

THIRD
ISSUE



Sishu Surakhya



Quarterly Newsletter

The Juvenile Justice Committee, Orissa High Court

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In this Issue

Juvenile Justice Committee
Messages
Editorial View
Articles
Program & Events
Facts and Figures
Case Laws
Photo Gallery



It takes a big heart to shape little minds



Juvenile Justice Committee Orissa High Court



Hon'ble **Shri Justice S. K. Mishra**
Judge, Orissa High Court
Chairperson, Juvenile Justice Committee



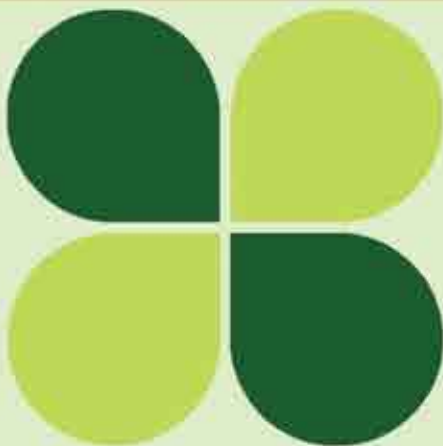
Hon'ble **Shri Justice Biswanath Rath**
Judge, Orissa High Court
Member, Juvenile Justice Committee



Hon'ble **Shri Justice S. N. Prasad**
Judge, Orissa High Court
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MESSAGE



Hon'ble Shri Justice Vineet Saran
Chief Justice, Orissa High Court

Childhood age is to be considered as the age of learning and playing and it is the crucial age to make the base of the future education of the children, and to facilitate them in every respect to emerge as a responsible and precious citizen of the country is our solemn duty. It is the need of today to see that they are protected from any kind of violence, exploitation, abuse and ensure their rights to survival, development and well-being.

I am glad to note that the Juvenile Justice Committee, Orissa High Court is publishing a Newsletter "Sishu Surakhya" every quarter, with a mission to sensitize the stakeholders of the Juvenile Justice Delivery System and the people at large for fulfilling the aforesaid objective. On 24th March, 2018, the Orissa High Court Juvenile Justice Committee, in coordination with UNICEF and Govt. of Odisha, organized 4th Regional Round Table Conference under the guidance of J.J. Committee of Supreme Court of India and different events thereof have also been publicized through this 3rd issue of Newsletter.

I wish the publication all success.


(Vineet Saran)



Hon'ble Shri Justice S. K. Mishra

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MESSAGE



Hon'ble Shri Justice S. K. Mishra
Judge, Orissa High Court &
Chairperson, Juvenile Justice Committee

It gives me immense pleasure to present the Quarterly Newsletter 'Sishu Surakhya', encapsulating important progress made with regards to Juvenile Justice in the period from January to March 2018.

Since its inception, Newsletter "Sishu Surakhya" has come a long way in disseminating legal knowledge and has become a valuable tool in apprising the masses of the roles of different stakeholders of the State of Odisha and giving distinguished recognition for their untiring efforts, dedication and commitment for effective implementation of Juvenile Justice.

I am exultant that the third issue of the Newsletter is going to be published. Representing the success of the State level conference followed by the eventful 4th round regional conference on Juvenile Justice, this issue highlights the milestones achieved and the accomplishments attained by the stakeholders and convey legal knowledge to all concerned.

I earnestly hope that, the newsletter succeeds in its goal of being informative & beneficial to all those associated with Juvenile Justice.

A handwritten signature in black ink, appearing to read 'S.K. Mishra'.

Justice S.K. Mishra



From the Desk of Editor-in –Chief

"There can be no keener revelation of a society's soul than the way in which it treats its children." - Nelson Mandela.

India is home to the largest child population in the world. The Constitution of India guarantees Fundamental Rights to all children in the country and empowers the State to make special provisions for children. The Directive Principles of State Policy specifically guide the State in securing the tender age of children from abuse and ensuring that children are given opportunities and facilities to develop in a healthy manner in conditions of freedom and dignity.

Recognition of the rightful place of the child in the societal fabric, a paradigm shift from a need-based approach to a right-based approach and mainstreaming of the child are the current exigencies of a progressive democracy like India. Child-centric human rights jurisprudence is pivotal to the role of law in social engineering.

At the international level the concept of Juvenile Justice has often been discussed on three perspectives: (i) Juvenile Justice in the sense of social justice for all children and young persons; (ii) children in conflict with law and in need of care and protection; and (iii) Convicted juveniles. Though the formal system of Juvenile Justice generally concentrates on action after the onset of delinquency, a comprehensive strategy to forestall conditions and factors that generate delinquency is equally imperative and need of the hour.

Juvenile Justice Committee, Orissa High Court, since its inception has constantly endeavoured in

undertaking progressive initiatives in effective implementation of Juvenile Justice (Care & Protection) Act 2015 & POCSO Act 2012. In the context of child protection, it plays a significant role in transforming the Juvenile Justice dispensation system in Odisha while keenly scrutinizing prevalent practices in effective implementation of the Acts. I would like to mention the recent state level and Regional Juvenile Justice conferences organized by the committee in collaboration with Govt. of Odisha and UNICEF to enhance and strengthen the synchronization and co-ordination among the stakeholders, sketch out strategies, sensitize the latest laws including statutes, exchange of ideas and best practices. State level conference, organized on 11.03.2018 at OJA, Cuttack witnessed the august presence of Hon'ble Mr. Justice Dipak Misra, Chief Justice of India and other luminaries, who disseminated legal wisdom and shared valuable feedbacks.

On 24.03.2018, 4th round Regional conference was organized at the Odisha Judicial Academy, which was graced by the presence of Hon'ble Mr. Justice Madan B. Lokur, Judge & Chairperson, Juvenile Justice Committee, Supreme Court of India, Hon'ble Mr. Justice Deepak Gupta, Judge & Member, Juvenile Justice Committee, Supreme Court of India, Hon'ble Mr. Justice Vineet Saran, Chief Justice, High Court of Orissa, Hon'ble Acting Chief Justice & Hon'ble Judges including Chairpersons & members of JJ committees of the high courts of the participating states. The conference was a grand success in highlighting challenges in achieving progress under the statutes relating

Hon'ble Dr. Justice D.P. Choudhury
Judge, Orissa High Court

to juvenile jurisprudence and key issues with solutions in implementing ICPS and showcasing headways and achievements.

The improvement of the Juvenile Justice system is a gradual process, which requires intensive and continual follow-up as well as long-term commitment rather than a series of 'ad hoc' exercises and 'knee-jerk' responses. Training programs should be based on participatory techniques that promote sensitization and behavioral changes among the various stakeholders responsible for the working of the Juvenile Justice system. Training also creates opportunities for stakeholders to interact amongst themselves and get a better understanding of the constraints and bottlenecks at various levels.

It is vital for the authorities involved in the Juvenile Justice system to build effective partnerships with civil society. Non-Governmental Organisations (NGO's) have the capacity to provide community-based life-skills programs, 'group counseling', community work opportunities, and open 'vocational training programmes' for children in conflict with law. Voluntary sector organizations can thus help the Governmental agencies to engineer a substantial shift towards non-custodial alternatives for corrective measures involving juveniles.

We acknowledge and appreciate the impeccable enthusiasm and passionate commitment from all the stakeholders in fostering and facilitating our progress in preserving, promoting and safeguarding rights of children. Your suggestions and feedbacks would inspire us more.

SECURING EFFECTIVE JUVENILE JUSTICE SYSTEM : PROGRESS, PROSPECT AND CHALLENGES

The Juvenile Justice Committee of Orissa High Court organized the Fourth Round Regional Conference of Eastern States on Effective Implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015 with Special Focus on Integrated Child Protection Services on 24th March 2018 in Odisha Judicial Academy, Cuttack on the aegis of the Supreme Court Juvenile Justice Committee and in collaboration with Department of Women & Child Development, Government of Odisha and UNICEF. The consultation was graced with the gracious presence of judges of the Supreme Court and the participating state High Courts and it was attended by as many as 70 participants from the States of Bihar, Chhatisgarh, Jharkhand, Odisha, West Bengal and Union Territory Andaman & Nicobar comprising Judges of the High Court Committee on Juvenile Justice, representative of the nodal departments, State Child Protection Society, Police, State Legal Services Authority, Women Commission, State Commission for Protection of Child Rights, State Judicial Academy, National Law University, UNICEF, and academics. The consultation brought in all key stakeholders associated with the responsibilities, be it implementation, monitoring or policy planning, together to share issues, challenges and practices in order to stimulate each other towards shared goals of ensuring effective implementation of the Juvenile Justice (Care and Protection of Children) Act.

State Highlights : The consultation informed and reflected the progress, practices and challenges encountered in the implementation of Juvenile Justice (Care and Protection of Children) Act, 2015 which are highlighted below with regard to the issues emerged in the implementation of ICPS and POCSO Act, 2012.

1. Bihar



1.1. Progress:

- All vacancies in CWCs, JJBs and DCPUs have been filled up.
- 23 police stations in Patna District have a Women and Child Friendly Cell.
- Child Protection Committees are formulated in all districts and 534 blocks.
- 105 children were provided victim compensation to the tune of Rs. 176.15 lakh under POCSO Act in the period between 2013 and 2017.

1.2. Best Practices:

- Online application and written examination introduced for the selection of CWCs, JJBs and DCPUs to ensure open and transparent recruitment system.
- Child Protection Management Information System (CPMIS) developed and served as a tool for Child Labour Tracking System.

- CPMIS provides updated information of cases instituted, pendency status, cases disposed of and disposal orders, SBR and SIR submitted to the cases, age determination by JJB. As regards to CNCP, data on cases registered in CWCs, pending status, Individual Care Plan, children in Children's Homes, and Educational details of children in CCI are available.

1.3. Challenges:

- 24,178 cases are pending in the JJBs.
- Absence of linkage between para-legal volunteers and the JJ system in ensuring standard and quality legal services to children.
- Lack of infrastructure and funds to establish child-friendly Special Courts.
- Lack of trained and dedicated Special Public Prosecutors
- Inordinate delay in release of ICPS funds affects the utilization as a result of which certain cost heads including District Needs Assessment, Sponsorship and Foster Care remain unspent.

2. Chhatisgarh



2.1. Progress:

- JJBs, CWCs and DCPUs are fully functional in all districts.
- State Adoption Resource Authority (SARA) and 13 SAA (Special Adoption Agency) are functional.
- Increased sitting of JJBs resulted in significant decrease in pendency of CICL cases from 6569 in 2014 to 4548 in 2017.
- 'Child Friendly Corner' has been set up in 12 police stations.
- Child Protection Committees (CPCs) are functional in 146 Blocks.
- State Level Coordination Committee has been constituted under the Chairmanship of the Chief Secretary to review the effective implementation of ICPS.
- 61 courts in the State are designated as Special Courts under POCSO Act.
- 24 new CCIs are established increasing the number of CCIs to 85.
- Legal Aid Clinics have been established in all 27 JJBs.
- Guidelines for Foster Care have been prepared and notified.

2.2. Best Practices:

- Police verification made before appointment of recruits in JJBs and CWCs.
- 'Child Rights Cell' has been created at the State Police Headquarters which works as a guide and coordinator between district units and stakeholders.
- CCTV cameras have been installed in CCIs located in Chhatisgarh for enhancing security and improved monitoring.

- High Court Committee on Juvenile Justice conducts unscheduled inspection of the Observation Homes.
- Members of Higher Judicial Services make monthly visits to the Observation and report the HCC-JJ on the 65 points checklists along-with suggestions for improvement by the 10th of every month.
- 85% of the children residing in CCIs have been provided Adhar cards.
- SCPCR is in process of liasoning with UNICEF and IBM on a Corporate Social Responsibility project to develop software for uploading, tracking and updating of cases.
- A state level child protection programme called CHETNA (Child Empowerment through Knowledge and Awareness) has been launched in August 2017 in which school children are sensitized about child protection and child rights.

2.3. Challenges:

- Trained officers of SJPU are burdened with additional responsibilities such as in law and order duties, VIP security, and investigation of other cases.
- Discrepancies in fund allocation to CCIs affects the quality of child care services.

3. Jharkhand



3.1. Progress:

- The Jharkhand Juvenile Justice (Care and Protection of Children) Rules 2017 has been notified.
- State Foster Care Guidelines and Sponsorship Guidelines have been notified.
- Child Protection Committees (CPCs) are functional in 24707 villages covering 181 Blocks in 6 districts.
- 'Child-friendly corners' have been set up in 153 police stations.
- 38 new CCIs are established.
- Juvenile Justice Fund created with a tune of Rs. 7.35 Lakh

3.2. Best Practices:

- Video conferencing facilities have been made available, linking 5 Observation Homes to JJB in 15 districts.
- Vocational training in computer studies, typing, screen printing and Sohari printing has been provided to 25 CICL. Of these 7 children are being lined with agencies for internship and job placement.
- CPMIS has been set up in 2016 and is functional in all 24 districts.

3.3. Challenges:

- Lack of Data Entry Operators in JJBs and CWCs affects to real time data entry and updation.
- Vacancies under ICPS impacting its implementation.

4. West Bengal



4.1. Progress:

- DCPUs, JJBs and CWCs are fully operational in 20 districts out of 23 districts.
- Annual disposal of cases in JJBs increased from 642 in 2012 to 1644 in 2017.
- Child-friendly police corners have been set up in 432 police stations.
- CPCs are functional in 341 blocks, 1806 wards and 41945 villages.
- Reporting of sexual offences against children increased from 1947 in 2015 to 2373 in 2017.
- Legal Aid Clinics have been set up in 19 CWCs and JJBs.

4.2. Best Practices:

- 'Kitchen garden' and 'music therapy' has been set up in CCI on pilot basis.
- A programme entitled 'Shuddhi' has been undertaken by Kolkata police to identify children vulnerable to drug addiction and provide counseling, vocational training, de-addiction services.
- Children in CCIs have been provided vocational training in weaving, retail management, and auto-body painting etc to enable them to secure employment.
- SCPCR introduced 'Shishushree Media Award' on child rights reporting.
- Kolkatta Police initiated a project 'Damini' which aims to create a community of empowered girls between the ages of 10 to 16 years.
- A programme 'Swayamsiddha' has been introduced for creating greater sensitization to prevent trafficking of women.

4.3. Challenges:

- Lack of full time Principal Magistrates in JJBs, vacant position of Social Worker Members and non-submission of final reports by the police impede timely disposal of cases resulting to pendency 9626 cases in JJBs.
- Non-availability of opportunity for sustainable livelihood for the rehabilitation of children involved in commercial sexual exploitation.
- Lack of scope for de-institutionalization of children of special needs.
- Lack of trained psychologists to assist JJBs.
- Absence of guidelines for appointment of Support Persons
- 9580 cases under the POCSO Act are pending before Special Courts

5.Odisha



5.1. Progress:

- Pendency in respect of petty offences reduced to 282 in 2017 from 713 cases.
- 12 new SAAs are set up increasing SSAs to 25 in the State.
- All CCIs have been registered under JJ (CPC) Act.
- Adoption made for 951 children between 2014 and 2017 that includes 831 In -country and 120 Inter-country adoption.
- 15719 children were de-institutionalized from CCIs between 2014 and 2017.
- Mahila & Sishu Desk are functional in all 537 police stations.

5.2. Best Practices:

- A system has been developed for ranking and scoring of CCIs.
- 90% of children in CCIs have been issued Aadhar cards.
- 'Sishusuchana'- a MIS portal has been set up in 2017 providing online comprehensive IT management software for managing data pertaining to CNCP and CICL.
- 'Biju Sishu Surakhya Yojana' created to provide assistance to children found to be most vulnerable with a support of Rs.7,000-40,000 for technical education; scholarship of Rs.20,000 each to three meritorious students of each district; assistance of Rs.50,000 for girl completing 18 years age and Rs.40,000 for boys completing 21 years of age to facilitate marriage.
- Expert panel has been constituted in respect of each district to visit to jail to identify children who are wrongly kept in jail custody.

5.3. Challenges:

- Providing vocational education to children is a real challenge as Government of India introduced a circular as per which vocational training can be imparted only to the persons above 18 years.
- Adequate human resources are unavailable at the community level and PRI members as well as CBOs are not involved in child protection.
- Absence of uniform guidelines to conduct vulnerability assessment of children at the district level.



Highlighting Action Plans of the Regional Round Table Conference on Juvenile Justice

Hon'ble Shri Justice Biswanath Rath

Judge, Orissa High Court
Member, Juvenile Justice Committee

The Regional Conference on Effective Implementation of Juvenile Justice (Care and Protection of Children) Act 2015 organized by the JJ Committee of Orissa High Court on 24th March 2018, brought in all key stakeholders associated with the responsibilities, be it implementation, monitoring or policy development, together to share issues, challenges and practices, in order to stimulate each other for ensuring a robust, responsive and effective juvenile justice system in the States. I was privileged to participate in the conference and I would like to share some important recollections while observing the quality of discourses held, best practices shared and issues emerged in the conference.

Juvenile Justice Act first enacted in 1986, reformed and replaced in 2000 and later in 2015 with the title of the Juvenile Justice (Care and Protection of Children) Act is a milestone in the history of child rights in India as it brought a paradigm shift in the approach towards policy and practice in child protection. The essential requirements for the effective implementation of law are internalization of law in society, organized institutional structures, dedicated and qualified human resources, and strong accountability. Government of India has launched a flagship programme 'Integrated Child Protection Services' (ICPS) to focus on financing, monitoring, and training of juvenile justice board, child welfare committee, special juvenile police units, child protection structures, child care institutions with a view to strengthen juvenile justice system.

I would like to highlight in this context that child protection is inextricably related to juvenile justice which can be strengthened through interdisciplinary approach and multi-stakeholders involvement. The discussions held in the conference brought in some concrete points of actions for effective implementation of juvenile justice which I would like reflect herein.

The conference recommended for child friendly police stations, dedicated human resources, complete logistic facilities including vehicle, contingency funds in the police stations for strengthening SJPU.

As far rehabilitation and social reintegration of children is concerned, the conference recommended for separate module and pedagogy for children in after care, particularly for the elder children who are never enrolled or drop outs. Considering the fact the formation of Child Protection Committees at the Block & Panchayat level has been delayed due to fund crunch and other administrative issues, it was suggested to deploy at least one outreach worker at the Block level.

It was informed that many witnesses fail to appear before the JJBs and this contributes to the delay in disposal. The suggestion that emerged in this context was that the provision of Witness BATA allowance may be incorporated in the budget allocated to the JJBs under the ICPS.

Discussions were made on child friendly police station by carving out a portion of the existing police station. But as the child has to enter inside the police station itself, it was suggested that it will be better if child friendly police stations are kept outside police stations.

As discussed in the conference, follow up of reunited children and a close monitor on appearance of children in conflict with law for hearing to facilitate expeditious disposal are the need of the hour.

Training of the Public Prosecutors, complete monitoring to the non-appearance of the Children in conflict with law, engaging trained panel lawyers in JJBs are some of the issues to be attentively taken care to ensure effective case disposals in JJBs.

With regard to effective implementation of POCSO Act, the conference recommended for child friendly courts in strict compliance to law, fast tracking investigation, trained & dedicated police officers to investigate sexual abuse cases and effective monitoring by District Level Committees.

Last but not least, the conference suggested for dedicated helpline, establishing model observation homes for girl children, effective inter-departmental coordination, greater involvement of Civil Society Organizations, dissemination of knowledge & change of attitude of the stakeholders.

Programmes and Events

State Level Conference on Juvenile Justice Issues

A State Level conference on Juvenile Justice Issues was held on 11.03.2018 at Odisha Judicial Academy, Cuttack as a preparatory for the Fourth Round Table Regional Conference for the discussion of important topics on ICPS. In the said Conference, around 200 participants including Judges of Special Courts, Principal Magistrates of Juvenile Justice Boards, Chairpersons of Child Welfare Committees, District Child Protection Officers, Chairpersons of Special Juvenile Police Units, Superintendents of Observation Home and Special Home and other officials were present. Hon'ble Shri Justice Dipak Mishra, Chief Justice of India inaugurated the programme in presence of Hon'ble Shri Justice Vineet Saran, Chief Justice, Orissa High Court, Hon'ble Kumari Justice Sanju Panda, Judge and Chairperson of Juvenile Justice Committee, Orissa High Court and other judges of the Hon'ble Orissa High Court.

Fourth Round Table Regional Conference

A Regional Round Table Conference on the effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015 was held on 24.03.2018 involving the States of West Bengal, Bihar, Chhattisgarh, Jharkhand and Odisha, at Odisha Judicial Academy, Cuttack, Odisha, being organized by the Hon'ble Supreme Court Committee and Hon'ble Orissa High Court Committee on Juvenile Justice and hosted by the Hon'ble High Court of Orissa, Women & Child Development Department, Govt. of Odisha with support of UNICEF, Odisha Field Office. Representatives from the Centre for Child and the Law School of India University (NLSIU), Bangalore were rapporteurs of the whole Conference.

The Regional Conference was inaugurated by Hon'ble Shri Justice Deepak Gupta, Judge, Supreme Court of India in presence of Hon'ble Shri Justice Vineet Saran, Chief Justice, Orissa High Court, Hon'ble Shri Justice Pinaki Chandra Ghose, former Judge, Supreme Court of India and Member, NHRC, Hon'ble Shri Justice D.N. Patel, Acting Chief Justice and Chairperson of

JJ Committee, Jharkhand High Court, Hon'ble Dr. Justice S.N. Pathak, Judge and Member of JJ Committee, Jharkhand High Court, Hon'ble Justice Nadira Patherya, Judge and Chairperson of JJ Committee, Calcutta High Court, Hon'ble Shri Justice Harish Tandon, Judge and Member of JJ Committee, Calcutta High Court, Hon'ble Shri Justice Soumen Sen, Judge and Member of JJ Committee, Calcutta High Court, Hon'ble Shri Justice Aswini Kumar Singh, Judge and Chairperson of JJ Committee, Patna High Court, Hon'ble Shri Justice Ahsanuddin Amanullah, Judge and Member of JJ Committee, Patna High Court and Hon'ble Shri Justice Manindra Mohan Shrivastava, Judge and Chairperson of JJ Committee, Chhattisgarh High Court, Hon'ble Shri Justice S. K. Mishra, Judge and Chairperson, JJ Committee, Orissa High Court, Hon'ble Shri Justice Biswanath Rath, Judge and Member, JJ Committee, Orissa High Court, Hon'ble Shri Justice S.N. Prasad, Judge and Member, JJ Committee, Orissa High Court, Hon'ble Dr. Justice D.P. Choudhury, Judge and Member, JJ Committee, Orissa High Court and other Hon'ble Judges of the Orissa High Court, representatives of the respective State Government of the participating States in the departments of Women & Child Development, Social Welfare, Health, and Home, State Commission for Protection of Child Rights, Directors of State Judicial Academies, Member Secretaries of State Legal Services Authorities.

NATIONAL GIRL CHILD DAY- National Girl Child Day was observed at various CCIs namely, Shanti Ashram, Manabseba Kanya Ashram, Society for Weaker Community & Fellowship, on 24th January to promote the importance of girl child in the society. The day was celebrated following various girl centric activities which promoted their right to participation. Children participated with huge enthusiasm.

EXPOSURE VISIT OF CHILDREN- Children of CCIs namely Yogirushi Lachmman Das Sishu Ashram, Gandhi Balashram, Shanti Ashram had gone for picnic and outings to Dhableswar, Dhamara, Puri, Konark & Nandankanan. The visit of children to various places enhanced the

ability to interact with various people, gather knowledge about the importance of places.

Media Advocacy Workshop on Juvenile Justice (Care & Protection of Children) Act, 2015 & Model Rules, 2016 was held on 10.01.2018 at the Conference Hall of Soil Conservation Office, Dhenkanal.

Sensitization Training Programme on Juvenile Justice (Care & Protection of Children) Act, 2015 & Model Rules, 2016 and Adopt a Home Programme for the corporates was conducted at the Conference Hall, Soil Conservation Office, Dhenkanal on 11.01.2018

Training - Twenty budgeted sensitization programmes have been conducted by DCPU, Jharsuguda for the Block as well as Panchayat Child protection Committees, and for the personnel of Children Home. Apart from that three numbers of non-budgeted programmes have been conducted in association with Police Head Quarter, DLSA for Police, PLV and GRS-PEO etc.

Cradle Baby Reception Centre and Point - DCPU Jharsuguda has installed 10 Cradle Baby receiving points at all CHC, DHH, SWADHAR, SAA of Jharsuguda district. The Collector of Jharsuguda has inaugurated the Centre at the DHH along with the CDMO, SP and other DCPC Members.

Odisha Victim Compensation Scheme - Under this scheme, one victim child was given financial assistance of Rs. 75,000/- from DLSA by the initiation of DCPU, Jharsuguda.

To sensitize the personnel regarding Juvenile Justice System a workshop has been conducted by District Child Protection Unit, Nayagarh in the premises of SRUJAN Conference Hall, DRDA on 07.02.2018. The Superintendent of Police has inaugurated the programme.

One Day Zonal Level capacity Building Training programme on POC SO Act for the Teachers of Private school & Colleges has been organized by the District Child Protection Unit, Nayagarh at the Premises of Rotary Club, Nayagarh on 16th February 2017 by the DCPO, Nayagarh. Teachers of private schools & Colleges were participated in this programme.

Facts & Figure

FACTS AND FIGURES RELATED TO CHILDREN IN CONFLICT WITH LAW DURING JANUARY TO MARCH, 2018

Statistics given below provides information for the period from January to March 2018 in the context of State of Odisha.

Children in Conflict with Law

- As many as 458 cases of children in conflict with law were registered during the period between January to March 2018. The Districts of Khurdha, Sambalpur, Cuttack, Ganjam, Sundergarh, stood in top five in the list of thirty districts in terms of registration cases in the Juvenile Justice Board.
- 102 cases registered were reported for the petty offence, 188 for serious offences and 168 for heinous offences.
- Of the Cases registered, 105 Cases were reported under theft, 71 Cases in rape, 99 Cases in criminal trespass/ burglary, 24 Cases in Kidnapping & Abduction and 43 Cases in Sexual assault/ outraging modesty.
- Majority of the children in conflict with law apprehended were in the age group of 15-17 years.
- 81.80 % of the children in conflict with law were released on bail whereas 17.24 % children were sent to the observation homes during the pendency of inquiry and 0.95 % of children were sent to Special Home.
- 'Preliminary Assessment' into the heinous offences was made by the JJBs in the cases of 57 children and out of which 17 cases transferred to the Children's Courts.
- The cases remaining pending in the Juvenile Justice Boards as on 31st December were 4770 leading to a total case load of 4846 pending as on 31st March 2018.

- 427 children were sent home after advice or admonition or bail, 5 children were sent to Special Homes, 434 children were acquitted or otherwise disposed of during the period and final order in 4846 cases remains pending as on 31st March 2018.
- 17 children in conflict with law were rehabilitated through After-care program or sponsorship.

Children in Need of Care and Protection

- 5382 (2220 pending + 3162 newly registered) cases of matters relating to children in need of care and protection reported to Child Welfare Committees.
- 2306 children were restored with parents or families.
- 624 children were sent to child care institutions, 256 children were placed in the custody of fit person/ institutions.
- 53 children were declared legally free for adoption, 70 children were placed in pre-adoption foster care, and 62 children had been placed in adoption. 32 children were taken in In-country adoption and 30 in Inter-Country Adoption.
- 384 Children were provided with sponsorship out of which 213 for preventive sponsorship and 171 for rehabilitative sponsorship.
- Government of Odisha have released grants for 14,08,27,401/- to Child Care Institutions for providing improved quality services.
- 1126 Children have been deinstitutionalized.

Case Laws

Case No. 1

In the Supreme Court of India
WRIT PETITION (CIVIL) NO. 473
OF 2005

SAMPURNA BEHERA versus
UNION OF INDIA.

Hon'ble Judges: Madan B. Lokur,
Deepak Gupta, J. J.

Decided on 9 February 2018

In this case, Supreme Court took the extant government to task for the "tardy if not virtual non-implementation" of Juvenile Justice laws, and ignoring the plight of "voiceless if not silenced" children of India, after a public interest litigation (PIL) was initiated by activist and human rights defender, Sampurna Behura. The apex court also requested chief justices of all high courts to establish child-friendly courts and vulnerable courts in each district.

Case in Brief : The Bench ensured that it brought up the rights-based nature of the Juvenile Justice Act, and how the government has done very little for the realisation of the rights of children.

Indicating their dismay at poor implementation of the Act, the Bench observed various unresolved issues and provided for some directions, inter alia, to the institutions - courts, policymakers and implementers - of the country:

- All vacancies in the Child Rights Commissions should be filled up so that they can function meaningfully
- State-level Child Protection Societies and District-level Child Protection Units must take assistance from NGOs and civil society actors.
- All positions in the Juvenile Justice Boards (JJBs) and Child Welfare Commissions (CWCs) are expeditiously filled up, in accordance with the Model Rules framed by the state government. All JJBs and CWCs must have sittings on a regular basis so that a minimal number of inquiries are pending at any point in time.
- There must be creative use of information and communication technology by the Ministry of Women and Child Development for the purpose of collecting data as well as operating a database of missing and trafficked children, and for the follow up of adoption cases.
- Special Juvenile Police Units and Child Welfare Police Officers must be set up in terms of the Juvenile Justice Act at the earliest, and the roles and responsibilities of such units and officers must be clearly identified and defined.
- Proper utilisation of the Juvenile Justice Fund, which so far has been an "embarrassment". The court observed, on this point, that, "If financial resources are not made available for the welfare of the children we shudder to think what could be better utilisation of the funds."
- The National Legal Services Authority (NALSA) must compile a nation-wide comprehensive three-part report regarding juveniles in conflict with the law for easier policy-making and decision-making.
- All authorities under the Juvenile Justice Act such as the JJBs, CWCs, Probation Officers, members of the Child Protection Units, Special Juvenile Police Units, Child Welfare Police Officers must be adequately sensitised and given training regarding child welfare laws.
- High courts must establish child-friendly courts and vulnerable witness courts in each district.
- The chief justice of every high court must register suo-moto proceedings for the effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015. This would serve to meaningfully address road-blocks if any, encountered by statutory authorities and the Juvenile Justice Committee of the High Court.

Photo Gallery

State Level Conference on Juvenile Justice held on 11.03.2018 at Odisha Judicial Academy, Cuttack



Presentation of flower bouquet to Hon'ble Mr. Justice Dipak Misra, Chief Justice of India.



Presentation of flower bouquet to Smt. Suprama Mishra.



Hon'ble dignitaries on their way to the Conference Hall.



Lighting of lamp by Hon'ble Mr. Justice Dipak Misra, Chief Justice of India



Lighting of lamp by Hon'ble Mr. Justice Vineet Saran, Chief Justice, Orissa High Court.



Lighting of lamp by Hon'ble Kumari Justice Sanju Panda, Judge, Orissa High Court.

Photo Gallery

State Level Conference on Juvenile Justice held on 11.03.2018 at Odisha Judicial Academy, Cuttack



Hon'ble Mr. Justice Dipak Misra, Chief Justice of India addressing the audience



Hon'ble Mr. Justice Vineet Saran, Chief Justice of Orissa High Court addressing the audience



Hon'ble Kumari Justice Sanju Panda, Judge, Orissa High Court addressing the audience



Hon'ble dignitaries on the dais.



Presentation of memento to Hon'ble Shri Justice Dipak Misra, Chief Justice of India



Hon'ble dignitaries on the dais.

Photo Gallery

4th Round Regional Conference on Juvenile Justice held on 24.03.2018 at Odisha Judicial Academy, Cuttack



Presentation of flower bouquet to Hon'ble Mr. Justice Madan B. Lokur, Judge, Supreme Court of India



Presentation of flower bouquet to Hon'ble Mr. Justice Deepak Gupta, Judge, Supreme Court of India



Hon'ble Chief Justice, High Court of Orissa accompanying Hon'ble Shri Justice M. B. Lokur, Judge Supreme Court of India to the Conference



Hon'ble Chief Justice, High Court of Orissa & Hon'ble Acting Chief Justice, Jharkhand High Court accompanying Hon'ble Shri Justice Deepak Gupta, Judge Supreme Court of India to the Conference



Lighting of lamp by Hon'ble Mr. Justice Deepak Gupta, Judge, Supreme Court of India



Lighting of lamp by Hon'ble Mr. Justice Vineet Saran, Chief Justice, Orissa High Court.

Photo Gallery

4th Round Regional Conference on Juvenile Justice held on 24.03.2018 at Odisha Judicial Academy, Cuttack



Hon'ble dignitaries on the dais.



Hon'ble dignitaries on the dais.



Hon'ble Mr. Justice M.B. Lokur, Judge, Supreme Court of India, addressing the audience



Hon'ble Mr. Justice Deepak Gupta, Judge, Supreme Court of India, addressing the audience



Hon'ble Mr. Justice Vineet Saran, Chief Justice, Orissa High Court, addressing the audience



Hon'ble Mr. Justice P. C. Ghose, Former Judge, Supreme Court of India & at present Member, NHRC addressing the audience

Photo Gallery

4th Round Regional Conference on Juvenile Justice held on 24.03.2018 at Odisha Judicial Academy, Cuttack



Presentation of memento to Hon'ble Shri Justice Madan B. Lokur, Judge, Supreme Court of India



Presentation of memento to Hon'ble Shri Justice Deepak Gupta, Judge, Supreme Court of India.



Presentation of memento to Hon'ble Shri Justice Vineet Saran, Chief Justice, Orissa High Court.



Presentation of memento to Hon'ble Shri Justice P.C. Ghose, Former Judge, Supreme Court of India & at present Member, NHRC



Presentation of memento to Hon'ble Shri Justice S. K. Mishra, Judge, Orissa High Court



Hon'ble dignitaries of the Conference.

Photo Gallery

4th Round Regional Conference on Juvenile Justice held on 24.03.2018 at Odisha Judicial Academy, Cuttack



Hon'ble dignitaries of the Conference.



Guests of the conference.



Hon'ble Mr. Justice D.N. Patel, Acting Chief Justice , Jharkhand High Court, addressing the audience .



Hon'ble Mr. Justice S.K. Mishra , Judge, Orissa High Court, addressing the audience



Hon'ble Justice Nadira Parthreya, Judge, Calcutta, High Court, addressing the audience..



Hon'ble Shri Justice Aswini Kumar Singh, Judge, High Court of Patna, Bihar addressing the audience

Photo Gallery

4th Round Regional Conference on Juvenile Justice held on 24.03.2018 at Odisha Judicial Academy, Cuttack



Hon'ble Shri Justice Ahsanuddin Amanullah, Judge, High Court of Patna, Bihar addressing the audience..



Hon'ble Dr. Justice S. N. Pathak, Judge, Jharkhand High Court addressing the audience



Hon'ble Shri Justice Harish Tandon, Judge, Calcutta High Court addressing the audience



Hon'ble Shri Justice Soumen Sen, Judge, Calcutta High Court with Hon'ble Shri Justice M.B. Lokur, Judge Supreme Court of India



Hon'ble Shri Justice Manindra Mohan Shrivastava, Judge, High Court of Chhatisgarh addressing the audience



Hon'ble Dr. Justice D.P. Choudhury, Judge, Orissa High Court, addressing the audience

Photo Gallery

4th Round Regional Conference on Juvenile Justice held on 24.03.2018 at Odisha Judicial Academy, Cuttack



Smt. Chithra Arumugam, IAS, Commissioner-cum-Secretary to Govt. of Odisha, W&CD Department addressing the audience



Mr. Aguilair Xavier, Chief of Child Protection, UNICEF, India addressing the audience.



Mr. Deepak Kumar, CEO, CARA addressing the audience



Ms. Yumi Bey, Chief, Odisha Field Office, UNICEF addressing the audience



Participants interacting with the dignitaries on the dais



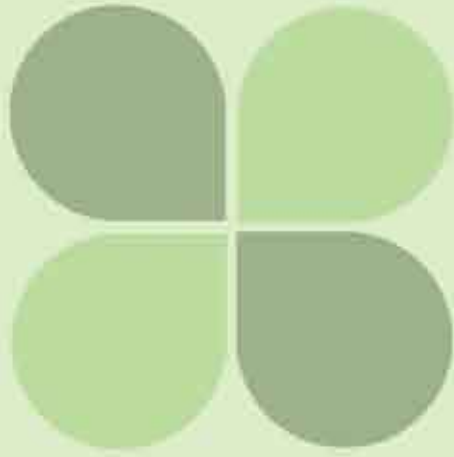
Guests of the conference



State Level Conference on Juvenile Justice held on 11.03.2018 at Odisha Judicial Academy, Cuttack



4th Round Table Regional Conference held on 24.03.2018 at Odisha Judicial Academy, Cuttack



Let us sacrifice our today
so that our children can have a
better tomorrow.

- A.P.J. Abdul Kalam



SOURCE : UNICEF



Sishu Surakhya

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