

Special Juvenile Police Unit

Module 3



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Abbreviations

ACP	Assistant Commissioner of Police
CCL	Children in Conflict with Law
CFPS	Child Friendly Police Station
CNCP	Children in Need of Care and Protection
CPO	Chief Probation Officer
CrPC	Criminal Procedure Code
CWC	Child Welfare Committee
CWO	Child Welfare Officer
CWPO	Child Welfare Police Officer
DCP	Deputy Commissioner of Police
DCPU	District Child Protection Unit
DD	Daily Diary
DGP	Director General of Police
DLSA	District Legal Service Authority
DSP	Deputy Superintendent of Police
FIR	First Information Report
GRP	Government Railway Police
IG CID	Inspector General Criminal Investigation Department
IPC	Indian Penal Code
JCWO	Juvenile or Child Welfare Officer
JJ Act	Juvenile Justice (Care and Protection of Children) Act 2015
JJB	Juvenile Justice Board
JWO	Juvenile Welfare Officer
MLC	Medico Legal Case
MPS	Missing Person Squad
MSJPU	Mahila Special Juvenile Police Unit
MSP	Mahila Samman Prakosth
NGO	Non Governmental Organisation
PO	Probation Officer
POCSO	Protection of Children from Sexual Offences Act
RPF	Railway Protection Force
SBR	Social Background Report

SHO	Station House Officer
SIR	Social Investigation Report
SJPU	Special Juvenile Police Unit
SOPs	Standard Operating Procedures
SP	Superintendent of Police
WCD	Women and Child Development
VIPP	Violence and Injury Prevention Program



Special Juvenile Police Unit.....

Overview

This module is an introduction to the concept of Special Juvenile Police Unit (SJPU), mandated under the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) that offers guidelines for the police to act in child-related matters. This section describes the definition of SJPU, its key functions and the officers and staff involved in it. It specially gives the reader/participant an understanding of the child-friendly procedures and the non-negotiable rights of children that should be upheld while engaging with them. An attempt has been made to elaborate the key provisions under the JJ Act, Model Rules, 2016 and the Protection of Children from Sexual Offences (POCSO) Act and how to implement them in day-to-day functioning of the SJPU. Also given are the actors/stakeholders that the SJPU deals with and the expected issues and challenges it has to manage.



Structure and Functions of SJPU



Time
45 Minutes



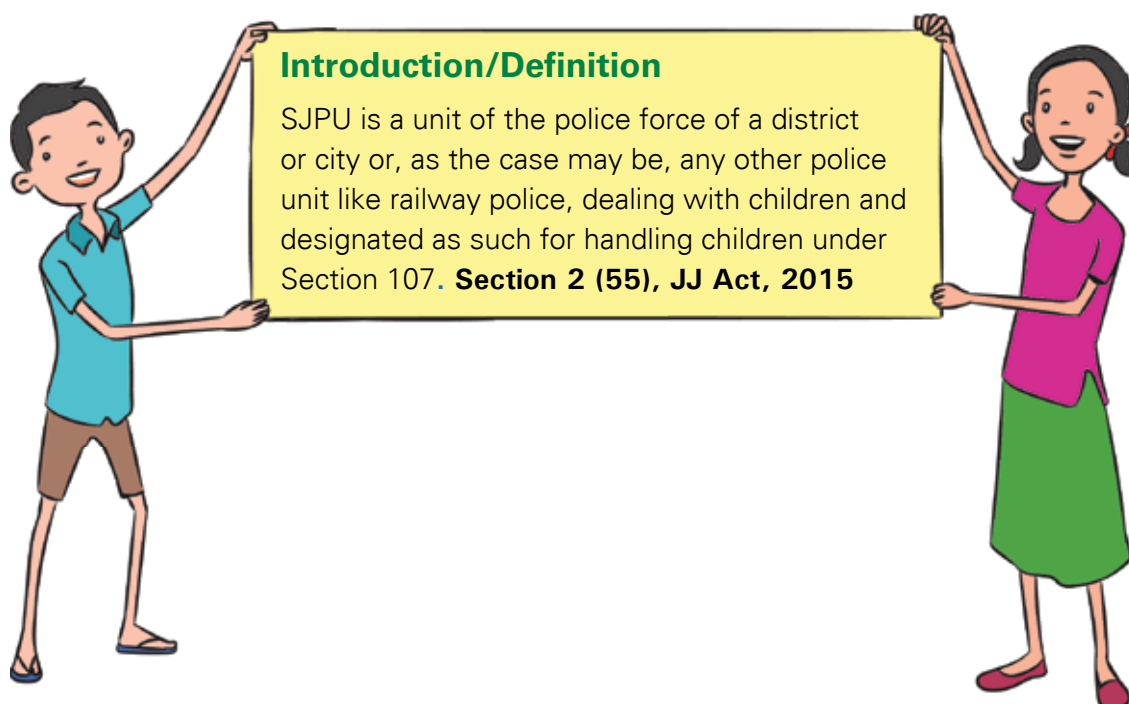
Objectives

At the end of the session, participants will be able to describe:

- ◆ Structure and functionaries of SJPU
- ◆ Role of police in dealing with children
- ◆ Procedures to be followed in matters concerning Children in Need of Care and Protection (CNCP) and Children in Conflict with Law (CCL).



Step 1: Ask the participants what is SJPU.



Step 2: Ask the participants what is the structure and constitution of SJPU. Listen to their responses and elaborate based on the points below.

Structure and constitution/functionaries (Section 107, JJ Act, 2015; Rule 86, JJ Model Rules, 2016)

With respect to the setting up of the SJPU, the JJ Act, 2015 says that:

- ◆ Every police station shall have at least one officer, not below the rank of Assistant Sub-Inspector, designated as the Child Welfare Police Officer (CWPO), to exclusively deal with children either as victims or perpetrators.
- ◆ The State Government shall constitute the SJPU in each district and city, headed by a police officer not below the rank of a Deputy Superintendent of Police (DSP) or above.

- ◆ It shall consist of all CWPOs, two Social Workers having experience of working in the field of child welfare, of whom one will be a woman.
- ◆ SJPU will also be constituted for the Railway Protection Force (RPF) or Government Railway Police (GRP) at every railway station as per requirement. Where a SJPU cannot be set up, at least one RPF or GRP Officer will be designated as the CWPO.



“Child Welfare Police Officer” means an officer designated as such under sub-section (1) of Section 107. **Sec 2 (18), JJ Act, 2015**

Mission Vatsalya would provide for two paid Social Workers in each SJPU for supporting the unit. The District Child Protection Unit (DCPU) shall appoint these Social Workers and depute their services to the SJPU as and when necessary. Of the two Social Workers, at least one should be a woman and another having expertise in child protection.



Step 3: Ask the participants about the overall functions of SJPU. Discuss based on the inputs given below:

Overall functions of the SJPU (Section 10, JJ Act, 2015; Rule 86, JJ Model Rules, 2016)

- ◆ To coordinate all functions of police related to children.
- ◆ In case of CNCP, SJPU will coordinate with the Social Workers and produce before the Child Welfare Committee (CWC).
- ◆ As soon as a CCL is apprehended, the CWPO/SJPU shall produce the child before the Juvenile Justice Board (JJB) within 24 hours and inform the parents.
- ◆ The SJPU will work in close coordination with the DCPU, the JJB and the CWC in matters concerning the welfare of children within its jurisdiction.
- ◆ The SJPU may coordinate with the District Legal Services Authority (DLSA) to provide legal aid to children.
- ◆ The SJPU will also coordinate with specialised service providers like doctors, paramedics, special educators, counsellors and Childline for immediate support to children.





Step 4: Activity: Card exercise



Process:

1. Distribute some Violence and Injury Prevention Program cards to the participants and ask them to write five adjectives that describe themselves and their qualities. Collect their cards.
2. Now ask them to write any five adjectives that describe CCL and CNCP. Once again collect the cards.

List all the adjectives from first step on the left side of the board and from the second step on the right side of the board respectively.

Debrief: Ask the participants the following questions:

- ♦ Which task took more time, the first one or the second one? Why?
- ♦ What are the reasons for similarity or differences in the trends of description of 'self' and 'children'?



Step 5: Summarise

Somehow or the other, we think of ourselves as good human beings but do not think of children who come in the category of CNCP and CCL in the same manner. It is also a fact that these children are the product of our own society. If they are such, then we ourselves are responsible for that. Discuss that if today we deal with them in a child friendly and proper manner, we can contribute towards making better citizens for the future.



Section 2

Role of Police in dealing with CNCP



Time

75 Minutes



Step 1: Before discussing the role of police in dealing with CNCP, let's recall who CNCP is.

According to Section 2 (14) of the JJ Act, 2015, a CNCP means a child –

- ♦ who is found without any home or settled place of abode and without any ostensible means of subsistence;
- ♦ who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street;
- ♦ who resides with a person (whether a guardian of the child or not) and such person
 - has injured, exploited, abused or neglected the child or has violated any other law for the time being in force meant for protection of the child;
 - has threatened to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out;
 - 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;
- ♦ 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;
- ♦ 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;
- ♦ who does not have parents and no one is willing to take care of, or whose parents have abandoned or surrendered him;
- ♦ who is missing or run away child, or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed;
- ♦ who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts;
- ♦ who is found vulnerable and is likely to be inducted into drug abuse or trafficking;
- ♦ who is being or is likely to be abused for unconscionable gains;
- ♦ who is victim of or affected by any armed conflict, civil unrest or natural calamity; and
- ♦ who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnisation of such marriage.





Step 2: Role of Police in dealing with CNCP

To understand the role of police in dealing with CNCP at different stages.



Activity 1: Group work and discussion

Methodology:

- ♦ Group work
- ♦ Exercise - e.g. Administration of Simple Questionnaires/True-False Exercise, etc.

Group Work Objectives:

To help participants understand

- ♦ and assess the individual's role and responsibilities;
- ♦ that their first step can decide the future of the case; and
- ♦ steps in dealing with a child in a specific difficult situation and circumstance.



Note for the Facilitator/Resource Person: The Facilitators/Resource Persons should understand that this session is about the role of police in dealing with CNCP, therefore participation of all is important.

Facilitators/Resource Persons should inform participants that their role can vary in dealing with CNCP, depending on the category of the child or the situation and circumstances in a case.

Facilitators/Resource Persons should also help the participants identify and understand the importance of other services that enable a police personnel perform his/her role appropriately. This would require a clear understanding of the role of other departments and agencies as well such as the Labour Department, CWC, Women and Child Development (WCD) Department, Missing Persons Squad, Childline, Institutions for Children, Non-Governmental Organisations (NGOs), etc. and how and when should the police link up with them. It is important to help police personnel analyse their role and responsibilities in dealing with CNCP.

Instructions for Group Work: Group work will be based on case studies. The Facilitators/Resource Persons should facilitate the division of participants into four groups, depending on the number of total participants.

- ♦ Emphasise that in most of the cases it is police, on behalf of the State, that comes in contact with CNCP, hence their first step towards the children may be crucial in deciding the future of the child.
- ♦ Each group should be given case studies to work upon.
- ♦ One case study should be given to each group and the groups should be asked to write down the steps they will follow in the context of the case given to them on a chart.

- ♦ Time frame for discussion must be clearly specified and informed to all the participants.
- ♦ After the group has finished discussing their case, the charts will have to be collected and the Facilitator/Resource Person will be required to call a representative from each group to present their chart.
- ♦ Each chart presentation should be opened up for discussion amongst all the participants.
- ♦ The Facilitator/Resource Person should ask the participants the following basic questions in order to generate a discussion on the group work presentations:
 - (i) What are the missing steps in this case?
 - (ii) Any change and addition to the given steps from participants' side.

Case Studies for Group Work

Question for discussion in the groups – What will be the role of police in dealing with these, the following kinds of cases? Give details of all steps taken by police.

Case Study 1

Two girls Rani (14 years old) and Sunita (16 years old) who were involved in prostitution were found by police during a raid at a red light area at 5 O'clock in the evening. During the raid, police also found Sundri (30 years old) with two children (2 years and 8 years old), Meena (21 years old) and Deepa (45 years old).



A Beat Officer found a newborn baby in a dustbin during a visit to his beat area early in the morning.

Case Study 2

Case Study 3

An ordinary citizen calls up the police station and gives specific complaints about a domestic child labourer of 12 years of age being mercilessly beaten up at a particular address in Bihar. However, he does not want to disclose his identity.



Kumari, a 14 year old from Nasik, is married off by her father to a 40 year old man from Satara in Maharashtra. The father received Rs. 20,000 for giving away the daughter in marriage. Lala, a friend of the father, helps facilitate the transportation and receives money from the bridegroom for this service. After marriage, Kumari never gets to visit her parents and all ties are cut off. She continues to live in Nagpur with her husband.

Case Study 4

Case Study 5

Yamuna (2 months old) was the seventh child born to an impoverished family in Banaskantha, Gujarat. A childless couple, Kishan and Sejal, from Ahmedabad wanted to adopt a healthy baby and approached Hari, a native from the same village. Hari used to run an orphanage and facilitated the adoption of orphans to interested families. Hari paid Yamuna's family a sum of Rs 2,000 and then sold her to Kishan and Sejal for a sum of Rs 20,000.



Sarita, 15 years of age, is working as a full time domestic worker in Punjab. She hails from a village in Jharkhand. She was offered this job by a placement/recruitment agency, which has its branches in Jharkhand as well. She has not been paid any salary since she joined work and whenever she asks for the money due to her, she is severely beaten up by her employer. Moreover, her employers do not allow her to leave the house nor write to her family. Though she wants to return home, she is forced to stay back.

Case Study 6

Case Study 7

A distressed mother in Ujjain reaches the police station and wants to file a complaint about her neighbour who she alleges has abused her three year old son. She is scared and reluctant to bring the child to the police station but wants action against the neighbour.



Concluding Group Work

The discussion after group work may be summed up as follows:

Role of Police vis-à-vis CNCP – Child friendly approach

Facilitators/Resource Persons shall open up this topic for enlisting the views of the participants on how they can get information about a CNCP.

Identification of CNCP: The Beat Officers should be able to identify a CNCP in their concerned area, as discussed in Session 1. Police may also get information about such children from NGOs and other civil society actors, or such a child may directly approach the police for assistance.

Rescue/Receiving: Police should be sensitive in dealing with CNCP on the spot and while rescuing them from an exploitative situation. All interaction with a child should be in a child friendly, non-threatening manner. The police personnel also need to be sensitive in dealing with and talking to parents and guardians of children in these situations.

Procedures to be followed by police on identification/receipt/rescue of a CNCP
(Section 31, JJ Act, 2015)

The JJ Act, 2015 and the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 clearly lay down the procedures to be followed by the police when they receive or find a CNCP. This includes:

Identification and fulfillment of basic

needs: Police should be aware of a child's immediate basic needs like food, clothes, footwear etc. and arrange it as soon as possible on receiving a child either brought by someone or rescued by police. A child's basic needs may be different, depending on the circumstances in which the child is found, his/her age, gender, ability and physical as well as mental health.



In case of an abused child, the police should facilitate an NGO worker to interact with the victim/child to ease his/her mental agony. It is an immediate need.

Daily Diary (DD) Entry/First Information Report (FIR):

Police should be aware that DD Entry must be done in every case of CNCP.



Step 3: Important Points to Remember

(i) In a case of exploitation of a child employee

Police can also take action u/s 34, 331, 367, 370, 371 and 374 of Indian Penal Code (IPC), u/s 14, 15 of the Child Labour (Prohibition and Regulation) Act, 1986, u/s 79 of JJ Act, 2015. Such a person shall be punishable with rigorous imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees.

FIR must be registered u/s 10, 16, 22 as per provision of the Bonded Labour System (Abolition) Act, 1976 if the child was working as forced labour. Forced labour has been defined by the Supreme Court of India in PUDR vs. Union of India as labour for which minimum wages are denied.

According to the Delhi High Court, the responsibility of lodging a police complaint against an employer employing child labour lies with the police and not the Labour Department [Judgement of the Delhi High Court in Court on its Own Motion v. State of NCT of Delhi (W.P. (C) 4161/2008)].

(ii) In a case of child beggary

Police can take action u/s 76 of Juvenile Justice (Care and Protection of Children) Act, 2015.



(iii) In a case of cruelty against a child

Where children are subjected to abuse or exploitation by people under whose care or charge they are, the police should use Section 75 of the JJ Act, 2015 to file a case of cruelty to child against the perpetrators.

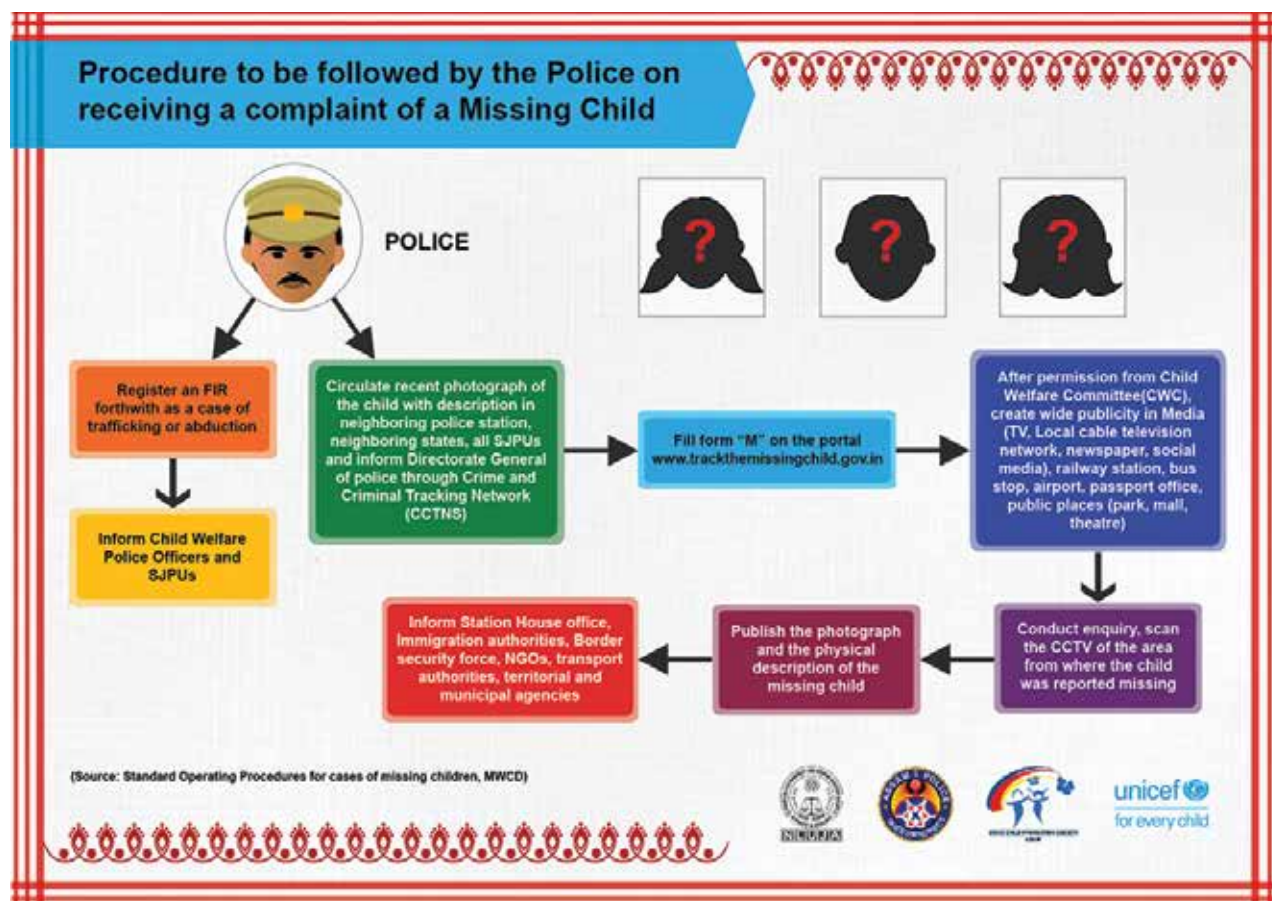
(iv) In a case of a street child and missing/found child, details should be sent to

Childline/NGOs, CWC and Missing Person Squad (MPS). FIR needs to be registered without fail.

Ensure publication of photograph of the child in a newspaper. Particulars of missing children should be telecast in electronic media also **u/s 32 of the JJ Act, 2015.**



Standard Operating Procedures (SOPs) for missing children as directed by the Supreme Court can be seen at <https://wcd.nic.in/sites/default/files/SOP%20for%20Tracing%20Missing%20Children-24.4.17.pdf>





Medical examination/Medico Legal Case

(MLC): Police should understand that medical examination/MLC is a scientific evidence and it plays an important role in the conviction of the accused, especially in cases of sexual abuse, physical abuse, bonded labour, child labour and mentally challenged children. But it should not be done for all children as all children may not require such an examination. It should not become a routine procedure to subject children to medical examination, particularly gynaecological examination, unless the case so demands.



The judgements of various High Courts have reflected on the trauma of a child when a medical examination is conducted insensitively and have laid out guidelines to be followed by police as well as doctors/hospitals.

(v) In the case of a sexually abused child

The POCSO Act, 2012 is a comprehensive law to provide for the protection of children from the offences of sexual assault, sexual harassment and pornography, while safeguarding the interests of the child at every stage of the judicial process by incorporating child-friendly



mechanisms for reporting, recording of evidence, investigation and speedy trial of offences through designated Special Courts.

- ◆ The police personnel receiving a report of sexual abuse of a child are given the responsibility of making urgent arrangements for the care and protection of the child, such as obtaining emergency medical treatment for the child and placing the child in a shelter home, should the need arise.
- ◆ The police are also required to bring the matter to the attention of the CWC within 24 hours of receiving the report, so the CWC may then proceed where required to make further arrangements for the safety and security of the child.
- ◆ The investigation officer shall ensure that the child victim is medically examined at the earliest, preferably within 24 hours (in accordance with Section 164-A Cr P.C.), but with the support system of the child.
- ◆ In case of a girl child victim, the medical examination shall be conducted preferably by a female doctor.
- ◆ Consent of the child/parent/guardian is important for medical examination.
- ◆ A copy of the medical report should be provided to the parents/guardian of the child victim.
- ◆ The parent/guardian/person whom the child trusts should be allowed to be present during the medical examination.
- ◆ Emergency medical treatment should be provided to the child victim wherever necessary.
- ◆ Ensure that only female staff talks to the female victim, maintaining confidentiality.
- ◆ Discussion of the case with the complainant's family member(s) should be in complete privacy to avoid stigma to the child.
- ◆ Ensure no photography/questioning by media.
- ◆ Statement of the child should be taken only after considerable time and in the presence of a family member.
- ◆ Child victim shall not be kept in the police station overnight on any pretext.
- ◆ The child should be hospitalised as per the recommendation of doctors and CWC should be informed with a copy of DD Entry and Medical Report.



Production before CWC: It is a legal duty of the police to produce the child before the CWC within 24 hours, along with a circumstances report u/s 32 of the JJ Act, 2015.

NOTE: Not every child who is sexually abused or disabled or sick must be produced before the CWC as a CNCP nor must they all be put into an institution for protection and care. It is only when such children are unsafe in families or the families are incapacitated to look after them that the CWC takes over. A child may have a family who can take care of him/her perfectly well and provide all the support needed. In such situations of POCSO where family can provide support, police need to inform CWC of the cases, but such children need not be produced before the CWC.

CWC is the final authority to dispose off cases involving a question of care, protection, development and rehabilitation of children as well as to ensure fulfillment of their basic needs and protection of their human rights.

In case of surrender, parent/parents can directly produce a child before the CWC.

No Claimant Report or Untraced Report: Many young CNCP can be given in adoption after the CWC declares such a child legally free for adoption. For this, the adoption agency will approach the police to seek a no claimant report and accordingly conclude whether there is indeed nobody to claim the child. In case of infants aged less than two years, the adoption agency will approach the police for a no claimant report after waiting for two months from the date of publishing an advertisement in newspapers and television. A no claimant report will state that no one has approached them to claim the child for whom the report is being sought. Untraced report is required in the case of abandoned children, which states that the parents/guardians of the child cannot be traced. Only the Assistant Commissioner of Police (ACP)/DSP has the authority to give the untraced report.

Restoration: Third battalion of the police has the responsibility of escorting children to their home state/residence for restoration or transfer of a child as per the orders of the CWC.

Statement under 164 CrPC: Police should follow the legal requirement of getting the statement of a child recorded before a first class judicial magistrate u/s 164 Criminal Procedure Code (CrPC).

However, it is not compulsory to get the statement of the child recorded under Section 164 CrPC in every case. That can be decided on a case-to-case basis. Where it appears that the child might rescind from his/her initial statement under pressure, e.g. custodial rape, incest, child prostitution, child trafficking, etc. The child's evidence is, in any case, recorded when the case comes up for trial.

Where a child placed in an institution has to be taken for getting the statement recorded before the Magistrate, the police should seek appropriate permission from the CWC and the Officer in-charge of the institution, and ensure that a Welfare Officer/Social Worker/Counsellor accompanies the child to the court.

Practicing Non-Discrimination:- Police have to be sensitised to deal with a child; they cannot discriminate against a child on





the basis of social status or gender. Non-discriminatory practices should always be followed by the police while dealing with any person, particularly the most vulnerable, like children.

Establishing working relationship with different stakeholders:

Police should have contact details of all the key stakeholders (government and non-government) working within the child protection framework. In the best interest of children, police should establish contacts with different stakeholders such as the CWC, the Social Welfare Department, the WCD Department, the Labour Department, Childline and NGOs,

hospitals, doctors, paramedics, special educators, counsellors as these may be needed as a first call in many cases.

Example of Good Practices – Uttar Pradesh Child Friendly Police Stations (CFPSs) pilot

In Uttar Pradesh, as part of a pilot to create child friendly police stations, a directory¹ was compiled for each station and the SJPU with all the contact numbers.



SJPUs and CWPOs are a progressive introduction to the JJ Act, 2015, an idea that stems from the child friendly police concept envisioned under the United Nations (UN) Beijing Rules, 1985.

20 Model SJPUs in 20 districts of Uttar Pradesh have been initiated with the support of the police and Home Department. Basic structure and resources have been created in the concerned districts.



Picture of child friendly police station-Uttar Pradesh

Credits- <http://ehsaas.org.in/upcoming-events/child-friendly-police-station/>

About 900 police officers have been trained on the JJ Act, 2015 and POCSO Act, 2012 through UP Police Mahila Samman Prakosth (MSP) with UNICEF support covering 20 districts of Uttar Pradesh. MSP will further work towards strengthening the functioning of Mahila Special In 2016-17, the process and resources for setting up 20 CFPSs and Juvenile Police Unit (MSJPU) and CFPSs through coaching, hand holding and onsite technical support.

¹ <https://uppolice.gov.in/site/writereaddata/siteContent/msp/201810051732103474Child%20Friendly%20Police%20Directory.pdf>

SOPs/Circulars regarding specific categories of children: Police should be updated on circulars and orders from different departments relating to children, particularly those falling within the category of CNCP.

These can help the police in deciding their course of action. Some such SOPs/ circulars are annexed for reference in Annexure II.



Step 4: True or False Rapid Fire Exercise (Optional)



Time

10-15 Minutes



Objectives

- ♦ To help participants analyse self-knowledge regarding the JJ Act, 2015.
- ♦ To sensitise participants regarding the JJ Act, system and children's issues.

Statements

- ♦ 14 years is the age of child as per the Juvenile Labour Act. True/False
- ♦ It is mandatory to produce a CNCP before the CWC. True/False
- ♦ 14 years is the age of child as per the JJ Act, 2015. True/False
- ♦ After rescue of the child labour, he/she is supposed to be produced before the JJB. True/False
- ♦ 1098 is the toll free no. of Childline. True/False
- ♦ Bonded labour and child labour have the same meaning. True/False
- ♦ Bonded labour is a cognisable offence. True/False
- ♦ It is mandatory to produce every child before the CWC. True/False
- ♦ Children's Home and Observation Home both are meant for CNCP. True/False
- ♦ If police finds a newborn child in a dustbin, the child can be given to any good family which is willing to bring up the child. True/False
- ♦ Police has no role in dealing with the issue of child labour. True/False
- ♦ Police cannot make any complaint against those employing child labour. True/False

Procedure in Relation to CCL



Time

75 Minutes



Step 1: Before discussing the roles of police in dealing with CCL, let's recall who is CCL.

According to Section 2 (13) of the JJ Act, 2015, a 'child in conflict with law' means 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.

Case studies for group work

Case Study 1

Manjari is a six year old girl living in a resettlement colony in a metro city like Delhi. She works as a ragpicker and helps her family with that money. Manjari's father is alcoholic. One day, her father beat her up and threw her out of the house demanding money for alcohol. Fearful, Manjari could only think of stealing as a source of managing some quick money. Unfortunately, she was caught by the guard outside the house that she entered to steal. The police was called and she was handed over to them.



Questions to guide the group discussion

- ◆ Is there any specific law in India for children like Manjari?
- ◆ How does this law treat a child like Manjari?
- ◆ Is Manjari a child offender/Juvenile ?
- ◆ Which are the two categories of children that the JJ law deals with?
- ◆ Who is the responsible authority in this case, what is its role and where is it located?

Case Study 2

Rani (14 years), Sunita (16 years), Sundari (30 years), her two kids (2 years and 8 years), Meena (21 years) and Deepa (45 years) were found by the police during a raid in the red-light area at 10:00 pm, when prostitution was being carried out.



Questions to guide the group discussion

- ◆ What should the police do in such a case?
- ◆ Are the persons found supposed to be rescued or should they be caught by the police?
- ◆ Under which law(s) can the police take action in this case?
- ◆ Where should the police take them after the raid?
- ◆ Can they be kept in a police station?

- ♦ Is there a need for a medical examination of the persons found/rescued/caught during the raid?
- ♦ What kind of judicial proceedings will be required for the persons involved in a case like this and where should such persons be produced for initiating judicial proceedings?

Case Study 3

Raju (10-12 years) and Mangal (18-19 years) are caught by the police in a case of theft at 4.00 pm. While Mangal is a street child and his family lives in some other state, Raju lives with his family in a very low middle-class locality in the same area.



Questions to guide the group discussion

- ♦ Are Raju and Mangal criminals?
- ♦ How does the JJ Act, 2015 define a child who is alleged to have committed an offence and why?
- ♦ Why was there a need for a separate law instead of the CrPC to deal with children alleged to have committed an offence?
- ♦ What is the age of criminal responsibility in India?
- ♦ On what basis should the police ascertain the age of the person brought before them or caught by them for allegedly committing an offence?
- ♦ Is theft a petty offence or a serious offence according to the JJ Rules?
- ♦ What procedures are spelt out in the law and its rules on dealing with petty offences?
- ♦ How will the case proceed if Mangal turns out to be an adult?
- ♦ What should the police do if Mangal, who is caught for a petty offence, turns out to be a minor, but does not live with his family or has no family? (Discussion should refer to matters such as information to parents, questioning the child for recovery of stolen property, apprehension, custody of the child, production before the Board, etc.)

Case Study 4

Shyam Singh, a 17 or 18 year old boy working at a saree store, absconds after committing robbery at the store and murder of his employer. He is later caught after five years.



Questions to guide the group discussion

- ♦ Is Shyam Singh a CCL even though he is caught at the age of 22 or 23 years?
- ♦ Will the police arrest Shyam Singh or apprehend him?
- ♦ Where will Shyam Singh be produced for initiating judicial proceedings?
- ♦ Will the police take a confession from Shyam Singh under Sections 161 and 162 CrPC?
- ♦ Can the police seek detention of Shyam Singh in police custody for interrogation?
- ♦ What will be the other police procedures followed in this case, e.g. personal search memo, confiscation of stolen property and recovery document, filing of charge sheet, etc.

Presentation of Group Work & Open House Discussion



Time
90 Minutes



Note for facilitator: Common expected outcome of all case studies: Focus on the attitude and sensitivity while dealing with CCL. The facilitator to repeat it again and again.

Expected outcomes - Case Study 1

To provide an overall introduction to the juvenile justice law in India; what is it called; how did it evolve; why does the juvenile justice law define child as a person below the age of 18 years; and what are the two different categories of children it deals with?

To introduce the difference between a CCL and a CNCP; to arrive at a clear understanding on the authorities responsible and declared competent for dealing with them; what are they called, i.e., CWC and JJB; who do they consist of; and where are they located?

To stress on the distinct roles of the different kinds of judicial bodies that may come into the picture while dealing with a child – JJB, CWC, any regular court of a Judicial Magistrate of First Class.

To introduce the section on special offences in the JJ Law and action that may be taken by the police against certain caregivers or persons in whose control a child is, if such a person exploits or causes harm to a child in any way.



Expected outcomes - Case Study 2

To help participants understand the change in the outlook of law vis-à-vis children found in prostitution.

To further develop their understanding on the difference between CCL and CNCP as laid down under the JJ Law, e.g. why children like those in prostitution and begging are not CCL despite our laws declaring prostitution and begging illegal.

To get them to understand where children can be kept; the difference between the various types of institutions in the country for different categories of children; and the location of these institutions.

To address all procedural aspects relating to what a police officer should do in such a case – custody of minors, medical examination, production before the competent authority, recording of statement of the victim and the accused, trial in a regular adult court, etc.



To reiterate the different roles a regular court or a JJB or a CWC will and can play in a case like this.

To send a clear message that the rehabilitation and restoration of a CCL as well a CNCP lies with the judicial bodies set up under the JJ Law, i.e., JJB or CWC, as the case may be.

Expected outcomes - Case Study 3

To discuss the change in the outlook of the juvenile justice legislation in the very term used for children who are alleged to have committed an offence and help the participants understand why children who commit crimes are not to be treated as criminals but as CCL. This would require reiteration of the principle of diversion and restorative justice as built into the Indian law.

To clarify the need and requirements for age verification through documentary evidence and bone age verification tests.

To build a clear understanding of the procedures laid down under the JJ Act and the Central Rules for petty offences and specific situations, such as petty offences by street children who do not live with their families or do not have a family and petty offences committed jointly by a minor and an adult.

To drive the group towards arriving at a consensus on child-friendly procedures that may not be clearly laid out in the JJ Act.

To help the participants understand the role of Child Welfare Officers (CWOs) and SJPU.



Expected outcomes - Case Study 4

To build a clear understanding of the procedures laid down under the JJ Act, 2015 and the Central Rules for:

- ♦ serious offences
- ♦ offences where the child is caught after he/she turns major.

To reiterate the need for child-friendly procedures even in matters involving a serious offence.

To evolve an understanding on how to build child-friendly procedures into the police functioning, e.g. what should be done in matters involving personal search, confiscation of stolen property and recovery document, questioning a child (known as interrogation in criminal parlance), summoning a child/family as a witness (Section 160 CrPC), recording of child's statement by the police (Section 161 and 162 CrPC), keeping records of CCL, etc.

To recall the Role of JWOs and SJPU.

To sum up the purpose of the JJ Law.



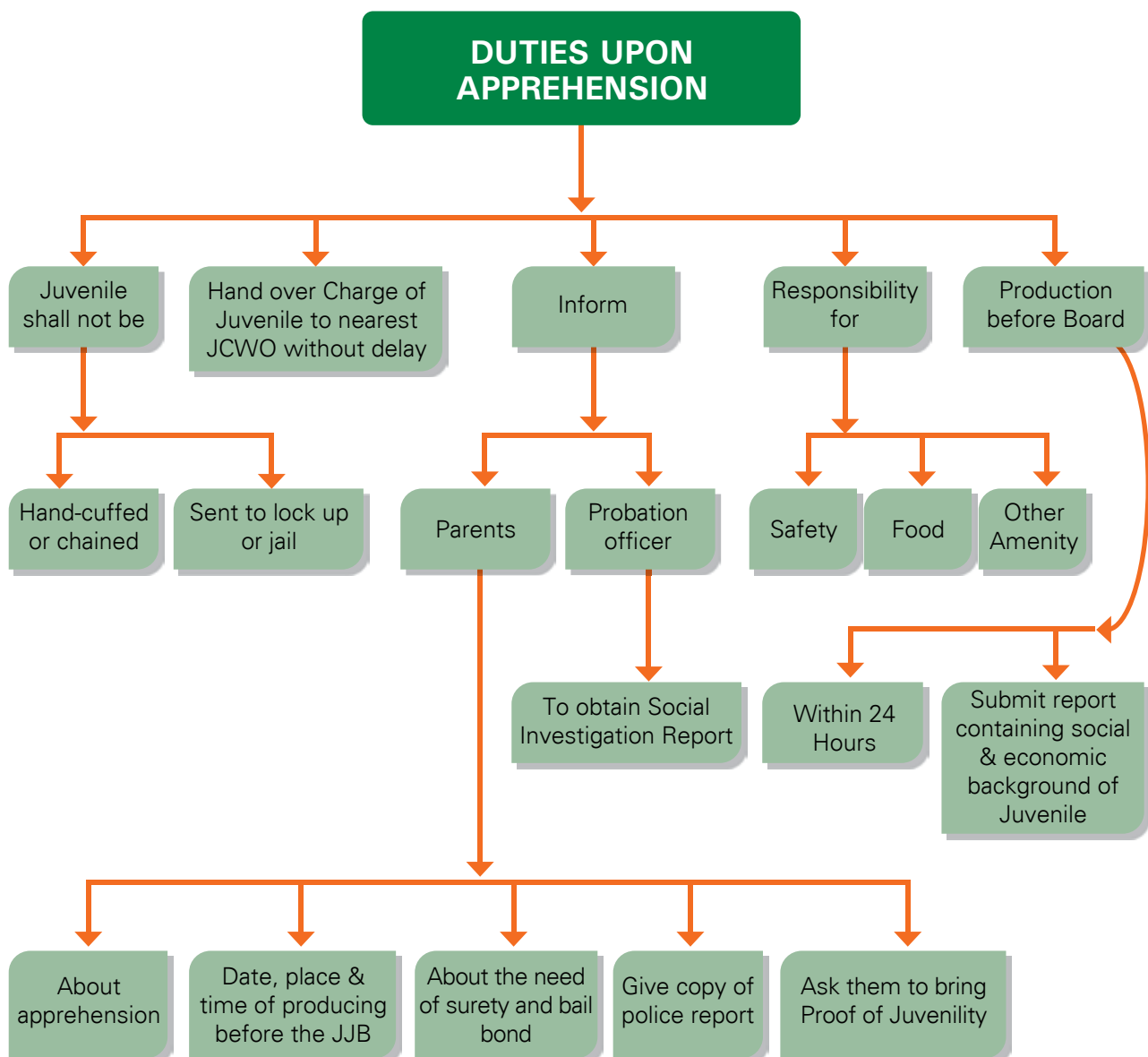


Step 2: Can CCL also be treated as CNCP?

This would depend on their specific situation, the nature of alleged offence committed by them, and the possibility of placing them together with CNCP, without a likelihood of causing any harm to others, etc. Such children could include:

- ♦ Orphaned children alleged to have committed an offence
- ♦ Street children alleged to have committed a petty offence
- ♦ Children who break the law for the first time.

Minors found in prostitution and begging are no longer to be treated as CCL. Section 76 of JJ Act, 2015 clearly brought them under the purview of the definition of a CNCP, recognising that these children were vulnerable to various kinds of exploitation and harm, and that there was a need to decriminalise them.



Source: Legal Aid Forum, Delhi



Step 3: Procedure in relation to CCL

Apprehension of child alleged to be in conflict with law
(Section 10, JJ Act, 2015)

- ♦ As soon as a child alleged to be in conflict with law is apprehended by the police, such child shall be placed under the charge of the SJPU or the designated CWPO, who shall produce the child before the Board within a period of 24 hours of apprehending the child, excluding the time necessary for the journey, from the place of apprehension.
- ♦ In no case a child alleged to be in conflict with law shall be placed in a police lock-up or lodged in a jail. Under no circumstances will the child be handcuffed or kept with any adult offenders for even a temporary period.



Bail to a child alleged to be a child in conflict with law (Section 12, JJ Act, 2015)

- ♦ When a child, alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or is brought before a Board, such a child shall be released on bail with or without surety or placed under the supervision of a Probation Officer or under the care of any fit person.
- ♦ If an apprehended child is not released on bail by the officer-in-charge of the police station, such officer shall ensure that the child is kept only in an Observation Home until the child can be brought before a Board.

Information to Parents, Guardian or Probation Officer (Section 13, JJ Act, 2015)

- ♦ When a child alleged to be in conflict with law is apprehended by the police, the CWPO of the police station, or the SJPU to which such child is brought, shall, as soon as possible after apprehending the child, inform —
 - (i) the parent or guardian of such child, if they can be found, and direct them to be present at the Board before which the child is produced; and
 - (ii) the Probation Officer (PO), or if no PO is available, a Child Welfare Officer (CWO), for preparation and submission within two weeks to the Board, a Social Investigation Report (SIR) containing information regarding the antecedents and family background of the child and other material information helpful to the Board for making the inquiry.



Provision with respect of runaway CCL (Section 26, JJ Act, 2015)

- ♦ Any police officer may take charge of a CCL who has run away from a Special Home or an Observation Home or a Place of Safety or from the care of a person or institution under whom the child was placed under this Act.
- ♦ The child shall be produced, within 24 hours, preferably before the Board which passed the original order in respect of that child, if possible, or to the nearest Board where the child is found.

Model Rules

Pre-production Action of Police and Other Agencies (Rule 8, JJ Model Rules, 2016)

- ♦ No FIR shall be registered except where a heinous offence is alleged to have been committed by the child, or when such offence is alleged to have been committed jointly with adults.
- ♦ In all other matters, the SJPU or the CWPO shall record the information regarding the offence alleged to have been committed by the child in the general daily diary, followed by a social background report of the child and circumstances under which the child was apprehended, wherever applicable, and forward it to the Board before the first hearing.
- ♦ The power to apprehend shall only be exercised with regard to heinous offences, unless it is in the best interest of the child.
- ♦ For all cases involving petty and serious offences and cases where apprehending the child is not necessary in the interest of the child, the police or SJPU or CWPO shall forward the information regarding the nature of offence alleged to be committed by the child along with his/her social background report to the Board, and intimate the parents or guardian of the child as to when the child is to be produced for hearing before the Board. Address of the Board where the child will be produced and the date and time when the parents or guardian need to be present before the Board will also be provided.
- ♦ A CWPO or a Case Worker to accompany while producing the child before the Board within 24 hours of his/her apprehension.



The police officer apprehending a child alleged to be in conflict with law shall:

- (i) not delay the child being transferred to the CWPO from the nearest police station;
- (ii) not handcuff, chain or otherwise fetter a child and shall not use any coercion or force on the child;
- (iii) inform the child promptly and directly of the charges levelled against him/her through his/her parent or guardian, and if an FIR is registered, copy of the same shall be made available to the child or copy of the police report shall be given to the parent or guardian;
- (iv) provide appropriate medical assistance, assistance of interpreter or a special educator, or any other assistance which the child may require, as the case may be;
- (v) not compel the child to confess his/her guilt and he/she shall be interviewed only at the SJPU or at a child-friendly premises or at a child-friendly corner in the police station, which does not give the feel of a police station or of being under custodial interrogation. The parent or guardian may be present during the interview of the child by the police;
- (vi) not ask the child to sign any statement; and
- (vii) inform the DLSA for providing free legal aid to the child.



Production of the child alleged to be in conflict with law before JJB (Rule 9, JJ Model Rules, 2016)

- ♦ When the child alleged to be in conflict with law is apprehended, he/she shall be produced before JJB within 24 hours of his being apprehended, along with a report explaining the reasons for apprehension by the police. A social background report of the CCL containing the background of the child prepared by the CWPO is also to be shared with the JJB.
- ♦ In case the child alleged to be in conflict with law cannot be produced before the Board or even before a single member of the Board due to the child being apprehended during odd hours or distance, the child shall be kept by the CWPO in the Observation Home, or in a Fit facility and the child shall be produced before the Board thereafter, within 24 hours of apprehending the child.
- ♦ SJPU shall inform the DLSA for providing free legal aid to the child.



Post-production of a CCL (Rule 10, JJ Model Rules, 2016)

- ♦ In cases of heinous offences alleged to have been committed by a child, who has completed the age of 16 years, the CWPO shall produce the statement of witnesses recorded by him and other documents prepared during the course of investigation within a period of one month from the date of first production of the child before the Board, a copy of which shall also be given to the child or parent or guardian of the child.
- ♦ In cases of petty or serious offences, the final report shall be filed before the Board at the earliest and in any case not beyond the period of two months from the date of information to the police.



Step 4: Procedure in cases of offences against children (Rule 54, JJ Model Rules, 2016)

- ♦ A complaint of an offence against a child may be made by the child, family, guardian, friend or teacher of the child, Childline services or any other individual or institution or organisation concerned.
- ♦ On receipt of information in respect of a cognisable offence against a child, the police shall register an FIR.



- ♦ On receipt of information of a non-cognisable offence against a child, the police shall make an entry in the DD, which shall be transmitted to the Magistrate concerned.
- ♦ In all cases of offences against children, the investigation shall be conducted by the CWPO.



The Protection of Children from Sexual Offences Act, 2012 and Model Guidelines, POCSO, 2013

Reporting of Cases

- ♦ In case of reports of any sexual offence against CNCP, SJPU shall record the reasons and within 24 hours shall make immediate care and protection arrangements (including admitting the child into Shelter Home or to the nearest hospital). Specialised services for children with special needs such as counsellors, paramedics, doctors also need to be addressed.
- ♦ Report the matter to the CWC, and Special Court within 24 hours.



Step 5: Mandatory information in every police station and SJPU

A complete and updated list containing the following details should be readily available with all CWPOs/Station House Officers (SHOs) and Duty Officers and at a specified place in all police stations and the following and should also be available:

- ♦ All JJBs, their place, hours and days of sitting and their respective jurisdiction
- ♦ All Children's Courts, their place and days of sitting and their respective jurisdiction
- ♦ Names, addresses and phone numbers of all members of the JJBs
- ♦ Names, addresses and phone numbers of the Chief Probation Officer (CPO) and all POs
- ♦ Names, addresses and phone numbers of Judicial Officers having charge of the State/DLSA
- ♦ All Observation Homes, their addresses, name and contact number of the person in charge of the institution
- ♦ All Places of Safety, their addresses, name and contact number of the person in charge of the institute
- ♦ All Homes, their addresses, name and contact number of the person in charge of the institute
- ♦ Name, address and phone number of the CPOs/contact person for DCPU
- ♦ Child helplines and such other agencies working for the protection and enforcement of rights of children, recognised and registered under the JJ Act, 2015
- ♦ All NGOs associated with SJPU, their names, addresses, phone numbers and contact numbers of responsible persons from such NGOs
- ♦ List of special educators, translators as well as counsellors along with their names, addresses and contact numbers

- ♦ All hospitals and nursing homes having facilities and providing care to children
- ♦ Details of all SJPU's and CWPO's and Social Worker Members who are part of different SJPU's in the state
- ♦ List of Para Legal Volunteers, DLSAs in a district, Childline Services with contact details, prominently displayed in every police station
- ♦ The names and contact details of the Children's Courts.



Step 6: Child-friendly procedures and the overriding principles that must govern any action concerning children

Respect of the child's dignity and privacy should be maintained. Every child, whether a CCL or a CNCP, should be treated in a manner consistent with the promotion of the child's sense of dignity and worth, taking into account the child's age and desirability of promoting the child's reintegration and encouraging his or her constructive role in the society. Children who come in contact with police would already be in trauma and under severe stress. Hence, high level of sensitivity is critical to ensure that children's interest can be maintained.

- ♦ Children can only be apprehended, not arrested. Therefore, no child should ever be handcuffed or put on fetters.
- ♦ In case the CCL is apprehended at a time when JJB is not holding its sitting, then the child should be produced before the Principal Magistrate and/or any other Member of the JJB at the earliest (Section 13 of the Juvenile Justice Board Act, 2015).

- ♦ **No child shall be placed in police lock-up or police custody u/s 10(1) of the JJ Act and Model Rules, 2016. A child can only be placed in a Fit Facility/Child Care Institution recognised and registered under the JJ Act, 2015.**



- ♦ Safety of the child shall be at the core of every action.
- ♦ No accused or suspected accused shall be brought in contact with the child and where the victim and the person in conflict with law are both children, they shall not be brought in contact with each other.
- ♦ Every child has the right to family protection. As soon as a child comes in contact with the police, earnest efforts should be made to contact the parent/guardian/family of such a child at the earliest.
- ♦ Police officers dealing with a child, whether a CCL or a CNCP, should strictly follow the provisions of of the JJ Act, 2015 including the basic principles contained therein.



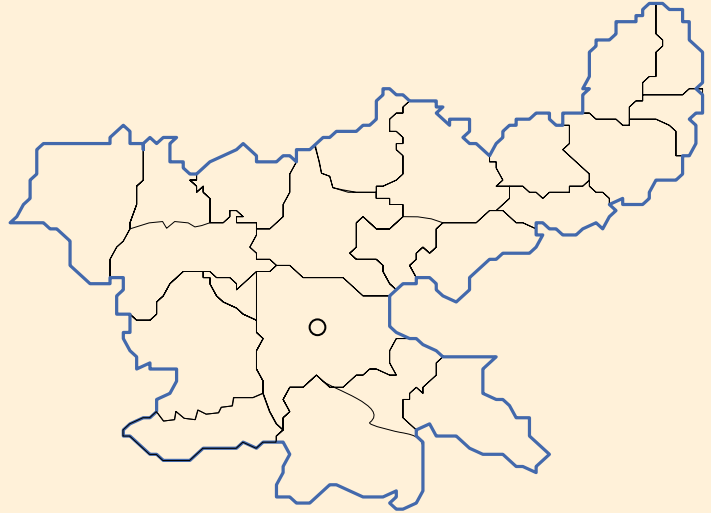
- ◆ The principle of best interest of the child should be the prime consideration in all acts concerning children.
- ◆ It should be ensured that no action leads to further or multiple victimisation of the child, physically, psychologically or emotionally.
- ◆ It must be remembered that in any given circumstance, a child should not be kept at the police station once all formalities are completed, including the medical examination (format at Annexure I) of the child. The police should produce the child before appropriate authorities as per the JJ Act, 2015 and the Rules, and sent to appropriate institutions meant for them without delay.
- ◆ Every child must be given the opportunity to express her/his opinion and concerns in determining any action for detention or rescue, rehabilitation and restoration.
- ◆ Appropriate assistance like medical aid, assistance of interpreter/translator (where a child speaks a different language or is unable to understand the language of the police officer interacting with the child), legal aid and any other such assistance which a CCL or a CNCP may require should be provided to him/her immediately.
- ◆ For special needs children, appropriate steps must be taken to enlist the support of special educators and practitioners to ensure they can communicate adequately and get the attention needed.
- ◆ It is important to make sure that the police are, to the extent possible, in plain clothes and not in uniform when dealing with children. This is a way to ensure that children are not intimidated and are able to trust the police. The police should not become a source of fear for the children.
- ◆ Ensure that a lady police officer is dealing with the female child along with a female social worker or an adult trusted by the child.
- ◆ A female child should only be kept in charge of a Female Child Welfare Police Officer.
- ◆ Safety of the child shall be at the core of every action.
- ◆ The police officer/CWPO interacting with a child must talk to the child in a sensitive and friendly manner and should not use derogatory, incriminating and abusive language or gestures. He shall maintain dignity and self-esteem of the child.
- ◆ Where questions that may lead to discomfort of the child are to be asked, such questions shall be asked in tactful manner.

21 Indicators for making police station child-friendly

An Initiative by Jharkhand Police (CID) in joint collaboration with UNICEF Jharkhand

Structure

1. Police Station has a designated police officer as CWO.
2. A separate space/room to talk with children.
3. Sitting, toilet and safe drinking water arrangement for children.
4. CWO/other trained police officer to be present in the separate room or space designated in the police station for addressing children's issues.
5. Child related informative posters related to acts or other provisions displayed in the police station.
6. Name of CWO prominently displayed in the police station.



Procedure

7. Separate register is maintained in the police station to record cases related to children, complaints registered related to crime against children and action taken. This will also include FIR registered in case of missing children.
8. FIR is registered against missing children.
9. A copy of FIR of crime against children including missing children is given to parents/legal guardians/complainant free of cost.
10. Officers in police stations are aware about the right procedure to be followed in case of CNCP and CCL.
11. CWO in the police station has right knowledge about the provisions under special acts for protection of children and they use it in the best interest of the child.

Attitude

12. Officers in police station believe that violence, abuse, exploitation against children is unacceptable.
13. Officers in the police station understand that for a victim, be a child or a women, coming to the thana (police station) for registering a compliant is the last resort. (Thus, more sensitivity and prompt action from police is expected to provide relief and protection to the victim).
14. While dealing with CCL, emphasis is on “why” (under which circumstances and why did the child commit the offence) rather than “what” (nature/gravity of offence).

Resources

15. Police officer/CWO has received training on child protection and related issues and shares the knowledge/information gained with other officers in the police station.
16. Resource material related to various special acts for protection of children and women from violence and exploitation is available in the police station and is being used.

Community Connection

17. Community outreach programmes are organised by the police station on issues related to children.
18. Media is not allowed to publish photograph/reveal the identity of children covered under the JJ Act.



Coordination

19. CWO coordinates with the Child Welfare Committee (CWC), JJB, CWOs of other thana, Probation Officer, Superintendents of Homes and DLSA.
20. List and contact details of Childline, NGOs, CWC, JJB, Para Legal Volunteers, hospital and other related agencies is displayed in the police station.
21. CWO participates/organises coordination meetings and takes necessary action.





Step 7: Steps Laid down to Certify Child Friendly Police Station

- ◆ Self-assessment at the beginning of the programme on flex board at the police station by the CWO/Officer In Charge of the thana.
- ◆ Self- assessment of the progress of the indicators every month and recording information (registers).
- ◆ Monthly review by Superintendent of Police (SP).
- ◆ Quarterly review at state level by Inspector General Crime Investigation Department (IG CID).
- ◆ Regular handholding, training and support to Officer-in-charge and CWO to meet 21 criteria by UNICEF.
- ◆ Regular monitoring, reporting of progress and verification of fulfillment of 21 indicators – Juvenile or Child Welfare Officer (JCWO) (SJPU nodal officers of the rank of Inspector) at the district level.
- ◆ SP to forward the name of police stations which have achieved 21 indicators to IG CID.
- ◆ Certification by Director General of Police (DGP), Jharkhand.
- ◆ If the police station maintains 21 criteria for one year, awarded by DGP.

Specific Roles and Responsibilities of SJPU Officials and Staff



Time

45 Minutes

Child Welfare Police Officer

- ◆ CWPO is the nodal person in the SJPU to deal with all matters of children received in the police station.
- ◆ CWPO to escort the child to his/her place of residence, within 15 days of receiving of order from CWC/JJB.
- ◆ CWPO to exclusively deal with children either as victims or perpetrators, in coordination with the police, voluntary organisations and NGOs.

Role of police and procedure in case of offences against children under various sections of the JJ Act

- ◆ **Section 76 of the JJ Act** – Whoever employs or uses any child for the purpose of begging or causes any child to beg shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to a fine of one lakh rupees.
- ◆ **Section 77 of the Act** – When a child is found to be under the influence of or in possession of intoxicating liquor or narcotic drugs or psychotropic substances or tobacco products, including for the purpose of sale, the police shall enquire as to how the child came under the influence of, or possession of, such intoxicating liquor or narcotic drugs or psychotropic substances or tobacco products and shall register an FIR.
- ◆ **Section 78 of the Act** – When a child is found to be vending, carrying, supplying or smuggling intoxicating liquor, narcotic drugs, or psychotropic substances, the police shall enquire how and from whom the child came into possession of the intoxicating liquor, narcotic drugs, or psychotropic substances and shall register an FIR.
- ◆ **Section 80 of the Act** – Where any orphan, abandoned or surrendered child is offered or given or received for the purpose of adoption without following the procedures as provided in the Act and the Rules, the police shall, suo motu, or on receipt of information in that regard register an FIR.
- ◆ **Section 81 of the Act** – On receipt of information about the selling or buying of a child, the police shall register an FIR.





Step 1: Duties of SJPU/CWPO in case of apprehension of a CCL

- ◆ A CCL is presumed to be innocent until proven guilty according to law and therefore, should not be compelled to confess guilt.
- ◆ No CCL shall be taken into police custody or kept in a police station between sunset and sunrise. In the absence of an alternative, a child may at best be kept in the police station but not in a lock-up or in the company of an adult accused, and in the presence and supervision of the CWPO/Social Worker, Member of SJPU/child's parent or guardian.
- ◆ Till the time custody of a CCL remains with the police/CWPO, he/she is not to be kept in a lock-up or any place located in a prison, nor should he/she be confined with an adult accused.
- ◆ A CCL should be given an opportunity of being heard and to express his/her views/defence freely.
- ◆ The child's interview by the police/CWPO shall be recorded in the form of the "Version of the Child in Conflict with Law" and in case the same reveals that the child has been subjected to any neglect/abuse/ill treatment etc. by anyone, forcing the situation of conflict upon, then necessary action should be immediately initiated against perpetrator(s) of such acts.
- ◆ Recording any disclosure statement of the CCL and taking the child's signature or thumb impression on it is prohibited, just as it is prohibited for adults.
- ◆ Apprehended children should be treated in a manner which takes into account their needs, considering their age.
- ◆ The police officer/CWPO must ensure that a child is provided with water, food, access to toilet, access to phone and emergency medical care, if needed.
- ◆ Privacy and confidentiality of a CCL to be fully respected.
- ◆ No information that may lead to identification of CCL should be published and/or made public by any police officer, either directly or indirectly.
- ◆ Record of a CCL must be kept strictly confidential, and must not be accessible to persons or agencies other than those duly authorised in this regard.
- ◆ It shall be the responsibility of the SP/DCP concerned to ensure that no harm is caused by stigmatic exposure or publicity or labelling of a CCL.



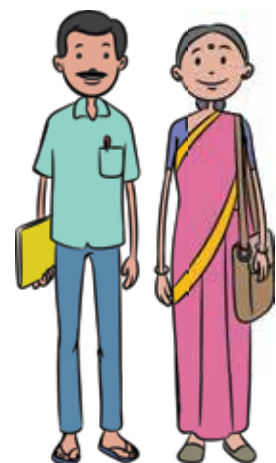
- ♦ It shall be the duty of the CWPO to ensure that any alleged offender who appears to be or claims to be a child is not treated as an adult and if he notices any such incident, he shall immediately report to the Officer-in-charge of the police station concerned with an intimation to the concerned SJPU.
- ♦ In case any police officer is approached by any person alleging that someone who is a child has been treated as an adult or mistreated in any way by any officer of that police station, it shall be the duty of such police officer to record the statement of such complainant and then to register a DD Entry to this effect immediately and take up the issue with the CWPO or Investigating Officer concerned or the Officer-in-charge of such police station, and cause corrective steps to be taken by such police officer. A report about such complaint, copy of DD entry, details of action taken or proposed to be taken shall be forwarded to the SJPU within 24 hours of receiving such complaint.
- ♦ It shall be the duty of the CWPO to also ensure that no CCL is ill-treated, and if he notices any such incident, he shall immediately report to the Officer-in-charge of the police station concerned with an intimation to the concerned SJPU.
- ♦ The CWPO shall be in plain clothes and not in uniform.
- ♦ The CWPO shall record the social background of the child and circumstances of apprehending in every case of alleged involvement of the child in an offence in **Form 1** which shall be forwarded to the Board forthwith. For gathering the best available information, it shall be necessary for the SJPU or the CWPO to contact the parent or guardian of the child.
- ♦ In addition, all guarantees and protections which are accorded to an offender under any law or rules, for the time being in existence, have to be made available to every CCL upon apprehension.



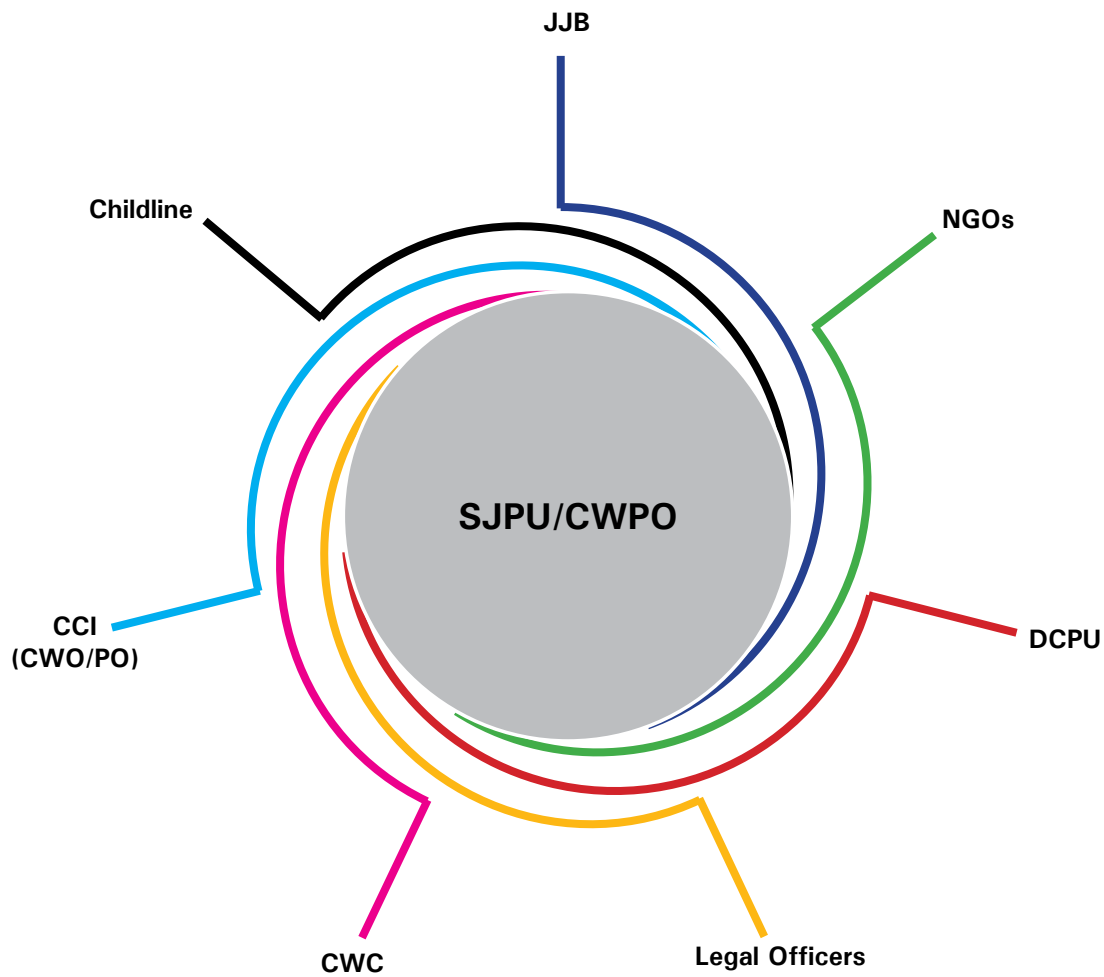
Social Workers

The Social Workers shall provide support to the SJPU in following activities:

- ♦ Apprehension of children – The SJPU and DCPU shall coordinate to ensure that as much as possible, a Social Worker is present during the time of apprehension of the child.
- ♦ The female Social Worker shall be present at the time of apprehension of a girl child.



Linkages of SJPU



Step 2: What the police cannot do

While the rights of a child are clearly specified in the principles, objectives and content of the JJ Act, 2015, even in the CrPC, certain rights of children are recognised vis-à-vis police. These are:

Section 160 of the CrPC prohibits the detention of males under the age of 15 years or females of any age for the purpose of investigation or questioning by the police.

Arbitrary detention is illegal. Sections 50, 56 and 57 of the CrPC mandate that no person can be detained in custody without knowing the grounds of arrest and that a detainee must be presented before the magistrate within 24 hours of his/her arrest.

There can be no application under Section 167 CrPC for detention in police custody.

No confessions can be taken from a child in the form of a statement signed by a child in front of the police under Section 161 of CrPC, and such statements cannot be used as evidence against the child.



Step 3: Concluding the session



Activity: What you put in will come out

Aim:

- ♦ To understand that children's behaviour is shaped by how they are treated, and what they learn from their family, community and society.
- ♦ To recognise that all children have great potential to contribute positively to society if provided positive inputs and influences.



Materials needed:

Bowl of water and a large sponge



Process:

1. Put a bowl of water on a table in front of the room and have a (large) sponge available. Ask the participants what will happen when the sponge is put into the water.
2. Now ask the participants what will happen if the sponge is put into a bowl of beer and a bowl of blood. The essential part of this exercise is for the participants to understand that the sponge will completely soak up the water, beer or blood.
3. Explain that if the sponge is squeezed, then water, beer or blood (or whatever has been soaked up) will come out.
4. Take the (still dry) sponge and hold it in plain view of the participants. Tell them that:
 - ♦ The sponge symbolises a child. When a child is born, he or she is like a clean and empty sponge, needing everything from the adults around him or her, such as food, love, warmth and teaching. In order to develop, the child needs input from all those around him or her [put the sponge into the water, take it out and squeeze it in front of the group].
 - ♦ This means that if we give the child healthy food, clean water, love, protection, warmth and good education and guidance, the child will become a healthy, strong and loving person.
 - ♦ However, if we fill the child with beer (which represents drunkenness and bad family circumstances), then beer (or bad habits and aggression) will come out. [Fill and squeeze of the sponge to demonstrate]. And if we fill the child with blood (which represents violence, anger, abuse, war and death), then blood (hatred, violence and death) will come out. [Fill and squeeze the sponge to demonstrate].
 - ♦ This exercise demonstrates that children are dependent on adults and their external environment for their development. The way people treat them, the surrounding area and the society in which they live will determine their behaviour significantly. Police officers should always bear this in mind in their encounters with children. The police have a duty to protect children from violence and harm ('beer' and 'blood') and the opportunity to be a positive influence in their lives (refreshing and nourishing 'water').
 - ♦ You can achieve this by being a good role model and giving children the chance to: expand the choices available to them at a difficult time; make the best of their difficult circumstances; and, in the case of CCL, learn from their mistakes and take responsibility for their actions.

Frequently Asked Questions (FAQs)

(Optional) Facilitator can discuss these with the participants based on time available.

① Should the police file an FIR in all cases involving children?

No. In matters involving children, the police is required to file an FIR only when the offence alleged to have been committed by the child is punishable with a sentence of seven or more years.

② Who shall produce a child before the JJB and by when?

A designated police officer known as the CWO should produce a child before the JJB within 24 hours. This excludes the time taken for the journey to the Board.

③ Is the police supposed to produce all children before the JJB?

In all cases where a child is apprehended, production before the Board is mandatory. (Section 10 of the Act)

④ What are the specific circumstances where the police may or may not apprehend a child?

- ♦ In serious offences involving punishment of more than seven years, the child will have to be necessarily apprehended.
- ♦ In cases where the punishment is less than seven years but it appears that the apprehension is in the interest of the child and/or the child is in the dual category of CNCP and CCL, the child may be apprehended (Section 12 of the Act).
- ♦ In petty offences, the cases can be disposed off at the police station level itself, e.g. by way of advice or admonition. No apprehension is required in such cases, except where the child has no parents/guardians or the parents/guardians are not fit to take care of the child and the child can be treated as CNCP.

Following are a few circumstances exemplifying what the police is required to do in such cases:

- ♦ Where the child's parents/guardians are available, the police should hand over the child to his/her parents/guardians on an undertaking, requiring the parents/guardians to produce the child before the JJB as and when the Board may require, on a later date. The concerned police officer will have to inform the parents/guardians about the date on which the child may be called for production before the Board (Section 13 of the Act).
- ♦ In some cases, such as cases involving petty offences, where the child has come in conflict with law for the first time, the police may just leave the child on advice and need not produce the child before the Board. The matter can be disposed off at the police station itself.

- ♦ If there is a doubt on the question of age of the person alleged to have committed an offence of less than seven years, i.e., the person appears to be a child but could be a borderline case or an adult, the police should treat the person as a child.
- ♦ Where the child has no one to claim guardianship, he/she may be produced before the Board within 24 hours. The police will then have to take appropriate orders from the Board regarding the custody of the child.



What should the police do if a child is apprehended for a crime that is punishable by a sentence of less than seven years?

In such cases, the police should not file an FIR. These are cases where only a DD entry is supposed to be made by the police.

After making the DD entry, the police is required to prepare a Social Background Report (SBR) of the child, a report stating the circumstances of the alleged offence, a report about recovery of any stolen articles from the child, age proof and such other relevant documents.

The DD entry should be submitted to the JJB at the earliest, preferably within 24 hours. The SBR and report of the circumstances of the alleged offence as well as apprehension (if any), will have to be produced before the Board before the first hearing.



What is an SBR?

An SBR is a report prepared by the designated police officer about the social and economic condition of the child apprehended by the police and his family.

An SBR has to be prepared by the police for every child, irrespective of whether the alleged offence committed by the child is punishable with a sentence of less than seven years or more.

It shall include information about the following:

- ♦ Number of family members
- ♦ Occupation
- ♦ Monthly income
- ♦ Literacy levels
- ♦ Status of child's education
- ♦ Any information about the child's day-to-day activities that may be collected from the child or his/her family. The list is not exhaustive. However, great care needs to be taken in the preparation of an SBR.

Dos and Don'ts for the preparation of an SBR

The police should not be in uniform while making any visits to the child's home/family/neighbourhood.

As far as possible, all information for the SBR should be collected from the child and his/her family members only.

While talking to neighbours, there should be no specific mention about the case in which the child is alleged to have been involved.

Note:

The SBR meant to be prepared by the police is not the same as the SIR that the POs are required to prepare (Format for SBR is annexed in Annexure III).



Where should the police keep the apprehended child before being produced in front of the JJB?

Apprehended child cannot be kept in a police lock-up or jail.

Till such time that a child can be produced before the Board, the police shall hand over the child to the SJPU or the Designated Police Officer or Juvenile Welfare Officer (JWO).

As far as possible, no child should be kept in a police station once his/her medical examination is conducted.

Whatever time a child has to spend in a police station, it must be in the presence of his/her parents/guardians or the Social Work members of the SJPU. In case of a girl, a female police officer must be present.

Even if a written order is not possible, the police should take a verbal order of a member of the Board to keep the child in an Observation Home till such time that he/she can be produced before the Board.



How can the police show recovery of stolen goods from a child?

The Central Model JJ Rules are silent on procedures to be followed when the police recovers stolen property from a child. However, the child's version of the incident can be recorded and investigated and the recovery can thus be made. The CrPC is followed thereafter on recording the fact of recovery. However, the signature of the child should not be taken. As far as possible, recovery should be recorded in the presence of the CWO and the parents/guardian of the child or a registered NGO member of the SJPU. The parents/guardian of the child may be asked to sign on the recovery document along with the CWO. This will ensure the presence of a third

non-police person in the process. The stolen goods recovered will be kept in the 'maalkhana' as is the police procedure in other cases of theft recovery.

9

Who is supposed to determine the age of the person allegedly accused of committing an offence and on what basis?

The law is very clear on this. It is for the Board to determine the age of a person produced before it.

If a person alleged to have committed an offence 'appears' to be below the age of 18 years, the police should produce such a person before the JJB and let the Board determine the age of such person.

The age of an offender must be determined with reference to the date on which the offence was committed and not the date on which he/she is produced before the competent authority (Pratap Singh vs. State of Jharkhand, JT 2005(2) SC 271).

When a person who seems to be a child is brought before the Board, it is obligatory for the Board to hold an inquiry and determine the age of the person. The Board must proceed carefully in determining the age so that the benefits of the JJ Act are not denied to the child.

10

What evidence does the Board rely upon for age determination?

In order to determine whether the person brought before the Board is indeed a child, the Board will rely upon the following evidence:

- ◆ The person's birth certificate
- ◆ Entry in the school register at the time of admission
- ◆ High school mark sheets
- ◆ The Board can ask medical experts to give their opinion as to the age of the accused
- ◆ An X-ray bone-ossification test.

However, while examining evidence such as an entry in the school register at the time of admission, the Board will see whether there were any irregularities in maintaining the register, and will check how reliable a source it is.

The Supreme Court has also said that too much reliance cannot be placed on medical jurisprudence and toxicology while determining the age of an individual. This is because in a country as vast as ours with varied latitude, height, environment, vegetation, and nutrition, there cannot be uniformity in height and weight of people everywhere [Ram Deo Chauhan vs. State of Assam AIR 2001 SC 2331].

11

What if the accused person's exact age cannot be determined?

The Board has the authority to grant the benefit of doubt to the accused and declare him/her a child in cases where the age margin is too close to determine whether the person is a child or an adult.

Arnit Das vs. State of Bihar (2000 (5) SSC 488: AIR 2000 SS 2264 - In this case, despite many documents like school and birth certificates produced before the Board, it was difficult to establish the exact age of the child. The Court reiterated that in borderline cases such as this, if two views are possible, the accused should be given the benefit of doubt.

12

What will happen if a child alleged to have committed an offence is brought before a Magistrate other than the Principal Magistrate of a JJB? (See Section 9, JJ Act, 2015)

If a child **alleged to have committed an offence** is brought before a Magistrate who does not have the authority to exercise the powers of the JJB under the JJ Act, the Magistrate shall:

- ◆ Record his/her opinion that the person brought before him/her is a child and forward the child immediately along with the record of such proceedings to the Board having jurisdiction. The Board will then proceed to hold an inquiry as if the child was originally brought before it.
- ◆ If such a Magistrate has doubts regarding the age of the person brought before him/her, the benefit of doubt would be in favour of that person.
- ◆ In such a situation where the Board is not sitting, a child can be produced before an individual member of the Board.

Bail is a right, not a prerogative

Every CCL is entitled to be released on bail, irrespective of whether the alleged offence committed by such child is bailable or non-bailable.

Release should not depend on the nature of alleged offence committed. The JJ Act says that a person who appears to be a child must be released on bail even if the offence is a non-bailable one. This is a departure from the normal criminal procedure to make sure that offenders of tender age are not locked up with adult offenders and subjected to harm and abuse by the adult offenders or whether the child pleads guilty to having committed an offence.

Considering their tender age, children below 18 are released on bail as a general rule. Even when the inquiry about the age is pending, a person who appears to be a child must be released on bail.

The bail may be given with or without a surety. To re-emphasise, a person below the age of 18 years cannot be kept in police lock-up or a jail.

13

Who can release a child on bail?

In bailable matters, the police can release a child on bail. But in all non-bailable matters involving children, the JJB is authorised to release a child on bail.

14

When can the Board deny bail?

Bail can only be denied if there is substantial reason to believe that after release:

- ♦ the child is likely to get associated with a known criminal; or
- ♦ there is moral, physical and psychological danger to the child; or
- ♦ the ends of justice stand defeated.

Every child has a right to know the precise reason(s) for being denied bail. The order made on a bail application must therefore clearly mention the reason for denial of bail in detail. If there is any danger to the child, the order must not only state so, but also state why and from whom and what has led to this conclusion/opinion. This is a basic principle of fair hearing and justice.

The SBR prepared by the police plays an important role at this point. The Board may rely on it along with other documents produced by the police and the SIR prepared by the PO for denying bail.

15

Where should a child be kept when he/she is not released on bail?

Children who have not been granted bail due to special circumstances must be kept in places where they will remain safe.

Any place or institution, where the person in charge is willing to receive and take care of the concerned child for the specified period, can be considered to be a Place of Safety. This can be a home for children run by an NGO, or a charitable organisation.

A police lock up or a jail is not considered a place of safety according to the Act.

Therefore, if a child has not been released on bail by the Board, then he/she can only be kept in an Observation Home or a Place of Safety while the inquiry is pending, and not in a jail.

16

What is an Observation Home?

The JJ Act empowers the State Government to establish and maintain Observation Homes in every district. These homes are used for the temporary reception of children against whom inquiries are pending under the JJ Act.

A child who has been sent to an Observation Home must initially be kept in a reception unit of such home. Once the inquiry has been made as to his/her age, his/her physical and mental status, and the nature of the offence committed, the child can then be admitted into the Observation Home.

17

Can the police file a charge sheet in cases involving children?

Going by the principles of child justice across the world, terms like charge sheet should not be used by the police or the JJBs while dealing with matters involving children.

A “charge” is an accusation. In a criminal proceeding, the “charge” is an important step as it separates the inquiry from the trial. However, in juvenile justice matters, there can be no “charge” against a child since the proceeding is not against a ‘criminal’ but against a ‘child alleged to be in conflict with law’ and it is not meant to be a criminal proceeding. There is no trial. All inquiries have to be completed within four months.

However, the police can file a Final Report (this is the Police Investigation Report, which would amount to framing the charges on completion of police investigation if it were a case of an adult). Ideally, the term Police Investigation Report should have been used in the Act also. Unfortunately, the JJ Law has been amended in a great hurry and therefore, even while stressing in principle on the need to change semantics, many of the terms used in the CrPC continue to be used for children too.

Note:

- ◆ For every distinct offence, a separate charge must be framed.
- ◆ In any case involving a child and an adult offender, the charges and subsequent proceedings must be separate and the child has to be sent to the JJB. Joint charges and joint proceedings cannot take place in such cases (Sec. 18).

18

By when should the police file the ‘Final Report/Police Investigation Report’?

The Police Investigation report should be filed within 60 days in cases where the alleged offence is liable for a punishment of less than seven years, and within 90 days in cases involving a punishment of seven or more years.

1. In case of petty offences, there is no question of police investigation report as the child is not apprehended.
2. In case of non-serious offences with punishment of less than seven years, where the child is not apprehended, the period for filing a police investigation report is 90 days from the date of apprehension. But where the child is apprehended and not released, the police investigation report has to be filed within 60 days from the date of apprehension. If the report is not submitted within this period, the case shall be treated as closed.
3. In serious offences, the period is 60 days from the date of apprehension if the child is apprehended and not released, and 90 days from the date of apprehension, where the child is apprehended but released.

19

Where should a child be kept once the commission of the offence is proved?

Children found guilty of commission of an offence through due process of law are placed in a Special Home or a Place of Safety, by an order of the Board.

Note:

The period of detention in a Special Home or a Place of Safety cannot be more than three years, irrespective of the punishment otherwise listed for the offence that is proven against a child through an inquiry of the Board.

20

What is a Special Home?

A Special Home is an institution established by the concerned State Department in every district or a group of districts to receive, house and rehabilitate children whose guilt for committing an offence is proved beyond reasonable doubt.

A child whose guilt for committing an offence is proved beyond reasonable doubt cannot be sent to a prison. The JJ Act thus provides for a Special Home where such children are sent for rehabilitation.

Special Homes may be managed by a voluntary organisation on an agreement with the concerned State Department.

21

What is a Place of Safety?

A child whose guilt for committing an offence is proved beyond reasonable doubt can also be placed in a Place of Safety.

A Place of Safety is also a facility established and maintained by the concerned State Department for receiving and rehabilitating children held guilty for commission of offence by an inquiry of the Board.

22

When can the Board order a child to be kept in a Place of Safety?

The Board has been given the power to order that a child who has committed an offence be kept in a Place of Safety (and not a Special Home) if the following conditions are fulfilled:

- ♦ The child is at least 16 years old.
- ♦ The offence committed is so serious, or the child's conduct and behaviour have been such that it would not be in his/her interest or in the interest of other children in the Special Home to send this child to the Special Home.
- ♦ None of the other courses of action laid down by the Act are appropriate or adequate. In such cases:

- The Board must report the case to the State Government for its order.
- The State Government can then make such arrangements for the child, as it thinks proper.
- It can order the child to be kept under protective custody at a certain place, and on conditions that it thinks suitable.

23 How can the police maintain records of children held guilty for commission of an offence?

According to the law, all relevant records of a child held guilty by the Board are supposed to be removed after:

- ◆ the period prescribed for an appeal has lapsed; or
- ◆ the period prescribed by the JJ Model Rules of 2016 prescribe a maximum period of seven years.

One argument can be that the police need not worry about maintaining records of children held guilty of committing an offence, as it is the Board that has to look into this aspect.

The other argument is that since the Board can also order the police to maintain records, the police may keep the records of a child held guilty by the Board till such time, as given above, provided that such records are kept in a safe place and are not maintained with the records of adult criminals.

At all stages of the proceeding, the child's right to privacy and confidentiality must be protected.

24 Can the police share any previous record of commission of an offence by a child or information about any ongoing case against a child for public consumption, e.g. police verification of passport or police verification of domestic servants?

There may be some situations where the police will be required to share information about any previous or ongoing involvement of a child in criminal activities with public authorities, e.g. in matters of passport verification or servant verification.

Situations where information about involvement of a child in any crime is sought by those wanting to employ them as servants are tricky situations. They create a conflict between the human rights of one set of persons (childs' right to privacy and confidentiality) against the rights of another set of persons (employers' right to have proper verification, particularly when they are employing domestic servants or drivers, who are meant to provide service to the entire family, including their children). There are no straight forward answers. Although the police can use its discretion, the deciding factor must be the best interest of the child/children.

In any case, employment of children under 14 years of age is banned under the Child Labour law. However, if a person above 14 years and below 18 is employed as a domestic servant, the Format in Annexure IV should be used by the police for servant verification.

Those who use such information to disqualify a person from employment or from seeking employment will be liable under the Juvenile Justice Law.

References

http://www.wcdde.in/Manual_for_Trainers%5B2%5D.pdf

Annexure 1: Format for Medical Examination

Case FIR/D.D. No..... Date.....
.U/s..... P.S.....
Distt. Delhi.

To,

The Chief Medical Officer

Delhi

Subject: Request for Medical Examination

Sir,

With due respect I am sending Master/Ms.....

S/o. D/o, W/o Sh.....

... R/o.....

Age..... in the custody / protection of 1.

Const..... No. 2. W/Const.

..... No.

It is therefore requested that the child/patient may kindly be medically examined and opinion regarding his/her injuries/ailment may be furnished.

Thanking you,

Name of JWO

P.S.....

Distt.....Delhi/New Delhi

Date.....

Annexure 2: Social Background Report

FORM 1

[Rules 8 (1), 8 (5)]

SOCIAL BACKGROUND REPORT

FIR/DD No

U/Sections

Police Station

Date & Time

Name of I.O.

Name of CWPO.....

1. Name

2. Father/Mother/Guardian's name.....

3. Age/ Date of birth

4. Address.....

5. Religion

(i) Hindu (OC/ BC/ SC/ ST)

(ii) Muslim/ Christian/ Other (pl. specify)

6. Whether the child is differently abled:

(i) Hearing Impairment

(ii) Speech Impairment

(iii) Physically disabled

(iv) Mentally disabled

(v) Others (please specify)

7. Family Details:

S.No.	Name and Relationship	Age	Sex	Education	Occupation	Income	Health status	History of Mental Illness (if any)	Addictions (if any)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

8. Reasons for leaving home

9. Whether there is a history of involvement of family members in offences, if any

10. Habits of the child

A

B

Yes

No

- | | |
|-------------------------|-------------------------------------|
| i) Smoking | i) Watching TV/movies |
| ii) Alcohol consumption | ii) Playing indoor/ outdoor games |
| iii) Drug use (specify) | iii) Reading books |
| iv) Gambling | iv) Drawing/painting/acting/singing |
| v) Begging | v) Any other |
| vi) Any other | |

11. Employment Details, if any.....

12. Details of income utilization:

- | | | |
|--|--------|----|
| (i) Sent to family to meet family need | Yes | No |
| (ii) Used by self for: | Yes | No |
| a) For dress materials | Yes/No | |
| b) For gambling | Yes/No | |
| c) For alcohol | Yes/No | |
| d) For drug | Yes/No | |
| e) For smoking | Yes/No | |
| f) Savings | Yes/No | |

13. The details of education of the child:

- (i) Illiterate
- (ii) Studied up to V Standard
- (iii) Studied above V Standard but below VIII Standard
- (iv) Studied above VIII Standard but below X Standard
- (v) Studied above X Standard

14. The reason for leaving School

- (i) Failure in the class last studied
- (ii) Lack of interest in the school activities
- (iii) Indifferent attitude of the teachers
- (iv) Peer group influence
- (v) To earn and support the family
- (vi) Sudden demise of parents
- (vii) Bullying in school
- (viii) Rigid school atmosphere

- (ix) Absenteeism followed by running away from school
- (x) No age appropriate school nearby
- (xi) Abuse in school
- (xii) Humiliation in school
- (xiii) Corporal punishment
- (xiv) Medium of instruction
- (xv) Others (pl. specify)

15. The details of the school in which studied last:

- (i) Corporation/Municipal/Panchayat
- (ii) Government/SC Welfare School/BC Welfare School
- (iii) Private management
- (iv) School under NCLP

16. Vocational training, if any

17. Majority of the friends are

- (i) Educated
- (ii) Illiterate
- (iii) The same age group
- (iv) Older in age
- (v) Younger in age
- (vi) Same sex
- (vii) Opposite sex
- (viii) Addicts
- (ix) With criminal background

18. Whether the child has been subjected to any form of abuse:

Yes/No

S.No.	Type of Abuse	Remarks
1.	Verbal abuse – parents/siblings/ employers/others , (pl. specify)	
2.	Physical abuse(pl. specify)	
3.	Sexual abuse parents/siblings/ Employers/others (pl. specify)	
4.	Others (pl. specify)	

19. Whether the child is a victim of any offence:

Yes

No

20. Whether the child is used by any gangs or adults or group of adults or has been used for drug peddling:

Yes

No

21. Reason for alleged offence such as parental neglect or over protection, peer group influence etc.
.....

.....
.....

22. Circumstances in which the child was apprehended

.....
.....

23. Details of articles recovered from the child:

.....
.....

24. Alleged role of the child in the offence:.....

.....
.....

25. Suggestions of Child Welfare Police Officer.....

.....
.....

Signed by
Child Welfare Police Officer

Annexure 3: Report to be Submitted at the Time of Production of Child Before the Committee

FORM 17 [Rules 18(2), 19(25)] REPORT TO BE SUBMITTED AT TIME OF PRODUCTION OF CHILD BEFORE THE COMMITTEE

Case No.....

Produced before the Child Welfare Committee.....

Date of production..... Time of production.....

Place of production.....

1. Details of person who is producing the child:
 - (i) Name of the person
 - (ii) Age.....
 - (iii) Sex.....
 - (iv) Address
 - (v) Contact number.....
 - (vi) Occupation/ designation.....
 - (vii) Name of the organization/CCI/SAA
2. The child who is being produced:
 - (i) Name (if any).....
 - (ii) Age (stated age/ age based on appearance)
 - (iii) Sex
 - (iv) Identity mark/s.....
 - (v) Language used by the child.....
3. Details of parents / guardians (if available):
 - (i) Name
 - (ii) Age.....
 - (iii) Address.....
 - (iv) Contact number.....
 - (v) Occupation.....
4. Place where the child was found.....
5. The details of the person (if any) with whom the child was found:
 - i. Name
 - ii. Age.....
 - iii. Address.....
 - iv. Contact number.....
 - v. Occupation.....
6. Circumstances under which the child was found.....
7. Allegation by the child of any offence/ abuse committed on the child in any manner.....
8. Physical condition of the child.....
9. Belongings of the child at the time of production.....
10. Date and Time at which the child came to the CCI/SAA.....
11. Immediate efforts made to trace family of the child
12. Medical treatment, if provided to the child
13. Whether police has been informed

Signature/ Thumb impression of the child

Signature/ Thumb impression of the person who produced the child

Police-Local Police/Special Juvenile Police Unit/ designated child welfare police officer / Railway Police/Probation Officers/ any public servant/Social Welfare Organization/Social Worker/ Person in-charge CCI/ SAA/ any citizen/Child himself/herself (fill as applicable)

