

**EXTRACT/MINUTES OF THE MEETING OF THE H.C. JJC FOR MONITORING THE
IMPLEMENTATION OF JUVENILE JUSTICE ACT, HELD ON 25.04.2018
(BY VIDEO CONFERENCING).**

PRESENT:-

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| 1. Hon'ble Shri Justice J.K. Maheshwari | -Hon'ble Chairperson JJC (Jabalpur) |
| 2. Hon'ble Shri Justice Rohit Arya | -Hon'ble Member JJC (Indore) |
| 3. Hon'ble Shri Justice G.S. Ahluwalia | -Hon'ble Member JJC (Gwalior) |
| 4. Shri Zakir Hussian | - Secretary JJC (Registrar J-I)
Jabalpur. |
| 5. Shri B.S. Bhadoria | - Member Secretary MPSLSA(invitee) |
| 6. Shri Ashutosh Mishra | - Secretary DLSA (Bhopal) |
| 7. Shri Lolichen PJ | - Child Protection Specialist, UNICEF
(Bhopal) |
| 8. Shri Suresh Tomar | - Jt. Director, DWCD (Bhopal) |
| 9. Shri Ashish Singh | - Asst. Director, DWCD(Bhopal) |
| 10. Shri Baban Prakash | - Senior Technical Consultant,
Secretariat of JJC, Jabalpur |

Sr. No. 1 Follow up of previous meeting

Item No.1

District Judges were requested to:

1. Continue holding the meeting of functionaries on quarterly basis and submit report.
4. Ascertain whether nominated SJPU is actually working in the field.
5. Apprise the condition of building housing JJBs, CWCs and CCIs.
7. Submit report in chart form about activities in the CCIs with respect to implementation of Pilot Project.

Hon'ble Committee has expressed strong displeasure and grave concern as the District and Sessions Judges are not giving due response in carrying out

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directions of JJC. Most of the Districts are not sending reports and even if some reports are received they are incomplete not covering all the points. Non-involvement of District Judges in monitoring the implementation of Juvenile Justice Act is affecting its functioning.

Hon'ble Committee has resolved that a strong letter needs to be written to each District and Sessions Judges for continue holding co-ordination meeting, ascertain the functioning of SJPU is actually working in the field, apprise the condition of building housing JJBs, CWCs and CCIs and submit report in chart form about activities in the CCIs with respect to implementation of Pilot Project. It also resolved that Hon'ble the Chairperson will communicate the matter to Hon'ble portfolio of concerned Districts.

Hon'ble Committee also directed the Member Secretary SALSA to join the regular meeting with the District Judges.

Item No.2.

Publicity of Child Line and Child Help Line Number

Government was asked to publicize the Child Line and Child Help Line Number in Newspaper, Hoardings, Radio, T.V. and Display in public places like Panchayat Offices, Railways Station, Bus Stand, schools. etc. to be known to needy, and to make regular check as to functioning of child line on 24X7 basis and its extension to whole of M.P. and directed the State to submit evidentiary proof of publicity has been done. There should be an attempt to extend the facility of Childline in whole of the M.P and actual benefits of Helpline number be also submitted, letter of Coordinator Childline be forwarded to Government for appropriate action.

Though during the meeting, the representative from the Department of WDC has submitted that the posters depicting Childline and Childline number has been publicized through hoardings/posters at several places in the State. However, no written report submitted to the JJC.

Hon'ble Committee has raised concern that the manner in which publicity of Childline and Childline number is being done by the State. The action done so far is not adequate. A comprehensive programme should be made for creating awareness on Child protection through audio, visual medium so that it attracts children and general public. Apart from putting banners or hoardings, audio- visual publicity by way of

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animation should be boardcasted/screened at public places, cinema hall, Anagwadi Centers, Schools, Railway Stations, Bus Stand, WCD building, Panchyat Offices etc, as the Child is vulnerable and at the risk of being abused anywhere such as in school, bus, railways, public places, child care institutions etc. Therefore, a comprehensive child protection policy with respect to conduct of care givers, teachers, management/staff of the school, institutions, and hostels should be framed. The focus should be on prevention. Mr. Lolichen from UNICEF has suggested that a child protection policy can be developed by UNICEF in joint collaboration with Department of WCD. The department of WCD/Education Department to carry out school level awareness of children on Child Protection through the module prepared jointly by Department of WCD and UNICEF. The programme will focus on prevention of child abuse.

The Hon'ble Committee has resolved to issue direction to the Department of WCD to submit status report in view of suggestion of the Hon'ble Committee in the meeting. Hon'ble Committee further directed that a Senior Officer, not below the rank of Commissioner, WCD to be present in the next meeting of JJC with evidence regarding compliance of the directions of committee.

Item No.3

Report

The implementation of Juvenile Justice Act is supervised mainly through report i.e. visitors report, JJB-I Form and JJB-2 reports. Reports. Reports are normally received from most of the districts but not received and some are not in proper format and on time.

Hon'ble Committee has expressed strong displeasure and resolved to take action as Item No.1.

Item No. 4.

Matter pertains to Second Regional Round Table conference organized on 12th & 13th March 2016 at MJA Uttan (Maharashtra) where a PPT was presented and underlined two points were taken as future goals development of a Software which can be linked with stakeholders and secondly a de-addiction scheme/programmes.

1. Memo be sent to Addl. DGP (CID) in respect of development of proper software to cater the needs of all the stake holders (JJB, Police) after identifying

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the gaps and bottle necks. Response of the letter No. 385/2018 dated 02.02.2018 received from SCRB State Crime Record Bureau Bhopal communicating to the commissioner Women Empowerment to conduct a meeting with the Police and WCD on linkage of two software Anmol-II and CCTNS so that gaps/bottlenecks could be identified and resolved at the earliest and same to be communicated to the Hon'ble High Court.

During the meeting Jt. Director WCD, submitted they had held a meeting recently with the technical team from the Department of WCD and the Police Department on this issue and they have found several critical gaps in the software and their in process to resolve it soon.

Hon'ble Committee expressed displeasure that the issue is pending for a quite long time and no concrete action taken by the Department of WCD and the Police to develop a proper software to cater the needs of all stakeholders. Though it was earlier proposed that a meeting of experts and official of WCD, Police Department and the High Court should attend the meeting, however in none of the meeting, officials of the High Court were not even intimated.

Hon'ble Committee has resolved that whenever a review meeting for the development of the software is proposed one or two officials from the High Court should attend the meeting. Further, resolved that since no development to regard previous direction of Hon'ble Committee the department of WCD and Police to jointly hold the meeting with stakeholders including official from the High Court and apprise about the action taken in the next JJC meeting.

2. Matter pertains to Letter was sent to Principal Secretary Medical Education to inform about the policy of State Government with regard to prevailing de-addiction scheme/program.

Matter be kept for further discussion by the Hon'ble JJC

Item No 5:- Recommendations of the conference released at State Conference on 29.07.2017 in the form of Flyer.

i. Development of planned infrastructure.

In the previous meeting committee perused the status report submitted by the Government and resolved that before finalizing one of the lands must being the information in the knowledge of JJC. The Government is also required to place the map and information about the

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funds before acting upon the construction. Letter to be issued to Principal Secretary/ Commissioner WCD.

The matter pertains to allotment of the land at Indore, Gwalior, Jabalpur and Bhopal to establish new home wherein old aged male & female and child in need of care and protection may be resided and CWC be established at the same place the said issue requires consideration in furtherance to the recommendations made in State level conference convened at Bhopal 29.07.2017 to which land at Indore, Gwalior, Bhopal has been identified and the land pertains to Jabalpur is also available but necessary correspondence and its possession is to be delivered by the other department of the State.

The consideration regarding the issues on which the functioning of the Juvenile Justice Secretariat recently established may be directed thereby the model to functioning secretariat may be decided.

Hon'ble Committee after consideration directed the department of WCD to expedite the allotment of land and prepared comprehensive plan for the development and establishment of better infrastructure facility for the institutions of Juvenile Justice System such as CCIs and JJB, CWC, be in place with all other institutions such as old aged home in close vicinity and in better connectivity as per the recommendations of State Conference held on 29.07.2017. It is further resolved that District Judges of Gwalior, Bhopal, Indore, Jabalpur is authorized to communicate with the Commissioner, Collectors for allotment of the land for composite building. JJC will write a letter to District Judges of Gwalior, Indore, Bhopal and Jabalpur to communicate with concerned commissioner and Collector and oversee process the allotment of the land for composite building.

i. Medical and Psychological Rehabilitation

x. Creation of Resource Pool of Counselors and Psycho-Social Professionals.

iii. Child- Friendly Police Stations and Provision for necessities.

iii. Improvement in the functioning of Special Juvenile Police Unit and Child Welfare Police Officers. &

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- ix. Capacity Building and Educational Programmes
- v. Educational, Skill Building and Entrepreneurial support for children in CCIIs.
- vi. After Care Plan and Rehabilitation.
- vii. Free Legal aid and assistance of the child friendly Prosecutors.
- viii. Creation of dedicated cadre of District Child Protection Officers
- xi. Monitoring of Juvenile Justice System.
- xii. Funding.
- xiii. Extensive Awareness Campaign.
- xiv. Enactment of the Madhya Pradesh Juvenile Justice (Care and Protection) Rules 2016.
- xv. De-Institutionalization.

Matter be kept for further discussion by the Hon'ble JJC.

- xi. Establishment of Secretariat for Juvenile Justice Committee.

The HC JJ Secretariat has been established jointly supported by Hon'ble High Court, DWCD, Govt. of Madhya Pradesh and UNICEF. State Government has released the funds for establishment of Secretariat and Saving Account has been opened for receiving the funds from UNICEF. A senior technical consultant has joined and staffs have been appointed for the Secretariat.

A room has been allotted in the High Court building for establishment of Secretariat.

Secretariat of Juvenile Justice Committee has been inaugurated by Hon'ble Chief Justice of Madhya Pradesh of High Court in the gracious presence of all

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Hon'ble Judges of High Court of principal seat at Jabalpur and in presence of Representative of Department of WCD on 17th April 2018.

Hon'ble Committee discussed about the functioning of the secretariat and it was resolved as follows:

1. Secretariat should co-ordinate with Department of the WCD, Department of Home, Judiciary and all relevant Departments and institutions, and make effective communication.
2. Compile all policy and programmes meant for children.
3. Maintain records and analysis data regarding Juvenile Justice System such as CCIs, CWC, JJB, DCPU, SJPU etc. Analysis the gaps and bottlenecks in effective implementation of Juvenile Justice Act.
4. Prepared Charts, Graphics, Tables on the activities of the secretariat and the progress.
5. The secretariat shall perform other functions as per approved schemes for establishment of Secretariat of JJC as well as in accordance with directions of Hon'ble Committee

Item No. 6:- Establishment of Secretariat for Juvenile Justice Committee.

Discussed at point no.11 of Item No. 5

Sr. No. 2 of Previous meeting

Matter be kept for further discussion by Hon;ble JJC

Sr. No. 2:- Follow up of JJC meeting on 13.03.2018

Directions by Hon'ble High Court of Madhya Pradesh in Civil Revision No. 258/2017 and 260/2017 in order dated 12.02.2018.

Item No. 1 : Jurisdiction and Smooth Functioning of the Court.

Item No.2: Role and Responsibility of Central Adoption Resource Agency.

Item No.3 & Item No.4: Roles and Responsibility of SAA and CWC

Matter be kept for further discussion by Hon;ble JJC

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Sr.No.3 : Injuries to adopted Child, Bhopal

Matter pertains to newspaper report in Dainik Bhaskar, Patrika and Times of India regarding cruelty on a child by adopted parents.

Commissioner WCD was directed to conduct enquiry and furnish report also.

The Secretary District Legal Services Authority Bhopal was directed to visit the boy and provide legal aid and if necessary provide financial help.

Hon'ble Committee after discussion observed the instant case of cruelty on an adopted child reveals several distributing facts such non compliance of the provision relating to post adoption follow up of child. It has brought to the notice of Juvenile Justice Committee by the Collector of Bhopal, were 16 children have been handed over to a particular specialized adoption agency in one go by the CWC which raises suspicious in the fair functioning of CWC.

Hon'ble Committee after consideration directed the Secretary DLSA, Bhopal to hold an enquiry at to whether CWC, DCPU, CCI, including SAA in Bhopal are functioning as per the Juvenile Justice Act, and Model Rules or not, the DLSA shall submit enquiry report to Juvenile Justice Committee through Member Secretary of MPSLSA. The Secretary of DLSA shall also submit report about the condition of the child and whether any compensation has been provided. Whether the victim child will be compensated or not. Presently, what is the status of child? Whether proper medical facility is provided to the child.

Sr.No.4 : Fourth Regional Conference (Western with Supreme Court JJC & HC JJs)

Shri Lolichen, UNICEF has informed that 21st July, 2018 has been agreed for the 4th Regional Round Table Conference (Western) with Supreme Court JJC & HC JJs. The Juvenile Justice Committees from Rajasthan, Gujrat, Maharashtra, Goa and Madhya Pradesh would be participating in the conference.

In this context for Divisional and State Level review a nationally developed template has been translated in Hindi and has been provided to the Principal Secretary WCD and Commissioner DWE. A workshop with dy.

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Directors (DWE) of all 10 Divisions of the State will be held on 1st May 2018 and subsequent to that review and preparatory meeting District and Divisional Level will be conducted between 2nd and 10th May 2018. On 12th May 2018 a State Level review meeting could be held with relevant departments such as Health, Tribal Welfare, Social Justice etc. in Bhopal. Hon'ble JJC could preside over the meeting.

Hon'ble Committee has directed Shri Lolichen, to submit complete information by Friday i.e. 27.04.2018 to Secretary JJC and also informed about final place for 4th Regional Round Table Conference.

Hon'ble Committee has also directed the Secretariat JJC to facilitate and organize the meeting of divisional and state level review meeting as well as meeting of Committee constituted under section 106 of JJ Act to be attended by Hon'ble Chairperson and Hon'ble Members of Juvenile Justice Committee either on 11th or 12th May 2018.

Therefore, if approved

For Sr.No.1

1. Point No.1, 4, 5 & 7: May write a strong letter to District and Session Judges for non compliance of instructions of JJC.

1. Point No.2: May issue memo to P.S. & Commissioner WCD.

2. Item No.3: May issue letter as Sr.No 1 Point 1, 4, 5 & 7.

3. Item No.4: May issue letter to P.S./Commissioner WCD and ADGP,(CID)PHQ.

4. Item No. 5: May issue Memo to PS/Commissioner WCD.

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May issue letter to District and
Session Judges, Bhopal,
Jabalpur, Indore, Gwalior
regarding co-ordination with the
Revenue Officials for allotment
of suitable land.

For Sr.No.3: May issue Memo to DLSA,
Bhopal

For Sr. No.4: May issue letter to Mr Lolichen

[Zakir Hussian]
Registrar J-I & Secretary,
JJC High Court of M.P.

HON'BLE SHRI JUSTICE G.S. AHLUWALIA s/d
Member, Bench Gwalior

HON'BLE SHRI JUSTICE ROHIT ARYA s/d
Member, Bench Indore

HON'BLE SHRI JUSTICE J. K. MAHESHWARI s/d
Chairperson, Main Seat Jabalpur