

NATIONAL LAW UNIVERSITY ODISHA
Centre for Child Rights



सत्ये स्थितो धर्मः

Activity Report

April- July 2018

For the Project:

Effective Implementation of Children's Laws in Odisha



unicef 
for every child

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INTRODUCTION

National Law University Odisha (NLUO) was established in the year 2008 by the Government of Odisha under Act IV of 2008. The University offers 5-years Integrated Law in the forms of B.A LL.B and B.B.A, LL.B as well as Master Degree, M.Phil and Ph.D programs in Law. The University has been accredited with “**A**” **grade of National Assessment and Accreditation Council (NAAC)** With a mission of promoting academic excellence in legal education, the University has set up number of research centers to promote research and interdisciplinary studies in contemporary issues of law and justice to allow students and scholars to gain experiential learning about law in theory and law in practice and to collect empirical evidence to influence for law and policy reforms. Centre for Child Rights is one among the research centers of NLU Odisha.

Centre for Child Rights (CCR) was established in 2015 as a specialized research centre to strengthen research, teaching and advocacy in child rights with avowed objective to improve access to justice for children. The Centre aims to work in a right-based approach to accomplish rights to the children in an integrated manner within the framework of the Constitution of India and various child-centric laws. The objectives of the centre are :

- To improve access to justice for children in areas of juvenile justice, child labour, gender justice, education and trafficking.
- To strengthen law, policy and governance to improve child rights situation.
- To make juvenile justice system and child protection structures accountable and child friendly.
- To evolve collaborative approach among different stakeholders on the issues of child rights.
- To enhance experiential learning by conducting extensive field work and research for evidence-based advocacy.

NLU Odisha has entered into a partnership with UNICEF for a project “Effective Implementation of Children’s Laws in Odisha”. The project is being implemented by the Centre for Child Rights with primary objective to provide integrated support to the child protection structures and institutions at various levels to strengthen juvenile justice system in the State of Odisha. The Centre envisages providing technical support to the different line departments and statutory institutions in the State of Odisha for Knowledge

Management, Human Resource Development and System Strengthening for child rights paradigm.

Activities conducted by the Centre for Child Rights with the support of UNICEF in the period between April and July 2018

Training on Psychosocial Care for Children in Difficult Circumstances was held on 20-21 April 2018 in partnering with National Institute for Mental Health and Neuro Sciences (NIMHNS), Bengaluru. As many as 28 persons of the District Child Protection Structures of Odisha comprising of Probation Officers, Protection Officers for Institutional Care, Protection Officers of Non-Institutional Care, Social Worker, Counselors, Superintendents of Observation Homes and Children's Homes participated in the programme. The training helped participants to understand bio-psycho-social development, socialization of children, impact of difficult circumstances on children, need assessment, need for psychosocial care, emotional & behavioral problems of the children, use of mediums & instruments to interview children, and social legal management of child sexual abuse. It is worthwhile to mention that NLUO in technical partnership with NIMHANS has developed a Certificate Course on Psycho-social of care of children on the basis of the juvenile justice framework. The module has been validated through this training programme for its integration as a part of ICPs capacity building measures.

Judicial Colloquium on Juvenile Justice was held on 7-8 July, 2018 in collaboration with IDE, Sion, Switzerland, HAQ- Centre for Child Rights and with the support of UNICEF-India. The

colloquium provided a platform for deliberation on normative standards at the domestic and international level. The discussion highlighted 'restorative justice' and 'diversion' that are two practices being



effectively used by several countries to respond to children in conflict with law and the

possibilities of their application in India in conformity with international standards. The discussion held in the colloquium was structured around the themes of legal aid, rehabilitation, preliminary assessment, rehabilitative dispositions, working of a multi-disciplinary Juvenile Justice Boards, Social Investigation Reports and Individual Care Plan. The colloquium also held discussion on contextualizing the International Executive Course on Juvenile Justice which will be jointly offered in India by NLUO, IDE, Sion, Switzerland and Geneva University.



The Colloquium was attended by seventy international and national delegates representing the Juvenile Justice Committees of High Courts of six States, Directors of the Judicial Academies of seven States of India, National Judicial

Academy, National Legal Services Authority, National Law Schools in India, Child Rights Activists, and Juvenile Justice Boards in Odisha.

The Colloquium was inaugurated by Hon'ble Mr. Justice Madan B. Lokur, Judge and Chairperson Juvenile Justice Committee, Supreme Court of India in the gracious presence of Hon'ble Mr. Justice Vineet Saran, Chief Justice, Orissa High Court and Ms. Renate Winter, Chair of UN Committee on the Rights of the Child, Geneva. Hon'ble Mr. Justice Vikram Nath, Judge, Allahbad High Court, Hon'ble Ms. Justice Harsha Devani, Judge High Court of Gujurat, Hon'ble Mr. Justice B.N.Bhandari, Judge, Rajasthan High Court, Hon'ble Mrs. Justice B. Nagarathna, Judge High court of Karanataka, Hon'ble Mr. Justice Sandeep Mehta, Judge, Rajasthan High Court, Hon'ble Mr. Justice S. Talapatra, Judge, High Court of Tripura and Hon'ble Mr. Justice S.K.Mishra, Judge, Orissa High Court were have the august presence in the colloquium. Among others, Ms. Paola Riva Gapany, Director IDE, Sion, Switzerland, and Ms. Aline Sermet, Scientific Collaborator and Project Director, IDE participated the colloquium.

Induction Training under the Juvenile Justice (Care and Protection) of Children Act, 2015 for the Newly Appointed Chairpersons and Members of the Child Welfare Committees of Odisha was held for a week from 16-22 July, 2018 in collaboration with Odisha State Child Protection Society, Department of Women & Child Development, Government of Odisha. The training aimed to develop a comprehensive understanding of juvenile justice and child protection framework, to equip appropriate knowledge and skills to deal children in need of care and protection within the juvenile justice system, and to enhance understanding of the roles and responsibilities of CWC in children's rehabilitation, repatriation and reintegration. The training helped participants to strengthen their skills on reporting, documentation, order writing, financial management, networking and inter-sectoral



coordination. The training was attended by Chairpersons and Members of CWCs from 20 districts of Odisha numbering 43 persons.

The training was inaugurated by Hon'ble Dr. Justice D.P. Choudhury, Former Judge and Member Juvenile Justice Committee, Orissa High Court. Judicial Magistrates, Advocates, Academia, Child Rights experts, Psycho-social care professional, Officers from Women and Child Development Department, Government of Odisha were the resource persons in the training.

Second training was held from 6-12 August 2018 wherein 47 persons participated. A total of 90 personnel of CWCs across 23 districts of Odisha were trained which included 22 Chairpersons and 68 Members of the Committees. Among 90 trained personnel of CWCs, 52 are males and 32 females out of which five of them are chairpersons.

The CWC is a five member body consisting of chairpersons and four other members. Out of five persons recruited or to be held in committee, 5 persons of the CWCs in the districts of Bhadrak, Dhenkanal, Jajpur, Kalahandi, Kandhamal, Puri, Rayagada, Sundergarh, 4 persons from Balangir, Baragarh, Boudh, Cuttack, Deograh, Jagatsinghpur, Jharsuguda, Keonjhar, 3 persons from Angul, Balasore, Koraput, Nuapada, and 2 persons from the CWC of Ganjam, Kendrapara, Nayagarh districts have attended the training as deputed by the Department of Women & Child Development, Government of Odisha.

The outcomes of the training were expected to accomplish the following among the participants.

- Understanding of child rights, and children's issues from multi-disciplinary approach;
- Essential knowledge on the juvenile justice and evolution of juvenile justice legislations in India in the context of international perspectives;
- Strengthen practical skills on reporting, documentation, order writing, financial management, and networking;
- Develop competency to work and collaborate with all authorities and functionaries of the juvenile justice system.

The training envisages strengthening **Knowledge, Skills and Attitude** of the newly appointed chairpersons and members of the CWCs for effective and efficient discharge of responsibilities as per the mandate of the Juvenile Justice (Care and Protection of Children) Act, 2015. The training consisted of six core modules as given below which were covered in 28 sessions across seven days.

Understanding Child and Rights of the Child

- Defining child in legal perspective
- Understanding childhood and adolescent in psycho-social perspectives
- Understanding child rights in Human Rights Approach
- Children in difficult circumstances: Identification of issues, Psychosocial assessment, Intervention & support

Law and Policy Framework on Child Protection

- Overview of constitutional provisions, law, policies and institutional mechanisms for children in India
- Understanding the principles and values of juvenile justice and evolution of juvenile justice legislation in India in the context of international perspective
- Overview of the Juvenile Justice (Care and Protection of Children) Act 2015 and its interconnectivity with other child-centric legislations pertaining to protection of children from sexual offences, prohibition of child marriage, child labour and right to education for holistic safeguarding of children
- ICPS

Juvenile Justice

- Overview of structures and institutions of juvenile justice system as per JJ (CPC) Act 2015 and Rules in the context of Odisha State
- Understanding of 'child in conflict with law' and 'child in need of care and protection'
- Rehabilitation and Social Reintegration
- Institutional services and standards of care in child care institutions
- Standards, Protocols, Registration and Regulations of Child Care Institutions
- Non-Institutional Services: Sponsorship, Foster Care and other alternative care

Roles of CWC in Juvenile Justice

- Powers, Functions and Responsibilities of CWC
- Procedures of production, inquiry, statement recording, documenting evidence, follow up action to sponsorship, foster care
- Interacting with children: Protocols to safeguard dignity, confidentiality and privacy of the child
- Understanding 'adoption' in the context of JJ (CPC) Act, 2015 and Regulation of CARA and Guiding procedures and protocols for CWC for declaring a child legally free for adoption

Documentation, Reporting and Management

- Individual Care Plan
- Social Inquiry Report
- Forms and Mandatory Report
- Counseling
- Techniques and Guidelines for writing order
- Financial Management of CWC
- MIS: Sishu Suchana portal

Coordination & Convergence

- Linkages with other institutions of child protection structure
- Childline Services and Linkages with CWC
- Rescue, Repatriation and Rehabilitation
- Schemes and Programs for Children
- Legal Aid

Research on Effective Case Disposal in JJBs in Odisha: The centre has undertaken a study on case pendency in JJBs in Odisha. In this endeavor Centre has brought out report on case pendency in 10 district of Odisha. Of the remaining 20 districts data was collected from 12 districts between January and March 2018. During this reporting period (April – July) data has been collected from 5 districts. Draft report has been completed with analysis of case registration, disposal and pendency of 17 districts. Data collection from remaining three districts is on process to complete and publish report.