

Minutes of Second Meeting of Gujarat State Rules Drafting Committee for the Juvenile Justice (Care and Protection of Children) Act, 2015

Directorate of Social Defence
Department of Social Justice and Empowerment, Government of Gujarat

The Gujarat state Rules drafting committee for the Juvenile Justice (Care and Protection of Children) Act, 2015 was constituted vide notification No. 44A-102016-220353-Chha dated 27th May, 2016.

The Committee appointed thus held its second meeting on 20th February, 2017 at the Conference Room of the Gujarat State Child Protection Society.

The attendees of the meeting were as follows:

1. Chairperson of the Committee - Hon'ble Mr. Justice (Retd.) B.N.Mehta, High Court of Gujarat
2. Mr. H.H.Varma, Under Secretary, Representative of Legal department
3. Mr. Anant Kumar Asthana, Eminent Child Rights Lawyer and Member
4. Dr. Thomas Mathew, Registrar, Gujarat National Law University, GNLU Representative
5. Dr. Priyanka Kacker, Assistant Professor, Representative, Gujarat Forensic Sciences University
6. Member Secretary of the Core Committee – Mr. M. N. Balat, Deputy Director, Social Defence
7. Ms. Neeta Shukla, Deputy Director, Social Defence Department, Gandhinagar
8. Mr. S.G. Chaudhary, Probation Officer, Directorate of Social Defence
9. Mr. Indrasinh Chauhan, Program Manager, Child Protection, GSCPS
10. Ms. Nayanaben Chhatbar, Program Manager, SARA, GSCPS
11. Ms. Nimisha Srivastava, State Technical Consultant, ICPS, UNICEF Representative
12. Ms. Sharmila Ray, UNICEF SJED Consultant
13. Ms. Sonal B. Patel, Program Officer, JCL, GSCPS

Deliberations of the Committee

1. The meeting began with all attendees introducing themselves to the Chairperson.
2. In the previous meeting of the Drafting Committee, a decision had been made to form a 'Core Committee' that was appointed to hold detailed discussions on the provisions to be included in the Gujarat JJ Rules and prepare a Draft to be presented to the Committee. The following persons were appointed as members of the Core Committee: (1) Ms. Nitaben Shukla, (2) Mr. Anant Kumar Asthana, (3) Mr. C.M.Shah, (4) Dr. K.P.Malik, (5) Ms. Nimisha Srivastava and (6) one person to be nominated by the Gujarat National Law University. (GNLU subsequently nominated Mr. Saurabh Anand and Ms. Palak Jagtiani)
3. The Core Committee members present, Mr. Anant Kumar Asthana and Ms. Nimisha Srivastava, then proceeded to give a detailed update to the Drafting Committee regarding the procedure followed during the Core Committee meetings, the important changes discussed and made to the Central Model Rules 2016, as well as the number of sittings and discussion sessions held. The Core Committee had held sittings on 17th September, 2016; 11th and 12th October, 2016; 14th, 15th and 16th November 2016 and finally on 21st, 22nd and 23rd December, 2016. The

Secretary of the Core Committee, Ms. Shukla had asked the three experts in the Core Committee – Mr. C.M.Shah, Mr. Anant Asthana and Mr. K.P. Malik to draft separate chapters based on their area of expertise. The provisions drafted by them were put into a comparative table with the Central Model Rules 2016 by Ms. Srivastava and the Core Committee discussed and modified, added, deleted provisions based on these discussions. They also spoke about the Rules specifically devised for the 'Preliminary Assessment' procedure under Section 15 of the Act.

4. Ms. Srivastava informed the Committee that at the end of the final sitting of the Core Committee, it was decided that the provisions related to technical details of management of CCIs would be deliberated by the Department and thanked Ms. Sharmila Ray, CCI Standards of Care and MIS Consultant for coordinating 6 internal deliberation meetings during which each provisions related to CCIs was discussed and modified, based on ground realities and needs in Gujarat and in the best interest of children. Ms. Srivastava asked Ms. Ray to give some salient details regarding the discussions and Ms. Ray touched upon the principal issues discussed during the deliberations, like physical infrastructure in CCIs and monthly provisions to children.

5. Mr. Asthana requested the Drafting Committee's permission to ask the Police department for inputs on the provisions in the Rules relating to Police procedures. The Hon'ble Chairperson granted permission for the same, provided that the Police department be asked only for inputs regarding provisions directly related to their role in the implementation of the JJ Act.

6. Mr. Asthana and Ms. Srivastava then requested Mr. Indrasinh Chauhan to elaborate on the procedure followed regarding taking of inputs on the various forms in the Central Model Rules 2016 from the District Child Protection Units of Gujarat. Mr. Chauhan informed the Committee that inputs had been received from various DCPUs and an integrated list prepared which had been shared with the Core Committee for changes to be made in the final draft.

7. Mr. Asthana, after this update, requested the Chairperson to declare dissolution of the Core Committee, as it had collated all the inputs from different members and sources based on the experience of implementation of JJ Act into the working draft. It was only the drafting language that now needed to be corrected from a legal standpoint and the entire document had to be checked for consistency and harmony. The Hon'ble Chair, after asking for some clarifications, accepted this motion.

8. Ms. Srivastava then informed the Chair that the Centre for Child and Law, NLSIU, Bengaluru had requested for process documentation of the steps followed in the Gujarat JJ Rules drafting process, for sharing with other states that were still in initial stages of their Rules drafting. Ms. Srivastava requested the Chair for permission to share the process documentation of the Gujarat JJ Rules drafting procedure and the Chair granted the same.

9. The meeting was closed with the decision that the next meeting of the Drafting Committee will be held after 15th of March, to give the drafting members enough time to work on the language of the draft and communicate with the Police department for their inputs.


Deputy Director

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