

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

Social Rehabilitation NEWSLETTER

Last Year on 15.09.2018 the Hon'ble Madan B. Lokur, former Judge, Supreme Court of India and former Chairperson of One Man Committee of the Juvenile Justice Committee, Supreme Court of India, already inaugurated four (4) Child Friendly Courts such as (1) Purba Burdwan, Sadar Bankura, Khatra Sub Division, Bankura & City Sessions Court, Kolkata in the august presence of Hon'ble Nadira Patherya, Former Judge of our Court and Former Chairperson of Juvenile Justice Committee and the other members of the said Committee. Subsequently on 15.11.2018 5th Child Friendly Court was inaugurated at Paschim Midnapore also.

Recently on 20th April, 2019 we have witnessed the inauguration of first Child Friendly Court at Andaman & Nicobar Islands by Hon'ble the Chief Justice Thottathil B. Radhakrishnan .

From the very day of my induction in the Juvenile Justice Committee I considered myself very blessed to be one to render service to the juvenile in conflict with law and also moral and judicial support to them. The juvenile should be provided with utmost support for their betterment and upliftment in the society and in a broader sense the nation at large.

In the backdrop of this goal to be achieved by us I have been

requested by our Chairperson Hon'ble Justice Harish Tandon to throw some light on the topic "Social Rehabilitation under Juvenile Justice Act" for the ensuing monthly news latter.

Now I try my level best to share this message to the society through this newsletter.

It has been recognized that children and young adults are major human resource for development and are key agents for collective social change. But it is only possible when they are involved to participate in the meaningful dialogues on issues that concern them the most.

I further feel that there is a need to strengthen family, school, and community-their structures and the value systems as these would provide an inclusive attitude and become role models for children. There is also a constant need to initiate and oversee collective action to address their problem and empower them, motivate them thereby provide them a road map for self development so that none goes off the social security net.

However, while addressing the issues or problems faced by the children in our country, a category of children that are almost always

overlooked are the 'Children in



believe that 'these children get what they deserve' and want to do little about the treatment meted out to them. It must be realized that a child, given his/her relative immaturity, does not quite often understand the consequences of his/her actions and is extremely susceptible to his/her surroundings. Even to such children we cannot allow dwindling of hope and loss of dignity to destroy their childhood.

Every child who comes in contact with the juvenile justice system is a child in difficult circumstances having fallen out of the protective net at some point and has been robbed of the opportunity of a safe and secure childhood. Children in conflict with law should be treated as children in difficult circumstances and the approach of the juvenile justice system should be firmly focussed at addressing the vulnerabilities of children and ensuring their rehabilitation.

In fact, reform and rehabilitation and not punishment

are the guiding principles of the Juvenile Justice (Care and Protection of Children) Act, 2015. The Act provides that children in conflict with law and children in need of care and protection are to be nourished for their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best and paramount interest of the children and for their rehabilitation.

The sloth changing perspectives have led to the emergence of an alternative justice system for children. However, while drawing an alternative system for juveniles, both the interests of the child and the society must be borne in mind. While children are protected from the baneful effects of prisons, the victims of their offences have found no solace from juvenile justice system. The victims feel that children are let off easily even when they commit a serious offence or repeated offences. So while on one hand an alternative system for juveniles must champion minimum intervention by law and minimum institutionalization, on the other it must make sure that the rehabilitation process is strong enough to prevent them from coming into conflict with law again.

The idea behind rehabilitation is that people are not born criminals, thus should be given a chance to be get back to the society. It also prevents them from becoming recidivists. Instead of punishing them as a criminal, rehabilitation by means of education or therapy, to make the juvenile in conflict with law a healthy citizen of the society.

Studies indicate that the most effective way to find constructive solutions to involvement of children in activities that violate a law is to involve children in the process of rehabilitation and not to consider them as merely 'trouble makers' or 'problem children' in need of punishment. Recognition of and respect for their rights as humanbeing and as a child is an important first step in this direction.

Juvenile Justice adopted the path of reformation of children found to have committed offence through various community based reformative and rehabilitative measures and using institutionalization as a measure of last resort and for the minimum period till suitable community based alternatives are found for them.

With the passage of the JJ Act, 2015, the possibility of children between the ages of 16 and 18 years being tried as adults for heinous offences has arisen. This means that a separate set of reform and rehabilitation measures will have to be taken for such children.

In conclusion I would like to say that the empowerment of children by ensuring their human rights and dignity provides an opportunity to change; the change which is required for the growth and development of our country. The way we deal with our children speaks volume of our own character and ensures in laying a concrete foundation for the future generations to follow.

Undermining the value of a child undermines the value of our nation.

For rehabilitation to be successful and to sustain the livelihood of the children regular follow-up becomes necessary. The role of social workers, service providers becomes all the more necessary as children need to be provided continuous help even after rehabilitation to check zero recidivism.

The responsibility for the protection of our children is not alone for the Government and NGO's working for it but also a collective responsibility of all the citizens. Every individual should be sensitive towards working and safeguarding the rights of our children. Therefore, we have to sentasize the society at large.

"The body heals with play. The mind heals with laughter and the spirit heals with joy"

I cannot resist myself to quote great poet Percy Bysshe Shelley before conclusion :-

**"Life may change, but it may fly not;
Hope may vanish, but can die not;
Truth be veiled, but still it burneth;
Love repulsed, -but it returneth !"**

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CALCUTTA HIGH COURT.