

Editorial Board

Mr. Ravi Patil, Mr. Jayant Pawnikar, DWCD
Representative, Child Protection Section, UNICEF
Ms Asha Mukundan, TISS
Mr. Santosh Shinde, Balprafulta

Family and Community Based Alternatives for Rehabilitation

- Asha Mukundan (TISS)
- Madhu Madhavan (RCJJ)

Group Counselling(GC)

GC for Juveniles in Conflict with Law (JCL) involves conducting planned sessions for the children by an NGO or Probation Officer (PO). This is especially in cases where releasing the child on admonition or placing the child on probation may not be the best option. These children require supervision along with counselling. Counselling helps them reflect and discipline themselves while supervision instils a fear in them that acts as a deterrent from re-offending.

There is a lack in clarity on whether GC is an institutional or a non institutional / non custodial option. As per Sec 15(b) of JJ Act, GC was introduced as a non institutional option. Procedures involved in counselling involves fixing a day, time and venue and deciding on a theme. Children have to attend these planned sessions which could last for a few hours. The themes for these sessions

could be on topics related to anger management, personality development, career guidance, stress management, leadership abilities, interpersonal skills, communication and the like. The term 'counselling' in this case need not be interpreted as a 'therapeutic intervention'. The person conducting these sessions has to be more of a facilitator and friend to the group of children.

Some of the challenges of conducting such group counselling are planning sessions for diverse groups on an issue. Secondly, group counselling sessions would mean that the JCLs would have to travel to a common place where the sessions are being conducted. This would mean a financial strain on the child and the parent / guardian accompanying the child. Given that majority of the JCL's are not economically well off, taking a day off and travelling to the place for group counselling may mean an additional strain on them. Finally the success of group counselling

also depends on the extent to which the participants attending the GC sessions are impressed by the persona of the facilitator and find the session useful.

The TISS study shows that the option of group counselling was very rarely used and in places where it was used, it was seen as an institutional service.

+ Research conducted by
Centre for Criminology and
Justice on the Status of Justice
Delivery System for Juveniles
in Conflict with Law in
Maharashtra-2008



The United Nations Guidelines for the Prevention of Juvenile Delinquency, known as the Riyadh Guidelines was adopted in 1990. The principle aim of the Guidelines was to help socialize and integrate children through family and through the active involvement and support of the community. Based on the above guidelines, for the first time, JJAct -2000 incorporated group counseling {Sec 15(b)} and community service {Sec 15 (c)} with the aim of rehabilitating JCLs through non-institutional means. This edition of the newsletter focuses on understanding the 'what', 'how', and relevance of passing orders with respect to group counseling and community service. There is a need to lay down procedures for executing and implementing group counseling & community service options by facilitating convergence of organisations that can provide these services with the JJ System.

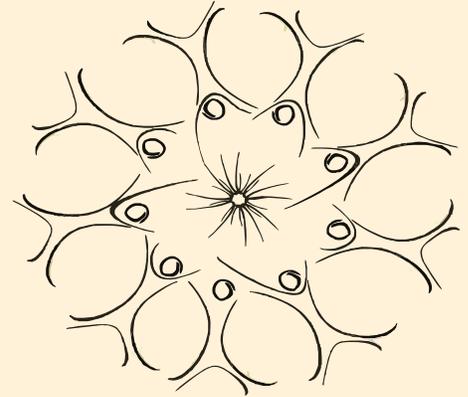
Community Service

Community service is essentially a non-custodial /noninstitutional service which aims at preparing children to contribute constructively to the society. The JCL continues to live with his / her family / guardian which connect him / her to the community. The activities in community service must have the potential for developing desirable competency in the offender by providing meaningful, pro-social community involvement and useful skill development. Community service should be tailored to the individual youth and their circumstances.

The JJ Model Rules 2000 prepared by the central government, explains the concept of 'community service' by stating the same in its definition 2(e) as *"service rendered to the society by juveniles in conflict with law in lieu of other judicial remedies and penalties, which is not degrading and dehumanizing. Examples of this may include (i) cleaning a park; (ii) getting involved with Habitat for Humanity; (iii) serving the elderly in nursing homes; (iv) helping out a local fire or police department; (v) helping out at a local hospital or nursing home; and (vi) serving disabled children."*

The procedure followed by JJB with respect to passing orders on community service is to identify a safe community where the child could render community service. Given that a safe community is identified, the next step is to identify an NGO / probation officer or any other person authorised by the JJB to monitor and supervise the work of the JCL. The child may also be asked to attend GC sessions as a part of community service. The authorised agency / individual is expected to report the progress of the child regularly to the JJB. There have been instances where the JJB has passed orders related to community service in Maharashtra.

Some of the dilemmas stated by the JJB with respect to passing the order related to community service were to identify 'safe' places where the child could be sent to do community service. They felt that the line between community service and child labour was very thin. Another area of concern was to identify individuals and agencies that would take up the responsibility of monitoring and supervision of the community order given.



Repatriation of children

Foreign nationals residing in India without proper documents are apprehended under the Passport Act. The children of these foreign nationals are also taken into custody by the police. These children either get categorised as Children in Need of Care and Protection (CNCP) or JCL. Ideally, these children should be categorised as CNCP given that they had just accompanied their parents and thus are victims of circumstances.

There are also cases where children have crossed borders because they were lured with lucrative job opportunities or trafficked for sexual exploitation by adults.

Those categorised as JCLs are admitted into the observation home and they fail to comprehend the reason why they are being treated as criminals on par with other children who have been charged with offences like stealing to heinous ones like murder and rape. Repatriation of these children have been a challenge given the long drawn procedures, lack of clarity on the procedures of repatriation, absence of co-ordination between different government departments, non-availability of police escorts with whom the children can be sent back to their home country.

Good Practices : In Mumbai JJB and CWC organise joint meetings to discuss such cases. The cases of foreign national children classified as JCLs are closed and they are transferred to the CWC as CNCP under the principle of 'diversion'. They are then transferred from the observation home to the children's home.

Steps to be taken : Need to sensitize police and JJB to treat and classify these children as CNCP. Need to organise joint meetings of JJB, CWC, SJPU to coordinate, discuss and resolve issues related to diversion, transfer and repatriation. There is also a need to specify procedures related to repatriation of foreign national children.



Contact of Children with their Parents

Convention on the Rights of the Child states that 'States parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.' Parent - child contact has to be seen as a fundamental right of a child as it contributes to the physical and mental development at all stages of the child's growth. This association holds more significance to those children who reside in institutional settings.

भेट मुलांची कुटुंबासोबत.



This association of the child with the parent acts as a link to be in touch with the community at large. One of the issues identified has been facilitating meetings of children whose parents have been detained in prisons. There have been opinions that children should not be allowed to meet such parents who themselves have not been law abiding citizens and could be a negative influence on the children. However the fact remains that such interactions send a message to incarcerated parents that they have someone who loves them unconditionally and depends on them, thus acting as a force to become law abiding citizens.

Recognising this, a GR No: 2004/C.R53/KA-3, Dated: 31st Jan 2005 was issued by the Women

and Child Development Department to facilitate the meeting of a child residing in a residential home with his / her mother lodged in prison. The prison welfare officer / probation officer in coordination with the district probation officer has been assigned the responsibility of facilitating mother-child interaction. This is also known as 'mulakat' (in Marathi which means 'meeting'). The child has to be escorted to the prison for this purpose where the meeting can happen. The GR states that such meetings should be organised at least once in fifteen days and more frequently if required.

One of the drawbacks of this GR is that there is a provision for only mothers to meet their wards. This facility is not available for children whose fathers are lodged in the prison. Secondly, the GR holds the children's residential institution responsible to organise such meetings. The role of the prison department needs to be clarified in facilitating such meetings.

Some of the bottlenecks stated by institution staff in implementing this GR is the lack of inter-department coordination and their inability to regularly take children to meet their parents due to unavailability of transportation and personnel for escorts.

Role of Probation Officer

Section 2 (s) of the JJ Act, defines a PO as "an officer appointed by the State Government as a probation officer under the Probation of Offenders Act, 1958"(PO Act). Some of the duties of the PO as assigned by the PO Act are to inquire, in accordance with any direction of a court, into the circumstance or home surrounding of any person accused of an offence with a view to assist the court in determining the most suitable method of dealing with him & submit reports to the court; and supervise probationers & other persons placed under his supervision & where placed under his supervision & where necessary, endeavour to find them suitable employment.

The relevance of the PO report in a juvenile system is to facilitate rehabilitation of the child. The process of rehabilitation has to begin as soon as the juvenile enters the system. Thus the PO report has to be ideally called in at various time intervals.

Some of the sections within the JJ Act which enlist the role of PO in the JJ system are - **Section 13(b), Section 12, Section 15(2), Section 15(3), Section 59(1).** In the light of these sections, the role of the PO would be-

- (a) To initiate the social investigation process regarding finding out the family details, socio-economic environment the child resides in as soon as the police informs the PO of arrest. (in Form I of JJ Rules, Maharashtra 2002)
- (b) To assist the JJB whilst making decisions or passing orders. This would include interim orders like bail as well as final orders.

साद-प्रतिसाद

(c) Supervise juveniles on probation and those given orders of community service. The PO would also have to facilitate the group counselling orders passed. The report of all these would have to be submitted to the JJB periodically.

(d) To be a friend to the juvenile, & to assist & advise him during the probation period to lead a honest and productive life.

Apart from preparing reports the PO is expected to act as a liaison officer between the institutional setting and the community. The PO is expect to maintain a list of addresses and phone numbers of NGOs, fit persons, fit institutions, place of safety. PO has to not only look into the care and protection of children but also supervise those who are out on bail, probation and community service.

It also includes assisting the JJB to chalk out appropriate rehabilitation program for JCLs and CNCPS. It is expected that the PO attends JJB sittings regularly and maintains and updates the progress reports in case files of children. The PO is expected to make regular visits to the residence of JCL/ CNCP under his supervision or place of employment or school.

As per Section 15 (3) if the PO report is not satisfactory then the JJB can revoke the probation orders and send the JCL to a Special Home.

'उज्वल' चे आत्तापर्यंतचे सर्वच अंक मिळाले, धन्यवाद!

कोणत्याही समाजासाठी, देशासाठी मुलं सर्वात महत्त्वाचा स्रोत असतात. भारतीय राज्यघटनेच्या १४, १५, २१ ए, २३, २४, ३९ (ई), ३९ (एफ) या कलमांमध्ये बालकांची वाढ आणि विकास याविषयी तरतूदी आहेत. मात्र त्यांची अंमलबजावणी फारशी यशस्वीपणे होत नसल्याचेच चित्र दिसते. तरीदेखील देशाचे भवितव्य असणाऱ्या मुलांच्या सर्वांगीण विकासासाठी सरीकार, बिगर सरकारी संस्था, काही व्यक्ति यांच्याकडून होणारे प्रयत्न केवळ अभिनंदनीयच नव्हे तर अनुकरणीय आहेत. 'उज्वल' द्वारे आपण असाच अभिनंदनीय व अनुकरणीय उपक्रम राबवत आहात.

मी कोल्हापूर बाल न्याय मंडळाचा सदस्य असल्याने 'उज्वल' मला केवळ उपयुक्तच नव्हे तर मार्गदर्शक ठरणार आहे. 'उज्वल' च्या पुढील वाटचालीस हार्दिक शुभेच्छा!

प्रा. डॉ. जे के पवार,
सदस्य बाल न्याय मंडळ,
कोल्हापूर.

मुलांच्या सर्वांगीण उज्वल भविष्यासाठी 'उज्वल' माहितीपत्राची केलेली निर्मिती ही स्तुत्य बाब आहे. उज्वल ची संपादक मंडळी या क्षेत्रातील जाणकार व्यक्ति आहेत, त्यामुळे उज्वल मधून त्यांनी बालसंरक्षणाबाबत माहिती सर्वांपर्यंत पोहोचवली आहे. दुर्लक्षित राहिलेल्या किंवा कायद्याच्या कचाट्यात सापडलेल्या मुलांपर्यंत, त्यांच्या पालकांपर्यंत 'उज्वल' च्या माध्यमातून कार्यकर्त्यांनी पोहोचविला हवं. त्यांच्या आर्थिक, सामाजिक, वैयक्तिक व इतर प्रश्नांच्या रुट कॉजचा अभ्यास करण्यासाठी हे माहितीपत्रक उपयुक्त ठरणार आहे.

चिखलात उगवणाऱ्या बाळरुपी कमळांचे उज्वल भवितव्य घडवण्यास 'उज्वल' माहितीपत्रक यशस्वी होवो ही सदीच्छा!

बी. जे. डेमरे.
टोपे नगर, अमरावती.

मुल जेव्हा बाल कल्याण समितीसमोर येतं तेव्हा ते भेदरलेलं, गांवरलेलं असतं प्रेमाच्या आणि मायेच्या ओलाव्यासाठी आसुसलेलं असतं बापावी प्रेमळ नजर, मायेचा मऊ भात बहीणीच्या धाग्यासाठी आक्रंदन ते करतं आहे मानव, नाही हाडामासाचा गोळा हक्क आहे नाकारण्याचा नका करू हो काना डोळा घेवू द्या त्याला, उंच भरारी आनंदाने करू नका अटकाव, विहारु द्या स्वच्छंदाने संस्थेमध्ये असता, कोंडेल श्वास तयाचा राहतील दूर आप्त, गुदमरेल प्राण जयाचा अयोग्य निर्णय घेऊनी, करू नका हे पाप बिघडेल आयुष्य त्याचे, मग घडेल पश्चाताप
- जयंत पवनीकर

आपण कसं सहभागी होऊ शकता ?

० आपल्या सर्वांकडून पुढील अंकांसाठी आपली मतं, आपले अनुभव तसंच लेख आपण आम्हाला संपर्कासाठी असणाऱ्या पत्त्यावर पाठवावेत. निश्चितच आपल्या मतांना/ लेखांना संपादक मंडळ पुढील अंकांमध्ये प्रसिद्ध करेल. यासाठी शब्दमर्यादा १०० ते १५० शब्दांची असावी.

० सोबतच 'उज्वल' च्या अंकांमध्ये प्रसिद्ध होणाऱ्या लेखांवर, माहितीवर, मुद्दांवर वाक्यपत्र लिहून आपण आमच्यापर्यंत आपले विचार पोहोचवण्याचा जरूर प्रयत्न करावा.

आगामि अंक...

20th June : बालकामगार

या संगणकीय माहितीपत्रात प्रकाशित झालेल्या लेखातील मतांशी संपादक मंडळ सहमत असेलच असं नाही.



Balprafulta



सं
प
र्का
सा
ठी

Balprafulta
A Child Rights Organisation
St. Dominic Savio School Campus, Mahakali Caves Road,
Andheri East, Mumbai 400 093
Tel: (91-22) 28265618; 28255889; 28255864;
email: write2ujwal@gmail.com; balprafulta@gmail.com

Centre for Criminology and Justice
Tata Institute of Social Sciences
V.N. Purav Marg, Deonar,
Mumbai 88.
Ph : 022-25565454;
email : kpasha@tiss.edu

फक्त साजगी वितरणासाठी.