

Foundational Training Program for the Group-I officers  
Institute of Dr.MCR HRD  
Govt of Telangana  
2026

# Glimpses of care and protection laws for children in India

with special reference to

## Juvenile Justice (care and protection of children) Act 2015

(Amendment Act 2021)

# No specific child protection laws till the end of 19<sup>th</sup> century



In 20<sup>th</sup> Century...

In between 1914-18 World War I took place followed by World War II in between 1939-45

**Deadliest wars** in history that has seen **more than 50 million** fatalities.



# HOLOCAUST OF THE TWO WORLD WARS

World had witnessed the worst ever holocaust, **huge destruction of property, terrible loss of life and scattered families, collapse of economy and ruined health system.**

The devastation of the two Wars **attracted** the world leaders of the scenes of **extreme vulnerability of children across the world.**

Following the widespread destruction of World War II, the **UN recognized the need of "special care and assistance"** to children and adopted the Declaration of the **Rights of the Child** in 1959...followed by the convention on the **Child Rights 1989**

The post War period witnessed many countries passing child-centric laws to safeguard interests and for holistic development of their children considering them as Nation's supreme asset.

India too made several child-centric laws...

- Commission for Protection Child Rights Act 2006
- Prohibition of Child Marriage Act 2006
- Juvenile Justice (cpc) Act 2015
- POCSO Act 2012
- Adoption guidelines

The Juvenile Justice (Care and Protection of Children) Act, 2015 is the principal legislation that addresses the care, protection, rehabilitation, and social reintegration of children in need.

It works in coordination with other key child-related laws such as the **Prohibition of Child Marriage Act, POCSO Act, Adoption Regulations, the Child Labour (Prohibition and Regulation) Act, The Commissions For Protection of Child Rights Act, 2005.**

The JJ Act provides the **predominant legal framework to ensure that children are safeguarded from abuse, exploitation, neglect, and abandonment.** Hence, it may rightly be regarded as the 'mother of all child laws' guiding and harmonizing all child protection legislations in India.

# Juvenile Justice (Care and Protection of Children) Act 2015 Amendment Act 2021

Who is a child?

“child” means a person who has not completed eighteen years of age (S 2.12)

Whom the Act deals with?

**Act** applies to any child when fall outside the **social safety net** and enters the ambit of JJ system

The JJ Act deals mainly with three categories of children in the society.

## Juvenile Justice (CPC) Act 2015 deals with

Children in  
conflict with Law  
(**CiCL**)

Children in Need  
of Care and  
Protection (**CNCP**)

Child Victim of  
offences



## The General Principles of Care and Protection of Children

**1. Principle of presumption of innocence:** Any child shall be presumed to be an innocent of any mala fide or criminal intent up to the age of eighteen years.

**2. Principle of dignity and worth:** All human beings shall be treated with equal dignity and rights.

**3. Principle of participation:** Every child shall have a right to be heard and to participate in all processes and **decisions affecting his interest** and the child's views **shall be taken into consideration** with due regard to the age and maturity of the child.

**4. Principle of best interest:** All decisions regarding the child shall be based on the primary consideration that they are in the best interest of the child and **to help the child to develop full potential.**

**5. Principle of family responsibility:** The primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be.

**6. Principle of safety:** All measures shall be taken to ensure that the **child is safe and is not subjected to any harm, abuse or maltreatment** while in contact with the care and protection system, and thereafter.

**7. Positive measures:** All resources are to be mobilised including those of family and community, for promoting the well-being, facilitating development of identity and providing an inclusive and enabling environment, to reduce vulnerabilities of children and the need for intervention under this act.

**8. Principle of non-stigmatising semantics:** Adversarial or **accusatory words** are not to be used in the processes pertaining to a child.

**9. Principle of non-waiver of rights:** No waiver of any of the right of the child is permissible or valid, whether sought by the child or person acting on behalf of the child, or a Board or a Committee and any non-exercise of a fundamental right shall not amount to waiver.

**10. Principle of equality and non-discrimination:** There shall be **no discrimination** against a child **on any grounds including sex, caste, ethnicity, place of birth, disability** and equality of access, opportunity and equal treatment shall be provided to every child.

**11. Principle of right to privacy and confidentiality:** Every child shall have the right to protection of **his privacy and confidentiality**, by all means and throughout the judicial process

**12. Principle of institutionalisation as a measure of last resort:** A child shall be placed in institutional care as a step of last resort after making a reasonable inquiry.

**13. Principle of repatriation and restoration:** Every child in the juvenile justice system shall have the right to be re-united with his family at the earliest and to be restored to the same socio- economic and cultural status that he was in, before coming under the purview of this Act, unless such restoration and repatriation is not in his best interest.

**14. Principle of fresh start:** All past records of any child under the Juvenile Justice system should be erased, except in special circumstances.

**15. Principle of diversion:** Measures for dealing with children in conflict with law without resorting to judicial proceedings shall be promoted unless it is in the best interest of the child or the society as a whole.

**16. Principles of natural justice:** Basic procedural standards of fairness shall be adhered to, including the right to a fair hearing, rule against bias and the right to review, by all persons or bodies, acting in a judicial capacity under this Act.

**Juvenile Justice (care and protection) Act & Rules**

**Children in Need of Care and Protection**

Orphans, run-away children, abandoned, destitute, child labor, street children, missing children etc of below 18 yrs)



**CWC**

**Child Welfare Committee  
(at Dist)**

**Children in conflict with Law**

(Child of below 18 yrs who is alleged or found to have committed offence under law eg. theft, rape, murder etc)



**JJB**

**Juvenile Justice  
Boards (at Dist)**



# Child in Need of Care and Protection (CNCP)

Sec (2)

- (i) who is found **without any home or settled place of abode** and **without any ostensible means of subsistence**; or
- (ii) found working in **contravention of labor laws** or is found **begging or living on the street**
- (iii) **resides with a person** (whether a guardian of the child or not) and such person
  - a. has **injured, exploited, abused or neglected** the child
  - b. has a reasonable **likelihood to kill, injure, exploit or abuse** the child
  - c. has **killed, abused, neglected or exploited** some other child and **there is a reasonable likelihood**
- (iv) who is mentally ill or mentally or **physically challenged or suffering from terminal or incurable disease, having no one to support**
- (v) found has **incapacitated parent** or guardian by the Comiittee

# Child in Need of Care and Protection (CNCP)

Sec (2)

- (vi) parents have **abandoned** or **surrendered**
- (vii) missing or **run away child**, or whose **parents cannot be found**
- (viii) being or is **likely to be abused**, tortured or exploited for the **purpose of sexual abuse or illegal acts**
- (ix) likely to be **inducted into drug abuse or trafficking**
- (x) who is **at imminent risk of marriage** before attaining the age of marriage

# Child in Conflict with Law (CiCL)

Sec 2 (13)

“child in conflict with law” means a child who is **alleged** or **found** to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence as categorised below.

## Petty Offences:

includes the offences for which the maximum punishment under the Indian Penal Code or any other law for the time being in force **is imprisonment up to three years**

## Serious offences:

includes the offences for which the punishment under the Indian Penal Code or any other law for the time being in force, **is imprisonment between three to seven years**

## Heinous offences:

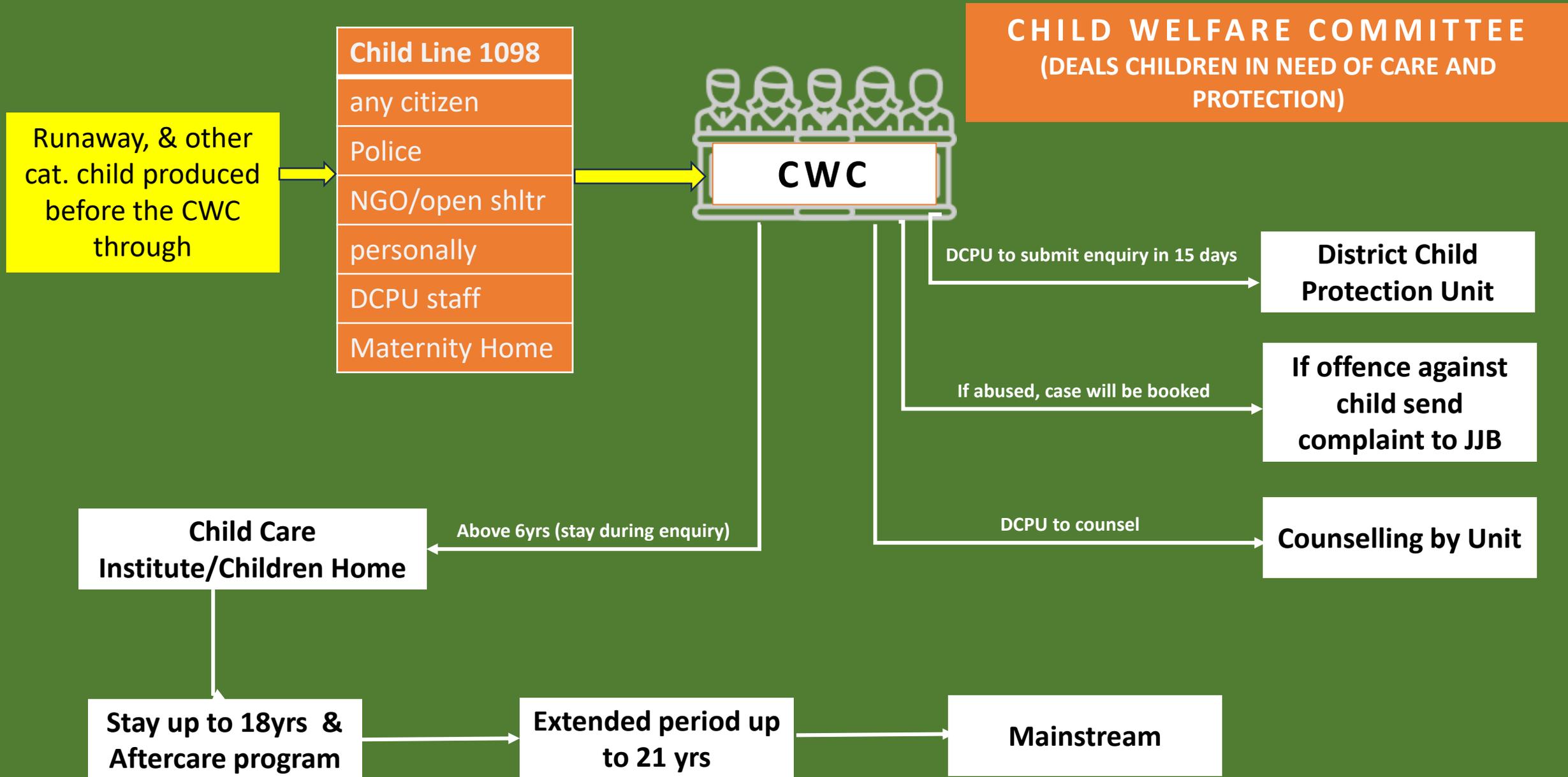
includes the offences for which the minimum punishment under the Indian Penal Code or any other law for the time being in force **is imprisonment for seven years or more**

## OFFENCES AGAINST CHILDREN

- |  |   |
|--|---|
| 1. Disclosure of identity of children without reasonable cause (Sec. 74)                                       | 6 months imprisonment or fine of Rs. 2 Lakhs or both.   |
| 2. Cruelty inflicted upon child by the person having the actual charge. (Sec. 75)                              | 3 years imprisonment or fine of Rs.1 Lakh or both / 5 years or Rs. 5 Lakhs / 10 years or Rs.5 lakhs |
| 3. Employment of child for begging. (Sec. 76)  | 5 years imprisonment and fine of Rs. 1 Lakh / 10 years or Rs.5 lakhs                                |
| 4. Whoever gives intoxicating liquor or any narcotic drug or Psychotropic substances.(Sec.77)                  | 7 years imprisonment and fine of Rs. 1 Lakh.  |
| 5. Using a child for vending, peddling, carrying, supplying any intoxicating liquor or narcotic drug. (Sec.78) | 7 years imprisonment and fine of Rs. 1 Lakh.  |

## OFFENCES AGAINST CHILDREN

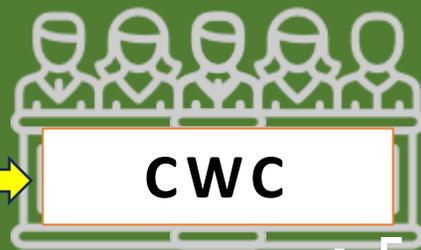
6	Exploitation of a child employee. (Sec. 79)	5 years imprisonment and fine of Rs. 1 Lakh.
7	Offering adoption without following the Provision or Procedure as provided (Sec. 80)	3 years imprisonment or fine of Rs. 1 Lakh or both.
8	Selling or buying a child. (Sec. 81)	5 years imprisonment or fine and fine of Rs. 1 Lakh.
9	Corporal punishment by the person in charge or employ in a child care institution. (Sec. 82)	Fine of Rs.10000/- for first conviction and for every subsequent conviction imprisonment upto 3 months or fine or both.
10	Use of child by militant groups or other adults. (Sec. 83)	7 years imprisonment and fine of Rs. 5 Lakh.
11	Kidnapping and abduction. (Sec. 84)	Punishment prescribed under Sec. 359 to 369 IPC



**CHILD WELFARE COMMITTEE**  
(DEALS CHILDREN IN NEED OF CARE AND PROTECTION)

Orphan/Abandoned child produced before the CWC through

- Child Line 1098
- any citizen
- Police
- NGO/open shltr
- personally
- DCPU staff
- Maternity Home



**CWC**

DCPU to submit enquiry in 15 days → **District Child Protection Unit**

Police to trace-out using portal 2months → **Track the Missing child portal**

DCPU to publish child's dtls within 72 hrs → **Publication of dtls and photo**

CWC declares after completing inquiry issues Free for adoption order → **Free for Adoption**

**Special Adoption Agency (SAA)** ← Below 6yrs (stay during enquiry)

**Child Care Institute/Children Home** ← Above 6yrs (stay during enquiry)

**Central Adoption Resource Agency (CARA)**

**District Magistrate**

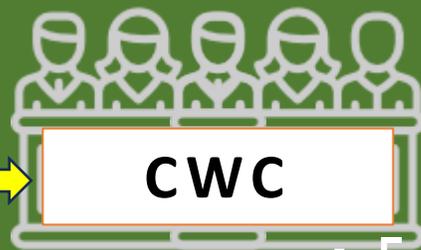
**Adoption Order to the Parent**

CWC forwards the Free for adoption order to Special Adoption Agency (SAA) to process for adoption

**CHILD WELFARE COMMITTEE**  
(DEALS CHILDREN IN NEED OF CARE AND PROTECTION)

Surrendered child produced before CWC through R 19(23)

- Child Line 1098
- any citizen
- NGO/open shltr
- personally
- DCPU staff



**CWC**

DCPU to submit enquiry in 15 days

**District Child Protection Unit**

Perform Relinquish Deed by parent

**Relinquish Deed by parent or guardian**

After 2 months CWC declares the child Free for adoption order

**Free for Adoption**

**Special Adoption Agency (SAA) or with the Parent**

Below 6yrs (stay during enquiry)

**Child Care Institute/ Children Home or Parent**

Above 6yrs (stay during enquiry)

**Central Adoption Resource Agency (CARA)**

**District Magistrate**

**Adoption Order to the Parent**

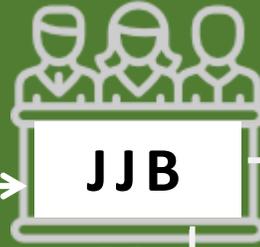
CWC forwards the Free for adoption order to Special Adoption Agency (SAA) to process for adoption

**Petty/ Serious offence/  
Heinous offence by child  
below 16 yrs**

**POLICE  
S J P U or CWPO**

**JUVENILE JUSTICE  
BOARD  
(DEALS CHILDREN IN CONFLICT WITH LAW)**

AFTER APPREHENSION  
BRINGS CHILD BEFORE JJB



Social Investigation Report

**Social Investigation Report  
followed by S.18**

**Preliminary Assessment  
Of the Child (S.15)**

If found to be in conflict with law

**SPECIAL HOME**

If child committed petty or serious offence

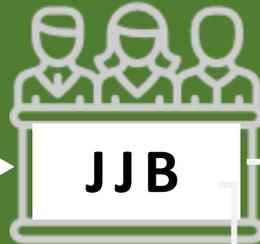
**Observation Home**

**WHILE IN SPECIAL HOME  
PROVIDE EDUCATION, SKILL  
DEVELOPMENT, BEHAVIOR  
MODIFICATION, PSYCHIATRIC  
SUPPORT ETC**

**Heinous offence by child  
between 16 to 18 yrs age**

**POLICE  
S J P U or CWPO**

AFTER APPREHENSION  
BRINGS CHILD BEFORE JJB



If the child in 16 to 18 yrs age

**Preliminary Assessment  
Of the Child (S.19)**

JJB may transfer the case to

**Children Court  
(S.20,21,22)**

IF CHILD IS 16-18 & COMITTED HENOUS OFFENCE  
JJB REFERS TO PLACE OF SAFETY

**PLACE OF SAFETY  
(FOR HENOUS OFFENCE)**

**PLACE OF SAFETY**

**IN PLACE OF SAFETY up to 21yrs.  
PROVIDE EDUCATION, SKILL  
DEVELOPMENT, BEHAVIOR  
MODIFICATION, PSYCHIATRIC  
SUPPORT ETC**

# JUVENILE JUSTICE BOARD

(DEALS CHILDREN IN CONFLICT WITH LAW)

## Procedure in case of offences against Child

For the purposes of section 75 of the Act a **child in marriage** shall be considered as **cruelty to the child**. On receipt of information of risk of a child being given in marriage, **the police or any officer authorized under the Act shall produce the child before the Committee** for appropriate directions and rehabilitative measures.

In case any **child is found to have been administered intoxicating liquor** or narcotic drugs or psychotropic substances or tobacco products in a Child Care Institution, the child shall be produced immediately before the Board or the Committee. The Board, shall on its own or on complaint received from the Committee, issue directions to the police to register an FIR immediately and to shift the child from that institute

## Procedure in case of offences against Child (Contd.)

If a child is found to be vending, carrying, supplying or smuggling an intoxicating liquor, narcotic drug, or psychotropic substance, the **police shall enquire how and from whom the child came into possession of such substance and shall register an FIR.**

If an **orphan, abandoned or surrendered** child, is offered or given or received for the purpose of **adoption without following the procedures**, the police shall register an FIR against the persons involved.

On receipt of information about the **selling or buying of a child**, the police shall register an FIR forthwith and the child shall be produced before the CWC for rehabilitation of the child.

## Procedure in case of offences against Child (Contd.)

On receipt of complaint of subjecting a child to **corporal punishment** the Judicial Magistrate shall get the case investigated by the Child Welfare Police Officer and order the police to register FIR.

# Prohibition of Child Marriage Act 2006

The **Child Marriage Restraint Act, 1929** was repealed by Prohibition of Child Marriage Act 2006

The Act provides for the **prohibition of solemnization** of child marriages and for connected matters

For the purpose of this Act, the "**child**" means a person who, if a male, has not completed **twenty-one years of age**, and if a female, has not completed eighteen years of age

16. (1) The State Government shall, appoint the **Child Marriage Prohibition Officer** with following responsibilities:

# Prohibition of Child Marriage Act 2006

- to **prevent solemnization** of child marriages
- to **collect evidence** for the effective prosecution of persons contravening the provisions of this Act
- to **advise** either individual cases or counsel the **residents** of the locality generally **not to indulge** in promoting, helping, aiding or allowing the solemnization of child marriages
- to **create awareness** of the evil which results from child marriages
- to **sensitize the community** on the issue of child marriages

# Prohibition of Child Marriage Act 2006

Act recognizes the **solemnization** of child marriages as a **cognizable and non-bailable offence**

On information of child marriage is about to be solemnized, the Magistrate shall issue an **interim injunction** against any person including a member of an organization or an association of persons, prohibiting such marriage **without giving prior notice** in case of **urgency**. (S.13.6.1)

Any child marriage solemnized **in contravention of an injunction** order issued whether interim or final, shall be **void ab initio**

# Prohibition of Child Marriage Act 2006

## Legality of a Child Marriage:

- Child marriages can be declared **null and void** by the Court:

Where a marriage has been solemnized **despite an injunction Order**

Where the child is **taken away** from their lawful guardian by enticement, force etc

When the child is **sold or trafficked** for purpose of marriage

# Prohibition of Child Marriage Act 2006

S.3. (1) Every child marriage, shall be **voidable at the option** of the contracting party who was a child at the time of the marriage through a **petition** in the **district court**.

**Punishment:** Male adult above 18 yrs of age, contracts a child marriage shall be punishable with **rigorous imprisonment** which may extend to 2 years or with fine which may extend to one lakh rupees or with both

The Act lays down punishment to those involved for **performing** or **conducting** or **abetting** a child marriage unless **he proves** that he had **reasons to believe** that the marriage was **not a child marriage**

However, **no woman shall be punishable** with imprisonment

# Prohibition of Child Marriage Act 2006

Male contracting party to the child marriage to **pay maintenance** to the female contracting party to the marriage until her remarriage.

After **annulled by a decree every child begotten or conceived** before the decree is made, shall be deemed to be a **legitimate child** for all purposes

# Monitoring on implementation of Child Laws

Commission for Protection of Child Rights : NCPCR

Juvenile Justice Committee of Hon'ble Supreme Court of India

Commission for Protection of Child Rights : SCPCR

Juvenile Justice Committee of Hon'ble High Court of Telangana

# Monitoring on implementation of Child Laws

## Commission for Protection of Child Rights 2006

The CPCRA Act passed in the year 2006

### **Salient Functions:**

The Commission shall examine and review the safeguards provided by or under any law for protection of child rights and recommend measures for their effective implementation

Shall inquire into violation of child rights and recommend initiation of proceedings in such cases

Shall inspect or cause to be inspected any juvenile custodial home or any other place of residence or institution meant for children, for remedial action, if found necessary

# Monitoring on implementation of Child Laws

Shall look into the 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 undertake and promote research in the field of child rights;

Shall inquire in to complaints and issue *suo motu* notice in matters of

- deprivation and violation of child rights non-implementation of laws providing for protection and development of children
- non-implementation of laws providing for protection and development of children

# Monitoring on implementation of Child Laws

- 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.

Commission will have the **authority to summon** and enforce the attendance of any person and examining him on oath (S.14.1.a)

The Commission shall have the power to **forward any case to a Magistrate** having jurisdiction to try the same (S.14.2)

Basing on enquiry it has authority to recommend to the concerned Government **to initiate proceedings for prosecution** for appropriate action as the Commission may deem fit against the concerned person or persons

THANK YOU

15. (1) In case of a heinous offence alleged to have been committed by a child, who has completed or is **above the age of sixteen years**, the Board shall conduct a preliminary assessment with regard to **his mental and physical capacity to commit such offence, ability to understand** the consequences of the offence and the **circumstances** in which he allegedly committed the offence, and may pass an order in accordance with the provisions of sub section (3) of section 18

[BACK](#)

*Hide your strength, bide your time*

This approach involves delaying direct confrontation or leadership until a more advantageous time, allowing for gradual accumulation of strength.