

# **NATIONAL LEGAL SERVICES AUTHORITY (NALSA)**

## **GUIDELINES FOR TRAINING THE DESIGNATED JUVENILE / CHILD WELFARE OFFICERS ATTACHED TO EVERY POLICE STATION AND THE MEMBERS OF THE SPECIAL JUVENILE POLICE UNIT ESTABLISHED UNDER SECTION 63 OF THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000.**

(Prepared as per the Order dated 12.10.2011 of the Hon'ble Supreme Court of India in *Sampurna Behrua v. Union of India and Others* in Writ Petition (C) No.473/2005)

1. The primary responsibility for training the designated Juvenile / Child Welfare Officers attached to the Police Station and the Members of the Special Juvenile Unit shall be on the District Legal Services Authority. The State Legal Services Authority shall provide the required assistance, guidance and the direction to District Legal Services Authority and shall monitor and supervise the training programme, in a manner it may deem appropriate and practicable.
2. **Role of State Legal Services Authority**

The SLSA shall request the DLSAs to identify 2/3 lawyers having proclivity for ensuring the rights of children, as resource persons. They shall be sent for a state-level TOT (Training of Trainers) Programme to be organised by the State Legal Services Authority.

  - a. Every State Legal Services Authority shall coordinate with the head of the concerned Police Department to ensure that a Standing Order outlining the roles, responsibilities and functions of Special Juvenile Police Units and Juvenile/ Child Welfare Officers is issued. A template of such Standing Order issued by Delhi Police is annexed as Annexure -1 for guidance. Such Standing Order shall be based on the Juvenile Justice ( Care & Protection of Children) Act-2000 as amended in 2006, the Juvenile Justice ( Care of Protection of children ) Model Rules 2007 / the applicable Rules ( If State Government has notified its own Juvenile Justice Rules) and the judgement of the Hon'ble Supreme Court in *Sheela Barse V. Union of India ( 1986 SCALE (2) 230): (1987)3SC50: AIR 1987 SC 656*. State Legal Services Authority shall render assistance in drafting and preparing such Standing Order. State Legal Services Authority shall also ensure that such Standing Order is translated into local language and is made available at all the Police Stations.
  - b. Within a period of one month, the State Legal Services Authority shall take necessary steps for procuring and distributing books and films and for developing training material for the District Legal Services Authorities.
  - c. The State Legal Services Authority shall undertake periodic review and appraisal of training programmes and will revise and upgrade such training programmes, as and when required.
  - d. The State Legal Services Authority shall direct the District Legal Services Authorities to organise training programmes once in every six months for police officers, Juvenile/Child Welfare Officers and members of Special Juvenile Police Units.
  - e. The State Legal Services Authority shall compile a set of Forms prescribed in the Juvenile Justice Rules, to be used by Police while dealing with matters related to children in need of care and protection and children in conflict with law and will send them to District Legal Services Authority for distribution to the trainee police officers. It may be advisable to have such Forms be translated into the local language.
  - f. The State Legal Services Authority shall also compile a Directory which will contain names, addresses and telephone numbers of members of JJBs/CWCs, Observation Homes, Children's Homes, Special Juvenile Police Units and Juvenile Child Welfare Officers and such Directory shall be revised as and when changes take place. Such Directory shall be made available at all police stations and shall also be given to the participants.

- g. The State Legal Services Authorities shall ensure that a uniform curriculum is followed all across the state. A suggestive pattern of curriculum is annexed at Annexure-2. Police Department shall be consulted at the time of finalisation of such curriculum.

### **3. Role of District Legal Services Authority**

- a. The District Legal Services Authority (DLSA) shall identify lawyers who have experience of practising in the area of Juvenile Justice and have the propensity to discern the juvenile jurisprudence and such identified lawyers shall be invited to act as resource persons in the training programmes. The DLSA shall also include specialists in child psychology and child psychiatry as resource persons.
- b. The Chairman, District Legal Services Authority, may seek guidance from the State Legal Services Authority in case of any difficulty.
- c. At the end of each training, certificate shall be issued by the District Legal Services Authority to each of the participants.
- d. The format of the certificate shall be prepared by the State Legal Services Authority and the same may be printed at the district level, if required.
- e. The certificate shall bear the signature of the Secretary and the Chairman of the District Legal Services Authority along with the seal of the District Legal Services Authority.
- f. The District Legal Services Authority shall conduct the training programmes routinely every year. Such training programmes may be of one day or more, as may be appropriate and practical. Refresher courses also may be conducted if some change in laws or rules takes place.

### **4. General Guidelines**

- a. The District Probation Officer shall also be invited to such trainings in order to develop effective coordination and interface between the probation officers and the police.
- b. During the trainings, participants shall be given study material, Directory, required Forms and list of DOs and DONTs.
- c. Depending on the size of the District, training classes may be organised, limiting the number of trainees to a maximum of 20 in each session. This may be relaxed depending on the situation, subject to the discretion of the Chairman, DLSA.
- d. Subject to the special local requirements, if any, additional topics may be introduced in the Annexure-2 curriculum, in consultation with the State Legal Services Authority.
- e. The film “*Ek Tha Bachpan*” [CD copy of the film has been supplied by National Legal Services Authority to the State Legal Services Authority] shall be exhibited for the trainees. Other films made by the organisations like UNICEF on the rights of the child, problems of children, developmental needs of children etc also may be considered for exhibition in the training classes. However, the films and other audio-visual materials to be used in the training classes shall be approved by the State Legal Services Authority.
- f. The State Legal Services Authorities and District Legal Services Authorities shall comply with the time schedule specified by the Hon’ble Supreme Court (i.e. the training and orientation may be done in phases over a period of six months to one year in every State and Union Territory).

- g. The trainees shall be made aware of the circumstances in which children come into conflict with law and will be oriented to work on prevention of juvenile delinquency and should be trained as to how police can work towards reducing vulnerabilities faced by children.
- h. The trainees, particularly SHO and senior police officers, shall be specifically trained about non-disclosure of identity of children and about provisions relating to non-disqualification and will be specially instructed as to how to ensure that details of juveniles in conflict with law are not disclosed in any inquiry which may hamper the best interest of children and could result into disqualification.
- i. The trainees shall be trained on preventive strategies.
- j. Role-plays shall be a part of the training programme. The different conceivable situations wherein a child in conflict with law is exposed to may be communicated to the trainees through these role-plays.
- k. Stress experienced by the apprehended children in conflict with law may be brought in the form of problem-situations and the trainees may be encouraged to arrive at probable solutions under the guidance of a resource person experienced in children's psychology.
- l. The trainees shall be given proper instructions on how to handle the juvenile victims of crime and the mode in which their statements are to be recorded and how they have to be given care and protection at the police stations. Trainees shall be made to understand that juveniles in conflict with law are not to be treated as "Criminals" but are to be seen as victims of circumstances and action shall be taken for their rehabilitation into the mainstream of society.
- m. The trainees should be trained well as to how to deal with organised criminals and gangs who misuse children for illegal activities.
- n. The trainers shall be given instructions not to let the children in conflict with law fall back in to criminal activities and to see that they do not re-establish contact with their peers/gangs.
- o. The police officers, who have already attended the training, may be exempted from participating in the training courses to be followed in other places where they are transferred.
- p. The trainees shall be trained about the semantics (words) which are prohibited to be used in the proceedings and documents related to children in need of care and protection and children in conflict with law.
- q. The Trainees shall be trained with specific emphasis on various legal provisions related to registration of FIR/ GD entry, apprehension, age investigation etc. in matters related to children.
- r. The trainees shall be informed that children in conflict with law, notwithstanding which penal law has been violated, shall be always produced before Juvenile Justice Board and not before any other Court in any circumstance; having regard to the specific provisions of the Juvenile Justice Act which is a special and beneficial law which even overrides other laws in certain instances.
- s. The trainees shall be made aware that in case of doubt regarding the age of a person in border line cases, benefit of doubt should be given and the person concerned should be treated as a "Juvenile".
- t. The trainees shall be educated that sending a child to an Observation Home should always be the last resort and that efforts should be made to grant bail to juveniles in conflict with law from the Police Station itself in bailable and non-bailable offences.

- u. The trainees shall be informed that a police officer dealing with children is not allowed to wear police uniform, except at the time of apprehension in exceptional cases.
- v. The trainee police officers should be informed that children cannot be kept in jail or police lockup, cannot be handcuffed or put under fetters and should be produced before the Juvenile Justice Board within 24 hours of apprehension, excluding the time required for travel.
- w. The trainee police officers should be trained that as soon as a child is apprehended for coming into conflict with law, a police officer is required to hand over the child or juvenile to the designated Juvenile/Child Welfare Officer, who will inform the parents of such child or juvenile and will also inform the concerned probation officer immediately.
- x. It should be instilled in the trainee police officers that if because of any reason it is not possible for a Juvenile/Child Welfare Officer to produce the child or juvenile before JJB or CWC, such child or juvenile shall not be kept at a police station, but shall be kept only in children's homes or observation homes, till the time he or she can be produced before the competent authority.
- y. The Trainee police officers should be informed about good practices which are followed by the Police in other parts of the country.

### **Annexure-1**

Standing Order No. 68 of Delhi Police (see the enclosed document below)

### **Annexure-2**

Curriculum for training

- I. An introduction to the Juvenile Jurisprudence
- II. The UN Convention on the Rights of the Child (UNCRC) – 1989.
- III. United Nations Standard Minimum Rules for Administration of Juvenile Justice ( The Beijing Rules) 1985
- IV. United Nations Guidelines for the Prevention of Juvenile Delinquency ( The Riyadh Guidelines), 1990
- V. The Provisions in the Constitution of India relating to children.
- VI. Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006
- VII. Juvenile Justice (Care and Protection of Children) Model Rules, 2007/ Applicable Juvenile Justice Rules ( If State Government has notified its own Rules)
- VIII. Supreme Court Judgements ( i.e. Hariram Versus State of Rajasthan, Sheela Barse V Union of India, Gopinath Ghosh Versus State of West Bengal, Pratap Singh Versus State of Jharkhand, Babloo Pasi versus State of Jharkhand)
- IX. Provisions in Indian Penal Code and the Indian Evidence Act relating to children/ child witness.
- X. Probation of Offenders Act, 1958

### **Suggested Reading Material**

- 1. Order of Juvenile Justice Board-Delhi on linkages between drugs and crime among children
- 2. My God Juvenile Delinquent : Ruzbeh N Bharuch
- 3. Supreme Court on Children, HRLN, 2<sup>nd</sup> Edition, 2011
- 4. Blind Alley : Haq Centre for Child Rights, 2009
- 5. Child Rights in India : Professor Ved Kumari
- 6. Various exemplary Orders passed by JJBs of Delhi

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