**SPEECH**

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A very Good Morning to all of you. Today we have assembled here for discussing the crimes relating to children in general, and also the crimes relating to female children. We are also going to discuss the concept and application of restorative justice in the juvenile justice system. This is perhaps my second interaction in this Academy in the programme organized by UNICEF on such issues.

Friends, at the end of year 2016, the population of India was estimated to be more than 133 crores, which is said to be the second largest in the world. As per 2010-11 Census, approximately 39% of the total population is represented by children, out of which about 29% constitute children in the age group of 0 to 5 years, 28% in the age group of 6 to 10 years, 27% in the age group of 11 to 15 years and 16% in the age group of 16 to 18 years. Again, out of the total population, approximately 48% are women. Thus, when we are dealing with the crimes relating to woman and children, we are not only dealing with large chunk of the population, rather we are dealing with the future of India.

Out of 39% of the total population represented by children, about 29% constitute children in the age group of 0 to 5 years, and unfortunately, the crime against the children starts from this age group itself. If we take the crimes against the female children, they start even before their birth, while they are still in womb and no sooner than their sex can be determined. Sex selective abortions are rampant in India despite all efforts and all laws made against it, that prohibit the sex selection of a fetus and abortion thereof. According to the latest estimates, five lakh female foetuses are aborted annually. According to a recent UNICEF report, India has lost over one crore girls since 2007.

Female infanticide, child marriage, sexual and psychological abuses of children, both male and female, child prostitution, child pornography, child labour, child trafficking etc., are some of the key issues, which I suppose, shall be the subject of deliberations in the technical sessions to be followed today. Friends, this is an age of cyber crime and children are also subjected to various types of cyber crimes through internet and social media. According to a report, it is estimated that globally there are about 7,50,000 predators online at any time and they make million dollars profits by advancing commercial sex services along with regular merchandise and there are different websites for that. There is estimated generation of approximately about 30 million US dollars a year through this crime. Similarly, cyber radicalization of women and children are related to terrorist activities too. The offences of cyber crime are now not done through the common internet, now this is an era of dark internet, dark web and deep web. These webs cannot be accessed by using traditional search engines or through traditional browsers, there are specialized browsers for these webs, such as, one is TOR browser, and it has become very difficult even for the investigating agencies to crack down these offences, in spite of various provisions in the Information Technology Act relating to cyber crime. In the recent times, the instances of children and youth joining terrorist groups, including ISIS, being lured through internet are known to all of us. Two Australian girls, aged about 15 to 16 years went to Seria in April 2016, arrested, while going to join Islamic Estates. 16 year old twin girls, whose brother was already in Syria, had gone there to marry ISIS fighters, after their brain drain by these terrorist organizations through internet. These are only some of the instances, which could be detected and we are sure that much more have gone undetected even from our country. Recently, the instance of one very talented Kashmiri youth joining terrorist group and coming back after the appeal by his mother and family members is an eye opener and yet another glaring example of the exploitation of children and youth of vulnerable age, may be through cyber crime.

One very important aspect of juvenile criminology that is going to be discussed today relates to restorative justice. Though section 357 of the Cr.P.C., providing for payment of compensation to the victim of crime by the convict, section 357A of the Cr.P.C. providing for victim compensation by the State Government and the Central Government and Plea Bargaining under Chapter-XXI-A of the Cr.P.C., are the steps towards restorative justice, but actually restorative justice means much more. It is now a worldwide phenomena. The Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (2000) encouraged the development of restorative justice policies. In August 2002, the United Nations Economic and Social Council adopted a resolution calling upon Member States implementing restorative justice programmes to draw on a set of Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters. In 2005, the declaration of the Eleventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders urged the Member States to recognize the importance of further developing restorative justice polices, procedures and programmes that include alternatives to prosecution. Restorative justice is defined as a theory of justice that emphasizes repairing the harm caused by criminal behaviour.Restorative justice insists to repair the injuries caused by crime by enabling the victim, the offender and affected members of the community to be directly involved, often in face-to-face meetings. It requires the offenders to realize the effect of the offence committed by him, take the responsibility for their actions and of the harm they have caused, seeks redressal for the victims by the offenders and reintegration of both, the victim as well as the offender, within the community, and requires a cooperative effort by communities and the Government. This can go a long way when it is applied to the juvenile justice system. It is very heartening to note that in the State of Jharkhand, through the combined efforts of the Jharkhand High Court and JHALSA, a lot has been done for victim compensation, and now under the direction of the High Court, invariably in all cases, orders are being passed for payment of compensation to the victims of crime. In Jharkhand more than 400 victims have already been identified, and more than Rs. 800 lacks have already been ordered to be paid. The State Government has doubled the allocation for victim compensation from Rs. 250 lakhs to Rs. 500 lakhs in the year 2017. So far as the rehabilitation of the juveniles in conflict with law is concerned, Jharkand is the only State in this Country where effective steps have been taken, where the children have been imparted training in DTP and screen printing while their stay in observation home, and after coming out of the observation home they have been gainfully employed. Our success story shall be detailed in the deliberations in the 2nd Technical Session today by the Secretary HCLSC.

Friends, child labour and trafficking of children for child labour is yet another matter of great concern. According to a report published in the year 2011-12, throughout the world, around 215 million children work, many full-time. They do not go to school and have little or no time to play. Many do not receive proper nutrition or care. They are denied the chance to be children. More than half of them are exposed to the worst forms of child labour such as work in hazardous environments, slavery, or other forms of forced labour, illicit activities including drug trafficking and prostitution, as well as involvement in armed conflict. Child labour and trafficking of children is a major problem with which the State of Jharkhand is also suffering. According to a report published in Times of India on 23rd April, 2013, "Despite the state government's resolve to eradicate child labour, eliminating the menace remains a distant dream in Jharkhand. More than five lakh population of below 18 years are working as mechanics, domestic help, daily-wage labourers, coal-pickers and rag-pickers in the State, according to a survey by the Action Against Trafficking and Sexual Exploitation of Children. The official figures, however, put the number at 2.37 lakh."

Friends, I had an occasion a very short video clipping prepared by UNISEF on the child rights. In a class room, children are playing naughtily. Teacher comes and starts taking attendance calling Roll No.1, 2, 3 etc. The children present there in the class room, respond and then comes a roll number, there is silence in the room and the child of that roll number was shown repairing a car in the motor garage, popping out beneath a car. Another roll number, child was shown doing some bonded labour somewhere. Still another roll number, the girl child was shown at a place where she aught not have been. The massage, that was given, was that the child was not there, where he or she ought to have been, i.e., in the school; rather the child was present where he or she ought not to have been present. These are the places where the children are not subjected only to child labour exploitations, rather they are subjected to other offences also, including sexual offences. Children who are not under the protective care of family, are not only vulnerable to these sexual and other offences against them, rather they become children in conflict with law, and start committing the offences. Children in need of care and protection, when are failed by the society, by not providing them the care and protection, are vulnerable to become children in conflict with law. The juvenile offender in the infamous Nirbhaya case also comes in this category. Perhaps he was a child in need of care and protection by the society, but he was left in company of the other major offenders in that case and had committed such a heinous offence. I am sure Dr. Bharti Ali shall be addressing the participants on this glaring issue in detail in her Technical Session.

Friends, these are some instances of crime against children, which I have just discussed. Laws have been enacted for protecting the rights children. In spite of all the legislations, the offences against the children are rampant. What actually needed is, is a change in our mindset and sensitization of all the stake holders, be they Judicial officers dealing with the crime against children and women, or the other law enforcing authorities / agencies for effective implementation of the laws in its true spirit in which it is framed by the Legislature, which we shall be deliberating upon in the technical sessions today. I wish, these technical sessions great success.

Thank You.