

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

Early this year I have been inducted in the Juvenile Justice Committee of this Hon'ble Court. Since my induction in the said Committee I am highly impressed and influenced by the flawless effort, dedication and commitment of Chairperson of the Committee.

Therefore, the moment I was asked by our Chairperson Hon'ble Justice Nadira Patherya to write the Editorial Note of this edition, I could not resist my temptation and readily I accepted the offer to do some thing for betterment and upliftment of the Juveniles who are in different homes. My conscience will not pardon me if I do not confess without any hesitation that under the guidance and tireless supervision of our Chairperson in many districts viz. Burdwan, South 24-Parganas, North 24-Parganas, Kolkata, Bankura, at-least seven (7) child-friendly Courts are already scheduled to be inaugurated by Hon'ble Justice Madan B. Lokur, Judge, Hon'ble Supreme Court on September 15, 2018. Many child friendly courts in different districts are also in the pipe line wherein renovation and interior work is going on and expected to be completed soon.

To prevent child labour, child trafficking, child raping, drug addiction and other juvenile related crimes and also to protect and ensure the paramount interest and welfare of the juveniles, the Juvenile Justice Act mandates that a Special Juvenile Police Unit ("SJPU") is to be constituted in every district and city.

West Bengal has two police forces : The West Bengal Police and Kolkata Police. Kolkata

Police exercises jurisdiction over the metropolitan area of Kolkata and the West Bengal Police operates over the rest of Bengal. SJPU's have been set up in all the police districts in the State and they are functional : Across the State CWPOs have been appointed at all police stations. There is 1 (One) SJPU in the detective Department of the Kolkata Police to look over all matters concerning children, over 79 Police Stations are within the Kolkata Police establishment. For all other police districts (33 of them) that fall within the West Bengal Police Establishment, an officer of the rank of Dy. SP acts as the Nodal Officer for functioning of SJPU. However, two key observations are to be made here .

Unfortunately, West Bengal reports one of the highest number of missing children in India (GOI, 2016). Infact, almost 75 per cent of the cases related to minor girls are concentrated in just four States in the east and north-east of the country, thus making West Bengal, Assam, Bihar and Odisha a hub of child-trafficking. Figure 6 represents the data concerning missing children in West Bengal. Yet, it is notable that a significant number of children are being rescued every year in West Bengal (about 67% in the last three years) by the police, as against the national figure of 83% (Karnik, undated). It should also be noted that, at times the missing children return home/are traced by the parents themselves, which are not being reported to the police. It is also important to note that a larger number of girl children go missing every year in comparison to

boys-though the percentage of their rescue remains more or less the same compared to boys.

In order to achieve the objectives enshrined in the dictum of Child Rights and Child Protection, the services of statutory support structures are essential. While the Child Welfare Committee has a pivotal role in ensuring welfare and rehabilitation of children in need of care and protection, the Juvenile Justice Board is expected to mainstream children in conflict with the law. Special Juvenile Police Unit and Anti Human Trafficking Units are to be set up in every district to deal with children in distress. In addition to that, district Child Protection Units (DCPU) should gear up to face the challenges of child rights violation, exploitation of a child in any form, child marriage, child trafficking, school dropouts and the like.

The greatest menace in society regarding children is human trafficking. For this, the state government has introduced the State Plan of Action to combat human trafficking of women and children. We need to evolve a mechanism for ensuring rescue, restoration, rehabilitation and integration of trafficked victims and support the West Bengal Task Force in delivering services. Child Welfare Police Officers (CWPOs) with the help of Child Protection committees may be the driving force in our effort to prevent human trafficking, for which, massive awareness and surveillance are required in this respect.

Track the Missing Child Portal is another exemplary initiative of the state government to rescue



and restore missing and runaway children. Most of the CWPOs of Kolkata and districts have been given hand-holding training on Track Child portal and its efficacy to find out missing children.

A home can provide care and protection to the children without either of the parents, orphans and those who have no support from the family or anyone. However, many of the homes admit children who don't come under any of these categories and call them as children's homes. It should have been called hostels.

Many of the Homes don't even follow the guidelines for space to the children and dump them in cramped space totally unfit for healthy living.

I do convey my promise through this Editorial Note that I would try my level best to ensure paramount welfare, upliftment and betterment of the Juveniles who are in distress and to achieve the said purposes I am prepared to walk a few more miles. I, at the same time pray to almighty to let the children blossom by holding hands in critical times as they are the future of the nation.

**SAMAPTI CHATTERJEE**

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

# SPECIAL JUVENILE POLICE UNITS IN WEST BENGAL

## CONTEXT

The JJ Act mandates that a Special Juvenile Police Unit (“SJPU”) is to be constituted in every district and city. This unit is expected to be a specialized dedicated police unit, equipped with the skill and knowledge to deal with children, especially, those in conflict with law. Further, the law requires that in “every police station, at least one officer, not below the rank of assistant sub-inspector, with aptitude, appropriate training and orientation” is to be designated as a child welfare police officer (“CWPO”), to exclusively deal with children. The SJPU consists of these CWPOs and two social workers and is to be headed by an officer not below the rank of a Deputy Superintendent of Police (Section 107, JJ Act, 2015). The Integrated Child Protection Scheme (ICPS) provides for the social workers and the District Child Protection Society is responsible for appointing them.

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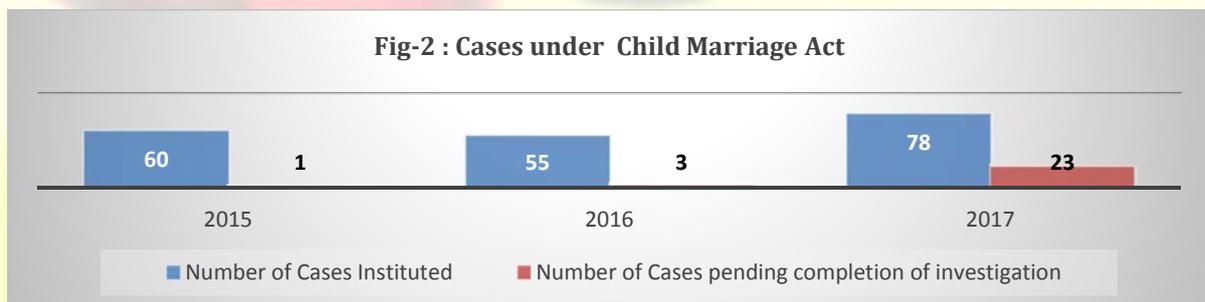
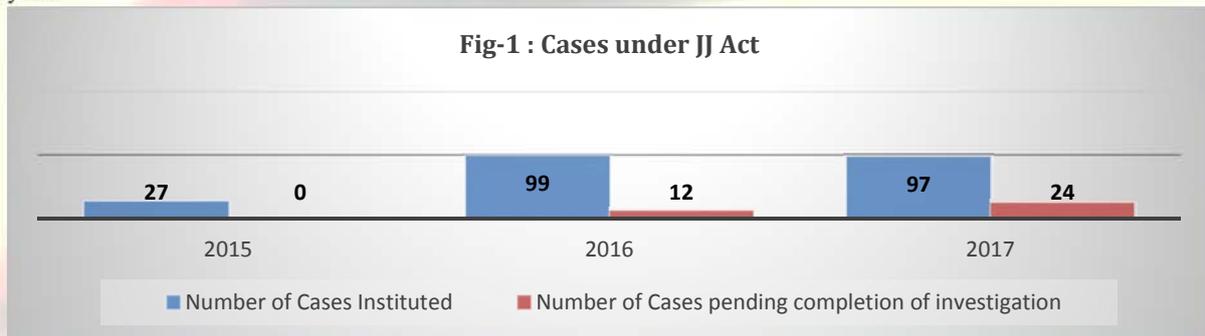
- Firstly, the CWPOs (and the rest of the SJPU staff) are not dedicated police officers to deal only with children. CWPO is an additional charge entrusted to a police-man, apart from his normal duties. This means that he/she will not be able to dedicate himself/herself exclusively to deal with children. Thus, CWPOs (and the rest of the SJPU staff) are saddled with immense work pressure.
- There are no dedicated social workers available to the SJPU. The DCPO is expected to provide the SJPU with social workers, from the pool of two social workers available with them. However, these social workers are quite overworked with the regular responsibilities at the DCPU, making it difficult for them to provide adequate support to the work of the SJPUs.

Thus, while there is compliance with the law in setting up the SJPUS, human resources constraints make it difficult for them to effectively discharge their functions, in tune with the spirit of the JJ Act.

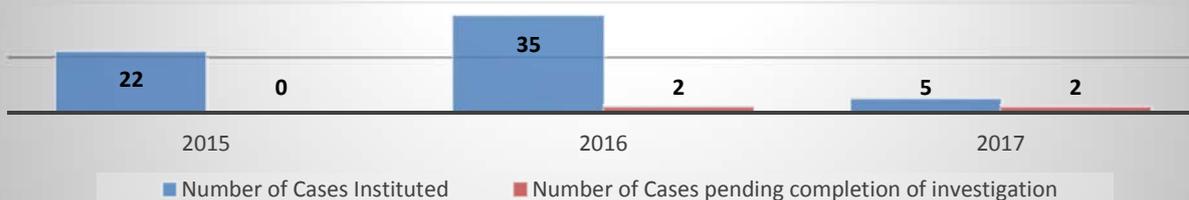
## DISCHARGE OF FUNCTIONS

### Investigative functions: Crimes

The JJ Act places a central responsibility on the SJPU to deal with both CCLs and CNCPS. By deploying the criminal law against offenders, they play an important role in ensuring child protection. One way of understanding police performance is to consider the pace at which the police is able to complete investigation of cases under laws that protect the child. Figures 1-4 represents the total number of cases instituted and pending investigation under four major legislations that pertain to child protection, for the period between 2015 and 2017. As we can see from these figures, despite the human resources constraints, the police has been able to deal with a substantial number of cases under these laws and complete investigations within a reasonable period of time. There is however, a need to put in place mechanisms to ensure that the investigations in the pending cases are completed as soon as possible. It is a matter of concern that there are POCSO cases that continue to remain pending investigations, for more than two years.



**Fig-3 : Cases under Child Labour Act**



**Fig-4 : Cases under POCSO Act**

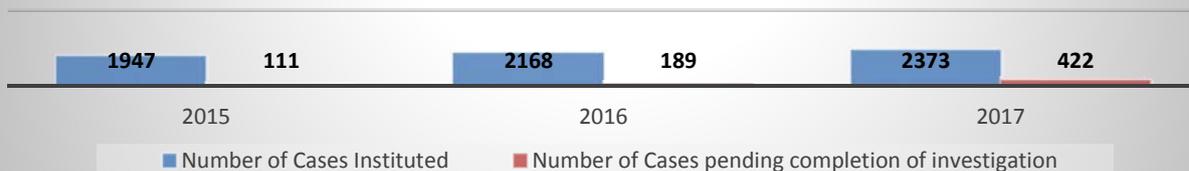


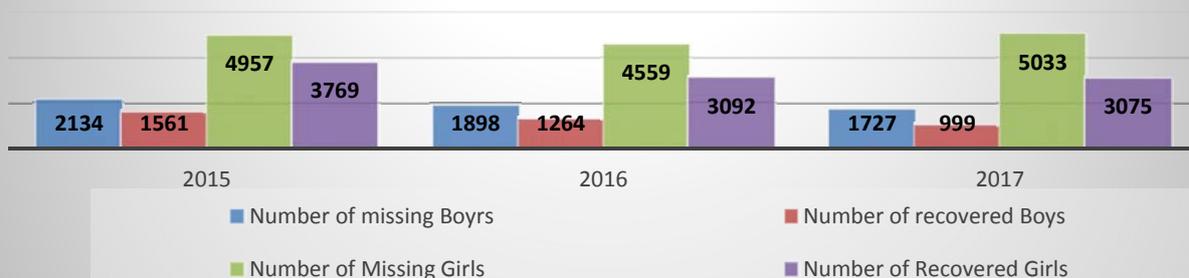
Figure 5 represents the picture concerning trafficking cases. It is once again a matter of concern that there are a number of cases in which investigation is continuing, despite the passage of more than three years. The silver lining is however, that that a significant number of victims are being recovered.

**Fig-5 : Cases concerning anti-human trafficking**



**Investigative functions: Tracing the missing children**

**Fig-6 : Missing Children**



**Making the police child friendly : Capacity Building**

The JJ Act, 2015 states child friendly to mean “any behaviour, conduct, practice, process, attitude, *environment* or treatment that is humane, considerate and in the best interest of the child” [Section 2(15)]. Achieving child friendliness, thus involves capacity building at two levels – provide training to officers and building infrastructure at the police station level.

To provide for capacity building of officers, training programmes are being organized right at the district level – in collaboration with the DCPO and civil society organizations. Apart from this, the state police training academy has included children’s rights in its training modules. A module on training of trainers was also developed and is being used. For development of curriculum and materials, the police training institutions have worked in collaboration with academic institutions and research centres specialising in child rights.

Regarding infrastructural upgrades, the police is attempting to create a child friendly corner in each and every police station in West Bengal, by having a clean, decorated, separate room (or corner, depending on availability of space) earmarked for children.

## ACHIEVEMENTS

Apart from 'policing' work, the Kolkata police has undertaken a number of outreach programmes aimed at preventing crime and bringing children closer to police. Some of these programmes are :

- a) **Sukanya**- a concept for imparting self-defence training program for the girls students. The basic objective of this project is to build confidence amongst the girl students of the schools by means of imparting self-defence training
- b) **Bandhu Kolkata**: This Program is done in collaboration with WCD & SD Department to provide a safety network for missing children, women and senior citizen during Durga Puja festival
- c) **Cyber Safety Awareness Campaign**: Such campaigns are held on regular basis in various Schools in Kolkata by Officers of Cyber Police Stations
- d) **Anti-Drug Campaigns**: Kolkata Police organizes a month long campaign using youth and previous drug addicts in different places to observed "International Anti Drug Day". Kolkata Police also organise sit and draw competition, debate, essay writing, cycle rally etc. by the students on the related issue.
- e) **Nobodisha**: This is an educational and health care programme for the vulnerable street children of Kolkata. It is a catalytic force that bring together the police, children, their parents and other members of the community local NGOs, volunteers, corporate sectors-to work together in the best interest of the city's street children.
- f) **Suddhi**: This is a Kolkata Police initiative to identify vulnerable youths, who are in the habit of petty crimes due to their dependency on drug and follow them till the point of their rehabilitation into the society's mainstream where they find acceptance

The West Bengal Police, as a part of its outreach initiatives, arranges for Friendship Cup/ Para Football in which the CCL of some observation homes often take part

### Challenges :

While resource constraints are being addressed, an important area of concern is ensuring actual child friendly behaviour by the police. This will involve both training and constant review of performance on field. A common problem faced is that a police man learns on the job when he is posted as a CWPO, but when he is transferred out to a non-CWPO post, that knowledge goes wasted. A fresh person, when appointed to that post, will take more time to learn on the job. If a system can be devised to ensure that when transfers are made, it is made to a place as a CWPO, it can help retain the knowledge that was accumulated over the years.

