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Design as a tool for reformation in the juvenile justice system through a participatory approach

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Design as a tool for reformation in the Juvenile Justice System through a Participatory Approach

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Abstract

Reformation and rehabilitation of children below 18 years of age who come in conflict with the law is overseen by the Juvenile Justice System in India. (4) The system reinforces "reformation" over deterrence but has been largely inaccessible and lesser known for long. (3) Through its Children's Homes, the system aims at reformation but the varying attitudes and lack of sensitization while dealing with children has affected what reformation means.

This paper starts with a look at the reformation in the juvenile justice system through a human centred lens throwing light on the pain-points of stakeholders at multiple stages and challenges to reformation.

It further expands on research methodology led by design. These methods centred around gamifying research process helped greatly to interact with the children in the sensitive environment to build a conducive atmosphere where real insights could be shared. The ability to empathize with the stakeholders and using the design process to identify their needs, prototype and test new frameworks with them gave us an advantage as designers. Through dialogue, workshops and interactive sessions in the homes; the children presented perspectives which questioned the current view of reformation

The paper concludes with design interventions to make reformation a participatory process led by child as a contributing element of the society and a model critiquing and questioning aspects of the current system.

Introduction

The 1954 novel by William Goldberg, 'Lord of the Flies' is no less than a revolutionary piece of writing which delves deep into the minds of children left to their own devices. It explores various challenges that they would face in survival, and how it changes their method of governance.(1) In the real world, however, children are not thought of as mature enough to decide for themselves. They form an integral part of the society but largely remain excluded from the functioning and development of it, which has been through an intricate network of complex systems developed over the years.

Children have greatly receptive minds and the formative years shape the kind of person they will become. At such an impressionable age, it is very easy to make rash decisions and commit actions that are considered unfavourable.(2) Children who are caught for these offensive actions come under the purview of the Juvenile Justice System where adults still reign supreme.

Juvenile by definition is a child who unlike an adult, having not attained prescribed age, cannot be held solely liable for his/her criminal act (6). Thus, if a child commits a crime, it reveals a larger tear in the fabric of society.

The Juvenile Justice System in India has been largely inaccessible and lesser known for long. The children who come into the purview of this system for reformation re-enter society as adults after a maximum stay inside of 3 years. Close to 20,000 juveniles are reported to be committing crime in India itself, out of which, 7.2% are reported for repeated crimes (5) which proved that the reformation intended has not been happening.

The study began with the purpose to find the most effective method of reformation for juvenile delinquents in India and later evolved into an understanding of the role of design and designers in the process of reform and rehabilitation. As designers, the role of children and their journey as primary stakeholders in the complex system of justice and reformation intrigued us. Through this paper we present a research and approach on how looking at the system through human centred lens helped us redefine the intent and process of reformation through this system.

Some of the questions that framed our research were -
-What is justice and reformation?
-Are all criminals bad people? Should crime be punished or reformed?
-Can designers even affect crime?
-How can design play a role in improving and defining reformation practices?
-Why do our social systems make it so necessary for children to passively imbibe but almost impossible to contribute a voice?

Juvenile Justice System in India

The Juvenile Justice Act

The Juvenile Justice System in India is governed by the Juvenile Justice Act, amended in 2015.

The Juvenile Justice (JJ) Act classifies these children into two categories –
1. CCL (Children in Conflict with the Law)
2. CNCP (Children in need of Care and Protection)

The Juvenile Justice System not only administers over the children below 18 years of age who have committed crimes but the children in need of protection, who have been rescued also come under the purview of the system.

Children in Conflict with the Law (CCL) and Children in Need of Care and Protection (CNCP) both have a different decision-making body.

The act specifies the correct way to deal with juveniles as being a 'child-friendly' method, where the juvenile does not feel threatened or coerced by the actions of any member of the system. The act makes it necessary for Juvenile Courts and reformation spaces to be child friendly environments as specified in the Act.

The scope of this project/ research study majorly focuses on Children in Conflict with Law(CCL).

General Principles of Care and Protection -

The JJ Act defines a set of sixteen principles which have to be followed when dealing with juveniles. These principles make sure that the child is dealt a fair and just trial.

-**Principle of presumption of innocence:** every child will be presumed innocent of criminal intent until the age of 18.
-**Principle of dignity and worth:** All human beings shall be treated with equal dignity and worth.
-**Principle of participation**: Every child shall have the right to be heard and to participate in decisions affecting him. The child's view shall be taken into consideration.
-**Principle of best interest**: All decisions taken regarding the child should help to develop the child to full potential.
-**Principle of family responsibility:** The primary responsibility of care will be in the hands of biological family or adoptive or foster parents.
-**Principle of safety:** All measures should be taken to make sure that the child comes to no harm.
-**Positive measures:** All resources must be used wisely and positively to provide the child with an inclusive environment.
-**Principle of non-stigmatising semantics**: Accusing words should not be used regarding the child.

-**Principle of non-waiver of rights:** No right of the child will be wavered, even if requested by the child or the person representing.
-**Principle of equality and non-discrimination:** The should be no sex, caste or disability discrimination against a child.
-**Principle of right to privacy and confidentiality:** Every child has a right to retain privacy.
-**Principle of institutionalization as a measure of last resort**: A child shall be placed in the resort only as a measure of last resort.
-**Principle of repatriation and restoration:** Every child in the Juvenile Observation home has the right to be reunited with his parents and restored to his previous socio-economic condition unless this restoration will prove harmful to said child.
-**Principle of fresh start:** All records of the child must be erased except under special conditions.
-**Principle of diversion:** Measures to deal with CCL which do not involve judicial proceedings will be promoted unless in the best interest of the child.
-**Principles of natural justice**: The child will have the right to a fair hearing, rule against bias and the right to review.

The System -
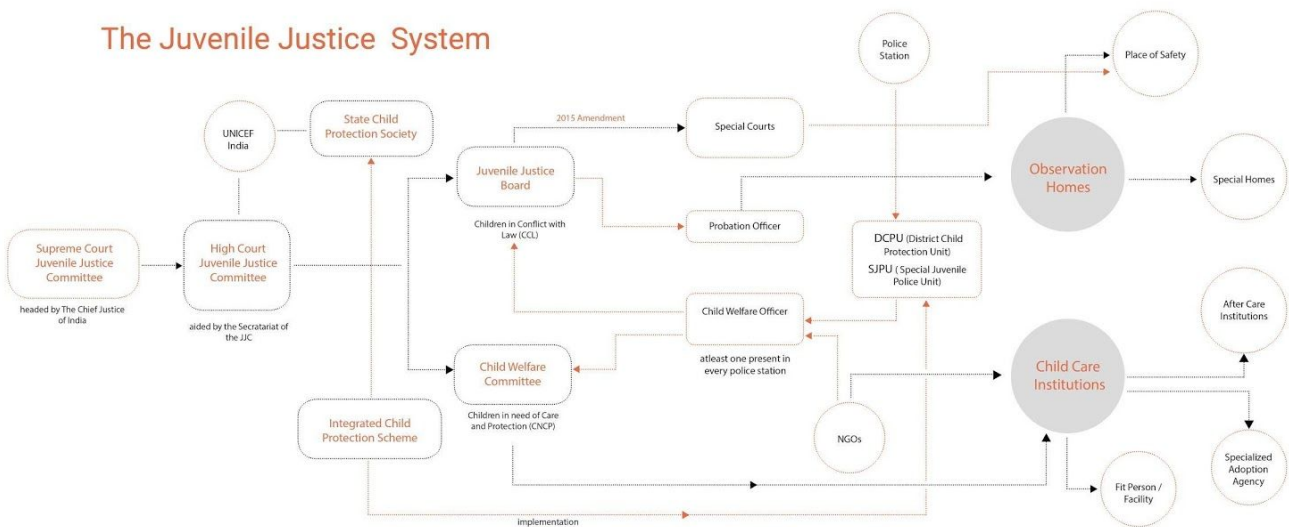
Figure 1. Flowchart depicting the connections between key stakeholders of the Juvenile Justice System in India.

When a child is alleged of a crime, he/she must be dealt with by a special part of the police force known as the Special Juvenile Police Unit (SJPU). A non-uniformed police officer not in possession of any weapons and trained to deal with juveniles should be present if a child is brought into custody. Following reporting of the case, the child must be placed under the responsibility of a Probation Officer or a Child Welfare officer, who will then conduct a social investigation into the

background of said child. An inquiry into a child alleged of committing an offence must not exceed 4 months, and an extended period of 2 months. The child mustn't have suffered any ill-treatment from the police or lawyers, in the event that this happens, the JJB must take action against it.

During the trial, the Social Investigation report is presented before the Juvenile Justice Board (JJB), which is a committee comprising of the Judicial Magistrate and two social workers. The board reviews the case and comes to a judgement which is in the best interest of the child and the society; this may be in the form of a fine, probation period /social service or a term of stay in a registered observation home.

The Chief Judicial Magistrate should review the cases every 3 months and in case of pendency of cases, he can order that the JJB to increase frequency of sittings.

A child found guilty of having committed an offence is sent to an Observation home for a time period as described by the JJB in the order. An observation home is a facility which houses incarcerated juvenile delinquents. These homes provide temporary stay for juveniles under trial or stay for juveniles who have been given a term of stay by the Juvenile Justice Board. The observation homes provide education and occasionally vocational training to the juveniles, differing in quality from home to home.

Special Homes usually house the children who have committed an act of crime and have been convicted.

The term of stay of a juvenile under trial must not exceed two months, and the term of stay of a convicted juvenile must not exceed three years.

In case of a heinous offence being committed by a child above 16 years of age and below 18 years of age; The board must conduct an inquiry into the mental and physical capacity of the child to commit this offence. If the board is convinced that the matter should be handled by the board self, then it will follow the procedure listed under the Code of Criminal Procedure 1973. This means that the child will be placed undertake care of the observation home until the age of 18 in a place of safety and then he will undergo an adult punishment.

Place of Safety usually houses the children who have committed an act of heinous crime and have been convicted. Place of safety could be an individual institution or it could also be a section inside the Special Homes.

Reformation in India
Observation homes in India attempt to reform juveniles through education, vocational training and regular sessions with counsellors. Some successful methods of reform are seen in the adult prisons, examples of which are the Delhi prisons reform activities like Vipassana by Lieutenant Governor Kiran Bedi and Sabarmati Jail Interventions by the Prison Project.

Kiran Bedi, during her posting at Delhi Prisons as Inspector General, introduced several reforms to Tihar jail. These include meditation for the inmates, registered vocational courses, legal cells and

even a de-addiction centre. This gained her acclaim and promoted the understanding of reformative activities in India, but the practice has yet not translated to the juvenile system.

The Prison project was an initiative driven by the National Institute of Design, India and Design Against Crime Research Centre, UK. The aim of the project was to improve the lives of inmates through creative interventions. The project introduced creative thinking to prison inmates, to exercise their minds and contribute to society. It was successful in turning Sabarmati prison into a creative hub, and improved the lives of the inmates through individual, innovative projects. The success of this approach inspired the approach of a gamified restorative approach.

Research through Design

After a thorough understanding of the structure of the Juvenile Justice System and its functioning, the next step was understanding the roles various stakeholders associated with reformation.

This involved a series of interviews with stakeholders who work at the reform level with children -

IPS Officer, District Women and Child Protection Unit

The head of the District Women and Child Protection Unit in Ahmedabad, gave a look into the humane perspective of the whole topic - emotional involvement from officers' side and activities being conducted to initiate a change in the attitude of children inside, etc. and its effects on the reformation process in the long run. She also mentioned some preventive measures adopted across the state of Gujarat for prevention of juvenile delinquency and the role of the social system in it as well - a Kanya Prashod review, in which it is ensured that every child in the state of Gujarat is enrolled in a school. This review happens in outskirts and villages as well, ensuring that literacy amongst children is high.

The social structure of a city or state also contributes to the behaviour of its citizens and children. The relation between parent, child and environment they grow up in plays a major role in deciding how they will respond to difficult situations / whether they will turn to crime. One of the needs of the system that she identified was that regular sensitising was required for the officials as constantly dealing with children of this nature may desensitise them to the gravity of the issue.

UNICEF, Gujarat State Child Protection Service

They walked us through the work happening in reforms and rehabilitation currently, new things being introduced and challenges they faced during implementation. Along with the committee we were joined with a UNICEF consultant who worked closely with GSCPS. We got a better insight into work done till now in Gujarat in the area of Juvenile reformation, rehabilitation and reintegration and involvement of various stakeholders. Also the discussion mentioned involvement of NGOs for long term-short term projects, overseeing the homes, involvement of parents in the rehabilitation process, etc.

NGO - Ashiyana Foundation

Ashiyana Foundation is an active member of the juvenile reforms in recent years and is working actively in Children's Homes in Maharashtra, Gujarat and few other states in India.

The NGO, Ashiyana foundation helps to give the children emotional counselling, through up and coming methods such as restorative circles. According to them, most children in reformation come from harsh conditions which have normalised many unnatural things at a young age - being beaten up, exposure to verbal assaults, extreme violence, rape and murder, etc. thus when confronted with a similar situation, they react in the only way they know, violently. Thus the focus of their work through restorative practices is creating positive experiences for children inside the observation homes and engage in socio-emotional training which can help them adapt better to society on release.

Participatory Research with children in the system-

Since the topic of study of this paper was highly sensitive and involved children, the methods commonly applied in Design Research - understanding the user through shadowing, interviews, documentation, etc. couldn't be applied here.
Direct interviews with juveniles regarding their perspective on reforms were not permitted due to safety concerns and restrictions, therefore interaction with them was through curated gamified sessions. These sessions were conducted in 3 different Observation Homes across 2 states in India.

-Place of Safety, Mehsana, Gujarat
-David Sassoon Industrial School, Matunga, Mumbai
-Umerkhadi Children's Home, Dongri, Mumbai

These sessions aimed to understand their response to the reformation process, behaviour and aspirations.

The activities were as such, in this particular order:

Task 1 Arranging yourselves by Age: It was done to start a conversation among the children and for us to understand the age group.
Task 2 Draw your partners portrait: To connect to other children and for us to gauge their skills and interest.
Task 3 Draw your Hobby: To make them think about themselves and for us to grasp their personality and background.
Task 4 Group according to similar hobbies: To see internal dynamics and see what common pattern emerges.
Task 5 List 5 things in common within the group formed: To see how well they know each other and initiate consensus building.
Task 6 Two truth and a lie: To make them think consciously about themselves
Task 7 New skill I want to learn: To build aspiration and see possible intervention

Task 8 New thing I learned in observation home: To see inmate-staff relation and peer to peer relation.
Task 9 One thing liked about the place: Adjustment in place and outlook towards the system
Task 10 What to do next: Interest level in activities.

	Place	Group	Observations
1	Place of Safety, Mehsana, Ahmedabad	Size : 2 groups 10 each Age bracket: 16-21 years	● Children showed enthusiasm for all the activities ● Some children were <u>hesitant</u> and refused to participate in each group. ● **Interest in sports, music and dance** was seen commonly across groups. ● The groups were amicable as a whole. ● There was a <u>willingness to learn</u> new skills to beat boredom and preferred over classes which students didn't attend largely.
2	David Sassoon Industrial School, Matunga, Mumbai	Size : 2 groups Age bracket: 12- 21 years	● Children were <u>slightly hesitant</u> to draw initially but as they were grouped, there was a stronger collective sense of initiative to finish first and better. ● Quick, prompt response to tasks given was seen. ● <u>Interest in sports</u> like cricket, volleyball and dancing was common across the group. ● Children were more enthusiastic and outspoken.
3	Umerkhadi Children's Home, Dongri, Mumbai	Size : 2 groups of 20 each Age bracket: 10- 18 years	**Girl's Section** ● Girls drew more detailed sketches rich with patterns and information. ● The girls were <u>open and eager to learn</u> any activity that we could teach them something new

			- The girls showed most enthusiasm in jewellery and zari making. - The girls while performing the tasks pushed to do it on their own terms over the instructions given. There were traces of <u>groupism</u> in the overall conduct.
		Size : 1 group 25 Age bracket: 10- 18 years	**Boy's Section** - The boys often ended up copying the given tasks from each other. - There was <u>evident groupism</u>, there were juveniles who were dominating other kids. - The language barrier was exploited by the students and made fun of each other. - The juveniles were <u>keen on learning "cool" things</u>, like bike riding and tattoo art.

Table 1. Observations noted for Research through Design

Reflection and Analysis

Common Observations-
- Lack of communication among peers as well as staff and the children.
- No focus on emerging reform techniques due to lack of licensed officials.
- Hostility amongst the inmates, younger less risk prone children get influenced by older high risk prone ones.
- Lack of a system in place which could keep teenagers engaged and motivated during the period they were inside.
- Need for positive reinforcement.
- Disconnect between consequences of their actions on victims, immediate family, community, etc.
- Lack of involvement of parents and peers in the reformation process.

Though there were different observations noted for each place that we visited, this study helped us see some common trends across places with respect to the behaviour of children, their interest, interaction with peers inside and the kind of things that troubled them.

One of the most evident things that came across was that the children inside were more inclined to learn life skills than education in formal sense. The children who stayed inside these Observation Homes were from varied age-groups, regions and languages. For most children, earning a living was higher in priority than getting a formal education. Sitting in a class and disconnected with the content made it difficult for them to pursue it with interest.

Since they spent most of their time in a closed campus, many showed great interest in some sort of physical activity. To keep the children safe inside they are not allowed access to almost anything that could be harmful. Learning dance, exercising and sports were among the few things everyone had in common inside and created a common ground for breaking the ice with each other.

The period of isolation intended to reflect, but the lack of proper resources puts them in a very vulnerable spot inside.

Limitations

Lack of documentation in any form of the interactions inside the premise of Observation Homes was necessary to protect the identity of children.
Convincing the guards and officials in the system of the possibility of design interventions proved to be a difficult task due to a lack of precedents of projects.
Methods available to evaluate the impact of reformation practices.

What leads a child to an act of crime?

Our initial research and working with stakeholders of the system, showed strong bias towards action of the juvenile caught and socio-economic setting he/she came from. It was essential to have a closer look at interrelated triad of age, social setting, and economic background, and how these affect the development of the child in the community. It was important to understand what are the major influences in a child's life and stages wherein he/she might be most vulnerable to committing a crime.

The research started by mapping out various stages of a child's journey from a kindergarten to a young adult - to breakdown the relationship between the child and parents, understanding of the social structure, action and consequences, development of the beliefs and mindsets. It also brought out the major influencers at critical stages - parents, friends, school and other social settings; and how it affects the mindset of the child.

The intent of the exercise was for us to gauge how factors around children affect them and reflect in decisions they make and what separates the juvenile children caught in act of crime from those who don't come in purview of the system.
This process involved interviews with children from various social settings and economic backgrounds. The sample group was in the age group of 17- 19years of age and size of 20.
The questions were framed to facilitate a conversation where they feel comfortable to open up rather than a formal interview - A trip down memory lane to look at instances and action which had larger consequences, Storytelling and doodling to explain the stories of childhood as a fun participatory approach to conduct research.

The questions were about-
-Name and about their family and home.
-Strictness of their family and parents
-The most stupid or rash thing that they have done
-What kind of school they went through and how strict it was
-About their friend circle and peers
-Things hidden from their parents
-Victim of crime and kind of punishment to be awarded to the offender
-Threshold of perception of crime

Observation and Insights

-Living in a closed community helped a child in growing up with a better understanding of
what to do and what not to do
-Peer influence was one of the major triggers for any child to fall into the vicious circle of
substance, vandalism etc.
-Teenage was the age of lot of changes for children - within and around themselves. Body shaming
and bullying were commonly observed issues in the age group, varying in severity. A pattern was
observed when bullied children in childhood often turn out to be bullies in their youth.
-Influence of the content children watch was evident. The definition of cool often led to the child
looking up to the antagonists and being inspired by that. Often that became the self identity
of the child.
-The 9-12 grade was the age of thrill, out of curiosity or just thrill children often tried out a lot
of things and also end up going against law knowingly.
-A lot of the children believed in an eye for an eye.
-Parents from different economic status were strict about different parameters in the child's life. It
was observed that apart from education, the parents in the high economic status were more health
conscious and open to exploration.
-Children from different socio economic backgrounds and even different cities had different
perceptions of what they regarded as crime and how it must be punished.
-Types of punishments children were exposed to:
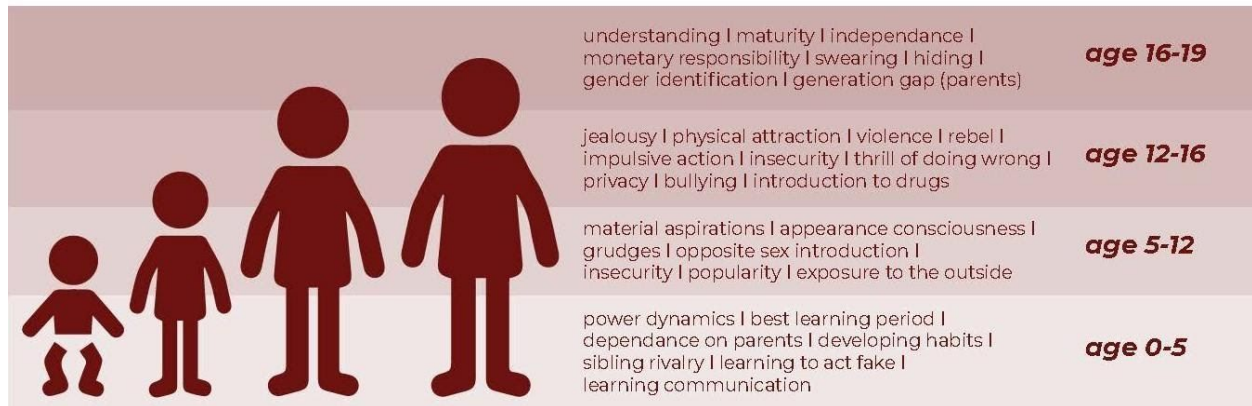Scolding, Beating, Silent treatment, Stripping the privileges.

Figure 2. Age Socio-Economic Study - the concepts and qualities that children start understanding and reflecting in age brackets as they grow up.

Research Synthesis:

Education, peer pressure, lack of family planning and ill-parenting play a role in the rise in the number of children at risk of falling under the purview of this system. At the same time taking into consideration the hormonal changes in the body and the emotional sensitivity of the child, lack of expression of self and their emotions is seen commonly in the teenage group.

Majority of acts of crime committed by the children are on impulse, spur of the moment reactions or because of desperation. Though the children belong to different social and economic settings it was common for both the group to have common incentives such as thrill, curiosity, influence of friends, greed as major contributors to the actions such as shoplifting, underage drinking, underage driving, etc..

There is no legal education imparted to children in the country. As a result, there is no clear understanding of law, their own rights and consequences to actions.

Due to the complicated and varied social structure of our society, a lot of children who are inside the Observation Homes have been normalised to things, actions and thinking which isn't considered okay by the larger society. There is a difference in understanding of right and wrong.

Majority of children in observation homes are teenagers and above. Isolation of children at their prime in the observation homes from the society (they are supposed to integrate back in) negatively affects them psychologically and how the society perceives them. This plays a major deterrent to reformation intended by the system.

Majority of Observation Homes around the country lack facilities which can keep the children positively engaged and skilled counsellors who can guide proper reformation processes. This coupled with isolation and boredom gives rise to instances of groupism, bullying and self-harm.
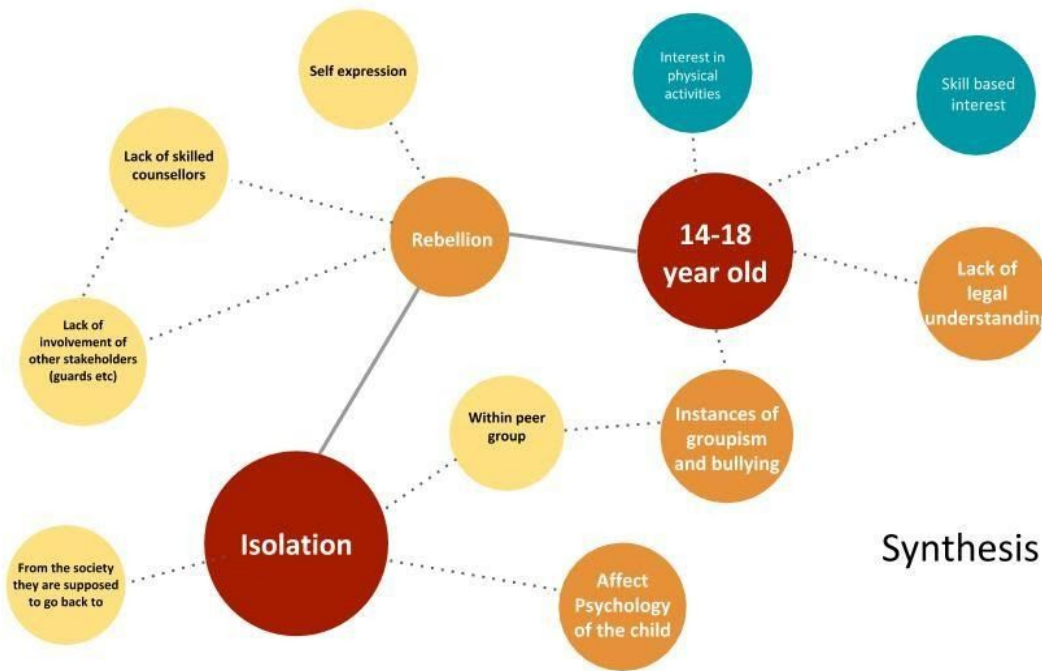
Figure 3. Research Synthesis

Design for restorative practices in reformation-

 A need for a more collaborative and relevant intervention was felt by the children and other key stakeholders such as the teachers and family members, to nudge behaviour change. Through dialogue, workshops across stages and interactive sessions in the homes; the children presented perspectives which questioned the current view of reformation. The gap between what was given and what was aspired for presented a conflict.

Through creative methods and using Restorative Justice as a starting point, we aimed to bring stakeholders of the system and children offenders on the same page and communicate for a better system.

Restorative Justice is focused on rehabilitation of offenders through reconciliation with the victim or community. It seeks to understand the circumstances around the person and triggers that lead to the act of crime and thus applying that in the reformation and eventual re-integration of the person in the society.

Gamifying Restorative Justice Practices

One of the most effective ways of addressing restorative justice is through restorative circles. A Restorative Circle brings together those who have acted, those directly impacted and the wider community – within an intentional systemic context, to dialogue as equals.
Restorative Circles aims to open up discussion about the actions that get the children in observation homes, make them see things from different perspectives and bring to the table the consequences and the picture. It aims to instill a sense of empathy, socio-emotional learning among the children and work on how to control, express emotions.

Through interactions with children during the research process, children showed more interest in activities/tasks that involved elements of play or do. It allowed for greater involvement and intrinsic learning.

Gamification made it easier for them to express, understand and bond with other juveniles. It also made the people in the system open up and have a common medium to converse with the juveniles. Insights from our research process, led to development of interventions which could introduce the practice of restorative justice through gamification.

A gamified tool kit was developed to test the first phase of this model, which formed the basis of the speculative Open Observation Homes.

ResQ

ResQ attempts to provide counsellors, inexperienced in the method of conducting a restorative circle, a way to conduct a restorative circle, and children to be able to sustain the practice on their own without the need of a facilitator.
As in a detention restorative circle, each game is based on a certain topic and the aim of the game is to discuss the topic, the severity of the issue and methods to resolve it.
The game consists of a board with path made of 3 colors referring to the color cards – blue, orange, red and boxes noted for cards to be placed

Cards : Blue are the activity cards, orange are the question cards and red are the resolution cards.
Also there are theme cards to start off the game
Counters representing the player
Talking stick
Ponts : 2 for participation, 1 for answering your turn

On the board, the first half of the circle ring had mostly activity card colours in the tiles, the middle part had question card colours and the last part had resolution card colours. The child has to pick up the colour of card of the colour of the tile on which he had landed and complete the task associated with it or answer the question associated with it. On completion, there will be an

evaluation done by all the players, if everyone agrees that it was a good attempt, he would get a token worth 1 point.

Participation is encouraged in the game to bring new perspectives to the table. If he offers to do the task on somebody else's card or with somebody else, he would get a participation token of 2 points. Participation coins ensure attention and participation from other interested players. To make sure everyone gets a chance to talk, a talking stick is introduced. Anyone who holds the stick talks and those who wish to contribute ask for the talking stick. At the end the child with the most points would win.
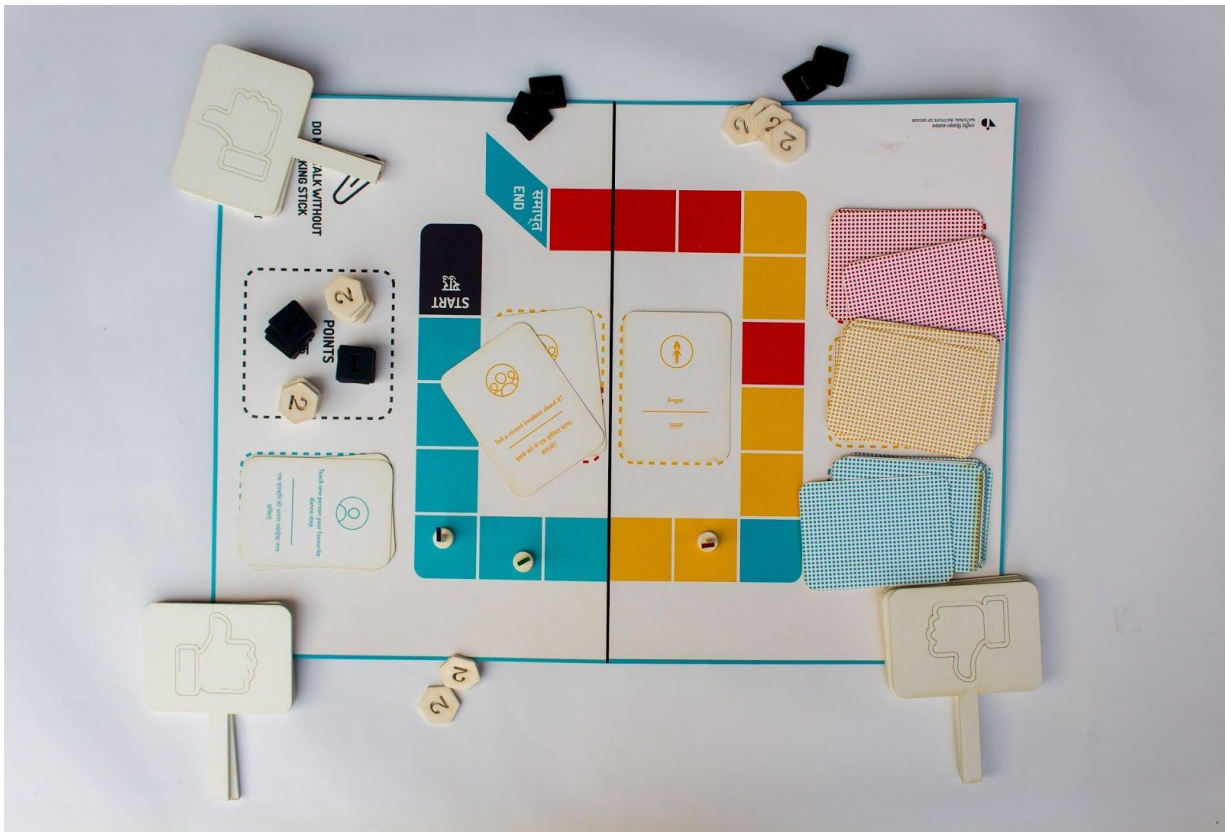

Figure 4. RESQ : a tool for collaborative reformation.

The Inclusive Model

OPEN OBSERVATION HOMES

As a speculative exercise, we debated on the requirement of Observation Homes. Isolation severely affects a child's mind in the prime of his childhood. The presented model gives a concept of dealing with juvenile offenders with goal sentencing rather than incarceration.

GOAL SENTENCING PROGRAM

BACK TO SOCIETY
Reformed individual going back to the society.

REFORMATION
Change their perspective about crime and society.

EVALUATION
Assessing whether the child has simply completed the task or been reformed.

SUPPORT FOR GOAL
Parents and peers are part of goals and also get reformed in the process.

GOAL COMPLETION
Sense of achievement Encouragement to do better.

GOAL SELECTION
No isolation. Monitoring the child in his own surroundings.

APTITUDE ASSESSMENT
Nurture his own skills and determine goals

RESTORATIVE CIRCLE
Restoring Balance of Humanitarian vs Utilitarian system

A WORLD WITHOUT OBSERVATION HOMES

Sense of achievement

Adding positive values to Family

Striking Balance to Humanitarian vs Utilitarian system

INDIVIDUAL

FAMILY

SOCIETY

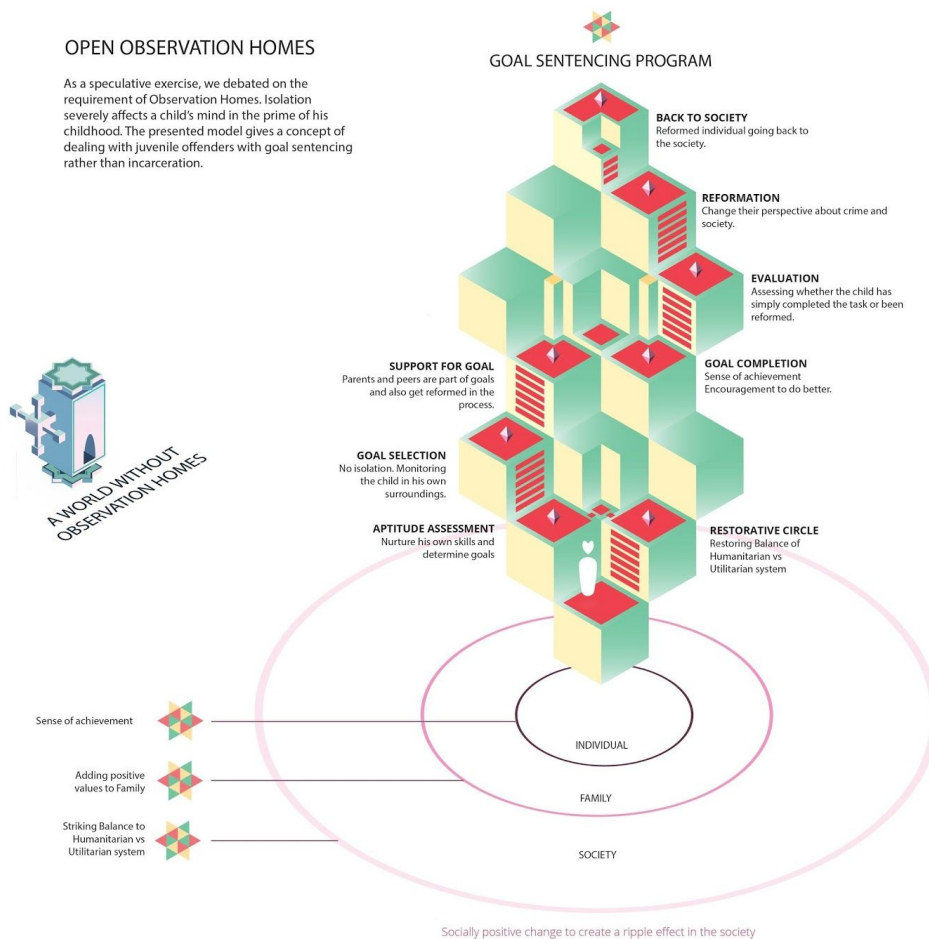Socially positive change to create a ripple effect in the society

Figure 5. Open Observation Homes

Open Observation Homes present a model wherein apart from officials of the system, close members of the society play a role in the reformation process, value development and giving a renewed chance for the individual. The sentencing would follow principles of restorative justice and the reformation would be initiated by a goal to self-improvement through various learning avenues chosen by the child.

We envision a future system which accounts for each child that passes through it and comes out a better individual and a contributing member to a society who does not shun him. This system based on positive reinforcement not only aims to reform the individual but also set change in the community he/she belongs to. The Open Observation home keeps the person at the centre of the reformation process, and through that person initiate a ripple of change in the community where he/she comes from through example and action.

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