

**National Conference of the Principal Magistrates and Members of Juvenile Justice
Boards**

22- 24 August, 2014 (P-826)

Report of the Conference

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The National Judicial Academy organized the “National Conference of the Principal Magistrates and Members of Juvenile Justice Boards” during 22- 24 August, 2014. The main focus of the Conference was to discuss the vital issues confronting the Juvenile Justice System in India and to enhance the capacity of the functionaries of the Juvenile Justice Boards in India in this regard. The programme also focused on the need of strengthening non adversarial approach for the Juvenile Justice Board while dealing with cases of juvenile in conflict with law. The resource person in the conference included Prof. Dr. B.B. Pande, Mr. Lolichen Pullempavil, Prof. S.P. Srivastava, Dr. Ms. Shalini S. Phansalkar Joshi, Ms. Renu Sharma, Ms. Geetanjali Goel and Dr. Ms. Asha Mukundan

Following were the main issues discussed in the Conference

- The Supreme Court of India has clearly clarified the need of keeping the age of juvenile within 18 years. Such a law is based on the international legal norms. The new amendment will dilute the philosophy of the Juvenile Justice System and will give wide powers to police for apprehending juveniles. There are many contradictions in the proposed new amendments.
- The new bill should not be passed without proper debate and deliberations. The changes should be brought in evolutionary manner. There is possibility of the misuse of the provisions of the new law as happening in with the recent changes brought in the criminal procedure code. The new law will be a source of corruption among the functionaries and the advocates will dominate the boards. It will lead to same position of adversarial courts.

- India should not follow American system in treating juvenile as adult in certain situation. The children in India face different problems as compared to the American children. Starvation and neglect are the major problems from which Indian children are suffering. Most of the offences of theft committed by the juveniles are because of their poor economic situation.
- The Juvenile justice Board should order community service for proper rehabilitation of the juvenile in conflict with law. At present such way for the rehabilitation of the juveniles is not adopted by the Juvenile Justice Board. They should be engaged in vocational training such as electricity or repair.
- The approach of the magistrate should not adopt a technical approach in conducting enquiry and should follow a non-adversarial approach. The principal magistrates must establish a direct interaction and dialogue with the juvenile in conflict with law. The major problem in adopting a non-adversarial approach come when the principle magistrate are given different forums simultaneously and they have to shift from one forum to another forum in a short period of time. Such continuous shifting of role creates difficulty in performing the function in non adversarial manner.
- The lack of resource for the smooth functioning of the juvenile justice system is one of the major issues at present. Within this the untrained probation officers and their poor functions create lot of difficulty in the rehabilitation of the juveniles. There is need of properly trained probation officers for proper supervision of the juvenile in the period of probation. At present in many districts probation officer are ill paid and they have no awareness of the methods of rehabilitation of the juveniles.
- The juvenile justice system should focus on reducing recidivism through proper rehabilitation. This is sole purpose of the system but has been neglected by the government. The principal magistrates must perform strong monitoring of the observation and special homes and should surprise inspection of these homes. Show

cause notices must be served to the functionaries of the observation homes and special homes wherever lapses are noticed by the magistrates.

- There should be rehabilitation of the juvenile from first day and magistrates must not wait for initiating the process of rehabilitation after the final order. It is necessary to engage the juvenile in some meaningful vocation training programme which can help him in finding job after release from the special homes. Magistrates must call for social investigation report from the probation officer. This they must do in every case and should not proceed with the case without this report.
- Magistrate should not treat juvenile like an offender but must engage with the child as a guardian. There is need to build the trust relationship with the juvenile otherwise he will not take interest in the rehabilitation process. It is not easy to rehabilitate all children and the situation of children and his mental condition should be taken into account for proper rehabilitation.
- Individual care plan process has not been implemented in an expected manner failed. The probation officer should be engaged in the preparation of the plan and it should be prepared according to the situation of each case. The child socio-economic profile and background should be considered in intensive manner in the preparation of this plan. In complex cases the involvement of experts such as drug de-addiction expert or psychiatrist should be ensured. After proper preparation of plan its implementation should be monitored closely by the functionaries of the juvenile justice system.
- The magistrate must remain in active communication with the high court judges who is incharge of juvenile justice committee. The problem of lack of resources and other issues should be discussed with the juvenile justice committee regularly.
- The social worker appointed in the juvenile justice board should be expert in the issue relating to juveniles and they should take active interest in their work. In most of the states the appointment of the social worker are political appointments.

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