

# No Movement Forward:

The state of juvenile justice in non-conflict states of India



ASIAN CENTRE FOR HUMAN RIGHTS



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C-3/441-C, Janakpuri, New Delhi 110058 INDIA

Tel/Fax: +91 11 25620583, 25503624

Website: [www.achrweb.org](http://www.achrweb.org)

Email: [suhaschakma@achrweb.org](mailto:suhaschakma@achrweb.org)

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# 1. Introduction

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On 2 September 1990, the United Nations General Assembly adopted the UN Convention on the Rights of the Child (UNCRC) and ushered a new era for promotion and protection of the rights of the child. India was quick to ratify the UN Convention on the Rights of the Child on 11 December 1992 and accept full legal responsibility to implement universal consensus on the rights of the child.

As a first step towards complying with the UNCRC, India enacted the Juvenile Justice (Care and Protection of Children Act in 2002 [JJ(C&PC) Act] to replace the archaic Juvenile Justice Act of 1986. The JJ(C&PC) Act has been defined as “an Act to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under this enactment”.

The Statement of Objects and Reasons provided in the Juvenile Justice (Protection and Care of Children) Bill were to achieve the following objectives: (i) to lay down the basic principles of administering justice to a juvenile or the child in the Bill; (ii) to make the juvenile justice system meant for a juvenile or the child more appreciative of the developmental needs in comparison to criminal justice system as applicable to adults; (iii) to bring the juvenile law in conformity with the United Nations Convention on the rights of the Child; (iv) to prescribe a uniform age of eighteen years for both boys and girls; (v) to ensure speedy disposal of cases by the authorities envisaged under this Bill regarding juvenile or the child within a time limit of four months; (vi) to spell out the role of the State as a facilitator rather than doer by involving voluntary organizations and local bodies in the implementation of the proposed legislation; (vii) to create special juvenile police units with a humane approach through sensitisation and training of police personnel; (viii) to enable increased accessibility to a juvenile or the child by establishing Juvenile Justice Boards and Child Welfare Committees and Homes in each district or group of districts; (ix) to minimise the stigma and in keeping with the development needs of the juvenile or the child, to separate the Bill into two parts - one for juveniles in conflict with law and the other for the juvenile or the child in need of care and protection; and (x) to provide for effective provisions and various alternatives for rehabilitation and social reintegration such as adoption, foster care, sponsorship and aftercare of abandoned, destitute, neglected and delinquent juvenile and child.

In order “to give effect to the policies adopted by the Government” for the children and “standards prescribed in the CRC, and all other relevant international instruments”, the Government of India enacted “the Commission for Protection of Child Rights

Act, 2005<sup>9</sup>. The National Commission for Protection of Child Rights established under the Act has been given wide mandate, among others, to (a) examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation; (b) present to the Central Government, annually and at such other intervals, as the Commission may deem fit, Reports upon the working of those safeguards; (c) inquire into violation of child rights and recommend initiation of proceedings in such cases (d) examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disasters, domestic violence, HIV/ AIDS, trafficking, maltreatment, torture and exploitation, pornography, and prostitution and recommend appropriate remedial measures; (e) look into matters relating to children in need of special care and protection, including children in distress, marginalised and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures; (f) study treaties and other international instruments and undertake periodic review of existing policies, programmes, and other activities on child rights and make recommendations for their effective implementation in the best interest of children; (g) undertake and promote research in the field of child rights; (h) spread child rights literacy among various sections of society and promote awareness of the safeguards available for protection of these rights through publications, media, seminars and other available means; (i) inspect or cause to be inspected any juvenile custodial home or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority including any institution run by a social organization, where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary; (j) Inquire into complaints and take suo moto notice of matters related to (i) deprivation and violation of child rights, non implementation of laws providing for protection and development of children, (ii) non compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children or take up the issues arising out of such matters with appropriate authorities and (iii) such other functions as it may consider necessary for the promotion of child rights and any other matter incidental to the above functions.

The Government of India further undertook review of various schemes for welfare of children. The review by the Ministry of Women and Child Development in 2006 revealed shortcomings and gaps in the existing child protection institutions, policies, programmes and in implementation at all levels. The Government of India thereafter launched Integrated Child Protection Scheme (ICPS) from 2009-10 for implementation through the State Governments/UT Administrations.

The objectives of the ICPS are to contribute to the improvement in the well being of children in difficult circumstances, as well as to the reduction of vulnerabilities to situations and actions that lead to abuse, neglect, exploitation, abandonment and

separation of children from their families. These are proposed to be achieved by: i) improved access to and quality of child protection services; (ii) higher public awareness about the reality of child rights, situation and protection in India; (iii) articulated responsibilities and enforced accountability for child protection (iv) established and functional structures at all levels for delivery of statutory and support services to children in difficult circumstances; (v) evidence based monitoring and evaluation.

However, this comparative study on the state of juvenile justice administration in four non conflict States i.e. namely Himachal Pradesh, Karnataka, Madhya Pradesh and Mizoram shows that there are serious shortcomings in the implementation and indeed little progress has been made on the ground. The plight of the children under the care of the State remains deplorable.

Suhas Chakma  
Director

## 2. Executive summary

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### **i. State of the statutory structures for administration of juvenile justice**

All the four states covered under the study have set up Juvenile Justice Boards (JJBs) in all the districts. However, functioning of the JJBs is plagued with huge number of pending cases. There were nearly 14,000 cases were pending before the JJBs in Madhya Pradesh as of 18 September 2012, nearly 2,500 cases in Karnataka as of 10 February 2012, and 596 cases in Himachal Pradesh by the end of 2011. Though the number of pending cases in Mizoram remains unknown, the state government stated on 6 July 2012 that pendency at the JJBs was high and number of sittings needed to be increased. The functioning of the JJBs is hampered by the lack of space. In Madhya Pradesh only 18 out of the 50 JJBs of Madhya Pradesh were sitting in the premises of the Observation Homes as of 22 November 2011 as required under the law and the rest were functioning from rented buildings.

All the four states have established Child Welfare Committees (CWCs) in all the districts. The pendency before the CWCs was not very high but in Himachal Pradesh, Deputy Commissioners have been chairing the meeting of the CWCs which is not provided under the JJ(C&PC) Act. In Madhya Pradesh government and Mizoram, CWC members seldom attend the meetings.

The Special Juvenile Police Units (SJPU) exist only on paper. The Inspection Committees at State, District and City level to carry out inspections of Children Homes have not been fully established in all the States.

### **ii. State of the institutions providing institutional care**

The state of the institutions providing institutional care such as Observation Homes, Special Homes and Children's Homes are equally deplorable.

In the Observation Homes of Himachal Pradesh and Mizoram, where there is no separation of the Observation Home and the Special Home and the juveniles are not segregated on the basis of the nature of their crimes or status of their cases. In Karnataka, in some Observation Homes, there is no segregation of the inmates on the basis of age, sex and nature of offences. For example, the Observation Home at Belgaum is running from the premises of the Children Home, Belgaum. In Madhya Pradesh, both the Observation Home and Special Home at Seoni are located in the same premises. Since no staff has been appointed for the Observation Home, Seoni, the inmates are kept at the Special Home, Seoni.

There is no overcrowding in the Observation Homes in Himachal Pradesh, Karnataka and Madhya Pradesh. However, in Mizoram, the Observation Home-cum-Special Home at Lunglei is overcrowded. The Home has a capacity to house only 10 inmates. The ACHR found that the Officer in Charge took the initiative of adding up 4 beds for

the inmates as sometimes number of inmate increases. However, on many occasions, the inmates exceeded 14 and in such situations the inmates had to sleep on the floor.

The juveniles lodged at the Observation Home-cum-Special Home for Boys and Girls at Samoor Kalan, Una, Himachal Pradesh are not being provided any formal education but the juveniles are reportedly being provided training in carpentry. In Karnataka, most of the Observation Homes do not have provisions of vocational training; and teachers have not been appointed in many homes. In Madhya Pradesh, there is no provision for education and vocational training in a number of Observation Homes.

Shortage of staff in the Observation and Special Home is common. The post of Superintendent in the lone Observation Home-Cum-Special Home at Una, Himachal Pradesh has been lying vacant since 1 July 2008. In Karnataka, in Government Observation Home, Chitradurga, only two staff out of 11 sanctioned staff were appointed as of 23.9.2011. In Madhya Pradesh, a number of crucial staff posts are found to be lying unfilled in several Observation Homes. For example, both the Observation Home and Special Home at Seoni are located in the same premises and the inmates are kept together in contravention of the JJ(C&PC) Act. The post of the Superintendent was lying vacant in the Government Observation Home for Boys, Bhopal as on 24 May 2012, in the Government Observation Home for Boys, Jabalpur as on 8 August 2012, in the Government Observation Home for Boys, Khandwa as on 23 July 2012. In Mizoram, the post of the Warden has been vacant for over 2 years at the Observation Home-cum-Special Home at Aizawl

The conditions of the Children Homes are equally deplorable. In Himachal Pradesh, at the Balika Ashram-cum-Children Home, Mashobra, Shimla district, separation of inmates is not maintained on the ground that there are no children in conflict with law sheltered in the Ashram. There is also no separation of the inmates at the Bal Ashram-cum-Children Home, Masli, Shimla district and at the Children Home, Sunder Nagar, Mandi district. In Karnataka, there is no segregation of the inmates on the basis of sex and nature of crime. ACHR has been informed that there were 4 juveniles (including two boys and two girls) at Children Home for Boys, Chikmagalur and no inspection took place in the Home during 2009-2011.

In Madhya Pradesh, some Children Homes run by NGOs are found to be overcrowded. As per the information provided by the Madhya Pradesh government in the 51st PAB meeting under ICPS held on 18 September 2012, Children Home in Bhopal (run by SOS Bharti, an NGO) housed 242 children against the capacity of 200; Children Home in Katna (run by Asha Kiran, an NGO) housed 52 children against the total capacity of 50, and Children Home in Hosangabad (run by Jeevodaya Society, an NGO) housed 64 children against the total capacity of 50 children. Further the government-run Children Home (Boys) in Ujjain housed 108 children against the sanctioned capacity of 100.

No formal education is imparted and many of the homes do not any teacher posted

to teach the children. In Karnataka, there are only a few Children Homes where both teacher and vocational trainer have been appointed.

In Himachal Pradesh, some of the Children Homes have been found to be understaffed. A number of crucial staff positions have not been appointed/filled up such as (1) the post of Superintendent and the post of Warden at Bal Ashram-cum-Children Home, Sujampur, Hamirpur district, (2) the Superintendent or Assistant Superintendent at the Balika Ashram-cum-Children Home, Garli, Kangra district, and (3) the post of Assistant Superintendent (no post of Superintendent has been sanctioned) at Bal Ashram -cum-Children Home, Masli, Shimla district.

In Karnataka, majority of the Children Homes have shortage of staff as several key positions have remained vacant. At the Balakara Balamandira, Mandya, all the top posts namely Probation Officer Grade 1, Superintendent and Deputy Superintendent have been lying vacant as of 30 November 2011; the post of Guard since 25 June 2010, the post of Cook since 1 September 1998, Assistant Cook since 10 February 2011, and Physiotherapist since 25 May 1984. In Madhya Pradesh, at the Govt. Children Home for Girls, Bhopal, out of 22 sanctioned posts, six posts were lying vacant as in April 2012 including Probation Officer, Case Worker, one Vocational Trainer, Matron and Accountant. At the Govt. Children Home for Boys (Nagziri), Ujjain, the posts of Probation Officer, Chief Caretaker and Matron were vacant as of April 2012.

Regrettably, Mizoram and other States have failed to utilize the Central grants under the Integrated Child Protection Scheme (ICPS). The Ministry of Women and Child Development (MWCD) sanctioned to Mizoram Rs 1,95,35,750 for the financial year 2010-11 and Rs 2,25,46,000 for the financial year 2011-12 under the ICPS. On 6 July 2012, Mizoram informed the PAB that Rs 75.25 lakhs was lying unspent from the grants of 2001-12! Further, the State government informed that it had received construction grant for 2 Government Homes in 2011 but this grant was still unutilized. Similarly, during 2011-12, the MWCD released Rs. 2,40,31,000 under ICPS to Madhya Pradesh. But the state government failed to spend Rs. 12.55 lakhs out of this amount as on 1 April 2012.

There are numerous reports of violations of the rights of the child including illegal detention and torture of children in police stations, illegal detention in prisons instead of the juvenile institutions. Several cases of illegal detention of juveniles in judicial custody and police custody have been reported from Karnataka and Madhya Pradesh, thereby indicating that the JJ(C&PC) Act had little impact.

There are also reports of abuses inside the Children Homes. In Mizoram, on 13 July 2009, a 13-year-old child identified as Lalnunpuia, son of Rinsanga of Chaltlang Lily in Aizawl, was beaten to death by the officials at the Herald for Christ's Children Home, Lungleng, Aizawl. The NHRC ordered the Mizoram government to pay a compensation of Rs 3 lakh to the mother of the deceased child on the basis of the complaint filed by the ACHR (NHRC Case No. 7/16/1/09-10).

### 3. Findings of the comparative study

#### 3.1 State of the statutory structures for administration of juvenile justice

##### A. Juvenile Justice Boards

###### i. Establishment of JJBs

Section 4 (1) of the JJ(C&PC) Act 2000 (as amended in 2006) states as under:

*“Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the State Government may, within a period of one year from the date of commencement of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, by notification in the Official Gazette, constitute for every district, one or more Juvenile Justice Boards for exercising the powers and discharging the duties conferred or imposed on such Boards in relation to juveniles in conflict with law under this Act.”*

All the four states covered under the study have set up Juvenile Justice Boards (JJBs) in all the districts as per Section 4(1). Himachal Pradesh has 12 JJBs in 12 districts, Karnataka 30 JJBs in 30 districts,<sup>1</sup> Madhya Pradesh has 50 JJBs in 50 districts<sup>2</sup> and Mizoram has 8 JJBs in 8 districts.

However, the compliance with Section 4(1) of the JJ(C&PC) Act 2000 (as amended in 2006) is very recent in Himachal Pradesh and Mizoram. Mizoram was able to establish JJBs in all the eight districts only in 2010-2011. Before 2010, the JJB at Lunglei used to cover three districts namely Lunglei, Saiha and Lawngtlai district. Further, as of 24 May 2010, only two JJBs respectively at Una and Shimla were functional in Himachal Pradesh.<sup>3</sup>

###### ii. Pendency of cases before JJBs

The pendency of cases before the JJBs remained high in all the four states. The highest number of cases are pending in **Madhya Pradesh**. The Project Approval Board under the ICPS of the Ministry of Women & Child Development on 18 September 2012 noted that there were 14,000 cases pending disposal in the JJBs in Madhya Pradesh and expressed concern at the high pendency.<sup>4</sup> Earlier, at the 29<sup>th</sup> Meeting of the PAB held on 22 November 2011 the Madhya Pradesh State Government informed that

1. Minutes of the 18th PAB Meeting under ICPS held on 14th July, 2011 to consider the financial proposals for release of grants for 2011-12 to the States of Karnataka
2. Minutes of 51<sup>st</sup> PAB Meeting under ICPS held on 18<sup>th</sup> September 2012 to discuss the financial proposal of Madhya Pradesh available at [http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/updated%20minutes%20PAB%2018th%20sept%20%2012%20MP\(1\).pdf](http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/updated%20minutes%20PAB%2018th%20sept%20%2012%20MP(1).pdf)
3. Letter of the Under Secretary (Social Justice & Empowerment), Government of Himachal Pradesh to the National Commission for Protection of the Rights of the Child, letter No. SJE-F(10)-5/2006-II dated 24 May 2010
4. Minutes of 51<sup>st</sup> PAB Meeting under ICPS held on 18<sup>th</sup> September 2012 to discuss the financial proposal of Madhya Pradesh, available at: [http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/updated%20minutes%20PAB%2018th%20sept%20%2012%20MP\(1\).pdf](http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/updated%20minutes%20PAB%2018th%20sept%20%2012%20MP(1).pdf)

more than 5,000 cases were pending before the JJBs,<sup>5</sup> which meant that 9,000 cases increased in a span of one year as 14,000 cases were pending as of 18 September 2012.

Further, Rule 7 of the Madhya Pradesh Juvenile Justice (Care and Protection of Children) Rules, 2003 states that “(1) Board shall hold sittings in the premises of an observation home.” However, only 18 out of the 50 JJBs were sitting in the premises of the Observation Homes as of 22 November 2011. The rest were functioning in rented buildings.<sup>6</sup> The JJB members lacked training on the role, relevant legislation and policies and the manner in which they are expected to discharge their responsibilities. The state government admitted on 22 November 2011 during the PAB meeting that “training is required for all members of JJBs” in the state.<sup>7</sup>

In Karnataka, the cases pending before the JJBs are not regularly heard. As of 10 February 2012, there were about 2,500 cases pending.<sup>8</sup> Pendency of cases before the JJB was very high in Bengaluru city. The JJBs in the State are headed by the Chief Judicial Magistrate which is not in line with the JJ(C&PC) Act as he is responsible for reviewing pendency.<sup>9</sup>

In Himachal Pradesh also, the pendency before the JJBs remained significant. There were 162 cases pending before the JJB in Kangra district as of 23 January 2012,<sup>10</sup> 110 cases in Una district as of December 2011,<sup>11</sup> 89 cases in Shimla district as of November 2011,<sup>12</sup> 83 cases in Bilaspur district as of November 2011<sup>13</sup>; 63 cases before JJB in Chamba district,<sup>14</sup> 54 cases in Hamirpur district as of December 2011<sup>15</sup>, 30 cases in Kullu district as of November 2011,<sup>16</sup> four cases in Sirmaur district as of December 2011<sup>17</sup> and only one case in Lahual-Spiti district in 2011.<sup>18</sup> The number of sittings in a number of JJBs is inadequate. The JJB at Chamba had lowest 48 cases and highest 65

5. Minutes of the 29<sup>th</sup> PAB Meeting under ICPS, available at: <http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/mpdtd07032012.pdf>

6. Minutes of the 29<sup>th</sup> PAB Meeting under ICPS, available at: <http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/mpdtd07032012.pdf>

7. Minutes of the 29<sup>th</sup> PAB Meeting under ICPS, available at: <http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/mpdtd07032012.pdf>

8. Justice denied in observation homes, *The Times of India*, 10 February 2012

9. Minutes of the 41<sup>st</sup> PAB Meeting under ICPS held on 28<sup>th</sup> June 2012 to consider the financial proposal for release of grants for 2012-13 to the State of Karnataka

10. RTI reply from District Welfare Officer, Kangra at Dharmashala, vide letter No. Wel-Ka-RTI-4473 dated 23 January 2012

11. RTI reply from District Programme Officer, Una, vide letter dated 5/1/2012

12. RTI reply from District Programme Officer, Shimla District, vide letter No. Wel.Sim-6-7/2000J.Act-III-4041 dated 28-12-2011

13. RTI reply from District Programme Officer, Bilaspur vide letter No. 1-59(B)DPO-ICDS/2005-43 dated 7-1-2012

14. RTI reply from District Welfare Officer, Chamba, dated 13 January 2012

15. RTI reply from PIO-cum-District Welfare Officer, Hamirpur district vide letter No. 2-9/99-Wel-J.J. Board-5058-59 dated 24 December 2011

16. RTI reply from District Welfare Officer, Kullu vide letter No. 8-14/2007-Kullu-Wel- RTI-48 dated 19 January 2012

17. RTI reply from District Welfare Officer, Sirmaur, vide letter No. 1-19/2006-SMR-Kalyan-RTI-2005-II-3062 dated 10 January 2012

18. RTI reply from District Programme Officer, Lahual-Spiti district, Vide Letter No. L.S.-DPO-RTI-84 dated 16 January 2012

cases pending between June 2010 and June 2011 but the JJBs had maximum of three sittings per month during this period.

The pendency of cases before the JJBs in Mizoram is not known but at the 43<sup>rd</sup> PAB meeting under ICPS held on 6 July 2012, the state government of Mizoram informed that pendency at the JJBs was high and number of sittings needed to be increased. Earlier, at the 39<sup>th</sup> PAB meeting held on 15 March 2012 it was noted that only 79 cases had been taken up by JJBs during 2011 in Mizoram.<sup>19</sup>

## B. Child Welfare Committees

### i. Establishment of CWCs

Section 29 (1) of the JJ(C&PC) Act 2000 (as amended in 2006) states that “*The State Government may, within a period of one year from the date of commencement of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, by notification in the Official Gazette, constitute for every district, one or more Child Welfare Committees for exercising the powers and discharge the duties conferred on such Committees in relation to child in need of care and protection under this Act.*”

All the four states have established Child Welfare Committees (CWCs) in all the districts. While three states namely Himachal Pradesh,<sup>20</sup> Madhya Pradesh<sup>21</sup>, and Mizoram have set up one CWC in each district, **Karnataka has set up 31 CWCs in 30 districts as of 14 July 2011.**<sup>22</sup>

**Mizoram’s compliance with** Section 29 (1) of the JJ(C&PC) Act 2000 (as amended in 2006) is very recent. **Prior to 2010** Mizoram had only two CWCs, respectively at Aizawl (covering five districts including Aizawl, Champhai, Kolasib, Serchhip, and Mamit) and at Lunglei (cover three districts including Lunglei, Saiha and Lawngtlai).

### ii. Pendency of cases before CWCs

The number of pendency of cases before the CWCs in all the four states was not very high. Amongst the four states, Karnataka has the highest pending cases. There were 91 cases pending before CWC-1, Bangalore Urban as of March 2011,<sup>23</sup> 37 cases pending before CWC-2, Bangalore Urban as of March 2011,<sup>24</sup> 32 cases (involving 15 boys

<sup>19</sup> Minutes of the 39th PAB Meeting under ICPS held on 15th March 2012 to discuss the financial proposal of Mizoram

<sup>20</sup> Letter of the Under Secretary (Social Justice & Empowerment), Government of Himachal Pradesh to the National Commission for Protection of the Rights of the Child, letter No. SJE-F(10)-5/2006-II dated 24 May 2010

<sup>21</sup> List of JJBs and CWCs, Women and Child Development, Madhya Pradesh, available at: <http://www.mpwcd.nic.in/icps/ListofKishoreNyayaBoard.pdf>

<sup>22</sup> Minutes of the 18th PAB Meeting under ICPS held on 14th July, 2011 to consider the financial proposals for release of grants for 2011-12 to the States of Karnataka

<sup>23</sup> RTI reply from Superintendent, Children Home for Girls, Bangalore – 29, vide Letter No. Supt/CHG) B(U)/RTI/2011-12/1145 dated 21.02.2012

<sup>24</sup> RTI reply from Superintendent, Children Home for Boys, Bangalore, vide letter No. Supt./CHB(U) R.T.I/2011-12/1850 dated 22/02/12

and 17 girls) pending before the CWC in Shimoga district as of December 2011,<sup>25</sup> and seven cases pending before CWC, Mysore as of December 2011.<sup>26</sup> As per the admission of the Karnataka government, the CWCs did not undertake any review of the pending cases as of 5 May 2010.<sup>27</sup>

In **Himachal Pradesh**, only three cases were pending before the CWC, Una as of March 2009.<sup>28</sup> There was no pending case before the CWCs of Hamirpur district as of 24 December 2011,<sup>29</sup> Shimla district as of 28 December 2011,<sup>30</sup> Kinnaur district as of 30 December 2011,<sup>31</sup> Kullu district as of 31 December 2011,<sup>32</sup> Lahual-Spiti district at the end of year 2011;<sup>33</sup> Chamba district during 2009-2011;<sup>34</sup> and Bilaspur as of December 2011.<sup>35</sup> And Kangra as of 23 January 2012.<sup>36</sup> Most of the CWCs did not hold any hearing as there was no pending case during 2009-2011.

What is more worrying is the restrictions imposed by the Karnataka government on the CWC members and the alleged lack of activism of CWC members in states like Mizoram and Madhya Pradesh. In October 2010, the state government reportedly issued an order preventing members of Child Welfare Committees from visiting child care institutions when they are not holding a sitting, without prior permission of the heads of the concerned institutions. This is a violation of the Juvenile Justice Rules of Karnataka, 2010 which gives the power to the CWCs to visit any child care institution any time. Further, the Government Order gives power to the Deputy Director of Department of Women and Child Development of Karnataka to visit and review cases being dealt by the CWCs once in 15 days which could interfere into the functioning of the CWCs.<sup>37</sup>

On 19 August 2011, the Project Approval Board (PAB) for ICPS under the Ministry of Women and Child Development noted that the practice of CWCs in Himachal

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<sup>25</sup> RTI reply from Superintendent, Government Children's Home Halkola, Shimoga, Karnataka, RTI reply dated 3 February 2012

<sup>26</sup> RTI reply from Public Information Officer and Women Welfare Officer, Department of Women and Child Development, Mysore, Karnataka, vide Letter No. DDM:RTI:2011-12/1229 dated 15.02.2012

<sup>27</sup> Report submitted by the Government of Karnataka, Women and Child Development Department, to the NCPDR regarding the implementation of the Juvenile Justice (Care and Protection of Children) Act vide letter No. WCD 28 SBB 2006 dated 5.5.2010

<sup>28</sup> RTI reply from District Programme Officer, Una, vide letter dated 5/1/2012

<sup>29</sup> RTI reply from PIO-cum-District Welfare Officer, Hamirpur district vide letter No. 2-9/99-Wel-J.J. Board-5058-59 dated 24 December 2011

<sup>30</sup> RTI reply from District Programme Officer, Shimla District, vide letter No. Wel.Sim-6-7/2000J.Act-III-4041 dated 28-12-2011

<sup>31</sup> RTI reply from District Welfare Officer, Kinnaur at Reckong Peo, dated 30 December 2011

<sup>32</sup> RTI reply from Public Information Officer cum District Programme Officer, Kullu district, Kullu, dated 31 December 2011

<sup>33</sup> RTI reply from District Programme Officer, Lahual-Spiti district, Vide Letter No. L.S.-DPO-RTI-84 dated 16 January 2012

<sup>34</sup> RTI reply from District Welfare Officer, Chamba, dated 13 January 2012

<sup>35</sup> RTI reply from District Programme Officer, Bilaspur vide letter No. 1-59(B)DPO-ICDS/2005-43 dated 7-1-2012

<sup>36</sup> RTI reply from District Welfare Officer, Kangra at Dharmashala, vide letter No. Wel-Ka-RTI-4473 dated 23 January 2012

<sup>37</sup> Curbs on CWC members worry child rights activists, *The Hindu*, 1 November 2010

Pradesh being chaired by Deputy Commissioners was not in accordance with the provisions of JJ(C&PC) Act, 2000.<sup>38</sup>

**The Madhya Pradesh government** informed at the 29<sup>th</sup> Meeting of the Project Approval Board under ICPS held on 22 November 2011 that the number of pending cases in the CWCs was very less, but admitted that there were instances of CWC members not attending the meetings at all. The PAB advised the state government to review the existing cases and to replace the defaulting CWC members.<sup>39</sup> NCPCR during its visit to Satna district from 25 to 27 March 2011 found that the CWC was sitting twice a week but most of the stakeholders, who deal with children, were not aware of the CWC and its functions.<sup>40</sup>

In **Mizoram**, 19 cases were pending in the CWCs at the last day of the quarter in 2011-12.<sup>41</sup> It is alleged that the CWC members hardly attend training programmes organized by the state government.

### **C. Special Juvenile Police Units**

Under section 63(2) of the JJ(C&PC) Act in every police station at least one officer is to be designated as the “Juvenile or Child Welfare Officer” who will handle the juvenile or child in co-ordination with the police. Similarly, under section 63(3) of the Act, “Special Juvenile Police Unit” of which all Juvenile or Child Welfare Officers shall be members, shall be set up in every district “to co-ordinate and to upgrade the police treatment of the juveniles and the children”.

In **Himachal Pradesh**, notification was issued on 2 September 2009 by the Director General of Police, Himachal Pradesh for creation of Juvenile or Child Welfare Officer in each police station and SJPU at the district level headed by the Deputy Superintendent of Police (Headquarters).<sup>42</sup>

In **Karnataka**, Special Juvenile Police Units have been set up in three Commissionerate, 30 districts and 7 Zones of Bangalore City. Senior Child Welfare Officers of the rank of Police Inspector are identified as Child Welfare Officer at the district level. One or two police officers of the rank of ASI have been identified as Child Welfare Officers in each police station to take care of children coming under the purview of the juvenile justice system.<sup>43</sup>

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<sup>38</sup> Minutes of the 21<sup>st</sup> PAB Meeting under ICPS held on 19<sup>th</sup> August, 2011 to discuss the Annual Financial Proposal of Himachal Pradesh, <http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/HPMinutes25112011.pdf>

<sup>39</sup> Minutes of the 29<sup>th</sup> PAB Meeting under ICPS, available at: <http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/mpdtd07032012.pdf>

<sup>40</sup> Report dated 10 May 2011 of NCPCR's visit to Satna district of Madhya Pradesh between 25-27 March 2011, available at: [http://www.ncpcr.gov.in/Reports/Recommendation%20Made%20After%20Visit%20to%20Satna%20District%20\(MP\).pdf](http://www.ncpcr.gov.in/Reports/Recommendation%20Made%20After%20Visit%20to%20Satna%20District%20(MP).pdf)

<sup>41</sup> Minutes of the 43<sup>rd</sup> PAB Meeting under ICPS held on 6th July 2012 to discuss the financial proposal of Mizoram

<sup>42</sup> Information provided by the Under Secretary (Social Justice & Empowerment), Government of Himachal Pradesh to the NCPCR vide letter No. SJE-F(10)-5/2006-II dated 24 May 2010

<sup>43</sup> Government of Karnataka, Department of Women and Child Development, [http://202.138.101.21/dwcd/index.php?option=com\\_content&view=article&id=76%3Ajuvenile-justice&catid=105%3Aicps&lang=en#a](http://202.138.101.21/dwcd/index.php?option=com_content&view=article&id=76%3Ajuvenile-justice&catid=105%3Aicps&lang=en#a) (Accessed on 16 February 2013)

**On 8 March 2010, the Madhya Pradesh government** informed the NCPCR that SJPU have been set up in all the 50 districts of the state. But Madhya Pradesh government also claimed that only 836 Juvenile or Child Welfare Officers were trained<sup>44</sup> which implies that a maximum of 836 police stations had at least one trained Juvenile or Child Welfare Officer. However, as per the Bureau of Police Research and Development, there were 941 police stations in the State as on 1 January 2010 and this implies that about 105 police stations did not have either any Juvenile/Child Welfare Officer or trained Juvenile/Child Welfare Officer to handle the juveniles or children under the JJ(C&PC) Act.<sup>45</sup> Nonetheless the claim of the State Government is false as the first Special Juvenile Police Unit was launched in the state as late as in November 2010.<sup>46</sup>

**Mizoram government informed** at the 43<sup>rd</sup> PAB Meeting under ICPS held on 6<sup>th</sup> July 2012 that SJPU have been set up in all eight districts and each district has a designated Juvenile/Child Welfare Officer.<sup>47</sup> Section 75 of the Mizoram JJ Rules 2010 stipulates that while dealing with a juvenile or a child under the provisions of the Act and the rules made thereunder, except at the time of arrest, the police officials shall wear plain clothes and not the police uniform. But this is rarely followed in Mizoram.

Moreover, the Juvenile/Child Welfare Officers are hardly given training on child rights and JJ (C&PC) Act. All the designated Juvenile/Child Welfare Officers are police officers who receive training from the District Child Protection Society. However, in reality the police personnel who handled the juveniles are non-officers who did not receive training. Moreover, the designated Juvenile/Child Welfare Officers are often transferred to different posts, and a fresh training has to be given to the newly appointed Juvenile/Child Welfare Officers.

#### **D. Inspection Committees**

On 15 September 2007, the state government of **Himachal Pradesh** appointed State/District Level Inspection Committees for the period of three years.

**The Government of Karnataka** informed the NCPCR on 5 May 2010 that Inspection Committees have been formed only in 18 districts.<sup>48</sup> In a number of juvenile justice homes, no inspection has taken place during 2009-2011 according to information under the Right to Information Act. During 2009-2011, no inspection took place

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<sup>44</sup> D.O. letter No./210/CS/JJA/2010 dated 8.3.2010 obtained under the RTI Act, 2005 by Suhas Chakma, Director of Asian Centre for Human Rights

<sup>45</sup> Data on Police Organisation in India as on 1 January 2010, BPRD, available at: <http://bprd.nic.in/writereaddata/linkimages/1243588636-Data%20on%20Police%20Organization%202010.pdf>

<sup>46</sup> MP gets first special juvenile police unit, Zee News, 14 November 2010, available at: [http://zeenews.india.com/news/madhya-pradesh/mp-gets-first-special-juvenile-police-unit\\_668091.html](http://zeenews.india.com/news/madhya-pradesh/mp-gets-first-special-juvenile-police-unit_668091.html)

<sup>47</sup> Minutes of the 43<sup>rd</sup> PAB Meeting under ICPS held on 6<sup>th</sup> July 2012 to discuss the financial proposal for release of grants for 2012-13 to Mizoram

<sup>48</sup> Report submitted by the Government of Karnataka, Women and Child Development Department, to the NCPCR regarding the implementation of the Juvenile Justice (Care and Protection of Children) Act vide letter No. WCD 28 SBB 2006 dated 5.5.2010

in the Balakara Bal Mandir, Gulbarga,<sup>49</sup> Children Home for Boys, Chikmagalur,<sup>50</sup> Government Observation Home (Boys), Gulbarga,<sup>51</sup> Government Observation Home, Dharward,<sup>52</sup> the Government Juvenile Home for Boys at Bagalkot and Government Juvenile Home for Girls at Bagalkot.<sup>53</sup>

Worst, in the case of the Balamandir for Boys, Belgaum, as of 23 September 2011 no inspection was done since 2007-08. The only inspection which was conducted by the Women and Child Development Department was done in 2006-07.<sup>54</sup> Further, in Government Children Home for Boys, Gadag, during 2009-2011 only three inspections took place respectively on 2 October 2010, 23 October 2010 and 19 August 2011.<sup>55</sup>

**The Madhya Pradesh government** in a letter dated 8 March 2010 informed the NCPDR that 26 Inspection Committees were functional in the state.<sup>56</sup> At district level, the District Collector and Department officials from the district form part of the Committee as stated by the state government on 22 November 2011 during the PAB meeting.<sup>57</sup>

**In Mizoram**, seven out of the eight inspection committees were formed only in 2007. But the state government of Mizoram informed that only 31 inspections of the Juvenile Justice Homes have been undertaken since 2007 as of 6 July 2012. CWCs were carrying out frequent inspections of the Homes. The PAB advised Mizoram to activate the inspection committees as per the JJ(C&PC) Act and State JJ Rules and regular inspections, including surprise visits, should be undertaken.<sup>58</sup>

But ACHR has found that in a number of juvenile justice homes, there is hardly any inspection. The State Inspection Team has conducted only one inspection at Government Observation Home-Cum-Special Home at Aizawl since its establishment in 1986 and no inspection has been done by the State Inspection Team at Government

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<sup>49</sup> RTI reply from Superintendent of Balakara Bal Mandir, Pragathi Colony, Gulbarga, Karnataka vide letter No. CHG/RTI/Inf/2011-12/556

<sup>50</sup> RTI reply from Public Information Officer & Women & Child Development Officer, Women and Child Development Department, Chikmagalur, Karnataka vide letter No. DDC:WCD-C-2:RIACT:11-12/4751 dated 23.2.2012

<sup>51</sup> RTI reply from Superintendent of Govt Observation Home (Boys), Gulbarga, vide letter no. OHG/RTI/Inf/2011-12/95 dated 22-2-2012

<sup>52</sup> RTI reply from the concerned authorities vide letter dated 27-2-2012

<sup>53</sup> RTI reply from Government Juvenile Home for Boys and Girls, Bagalkot, Karnataka, vide letter dated 14-2-2012

<sup>54</sup> RTI reply from Superintendent cum Probation Officer Balamandir for Boys, Belgaum, dated 23-9-2011

<sup>55</sup> RTI reply from Public Information Officer, Women and Child Development Department, gadag, vide letter No. DDWCD/RTI/2011-12/9061 dated 1.3.2012

<sup>56</sup> D.O. letter No./210/CS/JJA/2010 dated 8.3.2010 obtained under the RTI Act, 2005 by Suhas Chakma, Director of Asian Centre for Human Rights

<sup>57</sup> Minutes of the 29<sup>th</sup> PAB Meeting under ICPS, available at: <http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/mpdtd07032012.pdf>

<sup>58</sup> Minutes of the 43<sup>rd</sup> PAB Meeting under ICPS held on 6th July 2012 to discuss the financial proposal of Mizoram

Observation Home-Cum-Special Home at Lunglei since its inception in 2008. There has not been any inspection from the State Inspection Team or Mizoram State Child Protection Society (MSCPS)/ District Child Protection Society (DCPS) officials at the three new established government-funded Shelter Homes at Aizawl, Mamit and Champhai.

### 3.2 State of the institutions providing institutional care

#### A. Observation Homes

##### *i. Number of Observation Homes*

**Himachal Pradesh** has only one “Observation Home-Cum-Special Home for Boys and Girls” situated at Samoor Kalan in Una township under Una district. The juveniles detained from across the State are kept at this Home. At the time of a field visit by ACHR on 19 April 2012, there were 10 juveniles hailing from Chamba, Solan, Kangra, Shimla, Kullu and Una districts lodged at the Home. The juveniles detained at the Observation Cum Special Home for Boys and Girls at Samoor Kalan under Una district are required to be regularly produced before the JJBs in various districts of the State. At times, a particular juvenile needs to be produced three to four times in a month. The situation worsens when the Chairperson of the JJB (a Metropolitan Magistrate or a Judicial Magistrate of the first class) is absent and the hearing is postponed.<sup>59</sup> Further, the officials of the Observation cum Special Home are required to arrange funds from their own pockets for the appearance of the juveniles before the JJBs though the state government later on reimburses the expenses. The officials nonetheless face acute financial crisis.<sup>60</sup> Further, travel funds allocated for the Observation Home have been reduced from Rs 44,000 during 2010-11 to Rs 20,600 during 2011-12.

In **Karnataka**, there are 16 Observation Homes, respectively at Bangalore (U), Bangalore Rural (for Girls), Belary, Belgaum, Bijapur, Chitradurga, Davanagere (for Girls), Dharwad, Gulbarga, Hassan, Kolar, Mysore, Shimoga, Karwar, Raichur, and Udupi. Of these, 10 Observation Homes are housed in Govt. buildings and 6 are functioning in rented buildings.<sup>61</sup>

In **Madhya Pradesh**, there are 18 Government Observations Homes situated in the districts of Bhopal, Vidisha, Betul, Indore, Jhabua, Khandwa, Ujjain, Ratlam, Gwalior, Guna, Morena, Sagar, Chattarpur, Rewa, Shahdol, Jabalpur, Narsingpur and Seoni.<sup>62</sup> Out of these 18 Observation Homes, 16 are for boys and two for girls (Vidisha and

<sup>59</sup> Interview with Ms Laxmi Kant, Acting Superintendent of Observation Home cum Special Home for Boys and Girls at Samoor Kalan, Una and District Programme Officer, Una, 19 April 2012

<sup>60</sup> Interview with Ms Laxmi Kant, Acting Superintendent of Observation Home cum Special Home for Boys and Girls at Samoor Kalan, Una and District Programme Officer, Una, 19 April 2012

<sup>61</sup> Government of Karnataka, Department of Women and Child Development, [http://202.138.101.21/dwcd/index.php?option=com\\_content&view=article&id=76%3Ajuvenile-justice&catid=105%3Aicps&lang=en#a](http://202.138.101.21/dwcd/index.php?option=com_content&view=article&id=76%3Ajuvenile-justice&catid=105%3Aicps&lang=en#a) (Accessed on 16 February 2013)

<sup>62</sup> List of Govt. Observation Homes, Women and Child Development Department, Madhya Pradesh, available at: <http://www.mpwcd.nic.in/icps/GovtInstitution.pdf>

Shahdol).<sup>63</sup> There are no Observation Homes run by NGOs/Voluntary Organizations in the state.<sup>64</sup> The 18 Observation Homes are far from adequate given the rise in juvenile delinquency in the state. According to the NCRB, Madhya Pradesh topped the list of juvenile crimes under the Indian Penal Code (IPC) with 4,997 crimes in 2011, while 5495 juveniles were apprehended for these crimes.<sup>65</sup> Yet, despite rise in crimes by the juveniles, there are no Observation Homes in the rest 32 districts.

**Mizoram** has eight districts but so far only two “Observation Home-cum-Special Homes” have been set up at Aizawl and Lunglei respectively. Further, facility for girls is available only at Observation Home-Cum-Special Home at Aizawl but not at Lunglei. On 28 November 2011, the Mizoram government replied to ACHR that due to fund constraints, proposal for construction of new Homes in different districts was submitted under the Integrated Child Protection Scheme (ICPS) and approval was awaited.<sup>66</sup>

## *ii. Undertilted Observation Homes*

There is an urgent need for the establishment of new Observation Homes in **Himachal Pradesh** and **Mizoram**. In **Mizoram**, the existing homes are not rationalized and therefore the Observation Home-Cum-Special Home for boys and girls at Lunglei is overcrowded. At the 39<sup>th</sup> PAB Meeting under ICPS held on 15<sup>th</sup> March 2012 that a Member of National Commission for Protection of Child Rights stated that “there is space crunch in the present homes and children had to sleep on floor as there is no space for cots. There are no separate facilities for boys and girls and the buildings are old and in depleting conditions Hence, new buildings need to be constructed for which grants were requested.”

On 14 July 2011, the PAB under ICPS of the Ministry of Women and Child Development refused to sanction funds for construction of new Observation Homes and Children Homes in **Karnataka** on the ground that several Observation Homes and Children Homes in the state were under-utilized and thus rationalization is required. Taking note of the very low capacity utilization in the Homes, PAB mandated NIPCCD-Bangalore to help the State to rationalize the requirement of Homes.<sup>67</sup>

**Madhya Pradesh** has topped the list of juvenile crimes under the Indian Penal Code (IPC) with 4,997 crimes in 2011, while 5495 juveniles were apprehended for these crimes.<sup>68</sup> There are only 18 Observations Homes in 18 districts<sup>69</sup> and the no

<sup>63</sup> Affidavit Submitted to Hon'ble Supreme Court in the Matter of W.P (CIVIL) NO.473 Of 2005 by NCPCCR, available at: <http://www.ncpcr.gov.in/juvenilejustice.htm>

<sup>64</sup> Information available at the website of Women and Child Development Department, Madhya Pradesh, <http://www.mpwcd.nic.in/ICPS.html>

<sup>65</sup> Crime in India, 2005 and 2011, NCRB, available at: <http://ncrb.nic.in/>

<sup>66</sup> RTI reply from Vanlalghaka Zote, Deputy Director (T) cum State Public Information Officer, Social Welfare Department, Mizoram, Aizawl vide No. C.31012/2/06-DTE(SW) dated 28 November 2011

<sup>67</sup> Minutes of the 18th PAB Meeting under ICPS held on 14th July, 2011, <http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/KarnatakaMinutes25112011.pdf>

<sup>68</sup> Crime in India, 2005 and 2011, NCRB, available at: <http://ncrb.nic.in/>

<sup>69</sup> List of Govt. Observation Homes, Women and Child Development Department, Madhya Pradesh, available at: <http://www.mpwcd.nic.in/icps/GovtInstitution.pdf>

Observation Home has been established in the rest 32 districts despite rising crimes by juveniles. Yet, on 22 November 2011 the Project Approval Board (PAB) of the Ministry of Women and Child Development under ICPS noted that 15 out of the 18 Observation Homes were underutilized. The PAB advised the state government to rationalize the number of Observation Homes in term of capacity and manpower and to use cluster approach for Homes. The PAB highlighted another problem and recommended that “*The State should ensure that only those children who are found guilty by JJBs after enquiry should be sent to Special Home and children in need of care and protection should not be kept in these Homes.*”<sup>70</sup> This suggests that children in conflict with law and in need of care and protection were kept in the Observation Homes.

### *iii. Segregation of inmates in Observation Homes*

In **Himachal Pradesh** there is no segregation of the children in conflict with law at the lone Observation Home-cum-Special Home at Una as well as of the children in need of care and protection (CNCP) at various Children Homes across the state. Replying to an RTI application filed by ACHR, District Programme Officer of Una stated that “juveniles are being kept separately based on their age and nature of sickness”.<sup>71</sup> However, at the time of ACHR’s visit on 19 April 2012 there were 10 juveniles (whose cases are being heard by JJBs) who were kept in a single dormitory irrespective of their age and nature of offence.<sup>72</sup> Similarly, separation of children is not maintained at some Children Homes such as Balika Ashram-cum-Children Home at Mashobra, Shimla district<sup>73</sup>, Bal Ashram-cum-Children Home at Masli, Shimla district<sup>74</sup> and Children Home at Sunder Nagar, Mandi district.<sup>75</sup> There is lack of proper understanding about the need for separation of children provided in the JJ(C&PC) Act. While responding to an RTI application, the District Programme Officer, Shimla replied that separation of children was not being maintained at Balika Ashram-cum-Children Home, Mashobra, Shimla district on the ground that there was no child in conflict with law sheltered in the Ashram!<sup>76</sup> This is despite the fact that Rule 29(1) of the JJ(C&PC) Act states that “(e) every children’s home shall include separate facilities for children in the age group of 0-5 years with appropriate facilities for the infants” and “(g) children in the age group of 10 to 18 shall be further segregated into two groups of 10 to 15 years and 15 to 18 years.”

In **Karnataka**, in some Observation Homes, there is no segregation of the inmates on the basis of age, sex and nature of offences. There is no segregation at the Government Observation Home, Chitradurga.<sup>77</sup> The Observation Home at Belgaum is running

<sup>70</sup> Minutes of the 29<sup>th</sup> PAB Meeting under ICPS, available at: <http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/mpdtd07032012.pdf>

<sup>71</sup> RTI reply received from District Programme Officer, Una, dated 5 January 2012

<sup>72</sup> Interview with Ms Laxmi Kant, Acting Superintendent of Observation Home cum Special Home for Boys and Girls at Samoor Kalan, Una and District Programme Officer, Una, 19 April 2012

<sup>73</sup> RTI reply from District Programme Officer, Shimla, dated 7-5-2012

<sup>74</sup> RTI reply from District Programme Officer, Shimla, dated 7-5-2012

<sup>75</sup> RTI reply from PIO cum District Programme Officer, Mandi, Himachal Pradesh, vide letter No. ICDS.MMO-RTI-706 dated 8 June 2012

<sup>76</sup> RTI reply from District Programme Officer, Shimla, dated 7-5-2012

<sup>77</sup> RTI reply from Deputy Director, Dept of Women and Child Development, Chitradurga, Karnataka, RTI dated 9/2/2012

from the premises of the Children Home, Belgaum<sup>78</sup> in clear violation of the Rule 40 (1) of the Juvenile Justice (Care and Protection of Children) Rules 2007 which states that “The homes for juveniles in conflict with law and children in need of care and protection shall function from separate premises.”

In **Madhya Pradesh**, both the Observation Home and Special Home at Seoni are located in the same premises. Since no staff has been appointed for the Observation Home, Seoni, the inmates are kept at the Special Home, Seoni. The inmates are separately housed on the basis of their age group (12-14; 14-16; and 16-18) in the Special Home.<sup>79</sup> But Observation Homes are meant for the temporary reception of any juvenile in conflict with law during the pendency of any inquiry against him / her while those whose guilt has been established by the Juvenile Justice Boards are sent to Special Homes. By housing the undertrial juveniles with the convicted ones due to lack of separation is a serious violation of the JJ Act.

In **Mizoram**, at the Observation Home-cum-Special Home at Lunglei there is no separation of inmates. At the Observation Home-Cum-Special Home at Aizawl, boys and girls are kept at separate places which are both surrounded by high walls. Section 40 (a) (ii) of the Mizoram JJ Rules provides that there should be a classification and segregation of juveniles according to their age group preferably 7-10 years, 11-5 years and 16-18 years, giving due consideration to physical and mental status and the nature of the offence committed. There are two rooms where two groups of inmates are classified and kept according to their age group i.e. below 7-15 years and 15-18 years.<sup>80</sup> On 15 March 2012, Mizoram government reported before the PAB under ICPS that “of the four government run Homes, two Homes cum Special Homes at Aizawl and Lunglei are run under one roof, without separate infrastructure and staff. Member, NCPDR also reiterated that there is space crunch in the present homes and children had to sleep on floor as there is no space for cots. There are no separate facilities for boys and girls and the buildings are old and in depleting conditions.”<sup>81</sup>

#### *iv. Overcrowded Observation Homes*

There is no overcrowding in the Observation Homes in Himachal Pradesh, Karnataka and Madhya Pradesh. At the 51<sup>st</sup> meeting of the PAB on 18 September 2012, the Madhya Pradesh government claimed that 379 juveniles in conflict with law were lodged in the 18 Observation Homes of the state as on 1 April 2012 against combined sanctioned capacity of 900.<sup>82</sup>

<sup>78</sup>. RTI reply from Probation Officer-II, Observation Home, Belgaum, Letter No. OH.B/W&C.D/R/I. Act/2011-12/315 dated 24-10-2011

<sup>79</sup>. RTI reply dated 9 May 2012 received from the Superintendent, Govt. Special Home, Seoni, Madhya Pradesh

<sup>80</sup>. Information obtained from officials during visit of ACHR researchers on 5 October 2012

<sup>81</sup>. Minutes of the 39<sup>th</sup> PAB Meeting under ICPS held on 15<sup>th</sup> March 2012 to discuss the financial proposal of Mizoram, <http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/mizoramtd11062012.pdf>

<sup>82</sup>. Minutes of 51<sup>st</sup> PAB Meeting under ICPS held on 18<sup>th</sup> September 2012 to discuss the financial proposal of Madhya Pradesh, available at: [http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/updated%20minutes%20PAB%2018th%20sept%202012%20MP\(1\).pdf](http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/updated%20minutes%20PAB%2018th%20sept%202012%20MP(1).pdf)

However, in **Mizoram**, the Observation Home-cum-Special Home at Lunglei is overcrowded. ACHR researchers during a field visit on 29 September 2012 found that the Home has a capacity to house only 10 inmates, that too for boys only. ACHR found that the Officer in Charge took the initiative of adding up 4 beds for the inmates as sometimes number of inmate increases. However, on many occasions, the inmates exceeded 14 and in such situations the inmates had to sleep on the floor. The home provides accommodation, food, recreational facilities, vocational training, counseling, religious and moral guidance.<sup>83</sup> But the Mizoram government in order to hide the overcrowding condition claimed before the Projects Approval Board that the capacity of the Lunglei Observation Home/Special Home was 30 and there were 5 girls and 16 boys as on 1<sup>st</sup> January 2012<sup>84</sup> while it claimed in an RTI reply dated 28 November 2011 that the sanctioned capacity of this Home was 75.<sup>85</sup>

### *v. Education and vocational facilities*

The juveniles lodged at the Observation Home-cum-Special Home for Boys and Girls at Samoor Kalan, Una in **Himachal Pradesh** are not being provided any formal education. They are not allowed to attend schools outside the Home nor are they provided formal education inside the premises of the Home. A teacher does provide them some “education” but they are not issued any certificate.<sup>86</sup> The juveniles are reportedly being provided training in carpentry.

In **Karnataka**, most of the Observation Homes do not have provisions of vocational training; and teachers have not been appointed in many homes. The post of educator was unfilled in the Government Observation Home, Bangalore as of 10.10.2011,<sup>87</sup> the Government Observation Home, Chitradurga as of 23.9.2011,<sup>88</sup> the Observation Home, Belgaum as of 23.9.2011,<sup>89</sup> the Observation Home, Bellary as of 13.10.2011,<sup>90</sup> the Observation Home, Dharwad as of 15.10.2011,<sup>91</sup> the Observation Home, Takke Bijapur as of 1.10.2011,<sup>92</sup> the Observation Home, Udipi as of 29.10.2011,<sup>93</sup> and the Govt Observation Home, Davangere as of 11.11.2011.<sup>94</sup>

<sup>83</sup> Information obtained from officials during the visit of ACHR researchers on 29 September 2012

<sup>84</sup> Ministry of Women and Child Development, Sanction Letter No. 14-18/2009-CW-II dated 29<sup>th</sup> March 2012

<sup>85</sup> RTI reply from Vanlalnghaka Zote, Deputy Director (T) cum State Public Information Officer, Social Welfare Department, Mizoram, Aizawl vide No. C.31012/2/06-DTE(SW) dated 28 November 2011

<sup>86</sup> Interview with Mr Shiv Dev Singh, teacher, Observation Home cum Special Home, Una, 19<sup>th</sup> April 2012

<sup>87</sup> RTI reply from the Probation Officer, Govt Observation Home, Bangalore Rural district, Karnataka vide Letter No./oh/dwc/ri/2011-2012/147 dated 10.10.2011

<sup>88</sup> RTI reply from Deputy Director, Dept of Women and Child Development, Chitradurga, Karnataka, No. DD/CTA/DWCD/CR-1/RTI/11-12/3422 dated 23-09-2011

<sup>89</sup> RTI reply from Probation Officer-II, Observation Home, Belgaum, Karnataka, No. OH.B/W&CD/I/2011-12 dated 23/09/2011

<sup>90</sup> RTI reply from Observation Home, Bellary dated 13/10/2011

<sup>91</sup> RTI reply from Observation Home, Dharwad dated 15/10/2011

<sup>92</sup> RTI reply from Observation Home, Takke Bijapur dated 1/10/2011

<sup>93</sup> RTI reply from the Women and Child Development Department, Karnataka vide Letter No. DDU:DWCD:RTI:2011-12/1118 dated 29-10-2011

<sup>94</sup> RTI reply from the Probation Officer-Cum-Superintendent, Government Observation Home, Davangere, vide letter dated 11.11.2011

In **Madhya Pradesh**, there is no provision for education and vocational training in a number of Observation Homes. In Govt. Observation Home, Chatarpur, no educator posted as the state government has not sanctioned for the same. The Superintendent of the Home states that the juveniles are lodged at the Home only for few months and education is being provided to the inmates by the trainer/instructor as per their qualifications. The inmates are also being provided vocational training in the Home.<sup>95</sup> In Govt Observation Home, Indore, in the absence of educator, a Vocational Trainer posted in the Home has to teach the inmates apart from providing vocational training. In Govt. Observation Home for Boys, Bhopal, the post of educator is not sanctioned in the Home, therefore no education is provided to the inmates.<sup>96</sup> In Govt. Observation Home for Boys, Guna, there is neither educator nor vocational trainer posted at the Home.<sup>97</sup> In Govt. Observation Home for Boys, Jabalpur the inmates could not be provided education due to non availability of teacher. In addition, no vocational training is imparted to the children.<sup>98</sup>

#### *vi. Shortage of staff*

The post of Superintendent in the lone Observation Home-Cum-Special Home at Una in **Himachal Pradesh** has been lying vacant since 1 July 2008.<sup>99</sup> Ms Laxmi Kant, District Programme Officer (Integrated Child Development Services), Una district under Women and Child Development Department has been appointed Acting Superintendent of the Home.

In **Karnataka**, in Government Observation Home, Chitradurga, only two staff out of 11 sanctioned staff were appointed as of 23.9.2011.<sup>100</sup> In the Observation Home, Bellary, the post of the cook was vacant as of 13.10.2011.<sup>101</sup> In the Observation Home, Udupi the posts of the cook, three Guards, one Ayaha and one Visiting Medical Officer were vacant as of 29.10.2011.<sup>102</sup> And, in the Govt Observation Home, Davangere out of four sanctioned staff, only two have been appointed leaving two posts vacant as of 11.11.2011.<sup>103</sup>

In **Madhya Pradesh**, a number of crucial staff posts are found to be lying unfilled in several Observation Homes. For example, both the Observation Home and Special

<sup>95</sup> RTI reply dated 17 May 2012 received from the Superintendent, Observation Home, Chatarpur, Madhya Pradesh

<sup>96</sup> RTI reply dated 23 April 2012 received from Public Information Officer, Women and Child Development Department, Madhya Pradesh

<sup>97</sup> RTI reply dated 23 May 2012 received from the Superintendent of the Government Observation Home, Guna (Madhya Pradesh)

<sup>98</sup> RTI reply dated 8 August 2012 received from the Office of the Superintendent, Government Observation Home, Jabalpur, Madhya Pradesh

<sup>99</sup> RTI reply from Public Information Officer cum District Welfare Officer, Una district, Una, dated 30 September 2011

<sup>100</sup> RTI reply from Deputy Director, Dept of Women and Child Development, Chitradurga, Karnataka, No. DD/CTA/DWCD/CR-1/RTI/11-12/3422 dated 23-09-2011

<sup>101</sup> RTI reply from Observation Home, Bellary dated 13/10/2011

<sup>102</sup> RTI reply from the Women and Child Development Department, Karnataka vide Letter No. DDU:DWCD:RTI:2011-12/1118 dated 29-10-2011

<sup>103</sup> RTI reply from the Probation Officer-Cum-Superintendent, Government Observation Home, Davangere, vide letter dated 11.11.2011

Home at Seoni are located in the same premises and no staff has been appointed for the Observation Home, Seoni; therefore the inmates of the Observation Homes are kept at the Special Home, Seoni in contravention of the JJ(C&PC) Act.<sup>104</sup> The post of the Superintendent was lying vacant in the Government Observation Home for Boys, Bhopal as on 24 May 2012,<sup>105</sup> in the Government Observation Home for Boys, Jabalpur as on 8 August 2012,<sup>106</sup> in the Government Observation Home for Boys, Khandwa as on 23 July 2012.<sup>107</sup> Further, in the Government Observation Home for Boys, Bhopal, as on 24 May 2012 the Vocational Instructor/Trainer of the Home was given the additional charge of the Superintendent and the Probation Officer whose post has been lying vacant since 2003.<sup>108</sup> In Govt. Observation Home, Chatarpur, the total sanctioned staff is 12 but the posts of the Case Worker, Security Guard and Probation Officer were vacant as on 17 May 2012.<sup>109</sup> In Govt Observation Home, Indore, the posts of Case Worker, Probation Officer and educator were vacant.<sup>110</sup> In Govt. Observation Home for Boys, Jabalpur three important posts namely Superintendent, Probation Officer and teacher were lying vacant as on 8 August 2012.<sup>111</sup>

In **Mizoram**, the post of the Warden has been vacant for over 2 years at the Observation Home-cum-Special Home at Aizawl.<sup>112</sup>

## **B. Special Homes**

Section 9 of the Juvenile Justice (Care and Protection of Children) Act of 2000 (Amended in 2006) provides for setting up of Special Homes in every district or a group of districts, as may be required, for “reception and rehabilitation of juvenile in conflict with law under this Act”. Clause (b) of Sub-Rule (2) of Rule 40 of the Juvenile Justice (Care and Protection of Children) Rules, 2007 provides for separate special homes for girls above the age of 10 years and boys in the age groups of 11 to 15 and 16 to 18 years, and “classification and segregation of juveniles on the basis of age and nature of offences and their mental and physical status.”

### *i. Number of Observation Homes*

Himachal Pradesh and Mizoram have failed to set up separate Special Homes. In the state of **Himachal Pradesh**, a combined Observation Home-Cum-Special Home for

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<sup>104</sup> RTI reply dated 9 May 2012 received from the Superintendent, Govt. Special Home, Seoni, Madhya Pradesh

<sup>105</sup> RTI reply dated 23 April 2012 received from Public Information Officer, Women and Child Development Department, Madhya Pradesh

<sup>106</sup> RTI reply dated 8 August 2012 received from the Office of the Superintendent, Government Observation Home, Jabalpur, Madhya Pradesh

<sup>107</sup> RTI reply dated 23 July 2012 received from the Officer of the Superintendent, Government Observation Home, Khandwa, Madhya Pradesh

<sup>108</sup> RTI reply dated 23 April 2012 received from Public Information Officer, Women and Child Development Department, Madhya Pradesh

<sup>109</sup> RTI reply dated 17 May 2012 received from the Superintendent, Observation Home, Chatarpur, Madhya Pradesh

<sup>110</sup> RTI reply dated 24 May 2012 received from Superintendent of Observation Home, Indore (Madhya Pradesh)

<sup>111</sup> RTI reply dated 8 August 2012 received from the Office of the Superintendent, Government Observation Home, Jabalpur, Madhya Pradesh

<sup>112</sup> Information obtained from officials during visit of ACHR researchers on 5 October 2012

boys and girls has been established at Una. In **Mizoram**, two combined Observation Home-Cum-Special Homes have been established respectively at Aizawl and Lunglei. The Observation Homes and the Special Homes have not been yet separated in these two states.

According to Department of Women and Child Development, government of **Karnataka**, four units of Special Homes are attached to four Observation Homes for the rehabilitation of juveniles in conflict with law.<sup>113</sup> Non-separation of Special Homes from Observation Homes is a violation of the provisions of the JJ(C&PC) Act.<sup>114</sup>

According to the Women and Child Development Department, **Madhya Pradesh**, there are only three government-run Special Homes in the state<sup>115</sup> i.e. the Govt. Special Home for Girls, Indore built in 1971, the Govt. Special Home for Boys, Indore built in 1972 and the Govt. Special Home, Seoni built in December 1988. There are no certified fit institutions for the reception of juvenile in conflict with law. The State government of informed Madhya Pradesh in a letter dated 8 March 2010 to the NCPCR that there was no Special Home run by NGOs/VOs.<sup>116</sup> The Govt. Special Home in Seoni is underutilized. As per information obtained under the Right to Information Act, 2005 the total number of inmates in the Home never touch the figure of 24 since 2010 and there were only 5 inmates in May 2012.<sup>117</sup>

## ***ii. Segregation of inmates in Special Homes***

Clause (b) of Sub-Rule (2) of Rule 40 of the Juvenile Justice (Care and Protection of Children) Rules, 2007 provides for separate special homes for girls above the age of 10 years and boys in the age groups of 11 to 15 and 16 to 18 years, and “classification and segregation of juveniles on the basis of age and nature of offences and their mental and physical status.” However, Himachal Pradesh and Mizoram failed to ensure segregation of juveniles on the basis of “nature of offences” by not separating the Special Homes from the Observation Homes. Himachal Pradesh and Mizoram have combined Observation Homes and Special Homes, without any separation.

Interestingly, at the time of ACHR’s visit on 19 April 2012 to the Observation Home-Cum-Special Home at Una, there were 10 juveniles kept in a single dormitory irrespective of their age and nature of offence. Further all the 10 juveniles were undertrials whose cases were being heard by JJBs.<sup>118</sup> The Home authorities informed

<sup>113</sup> Government of Karnataka, Department of Women and Child Development, [http://202.138.101.21/dwcd/index.php?option=com\\_content&view=article&id=76%3Ajuvenile-justice&catid=105%3Aicps&lang=en#a](http://202.138.101.21/dwcd/index.php?option=com_content&view=article&id=76%3Ajuvenile-justice&catid=105%3Aicps&lang=en#a) (Accessed on 16 February 2013)

<sup>114</sup> RTI reply from Public Information Officer & Women & Child Development Officer, Women and Child Development Department, Chikmagalur, Karnataka vide letter No. DDC:WCD-C-2:RIACT:11-12/4751 dated 23.2.2012

<sup>115</sup> List of Special Homes, Women and Child Development, Madhya Pradesh, available at: <http://www.mpwcd.nic.in/icps/GovtInstitution.pdf>

<sup>116</sup> D.O. letter No./210/CS/JJA/2010 dated 8.3.2010 obtained under the RTI Act, 2005 by Suhas Chakma, Director of Asian Centre for Human Rights

<sup>117</sup> RTI reply dated 9 May 2012 received from the Superintendent, Govt. Special Home, Seoni, Madhya Pradesh

<sup>118</sup> Interview with Ms Laxmi Kant, Acting Superintendent of Observation Home cum Special Home for Boys and Girls at Samoor Kalan, Una and District Programme Officer, Una, 19 April 2012

ACHR that there was no juvenile lodged in the Home who had been found guilty by the JJBs. But as per the National Crime Records Bureau, Ministry of Home Affairs, 10 juveniles were sent to Special Homes during 2011;<sup>119</sup> and 13 juveniles were sent to Special Homes during 2010.<sup>120</sup> Therefore, question arises as to where were so many juveniles sent to Special Homes by the JJBs lodged?

Affidavit submitted to Hon'ble Supreme Court by NCPCR in April 2011 in the Matter of W.P. (CIVIL) NO.473 Of 2005 stated that only one Special Home was functional in **Karnataka**.<sup>121</sup> However, in its website, Karnataka's Department of Women and Child Development states that four units of Special Homes are attached to four Observation Homes.<sup>122</sup> This means that there is no separation of the juveniles.

In **Madhya Pradesh**, the juveniles are segregated only on the basis of age at the Special Homes. RTI information obtained from the Govt Special Home for Girls, Indore revealed that children in need of care and protection and juveniles whose petitions/cases were pending in the JJBs are also kept temporarily in the Special Home for Girls at Indore. The RTI information states that 15 girls in need of care and protection were lodged in this Special Home as of 9 May 2012 while 22 juvenile girls whose trials were pending were lodged at the Special Home from April 2010 till February 2012.<sup>123</sup> On 22 November 2011, the Ministry of Women and Child Development asked the **Madhya Pradesh** government to "*ensure that only those children who are found guilty by JJBs after enquiry should be sent to Special Home and children in need of care and protection should not be kept in these Homes.*"<sup>124</sup>

### *iii. Overcrowding of Special Homes*

The lone Observation Home-Cum-Special Home situated at Una in **Himachal Pradesh** had only 10 inmates against the sanctioned capacity of as of 25 as of 19 April 2012.

According to the state government of Madhya Pradesh, none of the three Special Homes were overcrowded. As per the information provided to the PAB under ICPS by the Madhya Pradesh government, as of 1<sup>st</sup> April 2012 there were only 72 inmates in three Special Homes which has a total capacity for 200 inmates.<sup>125</sup> However, the

<sup>119</sup> NCRB, "Crime In India 2011", TABLE-10.9

<sup>120</sup> NCRB, "Crime In India 2010", TABLE-10.13

<sup>121</sup> Affidavit submitted to Hon'ble Supreme Court by NCPCR in the Matter of W.P. (CIVIL) NO.473 Of 2005, available at: <http://www.ncpcr.gov.in/Letters/Affidavit%20On%20Behalf%20Of%20NCPCR%20with%20Annexure%20.pdf>

<sup>122</sup> Government of Karnataka, Department of Women and Child Development, [http://202.138.101.21/dwcd/index.php?option=com\\_content&view=article&id=76%3Ajuvenile-justice&catid=105%3Aicps&lang=en#a](http://202.138.101.21/dwcd/index.php?option=com_content&view=article&id=76%3Ajuvenile-justice&catid=105%3Aicps&lang=en#a) (Accessed on 16 February 2013)

<sup>123</sup> RTI reply dated 9 May 2012 received from Superintendent, Govt. Special Home, Indore, Madhya Pradesh

<sup>124</sup> Minutes of the 29<sup>th</sup> PAB Meeting under ICPS, available at: <http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/mpdtd07032012.pdf>

<sup>125</sup> Minutes of 51<sup>st</sup> PAB Meeting under ICPS held on 18<sup>th</sup> September 2012 to discuss the financial proposal of Madhya Pradesh

NCRB states that during 2011, a total of 450 juveniles were sent to Special Homes in Madhya Pradesh<sup>126</sup> and 527 juveniles were sent to Special Homes during 2010.<sup>127</sup>

The number of inmates in the Karnataka's Special Homes is not known.

However, **Mizoram's** Observation Home-cum-Special Home at Lunglei is overcrowded. ACHR researchers during a field visit on 29 September 2012 found that the Home has a capacity to house only 10 inmates, that too for boys only. ACHR found that the Officer in Charge took the initiative of adding up 4 beds for the inmates as sometimes number of inmate increases. However, on many occasions, the inmates exceeded 14 and in such situations the inmates had to sleep on the floor.<sup>128</sup> But the Mizoram government in order to hide the overcrowding condition claimed before the Projects Approval Board that the capacity of the Lunglei Observation Home/Special Home was 30 and there were 5 girls and 16 boys as on 1<sup>st</sup> January 2012<sup>129</sup> while it claimed in an RTI reply dated 28 November 2011 that the sanctioned capacity of this Home was 75.<sup>130</sup>

#### *iv. Education and vocational facilities*

The juveniles lodged at the Observation Home-cum-Special Home for Boys and Girls at Samoor Kalan, Una in **Himachal Pradesh** are not being provided any formal education. They are not allowed to attend schools outside the Home nor are they provided formal education inside the premises of the Home. A teacher does provide them some "education" but they are not issued any certificate.<sup>131</sup> The juveniles are reportedly being provided training in carpentry.

Education and vocational training are reportedly being provided in all the three Special Homes in **Madhya Pradesh**. At Govt. Special Home, Seoni, vocational training and education are provided to the inmates with one teacher each.<sup>132</sup> At Govt. Special Home for Boys, Indore, apart from education, two kinds of vocational training is given namely carpentry and stitching.<sup>133</sup> At Govt Special Home for Girls, Indore, the inmates are also admitted to outside schools and encouraged to participate in cultural knowledge and National language Hindi examinations. One inmate had also appeared for the Pre-Medical Test. Vocational training is provided to the inmates through the cooperation of social organisations. Drawing, painting, bag and artificial jewelry making, sewing, cooking, etc are imparted to the inmates. Further, 13 inmates were

<sup>126</sup> National Crime Records Bureau, "Crime In India 2011", Table 10.13

<sup>127</sup> National Crime Records Bureau, "Crime In India 2010", Table 10.13

<sup>128</sup> Information obtained from officials during the visit of ACHR researchers on 29 September 2012

<sup>129</sup> Ministry of Women and Child Development, Sanction Letter No. 14-18/2009-CW-II dated 29<sup>th</sup> March 2012

<sup>130</sup> RTI reply from Vanlalnghaka Zote, Deputy Director (T) cum State Public Information Officer, Social Welfare Department, Mizoram, Aizawl vide No. C.31012/2/06-DTE(SW) dated 28 November 2011

<sup>131</sup> Interview with Mr Shiv Dev Singh, teacher, Observation Home cum Special Home, Una, 19<sup>th</sup> April 2012

<sup>132</sup> RTI reply dated 9 May 2012 received from the Superintendent, Govt. Special Home, Seoni, Madhya Pradesh

<sup>133</sup> RTI reply dated 18 May 2012 received from Superintendent, Govt. Special Home, Indore District, Madhya Pradesh

given 3-month training course on modern readymade stitching conducted by Apparel Training and Design Centre. Computer education such as basic, MS word, Tally etc is also provided to the inmates.<sup>134</sup>

In **Mizoram**, the Observation Home-cum-Special Home at Aizawl has a school run under Sarva Siksha Abhiyan (SSA) and a vocational training centre.<sup>135</sup> At the Observation Home-cum-Special Home at Lunglei, there is no school or formal education but vocational training was being provided to the inmates.<sup>136</sup>

ACHR could not obtain sufficient information about the facilities given to the juveniles in Karnataka's Special Homes.

### *v. Staffing pattern*

The Observation Home-Cum-Special Home at Una, **Himachal Pradesh** has the following sanctioned staff: the Superintendent (post vacant w.e.f. 1.7.2008), one Junior Basic Training (JBT) Teacher, one Craft Teacher, one Junior Asstt/Clerk, one Peon (on contract), one Cook, four Warders, one Sweeper (Regular), and one Daily paid Safaikarta (sweeper).<sup>137</sup> The regular sweeper has been deputed to the Child Development Project Officer (CDPO) at Kaza, Sub Divisional Headquarter of Spiti Valley in the Lahaul and Spiti district of Himachal Pradesh.<sup>138</sup>

In **Madhya Pradesh** the total capacity of the Government Special Home, Seoni is 100 but the month-wise number of inmates during January 2011 to May 2012 ranged between 5 and 16. Surprisingly, the sanctioned number of staff in the Home is 61. Out of these, 32 were posted as on 9 May 2012 while 29 posts were lying vacant. Ideally, the staffing pattern for an institution with a capacity of 100 juveniles or children should be 25. What is more surprising is that out of the 32 appointed staff, 20 were security guards as on 9 May 2012.<sup>139</sup> At Govt. Special Home for Boys, Indore out of sanctioned strength of 14, only 10 posts were filled up as of 16 May 2012. The post of the Matron was lying vacant since 31 July 2011. No Probation Officer is posted in the Home.<sup>140</sup>

In **Mizoram**, the Observation Home-cum-Special Home at Aizawl has the following staff: one Superintendent, one case worker, two Upper Division Clerks (UDCs), one Staff nurse, one educational instructor (ICPS), five SSA teachers, two vocational instructors, one Part Time Educator (ICPS), one physical instructor, one Lower

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<sup>134</sup> RTI reply dated 9 May 2012 received from Superintendent, Govt. Special Home, Indore, Madhya Pradesh

<sup>135</sup> Information obtained from officials during visit of ACHR researchers on 5 October 2012

<sup>136</sup> Information obtained from officials during the visit of ACHR researchers on 29 September 2012

<sup>137</sup> RTI reply from Public Information Officer cum District Welfare Officer, Una district, Una, dated 30 September 2011

<sup>138</sup> Interview with ACHR researchers, 19<sup>th</sup> April 2012

<sup>139</sup> RTI reply dated 9 May 2012 received from the Superintendent, Govt. Special Home, Seoni, Madhya Pradesh

<sup>140</sup> RTI reply dated 18 May 2012 received from Superintendent, Govt. Special Home, Indore District, Madhya Pradesh

Division Clerk (LDC), one driver, one computer operator (ICPS), Ten IV grade employees (Security Guards), one visiting doctor, one home father (ICPS), one helper (ICPS) and one cook (ICPS). Significantly, the post of the Warden has been vacant for over 2 years.<sup>141</sup> There are 10 security guards who work in shift (designated as IV grade employees).<sup>142</sup> At the Observation Home-cum-Special Home at Lunglei is run by the Social Welfare there is one Superintendent and nine other workers viz. one educational instructor, seven IV grade employees, and one craft instructor. The IV grade were designated a cook and as security guards in the Home.

## C. Children Homes

### *i. Number of Children Homes*

In **Mizoram**, there are 22 Children Homes run by NGOs with little or no support from the Govt. so far. They are all registered under the JJ Act.<sup>143</sup>

According to information available with the website of the Women and Child Development, **Madhya Pradesh**, there are six government-run Children Homes in the state. Of these, one Children Home is for girls.<sup>144</sup> In addition, there are 34 Children Homes, including five Shelter Homes, run by NGOs/VOs which are recognized by the state government.<sup>145</sup>

In **Karnataka**, there are 27 children homes for girls, 28 children homes for boys and one Home for children below Six years.<sup>146</sup>

### *ii. Underutilized Children Homes*

Many of the Children Homes are underutilized.

**Karnataka:** On 28 June 2012, the PAB under ICPS noted that many Observation Homes and Children are underutilised and thus rationalization is required. NIPCCD, Bangalore had undertaken a study last year, to help the State to rationalize the requirement of Homes. However, PAB noted that there are many Homes where capacity utilization is still very low. PAB advised the State to think in terms of an integrated complex, wherein services for children from different categories, can be segregated within the same complex, instead of building separate Homes in separate locations.<sup>147</sup>

<sup>141</sup> Information obtained from officials during visit of ACHR researchers on 5 October 2012

<sup>142</sup> Information obtained from officials during visit of ACHR researchers on 5 October 2012

<sup>143</sup> Minutes of the 39<sup>th</sup> PAB Meeting under ICPS held on 15<sup>th</sup> March 2012 to discuss the financial proposal of Mizoram , <http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/mizoramdttd11062012.pdf>

<sup>144</sup> List of Govt. Children Homes, Women and Child Development, Madhya Pradesh, available at: <http://www.mpwcd.nic.in/icps/GovtInstitution.pdf>

<sup>145</sup> List of Govt. Recognised Children Homes, Women and Child Development, Madhya Pradesh, available at: <http://www.mpwcd.nic.in/icps/BaalGrah.pdf>

<sup>146</sup> Government of Karnataka, Department of Women and Child Development, [http://202.138.101.21/dwcd/index.php?option=com\\_content&view=article&id=76%3Ajuvenile-justice&catid=105%3Aicps&lang=en#a](http://202.138.101.21/dwcd/index.php?option=com_content&view=article&id=76%3Ajuvenile-justice&catid=105%3Aicps&lang=en#a) (Accessed on 16 February 2013)

<sup>147</sup> Minutes of the 41<sup>st</sup> PAB Meeting under ICPS held on 28<sup>th</sup> June, 2012 to consider the financial proposal for release of grants for 2012-13 to the State of Karnataka.

**Madhya Pradesh:** On 18 September 2012, the PAB under ICPS noted that many of the Observation Homes and Children's Homes "are underutilized except the SOS homes which were over crowded."<sup>148</sup>

On 6 July 2012, the PAB under ICPS sought details of the incremental improvement for the 17 NGO-run Children Homes for which the state government of Mizoram applied for funds from the Ministry of Women and Child Development under ICPS. The PAB directed Mizoram government to submit the details of the accountability and monitoring systems for these NGO-run Homes.<sup>149</sup>

### *iii. Segregation of inmates in Children Homes*

Rule 29(1) of the Juvenile Justice (Care and Protection of Children) Rules, 2007 provides that "(e) every children's home shall include separate facilities for children in the age group of 0-5 years with appropriate facilities for the infants" and "(g) children in the age group of 10 to 18 shall be further segregated into two groups of 10 to 15 years and 15 to 18 years."

In **Himachal Pradesh**, the authorities are not aware of the Juvenile Justice Rules of 2007. At the Balika Ashram-cum-Children Home, Mashobra, Shimla district, separation of inmates is not maintained on the ground that there are no children in conflict with law sheltered in the Ashram. When asked about the separation of inmates, the District Programme Officer, Shimla has replied, "No such case i.e. on committing offence is this Ashram".<sup>150</sup> There is also no separation of the inmates at the Bal Ashram-cum-Children Home, Masli, Shimla district<sup>151</sup> and at the Children Home, Sunder Nagar, Mandi district.<sup>152</sup>

In **Karnataka**, there is no segregation of the inmates on the basis of sex and nature of crime. ACHR has been informed that there were 4 juveniles (including two boys and two girls) at Children Home for Boys, Chikmagalur and no inspection took place in the Home during 2009-2011.<sup>153</sup> At Govt Children Home for Boys, Chitradurga, there is no segregation of the inmates on the basis of age and nature of offence.<sup>154</sup> Further, the Observation Home at Belgaum is running from the premises of the Children Home, Belgaum,<sup>155</sup> indicating that there is no separation of the children in conflict with law from the children in need of care and protection.

<sup>148</sup>. Minutes of 51st PAB Meeting under ICPS held on 18th September 2012 to discuss the financial proposal of Madhya Pradesh

<sup>149</sup>. Minutes of the 43rd PAB Meeting under ICPS held on 6th July 2012 to discuss the financial proposal of Mizoram

<sup>150</sup>. RTI reply from District Programme Officer, Shimla, dated 7-5-2012

<sup>151</sup>. RTI reply from District Programme Officer, Shimla, dated 7-5-2012

<sup>152</sup>. RTI reply from PIO cum District Programme Officer, Mandi, Himachal Pradesh, vide letter No. ICDS. MMO-RTI-706 dated 8 June 2012

<sup>153</sup>. RTI reply from Public Information Officer & Women & Child Development Officer, Women and Child Development Department, Chikmagalur, Karnataka vide letter No. DDC:WCD-C-2:RIACT:11-12/4751 dated 23.2.2012

<sup>154</sup>. RTI reply from Deputy Director, Dept of Women and Child Development, Chitradurga, Karnataka, RTI dated 9/2/2012

<sup>155</sup>. RTI reply from Probation Officer-II, Observation Home, Belgaum, Letter No. OH.B/W&C.D/R/I. Act/2011-12/315 dated 24-10-2011

The **Madhya Pradesh** government stated that the children in the Children Homes are segregated on the basis of their age. At the Government Children Home for Girls, Nehru Nagar, Bhopal, the inmates are segregated on the basis of age groups 6-12 years, 12-16 years and 16-18 years.<sup>156</sup> At the Government Children Home for Boys at Nagziri in Ujjain district, the inmates are segregated on the basis of age and kept in separate rooms.<sup>157</sup> At the Govt. Child Protection Home (Children Home for Boys), Ujjain, the children are segregated on the basis of their age.<sup>158</sup>

In **Mizoram**, almost all the Children Homes in Mizoram are either privately owned or run by faith based organizations. Most of them function in rented buildings.<sup>159</sup> The First Step Children Home is poorly cared and maintained, and is inhospitable for small children. The home authorities also have the intention to close down the Home. But the CWC has not taken a decision regarding the First Step Children Home.

#### *iv. Overcrowded Children Homes*

There is no overcrowding in the Children Homes in Himachal Pradesh, Mizoram and Karnataka.

In **Madhya Pradesh**, some Children Homes run by NGOs are found to be overcrowded. As per the information provided by the Madhya Pradesh government in the 51<sup>st</sup> PAB meeting under ICPS held on 18 September 2012, Children Home in Bhopal (run by SOS Bharti, an NGO) housed 242 children against the capacity of 200; Children Home in Katna (run by Asha Kiran, an NGO) housed 52 children against the total capacity of 50, and Children Home in Hosangabad (run by Jeevodaya Society, an NGO) housed 64 children against the total capacity of 50 children. Further the government-run Children Home (Boys) in Ujjain housed 108 children against the sanctioned capacity of 100.<sup>160</sup>

#### *v. Education and vocational facilities*

Education is being imparted in all the 22 NGO-run Children Homes in **Mizoram**. Two homes have High Schools within their premises and four homes have Middle Schools. Other Homes send their children to nearby schools.<sup>161</sup> But no vocational training was being provided to children in the Children Homes.<sup>162</sup>

In **Himachal Pradesh**, six out of seven Government Children Homes namely (1) Bal

<sup>156</sup> RTI reply dated 16 May 2012 received from the Superintendent, Govt. Children Home for Girls, Nehru Nagar, Bhopal (Madhya Pradesh)

<sup>157</sup> RTI reply dated 16 May 2012 obtained from the Superintendent of Children Home for Boys, Ujjain (Madhya Pradesh)

<sup>158</sup> RTI reply dated 25 May 2012 received from the Superintendent of Child Protection Home (Children Home), Ujjain, Madhya Pradesh

<sup>159</sup> RTI reply from Vanlalghaka Zote, Deputy Director (T) cum State Public Information Officer, Social Welfare Department, Mizoram, Aizawl vide No. C.31012/2/06-DTE(SW) dated 28 November 2011

<sup>160</sup> Minutes of 51<sup>st</sup> PAB Meeting under ICPS held on 18th September 2012 to discuss the financial proposal of Madhya Pradesh

<sup>161</sup> Minutes of the 39<sup>th</sup> PAB Meeting under ICPS held on 15<sup>th</sup> March 2012 to discuss the financial proposal of Mizoram, <http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/mizoramdt11062012.pdf>

<sup>162</sup> Minutes of the 43<sup>rd</sup> PAB Meeting under ICPS held on 6th July 2012 to discuss the financial proposal of Mizoram

Ashram-cum-Children Home, Sujapur, Hamirpur district<sup>163</sup>, (2) Balika Asharam-cum-Children Home, Garli, Paragpur, Kangra district,<sup>164</sup> (3) Children Home, Sunder Nagar, Mandi district<sup>165</sup>, (4) Balika Ashram-cum-Children Home, Mashobra, Shimla district,<sup>166</sup> (5) Bal Ashram-cum-Children Home, Masli, Shimla district,<sup>167</sup> and (6) Bal Ashram-cum-Children Home, Tutikandi, Shimla<sup>168</sup> did not have any teacher posted to teach the children. No vocational trainer was appointed in five out of seven Children Homes namely (1) Bal Ashram-cum-Children Home, Sujapur, Hamirpur district<sup>169</sup>, (2) Balika Asharam-cum-Children Home, Garli, Paragpur, Kangra district,<sup>170</sup> (3) Children Home, Sunder Nagar, Mandi district<sup>171</sup>, (4) Balika Ashram-cum-Children Home, Mashobra, Shimla district,<sup>172</sup> and (5) Bal Ashram-cum-Children Home, Tutikandi, Shimla.<sup>173</sup> In eight Children Homes, both educator and vocational trainer had not been posted.

**In Karnataka**, several Children Homes such as the Govt Children Home for Boys, Chitradurga;<sup>174</sup> Balamandir for Boys, Belgaum;<sup>175</sup> Shishu Mandira, Bangalore;<sup>176</sup> Govt Balamandir for Boys, Hubli;<sup>177</sup> Children Home for Boys, Ranebennur;<sup>178</sup> Children Home for Girls, Haveri;<sup>179</sup> Amulya Shishu Graha, Gulbarga;<sup>180</sup> Children's Home for Boys, Koppal;<sup>181</sup> Balakiyara Balamandira, Mandya;<sup>182</sup> Children Home for Boys, Chikmagalur;<sup>183</sup> and Children's Home for Boys, Mangalore do not have both educator and vocational trainer.<sup>184</sup>

<sup>163</sup> RTI reply from District Welfare Officer, Hamirpur, dated 14.10.2011

<sup>164</sup> RTI reply from District Welfare Officer, Kangra at Dharmashala, dated 29.9.2011

<sup>165</sup> RTI reply from Public Information Officer cum District Programme Officer, Mandi district, dated 18 April 2012

<sup>166</sup> RTI reply from District Programme Officer, Shimla, dated 7-5-2012

<sup>167</sup> RTI reply from District Programme Officer, Shimla, dated 7-5-2012

<sup>168</sup> Interview with Superintendent of Bal Ashram-cum-Children Home, Tutikandi, Ms Leela Thakur, on 20 April 2012

<sup>169</sup> RTI reply from District Welfare Officer, Hamirpur, dated 14.10.2011

<sup>170</sup> RTI reply from District Welfare Officer, Kangra at Dharmashala, dated 29.9.2011

<sup>171</sup> RTI reply from Public Information Officer cum District Programme Officer, Mandi district, dated 18 April 2012

<sup>172</sup> RTI reply from District Programme Officer, Shimla, dated 7-5-2012

<sup>173</sup> Interview with Superintendent of Bal Ashram-cum-Children Home, Tutikandi, Ms Leela Thakur, on 20 April 2012

<sup>174</sup> RTI reply from Deputy Director, Dept of Women and Child Development, Chitradurga, Karnataka, No. DD/CTA/DWCD/CR-1/RTI/11-12/3422 dated 23-09-2011

<sup>175</sup> RTI reply from Superintendent of Balamandir for Boys, Belgaum Karnataka, dated 23-09-2011

<sup>176</sup> RTI reply from Shishu Mandira, Bangalore dated 03.10.2011

<sup>177</sup> RTI reply from the Superintendent, Govt Balamandir for Boys, Hubli, Letter No. GBBM/RTI/Information/2011-12/125, dated 28-9-2011

<sup>178</sup> RTI reply from the Superintendent, Children's Home for Boys, Ranebennur dated 12.10.2011

<sup>179</sup> RTI reply from Children Home for Girls, Haveri, Letter No. BBMH<sup>3</sup>RJA2011-12/25 dated 14.10.2011

<sup>180</sup> RTI reply from Govt Home for Girls, Gurbarga, Karnataka, Letter No. ASGG/ RIAI/2011-2012/172 dated 9-11-2011

<sup>181</sup> RTI reply from the Superintendent of Govt Children's Home for Boys, Koppal, Karnataka, RTI reply dated 18-11-2011

<sup>182</sup> RTI reply from Women and Child Development Officer, Department of Women and Child Development, District Office, Mandya, Karnataka, vide letter No. WCD:Mdy:RTI Act: 2011-12/1565 dated 30-11-2011

<sup>183</sup> RTI reply from Children Home for Boys, Chikmagalur dated 11.11.2011

<sup>184</sup> RTI reply from the Superintendent, Children Home (Boys), Dakshina Kannada district, Mangalore, Karnataka vide letter No. G.C.H.D.K.Info.2011-12/856 dated 2.11.2011

In some cases, Children Homes have teachers but not vocational trainers posted at the Homes. These include Children Home for Girls, Mysore;<sup>185</sup> Govt Children Home for Boys, Bangalore;<sup>186</sup> Children Home for Girls, Bijapur;<sup>187</sup> Children Home run by Deenbandhu Seva Mandal, Bharnal;<sup>188</sup> Balakara Bal Mandir, Gulbarga;<sup>189</sup> Balakiyara Balamandira, Udupi;<sup>190</sup> Govt Home for Girls, Gulbarga;<sup>191</sup> Children's Home for Boys at Madikeri, Kodagu district;<sup>192</sup> and Children Home for Boys, Takke Bijapur.<sup>193</sup>

There are only a few Children Homes where both teacher and vocational trainer have been appointed. At the Govt Children Home for Girls, Hubli, there are four educators and one vocational trainer.<sup>194</sup> At the Children Home for Mentally Retarded, Bangalore, one educator and one vocational trainer were posted.<sup>195</sup> At the Govt Juvenile Home for Boys, Khanapur, two educators and two vocational trainers are posted.<sup>196</sup>

In **Madhya Pradesh**, at the Govt. Children Home for Girls, Bhopal, education is provided to the inmates by the two educators posted in the Home. As in April 2012, 47 out of 82 inmates were attending schools from KG to Class 12. The rest were provided education at the Home. Vocational training such as stitching, weaving, embroidery, painting and computer training is also provided to the inmates. However, only one vocational trainer is posted currently out of the two sanctioned posts. Moreover, the only vocational trainer posted in the Home has to perform dual functions of case worker and vocational trainer.<sup>197</sup> At the Govt. Children Home for Boys (Nagziri), Ujjain, education is provided to the inmates and two educators were posted in the Home. The inmates were also provided vocational training by two trainers.<sup>198</sup> No educator is posted in Govt. Child Protection Home (Children Home for Boys), Ujjain. But the inmates were admitted to schools outside the Home. There is no vocational trainer and no such training is provided to the inmates.<sup>199</sup>

<sup>185</sup> RTI reply from the Public Information Officer and Women Welfare Officer, Department of Women and Child Development, Karnataka, Letter No. DDM: RTI: 2011-12/592, dated 07.10.2011

<sup>186</sup> RTI reply from the Superintendent, Govt Children Home for Boys, Dr Marigowda Road, Bangalore, Letter No. CHR/RTI/2011-12/1135, dated 18/10/2011

<sup>187</sup> RTI reply from Children Home for Girls, Bijapur, Letter No. SSBMB/RTI,2005;2011-12/154, dated 01/10.2011

<sup>188</sup> RTI reply from the General Secretary, Deenbandhu Seva Mandal, Bharnal, dated 20.10.2011

<sup>189</sup> RTI reply from the Superintendent of Balakara Bal Mandir, Pragathi Colony, Gulbarga vide letter No. BBM.Gib/RTI/INF/2011-12/404 dated 10.11.2011

<sup>190</sup> RTI reply from the Women and Child Development Department, Karnataka vide Letter No. DDU:DWCD:RTI:2011-12/1118 dated 29-10-2011

<sup>191</sup> RTI reply from Govt Home for Girls, Gurbarga, Letter No. GBBMG/ RIAI/2011-2012/200 dated 9-11-2011

<sup>192</sup> RTI reply from Deputy Director, Women and Child Development, Madikeri, Kodagu district, Karnataka vide letter No. DDK/RTI/API-50/11/12/1847 dated 2-11-2011

<sup>193</sup> RTI reply from Children Home for Boys, Takke Bijapur, dated 01/10/2011

<sup>194</sup> RTI reply from Govt Children Home, Hubli, Letter No. CHGH:RJA 2011-12/177, dated 22-9-2011

<sup>195</sup> RTI reply from Superintendent of Children Home for Mentally Retarded, Bangalore, Karnataka, No. CHM:DWCD/RTI/Information/2011-12/183 dated 23-09-2011

<sup>196</sup> RTI reply from Superintendent, Govt Juvenile Home for Boys, Khanapur, Karnataka, No. HCHK/IA/II/2011-12 dated 30/09/2011

<sup>197</sup> RTI reply dated 16 May 2012 received from the Superintendent, Govt. Children Home for Girls, Nehru Nagar, Bhopal (Madhya Pradesh)

<sup>198</sup> RTI reply dated 16 May 2012 obtained from the Superintendent of Children Home for Boys, Ujjain (Madhya Pradesh)

<sup>199</sup> RTI reply dated 25 May 2012 received from the Superintendent of Child Protection Home (Children Home), Ujjain, Madhya Pradesh

*vi. Shortage of staff*

In **Himachal Pradesh**, some of the Children Homes have been found to be under-staffed. A number of crucial staff positions have not been appointed/filled up such as (1) the post of Superintendent and the post of Warden at Bal Ashram-cum-Children Home, Sujampur, Hamirpur district,<sup>200</sup> (2) the Superintendent or Assistant Superintendent at the Balika Ashram-cum-Children Home, Garli, Kangra district,<sup>201</sup> and (3) the post of Assistant Superintendent (no post of Superintendent has been sanctioned) at Bal Ashram –cum-Children Home, Masli, Shimla district.<sup>202</sup>

In **Karnataka**, majority of the Children Homes have shortage of staff. At the Balakara Balamandira, Mandya, all the top posts namely Probation Officer Grade I, Superintendent and Deputy Superintendent have been lying vacant as of 30 November 2011; and the post of Guard has been also lying vacant since 25 June 2010, that of Cook since 1 September 1998, Assistant Cook since 10 February 2011, and Physiotherapist since 25 May 1984.<sup>203</sup> At the Children Home for Boys, Ranebennur, the posts of Probationary Officer (P.O.) Grade I, P.O grade II, one guard and one assistant cook were vacant as of 12 October 2011.<sup>204</sup> At the Balakiyara Balamandira, Mandya, no cook has been appointed since 12 December 1996 and the post of medical officer (part time) had been lying vacant since 23 May 1984, and out of three sanctioned posts of guards only one has been appointed as of 30 November 2011.<sup>205</sup> At the Children's Home for Boys, Koppal, against eight sanctioned staff only two had been appointed as of 18 November 2011.<sup>206</sup> Further, there were 20 vacancies at the Govt Children Home for Boys, Bangalore as of 18 October 2011;<sup>207</sup> 10 vacancies at the Govt Home for Girls, Gulbarga as of 9 November 2011;<sup>208</sup> eight vacancies, including both the cooks at Juvenile Home for Boys, Mysore as of 7 October 2011;<sup>209</sup> eight vacancies at the Govt Children Home for Girls, Hubli as of 22 September 2011;<sup>210</sup> six vacancies as of 28 September 2011 at the Govt Children Home for Girls, Bangalore;<sup>211</sup> five vacancies at Balamandir for Boys, Belgaum as of 23 September

<sup>200</sup> RTI reply from District Welfare Officer, Hamirpur, dated 14.10.2011

<sup>201</sup> RTI reply from District Programme Officer, Kangra at Dharmashala, vide letter No. 1-90/2006-BAL Udhara-6804 dated 11 April 2012

<sup>202</sup> RTI reply from District Programme Officer, Shimla, dated 7-5-2012

<sup>203</sup> RTI reply from Women and Child Development Officer, Department of Women and Child Development, District Office, Mandya, Karnataka, vide letter No. WCD:Mdy:RTI Act: 2011-12/1565 dated 30-11-2011

<sup>204</sup> RTI reply from the Superintendent, Children's Home for Boys, Ranebennur dated 12.10.2011

<sup>205</sup> RTI reply from Women and Child Development Officer, Department of Women and Child Development, District Office, Mandya, Karnataka, vide letter No. WCD:Mdy:RTI Act: 2011-12/1565 dated 30-11-2011

<sup>206</sup> RTI reply from the Superintendent of Govt Children's Home for Boys, Koppal, Karnataka, RTI reply dated 18-11-2011

<sup>207</sup> RTI reply from the Superintendent, Govt Children Home for Boys, Dr Marigowda Road, Bangalore, Letter No. CHR/RTI/2011-12/1135, dated 18/10/2011

<sup>208</sup> RTI reply from Govt Home for Girls, Gurbarga, Letter No. GBBMG/RIAI/2011-2012/200 dated 9-11-2011

<sup>209</sup> RTI reply from the Public Information Officer and Women Welfare Officer, Department of Women and Child Development, Karnataka, Letter No. DDM: RTI: 2011-12/592, dated 07.10.2011

<sup>210</sup> RTI reply from Govt Children Home, Hubli, Letter No. CHGH:RJA 2011-12/177, dated 22-9-2011

<sup>211</sup> RTI reply from Superintendent, Govt Children Home for Girls, Bangalore, No. SUPTD:CHG; RTI: INFO: 2011-12 dated 28-09-2011

2011;<sup>212</sup> five vacancies at the Govt Balamandir for Boys, Hubli as of 28 September 2011;<sup>213</sup> five vacancies at the Children Home for Mentally Retarded, Bangalore as of 23 September 2011;<sup>214</sup> five vacancies at the Children's Home for Boys at Madikeri, Kodagu district as of 2 November 2011;<sup>215</sup> four vacancies at the Balakara Bal Mandir, Gulbarga as of 10 November 2011;<sup>216</sup> three vacancies at the Balakiyara Balamandira, Udupi as of 29 October 2011;<sup>217</sup> three vacancies at Shishu Mandira, Bangalore as of 3 October 2011;<sup>218</sup> three vacancies including the cook at the Children Home for Boys, Chikmagalur as of 11 November 2011;<sup>219</sup> three vacancies at the Govt Juvenile Home for Boys, Khanapur as of 30 September 2011;<sup>220</sup> two vacancies at the Children's Home for Boys, Mangalore as of 2 November 2011;<sup>221</sup> and two vacancies at the Govt Children Home for Boys, Chitradurga as of 23 September 2011.<sup>222</sup>

In **Madhya Pradesh**, at the Govt. Children Home for Girls, Bhopal, out of 22 sanctioned posts, six posts were lying vacant as on April 2012 including Probation Officer, Case Worker, one Vocational Trainer, Matron and Accountant.<sup>223</sup> At the Govt. Children Home for Boys (Nagziri), Ujjain, the posts of Probation Officer, Chief Caretaker and Matron were vacant as of April 2012.<sup>224</sup>

<sup>212</sup> RTI reply from Superintendent of Balamandir for Boys, Belguam Karnataka, dated 23-09-2011

<sup>213</sup> RTI reply from the Superintendent, Govt Balamandir for Boys, Hubli, Letter No. GBBM/RTI/Information/2011-12/125, dated 28-9-2011

<sup>214</sup> RTI reply from Superintendent of Children Home for Mentally Retarded, Bangalore, Karnataka, No. CHM:DWCD/RTI/Information/2011-12/183 dated 23-09-2011

<sup>215</sup> RTI reply from Deputy Director, Women and Child Development, Madikeri, Kodagu district, Karnataka vide letter No. DDK/RTI/API-50/11/12/1847 dated 2-11-2011

<sup>216</sup> RTI reply from the Superintendent of Balakara Bal Mandir, Pragathi Colony, Gulbarga vide letter No. BBM.Glb/RTI/INF/2011-12/404 dated 10.11.2011

<sup>217</sup> RTI reply from the Women and Child Development Department, Karnataka vide Letter No. DDU:DWCD:RTI:2011-12/1118 dated 29-10-2011

<sup>218</sup> RTI reply from Shishu Mandira, Bangalore dated 03.10.2011

<sup>219</sup> RTI reply from Children Home for Boys, Chikmagalur dated 11.11.2011

<sup>220</sup> RTI reply from Superintendent, Govt Juvenile Home for Boys, Khanapur, Karnataka, No. HCHK/IA/II/2011-12 dated 30/09/2011

<sup>221</sup> RTI reply from the Superintendent, Children Home (Boys), Dakshina Kannada district, Mangalore, Karnataka vide letter No. G.C.H.D.K.Info.2011-12/856 dated 2.11.2011

<sup>222</sup> RTI reply from Deputy Director, Dept of Women and Child Development, Chitradurga, Karnataka, No. DD/CTA/DWCD/CR-1/RTI/11-12/3422 dated 23-09-2011

<sup>223</sup> RTI reply dated 16 May 2012 received from the Superintendent, Govt. Children Home for Girls, Nehru Nagar, Bhopal (Madhya Pradesh)

<sup>224</sup> RTI reply dated 16 May 2012 obtained from the Superintendent of Children Home for Boys, Ujjain (Madhya Pradesh)

## 4. Utilisation of ICPS funds

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The Government of India had been implementing various schemes for welfare of children. However, examination of these schemes conducted in 2006 by the Ministry of Women and Child Development revealed shortcomings and gaps in the existing child protection institutions, policies, programmes and in implementation at all levels. The Government of India thereafter launched Integrated Child Protection Scheme (ICPS) from 2009-10 for implementation through the State Governments/UT Administrations.

The objectives of the ICPS are to contribute to the improvement in the well being of children in difficult circumstances, as well as to the reduction of vulnerabilities to situations and actions that lead to abuse, neglect, exploitation, abandonment and separation of children from their families. These are proposed to be achieved by: i) improved access to and quality of child protection services; (ii) higher public awareness about the reality of child rights, situation and protection in India; (iii) articulated responsibilities and enforced accountability for child protection (iv) established and functional structures at all levels for delivery of statutory and support services to children in difficult circumstances; (v) evidence based monitoring and evaluation.

The focus of the ICPS is on children in need of care and protection (as listed in the Juvenile Justice (Care and Protection Act) 2000; children in conflict with law; who are alleged to have committed an offence; children in contact with law; who have come into contact with the law as a victim, witness or any other circumstance and any other vulnerable child.

The priorities of the First Phase of ICPS are given below:

### **i. ICPS requires “Setting up of service delivery structures”**

One of the major requirements under the scheme is the provision for setting up of dedicated service delivery structures, i.e. State Child Protection Society [SCPS], District Child Protection Society [DCPS], State Project Support Unit [SPSU] and State Adoption Resource Agency[SARA], to manage and monitor the implementation of the scheme and ensure convergence with other line departments, wherever required.

### **ii. ICPS requires “Setting up of structures mandated by the Juvenile Justice (Care and Protection) of Children Act, 2000**

Under the JJ(C&PC) Act, Child Welfare Committees [CWCs] and Juvenile Justice Boards [JJBs] have been mandated for every district to enable expeditious disposal of cases related to children. The Supreme Court of India has also directed expeditious setting up of CWCs and JJBs and has entrusted National Commission for Protection of Child Rights with the responsibility of monitoring the progress in this regard.

### **iii. District-wise need assessment for child protection**

Whereas figures are available of children living in the various types of Homes, authentic data is not currently available of children requiring other services under the Scheme. This includes orphaned children living with relatives, runaway or abandoned children on the streets, children working in unorganized sector, etc. Location-wise requirement must be identified for meaningful interventions.

### **iv. Assessing the demand for Homes and Upgradation of existing Homes and services**

A review of occupancy figures of the Homes in several States has revealed that while some of the Homes are housing children more than their capacity, there are others which are under-utilised. Also, a number of children staying in these Homes are not strictly the 'children in need of care and protection'. They are using these homes as a hostel. States are requested then to carry out a realistic assessment of their requirement, based on existing available capacity, their utilization by the targeted group and rationalize their requirements. The assessment of Homes having been made, upgradation of existing Homes can be considered to bring them in line with the Minimum Standards of Care.

The funds provided by the Ministry under the ICPS are often under-utilised or mis-utilised.

The **Mizoram** government has failed to utilize the grants under ICPS provided by the Ministry of Women and Child Development. The Ministry of Women and Child Development sanctioned Rs 1,95,35,750 (Rupees One Crore Ninety Five Lakh Thirty Five Thousand Seven Hundred and Fifty only) for the financial year 2010-11<sup>225</sup> and Rs 2,25,46,000 (Rupees Two Crore Twenty Five Lakhs Forty Six Thousand only) as the Central share for the financial year 2011-12<sup>226</sup> under the Integrated Child Protection Scheme (IPCS). On 6 July 2012, Mizoram informed the PAB that Rs 75.25 lakhs was lying unspent from the grants of 2001-12! Further, the State government informed that it had received construction grant for 2 Government Homes in 2011 but this grant was still unutilized.<sup>227</sup>

At the 43rd PAB Meeting under ICPS held on 6th July 2012, the State government also requested a sum of Rs 22.06 lakhs as non recurring grant for research and documentation for completing the need assessment exercise for which they had received funds last year. But the PAB was informed by the state government that "earlier grant has been spent in making copies of the Performa for need assessment and TA and DA of the staff involved." The Ministry refused to approve separate fund

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<sup>225</sup>. Ministry of Women and Child Development Vide letter No. 14-18/2009-CW-II dated 28<sup>th</sup> September 2010

<sup>226</sup>. Ministry of Women and Child Development Vide letter No. 14-18/2009-CW-II dated 29<sup>th</sup> March 2012

<sup>227</sup>. Minutes of the 43rd PAB Meeting under ICPS held on 6th July 2012 to discuss the financial proposal of Mizoram

for research and documentation as the same had already been included under the recurring grant for SCPS.<sup>228</sup>

During 2011-12, the Ministry of Women and Child Development released Rs. 2,40,31,000 under ICPS as Central Share to **Madhya Pradesh**.<sup>229</sup> But the state government failed to spend Rs. 12.55 lakhs out of this amount as on 1 April 2012.<sup>230</sup>

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<sup>228</sup> Minutes of the 43rd PAB Meeting under ICPS held on 6th July 2012 to discuss the financial proposal of Mizoram

<sup>229</sup> Sanction Letter dated 28 December 2011, available at: <http://wcd.nic.in/icpsmon/pdf/sanctions/mp-dtd14022012.pdf>

<sup>230</sup> Minutes of the 29<sup>th</sup> PAB Meeting under ICPS, available at: <http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/mpdtd07032012.pdf>

## 5. Violation of child rights

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There are numerous reports of violations of the rights of the child including illegal detention and torture of children in police stations, illegal detention in prisons instead of the juvenile institutions. There are also reports of abuses and violations within juvenile justice institutions.

### **A. Illegal detention and torture of children in police stations**

The detention of juveniles in judicial custody or police custody is a clear violation of the Section 10 (1) and Section 7A of the JJ(C&PC) Act amended in 2006.

#### **Karnataka**

Though the Juvenile Justice (Care & Protection of Children) Act was enacted more than a decade ago in 2000, children in Karnataka are still detained in police stations and prisons. They are subject to high risk of abuse from other inmates and further subjected to torture and other human rights violations by representatives of the State.

As recently as 20 December 2011, the Karnataka State Commission for Protection of Child Rights (KSCPCR) rescued a 16-year-old boy who was illegally detained at the Sampigehalli police station in Bangalore following his arrest on 17 December 2011. The minor alleged that he was beaten by policemen at the station, handcuffed and chained and inadequately fed during his detention. The KSCPCR raided the police station after receiving information about the detention. The minor claimed that he was picked up by the police on 17 December 2011 at around 9.30 pm near his home at Sadiq Layout, Thaneersandra, while he was going to a pharmacy to purchase medicines. The minor boy also alleged that he was beaten by several policemen at the station and given little food and was chained since he was detained. The KSCPCR team stated that the boy appeared to be in pain and showed several fresh bruises on his torso, arms and legs. The police claimed that the boy had stolen money and mobile phones. KSCPCR stated that neither any complaint was lodged against the minor nor the police made any diary entry.<sup>231</sup>

On 25 July 2011, a juvenile, Brijesh (name changed) was arrested by police and illegally detained at the Mahalakshmi Layout Police Station in Bangalore. He was subjected to torture and ill treatment. During the abuse his leg was broken. He was hospitalised. On 26 July 2011, the police took the minor to K C General Hospital in Malleswaram. After the victim's father Mallikarjun filed a complaint with the KSHRC, KSHRC Chairman S R Nayak visited the victim at the hospital.<sup>232</sup>

On 3 May 2010, the KSHRC raided Jayanagar police station premises in Bangalore and found nine people, including five minors, being illegally detained. Acting upon a

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<sup>231</sup> Rights panel finds boy illegally detained in police station, *The Hindu*, 21 December 2011

<sup>232</sup> Juvenile offender a victim of police rage?, *The Express Buzz*, 4 August 2011

complaint filed by an NGO, SICHREM alleging that three people were under illegal detention for the past two months, the KSHRC team made a surprise visit to the police station and found five minors namely Amir Hussain, 17 years, Anil, 14 years, Ashish, 16 years, Krian, 17 years, and Murthi, 17 years (all names have been changed) were being illegally detained at the Jayanagar police station. While Amir was detained for six days, Anil was held for five days, Ashish for four days, Krian for three days and Murthi for two days. They were picked up for petty charges.<sup>233</sup>

On 21 November 2009, a 16-year-old boy, a resident of Begur Road, Bangalore, was picked up from his house on charges of robbery and illegally detained at Madiwala Police Station in Bangalore for 10 days. The boy was allegedly subjected to torture. In her complaint to the KSHRC, the victim's sister stated that even after producing the age proof of the victim, the police refused to consider it and produced him before the normal court instead of the JJB on 1 December 2009, ten days after his arrest.<sup>234</sup>

On 14 July 2009, officials of the KSHRC and KSCPCR in a joint raid rescued five women and their 10 children who were illegally detained at Varthur police station in Bangalore. The women aged between 20 and 28, and their children between 10 months and eight years of age, all residents of a labour shed in Thubarahalli on Whitefield Road, were reportedly picked up by the police around 8 pm on 13 July 2009 after their husbands were charged with burglary. They were detained for almost 17 hours in the police station. According to one of the detained women, the police picked them up without giving any reason. The police did not even provide a blanket for the children in the night.<sup>235</sup> The KSHRC and the KSCPCR ordered the police to immediately release the detainees.

## **Madhya Pradesh**

There are consistent reports of violations of the rights of the juveniles. The police still remain unaware of the provisions of the JJ(C&PC) Act of 2000 as amended in 2006.

On 5 February 2012, 13-year-old Dalit boy Nagen (name changed) was picked up by Assistant Sub-Inspector Ghanshayam Dubey and Constable Vishwanath Mishra on suspicion in a case of theft in Sagar under Sagar district. The minor was taken to the police station where he was subjected to torture to extract a confession. The police allegedly pulled the minor upward by holding his ears. As a result, the victim's left ear got severely damaged, requiring immediate hospitalization.<sup>236</sup> ACHR filed a complaint before the NHRC on 7 February 2012. On 2 April 2012 the NHRC transferred the case to the Madhya Pradesh State Human Rights Commission (SHRC) under Section 13(6) of the Protection of Human Rights Act, 1993, for disposal in accordance with the provision of the Act. On 16 June 2012, the ACHR followed up with the MP SHRC, requesting the SHRC to inform about the progress of the case and to provide

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<sup>233</sup> SHRC raids police station, rescues juvenile detainees, Deccan Chronicle, 4 May 2010

<sup>234</sup> 'Juvenile illegally detained, tortured', The Deccan Herald, 25 November 2009

<sup>235</sup> SHRC rescues women, kids, The Deccan Chronicle, 15 July 2009

<sup>236</sup> ACHR's complaint to National Human Rights Commission dated 7 February 2012

copies of the reports/comments submitted to the SHRC by the concerned authorities, but the ACHR is yet to hear from the SHRC.

On 2 February 2012, 15-year-old tribal boy Haridhar Gond (name changed) was handed over to the Barhi police station in Katni district by two persons on the suspicion of theft. At the police station, the victim, a Class VIII student, was locked-up and beaten by the policemen. When he kept denying the theft charges, four policemen allegedly inflicted electric shocks to his genitals, resulting in severe bodily injuries. As the condition of the minor deteriorated after the torture, the police took him back to the village and left him a few metres away from the hamlet.<sup>237</sup> ACHR filed a case before the NHRC on 15 February 2012. The NHRC has sought for additional information from the authorities on 11 October 2012 and put up the file for hearing on 5 December 2012.

On 5-7 November 2011, a 17-year-old minor girl Deepa (name changed) with her 20-day-old child was illegally kept in the Mahila (Women) police station in Bhopal. The minor victim gave birth to a child after she was allured by a man to have physical relationship on the false pretext of marriage. The police filed a case of allurement and kidnapping against the man following a complaint filed by the victim's mother. On 5 November 2011, the police brought the minor victim along with her baby to the police station for recording her statements in the court. Police claimed that since it was not a working day the minor was kept in the Mahila police station for security reasons to be produced in the court on 9 November 2011.<sup>238</sup>

On 27 October 2011, a minor girl Rashmi (name changed) along with her three younger brothers and mother were allegedly picked up by about 10 police personnel from her house and taken to Betul Bazaar police station in Betul district. At the police station, the minor girl was allegedly subjected to sexual abuse which included being stripping naked and molested in front of her mother and three siblings.<sup>239</sup> On 14 November 2011, ACHR filed a complaint before the NHRC which transferred the case to the Madhya Pradesh State Human Rights Commission under Section 13(6) of the Protection of Human Rights Act, 1993, for disposal in accordance with the provisions of the Act as “[t]he grievance raised in this complaint relates to the matter, which is subject of the State”.

On 18 November 2009, two minor boys Deepak Mishra (name changed) and Bara Chawwani (name changed) were picked up by police in connection with a theft case and detained at the lock-up of Damoh police station in Damoh district. There was no complaint against them. The victims were allegedly hand-cuffed and tortured. The torture continued till one of the victims collapsed and had to be hospitalized. Two police personnel were suspended in the case.<sup>240</sup> ACHR filed a complaint before the

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<sup>237</sup>. ACHR's complaint to National Human Rights Commission dated 15 February 2012

<sup>238</sup>. Minor in Mahila Thana for last 3 days, *The Pioneer*, 8 November 2011

<sup>239</sup>. ACHR's complaint to National Human Rights Commission dated 14 November 2011

<sup>240</sup>. ACHR's complaint filed with National Human Rights Commission dated 20 November 2009

NHRC on 20 November 2009. On 25 November 2010, the NHRC held since the matter was pending in the court “the Commission requires no further intervention in the matter”.

On the night of 7 October 2009, the police picked up a 12-year-old minor Nila (name changed) along with her mother Sushila Bai (40) from their home on a false case of theft. Both of them were kept in custody at the T.T. Nagar police station in Bhopal for six hours and were allegedly subjected to torture. Both the victims were released at about 3 am on 8 October 2009 following the intervention of the victim’s neighbours. However, they were again picked up on the same day i.e. 8 October 2009 and booked for theft after the neighbours protested outside the police station upon hearing that the victims were tortured. On 9 October 2009, the woman was released on bail, while the minor was sent to a juvenile home.<sup>241</sup>

## **B. Illegal detention in prisons**

### **Karnataka**

On 13 January 2012, members of the KSCPCR made a surprise visit to the Central Prison at Parappana Agrahara, Bangalore and found that 22 minors have been lodged there for several months. A team of the KSCPCR visited the jail premises after receiving complaints from nine juveniles who had spent a few weeks to more than one year in judicial custody at the Central Jail without proper hearings despite of repeated efforts made by their families to establish their minor status before being shifted to the Observation Home in Madiwala. Separately, the SICHREM, a human rights organisation, also filed a complaint with the KSCPCR alleging that two inmates released on bail from the central prison had spent several months in judicial custody despite being minor.<sup>242</sup>

Earlier in April 2008, a team of KSHRC found 20 juveniles aged below 18 years in the Bangalore Central Prison. The KSHRC went to the prison following a complaint filed by an NGO. The KSHRC found that the investigation officers had failed to document the cases involving the juveniles properly and conduct age verification tests. The KSHRC directed the Home Department to take action against the officials responsible for sending the juveniles to prison in contravention of the Juvenile Justice (Care and Protection of Children) Act 2000.<sup>243</sup>

### **Madhya Pradesh**

The police also sent juveniles to jail without verifying the claim of juvenility. In September 2011, one Nanhe Khan, father of a juvenile, moved the Special Session Court in Madleshwar after his 15-year-old son Salim (name changed) was arrested and jailed for three months in Khargone district. According to the juvenile’s father, his son had fled with a girl on 10 March 2011 and later the police arrested his son.

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<sup>241</sup> Custodial violence inflicted on mother-son in MP, *The Hindu*, 12 October 2009

<sup>242</sup> 22 minors lodged in central prison In Bangalore, *The Daily News and Analysis*, 15 January 2012

<sup>243</sup> Notices to police for putting juveniles in jail, 9 December 2008

Although, the juvenile's father had informed the police that his son was a minor, the police did not provide the benefit of the JJ(C&PC) Act and booked the juvenile under Sections 363, 366, 368 and 76 of the Indian Penal Code (IPC) and sent to jail for three months. Later, the juvenile was released on bail. The juvenile's school certificate clearly mentioned that he was only 15 years old.<sup>244</sup>

In April 2010, the Supreme Court ordered the immediate release of a juvenile sentenced to life imprisonment in a murder case after remaining in jail for nine years. The order was passed when the issue of the juvenile being a minor at the time of committing the offence was brought to the notice of the apex court. The juvenile had approached the Supreme Court challenging the verdict of Madhya Pradesh High Court which upheld his conviction by the trial court at Dhar in 1994. A bench comprising Justices Altamas Kabir and Cyriac Joseph stated "The provisions of Juvenile Justice Act (JJA) squarely apply to the juvenile. His case is to be considered not only for grant of bail but also for release in terms of the Act." Contrary to the provisions of the Juvenile Justice (Care and Protection of Children Act) [hereinafter referred as JJ(C&PC) Act], the juvenile was tried by the lower court along with other co-accused in a murder case. The JJ(C&PC) Act provides for separate trial of a juvenile before the JJB in case they are co-accused for an offence with others who are major. The JJ(C&PC) ACT also provides that a juvenile cannot be kept under detention for a period of more than three years. The birth certificate issued by the Chief Registrar of Dhar district under the Registration Act confirmed that the juvenile was a minor at the time of committing the offence. As per the JJ(C&PC) ACT "The claim of juvenility under the JJ(C&PC) ACT can be raised before the court at any stage even after final disposal of the case." However, the High Court and the lower court ignored the age of the juvenile and did not even send the juvenile to JJB and instead passed the sentence.<sup>245</sup>

### C. Abuses in the Children Homes

There are also reports of severe abuses in the Children's Homes.

On 13 July 2009, a 13-year-old child identified as Lalnunpuia, son of Rinsanga of Chaltlang Lily in Aizawl, was beaten to death by the officials at the Herald for Christ's Children Home, a government recognized Children Home at Lungleng, about 15 kms north of Aizawl. The child was beaten up for alleged disobedience. He was so mercilessly beaten up that he died on the same day in the evening. The photographs published in a local newspaper "*The Aizawl Post*" indicated brutal torture on the deceased. Initially, the authorities of the Herald for Christ's Children Home tried to cover up the incident by stating that the deceased child had died of bronchitis and heart problem. But the deceased's parents claimed that their son was brutally tortured to death. They stated that they found torture marks on the back, buttocks and the thighs of the child.

<sup>244</sup> Khargone cops arrest 15-yr-old, The Times of India, 16 September 2011

<sup>245</sup> Juvenile given life for murder gets relief from SC, 29 April 2010, available at: [http://zeenews.india.com/news/nation/juvenile-given-life-for-murder-gets-relief-from-sc\\_622951.html](http://zeenews.india.com/news/nation/juvenile-given-life-for-murder-gets-relief-from-sc_622951.html)

On 3 August 2009, ACHR filed a complaint before the NHRC (Case No. 7/16/1/09-10). After a notice from the NHRC, the Superintendent of Police, Aizawl, submitted a report dated 27 August 2009 which revealed that several injuries on the dead body of the child had been observed at the time of burial and therefore, a criminal case No. 91/09 u/s 302 IPC was registered at Kulikawn police station. During the investigation of the said case, eight persons were arrested and they were chargesheeted for murder of the child. At the direction of the NHRC, the Social Welfare Department of Mizoram paid a compensation of Rs 300,000 to the mother of the deceased.

## 6. Recommendations

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For implementation of the JJ(C&PC) Act, the Ministry of Women and Child Development, Government of India has been funding child protection programmes under the IPCS. The State Governments usually submit the proposals and the same are vetted by the Project Approval Board of the Ministry of Women and Child Welfare. A representative of the NCPCR sits in the Project Approval Board meeting.

In order to address the implementation gaps, Asian Centre for Human Rights recommends the Ministry of Women and Child Development to ensure the following:

### **Institutions providing institutional care:**

- Ensure that Special Homes and Observation Homes are established in the districts not having such homes;
- Ensure on segregation of children as per age and nature of offences are submitted to the Ministry and that under no circumstances the boys and girls are housed together;
- Sanctions funds/projects to separate Observation Homes and Special Homes in order to avoid criminal contamination;
- Ensure that juveniles found guilty by the Juvenile Justice Boards are not sent to the Observation Homes and Children's Home;
- Ensure that the State governments submit reports on the measures taken to rationalise the number of Observation Homes and Special Homes in term of capacity and manpower and to use cluster approach for Homes; and
- Fill up all the vacancies in all the Homes for proper administration of the institutions.

### **Monitoring**

- Ensure regular inspections including surprise visits to all the juvenile justice care institutions, whether run by government or private entities.
- Conduct social auditing to “monitor and evaluate the functioning of the children's homes” as required under Section 36 of the JJ(C&PC) Act;
- Revoke the order prohibiting the visit to the juvenile homes by the CWCs without prior information from the authorities; and
- Take necessary measures against Children's Homes not registered with the State Government.

### **JJBs**

- Instruct the JJBs and Child Welfare Committees and the Superintendents of the Observation Homes, Special Homes and Children's Home to inquire as to

whether any child taken into custody have been subjected to violations of the Juvenile Justice (Care and Protection of Children Act), 2000;

- Improve the functioning of the JJBs through proper selection of the members and imparting adequate training;
- Reduce the number of pendency cases by increasing the number of sittings by the JJBs;
- Fill up the post of all members of the JJBs
- Provide adequate remuneration for the JJBs members as per sitting and travel allowances; and
- Ensure that the trial by the JJBs are held in the premise of Observation Homes/ Special Homes.

### **Child Welfare Committees**

- Reduce the number of pendency of cases in the CWCs by increasing the number of sittings;
- Remove members of the Child Welfare Committees who do not attend two meetings consecutively without prior notice providing valid reasons;
- Provide adequate remuneration to the members of the CWCs;

### **Juvenile Police Units**

- Designate police officers as “Juvenile or Child Welfare Officers” in every police station who shall be members of the Special Juvenile Police Units and train them; and
- Provide training for all members of JJBs and the Probation Officers in the state.

### **Ensure the right to education and the right to food**

- Ensure proper educational facilities in conformity with the Right to Education Act including issuance of certificates on completion of the academic year;
- Fill up all the vacancies relating to staff, teachers, vocational trainers and cooks in all the Homes established under the JJ (C&PC) Act;
- Improve the conditions of the juvenile homes in terms of access to food, hygiene and nutrition; and
- Provide educational and vocational training facilities both within and outside the Homes and tie up with vocational training institutes.

Asian Centre for Human Rights is dedicated to promotion and protection of human rights and fundamental freedoms in the Asian region by:

- providing accurate and timely information and complaints to the National Human Rights Institutions, the United Nations bodies and mechanisms as appropriate;
- conducting investigation, research, campaigning and lobbying on country situations or individual cases;
- increasing the capacity of human rights defenders and civil society groups through relevant trainings on the use of national and international human rights procedures;
- providing input into international standard setting processes on human rights;
- providing legal, political and practical advice according to the needs of human rights defenders and civil society groups; and
- by securing the economic, social and cultural rights through rights-based approaches to development.



**ASIAN CENTRE FOR HUMAN RIGHTS**

C-3/441-C, Janakpuri, New Delhi 110058 INDIA

Phone/Fax: +91 11 25620583, 25503624

Website: [www.achrweb.org](http://www.achrweb.org)

Email: [suhaschakma@achrweb.org](mailto:suhaschakma@achrweb.org)