

REPORT

DISTRICT OFFICIALS ORIENTATION PROGRAMME ON CHILD RIGHTS AND JUVENILE JUSTICE



ORGANIZED BY:
CENTRE FOR CHILD RIGHTS, NATIONAL LAW UNIVERSITY ODISHA

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REPORT OF DISTRICT OFFICIALS ORIENTATION PROGRAMME ON CHILD RIGHTS AND JUVENILE

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CENTRE FOR CHILD RIGHTS
NATIONAL LAW UNIVERSITY ODISHA

TABLE OF CONTENTS

INTRODUCTION	PAGE-4
BACKGROUND	PAGE-5
PROGRAMME DESIGN	PAGE-6
THE RESOURCE PERSON	PAGE-9
THE PARTICIPANTS	PAGE-10
INAUGURAL SESSION	PAGE-13
TECHNICAL SESSION	PAGE-16
WAY FORWARD	PAGE-36
PROGRAMME FOR CUTTACK, JAGATSINGHPUR AND KENDRAPARA DISTRICT	PAGE-39
PROGRAMME FOR KHURDA, NAYAGARH, AND PURI DISTRICT	PAGE-43
PROGRAMME FOR BALASORE,BHADRAK AND MAYURBHANJ DISTRICT	PAGE-47
PROGRAMME FOR GANJAM,GAJAPATI AND KANDHAMAL DISTRICT	PAGE-53
PROGRAMME FOR ANGUL,DHENKANAL AND JAJPUR DISTRICT	PAGE-60
PROGRAMME FOR BARGARH,JHARSUGUDA AND SAMBALPUR DISTRICT	PAGE-64
PROGRAMME FOR DEOGARH,KEONJHAR AND SUNDERGARH DISTRICT	PAGE-68
PROGRAMME FOR BOLANGIR, BOUDH AND SONEPUR DISTRICT	PAGE-72
PROGRAMME FOR KORAPUT,MALKANGIRI AND NAWARANGPUR DISTRICT	PAGE-76
PROGRAMME FOR KALAHANDI,NUAPADA AND RAYAGADA DISTRICT	PAGE-83

1. INTRODUCTION

The National Law University Odisha (NLUO) organized two day Orientation Programmes on Child rights and Juvenile Justice for the officials and other key stakeholders involved in the implementation child protection programmes in the State of Odisha under the project on “Effective Implementation of Children’s Laws in Odisha” supported by United Nations Children’s Fund (UNICEF). The programmes were conducted by the Centre for Child Rights which has been established by the NLUO as the specialized unit for teaching, research, training and advocacy in the field of child rights. The Centre for Child Rights of NLUO, established in 2014 aims at strengthening the child protection system by leveraging change in the knowledge, policy and practice at different layers of institutional governance. In its broader engagement to strengthen the juvenile justice system in Odisha, the Centre for Child Rights has envisioned to orient the important district officials who are responsible for direct service delivery to children in a bid to strengthen their capacities for effective implementation of child protection programmes through multi-sector, sustainable and inclusive approach. Altogether ten orientation programmes were held between August and December 2015 with three districts in each programme to cover all thirty districts of Odisha state. Apart from the discourse on the law, policy and best practices relating to child protection, the programme provided a platform to the officials to share their experience to bring forward the problems faced by them in prevention, response, and rehabilitation of children.

This report is attempted to provide a summary of the proceedings of all 10 district level orientation programmes in comprehensive manner. The presentations and discussion made by the resource persons in different thematic sessions, challenges/ issues or suggestions highlighted by the participants in relation to implementation of juvenile justice programme, and any good practices shared at the programmes are consolidated and documented in this report.

2. BACKGROUND

The Juvenile Justice (Care and Protection of Children) Act of 2000¹ form the primary legal framework for juvenile justice in India to ensure protection and also to address developmental needs of Children in Conflict with Law and Children in Need of Care and Protection. Other laws that reinforce India's legal framework to child protection are: Protection of Children from Sexual Offences Act 2012, Child Labour (Prohibition and Regulation) Act 1986, and Prohibition of Child Marriage Act 2006. The issues of child protection are also addressed at the Immoral Traffic Prevention Act and the Protection of Women from Domestic Violence Act along-with statutory provisions under the Code of Criminal Procedures and Indian Penal Code. Further the Integrated Child Protection Scheme (ICPS) launched in 2009 by the Ministry of Women and Child Development, Government of India has catered an overarching role to strengthen the child protection system at the state, district and community level and to provide a range of child protection services for children.

It is to be noted that the JJ Act has made it mandatory to establish one Child Welfare Committee (CWC) in each district. They have the authority with judicial power to dispose of cases for the care, protection, treatment, development and rehabilitation of children and to provide for their basic needs and protect their rights. It also envisages one Juvenile Justice Board (JJB) in each district to deal with matters relating to children in conflict and contact with law. The Special Juvenile Police Unit (SJPU), Child Care Institutions and Child line etc are also created by the JJ Act with definite roles and responsibilities to provide support services for children. In addition, there are also other statutory bodies to safeguard and protect children including children court under the Protection of Children from Sexual Offence Act, child marriage prohibition officer under the Prohibition of Child Marriage Act, and the child protection society at the state, district and community level under the ICPS. Therefore, the administration of juvenile justice and management of a comprehensive child protection system is a complex process requiring multi-stakeholders involvement and multi-layer accountability as well.

¹ The JJ Act of 2000 has been repealed by Juvenile Justice (Care and Protection of Children) Act, 2015 which has come into force with effect from January 15, 2016 as per the notification made by the central government at the official gazette. However the reference of JJ Act 2000 has been put forth all-through this document because 2000 Act was in existence when this orientation programmes were held.

In this backdrop, the Centre for Child Rights of NLUO contemplated a plan to organize orientation programme of the officials from the above-mentioned institutions and other key stakeholders jointly with a view to develop a shared understanding of duties and accountability of each stakeholders and to sensitize them about different convergence model and multi-sectoral approach. The programmes were undertaken at the regional level by clustering three districts in each programme so that all key officials at the district level would be fully convergent with the child rights practices and promote a viable child friendly system that would take care of children's development and protection in conformity to UNCRC and legal safeguarding measures. Further, orientation to district officials shall ensure their accountabilities towards advocacy and awareness with their subordinate officers and involving them in the practices of child rights practices and ensuring the protection of children as public servants.

3. PROGRAMME DESIGN

3.1. Objectives: The programme was intended to help participants to strengthen their knowledge on children's related legislations and their interconnectivity, to promote multilayer accountability and to harness systemic convergence and inter-departmental coordination for a comprehensive child protection system. The specific objectives of the programme are:-

- a) To empower the district officials on the Juvenile Justice mechanisms and its interconnectivity with other children related laws
- b) To ensure their level of understanding on obligations, accountabilities and responsibilities towards child protection
- c) To evolve strategic cooperation and networking amongst district officials to address the core issues of child development and child protection in an integrated manner.

3.2. Programme schedule: In addition to the Inaugural and Valedictory session, there were eight technical sessions at the programme. First technical session was on *situational analysis of children in Odisha and multi-stakeholders approach to reducing children's vulnerabilities*

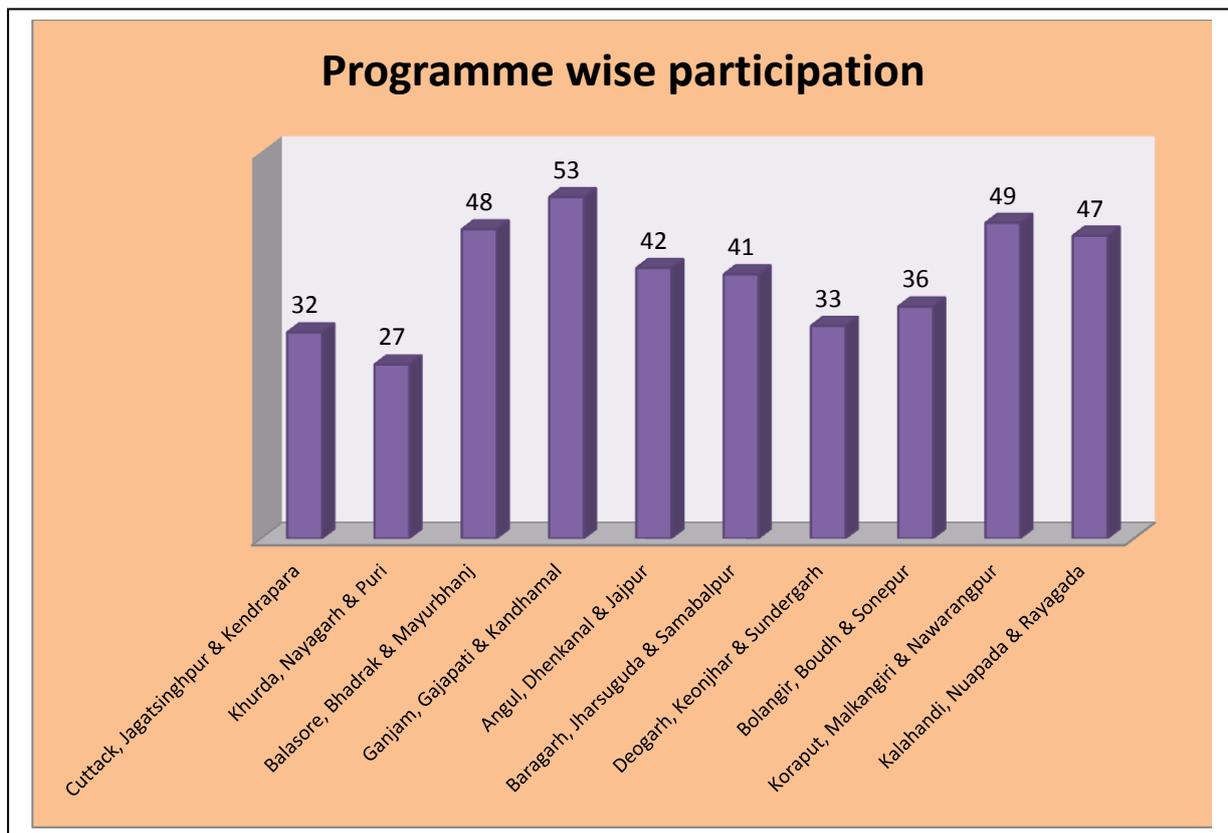
whereby participants were made to understand issues that affect the survival, development and protection of the child. Statistical data collected from secondary sources and other published research documents was highlighted to arouse the consciousness of participants to the gravity of the situations where children are vulnerable to abuse, exploitation, victimization or deprivation. Second session was on *understanding child rights in human rights perspective- obligations and accountabilities of duty bearers* to highlight non-negotiable principles of child rights as embodied in the UN Convention on the Rights of the Child. Child rights in human rights perspective, overview of CRC and obligation of state party in implementation and reporting of CRC, right-based approach etc were reinforced into the minds of the participants at this session. The theme for third session was *child rights practices and challenges of public service delivery mechanisms* wherein nuances of child protection system and enabling legal framework in India was discussed along-with the critical gaps and operational challenges at the existing juvenile justice system. The fourth session was *Child development- Holistic and convergent approach-Juvenile justice mechanisms- obligations under law* wherein the interconnectivity between development approach and protection approach to child rights was highlighted.

The fifth session *Ensuring child rights practices- Monitoring mechanisms- Functions and responsibilities* provided an essential understanding about monitoring mechanisms created under different laws and overarching roles of statutory bodies such as Commission for Protection of Child Rights to monitor the implementation of children's laws. The sixth session *Child Development and protection issues- Dimension of problems- preventive strategies* highlighted the preventive, protective and prosecution strategies available under POCSO Act, CLPR Act, ITPA and Prohibition of Child Marriage Act. The seventh session was on *Trafficking and missing children- Dimensions and Challenges* wherein various consequential issues of trafficking, essential provisions of ITPA and IPC, and replicable model for preventive and rehabilitative measures were discussed.

The methodology of orientation was participatory in nature. Lecture-cum-interactive discussion method was used by the resource person. Power-point presentations were also made as per the requirement of the session to make interaction more focused and lively.

The participants have also open house discussion and based on the discussion, recommendations and suggestion were also made

The programme was attended by the functionaries and key officers of Juvenile Justice Institutions and allied system including District Child Protection Unit, District Social Welfare Officers, Child Marriage Prohibition Officers, Child Welfare Committees, Special Juvenile Police Unit, District Legal Services Authorities, and District Education Officers etc. 10 nos. of programmes were held with three districts each programme. A total of 408 persons from 30 districts of Odisha attended the programme participated at the programme. A graphic representation of participants at each programme is given below.



4.THE RESOURCE PERSONS

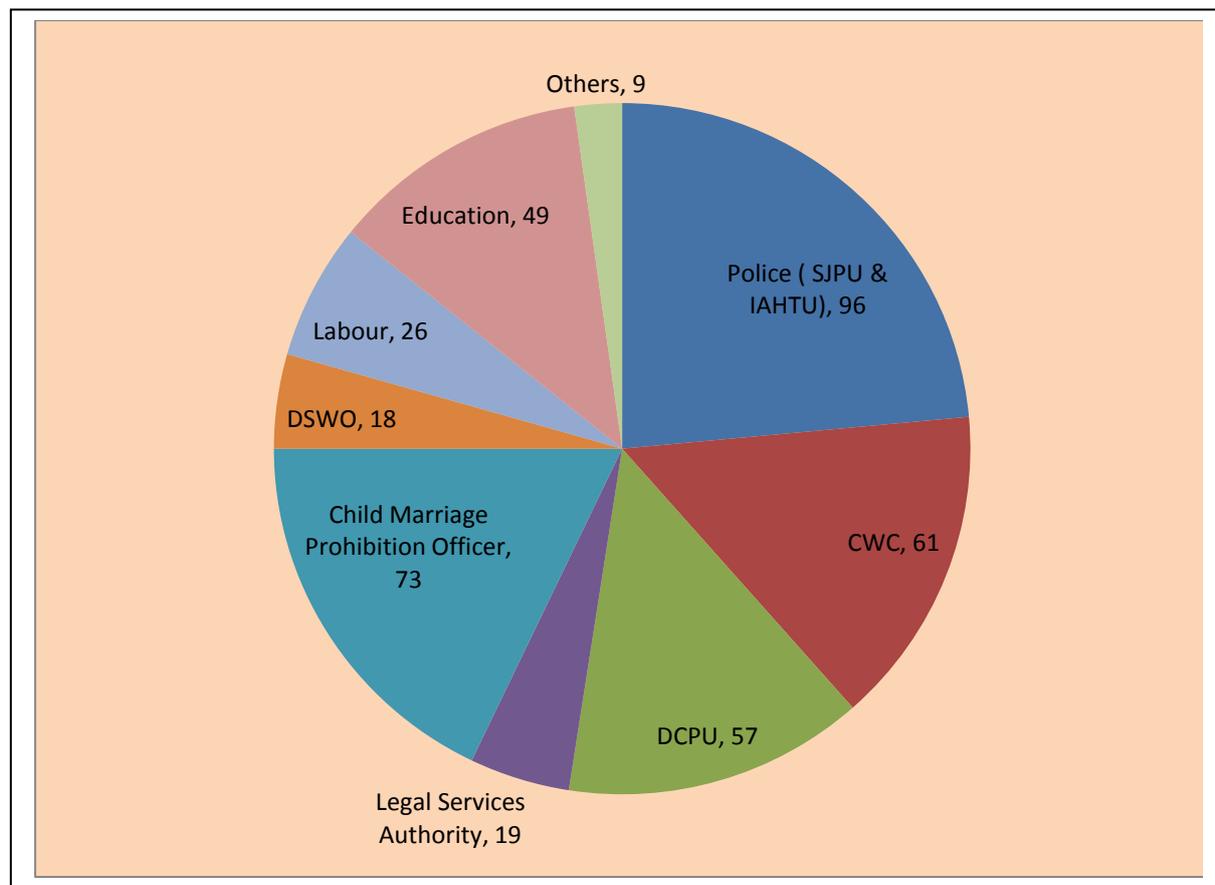
The resource persons who have expertise in child rights subject and practised participatory learning methods were invited to the programme. Persons from legal professions as well as social works were invited to analyse and discuss children issues from socio-legal perspectives. The resource persons were:

1. Prof. (Dr) Babu Mathews, Professor, National Law School of India University, Bangalore
2. Ms. Nina Nayak, Former Member, National Commission for Protection of Child Rights, New Delhi
3. Dr. Mahesh Menon, Assistant Professor, West Bengal National Law University Juridical Science, Kolkatta
4. Mr. George Kollanshy, Social Worker and Founder Member of Don Bosco Foundation.
5. Mr. Aravind Shanubhogue, Assistant Director, National Institute for Public Cooperation and Child Development (NIPCCD),Bangaluru
6. Dr. Madhav Somasunderam, Professor & HOD of Criminology, Manomanium Sunderam University, Tamilnadu
7. Dr. Aruna Srilakhmi, Associate Professor, NLUO
8. Mr. Ramakrishna Das, Assistant Professor, NLUO
9. Mr. S. Kannayiram, Senior Programme Coordinator, Centre for Child Rights, NLUO
10. Mr. Pramoda Kishore Acharya, Senior Research Associate, Centre for Child Rights, NLUO



5.THE PARTICIPANTS

The programme was for multi-stakeholders who are directly or indirectly associated with juvenile justice system or from allied institutions of child protection structure. Thus the participants were held from three broad categories of institutions. The first category is *'directly held institutions for implementation of juvenile justice'* that includes JJ Board, Child Welfare Committees, and Special Juvenile Police Unit and District Child Protection Unit. The second category is *'support institution for implementation of juvenile justice'* that includes Legal Services Authorities, and child line. The third category is allied institutions for child care and protection services including District Labour Officers, Child Labour Task Force, Child Marriage Prohibition Officer, Education Officers and Child Care Institutions. A total of 408 officials/ personnel representing from the above-mentioned institutions had participated at the programme. The role of the institutions for child protection services and number of officials represented from those institutions at the programme is presented below.



- a) **Child Welfare Committees** being constituted u/s 29 (1) of JJ (C& P) Act of 2000 at every districts are empowered with the powers of judicial magistrate and the committee is competent authority to deal the matter relating for children in need of care and protection.
- b) **Special Juvenile Police Units** are constituted at the district level with designated 'juvenile or child welfare officer' at every police station to deal with Juvenile in Conflict with Law as contemplated u/s 63 of JJ Act 2000.
- c) **District Child Protection Units** being established u/s 62A of JJ (Amendment) Act 2006 to ensure implementation of the JJ Act including the establishment and maintenance of homes, coordination with various officials and non-official agencies for rehabilitation or any matters relating to children in need of care and protection and juveniles in conflict with law.
- d) **District Legal Services Authority** is responsible for implementation of legal service activities at the district level. Responsibility has also been entrusted to the DLSAs by the National Legal Services Authority following the judgement of Hon'ble Supreme Court of India in Sampurna Behura vs. Union of India to establish Legal Aid Centre(s) in the Juvenile Justice Board(s) and make a panel of trained young lawyers available for legal aid to children at the JJ Boards and also at the CWCs. Further LSAs have a critical role in the management of victim compensation scheme, instituted u/s 357 A of Cr. Pc.
- e) **Child Marriage Prohibition Officers** have all important roles to prevent child marriages, collect evidence for prosecution, and generate awareness about practice. The Prohibition of Child Marriage Act, 2006 empowers CMPO to address child marriage by provoking necessary legal intervention to annul such marriage, and to ensure maintenance and custody for the female.
- f) **District Labour Officers** are the inspectors who have to conduct inspection of different establishment under different laws. The DLOs have the crucial role for implementation of Child Labour (Prohibition and Regulation) Act.
- g) **District Social Welfare Officers** are primarily responsible for the proper and effective implementation of the programme of the social welfare department including ICDS programme at the district.

h) **District Education Officers** are responsible to supervise overall implementation of RTE Act, and to monitor school enrolment, retention and learning performance of the children as well as pedagogical improvement in schools.

It is to be noted here that the members of the JJ Boards were not part of the programme because CCR had organized orientation programme separately for the presiding officers and the social worker members earlier.



6. INAUGURAL SESSION

The proceeding of the programme began with welcome address followed by inaugural speech and then sharing of objectives as well as ground rules for two day long programme. Then after a small brainstorming exercise was made to know the participants and their expectations and also to make them comfortable, feel free and acquaint for programme. In that exercise the participants were asked to introduce themselves in the following sequence.

- Name and designation and the place of work
- Why they have been given the name by parents and is there any important events or significance to their names
- Tell one good quality that he or she possesses using the first alphabet (English) of their name.
- Do they like their name?

After the formal introduction was over, the participants were requested to explain, what their feeling was while they were mentioning a good quality on him and how the name is significant and important. All the participants have explained that feeling good on him or her give an immense satisfaction and positive emergency created on them. Further, thinking of the name and its important has given us to get a feed back about myself and my past life and made to think of childhood days, life in their home village or town. From the discussion the participants were explained that all of us are for identity and recognition and such feeling are also with children. Therefore working with children mean give them the due care and important and this is the foundation for ensuring children's development.

The inaugural session in few of the orientation programmes was graced with the presence the Vice-Chancellor, NLUO and the dignitaries of the district concerned. The summary of the opening address and deliberation of guest speakers is presented at the below.

Prof. Srikrishna Deva Rao, Vice-Chancellor of NLUO at the threshold of his inaugural address provided a brief insight on the history of human rights movement in India. He highlighted the Human Rights Jurisprudence by citing reference to Universal Declaration of

Human Rights (UDHR), Protection of Human Rights Act in India and the best practices of human rights protection by Amnesty International. He stated that constitutional provisions of Article 21 are to ensure the child's right to life shall be with dignity and worth. Children should be recognized as individual and their developmental needs should be in conjunction with the provisions of UN Convention on the Rights of Child. Children are right holders and are to be perceived based on the Constitutional Provisions of right to life. All stakeholders are therefore accountable and responsible to recognize the constitutional provisions and to work in convergence. The institutions and mechanisms such as Juvenile Justice Boards and Child Welfare Committees should address the problems and issues associated with the vulnerabilities of children and in integrated manner.

Prof. Deepak Kumar Behera, Vice-Chancellor of Berhampur University threw light upon the history of international movement for child rights that shaped the Convention on the Rights of the Child, adopted by the United Nations in 1989. He told that the international instrument on child rights was evolved keeping in mind the international perspective and it has its own limitation in relation to Indian context. Though UNCRC advocates the survival and developmental needs of children and ensuring their protection through appropriate measures and strategies evolved by state parties, the Indian context should be taken into consideration as the conservative society of Indian, the child rearing practice is totally a different context from western culture. Therefore, westernized way of perusing the child rights practices should be in relation to our cultural and ethical consideration. In his speech, Prof. Behera spoke on the socio-legal anthropology of child rights. He stressed upon education right for the children and insisted for value based education. In this backdrop, Prof. Behera highlighted the guiding principles of UNECSO Declaration-2015 which states that education is a fundamental human right; education is a public good; education is a foundation for human fulfilment, peace, sustainable development, economic growth, decent work, gender equality and responsible citizenship; and education is key contributor to the reduction of inequalities and poverty.

Mr. Sachin Ramachandran Yadav, Collector and District Magistrate Angul viewed that children's rights is of paramount importance for the government which could be reflected from the measures taken by the government of India to provide enabling legal and policy

framework to secure, protect and promote child rights with regard to our obligations to UN CRC and other international instruments for children. He visualized the advantages of laws in three ways. First, statutory provisions can influence policy for more investment in children. Secondly, they can set up new administrative structures for protective and preventive interventions and delivery of services. Thirdly, they can lay down accountability at the service delivery system.

Ms. Guha Poonam Tapas Kumar, Collector and District Magistrate, Deogarh emphasised for comprehensive child protection structure with systematic approach for 'primary prevention'. She told that the focus on primary prevention would mean increased efforts to empower and enable children, families, and communities to take charge of protection of children from violence exploitation and abuse. She urged District Child Protection Unit to have direct engagement with communities, empowering communities, and providing them with information, knowledge, and the tools to address protection concern to eliminate harm to children.

Among others Mr.Manmath Kumar Pani, Additional District Magistrate of Balasore, Mrs.Mamata Nayak, Deputy Collector, Balasore, Mr. Srinibas Nayak, ADM, Angul, Mr. Chandramani Badanayak, Additional District Magistrate, Kalahandi and Mr. Laxminaryan Nanda, Child Protection Specialist, UNICEF, Odisha Office shared their thoughts at the inagural sessions.

7. TECHNICAL SESSIONS

I. Situational Analysis of Children in Odisha and Multi-stakeholders approach in reducing children's vulnerabilities (Delivered by Mr. S.Kannayiram, Senior Programme Coordinator, Centre for Child Rights, NLUO)

The technical session began with a presentation on the situational analysis of children in Odisha to help the participants to understand ground realities, identify the gaps and inadequacies, to bring policy revision and for exploring alternative means of interventions. In the presentation, Mr. Kannayiram highlighted that children studying in Standard VIII could not able to read Standard II text and the percentage is constituted to 48.1%. It means, the level of education is hampered by children with learning difficulties, learning disabilities or lack of learning opportunities. Those children without having any retention up to 8th standard drop out from classes from 9th standard onwards as their learning difficulties, learning disabilities or lack of learning opportunities made them to withdraw because of their poor coping mechanism. Such children are the potentials to turn as child labourer, forced to migrate to far off places and easily prey to the promises of criminal and antisocial resulting in infringing criminal laws. The NCRB report on Juvenile in Conflict with law is positively correlated with the children drop out from schools and associated with crime and delinquency are having the learning difficulties/disabilities or lack of learning opportunities. He has advocated that children's vulnerabilities of abuse and exploitation are also linked with the children's learning capabilities.

He viewed that it is the time to think of assessing and screening of children in every school on their issues pertaining to learning difficulties or disabilities or lack of learning opportunities and such children shall be supported with special learning facilities by professionally trained personnel. He has further highlighted that the children having poor educational attainment is positively correlated with their vulnerabilities such as inducted into labour sector, migration and human trafficking, early child marriage and child sexual exploitation etc. He has also projected that the high rate of autism children in Odisha (One in 250 children) and high prevalence of termination of pregnancy and early birth of children by adolescent girls less than 15 years of age due to child marriage. Proper community screening on children's educational backlogs and the insensitivity of stakeholders towards

their accountability for children's development and protection in conformity to law has to be strengthened.

Mr. Kannayiram offered a critical literal interpretation to Section 32 of the Juvenile Justice (Care and Protection of Children) Act, 2000. He viewed that section 32 confers the authority on all the public servants to take charge of a child in need of care and protection and bring them before the Child Welfare Committee for necessary interventions. Therefore, being the public servant from the lowest grade government servant to the highest positioned officers having the same power and responsibility to bring a child in need of care and protection. The spirit behind the provision is the problems and issues of children are enormous and we could not create separate cadre officers like Special Juvenile Police Unit alone to handle. The idea of lowest positioned Government servant has also been given the power and authority of bringing a child before the committee is also with valid reasons. Such persons could see children in difficult circumstances within their residential locality and it is easy of the system to intervene if they are authorized to exercise such power. Hence, the Act has attempted to address the issues of children in difficult circumstances with transparency and openness. Here, the important is help a child in distress rather than to formulate a system. This is convergence of all the available human resources at the Government level at different levels to address one cause of helping a child in distress.

The authority given to all the public servants under Section 32 of the Juvenile Justice (Care and Protection of Children) Act, 2000 has accelerated their expanded accountabilities towards the other legislations such as the Child Labour (Prohibition & Regulation) Act, 1986 (Section -26 of the JJ Act, 2000) and also the Bonded Labour (Abolition) Act, 1976, the Protection of Children from Sexual Offences Act, 2012 (Section 2 (d) of the JJ Act, 2000 include intervention for sexually abused child) and the prevention of Trafficking in human beings as defined in Section 370 IPC (most of the children being brought as children in need of care and protection could have been trafficked, abused or exploited children).

Mr. Kannayiram pointed out that the Juvenile Justice (Care and Protection of Children) Act, 2000 advocates the roles and responsibilities of individual as a citizen towards children's development and at the same time ensures the collective accountabilities of stakeholders

and civil society organizations. Further, he has pointed out the following as the speciality of the Juvenile Justice Act.

- ❖ The Special Juvenile Police Unit is not only to perform the police functions but also to ensure the proper rehabilitation process of Juvenile in Conflict with Law (JCL) who could be released on bail by police and request the probation officer to do surveillance and extended assistance and support in the form of pre-trial supervision and guidance.
- ❖ The obligation on the part of police officer upon apprehension of a JCL to intimate to probation officer is a slight deviation from the provisions of Probation of Offenders Act, 1958. In the later, the interference of a Probation Officer commences only after in the due process the offence committed by the offender is established and convicted. The role commences for preparing social enquiry report is to decide the types of sentencing. But, in the case of Juvenile Justice Act, whether the JCL committed an offence or not is immaterial, the apprehension upon suspicion could also require the interference of Probation officer. This is to ensure the immediate analysis and eliminate the individual has been brought before the system incidentally besides to ensure the individual to keep away from such environments.
- ❖ If the individual has involved in crime and delinquency work out the strategy of intervention keeping him or her within the community and explore the possibility of social reintegration through community based correctional and regulatory programmes.
- ❖ The Juvenile Justice Board shall not only perform the adjudication task but also to perform the role of ombudsman in monitoring the effective functioning of police and probation officers in conformity to the provisions of the Juvenile Justice Act.
- ❖ The time limit for disposition (four months) is in the best interest of children and hence the JJB has to monitor the performances of police and probation officers.
- ❖ Further the JJB is to ensure the restorative justice concept rather than retributive justice and hence, the various disposition options as provided in Section 15 of the Act shall be blended appropriately and justice should be ensured not only to the JCL but also to victims.
- ❖ Providing services to children in need of care and protection has been extensively discussed. The public servants are accountable to bring such children before the

Child Welfare Committee which could analyze the various factors associated with the child including abuse, exploitation, trafficking etc., and facilitate the involvement of other criminal justice functionaries to get into the relief and rehabilitation of children who could be brought as child in need of care and protection and upon enquiry would be identified with abuse, exploitation and victimization.

- ❖ The Act has also emphasized the role of civil society organizations and individuals to bring children before Child Welfare Committee.
- ❖ The Act has also provisions of inspection committee constituted by the Government, involvement of civil society in social auditing, monitoring and advisory by the Advisory Committees at the State and the district level are the multi layer concept inbuilt within the juvenile justice system.
- ❖ The Act has also evolved the direct accountability of district administration to own the responsibility for children as the District Child Protection Unit ensured in Section 62-A of the Act is to be administered the District Collector.

II. Understanding Child Rights in Human Rights Perspective- Obligations and accountabilities of duty bearers (Delivered by Ms. Nina Nayak, Former member, NCPCR & Mr. Ramakrishna Das, Assistant Professor, NLUO)

Ms. Nina Nayak in her deliberation highlighted Constitutional provisions, Legislations, International Human Rights Framework, Policies, National & international monitoring systems and Programmatic Interventions for children. She has highlighted the duties and responsibilities of duty bearers as follows:-

- ❖ The State has the legal obligation to protect, respect and fulfill the rights of the rights-holder i.e. children in this case.
- ❖ The State / government includes all the functionaries of the state and government (e.g. parliament, government departments / ministries, local authorities, courts / justice, police, education / teachers and any other workers delivering a service on behalf of the state).
- ❖ Parents have duties and obligations towards their children too. Children have a valid claim (as rights-holders) against their parents to be cared for and be given adequate food. The parents are for that reason the first line duty-bearers. But if the parents cannot meet their duties because they do not have access to the means to care for

or provide food for their children, the state would be liable to ensure that the children did not suffer ill-treatment or starve.

- ❖ State has responsibility to fulfill the rights of its representatives but if their own rights remain unfulfilled they may not adequately perform their respective roles and functions. For example, the limited salary health care workers receive may be an impediment to performing their professional duties competently and efficiently
- ❖ Children living in poverty are those who experience deprivation of the material, spiritual and emotional resources needed to survive, develop and thrive leaving them unable to enjoy their rights, achieve their full potential or participate as full and equal members of society.

Ms. Nina Nayak has further explained that children experienced poverty in three inter related domains and they are the barriers of development of children that are

- a) **Deprivation:** A lack of material conditions and services.
- b) **Exclusion:** A result of unjust processes through which children's dignity, voice, and rights are denied.
- c) **Vulnerability:** An inability of society to cope with existing or probable threats to children in their environment.

Correlating child rights with the perspective of human rights, Ms. Nayak opined that the social rights today have emerged from the shadow of human rights. There are a range of social rights issues which are diverse. Right-based approach has been influenced by creative and often adventurous judicial decision triggered by petitions/complaints backed by rights advocates, NGOs, grass root human rights advocacy workers.

Mr. Ramakrishna Das highlighted the principles and key provisions Universal Declaration of Human Rights, 1948, International Covenant for Civil and Political rights 1966 and International Covenant for Economic, Social and Cultural Rights that together form International Human Rights Instrument. The adoption of CRC by the UN General Assembly was made on the consideration that children are highly vulnerable to deprive their rights due to age and immaturity and that cannot be addressed through human rights instrument alone. He explained that CRC is comprehensive, universal, unconditional and holistic in

nature. He also explained four basic principles of CRC- best interest of the child, non-discrimination, survival and development, and freedom of views and expression. In his presentation he also highlighted the importance of Article 21 of Constitution and explained the importance of right to life that has been emphasized in the Constitution as the matter of right. Right to life has been highlighted as the foundation of right to dignity. He further highlighted that right to education is the base for the dignified life with adequate standard of living. The right to freedom from torture or cruelty or degrading treatment could be ensured by all stakeholders. He has appealed to the participants to use the Corporate Social responsibility concept and explore the possibility of enhancing children's right to survival and development.

Mr. Aravind Shanubhogue was the other speaker for this session at one programme. His presentation was focused on Approaches and Mechanisms for Right Based Strategy. He initiated discussion with different approaches to development i.e. charity approach, welfare approach, developmental approach, empowerment and social action approach, and right based approach. He further explained that the basis of right based approach are- Human rights principles, universal legal guarantees protecting individuals and groups against actions and omission that affect their freedom and human dignity, basic minimum standards based on human needs, and rights are universal, inalienable, indivisible and interdependent. The right-holder is entitled to rights, claim rights, holds the duty bearers accountable and has the responsibility to respect the right of others. On the other hand, the duty bearers has obligation to respect, protect and fulfill the rights of the right holders.

***III. Child Rights Practices- Challenges of Public Service Delivery Mechanisms
(Delivered by Mr.Pramoda Acharya, Senior Research Associate, Centre for
Child Rights, NLUO)***

The central theme of Mr.Acharya discussion was Role of multi-stakeholders for juvenile justice programe and Challenges for service delivery. He initiated the discussion by explaining child protection and essential to ensure a protective environment for children i.e. assured commitment of government, strong legislation and policy framework, efficient enforcement mechanisms, family & community protection, informed and active CSOs, development centric alternative care and rehabilitation service, multi-layer accountability

and strong monitoring system. Mr. Acharya gave a SWOT (Strength, Weakness, Opportunity and Threat) analysis of child protection structure of our country as follows.



The role and responsibilities as envisaged by the law for each stakeholder was discussed by Mr. Acharya in his presentation. He highlighted the following the gaps and challenges of existing juvenile justice programme and he also offered ways and means to overcome those challenges at the operational level.

- ❖ Lack of clarity on Place of Safety.
- ❖ Legal cum Probation Officers of DCPU level have limited access to the proceeding of JJ Board and or to the records of JCL because their roles are not contemplated by JJ Act 2000.
- ❖ Lack of coordination between Probation Officers appointed under the Probation of Offenders Act and LPO of District Child Protection Unit

- ❖ Frequent transfer of police officers of SJPU.
- ❖ Legal Services Authorities have not placed trained panel lawyers at the JJ Boards to render legal assistance to JCL.
- ❖ The idea to release JCL in custody of Fit Person or Probation Officers does not work in our society.
- ❖ Lack of proper interface between JJ Boards and the Child Welfare Committee particularly in the matter of restoration and social reintegration of JCL.
- ❖ There is always delay on the part of the Probation Officer/ Police Officer in submission of Social Investigation Reports (SIR) in the matter of JCL.
- ❖ Lack of adequate infrastructure at the CWC
- ❖ CWC has regulatory control over inquiry body
- ❖ Absence of professionals in CWC such as counselor, psychologists
- ❖ Lack of proper coordination between JJBs and CWCs, enforcement agencies and other stakeholders,
- ❖ Conflict of interest between CWC and Child Care Institutions run by NGOs
- ❖ Absence of standard operating procedures to deal multi-dimensional issues involving with child labour, trafficking, and victims of sexual abuse.
- ❖ Lack of information sharing by the police to CWC about missing children, child victims of crime.
- ❖ Lack of interface/ coordination between Labour Department and Juvenile Justice System , Legal Services Authority, Social welfare department
- ❖ Absence of development specific rehabilitation programme
- ❖ Lack of proper evaluation of welfare programme / beneficial scheme on inclusive family development
- ❖ Orphanages which remain unregistered under JJ Act 200 have conflict of interest with regulatory adoption system.
- ❖ Lack of quality child care by the CCIs due to poor funding by the government
- ❖ Policy gap in rationalizing sponsorship programme for orphan and street children
- ❖ Lack of proper facilitation by DCPU/ Police to ensure legal assistance and victim compensation from the Legal Services Authority

IV. Child Development- Holistic and Convergent Approach- Juvenile Justice Mechanisms (Delivered by Prof. P.Madhava Somasundaram, Professor and Head , Department of Criminology & School of Criminal Justice, MSU, Tirunelveli, Tamilnadu)

Human rights principles are based on dignity and individuality. Human Rights and natural rights are differed in certain aspects as the natural rights have no legal sanctity. Rights are inalienable and inseparable and could not be denied or deprived and also could not be surrendered. With regards to child rights, he has explained that human rights are also applicable to children. However, the necessity of exclusive Child Rights Convention was needed because of children's special status such as dependency, require to be guided, facilitated the growth and development and also to be protected as children are viewed as confusing personalities in view of their age and maturity.

In his presentation he has explained that children could be classified as children and adolescents for theoretical and academic purposes which are slight deviation from the legal perspective. Children are the most welcome persons at the time of their birth has given the social recognition to the couple and a meaning to their life in accordance with customs and practices and also based on our culture. But, in the course of child's development, the parental attitudes, relatives responses, neighbourhood impacts and community practices influences children either negatively or positively. Children till their age of 10 are more amenable to parents and elders and therefore their dependency and submissiveness are viewed desirable behaviours. In the process of growth and development and entering into the stage of adolescents, the attitude among them differs. The stage of adolescent is full of energy, period of growth in terms of metabolic changes; hormones impact and accessible to larger group of people especially their peers. Such wider spectrums of issues make them to find many answers to variety of issues to which they have no supportive system. Naturally, they rely on the substandard materials available or based on the experiences sharing of their peers. The conflicts emerge within the family and all these adolescents are branded as troublesome persons. The failure of families, schools and community in helping them to understand the various metabolic changes including the hormones impact, branding them as troublesome persons further complicated the relationship. In the early development of

adolescent stage or the pre-adolescent period, the metabolic changes make them to feel ugly on them and in a few occasions they started to act negatively. Those who are having the support of family, schools and community overcome the period of confusion and those who have no supportive system were/are the failures in their carrier.

UNCRC has emphasized that children's growth and development are linked with access to information which have to be ensured properly. In this context, the schools and the neighbourhood should play the positive role and the families should also ensure good role models. He has further informed that the failure of the family in shaping children should be surrogated by the State parties. Therefore as stakeholders, all the departments should work in convergence and promote the child's development evolving participatory process with access to age appropriate information to children.

The developmental needs of children are also linked with age appropriate education and therefore, school should ensure the children's development keeping in mind their age and maturity. He ended the discussion with an appeal to evolve adolescents intervention programmes in schools and neighbourhood and the rural health mission concept shall be linked with schools

V.Ensuring Child Rights Practices- Monitoring Mechanisms (Delivered by George Kollanschy)

Children's world is fascinating one and is beyond the imagination of adults. Children do not have any barriers. Religion, caste, economic status, regional disparities are not concerns for children and their relationship is love and bindings. They fight each other and forget instantly. Vengeance and prejudice are not the issues of children. Instead of children learning from us, actually we have to learn many things from children. Having shared the above-mentioned views, Mr. Kollanschy initiated a group activity to help participants to recall their childhood experiences. Accordingly, participants were divided into four groups and each group was given an assignment of exhibiting good memories of their childhood experiences. When they were on the discussion, repeated appeal of calling attention of the participants went to unnoticed. He later explained that the attitude is childhood. And once

the children on their activities they would not deviate. Their concentration could be on their assignments and activities as they are not prejudice, unassuming and always in friendship.

In another activity, participants were asked to share experiences of their childhood abuses or bad experience. It was very difficult for the participants to share such experiences like children who are always reluctant to exhibit their bad experiences and it is because of being humiliated by adults for their experiences. One participant while sharing her childhood experiences of child sexual abuse at the age of 5 or 6 became emotional and started crying. She told that in spite of her age and maturity and also her wider exposure, the traumatized experiences still feared her. Therefore, children's bad memories are the worst barriers for their development. As adult it is the responsibility of all to ensure environments that facilitates their growth and development.

While explaining the children and adolescent at risk, Mr. Kollanshy emphasized that children's development are based on environments and child centric approach with in the family, school and also in the community. Therefore, speaking with children and facilitating children to share their experiences and ensuring them the supportive network shall minimize the risk for children and adolescent. In this context, Mr. Kollanshy shared experiences in handling the street children who were/are all deprived and most vulnerable for all forms of abuse and exploitation. Trust and confidence building is the key for making children to get away from their vulnerabilities as their childhood experiences within the family and also in the community were unpleasant. Encouraging children to speak and listening to them with assurances of right to privacy and confidentiality shall promote their growth and development.

VI. Child Development and Protection Issues- Dimensions of Problems- Preventive Strategies (Delivered by Prof. Babu Mathew, Professor of Law, NLSIU, Bangaluru; Mr.S.Kannayiram, NLUO)

The growth of a nation is determined on the holistic development aimed with balancing the welfare and protection. Prof. Mathew highlighted two models of growth. One is Growth with justice and another is Growth through justice. He further explained that growth with

justice relates to growth in terms of civil and political developments leading to jobless growth. In this context this kind of growth has been resulting in conflict and approaching for justice through the interventions of judiciary is a long and cumbersome process. Because of jobless growth that triggers the people to move from one habitation to other leading to family breakdown. This kind of growth is not helping the harmonious living status. The other category of growth through justice is aimed to ensuring the justice as priority and such growth is acceptable to all. Rights could be classified into civil and political rights and these rights could be ensured with less expenses or minimal investments. This could be equated with the growth with justice. But, the economic, social and cultural rights are the real growth through justice that requires lots of investments, policies to help the growth vertically and horizontally. Therefore, growth in relation to right could be the balanced approach.

Prof. Babu Mathew appealed to all the participants that the Indian Constitution should be studied by all and everyone should understand the Fundamental rights. Fundamental rights of people should be listed out and everyone should analyze the provisions in terms of growth with justice and growth through justice and a balance approach should be made. He viewed that off all the Constitution globally, the Indian Constitution stands high, and it is because of the concept of Constitutionalism. In UK the Parliament is supreme and USA Presidential approach is supreme. But in India the Constitution is supreme. Though the Indian democracy is relied on parliamentarian approach, the Parliament has no authority to take away the Constitutional provisions of independent judiciary. This is the foundation of the Indian system of ensuring justice. The Constitutionalism is the concept of Indian justice delivery mechanism. The Supreme Court could interpret the provisions of Indian Constitutional provisions and such interpretation has been leading to human rights protection. This is called "Transformative Constitutionalism." The Public Interest Litigation process is one of the best examples of transformative constitutionalism.

He also opined that that the Constitution of India was the combination of best provisions adapted globally. He said that periodisation is another concept that reflects the various transformations to constitutional provisions. When we look at the Fundamental rights and direct principles we could as individual can classify which is development oriented and

which is protective oriented. Protective oriented is always inferior to developmental oriented as it is supreme in all aspects and aimed the growth through justice.

Prof. Mathew has also highlighted that Article 23 has used the word “beggar” meaning using labour without remuneration. Prevention of exploitation and preserving the human right perspective has been codified in this provision. Likewise Article -24 has emphasized that no child under 14 years of age shall be engaged in employment such as Factory, Mines and industries or the work spot that is hazardous. He further highlighted that the definition of “hazardous” by UNICEF is that any such employment which deteriorate the development of the child is hazardous. Therefore, the Indian Constitution is development oriented. Therefore developmental approach is positive and the protective approach is negative because it relies on custodial approach which is restrictive and compulsive. But, the developmental approach is free and promoting self reliance and natural. He has further highlighted that Article 21 and 21-A are the important provisions ensuring the developmental approach.

He emphasized on right-based approach. When there is a demand, appeal and protest peacefully by the Right holders to claim for the right, the Constitutionalism emerges. The intervention of the Supreme Court of India to ensuring the Rights of tribal in Forest land is another example of Constitutionalism that has given enormous power to the civil society and PRI institution to decide which kind of development is acceptable for them.

He has further highlighted that the Right to life is guaranteed by the intervention of the Supreme Court. It was brought to the notice of the Supreme Court there were wastage of food articles stored by the Food Corporation of India. Rats are eating the sizable articles; but there are starvations of people. Therefore, Supreme Court in the form of mandamus directed the Government to ensure the food security. Right to life is to be ensured with dignity and such dignity is possible through education only. Therefore, right to education is viewed as developmental oriented and necessary to enforce at all level. This is the outcome of the famous Unnikrishnan case and the Article 21 interrupted in such a manner that right to life does not mean existence but beyond that that the right to dignity and such dignity could be realistic if education is guaranteed. He emphasized that criminalization of social policy should be dispensed with and subordination to social policy should be promoted.

Mr. S. Kannayiram also spoke on this subject in another programme. He added that the specialty of the Juvenile justice Act is its inbuilt mechanism. Apprehended juvenile shall be handled in accordance with the provisions of law in conformity to international standards. At the same time the process of rehabilitation in a convergence manner has been ensured. The child shall be released on bail pending enquiry and shall request the probation officer to keep surveillance on the child besides facilitating the child's rehabilitation and social reintegration. The same strategy shall also be adopted by Juvenile justice Board and ensuring the community based intervention with the help of probation officer if the juvenile is released on bail.

Further, the institutions such as Observation Homes, Special homes and other such institutions should also address the specific needs and requirements of juveniles and therefore for each child an individual care plan has to be developed. Such individual care plan should be developed based on various information collected by the probation officers and the technical reports such as psychologist /psychiatrists' reports if any available.

Mr. S. Kannayiram has also pointed out that the disposition options available to the Juvenile Justice Board as per Section 15 of the Act should be blended in such a manner and ensures the restorative justice concept. This is the only legislation that ensures the best interest of offenders' rehabilitation and the best interests of the victim or the community. Therefore proper understanding of the disposition options and a scientific report of probation officer in the form of social enquiry report is the important ingredient to ensure access to justice to the victim and the proper rehabilitation of the juvenile in conflict with law.

He opined that very purposes of the presence of two social worker members are to explore the possibilities of offenders' proper rehabilitation and victim's satisfaction. The majority of the opinion shall be the final. Therefore, the role of the Principle Magistrate is to satisfy the legal norms and the social worker members should explore the rehabilitation of the offender and ensuring access to justice to victims. In the case of children in need of care and protection, the Child Welfare Committees have multiple roles and responsibilities. If a child comes before the committee it is obligated to examine the child's past circumstances and

environments and should satisfy with the information obtained from the child and other sources and take final decisions on the following line.

- ❖ If a child is a runaway child all efforts shall be made to trace the family and should make the home study before restoring the child to the family.
- ❖ If the child is a victim of physical or sexual abuses, necessary medical examination shall be ordered and in this context, proper direction shall be issued to the medical authorities invoking the power of the Judicial Magistrate of First Class.
- ❖ If prima facie evidences are established directions shall be issued to police to register a case and investigate and file a status report. If the child is sexually abused child the evidences and documents shall be referred to the Special Court for taking cognizance of offence committed against the child.
- ❖ If a child is an abandoned child after due process of enquiry and field reports from probation officers, the child shall be declared as legally free for adoption. No child shall be declared as legally free for adoption by any other authority.
- ❖ Ensuring access to justice to a child who is brought before the committee as a child in need of care and protection is the primary consideration of the committee and in view of the above fact the committee comprises of five members and among them one shall necessarily be a woman. The idea is the types of victimization, the periodicity of victimization attached with the child could be brought out if the committee handles every case cautiously and judiciously.
- ❖ Even in the case of a child who was/is a victim child but a child require supportive network due to demise of parents, neglect due to family separation or migration or any other issues that warrant the child in need of supportive network, the committee shall extensively use the welfare programmes and schemes available to be extended to the child and his or her family and such order shall be issue in the form of a judicial order invoking the powers of a Judicial Magistrate of the First Class conferred by the Code of Criminal Procedure, 1973.
- ❖ Any direction or orders issued by the Committee shall be viewed as judicial orders and shall be enforceable by the official concerned.
- ❖ The Committee is not an administrative committee but being a quasi - judicial body, the committee could not be directed to perform any functions by any administrative authorities.

- ❖ The monitoring mechanisms such as Inspection Committee, State/District Advisory Committee and the State/District Child Protection Units are statutory bodies formulated as per the provisions of Juvenile Justice (Care and Protection of Children) Act, 2000. Therefore, the proactive roles of these committees and the social audit concept should be administered in conformity to the Act

VII. Legal safeguarding towards child development and protection- Obligations and accountabilities of stakeholders (Delivered by Dr. Mahesh Menon, Assistant Professor, WBNLUJS, Kolkatta; Dr. Aruna Srilaxmi, Associate Professor, NLUO)

Dr. Menon opined that the UN Convention on the Rights of the Child has guiding influence for law and policy making for children by the countries at the world-over. The CRC prescribes a set of standards to be adhered to by all state parties and emphasizes social reintegration of child victims. It is the one UN document which has been ratified by the largest number of countries. The other international instruments on children related issues are UN standard minimum rules 1985 (Beijing rule), UN rules for the protection of juveniles deprived of their liberty 1990 and The United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) and all other relevant international instruments focus on the prevention of juvenile delinquency and provide guidelines for it. The central themes of UNCRC are the Rights to Safety and well being, Dignity, Privacy and Confidentiality. Further, Non-Discrimination, Right to express views, Right to be heard, be protected from exploitation and Health & development are the primary focus on UNCRC. In this context, the best interest principles shall be the criteria for the stakeholders to intervene and ensure their development. Best Interest relates to putting children at the centre, recognizing them as rights-holders and social. Government as primary duty-bearers is accountable to their citizens including children. Parents and families as primary care-givers, protectors and guides and supporting them in these roles. Giving priority to children and a child friendly environment to be created are the primary duty of stakeholders. UNCRC emphasizes gender sensitive and seeking inclusive solutions which involve a focus on those boys and girls who are at risk and discriminated against and addressing unequal power structures (class, sex, ethnicity, age, etc) with the aim of holding a holistic vision of the rights of the child while making strategic which are to be addressed agt the root of the problems,

Using participatory and empowering approaches, in particular regarding children, building partnerships and alliances for promotion of the rights of the child should be the agenda of stakeholders. Specific focuses have to be made on at risk children and their families in a multi-sectoral approach

In the presentation Dr. Menon provided a glimpse of statistics generated from secondary sources to explain that India has other way distinction of having highest rate of neo-natal deaths, child malnutrition, child mortality, declining child sex ratio, prevalence of child marriage, force child labour, and increasing child sexual abuse. He explained that the deprivation, destitution and neglect, Rural-to-urban migration, Diminishing role of family, Erosion of social values, weakening of informal social controls contributes children's vulnerabilities and at the risk of being abused and exploited.

In India, rights to the children are guaranteed with enactment of numbers of legislations to protect the child in life-cycle approach. In this context, Dr. Menon gave a bird eyes views of

constitutional provisions, legal framework, policy guidelines, statutory institutions and monitoring mechanisms available for children of India. He briefly discussed the historical perspective of juvenile justice law in India. He brought to the discussion India Jail Committee Report 1919 which stated that child criminal is mainly the product of unfavorable environment and he is entitled to fresh chance under better surroundings and therefore child

	Juvenile System	Adult System
Basis	Civil (no due process)	Criminal (due process)
Goal(s)	Rehabilitation	Punishment
Style	Non-Adversarial	Adversarial
Terminology	Medical Model	Legal/Constitutional
Role of Family	Very Significant	Little to No Significance
Functioning	Private, confidential	Open
Process	Adjudication/Delinquent	Trial/Guilty or Innocent
Sentencing	Indeterminate-Broad	Determinate-Focused

offender should be different treatment from the adult offenders. Further the adolescents are neuro-biologically distinct from adults. The pre-frontal cortex, which is responsible for important functions such as planning, reasoning, judgment, and impulse control, is the slowest to mature, a process that completes at the age of 25. Our present science establishes that younger people engage in risky behavior precisely because of an underdeveloped brain. Juveniles are more susceptible to negative influences and peer

pressure, are less likely to focus on future outcomes, are less risk-averse than adults, have poor impulse control, and evaluate risks and benefits differently all of which pre-dispose them to make poor decisions. Adolescence is a transient phase and “most young people grow out of delinquency on their own as their brains mature – if they are spared the trauma and lasting stigma of juvenile incarceration. In this context, Dr. Menon cited a report published at the English Daily ‘The Hindu’ which analyzed that out of 600 cases of sexual assault decided by the District Court, over 40% cases are dealt with consensual sex, usually involving the elopement of a young couple and the girl’s parents subsequently charging the boy with rape. Another 25% dealt with “breach of promise to marry”.

He ended the discussion with an advice to reinforce the following principles while dealing a child. They are:

- ❖ Children have to be handled by special juvenile police
- ❖ Handcuffing of juvenile/child prohibited.
- ❖ Police should not be in uniform
- ❖ Child / juvenile cannot be kept in jail or lock-up
- ❖ No death penalty or life imprisonment
- ❖ Proceedings against the juveniles in conflict with law or a child in need of care and protection including the victims are informal, participatory and private.
- ❖ Deletion of record of juvenile after 7 years
- ❖ Parents to be involved in juvenile processes
- ❖ Right to free legal aid
- ❖ No joint trial of a juvenile with an adult
- ❖ Information about a juvenile cannot be released to media.

Another discussant for this session was **Dr. Aruna Srilakshmi**. The central theme of her deliberation was Child Labour and Law. She stated that though our country has not yet accepted the ILO Resolution 182, several measures have been initiated to eradicate child labour. The INDUS project, National Child Labour Project and the right of children to Free and Compulsory Education Act, 2009 are the sincere attempts to retain children in schools and ensuring their development. She laid emphasis of community education and life skills

education for children also. She has also highlighted that world wise various initiatives have been taken to ensure “Education for All” and such initiatives should be ensured by all.

She has mentioned that lack of opportunities and insensitive care givers at the residential facilities make children to choose the street life. She shared that on a given day while she was on travel, a good looking young man got into the train as a co-passenger. When the train was stopped in a junction for some time, the man was looking at the railway track; a boy aged about 12 years old was taking bath in the railway line water pipes and washing his clothes. He started to talk with him and told that he led a similar life for a few years. His parents expired and he was admitted in a residential facility where few people used to provide good foods on their birth days, marriage anniversary, parents death anniversary etc. While he was telling the children if such things are happening every day we need not worry about tasty food and all the children became his listeners. The care taker felt that if he could influence other children easily, he could be a troublesome person for him. Therefore he was sent out. He was cared by a roadside vendor for some times. After his death he started to lead street life and use the railway station for sleep, taking bath and for survival. One day he was noticed that a person dressed as Sanyasi and begged on the station. The person received sizable contribution and being perceived by people not as a beggar but as the representative of God. Therefore, he started to lead a similar way of getting money. One-day while he was approaching a traveler for money, he enquired about his background and offered him support. He agreed to go with him who provided him good education. He also said that he is earning more than one lakhs rupees per month. He is placed at the executive position of a corporate firm. He has also informed that out of his earning more than 60% of income has been spent on helping underprivileged children to get education. He wanted to repeat the privilege that he has received to others. Dr. Aruna Srilakshmi made an appeal to all remain duty bound and render help to children in vulnerable situations to ensure that the rights of the children are accomplished.

VIII. Trafficking and Missing Children- Dimensions and Challenges (Delivered by Prof.P. Madhav Somasunderam and Mr. Mr. S.Kannyiram)

Dr. P. Madhava Somasundram in his presentation on trafficking in persons has highlighted that trafficking is not only for exploiting women and children in commercial sex work but also for many purposes such as forced labour, organ transplantation, bonded labour and using children for begging and so on. Therefore, trafficking though has been made with the consent of family, it has been made through coercion, fraudulent attitudes, taking advantage of vulnerabilities and therefore the purpose was/is for exploitation. Hence, it is organized crime and involvement of many people.

Mr. S. Kannayiram has further clarified that migration, human smuggling and human trafficking are closely linked with missing children. Therefore it is the time to consider the effective implementation of various labour laws and ensure that migration being used for the purpose of exploitation. Village level Child Protection mechanisms and child tracking systems should be developed at the village and all efforts shall be made to provide age appropriate information to children.

He has explained that the Criminal Law (Amendment) Act, 2013 has amended Section 370 of IPC and defined trafficking in person in Section 370 of IPC. Mr. Kannayiram highlighted the socio economical issues of trafficking and the factors that push the trafficking in human beings within the states, across the state, interstate human smuggling and cross boarder human smuggling. He explained the provisions of Section 370 of IPC and emphasized that the IPC has also various provisions to initiate action against the traffickers. He has also highlighted the provisions of ITP Act, The Abolition of Bonded Labour, and The provisions of Atrocities against the SC/ST Act. He has pointed out that social exclusion, discrimination within the native village influences the migration and trafficking. He further emphasized that migration is own initiatives and the human trafficking is under the coercion, use of fraud and abuse of power and taking advantage of vulnerabilities of weaker sections of people.

8. WAY FORWARD

Many issues and challenges relating to effective implementation juvenile justice programme were highlighted by the participants. The challenges brought out by various stakeholders were infrastructure, human resource, management, monitoring, and finance related issues which may be viewed from the subsequent unit. Suggestions emerged from the participants in all programmes to improve the implementation of JJ Act are given below.

	ISSUES	RECOMMENDATIONS
CHILD WELFARE COMMITTEES	<ul style="list-style-type: none"> ❖ Lack of overall infrastructure and secretarial support ❖ Lack of support to CWC from DCPU and SJPU level ❖ Lack of proper coordination between Child Welfare Committees and the District Child Protection Units on administrative and monitoring matters issues and monitoring of child care institutions ❖ Absence of provision of travel allowance or provision of vehicles for CWCs resulting lack of initiatives by the members of CWCs to reach to vulnerable children ❖ Absence of professionals like trained counselor, psychologists to assist CWC to deal the Children of Special Needs. ❖ Non-compliance to the order of CWC by CCI, police 	<ul style="list-style-type: none"> • Physical infrastructure including adequate office space, furniture, stationary, drinking water and toilet facility should be provided to CWC. • Professional counselor from experts having special knowledge of child psychology and child mental health should be available at the dispensation of CWC • Government should ensure that the secretarial and logistic supports are provided to CWC as envisaged under ICPS. • District Advisory Committee should play a pro-active role to harmonize effective coordination and convergence among different functionaries/ institutions of JJ system. • There should be shared understanding between CWCs and DCPOs regarding their roles and cross accountability of each other.
SPECIAL JUVENILE POLICE UNIT	<ul style="list-style-type: none"> ❖ SJPU is not a cadre unit. Officers placed at the SJPU are frequently transferred. Police officers do not consider SJPU is the alluring position in their cadre. ❖ SJPU personnel at the police station are also entrusted with other works due to shortage of staffs at the police station. ❖ Absence of financial support to SJPU for travel, communication and for contingency expenditure. 	<ul style="list-style-type: none"> • Special Juvenile Police Units should be institutionalized as a separate cadre. Officers positioned at the SJPU should continue for minimum five years. • The senior police officers are also required to be sensitized in respect to juvenile justice matters. • Adequate funds for SJPU for transportation • Recognized medical professional should be available at the block level for medical examination of rape or sexually assaulted victim.

DISTRICT CHILD PROTECTION UNIT	<ul style="list-style-type: none"> ❖ Shortage of staffs due to vacancy of some positions ❖ There would be decreased motivation of DCPUs' personnel as their service is contractual. ❖ Lack of proper recognition to the importance of DCPUs by the government official of line departments. ❖ Dual accountability for DCPU, i.e. to the District Collector and Women and Child Development Department ❖ Lack of mutual support between CWC and DCPOs 	<ul style="list-style-type: none"> • Government should ensure full staff position at all DCPUs as provided under ICPS by filling up all vacancies. • There should be proper sensitization to government officials about the role and functions of District Child Protection Unit. • Government should institute a Technical Committee to examine the need for permanent establishment of DCPU and service conditions for the personnel working at the DCPUs. • Fund allocation for sponsorship programme should be made on the basis of the child population of respective districts. • A guideline for After Care and Foster Care should be formulated by government for ready reference.
LEGAL SERVICES AUTHORITY	<ul style="list-style-type: none"> ❖ Lack of awareness among people about the activities of the legal services authority. ❖ Absence of proper mechanism for Legal Service Authority to reach out to community extensively. ❖ Absence of dialogue between LSA and juvenile justice system ❖ Inadequate fund allocation for victim compensation scheme 	<ul style="list-style-type: none"> • Every SJPU who comes a juvenile in conflict with law must intimate the nearest legal services institutions. • Develop action plan for engaging paralegal volunteers to extend legal service to children • More and timely fund allocation of around 50 lakhs yearly to each DLSA to meet the requirement of victim's compensation.
CHILD MARRIAGE PROHIBITION OFFICER	<ul style="list-style-type: none"> ❖ Child Marriage Prohibition Officers (CMPO) are overburdened with their primary work of being CDPO to ensure the implementation of ICDS programme. ❖ Absence of training and orientation for CMPOs. ❖ Non-availability of funds 	<ul style="list-style-type: none"> • There should be special funds at the dispensation of the CDPOs to organize sensitization programmes and to meet the contingency expenditure to visit community for the purpose of child marriage prohibition. • Conduct training exclusively for CMPOs • A sustainable awareness programme must be developed so that parents and community can be oriented about consequence of child marriage and their roles under Child Marriage Prohibition Act

CROSS CUTTING ISSUES

- ❖ Capacity gap among the functionaries of Juvenile Justice System
 - ❖ Lack of handholding support among child protection institutions.
 - ❖ Lack of convergence and coordination among key stakeholders.
 - ❖ Absence of adequate emphasis on rehabilitation and reintegration of juvenile conflict with law.
 - ❖ Lack of data base of children in vulnerable situation.
 - ❖ Lack of infrastructure at the Child Care Institutions, absence of guidelines of government in regard to social reintegration or after care programme for JCL, absence of sponsorship programme for JCL
 - ❖ Absence of guidelines for management of foster care and sponsorship programme
 - ❖ Absence of systems to plan for pre-release and ensure effective re-integration and rehabilitation through an After Care Scheme
 - ❖ lack of proper coordination among the stakeholders of the juvenile justice system which detrimentally affects the provision of services to children
 - ❖ lack of handholding support and skill building efforts to ensure effective engagement of CCIs to address rehabilitation issues for mentally ill children or children of special needs.
 - ❖ lack of special measures for rehabilitation and sustainable development for street children
 - ❖ Non-availability of special child care institutions for Children of Special Needs was raised as a concern for rehabilitation of certain category of children like HIV/AIDS affected children, mentally ill children
- Personnel of juvenile justice system and child protection structure should have ample knowledge about child rights and laws related to children. There shall be provision for routine capacity building programmes including training in legal aspects from time to time to upgrade their knowledge.
 - Adequate number of psychologists should be made available to the Child Care Institutions/ Observation Homes for individual or group counseling of children and juveniles.
 - Proper coordination between various institutions and stakeholders to be established for monitoring and effective implementation of laws.
 - There should be Child line and Special Adoption Agency (SAA) for every district.
 - There should be separate child care institutions for street children.
 - A multi-disciplinary team should be constituted at the district level under the supervision of District Judge to guide and monitor the implementation of juvenile justice programme.
 - There should be wholesale sensitization programme on personal safety for girl children at government residential schools.
 - Linkage between Village level Child Protection Committees and Shakti Brata of ICDS should be harmonized and strengthened with necessary training and performance review.
 - Child rights pedagogy needs to be introduced in the school curriculum for greater sensitization of children about their rights.
 - Rehabilitation alternatives for children must be planned carefully. The skills of CWCs in taking decision in this regard such as their link to rehabilitation services such as trauma, de-addiction, vocational development requires convergence with other system.
 - There should be special home with modern health care facilities and counseling services for mental ill children.
 - There should be De-addiction Centres exclusively for children with counseling services for group of districts.

FIRST PROGRAMME (FOR CUTTACK, JAGATSingHPUR AND KENDRAPADA DISTRICT)

DATE: 25-26 AUGUST 2015

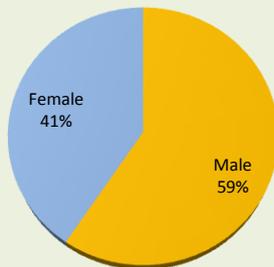
VENUE: SEMINAR HALL,
NATIONAL LAW UNIVERSITY
ODISHA, CUTTACK

TOTAL PARTICIPATION:32

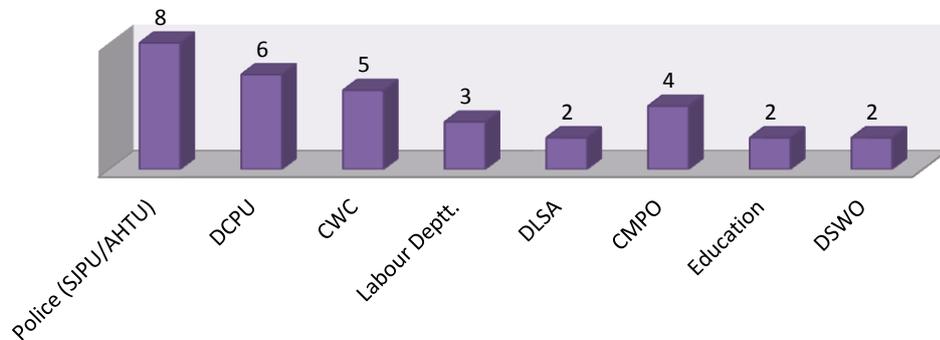
CUTTACK- 14

JAGATSingHPUR- 11

Gender Representation



Participation of stakeholders from various units



Issues and Challenges

- ❖ Prevalence of child labour, child marriage, child sexual abuse and lack of coordination among inter-departmental and intra-department officials have come up as the major issues that needs immediate interventions.
- ❖ Difficulty for age determination of JCL in absence of proper testimonials, lack of proper rehabilitation programmes, non-availability of vocational / life skill education for JCL are the key challenges to ensure justice to JCL.
- ❖ Lack of infrastructure at the Child Care Institutions, absence of guidelines of government in regard to social reintegration or after care programme for JCL, absence of sponsorship programme for JCL emerged as the critical concern.
- ❖ In POCSO related cases, it is mandatory for to produce the offenders as well as victim (survivor) at the session courts which are designated as children's court for further course of action like recording of 164 statement, and medical examination. But it is a real challenge for police officer to make such production within the stipulated time frame, particularly in the incidence that has happened at faraway places from the district headquarters where session court is situated.
- ❖ The responsibilities entrusted to the CWCs are vast and it requires greater outreach of the committee to the children and community level child protection institutions. This challenge is enormous for CWC of high populous or large sized district like Cuttack which has a staggering population 2.67 million.
- ❖ Child Protection Structure is not completely institutionalized in the district like Jagatsinghpur and Kendrapada as there is no Child line and the Special Adoption Agency for these districts.
- ❖ No guidelines have been formulated towards the allotment of funds under foster care and sponsorship programme
- ❖ The roles and responsibilities of CWCs have not been properly understood by many stakeholders
- ❖ Advocacy and awareness on child rights practices have not been systemized. In this context, it was proposed that the district officials during their review meetings and evaluation of policies should educate their subordinate officers and ensure that the message reaches out the people at the micro level

PARTICIPANTS' DETAILS

1. Ms.Arati Mishra
Inspector of Police
Cuttack
Mobile No: 9437596064
2. Ms. Bimallaxmi Choudhury
LPO, DCPU
Cuttack
Mobile No: 8895280080
3. Mr.Kishore Kumar Dongyat
Dy. Superintendent of Police
Cuttack
4. Mrs. Saudamini Mishra
CDPO, Cuttack Sadar
Cuttack
Mobile No: 9778892546
5. Ms. Snehalata Mohanty
SI of Police
Cuttack
Mobile No: 9439216451
6. Mr.Soumyak Patra
Secretary, District Legal Services
Authority
Cuttack
Mobile No: 9437242807
7. Mrs. Pragati Mohanty
DCPO, Cuttack
Mobile No: 9853246528
8. Mr. Bikash Mohapatra
Chairperson, CWC
Cuttack
Mobile No: 9437195251
9. Mrs. Tuna Behera
DSWO, Cuttack
Mobile No: 9437902906
10. Mrs. Jyoshna Roy
CDPO, Cuttack City
Mobile No: 9777631670
11. Mr.Kedar Kumar Samantray
ASI, Police
Cuttack
Mobile No: 9937642641
12. Mr.Banamali Mohapatra
District Labour Officer
Cuttack
Mobile No: 9937110770
13. Ms.Nirjharani Jena
Programme Coordinator
RTE-SSA
Cuttack
Mobile No: 7205858255
14. Ms.Sujata Jena
UPD, Cuttack
Mobile No: 9439103177
15. Ms.Lija Ranee Biswal
SI, Police
Jagatsinghpur
Mobile No: 9438541840
16. Mrs.Tanima Mishra
CDPO, Kujanga
Jagatsinghpur
Mobile No: 9040232994

17. Mrs.Nirupama Pani
CDPO, Erasama
Jagatsinghpur
Mobile No: 9437106458
18. Mr.Digambar Prusty
Secretary, District Legal Services
Authority
Jagatsinghpur
Mobile No: 9437383963
19. Dr.Raghunath Jena
Chairperson, CWC
Jagatsinghpur
Mobile No: 9437666591
20. Mr.Abani Kanta Moharana
Member, CWC
Jagatsinghpur
Mobile No: 9861331232
21. Mr. Kanhu Charan Rout
DCPO, Jagatsinghpur
Mobile No: 9938638668
22. Mr.Susanta Kumar Mohanty
Counselor, DCPU
Jagatsinghpur
Mobile No: 9777648929
23. Mr.Laxman Sethy
ASI, Jagatsinghpur
Mobile No: 9439780700
24. Mr.B.M Mohapatra
District Labour Officer
Jagatsinghpur
Mobile No: 9437276639
Email:jspurdlo@gmail.com
25. Ms.Swaranalata Mohapatra
PO, ICDS
Jagatsinghpur
Mobile No: 9438273731
Email:mohapatraswarana5@gmail.com
26. Mr.Sukanta Kumar Jena
BEO, Kendrapara
Mobile No: 8895380325
27. Mr.Purna Chandra Mallick
Protection Officer, DCPU
Kendrapara
Mobile No: 9937163440
28. Mr.Shisir Kumar Mishra
Child Welfare Committee
Kendrapara
29. Mr.Satyanaryan Acharya
District Labour Officer
Kendrapara
Mobile No: 9437389630
30. Mr. Bijay Ketan Sahoo
DCPO, Kendrapara
Mobile No: 9439930989
31. Mr. Rabindra Jena
Member, CWC
Kendrapara
Mobile No: 9861277153
32. Mr. Ashok Kumar Behera
DSP, Kendrapara
Mobile No: 9437281300

SECOND PROGRAMME (FOR KHURDA, NAYAGARH AND PURI DISTRICT)

DATE: 27-28 AUGUST 2015

VENUE: NATIONAL LAW UNIVERSITY ODISHA, CUTTACK

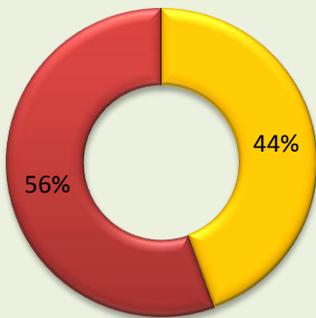
TOTAL PARTICIPATION: 27

**KHURDA- 07
NAYAGARH- 11
PURI:09**

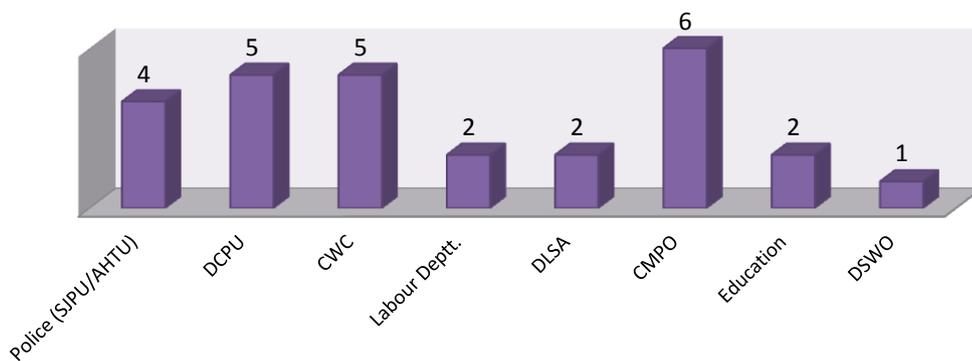


Gender Representation

■ Male ■ Female



Participation of Stakeholders



Issues and Challenges

- ❖ CWCs are lacking with basic infrastructural support such as separate office space, travel allowance, secretarial support even though there are provisions to provide the same under ICPS.
- ❖ Delay in payment of sitting fees to CWCs affects their performance and is often demotivating.
- ❖ CWCs do not get appropriate support from JJBs and the wider child protection systems (District Child Protection Unit, Special Juvenile Police Unit, Child Care Institutions, etc).
- ❖ There is huge gap in knowledge and shared understanding about juveniles in conflict with law, and legal provisions governing them.
- ❖ Absence of systems to plan for pre-release and ensure effective re-integration and rehabilitation through an After Care Scheme is a major lacuna. At the age of 18 years there should be some provision for mainstreaming children into the community leading to their social and economic independence but this found lacking. Further, follow-up of children discharged from institutions is not being undertaken effectively.
- ❖ Children in need of justice do not have access to legal services and neither their families are kept informed of such services.
- ❖ Most of the implementing officials of JJ Act including CWCs, SJPU, and DCPU do not have adequate child rights and the legislations relating to children. No regular system or provision of induction/ orientation training to these officials to update their knowledge and sensitize them on children's issues.
- ❖ There is no data base of children of vulnerable situation such as child labour, street children, children of migrant families, children in health hazards. Even though District Child Protection Units are supposed to undertake Vulnerability Mapping Study to identify and develop a comprehensive data base of children living in difficult circumstances, but the study could not advance due to non-availability technical persons at the DCPU level to facilitate this study.

PARTICIPANTS DETAILS

1. Ms. Subhalaxmi Patnaik
CDPO, Tangi
Khurda
Mobile No: 9437134893
Email: subha9586@gmail.com
2. Ms. Manjubala Nayak
CDPO, Khurda
Mobile No: 9438643474
3. Ms. Rasmi Prava Mishra
P.O cum Protection Officer
DSWO Office, Khurda
Mobile No: 9438109984
4. Ms. Tapaswini Arukh
Dy. Superintendent of Police
Khurda
Mobile No: 9437260678
5. Mr. Ranjan Kumar Gochhyat
DCPU, Khurda
Mobile No: 923734330
6. Mr. Biplab Mallick
DCPU, Khurda
Mobile No: 9776102902
7. Mr. Siba Sankar Mishra
District Labour Officer
Khurda
Mobile No: 8280114643
8. Ms. Shilabala Dash
Protection Officer-NIC
DCPU, Nayagarh
Mobile No: 9777614914
Email: dashsailabala1980@gmail.com
9. Ms. Susama Pradhan
Inspector of Police
IAHTU, Nayagarh
Mobile No: 9437889822
10. Mr. Satish Prasad Padhy
Dy. Superintendent of Police
HRPC
Nayagarh
Mobile No: 9437217701
11. Mr. Pritikanta Panda
DCPO, Nayagarh
Mobile No: 8895825863
Email: dcpo.nayagarh.od@nic.in
12. Ms. Ranjubala Nanda
Chairperson, CWC
Nayagarh
Mobile No: 8984219490
13. Ms. Sujata Tripathy
Member, CWC
Nayagarh
Mobile No: 9438185877
14. Mr. Aurobindo Pattanaik
Secretary, DLSA
Nayagrah
Mobile No: 9437276159
Email: aurobindopattanaik@gmail.com
15. Ms. Sailabala Panda
DSWO, Nayagarh
Mobile No: 9437475013
16. Ms. Chudamani Murmu
Protection Officer
Nayagarh
Mobile No: 8455915505
17. Ms. Brahmoti Mishra
CDPO, Ranpur
Nayagarh
Mobile No: 9438068685
18. Ms. Srabani Mishra
District Girls Education Coordinator
SSA, Nayagarh
19. Mr. Dillip Kumar Tripathy
Dy. Superintendent of Police
HRPC, Puri
Mobile No: 9438520966
20. Mr. Manas Ranjan Rath
Secretary,
District Legal Services Authority
Puri
Mobile No: 7077136843
Email: manasrath74@gmail.com

21. Ms.Anjali Kumari Nayak
Member, CWC
Puri
Mobile No: 7735157499
Email: cwc.puri@gmail.com
22. Ms.Snigdharani Sahoo
Member, CWC
Puri
Mobile No: 9778028947
23. Ms.Mamata Behera
Planning Coordinator
SSA, Puri
Mobile No: 9937821649
24. Ms.Kamini Prava Swain
CDPO, Delang
Puri
Mobile No: 9692136553
25. Mr.Bhakta Bihari Mishra
Member, CWC Puri
Mobile No: 9437138912
26. Ms.Sandhyarani Das
PO, Puri
Mobile No: 9437522125
27. Mr.Ajay Kumar Pradhan
District Labour Officer
Puri
Mobile No: 9437124850
Email: puridlo72@gmail.com

THIRD PROGRAMME (FOR BALASORE, BHADRAK AND MAYURBHANJ DISTRICT)

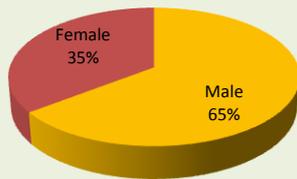
DATE: 15-16 SEPTEMBER 2015

VENUE: SADBHAVANA SABHA
GRUHA, COLLECTORATE OFFICE,
BALASORE

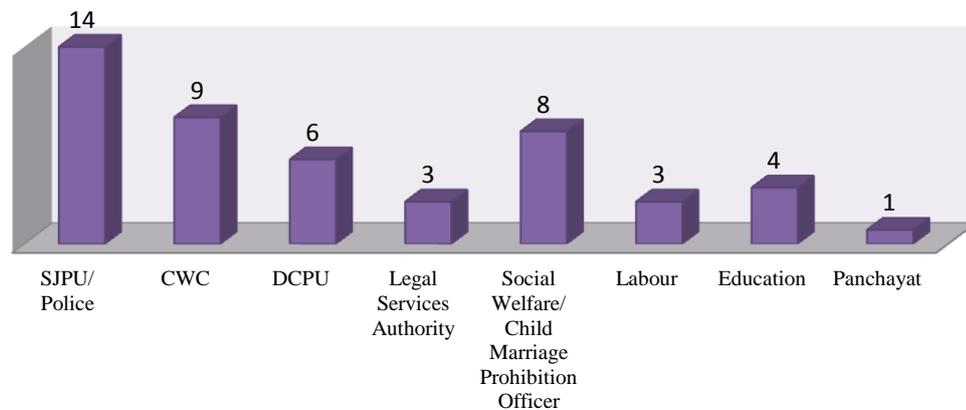
NUMBER OF PARTICIPANTS: 48

BHADRAK- 15
BALASORE- 18

Gender Representation



Participation of stakeholders from various units



Issues and Challenges

- ❖ Non-availability of appropriate space or child friendly environment at the police station wherein the JCL shall be kept between the period of apprehension and production before the JJ Board.
- ❖ It is difficult on the part of the police or SJPU to prepare Social Investigation Report of the JCL within 24 hours to produce the child before JJ Board due to investigation workloads, lack of support personnel at the police station, and in the cases where child identity is not immediately traced out.
- ❖ Children rescued from the employment at the hotels, dhabas, domestic service etc are reinforced into labour sector because they could not avail proper rehabilitation package to restore their childhood and for sustenance of their families.
- ❖ Compensation paid to the survivors from the Victim Compensation Scheme is inordinately delayed or inadequately granted due to lack of effective coordination between Legal Services Authority and other institutions such as DCPU, CWC, Police to timely facilitate the victim to comply all documents as necessary to entitle compensation as admissible under Victim Compensation Scheme.
- ❖ Lack of required number of vehicle at the dispensation of the police station or any special grant to meet the travel expenses for SJPU is a major challenge for police to forward JCL, particularly the children apprehended from the remote areas, to the Juvenile Justice Board or medical examination within the stipulated time.
- ❖ There is lack of proper coordination among the stakeholders of the juvenile justice system which detrimentally affects the provision of services to children.
- ❖ CWC is not timely informed by police about missing children and child victims of crimes.
- ❖ Orders/ directions issued by the Child Welfare Committees to the CCIs, police and other stakeholders are not properly complied which denigrate the status of CWCs as the final authority to decide the matter relating to restoration and rehabilitation of Children in Need of Care and Protection (CNCP).
- ❖ There is lack of handholding support and skill building efforts to ensure effective engagement of CCIs to address rehabilitation issues for mentally ill children or children of special needs.

- ❖ No proper data base on CNCP is available at the district level to help policy to develop Action Plan which could be tangible, verifiable, result oriented and sustainable.
- ❖ Infrastructure available at the CCIs is inadequate to ensure minimum standards of child care services for CNCP.
- ❖ There is no mechanism to monitor whether any resource support is available to CNCP for sustainable development after de-institution of children from CCIs.
- ❖ Absence of shelter home at Balasore district is a major problem to restore runaway or missing children rescued in odd hours.
- ❖ There is little or no cross sensitization among the stakeholders on the services available at different units of juvenile justice or child protection system.
- ❖ Lack of overall infrastructure and resource at the CWC is the potential impediment for the effective functioning of CWCs.

PARTICIPANTS' DETAILS:

1. Ms. Ipsita Jena
DPO, SSA, Bhadrak
Mobile No: 9437131662
Email: ipsitajena03@yahoo.co.in
2. Mr.Kamalakanta Swain
Chairperson, Child Welfare
Committee
Bhadrak
Mobile No: 9437205362
3. Mr.Ranjan Kumar Mohanty
Member, CWC, Bhadrak
Mobile No: 9937850570
Email: ranjanmhanty@gmail.com
4. Mr.Maheswar Pradhan
ASI of Police
Bhadrak
Mobile No: 9437297734
5. Mr. Braja Kishore Das
ASI of Police
Bhadrak
Mobile No: 9437265585
6. Mr. Dinabandhu Tripathy
ASI of Police
Bhadrak
Mobile No: 9778292207
7. Mr.Laxman Kumar Binhani
District Education Officer,
Bhadrak
Mobile No: 9658253645
8. Santosh Kumar Nayak
ASI of Police, Bhanadiripokhari PS
Bhadrak
Mobile No: 9437469897
9. Mr.Debasis Panda
Secretary, District Legal Services
Authority
Bhadrak
Mobile No: 9437278773
10. Mr.Jashobanta Samal
Bhadrak
Mobile No: 9437086701
11. Mr. Subrat Kumar Das
Legal cum Probation Officer (I/C)
Bhadrak
Mobile No: 9437731903
Email: subratdas.985@rediffmail.com
12. Mr. Padman Kumar Ray
DCPO, Bhadrak
Mobile No: 9437215822
13. Ms.Smrutirekha Nayak
Rural Labour Inspector,
Bhadrak
Mobile No: 8763391619
14. Ms.Ritarani Majhi
Supervisor, ICDS Project,
Dhamanagar
Bhadrak
Mobile No- 94379916261
15. Ms.Indurekha Nayak
Supervisor, ICDS
Bhadrak
Mobile No: 9439059828
16. Mr.Ambika Prasad Das
SI of Police, Baripada
Mayurbhanj
Mobile No: 9438626793

17. Mr.Bhubananda Jena
Dy. Superintendent of Police
Mayurbhanj
Mobile No: 9437012066
18. Mr.Alok Ranjan Ray
Inspector, District Crime Record
Bureau
Baripada, Mayurbhanj
Mobile No: 9777683722
19. Mr. M. Eswar Rao
Secretary, District Legal Services
Authority
Mayurbhanj
Mobile No: 7381910823
20. Ms. Pranati Das
CDPO, Khunta, Mayurbhanj
Mobile No: 9437292285
21. Ms.Sibani Guha
CDPO, Jashipur, Mayurbhanj
Mobile No: 9437657502
Email: cdpojashipur@gmail.com
22. Ms.Mitarani Basa
CDPO, Kaptipada, Mayurbhanj
Mobile: 9861415548
Email:
kaptipada.icsdproject@gmail.com
23. Ms.Kusumamala Mishra
District Social Welfare Officer
Mayurbhanj
Mobile No: 9437486515
Email: dswomayurbhanj@gmail.com
24. Ms.Mamatamayee Biswal
DCPO, Mayurbhanj
Mobile No: 9438162561
25. Ms.Mandakini Behera
A.D.E.O, Mayurbhanj
Mobile No: 7381175759
26. Ms.Dharitri Praharaj
Member,CWC
Mayurbhanj
Mobile No: 9437090667
27. Mr.Trilochan Rana
Chairperson, CWC
Mayurbhanj
Mobile No: 9438500725
28. Ms. Sailabala Behera
Pedagogy Coordinator,SSA
Mayurbhanj
Mobile No: 8895150196
Email: sbbhera10@gmail.com
29. Mr.Joshabanta Amat
Rural Labour Inspector, Baripada
Mayurbhanj
Mobile No: 7894047890
30. Mr.Amulya Kumar Panigrahi
District Panchayat Officer
Mayurbhanj
Mobile No: 943723892
31. Mr. Dakhin Chran Murmu
Dy. Superintendent of Police
Balasore
Mobile No: 9437412450
32. Mr.Harish Chandra Ray
Member, CWC, Balasore
Mobile No: 9438634622

33. Mr. Priyaranjan Mohanty
Member, CWC, Balasore
Mobile No: 9437833870
34. Mr. Bidyadhar Pradhan
Havildar, BIS, Police
Balasore
Mobile No: 9853225278
35. Mr. Sishu Kumar Patel
ASI of Police, Balasore Town PS
Balasore
Mobile No: 8763384906
36. Mr. Bhubananada Das
Member, CWC, Balasore
Mobile No: 9937538389
Email: bhubandas.adv@gmail.com
37. Mr. Prem Prangya Mohanty
Balasore
Mobile No: 9438722965
Email: prangynop@gmail.com
38. Mr. Satya Ranjan Swain
Protection Officer- NIC
DCPU, Balasore
Mobile No- 9439381968
39. Mr. Muktikanta Panda
LPO, DCPU, Balasore
Mobile No: 9438751056
Email: muktikpanda79@gmail.com
40. Ms. Annapurna Jena
SI, Remuna Police Station
Balasore
Mobile No: 9124319406
41. Mr. Satrughna Mallick
Member, CWC, Balasore
Mobile No: 9437363365
42. Ms. Lina Panigrahi
Chairperson, CWC
Balasore
Mobile: 9337336348/7381636413
Email: lionlina@gmail.com
43. Ms. Champamani Murmu
CDPO, Basta, Balasore
Mobile No-9437782057
Email: cdpobasta@nic.in
44. Ms. Nalini Prava Jena
ASI, Khantapada PS
Balasore
Mobile No: 943900620
45. Ms. Manjulata Dhada
ASI of Police
Balasore
Mobile No: 9437264544
46. Mrs. Kanchan Ram
C.D.P.O, Nilgiri, Balasore
Mobile No: 9437138480
47. Mrs. Narmada Deo
CDPO, Khirara, Balasore
Mobile No: 9438214199
48. Dr. Anil Kumar Dutta
Secretary, District Legal Services
Authority
Balasore
Mobile No: 9437333280

FOURTH PROGRAMME: FOR GAJPATI, GANJAM AND KANDHAMAL DISTRICT

DATE: 21-22 SEPTEMBER 2015

VENUE: SUB-COLLECTOR' CONFERENCE HALL, BERHAMPUR

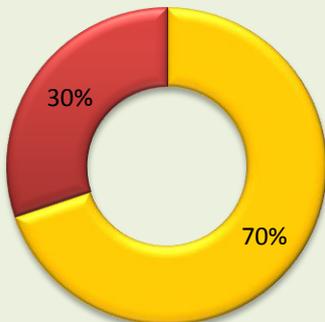
TOTAL PARTICIPATION- 53

GAJAPATI- 12
GANJAM-26
KANDHAMAL-15

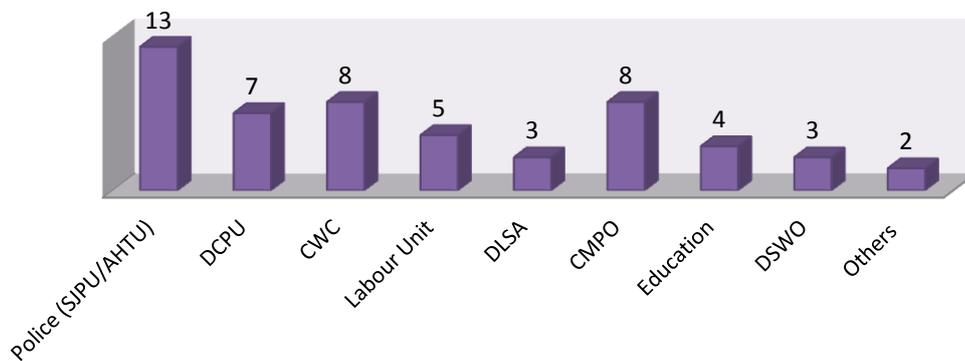


Gender Representation

Male Female



Participation of stakeholders from various units



Issues and Challenges

- ❖ In many instances it is observed that children are subjected to abuse and exploitation or any kind of vulnerability due to negligence of parents and families. Government has made many programmatic interventions for MGNREGS, National Food Security, Forest Right, and Right to Education for Children etc to address the Deprivation, Exclusion, and Vulnerability issues of marginalized families arising out of their poor socio-economic conditions. What is lacking in our laws is the legal accountability for the parents for their willful negligence to children. There should be adequate space in children laws for parental and family empowerment to build community protection for children which is missing in the existing Juvenile Justice Act.
- ❖ The challenging task before CWC how to exit those children who have completed eighteen years of age but they are overstayed at the Child Care Institutions either due their parental incapacities or they do not have families to take care of their sustenance.
- ❖ The major challenge for the District Level Task Force on Child Labour to determine the actual of the children on the spot where they are rescued. As a result of which the special drive to rescue child labour named 'Operation Smile' could not achieve desired result because in many cases as age of the rescued children was confronted before CWC.
- ❖ Lack of proper sensitization and knowledge among the primary stakeholders such as parents, families, and communities about children's rights and legal remedies in the matter of child rights violation is a potential threat for effective implementation of children's laws in Odisha.
- ❖ Many children from the remote part of southern Odisha are migrating latently to other States, particularly to Tamil Nadu, Andhra Pradesh, Gujrat and Goa in the knowledge of their parents or family members with the persuasion of inter-state brokers, labour contractors or missionaries for the purpose of education, employment or marriage. As data base of the migrated children is not available, it creates hardship for the district administration to track and ascertain the situation of such children.

- ❖ Inadequate resources and infrastructure at the CWC, SJPU, and CCIs is the serious concerns which impede their functioning.
- ❖ Geographical conditions in the interior rural or tribal pockets create logistical challenges in transporting children from homes to the place of inquiry. Lack of sufficient logistical support like vehicles, escort persons, and finance at the end of the enforcing officials is another impediment to cause delay in every affairs of adjudication process.
- ❖ Lack of adequate sensitization among the key stakeholders of child protection such as District administration, Special Juvenile Police Unit, District Child Protection Unit, Child Care Institutions, Labour officers etc roles, function and powers of the Child Welfare Committee is a critical factor for which authority of CWC is undermined and order passed by the committee is not properly executed.
- ❖ There is lack of proper coordination between Child Welfare Committees and the District Child Protection Units on certain administrative issues and monitoring of child care institutions.
- ❖ Labour department is handicapped with shortage of manpower and technical support as well to effectively carry out the responsibilities towards prohibition and protection of child labour as envisaged by the Child Labour (Prohibition and Regulation) Act.
- ❖ Sanctioned post for District Child Protection Units are not filled up. Shortage of staffs particularly Programme Officer, Social Workers, Counselor puts enormous pressure on the available staffs for effective implementation of ICPS.
- ❖ There is lack of inter-sectoral convergence and information sharing among the statutory bodies i.e JJ Boards, Child Welfare Committees, Special Juvenile Police Units, and District Child Protection Units.

PARTICIPANTS' DETAILS:

1. Mr.K.B.M Mohapatra
Dy. Superintendent of
Police
Human Rights Protection
Cell
Berhampur, Ganjam
Mobile No: 9437223031
2. Mr.Nagendra Pradhan
ASI,HRPC
Berhampur, Ganjam
Mobile No: 9861278767
3. Mr.Sudhakar Sadasia
District Social Welfare
Officer
Ganjam
Mobile No: 9437517868
4. Ms. Alaka Sahu
Member, DLSA, Ganjam
Mobile No: 9437344839
5. Mr.Hadibandhu Nayak
SI, Police
IAHTU Berhampur,
Ganjam
Mobile No: 9437224544
6. Mrs. Pramila Behera
CDPO, Berhampur-I
Ganjam
Mobile No: 9437803451
Email:
cdpoberhampur@gmail.com
7. Mr.Karunakar Panigrahi
Dy. Superintendent of
Police
HRPC,Ganjam
Mobile No: 9437036171
8. Mr.Bhagirathi Prusty
SI, Police
HRPC,Ganjam
Mobile No: 9937479721
9. Ms. Ranjita Dash
Member, CWC
Ganjam
Mobile No: 9437060001
10. Mrs. Vijoyalaxmi Nayak
CDPO, Chhatrapur,
Ganjam
9438603385
11. Mr.B.Bairagi Patra
Member, CWC
Ganjam
Mobile No: 9040251135
12. Mr.Subas Chandra Das
Chairperson, CWC
Ganjam
Mobile NO; 9437766000
13. Mr. Dibakar Singh
Dy. Superintendent of
Police
IAHTU, Berhampur
Ganjam
Mobile No:9437358912
14. Mr.Purusottam Swain

- SI of Police, IAHTU
Ganjam
Mobile No: 9437338135
15. Mr.Amiya Kumar Tripathy
Member, CWC
Ganjam
Mobile No:9438848216
16. Mr. M K Panda
District Labour Officer
Berhampur, Ganjam
Mobile No: 9437887894
17. Mr.Sudhir Sabat
Director, ISRD, Childline
Ganjam
Mobile No: 9438406565/
9776170933
18. Mr.Goparanjan Panigrahi
LPO, Ganjam
Mobile No: 9692487600
19. Mrs. Sangita Rath
CDPO, Berhampur-II
Ganjam
Mobile No: 9437838985
20. Mr.Pravat Kumar Rajguru
Secretary,
District Legal Services
Authority
Ganjam
Mobile No: 9437366536
21. Mr. Sarat Chandra Mallick
ASWO, Berhampur
Ganjam
Mobile No: 8763549779
22. Mr.Prabhu Patra
Coordinator, Childline
Berhampur
Mobile No: 9437515765
23. Mr. DiptiRanjan Mohanty
Labour Officer
Chhatrapur, Ganjam
Mobile No: 9437109199
24. Mr.Sarat Chandra
Maharana
PO- IC, DCPU
Ganjam
Mobile No: 8763962740
25. Mr.Subodh Kumar Sarangi
DCPO, Ganjam
Mobile No: 9439458773
Email:
dcpo.ganjam.od@nic.in
26. Mr.Arun Kumar Satapathy
Member, CWC
Ganjam
Mobile No: 9438866150
27. Ms. Jyotsna Kumari
Inspector of Police
Gajapati
Mobile No: 9439134686
28. Ms.A.Swaranalata Patra
Constable of Police
Gajapati
Mobile No: 9439805040
29. Mr. K. Venu Gopal Rao
District Labour Officer
Gajapati
Mobile No: 9438115258
30. Ms.Kuntala Kumar Naik
CDPO, Mohana
Gajapati
Mobile No: 9437735235

31. Ms. Abida Parveen
CDPO, R.Udaygiri
Gajpati
Mobile No: 9437262686
Email:
cdporudaygiri@gmail.com
32. Mr.Santosh Kumar Sahu
District Project Officer,SSA
Gajpati
Mobile No: 8763676660
33. Mr. Goutam Kumar Mallick
Deputy Superintendent of Police
HRPC, Gajpati
Mobile No: 9437111933
Email:
goutam_2025@rediffmail.com
34. Mr.Jayaprakash Badatiya
LPO, DCPU, Gajpati
Mobile No: 9861763966
35. Mr.Pramoda Kumar Nayak
Member, CWC, Gajpati
Mobile No: 9338626154
Email:
pknayak09@gmail.com
36. Mr.Sachidananda Jena
Assistant Labour Officer
Gajpati
Mobile No: 9438125711
37. Mr.Aruna Kumar Tripathy
DCPO, Gajapati
Mobile No: 9861121306
Email;
dcpu.gajapati@gmail.com
38. Mr. Ishan Chandra
District Education Office
Gajpati
Mobile No: 9438154384
39. Ms. Gouri Mallick
SI, Police
Boudh
Mobile No: 7504401370
40. Mr. Kandrapen Nayak
Inspector of Police
Anti- Human Trafficking Unit
Kandhamal
Mobile No: 9437733243
41. Mr. Basanta Kumar Swain
ASI, Police
Kandhamal
Mobile No: 9437733243
42. Ms.V. Sandhya
SC & ST Education Coordinator
RTE-SSA, Kandhamal
Mobile No: 9438088615
Email:sandhyakandhamal@gmail.com
43. Mr.Sunil Kumar Pradhan
Protection Officer, IC
DCPU, Kandhamal
Mobile No: 9439244622
Email:
sunil_kumar@rediffmail.com
44. Ms.Manjushree Nayak
CDPO, Kotagarh
Kandhamal
Mobile No: 9439070034

45. Mrs. Jayanti Mohanty
CDPO, Phulubani
Kandhamal
Mobile No: 9437140560
Email:cdpo.phulubani@gmail.com
46. Mrs.Mama Mishra
CDPO, Raikia,Phulubani
Kandhamal
Mobile No: 9437841451
47. Mr.Tarun Kumar Nayak
Member, CWC
Kandhamal
Mobile No: 9438356762
48. Mr.Ramakanta Sahu
Chairperson, CWC
Kandhamal
Mobile No: 9439307667
49. Mr.Kartikswar Lenka
ADEO, Kandhamal
Mobile No: 9437698870
50. Mrs.Suriya Kumari Nayak
DSWO, Kandhamal
Mobile No: 9437604762
Email:
dswokandhamal@yahoo.com
51. Mr.Ananda Kumar
Maharana
Registrar-cum-Secretary
District Legal Services
Authority
Kandhamal
Mobile No: 9437212149
52. Mr. Prasanna Kumar
Pradhan
Assistant Labour Officer
Phulubani, Kandhamal
Mobile No: 9853420192
53. Ms. Rashmita Karan
DCPO, Kandhamal
Mobile No: 9437423427
Email:
dcpo.kandhamal.od@nic.in

FIFTH PRORGAMME (FOR ANGUL, DHENKANAL AND JAJPUR)

DATE: 6-7 OCTOBER 2015

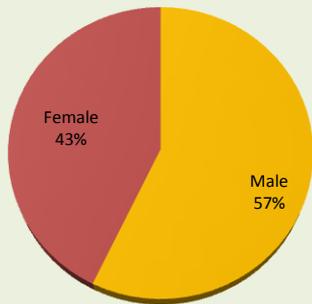
VENUE: COLLECTORATE
CONFERENCE HALL, ANGUL

TOTAL PARTICIPATION: 42

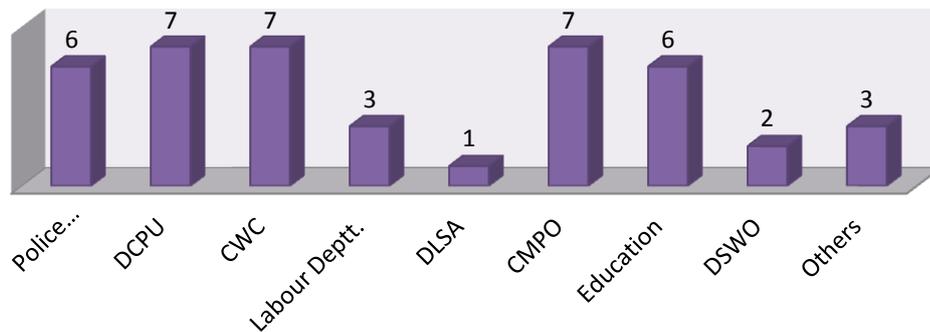
ANGUL- 20
DHENKANAL- 09
JAJPUR- 13



Gender Representation



Stakeholders Participation



Issues/Challenges

- ❖ Determining the actual age of the child working in the workplace is a major challenge for the labour officer and particularly in the case of the children who do not have birth certificate or they are not enrolled in school education.
- ❖ Tracking of migrant/ missing children, sustainable livelihood plan for distressed migrant families, and rescue, rehabilitation and education of child workers are the major challenges that require strategic interventions.
- ❖ Quality of education at the elementary level is at serious threat due to engagement of school teachers in the management of mid-day meal (MDM) programme. Looking at the controversy in MDM like poor quality food, financial scam at the procurement of food grains etc, teachers have often felt that they are more accountable for MDM than education.
- ❖ There exist a coordination gap between CWC and the Specialized Adoption Agency (SSA) as a result of which adoption has been inordinately delayed.
- ❖ There is lack of special measures for rehabilitation and sustainable development for street children. Need of establishing Guidance Bureau for Street Children is to be explored.
- ❖ Non-availability of Specialized Adoption Agency, Child Line and open shelter at some districts, for example Jajpur district, are the factors that create challenge for complete institutionalization of child protection system.
- ❖ The power exercised by the CWCs on the mindset that they are judicial magistrate is the breeding ground which leads to dismantle the working relationship between CWCs and the District Child Protection Units, and CCIs as well.
- ❖ Insufficient financial allocation, absence of timely release of budget, shortage of staffs, and political interference are the major hardship for squeezing the performance of social welfare services.
- ❖ Absence of performance evaluation of the institutions engaged for the implementation of child rights programme is a critical gap of the existing system.
- ❖ Ignorance of people about child rights and institutional mechanisms to address children's issues.
- ❖ Sometimes CCIs have refused to carry out the order(s) passed by CWC with regard to sheltering child in the children homes on different grounds like lack of space or funds to manage the children over and above the sanctioned strength.

PARTICIPANTS DETAILS

1. Mr.Ramachandra Satapathy
Anti Human Trafficking Unit
Angul
Mobile No: 9437237430
2. Mr.Pradeep Kumar Nayak
LPO, DCPO, Angul
Mobile No: 9437448709
3. Ms.Madhusmita Dhal
Angul
Mobile No: 8763354457
4. Mr.Gourishankar Behera
DCPO, Angul
Mobile No: 9439064633
5. Mr.Sumita Majhi
District Labour Officer
Angul
Mobile No: 9437207220
6. Ms.Paurnamasi Rath
Child Development Project Officer
Athamallick, Angul
Mobile No: 8763073794
7. Ms.Sebasmita Kunju
CDPO, Chhendipada
Angul
Mobile No: 9937106986
8. Ms.Rita Kuketta
ADEO, Angul
Mobile No: 9178643975
9. Mr.Dusmanta Kumar Gadanayak
Child Welfare Committee
Angul
Mobile No: 9861779432
10. Mr.Bijay Ranjan Kerkatta
Dy. Superintendent of Police
HRPC, Angul
Mobile No: 9438100312
11. Mr.Paleswar Kumbhar
Angul
Mobile No: 9437331083
12. Ms. Renubala Pati
Angul
Mobile No: 9437382827
13. Mr.Saratchandra Sethy
DIPRO, Angul
Mobile No: 9437242257
14. Ms.Anuradha Nayak
POIC, DCPU
Angul
Mobile No: 9437192054
Email: annuradha123@rediffmail.com
15. Ms.Jharana Nayak
PO-NIC, DCPU, Angul
Mobile No: 9861547028
Email: jhararana.nayak81@gmail.com
16. Mr.Abinash Mohanty
Angul
Mobile No: 9853317762
17. Mr.Krupasindhu Nayak
District Social Welfare Officer
Angul
Mobile No: 9437085748
18. Mr.Prafulla Kumar Barik
Girls' Education Coordinator
SSA, Angul
Mobile No: 9438569486
19. Ms.Nirupama Jena
S.I of Police
Angul
Mobile No: 9437516953
20. Mr. Anil Kumar Mishra
Member, CWC, Angul
Mobile No: 9437039306
21. Ms. Anuradha Goswami
DCPO, Dhenkanal
Mobile No: 9861209603
Email:
gswamy.anuradha104@gmail.com
22. Mr.Pradiptta Kumar Sahoo
LPO, DCPU, Dhenkanal
Mobile No: 9861266816

23. Mr. Hemanta Kumar Panda
Dy. Superintendent of Police
Dhenkanal
Mobile No: 9438024442
Email:
hemantakumarpanda763@gmail.com
24. Mr. Tapan Kumar Bhoi
ASI, HRPC, Dhenkanal
Mobile No: 9439972252
25. Mr. Arabinda Rath
Secy. DLSA, Dhenkanal
Mobile No: 9437149598
26. Ms. Bernadette Barla
CDPO, Hindol
Dhenkanal
Mobile No: 9937993609
27. Ms. Shanti Mishra
Member, CWC
Dhenkanal
Mobile No: 7735774761
28. Dr. P.N Sahoo
CWC, Dhenkanal
Mobile No: 9437388758
29. Mr. Bhabagrahi Panda
Dhenkanal
Mobile No: 9438253099
30. Mr. Pramoda Kumar Sarangi
ADEO, Jajpur
Mobile No: 9437313264
31. Ms. Alabati Arshu Marandi
Inspector of Police
Jajpur
Mobile No: 9437192054
32. Ms. Snehalata Mohanty
District Social Welfare Officer
Jajpur
Mobile No: 9437464162
Email: dswojajpur@nic.in
33. Mrs. Bidyutlata Das
Chairperson, CWC
Jajpur
Mobile No: 9437188059
34. Ms. Jhunubala Dei
CDPO, Binjharpur
Jajpur
Mobile No: 8456098508
35. Ms. Ratnabali Nayak
CDPO, Badachana
Jajpur
Mobile No: 9437229167
36. Mr. Parthabandhu Nayak
Labour Inspector
Jajpur
Mobile No: 9861837398
Email: alcjajpur@gmail.com
37. Ms. Priyanka Samal
PO-IC, DCPU
Jajpur
Mobile No: 8763246375
38. Mr. Prasanta Kumar Mishra
Member, CWC
Jajpur
Mobile No: 8598831065
39. Child Development Project Officer
Jajpur
Mobile No: 9937581419
40. Mr. Prafulla Kumar Dhal
DPO, Jajpur
Mobile No: 9778517020
41. Mr. Niranjana Kar
DCPO, Jajpur
Mobile No: 9437297722
42. Mr. Madhusudan Nath
BRCC, Education
Jajpur
Mobile No: 9778849554

SIXTH PROGRAMME (FOR BARAGARH, JHARSUGUDA AND SAMBALPUR DISTRICT)

DATE: 13-14 OCTOBER 2015

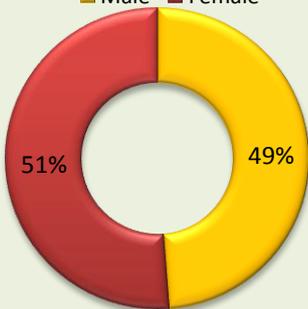
VENUE: DRDA CONFERENCE HALL, SAMBALPUR

TOTAL PARTICIPATION: 41
 BARAGARH- 11
 JHARSUGUDA-13
 SAMBALPUR-17

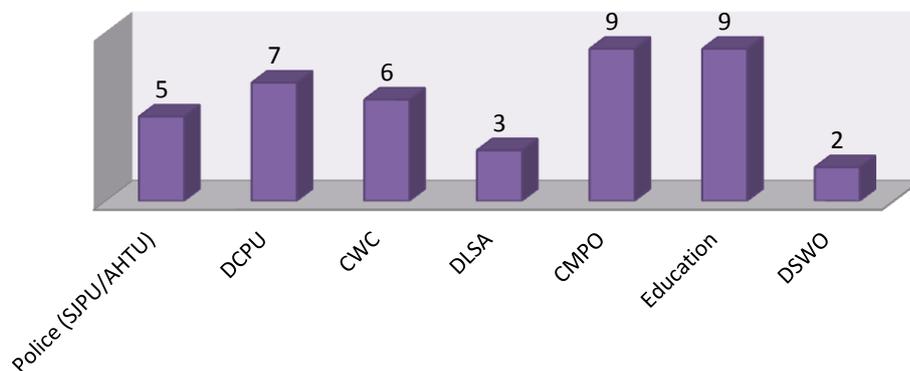


Gender Representation

Male Female



Stakeholders Participation



Issues and Challenges

- ❖ Non-availability of special child care institutions for Children of Special Needs was raised as a concern for rehabilitation of certain category of children like HIV/AIDS affected children, mentally ill children.
- ❖ The Child Protection Protocol like not in uniform at the time of investigating child or escorting child to JJ Boards or CWC are not strictly adhered by the police officers of Special Juvenile Police Units as they are also entrusted with other responsibility of law and order situation due to shortage of staffs at the police stations.
- ❖ Guidelines recently evolved by the central or state government relating child care and protection are not circulated to the CWCs and CCIs at appropriate time to leave them in dark of updated child protection protocols.
- ❖ Accessibility of legal services to children in conflict with the law, child victims, and children in need of care and protection is a concern as Legal Services Institutions are failed to create mechanisms to reach out to children at the community level.
- ❖ Increased emergence of private bodies or corporate in health, education or other basic service sectors has shed away government from making more investment for infrastructural facilities at the public service delivery institutions to which poor and marginalized people have access.
- ❖ The CDPOs designated as Child Marriage Prohibition Officer are not undergone for any kind of training or orientation to help them to understand their role in prevention, protection and prosecution of child marriage.
- ❖ There is no provision of travel allowance or provision of vehicles for CWCs resulting lack of initiatives by the members of CWCs to reach to vulnerable children.
- ❖ There is no regular system or provision for induction/ orientation training to members of CWCs to update their knowledge and sensitize them on children issues.
- ❖ There is a general lack of understanding and acceptance of the powers of the CWC resulting in failure to respect legally binding orders passed by them. Non-compliance with the orders/ directions/recommendations issued by the CWCs to the officers in charge of police stations, CCIs and other stakeholders affects CWC ability to ensure that children and families realize their rights to child protection services under the Act.

PARTICIPANTS DETAILS

1. Ms.Prangya Paramita Raula
Secretary, District Legal Services
Authority
Baragarh
Mobile No: 8763611821
Email: prangya.pr@gmail.com
2. Prof. Rabindranath Mohapatra
Member, CWC, Baragarh
Mobile No: 9437345435
Email: cwcbargarh@gmail.com
3. Ms.Lilli Sahu
Member, CWC, Baragarh
Mobile No: 7894528663
Email: lillisahu@rediffmail.com
4. Ms. J.Jyotsnarani Patra
District Social Welfare Officer
Baragarh
Mobile No: 9437168209
5. Ms.Lalita Lakra
Inspector of Police
Baragarh
Mobile No: 9437244241
Email: lalitalakra73@gmail.com
6. Mr.K.Chandar
DPC- SSA
Baragarh
Mobile No: 9438335081
7. Ms.Annapurna Kundu
CDPO, Bargarh (U)
Mobile No: 9853347336
8. Ms.Kalpana Naik
ADEO, Bargarh
Mobile No: 9438292362
9. Mr.Surendra Digal
DCPO, Bargarh
Mobile No: 9439360887
Email:dcpo.bargarh.od@nic.in
10. Ms.Bijaya Mishra
CDPO, Paikmal
Baragarh
Mobile No: 9437342480
11. Ms.Bharati Nanda
CDPO, Attabira
Bargarh
Mobile No: 9437456142
12. Mr.Janmajaya Das
Chairperson, CWC
Jharsuguda
Mobile No: 9437158607
Email:cwc.jharsuguda@rediffmail.com
13. Mr.Harishankar Purohit
Member, CWC
Jharsuguda
Mobile No: 8280034771
14. Mr. Sudam Charan Das
Secretary (I/C)
District Legal Services Authority
Jharsuguda
Mobile No: 9437423475
Email: judgesudamdash@gmail.com
15. Ms.Gitanjali Bhoi
CDPO, Brajarajnaragar (U)
Jharsuguda
Mobile No: 9439030216
16. Ms.Somabari
CDPO, Jharsuguda (R)
Jharsuguda
Mobile No: 9438245172
17. Ms.Manasi Roy
CDPO, Jharsuguda
Mobile No: 9937727707
18. Mr.Sunanda Maharana
DCPO, Jharsuguda
Mobile No: 9437278475
Email: dcpo.jharsuguda.od@nic.in
19. Mr.Mariyanus Minz
Dy.Superintendent of Police
Jharsuguda
Mobile No: 9437208872
20. Mr. Susanta Kumar Dash
Coordinator Planning (I/C)
SSA, Jharsuguda
Mobile No: 9437881668

21. Dr.Surendra Kumar Sahu
BEO, Jharsuguda
Mobile No: 9437842436
22. Ms.Brundabatti Panda
Programme Officer, ICDS
Jharsuguda
Mobile No: 8763183015
23. Mr.Salkhan Soren
DPO, Jharsuguda
Mobile No: 9583762195
24. Mr. Ignace Kindo
SI of Police
Jharsuguda
Mobile No: 9437754166
25. Mr.Monoranjan Pradhan
DSP, Sambalpur
Mobile No: 9437327666
26. Mrs. P.Naik
DSWO, Sambalpur
Mobile No: 9178911306
27. Mr.Anuradha Mohanty
CDPO, Dhankauda
Sambalpur
Mobile No: 9437881668
28. Mr.Subas Kumar Behari
Secretary,
District Legal Services Authority
Mobile No: 8895297985
Email: skbehari003@yahoo.com
29. Mr.Ajit Kumar Dhal
ASI of Police
Town PS, Sambalpur
Mobile No: 9437158543
30. Mr.Dayanidhi Pujhari
ADEO, Sambalpur
Mobile No: 9439228848
31. Ms.Gitanjali Mohapatra
CDPO, Sambalpur (U)
Mobile No: 9437566123
32. Ms.Metta Sarma
CDPO, Maneswar
Sambalpur
Mobile No: 9437576025
33. Ms.Reetanjali Mohanty
DCPU, Sambalpur
Mobile No: 9437847854
34. Ms.Babita Kar
PO-NIC, DCPU
Sambalpur
Mobile No: 98533754454
35. Ms.Sarita Mohapatra
PO-IC, DCPU
Sambalpur
Mobile No: 9438086229
36. Ms.Snigdharani Patra
DCPU, Sambalpur
Mobile No: 9438610127
37. Mr.Birendra Kumar Hota
DPO, Education
Sambalpur
Mobile No: 9437151450
Email;birendrahota64@gmail.com
38. Mr.Surya Panigrahi
Member,CWC
Sambalpur
Mobile No: 9178260248
39. Ms.Kalpana Panda
DPC, Sarva Sikshya Abhijan
Sambalpur
Mobile No: 9438385056
40. Mr.Byomakesh Panigrahi
LPO, DCPU, Sambalpur
Mobile No: 9439808914
41. Mr. Purusottam Praharaj
District Planning Coordinator
Sambalpur
Mobile No: 8895915464

SEVENTH PROGRAMME (FOR DEOGARH, KEONJHAR AND SUNDERGARH DISTRICT)

DATE: 23-24 NOVEMBER 2015

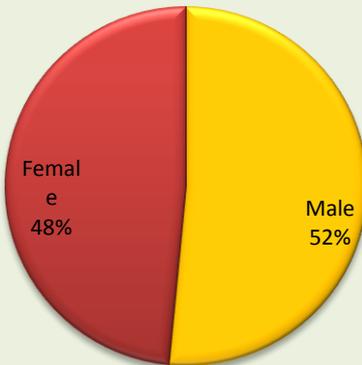
VENUE: CONFERENCE HALL,
DISTRICT WATERSHED OFFICE,
DEOGARH

TOTAL PARTICIPATION- 33

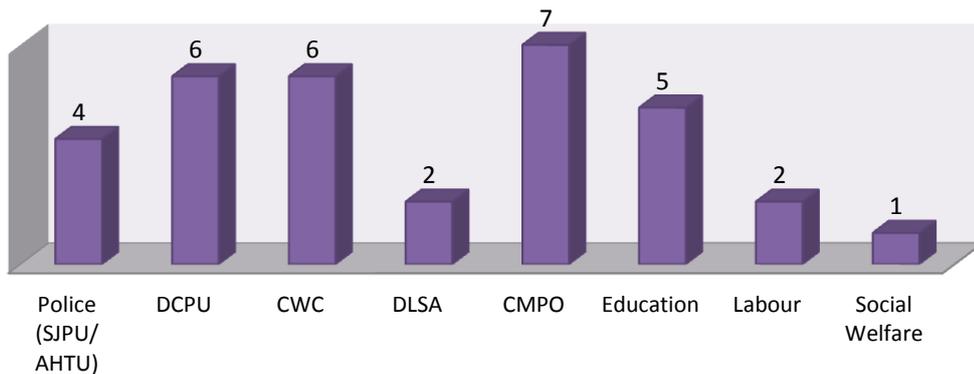
DEOGARH- 16
KEONJHAR- 07
SUNDERGARH- 10



Gender Participation



Stakeholders Participation



Issues and Challenges

- ❖ There is no financial allocation for travel allowance or provision of separate vehicle for SJPU resulting in lack of pro-active initiatives by the personnel of special juvenile police units to reach the vulnerable children to reduce them from endangering situation. Preventive measure which is supposed to be a priority focus of state intervention to reduce vulnerability of children to conflict is not taken up by the police due to lack of motivation, human resources and accountability.
- ❖ Absence of systems to plan for pre-release and ensure effective re-integration and rehabilitation through an After Care Scheme is a major lacuna. At the age of 18 years there should be some provision for mainstreaming children into the community leading to their social and economic independence but this found lacking. Further, follow-up of children discharged from institutions is not being undertaken effectively.
- ❖ There is no data base of children of vulnerable situation such as child labour, street children, children of migrant families, children in health hazards. Even though District Child Protection Units are supposed to undertake Vulnerability Mapping Study to identify and develop a comprehensive data base of children living in difficult circumstances, but the study could not advance due to non-availability technical persons at the DCPU level to facilitate this study.
- ❖ There is lack of handholding support and skill building efforts to ensure effective engagement of CCIs to address rehabilitation issues for mentally ill children or children of special needs.
- ❖ Lack of proper sensitization and knowledge among the primary stakeholders such as parents, families, and communities about children's rights and legal remedies in the matter of child rights violation is a potential threat for effective implementation of children's laws in Odisha.
- ❖ DCPUs are not staffed with required personnel as devised under ICPS resulting poor or non-performance in certain areas of their works.
- ❖ There is lack of coordination between CWCs and various line departments like health, education, social welfare at the service delivery level to facilitate integrated approach for child care and protection.

PARTICIPANTS DETAILS

1. Ms.Minati Tripathy
CDPO, Barkote
Deogarh
Mobile No: 8895326318
2. Mr.Sudhir Kumar Sahu
Rural Labour Inspector
Deogarh
3. Ms. Sakuntala Tete
Addl. DEO
Deogarh
Mobile No: 9777223312
4. Mr. Birendra Meher
Legal cum Probation Officer
Deogarh
Mobile No: 9437420654
5. Ms. Suniti Debata
CDPO, Reamal
Deogarh
Mobile No: 9958040101
6. Ms. Soumya Subhadarshni
Secretary
District Legal Services Authority
Deogarh
Mobile No: 9438181799
7. Ms. Seema Rani Panigrahi
Gender Coordinator
RTE-SSA
Deogarh
Mobile No: 9437882644
8. Mr.Chinmaya Kumar Swain
Protection Officer –IC
DCPU, Deogarh
Mobile No: 9439917466
9. Ms. Bharati Samal
Supervisor, ICDS
Teliabani, Deogarh
Mobile No: 7894028989
10. Mr.Saswat Kumar Nanda
Child Welfare Committee
Deogarh
Mobile No: 9439541614
11. Mr. Romeo Mahapatra
DCPO, Sundergarh
Mobile No: 9438318294
12. Mr. Subhasis Kar
DCPU, Deogarh
Mobile No: 9658830270
13. Mr.Anthony Tirkey
Inspector of Police
Deogarh
Mobile No: 9438645112
14. Mr. Jayakrushna Behera
DSP, DIB
Deogarh
Mobile No: 9437179891
15. Mr. Monoj Kumar Padhi
Member, CWC
Deogarh
Mobile No: 9437117504
16. Mr.Satya naryan Mishra
Child Welfare Committee
Deogarh
Mobile No: 9437149348
17. Ms.Sabita Das
CDPO, Hatadiha
Keonjhar
Mobile No: 9861605897
18. Ms.Mary Antonia Baa
Addl. DEO
Keonjhar
Mobile No: 9437685581
19. Ms.Kapra Majhi
CDPO, Keonjhar Sadar
Keonjhar
Mobile No: 9438377455
20. Mr.Kishore Kumar Rathore
Member, CWC
Keonjhar
Mobile No: 8895410540
21. Mr.Satya Narayan Kar
Civil Judge (Sr. Division)
Keonjhar
Mobile No: 94373087963
Email:
satyanarayna.kar74@gmail.com
22. Ms. Anju Ram
LPO, DCPU
Keonjhar
Mobile No: 9437250948
Email: anjuram9 @gmail.com
23. Ms.Puspa Minz
Rural Labour Inspector
Champua, Keonjhar
Mobile No: 9438869165

24. Mrs.Sailendri Pradhan
Chairperson, CWC
Sundergarh
Mobile No: 8763778403
25. Mr.Amrtya Pradhan
Inclusive Education Coordinator
Sundergarh
Mobile No: 9437219613
26. Mr. Janmajay Patel
ABEO, Sundergarh
Mobile No: 8895984176
27. Mr.Harendra Kumar Dehury
Addl. DSWO
Sundergarh
Mobile No: 9437321142
28. Ms. Swarnalata Dei
Chairperson,CWC
Sundergarh
Mobile No: 8763146616
29. Mrs.Gita Patel
C.D.P.O
Sundergarh
Mobile No: 9437249850
30. Mrs. Meenati Mohapatra
CDPO, Sundergarh
Mobile No: 943772446
31. Mr.Sreebanta Jena
DCPO, Sundergarh
Mobile No: 9040120323
32. Mr. Subodh Kumar Mallick
Dy. Superintendent of Police
IAHTU, Sundergarh
Mobile No: 9437198625
33. Ms. A.N Mohanty
Inspector of Police
Sundergarh
Mobile No: 9437368108
Email: amrutanandini@gmail.com

EIGHTH PROGRAMME (FOR BOLANGIR, BOUDH AND SUBARNAPUR DISTRICT)

DATE: 27-28 NOVEMBER 2015

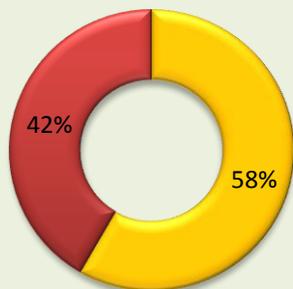
VENUE: DRDA CONFERENCE HALL, BOLANGIR

TOTAL PARTICIPATION- 36

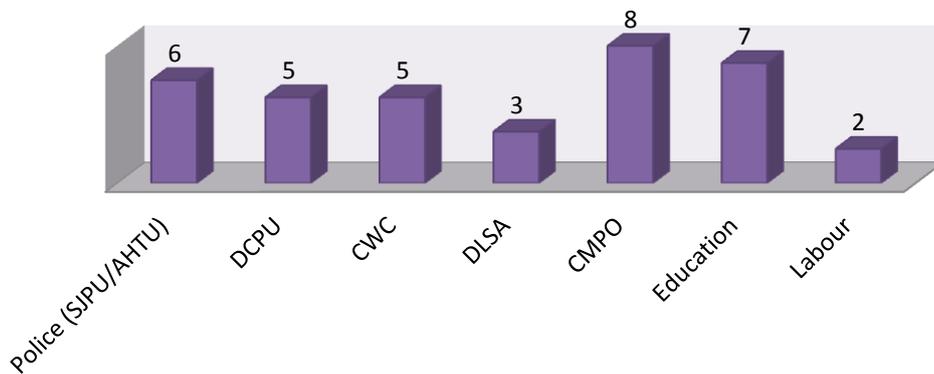
BOLANGIR- 09
BOUDH- 14
SUBARNAPUR- 13

Gender Representation

Male Female



Stakeholders Participation



Issues and Challenges

- ❖ Migration, child marriage, trafficking are the major issues of children
- ❖ Field level officials are not adequately familiar with updated development of children's laws and policies because training and orientation programmes are not held regularly develop their knowledge, skills and attitude to maximize their capacities to address the challenges that they are facing at the operational level to implement any children related law or programme.
- ❖ Lack of convergence among key stakeholders and absence of coordination among CWCs, JJBs, police, child line, District Child Protection Unit, Legal services authorities is the key issue to challenge effective implementation of juvenile justice law.
- ❖ There is acute lack of adequate, skilled human resources and failure to build a community linkage to facilitate reform, rehabilitation and reintegration of juveniles.
- ❖ Child Development Programme Officers (CDPOs) who have been designated as Child Marriage Prohibition Officers (CMPO) are overburdened with implementation of Integrated Child Development Scheme (ICDS) which hardly permit them to undertake additional responsibilities as required for the CMPO under Child Marriage Prohibition Act and Odisha Rules thereto. Further proper training and orientation are not provided to the CMPOs to sensitize them about their roles and responsibilities towards prevention, protection and prosecution of child marriage.
- ❖ The JJ Act prescribes for after-care programme for 18-21 years children after they leave special homes or children homes with objective to facilitate their transition from an institution based life to mainstream society for social reintegration. But there is a tardy implementation of after-care programme due to absence of systems to plan for pre-release to ensure effective reintegration, little participation of civil society organizations in the programme, and failure on the part of the government to provide life skills vocational training to the children and juveniles.
- ❖ Information about missing children, child victim of crime is not shared by police with CWCs as soon as matter is reported at the police station to enable CWC to initiate timely action for the protection of such children.
- ❖ The overarching role of DCPOs to support and monitor implementation of ICPS is not properly digested by the CWCs, SJPU and Child Line to allow DCPU to have any control in their domain.
- ❖ District Legal Services Authorities are confronted with acute infrastructure challenge, shortage of staffs, and insufficient budgetary allocation for promoting legal awareness campaign.
- ❖ CWCs are lacked with professionals like trained counselor, psychologists to assist committee to deal the Children of Special Needs.
- ❖ There is a huge gap in knowledge and awareness about juveniles in conflict with law, and the legal provisions governing them. This includes the limited knowledge regarding provisions of the JJ Act amongst the investigating authorities, lack of clarity on the 'place of safety'.

PARTICIPANTS DETAILS

1. Mr.Subash Chandra Rayaguru
Inspector of Police, IAHTU
Bolangir
Mobile No: 9437188431
2. Mr.Khageswar Moharana
Planning Coordinator
SSA, Bolangir
Mobile No: 9861067065
3. Ms.Prajnya Paramita Mahapatra
Secretary
District Legal Services Authority
Bolangir
Mobile No: 9861990373
4. Mr.Sanjay Kumar Mishra
Chairperson, CWC
Balangir
Mobile No: 9437124197
5. Mr. Jyoti Prakash Rath
Gender Coordinator
SSA, Boalngir
Mobile No: 9437229652
6. Mr.Digambar Kar
Legal cum Probation Officer
Bolangir
Mobile No: 9439490765
7. Mr. Madan Mohan Paik
District Labour Officer
Bolangir
Mobile No: 9437203130
8. Mr.Prasanta Kumar Joshi
Block Education Officer
Bolangir Block
Mobile No: 8908936881
9. Mr.B.K Sarangi
Member, CWC
Bolangir
Mobile No: 9438311314
10. Ms.Bijaylaxmi Marindi
PO, DCPU, Boudh
Mobile No: 9439708480
11. Ms.Sripriya Panigarhi
Member, CWC
Boudh
Mobile No: 9437207569
12. Mr.Debasis Duary
Planning Coordinator
SSA, Boudh
Mobile No: 9090773846
13. Mr.Dharanidhar Pradhan
Chairperson, CWC
Boudh
Mobile No: 9938096824
14. Mr.Atko Kujur
Dy. Superintendent of Police
Boudh
Mobile No: 9437255765
15. Mr.Pradeep Kumar Mohapatra
Anti Human Trafficking Unit
Boudh
Mobile No: 9938596226
16. Mr.Rahul Pradhan
DCPO, Boudh
Mobile No: 9437827254
Mobile No:dcpo.boudh.od@nic.in
17. Mr.Samarsen Singh
LPO, Boudh
Mobile No: 9439262683
Email:samarsen505@gmail.com
18. Mr.Dibya Shankar Dhurua
Rural Labour Inspector
Office of the DLO, Boudh
Mobile No: 8895157068
Email: dlo.boudh@gmail.com
19. Mr.Debendra Kumar Dehuri
Office of the DEO
Boudh
Mobile No: 7077973352
20. Ms.Minakshi Das
Secretary, District Legal Services
Authority
Boudh
Mobile No: 9437960100
21. Mrs.Minati Deo
CDPO, Boudh
Mobile No: 9437299015
22. Mrs.Prativa Das
CDPO, Harabhang
Boudh
Mobile No: 9437865881

23. Ms.Jashobanty Behera
CDPO, Kantamal
Boudh
Mobile No: 9437522890
24. Mr. Himansu Sekhar Kar
District Supervisor,
District Education Office
Subarnapur
Mobile No: 9438281243
25. Mr.Keshab Chandra Meher
Legal cum Probation Officer
DCPU, Subarnapur
Mobile No: 8658245983
26. Mr.Bijaya Kumr Biswal
Protection Officer- IC
DCPU, Subarnapur
Mobile No: 9178640549
27. Mrs.Meena Kumari Maharana
Member, CWC, Subarnapur
Mobile No: 9439579435
28. Ms.Sangita Mahapatra
Inspector of Police, Sonapur
Subarnapur
Mobile No: 9437837065
29. Mr.Benudhar Behera
District Project Coordinator
SSA, Subarnapur
Mobile No: 9937172813
Email:dpc-ssasonepuropepa@nic.in
30. Mr.Monoranjan Biswal
Deputy Superintendent of Police
Subarnapur
Mobile No: 9437237900
Email: mrbiswal2009@gmail.com
31. Ms.Jeevanjyoti Rath
Secretary, District Legal Services
Authority
Subarnapur
Mobile No: 9938077548
Email: rath.jeevanjyoti@gmail.com
32. Ms.Nibedita Soraf
CDPO, Sonapur
Mobile No: 9437705387
33. Mrs. Chandra Sahu
CDPO, Dunguripali
Subarnapur
Mobile No: 7894670998
34. Ms.Sanju Rani Mishra
CDPO, Biramaharjpur
Subarnapur
Mobile No: 9437430860
35. Mrs. Padmini Sahu
CDPO, Ulluda
Subarnapur
Mobile No: 9437835863
36. Ms. Annapurna Sonku
CDPO, Binika
Subarnapur
Mobile No: 9937140385

NINTH PROGRAMME (FOR KORAPUT, MALKANGIRI AND NAWARANGPUR DISTRICT)

DATE: 9-10 DECEMBER 2015

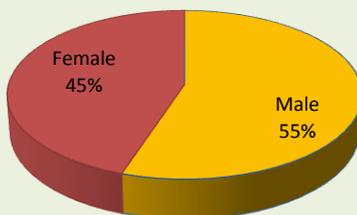
VENUE: CONFERENCE HALL,
DISTRICT DRINKING WATER &
SANITATION MISSION,
KORAPUT

TOTAL PARTICIPATION- 49

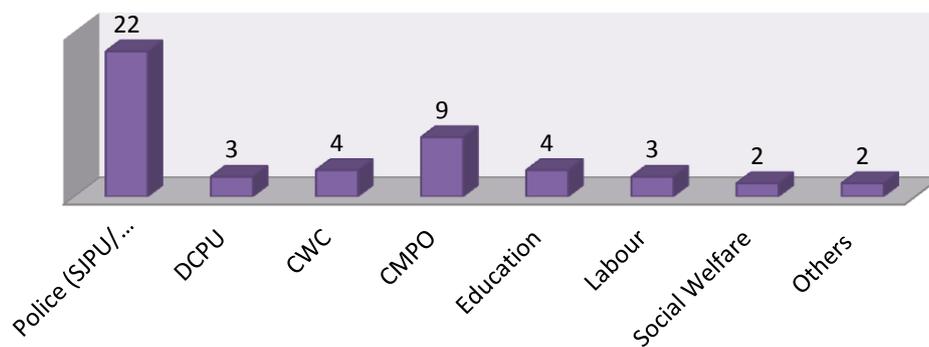
KORAPUT- 30
MALKANGIRI- 08
NAWARANGPUR-11



Gender Participation



Stakeholders Participation



Issues and Challenges

- ❖ Children are at high risk to early marriage, unwed motherhood of minor girls, migration, sexual abuse, trafficking, health hazardous, school dropout and also vulnerable to Maoist extremism in this region of Odisha.
- ❖ Reinforcing education to the child labour is a challenging task. Children who are rescued from the situation of labour are either 'never school going children' or they are 'dropout children' or 'first generation learner'. Therefore, it is difficult to bring such children back to school due to their de-motivation and insensitivity of parents towards education of children.
- ❖ Low literacy and lack of importance of education in the life of a child by parents is the major challenge to enrich the ethos of the Right of Children to Free and Compulsory Education Act, 2009.
- ❖ There are many instances where orders/ direction issued by the Child Welfare Committees are not complied by the Child Care Institutions to create confusion and negative perception among people on the authority of CWC.
- ❖ The probability to prosecute the errant employer of child labour is very little due to absence of cooperation from the parents and community to substantiate evidence.
- ❖ Absence of shared understanding of children laws especially the interconnectivity between Juvenile Justice Act and other legislations like Child Labour (Prohibition and Regulations) Act, Protection of Children from Sexual Offence Act etc among the key stakeholders creates challenges for the effective implementation of laws.
- ❖ Lack of required numbers staffs at the police stations makes difficult to exclusively use Child Welfare Officers of SJPU to deal only children cases. More often Police officers of SJPU are deployed to address law and order situation or maoist menace.
- ❖ Sexual offence against girl children by the Maoist/ Naxalite groups is rampant in this region, but many of the cases go unreported due to fear and threat.
- ❖ CWC is lacking with basic infrastructural support such as separate office space, computer systems, technical support, travel allowance, secretarial support etc even though there are provisions to provide same under ICPS.
- ❖ Confusion and ambiguity are still persist among the personnel of SJPU, Child Line, Labour Department, DCPUs about their roles and duties regarding the matter of

children in need of care and protection (CNPC) due to absence Standard Operating Procedures (SOP) for each authorities.

- ❖ There exist a huge gap between the Legal Services Authority and the Child Protection System (CWC, SJPU, DCPU, Child Line, CCIs) due to absence of interface among these institutions to ensure easy access for children (children in conflict with law, child victims, and children in need of care and protection) to legal service.

The participants came out with some suggestions/ action plan to address the issues of high concern at this region. They are as follows:

1. CHILD MARRIAGE

- Sensitization to different stakeholders at the District, Block, Gram Panchayat, and Village level as well as in all residential schools.
- Sensitization grassroots workers such as AWWs, PRI members, community leaders, religious heads.
- Context specific IEC materials/ knowledge products in the form of posters, wall paints, booklets, street play and through social media as well.
- Engaging secret informer at each revenue village.
- Strengthening Balika Mandal meetings at AWW level.
- Constituting Block Level Task Force comprising of Child Marriage Prohibition Officer, police, child protection committee, NGOs.

2. MIGRATION

- Ensuring job guarantee to the vulnerable families as per NREGA.
- Compulsory registration of migration at the gram panchayat level through ward members.
- Tracking and monitoring of safety and secured migration by the special task force.

3. SEXUAL ABUSE

- Sensitization and awareness to strengthen community protection system.
- Reproductive health education to girl children.
- Ensuring prosecution and stringent punishment to offenders.
- Promoting critical sensitization of POCSO Act.

- Imparting sex education at school levels.
- Expanding outreach of childline service.

4.CHILD LABOUR

- Scientific mapping of vulnerable families.
- Developing complete data base of child labour and its regular updation.
- Developing replicable model on complete prohibition of child labour.
- Harmonizing strong convergence of labour department with large Child Protection System (i.e CWC, DCPU, SJPU).
- Introducing E-monitoring of attendance and retention of children at school education.

5. SCHOOL DROPOUTS

- Ensuring quality pre-school education at AWCs.
- Strengthening community participation to monitor successful transition of children home to pre-school and to primary education.
- Sensitizing SMCs, PTA, MTA, PRIs and CBOs about Right of Children to Free and Compulsory Education and roles envisaged for them thereto

PARTICIPANTS DETAILS

1. Mr.Prasanta Kumar Sethy
Planning Coordinator, RTE
Koraput
Mobile No: 9438369957/9938328540
Email:
prasantsethy1975@rediffmail.com
2. Ms.Anusaya Nayak
SI of Police, Boriguma PS
Koraput
Mobile No: 9438133331
3. Mr. Binod Kumar Biswal
ASI of Police, Sunabeda PS
Koraput
Mobile No: 9438415747
4. Mr.Jayadev Pradhan
Member, CWC
Koraput
Mobile No: 9437109347
5. Mr.Jagu Nayak
Member, CWC
Koraput
Mobile No: 9437626058
6. Ms. Bijaya Laxmi Hikoka
S.I of Police
Semiliguda P.S,Koraput
Mobile No: 9438117030
7. Ms. Tulasi Manjari Bhuyan
SI of Police
Koraput
Mobile No: 9438514201
8. Ms.Sunita Behera
SI of Police
Koraput
Mobile No: 9438643808
9. Mr.Purnachandra Adhikary
Field Officer, NCLP
Koraput
Mobile No: 9437434082
10. Mr.Gagan Kumar Gadanayak
Labour Inspector
Koraput
Mobile No: 9556777088
11. Mr. Karunakar Gonda
SI of Police, Bandhugaon PS
Koraput
Mobile No: 9438382533
12. Mr.Uttam Kumar Sahu
SI of Police
Narayanapatana PS
Koraput
Mobile No: 9437693347
13. Mr. Chandrabhanu Mohanty
S.I of Police
Boipariguda PS
Koraput
Mobile No: 9438413390
14. Ms.Seema Sangita Lugum
SI of Police, Kotapad PS
Koraput
Mobile No: 9438406035
15. Ms.Jharana Pradhan
SI of Police
Jeypore Sadar PS
Mobile No: 9437513098
16. Ms. Pramila Bidika
Inspector in Charge
Mahila PS, Jeypore
Koraput
Mobile No; 9437904912
17. Mr.Harish Chandra Golari
ASI, Padma PS
Koraput
Mobile No: 9438726962
18. Mrs. Snigdharani Mishra
CDPO, Semiliguda
Koraput
Mobile No: 9437374893
19. Mr. Bhuleswar Konhar
District Social Welfare Officer
Koraput
Mobile No: 9437973192
20. Mr. Sudesh Pattanaik
DPO, Education
Koraput
Mobile No: 9437111843
21. Mr. Uday Kumar Turur
Singhpur, Koraput
Mobile No: 9437524755
22. Ms. Jyoshnarani Padhy
CDPO, Koraput
Mobile No: 9437013000

23. Ms. Rajashree Das
DCPO, Koraput
Mobile No: 9438368593
24. Ms. Kalabati Parija
C/908, Koraput
Mobile No: 9439477275
25. Ms. Nilima Panigrahi
ASI, Nandapur PS
Koraput
Mobile No: 8895322373
26. Mr. Anirudha Nayak
SI, Pottangi PS
9437268271/9337268271
27. Ms. Rajashree Pattanaik
CDPO, Koraput
Mobile No: 9437351189
28. Mr. Monoj Kumar Pradhan
SI of Police, Laxmipur PS
Koraput
Mobile No: 87637223476
29. Mr. Niro Kumar Mallick
SI of Police, Kakirguma PS
Mobile No: 9438831515
30. Ms. Santosini Oram
Inspector in Charge
Koraput Sadar PS
Koraput
Mobile No: 9437151282
Email: santosini.oram@gmail.com
31. Ms. Sebati Rout
ICDS Supervisor
Mathli, Malkangiri
Mobile No: 9437112198
32. Ms. Nilima Rani Mandal
ICDS Supervisor
Malkangiri
Mobile No: 9439233466
33. Ms. Kuni Sabar
S.I of Police, Malkangiri
Mobile No; 9439500897
34. Mr. Saroj Kumar Sethy
S.I of Malkangiri
Motu Police Station
Malkangiri
Mobile No: 9437225980
35. Ms. Bidyullata Patra
CDPO, Kalimela
Malkangiri
Mobile No: 9437096809
36. Ms. Sanjukta Pradhan
Chairperson, CWC
Malkangiri
Mobile No: 9437635494
37. Mr. Narayan Das
DCPO, Malkangiri
Mobile No: 9437790432
38. Mr. Bhart Chandra Nath
ABEO, Korakonda Block
Malkangiri
Mobile No: 9438222957
39. Mr. Bijay Kumar Choudhury
Chairperson, CWC
Nawarangpur
Mobile No: 9438103987
40. Mr. Niroj Kumar Mund
District Labour Officer
Nawarangpur
Mobile No: 9437292641
41. Mr. Pradip Kumar Sarangi
District Planning Coordinator
RTE-SSA, Nawarangpur
Mobile No: 9776961579
Email: sarangi1978@gmail.com
42. Dr. K.N Sharma
District Education Officer
Nawarangpur
Mobile No: 8280013677
Email:
kulamaninathsharma@gmail.com
43. Mr. B.K Brahma
Dy. Superintendent of Police
PCR Cell, Nawarangpur
Mobile No: 9437323468
44. Mr. Suresh Kumar Pattanaik
DCPO, Nawarangpur
Mobile No: 8895186403
Email: dcpo.nawarangpur.od@nic.in
45. Ms. Gitarani Sahoo
CDPO, ICDS Project
Papadahandi, Nawarangpur
Mobile No: 9438327915
46. Ms. Binodini Pattanaik
CDPO, ICDS Project
Tentulikhunti
Nawarangpur
Mobile No: 9438375508

47. Ms. Manjushree Rath
CDPO- ICDS Project
Dabugaon, Nawarangpur
Mobile No: 9861616768
48. Ms. Basanti Hemram
District Social Welfare Officer
Nawarangpur
Mobile No: 9437657154
49. Mr. Shankar Prasad Majhi
Nawarangpur
Mobile No: 9437923749

TENTH PROGRAMME (FOR KALAHANDI, NUAPADA AND RAYAGADA DISTRICT)

DATE: 15-16 DECEMBER 2015

VENUE: COLLECTORATE
CONFERENCE HALL,
BHAWNIPATANA

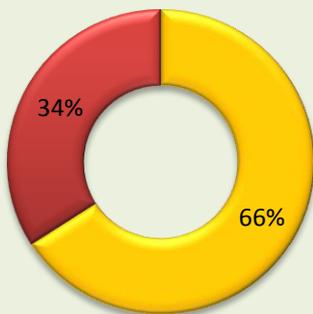
TOTAL PARTICIPATION: 47

KALAHANDI- 15
NUAPADA- 19
RAYAGADA- 13

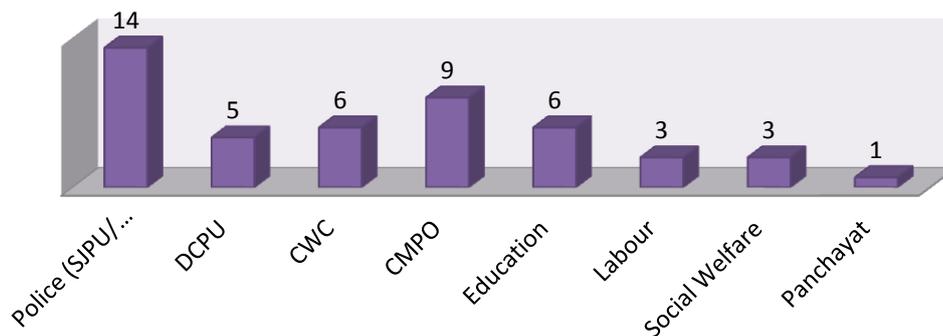


Gender Representation

Male Female



Stakeholders Participation



Issues and Challenges

- ❖ Children are highly vulnerable to health hazardous, sexual abuse, trafficking, migration and school drop outs.
- ❖ The practical challenge before police to ensure timely recording of statements before magistrate u/s 164 of Cr PC and medical examination of victim particularly the cases related to Protection of Children from Sexual Offences due to lack of support from court and the medical officers.
- ❖ CWC does not have resources at its dispensation to cover any costs incurred by children presented before them.
- ❖ Universal retention for completion of elementary education as envisaged by the Right of Children to Free and Compulsory Education Act, 2009 is a major challenge at the tribal pockets due to lack of critical sensitization among parents and communities towards child education.
- ❖ Girl children studying at SC & ST Residential Schools are at high risk for sexual abuse either due to unsafe school environment or negligence of school staffs.
- ❖ The presence of District Child Protection Units is underestimated by other officials of district administration as staffs appointed at DCPU are contractual. Many times communication made by DCPO relating the issues of children are not seriously viewed or expediently taken up by the officials of other line departments like police, social welfare, labour, legal services authority either due to sheer ego of being permanent government staffs or their lack of understating about critical roles of DCPUs to strengthen child protection structure at the district level.
- ❖ Lack of overall infrastructure, absence of trained human resources, inadequate financial grants are the major concern for CCIs to provide quality child care services.
- ❖ District Labour Offices are lacked with proper infrastructure facilities (i.e vehicle, IEC materials, Training Learning Materials) to create mass sensitization and social mobilization against child labour.

- ❖ Poverty, Illiteracy and Traditional Social Practices has enormously impacted to build negative behavioral attitude and mindset among the community which detriment child rights sensitization process.
- ❖ Many of the officers who are at the helm of child affairs like Child Marriage Prohibition Officer, District Child Protection Officers, District Labour Officers, and Education Officers do not have law education or they are not adequately sensitized about law, legal system and legal process to facilitate legal intervention in the event of child rights violation.
- ❖ In majority of the schools, legal education programme is not held to orient school students about child rights, and its protection mechanisms. And where legal education programmes are held, they are either unstructured or improper to help students to gain sustainable knowledge on child rights education.
- ❖ The overall infrastructure available at the schools is not congenial to ensure safety environment and security for children.
- ❖ Compensation dueable under the Victim Compensation Scheme to the survivors of child sexual offences is invariably delayed due to non-availability of adequate funds at the hands of the District Legal Services Authority at due time.
- ❖ Due to lack of coordination and inadequate staff and infrastructure, SJPU's do not function effectively.

PARTICIPANTS DETAILS

1. Ms. Kusuma Kumari Praharaj
Child Development Project Officer
Langigarh, Kalahandi
Mobile No: 8895087910
2. Ms.Sanjukta Behera
CDPO, Junagarh
Kalahandi
Mobile No: 9437154041
3. Ms.Puspamitra Kanungo
Member, CWC
Kalahandi
Mobile No: 8895936169
4. Ms. Jagyanseni Behera
CDPO, Bhawanipatana (U)
Kalahandi
Mobile No: 9437140541
5. Mr. Pradeep Kumar Nag
District Education Officer
Kalahandi
Mobile No: 9437120640
6. Ms. Swarnalata Biswas
D.S.W.O, Kalahandi
Mobile No: 9437642987
Email: dswokalahandi@nic.in
7. Mr.Gabakshya Naik
District Project Coordinator
Kalahandi
Mobile No: 9937408689
8. Mr.Dukhabandhu Nayak
Dy. Superintendent of Police
HRPC, Kalahandi
Mobile No: 9437839417
9. Mr. Sangram Dalei
Rural Labour Inspector
Bhawanipatana, Kalahandi
Mobile No: 9439504641
10. Mr.Ambarish Rath
District Panchayat Officer
Kalahandi
Mobile No: 9437683898
11. Mr. Asit Kumar Pattanaik
Member, CWC
Kalahandi
Mobile No: 9937650768
12. Mr. Shailendra Sekhar Mohapatra
DCPO, Kalahandi
Mobile No: 9438090100
13. Mr. Satyanaryan Pattanayak
Member, CWC
Kalahandi
Mobile No: 9437070326
14. Mr. Sudhansu Sekhar Mohapatra
LPO, DCPU
Kalahandi
Mobile No: 8895760427
15. Mr.Gulam Amibulla Khan
ORW, DCPU
Kalahandi
Mobile No: 9938950115
16. Mr. Bishnu Naik
Inspector of Police
Nuapada
Mobile No: 8455975434
17. Mr. Rabindra Kumar Sethy
Deputy Superintendent of Police
Nuapada
Mobile No: 9438712100
Email: rksethy99@gmail.com
18. Mr.Ramachandra Sahoo
DSWO, Nuapada
Mobile No: 9437932559
19. Ms. Man Kumari Lambo
CDPO, Nuapada
Mobile No: 9437839417
20. Ms. Sarada Dixit
Child Development Project Officer
Nuapada
Mobile No: 9437222560
21. Ms. Niyati Joshi
CDPO, Nuapada
Mobile No: 9437222560
22. Mr. Jitu Mohan Besra
S.I of Police, Komna PS
Nuapada
Mobile No: 9938611115
23. Mr. Kamalakanta Kanhar
S.I of Police, Jonk PS
Nuapada
Mobile No: 8763751471
24. Mr.Krushna Saha
S.I of Police, Lakhana PS
Nuapada
Mobile No: 7749948054

25. Mr. Niranjan Sethy
S.I of Police, Khariar PS
Nuapada
Mobile No: 9777339296
26. Mr. Tapan Kumar Nahak
S.I of Police, Dharmabandh PS
Nuapada
Mobile No: 9439014405
27. Ms. Urmila Lakra
S.I of Police
Nuapada
Mobile No: 9937467691
28. Ms. Kadambini Parida
Child Welfare Officer
Boden PS
Nuapada
Mobile No: 9938062223
29. Mr. Dileswar Das
Child Welfare Officer
Sinapali PS, Nuapada
Mobile No: 9437293686
30. Mr. Mitrabhanu Kachhap
DEO, Nuapada
Mobile No: 9437082963
31. Mr. Adikanta Das
DPC, RTE
Nuapada
Mobile No: 9437334955
32. Dr. Fanindam DEo
Member, CWC
Nupada
Mobile No: 9437640449
33. Mr. Chandan Majhi
Rural Labour Inspector
Nuapada
Mobile No: 8763039174
34. Mr. Jitendra Kumar Biswal
S.I of Police
Nuapada
Mobile No: 9556102108
35. Mr. Premananda Rout
District Education Officer
Rayagada
Mobile No: 943733394
Email: deorayagada27@gmail.com
36. Mr. Ramesh Chandra Nayak
DCPO, Rayagada
Mobile No: 9439188462
37. Ms. Yerra Madhulata
District Project Coordinator
Rayagada
Mobile No: 9861563966
38. Mr. Hrudananda Panda
Chairperson, CWC
Rayagada
Mobile No: 9437434887
39. Mr. Puspanjali Mishra
CDPO, Rayagada
Mobile No: 9437529229
40. Ms. Kiranbala Sarangi
CDPO, Gunupur
Rayagada
Mobile No: 9437836849
41. Mrs. Surama Seth
CDPO, Rayagada
Mobile No: 9178355385
42. Mr. Batakrishna Mishra
Inspector of Police, IAHTU
Rayagada
Mobile No: 9437319141
43. Mr. Baladev Rath
DCPO, Rayagada
Mobile No: 9437001706
44. Mrs. B.S.B.N Bag
DSWO, Rayagada
Mobile No: 9438103543
45. Mr. Rishi Mahuka
DPO, Rayagada
Mobile No: 9437162296
46. Mr. Babu Charan Patra
Assistant Labour Officer
Rayagada
Mobile No: 8093291965
47. Mr. Naba Kumar Kanta
Member, CWC
Rayagada
Mobile No: 943772205

Centre for Child Rights was established in the year 2015 by the National Law University Odisha, Cuttack as a specialized unit to pioneer teaching, research, training and advocacy in the field of rights. The vision of the centre is to ensure justice to children and promote effective implementation of children's laws and governance in the State of Odisha. In its present engagement and with the generous support of UNICEF, Centre strives to support and strengthen child protection structure by leveraging knowledge change and policy reforms at the various levels of institutional governance to make the juvenile justice system to be more accountable, efficient and effective for protecting and promoting child rights

For more information, please contact
Centre for Child Right
National Law University Odisha
Kathajodi Campus
Sector-13, CDA, Cuttack-753015
Telephone: 0671-2338011

Web: www.nluo.ac.in

