

# THE JUSTICE INITIATIVE: A NATIONAL MEET OF CHILD RIGHTS LAWYERS

## CONCEPT NOTE

In recent years, children falling into trap of violence have become increasing cause of concern globally. In India too, especially after post-Nirbhaya in December-2012, there has been a shift in focus with regard to children coming into conflict with law and child victims of crimes. As per National Crime Record Bureau's Crime in India 2016 report, a total of 35,849 incidents of crimes have been reported where a child was involved. This is a 7.2 per cent increase than that of 2015. As per the National Crime Record Bureau, a total of 65659 juveniles were apprehended in 2016 for allegedly committing various IPC and SLL Crimes, out of which 86% juveniles were convicted and 25226 cases were pending for disposal. On the other hand, a total of 106958 incidences of crimes against children were reported in the year 2016, which is 13.58 per cent increase against previous year.

While, the popular debate and legal-policy measures on the issue of protecting children majorly revolve around introducing stricter punishments, introducing waiver system etc. etc., seldom there is any discussion on improving access to justice, qualitative and quantitative improvements in criminal justice delivery system, treatment of children in criminal justice system by police and other agencies and on bringing a progressive change in attitude of duty holders.

Often, the children involved with criminal justice system are left without any kind of effective support system in the judicial process. This is one of the biggest hurdles in the children's rights to access to justice. Legal reform in the last five years has resulted in two new laws for children viz. the Protection of Children from Sexual Offences Act, 2012 (the POCSO Act) and the more recent Juvenile Justice (Care and Protection of Children) Act, 2015 and a lot of focus of higher judiciary has recently been on Victim Compensation and Witness protection.

Legal representation is a constitutional guarantee and backed by a law. However, children are seldom able to access it or they have to succumb to the poor quality of legal aid, which defeats the ends of justice. Even with the best of intentions, the legal aid services fall short on many counts, be it quality, technical knowledge, supervision or numbers of dedicated legal aid lawyers. There is not only a dire need in the country for more dedicated lawyers for children coming in contact with the law as victims of crime or as alleged offenders, but also for building technical knowledge of law and legal strategies amongst lawyer's' fraternity.

### ***Need of the hour***

Only when children are able to access justice can we ensure proper implementation of these laws and uphold the principle of rule of law. And access to justice relies as much on ensuring children their right to be heard and adequately represented in the judicial process as on ensuring compliance with child-friendly judicial procedures established in law.

Investing in identifying lawyers interested in representing children and their issues and improving their capacities to meet the objectives of justice and rule of law thus becomes imperative in this backdrop.

In *Sapoorna Behrua Vs. UOI*, in its order dated 19.08.2011, Hon’ble Supreme Court has directed the NALSA to examine and try to put up in place Legal Aid Centres attached to JJBs in State Capitals to begin with. This direction was issued when JJ Act, 2000 was in force whereby all the cases of children in conflict with law were dealt with by the JJBs exclusively. But, under the JJ Act, 2015, children Courts can also deal with such children. Significant number of cases of children in conflict with law in the age group of 16-18 years is coming before children courts and also before Courts of Sessions and High Courts in appeals and revisions. Hence there is a need to extend the legal aid to children courts, Courts of Sessions and High Courts.

Children courts/Session Courts are also appellate Courts for appealing against the decisions made by the JJBs and Child Welfare Committees. Hence, the lawyers in the project will also take up remedial measures before children courts/session courts as and when the need so arises. While, in almost all the districts JJBs and CWCs are set up exclusively, it may be the case that in a given capital city, powers of children court, session court, special court under POCSO are exercised by the same court.

Representing children in courts requires completely different perspective among lawyers and that is why there is an emerging need to train and raise a cadre of lawyers who are equipped with the necessary orientation and skills to carry out the legal aid which is quite different from how it is carried out in relation to accused and victims who are adults in regular criminal courts. So far, there are no models available across the country in this regard.

It is in this context that HAQ: Centre for Child Rights proposes to work towards creating a cadre of child rights advocates through intensive training and continued guidance so that an effective team of dedicated and well-trained lawyers comes into existence to work for rights of children in contact with criminal justice system, either as victims or witnesses or children in conflict with law.

Towards this end, HAQ: Centre for Child Rights is conducting a three full-day residential workshop for lawyers who are engaged with and committed to the issues of child rights, criminal laws related to children’s issues, children deprived of liberty in institutional set-up, litigation strategies while taking up cases of children in contact with law, international standards in the field of torture and children etc. The proposed workshop will be free of cost for the selected lawyers. Arrangements for travel of selected participants, modest boarding and lodging and food shall be made by the organizers. Participation is limited up to 30 lawyers.

***Timeline***

The workshop will be conducted from 19<sup>th</sup> June to 21<sup>st</sup> June 2019 at Peace House, Upper Dharamshala, District Kangra in Himachal Pradesh. Participants will need to arrive by 18<sup>th</sup> June evening at venue and may depart either Post 5 PM on 21<sup>st</sup> June or in morning of 22<sup>nd</sup> June 2019.

Call for Application begins on	17 April 2019
Call for Application Ends on	17 May 2019
List of Shortlisted Participants published on	19 May 2019
Date of Workshop	19, 20 and 21 June 2019

## What We Need

Due to limited resource available, HAQ would be able to accommodate only 35 lawyers from across the country. Thus, applicants who register early will have higher chances of getting selected for the programme. Apart from early registration, the applicants will be selected as per their interest areas, past litigation record related to children's issues. Thus, we invite applications for Child Rights Lawyers' Workshop to be held from 19<sup>th</sup> June to 21<sup>st</sup> June 2019 at Peace House, Upper Dharmshala, Himachal Pradesh.

### How to send your application:

Please send your application to [applications@haqcrc.org](mailto:applications@haqcrc.org) with subject line as "Application for The Justice Initiative".

For further queries/clarification, please contact:

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