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## *Introduction*

This Handbook is a guide for Child Protection Committee (CPC) members who are associated with the care and protection of children. The Handbook adopts a systems-based approach to sensitize, inform, and empower persons in the position of trust and authority to ensure that children are protected from any form of sexual abuse and exploitation.

The safety of children is of paramount consideration and the CPC members have the duty and responsibility to ensure safety and protection of all children at the community level. The CPC has to take all possible preventive actions in order to make the community a safe space for children and to ensure identification of potential risk/danger and reporting of any instances of child sexual abuse and exploitation. This includes setting up of protocols for child safety, institutional mechanisms for disclosure, reporting, supporting victims and families, and so on.

The CPC members need to be aware of various laws, legislations, guidelines and protocols established for continuing care and protection of children.

This handbook aims to increase the understanding of CPC members about various stakeholders and their roles in ensuring safety of children. Gaining an understanding of the roles of various duty bearers will be helpful for them.

We are thankful for the technical support of Independent Thought for developing this valuable handbook for the CPC members.

We are very much thankful for the guidance and support of World Vision Germany, World Vision India and German Federal Ministry for Economic Development and Cooperation (BMZ), Germany

**Ranjan Kumar Mohanty,**

Secretary, People's Cultural Centre (PECUC) &  
Chairperson, National Action and Coordination  
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## **Integrated Child Protection Scheme (ICPS)**

Integrated Child Protection Scheme (ICPS)<sup>1,2</sup> is a governmental program implemented by the Government of India to help secure the safety of children, with a special emphasis on children in need of care and protection, juveniles in conflict or contact with the law and other vulnerable children. Its primary purpose is to create a central structure to provide over sight and standardization for the pre-existing and evolving child protection schemes in India.

### **The ICPS: Objectives**

ICPS brings together multiple existing child protection schemes of the Ministry of Women and Child Development under one comprehensive umbrella, and integrates additional interventions for protecting children and preventing any harm. ICPS, therefore, aims at institutionalization of essential services and strengthening of structures, enhancing capacities at all levels, creating knowledge base for child protection services, strengthening child protection at family and community level, and ensuring appropriate inter-sectoral response at all levels.

The scheme would set up a child protection data management system to formulate and implement effective intervention strategies and monitor their outcomes. Regular evaluation of the programmes and structures would be conducted and course correction would be undertaken.

### **Basic principles to deal with Child Protection issues**

- A right- based approach
- Best interest of the child
- Non-discrimination
- Right of the child to be heard
- Be sensitive while discussing the incident or its details with the child
- Privacy and confidentiality
- Children's participation
- Non-stigmatization and non-discrimination
- Do not be judgmental.
- Supportive behavior towards the child.
- Prevention and reduction of vulnerabilities.
- Institutionalization of children, which is the last resort.

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<sup>1</sup> <https://wcd.nic.in/integrated-child-protection-scheme-ICPS>

<sup>2</sup> <http://wcdodisha.gov.in/content/2/52>

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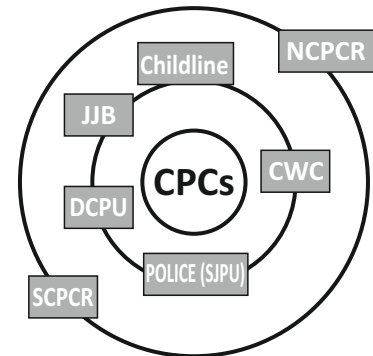
### Child Protection Committee:

A Child Protection Committee is a group of individuals including duty-bearers, who are primarily responsible for creating and promoting a child friendly and safe environment where in all children's well-being, safety and rights are protected.

The CPC aims to provide a safe and secure environment for overall development of the children in need of care and protection and children in conflict with the law.

#### What can CPC members do?

- The CPC members can be asked to collect the following information of children in their communities.
- The CPC members can draw a lot of the information from records of local self-government, Anganwadi workers, schools, etc. However, they would also need to undertake family visits specially to understand about the incidents of violence or where such risks lie.



#### The CPCs should ask DCPU for support as needed.

- The CPC is the mechanism to identify the child protection issues and link these issues with respective departments like Childline, DCPU, ICDS, Education and other concerned departments.
- CPCs to identify issues and refer cases to concerned department/agency.
- The CPC will address risks and effectively prevent and redress child abuse and various forms of harms and exploitation that children are exposed to.
- CPC will ensure the reporting cases of abuse and exploitation of the child to concerned department at the district level, and other available system for redressal.
- Every member of CPC will act as a facilitator for issues related to Protection of Child Rights at grass root level.

#### Composition of Child Protection Committee

The ICPS mandates the formation of CPCs at the State, District, Block, and Panchayat/Village/Ward level for addressing various child protection issues.

#### Village/ Ward Level Child Protection Committee

Every village/ward shall have a Child Protection Committee under the Chairpersonship of the village level elected representative (Head of the Gram Panchayat) to recommend and monitor the implementation of child protection services at the village level.

The village /Ward Level Child Protection Committee recommend and monitor the implementation of child protection services at the village level. The committee will include two child representatives, a member of the DCPU, Anganwadi workers, school teachers, auxiliary nurse midwives, as well as respected village members and civil society representatives.

### Panchayat Level Child Protection Committee:

A committee consists of following representatives at Gram Panchayat Level.

S. No.	One Chairperson and ten Members		Remark
	Stakeholders	Designation	
1	The Sarpanch	Chairperson	
2	Anganwadi Worker	Member	Nominated by CDPO)
3	School Teachers	Member	One from Primary and one from Secondary level, recommended by BEO and DEO, respectively.
4	School Teachers	Member	
5	ANM	Member	Recommended by CHC Medical Officer
6	Socially respected person of the Gram Panchayat	Member	Recommended by the Panchayat Samiti.
7	Socially respected person of the Gram Panchayat	Member	
8	Child (Boy)	Member	Recommended by the Panchayat Samiti.
9	Child (Girl)	Member	
10	Civil Society Representative	Member	Recommended by the Panchayat Samiti.
11	Civil Society Representative	Member	

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### Role of Panchayat Level Child Protection Committee (PLCPC)

PLCPC is a community-based group primarily responsible for creating and promoting a child-friendly and safe community environment wherein all children's well-being, safety and child rights are ensured.

- It will generate awareness among the people at the grassroot level to address child protection issues of their respective areas.
- Every member of PLCPC will act as a facilitator for issues related to Protection of Child Rights at grass root level.
- Recommend potential families/children in need for availing support services under ICPS and/or other Govt. Welfare Schemes to BLCPC.
- Convergence with other existing structures at the community level for effective implementation of ICPS.
- Act as a liaising body between the community and various Child Protection Structures.

### Block Level Child Protection Committee(BLCPC):

Every Block (ward in a city) will have a Child Protection Committee under the Chairpersonship of the block/ward level elected representative (Head of the Block Committee) with the Block Development Officers (BDOs) as the Member Secretary to recommend and monitor the implementation of child protection services at the block level.

The BLCPC will consist of the block level representative to work in coordination with PLCPC towards ensuring child protection issues at their respective block.

Sl. No.	Block Level Child Protection Committee (BCPC)		
	Stakeholder	Designation	Remark
1	Block Chairman	Chairperson	
2	Block Development Officer	Member Secretary	
3	A representative from DCPU nominated by DCPO	Member	
4	A representative from ICDS, CDPO	Member	
5	A representative from Education Dept., BEO	Member	
6	A representative from Health & Family Welfare Deptt., Medical Officer- CHC	Member	
7	Chairpersons of all PLCPCs of the block	Member	Sarpanch

8	Socially Respected Community members	Member (02 or more)	Socially Respected (Eminent person of the community) Community Members (2 or more depending upon the requirement to make the committee odd in number) recommended by DCPS Member
9	Civil Society Representatives	Member (02 or more)	Civil Society Representatives (2 or more depending upon the requirement to make the committee odd in number) as decided by DCPC-Members

#### **Role of Block Level Child Protection Committee**

- Coordination with Panchayat Level Child Protection Committees to address child protection issues at their respective areas.
- Create awareness on child protection issues.
- Ensure that the Children in Need of Care and Protection (CNCP) must reach to Child Welfare Committee.
- Every member of BLCPC shall act as a facilitator for issues related to Protection of Child Rights at the block level.
- The committee shall ensure that the Children in Need of Care and Protection (CNCP) must reach to Child Welfare Committee.
- Convergence with other existing structures at the community level for effective implementation of ICPS.

#### **District Child Protection Committee (DCPC)**

- District Child Protection Committee is constituted in every district with the representative members from allied government departments at the district level, such as health, education, labour, housing, judiciary, police, members of PRI institutions and urban local bodies, representative from voluntary organisations and civil society. DCPC is responsible for supervising and monitoring of the DCPS and the overall implementation of ICPS at the district level.

Constituting members of DCPC are as follows:

Sl. No.	Stakeholder
01	Chairperson, Zilla Parisad / Urban local body
02	District Magistrate and Collector / Commissioner
03	DCPO
04	
05	DEO
06	
07	DSWO
08	District Labour Officer
09	RTO
10	Chairman/Member Secretary District Legal Services Authority
11	Superintendent of Police
12	Local MLA / Representative
13	One representative from Panchayat Samiti Chairman
14	
15	Principal Magistrate / Member, JJB
16	Voluntary Organization on Child Rights



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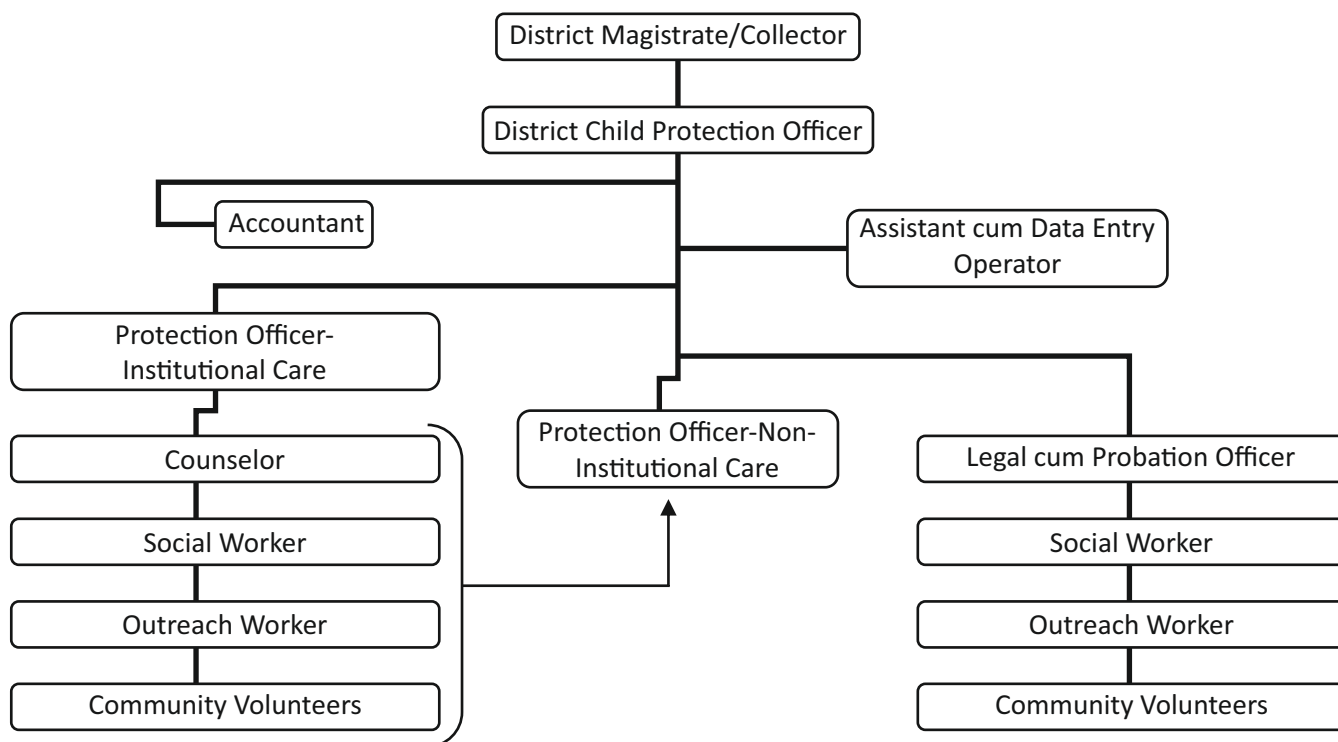
**The District Child Protection Unit will perform the following functions:**

- Initially, the DCPU has to collect, upgrade and maintain disaggregated database of all children in institutional and noninstitutional care. Then DCPU will collect data of vulnerable children in the district. The State level database is to be maintained by the SCPS on the basis of inputs from the DCPUs.
- The District Child Protection Officer shall be the Nodal Officer in the district for implementation of the Act and these rules.
- Maintain report of quarterly information sent by the Board about children in conflict with law and are produced before the Board, and the quarterly report sent by the Committee.
- Arrange for individual or group counseling and community service for children;
- Conduct follow up of the individual care plan prepared on the direction of the Children's Court for children in the age group of 16-18 years found to be in conflict with law for committing heinous offence;
- Conduct review of the child in the place of safety every year and forward the report to the Children's Court;
- Maintain a list of persons who can be engaged as monitoring authorities and send the list of such persons to the Children's Court along with bi-annual updates;
- Maintain record of run-away children from Child Care institutions;
- Identify families at risk and children in need of care and protection;
- Assess the number of children in difficult circumstances and create district-specific databases to monitor trends and patterns of children in difficult circumstances;
- Periodic and regular mapping of all child related services at district for creating a resource directory and making the information available to the Committees and Boards from time to time;
- Facilitate the implementation of non-institutional programmes including sponsorship of foster care and after care as per the orders of the Board, Committee or the Children's Court;
- Facilitate transfer of children at all levels for the restoration to their families;
- Ensure inter-departmental coordination and liaise with the relevant Departments of the State Government including Departments of Health and Family Welfare, Women & Child Development and Mission Shakti, Social Security and Empowerment of Persons with Disabilities, Housing & Urban Development, ST & SC Development, Skill Development & Technical Education, Food Supplies & Consumer Welfare, Higher Education, Home, Labour & ESI, Panchayati Raj & Drinking Water, School & Mass Education, Sports & Youth Services, amongst other Departments, Odisha State Child Protection Society, other District Child Protection Units in the State, District Legal Services Authority and State AIDS Control Society to build inter-sectoral linkages on child protection issues;

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- Network and coordinate with civil society organizations working under the Act;
  - Inquire into, seek reports and take action in cases of death or suicide in child care institutions and under other institutional care and submit the reports to the Odisha State Child Protection Society;
  - Look into the complaints and suggestions of the children as contained in the children's suggestion box and take appropriate action;
  - Represent the Management Committees within the Child Care Institutions;
  - Maintain a district level database of missing children in institutional care and uploading the same on designated portal;
  - Maintain a database of child care institutions, specialized adoption agencies, open shelter, fit persons and fit facilities, registered foster parents, after care organizations and institutions at the district level and forward the same to the Boards, the Committees, the Children's Courts and the Odisha State Child Protection Society;
  - Maintain a database of medical and counseling centers, de-addiction centers, hospitals, open schools, education facilities, apprenticeship and vocational training programmes and centers, recreational facilities, such as performing arts, fine arts and facilities for children with special needs and other such facilities at the district level;
  - Maintain a data base of special educators, mental health experts, translators, interpreters, counselors, psychologists or psycho-social workers or other experts who have experience of working with children in difficult circumstances at the district level;
  - Generate awareness and organize and conduct programmes for the implementation of the Act including training and capacity building of stakeholder;
  - Organize quarterly meeting with all stakeholders at district level to review the progress and implementation of the Act;
  - Submit a monthly report to the State Child Protection Society;
  - Review reports submitted by Inspection Committees and resolve the issues;
  - Provide secretarial staff to the Committees and the Boards;
  - Ensure functioning of the District, Block and Panchayat level Child Protection Committees for effective implementation of the provisions of the Act, Rules, Adoption Regulations and other programmes connected with welfare and rehabilitation of the children.

District Child Protection Unit(DCPU): In exercise of the powers conferred by the Juvenile Justice Act, State constitute District Child Protection Unit, designated District Child Protection Society formed under ICPS to act as District Child Protection Unit. Every State Government shall constitute a Child Protection Society for the State and Child Protection Unit for every District.

**Structure District Child Protection Unit2 (DCPU)**



**State Child Protection Committee (SCPC)**

State Child Protection Society is the technical, fundamental and functional unit of state Women and Child Development Dept for implementation of ICPS. SCPS is responsible for strengthening of the DCPC and DCPU to continuum of services for emergency outreach institutional care, family and community-based care, counseling and support services, and necessary structures and mechanisms for effective implementation of these schemes at state and district level. It defines and set standards of all services including the functions of statutory bodies, build capacity of all functionaries including administrators and service providers at all level working under ICPS by establishing partnership with relevant state and national agencies.

**Practical ways for CPCs to deal with Child Protection issues**

CPCs are the community-based child protection mechanisms that respond to violations against children and work to prevent risks to children. CPCs are key parts of child protection systems since they operate at grassroots levels such as village level in rural and ward level in urban areas, which is where children and families live and where children may be exposed to significant risks on an ongoing basis. Also, they are rich in potential child protection resources such as parents, teachers, ANM, PRI members and representatives from Government, Civil Society.

**a. Child Marriage**

The Prohibition of Child Marriage Act, 2006(PCMA,2006) has been effectively dealing with the problem of child marriages in India and to put in place a comprehensive mechanism.

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- The members of the CPC at the Community level, play a leading role in preventing child marriages, protecting the victims as well as supporting the concerned authorities like CMPOs in evidence building so as to facilitate the prosecution of the offenders.

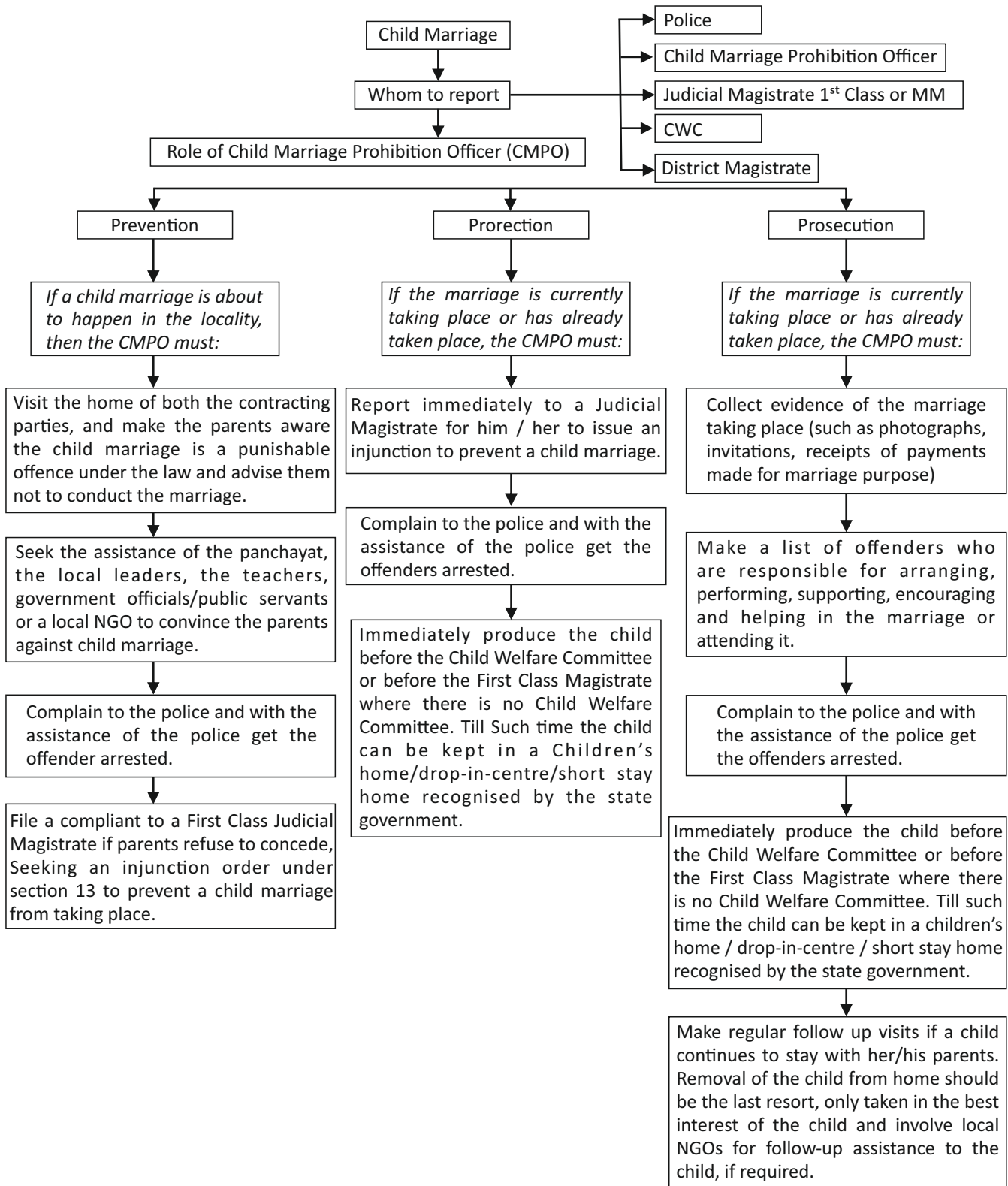
They assist in enrolment and retention of all children, especially of girls, in school by making the village Education Committee aware of the issue of child marriage and enabling them to play a vigilant role in preventing child marriages. This could be done by keeping a track of school dropouts, ensuring their enrolment and retention in schools, and making education accessible to all.

- Create awareness within the community about the law and educate them about the implications/consequences of early marriage for their child, such as early child bearing, poor maternal health and mortality, poor infant health and mortality, higher risk of HIV infection, lower levels of education, lower economic status and livelihood opportunities, higher likelihood of domestic violence and less decision-making power at home, especially for girls.
- Discuss the issues in the CPC meeting
- Any person can report an incidence of child marriage before or after it has been solemnized. An immediate report can be made to any of the following:
  - The Police
  - The Child Marriage Prohibition Officer or such persons as may be appointed to assist him/her
  - First Class Judicial Magistrate or Metropolitan Magistrate
  - Child Welfare Committee (CWC)
  - ChildLine (1098)
- Assist the Child Marriage Prohibition Officer or the police in enforcing the law by providing necessary support and information.
- Write to CMPO with suggestions/recommendation for proper rehabilitation of the respective children.
- Take the help from Childline (1098) services
- If any child marriage case is identified and it is found that there is need to immediate support, CPC can take the following actions:
  - CPC member can produce the child before Child Welfare Committee (CWC)
  - Call to 1098 or Police/SJPU
  - Accompany the child, if required
- The committee members will ensure that the Children in Need of Care and Protection (CNCP) must reach to Child Welfare Committee.
- CPC members should be aware about the process for CNCP under the JJ system so that they can follow up the case till completion of rehabilitation.

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

Sec. 2 (14) (xii) of JJ Act 2015

## PCMA IMPLEMENTATION



Delhi Prohibition of Child Marriage Rules, 2009	Orissa Prohibition of Child Marriage Rules, 2009
The Sub-Divisional Magistrate of the area shall be the Child Marriage Prohibition Officer for his respective jurisdiction and shall have powers to investigate the relevant cognizable cases as is exercisable by a police officer under Chapter V, VII, XI and XII of the Code of Criminal Procedure,1973.	The State Government shall, by notification in the official Gazette, designate a senior officer of the Women and Child Development Department as the Chief Child Marriage Prohibition Officer to administer and co-ordinate the work relating to Child Marriage Prohibition throughout the State

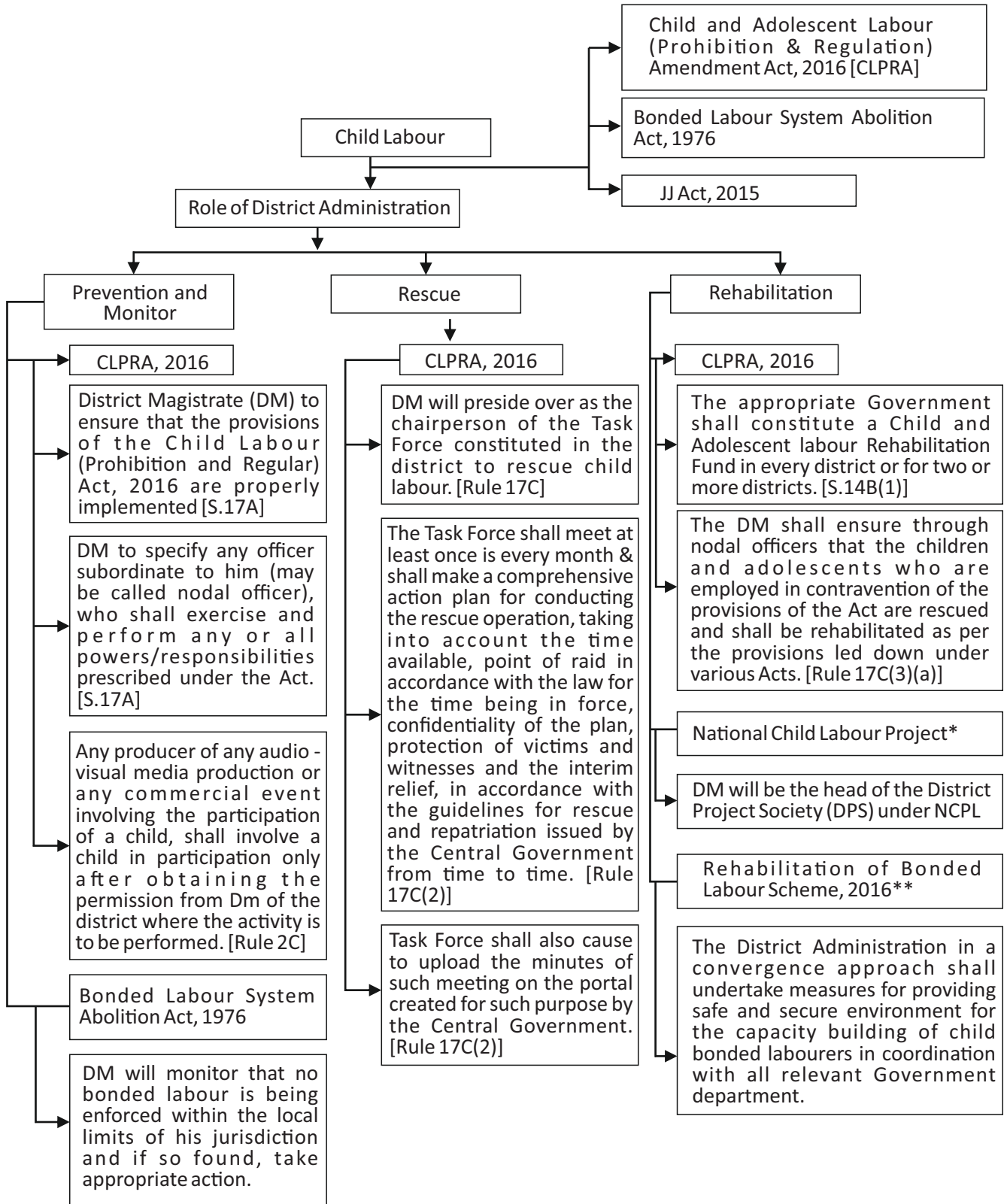
**a. Child and Adolescent Labour (Prohibition and Regulation) Amendment Act-2016**

While the new Child and Adolescent Labour (Prohibition and Regulation) Amendment Act,2016 (here in after referred as CLPRA) puts a complete ban on child labour and has widened the scope of its intervention, the CLPRA also puts significant responsibilities on the district administration and clearly defines its role in combating the problem.

A great deal of responsibility has been imposed on district administration with regard to rescue of child labourers and rehabilitation of the victims. These can be distinctly classified into following categories:

- Prevention and Monitoring
- Rescue
- Rehabilitation
- The distinctive functions of the district administration laid down under the Act and other schemes has been described in the flow-chart below:

## Child and Adolescent Labour Act -Process



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## Supportive behaviour towards child and ways to deal child

### protection issues

- Listen to the cases with patience when the child complains about a person or on incident or physical discomfort.
- Discuss the issue among CPC members and make a strategy to handle the case.
- Be sensitive while discussing the incident or its details with the child.
- Call Childline at 1098
- Report incident of child labour at the area Sub Divisional Magistrate
- Report incident of child labour at the nearest Police Station/SJPU
- Recommend potential families/children in need or availing support services under ICPS and/or other Govt. Welfare Schemes

### c. Corporal punishment

***Corporal punishment means physical punishment for purpose of disciplining child.***

Corporal punishment is a form of physical punishment that involves the deliberate infliction of pain as retribution for an offence, or for the purpose of disciplining or reforming a wrong doer, or to deter attitudes or behaviour deemed unacceptable.

<b>THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009</b>	<b>THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015</b>
Prohibition of physical punishment and mental harassment to child: No child shall be subjected to physical punishment or mental harassment.	“corporal punishment” means the subjecting of a child by any person to physical punishment that involves the deliberate infliction of pain as retribution for an offence, or for the purpose of disciplining or reforming the child; (Punishment is up to 3 years or fine up to 1 lakh/ dismissal of service as per sec. 82)

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1 <https://www.definitions.net/definition/corporal+punishment>  
2 Sec.17(1) of RTE Act 2009  
3 Sec.2(24) of JJ Act 2015



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Corporal punishment is not restricted to schools alone but it can also be given by parents at home or any other violent action intended to discipline children or to punish them can be categorized under corporal punishment. It involves rapping on the knuckles, making the child run in the school ground or kneel down for hours, asking them to stand up for long hours, making them sit like a chair, beating them with a scale, pinching or slapping them, abusing them sexually, torturing them, locking up children alone in classrooms and all other such acts. Inflicting corporal punishment on children can lead to insulting, humiliating, causing physical and mental injury, and even death in some cases.

CPCs can do following to deal the cases of corporal punishment.

- Listen to the cases with patience when the child complains about the incident
- Be sensitive while discussing the incident or its details with the child.
- Discuss issue among CPC Members and make a strategy to handle the case.
- Discuss issue with SMC Members and talk to school authority through SMC.
- CPC can report to DCPU or CWC or Childline
- Report incident of corporal punishment at the nearest Police Station/SJPU or State or National Commission for Protection of Child Rights if matter is serious.

#### **d. Child Sexual Abuse**

##### **Definition**

Child Sexual Abuse (CSA) is a broad term used to describe sexual offences against children. To put it simply, Child Sexual Abuse occurs when a person involves the child in sexual activities for his/her sexual gratification, commercial gain or both.

“Child sexual abuse involves any sexual activity with a child where consent is not or cannot be given. This includes sexual contact that is accomplished by force or threat of force, regardless of the age of the participants, and all sexual contact between an adult and a child, regardless of whether there is deception or the child understands the sexual nature of the activity.

Child Sexual Abuse Imagery is any visual depiction of sexually explicit conduct involving a minor (child under 18 years of age). Visual depictions include photographs, videos, digital or computer-generated image, production, distribution, possession and even seeking Child Sexual Images are illegal.

(Section 67(B)((b) of the Information Technology Act, 2000 and Sections 13/14 of POCSO Act, 2012)

Sexual contact between an older and a younger child also can be abusive if there is a significant disparity in age, development, or size, rendering the younger child incapable of giving informed consent.”

Child Sexual Abuse (CSA) is a broad term used to describe sexual offences against children. To put it simply, Child Sexual Abuse occurs when a person involves the child in sexual activities for his/her sexual gratification, commercial gain or both.

**Punishment provisions under POCSO Act:**

Sl. No.	Punishable Offences	Section of punishment	Nature of Offence
1.	Sexual Harassment	(Sec.12)	-Using sexual intent words, gestures, exhibit any object or part of body or make the child to do so -Constantly follow, watch or contact the child directly or through any medium
2.	Sexual Assault	(Sec.8)	Sexual intent touching of private parts of a child
3.	Aggravated Sexual Assault	(Sec.10)	Repeated sexual assault /by more than one person/in the custody/by public servant/ if the child is below 12 years
4.	Penetrative Sexual Assault	(Sec.4)	If penetrates into the vagina/mouth/urethra/ anus or insert any object or part of body into vagina/urethra/anus or make the child to do so.
5.	Aggravated Penetrative Sexual Assault	(Sec.6)	Penetrative sexual assault repeatedly/by more than one person/in the custody/by public servant/ if the child is below 12 years/if the child is pregnant/if the child is affected by STD or HIV etc.
6.	Pornography	{Sec.14(1)}	Any person who uses the child for any pornographic purpose.
7.	Using child and directly participating with Pornography	{Sec.14 (2)}	Any person who uses the child for any pornographic purpose and commit the offence under Sec.3, 5,7 & 9
8.	Storage and Propagation	(Sec. 15)	Any person who stores or possess pornographic materials
9.	Abetment	(Sec.17)	Any person who instigates or pursue the conspiracy for the offence
10.	Attempt to commit offence	(Sec.18)	Person attempt to commit any offence punishable under POCSO
11.	Failure of reporting	(Sec.21)	Any person who knows the fact fails to record the offence and report to the police
12.	False reporting	(Sec.22)	False complaint about sexual abuse with an intention to humiliate, threaten or defame a person

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### **Case Handling & Supportive behavior towards child victim**

- Listen to the cases with patience when the child complains about a person or on incident or physical discomfort.
- Raise your concern with people close to the child.
- Call Childline at 1098
- Ensure the child has undergone medical examination immediately after reporting the incident.
- Report incident of abuse at the nearest Police Station
- Be sensitive while discussing the incident or its details with the child.

### **Counseling**

Counselling to child: Professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development are to be associated with the pre-trial and trial stage to assist the child. Basic counselling services will be provided by:

- Counselor, CWC
- Counselor, DCPU
- Counselor, DLSA

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- **Childline (1098)**

The Childline Helpline can put you in touch with a social worker who can provide you with assistance and information. Information regarding the commission of an offence under the provisions of the Act is received by the child helpline-1098, the child helpline will immediately report such information to SJPU or Local Police.

- **Police:**

You must inform the child before reporting to the police. You need to ensure that the child is comfortable with the idea and prepared for meeting with the police. You need to reassure the child that you will be with them every step of the way but also inform them that they will have to be prepared to recount the incident.

### **Reporting of offences**

Any person (including the child), who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he will inform to: -

- The Special Juvenile Police Unit (SJPU) or
- Local Police.

Any person, who fails to report the commission of an offence shall be punished with imprisonment of either description which may extend to six months or with fine or with both Section 21 of POCSO Act 2012
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### **Mandatory reporting:**

Any person, being in- charge of any company or an institution who fails to report the commission of an offence in respect of a subordinate under his control, will be punished with imprisonment for a term which may extend to one year and with fine.

### **Reporting of a Child Sexual Abuse case**

Under Section 19 of the POCSO Act, 'Reporting of offences' by any person including the child has been made mandatory. Section 21 of the Act provides punishment for failure to report or record a child sexual abuse case. However, a child cannot be punished for failure to report {S.21(2)}.

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- 1 Rule 4(2) of POCSO Rules 2020
  - 2 Sec.19(1) of POCSO Act 2012
  - 3 Sec.32 of J.J. Act, 2015
  - 4 Page No.9 of User Handbook for Implementation of the POCSO Act, NCPCR

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**e. Children in need of care and Protection**

*Child in Need of Care and Protection (CNCP)" means a child who is:*

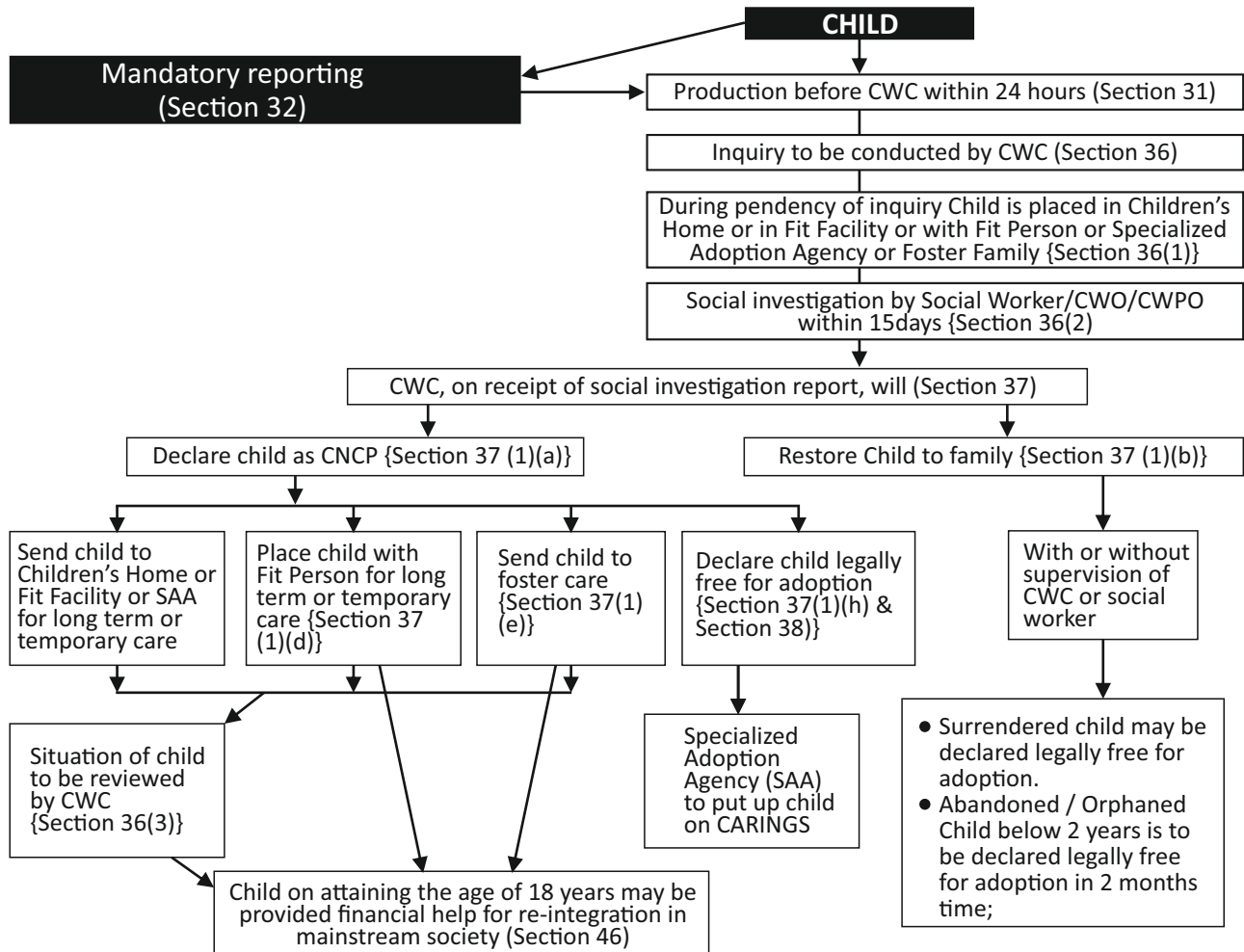
- Homeless/without any means of subsistence/living on the street; or
- Working in contravention of labour laws or begging, or used for illegal activities; or
- Resides with a person (guardian) who has injured/exploited/abused/ neglected/threatened to kill the child; or abused for unconscionable gains; or
- Mentally ill/mentally/physically challenged/suffering from terminal or incurable disease, with no support or look after/having parents or guardians unfit to take care; or
- Missing/run away child, or whose parents cannot be found after inquiry; or
- Is being/likely to be sexually abused, tortured or exploited; or
- Vulnerable and likely to be inducted into drug abuse or trafficking; or
- Victim of/affected by any armed conflict/civil unrest or natural calamity; or
- At imminent risk of marriage before attaining the age of marriage;

***Note-Details of the CNCP children are mentioned under Sec.2(14) in J.J. Act 2015***

**CPCs can do following to deal the cases of CNCP:**

- CPC member will collect the details of children who are in the need of care and protection and discuss in the meeting.
- Write to DCPO with suggestions/recommendation for proper rehabilitation of the respective children.
- Take the help from Childline (1098) services
- The committee members will ensure that the Children in Need of Care and Protection (CNCP) must reach to Child Welfare Committee.
  
- If any CNCP case identified and it found that there is need to immediate support, CPC can do following:
  - i) CPC member can produce the child before Child Welfare Committee (CWC)
  - ii) Call to 1098 or Police/SJPU
  - iii) Report to DCPU
  - iv) Accompany the child, if required.
  - v) Report about the case of CNCP at the nearest Police Station/SJPU, if any crime happened with the child.
  - vi) The committee members will ensure that the Children in Need of Care and Protection (CNCP) must reach to Child Welfare Committee.
  - vii) CPC members should be aware about the process for CNCP under the JJ system so that they can follow up the cases till completion of rehabilitation

**Flow Chart of process for “Children in Need of Care and Protection (CNCP)”**



**f. Children in Conflict with the law**

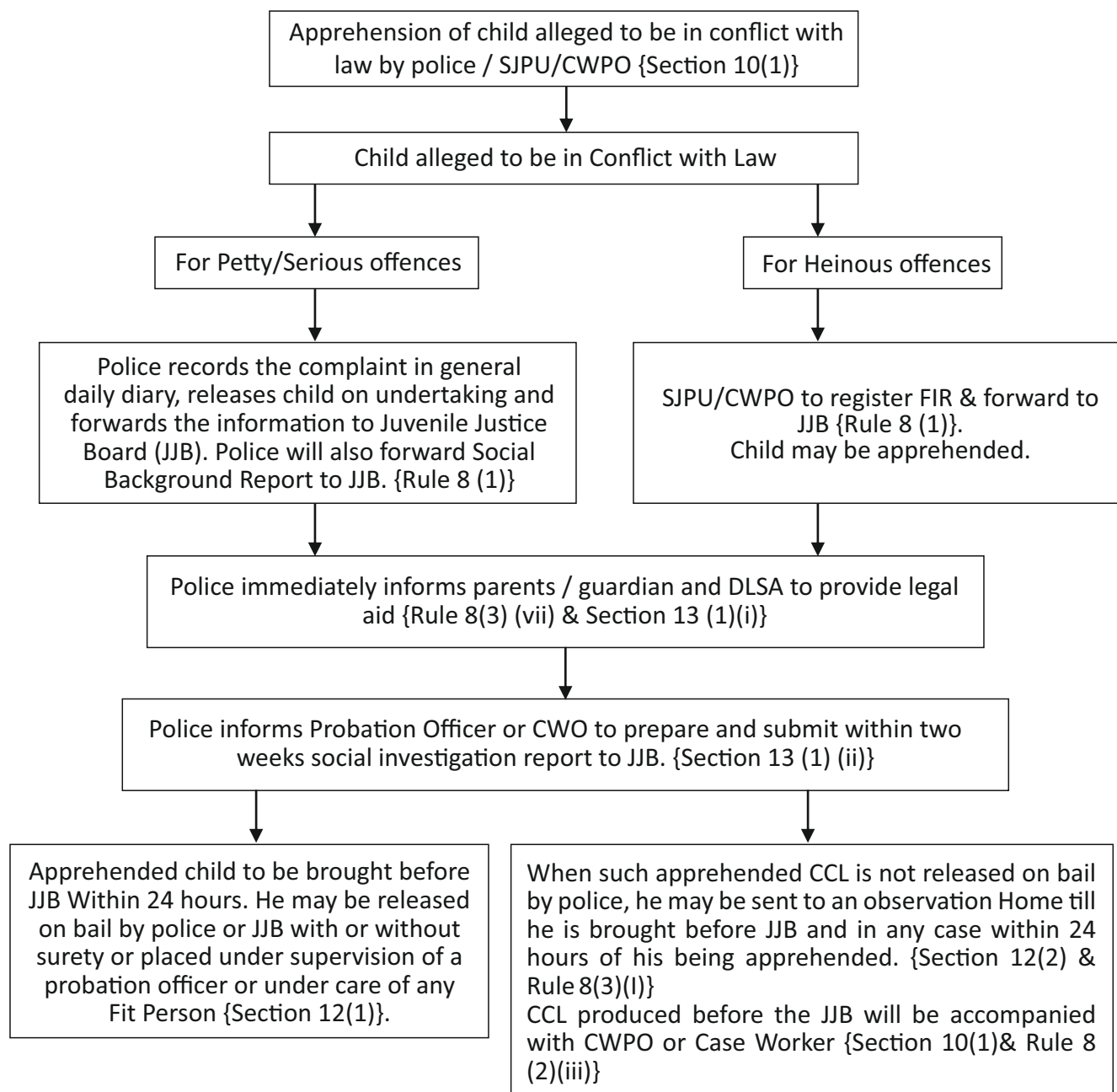
A 'child in conflict with law'(CCL) is defined as a person who is alleged or found to have committed an offence and has not completed the age of 18 years on the date of the offence. It provides distinct justice system for adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided and institutions established under the JJ Act.

*Child in Conflict with Law (CCL): A child who is alleged or found to have committed an offence and who has not completed the eighteenth year of age on the date of commission of such offence is considered a “Child in Conflict with Law”.*  
*Sec. 2 (13) of JJ Act.*

## Child alleged to be in Conflict with Law (CCL)

Flow Chart of process for

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



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**CPCs can do following to deal the cases of CCL**

- Report to at the nearest Police Station/Special Juvenile Police Unit (SJPU)
- Talk to Child Welfare Police Officer (CWPO) and share the facts, if required.
- The CPC members will ensure that the Children in Child alleged to be in Conflict with Law (CCL) must reach to Child Welfare Juvenile Justice Board (JJB).
- If any CCL case identified and it found that there is need to immediate support as CNCP, CPC members can do the following:
  - a. CPC member can call to 1098
  - b. Inform to produce the child before Child Welfare Committee (CWC)
  - c. Call to 1098 or Police/SJPU
  - d. Report to DCPU.
  - e. Accompany the child, if required.
- CPC members should be aware about the process for CCL under the JJ system so that they can follow up the cases till completion of rehabilitation

**g. Children with Special need (CWSN)**

Children who have a disability or a combination of disabilities that makes learning or other activities difficult. Special-needs children include those who have Mental Retardation, which causes them to develop more slowly than other children.

- Speech and Language Impairment, such as a problem expressing themselves or understanding others.
- Physical Disability, such as vision problem, cerebral palsy, or other conditions.
- Learning Disabilities, which distort messages from their senses. Emotional Disabilities, such as anti-social or other behavioral problems.

*Children with special needs are also included under CNCP:*

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

*Sec.2(14)(ii) of J.J. Act 2015*

**CPCs can do following to deal the cases of CNCP**

- CPC member will identify children with special needs and their required need of care and protection.
- Link them with required services like protection, education, health, shelter and vocational.
- Write to DCPO with suggestions/recommendation for proper rehabilitation of the respective children.



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- If any CNCP case is identified and it is found that there is need to immediate support, CPC can take the following steps:
    - i. CPC member can produce the child before Child Welfare Committee (CWC)
    - ii. Call to 1098 or Police/SJPU
    - iii. Report to DCPU.
    - iv. Accompany the child, if required.
  - The committee members will ensure that the Children in Need of Care and Protection (CNCP) must reach to Child Welfare Committee.
  - All the children with special needs must be rolled in primary schools. After the assessment of their disabilities by a team of a doctor, a psychologist, and a special educator, in schools, the child will be placed in appropriate educational settings.

#### **h. Child Trafficking**

Immoral Traffic (Prevention) Act, 1956 (referred to as ITPA). ITPA had limitations and covered only trafficking of women for the purpose of commercial sexual exploitation. It was in 2013 by the way of Criminal Law Amendment Act, 2013 that a broad definition of human and child trafficking and penal provisions were added as Section 370 in the Indian Penal Code.

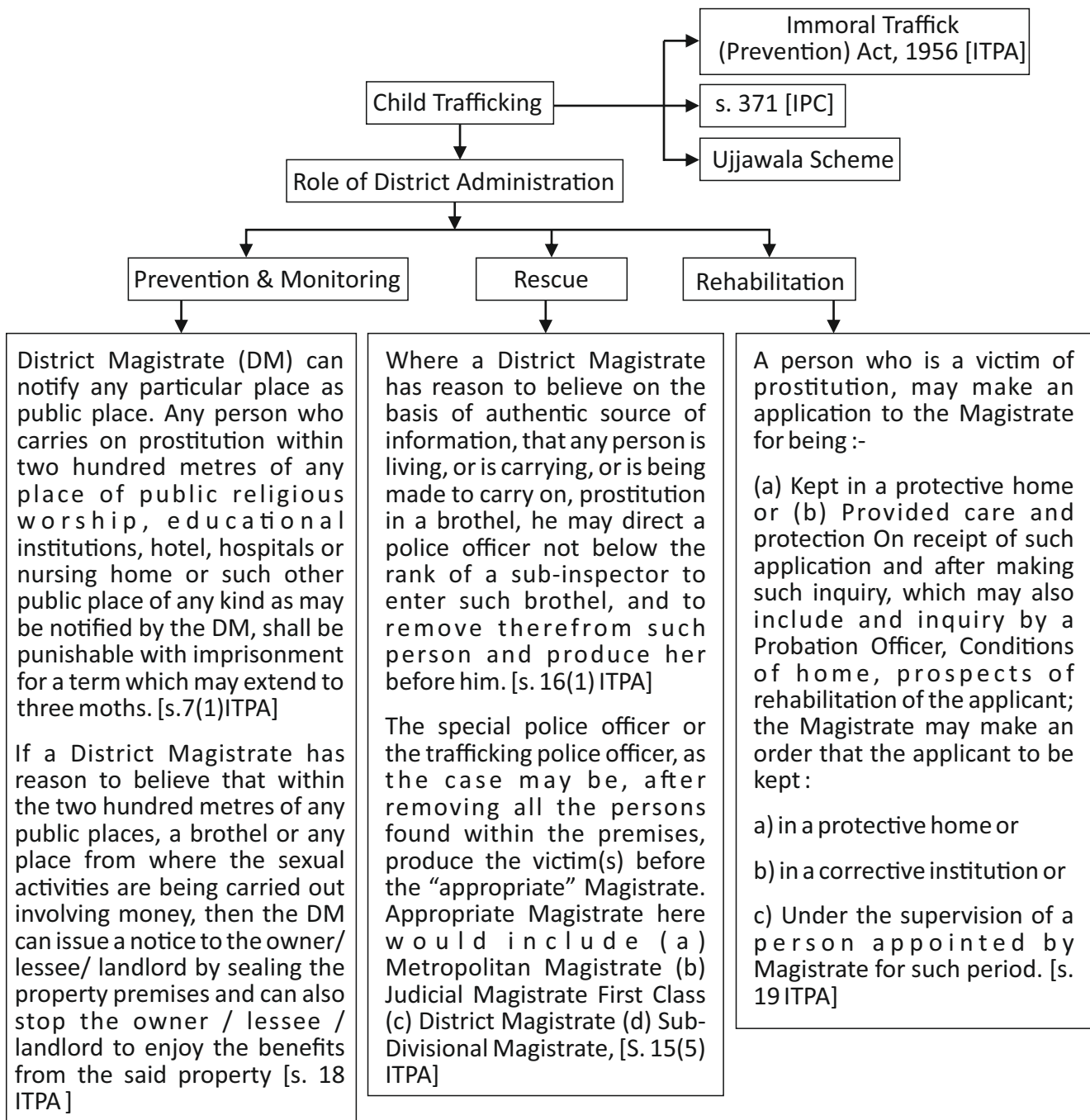
Looking at the diverse nature of offence and the purposes attached there with, the stages of intervention and role of district administration can be categorized into these following stages:

- Prevention and Monitoring
- Rescue
- Rehabilitation

#### **CPCs can do following to deal the cases of trafficking**

- Collect the details of children and keep the regular follow up through the meetings and visits
- Discuss about the issues of children if identify/report any case of missing or trafficking
- Contact to family and collect the information and facts about the case
- Report to the District Magistrate (DM)
- Take the help from Childline (1098) services
- If found any case of Trafficking, immediate take following steps
  - a. Report to nearest Police Station, if found any case of emergency.
  - b. The CPC members will ensure that the case must reach to District Magistrate (DM)
- CPC members should be aware about the process for CNCP under the JJ system so that they can follow up the cases till completion of rehabilitation

## Immoral Traffic (Prevention) Act, 1956 - Implementation process

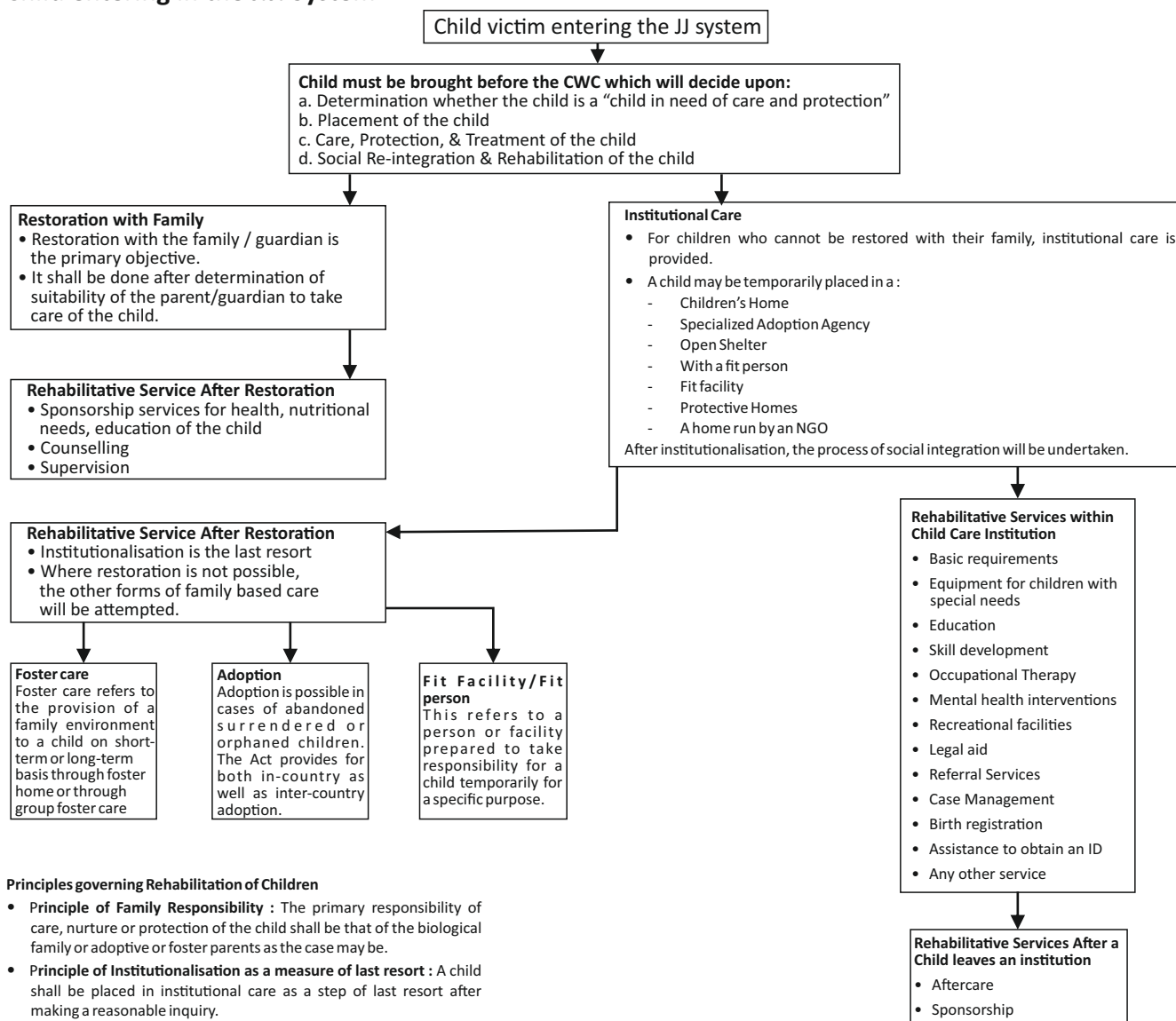


#### 4. Institutional Mechanisms for child protection cases

As per the international standards and the JJ Act, placing a child in institutional care should be a measure of last resort. Children are to be placed in institutions only when it is found that the restoration of the child to parents or family may not be in the best interest of the child.

- Under the JJ Act, any child who comes under the juvenile justice system is entitled to receive rehabilitation services so as to foster social integration.
- Children in the juvenile justice system are categorized as 'children in need of care and protection' and 'children in conflict with the law'. A wide category of children is covered as 'children in need of care and protection', including child victims.
- These victims are provided with care, protection and rehabilitative services by the Child Welfare Committee, a statutory authority set up under the JJ Act.
- The JJ Act envisages a comprehensive framework of rehabilitation providing for a range of both institutional and non-institutional care of children.
- The chart below briefly provides the rehabilitative framework in the JJ system and the variety of services included in the framework:

### Child entering in the J.J. System



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**About NACG EVAC India:**

National Action and Coordination Group for Ending Violence Against Children (NACG EVAC), India, is the Country level Civil Society Forum of South Asia Initiative to End Violence Against Children (SAIEVAC), an Inter-Governmental apex body of SAARC. It brings together NGOs, Networks, Coalitions, Media, Children Forums, Academia and other civil society bodies to promote interaction, networking, advocacy, sharing of good practices, and experience. NACG EVAC India is a country forum for collecting learning and sharing, advocacy and actions. It links country's action with wider effort of UN and international bodies. It has its operational areas at local, state & country level focusing on 5 critical thematic issues, i.e. Child Sexual Abuse and Exploitation, Child Trafficking, Child Labour, Child Marriage and Corporal Punishment, and 2 cross cutting issues, i.e. Child participation and Children with Disability. Its strength and effectiveness lie in nationwide membership and active community engagement.