoint presentation, flip chart, white Board, marker

Duration: 1 hour 45 minutes

Instructions:

1. Initiate the session by asking the participants with the term 'Amendment and Appeal'.
2. Proceed the session with the help of slides.

Tips for the facilitators/Resource Persons:

- Read the slides carefully before conducting the session
- As the session is theoretical, make it interactive by encouraging participants to share their experiences.

Reference Materials:

- **Appeals**

(1) Subject to the provisions of this Act, any person aggrieved by an order made by the Committee or the Board under this Act may, within thirty days from the date of such order, prefer an appeal to the Children's Court, except for decisions by the Committee related to Foster Care and Sponsorship After Care for which the appeal shall lie with the District Magistrate:

- Provided that the Court of Sessions, or the District Magistrate, as the case may be, may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time and such appeal shall be decided within a period of thirty days.

(2) An appeal shall lie against an order of the Board passed after making the preliminary assessment into a heinous offence under section 15 of the Act, before the Court of Sessions and the Court may, while deciding the appeal, take the assistance of experienced psychologists and medical specialists other than those whose assistance has been obtained by the Board in passing the order under the said section.

(3) No appeal shall lie from -

- Any order of acquittal made by the Board in respect of a child alleged to have committed an offence other than the heinous offence by a child who has completed or is above the age of sixteen years; or
- Any order made by a Committee in respect of finding that a person is not a child in need of care and protection.

(4) No second appeal shall lie from any order of the Court of Session, passed in appeal under this section.

(5) Any person aggrieved by an order of the Children's Court may file an appeal before the High

Court in accordance with the procedure specified in the Code of Criminal Procedure, 1973 (2 of 1974).

- **Revision**

(1) The High Court may, at any time, either on its own motion or on an application received in this behalf, call for the record of any proceeding in which any Committee or Board or Children's Court, or Court has passed an order, for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit:

Provided that the High Court shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

- **Procedure in inquiries, appeals and revision proceedings**

(1) Save as otherwise expressly provided by this Act, a Committee or a Board while holding any inquiry under any of the provisions this Act, shall follow such procedure as may be prescribed and subject thereto, shall follow, as far as may be, the procedure laid down in the Code of Criminal Procedure, 1973 (2 of 1974) for trial of summons cases.

(2) Save as otherwise expressly provided by or under this Act, the procedure to be followed in hearing appeals or revision proceedings under this Act shall be, as far as practicable, in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).

Session 19: Procedures for dealing with cases relating to CNCP and role of CWC

Objectives:

- To aware the participants about the concept and types of Children in Need of Care and Protection (CNCP).
- To sensitize the participants on procedures of handling cases relating to CNCP.
- To explain role and power of CWC in dealing with cases.

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, computer, slides on procedures of handling cases relating to CNCP as per JJ Act & Rules', flip chart, white Board, marker

Duration: 1 hour 45 minutes

Instructions:

1. Start the session by asking the following questions:
2. Explain them detail about recruitment of CWC Members, qualifications, tenure, sittings, etc.
3. Discuss different procedures of handling CNCP, inquiry procedure, etc.
4. Precede the discussion with the help of slides.
5. Show slides on procedures and explain them details.
6. Ask the participants to share their views on any such cases they have come across and any steps they have taken for care, protection and rehabilitation of children.
7. Wind up the session by answering the relevant queries.

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand about an important component of JJ Act i.e. procedures of dealing with CNCP.
- Read the slides carefully before conducting the session
- As the session is theoretical, make it interactive by encouraging participants to share their experiences.
- Prepare a set or guide of questions and answers to be asked from the participants in between the session.
- Keep a track of the time as it is an extensive session.

Reference Materials:

I. Children in Need of Care and Protection (CNCP) have been defined in section 2 of JJ Act, 2015 -

Procedures of handling cases relating to CNCP

- a) Form-17 will be followed whoever produces the child.
- b) Orphan and abandoned child: uploaded in portal.
- c) Declare the child as CNCP.
- d) Prima facie determination of age of child.
- e) SW/Case Worker/CWC-SIR.
- f) Interview the child sensitively in a child friendly manner.
- g) 3 Members: final disposal.
- h) For repatriation: Permission from Ministry by DCPU.
- i) All orders passed by CWC shall be uploaded in portal (with confidentiality/privacy).

DAY 5 (Friday)

Session 20: Role of Special Juvenile Police Unit (CWPO) under the JJ Act & Rules

Objectives:

- To orient the participants about the role of Special Juvenile Police Unit under JJ Act and Rules.

Methodology: Presentation, Lecture-cum-discussion

Materials Required: Projector, computer, flip chart, White Board, marker

Duration: 45 minutes

Instructions:

- Initiate the session by asking if they are aware of Special Juvenile Police Unit.
- Proceed the session with the help of slides.

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand the role of Special Juvenile Police Unit.
- Read the slides carefully before conducting the session
- As the session is theoretical, make it interactive by encouraging participants to share their experiences.
- Prepare a set or guide of questions and answers to be asked from the participants in between the session.
- Appreciate and acknowledge the participants' knowledge as and when required.
- Keep a track of the time as it is an extensive session.

Reference Materials:

Role of Special Juvenile Police Unit

- The State Government shall constitute a Special Juvenile Police Unit in each district and city to co-ordinate all functions of police related to children.
- The Central Government shall constitute a Special Juvenile Police Unit for the Railway Protection Force or Government Railway Police at every railway station as per requirement and where a Special Juvenile Police Unit cannot be set up, at least one Railway Protection Force or Government Railway Police Officer shall be designated as the Child Welfare Police Officer.
- The Child Welfare Police Officers and other police officers of the Special Juvenile Police Unit shall be given, appropriate training and orientation to deal with matters concerning children.
- The transfer and posting of the designated Child Welfare Police Officers may be within the Special Juvenile Police Units of other police stations or the district unit.

- The police officer interacting with children shall be as far as possible in plain clothes and not in uniform and for dealing with girl child, woman police personnel shall be engaged.
- The Child Welfare Police Officer or any other police officer shall speak in polite and soft manner and shall maintain dignity and self-esteem of the child.
- Where questions that may lead to discomfort of the child are to be asked, such questions shall be asked in tactful manner.
- When an FIR is registered for offence against a child, a copy of the FIR shall be handed over to the complainant or child victim and subsequent to the completion of investigation, copy of report of investigation and other relevant documents shall be handed over to the complainant or any person authorized to act on his behalf.
- No accused or suspected accused shall be brought in contact with the child and where the victim and the person in conflict with law are both children, they shall not be brought in contact with each other.
- The Special Juvenile Police Unit shall have a list of:
 - the Board and Child Welfare Committee in its due jurisdiction, their place of sitting, hours of sitting, names and contact details of Principal Magistrate and members of the Board, names and contact details of Chairperson and members of the Committee and the procedures to be followed before the Board and the Committee; and
 - Contact details of the Child Care Institutions and fit facilities in its due jurisdiction.
- The names and contact details of the Special Juvenile Police Unit or Child Welfare Police Officer shall be placed at a conspicuous part at the police stations, Child Care Institutions, Committees, Boards and the Children's Courts.
- The Special Juvenile Police Unit shall work in close co-ordination with the District Child Protection Unit, the Board and the Committee in the matters concerning the welfare of children within its jurisdiction.
- The Special Juvenile Police Unit may coordinate with the District Legal Services Authority to provide legal aid to children.

Session 21: Offences against Children under JJ Act (Chapter IX)

Objectives:

- To make the participants understand about the Offences against Children under JJ Act.

Methodology: Presentation, Lecture-cum-discussion

Materials Required: Projector, computer, flip chart, White Board, marker

Duration: 1 hour

Instructions:

Proceed the session with the help of presentation on Offences against Children.

Tips for the facilitators/Resource Persons:

- Appreciate and acknowledge the participant's knowledge as and when required.
- Keep a track of the time as it is an extensive session.

Reference Materials:

Offences against Children under JJ Act –

- Whoever, having the actual charge of, or control over, a child, assaults, abandons, abuses, exposes or willfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering, shall be punishable with imprisonment for a term which may extend to three years or with fine of one lakh rupees or with both.
- Whoever employs or uses any child for the purpose of begging or causes any child to beg shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees.
- Whoever gives, or causes to be given, to any child any intoxicating liquor or any narcotic drug or tobacco products or psychotropic substance, except on the order of a duly qualified medical practitioner, shall be punishable with rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine which may extend up to one lakh rupees.
- Whoever uses a child, for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance, shall be liable for rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine up to one lakh rupees.
- Notwithstanding anything contained in any law for the time being in force, whoever ostensibly engages a child and keeps him in bondage for the purpose of employment or withholds his earnings or uses such earning for his own purposes shall be punishable with rigorous imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees.
- If any person or organisation offers or gives or receives, any orphan, abandoned or surrendered child, for the purpose of adoption without following the provisions or procedures as provided in this Act, such person or organisation shall be punishable with imprisonment of either description for a term which may extend up to three years, or with fine of one lakh rupees, or with both.
- Any person who sells or buys a child for any purpose shall be punishable with rigorous imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees.
- Any person in-charge of or employed in a child care institution, who subjects a child to corporal punishment with the aim of disciplining the child, shall be liable, on the first conviction, to a fine of ten thousand rupees and for every subsequent offence, shall be liable for imprisonment which may extend to three months or fine or with both.

Session 22: Interviewing /communicating with a child

Objectives:

- To orient the participants about effective communication skills for communicating with CCL & CNCP

Methodology: Presentation, Lecture-cum-discussion, Role-play

Materials Required: Projector, computer, flip chart, White Board, marker

Duration: 1 hour

Instructions:

- Initiate the session by asking 'What do they understand by effective communication skill?'
- Proceed the session with the help of slides and role-play among the participants.

Tips for the facilitators/Resource Persons:

- Appreciate and acknowledge the participant's knowledge as and when required.
- Encourage them while having role-play among the participants.
- Keep a track of the time as it is an extensive session.

Reference Materials:

- **Visit by parents to CCI and Communication with children**

Every child in the child care institution may be permitted to have one meeting with his/her relatives provided that in special cases, where parents and guardians have travelled a long distance from another state or district, the person in charge may allow the parent and guardians entry into the premises and a meeting with their children on other days on confirmation of their identity and they being reported not to have being involved in subjecting the child to abuse and exploitation. No meeting shall be permitted with the parent or guardian or relative where such visitor have been found to be involved in subjecting the child to violence, abuse and exploitation or carry any prohibited article. Also every child shall be allowed to write two letters in a week to his parents or guardian or to his relatives. A child may speak to his parents on telephone once a week under supervision of the Child Welfare Officer or Case Worker or Probation Officer and record shall be duly maintained of such calls. Every person desiring to meet the child shall, before the meeting, disclose his name and address with proof, which shall be noted in the visitor's register and signed by the visitor. Copy of photo, identity card containing the address and the photograph of the visitor to be taken before the meeting, shall be retain by the institution.

- **Guidelines for interviewing children**
 - i. Do no harm to any child; avoid questions, attitudes or comments that are judgmental, insensitive to cultural values, that place a child in danger or expose a child to humiliation, or that reactivate a child's pain and grief from traumatic events.
 - ii. Do not discriminate in choosing children to interview because of sex, race, age, religion, status, educational background or physical abilities.
 - iii. No staging - Do not ask children to tell a story or take an action that is not part of their own history.

- iv. Ensure that the child or guardian knows they are talking with a reporter. Explain the purpose of the interview and its intended use.
- v. Obtain permission from the child and his or her guardian for all interviews, videotaping and, when possible, for documentary photographs. When possible and appropriate, this permission should be in writing. Permission must be obtained in circumstances that ensure that the child and guardian are not coerced in any way and that they understand that they are part of a story that might be disseminated locally and globally. This is usually only ensured if the permission is obtained in the child's language and if the decision is made in consultation with an adult the child trusts.
- vi. Pay attention to where and how the child is interviewed. Limit the number of interviewers and photographers. Try to make certain that children are comfortable and able to tell their story without outside pressure, including from the interviewer. In film, video and radio interviews, consider what the choice of visual or audio background might imply about the child and her or his life story. Ensure that the child would not be endangered or adversely affected by showing their home, community or general whereabouts.

- **Things to be kept in mind for communicating with children -**

- i. All children should be approached with extreme sensitivity and their vulnerability recognized and understood.
- ii. Try to establish a neutral environment and rapport with the child before beginning the Communication. For example, if the Communication must be conducted in the child's home, select a private location that appears to be the most neutral spot
- iii. Try to select locations that are away from traffic, noise, or other disruptions. Items such as telephones, cell phones, televisions, and other potential distractions should be temporarily turned off.
- iv. The Communication location should be as simple and uncluttered as possible, containing a table and chairs. Avoid playrooms or other locations with visible toys and books that will distract children
- v. Always identify yourself as a helping person and try to build a rapport with the child. Make the child comfortable with the Communication setting. Gather preliminary information about the child's verbal skills and cognitive maturity. Convey that the goal of the Communication is for the child to talk and ask questions that invite the child to talk (e.g., "tell me about yourself"). Ask the child if he/she knows why they have come to see you. Children are often confused about the purpose of the communication or worried that they are in trouble.
- vi. Convey and maintain a relaxed, friendly atmosphere. Do not express surprise, disgust, disbelief, or other emotional reactions to descriptions of the abuse. Avoid touching the child and respect the child's personal space. Do not stare at the child or sit

- uncomfortably close. Do not suggest feelings or responses to the child. For example, do not say, "I know how difficult this must be for you."
- vii. Do not make false promises. For example, do not say, "Everything will be okay" or "You will never have to talk about this again." Establish ground rules for the Communication, including permission for the child to say he/she doesn't know and permission to correct the Communicator.
 - viii. Ask the child to describe what happened, or is happening, to them in their own words. The Communicator should, as far as possible, follow the child's lead; however, he may have to delicately introduce the topics of the abuse. Always begin with open-ended questions. Avoid asking the child a direct question, such as "Did somebody touch your privates last week?" Instead, try "I understand something has been bothering you. Tell me about it."
 - ix. After initially starting like this, move on to allow the child to use free narrative. For example, you can say, "I want to understand everything about [refer back to child's statement]. Start with the first thing that happened and tells me everything you can, even things you don't think is very important."
 - x. Avoid the use of leading questions that imply an answer or assume facts that might be in dispute and use direct questioning only when open-ended questioning/free narrative has been exhausted.
 - xi. The child may get exhausted frequently and easily; in such an event, it is advisable not to prolong the inquiry, but rather to divert the child's mind and come back to the sexual abuse when the child is refreshed. Regularly check if the child is hungry or thirsty, tired or sleepy, and address these needs immediately. Let the child do the talking and answer any questions the child may have in a direct manner.
 - xii. Avoid correcting the child's behaviour unnecessarily during the Communication. It can be helpful to direct the child's attention with meaningful explanations (e.g., "I have a little trouble hearing, so it helps me a lot if you look at me when you are talking so that I can hear you") but avoid correcting nervous behaviour that may be slowing the pace of the Communication or even preventing it from proceeding
 - xiii. Communicator should not discuss the case in front of the child. Individuals who might be accused of influencing children to discuss abuse. Custody disputes or therapists, should not be allowed to sit with children during Communications
 - xiv. In some cases, the Communicator may consider it appropriate to allow a support person to sit in on the Communication; but in these situations, such a person be instructed that only the child is allowed to talk unless a question is directed to the support person. Also, the support person should be seated out of the child's line of vision to avoid allegations that the child was reacting to nonverbal signals from a trusted adult. When planning investigative strategies, consider other children (boys as well as girls) that may have had contact with the alleged perpetrator. For example, there may be an indication to examine

the child's siblings. Also consider Communication the parent or guardian or other family member of the child, without the child present.

- xv. A variety of non-verbal tools may be used to assist young children in communication, including drawings, toys, dollhouses, dolls, puppets, etc. Since such materials have the potential to be distracting or misleading they should be used with care. They are discretionary for older children.
- xvi. Storybooks, colouring books or videos that contain explicit descriptions of abuse situations are potentially suggestive and are primary teaching tools. They are typically not appropriate for information-gathering purposes.
- xvii. In certain situations, the Communicator may consider it appropriate to Communication the child victim together with his/her parent or guardian or other person in whom the child has trust and confidence. In such cases, the following guidance may be useful

Session 23: Field Visits to Children Home and Place of Safety & Discussion on Field Visit

Objectives:

- Understanding background and nature of the children including the reasons for their institutionalization
- Quality child care and safeguards in place

Methodology: Group exercise, discussion

Materials Required: Observation notebook, pen

Duration: 3 hours 30 minutes

Instructions: Discuss the issues or the observations the participants observed during field visits.

Tips for the facilitators/Resource Persons:

- Appreciate and acknowledge the participants' knowledge as and when required.
- Keep a track of the time as it is an extensive session.

Reference Materials:

The participants would be taken to Children Home and Place of safety for field visits. Efforts may be made to understand safety & security measures provisions in the CCIs including its standard of child care, maintenance of records, online reporting system, best practices if any, cases pending at different level of disposal and other practical issues faced by the CCIs on day to day basis. While comparing standards or issues, relevant provisions of the Law and Rules may be taken into account.

DAY 8 (Monday)

Session 24: An overview of POCSO Act & Rule

Objectives:

- To provide the participants with an overview of POCSO Act and Rule.

Methodology: Lecture, Presentation and discussion

Materials Required: Projector, computer, presentation on 'Overview of POCSO Act & Rule', flip chart, marker

Duration: 45 minutes

Instructions:

Proceed the session with the help of presentation on overview of POCSO Act and Rule.

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand the POCSO Act.
- As this is a theoretical session, involve participants wherever possible.
- Try to appreciate participants for their participation during the discussion.
- Read the slides carefully before conducting the session.

Reference Materials:

Who is a child victim of Sexual Offences?

A child (**male/female** below 18 years of age) who has been or is likely to be abused tortured or exploited for the purpose of sexual abuse or illegal acts. Besides the JJ Act, the **Protection of Children from Sexual Offences (POCSO) Act 2012** now specifically covers child victims of Sexual Abuse.

Protection of Children from Sexual Offences (POCSO) Act, 2012 –

The Protection of Children from Sexual Offences Act, 2012, has been passed by the Lok Sabha today, 22nd May, 2012. The Bill was earlier passed by the Rajya Sabha on 10th May, 2012. The Protection of Children from Sexual Offences Act, 2012 has been drafted to strengthen the legal provisions for the protection of children from sexual abuse and exploitation. For the first time, a special law has been passed to address the issue of sexual offences against children. Sexual offences are currently covered under different sections of IPC. The IPC does not provide for all types of sexual offences against children and, more importantly, does not distinguish between adult and child victims.

An offence is treated as "**aggravated**" when committed by a person in a position of trust or authority of child such as a member of security forces, police officer, public servant, etc.

Punishments for Offences covered in the Act are:

- Penetrative Sexual Assault (Section 3) - Not less than seven years which may extend to imprisonment for life, and fine (Section 4).
- Aggravated Penetrative Sexual Assault (Section 5) - Not less than ten years which may extend to imprisonment for life, and fine (Section 6).
- Sexual Assault (Section 7) - Not less than three years which may extend to five years, and fine (Section 8).
- Aggravated Sexual Assault (Section 9) - Not less than five years which may extend to seven years, and fine (Section 10).
- Sexual Harassment of the Child (Section 11) - Three years and fine (Section 12).
- Use of Child for Pornographic Purposes (Section 13) - Five years and fine and in the event of subsequent conviction, seven years and fine (Section 14 (1)).

The Act provides for the **establishment of Special Courts** for trial of offences under the Act, keeping the best interest of the child as of paramount importance at every stage of the judicial process. The Act incorporates child friendly procedures for reporting, recording of evidence, investigation and trial of offences. These include:

- Recording the statement of the child at the residence of the child or at the place of his choice, preferably by a woman police officer not below the rank of sub-inspector
- No child to be detained in the police station in the night for any reason.
- Police officer to not be in uniform while recording the statement of the child
- The statement of the child to be recorded as spoken by the child
- Assistance of an interpreter or translator or an expert as per the need of the child
- Assistance of special educator or any person familiar with the manner of communication of the child in case child is disabled
- Medical examination of the child to be conducted in the presence of the parent of the child or any other person in whom the child has trust or confidence.
- In case the victim is a girl child, the medical examination shall be conducted by a woman doctor.
- Frequent breaks for the child during trial
- Child not to be called repeatedly to testify
- No aggressive questioning or character assassination of the child
- In-camera trial of cases

What are the different categories of offences under the Protection of Children from Sexual Offences Act 2012 (POCSO)?

1. **Penetrative Sexual Assault (Section 3):** Penetration of penis/object/any other part of the body/Manipulation to cause penetration/ Application of mouth to child's body parts including the vagina, mouth, urethra, anus or any other part.

1. **Aggravated penetrative Sexual Assault (Section 5):** Covers all persons in authority who perform penetrative sexual assault on a child (like a police officer/ member of armed forces/ public servants etc.
2. **Sexual Assault (Section 7):** Any touch/act with sexual intent without penetration.
3. **Aggravated sexual Assault (Section 9):** Sexual Assault by persons in authority
4. **Sexual harassment (Section 11):** Uttering words/making sounds/gestures/exhibiting any object/part of body with the intention to show it to a child, making the child exhibit a part of his/her body, showing any object to a child in any form/media for pornographic purposes, threatening to use real or fabricated depiction of a child's body or obnunnjune involved in a sexual act etc.
5. **Using Children for Pornographic Purposes (Section 15):** Using a child in any form of media for the purpose of sexual gratification that includes representation of sexual organs of a child, usage of a child engaged in real or simulated sexual acts (with or without penetration) or indecent or obscene representation of a child.

Filing complaint through POCSO e-box

The POCSO e-box is an easy and direct medium for reporting any case of sexual assault under Protection of Children from Sexual Offences (POCSO) Act, 2012. It is displayed prominently in the home page of NCPCR website where the user has to simply press a button named, POCSO e-box which will navigate to a page with the window having a short animation movie telling children/complainant that it's not their fault and they need not have to feel bad.



Session 25: Types of Child Care Institutions and roles of functionaries

Objectives:

- To inform the participants about the registration of CCIs.
- To discuss about the types of CCIs.
- To make the participants understand its functionaries and their roles, communication skills and counseling requirements in CCIs.

Methodology: Lecture, Presentation and discussion

Materials Required: Projector, computer, slides on 'Types of Child Care Institutions', flip chart, marker

Duration: 1 hour

Instructions:

1. Ask the participants to list down the various types of CCIs.
2. Explain all the types of CCIs with the help of slides.
3. Conclude the session highlighting its functionalities, their roles and counseling requirements in CCIs.

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand various types of CCIs.
- As this is a theoretical session, involve participants wherever possible.
- Try to appreciate participants for their participation during the discussion.
- Read the slides carefully before conducting the session

Reference Materials:

- **Registration of CCIs -**

CCI means CH, Open Shelter, Observation Home, Special Home, Place of Safety, SAA and a fit facility recognized under this Act for providing care and protection who are in need of such services.

Sub-section (1) of Section (41) of the Juvenile Justice (Care and Protection of Children) Act, 2015 requires that all Child Care Institutions (CCIs) whether run by State Government or by voluntary or non-governmental organisations shall be registered under the Act. This further provides that the institutions having valid registrations under the Juvenile Justice (Care and Protection of Children) Act, 2000 shall be deemed to be registered under the Act. The primary responsibility of registrations as well as effective functioning of the CCIs vests with the State Governments/UT Administrations concerned. However, a mapping and review exercise was undertaken through Childline India Foundation (CIF) and the National Commission for Protection of Child Rights (NCPCR) to understand the registration and status of Institutions vis-à-vis the norms and standards prescribed under the JJ Act (2000/2015) across the country. CIF has submitted the final data for 9589 number of homes mapped and reviewed across the country. Accordingly, ministry has requested to all the State Govt/UTs vide letter dated 10th March, 4th May and 1st December, 2017 respectively, to ensure registration and appropriate action for rehabilitation of children in need of care and protection.

The Hon'ble Supreme Court of India vide its Order dated 5th May, 2017 directed that the Union Government and the governments of the States and Union Territories must ensure that the process of registration of all child care institutions is completed positively by 31st December, 2017 with the entire data being confirmed and validated. The information should be available with all the concerned officials. The registration process should also include a data base of all children in need of care and protection which should be updated every month. While

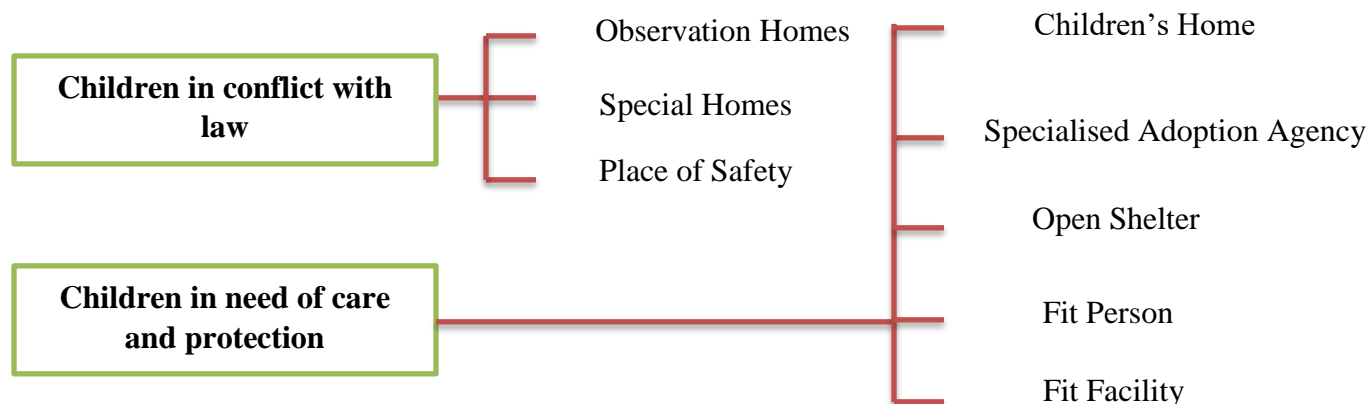
maintaining the database, issues of confidentiality and privacy must be kept in mind by the concerned authorities.

- **The facility of online registration of Child Care Institutions launched by MWCD –**

At present there is a system of manual registration of CCIs followed by States/ UTs due to which there is no national data base on the number of CCIs being registered under the JJ Act in the country. Further there is a lack of transparency and it is difficult to monitor the Child Care Institutions and their functioning due to lack of data available.

Keeping the above in view, the facility of online registration of Child Care Institutions across the country was launched by the Minister of Women & Child Development, GoI. The Module for online registration of CCIs has been developed by the WCD Ministry with the assistance of NIC. This is to facilitate and streamline the functioning of State Governments/UT Administrations and set in place a uniform registration process throughout the country. In this regard the Ministry held various consultations and meetings with representatives from different States/UTs, NIC to finalize the module for registration of CCIs.

- **Types of CCIs and their functions**



- **Children in need of care and protection –**

Children's Home:

The State Government may establish and maintain in every district or group of districts which shall be registered as such for the placement of children in need of care and protection for their care, treatment, education, training, development and rehabilitation. The State Government shall designate any Children's Home as a home fit for children with special needs delivering specialized services, depending on requirement. Also, provide for monitoring and management of Children's Homes including the standards and the nature of services to be provided by them based on individual care plans for each child.

Fit Facility:

The board or the Committee shall recognize a facility being run by a Governmental organization registered under any law for the time being in force to be fit to temporarily take the responsibility of a child for a specific purpose after due inquiry regarding the suitability of the facility and the organization to take care of the child.

Fit person:

The Board or the Committee shall, after due verification of credentials, recognize any person fit to temporary receive a child for care, protection and treatment of such child for a specified period.

Specialized Adoption Agencies:

SAA has been recognized in each district for the rehabilitation of orphan, abandoned or surrendered children, through adoption and non-institutional care.

Open Shelter:

It means a facility for children, established and maintained by the State Government, either by itself, or through a voluntary or non-governmental organization.

(1) The State Government may establish and maintain, by itself or through Voluntary or non-governmental organizations, as many open shelters as may be required and such open shelters shall be registered as such, in the manner as may be prescribed.

(2) The open shelters referred to in sub-section above shall function as a community based facility for children in need of residential support, on short term basis, with the objective of protecting them from abuse or weaning them or keeping them away from a life on the streets.

(3) The open shelters shall send every month information in the manner as may be prescribed, regarding children availing the services of the shelter to the District Child Protection Unit and the Committee.

• **Children in Conflict with Law –**

	Observation Home	Special Home	Place of Safety
Purpose	For temporary reception, care and rehabilitation of any child alleged to be in conflict with law, during the pendency of any inquiry under this Act For every child alleged to be in conflict with law who is not placed under the charge of parent or guardian	For rehabilitation of those children in conflict with law who are found to have committed an offence and who are placed there by an order of the Juvenile Justice Board made under section 18	To place a person above the age of eighteen years or child in conflict with law, who is between the age of sixteen to eighteen years and is accused of or convicted for committing a heinous offence

Duration of care	Does not exceed 4 months	Does not exceed 3 years	During the process of inquiry or person convicted of committing an offence
Establishment	The State Government shall establish and maintain in every district or a group of districts, either by itself, or through voluntary or non-governmental, Observation Homes	The State Government may establish and maintain in every district or a group of districts either by itself or through voluntary or non-governmental organisations, Special Homes	The State Government shall set up at least one place of safety in a State

Session 26: Child Care Standards – physical infrastructure, nutrition/diet, health care and mental health

Objectives:

- To orient the participants about the minimum standards prescribed in the JJ Module Rules.

Methodology: Lecture, Presentation and discussion

Materials Required: Projector, computer, slides on 'Child Care Standards', flip chart, white board and marker

Duration: 1 hour

Instructions: Ask the participants what they understand about the child care standards.

Tips for the facilitators/Resource Persons:

- As the session is theoretical, make it interactive by encouraging participants to share their experiences.
- Prepare a set or guide of questions and answers to be asked from the participants in between the session.
- Appreciate and acknowledge the participants' knowledge as and when required.

Reference Materials:

Minimum standards of care has been prescribed in 29 – 38 of the JJ Module Rules, 2016 –

Physical Infrastructure:

(1) The accommodation in each institution shall be as per the following criteria

I. Observation Home:

- a. separate observation homes for girls and boys
- b. Classification and segregation of children according to their age group preferably 7-11 years, 12-16 years and 16-18 years, giving due consideration to physical and mental

status and the nature of the offence committed.

II. Special Home:

- a. Separate special homes for girls above the age of 10 years and boys in the age group of 11 to 15 and 16 to 18 years.
- b. Classification and segregation of children on the basis of age and nature of offences and their mental and physical status.

III. Place of safety:

- a. For children in the age group of 16 to 18 years alleged to have committed heinous offence pending inquiry.
- b. For children in the age group 16 to 18 years found to be involved in heinous offence upon completion of inquiry
- c. For persons above 18 years alleged to have committed offence when they were below the age of 18 years pending inquiry
- d. For persons above 18 years found to be involved in offence upon completion of inquiry

IV. Children's Home:

- a. While children of both sex below 10 years may be kept in the same home, operate bathing and sleeping facilities shall be maintained for boys and girls in the age group of 5-10 years
- b. Separate children's homes for boys and girls in the age group of 7-11 years and 12-18 years
- c. Separate facilities for children up to the age of six years with appropriate facilities for infants

- (2) The Child Care Institutions shall be child-friendly and in no way shall they look like a jail or lock-up
- (3) Every Child Care Institution shall keep a copy of the Act and the rules framed by the State Government, for use by both the staff and children residing therein
- (4) Each Child care Institution shall have a Management Committee for the management of the institution and monitoring the progress of every child in the home
- (5) The Child Care Institutions for children in conflict with law and children in need of care and protection shall function from separate premises as per the criteria elaborated
- (6) The suggested norms for building or accommodation in each institution with 50 children may be as under:

1.	2 Dormitories	Each 1000 Sq. ft. for 25 children i.e. 2000 q. ft.
2.	2 Classrooms	300Sq.ft. for 25 children i.e. 600 Sq. ft.
3.	Sickroom/ First aid room	75 Sq. ft. for 25 children i.e. 600 Sq. ft.
4.	Kitchen	250 Sq. ft.
5.	Dining hall	800 Sq. ft.
6.	Store	250 Sq. ft.
7.	Recreation room	300 Sq. ft.

8.	Library	500 Sq. ft.
9.	5 Bathroom	25 Sq. ft. each i.e. 125 Sq. ft.
10.	8 Toilets	25 Sq. ft. i.e. 200 Sq. ft.
11.	Office rooms	a) 300 Sq. ft. b) Person-in-charge room 200 Sq. ft.
12.	Counselling and Guidance room	120 Sq. ft.
13.	Workshop	1125 Sq. ft. for 15 children @ of 75 Sq. ft. per trainee
14.	Residence for Person-in-charge	a) 2 rooms of 250 Sq. ft. each b) Kitchen 75 Sq. ft. c) bathroom cum toilet 50 Sq. ft.
15.	2 rooms for Juvenile Justice Board or Child Welfare Committee	300 Sq. ft. each i.e. 600 Sq. ft.
16.	Playground	Sufficient area according to total number of children
	Total	8495 ft.

(7) Cotton filled quilt 1 at the time of admission and subsequently 1 after every 2 years (in cold region in addition to the blankets).

(8) Mosquito net 1 at the time of admission and subsequently 1 after every 6 months.

(9) Cotton towels 2 at the time of admission and subsequently 1 after every 3 months.

Clothing for Girls	Article Qty. per child	Clothing for Boys	Article Qty. per child
Skirts and Blouse or Salwar Kameez or Half Sari with Blouse and Petticoat	5 sets per year for girls depending on age and regional preferences	Shirts	2 at the time of admission and subsequently 1 after every 6 months
Age appropriate undergarments	3 sets every quarter	Shorts	2 at the time of admission and subsequently 1 after every 6 months for younger boys
Sanitary Towels	12 packs per year for older girls	Pants	2 at the time of admission and subsequently 1 after every 6 months for older boys
Woolen Sweaters (full sleeves)	2 sweaters yearly	Age appropriate undergarments	3 sets every quarter
Woolen Sweaters (Half sleeves)	2 sweaters yearly	Woollen jerseys (full sleeves)	2 yearly

sleeves)		sleeves)	
Woolen Shawls	1 per year	Woollen jerseys (half sleeves)	2 yearly
Nightwear	2 sets every 6 months	Woollen Caps	1 in 1 year
		Kurta Pyjama for night wear	2 sets every 6 months.

S. No.	Miscellaneous Articles	Article Quantity per child
1.	Slippers	1 pair at the time of admission and subsequently after every 6 months
2.	Sports Shoes	1 pair at the time of admission and subsequently 1 pair after every 1 year
3.	School Uniform	2 sets every six months for children attending schools
4.	School Bag	1 every year for children attending schools
5.	School Shoes	1 pair at the time of admission in school and subsequently 1 pair after every 6 months
6.	Handkerchiefs	2 at the time of admission and subsequently 2 after every 2 months
7.	Socks	3 pairs every six months
8.	Stationary	As per need

- In addition to the clothing specified above, each child shall be provided, once in three years, with a suit consisting of one white shirt, one pair of shorts or pants, one pair of white canvas shoes and one blazer for use during ceremonial occasions. In the case of girls it shall be one white half sari or one salwar kameez or one white skirt and one white blouse, a pair of white canvas shoes and a blazer.
- The Person-in-charge shall stay within the institution and be provided with quarter and in case he is not able to stay in the Child Care Institution for valid reasons, any other senior staff member of the institution shall stay in the institution and be in a position to supervise the overall care of the children and take decision in the case of any crisis or emergency
- There shall be proper and non-slippery flooring for preventing accidents
- There shall be adequate lighting, heating and cooling arrangements, ventilation, safe drinking water, clean and accessible gender and age appropriate and disabled friendly toilets and high wall with barbed wire fencing.
- All institutions under the Act shall –
 - make provision of first –aid kit .fire extinguishers in kitchen ,recreation room,

- vocational training room, dormitories, store room and counselling room;
 - conduct periodic inspection of electrical installations:
 - ensure proper storage and inspection of articles of food: and
 - ensure stand by arrangement for water storage and emergency lighting
- Special infrastructural facilities and necessary equipment shall be provided to differently-abled children. Such facilities and equipment shall be designed under the guidance of specialist or experts.
- Other logistical and functional requirements which would be provided may include:
 - computer sets;
 - photocopier;
 - printer, scanner cum fax;
 - telephone with internet facility;
 - web cam;
 - furniture for officials ,record keeping cabinets, work station ,wheel chair and stretcher for medical room;
 - chair

Nutritional and Diet Scale

The nutritional and diet scale that should be followed by every Child Care Institution is mentioned in the Juvenile Justice (Care and Protection of Children) Act, 2015. The children in the CCI should be provided four meals in a day including breakfast. The menu shall be prepared with the help of a nutritional expert or doctor to ensure balanced diet and variety in taste as per the minimum standard and diet scale. Every child care institution shall strictly adhere to the minimum nutritional standard and diet scale suggested is *mentioned in the J.J Act, 2015*. It is also mentioned that children may be provided special meals on holidays, festivals, sports and cultural day and celebration of national festivals. Variation in diet may be as per seasonal and regional variations, for example, varieties of dal such as Arhar, Moong and Chana. On non-veg days, vegetarian children shall be issued with either 60 Gms of Jaggery or 60 Gms of groundnut seeds per head in the shape of laddus. Leafy vegetables such as Fenugreek (Methi), Spinach (Palak), Sarson may be issued once in a week. Seasonal fruits shall be provided in sufficient quantities. There is proper meal timing and menu for the institutionalized children i.e. Breakfast at 7.30am to 8.30 am, Lunch at 12.30 pm to 1.30 pm and Dinner at 7.00 pm to 8.00 pm. Also, depending on the season, the Person in-charge shall have the discretion to alter the time for distribution of food. Extra diet for nourishment like milk, eggs, sugar and fruits shall be given to the children on the advice of the institution doctor in addition to the regular diet.

Session 27: Safety & Security of Children in CCIs

Objectives:

- To orient the participants about the safety measures for the children living in CCIs.

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, Computer, Flip chart, White Board, Marker

Duration: 1 hour 30 minutes

Instructions:

- Discuss the safety measures for children in CCIs with the participants.
- 15 minutes for sharing information.
- Show slides on safety and security of children in CCIs.

Tips for the facilitators/Resource Persons:

- This is an important session to make the participants understand about the safety and security of children in CCIs.
- As the session is theoretical, make it interactive by encouraging participants to share their experiences.
- Prepare a set or guide of questions and answers to be asked from the participants in between the session.
- Appreciate and acknowledge the participants' knowledge as and when required.

Reference Materials:

- **Security Measures**

(1) Adequate number of security personnel shall be engaged in every Child Care Institution keeping in mind the category of children housed in the Child Care Institution, age group of children and the purpose of the Child Care Institution and the risk factor to and from the child.

(2) While engaging security personnel, preference shall be given to ex-servicemen recruited through the Directorate General of Resettlement or agencies recommended by them.

(3) In Child Care Institutions housing girls, female security guards would be provided for the security inside the Child Care Institution and male security guards may be engaged for the security of the Child Care Institution from outside.

(4) Security personnel should also be available in reserve for any emergency situation.

(5) The Person-in-charge shall ensure that appropriate security measures are employed at all times, including the following:

- There shall be sufficient number of guards at all times in different shifts to be posted at the points to be identified by the Person-in-charge in consultation with security in-charge and the Department.
- Any child, who complains of a medical problem or any other problem at night, shall report to the caregiver concerned. The caregiver shall take such necessary steps as may be required and in case of emergency shall inform the medical officer concerned or the Person-in-charge as the need may be, who shall immediately take appropriate steps.
- A duty roster shall be prepared and displayed at some prominent place in the premises of the Child Care Institution by the Person-in-charge.

(6) Every caregiver or other staff of the Home, if he comes to know of any incident or probability of unrest amongst the children, shall bring the same to the notice of the Person-in-charge without any loss of time, who shall take necessary steps as the situation demands and

shall inform the Board or the Committee of such information or incident as well as the steps taken by him, in writing.

(7) The Person-in-charge shall make surprise visits to the Child Care Institution during the night as frequently as possible, but not less than once a week. He shall make a record of the timings of his visit and also note his observations in the register maintained by him in that regard.

(8) In a case of disturbance outside the Child Care Institution, the shift in-charge shall immediately inform the police station concerned.

(9) In a case of violence or disturbance inside the Child Care Institution, the shift in-charge shall take assistance of the police with the permission of the Person-in-charge. The shift in-charge shall first issue a warning to the children.

(10) In case of a natural disaster or fire or any such calamity, the shift in-charge shall take suitable steps for evacuation and safety of the children as per the Disaster Management Protocol as developed by the State Disaster Management Authority for Child Care Institutions.

(11) To prepare the officers, children and guards to follow the above steps, a practice drill shall be held once a month, without previous notice by the Person-in-charge.

(12) Closed Circuit Television cameras may be installed at all key points such as all entry and exit points to the Child Care Institution, reception, corridors, kitchen, pantry or store room, dormitories, entry and exit points of the washrooms with due regard to the privacy and dignity of the children.

(13) Adequate number of scanners and metal detectors may be provided in every Child Care Institution.

Session 28: Procedures for Adoption under the JJ Act and Adoption Regulations, 2017

Objectives:

- To orient the participants about procedures for in-country and inter-country adoptions as JJ Act & Adoption Regulations, 2017.
- To help the participants to understand role of CARA, CWC, SARA, DCPU, District/Family Court & SAA to deal with adoption.

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, Computer, Flip chart, White Board, Marker

Duration: 1 hour 45 minutes

Instructions:

1. Divide the session in three parts:
 - a) Procedures for in-country adoptions,
 - b) Procedures for inter-country adoptions,
 - c) Role of CARA, SARA, DCPU, CWC, SAA & District/Family Courts in adoption.
2. Ask the participants what they understand about Adoption.
3. Show slides on procedures for Adoption.

4. Discuss the role of various Adoption agencies/Unit with participants.

Tips for the facilitators/Resource Persons:

- This is an important component of the JJ Act and there is separate chapter i.e. chapter VIII.
- As the session is theoretical, make it interactive by encouraging participants to share their experiences.
- Prepare a set or guide of questions and answers to be asked from the participants in between the session.
- Appreciate and acknowledge the participants' knowledge as and when required.

Reference Materials:

- **Meaning of Adoption as per JJ Act, 2015**

“Adoption” means the process through which the adopted child is permanently separated from his biological parents and becomes the lawful child of his adoptive parents with all the rights, privileges and responsibilities that are attached to a biological child

- **Types of Adoptions:**

- Agency Based Adoptions
- Relative Adoptions
- Other Cases of Adoptions

- **Informal/Illegal Adoptions:**

- 1) When adoption of an orphan abandoned or surrendered child is a private arrangement.
- 2) When adoption is supported by falsification of documents, forced signing of consent forms, forgery of signatures, etc.
- 3) Commitment for placement is made before birth of the child (applies to unrelated cases);
- 4) Citizens of India habitually residing in a foreign country or foreign citizens, either residing in India or abroad, take an unrelated child directly without due procedures laid down in CARA Guidelines.
- 5) A child is placed without ensuring safeguards for his/her best interest and adoptive parents obtain a child clandestinely through private hospitals/ other sources.
- 6) Other such cases as provided in JJ Act 2015 and Adoption Guidelines (2015).
- 7) S56 (4): Overriding effect: All inter-country adoptions shall be done only as per provisions of JJ Act and adoption regulations framed by the Authority
- 8) S56 (3): Nothing in this Act shall apply to adoption of children made under the provisions of HAMA
- 9) S56 (2): Adoption of child from a relative
- 10) A child above 15: HAMA does not allow
- 11) If District Judge is not there, senior must ADJ can handle the case
- 12) CWC certificate for legally free should be signed by 3 persons
- 13) Adoptable child shall not be given for foster care

14) Couple having 3 children shall not register, for special need child they may be allowed.

- **Ethical Issues in Adoption Practice**

- Birth parents should also be educated about their legal rights including the termination of their parental rights to the child and the rights of the birth father in the adoption process. Open adoptions, though they cannot be legally mandated, are often in the best interests of both birth parents and adoptive Agencies can help facilitate the open adoption by relaying photos of the child and letters between birth parents and adoptive parents.
- Issues of injustice, abuse, trafficking, and sale of children particularly in International adoptions, some agencies or governments are capitalizing on injustices in the sending country to force or persuade birth parents to place their children for adoptions. . Male children are more valuable to the family because his wife is socially bound to care for his parents when they are older, which makes males more desirable. Lack of resources often causes children to become malnourished and have no health care. These facts may encourage parents to place their children in orphanages. Mothers have been manipulated or pressured to release their children for adoption others have found that agencies or individuals have bought and kidnapped babies, or paid teenage girls to get pregnant and release their children for adoption.
- Some of the lifelong issues of the adoption life cycle include Loss: the birth family often feels a sense of loss when the child leaves the birth family. This sense of loss often recurs throughout the family life cycle.
- Rejection: the birth parent often feels rejecting of them as being irresponsible or unworthy. Guilt/Shame: birth parents often feel guilty or shameful for placing the child and are often judged by others.

- **Role of functionaries of SAA, CWC, DCPU and SARA in Adoption has been prescribed in the Adoption Regulations, 2017**

- a) **Specialised Adoption Agencies**

The Specialised Adoption Agency shall perform the following functions, in addition to those assigned to them under these regulations, to facilitate placement of orphan, abandoned and surrendered children in adoption, namely:-

Function towards children: Every Specialised Adoption Agency shall –

- be responsible for the care, protection and well-being of every child in its charge and shall cater to their health needs; emotional and psychological needs; educational and training needs; leisure and recreational activities; protection from any kind of abuse, neglect and exploitation; social mainstreaming and restoration or as the case may be and follow-up;

- report all cases of admissions, restorations, transfers, death and adoption of children, as well as about children missing from the institution, if any to the Child Welfare Committee, District Child Protection Unit, State Adoption Resource Agency and the Authority through Child Adoption Resource Information and Guidance System, designated portal for missing child and police;
- Submit the status of every orphan, abandoned and surrendered child on the Child Adoption Resource Information and Guidance System,
- Shall upload the certificate, issued by the Child Welfare Committee, declaring the child legally free for adoption in Child Adoption Resource Information and Guidance System within forty-eight hours from the receipt of such certificate;
- prepare the Child Study Report of all orphan, abandoned and surrendered children, through its social worker, and upload them in Child Adoption Resource Information and Guidance System, within seven days from the date such children are declared legally free for adoption by the Child Welfare Committee;
- arrange medical tests, as provided in Schedule IV, for all children admitted into its home and prepare the Medical Examination Report through its pediatrician or doctor for uploading the same in Child Adoption Resource Information and Guidance System, within seven days from the date such children are declared legally free for adoption by the Child Welfare Committee;
- Prepare individual care plan for each child following the principle of the best interests of the child and the care options in the following order of preferences:-
 - Restoration to the biological family or legal guardian;
 - in-country adoption;
 - Inter-country adoption;
 - Foster care; and
 - Institutional care;
- Create a memory album, which shall include a photo album of the child, history and details of the child's life (details of surrendering parents not to be mentioned), and interests of the child, which shall be handed over to the adoptive family along with the medical history of the child at the time of handing over the child to the prospective adoptive parents in pre-adoption foster care;
- make efforts to place each child in adoption, who has been declared legally free for adoption by Child Welfare Committee;
- be responsible to complete referral process of a child to prospective adoptive parents and the legal procedure related to adoption as provided in these regulations;
- Prepare every adoptable child psychologically for his assimilation with the adoptive family, wherever required;
- Facilitate interaction of the child with prospective adoptive parents, wherever required;
- Ensure that siblings and twins are placed in the same family, as far as possible;
- Preserve adoption records in a manner, that such record is accessible to authorised

- persons only;
- Facilitate root search by adoptees in the manner as mentioned in regulation 44.

Functions of State Adoption Resource Agency:

The State Adoption Resource Agency shall function as the executive arm of the State Government for promotion, facilitation, monitoring and regulation of the adoption programme in the State, and its functions shall include to –

- Recommend for recognition to one or more of the Child Care Institutions as Specialised Adoption Agencies in each district;
- Publish the contact details of Specialised Adoption Agency in the State at least once in a year;
- Recommend renewal of recognition to Specialised Adoption Agency every five years subject to satisfactory performance;
- Conduct meetings of Specialised Adoption Agencies on quarterly basis for addressing issues related to adoption and uploading the minutes of such meetings in the Child Adoption Resource Information and Guidance System;
- Inspect and monitor adoption programme and activities of all Specialised Adoption Agencies within its jurisdiction;
- Identify Child Care Institutions which are not recognised as Specialised Adoption Agencies and link them to Specialised Adoption Agencies for enabling and facilitating adoption of eligible children in such institutions, in pursuance of the provisions under section 66 of the Act;
- enforce standards and measures for the adoption of orphan, abandoned and surrendered children, as envisaged under the Act or the rules made thereunder and these regulations;
- identify Specialised Adoption Agencies or Child Care Institutions which have the capacity to provide quality care and treatment on a long term basis to special need children including children affected or infected by HIV/AIDS and mentally or physically challenged children, and facilitate transfer of such children to these agencies;
- expedite de-institutionalization of children through adoption and other non-institutional alternatives;
- Take measures that are required for expansion of the adoption programme in the State, such as, strengthening the knowledge base, research and documentation, strengthening child tracking system

District Child Protection Unit –

In addition to the functions as envisaged in the Act and rules made thereunder, as well as under other Government notified schemes, the District Child Protection Unit shall –

- identify orphan, abandoned and surrendered children in the district and get them declared legally free for adoption by Child Welfare Committee with the help of Specialised Adoption Agency or Child Care Institution, wherever required;

- ensure that the Child Study Report and Medical Examination Report are uploaded in the Child Adoption Resource Information and Guidance System by the Specialised Adoption Agency within ten days from the date a child is declared legally free for adoption;
- Facilitate the linkage of Child Care Institution with Specialised Adoption Agency in the same or other districts to facilitate adoption;
- track the progress of adoption of each child declared legally free for adoption and take necessary actions for expediting the case, wherever required;
- track the progress of application of each Prospective Adoptive Parent registered in Child Adoption Resource Information and Guidance System for adopting a child or children from the district and take necessary actions for expediting the case wherever required;
- maintain a panel of professionally qualified or trained social workers and set up counselling centre with support of State Adoption Resource Agency or the Authority to assist Specialised Adoption Agency or Child Care Institution, wherever required, for –
 - Counselling and preparation of the Home Study Report of the prospective adoptive parents;
 - Preparation of the Child Study Report and counselling of older children;
 - Preparing post-adoption follow-up report;
 - Preparing family background report in cases of inter-country relative adoptions;
 - Post adoption counselling to adopted children and adoptive parents;
 - Assisting and counselling of older adoptees in root search;

DAY 9 (Tuesday)

Session 29: An overview of Integrated Child Protection Scheme (ICPS)

Objectives:

- To enhance the knowledge of the participants about ICPS, its objectives, guiding principles, target groups, etc.

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, computer, flip chart, white Board, marker

Duration: 45 minutes

Instructions:

1. Explain the changes made under revised ICPS, its objectives, etc.
2. Discuss different categories of children covered under ICPS

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand the revised ICPS, its objectives, target groups etc.
- Read the slides carefully before conducting the session

Reference Materials:

- **Integrated Child Protection Scheme (ICPS): An Overview**

In order to address the issues relating to child protection adequately and to provide a safe, secure and a protective environment for the children who are in “Conflict with Law, Need of Care and Protection” and in difficult circumstances, the Ministry of Women and Child Development, Government of India has introduced a centrally-sponsored scheme namely ‘the Integrated Child Protection Scheme (ICPS) in the year 2009-10. The scheme was revised in the year 2014.

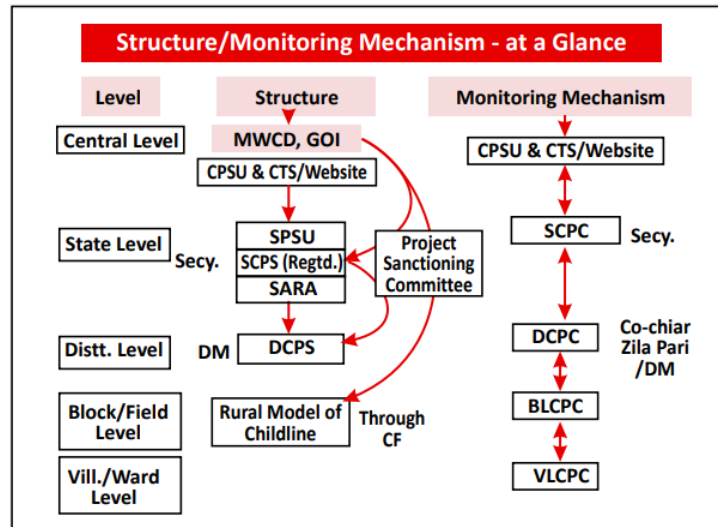
The Integrated Child Protection Scheme (ICPS) has significantly contributed for creating a system that will efficiently and effectively protect children. Based on cardinal principles of “protection of child rights” and “best interest of the child”, ICPS is achieving its objectives to contribute to the improvements in the well-being of children in difficult circumstances, as well as to the reduction of vulnerabilities to situations and actions that lead to abuse, neglect, exploitation, abandonment and separation of children from their families.

The scheme provides financial assistance for creation of new institutional facilities and maintenance of existing institutional facilities for both children in conflict with law and children in need of care and protection. These include Children’s Homes, Observation Homes, Special Homes, Place of Safety, Open Shelters, etc. In addition, the scheme provides for institutional care of children with special needs by supporting a specialized unit within existing homes or by setting up a specialized Shelter Home for children with special needs.

The scheme emphasizes on promotion of family-based care including sponsorship, kinship care, foster care, and adoption. As per the provision of the scheme, various adoption agencies, i.e., State Adoption Resource Agency (SARA), Specialized Adoption Agency (SAA), etc., have been set up at state-and district-level to deal with the issue of adoption. Similarly, to deal with the issue of sponsorship and foster care, the State has constituted District Sponsorship and Foster Care Approval Committee (SFCAC) under the scheme and provides funds also (Sponsorship and Foster Care Fund) which is available with the DCPU. The Ministry of Women and Child Development, Government of India under the Scheme (ICPS) has provided financial support to 34 State Adoption Resource Agencies and 317 Specialized Adoption Agencies (SAAs) across the country. MWCD has notified the Guidelines on Adoption, Sponsorship, Aftercare and Foster Care (Draft guidelines) for children. The States/UTs have set up child protection units at the State and District-level under ICPS and provide child protection services in coordination with the civil society and in convergence with other departments like education, labour, health, etc. The scheme was revised in April 2014.

- **Structure of ICPS**

In order to ensure effective service delivery ICPS is to be implemented by setting up of various agencies and committees at different level. The State Child Protection Society (SCPS) and DCPUs (DCPUs) are the fundamental units for implementation at State and District level respectively.



ICPS Structure

Session 30: Service Delivery Structure at State and District levels under ICPS

Objectives:

- To orient the participants about service delivery structures of ICPS at State and District level
- To enable the participants about functions of various mechanisms i.e. SCPS, SARA, DCPUs, etc.

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, computer, flip chart, white Board, marker

Duration: 1 hour

Instructions:

1. Ask the participants about registration of SCPS, functionaries appointed to SCPS and DCPUs
2. Discuss implementation status of these mechanisms, its infrastructure, manpower, etc.
3. Precede the discussion with the help of slides.
4. Wind up the session by answering the relevant queries.

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand about structure and function of SCPS, SARA, DCPUs, etc.

- Read the slides carefully before conducting the session
- As the session is theoretical, make it interactive by encouraging participants to share their experiences.

Reference Materials:

Services to be provided by State Child Protection Society and District Child Protection Unit have been prescribed in ICPS guidelines.

- **District level**

Functions of District Child Protection Unit (DCPU):

The DCPU shall coordinate and implement all child rights and protection activities at district level. Specific functions of the DCPU shall be to:

- Contribute to effective implementation of child protection legislations, schemes and achievement of child protection goals laid out in the National Plan of Action for Children. In doing so, the DCPU will follow national and state priorities, rules and guidelines.
- Ensure that for each child in need of care there is an individual care plan and that the plan is regularly reviewed. Monitor the implementation of the plan.
- Identify families at risk and children in need of care and protection through effective networking and linkages with the ICDS functionaries, Specialized Adoption Agencies (SAA), NGOs dealing with child protection issues and local bodies, viz. PRIs and Urban Local Bodies, etc.;
- Assess the number of children in difficult circumstances and create district specific databases to monitor trends and patterns of children in difficult circumstances;
- Map all child related service providers and services at district for creating a resource directory;
- Identify and support credible voluntary organizations to implement program components of the ICPS.
- Support implementation of family based non-institutional services including sponsorship, foster care, adoption and after care;
- Ensure effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000 and its Amendment Act, 2006 at district/city levels by supporting creation of adequate infrastructure, viz. setting up JJBs, CWCs, SJPU in each districts and homes in a cluster of districts as required;

- Ensure setting up of District, Block and Village level Child Protection Committees for effective implementation of programs, as well as discharge of its functions;
- Facilitate transfer of children at all levels for either restoration to their families or placing the child in long or short-term rehabilitation through sponsorship, kinship care, in country adoption, foster care, inter-country adoption and placement in institutions;
- Facilitate effective implementation of other legislations for child protection in the district, viz. Hindu Adoption and Maintenance Act (HAMA) 1956; Guardians and Wards Act (GAWA) 1890; Child Labour (Prohibition and Regulation) Act 1986; Child Marriage and Restraint Act 1979 and Immoral Traffic Prevention Act 1986, Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act 1994, Protection of children from Sexual Offence Act,2012, CPCRC Act,2005 etc. and any other Act that comes into force for protecting child rights;
- Network and coordinate with all government departments to build inter-sectoral linkages on child protection issues, including Departments of Health, Education, Social Welfare, Urban Basic Services, Backward Classes & Minorities, Youth Services, Police, Judiciary, Labour, State AIDS Control Society, among others;
- Network and coordinate with voluntary and civil society organizations working in the field of child rights and protection;
- Develop parameters and tools for effective monitoring and supervision of ICPS in the district;
- Supervise and monitor all institutions/agencies providing residential facilities to children in district;
- Train and build capacity of all personnel (Government and Non-government) working under child protection system to provide effective services to children;
- Encourage voluntary youth participation in child protection programs at district, block and community levels;
- Organize quarterly meeting with all stakeholders at district level including ChildLine Services, SAA, superintendents of homes, NGOs and members of public to review the progress and achievement of child protection activities;
- Liaison with the SCPS, SARA and DCPUs of other districts;
- Provide secretarial support to the DCPC;

- Maintain a database of all children in institutional care and non-institutional care at the district level. This Data Management System will ultimately be uploaded onto a comprehensive, integrated, live database for children in care and in need of care in the country- the 'Track Child'.

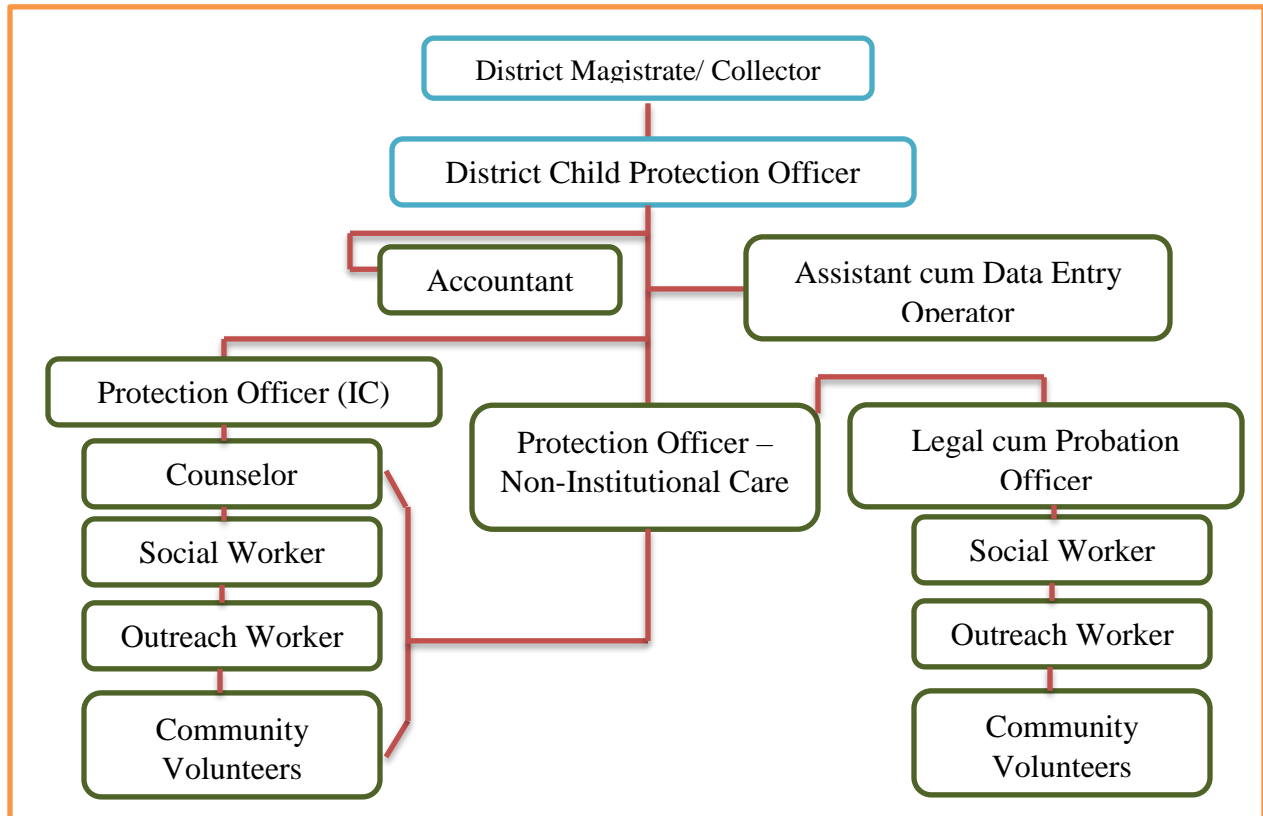


Figure 1: DCPU Structure

- **State Child Protection Society (SCPS)**
 - Set up in every State/ UT
 - All funds from Centre under the child protection scheme will be given to the States through the SCPS
 - SCPS to be headed by the concerned Secretary of the State Government and assisted by a team of officials

Staff of SCPS -

- For States with 15 or less than 15 districts – 7 staff members
- For States with more than 15 districts – 13 staff members
- This society shall be responsible for implementation of ICPS and other child protection policies and programmes at the State level

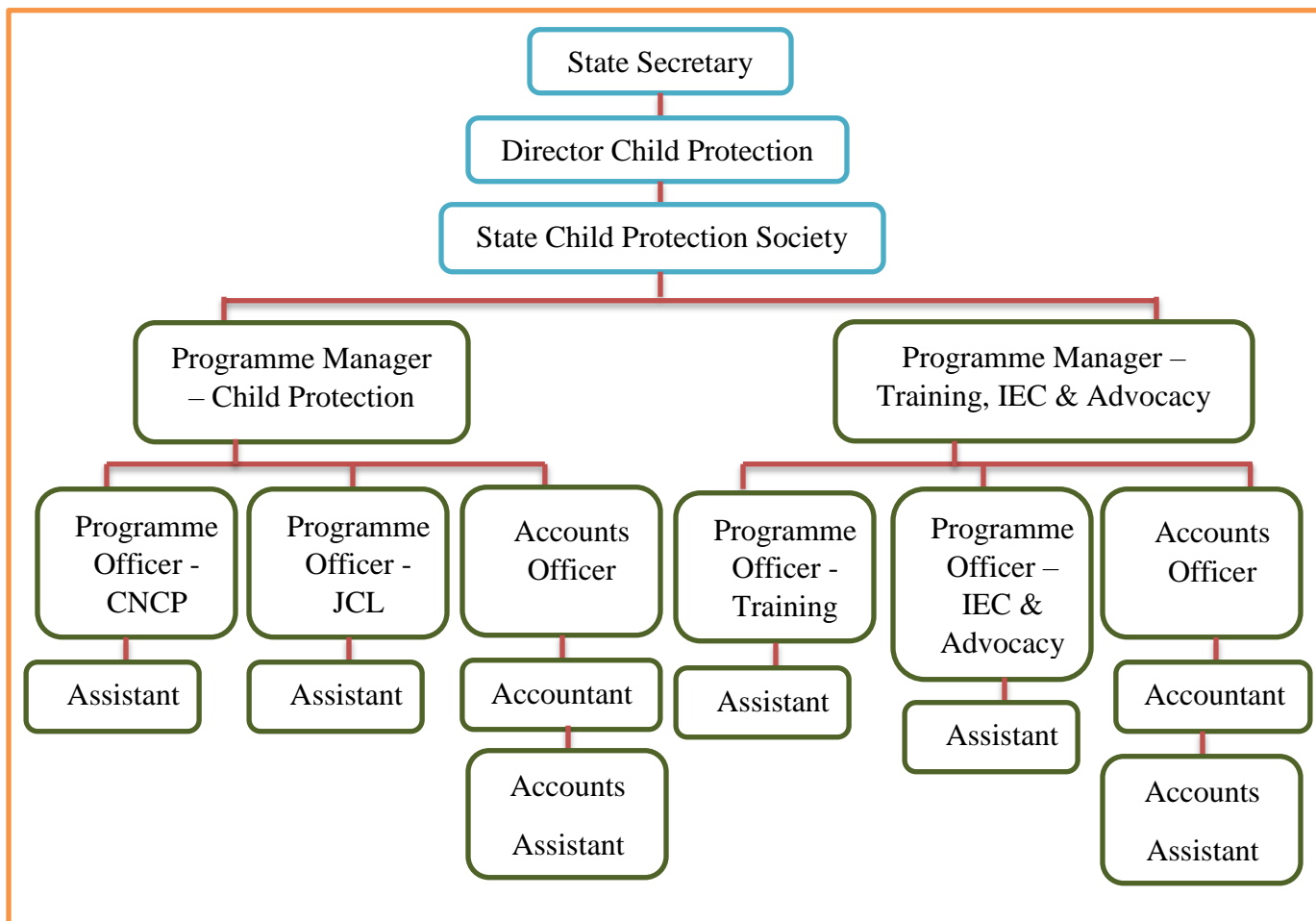


Figure 2: SPCS Structure

Session 31: Role and responsibilities of Legal cum Probation Officers of DCPUs

Objectives:

- To make the participants aware about the roles and responsibilities of Legal cum Probation Officers (LPOs) of DCPUs

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, computer, flip chart, white Board, marker

Duration: 1 hour

Instructions:

1. Ask the participants about job responsibilities of functionaries (LPOs) they are aware.

2. Explain them in detail what they are supposed to do in their respective places to achieve the objectives of the scheme.
3. Precede the discussion with the help of slides.
4. Wind up the session by answering the relevant queries.

Tips for the facilitators/Resource Persons:

- This session is crucial to make the participants aware about their role and responsibilities under DCPU
- Read the slides carefully before conducting the session

Reference Materials:

Who is a Legal-Cum-Probation Officer?

- An officer appointed by the State Government as a probation officer under the Probation of Offenders Act, 1958 or the Legal-cum-Probation Officer appointed by the State Government under District Child Protection Unit
- Every district shall have a maximum of three Legal cum Probation Officers on the basis of geographical spread and child population of the district. In case the Juvenile Justice Board has a heavy caseload, the State Government can appoint one full time Legal cum Probation Officer to the Board.
- Should have a legal background and a good understanding of child rights and protection issues. He/she would be responsible for providing free legal aid services to children.
- He/she shall also provide necessary support to the Child Welfare Committee and the Juvenile Justice Board in the legal matters relating to all children coming under the purview of the Juvenile Justice Act as and when required.
- The eyes and ears of the Juvenile Justice Board, the Child Welfare Committee and the Children's court.
- Must give Legal support as wells as Probation services

The specific roles and responsibilities of LPOs would include:

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

Session 32: Roles and Responsibilities of ICPS Functionaries (Programme Managers, Programme Officers, DCPOs, POs, LPOs, SWs & Counsellors)

Objectives:

- To make the participants aware about the roles and responsibilities of ICPS functionaries prescribed under the scheme.

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, computer, flip chart, white Board, marker

Duration: 1 hour 30 minutes

Instructions:

- Ask the participants about job responsibilities of functionaries they are aware.
- Explain them in detail what they are supposed to do in their respective places to achieve the objectives of the scheme.
- Precede the discussion with the help of slides.
- Wind up the session by answering the relevant queries.

Tips for the facilitators/Resource Persons:

- This session is crucial to make the participants aware about their role and responsibilities under ICPS
- Read the slides carefully before conducting the session

Reference Materials:

- **Roles and Responsibilities of District Child Protection Units (DCPUs)**

1. District Child Protection Officer (DCPO): The District Child Protection Officer (DCPO) shall function as the head of the DCPU and shall be responsible for carrying out all day to day functions of the DCPU at the district level. The DCPO shall be appointed either by deputation or on contract. In districts where a district level officer of the ICPS implementing department (Social Welfare/Women and Child Development) is available he/she shall function as the DCPO. In districts where such officer does not exist, the post of DCPO shall be filled by deputation/contract.

- The DCPO shall coordinate and supervise implementation of the ICPS and all other child protection activities at district level including monitoring and supervision of all institutions/agencies/ projects/programs/NGOs and shall report to SCPS at the State level. For the purpose of coordinating non-institutional care program at district level, he/she shall report to SARA at the State level. The DCPO shall be responsible for coordinating development of an Annual District Child Protection Plan, resource directory of child related services and child tracking system at the district level.
- He/she shall also be coordinating and networking with all the line departments/officers including:

- (i) District Magistrate,
- (ii) District Judge,
- (iii) Superintendent of Police,
- (iv) Child Development Project Officer (CDPO),
- (v) Labour Officer, Education Officer,
- (vi) Chief Medical Officer (CMO),
- (vii) Municipal Authorities and
- (viii) Members of Zila Parishad and other local bodies.

- Besides, he/she shall also coordinate with:
 - (i) Voluntary Organizations,
 - (ii) Hospitals/Nursing Homes,
 - (iii) Child Welfare Committee,
 - (iv) Juvenile Justice Board,
 - (v) Childline Services
 - (vi) Other authorities at district level who have direct or indirect impact on child protection programs/services.
- He/she shall head the Home Management Committee of every institution in the district and recommend suitable institutions for release of grants from the SCPS. He/she shall conduct a monthly review meeting with all stakeholders including representatives of community and local bodies as well as media.

2. Protection Officer (Institutional Care): Under the supervision of the DCPO, the Protection Officer (Institutional Care) would ensure effective implementation of child protection programs and policies relating to children in need of care and protection at the district and local levels. He/she shall be responsible for ensuring effective institutional/residential care services at the district level for all children in need of care and protection. Every district shall have a maximum of three Protection Officers (Institutional Care) on the basis of geographical spread and child population of the district. In case the Child Welfare Committee has a heavy case load, the State Government can appoint one full time Protection Officer to the Committee.

- The specific roles and responsibilities of a Protection Officer (Institutional Care) shall include:
 - (i) Identify families and children at risk to prevent destitution of children and arrange/provide them necessary support services like counselling, access to health care, education, vocational skills etc., with the support of the outreach worker working under him/her;
 - (ii) Carry out a situational analysis of children in difficult circumstances, collect and compile data on different dimensions of the child protection problems in terms of number of children requiring support, number of children in institutions and the kind of services they need;
 - (iii) Carry out a resource mapping exercise and develop a District Child Protection Plan and resource directory of child related services at the district level on the basis of data collected;
 - (iv) Ensure setting up and management of the child tracking system of all institutional care

- programs including Open Shelters in the district;
- (v) Support CWC in the process of inquiry and restoration of children;
 - (vi) Ensure registration of all child care organizations/institutions/agencies housing children under the Juvenile Justice Act, 2000 and its Amendment Act, 2006;
 - (vii) Supervision and monitoring of all child care organizations/institutions/agencies, both Govt. & NGO run (with or without support), housing children and ensure implementation of minimum standards of care;
 - (viii) Supervision and monitoring of other child protection programs being implemented at district level;
 - (ix) Identify training need and arrange for training and capacity building of personnel (both Governmental and Non-Governmental) involved in institutional care at district level in coordination with State Child Protection Unit;
 - (x) Preparing and submitting a monthly report to the DCPO.

3. Protection Officer (Non-Institutional Care): Under the supervision of the DCPO, the Protection Officer (Non-Institutional Care) would ensure effective implementation of the non-institutional components of ICPS relating to sponsorship, foster-care, adoption, and after-care and cradle baby scheme. Every district shall have a maximum of three Protection Officers (Non-Institutional Care) on the basis of geographical spread and child population of the district.

- The specific roles and responsibilities of a Protection Officer (Non-Institutional Care) shall include:
 - (i) Identify families and children at risk to prevent destitution of children and arrange/provide them necessary support for non-institutional care, where required;
 - (ii) Support SARA in identifying adoptable children from the district and preparing a district-level database of adoptable children;
 - (iii) Promote and facilitate adoption in the district with the help of SAA by:
 - a) Registering and maintaining database of adoptable children and PAPs for in-country adoption;
 - b) Promoting in-country adoption within the district;
 - c) Monitor adoption placement and ensure that the SAAs provide post placement support and follow up.
 - (iv) Ensure that all adoptable children in all Child Care Institutions (CCIs) are brought into the adoption system;
 - (v) Carry out family based non-institutional care through foster care, sponsorship and after care programs;
 - (vi) Carry out resource mapping and contribute in development of a District Child Protection Plan and a resource directory of child related services for non-institutional care at the district level on the basis of data collected;
 - (vii) Function as the Nodal Officer for the child tracking system in the district;
 - (viii) Support CWC in the process of inquiry and restoration of children;
 - (ix) Supervise and monitor all child care institutions including SAAs in the district

- (x) Coordinate with SARA and SCPU for training and building capacities of all personnel (Government and Non-government) involved in non-institutional service to children;
- (xi) Submit quarterly report to the SARA on status of adoption program in the district.

4. Legal cum Probation Officers: Under the supervision of the DCPO, the Legal cum Probation Officer shall coordinate and supervise all the programs and activities relating to Juveniles in Conflict with law. He/she would provide support to JJB at district levels. Every district shall have a maximum of three Legal cum Probation Officers⁴ on the basis of geographical spread and child population of the district. In case the Juvenile Justice Board has a heavy caseload, the State Government can appoint one full time Legal cum Probation Officer to the Board.

- The specific roles and responsibilities would include:

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

The Legal cum Probation Officer should have a legal background and a good understanding of child rights and protection issues. He/she would be responsible for providing free legal aid services to children/juveniles. He/she shall also provide necessary support to the CWC and JJB in the legal matters relating to all children coming under the purview of the Juvenile Justice Act as and when required.

5. Counselor: Each Child Protection Unit at District level shall have a counselor for providing counseling services to children in conflict with law and children in need of care and protection as well as their parents and families. The counselor shall also work with the CWC and JJB at district level as and when required.

6. Social Worker: Each Child Protection Unit shall have two Social Workers (one woman) who would be responsible for coordinating field level activities in their respective cluster of sub-divisions as assigned by the DCPO. These Social Workers shall be assisted by the Outreach Workers for carrying out field level interventions. The two Social Workers, of which one shall be a woman, shall also assist the SJPU in discharging their duties as and when required.

- **Roles and Responsibilities of State Child Protection Society (SCPS)**

1. Program Manager (Child Protection): The Program Manager, Child Protection shall be responsible for coordinating and supervising programs and services for children in need of care and protection and juveniles in conflict with law at State levels, with the help of Program Officer [Children in Need of Care and Protection (CNCP)], Program Officer [Juvenile in Conflict with Law (JCL)] and the District Child Protection 84 Units.

- He/she shall also facilitate and support the functioning of statutory bodies under the Juvenile Justice Act, viz., Child Welfare Committees, Juvenile Justice Boards, SJPU, State Advisory Board, etc.
- The Program Manager (Child Protection) shall also ensure supervision and monitoring all the institutions/agencies housing children in the State.
- The Program Manager (Child Protection) shall also provide all necessary support to the Director/Commissioner, Child Protection in rolling out funds for implementing programs and services for children in need of care and protection and juveniles in conflict with law at state level.

2. Program Manager (Training, IEC & Advocacy): He/she shall be responsible for coordinating and supervising all training and capacity building programs for functionaries under ICPS at State level. With the assistance of Program Officer (Training), he/she shall be responsible for assessing the training needs of all functionaries (Government & NGOs) and allied systems (including police, judiciary, concerned government departments, voluntary organisation and general public), and accordingly plan, coordinate and implement training and capacity building programs at State levels.

- He/she shall liaison with NIPCCD and its regional centres and other training institutions of the central/state governments for the purpose of training and capacity building at the state level.
- The Program Manager (Training, IEC & Advocacy) shall also be responsible for all IEC and Advocacy programs of the State Child Protection Society.
- He/she shall coordinate all awareness generation activities on child protection issues to change social attitudes and traditional practices like child marriage, female foeticide, discrimination against girl child, etc. at state and district levels with the support of Program Officer (IEC & Advocacy) and the District Child Protection Units.
- The Program Manager (Training, IEC & Advocacy) shall also be responsible for assessing the IEC requirements of the State and develop appropriate advocacy plan and media strategy on child protection, with the support of Program Officer (IEC & Advocacy) to increase public understanding of rights of the child.
- In the States, where the number of districts is less than 15, only one post of Program Manager has been provided. In such States, the work of Child Protection and Training, IEC & Advocacy will be done by the same person and he may be called Program Manager.

3. Program Officer (Children in Need of Care and Protection, CNCP): He/she shall function under the overall supervision of the Program Manager (Child Protection) and shall assist him in coordination of all child protection activities pertaining to children in need of care and protection by the State Child Protection Society (SCPS). He/she shall also be responsible for coordinating with all the DCPU for implementing, supervising and monitoring all child protection activities pertaining to children in need of care and protection at State and District levels.

4. Program Officer (Juvenile in Conflict with Law, JCL): He/she shall function under the overall supervision of the Program Manager (Child Protection) and shall assist him in coordination of all child protection activities pertaining to juveniles in conflict with law by the State Child Protection Society (SCPS). He/she shall also be responsible for coordinating with all the DCPUs for implementing, supervising and monitoring all child protection activities pertaining to juveniles in conflict with law at State and District levels.

5. Program Officer (Training): He/she shall support the Program Manager (Training, IEC & Advocacy) in coordinating and supervising training and capacity building programs for functionaries under ICPS at State and district levels. He/she shall provide assistance in assessing the training needs of all functionaries (Government & NGOs) and allied systems, and assist in planning, coordination and implementation of all training and capacity building Programs at State levels.

6. Program Officer (IEC & Advocacy): He/she shall support the Program Manager (Training, IEC & Advocacy) in coordinating and supervising all IEC and advocacy initiatives on child protection at State and district levels. He/she shall provide assistance in assessing the need for IEC materials and other necessary tools for effective implementation, monitoring and evaluation of all child protection programs at State and district levels in coordination with the DCPU.

Session 33: Relevant judgments of Supreme Court & High Courts of India

Objectives:

- To orient the participants about the relevant judgments of Supreme Court & High Courts of India.

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, computer, presentation, flip chart, white Board, marker

Duration: 1 hour 45 minutes

Instructions:

- Ask the participants if they are aware of any Supreme Court and High Court judgments.
- 10 minutes for sharing information.
- Precede the discussion with the help of slides.

- Wind up the session by answering the relevant queries.

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand about the judgments of Supreme Court and High Court.
- Read the slides carefully before conducting the session
- As the session is theoretical, make it interactive by encouraging participants to share their experiences.

Reference Materials:

- **Judgments of Supreme Court and High Courts of India**

1. Issue/cause	: Children in Conflict with Law
Jurisdiction	: Supreme Court of India Criminal Appellate Jurisdiction
Appeal No.	: Criminal Appeal No. 907 of 2009 (Arising out of S.L.P.(Crl.) No.3336 of 2006)
Case	: Hari Ram vs. State of Rajasthan & Anr
Date of Judgement	: 05.05.2009
Bench/Coram	: Hon'ble Mr. Justice Altamas Kabir

Abstract of Judgment

This appeal raised certain questions which are fundamental to the understanding and implementation of the objects for which the Juvenile Justice (Care and Protection of Children) Act, 2000 (hereinafter referred to as the 'Juvenile Justice Act, 2000') was enacted. The appellant, Hari Ram, was arrested along with several others on 30.11.1998, for the alleged commission of offences under Sections 148, 302, 149, Section 325 read with Section 149, and Section 323/149 Indian Penal Code. After the case was committed for trial, the Additional Sessions Judge, Didwana, by his order dated 3 April, 2000, in Sessions Case No.54 of 1999 determined the age of the accused to be below 16 years on the date of commission of the offence and after declaring him to be a juvenile, directed that he be tried by the Juvenile Justice Board, Ajmer, Rajasthan.

This appeal was filed against the common order dated 7 December, 2005, passed by the Jodhpur Bench of the Rajasthan High Court in Crl. Revision Petition No.165 of 2000, filed by Respondent No.2 herein and in Crl. Revision Petition No.199 of 2005 filed by the appellant, also being aggrieved by the said common order. We, therefore, allow the appeal and set aside the order passed by the High Court and in keeping with the provisions of Sections 2(k), 2(l), 7A and 45, 20 of the Juvenile Justice Act, 2000 and Rules 12 and 98 of the Juvenile Justice Rules, 2007, hold that since the appellant was below 18 years of age at

the time of commission of the offence the provisions of the said Act would apply in his case in full force.

The matter was accordingly remitted to the Juvenile Justice Board, Ajmer, for disposal in accordance with law, within three months from the date of receipt of a copy of this order, having regard to the fact that the offence is alleged to have been committed more than ten years ago. If, however, the appellant was in detention for a period which was more than the maximum period for which a juvenile may be confined to a Special Home, the Board shall release the appellant from custody forthwith.

2. **Issue/Cause** : Children in Conflict with Law (Age of Juvenility)
Jurisdiction : Supreme Court of India
Case : Jayendra and Another vs. State of Uttar Pradesh
Date of Decision : 24.07.1981
Case/Petition No. : Equivalent citations: AIR 1982 SC 685, 1982 Cri L J 1000, (1981) 4 SCC 149
Bench/Coram : Hon'ble Y. Chandrachud, E .Venkataramiah

Abstract of Judgement

This writ petition is an appeal regarding the age of the appellant.

The Counsels had called for a report from the Doctor in charge of the jail hospital as regards the age of appellant No.1 The report of the Chief Medical Officer, Bareilly dated February 17, 1981 indicated that by general appearance, physical examination and radiological findings, the appellant was about 23 years of age on the date of the report. That would mean that on the date of the offence (June 17, 1974), the appellant was approximately about 16 years and 4 months old. Though the estimate given by the Chief Medical Officer was a rough estimate by approximation but the statement of the appellant himself available on the record, and was un-contradicted, indicating that he was above 15 years of age on the date of the offence.

Taking into account the various circumstances on the record, the case counsels were of the opinion that the appellant was a child within the meaning of this provision of Section 2(4) of the Uttar Pradesh Children Act, 1951 (UP Act No. 1 of 1952) on the date of the offence. Section 27 of the aforesaid Act says that 'notwithstanding anything to the contrary in any law, no court shall sentence a child to imprisonment for life or to any term of imprisonment'. Section 2 provides, in so far as it is material, that 'if a child is found to have committed an offence punishable with imprisonment, the court may order him to be sent to an approved school for such period of stay as will not exceed the attainment by the child of the age of 18 years. In the normal course, the court would have directed the appellant to be sent to an approved school but in view of the fact that he was now nearly 23 years of age, this could not be done.

For these reasons, though the conviction of the appellant was to be upheld, counsels had quashed the sentence imposed upon him and directed that he should be released forthwith. In so far as the other appellant was concerned, his special leave petition had already been dismissed.

3. **Issue/Cause** : Children in Conflict with Law (Age of Juvenility)
Jurisdiction : The High Court of Delhi
Case : State vs. Jagtar & Ors
Date of Decision : 01.08.2014
Case/Petition No. : CrI.A. No. 979+ Death Sentence Ref.No.5/2010, CrI.A. Nos. 979/2008, 1087/2010 & 1301/2010 3
Bench/Coram : Hon'ble Y Chandrachud, Mr. E Venkataramiah

Abstract of Judgement

In this case, the pertinent questions which arose before the court were that if a plea of juvenility of the convict raised for the first time at the appellate stage in the High Court is accepted, in such a case what is the fate of the conviction and the order on the sentence which stands imposed upon such a person. This plea was raised by one or more of the appellants in the above appeals.

Upon hearing the learned counsels in the appeals on these two issues the court opined that the importance of a prompt determination of juvenility was not only in the interest of the juveniles but has a deep impact on society in as much as efforts of reform are made. Public employment requires disclosure of implications in cases, arrest, conviction, sentence etc., at the time of recruitment. Section 19 refers to removal of disqualification attaching to conviction of offence enabling juveniles who may have been in conflict with law, to thus seek public employment.

In this background, in failing to abide by the statutory mandate and the directions of the Supreme Court, the trial courts are failing to discharge constitutional duties as well as responsibility in public law of ensuring the best interest of a child in conflict with law. The District Judges concerned shall ensure that the directions of the Supreme Court as well as the observations made by the Honorable Court to be complied with.

As a result, the counsels' suo moto caused inquiry in respect of two persons who stood sentenced to death and found them to be juveniles on the date of offences after conducting the inquiries in respect of their ages. It was noteworthy that both the convicts had already undergone imprisonment much beyond the maximum period of permissible detention of three years under the Juvenile Justice (Care and Protection) Act, 2000. Court therefore of the view that, it would be impermissible to deprive such persons of their liberty, after having undergone confinement beyond the three years permitted by the JJ Act. In any case,

all the concerned persons in these cases were over 18 years of age now and could not be lodged in the special homes.

- 4. Issue/Cause** : Children in Conflict with Law (Age of Juvenility)
Jurisdiction : High Court of Delhi at New Delhi
Case : Ruby vs. NCT of Delhi
Date of Judgement : 14.01.2013
Case/Petition No. : CrI. Rev. P. 587/2012
Bench/ Coram : Hon'ble Mr. Justice G P Mittal

Abstract of Judgement

This was a Revised Petition filed by the Petitioner under Section 53 of the Juvenile Justice (Care and Protection of Children) Act 2000 (the Act of 2000). The Petitioner was facing charges for offence punishable under Section 302 read with Section 34 of IPC in case FIR No.180/2010. As per the prosecution allegations, the Petitioner was involved in the offence which took place on 18.09.2010. The Petitioner claimed herself to be a juvenile and the matter was inquired into by the JJB. In the instant case, during inquiry about the Petitioner's age the admission record of the Petitioner was produced. It was testified that admission of the girl was given on the basis of admission form filled up by the child's father (Petitioner's father). The Matriculation certificate was thus not available as the Petitioner had not studied up to that level. The second document in the order of precedence as given in Rule 12 of the Rules 2007 is the date of birth certificate from the school (other than the play school) first attended. In the instant case, as per the said certificate she was born on 04.08.1992. The JJB or for that matter the learned ASJ rightly did not go into other evidence or for that matter the ration card relied upon by the Petitioner.

The ossification test or the expert opinion of the Medical Board could be obtained under Rule 12 (3) (b) of the Rules 2007, if the primary evidence in the shape of matriculation certificate, the date of birth certificate issued from the school and the birth certificate given by the Corporation or a Municipal Authority was not available. Thus, neither the ration card can be looked into nor the Petitioner can be subjected to any ossification test to determine her age in view of the availability of a certificate as stated in Rule 12 (3) (a) (ii) of the Rules of 2007. The Revision Petition is devoid of any merit; the same was accordingly dismissed.

The learned ASJ committed an error of law in relying on the ossification test in preference to the date of birth certificate from the school first attended. The Petition had to succeed. The impugned order was set aside and the order passed by the JJB was restored. The Petitioner Aakash was declared to be juvenile. The Petition was allowed in above terms.

- 5. Issue/Cause** : Change of age of Children in Conflict with Law
Jurisdiction : Supreme Court of India
Case : Salil Bali vs. Union of India & ANR
Case/Petition No. : Writ Petition (C) No. 10 of 2013
With W.P.(C) Nos.14, 42, 85, 90 and 182 of 2013
With W.P.(CrI) No.6 of 2013
And T.C.(C)No. 82 of 2013
Date of Judgement : 17.07.2013
Bench Coram : Hon'ble Mr. Justice Altamas Kabir, CJI.

Abstract of Judgement

In this case there is yet another consideration which appears to have weighed with the worldwide community, including India, to retain 18 as the upper limit to which persons could be treated as children. In the Bill brought in Parliament for enactment of the Juvenile Justice (Care and Protection of Children) Act of 2000, it has been indicated that the same was being introduced to provide for the care, protection, treatment, development and rehabilitation of neglected or delinquent juveniles and for the adjudication of certain matters relating to and disposition of delinquent juveniles. The essence of the Juvenile Justice (Care and Protection of Children) Act, 2000, and the Rules framed thereunder in 2007, is restorative and not retributive, providing for rehabilitation and re-integration of children in conflict with law into mainstream society. The age of 18 has been fixed on account of the understanding of experts in child psychology and behavioural patterns that till such an age the children in conflict with law could still be redeemed and restored to mainstream society, instead of becoming hardened criminals in future. There are, of course, exceptions where a child in the age group of 16 to 18 may have developed criminal propensities, which would make it virtually impossible for him/her to be reintegrated into mainstream society, but such examples are not of such proportions as to warrant any change in thinking, since it is probably better to try and re-integrate children with criminal propensities into mainstream society, rather than to allow them to develop into hardened criminals, which does not augur well for the future.

This being the understanding of the Government behind the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2000, and the amendments effected thereto in 2006, together with the Rules framed thereunder in 2007, and the data available with regard to the commission of heinous offences by children, within the meaning of Sections 2(k) and 2(l) of the Juvenile Justice (Care and Protection of Children) Act, 2000, we do not think that any interference is necessary with the provisions of the Statute till such time as sufficient data is available to warrant any change in the provisions of the aforesaid Act and the Rules. On the other hand, the implementation of the various enactments relating to children would possibly yield better results. The Writ Petitions and the Transferred Case are, therefore, dismissed, with the aforesaid observations. There shall, however, be no order as to costs.

DAY 10 (Wednesday)

Session 34: Who is a Probation Officer?

Objectives:

- To make the participants understand 'Who is a Probation Officer'.

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, computer, presentation, flip chart, white Board, marker

Duration: 45 minutes

Instructions:

1. Ask the participants what they understand by the term 'Probation Officer'.
2. Precede the discussion with the help of slides.
3. Wind up the session by answering the relevant queries.

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand about the term 'Probation Officer'.
- Read the slides carefully before conducting the session
- As the session is theoretical, make it interactive by encouraging participants to share their experiences.

Reference Materials:

- **Who is a Probation Officer?**

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

(1) A probation officer under this Act shall be -

- a person appointed to be a probation officer by the State Government or recognised as such by the State Government; or
- a person provided for this purpose by a society recognised in this behalf by the State Government; or
- In any exceptional case, any other person who, in the opinion of the court, is fit to act as a probation officer in the special circumstances of the case.

(2) A court which passes an order under section 4 or the district magistrate of the district in which the offender for the time being resides may, at any time, appoint any probation officer in the place of the person named in the supervision order.

(3) A probation officer, in the exercise of his duties under this Act, shall be subject to the control of the district magistrate of the district in which the offender for the time being resides.

Session 35: Duties of Probation Officers appointed in CCIs

Objectives:

- To make the participants understand the various duties of Probation Officers appointed in CCIs.

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, computer, presentation on 'Duties of Probation Officers', flip chart, white Board, marker

Duration: 1 hour

Instructions:

1. Ask the participants if they are aware of the duties of Probation Officer.
2. Explain them in detail the duties of POs.
3. Precede the discussion with the help of slides.
4. Wind up the session by answering the relevant queries.

Tips for the facilitators/Resource Persons:

- This session is important to make the participants understand about the duties of Probation Officers.
- Read the slides carefully before conducting the session
- As the session is theoretical, make it interactive by encouraging participants to share their experiences.

Reference Materials:

Every Probation officer shall carry out all directions given by the JJB/Children's Court or concerned authority. As per rule 64 of JJ Model Rules, 2016, on receipt of information from the Police or CWPO under clause (ii) of sub-section (1) of section 13 of the JJ Act, 2015, without waiting for any formal order from the Board, the Probation Officer shall inquire into the circumstances of the child as may have bearing on the inquiry by the Board and submit a social investigation report in Form 6 to the Board.

The social investigation report should provide for risk assessment, including aggravating and mitigating factors highlighting the circumstances which induced vulnerability such as traffickers or abusers being in the neighborhood, adult gangs, drug users, accessibility to weapons and drugs, exposure to age inappropriate behaviours, information and material.

The Probation Officer shall carry out the directions given by the Board and shall have the following duties, functions and responsibilities –

- To conduct social investigation of the child in Form 6;
- To attend the proceedings of the Board and the Children's Court and to submit reports as and when required;
- To clarify the problems of the child and deal with their difficulties in institutional life;
- To participate in the orientation, monitoring, education, vocational and rehabilitation programmes;
- To establish co-operation and understanding between the child and the Person- in-charge;
- To assist the child to develop contacts with family and also provide assistance to family members;
- To participate in the pre-release programme and help the child to establish contacts which could provide emotional and social support to the child after release;
- To establish linkages with Probation Officers in other Districts and States for obtaining social investigation report, supervision and follow-up.
- To establish linkages with voluntary workers and organisations to facilitate rehabilitation and social reintegration of children and to ensure the necessary follow-up;
- Regular post release follow-up of the child extending help and guidance, enabling and facilitating their return to social mainstreaming;
- To prepare the individual care plan and post release plan for the child;
- To supervise children placed on probation as per the individual care plan;
- To make regular visits to the residence of the child under his supervision and places of employment or school attended by such child and submit periodic reports as per Form 10;
- To accompany children where ever possible, from the office of the Board to the observation home, special home, place of safety or fit facility as the case may be;
- To evaluate the progress of the children in place of safety periodically and prepare the report including psycho-social and forward the same to the Children's Court;
- To discharge the functions of a monitoring authority where so appointed by the Children's Court;
- To maintain a diary or register to record his day to day activities such as visits made by him, social investigation reports prepared by him, follow up done by him and supervision reports prepared by him;
- To identify alternatives of community services and to establish linkages with voluntary sector for facilitating rehabilitation and social reintegration of children; and
- Any other task as may be assigned.

Session 36: Powers and Obligations under the Probation of Offenders Act, 1958

Objectives:

- To provide participants with an overview of the Probation of Offenders Act, 1958
- To make the participants understand the power and obligations under the Probation of Offenders Act, 1958.

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, Computer, presentation, Flip chart, White Board, Marker

Duration: 1 hour

Instructions:

- To discuss upon the powers and obligations under the Probation of Offenders Act, 1958.
- 10 minutes for sharing information.

Tips for the facilitators/Resource Persons:

- Appreciate and acknowledge the participants' knowledge as and when required.
- Keep a track of the time as it is an extensive session.

Reference Materials:

- **The Probation of Offenders Act, 1958 – An Overview**

The Probation of Offenders Act, 1958 has a wider scope, as it permits –

- Probation to all offenders except those who are liable to be given Capital punishment for murder, treason, etc. and to dacoits and professionals.
- Release on probation for a maximum period of three years.
- Social investigation by probation officers.
- Revocation or premature termination of probation. It is the complete code for the process of granting the Probation.

The object of the Probation of Offenders Act, 1958 is to prevent the conversion of youthful offenders into obdurate criminals as a result of their association with hardened criminals of mature age in case the youthful offenders are sentenced to undergo imprisonment in jail. The above object is in consonance with the present trend in the field of penology, according to which effort should be made to bring about correction and reformation of the individual offenders and not to resort to retributive justice.

- **Powers and Obligations under the Probation of Offenders Act, 1958**

This section serves to introduce the duties and roles entitled to the Probation Officer under the Probation of Offender Act. It highlights the importance of a pre-sentence report and social investigation, two most important duties of the PO, which allow assessing if the offender is suitable to be considered for probation and further benefits of the Act.

- **Appointment**

Section 13 of the Act states the following in regards to the appointment of the Probation Officers:

- (a) A person appointed to be a probation officer by the State Government or recognized as such by the State government.

(b) A person provided for this purpose by a society recognised in this behalf by the State Government.

(c) In any exceptional case, any other person who, in the opinion of the court, is fit to act as a probation officer in the special circumstances of the case.

▪ **Inquiring, reporting and supervising probationers**

Section 14 of the Act indicates the following duties of the Probation Officer:

(a) Inquire in accordance with any directions of a court, into the circumstances or home surroundings of any person accused of an offence with a view to assist the court in determining the most suitable method of dealing with him and submitting reports to the court.

(b) Supervise probationers and other persons placed under his supervision, and where necessary endeavor to find them suitable employment.

(c) Advise and assist offenders in the payment of compensation or costs ordered by the court.

(d) Advise and assist in such cases and in such manner as may be prescribed, persons who have been released under section 4.

(e) Perform such other duties as may be prescribed.

▪ **Preparing a pre-sentence report**

One of the most important duties of a PO entrusted in the section 14 (a) Of the Act is the preparation of a pre-sentence report for the guidance of the Court whether to grant the benefit of probation to the accused or not.

- a. For the purpose of Section 14 (a) of the Act, the PO shall after making inquiries regarding the offender's character, his social conditions, financial and other circumstances of his family will put down relevant facts, information in the report as required by the Court.
- b. The summary of the case shall include a statement of facts along with the PO's assessment of the case to help the court determine the most suitable method of dealing with offender after he has been found guilty.
- c. The report shall be treated as 'confidential' and delivered to the Court on the date specified by it; it must be enclosed in a sealed cover if delivered to the Court a day prior of the judgment.
- d. If the PO considers the probationer has made sufficient progress and further supervision is not needed he shall make an application to the Court in consultation with the District Probation Officer under intimation of the Chief Probation Superintendent for discharging the bond under sub-section 3 of the Section 8 of the Act.

▪ **Visiting and checking on probationers**

The PO may, subject to any provisions of the supervision order, require the probationer to report to him at the stated intervals and meet him frequently to ensure that the stipulations of the rules of the order are followed.

- a. The PO shall visit the probationer periodically in his home surroundings or his occupational environment in order to assess the progress made by him and difficulties he/she faced during such probation period.
- b. Additionally, the PO has to keep a track of the juvenile and maintain a follow up action even after the completion of the supervision period.
- c. Ultimately, the PO strives to bring a change to the behavior of the offender and motivate him/her to make a progress towards his/her successful rehabilitation in the community.

Session 37: Probation, Supervision and Follow-up

Objectives:

- To orient the participants about the probation, supervision and follow-up.

Methodology: Presentation and Lecture- cum discussion

Materials Required: Projector, Computer, Flip chart, White Board, Marker

Duration: 1 hour

Instructions:

- Ask the participants what they understand by the term 'Probation'.
- Use presentation to explain probation, supervision and follow-up.
- Can carry out group discussions among the participants

Tips for the facilitators/Resource Persons:

- Appreciate and acknowledge the participants' knowledge as and when required.
- Keep a track of the time as it is an extensive session.

Reference Materials:

- **Released on Probation under the supervision of Probation Officer**

When on Probation for a maximum period of three years the Probation officer must:

- Submit Periodic Reports in Form 10 (To make regular visits to the residence of the child under his supervision and places of employment or school attended by such child)
 - Must be prepared carefully as child may be sent to place of safety if non-compliance of probation orders is made out
 - To establish linkages with Probation Officers in other Districts and States for obtaining supervision reports from them
 - Must extend help and guidance, enabling and facilitating their return to social mainstreaming
 - Must supervise children placed on probation as per the Individual Care Plan
- **Maintaining Records**

- Documents to be kept in file in all cases of Children in conflict with Law in the District Child Protection Unit.
 - Case History including date of apprehension, intake, production, legal aid provision status etc.
 - Detailed Social Investigation Reports
 - Counselling history – including legal and psychosocial
 - Individual Care Plan – to be reviewed every year
 - Any important JJB orders involving the LPO/DCPU specific to the case
 - In case the final order is given by the JJB, then the copy of the final order and a follow-up plan Follow-up/Supervision Reports etc.
- **Post-Release**

When the child is released and a Probation Officer is appointed as the Monitoring Authority -

- Meet with the child on a fortnightly basis or at such intervals as may be directed by the Children's Court.
- Fix a time and venue for such meetings in consultation with the child.
- Forward its observations on the progress of the child on a monthly basis to the Children's Court.
- At the end of the first quarter, make recommendations regarding the further follow up procedure required for the child.
- Where the child, after release is found to be indulging in criminal activities or associating with people with criminal antecedents, further orders shall be sought from the Children's Court
- If the child no longer requires to be monitored, detailed report with recommendations must be placed before the Children's Court which shall issue further directions either terminating the monitoring or for its continuation.
- After the first quarter, the child shall meet the probation officer at such intervals as may be directed by the Children's Court based on their recommendations at the end of the first quarter.

Session 38: Importance of Counseling for Juvenile Justice

Objectives:

- To orient the participants about the importance of counseling for juvenile justice.

Methodology: Presentation and Lecture- cum discussion, Role play

Materials Required: Projector, Computer, presentation, Flip chart, White Board, Marker

Duration: 1 hour 45 minutes

Instructions:

- Ask the participants if they are aware of the concept and need of counseling.
- 10 minutes for sharing information.
- Proceed the session with the help of slides and role-play among the participants

Tips for the facilitators/Resource Persons:

- Appreciate and acknowledge the participants' knowledge as and when required.
- Keep a track of the time as it is an extensive session.
- Encourage them while having role-play among the participants.

Reference Materials:

- **Concept and need of Counseling**

Counseling is a special form of interpersonal communication in which feelings, thoughts and attitudes are expressed explored and clarified. Counseling seeks to enhance self-determination, boost self-confidence, and improve family and community relationship and quality of life.

Counseling is an important service required in CCIs for different categories of children admitted from diverse backgrounds/situations. Counseling children is useful in understanding the concerns/anxiety of the child and for addressing such concerns; obtaining information from the child to prepare his case history and individual care plan. Counseling of parents/guardians of the child is often required in order to ascertain whether the restoration of the child to the family on the order of the JJB/CWC or any other order is in the child's best interest. The juveniles should be regularly counseled by well experienced counselors. Counseling is also very important for children to change their mental state. It is an absolute requirement to strengthen their confidence and remove the stigma and other demoralizing effects on their mind.

- **Counseling Intervention for Children**

a. Institutional Approach

In this context, JJ Act refers two categories of children, (i) Children who are not in conflict with law and are in need of Care and Protection (ii) Children who are in Conflict with law and their act is punishable under IPC. The JJ Act proposes to constitute Juvenile Child Welfare Committees and Juvenile Justice Boards for the Welfare of children. Simultaneously, need for developing proper linkages with the community and its institutions has also been emphasized in the provisions of the act. Institutional approach, however, should be taken as the last measure because best way to rehabilitate the child is in the family atmosphere.

b. Non-Institutional Approach

Among non-institutional programmes, adoption is considered to be the best form of rehabilitating a child. But in India, we do not have a uniform law dealing with adoptions. Presently, only a Hindu could adopt a child under the Hindu Adoption and 17 Maintenance Act, 1956 whereas others can have children under Guardianship and Wards Act, 1860. In our

country, the process of adoption is being carried out through orphanages and homes run by voluntary organizations.

Foster Care is another form of non-institutional care wherein a child is placed in a family for a temporary period of time.

Sponsorship is another programme to rehabilitate orphan, destitute and abandoned children wherein a sponsor or gives a regular allowance to the child to meet his basic educational, health, and other needs.

- **Counseling Requirements in CCIs –**

Every CCI shall have at least one room which is demarcated for counselling and conference sessions. The Counselling/conference room shall have a desk and chairs. The Counselling and guidance room should be in one corner of the CCI so that it is noise free and peaceful. Counselling sessions as part of the reception unit upon receiving a child: The counselor/psychologist shall have a minimum of 2 sessions with the child once he/she has been admitted in the reception unit of the CCI. More sessions shall be conducted if required.

- The Superintendent/Person-in-charge shall ensure that the Probation Officer/ case worker/child welfare officer briefs the counselor with as much information as is available about the child and reasons for admission into the CCI.
- The objective of these sessions shall be to understand as much as possible about the child, his or her situation, background, circumstances and needs in order to make recommendations which will impact further decision making for the child, reports to the Board/Children's Court, and the preparation of the ICP.

Record of counselling sessions: The summary and key highlights of each counselling session should be documented in the child's case file.

- The counselor should give inputs to the Probation Officer/CWO/case worker for each child receiving counsel or as required—periodic reports to the Board/Children's Court, while updating the case file, for modification of ICP.

DAY 11 (Thursday)

Session 39: Handling Transfer Related Issues by POs and LPOs

Objectives:

- To sensitize the participants regarding the transfer related issues handled by POs and LPOs.

Methodology: Lecture and Discussion

Materials Required: Projector, computer, flip chart, white board and marker

Duration: 45 minutes

Instructions:

- To discuss upon the various transfer related issues handled by POs and LPOs.
- 10 minutes for sharing information.

Tips for the facilitators/Resource Persons:

- Appreciate and acknowledge the participant's knowledge as and when required.
- Keep a track of the time.

Reference Materials:

- **Transfer of Child**

109 CrPC, 1973 - Section 24(9) provision, 110 CrPC, 197 - Section 372 provision, 111 CrPC, 1973 - Section 2(wa) – 112 - Under circumstances stipulated under Section 95 (Transfer of child to place of residence) and Section 96 (Transfer of child between children's homes, or special homes or fit facility or fit person in different parts of India) of the JJ Act 2015, **“a child's charge may be handed to another JJB, and in such event, the “case file and records of the child shall be sent along with the child.”** [Rule 81(4) of the Model Rules 2016]

(1) During the inquiry, if it is found that the child hails from a place outside the jurisdiction of the Board or the Committee, the Board or the Committee shall order the transfer of the child and send a copy of the order stating the reasons for and circumstances of such transfer to the State Government and District Child Protection Unit.

(2) The District Child Protection Unit shall accordingly:

- Send the information of transfer to the appropriate Board or the Committee having jurisdiction over the area where the child is ordered to be transferred by the Board or Committee; and
- Send a copy of the information to the Person-in-charge of the institution where the child is to be placed for care and protection at the time of the transfer order.

(3) The child shall be escorted at Government expenses to the place or person as specified in the order and a travelling allowance on a per day basis shall be determined by the Board or the Committee which shall be paid by the District Child Protection Unit of the State which has transferred the child.

(4) On such transfer, case file and records of the child shall be sent along with the child.

(5) Where the child is a national of another country, the Board or the Committee shall inform the State Government immediately on the production of the child before the Board or the Committee which may initiate the process for repatriation of the child immediately in consultation with Ministry of Home Affairs and Ministry of External Affairs, as the case may be.

(6) During the period pending the finalisation of the repatriation, the child shall be kept in a Child Care Institution.

(7) The expenses for the repatriation of the child to another country shall be borne by the State Government concerned.

Session 40: The role of Legal Service Authorities in Juvenile Justice

Objectives:

- To make the participants understand the role of Legal Service Authorities in Juvenile Justice.

Methodology: Lecture and Discussion

Materials Required: Projector, computer, flip chart, white board and marker

Duration: 1 hour

Instructions:

- Initiate the session by asking questions on role of legal service authorities.
- Proceed the session with the help of slides.

Tips for the facilitators/Resource Persons:

- Appreciate and acknowledge the participant's knowledge as and when required.
- Keep a track of the time as it is an extensive session.

Reference Materials:

- **Guidelines Issued by National Legal Services Authority (NALSA) for Legal Services in Juvenile Justice Institutions**
 1. When a child is produced before Board by Police, Board should call the legal aid lawyer in front of it, should introduce juvenile / parents to the lawyer , juvenile and his/her family/parents should be made to understand that it is their right to have legal aid lawyer and that they need not pay any fees to anyone for this.
 2. JJB should give time to legal aid lawyer to interact with juvenile and his/her parents before conducting hearing.
 3. Juvenile Justice Board should mention in its order that legal aid lawyer has been assigned and name and presence of legal aid lawyers should be mentioned in the order.
 4. Board should make sure that a child and his parents are given sufficient time to be familiar with legal aid counsel and get time to discuss about the case before hearing is done.
 5. Juvenile Justice Board should make sure that not a single juvenile's case goes without having a legal aid counsel.
 6. Juvenile Justice Board should issue a certificate of attendance to legal aid lawyers at the

end of month and should also verify their work done reports.

7. In case of any lapse or misdeed on the part of legal aid lawyers, Board should intimate the State Legal Services Authority and should take corrective step.
8. Juvenile Justice Board and the legal Aid lawyers should work in a spirit of understanding, solidarity and coordination. It can bring a sea-change.
9. Legal Aid Lawyer should develop good understanding of Juvenile Justice Law and of juvenile delinquency by reading and participating in workshops/ trainings on Juvenile Justice.
10. Legal Aid Lawyer should maintain a diary at center in which dates of cases are regularly entered.
11. If a legal aid lawyer goes on leave or is not able to attend Board on any given day, he/she should ensure that cases are attended by fellow legal aid lawyer in his/her absence and that case is not neglected.
12. Legal Aid lawyer should not take legal aid work as a matter of charity and should deliver the best.
13. Legal Aid Lawyer should raise issues/ concerns/ problems in monthly meeting with District Legal Services Authority.
14. Legal Aid Lawyer should maintain file of each case and should make daily entry of proceeding.
15. Legal Aid lawyer should not wait for JJB to call him/her for taking up a case. There should be effort to take up cases on his/her own by way of approaching families who come to JJB.
16. Legal Aid Lawyer should inspire faith and confidence in children/ their families who cases they take up and should make all possible efforts to get them all possible help.
17. Legal Aid lawyer should abide by the terms and conditions of empanelment on legal Aid Panel.
18. Legal Aid lawyer should tender his/her monthly work done report to JJB within one week of each month for verification and should submit it to concerned authority with attendance certificate for processing payments.
19. Legal Aid Lawyer must inform the client about the next date of hearing and should give his/her phone number to the client so that they could make call at the time of any need.
20. The lawyer is also obligated to ensure that the rights guaranteed to a child under the Constitution, the JJ Act 2015 and other laws, including Supreme Court and High Court judgments, are adhered to.
21. Advocates representing a child alleged to be in conflict with the law should study the child's Social Investigation Report (SIR) and interact with the child and the child's family or guardian to ascertain if the plea to treat the child as a CINCP can be successfully made before the JJB.
22. The advocate should also be vigilant that the child is not compelled to testify against himself or herself in violation of the constitutional protection under Article 20(3),

especially during the preliminary assessment and the trial before the Children's Court.

23. If a child alleged to be in conflict with the law does not have parents or the parents are not fit to take charge of the child, the advocate could make a representation to the JJB to recognize a responsible family member as a "fit person" in whose custody the child can be placed after being released on bail.
24. It is important for lawyers to note that the prosecution during the preliminary assessment is required to prove beyond a reasonable doubt that such child has 'mala fide' or 'criminal intent' to commit the offence. The prosecution must examine witnesses, or should be called upon by the JJB to do so, to prove the same. And of course, the defense must be given an opportunity to cross-examine the witnesses. While arguing against transfer of a child into the criminal justice system, the Principle of presumption of innocence should be relied upon to say that the child has no 'mala fides' or 'criminal intent', and that the prosecution has failed to rebut the same.

Along with the probation officer, the child's lawyer too has an important role to play as to whether reuniting with the family is in the best interest of the child, and if not, in consultation with the child and others, ascertain the next best option. A child should not be denied his / her right to bail or release only because it is not in the best interest of the child to be reunited with family. The lawyer should facilitate the exploring of an out-of-the-box acceptable solution - every such case does not require transfer of the child to the Child Welfare Committee. Suitable solutions should be sought through discussion among the probation officer, counselor / social worker, non-governmental organizations, child's lawyer and child - the aim of such discussions being the linking of the child to a support structure within the community.

- **The role of Legal Service Authorities in Juvenile Justice**

- Under section 12(1)(c) of the Legal Services Authorities Act, every child who has to file or defend a case is entitled to free and effective legal services;
- Existence of a panel of lawyers to represent the juvenile;
- Existence of a Legal Services Clinic at the Juvenile Justice Board and Child Welfare Committees in each District with PLVs deputed therein;
- Existence of Legal Literacy Club in each of the schools in the districts;
- Training and sensitization of the stakeholders including NGOs, Police, District Administration, judicial officers, panel lawyers, PLVs, etc.;
- Generating legal awareness amongst the masses including State Commission
- Monitoring the working of Observation and Special Homes, Children Homes of the District.

Session 41: Specific roles of PO/LPO and linkages with other Stake Holders

Objectives:

- To make the participants aware of the specific roles of PO/LPO and linkages with other

stake holders.

Methodology: Presentation, Lecture - cum - Discussion

Materials Required: Projector, computer, flip chart, white board and marker

Duration – 1 hour

Instructions:

- Initiate the session by asking if they are aware of specific role of PO/LPO.
- Proceed the session with the help of slides.

Tips for the facilitators/Resource Persons:

- Appreciate and acknowledge the participant's knowledge as and when required.
- Keep a track of the time as it is an extensive session.

Reference Materials:

- **Specific roles of PO/LPO**

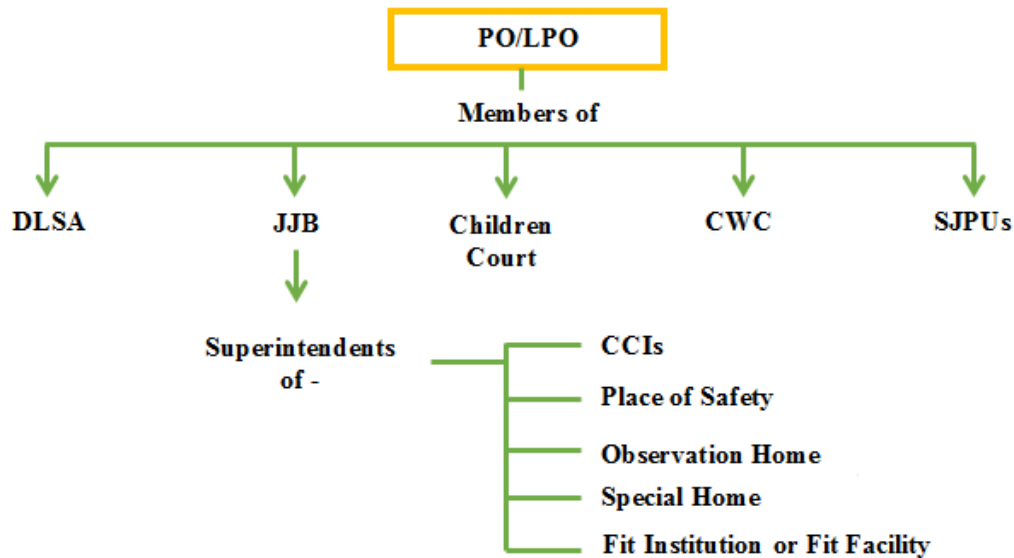
The probation officer is the key person in the process of the management of the probation. He comes into direct contact with the probationer. He is responsible for enforcing the conditions of the probation order passed by the court.

The probation officer has a wide range of responsibilities. However, he performs two important primary functions. They are pre-sentence investigation and supervision of the offender. The pre-sentence investigation is known as pre-sentence report or pre-enquiry report when it is reduced to writing. This report is an important document in the process of probation. It provides the sentencing judge with evaluative information of the offender. (This includes offender's motive, prior crime history, residential details, educational qualifications, marital history, family data, employment and personal information.

The specific roles and responsibilities of LPOs would include:

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

- **Linkages with other Stake Holders**



Session 42: Role of Probation Officer in dealing with CNCP children

Objectives:

- To orient the participants regarding the functions of PO while dealing with CNCP children.

Methodology: Presentation, Lecture - cum - Discussion

Materials Required: Projector, computer, flip chart, white board and marker

Duration: 1 hour 30 minutes

Instructions:

- Initiate the session by asking if they are aware of role of PO in dealing with CNCP children.
- Proceed the session with the help of slides.

Tips for the facilitators/Resource Persons:

- Appreciate and acknowledge the participant's knowledge as and when required.
- Keep a track of the time as it is an extensive session.

Reference Materials:

- **Functions with regard to Children in Need of Care and Protection (CNCP)**
 1. To produce before the Child Welfare Committee within 24 hours
 2. Social Investigation Report to be formulated

3. A post release plan should be prepared and submitted the same to the Committee two months before the child is due to leave the Child Care Institution, recommending after care for such child, as per the needs of the child
4. To discharge all functions as a Child Care Institute
5. To conduct any visit or communication with a child in a Child Care Institute in their personal presence; to also be responsible for any irregularity that occurs therein
6. On the occurrence of any case of death or suicide of a child in a Child Care Institution immediate information of the same should be given to the Person-in-charge and the Medical Officer who shall immediately inform the nearest police station, Board or Committee and parents or guardians or relatives of the deceased child
7. Production Register must be maintained
8. Necessary recommendations must be made for a child suffering from disease or who is mentally ill or addicted to alcohol or other drugs which lead to behavioural changes in a person requiring prolonged medical treatment in an approved place to the Board or the Committee or the Children's Court with regard to transfer of such a child for proper treatment of the child for the remainder of the term for which he has to stay
9. For Children who are in need of care and protection being victims under Prohibition of Child Marriage Act 2006, Protection of Children from Sexual Offences Act 2012, and children who are victims of trafficking, economic exploitation, bonded labour:
10. Ensure that legal provisions under POCSO Act is fully recognized and adopted by the medical authorities, police, CWC and other stakeholders in the CCI
11. Necessary relief and supports are available under the provision of PCM Act; and legal remedies are available for trafficked children.
12. Keep track of child rights violation news from media and other sources
13. Must act as contact point for DCPU for interaction with Juvenile Justice Board.

Session 43: Role of PO in monitoring community service performance by child in conflict with law [Kajal Sarkar v. State (DELHC: MANU/DE/3626/2017)]

Objectives:

- To orient the participants about the role of PO in monitoring service performance by child in conflict with law.

Methodology: Presentation and Lecture-cum-Discussion

Materials Required: Projector, computer, flip chart, white board and marker

Duration: 1 hour 45 minutes

Instructions:

- To discuss the role of PO in monitoring service performance by child in conflict with law.

Tips for the facilitators/Resource Persons:

- Appreciate and acknowledge the participant's knowledge as and when required.
- Keep a track of the time as it is an extensive session.

Reference Materials:

Every child who comes in contact with the juvenile justice system is a child in difficult circumstances who has fallen out of the protective net at some point and has been robbed of an opportunity of a safe and secure childhood. Children in conflict with law should be treated as children in difficult circumstances and the approach of the juvenile justice system should be aimed at addressing the vulnerabilities of children and ensuring their rehabilitation.

In fact, reform and rehabilitation and not punishment are the guiding principle of the Juvenile Justice (Care and Protection of Children) Act, 2015. The slowly changing perspectives have led to the emergence of an alternative justice system for children. However, while drawing an alternative system for juveniles, both the interests of the child and the interests of the society must be borne in mind. While children are protected from the baneful effects of prisons, the victims of their offences have found no solace from juvenile justice system. The victims feel that children are let off easily even when they commit a serious offence or repeat offences. So while on one hand an alternative system for juveniles must champion minimum intervention by law and minimum institutionalization, on the other it must make sure that the rehabilitation process is strong enough to prevent them from coming into conflict with law again.

The idea behind rehabilitation is that people are not born criminals, thus should be given a chance to be restored back into the society. It also prevents them from becoming recidivists. Rather than punishing them as a criminal, rehabilitation seeks, by means of education or therapy, to make the juvenile in conflict with law a healthy citizen of the society.

- **Role of Probation Officer –**

Section 25 of JJ Rules: The probation officer/social worker should provide the following information while preparing the post-release plan for aftercare of a person who is about to leave a child care institution—

- a. Educational qualifications
- b. Will the child will be in care of his family after leaving the childcare institution?
- c. If yes, provide a brief profile of the members of the family (age/relation/income).
 - If not, provide details of where the child intends to stay after release,
 - legal status of the place of residence (own house/rented accommodation/in the care of a relative/acquaintance)
 - Employable skills of the child. Also, it must be seen whether the person can avail of employment in his/her community considering the possibility that his/her previous involvement in crime may be known.

- **Orders regarding child found to be in conflict with law**

(1) Where a Board is satisfied on inquiry that a child irrespective of age has committed a petty offence, or a serious offence, or a child below the age of sixteen years has committed a heinous offence, then, notwithstanding anything contrary contained in any other law for the time being in force, and based on the nature of offence, specific need for supervision or intervention, circumstances as brought out in the social investigation report and past conduct of the child, the Board may, if it so thinks fit –

(a) Allow the child to go home after advice or admonition by following appropriate inquiry and counselling to such child and to his parents or the guardian;

(b) Direct the child to participate in group counselling and similar activities;

(c) Order the child to perform community service under the supervision of an organisation or institution, or a specified person, persons or group of persons identified by the Board;

(d) Order the child or parents or the guardian of the child to pay fine: Provided that, in case the child is working, it may be ensured that the provisions of any labour law for the time being in force are not violated;

(e) Direct the child to be released on probation of good conduct and placed under the care of any parent, guardian or fit person, on such parent, guardian or fit person executing a bond, with or without surety, as the Board may require, for the good behaviour and child's well-being for any period not exceeding three years;

(f) Direct the child to be released on probation of good conduct and placed under the care and supervision of any fit facility for ensuring the good behaviour and child's well-being for any period not exceeding three years;

(g) Direct the child to be sent to a special home, for such period, not exceeding three years, as it thinks fit, for providing reformatory services including education, skill development, counselling, behaviour modification therapy, and psychiatric support during the period of stay in the special home: Provided that if the conduct and behaviour of the child has been such that, it would not be in the child's interest, or in the interest of other children housed in a special home, the Board may send such child to the place of safety.

(2) If an order is passed under clauses (a) to (g) of sub-section (1), the Board may, in addition pass orders to—

(i) Attend school; or

(ii) Attend a vocational training centre; or

(iii) Attend a therapeutic centre; or

(iv) Prohibit the child from visiting, frequenting or appearing at a specified place; or

(v) Undergo a de-addiction programme.

(3) Where the Board after preliminary assessment under section 15 passes an order that there is a need for trial of the said child as an adult, then the Board may order transfer of the trial of the case to the Children's Court having jurisdiction to try such offences.

DAY 12 (Friday)

Session 44: Role of PO in arranging inter-state transfer of a child for placing before JJB having jurisdiction

Objectives:

- To make the participants understand the role of PO in arranging inter-state transfer of a child.

Methodology: Presentation and Lecture-cum-Discussion

Materials Required: Projector, computer, flip chart, white board and marker

Duration: 45 minutes

Instructions:

- To discuss the role of PO in arranging inter-state transfer of a child.

Tips for the facilitators/Resource Persons:

- Appreciate and acknowledge the participant's knowledge as and when required.
- Keep a track of the time as it is an extensive session.

Reference Materials:

- **Inter-state Transfer of a Child**

(1) During the inquiry, if it is found that the child hails from a place outside the jurisdiction of the Board or the Committee, the Board or the Committee shall order the transfer of the child and send a copy of the order stating the reasons for and circumstances of such transfer to the State Government and District Child Protection Unit.

(2) The District Child Protection Unit shall accordingly:

- Send the information of transfer to the appropriate Board or the Committee having jurisdiction over the area where the child is ordered to be transferred by the Board or Committee; and
- Send a copy of the information to the Person-in-charge of the institution where the child is to be placed for care and protection at the time of the transfer order.

(3) The child shall be escorted at Government expenses to the place or person as specified in the order and a travelling allowance on a per day basis shall be determined by the Board or the Committee which shall be paid by the District Child Protection Unit of the State which has transferred the child.

(4) On such transfer, case file and records of the child shall be sent along with the child.

(5) Where the child is a national of another country, the Board or the Committee shall inform the State Government immediately on the production of the child before the Board or the

Committee which may initiate the process for repatriation of the child immediately in consultation with Ministry of Home Affairs and Ministry of External Affairs, as the case may be.

(6) During the period pending the finalisation of the repatriation, the child shall be kept in a Child Care Institution.

(7) The expenses for the repatriation of the child to another country shall be borne by the State Government concerned.

Session 45: Case Studies on work ethics for PO

Objectives:

- To orient the participants about the work ethics for PO.
- To make the participants understand and think upon the work ethics for PO with the help of case studies.

Methodology: Presentation, Lecture-cum-discussion

Materials Required: Projector, computer, flip chart, white board and marker

Duration: 1 hour

Instructions:

- Begin the session by asking what they mean by ‘Work Ethics’.
- Discuss the session with the help of slides.
- Provide the participants with different case studies.
- Wind up the session by answering the relevant queries

Tips for the facilitators/Resource Persons:

- Appreciate and acknowledge the participant’s knowledge as and when required.
- Keep a track of the time

Reference Materials:

- **The Code of Ethics a Juvenile Probation Officer Must Follow**

Juvenile probation officers monitor criminal offenders who are under the age of 18 and work to help them avoid repeating offenses. They work with individual clients on behalf of the court system. Juvenile probation officers oversee the behavior of juvenile offenders, keep track of them and make sure that they fulfill the stipulations of their probation. Juvenile probation officers must be ethically aware to maintain a fair balance between their obligations to their young clients and to the courts.

Compassion

Juvenile probation officers work one-on-one with young criminal offenders. Although probation officers are authority figures that have an obligation to enforce compliance with the terms of the

probation, their relationships with clients go further than this. The real goal is to prevent repeat offenses and to help young people with criminal records to get on a better track. Offering advice and a listening ear can be the biggest service juvenile probation officers provide. Compassion and understanding for clients are professionalism standards most probation officers follow.

Integrity

Juvenile probation officers carry out their duties on behalf of the court system. They are meant to function as extensions of the court and to uphold its decisions and rules. Integrity means that probation officers need to understand their positions and carry out their jobs as best they can regardless of personal feelings. This becomes especially important in cases where juvenile probation officers become emotionally invested in certain clients. Regardless of their own personal opinions, juvenile probation officers are obligated to be as unbiased as possible and to relay any pertinent information back to the courts. Their duty is to the community as a whole, as well as to the individual offenders.

Trustworthiness

Juvenile probation officers need to cultivate trust from many parties. First of all, the legal system needs to be able to trust them to carry out their duties to the best of their abilities. The legal system delegates authority to the officers under the assumption that they will make informed and beneficial decisions. Parents of juvenile offenders need to be able to trust the probation officers for advice and explanation of legal processes. Perhaps most importantly, the juvenile clients need to be able to trust them. They must be trusted to keep confidential information on behalf of clients, except when the greater good and safety of others demands that it be revealed.

Selflessness

Juvenile probation officers are expected to serve many different parties without any consideration for personal gain. Their jobs are to provide a social service. Although they have commitments to individual clients and to the legal system, officers have an overriding requirement to act in the interest of the public. This is often a balancing act. Careful consideration is needed before making any major decisions, and probation officers must be wary of injecting too much personal bias into any case. The juvenile probation officer must be prepared to take actions that anger or disappoint individual parties in the interest of promoting the well-being of the community.

Session 46: Innovative and good practices adopted by States/UTs in effective implementation of the Scheme

Objectives:

- To sensitize the participants about the innovative and good practices adopted by States/UTs in effective implementation of the Scheme.

Methodology: Lecture and Discussion

Materials Required: Projector, computer, flip chart, white board and marker

Duration: 1 hour

Instructions:

- To discuss upon the various good practices with the participants.
- To assess the needs of maintaining good practice in CCIs.

Tips for the facilitators/Resource Persons:

- Appreciate and acknowledge the participant's knowledge as and when required.
- Keep a track of the time

Reference Materials:

In this session there will be group discussion among the participants on the topic of good practices adopted by CPS where the group will be divided state wise or district wise. The good practices that are adopted by CPS are

- safety of children,
- inclusion of the role of Corporate Social Responsibility ,
- improvement and increase in the quality of services,
- concern towards the child protection issues
- More emphasis on recreational activities such as taking them out for movies in a mall, summer camps, cultural fests, organizing picnic for them.

Session 47: Field Visits to Observation Home and Special Home & Discussion on Field Visit

Objectives:

- Understanding background and nature of the children including the reasons for their institutionalization
- Quality child care and safeguards in place

Methodology: Group exercise, discussion

Materials Required: Observation notebook, pen

Duration: 3 hours 30 minutes

Instructions: Discuss the issues or the observations the participants observed during field visits.

Tips for the facilitators/Resource Persons:

- Appreciate and acknowledge the participants' knowledge as and when required.
- Keep a track of the time as it is an extensive session.

Reference Materials:

The participants would be taken to Observation Home and Special Home for field visits. Efforts may be made to understand safety & security measures provisions in the CCIs including its standard of child care, maintenance of records, online reporting system, best practices if any, cases pending at different level of disposal and other practical issues faced by the CCIs on day to day basis. While comparing standards or issues, relevant provisions of the Law and Rules may be taken into account.

DAY 15 (Monday)

Session 48: Documentations under JJ Act & ICPS i.e. SIR, SBR, ICP, QPR, preparation of Annual Report

Objectives:

- To enable the participants about documentations to be maintained in the office
- To orient the participants about SIR, SBR, ICP, etc.

Methodology: Lecture and Discussion, group exercise, brain storming, etc.

Materials Required: Projector, computer, slides on SIR, SBR, ICP, QPR etc.

Duration: 45 minutes

Instructions:

1. Begin the session by asking the following questions:
 - a. Types of documents they maintain?
2. Discuss the session with the help of slides.
3. Wind up the session by answering the relevant queries

Tips for the facilitators/Resource Persons:

- Keep a track of the time.

Reference Materials:

- **Individual Care Plan**

‘Individual Care Plan’ is a comprehensive development plan for a child based on age and gender specific needs and case history of the child, prepared in consultation with the child, in

order to restore the child's self-esteem, dignity and self-worth and nurture him into a responsible citizen and accordingly the plan shall address the following, including but not limited to, needs of a child, namely;-

Individual Care Plan is a development plan for a child based on age specific and gender specific needs and the case history of the child, prepared if feasible in consultation with the child, in order to restore the child's self-esteem, dignity and self-worth and nurture him into a responsible citizen.

The preparation of Individual Child Care plans is extremely important and all governments of the States and Union Territories must ensure that there is a child care plan in place for every child in each child care institution. While this process may appear to be long drawn and cumbersome, its necessity cannot be underestimated in any circumstances. The process of preparing individual child care plans is a continuing process and must be initiated immediately and an individual child care plan must be prepared for each child in each child care institutions on or before 31st December, 2017.

The Union Government and the governments of the States and Union Territories are directed to enforce the minimum standards of care as required by and in terms of the JJ Act and the Model Rules positively on or before 31st December, 2017.

This must be prepared in strict adherence with Form 7 of the JJ Model Rules 2017. Some essential aspects especially mentioned in the JJ Act 2015 that must be included in the Report:

- Child's case history
- Education and vocational aptitude
- In case of rehabilitation stay, the care plan shall be formulated for the complete period of the stay and shall necessarily include any and all directions given by the Board or the Committee or the Children's Court towards the rehabilitation including bridge courses, formal, informal or continuing education.

Review the individual care plan and note opinion in the rehabilitation card in Form 14 on the basis of own observations, interaction with the child and their teachers or instructors and the feedback received from the house father or house mother. The individual care plan shall be reviewed every fortnight during the initial three months and thereafter, every month. A report of its effectiveness or inadequacy shall be prepared with reasons for such opinion.

- **Social Background Report:**

In all other matters, the Special Juvenile Police Unit or the Child Welfare Police Officers shall record the information regarding the offence alleged to have been committed by the child in the general daily diary followed by a social background report of the child in Form 1 and circumstances under which the child was apprehended, wherever applicable, and forward it to the Board before the first hearing:

Social Background Report contains the basic information pertaining to the Child Welfare Police Officer dealing with the case and the details of the child such as family details of the child, reasons for leaving home and school, education and employment of the child and whether the

child has been subjected to any form of abuse, whether the child is used by any gangs or adults or group of adults or has been used for drug peddling and reasons for alleged offence such as parental neglect or over protection, peer group influences etc.

- **Social Investigation Report:**

A Probation Officer has to undertake a social investigation into the case and submit a social investigation report within a period of fifteen days from the date of first production before the Board to ascertain the circumstances in which the alleged offence was committed as per Form 6 and Form 22.

The Social Investigation Report contains the basic information pertaining to children in conflict with law and children in need of care and protection. In addition, the SIR for children in conflict with law and in need of care and protection contains the information about history of involvement of family members in offences, if any, attitude towards religion of child and family, present living conditions, habits of the child, details of education of the child and reasons for leaving school, whether the child has been subjected to any form of abuse, details of perpetrator etc.

SIR is defined under the JJ Model Rules, 2016:

“Social investigation report” means the report of a child containing detailed information pertaining to the circumstances of the child, the situation of the child on economic, social, psycho-social and other relevant factors, and the recommendation thereon.

A Social Investigation Report (SIR) plays a crucial role in ascertaining the circumstances of the child and in selecting appropriate treatment. It is mandatory for the JJB to seek a SIR from the probation officer or child welfare officer or social worker, and the same is considered at relevant times so that appropriate decisions may be taken.

- a. This is not an optional document. Must be prepared for all cases.
- b. Must strictly be in the Format of Form 6 of JJ Model Rules 2016
- c. Some essential aspects especially mentioned in the JJ Act 2015 that must be included in the Report:
- d. Background of the child and other material circumstances likely to be of assistance to the Board for making the inquiry.
- e. Risk assessment
- f. Aggravating and mitigating factors highlighting the circumstances which induced vulnerability such as traffickers or abusers being in the neighborhood, adult gangs, drug users, accessibility to weapons and drugs, exposure to age inappropriate behaviour, information and material.
- g. Information regarding the antecedents and family.

- **Annual Report:**

Annual reports are an integral part of reporting. The achievements, performance information, governance, human resources information and financial information for each reporting period are reported in the annual report.

The information in the annual report include the actual achievements for the reporting period in relation to the planned targets and budgets as published in the strategic plan, annual performance plan, activities carried out at state and district level on child protection, good practices adopted by SCPS including the estimates of expenditure, etc.

Each DCPO has to submit an Annual report to SCPS and accordingly, SCPS will be compiling an Annual report and then submit to the State Nodal Department dealing with ICPS.

- **Quarterly Report:**

Reporting quarterly, on both financial and non-financial performance is important in measuring the performance of government institutions. While financial information (expenditure and avenue) is critical for determining the costs and efficiencies of programmes/objectives/activities, non-financial information is equally important for assessing progress towards predetermined service delivery or performance targets.

Each DCPO has to submit a quarterly report to SCPS and accordingly, SCPS will be compiling a quarterly report and then submit to the State Nodal Department dealing with ICPS.

Session 49: Maintenance of Records & registers

Objectives:

- To make the participants understand about the importance of record keeping
- To familiarize the participants with types and maintenance of records and registers

Methodology: Lecture and Discussion

Materials Required: Projector, computer, slides on Maintenance of Records and Registers

Duration: 1 hour

Instructions:

1. Begin the session by asking the following questions:
 - a. Why records are important?
 - b. What are the types of records and registers maintained at DCPO Office?
2. Discuss the session with the help of slides.
3. Wind up the session by answering the relevant queries.

Tips for the facilitators/Resource Persons:

- Keep a track of the time.

Reference Materials:

1. Case File

A case file of each Juvenile shall be maintained in the institution, amongst others, containing the following information:

- Report of the person or agency, who produced the juvenile before the Board;
- Report of the initial interaction with the juvenile, information from family members, relatives, community, friends and miscellaneous information;
- Regular health status reports from Medical Officer, drug addiction progress reports, progress reports vis-à-vis psychological counselling or any other mental health intervention, where applicable;
- Social history;
- Leave and other privileges granted;
- Quarterly progress report;
- Individual care plan, including pre-release programme, post release plan and follow-up plan as prescribed in Form XXI;
- Leave of absence or release under supervision;
- Final discharge;
- Case history duly filled in prescribed Form XX;
- Follow-up report of post release cases as per direction of the competent authority, if any. [Rule 54]
- The case file, as far as possible, be computerized

2. Maintenance of Registers

The Officer- in-charge shall maintain registers and forms in his office including the following -

- Admission and discharge register;
- Attendance register for staff and juvenile;
- Supervision register;
- Stock register;
- Logbook; Order book; Meeting book; Cash book;
- Budget statement file;
- Inquiry report file;
- Visitor's book;

- Staff movement register;
- Personal belongings register;
- Minutes register of Management Committee & Children's Committees. [Rule 67]

CONTENTS

- Importance of maintaining records and registers
- Types of records and registers maintained at DCPO office
- Record management
- Custody of records
- Review and weeding of records
- Annual Report

What is records management?

Records management is the task of ensuring that recorded information, both paper and electronic, is managed economically and efficiently. Records management controls the creation, maintenance, use, and disposal of records so that the right records are provided to the right person at the right time. For an effective record keeping regime it is imperative to focus on three Ms, these are:

- Management
- Monitoring
- Maintenance

Records Management

A properly managed records system ensures speedy retrieval of records, either electronic or paper. The system should enable destruction of unwanted records and transfer of records of archaic value to the archives. It should enable the effective and efficient use of the available space keeping in view the price to be paid for the space used by the records and accountability requirements of the organization. This would ensure efficiency and economy in the management of records by eliminating duplication, systematizing retention and disposal, and improving access to records and archives. These steps would go a long way in enhancing sound decision making and supporting effective programme and service delivery, accountability, transparency, and citizens' rights.

To achieve the goal of having an effective records management system it is necessary to enact and implement comprehensive legislations to regulate the life-cycle, management of records and archives, irrespective of medium and format, designating a single authority to oversee the process and assigning clear responsibility for actions at each stage. Government of India enacted the "Public Records Act, 1993" and "Information Act, 2002" and both these Acts lay down the principles for managing, maintaining and monitoring records in Government departments.

The “Information Act, 2002” among other things lays emphasis on the following points:

- By providing freedom to every citizen to secure access to information under the control of public authorities, in order to promote openness, transparency and accountability in administration and in relation to matters connected therewith or incidental thereto, the bill underlines the importance of having an effective records management program in every Government office.
- Every public authority shall maintain all its records, in such manner and form consistent with its operational requirements duly catalogued and indexed.
- A person desirous of obtaining information shall make a request in writing or through electronic means, to the concerned Public Information Officer specifying the particulars of the information sought by him. Provided that where such request cannot be made in writing, the Public Information Officer shall render all reasonable assistance to the person making the request orally to reduce it in writing.
- Where a request for access to information is rejected or the concerned applicant is aggrieved, the citizen has a right to appeal.

The “Public Records Act, 1993” assigns a range of responsibilities to the records officer in relation to proper arrangement, maintenance and preservation of public records under his charge.

The records officer must undertake:

- Periodical review of all public records and weeding out of public records of ephemeral value;
- Appraisal of public records which are more than twenty-five years old in consultation with the National Archives of India or, as the case may be, the Archives of the Union territory with a view to retaining public records of permanent value;
- Destruction of public records in such manner and subject to such conditions as may be prescribed under sub-section (1) of section 8;
- Compilation of a schedule of retention for public records in consultation with the National Archives of India or, as the case may be, the Archives of the Union Territory;
- Periodical review for downgrading of classified public records in such manner as may be prescribed;
- Adoption of such standards, procedures and techniques as may be recommended from time to time by the National Archives of India for improvement of record management system and maintenance of security of public records;
- Compilation of annual indices of public records;
- Compilation of organizational history and annual supplement thereto;
- Assisting the National Archives of India or, as the case may be, the Archives of the Union territory for public records management;

Apart from the above main responsibilities, the Records Act details several other aspects of the

role of the records manager. After the passing of the Information Act and Records Act by Government of India, the need to revise the entire process of records management has arisen. The current systems are not geared to handle the function of records management effectively and efficiently.

With the passing of the Information Act, the right to get information from the public authority is ensured by Statute. This obligation to share information with the citizen places additional responsibility on the public officers to manage, maintain and monitor records efficiently and effectively.

The main concepts that govern the care of records and archives are:

- Records must be arranged according to the agency responsible for their creation or birth, in the original order established at the time of their creation. Knowing who created or used a record, and why, when, and where is the key to retrieval rather than their format, subject matter or content.
- “Records follow a ‘life-cycle’, in that they are created for use for so long as they have continuing value and are then disposed of by destruction or by transfer to an archival institution”(World Bank, 2000, pp 17). In this life-cycle, records pass through three main phases:
 - a. Current-phase;
 - b. Semi-current phase—records are used infrequently in the conduct of daily business and are maintained in a records centre;
 - c. Non-current phase—records are destroyed unless they have a continuing value which merits their preservation as archives.
- Records should be managed through a coherent and consistent continuum of actions from the development of record keeping systems, through the creation and preservation of records to their use as archives.

Session 50: Role of ICT in Child Protection (Track Child Portal, CARINGS & CCI Registration Portal)

Objectives:

- To orient the participants about role of ICT in Child Protection with special reference to Track Child Portal, CARINGS and Online Registration of CCIs

Methodology: Presentation, Lecture-cum-discussion

Materials Required: Projector, computer, slides on ‘Monitoring Mechanisms under ICPS’ flip chart, marker

Duration: 1 hour

Instructions:

- Make the participants clear about the portal

- Explain the slides carefully

Tips for the facilitators/Resource Persons:

- Appreciate and acknowledge the participants' knowledge as and when required.
- Keep a track of the time as it is an extensive session

Reference Materials:

- **Track Child Portal**

Track Child portal has been designed and developed adhering to the guidelines provided in the Juvenile Justice (Care and Protection of Children) Act, 2000 and Model Rules 2007 and the provisions laid down in the Integrated Child Protection Scheme (ICPS). One of the tasks entrusted under ICPS to the State Governments is the setting up of a Child Tracking System which will facilitate data entry and matching of missing and found children, and also enable follow up of the progress of children who are beneficiaries of the Scheme. Thus, proper monitoring and welfare of the children under the Scheme would also be ensured through the portal. The Child Care Institutions, Child Welfare Committees are being equipped with computers; staff etc. to facilitate data entry of the children under ICPS. Child Tracking System under ICPS is a partnership model involving a multitude of organisations. It is a system, process, strategy and a mechanism to monitor and protect children.

The Ministry of Women & Child Development, Government of India has also launched a "KhoyaPaya" website to help families to trace their children in the country who go missing every year - often abducted for forced labour or sexual exploitation - and are never found. The KhoyaPaya web portal has been integrated into the Track-child portal and aims at facilitating the speedy reporting of missing and found children. The missing children are located through the site based interaction. The citizens can upload the information related to the found children under this web portal. Through this portal, they are also advised to inform the nearest police station. Similarly, 'Operation Muskan' is helping to trace out the missing children. Ministry of women and child development has issued order to state and each district collector to launch 'Operation Muskan' from July 1 to 30 to intensify tracking of missing children, conduct raids at public places to identify street children and rehabilitate them. Besides this, the Hon'ble Supreme Court of India has issued landmark directions for the protection of missing children and other child victims of crimes in the country and Standard Operating Procedures (SOPs) have been developed by various Institutions.

The responsibility of developing such a system is vested with the Central Protection Support Unit (CPSU) under the Integrated Child Protection Scheme (ICPS). In order to upload the data of missing children in the portal, taking legal recourse and for their care, protection and rehabilitation, the responsibilities are vested with police personnel, functionaries of Child Care Institutions, Chairpersons and Members of Child Welfare Committees, Members of Juvenile Justice Boards, functionaries of Specialized Adoption Agencies, senior level functionaries of

Civil Society Organisations, officials of Anti Human Trafficking Units, State Legal Services Authorities, State Child Protection Society, District Child Protection Unit, State Human rights commission and State Commission for Protection of Child Rights.

- **Child Adoption Resource Information & Guidance System (CARINGS)**

Child Adoption Resource Information & Guidance System (CARINGS), an e-governance initiative on adoption, was launched in February 2011 and hosted in the official website of CARA i.e. www.cara.nic.in. CARINGS adheres to the international protocol as envisaged in the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, 1993 to which India is a contracting State. It adheres to the National Laws. This web based monitoring system provides a transparent and child friendly adoption process across the nation. It facilitates expeditious and smooth adoption, ensures transparency in the adoption process, increases accountability of implementing agencies, creates a network of stakeholders and maintains a national database to enable effective policy making and research. Central Adoption Resource Authority 14 CARINGS provides online monitoring of the adoption and post-adoption process by CARA at central level and by State Government at the State level. Salient features of CARINGS have been enumerated underneath:-

- a) Bringing transparency in the adoption process;
- (b) Minimizing delays in the adoption process;
- (c) Enabling prospective adoptive parents (PAPs) to take informed decisions;
- (d) Obtaining intelligent analysis from the database for helping in taking policy decisions;
- (e) Bringing improvements in the adoption system by providing online monitoring of the adoption and post-adoption process by CARA at central level and SARA/State Govt at the state level;
- (f) Creating a database for diligent policy planning.
- (g) Create linkages between adoption agencies and child care institutions to have the complete database of all children without parental care, so that they can be placed in a family at the earliest;
- (h) Enabling profiling of the child & the parents for better matching and facilitating parents desiring to adopt, by providing them relevant information and status track;

Benefits of CARINGS:

- Monitoring adoption process online is helpful to understand delays at various levels and plug gaps in the system;
- Data analysis is possible for taking important decisions in a timely manner;
- Registration of adoption agencies on CARINGS;
- Online registration of PAPs;
- Early placement of special needs children;
- Post-adoption follow-up online. (g) Adoption of children placed in other CCIs through linkage with SAA;
- Ensuring priority to domestic adoption

CARINGS: An E-Governance initiative by CARA for smooth and transparent Adoption

Khoya Paaya web portal has been integrated into the Track-child portal –

- Aims at facilitating speedy reporting of missing and found children
- The missing children are located through the site based interaction under KhoyaPaya
- Citizens can upload the information related to the found children under this web portal
- They are also advised to inform the nearest police station

Operation Muskan

Ministry of women and child development has issued order to state and each district collector to launch 'Operation Muskan' from July 1 to 30 to intensify tracking of missing children, conduct raids at public places to identify street children and rehabilitate them

- **CCI Registration Portal**

At present there is a system of manual registration of CCIs followed by States/ UTs due to which there is no national data base on the number of CCIs being registered under the JJ Act in the country. Further there is a lack of transparency and it is difficult to monitor the Child Care Institutions and their functioning due to lack of data available.

Keeping the above in view, the facility of online registration of Child Care Institutions across the country was launched by the Minister of Women & Child Development, GoI. The Module for online registration of CCIs has been developed by the WCD Ministry with the assistance of NIC. This is to facilitate and streamline the functioning of State Governments/UT Administrations and set in place a uniform registration process throughout the country. In this regard the Ministry held various consultations and meetings with representatives from different States/UTs, NIC to finalize the module for registration of CCIs.

Session 51: Developing strategy to provide better care and protection services to children in difficult circumstances (Group Work) and Presentation of group work by Participants

Objectives:

- To discuss issues and challenges face by stakeholders
- To develop strategies for providing better care & protection services to children

Methodology: Group exercise, brainstorming, etc.

Materials Required: Projector, computer, chart papers, sketch pen

Duration: 1 hour 30 minutes

Instructions:

1. Explain what to be done by participants.
2. Divide them into groups.
3. Give them an issue of child protection to each group to work on and develop strategy.
4. Give them one hour
5. Ask them for presentation of group work.

Tips for the facilitators/Resource Persons:

- This session is important as the participants will go back to their respective places with work in hand
- Appreciate and acknowledge the participants knowledge based on presentation.

Reference Materials:

A group Work would be held on the topic '**Developing strategy to provide better care and protection services to children in difficult circumstances**' among the participants where they would be divided into small groups.

Session 52: Post – Training Assessment & Course Evaluation

Post – Training Assessment –

Performa will be developed by the trainers which will be administered to participants before concluding session.

Course Evaluation –

Examination may be conducted about 15 day's course. Marks may be sent to their Nodal Department