

**POLICE**



**DEPARTMENT**

**No. D3-140908/2021/PHQ**

Police Headquarters,

Thiruvananthapuram

✉ phq.pol@kerala.gov.in

☎ 04712721547

Dated. 29-09-2021

**Circular No : 26/2021**

Sub : Police Department- The legality of the Police Clearance Certificate (PCC) issued to Child in Conflict with Law (CCL) - instructions - reg

Ref : 1. Circular No: 06/2016 dated: ..05/2016 of PHQ.

2. Decisions taken in the video conference meeting held by Hon'ble High Court JJ Committee on 15/09/2021.

Kerala Police have issued a Circular as per reference cited 1st that speaks out the fair and mandatory practices to be observed in abidance with the Protection of Children from Sexual Offences Act 2012 (POCSO) and Juvenile Justice (Care and Protection of Children) Act 2015.

Sec 3(xi) of JJ Act 2015 reads as follows -*"Every child shall have a right to protection of his privacy and confidentiality, by all means and throughout the judicial process"*.

As per Sec 74 (1) of said Act " *No report in any newspaper, magazine, news-sheet or audio-visual media or other forms of communication regarding any inquiry or investigation or judicial procedure, shall disclose the name, address or school or any other particular, which may lead to the identification of a child in conflict with law or a child in need of care and protection or a child victim or witness of a crime, involved in such matter, under any other law for the time being in force, nor shall the picture of any such child be published:*

*Provided that for reasons to be recorded in writing, the Board or Committee, as the case may be, holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the best interest of the child.*

*(2) The Police shall not disclose any record of the child for the purpose of character certificate or otherwise in cases where the case has been closed or disposed of with imprisonment for a term which may extend to six months or fine which may extend to two lakh rupees or both.*

A Child in Conflict with Law has approached the District Juvenile Committee, Thodupuzha, Idukki, stating that the Police Verification Certificate issued to him from the police station has disclosed his involvement in a crime and thereby spoiled his job prospects. The Hon'ble High Court of JJ Committee vide reference cited 2nd had convened a meeting with Hon'ble District Juvenile Justice Committee, Thodupuzha, and the police authorities concerned on 15/09/2021. The meeting discussed various aspects pertaining to the disclosure of any records of the CCL in the PCC.



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The committee finally observed after reading all the relevant provisions in totality, that the following four conditions should be satisfied to disclose any records of CCL.

1. CCL should have completed or is above the age of 16 years.
2. The crime should be heinous.
3. CCL should have been tried as an adult as per Sec. 15 and Sec. 19(1) (i) of JJ Act 2015.
4. CCL should have been convicted.

If all the above conditions are satisfied, then the records can be disclosed. Therefore, the above observations of the Hon'ble High Court JJ Committee are hereby communicated to all the Unit Heads for future reference and strict compliance. Also the Circular cited 1st, is modified to this extent.



Anil Kant IPS  
State Police Chief

To : All Officers

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