



**TAMIL NADU STATE JUDICIAL ACADEMY**  
**and**  
**TAMIL NADU STATE LEGAL SERVICES AUTHORITY**  
**in association with**  
**UNICEF**

***Let Me Be A Butterfly! 2.0***

Workshop on Children in Conflict with Law and Child Survivors For the Secretaries of District Legal Services Authorities, Principal Magistrates, Members and Panel Lawyers of the Juvenile Justice Boards.

**Event Report**

The Tamil Nadu State Judicial Academy and Tamil Nadu State Legal Services Authority in association with UNICEF conducted A One Day Workshop on Children in Conflict with Law and Child Survivors For the Secretaries of District Legal Services Authorities, Principal Magistrates, Members and Panel Lawyers of the Juvenile Justice Boards at TNSJA Headquarters on 24<sup>th</sup> and 25<sup>th</sup> of September 2022. The districts of Chennai, Cuddalore, Kancheepuram, Krishnagiri, Nagapattinam and Thanjavur took part on the 24<sup>th</sup> of September 2022 and the districts of Thiruvallur, Thiruvannamalai, Tiruvarur, Vellore, Villupuram and Puducherry took part on the 25<sup>th</sup> of September 2022. On both the days, the programme commenced at 9.45am with the invocation song

‘தமிழ்த்தாய் வாழ்த்து’. Breakfast, Lunch, Tea and snacks were provided to all the participants on both the days.

On both the days, the welcome address and the scope and objective of the workshop was delivered by Mr. D. Lingeswaran, Director, TNSJA. He welcomed all the participants, the Secretaries of District Legal Services Authorities, Principal Magistrates, Members and Panel Lawyers of Juvenile Justice



Boards. He introduced the resource persons and various topics that were to be discussed. He emphasized that when a child in conflict with law comes to you, one has to not merely see him as a child who is deviant, but as a child in need of care and protection. He also insisted that the principle of diversion must be enforced wherever necessary and all the children in conflict with law need not mandatorily have to go through the process of proceedings by the Juvenile Justice Board.

### **Working sessions on both the days:**



The first session on both the days was on the topic *Principles for Principal Stakeholders under the JJ Act, 2015* by Dr. S. Elumalai, Associate Professor, Tamil Nadu Dr. Ambedkar Law University. Firstly, he spoke about the fundamental rights and specifically

mentioned Article 21A of the Constitution which enunciates Right to Education as a Fundamental Right, to all the children until the age of 14 years. He then spoke about the General Principles enshrined in Section 3 of the Juvenile Justice (Care and Protection of Children) Act, 2015. The resource person discussed the various principles such as the Principle of fresh start, the Principle of Diversion, Principle of non-stigmatizing semantics, Principle of non-waiver of rights. He also touched upon the Legislations which dealt with Juvenile Delinquency prior to the enactment of the 2015 Act. He referred to the J.S. Verma Commission Report, based on which the Act is now enacted.



For the benefit of the participants, the resource person also discussed some of the important case laws pertaining to the Juvenile Justice such as Dr. *Subramanian Swamy's case*, *Arnit Das Vs. State of Bihar*, *Hariram Vs. State of Rajasthan*, *Retired Justice K.S. Puttaswamy Vs. Union of India*, to name a few. Mr. Elumalai advocated for the rehabilitation of children both in conflict with law and in need of care and protection. Further, he spoke about the right to be forgotten which must be effectively used in the best interest of child in conflict with law.

The next session was Alleviating Delinquency through Individual and Social Responsibility by Ms. N. Alicia, Senior Civil Judge and Ms. M. Parvathisrinivasan, Advocate, High Court of Madras.

In this session, the resource person Ms. M. Parvathisrinivasan spoke about various aspects and factors that influence Juvenile Delinquency and how through individual and social responsibility, a deviant child can be reintegrated into the society. Further, she spoke about education and vocational training as important factors



that aids in reintegrating the child. She also shared instances and cases from her experience as a Counsel appearing for children. Ms. Parvathi also strongly reiterated that every child in conflict with law is a child in need of care and protection.



Ms. N. Alicia, Senior Civil Judge, firstly, shared her experience as the Principal Magistrate of the Juvenile Justice Board. The resource person then spoke about sending the child with the parents if the parents are capable of looking after the child in cases where the child has committed Petty or Serious Offence. Further,

she spoke about the preliminary assessment in case the child has committed Heinous Offence. In preliminary assessment, one should interact with child and the find the consequences to do the offence and his family situation. She

recapitulated the principle of diversion to be made use of in cases where the child has committed a petty offence and is a first-time offender. She stated that "The best interest of child" varies from one situation to another and one must always uphold the best interest of the child.



On both the days the topic "Care Cures Conflict" was handled by Mr. A. Nazir Ahamed, Member Secretary, TN State Legal Services Authority, Chennai Mr. D. Lingeswaran, Director, Tamil Nadu State Judicial Academy along with one of the participants.

On 24<sup>th</sup> September, 2022, one of the participants Ms. C. Karthika, Chief Judicial Magistrate, Nagapattinam, spoke about the preliminary assessment that must be completed within 15 days. She also mentioned the data of the number of children who fall under the category of children in conflict with law and children in



need of care and protection. Further, the resource person spoke about the mandatory bail under the Juvenile Justice Act. She emphasized that the

members of the Juvenile Justice Board have to interact one on one with the child to elicit information regarding the offence and learn more about the child and his family and spoke about maintaining confidentiality while eliciting such information. She also insisted upon informing the District Legal Service Authority for free legal aid. She further reiterated that the child must not be exposed to media.



On the 25<sup>th</sup> Ms. S. Saranya, Senior Civil Judge, Tiruvarur, stated that the stakeholders Police, Probation officer, JJ Board, Counselors', Legal Aid Counsel, Family, Welfare Officers in home, NGO, Government Officials are expected to care for the children like their own children. She mentioned the common causes of delinquency and also shared her experience as The Principal Magistrate of the Juvenile Justice Board. To ensure a better future for the child, all the stakeholders must work in unison with the other stakeholders for safe guarding the interests of children. Talking further Ms. Saranya also spoke about the role of District Legal Service Authority in helping the Children in conflict with Law to utilize the benefits under various schemes provided to them by the Government.

Mr. A. Nazir Ahamed, Member Secretary, TN State Legal Services Authority, Chennai while discussing on the topic 'Care Cures Conflict' stated that one third of the population is children



and it is our duty to give the due care and protection. He referred to the case *Salibalil Vs. Union of India*. He mentioned about the Article 14 of Constitution of India. He spoke to the participants on the various schemes and funds given by the government for the benefit of children. Further, told the participant to extend their support to the District Legal Service Authorities and work with them for effective implementation of facilities given to children by various organizations.



Mr. D. Lingeswaran, Director, Tamil Nadu State Judicial Academy spoke about his experience in dealing with children. He stated that the children need care to cure their deviant behaviour and in case of child survivor to overcome their fears and victimization. The

Director also said that disposing the cases within stipulated time makes a huge difference in the lives of children. He reiterated that, listening to children helps the children to overcome trauma. Further he stated that as a part of the society, it is the duty of every citizen to safeguard and protect children.

The next session was on the topic "The Road to Rehabilitation – Take Diversion". The speakers on 24/09/2022 were Mr. M. Nagappan, Judicial Magistrate I, Nagapattinam and Mr. G. Ragothaman, Judicial Magistrate III, Cuddalore. On the 25/09/2022 the speakers were Ms. T. Mugizhambigai, Judicial Magistrate I, Tiruvallur and Mr. D. Kaviarasan, Judicial Magistrate I, Tiruvannamalai.



Mr. M. Nagappan, Judicial Magistrate I, Nagapattinam, explained that there is evidence that engaging in education of training can help children establish a sense of ‘normality’ help children on an equal footing with other children, it leads to respect and acceptance in their wider communities and the development of life skills are important for all children, particularly those affected by child sexual abused. He said that monitoring children once they return home and must be done with sensitivity so as not to further defame children. He spoke about the aspects of Victim Compensation provided under The Tamil Nadu Child Victim Compensation Fund for child survivors of sexually assaulted.



Mr. G. Ragothaman, Judicial Magistrate III, Cuddalore, stated the various rights of children and referred to Article 21A of Constitution of India which guarantees free and compulsory education. He spoke about the health care, nutrition, mental health and indoor games that are necessary for healthy growth of children. He also explained various methods for rehabilitation.



Ms. T. Mugizhambigai, Judicial Magistrate I, Tiruvallur, explained the necessity of Rehabilitation and Reintegration of child. Firstly, she spoke about the various UN Conventions related to Children and also the principle of diversion. Further, she spoke about the basic requirements such as food, shelter



clothing and medical, Equipment such as wheel chair, prosthetic devices, hearing aids, braille kits, Education, Skill development, Occupational therapy and life skills education, Mental health interventions, Recreational activities as some of the methods of rehabilitation that may be provided for children. She also explained in detail section 15 of Juvenile Justice Act and said wherever needed the child shall be sent home after advice or Admonition by the Board.



Mr. D. Kaviarasan, Judicial Magistrate I, Tiruvannamalai, spoke about the various rehabilitation mechanisms. He also spoke about the interim compensation which may be awarded in case of child survivors as temporary relief and

it is not mandatory to wait for the final disposal of the case of child abuse. He explained in detail the methods which can be adopted to rehabilitate and reintegrate children in conflict with law into the society by training them in courses such as plumbing, carpentry, electrical works, tailoring, handicrafts etc., wherever the children are not keen on studies.



The Discussion and Interaction Mr. A. Nazir Ahamed, Member Secretary, TN State Legal Services Authority, Chennai, Mr. D. Lingeswaran, Director, Tamil Nadu State Judicial Academy. During the session, the

participants asked various questions which were duly answered. In this session, some of the participants shared their experience in dealing with child in conflict with law or child survivors.

The programme on both the days concluded with the proposal of Vote of Thanks by the Deputy Director of Tamil Nadu State Judicial Academy, Headquarters, Chennai, Mr. R.A.S Anandaraj. Certificates were also issued to all the participants for taking part in



this workshop on Workshop on Children in Conflict with Law and Child Survivors for the Secretaries of District Legal Services Authorities, Principal Magistrates, Members and Panel Lawyers of the Juvenile Justice Boards.

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