



Cover design is adapted from Poster submitted by Ms Kirti Verma (age 17 years). She was awarded 2<sup>nd</sup> Prize in the All India Poster Competition organized by NCPCR in 2017.

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## Abbreviations

AFFA	Authorized Foreign Adoption Agency
CA	Central Agency
CCIs	Child Care Institutions
CCL	Child in Conflict with Law
CJM	Chief Judicial Magistrate
CMM	Chief Metropolitan Magistrate
CNCP	Child in need of Care and Protection
Cr.PC, 1973	Code of Criminal Procedure, 1973
CSR	Child Study Report
CWC	Child Welfare Committee
CWO	Child Welfare Officer
CWPO	Child Welfare Police Officer
DCPU	District Child Protection Unit
DLSA	District Legal Services Authority
FIR	First Information Report
HSR	Home Study Report
JJB	Juvenile Justice Board
Juvenile Justice Act	Juvenile Justice (Care and Protection of Children) Act, 2015
NCPCR	National Commission for Protection of Child Rights
NGO	Non-governmental organization
NOC	No Objection Certificate
PAP	Prospective Adoption Parent
POCSO	Protection of Children from Sexual Offences
SAA	Specialized Adoption Agency
SCPCR	State Commission for Protection of Child Rights
SIR	Social Investigation Report
SJPU	Special Juvenile Police Unit

## **I. Objective of the Juvenile Justice Act, 2015:**

*The Act creates a robust legal framework for the protection of the rights of all children whether alleged or found to be in conflict with law or children in need of care and protection, by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child- friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established therein which will adopt child friendly processes.*

The **Child** is defined as a person who has not completed 18 years of age (Section 2 (12))

## **II. Definitions (Section 2)**

**In this Act, unless the context otherwise requires,—**

- (1) “abandoned child” means a child deserted by his biological or adoptive parents or guardians, who has been declared as abandoned by the Committee after due inquiry;
- (2) “adoption” means the process through which the adopted child is permanently separated from his biological parents and becomes the lawful child of his adoptive parents with all the rights, privileges and responsibilities that are attached to a biological child;
- (5) “aftercare” means making provision of support, financial or otherwise, to persons, who have completed the age of eighteen years but have not completed the age of twenty-one years, and have left any institutional care to join the mainstream of the society;
- (6) “authorized foreign adoption agency” means a foreign social or child welfare agency that is authorized by the Central Adoption Resource Authority on the recommendation of their Central Authority or Government department of that country for sponsoring the application of non-resident Indian or overseas citizen of India or persons of Indian origin or foreign prospective adoptive parents for adoption of a child from India;
- (7) “Authority” means the Central Adoption Resource Authority constituted under section 68;
- (8) “begging” means—
  - (i) soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, under any pretence;
  - (ii) exposing or exhibiting with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;
- (9) “best interest of child” means the basis for any decision taken regarding the child, to ensure fulfillment of his basic rights and needs, identity, social well-being and physical, emotional and intellectual development;
- (11) “Central Authority” means the Government department recognized as such under the Hague Convention on Protection of Children and Cooperation in Inter-country Adoption (1993);
- (12) “child” means a person who has not completed eighteen years of age;
- (13) “child in conflict with law” means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence;
- (14) “child in need of care and protection” means a child—
  - (i) who is found without any home or settled place of abode and without any ostensible means of subsistence; or

- (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
  - (iii) who resides with a person (whether a guardian of the child or not) and such person—
    - (a) has injured, exploited, abused or neglected the child or has violated any other law for the time being in force meant for the protection of child; or
    - (b) has threatened to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out; or
    - (c) has killed, abused, neglected or exploited some other child or children and there is a reasonable likelihood of the child in question being killed, abused, exploited or neglected by that person; or
  - (iv) who is mentally ill or mentally or physically challenged or suffering from terminal or incurable disease, having no one to support or look after or having parents or guardians unfit to take care, if found so by the Board or the Committee; or
  - (v) who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated, by the Committee or the Board, to care for and protect the safety and well-being of the child; or
  - (vi) who does not have parents and no one is willing to take care of, or whose parents have abandoned or surrendered him; or
  - (vii) who is missing or run away child, or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed; or
  - (viii) who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts; or
  - (ix) who is found vulnerable and is likely to be inducted into drug abuse or trafficking; or
  - (x) who is being or is likely to be abused for unconscionable gains; or
  - (xi) who is victim of or affected by any armed conflict, civil unrest or natural calamity; or
  - (xii) who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnization of such marriage;
- (15) “child friendly” means any behaviour, conduct, practice, process, attitude, environment or treatment that is humane, considerate and in the best interest of the child;
- (16) “child legally free for adoption” means a child declared as such by the Committee after making due inquiry under section 38;
- (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;
- (18) “Child Welfare Police Officer” means an officer designated as such under sub-section (1) of section 107;
- (19) “Children’s Home” means a Children’s Home, established or maintained, in every district or group of districts, by the State Government, either by itself, or through a voluntary or non-governmental organisation, and is registered as such for the purposes specified in section 50;
- (20) “Children’s Court” means a court established under the Commissions for Protection of Child Rights Act, 2005 or a Special Court under the Protection of Children from Sexual Offences Act, 2012, wherever existing and where such courts have not been designated, the Court of Sessions having jurisdiction to try offences under the Act;
- (21) “child care institution” means Children Home, open shelter, observation home, special home, place of safety, Specialized Adoption Agency and a fit facility recognized under this Act for providing care and protection to children, who are in need of such services;

- (23) “court” means a civil court, which has jurisdiction in matters of adoption and guardianship and may include the District Court, Family Court and City Civil Courts;
- (24) “corporal punishment” means the subjecting of a child by any person to physical punishment that involves the deliberate infliction of pain as retribution for an offence, or for the purpose of disciplining or reforming the child;
- (25) “childline services” means a twenty-four hours emergency outreach service for children in crisis which links them to emergency or long-term care and rehabilitation service;
- (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;
- (27) “fit facility” means a facility being run by a governmental organization or a registered voluntary or non-governmental organization, prepared to temporarily own the responsibility of a particular child for a specific purpose, and such facility is recognized as fit for the said purpose, by the Committee, as the case may be, or the Board, under sub-section (1) of section 51;
- (28) “fit person” means any person, prepared to own the responsibility of a child, for a specific purpose, and such person is identified after inquiry made in this behalf and recognized as fit for the said purpose, by the Committee or, as the case may be, the Board, to receive and take care of the child;
- (29) “foster care” means placement of a child, by the Committee for the purpose of alternate care in the domestic environment of a family, other than the child’s biological family, that has been selected, qualified, approved and supervised for providing such care;
- (30) “foster family” means a family found suitable by the District Child Protection Unit to keep children in foster care under section 44;
- (31) “guardian” in relation to a child, means his natural guardian or any other person having, in the opinion of the Committee or, as the case may be, the Board, the actual charge of the child, and recognized by the Committee or, as the case may be, the Board as a guardian in the course of proceedings;
- (32) “group foster care” means a family like care facility for children in need of care and protection who are without parental care, aiming on providing personalized care and fostering a sense of belonging and identity, through family like and community based solutions;
- (33) “heinous offences” includes the offences for which the minimum punishment under the Indian Penal Code or any other law for the time being in force is imprisonment for seven years or more;
- (34) “inter-country adoption” means adoption of a child from India by nonresident Indian or by a person of Indian origin or by a foreigner;
- (35) “juvenile” means a child below the age of eighteen years;
- (36) “narcotic drug” and “psychotropic substance” shall have the meanings, respectively, assigned to them in the Narcotic Drugs and Psychotropic Substances Act, 1985;
- (37) “no objection certificate” for inter-country adoption means a certificate issued by the Central Adoption Resource Authority for the said purpose;
- (38) “non-resident Indian” means a person who holds an Indian passport and is presently residing abroad for more than one year;
- (40) “observation home” means an observation home established and maintained in every district or group of districts by a State Government, either by itself, or through a voluntary or non-governmental organization, and is registered as such, for the purposes specified in sub-section (1) of section 47;

- (41) “open shelter” means a facility for children, established and maintained by the State Government, either by itself, or through a voluntary or non-governmental organization under sub-section (1) of section 43, and registered as such, for the purposes specified in that section;
- (42) “orphan” means a child—
- (i) who is without biological or adoptive parents or legal guardian; or
  - (ii) whose legal guardian is not willing to take, or capable of taking care of the child;
- (43) “overseas citizen of India” means a person registered as such under the Citizenship Act, 1955;
- (44) “person of Indian origin” means a person, any of whose lineal ancestors is or was an Indian national, and who is presently holding a Person of Indian Origin Card issued by the Central Government;
- (45) “petty offences” includes the offences for which the maximum punishment under the Indian Penal Code or any other law for the time being in force is imprisonment up to three years;
- (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;
- (48) “probation officer” means an officer appointed by the State Government as a probation officer under the Probation of Offenders Act, 1958 or the Legal-cum-Probation Officer appointed by the State Government under District Child Protection Unit;
- (49) “prospective adoptive parents” means a person or persons eligible to adopt a child as per the provisions of section 57;
- (51) “registered”, with reference to child care institutions or agencies or facilities managed by the State Government, or a voluntary or non-governmental organization, means observation homes, special homes, place of safety, children’s homes, open shelters or Specialized Adoption Agency or fit facility or any other institution that may come up in response to a particular need or agencies or facilities authorized and registered under section 41, for providing residential care to children, on a short-term or long-term basis;
- (52) “relative”, in relation to a child for the purpose of adoption under this Act, means a paternal uncle or aunt, or a maternal uncle or aunt, or paternal grandparent or maternal grandparent;
- (53) “State Agency” means the State Adoption Resource Agency set up by the State Government for dealing with adoption and related matters under section 67;
- (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;
- (55) “special juvenile police unit” means a unit of the police force of a district or city or, as the case may be, any other police unit like railway police, dealing with children and designated as such for handling children under section 107;
- (56) “special home” means an institution established by a State Government or by a voluntary or non-governmental organization, registered under section 48, for housing and providing rehabilitative services to children in conflict with law, who are found, through inquiry, to have committed an offence and are sent to such institution by an order of the Board;
- (57) “Specialized Adoption Agency” means an institution established by the State Government or by a voluntary or non-governmental organization and recognized under section 65, for housing orphans, abandoned and surrendered children, placed there by order of the Committee, for the purpose of adoption;

(58) “sponsorship” means provision of supplementary support, financial or otherwise, to the families to meet the medical, educational and developmental needs of the child;

(60) “surrendered child” means a child, who is relinquished by the parent or guardian to the Committee, on account of physical, emotional and social factors beyond their control, and declared as such by the Committee.

**Section 4: Juvenile Justice Board.** (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the State Government shall, constitute for every district, one or more Juvenile Justice Boards for exercising the powers and discharging its functions relating to children in conflict with law under this Act.

(2) A Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of First Class not being Chief Metropolitan Magistrate or Chief Judicial Magistrate (hereinafter referred to as Principal Magistrate) with at least three years experience and two social workers selected in such manner as may be prescribed, of whom at least one shall be a woman, forming a Bench and every such Bench shall have the powers conferred by the Code of Criminal Procedure, 1973 on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of First Class.

(3) No social worker shall be appointed as a member of the Board unless such person has been actively involved in health, education, or welfare activities pertaining to children for atleast seven years or a practicing professional with a degree in child psychology, psychiatry, sociology or law.

(4) No person shall be eligible for selection as a member of the Board, if he —

(i) has any past record of violation of human rights or child rights;

(ii) 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;

(iii) has been removed or dismissed from service of the Central Government or a State Government or an undertaking or corporation owned or controlled by the Central Government or a State Government; (iv) has ever indulged in child abuse or employment of child labour or any other violation of human rights or immoral act.

(5) The State Government shall ensure that induction training and sensitisation of all members including Principal Magistrate of the Board on care, protection, rehabilitation, legal provisions and justice for children, as may be prescribed, is provided within a period of sixty days from the date of appointment.

(6) The term of office of the members of the Board and the manner in which such member may resign shall be such, as may be prescribed.

(7) 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 —

(i) has been found guilty of misuse of power vested under this Act; or

(ii) fails to attend the proceedings of the Board consecutively for three months without any valid reason; or

(iii) fails to attend less than three-fourths of the sittings in a year; or (iv) becomes ineligible under sub-section (4) during his term as a member.

**Section 27: Child Welfare Committee:** (1) The State Government shall by notification in the Official Gazette constitute for every district, one or more Child Welfare Committees for exercising the powers and to discharge the duties conferred on such Committees in relation to children in need of care and protection under this Act and ensure that induction training and sensitisation of all members of the committee is provided within two months from the date of notification.

(2) The Committee shall consist of a Chairperson, and four other members as the State Government may think fit to appoint, of whom atleast one shall be a woman and another, an expert on the matters concerning children.

- (3) The District Child Protection Unit shall provide a Secretary and other staff that may be required for secretarial support to the Committee for its effective functioning.
- (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 atleast 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.
- (5) No person shall be appointed as a member unless he possesses such other qualifications as may be prescribed.
- (6) No person shall be appointed for a period of more than three years as a member of the Committee. Removal of disqualification on the findings of an offence. Special provision in respect of pending cases. Provision with respect of run away child in conflict with law.
- (7) The appointment of any member of the Committee shall be terminated by the State Government after making an inquiry, if—
- (i) he has been found guilty of misuse of power vested on him under this Act;
  - (ii) he has been convicted of an offence involving moral turpitude and such conviction has not been reversed or he has not been granted full pardon in respect of such offence;
  - (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.
- (8) The District Magistrate shall conduct a quarterly review of the functioning of the Committee.
- (9) The Committee shall function as a Bench and shall have the powers conferred by the Code of Criminal Procedure, 1973 on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of First Class.
- (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.

### III. Fundamental Principles of the Act (Section 3)

#### General principles to be followed in the Administration of the Act, 2015:

The Central Government, the State Governments, the Board, and other agencies, while implementing the provisions of Juvenile Justice Act shall be guided by the following fundamental principles:

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 mobilized 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 treatment shall be provided to every child.
11. **Principle of right to privacy and confidentiality:** Every child shall have a right to protection of his privacy and confidentiality, by all means and throughout the judicial process.
12. **Principle of institutionalization 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.

#### IV. Important Rights of Child under the Act:

1. Right to be heard and to participate in all processes and decisions affecting his interest {Section 3 (iii)}
2. Right to non-discrimination {Section 3 (x)}
3. Right to equality {Section 3 (x)}
4. Right to privacy and confidentiality {Section 3 (xi)}
5. Right to be re-united with his family at the earliest. {Section 3 (xiii)}
6. Right to fair hearing including right to appeal {Section 3 (xvi)}
7. Right to legal representation {Section 8 (3) (c) and Rule 7 (ix)}
8. Right to have an interpreter/translator {Section 8 (3) (d)}

#### V. Offences against Child under the Act

1. **Disclosure of identity of children** shall be punishable with imprisonment upto 6 months or fine upto two lakh rupees or both (Section 74).
2. **Cruelty to child** – Whoever having the actual charge of or control over a child, assaults, abandons, abuses, exposes or willfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering, shall be punishable with imprisonment upto three years or with fine of one lakh rupees or with both.  
Greater punishment with rigorous imprisonment upto 10 years and fine of five lakh rupees if cruelty is made to child who is physically incapacitated or develops a mental illness or is rendered mentally unfit to perform regular tasks or has risk to life or limb (Section 75 read with Rule 55).
3. **Employment of child for begging** is punishable with imprisonment upto 5 years and fine of one lakh rupees. In certain circumstances, it is punishable with rigorous imprisonment upto 10 years and fine of five lakh rupees (Section 76).
4. **Giving intoxicating liquor or narcotics drugs or psychotropic substance to child** is punishable with rigorous imprisonment upto 7 years and fine upto one lakh rupees (Section 77 read with Rule 56).
5. **Using a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance** is punishable with rigorous imprisonment upto 7 years and fine upto one lakh rupees (Section 78 read with Rule 57).
6. **Exploitation of child employee** is punishable with rigorous imprisonment upto 5 years and fine of one lakh rupees (Section 79).
7. **Adoption without following prescribed procedure** is punishable with imprisonment upto 3 years or with fine of one lakh rupees or with both. The registration of such agency (Section 41) and its recognition (Section 65) shall also be withdrawn for a minimum period of one year (Section 80 read with Rule 58).
8. **Sale and procurement of children for any purpose** is punishable with rigorous imprisonment upto 5 years and fine of one lakh rupees. In certain circumstances, the punishment is imprisonment upto 7 years (Section 81 read with Rule 59).

9. **Corporal punishment in CCIs**– is punishable with on first conviction with a fine of Rs 10,000/- and for every subsequent offence with imprisonment upto 3 months or fine or with both. In certain circumstances, it is punishable with imprisonment upto 3 years and fine of one lakh rupees (Section 82 read with Rule 60).
10. **Use of child by militant groups or other adults** – is punishable with rigorous imprisonment upto 7 years and fine of five lakh rupees. (Section 83).
11. **Kidnapping and abduction of a child** – Sections 359 to 369 of the Indian Penal Code shall *mutatis mutandis* apply to a child or a minor who is under the age of eighteen years and all the provisions shall be construed accordingly (Section 84).
12. **Offences committed on disabled children** – are punishable with twice the penalty provided for such offence (Section 85).
13. **Abetment** –Whoever abets any offence and if the act abetted is committed in consequence of the abetment, shall be punished with punishment provided for that offence (Section 87).

## VI. What are Child Friendly Procedures?

Child friendly means any behavior, conduct, practice, process, attitude, environment or treatment that is humane, considerate and in the best interest of the child {Section 2 (15)}.

- 1.a. All police stations to have child friendly room/corner. Any interaction with children to be conducted in a safe, comfortable and non-intimidating atmosphere {Rule 8 (3) (v)}.
- 1.b. Police shall not compel the child to confess his guilt and he shall be interviewed only at the Special Juvenile Police Unit or at a child friendly premises or at a child friendly corner in the police station, which does not give feel of a police station or of being under custodial interrogation. The parent or the guardian, may be present during the interview of the child by the police {Rule 8 (3)(v)}.
2. All Juvenile Justice Boards/Child Welfare Committees/Children’s Courts or any other designated court dealing with children to have Child Friendly Procedures {Section 7 (1)}. This includes:
  - 2.(a) JJB shall deploy, if necessary, the services of student volunteers or non-government organization volunteers for para-legal and other tasks such as contacting the parents of child in conflict with law and collecting relevant social and rehabilitative information about the child {Rule 7 (1)(x)}.
  - 2.(b). JJB shall ensure that all procedures are child friendly and that the venue is not intimidating to the child and does not resemble as regular court {Section 7 (1)}.
  2. (c) In all cases under this Act, the proceedings shall be conducted in simple manner as possible and care shall be taken by JJB to ensure that the child, against whom the proceedings have been instituted, is given child-friendly atmosphere during the proceedings. {Section 14 (5)(b)}.
  2. (d). JJB shall hold its sitting in child friendly premises {Rule 6 (4)}.

- 2.(e). JJB, while communicating with the child, shall use child friendly techniques through its conduct and shall adopt a child friendly attitude with regard to body language, facial expression, eye contact, intonation and volume of voice while addressing the child {Rule 6 (5)}.
- 2.(f). The Children’s Court, while passing the order, may consider the special needs of the child, tenets of fair trial and maintaining a child friendly atmosphere (Section 19 (1)( i).
- 2.(g). CWC shall interview the child sensitively and in a child friendly manner and will not use adversarial or accusatory words or words that adversely impact the dignity or self-esteem of the child {Rule 19 (6)}.

## VII. Organizations under the Act

ORGANIZATIONS FOR CCL		ORGANIZATIONS FOR CNCP	
Section	Name of Organizations	Section	Name of Organizations
Section 106	State Child Protection Society	Section 106	State Child Protection Society
Sections 2 (26) &106	District Child Protection Unit	Sections 2 (26) &106	District Child Protection Unit
Section 54	Inspection Committee	Section 54	Inspection Committee
Section 107	Special Juvenile Police Unit/local police	Section 107	Special Juvenile Police Unit/local police
Section 4	Juvenile Justice Board	Section 27	Child Welfare Committee
Section 2 (20)	Children’s Court	Section 2 (20)	Children’s Court
Section 2 (48)	Probation Officer	Sections 2 (17)	Child Welfare Officer
Sections 2 (40) & 47	Observation Home	Sections 2 (19) & 50	Children’s home
Sections 2 (56) & 48	Special Home	Sections 2 (41) & 43	Open shelter
Sections 2 (46) & 49	Place of Safety	Sections 32	Hospital
Sections 2 (27) & 51	Fit Facility	Sections 44, 45 (4), 51, 52 & Section 2 (29), (58) (27) (28)	Foster Care/Sponsorship/Fit Facility/ Fit person
Sections 2 (28) & 52 and 45 (4)	Fit Person and Sponsorship	Sections 2 (57) & 65	Specialized Adoption Agency
Section 109	State Commissions for Protection of Child Rights	Section 109	State Commissions for Protection of Child Rights
Section 109	National Commission for Protection of Child Rights	Section 109	National Commission for Protection of Child Rights
		Section 67	State Adoption Resource Agency
		Section 68	Central Adoption Resource Authority

## VIII. Who is a Child in Conflict with Law (CCL)?

A child who is alleged or found to have committed an offence and who has not completed 18 years of age on the date of commission of such offence {Section 2 (13)}.

### VIII.A. Presumption and determination of Age:

(a) Where, it is obvious to the CWC or JJB, based on the appearance of the person brought before it under any of the provisions of this Act (other than for the purpose of giving evidence) that the said person is a child, the CWC or the JJB shall record such observation stating the age of the child as nearly as may be and proceed with the inquiry under section 14 or section 36, without waiting for further confirmation of the age {Section 19 (1)}.

(b) In case, the CWC or the JJB has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the CWC or the JJB, shall undertake the process of age determination, by seeking evidence by obtaining-

(i) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;

(ii) the birth certificate given by a corporation or a municipal authority or a panchayat;

(iii) and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the CWC or the JJB.

Provided such age determination test conducted on the order of the CWC or the JJB shall be completed within 15 days from the date of such order {Section 94 (2)}.

(c) The age recorded by the CWC or the JJB to be the age of such person so brought before it shall, for the purpose of this Act, be deemed to be the true age of that person {Section 94 (3)}.

#### **REMEMBER [Rule 8]**

1. No FIR will be registered against a child, except when it is a heinous offence or done jointly with adults. {Rule 8 (1)}
2. Child shall not be sent to a police lock-up, under any circumstance. {Rule 8 (3)(i)}
3. Child shall not be hand-cuffed, chained or otherwise coerced. {Rule 8 (3) (ii)}
4. Inform the child promptly and directly of charges leveled against him through his parents or guardian, if FIR is registered {Rule 8 (3) (iii)}.
5. Provide appropriate medical assistance, assistance of interpreter or a special educator or any assistance which the child may require {Rule 8 (3) (iv)}.
6. All proceedings should be conducted in a child friendly environment. {Rule 8 (3) (v)}
7. Child shall not be compelled to confess his guilt {Rule 8 (3) (v)}
8. Child shall not be asked to sign any statement {Rule 8 (3) (vi)}.
9. Police shall inform the District Legal Services Authority (DLSA) for providing free legal aid to the child {Rule 8 (3) (vii)}
10. Police officers interacting with the child will not be in uniform. {Rule 8 (4)}
11. No joint proceedings shall be held with a person who is not a child. (Section 23)

**IX. Declaring a child in conflict with law to be in need of care and protection**  
{Section 8 (3) (g)} by JJB

The Juvenile Justice Board (JJB) may at any stage declare a child in conflict with law as a child in need of care and protection simultaneously and send the child to CWC.

**X. Who is a Child in Need of Care and Protection (CNCP) {Section 2 (14)}**

**A child below 18 years:**

(i) who is found without any home or settled place of abode and without any ostensible means of subsistence; or

(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

(iii) who resides with a person (whether a guardian of the child or not) and such person—

(a) has injured, exploited, abused or neglected the child or has violated any other law for the time being in force meant for the protection of child; or

(b) has threatened to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out; or

(c) has killed, abused, neglected or exploited some other child or children and there is a reasonable likelihood of the child in question being killed, abused, exploited or neglected by that person; or

(iv) who is mentally ill or mentally or physically challenged or suffering from terminal or incurable disease, having no one to support or look after or having parents or guardians unfit to take care, if found so by the Board or the Committee; or

(v) who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated, by the Committee or the Board, to care for and protect the safety and well-being of the child; or

(vi) who does not have parents and no one is willing to take care of, or whose parents have abandoned or surrendered him; or

(vii) who is missing or run away child, or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed; or

(viii) who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts; or

(ix) who is found vulnerable and is likely to be inducted into drug abuse or trafficking; or

(x) who is being or is likely to be abused for unconscionable gains; or

(xi) who is victim of or affected by any armed conflict, civil unrest or natural calamity; or

(xii) who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnization of such marriage.

## **XI. Procedures for Child in Need of Care and Protection (CNCP)**

### **XI.A. Who can report about a Child in Need of Care and Protection (CNCP) .**

- (i) any Police Officer or Special Juvenile Police Unit or a designated Child Welfare Police Officer or any officer of District Child Protection Unit or Inspector appointed under any Labour Law for the time being in force; {Section 31 (1)( i)}
- (ii) any Public Servant; {Section 31 (1) ( ii)}
- (iii) Childline Services or any voluntary or non-governmental organization or any agency as may be recognized by the State Government; {Section 31 (1) (iii)}
- (iv) Child Welfare Officer or Probation Officer; {Section 31 (1) (iv)}
- (v) any Social Worker or a public spirited citizen; {Section 31 (1) (v)}
- (vi) Child himself/herself; {Section 31 (1) ( vi)}
- (vii) any nurse, doctor or management of a nursing home, hospital or maternity home. {Section 31 (1) (vii)}

### **XI.B. Mandatory reporting of a child found separated from guardian (Section 32).**

- (a) Any individual or police or any functionary of any organization 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 24 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, or hand over the child a child care institution registered under this Act. {Section 32 (1)}
- (ii) 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 District Child Protection Unit or the child care institution. {Section 32 (2)}
- (iii) If information regarding a child as required under section 32 is not given within the period specified in the said section, then, such act shall be regarded as an offence. {Section 33}
- (iv) Any person who has committed an offence under section 33, shall be liable to imprisonment upto 6 months or fine of Rs 10,000/- or both. (Section 34)

### **XI.C. Procedure for declaring a Child in Need of Care and Protection (CNCP) (Sections 36,37,38)**

#### **FINAL ORDER BY CWC SHALL BE PASSED WITHIN 4 MONTHS**

(i) The child is produced before the Child Welfare Committee within 24 hours (Section 31). After inquiry and speedy social investigation within 15 days (Section 36), CWC will pass appropriate orders (Section 37) regarding–

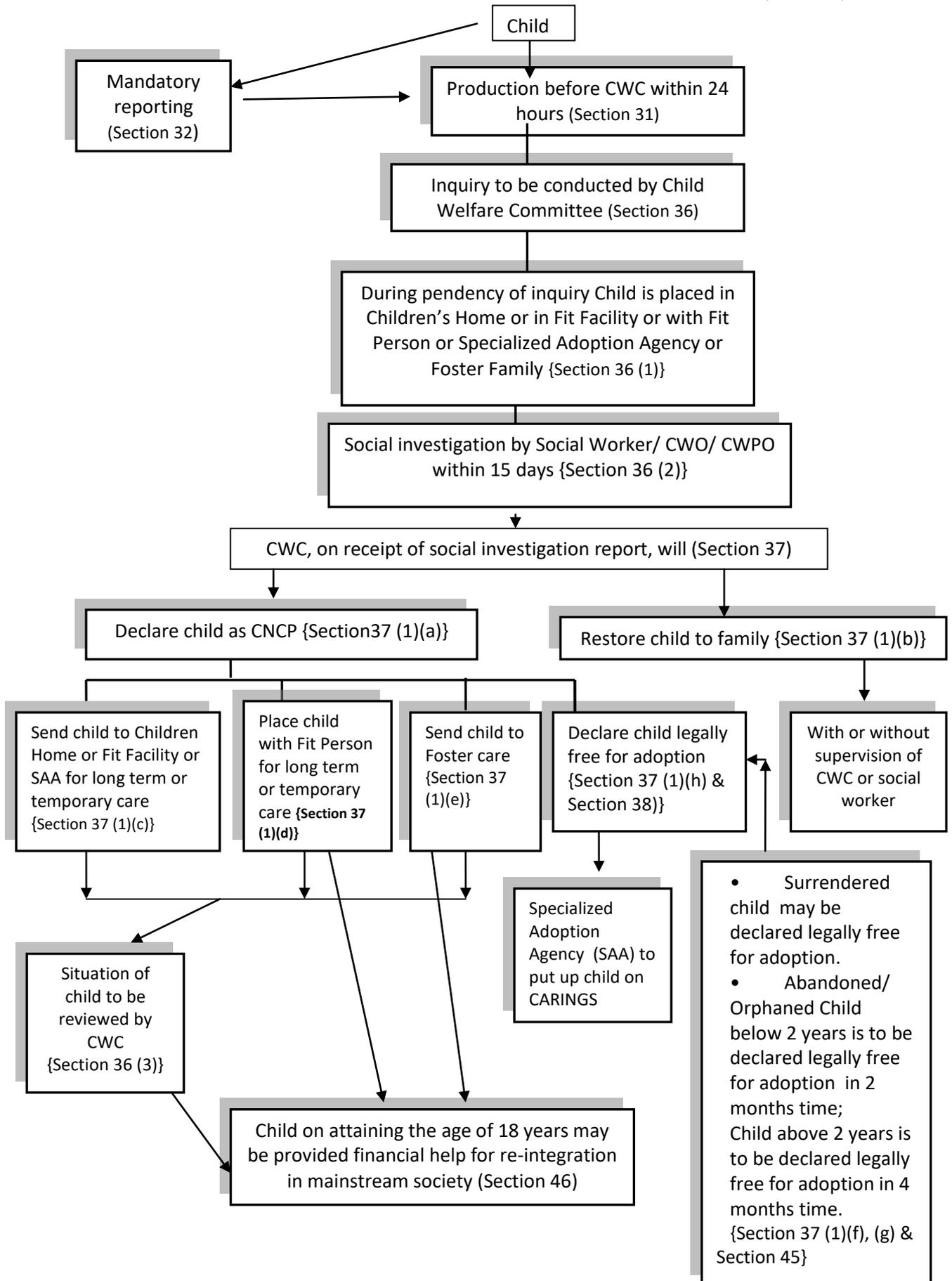
- (a) age determination and declaring child as CNCP;
- (b) her/his repatriation and rehabilitation (institutional or non institutional);

- (c) Individual care plan for each child;
- (d) declaring child legally free for adoption (Section 38);
- (e) financial support to child on completion of eighteen years (Section 46).

(ii) The child is restored to parents,/guardian/ family or is sent to a **child care institution** for the time being till parents/guardians are traced {Section 37 (1) (b), (c) & (d)}.

(iii) If the parents are not traced, the child is either placed in a Children's Home/Fit Facility/SAA/ Fit Person or is declared legally free for adoption or placed in foster care (Section 38).

**Flow Chart of Processes for  
CHILD IN NEED OF CARE AND PROTECTION (CNCP)**



**XI.D. Orders by CWC regarding a Child in Need of Care and Protection (CNCP)  
{Section. 37(1)}**

- A:** (a) Declaration that child is in need of care and protection;
- (b) Restoration of child to parents or guardian or family with or without supervision of Child Welfare Officer or designated social worker;
- (c) Placement of child in Children’s Home or Fit Facility or Specialized Adoption Agency for the purpose of adoption for long term or temporary care, (keeping in mind the capacity of the institution for housing such children), either after reaching the conclusion that the family of child cannot be traced or even if traced, restoration of the child to the family is not in the best interest of the child;
- (d) Placement of the child with Fit Person for long term or temporary care {Section 37 (1) (d)};
- (e) For Foster Care orders (Section 44);
- (f) Sponsorship (Section 45);
- (g) Directions to persons or institutions or facilities in whose care the child is placed, regarding care, protection and rehabilitation of the child, including directions relating to immediate shelter and services such as medical attention, psychiatric and psychological support including need-based counselling, occupational therapy or behaviour modification therapy, skill training, legal aid, educational services, and other developmental activities, as required, as well as follow-up and coordination with the District Child Protection Unit or State Government and other agencies {Section 37 (1) (g)};
- (h) Declaration that the child is legally free for adoption (Section 38).
- B:** The Committee may also pass orders for {Section 37 (2)} —
- (i) declaration of Fit Persons for Foster Care {Section 37 (2) (i)};
- (ii) getting After Care Support (Section 46); or
- (iii) any other order related to any other function {Section 37 (2) (iii)}.

**XI.E. Rehabilitation of the Child in Need of Care and Protection.**

**1. Restoration & Protection of child:**

- (i) The restoration and protection of a child shall be prime objective of any Children’s Home, Specialized Adoption Agency or Open Shelter. {Section 40 (1)}
- (ii) The Children’s Home, Specialized Adoption Agency or an Open Shelter, shall take such steps as are considered necessary for the restoration and protection of a child deprived of his family environment temporarily or permanently where such child is under their care and protection. {Section 40 (2)}
- (iii) The CWC shall have the powers to restore any child in need of care and protection to his parents, guardian or Fit Person, after determining the suitability of the parents or guardian or Fit Person to take care of the child and give them suitable directions.

**Explanation-** For the purposes of this section, ‘restoration and protection of a child’ means restoration to-

- (a) Parents;
  - (b) Adoptive parents;
  - (c) Foster parents;
  - (d) Guardian; or
  - (e) Fit Person
- {Section 40 (3)}

**2. Types of Institutional Rehabilitation:**

There are two types of institutional rehabilitation:

- (a) Short Term; and
- (b) Long Term

The services that shall be provided by the institutions registered under this Act in the process of rehabilitation and re-integration of children, shall include {Section 53 (1)}-

- (i) basic requirements such as food, shelter, clothing and medical attention as per the prescribed standards;
- (ii) equipment such as wheel-chairs, prosthetic devices, hearing aids, braille kits, or any other suitable aids and appliances as required, for children with special needs;
- (iii) appropriate education, including supplementary education, special education, and appropriate education for children with special needs: Provided that for children between the age of six to fourteen years, the provisions of the Right of Children to Free and Compulsory Education Act, 2009 shall apply;
- (iv) skill development;
- (v) occupational therapy and life skill education;
- (vi) mental health interventions, including counselling specific to the need of the child;
- (vii) recreational activities including sports and cultural activities;
- (viii) legal aid where required;
- (ix) referral services for education, vocational training, de-addiction, treatment of diseases where required;
- (x) case management including preparation and follow up of individual care plan; (xi) birth registration;
- (xii) assistance for obtaining the proof of identity, where required; and
- (xiii) any other service that may reasonably be provided in order to ensure the well-being of the child, either directly by the State Government, registered or fit individuals or institutions or through referral services.

<b><u>Short Term Care</u></b>
<b>2A (i). Fit Facility (Section 51 &amp; Rule 27)</b>
JJB or the CWC shall recognize a facility being run by a Government organization or a voluntary or non-governmental organization registered under any law for the time being in force to be fit to temporarily take the responsibility of a child for a specific purpose after due inquiry regarding the suitability of the facility and the organization to take care of the child. {Section 51}

<p>The Fit Facility shall provide-</p> <ul style="list-style-type: none"> <li>• Medical care treatment and specialized treatment.</li> <li>• Psychiatric and mental health care.</li> <li>• De-addiction and rehabilitation.</li> <li>• Education, vocational training and skill development.</li> <li>• Witness protection.</li> </ul>
<b>2A(ii). Open Shelter (Section 43 and Rule 22)</b>
<p>The Open Shelter shall function as a community based facility for children in need of residential support, on short term basis, with the objective of protecting them from abuse or weaning them, or keeping them, away from a life on the streets. <b>{Section 43 (1)}</b></p> <p>The Open Shelter shall-</p> <ul style="list-style-type: none"> <li>• Provide residential support on short term basis.</li> <li>• Provide accommodation to 25-50 children at a time.</li> <li>• Send monthly information to DCPU and CWC on children availing the services.</li> </ul>
<b>Long Term Care</b>
<b>2B. Children’s Home (Section 50 &amp; Rule 29)</b>
<p>Children’s Home may be established and maintained in every district or group of districts by Government itself or through voluntary or NGOs, which shall be registered as such, for the placement of children in need of care and protection for their care, treatment, education, training, development and rehabilitation. <b>{Section 50 (1)}</b></p> <p>The Children’s Home shall provide-</p> <ul style="list-style-type: none"> <li>• Long term support for overall wellbeing of children.</li> <li>• Child to be provided with care, treatment, education, training, development, rehabilitation.</li> </ul>

**Note: COMPULSORY REGISTRATION OF ALL CHILD CARE INSTITUTIONS IS NECESSARY (Section 41 and Rule 21).**

### **3. Types of Non-institutional Rehabilitation**

<b>3A: Foster Care (Section 44 &amp; Rule 23) including Group Foster Care</b>
<p>1. The children in need of care and protection may be placed in foster care, including group foster care for their care and protection through orders of the CWC, in a family which does not include the child’s biological or adoptive parents or in an unrelated family recognized as suitable for the purpose by the State Government, for a short or extended period of time. <b>{Section 44 (1)}</b></p> <p>2. All efforts shall be made to keep siblings together in foster families, unless it is in their best interest not to be kept together. <b>{Section 44 (3)}</b>.</p> <p>3. The Foster Family shall be responsible for providing education, health and nutrition to the child and shall ensure the overall well being of the child in such manner, as may be prescribed. <b>{Section 44 (6)}</b></p> <p>4. No child regarded as adoptable by the CWC shall be given for long term foster care. <b>{Section 44 (9)}</b></p> <p>The Foster Care can be both short term and long term.</p>

<ul style="list-style-type: none"> <li>• Short term (not more than 1 year) or long term (for more than 1 year &amp; can be extended until the child attains 18 years).</li> <li>• Foster families shall be responsible for education, health, nutrition and wellbeing of the child.</li> <li>• If child is regarded as adoptable, foster care will be a short term option.</li> <li>• State Government to provide monthly funding through DCPU to foster family.</li> <li>• Children of 6 years and above may be put in Foster Care; and below six years shall be placed in adoption.</li> <li>• After the child remains in foster care for 5 years the foster family can apply for adoption and will be given preference.</li> </ul>
<b>3B: Fit Person (Section 52 and Rule 28)</b>
JJB or the CWC shall, after due verification of credentials, recognize any person fit to temporarily receive a child for care, protection and treatment of such child for a specified period. Child can be placed with a Fit Person for maximum 30 days.
<b>3C: Aftercare (Section 46 &amp; Rule 25) provides</b>
Any child leaving a child care institution on completion of 18 years of age may be provided with financial support in order to facilitate his reintegration into the society (Section 46). <ul style="list-style-type: none"> <li>• Aftercare to a child may be provided in CCI up to 21 years of age, extendable to 2 more years under exceptional circumstances. {Rule 25 (2)}</li> <li>• Aftercare support examples are – stipend for vocational training, scholarship for education, skill training and placement, arrangement of loans for education; or entrepreneurial activities, community group housing. {Rule 25 (7)(ii) &amp; (iii)}</li> <li>• Assistance can be transferred to bank account of the child. {Rule 25 (6)}</li> </ul>
<b>3D: Sponsorship (Section 45 &amp; Rule 24) provides</b>
State Government shall make Rules for the purpose of undertaking various programmes of sponsorship of children, such as individual to individual sponsorship, group sponsorship or community sponsorship {Section 45 (1)}-. <ul style="list-style-type: none"> <li>➤ <b>The criteria for sponsorship shall include where {Section 45 (2)}-</b> <ul style="list-style-type: none"> <li>(i) mother is a widow or divorced or abandoned by family;</li> <li>(ii) children are orphan and are living with the extended family;</li> <li>(iii) parents are victims of life threatening disease;</li> <li>(iv) parents are incapacitated due to accident and unable to take care of children both financially and physically.</li> </ul> </li> <li>➤ The duration of the sponsorship shall not ordinarily exceed 3 years {(Rule 24 (7))}.</li> <li>➤ <b>Sponsorship Programme shall include {Section 45 (4)} &amp; Rule 24-</b> <ul style="list-style-type: none"> <li>(i) Individual to individual Sponsorship;</li> <li>(ii) Group or Community Sponsorship;</li> <li>(iii) Support to Family;</li> <li>(iv) Support to Children’s Home and Special Homes; <ul style="list-style-type: none"> <li>to meet medical, nutritional, educational and other needs of the children, with a view to improving the quality of life.</li> </ul> </li> </ul> </li> <li>➤ DCPU is the nodal authority for implementing Foster Care in district {Rule 24 (2)};</li> <li>➤ JJB or CWC or Children’s Court may <i>suo motu</i>, or on an application received on that behalf, consider the placement of a child under Sponsorship {Rule 24 (5)}.</li> <li>➤ DCPU, in case of individual sponsorship, shall open an account in the name of the child to be operated preferably by the mother. The money shall be transferred directly from the bank account of the DCPU to the bank account of the child {Rule 24 (6)}.</li> </ul>

### **3E: Adoption (Sections 56-70 & Rules 43 to 49)**

- CWC may declare a child legally free for adoption based on set criteria (Section 38, Rule 43).
- Adoption shall be resorted to for ensuring right to family for the orphan, abandoned and surrendered child as per the JJ Act and the Rules thereunder {Section 56 (1)}.
- Adoption of a child may be made from a relative by another relative, irrespective of their religion {Section 56 (2)}.
- Nothing under the JJ Act, 2015 shall apply to adoption of children made under the provisions of the Hindu Adoption and Maintenance Act, 1956 {Section 56 (3)}.
- 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 provisions of Section 80 (Section 56 (5)).

#### **Eligibility of Prospective Adoptive Parents (Section 57)**

- Prospective Adoptive Parents (PAP) shall be physically fit, financially sound, mentally alert and highly motivated to adopt a child for providing a good upbringing to the child {Section 57 (1)}.
- Consent of both the spouses for the adoption shall be required {Section 57 (2)}.
- Single or divorced person can also adopt a child, subject to fulfillment of criteria {Section 57 (3)}.
- Single male is not eligible to adopt a girl child {Section 57 (4)}.

#### **Procedure for adoption of child by Indian Prospective Adoptive Parents living in India (Section 58)**

- Indian Prospective Adoptive Parents living in India, irrespective of their religion, may apply to Specialised Adoption Agency (SAA) {Section 58 (1)}.
- Home Study Report (HSR) is to be prepared by SAA. If PAP is found eligible, SAA may refer a child declared legally free for adoption to them {Section 58 (2)}.
- On receipt of acceptance of child from the PAP along with Child Study Report and Medical Report of the Child, SAA shall give child in pre-adoption foster care and file an application in court for obtaining the adoption order {Section 58 (3)}.
- On receipt of certified copy of court order, SAA shall send immediately the same to PAP {Section 58 (4)}.
- Progress and well being of child in adoptive family shall be followed and ascertained as per Adoption Regulations {Section 58 (5) and Section 59 (12)}.

#### **Procedure for Inter-country adoption of an orphan or abandoned or surrendered child (Section 59)**

- If an orphan or abandoned or surrendered child could not be placed with an Indian or non-resident Indian PAP despite the joint efforts of SAA and State Agency within 60 days from the date the child had been declared legally free for adoption, such child shall be free for inter-country adoption:  
Provided that children with physical and mental disability, siblings and children above 5 years of age may be given preference over other children for such inter-country adoption {Section 59 (1)}.
- Eligible non-resident Indian or overseas citizen of India or persons of Indian origin shall be given priority in inter-country adoption of Indian children {Section 59 (2)}.
- Non-resident Indian or overseas citizen of India, or person of Indian origin or a foreigner, who are PAP living abroad, may apply for adoption to an authorized foreign adoption agency or Central Authority or concerned Government department in their country of habitual residence {Section 59 (3)}.

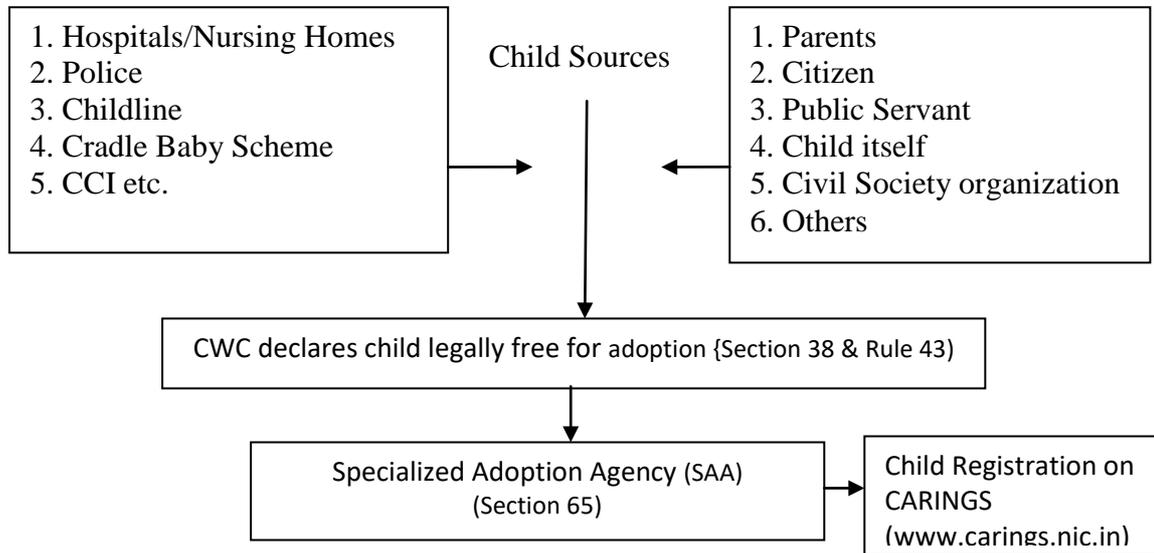
- Authorized foreign adoption agency or Central Authority or concerned Government department shall prepare HSR of such PAP and will sponsor their application to Authority for adoption of a child from India {Section 59 (4)}.
- On receipt of application of such PAP, the Authority shall examine and if it finds applicant suitable, then, it will refer the application to one of the SAA, where children legally free for adoption are available {Section 59 (5)}.
- SAA will match a child with such PAP and send the Child Study Report (CSR) along with Medical Report of child to such parents, who in turn may accept child and return CSR and medical report to said agency {Section 59 (6)}.
- On receipt of acceptance of child from PAP, SAA shall apply in court for obtaining adoption order {Section 59 (7)}.
- On receipt of certified copy of court order, SAA shall immediately send the same to Authority, State Agency and to PAP and obtain a passport for the child {Section 59 (8)}.
- Authority shall intimate about adoption to the Immigration Authorities of India and receiving country of the child {Section 59 (9)}.
- PAP shall receive child in person from SAA as soon as passport and visa are issued to the child {Section 59 (10)}.
- Authorized Foreign Adoption Agency or Central Authority or the concerned Government department shall ensure submission of progress reports about child in the adoptive family and will be responsible for making alternative arrangement in case of any disruption, in consultation with Authority and concerned Indian diplomatic mission {Section 59 (11)}.

#### **Procedure for inter-country relative adoption (Sections 60 & 61)**

- Relative living abroad, who intends to adopt child from his relative in India, shall obtain an order from court and apply for no objection certificate from Authority {Section 60 (1)}.
- Authority shall, on receipt of order under Section 60 (1) and application from either biological parents or from adoptive parents, issue no objection certificate under intimation to the immigration authority of India and of the receiving country of the child {Section 60 (2)}.
- Adoptive parents shall after receiving NOC, receive the child from biological parents and shall facilitate contact of the adoptive child with his siblings and biological parents from time to time {Section 60 (3)}.
- Before issuing an adoption order, the court shall satisfy itself for welfare of the child and conduct the adoption proceedings in camera and the case be disposed of by the court within a period of two months from the date of filing. (Section 61).

**Overview of  
ADOPTION PROCESS (Section 56 to 70 and Rules 32 to 49)**  
(under New Adoption Guidelines'2015)

**Pre-Adoption Process**



**Flow chart of Adoption Process within country**

**Step-1:** Prospective Adoptive Parent (PAP) to register on CARINGS for selection of preferred SAA for Home Study Report (HSR) and indicate from where they wish to adopt.

**Step-2:** User ID and Password generated (Acknowledgement letter).  
PAP to upload documents within 30 days of registration.

**Step-3:** Registration number generated.  
SAA conducts HSR of the PAP and uploads it on CARINGS (online).

**Step-4:** Suitability of PAP is examined (if not suitable, PAP informed of rejection and reasons for rejection are recorded).  
PAP reserves 1 child, as per their preference.

**Step-5:** PAP visits SAA within 15 days from the date of reservation and finalizes child.  
If child is not finalized within stipulated time, PAP will lose seniority.

**Step-6:** On acceptance of child by PAP, SAA completes referral and adoption process (in CARINGS).  
PAP takes child in pre-adoption Foster Care and SAA files petition in the Adoption Court.

**Step-7:** Adoption Court order issued.  
Post-adoption follow up report is conducted for a period of 2 years.

Source: Central Adoption Resource Agency (www.cara.nic.in)

### Flow chart of Adoption Process (inter-country)

<p><b>Step-1:</b> Prospective Adoptive Parent (PAP) residing in foreign country may contact the nearest Authorized Foreign Adoption Agency (AFAA) or Central Authority (CA) for registration, to adopt a child from India.</p> <p>In case of foreign citizen residing in India, they have to register online on CARINGS.</p>
<p><b>Step-2:</b> Home Study Report (HSR) and documents are uploaded online on CARINGS by AFAA/CA.</p> <p>HSR is approved by CARA.</p>
<p><b>Step-3:</b> AFAA reserves child, as per the preference of PAP, within a period of one month.</p> <p>If the child is not finalized within stipulated time, the PAP will lose seniority.</p>
<p><b>Step-4:</b> SAA completes the referral and adoption process (in CARINGS).</p> <p>Original dossier sent by AFAA/CA to SAA.</p>
<p><b>Step-5:</b> On receipt of the acceptance of the child from the PAP, the SAA shall file an application in the court for obtaining the adoption order.</p>
<p><b>Step-6:</b> Dossier received at SAA and then Conformity is issued.</p> <p>Departure of Child.</p>
<p><b>Step-7:</b> Citizenship given to child in country of adoption.</p>
<p><b>Step-8:</b> Post-adoption follow up is conducted for a period of 2 years.</p>

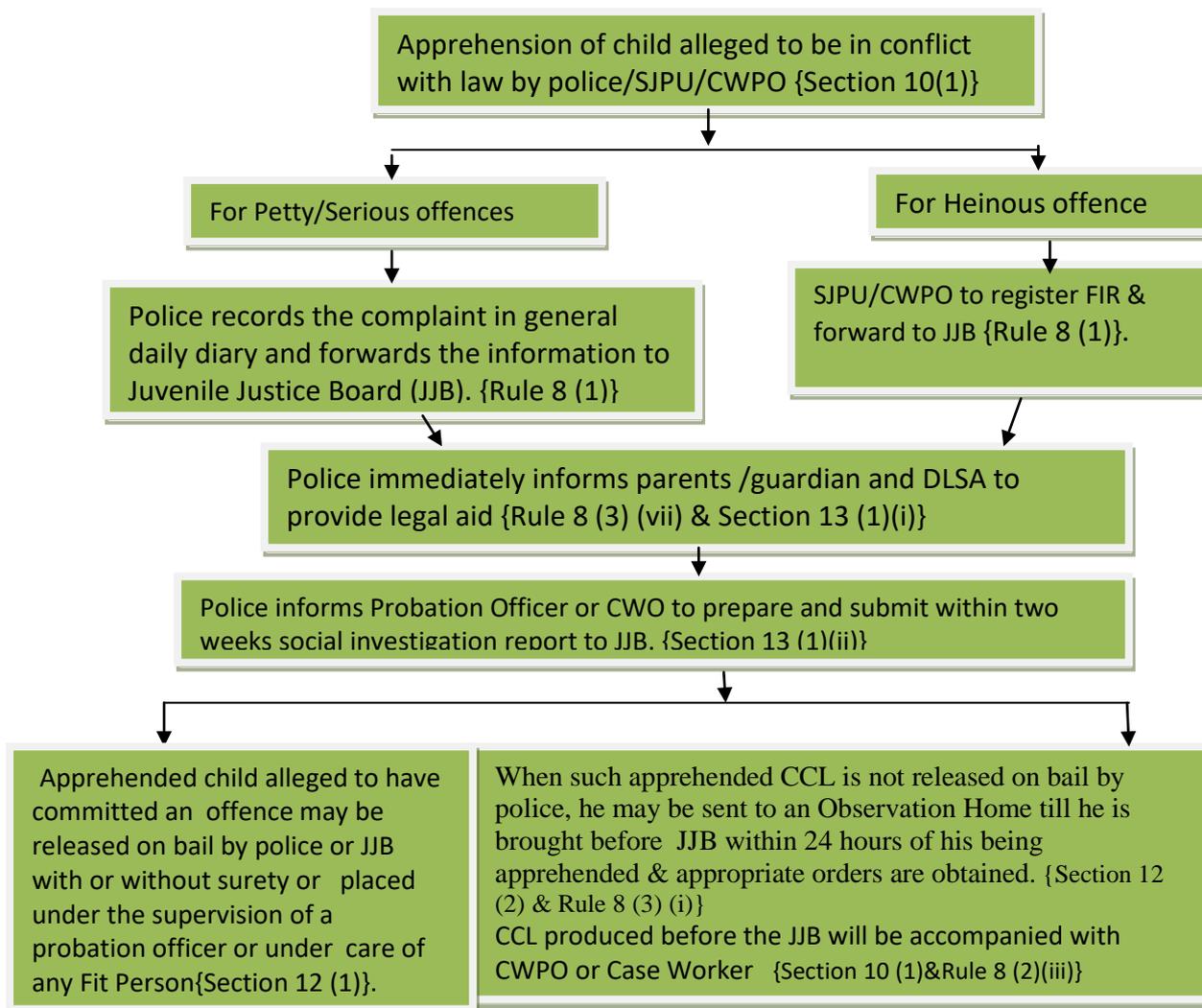
Source: Central Adoption Resource Authority.

Model Guidelines for Foster Care, 2016 are available on MWCD website: [www.wcd.nic.in](http://www.wcd.nic.in)

Guidelines Governing Adoption of Children, 2015, are available on MWCD website: [www.wcd.nic.in](http://www.wcd.nic.in)

## XII. Flow chart for dealing with CHILD IN CONFLICT WITH LAW (CCL)

### A. What happens once the complaint is made? [Sections 10 &13]



#### A (a). Procedure at Police Station

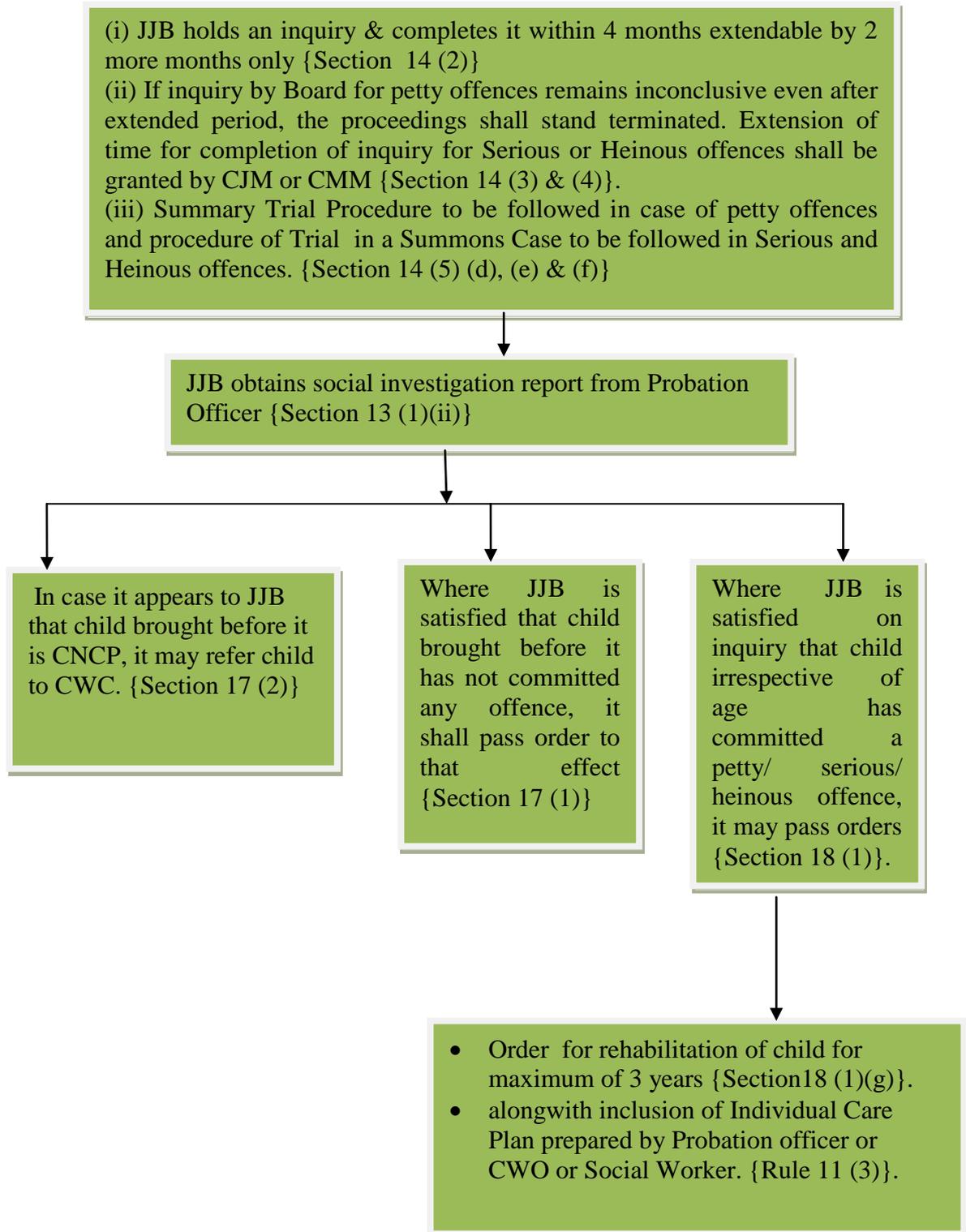
DOs (Section 10 & Rule 8)	Don't (Section 10 & Rule 8)
<ul style="list-style-type: none"> <li>▪ Child to be taken to Child Friendly Corner/room.</li> <li>▪ Child should be produced before JJB within 24 hours.</li> <li>▪ CWPO should be in <b>plain clothes</b> and not in uniform.</li> <li>▪ Use of any coercion or force on the child is prohibited.</li> <li>▪ Inform the child promptly and directly of the charges levelled against him through his parent or guardian.</li> <li>▪ Copy of FIR should be provided to child or copy of the police report should be given to the parent or guardian.</li> <li>▪ Provide appropriate medical assistance, assistance of interpreter or a special educator, or any other assistance which the child may require.</li> <li>▪ Inform the District Legal Services Authority (DSLISA) for providing free legal aid to the child.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No FIR is to be registered against a CCL except in a Heinous offence or offence committed jointly with adult.</li> <li>▪ Child should not be kept in Police Station or lock up or an adult Jail.</li> <li>▪ Child will not be hand cuffed/chained/fettered.</li> <li>▪ Child shall not be asked to sign any statement.</li> <li>▪ Child shall not be compelled to accept his guilt.</li> <li>▪ No joint proceedings of child in conflict with law along with a person who is not a child (Section 23)</li> </ul>

**B. What happens once the case is admitted in the JUVENILE JUSTICE BOARD?**

(INQUIRY IS TO BE COMPLETED WITHIN 4 MONTHS, EXTENDABLE BY 2 MORE MONTHS ONLY)

**B. (a) FLOW CHART IN CASES OF PETTY OR SERIOUS OFFENCES BY ALL CHILDREN AND HEINOUS OFFENCES BY CHILDREN UPTO 16 YEARS OF AGE**

[Sections 13,14,17,18 and Rules 9, 10 and 11]

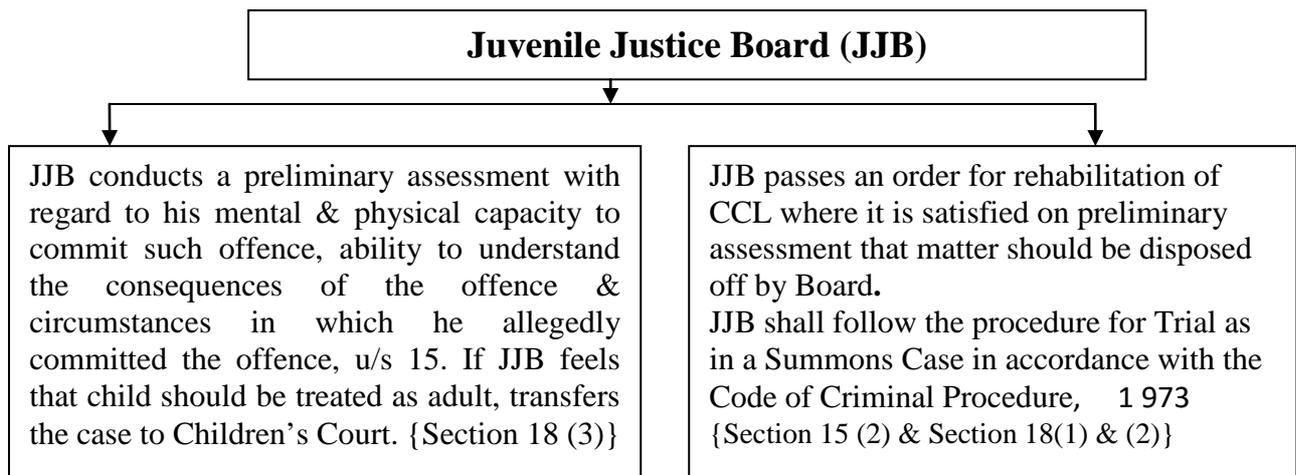


## B (c) Procedure for Juvenile Justice Board:

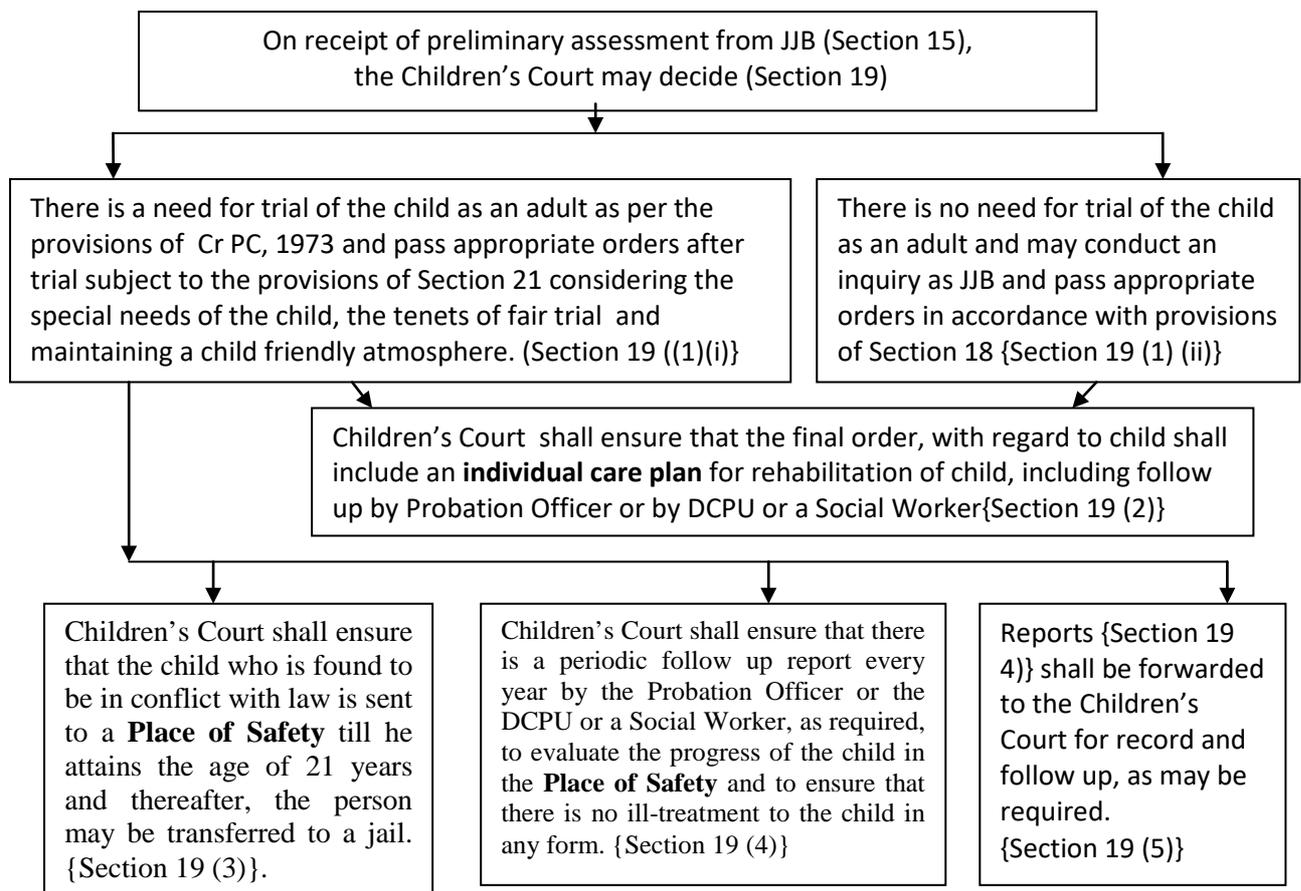
**FLOW CHART IN CASES OF PETTY OR SERIOUS OFFENCES BY ALL CHILDREN  
AND HEINOUS OFFENCES BY CHILDREN UPTO 16 YEARS OF AGE**  
[Sections 13,14,17,18 and Rules 9, 10 and 11]

1.	<b>Types of Trial (Sections 14 &amp; 15)</b>	(i) <b>Petty offence:</b> Summary Trial (ii) <b>Serious offence:</b> Trial as in Summons Case.  (iii) <b>Heinous offence:</b> Trial as in Summons Case.
2.	<b>JJB while passing the orders shall (Section 18)</b>	(i) Obtain social investigation report (SIR) from Probation officer or CWO.  (ii) Include an individual care plan prepared by Probation Officer or CWO.
3.	<b>Types of orders by JJB (Section 18)</b>	(i) to go home after advice or admonition; (ii) participate in group counselling or similar activities; (iii) perform community service; (iv) child or parents or the guardian to pay a fine; (v) be released on probation of good conduct and placed under the care of parent or guardian or Fit Person or Fit Facility or Fit Person executing a bond with or without surety for the good behaviour and child's well being for any period not exceeding 3 years;  (vi) be released on probation of good conduct and placed under the care and supervision of any Fit Facility for ensuring the good behaviour and child's well-being for any period not exceeding 3 years;  (vii) be sent to a Special Home, for such period, not exceeding 3 years, for providing reformatory services including education, skill development, counselling behaviour modification therapy, and psychiatric support during the period of stay in the Special Home.  (viii) In addition to above, JJB may also pass orders to: <ul style="list-style-type: none"> <li>• Attend school; or</li> <li>• Attend a vocational training centre; or</li> <li>• Attend a therapeutic centre; or</li> <li>• Prohibit the child from visiting, frequenting or appearing at a specified place; or</li> <li>• Undergo a de-addiction programme.</li> </ul>

**B (d). Flow chart in JJB for CCL between 16-18 years who allegedly commits a Heinous Offence** (Sections 14, 15, 19 and Rule 10A)



**B (e). Procedures to be followed by CHILDREN'S COURT when a CCL between 16-18 years allegedly commits HEINOUS OFFENCE.**



**B (f). Destruction of records:** The records of conviction in respect of a child in conflict with law shall be kept in safe custody till the expiry of the period of appeal or for a period of seven years, and no longer, and thereafter be destroyed by the Person-in-charge or Board or Children's Court, as the case may be.

*Provided that in case of a heinous offence where the child is found to be in conflict with law under clause (i) of Section 19 (1) of the Act, the relevant records of conviction of such child shall be retained by the Children's Court. (Section 14)*

### **XIII. Organizations involved in Rehabilitation of Child in Conflict with Law**

#### **(a) For Short Term Stay**

<b>(d) <u>Observation Home (Section 47)</u></b>
<p>‘Observation Home’ means a Home established and maintained in every district or group of districts by a State Government, either by itself, or through a voluntary or NGO, and is registered as such, for the purpose of temporary reception, care and rehabilitation of any child alleged to be in conflict with law, during the pendency of any inquiry under this Act. {Section 2 (47) &amp; Section 47}</p>
<b>(ii) <u>Fit Facility (Section 51)</u></b>
<p>‘Fit Facility’ means a facility being run by a governmental organization or a registered voluntary or non-governmental organization, prepared to temporarily take the responsibility of a child for a specific purpose and such facility is recognized after inquiry regarding the suitability of the facility and the organization to take care of the child, as directed by the JJB or the CWC. {Section 2 (27) &amp; Section 51}</p>
<b>(iii) <u>Fit Person (Section 52)</u></b>
<p>‘Fit Person’ means any person, prepared to own the responsibility of a child, for a specific purpose, and such person is identified after inquiry made in this behalf and recognized as fit for the said purpose, by the CWC or, the JJB, to temporarily receive a child for care, protection and treatment of such child for a specified period. {Sections 2 (28) &amp; Section 52}</p>

#### **(b) For Long Term Stay**

<b>(i) <u>Special Home (Section 48)</u></b>
<p>‘Special Home’ means an institution established by a State Government or by a voluntary or non-governmental organization, registered under section 48, for housing and providing rehabilitative services to children in conflict with law, who are found, through inquiry, to have committed an offence and are sent to such institution by an order of the Board. {Section 2 (56) &amp; Section 48}</p> <p>-For long term stay of CCL, as per orders of JJB (Section 18). - Includes attending of school, vocation training, therapeutic centre, de-addiction programme.</p>
<b>(ii) <u>Place of Safety (Section 49)</u></b>
<p>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</p>

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. {Sections 2 (46) and 49}.

- Separate arrangement and facilities for stay of children or persons during the process of inquiry and children or persons found to be involved in an offence.
- Includes attending of school, vocational training, therapeutic centre, de-addiction programme etc.
- A Place of Safety cannot be in the same compound as a Jail for adults.

#### **XIV. Release of a child from an institution**

- (a) When a child is kept in a Children's Home or special home, on a report of a probation officer or social worker or of Government or a voluntary or non-governmental organization, as the case may be, the Committee or the Board may consider, the release of such child, either absolutely or on such conditions as it may think fit to impose, permitting the child to live with parents or guardian or under the supervision of any authorized person named in the order, willing to receive and take charge, educate and train the child, for some useful trade or calling or to look after the child for rehabilitation:

Provided that if a child who has been released conditionally under this section, or the person under whose supervision the child has been placed, fails to fulfill such conditions, the Board or Committee may, if necessary, cause the child to be taken charge of and to be placed back in the concerned home. {Section 97 (1)}

- (b) If the child has been released on a temporary basis, the time during which the child is not present in the concerned home in pursuance of the permission granted under sub-section (1) shall be deemed to be part of the time for which the child is liable to be kept in the children or special home:

Provided that in case of a child in conflict with law fails to fulfill the conditions set by the Board as mentioned in sub-section (1), the time for which he is still liable to be kept in the institution shall be extended by the Board for a period equivalent to the time which lapses due to such failure. {Section 97 (2)}

#### **XV. Leave of absence to a child placed in an institution**

- (a) The Committee or the Board, as the case may be, may permit leave of absence to any child, to allow him, on special occasions like examination, marriage of relatives, death of kith or kin or accident or serious illness of parent or any emergency of like nature, under supervision, for a period generally not exceeding seven days in one instance, excluding the time taken in journey. {Section 98 (1)}

- (b) The time during which a child is absent from an institution where he is placed, in pursuance of such permission granted under this section, shall be deemed to be part of the time for which he is liable to be kept in the Children's Home or special home. {Section 98 (2)}

- (c) If a child refuses, or has failed to return to the Children's Home or special home, as the case may be, on the leave period being exhausted or permission being revoked forfeited, the Board or Committee may, if necessary, cause him to be taken charge of and to be taken back to the concerned home:

Provided that when a child in conflict with law has failed to return to the special home on the leave period being exhausted or on permission being revoked or forfeited, the time for which he is still liable to be kept in the institution shall be extended by the Board for a period equivalent to the time which lapses due to such failure. {Section 98 (3)}

## **XVI. Appeals and Revisions under the Act**

### **A. Appeals (Section 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 30 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.

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 30 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 30 days. {Section 101 (1)}

2. 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. {Section 101 (2)}

3. No appeal shall lie from,- {Section 101 (3)}

(i) 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 16 years; or

(ii) any order made by a Committee in respect of finding that a person is not a child in need of care and protection.

4. No second appeal shall lie from any order of the Court of Session, passed in appeal under this section. {Section 101 (4)}

5. 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. {Section 101 (5)}.

### **B. Revision (Section 102):**

The High Court may, at any time, either on its own motion or on an application received in this behalf, call for the record of any proceedings in which any Committee or Board or Children's Court, or Court has passed an order, for the purpose of satisfying itself as to the legality or propriety of any such order and may pass order in relation thereto as it thinks fit.

Provided that the High Court shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

**1. Child victims under the POCSO Act can also be children in need of care and protection.**

- (i) Section 30 (xiii) of the Juvenile Justice Act, 2015 requires the CWCs to take action for rehabilitation of sexually abused children who are reported as children in need of care and protection to the Committee by SJPU or local police under the POCSO Act.
- (ii) Under Section 19 (6) of the POCSO Act, the local police or the SJPU should report the commission of a sexual offence against a child to the CWC within 24 hours of receiving information and should also indicate if the child is in need of care and protection; and steps taken by them in this regard. Rule 4 (3) of the POCSO Rules, 2012 specifies three situations in which a child must be produced before a CWC i.e. there is a reasonable apprehension that the offence has been committed or attempted or is likely to be committed by a person living in the same or shared household and is without parental support or the child is found to be without any home and parental support.
- (iii) Upon production, as per Rule 4 (4), POCSO Rules, the CWC should determine within three days whether the child needs to be taken out of the custody of the family or shared household and placed in a Children's Home or Shelter Home. CWC can take the assistance of a social worker to make this determination.
- (iv) Rule 4 (5), POCSO Rules specifies seven factors that should be considered by the CWC along with preferences of the child and the best interests of the child while deciding whether or not the child should be removed from the custody of the family or shared household. CWC should ensure that the child is not inconvenienced or exposed to injury during this inquiry.

**2. Support Person to Child Victims under the POCSO Act to be provided by the CWC.**

- (i) Based on the report it receives from the local police or SJPU or its assessment, when a child victim is produced before it, u/Rule 4 (7), POCSO Rule, the CWC can provide a Support Person to assist the child and family during the investigation and trial of the case.
- (ii) The SJPU or local police should inform the Special Court in writing within 24 hours of the assignment of Support Person, provided by the CWC. {Section 19 (6)}
- (iii) Under Rule 4 (8), the Support Person is required to maintain confidentiality and keep the child and the parent/guardian or other person whom the child trusts informed about the proceedings of the case, including available assistance, judicial procedures and potential outcomes and such other support necessary for the child.
- (iv) The CWC can terminate the services of Support Person based on such a request by the child or his parent/guardian etc whom the child trusts and no reasons need to be provided for seeking such termination. {Rule 4 (10)}

**3. JJBs should adhere to the child-friendly procedures prescribed under the POCSO Act, 2012**

Section 34 (1), POCSO Act states that the JJ Act would apply if a child commits any offence under the POCSO Act. Proceedings of the JJBs should be held *in-camera*, the child victim should not be exposed to the child alleged to be in conflict with law during the inquiry and procedures laid down in POCSO Act for child victim should be followed, ensuring protection of the child victim.

**4. Role of JJ functionaries under the POCSO Act.**

- (i) **SJPU or local police** on receiving information relating to an offence that has been or likely to be committed, should take following steps:
  - (a) Record the complaint; {Section 19 (2) (a)}
  - (b) Assess whether the child is in need of care and protection; {Section 19 (5)}

- (c) Facilitate Emergency Medical Care; {Rule 5 & Section 19 (5)}
- (d) Facilitate Medical Examination; {Rule 4 (2) (c) & Section 19 (5)}
- (e) Facilitate Recording of Statement by Magistrate (Section 25)
- (f) Report to the Special Court and Child Welfare Committee; {Section 19 (6)}-
- (g) Provide information to the informant and victim.

(ii) **District Child Protection Unit (DCPU)** shall maintain a register containing contact details of interpreters, translators and special educators in their district under Rule 3 (1), POCSO Rules and should share the same with SJPU, local police, magistrate and Special Court to enable them to make available such services as and when required.

## 5. Age determination

**Section 34 (2), POCSO Act** requires the Special Court to determine whether a person is a child or not, if the question arises in the course of the proceedings. The Special Court should satisfy itself about the age of the person and record its reasons in writing. Section 94 of JJ Act, 2015 prescribes the process of age determination.

## 6. Legal representation

Section 40, POCSO Act recognizes the right of the child victim to receive the assistance of legal counsel during trial.

## XVIII. Convergence with other Child Legislations

1. The Protection of Children from Sexual Offences Act, 2012
2. The Child Labour (Prohibition and Regulation) Amendment Act, 2016
3. Kidnapping (Section 361) , Abduction (Section 362), Trafficking (Section 370) of the Indian Penal Code, 1860
4. The Bonded Labour System (Abolition) Act, 1976
5. The Right of Children to Free and Compulsory Education Act, 2009
6. The Prohibition of Child Marriage Act, 2006

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**Note:** *Though all efforts have been made to ensure all accuracy, however, the user of this Tool Kit is advised to refer to the Juvenile Justice (Care and Protection of Children) Act, 2015, the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 and the Protection of Children from Sexual Offences (POCSO) Act, 2012 available at NCPCR's website [www.ncpcr.gov.in](http://www.ncpcr.gov.in)*

## XIX. State Commissions for Protection of Child Rights (SCPCRs) contact details:

Sr. No.	State/UT	Telephone No.	Email Id
1.	A & N Islands	03192-232799	<a href="mailto:utpcr.ani@gmail.com">utpcr.ani@gmail.com</a>
2.	Andhra Pradesh	0863-2443223/2445030	<a href="mailto:scpcrandhrapradesh@gmail.com">scpcrandhrapradesh@gmail.com</a> / <a href="mailto:aparna.up@ap.gov.in">aparna.up@ap.gov.in</a>
3.	Arunachal Pradesh	0360-2290549	<a href="mailto:chairperson@arunachalwomencommission.in">chairperson@arunachalwomencommission.in</a>
4.	Assam	0361-2638654/2733892	<a href="mailto:sunita_chang@hotmail.com">sunita_chang@hotmail.com</a> / <a href="mailto:ascpcr@rediffmail.com">ascpcr@rediffmail.com</a>
5.	Bihar	0612-2217188/2211718	<a href="mailto:scpcr.bihar@gmail.com">scpcr.bihar@gmail.com</a>
6.	Chandigarh	0172-2617031	<a href="mailto:chairpersonccpcr@gmail.com">chairpersonccpcr@gmail.com</a>
7.	Chhattisgarh	0771-2420093/94	<a href="mailto:cgscpcr@gmail.com">cgscpcr@gmail.com</a>
8.	D & N Haveli	0260-2642721	<a href="mailto:secvsw-dd@nic.in">secvsw-dd@nic.in</a>
9.	Delhi	011-23862684/23862685	<a href="mailto:cp.dcpcr@gmail.com">cp.dcpcr@gmail.com</a> / <a href="mailto:dcpcr@hotmail.com">dcpcr@hotmail.com</a>
10.	Goa	0832-2421870/2419415	<a href="mailto:drkirtani@gmail.com">drkirtani@gmail.com</a> / <a href="mailto:sect-scpcr.goa@nic.in">sect-scpcr.goa@nic.in</a>
11.	Gujarat	079-23255669	<a href="mailto:jagrutipandya@gmail.com">jagrutipandya@gmail.com</a> / <a href="mailto:gscpcr@gmail.com">gscpcr@gmail.com</a>
12.	Haryana	0172-2560349	<a href="mailto:scpcrhry@gmail.com">scpcrhry@gmail.com</a>
13.	Himachal Pradesh	0177-2622033/2622003	<a href="mailto:kirandhanta25@gmail.com">kirandhanta25@gmail.com</a> / <a href="mailto:socialjesecy-hp@nic.in">socialjesecy-hp@nic.in</a> ,
14.	Jharkhand	0651-2223544/2223545	<a href="mailto:cp.jscpcr@gmail.com">cp.jscpcr@gmail.com</a> / <a href="mailto:artikujur.jp@gmail.com">artikujur.jp@gmail.com</a>
15.	Karnataka	080-22115291/92	<a href="mailto:kripaalya1@gmail.com">kripaalya1@gmail.com</a> / <a href="mailto:kscpcr@gmail.com">kscpcr@gmail.com</a>
16.	Kerala	0471-2326603	<a href="mailto:cp.cpcr@kerala.gov.in">cp.cpcr@kerala.gov.in</a> / <a href="mailto:childrights.cpcr@kerala.gov.in">childrights.cpcr@kerala.gov.in</a>
17.	Lakshadweep	04892-222401	<a href="mailto:lak-cdpo@nic.in">lak-cdpo@nic.in</a> / <a href="mailto:wcdkvt@gmail.com">wcdkvt@gmail.com</a>
18.	Madhya Pradesh	0755-2559900/ 03-06	<a href="mailto:mpecpcr@gmail.com">mpecpcr@gmail.com</a>
19.	Maharashtra	022-24920894/95/97	<a href="mailto:mscpcr@gmail.com">mscpcr@gmail.com</a> / <a href="mailto:womenchild@gmail.com">womenchild@gmail.com</a>
20.	Manipur	0385-2445760/2053461	<a href="mailto:ssk_sharma@hotmail.com">ssk_sharma@hotmail.com</a> / <a href="mailto:mcpcrmanipur@gmail.com">mcpcrmanipur@gmail.com</a>
21.	Meghalaya	0364-2500175/252102	<a href="mailto:mscpcrcp@gmail.com">mscpcrcp@gmail.com</a>
22.	Mizoram	0389-2322671	<a href="mailto:socdepmez@gmail.com">socdepmez@gmail.com</a>
23.	Nagaland	----	<a href="mailto:meilapongener@yahoo.co.in">meilapongener@yahoo.co.in</a>
24.	Odisha	0647-2394041	<a href="mailto:kasturi_m@hotmail.com">kasturi_m@hotmail.com</a>
25.	Puducherry	0413-2244964/2242621	<a href="mailto:socwel.pon@nic.in">socwel.pon@nic.in</a> / <a href="mailto:directorofsocialwelfare@yahoo.com">directorofsocialwelfare@yahoo.com</a>
26.	Punjab	0172-2740811	<a href="mailto:sukeshkalia@yahoo.com">sukeshkalia@yahoo.com</a> / <a href="mailto:scpcrpunjab@gmail.com">scpcrpunjab@gmail.com</a>
27.	Rajasthan	0141-2708980/2709319	<a href="mailto:mananc73@gmail.com">mananc73@gmail.com</a> / <a href="mailto:rscpcr.jaipur@gmail.com">rscpcr.jaipur@gmail.com</a>
28.	Sikkim	03592-208217	<a href="mailto:legalcell406@gmail.com">legalcell406@gmail.com</a>
29.	Tamil Nadu	044-26421359/ 26425082,	<a href="mailto:mpnirmalab@yahoo.com">mpnirmalab@yahoo.com</a> / <a href="mailto:scpcrtn@gmail.com">scpcrtn@gmail.com</a>
30.	Telangana	040-233733665	<a href="mailto:scpcrandhrapradesh@gmail.com">scpcrandhrapradesh@gmail.com</a>
31.	Tripura	0381-2329150	<a href="mailto:tcpcr@gmail.com">tcpcr@gmail.com</a> / <a href="mailto:dswe_agt@gmail.com">dswe_agt@gmail.com</a>
32.	Uttarakhand	0135-2775813-16/ 2775909	<a href="mailto:yogendra_khanduri@rediffmail.com">yogendra_khanduri@rediffmail.com</a> / <a href="mailto:scpcr.uk@gmail.com">scpcr.uk@gmail.com</a>
33.	Uttar Pradesh	0522-2308538/2239066	<a href="mailto:upbalaayog@gmail.com">upbalaayog@gmail.com</a>
34.	West Bengal	033-23560385	<a href="mailto:wbscpcr@gmail.com">wbscpcr@gmail.com</a>

Complaints can also be sent in person,  
by post, through messenger or  
any other means to the following  
address:

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS  
(NCPCR)  
5th Floor, Chandralok Building  
36, Janpath, New Delhi-110001 India  
visit <http://www.ncpcr.gov.in>

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**NCPCR POCSO e-box on**  
[www.ncpcr.gov.in](http://www.ncpcr.gov.in)  
E-mail id: [pocsoebox-ncpcr@gov.in](mailto:pocsoebox-ncpcr@gov.in)  
Mobile No. 9868235077

**In any emergency please contact:**  
Police: 100, Childline 1098

### Note: Contact for further details and clarification:

- Shri Yashwant Jain, Member, NCPCR – 011-23478252, [yashwant.ncpcr@gov.in](mailto:yashwant.ncpcr@gov.in)
- Dr. Geetanjali Goel, DALSA, New Delhi– 011-23384643, [geetanjligoel@yahoo.com](mailto:geetanjligoel@yahoo.com)
- Sr. Consultant (JJ & POCSO), NCPCR – 011-23478225, [dhaniram.ncpcr@nic.in](mailto:dhaniram.ncpcr@nic.in)

## **CHILD FRIENDLY JUSTICE**

‘Child Friendly Justice’ refers to justice systems which guarantee the respect and the effective implementation of all children’s rights at the highest attainable level...giving due consideration to the child’s level of maturity and understanding and the circumstances of the case. It is, in particular, justice that is accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity.

**(Article 11, Council of Europe Guidelines on Child Friendly Justice, 2010)**