



*Symposium on  
Legal Education and Policy Research on Child Rights*

*29 -31 July 2019*

*Organized by:*  
**Centre for Child Rights  
National Law University Odisha**

*Supported by:*  
**United Nations Children's Fund (UNICEF)  
Odisha Office, Bhubaneswar**

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## Introduction:

The Centre for Child Rights, NLUO organized **Three-day Symposium on Legal Education and Policy Research on Child Rights** from 29<sup>th</sup> to 31<sup>st</sup> July 2019 with **UNICEF support** at the National Law University Odisha, Cuttack. It was a first of its kind deliberation on the role of law schools in facilitating child rights education and relevant areas of policy research in the domain of child rights that merit attention. International and national advocacy on law and policy reforms have necessitated such dialogue and deliberations. In the symposium the following thematic issues were discussed in details

- 1) Legal Education – Integration and offering of Child Rights & Juvenile Justice –Experiences, challenges and road map
- 2) Legal Research- Juvenile Justice & Child protection – experience, challenges and exploring new areas for cooperation among law schools
- 3) Advocacy and policy documents on law reforms on juvenile justice and child protection
- 4) Clinical legal education and multidisciplinary issues

## Context:

National Law School of India University, Bangalore established the Centre for Child & law on April 1, 1996. The aims and objectives of the Centre was to integrate research, direct field action and teaching on child rights law; and uses law and socio-legal strategies as a tool for transformative social change in order to enable children to live with dignity

The National Law University of Odisha established the Centre for Child Rights in 2015 with support from UNICEF. It is the second such Centre established after the Centre for Child & Law at the National Law School of India University, Bengaluru. The Centre's mission is to improve access to justice for children; promote research and advocacy to strengthen child rights laws and policies. Since its establishment, the Centre has demonstrated and contributed to knowledge sharing and dissemination in Odisha. Based on the work that the Centre has been able to undertake it has been featured in the UN News under UN Works in India: Peace, Justice and Strong Institutions- Knowledge partnership with National Law University, Odisha (Newsletter of the UN Information Centre for India and Bhutan, December 2016, Vol. XII).

Since 2015, UNICEF has been supporting the setting up of similar child rights centres in the states, most of them within Law Schools and also elsewhere. At present Law Schools at Vishakapatnam, Assam, Ranch and Patna also have established the Child Rights Centre with UNICEF support. UNICEF is also supporting the Centre for Child Rights at the Sardar Vallabhi Patel University on Police Security & Criminal Justice, Jodhpur and the CID of Police, Jharkhand, Raipur. UNICEF has also been working in collaboration with Dr Ram Manohar Lohiya National Law University, Lucknow towards training and capacity building of key juvenile justice personnel and offering technical supports at the district level. All of them are also engaged in legal research.

Each of these Centres are bestowed with the responsibility of ensuring meaningful dialogue with stakeholders, evolve advocacy and policy reforms and promote legal education on children issues by offering specialized programmes.

Although these Centres have common agenda of legal education and policy research on child rights, it was under consideration for sometimes to explore the collaborative efforts of all Centres of Child Rights and the outcome is the three-day symposium on Legal Education and Policy Research on Child Rights organized by the Centre for Child Rights, NLUO.

## Objectives:

- 1) To share and understand the overall insights and current engagements of National Law Universities towards promotion of sustainable child rights programmes.
- 2) To provide critical understanding of the trends of child rights education for promoting collaborative and cooperative approach to strengthen child rights education.
- 3) To foster cooperation for promotion of empirical studies, policy papers, knowledge toolkits, information sharing and academic dialogues on child rights and juvenile justice.
- 4) To identify thrust areas and emerging issues which would be amenable for empirical research and evidence based advocacy.
- 5) To explore area of mutuality, cooperation and sharing of resources amongst the child rights centres of NLUs across in India.

## Participants:

Around thirty persons including senior faculties, researchers, and programme heads of child rights centres, child protection consultants of the following institutions participated in the programme.

- 1) National Law School of India University, Bengaluru
- 2) National Law Institute University, Bhopal
- 3) West Bengal National University of Juridical Sciences, Kolkatta
- 4) Chanakya National Law University, Patna
- 5) National Law University of Study and Research in Law, Ranchi
- 6) National Law University and Judicial Academy, Assam
- 7) Damodaram Sanjivayya National Law University, Vishakapatnam
- 8) Dr. Ram Monohar Lohiya National Law University, Lucknow
- 9) National Law University Odisha
- 10) Sardar Patel University of Police Security and Criminal Justice, Jodhpur, Rajasthan
- 11) Police Headquarters, Chhatisgarh
- 12) UNICEF, Assam
- 13) UNICEF, Odisha

## Sessions Plan:

There were four technical sessions as follows besides the introductory and valedictory sessions in the symposium.

- 1) Understanding child rights education on international and national perspectives
- 2) Resource mapping of law schools on child rights education
- 3) Building collaborative and cooperative partnership for policy advocacy
- 4) Research and knowledge management

## Proceedings:



The symposium began on 29<sup>th</sup> July 2019 with opening remarks by Prof. Sri Krishna Deva Rao, Vice-Chancellor of NLU Odisha. He extended a warm welcome to the academicians and practitioners who were participating in the symposium. In his opening remarks, he touched upon how child rights figures within the larger umbrella of human rights triggered the evolution of social litigation beginning from Sheela Barse vs Union of India. Prof. Rao pointed out the Law schools shall explore the research on the basis of Sampurna Behura judgement to explore the status of implementation of legislation.

Recognizing the recent developments including the law reforms on children legislations focusing on designing curriculums on child rights perspective and Legal Education shall be explored. He ended with an inspiring quote of Pandit Jawaharlal Nehru emphasizing on how children should be carefully and lovingly nurtured like buds in a garden as they are the future of the nation and the citizens of tomorrow.

## Technical session-1: Understanding child rights education on international and national perspective

**Prof (Dr.) V.S. Elizabeth, Faculty coordinator of the CCL at NLSIU, Bangalore,** while

facilitating the discussions on the topic on **“Present Practice of Child Rights Education by Law Schools”** she passionately pointed out some of the ground breaking work undertaken and completed by NLSIU in terms of research and training materials aimed at a wide range of stakeholders ranging from the police to bureaucrats. She admitted that NLSIU Bangalore has not been able to integrate courses of child rights into the trimester system that prevails there. She

pointed out that field researchers don't prefer to be in classrooms teaching and the lack of interaction between faculty and the centre makes it quite difficult to coordinate and integrate a child rights course. According to her, a standalone course on child rights is not a very good idea. She expressed that a major concern in integrating courses is the lack of good textbooks. Even though the Centre has come up with a plethora of training materials, they don't qualify as textbooks for teaching. Training materials are brief and to the point since judges and





bureaucrats do not have time to go through prose-like material. She suggested that even elected MPs should be trained in gender and child rights and interventions that they can implement in their constituencies. Prof Elizabeth also pointed out the lack of child rights lawyers and highlighted need for promoting lawyers practicing with specialization on children issues. Inculcating the tendency of Child Rights lawyering among the students of National Law Schools is also a challenge to face.

After describing NLSIU' contribution to child rights education, she has also mentioned the internship programme offered by the Centre where law students as well as students from other disciplines are given an opportunity to develop a passion for child rights. The internship is a rigorous programme with intensive assessment both in terms of qualitative and quantitative contributions and the level of benefits received by both ends (the centre and the individual). The internship will be for a minimum period of one month. During internship the students have to undertake field visits, action or empirical research, report preparation and presentation.

Prof. Elizabeth insisted that class room teaching shall also be encouraged by field workers along with the faculty members to blend the theory and practice to be understood by students.

**Dr. Ananya Chakraborty,  
Assistant Professor of Law  
and Faculty Coordinator,  
Centre for Child Rights, NLUO**

pointed out that NLUO has been following the coordinated efforts among CCR and faculty members in developing curriculum for clinical and seminar courses and the active participation of faculty members and students on the activities of CCR. The third-year students during their sixth semester are offered compulsory clinical courses on juvenile justice, child labour, right to education, community advocacy, Legal Aid and Access to justice. She has indicated that



the courses in NLUO are designed in a way that students are more in touch with ground realities and get an opportunity to interact with stakeholders. These students have class room tutorials followed by practicum. The methodology adopted for clinical courses are empirical research reports by students on their filed exposure, skits and legal aid camps. It provides them opportunities to test their class room tutorials with practical experimentation.

As far as clinical course on juvenile justice is concerned 30 students enrolled. They were given class room tutorials by faculty members, CCR personnel and guest faculty of national reputation. Students have gone for field visits to observation homes. They interacted with Children in observation homes, the staff members, the personnel in the JJB and CWC.

NLUO offered Two-year Advanced Diploma on Para Legal under the Barefoot Lawyers Community College programme and got the approval for the introduction of Bachelors of Vocation on Paralegal training with flexible entry and exit option.



**Dr. Ananya** highlighted the work done by CCR in terms of training, advocacy, policy analysis, course materials, research and publications. She also identified the lacuna of integration of field workers in academia and strongly recommended the importance of a symbiotic relationship among UNICEF, CCR and other major stakeholders such as the judiciary and government.



**Dr. Ananya's** presentation was further supplemented by Ms. Kuntirani Padhan, faculty of NLUO. As a focal point for all Clinical Legal Education segment of NLUO she has pointed out that 6 clinical courses are being offered by NLUO on juvenile justice, Right to education, Child Labour, Access to justice, PIL and Legal Aid. Besides, there is a Legal Aid Clinic in two villages in the districts of Khorda and Cuttack.

NLUO is also associated with Unnat Bharat Abhiyan and has been doing community based legal empowerment programmes with the active participation of students.

NLUO is also offering Seminar Course on Child Rights. The difference between seminar and clinical course was explained by her where in the latter a thematic orientation is offered, preliminary surveys are undertaken and stakeholders are consulted.

**Mr. S. Kannayiram, Senior Programme Coordinator of CCR-NLUO**, also added that the clinical courses help students to experiment the theoretical inputs during filed level practicum. It provides the students to analyse the theory and practice. He further mentioned that the Centre for Child Rights, NLUO has also developed the four diploma programme

1. Diploma Programme on Child Rights
2. Diploma Programme on Juvenile Justice
3. Diploma Programme on Psychosocial care of children
4. Diploma Programme on Medial & Forensic Evidence in Child Abuse

The learning materials for the above programmes have also been developed with the assistance of subject experts. The contents writings were reviewed and finalized. NLUO is in the process of exploring the MOOC programme under SWAYAM to launch the courses online.

Discussing on the Child Rights Education on International Perspective, **Dr. K. A. Pandey**, Associate Professor of Law and Head, Centre for Child Rights, Dr. Ram Manohar Lohiya National Law University, Lucknow began with a presentation on strengthening child protection in the state of Uttar Pradesh. He explained that the Centre has a Project with UNICEF support. The nature of the project was an action research project covering 26 districts. The engagement of divisional technical resource persons to provide technical supports to ensure stakeholders to perform duties and functions within the legal parameters. He stated even though RMLNLU, Lucknow does not have a Centre dedicated to Child rights. However, the University it is actively



involved with UNICEF in implementing district level technical support services to stakeholders in UP. He has explained the importance of perusing the implementation of legislation focusing on legal perspective. He has pointed out that age determination area in the JJ Act is still in muddy waters – unclear about the position of law and practice. While sharing pictures of police stations made “child-friendly”, he stressed that changes should not merely be infrastructural but attitudinal among the police. His other observations included that most police stations do not keep a copy of the JJ Act, judicial officers and public prosecutors are the most insulated officers to sensitize.

The lacunas he pointed out were the prevalence of lack of proper understanding on law and its objectives and lack of coordination among stakeholders and there are the primary issues of proper implementation. He recommended, that not just NLU's but other law schools should endeavour to infuse child rights education in their curriculums.

During the deliberation, Prof. Elizabeth intervened and stated that standalone courses on Child rights and JJ are not too helpful unless critical areas are identified and infused in existing subjects. Dr. Pandey further mentioned that in his university there is no child rights in their curriculum as a single course but it offers a paper of JJ in the 1-year criminal law LLM programme. He added that the JJ Act should not be a mere supplement at the end of CRPC and criminal law books but as infused provisions. He indicated other laws besides criminal law where JJ and Child rights can be infused are family law, labour law and constitutional law.

Dr. Pandey mentioned that with reference to the international perspective on child rights education under the existing framework of education in tertiary level it is not possible to bring international perspective in every subject taught in the NLU's. However, Child rights education needs brainstorming and exchange of ideas among law schools can shape the Legal Education with international standards.

**Dr. Syamala Kandadai**, representing NUSRL, Ranchi began her presentation laying emphasis on the state's responsibility to help everyone become sincere, committed and law abiding citizens. She informed that child rights education has never been included in any curriculum in her university. She expressed her concern about no takers for LLM courses on child rights due to lack of employability in the particular area. She stressed on integration of legal education would not merely curriculum; but to create impact and effective delivery. State's approach towards child rights education is not in proportion to the magnitude of the problem and urged that it is urgently necessary to incorporate child rights education as a part curriculum not only at the Universities but also from the schools. If students are taught from the school level, they will grow up as sensitized individuals with a positive attitude.



## Technical session-2: Resource mapping of law schools on child rights education

In the second technical session respective law schools made presentation and highlighted the activities of Centres for Child Rights and also the status of legal education in their respective law schools.

### Presentation of NLUO

**Dr. Ananya Chakraborty, Assistant Professor of Law and other faculty members such as Ms. Kuntirani Padhan, Ms. Anuroopa Chetia, Mr. Kanish and Ms. Pallabi Sengupta.** Highlighted the functions of legal aid clinics and the participation of students in community legal awareness programmes through video presentation. The Legal Aid Clinics such as Community advocacy, prison advocacy, labour, juvenile justice, land rights and Right to Education are engaged in field work with the students. Ms. Kuntirani Padhan, the focal



person for all Legal Aid Clinics mentioned the parameters being adopted for evaluation of students' performances and contributions including outcome.

**Ms. Anurupa Chetia** who is in charge of the juvenile justice clinic elaborated that faculty members and CCR personnel involved in call room tutorials. Guest faculty with national reputation were also invited to interact with students. Visit to various observation homes in Angul, Rourkela and Behrampur were made. The students also got the opportunity to interact with CWC and JJB members and obtained clarifications



With regard to the Clinical course on Right to Education Ms. AnurupaChetia pointed out that after call room tutorials, the students visited Odia medium schools and observed the extent to which the RTE is implemented.

Problems faced by the students in the schools were noted down for future interventions and fundamental digital literacy was spread by the students of NLUO.



**Mr. Kanishk**, faculty in-charge of Community Advocacy clinic pointed out that it does not have fixed theme. Students visit villages and interact with the people. Based on interaction, the students correlate with law and policy and the plight of people.

Subsequently, surveys are undertaken and reports are compiled based on the observations and findings.

contours of child rights including national and international perspectives including current burning issues.

**Ms. Pallabi Sengupta** who offers seminar course on juvenile justice and child rights informed that she tries to inculcate a perspective that is child centric, various



Prof. Elizabeth raised a very important issue regarding ethics and recommended the constitution of an Ethics Committee which needs to be consulted before community level interventions are undertaken.

## Presentation of NUSRL Ranchi

**Dr. Syamala Kandadai** informed that the Centre for Child rights was established in 2018 with UNICEF support. Since then, within a year the Centre has accomplished many studies including mapping the standards of Government-run-observation Homes in State of Jharkhand, drafting the Jharkhand Guidelines for Sponsorship of children 2018, and preparation of module on Child Marriage for para-legal volunteers. Modules on understanding the child psychology for students of NLU, legal aid lawyers, CWC and JJB were also made.



The Centre conducted the following activities

- State level orientation on Alternative Family based care and dissemination of the foster care and sponsorship guidelines in partnership with DWCD.
- State level workshop for capacity development of JJ functionaries, trained police officials of CID Ranchi and various training with legal aid services.

At present the Centre is preparing reports of output of the training programs organized in the last three years for CWC, JJB, DCPU and SJPU. It is also developing a six month 'Diploma Course on Child Protection & Law' for CWC, JJB, DCPU and SJPU of State of Jharkhand, training modules for SJPU and DCPUs and many other training programmes for various stakeholders. NUSRL is also planning to integrate child rights into the academic course by introducing an LLM course on Child Rights however that is still in the dialogue stage. Dr. K. Syamala also suggested that CWC members should have a compulsory qualification through courses which can enhance sensitization among them.

### Presentation of NLUJA, Assam

**Dr. Gitanjali Ghose, Assistant Professor of Law & Faculty Coordinator of the Centre and Ms. Richa Surabhi Tigga, Research Associate** appraised the participants on the status of Legal Education. The LLM course offered by NLUJA on Human Rights has three taught courses which have modules devoted to child rights which include– international as well as regional practices, detailed discussions on the UNCRC, General Comments on CRC, study of



African, Asian, European practices and national and international human rights enforcement mechanisms with regard to children.



**Ms. Richa Surabhi Tigga** highlighted the activities and measures that were undertaken by the Centre. The Centre has conducted various state-level training and awareness generation workshops. A course on child rights and law being offered saw good participation. The Centre has also made important recommendations to the NCPCR and SCPCR.

### Presentation of CNLU, Patna

**Dr. Sugandha Sinha, faculty coordinator** spoke about emerging issues related to children in Patna. She talked about the incidence of Acute Encephalitis Syndrome and how the National Health Mission funds were released very late to tackle the issue, the rampant problem of child labour and child marriage. The Centre has been working to disseminate information to enlighten people of the issues prevailing in child rights. It organised a Dignity March awareness programme, the Bihar legislators' conclave on the rights and well-being of children, various lectures to





sensitize students, after-care campaigns and donation drives for AES victims and various other programmes. CNLU has also tried to incorporate a child rights dimension into their courses. It is still working on better integration between the Centre for Child Rights and the university.

### Presentation of NLSIU, Bengaluru:

**Prof. Elizabeth, Faculty coordinator of NLSIU Bangalore** in the first technical session had already informed the participants on the initiatives undertaken by the Centre for Child and the Law, NLSIU, Bangalore. In this session she shared the course outlines. She re-emphasized the lack of good text-books and reference books in the discipline of child rights and stressed on the need to include a multidisciplinary method. Seminar courses and one credit courses would be useful according to her.



### Presentation of DSNLU, Vishakhapatnam

**Prof. (Dr) Lakshmipathy Raju**, faculty coordinator of the Centre highlighted that the Centre for Child and Law, DSNLU is actively involved in capacity building, research and outreach activities. The centre has carried out many legal aid awareness programmes in schools, conducted induction programmes, and imparted training to functionaries of the CCI and CWPOs.



### Presentation of Sardar Patel University of Police Security and Criminal Justice, Jodhpur, Rajasthan

**Senior Consultant, Mr. Ranjan Patnaik of Sardar Patel University of Police Security and Criminal Justice** enlightened about the institution as well as their activities. The Centre for Child Protection came into existence in 2015. The centre engages in capacity building of police cadres from Head Constables to DSPs on child protection issues.



**Senior Consultant, Mr. Ranjan**



**Mr. Bimal Kumar Samantray**, Centre Coordinator informed that certificate courses (offline) and online courses are offered and a newsletter is published by the Centre. Research studies on the open air camp in Sanganer, children of women inmates in Central Prisons, Rehabilitation of children in conflict with law are currently undertaken. SAFE School project and Child Labour free Jaipur projects are also being undertaken.

The *Child Labour Free Jaipur Project* is piloting One Stop Crisis Centres for Child labour. He pointed out that it is very hard to change the attitude of people who have been trained to work in a particular way in which power and authority are everything. He emphasized that the emotional connect while these people deal with children needs to be bridged and suggested that there should be attitude and aptitude tests to judge the nature of such individuals. He even suggested that recruitment pattern require revisit.

## Presentation of West Bengal National University of Juridical Sciences, Kolkata

**Mr. Mahesh Menon, Assistant Professor, West Bengal National University of Juridical Sciences, (WBNUJS) Kolkata** pointed out that the Centre was established in 2016 with UNICEF support. The Centre has dispensed with its functions in relation to capacity building and training of stakeholders. The focus is on guiding the police academies instead. A unique module on “Child Psychology and Judicial Processes” and many other modules were developed. To help NGO workers to understand court processes better, another special module was developed by the Centre. He asserted that even though at the university level child rights haven't been incorporated in the curriculum, child rights issues are taught in courses which have inspired students to even take up dissertations on it.

He aired his views that most of the Centres for child rights are addressing the issues of JJ and POCSO with plethora of material and sensitization on those two acts alone. He suggested that centres must not confine to these legislations alone and to explore other areas of RTE, food security and similar issues concerning children taking the examples of Centre for Child & Law, NLSIU, Bengaluru. He also mooted the idea of developing text-books on a collaborative effort by all Centres.



## Presentation of NLIU, Bhopal



**Professor Tapan Kr. Mohanty, NLIU, Bhopal** pointed out that Legal Education should include research methodology. He said that a lot of students even today aren't clear about difference between Case history method and case study method. Therefore, methodology must be focused on the research teaching.

Observing the presentation by the Law Schools **Prof. Ranbir Singh, Vice-Chancellor, NLU Delhi**, mentioned that the “**Issues, challenges and prospective plan for Introduction of child rights education**” should be looked into the spectrum of

privatization and access to education. Over the years even though people have been speaking about access to justice, access to education and equity, people have not done enough in these spheres. He expressed his concern on the primary education which has taken a back seat, diminishing on quality of teachers from good to bad, non-viable environments of schools in villages make it difficult to impart and receive education. The prevalence of fancy schools is leading to more privatization of education. He suggested that there is a need to create a specialized and trained pool of teachers to improve overall teaching and the experience of education.





Prof. Srikrishna Deva Rao, Vice-Chancellor, NLUO proposed the viability of one credit courses and encouraged the NLUs to consider wider knowledge dissemination through Massive Online Open Courses (MOOCS). He identified and agreed with the participants on the huge replication of training materials and courses and urged the National Law Schools to seriously consider coming together and collaborating on different aspects of child rights forming Consortium of Centres for Child Rights.



## Technical session -3: Building collaborative and cooperative partnership for policy advocacy

The session was graced by the presence of **Prof. Dr. R. Venkata Rao, Vice-Chancellor, NLSIU Bangalore**, and **Prof. Dr. S Surya Prakash, Vice-Chancellor of DSNLU Vishakhapatnam**.



**Prof. Venkata Rao** started the discussion on the topic **“Role of Law Schools in Child Rights Advocacy”** by poignantly pointing out that adults often treat children with arrogance because children may be voiceless; but not heartless. It is therefore imperative that adults treat children with the dignity and respect because childhood incidents shape a child. Adults must devote time to help children. He asserted that helping the cause of children has been the credo of NLSIU ever since the Centre for

Child and Law had started and even today it maintains to ensure child rights advocacy. According to him all children grow up in healthy situations become great; because “geniuses are never created in isolation but through symbiosis and synergy.” It should be the responsibility of all law schools to come together, build partnerships and collaborate towards a new vision of child rights education and advocacy.

**Prof. S. Surya Prakash** pointed out that childhood and children's rights are non-negotiable. It is incumbent on every adult to be responsible towards raising children and providing the right atmosphere and environment for a child to flourish. He went on to address numerous issues touching upon child rights education, constitutional provisions, child labour, schools, access to justice etc.



**Mr. Kannayiram, Senior Programme coordinator of CCR NLUO and Prof. K A Pandey from Lucknow** discussed about conflicts on compulsory enrolment in schools and the right to get education. The fine line of difference was explored. How poor school infrastructure can also have an impact on dropout rates besides poor quality education.



**Ms. Neha Naidu, Child Protection Specialist, UNICEF, Bhubaneswar** pointed out that children from age 15-18 are the most vulnerable and prone to dropout as Right to Education is guaranteed till the age of 14 whereas the CLPR act bans child labour till the age of 14 which predisposes children to dropout even more.

**Prof. Sinha from CLNU Patna**, reminded that education is merely a ticket for job. Parents desire to send their children to school with expectation. But the expectations are hardly met because poor status of schools in rural pockets.

Mr. Mahesh Menon, said that constitutionalising everything is not a solution and that spending energy on amending the Constitution and acts will not change the ground realities. On the topic of access to justice, Ms.Neha Naidu and Prof Elizabeth pointed out that no amount of sensitization can affect access to justice and as a casteist society not many people are interested in access to justice.

Mr. Mahesh. Menon added that indeed sensitization has very less effect. Mr.Patnaik from SPUP-CCP stressed that there is a serious accountability deficit in the country where accountability is never discussed. While Prof.Surya Prakash gave special emphasis upon the law and the black letters of the law which empowers every citizen, many participants took the view that the law in text-book and law in reality is starkly different. This intellectually stimulating deliberation ended with Prof.Surya Prakash reiterating the significance of the Constitution and how transformative it has made society today.

Upon the deliberation on **Evolving juvenile justice policy in the perspective of restorative justice**, Prof. KA Pandey of RMLNLU stated that the concept of restorative justice revolves around the adult criminal justice system and not the juvenile justice system. However, he suggested that the principles of restorative justice can be borrowed from the adult criminal justice system to the juvenile justice system. He further discussed the application of restorative justice in the realm of juvenile justice, pointed out the numerous implied instances of restorative justice practices in the criminal code of the country in terms of compounding offences, plea bargaining, reference to conciliation in the POSH Act (Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013) etc. He went on to explain the Van Ness principles of Restorative Justice, reflected on the largely retributive nature of our criminal justice system and vehemently proposed that restorative elements in the JJ Act should be reworked on and afforded more clarity.

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**Mr.Kannayiram** very succinctly put across his point regarding restorative justice. His observation was that the trend of restorative justice has emerged and debated on with enthusiasm from not very long ago. However, not too many people have realized that these practices are already existent in the Probation of Offenders Act since 1958. Sections 4,5 and 6 of the Probation of Offenders Act already allude to restorative justice practices. He suggested that instead of debating on creating new laws and devising new methods, people should focus on strengthening existing laws. Instead of diluting the JJ act, everyone should emphasize the creation of a cadre of competent professionals instead of going for ad hoc arrangements.





Discussion on the **Draft National Educational Policy in perspective of RTE** was held by Prof. Nalini Juneja, Former Professor, National Institute of Education Planning and Administration (NIEPA), New Delhi. She expressed two important concerns about the policy

- a) Is it in harmony with the Constitution and commitments?
- b) Can the RTE really be extended to include children of 3-18 years?

Prof. Juneja commented on the National Education Policy as a national policy, which must be aligned with national goal, ideals, Preamble, Directive Principles Of State Policy, Article 38, 39. At the international level India's commitments should align with the UNCRC, Article 28 and SDG 4, (12 years of public funded education-education as a public good). India has the largest number of private schools but they are separate and unequal. Private and Public schools are like two layers of society which will go further and further apart. Attempt has been made to promote privatization of primary education. The importance of improving the public education system has been diluted. She expressed her concern over the 25% reservation to weaker section of the society in Private Schools would create segregation of children and schools under the concept of neighbourhood school would go. She re-emphasized that NEP speaks of extension of RTE to early childhood education and secondary education on the other. Therefore, right to education would extend from the age of 3 till the age of 18 years. But this may be a garb to dismantle the RTE act itself. She expressed fear about the dismantling of the



whole RTE Act and appealed to Law Schools to explore legal support and guidance to prevent such a grave mistake.



Discussion on **Non-custodial measures and alternative care on the lines of international practices** was held on the chair of **Prof. Dr. Nirmal Kanti Chakraborty, Vice Chancellor WBNUJS** chaired the session.

**Ms. Neha Naidu**, Child Protection Specialist, UNICEF, Bhubaneswar pointed out some of the deficiencies and defects in child care Institutions. According to her institutions are impersonal and should be the last resort whereas family should be the foremost institution that should take care of children. She emphatically supported de-institutionalisation. She also spoke on foster care in India, adoption, sponsorship schemes of

the government, the Kinship Care Model. She also enlightened about the Palak Mata Pita Yojana of Gujarat and the Palanhar Scheme of Rajasthan.

Ms. Neha Naidu mentioned that UNICEF has changed its strategy of work. Instead of working towards organising more training programmes, it sits in consultation with the respective government and discusses feasible options and measures that it can undertake. It helps and recommends the formulation of beneficial government schemes. When some participants proposed that a uniform standardized method of work by UNICEF should be followed, She pointed out that such a standardization is difficult as every region has specific issues.

**Mr.S. Kannayiram**, Senior Programme Coordinator, CCR-NLUO, highlighted about non-institutional services being practices in US, UK and Canada with specific reference to probation. He pointed out probation which is a non-institutional programme in western countries are integrated and holistic. In Orange County Probation, it is not a single entity and has a wider ambit and includes victim assistance, legal assistance as well as emotional assistance. He also agreed that after-care was an issue in many states. He stressed that innovative thinking needs to be done in order to identify donors who would be willing to support through donations. Mr.S. Kannayiram pointed out that the good work done by the Police Boys Clubs in Tamil Nadu especially in Chennai have been doing excellent works in preventing children fall prey to crime and delinquency. The services of Bengali Women's association in protecting run-away adolescent girls were/are the best alternative care available indigenously in our country.

**Prof.N.K. Chakraborty** pointed out that the international best practices are based on welfare models and the family based model. He also agreed that probation truly is a good practice which links a child to the justice system. This system also to an extent gives importance to the family. In India, family is considered the best institution therefore the concept of 'fit persons' came into the picture. After care systems are all there in black and white and rules are mentioned in correctional services at of West Bengal in particular but not followed up. He concluded by saying a combined effort that changes the social structure, legal structure and lastly the infrastructure can actually bring about change in serving children. Prof.Chakraborty also highlighted the importance of collaborative efforts.

## Technical session-4: Research and knowledge management

Based upon the discussions held in previous sessions, following issues were identified and discussed to develop strategic cooperation among law schools for research and knowledge dissemination.

1. Accountability
2. Access to Justice
3. Legal Courses
  - 3.1 Sharing of materials and resources
  - 3.2 Problems in teaching
  - 3.3 Methods
  - 3.4 Text book
  - 3.5 Child Rights Case Reporter/Newsletter/Journal
  - 3.6 Faculty training for teaching
4. Future areas and strategies for research
5. How to collaborate?
6. What we should be done in the future



Discussions on the above mentioned areas were made extensively by the participants in groups and presented as follows.

Issues	Viewpoints
<p><b>1. Accountability</b></p>	<p><b>Mr.Patnaik</b> reiterated that accountability deficit is a major issue in India and that it is necessary to hold systems and duty bearers responsible. He suggested that research can be done in multiple locations on accountability lapses. This study on accountability gaps can then be prepared into a compendium.</p> <p>An analysis can be made and the outcome may be sent to the Law ministry. He also suggested that technology and ICT platforms should be utilised and a repository of good practices should be maintained.</p> <p><b>Prof. Elizabeth</b> suggested that stakeholders and people in positions of responsibility should be interrogated and more Public interest Litigations can be filed to check the responsibility.</p> <p><b>NLUO</b> suggested that pre-service training programmes should be institutionalised.</p> <p><b>NUSRL</b> added that performance audit should be undertaken as it is done in Jharkhand. Proper audit of JJB and CWC members should be done and aptitude and psychometric tests should also be performed on them at the interview level. Students Legal Aid Clinics can undertake performance audit.</p> <p><b>CNLU</b> was of the view that internships in these organisations like CCI created a dramatic impact. Increasing accessibility of students into institutions like Department of labour, social welfare etc., could lead to proper accountability</p> <p>Mr. Mahesh Menon, WBNUJSexpressed concern about the fact whether law schools have the technical expertise to conduct social and performance audits and suggested that TISS should be collaborated for imparting training on auditing. He also concluded that RTI queries are not always the answer.</p> <p>All Law Schools shall undertake social/performance audit on the lines of guidelines by Supreme Court in the Sampurna <i>Behura judgement</i>.</p>
<p><b>2. Access to justice</b></p>	<p><b>NLUO</b> suggested that rapid assessments of government policy are necessary to find out access needs. <b>Prof. Elizabeth of NLSIU</b> suggested that before undertaking any research others should be asked to avoid replication of such research. She also suggested a proper compendium of access needs of people can be compiled.</p> <p><b>DSNLU</b> supported the idea of a single uniform study. <b>Dr.K.Syamala of NUSRL</b> said that a collaborative empirical study by various law schools would have more weight. <b>WBNUJS</b> laid stress on the need to work with the legal aid mechanism. Devising a structure, supporting them with research and encouraging a proactive role. Some other suggestions that made by the various participants were – working with other legal institutes and arts colleges to enable further extension of work, training of para legal volunteers ,creation of materials in local languages, connecting with mid-level lawyers to take up pro bono, creation of helpline connecting to legal aid systems, conducting legal awareness camps with communities, using mass communication like radios and FM to disseminate information, engagement with legislators and legislative committees, conducting mentoring programmes with legal service authorities and legal literacy programmes in colleges.</p>

Issues	Viewpoints
<p><b>3. Legal courses</b></p>	<p>Each NLU came up with suggestions on areas to collaborate on with regard to course materials.</p> <p>It was discussed that materials produced by each CCR should be shared and circulated by means of Google drive. Each research material including training materials should be categorized and indexed as per the specific area. WBNUJS agreed to coordinate, compile and disseminate.</p> <p>Sharing of resource persons were agreed on. CNLU agreed to compile a list of resource persons.</p> <p>Educational Materials in the form of course outlines and reading lists need to be shared. NUSRL volunteered to collect the course outlines and share it on a common online platform.</p> <p>An edited volume of a text-book should be developed. Competent Professors may be identified for this purpose.</p> <p>The possibility of a bringing one Child Rights Journal with high academic standards was proposed. It was agreed that a working committee would be formed of <b>NLUO, CNLU and NLUJA</b> to examine the viability of publishing joint journal.</p> <p>NLUO agreed to bring-out the Child Case Reporter.</p> <p>Lastly, it was decided that Professors and experts on child rights would also be invited from universities abroad.</p>
<p><b>4. Research</b></p>	<p>Listed below are the research areas and strategy areas discussed by the participants:</p> <ul style="list-style-type: none"> <li>• Work on Right to Education in collaboration with Dr. Nalini Juneja of NIEPA who can provide support for a common set of parameters, data and framework</li> <li>• Study on decisions of JJB's and Social Investigation Report and how they are correlated.</li> <li>• Evaluation of impact of training imparted to JJBs and CWCs.</li> <li>• Rights of Health(Sexual and Sexual Health) and rights of consent and participation</li> <li>• Tribal Children and POCSO Cases</li> <li>• Intersectionalities to be explored: Queer children, Child prostitution, medical law and children</li> <li>• A comprehensive theme-wise review of literature.</li> <li>• SCPCR AND NCPCR – investigation of what they are doing – what they aren't doing.</li> <li>• Collation of dissertations related to child rights.</li> </ul>



The brainstorming in this session led to a lot of suggestions and proposed courses of action. The task of indexing materials and publications topic wise was decided and the initiative was taken up by each of the participating institutions. The list of topic allotments is presented below.

Institutions	Topics for indexing publications
CNLU, Patna	Child Marriage, Children in the context of natural disasters
NLSIU, Bangalore	Right to Education, Right to Food
DSNLU, Vishakapatnam	Child Labour, POCSO
NUSRL, Ranchi	Children in Armed Conflict, Child Trafficking (with NUJS)
NLUO, Odisha	Juvenile Justice, Child and Family Law
WBNUJS, Kolkata	Child Trafficking, Technology and Children , Core theory on Child Rights + Jurisprudence
SPUP-CCP, Jaipur	Vulnerable children – Children of women inmates, Sex workers etc, Children and Substance Abuse
NLUJA, Assam	International Law and treaties relating to children
NLIU, Bhopal	Right to Health

### Valedictory Session:



**Mr. Laxminarayan Nanda, Child Protection Specialist, UNICEF Assam** informed that UNICEF conducts more field related work. Through partnerships with various stakeholders tries to fill up field related knowledge gaps. He stressed on the importance of imparting knowledge to members of CWC and JJBs. He also encouraged collaboration among the institutes to produce a solid knowledge base.

**Prof. Srikrishna Deva Rao, Vice-Chancellor, NLUO** in his concluding remarks applauded the efforts of every participant and re-emphasized the need to formulate a Consortium of

Centres for Child Rights to ensure more efficient dissemination of knowledge regarding Child Rights. He reminded everyone that the UNCRC is going to celebrate 30 years of UNCRC which is a big opportunity for the visibility of child rights concerns and encouraged the sharing of resources among the NLUs and further integration of the Centres for Child Rights and academic courses on child rights.

Mr. Kannayiram of CCR, NLUO ended the symposium on an optimistic note thanking everyone for participating and engaging in brainstorming pertinent issues that needed to be urgently considered by the Centres for Child Rights with respect to child rights education and policy research.



## Annexure-1

### **Consortium of Centres for Child Rights Cuttack Declaration Adopted on 31<sup>st</sup> July 2019**

#### **Preamble**

Gathered over 30 participants from National Law Schools and the University on Police, Security & Criminal Justice, Jodhpur including Faculty members and Coordinators of Centres for Child Rights at the National Law University Odisha, Cuttack from 29<sup>th</sup> to 31<sup>st</sup> July 2019.

Acknowledged the support of UNICEF towards the establishment of Centres for Child Rights in Law Schools and similar universities

Recognized the contributions by the Centres for Child Rights towards legal education and policy Research and appreciated the efforts of Centres in developing learning materials, guides, policy documents, manuals for stakeholders.

Affirmed the important roles to be performed by the Centres for Child Rights in collaboration and support of faculty members in teaching, action based research and policy advocacy

#### **Declaration**

1. Declared the formation of Consortium of Centres for Child Rights.
2. Reaffirm the Centre for Child Rights, NLUO to take the lead role in forming the structure of the Consortium and the establishment of Secretariat
3. Urges the Laws Schools and Police University Jodhpur to offer at least one credit course for undergraduate and Post graduate students
4. Calls for the integrated approach towards the offering of Legal Education by reviewing the existing courses being offered by various Law Schools and the Police University
5. Urges immediate action to bring out Text-books on child rights, juvenile justice and child developmental issues in a collaborative effort.
6. Urges greater scrutiny of the existing course modules and materials on a shared responsibility
7. Urges the formation of working groups on thematic issues
8. Urges the publication of Child Case Reporter annually and a quality journal on child rights
9. Urges the connectivity among the Centres using the technology for sharing, disseminating and publishing events, case studies etc. (Whats App group formed instantly)
10. Confirm that follow-up to the declaration is essential and urges the Law Schools to facilitate the next steps including the collection of modules, learning materials, indexing and disseminating in web portal

## Annexure-2

### Programme Schedule

<b>Day-1:29 July 2019 ( Monday)</b>	
<b>Time</b>	<b>Agenda</b>
9.00 am	Registration
9.30 am	Opening remarks
<b>Technical Session-1:</b>	
<b>Understanding Child Rights Education in International and National Perspectives</b>	
10.00 -11.00 am	Global Trend on Legal Education on Child Rights
11.00-11.15 am	<b>Tea</b>
11.15-12.15 pm	Present Practice of Child Rights Education by Law Schools
12-15 -1.15 pm	Landscape of Child Rights Education on International perspective
1.15- 2.00 pm	<b>Lunch Break</b>
<b>Technical Session:2</b>	
<b>Resource Mapping of Law Schools on Child Rights Education</b>	
2.00 – 3.30 pm	Sharing by Law Schools on Curriculum, Pedagogy, Teaching and learning materials, evaluation and human resources for Child Rights Education
	Presentation by Centres for Child Rights <ol style="list-style-type: none"> <li>1. NLU Odisha</li> <li>2. NLSIU, Bengaluru</li> <li>3. NUSRL, Ranchi</li> <li>4. Dr.RML National Law University, Lucknow</li> <li>5. NLUAJA, Assam</li> <li>6. CNLU, Patna</li> <li>7. DSNLU, Vishakapatnam</li> <li>8. Sardar Patel Police University, Jodhpur</li> </ol>
3.30-4.15 pm	Issues, challenges and perspective plan for introduction of Child Rights Education
	Release of Report <b>Effective Case Disposal in Juvenile Justice Boards of Odisha</b>
4.15-4.30 pm	<b>Tea</b>
4.30-5.30 pm	Integration and Offering of Courses on Child Rights and Juvenile Justice by Law Schools – course contents and methodologies
<b>Day-2: 30 July 2019 ( Tuesday)</b>	
9.00 -9.15 am	Recap of the previous day programme

<b>Technical Session-3</b>	
<b>Building Collaborative and Cooperative Partnership for Policy Advocacy</b>	
9.15-10.45 am	Role of Law Schools in Child Rights Advocacy
10.45-11.00	<b>Tea</b>
11.00 -12.30 pm	Evolving juvenile justice policy in the perspective of restorative justice
12.30-1.30 pm	Evolving guiding factors on POCSO cases in the victim justice perspective
1.30-2.00 pm	<b>Lunch Break</b>
2.00 -3.30 pm	Review of Draft National Education Policy in the perspective of RTE and Identifying Advocacy Issues
3.30-4.00 pm	<b>Tea</b>
4.00 -5.00 pm	Non-custodial measures and alternative care on the lines of international practices
<b>Day-3: 31 July 2019 (Wednesday)</b>	
9.00 -9.15 am	Recap of the previous day programme
<b>Technical Session-4</b>	
<b>Research and Knowledge Management</b>	
9.15-10.15 am	Trends on Legal Research on Child Rights in India
10.15-11.15 am	Mapping of research, documentation and knowledge products by Law Schools on child rights
11.15-11.30 am	<b>Tea</b>
11.30-12.30 pm	Trust areas of Legal Research and Role of Law Schools <ul style="list-style-type: none"> <li>• Legal Research</li> <li>• Action research</li> <li>• Doctrinal</li> <li>• Social audit</li> <li>• Performance audit</li> <li>• Monitoring and Evaluation</li> </ul>
12.30- 1.00 pm	Advocacy and Research - Legal Aid Clinics and Law Schools
<b>Valedictory Session</b>	
1.00- 1.45 pm	Summing up the proceedings Declaration of Charter for Collaboration and Cooperation among Law Schools on Child Rights Way Forward & Conclusion
<b>Lunch and Departure</b>	



### Annexure-3

## List of Participants

1. **Prof. Ranbir Singh**  
Vice-Chancellor, NLU Delhi
2. **Prof. R. Venkata Rao**  
Vice-Chancellor, NLSIU, Bengaluru
3. **Prof.(Dr.) Srikrishna Deva Rao**  
Vice-Chancellor, NLUO
4. **Prof. S. Surya Prakash**  
Vice-Chancellor, DSNLU, Vishakhapatnam
5. **Prof. N. K Chakraborty**  
Vice-Chancellor, WBNLUJS, Kolkata
6. **Prof.(Dr) V. S Elizabeth,**  
Professor of Law, NLSIU, Bengaluru
7. **Prof. Nalini Juneja,**  
Former Professor of NIEPA, New Delhi
8. **Prof.(Dr) Laxmipathi Raju,**  
Chairperson, Centre for Child and Law DSNLU, Vishakhapatnam
9. **Prof. (Dr) Uday Pratap Singh,**  
Professor,NLIU, Bhopal
10. **Prof. (Dr) Tapan Mohanty,**  
Professor,NLIU, Bhopal
11. **Dr. Syamala Kandadai,**  
Associate Professor of Law-cum-Director, NUSRL, Ranchi
12. **Mr. Mahesh Menon,**  
Assistant Professor, WBNLUJS, Kolkatta
13. **Dr. K. A Pandey,**  
Associate Professor, RMNLU, Lucknow
14. **Ms. Richa Surabhi Tigga,**  
Research Associate, Centre for Child Rights, NLUJA, Assam
15. **Ms. Vijeta Singh,**  
Technical Consultant, NUSRL, Ranchi
16. **Ms. Sugandha Sinha,**  
Faculty Coordinator, Child Rights Centre, CNLU, Patna
17. **Ms. Sneha,**  
Centre Coordinator, Child Rights Centre, CNLU, Patna
18. **Ms. Gitanjali Ghose,**  
Assistant Professor, NLUJA, Assam
19. **Ms. V. Vijaya Lakshmi,**  
Research Assistant, Centre for Child & Law, DSNLU, Vishakhapatnam
20. **Mr. Alok Sahu,**  
SI, Police Headquarters, Chattisgarh

21. **Mr. Ranjan Patnaik,**  
Senior Consultant, CCP-SPUP, Rajasthan
22. **Mr. Bimal Kumar Samantray,**  
Consultant, CCP-SPUP, Rajasthan
33. **Ms. Neha Naidu**  
Child Protection Specialist, UNICEF, Odisha
24. **Mr. Laxminarayan Nanda**  
Child Protection Specialist, UNICEF, Assam
25. **Dr. Ananya Chakraborty,**  
Assistant Professor, NLU Odisha
26. **Ms. Kuntirani Padhan,**  
Research Associate, NLU Odisha
27. **Mr. Kanishka,**  
Research Associate, NLU Odisha
28. **Ms. Anurupa Chetia,**  
Research Associate, NLU Odisha
29. **Ms. Pallabi Sengupta,**  
Research Associate, NLU Odisha
30. **Ms. Konina Mandal,**  
Programme Coordinator, CCR, NLU Odisha
31. **Mr. Satyajit Pattanaik,**  
LL.M Student, NLU Odisha
32. **Ms. Vaishali Bahubalendra,**  
LLM Student, NLU Odisha
33. **Ms. Nanditta Batra,**  
Assistant Professor, NLU Odisha
34. **Mr. Durbadala Mantry,**  
Access to Justice Project, NLU Odisha
35. **Dr. A. Aruna Srilakshmi,**  
Associate Professor, NLU Odisha
36. **Mr. S. Kannayiram,**  
Senior Programme Coordinator, CCR, NLUO
37. **Mr. Pramoda Kishore Acharya,**  
Senior Research Associate, CCR, NLUO





# NOTES