



# SISHU SURAKHYA





THE JUVENILE JUSTICE COMMITTEE | HIGH COURT OF ORISSA

# SISHU SURAKHYA

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## SOMETHING WILL TURN UP IS NOT ENOUGH



**Justice Subhasis Talapatra**  
Chief Justice, High Court of Orissa

Juvenile Justice is an area where we are to spear-head our activism with all earnestness as future of the society is factored by how we treat the young people. Juvenile Justice cannot be narrowed in how we deal with children-in-conflict with law. Providing care is paramount to juvenile justice. Our National Policy envisioned care institutions in different levels. There are some care-programmes like Integrated Child Protection Services (ICPS). Care-programmes should include programmes relating to providing them education and health care.

The Juvenile Justice Committees working under the aegis of the different High Courts can play a significant role in monitoring the activities of the care institutions and implementation of ICPS. It may bring a remarkable change in providing the care-service.

For bringing about an effective system of oversight we need to build up collaboration between the Juvenile Justice Committees and the administrative departments entrusted with the child welfare affairs and with the expert agencies so that the object of those programmes is truly realised.

The critical area of Juvenile Justice is to deal with offences committed by young people who are below 18 years of age. To prevent young people coming in conflict with law, the social welfare administration and justice system should work together in developing alternative programmes to prevent the children from offending and re-offending. Education and health systems have important role to play in ensuring that a child-in-conflict with law can have access to the basic services.

While dealing with a child-in-conflict with law (CICL), we always make it a point that the concept of deprivation of liberty intends to counteract the detrimental effects of deprivation of liberty by ensuring respect for human rights of persons under the age of 18 years. From the empirical studies and the global experience, it has been witnessed that guaranteeing respect and protection of rights of the children can curb the number of children deprived of the liberty. That becomes possible by means of diversion,

de-institutionalization, eradicating migration related detention and for practicing other non-custodial solution, instead of detaining the children. Therefore, detention is avoidable. In Beijing Rules (1985), it has been laid down that **“restriction on the personal liberty of the juvenile shall be imposed only after careful consideration and shall be limited to the possible minimum”**. Deprivation of personal liberty should not be imposed unless the juvenile is adjudicated of a serious act involving violence against any other person or of persistent in committing other serious offences, and unless there is no other appropriate response. The wellbeing of the juvenile shall be the paramount guiding factor in consideration of her or his case. These basic principles are accepted internationally as the fundamentals of using deprivation of liberty as last resort.

What more reliable evidence demonstrates is that the detention of the children as **punishment** is often ineffective so far the preservation of safety of societies and crime prevention is concerned. It is now widely accepted that primary purpose of any action taken against the child-in-conflict with law, including the deprivation of liberty, must be rehabilitation and reintegration of the child. All these approaches rest on a neuro-scientific observation. The neocortex, the portion of the brain responsible for reasoning and self-regulation, is the last part of the brain to develop. This is why excessive risk-taking and impulsive behavior are typical in adolescence and often lead to the commission of offences.

On the other hand, several studies have shown that the experience of toxic stress in early childhood can result in abnormalities in the structure and chemical activity of the brain. Recent systematic reviews of evidence across a wide range of international contexts reveal high level of neuro developmental disorder among the incarcerated young people with rates that are grossly disproportionate to equivalent levels among the general youth population. Jail is no place for a child. Depriving children of their



liberty has a long lasting effect on the child's physical, mental and emotional health and development. There is no credible evidence that detaining children will contribute to improving security or in decreasing criminality in the society. It has been found from meta-analyses that alternative to detention can substantially reduce reoffending. Diversion and other alternative measures are more effective even from right-perspectives. It is equally beneficial from the economic perspectives.

Management of care institutions is challenging. We do not have trained personnel and the counselors to run the special homes effectively where the children-in-conflict with law are lodged during inquiry or after the final order of detention.

During my recent unannounced visit to a special home in this State, I was completely devastated mentally to notice a huge number of children are lodged and locked up in a hall. It reminded me of Mr. Micawber, a character in Charles Dickens' novel **David Copperfield** who believed

that "something will turn up". Something will not turn up from our passivity. It can only turn up for better, if we act to make things better. Our collective failure would prepare breeding ground for birth of hundreds of **Kasavs**.

Juvenile Justice Boards (JJBs) should be assigned with more powers to plan reintegration of the child in the society in a manner so that he does not re-engage in offending. The reintegration programme would include making provision of a suitable residence if the child cannot return to her/his family or such return is not in her/his best interest. Their access to education and skill-training for securing employment, adequate clothing, psycho-social support to assist her/his reintegration in his family and community and to provide financial support until he/she shall finish education and skill-training for obtaining employment are to be guaranteed. Service for reintegration and rehabilitation shall be well-networked. That will ensure intervention in appropriate time. Anxiety to do justice to young persons is only the beginning of a long journey towards a just society.

*Subhasis Talapatra*

## MESSAGE FROM THE DESK OF EDITOR-IN-CHIEF



**Justice Sangam Kumar Sahoo**

Judge, High Court of Orissa

Dear Readers,

Warm greetings to all.

Quarterly newsletter 'Sishu Surakhya' published by the Juvenile Justice Committee of Orissa High Court was in full swing till 2019 and it discontinued during Covid-19 pandemic period. Now, with the active cooperation from the concerned Departments of Government of Odisha and the stakeholders, with profound pleasure, humility and anticipation, we have again joined hands to continue the newsletter. We take great pleasure in welcoming you to our newsletter.

We are chalking out plans to enrich the contents and to incorporate some new features and columns in the journal, some unique research based findings and breakthroughs in the fields. We have also planned to change the outlook of the journal by designing a new front and back cover of the newsletter and provide a platform for creative photography, paintings and other activities of children who are lodged in different Children's Home, Specialised Adoption Agencies, Open Shelters, Observation Homes, Special Homes throughout the State which are all total two hundred thirty two in numbers as reported.

"Bache Man Ke Sache  
Saare Jag Ke Aankh Ke Taare  
Ye O Nanhe Phool He Jo  
Bhagwan Ko Lagte Pyare"

Recently, while proposing vote of thanks on the memorable occasion of State Level Juvenile Justice Consultation held on 26.08.2023 at Odisha Judicial Academy, Cuttack, I quoted this song from old Hindi Film "Do Kaliyan" (1968). Children are our future, the citizens of tomorrow. They are considered to be gifts from God, they are like buds in a garden and to be carefully and lovingly nurtured and preserved. All of us particularly the parents, guardians, teachers and society as a whole have a duty and responsibility to see that these greatest personal as well as national assets should be allowed and provided opportunity to grow up in a healthy socio-cultural

environment so that they could become responsible citizens, physically fit, mentally alert and morally healthy. It is also the duty of the State to provide equal opportunities for development to all children during the period of their growth which would reduce inequality and ensure social justice. The State Government of Odisha is taking many commendable steps in that respect.

All of us know that for various reasons, certain percentage of children who are expected to be obedient, respectful and have virtues and good quality in them do not follow settled social and legal dictum and they get involved in criminal behaviour which is known as juvenile delinquency or juvenile crime. Petty crimes in general and heinous crimes in particular are being committed by some children. If we analyse it carefully, we will find that society has not been able to provide a proper and healthy childhood to such children and there exist discriminations and deprivations, both at social and economic level for which they are forced to commit the crimes.

We must know that jail is no place for a child. Depriving children of their liberty has a long-lasting effect on a child's physical, mental and emotional health and development. Putting them in jail actually increases their chances of re-offending. Diversion and other alternative measures to judicial proceedings and detention are more effective, not only from a rights perspective but also from an economic perspective. Detaining children wastes both their childhood and valuable public resources that could be put to better use. The social welfare and justice systems should work together in developing alternative programmes to prevent the detention of children. Constructive diversion conditions should be made available as quick as possible for the children committing any kind of offence. Regular school attendance, vocational skills training, participation in a life skills programme, participation in a competency development programme like responsible decision making, communication skills, problem solving, anger

management, participation in constructive leisure time, regular attendance of prayers/religious ceremonies, and individual or group counselling with or without parents/guardians/family members will assist the children to amend themselves so that they would not become wayward and remain in the social mainstream.

We are delighted that you are joining us as readers. Hope in future, you will make valuable contributions, comments, suggestions and share your thoughts with us so that the quality of newsletter 'Sishu Surakhya' could improve and it would play an important role in the juvenile justice delivery system.

*Sangam Kumar Sahoo*



## MESSAGE FROM THE DESK OF CHAIRPERSON

*“Together as a nation, we have the obligation to put sunshine into the hearts of our little ones. They are our precious ones They deserve what happiness life can offer.”*

*Nelson Mandela*

Children are the future of our country. They are its most valuable and at the same time its most vulnerable resource. Other than food and education, they need love, care and proper guidance to grow up to be healthy and successful adults. The care and attention they get and the environment they live in during their childhood, has a bearing on what kind of person they will grow up to be. The influence of family, school and community during these formative years greatly affects their personality and outlook towards life..

“**Children in conflict with law**” refers to anyone under 18 years of age who comes into contact with the justice system as a result of being suspected or accused of committing an offence. The factors which may cause a child to come in conflict with law are numerous. Poor socio-economic condition, illiteracy, lack of parental guidance, exposure to violence are some of them. Given their relative immaturity, children often do not understand the legal consequences of their actions and are extremely susceptible to their surroundings for which they are easily exploited by unscrupulous persons. Children learn more from what they see and what they experience than what they are told to do. That is why children who have suffered violence, tend to practice violence as they grow up. They often tend to choose the wrong role models due to unguided exposure and access to social media, news and movies. Quite often, a child who has suffered detention, often tends to return to a life of crime due to stigmatization and failure to adjust with society.

That is why building a safe environment for our children is necessary so that they do not come in conflict with law. Even after they come in conflict with law, they need to be treated with care and compassion, so that they realize their mistake, return to the mainstream and resume a normal life with dignity. Unfortunately, when children are



**Justice Savitri Ratho**  
Judge, High Court of Orissa

punished for committing any offence, almost every body ( including the police ) think that they are getting what they deserve, for which they are not treated properly. This attitude has to change, as punishment very rarely reforms a child.

India has a wide range of laws to protect children from violence, for protection of their rights and for their care. But there have been bottlenecks and practical difficulty in their implementation for which violence against children is still widespread, children continue to be exploited, and children who have come in conflict with law do not receive the care and protection they are entitled to. Information sharing among child protection institutions is vital for getting rid of the clogs which prevent effective implementation of laws and schemes framed for the welfare of children. The advice and inputs of experts in the field of child protection is also vital.

The Government of Odisha has made commendable efforts to ensure that children all over the State have access to education and health care which include schemes initiated at the Gram Panchayat and District level. But the facilities and conditions in the Special Homes, Observation Homes and Place of Safety run by the Government have not achieved the purpose behind setting up of such homes. This is primarily on account of overcrowding and distance of the Homes and Place of Safety from their own homes, apart from lack of recreational, vocational activities and proper counseling. It is now the consensus that family based care is the best alternative and institutionalization should be the last resort. This would require close monitoring, support and supervision by the other agencies including the State agencies, so that the child does not go back to his old ways. I appreciate the enthusiasm and commitment of all the stakeholders who are working towards preserving, promoting and safeguarding the rights of children for the effective implementation of the Juvenile Justice (Care and Protection) Act, 2015.



The improvement of the Juvenile Justice system is a gradual process and cannot happen by a click of a button or overnight. It requires constant monitoring and follow up action. The Juvenile Justice Committee of the Orissa High Court has been working constantly to safeguard the interest of the children in conflict with law and children in need of care and protection. It reviews and monitors the performance of Juvenile Justice institutions and dissemination of best practices in order to strengthen the Juvenile Justice System in the State of Odisha. By periodically organizing meetings, seminars and consultations by involving the concerned Departments, functionaries, NGOs, experts, it takes stock of the progress made and the gaps or road blocks encountered, so that there is knowledge sharing and consequent follow up action can be taken by adoption of policies, strategies to address the issues. In the last two years, we have had the Regional Consultation on Effective Implementation

of the Juvenile Justice ( Care and Protection of Children) Act in April 2022. State Level Consultation on Effective Implementation of the POSCO Act in November, 2022, State Level Consultation on Children in Conflict with Law in August 2023 apart from interactions with the Principal Magistrates of the Juvenile Justice Boards and the Judge of the POCSO Courts.

**'Sishu Surakhya'** a newsletter was earlier being published regularly by the Juvenile Justice Committee of the Orissa High Court, but had been discontinued since some years. I am delighted that a special issue of the newsletter is going to be published soon on the initiative of our Chief Justice Hon'ble Justice Mr Subhasis Talapatra under the Editorship of Hon'ble Justice Mr. S.K.Sahoo. Revival of the publication of the newsletter will provide information about the activities of the Juvenile Justice Committee and its stakeholders and will be beneficial to those associated with and interested in the Juvenile Justice system.

*S. Patra*

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## THE JUVENILE JUSTICE ACT, 2015 : AN OVERVIEW



**Justice Mruganka Sekhar Sahoo**

Judge, High Court of Orissa

The Juvenile Justice Act, 2015 was approved by the Lok Sabha in August, 2014. In the objective, amongst other things it is stated that the J.J. Act, 2000 was having operational issues, its adoption resulted in prosecution delays; the figures of National Crime Record Bureau shows that from 2003-2013, the proportion of criminal offence by an adolescent increased from 1% to 1.2%. The J.J. Act, 2015 came into force with effect from 2021.

The law aims to hold juvenile offenders accountable by using counseling rather than sanctions against the offenders. The terms "Juvenile" and "Child in Conflict with Law" have been amended in 2015 to "child" and "child" respectively. The new Act defines the terms "orphaned", "abandoned" children and has introduced a new term "handed over" child. The Act additionally defines categories of offences committed by a child to be Petty, Serious and Heinous.

The Act clarifies the roles of the authority of the Child Welfare Committee and Juvenile Justice Board. The children, who are in custody or who are charged with committing a crime are brought before the Juvenile Justice Board (JJB). The Board is made up of a First Class Magistrate and two social workers at least one of whom has to be a woman. The Board is intended to work in a child friendly environment that does not intimidate the child.

### CHILD WELFARE COMMITTEE (CWC)

As mandated by 2015 Act, the Committees are established in every district of the State, by the State Government, to take decisions about the issues involving the care, protection, treatment, development and rehabilitation of children, who require care and protection as well as the provision of their basic requirements and protection.

Orphaned, surrendered and abandoned children can be adopted under the Act's effective and well organized system. The Act makes registration mandatory for all child care facilities. The Central Adoption Resource Authority (CARA) is given legal standing under the Act.

In a significant departure from the earlier provisions, the 2015 Act provides that any minor between ages of 16 and 18, who has been charged with a sever offence may be tried

in adult/regular Court. In order to decide, if the child can be handled as an adult, the JJB would evaluate the child's physical and mental capabilities and his/her capacity to understand the implications of the crime. This approach is with an objective to bring justice to the victims of the atrocities that are committed by 16 to 18 years of olds in cases of serious crimes.

Numerous studies suggest that children between the ages of 16 and 18 are vulnerable due to physical and hormonal changes, those are biologically natural. The changes result certain emotional impact on the child. In my humble opinion, further harm may result if a child offender is treated as an adult and is imprisoned to be in close proximity to adult offenders which include professional hardened criminals. Such imprisonment makes the child extremely vulnerable to exploitation in the prison. The object of rehabilitation is also nullified and is difficult to achieve by treating a child to be an adult offender. In the existing set up of Acts and Rules a detailed psychological evaluation through available scientific methods should be conducted in all cases where a child in the age of 16 to 18 is considered to be sent for trial as an adult criminal. In this regard the guidelines provided by NCPCR (National Commission for Protection of Child Rights) along with the model rules 2016 are to be taken note of. Under section 15 of the JJ (CPC) Act, 2015 a Sessions Judge is not obliged to rely solely on the report of a psychologist or a medical specialist obtained by the JJB.

Children from economically and socially disadvantaged strata of the society due to several stress factors are more likely to commit crimes. To decrease juvenile criminality special care has to be provided and provisions are to be made to achieve the objective of the Act 2015, to reduce criminality among children as well as better rehabilitation, which is an important objective of the Act.





### Justice Aditya Kumar Mohapatra

Judge, High Court of Orissa

*“Safety and security do not happen, they are the result of collective consensus and public investment. We owe our children, the most vulnerable citizens in our society, a life free of violence and fear.”*

*Nelson Mandela*

The importance of a child in society has been very eloquently put forth by our seers and saints on several occasions. Many ancient scriptures attest the importance of parents or elders imparting good moral teaching and education to a child to make him/her worthy to not only exist in society, but be worthy of being an active part of society.

If I may quote the “Hitopadesha” at this juncture:

मातृपितृकृताभ्यासो गुणितामेति बालकः ।  
न गर्भच्युतिमात्रेण पुत्रो भवति पण्डितः ॥

(MatruPitruKrutavyashaGunitamotiBalakah I  
Na garvaschyutiMatrena  
PutroBhavatiPanditah II)

Thereby meaning that the teaching on morality, character and behaviour that a parent imparts to his child is what produces good children. No child is born a pandit.

Similarly,

“वरमेको गुणी पुत्रो, न च मूर्खशतैरपि ।  
एकश्चन्द्रस्तमो हन्ति, न च तारागणैरपि ॥”

(BaramekoGuniPutro Na Cha Murkhasatanyapi) -  
Ekaschandrastamohanti Na cha taraganonyapi)

Which means that it is better to have one wise son with good qualities as it is to have the moon which alone can dispel the darkness of the night, rather than having hundred sons devoid of good qualities akin to having a hundred stars who together also cannot dispel an iota of the darkness at night.

## CARE AND PROTECTION OF CHILDREN VIS-À-VIS A NATION A PERSPECTIVE

The idea of development of children and their role in nation building was very well understood by ancient Indian Kings, Seers and philosophers. The very objective behind having a well developed “Gurukul System” of imparting education and assistance in intellectual development mechanism for the young children was not only to impart subjective education, but also to inculcate moral values, discipline, culture and other valuable teachings of life to make such young one’s a complete man who could take independent and informed decisions. In Gurukul System, students were being sent to residential school at a very young age where they were staying with their Gurus/Acharyas (Teachers).

The importance of development of children in the process of building a strong nation was realised as early as 5000 BC with the establishment of Gurukul System where the young kids were being taken away from the parents and family and were kept under the direct guidance and supervision of the Acharyas (Teachers). Such a System was probably thought of considering the importance of a well prepared citizen and the unintentional negligence of parents in giving proper parenting to their child.

All children deserve to have a happy childhood and the opportunity to lead a dignified life safe from violence, exploitation, neglect, deprivation and discrimination. It is our collective job as a society to ensure that the same is visible in action and not merely in words. Today’s child, after all, is who we will hand over the beacon of our nation to tomorrow. Therefore, protection and care of our children today is not only a matter of their human rights but also an investment towards building a robust nation. Child rights violations in any case are intrinsically linked to social injustice.

In my limited experience, the fact remains that, in terms of achieving social justice and human rights, children continue to be a disadvantaged minority group. This has an impact on their current social and economic needs in addition to their entire value system. There is no doubt that children are necessary for the future of humanity. There is little doubt that children hold a significant role in the future of civilization.



It is also a fact that even while measuring the growth and success of nation, one of the important yardsticks used is to assess the intellectual and educational standards of the children living in those nation. The growth and development of our nation would remain incomplete unless we lay emphasis on the younger citizens of our Country.

When a youngster is an orphan, a loner, impoverished, homeless, child labour, bonded labour, domestic helper, street child, or with special needs, this marginalization worsens significantly. They remain largely uncared for in such situations and become extremely vulnerable to crimes committed against them. The main causes of children's continuous vulnerability and exploitation range from actual crimes to societal negligence and poor parenting, as well as innocence, inexperience, improper exposure, bad care, a lack of adequate supervision, and the absence of a solid social security system.

It is here that the role of the State and NGO's becomes extremely crucial. Additionally, it is frequently discovered that these kids lack fundamental formal education. These kids are loose cannons as they eventually grow up and integrate into society; where as a result of neglect or lackadaisical attitude of caregivers, they constitute a serious threat to society as a whole. When seen from the aforementioned angle, the State's role becomes even more significant.

As a result, I'll remind you once more of what Nelson Mandela had once said and in the above stated background sincerely urge that the government should take a more aggressive stance towards the underprivileged children of society. The State must carry the burden and take the role of parents of those misguided and misdirected youngsters, who have been left with no alternate caregiver, giving them the best

care possible and assisting them in developing into responsible members of our great Nation. It won't be overstated to say that raising such children is a crucial aspect of nation-building.

In this regard, I do applaud the Juvenile Juvenile Justice (Care and Protection) Act, 2015 which expanded the definition of "child in need of care and protection" to also include a child caught working in violation of labour law, with imminent risk of marriage before reaching the legal age for the same resides with a person who has threatened or threatened to hurt, exploit, abuse or neglect the child or to violate any other law, or whose parents or guardians are unable to care from him. Statutory recognition of the fundamental principles are to be kept in mind while implementing the Act including the principle of the best interest of the child, principle of dignity and worth and the principle of family responsibility amongst others are a step in the right direction.

It is my fervent wish that the State will follow and implement the scheme of the Act, honestly, sincerely and scrupulously. Lastly, I would like to also reiterate my hope that the State, NGOs and the Judiciary would leave no stone unturned to bring back and preserve, the smile in the face of all such children who have been unfortunately deprived of their childhood for none of their fault, as to also guide their mind and sharpen their skills so that they can also eventually contribute towards the development of the Nation.

After all, as John F. Kennedy, former President of U.S.A. had once said;

**"Children are living messages we send to a time we will not see."**



### Justice Murahari Sri Raman

Judge, High Court of Orissa

Children are like the buds in the garden; they bloom and exude fragrance which makes their precious existence felt. Let us break the silence of the meek kids and hear the voice of the toddlers, juveniles and adolescents, who before blooming, are nipped in the bud. Being the backbone of the futuristic globe (purport of the like G20, perhaps) and vulnerable section of the society, children get moulded in such a form as the society moulds them. Hence, children at their tender age deserve focus, by enforcement of laws for their well-being and protection; psychologically, physically and socio-economically. Of course, time has ticked to strive for extending protection to them judicially by enforcing laws in the society aiming towards their betterment.

Delinquency among juveniles is triggered by combination of social, environmental, economic and psychological parameters. The categories of children in need of care and protection include shelter-less, homeless children living on streets, child-labours, orphans, abandoned, victims of abuse or trafficking, suffering from psychological disorder etc. Utmost protection under law is the need of the hour as they are vulnerable to commit crimes. Counselling, reformation and rehabilitation are not the only important aspects to be considered but also change in humane behavioural attitude towards them in the society. To cover up the deficiencies in the Juvenile Justice (Care and Protection of Children) Act, 2000, a robust arm in the shape of the Juvenile Justice (Care and Protection of Children) Act, 2015 came to replace the earlier one with effect from 15.01.2016, whereby juveniles in the age group of 16 to 18 years involved in cases of heinous crimes (which are punishable with imprisonment of seven years or more) can be tried as adults. For achieving the pious purpose to protect the juvenile offenders, Juvenile Justice Boards (the concerned authority to deal with Children in Conflict with Law) have been set up in every district of the State. They conduct inquiries, preliminary assessments in cases of juveniles committing heinous crimes with an

## JUVENILE CARE AND JUSTICE : AN APPROACH

aim to determine the physical and mental capacity of such a child as well as his or her ability to comprehend the consequences of the offence committed. This marked a clear departure from treating a child as **doli in capax**: someone who is incapable of realizing the consequences of his or her actions/overt actions. Though news agencies cover the story of a child indulged in homicide of his own mother, quite often for a meagre amount of money for daily expenses, but rarely do they cover the efforts made to make the child understand the ill-effects and the successful counselling which ultimately brings smile on their faces.

Nonetheless, the job of the Juvenile Justice Board (may act as **loco parentis**) is that after completion of the inquiry, it can decide to transfer the case to a Children's Court for trial. "Children's Court" means a court established under the Commissions for Protection of Child Rights Act, 2005 or a Special Court under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) wherever existing. Where such courts have not been designated, the Court of Sessions will have jurisdiction to try offences under the Juvenile Justice (Care and Protection of Children) Act, 2015. If he/she is found guilty during the trial, the child is to be sent to a place of safety for reformation and rehabilitation till he or she attains 21 years of age. A "place of safety" means any place or institution, not being a police lockup or jail, established separately or attached to an observation home or a special home, as the case may be. The person in-charge is to take care of the children alleged or found to be in conflict with law, by an order of the Board or the Children's Court, both during inquiry and rehabilitation after having been found guilty for a period and purpose as specified in the order.

Upon turning 21 years, an evaluation of such a child is required to be conducted by the Children's Court. If the child is determined to have reformed, he or she can be released on probation. If not, the child is transferred to an adult jail to serve the rest of the term of sentence of imprisonment, determined in accordance with the offence committed.

It is needed to reinforce in a child respect for human rights which calls for nurturing the child in a way that is consistent

with fostering his or her sense of dignity. Trial proceedings of juvenile offenders are to be held, as far as possible, in an informal manner, to minimise their “trauma”— for that matter complex trauma of childhood which continues in the form of “adverse childhood experiences”, includes physical, emotional, or sexual abuse; physical or emotional neglect; parental mental illness, substance dependence, incarceration; parental separation or divorce; or domestic violence should be addressed sensitively. Therefore, it is suggested that juvenile offenders are not to be brought to the trial in handcuffs, police officials present at the trial be dressed informally and the identity of the juvenile offender be withheld from the media.

The behaviour of the mass that a child confronts is neglect, favouritism, harassment, or cruelty of parents, school teachers, or peers which leads him to imbibe aversion, resulting in developing inferiority complex, phobia, ostracism, and shame at school, home, or in company. Child delinquent behaviour mostly is attributable to lack of education, misguidance and improper association. Socio-economic background is also one of the root causes for being obstinate. This sort of behavioural pattern is observed in the financially unstable family and family having low income. Such child needs to be trained not only to grow up with intellect, but also to build up career with mental soundness.

In the event a child in conflict with law (a child who is alleged to have committed an offence), at the time of crime is above 16 years, but below 18 years of age, is apprehended for alleged offence of heinous crime like murder, a mandate is contained in Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 to release such child on bail. It is a special provision, which stands to the exclusion of mandate in the Code of Criminal Procedure, 1973. Parameters for considering an application for bail filed by a juvenile under Section 12 of the Act are clearly distinguishable from the application filed under Section 439 of the Code of Criminal Procedure. Even after a juvenile is to be tried as an adult, still his bail is to be considered under the parameters provided under Section 12 of the JJ Act. As it is evident from Section 12 of the Act, 2015, the only embargo in not releasing such a

child is that there appears reasonable ground for believing that his release is likely to bring him into association with any known criminal; or to expose him to moral, physical or psychological danger; or that release of such a person would defeat the ends of justice. **Referencer:** Neeraj Vrs. State of Haryana, 2023:PHHC:106250; CCL 'A' Vrs. State (NCT of Delhi), 2021 Cri.L.J.1251.

While considering a case under the Juvenile Justice Act, 2000, the Supreme Court of India in **Makkella Nagaiah Vrs. The State of Andhra Pradesh, WP (CRL.) No. 429 of 2022, vide Order dated 05.09.2023**, noted that as per Sections 16 and 15(1)(g) of the Juvenile Justice (Care and Protection of Children) Act, 2000, the child could only be held in custody for a maximum of three years. In **Hari Ram Vrs. State of Rajasthan, (2009) 13 SCC 211** it is stated that the question of juvenility can be raised before any Court and at any stage, as prescribed under Section 7A(1).

This takes us to think about curbing abuse of children chiefly their sexual abuse. This aspect engaged the anxious consideration of the Hon'ble Supreme Court. By **Order dated 22.10.2018 in SMW (Cri) No.3 of 2015 : In Re: Prajwala Letter dated 18.02.2015 (Videos of sexual violation and recommendations)**, it has been recorded that Union of India has prepared a Standard Operating Procedure for taking action by security/law enforcement agencies under Section 79(3)(b) of the Information Technology Act. Union of India has also prepared a Standard Operating Procedure for cyber police portal – handling complaints involving child pornography – child sexual abuse material, rape/gang rape and obscene contents. On 11.12.2018 in the said case it has been directed that the Government of India may frame the necessary Guidelines / SOP and implement them so as to eliminate child pornography, rape and gang rape imageries, videos and sites in content hosting platforms and other applications. In this direction the guidelines propounded by the Delhi High Court in **X Vrs. Union of India, 2021:DHC:1408** deserve to be adhered to. Attention of social media is, therefore, to be drawn to keep tap over such objectionable and obscene contents and take prompt step to withdraw before such contents get viral. Let's take step to reach at error-free globe.

*Pranav*



### Justice Ananda Chandra Behera

Judge, High Court of Orissa

The Juvenile Justice (Care and Protection of Children) Act, 2015 is one of the special statutes enacted by the Central Government.

The above Special Statute is fully based upon a Doctrine i.e. "PARENS PATRIAE". PARENS PATRIAE theory provides obligation upon the State to protect and take charge of the citizens of the State to serve them as their guardian including the children those are in need of care and protection, as they cannot take care of themselves. It refers to the power of the State to intervene against an abusive or negligent parent of the children or their legal guardian or their informal care-taker and to act as parent of any child or individual, who is in need of protection.

Normally natural parents and family are expected to take care of their children, but, when they fail in their such duties, in that situation, State steps into the shoes of parents and family to provide some care and protection as their own parents and family, which should have been provided to them by their family. With passage of time, principles of PARENS PATRIAE shifted to right approach, which respects constitutional and procedural rights of a Juvenile or Child.

So, the persons, those are either related to the child or dealing with the affairs of child under any capacity either privately/individually or on being authorised/engaged by the State including the members of the Juvenile Justice Board and Courts, should discharge their duties and obligations keeping in view their roles as PARENS PATRIAE. It is expected from them all that, whatever

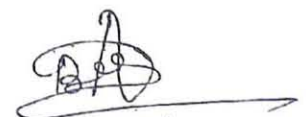
## DUTIES AND OBLIGATIONS OF THE PERSONS IN DEALING WITH THE AFFAIRS OF THE CHILDREN

decision they will take in respect of any matter relating to any affair of the child, it should serve the best interest of the child, or else the basic object of the enactment of the Special Act for the care, protection and best interest of the children shall be defeated.

Therefore, through this short article, it is requested to all i.e. own parents/guardians/caretakers of the children including the agencies of the State along with the members of the Juvenile Justice Board and Courts to deal with the matters relating to the affairs of the child keeping in mind to their roles under no other capacity but as PARENS PATRIAE. Care and Protection of the child should be the paramount consideration. At any cost, child care can never be neglected even by the own parents of the child. The Juvenile Justice (C & PC) Act has been enacted for the welfare and betterment of the child. Complete care and protection of the child should be the utmost priority and at any cost the best interest of the child can never be compromised or sacrificed by anybody.

The Judge when decides a case relating to the affairs of the child, must keep or bear the principles in mind the Doctrine of PARENS PATRIAE for the best interest of the child. While adjudicating the matter or case, the Judge may forgive other aspects, but he/she must not forget to the above principle. Their decision/considerations must reflect on and serve best interest of the child not only in terms of physical mental health but also in terms of nutrition, education and general well-being of the child. No order should be passed against the well-being of a child or against his/her interest.

The role of every authority should be as that of a guardian of child because, a child cannot foresee his/her best interests.



# MINIMUM AGE OF CRIMINAL RESPONSIBILITY

## Introduction

According to the Indian Majority Act, 1875, a person domiciled in India is said to have attained the age of majority after attaining 18 years of age. Therefore, any person below this prescribed age is said to be a minor. Under the Juvenile Justice Act of 2015, 'juveniles' [Sec.2(35)] or 'minors' [Sec.2(12)] are considered to be those who are below the age of 18 years. So, in order to be liable for an offence as an adult, a person must have completed the age of 18 years, which is the age of criminal responsibility. Any wrong or mistake committed by a child is not the same as one committed by an adult due to the level of maturity that is expected out of them. However, this provision has some exceptions. According to the Sec.82 IPC, an offence committed by a child below 7 years is not considered as an offence, but an act done by a child, above 7 years and below 12 years, is said to be an offence under certain circumstances as prescribed U/s.83 IPC. Article 15(3) of the Constitution of India prescribes for making special provision for women and children and Article 39 (e) & (f) provides that children must be given ample opportunities to facilitate their development in a healthy and prosperous manner.

## Principle of Doli In capax:

The law presumes that a child below the age of 7 years is 'doli in capax'. This means that children lack the necessary ability to understand the nature and consequences of the act committed by them and thereby, lack the ability to form 'mensrea'. Doli in capax is a Latin term meaning "incapable of doing harm", which has been used to presume the innocence of a child under criminal law. The theory behind doli in capax lies in the concept of criminal responsibility, meaning that a person must be criminally responsible for the act which he intended to commit. Doli in capax is recognized in most countries. In India, this principle is covered under Sections 82 and 83 of the IPC. The Indian Penal Code considers that children below the age of 7 years are incapable of understanding the nature and consequences of one's own actions and provides total immunity for any offence committed by them.



**Shyam Sundar Dash**  
Director, Public Prosecution

## Legal Provisions of Indian Penal Code.

Section 82 and Section 83 of the IPC deals with offences committed by children.

Section 82 IPC states that "nothing is an offence which is done by a child under seven years of age."

This provision gives total immunity to children below the age of 7 years from being responsible for any crime. In the case of Shyam Bahadur Koeri v. State of Bihar (AIR 1967 Patna 312), a child below the age of 7 years discovered a gold plate that weighed 28 tolas. However, after recovering it, he did not report it to the Collector. When the Collector came to know of this, he ordered the prosecution of the child under the Indian Treasure Trove Act, 1878. The Court acquitted the child applying Section 82 of the IPC as he was below 7 years of age.

Section 83 IPC states that "Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion."

This Section deals with offences committed by a child above the age of 7 years and below the age of 12 years. To prosecute a child under this Section, the following essentials must be satisfied:

- The act must be done by a child.
- The child must be above 7 years and below 12 years of age.
- The child must not have attained sufficient maturity to understand the nature and consequences of his conduct.

This section provides that a child above the age of 7 years and below the age of 12 years is said to have committed an offence, if the Court can ascertain that

the child had sufficient maturity to understand the nature and consequences of his actions. In this section, the term “consequence of his conduct” does not mean the penal consequences but the natural consequences of the conduct. The proof of sufficient maturity can be ascertained depending upon the facts and circumstances of each case. In general cases, it can be ascertained from the following:

- The nature of the act committed by the child.
- The subsequent conduct of the child after committing such an act.
- The appearance of the child before the Court of Law.

In the case of *Hiralal Mallick v. State of Bihar* (AIR 1977 SC 2236), the accused was below the age of 12 years and had a dispute with the victim in relation to an earlier attack on his father. The accused, armed with a sharp weapon, along with his elder brothers, gave several blows to the victim on his vital body parts, causing death of the victim. The accused was charged with murder under Section 302 IPC. The accused pleaded the defence under Section 83 IPC. The Court analyzed the medical evidence, which showed that the child was armed with a cutting instrument and sat upon the victim using the sword on his neck. The autopsy evidence disclosed that the injuries caused by the accused were not lethal ones but multiple sword cuts on the neck of a man, leaving little room for doubt in the ordinary run of cases as to the intent of the accused. When three persons, with swords in their hands, attack a single individual and strike on his neck and skull several times with a sharp weapon, it is not caressing but killing, in all conscience and common sense. The Court rejected the defence of the child and convicted him holding that the act of the accused of stabbing the victim with a sharp weapon shows that the accused had attained sufficient maturity of understanding to judge the nature and consequences of his act.

In *Kakoo vs. The State of Himachal Pradesh*: (AIR 1976 SC 1991), *Kakoo* who was of thirteen years, committed rape on the child of 2 years and was sentenced to 4 years of rigorous imprisonment by the trial court, and the High Court upheld the decision. The defence counsel pleaded defence under Section 82 and 83 of the IPC. This took place in 1976 when laws for juvenile and child delinquents were not fully developed, and Himachal Pradesh did not have any enactment in force at the time. The Court, however, stated, “taking into account all the circumstances of the

case, we are of the opinion that the ends of justice will be served by reducing the sentence of the appellant to one year’s rigorous imprisonment and a fine of Rupees 2,000/-, and in default of payment of fine, to suffer six months’ further rigorous imprisonment. The appellant shall be detained separately from adult prisoners. He should preferably be detained in a Reformatory School, if any, for the said period. The fine, if realized, shall be paid as compensation to the mother of the victim baby.”

### **Juvenile Justice (Care and Protection of Children) Act, 2015**

To understand crimes committed by minors, it is also necessary to study the JJ Act of 2015 which prescribes the procedure relating to crimes committed by minors. As mentioned earlier, the JJ Act, 2015 deals with offences committed by persons who have not completed the age of 18 years. The Act states that children or juveniles who are found to be in conflict with the law are to be produced before the Juvenile Justice Board (JJB).

### **Under the JJ Act, offences have been categorized into 3 levels:**

1. Petty offences – These are offences for which the maximum punishment under the IPC or any other law is imprisonment of up to 3 years. [Sec.2(45)]
2. Serious offences – These are offences for which the punishment under the IPC or any other law is imprisonment of 3 to 7 years. [Sec.2(54)]
3. Heinous offences – These are offences for which the punishment under the IPC or any other law is imprisonment of 7 years or more. [Sec.2(33)]
  - Children in conflict with law above 7 years and below 16 years can be prosecuted under JJ Act, 2015.
  - Children in conflict with law above 16 years and below 18 years for committing petty offence and serious offence can be prosecuted under JJ Act, 2015.

In certain cases, the child can be tried as an adult. When a heinous offence is committed by a child between the age of 16 to 18 years, the child shall first be produced before the JJ Board. The Board shall then conduct a preliminary assessment of the accused, assessing his mental and physical capacity to commit such offence, his ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence (Sec.15). After such an assessment, the Board

shall decide whether the child shall be tried as an adult. Therefore, it can be understood that children between the ages of 16 and 18 years, who have committed a heinous offence and have been assessed and concluded to be able to understand the consequences of an offence having mental and physical capacity to commit such offence, can be tried as adults.

In the case of *Pratap Singh v. State of Jharkhand*: (2005) 3 SCC 551, there was a question before the Court that whether the date of commission of an offence or the date on which the accused was produced before the Court should be considered. The Supreme Court held that the date of the commission of the offence should be recognized as the date for determining the age of the accused.

The Juvenile Justice (Care and Protection of Children) Act, 2015 provides a child-friendly approach for dealing with child and juvenile offenders/accused i.e. adjudication and disposal of matters keeping in mind the best interests of children and also provides for their rehabilitation. The Act defines a child and a juvenile as someone who has not completed the age of 18 years. It deals with:

1. Child in conflict with the law- A child who is alleged or is found to have committed an offence and who has not completed 18 years of age on the date of commission of the offence. [Sec.2(13)]
2. Child in need of care and protection-This includes children without any home, children found working in contravention of labour laws, mentally ill or physically challenged children or abandoned children etc. [Sec.2(14)]

Section 3(i) of the Act provides for the principle of presumption of innocence to be followed in the administration of the Act which lays down that, "Any child shall be presumed to be innocent of any malafide or criminal intent up to the age of 18 years".

Also, the Act under Chapter IV comprehensively deals with the procedure in relation to children in conflict with the law. Special procedure is provided for dealing with children who are accused of a criminal act in that the child cannot be placed in a police lock-up or lodged in jail and the person in whose charge a child in conflict with law is placed shall undertake the responsibility of a child as a parent.

However, Section-15 of the Act provides for circumstances where a juvenile may be tried as an adult which are as follows:

1. **Age of child:** The child has completed 16 years of age or is above 16 years of age.
2. **In case of heinous offence:** The child is alleged to have committed a heinous offence i.e. an offence punishable with imprisonment for 7 years or more.
3. **A preliminary assessment by Board:** A preliminary assessment shall be conducted by the Board with regard to the children on the following:
  - a. Child's mental and physical capacity to commit the crime,
  - b. His ability to understand the consequences of the offence, and
  - c. The circumstances in which the offence was allegedly committed by him.
4. **The assistance of experts:** The Board is empowered to take the assistance of experienced psychologists, or psycho-social workers, or other experts for the purpose of conducting such assessment as aforesaid.
5. **Matter to be disposed of by Board:** If the Board is satisfied on such preliminary assessment that the matter should be disposed of by the Board, then the Board shall follow the procedure laid down for trial in summons cases under the Code of Criminal Procedure, 1973.[Sec.15(2)]
6. **Trial as an adult:** Section 18(3) provides that if the Board is satisfied after the preliminary assessment that there is a need to try such a child as an adult, it may order the transfer of the trial of the case to the Children's Court having jurisdiction to try such offences.
7. The preliminary assessment is to be completed as per Sec. 14(3) and proviso to Section-15(2), within 3 months from the date of first production of the child before the Board.
8. The Children's Court after receipt of the preliminary assessment report, may decide that there is need of the child as an adult as per the provisions of Cr.P.C.; or that there is no need for trial of the child as an adult; and may conduct an inquiry as a Board and

may pass orders in accordance with the provisions of Section-18. [Section-19]

9. The order of the Board on preliminary assessment is appealable U/s.101(2) as per proviso to Section-15(2), before the Court of Sessions. The appellate Court may while deciding the appeal take assistance of experienced psychologists and medical specialists other than those whose assistance was taken by Board U/s.15.
10. As per Sec.102 of the Act, the High Court may entertain revision against the order of the Committee or Board or Children's Court, or Court for the purpose of satisfying itself as to the legality or propriety of any such order.
11. The legislature has provided so much checks and balances to the preliminary assessment by way of re-assessment, appeal and revision, only to safeguard the interest of the child to pass through different forums that the preliminary assessment is correctly done. Such checks and balances may lead to protracted litigation raising doubt as to disposal of enquiry within the statutory period of 4 months and extended period of 2 months as per Section-14(2) from the date of first production of the child before the Board.

In *Ram Deo Chauhan v. Bani Kant Das*: (2010) 14 SCC 209, Hon'ble Supreme Court in a review, confirmed the commutation of death sentence to that of life imprisonment by Governor of Assam in respect of a person, who claimed to be below 16 years and radiological examination (ossification test) proved that he was above 16 years.

This was a trial under Juvenile Justice Act, 1986 where 'juvenile' was defined U/s.2(h) as a boy who has not attained the age of 16 years and a girl who has not attained the age of 18 years. In The Juvenile Justice (Care and Protection of Children) Act, 2000, 'juvenile' or 'child' are defined U/s.2(k) as a person who has not completed eighteen years of age. There was no provision of 'preliminary assessment' either under JJ Act, 1986 or under JJ Act, 2000. The concept of 'preliminary assessment' is new to The Juvenile Justice (Care and Protection of Children) Act, 2015. The word 'delinquent juvenile' in JJ Act, 1986 was replaced in Section-2(l) of the JJ Act, 2000 as 'juvenile in conflict with law' and was further replaced in Section-2(13) of JJ Act, 2015 with 'child in conflict with law'.

In *Makkella Nagaiah Vs. State of AP*, WP (CrI.) No.492 of 2022 decided by Hon'ble Supreme Court on 05.09.2023, a person was convicted by the trial Court for life imprisonment. His appeal was dismissed by the High Court and SLP was also dismissed by Supreme Court. Thereafter, the convict took the plea of juvenility before the Hon'ble Supreme Court. Hon'ble Supreme Court directed the Additional Sessions Judge (FTC), Khammam, Andhra Pradesh to conduct an inquiry in this regard. It was reported that the age of the convict was 16 years, 7 months on the date of commission of the crime, i.e., 21.12.2005. So, Hon'ble Supreme Court directed the juvenile in conflict with law to be released after 12 years of imprisonment of the child in conflict with law.

In *Narayan Chetanram Chaudhary Vs. State of Maharashtra*, 2023 SCC OnLine SC 340, decided on 27.03.2023, Hon'ble Supreme Court released a death row prisoner after 28 years of imprisonment, on finding him to be a juvenile at the time of commission of offence. It is held that plea of juvenility can be taken at any stage.

In *Rishipal Singh Solanki v. State of U.P.*: (2022) 8 SCC 602: AIR 2022 SC 630, Hon'ble Supreme Court of India has held as follows:

- a. The Juvenile Justice Board shall undertake the process of age determination by seeking evidence as per Sec.94 of JJ Act, 2015.
- b. If two views are possible on the same evidence, the Court should lean in favour of holding the accused to be a juvenile in borderline cases to give benefit of the Juvenile Justice Act, 2015 as made applicable to the juvenile in conflict with law while maintaining caution that such liberty is not misused by persons to escape punishment after having committed serious offences.
- c. When a claim for juvenility is raised, the burden is on the person raising the claim to satisfy the Court to discharge the initial burden. However, the documents mentioned in Rules 12(3)(a)(i), (ii) and (iii) of the JJ Rules, 2007 made under the JJ Act, 2000 or sub-section (2) of Section 94 of the JJ Act, 2015, shall be sufficient for prima facie satisfaction of the Court. On the basis of the aforesaid documents a presumption of juvenility may be raised.

- d. When the determination of age is on the basis of evidence such as school records, it is necessary that the same would have to be considered as per Section 35 of the Evidence Act, inasmuch as any public or official document maintained in the discharge of official duty would have greater credibility than private documents.

## CONCLUSION

Lack of birth registration opens the door for manipulation of children's age, including minimum age of criminal responsibility (MACR). The science of assessment of age is not an exact science and is subject to margin of error. However, Hon'ble Apex Court in Rishipal Singh Solanki case (Supra) has solved the issue to a great extent.

While making 'Preliminary Assessment' U/s.15 of JJ Act, 2015, the Board should take the assistance of experienced psychologist or psycho-social worker or other expert.

A standard operating procedure should be formulated for preliminary assessment to bring uniformity and

consistency as the statutory provision is silent on the procedure for preliminary assessment.

In the absence of professional bodies to assist JJBs in assessing the mental and physical capacity of CCL, the preliminary assessment is being made on presumption or assumption. There should be 'Child Guidance Centre' with the support of trained clinical psychologists to assist JJBs in assessing the mental and physical capacity of CCL during preliminary assessment.

If police forward a person to Court, who is apparently a child and there is no proof of his age, the Court should direct the police to produce the person before Board with direction for assessment of age of the person as per Sec.94 of JJ Act, 2015 and he should not be sent to jail till a decision is made.

The minimum age of criminal responsibility as per Sec.82 and 83 of IPC should be raised. The very low age of criminal responsibility is unnecessary, illogical, potentially harmful and from the perspective of children's right, illegitimate.



### Shri Sudipta Acharya

Member Secretary, Odisha State Legal Services Authority

A bud carries the future of a tree within it. Similarly, the future of a society intrinsically lies in its children. But they need preservation which will help them to rise to the future and to contribute in making the society a better place to live. The concept of Juvenile Justice is not new in India and reference to this concept can be traced back to our mythology i.e., in the Mahabharat where the story of sage (rishi) Mandavya with Dharmaraj signifies what magnitude of sin can be fixed on a man for an act which he had committed in an age where he had no understanding of good or bad, virtue or sin. In this story, sage Mandavya was punished for a sin which was done by him during his childhood when he had not attended the age of maturity or it can be said where he could not distinguish between good or bad. During his conversation with Dharmaraj (Yamraj), he explained about the age where a child can't be held responsible for his act and the role of the society at that time and he also cursed Dharmaraj (Yamraj) to take birth as "Vidura" in Kuru Family and to witness all wrongs of Kuru Family despite being Dharmaraj. JJ(CPC) Act, 2015 basically deals with a child as child in conflict with law and as child who is in need of care and protection. Both the category of child is subject to vulnerability. In first category, the child is supposed to be exposed to a criminal procedure which will certainly affect his/her adolescent mind. To tackle this situation JJ(CPC) Act, 2015 enumerates several child friendly procedures in order to save the child from being affected. In second category, a child might be found homeless or not having settled place of abode or he/she might be a child who is subject to begging or he/she is living on the street or he/she might be exploited by his/her guardian or by a person who is not a guardian to him/her. The exploitation might be direct or indirect. But whether it is the case of child in conflict with law or child who is in need of care and protection, the legal services authority has several roles in addressing the need of the child.

Article 39A of the Constitution deals with "Equal justice and free legal aid". It provides that "The State shall, in particular, provided free legal aid, by suitable legislation or schemes or in any other way, to ensure" that opportunities for securing

## A BUD TO BLOSSOM

### CHILD IN CONFLICT WITH LAW AND ROLE OF LEGAL SERVICES INSTITUTIONS

justice are not denied to any citizen by reason of economic or other disabilities". The Legal Services Authorities Act, 1987 ensures the words stipulated in Article 39 and 39A of the Indian Constitution and it speaks that legal services authorities are constituted to provide free legal services to the weaker sections of the society and to ensure that justice is not denied to any citizen due to reason of economic or any other disabilities.

In case of child in conflict with law, the circumstances can be divided in three stages; Firstly, prior to getting in conflict with law, secondly, after coming in conflict with law and thirdly, rehabilitation or social reintegration. As clay can be given any shape, like that, the young mind of a child can be shaped to any possibility. In such case the role of education assumes significant importance which will nourish the thinking of a child and it will lead that child to become a responsible and law-abiding citizen. But child drop-out from schools is a major impediment in this process. OSLSA has directed its field units to remain in contact with BEO, teachers & NGOs who are working for school drop-out children and to monitor and endeavor to bring those drop-out children back to the schools. A similar step has been taken by DLSA, Khurdha where 416 children have been identified as dropouts, and measures have been taken to minimize the impact and provide them with educational opportunities. Also DLSA, Phulbani has reported that during a campaign for rehabilitation of school dropout of Kandhamal district, 79 nos. of dropout students have got opportunity of education again by state institute of open schooling. Apart from that, OSLSA has 746 School Legal Literacy Clubs where the students who are the members of the said club are being sensitised on various topics of law as well as on issues of the society. The children who are the members of the said club are not only helping themselves but also enlightening their parents, siblings, neighbours and other members of the society.

Now, the second stage where a child has come in conflict with law and now he/she is subject to the procedure laid down by JJ(CPC) Act, 2015. Rule 14 (3) (vii) of Odisha Juvenile Justice (Care and Protection) Rules, 2018, which provides that "The police officer apprehending a child alleged to be in conflict with law shall inform the District Legal Services Authority for providing free legal aid to the child." Also, Legal Services Authority Act, 1987 in section 12 (c) includes a child for free legal

aid to file or defend any case and section 12 (g) provides that a person who is in custody including custody in protective home within the meaning of clause (g) of Section 2 of the Immoral Traffic (Prevention) Act, 1956 (104 of 1956) or in a juvenile home within the meaning of clause (j) of Section 2 of the Juvenile Justice Act 1986. Hon'ble Supreme Court of India in Sampurna Behrua v. Union of India & Ors. W.P. (C) No.473/2005 also highlighted the needs of child in conflict with law and directed the National Legal Services Authority to put in place Legal Aid Centres attached to the Juvenile Justice Board (s) in the State where there is a high pendency. The order further stated that the State Legal Services Authority be requested to establish Legal Aid Centre(s) attached to the Juvenile Justice Board (s) in the State/Union Territory Capitals immediately.

In the light of the directions and observations made by the Hon'ble Apex Court, NALSA has framed guidelines to fortify the essence of the judgment in a comprehensive manner and it aims towards securing the interest of the child in conflict with law at his/her vulnerable stage. In view of the directives, the Secretaries of the DLSAs are making unscheduled visits to the Child Care Institutions (CCIs) set up/ functioning in their districts to assess the living conditions of the inmates, and to ascertain whether those Institutions are functioning as they should, and submitting reports to the Chairman of the DLSA concerned for taking appropriate action to make good the deficiency, if any, by bringing the same to the notice of the authorities concerned. The reports of the DLSAs includes conduct and behavior of the staffs towards the child, accommodation facilities, kitchen, food and drinking water, vocational training, recreational facilities, medical facilities, counselling, bathroom and toilet facilities and safety and security of the child.

The roles of the District Legal Services Authority are of manifold like to ensure that no CCL remains unrepresented before the JJBs and to make the parents/relatives of the CCLs aware of the availability of free and competent legal services to the CCLs, and to facilitate timely execution of such services to them in coordination with the JJB concerned. Panel Lawyers and PLVs are also trained on various provisions of JJ CPC Act, specifically relating to Children in Conflict with Law. Furthermore, pursuant to the Home Department's Notification No. 22180 Dtd. 07.06.2017 communicated to OSLSA under Home Department's Memo No. 22183 Dtd. 07.06.2017, the Secretaries of all the District Legal Services Authorities of the State have been instructed to inspect the District Jails/Central Jails/Sub-Jails/Special Jails etc. in their respective districts once in a month and to submit their report and recommendation with regard to the Juveniles languishing in the jails contrary to the provisions of J.J. Act due to wrong

recording of their age at the time of investigation. The statistics submitted by DLSAs show that in the year 2019 in 161 cases free legal aid has been provided to child in conflict with law, in 2020 in 170 cases free legal aid has been provided to child in conflict with law, in 2021 in 182 cases free legal aid has been provided to child in conflict with law, in 2022 in 213 cases free legal aid has been provided to child in conflict with law And till the month of June 2023 in 94 cases free legal aid has been provided to child in conflict with law.

Now, the third stage which is in fact most important stage i.e. social reintegration and rehabilitation which will save the child in conflict with law from recidivism. Saving a child from trauma after his/her stay at any child care institution is a complex task. Complex in the sense that we have to keep in mind about the psychology of a child and to decide about his/her rehabilitation accordingly. In this process, individual interaction has a vital role and we can say that the process of rehabilitation starts from the child care institutions. Different extra-curricular activities like debate, essay-writing, painting are instrumental in fueling the process of rehabilitation. Here, the efforts of DLSA Khurda and Boudh are noteworthy. DLSA, Khurda has organized a painting competition on waste management involving students of Child Care Institution. Similarly, DLSA, Boudh has organized a painting competition among in Harvest Blessing Home on the topic of Environmental issues. It is pertinent to mention here in this connection that by the intervention of DLSA, Nabarangpur, with the active support from DCPU, Nabarangpur and constant counseling by LPO, a child in conflict with law who was indulged in heinous crime has been rehabilitated and after getting training at Sewing Trade at Centurion University, Bhubaneswar now he is working as sewing operating supervisor in Bedecks Life Style Private Limited and earning Rs.18,000 per month. In another instance one child in conflict with law after getting several counseling by DLSA, Nabaraghpur, DCPU, Nabarangpur and LPO, is now undergoing vocational training in World Skill Centre, Khurda, Bhubaneswar. From the above two instances we see that how transition happens in the life of a Child in conflict with law and their re integration in the society.

In conclusion, it can be said that in the course of the change of the prospective towards Juvenile Justice in India, legal services institutions are vested with dynamic roles. The duties of legal services institutions are not confined only to provide free legal aid to child in conflict with law but it has widened its horizon from preparing a child to become a responsible citizen to presenting them as a beacon light for those children in conflict with law to lead a meaningful life thus facilitating in their smooth rehabilitation and social reintegration.



### Smt. Shubha Sarma, IAS

Commissioner cum Secretary, Department of Women & Child Development, Government of Odisha

***“Child marriage is a crime against humanity. It robs children of their childhood, education, health, and dreams. Let us unite to end this scourge.”***

*Kailash Satyarthi*

Nobel laureate and child rights activist

In slightly more than a decade, in the year 2036, Odisha is poised to commemorate its centennial anniversary as a state. The narrative of significant transformation in the state's trajectory, particularly since the turn of the millennium, has served as a source of inspiration for numerous nations and regions. This metamorphosis has effectively elevated a traditionally underdeveloped state situated in the eastern reaches of the nation into an emblematic symbol of collective ambitions. The impressive strides made in socio-economic advancement and progress during the past two decades can be traced back to a resolute vision and unwavering political commitment that have placed women and girls at the forefront of the developmental agenda. This unyielding vision posited that women and girls within the state are not mere statistics but represent boundless opportunities and potentialities. Of course, then, at the risk of oversimplifying, the story of Odisha's growth and development is the story of the growth and development of Odisha's women and girls.

Through partnership building and convergence with various other departments and development organisations, strengthening systems and institutional frameworks, evidence-based advocacy and stringent implementation of legislations, programs and policies, the Department of Women & Child Development has been instrumental in building and strengthening preventive institutional mechanisms to ending child marriage in the state. The state launched a state strategy action plan in 2019 to make the state child-marriage free by 2030 with the vision that reaching the unreached and the last mile through villages, urban locations, Gram Panchayats and districts is imperative prevent and end child marriage in the state.

## UNLEASHING THE POTENTIALITIES OF ADOLESCENT GIRLS ODISHA'S SUCCESS IN CHILD MARRIAGE-FREE TOMORROW

The Department through implementation of an array of cross cutting policies, programs and schemes has been successful in preventing a large number of child marriages in the state. Existing flagship programs of the government, under Biju SishuSurkshya Yojana, Beti Bachao Beti Pardao, Juvenile Justice Fund and the various Child protection, social protection schemes and cross cutting programs and policies, have built a rock – solid foundation for our future aspirations. Over this, the newly approved “Advika Scheme– Every girl is unique”, provides a beacon of hope and reflects our determination to reach our goal. Since October 2020, ADVIKA has implemented as aims to reduce risks and vulnerability of all adolescent girls in the age group of 10-19 years, empower, build and develop their agency to enable them to take informed decisions, make them self-reliant and resilient through education & life skills. The uniqueness of the program also rests with its engagement boys on positive masculinity and with parents on positive parenting. The program is being implemented through Anganwadi centres across 30 districts and municipal corporations of the state. It is very shortly being implemented as a full-fledged scheme with assured budgetary support.

Tracking the absence of girls in schools and villages, incentivising villages child-marriage-free particularly for vulnerable tribal groups, creation of child friendly police station and strengthening child and women friendly policing, counselling services are a few more such initiatives. The Department and the state have had and translated the highest political commitment towards girl child empowerment and ending child marriage and all kinds of violence against children and women, by making institutions of governance more responsive and accountable to the needs of every girl child and every adolescent. To place empowerment of girls as central to economic growth and development in a state that has historically witnessed feudalism but also patriarchy is indeed a revolutionary step. The state has seen many landmark policies action and legislations that places girl child and adolescents at the heart of development with resulting in impactful changes and strives to do so with the commitment to nurture a beautiful and safe for each girl in the state. The outcome of a monumental collaborative endeavour aimed at curtailing and eradicating child marriages is evidently apparent through data and statistics. The detrimental practice of

child marriage which had long acted as a barrier, impeding the state from harnessing the full potential of its young girls as catalysts for growth, prosperity, and development. Child marriages, which stood at a staggering 37.2% in 2005-2006 according to NFHS-3 data, were effectively reducing a potentially valuable human capital into a 'reproductive force' and unfortunately this was happening at a juncture when the state needed a significant surge in the Female Labor Force Participation Rate to augment its Gross Domestic Product (GDP).

Fast forward fifteen years to the release of NFHS-5 data in 2019-21, and the results are nothing short of impressive. Child marriages in Odisha plummeted from the alarming 37.2% recorded in 2005-06 to a considerably reduced 20.5% in 2019-21. This substantial reduction in child marriages serves as a resounding testament to the concerted and unwavering efforts of the government ably supported by, civil society organizations, and communities themselves. It underscores the State Government's unwavering commitment to the eradication of this detrimental practice, ultimately setting the stage for a brighter and more prosperous future for these young girls and thereby, the State.

The reduction in child marriages has also yielded a favourable impact on teenage pregnancy rates within Odisha. Over the same timeframe, the incidence of teenage pregnancies saw a notable decline, dropping from 14.4% in 2005-06 to 7.6% in 2019-21. This decrease can be ascribed to a multifaceted set of factors, including heightened awareness concerning reproductive health, improved access to family planning services, and concerted endeavours to empower young girls through educational and skill-building opportunities.

While we acknowledge and, at times, commemorate our achievements, the state remains acutely aware that there is still an enormous amount of work to be done to transform Odisha into the first state in the country to completely eliminate child marriages. This vision of becoming a child marriage-free state isn't merely an aspiration; it embodies a resolute commitment to the pursuit of "Achieving gender equality and empowering all women and girls," one of the Sustainable Development Goals (SDG 5) established by the United Nations in 2015. Our efforts persist with renewed vigour, bolstered by increased budget allocations, innovative approaches, and strategic collaborations and partnerships. Recent developments, such as the approval of the 'Advika' (I am unique) Scheme, the integration of adolescent girls into nutrition enhancement initiatives like

'Mukhyamantri Sampoorna Pushti Yojna,' and various other measures to combat gender-based violence, serve as tangible proof that our dedication and resolve are unwavering and steadfast.

Unless we make significant progress on ending child marriage, we will fall short on eight of the SDGs. Of the nine target areas of SDG 5, Target Area 3 spells out elimination of harmful practices, such as child, early and forced marriage and female genital mutilation. The efforts being made by the Government of Odisha are in alignment with SDG 5, to eliminate child marriage from the State in a systematic and time-bound manner. In response to the precarious situation, and given the dire need to comprehensively address and prevent child marriage in the state, the Women & Child Development Department, Government of Odisha has been endeavouring to strengthen governance and democratic institutional framework, which mainstreams gender discourse, invests in adolescent and children and redefine the value of girl children in the state.

While the Department of Women and Child Development in Odisha has played a pivotal role in facilitating these profound achievements, the credit for such phenomenal improvement extends to the visionary leadership of the State's political leadership and model of clean and stable governance, which allowed the Department to build collaborations not only among various government departments and agencies but also between the government, civil society organizations, UN agencies, and grassroots community organizations. Without such convergent efforts, the attainment of such remarkable results in such a brief span of time would have been inconceivable.

Odisha finds itself at a pivotal juncture, where the shifting demographic landscape presents not just challenges, but a wealth of possibilities. As the population growth rate gradually ebbs away, our window of opportunity to harness the demographic dividend is rapidly closing. In this moment, ripe with potential, we are unwavering in our dedication to fast-track our efforts, bolstering the governance and democratic structures to champion gender equality. We are investing in the future by empowering adolescents and children, and redefining the worth of every girl child in our state. Buoyed by our unwavering determination, we believe that the dream of Odisha becoming the first state to eradicate child marriage is within our reach.

"Child marriage is a dark shadow that eclipses the potential and dreams of our youngest generation. Let us stand as a mighty force of protection, shielding their innocence, and shattering the chains that bind them to a future they never chose!!!"



## A RAY OF HOPE

### CRIME AGAINST CHILDREN & WOMEN WING, CRIME BRANCH, ODISHA

Children are Gift of God, they need care & protection from family and society, especially protection for children in conflict with the law is a pivotal aspect of Odisha's social fabric. It revolves around safeguarding the rights, welfare, and holistic development of children who find themselves enmeshed in the criminal justice system due to their alleged involvement in unlawful activities. In this scenario, the role of the police holds significant importance, as they are tasked with upholding and adhering to the pertinent laws and regulations governing the treatment of these children. Central to this is the Juvenile Justice (Care and Protection of Children) Act, 2015, which is designed to ensure that the justice system treats children with the utmost care, sensitivity, and developmentally appropriate approaches.

Within this framework, several key social aspects come to the fore. First and foremost, it underscores the critical need for accurately determining the age of the children involved, recognising that their unique needs and vulnerabilities necessitate distinct treatment compared to adults. The apprehension and detention processes, executed by law enforcement, must adhere rigorously to legal provisions with a steadfast commitment to avoiding violence, intimidation, or harsh treatment. Equally essential is the adoption of child-friendly procedures during interrogation and arrest, which may involve ensuring the presence of parents or guardians and facilitating access to legal aid, all while minimising undue stress or trauma.

Furthermore, child protection extends to encompass comprehensive welfare and rehabilitation measures. Here, the SJPU's and CWPO's work in coordination with JJBs, CWCs, and other relevant agencies, with the primary objective of providing children with the appropriate care and support they require. This approach not only upholds their rights but also promotes their overall well-being and developmental needs. The Juvenile Justice Act also promotes diversion from the formal criminal justice

system for minor offences, emphasizing counselling and community-based rehabilitation over punitive measures. In line with these efforts, maintaining the confidentiality of a child's record and identity is essential to ensuring that their past interaction with the justice system does not lead to stigmatisation in the future. This multifaceted approach ultimately seeks to nurture the growth and future prospects of children in conflict with the law, reaffirming the significance of their rights and well-being within Odisha's social framework.

#### Role of CAW and CW in ensuring child protection

The Crimes Against Women and Children Wing operates as an independent division under the C.I.D. CB, Odisha with a core mission to protect and empower women and children across the state. This specialised unit is dedicated to investigating and addressing a range of offences involving women and children, including but not limited to human trafficking, sexual crimes, domestic violence, cases related to juveniles in the justice system, child labour issues, and cybercrimes. The Crime Against Women and Children Wing also plays a critical role in dealing with children in conflict with the law. This specialised unit conducts investigations into cases involving juvenile delinquency and criminal misconduct by minors, always prioritising the best interests of the child. They work to minimise trauma, ensure legal compliance, and often collaborate with juvenile justice boards, child welfare committees, observation homes, special homes, places of safety, and NGOs to divert children away from the formal criminal justice system, opting instead for counseling and community-based interventions. Their work involves sensitization and training to handle these cases effectively, alongside preventive efforts that include community outreach and education. By strictly adhering to laws like the Juvenile Justice Act, they play a pivotal role in safeguarding the rights and well-being of children entangled in the criminal justice system and working towards their rehabilitation and reintegration into society. The CAW & CW Police Station which is having jurisdiction over the state is also taking investigation of important cases against women and children and also enquiring into the sensitive petitions.

## BEST PRACTICES

### 1. SAMPARK HELP-DESK

The “SAMPARK Help Desk” initiative, under the auspices of the Crime Against Women and Children Wing within the Home Department, stands as a commendable effort dedicated to assisting vulnerable segments of our society. Operating from the ADGP’s office, this initiative addresses issues related to gender violence by proactively engaging with the public through telephone communication:

- a. **Information and Referral:** The Desk acts as a vital link, connecting survivors with various stakeholders such as law enforcement, the District Mental Health Programme, District Child Protection Units, Child Welfare Committees, CHILDLINE, One Stop Centre, District Legal Services Authority, and others who can provide necessary support.
- b. **Rights-Based Awareness:** One of its core functions is to raise awareness among survivors about their rights, including matters pertaining to financial compensation and witness protection, empowering them with essential knowledge.
- c. **Tele-Counseling:** Trained psychologists and counselors at the Help Desk offer initial responses that address the mental health and psychosocial well-being of survivors, providing critical emotional support.
- d. **Follow-up:** The Help Desk continues to be engaged in the journey of survivors, monitoring progress, addressing concerns, and mitigating risks whenever necessary for the well-being of women and children in distress.

### 2. MAHILA-SISHU HELP DESKS

One of the notable initiatives spearheaded by the Govt. of Odisha is the establishment of Mahila and Shishu Help Desks in every district, with the primary aim of safeguarding the rights and well-being of women and children coming to Police Station either as victim or preparation.

### 3. CHILD-FRIENDLY POLICE STATIONS

As advised by JJC, the establishment of child-friendly police stations (CFPS) reflects a commitment to create a

safe and welcoming environment for children during their interactions with the police. These CFPS, strategically set up across 35 cities and districts in the state, go beyond physical infrastructure.

They are thoughtfully designed with animated murals, small libraries featuring cartoons and animated stories, comfortable seating, and soft toys to put children at ease. These child-friendly spaces also consider the needs of lactating mothers by providing private areas for breastfeeding. Informative displays about children’s rights and guidelines for police conduct are prominently showcased, along with essential contact information, such as that of child welfare police officers and helplines.

### 4. UNIQUE INITIATIVES AT THE DISTRICT LEVEL

- a. **BASTIKU CHALA ABHIYAAN (Urban Slum Transformation Campaign):** Launched by UPD Bhubaneswar Commissionerate Police in 2021, this transformative initiative aims to raise awareness, gather intelligence, and change the criminal mindset prevalent in urban slum areas. The primary focus is on preventing crimes against women & children, child marriage, human trafficking, and drug abuse among youth. This campaign targeted 30 slums covering across 16 police stations of BBSR, engaging 1000 youth of slums as Police Mitra. The initiative includes comprehensive training in personality development, computer skills, beautician courses, and sports, along with the recognition of high-achieving students and job placement opportunities. Notably, this initiative has led to a significant reduction in the reporting of minor offences, showcasing its effectiveness.
- b. **YUVA MITRA:** Implemented by Sundargarh District, this initiative is designed to instill awareness among children about drug abuse, crimes against women, and the prevention of human trafficking. Its core mission is to deter young individuals from engaging in illegal activities, emphasising the importance of positive choices and community involvement.
- c. **MATRU SHAKTI:** Launched in Puri District Police, this initiative focuses on organising women residing in slum areas. Its primary goal is to raise awareness about drug & Alcohol abuse, particularly among children, to curb criminal

activities. The initiative has yielded fruitful results, empowering women and making significant strides in reducing drug-related issues within the community.

## TRAINING AND CAPACITY BUILDING

1. Training/Workshop by CAW & CW
  - The Crime Against Women and Children Wing (CAW, CW) has undertaken initiatives to enhance the capacity of police officers involved in child protection like CWPO, MSD Officers, SJPU and organized different workshops/ training on Anti Human Trafficking, Use of DNA, Capacity building of MSD/CWPO at different ranges of the state of Odisha where around 1000 police officers were sensitized.
2. Training by BPSPA
  - Also the Biju Patnaik State Police Academy (BPSPA) conduct graded in-service courses in juvenile justice and child protection for SJPU and CWPOs. These courses are structured into three graded modules, each spanning five days, allowing for a sequential progression in learning.
  - Each course accommodates limited participant strength of 25 individuals, ensuring focused and effective training. This initiative reflects the CAW, CW Wing's commitment to equipping law enforcement personnel with the knowledge and skills needed to provide exemplary child protection services, ultimately contributing to a safer and more secure environment

for children in the community and building the capacities of police officers.

## SUCCESS STORIES OF CAW & CW

- On 18<sup>th</sup> may 2023 a public called in the toll-free no of SAMPARK Help Desk and informed that a child marriage is going on under Baliapal P.S. Dist Balasore. The victim girl was 16 years old and the groom age was 24 years. Immediately counsellor informed DSP CAW & CW, CDPO, DCPO and DSWO for necessary action. Information was passed to SP Balasore (T) office of CAW & CW, and with the intervention by local police, DCPO etc, the marriage was prohibited. The victim girl was provided with psychosocial support by SAMPARK Help Desk and follow up is also going on for getting victim compensation.
- A 17 year old girl was sexually assaulted by one person. The victim was rescued by police in a critical condition and immediate treatment was given to her. In this case victim & her family were given constant counseling and the SAMPARK coordinated all stakeholders like DCPO, CWC, DLSA etc and as an outcome she received Rs1 lakh as interim compensation instantly. The case was treated as Red Flag and follow up is going on. Till now 33 victims have got victim compensation out of which 30 are children.
- The team CAW & CW is also taking participation in different workshops, creating awareness among children in different communities, schools, colleges and different work places for prevention of crime against women and children and protect all children.

“We believe every child deserves a future”.

## SECURING ACCESS TO JUSTICE FOR CHILDREN

*“There can be no keener revelation of a society’s soul than the way in which it treats its children”*

*Nelson Mandela*

In the light of the above quote, I would like to emphasize that children by virtue of their age are vulnerable, hence it is necessary to prioritize their wellbeing, care, and support. It reminds us that investing in children’s development and protection is paramount considering their susceptibility. The way society nurtures its children says a lot about their progress and sagacity.

All over the world millions of children come in contact with the justice system either as a victim, witnesses or in conflict with law. Therefore, as enshrined in the Convention on the Rights of the Child (CRC), children need to have smooth access to justice system.

Before I talk about access to justice system, it is important to ponder on how to prevent the children coming in conflict with the law. It is imperative to invest in education, sensitization, and creation of an enabling environment in the society that can protect children from coming in conflict with law.

It is imperative to note that not every child in conflict with the law requires the rigid formality of the justice system. A child can be dealt in a manner without making the child enter the formal judicial proceedings. This is called “diversion.” As outlined in the Juvenile Justice (CPC) Act, 2015, diversion is one of the important principles which the stakeholders’ dealing with the child needs to keep in mind while applying the provisions of the Act. Once a child gets into the formal justice system, the system has its own way of dealing with the child and diversionary measures allow to address children’s issues without resorting to punitive measures. This approach not only promotes the child’s well-being but also decreases the burden on the justice system and prevents recidivism.

In India, for both Children in Need of Care and Protection (CNCP) and Children in Conflict with the Law (CICL), institutional care and institutional detention respectively are common practices. For CNCP, other forms of alternative care, such as adoption, foster care



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CHILD PROTECTION SPECIALIST, UNICEF ODISHA

and family and community-based care are practiced. Therefore, de-institutionalization of children and exploring other forms of alternative care should be the key focus areas for children to grow up in a family like atmosphere wherein there is abundant happiness, love and understanding and more importantly social re-integration prospects. Similarly, for CICL, alternatives to detention, such as advice and admonition, community service, counseling, mentoring, restorative practices and other such non-punitive but community-family based rehabilitation initiatives, offer a chance for rehabilitation outside the confines of a correctional home (institutional detention).

When a child enters the formal justice system it takes a toll on the child’s mental and physical health. A child has the right to fair trial and legal assistance, wherein child-friendly procedures are crucial. An environment where the child feels comfortable, heard, and understood so that the institutions involved can gain child’s confidence. Furthermore, rehabilitation and restorative practices hold immense power in transforming the lives of young individuals. It is a transformative journey towards healing, growth, and positive change. The process of rehabilitation and social integration of children needs to be based on the individual care plan of the child that is developed in the best interest of the child and implemented by the associated stakeholders.

Securing access to justice for children is not only a legal imperative but a moral responsibility. Every child deserves the right to a fair and just society where their rights are protected, upheld, and realized. By addressing the challenges and implementing the strategies mentioned above, we can work towards a world where children can access justice. In this endeavor, I would like to express my heartfelt gratitude and appreciate the Juvenile Justice Committee, High Court of Orissa in its exemplary work to address and promote a child-friendly justice system in Odisha, setting an example for the entire country.

## JJC INITIATIVES AT A GLANCE

The Juvenile Justice Committee (JJC) plays a proactive role in addressing various issues on Juvenile Justice. In this regard, the Committee regularly holds meetings of the stakeholders to review and monitor the performance of the Juvenile Justice Institutions. The Committee has taken the following initiatives to strengthen the Juvenile Justice system:

1. Due to persistent efforts of the Hon'ble JJC for establishment of Child Friendly Children's Courts, 12 such courts have been set up and work is going on for other districts.
2. 23 numbers of dedicated POCSO Courts in 23 Districts have been established. In rest of the seven districts, Additional Districts Judges have been designated to try such cases. Besides, there are 20 numbers of Fast Track Special Courts (FTSCs) to try such cases.
3. Under JJC's monitoring 35 Child Friendly Police Stations have been established in the State.
4. In all the Districts Special Juvenile Police Unit has been established.
5. A three day virtual conference was organized by the Hon'ble JJC with all the POCSO Court Judges of the State in which focus was given on the disposal of all the year old cases pending, wherein reason for non-disposal of each of the cases pending was discussed with a subsequent plan of action and the following directions has been given:
  7. A Special Meeting shall be conducted with the District Judge and the Superintendent of the Police with regard to non execution of warrant, attendance of official witnesses through VC, service of summons, cases awaiting death report, for cases which are more than 5 years old.
  8. A Special Drive shall be conducted every week by the Presiding Officers wherein they'll list and focus on few year old cases and few new cases which they are going to dispose of in that particular week. Further, 50 % of cases of the year 2013, 2014 and 2015 be disposed of first. Moreover, the officers need to maintain a separate diary for the 5 year old cases and update its status on a regular basis.
  9. In the year old cases, where Final Form has not been submitted, the matter shall be immediately taken up in a meeting with the Superintendent of the Police, to be presided by the District Judge.
  10. In cases where the witnesses are not turning up / not being traced, the cases shall proceed with the deposition of other material witnesses and for this; a list of such witnesses shall be obtained from the Public Prosecutors. Further, the Public Prosecutors should be asked to file a memo in the interest of the victim and for dispensation of justice, to decline such witnesses, in appropriate cases.
  11. In cases where informant does not appear or is not traceable, their examination may be ignored and the Courts should proceed with the examination of other material witnesses.
  12. No adjournments shall be given for the year old cases and only short dates be given, if required.
  13. In cases where victim is non-traceable, the P.O.s have been directed to take necessary steps to dispose of the cases according to law.
  14. In cases where the disposal is delayed due to non execution of warrants, a meeting with the Superintendent of the Police to discuss the steps
6. A Special Senior Officer's Meeting shall be fixed every month consisting of presiding officers of the POCSO Courts and FTSCs, Collector, Superintendent of the Police, Registrar Civil Courts, Chief Judicial Magistrate, District Judge and Public Prosecutor wherein only the matters relating to POCSO Cases shall be discussed. Also, the IICs be instructed through the Superintendent of Police to be present in the venue of such meetings so that specific instructions can be directly communicated to them.

- taken by them for apprehending them and further plan of action be carved out, so that the such cases can be disposed of accordingly.
15. In cases which are getting delayed for awaiting death report, necessary steps such as:- issuance of remainder/ discussing the matter in special meetings with the District Judge and Supdt of Police on a monthly basis/ sending of staffs to ensure receiving of the requisition by the PS and all such steps as deemed right be taken to get the compliance done.
  16. The address of the non-attending I.O.s, Doctors, official witnesses etc. be verified by the P.O.s and if they have been transferred or their physical attendance isn't possible, accordingly their attendance shall be procured and their statements be recorded through virtual mode. A continuous follow up in the monthly meeting with stakeholders needs to be done for ascertaining their presence physically/virtually.
  17. The Superintendent of Police has been directed to instruct all the Police Stations that the I.O.s shall submit the Final Form with all complete details of the witnesses and accused. If the required details aren't furnished properly to the P.O.s, like the address of the witnesses/accused has not been provided then the Final Form shall be considered as incomplete. Further, the District Judges need to follow up with the Superintendent of the Police in such cases, on a monthly basis.
  18. In POCSO cases, the P.O.s have been directed to make a list of advocates, as legal aid counsels, who are competent / show inclination to handle such cases and with due intimation and following procedures they be given to conduct such cases. Such advocates may or may not be in the panel of legal aid advocates.
  19. Focus on Cases awaiting final form for disposal till the year 2020 shall be given and accordingly directions to the concerned IICs, I.O.s through the Superintendent of Police, of all the Districts be given to take necessary action and submit the Final form to the P.O.s of the POCSO Courts. Where the accused/ the victim are absconding in such cases the I.O. needs to mention in the Final form so that necessary steps can be taken as per the law.
  20. In cases where the I.O. is transferred/retired, the M.O. is transferred/retired then necessary steps be taken by the Superintendent of the Police.
  21. One officer in every District shall be appointed who will look into such cases in particular.
  22. The JJC has directed all the Children's Court to ensure that those children facing the trial as an adult should not be allowed to stay back in the Observation Homes along with other CICLs and should be shifted to the place of safety immediately.
  23. The Director, ICDS has been instructed:
    - a. To take necessary steps for setting up of two model Observation Homes with VC facilities in the first phase and thereafter continue making other Observation Homes and CCLs with such facilities for the benefit of the children.
    - b. To segregate older boys from younger boys in observation homes to avoid any kind of harassment and further was directed to sensitize the superintendents of the observation homes in this regard.
    - c. To appoint Sports Coaches to teach the children Hockey, Football etc. in CCLs.
    - d. To appoint psychologists for each Districts who shall visit the CCLs once in every week/10 days.
    - e. To focus on the wants of the children with special needs and develop the environment friendlier for such children. To construct four more Place of Safety at 4 regions of the State.
  24. The Member Secretary, OSLSA has been directed to take immediate steps to reduce the victim compensation applications substantially and to see that no delay is caused to the child victim awaiting compensation. Further, the following directions have been given to the Member Secretary, OSLSA:
    - a. To Formulate an SoP with regard to disbursement of POCSO Victim Compensation, starting from filing of an application till the award of both interim & final compensation which shall be circulated to the concerned IICs, I.O.s and shall be followed up by the concerned Stakeholders.
    - b. All the interim compensation awarded by the Courts shall be followed up by the Secretaries

- of the DLSA and monitored by the member Secretary, OLSA.
- c. Organize awareness programs/trainings for the JJBs, POCSO Courts and DLSAs.
  - d. Member Secretary, OLSA through the Secretary, DLSA shall ensure in appropriate cases disbursement of compensation before the trial.
25. The Special Secretary, Home Dept. and the Addl. D.G (I/c), CAWCW has been directed by the Hon'ble JJC:
- a. To look into each of the cases awaiting final form for disposal till the year 2020 and accordingly give directions to the concerned IICs, I.O.s through the Superintendent of Police, of all the Districts to take necessary action and submit the Final form to the P.O.s of the POCSO Courts.
  - b. Where the accused/the victim are absconding in such cases the I.O. needs to mention in the Final form so that necessary steps can be taken as per the law.
  - c. In cases where the I.O. is transferred/retired, the M.O. is transferred/retired then necessary steps be taken by the Superintendent of the Police.
  - d. Appoint one officer in every District who shall look into such cases in particular.
  - e. Each and every case shall be analyzed and action be taken against those IICs who have helped the accused by not submitting the Final form.
  - f. To appoint staffs in the regional laboratory of the States. Further, one person be appointed who shall submit the Chemical examination (C.E.) Reports directly to the concerned Police station and the Concerned Court.
26. To oversee the effective implementation of POCSO Act, 2012, a State Level Consultation has been organised by the JJC, High Court of Orissa in collaboration with Dept. of W&CD, Govt. of Odisha and UNICEF with a focus to develop coordination among stakeholders, to identify good practices, gaps and critical actions for effective implementation of POCSO Act and to create greater sensitivity and awareness on the issues of Child Sexual Abuse.
27. A One Day Workshop was organized by the Odisha Judicial Academy in collaboration with W & CD Dept., Govt. of Odisha for the Judicial Officers, Doctors, Prosecutors, Police Officers and NGOs on the topic "To understand Child Sexual Abuse Dynamics and Processes & Role of Stakeholders in dispensing Justice to the victims of the POCSO Act."
28. A one and half day Regional Consultation on Effective Implementation of Juvenile Justice (Care and Protection) Act, 2015 was organized jointly by Women and Child Development Dept, Govt. of Odisha and UNICEF under the aegis of the Juvenile Justice Committee, High Court of Orissa wherein 5 States viz. Odisha, West Bengal, Jharkhand, Bihar and Chhatisgarh participated.

## REGIONAL CONSULTATION, 2022

EFFECTIVE IMPLEMENTATION OF JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015 HELD ON 23<sup>rd</sup> & 24<sup>th</sup> APRIL, 2022



**(Inaugural Session:** Dignitaries on the dais, Ms. Monika Neilsen, Chief of Field Office, UNICEF, Odisha, Hon'ble Shri Justice A.K. Mohapatra, Member JJC, Orissa High Court, Hon'ble Shri Justice S. Muralidhar, Chief Justice, Orissa High Court, Hon'ble Shri Justice S. Ravindra Bhat, Judge & Chairperson, JJC, Supreme Court of India, Hon'ble Shri Justice D. Dash, Chairperson, JJC, Orissa High Court, Shri. Bhaskar Sarma IAS, Commissioner-cum-Secretary, Department of Women and Child Development, Government of Odisha)

In a bid to enable action and convergence for children, a One and Half day Regional Consultation on Effective Implementation of Juvenile Justice (Care and Protection) Act, 2015 was organized jointly by Women and Child Development Dept, Govt. of Odisha and UNICEF under the aegis of the Juvenile Justice Committee, High Court of Orissa on 23<sup>rd</sup> and 24<sup>th</sup> April, 2022 at Odisha Judicial Academy.

The State of Odisha has been one of the pioneers in reviewing the essence of the legislation and the juvenile justice systems along with tracking progress of child protection Services in the State on regular intervals so that measures for children in difficult circumstances can be tailored to their situations. Special focus of the consultation has been on child protection issues of children alleged to be in conflict with the law. Also mental health of Children during Covid-19 has been a focus area.

The one and half day Regional Conference involving 5 States viz. Odisha, West Bengal, Jharkhand, Bihar and Chhatisgarh and all the stakeholders of juvenile justice sector was inaugurated at Odisha Judicial Academy, Cuttack on 23.04.2022 by Hon'ble Shri Justice S. Ravindra Bhat, Judge, Supreme Court of India and Chairperson, Juvenile Justice Committee, Supreme Court of India in the august presence of Hon'ble Dr. S. Muralidhar, Chief Justice, High Court of Orissa, Hon'ble Justice Madan B. Lokur, Former Judge, Supreme Court of India and

Hon'ble Chairpersons of the Juvenile Justice Committees of the Hon'ble High Court of Orissa, Calcutta, Bihar, Jharkhand and Chhatisgarh and Hon'ble Judges of High Court of Orissa. The Commissioner-cum-Secretary of Department of Women and Child Development & Mission Shakti, Government of Odisha, Shri Bhaskar Sarma, gave the welcome address followed by Hon'ble Shri Justice Debabrata Dash, Chairperson, Juvenile Justice Committee, High Court of Orissa gave the introductory address and Hon'ble Shri Justice A.K. Mohapatra, Judge, High Court of Orissa gave the vote of thanks.

All the Principal Magistrates of Juvenile Justice Boards of the State of Odisha, presiding officers of the Children Court, Judicial Officers (PM, JJBs) each from the above 4 neighbouring States, the Chairpersons of CWCs of Odisha, representatives from SJPU of Odisha, DCPOs from Odisha, Superintendents of Observation Homes of Odisha, officials dealing with Child Protection from each of the above 4 neighbouring States, representatives from NCPDR and Govt. of India, representatives from OSCPS, W&CD and UNICEF, NGOs of the State, Staffs of Centre for Child Rights, NLUO and members from Civil Society Organisations also attended the meet.

The first technical session was chaired by Hon'ble Shri Justice Parth Prateem Sahu, Chairperson, Juvenile Justice Committee, High Court of Chhatisgarh and Hon'ble Shri Justice Harish Tandon, Chairperson,

Juvenile Justice Committee, High Court of Calcutta wherein the speakers Ms. Ved Kumari, Vice Chancellor, National Law University, Odisha, Cuttack, Dr. Mohua Nigudkar, Faculty, TISS, Mumbai, & Former Juvenile Justice Board Member (Mumbai Suburban), Prof. Enakshi Ganguly, Honorary Professor, National Law University, Odisha presented an overview of Rehabilitation and social re-integration of children in conflict with the law with a focus on Preliminary Assessment under Section 15 of the Juvenile Justice (Care and Protection of Children) Act and Promotion of measures for working with children in conflict with law: Reformation & Principle of Diversion. In the same session, Mr. Santosh Dash Ray, Officer on Special Duty (Vigilance), High Court of Orissa shared few best practices during his tenure as a Principal Magistrate, Juvenile Justice Board.

The second technical session was held in the afternoon chaired by Hon'ble Dr. Justice S. N. Pathak, Chairperson, Juvenile Justice Committee, High Court of Jharkhand, wherein the speaker Prof. Enakshi Ganguly, Honorary Professor, National Law University, Odisha deliberated about the Changes to the Juvenile Justice Act in the context of amendments: A discussion on future needs, possible challenges, workforce strengthening, capacity enhancement and monitoring.

During the third technical session chaired by Hon'ble Miss Justice Savitri Ratho, Member, Juvenile Justice Committee, High Court of Orissa, the speaker Harish Shetty, Psychiatrist, Symbiosis Law School, Pune, deliberated about the Mental Health and Psychosocial Support (MHPSS) for children during COVID-19.

On 24.04.2022, the fourth and the final technical session was chaired by Hon'ble Shri Justice Ashutosh Kumar, Chairperson, Juvenile Justice Committee, High Court of Patna. The session started with the presentations by the Govt. of Odisha, Bihar, Jharkhand, Chhatisgarh and West Bengal on the work that their State has done with regard to Child Protection. The Speaker, Dr. Anindita Pujhari Advocate on record, Supreme Court of India deliberated about Promoting non-Institutional Care. Then an interactive session was done where real life experiences was shared by one Child placed in non-institutional care, by one child placed in foster care and one foster family who narrated their real life experience. The Consultation ended with the Closing remarks from the Chair.

## RECOMMENDATIONS AND WAY FORWARD

### Capacity Building:

1. In the context of Preliminary assessment under Section 15 of the JJ (CPC) Act, 2015 there is an urgent need to train the JJBs on reading the psychiatrist report to enable them to assess the mental health status of CICL.
2. Sensitization of JJBs and training on restorative justice to use restorative practices, diversion and community service in their orders for ensuring best interest of children.
3. There should be joint sensitization for PMJJBs and Members of JJBs focusing on principles of Juvenile Justice Act.
4. Mental health and psychosocial aspects of children, making sure children committing petty offences are not brought into the fold of JJ system and other such child friendly aspects should be integrated in the police academy trainings and Odisha Judicial Academy trainings, in its curriculum and in refresher trainings.
5. Capacity building programs offered by institutions needs attention as quality is more important than quantity. Standardization of quality of training and upgradation of skills of child protection functionaries for non-institutional care is key to the promotion and successes of alternative family-based care models for children in conflict with law and children in need of care and protection.

### System Strengthening:

6. Among other departments that are part of Juvenile Justice Committee, High Court of Orissa, it is important to bring in departments such as Health, Education, Skill Development and Technical Education, as part of the Committee as they play a very important role in the process of rehabilitation and reintegration of children in conflict with law and children in need of care and protection.
7. Effective utilization of Juvenile Justice funds for rehabilitation and reintegration of CICL and CNCP.
8. Juvenile Justice Committees should not only review the functioning of JJBs, they should look in the quality of orders passed by the JJBs to see if they uphold the spirit of the JJ (CPC) Act, 2015.
9. Making District Magistrates aware of the new roles

and responsibilities conferred by the amendments under the Act and sensitize them for dealing with the cases of Adoption.

- 10. Diligence in identifying suitable Foster care families. Need to relook at the eligibility criteria for foster parents.
- 11. For social rehabilitation and reintegration of children, a synergy between services such as assessments, legal services, quality of care institutions, education, skill upgradation and follow up of CICL is extremely important along with inter-departmental convergence.

**Access to Services:**

- 12. It is critical to ensure provision of proper and timely legal aid service to children in conflict with law and Victim Compensation to the Child in need of care and protection (Child victims).



(Hon'ble Shri Justice Madan B. Lokur, Former Judge, Supreme Court of India, and Former Chairperson, Juvenile Justice Committee, Supreme Court of India)

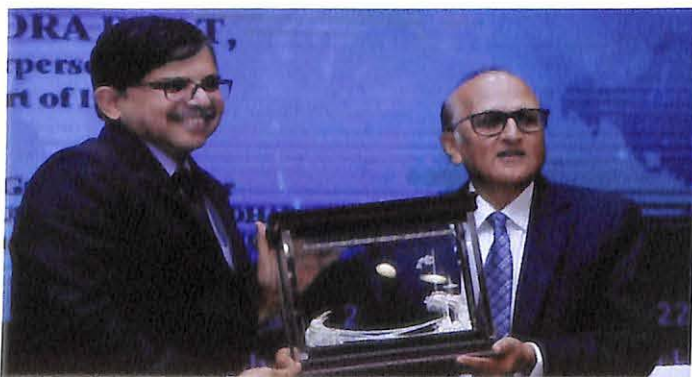
- 13. Children in child care institutions or in communities who are in need of care and protection should be able to access mental health services. The State and District level child protection structures must ensure the availability of these services in convergence with State and District Mental Health Programs.

- 14. Introduction of programs like gardening, art-based therapy, musical programs and learning sessions, vocational training, sports competitions which enhance the social and emotional skills of children in child care institutions especially in Observation Homes and support their process of rehabilitation.

- 15. Specialized services like access to medical or psychiatric services, de-addiction services, skill development, and life skills education should be provided to the CICLs.



(Ms. Soledad Herrero, Chief Child Protection, UNICEF India Country Office)



(Hon'ble Shri Justice S.Muralidhar, Chief Justice, Orissa High Court presenting memento to Hon'ble Shri Justice S.Ravindra Bhat, Chairperson JJC & Judge, Supreme Court of India)



(Technical Session 1: Rehabilitation and social reintegration of children in conflict with law: Justice Harish Tandon, Chairperson, Juvenile Justice Committee, High Court of Calcutta, Dr. Mohua Nigudkar, Faculty, TISS, Mumbai, & Former Juvenile Justice Board Member (Mumbai Suburban), Prof. Enakshi Ganguly, Honorary Professor, National Law University, Odisha)



(Technical Session 1: Rehabilitation and social reintegration of children in conflict with law: Hon'ble Shri Justice Parth Prateem Sahu, Chairperson, Juvenile Justice Committee, High Court of Chhattisgarh and Ms. Ved Kumari, Vice Chancellor, NLU, Odisha, Cuttack)



(Technical Session 2: Legislative changes to the Juvenile Justice (Care and Protection of Children) Act in the context of amendments: Hon'ble Dr. Justice S. N. Pathak, Chairperson, Juvenile Justice Committee, High Court of Jharkhand, and Prof. Enakshi Ganguly, Honorary Professor, NLU, Odisha, Cuttack)



(Technical Session 3: Mental Health and Psychosocial Support (MHPSS) for children during COVID-19 Hon'ble Miss Justice Savitri Ratho, Member, Juvenile Justice Committee, High Court of Orissa, and Mr. Harish Shetty, Psychiatrist, SLS, Pune)



(Technical Session 4: Promoting Non-Institutional Care: Hon'ble Shri Justice Ashutosh Kumar, Chairperson, Juvenile Justice Committee, High Court of Patna and Dr. Anindita Pujhari, Advocate on Record, Supreme Court of India)



(Shri. Santosh Dash Ray, OSD (Vigilance), High Court of Orissa)



(Sharing real life experiences: Foster parents and their Foster Children)



(Hon'ble Shri Justice A.K. Mohapatra, Member, Juvenile Justice Committee, High Court of Orissa presenting the vote of thanks)



(Shri Arvind Agarwal, the Director, OSCPS, Department of W&CD, Govt. of Odisha)

## STATE LEVEL CONSULTATION ON EFFECTIVE IMPLEMENTATION OF POC SO ACT, 2012 HELD ON 19TH, NOVEMBER, 2022



(Inaugural session: Dignitaries on the dais, Hon'ble Miss Justice Savitri Ratho, Member, JJC, Hon'ble Shri Justice D. Dash, Chairperson, JJC, Smt. Shubha Sarma, Commissioner-cum-Secretary, DWCD, Govt. of Odisha, Shri Sugata Roy, OIC(I/c), UNICEF, Odisha)

A One Day State-level Consultation on Effective Implementation of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) was organised on 19<sup>th</sup> November, 2022 at Odisha Judicial Academy, Cuttack. The event was held under the aegis of the Juvenile Justice Committee of the High Court of Orissa in collaboration with Department of Women & Child Development, Govt. of Odisha and UNICEF.

The POCSO Act completed a decade in 2022. Though the implementation of the legislation has seen only the nascent stage, yet cases under the statute were registered at phenomenal rate. There are indeed certain areas where both the law-implementing and law-enforcing authorities have found gaps to be existent. The Consultation aimed at:

- Ruminating and introspecting the progresses made so far and finding solutions for the impediments which essentially deter the process in realising greater objectives under the Act and identify critical actions for effective implementation of POCSO Act, 2012, with a focus on restorative justice and victim centric approach.

- Developing coordination among stakeholders and concerned departments to enable them for appropriate intervention in handling such cases.
- Creating greater sensitivity and awareness on the issues of Child Sexual Abuse among the stakeholders and discuss on the actionable recommendations to enhance the implementation POCSO ACT 2012 in the State.
- Reviewing the implementation of POCSO Act, 2012 over the last 10 years.

The program convened with the welcome address by Hon'ble Shri Justice Debabrata Dash, Judge, High Court of Orissa and Chairperson, JJC. He said that implementation of the statute is a gradual process and invited the participants of the consultation program to discuss on the working of the Act in the last one decade. It was followed by a brief opening remark from Smt. Shubha Sarma, Commissioner-cum-Secretary, DWCD. She let the audience know about various schemes and steps taken by the Odisha Government to strengthen the POCSO mechanism. She conveyed that the State Cabinet has approved the scheme named 'PRARAMBH'.

The event also witnessed an address by Mr. Sugata Roy, Officer-In-Charge, Child of Field Office, UNICEF Odisha, wherein he highlighted the need to discuss how the system deals with cases of consensual relationships between adolescents. The session was subsequently declared end by Hon'ble Miss Justice Savitri Ratho, Judge, Orissa High Court & Member, JJC.

In the second session, focus group discussions were conducted on multiple themes highlighting the issues pervading rehabilitation of POCSO survivors, intricacies in the existing procedures followed by POCSO Courts while holding trials, sensitisation of numerous stakeholders involved in different capacities. A productive deliberation was also made on capacity building of various functionaries under the Act. Further, the role of State-run institutions, from spreading awareness to providing required assistance to victims, was also cogitated. The discussion started off with presentations by different departments of Govt. of Odisha like Home Dept., Women and Child Development Dept., School & Mass Education Dept., Health & Family Welfare Dept., Crime Against Women & Children Wing, Odisha State Legal Services Authority, Public Prosecutions and institutions like Biju Patnaik State Police Academy, National Law University Odisha, Cuttack. These discussions witnessed participation of POCSO Court Judges, PMJJBs, Secretary, DLSAs, The Public Prosecutors, Chairpersons of CWCs, Representatives from Special Juvenile Police Unit, DCPOs, DSWOs, Members from One Stop Centres, Medical Practitioners, officers from SIRD, SCERT and Representatives from NGOs and Civil society organizations.

The group discussions were followed by a technical session chaired by Justice Sangam Kumar Sahoo, Judge, Orissa High Court, where the groups presented their findings. The groups faced questions from the audience and answers were accordingly given. Hon'ble Justice Sahoo gave various suggestions for better implementation of the statute.

At the end, domain experts Ms. Priti Patkar, Co-founder & Director, Prerana, Mumbai and Prof. Ved Kumari, Vice-Chancellor, National Law University Odisha presented their intellectual perspectives on the above discussed themes, which were also followed by a question-and-answer session. Prof. Ved Kumari particularly stressed on the issue of consensual sexual relationship between minor couples. She was sceptical as to why in such cases

only the boy is prosecuted when the entire act was voluntary and consensual.

Miss Priti Patkar spoke about role of support persons in preventing secondary victimisation of POCSO victims. She batted for organising mentorship programs for such persons. She also said true justice is served to POCSO victims when they are treated with dignity. She underlined the importance of psychological and mental healing of children for their better rehabilitation.

Hon'ble Shri Justice Aditya Kumar Mohapatra, Judge, Orissa High Court expressed his concluding views with respect to the focus group discussions and their findings.

### THEME I: REHABILITATION AND REINTEGRATION OF POCSO SURVIVORS, PREVENTIVE MEASURES, GAPS AND OPPORTUNITIES



The first theme included the presentation of Mr. Arvind Agrawal, IAS, Director, Integrated Child Development Scheme (ICDS) & Social Welfare, Women and Child Development Department who focussed on challenges, gaps and opportunities in rehabilitating and reintegrating POCSO survivors. Mr. Anupam Saha, IAS, State Project Director, Department of School and Mass Education presented on S&ME and school's role, challenges, gaps, and opportunities from the Department's perspective.

### THEME II: CHILD FRIENDLY COURT PROCEDURES DURING PROSECUTION FOR POCSO SURVIVORS: PRACTICES, GAPS, AND OPPORTUNITIES



The second theme witnessed presentations by Mr. Dilip Kumar Mishra, Director, Public Prosecutions, State of Odisha and Mr. Sudipta Acharya, Member Secretary, Odisha State Legal Services Authority. They discussed about the existing statutory provisions to ensure child friendly court procedures during trials and critical gaps. They also advanced numerous suggestions to improve the current situations.

### **THEME III: INVESTIGATION OF CASES: ROLE OF POLICE, MEDICAL OFFICER, SPECIAL PUBLIC PROSECUTORS, PROBATION OFFICER, AND**



### **SUPPORT PERSON**

The third group discussion witnessed presentation by Ms. Rekha Lohani, ADGP, Crime Against Women & Children Wing (CAW & CW) and presentation by Dr. Bijaya Kumar Panigrahy, Director, Family Welfare Department of Health & Family Welfare, Odisha whose presentation was regarding, Investigation of Cases under POCSO Act:

Role of Medical Officer with a focus on Procedures laid down for Medico-legal Examination & Care of POCSO victims and collection of evidence. was mediated by Ms. Priti Patkar, Co-founder and Director, Prerana, Mumbai.

### **THEME IV: BUILDING CAPACITY OF FUNCTIONARIES UNDER POCSO ACT AND THE ROLE OF STATE-RUN TRAINING INSTITUTIONS**



The session included the presentation of Smt. Shyni S, IGP Training, Biju Patnaik State Police Academy, Odisha on "Training and Capacity Building of Police Officers in investigation under POCSO Act" and presentation by Miss. Rishika Khare, Asst. Professor of Law, National Law University Odisha titled "Building Capacity of functionaries under POCSO Act and the role of State-run training institution.

The curtains of the event were drawn by Hon'ble Shri Justice Murahari Sri Raman with his vote of thanks.

## STATE LEVEL CONSULTATION ON CHILDREN IN CONFLICT WITH LAW: PREVENTION, RESTORATIVE JUSTICE, DIVERSION AND ALTERNATIVES TO DETENTION HELD ON 26TH AUGUST, 2023



(Inaugural session: Dignitaries on the dais, Smt. Mandakinee Kar, Chairperson OSCPCR, Hon'ble Shri Justice S.K.Sahoo, Judge & Member, JJC, High Court of Orissa, Hon'ble Shri Justice D.Dash, Judge & Chairperson, JJC, High Court of Orissa, Shri Keshav Kumar, IPS, Mr. William Hanlon Jr, Chief of Field office, UNICEF, Odisha)

With an aim to highlight issues and discuss ways as to which juvenile justice can be justly ensured to the children in conflict with law keeping in view the best interest of the child, a one day State Level Consultation was organized by Women and Child Development Department, Government of Odisha and the UNICEF under the aegis of the High Court of Orissa at Odisha Judicial Academy on 26<sup>th</sup> August, 2023. The Consultation was inaugurated by Hon'ble Shri Justice Subhasis Talapatra, Chief Justice, High Court of Orissa in the presence of Hon'ble Shri Justice Debabrata Dash, Judge, High Court of Orissa and Chairperson, Juvenile Justice Committee, High Court of Orissa, Judges of the High Court of Orissa and Mr. William Hanlon Jr, Chief of Field Office, UNICEF, Odisha. In the inaugural session Hon'ble Shri Justice D. Dash, Judge and Chairperson, Juvenile Justice Committee, High Court of Orissa, delivering the welcome address, highlighted the objective of the consultation and said such deliberations would lead to effective solutions for children in conflict with law and in need of care and protection. He emphasized on prompt response to the problems involving children and highlighted the importance of pro-activeness of all the stakeholders. Mr. William Hanlon Jr, Chief of Field

Office for Odisha, UNICEF emphasized on the need of diversion from traditional methods and discussed on prevention, non-custodial alternatives, rehabilitation and restorative practices and right of children to fair trial. He stressed upon the need of counseling and psycho-social support to the deprived children and said UNICEF is committed to the cause of child care. Mr. Keshav Kumar, IPS (Retd.) shared his experience as a police officer in cases involving children in conflict with law. Smt. Mandakinee Kar, Chairperson of Odisha State Commission for Protection of Child Rights informed the role of State Commission in effective implementation of the Juvenile Justice Legislation. It was followed by address of the Chief Justice, Orissa High Court, Hon'ble Shri Justice Subhasis Talapatra who flagged the issue of care to children and justice to children in conflict with law. He deprecated the practice of interrogation in cases involving children in conflict with law and said instead of interrogation the investigating agencies should have conversation with the children. The Chief Justice urged the Judicial Officers and the functionaries under the Juvenile Justice Legislature to be sensitive in dealing with the children. He emphasized on the need of homely environment for the children in conflict with law instead

of custodial measures. Extending vote of thanks Hon'ble Shri Justice Sangam Kumar Sahoo, Judge, High Court of Orissa and Member, Juvenile Justice Committee, High Court of Orissa said we need to nurture the children for a better society. It saw participation from multiple key stakeholders including the Principal Magistrates of the Juvenile Justice Boards in Odisha (PMJJB); officials from the Special Juvenile Police Unit (SJPU);

officers of the Crime Against Women and Children Wing (CAWCW); Odisha State Child Protection Services (OSPCS); Members of the Odisha State Commission for Protection of Child Rights (OSPCPR); Department of Women and Child Development (DWCD); UNICEF; Biju Patnaik State Police Academy and members from various NGOs and CSOs, etc.

### TECHNICAL SESSION I

#### PREVENTING CHILDREN FROM GETTING IN CONFLICT WITH LAW



(Smt. Shyni S., IGP, BPSPA, Hon'ble Miss Justice Savitri Ratho, Judge, High Court of Orissa & Member, Juvenile Justice Committee, High Court of Orissa, Mr. Lingraj Panda, Director, ICDS, Department of W & CD, Government of Odisha Mr. Manna Biswas, Child Protection Specialist)

The first technical session was chaired by Hon'ble Miss Justice Savitri Ratho, Judge, High Court of Orissa & Member, Juvenile Justice Committee, High Court of Orissa wherein Mr. Manna Biswas, Child Protection Specialist discussed on the facts leading the children to come in conflict with law and the importance of prevention and intervention reducing recidivism among children, Smt. Shyni S, I.G.P (Training), Biju Patnaik State Police Academy, Odisha spoke about the collective approaches to prevention of crimes and the role of training institutions and academies for the duty bearers. Mr. Lingraj Panda, Director, ICDS, Department of W & CD, Government of Odisha shared the experience in Odisha in preventing children from coming in conflict with law and the recent initiatives taken in the direction and also reflected on the challenges.

#### Key Discussion Points:

##### Factors Leading to Children Committing Crime:

1. Family: It was shared that parental neglect, family conflicts, and inconsistent or harsh discipline can contribute to juvenile delinquency by influencing a child's behavior negatively. Further, children often emulate deviant behavior and attitudes observed in their parents, normalizing delinquent actions. Major family disruptions such as divorce or separation were identified as potential triggers for delinquent behavior due to the emotional distress and instability they create in children's lives.
2. School: school-related issues, including poor performance, conflicts with peers or teachers, and a hostile school environment, lack of supervision by the

teachers were recognized as factors contributing to juvenile delinquency.

3. Peer Influence: The influence of deviant peers or experiencing peer rejection was emphasized as a significant factor in pushing children towards criminal activities by the speaker.
4. Community Factors: high rates of crime, violence, gang activity, poor housing, and inadequate monitoring in neighborhoods expose children to opportunities for antisocial behavior. The presence of drugs and involvement in violent activities were discussed as common precursors to juvenile delinquency.

### Strategies of Prevention:

A comprehensive framework for prevention mechanisms was discussed, comprising three tiers: General Prevention, Specific Prevention, and Tertiary Prevention, aimed at addressing the underlying factors and consequences of juvenile delinquency.

### General Prevention includes:

- Prioritizes children's safety and well-being in all settings.
- Emphasizes on access to quality education for personal and social development.
- Addresses poverty, homelessness, unemployment, domestic violence, and corporal punishment to reduce delinquency triggers.
- Supports parents in nurturing and caring for their children effectively.
- Fosters strong community bonds and social structures to enhance overall family well-being.
- Specific Prevention includes:
  - Identification of at-risk children and provide them with tailored resources to divert them from delinquency.
  - Identification of high-risk areas, groups, and families for focused intervention.
  - Offering assistance to vulnerable and unsupported families to prevent juvenile involvement in criminal activities.
- Tertiary Prevention includes:

- Developing programs for juveniles in conflict with the law, addressing their unique needs.
- Implementing restorative justice and rehabilitation programs to reduce reoffending.
- Aiding juveniles' reintegration into society through community-based programs.

### Recommendations:

1. Utilize existing government platforms such as ADVIKA to proactively engage in early intervention and prevention efforts.
2. Promote the early identification of at-risk individuals by fostering connections between children and educational institutions, vocational training programs, skill-building initiatives, and psychosocial support networks. Facilitate the linkage of these individuals to social protection schemes.
3. Preventing repeat offenses among Children in Conflict with the Law (CICL) should be a priority. Encourage the provision of counseling, legal aid, educational opportunities, and avenues for entrepreneurship to address their specific needs and support their rehabilitation.
4. Actively engage in data collection and monitoring to track school attendance, identify out-of-school children, and locate vulnerable and at-risk children and families. This data can inform the development and implementation of tailored strategies and programs. Community based vigilance & monitoring mechanisms with well-intentioned and committed volunteers have to be thought of, to prevent recidivism in children.
5. Community based mechanisms for unconditional diversions in petty offences can be put in place and Beijing rules can be referred to for the same.
6. Police can be also vested with powers for unconditional diversions in petty offences without having to refer the child to JJBs.
7. The fear of police officers amongst children should be addressed in a positive light
8. CCTNS should be customized to disable registration of FIR against a child in petty and serious offences.
9. Operational guidelines regarding diversion should be developed.
10. Legal empowerment and guidance is required for the Police officers.

TECHNICAL SESSION II

DIVERSION, ALTERNATIVES TO DETENTION AND NON-CUSTODIAL ALTERNATIVES



(Mr. Shefeen Ahamed K, IG of Police, CID-CB, Odisha, Cuttack, Hon'ble Shri Justice Sangam Kumar Sahoo, Judge, High Court of Orissa & Member, Juvenile Justice Committee, High Court of Orissa, Ms. Nimisha Srivastava, Country Director, Counsel to Secure Justice)

The second technical session was chaired by Hon'ble Shri Justice Sangam Kumar Sahoo, Judge, High Court of Orissa & Member, Juvenile Justice Committee, High Court of Orissa wherein Ms. Nimisha Srivastava, Country Director, Counsel to Secure Justice discussed on the current initiatives in dealing with the issues relating to juveniles and Mr. Shefeen Ahamed K, IG of Police, CID-CB, Odisha, Cuttack reflected on the possible alternatives to detention of juveniles in conflict with law.

Diversion involves the referral of matters away from the formal criminal justice system, usually to programmes or activities. In addition to avoiding stigmatization and criminal records, this approach yields good results for children, is congruent with public safety and has proved to be cost-effective in the opinion of the presenter. It was further explained that the opportunities for diversion should be available from as early as possible after contact with the system, and at various stages throughout the process.

**Situations when diversion can be used namely:**

- When there is compelling evidence that the child committed the alleged offence,
- When the child freely and voluntarily admits responsibility, and no intimidation or pressure has been used to get that admission and

- When the admission will not be used against the child in any subsequent legal proceeding.
- In the above situations, the child's consent is mandatory & the case should be closed after completion of diversion along with keeping the Child's records confidential

**RECOMMENDATIONS:**

1. Promote the principle of diversion as a means to rehabilitate children in conflict with the law, while respecting their rights and minimizing the harmful impact of the justice system.
2. Adaptation from SOP on Rehabilitation of Children in Conflict with Law by the Ministry of Women and Child Development for Strengthening free legal aid cells, Capacity building for Juvenile Justice Board members and staff of JJB, Capacity building for Observation Home staff, Involvement of NGOs in the functioning of Observation Homes can be undertaken.
3. Setting up of a Child/Youth Guidance Centre in association with JJBs can be implemented which will provide services based on the principle of Diversion for child/youth offenders. The JJB should use discretion to refer children to the Guidance Centre based on the Social Investigation Report.

4. Create a platform for restorative justice with the participation of the child in a dialogue with the victim to give the child an opportunity to prove his/her capacity and an opportunity to repair their mistakes. This shall contribute positively to the child's development by encouraging him/her to take responsibility for the harm caused, but in ways that reintegrate them into society.
5. Consider pilot programs to assess the applicability and effectiveness of restorative justice for juveniles in conflict with the law.
6. Diversion may be used at any point of decision making by key stakeholders like police, prosecution or courts/boards. It may be exercised by one authority or several or all authorities.

### TECHNICAL SESSION III

#### RIGHT TO A FAIR TRIAL AND CHILD FRIENDLY PROCEDURES, INCLUDING LEGAL AND OTHER APPROPRIATE ASSISTANCE



(Mr. Keshav Kumar, IPS (Retd.), Hon'ble Shri Justice Murahari Sri Raman, Judge, High Court of Orissa & Member, Juvenile Justice Committee, High Court of Orissa, Mr. Sudipta Acharya, Member Secretary, OSLSA, Dr. Kalpana Purushothaman, Adjunct Prof. at IIPR & Member, JJB, Bangalore)

The third technical session was chaired by Hon'ble Shri Justice Murahari Sri Raman, Judge, High Court of Orissa & Member, Juvenile Justice Committee, High Court of Orissa wherein Dr. Kalpana Purushothaman, Adjunct Prof. at IIPR & Member, JJB, Bangalore discussed on the need of child friendly JJBs and their role in rehabilitation and prevention programmes, Mr. Keshav Kumar, IPS (Retd.) discussed on the methods of investigation with regard to children, the ideal manner of interaction with them and use of scientific tools in investigation and Mr. Sudipta Acharya, Member Secretary, OSLSA informed about the legal-aid provisions for children in conflict with law in Odisha and shared the experiences and challenges.

#### Recommendations:

1. It is vital for the stakeholders to look at the issues relating to children especially with respect to CCLs from not just a legal but also from a psycho-social perspective.
2. Re-imagination of a justice system without focus on 'jail, bails, acquittal, imprisonment, conviction, crime and punishment' to one which talks about healing as a way of Justice in the Juvenile Justice System that is promoting the idea of therapeutic jurisprudence.
3. Despite a lack of human resource in every department and sector which everyone is aware of, we can still use the resources we do have effectively if guided properly.

4. Shifting focus from finding out the 'mens rea' and whether or not a child is to be dealt with as an adult to one that promotes reform, rehabilitation and recondition of CCLs in order to achieve the true spirit and essence of the legislation.
5. Review, appraisal and rewarding JJBs on number of children restored to families, resuming education, treated for substance abuse, referred for medical and psychiatric treatments, vocational training, children finding jobs and getting employed after getting out of the system, and such other initiatives.
6. Conducting parenting programs and support groups for parents in the community.
7. Proper justice to Children in Conflict with Law can only be achieved with the help of multi-sectoral convergence; a collaboration with the National Research Foundation for sponsoring study in genetic for age determination; tie up with National Forensic Sciences University for preparation of an comprehensive SOP for determining age of CCLs and other effective mechanisms for investigations that can root from study of forensics and also tie ups with the National Law Universities for finding a legal solution to address the various issues relating to investigation of cases involving a CCL.
8. Taking necessary steps for skill development and rehabilitation of the specially abled CCLs after they attain the age of 18years;
9. Establishment of a separate panel of clinical Psychologists and psychosocial experts to assess and understand the reason as to why a crime was committed by a child in conflict with law in the first place and their other behavioral traits
10. A group of panel lawyers who are experts on issues relating to CCLs and are specially oriented for effectively dealing with their issues;
11. Regular interactions with CCLs should be done in order to provide him ample amount of opportunities and scope to share their experience and their side of the story thereby ensuring and upholding their Right to Freedom of Speech as guaranteed to every citizen of the country by the Constitution.

#### TECHNICAL SESSION IV

TOPIC: MINIMUM AGE OF CRIMINAL RESPONSIBILITY AND AGE OF CRIMINAL MAJORITY (PRELIMINARY ASSESSMENT)



(Mr. Shyam Sundar Dash, Director, Public Prosecutions, Hon'ble Shri Justice Murahari Sri Raman, Judge, High Court of Orissa & Member, Juvenile Justice Committee, High Court of Orissa. Dr. Kalpana Purushothaman, Adjunct Prof. at IIPR & Member, JJB, Bangalore)

The fourth technical session chaired by Hon'ble Shri Justice Murahari Sri Raman, Judge, High Court of Orissa & Member, Juvenile Justice Committee, High Court of Orissa wherein Dr. Kalpana Purushothaman, Adjunct Prof. at IIPR & Member, JJB, Bangalore and Mr. Shyam Sundar Dash, Director, Public Prosecutions discussed on the legal provisions regarding minimum age of criminal responsibility and spoke about preliminary assessment regarding age of criminal majority provided under the statute.

#### Key Recommendation & Suggestions:

1. It is important to take into account psycho-social factors such as adverse childhood experiences, dysfunctional families, violence exposure, and abuse when conducting the preliminary assessment of CICL. These factors influence CICL and should be factored into the evaluation of the child's capacity, maturity in committing the alleged offense.
2. To enhance the effectiveness of the Juvenile Justice Board, the inclusion of psycho-social experts as members is recommended. This expertise would provide a more holistic understanding of the intricate psychological and social dynamics surrounding children in conflict with the law.
3. The consequences of transferring a child to the adult court system should be examined. Such transfers can undermine the core objectives of prevention, rehabilitation, and reformation, which are central to the juvenile justice system.
4. Focus on the social investigation reports, individual care plan, counselling reports needs to be strengthened which are crucial and are pivotal, carrying utmost importance in reaching a decision that aligns with the child's best interests.
5. While conducting a preliminary assessment that takes into account the conditions surrounding the offense, it is essential to broaden the perspective. The comprehensive circumstances that led the child to engage with the law should be accorded due significance.
6. The recommendations and reports generated by JJBs during preliminary investigations should be regarded as advisory in nature.
7. The minimum age of criminal responsibility, as outlined in Sections 82 and 83 of the Indian Penal Code, should be increased.
8. Maintaining an extremely low age of criminal responsibility is deemed unnecessary and has the potential to cause harm and from the perspective of child's rights its illegitimate. Moreover, from a child's rights perspective, such a low age is considered unjustifiable.
9. There is a need to create a standardized operating procedure for conducting preliminary assessments, aiming to establish a consistent/uniform & standardised approach due to the absence of clear statutory guidelines on this matter.
10. The process of preliminary assessment should ensure a qualified child psychologist who can evaluate the cognitive and physical capabilities and maturity of the Child in Conflict with the Law (CICL).

### TECHNICAL SESSION V

#### REHABILITATION AND RESTORATIVE PRACTICES



(Mr. Manna Biswas, Child Protection Specialist wherein Ms. Nimisha Srivastava, Country Director, Counsel, Ms. Sachi Maniar, Ashiyana Foundation, Mr. Lingraj Panda, Director, ICDS, Department of W & CD, Government of Odisha)

The fifth technical session was chaired by Mr. Manna Biswas, Child Protection Specialist wherein Ms. Nimisha Srivastava, Country Director, Counsel to Secure Justice reflected on the rehabilitation and restorative practices in various parts of the world, Ms. Sachi Maniar, Ashiyana Foundation shared the experience of her NGO and other child care institutions in dealing with rehabilitation and restoration and Mr. Lingraj Panda, Director, ICDS, Department of W & CD, Government of Odisha shared the experience in Odisha in rehabilitation of children in conflicts with law and also reflects the challenges and the way forward.

**Key Recommendations:**

1. Strengthen Monitoring Mechanism – Through robust data collection and tracking systems of children even post follow up along with regular assessment and review. Continuously monitoring the progress of children during and post-rehabilitation is needed to ensure their successful reintegration and prevent relapse. The findings and feedbacks can enable the districts and the states to make tailored strategies for necessary improvements.
2. Strengthen Early intervention- Strategies, interventions and dedicated programs are needed for early intervention. There are existing platforms of the department as well as other departments which needs to be tapped effectively. Advika is one such platform which can be tapped and effectively utilised for early intervention which can include identification of Vulnerable and at-risk children, creation of peer networks as support system, promote positive behaviours among children, adolescents through life skill education and positive parenting for the families. These platforms can be an umbrella platform for early intervention, prevention.
3. Convergence: inter-departmental convergence with the line departments and partnerships with non-profit organisation, civil society organisations need to be further strengthened. Involving communities, families as important stakeholders is equally imperative.
4. Strengthen Psycho-social support: Efforts are to be made to develop a pool of professionals from line departments to provide the children with the necessary psycho-social support and existing platforms can be tapped. Conduct comprehensive needs assessment for the Child Care Institutions (CCIs).
5. Soliciting input from the children themselves regarding the changes they wished to witness within these institutions.
6. Create Models based on this feedback and shared with the staff and the institutions for implementation. An example mentioned by the speaker included - initiation of butterfly gardens in the CCIs, where the children took charge of beautifying the space. Alongside this, individual and group counselling sessions were conducted using restorative circles. These circles involved nonjudgmental discussions guided by thoughtful questions, fostering understanding and empathy. She recounted real-life stories that exemplified some of the most remarkable transformations among the children.
7. For effective restorative practices children needs to be considered as partners and equals rather than objectifying them as something to be corrected in the institutions and programs needs to be tailored accordingly.

**CONCLUDING REMARKS & VOTE OF THANKS**



(Hon'ble Shri Justice Sangam Kumar Sahoo, Judge & Member, JJC, High Court of Orissa and Hon'ble Shri Justice M.S. Raman, Judge & Member of the JJC, High Court of Orissa)



The State Level Consultation ended with a Valedictory Session wherein Hon'ble Shri Justice Sangam Kumar Sahoo, Member of the Juvenile Justice Committee, High Court of Orissa made the concluding remarks on the deliberations made by various speakers and stakeholders. He underscored the necessity and significance of conducting such consultations. These consultations provide a comprehensive platform where diverse stakeholders convene to discuss urgent issues, challenges, and potential solutions and chalk out future

course of actions. He provided an overview of the various consultation themes and their respective importance

Hon'ble Shri Justice M.S. Raman, Member of the Juvenile Justice Committee, High Court of Orissa, delivered the Vote of Thanks, expressing gratitude to all esteemed guests, distinguished judges, experts, presenters, and the audience. He highlighted the significance of adopting a compassionate and friendly approach towards Children in Conflict with the Law (CICL).

## SCENARIO AND BEST PRACTICES FROM THE FIELD

### 1. ANGUL

#### Current Institutional Mechanism in place for Child Protection:

CCI	Children's Home	Specialised Adoption	Observation Home	Special Home	No. of Children
7	4	1	1	1	205

There are 8 Block level Child Protection committees and 225 Gram Panchayat Child Protection Committees functional at the block and Gram Panchayat Level.

#### Best Practice

#### “Empowering Youth for a Brighter Future: A Holistic Approach in Observation Homes”

The Women & Child Development (W&CD) Department, in collaboration with various stakeholders, has initiated a comprehensive intervention plan for the observation

home of this district to cater to the holistic growth and development of the children living here. The children residing in the observation homes are also provided with vocational training in the field of computer application, to equip the child with practical skills, knowledge and job opportunities. The children residing here have undergone some remarkable transformation and most of them are perusing their higher education or supporting livelihood for their family through some business or jobs and have been an inspiration for other children as well.



### 2. BALANGIR

#### Current Institutional Mechanism in place for Child Protection:

CCI	Children's Home	Specialised Adoption	No. of Children
6	5	1	215

There are 14 Block level Child Protection committees and around 285 Gram Panchayat Child Protection Committees in the district.

#### Best Practice

#### “Comprehensive Child-Centric Care: A Holistic Approach to Well-being and Resilience”

Through a child centric approach, the physical, emotional, and psychological needs of the children living in all the six Child Care Institutes are being comprehensively catered to. Individual Child Care plan for each child is prepared which serves as a comprehensive guide to ensuring the well-being, development and rights of children under their care. They are regularly provided with tailored

counselling sessions carting to the emotional need and trauma of the child which has been impactful in addressing the child’s psychological well-being and development of resilience and coping mechanisms. Additionally, for the physical wellbeing and health of the

children a holistic approach has been adopted, which includes yoga instruction, spiritual discourses, practicing mindfulness aimed at promoting the child’s mental and emotional healing.



### 3. BALASORE

#### Current Institutional Mechanism in place for Child Protection:

CCI	Children’s Home	Specialised Adoption	No of Children
11	10	1	768

There are 12 Block level Child Protection Committees and 360 Gram Panchayat Child Protection Committees in the district.

#### Best Practice

#### “Cultivating Creativity: Nurturing Children in Care Through Gardening and Art”

The Utkal Balashram in Balasore have established an

exemplary best practice that goes beyond the traditional care model by actively involving its residents in an array of creative and extra-curricular activities. Activities like gardening, tree planting, painting competitions, art therapy have had proven therapeutic benefits to the children residing in the institution and they share how it has helped them manage stress, anxiety, and trauma especially when they found themselves challenging to verbalize them.



4. BARGARH

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children's Home	Specialised Adoption	No of Children
3	2	1	111

There are 12 Block level Child Protection committees and 248 Gram Panchayat Child Protection Committees.

**Best Practice**

**“Nurturing Responsible Citizens: Children’s Interaction with District Administration and local authorities in CCIs”**

Promoting meaningful interactions between children residing in Child Care Institutions (CCIs) and the local district administration, within the CCI, represents a

valuable approach for ensuring the comprehensive development and inclusion of these children in the district. This strategy has been successful in creating a platform through which children can engage with local authorities, to better understand the governance, decision making process, learn and understand their constitutional rights related to education, healthcare, protection from abuse, and participation in decision-making processes. It has also helped the administration to better understand the needs of the child and to work them towards creating a child centric governance.



5. BHADRAK

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children's Home	Specialised Adoption	No of Children
9	8	1	316

There are 7 Block level Child Protection committee and 218 Gram Panchayat Child Protection Committee functional at the block and GP level.

**Best Practice**

**“Empowering Transformation: The Impact of Technical**

**and Vocational Training on child’s Rehabilitation and Reintegration”**

The children in the CCIs here are provided with vocational and technical which has been highly effective for their rehabilitation. It has helped the children in acquiring valuable skills, build self-confidence, and



successfully reintegrate into society as responsible and productive individuals. Many children have been able to start their own business, find good job opportunities and are today supporting themselves comfortably.

The credentials they have received by completing the technical and vocational trainings have enhanced and developed their employability skills and provided a sense of accomplishment.

## 6. BOUDH

### Current Institutional Mechanism in place for Child Protection:

CCI	Children's Home	Specialised Adoption	Observation Home	Special Home	No of Children
5	2	1	1	1	100

There are 3 Block level Child Protection committee and 69 Gram Panchayat Child Protection Committee functional at the block and Gram Panchayat Level.

#### Best Practice

#### “Fostering Hope and Healing: A Unique Approach to Rehabilitating Youth in Legal Conflict at Boudh Observation Home”

The Boudh Observation Home has embraced a comprehensive approach to the rehabilitation of children entangled in legal conflicts, placing significant emphasis on therapeutic and recreational engagement as fundamental elements of their transformative journey. Recognizing that recovery goes beyond conventional methods, the program places the

emotional and psychological well-being of these children at the forefront. Art and music therapy serve as channels for creative self-expression and emotional catharsis, while drama and cultural activities foster self-assurance and the development of essential interpersonal skills. Furthermore, yoga, mindfulness practices, and the celebration of cultural events actively contribute to both the physical and mental well-being of these young individuals, nurturing a profound sense of inner tranquillity and a feeling of belonging. Through the seamless integration of these activities, the Boudh Observation Home has established a nurturing and supportive environment, facilitating healing, self-exploration, and positive personal development among these children.



**7. CUTTACK**

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children's Home	Specialised Adoption	Open Shelter	No of Children
18	15	2	1	648

There are 4 Block level Child Protection committees and 373 Gram Panchayat Child Protection Committees functional at the block and GP level.

**Best Practice**

**“Empowering Excellence: Stories of courage , perseverance and victory”**

The KGNM Trust, a Child Care Institution located in Cuttack, has achieved remarkable success in nurturing the talents of its female residents. In a shining example of empowerment and unwavering dedication, these young girls have demonstrated exceptional skill at the 17<sup>th</sup> WTSKF Odisha State Karate Championship. With steadfast guidance and support from the District Child Protection Unit (DCPU) and the Women and Child

Development (W&CD) Department, these girls have showcased remarkable commitment to their chosen sport. Their achievements are truly inspiring: four girls have secured an impressive total of five gold medals, while three others have proudly earned four silver medals. Furthermore, two of them have clinched two bronze medals each. This remarkable feat not only highlights the athletic prowess of these girls but also underscores the invaluable role played by the DCPU and the W&CD Department in providing them with opportunities and unwavering encouragement. Through their combined efforts, these girls are not only excelling in sports but also setting a shining example of determination and excellence, undoubtedly shaping a brighter future for themselves.



8. DEOGARH

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children's Home	Specialised Adoption	No of Children
1	1	1	84

There are 3 Block level Child Protection committees and 70 Gram Panchayat Child Protection Committees functional at the block and GP level.

**Best Practice**

**Empowering Veeranganas: Girls Leading the Way in Self-Défense Training”**

The District Administration in Deogarh has introduced an innovative and scaled-up approach VEERANGANA- aimed at enhancing the self-esteem and confidence of

adolescent girls through martial arts and self-defence techniques. In this program, approximately 50 girls have been trained as master trainers who, in turn, are responsible for imparting training to a substantial group of around 8,000 adolescents. SURAKSHA KAWACH, the Protective Armor for Girl Children, Deogarh -SURAKSHA KAWACH is a community-based digital tracking system designed to monitor three critical aspects related to girl children: Girls Birth Rate & CSR (Child Sex Ratio), enrolment in schools, child marriages and child trafficking.



9. DHENKANAL

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children's Home	Specialised Adoption	Open Shelter	No of Children
5	3	1	1	163

There are 8 Block level Child Protection committee and 198 Gram Panchayat Child Protection Committee functional at the block and GP level.

**Best Practice**

**“Fostering Well-Rounded Growth: The Impact of Sports Competitions at Maharshi Dayanand Service Mission Child Care Institution”**

Incorporating sports competitions as a central component of activities in the Maharshi Dayanand Service Mission Child Care Institution (CCI) stands out as an exemplary best practice that promotes children’s physical well-being, teamwork, discipline, and personal growth. This approach encourages regular physical activity, fostering overall health and combatting

sedentary lifestyles. It nurtures teamwork, interpersonal skills, discipline, and time management. Through sports, children interact with peers, coaches, and officials, honing effective communication and conflict resolution abilities. Importantly, it ensures inclusivity, offering equal opportunities for children of all abilities. Additionally, sports serve as a stress-relieving outlet, aiding emotional management, and supporting physical development, coordination, and mental resilience, thereby cultivating a holistic sense of well-being. Overall, this best practice not only equips children with essential life skills but also creates an environment conducive to their thriving, growth, and realization of their full potential.



**10. GAJAPATI**

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children’s Home	Specialised Adoption	No of Children
6	5	1	167

There are 3 Block level Child Protection committees and 70 Gram Panchayat Child Protection Committees functional at the block and GP level.

**Best Practice**

**“Transforming Juvenile Justice: The ‘Sishu Mitra Adalat’ Initiative in Gajapati”**

The ‘Sishu Mitra Adalat’ initiative introduced by the District Child Protection Unit in Gajapati, under the guidance of the W&CD department, is a commendable best practice focused on ensuring the welfare of

juveniles within the justice system. This child-centric approach prioritizes hassle-free trials and child-friendly court environments. It streamlines procedures, minimizes delays, and offers amenities such as libraries, informative murals, and video conference facilities to create a welcoming and educational atmosphere. These provisions not only reduce the stress associated with court appearances but also empower juveniles to understand

their rights and participate more conveniently. Overall, this initiative exemplifies how adapting the justice system to cater to juvenile needs can enhance efficiency while

safeguarding their well-being and rights, serving as a model for child-friendly practices in the legal system.



**11. GANJAM, KALAHANDI, MALKANGIRI, SUNDARGARH DISTRICT**

**Current Institutional Mechanism in place for Child Protection:**

District	CCI	Children's Home	Specialised Adoption	Open Shelter	Observation Home	Special Home	No of Children
Ganjam	10	4	1	1	2	2	301
Kalahandi	13	8	2	1	1	1	410
Malkangiri	6	3	1	0	1	1	185
Sundargarh	13	8	1	1	1	2 (1 SH & 1 POS)	655

**Best Practices**

**“Fostering Rehabilitation and Child Well-being: A Holistic Approach in Odisha’s Observation Homes”**

The Observation Homes in these districts has established a carefully structured daily routine designed to create a rehabilitative environment for children in conflict with the law. Keeping the needs of the children in mind a monthly calendar enlisting 16 types of activities are implemented in OH, SH & PoS including dance, sports day, drawing, music, celebration of cultural days and festivals, a day for parents etc to ensure their holistic growth. This comprehensive routine creates an environment that facilitates personal growth and development for these children.

**“A Day for Children”**

Besides, a dedicated day has been scheduled once every quarter and designated as “A Day for Children” across all districts in Odisha. On this particular day, comprehensive meetings involving existing Task Forces and Committees at both district and sub-district levels are organized under the leadership of their respective Chairpersons. This special day serves as an occasion to assess and address grievances related to children, review the effective implementation of child protection services, laws, schemes, and programs. It particularly focuses on critical issues such as child marriage, child trafficking, child labour, child sexual abuse, and violence against children and adolescents. This systematic approach ensures a periodic evaluation and response to safeguard the rights and well-being of children in the region.



12. JAGATSINGHPUR

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children's Home	Specialised Adoption	No of Children
3	2	1	89

There are 8 Block level Child Protection committees and 194 Gram Panchayat Child Protection Committees functional at the block and GP level.

**Best Practice**

**Monitoring of Vulnerable and at-risk Children through Partnership Building & Convergence.**

The District Child Protection Unit under the Department of W & CD has launched an initiative to collaborate with international and non-governmental organizations (INGOs & NGOs) specializing in Child Protection in the

district, in a Public-Private Partnership mode to map and monitor vulnerable and at-risk children. This initiative aims to comprehensively address issues affecting children, ranging from grassroots to administrative levels, and establish a robust safeguard for their well-being. Recognizing that Child Care Institutions are the last resort for children, these NGOs & INGOs are actively conducting awareness campaigns, implementing Family Strengthening Programs, and diligently following up on cases of children who are already benefiting from the services provided.



13. JAJPUR

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children's Home	Specialised Adoption	No of Children
7	6	1	244

There are 10 Block level Child Protection committees functional at the block level.

**Best Practice**

This case study sheds light on Anjali's (name changed) inspiring journey to recovery and rehabilitation at AAMA GHARA Child care institution (CCI) in Sukinda. Her life took an unfortunate turn when her family decided to marry her off at a tender age. DCPU, Jajpur, upon learning about the impending child marriage, swiftly intervened to rescue the said child from this harmful practice and placed her in CCI. Her remarkable journey took another significant step when she secured admission to Industrial Training Institute (ITI) Jajpur under BSSY technical education support. She is now on a path to acquire valuable skill and education, paving the way for a brighter future where she can become self-reliant and contribute meaningfully to the society.



14. JHARSGUDA

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children's Home	Specialised Adoption	Open Shelter	No of Children
4	2	1	1	58

There are 5 Block level Child Protection committees functional at the block level.

**Best Practice**

**“ A Tale of Resilience and Transformation”**

Biswajit Tandi’s early life was marked by adversity as he and his mother resorted to rag picking following his father’s untimely passing and his mother’s battle with mental illness when he was just seven. However, Biswajit’s life took a positive turn thanks to the intervention of the W&CD Department. He was rescued and found refuge at Thakkar Bapa Seva Sadan, while his mother received care at Mission Ashra. This crucial support opened doors for Biswajit to receive an education, breaking free from the cycle of hardship. His determination was evident as he completed his 10<sup>th</sup>-grade education and now pursues an ITI course in the Electrical Branch. This intervention not only transformed Biswajit’s life but also illustrates the department’s unwavering commitment to empowering vulnerable youth and granting them access to education for a brighter future. It’s a testament to how timely interventions and support systems from the W&CD Department can foster resilience in children like Biswajit.



**15. KANDHAMAL**

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children’s Home	Specialised Adoption	No of Children
15	14	1	827

There are 12 Block level Child Protection committees & 153 Gram Panchayat Child Protection Committees functional at the block & GP level.

**Best Practice**

**“At RCM Children Home Kandhamal: Fostering Empowerment Through Life-Skill Education for Girls”**

This institution has undertaken a noteworthy practice to empower girls by providing them with advika lessons every Saturday. This initiative serves as a structured platform for girls to express their perspectives, thoughts, and concerns effectively. Its goal is to equip adolescents with essential life skills, enabling them to make informed decisions in various aspects of their lives. Furthermore, this endeavour aims to cultivate a cadre of young change-makers who can play a pivotal role in raising awareness about critical issues such as child marriage, gender-based violence, human trafficking, and other concerns affecting women and adolescents.



16. KENDRAPADA

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children's Home	Specialised Adoption	No of Children
3	2	1	160

There are 9 Block level Child Protection committees & 249 Gram Panchayat Child Protection Committees functional at the block and GP level.

**Best Practice**

**“Triumph Over Adversity - A Story of Resilience and Hope”**

In the face of misfortune, Romiya Ranjan Mohanty, born into a humble family in 2006, found his life taking an unexpected turn in 2021 when his father, the family's sole provider, tragically passed away. This sudden loss left the family grappling with financial hardship. Yet, Romiya, a determined and resilient young man, pressed on and managed to achieve a commendable B2 Grade in his H.S.C. exam. During this trying period, the government's Ashribad Scheme emerged as a lifeline, ensuring that Romiya's education remained uninterrupted. The District Child Protection Unit (DCPU) played a pivotal role by providing ongoing support and counseling. Romiya's dedication to his studies paid off as he secured a first division in the +2 Science Annual Examination of 2023, opening the doors to pursue a degree in Computer Science at Rajadhani Engineering College in Bhubaneswar. This remarkable journey was made possible with the unwavering support of DCPU and the Green Passage Scheme. Romiya's story is a testament to the transformative power of timely interventions and financial assistance, not only changing his life but also inspiring admiration and hope within his family and community. Today he stands as an inspiration not just for his community and the villagers but also other residents of the CCIs.



17. KEONJHAR

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children's Home	Specialised Adoption	Open shelter	No of Children
9	6	2	1	497

There are 13 block level Child Protection committees & 297 Gram Panchayat Child Protection Committees functional at the block and GP level.

**Best Practice**

**“Fostering Holistic Development: Yoga and Independence Day at DOV Balashram CCI”**

The integration of yoga and Independence Day celebrations at DOV Balashram CCI exemplifies a best practice that prioritizes the holistic development of children in care. Yoga is incorporated into daily routines to promote physical fitness, mental well-



being, and valuable life skills like consistency and time management. It emphasizes the mind-body connection and encourages mindfulness and self-awareness. Celebrating Independence Day instils patriotism and cultural awareness among the children through flag hoisting, cultural programs, and educational activities. This best practice not only ensures the children’s physical and mental well-being but also prepares them to be responsible and informed citizens, fostering a sense of national pride and identity.



**18. KHURDA**

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children’s Home	Specialised Adoption	Open shelter	No of Children
17	12	2	3	482

**Best Practice**

With a focus on implementing After Care guidelines, the W & CD Dept. through DCPU has collaborated with Adruta Home to establish an After Care facility, financially supported by the ARUNA Organization. This facility is dedicated to providing independent housing for young adults aged above 18 years and is located at C-14, Netaji Subhas Enclave, Near Guru Kelucharan Park, Gadhakana, Bhubaneswar, initiated on 15<sup>th</sup> February 2023. Presently, seven girl children reside in this After Care Home. Further to this an Inter-country Repatriation took place when Two Nepali children have been successfully repatriated to the Nepal Embassy via the Ministry of External Affairs. Till date, DCPU Khordha has facilitated the repatriation of a total of six intercountry children to their respective home countries, including four children from Nepal and two children from Bangladesh.



**19. KORAPUT**

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children’s Home	Specialised Adoption	Open shelter	No of Children
10	8	1	1	309

There are 14 block level Child Protection committee & 240 Gram Panchayat Child Protection Committee functional at the block.

**Best Practice**

National Girl Child Day, observed annually on January 24<sup>th</sup> in India, is a significant event dedicated to advancing gender equality and acknowledging the rights, abilities, and potential of every girl in the nation. It serves as a crucial reminder of the importance of nurturing and empowering girls, both socially and economically. This observance reaffirms the commitment to eradicating discrimination, stereotypes, and biases that curtail girls' opportunities while emphasizing the need to grant

them access to quality education, healthcare, and equal chances for growth and success. National Girl Child Day employs various programs and initiatives to raise awareness about the challenges girls face, such as gender-based violence, child marriage, and unequal resource access. It calls upon individuals, communities, and institutions to take affirmative action in support of girls' rights and well-being, with the DCPU in Koraput, backed by the W&CD Department, organizing campaigns and competitions to mark this significant day in all these institutions.



**20. MAYURBHANJ**

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children's Home	Specialised Adoption	No of Children
11	9	2	413

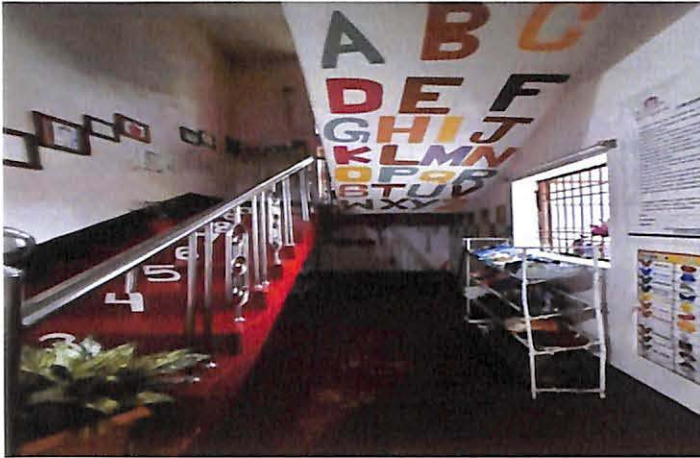
There are 26 block level Child Protection committee at the block level.

**Best Practice**

**“Comprehensive Child Welfare Initiatives: Supporting Children’s Well-Being and Empowerment”**

The initiatives undertaken encompass a comprehensive approach to child welfare, particularly for those affected by the challenges brought on by the COVID-19 pandemic. Schemes like Ashirbad in the district has been providing vital support to children who lost parents or were left with a single parent due to the pandemic. Around 3327 children have been linked to the scheme in the district. Sponsorship programs benefit 214 children, covering their health, nutrition, education, and overall

development, with 67 children currently receiving ongoing support. Foster care arrangements have been successfully established, and awareness is actively raised through various means, including publicity, advertising, and awareness programs. Engagements at local committee and district-level meetings further reinforce child welfare discussions, while efforts to enroll children from Child Care Institutions into formal education settings and organize regular health check-ups demonstrate a commitment to their holistic well-being. Additionally, the “Swaysidhaa” program empowers and uplifts children from child marriage cases, highlighting a comprehensive and multifaceted approach to child welfare.



21. NABARANGPUR

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children's Home	Specialised Adoption	No of Children
7	6	1	365

There are 10 block level Child Protection committees at the block level.

**Best Practice**

**“Inspirational Journey: Triumph of Resilience and Adoption Support”**

Minakhi’s journey is a remarkable testament to her resilience and the unwavering support provided by the Women & Child Development (W&CD) Department. Born on May 22, 2018, Minakhi faced the daunting challenge of being a visually impaired child raised by a single parent after her father relinquished her following her mother’s untimely passing shortly after birth. Despite extensive efforts, her vision couldn’t be restored. In accordance with legal provisions, the Child Welfare Committee (CWC) in Nabarangpur declared her legally available for adoption. Following the prescribed procedure, Minakhi was placed in the care of prospective adoptive parents (PAPs) through Pre-Adoption Foster Care, with meticulous documentation and adherence to legal formalities. Regular follow-ups, conducted bi-monthly through various communication channels such as phone calls, video chats, voice messages, and social media, revealed Minakhi’s positive adaptation to her new environment. Her adoptive parents and extended family embraced her with open arms, marking a heartwarming success story in the domain of child welfare and adoption.



22. NAYAGARH

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children's Home	Specialised Adoption	No of Children
4	3	1	52

There are 8 block level Child Protection committee and 194 GPCPC.

**Best Practice**

**“Empowering Vulnerable Girls: Initiatives in Nayagarh District”**

In Nayagarh district, a compassionate initiative has been undertaken under the Biju Sishu Suraksha Yojana (BSSY) to provide marriage assistance to parentless girls. This program aims to ensure that these vulnerable young women can enter married life with financial stability and dignity. Through BSSY, they receive financial support to cover various marriage-related expenses, including ceremony costs and essential items, empowering them to celebrate this significant life event with confidence

and security. This initiative not only recognizes their rights but also underscores the government’s dedication to promoting the well-being and social inclusion of parentless girls, ultimately contributing to a more equitable and supportive society. Additionally, the “Green Passage Scheme,” administered by the Higher Education Department of the Government of Odisha, provides tuition-free higher education to children without biological or adoptive parents, including those affected by the COVID-19 pandemic. Coordinated efforts between DCPU and OSCPS successfully linked a girl with this scheme, facilitating her pursuit of higher education and enhancing her future prospects.



23. NUAPADA

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children's Home	Specialised Adoption	No of Children
3	2	1	80

There are 5 Block level Child Protection Committee and 31 GPCP at the block and GP level.

**Best Practice**

**“Utkal Balaashram CCI’s Exemplary Approach: Cultivating Patriotism, National Awareness, and Holistic Development Through Independence Day Celebrations and Recreational Activities”**

This commendable practice showcases how Child Care Institutions can extend their role beyond fulfilling the fundamental needs of children. By instilling patriotism, promoting national awareness, and encouraging a well-rounded lifestyle, it equips children to grow into

responsible and proud citizens who understand their rights and responsibilities towards their nation. This approach serves as a blueprint for nurturing individuals with a comprehensive skill set and a strong sense of civic duty.



24. PURI

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children's Home	Specialised Adoption	Open Shelter	No of Children
8	6	1	1	289

There are 11 Block level Child Protection Committee and 268 GPCP at the block and GP level.

**Best Practice**

**Hockey vibrating young lives**

The promotion of sports like hockey in Child Care Institutions (CCIs) for girls is a commendable initiative aimed at encouraging young girls to participate in sports and fostering their physical and personal development. By introducing and nurturing an interest in hockey, this program not only has been enhancing their physical

fitness but also instils valuable life skills such as teamwork, discipline, and perseverance. Additionally, it promotes gender equality by breaking stereotypes and providing equal opportunities for girls in the sports arena. This initiative not only contributes to their physical well-being but also empowers them to build confidence and excel in various aspects of life, setting a strong foundation for their future.



25. RAYAGADA

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children's Home	Specialised Adoption	No of Children
4	4	1	160

There are 5 Block level Child Protection Committees and 31 GPCP at the block level.

**Best Practice**

**“Nurturing Resilience: A Journey of Support and Transformation for a Vulnerable Child”**

Here is a real story of the transformation of the life of a vulnerable child who tragically lost both parents. After her parents’ demise, her uncle sought assistance from the Block Development Officer (BDO), leading to her placement at Seva Samaj in Gunpur in 2009. Since then, she has received continuous care from this Child Care Institution (CCI). Over the years, she achieved significant educational milestones, completing her 10<sup>th</sup> and +2 Science education. As she turned 18, the DCPU and W&CD Department ensured a seamless transition to an After Care Home, where she currently resides. Remarkably, her education remains uninterrupted, and she is now pursuing a Diploma in Medical Laboratory

& Technology (DLMT) at Gayatri Institute of Science & Technology in Regada, Po-Gunpur, Rayagada District. This story stands as a testament to the transformative power of support and intervention in the life of a determined young individual.



26. SAMBALPUR

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children's Home	Specialised Adoption	No of Children
5	4	1	238

There are 9 Block level Child Protection Committees and 138 GPCPC

**Best Practice**

**Story of Transformation and courage**

Pushpanjali Behera’s childhood was marked by adversity, losing her father to alcoholism and being left responsible for her younger brother while her mother worked tirelessly as a maid. The Child Welfare Committee intervened, admitting her to Dhanakunda Balika Ashram for protection and care. This marked a transformative period in her life, with the opportunity to attend M.E School Dhankauda offering a supportive community and access to government initiatives like the Sukanya Samridhi Yojana for financial assistance. Pushpanjali’s

dreams of education and becoming an educator are now within reach, a testament to her resilience and the support she received on her remarkable journey.





27. SUBARNAPUR

**Current Institutional Mechanism in place for Child Protection:**

CCI	Children's Home	Specialised Adoption	No of Children
3	2	1	85

There are 9 Block level Child Protection Committee and 109 GPCP at the block and GP level.

**Best Practice**

**“Fostering Empowerment and Employment: Utkal Balashram’s Success Story”**

At Utkal Balashram in Sonapur, they have established an impressive best practice centered around empowering disadvantaged youth. A standout example of their success is a young girl who, after completing her diploma in electronics, secured a job at Tpsodl, illustrating the institution’s commitment to providing holistic development and employment opportunities for its residents. Utkal Balashram places a strong emphasis on skill development, offering quality education and vocational training programs that equip young individuals with the expertise and knowledge needed to excel in various fields. She has been an inspiration for various others girls in her village as well as the residents of the CCI.



## THE PENDENCY AND DISPOSAL OF CHILD WELFARE COMMITTEES(CWCs) CASES FOR THE YEAR 2022-23

Sl. No.	District	1 <sup>st</sup> day of the Year	Number of CNCP cases brought before CWC during the the quarter (Include New Cases )	Number of CNCP cases disposed by the CWC during the quarter reported upon	Number of CNCP cases pending before the CWC as on last day of the quarter reported upon
1	Angul	37	1126	1110	53
2	Balasore	12	1324	1325	11
3	Bargarh	2	1793	1776	19
4	Bhadrak	90	591	629	52
5	Bolangir	1	658	656	3
6	Boudh	244	496	691	49
7	Cuttack	344	465	450	359
8	Deogarh	183	306	464	25
9	Dhekanal	316	538	823	31
10	Gajapati	57	602	533	126
11	Ganjam	95	572	580	87
12	Jagatsinghpur	1	281	277	5
13	Jajpur	1009	800	1357	452
14	Jharsuguda	8	376	374	10
15	Kalahandi	0	946	946	0
16	Kandhamal	21	747	740	28
17	Kendrapara	1210	547	424	1333
18	Keonjhar	27	523	531	19
19	Khurda	210	1413	1446	177
20	Koraput	29	814	843	0
21	Malkangiri	40	547	542	45
22	Mayurbhanja	374	795	849	320
23	Nawarngpur	9	634	639	4
24	Nayagarh	3	364	364	3
25	Nuapada	1	616	617	0
26	Puri	64	1077	1089	52
27	Rayagada	3	1044	1047	0
28	Sambalpur	0	605	605	0
29	Subarnpur	0	180	180	0
30	Sundargarh	20	536	540	16
<b>TOTAL</b>		<b>4410</b>	<b>21316</b>	<b>22447</b>	<b>3279</b>

## DE- INSTITUTIONALIZATION(DI) & AFTER CARE PROGRAMME STATUS 2022-2023

Sl. No.	Name of the District	No. of Children DI During the period			After Care		Total
					Total No. of Children involved in After Care Programme		
		Male	Female	Total	Male	Female	
1	Angul	37	20	57	0	0	0
2	Balasore	87	98	185	0	0	0
3	Balangir	37	29	66	7	3	10
4	Bargarh	15	31	46	0	1	1
5	Bhadrak	35	14	49	0	0	0
6	Boudh	6	6	12	2	2	4
7	Cuttack	66	44	110	18	16	34
8	Deogarh	14	29	43	0	0	0
9	Dhenkanal	41	43	84	6	1	7
10	Gajapati	44	18	62	5	3	8
11	Ganjam	23	65	88	0	0	0
12	Jagatsingpur	26	19	45	0	4	4
13	Jajpur	29	17	46	2	3	5
14	Jharsuguda	62	72	134	2	3	5
15	Kalahandi	34	29	63	2	5	7
16	Kandhamal	67	105	172	7	8	15
17	Kendrapara	22	76	98	0	12	12
18	Keonjhar	36	27	63	0	0	0
19	Khordha	563	570	1133	24	46	70
20	Koraput	64	41	105	20	10	30
21	Malkangiri	11	7	18	3	5	8
22	Mayurbhanj	37	36	73	2	2	4
23	Nawarangapur	29	15	44	8	3	11
24	Nayagarh	6	49	55	0	0	0
25	Nuapada	14	11	25	0	0	0
26	Puri	23	27	50	4	3	7
27	Rayagada	4	3	7	0	7	7
28	Sambalpur	9	22	31	6	2	8
29	Subarnapur	11	20	31	2	8	10
30	Sundargarh	42	24	66	6	9	15
<b>Total</b>		<b>1494</b>	<b>1567</b>	<b>3061</b>	<b>126</b>	<b>156</b>	<b>282</b>

## FIGURES RELATING TO JUVENILE CASES-AUGUST-2023

Sl. No.	Name of the Judgeship	Opening Balance as on 01.08.2023	Institution	Disposed of	Total Pendency as on 31.08.2023	Pendency of below 5 years old cases	Pendency of 5 to 10 years old cases	Pendency of over 10 yrs. old cases
1	Angul	342	5	12	335	292	41	2
2	Balasore	264	3	4	263	189	60	14
3	Bargarh	337	9	5	341	229	89	23
4	Bhadrak	183	4	3	184	161	22	1
5	Bolangir	321	12	3	330	273	56	1
6	Boudh	29	3	1	31	18	13	0
7	Cuttack	517	25	11	531	384	119	28
8	Deogarh	40	10	0	50	47	3	0
9	Dhenkanal	137	2	3	136	133	3	0
10	Gajapati	53	3	6	50	50	0	0
11	Ganjam	491	21	20	492	413	73	6
12	Jagatsinghpur	36	3	5	34	32	2	0
13	Jajpur	313	6	6	313	239	69	5
14	Jharsuguda	420	6	10	416	287	110	19
15	Kalahandi	193	4	6	191	186	5	0
16	Kendrapara	193	3	4	192	154	38	0
17	Keonjhar	205	5	8	202	184	17	1
18	Khurda	881	16	5	892	651	205	36
19	Koraput	599	9	7	601	462	139	0
20	Malkangiri	118	6	3	121	121	0	0
21	Mayurbhanj	316	6	5	317	270	47	--
22	Nabarangpur	115	7	6	116	107	9	0
23	Nayagarh	74	6	6	74	62	10	2
24	Nuapada	32	5	3	34	30	4	0
25	Phulbani	93	6	7	92	83	9	0
26	Puri	548	10	7	551	361	172	18
27	Rayagada	91	0	6	85	84	1	0
28	Sambalpur	998	17	14	1001	677	249	75
29	Sonepur	79	1	3	77	60	15	2
30	Sundargarh	1292	8	15	1285	910	364	11
<b>TOTAL</b>		<b>9310</b>	<b>221</b>	<b>194</b>	<b>9337</b>	<b>7149</b>	<b>1944</b>	<b>244</b>

## FIGURES RELATING TO POCSO CASES (ALL COURTS) - AUGUST - 2023

Sl. No.	Name of the Judgeship	Opening Balance as on 01.08.2023	Institution	Disposed of	Total Pendency as on 31.08.2023	Pendency of below 5 years old cases	Pendency of 5 to 10 years old cases	Pendency of over 10 yrs. old cases
1	Angul	385	14	24	375	297	78	0
2	Balasore	798	10	21	787	573	213	1
3	Bargarh	312	5	8	309	221	86	2
4	Bhadrak	575	14	20	569	418	151	0
5	Bolangir	249	8	10	247	179	68	0
6	Boudh	94	2	2	94	72	22	0
7	Cuttack	839	12	21	830	699	131	0
8	Deogarh	173	1	0	174	139	35	0
9	Dhenkanal	211	4	14	201	173	28	0
10	Gajapati	108	4	13	99	97	2	0
11	Ganjam	930	22	24	928	817	110	1
12	Jagatsinghpur	219	13	10	222	180	42	0
13	Jajpur	999	17	35	981	690	291	0
14	Jharsuguda	186	3	10	179	121	58	0
15	Kalahandi	435	10	17	428	372	55	1
16	Kendrapara	556	7	20	543	408	128	7
17	Keonjhar	572	12	16	568	396	172	0
18	Khurda	1261	19	21	1259	900	359	0
19	Koraput	453	13	18	448	376	72	0
20	Malkangiri	197	38	1	234	226	8	0
21	Mayurbhanj	772	15	21	766	668	98	0
22	Nabarangpur	325	4	12	317	251	66	0
23	Nayagarh	185	10	9	186	157	29	0
24	Nuapada	81	2	6	77	60	17	0
25	Phulbani	345	12	12	345	263	82	0
26	Puri	782	7	15	774	656	118	0
27	Rayagada	193	3	4	192	177	15	0
28	Sambalpur	427	16	11	432	267	165	0
29	Sonepur	131	1	3	129	111	18	0
30	Sundargarh	757	9	15	751	553	198	0
<b>TOTAL</b>		<b>13550</b>	<b>307</b>	<b>413</b>	<b>13444</b>	<b>10517</b>	<b>2915</b>	<b>12</b>

## SCHEMES BY THE W&CD DEPARTMENT FOR THE CHILDREN

### ASHIRBAD SCHEME

The Ashirbad Scheme aims to support children who faced difficulties due to death of both parents or death of single parent /primary bread earner in the family during the period 1<sup>st</sup> April 2020 to 15<sup>th</sup> September 2021 amidst COVID-19. The scheme includes monthly financial support and other convergent support for eligible children and their care givers. The objective of the scheme is to provide family based non-institutional care in similar socio-culture environment and to provide best of the care to such children.

### BIJU SISHU SURAKSHYA YOJANA

The primary aim of the Biju Sishu Suraksha Yojana is to provide comprehensive support and protection for children in need, including those without biological or adoptive parents, legal guardians, or those affected by HIV. The scheme seeks to provide - Technical Education Support, Scholarships, Financial Support for Girl Child, Marriage Assistance. The Yojana is designed to assist children in need of care and protection, as defined in the Care & Protection of Children Act which includes Children without biological or adoptive parents, Children without legal guardians, Abandoned or surrendered children, Children affected by or infected with HIV.

### BIJU KANYA RATNA YOJANA

The scheme was introduced by the Women and Child Development Department, Government of Odisha to create an enabling environment for the survival and development of the girl child to promote her holistic development. It focuses to improve the child sex ratio (status of girl child) in the state by promoting their education, health and various other factors that are deemed essential to promote the objectives of the scheme. The scheme attempts to provide the girl child with elementary education, ensure availability of toilets facilities in schools, provide self-defence training, monitor their dropout rates, promote access to education, and educate adolescent girls on sexual and reproductive health issues.

### BETI BACHAO BETI PADHAO

To address the issue of declining Child Sex Ratio, Govt of India has launched Beti Bachao Beti Padhao (BBBP) scheme since January 2015, as a mass campaign focusing on multi-sectoral action. The overall goal of the scheme is to celebrate the Girl Child & enable her education by preventing Gender biased sex selective elimination, ensuring survival & protection of the girl Child, ensuring education & participation of the girl child.

### IMPLEMENTATION STRATEGY

For smooth project implementation, The Odisha State Child Protection Society at the State level and District Child Protection Units at district level are functioning with coordination support for implementation of the state action plan & district action plan. State action plan includes intersectoral consultations; training & capacity building, awareness generation. District action plan includes training & capacity building, innovation; awareness campaign, IEC etc.

Child Welfare and Protection Committees are formed and made functional from village to state level for effective implementation of the above-mentioned schemes for the protecting the rights of the children.







2023.