



JUVENILE JUSTICE

(Care and Protection of Children) Act, 2015



TRAINING MANUAL

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(Care and Protection of Children) Act, 2015



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WOMEN AND CHILD SECURITY ORGANIZATION



PREFACE

The future of a nation rests on its children. The safety and all-round development of children is therefore of paramount importance for any country. As per the 2011 Census of India, 39 percent of the total population of the country is less than 18 years of age. Various legislations, policies and programmes have been initiated from time to time for care and protection of children. However, lack of adequate knowledge, skills and attitudes on the part of multiple stakeholders poses challenge at the level of implementation.

Police department in India plays an important role in cases related to children due to its involvement, directly or indirectly, in almost all incidents involving children.

It is well known that Uttar Pradesh is the most populous state of India, where the number of children is highest in the country. Similarly, the number of personnel working in the UP Police is also the highest in the country, which is about 2.5 lakhs. By making the police personnel aware of the laws related to child protection, justice can be delivered to all concerned children.

Therefore, in view of the need for sensitization and capacity building of police personnel regarding rights of children in need of care and protection as well as children in conflict with law, this booklet "**Juvenile Justice (Care and Protection of Children) Act, 2015: Training Manual**" has been prepared by the Women and Child Security Organization of Uttar Pradesh Police. I congratulate Ms. Neera Rawat, ADG, WCSO and her team for this initiative.

This booklet will definitely be very beneficial in sensitization and changing attitudes of the police officers about the juvenile justice. It will be helpful in effective implementation of laws for safety, protection and welfare of children.

With the best wishes...

Mukul Goel, I.P.S.

Director General of police,
Uttar Pradesh





WOMEN AND CHILD SECURITY ORGANIZATION



FOREWORD

Children are the supreme assets of any nation. If children are provided with a safe environment that is conducive for their overall growth and development, then children grow up to be responsible citizens who contribute to the progress of the nation.

In order to prevent harassment of women and children, to control offences against them and to provide assistance to them, Women and Child Security Organization (WCSO) has been established under the Uttar Pradesh Police. It is the state level nodal agency for "Special Juvenile Police Units" set up in all districts and railway police stations under the Juvenile Justice (Care and Protection of Children) Act, 2015.

This booklet has been prepared by the Women and Child Security Organization with the objective of building capacity of and sensitizing police officials towards the new dimensions being added to the laws and rules related to child protection. Through this training module, the WCSO aims to train about 4,500 police officials working as SJPU and CWPOs at the level of police stations and GRP.

For the development of this publication, I would like to place on record the contribution and sincere efforts of Ms. Alankrita Singh, Superintendent of Police, Women and Child Security Organization, Lucknow and Ms. Neeti Dwivedi, Additional Superintendent of Police, Women and Child Security Organization, Lucknow and all other team members who have contributed to the publication directly or indirectly.

I sincerely hope that the Uttar Pradesh Police, especially the police officers directly engaged in child protection related responsibilities will take full advantage of this booklet and work with more sensitivity towards the children.

Neera Rawat, I.P.S

ADG

Women and Child Security Organization,
Uttar Pradesh



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01 | ABOUT WOMEN AND CHILD SECURITY ORGANIZATION

Under the aegis of Uttar Pradesh Police, which serves a population of 230 million, the Women and Child Security Organization (WCSO) was established by the state government on 18 August, 2020 to coordinate the activities of police as well as other departments for delivery of justice to women and children. The objectives of WCSO include prevention and redressal of violence against women and children, to combat crimes against them and to provide them assistance under various policies and schemes. WCSO also works towards effective redressal of complaints by women, received through IGRS and Chief Minister's Helpline. Notably, WCSO is the nodal agency for all anti-human trafficking units in the state as well as for the special juvenile police units of all districts. WCSO is also the coordinating agency for the Prevention, Prohibition and Redressal of Sexual Harassment Workplace Act, 2013 for the Uttar Pradesh Police. Presently, the Mahila Samman Prakoshth, Mahila Sahayata Prakoshth, Women Power Line 1090 and other units of police working towards empowerment of women are a part of WCSO. Women Power Line 1090 is a 24x7 dedicated helpline for women's complaints of sexual harassment, stalking and domestic violence which functions on a dual feedback loop. It protects the identity of complainants and does not require them to go to any police station or office.

The objectives of WCSO include prevention and redressal of violence against women and children, to combat crimes against them and to provide them assistance under various policies and schemes.

WCSO objectives

- Prevention and redressal of violence against women and children
- Combat crimes against women and children





02 | AIMS AND OBJECTIVES OF TRAINING MANUAL

BACKGROUND

Children constitute 39 per cent of India's population.¹ Children on account of their tender age and immature mind need special care and protection. They have certain special legal entitlements that have been acknowledged nationally and internationally. Recognised by policy-makers as a supreme national asset, children deserve the best in national investment, for their survival, health, development opportunity, security and dignity.

The Constitution of India provides that the State shall direct its policy towards ensuring "that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment".²

In active recognition of international standards, the Government of India is a signatory to the Universal Declaration of Human Rights since its adoption in 1948, and moved the UN General Assembly to declare an International Year for the Child in 1979. It acceded to the United Nations Convention on the Rights of the Child (UN CRC) in 1992, and ratified its Optional Protocols on Involvement of Children in Armed Conflict, and on Sale, Prostitution and Pornography, in 2005. These acts of accession and ratification stand as treaty obligations which India has undertaken to fulfil.

India has passed various child-centric legislations such as the Juvenile Justice Care and Protection Act (2000) and the new Act of 2015 in line with the international standards of care and protection for children, establishment of the National Commission for the Protection of Child Rights (NCPCR) (2005), the Prohibition of Child Marriage Act (2006), the Right of Children to Free and Compulsory Education Act (2009), and the Protection of Children from Sexual Offences (POCSO) Act (2012).³

Children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and childhood and youth are protected against exploitation and against moral and material abandonment

¹ Census 2011

² Directive Principles of State Policy, Constitution of India

³ Official Website of the Ministry of Women and Child Development, GoI.

The field of Juvenile Justice deals with the systems of Justice specialised for children in contact or conflict with the law. It is the field of children's rights where the international community has drafted the largest amount of legislations (national, regional and international). It is obviously a very sensitive field where children's rights violations are numerous and sometimes account for violations of children's rights at the hands of States themselves, for example, in the apprehension, arrest and detention, in the execution of judicial sentences and in custody and institutionalization of children. Deprivation of liberty, even if under law, diminishes opportunities in terms of health, education, safety and potential for gainful employment of these children, thus jeopardizing their chances for a better future. The Juvenile Justice system also includes children who are victims and witnesses apart from those who are alleged offenders.

India enacted the first juvenile justice law of the country in 1986. This Act concerned itself primarily with juvenile delinquency. The law outlined two broad categories of children, viz, Children in need of Care and Protection and Children in Conflict with Law. The Child Welfare Committees were envisaged as the body responsible for inquiring into the status of the child in the first category and the Juvenile Justice Boards in the second category. The law incorporated the principles of reformatory justice and made legal provisions for rehabilitation and reintegration of children into the society. The law prohibited disclosure of a child's identity to media in order to prevent secondary victimisation and to give the child a fair chance of education, work and a normal life.

In 2015 the law was re-enacted as the Juvenile Justice (Care and Protection of Children) Act, 2015. The Act enumerated 'The General Principles of Care and Protection of Children', including the Principle of Best Interest of the Child.

It is the field of children's rights where the international community has drafted the largest amount of legislation (national, regional and international).



The Act accommodated several implementation challenges faced during the past 15 years, for example, the process of age determination has been laid down in the law. The law mandates that a child in conflict with law shall not be sentenced to death or to life imprisonment. The law makes it a punishable offence to disclose the identity of any child under this law or to send a negative report for the purpose of character certificate.

The child shall have a right to bail which may be granted by the Station House Officer or by the JJB. The Act also laid down certain offences against children and prescribed punishment for them, for example, punishment for offence of inflicting corporal punishment on children in institutional care. Most notably, the term 'juvenile' was replaced by 'child' all through the text of the law. In a landmark judgement, in March 2017, Justice Madan B Lokur observed with respect to Section 2(14), "The definition of the expression 'child in need of care and protection' under Section 2(14) of the JJ Act should not be interpreted as an exhaustive definition. The definition is illustrative and the benefits envisaged for children in need of care and protection should be extended to all such children in fact requiring State care and protection. Therefore, it may be concluded that a child in conflict with law may at the same time be a child in need of care and protection and if so is the case then he or she must be treated as such. Moreover, children who are victims of child labor, prostitution, trafficking, begging or sexual offences may often appear in both categories and often there may be need for coordination between a numbers of departments." Every third person in India being under 18 years, whether this young Indian population would be a demographic dividend or a burden would be shaped by the implementation of the Juvenile Justice Law. The law is a powerful instrument that has the potential to create such an enabling environment which is essential for a balanced physical, psychological and social development of each child in the country so that he or she grows to his or her fullest potential to be able to make a positive contribution as a citizen.

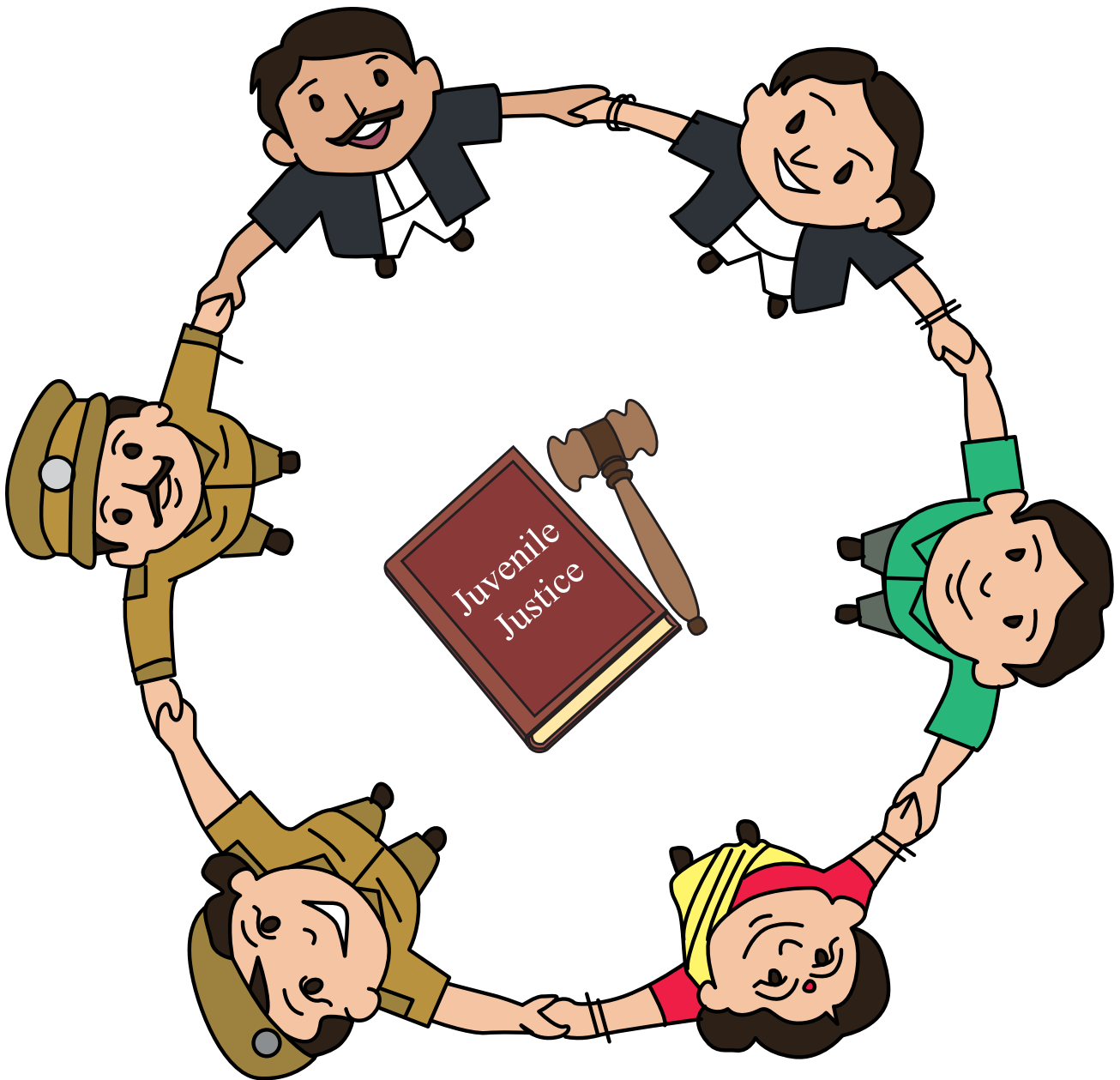
Every third person in India being under 18 years, whether this young Indian population would be a demographic dividend or a burden would be shaped by the implementation of the Juvenile Justice Law

However, in the absence of inter-agency coordination and sensitivity to the cause of juvenile justice, the law in itself may not be sufficient to ensure justice to children in need of care and protection and those in contact or conflict with law and to ensure protection of their rights and entitlements.

SETTING THE CONTEXT

In the past decade and a half, the SJPUs and the CWPOs have been constituted in all the districts all over the country, apart from other key stakeholders, like the CWC, JJB, and Childline etc. But their performance is restricted by various infrastructural and procedural challenges. In August 2017, The Supreme Court Committee on Juvenile Justice released their Consolidated Report titled 'Effective Implementation of The Juvenile Justice (Care and Protection of Children) Act, 2015'.⁴

⁴ *Effective Implementation of The Juvenile Justice (Care and Protection of Children) Act, 2015- Consolidated Report of The Supreme Court Committee on Juvenile Justice released August 2017*



The need to bring all relevant stakeholders on one platform to map the problems and emerging issues, as well as identify workable solutions was one of the ways of triggering change on the ground

- The report was a result of 3 round-table consultations with all stakeholders. The Round-table Consultations were born out of the Supreme Court's deep concern about the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000. The need to bring all relevant stakeholders on one platform to map the problems and emerging issues, as well as identify workable solutions was one of the ways of triggering change on the ground. The focus has continued with the enactment of the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act, 2015). The Round-table Consultations were conducted under the aegis of the One-Person Committee on Juvenile Justice headed by Hon'ble Justice Madan B Lokur with the support of UNICEF India and technical support of the Juvenile Justice team at the Centre for Child and Law (CCL), National Law School of India University (NLSIU), Bangalore, assisted by law students.

- For the purpose of this publication, three key issues are highlighted from this report, viz

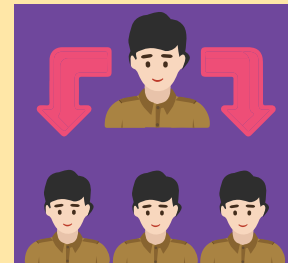
01 Regular and Periodic Training

Capacity building programmes for SJPU/CWCs/JJB Members/ Judicial Officers/Court Staff are necessary considering the sensitivity of the cases under JJ Act and POCSO Act. Stakeholder's need to be imparted training on communicating with children, impact of child sexual abuse, impact of courtroom and legal procedures on a child, adolescent psychiatry and neuroscience research on behaviour and delinquency and preparation of Individual Child Plans (ICPs).



02 Lack of coordination amongst stakeholders

A common issue across States was the lack of coordination between various stakeholders, such as the police, the CWCs, support persons, the JJBs, the DCPUs, and so on, leading to inefficiency and lack of clarity in roles. There is a multiplicity of organizations dealing with the child in some States with little coordination between them, and this hampers rehabilitation. Convergence is also required between the JJBs and CWCs for rehabilitation of CICLs who are also in need of care and protection.



03 Improving convergence between the criminal justice system and child protection system

Special Courts and Magistrates need to recognize the role of the CWC in ensuring care and protection of the child victim based on Section 1(4) (ii), JJ Act, 2015. Child victims could be referred to the CWC for institutional or non-institutional care and services by the Special Court or Magistrate. Special Courts could also rely on the Social Investigation Reports and Individual Child Plans prepared by the CWC to compute compensation. Special Courts dealing with cases of children in conflict with the law transferred by the JJB should engage with the DCPU and the POs under the JJ system to prepare the ICP for the child, track the progress of the child at the place of safety, and also monitor the quality of services and rehabilitation provided to the child.



OBJECTIVES

Police is a key stakeholder in the implementation of the law. They are first responders as well as partners in most rescue, relief and rehabilitation work with children in need of care and protection. With regard to children in conflict with law, the responsibility rests on the police to provide a child friendly environment to the concerned children as well as to protect their other legal rights and entitlements. To coordinate all functions of police with regard to children, SJPU have been constituted all over the state of Uttar Pradesh and CWPOs have been designated in each of the police stations.

The Supreme Court as well as the GoI has time and gain issued guidelines for training and capacity building of police officers in dealing with cases related to children and providing a safe and child- friendly atmosphere to children who come in contact with police under various circumstances.

It is the endeavour of the state government to conduct training and capacity building of SJPU and CWPOs in the state of Uttar Pradesh to develop the professional competences of police officers for protection of children' rights in the most populous state in the country. This project targets a whopping 4322 police officials of the state.



CHILD PROTECTION OFFICERS



78
Nodal
Officers

3024
CWPOs

78
SJPU
Incharges

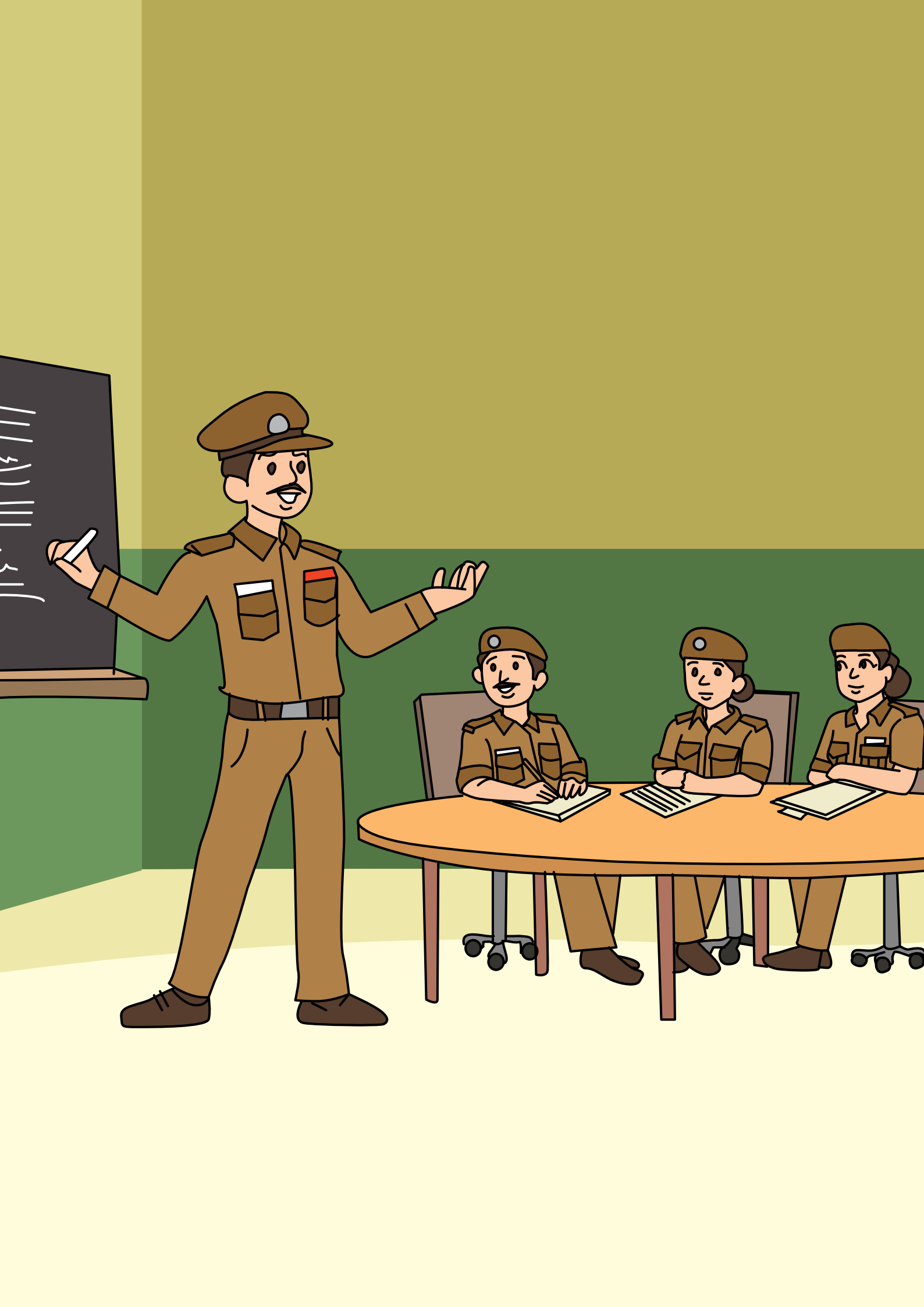
884
SJPU
Members

158
GRP
CWPOs

TOTAL 4322

This project is being undertaken by WCSO with the following aims and objectives-

1. Capacity Building of SJPU and CWPOs directly engaged in implementation of Juvenile Justice Act 2015 in the state of Uttar Pradesh.
2. Ingraining the Principle of 'The Best Interest of the Child' among the SJPU and CWPOs.
3. Fostering multiple-stakeholder collaboration in implementation of Juvenile Justice Act 2015, particularly between police and other duty-holders like CWC, JJB, DCPU, Probation Officers, Homes/Shelters, and Childline.
4. Developing a standardized training module for SJPU and CWPOs based on principles of adult learning.
5. Study the impact of the programme, build in the feedback to revise the module and upscale to cover ALL police officials in the state.





03 | TRAINING MODULE FOR CHILD WELFARE POLICE OFFICERS AND SPECIAL JUVENILE POLICE UNITS

OVERVIEW

This training module has been designed and developed by WCSO for the Special Juvenile Police Units (SJPU) and Child Welfare Police Officers (CWPO) of the state of Uttar Pradesh. The module attempts to incrementally improve the knowledge, skills and attitudes of the officers being trained. It is a 3 days module that is designed to be interdisciplinary in nature. It draws on inputs from law, criminology, victimology, mental health, psychology and sociology.

The module is based on principles of participatory learning. Diverse pedagogy is deployed in the module to maximize engagement of participants and learning outcomes. Case Teaching method⁵ is the primary pedagogical tool in the module, apart from experiential exercises, group work, field visit, key note lecture and panel discussion.

The module is designed for the training and capacity buildings of SJPU and CWPO with the following key Learning Objectives⁶

- (i) Developing empathy towards children who come in contact with law.
- (ii) Understanding the general principles of care and protection of children.
- (iii) Understanding key provisions of JJ Act, specifically with regard to children conflict with law.
- (iv) Understanding their role as SJPU/CWPO and the standard operating procedures to be followed in dealing with children.
- (v) Fostering multi-stakeholder collaboration.

The training module can be conducted with a group of about 30 trainees over 3 days at a suitable venue at the district headquarter. Detailed guidelines for the trainer or the resource person have been provided in this training manual in the following sections. For each session and activity to be conducted, a step-by-step guide has been provided along with detailed trainer notes. Therefore, the left hand column of the guide enumerates 'what to do', while the right hand column explains 'how to do' for the purpose of the trainer.

For each session and activity to be conducted, a step-by-step guide has been provided along with detailed trainer notes. Therefore, the left hand column of the guide enumerates 'what to do', while the right hand column explains 'how to do' for the purpose of the trainer

The session plan included here indicates the distribution of time over 3 days of the training programme and enumerates the learning goals for each session. Subsequently, useful reference material has been provided in the form of annexures. These annexures can be printed and utilized directly for the purpose of conducting a training program. The training manual also includes a list of resource persons along with their brief bio and contact details. Any of them may be invited as guest speakers for a training programme.

Finally, based on the experience of conducting one-day orientation workshops for nodal officers from all 75 districts of UP along with the in-charges of SJPU, a list of frequently asked questions has been drawn along with suitable responses to each question. This has been done on the suggestion of Hon Justice (Retd.) Madan Lokur who addressed all the participants of the above workshops conducted on 4th, 5th, 6th of August, 2021.

Session Plan

The following session plan or time table⁷ can be used to conduct this 3 day training module. As per this time plan the trainees would be required to spend an average of 4.5 hours on each day in the training programme. The topics covered in each session, the pedagogy used, the respective learning goals and duration have been tabulated below.

⁵ **Trainer's Notes:** Case teaching method has long been used in business schools for teaching various management concepts. The method is amenable to collaborative problem solving, brainstorming and out of box thinking. It is particularly useful for inculcating the right attitudes, apart from incrementally improving knowledge and skills.

Case study or small caselets included in this module generally end in a dilemma or decision point which may or may not have a straight forward or ideal solution. They are designed to encourage thinking, deliberation and debate. The role of the teacher or trainer is envisaged as that of a facilitator in the process of peer learning. The cases also provide ample opportunities to empathise with the victims and protagonists.

⁶ **Trainer's Notes:** Learning objectives help the trainer in remaining focused on the ultimate goal to be achieved. These guide the trainer in the 3 days journey and help prevent digressions or distractions.

These must be shared with the participants in the beginning of the training as they help the participants in appreciating the purpose of the training. Through the learning goals they are also able to assess their progress vis-a-vis these goals.

⁷ **Trainer's Note:** The first and the last columns of the above table may be used as a timetable to be circulated to all participants.

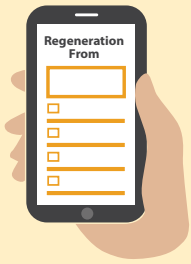
| TOPIC | PEDAGOGY | LEARNING GOALS | DURATION |
|---|--|---|----------------|
| DAY 1 | | | |
| Registration and pre-training questionnaire | Online quiz in a Google form | Self-assessment of baseline KSA | 30 min |
| Inaugural | Address by a Senior Police Officer | Outlining the learning objectives and encouraging the participants to engage and learn | 30 min |
| Ice-breaking | Car/driver exercise | Empathy, open communication, breaking barriers, rapport building with peers and trainer | 45 min |
| What is juvenile justice | Opening questions | The concept of juvenile justice, why and how children must be treated differently from adults. | 15 min |
| General principles of care and protection of children | Case study (part-1) based discussion | Who is a child? Who is a CCL? What are the general principles of care and protection? Can a child be both ccl and CNCP? | 60 min |
| Overview of JJ act | Power point presentation | Who is a child, who is CNCP/CCL? Roles of CWC/JJB/DPO/CHILDLINE. Roles Of SJPU/CWPO Protections available to CCL? | 60 min |
| Questions and observations | Open ended discussion on queries or observations or experience sharing | To cement the learning of the day and to provide space for doubts/dilemmas as well as for peer learning | 30 min |
| TOTAL | | | 4.5 Hrs |
| DAY 2 | | | |
| Provisions with regard to CCL | Case Study (Part -2) based Role Play/Group Work | Procedures with regard to CCL including age determination, heinous offences, procedures in heinous/ serious/petty offences by CCL and non- sharing or destruction of police records of CCL Stakeholder collaboration in the best interest of the child | 90 min |
| Juvenile Delinquency and police response | Group Exercise | Why do Children commit offences? Why do Police fail in following the legal procedures? | 30 min |
| Unheard voices | Field Visit to a shelter home and interaction with CWC members and DPO | Empathy, stakeholder collaboration | 120 min |
| Questions and Observations | Open ended discussion on queries or observations | To cement the learning of the day and to provide space for doubts/dilemmas as well as for peer learning | 30 min |
| Total | | | 4.5 hrs |
| DAY 3 | | | |
| Offences against Children | PowerPoint presentation | Offences against children under the JJ Act | 45 min |
| Standard Operating Procedures | Casestudies based group work | Understanding the procedures with respect to CCL | 90 min |
| Summing Up | Open Discussion | Reiteration of key concepts and learnings | 30 min |
| Valedictory Address | Keynote Speaker | Inspiration, encouragement and boosting the morale | 45 min |
| Post-Training Questionnaire and Feedback | Online Quiz in a Google form | Self-assessment of new baseline KSA | 45 min |
| Total | | | 4 hrs |



Step-by-Step guide for nodal officers and trainers



DAY:



Registration and Pre-training questionnaire

PEDAGOGY:

Online quiz in a Google form

LEARNING GOALS:

Self-assessment of baseline KSA

DURATION:

30 min



What to do

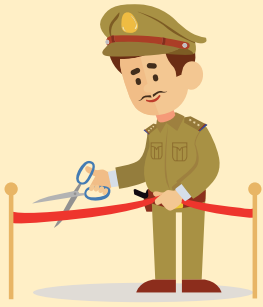
- 01** Registration and recording of baseline knowledge, skills and attitudes can be done in a single questionnaire.
- 02** A sample questionnaire is available in Annexure-1.
- 03** The questionnaire may be administered through a Google doc form quick compilation of responses.



How to do

Trainer may bear in mind the following points:

- ▶ *A WhatsApp group of all participants may be created to share training related information.*
- ▶ *Tell them to read the questions carefully and answer based on their understanding of the issue.*
- ▶ *Sufficient time may be allotted to filling up of registration and pre-training questionnaire form. For a group of 30 participants, it is suggested that minimum 30 min may be kept exclusively for filing up the questionnaire.*
- ▶ *Tell them that this is not an exam and would not have any impact on their work, posting, promotion.*
- ▶ *This may be done by having all participants seated in the classroom and filling up the form on respect phones/devices.*
- ▶ *Assure them that their responses would be confidential.*
- ▶ *Brief the participants on use of google doc as well as on filling up the questionnaire before they start.*
- ▶ *Tell them that the registration information will be used by WCSO for data and record purposes and the pre-training questionnaire would be used to analyse the broad trends.*
- ▶ *The pre-training questionnaire would help the participants enhance their self-awareness.*



Inauguration

PEDAGOGY:

Address by a Senior Police Officer

LEARNING GOALS:

Outlining the learning objectives and encouraging the participants to engage and learn

DURATION:

30 min



What to do

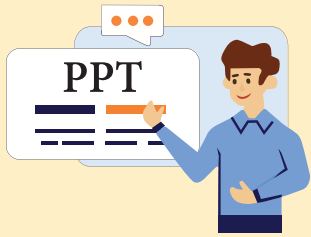
- 01** The programme can be inaugurated through a brief ceremony with inaugural address by the police head of department or unit.
- 02** The inaugural speech may include the objectives of the programme as well as encouraging words for the participants to enthusiastically participate in the training.



How to do

Trainer may bear in mind the following points:

- ▶ *The speaker for the inaugural address must be briefed on the objectives of the programme. A word of encouragement during the address for the participants to actively engage in the training may be useful in furthering the goals of the Programme.*



Ice breaking

PEDAGOGY:

Car/driver exercise

LEARNING GOALS:

Empathy, open communication, breaking barriers, rapport building with peers and trainer

DURATION:

45 min



What to do

Before starting the session, it is useful to have a brief introduction. Following steps may be followed for this purpose:

01 Trainer to briefly introduce himself/herself and share a brief overview about the participants, for example, how many officers are participating, from which districts and which ranks.

02 Trainer to introduce the learning objectives to the participants. This may be done through a PowerPoint presentation.

03 Trainer may like to set the ground rules. Ask the participants what could be some ground rules that all of us could follow to make this programme a success.

Steps to follow for the Car/driver exercise-

Ask the participants to find a buddy/partner with whom they may be comfortable:

- 01** Each buddy pair to decide among themselves who will play the role of car and who will play the role of driver.
- 02** Each buddy pair discuss their signals- e.g., one jerk on both shoulders would mean GO, one jerk on left shoulder would mean turn left, similarly for right and 2-3 jerks on both shoulders would mean halt.
- 03** Each car to blindfold their eyes.
- 04** When trainer announces START, all cars and drivers need to move around.
- 05** When trainer announces STOP, all cars and drivers need to halt.
- 06** This round may be repeated 2 times for about 10 min in each round with interchange of roles of car and driver within the buddy pairs.
- 07** Then ask everyone to settle down for debrief.

Debrief:

- 01** Ask the participants what were their feelings when they were a car? Common responses- scared, uncertain, dependent, unsafe, in the dark, etc.
- 02** Then ask what were their feelings when they were a driver? Common responses- cautious, responsible, concerned, in position of power etc.
- 03** Then ask how can they relate this exercise with their work experience and with children who come to the PS? Common responses- as police officers we are often drivers and children are cars.
- 04** Summing up- playing the role of a car provides us an opportunity to step into the shoes of children who come in contact with police.
- 05** As drivers we learn that we can choose to be good drivers or reckless drivers. When we choose to be reckless drivers, we cause secondary victimisation to those children who are already facing difficult situations. Every time we interact with a child, we ought to ask ourselves how can we be a good drivers.



How to do

Trainer may bear in mind the following points:

- ▶ *Learning Objectives help the trainer is remaining focused to the ultimate goal to be achieved. These guide the trainer in the 3 days journey and help prevent digressions or distractions.*
- ▶ *They also help the participants in appreciating the purpose of the training. Through the learning goals they are also able to assess their progress vis-a-vis these goals.*

Suggestions for ground rules:

- ▶ *Punctuality*
- ▶ *Listening to each other. Being non-judgemental. Agree to disagree*
- ▶ *Open and receptive mind*
- ▶ *Mobile phones- let the world manage without you for 5 days*

For conducting Car/Driver Exercise, trainer may bear in mind the following points-

- ▶ *The exercise involves physical contact between two buddies, so freedom may be given to all of them to choose their own buddy.*
- ▶ *Hierarchy, gender and other such factors may hamper ice-breaking. Trainer may constantly encourage participants to engage with and enjoy the activity.*
- ▶ *Ample space must be provided for movement of cars and drivers, obstacles must be removed and participants must be reminded to be careful in conducting the exercise.*
- ▶ *Allow the participants to laugh, joke and enjoy the exercise, however this may not be done at the expense of hurting anyone through any action or gesture.*
- ▶ *In the debrief allow the participants to freely express thoughts and feelings without interruption. Guide or channel their responses towards the goal of fostering empathy.*
- ▶ *The trainers may avoid preaching or sermoning.*
- ▶ *Golden rule to follow is that the trainer may use 25% of the talking time and leave 75% of the talking time for the participants.*
- ▶ *The talking time of the participants may be distributed over as many participants as possible. The trainer may encourage all participants to talk and may nudge the over enthusiastic ones to allow everyone to speak.*



What is juvenile justice

PEDAGOGY:

Opening questions

LEARNING GOALS:

The concept of juvenile justice, why and how children must be treated differently from adults.

DURATION:

15 min



What to do

Steps to follow:

- 01** Ask: What words come to mind when I say 'Childhood'?

Ask them to respond promptly. List out participant's responses on board. Common responses- Innocence, playfulness, freedom, naughty etc.

Conclude that expectations from a child are not same as those from adults.

- 02** Ask: As a child did you do certain things that today you may not be proud of?

Allow them a couple of minutes to think. Ask one or two participants to share on a voluntary basis.

Conclude that all of us have made mistakes as children, those that we are not expected to repeat as adults, it is normal to make mistakes, and probably desirable because mistakes are life's lessons which help us grow and develop.

- 03** Ask: What was the consequence of that action of yours?

List out. Common responses- spanking, a slap, scolding, counselling etc.

Conclude that we are not sent to jail, or handed to police for mistakes we make as children, we deserve a second chance, an opportunity to learn, to be forgiven, merely by virtue of being children.

- 04** How are Children different from adults? Conclude that children are different from adults in maturity of mind and body, in limited life experiences and world view, though we may often underestimate their capabilities, each child is unique and has a unique growth and development trajectory.

- 05** What are the protections/immunities that must be given to children as they are different from adults?

List out responses. Common responses- no handcuffing or jail, no bad publicity in media etc.

Conclude that they need development opportunities, a congenial environment to grow up, to develop into a competent citizen capable of contributing meaningfully to nation building. It encompasses health, education, love and care from family, protection from exploitation and abuse.



How to do

Trainer may bear in mind the following points:

- ▶ *Whiteboard is useful in such exercises. When participants see their response jotted on the board, they feel valued.*

- ▶ *Trainer giving personal examples from his/her childhood helps the participants to shed inhibition and to open up.*

- ▶ *Participants must be encouraged to share their own experiences, not something that they heard or read about.*

- ▶ *When participants share instances from their personal lives, they must be appreciated. Also, care must be taken that they are not ridiculed or belittled.*

- ▶ *Trainer may encourage empathy rather than value judgement.*

- ▶ *Getting into a discussion about how children of this generation have changed a lot, or how there has been value degradation etc., must be completely avoided as it involves over generalisation and value judgement about a whole generation of children. However, a discussion on impact of modern technologies, social media, environmental degradation etc. on children is welcome. This helps us appreciate that children of two day are living in different times and circumstances than us.*



General principles of care and protection of children

PEDAGOGY:

Case study (part -1) based discussion

LEARNING GOALS:

Who is a child, who is a CCL, what are the general principles of care and protection, can a child be both ccl and CNCP?

DURATION:

60 min



What to do

I. Definition of a child in India

II. General Principles of care and protection of children

III. Can a child be both CCL and CNCP

Steps to follow:

- 01** Distribute Part A of the Case Study of a child in conflict with law available in Annexure 2.1. Also distribute general principles of care and protection of children available in Annexure 3.
- 02** Allow 5-10 min to the participants to read the case study.
- 03** Ask them to use their pen to respond to the questions at the end on the case study in the space provided.
- 04** Discuss the two questions in full group (refer Annexure 2.1) and annexure 3.
- 05** With regard to definition of a child in India, please refer trainer notes. These readings will help the trainer to clarify the issue to the participants in case there are doubts. However, the participants may not be burdened with details unnecessarily.
- 06** With regard to general principles, the exercise of ticking principles that have been violated helps the participants engage with various concepts, including best interest of the child. This principle being the cardinal principle, some amount of time may be spent on it and this may be elaborated with examples.
- 07** Ask: Is Jagraj both CCL and CNCP? Yes/ No and what are the reasons for your response.
- 08** When it is established that Jagraj is both CCL and CNCP, ask: What would be the role of CWPO in this case?
- 09** Conclude by highlighting that police may have limited role in relief and rehabilitation, but police may kick start this process simply by informing CWC of any case of CNCP. This may enable Jagraj to get access to various services including legal counselling, compensation, vocation and psychological counselling.



How to do

Who is a Child in India- Readings for Trainer

- ▶ *Defining what age a person is or ceases to be a child is a constant debate in the India. Because of its umbrella clauses and because it is the latest law to be enacted regarding child rights and protection, many are of the opinion that the definition of child given in the Juvenile Justice Act, 2015 should be considered the legal definition for a child in all matters.*

- ▶ *Section 1(4) JJ Act, 2015- Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall apply to all matters concerning children in need of care and protection and children in conflict with law.*

- ▶ *National Policy for Children, 2013, Preamble, 2.1 recognising that "child is any person below the age of eighteen years".*

- ▶ *Supreme Court of India in Salil Bali vs Union Of India & Anr on 17 July, 2013 pronounced:*
 - *The basis of fixing of the age till when a person could be treated as a child at eighteen years in the Juvenile Justice (Care and Protection of Children) Act, 2000, was Article 1 of the Convention of the Rights of the Child, as was brought to our notice during the hearing. Of course, it has been submitted by Dr. Kishor that the description in Article 1 of the Convention was a contradiction in terms. While generally treating eighteen to be the age till which a person could be treated to be a child, it also indicates that the same was variable where national laws recognize the age of majority earlier. In this regard, one of the other considerations which weighed with the legislation in fixing the age of understanding at eighteen years is on account of the scientific data that indicates that the brain continues to develop and the growth of a child continues till he reaches at least the age of eighteen years and that it is at that point of time that he can be held fully responsible for his actions. Along with physical growth, mental growth is equally important, in assessing the maturity of a person below the age of eighteen years. In this connection, reference may be made to the chart provided by Mr. Kanth, where in various laws relating to children generally recognize eighteen years to be the age for reckoning a person as a juvenile/child including criminal offences.*

 - *In any event, in the absence of any proper data, it would not be wise on our part to deviate from the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000, which represent the collective wisdom of Parliament.*

 - ▶ *Definition under UNCRC- The UN Convention on the Rights of the Child defines children as all human beings below the age of 18 years unless, in a given State, majority is attained beforehand. ([https:// home.crin.org/rights-gallery/the-convention](https://home.crin.org/rights-gallery/the-convention)) Definition of a Child under the Juvenile Justice (Care and Protection of Children) Act, 2015- Child means a person who has not completed eighteen years of age.*



Overview of J J Act

PEDAGOGY:

PowerPoint presentation

LEARNING GOALS:

Who is a child, who is CNCP/CCL?
Roles of CWC/JJB/DPO/CHILDLINE
Roles of SJPU/CWPO Protections available to CCL?

DURATION:

60 min



What to do

To sum up the discussions based on case study part 1, relevant provisions of JJ Act may be reiterated through a PowerPoint presentation. The presentation may include the following provisions of JJ Act:

- 01 Definition of a Child
- 02 Definition of CNCP
- 03 Definition of CCL
- 04 Role of CWC/JJB/Probation Officer/Child line
- 05 Role of SJPU and CWPO
- 06 Protections available to CCL
- 07 The amended provisions according to the Juvenile Justice (Care and Protection of children) Amendment Act, 2021
- 08 Where an inquiry has been initiated in respect of any child under this Act, and during the course of such inquiry, the child completes the age of eighteen years, then, the Board shall continue to consider and treat this person as a child.
- 09 In no case, a child alleged to be in conflict with law shall be placed in a police lockup or lodged in a jail.
- 10 A child in conflict with law shall not be sentenced to death penalty or to life imprisonment.
- 11 No proceeding under Chapter VIII (Security Proceedings) of Code of Civil Procedure or any Preventive Detention Law shall be instituted and no order shall be passed against any child.
- 12 There shall be no joint proceedings of a child alleged to be in conflict with law, with a person who is not a child.
- 13 A child has the right to bail.
- 14 No report in any newspaper, magazine, news-sheet or audio-visual media or other forms of communication regarding any inquiry or investigation or judicial procedure, shall disclose the name, address or school or any other particular, which may lead to the identification of a child in conflict with law or a child in need of care and protection or a child victim or witness of a crime, involved in such matter, nor shall the picture of any such child be published.
- 15 The Police shall not disclose any record of the child for the purpose of character certificate or otherwise in cases where the case has been closed or disposed of



How to do

Trainer may bear in mind the following points:

- ▶ *The idea is to reiterate certain legal provisions that the participants may already know and to clarify those provisions where they may have doubts.*

- ▶ *It is important to remain brief and to the point. Focus must be on key issues and role clarification.*

- ▶ *Going into minute details or practical problems may be avoided at this stage. The aspect of practical and real life challenges may be covered later once the legal position has been clarified.*

- ▶ *If participants interject that practical realities are very different, the trainer may respond by emphasizing that as professionals it is important for us to know the law and what is expected of us.*

- ▶ *While discussing amendments; try to convey the purpose behind these amendments so that the police can follow it in letter as well as in spirit.*



Questions and Observations

PEDAGOGY:

Open ended discussion on queries or observations or experience sharing

LEARNING GOALS:

To cement the learning of the day and to provide space for doubts/dilemmas as well as for peer learning

DURATION:

30 min



What to do

Following open ended questions may be asked to the participants to cement the learning of the day:

- 01 What is your takeaway from today?
- 02 Did you learn something new?
- 03 Would you be able to utilize this learning in your work?

- 04 What struck a cord with you?
- 05 Any relevant professional experience that you would like to share?

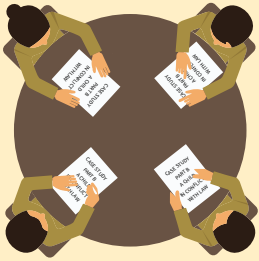


How to do

Trainer may bear in mind the following points:

- ▶ *Trainer must try and give opportunity to as many participants as possible.*
- ▶ *Remind the participants to be brief and to the point.*
- ▶ *In this session 99% of the talking time may be allotted to the participants.*
- ▶ *The trainer may demonstrate good listening and paraphrasing skills.*

DAY: 2



Provisions with regard to CCL

PEDAGOGY:

Case Study (Part-2) based
Role Play/
Group Work

LEARNING GOALS:

Procedures with regard to CCL
Including age determination,
heinous offences, procedures in
heinous/ serious/petty offences by
CCL and non- sharing or destruction
of police records of CCL

Stakeholder collaboration in the best
interest of the child

DURATION:

90 min



What to do

Steps to follow:

- 01** Distribute Part B of the Case Study of a child in conflict with law available in Annexure 2.2
- 02** Allow 5-10 min to the participants to read the case study.
- 03** Ask them to use their pen to respond to questions 1 and 2 at the end of the case study in the space provided. Give them another 5 min to do this.
- 04** When everyone has read the case and attempted to answer the questions, ask them to discuss the questions on their table within their group.
- 05** With regard to Q1, each group would be required to develop consensus on one single response.
- 06** With regard to Q2, the participants would be required to list out all stakeholders as per JJ Act and discuss their respective roles and responsibilities with regard to the case of Jagraj. (Sample solution provided in Annexure 4)
- 07** Each group would be required to present their response or complete solution on a chart paper. Give them 30 min to discuss and prepare their chart paper.
- 08** Choose 1-2 groups randomly and ask them to present their response to everyone in the class. Give them 5-7 min for presentation.
- 09** Instruct other groups to listen carefully and give feedback at the end of the presentation. Other groups can add points, if anything significant has been missed.
- 10** To sum up the discussions based on case study part 2, relevant provisions of JJ Act may be reiterated through a PowerPoint presentation. The presentation may include the following provisions of JJ Act: Procedure of age determination, Procedures in heinous/serious/petty offences by CCL Procedures for non-sharing or destruction of police records of CCL

Significance of stakeholder
collaboration in the best interest
of the child



How to do

Trainer may bear in mind the following points:

- *Divide the participants into groups of 5 each. Share the group list before the session begins, may be at the end of day-1.*

- *Make the seating arrangement according to the groups. Preferably, each group may be seated around a round table.*

- *Provide 2 chart papers and a packet of sketch pens on each table.*

- *For group discussion, remind the participants to allow everyone to speak. Encourage them to listen to each other and accommodate everyone's views.*

- *Response or complete solution would comprise defining the respective roles and responsibilities of all stakeholders if Jagraj is to get justice.*

- *In their chart paper they would be required to explain the complete solution. Instead of writing a lot, symbols, drawings, acronyms, phrases and flow charts must be encouraged*

- *The groups that would be presenting may give opportunity to each of their 5 members to speak.*

- *When a group is presenting, they may not be interrupted during their presentation. Questions and observations may be taken up at the end of their presentation.*

- *Strict adherence to time limit is important.*

- *In place of chart paper presentation, they may be asked to present their response through a role play.*

- *For role play, each group would require additional 30-40 min for preparation and 15-20 min for doing the role play.*

- *Alternatively, most groups can be asked to prepare their response on chart paper and any one group (selected on voluntary basis) can be asked to prepare a role play.*



Juvenile Delinquency and police response

PEDAGOGY:

Group Exercise

LEARNING GOALS:

Why do Children commit offences?
Why do Police fail in following the legal procedures?

DURATION:

30 min

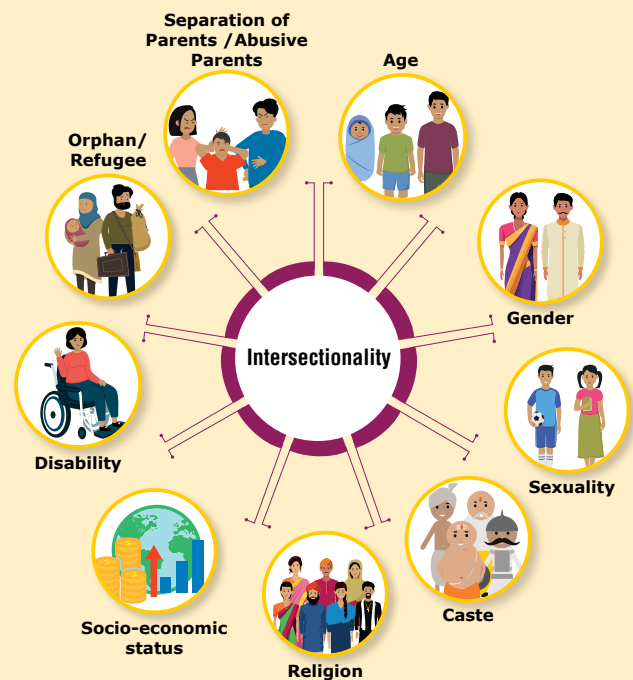


What to do

This topic may be covered through a guided group discussion. Steps to follow-

- 01** Continuing to work on the case of Jagraj and to cement all the learning from the case, ask half of the groups to deliberate on question alpha- Why do Children commit offences?
- 02** The rest of the groups may be asked to deliberate on question beta- Why do Police fail in following the legal procedures?
- 03** Give all the groups 10 min to discuss.
- 04** Then ask Question Alpha to all participants
- 05** Sum up in 10 min to conclude with juvenile delinquency may be a result of several intersecting vulnerabilities like age, gender, caste, class, education, parents education and financial status, disability and many more.

- 06** Following slide may be used for this purpose-



- 07** Then ask Question Beta to all participants
- 08** Sum up in 10 min to conclude that police officers need to constantly evolve their knowledge, skills and attitudes, the latter being most challenging and most important.



How to do

Trainer may bear in mind the following points:

- ▶ *The two questions are open ended that may be used to make the participants debate and question their own assumptions*
- ▶ *Question Alpha targets attitudes towards juvenile delinquency, develops empathy and helps the participants see the role of extraneous factors like socio-economic status, modern technology, social media, cinema and compelling personal circumstances in juvenile delinquency.*
- ▶ *Recommended reading- "Why Children Commit Offences", study on children in shelter homes of Delhi by NGO Butterflies. Findings of the study in a nut shell are as follows-*
- ▶ *Question Beta is an opportunity for introspection as a system. Why we behave the way we do? Are their underlying prejudices at work? Are their systemic biases? What behaviours and actions are within the zone of influence of participants and what circumstances are beyond their control?*
- ▶ *This is likely to make more focused on what they can do and they must do in respective positions and personal capacity.*
- ▶ *It may be useful to ask questions rather than sharing one's own thoughts or suggestions.*



51.3% of Juvenile offenders have never gone to school or had education upto primary level



majority of the fathers were engaged in either labour or service oriented occupations rather than salaried jobs.



50.2% belong to poor families whose annual income is upto Rs. 25,000/-



54.9% of fathers and **70.9%** of mothers of the children in detention did not have any formal schooling



62.1% of the children in detention centres were working at the time of their apprehension



50.3% of these children were deprived of adequate housing conditions.



56.6% of the children reported that violence was rife in their neighbourhood or community.



Unheard Voices

PEDAGOGY:

Field Visit to a shelter home and interaction with CWC members and DPO

LEARNING GOALS:

Empathy, stakeholder collaboration

DURATION:

120 min



What to do

Steps to follow:

- 01** Organise a field visit to a local shelter home or one-stop centre with necessary approvals
- 02** Arrange for interaction with CWC and/or DPO and/or Childline during the visit.
- 03** Brief the participants prior to the visit
- 04** Ask the participants to interact with children, get a fair idea of the socio-economic background of children and an overview of the living conditions of the shelter home.



How to do

Trainer may bear in mind the following points:

- ▶ *The purpose of the visit is to listen and empathise. It is not to solve problems or to give commitments. This must be clarified in the briefing.*
- ▶ *Participants must be reminded that this is a training retaliated visit and not an inspection. Courtesy to the shelter home staff is expected.*
- ▶ *The conduct while interacting with the children must be impeccable. Pity and sympathy may be discouraged while getting to personal and intimate details of any child.*



Questions and Observations

PEDAGOGY:

Open ended discussion on queries or observations

LEARNING GOALS:

To cement the learning of the day and to provide space for doubts/dilemmas as well as for peer learning

DURATION:

30 min



What to do

Following open ended questions may be asked to the participants to cement the learning of the day

- 01 What is your takeaway from today?
- 02 Did you learn something new?
- 03 Would you be able to utilize this learning in your work?

- 04 What struck a cord with you?
- 05 Any relevant professional experience that you would like to share?

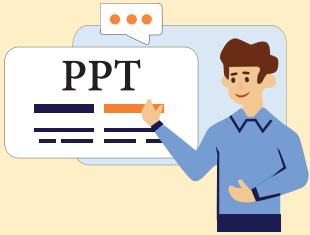


How to do

Trainer may bear in mind the following points:

- ▶ *Trainer must try and give opportunity to as many participants as possible.*
- ▶ *Remind the participants to be brief and to the point.*
- ▶ *In this session 99% of the talking time may be allotted to the participants.*
- ▶ *The trainer may demonstrate good listening and paraphrasing skills.*
- ▶ *They may have a lot to say about their field visit, trainer may allow them to express their emotions.*

DAY:



Offences against Children

PEDAGOGY:

PowerPoint presentation

LEARNING GOALS:

Offences against children under the JJ Act

DURATION:

45 min



What to do

Steps to follow:

01 Through a PowerPoint presentation the participants may be informed that in the 2015 law for the first time certain offences against children have been included.

02 The participants may be encouraged to utilise these sections in relevant cases, apart from IPC sections and other sections of other special laws.

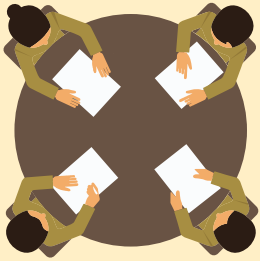


How to do

The following Offences against I children may be discussed briefly:

- ▶ *Corporal punishment in shelter homes and other such homes*
- ▶ *Employment of child for begging*
- ▶ *Giving intoxicating liquor, narcotic drug or psychotropic substance to a child*
- ▶ *Using a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance*

- ▶ *Exploitation of a child employee*
- ▶ *Adoption without following prescribed procedures*
- ▶ *Kidnapping and abduction of child*
- ▶ *Offences committed on disabled children*
- ▶ *Sale and procurement of a child for any purpose*



Standard Operating Procedures

PEDAGOGY:

Caselets based group work

LEARNING GOALS:

Understanding the procedures with respect to CCL

DURATION:

90 min



What to do

Steps to follow:

- 01** Distribute different caselets/ situations to different groups
- 02** Ask each group to answer the following questions with respect to their Caselets What to do and how to do it?
- 03** Provide 10-15 min to them to list out their points neatly on a chart paper. It could be in the form of bullet points, flowchart, symbols, diagrams or sketches.
- 04** Ask all groups to stick their posters on walls.
- 05** Ask all participants to go around and read points of all groups. Give 15-20 min for this.
- 06** When seated, ask all groups to prepare a comprehensive list of dos and don'ts for police officers in dealing with children who may come in contact with police for any reason. They may do this on a notebook. Give them 15 min to do this.
- 07** Now put the following heading on the white board and divide it to two columns- "Conduct of Police Officers towards Children", label one column as - "What to do" and another as "What not to do".
- 08** Take points from all participants and fill up the two lists.



How to do

Trainer may bear in mind the following points:

- ▶ *In this exercise the participants first work on specific situations and then to general conduct of police.*

- ▶ *In working on specific situations, a lot of tricky issues are covered like age determination, where to house a child, which formats to fill up and whom to inform etc.*

- ▶ *In using symbols and flow charts, the participants activate their left brain. It is therefore important to discourage them from writing everything in long sentences. Words and short phrases may be permitted.*

- ▶ *When participants read chart papers of other groups, peer learning takes place.*

- ▶ *When the final list of Dos and Don'ts is prepared, participants have a concrete roadmap that they may take with themselves. And since this is created by the participants themselves, there is likely to be a greater buy-in and commitment to the same.*

- ▶ *This may later be typed out and shared with all participants over WhatsApp/email.*

- ▶ *A sample list of Dos and Don'ts is available in Annexure 6.*



Summing Up

PEDAGOGY:

Open discussion

LEARNING GOALS:

Reiteration of key concepts and learnings

DURATION:

30 min



What to do

Steps to follow-

- 01** Ask different groups to sum up different topics covered on different days. They may speak about what they learnt and how can they utilise such learning in their work.
- 02** Go around each group and do paraphrasing after each group has spoken.
- 03** Conclude by wishing them good luck.



Valedictory Address

PEDAGOGY:

Keynote speaker

LEARNING GOALS:

Inspiration, encouragement and boosting the morale

DURATION:

45 min



How to do

Suggestions for resource persons or speakers are available in Annexure 7 along with contact details.



Post-Training Questionnaire and Feedback

PEDAGOGY:

Online Quiz in a Google form

LEARNING GOALS:

Self-assessment of new baseline KSA

DURATION:

30 min



What to do

- 01** Recording of end line knowledge, skills and attitudes can be done in a single questionnaire.
- 02** A sample questionnaire is available in the annexures.
- 03** The questionnaire may be administered through a Google doc for quick compilation of responses.
- 04** A feedback form may be added to the same Google doc. A sample feedback form is available in Annexure 8.



04

REFERENCE MATERIAL



Annexure 1

Pre- and Post-Training Questionnaire

Name:.....

Age:.....

Designation:.....

Gender: MALE FEMALE

District:.....



(Tick the Correct Answer. Only one option per question is correct)?

Q1. What is the minimum age for criminal liability in India, (the age below which a child has full immunity from criminal liability)?

- A. 9 Years
- B. 11 Years
- C. 7 Years
- D. 5 Years
- E. Don't know

Q2. Do you think that the probability of a child committing a crime depends on his or her socio-economic status?

- A. Yes
- B. No
- C. Don't know

If yes, how?

.....

.....

.....

.....

.....

.....
Q3. Do you think that the legal system should treat a child differently from an adult?

- A. Yes
- B. No
- C. Don't know

If yes, how?

.....
.....
.....

Q4. According to the Juvenile Justice Act 2015, who is a child in India?

- A. Any person under the age of 18
- B. Any person under the age of 16 years
- C. Any boy or girl under the age of 18 years
- D. Any boy or girl under the age of 16 years
- E. Don't know

Q5. According to you, what should be the age limit to consider a person as a child?

- A. 21 Years
- B. 20 Years
- C. 18 Years
- D. 17 Years
- E. 16 Years
- F. 15 Years
- G. 14 Years
- H. 13 Years
- I. 12 Years

Q6. Where the provisions of the Juvenile Justice Act 2015 are in conflict with some of the provisions of CrPC, which provisions will prevail?

- A. Juvenile Justice Act
- B. CrPC
- C. Don't know

Q7. The Child Welfare Committee has the powers of a Magistrate of the First class and therefore it can issue directions to a police officer.

- A. Completely agree
- B. Agree
- C. Disagree
- D. Completely disagree

Q8. Corporal punishment of children by the employees in an observation home is an offence under the Juvenile Justice Act, 2015.

- A. True
- B. False
- C. Don't know

Q9. How would you determine the age of a child brought to a police station?

- A. By putting pressure on the child
- B. By asking for an affidavit
- C. By looking at the child's horoscope
- D. By looking at the child's high school mark sheet, birth registration or school admission certificate
- E. On the basis of a bone ossification test
- F. Don't know

In your opinion if there is any other method, please share.

.....
.....

Q10. Which of the following department is the nodal department for the implementation of children related laws in the district?

- A. Social Welfare Department
- B. Education Department
- C. Health Department
- D. Probation Department
- E. Labor Department
- F. Don't know

Q11. Before which of the following would you produce a child in conflict with law?

- A. District Court
- B. C.J.M. Court
- C. Juvenile Justice Board
- D. Child Welfare Committee
- E. S.D.M. Court
- F. Don't know

Q12. Whose responsibility is it to inform the parents or relatives about the apprehension of a child in conflict with law?

- A. Probation Officer
- B. Child Welfare Police Officer
- C. Doctor
- D. Station House officer
- E. Media
- F. Don't know

Q13. Can a challani report be sent against a child under Section 107/116 or 151 CrPC?

- A. Yes
- B. No
- C. Don't know

Q14. If a 12-year-old child is accused of committing a murder and is brought into police custody at the age of 35 years, in which court would this person be presented?

- A. District Court
- B. C.J.M. Court
- C. Juvenile Justice Board
- D. Child Welfare Committee
- E. S.D.M. Court
- F. Don't know

Q15. Bail is the right of a child in conflict with law. Do you agree?

- A. Completely agree
- B. Agree
- C. Disagree
- D. Completely disagree



Case study of a child in conflict with law

Part A

Jagraj was born in a small village in Sultanpur district of Uttar Pradesh. He was the youngest of three brothers. All the brothers studied in the local government school. When Jagraj had to fill the form of high school examination, his parents got his date of birth as 27 January 1998 on the basis of memory. Her eldest brother Rajkumar took the high school board exams thrice, but failed and eventually dropped out. After that the prince started the labor work to help the parents for livelihood.

Unlike his two brothers, Jagraj passed his class 10th and class 12th board exams with good marks. His parents thought that he could do something in his life and change the fortune of the whole family. An unfortunate incident happened in his family in 2016. On 26 January 2016, Rajkumar’s wife Savita committed suicide by consuming poison. Jagraj was at his friend’s house in the neighborhood at the time of the incident, soon he reached home and along with his brothers took Savita to the nearest hospital where she was declared brought dead.

The next morning, Savita’s parents lodged a case of dowry murder against the entire family including Jagraj in the Sultanpur police station. During the investigation, the investigator found that Jagraj’s parents were given a motorcycle and some furniture in dowry on behalf of Savita. Cash was demanded by them from time to time. Savita’s parents met the DM and SP of Sultanpur and threatened that they would sit on hunger strike in front of the collectorate if the dowry murder accused were not arrested. While the discussion was going on, one day Savita’s mother appeared in Chief Minister Janata Darbar Lucknow and informed about the injustice being done to her. CM Office called Sultanpur DM and SP and asked them to take action in the matter. In the case, the IO (Investigator) was suspended. The new IO (Investigator) sent each of the accused to jail on 10 March 2016, and within 3 days submitted charge sheet against each of them in the Sessions Court, Sultanpur.

Q1. Is Jagraj a child? Yes/No and reasons for your response

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Q2. Review the list of the General principle in Annexure 5 and tick those that you think may have been violated in the case of Jagraj.

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Case study of a child in conflict with law

Part B

While granting bail to Jagraj during the hearing of the case, the judge observed that the youngest brother of the three children, Jagraj, looked very young and had already served six months' sentence. Jagraj was later released on bail. Although the court refused to grant bail to his two elder brothers, his ageing mother was also granted bail in the same hearing. But unfortunately, Jagraj's father died of diarrhea while in jail.

Jagraj and his mother did not know anything about the criminal justice system and did not even have enough money to pursue his brothers' bail. He was a child at the time of the incident but was not even aware of his rights.

Jagraj decided to resume his studies. Although the situation was very different now economically and socially, the local print media had already labeled him a greedy murderer and his photographs were also published. Because of this Jagraj could not even get a small job near his village. His mother had to work as a farm labourer to make a living. Jagraj had to abandon his graduation plan. After much effort, Jagraj got a temporary cleaning and sweeping job in a shopping complex in Sultanpur city. But the job was not paying him well, so that he could bear the expenses of himself, his mother and the security of his brothers, etc.

When Jagraj was on this job, his employer came to know that Jagraj was good at reading and writing, so along with this work the owner engaged him in bookkeeping. Jagraj started learning typing and short hand from a colleague. And he did his graduation from distance education mode. In search of a job, Jagraj used to read newspapers regularly. One day he saw an advertisement for a walk-in interview for a contractual position, took a typing test at Sultanpur Collectorate and got selected without any recommendation. He was required to produce other documents, including several verification certificates for the appointment.

He made an application for verification certificate on 11 January 2018 in the office of Superintendent of Police. The SP sent his file to the concerned police station and demanded a police report through proper channel. On the basis of crime records of police station, Sultanpur, the police report is as follows-

1. The offence of dowry murder is registered against Jagraj (offence number/date...)
2. Jagraj was arrested by the police and remained in jail for six months (to date).
3. Charge sheet was made against Jagraj in this case along with 04 others (CS No. / Date....).
4. The matter is pending in the Sessions Court, Sultanpur (Court File No...).

This report reached the office of the Superintendent of Police, (SP), while reading / checking the police report, Jagraj's application, high school mark sheet and verification certificate were attached. The SP, looking closely at all the documents, carefully counted the date of birth to the date of the incident and found that the boy was a child at the time of the incident, yet he was treated like his elder brother.

When the SP studied the JJ (Care and Protection of Children) Act, 2015, it was found that the Juvenile Justice Act, 2015 principles have been violated. But was there any option to help Jagraj, as this job opportunity was one last chance for Jagraj to make a living on his own merit.

1. If you were the SP, what decision would you have taken on the said issue, and why?

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2. Identify the key duty-holders in the juvenile justice system and what are the roles and responsibilities of the concerned holders in such cases?

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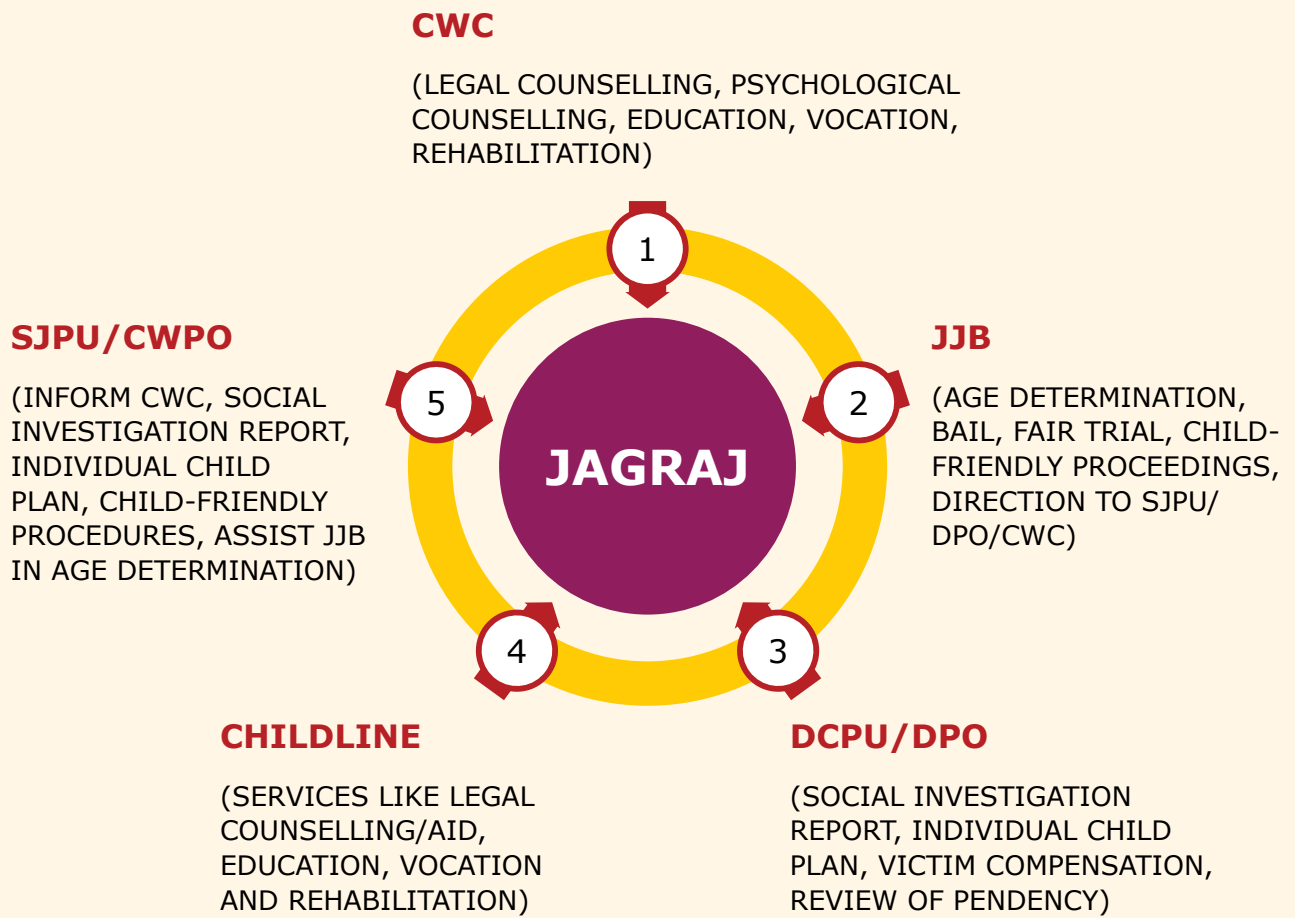
The General Principles of Care and Protection of Children

1. **Principle of presumption of innocence:** Any child shall be presumed to be an innocent of any mala fide or criminal intent up to the age of eighteen years.
2. **Principle of dignity and worth:** All human beings shall be treated with equal dignity and rights.
3. **Principle of participation:** Every child shall have a right to be heard and to participate in all processes and decisions affecting his interest and the child's views shall be taken into consideration with due regard to the age and maturity of the child.
4. **Principle of best interest:** All decisions regarding the child shall be based on the primary consideration that they are in the best interest of the child and to help the child to develop full potential.
5. **Principle of family responsibility:** The primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be.
6. **Principle of safety:** All measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system, and thereafter.
7. **Positive measures:** All resources are to be mobilised including those of family and community, for promoting the well-being, facilitating development of identity and providing an inclusive and enabling environment, to reduce vulnerabilities of children and the need for intervention under this act.
8. **Principle of non-stigmatising semantics:** Adversarial or accusatory words are not to be used in the processes pertaining to a child.
9. **Principle of non-waiver of rights:** No waiver of any of the right of the child is permissible or valid, whether sought by the child or person acting on behalf of the child, or a Board or a Committee and any non-exercise of a fundamental right shall not amount to waiver.
10. **Principle of equality and non-discrimination:** There shall be no discrimination against a child on any grounds including sex, caste, ethnicity, place of birth, disability and equality of access, opportunity and equal treatment shall be provided to every child.
11. **Principle of right to privacy and confidentiality:** Every child shall have the right to protection of his privacy and confidentiality, by all means and throughout the judicial process

12. **Principle of institutionalisation as a measure of last resort:** A child shall be placed in institutional care as a step of last resort after making a reasonable inquiry.
13. **Principle of repatriation and restoration:** Every child in the juvenile justice system shall have the right to be re-united with his family at the earliest and to be restored to the same socio- economic and cultural status that he was in, before coming under the purview of this Act, unless such restoration and repatriation is not in his best interest.
14. **Principle of fresh start:** All past records of any child under the Juvenile Justice system should be erased, except in special circumstances.
15. **Principle of diversion:** Measures for dealing with children in conflict with law without resorting to judicial proceedings shall be promoted unless it is in the best interest of the child or the society as a whole.
16. **Principles of natural justice:** Basic procedural standards of fairness shall be adhered to, including the right to a fair hearing, rule against bias and the right to review, by all persons or bodies, acting in a judicial capacity under this Act.



STAKEHOLDER MAPPING





Caselets on procedures to be followed under JJ act

Caselet-1

A complaint has come to your police station at 4 p.m. informing that in an inebriated state some children have killed a person. You go to the spot and come back to the police station with accused children. By the time you finish the paper work, it is 6 o' clock in the evening. The Juvenile Justice Board is to open the next day at 10 a.m.

Q- What would you do in this situation?

Answer:

1. If the Board is not sitting, the child may be produced before one of the members of the Board. (Section-7(2) and Rule 9(5))
2. If it is not possible to reach the Board or any member of the Board due to time constraints or remote location, the Child Welfare Police Officer shall keep the child in an observation home or any suitable facility in accordance with Rule 69(d) and then the child will be produced before the Board within 24 hours. (Rule 9 (6))
3. The order received at the time of production of the child before one of the members of the Board will need to be ratified in the next meeting of the Board. (Rule 9 (7))

Caselet-2

A theft case is registered in your police station, the thief could not be traced for the last four months. When the thief is traced and caught by the police, it is revealed that the thief is a 15- year-old boy. According to the Juvenile Justice Act, 2015, the time limit of two months for completion of investigation in this case and submission of challan/final report has already passed.

Q- What will you do in this matter?

Answer:

1. Exceeding the limit of two months does not make any difference in this case as the board can extend the time period, when it is found that the offence has been committed by a child.
2. When the child is apprehended, then prepare a social background report of the child and submit it to the board for further action.
3. In cases of petty offences, the final report shall be filed before the Board at the earliest and within a period not exceeding two months from the date of intimation to the police in any case, except in cases where it was not known by whom the offence was committed. In those cases the time period for filing the final report may be extended by the Board (Rule 10 (6)).

Caselet-3

Shakeel is a 13-year-old boy who goes to school in a nearby township. He was a very quiet boy, spending most of his time with his mother after school. Shakeel's father was unemployed and an alcoholic, who often used to beat Shakeel's mother. He used to beat Shakeel also. One evening when Shakeel's father was beating his mother, Shakeel opposed him. Shakeel got angry and hit his father with a stone, who succumbed to his injuries. Shakeel was arrested for murder.

Q- What is the procedure to be followed at the police station? Write all the steps in a sequence.

Answer:

Procedure at police station:

1. Since it is a heinous crime, FIR will be registered in the matter.
2. Child's social background report (Form-1) will be prepared.
3. Evidence regarding the age of the child will be gathered.
4. The child shall be apprehended by the Child Welfare Police Officer, only if it is in the interest of the child.
5. The child will be presented before the Juvenile Justice Board within 24 hours along with other documents, like the FIR and a report explaining the reason for the apprehension of the child and the social background report.

Q- What is the procedure to be followed at the Juvenile Justice Board?

Answer:

Procedure at Juvenile Justice Board:

1. On production of the child before the Board by the Child Welfare Police Officer, the age shall be determined by the Board as per procedure prescribed in section 94.
2. Necessary orders will be passed by the Board in relation to the child, which include sending the child to an observation home or a safe place or a proper person or a suitable facility or the child can be granted bail by the Board under section 12.
3. If the child has not been apprehended, and the information regarding the offence has been given to the Board by the Police, or SJPU or Child Welfare Police Officer, then orders will be passed by the Board to produce the child without delay, so that orders related to the rehabilitation of the child can be passed without waiting for the final report. (Rule 9)
4. After reviewing the social background of the child, the circumstances of apprehension and the report related to the offence committed by the child, orders will be passed in relation to him under section 17 or 18 (Rule 10).

Caselet-4

Shyam and Praveen are good friends. Shyam is 15 years old and Praveen is 13 years old. Both of them spend most of their time outside the house. Shyam hates his father because he abuses him physically and mentally.

Praveen also does not want to live in his home due to frequent quarrels at home. So both of them start living on the road, in parks and other public places. One day when they have nothing to eat, they rob a clothes shop and are caught doing so on the CCTV camera.

Q- What is the procedure to be followed at the police station? List out the steps in a sequential manner.

Answer:

Procedure at police station level:

1. GD entry of theft information will be done.
2. Both the children will be immediately handed over by the police to the SJPU or Child Welfare Police Officer. If it is not in the best interest of the children to release them on bail, they may be detained. The SJPU or Child Welfare Police Officer will inform the parents, guardian, probation officer and child welfare officer/case worker about the detention of the children.
3. The children shall be produced before the Board without delay (within 24 hours in each case).
4. The social background of the children will be filled in the report (Section 1) and presented to the board.

Q- What would be the procedure for searching the children's house?

Answer:

Procedure for searching the houses of the children:

1. The house of the children can be searched under the provisions of the Code of Criminal Procedure, 1973, without causing any mental or physical harassment to the children.

Q- Identify all stake holders involved.

Identification of Stakeholders:

Police, SJPU, Child Welfare Police Officer, Parents, Guardian, Probation Officer and Child Welfare Officer/ Case Worker, Juvenile Justice Board.

Caselet-5

Siddhu is 17 years old. During a fight with his friend Narayan, he beat up Narayan and Narayan's family reported the matter to the police. He was brought to the police station and beaten up by Narayan's family members in the presence of police. The local media highlighted the matter in newspapers.

Q- What would you do now?

Answer:

1. Under no circumstances can Siddhu be beaten up and doing so is a cognizable offence under section 75 of the Juvenile Justice Act. It is also a non-cognizable offence under section 323 of the Indian Penal Code.
2. Simultaneously, if the identity of Siddhu is revealed by the newspapers, doing so is a non-cognizable offence under section 74 of the Juvenile Justice Act.
3. Any person can report these offences to the police (see rule 54(1)) such as the child, his family, guardian, friend, teacher, child line service, any other person or concerned institution or institution.

Q- What procedure should be followed by the police? List out all steps sequentially.

Answer:

Procedure to be followed by police:

1. The act of Siddhu is punishable under section 323 of the Indian Penal Code and this offence comes in the category of petty offence.
2. No FIR will be registered in this case by the police but a GD entry will be made.
3. On receipt of the information of non-cognizable offence under section 74 of the Juvenile Justice Act against Siddhu, the police will record the information in the GD and this information will be immediately sent to the concerned magistrate who shall direct appropriate action under section 155(2) of the Code of Criminal Procedure.
4. The offence of beating Siddhu in the police station is cognizable so the police will take action in the case by registering an FIR under Section 75 of the Juvenile Justice Act and Section 323 of the Indian Penal Code.

Q- Write the names and functions of all the stakeholders.

Answer:

Names and functions of all stakeholders:

1. Police - F.I.R./GD. Entry and information about GD entry to be sent to the concerned magistrate. Investigation of crime, preparation of social background report.
2. Child, his family, guardian, friend, teacher, child line service, any other person or concerned institution or institution - Reporting the offence of beating Siddhu.
3. Media- Not revealing the identity of Siddhu.

Caselet-6

Mohini is a class 8 student of Baktapur. One day her teacher called her on the pretext of picking up some books in his room. The teacher tried to touch her body parts, which Mohini did not like. She went home and complained to her mother. The next day her parents went to school and started beating the teacher. Due to which the news spreads to the whole community. The teacher was from a very influential family. Mohini wants to know what to do so that it doesn't happen to anyone else.

Q- What procedure will the police follow? Write sequence wise.

Answer:

Procedure to be followed by police:

1. The act of the teacher is punishable under section 9/10 of the POCSO Act.
2. If the police get information about the crime committed against Mohini, then her FIR will be registered and investigation will be started.
3. If the police or SJPU is satisfied that Mohini needs care and protection, recording the reasons for doing so in writing will inform the Child welfare committee without delay.
4. The report of Mohini's case shall be presented to the Child Welfare Committee and the Special Court or if there is no Special Court, the Court of Session, without unreasonable delay by the police or SJPU but within twenty four hours.

Q- What can Mohini do?

Answer:

1. Mohini can complain to the headmaster of the school about the act.
2. Mohini can make a complaint either oral or written to the police.
3. Mohini can report the incident in POCSO e-BOX.

Q- Write the names of all the stake holders.

Answer:

Names of all stakeholders:

1. Mohini
2. Parents
3. School, teachers, principal.
4. Police/SJPU
5. National Commission for Protection of Child Rights
6. Child Welfare Committee

Caselet-7

Geeta aged 14 years old is a student of class 9 in a private school. Veenu, a girl who used to study in class 2, pranked Geeta on some matter. Geeta got furious and threatened to see her later. Influenced by a TV serial, Geeta took the little girl to the school bathroom and attacked her with a knife due to which the little girl was badly injured.

The girl's father comes to the police station to register an FIR

Q- What procedure will the police follow? Write sequence wise.

Answer:

Procedure to be followed by police:

1. Looking at Geeta's age (14 years) and the nature of the offence (serious offence), FIR will not be registered for Geeta's offence but a GD Entry will be made.
2. There is no need to detain Gita. (Rule 8(1))
3. The police or SJPU or child welfare police officer will send the information about the nature of the crime and the social background report filled in form 1 to the Juvenile Justice Board. (Rule 8(1))
4. Geeta's parents will be informed when Geeta is to appear before the Juvenile Justice Board for hearing. (Rule 8(1))
5. An undertaking will be taken from Geeta's parents on a non-judicial form in Form 2 that she will appear before the Juvenile Justice Board on the stipulated date for investigation or other proceedings. (Rule 8 (7))
6. The interview of Gita shall be conducted as per the provisions of Rule 8(3).

Q- Write the role of all the stakeholders.

Answer:

Role of all stakeholders:

1. Police - As per above and under Rule 10(6) the final report shall be submitted at the earliest but in any case within two months before the Juvenile Justice Board.
2. Geeta's parents as above.
3. Juvenile Justice Board will pass an order for her rehabilitation, if necessary, without waiting for the final report. (Rule 9 (4))
4. The inquiry will be conducted by the Board in a child-friendly manner keeping in view the best interest of Geeta under Rule 10.
5. The inquiry will be completed by the board in a maximum of four months.
6. After the completion of the inquiry, orders will be passed by the board under section 17 or 18.
7. Probation Officer/Child Welfare Officer/Social Worker will fill up the social investigation report in respect of Geeta in Form 6.

Caselet-8

A 15 years old boy has been apprehended in the crime of robbery along with 4 adults.

Q- What procedure will the police follow? Write sequence wise.

Answer:

Procedure to be followed by police:

1. Robbery is serious offence. Since the said offence is alleged to have been committed by a 15 years old boy with four adults, an FIR will be registered.
2. The child may be apprehended if it is in his best interest to do so, otherwise the child shall be released on bail.
3. If the child is apprehended, he will be handed over to the SJPU/Child Welfare Police Officer who will inform his parents/guardians about the apprehension and they will be informed of the address of the Juvenile Justice Board where the child is to be produced. He will also be told the date and time of his appearance so that he can appear before the Board. The apprehension of the child shall also be informed to the Probation Officer so that he may obtain information about the child's social background and other important circumstances which may be helpful in the investigation of the Board. This information will also be given to the Child Welfare Officer or Case Worker who will produce the child before the Board along with the SJPU/Child Welfare Police Officer.
4. He shall be produced before the Juvenile Justice Board within twenty four hours of his apprehension.
5. The social background report of the child will be filed in Form 1 and given to the board.
6. The child shall be treated as per rule 8(3).

Caselet-9

Mohan is a 15 years old boy and is accused of stealing a mobile phone. The Juvenile Justice Board has ordered to keep Mohan in an observation home. Mohan runs away from the observation home and the police is looking for him.

Q- What will be the procedure to be followed by police?

Answer:

Procedure to be followed by police

1. Any police officer can apprehend Mohan.
2. Mohan shall be produced, if possible, before the Board which passed the original order in respect of him or Mohan shall be produced before the nearest Board where Mohan was found. (section 26)
3. The Board shall ascertain the reasons for Mohan's escape from the Observation Home and pass an order to send Mohan either to the same Observation Home or to any other Observation Home as the Board may think fit.
4. The Board may also pass additional orders in the best interest of Mohan.
5. No further proceedings will be instituted against Mohan for escaping from the observation home.

Caselet-10

Eight-year-old girl Babli goes away from her house while playing and is lost. A police officer finds Babli crying.

Q- What will be the procedure in that case?

Answer:

Procedure to be followed by police:

1. The police officer who has found Babli shall within twenty four hours (excluding travel time) inform the Childline service or the nearest Police Station or Child Welfare Committee or District Child Protection Unit or hand over Babli to any registered Child Care Institution.(section-32)
2. Information regarding Babli will be uploaded on the portal www.trackthemissingchild.gov.in.
3. It is worth noting that the above procedure is legally mandatory to be followed by every person who finds a lost child.
4. Failure to provide information about a lost child by the above procedure is an offence punishable with imprisonment of either description for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.
5. In the interrogation of Babli by the police, if it is found that Babli is a girl in need of care and protection, then the police will submit her information in the format of Form 17 before the Child Welfare Committee.



Conduct of Police Officers with regard to Children

✓ What to do

- 1 Be sensitive to children.
- 2 Make the children sit in a comfortable and safe place.
- 3 Provide basic necessities like food, water, toilet, first aid etc. to the children.
- 4 Respect the wishes and reluctances of the child.
- 5 Benefit of doubt should be given to the child till the age determination process is completed.
- 6 Police officers should be in plain clothes as much as possible.
- 7 If the child is in need of care and protection, immediately present him/her to the Child Welfare Committee.
- 8 Ensure the presence of the child's parent or guardian or any other person whom the child trusts while conducting the statement or medical examination of the child.
- 9 During the investigation, the statement of the child should be recorded at his place of residence.
- 10 To provide specialist services to children, keep a list of phone numbers and addresses of Child Line, Child Welfare Committee member, Probation Officer, District Legal Services Authority, Asha Jyoti Kendra, Government Hospital etc.

✗ What not to do

- 1 Do not talk loudly to the child and do not use abusive words.
- 2 Don't ask too many questions unnecessarily.
- 3 Children should neither be handcuffed nor kept in lock-up.
- 4 Do not hug or touch any part of the body to make the child feel comfortable.
- 5 Children should not be allowed to face the accused or potential accused under any circumstances.
- 6 The identity of the child should not be disclosed in the media under any circumstances.
- 7 Do not wait for the medical of the child to get his statement before the Hon'ble Court.
- 8 Do not officially mention the age of the child in the document until the age is determined by the CWC or JJB.
- 9 Do not send the child to the women's police station and present it before the child welfare committee.
- 10 Do not unlawfully bring the child to the police station after sunset and before sunrise.
- 11 The thumb impression of the child should not be taken against any law, nor should any dossier be made.
- 12 When a child is released on bail against any law, he should not be called from time to time to the police station, nor should his signature be made.



List of Resource Persons

- 1. Hon'ble Justice Madan B. Lokur:** Appointed as Judge of the Supreme Court on 4th June, 2012, he has keen interest in judicial reforms, computerization of courts, judicial education, legal aid and services, juvenile justice and alternate dispute resolution. Member of the Mediation & Conciliation Project Committee of the Supreme Court of India since its inception in 2005 he was also the Judge in charge of the E-Committee of the Supreme Court of India. Appointed as one Man Committee to suggest improvements in the working of the Homes and organization under the Juvenile Justice (Care and Protection of Children) Act, 2000 and the Juvenile Justice (Care and Protection of Children) Rules, 2007, he did pioneering work in this area.
- 2. Bharti Ali:** She is Co-Founder and Executive Director of HAQ: Centre for Child Rights, a Delhi based NGO working towards securing all rights for all children. Her work includes research on a range of issues relating to women and children, including child marriage, women's right to property, domestic violence, education, child labour, child trafficking and juvenile justice, to name a few. She has developed training and education materials and undertaken capacity building programmes on child protection issues for various police academies, judicial academies, national and state legal service authorities.
- 3. Anant Kumar Asthana:** He is one of those few and rare child rights lawyers who has represented the concerns of various children in conflict with law before the Juvenile Justice Boards, other Trial Courts, High Court and the Supreme Court of India. He is a trainer on child protection laws with expertise in the juvenile justice, child sexual abuse and child trafficking. He has worked on various committees set up to draft national and state laws and has published academic papers on related subjects.
- 4. Satya Prakash:** He holds an M. Phil degree in Sociology from the Delhi School of Economics and has specialized in Social and Behavioral research at the University of Miami, USA. Satya has worked extensively in the areas of Child Rights and combating human trafficking with more than 12 years of experience in the area of child protection & child development, child sexual abuse and juvenile justice as practitioner, researcher and trainer. He has implemented several projects supported by UN agencies, bilateral organizations, global fund, State and central Government built around these subjects. He has been interested in conducting training and capacity building programs on related subjects.

5. **Aparna Bhatt:** She is a lawyer practising in the Supreme Court of India. She has worked extensively on various issues with special focus on children. She has argued cases that led to systemic changes in policies and laws impacting women and children. In 2015, she started Rape Crisis, a legal helpline to support victims of sexual assault for the Delhi government which went on to contribute to increase in conviction rate in rape cases in Delhi. She has been appointed as an Amicus in various cases by the Supreme Court including the Muzaffarpur shelter home case.

6. **Dr. Shekhar P. Seshadri:** He is a Psychiatrist and Adolescent and Child Psychiatrist with an experience of 39 years in these fields. He practises at National Institute of Mental Health and Neuro Sciences Hospital (NIMHANS) in Bangalore. Besides working with child and adolescent mental health including developmental disabilities, he is actively involved in the areas of gender and sexualities, violence/trauma and abuse, children in difficult circumstances, juvenile justice, experiential methodologies, school programmes/teacher training in life skills education, community and school mental health programmes, forum theater and qualitative research.

7. **Prof Ved Kumari:** She is considered to be a legal and academic authority on the Juvenile Justice in India. She has written three books , latest being published in 2017 '*The Juvenile Justice (Care and Protection of Children) Act 2015- Critical Analysis*'. Her research papers have been published at the national and international level. Her first book '*Treatise on the Juvenile Justice Act 1986*' was published by the Indian Law Institute in 1993. The second edition of her doctoral work was published as '*The Juvenile Justice System in India: From Welfare to Rights*' by Oxford University Press in 2004 and was printed in 2010.

8. **Dr K.P. Asha Mukundan:** She joined Tata Institute of Social Sciences (TISS) as faculty Center for Criminology and Justice (erstwhile Department of Criminology and Correctional Administration) in 2005. Dr. Asha has been working on issues related to child rights and juvenile justice since 1998. Before TISS, headed a project Child Rights Cell which was a joint venture of the Women and Child Development Department [Government of Maharashtra (GOM)] and UNICEF. She is the Founder Member and Project Director of the Field Action Project titled "Resource Cell for Juvenile Justice" which works in six districts of Maharashtra.

9. **Dr. Kumar Askand Pandey:** He has been a founding faculty member of Dr Ram Manohar Lohiya National Law University, Lucknow since June, 2006. Having around 18 years of teaching experience both at UG and PG level, Dr. Kumar Askand Pandey's interest lies in Criminal Law, Criminology, Victimology, Comparative Criminal Justice, Law of Evidence, Media Law, Cyber Law, Research Methodology and Juvenile Justice. In 2015-16, he was invited by the Department of Women and Child Development,

Government of U.P. to conduct the first-ever Social Audit and Rapid Assessment of the Child Care Institutions in the State of U.P. and submitted two reports thereof. Dr. Pandey was also nominated as a member of the Resource Group constituted by the DWCD, Government of U.P., for framing the State Rules under the JJ Act, 2015.

10. Alankrita Singh: She is an officer of the Indian Police Service who has served as Superintendent of Police in 4 districts and Commandant in 4 different armed police battalions in the state of Uttar Pradesh. She is currently posted as superintendent of police in the women and child security organisation of Uttar Pradesh police. Prior to this, she was engaged in a full time training role at the Lal Bahadur Shastri National Academy of Administration (LBSNAA) at Mussoorie. She is interested in women's and children's human rights issues, specifically from the perspective of elimination of various forms of violence against them. She has authored various case studies on institutional response to child sexual abuse, children in conflict with law and sexual harassment at workplace. She has keen interest in conducting trainings. capacity programs for multiple stakeholders.

| Contact details of Resource Persons | | | |
|-------------------------------------|-------------------------|------------|-------------------------|
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| 1 | Justice Madan B. Lokur | 9868219007 | madanlokur@gmail.com |
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Feedback Form

1. What were your expectations from this training?

2. Which specific expectations were met?

3. Which specific expectations were not met?

4. How do you rate the experience of the car/driver activity on a scale of 1 to 5?

5. How do you rate the experience of the 'Case Study' of a child in conflict with law on a scale of 1 to 5?

6. How do you rate the 'Stakeholder Analysis' on a scale of 1 to 5?

7. How do you rate the overall experience of this training on a scale of 1 to 5?

8. Any other suggestions, comments or feedback about improvement in this training programme?

Name (Optional): _____ Age: _____

Designation: _____ Gender: MALE FEMALE

District: _____



05 | FREQUENTLY ASKED QUESTIONS

Question 1: Under some special laws like SC/ST Act and POCSO Act, it is mandatory to register FIR. Under POCSO and section 166A IPC there can be FIR against a police official for non-registration of a case. However, JJ Act provides that no FIR can be registered against a child if s/he is accused of a non-heinous offence. Which of these two provisions would supersede?

Answer: Considering that a child has committed an offence and certain special legislations like SC/ST Act, POCSO Act are attracted which mandate registration of an FIR against such child. In such a situation, the question of registration of FIR will be governed by the JJ Act, 2015. The reason lies in the s. 1(4) of JJ Act, 2015 which provides that irrespective of any other law, JJ Act, 2015 shall apply to all matters pertaining to a child in conflict with law.

Since it is clear that the JJ Act, 2015 will apply, it must be seen whether it mandates the registration of FIR or not. For the same, the information has been provided in a tabular form below:

| Categories of Offences | Definition | FIR/GD Entry Rule 8 (1), JJ Model Rules, 2016 |
|------------------------------|--|--|
| Petty Offences s. 2(45) | Includes the offences for which the maximum punishment under the IPC or any other law is imprisonment upto three years | No FIR Only GD Entry |
| Serious Offences s. 2(54) | Includes the offences for which the punishment under the IPC or any other law is imprisonment between three to seven years | No FIR Only GD Entry |
| Heinous Offences s. 2(33) | Includes the offences for which minimum punishment under the IPC or any other law is imprisonment for seven years or more | FIR |

Besides the heinous offences, FIR will also be registered in cases where a child has committed an offence jointly with adults.

Therefore, in cases where an offence is alleged to have been committed under the POCSO Act, 2012, it must be seen whether the said offence is a petty, serious or heinous offence and only then the question of registration of FIR can be answered.

Another group of offences pertain to those where the offence prescribes a maximum sentence of more than 7 years imprisonment but does not provide any minimum sentence, or provides a minimum sentence of less than 7 years. This issue arose in the case of *Shilpa Mittal v. State of NCT of Delhi* (2020). The Supreme Court in this case acknowledged the gap in legislation, reiterating that the general intention behind the JJ Act is to protect the child from being treated as an adult. This is laid down in the Principle of Fresh Start, Principle of Diversion and Principle of Best Interest of the Child. The apex court directed the subordinate courts to deal with such offences as serious offences and not as heinous offences. Even the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 provides for the expansion of the definition of 'serious offences' to include the offences for which the punishment is (a) minimum imprisonment for a term more than three years and not exceeding seven years; or (b) maximum imprisonment for a term more than seven years but no minimum imprisonment or minimum imprisonment of less than seven years is provided. Therefore, as such offence will constitute a 'serious offence' and not a 'heinous offence', there won't be any FIR in that case and only GD Entry shall be made. A GD entry also serves the purpose finally, of taking cognizance of the alleged offence and the matter is to be referred to the JJ board as per the provisions of JJ Act.

Question 2: In a case of a couple eloping, where both the boy and the girl are less than 18 years of age, what should the police do?

Answer: Young couple eloping against the wishes of respective family/ families is an issue that arises before the police frequently. Age determination of both children assumes. Age determination is to be done as per section 94 of JJ Act, 2015. Criminal significance in such cases – police may put up the relevant document for age determination before the JJB or CWC, as the case may be, who would definitively determine the respective ages. Till age determination, if any of them claims that he or she is a child, they must be treated as such. After age determination of both, the following scenarios may arise:

1. In case both are minors and have eloped and there is no penetrative sexual assault, the JJ Act, 2015 shall apply and section 84 of the Act may apply depending upon the facts and circumstances of the case.
2. In case where both are minors and have eloped and there has been penetrative sexual assault, the POSCO Act, 2012 shall apply. Also, there will be cross FIRs against the minors.
3. In case where the girl is a minor and the boy is major, the POCSO Act, 2012 shall apply resulting in FIR against the boy who is a major.

4. In case where the boy is a minor and the girl is major. The POCSO Act, 2012 shall apply resulting in FIR against the girl who is a major.

In all the above situations, police is required to act as per law, without being influenced by any kind of stereotypes and prejudices.

Question 3: Considering the fact that there are rights of the young boy who has committed a heinous offence as rape under JJ Act, 2015, what about the rights of the victim of rape?

Answer: The principle of presumption of innocence provides that a child must be presumed to be innocent of any mala fide or criminal intent till s/he attains the age of 18 years. The rights of a young boy accused of committed a heinous offence as rape have been provided by the legislature under the Juvenile justice act, 2015. The police are bound to act according to the law and so use all other key stakeholders. Moreover, showing compassion and sensitivity towards the young boy in question does not mean insensitivity towards the victim of the alleged heinous offence. In order that the rights of victim are protected, the police must act in consonance with the POCSO Rules, 2020, which provides for child friendly procedures to be followed during investigation and trial as well as provisions for medical aid, psychosocial support, legal aid and assistance, compensation, etc.

Question 4: Sometimes, it has been observed that children respect the police more when they are in uniform; children listen to them sincerely and follow their instructions sincerely. While JJ Act, 2015 talks about any interaction with children should not be in the police uniform.

Answer: Police is mandated to act according to the law as laid down by the legislature. The law pertaining to police being not in uniform while interacting with a child is based on the notion that uniform may impact the mental status of the child in a negative manner. Also, when a police officer visits to take custody of the child in conflict with law in uniform, it impacts the dignity of the child and leads to stigmatization of the child. In such case everybody around the child would presume that child has done something wrong which may bring humiliation and loss of reputation to the child and his/her family. Finally, police uniform is often associated with fear and coercion. It is a different thing to address school children in uniform during National holiday and interacting with children in need of care and protection or children in conflict with law in a police station or at a scene of crime, where children may experience extremely harsh situations to begin with.

Question 5: In cases of child marriages, no one comes forward for filing FIR, what will be the police's role if no one is filing case in such incidences.

Answer: Section 15 of The Prohibition of Child Marriage Act, 2006 provides for the offences under this legislation to be cognizable and non-bailable. Therefore, the police are required to take cognizance of any child marriage taking place before them and to act upon information received from any source about a child marriage.

Question 6: Police undertakes drives like no child labour campaign against begging by children, but after rescue these children are produced before CWC. CWC after 2-3 days hands over these children to their parents. These children again start working as child labourers or beggars on street lights. All efforts of police go in vain. How should police deal with such cases?

Answer: Begging by children is not an offence. Section 76 of the JJ Act, 2015 punishes those who employ or use children for the purpose of begging and states that the child shall not be considered as a child in conflict with law. Child labour and begging is prevalent because of the socio-economic circumstances of children and their families. Multiple stakeholders have different responsibilities in ensuring that children are not forced into labour and begging. As for police, their primary responsibility is to register offences and conduct investigation with the purpose of preventing further trafficking, forced begging and labour. But children who are rescued and brought back home are in danger of being trafficked again in the absence of a comprehensive rehabilitation plan. For this, children can be given the benefits under the sponsorship programme of the Integrated Child Protection Scheme, which aims to keep children in school and prevent child labour and trafficking. The implementation of the sponsorship scheme is being done with the help of the District Child Protection Unit (DCPU). The Child Welfare Committee in coordination with the Social Welfare Department can help in rehabilitation of children. The role of police in rehabilitation is limited to informing CWC, producing social investigation reports and police reports for compensation schemes.

Question 7: In a visit to a shelter home, I have witnessed that a 7 years old child in conflict with law (CCL) was accommodated with a 17 years old CCL. This may adversely affect mental health of the younger child. Many children in conflict with law have escaped from the shelter home and later during enquiry many times it comes to light that there are crimes being committed within observation homes due to such conditions.

Answer: The JJ Act, 2015 provides that institutionalization of a child must be done as a measure of last resort. But if the child alleged to be in conflict with law is not placed under the charge of parent or guardian and is sent to an observation home, there must be segregation according to the child's age and gender, after giving due consideration to physical and mental status of the child and degree of the offence committed. The same has been provided under section 47(4) of the JJ Act, 2015. Such instances, as observed in the question, must be brought to the notice of the District Probation Officer, DCPU, District Magistrate, CWC and JJB who are mandated to take action against the incharge of such shelter homes and issue necessary direction.

Question 8: What should the police do, in case a CCL is found at night and there is no observation home?

Answer: The foremost principle that must always be kept in mind is that the institutionalization must be done as a measure of last resort. Likewise the law provides that if a child is found at night, police is required to hand over the child to his/her parents immediately, in case

the offence alleged to have committed is petty or serious offence. Only in case of a heinous offence, police would need to apprehend the child and produce him/her before a JJB member. If JJB member grants bail, child goes back to parents but if JJB orders the child to be placed in observation home, then police must make arrangements for taking that child to the observation home where it is situated.

Question 9: What is the procedure to provide compensation to victim by police? In which scheme- Rani Laxmi Bai Mahila Samman Kosh or Victim Compensation Scheme, compensation is payable?

Answer: In order for a child to avail compensation, the police are required to send a copy of FIR to the District Legal Services Authority so that the interim compensation can be availed by the child in need of care and protection. Section 357A of CrPC provides for every State Government in co-ordination with the Central Government to prepare a scheme for providing funds for the purpose of compensation to the victim or her/his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation. An application to the State or the District Legal Services Authority may be made even in cases where the offender is not traced or identified, but the victim is identified, and where no trial takes place. In such cases, the State or the District Legal Services Authority shall, after due enquiry award adequate compensation by completing the enquiry within two months. Immediate first-aid facility or medical benefits may be made available free of cost to the victim on the certificate of the police officer not below the rank of the officer incharge of the police station or a Magistrate of the area concerned, or any other interim relief as the appropriate authority deems fit. Police is required to assist the victim while making application to seek compensation from the State/District Legal Services Authority for smooth implementation of the victim compensation scheme.

Mahila Evam Bal Samman Kosh has been created to ensure monetary and medical relief including reconstructive surgeries to women who are victims of violence and also for educational assistance, minor children of such victims are also given educational and medical assistance when required. Authorized District Police Officer is required to feed online the FIR and details of the victim and digitally sign the record. Thereafter, the District Steering Committee shall recommend for payment of compensation.

Question 10: What is place of safety and who is responsible/ authorized to identify place of safety in the district.

Answer: As per Section 2(46) of JJ Act, 2015, a 'place of safety' means any place or institution, not being a police lockup or jail, established separately or attached to an observation home or a special home, as the case may be, the person in-charge of which is willing to receive and take care of the children alleged or found to be in conflict with law, by an order of the Board or the Children's Court, both during

inquiry and ongoing rehabilitation after having been found guilty for a period and purpose as specified in the order.

For setting up a place of safety, the State Governments are mandated to set up at least one place of safety in a State registered under section 41 of the JJ Act, 2015. Every place of safety is expected to have separate arrangement and facilities for stay of such children or persons during the process of inquiry and children or persons convicted of committing an offence.

Question 11: What should the police do if CWC/JJB is not holding their sitting? Also, if they are not responding over call?

Answer: There is a roster system in place for JJB board and CWC committee. Considering that this still happen, the police can contact the District Probation Officer who could help them reach the CWC/JJB. Police can also inform the District Magistrate who has supervisory powers over the CWC. Finally, informal meetings, regular coordination meetings and calls go a long way in establishing support and mutual collaboration.

Question 12: Can the investigation and inquiry be done by police only on the basis of GD Entry? If yes, then what will be the basis for it? As without an FIR, there can be no entry in CCTNS, and the investigation officer is not appointed as well.

Answer: Preliminary inquiry can be done on the basis of GD Entry, although FIR is mandatory for investigation. According to Rule 8(1) of the JJ Model Rules, 2016, FIR shall not be lodged in any offence other than in the heinous offences committed by children and where an adult is also involved in such offence. In case of petty or serious offences only GD Entry will be done by the police.

Under the JJ Act, 2015, there is no need to appoint an investigation officer separately because as per Rule 8(2) of the JJ Model Rules, 2016, it is the duty of the police, after taking a child in conflict with law into custody, to hand him over to the SJPU or the CWPO without delay even if there has been an FIR or a GD Entry. In the case of such a child, further action will be taken by the Child Welfare Police Officer only.

Under Rule 10(5) of the JJ Model Rules, 2016 since FIRs have been registered in the cases of heinous crimes, the statements of the witnesses recorded by the Child Welfare Police Officer and other documents prepared during the investigation (including chargesheet) shall be produced before the JJB within one month (from the day the child is presented before the Juvenile Justice Board for the first time). Also, in each case whether there is an FIR or only GD Entry, the Child Welfare Police Officer should compulsorily present the social background report of the child in Form-I before the JJB.



06 | PROFORMA UNDER JUVENILE JUSTICE RULES, 2016

FORMAT-1

[Rule 8(1) 8(5)]

Social Background Report under Juvenile Justice Rules, 2016

Primary/G.D no:-

Under section:-

Police station:-

Date and time:-

Name of probation officer:-

Name of C.W.P.O:-

1. Name of child:
2. Name of father/guardian
3. Age/date of birth
4. Address:
5. Religion:
 - Hindu (O.C/O.B.C/S.C/S.T)
 - Muslim/Christian/Others (please specify)
6. If child is handicapped:
 1. Deaf
 2. Mute
 3. Physically handicapped
 4. Mentally handicapped
 5. Others (please specify)
7. Family description:

| S.no | Name and relation | Age | Gender | Education |
|------------|-------------------|------------------|--|--------------------|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |
| Occupation | Income | Status of health | History of any mental incapacity(if any) | Addiction (if any) |
| 6 | 7 | 8 | 9 | 10 |
| | | | | |

8. Reason for leaving home:

9. If any member of the family has vanished, if any:

10. Habits of the child:

A

1. Smoking
2. Intoxication
3. Indicate the use of drugs
4. Betting
5. Begging
6. Any other

B

1. Watching T.V/television
2. Outdoor/indoor games
3. Reading books
4. Drawing/painting/acting/singing
5. Any other

11. Account/description of profession, if any

12. Use of income:

1. Send to family to fulfil their needs yes no
2. Used by himself for the following:
 - a. Clothes yes no
 - b. Betting yes no
 - c. Liquor yes no
 - d. Medicines yes no
 - e. Smoking yes no
 - f. Savings yes no

13. Account of education of the child:

1. Uneducated
2. Educated till 5th standard
3. More than 5th but less than 8th standard
4. Till 8th but less than 10th
5. More than standard 10th

14. Reason for dropping out of school:

1. Fail in the last class
2. Lack of interest in the school
3. Behaviour of the teacher
4. Influence of entire group
5. Earn and help the family
6. Unexpected death of father/mother
7. Torture in school
8. Strict atmosphere of the school
9. Absence of nearby school according to the age
10. Ill treatment in school
11. Insult in school
12. Corporal punishment
13. Medium of teaching
14. Other

15. Account of earlier school:

1. Nigam/nagar nigam/panchayat
2. Government Scheduled Caste Welfare School
3. Private school
4. School (child labour) under N.C.L.P

16. Professional training, if any:

17. Most of the friends:

1. Educated
2. Uneducated
3. From same age group
4. Elder in age
5. Younger in age
6. Of same gender
7. Of other gender
8. Habit of intoxication
9. Of criminal background

18. Has the child been any misbehaviour? Yes/no

| S.no | Types of misbehaviour | Accused |
|------|---|---------|
| 1 | Verbal misbehaviour–father/mother/brother/sister/appointer/other (please specify) | |
| 2 | Physical misbehaviour(please specify) | |
| 3 | Sexually ill-treated /father /mother /brother /sister/appointer/others (please specify) | |
| 4 | Others (please secify) | |

19. Is the child aggrieved of any other offence yes/no

20. Is the child being used by any gang, majors/group of majors and the child is being used for selling and procurement of narcotic and psychotropic substances? yes /no

21. Reason for alleged offence: expectation of father, mother, strict custody, influence of the age group

22. Circumstances in which the child was caught

23. Account of the material gathered from the child

24. Alleged role of the child in the offence

25. Suggestion of child welfare police officer

Signed by
Child Welfare Police Officer

FORMAT 17

(RULE 18 (2),19 (25))

REPORT TO BE FURNISHED AT THE TIME OF PRODUCING
THE CHILD BEFORE THE COMMITTEE

Matter no:

Presented before the child welfare committee:

Date of presentation:.....time of presentation.....
place of presenting.....

1. Description of the person presenting the child:
 1. Name:
 2. Age:
 3. Gender:
 4. Address:
 5. Contact no:
 6. Profession/post:
 7. Organisation/name of S.S.A
2. Child so presented:
 1. Name (if any)
 2. Age (as told/based on appearance)
 3. Gender
 4. Birth mark:
 5. Language of the child
3. Availability of mother father/guardian
 1. Name
 2. Age
 3. Address
 4. Contact no
 5. Occupation
4. Place where child is found
5. Description of the person with whom child is found
 1. Name
 2. Income
 3. Address

4. Contact no
5. Occupation
6. Circumstance in which child is found
7. Accusation of any offence on the child
8. Physical condition of the child
9. Luggage of the child at the time of presentation
10. Date and time of coming to S.A.A.
11. Efforts made to find out the parents of the child:
12. Has the medical investigation of the child done?
13. Has the police been informed?

Signature of the child/thumb impression

Signature of the person presenting the child Thumb impression

Police: local police/special juvenile police unit/child welfare police officer/railway police/probation officer/ any person of social service/ social welfare organisation/S.S.A/any citizen/child himself (which -ever is applicable to be filled)

FORMAT 42
(RULE 69(D)(4))

OVERNIGHT STAY FOR PROTECTION

.....(name of child).....has been taken into custody today/received.....(name of the organisation) has been kept here for overnight protection and stay.

The above mentioned child.....has been produced by the (child welfare police officer).....police station..... district). The expected report to keep the child in protection home, along with general health condition which has been judiciously prepared by the person in charge of the organisation has been brought along with enumerated medical report.

The above mentioned child.....who has been brought to the organisation, will be given in supervision to the child welfare police officer, of the concerned area, the next day.....

The personal belongings of the child have been searched and the following things (if any) have been handed over to the child welfare police officer.

If the related child welfare police officer fails to report the taking of the child in custody within stipulated time then the child will be immediately produced before the juvenile justice board/child welfare committee by the person in charge of the organisation.

Copy:

Child welfare police officer

Board/committee

Person in charge of organisation/institution

Dated:...../...../.....

(signature)
Person in charge of the institution

(signature)
child welfare police officer



07

KEY PROVISIONS OF THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) AMENDMENT ACT, 2021

| Sl. No. | Section | Provisions of JJ Act, 2015 | Provision of JJ Act, 2021 |
|---------|-------------|--|---|
| 1. | 2 (4) | Definitions: "administrator" means any district official not below the rank of Deputy Secretary to the State, on whom magisterial powers have been conferred; | Deleted |
| 2. | 2 (14) (ii) | "child in need of care and protection" means a child— (ii) who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street; or | after the words "contravention of", the words "the provisions of this Act or" shall be inserted; After amendment: "(ii) who is found working in contravention of the provisions of this Act or labour laws for the time being in force or is found begging, or living on the street; or" |
| 3. | 2 (14) (vi) | (vi) who does not have parents and no one is willing to take care of, or whose parents have abandoned or surrendered him; or | for sub-clause (vi), the following sub-clause shall be substituted, "(vi) who does not have parents and no one is willing to take care of and protect or who is abandoned or surrendered;" |
| 4. | 2 (14) (ix) | (ix) who is found vulnerable and is likely to be inducted into drug abuse or trafficking; or | in sub-clause (ix), for the words "is likely to be", the words "has been or is being or is likely to be" shall be substituted; After the amendment: who is found vulnerable and has been or is being or is likely to be inducted into drug abuse or trafficking; or |
| 5. | 2 (17) | (17) "Child Welfare Officer" means an officer attached to a Children's Home, for carrying out the directions given by the Committee or, as the case may be, the Board with such responsibility as may be prescribed; | in clause (17), for the words "Children's Home", the words "child care institution" shall be substituted; After the amendment: "Child Welfare Officer" means an officer attached to a Child Care Institution , for carrying out the directions given by the Committee or, as the case may be, the Board with such responsibility as may be prescribed |

| | | | |
|-----------------|---------|--|--|
| 6. | 2 (26) | “District Child Protection Unit” means a Child Protection Unit for a District, established by the State Government under section 106, which is the focal point to ensure the implementation of this Act and other child protection measures in the district; | in clause (26), for the words “which is the focal point”, the words “which shall function under the supervision of the District Magistrate” shall be substituted After amendment: |
| 7. | 2 (26A) | | (26A) “District Magistrate” includes Additional District Magistrate of the District |
| 8. ⁸ | 2 (46) | “Place of safety” means any place or institution, not being a police lockup or jail, established separately or attached to an observation home or a special home, as the case may be, the person in-charge of which is willing to receive and take care of the children alleged or found to be in conflict with law, by an order of the Board or the Children’s Court, both during inquiry and ongoing rehabilitation after having been found guilty for a period and purpose as specified in the order; | in clause (46), the words “the person in-charge of which is willing” shall be omitted; After amendment: (46) “place of safety” means any place or institution, not being a police lockup or jail, established separately or attached to an observation home or a special home, as the case may be, to receive and take care of the children alleged or found to be in conflict with law, by an order of the Board or the Children’s Court, both during inquiry and on-going rehabilitation after having been found guilty for a period and purpose as specified in the order; |
| 9. | 2 (54) | “serious offences” includes the offences for which the punishment under the Indian Penal Code or any other law for the time being in force, is imprisonment between three to seven years; | “serious offences” include the offences for which the punishment under the Indian Penal Code or any other law for the time being in force, is,— minimum imprisonment for a term more than three years and not exceeding seven years; or maximum imprisonment for a term more than seven years but no minimum imprisonment or minimum imprisonment of less than seven years is provided. |
| 10. | S. 3 | General principles to be followed in administration of Act The Central Government, the State Governments, the Board, and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles, namely:— | In section 3 of the principal Act, for the words “the Board, and”, the words “the Board, the Committee, or” shall be substituted After the amendment: The Central Government, the State Governments, the Board, the Committee, or other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles, namely:— |

| | | | |
|-----|-------------------|--|--|
| 11. | S. 4 (7) (iii) | <p>Juvenile Justice Board</p> <p>The appointment of any member of the Board, except the Principal Magistrate, may be terminated after holding an inquiry by the State Government, if he – (iii) fails to attend less than three-fourths of the sittings in a year; or</p> | <p>In section 4 of the principal Act, in sub-section (7), in clause (iii), for the words “less than”, the word “minimum” shall be substituted.</p> <p>After amendment: (iii) fails to attend minimum three-fourths of the sittings in a year; or</p> |
| 12. | S. 8 (3) (m) | <p>Powers, functions and responsibilities of the Board The functions and responsibilities of the Board shall include’–(m) conducting regular inspection of jails meant for adults to check if any child is lodged in such jails and take immediate measures for transfer of such a child to the observation home; and</p> | <p>In section 8 of the principal Act, in sub-section (3), in clause (m), for the words “of such a child to the observation home”, the words “that child to an observation home or place of safety, as the case may be,” shall be substituted After amendment: (m) conducting regular inspection of jails meant for adults to check if any child is lodged in such jails and take immediate measures for transfer of that child to an observation home or place of safety, as the case may be; and</p> |
| 13. | S. 12 (2) | <p>Bail to a person who is apparently a child alleged to be in conflict with law.</p> <p>Bail to a person who is apparently a child alleged to be in conflict with law:</p> <p>(2) When such person having been apprehended is not released on bail under subsection (1) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home in such manner as may be prescribed until the person can be brought before a Board.</p> | <p>In section 12 of the principal Act, in sub-section (2), after the words “observation home”, the words “or a place of safety, as the case may be,” shall be inserted.</p> <p>After amendment: (2) When such person having been apprehended is not released on bail under subsection (1) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation or a place of safety home in such manner as may be prescribed until the person can be brought before a Board.</p> |
| 14. | S. 16 | <p>Review of pendency of inquiry:</p> <p>16. (1) The Chief Judicial Magistrate or the Chief Metropolitan Magistrate shall review the pendency of cases of the Board once in every three months, and shall direct the Board to increase the frequency of its sittings or may recommend the constitution of additional Boards.</p> | <p>In section 16 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely: –</p> <p>“(4) The District Magistrate may, as and when required, in the best interest of a child, call for any information from all the stakeholders including the Board and the Committee.”</p> |

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| | | <p>The number of cases pending before the Board, duration of such pendency, nature of pendency and reasons thereof shall be reviewed every six months by a high level committee consisting of the Executive Chairperson of the State Legal Services Authority, who shall be the Chairperson, the Home Secretary, the Secretary responsible for the implementation of this Act in the State and a representative from a voluntary or nongovernmental organisation to be nominated by the Chairperson.</p> <p>The information of such pendency shall also be furnished by the Board to the Chief Judicial Magistrate or the Chief Metropolitan Magistrate and the District Magistrate on quarterly basis in such form as may be prescribed by the State Government.</p> | <p>After the amendment:</p> <p>16. (1) The Chief Judicial Magistrate or the Chief Metropolitan Magistrate shall review the pendency of cases of the Board once in every three months, and shall direct the Board to increase the frequency of its sittings or may recommend the constitution of additional Boards.</p> <p>The number of cases pending before the Board, duration of such pendency, nature of pendency and reasons thereof shall be reviewed in every six months by a high level committee consisting of the Executive Chairperson of the State Legal Services Authority, who shall be the Chairperson, the Home Secretary, the Secretary responsible for the implementation of this Act in the State and a representative from a voluntary or nongovernmental organisation to be nominated by the Chairperson.</p> <p>The information of such pendency shall also be furnished by the Board to the Chief Judicial Magistrate or the Chief Metropolitan Magistrate and the District Magistrate on a quarterly basis in such form as may be prescribed by the State Government.</p> <p>The District Magistrate may, as and when required, in the best interest of a child, call for any information from all the stakeholders including the Board and the Committee.</p> |
| 15. | S. 18 (1) | <p>Orders regarding child found to be in conflict with law (1)</p> <p>Where a Board is satisfied on inquiry that a child irrespective of age has committed a petty offence, or a serious offence, or a child below the age of sixteen years has committed a heinous offence, then, notwithstanding anything contrary contained in any other law for the time being in force, and based on the nature of offence, specific need for supervision or intervention, circumstances as brought out in the social investigation report and past conduct of the child, the Board may, if it so thinks fit,—</p> | <p>In section 18 of the principal Act, in sub-section (1), after the words "heinous offence," the words and figures "or a child above the age of sixteen years has committed a heinous offence and the Board has, after preliminary assessment under section 15, disposed of the matter" shall be inserted</p> <p>After amendment:</p> <p>(1) Where a Board is satisfied on inquiry that a child irrespective of age has committed a petty offence, or a serious offence, or a child below the age of sixteen years has committed a heinous offence or a child above the age of sixteen years has committed a heinous offence</p> |

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| | | | <p>and the Board has, after preliminary assessment under section 15, disposed of the matter then, notwithstanding anything contrary contained in any other law for the time being in force, and based on the nature of offence, specific need for supervision or intervention, circumstances as brought out in the social investigation report and past conduct of the child, the Board may, if it so thinks fit,—</p> |
| 16. | S. 27 (4) | <p>Child Welfare Committee.</p> <p>(4) No person shall be appointed as a member of the Committee unless such person has been actively involved in health, education or welfare activities pertaining to children for at least seven years or is a practicing professional with a degree in child psychology or psychiatry or law or social work or sociology or human development.</p> | <p>for sub-section (4), the following sub-sections shall be substituted, namely:—</p> <p>“(4) No person shall be appointed as a member of the Committee unless he has a degree in child psychology or psychiatry or law or social work or sociology or human health or education or human development or special education for differently abled children and has been actively involved in health, education or welfare activities pertaining to children for seven years or is a practicing professional with a degree in child psychology or psychiatry or law or social work or sociology or human health or education or human development or special education for differently abled children.</p> <p>(4A) No person shall be eligible for selection as a member of the Committee, if he—has any past record of violation of human rights or child rights, has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or has not been granted full pardon in respect of such offence, has been removed or dismissed from service of the Government of India or State Government or an undertaking or corporation owned or controlled by the Government of India or State Government, has ever indulged in child abuse or employment of child labour or immoral act or any other violation of human rights or immoral acts, or is part of management of a child care institution in a District.”</p> |

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| 17. | 27 (7) | <p>Child Welfare Committee:</p> <p>(7) The appointment of any member of the Committee shall be terminated by the State Government after making an inquiry, if—</p> <p>(iii) he fails to attend the proceedings of the Committee consecutively for three months without any valid reason or he fails to attend less than three-fourths of the sittings in a year.</p> | <p>in sub-section (7), in clause (iii), for the words "less than", the word "minimum" shall be substituted;</p> <p>After amendment:</p> <p>(iii) he fails to attend the proceedings of the Committee consecutively for three months without any valid reason or he fails to attend minimum three-fourths of the sittings in a year.</p> |
| 18. | 27 (8) | <p>(8) The District Magistrate shall conduct a quarterly review of the functioning of the Committee.</p> | <p>for sub-section (8), the following sub-section shall be substituted, namely:—</p> <p>"(8) The Committee shall submit a report to the District Magistrate in such form as may be prescribed and the District Magistrate shall conduct a quarterly review of the functioning of the Committee.";</p> |
| 19. | 27 (10) | <p>(10) The District Magistrate shall be the grievances redressal authority for the Child Welfare Committee and anyone connected with the child may file a petition before the District Magistrate, who shall consider and pass appropriate orders.</p> | <p>for sub-section (10), the following sub-section shall be substituted, namely: —</p> <p>"(10) The District Magistrate shall be the grievance redressal authority to entertain any grievance arising out of the functioning of the Committee and the affected child or anyone connected with the child, as the case may be, may file a complaint before the District Magistrate who shall take cognizance of the action of the Committee and, after giving the parties an opportunity of being heard, pass appropriate order."</p> |
| 20. | S. 32 (2) | <p>Mandatory reporting regarding a child found separated from guardian 32. (1) Any individual or a police officer or any functionary of any organisation or a nursing home or hospital or maternity home, who or which finds and takes charge, or is handed over a child who appears or claims to be abandoned or lost, or a child who appears or claims to be an orphan without family support, shall within twenty-four hours (excluding the time necessary for the journey), give information to the Childline Services or the nearest police station or to a Child Welfare Committee or to the District Child Protection Unit,</p> | <p>In section 32 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—</p> <p>"(2) The information regarding a child referred to in sub-section (1) shall be uploaded by the Committee or the District Child Protection Unit or the child care institution, as the case may be, on a portal as may be specified by the Central Government in this behalf."</p> |

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| | | or hand over the child to a child care institution registered under this Act, as the case may be. (2) The information regarding a child referred to in sub-section (1) shall be mandatorily uploaded on a portal as may be specified by the Central Government or the Committee or the District Child Protection Unit or the child care institution, as the case may be. | |
| 21. | S. 37 (1) | Orders passed regarding a child in need of care and protection (1) The Committee on being satisfied through the inquiry that the child before the Committee is a child in need of care and protection, may, on consideration of Social Investigation Report submitted by Child Welfare Officer and taking into account the child's wishes in case the child is sufficiently mature to take a view, pass one or more of the following orders, namely:— | In section 37 of the principal Act, in sub-section (1), the words "submitted by Child Welfare Officer" shall be omitted. After amendment: (1) The Committee on being satisfied through the inquiry that the child before the Committee is a child in need of care and protection, may, on consideration of Social Investigation Report and taking into account the child's wishes in case the child is sufficiently mature to take a view, pass one or more of the following orders, namely:— |
| 22. | S. 38 (5) | Procedure for declaring a child legally free for adoption. (5) The Committee shall inform the State Agency and the Authority regarding the number of children declared as legally free for adoption and number of cases pending for decision in the manner as may be prescribed, every month. | In section 38 of the principal Act, in sub-section (5), after the words "shall inform", the words "the District Magistrate," shall be inserted. After amendment: (5) The Committee shall inform the District Magistrate , the State Agency and the Authority regarding the number of children declared as legally free for adoption and number of cases pending for decision in the manner as may be prescribed, every month. |
| 23. | S. 40 | Restoration of child in need of care and protection. 40. (1) The restoration and protection of a child shall be the prime objective of any Children's Home, Specialised Adoption Agency or open shelter. The Children's Home, Specialised Adoption Agency or an open shelter, as the case may be, shall take such steps as are considered necessary for the restoration and protection of a child deprived | In section 40 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:— "(4) The Committee shall submit a quarterly report regarding restored, dead and runaway children to the State Government and the District Magistrate in such form as may be prescribed." |

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| | | <p>of his family environment temporarily or permanently where such child is under their care and protection.</p> <p>The Committee shall have the powers to restore any child in need of care and protection to his parents, guardian or fit person, as the case may be, after determining the suitability of the parents or guardian or fit person to take care of the child, and give them suitable directions.</p> <p>Explanation. —For the purposes of this section, “restoration and protection of a child” means restoration to—</p> <ul style="list-style-type: none"> • parents; • adoptive parents; • foster parents; • guardian; or • fit person | |
| 24. | S. (41) (1) | <p>Registration of child care institutions.</p> <p>(1) Notwithstanding anything contained in any other law for the time being in force, all institutions, whether run by a State Government or by voluntary or non-governmental organisations, which are meant, either wholly or partially, for housing children in need of care and protection or children in conflict with law, shall be registered under this Act in such manner as may be prescribed, within a period of six months from the date of commencement of this Act, regardless of whether they are receiving grants from the Central Government or, as the case may be, the State Government or not Provided that the institutions having valid registration under the Juvenile Justice (Care and Protection of Children) Act, 2000 on the date of commencement of this Act shall be deemed to have been registered under this Act.</p> | <p>In section 41 of the principal Act,—</p> <p>(i) in sub-section (1), the words “, within a period of six months from the date of commencement of this Act,” shall be omitted;</p> <p>After amendment: 1) Notwithstanding anything contained in any other law for the time being in force, all institutions, whether run by a State Government or by voluntary or non-governmental organisations, which are meant, either wholly or partially, for housing children in need of care and protection or children in conflict with law, shall be registered under this Act in such manner as may be prescribed regardless of whether they are receiving grants from the Central Government or, as the case may be, the State Government or not:</p> <p>Provided that the institutions having valid registration under the Juvenile Justice (Care and Protection of Children) Act, 2000 on the date of commencement of this Act shall be deemed to have been registered under this Act.</p> |

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| 25. | S.41 (2) | (2) At the time of registration under this section, the State Government shall determine and record the capacity and purpose of the institution and shall register the institution as a Children’s Home or open shelter or Specialised Adoption Agency or observation home or special home or place of safety, as the case may be. | <p>in sub-section (2), for the words “shall determine”, the words “shall, after considering the recommendations of the District Magistrate, determine” shall be substituted.</p> <p>After amendment: (2) At the time of registration under this section, the State Government shall, after considering the recommendations of the District Magistrate, determine and record the capacity and purpose of the institution and shall register the institution as a Children’s Home or open shelter or Specialised Adoption Agency or observation home or special home or place of safety, as the case may be.</p> |
| 26. | S. 54 (2) | <p>Inspection of institutions registered under this Act (2) Such inspection committees shall mandatorily conduct visits to all facilities housing children in the area allocated, at least once in three months in a team of not less than three members, of whom at least one shall be a woman and one shall be a medical officer, and submit reports of the findings of such visits within a week of their visit, to the District Child Protection Units or State Government, as the case may be, for further action.</p> | <p>In section 54 of the principal Act,— (i) in sub-section (2), for the words “District Child Protection Units or State Government, as the case may be”, the words “District Magistrate” shall be substituted;</p> <p>After amendment: (2) Such inspection committees shall mandatorily conduct visits to all facilities housing children in the area allocated, at least once in three months in a team of not less than three members, of whom at least one shall be a woman and one shall be a medical officer, and submit reports of the findings of such visits within a week of their visit, to the District Magistrate for further action.</p> |
| 27. | 54 (3) | (3) On the submission of the report by the inspection committee within a week of the inspection, appropriate action shall be taken within a month by the District Child Protection Unit or the State Government and a compliance report shall be submitted to the State Government | <p>(ii) in sub-section (3), for the words “District Child Protection Unit or the State Government”, the words “District Magistrate” shall be substituted.</p> <p>After amendment: (3) On the submission of the report by the inspection committee within a week of the inspection, appropriate action shall be taken within a month by the District Magistrate and a compliance report shall be submitted to the State Government</p> |

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| 28. | S. 55 (1) | <p>Evaluation of functioning of structures.</p> <p>(1) The Central Government or State Government may independently evaluate the functioning of the Board, Committee, special juvenile police units, registered institutions, or recognised fit facilities and persons, at such period and through such persons or institutions as may be prescribed by that Government.</p> | <p>In section 55 of the principal Act, in sub-section (1), after the words "State Government", the words "or District Magistrate" shall be inserted.</p> <p>After amendment: (1) The Central Government or State Government or District Magistrate may independently evaluate the functioning of the Board, Committee, special juvenile police units, registered institutions, or recognised fit facilities and persons, at such period and through such persons or institutions as may be prescribed by that Government.</p> |
| 29. | S. 56 (5) | <p>Adoption</p> <p>(5) Any person, who takes or sends a child to a foreign country or takes part in any arrangement for transferring the care and custody of a child to another person in a foreign country without a valid order from the Court, shall be punishable as per the provisions of section 80.</p> | <p>In section 56 of the principal Act, in sub-section (5), for the word "Court", the words "District Magistrate" shall be substituted</p> <p>After amendment: 5) Any person, who takes or sends a child to a foreign country or takes part in any arrangement for transferring the care and custody of a child to another person in a foreign country without a valid order from the District Magistrate, shall be punishable as per the provisions of section 80.</p> |
| 30. | S. 58 (3) | <p>Procedure for adoption by Indian prospective adoptive parents living in India.</p> <p>(3) On the receipt of the acceptance of the child from the prospective adoptive parents along with the child study report and medical report of the child signed by such parents, the Specialised Adoption Agency shall give the child in pre-adoption foster care and file an application in the court for obtaining the adoption order, in the manner as provided in the adoption regulations framed by the Authority.</p> | <p>In section 58 of the principal Act,— (i) in sub-section (3), for the words "in the court", the words "before the District Magistrate" shall be substituted;</p> <p>(3) On the receipt of the acceptance of the child from the prospective adoptive parents along with the child study report and medical report of the child signed by such parents, the Specialised Adoption Agency shall give the child in pre-adoption foster care and file an application before the District Magistrate for obtaining the adoption order, in the manner as provided in the adoption regulations framed by the Authority.</p> |
| 31. | S. 58 (4) | <p>(4) On the receipt of a certified copy of the court order, the Specialised Adoption Agency shall send immediately the same to the prospective adoptive parents.</p> | <p>in sub-section (4), for the words "court order", the words "order passed by the District Magistrate" shall be substituted</p> <p>After amendment: (4) On the receipt of a certified copy of the order passed by the District Magistrate, the Specialised Adoption Agency shall send immediately the same to the prospective adoptive parents.</p> |

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| 32. | S. 59 (7) | <p>Procedure for inter-country adoption of an orphan or abandoned or surrendered child</p> <p>(7) On receipt of the acceptance of the child from the prospective adoptive parents, the Specialised Adoption Agency shall file an application in the court for obtaining the adoption order, in the manner as provided in the adoption regulations framed by the Authority</p> | <p>In section 59 of the principal Act,—</p> <p>(i) in sub-section (7), for the words “in the court”, the words “before the District Magistrate” shall be substituted;</p> <p>After amendment: (7) On receipt of the acceptance of the child from the prospective adoptive parents, the Specialised Adoption Agency shall file an application before the District Magistrate for obtaining the adoption order, in the manner as provided in the adoption regulations framed by the Authority</p> |
| 33. | S. 59 (8) | <p>(8) On the receipt of a certified copy of the court order, the specialised adoption agency shall send immediately the same to Authority, State Agency and to the prospective adoptive parents, and obtain a passport for the child.</p> | <p>in sub-section (8), for the words “court order”, the words “order passed by the District Magistrate” shall be substituted.</p> <p>After amendment: (8) On the receipt of a certified copy of the order passed by the District Magistrate, the specialised adoption agency shall send immediately the same to Authority, State Agency and to the prospective adoptive parents, and obtain a passport for the child.</p> |
| 34. | S. 60 (1) | <p>Procedure for inter-country relative adoption.</p> <p>(1) A relative living abroad, who intends to adopt a child from his relative in India shall obtain an order from the court and apply for no objection certificate from Authority, in the manner as provided in the adoption regulations framed by the Authority.</p> | <p>In section 60 of the principal Act, in sub-section (1), for the word “court”, the words “District Magistrate” shall be substituted.</p> <p>After amendment: (1) A relative living abroad, who intends to adopt a child from his relative in India shall obtain an order from the District Magistrate and apply for no objection certificate from Authority, in the manner as provided in the adoption regulations framed by the Authority.</p> |
| 35. | S. 61 | <p>Marginal Heading:</p> <p>“Court procedure and penalty against payment in consideration of adoption”</p> | <p>In section 61 of the principal Act,—</p> <p>for the marginal heading, the following marginal heading shall be substituted, namely:—</p> <p>“Procedure for disposal of adoption proceedings.”;</p> |

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| 36. | S. 61 (1) | Before issuing an adoption order, the court shall satisfy itself that the adoption is for the welfare of the child; (b) due consideration is given to the wishes of the child having regard to the age and understanding of the child; and (c) that neither the prospective adoptive parents have given or agreed to give nor the specialised adoption agency or the parent or guardian of the child in case of relative adoption has received or agreed to receive any payment or reward in consideration of the adoption, except as permitted under the adoption regulations framed by the Authority towards the adoption fees or service charge or child care corpus | in sub-section (1), for the word "court", the words "District Magistrate" shall be substituted; After amendment: (1) Before issuing an adoption order, the District Magistrate shall satisfy itself that– (a) the adoption is for the welfare of the child; (b) due consideration is given to the wishes of the child having regard to the age and understanding of the child; and (c) that neither the prospective adoptive parents has given or agreed to give nor the specialised adoption agency or the parent or guardian of the child in case of relative adoption has received or agreed to receive any payment or reward in consideration of the adoption, except as permitted under the adoption regulations framed by the Authority towards the adoption fees or service charge or child care corpus |
| 37. | S. 61 (2) | The adoption proceedings shall be held in camera and the case shall be disposed of by the court within a period of two months from the date of filing. | in sub-section (2), for the word "court", the words "District Magistrate" shall be substituted The adoption proceedings shall be held in camera and the case shall be disposed of by the District Magistrate within a period of two months from the date of filing. |
| 38. | S. 63 | Effect of adoption. A child in respect of whom an adoption order is issued by the court, shall become the child of the adoptive parents, and the adoptive parents shall become the parents of the child as if the child had been born to the adoptive parents, for all purposes, including intestacy, with effect from the date on which the adoption order takes effect, and on and from such date all the ties of the child in the family of his or her birth shall stand severed and replaced by those created by the adoption order in the adoptive family: | In section 63 of the principal Act, for the word "court", the words "District Magistrate" shall be substituted. After amendment: A child in respect of whom an adoption order is issued by the District Magistrate , shall become the child of the adoptive parents, and the adoptive parents shall become the parents of the child as if the child had been born to the adoptive parents, for all purposes, including intestacy, with effect from the date on which the adoption order takes effect, and on and from such date all the ties of the child in the family of his or her birth shall stand severed and replaced by those created by the adoption order in the adoptive family: |

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| | | <p>Provided that any property which has vested in the adopted child immediately before the date on which the adoption order takes effect shall continue to vest in the adopted child subject to the obligations, if any, attached to the ownership of such property including the obligations, if any, to maintain the relatives in the biological family</p> | <p>Provided that any property which has vested in the adopted child immediately before the date on which the adoption order takes effect shall continue to vest in the adopted child subject to the obligations, if any, attached to the ownership of such property including the obligations, if any, to maintain the relatives in the biological family</p> |
| 39. | S. 64 | <p>Reporting of adoption.</p> <p>Notwithstanding anything contained in any other law for the time being in force, information regarding all adoption orders issued by the concerned courts, shall be forwarded to Authority on monthly basis in the manner as provided in the adoption regulation.</p> | <p>In section 64 of the principal Act, for the words "concerned courts", the words "District Magistrate" shall be substituted.</p> <p>After amendment: Notwithstanding anything contained in any other law for the time being in force, information regarding all adoption orders issued by the District Magistrate, shall be forwarded to Authority on monthly basis in the manner as provided in the adoption regulation.</p> |
| 40. | S. 65 (4) | <p>Specialised Adoption Agencies.</p> <p>(4) In case any Specialised Adoption Agency is in default in taking necessary steps on its part as provided in this Act or in the adoption regulations framed by the Authority, for getting an orphan or abandoned or surrendered child legally free for adoption from the Committee or in completing the home study report of the prospective adoptive parents or in obtaining adoption order from the court within the stipulated time, such Specialised Adoption Agency shall be punishable with a fine which may extend up to fifty thousand rupees and in case of repeated default, the recognition of the Specialised Adoption Agency shall be withdrawn by the State Government.</p> | <p>In section 65 of the principal Act, in sub-section (4), for the word "court", the words "District Magistrate" shall be substituted</p> <p>After amendment: (4) In case any Specialised Adoption Agency is in default in taking necessary steps on its part as provided in this Act or in the adoption regulations framed by the Authority, for getting an orphan or abandoned or surrendered child legally free for adoption from the Committee or in completing the home study report of the prospective adoptive parents or in obtaining adoption order from the District Magistrate within the stipulated time, such Specialised Adoption Agency shall be punishable with a fine which may extend up to fifty thousand rupees and in case of repeated default, the recognition of the Specialised Adoption Agency shall be withdrawn by the State Government.</p> |
| 41. | S. 74 (2) | <p>Prohibition on disclosure of identity of children</p> <p>(2) The Police shall not disclose any record of the child for the purpose of character certificate or otherwise in cases where the case has been closed or has been disposed of.</p> | <p>In section 74 of the principal Act, in sub-section (2), for the words "in cases where the case", the words "in the pending case or in the case which" shall be substituted.</p> <p>After amendment: (2) The Police shall not disclose any record of the child for the purpose of character certificate or otherwise in the pending case or in the case which has been closed or disposed of.</p> |

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| 42. | S. 86 | <p>Classification of offences and designated court.</p> <p>Where an offence under this Act is punishable with imprisonment for a term more than seven years, then such offence shall be cognizable, non-bailable and triable by a Children’s Court.</p> <p>Where an offence under this Act is punishable with imprisonment for a term of three years and above, but not more than seven years, then, such offence shall be cognizable, non-bailable and triable by a Magistrate of First Class.</p> <p>Where an offence, under this Act, is punishable with imprisonment for less than three years or with fine only, then, such offence shall be non-cognizable, bailable and triable by any Magistrate.</p> | <p>For section 86 of the principal Act, the following section shall be substituted, namely: —</p> <p>“86. (1) Where an offence under this Act is punishable with imprisonment for a term of more than seven years, then, such offence shall be cognizable and non-bailable.</p> <p>Where an offence under this Act is punishable with imprisonment for a term of three years and above, but not more than seven years, then, such offence shall be non-cognizable and non-bailable.</p> <p>Where an offence, under this Act is punishable with imprisonment for less than three years or with fine only, then, such offence shall be non-cognizable and bailable.</p> <p>Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or the Commission for Protection of Child Rights Act, 2005 or the Protection of Children from Sexual Offences Act, 2012, offences under this Act shall be triable by the Children’s Court.”</p> |
| 43. | S. 87 | <p>Abetment.</p> <p>Whoever abets any offence under this Act, if the act abetted is committed in consequence of the abetment, shall be punished with the punishment provided for that offence.</p> <p>Explanation.— An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy or with the aid, which constitutes the abetment.</p> | <p>In section 87 of the principal Act, for the “Explanation”, the following Explanation shall be substituted, namely: —</p> <p>‘Explanation.—For the purposes of this section, the expression “abetment” shall have the same meaning as assigned to it in section 107 of the Indian Penal Code.’</p> |

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| 44. | S.101 (3) | <p>Appeal.</p> <p>(3) No appeal shall lie from, —</p> <p>(a) any order of acquittal made by the Board in respect of a child alleged to have committed an offence other than the heinous offence by a child who has completed or is above the age of sixteen years; or</p> <p>(b) any order made by a Committee in respect of finding that a person is not a child in need of care and protection</p> | <p>In section 101 of the principal Act, —</p> <p>for sub-section (3), the following sub-section shall be substituted, namely: —</p> <p>“(3) No appeal shall lie from any order of acquittal made by the Board in respect of a child alleged to have committed an offence other than the heinous offence by a child who has completed or is above the age of sixteen years.”.</p> |
| 45. | S. 101 | <p>Appeal</p> <p>101. (1) Subject to the provisions of this Act, any person aggrieved by an order made by the Committee or the Board under this Act may, within thirty days from the date of such order, prefer an appeal to the Children’s Court, except for decisions by the Committee related to Foster Care and Sponsorship After Care for which the appeal shall lie with the District Magistrate:</p> <p>Provided that the Court of Sessions, or the District Magistrate, as the case may be, may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time and such appeal shall be decided within a period of thirty days.</p> <p>An appeal shall lie against an order of the Board passed after making the preliminary assessment into a heinous offence under section 15 of the Act, before the Court of Sessions and the Court may, while deciding the appeal, take the assistance of experienced psychologists and medical specialists other than those whose assistance has been obtained by the Board in passing the order under the said section.</p> | <p>after sub-section (5), the following sub-sections shall be inserted, namely:</p> <p>“(6) Any person aggrieved by an adoption order passed by the District Magistrate may, within a period of thirty days from the date of such order passed by the District Magistrate, file an appeal before the Divisional Commissioner</p> <p>(7) Every appeal filed under sub-section (6), shall be decided as expeditiously as possible and an endeavour shall be made to dispose it within a period of four weeks from the date of filing of the appeal:</p> <p>Provided that where there is no Divisional Commissioner, the State Government or Union territory Administration, as the case may be, may, by notification, empower an officer equivalent to the rank of the Divisional Commissioner to decide the appeal.”</p> |

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| | | <p>No appeal shall lie from any order of acquittal made by the Board in respect of a child alleged to have committed an offence other than the heinous offence by a child who has completed or is above the age of sixteen years; or any order made by a Committee in respect of finding that a person is not a child in need of care and protection.</p> <p>No second appeal shall lie from any order of the Court of Session, passed in appeal under this section.</p> <p>Any person aggrieved by an order of the Children’s Court may file an appeal before the High Court in accordance with the procedure specified in the Code of Criminal Procedure, 1973.</p> | |
| 46. | S. 110 (2) | Power to make rules | <p>In section 110 of the principal Act, in sub-section (2),—</p> <p>after clause (xiv), the following clause shall be inserted, namely:—</p> <p>“(xiva) the form of report submitted to the District Magistrate under sub-section (8) of section 27;”</p> <p>after clause (xxii), the following clause shall be inserted, namely:—</p> <p>“(xxiia) the form of quarterly report regarding restored, dead and runaway children under sub-section (4) of section 40;”</p> |



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LIST OF ABBREVIATIONS

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| WCSO | Women and Child Security Organization |
| SJPU | Special Juvenile Police Unit |
| CWPO | Child Welfare Police Officer |
| CNCP | Children in Need of Care & Protection |
| CCL | Children in Conflict with Law |
| AHTU | Anti-human trafficking unit |
| UNCRC | United Nations Convention on the Rights of the Child. |
| CrPC | Code of Criminal Procedure, 1973 |
| IPC | Indian Penal Code, 1860 |
| DCPU | District Child Protection Unit |
| DPO | District Probation Officer |
| NCPCR | National Commission for protection of child rights |
| SCPCR | State Commission for protection of child rights |
| CWC | Child Welfare Committee |
| JJB | Juvenile Justice Board |
| JJ ACT | Juvenile Justice (Care & protection of children) Act, 2015 |
| POCSO | Protection of Children From Sexual Offences Act, 2012 |
| GD | General Diary Entry |
| CJM | Chief Judicial Magistrate |
| SBR | Social Background Report |
| SIR | Social Investigation Report |
| ICP | Individual care plan |
| OSC | One stop Centre |
| DLSA | District legal service authority |
| SLSA | State legal service authority |
| ITPA | Immoral trafficking prevention Act, 1956 |
| IO | Investigating Officer |
| GRP | Government Railway Police |
| RPF | Railway Protection Force |
| SSB | Sashastra Seema Bal |

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