

PARENTS' EXPERIENCE ON FUNCTIONING OF STAKEHOLDERS IN JUVENILE JUSTICE SYSTEM WITH REFERENCE TO BOYS IN CONFLICT WITH LAW

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Abstract:

SDG 16 aims to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Participation from Parents are required along with state-centered approach in guaranteeing protection and safeguarding rights of child. Children alleged of an offense are an invisible population among other vulnerable children. Data suggests boys outnumber girls in breaking laws. The study had specific objective for parents of boys in conflict with law. To understand parents' experience on functioning of stakeholders which were police, juvenile justice board, probation officer, and child care institutions. The study used mixed-method research design to study parents' experiences on functioning of stakeholders, and challenges encountered, both quantitative and qualitative data were collected. Parents experience with stakeholders indicated that only 8% of parents perceived the police to display child-friendly conduct after apprehending the boy-CCL. The study revealed that 78% of parents perceived the approach of JJB members as child-friendly. Parents who were informed about legal aid services had a higher likelihood of having their boy-child represented by legal aid lawyers. The study showed that the quality of interaction between PO and parent was more significant for child's wellbeing than mere frequencies of meetings. Parents' experience of care and protection in child care institutions (CCI) were mixed, with 43.3% believed that their children received adequate care and protection. The findings underscore the requirement for holistic coordinated systems having both the short-term and long-term needs of boy-CCL's families. Practice bases orientation of social work students is required in child rights curriculum of social work education.

Key Words – *Parents' of Boys in Conflict with Law, Police, Juvenile Justice Board, Probation Officer, Child Care Institution*

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The Juvenile Justice System in India:

In India, CCL comes across several stakeholders at varied stages of the juvenile justice process. The child comes across Police when he is apprehended (arrested) and during investigation. The Juvenile Justice Board (JJB) is responsible to carry out the trial and pass final order for the child, and the Probation Officer (PO) works on rehabilitation of CCL. The Child Care Institution (CCI) provides children with services of education, vocation, counseling, and recreation to help in child's development. However, there are no clear guidelines of carrying out parental awareness about roles of stakeholders and parental participation in rehabilitation of the child. But within the scope of functioning of stakeholders there is an opportunity for parental participation which can enhance their experience with the JJS (Juvenile Justice Act, 2015; Maharashtra Juvenile Justice (JJ) Rules, 2018; Juvenile Justice Pack 1-7, 2011).

Objectives of the study: The study has the following specific objectives for parents of boys in conflict with law.

1. To study parents’ experience on functioning of stakeholders in juvenile justice system. For the objective of the study stakeholders include:
 - a. a. Police. b. Juvenile Justice Board.
 - b. c. Probation Officer. d. Child Care Institution

Research Design:

The study used **mixed-method research design** in which the researcher attempts to understand parents’ awareness through quantitative data. To study parents’ experiences on functioning of stakeholders, and challenges encountered, both quantitative and qualitative data were collected. A **concurrent triangulation approach** was utilized as the researcher collects both quantitative and qualitative data concurrently to cross-validate, findings within a study. The qualitative data was collected to support the primary quantitative findings of the study (Morgan, 1998).

Considering the objectives and hypothesis of the study, the researcher used personal interview techniques for collecting quantitative data from 150 parents of boy-CCL. *Case study method* was used for narrating experiences of 10 parents with stakeholders and challenges faced after boy-CCL was alleged for committing offense. For triangulation, one *focus group discussion* was conducted with social workers from NGOs working on issue of children in conflict with law to understand functioning of stakeholders in dealing with child and his parent. The epistemological landscape of the study was based on **positivism and interpretivism** as the study used mixed mixed-method research design. Positivism and interpretivism both probe for empirical verification in a study. It explains that research study should be carried out on a topic or phenomena that exists and can be experienced through human senses. However, where positivism is based on the idea that social world exists externally and emphasize on replicability of research process and generalization, interpretivism focuses on the subjective nature of experience and emphasizes on uniqueness as well as common patterns (Rubin & Babbie, 2010).

observation home. For parents whose children had stayed in two institutions, the researcher had noted their experience of special home as it was a long stay facility. The study did not aim to compare parents’ experiences from both the institution, as stakeholders in this research is not restricted to one institution or one JJB but has considered holistic functioning of stakeholders in the city of Mumbai.

Table no. 1
Year wise sample selection details

Year	No. of boy-CCL in institutions(Mumbai)	No. of boy- CCL as per inclusive criteria	34% of sample from each year
2018	351	150	51
2019	337	144	49
2020	264	147	50
TOTAL	952	441	150

Source: NCRB, 2018, 2019, 2020; Child Care Institution record

Methods and Tools for Data Collection:

The selection of the tool was based on the nature of respondents, suggestions from the field experts and available review of the literature. Considering the quantitative nature of the study and some elements of qualitative, interview schedule and guides were prepared for the respondents.

The researcher had consulted various field practitioners and academicians before finalising the tool. Inputs were also taken from child rights activist and social worker members of JJB. A semi-structured interview schedule was prepared for the purpose of quantitative data for interview with 150 parents. The schedule was devised in English but the researcher administered it in Hindi, as the language was spoken by all the respondents.

Based on inputs from NGO-social worker working with boy-CCL, ten parents were selected for case narratives considering objectives of the study and their willingness to participate. The researcher used an interview guide for conducting in-depth interviews with ten parents who were not part of the 150 respondents' sample. The interview guide was developed after doing a detailed literature review on the subject. It includes questions on the personal and family profile of the respondents like age, education, occupation, income and the type of family. It also included questions on parents' challenges and experience with stakeholders during rehabilitation and reintegration of boy-CCL. Another part of the guide explores their responses and suggestions on the stakeholders of JJS. The interview guide allowed more scope for qualitative responses as it helped parent to share their experiences without restricting their flow of thoughts.

A guide for FGD of social workers was also implemented. Focus group is defined as discussions organized to collect qualitative data on a topic in a friendly environment from participants' part of the group (Krueger, 1994). Using purposive sampling 8 social workers having experience on working with child in conflict with law and juvenile justice system in Mumbai were selected for the FGD. Written consent was taken before conducting the discussion. The guide for FGD included understanding stakeholders functioning with parents and boy-CCL. It included questions on roles performed by police, JJB, PO, CCI as per JJ Act and Rules. FGD with social workers was conducted in an NGO office as per respondents' availability.

Key findings, Discussion and Recommendations:

Parents' experience on functioning of stakeholders in JJS:

The findings reveal various aspects of the interaction between parents, their child, and the stakeholders, and attempts captures parents' experiences after child is alleged of committing an offense.

Experience on functioning of Police:

- a. **Boy-CCL Kept in Police Lockup:** *The study highlights that a significant proportion (64.7%) of parents reported that their children were kept in police lockup after being apprehended for alleged offenses.* This suggests that there is a substantial occurrence of children being placed in police custody, potentially exposing them to conditions not suitable for their age and vulnerability. Case narratives and social workers in FGD also encountered cases where children were held in lockup alongside adult criminals.
- b. **Police compelled boy-CCL to confess offense:** *The study identifies that 35.3% of parents reported that police compelled their child to confess to the alleged offense.* This is concerning as it indicates potential

violations of the child's rights, as police are not supposed to force children to confess their guilt. FGD with social workers and case narratives mentions cases of police influencing children to confess by offering termination of legal cases or by inflicting physical abuse. This raises questions about the ethical treatment of CCL.

- c. **Child-Friendly Conduct of Police:** *The study indicates that only 8% of parents perceived the police to display child-friendly conduct after apprehending the boy-CCL. This finding suggests a need for better training and awareness among police officers regarding the appropriate treatment of CCL.* The testimonies of parents in case narratives and social workers further illustrate instances of physical and verbal abuse children faced in police stations, indicating a lack of child-friendly behavior. Literature reveals that extra judicial torture by police has been a long-standing issue internationally. *Timely Presentation at Juvenile Justice Board (JJB):* FGD with social workers and majority (80.6%) of parents reported that their child was presented in front of the JJB within 24 hours after apprehension. However, the presence of cases where children were kept in police lockup for longer durations raises concerns about adherence to legal procedures and the potential impact on the child's well-being.

The study provides valuable insights into parents' experiences related to boy-CCL cases. The findings underscore the importance of child-friendly behavior, adherence to legal procedures, and effective communication between law enforcement and parents.

Experience on functioning of JJB:

The segment presents findings related to parents' experiences with the functioning of the Juvenile Justice Board (JJB) in terms of participation in board proceedings, child-friendly environment, socio-legal services, waiting time during hearings, and child-friendly infrastructure.

- a. **Participation in Board Proceedings:** *The findings indicate that the initial interaction between JJB members and parents is crucial for establishing a child-friendly approach and building confidence and trust in the juvenile justice system.* During the first production of CCL before the JJB, parents were asked various questions. The most frequently asked questions were related to the family background (23.3 %) and education status (22 %) of boy-CCL. This reflects the JJB's effort to gather relevant information about the child's circumstances.

The language used in JJB proceedings is an essential factor in ensuring effective communication with the child. While 48.6% of parents reported that the child understood the language used in the proceedings, 51.4% mentioned that the child had some difficulty or did not understand the language. This highlights the need for JJB to provide interpreters or translators when necessary, especially for CCL who are not familiar with the language used.

- b. **Child-Friendly Environment:** *Creating a child-friendly environment within the JJB is crucial for facilitating meaningful interactions and promoting CCLs' well-being. The study revealed that 78% of parents perceived the approach of JJB members as child-friendly.* However, there were instances where members shouted at the boy-CCL, negatively impacting the child's experience. Moreover, only 15.3% of

parents indicated that only individuals connected to the boy-CCLs' cases were present during JJB proceedings, as per the legal requirement. *The presence of unrelated individuals can potentially intimidate the boy-child and hinder the creation of a child-friendly atmosphere as also pointed out by social workers in FGD.* In Sampurna Behura vs Union of India, 2018 judgment, it was noted that significance of child friendly environment in JJB is essential for wellbeing of CCL (Kanoon, 2023)

- c. Socio-Legal Services:** The provision of socio-legal services is vital to ensure child's rehabilitation and reintegration into society. The study found that 68% of parents reported that their boy-child did not receive guidance from the Social Worker member of the JJB. This indicates a gap in the implementation of rule 7(6) of the Maharashtra JJ Rules, which mandates interaction and guidance from the Social Worker member (Maharashtra JJ Rules, 2018; Juvenile Justice Act; 2015)
- d. Child-Friendly Infrastructure:** Child-friendly infrastructure is essential to create a comfortable and conducive environment for interactions between JJB members, the child, and parents. While 8.7% of parents reported that JJB members sat on a raised platform during interactions but 80% of parents mentioned the presence of physical barriers, such as large tables, that created a distance during interactions. Adequate seating arrangements were reported by 68% of parents.
- e. Parents' Ratings and Socio-economic Factors:** Parents' experience ratings on functioning of the JJB provide valuable insights into their overall satisfaction. The majority of parents (60%) rated the functioning of the JJB as fair, while 22% rated it as good and 14% as poor. It was found that parents with higher education rated functioning of the JJB positively ($p=0.04$).

Experience on functioning of Probation Officer:

The findings related to parents' experiences with POs shed light on various aspects of interaction and intervention.

- a. Meeting with PO and interventions:** During their first meetings with POs, parents were typically asked about boy-CCLs' deviant activities (23.3 %), educational status (27.3%), and family background (38 %). This initial inquiry lays the foundation for understanding the child's circumstances and helps POs in formulating appropriate intervention strategies.
- b. PO visit to Home, school or place of employment:** Parents were asked whether PO had visited their home; 54.7% said no while 45.3% said yes. Parents expressed that PO during home visit inquired about family member's occupation, health, and education. They were asked whether child shared healthy relationship with family members. *13 Parents' stated that PO had asked for bribes to recommend release of the boy-CCL in the Social Investigation Report (SIR). The concern of PO taking bribes from parents to recommend release of boy-CCL was pointed out by social workers in FGD.*

Also, as per rule 64 (6)(xvii) of Maharashtra JJ Rules, Probation Officer shall visit CCLs' place of employment or school and submit fortnightly report to the JJB. *Only 9 Parents mentioned that PO had conducted visit to boy-CCLs' school, where they discussed with class teacher about child's academic performance, and his conduct in school.*

c. Frequency of Meetings and Parents' Rating: The study explored the frequency of meetings between parents and POs, which is crucial for effective communication and collaboration. A substantial proportion of parents reported meeting with POs once every two weeks (38.7 %) or once a month (28.3%), while 25.3 % indicate no meetings with PO. These interactions serve as opportunities for parents to voice concerns, discuss the child's progress, and receive guidance.

Regular interaction of Parents with PO can showcase their confidence and comfort with the officer. To understand respondents experience with PO, researcher inquired with Parents of boy-CCL whether they reached out to PO to share any concerns to which majority (79.3%) of respondents said no, and expressed that they would prefer reaching out to counsellor and NGO-social worker for guidance. But 20.7% parents mentioned that they had shared concerns of boy-CCL with PO it included; irregularity in attending school, not going for work, practicing substance abuse, and spending more time with deviant peers.

d. Association with Socio-economic Factors: The study also examined the association between parents' rating and socio-economic factors, such as the education level of parents and the family income of boy-CCL. The findings indicated no significant association between these variables and parents' ratings of their experiences with PO. However, there were noteworthy trends, such as a higher percentage of parents rating their experience as poor among those with lower education levels and lower family income.

The exploration of parents' awareness and experience with the functioning of Probation Officers within the Juvenile Justice System contributes to a deeper understanding of the dynamics between parents, POs, and the juvenile justice process. Empowerment-oriented social work emphasizes skill development by equipping clients with practical tools, such as communication, problem-solving, and self-advocacy skills, social workers facilitate increased self-efficacy and autonomy (Zimmerman, 2000). Research in literature mentions, parents experiencing a working rapport with stakeholder can enhance the commitment to assist stakeholder for progress of child in conflict with law (McKay & Bannon, 2004; Williamson & Gray, 2011) The study findings reveal need for stakeholders to empower parents in developing skills and fruitful relations.

Experience on functioning of Child Care Institution:

In this section, the study delved into parents' experiences with various aspects of CCI functioning which included services like education, vocational training, recreational activities, counseling services, medical care, sanitation and hygiene maintenance, and the role of the superintendent.

a. Education: The study found that only 30.7% parents were satisfied with the education services provided to their boy-child in CCIs. However, parents expressing dissatisfaction, cited reasons such child's lack of interest and motivation to continue education The institution must ensure implementation of rule 38 of Maharashtra JJ Rules 2018 which states education shall be provided according to the age, ability and requirement, irrespective of the duration of their stay in the institution and when needed tutor shall be arranged to school going CCL by encouraging NGOs to provide such services (Juvenile Justice Act, 2015; Juvenile Justice Pack4, 2011; Maharashtra JJ Rules, 2018).

- b. Vocational Training:** Parents' satisfaction with vocational training was relatively lower, with only 34.7% expressing contentment. In some case narratives, boy-CCL continued earned a living from vocational training for a brief period post release. This indicates the need for more effective and market-oriented vocational training programs within CCIs, enabling children to acquire skills that can lead to gainful employment upon their release as also shared by social workers in FGD
- c. Sanitation and Hygiene Maintenance:** Approximately 46% of parents were satisfied with the sanitation and hygiene maintenance in CCIs. However, some parents expressed concerns about issues such as proximity of dormitories to toilets and inadequate bedding, highlighting the need for consistent attention to hygiene and living conditions.
- d. Role of Superintendent and Care and Protection:** *Parents' experiences with the superintendent varied, with 29% finding the superintendent approachable stating instances like allowing more time for parents to interact with boy-CCL as he was home sick, allow a tutor in institution to help child for his examination, to discuss bullying by older boys, and to understand procedure of child's release from institution after order passed by JJB.* Researcher asked parents of boy-CCL whether they were satisfied with 2 to 3 hours given once a week by institution for Parent-Child meet, 92 % parents said they were satisfied while 8% mentioned they were not satisfied. However, accessibility of superintendent cannot be attributed as a significant factor influencing parents' opinion of institution giving children the needed care and protection. This is statistically evident from the Chi-Square result. (Chi-Square= -0.146, $p = .074$). The hypothesis that parents who found superintendent approachable considered institution of providing required care and protection to boy-CCL was not found as valid. Additionally, parents' perceptions of care and protection in CCIs were mixed, with 43.3% believing that their children received adequate care and protection. *Instances of physical abuse among older boys and staff members raised concerns about well-being of boy-CCL within the institutions by social workers in FGD and in case narratives.*
- e. Parents' Experience Rating of CCI:** Parents' overall experience ratings of CCIs varied, with 56% rating the functioning as fair, 30% rating it as poor, and only 12% rating it as good. This suggests a need for continuous improvement in various aspects of CCI functioning to ensure a positive and supportive environment for boy-CCL. Sampurna Behura vs. Union of India, 2018 judgment emphasized need to improve services in child care institutions (Kanoon, 2023). The study explored the association between parents' ratings of CCI experience and the age at which boy-CCL was apprehended. While no significant association was found the finding suggests that older children may have different experiences and perceptions of CCI functioning compared to younger children.

Recommendations:

Based on the findings from the study on parents' awareness and experience on functioning of stakeholders in the Juvenile Justice System (JJS), several key recommendations can be made to address the identified gaps and empower parents to engage more effectively in their child's rehabilitation process.

a. Parental Awareness Programs:

As per findings of the study the researcher recommends to develop and implement targeted parental awareness programs aimed at educating parents about the roles and responsibilities of different stakeholders in the JJS. WCD department along with other government agencies can conduct these awareness programs in collaboration with NGOs and academic institutions. These programs should be accessible and informative, providing parents with a comprehensive understanding of the system. Recognize the differences in awareness levels between mothers and fathers and tailor awareness campaigns accordingly. Efforts should be made to actively involve mothers in discussions and campaigns to bridge the awareness gap. Establish clear channels for disseminating information to parents such as pamphlets, workshops, online resources, and community meetings. To make sure that the orientation about JJS is presented in a way that is easy for parents to understand. Carry out programs focusing on parents' awareness about child's rights as per JJ act and rules. It should encompass laws on police procedures after boy-CCL is apprehended, JJB case proceedings, legal aid, bail procedure, and responsibilities of child care institution (CCI). To enhance parents' knowledge about CCLs' rights during police interactions for conducting inquiry. Assist parents in knowing the significance of being present during CCLs interview by police. To execute an empowerment approach that strengthens parents' capacities and involvement in rehabilitation process. The JJS must emphasize the strengths parents have to assist their child in reintegration.

b. Monitoring and Evaluation of JJS:

Establish a system for continuous monitoring and evaluation to assess the quality of care and services provided by stakeholders of JJS. Involve parents and boy-CCL in feedback mechanisms. As per the study, following are areas wherein the WCD dept, police commissioner office, Juvenile Justice Committee can carry out periodic assessment.

- i. Police Interaction and Procedures:* Establish mechanisms for monitoring police interactions with boy-CCL and holding officers accountable for any violations of the child's rights. This can include regular reviews of police conduct and the establishment of reporting mechanisms for parents and boy-CCL to raise concerns.
- ii. JJB proceedings:* To monitor child-friendly environment within the JJB by minimizing the presence of unrelated individuals during proceedings and providing interpreters when necessary to ensure boy-CCL understands interaction in the Board. To evaluate timely hearings to prevent prolonged waiting times for boy-CCL and parents. To assess the provision of socio-legal services within the JJB, including guidance from Social Worker member and the availability of legal aid lawyers.
- iii. Probation Officers' Interaction and Interventions:* To evaluate meetings between parents and POs, ensuring that parents have opportunities to share concerns and receive guidance. To evaluate the range and effectiveness of interventions carried out by POs to support the rehabilitation and well-being of boy-CCL. Monitor the implementation of interventions and their impact on the child's development.
- iv. Child Care Institutions (CCI) services:* Monitor whether CCIs provide quality education that is tailored to each child's age, ability, and requirements. Carry out assessment of vocational training programs within CCIs

to equip children with skills that increase their employability upon release. Develop a diverse range of recreational activities within CCIs to promote physical and emotional well-being among children. Promote an approachable and child-centered attitude among superintendents in CCIs. Evaluate whether there is an open communication of superintendent with parents and boy-CCL to address any concerns.

- v. **Collaborative Decision-Making:** Evaluate collaborative decision-making between parents and stakeholders in the JJS to ensure that parents are active participants in the rehabilitation of their child. Provide parents with regular updates on their child's progress and the status of their case within the JJS. This can help address uncertainty among parents and help them in being involved in the rehabilitation process.

Conclusion:

The study shed light on need for effective communication between stakeholders and parents who mostly belong from low socio-economic background. Boy-CCL and parents are influenced by various interconnected systems within their environment. like community, peers and school. Interventions of rehabilitation and reintegration cannot be carried without considering the socio-economic position of child and his family.

In essence, the findings underscore the multifaceted challenges faced by parents of boy-CCLs and emphasize the necessity for comprehensive, coordinated, and child and family centered approaches within the juvenile justice system. It will ensure wellbeing and development of boy-CCL and their parents, and improve efficiency of juvenile justice system in rehabilitating and reintegration of child.

Considering SDG 16, to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels, a practice bases orientation of social work students is required in child rights curriculum of social work education.

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