

# JUSTICE TO CHILDREN



BI-ANNUAL NEWSLETTER  
VOL 4- ISSUE NO. VII  
JANUARY 2016 - JUNE 2016

CENTRE FOR CHILD AND THE LAW (CCL)  
NATIONAL LAW SCHOOL OF INDIA UNIVERSITY (NLSIU), BENGALURU

Juvenile Justice  
Right To Education  
Right To Food

Child Labour  
Child Marriage

**CCL**  
**20** Years

Celebrating **CHILD** Rights



## CCL 20 Years - Down the Memory Lane

### Program Updates

- Capacity Building Programmes for Stake Holders
- Capacity Building Programmes for Team Members
- Awareness Programmes and Lectures on Child Rights
- National and State Level Consultations, Conferences and Training Workshops
- Lobby and Advocacy Initiatives
- Other Initiatives

### Highlights of the 20 years of CCL –A Pictorial Presentation

### Special Articles

CCL NLSIU  
Priced Publications

Post Graduate Diploma in  
Child Rights Law

“If we don’t stand up for children, then we don’t stand for much”

- **Marian Wright Edelman**

It delights me that the Centre for Child and the Law, National Law School of India University has completed 20 years. As part of the celebration, a special edition of the Bi-Annual Newsletter is being released on the occasion of the 24th Annual Convocation of NLSIU being held on 28th August 2016.

This special edition showcases the events and achievements of the Centre for the past 20 years. I take this opportunity to express my appreciation for the successful work being done by the Centre on significant issues affecting all children on education, juvenile justice and food security among others. The current issue highlights activities undertaken by the Centre including capacity building programs, advocacy and legal literacy programs on child rights.

I congratulate Prof. (Dr.) V.S Elizabeth, Coordinator; Program Heads and the entire CCL team for the fruitful work that is being carried out and wish CCL a great journey ahead.

I wish the reader an enriching and informative reading experience.



**Prof. (Dr.) R. Venkata Rao**

**Message from the  
VICE CHANCELLOR**



**Prof. (Dr.) V.S. Elizabeth**

**Message from the  
COORDINATOR**

**CCL**  
20 Years

*Down the Memory Lane*

# CCL 20 Years

*Down the Memory Lane*

## Former staff members of CCL NLSIU

Dr. Sarasu Esther Thomas-Program Officer (15thJuly 1996), Ms. Savitri Bhat-Admin Asst. (1997), Prof. Babu Mathew-Faculty In-charge (1997), Ms. Vijaylakshmi Arora-Sr. Research Asst (26thSep 1997), Dr. Archana Mehendale- Sr. Research Asst (17thNov 1997), Arvind Narrain-Research Officer (11thOct 1999), Ms. Maria Kotian-Project Officer (2ndJune 2000), Ms. Bernadina Metilda-Project Officer (9th July 2000), Ms. Bindu Abraham-Research Officer (11thSep 2000), Ms. Namita A Malhotra-Research Officer (4thJuly 2002), Ms. Mariam Thomas-Research Officer (21stApril 2003), Ms. Tanya Jairaj-Project Officer (31stJuly 2003), Ms. T. Jairaj-Project Officer (31stJuly 2003), G Thiraviyam-GP Coordinator (15th Oct 2003), Ms. Vrinda J-Research Asst. (12thFeb 2004), Mr. Prakash G.M-Village Edu Asst. (14thFeb 2004), Mr. H Hombegowda- Village Edu Asst. (14thFeb 2004), Mr. Birur Ramachandrappa-GP Edu Coordinator (23rdMarch 2004), Prof. (Dr.) S Japhet-Faculty Coordinator (1stApril 2004), Ms. T.G Arunah-Information Officer (1stMay 2004), Ms. Renukamma G.R-Village Edu Asst. (25thJuly 2004), Ms. Fiona Dias Saxena -Research Officer (27thSep 2004), Dr. Anuradha Saibaba Rajesh-Legal Research Officer (14thFeb 2005), Aruna J Kashyap- Research Asst. (6thJune 2005), Ms. Ruma Chakraborti- G.P Research Coordinator (1stJan 2006), Mr. Pramod Naikodi-Program Coordinator (3rd April 2006), Ms. Parvathamma-Village Edu. Coordinator (5th Oct 2007), Ms. Triveni Makani-Jr. Research Asst. (25th Oct 2009), Mr. Chethan Sampradaya -Village Edu. Coordinator (7thApril 2010), Dr. Rajendra Prasad - Research Assistant (3rdMay 2010), Ms. Arka Brata Goswamy -Jr. Research Asst (7thJune 2010), Ms. Sonali Kusum-Jr. Researcher (7thJune 2010), Ms. Shruthi Revankar-Legal Researcher (13thSep 2010), Ms. Geeta Sajjanshetty-Research Associate Legal (24thJan 2011), Ms. Kalpana Purushothaman-Sr. Counselor (11thApril 2011), Ms. Smitha Poovani-Full-time Consultant (4thJuly 2011), Ms. Prathima-Village Edu. Coordinator (2nd Dec 2011), Mr. Sangappa Vaggar- Social Worker (6thJuly 2012), Prof. (Dr.) Ashok R Patil- Faculty Coordinator (3rdMarch 2014), Ms. Reema Govil-Projects Manager (23rdJune 2014), Ms. Shruthi Ramakrishnan-Legal Researcher (4thAug 2014), Mr. Manikanta H.M- Project Coordinator Admin (23rdDec 2014), Ms. Vishalakshi Padmanabhan-Projects Manager (29thDec 2014), Mr. Sree Krishna Bharadwaj H- Research Asst. (27th July 2015)

Congratulations to Centre for Child and the Law for completing 20 years. It is good to see CCL in its adulthood now looking back at its childhood. During early childhood CCL received loving care from Professor Menon-the founder of NLSIU. I had the privilege of being associated with this period and it was a very satisfying and rewarding experience. We practised **criticalengagement** with Indian case and statutory law, comparative jurisprudence, UN standards and experiential learning while using both the UNCRC and the Constitution of India as corner stones. Our scholars were primarily non-legal with sectoral expertise relating to different child rights thus fostering inter disciplinarily strength. These capabilities facilitated creative engagement in praxis mode with the legislative process including detailed work in the area of rulemaking. It was a tough battle to press home the point that researchers must be paid on par with the teaching staff and adoption of this principle strengthened CCL immensely. CCL is now one of the best of its kind in India and deserves full support to break fresh grounds in the days ahead.

**Prof. Babu Mathew**  
Resident Professor, NLSIU

It was pleasure working with CCL as Faculty Coordinator for the period from 2004 to 2009. The uniqueness of CCL one of the most vibrant dynamic research centres in my opinion lies in its field outreach programme. The learning's and insights gained by the centre through its outreach programmes and activities made a tremendous impact on the laws, policies and programmes related to children across the country. In fact, these invaluable inputs working directly with the primary stakeholders brought paradigm shift in the state approach on issues related to child development and protection in general and school education, juvenile justice, child labour, child marriage, child nutrition etc., in particular.

The centre has enhanced its credibility in the midst of masses especially among the most needy and marginalized. The presence of CCL-NLSIU with these **peoplehas** created a sense of security and pride in them to associate with NLSIU in their day to day struggle for Social Justice.

**Dr. S. Japhet**  
Professor and Director, CSSEIP, NLSIU

CCL is a leader for researching on child rights in India. Similar research centres have started to flourish in various National Law Universities across India in the footsteps of CCL. Research, drafting of bills and comments on bills/ laws/ judgments affecting children were initiated by CCL. CCL has turned to advocating access to justice by reaching the grassroots level through its projects. CCL has signed numerous MOU's with various associations and institutions across the country and globe. CCL has been awarded the 'Juvenile Justice Without Borders' in recognition by the International JJ Observatory for the efforts that were put in by CCL along with other experts to help advocate in favour **ofthe** rights of the child in conflict with the law in the campaign against the proposal to **lowerthe** age of the criminal responsibility in India, and were victorious by obtaining a judgment from the Hon'ble Supreme Court dismissing the different petitions challenging the **constitutionalvalidity** of the provisions of the Juvenile Justice Act, 2000.

The strategies used by CCL to plan and implement their projects with a huge positive impact were impressive. The strategies I observed when I was Coordinator of CCL include a specific focus on involving the community in planning and implementing projects, forming partnerships with local civil society organizations and the government, adopting innovative approaches in providing services such as education, legal assistance and building the capacity of the community and local institutions. Other centres/NGOs should look to incorporate these models when planning and implementing their own programmes.

I would like to extend appreciation to all my colleagues who have worked and are working in the collaborative research and projects over the past 20 years of CCL. Their extraordinary work and thoughtful reflection has served as a foundation for executing the many programmes flawlessly.

**Prof. Dr. Ashok R Patil**  
Chair Professor, Chair of Consumer Law and Practice,  
Director, Online Consumer Mediation Centre

**CCL**  
20 Years

*Message from Former  
Coordinators*

# Program Updates

## Capacity Building Programmes for Stake Holders

### **Yoga Classes at Nanna Jaga Nanna Kalike Centres**

As part of ongoing efforts to enhance the quality of education in schools, CCL is running community education centres “Nanna-Jaga Nanna-Kalike” in the evening, in six villages. Apart from regular learning activities, yoga classes have been started in these centres. Mr. Laxman, student of Don Bosco Engineering College, teaches yoga for children on Sundays.

### **English Training to Anganwadi Teachers**

Ms. Mary Nirmala facilitated the English classes to Anganwadi Teachers organised by the Education team. English training classes were held on 9<sup>th</sup> Jan, 17<sup>th</sup> Feb and 12<sup>th</sup> March 2016 and around 15 teachers benefited from the training.

### **Residential Training for School Development and Monitoring Committee Coordination Forum (SDMCCF)**

In order to provide an exposure visit to the SDMCCF

members, a two days Residential Training to enhance their knowledge about SDMCCF was organised in four Taluks: Channapattana (16<sup>th</sup> and 17<sup>th</sup> June 2016), Magadi (20<sup>th</sup> and 21<sup>st</sup> June 2016), Kanakapura (23<sup>rd</sup> and 24<sup>th</sup> June 2016) and Ramanagara (30<sup>th</sup> and 31<sup>st</sup> June 2016). Training sessions included history of SDMC, structure, roles and responsibilities of SDMC members, role of Gram Panchayats in relation to RTE Act, 2009 Section 9, structure, SDMC By-laws, roles and responsibilities of SDMCCF, a total of 185 members participated in the training program.

### **Residential Workshop cum Training for SDMC**

CCL NLSIU in association with SDMCCF, Karnataka organized a two day residential workshop cum training for the SDMC members at various levels on 3<sup>rd</sup> and 4<sup>th</sup> June 2016. The programme was kicked off by the symbolic beating of drums by Prof. Baragur Ramachandrappa, guest of honour, Dr. Niranjana Radhya. V. P; Mr. Jayanna, President, State SDMCCF; Mr. Shambugouda, Vice-President, State SDMCCF; Mr. Dinesh, Secretary, State SDMCCF and Ms. Nalina, Member, State SDMCCF were present for the inauguration. Around sixty five members participated in the workshop cum training programme. Dr. Niranjana Radhya delivered the contextual address and spoke about the shutting down of government schools. Dr. Baragur Ramachandrappa delivered the inaugural address and shared that SDMCs were established only with the intention of strengthening the system of education and it has stood the test of time.

### **Exposure visit cum Capacity Building for Elected members of the Panchayat**

With an objective to strengthen the understanding of roles and responsibility of Gram Panchayat members with regard to RTE implementation, CCL organized a two days learning and exposure visit to the Maravante Panchayat of Udupi district from 18<sup>th</sup> to 20<sup>th</sup> June 2016. CCL team members and sixteen elected representatives of Bannikuppe Panchayat participated in the exposure visit which was facilitated by Mr. Janardhan, SIRD. Members from Maravante Panchayat shared their experience and showed relevant records.



### **Field Exposure cum Capacity Building for Anganwadi Workers**

CCL team organised a one day exposure visit to Anganwadi centres of Chamalapura Hundi and Kalae village of Nanjangudu Taluk for fifteen Bannikuppe Panchayat Anganwadi teachers on 16<sup>th</sup> June 2016, to understand and experience the child care educational system which shed new light on various issues related to the better functioning of Anganwadi centres which included Nutrition, Immunization service, functioning of Balavikasa Samithis etc.

### **Structured Activity for OH Children**

The Juvenile Justice (JJ) team at CCL organised an activity for the children at the Observation Home (OH) Bengaluru in association with an NGO - 'Dream A Dream,' who have specialized in developing Life-Skills amongst marginalized youth, taking forward the collaborative work undertaken with CCL in the past. Ms. Sheetal, Mr. Shivu and Mr. Ansar, conducted the session with support from Mr. Shreyas Rao from the JJ team, with all the 52 boys on 29<sup>th</sup> June 2016.

### **Towards an effective Children's Committee in the OH, Bengaluru**

Ms. Arlene Manoharan and Mr. Shreyas Rao of the JJ team in association with APSA conducted a capacity building activity on 17<sup>th</sup> June 2016 at the OH on setting up a Children's Committee for staff and children of the OH. The Director of APSA, Sheila Devaraj, Social Worker Ms. Usha V.G. and her team of 15 child volunteers participated along with the OH Superintendent, other

staff of the OH and the JJ team along with 52 boys. The APSA team demonstrated a mock session of the Children's Committee while encouraging the boys to voice their concerns. This is the first of a series of programs aimed at establishing an effective Children's Committee in this institution, enabling children to claim their right to be heard and to participate in decisions concerning them.

### **Multi-disciplinary services to children and families in the JJ system**

Legal, social and psychological services are delivered by practitioners in the CCL JJ team to a number of children journeying through the JJ System in Bengaluru, through the Psycho-Socio-Legal Help Desk located in the campus of the OH, Bengaluru Urban. This praxis enables the multi-disciplinary team to immerse itself in the ground realities of children's lives, as well as into the functioning of the JJ system, all the while trying to support, challenge or critique the effective implementation of the JJ Act, as well as inform research, teaching, training, lobbying and advocacy. Efforts are on to document this experience in order to enable possible replication by other academic institutions engaging with the JJ system.

### **State Level Capacity Building of Counselors working with children in conflict with law**

A one day capacity building workshop for counsellors working in OH across Karnataka was held on 22<sup>nd</sup> June 2016. The aim was to understand the mental health system that has been adopted in OHs across Karnataka and to propose a mental health system based on the CCL field experience, applicable professional code of ethics and the legal regime. Ms. Arlene Manoharan and Ms. Ganga Nair along with Dr. Shekhar P Seshadri and Dr. Chaithra G Krishna from DCAP NIMHANS took sessions for the participants. This was the first time that such a specific capacity building program was conducted in the State for these functionaries, which helped them to share their experiences and demystify systemic barriers/challenges that came in the way for providing quality counseling services to children.

# Capacity Building Programmes for Team Members



## On site Capacity building on Process Documentation

A one day training program on case studies, MIS and process documentation was organised on 16<sup>th</sup> January 2016 for the Education team members to enable them to effectively engage in programme/ project implementation. Mr. Abdul Rehman Pasha, Development Communication Trainer facilitated the training session who discussed about the various methods of Process Documentation such as notes, use of documentary movies, structured interviews, case studies, field diaries of project staff, video and audio recordings and newspaper clippings.

## Budget Concepts, Process, Analysis and Advocacy



## -Demystifying Government Budgets

CCL organised a two day orientation workshop on 'Budget Concepts, Process, Analysis and Advocacy -Demystifying Government Budgets' on 10th and 11th Feb 2016 at NLSIU for the staff members as part of capacity building activity for the team. Members from Centre for Budget and Policy Studies-Ms. Jyotsna Jha, Mr. Srinivas Alamuru, Mr. Madhusudhan Rao were the resource persons for workshop. There were



totally seven session which included Government Budget – Legal and Institutional Framework; Understanding Budgets - Government Accounting along with Budget Analysis exercise and presentation by the team members.

## CCL Vision Building Exercise

CCL organised a two day Vision Building Exercise on 20th and 21st Jan 2016 at Angana- The Country Inn. The two day program helped in bringing out a draft Vision document with the help of Mr. Chetan Singai, Guest Faculty, NLSIU with inputs from Arkalgud Ramaprasad who presented a framework reflecting on the vision, mission and objectives of CCL. They helped in portraying the past, present and potential 'big picture' of CCL through various combinations encapsulated in the framework presented by the expert. This helped the team to reflect upon the evidence and experience to develop a strategic plan for CCL. A tentative draft Vision, Mission and Objectives was prepared which was later placed before the CCL Advisory Board on 27<sup>th</sup> July 2016 for suggestions and with the experts by mid-2016. This will be a yearlong exercise for CCL; by early 2017, CCL has planned to come out with a ten years new Vision Document-2026.

Program Updates



# Awareness Programmes and Lectures on Child Rights



## Pocket Calendars

As part of creating awareness on RTE Act, ICT materials were prepared, 2000 pocket calendars containing the detailed information on SDMCs and their functions were printed. These calendars were distributed to higher officials of Education Department, DDPIs, BEOS, and SDMCCF office bearers throughout the State of Karnataka.

## Legal Literacy Programmes (LLPs)

- **National Food Security Act, 2013 (NFSA)**  
To create awareness about NFSA, 2013 among the community, LLP was organized on 20<sup>th</sup> February 2016 at Avaragere Village, Ramanagara Taluk/District. Hand Bills on NFSA was distributed to each house one day before. Mr. Krishana Bharadwaj was the resource person. He outlined in detail the major provisions under the Act and around forty people attended the programme.

- **Protection of Children from Sexual Offences Act, 2012 (POCSO)**

To mark the International Women's day, an LLP was organised on POCSO Act, 2012 on 8<sup>th</sup> March 2016 in



Ramanagara town for forty Midday Meals workers and SDMCCF members who actively participated in the programme. Ms. Anuroopa Giliyal and Ms. Anjali Shivanand from the JJ team were the resource persons. Similar program was also organised for eighteen Anganwadi teachers on 11<sup>th</sup> June 2016 at the CCL Field Extension office.

A Kannada documentary film 'Komal' was shown. Participants were asked to identify five major issues that were highlighted in the film which followed by a discussion on the important aspects of the Act using their experiences of handling child sexual abuse cases and examples they shared.

## Program Updates

- **Juvenile Justice**

Aneesha Johny took a session on the JJ Act, 2015 at NLSIU as part of the LLP organised by Centre for Women and Law, NLSIU and St. Joseph's College on 26<sup>th</sup> January, 2016. Around thirty five students participated in the same. The film 'Ek Tha Bachpan' was screened during the session, which helped the students to get a deeper insight into the lives of children in the OH under the JJ system around the country.

- **The Prohibition of Child Marriage Act, 2006 (PCMA)**

LLP was organised on PCMA, 2006 was held on 6<sup>th</sup> April 2016 at Government Primary School, Dodda Thandya Village, Kanakapura Taluk. Mr. Pramod Naikodi from Action Aid was the resource person. Grama Panchayat members, SDMC members and youths actively participated in the programme. "Akrama", a Kannada documentary film raising awareness on child marriage was screened during the



programme followed by discussion.

- **Child labour and Trafficking**

LLP on child labour and trafficking for school children was conducted on 11<sup>th</sup> May 2016 in Raichur District of Karnataka. Mr. Samuel SathyaSeelan was the resource person and around seventy children participated in the program. The session started with a screening of a documentary on the issue followed by discussion on the same. Later children participated in a learning activity through story writing, drawing etc. on the theme “Ways to tackle Child Labour” which helped children to recollect things they learnt from the LLP.

- **Street play on Right to Education and Child Labour**

A street play on RTE and Child Labour was organised on 20<sup>th</sup> May 2016 in collaboration with the support of Legal Services Clinic, NLSIU and KSCPCR. NLSIU students enacted a play which focused on the provisions of RTE, highlighting issues of child labour, girl child education and the importance of education in this context. KSCPCR provided the platform in their enrolment drive titled- ‘Shaale Kade Nanna Nade’. Mr. Kumaraswamy T was the resource person for the event. Around forty five people participated in the program. The link to view the street play online is available in the following link: [https://youtu.be/aGYdQDp\\_n3o](https://youtu.be/aGYdQDp_n3o).



- **Right to Food (RTF) and its entailments**

Dr. Neetu Sharma and Ms. Zara Kaiser from the RTF team conducted a LLP for the first year Masters of Social Work students at the prestigious St. Joseph’s College (Autonomous) on 14<sup>th</sup> June 2016. During the session students were educated regarding the holistic concept of RTF, its various components, entitlements that effectuate its realization and concerns on its progressive realization. An overview of the NFSA Act, 2013 along with an evaluative critique was given to the students as a form of inducting them into the session. This was followed by an interactive session which helped to highlight the numerous practical problems, lacunae and policy gaps that need to be fulfilled in order to strengthen right to food within the country.

## Quarterly Lectures

### Scientific Temper in Children: Role of Parents

A Lecture was organized by the Education team in Mandya district on 19<sup>th</sup> March 2016 in collaboration with Department of Psychology, Government Degree College, Mandya. Mr. M. Abdul Rehman Pasha delivered the lecture on “Scientific Temper in Children: Role of Parents’, which was interactive and informative and around seventy people participated.



## Restorative Justice (RJ)

A Public Lecture was delivered by Prof. Joanne Katz, Professor of Legal Studies, Missouri Western State University, Department of Criminal Justice, Legal Studies and Social Work, Missouri, USA on *Restorative Justice and Juveniles: Implementing New Processes for India's Youth*, which was organised by the JJ team on 14th January 2016, at NLSIU. Members from Enfold, NIMHANS, Justice and Care, Peacemakers, ALF, students of NLSIU and Christ University participated in the lecture. The lecture triggered discussions on the problems in the criminal justice system, and the potential for RJ approaches to be adopted in the Indian context.

The JJ team organized similar Public Lecture delivered by Sujatha Baliga, from Impact Justice, USA on RJ at BOSCO on 3 February 2016. The lecture had members from Arpan, APSA, Child line, CSJ, Save the Children, Parivartan, Tulir - CPHCSA, Justice and Care, and individuals such as Nina Nayak, UNICEF - India, etc. Participants were open to the idea of adopting RJ approaches and initiating work on 'circles', particularly given the failure of the criminal justice system.

## Right to Education Act and the Contemporary Situation



CCL organised a lecture on 30<sup>th</sup> April 2016 in Shimoga district, Karnataka. Mr. Chandragutti delivered the lecture on the theme “RTE Act and the Contemporary Situation”.

Around 285 people attended this lecture which was highly interactive.



## Academic Burden of Education System on Children

On 25th June 2016, the RTE team organized a Public Lecture on child rights in Bengaluru. The topic for this public lecture was “Academic Burden of Education System on Children” and the lecture was delivered by Dr. Chaitra G. Krishna and Ms. Champa Saha from Department of Child and Adolescent Psychiatry, NIMHANS, Bengaluru. The lecture, as the name suggests, was focused on discussing upon the academic pressures and expectations that children today are constantly struggling with, in their day to day life and to question the rising trend of academics becoming a burden upon children where everyone around them- parents, friends, and society, is expecting them to excel always. The

pressure to succeed in academics is so high on children that failures if any, faced by children are made to look down as unworthy. The interactive lecture was attended by fifty four participants including social workers, child rights activists, teachers, college and school students and media who appreciated the lecture for its realistic views and ideas.



## National and State Level Consultations, Conferences and Training Workshops

### 8th All India Conference of All India Federation of Anganwadi Workers and Helpers (AIFAWH)

The 8th Conference of AIFAWH was held in Hyderabad from 7th to 10th of January 2016; Ms. Neenu Suresh was invited as a central observer to the conference. The conference was held in the background of increasing assault of neo-liberal policies on social welfare programmes in the country. Delegates from 23 States participated

**Program Updates**



and shared their experiences of struggle against privatization of ICDS and for regularization of employment in particular and against neoliberal policies in general during the conference. Their relentless efforts have resulted in the increase in honorarium of Anganwadi workers and helpers in various States. The 25<sup>th</sup> year of the Federation was marked by a seminar chaired by Ms. Neelima Maitra, President, All India Federation of Anganwadi Workers and Helpers and speakers included P. Sainath, Former Rural Affairs editor, The Hindu and

K.R Venugopal IAS (Retd), Former Secretary to Prime Minister and Special Rapporteur, National Human Rights Commission.

### Session on Children and Health

NLSIU organised an on-campus session for Masters of Public Health (MPH) students from the Rajiv Gandhi Institute of Public Health and Centre for Disease Control. Mr. Samuel SathyaSeelan and Krithika B.S from CCL took a session on Children and Health with particular emphasis on Child Labour (Prohibition and Regulation) Act 1986 and other related laws under the Public Health laws and legal issues paper for MPH students on 7<sup>th</sup> January 2016. The session focused on health aspects covered under the legislations relating to children in India; around seventeen legislations were touched upon during this session.

### Session on JJ Act, 2015

Ms. Arlene Manoharan and Ms. Aneesha Johnny of the JJ team delivered a joint lecture on the new JJ Act, 2015 at the Department of Psychiatric Social Work, NIMHANS on 22nd January 2016, as part of the collaborative project of Department of Social Justice, Govt. of Kerala and NIMHANS. Around twenty participants consisting of CWCs, JJBs, Police, DCPOs

and others from different districts of Kerala attended the program.

Ms. Arlene Manoharan delivered a lecture to Judges of the Children's Court in West Bengal, 20th May 2016, on the invitation of NUJS with support from UNICEF. Nineteen Judicial officers, four UNICEF consultants, and five faculty members from NUJS attended this session.

### Restorative Justice Workshop

The JJ team organised a five day workshop from 30 January to 3 February 2016 on RJ which was conducted by Sujatha Baliga and Nuri Nusrat from Impact Justice, USA and supported by CRY. Sujatha is the director of the Restorative Justice Project at Impact Justice and helps communities implement RJ alternatives to juvenile detention and also in advancing restorative justice to end child sexual abuse and intra-familial and sexual violence. Since this was an experiential workshop it was limited to 20 participants, who belong to organizations like Arpan, APSA, Child line, CSJ, Save the Children, Parivartan, Tulir and others who were working in the field of child sexual abuse as counsellors or social workers. The participants were trained in facilitating 'Circle Processes'. The insights shared by the facilitators, and the deep sharing amongst the participants made this a very meaningful workshop, that had an impact not just on the personal lives of the participants, but also helped build skills and hope for a more caring world, in which the needs of victims, offenders and the wider community are identified and addressed through simple 'circle processes.'

### Sessions on POCSO

Ms. Anuroopa Giliyal undertook couple of sessions on the POCSO Act, 2012; the first one was on 16 February 2016 for Anganwadi workers of Bangalore Urban district at a program organized by the District Child Protection Officer, Bangalore Urban District. The discussion was around the major provisions under the Act, the important role that an Anganwadi worker can play towards achieving the objectives of POCSO and creating awareness with

respect to services and others aspect under the Act.

She also took session on 'Procedural Aspects, Mandatory Provisions and Precautionary Measures taken by Investigating Officer under POCSO Act' for DCP, ACPs, Sub- Inspectors and writers of the Central Crime Branch on 26<sup>th</sup> February 2016. The session focused largely on the general provisions of the law and specifically on the roles and responsibilities of the police at different stages of the case.

Ms. Aneesha Johny delivered a lecture on the POCSO Act, 2012 for senior counselors of Parivarthan Counseling Centre, to enable them to have a deeper understanding of the legal framework concerning child sexual abuse, on 17th February 2016. She also participated as a panelist on the theme 'Courtroom environment and integrity of child testimony' at the National Dialogue: How the law can protect our children, organized by HAQ Centre for Child Rights and Counsel to Secure Justice at New Delhi.

### 4th Annual stock taking meeting of People Alliance for Fundamental Right to Education (PAFRE)

Several Civil Society Groups under the banner of PAFRE, in association with the Karnataka State Primary School Teacher Association (KSPSTA), SDMCCF-Karnataka, CCL NLSIU, Bharathiya Gnana Vignana Parishath and Campaign Against Child Labour-Karnataka organized a one day State Level Stock taking Convention on RTE implementation on 29th of March 2016. Dr. Kripa Amar Alva, Chairperson of KSCPCR inaugurated the



convention.

## Sessions on Right to Education

Dr. Niranjana Radhya delivered a series of lectures and presented papers on various aspects under the RTE along with his team which include:

- ‘The role of teachers association office-bearers in strengthening the public schools in the context of increasing privatisation’ delivered at the state level executive committee meeting convened by the KSPSTA on 9<sup>th</sup> January 2016.
- Resource person on RTE for the Government school teachers of Mysore district organised by RLHP, on 23<sup>rd</sup> January 2016.
- Presented a paper on ‘Approaching New Education Policy from Common School Perspectives’ at a National Seminar on ‘Right Based Approach to Education: Policy, Premises and Practices’ at New Delhi on 15-16 February, 2016.
- Participated in the National Shiksha Adalat: “Social Auditing of Right to Education” on 14<sup>th</sup> February 2016 at Indian Law Institute, New Delhi, organised by Student Islamic Organisation of India.
- Dr. Niranjana Radhya along with Ms. Shruthi Raman participated and immensely contributed during the National Discussion meet on supporting the Justiciability of the Right to Education on 22-23 February 2016, at NUEPA, New Delhi.
- Resource person to orient Bed trainees, staff of MES Teachers College and RTE Coordinators on the RTE Act jointly organised by Rural DIET a Verve Foundation on 27<sup>th</sup> February 2016.
- Resource person to orient the Head Teachers of all high schools in the Tumkur district on RTE Act and the role of teachers as part of their school academic, administration and management training at Tumkur DIET on 2<sup>nd</sup> March 2016.
- Resource person at the Human Rights Workshop organised by Tumkur University and delivered lecture



on RTE Act at Tumkur on 4<sup>th</sup> March 2016.

- Resource person on the Role of teachers under RTE in the workshop organised by Karnataka State Primary School Teachers Association as part of leadership training at Mandya on 7<sup>th</sup> March 2016. Around 62 Women teachers participated in the programme
- Speaker at the International Women’s Day organised by Karnataka State Primary School Teachers Association at Mandya on 8<sup>th</sup> March 2015.
- Presented a paper on the theme Equality and Equity in Education as embodied in the Constitution at the two day State Level Convention organised by Sankramana a Bi-monthly popular Kannada Magazine to mark the golden jubilee on 12<sup>th</sup> and 13<sup>th</sup> March 2016, Bangalore.
- Dr. Niranjana Radhya and Ms. Shibu Sweta participated in the 6<sup>th</sup> National Level Stock Taking Convention organised by National RTE Forum on 21<sup>st</sup> March 2016 on the status of implementation of RTE Act in the country. Representatives from 22 States attended the meeting which was inaugurated by Hon’ble Vice-President of India. The theme of the convention was ‘Universalise Equitable Quality Education through Strong Public Education System’.
- Dr. Niranjana Radhya and his team participated in the 4<sup>th</sup> State Level Stock Taking Convention on 29<sup>th</sup> March 2016 on the status of implementation of RTE Act in the State of Karnataka. Representatives from 30 districts attended the meeting which was inaugurated by Hon’ble



Chairperson of KSCPCR. The theme of the Convention was 'Save, Strengthen and Transform each Government School into Neighbourhood Common School'.

- Lecture on the challenges of evolving a national policy of language and the medium of education in the light of Supreme Court decision on 14 May 2016 at Kannada Sahithya Parishat, Bangalore.
- Resource person to train the staff members of RLHP; an NGO working in the five backward districts of Karnataka on the issue of RTE. The discussion was around the role of PRIs in the implementation of RTE Act.
- Facilitated a discussion on Common School System in the workshop organised by Action Aid to its partners for deeper understanding of Corporate Social Responsibility and the way forward on 27<sup>th</sup> April 2016, Bangalore.
- Delivered a talk on the status of school education in Devanagari district at the consultation organised by RLHP on 14<sup>th</sup> June 2016.

#### Sessions on Juvenile Justice Act

- Ms. Arlene Manoharan delivered a lecture on 'Social Integration of Senior Children in Child Care Institutions under the JJ Act 2015 – Planning for the Way Forward for YaR', at a National Conference titled - 'Reaching the Unreached' organized by Don Bosco, Veedu, Trivandrum, Kerala. The participants included Directors of projects for vulnerable children run by Don Bosco all across the country, representatives of various Government Departments, Social Work students, NGOs and others participated.
- CCL representatives went as resource persons to take lectures during the training workshop for law faculty

and practicing advocates on JJ and Child Rights organised by the International Bar Association Chair on Continuing Legal Education (IBA-CLE Chair) at NLSIU in association with MK Nambiyar Academy for Continuing Legal Education on 21<sup>st</sup> April 2016.

Dr. Niranjana Radhya handled a session on RTE; Ms. Arlene Manoharan on the JJ Act, 2015; Ms. Anjali Shivanand and Ms. Aneesha Johny on the POCSO Act.



#### Roundtable Consultations on Effective Implementation of the Juvenile Justice Act

- Southern Regional Roundtable Consultation on Strengthening Rehabilitation and Restoration of Children under the Juvenile Justice System



The Southern Regional Roundtable Consultation was held on 20 and 21 February 2016, organised by Supreme Court Committee and High Court Committee on Juvenile Justice, the Karnataka High Court, KSLSA hosted by Government of Karnataka. The consultation was supported by UNICEF - India with technical assistance from CCL NLSIU as part of an ongoing project, and student volunteers. The participating States included Karnataka, Tamil Nadu, Kerala, Puducherry, Andhra Pradesh and Telengana.

- Western Regional Roundtable Consultation on Strengthening Rehabilitation and Restoration of Children under the Juvenile Justice System

# CCL

## 20 Years

# Highlights







The Western Regional Roundtable Consultation was held on 12th and 13th March 2016 at the Maharashtra Judicial Academy, Mumbai. The consultation was organised by the Supreme Court Committee and Bombay High Court Juvenile Justice and hosted by Bombay High Court along with Department of Women and Child Development, Government of Maharashtra with the support from UNICEF, India along with technical assistance from CCL NLSIU as part of an ongoing project, with support from student volunteers. The participating States included Maharashtra, Goa, Madhya Pradesh, Rajasthan, Gujarat and Delhi.

#### **Karnataka State Level Consultation on POCSO Study**

A State level consultation was organized on 25th June 2016 to discuss the key findings of the study undertaken by the JJ team on the functioning of the Special Courts under the POCSO Act in the State of Karnataka. Participants included representatives from civil society and lawyers representing cases on child sexual abuse.

#### **Consultation on the Crisis in Our Children: Survival, Protection and Development Today and Tomorrow**

Dr. Neetu Sharma from the RTF team participated in a Consultation on The Crisis in Our Children: Survival, Protection and Development Today and Tomorrow organized by the Karnataka Child Rights Observatory (KCRO) on 6th and 7th June 2016, Bengaluru. The objective of the consultation was to discuss the key challenges pertaining to survival, protection and development rights of children in the today's world. She made a presentation on Food Security for Children in the context of their survival and development rights. She also spoke about the incoherent and inadequate policy responses that fall considerably short in addressing the problem of child under-nutrition in the country. The

discussion was presided over by Mr. Vasudev Sharma, former member of the State Commission for Protection of Child Rights. The discussions helped to provide their inputs of the State Plan of Action for Children.

#### **Karnataka State Child Protection Policy for Educational Institutions**

Ms. Arlene Manoharan, Ms. Swagata Raha and Dr. Niranjana Radhya contributed to the work of a State level Committee that drafted a unique Child Protection Policy for Educational Institutions in the State. The policy was finally approved by the Government of Karnataka, and is being showcased as a unique initiative, which will help to keep children safe in school.

#### **NHRC Consultation on the Universal Periodic Report**

Dr. Niranjana Radhya, Dr. Neetu Sharma, Ms. Arlene Manoharan, Ms. Swagata Raha and Ms. Neenu Suresh made contributions to a submission that was made to the NHRC post the deliberations held as part of the Southern region consultation organized by the NHRC on 13 May 2016.

#### **National Plan of Action - 2016**


The Draft of the National Plan of Action for Children (2016) was put on the public domain by the Ministry of Women and Child Development, GoI asking feedback from the public. CCL NLSIU made formal submission regarding the same, Ms. Arlene Manoharan on matters concerning Child Protection and Juvenile Justice and Dr. Niranjana Radhya on matters concerning Education.

## **Lobby and Advocacy Initiatives**

- Dr. Niranjana Radhya participated in a live discussion telecasted by UDAYA TV on the issue of pre-primary admissions in the private un-aided school under RTE



Act on 1<sup>st</sup> January 2016. He also participated as one of the panellists in a live discussion in ETv to discuss the anomalies of PU Examination in the State of Karnataka.

- The Education team worked on an alternate New Education policy and the same has been submitted to the Drafting Committee constituted by the MHRD, Govt. of India. The team also actively supported and worked with KSCPCR hand in hand in launching the campaign “Shale Kade Nanna Nade”-Education is my Fundamental Right’ to bring back all Out of School Children into mainstream education.
- Dr. Niranjana Radhya participated in a rally to express solidarity in a meeting organised by Secondary School Teachers association at Freedom Park on 30<sup>th</sup> January to demand justice in the wages inequality and to implement the recommendations proposed by the Kumar Naik Committee. Around 10000 teachers participated in the programme.
- JJ team made official submission on the Draft Model Rules and Forms under the JJ Act, 2015, on 9 June 2016 and on Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016 to the Ministry of Women and Child Development, Govt. of India.
- **Joint Statement by CCL NLSIU and NIMHANS**  
  
CCL NLSIU issued a Joint Statement along with the Department of Child and Adolescent Psychiatry, NIMHANS expressing disappointment with the provisions relating to transfer of children alleged to have committed heinous crime into the criminal justice system, as provided for under the JJ Act, 2015, which completely destroy the rehabilitative foundation of the existing JJ system in India by adopting a retributive approach for heinous crimes committed by children in the age group of 16 to 18 years. The statement highlighted that the Act was passed despite

two Supreme Court judgments upholding the JJ Act, 2000 and also the 264<sup>th</sup> Report of the Department-Related Parliamentary Standing Committee on Human Resource Development on The JJ Bill, 2014 (PSC Report) in which the Committee asserted that the proposal to treat 16 - 18 year old children as adults violates the Constitution of India, the stated purpose of the legislation and the international laws governing India. It also stated that the transfer provisions will result in a discriminatory, arbitrary, and punitive system for dealing with young adolescents; most of who have already been denied the education, protection and care they are entitled to under the Constitution and this very law in their growing years.



## Other Initiatives

### Mapping the Status of rule making under NFSA, 2013 Visits to States mapping the status and contribute towards Rule making under NFSA

The RTF team undertook mapping exercise in Telangana, Andhra Pradesh (AP), Delhi and Chhattisgarh with regard to the status of rule making under NFSA in these States. Ms. Neenu Suresh who visited all these States held discussions with key functionaries in the relevant departments. In Telangana she held meetings with the Commissioner of Civil Supplies, Consumer Affairs, Food and Civil Supplies Department; Consumer Affairs, Food and Civil Supplies Department; Joint Director (ICDS), Women Development and Child Welfare Department and Director of School Education, Department of School Education, Govt. of Telangana to understand the status of rulemaking in the State.

Though it was initially decided to undertake mapping exercise in Telangana alone, the fact that Hyderabad houses the department offices of Government of Andhra Pradesh (AP) as well, provided an opportunity to undertake mapping in AP too. Discussions were held with Director of Civil Supplies and Ex-Officio



Joint Secretary to Government, Consumer Affairs, Civil Supplies and Food Department, Joint Director (ICDS), Women Development and Child Welfare Department, and Additional Director MDM, Department of School Education of GoAP. In Telangana, Rules are being framed by Consumer Affairs, Food and Civil Supplies Department and are expected to be finalized soon and the Draft Rules is in the public domain. With regard to AP Rules are being framed by Civil Supplies, Consumer Affairs, Food and Civil Supplies Department and have been sent to the Cabinet for its consideration. AP has implemented the Act from December 2015 and identification of beneficiaries is also completed. From the discussions held with the officials from both States it was understood that there is no convergence between departments in the drafting of the Rules. The analysis of the Draft Rules is progressing.

With regard to the rulemaking process in Delhi interviews were conducted with the Commissioner, Department of Food and Civil Supplies, Additional Director, Department of Women and Child Development and officials from MDM Branch and Deputy Secretary, Public Grievances Commission. Visit was also paid to the Director, NFSA, Department of Food and Public Distribution, Government of India to collect information on rulemaking in other States.

Special visit was also made to Raipur, Chhattisgarh a State which has its own Food Security Law prior to the enactment of NFSA. During this visit discussions were held with the Secretary, Food, Civil Supplies and Consumer Protection Department, Additional Director, Food, Civil Supplies and Consumer Protection Department, Assistant Director, MDMS, Commissioner, Women and Child Development Department and Director, Social Audit Unit of Chhattisgarh to make a comparative research on implications of NFSA in Chhattisgarh.

### Campaign to increase Enrolment

In order to increase enrolment in Government schools, Handbills depicting services available in Government schools were printed by Education team in Kannada and Urdu languages. Team members started enrolment campaign from their native places. SDMCCF members conducted enrolment campaign in their respected Panchayaths. One school from each Panchayat was selected to conduct enrolment campaign. BEOs, CRPs, School Teachers, Midday Meals Workers, SDMCCF members and general public actively participated in Jatha. The enrolment Campaign was completed in 40 Panchayaths out of 131 in Ramanagara District as on 31<sup>st</sup> of March 2016. As part of Campaign, Motor Bike Rally was organized on 26th March 2016 from Motagondanahalli Village to

**Program  
Updates**

Magadi Town. Smt. Padmavathi Jayaram, Village Panchayath President, inaugurated the programme; Dr. Niranjanaradhya gave key note address. District and Taluk Teacher Association Office Bearers, Midday Meals Workers, SDMCCF members, Ryta Sanga and Dalit Sangha members, Grama Panchayath members and College students actively participated in the Bike Rally.

**Children Vigilence Committee (CVC):**

The quaterly meeting the CVC was held on 30th January 2016. Around twenty six children attended the meeting facilitated by Mr. Doodamayigowda. Children discussed on Child Rights issues. Games were also organised to motivate the children.

**Special Children Grama Sabha at Bannikuppe Panchayath**

A Special Children Grama Sabha was orgnaised in colloboration with Bannikuppe Panchayth on 18th March 2016. Ms. Nethravathi, President, Bannikuppe Panchayath, inaugurated the programme. Dr. Niranjanaradhya delivered the keynote address. Children made presentations on the issues and problems related to child rights in their Panchayat in order to draw the attention of the elected members and the PDO and submitted a compiled book depicting the problems of each habitation which needs to be addressed by Panchayth. A documentary film on village problems was also shown. Ramanagara district Child Protection Officer Mr. Shivaramegoda , Grama



panchayath members, School Teachers, Anganwadi Teachers and Children actively partiapiated in the entier proceeding.

**Report of Study on working of Special Courts under the POCSO Act, 2012 in Delhi**

The study to assess the functioning of Special Courts under the POCSO Act, 2012 in Delhi has concluded and the findings were disseminated in the form of a report.

The objectives of the study were to examine the extent to which Special Courts in Delhi are “child-friendly,” whether the Special Courts are structurally and procedurally compliant with the POCSO Act and Rules; to understand the interpretation of provisions, application of presumption, appreciation of testimony of the child, disposal rate, conviction rate, factors affecting conviction and acquittal, response to ‘romantic relationships’, compensation orders, use of medical evidence, and investigation lapses; to identify gaps and challenges in the functioning of the Special Courts; to identify good practices that can be adopted by Special Courts to ensure a child-friendly trial and to articulate recommendations for practice guidelines and system reform based on the above. The report can be accessed from the following link: <https://www.nls.ac.in/ccl/jjdocuments/specialcourtPOSCOAct2012.pdf>



**Developing legal framework for Right to ECCD**

The RTF team extended support and inputs towards developing legal framework for right to ECCD in collaboration with the ECCD Alliance. Ms. Neenu Suresh



went for a field survey which was conducted in Kannur, Kerala from 19th March to 2nd April 2016. This study aimed to document the decentralization experience of Kannur and its impact on ICDS. A sample of four Anganwadi centres, in two different administrative set up was selected: Payyannur Municipality and Madayi Gram Panchayat of Kannur district. She interviewed primary stakeholders, local authorities, departments, Anganwadi functionaries, ASHA workers, Kerala Shastra Sahitya Parishath, Kudumbashree unit which produces Nutrition mix for children and others.

#### **CCL NLSIU Advisory Board Meet**



CCL NLSIU Advisory Board (AB) was re-constituted with following members –

1. Mr. Justice Shivaraj V. Patil – Former Judge , Supreme Court of India
2. Mr. Justice N.K. Patil; (Till April 2016)
3. Prof. Shantha Sinha- Founder and Former Trustee M. Venkatarangaiya Foundation, Former Chairperson of NCPCR (From June 2016)
4. Prof. Babu Mathew –Visiting Professor, NLSIU
5. Dr. Shekar P. Seshadri – Professor, Department of Child and Adolescent Psychiatry NIMHANS
6. Dr. Shoba Raghuram – Independent Researcher,

Former Director of HIVOS (Netherlands) India Regional Office

7. Prof. (Dr). R. Venkata Rao – Vice Chancellor, NLSIU
8. Prof. (Dr). V.S. Elizabeth –CCL NLSIU

The first meeting of the re-constituted AB meeting was held on 27<sup>th</sup> June 2016. Prof. Babu Mathew – Visiting Professor, NLSIU and Dr. Shekar P. Seshadri – Professor, Department of Child and Adolescent Psychiatry NIMHANS participated in the meeting headed by the Coordinator along with the entire CCL team. Other members of the Advisory could not participate due to prior commitments. The agenda for

the meeting included reporting by the teams of the activities undertaken in the last three years, discussion on the CCL Draft Vision Document, Comments and Feedback from the AB members and way forward.

Coordinator made presentation on the CCL Draft Vision Document after which AB members gave their suggestions and comments to the document which will be incorporated and will be placed before the Experts meet which is tentatively planned in Mid-2016.

#### **Appointments to Expert Committees**

- Arlene Manoharan was appointed a member of a Committee established under the directions of

**Program Updates**

Hon'ble Supreme Court vide orders dated 10.04.2015 and 24.07.2015 in Writ Petition (C) No.473/2005 Sampurna Behrua v. Union of India and Ors headed by Justice Manju Goel (retd) to develop a "Training Module for Legal Services Lawyers attached to the JJBs and Probation Officers".

- Ms. Arlene Manoharan has been appointed as a member of a Committee set up by the Ministry of Women and Child Development, Govt. of India to develop a Manual for OH, Special Homes and Places of Safety under the JJ Act, 2015, under the chairmanship of Dr. Arun Mathur, Chairperson, DCPCR.
- Ms. Arlene Manoharan has been appointed a member of a Committee set up by the Department of Women and Child Development, Govt. of Karnataka, to develop a Model Observation Home, in Bangalore

**Program Updates**

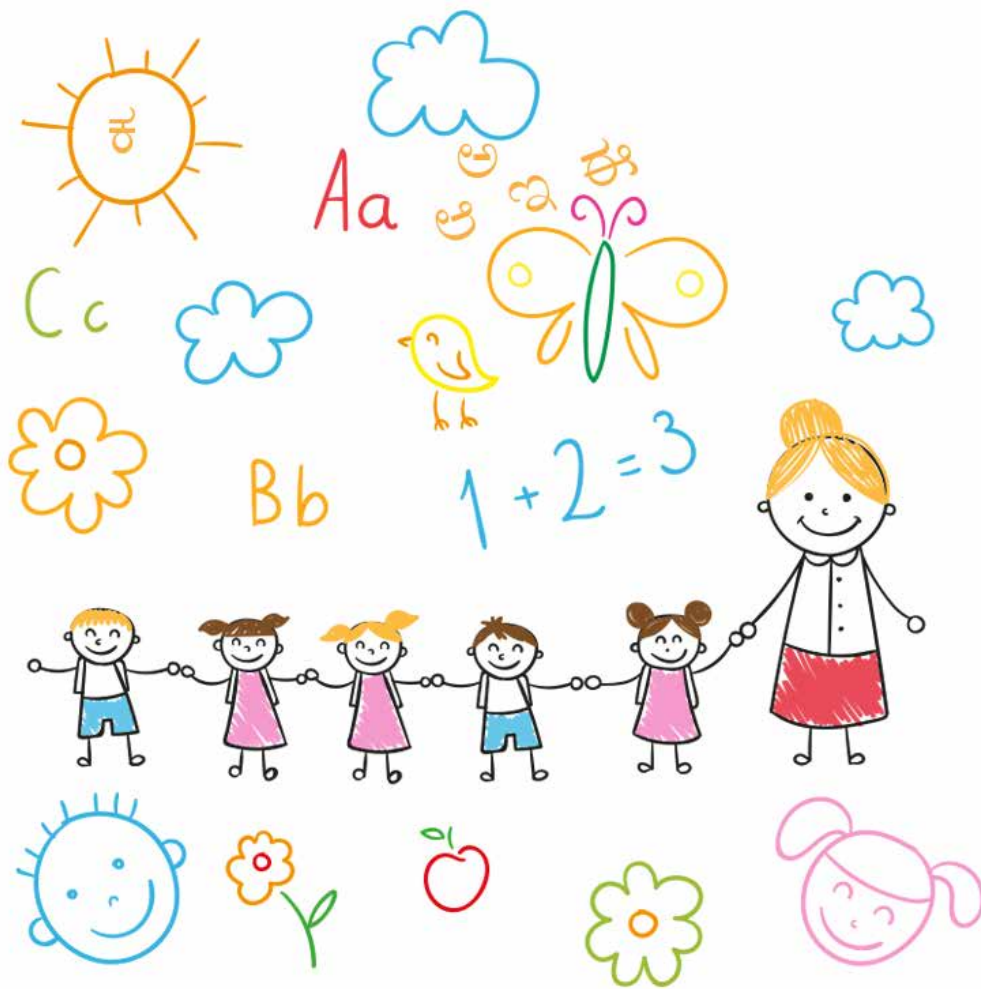
Urban. The Committee has been asked to develop a strategic action plan to develop a model that can be replicated in other districts across the State and perhaps across the country as well.

- Ms. Arlene Manoharan was appointed a member of the Karnataka Rule Drafting Committee to draft Rules under the JJ Act 2015.
- Mr. Samuel SathyaSeelan was appointed as a Member of the Board of Studies of St. Josephs College (Autonomous), Department of Social Work (MSW Stream) for the period 2016-18. The first meeting was held on 8th Jan 2016; during the meeting Mr. Samuel proposed changes to three papers: Environment and Development; Social Justice; Social Welfare Administration and sub committees have also been formed to look at each of the suggestions made by the members.

**Children's Voice**  
Picture Perception on eradication of child labour



Drawings by children done during the LLP on child labour held at Raichur, Karnataka on 11th May 2016 facilitated by Samuel SathyaSeelan



# QUALITY OF EDUCATION AND AVAILABILITY OF TEACHERS

**Krithika. B. S and Shruthi Raman**

Research Assistants

The fundamental right of every child to free and compulsory quality education guaranteed by the Constitution of India is affirmed by the Right of Children to free and Compulsory Education Act, 2009. In order to realize the right to education of children through the

effective functioning of schools, Section 19 of the Right of Children to Free and Compulsory Education Act, 2009 sets the minimum standards to be maintained by a school.

The major means of effective realization of this right is through the Public Education System, i.e., the Government run schools. A strong public education system can justifiably provide quality education to all children of the society without discrimination on any basis.

One of the major pillars of any education system is its teachers and the quality of education is determined by the availability of efficient trained teachers with high degree of commitment. It is on this basis that the Schedule to the RTE Act prescribes the Pupil-Teacher Ratio (PTR) to be maintained in all

schools in furtherance to Section 19 of the Act as one of the norms. However, it is sad to note that the reality is a far cry from the standards set by the Act, leading to the weakening of government run schools.

According to the recent DISE data (2015-16), there are 44,721 Government run schools in the state of Karnataka. Out of these, 15548 schools face an acute shortage of 29,424 teachers, with the shortage as high as 20 teachers in certain schools. On the other hand, 10428 schools have a total of 13814 excess teachers. This clearly portrays the unscientific methods adopted to appoint teachers to schools leading to lowering the quality of education in these schools.

One of the direct effects of this is increase in the number of drop-outs and reduced enrolments in government schools. The number of enrolments in government schools is decreasing day by day and as much as 620




schools all over the state have zero enrolments (DISE data, 2015-16). It is imperative to note that not only enrolment rate is being affected but the children already enrolled in government schools are either migrating to private institutions or are giving up education completely. The low quality education in government schools is not only increasing the number of drop-outs but is also aggravating the instances of various child rights violations. The increase in the rate of drop-outs might be translated into escalation in instances of child labour and child marriages. A recent study by the NGO Samajika Parivarthana Janandolana showed a direct nexus between the drop-out rate and instances of child marriage. According to this study, 91% of respondents who had dropped out of school were subjected to child marriage before the age of 16 years. Thus, directly or indirectly, the availability of teachers in the public education system has a bearing not only on the quality of education but also on other aspects of development of the child.

The key to curtail the vicious cycle of low quality of education, drop-outs and its effect on other child rights is by ensuring good quality education by adopting scientific methods to appoint teachers based on the needs of each school. One exercise by the State of Karnataka in this direction is identifying excess teachers in each school within a panchayat and transferring them to schools within the panchayat which face shortage of teachers. The same exercise is replicated at the taluk and district levels. While

this is a progressive step, the recent notification of the State Government dated 02.07.2016 states that schools with 10 or lesser number of children will have only one teacher and this is a major setback to the efforts made towards improving the quality of education. In this mixed bag of progressive and regressive methods, it is becoming increasingly difficult to ascertain the impact on the system and quality of education and its bearing on the lives of children. The major challenge is to design innovative methods in appointing teachers to improve the situation with least possible damage to the education system. The question that remains amidst all these developments is whether the best interest of the child remains in the hearts of our policy makers.

Interns at CCL, NLSIU January to June 2016	
<b>Juvenile Justice Programme</b>	
<b>Sachet Makhija</b>	G.H Raison Law College, Nagpur
<b>Rouble Sorkkar</b>	Christ University, Bangalore
<b>Shrikrishna U</b>	West Bengal National University of Juridical Sciences, Kolkata
<b>Nayan Jain</b>	Hidayatullah National Law University, Raipur
<b>Pranjal Verma</b>	Hidayatullah National Law University, Raipur
<b>Harshita Tomar</b>	Hidayatullah National Law University, Raipur
<b>ArunimaDandwate</b>	Hidayatullah National Law University, Raipur
<b>Right to Education Programme</b>	
<b>Sowmya Ranjan Patra</b>	University Law College, Bhubaneswar
<b>VarkhaMohapatra</b>	University Law College, Bhubaneswar
<b>Subrat Kumar Debasish</b>	University Law College, Bhubaneswar
<b>Keerthana Gedela</b>	Damodaram Sanjivayya National Law University, Andhra Pradesh
<b>Devika Sharma</b>	Amity Law School, Noida
<b>Ojas Sivakumar</b>	TamilNadu National Law School, Trichy
<b>Ragini Kumari</b>	Central University of South Bihar, Gaya, Bihar
<b>Right To Food Programme</b>	
<b>Sushree S Hota</b>	University Law College, Utkal University, Odisha
<b>Shreejyoti Sar</b>	Madhusudan Law College, Cuttack
<b>Jangyaseni Jena</b>	Madhusudan Law College, Cuttack
<b>Mokshagundam Sudhira</b>	Damodaram Sanjivayya National Law University, Andhra Pradesh
<b>Sregurupriya Ayappan</b>	National Law School of India University, Bangalore
<b>Ruchika Jain A</b>	VIT School of Law, Chennai
<b>Prashant Anand</b>	Central University of South Bihar, Gaya, Bihar



# Compensation under the **POCSO** Act, 2012: Findings of a Study on Special Courts in Delhi

Swagata Raha  
Senior Legal Researcher

## Legal Framework

**U**nder Section 33(8) of the POCSO Act, the Special Court can, in addition to the punishment, order payment of compensation to a child victim of sexual offence for any physical or mental trauma or for immediate rehabilitation of the child. Rule 7 of the POCSO Rules details the procedure and the factors which should be taken into account while ordering compensation. Though an application can be filed seeking compensation, the Special Court can also award compensation on its own, without having received an application. Rule 7(1)

empowers the Special Court to pass an order for interim compensation “to meet the immediate needs of the child for relief or rehabilitation *at any stage* after registration of the First Information Report.” Rule 7(2) clarifies that the Special Court can pass compensation in cases in which the accused has been convicted, acquitted, discharged or even if the accused could not be traced or found, if the Special Court is of the opinion that the child suffered a loss or an injury. The State Government should pay the compensation to the victim within 30 days from the date of the order of the Special Court as per Rule 7(5).

## Ground Realities

A 2015 study on the working of Special Courts under the POCSO Act in Delhi by CCL-NLSIU<sup>1</sup> revealed the confusion plaguing the provisions related to compensation. This is partly due to the pre-existing model as per which the State and District Legal Services Authority are vested with the responsibility of determining the quantum of compensation.

Section 357A of the CrPC led to the introduction of State Victim Compensation Scheme (State VCS) that outlined the process for applying for and receiving compensation. Under the Delhi VCS, 2011 (that has now been succeeded by VCS, 2015), victims or their dependents were eligible to receive compensation under the VCS provided they have not been compensated for their loss or injury under any other Central Government or NCT Scheme.<sup>2</sup> The applications were routed through the IO under the VCS 2011. As per the Scheme, the DLSA could inquire into a claim of compensation when a recommendation was made by a trial court or an application had been made by or on behalf of a victim.<sup>3</sup> Based on this inquiry, the quantum of compensation could be determined within the limits specified within the VCS. For instance, as per the Schedule to the Delhi VCS 2011, a victim of rape could receive compensation of an amount ranging from Rs 2 lakhs to 3 lakhs. The upper limit has been revised to Rs 7 lakhs under the 2015 VCS. While Delhi VCS, 2011 did not separately provide for rape of children, the 2015 VCS states that the quantum could be enhanced by upto 50% if the victim is below 18 years.

Lawyers representing victims shared that this confusion as to who must determine quantum has resulted in indecision and delays. Victims rarely receive interim compensation and are asked by Special Courts to approach the DLSA which in turn redirected them to the Special Courts.

Most Special Courts linked compensation to testimony and thus consider a compensation application only after the victim has testified. Compensation was awarded in only 36 cases out of 667 cases decided by Special Courts between January 2013 and September 2016 *i.e.*, a measly 5.39% of cases. Judges hesitate to award compensation when the child states in court that no sexual offence had been committed or that the accused is not the perpetrator.

In both scenarios, nothing prevents judges from ordering compensation if the child has suffered harm. This is also because compensation is payable by the State Government and not the accused and the law does not require it to be tied to the outcome of the trial. There is no mention of an award of interim compensation in any of the judgments. None of the Special Courts required the filing of a compliance report by the DLSA or any other authority. Special Courts used their discretion to compute the compensation amount resulting in a wide range for the same offence. For instance, the compensation amount for aggravated sexual assault has ranged from Rs 10,000 to Rs 1 lakh.

Interviews with some actors within the criminal justice system revealed the dangerous misconception that cases are filed by families under the POCSO Act to avail compensation. This is despite the fact that compensation is rarely awarded by Special Courts. Prosecutors also largely steer clear of filing compensation applications on behalf of victims. They feel it is the duty of the IO to apply for compensation to the DLSA. Private lawyers attempting to file compensation applications have also met with resistance.

## Recommendations

The need of the hour is for the High Court to issue a guidance note to Special Courts on the award of interim and final compensation in cases under the POCSO Act clarifying the role of various authorities in the awarding and disbursement of compensation amount. The State Government through the State Legal Service Authority should ensure that the amount ordered is paid to the victim within 30 days. Special Court should not delay or deprive child victims in need of interim compensation by linking the decision to their testimony in court. They must proactively consider compensation applications and not hesitate from exercising their *suo motu* powers in this regard. They must also direct the District Legal Services Authority to file a compliance report within 30 days of the award of compensation.

1 CCL-NLSIU, Report of the Study on the working of Special Courts under the POCSO Act, (January 2016) <https://www.nls.ac.in/ccl/jjdocuments/specialcourtPOCSOAct2012.pdf>

2 Clause 4, Delhi VCS 2011 and Clause 5, Delhi VCS 2015.

3 Clause 5, Delhi Victim Compensation Scheme, 2011.



# Democratic Decentralization and Anganwadis in KERALA

Neenu Suresh  
Research Associate

Kerala's experience of democratic decentralization presents a classic case of transformation of the very role of State. By creating institutions and processes for ensuring effective community participation, the State has deftly used the tool of democratic decentralization towards achieving crucial redistributive and social gains. This is in contrast to the decentralization projects that are vigorously being advocated by the international donor agencies, as part of their neo-liberal economic agendas to cripple the role of public sector.<sup>1</sup> Instead of diminishing the role of State, decentralization in Kerala, has actually resulted in making it more responsive to the local needs and improving the quality of public services.

Launched in 1996, the 'People's Campaign for Decentralized Planning' is widely regarded as the most far reaching and radical experiments in decentralization.<sup>2</sup> When the Parliament made a series of landmark amendments to the Indian Constitution in 1993 to institutionalize local democracy and give constitutional status to *Panchayati Raj* institutions and urban local bodies, Kerala found a 'historic moment of opportunity'<sup>3</sup> to steer a people's campaign for realizing the ideals of democratic decentralization. Among the crucial centrally sponsored schemes integrated to the Local Self- Governments (LSGs) is the Integrated Child Development Services (ICDS), one of the largest women and child development programmes in the world. Needless to say, it is an arduous task to integrate a typical vertical programme- formulated

1 T.M. Thomas Issac and Richard W. Franke, *Local Democracy and Development The Kerala People's Campaign for Decentralized Planning*, Rowman & Littlefield Publishers (2002).

2 T N Seema, *Performance of Anganwadi Centres in Kerala: An evaluation and experiment to develop a model centre with community participation: Discussion Paper no. 28*, Centre for Development Studies (2001) Pg. 5.

3 *Supra* note 1 at 2.

by the Central government and run uniformly across the country- into a decentralized mode of implementation.<sup>4</sup> This integration has however contributed immensely to the working of *Anganwadis* in the state- a fact well demonstrated by the Centre's recent study on decentralization and its impact on ICDS in the state. This author documented the decentralization experience in Kannur- one of the three districts studied by the team.

While the ICDS scheme is administered by the Department of Social Welfare (hereinafter 'the Department') in the state, community participation and the involvement of LSGs in the implementation of the scheme begin at the level of formulating plans and extend to the level of monitoring of the scheme. Formulation of plan for *Anganwadis* begins with discussions in the respective *Working Group of Social Welfare* of gram



panchayats and municipalities. This *Working Group* consist of implementing officers, elected representatives and nominated members including social workers, experts and other prominent people from the community. Thereafter, numerous built-in mechanisms of LSG such as *Ayal Sabhas, Ward Sabhas and Development Seminars* give adequate space for community participation in the plan formulation. These mechanisms, apart from creating plans that are responsive to the needs of the community, have also instilled them with a sense of ownership. This

4      Supra note 2.

was amply evident from the generous contributions that they made, with the community often taking a lead in mobilizing resources for improving the infrastructure of *Anganwadis*.

### Anganwadi Centres at Korom and Vengara Post Office in Kannur

LSGs are empowered to decide the food items to be given for Supplementary Nutrition Programme (SNP) based on local needs. This, of course needs to fulfill the nutritive standards set by the Department. Supplementary nutrition is provided to children three times a day and different LSGs can have different menu. The state contribution for SNP is released through the LSGs and unlike other states, there are no glitches in the implementation of SNP owing to delays in fund allocation, as this allocation is one of mandatory nature for the LSGs. In reality, the actual spending on SNP often surpassed the allocation by Central Government and the prescribed mandatory allocation rate. Apart from this, LSGs also provide funds for maintenance of *Anganwadis*, building of new *Anganwadis* and other infrastructure facilities, electricity and water connections, purchase of play equipments and gas connection.

Significantly, decentralization has provided a platform for augmenting inter-sectoral convergence of the Department with the health and other related departments at different levels. Considering the fact that ICDS is not just about SNP and that it aims at achieving comprehensive early childhood care and development, with its services spanning to immunization, growth monitoring, referral services and pre- school education, such a platform becomes crucial. It can be seen that at least nine departments- social welfare, health, general education, food and civil supplies, local self-government, rural development, water authority, planning and economic affairs, finance and agriculture- are involved in the functioning of *Anganwadis*. The regular meetings conducted by the LSGs bring together key implementing functionaries and elected representatives, resulting in prompt fixing of the glitches and thereby essentially improving the quality of services provided at the *Anganwadi*. Besides this, the Child Development

Project Officer (CDPO) and Supervisors attend meeting at Community Health Centre /Block Primary Health Centre and the Programme Officer and CDPO attend meetings at District Medical Officer's office every month, effectively leading to better coordination between the key departments.

The study also found that the uneasy relationship between the bureaucracy and the LSGs, which existed during the initial days of People's Campaign has seen a marked change. The implementing officers in the Department remark that decentralization has indeed ushered in more transparency and accountability, and over the years, quality of service delivery has improved as the elected representatives are directly accountable to people. In fact, the Panchayat Members/ Ward Councillors and the Welfare Committees are often the first point of grievance redressal for most of the beneficiaries. Welfare Committees constituted at every *Anganwadi*, consisting of the *Anganwadi Worker*, Ward Councillor/ Panchayat member, social workers, parents, ASHA and other prominent nominated members, regularly took stock of the functioning of *Anganwadis* and this has improved their functioning.

Notably, LSGs are found to be bringing in various innovations for improving the scheme. The initiative by the Payyannur Municipality in Kannur for designing the pre-school education materials deserves applause especially when this remains the most neglected component of ICDS. ICDS is also being used for women empowerment, as it is the *Kudumbashree* units (Self Help Groups) across the state, which are involved in the supply of Take Home Rations- supplementary nutrition provided to children between the age of six months to three years.

Democratic decentralization has undoubtedly improved the efficiency of ICDS implementation, making it more participatory and transparent. This is not to say that the functioning of *Anganwadis* in the state is all flawless. The *Anganwadi Worker* needs to be relieved of the additional responsibilities that are being dumped on her. Infrastructure of the *Anganwadis* has to be improved with sufficient space for the children to play. Non- formal pre- school education component of ICDS calls for immediate attention. Nevertheless, Kerala's experience of democratic decentralization, however incomplete it may be, offers valuable insights on the profound impact that strengthening of local democracy can have on the public sector in the country.

### CCL Team\*

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With the Date of Joining

# CCL NLSIU Priced Publications

SL.No	Publication	Authors/Editors	Price
1.	<b>Manual for Commissions for Protection of Child Rights - How to implement The Commissions for Protection of Child Rights Act, 2005</b> ISBN No: 978-81-925521-6-3	Swagata Raha, Dr. Archana Mehendale and Arlene Manoharan Edited by Arlene Manoharan	INR 725.00 / \$ 16.00
2.	<b>Handbook for Local Authorities on The Commissions for Protection of Child Rights Act &amp; Grievance Redressal under The Right of Children to Free and Compulsory Education Act, 2009</b> ISBN No: 978-81-925521-9-4	Dr. Archana Mehendale Edited by Arlene Manoharan	INR 50.00 / \$ 3.00
3.	<b>Commissions for Protection of Child Rights - Answers to Common Questions Children May Have</b> ISBN No: 978-81-925521-7-0	Arlene Manoharan and Dr. Archana Mehendale Edited by Cheryl Bartholomeusz	INR 50.00 / \$ 3.00
4.	<b>Frequently Asked Questions on the Commissions for Protection of Child Rights Act, 2005</b> ISBN No: 978-81-925521-8-7	Swagata Raha and Dr. Archana Mehendale Edited by Arlene Manoharan	INR 50.00 / \$ 3.00
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## National Law School of India University [NLSIU]

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as notified on its website. NLSIU respects the time of candidates participating in the Contact Classes. Accordingly, best efforts are made to adhere to the notified schedules. Though the Contact Classes are not compulsory, it is advised that the candidates attend these and benefit from the teaching and class room discussions. Classes are held only at NLSIU, Bangalore.

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### COURSE FEE

Application Fee	Rs. 1,500/-
Admission Fee	Rs. 2,500/-
Course Fee	Rs. 11,200/-p.a
<b>Total Course Fee</b>	<b>Rs. 15,200/-</b>
<b>Total Course Fee (with late fee of Rs. 500)</b>	<b>Rs. 15,700/-</b>

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Citation : Justice to Childern. Bi-Annual Newsletter, Centre for Child and the Law, NLSIU, 2016 (Vol 4- Issue No. VII January 2016 - June 2016)  
Published by: Centre for Child and the Law, National Law School of India University, Nagarbhavi, Post Box-7201, Bengaluru-560 242  
Website: [www.nls.ac.in/ccl](http://www.nls.ac.in/ccl) Email: [ccl@nls.ac.in](mailto:ccl@nls.ac.in) Telefax: 080-23160528