

# FAQs

**CHILD  
RIGHTS  
&  
DCPCR**



**Delhi Commission for  
Protection of Child Rights**

Govt. of NCT of Delhi





**Frequently Asked Questions**

**DELHI COMMISSION FOR PROTECTION OF CHILD RIGHTS**



# CONTENTS

## **SECTION I:**

INTRODUCTION.....1

## **SECTION II:**

RIGHTS OF A CHILD .....3

## **SECTION III:**

IMPORTANT DEFINITIONS.....5

## **SECTION IV:**

THE DELHI COMMISSION FOR  
PROTECTION OF CHILD RIGHTS .....9

## **SECTION IV:**

CHILDREN'S COURTS .....19

## **SECTION VI:**

PROCEDURE FOR REPORTING  
CRIMES AGAINST CHILDREN .....20

ABBREVIATIONS.....22





**SHEILA DIKSHIT**  
CHIEF MINISTER



GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI  
DELHI SECRETARIAT, I.P. ESTATE, NEW DELHI-110113  
PHONE : 23392020, 23392030 FAX : 23392111

D.O. No.: 05DCMV/38652

Dated : 3. 9. 13

### MESSAGE

The Delhi Commission for Protection of Child Rights has been proactively engaged in flagging important issues and concerns regarding the rights of a child in the National Capital. It is a matter of immense satisfaction to the government that the Commission has ensured citizen engagement and a consultative approach in pursuing all aspects of child protection.

This FAQ document puts down the child protection mechanisms in a simple and straight forward manner and provides practical and useful inputs to the common man in securing the rights of a child. It explains clearly how the DC PCR could be of help to a citizen in obtaining redressal concerning various situations regarding violation of child rights.

I congratulate the Chairperson and the Delhi Commission for Protection of Child Rights for bringing out this document which is also, in a way, a reiteration of the sensitivity of the Government of NCT of Delhi and the DCPCR towards ensuring a safe, protected and empowered environment for our children.

(SHEILA DIKSHIT)





प्रो. किरण वालिया  
Prof. Kiran Walia



सत्यमेव जयते

शिक्षा, समाज कल्याण  
महिला एवं बाल विकास और भाषा मंत्री  
राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार  
MINISTER OF EDUCATION  
SOCIAL WELFARE WOMEN & CHILD  
DEVELOPMENT AND LANGUAGES  
GOVERNMENT OF NCT OF DELHI

D.O. No. \_\_\_\_\_

Date \_\_\_\_\_

### Message

The Government of NCT of Delhi had set up the Delhi Commission for Protection of Child Rights (DCPCR), as part of its commitment to ensure that all actions concerning children, whether undertaken by public or private social welfare organizations or any other administrative authority, shall have the best interests of the child as the primary consideration. The DCPCR is doing a commendable job in educating and empowering the citizens of Delhi regarding the rights of children and how these can be protected.

I am happy that Delhi Commission for Protection of Child Rights has brought out this FAQ document which outlines procedures set down by the law in a concise and simple manner and which serve as an easy reference guide for all citizens regarding the rights available to a child and what the DCPCR can do to assist them in securing those rights. I commend the Delhi Commission for this first of a kind initiative by DCPCR and I am sure its dissemination will further generate awareness regarding the protection mechanisms available to a child in the National Capital Territory of Delhi.

*Kiran Walia*  
(Prof. Kiran Walia)

Shri Arun Mathur,  
Chairperson,  
DCPCR, GNCTD,  
5<sup>th</sup> floor, ISBT Building,  
Kashmere Gate, Delhi.



दिल्ली सचिवालय, आई.पी.एस्टेट, नई दिल्ली-110002 दूरभाष : 23392067, 23392123  
DELHI SECRETARIAT, I P ESTATE, NEW DELHI-110002 TEL: 23392067, 23392123



## FOREWORD



**T**he **National Policy for Children**, adopted by the Govt. of India in April 2013 commits the State to promote and safeguard the right of all children to live and grow with equity, dignity, security and freedom, especially those marginalised or disadvantaged; to ensure that all children have equal opportunities; and that no custom, tradition, cultural or religious practice is allowed to violate or restrict or prevent children from enjoying their rights as guaranteed under the Constitution of India.

The Commissions for Protection of Child Rights Act, 2005 provides for the constitution of a National Commission and State Commissions for Protection of Child Rights and the setting up of Children's Courts for providing speedy trial of offences against children.

The Delhi Commission for Protection of Child Rights was set up in September 2008. Like the National Commission, it has provision for a Chairperson and six Members.

The Commission stands committed to intervene actively and effectively in all complaints related to deprivation and violation of child rights and non-implementation of laws for protection and development of children.

The questions in this booklet comprehensively cover all aspects of the CPCRA Act 2005, and provide information in an easy to read manner regarding the Delhi Commission for Protection of Child Rights, its mandate and the circumstances and manner in which it intervenes in the best interest of a child. I am sure the booklet will facilitate a better appreciation of the role of the Commission and how it can be of service to the citizens of the National Capital Territory of Delhi in raising awareness regarding the rights of children.

**Arun Mathur**  
**Chairperson**  
**DCPCR**  
**October 2013**



## SECTION I: INTRODUCTION

**Article 4** of the Convention on the Rights of the Child states

**“States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation”**

As a measure of India's commitment to the UNCRC and various other instruments for the protection and enhancement of child rights, India enacted the Commissions for Protection of Child Rights Act, 2005. The introductory message to this Act clarifies its objective,

**An Act to provide for the constitution of a National Commission and State Commissions for Protection of Child Rights and Children's Courts for providing speedy trial of offences against children or of violation of child rights and for matters connected therewith or incidental thereto**

The Act sets up the institutional mechanism for monitoring and curbing the violation of child rights. The National Commission for Protection of Child Rights (NCPCR) and State Commissions for Protection of Child Rights (SCPCR) are quasi-judicial bodies set up to improve and increase child protection.

The National Commission for Protection of Child Rights (NCPCR) was set up in March 2007 as a statutory body under the Commissions for Protection of Child Rights Act, 2005 (4 of 2006), an Act of Parliament (December 2005).

So far, 22 states, including Delhi have set up State Commissions<sup>1</sup>.

---

<sup>1</sup><http://www.ncpcr.gov.in/scpcr.htm>

# INDIA



## STATES WITH COMMISSIONS FOR PROTECTION OF CHILD RIGHTS

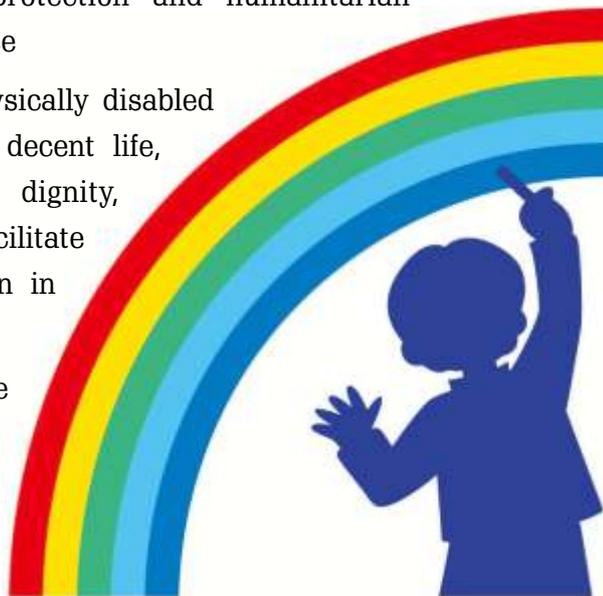
<sup>2</sup>As per National Commission for Protection of Child Rights <http://www.ncpcr.gov.in/scpcr.htm>

## SECTION II: RIGHTS OF A CHILD

### What are the Rights of a Child?

The rights of a child are those as enumerated under the United Nations Convention on the Rights of the Child (UNCRC) including:

1. Protection against all forms of discrimination or punishment
2. Right to life
3. Right from birth to a name, identity and the right to acquire a nationality
4. The right not to be separated from their parents against their will
5. The Right to freedom of expression
6. Right of the child to freedom of thought, conscience and religion
7. Right of the child to freedom of association and to freedom of peaceful assembly
8. The Right to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child
9. The Right to appropriate protection and humanitarian assistance if the child is a refugee
10. The Right for mentally or physically disabled children to enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community
11. The Right to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health



12. The Right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development
13. The Right to Education
14. Right to be protected from economic exploitation and hazardous work
15. Right to protection from all forms of sexual exploitation and sexual abuse

### **What is the United Nations Convention on the Rights of the Child (UNCRC)?**

The United Nations Convention on the Rights of the Child (UNCRC) is an **international child rights treaty** that protects the rights of children. Adopted on 20th November 1989 by the UN assembly, the Convention's objective is to **protect the rights of all children** in the world. The Convention is the first legally binding international instrument of Child Rights protection. The States that ratified the Convention are obligated to respect and to ensure that all rights it establishes in the name of children are respected. India is a signatory to the Convention.

### **When did India ratify the United Nations Convention on the Rights of the Child?**

India ratified the United Nations Convention on Rights of the Child on 12th November 1992.

### **What does The Commissions for Protection of Child Rights Act 2005 provide for?**

The Commissions for Protection of Child Rights Act, 2005 provides for the constitution of a **National Commission and State Commissions for Protection of Child Rights and Children's Courts** for providing speedy trial of offences against children or of violation of child rights.

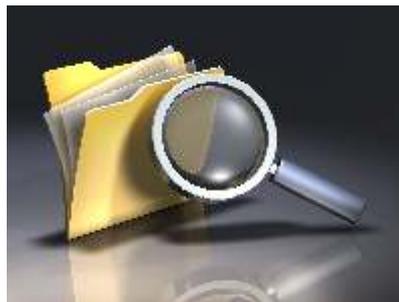
## SECTION III: IMPORTANT DEFINITIONS

### Who is a child?

A child means every person who has not completed 18 years of age.

### What is the Juvenile Justice (Care and Protection of Children) Act, (JJ Act) 2000?

As per the Preamble to the Act, the JJ Act is an Act to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation. It is the primary child rights law in India dealing with juvenile delinquency and abandoned children in need of protection.



### Who is a child in need of care and protection?

According to Section 2 (d) of Juvenile Justice (Care & Protection of Children) Act 2000, a child in need of care and protection means:

- Child who is found **without any home or settled place or abode** and without any ostensible **means of survival**.
- Child who is found **begging** or who is either a street child or a working child.
- Child who resides with a person, whether a **guardian** of the child or not, and such person has **threatened to kill or injure or abuse** the child.
- Child who is **mentally or physically challenged** or suffering from **terminal or incurable disease** having no one to support or look after.
- Child who has a parent or guardian and such **parent or guardian is unfit** or incapacitated to exercise control over the child.



- Child who **does not have parents** and no one is willing to take care of or whose parents have abandoned him or who is missing or run away child and whose parents cannot be found after reasonable inquiry.
- Child, who is being grossly **abused, tortured or exploited** for the purpose of sexual abuse or illegal acts.
- Child who is found vulnerable and is likely to be inducted into **drug abuse or trafficking**.
- Child who is being or is likely to be abused for **unconscionable gains**.
- Child who is a victim of any **armed conflict, civil commotion or natural calamity**

### **Who is a juvenile?**

A "juvenile" or "child" means a person who has **not completed eighteenth year of age**. The definition of a juvenile is the same as the definition of a "child".

### **Who is a juvenile in conflict with law?**

Section 2 (l) of the Juvenile Justice Act, 2000 has defined "juvenile in conflict with law" as a juvenile who is **alleged to have committed an offence** and has not completed eighteenth year of age as on the date of Commission of such offence.

### **What is the Special Juvenile Police Unit (SJPU)?**

Section 63 of the Juvenile Justice (Care and Protection of Children) Act, 2000 requires for SJPUs to be set up in every district, in every city to **co-ordinate and upgrade the treatment of juveniles and children**. SJPUs shall consist of police officers with aptitude, appropriate training and orientation to **engage in prevention of juvenile crime** or handling of juveniles and children in distress. The Delhi Police has set up SJPUs in all 11 Districts of Delhi, as well as in the Crime and Railways and IGI Airport Units.



### **What is a children's home?**

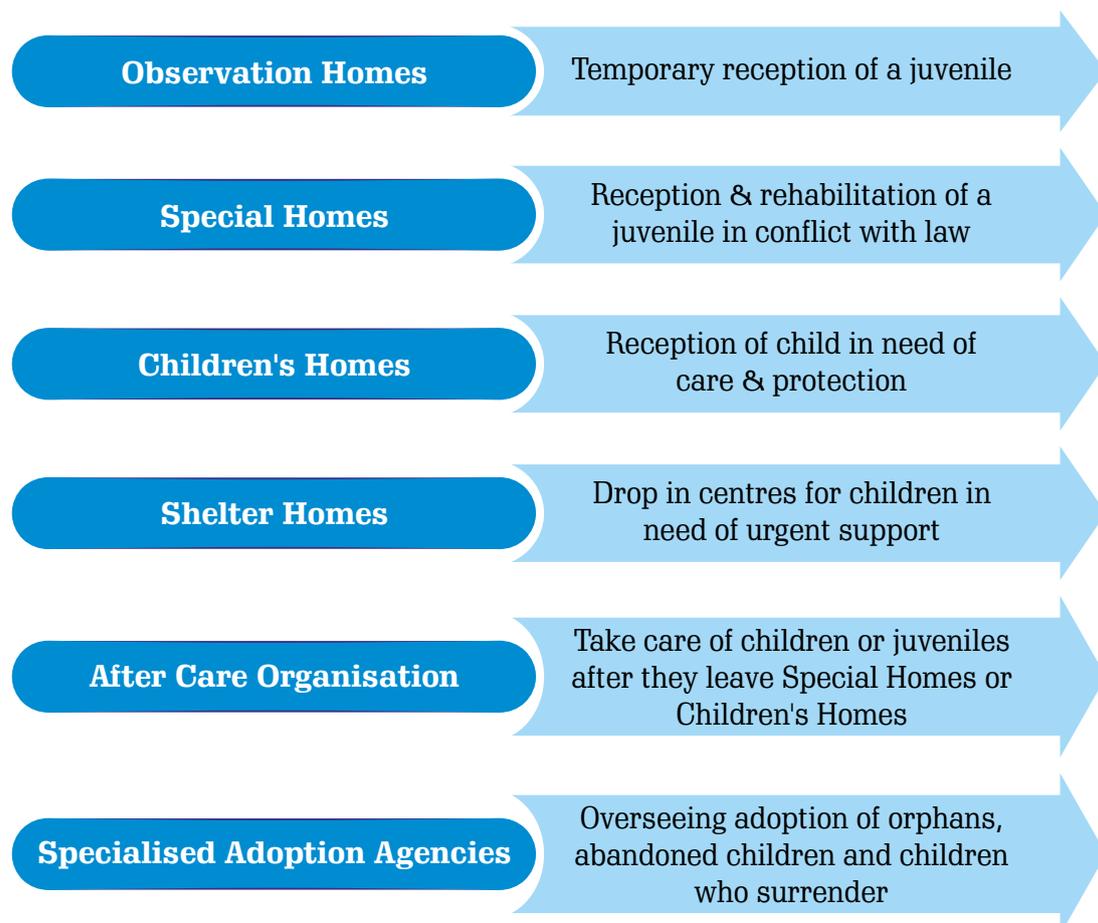
Section 2(e) read with Section 34 of the Juvenile Justice Act 2000 defines a children's home as an institution established by a State Government or voluntary organisation and certified by

that State Government for the **reception of children in need of care and protection during the pendency of an inquiry** before a Child Welfare Committee and subsequently for their care, treatment, education, training, development and rehabilitation.

### **What is a shelter home?**

Section 2(u) read with Section 37 defines a shelter home as a home or **drop-in centre** for juveniles or children in **need of urgent support**, which are set up by reputed and capable voluntary organisations, recognised under Section 37 and assisted by State Governments.

### **TYPES OF HOMES UNDER THE JUVENILE JUSTICE (CARE & PROTECTION OF CHILDREN) ACT, 2000**



### **What is the Child Welfare Committee (CWC)?**

The Child Welfare Committee is a body constituted under Section 29 of the JJ Act and is the **sole authority** to deal with matters concerning children in need of care and protection. One or more Committees have to be constituted for each district, and consists of a chairperson and 4 other persons, at least one of whom should be a woman.

The Committee has the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of the children as well as to provide for their basic needs and human rights but does not have the authority to give a child up for adoption.

## **SECTION IV: THE DELHI COMMISSION FOR PROTECTION OF CHILD RIGHTS**

### **What is the jurisdiction of the DCPCR?**

The Delhi Commission for Protection of Child Rights (DCPCR) is responsible for protecting the rights of all children who reside in the National Capital Territory of Delhi.

### **How did DCPCR come in to being?**

The Delhi Commission for Protection of Child Rights (DCPCR) was constituted under the provisions of The Commissions for Protection of Child Rights Act, 2005 vide a notification issued by the Govt. of NCT of Delhi on 8th September 2008

### **What is the composition of the DCPCR?**

The DCPCR comprises a Chairperson and 6 members, of which at least 2 shall be women, from the following fields:

- (i) Education;
- (ii) Child health, care, welfare, or child development;
- (iii) Juvenile justice or care of neglected or marginalized children or children with disabilities;
- (iv) Elimination of child labour or children in distress;



(v) Child psychology or sociology; and

(vi) Laws relating to children.

### **Where is it based? How can one contact the Commission?**

The Commission's office is located at:

**5th Floor, ISBT Building, Kashmiri Gate, Delhi 110 006**

Telephone: **011-23862684- 85** | E-mail id: **dcpcr@hotmail.com**

Website: **dcpcr.delhi.gov.in**

### **What are the functions of DCPCR?**

DCPCR has the following functions assigned to it:

- i. **Examine and review the safeguards** provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation;
- ii. Present to the Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards;
- iii. Inquire into **violation of child rights** and recommend **initiation of proceedings** in such cases.
- iv. Examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution and **recommend appropriate remedial measures**;
- v. Look into matters relating to children in need of special care and protection including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures;
- vi. **Study treaties and other international instruments** and undertake periodical **review of existing policies, programmes** and other activities on child rights and make recommendations for their effective implementation in the best interest of children;
- vii. Undertake and promote **research in the field of child rights**;

- viii. Spread child rights literacy among various sections of the society and **promote awareness** of the safeguards available for protection of these rights through publications, the media, seminars and other available means;
- ix. **Inspect** or cause to be inspected any **juvenile custodial home**, or any other place of residence or institution meant for children, under the control of the Government or any State Government or any other authority, including any institution run by a social organization; where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary;
- x. Inquire into **complaints and take suomotu notice** of matters relating to,-
- a. Deprivation and violation of child rights;
  - b. Non-implementation of laws providing for protection and development of children;
  - c. Non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children, or take up the issues arising out of such matters with appropriate authorities; and
- xi. Analyze existing law, policy and practice to assess compliance with Convention on the Rights of the Child, undertake inquiries and produce reports on any aspect of policy or practice affecting children and comment on proposed new legislation from a child rights perspective;
- xii. Undertake **formal investigation** where concern has been expressed either by children themselves or by concerned person on their behalf;
- xiii. Ensure that the work of the Commission is **directly informed by the views of children** in order to reflect their priorities and perspective.
- xiv. Promote respect and serious consideration of the views of children in its work and in that of all Government Departments and Organizations dealing with a child.
- xv. Produce and disseminate information about child rights.
- xvi. Compile and analyze data on children.

xvii. Promote the incorporation of child rights into the school curriculum, teachers training and training of personnel dealing with children.

**What are the powers of DCPCR regarding inquiries?**

The Commission, while inquiring into any matter shall have all the **powers of a civil court** trying a suit under the Code of Civil Procedure, 1908 and, in particular, in respect of the following matters:

- i. Summoning and enforcing the attendance of any person and examine him on oath;
- ii. Discovery and production of any document;
- iii. Receiving evidence on affidavits;
- iv. Requisitioning any public record or copy thereof from any court or office;

**What kind of grievances can be addressed by DCPCR?**

DCPCR can look into any grievance/ complaint relating to:

- i. violation of Child Rights
- ii. Non-implementation of laws providing for survival, protection, development and participation of children.
- iii. Non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare of the children and to provide relief to such children.
- iv. DCPCR is also the appellate authority under the RTE Act.
- v. It is also the monitoring authority as per The Protection of Children from Sexual Offences Act, 2012.

**Can the complaint to DCPCR be sent in any language?**

Complaints can be made in **any language** included in the Eighth Schedule of the Constitution. The Commission may ask for further information and affidavits to be filed in support of the complaint if considered necessary.

### **What kind of complaints are not entertained by the Commission?**

Ordinarily, complaints of the following nature are not entertained by the Commission –

- (i) Illegible
- (ii) Anonymous/pseudonymous
- (iii) Matters sub-judice before a court/Tribunal.
- (iv) Matters pending before another Central/State Commission.
- (v) Matters which are trivial or frivolous or vague and do not make out any specific violation of child rights.
- (vi) The issue raised relates to civil dispute, such as property rights, contractual obligation, labour or industrial dispute.
- (vii) The issue raised relates to a service matter not involving child rights.
- (viii) The matter is outside the purview of the Commission.
- (ix) Any other reason/ground, which Commission considers justifiable in not entertaining the complaint.

### **Can DCPCR initiate criminal proceedings against Child Rights offenders?**

The Commission has the powers to **forward any case to a Magistrate** having jurisdiction to try the same. The Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him u/s 346 Cr.P.C, 1973.

### **Who all can approach DCPCR about any violation of Child Rights?**

DCPCR can be informed about any violation of Child Rights by **aggrieved individuals, public spirited citizens, voluntary organizations, community based organisations, parents/guardians of a child deprived of his/her rights and by the child himself/herself.**

Apart from above, the Commission is also empowered to take suomotu cognizance from reports in the Media where a clear case of violation of Child Rights is indicated.

### **Is there any fee to be paid in order to seek help from DCPCR?**

There is **no fee** for seeking help from DCPCR.

### **Can DCPCR help children who are not permanent residents of Delhi, but have been victims of child rights violations in Delhi?**

DCPCR can conduct an inquiry and take up the matter with concerned authorities if the matter pertains to child rights in the National Capital Territory of Delhi. It can seek reports from other states and follow-up the case in the best interest of the child.

### **What are the different ways by which a complaint can be registered?**

One can register a complaint by **personally visiting** DCPCR, by a **letter** sent through post or courier and through **e-mail**.

The complaint can be addressed to:

The Chairperson, Delhi Commission for Protection of Child Rights, 5th Floor, ISBT Building, Kashmiri Gate, Delhi-06

Complaints can be sent through email at [dcpcr@hotmail.com](mailto:dcpcr@hotmail.com) or [www.dcpcr.delhi.gov.in](http://www.dcpcr.delhi.gov.in)

### **How does the Commission inquire into complaints?**

In cases which are taken cognizance of by the Commission on the basis of complaints received by it or even suo moto, the Commission **writes to the concerned authority/authorities to investigate/inquire** into the matter and send report to the Commission within a stipulated time limit. If there is no response, a **notice is issued** by the Commission to the concerned authority. If report/information is not received despite issue of Notice, the Commission may **issue summons** to the concerned authority to appear before it to explain the position along with relevant records/documents.

### **Can DCPCR help children whose rights have been violated in their current juvenile care homes/ children homes?**

The Commission can **inspect any juvenile custodial home and residential institution** run by the govt. and/or social organization to ensure proper care, treatment, reformation and rehabilitation of children and also to take up the matter with concerned authorities for remedial action if found necessary. It is also the objective of the Commission to promote respect and to develop a culture of

giving serious consideration to children's views in the activities of the govt. and organizations, besides promotion and incorporation of child rights in various fields of activity.

**What steps are taken by DCPCR after conducting an inquiry into any matter relating to deprivation of child rights?**

If the inquiry conducted by DCPCR discloses the violation of child rights of a serious nature or contravention of provisions of any law for the time being in force, it may recommend to the state government or concerned authority, the **initiation of proceedings for prosecution** or such other action as the Commission may deem fit against the concerned person or persons.

It can also approach the **High Court or Supreme Court** for such directions, orders or writs as that court may deem necessary. It can recommend to the state government or authority for the grant of **interim relief** to the victim or to the members of his/her family as necessary.

**What is the jurisdiction of the DCPCR vis-à-vis matters taken up by other Commissions?**

The Commission does not inquire into any matter which is pending before the National Commission or any other State Commission.

**What guidelines are followed by DCPCR while spending the funds it receives from the state government?**

DCPCR follows the guidelines prescribed in the Delhi Commission for Protection of Child Rights Rules, 2008. The Commission spends such sums of money as it thinks fit for performing its functions as per General Financial Rules. DCPCR maintains proper accounts and other relevant records and prepares an annual statement of accounts in the form prescribed by the state government. The Chairperson of the Commission has all powers relating to financial transactions of the Commission, except for those issues, which require prior approval of the state government.



**Can any prosecution, law suit or any other legal proceedings lie against DCPCR, or any Members of the Commission?**

**No prosecution, law suit or any other legal proceedings** lie against DCPCR, any of its Members or against any person acting under the directions of the Commission, in respect of anything done in good faith.

**Who has the powers to make rules relating to the functioning of the DCPCR?**

The **Government of NCT of Delhi** has the powers to make rules relating to the functioning of DCPCR.

**What are the various laws DCPCR invokes to protect child rights?**

Among other laws, DCPCR invokes the following laws as part of its mandate:-

- (i) The Commissions for Protection of Child Rights Act, 2005
- (ii) Right of Children to Free and Compulsory Education Act, 2009 (RTE)
- (iii) The Protection of Children from Sexual Offences Act, 2012 (POCSO)
- (iv) Bonded Labour System (Abolition) Act, 1976
- (v) Child Labour (Prohibition and Regulation) Act, 1986
- (vi) Contract Labour (Regulation and Abolition) Act, 1970
- (vii) Factories Act, 1948
- (viii) Immoral Traffic (Prevention) Act, 1956
- (ix) Juvenile Justice (Care and Protection of Children) Act, 2000
- (x) Medical Termination of Pregnancy Act, 1971
- (xi) Prohibition of Child Marriage Act, 2006

**What is the role of DCPCR in monitoring the RTE Act?**

Within DCPCR, an **RTE cell** has been constituted to deal with cases related to the provisions of this Act. The Commission has extensively invoked the provisions of this Act while dealing with thousands of cases of children in Delhi ranging from denial of education to lack of infrastructural facilities in schools. The proactive approach of the Commission has resulted in the positive redressal of the problems of a large number of children.

### **What are the various issues under RTE Act which DCPCR is called upon to resolve?**

Some of the issues, which DCPCR has dealt with are:

- (i) Non issuance of Registration forms by recognized unaided public school for admission of children belonging to EWS (economically weaker section) category.
- (ii) Lack of transparency in conducting draw of lots for children belonging to EWS category.
- (iii) Corporal punishment to children in schools.
- (iv) Lack of basic amenities and infrastructural facilities in schools.
- (v) Screening test for admission of children in nursery classes.
- (vi) Denial of benefits of freeship to children with special needs.

### **What is The Protection of Children from Sexual Offences Act, 2012?**

The Protection of Children from Sexual Offences Act, 2012 (POCSO) strengthens the legal provisions for the protection of children from sexual abuse and exploitation. It provides protection to all children under the age of 18 years from the **offences of sexual assault, sexual harassment and pornography**. The Act provides for **stringent punishments** which have been **graded** as per the gravity of the offence.

### **What are the advantages of proceeding under the POCSO Act compared to the Indian Penal Code (IPC)?**

The **IPC does not differentiate between adult and child victims** whereas the POCSO Act specifically deals with sexual offences committed against children. The POCSO Act penalises sexual offences committed against both male and female child victims whereas the **IPC does not take into account rape committed on a male child**. The POCSO Act provides for the establishment of **Special Courts** for trial of offences and incorporates child-friendly procedures for reporting, recording of evidence, investigation and trial of offences. The Rules made under the POCSO Act provide for award of compensation, including interim compensation, to a child victim on the basis of criteria such as loss of education or employment opportunities, as well as consequences suffered as a result of the abuse such as disease, disability and pregnancy.

### **What is the role of DCPCR regarding the POCSO Act?**

The Act casts a duty on the Commission to monitor the implementation of the provisions of the Act. Under POCSO Act, DCPCR can conduct an inquiry/seek explanations and recommend to the concerned authorities to register cases as per provisions of this Act.

### **What is the role of DCPCR in rescue and rehabilitation of child labour?**

DCPCR monitors the rescue and rehabilitation of child labour and can forward such cases to Child Welfare Committees/Magistrates who have jurisdiction to try the same. It can recommend to concerned Government authorities for **initiation of proceedings for prosecution** or other suitable action in such cases. Timely and effective intervention by the Commission has resulted in rehabilitation of child labour in many cases and also recovery of fines from defaulting employers.

### **Can DCPCR help children and / or family members in getting grant of interim relief through appropriate authorities, in cases of injury, death/casualty in accidents involving DTC buses, manholes, sewers etc?**

In such cases, the Commission can recommend to appropriate Government authorities the grant of **interim relief** to children and / or family members.

### **Can DCPCR help a victim of Child Marriage?**

The Commission views the practice of Child Marriage as a **violation of children's fundamental rights**. The Commission is empowered to undertake inquiry into such complaints and can issue suo motu notices to the authorities concerned on the basis of any reports of such cases.

### **What is the role of DCPCR in checking the issue of female foeticide?**

DCPCR can intervene and recommend to the appropriate authority appointed under the Pre-conception and **Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act (PCPNDT Act) 1994** to investigate cases of violation, possible violation and take necessary action to check female foeticide.

## **SECTION V : CHILDREN'S COURTS**

### **What are children's courts?**

Children's courts deal with cases where a child has suffered due to any form of violence or crime. The main objective of such courts is to provide speedy justice, relief and care to the children who are victims of a criminal offence and expeditious disposal of such cases in a child friendly setup and employing child friendly procedures.

### **How many children's courts exist in the NCT of Delhi?**

The Court of an Additional Sessions Judge at each Police District acts as a Children's court for the trial of offences against children or of violation of child rights

### **Are children's courts and juvenile courts the same?**

Juvenile Courts, i.e. the Juvenile Justice Board deals with all cases where an offence is alleged to have been committed by a person below the age of 18 years while a Children's Court conducts trials against adults (persons above the age of 18 years) if they are accused of committing offences against children.

### **Are children's courts and special courts the same?**

Yes. In Delhi Children's Courts and Special Courts are the same. Children's Court, set up under the CPC Act of 2005, have the jurisdiction to try all cases involving any offences against children or violations of child rights. The POCSO Act requires a Children's Court to be treated as a Special Court which hears cases of sexual abuse against children.

### **What is the difference between the Juvenile Justice Board (JJB) and the Child Welfare Committees (CWC)?**

The JJBs deal with juveniles in conflict with law while the CWCs deal with children in need of care and protection. The JJB has special power to take action against media for violation of section 21 and can impose a fine of INR 25,000 against them for such transgressions.

### **What is the difference between the roles of DCPCR and Child Welfare Committees (CWC)?**

DCPCR is a statutory **Commission** which deals with all contraventions of child rights in Delhi while the CWCs are the competent authority **with** powers of a criminal court under the Code of Criminal Procedure and they deal exclusively with children in need of care and protection.

## **SECTION VI : PROCEDURE FOR REPORTING CRIMES AGAINST CHILDREN**

### **Do citizens have a duty to report crimes committed against children?**

The law makes it **every citizen's duty** to report certain crimes against children. Any person who has knowledge of a sexual offence committed against a child but fails to report it can be punished with up to **1 year's imprisonment with fine** under Section 21 of the POCSO Act. Section 39 of the Code of Criminal Procedure, 1973 makes it every citizen's duty to report crimes such as murder and kidnapping for ransom.

### **Can I report a crime which has not been committed yet but which I know may be committed against a child in the near future?**

Yes, if you have authentic information that someone intends to commit a crime against a child in the near future, you must **report it to the Special Juvenile Police Unit or to the Delhi police** so that it may be prevented. Keep in mind that you may be punished with up to **6 months imprisonment with fine for providing false information** or making a false complaint for the sake of humiliating, threatening, defaming or victimising someone under the POCSO Act.

### **How and to whom do I report a crime committed against a child in Delhi?**

If you witness a crime being committed against a child and you require immediate police response, **call 100** (24/7 toll free service) immediately and calmly explain the problem and state the location, being as descriptive as possible. You may also call **1098**, which is 24x7 helpline number for children. You may also make a personal visit to your local police station to provide a written complaint, or send an email to **dcp\_caw\_@nic.in** or **jcp\_caw@nic.in**.

### **How can I help a child in need of care and protection?**

If you would like to help a child in need of care and protection, including a homeless, orphaned, begging, exploited or working child, or a child involved in prostitution or trafficking you may **make a complaint to the DCPCR**, who will refer the matter to a Child Welfare Committee so that the child may be placed in safe custody. You may also report the matter to a Special Juvenile Police Unit, the local police, or other persons/organisations who are empowered to produce the child before a Child Welfare Committee under the Juvenile Justice Act, 2000.

### **What assistance is provided to a child in need of care and protection produced before a Child Welfare Committee?**

When the CWC receives a report regarding a child in need of care and protection, it may place him/her in a children's home and conduct an inquiry which must be completed within 4 months' time. If after completion of the inquiry the CWC is of the opinion that the child has no family or ostensible support, it may allow the child to remain in the children's home or shelter home till suitable rehabilitation is found for him/her, or till he/she attains 18 years of age.

### **How will the child in need of care and protection be rehabilitated?**

The prime objective of any children's home or shelter home shall be to restore the child to his/her family environment – i.e., to his/her parents, guardians, fit person or fit institution, as declared by the CWC. If restoration is not possible, such as in the case of orphaned, abandoned, neglected or abused children, rehabilitation may be ensured by placing the child under adoption, foster care, sponsorship or sending him/her to an after-care organisation

## **ABBREVIATIONS**

<b>DCPCR</b> .....	Delhi Commission for Protection of child rights.
<b>NCPCR</b> .....	National Commission for Protection of child rights.
<b>JJ Act</b> .....	Juvenile Justice (Care & Protection of Children) Act, 2000
<b>UN</b> .....	United Nations
<b>UNCRC</b> .....	United Nations Convention on the Rights of the Child
<b>RTE Act</b> .....	Right of Children to Free and Compulsory Education Act, 2009
<b>CPCR Act</b> .....	Commissions for Protection of Child Rights Act, 2005
<b>NCT</b> .....	National Capital Territory
<b>CWC</b> .....	Child Welfare Committee
<b>Cr.P.C</b> .....	Criminal Procedure Code
<b>JJB</b> .....	Juvenile Justice Board
<b>SCPCRs</b> .....	State Commissions for the Protection of Child Rights.
<b>POCSO Act</b> .....	The Protection of Children from Sexual Offences Act, 2012
<b>NGO</b> .....	Non-Governmental Organization
<b>IPC</b> .....	Indian Penal Code
<b>EWS</b> .....	Economically Weaker Section





## **Delhi Commission for Protection of Child Rights**

Govt. of NCT of Delhi

5th Floor, ISBT Building, Kashmiri Gate, Delhi-110 006

[www.dcpcr.delhi.gov.in](http://www.dcpcr.delhi.gov.in)