



GUIDELINES

COMPLAINT/REDRESSAL MECHANISM FOR CHILD



NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

5th Floor, Chanderlok Building, 36, Janpath, New Delhi-110001

2014

PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012 (POCSO)

Offences or Violations against Children	1 st Authority/Agency to be approached to make Complaint	2 nd Authority/Agency	3 rd Authority/Agency	Remarks
Penetrative Sexual Assault (Sec- 3)	1. Special Juvenile Police Unit (SJPU) 2. Local Police: Thana / Police Chowki (Failure to record the Complaint (U/s 19(2) of POCSO Act is a punishable offence under Section - 21 of POCSO Act))	1. Report to the SHO of PS 2. Report to the Superintendent of Police (Sec- 154(3) of CrPC) 3. Report to the Special Court (Sec- 33(1) of POCSO Act. Or Report to the Judicial Magistrate (Sec- 190 of CrPC) 4. Being the monitoring agency (Section - 44 of POCSO Act.) (i) NCPCR (Sec- 13 of the CPCR Act) (ii) SCPCRs (Sec- 13 of the CPCR Act)	1. High Courts - (Art.226 of Constitution of India) 2. Supreme Court - (Art. 32 of the Constitution of India)	Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPCR Act) in the concerned State or the NCPCR (Section - 13 of CPCR Act).
Aggravated Penetrative Sexual Assault Sec- 5)				
Sexual Assault (Sec- 7)				
Aggravated Sexual Assault (Sec- 9)				
Sexual Harassment of the Children (Sec- 11)				
Use of Child for Pornography purposes (Sec- 13)				
Penetrative Sexual Assault by directly participating in Pornographic acts {Sec- 14(2)}				
Aggravated Penetrative Sexual Assault by directly participating in pornographic acts {Sec- 14(3)}				
Sexual assault by directly participating in pornographic acts {Sec- 14(4)}				
Aggravated sexual assault by directly participating in pornographic acts {Sec- 14(5)}				
Storage of pornographic material involving a child for commercial purposes (Sec- 15)				
Person failure to report a case {Sec- 19(1)}				

JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000

Violation of law by a Juvenile And Offences and Violations against Children	1 st Authority/Agency to be approached to make complaint	2nd Authority/Agency	3 rd Authority/Agency	Remarks
Juvenile when comes in conflict with law and is apprehended by the police (Section - 2(l), 10 and 15 of JJ Act)	<ol style="list-style-type: none"> 1. Has to be placed under the charge of the Special Juvenile Police Unit (SJPU) or the Designated Police Officer (DPO) (Section - 10, JJ Act) 2. Within 24 hours the Juvenile in Conflict with Law has to be produced before the Juvenile Justice Board SJPU or DPO (Section - 10, JJ Act) 	Appeal before Court of Session (Section - 52 of JJ Act)	<ol style="list-style-type: none"> 1. Revision Petition before the High Court against any order of JJB or CWC or Court of Session (Section - 53 of JJ Act) 2. High Court – (Art. 226 of Constitution of India) 3. Supreme Court (Art. 32 of Constitution of India) 	Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPCR Act) in the concerned State or the NCPCR (Section - 13 of CPCR Act).
<p>Child who is in need of care and protection i.e.</p> <ol style="list-style-type: none"> (a) who has no home and is without any ostensible means of subsistence, (b) a beggar, a street child or a working child, (c) whose life or well being is under serious threat by the one with whom the child resides, (d) who is mentally or physically challenged or terminally ill and there is no one to look after him/her or support him/her, 	Child to be produced before the Child Welfare Committee (CWC) (Section - 32, JJ Act)	Appeal before Court of Session (Section - 52 of JJ Act)	<ol style="list-style-type: none"> 1. Revision Petition before the High Court against any order of CWC or Court of Session (Section - 53 of JJ Act) 2. High Court – (Art. 226 of Constitution of India) 3. Supreme Court (Art. 32 of Constitution of India) 	Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPCR Act) in the concerned State or the NCPCR (Section - 13 of CPCR Act).

<p>(e) who has parent or guardian who are unfit or incapacitated to exercise control over him/her, (f) abandoned or surrendered or missing child, (g) victim of armed conflict, civil commotion or natural calamity (Section - 2(d) of JJ Act) can produce himself/herself, or any Police Officer or SJPU or DPO, or any public servant, or child line or any recognized NGO, or any social worker or a public spirited person (Section - 32, JJ Act)</p>				
<p>Prohibition of publication of name etc, of Juvenile in Conflict with law or child in need and care and protection involved in any proceeding under the Act (Sec- 21 of JJ Act).</p>	<p>JJB or CWC (Rule 18 (1)(a) of JJ Rules)</p>	<p>Appeal before Court of Session (Section - 52 of JJ Act)</p>	<p>Revision Petition before the High Court against any order of JJB or CWC or Court of Session (Section - 53 of JJ Act)</p>	<p>Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPCR Act) in the concerned State or the NCPCR (Section - 13 of CPCR Act).</p>
<p>Provision in respect of escaped Juvenile or child (Sec- 22 of JJ Act)</p>	<p>Any Police Officer can restore the juvenile to the place from where he/she has escaped and no proceeding against said juvenile shall be instituted by reason of such escape (Section - 22 of JJ Act)</p>			<p>Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPCR Act) in the concerned State or the NCPCR (Section - 13 of CPCR Act).</p>

NCruelty to Juvenile or Child (Sec-23 of JJ Act)	<ol style="list-style-type: none"> 1. Special Juvenile Police Unit (SJPU) 2. Local Police: Thana / Police Chowki 	<ol style="list-style-type: none"> 1. Report to the SHO of PS 2. Report to the Superintendent of Police (Sec- 154(3)of IPC) 3. Report to the Judicial Magistrate (Sec- 190 of IPC) 	<ol style="list-style-type: none"> 1. High Courts - (Art.226 of Constitution of India) 2. Supreme Court - (Art. 32 of the Constitution of India) 	<p>Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPCR Act) in the concerned State or the NCPCR (Section - 13 of CPCR Act).</p>
Employment of Juvenile or Child for begging (Sec- 24 of JJ Act)				
Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to Juvenile or Child (Sec- 25 of JJ Act)				
Exploitation of Juvenile or child employee (Sec- 26 of JJ Act)				

INDIAN PENAL CODE, 1860

Offences or Violations against Children	1 st Authority/Agency to be approached to make Complaint	2 nd Authority/Agency	3 rd Authority/Agency	Remarks
<u>Of Hurt:</u> (Sec- 323 Punishment for causing grievous hurt, Sec- 324 Voluntarily causing hurt by dangerous weapons or means, Sec- 325 Punishment for voluntarily causing grievous hurt, Sec- 326 voluntarily causing grievous hurt by dangerous weapons or means, Sec- 307 Attempt to murder, Sec- 302 Murder)	Local Police: Thana / Police Chowki	1. Report to the SHO of PS 2. Report to the Superintendent of Police (Sec- 154(3)of CrPC) 3. Report to the Judicial Magistrate (Sec- 190 of CrPC)	1. High Courts - (Art.226 of Constitution of India) 2. Supreme Court - (Art. 32 of the Constitution of India)	Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPCR Act) in the concerned State or the NCPCR (Section - 13 of CPCR Act).
<u>Sexual abuse :</u> (Sec- 375 Rape, Sec- 376 Punishment for Rape, Sec- 376A Punishment for causing death or resulting in persistent vegetative state of victim, Sec- 376C Sexual intercourse by a person in authority, Sec- 376D Gang Rape, Sec- 376E Punishment for repeat offenders, Sec- 377 Unnatural offences)	Local Police: Thana / Police Chowki	1. Report to the SHO of PS 2. Report to the Superintendent of Police (Sec- 154(3)of CrPC) 3. Report to the Judicial Magistrate (Sec- 190 of CrPC)	1. High Courts - (Art.226 of Constitution of India) 2. Supreme Court - (Art. 32 of the Constitution of India)	Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPCR Act) in the concerned State or the NCPCR (Section - 13 of CPCR Act).

<p>Trafficking : (Sec- 370 Trafficking of a person, Sec- 370A Exploitation of a trafficked person, Sec- 371 Habitual dealing in slaves, Sec- 372 Selling minor for purposes of prostitution, Sec- 373 Buying a minor for purposes of prostitution etc, Sec- 374 Unlawful compulsory labour)</p>	<p>Local Police: Thana / Police Chowki</p>	<ol style="list-style-type: none"> 1. Report to the SHO of PS 2. Report to the Superintendent of Police (Sec- 154(3)of CrPC) 3. Report to the Judicial Magistrate (Sec- 190 of CrPC) 	<ol style="list-style-type: none"> 1. High Courts - (Art.226 of Constitution of India) 2. Supreme Court - (Art. 32 of the Constitution of India) 	<p>Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPCR Act) in the concerned State or the NCPCR (Section - 13 of CPCR Act).</p>
<p>Kidnapping : (Sec- 361 Kidnapping from lawful guardianship, Sec- 363A Kidnapping or Maiming a minor for purpose of begging, Sec- 364 Kidnapping or Abducting in order to murder, Sec- 364A Kidnapping for ransom etc, Sec- 365 Kidnapping or Abducting with intent secretly and wrongfully to confine person, Sec- 366 Kidnapping, Abducting or inducing woman to compel her marriage etc, Sec- 366A Procuration of minor girl, Sec- 366B Importation of girl from foreign country, Sec- 367Kidnapping or Abducting in order to subject person to grievous hurt, slavery, etc, Sec- 368 Wrongfully concealing or keeping in confinement, kidnapped or abducted person, Sec- 369 Kidnapping or Abducing child under ten years with intent to steal from its person)</p>	<p>Local Police: Thana / Police Chowki</p>	<ol style="list-style-type: none"> 1. Report to the SHO of PS 2. Report to the Superintendent of Police (Sec- 154(3)of CrPC) 3. Report to the Judicial Magistrate (Sec- 190 of CrPC) 	<ol style="list-style-type: none"> 1. High Courts - (Art.226 of Constitution of India) 2. Supreme Court - (Art. 32 of the Constitution of India) 	<p>Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPCR Act) in the concerned State or the NCPCR (Section - 13 of CPCR Act).</p>

<p>Body offences : (Sec- 339 Wrongful Restraint, Sec- 340 Wrongful Confinement, Sec- 343 Wrongful Confinement for 3 or more days, Sec- 344 Wrongful Confinement for 10 or more days, Sec- 345 Wrongful Confinement of a person for whose liberation writ has been issued , Sec- 346 Wrongful Confinement in secret, Sec- 347 Wrongful confinement to extort property or constrain to illegal act, Sec- 348 Wrongful Confinement to extort confession or compel restoration of property, Sec- 351 Assault, Sec- 354 Assault or Criminal Force to woman with intent to outrage her modesty, Sec- 354A Offences in respect to sexual favours, advances, etc)</p>	<p>Local Police: Thana / Police Chowki</p>	<ol style="list-style-type: none"> 1. Report to the SHO of PS 2. Report to the Superintendent of Police (Sec- 154(3)of CrPC) 3. Report to the Judicial Magistrate (Sec- 190 of CrPC) 	<ol style="list-style-type: none"> 1. High Courts - (Art.226 of Constitution of India) 2. Supreme Court - (Art. 32 of the Constitution of India) 	<p>Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPCPR Act) in the concerned State or the NCPCR (Section - 13 of CPCPR Act).</p>
<p>Exposure and abandonment of a child under 12 years by parents or person having care of it (Sec- 317)</p>	<p>Local Police: Thana / Police Chowki</p>	<ol style="list-style-type: none"> 1. Report to the SHO of PS 2. Report to the Superintendent of Police (Sec- 154(3)of CrPC) 3. Report to the Judicial Magistrate (Sec- 190 of CrPC) 	<ol style="list-style-type: none"> 1. High Courts - (Art.226 of Constitution of India) 2. Supreme Court - (Art. 32 of the Constitution of India) 	<p>Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPCPR Act) in the concerned State or the NCPCR (Section - 13 of CPCPR Act).</p>

CHILD LABOUR PROHIBITION AND REGULATION ACT, 1986

Offences or Violations against Children	1 st Authority/Agency to be approached to make Complaint	2 nd Authority/Agency	3 rd Authority/Agency	Remarks
<p>(Child: person who has not completed his 14th year of age) Child i.e. a person who has not completed 14 years of age cannot be employed in occupations/processes listed in the Schedule to the Act like, -as domestic workers or servants; -in Dhabas, Restaurants, Hotels, Tea shops and the like, And 65 listed processes. (Section - 3 read with the Schedule and Section - 14 of the Act) (Any person, Police officer, or Inspector may file a complaint of the commission of an offence under this Act)</p>	<p>Metropolitan Magistrate Or Judicial Magistrate of 1st class</p>	<p>Court of Session</p>	<ol style="list-style-type: none"> 1. Appellate Jurisdiction of High Courts and the Supreme Court 2. Writ jurisdiction of High Courts and the Supreme Court 	<p>Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPC Act) in the concerned State or the NCPCR (Section - 13 of CPC Act).</p>
<p>For the occupations and processes that do not find mention in the Schedule to the Act, employment of children is regulated (Part III, Section -s 6 to 13 of the Act)</p>	<p>Inspector (Appointed by appropriate Govt.)</p>			<p>Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPC Act) in the concerned State or the NCPCR (Section - 13 of CPC Act).</p>

THE IMMORAL TRAFFIC (PREVENTION ACT), 1956

Offences or violations against Children	1 st Authority/Agency to be approached to make Complaint	2 nd Authority/Agency	3 rd Authority/Agency	Remarks
Punishment for living on the earnings of prostitution (..and where such earnings relate to the prostitution of a child, shall be punishable with imprisonment for a term of not less than seven years and not more than ten years.) (Section - 4 of the Act)	Special Police Officer and Advisory Body (Section - 13)	1. Metropolitan Magistrate, Judicial Magistrate of the first class, 2. District Magistrate or Sub-divisional Magistrate	1. High Courts - (Art.226 of Constitution of India) 2. Supreme Court - (Art. 32 of the Constitution of India)	Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPCR Act) in the concerned State or the NCPCR (Section - 13 of CPCR Act).
Procuring, inducing or taking person for the sake of prostitution (..if the person in respect of whom an offence committed under this subSection -, is a child, the punishment provided under this sub-Section - shall extend to rigorous imprisonment for a term of not less than seven years but may extend to life.)(Section - 5)	Special Police Officer and Advisory Body (Section - 13)	1. Metropolitan Magistrate, Judicial Magistrate of the first class, 2. District Magistrate or Sub-divisional Magistrate	1. High Courts - (Art.226 of Constitution of India) 2. Supreme Court - (Art. 32 of the Constitution of India)	Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPCR Act) in the concerned State or the NCPCR (Section - 13 of CPCR Act).
Detaining a person in premises where prostitution is carried on (..where any person is found with a child in a brothel, it shall be presumed, unless the contrary is proved, that he has committed the offence of detaining a person in premises where prostitution is carried on) (Section - 6(2))	Special Police Officer and Advisory Body (Section - 13)	1. Metropolitan Magistrate, Judicial Magistrate of the first class, 2. District Magistrate or Sub-divisional Magistrate	1. High Courts - (Art.226 of Constitution of India) 2. Supreme Court - (Art. 32 of the Constitution of India)	Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPCR Act) in the concerned State or the NCPCR (Section - 13 of CPCR Act).

Where a child found in a brothel, is, on medical examination, detected to have been sexually abused, it shall be presumed unless the contrary is proved, that the child has been detained for purposes of prostitution or, as the case may be, has been sexually exploited for commercial purposes (Section - 6(2-A))	Special Police Officer and Advisory Body (Section - 13)	1. Metropolitan Magistrate, Judicial Magistrate of the first class, 2. District Magistrate or Sub-divisional Magistrate	1. High Courts - (Art.226 of Constitution of India) 2. Supreme Court - (Art. 32 of the Constitution of India)	Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of PCR Act) in the concerned State or the NCPCR (Section - 13 of PCR Act).
Rescue of a person (including a child) (Section - 16) (Appropriate Magistrate shall place the child so rescued in any institution established or recognised under any Children Act (JJ Act, 2000 for not more than 3 weeks).	Special Police Officer and Advisory Body (Section - 13)	1. Metropolitan Magistrate, Judicial Magistrate of the first class, 2. District Magistrate or Sub-divisional Magistrate	1. High Courts - (Art.226 of Constitution of India) 2. Supreme Court - (Art. 32 of the Constitution of India)	Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of PCR Act) in the concerned State or the NCPCR (Section - 13 of PCR Act).
Where offence of prostitution is carried on is in respect of a child (Sec- 7(1A))	Special Police Officer and Advisory Body (Section - 13)	1. Metropolitan Magistrate, Judicial Magistrate of the first class, 2. District Magistrate or Sub-divisional Magistrate	1. High Courts - (Art.226 of Constitution of India) 2. Supreme Court - (Art. 32 of the Constitution of India)	Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of PCR Act) in the concerned State or the NCPCR (Section - 13 of PCR Act).

PROHIBITION OF CHILD MARRIAGE ACT, 2006

Offences or violations against Children	1 st Authority/Agency to be approached to make Complaint	2 nd Authority/Agency	3 rd Authority/Agency	Remarks
<p>Whoever performs, conducts, directs or abets any child marriage shall be punishable with rigorous imprisonment which may extend to two years and shall be liable to fine which may extend to one lakh rupees; child means a person who, if a male, has not completed 21 years of age, and if a female, has not completed 18 years of age. (Section -s 10 and 2(a) of the Act)</p>	<p>1. Local Police: Thana / Police Chowki 2. Child Marriage Prohibition Officer</p>	<p>1. Judicial Magistrate or Metropolitan Magistrate 2. District Magistrate</p>		<p>Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPCR Act) in the concerned State or the NCPCR (Section - 13 of CPCR Act).</p>

THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

Offences or violations against Children	1 st Authority/Agency to be approached to make Complaint	2 nd Authority/Agency	3 rd Authority/Agency	Remarks
<p>Every child of the age of 6 to 14 years, including a child belonging to disadvantaged groups and weaker sections and child with disability shall have the right to free and compulsory education in a neighbourhood school till the completion of his her elementary education.</p> <p>(Section - 3 of RTE Act)</p> <p>Any Grievance relating to child under RTE Act (Section -32)</p>	<ol style="list-style-type: none"> 1. School Management Committee (SMC)- Sec- 21 2. Local Authority –Sec- 32 3. SCPCR- Sec- 31 4. NCPCR- Sec.-31 	<ol style="list-style-type: none"> (i) SCPCR (ii) NCPCR <p>(Constituted under Section - 31(3) of RTE Act read with rule 27(2) of RTE Rules).</p>		<p>Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPCR Act) in the concerned State or the NCPCR (Section - 13 of CPCR Act).</p>
<p>Prohibition of physical punishment and mental harassment to child (Section - 17)</p>	<ol style="list-style-type: none"> 1.School Management Committee (SMC)- Sec- 21 2.Local Authority –Sec- 32 3. SCPCR- Sec- 31 4. NCPCR- Sec.-31 	<ol style="list-style-type: none"> (i) SCPCR (ii) NCPCR <p>(Constituted under Section - 31(3) of RTE Act read with rule 27(2) of RTE Rules).</p>		<p>Wherever any violation or deprivation of child rights is noticed, it can also be reported to the SCPCR (Section - 24 of CPCR Act) in the concerned State or the NCPCR (Section - 13 of CPCR Act).</p>