

No.Q1-140655 /2017/PHQ,  
Police Headquarters,  
Thiruvananthapuram,  
Dated, 25-08-2017.

**Circular No. 21/2017**

Sub: - Procedure prescribed by Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) and the Model Rules issued by Central Government to be complied with – directions issued - reg.

- Ref: - 1. Juvenile Justice (Care and Protection of Children) Act, 2015.  
2. Juvenile Justice (Care and Protection of Children) Model Rules, 2016 issued as Notification No.GSR 898 dated 21-09-2016 in the Gazette of India: Extraordinary, Part II, Section 3(i).  
3. PHQ Circular No.15/2002 dated 23-02-2002.  
4. PHQ Circular No.01/2004 dated 09-01-2004.  
5. PHQ Circular No.12/2011 dated 12-05-2011.  
6. PHQ Circular No.14/2013 dated 26-06-2013.  
7. PHQ Circular No.16/2013 dated 01-07-2013.

The Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) has been brought into force with effect from the 15<sup>th</sup> day of January, 2016. Government of India have also issued the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 vide reference 2<sup>nd</sup> cited under section 110(1) of the said Act and they shall apply to the States *mutatis mutandis* until the rules in respect of that matter are made by the State Government.

**02.** The Pre-Production Action of Police in Relation to Children in Conflict with Law (Ss.10 & 13 of the JJ Act, 2015 r/w Rule 8, JJ Model Rules, 2016), the procedure to be followed with respect to different types of offences against children (Chapter IX of the JJ Act, 2015 r/w Chapter VIII, JJ Rules, 2016 (Rules 54-60)) and provisions with regard to the Special Juvenile Police Unit (S.107 of the JJ Act r/w Rule 86, JJ Model Rules, 2016) shall be thoroughly understood and implemented by all officers concerned. In addition to the guidelines issued so far vide references 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> cited, the following general directions as per the new provisions in the Act and the Rules are emphasized for the guidance of all officers concerned for strict compliance:-



(1) No First Information Report 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 Special Juvenile Police Unit or the Child Welfare Police Officer shall record the information regarding the offence alleged to have been committed by the child in the General Diary followed by a social background report of the child in (Form 1 of the Rules) and circumstances under which the child was apprehended, wherever applicable, and forward it to the Board before the first hearing.

(2) 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 other cases involving petty and serious offences and cases where apprehending the child is not necessary in the interest of the child, the police or Special Juvenile Police Unit or Child Welfare Police Officer shall forward the information regarding the nature of offence alleged to have been committed by the child along with his social background report (Form 1 of the Rules) 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.

(3) When a child alleged to be in conflict with law is apprehended by the Police, the Police officer concerned shall place the child under the charge of the Special Juvenile Police Unit or the Child Welfare Police Officer shall immediately inform the parents or guardian of the child that the child has been apprehended along with the 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. He shall also inform the Probation Officer concerned that the child has been apprehended so as to enable him to obtain information regarding social background of the child and other material circumstances likely to be of assistance to the Board for conducting the inquiry and a Child Welfare Officer or a Case Worker, to accompany the Special Juvenile Police Unit or Child Welfare Police Officer while producing the child before the Board within twenty- four hours of his apprehension.

(4) The Police officer apprehending a child alleged to be in conflict with law shall not send the child to a police lock-up and not delay the child being transferred to the Child Welfare Police Officer from the nearest police station. The police officer may, as per section 12(2) of the Act, send the person apprehended to an observation home only for such period till he is produced before the Board i.e.



within twenty-four hours of his being apprehended and appropriate orders are obtained (rule 9, JJ Model Rules).

(5) He shall not hand-cuff, chain or otherwise fetter a child and shall not use any coercion or force on the child;

(6) He shall inform the child promptly and directly of the charges leveled against him through his parent or guardian and if a First Information Report 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;

(7) He shall 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;

(8) He shall not compel the child to confess his guilt and he shall be interviewed only at the Special Juvenile Police Unit or at 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;

(9) He shall not ask the child to sign any statement.

(10) He shall inform the District Legal Services Authority for providing free legal aid to the child.

(11) The Child Welfare Police Officer, so designated in every Police Station u/s 107(1) of the JJ Act, 2015 shall be an officer not below the rank of Assistant Sub-Inspector, with aptitude, appropriate training and orientation and shall exclusively deal with children either as victims or perpetrators, in co-ordination with the Police, Voluntary and non-governmental organizations.

(12) The Child Welfare Police Officer shall be in plain clothes and not in uniform.

(13) The Child Welfare Police Officer shall record the social background of the child and circumstances of apprehending in every case of alleged involvement of the child in an offence (**Form 1 of Rules**) which shall be forwarded to the Board forthwith. For gathering the best available information, it shall be necessary upon the Special Juvenile Police Unit or the Child Welfare Police Officer to contact the parent or guardian of the child.



**(14) A list of all designated Child Welfare Police Officers, Child Welfare Officers, Probation Officers, Para Legal Volunteers, District Legal Services Authorities and registered voluntary and non-governmental organisations in a district, Principal Magistrate and members of the Board, members of Special Juvenile Police Unit and Child-line Services with contact details shall be prominently displayed in every police station.**

(15) The Police Officer interacting with children shall be as far as possible in plain clothes and not in uniform and for dealing with girl child, woman police personnel shall be engaged.

(16) While interacting with children, the Child Welfare Police Officer or any other police officer shall speak in polite and soft manner and shall maintain dignity and self esteem of the child.

(17) When an FIR is registered for offence against a child, a copy of the FIR shall be handed over to the complainant or child victim and subsequent to the completion of investigation, copy of report of investigation and other relevant documents shall be handed over to the complainant or any person authorised to act on his behalf.

(18) 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.

(19) The Special Juvenile Police Unit shall have a list of the Board and Child Welfare Committee in its due jurisdiction, their place of sitting, hours of sitting, names and contact details of Principal Magistrate and members of the Board, names and contact details of Chairperson and members of the Committee and the procedures to be followed before the Board and the Committee and also the contact details of the Child Care Institutions and fit facilities in its due jurisdiction.

(20) 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.



### **03. Inquiry in case of a Missing Child**

Rule 92 of the Model Rules prescribe the procedure of inquiry in case of a Missing Child as follows:

- (1) A missing child is a child, whose whereabouts are not known to the parents, legal guardian or any other person or institution legally entrusted with the custody of the child, whatever may be the circumstances or causes of disappearance, and shall be considered missing and in need of care and protection until located or his safety and well-being established.
- (2) When a complaint is received about a child who is missing, the police shall register a First Information Report forthwith.
- (3) The Police shall inform the Child Welfare Police Officer and forward the FIR to the Special Juvenile Police Unit for immediate action for tracing the child.
- (4) The Police shall:
  - (i) Collect a recent photograph of the missing child and make copies for District Missing Persons Unit, Missing Persons Squad, National Crime Records Bureau/ Media etc.;
  - (ii) fill the form on the designated portal;
  - (iii) fill the specific designed 'Missing Persons Information Form' and immediately send to Missing Persons Squad, District Missing Persons Unit, National Crime Record Bureau, State Crime Records Bureau, Central Bureau of Investigation, and other related institutions;
  - (iv) send the copy of the First Information Report by post/email to the office of the nearest Legal Services Authority along with addresses and contact phone numbers of parents or guardian of the missing child or the Child Care Institution, after uploading the relevant information onto the designated portal;
  - (v) prepare sufficient number of Hue and Cry notices containing photograph and physical description of the missing child to be sent for publication.



(vi) give wide publicity by publishing or telecasting the photographs and the description of the missing child, as feasible in (a) leading newspapers (b) Television/electronic media (c) local cable television network and social media and thereafter submit for ratification by the Board or the Committee or the Children's Court, as the case may be.

(vii) give wide publicity in the surrounding area through the use of loud speakers and the distribution and affixture of Hue and Cry notice at prominent places. Social networking portals, Short Message Service (SMS) alerts and slides in cinema halls can be used to reach out to the masses;

(viii) distribute Hue and Cry notice at all the outlets of the city or town, that is, railway stations, bus stands, airports, regional passport offices and other prominent places;

(ix) search areas and spots of interest such as movie theatres, shopping malls, parks, amusement parks, games parlours and areas where missing or run away children frequent should be identified and watched;

(x) scan the recordings of the Closed Circuit Television Cameras installed in the vicinity of the area from where the child was reported missing and on all possible routes and transit destination points like bus stands, railway stations, and other places;

(xi) inquire from under construction sites, unused buildings, hospitals, and clinics, childline services, and other local outreach workers, railway police, and other places;

(xii) details of missing children should be sent to the District Crime Record Bureaus of the neighbouring States and Station House Officers (SHOs) of the bordering police stations including in-charge of all police posts in their jurisdiction and shall conduct regular interaction with the concerned so that follow up action is ensured.



(5) Where a child cannot be traced within a period of four months, the investigation of the case shall be transferred to the Anti Human Trafficking Unit in the District which shall make reports every three months to the District Legal Services Authority regarding the progress made in the investigation.


(6) When a child is traced:

(i) he shall be produced before the Board or the Committee or the Children's Court, as the case may be, for appropriate directions;

(ii) the Police shall send a report to the District Legal Services Authority which shall provide counseling and support services to the child and the family; and

(iii) the Police shall conduct an inquiry whether the child has been subjected to any offence under the Act or any other law and if so, proceed accordingly.

**04.** All officers are instructed to get acquainted with the above provisions in the Act and the Central Model Rules in order to ensure strict compliance. A copy of the Central Rules has been uploaded in the Kerala Police website for perusal and compliance. The guidelines issued so far vide references 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> cited shall stand modified to the above extent.

 25/8/2017  
**Loknath Behera, IPS,**  
State Police Chief.

To

All Officers in List D- for information and urgent necessary action.

Copy to: Circular Register, Kerala Police Website.