



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 Regional Centre, Coimbatore on 26th and 27th of November 2022. The districts of Coimbatore, Dharmapuri, Dindigul, Erode and Karur took part on the 26th of November 2022 and the districts of Namakkal, Nilgiris, Salem and Tiruppur

took part on the 27th of November 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 26th November 2022, 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.

On 27th November 2022, the welcome address was delivered by Mr. D. Lingeswaran, Director, Tamil Nadu State Judicial Academy. The scope and object of the programme was rendered by Mr. G. Kumaresan, Social Policy Specialist, UNICEF Office for Tamil Nadu & Kerala.



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 Mr. E. V. Chandru @ E. Chandrasekaran, Advocate, High Court of Madras. 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. For the benefit of the participants, the resource person also discussed several important case laws pertaining to the Juvenile Justice Act.

For the benefit of the participants, the resource person also discussed some of the important case laws pertaining to the Juvenile Justice Act such as *Barun Chandra Thakur Vs. Master Bholu [2022 SCC OnLine SC 870]*, *Union of India Vs. Ramesh Bishnoi [(2019) 19 SCC 710]*, *Manoj Vs. State of Haryana [(2022) 6 SCC 187]*, *Rishipal Singh Solanki Vs. State of U.P [(2022) 8 SCC 60211]*, *State (U.T. of Jammu & Kashmir) Vs. Shubam Sangra [2022 SCC OnLine SC 1592]*, *Ajith Kumar Vs. State [2016 SCC OnLine Mad 4351]* to name a few. Mr. Chandru advocated for the rehabilitation of children both in conflict with law and in need of care and protection.

The next session was on the topic “The Road to Rehabilitation – Take Diversion” the resource persons were Mr. S. Prince Samuvel Raj, Judicial Magistrate I, Erode and Mr. A. Prabu, Judicial Magistrate I, Dharmapuri on 26th November 2022 and on 27th of November the resource persons were Ms. G. Bharathi Prabha, Judicial Magistrate I, Tiruppur and Mr. L. Kamalakannan, Judicial Magistrate VI, Salem.



Mr. S. Prince Samuvel Raj, Judicial Magistrate I, Erode spoke about the background of the Juvenile Justice (Care and Protection of children) Act, 2015. He further, spoke about CCL’s right to be released on bail under the Juvenile Justice Act. He emphasized that the members of the Juvenile Justice Board have to learn more about the child and his family before passing any orders. He also spoke about maintaining confidentiality at all times. He also shared his experience as the Principal Magistrate of the Juvenile Justice Board.

Mr. A. Prabu, Judicial Magistrate I, Dharmapuri, 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. He mentioned the common causes of delinquency and also shared his experience as The Principal Magistrate of the Juvenile Justice Board.





On the next day, Ms. G. Bharathi Prabha, Judicial Magistrate I, spoke about ensuring better future for all the children. She reiterated that; all the stake holders must work in unison with the other stake holders for safe guarding the best interests of children. Talking further she also spoke about

the Drug abuse which is very prevalent amongst the teenagers and shared her experiences of aiding such Children in conflict with law to rehabilitate and thus, reintegrating them back into the society.

Mr. L. Kamalakannan, Judicial Magistrate VI, Salem spoke about the importance of Preliminary Assessment. He then 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 post lunch session was on the topic Alleviating Delinquency through Individual and Social Responsibility by Mr. E. V. Chandru. The resource person spoke about the preliminary assessment in case the child has committed

Heinous Offence where, one should interact with child. He 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.



He then spoke about the mandatory bail provision under the Act. He also opined that, for the better future of child, all the stake holders must work in unison with the other stake holders for safe guarding the best interests of children. He enlightened 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.

The next session was on the topic Care Cures Conflict and the resource persons were Mr. R. Barathi Raja, Secretary, District Legal Services Authority, Dindigul and Mr. G. Gengaraj, Chairman, Taxation Appeals Tribunal, Corporation of Coimbatore, / Secretary, District Legal Services Authority, Coimbatore (i/c). On 27th November 2022 the resource persons were Mr. C. Sridhar, Sub Judge, Uthagamandalam/Secretary, District Legal Services Authority, Uthagamandalam (i/c) and Mr. C. Vijay Karthik, Secretary, District Legal Services Authority, Namakkal on 26th November 2022.



Mr. R. Barathi Raja, Secretary, District Legal Services Authority, Dindigul explained the various UN Conventions and then spoke about the role of Juvenile Justice Boards which have to serve in a child friendly manner and the best interest of the child to be prioritised at all stages. Moving further, the

resource person explained concepts of best interest and child friendly in detail. He also discussed various case laws of the High Court and Apex Court in relation with the Juvenile Justice Act.

Mr. G. Gengaraj, Chairman, Taxation Appeals Tribunal, Corporation of Coimbatore, / Secretary, District Legal Services Authority, Coimbatore (i/c) 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., where the children are not keen on studying, thereby curing the conflict by care.



Mr. C. Sridhar, Sub Judge, Uthagamandalam/Secretary, District Legal Services Authority, Uthagamandalam (i/c) started by expressing his opinion that more than care curing conflict, caring also prevents conflict. He said that every person has the responsibility to safeguard children. He then spoke

about the role of Juvenile Justice Boards which have to serve in a child friendly manner and the best interest of the child to be prioritised at all stages. He shared his personal experience of working in the Nilgiri, which has a huge tribal population and where it is very difficult to make them understand the laws of the land. He said that, child marriages are very common and they find it very difficult to curb such practices.

Mr. C. Vijay Karthik, Secretary, District Legal Services Authority, Namakkal 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 the role of



DLSA in detail with regard to the legal assistance provided for Child in conflict with law and also on measures taken for rehabilitation. He also emphasised on maintaining a database of psychologists and psychiatrists to aid the children in

distress. He further reiterated on individual care plan as each children are different and so are their needs.



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 programme on both the days concluded with the proposal of Vote of Thanks by the Deputy Director of Tamil Nadu State Judicial Academy, Regional Centre, Coimbatore, Mr. S. P. Rishi Roshan. He thanked UNICEF – its representative Mr. G. Kumaresan, the Director of TNSJA,

the participants and the staff of the Academy for making this programme a success.



Certificate of Participation were 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.
