



State Review Consultation Towards 4th Regional Round Table Conference
Implementation of JJ Act 2015 - Focus on ICPS

12th May, 2018



RCVP Noronha Academy of Administration, Bhopal



A.INTRODUCTION

National Policy for the Children preamble states that the nation's children are a supremely important asset. Their nurture and solicitude are our responsibility. India is a signatory to United Nations Convention on Rights of the Child 1989. The Constitution of India and several laws like the Juvenile Justice (Care and Protection of children) Act 2015, Protection of Children from Sexual Offences Act 2012, and Right of Children to Free and Compulsory Education Act, 2009 provide a comprehensive legal framework for protection and development of children.

Madhya Pradesh is home to 30.5 million children under the age of 0-18 years; comprising 42% of the state's total population. However, protection of children remains a challenge for the state. The National Crime Records Bureau (NCRB) Annual Reports of recent past reveal increased incidences of crimes committed against children in Madhya Pradesh, placing it among the states having the highest number of children in vulnerable situations. There has been a sharp increase in cases of sexual assaults and rape against children in India by 82% as compared to last year. More than 50% of the Crime against Children has concentrated in 5 states of India and Madhya Pradesh is one of them

Similarly, if we look at the crime committed by children, situation is also not encouraging. Madhya Pradesh ranked 1 in crimes committed by Children¹. Madhya Pradesh is also doing badly in terms of cases of rape and sexual assault on children. The total number of rape cases under rape laws & Section 4 & 6 of POCSO Act reported in 2016 was 2647 which is highest in the country. Overall 4717 POCSO cases have been registered in the year 2016 in Madhya Pradesh². In cases of Missing Children, Madhya Pradesh is on the third position after Uttar Pradesh and Maharashtra. 6119 number of children went missing in 2016 in Madhya Pradesh³.

Looking at the Health Indicators of Children in the state of Madhya Pradesh during the year of 2016 at least 64 children died everyday below the age of six years and its Infant Mortality Rate is worse than many African Countries. The State has the highest Infant Mortality Rate in India although there has been a change as per NFHS -4(2015-2016), as per recent NFHS data 51 deaths per 1000 live births reported. Madhya Pradesh has the highest malnourished children in India.⁴In terms of Education Indicators for Children, the Net Enrollment rate of Children in Primary Education has not increased after 2005-2006 and children from social and religious minorities face discrimination and exclusion from schooling in various forms as a result admission, adequate participation and full completion of school is not achieved by children. The Net Enrollment rate of Children in Primary school is 93.66 and the retention rate is 75.16 (Source Madhya Pradesh State MDG Report 2014-2015 published by NIPFP in collaboration of UNICEF 2016).

¹ Crimes in India (2016), National Crimes Record Bureau, Ministry of Home Affairs, Govt of India

² ibid

³ ibid

⁴ <https://www.savethechildren.in/articles/malnutrition-in-india-statistics-state-wise>

To effectively address violence against children and to ensure care, protection, development and appropriate rehabilitation of children the government of India enacted the Juvenile Justice (Care & Protection of Children) Act but its implementation has been far from satisfactory. Due to neglect and non-implementation of the Juvenile Justice Act Pursuant to Chief Justices Conference in March 2006, a resolution was passed to oversee the condition and functioning of homes and setting up of Juvenile Justice Board under Juvenile Justice (Care and Protection of Children) Act. In a landmark move, Supreme Court of India had decided to monitor Juvenile Justice System across the country. Hon'ble Chief Justice of Supreme Court had set up a panel to monitor the issues related to Juvenile Justice and in this regard nominated one-man Committee headed by Hon'ble Justice Madan B. Lokur, Judge, Supreme Court of India.

As a result JJ Committee was set up in all the High Courts of India, chaired by a sitting Judge of the High Court. The Juvenile Justice Committee of High Court in Madhya Pradesh was created on 6th February 2013 by the Chief Justice with the support from DWCD and UNICEF. Presently, the Chairman of Juvenile Justice Committee of High Court of MP is Hon'ble Justice J.K Maheshwari. Other members of the Committees are Hon'ble Justice Rohit Arya and Hon'ble Justice Gurpal Singh Ahluwalia. The Registrar of the High Court is the Secretary of the JJC.

Supreme Court in Sampurna Behura Writ Petition (Civil) No 473 of 2005 directed each High Court to continue its proactive role in the welfare of children in their state in effective implementation of JJ Act and justice for children. "We may note that every High Court has responded more than positively and each Juvenile Justice Committee has brought about some improvements in the living conditions in Homes and in the well-being and lives of many children."⁵

B.BACKGROUND OF THE STATE LEVEL REVIEW AND CONSULTATION

Regional Round Table Conferences and National Conferences led by the Supreme Court Juvenile Justice Committee (SC-JJC) in partnership with UNICEF were being held from 2014 to review and strengthen the implementation of Juvenile Justice and POCSO, and through this to build the protective environment for children across the country. Three Regional Round Table conferences involving northern/western states were held in Bhopal, Mumbai, and Ahmedabad since 2014.

As a follow up to these, the High Court of Madhya Pradesh, jointly with UNICEF, Department of Women and Child Development-Govt. of M.P., M.P. State Legal Services Authority, and MP State Judicial Academy, under the aegis of the High Court Juvenile Justice Committee (JJC) had planned and organized three regional consultative workshops in Madhya Pradesh. These conferences were held in Indore (26th-27th November 2016), Gwalior (10th-11th December 2016) and Jabalpur (7th-8th Jan 2017), where in key stakeholders from districts in the region participated.

The objectives of these consultations were to identify critical barriers that hamper the functioning of Juvenile Justice System, and to identify appropriate measures to resolve them.

⁵ Para 10, Sampurna Behura Vs UOI, WP (c) No 473 of 2005

These inputs, developed through group works and presented in the plenary, were compiled into state recommendations for strengthening child protection in the state.

The three regional conferences were followed by a state conference, held on 29th July 2017 at National Judicial Academy, Bhopal, participated by over 200 stakeholders, including the Hon. Justice Madan B Lokur, Judge of the Supreme Court and Chair of SC-JJC, Hon. Justice Hemant Gupta, Chief Justice, HC of MP, Shri. Shivaraj Singh Chouhan, Chief Minister of MP, Smt. Archana Chitnis, Minister for DWCD, Hon. Justice JK Maheshwari, Chair, MPHC-JJC & Judge of the HC, Mr. Michael Juma, Chief of UNICEF for MP, Judges of the High Court of MP, Mr. Rishi Shukla, DG of MP Police, Judicial officers, bureaucrats and others.

The state recommendations emerged from the Regional Conferences and consolidated as state plan of action was released by the Chief Minister, with a firm state commitment for implementation (Annexure #1)

C. THE STATE LEVEL REVIEW AND CONSULTATION

In the background of three Regional Roundtable Conferences and State level Conference, a Fourth Regional (Western) Roundtable Conference is going to be held in the month of July 2018 in Indore wherein SC JJC with JJC of 5 High Courts, namely Madhya Pradesh, Maharashtra, Goa, Gujarat and Rajasthan would be participating. The 4th Regional Roundtable conference will take stock of progress on key recommendations from previous three Regional Roundtable Conferences with the focus on the implementation of ICPS and its support for effective implementation of JJA 2015 – Programmatic and financial implementation as well as monitoring and review mechanisms.

The present State Level Review and Consultation is the part of preparation towards 4th Regional Roundtable Conference to be held in July 2018. The present State Level Review Consultation was held on 12th May 2018 at Bhopal with an objective to identify gaps in the implementation of recommendations; progress made in last 3 years, good practices, challenges faced in implementation and strategies proposed (Financing, Training, Monitoring and others).

Objectives of State Level Review and Consultation were to;

1. Taking stock of progress on key recommendations from regional conferences between 2015 and 2017 and state level conference held on 29th July 2017.
2. Focus on implementation of ICPS and its support for effective implementation of JJ Act 2015 – Programmatic and financial implementation as well as monitoring and review mechanism.
3. Way forward for the 4th Western Region Conference to be organized at Indore this year.

For preparation of State level Review 51 districts of the State were divided into ten divisions viz; Indore, Bhopal, Gwalior/Chambal, Jabalpur, Hoshangabad, Shahdol, Rewa, Sagar, and Ujjain to take a stock of the progress on the recommendations emerged from the Regional & state

Conferences. To make the process more participatory, authentic and process driven, stock taking meeting and discussions were organized at division level. Divisional level Review Workshops were organized wherein representatives/officials of various departments i.e. WCD, Police, DCPU, Child Welfare Committee, Labour Department etc. participated. Prior to these review workshops, the Deputy Directors and other concerned officials were made familiar with the template which was supposed to be used in collecting the data and making presentation. Technical assistance was provided by UNICEF in this regard with providing facilitation support in organizing Review Workshops in seven divisions out of ten.

The objectives of these workshops were to take the stock of the progress in the following areas-

With regard to the implementation of JJ Act & POCSO Act

- Compliance with Recommendations of Regional Roundtable & State Level Conferences
- Progress in last three years in implementation of JJ Act
- Gaps & Challenges faced and Strategies to overcome those challenges

With regard to the implementation of ICPS

- Gaps in the implementation of the Recommendations from Regional Roundtables and State Level Conference
- Progress in last three years in implementation of ICPS
- Challenges faced and Strategies proposed (financing, training, monitoring and others)

Data gathered from the divisional workshops were consolidated into three zones i.e., Indore, Jabalpur & Gwalior and their presentation at the State Review Consultation were made by the selected representatives.

**State Review & Consultation on Implementation of JJ Act 2015 with
Focus on ICPS -**

The Conference was marked by the gracious presence of Hon'ble Justice J. K. Maheshwari, Judge High Court of MP & Chair of HC-JJC, Mr. J. N. Kansotia IAS, Principal Secretary, Department of WCD, Dr. Raghvendra Sharma, Chairperson, MP State Commission for Protection of Child Rights, Mr. Michael Juma, Chief of Field Office, UNICEF Bhopal Field Office.



About 130 participants attended the State Review Consultation comprising of Judicial Officers including Principal Magistrates & Members of JJBs, POCSO Judges and other Judicial officers, Chairpersons and Members of CWCs, Police Officers, Officials from Department of Women and Child Development, Government of Madhya Pradesh, Members of Civil Society/NGOs, State Judicial Academy, State Legal Services Authority, Academic Institutions, and Media.

Participants list is annexed with this report. Please see Annexure#2

The design of the Conference

State level review Conference was divided into two sections – The first part of the conference was related to presentation & discussion on achievements, gaps, and solutions, the other part of the conference was on the implementation of ICPS. **The agenda of consultation is annexed with this report as Annexure#3.**

Inaugural Session

The session begins with Welcome of dignitaries and participants. Mr. Zakir Hussain, Secretary, Juvenile Justice Committee - High Court welcomed the dignitaries: Hon'ble Justice J. K. Maheshwari, Judge High Court of MP & Chair of HC-JJC, Mr. J. N. Kansotia IAS, Principal Secretary, Department of WCD, Dr. Raghvendra Sharma, Chairperson SCPCR, Mr. Sanjeev Kalgaonkar Director Incharge, Madhya Pradesh State Judicial Academy. Govt. of MP, Mr. Michael Juma, Chief of Field Office, UNICEF Bhopal Field Office, were welcomed and requested to be seated at the dais. Followed by this the present dignitaries inaugurated the session by watering a flower pot.

Mr. Zakir Hussain in his welcome speech shared that on 6th February 2013 the Juvenile Justice Committee of High Court of Madhya Pradesh level was constituted by the Chief Justice and series of regional and State level consultation has been organized by HC JJC in collaboration with Department of DWCD and UNICEF. The present state-level review is a way forward for the Western Region Conference to be organized at Indore on 21st July 2018.

Mr. Lolichen PJ, Child Protection Specialist, UNICEF Field Office, Bhopal shared the objective and overview of the Consultation: He highlighted under the aegis of High Court Madhya Pradesh and Women and Child Development Department, Govt. of Madhya Pradesh the state level review and consultation is being organized. He shared that in the year 2016-2017 Madhya Pradesh went through a very different process, intensive review was done on the implementation of the JJ Act at zonal level viz Indore, Gwalior and Jabalpur followed by a State level Consultation where the Chief Minister, Minister of WCD and Chief Justice of the High Court were present and very strong sixteen points key recommendations were presented.

He highlighted the two purposes of the consultation. In terms of resolving gaps, it would be based on recommendations of the three regional conferences, state-level conference held in past and the present State level Review and Consultation.

Emphasis was made by him on the convergence of various stakeholders. Mr. Lolichen shared that "Child protection and juvenile justice is all about convergence". He further added that multi-stakeholders are present in the consultation where people are from the Judiciary, Department of Women and Child Development, Police, Academicians, Civil Society, and Media. Role of State Judicial Academy was appreciated by him as they have been doing lots of work on training and capacity building. Similarly, the role of SLSA and DLSA was also appreciated as they have been working around the issues of free legal aid.

Opening Remarks by Mr. Michael Juma, Chief of Field Office, UNICEF Bhopal Field Office:

Mr. Michael Juma in his opening remarks appreciated the role of Hon'ble Justice J. K. Maheshwari in rolling out the key recommendations coming out of the various previous conferences and in establishing the Juvenile Justice Secretariat and operationalizing the key recommendations. He said that the "Time has come to take stock of the achievements and accept the pitfalls in terms of working with Children in conflict with law and children needing care and protection".

He emphasized the need for a systematic sustainable and comprehensive action for protection of children and human resource strengthening. Mr. Juma highlighted the need for having Training Institutions in creating a pool of human resource and Information Management System for the creation of evidence-based data. He shared that UNICEF would facilitate the process for High Court Juvenile Justice Committee.



Pointing out on the functioning of District Child Protection Committees which is headed by the Collector, he shared that regular meetings needed to be organized with representation from other departments as well. He added that in sync with the Convention on Child Rights strengthening of alternative care is more important in terms of sponsorship, foster care and adoption for the best interest of the child. Keeping children within institutions is the last resort. In furtherance, he shared that Preventive services are very critical specifically in terms of developing an appropriate communication campaign. Improving parenting skill, empowering girl children and adolescents so that they are able to speak about their rights is needed and percolation of the work needs to be done in hostels and schools.

Coordination between various stakeholders is a key area where work needs to be done. This area of work came out as one of the key recommendations in the previous consultations as well. He said that “Time has come to take very strong action against child marriage as children are not able to realize their full potential”.

Issues from the ground in Child’s own words:. A tale of ground realities and issues faced by children who are at risk or vulnerable children: Sharing done by an Adolescent Girl Child Representative from Safe City Programme, Bhopal.

Ms. Sheetal studies in class 7th of a Government School of Bhopal and stays at a slum. She is a representative of the Safe City Initiative and is a part of a child-led Club. She shared the issues faced by children such as discrimination and physical and sexual abuses. She stated that when children go to school they are discriminated on the basis of caste or work and are forced to leave school, especially children hailing from the rag picking community and she is also one of them.

Lots of children take recourse to addiction or engage in child labour such as selling the newspaper. There is no de-addiction facility available for children in Bhopal where they can get treatment.

The Children who sell newspaper have to face lots of hardships and harassment, they face physical injury as people traveling in cars close their window suddenly or they push them away

while stopping at signal crossings. They get injured specifically facing bruises in their hand. The owners of children who sell newspaper exploit by paying less in spite of toiling the entire day facing scorch sunlight that too barefooted. Children who face sexual harassment do not speak out as they feel insecure. She highlighted the efforts of Children club members to support children. She stated that child club members interact and spend time with these children to understand their likes and dislikes and in between, they are taken to parks for entertainment. Meetings are conducted by the club members on Saturday so that they can interact with other children and ventilate their problems. During these meeting, these children started breaking the silence on abuse and openly speak out their abuse or other issues with the club members. The club members try to trace out these perpetrators. In a recent incident, she discussed abuse which had happened with a girl child and they are still finding out about the perpetrator. Girls who do rag picking are sexually molested by passersby by doing unwanted touches of their private parts. Police people also behave in a bad manner with girls and their community members. They fear from Police for getting wrongly prosecuted on false charges Due to the fear of being arrested undue advantage is taken by the police by making them forcibly sit in the police jeeps and driving in the night, touching their private body parts and wrongfully making them sit in police stations. She also shared that such an incident happened with one of the girls in her area when the complaint was made police people didn't hear by saying that they are from rag picking community and they are thieves. Children who go for open defecation or they sleep outside due to lack of home are sexually assaulted and raped. Abuse is done with them by getting inside their bed and shutting their mouth.

While concluding she highlighted that there is no playing area for children such as parks. Children of our community are forced to play on rivulets (*nallas*) or near the roadside facing the risks of accidents. If they find a park nearby they are not allowed to play inside by parents of other children as they are considered bad.

Address by Mr. Sanjeev Kalgaonkar Director In-charge, Madhya Pradesh State Judicial Academy: Mr. Sanjeev Kalgaonkar welcomed all dignitaries and stated that it's a day of pride that this consultation is being organized on a very sensitive topic. He shared that Acts are there since pre-independence and amendments were made in the year 1986 and recently Juvenile Justice Act 2015 has been brought into force. He commented that "We have also changed in the way we have been treating children earlier they were known as delinquents, then juveniles and now children in conflict with law. Mere changes in terminology would not bring desired change".

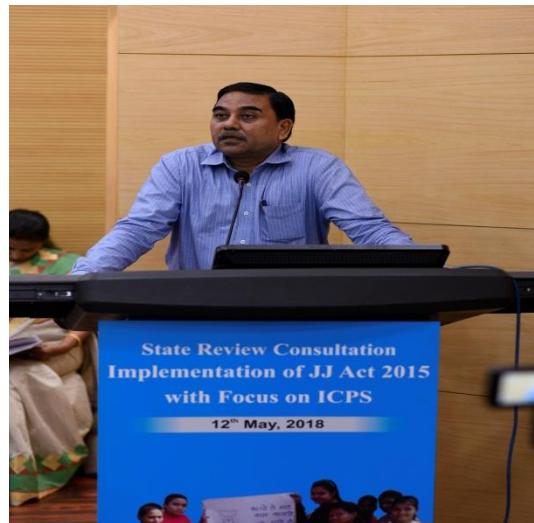
He shared that with the experience of conducting 13 training and 3 regional conferences and state conferences from 2013 to 2018, experiences are both negative and positive. Sharing about the positive experiences he shared that the Juvenile Justice Committee taking initiative at the High Court level of Madhya Pradesh is unprecedented in India. All stakeholders got a common platform to ventilate their issues and a common understanding was developed to understand the bottlenecks in implementation of the Act and sharing of the best practices. As a resultant, the recommendations have arrived at the State level Conference.

Some major recommendations that were presented by him are as follows;

- **Model Rules of JJ Act in Madhya Pradesh:** Madhya Pradesh is following Model Rules under the Juvenile Justice Act. There are lots of gaps in the Modal Rule. DCPU- District Child Protection Unit is a State subject and there is no proper provision regarding DCPU's constitution and working. He recommended to the state to make their own rules to bring more clarity in provisions where model rules are silent and bring state specific context in the rules.
- **No specific clarity in deciding the age of Child in Model Rules:** Children courts have been created and lots of matter goes there but the model rule is also silent on this. Courts face problem in dealing with cases as there is no specific clarity on determining the age of the child. The old clauses were incorporated in Section 94, then it was stated that only Board or the Committee would determine the age of the child, the Court word got missed. There is a need of adding it in Model Rules of Madhya Pradesh.
- **Including Corporate Social Responsibility funds availability in State Rules:** The funds can be utilized by the Juvenile Justice Committee for such needs which are unforeseen and are needed on a priority basis. The SJPU unit sometimes does not have the fund to spend on the hiring of vehicle for travel of children to hospitals for medical support or children who are in a very dilapidated condition needs lots of care and attention related to food and medical help. The funds that are allocated for such situations are not reaching.

Address by Mr. J. N. Kansotia IAS, Principal Secretary, Department of WCD, Govt. of MP:

Mr. Kansotia in his addressed shared that Ms. Sheetal's testimony is not only about a particular area, it's related to all children who live in an unprotected environment. He shared that the issue of child welfare, protection and development can only be achieved through a convergent effort and JJ Act is one of the efforts to look into it. The WCD department is making all efforts towards protecting children and has been getting constant direction from the High Court towards it.



Highlighting the interventions towards child protection issues he shared that working on health indicators is one of the main interventions being done by the department. With the help of more than 97, 000 ICDS Centers, children are provided Nutrition, Healthcare services and Early Child Education through the ICDS scheme in Madhya Pradesh. The health indicators of children have improved through this scheme. Protection of Child especially girl child in India is a very serious

issue as sex ratio has been declining throughout India. In this regard, there is an important scheme known as *Beti Bachao and Beti Badhao* scheme and efforts are being made in strengthening of the PCPNDT Act. Similarly, *Ladli Laxmi Yojna* is a scheme where the Girl child would have a meaningful life with the development of full potentials. In this scheme 28.70 lakhs children are registered and the maturity amount would be around 35,000 crores which is a huge amount. Through *Lado Abhiyan* the department tries to work in a convergent manner as a resultant one lakh child marriages have been prevented, stopped and nullified. Regarding the implementation of the Act he stated that **“Government alone cannot work towards it and there is a need of involving other stakeholders and there is need of awareness generation of the Act”**. Similarly, he highlighted the need of sensitization of Society and Government at large which included government officials, policemen and civil society as well. Transparency of adoption agencies, training of non-official members of Juvenile Boards, Psychological counseling of children at homes needing specialized services were some of the issues that were pointed by him during his speech.

Address by Dr. Raghvendra Sharma, Chairperson, MP State Commission for Protection of Child Rights:

Dr. Raghvendra in his speech emphasized on working on the sensitivity of the people. He said, seeing the data of UNICEF or NCRB we would find that the children are most vulnerable to their families only. A big proportion of the sexual and physical abuse faced by them is inflicted by their near and dear ones. As the percentage of involvement of such people are 90 then what role the law can play in stopping these crimes against children. Only 8 to 10% accused get punishment. The case is not lodged or case withdrawal takes place as they are near and dear ones and is dependent on them. Delay in justice adds to this situation and justice to children needs to be made as soon as possible. Implementation of the law is very complex wherein the main crime-accused become scot-free and only those people having a negligible role are caught. To explain this he gave the example of the cobweb where small insects only are caught rather than big ones. Children don't know that they are doing a crime. They are lured and are engaged in crime. An incident was shared where a girl who was found in Bhopal station was lured of a comfortable life by the traffickers that she would get food and would be able to see television. But, she was served leftover *poori sabzi* from vendors at the railway station by the traffickers and the television installed at the railway station was told to be viewed. She was engaged in begging and petty crimes.

He further shared that he visits lots of Juveniles homes where he observed that lots of suggestions that have been given by the High Court Juvenile Justice Committee on the functioning of these homes could have been resolved at the Home in-charge Superintendent level. He appreciated the role of Hon'ble Justice J. K. Maheshwari, Judge High Court of MP that these comments include very minute details which indicate his sensitivity. There is a simple solution to this complicated and difficult situation and that's sensitivity and a loving heart for children. In whatever capacity people are, people should think that they are a guardian as well. They should have empathy and sensitivity towards other children as well. He shared that **“This conference would be a milestone in achieving child protection issues in Madhya Pradesh”**.

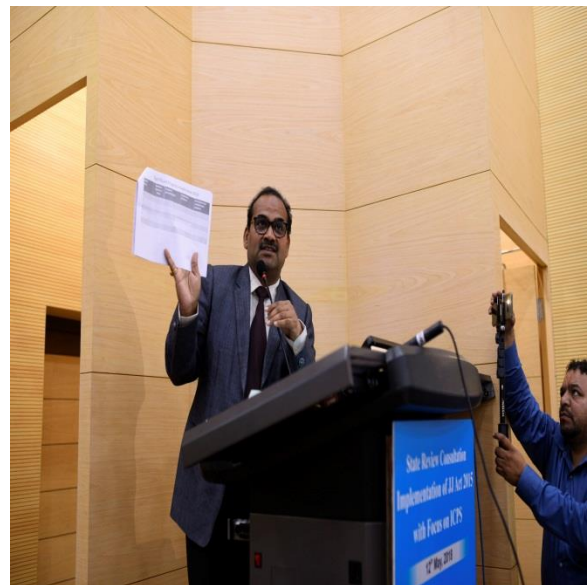
Address by Mr. Shailendra Shukla, Judge District Court Bhopal: Mr. Shailendra Shukla shared that he was part of the earlier conferences of Madhya Pradesh where it was realized that without involving multiple stakeholders a solution cannot be achieved of this perennial situation. He appreciated the role of Justice Maheshwari by stating “**Right person at the right time**”. Mr. Shukla said that he has been working on the Victim Compensation scheme and these meetings take place once in a month. Children are forced in a difficult condition as they become drug addicts or are sexually abused by their natural father. Counselling of these girls facing incest is very necessary as there is a dearth of proper counselling. One Stop Crisis Centre-*Gaurvi* is doing good work but more such services are needed. An incident of substance abuse was shared by him where a twelve-year girl living at the railway station was sexually abused by other four-five juveniles and the girl got pregnant. The victim and the perpetrator both were involved in substance abuse. Support was received by lots of people and proper counselling was done. Presently this girl is happy as she has a smile on her face whenever she comes.

Keynote Address by Hon’ble Justice J. K. Maheshwari, Judge High Court of MP & Chairperson of HC-JJC:

Hon’ble Justice Maheshwari in his address emphasized the role of empathy in the role of child protection. Supreme Court judgments on JJ Act need to be understood for proper implementation of the Act. Some principles were laid down in this judgment such as Principle of Presumption of innocence, Principle of dignity and worth, Proper participation of children, Principle of non-stigmatization, non-waiver of their rights, Equality, and Non-discrimination, Right to Privacy and confidentiality, Institutionalization should be the last resort, repatriation and rehabilitation and fresh start, divergence and natural justice.

The purpose of the consultation is a comparative study and an evaluation of the various efforts that have been made since the last conference, the departmental commitments that had been made and how far it has been achieved. The changes in the functioning of the various stakeholders need to be seen specifically since 2014 in terms of CWC working and composition looking at the improvements that had been made based on four heads for looking at the change viz Baseline data, Progress Demonstration, Supporting Evidence and key factors that enable such change.

He said that “In the last two years lots of changes have taken place since I have taken the charge.



We need to introspect ourselves where improvements have not taken place and understanding the grey areas”.

The major recommendations presented by him were as follows;

- The setup of the JJC secretariat should continue and he appreciated the role of WCD and UNICEF in creating the setup and giving financial assistance.
- He stressed that in the consultation the achievements in the ICPS need to be put in quantitative data.
- Malfunctioning in dealing with cases of Adoption - A recent judgment had been made on adoption by him which detailed the malfunctioning of CARA where referral of children to the adoptee parents is not done in a proper manner, it's done in a biased manner and there is need to write to CARA on this malfunctioning. Referrals are not duly done, applications are incomplete hence a lot of children are not getting to adoption. SAA has been also instructed that after adoption follow-up of children is needed.

In the end, he again reiterated that **“We all need to unite together to work on the issue of juvenile justice and protection of rights of children”**.

D. TECHNICAL SESSION – I

In the Technical Session-I, **Review of compliance of Recommendations of Regional Roundtable (2015-2017) and State Level Conference on Juvenile Justice** was carried out. Progress/achievements and gaps were presented at Zonal level (Jabalpur, Indore & Gwalior division). Division wise break up of zones are given below-

- Jabalpur Zone consists of Sagar, Jabalpur, Rewa & Shahdol Divisions.
- Indore Zone consists of Ujjain, Indore, Bhopal and Hoshangabad Divisions
- Gwalior consists of Gwalior and Chambal divisions

Key highlights from the presentations are as follows:

- There has been a marked difference in mentioned two indicators, Registration of Homes and Establishment of Child Welfare Committees and Juvenile Justice Board under JJ act in comparison to the year 2014. Registration of Homes has been the highest in Jabalpur Zone with 38 Homes.
- The Child Welfare Committees and Juvenile Justice Board have been established in almost all districts. Only the process of selection of CWCs is underway in 3 districts each of Gwalior and Indore Zone.
- The pendency of cases in JJB in Jabalpur Zone has reduced from 4406 to 3090 since 2014 to 2017 and in Gwalior Zone; it has increased from 1258 to 1923 cases. Data not available of

Indore Zone. Similarly, Data of the pendency of cases of CWC is not available of all Zones. It's only available of Gwalior zone showing only a meagre difference.

- Inspections are done on a quarterly basis of Homes by District Inspection Committees. Members are not appointed in all the districts some members were appointed way back in the year 2014.
- The quantum and quality of trainings and Awareness Generation programmes have increased in all Zones.
- The facilitative factors smoothening the process have been the availability of funds, training of team members, filling of posts of Committees' members, increased meetings of CWCs and JJB, issuing of clear guidelines, the creation of Interdepartmental committees and Empanelment of lawyers for dealing the cases of children.
- Continuous turnover of ICPS team member is an issue of concern. Most positions are vacant in the DCPUs in all the districts for example in Gwalior Zone itself 23 posts are vacant.
- There is no Childline service in three districts of Gwalior Zone and two districts of Jabalpur Zone.
- ANMOL Website created by WCD enhanced the monitoring and documentation process with more evidence building on child-related issues in the State of Madhya Pradesh.
- CCTV camera has been installed in every home which has ensured the Safety of Children in Homes.
- Creation of homes at division level for Children with special needs and de-addiction centre for children who are into any form of Substance abuse was strongly recommended by all Zone members.
- There is a need for creation of a pool of "Fit person and Fit facility" for children facing sexual offences.
- Awareness needs to be increased on "Support Person Provision" under POCSO Act.
- A pool of Psychologists and Psychiatrists at district/division level with proper provision of Honorarium should be developed.
- Frequent transfer of Child Welfare Officers affects work. There is a need for creating a cadre of these officials or they should not be transferred before completion of 2 years.

Key Gaps/challenges consolidated from all the three zones; Presentations are annexed. For more details please see Annexure#3.

E. TECHNICAL SESSION – II



While in the Technical Session-I, review of compliance of Recommendations of Regional Roundtable (2015-2017) and State Level Conference on Juvenile Justice Act was done, Technical Session-II was based on the review of the implementation of Integrated Child Protection Service (ICPS) (financing, training, monitoring, and others).

In this session, presentations highlighting the gaps (financing, training, and monitoring) towards the effective implementation of ICPS were made by the select representatives of the three zones i.e. Indore, Gwalior, and Jabalpur.

Key highlights from the presentations are as follows-

- Delay in allocation of the budget to Child Care Institutions is creating problem in the functioning of the CCIs. This issue was a part of presentations of all the three Zones i.e., Indore, Gwalior, and Jabalpur.
- All the three zones shared that there are a lot of problems being faced by the Inspection Committees. As shared, the Committees do lack effective coordination among the members and also the members are not trained properly.
- Difficulty in making Individual Care Plan (ICP) of each child due to lack of staff and the psychologist in institutions. Gwalior Zone had shared this problem.

- District Child Protection Unit, Child Helpline, SJPU, Child Welfare Committee, and Juvenile Justice Board- all of these structures lack experience in the field of child welfare/protection in two Zones namely Indore and Gwalior.
- All the three zones shared that DCPU officers are engaged in the tasks of Women Empowerment other than ICPS which affects the implementation of ICPS. There should be a separate cadre of DCPU.
- Child Welfare Committee and DCPU are not updated with the status of the cases of POCSO as shared by Gwalior Zone.
- There is a lack of coordination among different departments as presented by Indore Zone.

F. OPEN HOUSE

The Open House Session was chaired by Hon'ble Justice J.K. Maheshwari and Mr. J.N. Kansotia, IAS, Principal Secretary, WCD. Both of them responded to the concerns/questions of the participants. Due to the shortage of time, open house discussion of both the sessions, Technical Session-I and Technical Session-II, was clubbed together. The key issues/queries and highlights from the open house discussion have been provided below under the different themes.

Functioning of Child Welfare Committee

The participants had concerns/comments related to the functioning of Child Welfare Committee which they discussed in the open house. Key highlights from this discussion are as follows-

- The Juvenile Justice Act 2015 emphasizes considering the institutionalisation as last resort for children who are in need of care and protection but, sometimes CWCs seem to be ignoring this by placing children at CCIs in most of the cases.
- It was advised from the dais for considering the institutionalisation as last resort while deciding the rehabilitation of the child.
- It is learned that if any child is produced before the CWC and that child is placed at any CCI that is considered as final disposal of the case. But this is not true. Till the final order is issued, that case shall stand pending.

Functioning of Juvenile Justice Board

There was vibrant discussion issues/concerns related to the functioning of Juvenile Justice Board. Key highlights from this discussion are as follows-

- Through the discussion, it came to light that children who are in conflict with the law are denied bail by JJB and kept at Observation Home in most of the cases. It is learned that in joint crime, the adult accused gets bail by the adult court easily while the child in conflict with law is denied bail by JJB.

- It was highlighted from the dais for looking into the matter seriously and ensuring children are not kept at Observation Home unnecessarily.
The participants also shared their concern related to Victim compensation scheme. Besides dealing with the cases of CCL, JJBs also deal with the victims of sexual abuse. But, the issue is whether JJB can recommend for support to such victims under Victim Compensation Scheme is not clear. On this issue, it was clearly advised from the dais that JJB can recommend such cases to District Legal Service Authority.
- A discussion was also there regarding the Social Background Report which is filled when any child who is in conflict with law is taken into custody by police. But, the problem is such forms are not being used and are dumped at JJBs only.

Placement of siblings of varied age at one place

There is a provision regarding placement of children below 6 years of age. Such children are placed at SAA, not at CCI. There was a discussion about this provision which is as follows-

- Through the discussion, it came to light that it becomes difficult to keep siblings (if one child among the siblings is above 6 years) all together at SAA not being the Children's Home? As per the provision, child above the age of 6 cannot be kept at SAA and he/she has to go to Children's Home.
- With regard to this concern, it was advised from the dais that in such cases siblings of varied age can be placed at one place. Decisions to be taken by CWC keeping in mind the best interest of the child, and considering the facts and circumstances of the case.

Children and Addiction

It was highlighted in the open house discussion that many crimes are committed by children under the influence of addiction. Key highlights from the discussion are as follows-

- It was highlighted in the discussion that many offenses are committed by children under the influence of drugs. Unfortunately, to protect these children and others as well, there is no de-addiction center. These children need counseling as well.
- It was informed from the dais that all efforts are being made to open de-addiction centers for children.

Children and Adoption

Concerns/issues related to the post-adoption-follow up and re-adoption-process were also shared in the open house. A vibrant discussion happened around these issues. Key highlights from the sharing and discussion are as follows-

- There were questions raised by the participants around the post-adoption-follow up. The negligence in the post-adoption-follow up has been observed in recent past which had put the adopted child in the vulnerable situation. Also, the participants were keen to know that who is supposed to deal with the case of an adopted child if that child doesn't wish to reside with his/her adoptive parents any longer. Who will start the process of re-adoption? These were the areas of concern of the participants.
- Discussion around the provisions of disruption and dissolution also happened. CARA Guideline says that if the Court has given the order in any adoption case then through disruption that adoption process can be halted. If such order has been issued, then with the help of dissolution that adoption can be canceled and the process of re-adoption shall be started. Child will again be considered as legally free for adoption.

Presentation on Achievements and Gaps in the Role of Police, MPSJA & MPPLSA towards achieving Child Protection in the State of Madhya Pradesh

In this section, the respected representatives of all the three departments i.e. Police, Madhya Pradesh State Judicial Academy, and Madhya Pradesh State Legal Service Authority shared Achievements and Gaps related to their respective department towards achieving Child Protection.

Achievements and Gaps in the Role of Police in achieving Child Protection (Juvenile Justice, POCSO and ICPS): Mr. D. Srinivasa Varma (IPS), IG, CID, Madhya Pradesh Police

The presentation of Mr. Varma was based on previous recommendations consolidated from the Regional Conferences and what actions Police Department had taken in order to implement those recommendations.

Following are the recommendations which were made for police along with their status which he presented-



- **Recommendation**-Setting up separate police stations for children in conflict with law and POCSO victims.
- **Action**- A detailed Project Report (DPR), prepared by CID, has been sent to the State Government in this regard which is under process.

- **Recommendation**-Providing adequate funds to the Child Welfare Police Officers/SJPU for medical treatment, food, transportation and other necessities.
- **Action**-Presently the expenditure incurred under these heads by the Child welfare Police Officers is being reimbursed by WCD Department.
- **Recommendation**-A separate cadre for SJPU and Child Welfare Police Officers need to be created.
- **Action**- A proposal to increase the police force in this regard has been sent to the government.

Some of the achievements and progress made by Madhya Pradesh police was highlighted by Mr. Varma in his presentation. He highlighted -

- Sec 107 (1) of JJ Act, 2015 mandates that in every police station, an officer not below the rank of an ASI be designated as a child welfare officer and Section 107 (2) of JJ Act, 2015 mandates that an officer not below the rank of DySP be the head of SJPU in the districts- these provisions have been complied with by the MP police.
- Under the aegis of the Hon'ble High Court and the UNICEF, over 789 police officers (SP/ASP-81, DySP-126, Inspector-104, SI-171, ASI-307) have been trained on the provisions of JJ Act, POCSO and other relevant laws.
- Child-friendly police stations (Corners) have been developed in 18 districts and the process is on in the remaining districts.
- Total 162 police personnel (Inspector-13, SI-22, ASI-14, HC-53, Const-62) have been deployed in SJPU in various districts.

Some areas of improvement were also shared as a part of his presentation, which are as follows-

- Vacant posts at SJPU in 9 districts are to be filled for the effective functioning of SJPU.
- Children being used by the criminals to commit offenses. Ex: - shoplifting, thefts at weddings etc.
- Police making arrests without following the provisions of JJ Act (children are detained at police stations in the absence of the birth certificate. Police are not sensitive towards the requirements of children who are in conflict with the law).
- Children in conflict with the law are not sent to SJPU and follow up is not taken.
- Frequent transfers of trained police personnel especially Child Welfare Police Officers.
- Delay in sending children to their respective destinations (out of the State) due to the lack of sufficient police force.
- Separate cadre for Child welfare Police Officers and SJPU Police Officers (this requires infrastructure and manpower).

Towards the end of his presentation, Mr. Varma also shared some of the initiatives taken by MP Police. He shared about the drive "Operation Muskaan" which was held in May 2017 in which

1422 missing boys/girls were traced. Also in 2017, 2000 boys and 767 girls who were found to be begging, out of which 179 boys and 80 girls were sent to government homes, 254 boys and 117 girls were sent to non-governmental homes and 1569 boys and 568 girls were restored to their parents. He concluded his addressing with sharing his concern for those children who commit offenses either under the influence of their friends or the environment they are in. He said, “To create a safe environment for a child to blossom, we have to take that child out of that environment under influence of which that child commits the crime, otherwise all the purpose will be defeated. With the coordination among various stakeholders, we can make this happen”.

Achievements and Gaps in the Role of MPSJA in achieving Child Protection (Training and Capacity Building): Mr. Sanjeev Kalgaonkar, Director In- charge, Madhya Pradesh State Judicial Academy, Jabalpur

Mr. Kalgaonkar termed JJ Regional Conferences as unprecedented in his presentation and appreciated the role played by MP High Court to make that happen. He said, “Probably, for the first time such Conferences have happened wherein all the concerned stakeholders were invited for their suggestions under the leadership of Hon’ble Justice J.K. Maheshwari.



While highlighting the achievement he shared that to sensitize and educate all the stakeholders, in past one and a half year, 13 workshops for Principal Magistrates and Members of JJB, DySP of SJPU, Social Workers of NGOs, and the Members of Child Welfare Committees Probation Officers have been organized separately. Besides educating and sensitizing them on the issues/laws of children, it was tried to develop coordination among these different stakeholders and bring them closer, he further added.

Besides achievement, he also threw light on the gaps which are as follows-

- **The sensitivity of Principal Magistrates of JJB:** The posting of Magistrates happens without following any criteria. Every year one third Principal Magistrates of Juvenile Justice Board get transferred. After posting, on the one hand, many Magistrates, who understand Child-Friendly Approach, do start dealing with the children with full of sensitivity but unfortunately, some Magistrates do carry their “Magistracy” on their head while discharging their duty on the other hand. Here Sensitization Workshops play a crucial role in this regard. It is very difficult to change their mindset overnight which they have kept carrying for years. It will be in the interest of children if women are preferred to be appointed as Principal Magistrates of JJBs.

- **Quality of Social Investigation Report-** When Probation Officer at JJB is asked to prepare Social Investigation Report of the child, this report is prepared sitting at the JJB only which is not correct. SIR must carry the details of the environment the child is surrounded with based on which JJB could consider Child Care Plan or Child Rehabilitation Plan. But unfortunately, SIR is being prepared without consulting all the concerned parties.
- **Presence of DySPs in training workshops-** Recently one sensitization workshop for DySPs of SJPU was organized by the Academy in which DySPs from many places had sent their representatives (some of them were of constable rank) on their behalf as they were busy in maintaining the law and order in their respective jurisdiction. Being nodal officers, their participation in such workshop is very important and hence, steps should be taken towards ensuring their participation.
- **Role and Jurisdiction of CWC-** Many CWC members are more concerned about their rights and powers rather than duties. Conflict among the members is clearly visible. It seems that they are not aware of the jurisdiction and responsibility as they are found to be dealing with even those cases falling out of their jurisdiction. JJ Act provides the power of First Class Magistrate to CWC for the purpose of inquiry for the care and protection of children in need and care of protection but, this power is being used in visiting the school and deciding on admission and to determine the custody of the child. (Reference- A case was admitted at Indore Bench of High Court which made visible these practices). Undoubtedly some CWCs are doing well and they are committed for the betterment of the children but unfortunately, they are very less.

Mr. Kalgaonkar concluded his addressing with saying, "On the behalf of the Academy, I do assure of all support towards strengthening the JJ System".

Achievements and Gaps in the Role of MPSLSA in Child Protection (Free Legal Aid, Para Legal and Others): Mr. B.S. Bhadoria, Member Secretary, Madhya Pradesh State Legal Services Authority

Mr. B.S. Bhadoria talked about the constitution and services of Madhya Pradesh State Legal Service Authority in his addressing. Key highlights from his addressing are as follows-

- Madhya Pradesh State Legal Service Authority has been constituted under the Legal Services Act 1987. The foremost duty of the MPSLSA is to provide the Legal Aid to the marginalized and deprived communities of the Society.
- The Authority has provided Panel Lawyers in Juvenile Justice Boards and so far it has set up 52 Legal Aid Clinics with providing Para Legal Volunteer Support to each Clinic
- In this year, within the span of four months only, 50 trainings have been organized for Panel Lawyers. The main purpose of these trainings was they should be well versed with the provisions/sections of JJ Act-2015 and POCSO Act-2012.

- The psychological factor of the victims and children in conflict with law needs to be given due consideration. If the panel lawyers don't understand this factor, they will not be able to support the victims and children in conflict with the law.

After the presentation of Mr. Bhadoria, Mr. Kalgaonkar showed two small video clips; the first was focused on 'children at risk' and the other was based on child sexual abuse.

G. VALEDICTORY

The valedictory session was chaired by Hon'ble Justice J.K. Maheshwari, Mr. J.N. Kansotia, IAS, Principal Secretary, Department of WCD, Govt. of MP, Dr. Ashok Kumar Bhargav, Commissioner, WCD and Dr. Raghvendra Sharma, Chairperson, SCPCR. After the whole day discussion on understanding the challenges and gaps in the way of implementation of JJ Act and ICPS, following recommendations were suggested by the Hon'ble Justice Mr. JK Maheshwari.

- **SOP** – Standard Operating Procedure (SOP) should be developed for all the institutions/structures i.e. CCI, schools, hostels, SJPU and other stakeholders. When a child enters into JJ System, irrespective of child is in conflict with law or child is in need of care and protection, either the child goes to JJB or CWC, all the procedures should be developed. . (As he informed- This issue was discussed even in the meeting of High Power Committee in the presence of Mr. J. N. Kansotia IAS, Principal Secretary, DWCD).
- **Capacity Building** – Capacity building of all the stakeholders is very important and it should be done on the basis of the qualification as well as individual assessment.
- **Follow Up Action-** There should be follow up on the case of every child who has come in the JJ System.
- **Dedicated Staff-**For effective functioning of ICPS, dedicated staff of DCPU and SJPU is very necessary.
- **Sponsorship-**Sponsorship Scheme should be strengthened so that children do not need to be in JJ System for a longer period.
- **Social Investigation Report-** The quality of Social Investigation Report should be improved. SIR does matter at the time of taking the decision in the cases of children and hence, it should be given much importance.
- **Presence of DySPs in training-** It is learned that in the training/workshops DySPs of SJPU send their representatives on their behalf which is not a good practice. For better functioning of SJPU, it is important that they attend such training/workshop in person and their representatives.
- **The role of JJB and CWC-** The role of JJB and CWC is very clear. JJB deals with those children who are in conflict with the law while CWC deals with those children who are not in conflict with the law. This should be kept in mind while discharging the duty. It is learned that CWC members do join CWC under "some attraction" which is a

problem and members should understand the purpose of constitution of CWC while joining.

Responding to the concerns related to transfer of JJB Magistrates and their sensitivity towards children and recommendation of giving priority to woman Magistrate at JJB, he said, “It has been observed that Magistrates in JJBs appointed were not trained enough on the issues related to Children. Efforts are on to train them to ensure children are dealt in accordance with the provisions of concerned Laws. Also, we have always tried to give priority to woman Magistrates to be appointed at JJBs”.

“If the components of Government, Police, Judiciary, and Civil Society work in coordination and put efforts to uplift any child and make that child a good citizen then nothing can stop us achieving this. The holistic development of a child cannot be achieved unless we get ourselves involved in the processes; with these words, he concluded his addressing”.

Dr. Ashok Bhargav, Commissioner, WCD in his thanks-giving-addressing said, “Unless we generate energy inside us with the help of training, we will not be able to deliver the best in our working area. All the field level officers should think in this direction and whenever they get the opportunity they should participate in training”.

On the behalf of WCD, he expressed his gratitude to all the dignitaries who were present on the dais for their guidance and support in making this State Review Consultation happen. He especially thanked UNICEF for the support. He also thanked all the participants including officials of Judicial Academy and MPSSA, police officials, representatives of NGOs, and media persons for their contribution in this Consultation.

Relay of Song on “Child Rights” and Departure

H. Key recommendations from the State Review Consultation

Throughout the day there were many recommendations made towards strengthening the Juvenile Justice and effective implementation of ICPS in the State. These recommendations were made by various dignitaries and participants who were present in the Consultation. They are helpful in terms of developing the way forward and filling the gaps in the implementation of JJ Act and ICPS. The Key recommendations are as follows-

Related to JJ Act and other related law and schemes

- Model Rules of the State to be prepared based on the ground realities of the State of Madhya Pradesh viz, Gaps in the Model Rule
- Corporate Social Responsibility needs to be included in the Model rules of Madhya Pradesh. The available funds can be utilized by the Juvenile Justice Committee for such needs which are unforeseen and are needed on a priority basis.
- Guidelines for Foster Care and Sponsorship need to be amended in the best interest of children. Revisiting the Sponsorship criteria in terms of income of the family and a minimum requirement of the child to stay at home for six months needs a change so that more rehabilitation can be ensured within families.
- Creating awareness of the “Fit Persons Provision” of the JJ Act.

Implementation of ICPS

Related to Human Resources and Infrastructure

- Creating a separate Cadre of District Child Protection Officers who can fully discharge their duties and responsibilities under the Juvenile Justice System.
- ICPS team to be appointed as Permanent staff not as contractual staff to prevent their regular turn over affecting the implementation of the Act. 60% of their posts are currently vacant.
- Creating homes for Children with special needs and de-addiction center for children addicted to Substance abuse at Division or District level.
- Interdepartmental committee meetings at district level should have representatives of all departments, so that decisions on complicated matters of rehabilitation could be timely ensured.
- Ensuring provision of Honorarium to be paid for Psychologists and psychiatrists for their services at CCIs. There is a need for creation of a Pool of these Expert Persons at District or Division level.
- Budget should be released on the quarterly basis preferably in advance to Child Care Institutions to ensure smooth implementation and monitoring of services.
- Creation of an Information management system and creation of evidence-based data.

Functioning of Police Personnel

- There is a need for creating a cadre of the Child Welfare Police officials to exclusively deal with cases of children and they should not be transferred before the completion of two years of their service.
- Setting up separate Police Stations for children in conflict with the law and POCSO victims and child friendly corners in police stations

- Providing adequate funds to the Child Welfare Police Officers/SJPUs for medical treatment, food, transportation and other necessities to be used for children. Procedure for obtaining Fund and their utilization should be simple and not cumbersome.
- Steps to deal with the issue of frequent transfers of trained police personnel especially Child Welfare Police Officers need to be taken.
- Delay in sending children to their respective destinations (out of the State) due to the lack of the force should be looked into and more force especially female police officers should to be recruited.

Functioning of Child Welfare Committee, Juvenile Board and other Institutions

- The Inspection committee should carry out regular inspection and prepare a detailed report of the functioning of structures and institutions. Inspection note should be maintained offline and online at the organizational level.
- Inspection Committee should be re-constituted and preference should be given to those people who can give enough time.
- CWC members should be given adequate travel expenses.
- The quality of the Social Investigation Report in relationship to Child in Conflict with Law (CCL) should be improved.
- CWC members should be aware of their jurisdiction and responsibility.
- The transparency of adoption agencies is very necessary whether it is SAA or CARA.

Trainings of officials and skill building interventions

- A Pool of Master Trainers at State Level should be developed with including NGO members having desired skills and sensitivity.
- The training of non-official members of Juvenile Boards is needed.
- Presence of DySPs in training workshops rather than nominating some other persons should be ensured.

Functioning of legal and Judiciary Personnel

- Steps to increase the sensitivity of Principal Magistrates of JJB should be taken and there should be some criteria in the posting of Magistrates. Efforts should be made to avoid frequent transfers of Magistrates of JJB. Female Judicial officers shall be given priority for Principal Magistrate post.
- Ensuring availability of Victim Compensation by SLSA and DLSA.

- Panel lawyers need to be sensitive to the Psychological factors of the victims and children in conflict with the law.

Annexure#1: (Attachment)

Recommendations emerged from the Regional Conferences.

Annexure#2: (Attachment)

List of Participants

Annexure#3: Agenda

**State Review Consultation Towards 4th Regional Round Table Conference
Implementation of JJ Act 2015- Focus on ICPS**

Date- 12.05.2018

Venue: RCVP, Noronha Academy of Administration, Bhopal M.P.

11.00 AM – 11.30 AM

Registration & Tea/Coffee

Inaugural Session

11.30 AM – 11.35 AM	Welcome of dignitaries and participants Presentation of flower pots and pouring of water on flower splining facilitated by Mr.ZakirHussain, Secretary, JJC- HC.
11.35 AM – 11.40 AM	Overview and objectives of state level review consultation, Mr.Lolichen PJ, Child Protection Specialist, UNICEF
11.40 AM – 11.45 AM	Opening Remarks by Mr. Michael Juma, Chief of Field Office, UNICEF Bhopal Field Office
11.45 AM – 11.50 AM	Issues from the ground in Child's own words: An Adolescent Girl Child Representative from Safe City Programme, Bhopal.
11.50 AM – 11.55 AM	Address by Mr.SanjeevKalgaonkar Director Incharge, Madhya Pradesh State Judicial Academy.
11.55 AM – 12.00 Noon	Address by Mr. J. N. Kansotia IAS, Principal Secretary, Department of WCD, Govt. of MP
12.00 Noon – 12.05 PM	Address by Dr.Raghavendra Sharma, Chairperson, MP State Commission for Protection of Child Rights
12.05 PM – 12.10 PM	Address by Hon'ble Mr. Shaliendra Shukla, Judge, District & Session Court, Bhopal
12.10 PM – 12.35 PM	Keynote Address by Hon'ble Justice Shri. J. K. Maheshwari, Judge High Court of MP & Chair of HC-JJC

Technical Session I

Review of compliance of Recommendations of Regional Roundtable (2015-2017) and State Level Conference on Juvenile Justice

Zonal Presentations by Gwalior, Indore and Jabalpur : 20 min for each zonal presentation and 30 min open house for Q&A. Zonal presentations to focus on:

- Compliance of Recommendations of Regional Roundtable & State Level Conferences
- Progress in last three years in implementation of JJ Act
- Challenges faced and Strategies

12.35 PM – 12.55 PM	Presentation by Jabalpur zone & discussion Ms.VanshriKurveti, DWEO, Katni& Mr.BrijeshTripathi, Deputy Director, Sagar
12.55 PM – 1:15 PM	Presentation by Indore region& discussion Dr.ManjulaTiwari, Deputy Director, Indore & Mr. Rajesh Gupta, Deputy Director, Ujjain
1.15 PM - 1.35 PM	Presentation by Gwalior region& discussion Ms. AkankshaTomar, DWEO, Ashoknagar Mr. Shaleen Sharma, DWEO Gwalior

1.35 PM – 2.00 PM Open House Discussion

2:00 PM – 3.00 PM LUNCH

Technical Session II

Review of Implementation of Integrated Child Protection Services (financing, training, monitoring and others)

Zonal Presentations by Jabalpur, Gwalior, and Indore: 20 min for each zonal presentation and 30 min for Q&A

- Gaps in the implementation of the Recommendations from Regional Roundtables and State Level Conference
- Progress in last three years in implementation of ICPS
- Challenges faced and Strategies proposed (financing, training, monitoring and others)

3.00 PM – 3:20 PM Presentation from Indore region, by
Mr. Rajesh Gupta, Deputy Director, Ujjain &
Dr. ManjulaTiwari, Deputy Director, Indore

3.20 PM – 3.40 PM Presentation by Gwalior region, by
Mr. ShaleenSharma, DWEO, Gwalior&
Ms. Akanksha Tomar, DWEO, Ashok Nagar

3.40 PM – 4.00 PM Presentation by Jabalpur region, by
Mr.BrijeshTripathi, Deputy Director, Sagar&
Ms.VanshriKurveti, DWEO, Katni

4.00 PM – 4.30 PM Open House Discussion

4.30 PM – 5.00 PM Tea/Coffee

5.00 PM – 5.10 PM Achievements and Gaps in the Role of Police in achieving Child Protection (Juvenile Justice, POCSO and ICPS) by Mr. D Shrinivasa Varma, IPS, Inspector General of Police - CID, MP Police

5.10 PM – 5.20 PM Achievements and Gaps in the Role of MPSJA in achieving Child Protection (Training and Capacity Building) by Mr. Sanjeev Kalgaonkar, Director In- charge, Madhya Pradesh State Judicial Academy, Jabalpur

5.20 PM – 5.30 PM Achievements and Gaps in the Role of MPPLSA in Child Protection (Free Legal Aid, Para Legal and Others) by Mr. B.S. Bhadoria, Member Secretary, Madhya Pradesh State Legal Services Authority

Valedictory Session

5.30 PM –5.45 PM Way forward by Hon'ble Justice Shri. J. K. Maheshwari, Judge High Court of MP & Chair, HC-JJC

5.45 PM – 5.50 PM Vote of Thanks by Dr.Ashok Bhargav, Commissioner, WCD

5.50 PM

Relay of Song on 'Child Rights' & Departure

Annexure#4:

Implementation of JJ Act: Key progress/achievements and gaps consolidated from all the three Regional Presentations (Jabalpur, Indore & Gwalior) towards the compliance of the Recommendations of Regional Conferences.

S.No.	Issues	Key achievements	Strategies adopted/Facilitative factors	Challenges and Way forward
1.	Registration of homes.	<p>-All Homes have been registered. (Jabalpur Zone).</p> <p>-3 homes not being registered as registration is in process (Indore Zone).</p>	<p>-Issuing of clear guidelines by the WCD department.</p> <p>-Formation of Selection Committee as per JJ Act.</p>	
2	Functioning of Child Welfare Committees and Juvenile Justice Board.	<p>-In every district Child Welfare committees have been constituted and inspections of homes done on a quarterly basis.(Jabalpur Zone)</p> <p>-In 5 districts Child Welfare Committees and Juvenile Justice Boards are formed and in 3 districts it is under process. Earlier in the year 2014 both Committee and Board was only in one district. (Gwalior Zone).</p> <p>-Out of 23 only in 3 districts it has not been formed as it's in the process of reconstitution earlier in the year 2014 it was not formed in 12 districts.(Indore Zone).</p>	<p>-Filling of posts of Committee members and issuing of clear guidelines.</p> <p>-Interdepartmental committee created for inspection.</p> <p>-Child Protection Committees established at Village level (Indore Zone).</p>	<p>-ICPS team members are not recruited on permanent basis. Continuous turn over and thereby vacancy of posts. They need to be appointed as a permanent staff. (All zones).</p> <p>-23 posts vacant of ICPS team members of Gwalior Zone.</p> <p>-Victim compensation not being available to children facing sexual offenses. Police should timely inform such cases to CWC. (Jabalpur Zone)</p> <p>-Preventive sponsorship programme should be implemented. (Jabalpur Zone)</p>
3	Cases of Children Resolved and Rehabilitated in both Juvenile Justice Board and Child Welfare Committees.	<p>- Juvenile Justice Board earlier pendency was 4406 currently 3090 cases are pending. (Jabalpur Zone).</p> <p>- JJB earlier pendency was 1258 currently 1923 cases are pending. (Gwalior Zone) Cases pending at Child Welfare Committee 8 in 2017</p>	<p>- Selection of Child Welfare Committees, Juvenile Justice Boards and DCPUs.</p> <p>-Increased meetings of Juvenile Board.</p> <p>- Panel of 219 lawyers was created meant for cases of Child in Conflict with law by the</p>	<p>-Establishing de-addiction centers for children at division level and banning correction fluids, thinner, vulcanized solutions used by children as intoxication. (Indore Zone).</p> <p>-No homes for Children with special needs, lack of appropriate organizations.</p>

		<p>as compared to 9 in 2014.(Gwalior Zone)</p> <p>-Foster care provided to 17 cases in the year 2017. (Gwalior Zone).</p> <p>- 18 children were declared legal free in the year 2014 and 14 children made legal free in the year 2017. (Gwalior Zone)</p>	<p>District Free legal aid services authority based on directions issued by High court (Jabalpur Zone).</p> <p>-Transparency increased in the Adoption process through online portal of CARA.(Gwalior Zone)</p>	<p>Creating homes at division level. (Indore Zone)</p> <p>-Interdepartmental committee meetings having representatives of all departments and taking decision on critical matters which need multiple services.(Indore Zone)</p> <p>-Non suitable trainings for children at homes under <i>Mukhyamantri Kaushal Vikas Yojna</i>. (Indore Zone)</p> <p>-Lack of funds for NGOs for providing skill building training. (Indore Zone)</p> <p>-Separate seats to be available for children living in Child Care Institutions in ITI and other Vocational Institutions. (Indore Zone).</p> <p>-The Inspection authority should prepare a detailed follow-up report of each child. (Indore Zone)</p> <p>-Lack of fit person and fit facility for children facing sexual offences in all districts of Jabalpur Zone and 5 districts of Indore. (Indore Zone)</p> <p>-Lack of Psychologists and psychiatrists. There is no provision of Honorarium for them. There is a need of creation of a pool of these resource persons at district/division level. (Indore and Gwalior Zone)</p>
--	--	---	---	--

				<p>-Lack of Support persons, less awareness of this issue. (Indore Zone).</p> <p>-In the sponsorship scheme the criteria of the child to stay in a home for a minimum of six months and the income criteria of the family acts as a hindrance. (Gwalior Zone)</p> <p>-Foster care criteria of placing the child in other than in a blood relationship family acts as a hindrance. Recently there has been changes in the criteria which is not known.(Gwalior Zone)</p> <p>-Childline services not available in 3 districts of Gwalior Zone and 2 districts of Jabalpur Zone covering Shahdol and Annupur</p> <p>-Frequent change in Child Welfare officer of the Police affects work. There is a need of creating a cadre of these officials or they should not be transferred before completion of 2 years.</p>
--	--	--	--	---

3.	Awareness Generation and trainings	<p>-484 and 66 awareness generation workshops organized since 2014 at Jabalpur and Gwalior Zone respectively as a resultant more case were registered.</p> <p>-1500 awareness programmes at schools and College (Jabalpur Zone).</p>	<p>-Appointment of ICPS team acted as a catalyst agent.</p> <p>- Availability of funds and training material being available.</p> <p>-Involvement of all stakeholders in training and trainings organized at various levels.</p>	
4	Documentation and Evidence generation	<p>-Data entry done by various stakeholders in ANMOL website maintained by WCD department, entry done on regular basis since 2016 related to functioning of JJB, CWC and adoption.</p> <p>-Data entry done in CARA and Track the Missing Child website as well(Gwalior Zone)</p>	<p>-Website created by WCD, training provided to team members and regular monitoring of the data by ICPS team.</p> <p>-Timely entry of data ensured by department.</p>	
5	Safety of Children in Homes and Child Care Institutions fulfilling desired standards and innovations.	<p>-CCTV installed at all homes</p> <p>-Availability of Fire Extinguisher, Fridge, Security guard, Outdoor games, Food as per menu, Outdoor excursion, Complaint box.</p> <p>- Recognition and priority provided to private spaces of children at homes.</p> <p>-Child friendly environment created as a result one of the Home at Katni got ISO certified.</p> <p>-Kitchen garden created within the home and children engaged in indoor games and yoga. (Gwalior Zone).</p>	<p>-Funds provided.</p> <p>-Interdepartmental body created for Inspection of homes facilitated this process.</p> <p>-Cradle made available at one stop crisis centre- Sakhi Kendra for ensuring care and protection of deserted children (Jabalpur Zone).</p> <p>-Under Mukhyamantri Samudayik Netritva Yojana students created as volunteers of child rights at</p>	

			<p>Shahdol and Umaria (Jabalpur Zone).</p> <p>-In 10 police stations of district Umaria a separate room creating for counseling of children. (Jabalpur Zone).</p> <p>-JJB of Annupur engaging children in conflict with law in tree plantation and trainings. (Jabalpur Zone).</p>	
--	--	--	--	--

Implementation of ICPS: Key gaps/challenges consolidated from all the three Regional Presentations (Jabalpur, Indore & Gwalior) towards the compliance of the Recommendations of Regional Conferences.

Challenges faced and proposed strategies in the implementation of ICPS (Financing)			
S.No.	Issue	Key challenges faced	Key recommendations identified
01.	Delay in the allocation of the budget.	<ul style="list-style-type: none"> -Post-work allocation of the budget to Child Care Institutions (CCIs) and others. -No fund to some CCIs for last 2-3 years even after getting recognized and promises by officials. 	<ul style="list-style-type: none"> -Timely allocation of the budget. -Budget should be released quarterly.
02.	Ineffective utilization of the budget.	<ul style="list-style-type: none"> -“Preventive Sponsorship” is not being given due consideration. -Due to complex in the guidelines of Foster Care and Sponsorship, many children are deprived of these two schemes and 100 percent utilization of the budget is not happening. 	<ul style="list-style-type: none"> -Flexibility in the utilization of the budget. -Amendments to the Guidelines related to Foster Care and Sponsorship.
Challenges faced and proposed strategies in the implementation of ICPS (Monitoring)			
01.	No inspection-report by Child Welfare Committee post inspection of CCI due to which	<ul style="list-style-type: none"> -No inspection-report by CWC -Inspection by CWC to CCIs is not regular. -In the absence of the inspection-report, compliance report is not made. 	<ul style="list-style-type: none"> -An order stating that CWC shall not only inspect but, also give inspection-report along with its suggestions to improve should be passed. -Inspection-Note should be maintained offline and online at the organizational level.

	compliance report is not made.		
02.	Inspection Committee and Inspections.	<ul style="list-style-type: none"> -Lack of coordination among the members of the Inspection Committee-Collector or his/her representative and CWC members. -Committee's members are not aware of their role and responsibilities. 	<ul style="list-style-type: none"> -Inspection Committee should be re-constituted and preference should be given to those people who can give enough time. -CWC members should be given travel-expenses. -Steps to ensure quarterly inspection by CWC should be taken.
03.	Individual Care Plan.	<ul style="list-style-type: none"> -Difficulty in making Individual Care Plan (ICP) of each child due to lack of staff, psychologist in institutions and expertise as well. -Due to delayed-allocation of the budget, it is difficult to monitor the appointment of employees in the institutions. -Individual Care Plan cannot be same for all children. Each child needs a different kind of care and hence, there should be separate formats of ICP. At present, the format of ICP is same for all kind of homes i.e. Observation Home, Children's Home and SAA. 	<ul style="list-style-type: none"> -Staff should be trained for making ICP effectively. -Separate format should be developed for different Homes and interest-based arrangements should be made available to children.
04.	Coordination among different departments, No coordination meetings.	<ul style="list-style-type: none"> -No coordination among different departments. -Many works get affected due to poor coordination. 	<ul style="list-style-type: none"> -There is a need of coordination meetings of different departments (high level).
05.	No Child Protection Policy at CCIs, Staff not aware of CPP.	<ul style="list-style-type: none"> -In the absence of CPP, anyone can get access to CCI. 	<ul style="list-style-type: none"> -Separate instruction should be issued in this regard.
	Quality of Social Background Report in relation to Child in Conflict with Law (CCL) should be improved.	<ul style="list-style-type: none"> -The Social Investigation Report is being made by the probation officer only interacting with the children instead making contact at different levels. 	<ul style="list-style-type: none"> -Review Authority should ensure the quality of Social Background Report.

06.	CWC and DCPU are not informed of the status of the cases of POCSO and Children's Court.	-CWC is not updated with the status of the cases of POCSO.	-Concerned institutions should be updated with the same.
-----	---	--	--

Challenges faced and proposed strategies in the implementation of ICPS (Training)

01.	Staff system and vacant posts at District Child Protection Unit, Child Line 1098, Child Welfare Committee, Juvenile Justice Board, Special Juvenile Police Unit.	<p>-The lack of staff in the District Child Protection Office (60% vacant posts) and additional workload, lack of adequate resources and staffing in the Special Juvenile Police Unit.</p> <p>-Due to the insecurity of job, the staffs of District Child Protection Unit either resign or move to other jobs.</p>	<p>-Sufficient staff should be made available to DCPU.</p> <p>-All the employees working should only be engaged in the works of child protection (instructions should be issued from the government).</p> <p>-Currently permanent posts are applicable only for employees working in the Child Care Organizations (CCIs).</p>
02.	Capacity Building of different duty bearers.	<p>-Due to the lack of training, it is difficult to work on the issues of children.</p> <p>-District Child Protection Unit, Child Helpline, SJPU, Child Welfare Committee, and Juvenile Justice Board- all of these structures lack experience in the field of child welfare.</p>	<p>-A Pool of Master Trainers on State Level should be developed.</p> <p>-The staffs of different non-governmental organizations working in the field of child welfare can be trained as trainers.</p> <p>-Regular training and workshops should be organized for District Child Protection Unit, Child Helpline, SJPU, Child Welfare Committee, and Juvenile Justice Board to make these structures sensitive.</p>
03.	The quality of training in the absence of Training Need Assessment (TNA).	-Despite not having TNA, training has happened but all the staffs, with different level of understanding, altogether participated due to which none of them could get expertise.	<p>-Training should be organized based on TNA.</p> <p>-TNA should be developed at both levels- State and District.</p> <p>-Looking at the role of the staff, TNA should be done.</p>
	Need of job description of the DCPU staff as per their job.	-In the absence of job description, it is very difficult to hold any official/staff for gaps in the implementation of ICPS.	<p>-Development of job description for each staff.</p> <p>-Job description should be in writing and clear enough to understand.</p>

04.	Special Training for Child Welfare Police Officers and Special Juvenile Police Unit & frequent transfer of CWPOs and SJPU Staff.	-Frequent transfer of CWPOs who were trained at district level is very critical issue which is affecting the functioning of police.	-Police Department should deal with the issue of frequent transfer of CWPOs as well as their engagements in other works other than child-related issues.
-----	--	---	--

Challenges faced and proposed strategies in the implementation of ICPS (Others)

01.	Lack of dedicated Staff of DCPU.	-DCPU officers are engaged in the tasks of Women Empowerment other than ICPS which affects the implementation of ICPS.	-Creating a separate Cadre of District Child Protection Officers who can fully discharge their duties and responsibilities under the Juvenile Justice System.
-----	----------------------------------	--	---