



One Day State Level Workshop

ON
PROTECTION OF CHILDREN FROM SEXUAL OFFENCES (POCSO) ACT 2012
&
JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT 2015.



Organized by:

Manipur Commission for Protection of Child Rights (MCPCR)

Sponsored by:

National Commission for Protection of Child Rights (NCPCR)

Dated: 18th February, 2016

Venue: Classic Grande, Imphal, Manipur.



<i>Time</i>	<i>Activity</i>	<i>Responsibility</i>
9: 00 AM- 09:30 AM	<i>Registration</i>	
9:30 AM- 10:30 AM	<i>Inaugural session</i>	
	<i>Felicitatation of guest</i>	<i>SCPCR, Manipur</i>
	<i>Welcome and key note address</i>	<i>Shri. S. Sarat kumar Sharma Chairperson SCPCR, Manipur</i>
	<i>Chief Guest</i>	<i>Km. AK. Mirabai Devi Minister (Social Welfare), Govt. of Manipur.</i>
	<i>Guest of Honour</i>	<i>Shri. Clay Khongsai - IGP (Law and order) Manipur</i>
	<i>Guest of Honour</i>	<i>Shri. Arun Mathur Chairperson SCPCR, Delhi</i>
	<i>Guest of Honour</i>	<i>Smt. Runumi Gogoi Chairperson SCPCR, Assam</i>
	<i>President</i>	<i>Shri. S.K. Dev Verman Principal Secretary (SW), Govt. of Manipur.</i>
	<i>Vote of Thanks</i>	<i>Smt. Binobala Nongmeikapam Child welfare officer, Dept. of Social Welfare</i>

Tea Break: 10:30 AM- 11: AM

TECHNICAL SESSION – I : 11:00 AM - 01:00 PM: POCSO ACT 2012.

<i>Name</i>	<i>Topic</i>	<i>Institution</i>
1. <i>Shri. Arun Mathur</i>	<i>A critical overview of POCSO Act, 2012</i>	<i>Chairperson SCPCR, Delhi</i>
2. <i>Shri. A. Guneshwor Sharma</i>	<i>Issues and Challenges in Implementing POCSO Act in Manipur context.</i>	<i>District Session Judge, Thoubal</i>
	<i>Open Discussion</i>	

Lunch break: 01:00 – 02:00 PM

TECHNICAL SESSION – II : 02:00 PM – 04:00 PM: JJ ACT 2015

<i>Name</i>	<i>Topic</i>	<i>Institute</i>
1. <i>Shri. S. Saratkumar Sharma</i>	<i>A Critical Overview of JJ Act, 2015</i>	<i>Chairperson SCPCR, Manipur</i>
2. <i>Shri. Thiyam Rajkishore Singh</i>	<i>Issues and Challenges in Implementing JJ Act, 2015 in Manipur context.</i>	<i>Advocate, Manipur High Court, Ex-CWC Member, Imphal-East. Manipur.</i>
	<i>Open Discussion</i>	

One Day State Level Workshop on Protection of Children from Sexual Offences Act 2012 and Juvenile Justice (Care and Protection of Children) Act 2015 at Imphal, Manipur on 18th February, 2016.



National Commission for Protection of Child Rights (NCPCR) in collaboration with Manipur Commission for Protection of Child Rights (MCPCR) organised a “One Day Workshop on Protection of Children from Sexual Offences (POCSO) Act, 2012 and Juvenile Justice (Care and Protection of Children) Act, 2015” on the 18th of February, 2016 at Hotel Classic Grande, Imphal, Manipur. The inaugural function was attended by Kumari A.K. Mirabai (Hon’ble Minister, Social Welfare)

as the Chief Guest, Shri. S.K. Dev Verman (Principal Secretary, Social Welfare) as the President of the Function, Shri. Arun Mathur (Chairperson, Delhi Commission for Protection of Child Rights), Shri. Clay Khongsai (Inspector General of Police: Law and Order), Smt. Runumi Gogoi (Chairperson, Assam Commission for Protection of Child Rights) and Shri S. Saratkumar Sharma (Chairperson, Manipur Commission for Protection of Child Rights) as Guest of Honours. In all together 170 Participants participated the said workshop which includes District Session Judges, District Magistrates, Superintendent of Polices, Chief Medical Officers, Zonal Education Officers, Chairpersons and Members of Child Welfare Committees, Program Officers of ICDS & ICPS, DCPUs, NGOs and Child Rights Activists. There was a parade performance by the children group of Manipur Alliance for Child Rights & Wide Angle Social Development Organisation depicting various forms of Child Rights Violation, which was followed by a presentation ceremony.

Shri. S. Saratkumar Sharma, [Chairperson, Manipur Commission for Protection of Child Rights].



At the inaugural function the MCPCR Hon’ble Chairperson Shri. S. Saratkumar Sharma welcomed all the dignitaries, in his key note address. He highlighted the need for such workshop as the two Acts (POCSO & JJ) are new and needed in-depth understanding by all institutions responsible in implementing the said Acts. He stated that the program was divided into two segments where the first half discussion will address the POCSO Act, 2012 and the second half will address the JJ Act, 2015. He also highlighted that sexual abuse against

children is increasing each passing days and therefore there is a need to understand in-depth of POCSO ACT 2012 by every stakeholder so that Justice is done to every victim Child who has been sexually abused. Datas of the National Crime Records Bureau on child sexual abuse all over India including both penetrative and non-penetrative cases were highlighted, which is 6,816 on oct 2015 but only 166 cases has been convicted which is very low and saddening. He further alerted all individuals present at the workshop that sexual assault on minor took place in every 30 minutes according to the National Crime Records Bureau (NCRB). Despite every measure taken up by the Central Govt., State Govt and other Statutory Board, there are still lapses on area of implementation of both the Acts (POCSO & JJ). He then expressed his idea on how this act can be used as tool by every stake holder to give justice to the child. He also informed the gathering about the draft on Manipur Child Protection Policy initiated by the MCPCR with the technical support from CRY (Child Rights & You), which is at its final stage.



Kumari A.K. Mirabai, (Minister of Social Welfare & Corporation) also expresses her utmost thanks for inviting her to the One Day Workshop on such useful topic and also bestowed her blessing to the MCPCR for their active involvement for the safety of children in the state. She admitted that MCPCR and other stakeholder have been doing their duty well but still there are many areas where it needs to be improved. She recalled that the UNCRC ensures to safeguard the Rights of the

Children and let them enjoy their rights equally free from all form of abuses by giving them protective environment. On 2nd November 2012, the State Government established the Manipur Commission for Protection of Child Rights (MCPCR) and till date the Commission has taken up various programs concerning Child Rights issues. With the establishment of Child Welfare Committee (CWC) and the Juvenile Justice Board (JJB) in all 9 districts, there is a need to strengthen them as cases of Child abuse are increasing day by day in the North East State, especially in our state Manipur. She later suggested that MCPCR must find a way to create a friendly environment to the child in future and for that they have to face many obstacles in their path but she assured that she will help in every way possible. CWC and DCPU and other stake holders should also know their responsibility and react proactively.



IGP (Law and Order) Manipur Shri. Clay Khongsai in his speech, identified the POCSO Act as one which deals with children who are victim whereas the JJ Act deals with children who have committed a crime and both go together in many instances. He highlighted that after the implementation of POCSO in 2012 the first case registered in India was from here in Manipur and was registered in Lamphel Police Station, subsequently the case was

charge-sheeted and the accused have been convicted. Since then there are more than 181 cases registered so far and 70 of them has been charge-sheeted also. He mentioned some of the common sexual assault like child pornography and sexual assault on minor occur in due times but the major points he added was that there is common practice of elopement in our society where a girl under 18 yrs of age was eloped by a boy and the parent of the girl child first registered the case on POCSO Act, 2012 and later with the settlement between the two family they come to withdraw the case and it has been a hardship for the police and even for the magistrate in proceeding the trial of the case.

He pointed out regarding JJ Act in Manipur, he mentioned that the police personnel are very active in their part in dealing with every child in conflict with law. SJPU's have been set up in all the district and they are functioning well. He also mentioned some of the recent experiences during the ILP issue where students' agitators were arrested and were put to the Children Home as per JJ Act.

Smt. Runumi Gogoi (Chairperson, Assam Commission for Protection of Child Rights).



She first paid her sincere gratitude to the Chairperson of MCPCR for inviting her to Imphal to be a part of the program.

In her speech she stated that children are the most vulnerable group in our society and they are often victimised in all forms of abuses and exploitation due to their innocence. POCSO Act, 2012 was introduced in the year 2012 which provides a safety net for service delivery structure at national level down to state level and then to district level where the authority

are trained exclusively for the protection of children which provides a range of services for each child and brings together existing initiative and new measures for protection. She admitted that there is lack of information and sensitivity among the service providers, which are the principle reason of failure. She suggested that there is greater need of awareness of POCSO and JJ Act on the part of adults, parents, caregiver, teachers and people in position of authority, services provider at all level, there is also a need to sensitise and to build their capacity.

Later in her speech, she statically gave the figure of child rape cases of India from 2001 to 2011 which is 48338 where Madhya Pradesh is in the top and for the North Eastern States, Tripura has the highest child rape cases, where as Manipur recorded only 98 cases, but after the implementation the POCSO Act, 2012 the rate has decreased. She picked up some area where it needs to be improved for the proper implementation of the Act and to bring down the crime rate.

The points are:

1. Ensuring the formation of SJPU (Special Juvenile Police Unit).
2. Avoiding the delay in submission of charge sheet by I.O. (Investigating Officer).
3. Ensure police cooperation and contribution towards timely disposal of pending cases in JJB through sensitization and training.
4. Training of police officer on JJ Act and POCSO Act is needed.
5. Sub inspector provides knowledge regarding provision of JJB to the investigating officer.

Lastly she thanked the Govt. of Manipur and MCPCR chairperson for giving her the opportunity to come and share some of her experiences in Manipur.



Shri. Arun Mathur – Chairperson, Delhi Commission for Protection of Child Rights

expressed his gratitude to the Government of Manipur and to the Chairperson of the MCPCR for giving him the opportunity to share his experience on POCSO Act 2012 and JJ Act 2015.

He further elaborated that in Delhi the stake holders (Police, Medical practitioners and other related agencies) training on POCSO

Act is considered a major importance for effectively implementation of the said Act.

Some of the key feature he highlighted was:

1. Gender Neutral.
2. Sexual Offences not limited to Rape.
3. Access to Justice.
4. False Reporting.
5. Good Touch and Bad Touch.



He believed that the POCSO ACT was not only for the protection of the children from sexual abuse but also focused on the prevention part and how we could prevent such offences when crime rate are rising alarmingly. Therefore he suggested that it is time for the stake holders and common citizen to understand the POCSO ACT and work hand in hand in the best interest of the child.

In regards to victim compensation, Delhi Commission is also facing similar problems like

Manipur Commission. He added that out of 667 POCSO cases only 36 of them had been compensated. He informed that till date there is no aggravated sexual assault cases recorded in Delhi, there is also initiative from their side to include sex education to the school curriculum, which is under process and is expected to be fully implemented in a few months time.



Shri. SK. Dev Verma - Principal Secretary, Social Welfare Dept., (Manipur) delivered the Presidential Speech of the inaugural function. He firstly thanked the NCPCR and MCPCR for



organizing the workshop on the topic on POCSO Act 2012 and JJ Act 2015, which is very significant as far as Manipur is concerned looking at the present status of the state in regards to Child Rights. He pointed out those participants from the legal fraternity and the Police departments are two important segments of the state administration which play a very pivotal role in restoring law and order. He further shared his opinion on children in Manipur that they are exploited by almost

everyone in the form of sexual assault, beaten up, used as labour, trafficked in different state or used by the civil society to fulfil their demand. The government, police and the civil society have to work together to put an end to it in order to provide a safe environment to our children of the state Manipur.

Smt. Binobala Nongmeikapam, Child Welfare Officer, Social Welfare Dept., Manipur.



Smt. Binobala Nongmeikapam delivered the vote of thanks to the Hon'ble Minister of Social Welfare, NCPCR, SCPCR Manipur, SCPCR Delhi, SCPCR Assam, Principal Secretary (SW), all Judiciary Officers, Police Officers, Resource Persons, Manipur State Legal Service Authority, Officers of the Social Welfare Department, NGOs and the Media for their valuable presence and making the Workshop a success. She ended by asking the participants to contact the

Commission whenever they came across a problem which required MCPCR intervention.

In the Technical Session-I: Shri. A. Guneshwor Sharma, (District Session Judge, Thoubal) highlighted the Issues and Challenges in Implementing the POCSO Act in Manipur.



Mr. Sharma also shared that POCSO Act is an eye opener for those persons who commit sexual offences against minors that there is an Act to deal against them. There is a need to create fear in their minds so as to stop them from committing sexual offences against children. For the protection issue, he pointed out some ideas to be followed by parents in general that from childhood, parents should teach their children about good touch and bad touch. It is possible by providing the children

with good parenting. Later, he came to the role of various stakeholders

1. Role of Police.
 - a. Prompt recording of F.I.R.
 - b. Assessment of health and immediate needs of child.
 - c. Relay information to special court and CWC within 24 hours.
2. Role of CWC.
 - a. CWC can confiscate children before any investigation or adjudication has taken place under POCSO.
 - b. Confiscatory power of CWC are triggered based solely on the words of the complainant who may be malicious or over jealous and pre investigation “apprehension” of the police formed within 24 hour of receiving the complaints.
 - c. Rule 4 (4) can be interpreted to apply even where there is no complaint against a parent or other member of the household.
 - d. In exercising its severe confiscatory power under Rule 4 (4) and 4(5), CWC must have the benefit of legal and judicial expertise and its procedure must have the safe guard of a court trail etc.
3. Role of health care and professional.
 - a. Immediate medical support without waiting for the legal documentation.
 - b. Prompt medical examination of victim strictly as per the protocol etc.
4. Role of the special court, POCSO.
 - a. Ensuring Trial to be completed in one year.
 - b. establishment of special court and SJPU
 - c. Appointment of special public prosecutor and juvenile or child welfare officer.
5. Role of NCPCR and MCPCR.
 - a. Monitoring the effective implementation of POCSO Act.
 - b. Strengthening the relation of each stake holder under one roof etc.
6. Role of Legal Service Authority.
 - a. Free legal representation
 - b. Free legal counselling to the child
 - c. Free legal advice.

He also pointed out some of the challenges face by the Care-Giver.

1. Non-reporting of the case.
2. Using the act as a tool in elopement cases
3. Lack of police training and sensitisation
4. Insufficient WSIs for recording statement.
5. Inability of police to file charge sheet promptly
6. No dedicated I.Os for POCSO cases.
7. Police not having any standard operating procedure.
8. Exclusive judge for POCSO courts
9. Lack of CWC’s staff
10. Lack of funds in rehabilitating the victims

11. Shortage of Forensic Doctors
12. Unawareness of media personnel by disclosing the victim's identity to public which is not supported by the law and POCSO Act as well.

Lastly, he suggested that entire area he highlighted has to work hand in hand for effective implementation of the Act.

After the speech by, **Shri. A. Guneshwor Sharma** there was a discussion round among the participants and the speaker, where the participants have put forward many queries to the speaker **Smt. R.K. Memcha Devi, (Manipur State Legal Service Authority)** and to other dignitaries for clearing their doubts and also putting many suggestion and opinion for the proper implementation of the act. Some of the major points which were discussed are given below:

1. Lack of Children Homes,
2. Delay in Charge-Sheet submission,
3. Poor funding,
4. Lack of awareness program in district and village level,
5. Proper functioning of police, CWC, and medical team, etc.



After a short lunch break, the evening session commences from 2 pm and the **Chairperson, MCPCR Shri. S. Saratkumar Sharma** once again welcomes all the dignitaries and the participants for their kind support and patience throughout the day. He also highlighted some of the discussed topic as one of the major points where every individual has to give their co-operation for the proper implementation of POCSO Act. With permission from dignitaries and participants, he

resumed the program on the topic of JJ Act 2015.

At the beginning of the evening session **Chairperson, MCPCR S. Saratkumar Sharma** highlighted the major points on JJ act 2015 and elaborated on the areas where all the related govt. Official and other functionaries to digest the act properly for its effectiveness in responding for the protection of the child. Though there are areas where our system have failed to work from all the response team, he pointed out the reason for failure of the system is lack of knowledge of the act, due to lack of awareness, due to proper linkage among the stake holder, due to communication gap between the authority and the children in conflict with law.

He added that the act has undergone some changes from the earlier rules for a better understanding between the authorities concerned to imply the act in a sensual manner. He then pointed out some of the important feature of the JJ Act:

1. Petty Offences – Punishment upto 3 yrs
2. Serious Offences – Punishment 3-7 yrs
3. Heinous Offences–Punishment more than 7 yrs

Special provisions for heinous offences committed by children above the age of sixteen year;

Children above 16 yrs can be tried as adult in certain situation.

JJB to refer the matter to Children Court after preliminary assessment.

Children Court to decide whether to try the CCL under CRPC or JJ Act

No death penalty or life imprisonment without possibility of release

Sec 15- Board to conduct preliminary assessment regarding mental capacity to commit such offence and ability to understand its consequences with the help of experienced psychologists or psycho-social worker or other experts

Challenges – sufficient nos. of psychologist or psycho-social worker or other experts to be identified by concern authority

Mr. Sharma also included some of the key provision of the JJ Act and the role of the State Government on how Police, CWC and NGOs have to work together forming a proper connection

or communication with each other for the proper implementation of the act. He lastly shared his work done in connection with the proper functioning and implementing the act through a letter to the Social Welfare department to train their official about the new JJ act 2015 within the time frame of 2 months.

He later asked *Shri. Th. Rajkishore Singh, Advocate, Manipur High Court*, Ex-CWC Member, Imphal-East, Manipur for detailed presentation on JJ act 2015 for a clear understanding to the participants.

Shri. Th. Rajkishore Singh, Advocate, Manipur High Court, Ex-CWC Member, Imphal-East.



Mr. Rajkishore welcomes all the dignitaries and participants for their active participation and their patience throughout the day, the craving of learning the participants shows was one of the success of the Workshop and hope that it will carry to the destination which will be benefited to the child in general. He mainly emphasise his topic on (Overview, Issues & Challenges in Implementation of Juvenile Justice (Care &

Protection of Children) Act, 2015 in Manipur context).

The Juvenile Justice (Care and Protection of Children) Bill, 2015 was introduced in Lok Sabha on 12.8.2014 as JJ Bill, 2014.

Passed by Lok Sabha on 7th May, 2015; Passed by Rajya Sabha on 22nd December, 2015; and Received Presidential Assent on 31st December, 2015. The Act was notified in Gazette of India on 12.01.2016 appointing 15th January, 2016 as the date on which the Act shall come into force. Since the said date i.e. 15th January, 2016, the Act is in force all over India after repealing the JJ Act, 2000 and any proceedings in respect of persons below the age of 18 years shall be taken up in accordance with the provisions of this Act. Incorporated 16 fundamental principles which will guide the Board, Committee and other agencies while implementing provisions of the Act:

Principle of presumption of innocence, dignity & worth, participation, best interest, family responsibility, safety, non-stigmatising semantics, positive measures, non-waivers of rights, equality and non-discrimination, right of privacy & confidentiality, institutionalisation as last resort, repatriation & restoration, diversion and natural justice.

- a) Juvenile in Conflict with Law (JCL) - Child in Conflict with Law (CCL)
- b) Orphaned, Abandoned & Surrendered child
- c) Petty Offences – Punishment upto 3 yrs
- d) Serious Offences – Punishment 3-7 yrs
- e) Heinous Offences-Punishment more than 7 yrs

NEW ADDITION IN CNCP CATEGORY CHILDREN:

- Child who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnisation of such marriage.
- Now CWC can intervene in such cases of child marriage
- Made induction training and sensitisation of all members the JJB & CWC on care, protection, rehabilitation, legal provisions and justice for children mandatory. Same is to be provided within 60 days from the date of appointment.
- Clarity in powers, function and responsibilities of Juvenile Justice Board (JJB) and Child Welfare Committee (CWC);
- Clear timelines for inquiry by Juvenile Justice Board (JJB);

- Special provisions for heinous offences committed by children above the age of sixteen year;
- Children above 16 yrs can be tried as adult in certain situation.
- JJBs to refer the matter to Children court after preliminary assessment.
- Children Court to decide whether to try the CCL under CRPC or JJ Act
- No death penalty or life imprisonment without possibility of release

SEPARATE NEW CHAPTER ON ADOPTION:

- To streamline adoption procedures for orphan, abandoned and surrendered children, the CARA is given the status of a statutory body to enable it to perform its function more effectively
- Adoption processes have been streamlined with timelines for both in-country and inter-country adoption including declaring a child legally free for adoption.
- Punishments for not complying with the laid down procedure
- Several rehabilitation and social reintegration measures have been provided for children in conflict with law and those in need of care and protection
- Several new offences committed against children, which are so far not adequately covered under any other law, are included in the Act. These include: sale and procurement of children for any purpose including illegal adoption, corporal punishment in child care institutions, use of child by militant groups, offences against disabled children and, kidnapping and abduction of children.

MANDATORY REGISTRATION OF CCIs :

- All CCIs whether run by state or NGOs to be mandatorily registered under this Act
- Punishment for non-registration may extend to imprisonment upto 1 (one) year or a fine of not less than one lakh rupee or both

MANDATORY REPORTING:

- Mandatory reporting regarding child found separated from guardian.
- Non-reporting of such information an offence.
- Non-reporting of such information attracts penalty of imprisonment upto six months or fine of ten thousand rupees or both

CHALLENGES IN IMPLEMENTATION OF THE ACT IN MANIPUR:

- Juvenile Justice Board (JJB) Designation of Chief Judicial Magistrate (CJM) as the Principal Magistrate of JJB for each district.
- CJM is the authority who can grant extension of time for enquiry under the new Act and authority to receive quarterly report of JJB.
- There is no reviewing authority regarding pendency of cases of the Board as the CJM who is the authority for reviewing pendency of JJB himself is made the Principal Magistrate

OBSERVATION HOMES:

No Observation Home in Three Hill Districts and One Valley District: Since no Observation Home set up in Tamenglong, Ukhrul, Senapati Districts, proceedings of these districts are conducted in Observation Home, Takyel, Imphal-West where CCL from all these districts are detained causing inconvenience to the parents of such JCLs of far flung districts. Observation Home should be set up for each district.

PLACE OF SAFETY:

- No place of safety identified
- Sufficient numbers of place of safety must be identified and established for taking care of children requires to be detained in place of safety under this Act.

ABSENCE OF SPECIAL JUVENILE POLICE UNIT:

- There is no dedicated SJPU (Special Juvenile Police Units) and for that matter Juvenile or CWPOs (Child Welfare Police Officers) in every Police Station to deal exclusively with children.
- Service of Social Worker not availed.
- Juvenile or Child Welfare Officer are assigned such duty on rotation basis for short duration and assigned other duties when the officer started acquiring skills to deal with children.
- Dedicated SJPU should be set up.

HEINOUS OFFENCES:

- Sec 15- Board to conduct preliminary assessment regarding mental capacity to commit such offence and ability to understand its consequences with the help of experienced psychologists or psycho-social worker or other experts

Challenges – sufficient nos. of psychologist or psycho-social worker or other experts to be identified by concern authority

CHILD WELFARE COMMITTEE:

- No sufficient support staffs-one DEO
- Insufficient numbers of Counsellors and Social Workers. At present only one each in Imphal West.
- New Act provided that a Secretary and secretarial support be provided by DCPU to enable CWC functions properly – if implemented properly will be of great help to CWC.

SHORTAGE OF HOMES

- Faced problem due to absence of separate Shelter Home and Children Home for girls. Especially in case of victim of POCSO and cases of marital discord.
- Separate Shelter Home and Children Home for both boys and girls are should be set up for each and every Districts.

HOME FOR CHILDREN WITH DISABILITY:

- Absence of homes for disabled children in the state
- Separate such homes should be set up or create facilities for such children in the existing homes to cater to its need.

ABSENCE OF AFTER CARE ORGANISATION:

- There is no after care organisation to receive children after they leave Special or Children Homes to provide rehabilitation to enable them to lead an honest, industrious and useful life.
- Such After-care organisation should be set up

FOSTER CARE & SPONSORSHIP:

- These two programmes are yet to be started in Manipur – in pipeline
- Very effective programme for preventing institutionalisation of children.
- Should be started in Manipur for proper rehabilitation of children.

LINKAGES & CO-ORDINATION

- Linkage with different departments is not upto the mark.
- Major departments such as Health, Education, Police whose services are often required for facilitating the rehabilitation and social reintegration are required to be sensitized regarding their roles under the Act.
- A responsible officer in each departments may be assigned the responsibility for effective linkage under this Act.

FUND:

- Untimely release of fund for CWC and Social Worker Members of JJB is a major stumbling block
- Allowances are not adequate considering the fact that new Act requires minimum 20 sittings per month

CONTRACT APPOINTMENT OF ICPS STAFFS:

- Appointment of staffs of ICPS only on contract basis will deter competent/efficient professional from joining the Organisation.
- Measure to recruit staffs on regular basis should be taken up.

STATE COMMISSION:

- Sufficient manpower and infrastructures should be provided to the Manipur Commission for Protection of Child Rights to enable it to perform its duties and functions prescribed by the Commission for Protection of Child Rights Act

AWARENESS PROGRAMME:

- Lack of awareness of the Act and other child rights programme hinders progress of administration of juvenile justice in the state.
- Generation of massive and aggressive awareness to all the stakeholders and across all sections of the society through all possible medium should be given priority.
- After the brief explanation on JJ act by Mr. Th. Rajkishwor there was a discussion round between the participants and the Panelist.

State Police Dept. Senapati Dist. Superintendant of Police Mr. Kabir.



On behalf of the *State Police Dept. Senapati Dist. Superintendant of Police Mr. Kabir* spoke on the challenges the department is facing while addressing the issues related to children. He suggested the police officer to take up necessary action in accordance to law in the matter concerning children as most of the time public tends to compromise justice with customary law. He also shared the Social Welfare Department to recruit more CWC member at

Senapati District as it has only one member at present for entire the Senapati District and opening of a separate Observation Home at Senapati District.



Smt. Mala Lisham, Child Protection Officer, Social Welfare Department, Manipur, Smt. Sandhya M. Programme Officer (CNCP),



Smt. Gyanilaxmi Programme



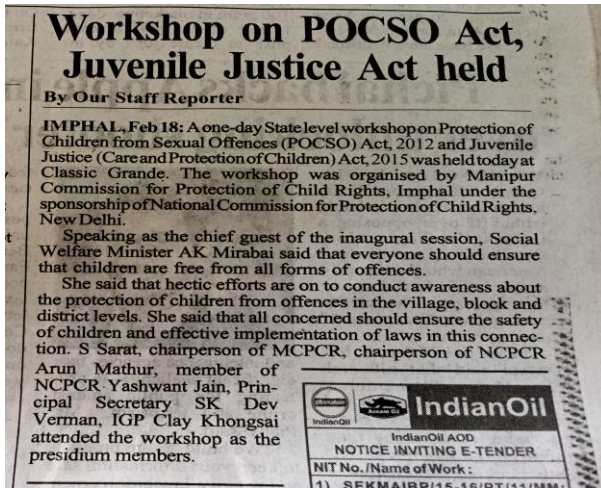
Manager (SARA) and Ex-Chairperson Shri. Pradip kumar CWC, Imphal-East also put their suggestions & queries during the workshop.



After the discussion session with the participants the program was concluded and special thanks to the Media and the participants for their support and dedication throughout the day for making an enormous effort in bringing a change to the system which will benefit the children of the state and the nation as a whole.

Day after the function it was published in most of the local Newspaper headlines that an attempt has been made by many Govt. Official and other organisation for creating a safe and healthy environment for the children which hopefully change the entire structure of the system.

News-Cuttings:



MCPCR Consultant giving brief interview of the Workshop to the News Reporter DDK, Imphal.



Recommendations:

The following Recommendations were emerged from the Workshop.

Juvenile Justice Act 2015.

1. All Principal Magistrate / District Session Judges stated that they were assigned additional charge of JJB and special Judge and therefore, were not in a position to devote adequate time due to the lack of awareness.
[Action: High Court/Law Dept./MCPCR]
2. Legal Aid Services being provided to the Juveniles in conflict with Law are not adequately used by the parents and stakeholders. Interaction between SLAS and persons working in the JJB/CWC/DCPU should be strengthened.
[Action: High Court/Social Welfare/MCPCR]
3. Number of places of safety covering all of District and Observation Home to be increased.
[Action: Social Welfare/MCPCR]
4. Special Juvenile Police Units need to be strengthened and made functional in all the nine Districts.
[Action: MCPCR/Police]
5. The Investigating officers do not conduct enquiries within the time frame as per JJ Act.
[Action: MCPCR/Police]
6. There are numerous delays in the disposal of cases by all JJBs due to non availability of staffs for serving summons and delivery of documents to the concerned organizations.
7. Role of Protection Officer is very crucial to JJBs. As such Monitoring and Reporting of the Protection Officer to JJBs should be made mandatory.
[Action: Social Welfare/MCPCR]
8. Like many Judicial Magistrate who are holding additional charge of JJB, additional responsibilities have been assigned to SJPO and JWO to deal with Juvenile in Conflict with Law as a result they cannot do justice with the JCL. It should be vast experience in Child Psychology and Child welfare.
[Action: Law Dept./Social Welfare/MCPCR]
9. There is an urgent need to decentralize the system e.g. the proceedings of a Observation Home in Chandel, Senapati, Ukhrul are carried out from Thoubal and Imphal-West which is very much inconvenience for Judicial Officers to inspect them regularly. There should be an Observation Homes in Chandel district H.Q., in Ukhrul District H.Q. and in Senapati District H.Q. Social Welfare Department should be instructed to incorporate the said proposal at the time of submission of SAB of ICDS to the Ministry of Women and child Development, Govt. of India.
10. Due to work overload most of the Principal Magistrate could not visit and monitor the functioning of the Observation Homes. In the interest of the Child and also one of the mandatory responsibilities of the JJBs, monitoring mechanism should be strengthened.
[Action: High Court/Social Welfare/MCPCR]
11. All CCIs need to be linked to various Skill development Programmes of the Govt. of India and State Government.
[Action: Law Dept/Social Welfare/MCPCR]
12. The ICPS has created various instructional mechanisms at the district level like Child protection Units and the Child Welfare Committees. There is a need for capacity building and strengthening of institution as per Govt. of India guidelines and JJ Act, 2015.
[Action: Social Welfare/MCPCR]
13. All bodies working with children, Child Welfare Committee is most important. Induction training of the newly appointed CWCs should be conducted. A compendium of Guidelines and standard of operating procedures CWC published by the NCPCR should be read carefully.

POCSO Act, 2012

1. Sensitization of Police Force is considered a top priority from the rank SDPOs, Inspectors, Sub-Inspectors, Head Constables, Police Constables, L-Police constables.
[Action: NCPCR / MCPCR / State Police Department]
2. Sensitization of all teachers from Government and Private Schools as most of the Children spends in Schools.
3. For quality of investigation of all POCSO Act cases all Sub-Divisional Police Officers may be declared as the Investigating Officers to ensure quality of investigation and lengthening procedures of submission of F.I.R.
[Action: MCPCR / Police Department]
4. Special Training Sessions for Members of Judiciary and Prosecution and Trial of Cases under POCSO Act.
[Action: High Court / NCPCR / MCPCR]
5. Media sensitization programme on protecting the confidentiality of the victim while reporting of offences under POCSO Act, 2012/JJ Act, 2015 and a code ethics on principals and practices in regard to reporting on Children.
[Action: NCPCR / MCPCR]
6. Regular skill training for Journalist in communicating with and interviewing Children. CCTV installation should be mandatory in all schools and hostels and the footage to be available for at least 6 (six) months.
[Action: MCPCR/School Education Department]
7. Establishment of exclusive one Special Court and appointment of Special Public Prosecutors for Imphal-West and Imphal-East with facilities of Child Friendly Environment Court may be established ensuring trial within 1 (one) year from date of cognizance and prompt examination of victim strictly as per POCSO Act, 2012.
[Action: High Court / Law Department / MCPCR]
8. Victim compensation fund or JJ fund for purpose of compensating and rehabilitating child victim should be established by the State Government in consultation with the Social Welfare Department and Home Department can be in the form of financial assistance or in the nature of support services. Normally compensation is provided for the loss suffered. The victim needs to apply personally within a one-year period etc. However, the Schedule Caste/Schedule Tribe Act provides compensation for Schedule Caste/Schedule Tribe victims
[Action: Social Welfare/ Home Dept. / MCPCR]