



# Training of Newly Appointed Chairpersons and Members of Child Welfare Committees in Odisha



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



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## Introduction

Juvenile Justice is based on the principles of safeguarding and protecting children from violence, abuse and exploitation. In India, juvenile justice system was formalized with the enactment of Juvenile Justice Act, 1986 which subsequently replaced by Juvenile Justice (Care and Protection of Children) Act, 2000 and thereafter by the Juvenile Justice (Care and Protection of Children) Act 2015. The primary legislation relating to child protection in India is Juvenile Justice (Care and Protection of Children) Act, 2015 where emphasis on rehabilitation, social reintegration, child-friendly process, and protection of best of the child is reinforced. The JJ (CPC) Act 2015 like the Act of 2000 establishes two adjudicating bodies with Juvenile Justice Boards (JJBs) is being the competent authority for children in conflict with law (CICL) and the Child Welfare Committees (CWCs) being the competent authority for children in need of care and protection (CNCP).

According to law, the State Government shall constitute one or more CWC for every district and the Committee shall consists of a Chairperson and four other members of whom at least one shall be a woman and another, an expert on the matters concerning to children ( Section 27 of JJ (CPC) Act, 2015). Person actively involved in health, education or welfare activities pertaining to children for at least seven years or a practicing professional with degree in child psychology or psychiatry or law or social work or sociology or human development are recruited to the CWC so that committee will have persons from different fields to provide multi-disciplinary approach while dealing CNCP. Section 29 (1) and (2) empowers CWC to deal exclusively with all proceedings relating to CNCP. CWCs have been designated by law to function as a Bench and shall have powers conferred by the Code of Criminal Procedures, 1973 on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate First Class ( Section 27(9)). According to law, CWC has authority to dispose of cases for care, protection, treatment, development, and rehabilitation of CNCP. The CWC is entrusted with the following functions and responsibilities as given under section 30 of the JJ (CPC) Act, 2015.

1. Taking cognizance of cases brought before CWC and also taking suo motu cognizance of cases;
2. Giving directions conducting inquires for social investigation, for declaration of fit persons, for placement of a child in foster care;
3. Making individual care plans to ensure care, protection, appropriate rehabilitation or restoration of children, and passing appropriate orders;
4. Selecting registered institution, conducting inspection visits and giving recommendations; certifying the execution of the surrender deed by the parents and ensuring prior formalities and procedures;
5. Restored abandoned or lost children, sexually abused children who are CNCP;
6. Responsibilities in process of adoption;
7. Conducting inquiry and directing police to take due action, in case of complaint of abuse of a child in any child care institution;
8. Taking any other action as may be required.

CWC has also given with additional administrative functions and responsibilities as laid down under rule-17 of JJ Model Rules 2016.

1. Document and maintain detailed case record;
2. Ensure smooth functioning of Children's Committees in the CCIs; and also review the Children's Suggestion Book at least once a month;
3. Send quarterly information to the District Magistrate with all relevant details;
4. Issue rehabilitation card, wherever required, to monitor progress of CNCP;
5. Maintain the following records in a register or in be digitized manner:
  - a. a daily cause list of the cases before it;
  - b. entries and particulars of children and details of concerned CCI
  - c. execution of bonds;
  - d. movement of members including visits to institutions;
  - e. children declared legally free for adoption and those recommend for or placed in sponsorship;
  - f. children placed in individual or group foster care;
  - g. children transferred to or received from another Committee;
  - h. children for whom follow up is to be done;
  - i. children placed in after care;
  - j. inspection record of the committee;
  - k. record of the minutes of the meetings of the committee;
  - l. correspondence received and sent;
  - m. any other record or registered which the committee may require.

**Child in Need of Care and Protection (S.2 (14))**

- Homeless child
- Working child/Child labour/Child beggar/Street child
- Abuse and Exploited child
- Children with disability
- Child with terminal or incurable disease
- Child without parental or family support
- Neglected or uncared child
- Abandoned or surrendered child
- Missing or run away child
- Sexually abused child
- Child with substance abuse
- Children affected by armed conflict
- Children affected by natural disasters
- Child marriage victims

In view of the above context it may be pertinent to mention that the functions of the CWCs are not limited to adjudication of matters relating to CNCP but extended to record maintenance, data management, monitoring of CCIs and financial management of the committee. So knowledge and skill building of CWC is a necessary felt. It is to note that the JJ Model Rules have made minimum 15 days training provisions for the personnel dealing with children and capacity building of CWC is one of the key components of the training.

In this backdrop the Department of Women and Child Development, Government of Odisha had sought the technical support of NLUO for a seven day induction training of newly appointed personnel of the CWCs in Odisha. The training has been conducted by the Centre for Child Rights, specialized research centre of NLUO, in collaboration with the Odisha State Child



Protection Society and with the support of UNICEF. The training was held from 16-22 July 2018 for the batch-1 and from 6-12 August 2018 for the batch-2.

The objectives of training were to develop a comprehensive understanding of juvenile justice and child protection framework, to equip appropriate knowledge and skills to deal children in need of care and protection within the juvenile justice system, and to enhance understanding of the roles and responsibilities of CWC in children's rehabilitation, repatriation and reintegration. The outcomes of the training were expected to accomplish the following among the participants.

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

### **Profile of Participants**

Persons newly appointed as chairpersons and members in the Child Welfare Committees in the State of Odisha were given training as per the mandate of the Juvenile Justice (Care and Protection of Children) Act, 2015. The training was held for seven days in two batches. 43 persons participated in the first training which was held from 16-22 July 2018. Second training was held from 6-12 August 2018 wherein 47 persons participated. A total of 90 personnel of CWCs across 23 districts of Odisha were trained which included 22 Chairpersons and 68 Members of the Committees.

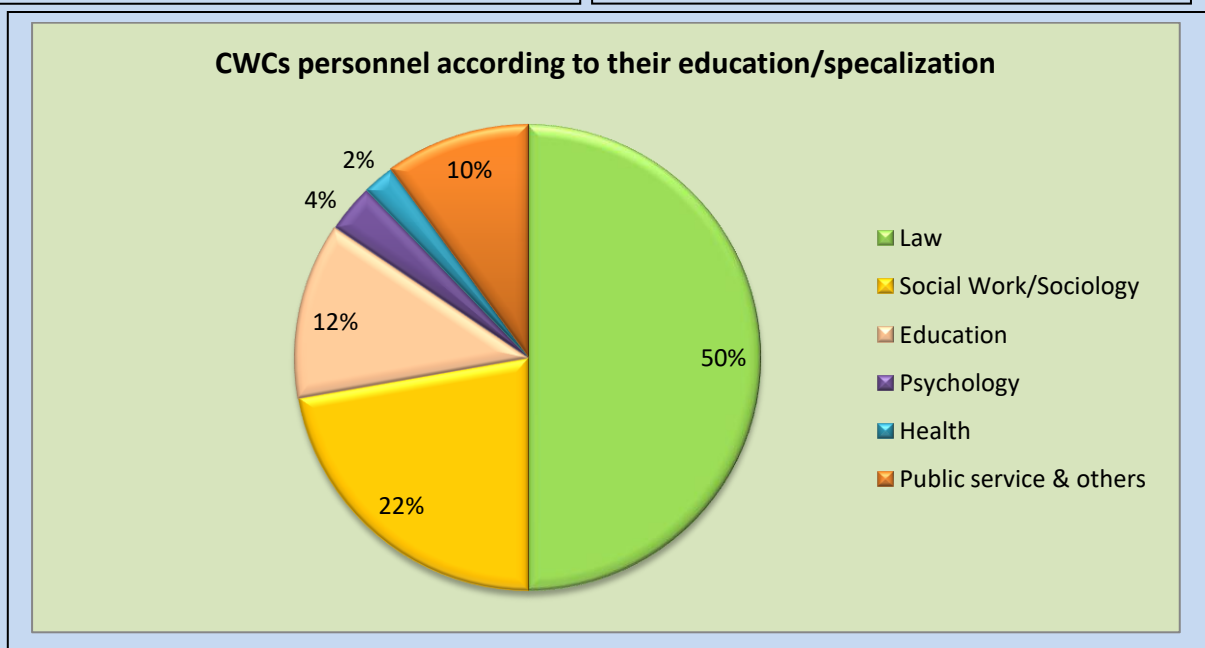
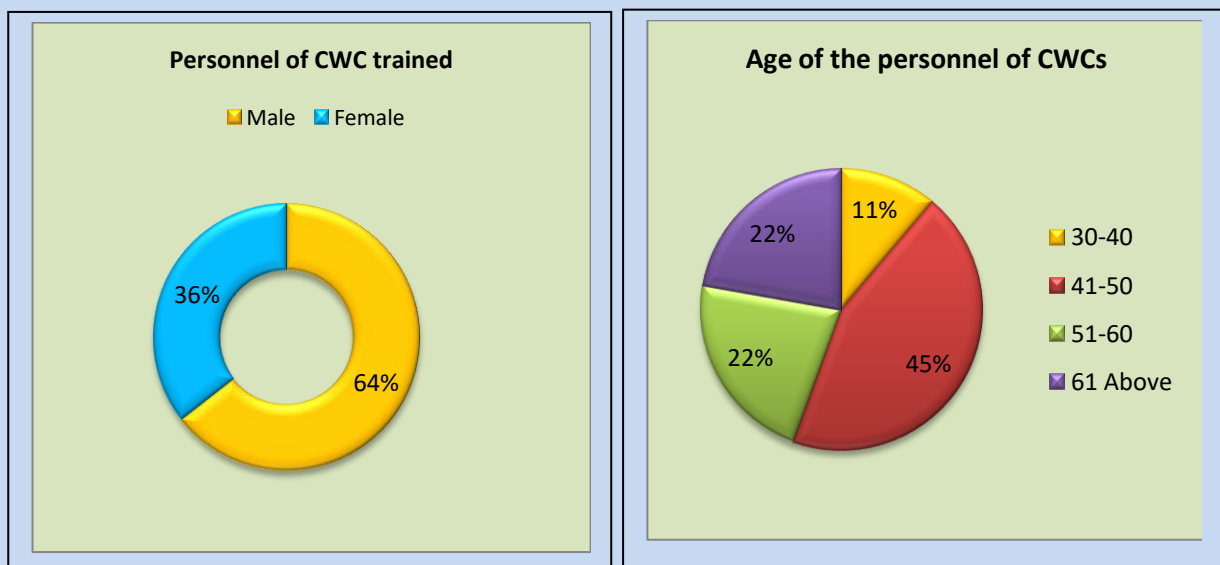
The CWC is a five member body consisting of chairpersons and four other members. Out of five persons recruited or to be held in committee, 5 persons of the CWCs in the districts of Bhadrak, Dhenkanal, Jajpur, Kalahandi, Kandhamal, Puri, Rayagada, Sundergarh, 4 persons from Balangir, Baragarh, Boudh,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

Among 90 trained personnel of CWCs, 52 are males and 32 females out of which five of them are chairpersons. Of them 88 persons are Hindus whereas one each belongs to Muslims and Christian. Among the chairpersons and members trained, seventy-one (79%) of them are belonged to general category, fifteen (17%) persons are from other backward classes and four (4%) of them are scheduled castes.

Average age of the personnel of the CWCs is 51 years. To analyze their age profile, 10 of them are in the age of 30-40 years, 40 are in 41-50 years, 20 persons in 51-60 years age, and 20 persons

are in the age of above 60 years. The age of the youngest person of the CWCs is 37 and the eldest is 79 years.

As far as education of the chairpersons and members of CWC is concerned, 42 of them are graduates and 48 are postgraduates. 45 persons, i.e. 50% of the persons trained, have law degree and out of them 12 persons have qualification of master in law (LL.M). To analyze the area of specialization of the CWCs personnel, 45 of them have qualification in law, 20 persons are from social work/ sociology stream, 11 persons are from the field of education or have specialized qualification in education, 3 persons have education in psychology and the remaining 9 persons from other disciplines notably from public administration, health, journalism and mass communication etc. Among 90 persons trained, 22 of them including 13 persons who have worked earlier as the members of the JJBs have had sensitization and orientation on juvenile justice prior to their appointment in CWCs.



## Training Sessions

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

|   |   |
|---|---|
| <b>Understanding Child and Rights of the Child</b>  | <ul style="list-style-type: none"><li>• Defining child in legal perspective</li><li>• Understanding childhood and adolescent in psycho-social perspectives</li><li>• Understanding child rights in Human Rights Approach</li><li>• Children in difficult circumstances: Identification of issues, Psychosocial assessment, Intervention &amp; support</li></ul>   |
| <b>Law and Policy Framework on Child Protection</b> | <ul style="list-style-type: none"><li>• Overview of constitutional provisions, law, policies and institutional mechanisms for children in India</li><li>• Understanding the principles and values of juvenile justice and evolution of juvenile justice legislation in India in the context of international perspective</li><li>• Overview of the Juvenile Justice (Care and Protection of Children) Act 2015 and its interconnectivity with other child-centric legislations pertaining to protection of children from sexual offences, prohibition of child marriage, child labour and right to education for holistic safeguarding of children</li><li>• ICPS</li></ul> |
| <b>Juvenile Justice</b>                             | <ul style="list-style-type: none"><li>• Overview of structures and institutions of juvenile justice system as per JJ (CPC) Act 2015 and Rules in the context of Odisha State</li><li>• Understanding of 'child in conflict with law' and 'child in need of care and protection'</li><li>• Rehabilitation and Social Reintegration</li><li>• Institutional services and standards of care in child care institutions</li><li>• Standards, Protocols, Registration and Regulations of Child Care Institutions</li><li>• Non-Institutional Services: Sponsorship, Foster Care and other alternative care</li></ul>   |
| <b>Roles of CWC in Juvenile Justice</b>             | <ul style="list-style-type: none"><li>• Powers, Functions and Responsibilities of CWC</li><li>• Procedures of production, inquiry, statement recording, documenting evidence, follow up action to sponsorship, foster care</li><li>• Interacting with children: Protocols to safeguard dignity, confidentiality and privacy of the child</li><li>• Understanding 'adoption' in the context of JJ (CPC) Act, 2015 and Regulation of CARA and Guiding procedures and protocols for CWC for declaring a child legally free for adoption</li></ul>  |
| <b>Documentation, Reporting and Management</b>      | <ul style="list-style-type: none"><li>• Individual Care Plan</li><li>• Social Inquiry Report</li><li>• Forms and Mandatory Report</li><li>• Counseling</li><li>• Techniques and Guidelines for writing order</li><li>• Financial Management of CWC</li><li>• MIS: Sishu Suchana portal</li></ul>  |
| <b>Coordination &amp; Convergence</b>               | <ul style="list-style-type: none"><li>• Linkages with other institutions of child protection structure</li><li>• Childline Services and Linkages with CWC</li><li>• Rescue, Repatriation and Rehabilitation</li><li>• Schemes and Programs for Children</li><li>• Legal Aid</li></ul>   |

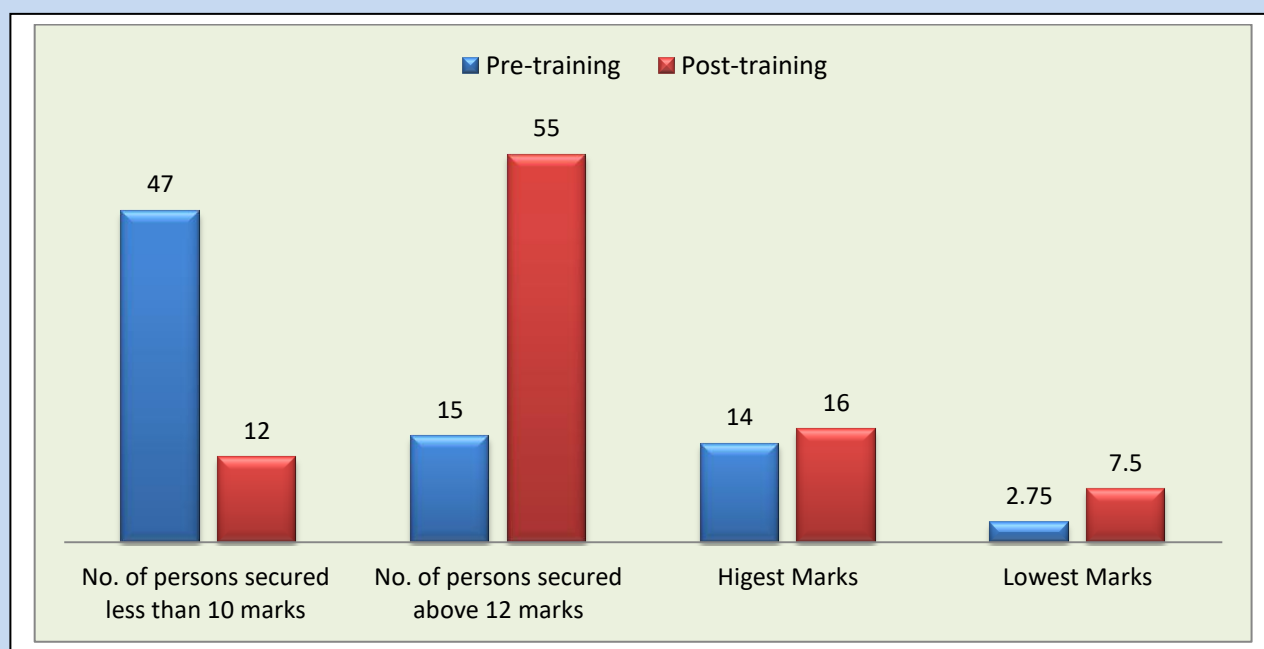
## Training Methodologies

Training was participatory and interactive. Methods used in the training are as follows.

- Lecture-cum-interactive discussion
- Presentation
- Case studies
- Group activity
- Field visit
- Plenary discussion
- Experience sharing
- Short film
- Role play
- Pre & post- training assessment

## Pre-Training Assessment (PTA) & Post Training Evaluation (PTE)

PTA was made to assess the level of knowledge with the participants about the basics of the child rights, juvenile justice and child protection. The PTE was administered at the end of the training to evaluate impact of the training in the knowledge level of the participants and to identify the issues and themes which remain unfocused, unmet or were not properly addressed to fulfill the expectations of the participants. PTA and PTE consisted of 20 questions each with equal number of multiple choice questions and short questions. Total mark in both PTA and PTE is 20. Questionnaire was simple and basically related to the fundamental of Juvenile Justice ( Care and Protection of Children) Act, 2015.



Both pre-and post tests were taken by 90 participants. Evaluation was made to assess the impact of training by looking at the differences between pre and post test results. Result shows average score varies from 9.3 to 12 between PTA and PTE. Lowest mark secured in PTA is 2.75 and highest is 14. On the other hand lowest mark in PTE is 7.5 and highest mark is 16. This statistical significance increase from pre-test and post-test shows the success and impact of training on the knowledge level of participants. To analyze further that in PTA 47 participants have secured below 10 marks while in PTE 12 participants secured below 10 marks. The lowest score is found to be 7.5 in PTE but in PTA, 10 participants secured of 5 marks which shows they had poor knowledge about juvenile justice prior to the training. Another noticeable point is that 55 participants have secured a score above 12 in PTE as compared to 10 participant have had the score of 12 marks in PTA. The above analysis reveals a substantial difference in the knowledge level participants between pre-training and post-training.

## Feedbacks/Expectations

Topics where the participants require more training and orientation and the suggestions given by them for improving quality of the training are listed below.

- Role of CWCs in monitoring of CCIs.
- Section wise elaboration of Odisha Juvenile Justice ( Care and Protection of Children) Rules, 2017
- Guidelines for information sharing between CWCs and DCPU, SJPU, Block Child Protection Committee and Village Level Committee.
- Rehabilitation of street children
- Ready reconker on drafting order, reporting, documentation
- More clarification about after care, foster care, repartition
- Role of CWCs on the prohibition of child marriage
- Law on prohibition of domestic violence
- Role and Powers of CWC in the case relating to ragging / sexual harassment in educational institutions
- Counseling processes
- Follow up workshop for effective coordination and convergence among the district level functionaries of the JJ System
- Orientation of case laws on CNCP
- Programs and Institutions available for rehabilitation of mentally retarded children
- Follow up role of CWCs where any direction /order passed by the committee are not executed.
- MIS- Sihusuchana portal
- Contextualize case law analysis in the context of Odisha
- Mix Odia speaking resource persons with RPs from outside

## Resource Persons:

The training was conducted by experts including judges, academics, advocates, mental health practitioners, child rights activists and persons with lived experience. They are:

- Dr. Justice D.P. Choudhury, Former Judge and Member Juvenile Justice Committee, Orissa High Court
- Prof.( Dr) Srikrishna Deva Rao, Vice-Chancellor, National Law University Odisha
- Mr. Prasanth Kumar Reddy, Director, ICDS & Social Welfare, Department of Women & Child Development, Government of Odisha
- Ms.Geetarani Pattanaik, Joint Secretary, Department of Women & Child Development, Government of Odisha
- Ms. Geetanjali Goel, Additional District Judge & Special Secretary, Delhi Legal Services Authority



- Mr. Laxminaryan Nanda, Child Protection Specialist, UNICEF, Odisha
- Dr. Kavita Jangam, Assistant Professor, NIMHNS, Bangalore
- Ms. Nina Nayak, Former Member, NCPCR
- Ms. Mahrukh Adenwalla, Advocate, Mumbai
- Dr. A. Aruna Sri Lakshmi, Associate Professor, NLUO
- Dr. E. Aravind Raj, Associate Professor, NIMHANS, Bangalore
- Ms. Arlene Manoharan, Child Rights Activist, Bangalore
- Ms. Swagata Raha, Law & Policy Researcher, Bangalore
- Mr. Radhabinod Panigrahi, SP, Crime Branch, Odisha Police
- Dr. Ananya Chakraborty, Assistant Professor, NLUO
- Ms. Suman Dash Bhattamishra, Assistant Professor, NLUO
- Ms. Sohini Mahapatra, Teaching & Research Associate, NLUO
- Mr. S. Kannayiram, Senior Programme, Coordinator, Centre for Child Rights, NLUO
- Mr. Sangram Kishore Samal, Programme Officer, Odisha State Child Protection Society
- Mr. Pramoda Kishore Acharya, Senior Research Associate, Centre for Child Rights, NLUO
- Ms. Kuntirani Padhan, Teaching & Research Associate, NLUO
- Mr. Raj Kishore Mohanty, FA-cum- Additional Secretary, DWCD, Government of Odisha
- Mr. Owasis Hasan Khan, Assistant Professor, NLUO
- Ms. Sujata Mohanty, Programme Officer, OSCPS
- Ms. Bina Hariyani, Programme Manager-Training, OSCPS
- Mr. Arka Laha, Regional Coordinator, Childline Foundation India, Kolkatta



# **Brief Proceedings of the Training of CWCs held from 6-12**

**August 2018**

## **Meaning and Definition of a child and adolescents (Legal, Sociological and Biological)**

The session involved discourses regarding Capacity Building Space and then was further extended to the definitions and meanings of Childhood and Adolescents. For this session we had Ms. Arlene Manoharan( Social Worker and Child Right Activists, Bangalore) and Mr. S. Kannayiram ( Senior Program Coordinator, Centre For child Rights, NLUO ).

Session commenced with an introductory speech given by Ms.ArleneManoharanwherein she discussed as to how one should approach these issues and deal with. She was both insightful and informative. She went ahead and explained as to how we can make the most of Capacity Building Space so that children can get protection and live with dignity. Trainees were then made aware by adult learning principles which were primarily divided into 7 essential ingredients as follows: active learning, problem centric, link to previous experiences, relevance, emotional connections, outcome alignment and fun, so that they can get the best of this training workshop.

Discussion was shifted towards the definitions and meanings of child and adolescents. Many facets of childhood was brought up and then zeroed upon a definition given by Universal Declaration of Human Rights, 1948 “ *A period of special care and assistance* ”. Then the topic of Social Investigation Report purged up and its relevance was being discussed as it fosters to cater the need of children from diverge childhoods and upbringings.

Session was culminated with the discourse over Adolescence where again all the variables were weighed down but trainees were left awestricken when they realized that there existed no such Universal Definition for it. To sum it up, Adolescence is the most complex and tender stage of life where an individual remains vulnerable throughout till he hits adulthood. Many positives and negatives were being discussed but the conclusion which was reached upon is the vulnerability factor.

## **Legal framework relevant to children in need of care and protection (CNCP)**

It was observed that there existed numerous frameworks which governed CNCP like

UNCRC(United Nations Conventions on Rights of Child ), Constitution of India, statues, domestic and state legislations.

UNCRC significance and role was being discussed. This document was adopted in 1989 more than 190 countries ratified except the USA, India ratified it in the year 1992. Evolved for around 10 years and held relevance when it comes to CNCP. Then the constitution was brought up provisions like 15(3), 21A, 23, 24, 39 (e) and (f), 45, 47 etc. were discussed though not briefly though a peripheral introduction was given. Laws like JJA 2015, POCSO 2012, HAMA 1956, CARA etc were brought on the table chiefly.

After which a procedural discussion took place wherein the hierarchy of Constitution, Law, Schemes and Special Operating Procedure was dealt with. The order of precedence was presented before trainees and they were made aware by the ladder, as follows;

- Constitution
- Domestic Parent Statue
- International Law ratified by India
- Delegated legislation
- Centre/ State Regulation
- Guidelines notified in pursuance of a statue/ delegated regulation

Note: The order can be changed as the list is not accurate per se.

Objectives of JJA (Juvenile Justice Act )2015 was discussed as to how it caters the needs of CNCP, how it provides care and protection, how it contributes towards the development and the social re-integration.

Shift and development in the legislations post Nirbhaya Case was also the part of discussion where the age restoration from 18 years to 16 years in cases of heinous offences was discussed. There was confusion and dissent over the mental age determination process mentioned in the statues regarding such offences.

Bodies like CWC (Child Welfare Committee) and CCI (Child Care Institution) their role and functions constituted a major chunk of discussion. CNCP victims brought before CWC and then they were transferred to CII for protection and care. The conclusion of this part was that such bodies should be made independent of state legislation. Inspirations should be drawn from the Paris Principles which support such principles. Role of the state is to prevent further marginalization and crime and reduce recidivism so that they don't knock the doors of CWC

again. Rehabilitation and Re-Integration(Social) should be at the centre

Session came to an end with the bare act reading of JJA,2015. Emphasis was laid down on sections like 2(33), 2(14), 2(12) and 17(2) and the case of Exploitation of Children in Orphanage in the *State of Tamil Nadu Vs. Union of India W.P (Cri.)*

### **Identification of issues for effective functioning of CWCs**

In this session the issues and challenges which CWC faces in their day to day functioning were discussed at length so that a solution could be provided. The session was taken by Ms. Arlene Manoharan.

Issues which are as follows,

- Women were coming with plights that their husbands were not taking care of children emotionally or financially either way. So the children were placed before CWC.
- Lack of coordination between DCPU, CWC, CII and open shelters.
- All existing CCI were filled which was why more CNCP could not be placed in.(Situation in Kalihandi district)
- Trafficked Child: Non-Cooperation from Police , Why no SJPU(Special Juvenile Police Unit)in every district.
- Child born from second wife and the husband deserted the wife, no evidence for second marriage. The second wife then got married to a disabled man and he is willing to keep the child. What could be the procedure so that he can claim the rights of that child.
- Green Passage Scheme: Tehsildar approved certificates and availed schemes, but 3 children studying in private college could not avail the scheme.
- Jail visit by ADJ, he sent 3 children before CWC, their mother was in jail and father absconded. Determine the role of CWC here.
- Orphaned and absconded children dilemma, without their parents name there came hindrance in their education.

### **Child Rights vis-a-vis Human Rights**

Ms. Ananyachakrovarty, Assistant professor, National Law University Odisha, made a

presentation entitled *Child Rights vis-a-vis Human Right*. The presentation sought to address about the growth of child rights as reflected in international law and domestic law has transformed the post- world war legal regime and also describes some of the major global and regional legal instruments that, as well as specific relevant provisions in broader human-rights related instruments and in international agreements on child protection and placement.

She discussed that children enjoy same right as of adults and state is the primary duty bearer to support their right and is obligated to protect those right in true spirit. The right that are guaranteed by the Constitution of India under fundamental duties under Article 51 A, Directive principle of state policy Article 39 (e), 39 (f) and fundamental rights under article 14,15,21,23,24,29 and 45.

She went on to discuss certain major international legal instruments on children's rights by stating that The Indian constitution under article 51 (c) provide that the state shall endeavor to Foster respect for international law and treaty obligations in the dealings of organized peoples with one another, hence they have high persuasive value when dealing with matter of child right. Thereafter she disused the status enjoyed by child pre world war and post world war that after post world war only when UDHR in 1948 and after that Declaration of right of child 1959 people globally recognized the rights of children. But U.N. Convention on the right of the child 1989 (Thereafter CRC) brought some concrete changeand is significant because it enshrines, for the first time in binding international law, a most comprehensive document which is to be implemented in both peacetime and in armed conflict situations.

Then she explained how CRC creates new rights for children under international law. Rights such as to preserve his or her identity,freedom of expression,rictgs of vulnerable children like refugees to special protection, indigenous children's right to practice their culture the right to a fair trial,children's right to be heard in proceedings that affect them and banned traditional practices prejudicial to children's health and offering rehabilitative measures for victims of neglect, abuse, and exploitation. Thereafter she mentioned two more optional protocols (OP) to the CRC deals adopted by UN which India has ratified deals with sex trafficking and armed conflict provides for protection of and assistance to the victimized children in the criminal justice process, the best interests of the child being the guiding principle in the children's judicial treatment and or purposes of prevention and redress of offenses, the victims must have access to procedures to seek compensation for damages from those legally responsible.

In conclusion she mention some of UN rules for protection of juveniles namely UN Standard Minimum Rules for the Protection of Juvenile Justice 1985 (the Beijing Rules) General Assembly



resolution 40/33 of 29 November 1985, the UN Guidelines for the Administration of Juvenile Delinquency 1990 (the Riyadh Guidelines) General Assembly resolution 45/112 of 14 December 1990, the UN Rules for the Protection of Juveniles Deprived of their Liberty 1990, General Assembly resolution 45/113 of 14 December 1990.

She pointed out the principle kept in mind by CWC:

- Depriving a child of his/her liberty should be a last resort and there should be a minimum period of deprivation set out by the state.
- Deprivation of children's right to liberty should follow the provisions and norms as laid out in international law
- The state should set up small open facilities where children can be tended to on an individual basis and hence avoid additional negative effects of deprivations of liberty
- The institutions should have adequate facilities and meaningful activities for children to promote their health, safety and responsibilities. It should also provide them with all necessary skill trainings to become responsible members of society
- Institutions should be decentralized to allow for children to continue having access to their families and community.
- Juveniles deprived of their liberty should be aided in understanding their rights and obligations.
- Personnel dealing with juveniles should have adequate training regarding child rights and welfare.
- Juvenile Justice Systems should be aimed at helping and benefiting the child so that he/she can return to society with a better understanding of rights and responsibilities.

### **Juvenile Justice Act of 2015 and General Principles under UNCRC and Fundamental Principles under Section 3, JJ Act**

This session involved discussion regarding JJ Act, general principles under UNCRC and fundamental principles under Section 3, JJ Act. M.s Arlene gave a descriptive introduction of general principles under JJ Act which encompassed:

- Presumption of innocence
- Dignity & worth
- Participation

- Best Interest
- Family Responsibility
- Safety
- Positive Measures
- Non-stigmatizing semantics
- Non-waiver of rights
- Equality & non-discrimination
- Privacy & confidentiality
- Institutionalization as a measure of last resort
- Repatriation & restoration
- Fresh start
- Natural justice
- After making CWC members aware about these generic principles she discussed various case studies which were given as homework the other day. A group of 3-4 members were allotted a group case study which involved a situation of a Child in need of Care and Protection (CNCP) and as to how would CWC resolve that very issue. The session became very interesting when a representative of every group came forward and gave his/her views over the problem and then their respective solutions were reviewed by M.s Arlene and M.s SwagataRaha. Meanwhile, principles of natural justice which were embodied in JJ Act were also brought up like for an instance **Section 3(xvi), JJ Act: *Principles of natural justice:*** “Basic procedural standards of fairness shall be adhered to, including the right to a fair hearing, rule against bias and the right to review, by all persons or bodies, acting in a judicial capacity under this Act.”
- CWCs should write “speaking orders”.
- All parties connected/affected by the decision of the CWC should be given an opportunity to be heard.

Then the discussion shifted towards evaluating principles of UNCRC wherein the Principles of Non Discrimination ( Art.2, UNCRC ) was centre of the debate. Then Right To Equality under Indian Law emerged as a course of discourse which involved evaluation of Articles from Indian Constitution;

- Article 14: The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

- Article 15(1): The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.
- Article 15(3): Nothing in this article shall prevent the State from making any special provision for women and children.

Principles of equality under JJ act were also a part of it ;**Section 3(x), JJ Act, 2015**: Principle of equality and non-discrimination: There shall be no discrimination against a child on any grounds including sex, caste, ethnicity, place of birth, disability and equality of access, opportunity and treatment shall be provided to every child

Dynamics of equality which comprised of Formal and Substantive Equality were defined and then the subsequent determination of violation of principle of equality in following situations;

- Children who allegedly commit offences are dealt within the juvenile justice system and not the adult criminal justice system.
- A child living in the Children"s Home is given additional nutritional supplements because of anemia.
- Under the POCSO Act, child victims of sexual offences cannot be questioned directly by the defence lawyer and prosecutor. No such protection is available to adult victims of rape.
- Girls in the Children"s Home are not allowed to attend any classes outside the Home while boys are.
- Children alleged to have committed heinous offences are kept separately from those who have committed petty and serious offences in the Observation Home.
- A Children"s Home mandates the segregation of children rescued from sex trafficking.

She went ahead and explained **Article 3 of UNCRC** which talks about Best Interest „In all actions concerning children, whether undertaken by public or private social welfare institutions,courts of law, administrative authorities or legislative bodies, **the best interests of the child shall be a primary consideration.**„**In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or**

**legislative bodies, the best interests of the child shall be a primary consideration.**, . Then she drawn comparison between Art.3 of UNCRC and Art.2(9), 3(iv) and 3(xiii) of JJ Act which also talked about Best Interest Of Child.

**Recognition of parental responsibility** which constituted as Art.5 of UNCRC and Art.3(v) of JJ Act 2015 too were part of this discussion. After which she gave a reality check as to how misleading presumption could lead to compromise of interests rather than keeping their best interests intact, some of which are as follows:

- Presumption that children generally lack capacity to understand what is in their best interest
- Presumption that parents know what is best for their child
- Presumption that parents know *and do* what is best for their child
- Decision making bodies assume they know what is best, without consulting the child, experts and significant people in the child's life.
- Decision making bodies are not even concerned with Best Interest of the child

And then the elements which were to be considered while determining the best interest of child were brought up namely child's right to education, child views, child identity, child's right to health, situation to vulnerability, care protection and safety of child and preservation of family environment and maintaining relations; factors that should not be the sole consideration in determining the BIOC were socio-economic status of the birth parent or caregiver and parent's disability.

Readings of Article 12 of UNCRC was done which enshrined the principle of respect of views of children „States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child“. After which Sec 3(iii) JJ Act was comparatively evaluated in the light of this principle which says “Principle of participation: Every child shall have a right to be heard and to participate in all processes and decisions affecting his interest & the child's views shall be taken into consideration with due regard to the age & maturity of the child.”

Session then went towards the application of Right to Heard and therein the definition of word „freely“



was discussed broadly. “Freely” means that the child can **express her or his views without pressure and can choose whether or not she or he wants to exercise her or his right to be heard.**

“Freely” also means that the **child must not be manipulated or subjected to undue influence or pressure.** “Freely” is further intrinsically related to the child’s “own” perspective: the child has the right to express her or his own views and not the views of others.” Maturity refers to the ability to understand and assess the implications of a particular matter, and must therefore be considered when determining the individual capacity of a child. Child can be heard “either directly, or through a representative or

appropriate body.” Wherever possible, the child must be given the opportunity to be directly heard in any proceedings. Context has to be enabling and encouraging, so that the child can be sure that the adult who is responsible for the hearing is willing to listen and seriously consider what the child has decided to communicate.

UNCRC also talks about **Right to Life, Survival and Development in the Article 6 of the document which says, “States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.”**

- **Right to life has been interpreted to include positive rights like the right to education, right to food, right to health, etc., by the Indian Supreme Court.**
- **Protection from violence, corporal punishment, ill-treatment, torture, cruel, inhuman and degrading treatment flow from the right to life.**
- **Deprivation of liberty, including arrest, detention and imprisonment, should be used only as a measure of last resort and for the shortest appropriate period of time, so that the child’s right to development is fully respected and ensured.**

Arlene also told the way these rights were to be used and applied like Right to education of children in all Child Care Institutions. Right to highest attainable standard of health. Prohibition on cruel, inhuman and degrading treatment or punishment of children. Ensuring food security to all children, especially those with special nutrition needs. Ensuring all children have a right to play.

Session came to end the note that Adults voices are more likely to be heard as compare to that of child. In democracies adults have the following means to represent themselves:

- Voting for their elected representatives

- Participating in local govt through platforms like GramaSabhas
- Protests, rallies, petitions and other forms of political action
- Through membership in unions and movements
- Entering into contractual relationships
- In courts of law

### **POCSO and Juvenile Justice**

Ms. Swagata shared her experience with the members of CWC, she has been associated with this noble cause for more than 10 years and contributed extensively in the field of child and human rights. According to the *Study on Child Abuse in India, 2007 (MWCD)*

- **53.2%** children reported having faced one or more forms of sexual abuse of which **52.94% were boys** and **47.06% girls**.
- **72.1% children kept quiet** and did not tell anyone, 11.8% told parents, 6.7% shared with siblings, and only **3.4% reported to the police**.

Child sexual assault was being defined under POCSO Section 5 of the act. She explained the nuances of the offence like the nature and term prescribed for it. She went on explaining as to how CSA is different from other offences.

- **Grooming techniques** are commonly used by perpetrators to target a victim, gain the child/family's trust by showering the child with attention, isolate the child, threaten or manipulate the child into maintaining secrecy, sexualize the relationship, and maintain control over the child.
- **Physical force or violence is rarely used** by the perpetrator as the objective is for the abuse to remain hidden.
- **Disclosure rarely takes place immediately after the abuse** and "tends to be a process rather than a single episode and is often initiated following a physical complaint or a change in behaviour."
- **Child sexual abuse often takes place over a prolonged period and consists of a series of offences that are committed continuously.**

She mentioned the legislations (like **IPC1860, ITPA1956, SC/ST POA Act 1989, IT Act 2000, POCSO 2000 and JJAct 2015**) which were associated to CSA and discussed them thoroughly. The enactment of POCSO was also discussed in brief;

- Increasing incidence of child sexual abuse and low rate of conviction in rape cases.
- IPC failed to adequately address sexual assault, sexual harassment, pornography, as well as sexual violence against boys.
- Interests of a child victim and witness needed to be protected through child friendly procedures and a Special Court.
- Constitutional sanction available under Article 15(3).
- Obligations under the United Nations Convention on Child Rights needed to be complied with.

#### **Ingredients of POCSO Act:**

- The age of child should be not more than 18 years
- Whole of the act is classified into 7 sexual offences
- Reporting and recording of the incident is mandatory upon falling can lead to a term of 1 year
- Emergency medical care is a provision under this act
- Care and protection should be given to victim
- Child friendly procedures
- Presumption of guilt is there on the accused by the virtue of Sec 29 and Sec 30 of the act
- Special court to be established to try these cases

Then the roles of SJPU (Special Juvenile Police Unit)/ Police were brought up. Here are some of the functions which SJPU/Police does;

1. Recording report and FIR
2. Facilitating emergency medical care
3. Recording statement under 164 of CrPC
4. Reporting to Special Courts and CWC\

5. Ensuring care and protection
6. Facilitating medical examination
7. Keeping the victims informed

While conducting **Medical Examination** few points were to be considered;

- Consent by a child above 12 years or on behalf of the child must be obtained before medical examination is conducted. **No child can be compelled to undergo medical examination.**
- Medical examination can be conducted **irrespective of whether a FIR/complaint is filed.**
- It must be conducted by a **registered medical practitioner (RMP) in a government hospital within 24 hours** from the time of receiving information about the commission of offence.
- If RMP is not available in a government hospital, it can be conducted by any other RMP.
- All **hospitals, public or private**, have to provide **first-aid or medical treatment, free of cost** to victims of sexual offences under the IPC and have to inform the police immediately. Failure to do so is punishable with imprisonment for upto 1 year or fine or both.
- **(Section 357C CrPC + Section 166B IPC)**

After which the offences under POCSO were categorized under three categories namely

#### **Offences Under the POCSO**

- **Touch-Based Offences**
  - **Penetrative Sexual Assault & Aggravated Penetrative Sexual Assault**
  - **Sexual Assault & Aggravated Sexual Assault**  
(Any touch with sexual intent without penetration)
  - **Using child for pornographic purposes and one of the above.**
- **Non-Touch Based Offences**
  - **Sexual Harassment**

- **Using Child for Pornographic Purpose**
- Storage for **commercial purposes** of pornographic material in any form involving a child is also an offence.
- **Other Offences**
  - **Failure to report**
  - **Failure to record**
  - **False complaint**
  - **Disclosure of the identity** of a child without the permission of the Special Court

**The various offences clearly outlined in this act are:**

1. **Penetrative Sexual Assault (Section 3):** Penetration which is peno-vaginal, peno-urethral or peno-anal, fingering or object penetration come under the category of this offence. The minimum punishment prescribed for this offence is 7 years and maximum punishment prescribed for this offence can extend till life term imprisonment accompanied with fine (**Section 4**).
2. **Aggravated Penetrative Sexual Assault (Section 5):** Any of the offences covered in the penetrative sexual assault section, if committed by a person of trust or authority such as a police officer, teacher, parent, care giver then the offences become aggravated penetrative sexual assault. The minimum punishment prescribed for this offence is 10 years and maximum punishment prescribed for this offence can extend till life term imprisonment accompanied with fine (**Section 6**).
3. **Non- Penetrative Sexual Assault (Section 7):** Whoever commits this offence with sexual intent, like touching the vagina, penis, anus or breast of the child; forces or makes the child touch the vagina, penis, anus or breast of such person does any act with sexual intent which involves physical contact without penetration is guilty of offence covered in this section. The minimum punishment prescribed for this offence is 3 years and maximum punishment prescribed for this offence is 5 years accompanied with fine (**Section 8**).
4. **Aggravated Sexual Assault (Section 9):** Any of the offences covered in the non-penetrative sexual offences section if committed by a person of trust or authority such as a police officer,



teacher, parent, care giver then the offences falls under this category of offences. The minimum punishment prescribed for this offence is 5 years and maximum punishment prescribed for this offence is 7 years accompanied with fine (**Section 10**).

5. **Sexual Harassment of Children (Section 11):** Any unwelcome sexual remarks, gestures, emails, telephone calls, taunting, jeering, demands or requests for sexual favours amounts to sexual harassment. The maximum punishment prescribed for this offence is 3 years accompanied with fine (**Section 12**).
6. **Use of Child for pornographic purpose (Section 13):** Any offence which involves a child in the preparation, distribution, production, marketing, and or distribution of pornography via computer, internet, sprint, electronic or any other technology attracts this offence. The minimum punishment prescribed for this offence is 5 years with fine and in the event of subsequent conviction punishment can extend till 7 years with fine (**Section 14(1)**).
7. **Attempt to commit an offence** is also punishable with a sentence of 1 year and fine in POCSO (Section 18)
8. **Abetment of offence:** Intentionally aiding an offence or instigating a person to commit an offence is also punishable under POCSO. The punishment for abetment of offence is similar as that provided for the offence itself.
9. **Failure to report an offence:** It is mandatory requirement to report an offence and the failure to report an offence is also made punishable in POCSO. The punishment prescribed for failure to report is 6 month and or a fine (Section 21)

She then discussed the **Role of CWC in Protecting Children within CCIs broadly**

- Bi-Monthly inspection of residential facilities for CNCP by CWC and recommendations for improvement in quality of services to DCPU and State Government. (Section 30(viii), JJ Act, 2015)
- Inquiry into complaint of abuse of a child in a CCI and directions to police/DCPU/labourdept/childline services (Section 30(xvi), JJ Act, 2015)

- Response to sexual abuse within CCI (Rule 76(2), JJ Model Rules, 2016):
  - Staff to report to Person-in-charge;
  - Person-in-charge to place report before JJB/CWC and Management Committee;
  - CWC to direct police/SJPU to register the case and conduct necessary investigations into.
  - CWC should provide legal aid and counseling to child victim.
  - CWC should transfer child to another CCI or fit person.
  - CWC should consult Children"s Committee and seek assistance from NGOs and other experts.

She then introduced the topic of **Child Protection Plan** which was nothing but ensuring care and protection in a caring and efficient manner. **Basic Components of the**

#### **Child Protection Plan**

- Respecting child participation
- Consultation and negotiation with the child and his/her parents /guardians / caregivers on the content and feasibility of the plan;
- Communication of information between all the parties involved;
- Resource identification
- Identification of resources necessary to carry out the plan, including family support and treatment services where required;

Session came to an end while discussing the topic "**Respecting and Protecting Rights of POCSO Victims who are CNCP**" which comprised of

- **Right to be heard**
- **Right to be treated with dignity (implications on communication)**
- **Right to privacy and confidentiality (implications on written orders)**
- **Right to information**

- **Best interest of child to be a primary consideration**
- **Protection from violence, physical and sexual abuse, neglect, and sexual exploitation**
- **Right to mental and emotional health and well being - which includes healing, positive psychological health, recovery from abuse, access to counseling, support services, and so on.**
- **Right to legal assistance**
- **Institutionalisation as a measure of last resort**
- **Principles of natural justice**

### **Importance of Individual Care Plan and Social Investigation Report in Juvenile Justice**

M.s Arelen gave a generic introduction about ICP and SIR afterwhich she started with ICP. She went on explaining its definition and usage in brief. **Definition:** “ICP is a comprehensive development plan for a child based on age & gender specific needs & case history of child, prepared in consultation with the child, in order to restore the child’s self-esteem, dignity & self-worth & nurture him into a responsible citizen & accordingly the plan shall address the following, including but not limited to, needs of a child, namely:-

- (a) Health& Nutrition Needs, Including Any Special Needs;
- (B) Emotional& Psychological Needs;
- (C) Educational&Training Needs;
- (D) Leisure, Creativity & Play;
- (e) Protection From All Kinds Of Abuse, Neglect & Maltreatment;
- (F) Restoration&Follow Up;
- (G) Social Mainstreaming;
- (h) Life Skill Training.

## **Purpose of Individual Care Plan**

- Enables fulfilment of all legislative goals
- Enables Planning for Rehabilitation
- Enables child's participation in rehabilitation decisions
- Enables
- Monitoring of Rehabilitation
- Enables
- review & modification
- Prevents further maltreatment and/ delinquency

## **Linkage with other authorities and institutions**

Session was bifurcated into Part A: **Monitoring of CWC** and Part B: **Linkages**. Part A was further classified into Nature of CWC and its powers and implications for monitoring, Explanation of the term „monitoring“, „revision“, „grievance addressal“ and how it differs from Appeal, Introduction to Performance Appraisal and its implications. And Part B into Linkages that CWCs have with other authorities, bodies and functionaries.

### **CWC and its powers: Implications for Reporting and Monitoring**

1. State Government appoints committee to constitute such commissions, pays them for sitting & other fees, conduct evaluations and termination was under their control.
2. Quarterly Reports were being received by District Magistrate, monitoring authorities lie with DM, he conducts quarterly review, conducts performance appraisal for CWC and grievance addressal authority also lie with him.
3. Central Government too conducts evaluations

4. State and National Commission for protection of Child Rights (SCPCR/NCPCR) monitor effective implementation of JJA, POCSOAct and other child related legislations.
5. Selection committee selects CWC members including chair persons and others, receives complaints and suggestions and conducts inquiry for the same.
6. They **recommend** termination of any member.

**Note: Appeal as against could be filed under Sec.101, JJA most importantly appeal has to be filed within 30 days and the same has to be decided within 30 days of filing.**

Revision of CWC orders could be done under Sec102 of JJA.

Grounds for termination of CWC

- Under Section 27(7), State Government may conduct inquiry and terminate CWC on the following grounds
  - a) CWC is guilty of misuse of power
  - b) Convicted of an offence involving moral turpitude
  - c) Fails to attend minimum number of sittings (3 months without valid reason or less than 3/4<sup>th</sup> of sittings in a year)
  - d) If the pendency continues to be unaddressed even after three months of receiving directions from District Magistrate under Section 36(5).



CWC has a pivotal role when it comes to foster coordination by the virtue of Section 37 (1) (g) requires the CWC to ensure follow-up and coordination with the District Child Protection Unit or State Government and other agencies.

\*\*DCPU is the “focal point to ensure the implementation” of the JJ Act and other child protection measures at the district level. (Section 2(26), JJ Act 2015)

#### CWC and DCPU’s Roles and functions

- Production: Any officer of the DCPU can produce a child before the CWC. (JJ Act 2015, Section 31(i)).
- SIR: On the direction of the CWC, the DCPU may be required to conduct social investigation (Form 22) and submit a report to them. (JJ Act 2015, Section 30(iii)).
- Information about a child found separated from guardian may be given to the DCPU. (JJ Act 2015, Section 32(1)).
- Authorize Service Providers: DCPU must authorise Social Workers who can be directed to prepare SIR, ICP, child study report, home study report of PAP or foster parents, rendering post-adoption services, or perform any other functions assigned to Social Workers under the Act or Rules. (JJMR Rule 2(xviii))

#### **Role in Sponsorship and Aftercare**

- Implement the sponsorship programme. (JJMR Rule 24(2) and Rule 85(1)(x)).
- Maintain a panel of persons or families or organisations interested in sponsoring a child. (JJMR Rule 24(2)).
- Forward the panel to the JJB, CWC or Children’s Court. (JJMR Rule 24(4)).
- Open an account in the name of the child to be operated preferably by the mother in case of individual sponsorship. Money should be transferred directly from the bank account of the DCPU to the child’s bank account. (JJMR Rule 24(6)).
- Facilitate the implementation of non-institutional programmes including after care as per the orders of the Board or the Committee or the Children’s Court Rule 85(1)(x)

- Ensure inter-departmental coordination and liaise with the relevant departments of the State Government and State Child Protection Society of the State and other DCPUs in the State. (JJMR Rule 85(1)(xii)).
- Network and coordinate with civil society organisations working under the Act. ((JJMR Rule 85(1)(xiii)).
- Work in close coordination with the SJPU in matters concerning welfare of children within its jurisdiction. ((JJMR Rule 86(12)).
- Notify the State Government about a vacancy in the Board or the Committee six months before such vacancy arises. (JJMR Rule 85(1)(xxiv)).
- Perform all other functions necessary for effective implementation of the Act including liaising with community and corporates for improving the functioning of Child Care Institutions. (JJMR Rule 85(1)(xxvii)).

### **ICPS, an overview**

#### **INTEGRATED CHILD PROTECTION SCHEME (ICPS)**

Is a scheme which provides a safe and secure environment for overall development of the children in need of care and protection(CNCP) and children in conflict with law(CICL).  
Contribute to the improvement in the well being of children in difficult circumstances ,  
reduce vulnerabilities to situations and actions that lead to abuse, neglect, exploitation,  
abandonment and separation

#### **The target group under ICPS were Children in Need of Care and Protection(CNCP)**

- Child in Conflict with Law – alleged to have committed an offence(CCL)
- Child in contact with law – who has come into contact with the law as a victim, witness or any other circumstance
- Any other vulnerable Child

## **INTERCONNECTIVITY AND LINKAGE OF JUVENILE JUSTICE WITH OTHER SPECIAL LEGISLATIONS ON PROHIBITION OF CHILD MARRIAGE, PROHOBITION OF CHILD LABOUR AND RIGHT TO EDUCATION**

Dr. Srilakshmi commenced her session on a humble note by thanking the moderator Mr. Kannaiyaraam for speaking so highly of her in the introduction and disclaiming that her session, by any means, is not intended to be instructive or preachy. She acknowledged that there exists an evident gap between theory and practice and the members of the conference are learned and experienced enough in that regard. The session, she added, was intended to be more of a re-sensitization for the welfare of children. Dr.Srilakshmi said that the idea of child welfare and juvenile justice should not be for the reason that some legislation or international convention demands it. It should stem from the moral consciousness that we as humans have the responsibility of welfare for children. It should be guided by individual morality more than mere mechanical adherence to the statutory provisions. She then pointed out the basic principles of child welfare and juvenile justice and contrasted it with relevant special provisions and legislations made for child welfare such as Prohibition of Child Labour and Right to Education Act etc. Except a child in conflict with law, all other categories are in the consonance with the Child Welfare Care and Protection Act which is the primary Act governing child welfare in the country. In her presentation she identified the basic needs of children which are as follows (not in the order of hierarchy):

- Proper Care
- Protection
- Development
- Treatment
- Social Integration
- Child friendly approach in the adjudication through processes
- Best interest of the child
- Rehabilitation
- Re-integration
- Re-socialization

These principles are largely included in the international conventions on child rights and are

incorporated in the Juvenile Justice Act as well. It is of foremost importance to identify „who is a child?“ and to inter-link and reconcile the definitions of a child in various specialized legislations. For instance, the Juvenile Justice Act and the Prohibition of Child Marriage Act differ in their definitions of „child“ however it is well settled now that the prevailing definition of „child“ has to be the one that is laid down in the Child Welfare Care and Protection Act. Moving further, in light of Section 79 of the Juvenile Justice Act which reads “Notwithstanding anything contained in any law for the time being in force, whoever ostensibly engages a child and keeps him in bondage for the purpose of employment or withholds his earnings or uses such earning for his own purposes shall be punishable with rigorous imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees.”she spoke about the role of Child Welfare Committee which is not just punitive but safety of a child is the prime responsibility of the members. Punitive powers are not with Child Welfare Committees as such but the power of determining certain cases cases is with you(members of CWC) which give you enough power to take care of children.

While positive education solves many problems, negative education has grave impacts on the minds of child. Legally, if a child is out of school we assume him/her to be engaged in Child Labour. The acts have and specific legislations have to thus work with each other in tandem with each other in a harmonious way.

A pertinent question is what is the way forward? Mrs. Srilakshmi answers that Right to education is an essential part of children empowerment and that should be pursued with dedication. Right To Education is not a privilege for children but is rather a basic human human rights that they have. Right to Education is might not be 100% successful but still it is a positive way forward. The work that the Child Welfare Committee members are doing and the duty that they are assigned are ones that only a few people have the fortune to have as only a handful are fortunate enough to have the power of being able to shape the future of children. Mrs. Srilaskhmi ended on an anecdotal note narrating an experience when she was travelling to Bhopal. The train stopped at Nagpur station and observed that the man sitting in front of her was keenly observing children drinking water from the pipeline. The man turned emotional, turned to Mrs. Srilakshmi and said that he is Pradeep Kumar and he is an orphan. Someone had put him in an orphanage and people used to bring sweets to the orphanage for children. One day, he jestingly told his orphan warden that how good it will be if they brought sweets regularly. The warden, not impressed by the innocent remark, got offended and beat him black and blue and charged him of being greedy in his manners. Pradeep didn't speak to him ever since. One day he ran away from his orphanage off guard when he was only ten years old. He

was crying. An old man asked him why was he crying and upon knowing his answer, asked him to join him in selling peanuts, which the boy did. One day he was walking along a railway track beside a similar train and longed to go to a distant land.

He lived off selling peanuts and eating at a temple. The boy saved money and funded his education. He graduated on a scholarship and went on to do an MBA as well. The man told her that he has been fortunate in life, He has travelled the whole of India and rarely travels in trains. He has travelled abroad as well and was called by the Pope himself to discuss the ideas and teachings of Mother Teresa. He is married and was married on a condition that he doesn't reveal that he is an orphan. He didn't tell about this to anyone before except now because he saw those children and got reminded of his own past. He remembered people who adopted him or helped him, the orphanage etc.

### **Rescue, Rehabilitation and Repatriation**

The session began with Mr.Kannaiyaaram explaining that he was thinking about the need of giving police's opinion in handling cases related to child welfare. He felt that Mr.Panigrahi would be the right person for the same and he thus welcomed Mr.Panigrahi.

Mr.Panigrahi was questioned about why is the police not discharging the duties to the best of its legal capabilities to which he replied that it is a prevailing notion that police doesn't work however only a few realise that police is the department that works the most. The kind of pressure that the police daily deal with is immense. The police suffer from a lack of staff particularly the field staff which is the backbone of the police and main functionaries. In Odisha there are 50% of sub inspector and more than that in ASA. The basic duty of the police to investigate crimes and limit crimes is compromised because it has to involve itself in various other activities like providing security to men of eminence. Despite, all this police work to the best of its pragmatic capability in discharging its duties and it seeks cooperation of the members of the house in discharging its functions.

Mr.Panigrahi began his session with a Sanskrit shloka that meant that it is not the fault of the boy who is an orphan for being an orphan but that of his circumstances. Hence, he should be treated equally. He recited another shloka that was coherent with the context of the programme that meant that the human body is meant for the service of others. It is hence the duty of the members to serve the children to the best of their abilities.

He then began with his presentation on how to conduct rescue, rehabilitation and repatriation operations. He began by saying that Human Trafficking is the a modern day slavery and is the

third largest organized crime in the world. It is the worst form of human rights violation and it mainly exists in two types

- 1) Labour
- 2) Sexual Trafficking

A question arises that who can be a complainant in case an event of human trafficking is witnessed. He answered saying that anybody can be a complainant including a police officer, NGOs, CWC, Parents and relatives of the victim/primary care givers or any other person, for that matter, who has knowledge of the victim.

He stated the following reasons that lead to the activities of migration and trafficking:

1. Economic and social status.
2. Religious hurdles and barriers.
3. Lack of education.
4. Pressures from older members of the family and community.
5. Poverty/ force/ coercion/ psychological and economic factors
6. Political pressure
7. **Push factors such as** crop failure, drought, flooding etc.
8. **Pull factors such as** better services, good climate, higher employment, more wealth, political stability etc.

He further explained investigation procedure that are essential and are to be followed while dealing with cases concerning children trafficking. Trafficking is an organized crime and a continuing offence, collecting all MOs from the scene of crime and linking them through investigation to the offence of trafficking is a crucial part of investigation. It consists of the following:

- (1) Collect any diaries, notebooks, registers etc.
- (2) Travel documents (like bus/train/air tickets/ papers of travel agents).
- (3) search the accused persons.
- (4) search the vehicles of transportation.
- (5) search the places where the offenders/victims might have stayed/halted.



- 6) To investigate the modus operandi of traffickers.
- (7) To ascertain the criminal antecedents of the offenders
- (8) To ascertain the financial transactions between the offenders, agents, middlemen etc.
- (9) Being an organized crime, the arrest of the accused should take place at an appropriate time without delay.
- (10) Medical examination of an accused should be done.

Following this, he enumerated the role of police in rescue and rehabilitation. Which are the following:

- Screening of the missing/trafficked children category.
- Photographs of the missing child to be uploaded on Web Portal “Track Child” along with the particulars.
- Time to time state level training programmes on Anti Human Trafficking, POCSO Act, JJ Act, Child Rights Act and legal provisions for rescue and repatriation of the missing children are being organized prior to operations.
- After rescue, the rescued child should be brought to the Govt. Protection Homes or shelter homes with proper safety and security.
- Children should be medically examined if required, and produced before CWC at the earliest.
- Liaison with field functionaries of W&CD Department and Collectors & DM for better coordination at District level, Police, CWC NGO, CCIs etc. to get better results and also liaison with other State W&CD Departments
- All rescued children to be put up before Child Welfare Committee for taking appropriate steps for restoration of the children to their families for reunion.
- They shall also be linked to different Govt. schemes for their rehabilitation, whenever required as per the provision under different Acts & Rules.

Mr.Panigrahi then talked at length about the steps taken by Odisha police during Swaraksha Campaign, Operation Smile and Operation Muskan. In accordance with orders of Hon“bleSupreme Court, Ministry of Home Affairs, Govt of India directed all states and union territories to initiate

dedicated campaigns titled “Operation Smile” and “Operation Muskan” from time to time to rescue and rehabilitate missing children. Mr. Panigrahi said that the operations conducted by the Odisha police have been successful and the results have been motivating. Mr. Panigrahi further discussed the role of the commission for protection of child rights.

The National and State Commission for Protection of Child Rights, as per the POCSO Act, needs to ensure the following:

- Monitor the implementation of the POCSO Act,
- Conduct enquiries if there is an offence under the Act
- Monitor the work of various agencies of the State – the police, judiciary and child protection machinery – that work together
- Call for reports of specific cases falling within the jurisdiction of a CWC
- The Commissions can also make recommendations to the government to initiate proceedings for prosecution, recommend interim relief, or make any other recommendations to effectively redress matters.

Further the Rights of child survivors of human trafficking were discussed which are as follows:

1. Right to Privacy and Confidentiality – The name of the child, the family, educational institution wherein s/he is enrolled, and other information capable of identifying her/him shall be kept confidential.
2. Right to Dignity- The child survivor shall be treated with dignity and respect at all stages in the matter and by all players including health care workers, police, judiciary, prosecutor, translators, etc.
3. Right To Non-Discrimination – There shall be no discrimination against any child based on religion, race, sex, or caste. For example, girl children cannot be discriminated against by blaming them for their dress / attire for the incident of sexual offence. At the same time, all stakeholders shall be sensitive to any special needs of a child. For instance, disabled children, medically unfit children or very young children will need to be accorded special treatment.
4. Child has the right to express his /her views in all matters affecting the child- The wishes of the child shall be given priority when decisions regarding institutionalization, medical examination of the child and appointment of a support person. The views of the child shall be given due weight in accordance with the child's age and level of maturity.

5. Right to Well Being – The best interest and well being of the child survivor must be regarded as being of paramount importance at every stage of the trial. Each stakeholder under the Act shall act with sensitivity to the healthy physical, emotional, intellectual and social development of the child. In *Shankar Kisanrao Khade vs. State of Maharashtra 2013 (6) SCALE 277*, the Supreme Court laid down various guidelines for stakeholders under the Act, and held that in cases where the perpetrator of the crime is a family member, utmost care must be taken bearing in mind the best interest of the child is of paramount consideration.

6. Child has a right to be protected from all forms of sexual exploitation by the State- There can be no exemption for committing sexual intercourse with a child – not even if the accused is married to the child.

7. Right to Medical Treatment: The child survivor shall not be denied medical treatment (*section 27 of the POCSO Act*). The dynamics of child sexual abuse differ from those of adult sexual abuse. In particular, children rarely disclose sexual abuse immediately after the event. Moreover, disclosure tends to be a process rather than a single episode and is often initiated following a physical complaint or a change in behavior. Therefore, the evaluation of children requires special skills and techniques in history taking, forensic interviewing and examination; the examiner may also need to address specific issues related to consent and reporting of child sexual abuse.

Thereafter, emphasis was laid on Support Services to the rescued victims/Rehabilitation at the District level. Mr. Panigrahi stated that the following procedure are currently followed and form a guideline to be followed for further such services to be dispensed:

- Each District has a full fledged District Child Protection Unit(DCPU) with an allocated budget for repatriation and rehabilitation of children including trafficked and missing children.
- The Child Welfare Committee in the Districts are fully functional and empowered to recommend appropriate rehabilitation options for the trafficked children.
- Child Care Institutions have been registered across all Districts for rehabilitation of these children subject to recommendation by the CWC.
- Sponsorship may also be provided on the recommendation of the CWC
- Each DCPU has a trained counsellor for providing counselling services to the victims and their parents

Now addressing the need of rehabilitation and repatriation of survivors, the following recommendations were made by Mr.Panigrahi for the same:

- Intimate the DCPU and CWC of the District whenever information regarding trafficking of children is received.
- In case of trafficking cases involving other States, the W&CD Department should also be kept in the loop.
- The rescued child should be produced before the CWC of the District within 24 hours of rescue.
- CWC to ensure for their care, protection, placement and treatment of the child, social re-integration and rehabilitation.
- As per Section 105 of JJ Act, the State Govt. may create a fund in such name as it think free for the welfare and rehabilitation of the children dealt with under this Act.
- There shall be credited to the fund such voluntary donation, contribution or subscription made by any individual and organisation.
- It is to be administered by the Deptt. dealing with such matter. Such as DLAS/SLAS.
- Repatriation of all rescued child victims should be done with the support of the DCPU and CWC in the case of intra-State cases and with the support of DCPU, CWC and W&CD Dept. in case of Inter-State trafficking cases.
- As soon as a child is reported to be in a situation of conflict with Law and is apprehended by the police , the concerned police officer shall inform :
- The designated Juvenile or Child welfare Officer from the nearest police station to take charge of the matter.
- Parents or guardian of the Juvenile alleged to be in conflict with Law.
- Concerned Probation Officer and CWC.
- A Police officer dealing with a child in conflict with Law should always be in plain clothes Rule 8(4).
- Rule 8(1): No First Information Report shall be registered except where a heinous offence is alleged to have been committed by the child, or when such offence is alleged to have

been committed jointly with adults.

- In all other matters, the Special Juvenile Police Unit or the Child Welfare Police Officer shall record the information regarding the offence alleged to have been committed by the child in the general diary followed by a social background report of the child.
- The power to apprehend shall only be exercised with regard to heinous offences, unless it is in the best interest of the child.
- For all other cases involving petty and serious offences and cases where apprehending the child is not necessary in the interest of the child, the police or Special Juvenile Police Unit or Child Welfare Police Officer shall forward the information regarding the nature of offence alleged to be committed by the child along with his social background report.

He then explained the role of NGOs in dealing with sexually abused children

- Conducting awareness programme.
- Collect intelligence on trafficking.
- Provide logistical support to the Police.
- Assist the police during counseling of victim.
- Assist the police during trial
- Ensure for compensation of victim.
- Produce the rescued child victim before CWC.
- Repatriation of the rescued child with the Order of CWC
- Assist the CCIs in providing rehabilitation.

Mr.Panigrahi further laid down on the role of medical practitioner, role of district magistrate and the role of labour departments. The same are enumerated below:

#### Role Of Medical Practitioner

- Inform the police in case of suspicious case
- Immediate medical attention be provided
- Medical examination be carried out of the victim at the earliest.
- Age determination of the victim

- Adopt Victim friendly procedure as per guidelines.

### Role of District Magistrate

- Regular identifications and rescues are conducted in the district
- Ensure convergence among various stakeholders
- Collection of intelligence and prosecution
- Issue release certificate as per the scheme.
- Ensure time bound rehabilitation and repatriation.

### **FINANCIAL MANAGEMENT IN CWC"s**

The session began with a brief introduction to the concept of financial management by Mr. Mohanthy. He explained in detail the diverse aspects of financial management and the various ways of its effective implementation within the CWC. He further laid down the annual grants received by CWC and explained in detail each and every component of the budget. These grants are subject to internal and external audits by authorities concerned. CWC"s receive two types of grants which are as follows: -

- Non-Recurring Expenditure of Rs 1,02,500 which is received once every 5 years; and
- Recurring Expenditure of Rs. 21, 60,000 which is received on an annual basis.

### **REPORTING, DOCUMENTATION AND FORMS**

#### I. DOCUMENTATION

- Detailed case records and case summaries for every individual case to be recorded in Form 15.
- Maintenance of accessible suggestion or grievance redressal box in the committee premises.
- Emphasis on participation rights to ensure smooth functioning of the children"s committees in CCI"s.
- Maintenance of separate order sheets files for simplification of the process.



## II. REGISTER MAINTENANCE MECHANISMS

- Data entry on a daily basis.
- Movement registers for CP & members
- Entry of children brought to the committee along with the details of CCI's they are transferred to.
- Separate registers for inspection records, books of accounts, correspondence, meeting records, child scholarships and follow-up registers to ensure uniformity and systemacy.

## III. REPORTING PROCEDURES

- A quarterly report in MWCD format about CNCP to the District Magistrate as per Form 16 mentioning details such as case pendency and nature of disposal.
- Monthly case reports and detailed sitting of CP & Members.
- Biometric attendance of CP & Members to enhance digitization in the department.

## IV. OTHER FORMS

- Discussion on Form 19 to place a child under the care of a parent, guardian or fit person at the time of pending inquiry.
- A suitable rehabilitation plan as per Form 7.
- Social Investigation through Form 21 as per sub-section (2) of section 36.
- Surrender deed as per Form 24.
- Child to be declared legally free for adoption after the expiry of sixty days from the date of surrender as per Form 25.
- Case monitoring sheet as per Form 26.

He subsequently scrutinized in detail the provisions under clause (vii) of rule 17 & 18 of JJ (C&PC) Model Rules 2016 and emphasized on the “*ShishuSuchana*” scheme. At the end of the session, the participants were briefed with the effective use of the ShishuSuchana portal to upload all information via the [trackthemissingchild.gov.in/trackchildlink](http://trackthemissingchild.gov.in/trackchildlink).

## INSTITUTIONAL SERVICES AND STANDARDS OF CARE IN CCI

The session began with Ms. Nina Nayak elaborating on the importance of the JJ Act along with a modern mechanism to uphold child rights. She repeatedly emphasized the need for participants to treat the JJ Act and UNCRC as their bible and understand the motive and purpose behind each of the carefully drafted provisions. She shed light on the history of childcare institutions and traced the entire journey of its evolution critically analyzing the harsh realities of today's dismal conditions of the childcare institutes. She gave various instances from her days as a Chairperson for the Karnataka State Commission for Protection of Child Rights to evoke the participants on the mental trauma, sexual abuses, and violence faced by each of these children in the childcare institutes. She stimulated and encouraged the participants to adopt progressive approaches for the upliftment of these children. Some of the suggestions made by her include: -

- The concept of "Individual Care Plan" focussing on short-term and long-term plans for each and every individual to stimulate and develop independent talents.
- The need for children to be kept in an environment of "least restrictive care".
- To understand that each and every child has a distinct experience and trauma that he has faced and thus, needs as much individualized attention as possible.
- Guidelines on how to build an ideal institute which identifies and understands the needs of the child.
- To give emotional support to the child and not use him as a bait for attracting donors.
- Gathering as much information about the child as possible to tap the family shortcomings and provide a solution to them so that a child can enjoy his rights to live with his family instead of a childcare institute.
- Focus on education, psychosocial development of children and imbibe life skills in them.

Thereafter, she reviewed the necessity for institutional standards and child-centered policies within these committees.

Certain standards for institutional care services as suggested by the former vice-president of the Indian Council of Child Welfare, Ms. Nayak include: -

- The concept of "Gate-Keeping" to ensure that only the requisite children with no other alternatives are provided shelter in the Childcare institutes.
- To tackle the problem of lack of interest and boredom in workers and institution staff by

organizing field trips, outsourcing services, and regular trips to enhance and boost the morale of children and workers alike.

- To tap the reasons for fatigue and solve them.
- To accept and understand the flaws of the current system and mold their schemes accordingly.
- Identify different alternatives for progress to maintain standards in their work.

She concluded the session by narrating a plethora of her personal experiences appropriate enough to evoke emotional responses and a sense of attachment with their work by these participants.

### **NON-INSTITUTIONAL SERVICES**

The session began with Ms Nina's deliberation on the need for a shift from institutional services to other alternatives. She focused on the concept of "De-institutionalisation" and institutions being the last resort for a child. She used examples of various children ranging from the age groups of 3-15 years to highlight the problems faced by each category including the adoption hardships and lack of parental responsibility. She focused on the concept of "community relations" emphasizing the need to build relations and a family support system, the lack of which may lead to serious identity crisis in these children when they leave the surroundings of their she become a part of the larger society. She deliberated on how the children can be taken into an institution until their family problems are solved by the committees and then they can be taken back into the community after a brief period of time. She repeatedly signaled against the giving away of children by their mother and father and encouraged institutions to accept only when no other alternative is possible. In case of available alternatives, the institutes should provide support for that alternative as that would not only be cost-effective for the institute but also within the "best interests of the child". This would enforce a fear of responsibility on both the sides. She explored the concept of "foster care" and its essentiality and helped the participants analyze the aim of CWC which is to "preserve families" and not to break them.

## **PSYCHOSOCIAL DEVELOPMENT OF CHILDREN**

The session taken up by Dr. Aravind started with an activity to be performed by the participants to understand the underlying concept of dependency of children on their parents and mentors. He emphasized the fact that it is vitally important to become parents not only biologically but mentally and socially as well as acceptance of children as they are is the key to opening up their minds. He also said that as parents and mentors, it is critical to build trust between them and the child and ensure a better and independent future for them. This was followed by another interactive activity through which the participants were explained that negative experiences leave a negative trail and thus the fundamental step should be to understand the circumstances and perceptions of the child in order so to take better decisions for him/her. It is imperative to build confidence and reassurance in the child and provide him with encouragement and support in achieving his goals.

- He laid stress on the psychological development of a child and explained two aspects of the same i.e. Emotional quotient and Social quotient. In his opinion, developing interpersonal relationships and social stimulus of children helps in elevating their social quotient. Psychological moulding of a child should be done before he/she attains the age of 18 as the personality gets rigid by then.
- He also sketched out various external factors that affect the psychological development of a child and the interplay of these factors in shaping an individual.
- He motivated the participants to focus on the process of an outcome rather than aiming for the final result always.

e acquainted the participants with the social ecological model and directed them to manipulate the circumstances to the best interests of the child. The underlying motto of Dr. Aravind in conducting interactive activities was to enable the participants to understand the concept of experiential learning which would enable them to put themselves in the shoes of the children

## **ADOPTION LAWS IN INDIA**

Adoption is a vital component in the process of child restoration and the session began by familiarising the participants with the prevailing adoption laws in India. Adoption can be carried out in India under the following laws:

Mr.Owais explained the journey of adoption from being a religious parent-centric matter to that of a civil child-centric matter. He further updated that the Muslim community had been recently authorized to adopt a child under the JJ Act prior to which they followed an equivalent religious practice known as *Kafala*. At the same time, the Hindu community can resort to HAMA for adoption. Subsequently, he laid down the peculiar law as to the capacity of people who can undertake adoption under the HAMA according to the concept of differential treatment of men and women with women occupying the inferior ground.

HAMA regarding persons who may be adopted, the age difference between parents and children and other such conditions. He also laid down the fundamental principles governing adoption. They are as follows:

- The best interests of the child.
- Placement of the child in his own socio-cultural environment.
- Registration of adoption under appropriate laws and Child Adoption Resource Information and Guidance System.

Another element of his presentations was the various procedures involved in the reporting of orphan and abandoned children. The presentation was informative and helped participants augment their legal knowledge with respect to adoption.

## **ADOPTION COUNSELLING**

After the knowledgeable session on the diverse aspects of adoption, the participants were informed about the most crucial component of adoption i.e. counselling in this session. Ms. Nina, through her numerous experiences, explained to the participants the necessity for adoption counselling by both parents and children. She elaborated on the process of adoption and how it triggers a series of responses which can impact the lives of both the parents and the child and it is pertinent that they know how to react to these consequences. She also emphasized the need and rationale for the following people to undergo adoption counselling:

She pointed out the following issues underlining the significance of adoption counselling:

- To help in decision making, motivation for adoption, helping the mothers to come to terms with infertility issues if that is the motivation, or loss of a biological child, mental preparedness or to drop the idea.
- Handling acceptance issues among family/friends and responding to their queries.
- Sharing information on circumstances under which the child was born or placed for adoption.
- Support where disruption or dissolution of an adoptive placement takes place.
- Entitlement, unmatched expectations, family integration, loss, grief, bonding, attachment, identity formation issues.

## **CHILD WELFARE COMMITTEE – POWER AUTHORITIES AND RESPONSIBILITIES**

Ms. Geetanjali began her presentation by establishing some crude facts and legal provisions on child welfare and then moved on to discuss the complex legal provisions simplifying each of them for the effortless understanding of the participants. She expressed that the laws had bonafide intention but the implementation is being carried out inefficiently. Thus, steps should be taken to enforce effective implementation of these laws. Her presentations were filled with examples and case-studies to facilitate clear understanding of the complex concepts by the participants, most of whom were from non-legal background. She discussed the following topics in her presentation: -

- The various processes by which a child comes before the CWCs, i.e., as victim of crime,



children who are in conflict with law and children in need of care and protection and the persons or organisations who may produce the child before the committee.

- The approach to be adopted while dealing with a child and the need for bringing children in conflict with law into the mainstream society.
- The main objective for setting up for the CWC and its functions and responsibilities.
- The legal definition of a child as per Section 2(12) of the Juvenile Justice (Care and Protection of Children) Act, 2015 and the other provisions dealing with it.
- The lacunae in implementation and the need for regular follow-ups.
- The age inquiry procedures and scope of such inquiry powers with the CWC
- The types of children falling within the domain of “children in need of care and protection” such as the orphans, abandoned or street children, injured children, mentally ill or sexually abused children or surrendered children.
- The important legal provisions under Juvenile Justice (Care and Protection of Children) Act, 2015 such as Section 29(2), types of jurisdiction and its relation with the Code of Criminal Provision, 1973 such as Section 11, 16, 27(9), 61 and 153.
- The procedures for issuing summons and warrants to a witness and the process for imposing fines and compensations.
- The overlapping areas of jurisdiction of the CWC and JJB.
- The procedure of appeals, revisions and power to amend orders.
- The provisions for sitting of the committee as per CWC and CNCP rules.
- Diverse reliefs such as shelter, medical, emotional and psychological relief.

The presentation was followed by a detailed question-answer session where the participants raised the grievances and concerns that are being faced by them within their departments on a daily basis at CWC. Ms. Goel, patiently heard and provided prompt legal solutions to their problems.

### **THE ART OF ORDER-WRITING**

This session was exclusively focused on familiarising the participants with the process of writing various types of orders in their capacities as a judicial magistrate. Ms. Geetanjali Goel emphasised that all case files or records with the CWC should be self-explanatory including even the minutest information. They were instructed with certain essential guidelines to be followed while writing orders which included;

- Facts including elaborate conditions of the children when brought to CWC to be clearly

listed.

- Gist of all issues to be clearly specified.
- All evidences should be included (Medical and scientific evidences).
- All leading information on social investigation report including every observation and finding.
- Direction given by the committee (directions to any authorities, individual care plan or case disposition order).

### **ODISHA JUVENILE JUSTICE RULES 2018**

The Hon“ble Justice D.P. Chaudhary discussed in detail the provisions under the Odisha Juvenile Rules of 2018. Certain suggestions made by him include: -

- To have a cooperative working environment with their staff, other branches of CWC across the state as well as the different government departments aiding their actions.
- To bring matters to the High Court JJ Committees, in case the JJ Boards within their jurisdiction fail to take any action.
- To understand the competency of producing a child before CWC.
- To identify the children in need of care and protection and provide immediate assistance as per the established procedures of law.
- To follow a rational and reasonable principle of analysing evidences and writing orders.

He explained every provision using examples and case studies to simplify the learning process for the participants.

### **INTERACTING WITH CHILDREN – PROTOCOL(DIGNITY, CONFIDENTIALITY AND PRIVACY)**

Ms. GeetanjaliGoel began the session by discussing the principles under the JJ Act for care and protection of the children. These are as follows;

- i) *Principle of dignity and worth*
- ii) *Principle of participation*
- iii) *Principle of best interest*
- iv) *Principle of safety*
- v) *Positive measures*

- vi) *Principle of non-stigmatizing semantics*
- vii) *Principle of non-waiver of rights*
- viii) *Principle of equality and non-discrimination*
- ix) *Principle of right to privacy and confidentiality*
- x) *Principle of fresh start*
- xi) *Principle of natural justice*

Through examples and personal experiences, she explained how every child has varying experiences and our own visions and prejudices should not cloud our visions. She emphasized on the need to converse with the child in a language that he understands and give due weightage to his wishes. She also elaborated on the need to keep the child duly informed about the case progress and meeting schedules.