

INAUGURAL  
ISSUE

# Sishu Surakhya



Quarterly Newsletter

The Juvenile Justice Committee, Orissa High Court

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It takes a big heart to shape little minds



## Juvenile Justice Committee Orissa High Court



**Hon'ble Kumari Justice Sanju Panda**  
Judge, Orissa High Court  
Chairperson, Juvenile Justice Committee



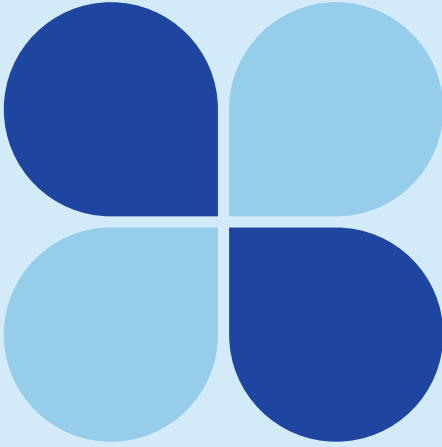
**Hon'ble Shri Justice S. K. Mishra**  
Judge, Orissa High Court  
Member, Juvenile Justice Committee



**Hon'ble Shri Justice S. Pujahari**  
Judge, Orissa High Court  
Member, Juvenile Justice Committee



**Hon'ble Dr. Justice D. P. Choudhury**  
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*Justice Vineet Saran*



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## MESSAGE



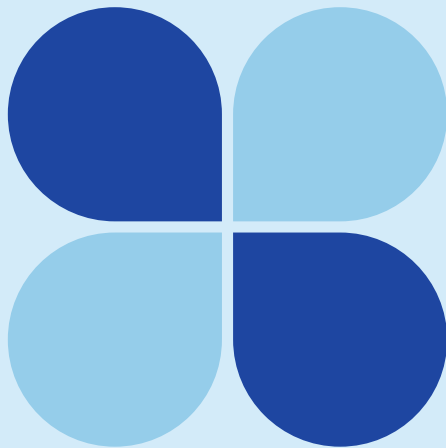
Hon'ble Shri Justice Vineet Saran  
Chief Justice, Orissa High Court

I am delighted to know that Juvenile Justice Committee is going to publish the inaugural issue of "**Sishu Surakhya**", a quarterly Newsletter. I am also happy to know that for the protection of the child rights, the Committee is exploring all possible avenues at all levels including pursuing the stakeholders for early disposal of cases and sensitizing them to ensure the implementation of the provision of the legislations on Juvenile Justice.

The Newsletter will not only promote Juvenile Justice but also ensure that the constitutional rights available to children are well observed by all personnel. Such Newsletter has got different contents which are very useful for all. I hope and trust that the Newsletter will work as a mirror to disseminate the rights of the children so as to protect the same by all in society.

I wish the publication all success.

(Vineet Saran)



*Kumari Justice Sanju Panda*

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## MESSAGE



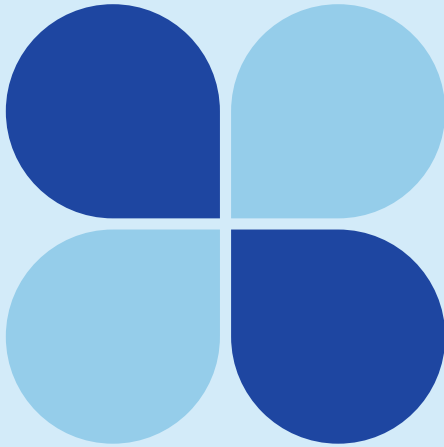
*Hon'ble Kumari Justice Sanju Panda*  
Judge, Orissa High Court  
Chairperson, Juvenile Justice Committee

The purpose behind the publication of “**Sishu Surakhya**” Newsletter is to inform the people at large about the activities of different stakeholders of the State of Odisha and their endeavour for effective implementation of Juvenile Justice (Care and Protection of Children) Act, POCSO Act and Central Adoption Resource Authority (CARA) guidelines.

The premiere issue features, the operational structure of Juvenile Justice Monitoring Mechanism and coordinating the Juvenile Justice institutions such as Juvenile Justice Board, Child Welfare Committees, Special Juvenile Police Unit, Child Care Institutions, Legal Aid Service Authorities and Judicial Academy to impart training and orientation programme for knowledge updating and skill building of personnels of Juvenile Justice System. The intention behind it is to review Child Protection and to provide critical inputs to develop strategies in achieving the goal.

This is an initial step and the Juvenile Justice Committee wish and hope that the publication will go a long way to make the campaign successful for protecting the Child's Right.

  
(Justice S. Panda)



*Justice S.K. Mishra*



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## MESSAGE

"Child is the father of man". Children are the most precious and significant constituents of our society. To map the future of the nation, a protective, positive and favorable environment, devoid of violence, abuse and exploitation must be ensured to every child in the state and simultaneously expeditious justice on the pedestal of juvenility must be administered to the children who are vulnerable to exploitations, abuse, discriminations and involved in offence. The Juvenile Justice (care and protection of children) Act, 2015 replacing the JJ CPC act 2000 is the spine of legislations concerning to the protection of children in India. Hon'ble Supreme Court of India has formulated jurisprudence on Juvenile Justice through several case laws and taken progressive measures for effective implementations of Juvenile Justice Acts. One such development is constitution of Juvenile Justice Committee at High Court levels to monitor and provide critical inputs to the stakeholders in the implementation of Juvenile Justice Act.

In this context, I would like to reiterate the views of Hon'ble Justice Madan B. Lokur, Judge, Supreme Court of India in his deliberations on National Launch of Report on Effective Implementation of Juvenile Justice (care and protection of children) act 2015 on 5th August, Bangalore. He voiced concerns about the problems faced by the stakeholders, by society, by children including the recent mushrooming ones like child trafficking, drug addiction etc. He lauded the State High Court committees and other state holders for their proactive role and active interest in addressing various issues on Juvenile Justice.


I would like to take this opportunity to highlight the efforts made by the Orissa High Court Juvenile Justice Committee with regard to knowledge development of key stake holders, review and monitoring the performance of Juvenile Justice institutions and dissemination of best practices in order to strengthen Juvenile Justice System in the state of Orissa. In this endeavour, a State Level Interaction programme was held at Orissa Judicial Academy on 4th, February, 2017 highlighting the changes brought in by New JJ(C&PC) Act, 2015. Another state level Seminar-cum-Interactive session for all the stake holders under J.J. (C.P.C) Act, 2015 and POCSO Act, 2012 was held in the Odisha Judicial Academy on 29th & 30th April, 2017 in collaboration with Women and Child Development Department, Government of Odisha, enlightening the participants about the J.J. (C.P.C) Act, 2015 and POCSO Act, 2012 respectively. A zonal meeting consisting of 5 districts, e.g. Cuttack, Khurda, Puri, Ganjam and Nayagarh was held at Mission Shakti Bhawan, Bhubaneswar on 23.09.2017 for review of pendency of Juvenile cases and problems faced by the stakeholders of the concerned districts. Apart from these, various training programmes on Juvenile Justice are being organized at the State Judicial Academy

Pendency reductions in JJBs and Child Welfare Committees, information sharing among child protection institutions and involving experts to address knowledge vacuum in the existing system has been the stellar concerns of the Juvenile Justice Committee for which meetings, seminars, interactive discussions are being organized regularly.

Whatever bottlenecks we may come across during this uphill task, our accelerated efforts must not lose momentum. Hence, a concerted effort from all stakeholders would be of the highest priority to shape the future of the Juvenile Justice and to ensure that the best interests of the children are protected.

While congratulating the efforts of the Juvenile Justice Committee Secretariat in bringing out the Newsletter, "**Sishu Surakhya**", I sincerely hope that it will continue to provide valuable and useful information to its readers.

I wish the publication of the Newsletter a great success.

  
Justice S. K. Mishra



**Hon'ble Mr. Justice S. K. Mishra**  
Judge, Orissa High Court &  
Member, Juvenile Justice Committee



Children are vulnerable to abuse and exploitation and to face serious and irreversible violation of their rights of survival, rights of protection, rights of development and rights of participation. So children are in a special category requiring special protection under the law. The paradigm of children's right to protection has been accentuated exponentially in various international conventions including the U.N Convention on the Rights of the Child (UN CRC), 1989. India has ratified the UN CRC in 1992 and succeeded in securing the 'best interest of the child'. Several constitutional provisions and statutes guarantee protection to children in India. The Juvenile Justice (Care and Protection of Children) Act, 2015 is the spine of child protection in India. The Juvenile Justice (Care and Protection of Children) Act, 2015 has repealed the Juvenile Justice (Care and Protection of Children) Act, 2000. The Juvenile Justice (CPC) Act of 2000 and 2015 envision care, protection, rehabilitation and social re-integration of children in vulnerable situations, i.e. children accused of or found to have committed a crime, and children who need intervention of the State for care and protection. The Juvenile Justice (CPC) Act 2015 like 2000 Act is applied to children who have not completed the age of 18 years and it provides for constitution of the Juvenile Justice Board and the Child Welfare Committee for dealing with all matters relating to 'children in conflict with law' and 'children in need of care and protection'.

It may be contextually appropriate to reflect some of the changes brought into the Juvenile Justice by the Act of 2015. This Act classifies offences committed by children in three categories, namely, petty, serious, and heinous but all children alleged to have committed any offence below the age of 18 years have to be produced before the Juvenile Justice Board in first instance. The Juvenile Justice Board has exclusive

jurisdiction to deal with all offences committed by children below the age of 16 years and offences committed by children between the age of 16-18 years which are classified as petty or serious in nature under the Juvenile Justice (CPC) Act, 2015. In case of 16-18 years old children alleged to have committed a heinous offence, the Board is required to conduct a preliminary assessment with the help of professional experts to assess the mental state of the child and evaluate the circumstances in which the offence was committed and then transfer the cases to the Children Courts based upon the satisfaction of the Board that there is a need for trial of the said child by Children Court.

Further the JJ (CPC) Act 2015 has expanded the scope to address the development and protection issues of children in conflict with law and children in need of care and protection in a child friendly approach. The new Act envisages improved regulations, transparency and accountability in the Child Care Institutions. The Act provides for periodical inspections of all such CCIs as well as regular visits by the members of the JJB and CWC to ensure that no child is abused in homes and that they function for the protection of children.

In the context of child protection, the higher judiciary has played a significant role in transforming and broadening the concept of Juvenile Justice by making progressive and positive interpretation of the statute in numerous cases. The jurisprudence developed by the higher Courts in India recognizes that Juvenile Justice is the spine of child rights and it is the responsibility of the Government to ensure that the provisions of the laws enacted by the Parliament are faithfully and sincerely implemented. Poor implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000 had struck the concern of Hon'ble Supreme Court through two writ

petitions filed in public interest, namely Bachpan Bachao Andolan and Sampurna Behura seeking direction for implementation of the Juvenile Justice Act of 2000.

Effective implementation of the Juvenile Justice (Care and Protection of Children) Act 2000 was therefore a matter of serious concern for the Hon'ble Supreme Court. This issue was taken up in the Chief Justices Conference in 2006 and again at the Joint Conference of Chief Ministers and Chief Justices held on 16 August 2009 wherein a resolution for the constitution of a Juvenile Justice Committee in each High Court was moved on. Hon'ble Supreme Court has set up a one person committee headed by Hon'ble Mr. Justice Madan B. Lokur to ensure the effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000 and the present Act 2015.

Juvenile Justice Committee of Orissa High Court was constituted on 26.06.2001. We are privileged to have had the opportunity to contribute to the development of Juvenile Justice System including UNICEF in furthering a protective environment for the children of Odisha. Since its inception JJC has undertaken progressive initiatives and practical demonstrations in the endeavor to the effective implementation of Juvenile Justice (Care and Protection of Children) Act, 2000 and presently 2015 Act. We are glad to bring out Newsletter "Sishu Surakhya" to share our activities, impact, innovation and best practices for wider dissemination and public discourse.

We appreciate and acknowledge the cooperation received from the concerned Departments of Odisha Government and various stakeholders of the Juvenile Justice System in furthering our mission for upholding, protecting and promoting child rights in highest standards. Any suggestions and feedbacks on the Newsletter are welcome.

**Dr. Justice D. P. Choudhury**

# Programmes and Events

**State Level Interaction programme** was held at Orissa Judicial Academy on 4th February, 2017. The interaction programme was in preparation of Regional Conference to be held at Ranchi on 11th & 12th February, 2017 for all stakeholders involved in the implementation of the Juvenile Justice (C&PC) Act, 2015 & POCSO Act, 2012. The programme was inaugurated by Hon'ble Shri Justice Vineet Saran, Chief Justice, Orissa High Court. Hon'ble Shri Justice S.K. Mishra, Judge, Orissa High Court & Member of the Juvenile Justice Committee, Orissa High Court presented the keynote address. Hon'ble Dr. Justice D.P. Choudhury, Judge, Orissa High Court & Member of the Juvenile Justice Committee, Orissa High Court also addressed the participants regarding the changes brought in by New JJ(CPC) Act, 2015. Hon'ble Shri Justice S. Pujahari, Judge, Orissa High Court & Member of the Juvenile Justice Committee, Orissa High Court & other Hon'ble Judges of the Orissa High Court also graced the occasion. Smt. Kasturi Mohapatra, Chairperson, OSCPCR, Shri Vishal Kumar Dev, IAS, Commissioner-cum-Secretary to Govt. W & CD Department and Shri D. Prashanth Kumar Reddy, Director, Odisha State Child Protection Society took part in the interaction programme, which was also attended by the Principal Magistrates of the Juvenile Justice Boards, Members of CWCs/DCPOs and Police Officers.

**A Regional Round Table Conference on Effective Implementation of Juvenile Justice (Care and Protection of Children) Act, 2015 rehabilitation services and linkages with the POCSO Act, 2012** was organized at Hotel BNR Chanakya, Ranchi on 11.02.2017 with

participating states Bihar, Chhatisgarh, Odisha, West Bengal, Andaman and Nicobar. The members of committee Hon'ble Shri Justice S.K. Mishra, Judge Orissa High Court and Hon'ble Shri Justice S. Pujahari, Judge Orissa High Court attended the programme along with other stakeholders of the state.

**National Seminar on “ Speedy & Fair Trial of Sessions Cases, Civil Suits and Cases under the Protection of Children From Sexual Offences Act, 2012 (POCSO ACT) and Writing of Judgements in Civil Suits and Criminal Cases**

was held in the Academy on 4th & 5th March, 2017. The Seminar was inaugurated by **Hon'ble Mr. Justice Dipak Misra**, Judge, Supreme Court of India & Chief Guest of the Seminar. **Hon'ble Mr. Justice R. K. Agrawal**, Judge, Supreme Court of India, **Hon'ble Mr. Justice Arun Mishra**, Judge, Supreme Court of India & **Hon'ble Mr. Justice Amitava Roy**, Judge, Supreme Court of India also graced the Seminar. The Seminar was attended by Hon'ble Mr. Justice Subhro Kamal Mukherjee, Chief Justice, High Court of Karnataka, Hon'ble Mr. Justice Dinesh Maheshwari, Chief Justice, High Court of Meghalaya & Hon'ble Mr. Justice Satish K. Agnihotri, Chief Justice, High Court of Sikkim including 14 other Judges from different High Courts and all the Hon'ble Judges of Orissa High Court. **Hon'ble Mr. Justice Vineet Saran**, Chief Justice, High Court of Orissa & Patron-in-Chief, Odisha Judicial Academy addressed the august gathering which included 57 Judicial officers from the State of Odisha & 110 Participants from 21 High courts consisting of Directors of State Judicial Academies and Judicial Officers equally spread over from different cadres.

**State Level Seminar-cum-Interactive session for all the stake holders under Juvenile Justice (C.P.C) Act, 2015 and POCSO Act, 2012** was held in the Odisha Judicial Academy on 29th & 30th April, 2017 in collaboration with Department of Women and Child Development & Mission Shakti, Government of Odisha. The Seminar was inaugurated by Hon'ble Shri Justice Indrajit Mahanty, Judge, Orissa High Court and Executive Chairman, State Legal Services Authority. Key note address was given by Hon'ble Shri Justice Sanjay Kumar Mishra, Judge, Orissa High Court and Member, Orissa High Court Juvenile Justice Committee; His lordship also shared the objective of the seminar with the participants. Hon'ble Dr. Justice D.P. Choudhury, Judge, Orissa High Court & Member, Orissa High Court Juvenile Justice Committee & Hon'ble Shri Justice S.K. Sahoo, Judge, Orissa High Court enlightened the participants about the nuances of J.J. (C.P.C) Act, 2015 and POCSO Act, 2012 respectively.

**A National Conference on National Launch of Report on effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015 – Focus on Rehabilitation of Services and linkages with the POCSO Act, 2012** was organized on 05.08.2017 at Hotel Lalit Ashok, Bangalore by Supreme Court Committee on Juvenile Justice, supported by UNICEF and with technical support from Centre for Child and the Law, National Law School of India University, Bangalore. The member of the Committee Hon'ble Dr. Justice D.P. Choudhury, Judge Orissa High Court attended the conference along with other stakeholders.

*Continued on - P / 8*

Statistics given below provide information for the period from July to September 2017 in the context of Odisha State.

## Children in Conflict with Law

- As many as 566 cases of children in conflict with law were registered during the period between July and September 2017. The District of Sundargarh, Khurda, Angul, Sambalpur and Bargarh stood in top five in the list of thirty districts in terms of registration cases in the Juvenile Justice Board.
- 26.94% of cases registered were reported for the petty offence, 39.14% for serious offences and 27.34 % for heinous offences. Majority of cases registered against children were reported under theft 26.96%, sexual assault 13.79%.
- Majority of the children in conflict with law apprehended were in the age group of 15 - 17 years.
- 73.47% of the children alleged to be in conflict with law were released on bail whereas 26.15% children were sent to the observation homes during the pendency of inquiry.
- Preliminary Assessment' into the heinous offences was made by the JJBs in the cases of 39 children out of which 21 cases transferred to the Children's Courts.
- The pendency of cases in the Juvenile Justice Boards as on 30th June 2017 were 4822, but it was reduced to 4755 during July-September 2017.

- 50 children were sent home after advice or admonition, 10 sent to Special Homes, 633 children were acquitted or otherwise disposed of and final order in 4755 cases remained pending as on 30th September 2017. 15 children in conflict with law were rehabilitated through after-care programme or sponsorship.

## Children in Need of Care and Protection

- 6684 nos. of matters relating to children in need of care and protection reported to Child Welfare Committees.
- 3910 children were restored with parents or families, 1226 children were sent to child care institutions and no children were placed in the custody of fit person/ institutions. 425 children were provided with sponsorship out of which 199 in preventive sponsorship and 226 in rehabilitative sponsorship. 1633 children were deinstitutionalized, and 139 involved with After Care Programme.
- 58 children were declared legally free for adoption, 40 children were placed in pre-adoption foster care, and 64 children had been placed in adoption. 55 children were taken in In-Country Adoption and 9 Inter-Country Adoption. (Source: Department of W & CD & Mission Shakti, Govt. of Odisha)

*Continuation from - P / 7*

**A zonal meeting on review on Effective Implementation of Juvenile Justice (Care and Protection of Children) Act, 2015 and Linkages with the POCSO Act, 2012** was held by the Juvenile Justice Committee on 23rd September 2017 at Odisha State Child Protection Society, Mission Shakti Bhawan,

Bhubaneswar. The objective of the meeting was to evaluate, reorganize and reinforce strategies to improve quality and effective management in Juvenile Justice System. Review was made for five districts namely Cuttack, Ganjam, Khurda, Nayagarh and Puri wherein JJB, CWC, SJPU, and DCPO of the respective

districts were present. Hon'ble Dr. Justice D.P. Choudhury, Judge, Orissa High Court chaired the meeting. The matters like pendency, adoption, foster care, sponsorship, and regulation of child care institutions were put forth for review by the Juvenile Justice Committee.



# Best Practices

Juvenile Justice Committee has come across with some best practices and successful model being piloted by Odisha government and other institutions in their endeavour to strengthen Juvenile Justice System.

- ◆ In pursuance of the direction issued by the Hon'ble Supreme Court in W.P. (Criminal) 102 OF 2007, the Juvenile Justice Secretariat in the High Court of Orissa has been made functional. A website <http://www.orissahighcourt.nic.in/juvenile/> was launched to coordinate among the different stakeholders, to create awareness and provide necessary information.
- ◆ Dividing into six zones, Zonal review meetings are being organized by the Juvenile Justice Committee along with the Stakeholders, to monitor the progress in effective implementation of Juvenile Justice (CPC) Act 2015.
- ◆ For implementation of the provisions contained under sub-section (4) of section 14 of the Act, a special drive has been initiated to dispose of 635 such "petty offences".
- ◆ The Odisha State Legal Services Authority is implementing the "Odisha Victim Compensation Scheme, 2017" pursuant to which the victims under POCSO Act as well as Child Victims of other crimes are paid compensation.
- ◆ A panel of legal Services Advocates has been drawn for juveniles/children in conflict with law in respect of every Juvenile Justice Board. During the year, 2017, 201 number of C.C.L.s. have been provided with free legal services with engagement of legal services panel lawyers.
- ◆ Awareness campaign is being carried out by the District Legal Services Authorities and Taluk Legal Services Committees for spreading awareness regarding the legal rights and entitlements of the children and C.C.L.s. Para-legal Volunteers are also being entrusted to find out the cases of child abuse or violation of child rights to make those victims accessible to justice through Legal Services Institutions.
- ◆ In compliance with the directive of the Hon'ble Delhi High Court vide the Order Dtd.11.05.2012 in W.P.(c) No.8889 of 2011 and pursuant to the Notification No.22180 Dtd.7.6.2017 of the Home Department, Government of Odisha, an expert Committee has been constituted in every district headed by the Secretary of the concerned District Legal Services Authority for visiting the jails in their respective districts to verify compliance with provisions of Juvenile Justice Act and submit report to the State Legal Services Authority with a copy to Women and Child Development Department, Government of Odisha.
- ◆ 'Sishusuchana', an online comprehensive IT management software has been introduced to aid the multi-stakeholders under Integrated Child Protection Scheme such as Juvenile Justice Board, Child Welfare Committee, District Child Protection Unit, and Special Juvenile Police Unit for digitalization of data pertaining to Children in Conflict with Law and Children in Need of Care and Protection and its management, validation and report generation.
- ◆ Ranking of Child Care Institutions has been made, based on four parameters viz. Outcome for children, Human Recourses and capacity building, Infrastructure and functionality and Governance and financial capacity to determine the eligibility of Child Care Institutions to grant-in-aid from government.
- ◆ Video conferencing (SKYPE) linkage has been provided to the Observation Homes and Special Homes for appearance of children in conflict with law in Juvenile Justice Board through video conferencing so as to comply the provisions of the act.
- ◆ In pursuance of the instruction issued by the Ministry of Home Affairs, initiatives under "Operation Muskan" and "Operation Smile" have been taken up for rescue and rehabilitation of missing children [including child labor]. "Operation Muskan-III" was launched to rescue and rehabilitate missing children during 29th July to 13th August, 2017. Under this programme, 3046 boys and 576 girls have been rescued from within the state and 125 boys and 84 girls have been rescued from outside the state.
- ◆ Child line operates successfully in the State in rescuing children in distress and takes bold steps in prohibition of child marriage and begging. Toll free No.1098 is used widely by all concerned.
- ◆ The Odisha State Commission for Protection of Child Rights (OSPCPCR) has come up with a Toll-free number 18003454494 enabling all concerned to give feed back to the Commission for protecting the "Best interest of the child".
- ◆ Mahila and Sishu Desks are functioning in all 537 police stations.
- ◆ 36 Anti-Human Trafficking Units (AHTUs) have been established in the State covering all the districts. The unit at CID CB is acting as Nodal agency.
- ◆ The children housed in the Child Care Institutions have been enrolled under Aadhar, with coverage of 88%.
- ◆ For wide and appealing publicity, audio jingle /video spot on prohibition of child marriage have been developed in three dialects including that of the Tribal dialect.

## Case No. 1

In the Supreme Court of India

Criminal Appeals Nos. 1217-1219 of 2017

Eera through Manjula Krippendorf vs. State (Govt. of NCT of Delhi) and Ors.

Hon'ble Judges: Dipak Misra and Rohinton Fali Nariman, JJ

Decided on: 21.07.2017

The pivotal issue that emanates for consideration in these appeals, by special leave, pertains to interpretation of Section 2 (d) of the Protection of Children from Sexual Offences act, 2012 (for short "the POCSO act), and the preliminary argument of the learned Counsel for the Appellant is that the definition in Section 2 (d) that defines "child" to mean any person below the age of 18 years, should engulf and embrace, in its connotative expanse, the "mental age" of a person or the age determined by the prevalent science pertaining to psychiatry so that a mentally retarded person or an extremely intellectually challenged person who even has crossed the biological age of 18 years can be included within the holistic conception of the term "child".

Their Lordships held that the purpose of POCSO Act is to treat the minors as a class by itself and treat them separately so that no offence is committed against them as regards sexual assault, sexual harassment and sexual abuse. The sanguine purpose is to safeguard the interest and well being of the children at every stage of judicial proceeding. It provides for a child friendly procedure. It categorically makes a distinction between a child and an adult. On a reading of the POCSO act, it is clear to us that it is gender neutral. In such a situation, to include the perception of mental competence of a victim or mental retardation as a factor will really tantamount to causing violence to the legislation by incorporating a certain words to the definition.

In the above context, the Supreme Court viewed that the definition in Section 2 (d) of the POCSO Act defining the term 'age' could not include mental age.

## Case No. 2

In the Supreme Court of India

Writ Petition (criminal) No. 102 of 2007

Exploitation of Children in Orphanages in the State of T. Nadu Vs. Union of India & Ors.

Hon'ble Judges: Mandan B. Lokur and Deepak Gupta, JJ

Decided on: 05.05.2017

This petition was taken up by the Supreme Court on the basis of an Article published in the Newspaper with the caption 'Orphanage or Places of Child Abuse' wherein it was mentioned that orphanages, run by NGOs as well government institutions were reportedly involved in systematic sexual abuse of children. Orders passed by the Supreme Court in this case are as follows.

- The definition of the expression 'child in need of care and protection' under section 2(14) of the JJ Act, 2015 is illustrative and benefits envisaged for children in need of care and protection should be extended to all such children in fact requiring state care and protection.
- Process of registration of all child care institutions shall be completed by 31st December 2017 with entire data being confirmed and validated.
- Enforcing minimum standards of care positively on or before 31st December 2017.
- Government of the States and Union Territories should draw up plan for full and proper utilization grants given by the Union Government under ICPS.
- Focusing on the rehabilitation and social reintegration of children in need of care and protection.
- Governments should set up Inspection Committees as required under JJ Act, 2015 to conduct regular inspections of CCIs and report it.
- Individual child care plan shall be placed for every child in each CCI.
- Vacancies in the SCPCR shall be filled up with dedicated persons on or before 31st December 2017.
- Preparing possible training modules, training of personnel as required by the JJ act and model rules should be conducted at different state and national academies.
- Concerned authorities should look for options such as adoption and foster care as viable alternatives to CCIs.
- The process of conducting a social audit must be taken up by the NCPCR as well as by each SCPCRs.

## Case No.3

In the Supreme Court of India  
Criminal Appeal Nos. 1119-1120  
Mukarrab Vs.State of U.P

Hon'ble Judges: A.K Sikri and R. Banumathi, JJ  
Decided on 30.11.2016

In this case six accused including the Appellant were convicted by the Trial Court. The High Court of Judicature of Allahabad dismissed Appellants' appeal by affirming their conviction under section 302 read with Sections 148 and 149 of the Indian Penal Code. The Special Leave Petition preferred by other four accused were dismissed by the Supreme Court. Since other two Appellants for the very first time raised the claim of juvenility before the Supreme Court, notice was issued qua these Accused to examine their claim that they were juveniles in conflict with law under section 7A of the Juvenile Justice (Care and Protection of Children) Act, 2000. The questions falling under consideration in these appeals were: (1) whether Appellants were juveniles on the date of occurrence, (2) whether the age of the Appellants, as determined and opined by the Medical Board, to be between 35-40 years, could be reliable and admissible or not.

It was held by the Supreme Court in the present case that the evidence afforded by the medical examination was no doubt a useful guiding factor for determining the age of a person but the evidence was not of a conclusive and incontrovertible nature and it was subject to margin of error. An X-ray ossification test can by no means be so infallible and accurate a test as to indicate the correct number of years and days of a person's life. The Apex Court opined that a blind and a mechanical view regarding the age of person cannot be adopted solely on the basis of the medical opinion by the radiological examination. Age determination using ossification test does not yield accurate and precise conclusions after the examinee crosses the age of 30 years. In this case, the opinion of the Medical Board determining the age of the Appellants as 35-40 years could not be relied upon. In the absence of other cogent evidence, the plea of juvenility of the Appellants was liable to be rejected.

## Case No. 4

In the High Court of Orissa  
Criminal Appeals Nos. 333 of 2005  
Jyotiprakash Sahoo and another vs.  
State of Orissa

Hon'ble Judges: Hon'ble Shri Justice I. Mahanty  
and Hon'ble Shri Justice K. R. Mohapatra  
Decided on: 11.10.2017

In this case one accused born on 10.06.1985 was convicted in a crime that took place in 28.11.2002 at the age of 17 years 5 months and 18 days. Despite being a juvenile on the date of commission of offence, within the meaning of Section 2(K) of Juvenile Justice Act 2000, as enunciated from documentary evidences, he was tried in a Sessions Court and underwent more than 15 years imprisonment, without the plea of Juvenility being raised during trial. Considering the plea on juvenility raised in the High Court, the Bench set aside the order or sentence passed by the Lower Court and the matter was remitted to the JJ Board, Cuttack for appropriate orders in terms of Section 15 of the JJ (CPC) Act, 2000.



A Secretariat for the assistance of Juvenile Justice Committee to Orissa High Court has been set up to monitor the overall implementation of Juvenile Justice (Care and Protection of Children) Act, 2015. The functions of the Secretariat are:

- To comply with the directions of the Hon'ble Committee for Juvenile Justice.
- To facilitate the effective implementation of the Juvenile Justice (CPC) Act, 2015.
- To monitor, supervise and evaluate the functioning of the statutory bodies and service delivery institutions established as per the provisions of the Juvenile Justice Act, 2015.
- To assess the institutions' resource gap and to provide advisory in the implementation of the Juvenile Justice (CPC) Act, 2015.
- To document innovations and best practices of Juvenile Justice for experiential learning.
- To build partnership with State Institutions and experts to address knowledge and information gaps in Juvenile Justice System.

In the above context, Juvenile Justice Committee has contemplated an action plan for the quarter between October and December 2017. Deliverables of the action plan shall be strategized and accomplished by the Secretariat of the Juvenile Justice Committee.

1. Zonal review meeting for reduction of pendency of year old juvenile cases pending in Juvenile Justice Boards and effective implementation of Juvenile Justice (CPC) Act , 2015 .
2. Updation of website of the Juvenile Justice Committee with latest information for the stakeholders.
3. Performance Appraisal Review of Juvenile Justice Institutions in conformity with the Juvenile Justice (CPC) Act, 2015.
4. Perspective Building Workshop on Preliminary Assessment of Children in Conflict with Law for Juvenile Justice Boards and Children Courts in Odisha.
5. Case Digest on Juvenile Justice and POCSO.



# Photo Gallery



**Hon'ble Shri Justice Dipak Misra**  
**Chief Justice of India**

(addressing the audience on 4th March 2017 on National Seminar on "Speedy & fair trial of Sessions Cases, civil suits and cases under the POCSO Act" at Odisha Judicial Academy by the then Hon'ble Executive Chairman, National Legal Services Authority.)



Hon'ble dignitaries of the conference



Lighting the lamp



Guests of the conference



Guests of the conference

# Photo Gallery



**Hon'ble Mr. Justice Madan B. Lokur**, Judge, Supreme Court of India, addressing the conference on National Launch of Report on effective implementation of the Juvenile Justice (CPC) Act, 2015 at Bangalore on 5th August 2017



Inaugural address by **Hon'ble Shri Justice Vineet Saran** Chief Justice, Orissa High Court at State Level Interaction programme held at Orissa Judicial Academy on 4th February, 2017.



Regional Round Table Conference on Effective Implementation of Juvenile Justice (C.P.C.) Act, 2015 rehabilitation services and POCSO Act, 2012 at Ranchi on 11th & 12th February 2017



State Level Seminar-cum-Interactive session for all the stake holders under J.J. (C.P.C.) Act, 2015 and POCSO Act, 2012 held in the Odisha Judicial Academy on 29th & 30th April 2017

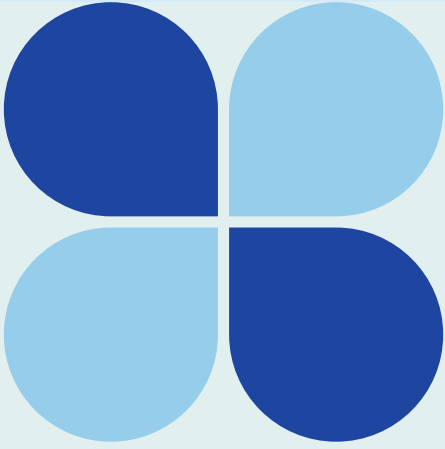


**Hon'ble Kumari Justice Sanju Panda** addressing the regional conference on effective implementation of JJ (CPC) Act at Odisha Judicial Academy



Zonal Review meeting of stakeholders of five Districts at Mission Shakti Bhawan, Bhubaneswar on 23rd September 2017





# ବଡ଼ ଥିଲେ ପଢ଼ର ଛୋଟ ଥିଲେ ବିଢ଼ର



ଶିଶୁ /କିଶୋର ଅପରାଧ ରୋକିବା ସଭିଙ୍କ ଦାୟିତ୍ଵ

To stop Juvenile Delinquency is a civic responsibility



The law of love could  
be best understood and learned  
through little children.

*M.K. Gandhi*

2<sup>nd</sup> October 1869 - 30<sup>th</sup> January 1948



**Sishu Surakhya**  
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