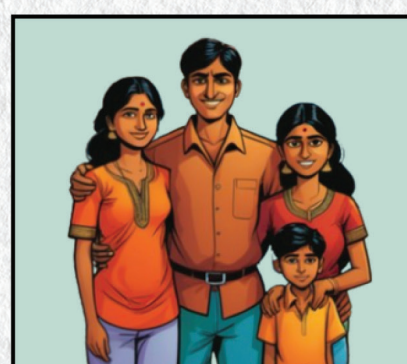
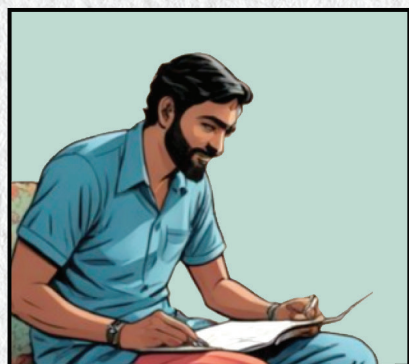
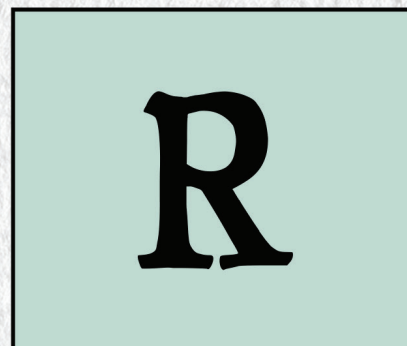
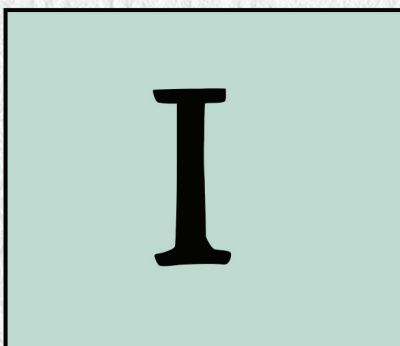
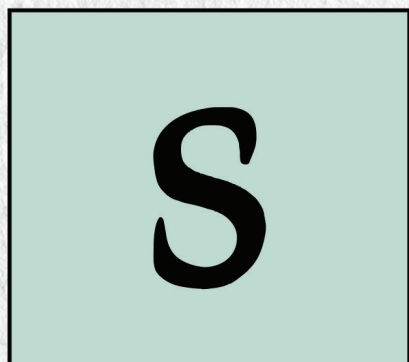




THE WHYs AND HOWs IN PREPARING A SOCIAL INVESTIGATION REPORT(SIR) FOR CHILDREN IN CONFLICT WITH THE LAW

A PRACTITIONER'S MANUAL



Centre for Child and the Law,
National Law School of India University

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A SOCIAL INVESTIGATION REPORT (SIR)
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A PRACTITIONER'S MANUAL

Prepared By
Centre for Child and the Law
National Law School of India University,
Bengaluru



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National Law School of India
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At the outset, I congratulate the Centre for Child and the Law, National Law School of India University in bringing out the Practitioners' Manual that would act as a ready reckoner and help in preparing a Social Investigation Report (S.I.R.) for children in conflict with law.

The S.I.R. is an important document that informs the Juvenile Justice Board (J.J.B.) to understand the circumstances that has brought the child in conflict with law and shape the proceedings.

The present Manual must be recommended for its effort to consolidate good practices.


It is comprehensive insofar as it details; the General Principles of the Juvenile Justice Act 2015, contents of the S.I.R., manner of preparation of such report and by whom, avoiding bias that is normally prevalent while preparing such report, step by step guide for preparation of an effective S.I.R.

The unique feature of the Manual is adoption of commonly confronted queries with answers as found in Chapter-6 "Navigating the S.I.R. form". Reference by examples makes the understanding easier. There is also a set of Frequently Asked Questions (FAQs) detailed in Chapter-8 which details various situations that may arise.

An overall reading of the Manual would indicate that it is an effective Guide for Practitioners and Researchers in the field of Juvenile Justice. The Manual fulfils the role of a practical Guide and enables a simplified understanding of procedures and serves as a comprehensive ready reckoner.

The Manual is prepared with great care and reflects the hard work and efforts of Researchers and those who have worked within the system at the field level. It is an excellent effort in making the legal requirements simple and understandable.

My personal appreciation for the Team in bringing out such Manual which would contribute towards efficient functioning of Practitioners and eventual strengthening of the Juvenile Justice System.


(S.SUNIL DUTT YADAV)
JUDGE

ABOUT THE CENTRE FOR CHILD AND THE LAW

Centre for Child and the Law (CCL) was established in 1996 as a specialized multidisciplinary Research Centre of NLSIU. The centre integrates research, direct field action and teaching on child rights law. The specific aim of CCL is to ensure social justice, human rights and quality of life for all children in India with special focus on equitable quality education, care, protection and justice for marginalized and excluded children.

The objectives of the Centre are to enable children to be treated as rights holders; to help institutionalize the human rights based approach into policy, law and practice on children, and to build the capacity of state and civil society for more effective realization of child rights.

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ACRONYMS

ACE	Adverse Childhood Experience
BNS	Bharatiya Nyaya Sanhita
BNSS	Bharatiya Nagarik Suraksha Sanhita
CCI	Child Care Institute
CiCL	Child In Conflict with Law
CiNCP	Child in Need of Care and Protection
CSA	Child Sexual Abuse
CWC	Child Welfare Committee
CWO	Child Welfare Officer
DCPU	District Child Protection Unit
ICP	Individual Care Plan
IPC	Indian Penal Code
JJ Act	Juvenile Justice (Care and Protection of Children) Act, 2015
JJ Rules	Juvenile Justice (Care and Protection of Children) Model Rules, 2016
JJB	Juvenile Justice Board
LPO	Legal-cum-Probation Officer
NGO	Non-Governmental Organisation
OH	Observation Home
PAR	Preliminary Assessment Report
PO	Probation Officer
POCSO Act	The Protection of Children against Sexual Offences Act, 2012
PS	Police Station
SBR	Social Background Report
SIR	Social Investigation Report
SJPU	Special Juvenile Police Unit
UNCRC	United Nations Convention on the Rights of the Child, 1992

Dear Practitioners,

This comprehensive guide is designed to assist you to conduct a thorough and effective Social Investigation Reports (SIRs). Social investigations are crucial for understanding the circumstances and needs of children coming into the Juvenile Justice system. These social investigations provide valuable insights to the Juvenile Justice Boards, which enable them to make decisions aimed at ensuring the best interests of the child.

As a practitioner, you play a very important role in the lives of the children, unlike any other stakeholder within the Juvenile Justice system. You are in direct contact with the child, and get to observe the child and the child's surroundings much more than any other person within the system. You are entrusted with the responsibility and the power to understand the child in a holistic sense, and convey the same to the Juvenile Justice Board. Through this manual we hope to equip you with the necessary information and skills to conduct and write an SIR that speaks to the best interest of the child, and is in tune with the spirit of the Juvenile Justice (Care and Protection of Children) Act of 2015.

About the Manual

This manual is an introduction to practitioners working in the Juvenile Justice System (JJ System), on the purpose and modalities in conducting a social investigation for Children in/ alleged to be in Conflict with the Law (CiCL).

Section 8 (e) of the Juvenile Justice (Care and Protection of Children) Act of 2015 (the JJ Act), mandates that a social investigation must be conducted for a CiCL by Probation Officers (PO), social workers or Child Welfare Officers (CWOs). This manual keeps in mind these practitioners of social investigation and aims to assist them in preparing an effective Social Investigation Report (SIR) for children alleged to be in conflict with the law.

As per the JJ Act, an SIR should be conducted for both, a Child in Need of Care and Protection

(CiNCP) and a Child in Conflict with the Law (CiCL). The purpose, scope, and the physical form for both these SIRs are different. Form 5 and Form 6 of the Juvenile Justice Model Rules of 2016 (JJ Rules, 2016) are followed for the SIR of a CiCL, while Form 21 and Form 22 of the Juvenile Justice (Amendment) Rules 2022 (JJ Rules, 2022), are followed for the SIRs for CiNCP.

This manual is meant specifically for individuals and/or organisations who prepare SIRs for a CiCL under Section 8(3)(e) of the JJ Act 2015. It does not cover the requirements for preparing SIRs for CiNCP.

Among the many roles and responsibilities that the POs and/or the social worker undertakes within the JJ System, the SIR acquires a lot of importance due to its potential to inform the

Juvenile Justice Boards (JJBs) on the different socio- economic and psychological backgrounds and risk factors of the child; focusing on the circumstances that brought the child into contact / conflict with the law and not merely the details relating to the alleged offence. The SIR, therefore, is a powerful tool that informs and assists the JJB to understand the context, circumstances, adverse childhood experiences, and socio-economic realities like caste, poverty, etc., that force children to come into contact/ conflict with the law.

In short, this manual aims to equip the practitioner by carefully dissecting the ‘whys’ and the ‘hows’ in the process and preparation of a SIR.

It is here that this Manual finds its purpose!

This manual has been prepared after interviews and consultations with practitioners and experts in the disciplines of social work, child psychology and law. Even as this manual attempts to encompass the diverse realities and practices of both the child and the practitioner, there still may exist possibilities for more. Hence, this is an introductory manual that can be used as a guide to an effective preparation of an SIR for a CiCL, and shall be used by practitioners and researchers in the field of JJ system in India to build larger narratives of good practices, and to locate the fault lines within the working of the justice system.

NOTE TO READER

The Manual aims to be inclusive and non-discriminatory with regard to the gender of the children in conflict with the law, and hence adopts pronouns of he/she/they throughout. The readers are encouraged to think in that direction.

Here is a quick look at the structure of this manual.

The manual is divided into 8 chapters.



- Chapter 1 gives an overview of the JJ Act and the General Principles governing child rights.
- Chapter 2 attempts to assist the reader in understanding who a child in conflict with the law (CiCL) is. The chapter complicates the thought by nudging the reader to think, ‘Can a CiCL also be a CNCP?’.
- Chapter 3 builds on this understanding and bridges the importance of the SIR to a Child in Conflict with the Law. The chapter asks- Who can conduct an SIR? What is the role of the practitioner?
- Chapter 4 explores the various sources of information that the practitioner should look into, for the purposes of the SIR. Examples of a few techniques that can be utilised for an interview are also illustrated in this chapter.
- Chapter 5 introduces the reader to a step-by-step process to be followed while conducting an SIR. The steps to be undertaken before, during and after a social investigation, are explained in detail here.
- Chapter 6 attempts to look at the Form 6 (SIR) very closely. Each question on the Form, is explained in detail on the basis of - Why this question is in the Form?, What does it mean? And How to /whom to ask this question?
- Chapter 7 explains the importance of various types of communication as a tool during an SIR.
- Chapter 8 attempts to address a few Frequently Asked Questions (FAQs) that are relevant to SIR for CiCLs.

The manual illustrates various case studies and exercises to assist the reader in understanding various concepts of bias, practical application of principles and techniques of approaching the questions on Form 6.

CHAPTER 1

AN OVERVIEW OF THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

The primary document that a Probation Officer or Social worker needs to adhere to while conducting a Social Investigation Report, is the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act). The JJ Act is the principal law that protects children in need of care and protection (CiNCP) and children alleged and found to be in conflict with the law (CiCL).

The JJ Act echoes India's international commitment to the United Nations Convention

on the Rights of Child, 1992 (UNCRC). The JJ Act mandates both, a separate legal authority, and a child-friendly process, in order to help children navigate the justice system. While Child Welfare Committees (CWC) are to respond to CiNCP, the JJBs are specifically designed to respond to CiCL. Both these authorities are guided by a slew of strict principles laid down in the JJ Act, and are entrusted with a set of duties and responsibilities centred around protecting and preserving child rights.



Who are the children in the JJ system?

- Section 2 (12) of the JJ Act defines 'child' as a person who has not completed eighteen years of age.
- Section 2 (13) of the JJ Act defines CiCL as a child who is alleged or found to have committed an offence, and did not complete eighteen years of age on the date of commission of such offence.
- Section 2 (14) of the JJ Act defines a CiNCP as a child who is in need of care and protection for example, children who are missing, abandoned, do not have parents/guardians, etc. (refer to full definition of CiNCP in JJ Act)

General Principles of the Juvenile Justice Act, 2015

<p>Presumption of Innocence Presumed innocent of any criminal intent</p> <p>Eg. when conducting SIR, do not ask the child “why did you do this” refrain from making judgement</p>	<p>Principle of dignity and worth Treated with equal dignity and rights</p> <p>Eg. always respectfully introduce yourself to the family before starting the interview</p>	<p>Principle of participation To be heard and to participate in all processes and decisions</p> <p>Eg. Give the child/family space to tell their story, listen without prejudice or judgement</p>	<p>Principle of best interest All decisions regarding the child shall primarily consider their best interest</p> <p>Eg. Sometimes what is mentioned in the law may not be in the best interest of the child. Observe all factors before stating your opinion.</p>
<p>Principle of Family Responsibility The biological, adoptive or foster parents shall nurture & protect the child</p>	<p>Principle of Safety All measures shall ensure the child’s safety and protection from harm, abuse, or maltreatment</p> <p>Eg. Ask questions regarding disciplining the child to ensure the child is not being abused at home.</p>	<p>Principle of Positive Measures All resources shall be used for the well-being of the children</p> <p>Eg. If the child is not going to school, ask the family why and if they require any support to ensure a better environment for the child.</p>	<p>Principle of non-stigmatising semantics Accusatory words are not to be used in the processes pertaining to a child</p> <p>Eg. Do not use words such as ‘criminal’ ‘bad child’ in front of the child and family during the interview</p>
<p>Principle of non-waiver of rights No waiver of any of the rights of the child is permissible or valid.</p> <p>Eg. The child can not waive his right to a lawyer etc.</p>	<p>Principle of equality and non-discrimination No child can be discriminated against for their sex, caste, ethnicity, place of birth, or disability</p> <p>Eg. Practitioners should not use the information on caste, religion etc to discriminate against the child.</p>	<p>Principle of right to privacy and confidentiality Privacy & Confidentiality of every child, by all means, throughout the judicial process</p> <p>Eg. Case details of the child should be kept confidential especially when interviewing neighbours and/or school authorities</p>	<p>Principle of institutionalisation as a measure of last resort A child shall be placed in institutional care as a step of last resort after making a reasonable inquiry.</p> <p>Eg. If all other measures fail, then institutionalisation can be considered as the last option</p>
<p>Principle of repatriation and restoration Re-unification with family at the earliest, and restored to the same socio-economic status</p>	<p>Principle of fresh start All past records of children under the JJA will be erased within 7 years</p> <p>Eg. CiCL can apply for government jobs, passports etc</p>	<p>Principle of diversion CiCL shall be handled under the JJA and without the formal judicial system.</p> <p>Eg. We need to make the best effort to keep the child out of the JJ system</p>	<p>Principles of natural justice For fairness, there shall be right to a fair hearing, rule against bias, & right to review decisions.</p>

CHAPTER 2

ABOUT CHILDREN IN CONFLICT WITH THE LAW (CiCLs)

Who is a CiCL?

A CiCL is a child who is alleged or found to have committed an offence, and has not completed eighteen years of age on the date of commission of such offence. A natural question that arises is - why and how should children be treated differently from an accused adult?

Children's brains are not fully developed until their early-20s and they may not fully understand the consequences of their actions, or the complexities of the legal process. Their decision-making, impulse control, and understanding of consequences are not as mature as those of adults. Children are more susceptible to peer pressure, and may not fully comprehend the

gravity of their actions. The focus is on their potential for reformation and reintegration into society, rather than strict punishment. This approach aligns with the belief that early intervention and support can steer children towards leading productive lives.

It is important to understand who this child might be.

A CiCL is often a child with multiple adverse childhood experiences and complex developmental histories, like poverty, substance abuse, child labour, exposure to domestic violence, sexual abuse, parental neglect and undiagnosed/undetected and/or untreated physical, intellectual or psychosocial disabilities.

A child in conflict with the law Manju (name changed) once said:

“Sir, I was beaten by the police who told me that everyone in my community is a thief. My teacher in my school used to make me sit on the last bench, so I stopped going to school. I feel ashamed to be from this caste. You are educated and from a good family, you will not understand my problems sir”.

“Sir, you try to teach us many things, try to tell us - this is good for you and this is not. But you have not lived my life. You can instruct us on things. But you may not know about our lives. I lived a life that you will not understand.”

It is important for the practitioner to understand that in India, caste, poverty, illiteracy, gender, religion, social status, unemployment, etc., are important factors that play a role in how a CiCL is perceived and treated. Hence, the practitioner must keep in mind these complexities, identities and backgrounds, while preparing the SIR.

The information in the SIR is crucial in assisting the JJB to arrive at important decisions relating to bail, probation, custody, counselling, treatment, life circumstances, etc., of the child, keeping in mind the best interest of the child.

Ravi's Story

Ravi, a 16 year old boy had multiple cases in front of the JJB (both petty and serious). Ravi did not have any family except a step-brother whom he does not talk to anymore. Without any family, Ravi was adopted into a gang that stole bikes. Ravi was apprehended by the police and was at the OH for more than 6 months - even though the JJB granted him bail, he has no parent or guardian to release him from the OH.

Is Ravi a CiCL, a CiNCP or BOTH?

Most of the children who enter the JJ system come from socially and economically marginalised communities - It is important that the practitioner keeps in mind that a Child in Conflict with the Law can also be a Child in Need of Care and Protection!



CHAPTER 3

Social Investigation Reports and Children in Conflict with the Law

About SIR for CiCLs

An effective SIR provides detailed information on circumstances of the child, the socio-economic situation of the child and family, other relevant information, and the recommendations thereon. It should provide for risk assessment, including aggravating and mitigating factors highlighting the circumstances which induced vulnerabilities, such as traffickers or abusers being in the neighbourhood, adult gangs, drug

users, accessibility to weapons and drugs, and exposure to age inappropriate behaviours, information and material (defined in Rule 64(2) of JJ Model Rules, 2016).

It is very important that we note here that the purpose of the SIR is to identify, analyse and inform the Board of the circumstances of the child/family that brought the child into conflict with the law and not the details about the alleged offence. The form that needs to be followed is Form 6 of the JJ Rules, 2016.



- The JJ Act mandates that the SIR should be conducted within 15 days of the first production of the CiCL before the JJB (Sec. 8 (e) JJ Act, 2015).
- As per Rule 64 of the JJ Rules, 2016, to conduct an SIR, the PO need not wait for the orders from the JJB.

Who Can Conduct a SIR?

Section 8(e) of the JJ Rules, 2016 specifies those who can conduct an SIR for a CiCL. The Probation Officer is the main authority designated to conduct an SIR. However, Child Welfare Officers, Social Workers and Counsellors designated from NGOs can also be authorised to conduct SIRs for CiCLs.

Section 2 (48) of the JJ Act defines a PO as an officer appointed by the State Government as a probation officer under the Probation of Offenders Act, 1958 (20 of 1958), or the Legal-cum-Probation Officer (LPO) appointed by the State Government under District Child Protection Unit (DCPU). The PO should have a background in Social Work, Law or Psychology, and possess skills of counselling and communication.

A Social Worker, as defined under Rule 2 (xviii) of the JJ Model Rules, 2016, is a person with post graduate degree in Social Work, Sociology, Psychology, or Child Development. They can also be a graduate with minimum seven years of experience in child education and development or protection issues, who is engaged by a Child Care Institution (CCI) or authorised by DCPU, State Child Protection Society, State Adoption Resource Agency or Central Adoption Resource Authority.

A Child Welfare Officer, as defined under Section 2 (17), is an officer attached with a CCI to carry out directions given by the JJB.

Role of the Probation Officer in the Juvenile Justice System

The Probation Officer plays a key role in the life of the CiCL as soon as the child enters the JJ system.

As soon as the child is apprehended, the police are legally obligated to inform the PO and the family of the child. Hence as we can see here, the PO's role begins at the very start.

The PO is responsible for the child's rehabilitation and development. During the first production, the child may be released on bail under the supervision of a 'fit person', which includes the PO (section 13 (1)(iii) JJ Model Rule, 2016). The SIR and the Individual Care Plan (ICP) of the child is prepared by the PO to inform the JJB of the socio-economic background and the circumstances of the child and their families. However, an ICP is different from the SIR in purpose (Refer to the box below to know more about an ICP).

Due to their interactions with the family, the child and the neighbourhood; the PO is considered to be best suited to help the child re-integrate with the family during bail, upon acquittal, or after the order is passed by the JJB. Hence, among the many stakeholders within the JJ system, the PO is considered to be the best equipped, and the most responsible to implement the reform, care, and rehabilitation plan for the child.



Rule 2 (ix) of JJ Rules, 2016)

An Individual Care Plan (ICP) is a comprehensive development plan for a child, based on

- age
- gender specific needs
- case history of the child.

This is prepared in consultation with the child, in order to restore the child's self-esteem, dignity, and self-worth and to nurture him into a responsible citizen. The plan addresses the following needs of the child:

- (a) health and nutrition needs, including any special needs;
- (b) emotional and psychological needs;
- (c) educational and training needs;
- (d) leisure, creativity and play;
- (e) protection from all kinds of abuse, neglect, and maltreatment;
- (f) restoration and follow up;
- (g) social mainstreaming; and
- (h) life skill training.

As you can see, the purpose of conducting an ICP and SIR are different and so are the forms. While Form 7 is followed for an ICP , Form 6 is followed for an SIR for CiCLs.

EXERCISE : Breaking Bias

It is possible that during the process of Social investigation, certain biases of ours can come in.

But what is meant by bias?

Bias is a natural inclination that we might have in favour of or against an idea, an object, a group, or sometimes an individual. Bias is inherent in all of us. Its presence is dependent on our socio-economic status, educational background, gender identity and expressions, religion, etc. This can be a conscious or an unconscious tendency in all of us.



For example: even before we start our interviews, we think that 'oh! The father is already in jail. This means that the child also would have done the alleged offence. Afterall , like father - like son' OR 'the child has tattoos on the body, this means the character of the child is bad/poor'. OR 'the parents are poor, hence they are not able to take care of their children'

While conducting the SIR, it is important that these biases do not interfere with our process and affect what is in the best interest of the child. Hence, it is best to understand our own biases before we go for social investigations.

Here is an exercise that will help us identify our biases and be mindful of it while conducting the social investigation. With practice, we can control and avoid these biases from entering our SIR of the children.

Case Study 1:

Raju was apprehended under Section 303(2) of the BNS (theft). He is a 14-year-old boy and is found working at a fireworks factory. He says he is helping his family financially after his father's imprisonment for a serious offense. From the options below, can we as practitioners choose to assume one/all of them?

Assumptions :

- Assume that Raju must be guilty of the offence as his father is also a criminal
- Report the family to the authorities for making Raju work in a hazardous factory
- Understand that Raju is contributing to his family's income and allow him to continue working.

Let us now see if we were biased!

Is there a bias here?

- Confirmation Bias : when we favour information that confirms existing beliefs “the child will obviously commit an offence because of criminal history in the family”
- Social Bias : when we make judgments based on stereotypes and socio- economic background of the person. “It is okay for the child to work in a factory and support his family since he is from a poor family”
- Anchoring Bias : when we depend too much on the first piece of information “The father is criminal so the child will also be a criminal”

As a practitioner, what we need to keep in mind.

Carefully listen to the child and family (without interrupting) to understand the reason why Raju is forced to work to support the family. Raju is only 14 years old and he may be terrified that he may end up in jail like his father. It is important that we as practitioners, console the child, speak with him and inform the JJB of these underlying fears.

Even though it may appear normal to be employed in a place in order to support the family, we as practitioners should recognise that this is a violation of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. Upon identifying this, it may be recommended through the **SIR that the child be supported as a CiNCP.**

What can we say to the JJB through the SIR?

The father's imprisonment can have an adverse effect on the child (which also led to him working in hazardous employment to support his family), therefore the child can be recommended for counselling.

Recommend the JJB to work with the CWC to rehabilitate the child as a CiNCP.





Case 2:

Manju (17 years old) and Meena (16 years old) had fallen in love and got married in the village temple with the blessing of both their families, as per the tradition of the tribe they belong to. Meena after missing her periods went to the hospital for a check-up and found out she was pregnant. The doctor reported this to the SJPU (mandatory reporting under POCSO Act) and Manju was apprehended.

From the options below can we as practitioners choose to assume one/all of them?

Assumptions :

- Children at the age of 17 should not be falling in love and get married
- Culture of people from tribal communities is backward and needs to change
- Since Manju is from the tribal community, he may have raped the girl
- Focusing on academics will keep them out of this kind of trouble

Let us now see if we were biased!

What is the bias here?

Confirmation Bias : when we favour information that confirms existing beliefs

"I am sure it is the boy's fault"

Hindsight Bias : when we predict events and believing you already know what will happen

"If you don't send your children to school, this is what will happen"

Social Bias : when we make judgments based on stereotypes and socio-economic background of the person.

"People from these communities are like this"

What can we as practitioners tell the Board through the SIR?

We can inform the JJB regarding the consensual nature of the relationship. We should also inform the JJB of the social and cultural background of the children and their families (the community recognizes marriages before the age of 18). We can recommend sexual health counselling for both Manju and Meena. Ensure Meena is receiving proper medical attention for her pregnancy and that the case does not discourage them from going to the doctor/hospital.

Our biases can obscure the truth and perpetuate injustice. As practitioners, we must be vigilant against these biases that cloud our judgment and harm those we are meant to protect. Let us not forget our duty—to see beyond the surface, to advocate fiercely for every child’s rights, and to ensure that our actions are guided not by prejudice but by compassion and fairness.

Remember, children in conflict with the law (CiCL) are children in need of care and protection (CNCP). The complexities of these cases demand empathy and a readiness to challenge our own assumptions. It is our duty to uphold the principles of justice and equity that define our profession. Every child, whether they’re in conflict with the law or in need of care and protection, deserves our unwavering commitment to their well-being.

Now what are ACEs? ACEs are potentially traumatic events that occur in childhood (0-17 years). It is safe to assume that almost every child in the Juvenile Justice System has undergone Adverse Childhood Experiences (in short ACEs). These experiences can have long-term impacts on health, opportunity and well-being.

Examples include:

- Experiencing violence, abuse, or neglect
- Witnessing violence in the home or community
- Having a family member attempt or die by suicide
- Economic and socio- cultural marginalisation

Also included are aspects of the child’s environment that can undermine their sense of safety, stability, and bonding. Examples can include growing up in a household with:

- Substance use problems
- Mental health problems
- Instability due to parental separation
- Instability due to household members being in jail or prison

The examples above are not a complete list of adverse experiences. Many other traumatic experiences could impact their health and well-being. This can include not having enough food to eat, experiencing homelessness or unstable housing, or experiencing discrimination (Source: US Center for Disease Control and Prevention).

Most of the children who enter the JJ System have experienced one or different types of traumatic situations in their lives. They may develop or show signs of Post-Traumatic Stress Disorders like

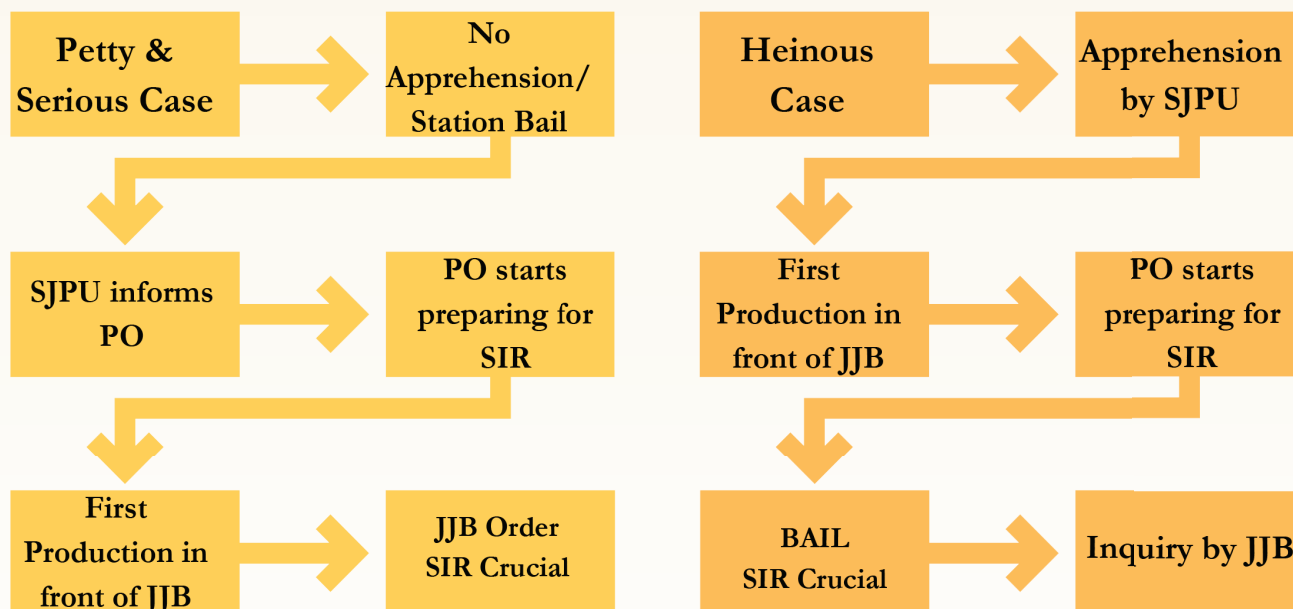
- Re-living the event over and over in thought or in play
- Nightmares and sleep problems
- Becoming very upset when something brings memories of the event
- Lack of positive emotions
- Intense ongoing fear or sadness
- Irritability and angry outbursts, etc.

Hence the practitioner needs to be aware of the impact that these adversities can cause and the resultant trauma on the thoughts, emotions and behaviour of the CiCL.

CHAPTER 4

SOURCES OF INFORMATION FOR A SIR?

Let us locate SIR within the judicial process



Preparation for the SIR before conducting the actual SIR is crucial for the practitioner.

Hence, a brief overview of the alleged charges from the case file helps the practitioner a long way. The PO shall refer to the case file before making the SIR, and can cross-check it with the family and the child. Knowing about the case helps the practitioner ask the right questions, and get a clearer and comprehensive picture of the child's life.

If the SIR is being prepared by a social worker from an NGO the PO shall read the case file and explain the same to the social worker. The social worker needs to maintain utmost confidentiality when reading the case files.



The Child

The CiCL is the most important source of information for the SIR. Interacting with the child before and after interviewing the family helps the practitioner in corroborating the information that was received and in making substantial recommendations in the best interest of the child.

SIR being a crucial document, will fail in its purpose, if the practitioner does not speak with the child.

While a PO from within the Observation Home (OH) may have an easier access to the child when the child is placed at the OH, it is important that members of the NGOs also meet, build rapport, and interact with the child, before they submit the SIR to the JJB.

Interacting with the child helps the quality and effectiveness of the SIR exponentially. The SIR, after all, should talk about the child's life through the voice of the child.



The Family

The aim of an SIR is to document factual observations about the socio-economic and psychological factors of the CiCL. Every child is the outcome of the many circumstances and experiences that they receive from their families and surroundings. Their thoughts, actions and responses are also influenced and driven primarily by the familial surroundings and background.

Interviewing the family is integral to the SIR of the CiCL.

Most questions in the form focus on the family of the child, who constitutes the family, the history of incidents in the family, etc. Family of the child may include mother, father, siblings, grandparents, extended family members, relatives living with or in close proximity to the CiCL, or any other caregivers of the CiCL.

A common challenge faced by practitioners is locating and contacting family members, or finding the address of the CiCL. In these circumstances, neighbours, friends, employers, colleagues, romantic partners, etc., could also serve as important sources of information about

the CiCL and must be explored. Additionally, support and assistance of the local police could be enlisted, in order to find the address and locate the family members or residence of the CiCL.

Interviewing the neighbours can also prove useful during the SIR process. However, it must be kept in mind that before interviewing the neighbours, the social dynamics including the caste and religious dynamics of the locality, social reputation of the family, possible social exclusion of the family by the landlord, neighbours, community, etc., should be understood.



School and place of employment

The school in which the CiCL is presently studying, or has studied in the past, will give great insights into the child's behaviour, the friendships they had, any problems that they may have faced, the attitude that teachers/friends had towards them, and the reasons for dropping out of school.

Speaking to the teachers, classmates, headmaster/headmistress, shopkeeper near school, school bus driver, staff, canteen staff, etc., can provide rich information about the CiCL's school life.

A Few Techniques during an Interview with the Neighbourhood/School

The practitioner, while interviewing the community members, should be careful not to reveal details of the case. This is to ensure that the child and the family are not stigmatised within the community.

While each conversation/situation is different, here are a few techniques the practitioner may adopt. The communities are usually closely knit and the members are already aware of the situation (the apprehension of the child). However, if the practitioner is interviewing a person not aware of the situation then?

Asif, a social worker, is preparing a SIR for Sagar (CiCL). Let's look at how Asif approaches the neighbourhood where Sagar lives/studies.

Asif : "Hello! I am Asif. I am a social worker with an organisation called Child-care. I wanted to understand a few things about Sagar and his family"

Neighbour : "Why do you want to know about Sagar? What has he done now?"

Asif : "I want to understand the family and educational background of Sagar to see if they require any support from our organisation."

(Here, we see how Asif chose to give generic answers to begin the conversation. This is to avoid the family/child being further stigmatised, if they already are)

Similarly, While talking to the school authorities/teachers for the SIR, Asif may say "our organisation is trying to understand the educational background of Sagar for the required rehabilitation".



CHAPTER 5

HOW TO CONDUCT AND PREPARE FOR AN EFFECTIVE SOCIAL INVESTIGATION REPORT

A step- by-step guide

Here are a few points to keep in mind before the start of the SIR:



- If you are a practitioner working with a voluntary organisation or an NGO, the PO of the OH will be the person who will be contacting you regarding the SIR.
- An effective SIR requires at least 3 days of engagement by the practitioner (A detailed time map of a good SIR, will be illustrated later in this chapter).
- Once the need for an SIR is raised, it will be helpful to know the background of the charges that are alleged upon the child along with the address details of the family. If the Social Background Report (SBR) that is prepared by the police is available, it gives us details of how, when, where, and under what circumstances the CiCL was apprehended. This becomes a useful document to go through (however it is also important to note that not all police stations may submit this report). This will prepare the practitioner to frame the questions sensitively and effectively and not raise queries that may likely trigger the family or the child. Even as this is being stated, it is of utmost importance that one keeps in mind that the purpose and scope of the SIR is not to evaluate the circumstances of the offence but that of the child and the family with the intention to understand the best rehabilitative measure possible for them. The information about the charges is only required to help keep the practitioner informed. Again, one needs to take this information about the charges with caution—it must be kept in mind that these are alleged and not yet proven. The key here is ‘alleged’. The charges should be taken cautiously, with control over one’s inherent biases.
- Interacting with the child before going to their families will help the practitioner a long way. If the child is at the OH and awaiting bail, do try to interact with him/her/them. Inquire about their education, their families and friends. Keep a keen eye for any physical or emotional distress that the child may have gone through. This could be in the form of—twitching of eyes, signs of sleeplessness, injury marks on the body, repetition of events or forgetfulness, any forms of disabilities (visible or invisible).
- The impact of prolonged exposure to one or more Adverse Childhood Experiences (ACE), company of adults, early initiation

into adult habits like smoking, consuming alcohol, compulsion to take on adult roles due to death of father / parent or poverty, etc. might result in some adolescent CiCLs appearing to be “mature”, “adult-like” or grown up, in terms of their behaviour. However, in reality, they might actually be struggling to meet several developmental milestones. Several problematic behaviours like swearing, using bad language, engaging in sexually risky behaviours, responding with disproportionate aggression or violence, etc. are actually coping mechanisms which the CiCL has probably acquired to survive and cope with the harsh realities of his/her/their world and hence, must be looked at through the empathetic psychosocial lens rather than the punitive or “criminal” or “adult” lens.

- Further, it is well established that Adverse Childhood Experiences have a long- term impact on mental health and wellbeing and the very fact of coming into contact and conflict with the law and police is another trauma-inducing life event for the CiCL, which may cause or worsen pre-existing mental health problems. The SIR then, is a powerful tool that can serve as an early -warning mechanism that alerts the JJB about the mental health conditions that the CiCL might be suffering from or likely to develop and recommend for screening and assessment, treatment, counselling, psychiatric referrals, etc.
- Most children who come into the JJ system in India are from vulnerable communities and have experienced a range of childhood illnesses like malaria, anaemia, typhoid, iodine deficiency, etc. in addition to malnutrition, hunger, neglect and many disabilities and health conditions that might not have been detected or treated. The SIR is a powerful tool to capture information on these health dimensions.
- Many times, communication occurs through gestures more than words. Keen observation is integral to the social investigation and helps in understanding the child better. The practitioner shall observe signs of tooth discolouration, the nails of the child, any marks on the body of the child that might indicate possibilities of any form of physical abuse, substance abuse, self harm, etc. It is helpful to ask the CiCL questions around their appetite, mood, sleep, any nightmares, energy levels, any disturbing/ intrusive thoughts (to check for suicidal ideation) etc. to provide intervention in the form of medical treatment, psychiatric referrals and counselling.
- Inquire about the family- number of people in the family, occupation of the parents, siblings and what they do, the general family environment, language spoken at home and festivals celebrated.
- Additionally, the practitioner can inquire about any incidents of domestic violence they may have undergone and any disabilities that the family members may have. This information will be very handy for the practitioner while going for the family visit. This will keep them prepared for the requirements that will better cater to the interaction with the family. This can also provide information on the potential recommendations that can be made, to access government schemes that the family may be entitled to.

- Each family is diverse. For example, if the child says that ‘my mother can not hear properly’, the practitioner must take the necessary steps to ensure that they are able to still strike a conversation with the mother in the most efficient manner. The practitioner needs to plan accordingly. The SIR should also recommend the requirement for support persons during the case proceedings.
- Along with this, the information on the disabilities within the family, helps in understanding the **possibilities of genetic disabilities** and thereby help in suggesting the required assistance that the child may require. This is also crucial information that would enable the JJB to declare the CiCL as a CiNCP, should the need arise (Section 8(3)(g) JJ Act).
- It is mandatory that the practitioner conducts **home visits to the family and the neighbourhood**, and cannot be substituted by a phone call based interaction. Even though the home visit based SIR might be more time consuming, require more cost, effort and coordination, it is the ideal and most effective manner of conducting an SIR and will benefit the child by ensuring the best interest of the child.



STEP- BY- STEP GUIDE:

Before going for a home visit:

(Estimated time that will be taken for this stage: 2 hours)

- It is important that the practitioner contacts via a telephone call, the family /guardian in advance and enquire about the correct location. There are chances that at this stage itself, you may face many hindrances like- contact number is incorrect, no one answers the call, they may have given you the wrong address. If this happens, it will be good to contact an NGO working in that locality, or refer back to the police station concerned or the SBR and get the address or an active contact number. Speaking with the child before visiting the house will benefit a lot. The child will be able to guide you to their house using examples of nearby bakeries or nearby temples or a big billboard. You never know how children surprise you!



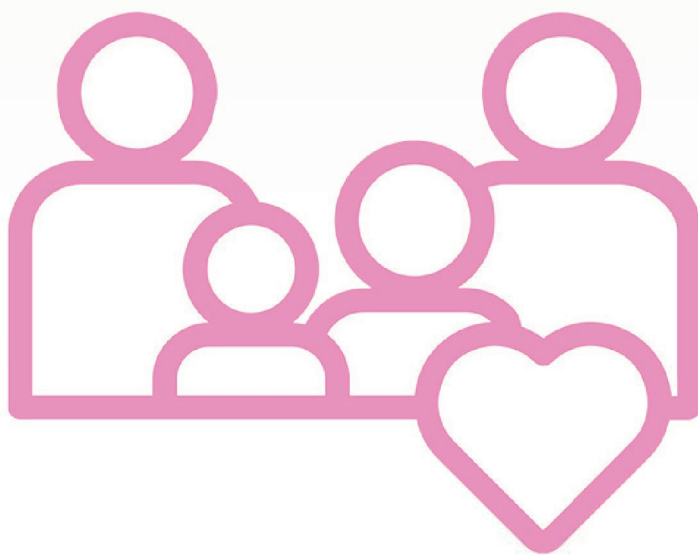
- **Transparency:** The practitioners must disclose the purpose of the visit and ensure that the family has understood as well. There must be no confusion regarding the role of the practitioner nor that of the SIR. Most often the family is not made aware as to the role that the PO or the social worker plays in the judicial process of their child. Hence, it is crucial that the practitioner informs them of their role. Many times the parent/guardian mistakes you for a police officer and gets scared or refuses to be interviewed. In such cases, it is crucial that the practitioner undertakes certain strategies to calm the family and inform them fully of their role in their child's judicial process, their capacities and the role that an SIR plays in their child's case.
- It is important to understand the economic, cultural and social background of the family and the locality before undertaking the home visit for the SIR. For example; in a Muslim household, do avoid visiting their house on a Friday as it is likely that the family conducts their special prayers on that day. Similarly if it is a community that is observing a fast, do be conscious of the timing of the visit.

- If you think the language of the family, the dialect of the language they use, or the family members have difficulties in communicating in ways that you are familiar with, always remember to be accompanied by someone more well-versed in the mode of communication comfortable to the family.
- Going through the form (Form 6) before the home visit helps during the actual interview. It helps in framing the questions in simple, understandable ways and helps the practitioner be familiar, and record the questions in a proper order. The more times the practitioner memorises the Form 6, the better the interview becomes.
- If due to any reason, you as the practitioner, believe that there is a possibility that your personal trauma experiences might come in the way of writing an objective, unbiased report, try to take a colleague authorised to conduct a social investigation, along with whom you could jointly prepare the report.
- The practitioner should also carry a copy of the SIR form number 6 and the relevant orders from the JJB during the home visit.

During a home-visit:

(Estimated time that will be taken for this stage: 1-2 hours)

- Locating the household can be challenging for the practitioner. Understanding the case alleged against the child will be helpful along with the information on the location. If the practitioner feels unsafe due to various factors including hostility of the family, the practitioner may take assistance of another person authorized to prepare an SIR. However, it must be remembered that the assistance must be of a person who is aware of the nature of the work that practitioner is conducting and can not be a person who has any bias in the alleged case. Local community workers familiar with the people of the locality might be allies who can support this task.



- The field-based training under the disciplines of social work and psychology will come into play all through the home-visit and they should be maintained. This includes- the choice of the attire, the conduct of the practitioner, the dynamics of gender, caste, religion and region during the interviews. For eg., Wearing simple clothes, avoiding the use of expensive jewellery, ready to sit on the floor if required, gracefully accepting any food, tea, etc. if offered, following socially acceptable norms and boundaries – especially in conversations with members of the other genders, etc.
- It is important to be mindful and always wait before being invited to enter the house. Be conscious of your gender and maintain appropriate social behaviours – For eg. If you are a male practitioner, women family members might not be comfortable talking to you alone or in the privacy of their home. In such a situation, do suggest alternatives like- sitting outside the home and talking, or offering to meet when there are other family members also present, etc.
- Again, the family needs to be re-acquainted to the concept and purpose of the SIR. The required information needs to be provided if they seek it. For eg : It needs to be clarified to them how their child is not yet convicted or declared guilty, what is the difference between being ‘found to be guilty’ and ‘awaiting bail’ (at the time of the SIR, the offence is ‘alleged’).
- Emphasise that the SIR will help in deciding what is best for their child and the need to be truthful for that matter. For example: after informing of the purpose of your visit, how your presence is not that of the police; emphasise that the truth (not about the criminal case in specific, but about the socio-economic and other realities of the family and the child) will help with the case of the child.
- However, do not give the family legal advice or false hopes. This includes statements like- ‘he will/will not get bail soon’.

During the interview:

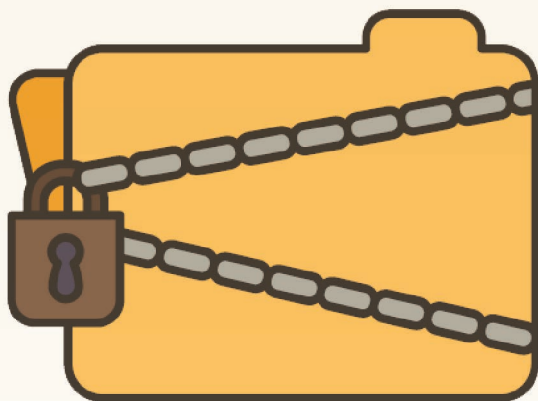
(The interview with the family is likely to take 1-2 hours. Approximate time taken for subsequent interviews with the school (accessing school records), place of employment, and neighbourhood is 1-2 hours. The time indicated here, does not include the travel time. The practitioner should account additional time for the same.)

- It is important that the tone in which the questions are asked are moderated depending on the situation.
- Language used should be simple, easy to understand and respectful at all times.
- The questions need to be communicated clearly.
- Maintaining a diary for the interviews is helpful.
- It is important that the practitioner uses mental note-taking techniques during an

SIR. This will help in avoiding taking notes during the interview and help in an easier conversation. It is important that eye contact is maintained and the interactions are natural.

- Observe how the child/family communicates with you. This could be what they speak and how they speak. Also observe keenly their body language, the gestures they use, any recurring body gestures.
- Request for a break at the end of the interview and make a draft of all that has been discussed. You could also read it back to the family member and check if you have understood and captured the information accurately. Explain to them that you would be reporting this information to the JJB, as part of the official and legal proceedings required by law. This is also a way of getting consent from the family and assuring them that the information they have trusted you with would be used sensitively and respectfully.
- The practitioner should be mindful of maintaining confidentiality and adhering to professional ethics at every stage of the interview process.





What is meant by ‘confidentiality’? Does it mean ‘I won’t share this information with anyone’?

While the SIR is a confidential document, it is important that the practitioner understands the ‘disclosures’ and ‘exceptions’ to confidentiality while preparing the report.

- The child / family has to be informed that ‘confidentiality’ does not mean that nothing in the report will be shared with anyone.
- The practitioner should disclose who this information will be shared with (that is the JJB) and how this will be used.

If there is a case for mandatory reporting, for example, POCSO, it shall not be covered under confidentiality.

After the Interview:

(The analysis of the information from the interviews and the writing of the SIR is likely to take 2 hours. This does not include the time that may be taken if other professionals are consulted for a child’s case)

- Soon after the interview, recording the information in short notes is beneficial.
- Discussing the information with a team of trained multidisciplinary professionals (including child psychiatrists, social workers) also helps in processing the facts and analysing the data. This is a step that can aid the report making process in many ways. It helps in getting different perspectives to draft an effective report.
- The SIR should be a detailed report. The Form may seem like a simple Yes/No answer, but it is highly unlikely that all the important information from a social investigation be translated as a mere Yes/No. Therefore, do write elaborate and detailed reports.
- It is important that the practitioner remembers that the report should be based on facts and not opinions.
- ALWAYS! provide detailed explanations and reasons. This helps the JJB understand the child’s reality better, through your report. Remember, there is no other way the JJB can have access to the socio-economic dynamics of the child that you interview.

For example: Let us look at Question 39 of Form 6

39. Whether the child is used by any gangs or adults or group of adults or has been used for drug peddling:

Yes

No

Option 1:



Yes No

Option 2:

Let us see if this can be written another way.

Yes. Although the child does not always engage in peddling drugs, when the sister was very sick and the mother did not have enough money to take her to a good hospital, the child approached his older friends in his area and borrowed some money to which the older boys asked him to peddle drugs.

Here, we see how much of a difference, explanation brings in understanding the context of a child. Hence, always explain the reason for an answer that is chosen in the Form.

- You can attach more pages to the form to explain the details of your observations and factual inputs in the form. However, do refrain from extreme statements like ‘the child is beyond reformation’. These are beyond the expertise of the practitioner.
- Photographs shall also be attached along with the SIR. This can include present living conditions, childhood pictures of the child, photographs of the child receiving a prize or any childhood pictures. This helps the JJB identify the strengths, talents, abilities and potential of the child and much beyond that of the alleged offence or as a case number from a police station.



Please note : Always seek consent and inform them of how the photo will be used before taking the photograph.

The submission process:

- If the practitioner is a social worker from an NGO, they will have to submit it to the PO.
- When the SIR is being considered by the JJB during the date of hearing of the child, certain JJBs call for the presence of the practitioner who prepared the report. This is to validate the facts made in the report. Certain JJBs may allow for the families to contest the SIR. The family is given a chance to state their views on the way it was done or the statements made in the report. The practitioner can be asked by the JJB to respond to those objections raised by the family.
- The PO should be prepared to make oral submissions before the JJB based on the contents of the SIR, emphasising on the recommendations, i.e. the rehabilitative and bail recommendations along with the reasons, schemes that should be made available to the child/family, vocational training that the child can benefit from etc.

Hence the process of conducting the SIR is as important as the submission of the report itself.



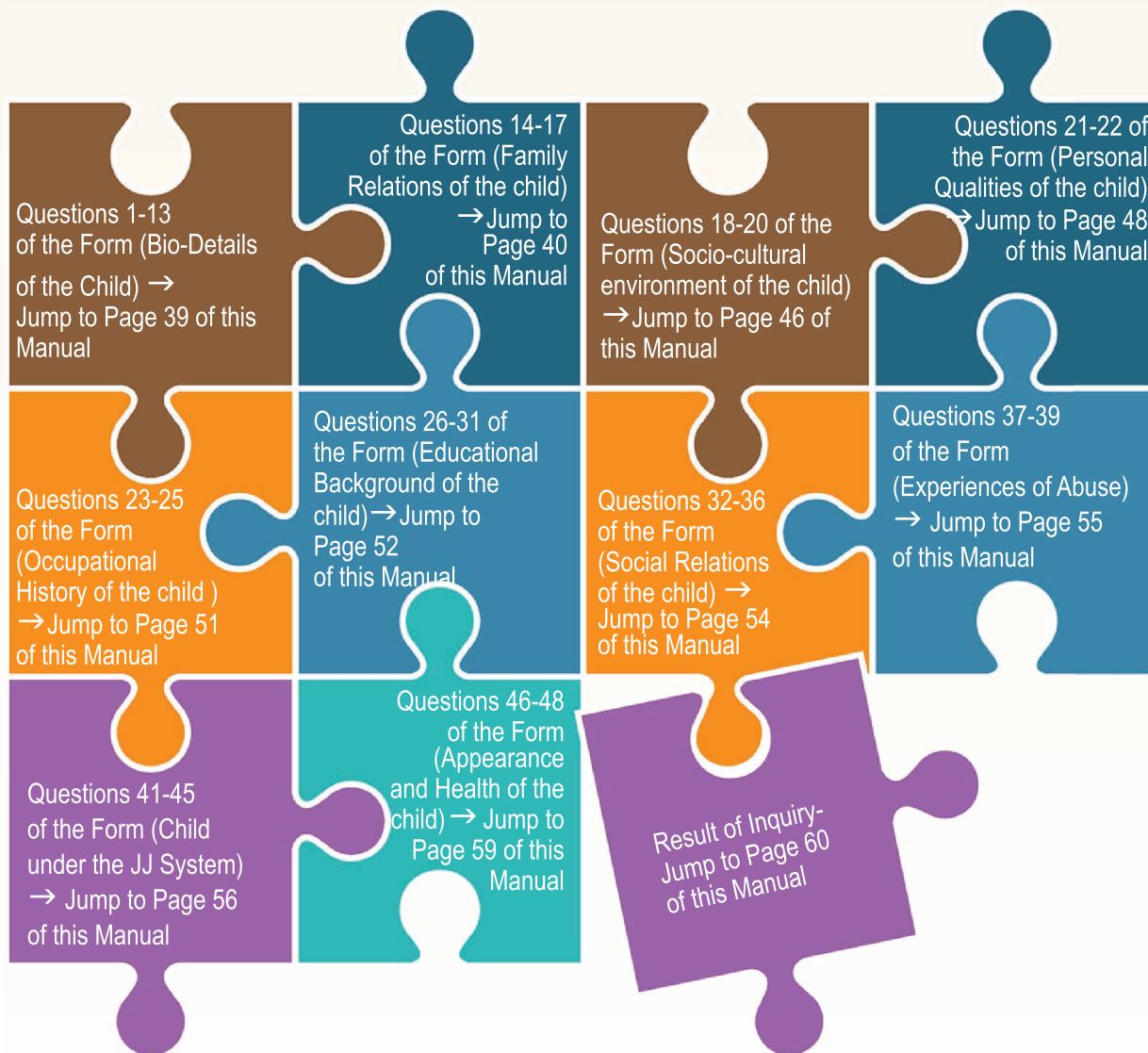
This is a depiction of how much time it can take to prepare an SIR of Tejus (T) who has been apprehended at 7 am on a Tuesday

Tuesday 7 am	Tejus gets admitted to the OH
Tuesday 11 am	Tejus's First Production before the JJB
Tuesday 12 pm	Going through Tejus's FIR and SBR
Tuesday 2 pm	Interaction and rapport building with Tejus
Wednesday 11 am	Interviewing Tejus for the SIR
Wednesday 2 pm	Speaking with Tejus's family
Wednesday 3 pm	Preparation for home visit begins
Thursday 10 am	Visit to Tejus's home
Thursday 3pm - 4 pm / Friday 10 am	2nd interview with Tejus
Friday 12 pm	Analyzing the data and Preparation of the report
Friday 3 pm/Monday 10 am	Submission of Tejus's SIR

During the interview (with the child or the family), if the practitioner observes signs of suicidal tendencies, abuse, self harm; it is very important that it is reported to the District Child Protection Officer (DCPO).

CHAPTER 6

NAVIGATING THROUGH FORM 6



This chapter attempts to assist the practitioner in navigating the SIR form. Most questions in the form have been elaborately explained in three main dimensions. These are:

Why is this question in the form?

Purpose of the question in the form and its function in assisting the JJB

What does this question mean?

An explained version of the different aspects that a particular question entails

How do I get this information?

Whom must the practitioner consult in order to record the responses - the child, the family, the neighbourhood, the school or the employer. These vary depending on the purpose of the question.

As this chapter navigates each question in the Form, the appropriate category under which the question falls is also indicated. By doing so, the Manual aims to assist the practitioner in identifying the larger purpose of each of the questions and thereby the Form as a whole.

FORM 6
[Rules 10 (9), 11 (2), 59(1), 59(3)(a)]
SOCIAL INVESTIGATION REPORT
FOR CHILDREN IN CONFLICT WITH LAW

Sl. No.....

Submitted to the Juvenile Justice Board.....(address)

Probation Officer/ Voluntary/Non-Governmental Organization.....(Name of the person)

FIR No.....

Under sections

Police Station

Nature of offence alleged: Petty ☐ Serious ☐ Heinous ☐

1. Name

2. Age/Date/Year of birth.....

3. Sex

4. Caste

5. Religion

6. Father's Name

7. Mother's Name

8. Guardian's Name

9. Permanent Address

10. Landmark of the address

11. Address of last residence

12. Contact no. of father/mother/family member

13. Whether the child is differently abled: Yes/No

(i) Hearing Impairment

(ii) Speech Impairment

(iii) Physically disabled

(iv) Mentally disabled

(v) Others (please specify)

- The title gives the details of the form- i.e. the Form Number and the rules that mandate the use of the Form. The practitioner can see here that the Form is to be used only for SIRs for CiCLs and not for Child in Need of Care and Protection.
- SL. No. - ideally this is the number given by the PO for the SIRs. However, in practice, the crime number, given by the police to the case at the time of registering the FIR, is written here. The PO or the social worker preparing the SIR should fill this section.
- Submitted to the JJB —The practitioner must indicate the details of the JJB here.
- Probation Officer — indicate the name of the practitioner. If the practitioner is associated with an NGO/voluntary organisation, that needs to be indicated as well for purposes of clarity.
- FIR no. — the First Information Report Number shall be gathered from the Social Background Report (SBR), filed by the SJPU. In a few cases you will notice that there are no FIR numbers. Instead you will see DD no. What is the difference? DD no. refers to the Daily Diary entry number. Daily Diary is a register that the police maintain for complaints that they receive and record on a daily basis before filing the FIR.

As per Rule 8 (1) of the JJ rules, 2016, an FIR shall not be registered by the police for offences that are either/and petty, serious in nature. FIRs are registered for offences that are heinous in nature. To know more about what offences fall under petty, serious or heinous offences, refer to Sec. 2 (45) (54) (33) of the JJ Act.

- Police Station - the practitioner will receive the information from the Social Background Report (SBR) filed by the SJPU. This shall be indicated as 'PS'. For example PS Adugodi , PS Kodigehalli etc. (However, many a time, the SBR may not be available or completed)

Bio Details of the Child (Questions 1-13)

- Questions 1 to 13 are general bio-details of the child. This shall be filled after interviewing the child and the home visit. Remember, you do not need to seek any sort of proof, while filling the SIR. For example, if the child says that he/she/they are 17 years old, the practitioner can fill the same in the report, unless there is any reason to believe otherwise.
- While filling in the column on the sex of the child, it is important the practitioner be informed that, just as an adult, a child can and will possess varied gender identities. Never assume the gender identity of the child and allow the space for the child to express themselves. If the practitioner thinks that the child needs support in this regard, it is important that the need for a counsellor be recommended in the SIR.
- Caste has a large influence on the access that children and their families have to various rights, resources and opportunities. For example, a child from the Madiga community is more prone to discontinue their education for economic and social reasons that stem from caste based inequalities. These are important analysis points that the practitioners need to weave together in order to understand the child and what may be in their best interest.
- Children at times may not be fully aware of the caste that they are born to. It will be useful for the practitioner to know the dynamics and constituents of caste in the region that they conduct the social investigation.

Questions 5 to 12 can be answered through interviews with the child and after a home visit.

Question 13 - This is a difficult question to answer because this requires keen observation and a trauma-informed approach by the practitioner. One method to understand this would be to ask the parent/teacher about the health history of the child. This could be through enquiring about childhood illnesses that the child encountered. The practitioner can ask whether the child was taken to a doctor, the reasons for it, what the doctor said, any surgeries, history of hospitalisation, etc. This can help the parent talk about any physical or neurological developmental difficulties. Based on the parent's responses, the practitioner can ask if the child has a disability certificate or a disability card. **The practitioner should keep in mind that a child/family can have more than one impairment/disability as well. It should be reported accordingly.**

Family Relations of the Child (Question 14 to 17)

14. Family Details:									
S.No. (1)	Name and Relationship (2)	Age (3)	Sex (4)	Education (5)	Occupation (6)	Income (7)	Health status (8)	History of Mental Illness (if any) (9)	Addictions (if any) (10)

Question 14

Why this question?

Family has a very integral role in shaping the trajectories of a child's beliefs, choices and understandings during his/her/their developmental stage. This section of questions helps the JJB understand what kind of relationship the family members have with each other and with the child.

What does this mean?

While column numbers (1) to (7) are self explanatory, let us understand column numbers (8) and (9).

Column number (8) on 'health status' urges the practitioner to indicate whether the family member/guardian is physically healthy. This includes any medical conditions like diabetes, HIV+ve, blood pressure.

Apart from this, the practitioner shall also take note of the physical appearance of the member (if present during the interview) i.e. whether they appear fit or weak. Column number (9) A few indicators of history of mental illness include-

- any incidents of self harming behaviour or suicidal tendencies
- change in appetite
- fatigue
- sudden outburst of anger or violence
- mood swings

How and whom to ask ?

These shall be filled after an interview with the family/guardian during the home visit. Important sections of this question require that the family members/guardians be visited. A phone based interview will not meet the intended purpose of this question.

15. If the child or person is married, name, age and details of spouse and children:

.....
.....

16. Relationship among the family members:

i. Father & mother	Cordial/ Non cordial/ Not known
ii. Father & child	Cordial/ Non cordial/ Not known
iii. Mother & child	Cordial/ Non cordial/ Not known
iv. Father & siblings	Cordial/ Non cordial/ Not known
v. Mother & siblings	Cordial/ Non cordial/ Not known
vi. Child & siblings	Cordial/ Non cordial/ Not known
vii. Child & grandparents (paternal/maternal)	Cordial/ Non cordial/ Not known

17. History of involvement of family members in offences, if any:

S. No.	Relationship	Nature of Crime	Legal status of the case	Arrest if any made	Period of confinement	Punishment Awarded
	Father					
	Stepfather					
	Mother					
	Stepmother					
	Brother					
	Sister					
	Other (uncle/ aunty/ grandparents)					

Question 15-This should be filled after interviewing the child primarily and verifying with the family.

Why this question?

This information will aid the JJB in deciding the best course of action to be taken for the child. That is, if the child supports a family member, then adequate actions need to be taken by the JJB for the well being of the child.

Question 16

Why this question?

This section is to understand the relationship that the family members or the guardians have with the child. Irrespective of whether the family member may be biologically related to the child, this section shall be filled accordingly, as long as they are the primary care-givers of the child. This information helps the JJB decide the nature of the environment that the child grew up in or will be under the care of, after the release or during bail.

In the beginning of this section, we read how the family plays an important role in providing stability to a child's life. It is also a belief that the home is considered the safest place for a child. However, in many cases the family can also be abusive to the child or amongst themselves. It is these details that this section in the SIR tries to understand.

What does it mean?

What does 'Cordial' relations mean? Relations are generally considered cordial when they are friendly and gracious.

What about 'Non-Cordial'? Relations are considered non-cordial when they are rude, aggressive, and have instances of abuse, humiliation, neglect.

The practitioner may use the 'Not Known' option if information could not be solicited even after repeated attempts to understand.

How to or whom to ask?

At first, the child needs to be interviewed as much as possible. The family members shall be consulted as well during the home visit. Siblings of the child shall be interviewed to record their responses or views on the nature of relationship.

Certain indicators that the practitioner may use to analyse the nature of relationship between the members include:

Domestic fights within the members - eg. Does the father and mother fight regularly and does it become violent? It is important that the practitioner uses strategies to understand this by asking for examples and instances.

Does the family member assist the child after school in their homework

What are the positive aspects the child has seen in his/her/their family members and their relationships?

Does the parent figure (father/mother) beat the sibling?

What does the child feel when he/she/they are with their parent/sibling? Does the child feel loved/cared for? Does the child feel scared? *(these questions can indicate if the child has felt neglected by the parent/sibling)*



- Has there been any incident where the child was made fun of or scolded at (on his/her/ their physical appearance, school marks, any mental or physical inabilities) by the parent/ sibling in front of people? What did the child feel? *(this can indicate if the child has felt humiliation from the parent/ sibling)*
- Have the members used objects and caused harm to the other? Like use of knives, metal etc.

It is important that the questions be filled by the practitioner after careful analysis of the instances that the child / family member may have explained. It is based on this, that the practitioner fills in whether the relationship is cordial, non-cordial in nature or is unknown.

It is important that the practitioner gives reasons and provides necessary details for their choice of answers.

LET'S DISCUSS:

Kavya, a 15 year old child, was alleged to have committed offences under Sec. 103,105, 329 BNS. She lived with her step mother, father and grandmother in a house with one room and a kitchen. Both the parents were working while the grandmother took care of Kavya. In Kavya's words 'The ragi mudde that Ajji makes for me is the bestest ragi mudde'.

The father often came home drunk and the stepmother called Kavya a 'burden'. Children were seen outside the house running dangerously across the road. Kavya says she often felt scared to go to her father because she has seen him yell at her stepmother.

What are the important markers of Qn no. 16 as per the SIR?

Answer:

16. Relationship among the family members:

i	Father & mother	Cordial/ [Non cordial ✓]/ Not known : Non Cordial (father and stepmother get into constant fights and the father yells at her stepmother. The stepmother also yells at him for coming home drunk.)
ii	Father & child	Cordial/ [Non cordial ✓]/ Not known : Non Cordial (The child is very scared to approach the father and she does not feel supported or cared for by her father. There is hardly any communication between them)
iii	Mother & child	Cordial/ [Non cordial ✓]/ Not known : Non Cordial (The stepmother tries to blame the child for everything and calls her a burden. The child therefore doesn't want to be seen by her stepmother.)
iv	Father & siblings	Cordial/ Non cordial/ Not known: Not Applicable (Kavya has no siblings)
v	Mother & siblings	Cordial/ Non cordial/ Not known: Not Applicable (Kavya has no siblings)
vi	Child & siblings	Cordial/ Non cordial/ Not known: Not Applicable (Kavya has no siblings)
vii	Child & grandparents (paternal/maternal)	[Cordial ✓] / Non cordial/ Not known: Cordial (Kavya is very close to her grandmother. She is the only person that the child confides in. Her routine majorly involves talking with her grandmother about everything in her life. She feels supported and cared for by her grandmother)

Question 17

Why is this question here?

This information assists the JJB to understand any previous encounters that any members of the family may have had with the law. While this question carries the possibilities for prejudicial (biased) look upon the child, the practitioner can attempt to look deeper into an alternative reading of the same.

The practitioner can inquire whether the CiCL faces:

- the threat of being recruited to gangs of adults engaged in illegal activities or
- the threat of being physically harmed by gangs.
- if the child was targeted by the police as a means to reach the adult in the family who may have been alleged for an offence.

This question can hence be used as a protective measure for the child by the practitioner through an effective social investigation.

What does the question mean?:

Let us look a little closely at what these different column heads mean.

- **Nature of crime:** This asks the charges alleged against the family member. This could include for example, theft, murder, kidnapping, Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. The practitioner can enquire from the family member what the alleged crime was.
- **Legal status :** This refers to whether the case is ongoing or has been decided.
- **Arrest if any made:** This asks whether the person was arrested, how many persons were involved and how many were arrested, how many were adults, how many were children, etc.
- **Period of confinement :** This can indicate - the number of days/weeks/months/years the person was confined.
- **Punishment awarded:** The punishment given by the Court to the family member shall be indicated here. However, if the person was acquitted (free of charge determined by the Court) then 'N.A.' shall be recorded along with the statement that 'the person was acquitted from charges'.

How or whom to ask?

The family members shall be interviewed here for this information.

Socio-cultural environment of the child

Question 18

18. Attitude towards religion of child and family

This question helps to understand the child and family's relationship with religion and if it plays an integral part of their value system. The practitioner should be very careful about inherent personal biases when answering this question. Further, this question helps to understand the relation that the child has with religion, whether the child receives support from religion.

Question 19

19. Present living conditions

Why is this question there?

This information assists the JJB in deciding the extent of stability that the living environment provides the child in their overall wellbeing. A very important factor in a child's development is the stability that they have in their growing age. This includes stability in both emotional and physical environments. Based on this information, the JJB can take the necessary steps to decide whether the child's home and environment are helpful for his/her/their care, protection, development and well being.

What does this question mean?

Here, apart from the physical infrastructure that is their home (i.e. kuchha house/pucca house, approximate area of the house, number of rooms from an observation, anything distinct about the house), the practitioner shall include the environment in which the house is situated. The vicinity in which the house is located shall be explained in the form.

For example:

- Is it kuchha or a pucca house?
- Is it a makeshift house?
- Is it on rent or owned?
- Is it on the roadside?
- Is it safe for the child ?
- Does it protect the child from possible harmful or risky factors in his neighbourhood?
- How many people reside in this space?
- What is the level of access to clean water?
- What about the access to electricity?
- Access to sanitation facilities?
- Level of privacy?
- Access to transportation?
- What is the social network of the family?
- Is the family secluded from the rest of the neighbourhood?
- Is the family living on the edge of a village due to their caste or other reasons?

Such detailed analytical points will help the JJB understand the stability factor in the child's development and if appropriate measures need to be taken while delivering orders to ensure better stability.

How to or whom to ask?

This question should primarily be responded to through observational analysis by the practitioner.

Question 20

20. Other factors of importance if any.....

This is a good point for the practitioner to record any interesting or significant factor relating to the child that they think is relevant for the JJB. This can include whether the child was hospitalised at any point and the duration, whether the child is emotionally attached to any family member or a teacher etc. This helps the JJB develop a holistic understanding of the child.

Personal Qualities of the Child -

21. (i) Habits of the child (Tick as applicable)

- | A | B |
|-------------------------|-------------------------------------|
| (a) Smoking | (g) Watching TV/movies |
| (b) Alcohol consumption | (h) Playing indoor/ outdoor games |
| (c) Drug use (specify) | (i) Reading books |
| (d) Gambling | (j) Religious activities |
| (e) Begging | (k) Drawing/painting/acting/singing |
| (f) Any other | (l) Any other |

(ii) Extra-curricular interests.....

(iii) Outstanding characteristics and personality traits.....

Note: Here it is very important that the practitioner is very cautious that their personal bias (say, opinions) does not come into play. The question is in no way associated with the alleged offence. This caution should remain during the process of asking this question and while writing the report.

The report should state only the facts with reasons.

One way to ask this question would be to enquire with the child- if he/she/they wanted help or support with regard to recovery from any form of addictions.

The question will help the practitioner identify recommendations that can be made before the JJB that are in the best interest of the child.

Question 21

This question can be asked at the start of the interview, as a rapport building exercise. The practitioner can ask this in a comforting, and conversational manner. A few examples of how the practitioner may ask these questions include- ‘would you like to tell me about your hobbies?’, ‘what do you and your friends do during free time?’, ‘do you like dance/sports/singing? What does a day in your life look like? Which class are you studying in? Do you like going to school?’, ‘Do you like to play games on your phone? How much time do you spend? How about instagram?’.

Why this question?

These questions are meant to identify the child’s interests, talents and likings. For example, the child may have talents or interests in the crafts or carpentry but may not have had the opportunity to explore this interest.

This information about the child is very useful for the JJB while passing orders and can be later used in the plan for follow-up and ICP of the child. This question helps the JJB identify whether the child requires interventions in the form of de-addiction and rehabilitative measures.

Whom to ask?

The child is the biggest source of this information. Apart from the child, the practitioner may ask the family member or the school for the same. The practitioner must explain the reason when indicating the response for this question.

21(ii) mentions the extra curricular activities.

Let’s take the term ‘extra curricular’ activity. This refers to any activity that the child may have engaged or shown interest in , ‘beyond’ the school education.

Do keep in mind that many children in the JJ system might never have attended school or may have gone to school but dropped out at primary, secondary or higher secondary level.

This question can become tricky for the practitioners because it is through conversation with the child that this can be identified. Parents and teachers of the child may also be interviewed to get information on the same. This can include interest in (a few examples)

- wanting to learn tailoring or painting
- vocational interests like plumbing or gardening

This information helps the JJB while passing Orders for rehabilitation.

A few examples of ‘other outstanding characteristics’ can include-

- capacity in financial matters like handling money balance,
- ambitious,
- determination,
- interest in nature or affection for animals.
- interest in sports and fitness

Certain personality traits can include (a few examples)

- varying degrees (low,medium,high) of shyness/friendliness,
- openness in appreciating or acknowledging feelings or ideas,
- have the tendency to be careful (strict in abiding rules, strict in time),
- sensitive to emotions like anger,
- assertive in opinions
- inflated sense of one's value, importance, and abilities / showing off /grandiosity

Question 22

22. Other factors of importance if any.....

Why this question?

This question is important for the JJB to understand the nature of the relationship between the family and the child. This also becomes one of the basis points upon which the practitioner shall make recommendations to the JJB regarding counselling for parents.

What does this question mean?

This is a very nuanced question, if not dealt carefully, can be misleading and counter-productive for the child's wellbeing. The practitioner needs to look for the styles of parenting. A few ways of looking at this are:

- How does the parent respond when the child makes a mistake?- do they sit with the child and discuss the issue and listen to the child? Does the child feel free to speak about their mistakes to the parent? (This is called 'Democratic parenting')
- Do the parents impose rules on the child and not listen to the child? Does the child feel scared to say their opinion and about their mistakes? (This is called 'Authoritarian parenting')
- Do the parents act like best friends to the child? Do they let the child make decisions on their own? Do the parents listen and fulfil everything that the child wants even if it means extra work on the parent? (This is called 'Permissive parenting')
- Has the child felt that the parent forgets about their needs? Have there been instances where the parent forgot to cook food or buy groceries and the child had to look for other means? (This is called 'Neglectful parenting')

The practitioner also needs to keep an eye for any instance of

- physical violence involved in 'disciplining' the child.
- if the parents withheld food or other basic needs from the child.

Whom to ask this question?

This question should be asked to both the child and the family during the home visit.

Occupational History of the Child (Questions 23 to 25)

23. Employment Details of the child, if any.....
24. Details of income utilization and manner of income utilization.....
25. Work record (reasons for leaving vocational interests, attitude towards job or employers).....

Why this question?

The questions under this category aim to understand the responsibilities that the child handled, how they utilise/save the money and their relationship with work.

What does this mean?

It is important that the practitioner be familiar with the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.

If the child is below 14 years of age and is employed in any occupation or process, other than those mentioned under Section 3 (2) of the mentioned Act, it is considered a violation of the right of the child against Child labour. Adolescents (aged between 14 to 18) should not be employed in hazardous occupations and processes as well.

If any such instances are identified by the practitioner, the same should be mentioned in the SIR and a detailed description of the violation of the Act, should be made. The child here shall also be categorised as a CiNCP henceforth. This is very important because the JJB can then take the necessary steps to work with the CWC to declare the child as a CiNCP (Section 8 (g) of the JJ Act).

Apart from interviewing the child, the practitioner shall visit the place of employment to gather details from the employer.

How to ask?

It is important to ask why, how and at what age did the child start working? It will also be crucial to know the reason why the child is employed at this age. A few points of inquiry are:

Was the child forced to join a workplace?

- Did the child have to be employed to support the family?
- Or was it to support in paying school fees, or failing to cope within the school environment?
- Or was it because the child had to stay away from a violent atmosphere at home?

Questions 24

While responding to the question on income utilisation, it is important that the practitioner backs it up with reasons. For example, if the child says that the income that they earn is utilised in household needs and in watching movies, the practitioner without prejudice, needs to enquire about the reason for it. It could be the child's way of escaping their harsh life reality. It is important that the practitioner DOES NOT make any inferences until the child gives his/her/their reasons.

Question 25

Upon asking the status of the work record, the practitioner can fill this as -

- regular,
- irregular,
- absent from work.

However, this must be accompanied by reasons for the same.

Educational background of the Child (Questions 26 to 31)

26. The details of education of the child:
- (i) Illiterate
 - (ii) Studied up to V Standard
 - (iii) Studied above V Standard but below VIII Standard
 - (iii) Studied above VIII Standard but below X Standard
 - (iv) Studied above X Standard
27. Attitude of class mates towards the child.
28. Attitude of teachers and classmates towards the child...
29. The reason for leaving School (tick Yes/No as applicable)
- (i) Failure in the class last studied
 - (ii) Lack of interest in the school activities
 - (iii) Indifferent attitude of the teachers
 - (iv) Peer group influence
 - (v) To earn and support the family
 - (vi) Sudden demise of parents
 - (vii) Bullying in school
 - (viii) Rigid school atmosphere
 - (ix) Absenteeism followed by running away from school
 - (x) There is no age appropriate school nearby
 - (xi) Abuse in school
 - (xii) Humiliation in school

Why these questions?

Effective responses in this section helps the JJB understand not just the educational background, i.e. the class up to which the child has undergone formal education, but also the level of understanding the child may have, continuation of education if the child is interested or alternative options that may benefit the child's future occupational prospects.

Questions 26

This question sets out broad categories which include: 'illiterate', 'studied up to V standard' and so on. Here it is important that the practitioner is mindful that the option 'illiterate' means that the child has not undergone formal education.

- While addressing question 26, the practitioner shall also specify the class up to which the child has studied and further indicate - 'ongoing', 'discontinued'. If the child shows interest in continuing education, this shall be indicated by the practitioner.

It is also important to check if the child has ever been screened or assessed for any intellectual disability, learning disability, etc.

For this, the practitioner can inquire whether the child has undergone any IQ tests or any other assessment in school or by any other mental health professional.

Another method that the practitioner can adopt is to hand over a paragraph or a few lines from a story, for the child to read. The ease at which the child can read the words/letters/paragraphs will help the practitioner understand the child's literal ability. This can also determine the recommendations made before the JJB.

For example, if the child who has passed fifth standard is not able to read a few lines of a story or identify numbers learnt in the second standard, the practitioner can conclude that the child's ability to read or calculate is below the expected level. Accordingly, the child can be asked for reasons for the same- was it lack of interest?, inability to comprehend what is taught in class?, was it the environment at school/home? etc. Further, the practitioner can make appropriate recommendations before the Board.

How and whom to ask?

This information shall be gathered from the child and the family during the home visit. If the child was continuing education or had recently dropped-off from school, the practitioner shall interview the school authorities- principal, or teachers in order to gather an overall understanding of the child's education and potential for further education.

Question 27 and 28

These questions shall be responded through an interview with the child and family. The school authorities- principal, teachers should be interviewed as well.

Questions 29

After enquiring on Question 29 from primarily the child, the practitioner shall explain the reasons for dropping out of school. If the child says instances of abuse for example, which could be verbal, physical, emotional or sexual, the same shall be reported by the practitioner. Remember that cases of Child Sexual Abuse should be mandatorily reported.

Question 29 should be read as 'the reason for not attending formal schooling' in the case of a child who has not undergone formal education as per question number 26 (marked as 'illiterate').

Questions 30

30. The details of the school in which studied last:

- (i) Corporation/Municipal/Panchayat
- (ii) Government/SC Welfare School/BC Welfare School
- (iii) Private management
- (iv) School under NCLP

This requires the practitioner to respond with the name of the school as well. Option (iv) refers to schools that are under National Child Labour Project Scheme.

Questions 31

31. Vocational training, if any.....

If the child has been attending any vocational training classes, this again can help with developing the ICP of the child and also help the JJB pass appropriate orders that can include necessary support required for the child to pursue interests.

Social Relations of the Child (Question 32 to 36)

Questions 32

32. Majority of the friends are

- (i) Educated
- (ii) Illiterate
- (iii) The same age group
- (iv) Older in age
- (v) Younger in age
- (vi) Same sex
- (vii) Opposite sex
- (viii) Addicts
- (ix) With criminal background

33. Attitude of the child towards friends.

34. Attitude of friends towards the child.

35. Observations of neighbours towards the child..

36. Observations about neighborhood (to assess the influence of neighborhood on the child)

Why these questions?

These questions help the JJB in determining

- the child's social circles,
- their nature of interaction,

This helps in making a possible estimate of what the child may have been introduced to and how they have influenced the child's development in terms of making choices and attitudes towards the world.

What does this mean?

Here the practitioner should be mindful that the question is on the constitution of 'majority' of the friends of the child.

For example, if most of the friends of the CiCL have attended school until the 3rd grade and are of the same age as the CiCL except for one friend (identified as 'X') who is abused by the usage of drugs, the practitioner shall mark on the Form

- (i) [Educated] and
- (iii) [The same age group].

Further, the practitioner can mention the friend X who is abused by drug usage, depending on the nature of the friendship (whether close or distant) between X and the CiCL. The practitioner shall mark (viii) and give an explanation for the same by mentioning the nature of friendship the CiCL holds with X.

How to and whom to ask? The section should be filled after interviewing the child.

Questions 33 and 34

These questions should be responded to in detail.

The use of the terms 'good' and 'bad' are very subjective and judgemental and must be avoided.

Instead, it is important that the practitioner reports their observations objectively. The intent is to give the JJB a better understanding of the child's behaviour rather than one's opinion of it.

Examples :

Examples :

- Accepting,
- Aggressive,
- Joyous,
- Distrust,
- Detached etc.

This will help the JJB by guiding them in a little more specific field of attitude that terms like 'good/bad' cannot cover.

If friends of the child are interviewed by the practitioner, ethics of interviewing a child must be maintained at all times. Neighbours shall be interviewed by the practitioner for questions 35 and 36 if the environment is conducive to such an interaction. The practitioner shall respond to this based on the observations.

Experience of Abuse by the Child (Question 37 to 39)

37. Whether the child has been subjected to any form of abuse, if applicable: Yes/No		
S. No.	Type of Abuse	Remarks
1.	Verbal abuse - parents/ siblings/ employers/ others, (pl. specify)	
2.	Physical abuse (pl. specify)	
3.	Sexual abuse - parents/ siblings/ employers/ others, (pl. specify)	
4.	Others (pl. specify)	

38. Whether the child is a victim of any offence: ☐ Yes ☐ No

39. Whether the child is used by any gangs or adults or group of adults or has been used for drug peddling: ☐ Yes ☐ No

Why these questions?

These questions assist the JJB in passing Orders for necessary preventive and rehabilitative steps for the child. It is of utmost importance that the practitioner indicates the same with a reasoned explanation.

How and whom to ask?

The practitioner should attend to these questions carefully as these may be private and delicate details for the child to narrate. Instances of any form of abuse in the hands of the police shall also be recorded here.

This section shall be responded with an explanation. Mere indication through a tick does not serve the purpose of the SIR.

Based on the conversations, the practitioner should necessarily be in a comfortable position to indicate against question 38 if the child was a victim of any offence committed by someone else. This could be if the child was a victim of child marriage, child labour, trafficking, child sexual abuse, pornography, or if the circumstances of the child made him/her/them vulnerable to becoming a victim to any of these.

It is also important that the practitioner be mindful that the question does not pertain only to offences for which a case or a report has been registered. The practitioner shall also indicate if the child was a victim of an act that is an offence even if it has not been formally registered. It is important that the practitioner explains this well during the interaction with the child.

Steps to be followed by the practitioner if the child narrates events of Child Sexual Abuse (CSA):

- The child should be provided support and confidence by the practitioner. Since it may be difficult and confusing for the child to speak about the abuse, the practitioner should be cautious, sensitive and mindful of the child's vulnerabilities.
- It is important that the practitioner provides a safe space for the child to express. The child should be assured help, support and confidentiality. The steps that shall follow should be explained to the child in a calm and reassuring manner.
- The child should be reminded to not be afraid and that the child is not responsible for what happened to him/her/them. Trust must be built with the child.
- Child-friendly measures must be followed by the practitioner.
- Further, the practitioner should keep in mind that the law mandates mandatory reporting of any instance of CSA under the The Protection of Children from Sexual Offences Act, 2012 (POCSO).
- The practitioner can seek the support of the JJB to ensure reporting is in the best interest of the child.
- In the recommendation section of the Form 6, the practitioner should mention the need for counselling and mental health support for the child. Medical treatment should also be recommended as a measure to check for infections and immediate medical interventions.
- The recommendation can also be made in the SIR for the child to be declared as a CiNCP.

Question 40

40. Does the child has tendency to run away from home, give details if any: **Yes/No**

Why this question?

This information helps the JJB understand if there are any indicators to be considered if the child has to be placed in detention/protective custody. Truancy (absenteeism) is also a known indicator for an underlying psychological problem that needs to be addressed.

What does this mean?

This question includes both tendencies and any past instances where the child has run away from the home. If the child has repeatedly stayed away from the house for a few days without the

knowledge of the guardian, though this can not be called as 'run away' from the house, it shall be indicated as a tendency of the child to stay away from home. The reason for the same and where the child goes usually shall also be enquired from the family or the child.

It is important to understand:

Why does the child run away from home or school?

What is he/she/they running away from (eg. is it domestic violence, sexual abuse, alcoholism in the family etc.),

What is the child running towards (eg, is it to join a gang, is it for more opportunities to earn money, is it to elope with a loved one etc).

Child Under the JJ System (Questions 41 to 45)

Questions 41 to 43 relate to the alleged offence registered against the child

41. Circumstances of apprehension of the child..

42. Alleged role of the child in the offence..

43. Reason for alleged offence:

- (i) Parental neglect
- (ii) Parental overprotection
- (iii) Parents criminal behaviour
- (iv) Parents influence (negative)
- (v) Peer group influence
- (vi) Bad habits (to buy drugs/alcohol)
- (vii) Others (pl. specify)

Question 41

Why this question?

This question is an opportunity for the child to talk about his/her/their version of how and why he/she/they got into contact with the law, the child's experience of being apprehended by the police, experience at the police station, being produced before the JJB, experience at the OH etc. This is important information for the JJB to decide whether the rights of the child are being protected at the stage of apprehension.

Question 42

Why this question?

Very often children are bystanders, spectators in crimes committed by adults or many times a child may just tag along with an adult out of curiosity or act as a 'look-out' while the adults or other children in the group may be committing the offence. By asking this question, the child at least gets an opportunity to explain or deny his involvement.

How to ask this question?

The practitioner MUST be very careful while asking this question and ensure that the child does not self-incriminate.

How does the practitioner ensure this ? A few examples that the practitioner may use and can develop depending on the child and the situation are given here.

The practitioner may say -

‘you look like such a bright boy to me, how come you got involved in a police case?’

or

‘You are studying in 10th standard, must be such a busy year for you, how come you got involved in a police case?’

or

‘Your mother was telling me you are a very sincere and hardworking child, you even work to financially support the family, how come a boy like you has got involved in a police case?’

This is a psychological technique wherein you are positively affirming the child for a good quality or behaviour, which communicates to the child that you believe he/she/they is inherently good or worthy and that his/her/their coming into conflict with the law is an aberration (deviation). This prompts the child to open up to the practitioner.

Question 43

It is often/always difficult to point at a conclusive reason for the alleged offence. This shall be filled based on observations and in-depth analysis by the practitioner. The practitioner may also list the risk factors and the ‘Adverse Childhood Experiences’ as indicated in Chapter 3 of this Manual.

Caution to be maintained by the practitioner for Questions 41-43:

- It is important that the practitioner does not include self-incriminating information that the child may have shared.
- It is not the role/responsibility of the practitioner to find the evidence for the alleged offence.
- The practitioner’s role is to only protect the child. Hence utmost care must be taken by the practitioner while filing the SIR under questions 41-43 .

44. Whether the child has been apprehended earlier for any offence, if yes give details including stay in a child care institution

Yes/No.....
.....

45. Previous institutional/case history and individual care plan, if any:

Question 44 and 45

The questions relate to previous instances of the child's encounter with the JJ system, if any.

44. Whether the child has been apprehended earlier for any offence, if yes give details including stay in a child care institution
Yes/No.....
.....
45. Previous institutional/case history and individual care plan, if any:
46. Physical appearance of the child:
47. Health condition of the child (including medical examination report, if applicable)
48. Mental condition of the child:
49. Any other remark

Appearance and Health of the Child (Question 46 to 48)

Question 46

What does it mean?

Physical appearances include-

- Estimated height,
- Estimated weight,
- Whether the child appears nourished or underweight.
- The practitioner shall also include any physical signs like cuts and bruises, burns, tattoos, marks of injectables, or self harm.

The practitioner should include only characteristics that are pertinent to the physical appearance of the child. Hence, observations of dyed hair, body piercings, body tattoos etc shall be noted carefully without invoking prejudice, as most often these lead to bias due to existing stereotypes.

Question 47

Health condition of the child: This includes any medical condition or treatment that the child might have undergone. The copy of medical reports, if available, shall be attached along with the SIR. The practitioner shall also take note of the medical record submitted after the examination that was conducted, after apprehension but before the first production.

The practitioner shall once again indicate/highlight anything that needs to be brought to the attention of the JJB. Additionally, the practitioner must also coordinate with the duty doctor at the OH or Place of Safety, and ensure that the child has access to health care. However, if the practitioner is a social worker associated with an NGO, it will be difficult to directly contact the duty doctor at the OH. Here, it is then important that the social worker coordinate with the PO.

Question 48

Mental condition of the child: If the child has undergone any assessment or counselling or treatment with regard to their mental health, the same shall be indicated here along with a copy of the prescription of medicines that they have taken. If prescriptions or reports are not available, information regarding the same must be noted down in the form itself.

However, many times the underlying mental conditions of a child goes undetected by the family or the guardian. Hence, it is important that the practitioner keep a keen eye on any signs and symptoms of possible underlying mental conditions that the child may exhibit.

These include-

- symptoms/presence of disturbed sleep,
- nightmares,
- change in appetite,
- sudden loss or gain in weight,
- fatigue and lack of energy,
- lack of interest in activities that the child previously enjoyed, sudden outburst of anger or violence,
- social withdrawal,
- suicidal thoughts or attempts,
- binge eating or starving,
- mood swings.



Certain risk factors that could lead to the development of a mental health problem in a child include:

- history of mental illness in the family, substance abuse,
- witnessing or exposure to violence, death or separation of parents,
- child sexual abuse,
- bullying ,
- any prior contact with the justice system.

Result of Enquiry

1. Emotional factors
2. Physical condition
3. Intelligence
4. Social and economic factors.
5. Suggestive causes of the problems.....
6. Analysis of the case, including reasons/contributing factors for the offence
7. Opinion of experts consulted.....
8. Recommendation regarding rehabilitation by Probation Officer/Child Welfare Officer

This section shall be filled by the practitioner based on their observations and after due analysis. This section assists the JJB to get an overall understanding of the child and thereby influence their decisions/orders.

- **Emotional factors:** The emotional factors of the child shall be included here based on observation by the practitioner. This includes drug withdrawal symptoms like weepiness, angry outbursts, getting into fights with others, demand for cigarettes, alcohol or other substances, threats if his demands are not met, suicidal tendencies, sleeplessness, sexually risky behaviour, etc.
- **Physical condition:** Any physical signs of abuse of drugs, use of beedi/cigarette, continuing cough, trembling, shivering, skin rashes, fever, vomiting, headaches, bleeding from any part of the body, swelling in any part of the body, pain, any physical symptoms of onset of any illness, motor functioning (movement) can be included here by the practitioner.
- **Intelligence:** This can be observed and responded based on the child's cognitive skills. This includes any signs indicative of the child's ability to understand and respond age-appropriately to the questions asked, memorise, calculate, reason, read, focus and use of language during the interview etc.

Upon observation, if the practitioner thinks that the child needs a more detailed evaluation for intellectual disability, it is important that he/she refer the child to a mental health professional. Recommend to the Board that the child may require further mental health assessment.

- **Social and economic factors:** Here, the practitioner can indicate the observational and analytical conclusions based on the home visit and the various interviews conducted of the child, the guardian/family, neighbours, school and employer/s. This shall be

contextualised carefully by the practitioner based on the social realities of caste, class, gender, ability, religion of the child and the family.

- **Suggestive causes of the problems:** Here the 'problem' is not the alleged offence but the root causes that may have led the child to behave in a manner that is considered legally and socially unacceptable.

For example : a problem that can be identified in children could be the lack of interest in listening to adults or in following rules. The cause for this problem could be the lack of a loving, stable family or the unhealthy relationship the child may have had with the adults in their life or the absence of any adult mentor.

- **Analysis of the case, including reasons/ contributing factors for the offence:** Upon careful analysis, the practitioner shall write a brief summary here. This can include the medical, mental health and other socio-economic factors of the child.
- **Opinion of experts consulted:** If the practitioner finds it hard to analyse or assess any particular case, they may consult an expert in the field, for example, in the field of child psychology. This may be indicated here along with the details of the expert consulted. Any written document by the expert should be attached with the SIR.
- **Recommendation regarding rehabilitation by Probation Officer/ Child Welfare Officer:** It is important that, after careful analysis of the socio-economic and psychological factors of the child, the practitioner recommend whether the JJB should grant bail, refuse bail or grant conditional bail with instructions on whether it is in the best interest of the child to send the child for treatment, counselling, psychiatric referral, tuitions, etc. This **MUST** be substantiated with reasons.

The practitioner may also indicate if the child requires further attention in terms of counselling, psychiatric examination, if it is in the best interest of the child. Furthermore, the practitioner may recommend any other educational, occupational , livelihood based training or rehabilitative measures for the child based on the interviews.



Challenges of the Form:

The JJ Act has been composed to be reformatory rather than punitive. Even though the SIR (Form 6) prescribed by law, has many limitations and includes questions that may come across as biased - the practitioner needs to keep in mind the spirit of the JJ Act when preparing the SIR and ensure questions are asked in a non-judgmental and child friendly manner.

CHAPTER 7

COMMUNICATION AS A TOOL



Means of Communication

Communication is key in the practitioner's role during an SIR. This includes both verbal and non-verbal communication. The verbal language that the practitioner uses has an immense impact on the level of comfort and trust that the family/child builds with the practitioner. This can influence the direction of the interview as well.

Interacting with a child can be challenging in many ways for the practitioner. This is mainly because a child's communication is based on incomplete and developing understandings. It is important that the practitioner prepares as much as they can before interviewing a child. This preparation is essential as it helps in building trust with the child, and provides a safe space for the child to communicate. The practitioner must be mindful that the

experiences that the child shares, in ways that may sound incoherent at times, are reflective of the age, the physiological and psychological developments that they are undergoing. Every child's experience and ways of sharing will also be different depending on their social dynamics.

Verbal Language

It is preferred that the practitioner is conversant in the first language of the family/child. If the language is unfamiliar, an interpreter may be adopted by the practitioner. The interpreter should have absolute knowledge of the languages of both the family and the practitioner. This includes not just the knowledge of words, but also the dialectical usages in the languages. It must also be noted that this might take more time than an SIR usually takes. Hence the practitioner must account for the same while preparing. It is possible that an interpreter may not be available. In these situations, the practitioner can ask the family if there is anyone from the neighbourhood who they are comfortable with, and can help in the conversation.

Language is the first marker of the power dynamics that exist between the practitioner and the family. Therefore the use of language is important as it may stereotype the child and the family. The practitioner must avoid using stigmatising language and labels like 'criminal', 'delinquent', 'offence', 'guilty', or

references to caste or religion based identities ; instead the practitioner must see the child as a ‘child’, and the offence as an ‘alleged’ one. Communication also includes effective listening. The practitioner must be a keen listener by encouraging safe and confidential conversations, trust and non-interruption during an interview.

Body Language or Non-verbal

language of the child/family Non-verbal language also plays an important role during an interview. For example, if the family/child fidgets their hands or legs, sweats while speaking, goes out of breath, cries or shivers during the interview, the practitioner must acknowledge that their bodies are effectively communicating and must be heard.

Dynamics : Culture and Inherent Power Differences

The cultural dynamics of communities must be understood by the practitioner before undertaking the SIR. For example, certain communities may not encourage an interview with a practitioner of another gender. Lack of knowledge of this practice will invariably affect the SIR responses as well. Hence, the practitioner must take into account the same.



The body language of the practitioner also plays an important role during the interview for an SIR. For example, consider a scenario where during the home visit , the family requests the practitioner to sit on a chair while they sit on the floor. If the practitioner agrees to this request, it is possible that the differences in the power between you (the practitioner) and them (the family) becomes more evident. Hence, if the practitioner is able-bodied and/or physically capable of it, they are encouraged to sit at the same level as the family/child.

CHAPTER 8

WHAT DO I DO IN THESE SITUATIONS?



Frequently Asked Questions (FAQs)

1. What if the family is unresponsive or refuses to take part in the SIR? There are various possible scenarios that can lead to this situation. Let us take a look at three such possible scenarios.

- A. It is possible that the family does not respond to phone calls or refuses to engage in an interview once the practitioner approaches for a home visit. The practitioner may adopt various strategies in such situations.
- If the guardian/family is non-responsive to phone calls due to an incorrect phone number, the practitioner can approach the police station, Observation Home or an NGO working in the area concerned to get the accurate contact details of the child.
 - It is also possible that the nature of the work that the families do, can impact their availability to attend calls or an interview. For

instance, a family member that works as a factory labourer, may not be available during the week, here the practitioner may have to visit the family on a Sunday.

B. Even as locating the house can be difficult, once the area is located, it is also possible that the family refuses to engage in an interview. In such situations, it is important that the practitioner acknowledge that the hostility may be due to:

- insufficient information or heightened fear
- concern for their child and the unawareness of the working of the legal system
- their assumption that the practitioner represents officers of law enforcement/police
- due to the stigma/shame that the family may be facing from their immediate surroundings (neighbours/community) after the allegation upon their child
- The child may refuse to speak or engage because of suppressed anger or fear from their traumatic past.

These are a few of the many possible underlying reasons why the family of a CiCL or the child could refuse to be interviewed. What does the practitioner do then ? It is important that the practitioner analyse the source of the hostility rather than take their reaction as a given. For example, the practitioner can

- Explain to the family the purpose of the SIR, how it is important for their child, and how the SIR will help them in front of the JJB.
- Inquire if the family has any queries regarding the legal procedures about their child
- Inquire whether they are facing any family related issues and would like to reschedule the interview to another date or place.
- Hence, the practitioner must adopt strategies to breakthrough in situations of hostility and not give-up on conducting the SIR.

C. In spite of this, if the family still refuses to interact, the practitioner shall :

- respect their decision and further conduct the SIR through interviews with employers of the child (if any), neighbourhood and/or the school that the child attended.
- If the child was associated with an institution as a CiNCP (for example, a child found begging, migrant children, orphaned children), the practitioner shall visit that institute as well.
- Further, the practitioner must make a note in the SIR form that the family was not interviewed during the process along with the reason.

2. What is the role of creativity in approaches for a practitioner?

Being creative while approaching the family is very important. Each child and their families are distinct. Hence a practitioner must spend adequate time preparing before the SIR in order to adopt an approach that will best help gather the information for the SIR.

3. If I were to face difficulties with regard to human resources while conducting an SIR of a child, what should I do?



While preparing for the SIR, the practitioner may come to evaluate the requirements for conducting the particular SIR. This could be in the form of human resources. For example, if there is a need for an interpreter, arrangements for the same need to be made. It could also be that if the practitioner feels unsafe going alone, they may include another social worker (authorised to conduct a social investigation) who is independent to the particular case to come along.

4. If I were to face difficulties with regard to the procedural completion of the SIR of a child, what should I do?

The practitioner may face difficulty after the SIR process as well. This could be with regard to analysing the socio-cultural and economic background of the child/family. This difficulty, if not dealt with properly, can lead to an inefficient SIR that does not explain the child's situation accurately, thereby it may not be in his/her/their best interest. Hence it is best if the practitioner may discuss the detailed responses and observations with another social worker (or the Member of the JJB who

has the disciplinary background in Social Work) who is unbiased and well-experienced in these regards before submitting the SIR of the child. This can help in analysing the child's situation in a wholesome manner.

The practitioner may also consult experts in the field of child psychology for assistance with regard to the analysis of the child's socio-psychological background before submitting the SIR before the JJB.



5. Is maintaining a diary helpful?

Yes, during the process of social investigation, it is very helpful to record the observations in a diary. This helps in referencing while filling the form. However, during the interviews, it will be best if the practitioner practises mental note-taking processes. This helps in establishing a free flowing conversation throughout the interview.

This process of mental note-making becomes easier with practice and through adequate preparation before the SIR. Familiarity with the form helps the process of social investigation in a long way.

6. Is the SIR a confidential document? Can this confidentiality be broken at any time?

Yes, the SIR is a confidential document and can not be shared with anyone other than the JJB. Hence the practitioner shall not breach the terms of confidentiality and code of professional ethics.

The principle of confidentiality shall be breached only if there are overriding ethical considerations like the threat to life of the child. This includes risk of suicide and self harm, risk of homicide, child sexual abuse. Under these exceptional circumstances, the JJB may use its discretion and authorise sharing relevant and appropriate sections of the SIR with the authorised personnel, if it is in the best interest of the child.

7. Can I interview other children/minor friends/minor siblings for the purpose of the SIR of a CiCL?

If minor children are being interviewed for the purposes of the SIR, consent needs to be taken from the parent/guardian. The child can be interviewed only in the presence of the parent/guardian.

The child must be explained about their rights, risks, purpose and consequences of the interview. They should be given the choice to choose whether to be a part of the interview or not. Additionally, each child who agrees to be interviewed by the practitioner should be made to feel safe and comfortable. Depending on these factors, siblings of the CiCL may be interviewed for the purposes of the SIR.

Interviewing friends of the CiCL should be avoided. This difference in approach owes to the need to maintain the privacy of the CiCL. While the sibling may already be aware of the allegations, the friends of the CiCL may not. It is important that the privacy and confidentiality of the CiCL be maintained at all stages of the SIR process.



8. Does the practitioner have access to mental health practitioners for their own mental wellbeing?

There is no legal provision that enables the practitioner to access mental health services for their personal mental health. However, it is important that the practitioners seek assistance in times of mental stress.

Interacting and analysing a child's case can have an impact on the practitioner as well. Hence it is important for organisations that engage with the JJ system, and PO

seek professional mental health assistance on a timely basis.

9. What kind of workshop/training process should a practitioner undergo for the purposes of writing an effective SIR?

There is a need to train practitioners with skills of observation, understanding of child behaviour, empathy and analytical thinking in order to write an effective SIR.

In order to improve the working and efficiency of the process of conducting an SIR, it is important that the practitioners undergo bi-annual or quarterly refresher training or workshops. These workshops may include:

- sessions to reinforce existing knowledge on the practises and modalities during a social investigation

- practice sessions on mental note-taking
- practise sessions on how to analyse cases of a CiCL, psychosocial perspectives in understanding a CiCL
- practice sessions on skills while interacting with children with multiple ACEs.
- practice sessions that focuses on the writing skills of the practitioner
- sessions on self care and practices to promote mental health and well being of the practitioner
- session to bring an overview of the JJ Act along with a brief on any recent changes/ amendments to the Act.

10. What to do when the family asks for legal advice during the SIR interview?

Most often, the family looks up to the practitioner for hope and help. The practitioner needs to have information regarding the case and basic knowledge of the procedures in the JJ system. This helps them introduce the families to the judicial system and provide them with general legal knowledge. However, the practitioner shall refrain from providing any legal advice as it is beyond their professional scope. For example: saying 'your child will/will not get bail' is beyond the professional expertise of the practitioner. The practitioner must refrain from providing false hopes or trivialise the case as well. It is important that they encourage them to enquire the same from the lawyer representing the child's case or directly from the JJB when they appear before them.



11. What are the ethical considerations to be mindful of?

The practitioner shall maintain the privacy of the information that the child/family shares during the SIR process. The document so prepared shall also be confidential in nature. Hence, the practitioner shall not disclose the information contained in the SIR with any other party.

The practitioner shall also ensure that he/she/they do not have vested or conflict of interest in the particular child/family or in his/her/their alleged case. This means that if the practitioner knows or is part of the organisation or individual representing either of the parties in the case, he/she/they shall recuse themselves from conducting the SIR. This is because irrespective of how effective

the resultant SIR may be, it shall not be credible due to the reasons of vested/conflict of interest.

12. What are the other Professional considerations to be kept in mind?

The practitioner shall be mindful that he/she/they do not make unwarranted suggestions or comments to the family during the SIR. For example, while visiting a family during SIR, and upon observing that the family members do not have cordial relations, the practitioner must be mindful that he/she/they do not make suggestions or comments to the family like ‘the parents should not quarrel so much. This affects the child’. This practitioner shall not make such comments or suggestions during an SIR.

Similarly the practitioner shall be mindful of the situation or environment that the family is going through. For example, if the family is grieving the loss of someone close, it is important that the practitioner, unless professionally equipped to provide psychological assistance, shall refrain from inquiring about it during the SIR process.



Annexure (Sample SIR)

The SIR depicted below has been created as a sample for reference for the practitioner. (Please note this has been created merely as a sample SIR and the details included here- i.e. the CiCL, the alleged charges, the Police station, OH are fictional in nature)

Asif, a social worker, has prepared the SIR here for Naman, the CiCL. Let us observe how Naman's SIR looks like.

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FORM 6

[Rules 10 (9), 11 (2), 64(1), 64(3)(i)]

SOCIAL INVESTIGATION REPORT

FOR CHILDREN IN CONFLICT WITH LAW

Sl. No... **XX**

Submitted to the Juvenile Justice Board (address): **Boys observation home, Madivala, Bangalore**

Probation Officer/ Voluntary/Non- Governmental Organization(Name of the person) : **Asif (Social worker, Child Care NGO)**

FIR No: **DD No. XXX**

Under sections: **307 BNS**

Police Station: **Pulkeshi Nagar**

Nature of offense alleged: **Serious**

1. Name: **Naman**

2. Age/Date/Year of birth: **16 years**

3. Sex: **Male**

4. Caste: **Madiga**

5. Religion: **Hindu**

6. Father's Name: **Anburaj**

7. Mother's Name: **Kamakshi**

8. Guardian's Name: **NA**

9. Permanent Address: **7th cross Road, Rajendra Nagar**

10. Landmark of the address: **Near Chowdeshwari temple close to the main road, next to Ambedkar statue**

11. Address of last residence: **NA**

12. Contact no. of father/mother/family member: **NA**

13. Whether the child is differently abled: **No**

(i) Hearing Impairment :

(ii) Speech Impairment :

(iii) Physically disabled :

(iv) Mentally disabled :

(v) Others (please specify)

14. Family Details:

SI No	Name and relationship	Age	Sex	Education	Occupation	Income	Health Status	History of mental illness (If Any)	Addictions
1	Anburaj (Father)	45	Male	No Formal Education	-	-	Person with physical disability- His legs were cut off in an accident	-	Drinking and smoking
2	Kamakshi (Mother)	38	Female	No Formal Education	-	-	-	-	-
3	Gokul (Step brother)	22	Male	No Formal Education	-	-	-	-	Drinking and smoking
4	Rajeev (Step brother)	21	Male	No Formal Education	-	-	-	-	Drinking and smoking
5	Prema (Sister in law)	20	Female	Std XII	-	-	-	-	-
6	Arun (brother)	12	Male	Std VI	-	-	-	-	-

15. If the child or person is married, name, age and details of spouse and children: **No, the child is not married**

16. Relationship among the family members:

i. Father & mother	Cordial/ [Non cordial <input checked="" type="checkbox"/>] / Not known : Parents are separated. The father gets home drunk and yells at the mother.
ii. Father & child	[Cordial <input checked="" type="checkbox"/>] <input type="checkbox"/> / Non cordial/ Not known : The child is close to his father. The child helps the father by taking him around in the wheelchair.
iii. Mother & child	[Cordial <input checked="" type="checkbox"/>] / Non cordial / Not known : The child is also close to his mother. He loves her and takes care of her.
iv. Father & siblings	Cordial/ [Non cordial <input checked="" type="checkbox"/>] / Not known: The father is close to the younger sibling but he has constant fights with older siblings because they are his step sons.
v. Mother & siblings	[Cordial <input checked="" type="checkbox"/>] / Non cordial/ Not known: The mother has a good relationship with the siblings. She takes care of all children including her daughter-in-law.
vi. Child & siblings	[Cordial <input checked="" type="checkbox"/>] / Non cordial/ Not known: The child is very caring towards his younger sibling.
vii. Child & grandparents (paternal/maternal)	Cordial/ Non cordial/ [Not known <input checked="" type="checkbox"/>]

17. History of involvement of family members in offenses, if any:

S. No.	Relationship	Nature of Crime	Legal status of the case	Arrest if any made	Period of confinement	Punishment awarded
1.	Father	Serious	Not known	No	NA	NA
2.	Step father	Heinous (was murdered by local gangs)	Not known	Not known	Not known	Not known
3.	Mother	No	-	-	-	-
4.	Step mother	NA	-	-	-	-
5.	Brother	Serious	Not known	Yes (on bail currently)	-	-
6.	Sisters	No	-	-	-	-
7.	Others (uncle/ aunty/ grandparents)	No	-	-	-	-

18. Attitude towards religion of child and family: **The child visits temples frequently with his mother.**

19. Present living conditions: **They live in a cemented 1 BHK house but not painted or furnished. The roof is a patchwork of rusted tin sheets and torn tarpaulins. It is a single room serving as both the living and sleeping area.**

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20. Other factors of importance if any: **Naman stays in a slum which is infamous for criminal activities. Naman's friends are older guys who can easily influence the child who is already stricken by poverty to go into delinquent behaviour.**

21. (i) Habits of the child (Tick as applicable)

a) Smoking ✓ : Frequently smokes with peers b) Alcohol consumption ✓ : Occasionally consumes alcohol c) Drug use (specify): d) Gambling e) Begging ✓ : Most days he goes with his father for begging to feed his younger sibling f) Any other:	g) Watching TV/movies h) Playing indoor/ outdoor games ✓ : Likes playing i) Reading books j) Religious activities k) Drawing/painting/acting/singing l) Any other:
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ii) Extra-curricular interests: **NA**

iii) Outstanding characteristics and personality traits: **He was quite good in studies till 8th Grade**

22. Child's opinion/reaction towards discipline in the home: **The child does not feel he is being disciplined at home.**

23. Employment Details of the child, if any: **NA**

24. Details of income utilization and manner of income utilization: **NA**

25. Work record (reasons for leaving vocational interests, attitude towards job or employers): **NA**

26. The details of education of the child:

i) Illiterate ii) Studied up to V Standard iii) Studied above V Standard but below VIII Standard ✓ : Yes , studied until 8th standard	iv) Studied above VIII Standard but below X Standard : v) Studied above X Standard :
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27. Attitude of classmates towards the child: **The classmates found him a quiet child but he used to pick up fight sometimes in the class**

28. Attitude of teachers and classmates towards the child: **The teachers noticed that he always came to school empty stomach and his only meal was the one in the school.**

29. The reason for leaving School (tick **Yes/No** as applicable)

i) Failure in the class last studied : ii) Lack of interest in the school activities ✓ : Yes iii) Indifferent attitude of the teachers iv) Peer group influence ✓ : Yes v) To earn and support the family vi) Sudden demise of parents vii) Bullying in school viii) Rigid school atmosphere	ix) Absenteeism followed by running away from school x) There is no age appropriate school nearby xi) Abuse in school xii) Humiliation in school xiii) Corporal punishment xiv) Medium of instruction xv) Due to online classes and Covid -19 Pandemic ✓ : Yes xvi) Others (pl. specify)
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30. The details of the school in which studied last:

i) Corporation/Municipal/Panchayat ii) Government/SC Welfare School/BC Welfare School: Yes iii) Private management	iv) School under NCLP v) Aided School
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31. Vocational training, if any -**No**

32. Majority of the friends are

i) Educated ii) Illiterate: Yes iii) The same age group: Yes iv) Older in age: Yes v) Younger in age :	vi) Same sex: Yes vii) Opposite sex viii) Addicts : ix) With criminal background
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33. Attitude of the child towards friends: **He roams around with friends most of his time.**

34. Attitude of friends towards the child: **NA**

35. Observations of neighbours towards the child: **The neighbours do not interact or talk with the family.**

36. Observations about neighbourhoods (to assess the influence of neighbourhood on the child): **The neighbourhoods is in a slum. Many children were on the streets hanging out, some did not go to school or work.**

37. Whether the child has been subjected to any form of abuse, if applicable:

Yes/No

SL.No	Type of Abuse	Remarks
1.	Verbal abuse – parents/ siblings / employers / others , (pl. specify)	Yes, The police verbally abused the child.
2.	Physical abuse(pl. specify)	Yes, the child was physically tortured by the Police in the station for three days.
3.	Sexual abuse parents/siblings/ Employers/others (pl. specify)	No
4.	Others (pl. specify)	-

38. Whether the child is a victim of any offense : Yes/No : Yes, the child was apprehended and brutally tortured by the Police for allegedly committing the offense with his friends. He was subjected to custodial torture and denied access to washrooms, food and water in the Police Station. He was not allowed to sleep as well.

39. Whether the child is used by any gangs or adults or group of adults or has been used for drug peddling: Yes/No : No, the child has not peddled drugs yet. However, there are gangs in his neighbourhood who could easily use the boy.

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40. Does the child have a tendency to run away from home, give details if any: Yes/No: No, the child comes back home at night after going out with his friends.

41. Circumstances of apprehension of the child: The child was apprehended by Pulkeshi Nagar PS for stealing a phone, the police have also put 307 but he says he doesn't know about it.

42. Alleged role of the child in the offense: Snatching a phone

43. Reason for alleged offense:

(i) Parental neglect ✓ : Yes	(v) Peer group influence ✓ : Yes
(ii) Parental overprotection	(vi) Bad habits (to buy drugs/alcohol) ✓ : Yes
(iii) Parents criminal behaviour ✓ : Yes	(vii) Others (pl. specify) :
(iv) Parents influence (negative) ✓ : Yes	

44. Whether the child has been apprehended earlier for any offense, if yes give details including stay in a child care institution Yes/ No : No

45. Previous institutional/case history and individual care plan, if any: NA

46. Physical appearance of the child: Height- 5'5, Weight- 57 Kg, appears undernourished, Scars on hands and neck

47. Health condition of the child (including medical examination report, if applicable) : NA

48. Mental condition of the child: The child has attended two sessions of counselling. The counsellor mentioned that there is a high chance of increased ACE (Adverse Childhood Experience) and might need more sessions.

49. Any other remark : NA

RESULT OF INQUIRY

1. Emotional factors : - **Parental neglect leading to lack of love and self-worth.**
2. Physical condition : - **Hitting marks under the feet, body pain, swelling in hands**
3. Intelligence : - **Good, very quick at calculations, keen observer. The child shows the aptitude of a 8th standard student (he had to discontinue education at 8th standard). He has the potential to continue education.**
4. Social and economic factors: **The child comes from a very low socio economic condition.**
5. Suggestive causes of the problems: **Psychosocial Factors like poverty, history of crime in the family, dysfunctional relationships in the family, living environment**
6. Analysis of the case, including reasons/contributing factors for the offense: **The child has grown up in an environment where crime thrives along with the history of criminal activities in the family and also non cordial relationships. With 3 children in the family, parents have never taken care of him or have been able to give the love he needs. Abject poverty and criminalization of poverty by the Police who target these children along with the above mentioned factors push children like Naman into Crime.**
7. Opinion of experts consulted: **NA**
8. Recommendation regarding rehabilitation by Probation Officer/Child Welfare Officer: **The child needs to be declared as a Child In Need Of Care and Protection (CiNCP) by the Child welfare Committee for rehabilitation and skill training. Naman is bright student and has the potential to continue his education with the right guidance and support. Sending him back to his house may not be in the best interest of the child. Close follow-up needs to be done by the PO or CPO.**

Probation Officer/ Social Worker/ Child Welfare Officer

(signature)

Asif, Social Worker - Child Care NGO

Notes

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.





**Centre for Child and the Law,
National Law School of India University**