

Guidelines for Police Officials Dealing with Children

In Need of Care and Protection

1. A Police Officer dealing with Children in Need of Care and Protection should strictly follow the provisions of Juvenile Justice (Care and Protection of Children) Act, 2000, Amendment Act 2006 and Rules 2007. He / She should also be conversant with the provisions of The Child Labour (Prohibition and Regulation) Act, 1986 and The Bonded Labour System (Abolition) Act, 1976, and rules framed under these acts. He / She should also make sincere effort to acquire knowledge of other acts/laws/notifications which recognize and protect rights of children.
2. A Police Officer while dealing with **Children in Need of Care and Protection** should always be in plain clothes.
3. All basic amenities and food requirements of child should be taken care of by the police officer during the period child remains in his/her charge.
4. A police officer should be fully aware of the Child Welfare Committee(s), its place and days of sittings as well as of the names, addresses and phone numbers of its individual members.
5. A police officer dealing with the **Children in Need of Care and Protection** should have with him/her readily available list of various governmental and non governmental organizations (NGO's) working with children in the area, so that necessary emotional and legal support can be provided to Children in Need of Care and Protection through these organizations. A copy each of said list should also be kept with the SHO and Duty Officer of the concerned police station.
6. A police officer dealing with **Children in Need of Care and Protection** should have a list of shelter homes/children homes/fit institutions/child helplines, recognized and certified under the JJ Act (as amended upto date), with hiA list of government hospitals, with pediatric unit, should also be available with the police officer dealing with **Children in Need of Care and Protection**, so that necessary medical aid can be provided to a child in custody of such officer, in case need arises.

1. *Procedure to be adopted in case of different categories of children in need of care and protection of law.*

(A) Found Child

(This category of children includes street children, child beggars, missing/lost children, homeless children/children with nobody to take care of and runaway children)

- a) Make a detailed DD entry in this regard with full name and mobile number of the concerned police officers.
- b) Try to find out parent(s)/guardian of the child. If possible, a child hailing from Madhya Pradesh should be taken for spot visit to the area where he resides to trace out his parent(s)/ relatives/ guardians. Assistance can also be taken from RWA's of the area.
- c) A wireless message with particulars of the child should be sent immediately in all the police stations. The record of police station(s) in vicinity of area where child is living should be meticulously checked for missing reports, if any.
- d) Hue and cry notice should be issued and published at the earliest.
- e) Photographs of the child found should be taken for his/her identity.
- f) Particulars of the child must be relayed/ telecast on electronic media to seek public help in his/ her identification.
- a) The information should be passed on immediately to **District Missing Persons Squad** as per procedure laid down and efforts should be made to link it with procedure followed by crime branch for missing children.
- b) In case of a child, who hails from state other than, If the child is able to give some identifiable address then a wireless message should be sent immediately to the concerned SSP/Police station.
- i) Form of the found child should be filled up.

- j) If it is not possible to find out parent/ guardian of a child, the police officer concerned should produce the child before the concerned Child Welfare Committee within 24 hours, excluding the journey time.
- k) In case the Child Welfare Committee is not sitting, the child shall be taken to the residence of individual member of the committee, and if none is available then to an appropriate institution of children, registered and certified under the JJAct (as amended upto date). The same institution will produce the child before CWC, within 24 hours, as per Model rule 27 sub rule 6.
- l) If a child in charge of a police officer needs any medical aid; same should be made available to him/her without any delay.
- m) MLC of a child should be prepared only if any physical or sexual abuse or sickness is suspected or stated by child. Any medical or gynecological examination is not a prerequisite for production of child before CWC as per Model rule 27 sub rule 8.
- n) During the period of the custody of the child, the concerned police officer should take care of the food and other basic amenities that are required by the found child.
- o) A Police Officer dealing with children should be fully aware of Child Welfare Committee(s) and the names, addresses, phone numbers etc. of the members of the committee(s).
- p) All expenses incurred for handling **Children in Need of Care and Protection**, their care, food and transport etc. shall be claimed under the head of 'Investigation Expenses'.
- q) In all cases where adults are seen exploiting or abusing **Children in Need of Care and Protection**, immediate intervention and protection should be provided to the victim child and intervention of a social worker of the **SJPU** or a **NGO** should be sought.
- r) While dealing with any **Children in Need of Care and Protection**, the concerned police officer immediately should get in touch with an **NGO**

working for children so that necessary emotional and legal support can be provided to children.

(B) (children under 14 years of age)

- a) Contact and coordinate with concerned Child line, Deputy Commissioner of Labour and Child Welfare Committee(s).
- b) FIR should be registered under section 14, 16 of The Child Labour (Prohibition and Regulation) Act 1986; section 23,26 of The Juvenile Justice Act, 2000(as amended upto date); Section 16,17,18 and 19 of The Bonded Labour System (Abolition) Act 1976 as per circumstances.
- c) Get the child medically examined and have his/ her MLC prepared.
- d) Produce the child before the concerned CWC.
- e) In case provisions of The Bonded Labour System (Abolition) Act, are attracted the child should be presented before the concerned SDM to acquire relevant certification of bonded labour. This would include those children who provide labour or service but are not paid remuneration or are paid remuneration which is less than the minimum wage.

(C) Abused child

(This category of children includes all children who are subjected to any form of physical/ emotional/ mental harm and includes cases of sexual abuse of children)

- a) On a complaint of a cognizable offence involving a child victim being made, concerned police officer shall record the complaint promptly and accurately.
- b) The investigation of the case shall be made over to an officer not below the rank of Sub-Inspector, preferably a lady officer, sensitized by imparting appropriate training to deal with child victims of sexual crime.
- c) The statement of the victim shall be recorded verbatim.

- d) The officer recording the statement of the child victim should not be in police uniform.
- e) The statement of the child victim shall be recorded at the residence of the victim or any other place where the victim can make a statement freely without fear.
- f) The statement should be recorded promptly without any loss of time. As far as possible the statement of the victim child should be recorded in question answer form. When the victim child is of a tender age and is unable to describe/give details of the offensive act, any gesture made by the child, keeping in mind the child's age and capacity, should also be taken note of by the police officer concerned.
- a) The parents of the child or any other person in whom the child reposes trust and confidence will be allowed to remain present.
- b) The investigating officer to ensure that at no point the child victim should come in contact with the accused.
- i) The child victim shall not be kept in the police station overnight on any pretext, whatsoever, including medical examination.
- j) The Investigating Officer recording the statement of the child victim shall ensure that the victim is made comfortable before proceeding to record the statement and that the statement carries accurate narration of the incident covering all relevant aspects of the case.
- k) In the event the Investigating Officer should so feel the necessity, he may take the assistance of a counselor / psychologist/ psychiatrist.
- l) The investigating Officer shall ensure that the child victim is medically examined at the earliest preferably within twenty four hours (in accordance with Section 164A Cr.P.C). at the nearest government hospital or hospital recognized by the government.

- m) The Investigating Officer shall ensure that the investigating team visits the site of the crime at the earliest to secure and collect all incriminating evidence available, under his personal supervision.
- n) The Investigating Officer shall promptly refer for forensic examination clothing and articles necessary to be examined, to the forensic laboratory which shall deal with such cases on priority basis to make its report available at an early date.
- o) The investigation of the cases involving sexually abused child may be investigated on a priority basis and completed preferably within ninety days of the registration of the case. The investigation shall be periodically supervised by senior officer(s).

The Investigating Officer shall ensure that the identity of the child victim is protected from publicity

Abandoned Child of any age up to 18 years

Detailed DD entry with full name and mobile number of concerned police officer should be recorded.

The child should be medically examined.

The child be hospitalized if the doctor recommends.

Concerned CWC should be informed with a copy of DD entry and medical report.

After discharge by the hospital the child shall be produced before CWC along with all relevant original papers.

In case of abandoned infant, the child shall be placed in an adoption agency/children home, recognized and certified under J J Act,2000 (as amended up to date), or pediatric unit of a government hospital followed by production of the child before Child Welfare Committee within 24 hours. (Updated list be circulated at regular intervals).

Surrendered Child

The parent(s) who want to surrender a child should be produced before concerned CWC.

The rest of the responsibility is that of the CWC. Police Officer's responsibility gets over once the parent(s) and the child is produced before CWC

Guidelines for Police Officers of Special Juvenile Police Unit in relation to Children in Conflict with Law (CCL)

1. Best interest of child should be prime consideration in all acts done or action taken in respect of a **Child in Conflict with Law**
2. Police Officers dealing with CCL should follow the provisions of Juvenile Justice (Care and Protection of Children) Act 2000, Amendment Act 2006 and Juvenile Justice (Care and Protection of Children) Rules 2007 strictly.
3. As soon as a child is reported to be in a situation of conflict with law and is apprehended by the police, the concerned police officer shall inform:
 - (a) The designated Juvenile or Child Welfare Officer from the nearest Police Station to take charge of the matter,
 - (b) Parents or guardians of the Juvenile alleged to be in Conflict with Law,
 - (c) Concerned Probation Officer.
4. A Police Officer dealing with a **Child in Conflict with Law** should always be in plain clothes.
5. the power of apprehending a **Child in Conflict with Law** shall be exercised only in case of his/her alleged involvement in a serious offence i.e. offence entailing punishment of more than 7 years imprisonment for adults e.g. offences such as rape, murder etc.
6. In other cases involving offences of non-serious nature i.e. offences entailing the punishment of less than 7 years imprisonment for adults, the police officer shall not be required to register FIR or to apprehend a **Child in Conflict with Law** unless apprehension is apparently in the interest of said child. The information regarding the non-serious offence, alleged to have been committed by the **Child in Conflict with Law**, is to be recorded in the general diary and should clearly specify reasons for not recording a FIR. A report containing social background of the **Child in Conflict with Law** and circumstances of apprehension of said child is to

be forwarded to Juvenile Justice Board for hearing. The **Child in Conflict with Law** as well as his parents/guardian are to be informed about the filing of the report and full particulars of the date, time, place and the Juvenile Justice Board where the report is to be filed.

7. Where a **Child in Conflict with Law** is released on bail and is handed over in custody of his parents / guardian, the Police Officer/Child Welfare Officer/Juvenile Welfare Officer shall arrange for necessary counseling for the child as well as his/her parents/guardians, either himself and/or by taking assistance of recognized voluntary organizations and/or probation officers so that possibility of said child coming in a situation of conflict again, in future, is ruled out.
8. In case where apprehension of **Child in Conflict with Law** is apparently in his/her interest, the Juvenile/Child Welfare Officer shall produce the said child before the Board within 24 hours(excluding the time taken for the journey). In case the child in Conflict with law is apprehended at a time when Juvenile Justice Board is not holding sitting, then the child should be produced before the Principal Magistrate and/or any other Member of the Juvenile Justice Board at the earliest.
9. Till the time custody of a **Child in Conflict with Law** remains with Juvenile/Child Welfare Officer, he/she is not to be kept in a lockup or a prison nor should he/she be confined with an adult accused.
10. A **Child in Conflict with Law** should be informed promptly and directly of charges against him/her, if appropriate, through his/her parent or legal guardian. In case formal FIR is registered then copy of said FIR should be made available, to the child and/or his/her parents and/or his/her guardian, at the earliest to enable the child to explain the circumstances which resulted in the child coming in a situation of conflict with law.
11. **Child in Conflict with Law** should be given an opportunity of being heard and to express his/her views/defence freely.
12. Appropriate assistance like medical aid, assistance of interpreter, (if child cannot understand language) and/or any other such assistance

which **Child in Conflict with Law** may require should be provided to him/her immediately.

13. **A Child in Conflict with Law** has right to family protection. Immediately upon apprehension of a child earnest efforts should be made to contact biological family of such a child at the earliest. If it is not feasible to do so, as in case of children from other states, efforts should be made to send communication to parents/family of **Child in Conflict with Law**, separately, as well as through concerned SP/Gram Pradhan/District Welfare Officer/CWC etc at the earliest. However, best interest of child should always be kept in mind and custody of a child should not be handed over to his/her family if it is not in the best interest of the child.
14. A Child in conflict with Law is presumed to be innocent until proven guilty according to law and therefore should not be compelled to confess guilt. As far as possible **Child in Conflict with Law** should be interviewed at a premises which does not give feel to the child of being in police station and/or under custodian interrogation. If parents of the Child in Conflict with Law so desire then the child may be interviewed at his home. The summary of such interview 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 the child, then necessary action should be immediately initiated against perpetrator(s) of such acts
15. Cruel and/r degrading treatment of a **Child in Conflict with Law** in any manner whatsoever, including but not restricted to harm, abuse neglect, maltreatment, corporal, punishment or solitary confinement is absolutely prohibited.
16. **Child in Conflict with Law** is under circumstance to be handcuffed, or put on fetters.
17. A female **Child in Conflict with Law** should preferably be kept in charge of a female Juvenile/Child Welfare Officer.

18. His/her privacy is to be fully respected. It shall be the responsibility of DCP concerned to ensure that no harm is caused by stigmatic exposure or publicity or labeling to a **Child in Conflict with Law**.
19. No information that may lead to identification of **Child in Conflict with Law** should be published and/or made public by any police either directly or indirectly.
20. The police officer investigating the cases involving a **Child in Conflict with Law** should collect age proof of such a child at the earliest and in this regard provisions of rule 12(3)(a) of Juvenile Justice (Care and Protection of Children) Rules, 2007 are to be strictly adhered to. The proof of age should be produced before the Juvenile Justice Board, at the time of first production of the child before the Juvenile Justice board. In case, for some reasons, beyond the control of the Investigating Officer, the age proof cannot be collected at the time of apprehension of the **Child in Conflict with Law**, then it should be collected and produced before Juvenile Justice Board at the earliest, in any event before filing of the charge sheet and/or final report before the juvenile justice Board.
21. In case no document of age, as prescribed in Rule 12(3)(a) is available then the **Child in Conflict with Law** should be examined by a duly constituted Medical Board for opinion as to the age.
22. In all cases where a complaint is filed or FIR is registered or DD entry is made, against a child below the age of 18 years, for an offence punishable with imprisonment of not more than 7 years, the investigations shall be completed by the Investigating Officer within a period of 3 months from the date of filing of the complaint or lodging of FIR/DD entry and if the investigation is not completed within this time the case against the **Child in Conflict with Law** shall be treated as closed.
23. The Police officer from Special Juvenile Police Unit dealing with **Child in Conflict with Law** should be fully aware of the Place of sitting of the Juvenile Justice Board(s) as well as names, addresses and phone numbers of the principal Magistrate and other Members of the Juvenile Justice Board(s).

24. A list of designated Juvenile/Child Welfare Officers as well as the Members of Special Juvenile Police Unit (SJPU) with contact details should be permanently displayed in all police stations.
25. Apprehended children should be treated in a manner which takes into account of their needs considering their age.
26. All guarantees and protections which are accorded to adult offenders, under any law or rules, have to be made available to every **Child in Conflict with Law** upon apprehension.
27. Every **Child in Conflict with Law** 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.
28. Record of a **Child in Conflict with Law** must be kept strictly confidential and must not be accessible to other than duly authorized authorities.
29. A police officer dealing with CCL should also make sincere effort to acquire knowledge of other acts/laws/notifications which recognize and protect rights of children.

APPREHENSION MEMO

1. Name of the child with alias	
2. Present address of the child	
3. Permanent address of the child	
4. FIR/DD No. & Section(s) of Law	
5. Place of apprehension	
6. Date and time of apprehension	
7. Name, address with telephone number and relation of person to whom the information about apprehension has been conveyed.	
8. Name, Rank and No. of the officer making the apprehension	
9. Name, Rank and No. of the Juvenile Officer	
10. Name and contact no. of Probation Officer who has been informed about apprehension alongwith the time when such information was given.	

Witnesses with Address

1 2 3

Signature by Parent / guardian Probation officer / Social worker

Signature of IO/Juvenile Officer

P.S.

Distt.

Note : One copy delivered to the Child's family members

Case FIR / DD No Date U/s.....

P.S Distt.....

To,

The Chief Medical Officer,

.....

Sub.: 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 Const./W/Const.....No.....

It is therefore, requested that the child/patient may kindly be medically examined and opinion formay kindly be given.

Thanking you

I.O./JWO

P.S

Distt FIR NoDate

.....U/s

P.S

Personal Search Memo

In the presence of the following witnesses the personal search of Master/Ms
S/o _____ or _____ D/o _____
R/o

was conducted as per law under the provisions of Sec.51 of Cr.PC and following articles have been recovered from his/her possession and same have been taken into the police possession, through this memo.

Witness :-	Signature of father / mother / guardian / fit person / probation officer (if available)
1)	
2)	

I.O./JWO

P.S

Dist Date

Case FIR / DD No.....Date U/s

P.SDistt

Version of child in conflict with law

(to be recorded in presence of his father / mother / guardian / fit person / probation officer.)

Proceedings conducted from to

Signature of father / mother / guardian / fit person / probation officer.

Signature of IO / JWO

P.S.

Distt.

Date

Follow up action recommended specially in case allegations of mistreatment / abuse etc. are made out against any person on basis of version of CCL.

Signature of 10 / JWO

Undertaking to be given by parent / guardian / fit person in whose custody Child in *conflict* with law (CCL) / Child in need of care and protection (Children in Need of Care and Protection) is released by a police officer.

FIR / D. D. No..... of..... 20.....

Whereas (name of the child)..... has been found to be in conflict with law / in need of care and protection, and has been placed under the care and supervision of (name)..... (Address).....

subject to the following conditions that :-

1. I amfather/mother/guardian etc. of the child.....and I have full control over child
2. I shall ensure that child joins all proceedings before the JWO/IO whenever any notice in writing is received by me.
3. I shall produce the child before the Juvenile Justice Board (JJB) / Child Welfare Committee (CWC) as and when required.
4. The Child..... shall remain under my personal supervision.
5. The Child..... shall reside at address and in the event of any change in the said address of intimation shall be furnished to the IO/JWO/JJB/CWC within one week of such change.
6. I shall ensure that the child shall be sent to school or to such vocation (as is approved by Juvenile Justice Board/CWC), regularly unless prevented from doing so by circumstances beyond control.
7. I shall make every endeavor to ensure that child earn a livelihood by honest means.

8. I shall ensure for proper care, good conduct and welfare of the child.
9. I shall not allow child to associate with undesirable characters and all steps shall be taken to ensure that child is prevented from coming in situation of conflict with law/situation of neglect again.
10. The child..... shall be prevented from taking any narcotic drugs or psychotropic substance or any other intoxicant.

Dated this day of 20

Signature of parent / guardian / fit person Counter signed by IO / JW