

**Report of  
Western Regional Review Conference on  
Juvenile Justice (Care and Protection Act), 2015, Protection of  
Children from Sexual Offenses, 2012, and Victim Compensation**



Organised by  
**National Human Rights Commission**  
in collaboration with  
**Tata Institute of Social Sciences (TISS), Mumbai**

**Participating States/ UTs:**

Goa, Gujarat, Rajasthan, Maharashtra, Daman & Diu, Dadra & Nagar Haveli

**Venue: YMCA International House, Mumbai Central, Mumbai, Maharashtra**

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## List of Abbreviations

ADR	Alternative Dispute Resolution
BCPC	Block Level Child Protection Committee
CCI	Child Care Institution
CCL/ CICL	Children in Conflict with Law
CCTV	Closed-circuit Television
CDPO	Child Development Project Officer
CHC	Community Health Centers
CNCP	Children in Need of Care and Protection
CSO	Civil Society Organisation
CVCF	Central Victim Compensation Fund
CWC	Child Welfare Committee
CWO	Child Welfare Organization
CWPO	Child Welfare Police Officer
DBT	Direct Benefit Transfer
DCPS	District Child Protection Society
DCPU	District Child Protection Unit
DDO	District Development Officer
DIC	District Inspection Committee
DLSA	District Legal Services Authority
DoIT	Department of Information Technology
DSD	Directorate of Social Defense
DWCD	Department of Women and Child Development
FD	Fixed Deposit
FIR	First Information Report
GCA	Goa Children's Act
GCERT	Gujarat Council of Educational Research and Training
GSCPCR	Goa State Commission for Protection of Child Rights
GSCPS	Gujarat State Child Protection Society
HIV	Human Immunodeficiency Virus
HQ	Headquarters
ICPS	Integrated Child Protection Scheme
IDSS	Integrated Disability Support Services
IPC	Indian Penal Code
ITPA	The Immoral Traffic (Prevention) Act
JJ Act	The Juvenile Justice (Care and Protection of Children) Act
JJB	Juvenile Justice Board
LCPO	Legal cum Probation Officer
MIS	Management Information System

MSCPS	Maharashtra State Child Protection Society
MSLSA	Maharashtra State Legal Services Authority
MTP	Medical Termination of Pregnancy
MWCD	Ministry of Women and Child Development
NALSA	National Legal Services Authority of India
NGO	Non-Governmental Organization
NHRC	National Human Rights Commission
NIPCCD	National Institute of Public Cooperation and Child Development
OBC	Other Backward Class
OH	Observation Home
PHC	Primary Health Care
PIL	Public Interest Litigation
PLV	Para Legal Volunteers
PO	Probationary Officer
POCSO	Protection of Children from Sexual Offences
RLSA	Rajasthan State Legal Services Authority
RTO	Regional Transport Office
SAA	Specialized Adoption Agency
SARA	State Adoption Resource Agency
SC	Scheduled Cast
SCAN	Stop Child Abuse Now
SCPC	State Child Protection Society
SCPCR	State Commission for the Protection of Child Rights
SDG	Sustainable Development Goal
SDM	Sub Divisional Magistrate
SHRC	State Human Rights Commission
SJPU	Special Juvenile Police Unit
SLSA	State Legal Services Authority
ST	Scheduled Tribe
TISS	Tata Institute of Social Sciences
UNICEF	United Nations International Children's Emergency Fund
UT	Union Territory
VAU	Victim Assistance Unit
VCPC	Village Level Child Protection Committee
VCS	Victim Compensation Scheme

# Acknowledgements

## **NHRC**

Ms. Jyotika Kalra, *Hon'ble Member*

Mr. Jaideep Govind, *Secretary General*

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## **YMCA**

All the members of the YMCA team for conference facilities and arrangements

## Executive Summary

The Western Region Review Conference on Juvenile Justice (Care and Protection), 2015 and Protection of Children from Sexual Offences, 2012, and Victim Compensation was organised by the Tata Institute of Social Sciences (TISS), in collaboration with the National Human Rights Commission, on December 17, 2019, from 10:00 AM to 6:15 PM at the YMCA International House, Mumbai Central, Mumbai.

The consultation was graced by dignitaries, Ms. Jyotika Kalra, Hon'ble Member, NHRC, Mr. Jaideep Govind, Secretary General, NHRC, and Prof. Shalini Bharat, Director, TISS. Other NHRC officials who attended the Conference included Mr. Sudesh Kumar, Senior Research Officer, Dr. Seemi Azam, Research Officer, Mr. Pallav Kumar, and Ms. Ridhima Puri, Research Consultants. The Conference was attended by officials from the Departments of Women and Child Development, Police, State Legal Services Authorities, State Commissions for Protection of Child Rights, members of Juvenile Justice Boards and Child Welfare Committees, and NGOs from states/UTs in the Western Region: Goa, Gujarat, Maharashtra, Rajasthan, Daman & Diu, Dadra & Nagar Haveli.

Prof. Shalini Bharat, Director, TISS, welcomed the participants to the consultation. She shared the long association of TISS related to child protection through field action projects, teaching, research, and faculty being commissioned by the judiciary to intervene in the matters related to juvenile justice. This consultation, she said, was significant as it would show the ground realities and challenges from the consultations of the six states/UTs. This would enable all the stakeholders to strengthen the work of policymakers, practitioners, citizens, to ultimately benefit the children.

In her Presidential Address, Ms. Jyotika Kalra, Hon'ble Member, NHRC, emphasised on the need to address early deviance and addictions among children, so as to prevent crimes amongst children. In her view, law should be used through certainty rather than deterrence. While strengthening the existing CCIs, there is a need to explore alternative care options within the JJ Act like Restorative Justice. She drew attention to addressing the root of crimes amongst children through education, health, and allied services. Using the introductory film (titled '*Kumbhil Shiva*,' a short film by Vishal Mangal that had bagged the first position in NHRC's Short Film Award Competition) screened as a reference point, she underlined the need for social re-integration of the victims to preventing re-victimization.

Mr. Jaideep Govind, Secretary General, NHRC, highlighted on the need for a public discourse on the situation of children and their vulnerabilities and the way forward. He emphasised on the need to create increased awareness and improving access to the Victim Compensation Schemes. The need to



strengthen, empower, motivate family, school and community as important stakeholders was also highlighted by him, as these networks have the scope of providing an inclusive environment for preparing a road-map for the children's self-development. Highlighting the role of NHRC, he invited the participants for deliberating and sharing their suggestions that NHRC can take forward as policy and practice recommendations.

The participants of the consultation witnessed a lively interface between government officials and NGOs regarding best practices as well as challenges faced on implementation of JJ Act, POCSO Act and Victim Compensation. The consultation concluded with recommendations and suggestions to overcome the challenges in the way of implementation of the above-mentioned legislation and schemes.

Major recommendations that emerged from the day-long consultation are identified at two levels:

#### I. Policy and Approach

Suggestions at the policy level included developing preventive measures and addressing early deviance and addiction among children, de-criminalising and de-stigmatising CCL, CnCP and other victims of crime through the restorative justice approach, including children of prisoners in legislations and schemes, discussing and de-criminalising, the issue of consensual sex amongst minors in the age group of 16 to 18 years, reviewing mandatory reporting for school counsellors and researchers under POCSO and a need for NHRC to review the legislations and examine their aptness as per international instruments, as also its impact on children.

#### II. Implementation Practices

A. **JJ Act, 2015:** Recommendations made included increased sensitization and awareness building among officials providing services and among the general public; improving inter-departmental coordination and the condition of existing Child Care Institutions to make them more child-friendly; including vocational training and de-addiction services within these facilities. Recommendations were also made to constitute Juvenile Justice Boards as per the JJ Act, provide legal services to CCLs when their cases are transferred to the Children's Court and streamlining the process of handling CCLs within the system. A need to fill vacant positions was also identified as an immediate reform measure.

B. **POCSO Act, 2012:** A need for increased sensitization and awareness about sexuality and the law among stakeholders; and introducing sex education and awareness of sexual offenses in schools was identified as preventive measures. Steps to be taken for better handling of cases under the POCSO Act were suggested which included better collaboration between state services, police, and NGOs; and orientation for all stakeholders to move from paper to practice.

**C. Victim Compensation Scheme:** A need for interventions beyond financial provisions for the reintegration of victims was identified as a major need. Other suggestions included a need for suo moto cognizance of cases by the DLSAs, increasing the scope of VCS to include abuses of other forms such as trafficked victims, and collaboration between government departments, police, and NGOs for victim rehabilitation.

## I. Background Note

India's commitment towards development and protection of children, as reflected in the Constitution of India, is enacted through its state and national policies and plans, welfare programmes and schemes, and protective legislations. It stems from ideological and legal positions that hold children vulnerable, thereby extending to children in need of care and protection and those in conflict with the law. In short, it is a responsibility and duty towards our children including their physical, legal, social, economic and psychological needs. In this context, State and civil society endeavors to identify vulnerabilities amongst children, compensate for these vulnerabilities, distance children from exploitation, facilitate their development, offer environments of care within families and communities, create alternative measures such as institutional care, foster-care and adoption, as well as provide legal remedies to those in conflict with law while also protecting their childhoods.

State and non-State agencies addressing care and protection of children do so in complex contexts, requiring careful negotiation with, and juxtaposing of social, cultural and legal situations. They often do so with limited resources, sometimes leading to compromised intervention. Larger social contexts such as poverty, unemployment, increasing inequality, lack of access to resources, and denial of better life chances, have impacted on the circumstances of families and communities in general, and children in particular. Meanwhile, where families and communities experience acute and chronic disadvantage, there is increased and emerging forms of neglect and exploitation of children, evident in processes such as child trafficking, psychological and aggravated abuse, cultural acceptance of violence against children, and social exclusion of some categories of children and youth from public support.

Difficult circumstances apart, identifying vulnerabilities in children remains another challenge, resulting in outreach getting limited to those visible, those more accessible, and those for whom extending help is more feasible. At another level, it is not infrequent for intervening agencies to find themselves challenged in addressing children's needs, due to limited/absence of supporting infrastructure and systems. In the process, definitions of care, exploitation and vulnerability may get re-defined; some in a way that benefit children – victim compensation, for instance. In some contexts, such redefinitions are challenged by the law, for instance, punishment to children in conflict with law in heinous crimes, where they may be tried as adults.

Either way, one must acknowledge the extremely challenging process of protecting children's rights, and strengthen initiatives therein. In this context, the Tata Institute of Social Sciences, in collaboration

with the National Human Rights Commission, proposes to organise a Western Region Consultation on three crucial socio-legal statutes and policies:

- a) Juvenile Justice (Care and Protection Act), 2015
- b) Protection of Children from Sexual Offenses, 2012
- c) Victim Compensation Schemes

**Objectives of the Consultation**

- a) To report on implementation of the above statutes in states and UTs of the Western Region
- b) To examine the extent to which intervention is able to reach out to varying levels of vulnerabilities amongst children
- c) To deliberate on challenges in implementation of the same
- d) To exchange good practices in different contexts
- e) To conceive strategies for strengthening implementation of socio-legal statutes and policies

Participants from different wings of the state governments, namely the Departments of Women and Child Development, Police, State Legal Services Authorities, State Commissions on Child Rights, and Civil Society Organisations from the Western region were invited to jointly deliberate on these objectives and suggest the ways to address some of the challenges faced by the system and NGOs while engaging with the issue of child rights.

## II. Inaugural Session

Dr. Roshni Nair, Chairperson, Centre for Criminology and Justice, School of Social Work, TISS, welcomed the dignitaries and participants. She introduced the sessions for the day. A short film by Vishal Mangal, produced by the NHRC, '*Kumbhil Shiva*' was played before commencing the programme. The film by Vishal Mangal portrayed the plight of children through child sexual abuse. The film portrayed the plight of a 10-year-old girl raped by her uncle leading to her pregnancy. Due to the stigma attached with rape and pregnancy, the girl is revictimized through rejection and isolation by the school and the society as a whole. It depicted the loopholes in laws through the refusal of the courts in allowing abortion. The girl eventually delivers a child. The film set the tone for the conclave by underlining the need for intervention in child protection and upholding child rights.

Dr. Roshni Nair introduced the dignitaries presiding the inaugural programme.

### About the Dignitaries

**Ms. Jyotika Kalra** joined as a **Member, NHRC** in the year 2017. Before joining Commission, she was a practicing Advocate and Advocate-on-record with the Hon'ble Supreme Court of India. She did her Bachelor of Commerce from Delhi University and Bachelor of Law from Campus Law Centre, Delhi University. Her Masters of Law is from Kurukshetra University. She has filed many Public Interest Litigations (PILs); significant among them is opening up a channel for females to practice as a make-up artist in Cine industry after 60 years of independence; raising the issue of non-recruitment of women in the Armed Forces that resulted in opening of opportunities for women in Territorial Army etc. She has conducted many awareness and gender sensitization programs with schools, colleges, Universities, Govt. and non-Govt. organizations. She was a Member of many Sexual Harassment Committees and has dealt with many sexual harassment complaints. After being appointed as a Member of the National Human Rights Commission, she has been dealing with subjects like Women, Children, LGBTI, Trafficking, Reproductive rights etc. Under her leadership, many workshops have been conducted in the Commission as well as in different parts of the Country relating to POCSO, JJ Act, restorative justice, sexual harassment at workplace, gender equality and economic development etc.

She has been honoured by the Supreme Court of India for her three books. She was given the award of Outstanding Woman in 2014 by the National Commission for Women. She was on the Expert Committee of National Commission for Women and deliberated on drafts of women related laws. She was appointed Amicus Curie in important matters, some of them concerning violation of women's rights. She

was on the panel of the Supreme Court Legal Services Committee. A passionate activist, she has been associated with many NGOs. As a representative of these organizations, Ms. Kalra has attended International Conferences at Istanbul, Manchester and United Nations Headquarters, New York. She has deliberated on many rights issues of women which include surrogacy, female foeticide, witch-hunting, etc. She has presented many papers in the country and a few abroad. Her articles mainly on the subject of women and law have been published in various magazines and newspapers. In the past, she has enjoyed imparting knowledge as part-time Lecturer in the Faculty of Law, University of Delhi and I.P. College, Delhi University.

**Mr. Jaideep Govind, Secretary General, NHRC** belongs to Indian Administrative Service of the 1984 batch of the Madhya Pradesh Cadre. He joined National Human Rights Commission as Secretary General in the year 2019. He was posted as Special Secretary and Financial Adviser in the Ministries of Rural Development, Panchayati Raj, Drinking Water & Sanitation and Department of Land Resources that include flagship schemes such as, MGNREGA, Pradhan Mantri Awaas Yojana-Gramin, Pradhan Mantri Gram Sadak Yojana, Rashtriya Gram Swaraj Abhiyan, Swachh Bharat Mission, Digital India Land Records Modernisation Programme etc. He has held various important posts in the Government of India, such as, Additional Secretary in Ministry of Home Affairs and looked after critical areas of Left Wing Extremism, Police Modernisation and procurement for CAPF etc. Mr. Govind was looking after the Centre-State Division and Human Rights Division in the Home Ministry. He addressed the U.N. Forum in New York on human trafficking and attended an important meeting of trafficking of women and children in Bangkok. He has also served in the Ministry of Commerce & Industry, Department of J&K Affairs, Ministry of Tribal Affairs in Government of India. He worked in Madhya Pradesh as Division Commissioner, Ujjain for 3 years, Commissioner (Tribal), Madhya Pradesh and Principal Secretary, Technical and Higher Education etc. As Chief Electoral Officer, Madhya Pradesh he won a Special Award in 2014 for best CEO in the country for conduct of Lok Sabha Elections and also received Best State Award in 2013, for conduct of Assembly Elections. He also won the Prime Minister's award for Excellence for Civil Servants in 2010 as part of the team for effective implementation of the Forest Rights Act when he was Tribal Commissioner in Madhya Pradesh.

**Prof. Shalini Bharat, Director, Tata Institute of Social Sciences (TISS), Mumbai** is associated with the Centre for Health and Social Sciences, at the School of Health Systems Studies and had joined TISS in 1984. She headed Saksham, a Global Fund Round 7 grant to TISS, as its National Programme

Director. Some of her research interests are in health equity, access and gender (with focus on reproductive health, women and adolescent health), migration and health related vulnerabilities, HIV related stigma, discrimination and human rights, and ethics and health research. Prof. Bharat has been organising capacity-building workshops for doctoral students and early career faculty on qualitative research methods and scientific writing, for the past several years as part of her Knowledge Network Project with the Population Council. She serves on the Scientific Advisory Committees, Technical Review Groups and ethics review committees of many national and international organisations and research studies. She served as member, Mission Steering Group of National Rural Health Mission, GOI (2007-2013). Currently she is Board Member of AIDS Alliance, India. She has published widely in peer reviewed journals and is on the editorial board of the journal Culture, Health and Sexuality.

### Welcome Address by Prof. Shalini Bharat, Director, TISS

Prof. Shalini Bharat welcomed all the national, state, NGO officials and participants to the consultation and thanked Mr. Govind and Ms. Kalra from NHRC for their support. She shared the long association of TISS of working on issues of child rights and protection through teaching, research, field action projects (FAPs) like Childline, Prayas, Resource Cell for Juvenile Justice (RCJJ), Koshish, Project Chunnauti. TISS' research and fact-finding reports have contributed significantly like Koshish team's report uncovering serious lapses in the Muzaffarpur Shelter Home. Moreover, faculty members like Dr. Mohua Nigudkar and Dr. Asha Bajpai have also performed key roles in strengthening the juvenile justice system and been commissioned by the judiciary to intervene in the matters related to juvenile justice. Training programmes and consultations such as this are regularly organised by the FAPs and faculty members for JJS functionaries, police, NGOs, on matters of child rights, legislation, implementation practices etc.

Prof. Bharat described the consultation as a significant step towards understanding the ground realities and challenges, through the presentations of learnings and experiences within the six western states/UTs, in the arena of child protection, juvenile justice, and victim justice so as to strengthen and streamline the work of policymakers, practitioners, academicians and citizens, towards the eventual benefit of children.

### Presidential Address by Ms. Jyotika Kalra, Member, NHRC

While addressing the members, Ms. Jyotika Kalra elucidated all the three components of the consultation (JJ Act, POCSO, and Victim Compensation) with a strong focus on prevention and restorative jus-

tice. In the first part of her talk, she emphasised upon the need to address early deviance and addictions among children, so as to prevent crimes amongst children. In her view, law should be used through certainty rather than deterrence. While strengthening the existing CCIs, there is a need to explore alternative care options within the JJ Act like Restorative Justice. She drew attention to addressing the root of crimes amongst children through education, health, and allied services. Using the introductory film screened as a reference point, she underlined the need for social re-integration of the victims to preventing re-victimization.

Ms. Kalra pointed out that the JJ Act was a hope towards reimagining futures with a focus on both children below 18 who are in conflict with law as well as CNCs. She urged the need to look at the role of society in shaping and creating a delinquent and working on the bettering our services of education, protection from injustice, and providing hope for a better future so as to divert children from delinquency – as signatories it is our duty to ensure that juveniles are treated with all the protection and measures as indicated in the declaration of child rights. She re-emphasized that society's knee-jerk reaction in a time of conflict is to point their finger towards the law, but it is the certainty of law which is the deterrent and not the gravity of the sentence or the law in and of itself.

Ms. Kalra further stated that the State's role does not end with creation of homes (CCIs), but finding ways to ensure that children remain within these homes. Speaking of certain ground realities, she reported that CWCs prefer sending children to private/ NGO-run homes as against government homes, since the latter are unable to periodically present the child before the department, as required. In Delhi, she found, most of the shelter homes are running at half their strength. She further discussed the need to make the homes more child-friendly and also a need to look into alternate care. She stated having learnt from her visit to the homes that despite government spending, providing almost all facilities inside these homes, and dedicated, hard-working staff, the children consider these homes as 'jails', due to the restrained environment, lacking in freedom which they get in their family home. Also, transfers of officials to these institutions are considered a punishment-posting by government officials. This points to a need to explore alternative care options that are more effective. In her view, the deliberation would help investigate needs and find ways for better utilization of available facilities. Children find themselves in these homes since they do not have primary caregivers and hence there has to be a streamlined effort to provide them the best we can offer through these homes. With respect to Aftercare Homes, Ms. Kalra stressed the need to make the aftercare system more effective – children cannot be asked to leave after 18 and the period between 18 and 21 years also needs to be looked into by authorities.



Referencing the introductory film screened at the consultation, Ms. Kalra discussed POCSO and the implications of sexual offences on children. She pointed out that sex being a taboo in our country, there still remains a gap in educating girls and boys about rape and its impact on the victim. As a society we always respond to rape cases with the idea that we need to have more stringent laws and we seem to welcome these demands. She stressed on the need for more discourse and dialogue around sex so as to overcome misinformation amongst children in these areas. The focus of children needs to be diverted to education and productive practices in order to deter them from crime. They need to be made to feel safe and secure and be given the hope of a better future. She pointed out that scope of POCSO is limited as it is merely a code which defines offences and designs punishments for the same. The need is to look at long-term, preventive mechanisms to protect children from sexual offences.

Moving on to the third component, victim compensation, Ms. Kalra stated its importance as a measure of restorative justice. She provided some statistics as follows: in 2017, from amongst 32,559 rape cases, 30,290, which is 93.1% were people known to the victims and 10% of the known accused were family members – 55% of which constituted family friends, employers, neighbours, and 25% friends, live in partners and husbands. She further drew attention to the changes in law making consensual sex by an 18 year old girl being regarded as rape as opposed to the law in 2013. After 2013, the law puts even consensual sex under statutory rape making consent irrelevant which is not seen as fair by children. It also is adding to the criminalization of children where it is not required since even if the girl is a day below 18 years of age, the male partner is penalized as a convict of rape. She mentioned POCSO, however, is a gender-neutral act. If the same situation arises – the boy, too, can lodge a case of aggravated sexual assault against the girl. POCSO does not discuss the issue of consent.

Ms. Kalra's address concluded suggesting that the consultation should function as a think-tank to discuss inter-sectoral approaches between POCSO, JJ Act and Restorative Justice. She pointed at the need to look beyond monetary compensation and work towards the reintegration of victims through prevention of revictimization by the society.

#### **Address by Mr. Jaideep Govind, Secretary General, NHRC**

Mr. Jaideep Govind asserted the NHRC's commitment towards promotion and protection of the rights of children through various steps such as regular annual meetings as well as conferences, seminars, and research projects to discuss issues related to children, child care institutions, violence against children, etc. He further stated that almost all of the recommendations provided by the NHRC are considered and brought into policies and implementation by the concerned departments. He emphasised the need

for more public discourse on the situation of children and their vulnerabilities and urged looking into the way forward. He stated that this conference is the fourth in the series, with the other three being conducted in Chennai, Manipur, and Panchkula. He underlined the objective of these conferences as a means to discuss the need for the creation of increased awareness and improving access to the Victim Compensation Scheme, to raise awareness about all stakeholders and to review the implementation of the JJ Act and POCSO.

Mr. Govind further stated that child sexual abuse is a very important issue and a hidden problem largely ignored in the criminal discourse in the criminal justice system. He stated how only specific sexual offences are as yet recognized in India and in the absence of a specific law, these two legislations have been enacted. He stated the need for states to discuss the various facets of the implementation of these acts.

Speaking about data, Mr. Govind informed that crime statistics show that crimes by children and against children have seen an increase and he recognized the need to empower and motivate children to deter them from engaging in criminal activity as well as to protect them against crime. He ensured that the JJ system in the country is providing proper care and treatment for CCLs while taking into consideration the best interest of the children. The only addition through public opinion has been to differentiate children in terms of heinous and other offences.

The need to strengthen, empower, motivate family, school and community as important stakeholders was recognised by Mr. Govind in his address, as these networks have the scope of providing an inclusive environment for preparing a road-map for children's self-development. Highlighting the role of NHRC, he invited the participants for deliberating and sharing their suggestions that NHRC can take forward as policy and practice recommendations and hoped that this consultation would focus on reformative issues.

He ended his address with Mahatma Gandhi's quote, *"If we are to teach real peace in this world, and if we are to carry on a real war against war, we shall have to begin with the children"*.

**Prof. Vijay Raghavan**, then, presented a token of appreciation to Mr. Jaideep Govind.

**Prof. Shalini Bharat** presented the TISS convocation shawl as a token of appreciation to Ms. Jyotika Kalra.

**Dr. Roshni Nair** closed the inaugural programme with a vote of thanks and presenting the programme for the day's presentations. She thanked the dignitaries, representatives, and students for their participation. She also reiterated that the conference is centered around concerns for children, understanding of complexities in the arena and a need to rise to these complexities together. This requires the element

of networking and sharing experiences with the focus that we are concerned about children and committed towards mitigation of issues faced by children in our society.

This was followed by a round of introductions of all the participants and organising team members (Annexure-1). The next sections of the report present state/UT-wise implementation status, challenges, and suggestions based on the presentations and discussions as per the schedule (Annexure-2). The report culminates with recommendations for way forward.

## III. Presentations by States/UTs

## Session 1: Goa

**Chaired by: Ms. Sangeeta Baneval, Chairperson, Rajasthan State Commission for Protection of Child Rights**

Ms. Sangeeta Baneval is the Chairperson of the Rajasthan State Commission for Protection of Child Rights. She is a law graduate from JNU University, and has had active political engagements. She won the elections for Municipal Councilor of Municipal Corporation of Jodhpur, twice. In the year 2016, she was appointed as President of Jodhpur District Congress Committee, with her focus being on rural women.

### PART-A: IMPLEMENTATION STATUS

<b>JJ Act and POCSO Implementation Status</b> <i>Presenter: Ms. Sarah Qazi, Program Officer, DWCD, Goa</i>	
<b>Juvenile Justice Machinery at the State level</b>	No of Child Welfare Committees: 02 North/South No. of Juvenile Justice Boards: 02 North/South No. of Probation Officers assigned under JJ Act: 03 Recruitment of 15 more personnel under ICPS is in process.
<b>Child Care Institutions (CCIs) in the State</b>	Children's Home: 59 Observation Homes: 02
<b>Trainings/ Workshops details</b>	<ul style="list-style-type: none"> <li><b>No of Training Programmes in Goa the last 02 years:</b></li> <li>1) 3 days Training programme was conducted between 11<sup>th</sup> to 13<sup>th</sup> July 2018 for JJBs, CCIs, CWCs, Police Officers by Directorate of Women and Child in collaboration with NIPCCD, Bangalore. 2) Training on JJ Act, 2015 &amp; ICPS for the Stakeholders of Goa on 11th &amp; 12th February 2019. 3) Goa State Commission for Protection of Child Rights (GSCPCR), CWC &amp; JJB have attended various training programmes conducted by NIPCCD in Bangalore &amp; Mohali.</li> <li><b>Types of Training Programmes (Induction/Refresher):</b> Induction and Refresher both</li> <li><b>Organisers:</b> National Institute of Public Cooperation and Child Development (NIPCCD). Trainings have been held in Goa and on NIPCCD premises at New Delhi, Bangalore &amp; Mohali</li> <li>Training provided to: Stakeholders of ICPS, Members of CWC, JJB, POs, Care givers of CCIs</li> <li>Workshops of Stakeholders under the Juvenile Justice (Care &amp; Protection of Children) Act, 2015 has been undertaken to enlighten them with respect to their roles/functions/duties.</li> <li>Phase I workshop for children (with no parental contact) on alternative care was conducted to promote Adoption and Foster Care.</li> </ul>

	<ul style="list-style-type: none"> <li>• The Department in collaboration with National Institute for Public Co-operation and Child Development has organized 02 Orientation/Training programs for all Stakeholders including Police &amp; Law personals in the State of Goa.</li> <li>• Members of the Juvenile Justice Board and Child Welfare Committee are attending various training and regional meets organized by NIP-CCD in Banglore.</li> <li>• In-charge of the Institutions are also attending various trainings on care giving, rehabilitation, counseling and documentation process under ICPS.</li> <li>• The Director (WCD) along with representatives of the Goa State Commission for Protection of Child Rights and Child Welfare Committee had attended a 2 day consultation organized by UNICEF on rehabilitation and de-institutionalization of children.</li> </ul>
<p><b>Legislative Measures</b></p>	<ul style="list-style-type: none"> <li>• The State of Goa was a premier State to implement State specific legislation for children i.e. Goa Children’s Act, 2003 &amp; State Rules 2004 framed there under.</li> <li>• The Act has envisaged procedure and rules regarding crime committed against children.</li> <li>• The Act has clear sections that covering rules and procedures regarding Child Labour (sec 7); Child Abuse (sec 8); Child Sexual Trafficking (Sec 9); children in difficult circumstances (sec 10); Girl Child (sec 11); differential abled children (sec 12).</li> <li>• Act is child friendly and burden of proof is on the accused.</li> <li>• Formulating of State Rules in accordance with the Juvenile Justice (Care &amp; Protection of Children) Model rules, 2016.</li> </ul>
<p><b>Children’s Court</b></p>	<ul style="list-style-type: none"> <li>• First State to have a full-fledged Children’s Court</li> <li>• Statutory Court constituted under GCA.</li> <li>• It is a dedicated Court for crimes committed against children.</li> <li>• The Court is functionally for 05 days a week and a permanent designated Judge equivalent to a District Judge.</li> <li>• Number of crimes reported against children are many, hence pendency of the cases is also more.</li> <li>• In 2017, 416 cases were pending before the Children’s Court out of which 253 cases were reported in North Goa &amp; 163 in South Goa.</li> <li>• The Court also awards compensation to victims</li> </ul>
<p><b>Executive Measure - Victim Assistance Unit (VAU)</b></p>	<ul style="list-style-type: none"> <li>• The VAU provides sustainable &amp; comprehensive services for abused children and their families.</li> <li>• They provide police assistance, counselling and sociolegal assistance, as well as rehabilitation of victim.</li> <li>• The cases attended range from sexual abuse of children, kidnapping,</li> </ul>

	<p>mental torture to child witness.</p> <ul style="list-style-type: none"> <li>• The VAU is equipped with counsellor, legal advisor and social workers</li> </ul>
<b>Legal Aid</b>	<ul style="list-style-type: none"> <li>• Legal Aid Program in the State of Goa in collaboration with NALSA across all Courts, focus being on Children’s Court</li> <li>• Legal Officers have been appointed for children in conflict with law &amp; at the Children’s Court.</li> <li>• The CCL’s are given an option for legal aid services and it has been noted that 90% of the CCL’s avail this facility.</li> </ul>
<b>Technological Measures</b>	<ul style="list-style-type: none"> <li>• Through DoIT a software capable of providing data entry, data retention/savings and data retrieval facility, MIS, is being developed.</li> <li>• Databank of all children residing in Child Care Institutions was created as per details collected by the DCPU from registered Institutions.</li> </ul>
<b>Measures related to management and monitoring of CCIs</b>	<ul style="list-style-type: none"> <li>• Meeting was held with the Secretary of Education with respect to Schemes/Provisions to register/notify those institutions functioning as boarding/lodgings. The same is under process with the Education Department.</li> <li>• Various Directives issued to respective Collectors/ District Magistrate and Police for continuous monitoring and supervision.</li> <li>• More stringent vigilance of Child Care Institutions.</li> <li>• Regular and thorough inspection of Institutions by the respective Bodies (State Inspection/District Inspection/Child Welfare Committee/Juvenile Justice Board) and District Child Protection Unit.</li> <li>• The Department has organized Phase I of promotion for alternative care for children without any parental contact to orient and educate such children towards adoptions and foster care.</li> </ul>
<b>Other Activities</b>	<ul style="list-style-type: none"> <li>• An Anti-Child Labour Awareness rally in collaboration with Legal Aid Service Authority and Labour Department was organized on 12.06.2019 in World Day against Child Labour.</li> <li>• On the occasion of Children’s Day the Department organized Poster making competition in all CCI’s &amp; winners were selected.</li> <li>• Caritas Childline North Goa had organized programme on Drug Abuse &amp; its effects on 14.11.2019 for Children’s Day.</li> <li>• Children’s Day celebration was done by the Goa State Commission for Protection of Child Rights with “DIVYANG” Children was held on 15.11.2019 at St. Xaviers Academy, Old Goa.</li> <li>• The Department is observing the month of December as Swachta hi Seva month. During this month the CCI’s will be undertaking activities such as best out of waste, plantation drive etc.</li> <li>• TrackChild has been activated and all CCI’s have been given training</li> </ul>

	<p>for the same.</p> <ul style="list-style-type: none"> <li>Goa being a tourist state, a lot of migrant population is there. And hence, a lot of mushrooming of CCIs was noticed. Only 750 children of the 2000 within these CCIs were in need of care and protection.</li> <li>Many children without parental contact in these institutions. Organised for counselors to be provided to these children and encouraged adoption of foster care.</li> </ul>
<p><b>Child Welfare Committee</b></p> <p><i>Presenter: Ms. Lida Matilda Almeida Joao, Chairperson CWC, Goa</i></p>	
<p><b>Children admitted in the state-run home and released from Jan 2018 to April 2019</b></p>	<ul style="list-style-type: none"> <li>112 children admitted and 71 released (4 escort and 6 adoptions, abandoned 1 and admitted in other CCI's 23)</li> <li>In 35 CCIs, 483 CNCP out of which Male 258, Female 225</li> <li>POCSO cases – 5 pending in the children's court</li> <li>After de-registration, 25 CCIs are either wholly or partially registered with DWCD</li> <li>8 NGOs and social workers are empaneled to assist the CWC</li> </ul>
<p><b>Foster Care</b></p>	<ul style="list-style-type: none"> <li>26 reports filed since 2013 – 4 granted, the rest are in process</li> <li>Seen an increase in willingness to foster due to awareness campaigns</li> </ul>
<p><b>Monitoring practices</b></p>	<ul style="list-style-type: none"> <li>Periodic CCI monitoring is undertaken with around 6-8 CCI visits per month</li> <li>DIC inspections conducted within stipulated time frame</li> <li>CWC meetings with the Collector, who is the grievance redressal authority are also regular</li> <li>Each CCI is mandated to report on children (CNPC and non-CNPC) residing therein, along with children within the adoption and foster care schemes</li> </ul>
<p><b>Local Committees and Campaigns</b></p>	<ul style="list-style-type: none"> <li>Committees set up at the village and city levels.</li> <li>Children's participation to voice their views and grievances is encouraged in Gram Sabha.</li> <li>Awareness camps are held under the auspices of the District Legal Services Authority –South Goa to inform about the availability of free legal aid for children.</li> <li>There are awareness camps to inform Panchayats about foster care schemes.</li> <li>Health camps are conducted for children by the Child Welfare Committee.</li> <li>Sensitization drives are conducted in schools and colleges.</li> </ul>
<p><b>Presentation by Police: Challenges in Implementation of JJ Act And POCSO</b></p> <p><i>Presenter: Mr. Mahesh Gaonkar, Deputy Superintendent of Police, Goa</i></p>	

<p><b>Measure taken for women and children safety</b></p>	<ul style="list-style-type: none"> <li>• State Government has set up Women Police Station, Panaji and Women and Child Protection unit at Margao.</li> <li>• Women Help Desk functioning round the clock at every police station.</li> <li>• Police work in coordination with NGOs.</li> <li>• Gender sensitization courses are conducted for police personnel.</li> <li>• Criminal law and Supreme Court directions are complied with while handling cases of crime against women and Children.</li> <li>• Women Helpline 1091 and 112 are functional round the clock at Police Control Room.</li> <li>• Self Defence Courses are conducted at Schools, Higher Secondaries and at College training girls.</li> <li>• Police patrolling maintained through PCR Vans.</li> <li>• Victim Liaison police officer.</li> <li>• Recently batch of 32 lady Police Officers have been appointed and posted at each police station specially to investigate women &amp; Child related cases.</li> </ul>
<p><b>Victim Compensation Scheme</b></p> <p><i>Presenter on behalf of SLSA: Hon'ble Mr.Ram Prabhu Desai, Principal Magistrate, JJB, Goa</i></p>	
<p><b>General Statistics</b></p>	<ul style="list-style-type: none"> <li>• Money allocated for the scheme in the last 2 years - Rs. 25 lakhs per year</li> <li>• Amount of money spent against allocation over last 2 years – Rs. 14 lakhs</li> </ul>
<p><b>Provision for categories of victims and quantum of compensation under each category</b></p>	<ul style="list-style-type: none"> <li>• In case of Death of the Sole earning member of the family where children are minor or unemployed. (Upto Rs.2 Lakhs)</li> <li>• Loss of any limb or part of the body resulting 80% or above disability including acid attack. (Upto Rs.50,000/-)</li> <li>• Loss of any limb or part of the body resulting 40% and below 80% disability including acid attack. (Upto Rs.25,000/-)</li> <li>• In case of death of non-earning member. (Upto Rs. 25,000/-)</li> <li>• Loss of any limb or part of the body resulting below 40% disability including acid attack. (Upto Rs.10,000/-)</li> <li>• In case of injury causing severe mental agony to women and child. (Upto Rs.10 Lakhs) e.g. Human trafficking, rape cases, acid attack cases.</li> </ul>
<p><b>Eligibility criteria to avail the scheme</b></p>	<ul style="list-style-type: none"> <li>• Where offender is not traced or identified, but victim is identified, and where no trial takes place, the victim or his dependents may make an application for the compensation.</li> <li>• The applicant has not been compensated for the loss or injury under any other Government scheme, Insurance Company or other Institu-</li> </ul>



	<p>tion.</p> <ul style="list-style-type: none"> <li>• Loss or injury sustained by victim has caused substantial loss of income to his family making it difficult to meet their both ends without any compensation.</li> </ul>
<p><b>Processes and other information</b></p>	<ul style="list-style-type: none"> <li>• <b>Applying to avail the compensation:</b></li> <li>• To the District Collector. Note : vide first amendment to the scheme (2015) the expressions “Secretary to the Legal Services Authority of the State and/or District Legal Services Authority were substituted by the word “District Collector”.</li> <li>• <b>Procedure:</b></li> <li>• An application for compensation has to be made in Form “I” along-with the copy of FIR/Complaint, medical report, death certificate, complaint made to Court(In case of non-registration of FIR by police), newspaper report, if any.</li> <li>• A total of 8 awareness programs have been conducted – 7 for the general public and 1 for the victim</li> <li>• 31 compensation applications have been received of which 6 have been cleared</li> <li>• <b>Reasons for rejection include:</b> <ul style="list-style-type: none"> <li>- Failure to take reasonable steps to inform Police.</li> <li>- Not co-operating with the Police or the Court.</li> <li>- Not giving reasonable assistance to the District Collector in deciding the application.</li> <li>- If the crime is collusive in nature and/or the victim has willfully turned hostile during trial or not supported the case of the Prosecution.</li> </ul> </li> <li>• No applicants have received interim compensation</li> <li>• No POCSO trainings have been given to legal aid officers across districts</li> <li>• Amount for compensation is determined by the Collector after completing the inquiry within 2 months from the date of the receipt of the application. He submits his findings to the Government i.e. Department of Home for awarding adequate compensation and the Government then decides the quantum of compensation to be payable to the victim. In practice, the inquiry done by the District Collector is restricted by calling the report from Superintendent of Police</li> </ul>

#### PART-B: BEST PRACTICES

**Apna Ghar – Mercedes:** Inaugurated on 23<sup>rd</sup> October, 2017, it is government run institution for Children in Conflict with Law and Children in Need of Protection and Care, it is bifurcated into Observation

Home, Special Home and Children Home and is designated as a place of safety.	
<b>Activities conducted at Apna Ghar</b>	<ul style="list-style-type: none"> <li>• NGO Catalysts for Social Action conducted Zumba Dance for Children, Kids Yoga and self-defense courses for the children.</li> <li>• Snaden Shawn Dance Academy, Bardez are conducting regular dance classes (June 2018, November 2018 to March 2019 &amp; May 2019 to October 2019).</li> <li>• Yoga Teacher has been appointed to conduct Yoga classes for the children to remain mentally healthy through meditation and yoga.</li> <li>• During vacation Art &amp; Craft classes and other cultural programme are conducted to keep the children occupied.</li> <li>• NGO Stop Child Abuse Now (SCAN) has conducted half day educational trip to Science Centre Miramar on 4<sup>th</sup> June, 2019.</li> <li>• Service Leader Human Resource, Bardez has conducted activities for the children of Apna Ghar on 08/03/2018</li> <li>• Celebrated various national festivals and festival occasion such as Republic Day, Independence Day, Mahatma Gandhi's Birth Day, Children's day, Ganesh Chaturthi, etc.</li> <li>• Regular health facilities are provided through regular health checkup from Doctors from Directorate of Health Service and Institute Psychiatric Human Behaviour, Bambolim.</li> </ul>
<b>VATSALYA: FOSTER CARE SCHEME, 2013</b>	
<b>Scheme Features</b>	<ul style="list-style-type: none"> <li>• Scheme notified to assist children deprived of parental care or care of the guardians, and in need of protection. The scheme especially focuses on older children who are left out of the adoption process.</li> <li>• The Vatsalya Scheme can apply to care by a family member or relative under kinship arrangement, and that the primary consideration in deciding whether to place the child with kin or unrelated family will be a determination of the best interest of the child. Monetary benefit is provided to foster families under this scheme. A number of families have voluntarily foregone the monetary benefit. The scheme is run throughout the state.</li> <li>• At present the home study and child study reports are being prepared and submitted by the CDPO as they are designated as Child Care Coordinators</li> </ul>

### PART-C: CHALLENGES

<b>Challenges faced by the police department</b>	<ul style="list-style-type: none"> <li>• Low community participation in addressing issues relating to children.</li> <li>• Delay in filing FIR</li> <li>• Witnesses turning hostile.</li> <li>• Transfer of police officers during investigation</li> <li>• Revealing of details of investigation by media.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Police officers over-burdened while maintaining law &amp; order and investigation.</li> </ul>
<b>Implementation Challenges</b>	<ul style="list-style-type: none"> <li>• Lack of awareness about the scheme among the public, other stake holders viz. the Lawyers, Judges, Public Prosecutors, police etc.</li> <li>• The delay in processing and disbursing the Award of compensation.</li> <li>• The scope of Clause 4 of the Scheme, which deals with eligibility for compensation has to be enlarged to include all the categories as contemplated under Section 357A (2) &amp; (3) of the Code of Criminal procedure, 1973.</li> <li>• The time limit has to be prescribed for the Government to decide the quantum of compensation after receiving the Report from the District Collector.</li> </ul>
<b>General Challenges</b>	<ul style="list-style-type: none"> <li>• One of the challenges faced by state authorities in Victim Compensation is the identification of victims resulting to delays in provision of compensation.</li> <li>• Goa being a tourist state witnesses a lot of children from outside the state who are victims of violence and neglect. The state finds it difficult to restore these children to their respective homes and seeks assistance and increased collaboration between other states from where the children belong. The children need to be handed over to the respective states for them to take forward the reintegration process.</li> </ul>

#### PART-D: NGO PERSPECTIVES & DISCUSSIONS

1. **Observations shared by the founder of Child Helpline:** A few cases as received by the Helpline and the challenges in dealing them were discussed. It was pointed out that there is a lack of collaborative effort between the police departments and the helpline. In the speaker's view, if the gap in communication could be fixed, it would help better overall facilities of care for children. It was pointed out that the NGO only received 7 cases in the month of October. The need for initiative from the police departments in terms of informing the helpline about cases need to be looked into and streamlined for smoother functioning and to make both services more effective.

One of the cases discussed underlined the need for state's systems and processes to be made more easily accessible and available to the victim and subsequent adults.

Police must seek assistance from child line services and work more closely in collaboration with them. Police and helpline services can also work closely to expedite victim identification and to monitor the status of each application.

2. Levels of awareness amongst children about sexual assaults, apart from penetrative sex, are very low. Measures need to be taken to correct this and educate children about sexual assault and harassment. It was pointed out that measures such as school counselors are in place but are bound by confidentiality and hence the cases do not come to light for quick intervention. A need for deliberation on action points for such issues was discussed.

Sex education should be made a part of the school curriculum.

3. A government representative shared that awareness of the Vatsalya scheme has relatively reduced. Steps are, however, being taken to revive it and more cases under this scheme are being taken up.

Efforts to ensure child protection need to be more focussed upon the ground level work. A need for children to be kept at the center of all our efforts needs to be made to bring real and long-term change instead of executing isolated activities.

4. Victim compensation unit has to work closely with the police to see each application through the process of compensation.

Inter departmental collaboration needs to be strengthened.

5. Children are detained in observation homes for long periods while their cases are pending with the JJB.

This needs to be addressed for achieving the goals of rehabilitation and prevention of crimes amongst children.

## Session 2: Rajasthan

**Chaired by: Mr. Pravin Ghuge, Chairperson of the Maharashtra State Commission for Protection of Child Rights**

Mr. Pravin Ghuge is Chairperson of the Maharashtra State Commission for Protection of Child Rights. He hails from district Osmanabad in Maharashtra, where he also pursued his education. He has been engaged in social activism, advocating for a range of issues, and leading several social movements. He advocated issues of tribal people, and was also part of the movement to name the Marathwada University as Dr. Babasaheb Ambedkar Marathwada University. He has advocated for students issues – such as students access to view their answer sheets, student security and regulation of fees. Mr. Ghuge has worked towards training and empowerment of members of Child Welfare Committees. While promoting the idea of a family for every child, he has strongly advocated adoption, foster care and sponsorship programmes.

### PART-A: IMPLEMENTATION STATUS

JJ Act and POCSO Implementation Status				
<i>Presenter: Ms. Savita Krishnia, Dy. Director, Child Rights Department, Govt. of Rajasthan</i>				
<b>Juvenile Justice Machinery at the State level</b>	No. of CWCs in the State: 33 (one in each district) No. of JJBs in the State: 34 (1 in each district and 2 in Jaipur)			
<b>Child Care Institutions (CCIs) in the State</b>	Type of Institution	Government run	NGO run	NCPS
	Children's Home	33 for Boys, 7 for Girls	70 for Boys, 54 for Girls	-
	Observation Home	33 for Boys, 7 for Girls	-	-
	Special Home	19 for Boys, 7 for Girls	-	-
	Shelter Home	-	29 Total	-
	Place of Safety	12 for Boys, 7 for Girls	-	-
	Aftercare Hostels	-	-	-
<b>Committees' details</b>	<ul style="list-style-type: none"> <li>• Selection and Inspection committees – Yes; Steering Committee – No.</li> <li>• Meetings of Selection Committee depends upon the frequency of interviews of CWCs and JJBs.</li> <li>• Inspection committees have been re-constituted recently.</li> </ul>			
<b>Appointment status</b>	<ul style="list-style-type: none"> <li>• In the State of Rajasthan only Government employees are deployed as probation officers. At present 18 Probation officers are working against the sanctioned positions of 44.</li> </ul>			

	<ul style="list-style-type: none"> <li>• All the CWCs are functional with quorum.</li> <li>• All the JJBs are functional and all the positions are filled.</li> <li>• All the DCPUs maintain a resource directory which can be used at the time of any specialized service or an expert is required. Though it is not available online.</li> <li>• State is in process of empanelling Support Person and other experts as required under POCSO Act, 2012. In the interim, CWCs are appointing support persons.</li> </ul>
<b>Name of available Victim Compensation Scheme</b>	PiditPratikarYojna.
<b>State what services have been provided to the victims and the offenders where both are minors.</b>	As per JJ Act, 2015 and compensation to victim is awarded as per compensation scheme.
<b>Training Details</b>	<ul style="list-style-type: none"> <li>• No. of trainings in the last 2 years: 52</li> <li>• All the training programs were capacity building and orientation workshops. 5 Induction Trainings for JJB members and CWCs.</li> <li>• Trainings are organised by Child Resource Centre. Harish Chandra Mathur Institute of Public Administration.</li> <li>• Broad topics of training are functioning of CWC, care to be provided in Child Care Institutions, support to child victims, prevention of child sexual abuse</li> <li>• Among these 52 training sessions all major stake holders were covered including CWC, JJBs CCIs, Police, Probation Officers</li> </ul>
<b>ICPS Positive Experiences</b>	<ul style="list-style-type: none"> <li>• ShishuGreh is being up-graded at Hanumangarh with the support of local Bhamashah.</li> <li>• For safe abandonment of children, 68 cradle points have been established at various district hospitals, CHCs and PHCs. In addition to these 20 cradle point have been setup within SAAs. Several Training programs are already running in Girl's Homes.</li> <li>• Items prepared by resident girls were also displayed in an Exhibition organized at the Divisional level.</li> <li>• To facilitate the need of trained staff and resource persons, department in coordination with Child Resource Centre is conducting several training and orientation programs and significant improvements may be witnessed.</li> </ul>
<b>Victim Compensation Scheme</b> <i>Presenter: Mrs. Archana Mishra, Director, RLSA</i>	
<b>Aims and Objectives</b>	<ul style="list-style-type: none"> <li>• Creating legal awareness among public</li> <li>• Providing free legal aid and advice</li> <li>• Providing free legal services</li> <li>• Ensuring speedy justice by settlement of cases through Lok Adalat and other ADR modes</li> </ul>
<b>Rajasthan Victim Compensation Scheme, 2011</b>	Scheme for providing funds for the purpose of compensation to the victims or their dependents, who have suffered loss or injury as a result of a

	crime and require rehabilitation.		
<b>Categories of Victims</b>	<ul style="list-style-type: none"> <li>• Women</li> <li>• Victims under SC/ST Act</li> <li>• Victims under POCSO Act</li> <li>• Child victim (other than POCSO Act)</li> <li>• Victims of Acid Attack</li> <li>• Others</li> </ul>		
<b>Eligibility Criteria to Avail Benefits of Scheme</b>	<ul style="list-style-type: none"> <li>• Suffered any loss or injury as a result of crime (FIR is must)</li> <li>• Requires rehabilitation as a result of crime</li> <li>• Victim or claimants have given report of crime</li> <li>• Cooperation with police/ prosecution by Victim</li> <li>• Victim is not compensated in any other scheme</li> <li>• Limitation (left with the discretion of the committee)</li> <li>• Perpetrator of a heinous crime is not traceable or goes unpunished after trial</li> </ul>		
<b>Procedures</b>	<ul style="list-style-type: none"> <li>• Application of Compensation to be given to: DLSA office /RSLSA/ Court / Police Station</li> <li>• Proceeding initiated through: Recommendation by court during investigation/ trial; by court in judgment; Application by claimant / police / authorities; Suo motu cognizance of crime by RSLSA / DLSA</li> <li>• Procedures to grant compensation: <ul style="list-style-type: none"> <li>◦ Strict and quick examination of the case and verification of the contents of the claim in DLSA office</li> <li>◦ Seeking report from police station</li> <li>◦ Seeking report from administration / social justice department</li> <li>◦ Documentation and affidavit – ID proof and Bank Account numbers</li> <li>◦ Verification of relatives / guardians</li> <li>◦ Documents regarding loss / injury / salary etc.</li> <li>◦ Time limit for completion of the complete procedure is fixed 2 month maximum &amp; in POCSO cases time limit is 30 days</li> </ul> </li> </ul>		
<b>Budget Allocated and Spent for The Scheme During Last Three Years</b>		Money Allocated for the Scheme	Amount Spent
	Year		
	2017-18	18,00,00,000	17,99,87,500
	2018-19	18,00,00,000	17,80,26,750
	2019-20	23,00,00,000	17,96,09,250
	*Rs. 18,00,00,000 + 500,00,000 received for 2019-20		
<b>Determinants of Quantum of Compensation</b>	<ul style="list-style-type: none"> <li>• Medical expenses incurred</li> <li>• Loss of job</li> <li>• Minimum sustenance amount for rehabilitation</li> <li>• Incidental charges such as funeral expenses</li> <li>• Loss caused to victim</li> <li>• Compensation received from collateral sources</li> </ul>		

<p><b>Applications status</b></p>	<p>4 for Boys and 39 for Girls were rejected  <b>Reasons for Rejection of Application:</b></p> <ul style="list-style-type: none"> <li>• Not recommended by Court</li> <li>• No interim relief at initial stage of the case</li> <li>• No disability certificates</li> <li>• Delay in filing application</li> <li>• No whereabouts of victim and his/her family</li> <li>• Victim not supported prosecution story</li> <li>• Matter covered under Motor Accident cases</li> <li>• Number of applications where interim compensation is granted: 46 + 261 = 307</li> </ul>																														
<p><b>Training details</b></p>	<ul style="list-style-type: none"> <li>• <i>Awareness Programmes:</i> From Oct. 2018 to Oct. 2019, total 5541 Awareness Programme organized across the State and total 949411 participants reached</li> <li>• Training Given to Legal Aid Lawyers On POCSO: 170</li> </ul>																														
<p><b>Case statistics</b></p>	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th colspan="5">POCSO Courts</th> </tr> <tr> <th>Year</th> <th>Pending from last year</th> <th>Institution during the year</th> <th>Disposal during the year</th> <th>Pendency at the end of the year</th> </tr> </thead> <tbody> <tr> <td>2016</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>2017</td> <td>0</td> <td>1031</td> <td>290</td> <td>741</td> </tr> <tr> <td>2018</td> <td>741</td> <td>14386</td> <td>6545</td> <td>8582</td> </tr> <tr> <td>2019 (uptil Sept.)</td> <td>8582</td> <td>12847</td> <td>13531</td> <td>7898</td> </tr> </tbody> </table>	POCSO Courts					Year	Pending from last year	Institution during the year	Disposal during the year	Pendency at the end of the year	2016	0	0	0	0	2017	0	1031	290	741	2018	741	14386	6545	8582	2019 (uptil Sept.)	8582	12847	13531	7898
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<p><b>Legal aid for children</b></p>	<ul style="list-style-type: none"> <li>• Legal Aid is available in OHs across the state</li> <li>• There are 40 OHs. 33 for boys in each District and 7 for girls at Divisional HQ</li> <li>• 108 Legal Aid Lawyers visit OHs</li> <li>• 15521 children were given Legal Aid from October 2018 to October 2019</li> <li>• DLSA have Legal Aid Clinics for legal help to children in OHS.</li> <li>• 2904 camps have been organized on JJ act</li> </ul>																														
<p><b>Free legal services available through legal services authority</b></p>	<ul style="list-style-type: none"> <li>• Free legal aid</li> <li>• Free legal advice</li> <li>• Settlement of pending cases through <i>Lok Adalats</i></li> <li>• Mediation through mediation centers</li> <li>• Legal literacy and awareness</li> <li>• Permanent Lok Adalat: Settlement of disputes of certain public utility services</li> <li>• Protection of witness: Witness protection scheme</li> <li>• Communication between inmate and his/her advocate through video conferencing facility</li> <li>• Providing compensation to victims</li> </ul>																														
<p><b>Best Practices of RLSA For Effective Implemen-</b></p>	<ul style="list-style-type: none"> <li>• Quick disposal of adoption cases – within 2 months from the date of filing</li> </ul>																														



<p><b>tation of JJ (CPC) Act,2015</b></p>	<ul style="list-style-type: none"> <li>• Summary proceedings for petty cases</li> <li>• Regular monitoring &amp; inspection of CCIs</li> <li>• Establishment of place of safety in four districts (Bhilwara, Jaipur, Bikaner, Bharatpur)</li> <li>• Deployment of Support Persons for Pre-trial counselling and familiarizing child with court environment</li> <li>• Free Legal Aid</li> <li>• Victim Compensation scheme</li> <li>• Observation &amp; Children Homes Committee in each District (35)</li> <li>• Bal Sakshi Kaksh- dedicated place/room in 25 DLSAs for legal consultation to victims/witnesses of POCSO Act</li> <li>• Legal Aid Clinics- 33 LACs working throughout State</li> <li>• Legal Awareness team of 2 Panel advocates and 2 PLVs to provide legal awareness to CICL.</li> <li>• 2904 camps organized this year.</li> <li>• Constitution of High-level Committee</li> <li>• Divisional Level Workshop, State Level consultation and District Level Consultation for stakeholders under JJ Act</li> <li>• Training Workshops on the effective implementation of JJ act 2015</li> </ul>
<p><b>Way Forward (measures to be adopted)</b></p>	<ul style="list-style-type: none"> <li>• To recruit staff as per the norms of ICPS, state has initiated the process, this will improve the availability and status of human resource in the state. Earlier the staffing pattern was on government role.</li> <li>• To make documentation uniform across all the homes, the prescribed registers are being made at directorate level and circulated to all the homes.</li> <li>• Evolving methods of better communication between staff and children</li> </ul>

### PART-B: BEST PRACTICES

<p><b>Palanhar Yojana (Foster care scheme)</b></p>	<ul style="list-style-type: none"> <li>• Palanhar Yojana is a unique initiative of the Government of Rajasthan.</li> <li>• This scheme was launched in the financial year of 2004-05.</li> <li>• This is essentially a foster parenting programme for children who need of care.</li> <li>• The aim of this scheme is to reduce the vulnerabilities of children and their families.</li> <li>• It provides money directly to the child so they do not feel dependent on the family.</li> <li>• Also aims to connect them to aanganwadis so they stay connected to education in some way. They are required to upload reports regularly, as a monitoring measure</li> <li>• Can apply for this scheme online on the Rajasthan website</li> </ul> <p><u>Benefits:</u> 500/- month for age group of 0-5 years &amp; 1,000/month for age group of 6-18 years (Note- 2000 for other necessary expenditure).</p> <p style="text-align: center;">-</p> <p>** Attending aanganwadicentre or school is compulsory**</p>
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	<p>Progress-</p> <ul style="list-style-type: none"> <li>• 2.49 lakh children received benefit in the year 2018-19 amounted Rs. 280 Crores.</li> </ul>
<b>Other Schemes</b>	<ul style="list-style-type: none"> <li>• Rajiv Gandhi ShishuPalna – Creche. Previously the Rajasthan Samaj Kalyan Board used to supervise functioning of these but since the last two years, the DCPU has taken over monitoring the scheme in every district.</li> <li>• Samekit Bal surakshan yojana (ICPS)</li> <li>• Zilla Bal SarakshanEkai</li> <li>• Gram Panchayat Bal Sarakshan Samiti</li> <li>• Protsahan Yojana</li> <li>• Project Assist for children affected by communal riots</li> </ul>

### PART-C: CHALLENGES

<b>Challenges in effective management of CCIs</b>	<ul style="list-style-type: none"> <li>• Non-acceptance of such children in the society also hinders rehabilitation.</li> <li>• Inadequacy of trained staff and Resource persons.</li> <li>• Lack of mental, emotional strengthening and sports activities</li> <li>• Lack of expertise in preparing social investigation report and individual care plan.</li> </ul>
<b>Challenges in Implementing ICPS: Monitoring</b>	<ul style="list-style-type: none"> <li>• Lack of convergence of services: Lack of coordination among the line department for providing required quality services.</li> <li>• <i>Key Solutions:</i> Constitution of committee under chairmanship of CS and having members of line departments</li> <li>• Lack of CP MIS and data management system: Discrepancies in data due to lack of proper management of data at source level</li> <li>• <i>Key Solutions:</i> Setting up a portal</li> </ul>
<b>Challenges in Implementing ICPS: Training</b>	<ul style="list-style-type: none"> <li>• Universities / Institutions at State level do not offer dedicated courses on Children and families</li> <li>• <i>Key Solutions:</i> Facilitate education sector to develop and offer dedicated course on children and families.</li> <li>• Decentralized training centre to cater the need at district / below District level: Lack of setup and availability of trained HR below district level</li> <li>• <i>Key Solutions:</i> Convergence with existing training institution at District / below district level</li> <li>• Frequent transfer / changes of HR engaged in CP System: Transfer of trained officials especially CWPO</li> <li>• <i>Key Solutions:</i> Transfer must be in the same position.</li> </ul>
<b>SLSA Challenges</b>	<ul style="list-style-type: none"> <li>• Budgetary impediment</li> <li>• Improper documentation</li> <li>• Delay in reporting by police or local administration</li> <li>• Delay in verifying details / documents etc.</li> <li>• Delay in judgments</li> <li>• DLSA meeting (once a month)</li> </ul>

## PART-D: NGO PERSPECTIVES & DISCUSSIONS

1. Palanhar Yojana and its execution were discussed in detail. Questions like which account the money gets transferred to and what additional measures are taken to ensure the money is being spent on the child were deliberated upon. State authorities informed monitoring mechanisms such as regular visits to the home of the children are in place to ensure children's living conditions and utilization of the money.

The process of arriving on the Rajasthan state's model for the execution of JJ Act and all their state schemes were discussed by the NGOs. Possibilities of Rajasthan replicating best practices from other states and other states replicating their best practices like the Foster care scheme were also discussed. State officials informed that Palanhar Yojana is a model scheme that has been studied by various bodies and has proven to be beneficial given that it is a scheme which allows the child to stay in their own environment which mitigates adjustment issues. State officials encouraged NGOs to conduct research studies and extended their full support towards the endeavor – for the study and also in any form, including capacity building and training to promote collaborative effort. Inter-state conferences or conclaves for idea sharing were required to promote collective effort.

1. Delay in filing application was not seen as valid grounds for rejection of compensation to a victim. The court's discretion in deciding validity of the claim must be upheld instead of placing the authority with the committee, according to the participants. As per law, the power to decide quantum of the claim rests with the committee, but validity of the claim is solely the court's prerogative. In case of the offender not being identified, the claim can be filed directly with the committee or it always has to come through court. There was a need for a longer discussion on the subject for it being a technical issue and since there was little clarity and consensus between the participants.
2. A need for POCSO orientation for Police and Judiciary was discussed. It was said that close to 61 POCSO cases have been reported by schools but no FIRs were filed and no cases have made it into courts. Grievance Redressal Mechanisms need to be strengthened. For eg. complaints get put in complain boxes but the teachers do not report these cases. Monitoring of these systems needs to be undertaken.

3. Sensitisation and proper training of CWC workers needs to be undertaken. There is a need to have clearer roles and responsibilities. Restoration and rehabilitation of child labour victims needs to be looked into with more seriousness since the children since there is no availability of guidelines on measures to be taken after rescue. This keeps the child labour issue rampant.
4. Studies need to be conducted on gaps between on ground realities and policies/ guidelines. An NGO representative described challenges in effective delivery of service due to lack of convergence in the state. He discussed and pointed out the gaps in policies/ guidelines and implementation and urged to deliberate on action points.
5. There was a need to strengthen the efforts for the rehabilitation of bonded labourer children in Rajasthan and measures to address this were discussed.
6. It was observed that adoption schemes work better in the state of Rajasthan than foster care. It was also pointed out that cases of children with special needs and intellectual disabilities do not get reported and there is also a lack of support system to identify and report such cases. Placing child helplines at the center of all functioning was seen as one possible way to identify and address such gaps. Outreach workers and protection workers get so overburdened by clerical work that they are unable to work on the ground and make home visits and SIRs.
7. Child Rights Club to be made in schools – meeting to be held every 2<sup>nd</sup> Saturday – teachers have been trained as master trainers who would then provide training to others with the aim to create awareness amongst children regarding ChildLine, child labour, sexual harassment, balvivah, POCSO and child rights awareness.

## Session 3: Gujarat

**Chaired by: Mr. M. A. Sayeed, Chairperson, Maharashtra State Human Rights Commission**

Mr. M. A. Sayeed is currently the Chairperson of the Maharashtra State Human Rights Commission. He joined the Commission in the year 2016. His career in the judiciary began over 30 years ago, and ever since, he has held various positions. He started as Civil Judge (J.D.) and JMFC in the year 1988. Following this, he was promoted as Addl. District Judge, and later posted as Judge in Family Courts of Pune & Mumbai. His work then led him to be posted as Registrar (Personnel & Protocol), High Court of Judicature at Bombay, and later the District & Sessions Judge at Thane District Court for a short period. Later, Mr. Sayeed was Registrar (Judges & Protocol and Administration) in the Supreme Court of India; City Civil Judge & Sessions Judge, at the Mumbai City Civil Court; and Principal Law Secretary & R. L. A. (M.S.). He was also Presiding Officer, Mumbai University & College Tribunal. Mr. Sayeed is known for his keen regard to matters of social justice.

### PART-A: IMPLEMENTATION STATUS

<b>Juvenile Justice Act: Implementation Status</b>				
<i>Presenters: Ms. Nayana Chhutbar, Project Manager, SARA &amp; Mr. M.R. Patel, Chief officer, Social Defense Department</i>				
<b>Child Care Institutions in the State</b>	Type of CCI	Govt run	NGO run	ICPS ( PAB )
		No. of children	No. of children	No. of children
	Observation Home	3(28)	3 (78)	6(106)
	Special Home	3(3)	-	3(3)
	Shelter Home	-	3(58)	3(58)
	Place of safety	3(34)	-	3(34)
	After Care	Rajkot (14)	-	Rajkot (14)
		Vadodara (6)		Vadodara (6)
<b>Key Statistics</b>	<ul style="list-style-type: none"> <li>4504 children in CCIs and OH admitted in the year 2018</li> <li>4562 children released from CCIs and OH in the year 2018</li> <li>3408 children in CCIs and OH as on 31.12.18: 3408 (as on November 2019)</li> <li>No. of adoptions in 2018: In country- 98; Inter country- 17</li> <li>210 children in CCIs studying/completed 10th board examinations</li> </ul>			

	<ul style="list-style-type: none"> <li>• 47 children in CCIs enrolled in vocational courses: 47</li> <li>• 41 children repatriated from Gujarat State to their home states (April-Sep 2019)</li> </ul>												
<b>Special provisions</b>	<ul style="list-style-type: none"> <li>• Tied up with mental health experts placed in Government Hospitals</li> <li>• Tied up with health department and education department for children with special needs</li> </ul>												
<b>Committees' details</b>	<ul style="list-style-type: none"> <li>• Selection and Inspection committees – Yes; Steering Committee – No.</li> <li>• Meetings of Selection Committee: 20 meetings between 2016 and 2019</li> <li>• Inspection committees: 291 visits to the CCIs in 2018</li> </ul>												
<b>Number of Probation Officers under JJA</b>	<table border="1"> <thead> <tr> <th>POs</th> <th>Contract basis (LCPO- ICPS)</th> <th>Government Employee</th> </tr> </thead> <tbody> <tr> <td>Male</td> <td>20</td> <td>35</td> </tr> <tr> <td>Female</td> <td>13</td> <td>11</td> </tr> <tr> <td>Total</td> <td>33</td> <td>46</td> </tr> </tbody> </table>	POs	Contract basis (LCPO- ICPS)	Government Employee	Male	20	35	Female	13	11	Total	33	46
POs	Contract basis (LCPO- ICPS)	Government Employee											
Male	20	35											
Female	13	11											
Total	33	46											
<b>Availability of Online Resource Directory</b>	Track Child Portal developed by MWCD												
<b>POCSO: Implementation Status (From SJED)</b> <i>Presenters: Ms. Nayana Chhutbar, Project Manager, SARA &amp; Mr. M.R. Patel, Chief officer, Social Defense Department</i>													
<b>Child Care Institutions in the State</b>	Children's Homes – 107 Observation Homes – 6												
<b>Juvenile Justice Machinery at the State Level</b>	No. of Welfare Committees – 33 No. Juvenile Justice Boards – 33 No. of Probation Officers – 33 LCPOs in ICPS, 46 DSD officers												
<b>Appointment Status</b>	<ul style="list-style-type: none"> <li>• CWCs are functional in 32 Districts including interim arrangement in 1 district (Devbhumi Dwarka); 146 CWCs members have been appointed out of 165 members.</li> <li>• JJBs are functional in 33 Districts; 63 JJBs members have been appointed out of 66 vacancies.</li> <li>• 211 Translators appointed and 207 Support Persons declared under POCSO Act 2012.</li> </ul>												
<b>Research/ Monitoring Studies done by the State or any other organisation.</b>	<ul style="list-style-type: none"> <li>• Study on assessment of street children by Delhi based Butterfly organization and supported by UNICEF</li> <li>• Study on Current after care practices by Udayan Care and supported by UNICEF</li> </ul>												
<b>Training Details</b>	<b>No. of Trainings:</b> April 2018-March 19: Total 39 trainings from GSCPS and 237 trainings were organized by DCPU April 2019- December 19: Total 29 trainings by GSCPS												

	<p>and 93 trainings were organized by DCPUs</p> <p><b>Organiser:</b> Trainings are organised by Gujarat State Child Protection Society and District Child Protection Society</p> <p><b>Broad topics</b> of the trainings are Child rights, ICPS, JJA 2015, POCSO 2012, roles and responsibilities of stake holders, life skills, soft skills, convergence</p> <p><b>Training programs for JJBs, CWCs, DCPUs, SJPU</b>s and other relevant stakeholders being regularly held in collaboration with Gujarat State Judicial Academy, child rights experts and UNICEF Gujarat.</p> <p><b>Standard training modules</b> customized for each stakeholder are developed with support from UNICEF known as Smart Kit Program.</p>
<p><b>Management of CCIs</b></p>	<ul style="list-style-type: none"> <li>• All 119 Child Care Institutions (Children Homes, Open Shelters, SAAs, Observation Homes and 3 Places of Safety) are registered under JJA 2015.</li> <li>• 112 Management Committees and 137 Children Committees are formed in all CCIs across the State.</li> <li>• CCTVs have been installed in all (27) Government run CCIs. CCTV installment in remaining CCIs is in process.</li> <li>• The DCPUs ensure uploading data of all children living in CCIs entered in Track Child portal &amp; CARINGS developed by MWCD.</li> <li>• The State Government publishes an advertisement every 6 months for the need for registration of CCIs for due compliance of Section 41 of the JJ Act 2015 .</li> <li>• Registration is being granted only after Police verification certificate issued as regards no incident of abuse of any kind has happened with child/children either by the staff or anybody from such NGO or Civil Society.</li> <li>• As part of Public Private Partnership, Deepak Foundation, a trust, manages the Home for Boys in Vadodara.</li> <li>• Fire Safety mechanism in the CCI are assured – with Photo Document and Written application as per JJ Act 2016</li> <li>• Suggestion Boxes are kept in each CCI mandatorily and are monitored by the DCPO</li> </ul>
<p><b>ICPS positive experiences</b></p>	<p><b>CSO-Govt Partnership:</b></p> <ul style="list-style-type: none"> <li>• As part of Public Private Partnership, Deepak Foundation, a trust, manages the Home for Boys in Vadodara.</li> </ul>

	<ul style="list-style-type: none"> <li>• Different services/stakeholders who are involved in service provisioning</li> <li>• Partnership with Miracle Foundation (UNICEF supported) for strengthening capacities of DCPUs, CWCs, JJBs and CCIs on case management and family strengthening standards of care and to prevent institutionalisation</li> <li>• Convergence with identified departments/service providers/CSOs</li> </ul> <p><b>Line Departments:</b></p> <ul style="list-style-type: none"> <li>• Home Department:DCPU teams at District level coordinate with SJPU while they come across cases pertaining to Juvenile who comes in contact or conflict with Law. Along with this, DCPUs work in close collaboration with SJPU in the proceedings before CWC and JJB.</li> <li>• Labour Department: Task force meetings jointly being organized by DCPU and Labour Department officials to rescue child labourers.</li> <li>• Education Department: GSCPS has been able to influence SSA for registration of special schools in DISE which led to successfully start Special Training Programs (STP) classes and PravasiShikshak in CCIs.</li> <li>• GSCPS has coordinated with GCERT under programme of Integrated Disability Support Services (IDSS) for Specially Abled Children (Divyang children) studying in 9 to 12 standard as well for the capacity building programmes for such children.</li> <li>• Health Department: In collaboration with State Health functionaries, medical care is provided for CNCP child. Issues of CNCP children in School Health Program is being looked after.</li> <li>• Railway Department: Coordination is being done with Railway Police to identify link for rehabilitation of missing children.</li> </ul>
<p><b>ICPS Way Forward</b></p>	<ul style="list-style-type: none"> <li>• CCTV instalment in remaining CCIs through developing linkages with CSR/other resources.</li> <li>• Planning of organizing out state tour for CCI children</li> <li>• Department to issue letter to all Collectors to strictly organize quarterly DCPC meeting in all Districts with focus on child care institutions</li> <li>• Expedite recruitment of vacant staff in CCIs run by NGOs.</li> <li>• Promoting and strengthening alternative care options for children in the state to reduce institutionalization of children.</li> </ul>



	<ul style="list-style-type: none"> <li>To conduct impact assessment of State Government's Palak Mata Pita Yojna</li> </ul>
<b>Presentation by Police: Challenges in Implementation of JJ Act And POCSO</b> <i>Presenter: Mr. Anil Pratham, ADGP, CID Crime Branch</i>	
<b>Status of appointment of SJPU in police</b>	40
<b>Are there women sub inspector in every police station?</b>	Yes
<b>Percentage of police stations which have at least 1 women PSI</b>	100%
<b>Does the SJPU have list of probation officers, support persons, DCPU, NGOs, Counsellors, Translators and Interpreters?</b>	Yes
<b>Is this resource directory available online?</b>	Yes
<b>No. of cases registered under JJ Act in 2018</b>	105
<b>No. of cases registered against traffickers in 2018</b>	13
<b>No. of alleged offenders arrested under trafficking related offences pertaining to minors in 2018</b>	2 offenders in a single case
<b>No. of offenders convicted under trafficking related offences in 2018</b>	0 convictions under trial
<b>Victim Compensation Scheme</b> <i>Presenter: Mr. Vaibhav V Mondhe, Project Officer, SLSA</i>	
<b>Factors considered while awarding compensation</b>	<ul style="list-style-type: none"> <li>Gravity of the offence and severity of mental and physical harm and injury suffered</li> <li>Expenditure incurred on physical and mental treatment</li> <li>Loss of educational opportunities as a result of the offence</li> <li>Loss of employment as a result of the offence</li> <li>Relationship of victim and offender, if any</li> <li>Whether the incident was an isolated event or over a period of time</li> <li>If offence resulted in pregnancy, MTP/ include rehabilitation of the child if birth was given</li> <li>Contraction of STDs or HIV</li> </ul>

	<ul style="list-style-type: none"> <li>• If it caused disability</li> <li>• Financial condition of the victim</li> <li>• Compensation and support to dependents in case of death, based on number of dependents identified</li> <li>• Any other reason that the SLSA or DLSA may consider just</li> </ul>
<p><b>Method of Disbursement</b></p>	<ul style="list-style-type: none"> <li>• Amount disbursed by SLSA or DLSA in the bank. In absence of a bank account, the department will help open an account. For foreign nationals, amount to be disbursed by cash cards. In case of a minor, bank account is opened with the Superintendent of the Institution as guardian.</li> <li>• Interim amount shall be disbursed in full. As for the final amount, 75% is put in a fixed deposit for minimum 3 years</li> <li>• In case of a minor, 80% to be put in FD</li> <li>• The interest on the sum, if lying in FDR form, shall be credited directly to the bank in the savings account of the victim/guardian/dependent.</li> <li>• <b>Medical Relief:</b> Free medical treatment will be given to the victim as per the guidelines of the '<i>Mukhyam-natriAmrutam Scheme</i>'</li> <li>• <b>Interim Relief:</b> Interim relief like free medical services, or even monetary compensation, is also available as deemed appropriate by the department, to alleviate the suffering of the victim</li> </ul>
<p><b>Eligibility for compensation</b></p>	<ul style="list-style-type: none"> <li>• Loss of life (Rs. 5 lakhs – Rs. 10 lakhs)</li> <li>• Gang Rape (Rs. 5 lakhs – Rs. 10 lakhs)</li> <li>• Rape (Rs. 4 lakhs – Rs. 7 lakhs)</li> <li>• Unnatural Sexual Assault (Rs. 4 lakhs – Rs. 7 lakhs)</li> <li>• Loss of Limb (80% or more disability) (Rs. 2lakhs – Rs. 5 lakhs)</li> <li>• Loss of limb (40 – 80% disability) (Rs. 2 lakhs – Rs. 4 lakhs)</li> <li>• Loss of limb (20% - 40% disability) (Rs. 1 lakh – Rs. 3 lakhs)</li> <li>• Loss of limb (below 20% disability) (Rs. 1 lakh – Rs. 2 lakhs)</li> <li>• Grievous physical or mental injury requiring rehabilitation (Rs. 1 lakh – Rs. 2 lakhs)</li> <li>• Loss of fetus, miscarriage or loss of fertility (Rs. 2 lakhs – Rs. 3 lakhs)</li> <li>• In case of pregnancy on account of rape (Rs. 3 lakhs – Rs. 4 lakhs)</li> <li>• Victims of burning (Rs. 2 lakhs – R. 8 lakhs) based on extent of injury caused</li> <li>• Victims of acid attack (Rs. 50,000 – Rs. 8 lakhs)</li> </ul>

	based on extent of injury caused <ul style="list-style-type: none"> <li>• Rehabilitation of victims of human trafficking (Rs. 50,000 – Rs. 1 lakh)</li> </ul>
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### PART B: BEST PRACTICES

State Government has initiated its own new schemes in the year 2019-20 to strengthen alternative care in Gujarat.

<b>Sponsorship</b>	<p><i>Central Government</i></p> <ul style="list-style-type: none"> <li>• Limited Criteria</li> <li>• Financial Provisions- Rs. 2000/- per child per month</li> <li>• (Central- Rs. 1200 as 60% share and State- Rs. 800 as 40% share)</li> </ul> <p><i>State Government</i></p> <ul style="list-style-type: none"> <li>• Extended criteria</li> <li>• Rs. <b>3000/-</b> per child per month</li> <li>• Total Budget of Rs. 180 Lakh</li> <li>• <b>100% State share</b></li> </ul>
<b>After Care</b>	<p><i>Central Government</i></p> <p><u>Financial Provision:</u></p> <ul style="list-style-type: none"> <li>• Rs. 2000/- per month per child (Central- Rs. 1200 as 60% share and State- Rs. 800 as 40% share)</li> </ul> <p><i>State Government</i></p> <p><u>Financial Provision:</u></p> <ul style="list-style-type: none"> <li>• Rs. <b>6000/-</b> per child per month</li> <li>• (Rs. 2000 -as per central scheme modalities + additional Rs. 4000 – 100% State share)</li> <li>• Total Budget of Rs. 158.40 Lakh</li> <li>• <b>100% State share</b></li> </ul>
<b>Foster Care</b>	<p><i>Central Government:</i></p> <p><u>Financial Provision:</u></p> <ul style="list-style-type: none"> <li>• Rs. 2000/- per child per month (Central- Rs. 1200 as 60% share and State- Rs. 800 as 40% share)</li> </ul> <p><i>State Government</i></p> <p><u>Financial Provision:</u></p> <ul style="list-style-type: none"> <li>• Rs. <b>6000/-</b> per child per month</li> <li>• Total Budget of Rs. 360 Lakh</li> <li>• <b>100% State share</b></li> </ul>

### PART-C: CHALLENGES

<b>ICPS staff</b>	<ul style="list-style-type: none"> <li>• Lack of Social security provisions.</li> <li>• Salary structure of ICPS staff needs to be revised at par with nation-</li> </ul>
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	<p>al schemes.</p> <ul style="list-style-type: none"> <li>• Lack of medical benefits.</li> <li>• Difficulty in continuation of contractual services.</li> <li>• No revision of ICPS guideline since 2014.</li> </ul>
<b>Monitoring up to grass root level</b>	<ul style="list-style-type: none"> <li>• Currently support structures under ICPS are available at State-District level only.</li> <li>• There is no provision of such structures at block and village level except BCPC &amp; VCPC.</li> </ul>

#### PART-D: NGO PERSPECTIVES & DISCUSSIONS

1. Initiatives such as assistance for street children supported by UNICEF were discussed. Gujarat officials reiterated benefits of collaborations with other departments along with tie ups with researchers and drawing from studies, based on their experiences.
2. Dispensation of compensation is an issue because victims oftentimes do not have the necessary documents and/or government bank accounts. There is a need for an alternative created for people without documents.
3. NGOs expressed their concerns regarding inadequate support by police and underlined the need for more collaborative efforts in order to make the whole system more effective. There is a lack of police cognizance regarding designated CWOs. Sensitisation of all stakeholders and facilitators is important for it leads to mishaps such as the victim's name being revealed in the newspapers.
4. Faculty from TISS pointed out the need to set up more observation homes in more districts of Gujarat as there were only 6 such homes set up across the state, which poses difficulties to families to travel across districts as well as for the state to reach out effectively to all its children in need of care, protection and rehabilitation.

## Session 4: Maharashtra

**Chaired by: Ms. Archana Mishra, Director of Rajasthan State Legal Service Authority**

Ms. Archana Mishra is the Director of Rajasthan State Legal Service Authority. She joined the judiciary in the year 2000, and has worked as a Judicial Officer in several districts of Rajasthan, including Alwar, Dausa, Bharatpur, Bikaner, Kota, Dholpur and Sawaimadhopur. She has also been District and Sessions Judge.

### PART-A: IMPLEMENTATION STATUS

<b>JJ Act and POCSO Implementation Status</b>	
<i>Presenter: Mr. Rahul More, Dy. Divisional Commissioner, Konkan Division, DWCD, Maharashtra</i>	
<b>Juvenile Justice Machinery at the State Level</b>	<ul style="list-style-type: none"> <li>• Constitution of State Child Protection Society in 2012</li> <li>• Constitution of SARA</li> <li>• Constitution of DCPU in all 36 Districts</li> <li>• Constitution of 36 DCPC out of 36 districts</li> <li>• Established 56 SAA</li> <li>• Constitution of 39 Child Welfare Committees</li> <li>• Constitution of 39 Juvenile Justice Boards</li> <li>• 46 Special Juvenile Police Unit</li> </ul>
<b>Child Care Institutions in the State</b>	<ul style="list-style-type: none"> <li>• 52 Observation homes /Children Homes</li> <li>• 25 Government Children Homes under ICPS</li> <li>• 396 NGO children homes under state government</li> <li>• 5 Open Shelters out of which 3 under ICPS</li> <li>• 3 special homes</li> </ul>
<b>CWC and JJB</b>	<ul style="list-style-type: none"> <li>• Constitution of 39 JJB's in 36 districts. Consist of Principal Magistrate and 2 social worker.</li> <li>• 3 Additional JJB constituted (Pune, Amravati and Beed )</li> <li>• Total post of members in 39 JJBs are 78 out of which 61posts are filled and 17 are vacant</li> <li>• Constitution of 39 CWC's in 36 districts. Consist of 1 chairperson and 4 members.</li> <li>• 3 Additional CWC constituted (Pune, Mumbai Suburban and Mumbai)</li> <li>• Total post in 39 CWCs are 195 out of which 172 posts are filled and 23 are vacant</li> <li>• Financial, infrastructural, Secretarial support is given by ICPS</li> </ul>
<b>Facilities provided at CCIs</b>	<ul style="list-style-type: none"> <li>• State has prescribed norms for the facilities to be provided by the CCI in State Rules 2018.</li> <li>• It is always ensured by the inspecting authority about the various facilities are being provided to children</li> </ul>

	<ul style="list-style-type: none"> <li>• If the inadequate facilities are found in the inspection report the concerned CCI is given time to comply and if CCI fails to comply the action is initiated against the CCI for revoking registration</li> </ul>
<b>Implementation Measures</b>	<ul style="list-style-type: none"> <li>• State Plan of action to combat trafficking in the year 2016</li> <li>• Declared all Urban CDPOs as child marriage prevention officers and supervisors as assistant in 2016</li> <li>• Constitution of Juvenile Justice Fund in 2017</li> <li>• Constitution of Governing body in March 2018 for monitoring adoption process in the state</li> <li>• Constitution of Selection committee headed by Hon. Retired High Court Judge</li> <li>• State Government has constituted State inspection committee headed by Commissioner WCD allies Member Secretary.</li> <li>• MSCPS and District inspection Committee headed by District Collector to inspect the CCI in the state.</li> <li>• The state and district inspection committee are inspecting the CCIs regularly.</li> <li>• Prescribed diet scale has been provided for the children admitted in all CCIs and monitored by the District Women and Child development officer</li> <li>• Special need children are admitted in the CCIs recognized by the Social Justice department. Total 19 CCIs are recognized under JJ Act</li> <li>• If required the facilities of Government or charity hospitals are being provided to the children</li> <li>• 500 orphan children and government CCI are covered under Mahatma Phule Jan Arogya Yojana</li> <li>• 3131 children seeking vocational training list given to AnnaSaheb Patil Aarthic Magas Vikas Mahamandal for skill development</li> </ul>
<b>Non-Institutional Care</b>	<ul style="list-style-type: none"> <li>• Definite role of such care realized.</li> <li>• State has approved &amp; issued Guidelines for Foster Care</li> <li>• Focus on proper selection of families and assessing their fitness &amp; willingness</li> <li>• District Level Committees to be formed to monitor the processes under supervision of</li> <li>• Cannot be a mainstay of child protection due to large numbers.</li> <li>• State has partnered with Ms Delia Pop ( Hope &amp; Homes, UK) to share and benefit from global experience in Foster Care.</li> <li>• Consultations have highlighted important areas like reasonable standard of living of foster families, resource sharing amongst groups of foster families, predominance of rural / semi urban families to accept foster care, relief for foster family, training of such families &amp; monitoring.</li> <li>• State has collaborated with Hope &amp; Homes, UK initiative to share knowledge &amp; capacity building for effective rollout in 2019-20</li> </ul>
<b>Trainings and other initiatives</b>	<ul style="list-style-type: none"> <li>• Guidelines to run Day/Night care shelters given by WCD</li> <li>• Chief Secretary level Task Force has reviewed and entrusted the responsibility</li> </ul>

<p><b>of the State</b></p>	<p>of establishing day/night shelters and family strengthening services to the Municipal Corporations.</p> <ul style="list-style-type: none"> <li>• Trainings – the State has trained 718 stakeholders including departmental employees, CWC members, and other stakeholders in 2019. Collaboration with CSOs and UNICEF is being ensured for this purpose.</li> <li>• A separate departmental training institute (MGATI) has been declared autonomous for focusing exclusively on capacity building in 2019</li> <li>• Trainings of staff and CWC members started to identify support person and handle POCSO cases. Currently 6 districts under training.</li> <li>• Child Marriage prevention officers have been nominated in all Districts.</li> <li>• 8 CWC made Child Friendly. 10 more in 2019</li> <li>• Dongri Observation Home to be made Model under guidance of Hon.JJC, Hon.Bombay High Court</li> <li>• Focus on Urban Street Children</li> <li>• Surveys have started in 27 municipal corporations</li> <li>• Pune corporation have completed survey in 2017 there are 10647 children living/sustaining off streets and 319 children were living alone.</li> <li>• 80% or more are with parental/guardian supported</li> <li>• Hence a dedicated structure for these children needed</li> <li>• Open shelters in all Municipal Corporations (3/27)</li> <li>• Day/Night Shelters in cities for children to escape from economic burden and risks</li> </ul>
<p><b>Strategy for preparing children for post institutional care</b></p>	<ul style="list-style-type: none"> <li>• The state has issued guidelines for the after care in which following is the role of CCI to prepare child for responding aftercare program</li> <li>• Preparation of ICP which include post institutional care</li> <li>• Organize life skill program</li> <li>• Develop independent living skill</li> <li>• Protection from all kind of abuse</li> <li>• Socialization</li> </ul>
<p><b>Proposed intervention</b></p>	<ul style="list-style-type: none"> <li>• Multi stake holder training</li> <li>• Multi stake holder meetings</li> <li>• Established state level support network</li> <li>• Training for the support person with PRERANA NGO and UNICEF</li> <li>• First Phase for six district Solapur, Pune, Thane, Yavatmal, Nagpur, Aurangabad during May to April 2020</li> <li>• Session court of each station is declared as children’s courts under POSCO Act 2012 where the case of a child is deal as an adult</li> </ul>
<p><b>Monitoring Measures</b></p>	<ul style="list-style-type: none"> <li>• Inspections are carried out by SCPCR, Divisional Deputy Commissioner, District Officer, District Judiciary committee, CWC, JJB, State and District Inspection Committees constituted in March 2018.</li> </ul>

	<ul style="list-style-type: none"> <li>Total 87 inspections have been carried out by state level and 570 inspections by district committees</li> <li>Initiate the process for developing software for effective monitoring</li> <li>ICPS evaluation has been started through TISS</li> </ul>
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**Presentation by Police: Challenges in Implementation of JJ Act And POCSO**

*Presenter: Dr. Dighavkar Pratap, IPS*

*SPL. Inspector General of Police, Prevention of Crime against Women & Children, Maharashtra State*

<b>Cases under POCSO Act, 2012 (2017-18)</b>	Unit Name	Year	Registered cases	Accused Arrested
	Maharashtra State (Except-Mumbai CP Unit)	2017	4888	5875
		2018	5664	6800
<b>Status of SJPU's</b>	<ul style="list-style-type: none"> <li>Status of appointment of SJPU's in Police Units – 48 appointed</li> <li>Are there Women Sub Inspectors in every police station? In Commissionerate – Yes; In Rural areas situation needed to improve</li> <li>No. of Women PSIs in the State posted in Police Stations – 652</li> <li>Does the SJPU have list of Probation Officers, Support Persons, DCPU, NGOs, Counsellors, Translators and Interpreters? - Circulars has been issued</li> <li>Is this resource directory available online? - No</li> </ul>			
<b>Is POCSO a part of the curriculum of the police training academy and others?</b>	Yes			
<b>Total No. Registered Cases under JJ Act, 2015 (Of 2018)</b>	110			
<b>No. of Victims Rescued from Child Labour &amp; Beggary (Of 2018)</b>	Heads	Registered Cases	Victims Rescued	
	Child Labour	238	472	
	Beggary	18	35	
<b>No. of Cases registered against Traffickers (Of 2018)</b>	311			
<b>No. of alleged offenders arrest-</b>	156			



<b>ed under Traf-ficking related offences pertaining to minors (2018)</b>						
<b>Information about missing children under 18 years of age</b>	Year	Registered - Missing Child	Traced		Not Traced	
			Boys	Girls	Boys	Girls
	2015	7715	2584	4818	200	230
	2016	8773	2806	5610	192	367
	2017	9553	2870	5930	323	771
	2018	8290	2095	5286	187	869
	Upto April 2019	3084	578	1561	167	817
	Total	37415	10933	23205	1069	3054
<b>Child in Need of Care &amp; Protection</b>	<ul style="list-style-type: none"> <li>As per the Apex Court of India Order in PIL BachpanBacho Samiti Vs Union of India, filing of a FIR is compulsory u/s IPC 363 in the cases of Missing Children.</li> <li>Special Drives are organized to trace out the missing children.</li> <li>Total 06 Operations by Muskan/Smile have been conducted.</li> <li>7<sup>th</sup> Drive from 1<sup>st</sup> December to 31<sup>st</sup> December 2019 is in process &amp; progress.</li> </ul>					
<b>OPERATION “MUSKAN / SMILE” Preventive Measures (On record cases)</b>	Operation Muskan	Period	Children Traced			
			Boys	Girls		
	Op. Muskan 1	July' 2015	280	505		
	Op. Muskan 2	Jan' 2016	292	373		
	Op. Muskan 3	April' 2016	143	308		
	Op. Muskan 4	June' 2016	174	323		
	Op. Muskan 5	July' 2017	197	448		
	Op. Muskan 6	Dec' 2018	268	494		
	Op. Muskan 7	Dec' 2019	31	49		
	Total		1385	2500		
<b>OPERATION “MUSKAN / SMILE” Preventive Measures (Not on record cases)</b>	Operation Muskan	Period	Children Found			
			Boys	Girls		
	Op. Muskan 1	July' 2015	2564	947		
	Op. Muskan 2	Jan' 2016	2664	915		
	Op. Muskan 3	April' 2016	2356	834		
	Op. Muskan 4	June' 2016	1805	827		
	Op. Muskan 5	July' 2017	3035	1122		
	Op. Muskan 6	Dec' 2018	2021	900		
	Op. Muskan 7	Dec' 2019	403	134		

	Total	14848	5679
<b>Security &amp; Safety Audit Of Govt. Child Care Institute / Observation Home Preventive Measures</b>	<ul style="list-style-type: none"> <li>• First time Security and Safety Audit is conducted.</li> <li>• Conducted security and safety audit of 43 Govt. Run Child Care Institute/Observation Home.</li> <li>• Audit Committee has been formed under the leadership of Addl. S.P.</li> <li>• Report of observations have been submitted to the Women and Child Development Department.</li> </ul>		
<b>Security &amp; Safety Audit Of Govt. Child Care Institute / Observation Home</b>	<p>S.O.P. has given by PCWC office in regard to carry out audit. While doing audit following things have been taken into consideration:</p> <ol style="list-style-type: none"> <li>1. Security Audit</li> <li>2. Physical Security.</li> <li>3. Common Safety.</li> <li>4. Fire Safety.</li> <li>5. Disaster Management.</li> <li>6. Safety from point of sexual Assault .</li> <li>7. Cyber safety.</li> <li>8. Other special Points may have given in addition to safety point of view.</li> </ol>		
<b>Police Kaka &amp; Police Didi</b>	<ul style="list-style-type: none"> <li>• Police Kaka &amp; Police Didi is one the recent initiative taken by Maharashtra Police for the safety of Children.</li> <li>• One ASI/HC deployed as a Police Kaka for every Beat of the Police Station.</li> <li>• Police Kaka will look after the safety of School/College going as well as unattended orphanage Children.</li> <li>• Will establish communication with various authorities for prevention of crime against Children.</li> <li>• Police Didi visits to Girl's School &amp; interacts students.</li> </ul>		
<b>Activities</b>	<ul style="list-style-type: none"> <li>• Maharashtra Police and Women Child Development Department of Maharashtra - In Co-ordination with UNICEF, Child Rights Awareness Program across the state from 14<sup>th</sup> Nov.'2019 to 20<sup>th</sup> Nov.' 2019 was organized</li> <li>• Objectives: <ol style="list-style-type: none"> <li>1. Create awareness in individuals &amp; collective social responsibility of the community to fight against all kinds of violence against children.</li> <li>2. Social and legal awareness regarding rights of children.</li> <li>3. Community and NGO participations.</li> <li>4. School and College Visits for Prevention of Drug Abuse.</li> </ol> </li> </ul> <p>During this Drive/Week, general awareness among students of age 15 to 18 Years is made on following subjects:</p> <ol style="list-style-type: none"> <li>1. Children rights,</li> <li>2. Juvenile delinquency,</li> <li>3. Drug abuse,</li> <li>4. Cyber crime,</li> <li>5. Crime against children &amp; various laws,</li> <li>6. Role of police &amp; police helpline,</li> <li>7. Information of NGOs</li> </ol> <p><u>Schools &amp; Colleges</u></p>		
	1. Total No. of Schools/ Colleges Covered	-	3,805

	2. Total No. of Students Participated - 4,73,842 3. Total No. of Police Officer/Constables deployed - 16,522 <u>Ashram Schools</u> 1. Total No. of visits to Ashramshala - 400 2. Total No. of Students Participated - 24,664 3. Total No. of Police Officer/Constables deployed - 1,218 4. Total No. of Parents & Teachers participated - 6,379														
<b>Recent initiatives</b>	<ul style="list-style-type: none"> <li>• Identification of Hotspots &amp; vulnerable area Mapping in Maharashtra and within each District &amp; Police Commissionerate to study regarding increasing trend of offences.</li> <li>• Identification of Hotspots of Children in conflict with Law in each District &amp; Commissionerate &amp; working with Local NGO's and WCD Department to prevent recidivism.</li> <li>• Identification of emerging gaps in the implementation of J.J. Act &amp; POCSO Act improving the environment for Children. <ul style="list-style-type: none"> <li>○ Production of Every Child victimized under POCSO before the Child Welfare Committee.</li> <li>○ Continuous follow up/monitoring for submission of charge sheet within 60 days in offences U/S 376 I.P.C. and Sec. 4 and 6 of POCSO Act.</li> </ul> </li> <li>• Local PCWC unit will work with Local RTO's for raising awareness regarding Underage Driving &amp; Drunken Driving.</li> </ul>														
<b>Victim Compensation Scheme</b>															
<i>Presenter: Mr. Vikram Singh I. Bhandari, Secretary, Mumbai Suburban Legal Services Authority</i>															
<b>Major compensation schemes</b>	1. Manodhairya Scheme, 2013 & 2017 2. Maharashtra Victim Compensation Scheme, 2014 3. NALSA's Compensation Scheme For Women Victims/ Survivor Of Sexual Assault/ Other Crimes, 2018														
<b>Provision for categories of victims and quantum of compensation under each category</b>	<table border="1"> <thead> <tr> <th><b>Victims of Rape (Manodhariya)</b></th> <th><b>Relief</b></th> </tr> </thead> <tbody> <tr> <td>Cases where on account of any incident, woman gets mentally retarded and/or traumatized and incurs permanent disability which may be physical or mental.</td> <td>Upto Rs.10 Lacs</td> </tr> <tr> <td>Cases where the woman has been subjected to a gang rape and has suffered serious and grievous physical injury.</td> <td>Upto Rs. 10 Lacs</td> </tr> <tr> <td>Cases where the rape leads to the death of a woman</td> <td>Upto Rs. 10 Lacs</td> </tr> <tr> <td>In case of earning woman</td> <td>Upto Rs. 5 Lacs</td> </tr> <tr> <td>In case of non-earning woman</td> <td></td> </tr> <tr> <td>Cases of rape not covered by any of the aforesaid categories.</td> <td>Upto Rs. 3 Lacs</td> </tr> </tbody> </table>	<b>Victims of Rape (Manodhariya)</b>	<b>Relief</b>	Cases where on account of any incident, woman gets mentally retarded and/or traumatized and incurs permanent disability which may be physical or mental.	Upto Rs.10 Lacs	Cases where the woman has been subjected to a gang rape and has suffered serious and grievous physical injury.	Upto Rs. 10 Lacs	Cases where the rape leads to the death of a woman	Upto Rs. 10 Lacs	In case of earning woman	Upto Rs. 5 Lacs	In case of non-earning woman		Cases of rape not covered by any of the aforesaid categories.	Upto Rs. 3 Lacs
<b>Victims of Rape (Manodhariya)</b>	<b>Relief</b>														
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Cases of rape not covered by any of the aforesaid categories.	Upto Rs. 3 Lacs														

	Victims of Sexual Assault under POCSO (Manodhariya)	Relief
	Cases where on account of such incident, the minor child, irrespective of the sex, gets mentally retarded and/or traumatized and incurs permanent disability.	Upto Rs.10 Lacs
	Cases of sexual assault under POCSO not covered by the above category.	Upto Rs. 3Lacs
	Victims of Acid Attack (Manodhariya)	Relief
	Cases where on account of an incident of an acid attack, the face of the victim woman is disfigured and/or the victim suffers damage and/or injury to any part of her body and incurs permanent disability	Upto Rs.10 Lacs
	Cases of acid attack not covered by the above category.	Upto Rs. 3Lacs
<b>Maharashtra Victim compensation Scheme 2014</b>	Particulars of loss or injury	Maximum limit of compensation
	Loss of Life	Rs. 2.00 lacs
	Permanent Disability	Rs. 0.50 lacs
	Acid Attack	Rs. 3.00 lacs
	<i>The following expenses shall be payable in addition to compensation outlined above:-</i> Funeral Expenses: Rs. 2,000 Medical Expenses: Rs. 15,000	
<b>Eligibility Criteria to avail the scheme</b>	<ul style="list-style-type: none"> <li>• <u>Manodharya Scheme 2017</u></li> <li>• 1The following category of victims shall be entitled and/or eligible to the benefits of this scheme.</li> <li>• <i>Victims of Rape:-</i> Section 375, 376,376(2),376(A), 376(B),376(C),376(D), 376(E)of the Indian Penal Code.</li> <li>• <i>Victims of Sexual Assault:</i> Section 3,4,5,6 of Protection of Children from Sexual Assault Act 2012 (POCSO).</li> <li>• <i>Victims of Acid Attack:</i> under section 326A and 326(B) of the Indian Penal Code.</li> <li>• The Scheme is gender neutral and will apply equally to all the victims irrespective of their sex.</li> <li>• The Victim Compensation Scheme 2014</li> <li>• Victim or his/her dependents on, By recommendations of the court, victim or claimant have given report of crime, Victim or claimant co-operates with the police and prosecution</li> </ul>	
<b>Financials</b>	<b>Money allocated for the scheme in the last 2 years:</b> Manodhariya Scheme (2018-19): ₹ 440000000/- Mah.Victim Compensation Scheme: ₹4200000 (2017-18)	

	<p style="text-align: right;">₹5600000 (2018-19)</p> <p><b>Amount of money spent against allocation over last 2 years</b></p> <p>Manodhairy Scheme (2018-19): ₹ 7,51,32,446/-</p> <p>Mah.Victim Compensation Scheme: ₹4052500 (2017-18)</p> <p style="text-align: right;">₹5477000 (2018-19)</p>
<b>Procedures to grant compensation</b>	<ul style="list-style-type: none"> <li>• Application can be filed by victims or their dependents or any person/Voluntary NGO or SHO/PSO to concerned District Legal Services Authority.</li> </ul> <p><b>Procedures under Manodhairy Scheme:</b></p> <ul style="list-style-type: none"> <li>• It shall be submitted in Annexure-I</li> <li>• Accompanied with the copy of F.I.R, Medical Report, and Death Certificate in case of death, statement of victim u/s. 164 Cr.P.C.</li> <li>• Complaint made to the court in case where police have registered F.I.R. indicating reason for non-registration of F.I.R, newspaper report if any.</li> <li>• Copy of Judgment/recommendation of trial Court if trial is over, to DLSA.</li> <li>• The application must be made within 60 days. After 60 days, the Board may condone the delay, if the reasons are satisfactory.</li> <li>• Application can be moved to concerned District Board. Then Board can retain, enquire and decide the matters</li> </ul> <p><b>Steps to grant compensation</b></p> <ul style="list-style-type: none"> <li>• On recommendation of the court or the application of the victim or his dependents – DLSA shall examine and verify the claim</li> <li>• Enquiry shall be completed within 2 months</li> <li>• After verifying claim and due enquiry DLSA shall grant adequate compensation including incidental charges as funeral expenses etc.</li> <li>• To take undertaking of remittance by the claimant before disbursement of the compensation.</li> <li>• While fixing quantum of compensation regard monthly given to minimum wages and schedule appended to the Motor Vehicles Act, 1988.</li> <li>• It shall not exceed the maximum limit</li> </ul>
<b>How many awareness programs have been conducted and for whom?</b>	Awareness programs conducted as per Common Minimum Calendar of MSLSA
<b>Beneficiary details under various schemes</b>	<ul style="list-style-type: none"> <li>• <b>Beneficiaries under Manodhairy Scheme-</b> 1141</li> <li>• <b>Beneficiaries under Victim Compensation Scheme:</b> <ul style="list-style-type: none"> <li>◦ 59 (2017-18)</li> <li>◦ 73 (2018-19)</li> </ul> </li> </ul>
<b>Reasons for rejection</b>	<ul style="list-style-type: none"> <li>• Applicant failed to take, without delay, all reasonable steps to inform police, other body or person</li> </ul>

	<ul style="list-style-type: none"> <li>Failed to co-operate with police or Courts in attempting to bring accused to justice</li> <li>Failed to give reasonable assistance to Board</li> <li>If previously lodged any claim in respect of same criminal injury &amp; same is decided</li> <li>Turned Hostile &amp; Not supported to prosecution</li> </ul>
<b>How is the amount of compensation determined?</b>	<ul style="list-style-type: none"> <li>The amount of compensation is determined by the District Legal Services Authority after completing the inquiry under Mandodhariya Scheme</li> <li>Before passing award, Board shall satisfy about claim and make preliminary assessment about nature of claim &amp; into account medical report &amp; other evidence</li> <li>Best interest of victim shall be kept in mind</li> <li>Immediate relief : Within 7 working days of receipt of application, State or District Legal Services Authority may disburse an amount of Rs. 30,000/- as and by way of immediate relief, adjustable with the final disbursement, to the victim.</li> <li>Final relief : Within 1 month from date of recording of evidence in court or within 1 year from date of receipt of application, whichever is earlier</li> <li>Final relief is in addition to rehabilitation measures</li> <li>Rehabilitation: Board shall examine/determine nature of rehabilitation measures &amp; initiate appropriate action</li> <li>Board may issue direction for the purpose of rehabilitation and/or special needs of victim in addition to financial relief.</li> </ul>
<b>Indirect Financial Entitlement under Mandodhariya Scheme</b>	<ul style="list-style-type: none"> <li>Free of Cost Medical Treatment.</li> <li>Free of Cost all other requisite Medical Treatment to the victimized woman or child gets infected with any disease such as H.I.V.</li> <li>Compulsory Counseling, Employment &amp; Vocational Training</li> </ul>
<b>Women Victim Compensation fund</b>	<ul style="list-style-type: none"> <li>Contribution received from CVCF Scheme, 2015</li> <li>Grant-in-Aid to SLSA</li> <li>Cost order by civil/criminal tribunal</li> <li>Compensation amount received from the accused.</li> <li>Donation or contribution from International, National, Philanthropist, Charitable Institution or Organization or individual.</li> <li>Contribution from companies under Corporate social responsibility.</li> <li>Funds shall be operated by State Legal Services Authority</li> </ul>
<b>Who is eligible for compensation?</b>	<ul style="list-style-type: none"> <li>A Women victim or her dependents</li> <li>Compensation received in other Scheme with regard to Section 357 B Cr.P.C. shall be taken into consideration while deciding quantum.</li> </ul>
<b>What is procedure for making application?</b>	<ul style="list-style-type: none"> <li>It is mandatory upon the police to share soft/hard copy of F.I.R. immediately after its registration with SLSA/DLSA in respect of the offence covered in this scheme.</li> </ul>

	<ul style="list-style-type: none"> <li>• SLSA/DLSA may initiate preliminary verification of the facts for granting interim compensation.</li> <li>• A victim or her dependents or SHO can move application for interim/final compensation in form I along with copy of F.I.R. or criminal complaint and relevant documents before SLSA or DLSA.</li> </ul>
<p><b>Which factors should be considered while awarding compensation?</b></p>	<ul style="list-style-type: none"> <li>• Gravity of the offence and severity of mental or physical or injury suffered by the victim</li> <li>• Expenditure incurred or likely to be incurred on medical treatment, counselling, funeral, travelling etc.</li> <li>• Loss of education opportunity as consequences of the offence</li> <li>• Loss of employment as a result of offence</li> <li>• The relationship of the victim to the offender, if any;</li> <li>• Whether abuse was single isolated or over a period of time</li> <li>• Whether victim become pregnant, whether she had undergo MTP/birth of child, rehabilitation of such child</li> <li>• Whether victim contracted a sexual transmitted disease (STD)/HIV as a result of offence.</li> <li>• Any disability suffered by the victim</li> <li>• Financial condition of the victim</li> <li>• In case of death age, monthly income, number of dependents, life expectancy, future promotional / growth prospects etc.</li> <li>• Or any other factor with SLSA/DLSA may consider just and sufficient.</li> </ul>
<p><b>What is procedure to grant of Compensation &amp; Recovery?</b></p>	<ul style="list-style-type: none"> <li>• Recommendation of the court or the application of the victim or her dependents – DLSA shall examine and verify the claim</li> <li>• Enquiry shall be completed within 60 days</li> <li>• In case of Acid attack 1 lac shall be paid to the victim within 15 days, interim compensation shall be passed by DLSA within 7 days and SLSA within 8 days. Thereafter 2 lakh shall be paid within 2 months of the first payment.</li> <li>• SLSA/DLSA may pass award after taking into account factors as per clause 8</li> <li>• If victim is minor the limit of compensation shall be deemed to be 50% higher than amount mentioned in schedule.</li> <li>• SLSA/DLSA may call from any record or take assistance</li> </ul> <p><u>Recovery</u></p> <ul style="list-style-type: none"> <li>• District Legal Services Authority may institute recovery proceedings before the court against the accused to recover compensation amount granted to the victim.</li> <li>• If claim is false, vexatious or fabricated compensation awarded shall be recovered</li> </ul>
<p><b>General Provisions</b></p>	<ul style="list-style-type: none"> <li>• Copy of order of Interim / final compensation shall be placed on record of trial court to enable to pass appropriate compensation u/s 357 of the code.</li> <li>• A copy of Order shall be provided to I-O or victim or her dependents.</li> </ul>

	<ul style="list-style-type: none"> <li>• The amount shall be disbursed by depositing in a bank in joint name of victim / dependent.</li> <li>• In case of minor is in child care institution account should be open with Superintendent of Institution as a guardian.</li> <li>• Interim amount shall be disbursed in full.</li> <li>• As Final amount is concerned 75% shall be put in F.D. for 3 years and remaining 25% shall be available for utilization by the victim.</li> <li>• In case of minor 80% amount be put in F.D for period of attending her age of majority but not before 3 years of the deposit.</li> <li>• In exceptional cases, such amount may be withdraw for education or medical or other pressing and other needs.</li> <li>• Interest on the sum if lying in F.D shall be credited in Saving account of victim on monthly basis.</li> </ul>
<p><b>Victim rights and assistance</b></p>	<p><b>Interim Relief to the Victim:</b></p> <ul style="list-style-type: none"> <li>• SLSA/DLSA may order for immediate first aid facility or medical benefits to victim free of cost or interim relief</li> <li>• It can be granted on certificate of police not below rank of Officer in charge, or a Magistrate or on application of victim/ dependents or suo moto.</li> <li>• As soon as application is received, sum of Rs.5000/- or upto Rs.10,000/- to the victim</li> <li>• Interim amount shall not be less than 25 % of the maximum compensation as per schedule</li> </ul> <p><b>Minor Victims:</b> In case victim is an orphan minor without any parent of legal guardian, the immediate relief shall be disbursed in her account, opened under guardianship of Superintendent, child care institution where child is lodged or in absence thereof DDO/SDM as the case may be.</p> <p><b>Limitation:</b> No claim shall be entertained after a period of 3 years from date of occurrence of offence or conclusion of trial.</p> <p><b>Appeal:</b> Any victim aggrieved against order of quantum of compensation passed by Secretary, DLSA, she may file appeal before Chairperson, DLSA within period of 30 days</p>

#### PART-B: BEST PRACTICES

<p><b>Balsangopan A State Initiative</b></p>	<ul style="list-style-type: none"> <li>• Existing non institutional care scheme of State since 1972, 100% State funded</li> <li>• Currently cares for <b>12961</b> children in 36 districts.</li> <li>• An assistance of 425 Rs/- pm to family and 75/- Rs to NGO for administrative purposes</li> <li>• Till now the scheme has <b>benefitted 61121 children since 2015-16</b></li> <li>• Cabinet proposal to increase the assistance to Rs 1500/- per child</li> </ul>
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	per month is under consideration.
<b>Aftercare – Youth Leaving Care</b>	<ul style="list-style-type: none"> <li>• State has undertaken study with UNICEF &amp; Udayan Care</li> <li>• <b>Health</b> - 64% faced recurring emotional distress and 25% reported multiple symptoms at psychological disorders</li> <li>• <b>Education</b> – 14% are educated below class 10<sup>th</sup> and 45% had not completed their higher secondary</li> <li>• <b>Housing</b> – 66% are using residential homes</li> <li>• <b>Job / Financial independence</b> – 53% had their own independent sources of income either job or salaried income</li> <li>• <b>Vocational Training</b>– 22% completed short term diploma course and 32% had graduation degree and 8% had post graduation degree</li> <li>• <b>Social needs</b> – 18% males and 46% females are satisfied with social support and interpersonal relationships</li> <li>• Area now a priority for department</li> <li>• The intervention to begin much earlier, within CCI, from atleast 15 years age. <b>State Guidelines finalized</b></li> <li>• A district level <b>Nodal Agency</b> (<i>Maharashtra State Probation &amp; Aftercare Association, 1962</i>) decided which already has presence in 36 districts &amp; runs 7 Aftercare hostels with a capacity of 700.</li> <li>• To establish a <b>Single Window System</b> to be functional by January 2020</li> <li>• Assess and provide interventions at counseling, education, vocational training, documentation, job assistance, healthcare and even matrimonial assistance.</li> <li>• To provide an assured platform for CL to approach when needed</li> <li>• State is giving a 1% reservation for orphans in government jobs and educational courses.</li> <li>• May consider DBT to 18 to 21 years children leaving care</li> </ul>

### PART-C: CHALLENGES

<b>Department of Women and Child Development</b>	<ul style="list-style-type: none"> <li>• Reducing paperwork drudgery by putting in place a MIS</li> <li>• Bringing about coordination between CSO and CCI for better resource/ knowledge management and sharing</li> <li>• Capacity building of stakeholders in foster-care, ICP &amp; quality care</li> <li>• Comprehensive and sustained Information dissemination campaign for child rights</li> <li>• Tide over HR shortages by adopting outsourcing of services for quicker and tangible outcomes- housekeeping/ kitchen services/ guards etc</li> <li>• Access services of Child Psychologists in best interest of child. We aim to cover</li> </ul>
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	<p>at least 10000 children in next six months for psychological assessment &amp; intervention, through ICPS.</p>
<p><b>Police Investigations under POCSO</b></p>	<ul style="list-style-type: none"> <li>• Delay in reporting an offence to the Police Stations (Late registration of an FIR).</li> <li>• Recording a Statement Under CrPC Sec. 164. (Sec.25 of POCSO)</li> <li>• Every cases of recording statement under CRPC Sec 164 of Child is not Audio/Video Recorded.</li> <li>• Non- availability of Interpreters for specially able child in rural areas. (Sec. 19 of POCSO)</li> <li>• Medical Examinations of Victims.</li> <li>• Amendment of Cr.PC Sec. 173(A) is not strictly followed by I.O.s.</li> <li>• Amendment of Cr.PC Sec. 154 is not followed by WORDS &amp; SPIRITS.</li> <li>• Non-availability of Women Police Officers for registration &amp; investigation of an Offence (Especially in Rural Areas)</li> <li>• Delay in getting Forensic Lab report. Spl. Provision shall be made for immediate Forensic &amp; Cyber Forensic Lab Report.</li> <li>• Many unreported cases</li> <li>• Refusal of Medical Examination by Victims or by her guardian. (Cr.PC Sec. 164A)</li> <li>• Recording a Statement Under Cr.PC Sec. 164-</li> <li>• Due to heavy work and prior engagements of Hon'ble Magistrates the statement U/s 164 is not recorded at the earliest. This may result into delay in recording of the statement under Sec. 164.</li> <li>• Interpreters are not available-</li> <li>• Especially in the cases where specially able child or Child is too minor, in such cases it is very difficult to interact with such type of child, where need interpreters who is specially trained. Difficulty to get such interpreters in the very time in rural areas.</li> <li>• Medical of Victims-</li> <li>• In cases of Penetrative &amp; Aggravated Penetrative Sexual Assault, in rural areas Victims are referred to civil hospitals at District Head Quarters, which are very far from the place of Offences, which delays the medical examination, may lead into destruction of Evidences.</li> <li>• Time Bound Investigation-</li> <li>• According to Criminal Law Amendment Act, 2018, amendment has been taken place in Cr.PC Sec 173A, which makes mandatory to investigate of Rape cases within 02 months from the registrations of date of Offence. Sometimes, accused is not arrested, some medical certificates is not available to file a Final Report. Due to this reasons, many time Final Report of Investigation is not submitted in the court of law within a 60 Days.</li> <li>• Non-availability of Women Police Officers for registration &amp; investigation of an Offence in Every Police Stations (Especially in Rural Areas)</li> </ul>

	<ul style="list-style-type: none"> <li>• Hon'ble Courts emphasized on investigation of Offences registered under POCSO Act should be done by a Woman Police Officer not below the rank of Sub-Inspector.</li> <li>• As per amendment in Cr.PC Sec. 154, FIR must be registered by Women Police Officer.</li> <li>• Delay in getting Forensic Lab report.</li> <li>• Refusal of Medical Examination by Victims or by her guardian. (Cr. PC Sec. 164A)</li> </ul> <p><b>Challenges in investigating JJ Act cases</b></p> <ul style="list-style-type: none"> <li>• Rule 8(1)-Non-registration of FIR (Except Heinous Crime)</li> <li>• Child Friendly Corner in Every Police Stations {JJ Act, Rule 8(3)(v)}</li> <li>• Rule 8(1)-Non-registration of FIR (Except Heinous Crime)</li> </ul> <p>JJ Act Classified an offences into :-</p> <ol style="list-style-type: none"> <li>a) Pity Offence (Punishment below 3 Yrs Crime Heads),</li> <li>b) Serious Offence (Punishment below 3 Yrs to 7 Yrs Crime Heads) and</li> <li>c) Heinous Offence (Punishment above 7 Yrs Crime Heads).</li> </ol> <ul style="list-style-type: none"> <li>• It is very difficult to implement in real sense as use of Juvenile in offence like theft, riots, etc. In case of theft, accuse is unknown initially. Later at the stage of investigation, it is revealed that offence is done by child. In such cases, FIR was already registered and in such cases there is no clarity of process in law and rule.</li> <li>• Child Friendly Corner in Every Police Stations {JJ Act, Rule 8(3)(v)}-</li> <li>• It requires to make available sufficient space and infrastructure. As of now, instead of concentrating on Child Friendly Corner, we insist on “to make a Police Child Friendly”. Help of NGO’s like Vidhayak Bharti is taken.</li> </ul>
<p><b>Victim Compensation Scheme</b></p>	<ul style="list-style-type: none"> <li>• Lack of awareness about the scheme among the public, other stake holders viz. the litigants, Victims, Lawyers, Public, Prosecutors, police etc.</li> <li>• Inadequacy of the law in allowing the victim to participate in the prosecution</li> <li>• Difficulties to open a Bank Account as per KYC norms laid down by RBI</li> <li>• Want of information about progress of the case.</li> <li>• Lack of protection when the victims or witnesses are threatened by the offender.</li> <li>• Inconvenience during interrogation</li> <li>• Lack of legal assistance to the victim.</li> <li>• Witnesses turned hostile</li> <li>• Courts are overburden with case</li> <li>• The State exchequer must be prepared for contingencies and be supportive of the expenditure.</li> <li>• The machinery of criminal justice in India must be reinvented to become a system that is curious of the nature of crimes, their effects on the victims and the stigma it bears in society.</li> </ul>

## PART-D: NGO PERSPECTIVES & DISCUSSIONS

1. Best practices and measures were discussed. In 2012 Maharashtra started the Orphan Certificate initiative which gives access to all the facilities and services to a child even in the absence of other relevant documentation like birth certificate. The orphan certificate will be accepted everywhere as valid identification and proof. Measures such as video recording of FIRs will be executed.
2. Based on ground level experiences, Prayas team discussed about the gap in policies and discussions about children whose parent/s are in prison. There needs to be better understanding of specific issues of such a population. The importance of seeking the child's information on parameters such as immediate family members, arrangement of accommodation, and availability of guardianship should be sought when a parent's arrest is made. The process of handing the child over in custody must also be monitored. Regular visits between mothers in prison and their institutionalized kids (once every 15 – 30 days), as per the rule, are not being coordinated.
3. The trauma of children being detained for consensual sex was discussed. The rejection and shaming by confinement in observation homes was said to do more damage than the act of sex. The high number of cases under POCSO was seen as a positive sign to mean that the police are being progressive and cooperative which illustrates the ease of the community in reporting such crimes. However, there is a need to focus on finer issues of sexual abuse and consensual sex in training and policies. The nature of training provided to judges within children's courts was discussed.
4. The need to trace children within the criminal justice system was underlined, after the implementation of JJ Act, 2015. It was noted that the children seem lost in the system and NHRC must look into number of children being transferred to prison, measures of rehabilitation, provision of legal aid etc. Within the current scheme of things, a child is provided a lawyer only if he/she is attached to an NGO. Need for review of law and creation of mandatory reporting systems was also discussed.
5. Social work positions must be filled by social workers and not lawyers. Even though the law mandates this, it was noted that this is not adhered to. There is a shortage of staff with a lot of open vacancies. Filling up of these posts needs attention. The post of a cleaner must be added to maintain general hygiene levels of CCIs.

6. NGO representatives pointed out challenges in seeking governmental/ departmental permissions and asked for stricter processes to be employed. Due to the lack of stipulated time allowed to provide permission, NGOs are left waiting on the sidelines for months, delaying all interventions.
7. Victim turning hostile should not be grounds to influence granting of victim compensation. Review process for cases rejected for victim compensation was also discussed.

## Session 5: Union Territories

**Chaired by: Hon'ble Mr. Vikram Singh Bhandari, Secretary, Mumbai Suburban District Legal Services Authority**

Mr. Vikram Singh Bhandari is Secretary of District Legal Services Authority of Suburban Mumbai. He joined the judiciary in the year 2006, as Civil Judge, in Parbhani, Maharashtra. He has also held positions in Nagpur, Solapur and Ahmednagar. He was promoted to Civil Judge Senior Division in the year 2017. He worked as Metropolitan Magistrate in the Kurla Court of Mumbai. Mr. Bhandari has also facilitated the work of field action projects and students of TISS and is enthusiastic about initiatives that reach out to marginalised sections of society.

### **Key Points: Daman & Diu and Dadra & Nagar Haveli**

- Maharashtra rules are followed for the implementation of the JJ Act, 2015 and use the infrastructure of Gujarat. The Union Territories are in the process of formulating their own rules.
- Daman and Diu do not have any child care institutions. Children are transferred to CCIs in Gujarat or Dadra and Nagar Haveli.
- Mental health awareness scheme available for children under NCPCR
- Victim Compensation Scheme, scholarships are available for SC, ST, OBC, Minorities
- UT has identified building for setting up government run children's home under JJ Act.

### **Victim Compensation Scheme – Presentation by Disha Foundation, Maharashtra**

#### **Victim Compensation Scheme**

*Presenter: On behalf of by DISHA – 'For Rights & Justice to Victim'*

#### **About DISHA and its interventions:**

**To discuss the victim compensation scheme (VCS) in detail, DISHA**, a registered voluntary organization was invited to present its work and challenges in victim justice in the context of the state of Maharashtra. In 2008, CrPC was amended and Section 357A was inserted for VCS. DISHA is working for **rights and restoration to victims of violent crimes** since 2009 in Maharashtra. DISHA helps 'restorative transition' of victim of crime into a survivor working on the UN principles and Sustainable Development Goal (SDG) 16: Access to Justice: Information & Guidance, Fair Treatment: Police & Court System, Compensation, and Assistance.

DISHA first filed PIL (66/2013) in 2011 and after that in 2013. Maharashtra state formulated Maharashtra Victim Compensation Scheme - 2014 with budgetary provision in the year 2014. Victim: loss of life, permanent disability and acid attack (irrespective of age, sex). A welcome step toward 'social justice' to victim in Maharashtra. However, figures show that it requires more attention and liberal use.

#### **Features of**

- Manodhairya is the key scheme of DWCD, Maharashtra for rape victims,

<b>Manodhairya Scheme</b>	<p>children who are victims of sexual offences, victims of acid attacks, minor rescued girls under ITPA</p> <ul style="list-style-type: none"> <li>• Scheme is for financial assistance to carry out rehabilitation</li> <li>• Only for women &amp; children</li> <li>• Financial assistance of Rs 1 lakh and in special cases up to Rs 10 lakhs</li> <li>• Single window system: Accepting form to granting compensation is done by District Legal Services Authorities</li> <li>• Maharashtra State Legal Services Authorities : SOP</li> </ul>
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<b>Compensation to cases in 2015, 2016</b> <small>Source: Figures from RTI data received from DLSAs (2014 to 2018) &amp; Crime in Maharashtra Report From <a href="http://www.mahacid.com">www.mahacid.com</a> (2014 Report unavailable)</small>	SN	Total number of eligible cases	Total number of victims in those cases	Total number of application received	Total number of victim granted compensation
	2015	5043	5339	152	56
	2016	5200	5563	153	34
	<b>Total</b>	10243	10902	305	90

<b>Application and compensation granted in 2016</b>	SN	Number of application	Number of district	Name of district	Total number of eligible cases	Total number of application received	Granted Compensation
	1	20 to 16	4 districts	Amravati, Gadchiroli, Nagpur, Wardha	643	65 application	15 cases
	2	15 to 11	1 district	Nanded	154	14 application	22 cases
	3	10 to 6	2 districts	Osmanabad, Thane	504	17 application	8 cases
	4	5 to 1	16 districts	Ahmednagar, Akola, Aurangabad, Beed, Chandrapur, Dhule, Gondia, Jalgaon, Jalana, Kolhapur, Latur, Nashik, Parbhani, Pune, Washim, Yavatmal	2558	56 application	11 cases
	5	No application received by DLSA	9 districts	Bhandara, Buldhana, Mumbai City, Mumbai Suburban, Nandurbar, Raigad, Ratnagiri, Satara, Sindhudurg	800	Nil	Nil
	6	Not replied	1 district	Hingoli	75	Not replied	Not replied
	7	Not shared data for want of postal charges	2 districts	Sangali, Solapur	309	Not shared data	Not shared data

	Sr No	Number of application	Number of district	Name of district	Total number of eligible cases	Total number of application received	Granted Compensation
<b>Application and compensation granted in 2015</b>	1	21 to 30	1 district	Aurangabad	244	26	Not Mentioned
	2	20 to 16	1 district	Amravati	156	20	4
	3	10 to 6	1 district	Parbhani	126	6	Not mentioned
	4	5 to 1	9 districts	Dhule, Gondiya, Jalgaon, Jalana, Mumbai City, Nanded, Nashik, Thane, Yavatmal	1952	28	5: Not mentioned 3: 0, 1: stated not related
	5	No application received by DLSA	8 districts	Ahmednagar, Beed, Bhandara, Buldhana, Chandrapur, Nandurbar, Ratnagiri, Sindhudurg	618	0	0
	6	Not replied	15 districts	Akola, Gadchiroli, Hingoli, Kolhapur, Latur, Mumbai Suburban, Nagpur, Osmanabad, Pune, Raigad, Sangali, Satara,, Solapur, Wardha, Washim	2103	-	-
<b>Not a single application for compensation under VCS received in these 12 districts of Maharashtra from 2014 to 2018</b>	<b>Districts</b>		<b>No. of cases</b>		<b>No. of victims</b>		
<b>Prominent reasons behind low implementation of VCS u/s 357 A</b>	<ul style="list-style-type: none"> <li>• Non recommendation from trial court to DLSA</li> <li>• No helping hand to trial court to seek /assess vulnerability of dependent</li> <li>• Ambiguity about eligibility criteria and procedure to follow to award compensation</li> <li>• Fear: What if victim turns hostile, after granting compensation?</li> <li>• Difficulty in cross referencing or data exchange between trial court &amp; DLSA to check interim compensation awarded or to award in judgment</li> <li>• 357 A (VCS) is only applicable to victim where accused is unidentified/ un-</li> </ul>						



	<p>traceable</p> <ul style="list-style-type: none"> <li>• Victim is still a forgotten entity in ‘Criminal Justice System’</li> </ul>
<b>Challenges in implementation found by DISHA</b>	<ul style="list-style-type: none"> <li>• Insensitive approach towards minor victim and scheme not applied in cases of ‘love affairs’</li> <li>• One lens to all cases, every case is unique</li> <li>• Compensation is only limited to financial assistance, other components of scheme still remain untouched like: shelter, counselling, medical &amp; legal support, educational &amp; vocational aid</li> <li>• System expects victim to stick to prosecution, but fails to provide protection and help to cut down threat or pressures built by accused pre /post registration, trial</li> <li>• Lack of support from system &amp; society: support persons looked with suspicion; difficulty in registering offence; physical abuse to pregnant minor; looked as ‘husband-wife’ matter</li> <li>• Insufficient to cover victim’s recurring medical expenses</li> </ul>
<b>Way Forward</b>	<ul style="list-style-type: none"> <li>• Sensitivity towards victim irrespective of any background /bias</li> <li>• Trust on children/victims needed</li> <li>• Look at JJ, POCSO, Compensation provisions to resolve difficulties face by children victim</li> <li>• Clarity &amp; SOP for VCS u/s 357 A</li> <li>• Trial court / special court fears of ‘being partial’ if provide liberal compensation services to children/ victim</li> <li>• Every child/ victim is different and require different rehabilitation &amp; compensation</li> <li>• Liberal use of compensation is required along with other rehabilitative measures</li> <li>• Compensation shall not be connected to witness got hostile, acquittal / conviction</li> <li>• Compensation must suits rehabilitation as required by child/victim</li> <li>• Support person / system (Govnt/NGO) needs to be attached to child/victim from registration of offence to judgment</li> <li>• Support from special court &amp; police system to deal with threat/pressures/ out casting to turn hostile or change statement or ‘settle matters’ out of court</li> </ul>

## IV. Closing Remarks

Ms. Jyotika Kalra, Hon'ble Member, NHRC, summarized the **Western Regional Review Conference on Juvenile Justice (Care and Protection Act), 2015, Protection of Children from Sexual Offences, 2012, and Victim Compensation** and underlined the major best practices and challenges faced by each state as discussed through the day. She also highlighted several important recommendations emanating from the enlightening discussions.

In her view, the challenges faced by the police were almost the same across states, the major one being non-cooperation of society to stand up as a witness for supporting a cause. There is a tendency in the society to blame the police departments, but very little readiness to do their share as citizens and a community. She appreciated the initiative from Goa which provides counselors to not only children but parents of children who are living without parental contact. She also commended the Vatsalya scheme for foster care implemented in Goa, which can be shared across all states as a good practice. Pending foster care requests was seen in positive light since it illustrates people's acceptance of ideas such as foster care. However, there is a need to expedite the process and prevent delay in applications as well as to clear out pending requests.

Ms. Kalra further discussed the role of society around sexual offences. There is poor community participation seen in filing of FIR for sexual offences. There is a serious need to change the narrative and facilitate mitigation of the stigma prevalent around rape. It is important to bring these issues in a discourse since they tantamount to re-victimization and prevent victims from getting proper care and assistance. She underlined the importance of participation from every citizen as a step towards mitigation of stigma and the vitality of working on it. This needs to be done through various levels like awareness in schools, getting religious leaders involved, creating a dialogue around sex and issues of sex and sexuality. Similarly, stigma around men or boys facing sexual violence also needs to be eliminated.

She re-emphasized the need for children's homes to be made more welcoming so that children don't have the feeling of restraint or being in custody. Freedom for the children must be ensured since freedom, beyond basic necessities, is of primal importance in people's lives. CCIs should be made better so that children are not living on the streets. She appreciated the Palanhar and Protsahan Yojanas executed in Rajasthan for them being preemptive steps – they make provisions for children before they enter delinquency, which prevents children from getting into crime. It helps build a society which is hopeful and looks forward to the future. The states must ensure timely completion and disbursement within the Victim Compensation Schemes. States must also be mindful of the facility of a translator for

children with special needs. Rajasthan stated pending applications due to unavailability of funds. It is the responsibility of the states to ensure timely disbursement of compensation.

Ms. Kalra also appreciated Gujarat NGOs for being conscious and aware of the problems faced by children and overall on ground realities. There is a need to create a resource directory for contact information of all DCPUs including email ids which must be made available on the website of the state. Any state concerned about the safety of its children must undertake this basic exercise of making information of contact person's easily available. She appreciated the research studies commissioned by Gujarat and such efforts need to be made by all states on regular basis to implement research-based interventions for the children.

Missing identity proofs of victims causing delay in compensation is a serious matter, which the states should take under their purview and find ways to ensure the money reaches the victims even in the absence of required documents. Ms. Kalra appreciated the orphan certificate as a very important preventive measure and a step towards taking responsibility of the future of the children as a society so as to avoid delinquency. Audio-video recording of statements (CrPC Section 164) needs be ensured. This is not too difficult to implement especially with the increased focus on CCTV cameras in the recent past. CCTV footages are used in all crime investigations and hence there is no reason for resistance in using these for recording of statements. Moreover, forensic investigation for rape victims is an ultimate test. Collection of samples properly and a proper analysis will ensure certainty of law which is a major deterrent of crime.

Coming to the state of Maharashtra, Ms. Kalra appreciated the efforts and awareness of the police. She, however, believed that instead of three compensation schemes, there needs to one comprehensive scheme and one single procedure of implementation, which should be properly advertised on the state welfare website.

With respect to the functioning of JJB, Ms. Kalra pointed at discussions on the practice of the magistrate having the final say. This, she pointed out, defeats the purpose of involving a JJB member-social worker and the social instinct or the social contribution that a social worker makes in the board. Thus, collaborative decision-making was required to work effectively towards best interests of the child. Speedy trials to decrease case pendency were needed so that children and their families are not caught up in lengthy trials. Western region states/UTs present at the consultation can work collaboratively to rehabilitate CNCP back to their home states which takes a long time as per experience of CWC in Goa.

She also pointed at gaps in the day's discussions specifically on de-addiction centres, vocational training, and rehabilitative steps post-release of CCL and CNCP. These need further deliberation and action of each of the states/UTs.

She thanked the participants for an enlightening day and stated that recommendations from the report would be taken forward by NHRC to the government. She hoped to bring all the regions together for a national consultation that would consolidate the recommendations and pave the way forward. She encouraged the participants to reach out to NHRC for any required assistance and suggestions to work more effectively and collaboratively.

## V. Vote of Thanks

On behalf of Centre for Criminology and Justice, Dr. Asha Mukundan, Assistant Professor, CCJ, SSW, TISS, presented the vote of thanks to everyone for making the conference possible. She thanked Ms. Jyotika Kalra and Mr. Jaideep Govind since the idea for this conference was their brainchild. She thanked their team Mr. Sudesh Kumar, Dr. Seemi Azam, Ms. RidhimaPuri, and Mr. PallavKumar for making themselves available at all times and extending immense support in making this possible.

Dr. Mukundan thanked all states and UTs for their participation and sending in their representatives for this Review Conference. This Conference was special and different given that each state took the responsibility of financially supporting their representatives.

She thanked Justice Sayeed, Chairperson, MSHRC, Mr. Pravin Ghuge, Chairperson, Maharashtra SCPCR, Ms. Sangeeta Beniwal, Chairperson, Rajasthan SCPCR, Ms. Archana Mishra, Director, Rajasthan SLSA, Mr. Vikram Singh Bhandari, Chairperson, Mumbai Suburban DLSA, for effectively chairing the sessions through the day and making themselves available on such a short notice.

She thanked the SLSAs and SCPCRs for their participation and energy. She thanked the NGOs were thanked for their active participation and contributions to the discussions, as well as efforts taken to travel from various places just for one day.

Mr. Jenu Vargheese, PhD Scholar at TISS was thanked and appreciated for successfully coordinating the programme in a very short span of time and managing the event smoothly. TISS volunteers were thanked for a display of professionalism and all their support in making the event possible. Mr. Mangesh Gude, official photographer and rapporteurs (Ms. Neeti, Ms. Sneha, and Ms. Priyanka) were thanked for their support.

Finally, she thanked the YMCA for all the arrangements and patiently accommodating all the needs.

## VI. Summary and Recommendations

## SUMMARY

The Western Region Review Conference on Juvenile Justice (Care and Protection), 2015 and Protection of Children from Sexual Offences, 2012, and Victim Compensation was organised by National Human Rights Commission in collaboration with Tata Institute of Social Sciences (TISS), Mumbai, on Tuesday, 17<sup>th</sup> of December, 2019 from 10:00 AM to 6:15 PM at the YMCA International House, Mumbai Central, Mumbai, Maharashtra. The consultation was graced by dignitaries, Ms. Jyotika Kalra, Hon'ble Member, NHRC, Mr. Jaideep Govind, Secretary General, National Human Rights Commission (NHRC), and Prof. Shalini Bharat, Director, TISS. NHRC officers Mr. Sudesh Kumar, SRO, Dr. Seemi Azam, RO, Ms. Ridhima Puri, and Mr. Pallav Kumar, were also part of the NHRC team in Mumbai. The meet was attended by officials from Departments of Women and Child Development, police, State Legal Services Authorities, State Commissions for Protection of Child Rights, JJB, CWC, NGOs, of six states/UTs: Daman & Diu, Dadra & Nagar Haveli, Goa, Gujarat, Maharashtra and Rajasthan.

### **The objectives of the conference were as follows:**

- a) To report on implementation of the above statutes in states and UTs of the Western Region
- b) To examine the extent to which intervention is able to reach out to varying levels of vulnerabilities amongst children
- c) To deliberate on challenges in implementation of the same
- d) To exchange good practices in different contexts
- e) To conceive strategies for strengthening implementation of socio-legal statutes and policies

## STATE-WISE BEST PRACTICES

Goa	Rajasthan	Gujarat	Maharashtra
<p>Women Help Desk with a women assistant are available round the clock</p> <p>Gender Sensitization workshops and sessions at regular intervals for all stakeholders</p> <p>NGO support within the state is effective</p> <p>Self-defense workshops for women and children</p> <p>Counselors made available for children who are living in homes without parental contact</p> <p>VCU is decentralized to the district level. Authority is handed to district level officials instead of state level officials</p>	<p>Regular inter-departmental meetings for increased collaborative effort</p> <p>Block level and rural level committees established to identify vulnerable children at the block level and provide benefits of government policies</p> <p>Started providing victim compensation for child labours also</p> <p>Protsahan - collaborations with CSRs across the state to adopt CCIs</p> <p>Project Assist - a special scheme for assistance of children affected by communal riots</p>	<p>Convergence and collaborative work with various departments</p> <p>Research partnerships and assessments to improve existing practices</p>	<p>Innovative initiatives like Police Kaka and Police Didi brought in an attempt to make child services more child-friendly by the Police</p> <p>Awareness generation and sensitization of officials around issues of child care and protection</p> <p>Measures such as video recording of FIRs for better credibility and documentation of the statement</p>



## MAJOR RECOMMENDATIONS

The following recommendations emerged from the key addresses by the dignitaries, state presentations and best practices, challenges shared by the NGOs, lawyers, academicians, and other participants, and discussions in the day-long consultation presented in the previous sections of the report:

### Policies and Approaches

1. There is a need to address early deviance and addiction among children which form pathways into crime. Prevention programmes aimed at school children should be designed by the Education Department in collaboration with NGOs to create awareness among children about the perils of substance abuse and negative peer influences.
2. Restorative justice approach is required to de-criminalize and de-stigmatize CCL, CnCP and other victims of crimes. Provisions like foster care and community services should be actively explored by the authorities concerned in the implementation of the JJ Act.
3. Children of prisoners left outside are not specifically covered under the various legislations and schemes. Guidelines and provisions for the care and protection of these children need to be put in place. The JJ Act State Rules should include provisions to ensure that children of arrested parents are produced before the CWC by the police, in case there is no one in the family to look after the children while the parent/s is/are in prison.
4. Cases under POCSO show an increase due to cases of consensual sex between minors below the age of 18 years. Not only the number of reported crime cases is on the increase, but these children are put through trauma of being processed by the juvenile justice system, and being confined in observation homes, and facing social stigma. The issue of consensual sex amongst minors in the age group of 16 to 18 years needs to be discussed and decriminalized if possible.
5. Mandatory reporting for school counsellors and researchers under POCSO needs to be revisited as confidentiality of child cannot be assured with this clause.
6. The NHRC should review the legislations and examine their aptness as per international instruments, as also its impact on children - the Juvenile Justice (Care and Protection of Children) Act 2015 should be re-examined, particularly regarding transfer of CCLs into criminal justice system and the Protection of Children from Sexual Offence Act 2012, particularly regarding age of consent to sexual activity and mandatory reporting.

***Action to be taken by: NHRC, Government of India and state governments***

## Implementation Practices

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

#### **A. Sensitization and Awareness:**

DWCD officials, police and judicial officers, JJB and CWC members, Probation Officers and DCPU staff must be sensitized about issues relating to child rights and the JJ Act to increase clarity of their roles and responsibilities and need for inter-departmental functioning. There is a need to implement awareness drives for the general public to disseminate information about the measures available and the processes to follow in case of need, for example, free legal aid, victim compensation, foster care schemes etc. This can be done by public service broadcasts in All India Radio, FM channels and Doordarshan on a regular basis. The DLSA and DCPU should jointly organize awareness programmes in the community in collaboration with NGOs.

*Action to be taken by: State governments (DWCD), SLSAs and Prasar Bharti*

#### **B. Developing healthy intersections and collaborative interface between departments:**

Currently, the various governmental and non-governmental bodies that work for child care and protection of child rights are functioning with limited inter-departmental association. There is a need to align the departments to allow for intersections wherever necessary. For instance, police and child helpline services need to work closely together to expedite victim identification, monitor status of applications and provide necessary intervention. Inter and intra departmental collaboration needs to be strengthened through clarity and understanding of each other's roles and functioning. Role of JJB members (social workers) needs strengthening in practice so that the board functions as it is envisaged in the JJ Act.

*Action to be taken by: MWCD and state governments (DWCD)*

#### **C. Child Care Institutions:**

- i. Child Care Institutions need to be made more child-friendly. There is a need to make existing CCIs more welcoming through better monitoring mechanisms and more activities for rehabilitation.
- ii. As per studies, despite investments and efforts by governments and staff, children view these homes as restrictive as they curtail their freedom. There is a need to look at alternative measures of restoration and rehabilitation. There are state-wise initiatives, some of which are successful. A review of all such initiatives can be undertaken to find best practices and encourage

adoption of these in other states. Inter-state conferences can be arranged at regular intervals for idea sharing.

- iii. Vocational training centres specific to needs of CCL, CnCP, children with special needs, victims of crimes are required for proper rehabilitation and alternative to CCIs.
- iv. Setting up of more aftercare homes for 18-21year olds (children discharged from children/observation/special homes) needs attention, as well as facilities provided in these homes needs to be improved.
- v. De-addiction centres need to be set up by the state governments to address the early onset of deviance amongst children.
- vi. Place of safety to be set up with appropriate facilities in states where it is missing.
- vii. Social audits should be undertaken with civil society participation of all CCIs on an annual basis. The state governments should set up an independent Social Audit Unit to conduct social audits of CCIs.

***Action to be taken by:state governments (DWCD, skill development department), PM Kaushal Vikas Yojana***

#### **D. Juvenile Justice Boards and CCL in CJS:**

- i. Juvenile Justice Boards should be constituted as per provisions of the JJ Act, 2015. All three members have not been appointed on every Juvenile Justice Board by state governments. State Government needs to address and take action where social work members are not attending sittings of Juvenile Justice Board for long periods and filling vacancies. Juvenile Justice Boards are obligated to adopt a socio-legal approach, but due to absence of social work member, the same is not possible. This affects rehabilitation of child in conflict with law (CCL). This also raises serious concerns in the case of transferring of CCL to CJS by the Principal Magistrate - very few CCLs have opportunity to prefer appeals that challenge such orders.
- ii. CCLs are not provided legal assistance when their cases are transferred to Children's Court (Sessions Court) - legal-aid lawyers who represent them before Juvenile Justice Board do not assist CCLs to prefer appeal (to challenge transfer order) - significant orders go unchallenged. CCLs should be provided legal assistance by District Legal Services Authority to enable them to challenge orders passed by the Juvenile Justice Board.
- iii. After CCLs are transferred, CCLs and their cases are completely lost in the criminal justice system - efforts / energies are expended by State Government with stakeholders of juvenile justice system, but once CCL is transferred, such CCL suffers malaise of criminal justice system.

- iv. Legal-aid panel of Sessions Court has no knowledge of the Juvenile Justice (Care and Protection of Children) Act 2015 - such lawyers require capacity building regarding the said Act.
- v. Children's Court has an option to treat CCL under the Juvenile Justice (Care and Protection of Children) Act 2015 [section 19(1)(ii) of the JJ Act 2015] - but such option is rarely applied due to absence of knowledge regarding childhood, etc. - Judicial Officers presiding over Children's Court require capacity building regarding the said Act - such training programmes should be conducted by the Judicial Academies.

***Action to be taken by: state governments (DWCD), SLSAs, High Courts (to instruct Judicial Academies)***

**E. Human Resources – Filling vacant positions with specialized staff**

Increased efforts need to be made to fill vacant positions in the CCIs and JJB as per the JJ Act. Quarterly reviews can be done to ensure all positions are filled and support staff available at each CCI as per requirements. Specialized staff appropriate to the required job role needs to be ensured. For example, JJB member (social worker) positions are being filled by lawyers. Increased monitoring is required to ensure the guidelines are followed.

***Action to be taken by: state governments (DWCD)***

**II. The Protection of Children From Sexual Offences (POCSO) Act, 2012**

**A. Sex Education and Awareness of Sexual Offences:**

Despite much research, discussions, and policies, sex education and dialogue to remove stigma around the subject of sex is lacking in practice. Need to address issues of education, health and safety of children from sexual offences in not only public spaces but also within their own homes and schools. Awareness about other sexual offences (apart from penetrative sex) is also required to create holistic understanding amongst the society, including children. Sex education and legal provisions available under POCSO should be incorporated in curriculum and imparted in schools. The only way to prevent abuse is through awareness generation and education around the issue.

***Action to be taken by: Education Departments***

**B. Sensitization and Awareness:**

Orientation of all stakeholders on laws and sensitization about sexual offences is weak and needs to be regular and rigorous. Processes need to be made victim-friendly and services must

be easily accessible. There have to be awareness drives amongst general public to make them aware of the provisions under POCSO and the processes involved to generate public discourse. Grievance Redressal Mechanisms through Child Rights Club are needed to move from paper to practice in schools – to create awareness amongst children regarding Childline, child labour, sexual harassment, child marriage, POCSO, child rights awareness and provide channels to children to report offences.

*Action to be taken by: State Commissions for Protection of Child Rights*

### **C. Handling of offences:**

Prompt and proactive police action and investigation of cases under POCSO is recommended. Experiences of NGOs point at challenges in registering cases and insensitivity of police officials in handling of the cases. This is particularly challenging in the context of increasing cases of abuse happening within schools where children spend most of their time and is considered a safe space for them by parents and society. This needs to be addressed through training, orientation and empowering the police to implement the law stringently. Reporting of crimes against children with special needs requires attention by appointing specialised staff to communicate with such children.

*Action to be taken by: state governments (DWCD and DGP)*

## **II. Victim Compensation Scheme**

- i. Suo moto cognizance of cases requiring victim compensation (through media coverage) is recommended.
- ii. Social re-integration of victims in general and specifically of rape is required, not only by focusing on monetary compensation, but through well-designed interventions so that the victim is not re-victimised.
- iii. Expand the scope of VCS – it needs to reach not only to victims of CSA but also other forms of abuse like victims of trafficking, victims under Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, child labour, and other crimes etc.
- iv. Police needs to collaborate with Childline and SLSA to facilitate victim assistance.
- v. Issuing a destitute certificate through the SDO to help victims address problems with documentation

*Action to be taken by: state governments (DGP) and SLSAs*

**Other recommendations:**

- i. Issues of children with special needs, child labour (including bonded labour), trafficked children need to be addressed through targeted interventions that begin with prevention of such crimes as well as swift action by the officials.
- ii. Children from native state and from other states should not be differentiated in practice.
- iii. Foster care schemes need to be explored in all the states/UTs and revived so that it can benefit children as a sustainable alternative. This needs state intervention from policy to practice.
- iv. Involvement of BDOs in extending outreach of schemes can be a promising practice in effective implementation.
- v. Child victims under the POCSO, 2012 are not provided with legal assistance before Special Courts - nor are 'support persons' appointed to help children journey through the criminal justice system. Police should inform child and parent / guardian about their right to legal representation / 'support person' and should facilitate such representation / support. At first instance when case comes before Special Court, Special Court should ascertain whether child victim is being provided with legal representation and 'support person'.

## Annexure-1: List of Representatives and Participants

<b>A. Government Representatives</b>			
Sr. no	Name	Designation/ State	Contact/ E-mail
<b>Maharashtra</b>			
1	Mr.PratapDighavkar	IG Police,PAW, Maharashtra	ig.paw@mahapolice.gov.in
	Mr. SurabhSinghad	Police Constable	<a href="mailto:singhad83@gmail.com">singhad83@gmail.com</a>
	Mr. Umesh Gurale	Police Inspector, Special office, PAW	9821113334
2	Mr. V.I. Bhandari	Secretary, Mumbai Suburban DLSA, Maha- rashtra	8668658050 bhandarivikramsingh7@gmail.com
3	Mr. Pravin Shiavji- raoGhuge	Chairman, SCPCR, Maharashtra	9423780044
5	Mr. Mayuri Sawant	Protection Officer, DWCD Mumbai City, Maharashtra	9757607511 <a href="mailto:dwcdmcity@yahoo.com">dwcdmcity@yahoo.com</a>
6	Mr. Santosh Shinde	Member, SCPCR, Maharashtra	7977429800 write2santosh@gmail.com
7	Justice M.A. Sayeed	Hon'ble Chairperson, Maharashtra State Human Rights Commission	<a href="mailto:masayeed1@gmail.com">masayeed1@gmail.com</a>
8	Mr. Rahul More	Divisional Dy. Commissioner, DWCD	morerahul19@gmail.com ddwcdkokan@gmail.com
<b>Rajasthan</b>			
9	Ms. Archana Mishra	Director, RLSA	9358865700
10	Mr. Sangeeta Baneval	Chairperson, SCPCR	9414134567
11	Mr. Virendra Kumar Jain	Member, JJB	9414553552
12	Ms. Savita Krishnia	Dy. Director, Child Rights Depart- ment,	9414392141
13	Ms.Kaneez Fatima	Chairperson, CWC, Kota	9352605956
<b>Gujarat</b>			

14	Mr. Vaibhav V Mondhe	Project Officer, SLSA	9426302275 vaibhavmondhe@yahoo.co.in
15	Mr. Rajesh Patel	GSCPCR Member	rajesh.patel@mydharmaj.com
16	Mr. Pankaj B. Thakar	GSCPCR Secretary	pankajthakar.rac@gmail.com
17	Mr. M.R. Patel	Chief officer, social defense department	dd2.dsd@gujrat.guv.in
18	Mr. Nayana Chhutbar	Project Manager, SARA	sara.gujarat@gmail.com
19	Mr. Anil Pratham	ADGP, CID Crime Branch	apratham@gmail.com

### Goa

20	Mr. Ram S. Prabhu Desai	Principal Magistrate, Juvenile Justice Board	ramspdesai@gov.in 9823390803
21	Adv. Shanti M. Fonseca	Member, JJB, North Goa	shantifonseca@hotmail.com
22	Adv. RejithaRajan	Member, JJB, South Goa	rejrajan@gmail.com
23	Ms. Lida Matilda Almeida Joao	Chairperson, CWC	7709207431
24	Mrs. Shivani Borkar	Deputy director, Apna Ghar	9423002866
25	Mr. Mahesh Gaonkar	Deputy Superintendent of Police	7875756056
26	Ms. Sarah Qazi	Program Officer, DWCD, Goa	8329358365

### Daman and Diu

27	Mr. Bakul M Desai	Chairperson, CWC	9824334400
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### Dadra & Nagar Haveli

28	Hasmukhrai B Ahzr	Probation officer, SWO, Silvassa	987943544
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### B. NGOs and Others

Sr no	Name	Designation/ Department	State
1.	Ms. Priti Patkar	Prerana	Maharashtra
2.	Mr. Ankit Jain	Social Worker	Rajasthan
3.	Ms. Kalpana Katare	Prayas, TISS	Maharashtra
4.	Mr. Vijay Baviskar	RCJJ, TISS	Maharashtra
5.	Ms. Nilima Mehta	Independent Consultant	Maharashtra
6.	Ms. Sangmitra	Coordinator, Special Cells for Women, TISS	Maharashtra
7.	Mr. Shailendra	CRY	Maharashtra
8.	Ms. Krishnmai	RCJJ, TISS	Maharashtra



9.	Ms. Bhakthi Joshi	Snehasadan	Maharashtra
10.	Ms. Kalpana Gaikwad	Nirmala Niketan College of Social Work	Maharashtra
11.	Ms. Reena Jaison	Social Worker	Maharashtra
12.	Dr. Keshav Walke	MSS Institute of Social Work, Nagpur	Maharashtra
13.	Mr. Praveen Kahndpasole	DISHA, Amravati	Maharashtra
14.	Ms. Jyoti Khandpasole	DISHA, Amravati	Maharashtra
15.	Maria De Suzana De Souza	Coordinator, Childline Caritas	Goa
16.	Mr. Amit J Behare	Sr. Program Manager, ARZ, Goa	Goa
17.	Mr. Vikas Kadam	Prayas, TISS	Maharashtra
18.	Ms. Deepali Maru	Childline, Coordinator, Shaishav	Gujarat
19.	Mr. Shahnawaz Pathan	Prayas, TISS	Maharashtra
20.	Mr. Sudeep Goyal	Chief Functionary ASHA KA JHARNA	Rajasthan
21.	Mr. Vijay Goyal	General Secretary, RIHR	Rajasthan
22.	Mr. Shiv Singh Nayal	Managing Trustee, Antakshari Foundation	Rajasthan
23.	Ms. Reena	Temple of healing	Maharashtra
24.	Mr. Piyush Saxena	Temple of Healing	Maharashtra
25.	Kasnina	Prearana	Maharashtra
26.	Ms. Neena	SnehAangan	Maharashtra
27.	Adv. Chinmay	Advocate	Maharashtra
28.	Mr. Vikas Sawant	Consultant, UNICEF	Maharashtra
29.	Dr. Sudesh Kumar	Senior Research Officer	NHRC
30.	Dr. Seemi Azmi	Research Officer	NHRC
31.	Mr. Pallav Kumar	JRC	NHRC
32.	Ms. Ridhima Puri	JRC	NHRC
33.	MaharukhAdenwalla	Advocate	Mumbai
34.	Ms. Priyanka Korde	TISS PhD Scholar	Maharashtra
35.	Ms. Neeti Singhal	TISS	Maharashtra
36.	Neerad	First Post	Maharashtra
37.	Mr. Shiv	Antakshari Foundation	Rajasthan

## Annexure-2. Programme Schedule

Venue: YMCA International House, Opp. Mumbai Central Station, Mumbai

Date: December 17, 2019

Time	Programme
09.30 am to 10.00 am	Registration
10.00 am to 10.10 am	Welcome and Introduction: Prof. Shalini Bharat, Director, TISS
10.10 am to 10.20 am	Address by Mr. Jaideep Govind, Secretary General, NHRC
10.20 am to 10.35 am	Presidential Address by Ms. Jyotika Kalra, Member NHRC
10.35 am to 10.45 am	TISS initiatives and vote of thanks
10.45 am – 11.00 am	Tea break
<b>Presentations (Goa)</b>	
11.00 am – 11.10 am	Implementation of the JJ Act – Presentation by DWCD
11.10 am – 11.20 am	Implementation of the POCSO - Presentation by DWCD
11.20 am – 11.30 am	Challenges in investigation of cases under JJ Act and POCSO – Presentation by Police
11.30 am – 11.40 am	Victim Compensation Scheme – Implementation and Challenges – Presentation by SLSA
11.40 am – 11.50 pm	NGO Perspectives
11.50 pm to 12.00 Noon	Open House
<b>Presentations (Rajasthan)</b>	
12.00 Noon – 12.10 pm	Implementation of the JJ Act – Presentation by DWCD
12.10 – 12.20 pm	Implementation of the POCSO - Presentation by DWCD
12.20 pm – 12.30 pm	Challenges in investigation of cases under JJ Act and POCSO – Presentation by Police
12.30 pm – 12.40 pm	Victim Compensation Scheme – Implementation and Challenges – Presentation by SLSA
12.40 pm – 12.50 pm	NGO Perspectives
12.50 pm – 01.00 pm	Open House
1.00 pm – 1.50 pm	Lunch Break
<b>Presentations (Gujarat)</b>	
1.50 pm – 2.00 pm	Implementation of the JJ Act – Presentation by DWCD
2.00 pm – 2.10 pm	Implementation of the POCSO - – Presentation by DWCD
2.10 pm – 2.20 pm	Challenges in investigation of cases under JJ Act and POCSO – Presentation by Police
2.20 pm – 2.30 pm	Victim Compensation Scheme – Implementation and Challenges – Presentation by SLSA
2.30 pm – 2.40 pm	NGO Perspectives
2.40 pm – 2.50 pm	Q&A session
<b>Presentations (Maharashtra)</b>	
2.50 pm – 3.00 pm	Implementation of the JJ Act – Presentation by DWCD
3.00 pm – 3.10 pm	Implementation of the POCSO – Presentation by DWCD
3.10 pm – 3.20 pm	Challenges in investigation of cases under JJ Act and POCSO –

	Presentation by Police
3.20 pm – 3.30 pm	Victim Compensation Scheme – Implementation and Challenges – Presentation by SLSA
3.30 pm – 3.40 pm	NGO Perspectives
3.40 pm – 3.50 pm	Q&A session
3.50 pm – 4.00 pm	Tea Break
<b>Presentations (Daman &amp; Diu and Dadra &amp; Nagar Haveli)</b>	
4.00 pm – 4.15 pm	Implementation of the JJ Act – Presentation by DWCD
4.15 pm – 4.30 pm	Implementation of the POCSO – Presentation by DWCD
4.30 pm – 4.45 pm	Challenges in investigation of cases under JJ Act and POCSO – Presentation by Police
4.45 pm – 5.00 pm	Victim Compensation Scheme – Implementation and Challenges – Presentation by SLSA
5.00 pm – 5.15 pm	Victim compensation scheme: Challenges and Way forward – Disha (NGO)
5.15 pm – 5.45 pm	<b>Open forum: Recommendations and Way forward</b>
5.45 pm – 6.00 pm	<b>Concluding Remarks by NHRC</b>
6.00 pm – 6.15 pm	<b>Vote of Thanks by TISS Team</b>