

FROM THE DESK OF THE MEMBER OF THE J.J. COMMITTEE

It is my great privilege and honour to write this newsletter.

Under the able guidance of brother Justice Harish Tandon the Chairperson of the Juvenile Justice Committee where I am one of the members, I try to share my views and experiences through this newsletter. The said Committee has already inaugurated 12 Child Friendly Courts in the Districts of the State of West Bengal. Of them 5 number of Child Friendly Courts were inaugurated under the guidance and tireless supervision of Hon'ble Justice Madan B. Lokur, Judge, Hon'ble Supreme Court of India and in presence of the then The Hon'ble The Chief Justice Jyotirmay Bhattacharya viz. at Bichar Bhavan City Sessions Court, Kolkata, Bankura Sadar, Bankura Sub Division, Khatra, Purba Bardhaman and at Paschim Midnapore. Further under the supervision of The Hon'ble The Chief Justice Thottathil B Radhakirshnan 7 Child Friendly Courts were also inaugurated at Andaman & Nicobar Islands, Sadar Port Blair, Alipore Sadar, South 24-Pgs, Hooghly Sadar, Chinsurah, Howrah Sadar, Howrah, at Purba Medinipore Sub Division, Contai at Barasat Sadar, North 24-Parganas and Barrackpore sub divisional Court, Barrackpore, North 24-Parganas. There are many more such child friendly courts which are almost ready for inauguration.

A Latin maxim that suits best for the Juvenile Justice system in India is 'Nil Novi Spectrum' which implies that nothing is new on this earth.

There has existed a presumption in the whole world since the ancient period that the Juveniles should be dealt leniently because there exists a system of thought that says-Young folks generally have a habit to respond in a serious and prolonged frustration which is accompanied with aggressive approaches.

Prior to the Juvenile Justice Act of 2015, 2000 and 1986, there existed the Children Act of 1960 that aimed to give effect to the international responses towards the issue of Juvenile Justice by which they provided a uniform policy that protected the interests and rights of a Juvenile and that looked at care, treatment, rehabilitation and development of a child.

But the recent developments in the international community and subsequent emergence of the involvement of Juveniles in crime, the Indian lawmakers are compelled to come forward with new, progressive and stricter laws for the concerned Juvenile Justice system in the country. As a result, the Juvenile Justice act of 1986 then thereafter Juvenile Justice Act of 2000 and recently the Juvenile Justice act of 2015 was passed by the Parliament.

Once the former Chief Justice of India, Justice V.K. Krishna Iyer stated that we need penal code because the child is the father of a man and if we're neglecting the development in children, then we would be guilty of many faults and errors related to abandoning our children.



According to sub-section 12 of Section 2 of The Juvenile (Care and Protection) Act, 2015 a "child" means a person who has not completed eighteen years of age. The Act classifies the term "child" into two categories :-

- "child in conflict with law" [3] and
- "child in need of care and protection" [4]

The child who has committed an offence and he or she is under the age of 18 years on the date of commission of the offence is basically called as "child in conflict with law". The second sub-category is "child in need of care and protection" means a child as defined under Section 14 of the Act.

After being inspired and encouraged by the Hon'ble Justice Madan B. Lokur (Former Judge, Supreme Court of India), who was the Chairperson of One Man Committee of the Juvenile Justice Committee, Supreme Court of India, our JJ

Committee have taken tireless efforts for upliftment and betterment of the homes run by the Government as well as NGO's, so that the inmates reside in a better, healthy and homely atmosphere in those homes. I have no hesitation to confess that ignoring this outbreak of COVID-19 pandemic situation our Committee, have been visiting those homes almost at monthly intervals accompanied by the Secretary of the Committee to inspect the health condition of the children as well as to see the maintenance of those homes also. This way we interact with them and offer comic books, exercise books, sanitizer, masks for encouraging the inmates who happens to be the victim of circumstances and living separately from their parents as well as near and dear ones of their family.

Pursuant to the direction of the Chairperson of the Juvenile Justice Committee I had the occasion to visit some of the child care institutions during the outbreak of COVID-19 pandemic period. I visited Sanlaap Home at Baruipur, District-South 24-Parganas on 18.09.2020 and Sukanya Home at Salt Lake on 26.09.2020 and also at Burdwan Girls' Home and other Homes in that District of Purba Burdwan on 17.10.2020 and 18.10.2020 and shared a very happy moment with children residing in those institutions. I share some photographs of those happy moments of my life with the children of those Child Care Institutions.

Over the decades, India has witnessed a drastic rise in the sexual abuse of children. Sexual exploitation poses grave risk for children, as it is well known that they severely affect the mental and physical well-being of a child.

In the 4th Regional Roundtables and the National Conference held in 2018 under the supervision of Hon'ble Justice Deepak

Gupta, Judge, Supreme Court of India, highlighted the need for a systematic reform process to be adopted in child care services, especially with regard to institutional care. A global perspective shift from institutional care to de-institutionalization and family care has shown successful results in several countries. India is now embarking on a similar journey of sectoral reforms with its unique context in mind. The Supreme Court Order 2017 and State Plan of Action for Children directed the State to provide standard of care for children in alternative care by creating appropriate system and adhering to the same by the child protection stakeholders.

My conscience will not pardon me if I fail to mention that during COVID-19 Pandemic stage pursuant to the Hon'ble Apex Court observation our Hon'ble The Chief Justice has taken suo moto initiative to constitute a Division Bench presided over by Hon'ble Justice Harish Tandon the Chairperson with Hon'ble Justice Soumen Sen, one the members of the J.J. Committee to look after the day to day problems including health problems of the inmates and give directions to the concerned departments and stakeholders to take steps accordingly.

I believe Childhood has a great impact and value in one's life. At this age also I remember and cherish unforgettable moments and events of my childhood, therefore, it pains me when I find these children are missing a great part of their life called "Childhood". At the same time I consider that missing normal childhood is not the end of life. One needs to accept it as a challenge and surge ahead with the determination "we shall overcome". I approach them not as a Member of this J.J. Committee but as there dear and near one. I consider that we have to

handle them with extra care, more so, for speedy disposal of such cases, care, support and affection in a friendly atmosphere setting up more Child Friendly Courts are very much required. To say few words for those children it reminds me the famous poem of William Wordsworth "My Heart Leaps UP".....

"The Child is father of the Man;
And I could wish my days to be
Bound each to each by natural
piety...."

To bring those children into the mainstream in future life society has to take sincere effort for them and play a big role which I only could pray to almighty to help those children so that they can shine as bright as the sun in their life. With these words I share my thoughts through this Newsletter.

SAMAPTI CHATTERJEE

**MEMBER OF THE JUVENILE JUSTICE
COMMITTEE
CALCUTTA HIGH COURT.**



Some Photos of visit at Government Home and at Adoption Centre at Purba Burdwan



Some Photos of Visit at Sanlap Home at Baruipur



Some Photos of Visit at Sukanya Home at Salt Lake

