

———— **Study of** ————
the Functioning of the
Juvenile Justice Boards
in Telangana



Study of the Functioning of the
Juvenile Justice Boards
in Telangana



Copyright@

2018 Centre for Economic and Social Studies, Hyderabad.

All rights reserved. No part of this report may be reproduced, stored or transmitted in any form or by any means without the prior permission in writing from the copyright holder. Those interested persons/organizations/universities may write to the director@cess.ac.in for permission to photocopy/reproduce this report.

This report represents the findings of a study on Juvenile Justice Board in Telangana State. The study team has collected the data from the ten districts of the state and the respondents include Principal Magistrate & Social Worker of JJB, District probation Officer, Special Juvenile Protection Unit, DCPU staff for their valuable time and responses. It also captures the responses from children in observation homes.

Authors: P Avinash Reddy, Pathlavath Shreya Naik and Harsh Mahaseth

Edited by: Mr. D. Balakrishna, Assistant Professor, NALSAR University of law, Ms. Sriparna Banerjee, CPRC-CESS and Mr. David Raj, CPRC-CESS

Technical Advisory Group:

S. Galab, Professor and Director, CESS

S. Vijay Kumar, Professor and Head, DCS

Mr. D. Balakrishna, Assistant Professor, NALSAR University of law

Mr. Sonykutty George, Child Protection Specialist, UNICEF HFO

Core research team:

NALSAR Hyderabad: P Avinash Reddy, Pathlavath Shreya Naik & Harsh Mahaseth,

CESS: Ms. Sriparna Banerjee, Mr. T Vasanth Kumar and Mr. P David Raj

This study is commissioned by CPRC of CESS in collaboration with NALSAR UNIVERSITY of LAW and technically supported by UNICEF, Hyderabad Field Office.

Disclaimer

Either DCS-CESS or NALSAR cannot be held responsible for errors or any consequences arising from the use of information contained in this report; the views and opinions expressed are based on the facts and figures collected from the above mentioned sources.

Suggested Citation

CESS, 2018 "*Study of the Functioning of the Juvenile Justice Boards in Telangana*", Division for Child Studies, Centre for Economic and Social Studies, Hyderabad.

Acknowledgment

The Centre for Economic and Social Studies (CESS) and NALSAR University of Law, Hyderabad have been instrumental in conceptualizing and enabling the study and report and providing us this opportunity to conduct the study and for facilitating the study by providing the necessary institutional support.

We take this opportunity to express our profound gratitude and deep regard to Prof. S. Galab, Director, CESS and Mr. Sony Kutty George, UNICEF for their exemplary guidance, valuable feedback and constant encouragement throughout the study. In particular, thanks to Mr. D. Bala Krishna, Assistant Professor, NALSAR University of law, Prof. S Vijay Kumar, Head, DCS, for their guidance and constant encouragement during data collection and report writing.

We convey our special thanks to Mr. P. David Raj, Ms. Sriparna and Mr. T. Vasanth Kumar from Child Protection Resource Centre (CPRC)-CESS for working and help us in finalization with of conceptualization of the research study, finalizing of research methodology, necessary arrangements for field work, reviewing the reports and sharing the inputs.

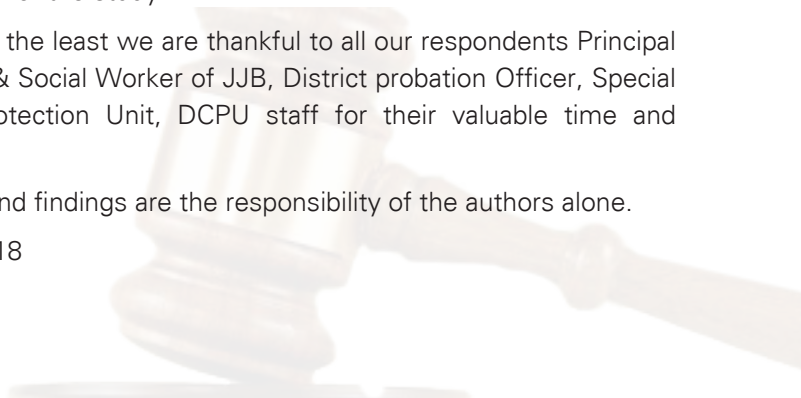
We are grateful to the UNICEF, HFO for supporting the study technically and financially.

Our sincere thanks to CESS Ethical Clearance Board for their approval and consent for the study.

Last but not the least we are thankful to all our respondents Principal Magistrate & Social Worker of JJB, District probation Officer, Special Juvenile Protection Unit, DCPU staff for their valuable time and responses.

The views and findings are the responsibility of the authors alone.

Authors, 2018



CONTENTS

<i>Acknowledgment</i>	<i>iii</i>
<i>List of Abbreviations</i>	<i>viii</i>
<i>Executive Summary</i>	<i>ix</i>

Chapter 1: Introduction **1**

Context of the Study	2
Main Objectives of the study	3
Specific Objectives of the study	3

Chapter 2: Research Method **4**

Location of the Study	4
Limitations	5
Data Sources	5
Data Collection instruments	5
Sampling	6
Sample	6
Geographical Coverage	6

Chapter 3: Findings of the study and Analysis **7**

I. Juvenile justice system for child in conflict with law	7
1. The Juvenile Justice Board (JJB)	7
A. Composition and Sittings	7
2. Principal Magistrate	7
A. Child Related Training And Prior Experience	7
B. JJB Proceedings	8
C. Understanding the CCLs	8
D. Preliminary Assessment	9
E. Procedure in relation to children in conflict with law	10
F. Interactions with other staff	11
G. Feedback and Comments	11
H. Recommendations	12

3. Social Worker	12
A. Child Related Training	12
B. Previous Experience	12
C. Understanding the CCLs	13
D. Institutional care (O. Home) given to CCLs	13
E. Counseling to CCLs	14
F. Remuneration	14
G. Individual Care Plan (ICP)	14
H. Interaction with the other staff members and other district boards	15
I. Involvement of the Social Worker in the Decision Making Process	15
J. POCSO Cases	16
K. Legal Aid	17
L. Other Important Aspects	17
M. Recommendations	18
4. District Probation Officer	19
5. Special Juvenile Protection Unit	21
6. Legal cum Probation Officer	22
7. DCPU Counsellors	24
8. In Depth Analysis	24
A. Infrastructure and JJB Setup	24
B. Interactions with other Individuals closely linked to the functioning of JJB	26
II. Experience of CCL in the JJ System	27
1. Children in Observation Homes	27
A. General Analysis	27
B. Education and Occupation	28
C. Behaviour of the Police	28
D. Female CCLs in the State of Telangana	29
E. CCLs Experience with the JJB	29

Chapter 4: Recommendations

33

1. Infrastructure of JJBs 33
2. Fill the vacant posts 34
3. Training programs for the JJB members and other functionaries 34
4. A more active role for the social workers 34
5. Improve Legal Aid Services 35
6. Establish a proper and effective SJPU 35
7. Improve the efficiency of various functionaries of JJB 36
8. Infrastructure of Observation Homes 36
9. Skill Development Training, counseling and education programs for the CCLs at the Observation Home 37
10. Counseling sessions for the victims 37
11. Awareness programs about the JJ Act and POCSO Act 37

Annexures

- Annexure 1: Interview Schedule for the Principal Magistrate of JJB 39
- Annexure 2: Interview Schedule for the Special Juvenile Police Unit 43
- Annexure 3: Interview Schedule for the DCPU Legal Cum Probation Officer 46
- Annexure 4: Interview Schedule for the Of DCPU Counselor 49
- Annexure 5: Interview Schedule for the District Probation Officer 52
- Annexure 6: Interview Schedule for the Social Worker of JJB 54
- Annexure 7: Interview schedule for the Child 58



List of Abbreviations

CCL	Child in Conflict with Law
CNCP	Children In Need of Care And Protection
CWC	Child Welfare Committee
CWPO	Child Welfare Police officer
DCPO	District Child Development Officer
DCPU	District Child Protection Unit
DCS	Division for Child Studies
DLSA	District Legal Service Authority
DPO	District Probation Officer
ICP	Individual Care Plan
ICPS	Integrated Child Protection Scheme
JJ Act	Juvenile Justice Act, 2015
JJB	Juvenile Justice Board
LPO	Legal cum Probation Officer
NGO	Non-Governmental Organization
O. Home	Observation Home
PA	Preliminary Assessment
PM	Principal Magistrate
POCSO	Protection of Children from Sexual Offences Act, 2012
SBR	Social Background Report
SIR	Social Investigation Report
SJPU	Special Juvenile Police Unit
UNICEF	United Nations Children’s Fund
WD&CW	Women Development & Child Welfare

Executive Summary

The term 'children in conflict with the law' refers any person below the age of 18 who has come in contact with the justice system as a result of committing a crime or being suspected of committing a crime. Often prejudice, stereotyping and discrimination brings children into conflict with law without a crime being committed. Access to justice is at the core of guaranteeing children's rights, but legal systems often make it difficult or impossible for children to obtain redress for rights violations.

India has a long history of providing separate treatment for juvenile in conflict with law. First national law passed as Juvenile Justice Act 1986 acted as uniform law throughout the country. The Juvenile Justice (Care and Protection of Children) Act 2000 was passed in December, 2000 and was amended in 2006 aiming to protect, care, rehabilitate and educate the juvenile and to provide them with vocational training opportunities. Further, increasing cases of crimes committed by children in the age group of 16-18 years in recent years makes it evident that the system and provisions in The Juvenile Justice Amended Act, 2006 is not enough to tackle child offenders from the particular age group. Hence the latest law The Juvenile Justice ((Care and Protection of Children) Act passed on 2015.

The main purpose of this study is to understand the ground realities of Juvenile Justice Board (JJB) functioning in terms of dealing with Children in Conflict with Law. The study focuses on identifying the challenges in the functioning of JJB and its support system (including DPO, SJPU and DCPU) to understand the bottleneck in enforcement of the Act. The study also presents the perception of Children in conflict with law on rehabilitation practices and needs, functionaries' opinions, understanding of the system and suggestions for further improvement.

The study highlighted that the Magistrates and the social workers were attending the Board regularly but most of the Magistrates of JJBs preside over the JJB as an additional responsibility along with their regular Court duties. Majority of the Principal Magistrates did not have prior experience with cases related to children whereas a good number of social workers

have undergone training after taking the charge as Social Worker in JJB. Most of the Magistrates shared that cases pertain to heinous crimes with POCSO and murder cases being the toughest cases that they come across but the numbers of such cases are less in number. The Magistrate stated that they visit the residential facilities once a month. Half of the PMs stated that follow-up counselling sessions are undertaken, while the other half stated that counselling sessions are not conducted at all.

The social workers from all the JJBs have expressed their discontentment with the manner in which their role is confined to merely being present on the board without being given access to the relevant SIRs and case files in most cases. Except one observation home in Karimnagar, all others lack proper training, skill and education system for the CCLs. They fall short of these basic requirements which are essential for reintegration of CCLs into the society

The physical infrastructure of JJBs needs to be improved across the State. The sitting places for the JJB do not have enough space as per the requirement and are not at all 'child friendly' spaces. There is a lack of understanding and clarity on Preliminary Assessment among Magistrate and JJB members and the majority of them opined that there is a need to build capacity on the support structure (DCPU and DPO) in terms of preparation of Social Investigation Report and Individual Care Plan. One of the major observations from the study is that SJPU is not operational in any of the study districts and there are instances where children (CCL) have shared their experience of police brutality during apprehension. It was found that legal aid support is not being provided to the children (CCL) because adequate and timely remuneration is not provided to the legal aid lawyers and this inhibits the interest of such lawyers.



Introduction

Children are considered to be the supreme assets of our country.¹ They are not only conceptualized as the future of our nation, but also as the safe keepers of entire humanity.² In such a scenario, it is safe to assume that proper upbringing of the children is one of the most important tasks at hand. They need to be groomed in such a manner that they grow-up to become responsible citizens and steer the nation towards greater heights.

Though the incidence of crime/illegal activities varies across different sections of the society, individuals, irrespective of caste, color, creed, class, race or sex can be identified as the perpetrators and even children are no exception to this reality. The Juvenile Justice (Care and Protection of Children) Act, 2015 primarily covers two categories of children: "Child in Need of Care and Protection" and, "Children in Conflict with Law". The law demarcates between these two categories of children and has mandated separate and independent mechanisms and procedures to address their issues.

In cases where the perpetrator of a crime/illegal activity is a child, the illegal activity falls under the ambit of Juvenile Justice and such children are termed as Children in Conflict with Law. In order to protect and safeguard the interests of the minors involved in such illegal activities, they are tried by the Juvenile Justice Board and not by the regular courts. The primary function of a Juvenile Justice Board is to look after the welfare of the Juvenile and to take into the consideration the factors, which have led him/her to indulge in such activities.³ Juvenile Justice Boards are responsible to deal with cases involving Juveniles who are in conflict with law.

However, while addressing the issue or problems faced by children in our country, a category of children that are almost always overlooked are the 'Children in Conflict with the Law'. Many believe that 'these children get what they deserve' and want to do little about the treatment meted out to them. It must be realized

¹ *National Policy for Children, 1974.*

² Henry M Wroblewski, *An introduction to law enforcement and criminal justice*, Thomson learning, USA, pp-540.

³ *Juvenile Justice and Juvenile Correction: Pride and Prudence*, M.S. Sabnis (Somaiya Publications Pvt. Ltd., Bombay & New Delhi-1996), pg. 81.

that a child, given his/her relative immaturity, does not quite often understand the consequences of his/her actions and is extremely susceptible to his/her surroundings. Even to such children we cannot allow deficit of hope and loss of dignity to destroy their childhood.

This study focuses only on 'Children in Conflict with Law' i.e. children who have allegedly committed offences or found to have committed any offence.

Context of the Study

India has a long history of providing separate treatment for juvenile in conflict with law. First national law passed as Juvenile Justice Act 1986 acted as uniform law throughout the country and for the first time the law mandated care, protection, treatment, development and rehabilitation of neglected and delinquent juveniles and for adjudication and disposition of juvenile delinquency matters throughout country. The Juvenile Justice (Care and Protection of Children) Act 2000 was again passed in passed in December, 2000 and came in force on April 1, 2001 and was amended in 2006 aiming to protect, care, rehabilitate and educate the juvenile and to provide them with vocational training opportunities.

The Juvenile Justice (Care and Protection of Children) Act was enacted in 2000 to provide for the protection of children. The Act was amended twice in 2006 and again in 2011 to address the gaps in its implementation and make the law more child-friendly. During the course of implementation of the Act, several issues arose such as increasing incidents of abuse of children in institutions, inadequate facilities, quality of care and rehabilitation measures in Homes, high pendency of cases, lack of clarity regarding roles etc. have been highlighted the need to review the existing law. Further, after the unfortunate incident in Delhi in 2012 brought the negative publicity and media attention on the age relaxation in the Act for Children in Conflict with Law. Therefore the re-enacted comprehensive legislation was introduced in the name of The Juvenile Justice (Care and Protection of Children) Act, 2015 to ensure proper care, protection, development, treatment and social re-integration of children in difficult circumstances by adopting a child-friendly approach keeping in view the best interest of the child in mind.

The term 'children in conflict with the law' refers any person below the age of 18 who has come in contact with the justice system as a result of committing a

crime or being suspected of committing a crime. Most children in conflict with the law have committed petty crimes such as vagrancy, truancy, begging or alcohol use. Some have committed more serious offenses. Some children are coerced into crime by adults who use them as they know they cannot be tried as adults. Often prejudice, stereotyping and discrimination brings children into conflict with law without a crime being committed.⁴

The primary purpose of this study is to understand the actual scenario of JJB functioning in terms of dealing with Children in Conflict with Law. The study intends to capture the challenges of overall functioning of JJB and its support system (including DPO and DCPU) to understand the bottleneck in enforcement of the Act. The study also highlights the magnitude, nature and trend of offences by the juveniles in Telangana State. One of the primary focuses of the study is also to understand the experience of the Children in Conflict with Law while interacting with the Juvenile Justice System. The study also presents rehabilitation practices and needs, functionaries' opinions, understanding of the system and suggestions for further improvement. The study comes out with the significant facts which could be guidelines for bringing further improvements in the juvenile justice system in the state.

Primary Objectives of the study

1. To understand the functioning of the Juvenile Justice Boards and the Juvenile Justice Systems thereof and whether they are in adherence to the Juvenile Justice Law.
2. To verify if the Preliminary Assessment is undertaken by the JJB and to examine the number of cases referred to the Children's court as prescribed by the Juvenile Justice Act.
3. To understand the experience of the CCLs during their journey from the time of apprehension till the disposal of the case.

Secondary Objectives of the study:

- 1.1 To understand whether the procedures and practices followed during the apprehension and trial are "child-friendly" and are not detrimental to the child and parents in interaction with law.
- 1.2 To examine the structure of JJB and the approach of the JJB members in relation to the child in interaction with law.

⁴ https://www.unicef.org/chinese/protection/files/Conflict_with_the_Law.pdf

Research Method

The study is a mixed method approach to the Juvenile Justice Boards and Juvenile Justice Systems in the state of Telangana. The study involves both qualitative and quantitative approaches. Firstly, under the quantitative approach, it analyzed the procedures and processes followed by the Juvenile Justice Boards.

Secondly, the qualitative approach was employed to gain an in-depth understanding of the CCLs, their background and their run in with the law. It aimed to identify the challenges faced by the children in conflict with law and to understand their experience with the Juvenile Justice System from the time they are apprehended till their case is disposed.

The qualitative and the quantitative aspects were brought to light using a questionnaire, herein the tool, which was be used to interview all the key role players.

The tool had been devised in a manner such that it not only identifies the current challenges confronted by the CCLs during their interaction with the system but also to explore possible future preventive measures to curb the commission of such crimes.

Location of the Study

For the purpose of this study, all ten districts of Telangana where JJBs were operational were selected, i.e. Hyderabad, Warangal, Rangareddy, Nizamabad, Nalgonda, Medak, Mahabubnagar, Khammam, Karimnagar, Adilabad. In each of these districts, the juvenile justice board is presided over either by a magistrate First Class or in case of Rangareddy a 2nd Metropolitan Magistrate and Chief Metropolitan Magistrate for Hyderabad. CCLs were interviewed at their respective observation homes with prior permission from the PM of the respective districts. The members of the Juvenile Justice Board were contacted at their respective districts.

Limitations

Out of the 10 districts where the JJB is operational, the study could not be conducted in Rangareddy and Medak due to the non-availability of the key role players coupled with time constraint for conducting the study. Hence, the study covers only eight of the ten JJBs in Telangana.

Data Sources

The study utilized a combination of primary and secondary data sources.

- **Primary Data:**

The Primary data was collected by conducting interviews of the Principal Magistrates, Social Workers from JJB, Legal cum Probation Officers, Probation Officers, Special Juvenile Police Unit, DCPU counselors and Children in Conflict with Law.

- **Secondary Data:**

The Secondary data consists mainly of two research reports, The Juvenile Justice System in States of Maharashtra and Rajasthan conducted by Tata Institute of Social Sciences and A Study of the Causal Factors Leading Juveniles to be in Conflict with the Law in Tamil Nadu by D. Murugesan.

Data Collection instruments

Following are the Primary methods of data collection:

- Key information interview using a semi-structured interview schedule with Principal Magistrate, Social Workers from JJB, Legal cum Probation Officer, District Probation Officers, DCPU Counselors and Special Juvenile Police Unit,
- Interviews of CCLs at the observation homes, using a semi-structured interview schedule.

Sampling

A combination of both convenience and purposive sampling techniques were employed to select the respondents with each sample varying as per the set objectives.

- **For Objective 1 and Objective 2**

Sample: Board members of 8 Juvenile Justice Boards along with other key role players linked to the JJB, such as the Legal cum Probation Officers, District Probation Officers, DCPU counselors, Special Juvenile Police Unit and Children in Conflict with Law.

- **For Objective 3**

Sample: CCLs from 6 different Observation Homes and the observation home staff.

Sample

Sl. No	Types of respondents	Total number of respondents.
1)	CCLs	19
2)	Principal Magistrate	8 (1 from each district)
3)	Social Worker	8 (1 from each district)
4)	District Probation Officer	6
5)	Legal cum Probation Officer	4 (one from each district where the post was not vacant)
6)	SJPU	3
7)	DCPUCounselor	1

Geographical Coverage

The study covered eight of the 10 districts where the JJBs are operational in the State of Telangana.

Findings of the study and Analysis

I. JUVENILE JUSTICE SYSTEM FOR CHILD IN CONFLICT WITH LAW

1. The Juvenile Justice Board (JJB)

The Juvenile Justice Board (JJB) is one of the most critical components of the juvenile justice system. The JJB, being the adjudicating body takes the final decision on each juvenile's "case", thereby determining the course of action to be taken in the juvenile's life, including rehabilitation and social reintegration. Given below are key findings pertaining to the perspective and practices from the JJB.

A. Composition and Sittings

All the Magistrates informed that the social workers were attending the Board regularly. The JJB in Hyderabad functioned six days every week. The Board at Warangal, Karimnagar and Nalgonda functions thrice a week while the Boards at Khammam, Nizamabad, Mahbubnagar and Adilabad function only once a week. The Magistrates at most of these JJBs preside over the JJB as an additional responsibility along with their regular Court duties.

2. Principal Magistrate

Out of the 8 districts that the team surveyed, all the PMs (8) were successfully interviewed. From those 8 interviews only one is a fulltime Magistrate at the JJB while the other 7 have additional posts, i.e. they are bestowed with the responsibility of presiding over regular Courts as well.

A. Child Related Training And Prior Experience

Among the PMs, none of them have had prior experience with cases related to children, with only one out of the eight receiving any kind of specialized training prior to the appointment. The respondents expressed conflicting views regarding the necessity of such training.

B. JJB Proceedings

Out of the eight JJBs, one of them functions six days a week, three of them function thrice a week, while the remaining four function only once a week. The pendency in half of the districts nears 200-300 cases (Karimnagar, Hyderabad, Nalgonda, Warangal), while the other half (Khammam, Mahbubnagar, Nizamabad and Adilabad) have a pendency of less than 100 cases.

A majority of the cases pertain to heinous crimes with POCSO and murder cases being the toughest cases that they come across. While five of the eight PMs stated that the general nature of the crimes committed by children aged between 16-18 years are mostly comprised of POCSO cases. When they were asked about the number of cases relating to POCSO in the JJB, the number did not exceed 10 in almost all districts, except for Nalgonda where it is as high as 75 cases and in Karimnagar where details about the number of such cases was not disclosed.

The PMs also disclosed that the parents do not often attend the JJB proceedings. As for orphans, in six out of the eight districts no one accompanies them, while care takers from the observation homes accompany them in the remaining two districts.

C. Understanding the CCLs

As per the observation of the Principal Magistrates, lack of education, poverty, lack of parental care and bad influences are the major factors for the commission of the crimes. A majority of the PMs agreed with the fact that these children need to be treated differently and they do try to give orders prescribing community service for the CCLs, with five out of the eight PMs having ordered community service before. Three PMs have not ordered for community service with one of them even questioning about who it is that has to supervise the CCLs when community service is ordered. *Section 18 (1) (c)* provides for ordering community service and it provides discretion to the JJB to identify who has to supervise the CCLs during community service. *Rule 11(5) of the Model Rules* also provides that the DCPU can be ordered by the JJB to arrange for such community service. The five PMs that have ordered for community service stated that the DPO is asked to

supervise and guide the CCLs. However, the services of the DCPU are not availed by any of the JJBs while ordering community service.

Even the CCLs aged between 5 to 10 years live an orphan life as their parents are unwilling to take them along with them.

– Nizamabad PM

They (juveniles) should be treated differently from adults as they do not understand the gravity of their actions. Instead of punishing them, we should try to reform them.

– Warangal PM

6 of the 8 PMs stated that they visit the residential facilities once a month. Half of the PMs stated that follow-up counselling sessions are undertaken, while the other half stated that counselling sessions are not conducted at all.

D. Preliminary Assessment

Section 15 of the JJ Act, 2015 prescribes conducting preliminary assessment of the CCLs if they are above 16 years and have committed a heinous offence. It is conducted in order to assess the mental and physical capacity of the CCL to commit such an offence and their ability to understand the consequences of the same.⁵ Only two Principal Magistrates have ordered for preliminary assessment to be conducted while one Principal Magistrate stated that the JJ Act was not clear about the procedures to be followed while conducting preliminary assessment and hence it could not be conducted. The remaining PMs have not ordered for Preliminary assessment to be conducted and they were not able to provide any reason for the same.

The PM of Mahbubnagar, who has conducted the most number of preliminary assessments (6), said that the psychologists do not volunteer to assist the JJB and that there is no provision which provides remuneration for their services. Moreover, out of the 3 cases that were transferred to the children's court, all of them were returned to the JJB citing the absence of statement by CCL, JJB observation report and psychologist report. She stated that the JJ Act is not clear about any of such requirements. Even when the psychologists assist the JJB in

⁵ S.15, JJ Act, 2015.

conducting preliminary assessment, there is no obligation on them to provide any report for the same, which makes it difficult for the JJB to acquire the reports from them. However, *Rule 10A of the Model rules* provides that psychologists *may* be made available by the DCPU but again, it is not made mandatory for the DCPU to do the same. The Act as well as the Model Rules are not specific about the procedures to be followed while conducting preliminary assessment and this acts as the primary inhibitor while ordering preliminary assessments.

E. Procedure in relation to children in conflict with law

A few questions were asked specifically only to the JJB members regarding certain terms and procedures within the Juvenile Justice Act. Regarding the Social Investigation Report, one PM did not know about it, one said that it is not submitted regularly, while two of them said that it is only submitted when they ask for it and the remaining four said that it is submitted regularly. Seven out of eight PMs did not know about the Individual Care Plan while one PM said that education and health are taken into consideration while preparing the Individual Care Plan.

Out of eight of the PMs, six said that steps are not taken to make procedures more conducive for the children. Only one PM interpreted child friendly approach to mean friendly approach and behavior. The other seven PMs suggested that child friendly procedures is limited to the structural environment of the JJB and that it required the JJB to be child friendly by not conducting the “Court” proceedings in a formal manner and by ensuring that uniforms are not worn by the Magistrates and the lawyers.

The JJB premises are not child friendly and that she has made a request to shift the premises.

– Hyderabad PM

“Providel egal education and conduct awareness programs in schools and collegeswith children between 5 to 18 years of age to make them aware of the drawbacks of indulging in crimes.

– Nizamabad PM

We give community service in most of the cases.

– Mahbubnagar PM

F. Interactions with other staff

All PMs stated that they regularly meet their Social Workers and say that they are present for all the sittings. Four out of eight say that legal aid is not provided properly. Two of them stated that legal aid is efficient, while the other two say that legal aid is provided when the CCL requires it and that they generally hire a private lawyer.

Legal aid is not made available to every child. Only one legal aid lawyer out of the five appointed by DLSA attend the court.

– Warangal PM

Whenever the CCLs ask for any legal support, legal aid is provided. However, in most of the cases the CCLs get private lawyers immediately after they are taken to the Police stations.

–Mahbubnagar PM

We only have one person who handles all the legal aid cases.

– Adilabad PM

According to half of the PMs, translators are readily available if the child doesn't understand the language. Three out of eight of the SJPU units are not functional, while the other five state that the SJPU is functional and that they bring the CCLs and inform the JJB about the nature of offence. Three PMs stated that they don't have a LPO, two PMs stated that the LPOs do not work, while the other three stated that the LPO provides legal aid to the CCLs whenever required.

Yes, he (LPO) is the only one who provides legal aid.

–Adilabad PM

G. Feedback and Comments

In POCSO cases involving victims below the age of 5 years, it is very difficult to get any real information about the offence that was committed. There should be some mechanism to handle this properly.

– Nizamabad PM

Juvenile Court is limited to taking evidence and can't really do anything constructive or reformative for the benefit of the CCL or the victims. Making it a regular court will increase the scope for achieving the objectives of the JJ Act.

– Mahbubnagar PM

JJB should be made regular and there should be proper infrastructure with sitting rooms, wash rooms etc.

– Karimnagar PM

Proper counselling should be given to the CCL, victims and their parents, especially in POCSO cases.

– Hyderabad PM

H. Recommendations

Most of the PMs are also in charge of Additional Courts and so believe that a regular Juvenile Justice Court should be established with regular staff to expedite the processes. Most of the PMs also believe that a psychiatrist should be appointed. Apart from a psychiatrist, a majority of the PMs also believe that the roles of the LPO, counsellor, translator, APP, legal aid officers are also crucial and hence these posts should be filled and the people should diligently perform their duties.

3. Social Worker

Out of the 8 districts that the team had surveyed, all the social workers (8) were successfully interviewed.

A. Child Related Training

Among the 8 social workers, 6 of them had undergone training. Social workers in Khammam and Nizamabad stated that they haven't undergone any training. The social worker from Mahbubnagar said that she had undergone training for 3 days back in 2010 and it was conducted every 6 months but the training process has not been happening now. All the social workers who had undergone training specifically emphasized that the training period was not sufficient and that specialized training is very important for the better understanding and treatment of the CCLs.

B. Previous Experience

All the social workers had previously worked with NGOs related to children.

C. Understanding the CCLs

As per the Social workers, lack of education, poverty, parental issues and lack of awareness are the major factors leading to the commission of offences by the CCLs. The social worker from Nalgonda mentioned that exposure to social media through mobile phones is also one of the major reasons as to why children are taking to committing crimes. They are falling prey to the negative influence that social media inherently has, in the absence of proper guidance. The social worker from Khammam believed that parents play a major role in CCLs behaviour; Parents not paying attention to their children's day to day activities or in situation where there is only one parent to look after the child, there are more chances of children committing offences. Most of the parents undergo financial problems and because of that, the parents migrate to other places in search of work and during that process they do not pay attention to their children's activities. Due to lack of parental care, some of the children associate with bad company and indulge in various illegal activities.

D. Institutional care (O. Home) given to CCLs

On the question that whether the child should be punished or not, all the social workers said that the CCLs should not be kept in observation homes for a long period as it depresses the child and is in fact counterproductive as the children find it even more difficult to reintegrate into the society and often resort to committing crimes after they leave the observation home so as to earn a living.

Staying in O. Home affects mental health of the CCLs.

– Mahbubnagar Social worker

The social workers were also very concerned with the manner in which the police treat the CCLs. They emphasized that the police should be very careful with the children and that they should not treat them like adult criminals. They also suggested sensitizing the police so that they refrain from assaulting the CCLs.

E. Counseling to CCLs

Counseling forms one of the most important aspects of the JJ Act, 2015 as it enables the JJB to achieve the objectives of the JJ Act, specifically in terms of rehabilitation, reformation and reintegration. Most of the workers stated that counselling is not provided to the CCLs at all. The Mahbubnagar counsellor stated that there isn't enough time to look into the matters of reintegration of the child especially because most of the counsellors are not available. The Social worker from Nalgonda takes special interest and ensures that he counsels all the CCL's. He voluntarily maintains a separate register of the CCL's and feeds in all the relevant data before and after the crime. He also counsels the parents of the CCLs.

F. Remuneration

As per *Rule 6(9) of the Model Rules*, the social worker should be paid Rs. 1500/- per sitting. All the social workers said that they are paid only Rs. 1000/- per sitting. They said they do get paid regularly but that they are not satisfied with it. One of the social worker insisted that they should be paid Rs. 5000 per month if there are only 4 sittings per month but if they are paid as is prescribed by the Model Rules, they are entitled to Rs. 6000/- per month if there are 4 sittings. An increase in remuneration will definitely act as an incentive for the social workers to provide best of their services and will in turn benefit the CCLs.

Such less remuneration also lays the foundation for unequal treatment by the other staff at JJB.

– Social worker Nizamabad

G. Individual Care Plan (ICP)

As per *Rule 11(3) of the Model Rules*, Individual Care plan has to be mandatorily prepared either by the Probation Officer, child welfare officer or a recognized voluntary organization. When asked about the same, 6 social workers were not aware about it while one of the social workers said that the police do it. Social worker from Khammam said that the ICP is overlooked by the PM. She said that their time is

consumed by hearings or in preparing the follow ups and that the time and efforts put into preparing the ICPs is also not considered during remuneration, which is why there is no incentive to work on it and thereby affecting the CCLs detrimentally.

It shows that none of the Social Workers are aware of what Individual Care Plan is and who exactly prepares it. It is also evident that it is not prepared by any of the persons who are responsible for the same.

H. Interaction with the other staff members and other district boards

The social workers from five of the districts stated that interaction with the PM is very rare and that they are not given equal respect. Where as the remaining 3 opined that the PM takes deep interest in their analysis of the CCLs situation as the social worker interacts with the child more often. They believe that their opinion is given equal importance by the PM while deciding any case.

The social worker from Nalgonda follows up with the social workers of other districts and discusses the problems which appear to be important and need to be immediately addressed. Social workers and other board members from other districts should take initiatives in interacting with other district board members as well as their own district board members. Lack of coordination inhibits a lot of constructive work which can be undertaken otherwise.

I. Involvement of the Social Worker in the Decision Making Process

Their involvement during decisions making with the PM varied across the districts. The PM generally takes suggestions from the social worker and then arrives at the decisions. The social worker from half of the districts stated that they confine themselves to observing the proceedings and nothing else. The impact they have on the decision is negligible in most of the cases. However, they actively take part in other activities like visiting the observation homes. Most of the social workers do visit the observations homes and talk to the children and comfort them.

Except one Social worker, all others stated that they are not given the SIRs prepared by the DPO and don't have proper access to case files as well. This practice limits the extent to which the Social Worker can contribute in the decision making process. They are not aware of the nitty-gritties of the cases, which forces them to provide only generic guidance in all the cases and deprives them of the opportunity to analyse each case on merits before providing any suggestions.

The Social workers presence on the board had been necessitated to ensure that the social aspects of the CCLs are taken into consideration and are analyzed by someone who has the ground level experience to provide the most constrictive suggestions so that the CCLs are benefitted, reformed and rehabilitated according to their individual circumstances and needs. With this practice of not letting the Social Workers access case files and SIRs, their role is made irrelevant in the decision making process which is the most crucial stage in determining the future of CCLs. The JJ Act, in this regard, thus becomes superfluous and the social workers presence on the Board doesn't benefit the CCLs. In order to address this situation, the Social workers should be given a more active role and must be allowed to access all the documents related to the CCLs which can assist them in understanding the cases, so as to ensure that their role is not limited to mere presence on the Board but is actually utilized for achieving the objectives envisioned by the JJ Act.

J. POCSO Cases

POCSO related cases are committed mostly between the ages of 16 to 18 years, according to the social workers. In these cases, it's very demanding to counsel the CCLs, keeping in mind the situation of the victims. Some of the social workers stated that in order to maintain a balance of interests between CCLs and the victims, they counsel the CCL as well as the victim and their family members. Social worker from Nalgonda stressed on the fact that social media along with bad company are the reasons behind CCLs deviant behaviour. All of them suggested that there should be a proper mechanism to handle the victims in these cases. They are traumatized due to the

offence committed and are subjected to social stigma. Lack of any institutionalized mechanism to rehabilitate and reintegrate them into the society leads to further deterioration of their mental health and thereby their everyday interactions with their own family and the society as a whole are detrimentally affected.

K. Legal Aid

The social workers were also concerned with the state of legal aid services made available to the CCLs. Most of the social workers said that legal aid is hardly provided. Again, adequate remuneration is not provided to the legal aid lawyers and this inhibits the interest of the lawyer. Some of the parents engage a private lawyer due to lack of legal aid lawyers or due to lack of awareness about their services. Most of the CCLs hail from economically deprived classes and hiring a private lawyer pushes them into the vicious circle of informal debts. The parents as well as the CCLs should be made aware of legal aid at the very first instance and legal aid services should be properly monitored in all the districts and should not be allowed to be dormant.

L. Other Important Aspects

The team had various questions for the social worker about the CCLs, observations homes and other staff members. Frequency of sitting of boards differs from place to place. The Social workers suggested that there should be a regular working board for the JJB so that they can work more on aspects of reformation and reintegration of CCLs. One sitting per week provides very less time to focus on these aspects because of which no proper counseling sessions are organised for the CCLs.

As per the information gained from the social workers, some boards allow the parents to sit during proceedings and at some places they are not allowed. According to the social workers, one of the reasons maybe that there isn't sufficient place for the parents or anyone to sit in the courtroom and the other reason is the choice of parents themselves. Cases where the child is an orphan, no one accompanies the child during proceedings.

M. Recommendations

1. Most of the social workers kept stressing on remunerations. Remunerations does play a key role as it keeps the interest of the worker and will yield better results if it is proportionate to the efforts they putting in.

More remuneration is needed as it will keep the interest of the workers too.

– Social Worker, Nizamabad

2. When the child is asked to provide any Aadhaar card, they do not have any or it is lost. This delays the process of getting bails. Such reliance on Aadhaar cards for the purpose of granting bails goes directly against the interest of the CCLs, especially when their socio-economic situation is considered.
3. A public prosecutor should be appointed specifically to handle JJ cases. They should be given adequate training in that regard. Since all the public prosecutors engage with adult cases as well as juvenile related cases, they behave in the same manner with the CCLs as they behave with adults. The transition that is demanded in their behaviour is quite significant but also impractical to achieve at a mental level.
4. Training should be given to all the board members.
5. Problems related to lack of infrastructure in the courts as well as observation homes should be addressed immediately.
6. A separate regular board for the JJB proceedings.

There should be district-wise JJBs so as to reduce the burden on everyone and to facilitate the entire process. It will further help in reducing the crime rate and will benefit the CCL.

– Social Worker, Karimnagar

7. Awareness camps for the children in every school should be made compulsory. Schools should conduct parent-teacher meeting so that the parents are aware about the child's behaviour on a regular basis.

Awareness programs have to be conducted and this should be done by NGOs and Bar association.

– Social Worker, Nalgonda

4. District Probation Officer

Out of the 8 districts that the team surveyed, six were successfully interviewed. From those six interviews, it was seen that only two of the DPOs (33%) answered affirming that a Master's degree is required for the job with an additional appointment from the public service. The other 4 (66%) did not answer the question. Only three of the DPOs were provided with training prior to the appointment, with 2 of them receiving it in the State of Tamil Nadu while the other one did not receive any training but was part of a workshop conducted by NALSAR University of Law, Hyderabad.

Upon inquiring about their primary task as a DPO, all of them unanimously agreed with the fact that conducting a Social Investigation Report (SIR) was their primary task. However, the requirement of a SIR has seen to differ from District to District. two of the DPOs stated that a SIR is only conducted when the PM asks for it, two stated that it starts when intimation is received, one stated that it starts when they receive information from the Station House Officer. While all the DPOs knew about the SIR, the team noticed a huge difference between the allocated time as seen in the JJ Act and reality. The length of time taken to submit the SIR depended from District to District, with it ranging from three days to three months! The reasons include unavailability of persons, the various meetings that need to be fixed, no transport provision, a rigorous background check including study, work behaviour, local behaviour, intelligence, association, socio-economic status, previous history, family and financial background, surrounding circumstances, etc. five out of the six of them agree with the fact that the SIR serves the purpose of assisting the Board for making the inquiry, while one did not make a comment upon this question.

There are no difficulties in contacting the other DPOs from other Districts. Regarding the Individual Care Plans, if there are any difficulties in follow-ups three out of six of the DPOs state that they don't have any problems regarding follow-up, while two report that the Observation Homes make the Individual Care Plan and they themselves follow-up and one DPO remained silent upon asking this question. From the interviews the team noticed that the DPOs generally were unaware of the Individual Care Plan.

All of the DPOs agree to the fact that there are quite a few repeat offender cases with poverty being one of the causes of such problem. The approach vis-à-vis such offenders, was to visit them more in an empathetic manner and try to educate them. Only one DPO answered that academic performance and earnings are seen as factors for successful reintegration into society. One said that there is no such pattern seen while the remaining four remained silent upon asking this question. This made the team question the follow-up procedures and the role of the DPO in the follow-up process.

Three out of six of the DPOs stated that the child is brought to the Court with the police, while one stated that the JJB and District Legal Service were supposed to provide for transport. Four out of six of the DPOs agree with the fact that SJPU are cooperative and inform them about the apprehension immediately, while only one disagrees with this and one remained silent.

The suggestions and feedback for the improvement of the JJB include improvement in facilities and proper training to the DPOs, a permanent building, an increase in the number of staff and increase in awareness.

Facilities, such as video conference like the one they have in the Hyderabad Observation Home to remove the communication difficulties between homes and offices, is required as it will be easier to conduct meetings.

– Mahbubnagar DPO

Concentrate on Prevention of crime, Awareness Camps by DLSA, Rehabilitation, Strengthen Reintegration Mechanisms.

– Nizamabad DPO

Awareness is very necessary among the kids. Use media to advertise about the JJ Act provisions. Use posters, electronic media to spread awareness.

– Adilabad DPO

A JJB and Observation Home should be there in every district. A regular PM should be appointed in each JJB. There should be a provision in the Act to provide vocational training.

– Nizamabad DPO

5. Special Juvenile Protection Unit

Even though *Section 107 of the Juvenile Justice Act, 2015* provides that every district must have a SJPU and should include at least one child welfare police officer (not below the rank of Assistant Sub Inspector) from every police station in that district, the team found that most of the districts do not have any SJPUs in a functional state. In Hyderabad, Khammam and Mahbubnagar, the team was able to interview police personal who were performing some functions that are to be performed by the members of the SJPU, and they were generally of the rank of Constable and not Assistant Sub Inspector as prescribed by the JJ Act, 2015. In the remaining districts, the police personal who had brought the CCLs to the JJB did not know what SJPU was and this clearly shows the lack of awareness among the police about the existence of SJPU and about its functions.

None of the interviewed police personal had undergone any kind of formal training in handling the CCLs and some of them said that they were just given a brochure about how to dress, behave and handle the CCLs. In some districts (Warangal, Khammam, Adilabad) the police is made responsible for producing the CCLs before the JJB even when they are on bail while in districts like Hyderabad, the CCLs are brought to the JJB by the parents. In every district, the CCLs are kept in police custody till they are produced before the board which is a blatant violation of *S.10 of the Juvenile Justice Act, 2015*. Only in one of the district (Mahbubnagar), there is a semblance of SJPU as the Juvenile Court Liaison officer is very active in the JJB enquiries and proceedings. He not only helps in coordinating with the CCLs, parents, respective police officers and the JJB but also helps the DPO in supervising the CCLs who are given an Order of community service.

Even when the police awaits the report of the age determination test, which can take anywhere between one day to one week, the CCLs are kept in the police custody itself. The only Model rule that is followed compulsorily in every district is the wearing of civil clothes by the police who escort the CCL to the JJB. However, since there is no one who is clearly designated as a Child welfare police officer in any of the police stations, the CCLs are handled by the regular police in a

manner similar to that of apprehended adults. The SJPU is in dismal state in all the districts and there is a need to properly sensitize the police about SJPU and Juvenile Justice Act.

6. Legal cum Probation Officer

Out of the 8 districts that the team surveyed, four did not have a DCPU legal cum probation officer and the remaining 4 were successfully interviewed. One of the LPO had been appointed 2 months prior to the day when the interview was conducted. He was not aware of his own role in relation to the JJB and the CCLs and had attended the proceedings only twice. It further strengthens the suggestion that every individual appointed to assist the JJB should be given proper training prior or post appointment, so that they are well aware of their roles and do not detrimentally affect the interests of the CCLs.

Only two (50%) of the four LPOs attend the JJB proceedings every time there is a sitting. There is either minimal or no involvement of the LPOs in conducting the preparation of Social Investigation Reports even though the Act empowers them to prepare the SIRs. All the LPOs, who were interviewed, said that it is the duty of the DPO to prepare the SIR and not that of LPO/LPO. Such an understanding is reflective of their lack of awareness regarding their own role in the JJB proceedings or it can be deduced that the PM directs only the DPO to prepare the SIR and does not utilize the services of the LPO.

While one of the LPOs is not allowed to provide legal aid even though there is a dire requirement of the same in that particular JJB, the other two LPOs are regularly involved in providing legal aid to the CCLs whenever there is any requirement. Follow ups are generally not conducted by the LPOs except in POCSO cases wherein either the LPO or the DCPU social worker conducts the follow ups. None of them undertake any steps to help with the reintegration of the CCLs into the society. All the LPOs stated that there is an increase in the number of cases reported after the enactment of POCSO Act. However, to expedite the disposal of cases, the victims and CCLs in POCSO cases are consistently counseled so that both the sides arrive at a compromise by keeping in mind the time, economic and other like factors.

2 of the 4 LPOs are actively involved in conducting sensitization programs to spread awareness about the JJ Act and POCSO Act, while the other two do not undertake any such tasks. These sensitizations are mostly conducted in association with DLSA and the DCPU has separate funds for conducting sensitization programs and even then but they are underutilized. The LPOs unanimously agreed that sensitization is the need of the hour and that they should be conducted more often so that the children will not resort to committing such offence and are also aware of their rights as well as the procedures of JJB.

It was also brought to the team's notice that the SJPU does not inform them about the apprehension of the CCLs and this further inhibits their involvement in the preparation of the SIRs.

Suggestions:

1. It was suggested that the repeat offenders be made to stay in the observation home and be provided skill development classes so that they do not resort to committing offences once they are released.
2. There were also concerns raised over the difficulties faced by the lawyers in appearing before the JJB as they have to attend other courts as well. It was also suggested that the JJB be located within the court premises so as to make it easy for the lawyers to attend the JJB but this suggestion is in direct conflict with the objectives of the JJ Act.
3. They suggested that the JJB should have separate staff to avoid additional burden on JJB members and the staff.
4. The LPOs were also concerned about the unavailability of psychologists and psychiatrists which makes it impossible to conduct preliminary assessment.
5. They also opined that keeping all the CCLs at the same place is also problematic as it becomes a place where the CCLs are negatively influenced by the presence of other CCLs.

7. DCPU Counsellors

Counsellor is available in only 2 of the 8 districts and both of them were interviewed. One of them was appointed couple of days before the interview was taken and she was not given any training before being appointed. The other counselor stated that she provides counseling on a regular basis and that the counseling sessions are oriented in such a manner that the JJB process is expedited. The CCLs, victims and their parents are counseled in order to arrive at a compromise after making them aware of the consequences of the case.

The counselor posts in all the other 6 districts are vacant due to the division of districts. The existing counselors have been posted to the newly formed districts, thereby leaving the posts vacant in the districts where the JJBs are operational.

8. In Depth Analysis

A. Infrastructure and JJB Setup

In depth study of the functioning of JJB was conducted in two districts, Khammam and Hyderabad, both of which have contrasting infrastructure. While the JJB in Hyderabad is very spacious, the JJB in Khammam is very small as compared to the number of people sitting inside and waiting outside the JJB. Both the places do not have any sitting rooms because of which the victims, witnesses and CCLs can easily come in contact with each other, which can have undesired affects on respective cases of CCLs. The JJB premises in Khammam does not even have any arrangement so that the waiting CCLs and their parents can be seated. This is highly problematic, especially in districts like Khammam where most of the CCLs and their parents travel very long distances so as to attend the proceedings.

Also, a significant number of individuals, who are unrelated to the ongoing case, are present in the JJB room during the proceedings and their presence defeats the primary objective of JJB proceedings being child friendly.

In Hyderabad as well as Khammam, there is a significant distance between the PM and the CCLs during the proceedings, especially in Hyderabad where the PM and CCLs are on the opposite ends of a very long table. Such an

arrangement can't be conceptualized of being child friendly. In Khammam, the CCLs are made to stand like an accused in a regular court *sans* witness box and the JJB in Hyderabad fares better in this aspect as there is a constructive provision made to let the CCLs sit during the proceedings.

The JJB in Khammam has a small table with the PM sitting on one side and a separate seating arrangement made for the Social workers on the other side of the table. The JJB in Hyderabad has a long table with the PM sitting on one side and the Social worker sitting around the corner of the table. Such an arrangement in both the JJBs is reflective of the minimal interaction between the JJB members during the proceedings and it also exhibits the unequal treatment of the PM and the Social workers even though both of them occupy the same post of being a JJB member. In almost all the districts that were studied, the term '*JJB members*' is being used to refer to the social workers alone and not the PM. A hierarchy has been established within the JJB members as the social workers are treated as subordinates to the PM and not as equals. In both the districts, only one social worker attended the proceedings during the day of study and they were limited to the role of observers with no involvement in the proceedings whatsoever.

In Hyderabad, the DPO, LPO and DCPU Counselor do not attend the proceedings regularly whereas, in Khammam the DCPU counsellor, LPO and DCPU social worker regularly attend and observing the proceedings. The LPO and DCPU counselor play an important role in rehabilitation and reintegration of the CCLs in the society and this objective cannot be achieved if they are not aware of what is going on in the cases of the respective CCLs. Moreover, the DPO, who has a far more significant role of preparing SIRs and conducting follow-ups, did not attend the proceedings in both the districts.

The JJB members as well as the police personal who were escorting the CCLs adhered to the JJ Act requirement that they should be in civil clothes and not uniforms. This requirement is definitely a step towards facilitating the proceedings to be child friendly but it also requires these individuals to behave accordingly. In both the JJBs the involvement of the CCLs in the proceedings was very minimal. They generally did not have any parent/guardian along with them and are accompanied by police constables in civil uniform.

B. Interactions with other Individuals closely linked to the functioning of JJB

The Observation home staffs, DCPU social worker, DCPO, the DLSA secretary and legal aid members were interviewed so as to gain further insights into the functioning of the JJB. All of them acknowledged the dismal state of legal aid in the JJB and opined that the legal aid mechanism needs to be strengthened immediately if the objectives of the JJ Act are to be achieved. Most of the CCLs contact and hire private lawyers while they are in police station itself and this is due to lack of awareness about the legal aid lawyers or due to the prevalent belief that the legal aid lawyers are not reliable enough to handle the case efficiently.

There were concerns raised over false implication of children in many cases, including cases related to family disputes and POCSO. There are also serious concerns over '*targeted approach*' of the police who falsely implicate CCLs for one or the other offence which had been committed in the nearby area. Due to such treatment by the police, the CCLs are counseled to go and live at some other place for sometime so that they are not falsely implicated in cases.

Since it is difficult for the police to produce the CCLs at the district headquarters, they generally disclose wrong information about the age of the CCL so that they are treated as adults. In turn, it hinders reformation and rehabilitation procedures envisioned by the JJ Act. This can be addressed by providing requisite training to the police and by proper establishment and functioning of SJPU in all the districts. Legal literacy camps are essential not only for the children but for the police personal who will be handling these children.

It is pertinent to highlight the unique practice that the DCPU Social worker (Khammam) has adopted in relation to the JJB proceedings, as she facilitates coordination among all the key role players and bridges the gaps between their interactions. She notes the dates to which each case is posted and intimates the respective police stations about the upcoming cases in which they have to produce the respective CCLs or the witnesses. This ensures that the CCLs and witnesses are produced without any delays thereby helping the JJB expedite the entire process. It is one of the practices which are worth replicating in all other JJBs.

II. EXPERIENCE OF CCL IN THE JJ SYSTEM

1. Children in Observation Homes

A. General Analysis

A combined total of 19 children were interviewed at 6 different observation homes which host children from their respective districts except the Observation Home in Hyderabad wherein children from Mahbubnagar and Rangareddy districts are also admitted. Age of all the interviewed CCLs is in the range of 14 to 18 years. Following is the breakup of CCLs, who were interviewed, according to their age and numbers.

Observation Home	Age	Number of CCLs interviewed	Total CCLs interviewed in each O.Home
Hyderabad	Below 16 years	1	4
	Between 16 to 18 years	3	
Nalgonda	Below 16 years	0	1
	Between 16 to 18 years	1	
Warangal	Below 16 years	1	2
	Between 16 to 18 years	1	
Karimnagar	Below 16 years	1	6
	Between 16 to 18 years	5	
Adilabad	Below 16 years	1	4
	Between 16 to 18 years	3	
Khammam	Below 16 years	1	2
	Between 16 to 18 years	1	
Total	Below 16 years	5	19
	Between 16 to 18 years	14	

B. Education and Occupation

6 out of the 19 CCLs used to work before being sent to the Observation homes. While some of them were driving autos or working as a manual labourer for a living, others worked as a mechanic, snake catcher and carpenter.

4 of the 19 CCLs have never been to school, 2 have studied till 4th and 5th standard, while 2 others are pursuing their Bachelor's degree and the remaining ones have at least completed their 8th standard. Almost all of those who have completed their 8th standard, and are in either Karimnagar or Hyderabad observation home, will be appearing for 9th and 10th standard exams this academic year.

3 of the 4 CCLs who haven't been to school are working to earn a living. Evidently, those who don't attend school have started working at a very early age. Since all of them expressed interest in studying, it can be deduced that their financial circumstances have forced them to take up some or the other work.

C. Behaviour of the Police

All the 19 CCLs stated that they were apprehended by regular police and were not transferred to any SJPU member. All of them were handcuffed and were also put in police custody, thereby blatantly violating the Model rules, 2016. Only 4 of them were taken to either Observation home or the JJB within 1 day and the remaining CCLs, 15 of them, were kept in the custody for a minimum of 3 days to a maximum of 16 days. 13 of the 19 CCLs (approximately 70% of the interviewed CCLs) stated that they were hit by the police while they were in the custody. While the JJ Act envisions a child friendly procedure, the police who apprehend the CCLs are not only violating the child friendly provisions prescribed by the JJ Act and instead they are physically and mentally harming them.

In the words of a CCL from Karimnagar who was apprehended in a theft case (mobiles):

The police made me stay in the station for an entire week and hit me on the legs specifically.

Except in Khammam district, the police generally informed the parents of the CCLs immediately after apprehending them.

The CCLs also stated that there were no Child welfare police officers in the police stations and that they were treated like regular adult accused who are kept in the custody. No efforts were made to speak/treat them in a child friendly manner. All of them said that they were terrified of the police and even though they are taken to the JJB by police in civil clothes, the fact that they had hit them while in custody is sufficient to terrify them regardless of whether they were uniforms or not.

D. Female CCLs in the State of Telangana

From the interviews, it was also made clear that there are very few cases involving female CCLs, almost all of which are related to either theft or family disputes. This is further strengthened by the team's study of the Girls observation home in Nimboliadda (Hyderabad), which is the only observation home for all female CCLs in the entire state of Telangana, where it was found that since the beginning of the year 2017 till the visit in late September (9 months) only 12 girls were admitted into the observation home. While most of them got the bail within one week, girls belonging to poorer sections of the society took nearly 15 days to get the bail due to financial constraints.

The respondents stated that the female CCLs are given bail immediately in most of the cases, except if it is a heinous offence or if there is a prima facie threat to the CCLs life. This practice is in accordance with the provisions of Model Rules, 2016 but it is worth noting that a similar practice is not followed for male CCLs as almost all of them are sent to the observation homes even in petty cases.

E. CCLs Experience with the JJB

I. Offences

Sl.No	Offence	Number of cases
1	Theft	13
2	Sexual harassment	1
3	Rape	3
4	Murder	2

Section 3 (Xii) of the JJ Act, 2015 prescribes *institutionalization as a measure of last resort* which means that the CCLs should not be sent to observation homes/special homes unless they have committed heinous offences or granting them bail will be against their own interest. However, most of the CCLs (who were interviewed) have been sent to observation home in theft cases. It brings forth the tendency of the JJB to avoid granting bail as the first option and are instead sending the CCLs to the observation homes. There is a clear conflict in what the JJ Act prescribes and the practice adopted by the JJB.

II. Legal Aid

Out of the 19 CCLs, 4 are availing the services of legal aid lawyers, 8 have hired private lawyers and the remaining 7 do not have any legal representative. Almost all the CCLs who have hired private lawyers were not made aware of free legal aid services available to them or legal aid service isn't available in their districts. The CCLs said that they rarely interact with their counsels.

All the CCLs who had appeared before the JJB at least once said that the JJB members and staff were polite and that the procedures were child friendly though they were not able to explain why they found the procedures to be child friendly.

Further, the CCLs believed that they did not face any discrimination on any grounds during the proceedings. They also said that CCLs who have committed serious offences find it more difficult to get the bail. All the CCLs said that they did not require the services of any translator. Also, they said that they are not aware of the existence of SJPU and that they did not conduct any sensitization programs.

III. Observation Home

The CCLs said that all the basic amenities were made available to them. Food is provided three times every day and all the CCLs were satisfied with the quality and quantity of food made provided to them. Superintendent of one of the NGO run observation home said that the government provides a sum of 2000 rupees per CCL in the observation home and opined that it is not sufficient to provide nutritious food.

The Observation Home (NGO run) in Khammam does not provide clothing. Except for the Observation Homes in Karimnagar (NGO run) and Hyderabad (Government run) no other Observation home has mattresses and blankets. All the observation homes have ready access to medical facilities.

Except in Karimnagar and Adilabad Observation Homes, both of which are NGO run, counseling is not provided consistently at the other 4 observation homes. The Observation home in Karimnagar has an intensive counseling plan through which group counseling is provided every day and individual counseling is provided on alternate days. This practice is worth implementing in other observation homes as it goes a long way in reforming the CCLs and will also ensure that they do not become habitual offenders.

Observation homes in Khammam, Adilabad and Warangal do not have any kind of education/training programs. The observation homes in the remaining 3 districts conduct classes regularly and encourage the CCLs to appear for 10th standard examinations in open schooling category. The observation home in Karimnagar additionally conducts moral value classes and also provides skill development training in flower making, tailoring etc. The superintendent of the observation home (Karimnagar) said that this training is specifically provided to facilitate the reintegration of the CCLs into the society. The CCLs also said that these training programs are very beneficial to them and that they get to learn a lot.

6 CCLs said that their parents/guardians never visited them while the parents of other CCLs visited the CCLs at least once at the observation home or the JJBs and they are given 10 minutes to half an hour to interact with them. However, once in a while the CCLs are allowed to interact with their parents over phone. When asked about the challenges they faced, the CCLs said that getting bail is difficult even though they are apprehended for petty offence and a couple of them said that they are unable to furnish surety/Aadhaar card because of which they are not given the bail. The Model rules, 2016 provides that if the CCLs are unable to furnish the prescribed sureties within a week then the JJB should revise the requirement so that the CCL can get the bail but this is not being implemented.

11 CCLs have been in the Observation home for more than 2 months, with one CCL clocking more than one and half year. Their stay in the observation home varies either according to the offence they have committed or according to their ability to furnish sureties.

On an overall analysis, the Karimnagar observation home appeared to be the only well managed one as it provides separate rooms based on the nature of offence and age of the CCLs while all other observation homes keep all the CCLs together in one single room. As already mentioned elsewhere, it also has a proper education and training program along with intensive counseling sessions which help in reformation and reintegration of the CCLs in the society. These practices are worth replicating in all other observation homes so as to ensure that the objectives of the JJ Act are achieved.



Recommendations

Based on the analysis of the JJ system through the findings of this study, this Chapter puts forth recommendations and suggestions so as to achieve the objectives envisioned by the JJ Act and bridge the gap between what the Act prescribes and what is practiced in reality.

1. Infrastructure of JJBs

- i. As specified earlier, the JJBs lack the basic infrastructure. Every JJB should have sitting rooms for the CCLs, victims and the witnesses so as to ensure that they do not come into contact in a manner that hinders the regular course of justice.
- ii. The social workers and the Principal Magistrate should be made to sit beside each other on similar chairs and on same side of the table during the proceedings. This will ensure that the social workers are not treated unequally, at least in terms of the JJB setup, which can then lead to an enhanced interaction among the JJB members.
- iii. The premises of the JJBs should be made spacious enough so that the members, staff, CCLs and their parents can be accommodated. Moreover, individuals who are not related to the case should not be allowed to observe the proceedings. This will aid in making the JJB setup child friendly and will also ensure that the confidential information about the CCLs is not leaked anywhere.
- iv. The CCLs should be made to sit at a reasonable distance from the JJB members so that face to face interaction can be effective. They should not be made to stand during the proceedings.
- v. A JJB should be present in every district. In addition to this, the model structure envisioned by the JJ Act should be followed which would include an Observation Home, the office of the DPO and CWC wing being present in the same premises as the JJB.

2. Fill the vacant posts

- i. The posts of the DCPU LPO, DCPU counsellor, APP and legal aid officers should be filled wherever they are vacant. Every functionary has a significant role to play in the JJ system and their absence leads to delay in disposing the cases and defeats the objectives of the JJ Act.

3. Training programs for the JJB members and other functionaries

- i. All the members of JJB should be made to undergo proper training in how to handle the CCLs. None of the CCLs had any prior experience related to children and providing training will equip them to handle the CCLs. These training programs should be conducted immediately prior to or post appointment and should be provided for a period of at least 1 week.
- ii. All police personal should be sensitized about the JJ Act and should be made to understand how to treat children. They have been invariably handcuffing the CCLs, keeping them in custody for days and weeks together and hitting them. All of these not only violates the provisions of the JJ Act but also amount to gross violation of human rights and anyone found to be indulging in such practices should be reprimanded and appropriate punishment should be given.

4. A more active role for the social workers

- i. The social workers should be allowed to access the SIRs and case files of the CCLs in a similar manner as that of PM.
- ii. Social workers in metropolitan cities as well as in other districts are being paid equally. However, the remuneration of social workers in metropolitan areas should be proportionally increased.
- iii. All social workers should be remunerated for visiting residential facilities. As of now, they are only paid according to the number of sittings.

5. Improve Legal Aid Services

- i. Legal aid lawyers should be appointed in all the districts for all the JJBs. Some of these posts are left vacant and most of the legal aid lawyers do not attend the proceedings. Hence, the performance of every legal aid lawyer should be evaluated at regular intervals and new members should be appointed if they are found to be inefficient and irregular.
- ii. Remuneration of legal aid lawyers should also be made competitive enough to ensure that it incentivizes and attracts the best minds among the lawyers so that the CCLs can avail quality legal counsel.
- iii. Every CCL should be made aware about the legal aid services and no CCL should be left to defend their case without a lawyer.
- iv. The services of DCPU LPO should also be availed for providing legal aid to the CCLs.

6. Establish a proper and effective SJPU

- i. SJPU is not operational in any of the districts and only a semblance of it is in existence.
- ii. As the Act itself provides, every police station must have a Child Welfare Police officer, not below the rank of Assistant Sub Inspector and they must be made responsible for engaging with the CCLs.⁶
- iii. The police personal should be made aware of SJPU as none of them understood what it even meant.
- iv. Social workers should also be appointed under SJPU, as the JJ Act prescribes, and they should be given an active role in handling the CCLs.⁷

⁶ S. 107, JJ Act, 2015

⁷ S. 107, JJ Act, 2015

7. Improve the efficiency of various functionaries of JJB

- i. There is minimal or no communication between different functionaries of the Juvenile Justice System. The Board members as well as the DPO, DCPU LPO, DCPU Counsellor and the SJPU members must be made to consult each other at regular intervals. All of them should be made to attend mandatory meetings at least once every month so that they can coordinate with each other about the ongoing cases and formulate a plan for the betterment of the CCL.
- ii. The SIRs and ICPs must be prepared in every case without fail. These reports play a vital role in determining the nature of order that it to be issued by the JJB considering the circumstances of each CCL. Absence of SIR and ICP leads to non-improvised orders given every case without any regard to the requirements of the case.
- iii. A training program must be organized for all the JJB members so that they are made aware of the procedures to be followed while ordering preliminary assessment and while ordering community service/group counseling.

8. Infrastructure of Observation Homes

- i. Every Observation Home should be made to provide mattresses, blankets and clothes to all the CCLs.
- ii. They should have separate rooms for CCLs based on their age and nature of offence. The O. Home should not be made into a breeding room for negative influence on the children.
- iii. Every O. Home should have open space where the CCLs can come out and do some physical activities. Keeping the CCLs in locked rooms for days together affects their mental health which defeats the aspects of reformation and reintegration.

9. Skill Development Training, counseling and education programs for the CCLs at the Observation Home

- i. Reintegration of the CCLs into the society is one of the most important objectives envisaged by the JJ Act. Developing and implementing proper Skill Development Training and education programs for the CCLs at the observation home should be made mandatory and should be supervised by the social worker of the JJB. Such programs will open new avenues for the CCLs and would be instrumental in reducing the number of habitual offenders. As mentioned elsewhere, poverty is one of the major factors which pushes the children to commit offences and these programs will equip the CCLs to find jobs for their sustenance.
- ii. Counselling sessions should be conducted frequently for all the CCLs, both in a group as well as individually. This is being followed only in Karimnagar O. Home and the CCLs believe that it is very beneficial to them and that it helps them amend their perspectives of good and bad.

10. Counseling sessions for the victims

- i. Counselling sessions should be mandatorily conducted for victims of POCSO cases and their parents. Their rehabilitation and reintegration should also be given importance by the JJB.

11. Awareness programs about the JJ Act and POCSO Act

- i. Awareness camps about the JJ Act and POCSO Act should be undertaken by the DLSA and the DCPU in schools and other community areas.
- ii. The children must be made aware of the negative consequences of committing offences.
- iii. The DCPU should collaborate with schools and conduct parent-teacher meetings, to make the parents aware of the child's behavior on a regular basis.

Annexure 1
Interview Schedule for the Principal Magistrate of JJB
Study of Juvenile Justice Boards in Telangana

Respondent: Principal Magistrate

District:	
Name of the Respondent:	
Questionnaire Id:	
Date of Interview:	

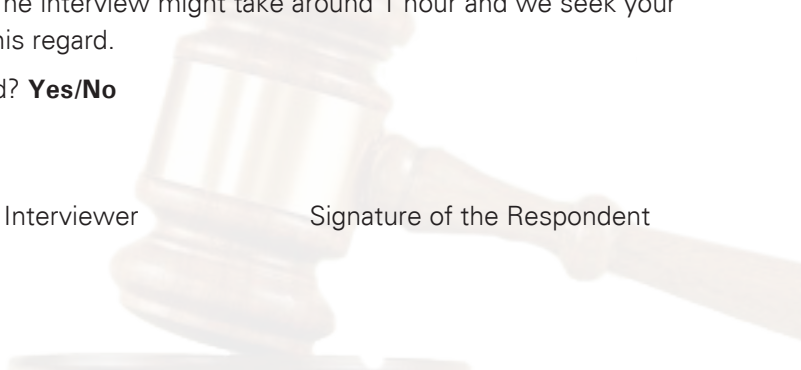
Declaration

Namaste. My name is _____, a student of NALSAR University of law and am working with CESS which is an autonomous research institute supported by both State and Central Governments. CESS does many surveys on various social issues like health, nutrition, education, poverty, water and sanitation etc. At present, we are conducting a study with the support of UNICEF and the State Government to assess the functioning of Juvenile Justice Boards in Telangana. We would like to interview you in this regard to know the status of Juvenile Justice Board in your district. There is no right or wrong answer for these questions. We only seek your responses and opinion regarding some of the issues which will be helpful for the effective implementation of the Juvenile Justice Act. We assure you, that your personal details as well as the information given by you will be kept confidential and the data will be used for research purposes only. The interview might take around 1 hour and we seek your cooperation in this regard.

May we proceed? **Yes/No**

Signature of the Interviewer

Signature of the Respondent



Sl. No	Questionnaire (Principal Magistrate)
1	Name:
2	Designation:
3	How long have you been working as a magistrate?
4	How long have you been working as a PM for the Juvenile Justice Board?
5	How many cases do you handle per day?
6	What kind of crimes do you come across most of the time? a. Petty b. Serious c. Heinous
7	What is the established procedure for the appointment of a PM?
8	Could you tell us more about how you were appointed as a PM?
9	Prior to being appointed to the JJB, have you had any prior experience with cases related to children?
10	Did you undergo any specialized training prior to your appointment to the Juvenile Justice Board? If yes, for how long?
11	Did you undergo any specialized training after your appointment to the Juvenile Justice Board?
12	What is your opinion on how children should be or should not be punished or should there be a special/alternate form of punishment? Does it differ from adults?
13	What are the different kinds of cases that you have come across? What are the hardest/toughest cases that you have had to face? (children who have given up, repeat offenders, etc.)
14	What do you consider to be contributing factors for the commission of the crimes by the Juveniles?
15	If a child turns eighteen after the initiation of the inquiry, do you continue with the inquiry? (or do you transfer it to some other court)

Sl. No	Questionnaire (Principal Magistrate)
16	Is the parent/guardian allowed to accompany the child in every step of the process? In what circumstances are the parents not allowed to do so?
17	In cases involving orphans, who accompanies the child during the entire process?
18	What is the frequency of the sittings of the Board?
19	How severe is the status of pendency and are there any additional boards constituted to dispose the pending cases?
20	Where are the children kept during pendency of inquiry?
21	When the Social Investigation Report is generally submitted?
22	What are the components of an Individual care plan and what are the factors which are taken into consideration while devising the plan? (Section 19 (2))
23	How often do you meet/interact the Social Workers? Are they present for all the sittings?
24	What are the follow up to ensure the former juvenile criminal has not taken up criminal activities? (How are they taken off the streets? (Alternate programs like American YMCA, Youth centres)
25	Is legal aid made available to the children in every case? Are there any constraints/practical issues that you confront while providing legal aid?
26	Are translators readily available if the child doesn't understand the language of the proceedings?
27	How long does it generally take to dispose cases concerning petty offences?
28	Were there any instances when you passed an order directing the child in conflict with law to participate in group counselling or to perform community service? (Elaborate)
29	How often do you visit the residential facilities and what is your opinion about the facilities that are being provided to the Juveniles there? (Section 8 (j))

Sl. No	Questionnaire (Principal Magistrate)
30	What is the number of POCSO related cases that have been recorded in this JJB?
31	In how many cases have you ordered for the Preliminary Assessment to be conducted?
32	How long does it generally take to carry out the Preliminary Assessment?
33	How many of such cases did you retain and how many did you transfer to the Children's court?
34	Were there any instances in which the cases that you had transferred to the other courts had been resent to JJB?
35	What is the role of the Probation Officer in POCSO cases?
36	What is the general nature of crimes committed by those who are aged between 16 and 18 years? Do you observe any difference in their behaviour as opposed to those aged under 16 years?
37	Given that the Juvenile Justice Act is meant to be child friendly, how do you balance the interests of a victim of an offence under the POCSO Act when the offender is a Juvenile?
38	What steps have you undertaken to ensure that the procedures are conducive for the children in conflict with law?
39	Did the SJPU intimate the nature of the offence alleged to be committed by the child along with the socio-economic background of the JCL? (Rule 10(1))
40	Does the DCPU Legal cum Probation Officer provide any support in legal matters or related to the Juvenile Justice Act?
41	What are the challenges that you confront as a member of the Juvenile Justice Board?
42	Could you provide us some Feedback on JJB and suggest some improvements, if any?

Annexure 2

Interview Schedule for the Special Juvenile Police Unit

Study of Juvenile Justice Boards in Telangana

Respondent: Special Juvenile Police Unit

District:	
Name of the Respondent:	
Questionnaire Id:	
Date of Interview:	

Declaration

Namaste. My name is _____, a student of NALSAR University of law and am working with CESS which is an autonomous research institute supported by both State and Central Governments. CESS does many surveys on various social issues like health, nutrition, education, poverty, water and sanitation etc. At present, we are conducting a study with the support of UNICEF and the State Government to assess the functioning of Juvenile Justice Boards in Telangana. We would like to interview you in this regard to know the status of Juvenile Justice Board in your district. There is no right or wrong answer for these questions. We only seek your responses and opinion regarding some of the issues which will be helpful for the effective implementation of the Juvenile Justice Act. We assure you, that your personal details as well as the information given by you will be kept confidential and the data will be used for research purposes only. The interview might take around 1 hour and we seek your cooperation in this regard.

May we proceed? **Yes/No**

Signature of the Interviewer

Signature of the Respondent

Sl. No	Questionnaire (SJPU)
1.	Who is the head of the SJPU and how many officers are presently with the SJPU?
2.	How many arrests take place in a month?
3.	How long does it generally take for the police to hand over the juvenile to the SJPU?
4.	How helpful and accommodating are the police in identifying the juveniles in conflict with law?
5.	What do you think are the most compelling reasons for not granting bail to the Juveniles? How often is bail granted to the juvenile offenders? Section 12(1)
6.	What are the difficulties that a juvenile might encounter in fulfilling the bail conditions?
7.	How helpful are the social workers in the working field of the child is welfare?
8.	Have you come across any instances where the child in conflict with law had been mistreated while under process? If yes, what do you think can be done to curb such practices?
9.	What are the parameters that you consider while deciding whether a child victim requires care and protection? POCSO-19(5)
10	What are the steps that are undertaken by the SJPU to ensure that the children in need of care and protection are taken care of properly?
11.	How are POCSO cases handled? Is there any different procedure that is followed in such cases?
12.	How is a juvenile who is apprehended for an offence under POCSO Act treated by the SJPU? Are they provided with any kind of special protection?
13.	How often do the hospital authorities report cases involving juveniles? In your opinion, how willing are they in disclosing such information?

14.	What is the general nature of crimes committed by those who are aged between 16 and 18 years? Do you observe any difference in their behaviour as opposed to those aged under 16 years?
15.	Is a copy of the order declaring the age of the child forwarded to you? (Rule 11(6)) Were you provided with special training, especially at induction as child welfare police officer? (S.107(3))
16.	The proposed age reduction from 18 to 16, What kind of impact can the proposed reduction have on the crime rate?
17.	What is your Feedback on JJB and suggest some improvements, if any?



Annexure 3
Interview Schedule for the DCPU
Legal Cum Probation Officer

Study of Juvenile Justice Boards in Telangana

Respondent: DCPU Legal cum Probation Officer

District:	
Name of the Respondent:	
Questionnaire Id:	
Date of Interview:	

Declaration

Namaste. My name is _____, a student of NALSAR University of law and am working with CESS which is an autonomous research institute supported by both State and Central Governments. CESS does many surveys on various social issues like health, nutrition, education, poverty, water and sanitation etc. At present, we are conducting a study with the support of UNICEF and the State Government to assess the functioning of Juvenile Justice Boards in Telangana. We would like to interview you in this regard to know the status of Juvenile Justice Board in your district. There is no right or wrong answer for these questions. We only seek your responses and opinion regarding some of the issues which will be helpful for the effective implementation of the Juvenile Justice Act. We assure you, that your personal details as well as the information given by you will be kept confidential and the data will be used for research purposes only. The interview might take around 1 hour and we seek your cooperation in this regard.

May we proceed? **Yes/No**

Signature of the Interviewer

Signature of the Respondent

Sl. No	Questionnaire (DCPU legal cum probation officer)
1.	What is your name?
2.	Do you know how many Legal cum Probation Officers are employed by the DCPU?
3.	How many times a week do you visit the JJB?
4.	What are the criteria for preparing a social investigation report? How detailed/much time does it take to prepare such a report? Is it helpful to the JJB?
5.	Have the social investigation reports been helpful in the cases being decided?
6.	How do you support the JJB in conducting inquiries?
7.	What are your interactions with the Juveniles? What kind of support do you provide to the JJB/Juvenile? (free legal aid, pre-enquiry of the first time offenders, follow-up of JCLs, etc.)
8.	Do you have any role in the maintenance of case files or other registers? If so then which all files/registers do you maintain?
9.	Do you follow up on the juveniles that have been released or are under supervision? If so, then how regular are you on such follow ups?
10.	What are the criteria for creating an individual care plan? How effective have these plans been in the rehabilitation of the juveniles? Some examples of your successes and failures.
11.	Do you facilitate the juveniles and help in their reintegration into society? If so then what methods do you use? Are there any success stories that you wouldn't mind mentioning to us?
12.	How has the POCSO Act affected the type of cases that you get? How often do cases relating to this Act get registered? Could you describe some success/fail experiences in this area?
13.	How efficient are the medical examinations that are to be conducted?(Do full legitimate medical examinations take place, as per law?)

14.	Do you know what happens to the children who take medical exams post the 24 hour time period? Is there any difference in the judgements or any biasedness shown in such cases?
15.	Have you organized any sensitization programs related to POCSO? do you think such a method of sensitization would be effective?
16.	Has the SJPU informed you regarding the organizations or institutions housing children which are not registered under the Act. (Rule 118 (25))
17.	Did the SJPU inform you about the apprehension to enable you to obtain information regarding social background of the child and other material circumstances likely to be of assistance to the Board for conducting the inquiry (Rule 10(3(ii)))
18.	What is your Feedback on JJB and suggest some improvements, if any.



Annexure 4
Interview Schedule For The of DCPU Counselor
Study of Juvenile Justice Boards In Telangana

Respondent: DCPU Counselor

District:	
Name of the Respondent:	
Questionnaire Id:	
Date of Interview:	

Declaration

Namaste. My name is _____, a student of NALSAR University of law and am working with CESS which is an autonomous research institute supported by both State and Central Governments. CESS does many surveys on various social issues like health, nutrition, education, poverty, water and sanitation etc. At present, we are conducting a study with the support of UNICEF and the State Government to assess the functioning of Juvenile Justice Boards in Telangana. We would like to interview you in this regard to know the status of Juvenile Justice Board in your district. There is no right or wrong answer for these questions. We only seek your responses and opinion regarding some of the issues which will be helpful for the effective implementation of the Juvenile Justice Act. We assure you, that your personal details as well as the information given by you will be kept confidential and the data will be used for research purposes only. The interview might take around 1 hour and we seek your cooperation in this regard.

May we proceed? **Yes/No**

Signature of the Interviewer

Signature of the Respondent

Sl. No	Questionnaire (DCPU Counselor)
1	What is your role in reintegration of the child into the community?
2	What is your involvement in the decision-making process?
3	What kind of support do you provide to the JJB/Juvenile?
4	What are your interactions with the Juveniles?
5	Do you think the members of the JJB need special training in children psychology? Or in any area related thereto, if so then which areas?
6	Opinion on how children should be or should not be punished or should there be a special/alternate form of punishment? Does it differ from adults
7	What are the different kinds of cases that you have come across? What are the hardest/toughest cases that you have had to face? (children who have given up, repeat offenders, etc.)
8	Juveniles usually required services such as counselling and psychotherapy and life skill advices. Since different cases require different levels of interventions, could you describe the various types of problems that the juveniles come to you with and what happens to them subsequently?
9	We understand that the counsellor ends up getting a wide range of problems to deal with, with regards to the juveniles. What happens if the cases which cannot be handled by you? Could you share some of such cases?
10	How has the POCSO Act affected the type of cases that you get? How often do cases relating to this Act get registered? Could you describe some success/fail experiences in this area?
11	How efficient are the examinations that are to be conducted? Do full legitimate medical examinations take place?

12	Do you know what happens to the children who take medical exams post the 24 hour time period? Is there any difference in the judgements or any biasedness shown in such cases?
13	Have you organized any sensitization programs related to POCSO? The DCPU in Jharkhand and Nagaland have organized such sensitization programs, do you think such a method of sensitization would be effective?
14	What do you consider to be contributing factors for the commission of the crimes by the Juveniles?
15	What is your feedback on JJB and improvements, if any?



Annexure 5

Interview Schedule for the District Probation Officer

Study of Juvenile Justice Boards in Telangana

Respondent: District Probation Officer

District:	
Name of the Respondent:	
Questionnaire Id:	
Date of Interview:	

Declaration

Namaste. My name is _____, a student of NALSAR University of law and am working with CESS which is an autonomous research institute supported by both State and Central Governments. CESS does many surveys on various social issues like health, nutrition, education, poverty, water and sanitation etc. At present, we are conducting a study with the support of UNICEF and the State Government to assess the functioning of Juvenile Justice Boards in Telangana. We would like to interview you in this regard to know the status of Juvenile Justice Board in your district. There is no right or wrong answer for these questions. We only seek your responses and opinion regarding some of the issues which will be helpful for the effective implementation of the Juvenile Justice Act. We assure you, that your personal details as well as the information given by you will be kept confidential and the data will be used for research purposes only. The interview might take around 1 hour and we seek your cooperation in this regard.

May we proceed? **Yes/No**

Signature of the Interviewer

Signature of the Respondent

Sl. No	Questionnaire (District Probation Officer)
---------------	---

1.	What is your name?
2.	How many probation officers are there in your district?
3.	What are the qualifications do you hold to work with children in conflict with law? Was any job training provided before appointment as an officer?
4.	When do you begin your enquiry to prepare the social investigation report (SIR)?
5.	How long does a social investigation report take to submit?
6.	A social investigation report (SIR) serves the purpose of finding the antecedents and family background of the child and other material circumstances likely to be of assistance to the Board for making the inquiry. What are the qualifiers and key points you look into, to form a SIR?
7.	What are the factors you consider while forming the SIR
8.	After an individual care plan for a child is created, are there any difficulties in later follow-ups?
9.	How often do you see repeat offenders? How do you modify your approach vis-a-vis such offenders?
10.	How do you go about facilitating rehabilitation and social reintegration of children, do you have any particular programs that you use?
11.	In you visits, what indicators do you use to determine whether the child has been successfully reintegrating back into the society?
12.	Did the SJPU inform you about the apprehension to enable you to obtain information regarding social background of the child and other material circumstances likely to be of assistance to the Board for conducting the inquiry (Rule 10(3(ii)))
13	What is your Feedback on JJB and suggest some improvements, if any?

Annexure 6

Interview Schedule for the Social Worker of JJB

Study of Juvenile Justice Boards in Telangana

Respondent: Social worker

District:	
Name of the Respondent:	
Questionnaire Id:	
Date of Interview:	

Declaration

Namaste. My name is _____, a student of NALSAR University of law and am working with CESS which is an autonomous research institute supported by both State and Central Governments. CESS does many surveys on various social issues like health, nutrition, education, poverty, water and sanitation etc. At present, we are conducting a study with the support of UNICEF and the State Government to assess the functioning of Juvenile Justice Boards in Telangana. We would like to interview you in this regard to know the status of Juvenile Justice Board in your district. There is no right or wrong answer for these questions. We only seek your responses and opinion regarding some of the issues which will be helpful for the effective implementation of the Juvenile Justice Act. We assure you, that your personal details as well as the information given by you will be kept confidential and the data will be used for research purposes only. The interview might take around 1 hour and we seek your cooperation in this regard.

May we proceed? **Yes/No**

Signature of the Interviewer

Signature of the Respondent

Sl. No	Questionnaire (Social Workers)
1	Name: Designation: How long have you been working as a social worker in the JJB How long have you been working as a social worker for the Juvenile Justice Board?
2	How many cases do you handle per day?
3	What kind of crimes do you come across most of the time? a. Petty b. Serious c. Heinous
4	Did you undergo any specialized training prior to your appointment as a social worker for the Juvenile Justice Board? If yes, for how long?
5	Prior to being appointed to the JJB, have you had any prior experience with cases related to children?
6	What is your opinion on how children should be or should not be punished or should there be a special/alternate form of punishment? Does it differ from adults?
7	What are the different kinds of cases that you have come across? What are the hardest/toughest cases that you have had to face?
8	What is the frequency of the sittings of the Board?
9	How regular are the payments for per sitting?
10	At what stage in the process is your involvement? How many cases have you heard as a single member?
11	What do you consider to be contributing factors for the commission of the crimes by the Juveniles?
12	If a child turns eighteen after the initiation of the inquiry, do you continue with the inquiry? (When and how do you transfer it to some other court)

13	Is the parent/guardian allowed to accompany the child in every step of the process? In what circumstances are the parents not allowed to do so?
14	In cases involving orphans, who accompanies the child during the entire process?
15	What are the components of an Individual care plan and what are the factors which are taken into consideration while devising the plan?
16	How often do you interact with the Principal Magistrate how much are you able in influence the decision making process? Please elaborate on your coordination with the Principal Magistrate.
17	Is legal aid made available to the children in every case? Are there any constraints/practical issues that you confront while providing legal aid?
18	When the Social Investigation Report is generally submitted?
19	What are the components of an Individual care plan and what are the factors which are taken into consideration while devising the plan? (Section 19 (2))
20	How many cases are sent to a place of safety and after attaining the age of 21 he/she is transferred to jail? What steps are undertaken to prevent the JCL from going to jail?
21	What are the follow up to ensure the former child in conflict with law has not taken up criminal activities?
22	Are translators and psychologists readily available for the child?
23	How long does it generally take to dispose cases concerning offences other than petty offences? Where are the children kept during pendency of inquiry?
24	How often do you visit the residential facilities and what is your opinion about the facilities that are being provided to the Juveniles there? (Section 8 (j))
25	What is the role of the Probation Officer in POCSO cases?

26	What is the number of POCSO related cases in the past 2 years, that have been recorded in this JJB?
27	In how many cases have you ordered for the Preliminary Assessment to be conducted?
28	How long does it generally take to carry out the Preliminary Assessment?
29	What are the most important components of a Preliminary Assessment?
30	What is the general nature of crimes committed by those who are aged between 16 and 18 years? Do you observe any difference in their behaviour as opposed to those aged under 16 years?
31	How do you balance the interests of a victim of an offence under the POCSO Act when the offender is a child in conflict with the law?
32	How do you evaluate the progress of the child in the place of safety and to ensure that there is no ill-treatment to the child?
33	In the past 2 years, how many instances have you come across in which the child had been released from the children's home and based on what factors is the child released?
34	What happens when the child in conflict with law does not fulfil the conditions required to be released from children's home?
35	What steps have you undertaken to ensure that the procedures are conducive for the children in conflict with law?
36	Did the SJPU intimate the nature of the offence alleged to be committed by the child along with the socio-economic background of the JCL?
37	Does the DCPU Legal cum Probation Officer provide any support in legal matters or related to the Juvenile Justice Act?
38	Could you provide us some Feedback on JJB and suggest some improvements, if any?

Annexure 7

Interview schedule for theCHILD

Study Of Juvenile Justice Boards In Telangana

Respondent: Child

District:	
Name of the Respondent:	
Questionnaire Id:	
Date of Interview:	

Declaration

Namaste. My name is _____, a student of NALSAR University of law and am working with CESS which is an autonomous research institute supported by both State and Central Governments. CESS does many surveys on various social issues like health, nutrition, education, poverty, water and sanitation etc. At present, we are conducting a study with the support of UNICEF and the State Government to assess the functioning of Juvenile Justice Boards in Telangana. We would like to interview you in this regard to know the status of Juvenile Justice Board in your district. There is no right or wrong answer for these questions. We only seek your responses and opinion regarding some of the issues which will be helpful for the effective implementation of the Juvenile Justice Act. We assure you, that your personal details as well as the information given by you will be kept confidential and the data will be used for research purposes only. The interview might take around 1 hour and we seek your cooperation in this regard.

May we proceed? Yes/No

Signature of the Interviewer

Signature of the Respondent

Sl. No	QUESTIONNAIRE (CHILD)		
1	Name		
2	Age		
3	Occupation if any		
4	Education qualification		
5	Date and place of apprehension		
6	Who apprehended you?		
7	Did police inform your parents?		
8	What was the first detention facility after you were apprehended?		
9	Were you able to contact your parents/Relatives/any other persons to inform them about your apprehension?		
10	Did the police put you in the lockup in the police station?		
11	For how long were you made to stay in the police station?		
12	How were you treated in the police station?		
13	Were you provided legal assistance?		
14	Did JJB magistrate and members interact with you? How was their approach towards you?		
15	When were you granted bail?	On the 1st day in JJB	01
		Within one week	02
		More than a week	03
16	How was your experience in JJB?		
17	Whether all the basic amenities were made available in the observation home?	Yes	01
		No	02
17.	If no, what are those?		



Sl. No	QUESTIONNAIRE (CHILD)		
18	Are there any counseling services that are provided in the observation home?	Yes	01
		No	02
18.a	If yes, who was the counsel and what is the frequency?		
19	Do you have access to medical care, if yes please explain.		
20	Are you provided with proper clothing as per the season?		
21	How many meals are provided per day?		
22	How is the quality of the food?		
23	How are you treated in O.B?		
24	Are there any education and training programmes?	Yes	01
		No	02
24.	If yes, please mention the details		
25	Do education and training classes take place regularly?		
26	How do you communicate with your family from observation home?		
27	Do your family/relative come to meet you?		
28	How much time is given to meet the above persons?		
29	Are you able to communicate with your legal counsel?	Yes	01
		No	02
30	Do you think the training and other facilities helps during the reintegration in the society?		
30.a	If yes, please explain.		
31	Did anyone hurt you while you were in	In police station	01
		In JJB	02
		In Observation home	03

Sl. No	QUESTIONNAIRE (CHILD)
32	What are the challenges faced in this process?
33	Was the Probation officer present during the proceedings?
34	Were the proceedings conducted in a child-friendly manner?
35	Was the social worker present when the final order was passed?
36	Is there any difference in the approach of JJB members towards children who are alleged to have committed serious offences as opposed to those who are alleged to have committed petty offences?
37	During the entire process, did you face any kind of discrimination/ill-treatment solely due to your religion/caste/sex/? If yes, please explain.
38	Did the SJPU speak to you in a polite manner?
39	Are you and the victim/accused brought in contact with each other?
40	Were you provided with a translator during the proceedings? If yes, how helpful were they in making you understand the procedures of JJB?
41	Did the SJPU undertake programmes for awareness in the community and schools about child care, protection, abuse, neglect, addiction, vulnerability, high risk behavior etc?
42	Were you interviewed at the Special Juvenile Police Unit or at a child-friendly premises or child friendly corner in the police station, which does not give the feel of a police station nor of being under custodial interrogation?
43	Does the DCPU Legal cum Probation Officer escort you from the JJB to the respective home/institution
44	Does the DCPU Legal cum Probation Officer follow up on you? If yes, how regular is he/she?

Division for Child Studies

(CESS-UNICEF Joint Initiative)

Centre for Economic and Social Studies

Nizamiah Observatory Campus

Begumpet, Hyderabad-500016

Telangana State (India)

Tel: +91-40-23402789

www.cess.ac.in

www.dcscess.ac.in