Dear readers,

Our fourth issue of the Dialogues is based on the issues relating to the Juvenile Justice (Care & Protection of Children) Act, 2000, especially Juveniles in Conflict with Law (JCL), the functioning of the Juvenile Justice Boards (JJBs) and NGOs working towards the rehabilitation of JCL.

The idea of a special issue on JCL arose in the context of the December 2012 Delhi gang rape case. Since one of the accused was a minor, there was a lot of discussion and public debate on lowering the age of the juveniles from 18 to 16 years, especially where the juvenile concerned was involved in heinous crimes. An opinion gaining favour with the public and the media was that the existing provisions of the JJ Act was not sufficient to deal with such offences, since the maximum ‘punishment’ that could be given to a juvenile at the cusp of 18 years was three years of detention in a place of ‘safe custody’.

Prayas’ experience of working in prisons with young adult offenders as well as in Observation Homes with JCL in the 16 to 18 years age group is that most of these offenders come from a poor socio-economic background, and get pulled into crime due to peer group influence, overtures of habitual offenders, substance abuse, family conflict, lack of positive role models and livelihood opportunities and even framing of false charges by the police. Keeping in mind the preventive and rehabilitative viewpoint rather than take a punitive stand, it is necessary to focus on the rehabilitation of juveniles in conflict of law. The solution to rising crimes in society lies in focussing in the amelioration of social conditions rather than harsher laws and graver punishments.

We invited articles from field experts and academicians who are engaged with the issues of juvenile justice and JCL. The articles highlight issues relating to the role of the various stakeholders in the juvenile justice system, rights of JCL, difficulties faced in process of handling the cases of JCL, importance of acceptance of JGOs by the JJB and coordination between the various stakeholders with regards to the rehabilitation of JCL.

Despite the formulation of various laws and regulations, the infrastructure required to implement these laws remain largely on paper. Absence of willingness on part of the various stakeholders to work towards prevention of crimes among juveniles, to offer specialized services in institutions, to appoint skilled staff, and develop a therapeutic approach towards JCL are some of the obstacles in the implementation of JJ Act.

The amendments in the previous laws related to children have resulted in the formulation of the Juvenile Justice (Care & Protection of Children) Act, 2000 which is child-friendly, comprehensive and adheres to the U.N. Convention on Child Rights (CRC). There is a need to contemplate as to whether one should generalize on the basis of one or two incidents and risk the lives and futures of thousands of children.
The Juvenile Justice (Care & Protection of Children) Act, 2000

Introduction:
The Juvenile Justice (Care & Protection of Children) Act, 2000 is the primary legal framework for juvenile justice in India. The Act provides for a special approach towards the prevention and treatment of juvenile delinquency and provides a framework for the protection, treatment and rehabilitation of children in the purview of the juvenile justice system. This law, brought in compliance of Child Rights Convention, repealed the earlier Juvenile Justice Act of 1986. This same Act has further been amended in 2006 and 2010. The Act is considered to be an extremely progressive legislation and the Model Rules of 2007 have further added to the effectiveness of this welfare legislation. However, the implementation is a matter of very serious concern today.

Based on a resolution passed in 2006 and reiterated again in 2009 in the Conference of Chief Justice of India, several High Courts have Constituted “Juvenile Justice Committees” which are monitoring implementation of the Juvenile Justice Act, 2000 in their jurisdiction and have been very effective in improving the implementation of the Act. The Juvenile Justice Committee of Delhi High Court is considered a model in this regard.

Role of the Police
With regard to juveniles in conflict with the law who are accused of not serious offences, taking into consideration the assessment and inquiry reports, the police should use their discretion in deciding that:
- Such juveniles are not separated from their families
- Detaining a juvenile in conflict with law should be used as last resort and when it is absolutely necessary in view of the seriousness of the crime.
- The detention of such juveniles should be carried out on the orders of a Competent Authority. The detention period should be short and within 24 hours the juveniles should be either handed over to their parents or produced before the Juvenile Justice Board.
- All Medico-legal and counseling services should be available to the apprehended juveniles.
- The juveniles should have the right to a legal counsel and be able to apply for free legal aid if need arises.
- Identity of such juveniles should be kept confidential and should not be released or reported to the media.
- Documents such as age verification test report, school character certificate, medical reports, social investigation reports etc. should be duly submitted to the Juvenile Justice Board when the juvenile is produced before the Board.
- Rehabilitation should be the primary purpose with regard to juveniles accused of serious offences. Thorough social investigation reports, circumstances under which the offence was committed, protection of the juvenile from any harm, protection of the juvenile’s basic human rights in line with the international and national provisions should be effectively carried out by the police.

Role of the Juvenile Justice Board
- Sec. 12 of the Juvenile Justice (Care & Protection of Children) Act, 2000 authorizes that any juvenile in conflict with law can be released on bail with or without surety or placed under the supervision of a Probation Officer or under...
the care of any fit institution or fit person.

- The Act also states that the juvenile will not be released if he is likely to come in association with any known criminal or exposed to moral, physical or psychological danger.

- When preventive detention is used, the Juvenile Justice Board and the investigative bodies shall give the highest priority to expedite the processing of such case to ensure the shortest possible duration of detention.

- In many cases, the investigating bodies are very careless in filing the charge sheet within the statutory period i.e. within 90 days. Thus, in such circumstances, the Juvenile Justice Board can stop further investigation by directing the investigating agency as envisaged in Rule 6(9b).

Role of the Institutions

- A juvenile who is not placed under the charge of a parent or guardian and who is sent to an Observation Home shall initially be kept in a Reception Unit for preliminary enquiries, care and classification.

- The juveniles should be placed according to their age, physical and mental status and the degree of the offence committed.

- The juveniles whose enquiries are pending cannot be kept with the juveniles who are detain for their rehabilitation.

- Privacy and confidentiality should be ensured during the juveniles’ communication with their legal advisers.

- Wherever possible, during their stay in the institutions, the juveniles should be provided with education, training or to pursue work with appropriate remuneration. Besides this, there should also be provision of facilities for the leisure and recreation of the juveniles in conflict with law housed in the institutions.

- The parents of the juveniles should be immediately informed and they should be permitted to meet the juvenile during his custody in the institution.

- The juvenile should not be detained in an institution for more than 4 months during which all enquiries with regard to his case should be completed with the Juvenile Justice Board issuing its final order in the case.

Conclusion

Besides the above mentioned stakeholders, everyone from the society has an equal responsibility to safeguard the interests of the juveniles in conflict with law. Being members of society, we are bound to help such juveniles to reform and rehabilitate with respect rather than to look towards them as delinquents or offenders.

Pravina V. Hingne
Hon’bel Principal Magistrate,
Chairperson, Juvenile Justice Board, Solapur.
बिधी संघर्षग्रस्त बालक व त्या अनुपांगाने अस्तित्वात असारारे प्रचलित कायदे

बालकांचा विशेष हक्कांबाबत सर्वांत प्रथम स्पष्टपणे उल्लेख ‘‘मानवीय हक्काची सार्वजनिक घोषणा (१९४८)’’ मध्ये करण्यात आली आहे. व अशा बालकांच्या हक्कांच्या घोषणेच्या मजकुरांचा अंतर्भाव व मसूदा संयुक्त राष्ट्र संघाच्या मानवी हक्क आयोगाने तयार केला आहेत. या संदर्भातील सर्वांत महत्त्वाच्या मुद्रा म्हणजे बालकांच्या हक्कांबाबत सर्वांत जास्त काळजी अमेरिकेतील वाहिली. परंतु संयुक्त राष्ट्र महासभेच्या करारावर मात्र सही केलेली नाही. याचाऱ्या बालकांच्या हक्कांबाबतच्या ओलंपियास्का अभिव्यक्तीतील कूटनीती गृहीत होत येथे जो संयुक्त राष्ट्र महासभेने या लेखाच्या तीस-या वर्षापन दिनी २०/१९/१९८९ स्थीतीत केली आहे. तो लेख एक बंधनकारक असा कार्य आहे ज्यात १९६६ राष्ट्री नमूनीपर्यंत ज्ञात आहेत.

अज मितीस दिल्ली सामूहिक बलात्कार प्रकरणातील प्रमुख आरोपी राहूसंग याने तिहार जेल मध्ये केलेला आत्महत्येमुळे व याचा प्रकरणातील एका अपर्याप्त विधी संघर्षात बालकांचा बाल न्याय (कालजी व संरक्षण) अधिनियम, २००० अंतर्गत तरुणीया संघात तावद्याविला जागृती करणे किंवा त्याचा हिंसक होणाऱ्या किंवा हृदयाचा विषय ज्ञातवती आहे. मुख्यत: बाल न्याय (कालजी व संरक्षण) अधिनियम, २००० (यापूर्वी जें जें अंकट असे संबंधित आत्महत्या आते आहे) मध्यी विधी संघर्षात बालकांसाठी १८ वर्षांच्या वयोमयंत्रावर ठरवली गेली आहे. तीन मुख्यत: संयुक्त राष्ट्र महासभेने दर्शन आलिंगक, नायनीपुण्य, ज. अंकितविन देश्चाच्या बालकांच्या मध्ये घेणारे त्याच्या रचनात्मक संघर्षात बालकांच्या वयोमयंत्रावर ठरवली आहे. त्यामुळे सध्या दिल्ली सामूहिक प्रकरणामुळे संघर्षक न्यायालय सध्या या कायदावरून अत्यंत कटाक्ष्याने पाहत आहे. व त्यामुळे यावर सर्वांच न्यायालय काय भूमिका घेणार आहे यावर बच्च्यांचे जणांचे लक्ष लागून आहे. सर्वां हायस्पॅड व्योमयंत्रात १८ वर्षीयांचे आपल्यातु लग्नासाठी मुलाचा २१ वर्षीय अट धालण्यात आलेली आहे. या वर्णनाच बालकांचे हक्कांबाबत आपले सरकार कितपण सजग आहेत हे दिसून येते. त्यामुळे सर्वांच न्यायालयाने काळाची सुसज्ञा दिली तरी त्या पूर्वग्रहूळ संघर्षक न्यायालयावर लागू होणार नस्त्रांमधून दिल्ली सामूहिक प्रकरणातील अत्यंताच्या विधी संघर्षेने बालकाचा लागू होणार नाहीत, असा निष्कर्ष काळी जणनी आधिकारिक काढलेला आहे. हा निष्कर्ष कितपण योग्य आहे?

मुख्यत: बालक हक्कविषयी जागृत असारा या व्यापारी १८ वर्ष वयोमयंत्रात योग्य आहे व त्यावर बालकांची कोणाच्या चर्चेचा गरज नाही. अशी भूमिका घेतली आहे. या भूमिकेच्या समर्थनार्थ त्यानी कोणाच्या विश्वासापर्यंत पुर्वी दिलेला नाही. या चर्चामध्ये केवळ आकांड तांडव दिसून येते. तयाच संयुक्त राष्ट्र संघाच्या १९८९ व्या संकेताच्या दाखला दिली की पुराने आहे, असा या मंडलीचा गैरसमाज झालायचे दिसून येते. या समूहाच्या विश्वासात व शिक्षेत्रात तीतोत्साही किंवा हत्याने असलेले तरी विधी संघर्षात बालकांना केलेला गैरकाल्पिक झालायचे दिसून येते. या समूहाच्या व्यापाराचा व शिक्षेत्राचा अन्यथेने कार्य करणे कोणाच्या परिस्थितीत शिक्षा ही झालीच पाहिजे, अशी भूमिका घेणारी काळी व्यापारीत आहेत व त्या आड जर जें जें अंकट येत असेच तर बदलत आहे असे मुंळारा गट असून त्याची नोकाल्पित दिसून वाचू वाटत आहे. व त्याग्याच संघर्ष सुलत वाहिन्यांचे देखील भक्तम निर्मित असताचे आठवाह आलेले आहे.

खरी परिस्थिती आशी आहे की, पुणे येथील बाल न्याय मंडळाचे जेक्का सदस्य या नात्यात नि.
10/01/2011 रोजी काम कर्मचारी सुरवात केली. तेक्का मंडळाच्या एकमेव कारण म्हणजे जे अंक राहणारे तर ते नियमांकों अंतर्गत जर कार्यालयाची केली तर त्याचा कार्यसरकारण परिस्थिती व्यक्तीसाठी दिलासा देणारी व्यक्तीसाठी आहेत. म्हणजे काही व संरक्षण आवश्यक असावा तबाल व विधी संगठन बालक व विधीसंगठित बालक या या अंतर्गत तत्त्वात व पातळ पडवा आहेत. कारण या दोन्ही वर्गांतून बालके सर्वसाधारणपणे एकाच छत्राळी क्षेत्र कार्यकाळ आजा आहे तर. त्याच्या म्हणजे विधी संस्थापित बालकांचा संबंध जे जे अंक मधिल तर तरुणीसारखी विशेष बाल पोलिस दल / पथक स्थायीन कर्मचारीही विविध पोलिस अधिकारी उदासिनी ठिकाण जपावते. एका नेंद्रा तर, जे जे अंक मधिल तरुणीसारखी प्राप्त कर्मी बालाक्षच काळी सामान्य व बाल कल्याण समाजांनी चाचणी चाचणी नाव, पत्ते, व दुरुपद्धती अथवा भ्रष्टांची नाही जसे कर्मचारी ही ठिकाणी असे तर फलक लावणे गरजेचे आहेत.

परंतु आपात्त्वाळ्डे असा अनुभव आहे की, सर्वसाधारणपणे विधी संस्थापित बालकांची चाचणी प्रकरणात चौकशीसाठी ताब्याल धेराच्या नंतर संबंधित पोलिस त्या बालकांचा व्यवहार कर्मीपणे विचार करताना आडवून येत नाही. राज्याचा असे बाळांचे संबंधित न्यायदाधिकारीय पुढे हजर केले जाते. तेव्हाच निर्धार भास्तयास और त्याची खाजगी कारण रखती होते व असा प्राप्त कर्मी संस्थापित बालकाची हक्कापासून वापराची ज्ञात करते येत नाही. राज्यात म्हणून जे जे अंक मधिल तरुणीसारखी 18 वर्षांची बालकांना कायदा मंगळ केलेला असले तर त्याची शिक्षा करण्याचा येत नाही. पण ते गोंड जर गुजरावी संस्थापित टीमांना कवचप्रस्ताव केवळ हाताकार माजेल याची कल्याण करवत नाही.

यापार्च्याच्या अत्याचारासाठी संस्थापित देशासाठी वय 98 किवा 16 दिवशी या बाबत सार्वजनिक चालू असलेली चारा लक्षणात्मक ठेवावी. कारण बनाच मुलामुलीला लेखकाची तत्त्वेत्ता तव करण्याच प्राप्त होते व त्यामुळे ते विविध प्रयोग करतात. व असे प्रयोग नियमे गंभीर स्वरूपात गुनाह आहे हेच त्यांना महत्त्वाचे नसते. केवळ 18 वर्षपेक्षा कमी असले तर त्या वजनाची करण्यावार्त चारा संस्थापित घडवून आणणे गरजेचे झालेले आहे. मुलाच्या विवरण चालून अहाने त्यामुळे तर त्या मुळाच्या कोणाच्या परिस्थितीत फोजांनी खत्ता दाखल करता येत नाही.

याचाच दुसरा अर्थात कि 7 ते 18 हा व्ययोग विधी संस्थापित बालकांसाठी प्रभावात मान्यता आलेला आहे. या पार्च्याच्या ठरवणे नमुंद करावे वाढते की, अतीतीत विधी संस्थापित बालकांना एकाच गुनाह केलेला असल्यास त्या गुन्हाच्या स्वरूप व व्याप्ती, त्याचे वय, त्याची आकलनशक्ती, कोणत्या परिस्थितीत तो गुनाह केलेला येत आहे तर सर्व परिस्थितीतवर त्या दाखलाची शिक्षा अथवा सवलत तरविषयात येते, हे प्रमुख लक्षित घेणे गरजेचे आहे. थोडवला, तसेच प्रकारणे एक मार्गदर्शक तत्त्वाची प्रगती तारा करणे व कठोर अंतर्गत असतील घेणे अत्यंत गरजेचे झालेले आहे.

नृसतः कायदा तारा करण उपयोग नाही तर त्यांची अंतर्गत अस्तित्वाने करण्यासाठी तत्त्वाच्या नेत्रांक मंडळ करणे आहे. केवळ करणे हीच मुळात जे जे अंक मधिल तरुणीसारखी धरण अल्पकाळिक आहे. एवढी या लेखाचा प्रयत्न व अपेक्षा आहे.

अंड सुनिल पाटील
म. सदस्य
बाल न्याय मंडळ, पुणे.
Help desk a ‘Socio-Legal Intervention for Juveniles in Conflict with Law’

The Juvenile Justice (Care and Protection of Children) Act, 2006 categorises children as ‘Children in need of Care and Protection (CNCP) and Juveniles in Conflict with Law (JCL) with the objective of designing case specific rehabilitation and reintegration plans for children. Resource Cell for Juvenile Justice (A Field Action Project of Tate Institute of Social Sciences) has been working in the districts of Thane and Yavatmal with children interfacing with the Juvenile Justice (JJ) system with a focus on JCL’s. There have been several insights while interfacing with this system and JCL’s. Firstly, there are very few NGO’s that work with JCL’s. Secondly, there is an increasing trend of JCLs being stigmatized and viewed as criminals rather than as victims of unfavourable circumstances accidentally committing an offence. Thirdly, the procedures and staff within the JJ system is overpowered by the Criminal Justice System. This impacts the working of the JJ system because the approach to be followed for an adult is different from that for a juvenile and the authorities look at the JJ system through the CJS perspective and understanding. Finally, there is little awareness on how the JJ system should function among the stakeholders like police, lawyers, public prosecutors.

This has had an impact on the efficiency of the working of the JJ system. It has also given rise to many unfair and corrupt practices by a few stakeholders which has resulted in an exploitation of parents of juveniles and juveniles themselves.

The exploitation is not limited to financial alone but also extends to emotional exploitation. To elaborate on the same, it was observed that when a parent or a juvenile enters the system, they are scared and worried about their ward. To add to this, they get intimidated by the working of the system as lawyers hanging around in the JJB premise wait for clients and the moment a juvenile or his parent enters the JJ system, they are made to believe that they cannot proceed without a lawyer. Thus begins a journey of financial and emotional exploitation of the family. While there are free legal aid lawyers in the system, there is a general understanding among people that anything that comes free would not have quality and hence the services of the free legal aid lawyer may not be effective in getting the child out of the system. The reality to some extent also is that the free legal aid lawyers are not interested in working with the JJ system and so are also not quite efficient. Besides, due to their lack of visibility and accessibility, they are far from being approachable. This results in families approaching private lawyers who charge them with a fee which may not be affordable to them as most of the juveniles and their families come from low socio economic categories. They generally work on a daily wage basis. They get charged anywhere between Rs. 100/- to Rs. 500/- to write and file simple applications like bail or leave request. The JJ Act states that bail can be granted to a juvenile irrespective of the offense he/she commits. Not all are aware of the same.

Other issues that impact the working of the JJ system has been delay in the processing of cases. This results due to lack of administrative staff in the JJB, delay in filing of charge sheets by the police, non issue of summons being sent to witness, absence of the juvenile or witness or lawyer on hearing days, lack of probation officers or social workers in the system to prepare and submit the social investigation report etc.

The impact of the above issues impact the juvenile in many ways like, children dropping out of studies, not being able to work, disruption in their social life with friends and
The Juvenile Justice (Care and Protection of Children) Act, 2006 categorises children as ‘Children in need of Care and Protection (CNCP) and Juveniles in Conflict with Law (JCL) with the objective of designing case specific rehabilitation and reintegration plans for children. Resource Cell for Juvenile Justice (A Field Action Project of Tate Institute of Social Sciences) has been working in the districts of Thane and Yavatmal with children interfacing with the Juvenile Justice (JJ) system with a focus on JCL’s. There have been several insights while interfacing with this system and JCL’s. Firstly, there are very few NGO’s that work with JCL’s. Secondly, there is an increasing trend of JCLs being stigmatized and viewed as criminals rather than as victims of unfavourable circumstances accidently committing an offence. Thirdly, the procedures and staff within the JJ system is overpowered by the Criminal Justice System. This impacts the working of the JJ system because the approach to be followed for an adult is different from that for a juvenile and the authorities look at the JJ system through the CJS perspective and understanding. Finally, there is little awareness on how the JJ system should function among the stakeholders like police, lawyers, public prosecutors.

This has had an impact on the efficiency of the working of the JJ system. It has also given rise to many unfair and corrupt practises by a few stakeholders which has resulted in an exploitation of parents of juveniles and juveniles themselves.

The exploitation is not limited to financial alone but also extends to emotional exploitation. To elaborate on the same, it was observed that when a parent or a juvenile enters the system, they are scared and worried about their ward. To add to this, they get intimidated by the working of the system as they are unsure about how it functions. The juvenile justice Board (JJB’s) is seen as a purely legal entity. Although it is supposed to have two social work members on it, the reality in most of the JJB’s was that the social work members are lawyers by profession and so share a legal perspective. There is a public prosecutor in the JJB working on the case. Lawyers hanging around in the JJB premise wait for clients and the moment a juvenile or his parent enters the JJ system, they are made to believe that they cannot proceed without a lawyer. Thus begins a journey of financial and emotional exploitation of the family. While there are free legal aid lawyers in the system, there is a general understanding among people that anything that comes free would not have quality and hence the services of the free legal aid lawyer may not be effective in getting the child out of the system. The reality to some extent also is that the free legal aid lawyers are not interested in working with the JJ system and so are also not quite efficient. Besides, due to their lack of visibility and accessibility, they are far from being approachable. This results in families approaching private lawyers who charge them with a fee which may not be affordable to them as most of the juveniles and their families come from low socio economic categories. They generally work on a daily wage basis. They get charged anywhere between Rs. 100/- to Rs. 500/- to write and file simple applications like bail or leave request. The JJ Act states that bail can be granted to a juvenile irrespective of the offense he/she commits. Not all are aware of the same.

Other issues that impact the working of the JJ system has been delay in the processing of cases. This results due to lack of administrative staff in the JJB, delay in filing of charge sheets by the police, non issue of summons being sent to witness, absence of the juvenile or witness or lawyer on hearing days, lack of probation officers or social workers in the system to prepare and submit the social investigation report etc.

The impact of the above issues impact the juvenile in many ways like, children dropping out of studies, not being able to work,
disruption in their social life with friends and family members, stigmatization by neighbours and community members, depression.

Given these issues, it was felt that there is a need to set up a Help Desk to impart information and awareness among all who are interfacing the system especially for the parents and children. The same was set up in the premises of Thane and Yavatmal with due permission from the Mumbai High Court. The Help Desk has been functioning since 2010.

The Help Desk gets approached by parents of juveniles, juvenile and the various stakeholders like lawyers, police personnel, child care personnel within institution permises, CWC & JJ. They contact the Help Desk to seek clarification and for discussing various aspects and procedures related to children. The range of queries that the Help Desk are approached with by parents are on issues related to duration fo the case, well being of their child inside the children's institution, procedures to be followed, updates on the case, options for enrolling their child back into school or other alternatives for pursuing education, vocational courses or organizations which could assist the child with rehabilitation. Parents have been approaching the Help Desk with their inter-personal problems like not able to manage their children, or children not listening to them, strained relationship etc.

The mandate of Help Desk has been clear that it would play a facilitative role. Intervention has been in the legal as well as social arena. Legal Assistance has been provided in a number of ways. Firstly, Help Desk has prepared user friendly templates which can be used by parents for filing applications with respect to bail, leave of absence, and speedier disposal of cases. This has reduced their dependency on private lawyers. Parents are also encouraged to give these applications directly to the JJ. The Help Desk personnel sometimes accompanies the parents to do so if they find the process too over whelming. However, after their first direct interaction with JJ, parents find the courage to deal with the system independently. This has been the success element for the Help Desk.

Help desk has also prepared formats to be used by the police at the time of 1st production of the child. This format is currently being used by most police stations. Earlier, JJ were using stationery which had terminologies of the CJS system, like ‘arrest warrant’, ‘remand’ ‘accused’, criminal’ etc. Through dialogues and discussions, the JJ in Thane and Yavatmal has use stationary having JJ terminology.

There have been cases, when the juvenile has approached the Help Desk sharing his or her concerns related to physical abuse of institution authorities. At such times, the Help Desk has presented these cases before the JJ or accompanied the child before the JJ to present the issue for addressal.

Given the work of Help Desk, the JJ has been passing supervision orders for the juvenile under the care of our project RCJJ. Help Desk was also entrusted with orders from JJ for social investigation reports and home study reports of children which have a legal bearing on the juvenile’s final order and rehabilitation.

The social worker on the Help Desk has interactive sessions with parents and their wards in an attempt to strengthen the bonds between them and help improve their communication levels. This has been a satisfying experience for the Help Desk. There are parents and children who have kept regular touch with the personnel informing him / her on the progress being made with respect to their family relations which is again a parameter for success for us.

Help Desk has taken some bold stands and reported corrupt and unfair practises that were being followed by the administrative staff of the JJ, care takers in the institutions,
illegal detention of the child in the police station, to the concerned government officials. Cognisances was taken of these written complaints and there were departmental enquiries and actions that resulted from the same. Despite this, police stations have recognised the value of services being provided by us. Earlier, the police would refer people to lawyers. Now they have begun to refer cases to Help Desk.

Help Desk has been networking with several NGO’s community based organizations, educational institutions and referring cases of juveniles for their further rehabilitation. There have been cases, where the Help Desk had to go to the schools and convince the school authorities to readmit the child back to school as these juveniles were removed from the school roll.

In a bid to get people to understand the working of the JJ system, parents meeting are being organised where a number of parents / guardians are being called and the working of the system is explained to them. Their queries are answered. This increase in awareness has further helped in the reduction of exploitation by the police and lawyers. The phone numbers of the Help Desk personnel are shared with all and in times of police harassment, calls are received for help.

Running a Help Desk has been a challenge. It was received well by the observation home in Yavatmal and Thane given the High Court permission. A table and chair was given by the institution authorities and space was provided in a visible accessible location next to the JJB. The working has been relatively smooth in Yavatmal. However, the functioning at Thane has not been very smooth. The lawyers got intimidated by the presence of the Help Desk as it affected them financially. They began to loose clients to Help Desk and in anger, would displace the table and chair. Stands taken by Help Desk against institution staff resulted in staff retaliating by moving the table and chair to a remote room which would be difficult for people to reach. But to our satisfaction, people located us and still approached the Help Desk.

This is the first time a concept of Help Desk has been experimented in a JJ setting in India.

Dr. K. P. Asha Mukundan -
Assistant Professor,
Centre for Criminology and Justice (TISS) & Project Director - Resource Cell for Juvenile Justice.

Ms. Madhu Madhavan
Project Officer,
Resource Cell of Juvenile Justice - TISS.
For any queries & comments please e-mail rc4juvenilejustice@gmail.com
भी कौशाल्या गाढ़े
माझ मनोगत व कर्मकहानी
हा देश माझा

हा देश माझा याचे भान जरासे राहू दया रे
...

हा उंच हिमालय माझा हा विशाल सागर माझाहू कंठ हया गंगा यमुना होय धरती बागबगीचा माझाह अभिलाषा याची करिता या मरण दयावया सळरण बाहु पाहु दया रे १९ ॥

जे हात उत्सुकवेळे दंगडच्या वर्षवाला रोखा तो लावा या देशाच्या प्रगतीला हों बंद करा उत्तरात थांबवा आपला घात सामर्थ्यन जावे व्यर्थ काहीसा अर्थसं हेै दया रे १२ ॥

जरी असले अपुले धर्म जरी अनेक आपल्या जाती परी अंग असु दया आपली मानुसस्वती नाली दया सर्व दुः ललकरी फुकारे एक तुतारी संदेश रोष जे दृढ़ नानातील बाहुन जाऊ दया रे १३ ॥

नाव : अजय मंडिरांद्र दामावे
शाळा : महात्मा फुले हायरकॉल, ओ.बाद
(पत्ता : शासकिय मुलांचे बाल्गृह वर्ग ५ वी (ब))
विधी संघर्षग्रस्त मुलांसोबत पुर्न्वसना करिता
काम करताना येणायचं अडचणी.

प्रयास गेले २३ वर्षापूर्वी कारागृहात किशोर
व्यावस्था (या ९८ ते २३) मुलांसोबत पुर्न्वसना
करिता कार्यरत आहे. ठाणे, कल्याण, भायखवा,
मुंबई मध्यवर्ती कारागृहात असा चार्ची कारागृहात
काम करित असताना असे आढळून आलेली बाळ
निरीक्षण गृहातून १८ वर्षानंतर जेथे
बालकांची संख्या सरासरी महणून वाढू आहे. असे
दिसून आल्यावर गेले ३ वर्षांमध्ये दोन्ही बाळ
निरीक्षण गृहात कामाची सुरुवात केलेली आहे.

सदर मुलां सोबत काम करित असताना असे
आढळून आलेले कोणी त्यांची धृरी, धारावी,
मालांगणी, पवई अशा विभागाभूत जास्त केसेस
दिसून येत आहेत. सरद मुलां कलम ३८०, ३७९,
३१४, ३१७, ३०२, ३२४, ३२६ भाद्रवि ल्याप्याकी
काही केसेस तर प्रज्ञानंतर ३७५, ३७७ भाद्रवि
अशा केसेस मध्यने दिसून येत आहेत. रस्त्यावर
राहणारी मुले, एक पाळक असलेली मुले रेत्याच्या
आवारत चारी केसेस मध्ये दिसून येत आहेत.

हया मुलांच्या पारिवारिक समस्या मोठ्या
प्रमाणात दिसून येत आहेत. एक पाळक असलेली,
आई आहे तर वडील नाही. केही सांवत्र आहे, आई
बड़ीलांचे घटस्फोट ल्याया मुलांच्या वर्तन समस्या,
याचा प्रमाण मुलांसोबत काम करित असताना परिवाराचा
सहकार्य मिळाल नाही. जर परिवार सहकार्य करित
असेल तर घराचे आवश्यक भोजन वातावरण
सकारात्मक नसते.

ल्याप्रमाणे पोलिसांचे संघायावरून अटक
करण्याचे प्रमाण जास्त असते जर काही दिसवातावर
बदलकरकिता परीपर बदलायचा
असेल तर नवाची संथा मिळत नाही. मिळालेले तर
गुन्हेगारी पार्श्वभूमीमध्ये मुलांसाठी कोणी दायाला
त्याच्या हाताचा नाही. अशा मुलांसोबत प्रयासात काम
करित असताना असे मुलांकडून अशा मुलांचे पूर्वानुसार
हे शक्तीचा त्यांचा विविध रूपांतरण सहकार्याचा
असताना अशा प्रमाणात मिळते. इतर स्वयंसेवकांचे
संस्थांचे सहकार्य कमी प्रमाणात मिळते, सरकारी
संस्था जागरूकताचे आरोप आहेत. अशा विविध रूपांतरण
त्यांचे करित असताना परिवाराचे
सहकार्य आवश्यक आहे. 

व्यसन करण्याची मुलांसोबत काम करित
असताना व्यसन मुख्य केंद्राशी सहकार्य कमी
प्रमाणात मिळते. इतर स्वयंसेवकांचे
संस्थांचे सहकार्य कमी प्रमाणात मिळते, सरकारी
संस्था जागरूकताचे आरोप आहेत. 

१८ वर्षानंतर ह्या मुलांच्या निर्पेक्ष नाही.
प्राणांच्या जीवनात प्रशिक्षणाचा पाठविल्यास पातळी
२ ते ३ तासानंतर प्रशिक्षण रिकमे राहेले लागते
अशा त्यांचे करिता दिवसभराचा कार्यक्रम
आई प्रशिक्षण आवश्यक आहे. ल्यावर
भागाची विविध विनिमय सुरु आहे.

भया मुलांचं आई किंवा वडील नाही
ल्यायाचा तर निरीक्षणगृहातून ल्यायावर भविष्यातील
मोठा प्रस्त असतो संस्थेमध्ये ल्यायाला पुढे
कुठे जायचे? कुठे रहायचे माहिती नसते. आपट्टा
केंद्र तर मध्ये निवडलेले
मुलांचा प्रेक्षा मिळतो अशा
परिस्थित क्रमे
मुलांसोबत काम करते तर त्यांना आई मोठा प्रस्त
दिसून येतो.
मुंबई मध्ये ९४ ते ९८ वर्ष नंतरच्या मुलांच्या निवासी संस्था खुप कमी आहेत. खाली म्हटले तर नाहीच्या बरोबर. ह्या वयात खारी जिवनाची पायरी सुरू असते व सहकार्य मिळत नाही.

सरकारी संस्थेच्या व्यतिरिक्त दुसऱ्या सोय नाही आहे. सरकारने खास करून ह्या वयातील मुलांसाठी प्रशिक्षण केंद्र, निवास, शैक्षणिक व तंत्रज्ञान संस्था, निवासी शाळा सुरु कराव्यात. तर ह्या वयात गुन्हेगारीचे प्रमाण कमी होऊ शकतो तसेच सरकारी योजना पुनर्वसना करिता असणे गरजेचे आहे.

पोलिसांनी ह्या मुलांना संधी देऊन अशा संस्थां मध्ये पाठवणे गरजेचे आहे. खाली तर पोलिस स्टेशन मध्ये विशेषरूपाने बालकांसोबत काम करण्या करिता सामाजिक कार्यकर्त्यांची नेमणुक करण्यात यावी. अशा प्रकारे काम करिता असताना जेवंजकेच्या अडचणी पेट आहेत.

निरक्षण गृहात विषी संघर्षित बालकांसोबत काम करण्या करिता १ परिवार अधिकारी आहे स्थानी कोटीचे अहवाल देण्याचे प्रचंड काम असते स्थानुसार करणे शक्य नाही. गृहभूमी व अहवाल लेखन हे देखील स्थानांच चढील जाते.

रिक्त पदे असून अधिकारी व कर्मचारींची भरती होईल नाही. मुलांचा संस्थेमध्ये पुरेशा वैधकीय सुविधा मिळत नाही. कर्मचारी व अधिकारी वर्गाच्या योग्य प्रशिक्षण नसल्यामुळे मुलांची मानसिकता वाढत्या वयातील गरजा, लेखकता याबाबत उदभवणाया समस्या सोडल्यावेली करतील जाते.

विजय जोहरे
सामाजिक कार्यकर्ता
प्रयास, मुंबई.
स्वयंसेवी संस्थेची स्विकृती

बाल न्याय (काळजी व संस्कारांची गरज असलेलेच मुले) अधिनियम, 2000 हा अधिनियम बालकांचे संवृत्ततिपूर्व हित लक्षात घेऊन बनवला आहे. हया अधिनियमातील कलम १५ (१) आर, तरसेच कलम १५ (२) प्रमाणे बाल न्याय मंडळ विधीसंघर्षाग्रस्त बालकांचा केसमध्ये एवढा स्वयंसेवी संस्थाची मदत घेऊ शकते. परंतु अधिनियमात नमूद असताना तसेच स्वयंसेवी संस्थांची गरज असता नाही बहुतांशी ठिकाणी बाल न्याय मंडळ स्वयंसेवी संस्थाना स्विकृती देत नसल्याचे इदयून येत आहे. परंतु बाल न्याय मंडळ, सोलापूर येथील सुदिशा हया स्वयंसेवी संस्थेचा दिलेल्या स्विकृतीचे आगदी चांगल्या पद्धतीने काम चालू आहे.

स्वयंसेवी संस्था विधीसंघर्षाग्रस्त बालकांचा सुधारणेसाठी त्यांना समस्पर्शदेशण करणे, निरिक्षणगृहात असताना त्यांचा पालकांची संस्कार साधणे, कायदेविषयक माहिती व मदत देण्यास काम करते. त्यामुळे मुले जास्त दिसत निरिक्षणगृहात राहत नाहीत तरसेच पालकांना नास्ती होत नाही. याच्यामुळे निरिक्षणगृहातून सूचित गेल्यानंतर त्यांचा पुनर्संचालनासाठी आवश्यक मदत व मार्गदर्शनी स्वयंसेवी संस्थेकडून केलेल्या जाते. सोलापूर येथील सुदिशा हया स्वयंसेवी संस्थेचा सुधार आहे.

स्वयंसेवी संस्थाना स्विकृती भिक्षालागुणाचे संस्थांचे महत्त्व वाढते. तसेच पोलीस, पालक, बालकांचे सहकार्य लाभात त्यामुळे विधीसंघर्षाग्रस्त बालकांचा सुधार व पुनर्संचालनाचा कामाचा गोष्ट रखते. असंख्य विधीसंघर्षाग्रस्त मुले गुहेगारीया दलबदलीतून बाहेक पडताच्या प्रयत्न करत असतात. अशा मुलांचा पोट वेळेत मदत मिळते तर ते सुधार शकतात परंतु यासारख्या गरज असाही तर अशा मुलांची संबंधित सर्वांची समावेशाचे काम करणारी. बाल न्याय मंडळ, पोलीस, स्वयंसेवी संस्था, निरिक्षणगृहातील कार्यालय, कुटुंबातील सदस्य, विधीसंघर्षाग्रस्त बालक, त्यांच्या कामाच्या ठिकाणी बालक तसेच समाज यांची एम्बेडकर यांनी समावेशाचे काम केले तर ही मुले नवनिर्मित सुधार होऊ शकतात. असाही अनुमत आलेल्या सुधाराची खालील नमूद ही कहाणी (नव बदललेले आहे)

सुधार हा विधीसंघर्षाग्रस्त बालक वारंवार चोरीचा केसमध्ये पकडला जात होता. त्याचे वडील मुख्य असून आई कार्यक्रमातील स्वयंसंगठनाचे काम करत हयाचा व दोन लहान मुलांचा संभांत करत होती. तो वारंवार वोना करत होता त्यामुळे हयावेळी तो चोरी आरोपावाची आला तेथे त्याच्या आईने कंटॅक्ट त्याचा ताबा घेण्यास नकार दिला, त्यामुळे तियाचा संतीतीने सदर मुलाचा जवाहरलाल नेहरू परिषद केंद्र, पुणे येथे त्याच्या पुनर्संचालनाची ठेवण्याचा निर्णय घेऊन मानात त्याच्या मंडळाची चर्चा केली होती. त्यांच्यात मानात, त्यांच्या मंडळाची चर्चा, सोलापूर येथे सुदिशाची विधीसंघर्षाग्रस्त बालकांचा सुधार व पुनर्संचालनाचा कामाचा सुधार केली त्याच्या त्यांच्यासाठी सदर मुलाचा निरिक्षणगृहात असत्याने त्याच्या केस सुदिशाच्या आहे. सदर मुलांची चर्चा केली असता त्याच्या पुणे येथे जायची ईच्छा नसल्याचे तसेच यापूर्वे त्याला सुधारणाच्या ईच्छा असत्याचे समजले.
Sudarsha Prasad, a renowned Sanskrit scholar, has extensively studied the ancient text "Sakhya Purusha-Sastra." His scholarly work, "Sudarsha Prasad," has been widely acclaimed for its insightful analysis and interpretations.

Sudarsha Prasad's research has been pivotal in elucidating the intricate relationship between the Purusha and the Sakhya Purusha, providing a fresh perspective on the ancient text. His work has significantly contributed to the field of Sanskrit studies, offering a deeper understanding of the text's historical and cultural context.

Sudarsha Prasad's contributions have not only enriched the academic community but have also sparked interest among lay readers, making "Sudarsha Prasad" a valuable resource for those interested in the philosophical and spiritual traditions of ancient India.

In conclusion, Sudarsha Prasad's "Sudarsha Prasad" is a seminal work that has redefined the study of the ancient text "Sakhya Purusha-Sastra." His insights and interpretations continue to inspire and guide scholars and students alike, propelling the study of Sanskrit literature into new realms of understanding.
Alliance of Socio-Legal and Rehabilitation Initiatives in CJS

Background

Prayas is working in the field of criminal justice in Maharashtra and Gujarat since last two decades now. The initiative was started with the efforts of a small team, and presently, the team has developed according to the emerging needs in the field of rehabilitation. The process is an outcome of constant efforts towards developing partnerships with NGOs and respective departments of the government both at state and central levels.

Similar efforts have been initiated by other civil society groups in some towns in Maharashtra, Gujarat and Madhya Pradesh. But such efforts alone are not enough to strengthen the role of social workers in the criminal justice system, nor is it sufficient to bring about change at policy level. The need of the hour is for voluntary organisations working in the field of criminal justice to come together and create a platform which can dialogue within as well as with government and civil society, on issues related to promotion of legal rights and rehabilitation of crime affected persons and their families. Moreover, new developments are taking place in the field and at policy level which have implications on theory and practice as well as on lives of vulnerable people being processed by the system. Whether these changes are really useful for the field and for the client populations is a big question, which needs to be addressed.

Inception of the Forum

In the view of above, Prayas has tried to bring groups and organizations working in the CJS to promote a process of regular give and take amongst experts in the field. There is a need to develop clarity among these players towards legal rights and rehabilitation issues and strategies for advocacy, which need to be jointly developed to achieve the expected results. The overall expectation is to build a working and mutually supportive relationship amongst the partners, to provide effective services at the field level and lobby for policy change.

Objectives:

- To enrich the experience of member organizations through regular interactions.
- To develop strategies to protect legal rights and develop rehabilitation services for CJS affected groups.
- To encourage and mentor new initiatives in the field.

Programs and activities:

- Conducting regular meetings of partners of the Forum.
- Organising interactive sessions to share the new initiatives, projects and ideas.
- Publishing a newsletter of activities and for sharing of ideas and thoughts.

Membership:

- Membership would be limited to organizations working in the CJS towards the legal rights and rehabilitation of vulnerable groups.
- Membership would be by invitation and seconded by at least one member of the Forum.