



The Children's Court was set up in Goa in 2004. It was visualised as a child friendly space where children against whom crimes were committed by adults would feel safe to speak and have their concerns addressed and issues validated. In such a Court, the best interests of children were to be the primary focus.

This meant many things. For one, it meant that the way the presiding officer, that is, the judge, approached the case had to be different from the way the cases of offences under various laws had to be approached. There had to be a different way of dealing with or handling complainants/ victims/ witnesses. There had also to be a jurisprudential shift.

There was also the question of the physical environment in the place. It is well known that generally the spatial arrangements as well as the clothing in the Courts feel intimidating, more so for children. That is why the Judge in a Children's Court is expected not to wear the grim clothing that he or she is otherwise expected to wear. The environment has to be light, with appropriate colour effects as well as addressing the issue of scale. This of course need not be construed to mean that matters must be taken in a lighter vein. The Child against whom a crime is alleged to be committed is already carrying the baggage of being violated. There is already heaviness on that account.

It was out of all these concerns for a violated child that a special legislation for Goa's children was lobbied for and came to be enacted in 2003 as the Goa Children's Act. But the machinery envisaged under it which included a Children's Court was not set up. It took a petition from *Bailancho Saad* to get the Court set up and functioning in 2004. After that also, it was only with persistent lobbying that a full time presiding officer was assigned to the Court in 2014.

While the Court was required to have a presiding judicial officer of the rank of a Sessions Court Judge, the same was set up under the Directorate of Women and Child Development, and the staff was allocated to it from that Department. This meant a hard grind for the staff

and those at the helm, as it meant that the staff who otherwise handle administrative matters in a Government Department were required to be trained to handle 'court work', as it is called.

Why is the Children's Court Neglected?

Also, as a temporary measure, when the Court was set up, it was housed in a regular Government building. Buildings are not mere structures. They have to be designed for the intention for which they are going to be used. That was not at all the case with the Goa Children's Court which did not meet the requirements of architecture and design.

Apart from there being limited space for the Court, which brings along with it its own difficulties, such as difficulties locating the items associated with the crime, which have been attached in the case (*muddemal*), there was also the question of access. Access is certainly about physically reaching the Court. But access is also about not being subject to intimidation, or feeling intimidated on the way to the Court. That is why, it was visualised that the child complainant/victim should not have to compulsorily face the accused as happens in other cases, while at the same time ensuring the rights of the accused to a fair trial and cross examination of the child, albeit in a sensitive way.

This aspect of access is far from being taken care of in the Children's Court in Goa. In the sense that while inside the court, due precaution is taken, the very structure of the building is such that before entering the Court, the child and the accused could very well be in the same lift or on the same staircase, instead of separate entrances, thereby making a mockery out of that salutary provision in the law of the child not having to face the accused.

In the rest of India, it was about a decade later that the Protection of Children from Sexual Offences Act, 2012, (POCSO) came into force. This new law also required Courts designated as Special Courts for specifically handling sexual offences against children. Already under POCSO, Delhi has at least four designated Special Courts with special child-friendly buildings, which meet architectural design requirements suited for distressed children. Goa could have been a model for the rest of India, but Goa's children are yet to get a proper Children's Court building, thirteen whole years after the Goa Children's Act.

What is worse, is that the administration does not seem to be helping. It has notified Courts of the rank of Sessions Courts to be the Special Courts under the POCSO Act, but the Children's Court is seemingly ousted. This puts the clock behind for the trendsetting work that Goa and its civil society did to pave the way for sensitivity and effective prevention and deterrence regarding crimes against children. It is about returning to the routine spaces instead of making the existing Court space more child-friendly.

While infrastructure is fancifully thrown around by the Government for areas that they possibly stand to gain from, are we to conclude that the Children's Courts and their positions are too hot for the Government to handle? Why else this wilful neglect?

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