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THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

ACT No. 2 OF 2016

[31st December, 2015.]

An Act to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established, herein under and for matters connected therewith or incidental thereto.

WHEREAS, the provisions of the Constitution confer powers and impose duties, under clause (3) of article 15, clauses (e) and (f) of article 39, article 45 and article 47, on the State to ensure that all the needs of children are met and that their basic human rights are fully protected;

AND WHEREAS, the Government of India has acceded on the 11th December, 1992 to the Convention on the Rights of the Child, adopted by the General Assembly of United Nations, which has prescribed a set of standards to be adhered to by all State parties in securing the best interest of the child;

AND WHEREAS, it is expedient to re-enact the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000) to make comprehensive provisions for children alleged and found to be in conflict with law and children in need of care and protection, taking into consideration the standards prescribed in the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption (1993), and other related international instruments.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent, commencement and application.—(1) This Act may be called the Juvenile Justice (Care and Protection of Children) Act, 2015.

(2) It extends to the whole of India ^{1***}.

(3) It shall come into force on such date² as the Central Government may, by notification in the Official Gazette, appoint.

(4) Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall apply to all matters concerning children in need of care and protection and children in conflict with law, including —

(i) apprehension, detention, prosecution, penalty or imprisonment, rehabilitation and social re-integration of children in conflict with law;

(ii) procedures and decisions or orders relating to rehabilitation, adoption, re-integration, and restoration of children in need of care and protection.

2. Definitions.—In this Act, unless the context otherwise requires,—

(1) “abandoned child” means a child deserted by his biological or adoptive parents or guardians, who has been declared as abandoned by the Committee after due inquiry;

1. The words “except the State of Jammu and Kashmir” omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).

2. 15th January, 2016, *vide* notification No. S.O. 110(E), dated 12th January, 2016, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

(2) “adoption” means the process through which the adopted child is permanently separated from his biological parents and becomes the lawful child of his adoptive parents with all the rights, privileges and responsibilities that are attached to a biological child;

(3) “adoption regulations” means the regulations framed by the Authority and notified by the Central Government in respect of adoption;

(4) “administrator” means any district official not below the rank of Deputy Secretary to the State, on whom magisterial powers have been conferred;

(5) “aftercare” means making provision of support, financial or otherwise, to persons, who have completed the age of eighteen years but have not completed the age of twenty-one years, and have left any institutional care to join the mainstream of the society;

(6) “authorised foreign adoption agency” means a foreign social or child welfare agency that is authorised by the Central Adoption Resource Authority on the recommendation of their Central Authority or Government department of that country for sponsoring the application of non-resident Indian or overseas citizen of India or persons of Indian origin or foreign prospective adoptive parents for adoption of a child from India;

(7) “Authority” means the Central Adoption Resource Authority constituted under section 68;

(8) “begging” means—

(i) soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, under any pretence;

(ii) exposing or exhibiting with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;

(9) “best interest of child” means the basis for any decision taken regarding the child, to ensure fulfilment of his basic rights and needs, identity, social well-being and physical, emotional and intellectual development;

(10) “Board” means a Juvenile Justice Board constituted under section 4;

(11) “Central Authority” means the Government department recognised as such under the Hague Convention on Protection of Children and Cooperation in Inter-country Adoption (1993);

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

(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;

(14) “child in need of care and protection” means a child—

(i) who is found without any home or settled place of abode and without any ostensible means of subsistence; or

(ii) who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street; or

(iii) who resides with a person (whether a guardian of the child or not) and such person—

(a) has injured, exploited, abused or neglected the child or has violated any other law for the time being in force meant for the protection of child; or

(b) has threatened to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out; or

(c) has killed, abused, neglected or exploited some other child or children and there is a reasonable likelihood of the child in question being killed, abused, exploited or neglected by that person; or

(iv) who is mentally ill or mentally or physically challenged or suffering from terminal or incurable disease, having no one to support or look after or having parents or guardians unfit to take care, if found so by the Board or the Committee; or

(v) who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated, by the Committee or the Board, to care for and protect the safety and well-being of the child; or

(vi) who does not have parents and no one is willing to take care of, or whose parents have abandoned or surrendered him; or

(vii) who is missing or run away child, or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed; or

(viii) who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts; or

(ix) who is found vulnerable and is likely to be inducted into drug abuse or trafficking; or

(x) who is being or is likely to be abused for unconscionable gains; or

(xi) who is victim of or affected by any armed conflict, civil unrest or natural calamity; or

(xii) who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnisation of such marriage;

(15) “child friendly” means any behaviour, conduct, practice, process, attitude, environment or treatment that is humane, considerate and in the best interest of the child;

(16) “child legally free for adoption” means a child declared as such by the Committee after making due inquiry under section 38;

(17) “Child Welfare Officer” means an officer attached to a Children’s Home, for carrying out the directions given by the Committee or, as the case may be, the Board with such responsibility as may be prescribed;

(18) “Child Welfare Police Officer” means an officer designated as such under sub-section (1) of section 107;

(19) “Children’s Home” means a Children’s Home, established or maintained, in every district or group of districts, by the State Government, either by itself, or through a voluntary or non-governmental organisation, and is registered as such for the purposes specified in section 50;

(20) “Children’s Court” means a court established under the Commissions for Protection of Child Rights Act, 2005 (4 of 2006) or a Special Court under the Protection of Children from Sexual Offences Act, 2012 (32 of 2012), wherever existing and where such courts have not been designated, the Court of Sessions having jurisdiction to try offences under the Act;

(21) “child care institution” means Children Home, open shelter, observation home, special home, place of safety, Specialised Adoption Agency and a fit facility recognised under this Act for providing care and protection to children, who are in need of such services;

(22) “Committee” means Child Welfare Committee constituted under section 27;

(23) “court” means a civil court, which has jurisdiction in matters of adoption and guardianship and may include the District Court, Family Court and City Civil Courts;

(24) “corporal punishment” means the subjecting of a child by any person to physical punishment that involves the deliberate infliction of pain as retribution for an offence, or for the purpose of disciplining or reforming the child;

(25) “childline services” means a twenty-four hours emergency outreach service for children in crisis which links them to emergency or long-term care and rehabilitation service;

(26) “District Child Protection Unit” means a Child Protection Unit for a District, established by the State Government under section 106, which is the focal point to ensure the implementation of this Act and other child protection measures in the district;

(27) “fit facility” means a facility being run by a governmental organisation or a registered voluntary or non-governmental organisation, prepared to temporarily own the responsibility of a particular child for a specific purpose, and such facility is recognised as fit for the said purpose, by the Committee, as the case may be, or the Board, under sub-section (1) of section 51;

(28) “fit person” means any person, prepared to own the responsibility of a child, for a specific purpose, and such person is identified after inquiry made in this behalf and recognised as fit for the said purpose, by the Committee or, as the case may be, the Board, to receive and take care of the child;

(29) “foster care” means placement of a child, by the Committee for the purpose of alternate care in the domestic environment of a family, other than the child’s biological family, that has been selected, qualified, approved and supervised for providing such care;

(30) “foster family” means a family found suitable by the District Child Protection Unit to keep children in foster care under section 44;

(31) “guardian” in relation to a child, means his natural guardian or any other person having, in the opinion of the Committee or, as the case may be, the Board, the actual charge of the child, and recognised by the Committee or, as the case may be, the Board as a guardian in the course of proceedings;

(32) “group foster care” means a family like care facility for children in need of care and protection who are without parental care, aiming on providing personalised care and fostering a sense of belonging and identity, through family like and community based solutions;

(33) “heinous offences” includes the offences for which the minimum punishment under the Indian Penal Code (45 of 1860) or any other law for the time being in force is imprisonment for seven years or more;

(34) “inter-country adoption” means adoption of a child from India by non-resident Indian or by a person of Indian origin or by a foreigner;

(35) “juvenile” means a child below the age of eighteen years;

(36) “narcotic drug” and “psychotropic substance” shall have the meanings, respectively, assigned to them in the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);

(37) “no objection certificate” for inter-country adoption means a certificate issued by the Central Adoption Resource Authority for the said purpose;

(38) “non-resident Indian” means a person who holds an Indian passport and is presently residing abroad for more than one year;

(39) “notification” means the notification published in the Official Gazette of India, or as the case may be, in the Gazette of a State, and the expression “notify” shall be construed accordingly;

(40) “observation home” means an observation home established and maintained in every district or group of districts by a State Government, either by itself, or through a voluntary or non-governmental organisation, and is registered as such, for the purposes specified in sub-section (1) of section 47;

(41) “open shelter” means a facility for children, established and maintained by the State Government, either by itself, or through a voluntary or non-governmental organisation under sub-section (1) of section 43, and registered as such, for the purposes specified in that section;

(42) “orphan” means a child—

(i) who is without biological or adoptive parents or legal guardian; or

(ii) whose legal guardian is not willing to take, or capable of taking care of the child;

(43) “overseas citizen of India” means a person registered as such under the Citizenship Act, 1955 (57 of 1955);

(44) “person of Indian origin” means a person, any of whose lineal ancestors is or was an Indian national, and who is presently holding a Person of Indian Origin Card issued by the Central Government;

(45) “petty offences” includes the offences for which the maximum punishment under the Indian Penal Code (45 of 1860) or any other law for the time being in force is imprisonment up to three years;

(46) “place of safety” means any place or institution, not being a police lockup or jail, established separately or attached to an observation home or a special home, as the case may be, the person in-charge of which is willing to receive and take care of the children alleged or found to be in conflict with law, by an order of the Board or the Children’s Court, both during inquiry and ongoing rehabilitation after having been found guilty for a period and purpose as specified in the order;

(47) “prescribed” means prescribed by rules made under this Act;

(48) “probation officer” means an officer appointed by the State Government as a probation officer under the Probation of Offenders Act, 1958 (20 of 1958) or the Legal-cum-Probation Officer appointed by the State Government under District Child Protection Unit;

(49) “prospective adoptive parents” means a person or persons eligible to adopt a child as per the provisions of section 57;

(50) “public place” shall have the same meaning assigned to it in the Immoral Traffic (Prevention) Act, 1956 (104 of 1956);

(51) “registered”, with reference to child care institutions or agencies or facilities managed by the State Government, or a voluntary or non-governmental organisation, means observation homes, special homes, place of safety, children’s homes, open shelters or Specialised Adoption Agency or fit facility or any other institution that may come up in response to a particular need or agencies or facilities authorised and registered under section 41, for providing residential care to children, on a short-term or long-term basis;

(52) “relative”, in relation to a child for the purpose of adoption under this Act, means a paternal uncle or aunt, or a maternal uncle or aunt, or paternal grandparent or maternal grandparent;

(53) “State Agency” means the State Adoption Resource Agency set up by the State Government for dealing with adoption and related matters under section 67;

(54) “serious offences” includes the offences for which the punishment under the Indian Penal Code (45 of 1860) or any other law for the time being in force, is imprisonment between three to seven years;

(55) “special juvenile police unit” means a unit of the police force of a district or city or, as the case may be, any other police unit like railway police, dealing with children and designated as such for handling children under section 107;

(56) “special home” means an institution established by a State Government or by a voluntary or non-governmental organisation, registered under section 48, for housing and providing rehabilitative services to children in conflict with law, who are found, through inquiry, to have committed an offence and are sent to such institution by an order of the Board;

(57) “Specialised Adoption Agency” means an institution established by the State Government or by a voluntary or non-governmental organisation and recognised under section 65, for housing orphans, abandoned and surrendered children, placed there by order of the Committee, for the purpose of adoption;

(58) “sponsorship” means provision of supplementary support, financial or otherwise, to the families to meet the medical, educational and developmental needs of the child;

(59) “State Government”, in relation to a Union territory, means the Administrator of that Union territory appointed by the President under article 239 of the Constitution;

(60) “surrendered child” means a child, who is relinquished by the parent or guardian to the Committee, on account of physical, emotional and social factors beyond their control, and declared as such by the Committee;

(61) all words and expressions used but not defined in this Act and defined in other Acts shall have the meanings respectively assigned to them in those Acts.

CHAPTER II

GENERAL PRINCIPLES OF CARE AND PROTECTION OF CHILDREN

3. General principles to be followed in administration of Act.—The Central Government, the State Governments, the Board, and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles, namely:—

(i) *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.

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

(iii) *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.

(iv) *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.

(v) *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.

(vi) *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.

(vii) *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.

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

(ix) *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.

(x) *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 treatment shall be provided to every child.

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

(xii) *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.

(xiii) *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.

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

(xv) *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.

(xvi) *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.

CHAPTER III

JUVENILE JUSTICE BOARD

4. Juvenile Justice Board.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the State Government shall, constitute for every district, one or more Juvenile Justice Boards for exercising the powers and discharging its functions relating to children in conflict with law under this Act.

(2) A Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of First Class not being Chief Metropolitan Magistrate or Chief Judicial Magistrate (hereinafter referred to as Principal Magistrate) with at least three years experience and two social workers selected in such manner as may be prescribed, of whom at least one shall be a woman, forming a Bench and every such Bench shall have the powers conferred by the Code of Criminal Procedure, 1973 (2 of 1974) on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of First Class.

(3) No social worker shall be appointed as a member of the Board unless such person has been actively involved in health, education, or welfare activities pertaining to children for atleast seven years or a practicing professional with a degree in child psychology, psychiatry, sociology or law.

(4) No person shall be eligible for selection as a member of the Board, if he—

(i) has any past record of violation of human rights or child rights;

(ii) has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or has not been granted full pardon in respect of such offence;

(iii) has been removed or dismissed from service of the Central Government or a State Government or an undertaking or corporation owned or controlled by the Central Government or a State Government;

(iv) has ever indulged in child abuse or employment of child labour or any other violation of human rights or immoral act.

(5) The State Government shall ensure that induction training and sensitisation of all members including Principal Magistrate of the Board on care, protection, rehabilitation, legal provisions and justice for children, as may be prescribed, is provided within a period of sixty days from the date of appointment.

(6) The term of office of the members of the Board and the manner in which such member may resign shall be such, as may be prescribed.

(7) The appointment of any member of the Board, except the Principal Magistrate, may be terminated after holding an inquiry by the State Government, if he—

(i) has been found guilty of misuse of power vested under this Act; or

(ii) fails to attend the proceedings of the Board consecutively for three months without any valid reason; or

- (iii) fails to attend less than three-fourths of the sittings in a year; or
- (iv) becomes ineligible under sub-section (4) during his term as a member.

5. Placement of person, who cease to be a child during process of inquiry.—Where an inquiry has been initiated in respect of any child under this Act, and during the course of such inquiry, the child completes the age of eighteen years, then, notwithstanding anything contained in this Act or in any other law for the time being in force, the inquiry may be continued by the Board and orders may be passed in respect of such person as if such person had continued to be a child.

6. Placement of persons, who committed an offence, when person was below the age of eighteen years.—(1) Any person, who has completed eighteen years of age, and is apprehended for committing an offence when he was below the age of eighteen years, then, such person shall, subject to the provisions of this section, be treated as a child during the process of inquiry.

(2) The person referred to in sub-section (1), if not released on bail by the Board shall be placed in a place of safety during the process of inquiry.

(3) The person referred to in sub-section (1) shall be treated as per the procedure specified under the provisions of this Act.

7. Procedure in relation to Board.—(1) The Board shall meet at such times and shall observe such rules in regard to the transaction of business at its meetings, as may be prescribed and shall ensure that all procedures are child friendly and that the venue is not intimidating to the child and does not resemble as regular courts.

(2) A child in conflict with law may be produced before an individual member of the Board, when the Board is not in sitting.

(3) A Board may act notwithstanding the absence of any member of the Board, and no order passed by the Board shall be invalid by the reason only of the absence of any member during any stage of proceedings:

Provided that there shall be atleast two members including the Principal Magistrate present at the time of final disposal of the case or in making an order under sub-section (3) of section 18.

(4) In the event of any difference of opinion among the members of the Board in the interim or final disposal, the opinion of the majority shall prevail, but where there is no such majority, the opinion of the Principal Magistrate, shall prevail.

8. Powers, functions and responsibilities of the Board.—(1) Notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, the Board constituted for any district shall have the power to deal exclusively with all the proceedings under this Act, relating to children in conflict with law, in the area of jurisdiction of such Board.

(2) The powers conferred on the Board by or under this Act may also be exercised by the High Court and the Children's Court, when the proceedings come before them under section 19 or in appeal, revision or otherwise.

(3) The functions and responsibilities of the Board shall include—

(a) ensuring the informed participation of the child and the parent or guardian, in every step of the process;

(b) ensuring that the child's rights are protected throughout the process of apprehending the child, inquiry, aftercare and rehabilitation;

(c) ensuring availability of legal aid for the child through the legal services institutions;

(d) wherever necessary the Board shall provide an interpreter or translator, having such qualifications, experience, and on payment of such fees as may be prescribed, to the child if he fails to understand the language used in the proceedings;

(e) directing the Probation Officer, or in case a Probation Officer is not available to the Child Welfare Officer or a social worker, to undertake a social investigation into the case and submit a social investigation report within a period of fifteen days from the date of first production before the Board to ascertain the circumstances in which the alleged offence was committed;

(f) adjudicate and dispose of cases of children in conflict with law in accordance with the process of inquiry specified in section 14;

(g) transferring to the Committee, matters concerning the child alleged to be in conflict with law, stated to be in need of care and protection at any stage, thereby recognising that a child in conflict with law can also be a child in need of care simultaneously and there is a need for the Committee and the Board to be both involved;

(h) disposing of the matter and passing a final order that includes an individual care plan for the child's rehabilitation, including follow up by the Probation Officer or the District Child Protection Unit or a member of a non-governmental organisation, as may be required;

(i) conducting inquiry for declaring fit persons regarding care of children in conflict with law;

(j) conducting at least one inspection visit every month of residential facilities for children in conflict with law and recommend action for improvement in quality of services to the District Child Protection Unit and the State Government;

(k) order the police for registration of first information report for offences committed against any child in conflict with law, under this Act or any other law for the time being in force, on a complaint made in this regard;

(l) order the police for registration of first information report for offences committed against any child in need of care and protection, under this Act or any other law for the time being in force, on a written complaint by a Committee in this regard;

(m) conducting regular inspection of jails meant for adults to check if any child is lodged in such jails and take immediate measures for transfer of such a child to the observation home; and

(n) any other function as may be prescribed.

9. Procedure to be followed by a Magistrate who has not been empowered under this Act.—(1)

When a Magistrate, not empowered to exercise the powers of the Board under this Act is of the opinion that the person alleged to have committed the offence and brought before him is a child, he shall, without any delay, record such opinion and forward the child immediately along with the record of such proceedings to the Board having jurisdiction.

(2) In case a person alleged to have committed an offence claims before a court other than a Board, that the person is a child or was a child on the date of commission of the offence, or if the court itself is of the opinion that the person was a child on the date of commission of the offence, the said court shall make an inquiry, take such evidence as may be necessary (but not an affidavit) to determine the age of such person, and shall record a finding on the matter, stating the age of the person as nearly as may be:

Provided that such a claim may be raised before any court and it shall be recognised at any stage, even after final disposal of the case, and such a claim shall be determined in accordance with the provisions contained in this Act and the rules made thereunder even if the person has ceased to be a child on or before the date of commencement of this Act.

(3) If the court finds that a person has committed an offence and was a child on the date of commission of such offence, it shall forward the child to the Board for passing appropriate orders and the sentence, if any, passed by the court shall be deemed to have no effect.

(4) In case a person under this section is required to be kept in protective custody, while the person's claim of being a child is being inquired into, such person may be placed, in the intervening period in a place of safety.

CHAPTER IV

PROCEDURE IN RELATION TO CHILDREN IN CONFLICT WITH LAW

10. Apprehension of child alleged to be in conflict with law.—(1) As soon as a child alleged to be in conflict with law is apprehended by the police, such child shall be placed under the charge of the special juvenile police unit or the designated child welfare police officer, who shall produce the child before the Board without any loss of time but within a period of twenty-four hours of apprehending the child excluding the time necessary for the journey, from the place where such child was apprehended:

Provided that in no case, a child alleged to be in conflict with law shall be placed in a police lockup or lodged in a jail.

(2) The State Government shall make rules consistent with this Act,—

(i) to provide for persons through whom (including registered voluntary or non-governmental organisations) any child alleged to be in conflict with law may be produced before the Board;

(ii) to provide for the manner in which the child alleged to be in conflict with law may be sent to an observation home or place of safety, as the case may be.

11. Role of person in whose charge child in conflict with law is placed.—Any person in whose charge a child in conflict with law is placed, shall while the order is in force, have responsibility of the said child, as if the said person was the child's parent and responsible for the child's maintenance:

Provided that the child shall continue in such person's charge for the period stated by the Board, notwithstanding that the said child is claimed by the parents or any other person except when the Board is of the opinion that the parent or any other person are fit to exercise charge over such child.

12. Bail to a person who is apparently a child alleged to be in conflict with law.—(1) When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person:

Provided that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.

(2) When such person having been apprehended is not released on bail under sub-section (1) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home in such manner as may be prescribed until the person can be brought before a Board.

(3) When such person is not released on bail under sub-section (1) by the Board, it shall make an order sending him to an observation home or a place of safety, as the case may be, for such period during the pendency of the inquiry regarding the person, as may be specified in the order.

(4) When a child in conflict with law is unable to fulfil the conditions of bail order within seven days of the bail order, such child shall be produced before the Board for modification of the conditions of bail.

13. Information to parents, guardian or probation officer.—(1) Where a child alleged to be in conflict with law is apprehended, the officer designated as Child Welfare Police Officer of the police station, or the special juvenile police unit to which such child is brought, shall, as soon as possible after apprehending the child, inform—

(i) the parent or guardian of such child, if they can be found, and direct them to be present at the Board before which the child is produced; and

(ii) the probation officer, or if no probation officer is available, a Child Welfare Officer, for preparation and submission within two weeks to the Board, a social investigation report containing information regarding the antecedents and family background of the child and other material circumstances likely to be of assistance to the Board for making the inquiry.

(2) Where a child is released on bail, the probation officer or the Child Welfare Officer shall be informed by the Board.

14. Inquiry by Board regarding child in conflict with law.—(1) Where a child alleged to be in conflict with law is produced before Board, the Board shall hold an inquiry in accordance with the provisions of this Act and may pass such orders in relation to such child as it deems fit under sections 17 and 18 of this Act.

(2) The inquiry under this section shall be completed within a period of four months from the date of first production of the child before the Board, unless the period is extended, for a maximum period of two more months by the Board, having regard to the circumstances of the case and after recording the reasons in writing for such extension.

(3) A preliminary assessment in case of heinous offences under section 15 shall be disposed of by the Board within a period of three months from the date of first production of the child before the Board.

(4) If inquiry by the Board under sub-section (2) for petty offences remains inconclusive even after the extended period, the proceedings shall stand terminated:

Provided that for serious or heinous offences, in case the Board requires further extension of time for completion of inquiry, the same shall be granted by the Chief Judicial Magistrate or, as the case may be, the Chief Metropolitan Magistrate, for reasons to be recorded in writing.

(5) The Board shall take the following steps to ensure fair and speedy inquiry, namely:—

(a) at the time of initiating the inquiry, the Board shall satisfy itself that the child in conflict with law has not been subjected to any ill-treatment by the police or by any other person, including a lawyer or probation officer and take corrective steps in case of such ill-treatment;

(b) in all cases under the Act, the proceedings shall be conducted in simple manner as possible and care shall be taken to ensure that the child, against whom the proceedings have been instituted, is given child-friendly atmosphere during the proceedings;

(c) every child brought before the Board shall be given the opportunity of being heard and participate in the inquiry;

(d) cases of petty offences, shall be disposed of by the Board through summary proceedings, as per the procedure prescribed under the Code of Criminal Procedure, 1973 (2 of 1974);

(e) inquiry of serious offences shall be disposed of by the Board, by following the procedure, for trial in summons cases under the Code of Criminal Procedure, 1973 (2 of 1974);

(f) inquiry of heinous offences,—

(i) for child below the age of sixteen years as on the date of commission of an offence shall be disposed of by the Board under clause (e);

(ii) for child above the age of sixteen years as on the date of commission of an offence shall be dealt with in the manner prescribed under section 15.

15. Preliminary assessment into heinous offences by Board.—(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:

Provided that for such an assessment, the Board may take the assistance of experienced psychologists or psycho-social workers or other experts.

Explanation.—For the purposes of this section, it is clarified that preliminary assessment is not a trial, but is to assess the capacity of such child to commit and understand the consequences of the alleged offence.

(2) Where the Board is satisfied on preliminary assessment that the matter should be disposed of by the Board, then the Board shall follow the procedure, as far as may be, for trial in summons case under the Code of Criminal Procedure, 1973 (2 of 1974):

Provided that the order of the Board to dispose of the matter shall be appealable under sub-section (2) of section 101:

Provided further that the assessment under this section shall be completed within the period specified in section 14.

16. Review of pendency of inquiry.—(1) The Chief Judicial Magistrate or the Chief Metropolitan Magistrate shall review the pendency of cases of the Board once in every three months, and shall direct the Board to increase the frequency of its sittings or may recommend the constitution of additional Boards.

(2) The number of cases pending before the Board, duration of such pendency, nature of pendency and reasons thereof shall be reviewed in every six months by a high level committee consisting of the Executive Chairperson of the State Legal Services Authority, who shall be the Chairperson, the Home Secretary, the Secretary responsible for the implementation of this Act in the State and a representative from a voluntary or non-governmental organisation to be nominated by the Chairperson.

(3) The information of such pendency shall also be furnished by the Board to the Chief Judicial Magistrate or the Chief Metropolitan Magistrate and the District Magistrate on quarterly basis in such form as may be prescribed by the State Government.

17. Orders regarding a child not found to be in conflict with law.—(1) Where a Board is satisfied on inquiry that the child brought before it has not committed any offence, then notwithstanding anything contrary contained in any other law for the time being in force, the Board shall pass order to that effect.

(2) In case it appears to the Board that the child referred to in sub-section (1) is in need of care and protection, it may refer the child to the Committee with appropriate directions.

18. Orders regarding child found to be in conflict with law.—(1) Where a Board is satisfied on inquiry that a child irrespective of age has committed a petty offence, or a serious offence, or a child below the age of sixteen years has committed a heinous offence, then, notwithstanding anything contrary contained in any other law for the time being in force, and based on the nature of offence, specific need for supervision or intervention, circumstances as brought out in the social investigation report and past conduct of the child, the Board may, if it so thinks fit,—

(a) allow the child to go home after advice or admonition by following appropriate inquiry and counselling to such child and to his parents or the guardian;

(b) direct the child to participate in group counselling and similar activities;

(c) order the child to perform community service under the supervision of an organisation or institution, or a specified person, persons or group of persons identified by the Board;

(d) order the child or parents or the guardian of the child to pay fine:

Provided that, in case the child is working, it may be ensured that the provisions of any labour law for the time being in force are not violated;

(e) direct the child to be released on probation of good conduct and placed under the care of any parent, guardian or fit person, on such parent, guardian or fit person executing a bond, with or without surety, as the Board may require, for the good behaviour and child's well-being for any period not exceeding three years;

(f) direct the child to be released on probation of good conduct and placed under the care and supervision of any fit facility for ensuring the good behaviour and child's well-being for any period not exceeding three years;

(g) direct the child to be sent to a special home, for such period, not exceeding three years, as it thinks fit, for providing reformatory services including education, skill development, counselling, behaviour modification therapy, and psychiatric support during the period of stay in the special home:

Provided that if the conduct and behaviour of the child has been such that, it would not be in the child's interest, or in the interest of other children housed in a special home, the Board may send such child to the place of safety.

(2) If an order is passed under clauses (a) to (g) of sub-section (1), the Board may, in addition pass orders to—

- (i) attend school; or
- (ii) attend a vocational training centre; or
- (iii) attend a therapeutic centre; or
- (iv) prohibit the child from visiting, frequenting or appearing at a specified place; or
- (v) undergo a de-addiction programme.

(3) Where the Board after preliminary assessment under section 15 pass an order that there is a need for trial of the said child as an adult, then the Board may order transfer of the trial of the case to the Children's Court having jurisdiction to try such offences.

19. Powers of Children's Court.—(1) After the receipt of preliminary assessment from the Board under section 15, the Children's Court may decide that—

(i) there is a need for trial of the child as an adult as per the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) and pass appropriate orders after trial subject to the provisions of this section and section 21, considering the special needs of the child, the tenets of fair trial and maintaining a child friendly atmosphere;

(ii) there is no need for trial of the child as an adult and may conduct an inquiry as a Board and pass appropriate orders in accordance with the provisions of section 18.

(2) The Children's Court shall ensure that the final order, with regard to a child in conflict with law, shall include an individual care plan for the rehabilitation of child, including follow up by the probation officer or the District Child Protection Unit or a social worker.

(3) The Children's Court shall ensure that the child who is found to be in conflict with law is sent to a place of safety till he attains the age of twenty-one years and thereafter, the person shall be transferred to a jail:

Provided that the reformatory services including educational services, skill development, alternative therapy such as counselling, behaviour modification therapy, and psychiatric support shall be provided to the child during the period of his stay in the place of safety.

(4) The Children's Court shall ensure that there is a periodic follow up report every year by the probation officer or the District Child Protection Unit or a social worker, as required, to evaluate the progress of the child in the place of safety and to ensure that there is no ill-treatment to the child in any form.

(5) The reports under sub-section (4) shall be forwarded to the Children's Court for record and follow up, as may be required.

20. Child attained age of twenty-one years and yet to complete prescribed term of stay in place of safety.—(1) When the child in conflict with the law attains the age of twenty-one years and is yet to complete the term of stay, the Children's Court shall provide for a follow up by the probation officer or the District Child Protection Unit or a social worker or by itself, as required, to evaluate if such child has undergone reformatory changes and if the child can be a contributing member of the society and for this purpose the progress records of the child under sub-section (4) of section 19, along with evaluation of relevant experts are to be taken into consideration.

(2) After the completion of the procedure specified under sub-section (1), the Children's Court may—

(i) decide to release the child on such conditions as it deems fit which includes appointment of a monitoring authority for the remainder of the prescribed term of stay;

(ii) decide that the child shall complete the remainder of his term in a jail:

Provided that each State Government shall maintain a list of monitoring authorities and monitoring procedures as may be prescribed.

21. Order that may not be passed against a child in conflict with law.—No child in conflict with law shall be sentenced to death or for life imprisonment without the possibility of release, for any such offence, either under the provisions of this Act or under the provisions of the Indian Penal Code (45 of 1860) or any other law for the time being in force.

22. Proceeding under Chapter VIII of the Code of Criminal Procedure not to apply against child.—Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 (2 of 1974), or any preventive detention law for the time being in force, no proceeding shall be instituted and no order shall be passed against any child under Chapter VIII of the said Code.

23. No joint proceedings of child in conflict with law and person not a child.—(1) Notwithstanding anything contained in section 223 of the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, there shall be no joint proceedings of a child alleged to be in conflict with law, with a person who is not a child.

(2) If during the inquiry by the Board or by the Children's Court, the person alleged to be in conflict with law is found that he is not a child, such person shall not be tried along with a child.

24. Removal of disqualification on the findings of an offence.—(1) Notwithstanding anything contained in any other law for the time being in force, a child who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attached to a conviction of an offence under such law:

Provided that in case of a child who has completed or is above the age of sixteen years and is found to be in conflict with law by the Children's Court under clause (i) of sub-section (1) of section 19, the provisions of sub-section (1) shall not apply.

(2) The Board shall make an order directing the Police, or by the Children's Court to its own registry that the relevant records of such conviction shall be destroyed after the expiry of the period of appeal or, as the case may be, a reasonable period as may be prescribed:

Provided that in case of a heinous offence where the child is found to be in conflict with law under clause (i) of sub-section (1) of section 19, the relevant records of conviction of such child shall be retained by the Children's Court.

25. Special provision in respect of pending cases.—Notwithstanding anything contained in this Act, all proceedings in respect of a child alleged or found to be in conflict with law pending before any Board or court on the date of commencement of this Act, shall be continued in that Board or court as if this Act had not been enacted.

26. Provision with respect of run away child in conflict with law.—(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, any police officer may take charge of a child in conflict with law who has run away from a special home or an observation home or a place of safety or from the care of a person or institution under whom the child was placed under this Act.

(2) The child referred to in sub-section (1) shall be produced, within twenty-four hours, preferably before the Board which passed the original order in respect of that child, if possible, or to the nearest Board where the child is found.

(3) The Board shall ascertain the reasons for the child having run away and pass appropriate orders for the child to be sent back either to the institution or person from whose custody the child had run away or any other similar place or person, as the Board may deem fit:

Provided that the Board may also give additional directions regarding any special steps that may be deemed necessary, for the best interest of the child.

(4) No additional proceeding shall be instituted in respect of such child.

CHAPTER V

CHILD WELFARE COMMITTEE

27. Child Welfare Committee.—(1) The State Government shall by notification in the Official Gazette constitute for every district, one or more Child Welfare Committees for exercising the powers and to discharge the duties conferred on such Committees in relation to children in need of care and protection under this Act and ensure that induction training and sensitisation of all members of the committee is provided within two months from the date of notification.

(2) The Committee shall consist of a Chairperson, and four other members as the State Government may think fit to appoint, of whom at least one shall be a woman and another, an expert on the matters concerning children.

(3) The District Child Protection Unit shall provide a Secretary and other staff that may be required for secretarial support to the Committee for its effective functioning.

(4) No person shall be appointed as a member of the Committee unless such person has been actively involved in health, education or welfare activities pertaining to children for at least seven years or is a practicing professional with a degree in child psychology or psychiatry or law or social work or sociology or human development.

(5) No person shall be appointed as a member unless he possesses such other qualifications as may be prescribed.

(6) No person shall be appointed for a period of more than three years as a member of the Committee.

(7) The appointment of any member of the Committee shall be terminated by the State Government after making an inquiry, if—

(i) he has been found guilty of misuse of power vested on him under this Act;

(ii) he has been convicted of an offence involving moral turpitude and such conviction has not been reversed or he has not been granted full pardon in respect of such offence;

(iii) he fails to attend the proceedings of the Committee consecutively for three months without any valid reason or he fails to attend less than three-fourths of the sittings in a year.

(8) The District Magistrate shall conduct a quarterly review of the functioning of the Committee.

(9) The Committee shall function as a Bench and shall have the powers conferred by the Code of Criminal Procedure, 1973 (2 of 1974) on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of First Class.

(10) The District Magistrate shall be the grievances redressal authority for the Child Welfare Committee and anyone connected with the child, may file a petition before the District Magistrate, who shall consider and pass appropriate orders.

28. Procedure in relation to Committee.—(1) The Committee shall meet at least twenty days in a month and shall observe such rules and procedures with regard to the transaction of business at its meetings, as may be prescribed.

(2) A visit to an existing child care institution by the Committee, to check its functioning and well being of children shall be considered as a sitting of the Committee.

(3) A child in need of care and protection may be produced before an individual member of the Committee for being placed in a Children's Home or fit person when the Committee is not in session.

(4) In the event of any difference of opinion among the members of the Committee at the time of taking any decision, the opinion of the majority shall prevail but where there is no such majority, the opinion of the Chairperson shall prevail.

(5) Subject to the provisions of sub-section (1), the Committee may act, notwithstanding the absence of any member of the Committee, and no order made by the Committee shall be invalid by reason only of the absence of any member during any stage of the proceeding:

Provided that there shall be at least three members present at the time of final disposal of the case.

29. Powers of Committee.—(1) The Committee shall have the authority to dispose of cases for the care, protection, treatment, development and rehabilitation of children in need of care and protection, as well as to provide for their basic needs and protection.

(2) Where a Committee has been constituted for any area, such Committee shall, notwithstanding anything contained in any other law for the time being in force, but save as otherwise expressly provided in this Act, have the power to deal exclusively with all proceedings under this Act relating to children in need of care and protection.

30. Functions and responsibilities of Committee.—The functions and responsibilities of the Committee shall include—

- (i) taking cognizance of and receiving the children produced before it;
- (ii) conducting inquiry on all issues relating to and affecting the safety and well-being of the children under this Act;
- (iii) directing the Child Welfare Officers or probation officers or District Child Protection Unit or non-governmental organisations to conduct social investigation and submit a report before the Committee;
- (iv) conducting inquiry for declaring fit persons for care of children in need of care and protection;
- (v) directing placement of a child in foster care;
- (vi) ensuring care, protection, appropriate rehabilitation or restoration of children in need of care and protection, based on the child's individual care plan and passing necessary directions to parents or guardians or fit persons or children's homes or fit facility in this regard;
- (vii) selecting registered institution for placement of each child requiring institutional support, based on the child's age, gender, disability and needs and keeping in mind the available capacity of the institution;
- (viii) conducting at least two inspection visits per month of residential facilities for children in need of care and protection and recommending action for improvement in quality of services to the District Child Protection Unit and the State Government;
- (ix) certifying the execution of the surrender deed by the parents and ensuring that they are given time to reconsider their decision as well as making all efforts to keep the family together;
- (x) ensuring that all efforts are made for restoration of abandoned or lost children to their families following due process, as may be prescribed;
- (xi) declaration of orphan, abandoned and surrendered child as legally free for adoption after due inquiry;
- (xii) taking *suo motu* cognizance of cases and reaching out to children in need of care and protection, who are not produced before the Committee, provided that such decision is taken by at least three members;

(xiii) taking action for rehabilitation of sexually abused children who are reported as children in need of care and protection to the Committee by Special Juvenile Police Unit or local police, as the case may be, under the Protection of Children from Sexual Offences Act, 2012 (32 of 2012);

(xiv) dealing with cases referred by the Board under sub-section (2) of section 17;

(xv) co-ordinate with the police, labour department and other agencies involved in the care and protection of children with support of the District Child Protection Unit or the State Government;

(xvi) in case of a complaint of abuse of a child in any child care institution, the Committee shall conduct an inquiry and give directions to the police or the District Child Protection Unit or labour department or childline services, as the case may be;

(xvii) accessing appropriate legal services for children;

(xviii) such other functions and responsibilities, as may be prescribed.

CHAPTER VI

PROCEDURE IN RELATION TO CHILDREN IN NEED OF CARE AND PROTECTION

31. Production before Committee.—(1) Any child in need of care and protection may be produced before the Committee by any of the following persons, namely:—

(i) any police officer or special juvenile police unit or a designated Child Welfare Police Officer or any officer of District Child Protection Unit or inspector appointed under any labour law for the time being in force;

(ii) any public servant;

(iii) Childline Services or any voluntary or non-governmental organisation or any agency as may be recognised by the State Government;

(iv) Child Welfare Officer or probation officer;

(v) any social worker or a public spirited citizen;

(vi) by the child himself; or

(vii) any nurse, doctor or management of a nursing home, hospital or maternity home:

Provided that the child shall be produced before the Committee without any loss of time but within a period of twenty-four hours excluding the time necessary for the journey.

(2) The State Government may make rules consistent with this Act, to provide for the manner of submitting the report to the Committee and the manner of sending and entrusting the child to children's home or fit facility or fit person, as the case may be, during the period of the inquiry.

32. Mandatory reporting regarding a child found separated from guardian.—(1) Any individual or a police officer or any functionary of any organisation or a nursing home or hospital or maternity home, who or which finds and takes charge, or is handed over a child who appears or claims to be abandoned or lost, or a child who appears or claims to be an orphan without family support, shall within twenty-four hours (excluding the time necessary for the journey), give information to the Childline Services or the nearest police station or to a Child Welfare Committee or to the District Child Protection Unit, or hand over the child to a child care institution registered under this Act, as the case may be.

(2) The information regarding a child referred to in sub-section (1) shall be mandatorily uploaded on a portal as may be specified by the Central Government or the Committee or the District Child Protection Unit or the child care institution, as the case may be.

33. Offence of non-reporting.—If information regarding a child as required under section 32 is not given within the period specified in the said section, then, such act shall be regarded as an offence.

34. Penalty for non-reporting.—Any person who has committed an offence under section 33 shall be liable to imprisonment up to six months or fine of ten thousand rupees or both.

35. Surrender of children.—(1) A parent or guardian, who for physical, emotional and social factors beyond their control, wishes to surrender a child, shall produce the child before the Committee.

(2) If, after prescribed process of inquiry and counselling, the Committee is satisfied, a surrender deed shall be executed by the parent or guardian, as the case may be, before the Committee.

(3) The parents or guardian who surrendered the child, shall be given two months time to reconsider their decision and in the intervening period the Committee shall either allow, after due inquiry, the child to be with the parents or guardian under supervision, or place the child in a Specialised Adoption Agency, if he or she is below six years of age, or a children's home if he is above six years.

36. Inquiry.—(1) On production of a child or receipt of a report under section 31, the Committee shall hold an inquiry in such manner as may be prescribed and the Committee, on its own or on the report from any person or agency as specified in sub-section (2) of section 31, may pass an order to send the child to the children's home or a fit facility or fit person, and for speedy social investigation by a social worker or Child Welfare Officer or Child Welfare Police Officer:

Provided that all children below six years of age, who are orphan, surrendered or appear to be abandoned shall be placed in a Specialised Adoption Agency, where available.

(2) The social investigation shall be completed within fifteen days so as to enable the Committee to pass final order within four months of first production of the child:

Provided that for orphan, abandoned or surrendered children, the time for completion of inquiry shall be as specified in section 38.

(3) After the completion of the inquiry, if Committee is of the opinion that the said child has no family or ostensible support or is in continued need of care and protection, it may send the child to a Specialised Adoption Agency if the child is below six years of age, children's home or to a fit facility or person or foster family, till suitable means of rehabilitation are found for the child, as may be prescribed, or till the child attains the age of eighteen years:

Provided that the situation of the child placed in a children's home or with a fit facility or person or a foster family, shall be reviewed by the Committee, as may be prescribed.

(4) The Committee shall submit a quarterly report on the nature of disposal of cases and pendency of cases to the District Magistrate in the manner as may be prescribed, for review of pendency of cases.

(5) After review under sub-section (4), the District Magistrate shall direct the Committee to take necessary remedial measures to address the pendency, if necessary and send a report of such reviews to the State Government, who may cause the constitution of additional Committees, if required:

Provided that if the pendency of cases continues to be unaddressed by the Committee even after three months of receiving such directions, the State Government shall terminate the said Committee and shall constitute a new Committee.

(6) In anticipation of termination of the Committee and in order that no time is lost in constituting a new Committee, the State Government shall maintain a standing panel of eligible persons to be appointed as members of the Committee.

(7) In case of any delay in the constitution of a new Committee under sub-section (5), the Child Welfare Committee of a nearby district shall assume responsibility in the intervening period.

37. Orders passed regarding a child in need of care and protection.—(1) The Committee on being satisfied through the inquiry that the child before the Committee is a child in need of care and protection, may, on consideration of Social Investigation Report submitted by Child Welfare Officer and taking into account the child's wishes in case the child is sufficiently mature to take a view, pass one or more of the following orders, namely:—

(a) declaration that a child is in need of care and protection;

(b) restoration of the child to parents or guardian or family with or without supervision of Child Welfare Officer or designated social worker;

(c) placement of the child in Children's Home or fit facility or Specialised Adoption Agency for the purpose of adoption for long term or temporary care, keeping in mind the capacity of the institution for housing such children, either after reaching the conclusion that the family of the child cannot be traced or even if traced, restoration of the child to the family is not in the best interest of the child;

(d) placement of the child with fit person for long term or temporary care;

(e) foster care orders under section 44;

(f) sponsorship orders under section 45;

(g) directions to persons or institutions or facilities in whose care the child is placed, regarding care, protection and rehabilitation of the child, including directions relating to immediate shelter and services such as medical attention, psychiatric and psychological support including need-based counselling, occupational therapy or behaviour modification therapy, skill training, legal aid, educational services, and other developmental activities, as required, as well as follow-up and coordination with the District Child Protection Unit or State Government and other agencies;

(h) declaration that the child is legally free for adoption under section 38.

(2) The Committee may also pass orders for—

(i) declaration of fit persons for foster care;

(ii) getting after care support under section 46 of the Act; or

(iii) any other order related to any other function as may be prescribed.

38. Procedure for declaring a child legally free for adoption.—(1) In case of orphan and abandoned child, the Committee shall make all efforts for tracing the parents or guardians of the child and on completion of such inquiry, if it is established that the child is either an orphan having no one to take care, or abandoned, the Committee shall declare the child legally free for adoption:

Provided that such declaration shall be made within a period of two months from the date of production of the child, for children who are up to two years of age and within four months for children above two years of age:

Provided further that notwithstanding anything contained in this regard in any other law for the time being in force, no first information report shall be registered against any biological parent in the process of inquiry relating to an abandoned or surrendered child under this Act.

(2) In case of surrendered child, the institution where the child has been placed by the Committee on an application for surrender, shall bring the case before the Committee immediately on completion of the period specified in section 35, for declaring the child legally free for adoption.

(3) Notwithstanding anything contained in any other law for the time being in force, a child of a mentally retarded parents or a unwanted child of victim of sexual assault, such child may be declared free for adoption by the Committee, by following the procedure under this Act.

(4) The decision to declare an orphan, abandoned or surrendered child as legally free for adoption shall be taken by at least three members of the Committee.

(5) The Committee shall inform the State Agency and the Authority regarding the number of children declared as legally free for adoption and number of cases pending for decision in the manner as may be prescribed, every month.

CHAPTER VII

REHABILITATION AND SOCIAL RE-INTEGRATION

39. Process of rehabilitation and social re-integration.—(1) The process of rehabilitation and social integration of children under this Act shall be undertaken, based on the individual care plan of the child, preferably through family based care such as by restoration to family or guardian with or without supervision or sponsorship, or adoption or foster care:

Provided that all efforts shall be made to keep siblings placed in institutional or non-institutional care, together, unless it is in their best interest not to be kept together.

(2) For children in conflict with law the process of rehabilitation and social integration shall be undertaken in the observation homes, if the child is not released on bail or in special homes or place of safety or fit facility or with a fit person, if placed there by the order of the Board.

(3) The children in need of care and protection who are not placed in families for any reason may be placed in an institution registered for such children under this Act or with a fit person or a fit facility, on a temporary or long-term basis, and the process of rehabilitation and social integration shall be undertaken wherever the child is so placed.

(4) The Children in need of care and protection who are leaving institutional care or children in conflict with law leaving special homes or place of safety on attaining eighteen years of age, may be provided financial support as specified in section 46, to help them to re-integrate into the mainstream of the society.

40. Restoration of child in need of care and protection.—(1) The restoration and protection of a child shall be the prime objective of any Children's Home, Specialised Adoption Agency or open shelter.

(2) The Children's Home, Specialised Adoption Agency or an open shelter, as the case may be, shall take such steps as are considered necessary for the restoration and protection of a child deprived of his family environment temporarily or permanently where such child is under their care and protection.

(3) The Committee shall have the powers to restore any child in need of care and protection to his parents, guardian or fit person, as the case may be, after determining the suitability of the parents or guardian or fit person to take care of the child, and give them suitable directions.

Explanation.—For the purposes of this section, “restoration and protection of a child” means restoration to—

- (a) parents;
- (b) adoptive parents;
- (c) foster parents;
- (d) guardian; or
- (e) fit person.

41. Registration of child care institutions.—(1) Notwithstanding anything contained in any other law for the time being in force, all institutions, whether run by a State Government or by voluntary or non-governmental organisations, which are meant, either wholly or partially, for housing children in need of care and protection or children in conflict with law, shall, be registered under this Act in such manner as may be prescribed, within a period of six months from the date of commencement of this Act, regardless of whether they are receiving grants from the Central Government or, as the case may be, the State Government or not:

Provided that the institutions having valid registration under the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000) on the date of commencement of this Act shall be deemed to have been registered under this Act.

(2) At the time of registration under this section, the State Government shall determine and record the capacity and purpose of the institution and shall register the institution as a Children's Home or open shelter or Specialised Adoption Agency or observation home or special home or place of safety, as the case may be.

(3) On receipt of application for registration under sub-section (1), from an existing or new institution housing children in need of care and protection or children in conflict with law, the State Government may grant provisional registration, within one month from the date of receipt of application, for a maximum period of six months, in order to bring such institution under the purview of this Act, and shall determine the capacity of the Home which shall be mentioned in the registration certificate:

Provided that if the said institution does not fulfil the prescribed criteria for registration, within the period specified in sub-section (1), the provisional registration shall stand cancelled and the provisions of sub-section (5) shall apply.

(4) If the State Government does not issue a provisional registration certificate within one month from the date of application, the proof of receipt of application for registration shall be treated as provisional registration to run an institution for a maximum period of six months.

(5) If the application for registration is not disposed of within six months by any officer or officers of any State Government, it shall be regarded as dereliction of duty on their part by their higher controlling authority and appropriate departmental proceedings shall be initiated.

(6) The period of registration of an institution shall be five years, and it shall be subject to renewal in every five years.

(7) The State Government may, after following the procedure as may be prescribed, cancel or withhold registration, as the case may be, of such institutions which fail to provide rehabilitation and reintegration services as specified in section 53 and till such time that the registration of an institution is renewed or granted, the State Government shall manage the institution.

(8) Any child care institution registered under this section shall be duty bound to admit children, subject to the capacity of the institution, as directed by the Committee, whether they are receiving grants from the Central Government or, as the case may be, the State Government or not.

(9) Notwithstanding anything contained in any other law for the time being in force, the inspection committee appointed under section 54, shall have the powers to inspect any institution housing children, even if not registered under this Act to determine whether such institution is housing children in need of care and protection.

42. Penalty for non-registration of child care institutions.—Any person, or persons, in-charge of an institution housing children in need of care and protection and children in conflict with law, who fails to comply with the provisions of sub-section (1) of section 41, shall be punished with imprisonment which may extend to one year or a fine of not less than one lakh rupees or both:

Provided that every thirty days delay in applying for registration shall be considered as a separate offence.

43. Open shelter.—(1) The State Government may establish and maintain, by itself or through voluntary or non-governmental organisations, as many open shelters as may be required, and such open shelters shall be registered as such, in the manner as may be prescribed.

(2) The open shelters referred to in sub-section (1) shall function as a community based facility for children in need of residential support, on short-term basis, with the objective of protecting them from abuse or weaning them, or keeping them, away from a life on the streets.

(3) The open shelters shall send every month information, in the manner as may be prescribed, regarding children availing the services of the shelter, to the District Child Protection Unit and the Committee.

44. Foster care.—(1) The children in need of care and protection may be placed in foster care, including group foster care for their care and protection through orders of the Committee, after following the procedure as may be prescribed in this regard, in a family which does not include the child's biological or adoptive parents or in an unrelated family recognised as suitable for the purpose by the State Government, for a short or extended period of time.

(2) The selection of the foster family shall be based on family's ability, intent, capacity and prior experience of taking care of children.

(3) All efforts shall be made to keep siblings together in foster families, unless it is in their best interest not to be kept together.

(4) The State Government, after taking into account the number of children, shall provide monthly funding for such foster care through District Child Protection Unit after following the procedure, as may be prescribed, for inspection to ensure well being of the children.

(5) In cases where children have been placed in foster care for the reason that their parents have been found to be unfit or incapacitated by the Committee, the child's parents may visit the child in the foster family at regular intervals, unless the Committee feels that such visits are not in the best interest of the child, for reasons to be recorded therefor; and eventually, the child may return to the parent's homes once the parents are determined by the Committee to be fit to take care of the child.

(6) The foster family shall be responsible for providing education, health and nutrition to the child and shall ensure the overall well being of the child in such manner, as may be prescribed.

(7) The State Government may make rules for the purpose of defining the procedure, criteria and the manner in which foster care services shall be provided for children.

(8) The inspection of foster families shall be conducted every month by the Committee in the form as may be prescribed to check the well-being of the child and whenever a foster family is found lacking in taking care of the child, the child shall be removed from that foster family and shifted to another foster family as the Committee may deem fit.

(9) No child regarded as adoptable by the Committee shall be given for long-term foster care.

45. Sponsorship.—(1) The State Government shall make rules for the purpose of undertaking various programmes of sponsorship of children, such as individual to individual sponsorship, group sponsorship or community sponsorship.

(2) The criteria for sponsorship shall include,—

(i) where mother is a widow or divorced or abandoned by family;

(ii) where children are orphan and are living with the extended family;

(iii) where parents are victims of life threatening disease;

(iv) where parents are incapacitated due to accident and unable to take care of children both financially and physically.

(3) The duration of sponsorship shall be such as may be prescribed.

(4) The sponsorship programme may provide supplementary support to families, to Children's Homes and to special homes to meet medical, nutritional, educational and other needs of the children, with a view to improving their quality of life.

46. After care of children leaving child care institution.—Any child leaving a child care institution on completion of eighteen years of age may be provided with financial support in order to facilitate child's re-integration into the mainstream of the society in the manner as may be prescribed.

47. Observation homes.—(1) The State Government shall establish and maintain in every district or a group of districts, either by itself, or through voluntary or non-governmental organisations, observation homes, which shall be registered under section 41 of this Act, for temporary reception, care and rehabilitation of any child alleged to be in conflict with law, during the pendency of any inquiry under this Act.

(2) Where the State Government is of the opinion that any registered institution other than a home established or maintained under sub-section (1), is fit for the temporary reception of such child alleged to be in conflict with law during the pendency of any inquiry under this Act, it may register such institution as an observation home for the purposes of this Act.

(3) The State Government may, by rules made under this Act, provide for the management and monitoring of observation homes, including the standards and various types of services to be provided by them for rehabilitation and social integration of a child alleged to be in conflict with law and the circumstances under which, and the manner in which, the registration of an observation home may be granted or withdrawn.

(4) Every child alleged to be in conflict with law who is not placed under the charge of parent or guardian and is sent to an observation home shall be segregated according to the child's age and gender, after giving due consideration to physical and mental status of the child and degree of the offence committed.

48. Special homes.—(1) The State Government may establish and maintain either by itself or through voluntary or non-governmental organisations, special homes, which shall be registered as such, in the manner as may be prescribed, in every district or a group of districts, as may be required for rehabilitation of those children in conflict with law who are found to have committed an offence and who are placed there by an order of the Juvenile Justice Board made under section 18.

(2) The State Government may, by rules, provide for the management and monitoring of special homes, including the standards and various types of services to be provided by them which are necessary for social re-integration of a child, and the circumstances under which, and the manner in which, the registration of a special home may be granted or withdrawn.

(3) The rules made under sub-section (2) may also provide for the segregation and separation of children found to be in conflict with law on the basis of age, gender, the nature of offence committed by them and the child's mental and physical status.

49. Place of safety.—(1) The State Government shall set up atleast one place of safety in a State registered under section 41, so as to place a person above the age of eighteen years or child in conflict with law, who is between the age of sixteen to eighteen years and is accused of or convicted for committing a heinous offence.

(2) Every place of safety shall have separate arrangement and facilities for stay of such children or persons during the process of inquiry and children or persons convicted of committing an offence.

(3) The State Government may, by rules, prescribe the types of places that can be designated as place of safety under sub-section (1) and the facilities and services that may be provided therein.

50. Children's Home.—(1) The State Government may establish and maintain, in every district or group of districts, either by itself or through voluntary or non-governmental organisations, Children's Homes, which shall be registered as such, for the placement of children in need of care and protection for their care, treatment, education, training, development and rehabilitation.

(2) The State Government shall designate any Children's Home as a home fit for children with special needs delivering specialised services, depending on requirement.

(3) The State Government may, by rules, provide for the monitoring and management of Children's Homes including the standards and the nature of services to be provided by them, based on individual care plans for each child.

51. Fit facility.—(1) The Board or the Committee shall recognise a facility being run by a Governmental organisation or a voluntary or non-governmental organisation registered under any law for the time being in force to be fit to temporarily take the responsibility of a child for a specific purpose after due inquiry regarding the suitability of the facility and the organisation to take care of the child in such manner as may be prescribed.

(2) The Board or the Committee may withdraw the recognition under sub-section (1) for reasons to be recorded in writing.

52. Fit person.—(1) The Board or the Committee shall, after due verification of credentials, recognise any person fit to temporarily receive a child for care, protection and treatment of such child for a specified period and in the manner as may be prescribed.

(2) The Board or Committee, as the case may be, may withdraw the recognition granted under sub-section (1) for reasons to be recorded in writing.

53. Rehabilitation and re-integration services in institutions registered under this Act and management thereof.—(1) The services that shall be provided, by the institutions registered under this

Act in the process of rehabilitation and re-integration of children, shall be in such manner as may be prescribed, which may include—

- (i) basic requirements such as food, shelter, clothing and medical attention as per the prescribed standards;
- (ii) equipment such as wheel-chairs, prosthetic devices, hearing aids, braille kits, or any other suitable aids and appliances as required, for children with special needs;
- (iii) appropriate education, including supplementary education, special education, and appropriate education for children with special needs:

Provided that for children between the age of six to fourteen years, the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) shall apply;

- (iv) skill development;
- (v) occupational therapy and life skill education;
- (vi) mental health interventions, including counselling specific to the need of the child;
- (vii) recreational activities including sports and cultural activities;
- (viii) legal aid where required;
- (ix) referral services for education, vocational training, de-addiction, treatment of diseases where required;
- (x) case management including preparation and follow up of individual care plan;
- (xi) birth registration;
- (xii) assistance for obtaining the proof of identity, where required; and
- (xiii) any other service that may reasonably be provided in order to ensure the well-being of the child, either directly by the State Government, registered or fit individuals or institutions or through referral services.

(2) Every institution shall have a Management Committee, to be set up in a manner as may be prescribed, to manage the institution and monitor the progress of every child.

(3) The officer in-charge of every institution, housing children above six years of age, shall facilitate setting up of children's committees for participating in such activities as may be prescribed, for the safety and well-being of children in the institution.

54. Inspection of institutions registered under this Act.—(1) The State Government shall appoint inspection committees for the State and district, as the case may be, for all institutions registered or recognised to be fit under this Act for such period and for such purposes, as may be prescribed.

(2) Such inspection committees shall mandatorily conduct visits to all facilities housing children in the area allocated, at least once in three months in a team of not less than three members, of whom at least one shall be a woman and one shall be a medical officer, and submit reports of the findings of such visits within a week of their visit, to the District Child Protection Units or State Government, as the case may be, for further action.

(3) On the submission of the report by the inspection committee within a week of the inspection, appropriate action shall be taken within a month by the District Child Protection Unit or the State Government and a compliance report shall be submitted to the State Government.

55. Evaluation of functioning of structures.—(1) The Central Government or State Government may independently evaluate the functioning of the Board, Committee, special juvenile police units, registered institutions, or recognised fit facilities and persons, at such period and through such persons or institutions as may be prescribed by that Government.

(2) In case such independent evaluation is conducted by both the Governments, the evaluation made by the Central Government shall prevail.

CHAPTER VIII

ADOPTION

56. Adoption.—(1) Adoption shall be resorted to for ensuring right to family for the orphan, abandoned and surrendered children, as per the provisions of this Act, the rules made thereunder and the adoption regulations framed by the Authority.

(2) Adoption of a child from a relative by another relative, irrespective of their religion, can be made as per the provisions of this Act and the adoption regulations framed by the Authority.

(3) Nothing in this Act shall apply to the adoption of children made under the provisions of the Hindu Adoption and Maintenance Act, 1956 (78 of 1956).

(4) All inter-country adoptions shall be done only as per the provisions of this Act and the adoption regulations framed by the Authority.

(5) Any person, who takes or sends a child to a foreign country or takes part in any arrangement for transferring the care and custody of a child to another person in a foreign country without a valid order from the Court, shall be punishable as per the provisions of section 80.

57. Eligibility of prospective adoptive parents.—(1) The prospective adoptive parents shall be physically fit, financially sound, mentally alert and highly motivated to adopt a child for providing a good upbringing to him.

(2) In case of a couple, the consent of both the spouses for the adoption shall be required.

(3) A single or divorced person can also adopt, subject to fulfilment of the criteria and in accordance with the provisions of adoption regulations framed by the Authority.

(4) A single male is not eligible to adopt a girl child.

(5) Any other criteria that may be specified in the adoption regulations framed by the Authority.

58. Procedure for adoption by Indian prospective adoptive parents living in India.—(1) Indian prospective adoptive parents living in India, irrespective of their religion, if interested to adopt an orphan or abandoned or surrendered child, may apply for the same to a Specialised Adoption Agency, in the manner as provided in the adoption regulations framed by the Authority.

(2) The Specialised Adoption Agency shall prepare the home study report of the prospective adoptive parents and upon finding them eligible, will refer a child declared legally free for adoption to them along with the child study report and medical report of the child, in the manner as provided in the adoption regulations framed by the Authority.

(3) On the receipt of the acceptance of the child from the prospective adoptive parents along with the child study report and medical report of the child signed by such parents, the Specialised Adoption Agency shall give the child in pre-adoption foster care and file an application in the court for obtaining the adoption order, in the manner as provided in the adoption regulations framed by the Authority.

(4) On the receipt of a certified copy of the court order, the Specialised Adoption Agency shall send immediately the same to the prospective adoptive parents.

(5) The progress and wellbeing of the child in the adoptive family shall be followed up and ascertained in the manner as provided in the adoption regulations framed by the Authority.

59. Procedure for inter-country adoption of an orphan or abandoned or surrendered child.—(1) If an orphan or abandoned or surrendered child could not be placed with an Indian or non-resident Indian prospective adoptive parent despite the joint effort of the Specialised Adoption Agency and State Agency within sixty days from the date the child has been declared legally free for adoption, such child shall be free for inter-country adoption:

Provided that children with physical and mental disability, siblings and children above five years of age may be given preference over other children for such inter-country adoption, in accordance with the adoption regulations, as may be framed by the Authority.

(2) An eligible non-resident Indian or overseas citizen of India or persons of Indian origin shall be given priority in inter-country adoption of Indian children.

(3) A non-resident Indian or overseas citizen of India, or person of Indian origin or a foreigner, who are prospective adoptive parents living abroad, irrespective of their religion, if interested to adopt an orphan or abandoned or surrendered child from India, may apply for the same to an authorised foreign adoption agency, or Central Authority or a concerned Government department in their country of habitual residence, as the case may be, in the manner as provided in the adoption regulations framed by the Authority.

(4) The authorised foreign adoption agency, or Central Authority, or a concerned Government department, as the case may be, shall prepare the home study report of such prospective adoptive parents and upon finding them eligible, will sponsor their application to Authority for adoption of a child from India, in the manner as provided in the adoption regulations framed by the Authority.

(5) On the receipt of the application of such prospective adoptive parents, the Authority shall examine and if it finds the applicants suitable, then, it will refer the application to one of the Specialised Adoption Agencies, where children legally free for adoption are available.

(6) The Specialised Adoption Agency will match a child with such prospective adoptive parents and send the child study report and medical report of the child to such parents, who in turn may accept the child and return the child study and medical report duly signed by them to the said agency.

(7) On receipt of the acceptance of the child from the prospective adoptive parents, the Specialised Adoption Agency shall file an application in the court for obtaining the adoption order, in the manner as provided in the adoption regulations framed by the Authority.

(8) On the receipt of a certified copy of the court order, the specialised adoption agency shall send immediately the same to Authority, State Agency and to the prospective adoptive parents, and obtain a passport for the child.

(9) The Authority shall intimate about the adoption to the immigration authorities of India and the receiving country of the child.

(10) The prospective adoptive parents shall receive the child in person from the specialised adoption agency as soon as the passport and visa are issued to the child.

(11) The authorised foreign adoption agency, or Central Authority, or the concerned Government department, as the case may be, shall ensure the submission of progress reports about the child in the adoptive family and will be responsible for making alternative arrangement in the case of any disruption, in consultation with Authority and concerned Indian diplomatic mission, in the manner as provided in the adoption regulations framed by the Authority.

(12) A foreigner or a person of Indian origin or an overseas citizen of India, who has habitual residence in India, if interested to adopt a child from India, may apply to Authority for the same along with a no objection certificate from the diplomatic mission of his country in India, for further necessary actions as provided in the adoption regulations framed by the Authority.

60. Procedure for inter-country relative adoption.—(1) A relative living abroad, who intends to adopt a child from his relative in India shall obtain an order from the court and apply for no objection certificate from Authority, in the manner as provided in the adoption regulations framed by the Authority.

(2) The Authority shall on receipt of the order under sub-section (1) and the application from either the biological parents or from the adoptive parents, issue no objection certificate under intimation to the immigration authority of India and of the receiving country of the child.

(3) The adoptive parents shall, after receiving no objection certificate under sub-section (2), receive the child from the biological parents and shall facilitate the contact of the adopted child with his siblings and biological parents from time to time.

61. Court procedure and penalty against payment in consideration of adoption.—(1) Before issuing an adoption order, the court shall satisfy itself that—

(a) the adoption is for the welfare of the child; (b) due consideration is given to the wishes of the child having regard to the age and understanding of the child; and (c) that neither the prospective adoptive parents has given or agreed to give nor the specialised adoption agency or the parent or guardian of the child in case of relative adoption has received or agreed to receive any payment or reward in consideration of the adoption, except as permitted under the adoption regulations framed by the Authority towards the adoption fees or service charge or child care corpus.

(2) The adoption proceedings shall be held in camera and the case shall be disposed of by the court within a period of two months from the date of filing.

62. Additional procedural requirements and documentation.—(1) The documentation and other procedural requirements, not expressly provided in this Act with regard to the adoption of an orphan, abandoned and surrendered child by Indian prospective adoptive parents living in India, or by non-resident Indian or overseas citizen of India or person of Indian origin or foreigner prospective adoptive parents, shall be as per the adoption regulations framed by the Authority.

(2) The specialised adoption agency shall ensure that the adoption case of prospective adoptive parents is disposed of within four months from the date of receipt of application and the authorised foreign adoption agency, Authority and State Agency shall track the progress of the adoption case and intervene wherever necessary, so as to ensure that the time line is adhered to.

63. Effect of adoption.—A child in respect of whom an adoption order is issued by the court, shall become the child of the adoptive parents, and the adoptive parents shall become the parents of the child as if the child had been born to the adoptive parents, for all purposes, including intestacy, with effect from the date on which the adoption order takes effect, and on and from such date all the ties of the child in the family of his or her birth shall stand severed and replaced by those created by the adoption order in the adoptive family:

Provided that any property which has vested in the adopted child immediately before the date on which the adoption order takes effect shall continue to vest in the adopted child subject to the obligations, if any, attached to the ownership of such property including the obligations, if any, to maintain the relatives in the biological family.

64. Reporting of adoption.—Notwithstanding anything contained in any other law for the time being in force, information regarding all adoption orders issued by the concerned courts, shall be forwarded to Authority on monthly basis in the manner as provided in the adoption regulations framed by the Authority, so as to enable Authority to maintain the data on adoption.

65. Specialised Adoption Agencies.—(1) The State Government shall recognise one or more institutions or organisations in each district as a Specialised Adoption Agency, in such manner as may be provided in the adoption regulations framed by the Authority, for the rehabilitation of orphan, abandoned or surrendered children, through adoption and non-institutional care.

(2) The State Agency shall furnish the name, address and contact details of the Specialised Adoption Agencies along with copies of certificate or letter of recognition or renewal to Authority, as soon as the recognition or renewal is granted to such agencies.

(3) The State Government shall get every Specialised Adoption Agency inspected at least once in a year and take necessary remedial measures, if required.

(4) In case any Specialised Adoption Agency is in default in taking necessary steps on its part as provided in this Act or in the adoption regulations framed by the Authority, for getting an orphan or abandoned or surrendered child legally free for adoption from the Committee or in completing the home study report of the prospective adoptive parents or in obtaining adoption order from the court within the

stipulated time, such Specialised Adoption Agency shall be punishable with a fine which may extend up to fifty thousand rupees and in case of repeated default, the recognition of the Specialised Adoption Agency shall be withdrawn by the State Government.

66. Adoption of children residing in institutions not registered as adoption agencies.—(1) All the institutions registered under this Act, which may not have been recognised as Specialised Adoption Agencies, shall also ensure that all orphan or abandoned or surrendered children under their care are reported, produced and declared legally free for adoption, by the Committee as per the provisions of section 38.

(2) All institutions referred to in sub-section (1) shall develop formal linkages with nearby Specialised Adoption Agency and shall furnish details of the children declared legally free for adoption to that Specialised Adoption Agency along with all relevant records in the manner as may be prescribed, for the placement of such children in adoption.

(3) If any such institution contravenes the provisions of sub-section (1) or sub-section (2), it shall be liable to fine of fifty thousand rupees for each instance to be imposed by the registering authority and it may also attract de-recognition in the event of persistent flouting of such provisions.

67. State Adoption Resource Agency.—(1) The State Government shall set up a State Adoption Resource Agency for dealing with adoptions and related matters in the State under the guidance of Authority.

(2) The State Agency, wherever already exists, shall be deemed to be set up under this Act.

68. Central Adoption Resource Authority.—The Central Adoption Resource Agency existing before the commencement of this Act, shall be deemed to have been constituted as the Central Adoption Resource Authority under this Act to perform the following functions, namely:—

(a) to promote in-country adoptions and to facilitate inter-State adoptions in co-ordination with State Agency;

(b) to regulate inter-country adoptions;

(c) to frame regulations on adoption and related matters from time to time as may be necessary;

(d) to carry out the functions of the Central Authority under the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption;

(e) any other function as may be prescribed.

69. Steering Committee of Authority.—(1) The Authority shall have a Steering Committee with following members:

(a) Secretary, Ministry of Women and Child Development, Government of India, who shall be the Chairperson—*ex officio*;

(b) Joint Secretary, Ministry of Women and Child Development, Government of India, dealing with Authority—*ex officio*;

(c) Joint Secretary, Ministry of Women and Child Development, Government of India, dealing with Finance—*ex officio*;

(d) one State Adoption Resource Agency and two Specialised Adoption Agencies;

(e) one adoptive parent and one adoptee;

(f) one advocate or a professor having at least ten years of experience in family law;

(g) Member-Secretary, who shall also be Chief Executive Officer of the organisation.

(2) Criteria for the selection or nomination of the Members mentioned at (d) to (f), their tenure as well as the terms and conditions of their appointment shall be such as may be prescribed.

(3) The Steering Committee shall have the following functions, namely:—

(a) to oversee the functioning of Authority and review its working from time to time so that it operates in most effective manner;

(b) to approve the annual budget, annual accounts and audit reports as well as the action plan and annual report of Authority;

(c) to adopt the recruitment rules, service rules, financial rules of Authority as well as the other regulations for the exercise of the administrative and programmatic powers within the organisation, with the prior approval of the Central Government;

(d) any other function that may be vested with it by the Central Government from time to time.

(4) The Steering Committee shall meet once in a month in the manner as may be prescribed.

(5) The Authority shall function from its headquarter and through its regional offices as may be set up as per its functional necessity.

70. Powers of Authority.—(1) For the efficient performance of its functions, Authority shall have the following powers, namely:—

(a) to issue instructions to any Specialised Adoption Agency or a Children Home or any child care institution housing any orphan, abandoned or surrendered child, any State Agency or any authorised foreign adoption agency and such directions shall be complied by such agencies;

(b) recommending to the concerned Government or Authority to take appropriate action against any official or functionary or institution under its administrative control, in case of persistent non-compliance of the instructions issued by it;

(c) forwarding any case of persistent non-compliance of its instructions by any official or functionary or institution to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the same as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973 (2 of 1974);

(d) any other power that may be vested with it by the Central Government.

(2) In case of any difference of opinion in an adoption case, including the eligibility of prospective adoptive parents or of a child to be adopted, the decision of Authority shall prevail.

71. Annual Report of Authority.—(1) The Authority shall submit an annual report to the Central Government in such manner as may be prescribed.

(2) The Central Government shall cause the annual report of Authority to be laid before each House of Parliament.

72. Grants by Central Government.—(1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Authority by way of grants such sums of money as the Central Government may think fit for being utilised for performing the functions of Authority under this Act.

(2) The Authority may spend such sums of money as it thinks fit for performing the functions, as prescribed under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

73. Accounts and audit of Authority.—(1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of Authority shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall, have the same rights and privileges and the Authority in connection with the audit of Government accounts and, in particular, shall have the right to

demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of Authority.

(4) The accounts of the Authority as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Authority.

(5) The Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER IX

OTHER OFFENCES AGAINST CHILDREN

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

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

(2) The Police shall not disclose any record of the child for the purpose of character certificate or otherwise in cases where the case has been closed or disposed of.

(3) Any person contravening the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or fine which may extend to two lakh rupees or both.

75. Punishment for cruelty to child.—Whoever, having the actual charge of, or control over, a child, assaults, abandons, abuses, exposes or wilfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering, shall be punishable with imprisonment for a term which may extend to three years or with fine of one lakh rupees or with both:

Provided that in case it is found that such abandonment of the child by the biological parents is due to circumstances beyond their control, it shall be presumed that such abandonment is not wilful and the penal provisions of this section shall not apply in such cases:

Provided further that if such offence is committed by any person employed by or managing an organisation, which is entrusted with the care and protection of the child, he shall be punished with rigorous imprisonment which may extend up to five years, and fine which may extend up to five lakhs rupees:

Provided also that on account of the aforesaid cruelty, if the child is physically incapacitated or develops a mental illness or is rendered mentally unfit to perform regular tasks or has risk to life or limb, such person shall be punishable with rigorous imprisonment, not less than three years but which may be extended up to ten years and shall also be liable to fine of five lakhs rupees.

76. Employment of child for begging.—(1) Whoever employs or uses any child for the purpose of begging or causes any child to beg shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees:

Provided that, if for the purpose of begging, the person amputates or maims the child, he shall be punishable with rigorous imprisonment for a term not less than seven years which may extend up to ten years, and shall also be liable to fine of five lakh rupees.

(2) Whoever, having the actual charge of, or control over the child, abets the commission of an offence under sub-section (1), shall be punishable with the same punishment as provided for in sub-section (1) and such person shall be considered to be unfit under sub-clause (v) of clause (14) of section 2:

Provided that the said child, shall not be considered a child in conflict with law under any circumstances, and shall be removed from the charge or control of such guardian or custodian and produced before the Committee for appropriate rehabilitation.

77. Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to a child.—Whoever gives, or causes to be given, to any child any intoxicating liquor or any narcotic drug or tobacco products or psychotropic substance, except on the order of a duly qualified medical practitioner, shall be punishable with rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine which may extend up to one lakh rupees.

78. Using a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance.—Whoever uses a child, for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance, shall be liable for rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine up to one lakh rupees.

79. Exploitation of a child employee.—Notwithstanding anything contained in any law for the time being in force, whoever ostensibly engages a child and keeps him in bondage for the purpose of employment or withholds his earnings or uses such earning for his own purposes shall be punishable with rigorous imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees.

Explanation.—For the purposes of this section, the term “employment” shall also include selling goods and services, and entertainment in public places for economic gain.

80. Punitive measures for adoption without following prescribed procedures.—If any person or organisation offers or gives or receives, any orphan, abandoned or surrendered child, for the purpose of adoption without following the provisions or procedures as provided in this Act, such person or organisation shall be punishable with imprisonment of either description for a term which may extend upto three years, or with fine of one lakh rupees, or with both:

Provided in case where the offence is committed by a recognised adoption agency, in addition to the above punishment awarded to the persons in-charge of, and responsible for the conduct of the day-to-day affairs of the adoption agency, the registration of such agency under section 41 and its recognition under section 65 shall also be withdrawn for a minimum period of one year.

81. Sale and procurement of children for any purpose.—Any person who sells or buys a child for any purpose shall be punishable with rigorous imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees:

Provided that where such offence is committed by a person having actual charge of the child, including employees of a hospital or nursing home or maternity home, the term of imprisonment shall not be less than three years and may extend up to seven years.

82. Corporal punishment.—(1) Any person in-charge of or employed in a child care institution, who subjects a child to corporal punishment with the aim of disciplining the child, shall be liable, on the first conviction, to a fine of ten thousand rupees and for every subsequent offence, shall be liable for imprisonment which may extend to three months or fine or with both.

(2) If a person employed in an institution referred to in sub-section (1), is convicted of an offence under that sub-section, such person shall also be liable for dismissal from service, and shall also be debarred from working directly with children thereafter.

(3) In case, where any corporal punishment is reported in an institution referred to in sub-section (1) and the management of such institution does not cooperate with any inquiry or comply with the orders of the Committee or the Board or court or State Government, the person in-charge of the management of the institution shall be liable for punishment with imprisonment for a term not less than three years and shall also be liable to fine which may extend to one lakh rupees.

83. Use of child by militant groups or other adults.—(1) Any non-State, self-styled militant group or outfit declared as such by the Central Government, if recruits or uses any child for any purpose, shall

be liable for rigorous imprisonment for a term which may extend to seven years and shall also be liable to fine of five lakh rupees.

(2) Any adult or an adult group uses children for illegal activities either individually or as a gang shall be liable for rigorous imprisonment for a term which may extend to seven years and shall also be liable to fine of five lakh rupees.

84. Kidnapping and abduction of child.—For the purposes of this Act, the provisions of sections 359 to 369 of the Indian Penal Code (45 of 1860), shall *mutatis mutandis* apply to a child or a minor who is under the age of eighteen years and all the provisions shall be construed accordingly.

85. Offences committed on disabled children.—Whoever commits any of the offences referred to in this Chapter on any child who is disabled as so certified by a medical practitioner, then, such person shall be liable to twice the penalty provided for such offence.

Explanation.—For the purposes of this Act, the term “disability” shall have the same meaning as assigned to it under clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996).

86 Classification of offences and designated court.—(1) Where an offence under this Act is punishable with imprisonment for a term more than seven years, then, such offence shall be cognizable, non-bailable and triable by a Children’s Court.

(2) Where an offence under this Act is punishable with imprisonment for a term of three years and above, but not more than seven years, then, such offence shall be cognizable, non-bailable and triable by a Magistrate of First Class.

(3) Where an offence, under this Act, is punishable with imprisonment for less than three years or with fine only, then, such offence shall be non-cognizable, bailable and triable by any Magistrate.

87. Abetment.—Whoever abets any offence under this Act, if the act abetted is committed in consequence of the abetment, shall be punished with the punishment provided for that offence.

Explanation.—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy or with the aid, which constitutes the abetment.

88. Alternative punishment.—Where an act or omission constitutes an offence punishable under this Act and also under any other law for the time being in force, then, notwithstanding anything contained in any such law, the offender found guilty of such offence shall be liable for punishment under such law which provides for punishment which is greater in degree.

89. Offence committed by child under this Chapter.—Any child who commits any offence under this Chapter shall be considered as a child in conflict with law under this Act.

CHAPTER X

MISCELLANEOUS

90. Attendance of parent or guardian of child.—The Committee or the Board, as the case may be, before which a child is brought under any of the provisions of this Act, may, whenever it so thinks fit, require any parent or guardian having the actual charge of the child to be present at any proceeding in respect of that child.

91. Dispensing with attendance of child.—(1) If, at any stage during the course of an inquiry, the Committee or the Board is satisfied that the attendance of the child is not essential for the purpose of inquiry, the Committee or the Board, as the case may be, shall dispense with the attendance of a child and limit the same for the purpose of recording the statement and subsequently, the inquiry shall continue even in the absence of the child concerned, unless ordered otherwise by the Committee or the Board.

(2) Where the attendance of a child is required before the Board or the Committee, such child shall be entitled to travel reimbursement for self and one escort accompanying the child as per actual expenditure incurred, by the Board, or the Committee or the District Child Protection Unit, as the case may be.

92. Placement of a child suffering from disease requiring prolonged medical treatment in an approved place.—When a child, who has been brought before the Committee or the Board, is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment, the Committee or the Board, as the case may be, may send the child to any place recognised as a fit facility as prescribed for such period as it may think necessary for the required treatment.

93. Transfer of a child who is mentally ill or addicted to alcohol or other drugs.—(1) Where it appears to the Committee or the Board that any child kept in a special home or an observation home or a Children's Home or in an institution in pursuance of the provisions of this Act, is a mentally ill person or addicted to alcohol or other drugs which lead to behavioural changes in a person, the Committee or the Board, may order removal of such child to a psychiatric hospital or psychiatric nursing home in accordance with the provisions of the Mental Health Act, 1987 (14 of 1987) or the rules made thereunder.

(2) In case the child had been removed to a psychiatric hospital or psychiatric nursing home under sub-section (1), the Committee or the Board may, on the basis of the advice given in the certificate of discharge of the psychiatric hospital or psychiatric nursing home, order to remove such child to an Integrated Rehabilitation Centre for Addicts or similar centres maintained by the State Government for mentally ill persons (including the persons addicted to any narcotic drug or psychotropic substance) and such removal shall be only for the period required for the inpatient treatment of such child.

Explanation.—For the purposes of this sub-section,—

(a) “Integrated Rehabilitation Centre for Addicts” shall have the meaning assigned to it under the scheme called “Central Sector Scheme of Assistance for Prevention of Alcoholism and Substance (Drugs) Abuse and for Social Defence Services” framed by the Central Government in the Ministry of Social Justice and Empowerment or any other corresponding scheme for the time being in force;

(b) “mentally ill person” shall have the same meaning assigned to it in clause (l) of section 2 of the Mental Health Act, 1987 (14 of 1987);

(c) “psychiatric hospital” or “psychiatric nursing home” shall have the same meaning assigned to it in clause (q) of section 2 of the Mental Health Act, 1987 (14 of 1987).

94. Presumption and determination of age.—(1) Where, it is obvious to the Committee or the Board, based on the appearance of the person brought before it under any of the provisions of this Act (other than for the purpose of giving evidence) that the said person is a child, the Committee or the Board shall record such observation stating the age of the child as nearly as may be and proceed with the inquiry under section 14 or section 36, as the case may be, without waiting for further confirmation of the age.

(2) In case, the Committee or the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board, as the case may be, shall undertake the process of age determination, by seeking evidence by obtaining—

(i) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;

(ii) the birth certificate given by a corporation or a municipal authority or a panchayat;

(iii) and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board:

Provided such age determination test conducted on the order of the Committee or the Board shall be completed within fifteen days from the date of such order.

(3) The age recorded by the Committee or the Board to be the age of person so brought before it shall, for the purpose of this Act, be deemed to be the true age of that person.

95. Transfer of a child to place of residence.—(1) If during the inquiry it is found that a child hails from a place outside the jurisdiction, the Board or Committee, as the case may be, shall, if satisfied after due inquiry that it is in the best interest of the child and after due consultation with the Committee or the

Board of the child's home district, order the transfer of the child, as soon as possible, to the said Committee or the Board, along with relevant documents and following such procedure as may be prescribed:

Provided that such transfer can be made in case of a child in conflict with law, only after the inquiry has been completed and final order passed by the Board:

Provided further that in case of inter-State transfer, the child shall be, if convenient, handed over to the Committee or the Board, as the case may be, of the home district of the child, or to the Committee or the Board in the capital city of the home State.

(2) Once the decision to transfer is finalised, the Committee or Board, as the case may be, shall give an escort order to the Special Juvenile Police Unit to escort the child, within fifteen days of receiving such order:

Provided that a girl child shall be accompanied by a woman police officer:

Provided further that where a Special Juvenile Police Unit is not available, the Committee or Board, as the case may be, shall direct the institution where the child is temporarily staying or District Child Protection Unit, to provide an escort to accompany the child during travel.

(3) The State Government shall make rules to provide for travelling allowance to the escorting staff for the child, which shall be paid in advance.

(4) The Committee or the Board, as the case may be, receiving the transferred child will process for restoration or rehabilitation or social re-integration, as provided in this Act.

96. Transfer of child between Children's Homes, or special homes or fit facility or fit person in different parts of India.—(1) The State Government may at any time, on the recommendation of a Committee or Board, as the case may be, notwithstanding anything contained in this Act, and keeping the best interest of the child in mind, order the child's transfer from any Children's Home or special home or fit facility or fit person, to a home or facility, within the State with prior intimation to the concerned Committee or the Board:

Provided that for transfer of a child between similar home or facility or person within the same district, the Committee or Board, as the case may be, of the said district shall be competent to issue such an order.

(2) If transfer is being ordered by a State Government to an institution outside the State, this shall be done only in consultation with the concerned State Government.

(3) The total period of stay of the child in a Children's Home or a special home shall not be increased by such transfer.

(4) Orders passed under sub-sections (1) and (2) shall be deemed to be operative for the Committee or the Board, as the case may be, of the area to which the child is sent.

97. Release of a child from an institution.—(1) When a child is kept in a Children's Home or special home, on a report of a probation officer or social worker or of Government or a voluntary or non-governmental organisation, as the case may be, the Committee or the Board may consider, the release of such child, either absolutely or on such conditions as it may think fit to impose, permitting the child to live with parents or guardian or under the supervision of any authorised person named in the order, willing to receive and take charge, educate and train the child, for some useful trade or calling or to look after the child for rehabilitation:

Provided that if a child who has been released conditionally under this section, or the person under whose supervision the child has been placed, fails to fulfil such conditions, the Board or Committee may, if necessary, cause the child to be taken charge of and to be placed back in the concerned home.

(2) If the child has been released on a temporary basis, the time during which the child is not present in the concerned home in pursuance of the permission granted under sub-section (1) shall be deemed to be part of the time for which the child is liable to be kept in the children or special home:

Provided that in case of a child in conflict with law fails to fulfil the conditions set by the Board as mentioned in sub-section (1), the time for which he is still liable to be kept in the institution shall be extended by the Board for a period equivalent to the time which lapses due to such failure.

98. Leave of absence to a child placed in an institution.—(1) The Committee or the Board, as the case may be, may permit leave of absence to any child, to allow him, on special occasions like examination, marriage of relatives, death of kith or kin or accident or serious illness of parent or any emergency of like nature, under supervision, for a period generally not exceeding seven days in one instance, excluding the time taken in journey.

(2) The time during which a child is absent from an institution where he is placed, in pursuance of such permission granted under this section, shall be deemed to be part of the time for which he is liable to be kept in the Children's Home or special home.

(3) If a child refuses, or has failed to return to the Children's Home or special home, as the case may be, on the leave period being exhausted or permission being revoked or forfeited, the Board or Committee may, if necessary, cause him to be taken charge of and to be taken back to the concerned home:

Provided that when a child in conflict with law has failed to return to the special home on the leave period being exhausted or on permission being revoked or forfeited, the time for which he is still liable to be kept in the institution shall be extended by the Board for a period equivalent to the time which lapses due to such failure.

99. Reports to be treated as confidential.—(1) All reports related to the child and considered by the Committee or the Board shall be treated as confidential:

Provided that the Committee or the Board, as the case may be, may, if it so thinks fit, communicate the substance thereof to another Committee or Board or to the child or to the child's parent or guardian, and may give such Committee or the Board or the child or parent or guardian, an opportunity of producing evidence as may be relevant to the matter stated in the report.

(2) Notwithstanding anything contained in this Act, the victim shall not be denied access to their case record, orders and relevant papers.

100. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Central Government, or the State Government or any person acting under the directions of the Central Government or State Government, as the case may be, in respect of anything which is done in good faith or intended to be done in pursuance of this Act or of any rules or regulations made thereunder.

101. Appeals.—(1) Subject to the provisions of this Act, any person aggrieved by an order made by the Committee or the Board under this Act may, within thirty days from the date of such order, prefer an appeal to the Children's Court, except for decisions by the Committee related to Foster Care and Sponsorship After Care for which the appeal shall lie with the District Magistrate:

Provided that the Court of Sessions, or the District Magistrate, as the case may be, may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time and such appeal shall be decided within a period of thirty days.

(2) An appeal shall lie against an order of the Board passed after making the preliminary assessment into a heinous offence under section 15 of the Act, before the Court of Sessions and the Court may, while deciding the appeal, take the assistance of experienced psychologists and medical specialists other than those whose assistance has been obtained by the Board in passing the order under the said section.

(3) No appeal shall lie from,—

(a) any order of acquittal made by the Board in respect of a child alleged to have committed an offence other than the heinous offence by a child who has completed or is above the age of sixteen years; or

(b) any order made by a Committee in respect of finding that a person is not a child in need of care and protection.

(4) No second appeal shall lie from any order of the Court of Session, passed in appeal under this section.

(5) Any person aggrieved by an order of the Children's Court may file an appeal before the High Court in accordance with the procedure specified in the Code of Criminal Procedure, 1973 (2 of 1974).

102. Revision.—The High Court may, at any time, either on its own motion or on an application received in this behalf, call for the record of any proceeding in which any Committee or Board or Children's Court, or Court has passed an order, for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit:

Provided that the High Court shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

103. Procedure in inquiries, appeals and revision proceedings.—(1) Save as otherwise expressly provided by this Act, a Committee or a Board while holding any inquiry under any of the provisions of this Act, shall follow such procedure as may be prescribed and subject thereto, shall follow, as far as may be, the procedure laid down in the Code of Criminal Procedure, 1973 (2 of 1974) for trial of summons cases.

(2) Save as otherwise expressly provided by or under this Act, the procedure to be followed in hearing appeals or revision proceedings under this Act shall be, as far as practicable, in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).

104. Power of the Committee or the Board to amend its own orders.—(1) Without prejudice to the provisions for appeal and revision contained in this Act, the Committee or the Board may, on an application received in this behalf, amend any orders passed by itself, as to the institution to which a child is to be sent or as to the person under whose care or supervision a child is to be placed under this Act:

Provided that during the course of hearing for amending any such orders, there shall be at least two members of the Board of which one shall be the Principal Magistrate and at least three members of the Committee and all persons concerned, or their authorised representatives, whose views shall be heard by the Committee or the Board, as the case may be, before the said orders are amended.

(2) Clerical mistakes in orders passed by the Committee or the Board or errors arising therein from any accidental slip or omission may, at any time, be corrected by the Committee or the Board, as the case may be, either on its own motion or on an application received in this behalf.

105. Juvenile justice fund.—(1) The State Government may create a fund in such name as it thinks fit for the welfare and rehabilitation of the children dealt with under this Act.

(2) There shall be credited to the fund such voluntary donations, contributions or subscriptions as may be made by any individual or organisation.

(3) The fund created under sub-section (1) shall be administered by the Department of the State Government implementing this Act in such manner and for such purposes as may be prescribed.

106. State Child Protection Society and District Child Protection Unit.—Every State Government shall constitute a Child Protection Society for the State and Child Protection Unit for every District, consisting of such officers and other employees as may be appointed by that Government, to take up matters relating to children with a view to ensure the implementation of this Act, including the establishment and maintenance of institutions under this Act, notification of competent authorities in relation to the children and their rehabilitation and co-ordination with various official and non-official agencies concerned and to discharge such other functions as may be prescribed.

107. Child Welfare Police Officer and Special Juvenile Police Unit.—(1) In every police station, at least one officer, not below the rank of assistant sub-inspector, with aptitude, appropriate training and orientation may be designated as the child welfare police officer to exclusively deal with children either as victims or perpetrators, in co-ordination with the police, voluntary and non-governmental organisations.

(2) To co-ordinate all functions of police related to children, the State Government shall constitute Special Juvenile Police Units in each district and city, headed by a police officer not below the rank of a

Deputy Superintendent of Police or above and consisting of all police officers designated under sub-section (1) and two social workers having experience of working in the field of child welfare, of whom one shall be a woman.

(3) All police officers of the Special Juvenile Police Units shall be provided special training, especially at induction as child welfare police officer, to enable them to perform their functions more effectively.

(4) Special Juvenile Police Unit also includes Railway police dealing with children.

108. Public awareness on provisions of Act.—The Central Government and every State Government, shall take necessary measures to ensure that—

(a) the provisions of this Act are given wide publicity through media including television, radio and print media at regular intervals so as to make the general public, children and their parents or guardians aware of such provisions;

(b) the officers of the Central Government, State Government and other concerned, persons are imparted periodic training on the matters relating to the implementation of the provisions of this Act.

109. Monitoring of implementation of Act.—(1) The National Commission for Protection of Child Rights constituted under section 3, or as the case may be, the State Commission for Protection of Child Rights constituted under section 17 (herein referred to as the National Commission or the State Commission, as the case may be), of the Commissions for Protection of Child rights Act, 2005 (4 of 2006), shall, in addition to the functions assigned to them under the said Act, also monitor the implementation of the provisions of this Act, in such manner, as may be prescribed.

(2) The National Commission or, as the case may be, the State Commission, shall, while inquiring into any matter relating to any offence under this Act, have the same powers as are vested in the National Commission or the State Commission under the Commissions for Protection of Child Rights Act, 2005 (4 of 2006).

(3) The National Commission or, as the case may be, the State Commission, shall also include its activities under this section, in the annual report referred to in section 16 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006).

110. Power to make rules.—(1) The State Government shall, by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Provided that the Central Government may, frame model rules in respect of all or any of the matters with respect to which the State Government is required to make rules and where any such model rules have been framed in respect of any such matter, they shall apply to the State *mutatis mutandis* until the rules in respect of that matter are made by the State Government and while making any such rules, they conform to such model rules.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(i) manner of inquiry in case of a missing or run away child or whose parents cannot be found under sub-clause (vii) of clause (14) of section 2;

(ii) responsibilities of the Child Welfare Officer attached to a Children's Home under clause (17) of section 2;

(iii) qualifications of the members of the Board under sub-section (2) of section 4;

(iv) induction training and sensitisation of all members of the Board under sub-section (5) of section 4;

(v) term of office of the members of the Board and the manner in which such member may resign under sub-section (6) of section 4;

(vi) time of the meetings of the Board and the rules of procedure in regard to the transaction of business at its meeting under sub-section (1) of section 7;

(vii) qualifications, experience and payment of fees of an interpreter or translator under clause (d) of sub-section (3) of section 8;

(viii) any other function of the Board under clause (n) of sub-section (3) of section 8;

(ix) persons through whom any child alleged to be in conflict with law may be produced before the Board and the manner in which such a child may be sent to an observation home or place of safety under sub-section (2) of section 10;

(x) manner in which a person apprehended and not released on bail by the officer-in-charge of the police station may be kept in an observation home until such person is brought before a Board under sub-section (2) of section 12;

(xi) format for information on pendency in the Board to the Chief Judicial Magistrate or the Chief Metropolitan Magistrate and District Magistrate on quarterly basis under sub-section (3) of section 16;

(xii) monitoring procedures and list of monitoring authorities under sub-section (2) of section 20;

(xiii) manner in which the relevant records of the child may be destroyed by the Board, police or the court under sub-section (2) of section 24;

(xiv) qualifications of the members of the Child Welfare Committee under sub-section (5) of section 27;

(xv) rules and procedures with regard to transaction of business at the meetings of the Child Welfare Committee under sub-section (1) of section 28;

(xvi) process of restoration of abandoned or lost children to their families under clause (x) of section 30;

(xvii) manner of submitting the report to the Committee and the manner of sending and entrusting the child to Children's Home or fit facility or fit person under sub-section (2) of section 31;

(xviii) manner of holding an inquiry by the Child Welfare Committee under sub-section (1) of section 36;

(xix) manner in which a child may be sent to a Specialised Adoption Agency if the child is below six years of age, Children's Home or to a fit facility or person or foster family, till suitable means of rehabilitation are found for the child including manner in which situation of the child placed in a Children's Home or with a fit facility or person or foster family, may be reviewed by the Committee under sub-section (3) of section 36;

(xx) manner in which a quarterly report may be submitted by the Committee to the District Magistrate for review of pendency of cases under sub-section (4) of section 36;

(xxi) any other order related to any other function of the Committee under clause (iii) of sub-section (2) of section 37;

(xxii) information to be given every month by the Committee to State Agency and Authority regarding number of children declared legally free for adoption and number of cases pending under sub-section (5) of section 38;

(xxiii) manner in which all institutions under this Act shall be registered under sub-section (1) of section 41;

(xxiv) procedure for cancelling or withholding registration of an institution that fails to provide rehabilitation and re-integration services under sub-section (7) of section 41;

(xxv) manner in which information shall be sent every month by the open shelter to the District Child Protection Unit and Committee under sub-section (3) of section 43;

(xxvi) procedure for placing children in foster care including group foster care under sub-section (1) of section 44;

- (xxvii) procedure for inspection of children in foster care under sub-section (4) of section 44;
- (xxviii) manner in which foster family shall provide education, health and nutrition to the child under sub-section (6) of section 44;
- (xxix) procedure and criteria in which foster care services shall be provided to children under sub-section (7) of section 44;
- (xxx) format for inspection of foster families by the Committee to check the well being of children under sub-section (8) of section 44;
- (xxxi) purpose of undertaking various programmes of sponsorship of children, such as individual to individual sponsorship, group sponsorship or community sponsorship under sub-section (1) of section 45;
- (xxxii) duration of sponsorship under sub-section (3) of section 45;
- (xxxiii) manner of providing financial support to any child leaving institutional care on completing eighteen years of age under section 46;
- (xxxiv) management and monitoring of observation homes, including the standards and various types of services to be provided by them for rehabilitation and social integration of a child alleged to be in conflict with law and the circumstances under which, and the manner in which, the registration of an observation home may be granted or withdrawn under sub-section (3) of section 47;
- (xxxv) management and monitoring of special homes including the standards and various types of services to be provided to them under sub-section (2) and sub-section (3) of section 48;
- (xxxvi) monitoring and management of children's homes including the standards and the nature of services to be provided by them, based on individual care plans for each child under sub-section (3) of section 50;
- (xxxvii) manner in which a Board or the Committee shall recognise, a facility being run by a Governmental organisation or a voluntary or non-governmental organisation registered under any law for the time being in force, fit to temporarily take the responsibility of a child for a specific purpose after due inquiry regarding the suitability of the facility and the organisation to take care of the child under sub-section (1) of section 51;
- (xxxviii) procedure of verification of credentials, for recognising any person fit to temporarily receive a child for care, protection and treatment of such child for a specified period by the Board or the Committee under sub-section (1) of section 52;
- (xxxix) manner in which services shall be provided by an institution under this Act for rehabilitation and re-integration of children and standards for basic requirements such as food, shelter, clothing and medical attention under sub-section (1) of section 53;
- (xl) manner in which Management Committee shall be set up by each institution for management of the institution and monitoring of the progress of every child under sub-section (2) of section 53;
- (xli) activities that may be taken up by children's committees under sub-section (3) of section 53;
- (xlii) appointment of inspection committees for all institutions registered or recognised fit, for the State and district under sub-section (1) of section 54;
- (xliii) manner in which Central Government or State Government may independently evaluate the functioning of the Board, Committee, special juvenile police units, registered institutions, or recognised fit facilities and persons, including the period and through persons or institutions under sub-section (1) of section 55;
- (xliv) manner in which institutions shall furnish details of children declared legally free for adoption to the Specialised Adoption Agency under sub-section (2) of section 66;
- (xlv) any other function of the Authority under clause (e) of section 68;

(*xlvi*) criteria for the selection or nomination of the Members of the Steering Committee of the Authority and their tenure as well as the terms and conditions of their appointment under sub-section (2) of section 69;

(*xlvii*) manner in which Steering Committee of the Authority shall meet under sub-section (4) of section 69;

(*xlviii*) manner in which the Authority shall submit an annual report to the Central Government under sub-section (1) of section 71;

(*xl ix*) functions of the Authority under sub-section (2) of section 72;

(*i*) manner in which the Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts under sub-section (1) of section 73;

(*ii*) period that the Committee or Board may think necessary for the treatment of children who are found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment to a fit facility under section 92;

(*iii*) procedure for transfer of child under sub-section (1) of section 95;

(*liii*) provision for travelling allowance to the escorting staff for the child under sub-section (3) of section 95;

(*liv*) procedure to be followed by the Committee or a Board while holding any inquiry, appeal or revision under sub-section (1) of section 103;

(*lv*) manner in which juvenile justice fund shall be administered under sub-section (3) of section 105;

(*lvi*) functioning of the Child Protection Society for the State and Child Protection Units for every district under section 106;

(*lvii*) to enable the National Commission, or as the case may be, the State Commission to monitor implementation of the provisions of this Act under sub-section (1) of section 109;

(*lviii*) any other matter which is required to be, or may be, prescribed.

(3) Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

(4) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

111. Repeal and savings.—(*1*) The Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Acts shall be deemed to have been done or taken under the corresponding provisions of this Act.

112. Power to remove difficulties.—(*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Act.

(2) However, order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

THE PROHIBITION OF CHILD MARRIAGE ACT, 2006

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Child marriages to be voidable at the option of contracting party being a child.
4. Provision for maintenance and residence to female contracting party to child marriage.
5. Custody and maintenance of children of child marriages.
6. Legitimacy of children born of child marriages.
7. Power of district court to modify orders issued under section 4 or section 5.
8. Court to which petition should be made.
9. Punishment for male adult marrying a child.
10. Punishment for solemnising a child marriage.
11. Punishment for promoting or permitting solemnisation of child marriages.
12. Marriage of a minor child to be void in certain circumstances.
13. Power of court to issue injunction prohibiting child marriages.
14. Child marriages in contravention of injunction orders to be void.
15. Offences to be cognizable and non-bailable.
16. Child Marriage Prohibition Officers.
17. Child Marriage Prohibition Officers to be public servants.
18. Protection of action taken in good faith.
19. Power of State Government to make rules.
20. Amendment of Act No. 25 of 1955.
21. Repeal and savings.

THE PROHIBITION OF CHILD MARRIAGE ACT, 2006

ACT NO. 6 OF 2007

[10th January, 2007.]

An Act to provide for the prohibition of solemnisation of child marriages and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Prohibition of Child Marriage Act, 2006.

(2) It extends to the whole of India except the State of Jammu and Kashmir; and it applies also to all citizens of India without and beyond India:

Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States and any reference in any provision to the commencement of this Act shall be construed in relation to any State as a reference to the coming into force of that provision in that State.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “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;

(b) “child marriage” means a marriage to which either of the contracting parties is a child;

(c) “contracting party”, in relation to a marriage, means either of the parties whose marriage is or is about to be thereby solemnised;

(d) “Child Marriage Prohibition Officer” includes the Child Marriage Prohibition Officer appointed under sub-section (1) of section 16;

(e) “district court” means, in any area for which a Family Court established under section 3 of the Family Courts Act, 1984 (66 of 1984) exists, such Family Court, and in any area for which there is no Family Court but a city civil court exists, that court and in any other area, the principal civil court of original jurisdiction and includes any other civil court which may be specified by the State Government, by notification in the Official Gazette, as having jurisdiction in respect of the matters dealt with in this Act;

(f) “minor” means a person who, under the provisions of the Majority Act, 1875 (9 of 1875), is to be deemed not to have attained his majority.

3. Child marriages to be voidable at the option of contracting party being a child.—(1) Every child marriage, whether solemnised before or after the commencement of this Act, shall be voidable at the option of the contracting party who was a child at the time of the marriage:

Provided that a petition for annulling a child marriage by a decree of nullity may be filed in the district court only by a contracting party to the marriage who was a child at the time of the marriage.

(2) If at the time of filing a petition, the petitioner is a minor, the petition may be filed through his or her guardian or next friend along with the Child Marriage Prohibition Officer.

(3) The petition under this section may be filed at any time but before the child filing the petition completes two years of attaining majority.

1. 1st November, 2007, *vide* notification No. S.O. 1850(E), dated 30th October, 2007, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

(4) While granting a decree of nullity under this section, the district court shall make an order directing both the parties to the marriage and their parents or their guardians to return to the other party, his or her parents or guardian, as the case may be, the money, valuables, ornaments and other gifts received on the occasion of the marriage by them from the other side, or an amount equal to the value of such valuables, ornaments, other gifts and money:

Provided that no order under this section shall be passed unless the concerned parties have been given notices to appear before the district court and show cause why such order should not be passed.

4. Provision for maintenance and residence to female contracting party to child marriage.—(1) While granting a decree under section 3, the district court may also make an interim or final order directing the male contracting party to the child marriage, and in case the male contracting party to such marriage is a minor, his parent or guardian to pay maintenance to the female contracting party to the marriage until her remarriage.

(2) The quantum of maintenance payable shall be determined by the district court having regard to the needs of the child, the lifestyle enjoyed by such child during her marriage and the means of income of the paying party.

(3) The amount of maintenance may be directed to be paid monthly or in lump sum.

(4) In case the party making the petition under section 3 is the female contracting party, the district court may also make a suitable order as to her residence until her remarriage.

5. Custody and maintenance of children of child marriages.—(1) Where there are children born of the child marriage, the district court shall make an appropriate order for the custody of such children.

(2) While making an order for the custody of a child under this section, the welfare and best interests of the child shall be the paramount consideration to be given by the district court.

(3) An order for custody of a child may also include appropriate directions for giving to the other party access to the child in such a manner as may best serve the interests of the child, and such other orders as the district court may, in the interest of the child, deem proper.

(4) The district court may also make an appropriate order for providing maintenance to the child by a party to the marriage or their parents or guardians.

6. Legitimacy of children born of child marriages.—Notwithstanding that a child marriage has been annulled by a decree of nullity under section 3, every child begotten or conceived of such marriage before the decree is made, whether born before or after the commencement of this Act, shall be deemed to be a legitimate child for all purposes.

7. Power of district court to modify orders issued under section 4 or section 5.—The district court shall have the power to add to, modify or revoke any order made under section 4 or section 5 and if there is any change in the circumstances at any time during the pendency of the petition and even after the final disposal of the petition.

8. Court to which petition should be made.—For the purpose of grant of reliefs under sections 3, 4 and 5, the district court having jurisdiction shall include the district court having jurisdiction over the place where the defendant or the child resides, or where the marriage was solemnised or where the parties last resided together or the petitioner is residing on the date of presentation of the petition.

9. Punishment for male adult marrying a child.—Whoever, being a male adult above eighteen years of age, contracts a child marriage shall be punishable with rigorous imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both.

10. Punishment for solemnising a child marriage.—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 unless he proves that he had reasons to believe that the marriage was not a child marriage.

11. Punishment for promoting or permitting solemnisation of child marriages.—(1) Where a child contracts a child marriage, any person having charge of the child, whether as parent or guardian or

any other person or in any other capacity, lawful or unlawful, including any member of an organisation or association of persons who does any act to promote the marriage or permits it to be solemnised, or negligently fails to prevent it from being solemnised, including attending or participating in a child marriage, shall be punishable with rigorous imprisonment which may extend to two years and shall also be liable to fine which may extend up to one lakh rupees:

Provided that no woman shall be punishable with imprisonment.

(2) For the purposes of this section, it shall be presumed, unless and until the contrary is proved, that where a minor child has contracted a marriage, the person having charge of such minor child has negligently failed to prevent the marriage from being solemnised.

12. Marriage of a minor child to be void in certain circumstances.—Where a child, being a minor—

(a) is taken or enticed out of the keeping of the lawful guardian; or

(b) by force compelled, or by any deceitful means induced to go from any place; or

(c) is sold for the purpose of marriage; and made to go through a form of marriage or if the minor is married after which the minor is sold or trafficked or used for immoral purposes,

such marriage shall be null and void.

13. Power of court to issue injunction prohibiting child marriages.—(1) Notwithstanding anything to the contrary contained in this Act, if, on an application of the Child Marriage Prohibition Officer or on receipt of information through a complaint or otherwise from any person, a Judicial Magistrate of the first class or a Metropolitan Magistrate is satisfied that a child marriage in contravention of this Act has been arranged or is about to be solemnised, such Magistrate shall issue an injunction against any person including a member of an organisation or an association of persons prohibiting such marriage.

(2) A complaint under sub-section (1) may be made by any person having personal knowledge or reason to believe, and a non-governmental organisation having reasonable information, relating to the likelihood of taking place of solemnisation of a child marriage or child marriages.

(3) The Court of the Judicial Magistrate of the first class or the Metropolitan Magistrate may also take *suomotu* cognizance on the basis of any reliable report or information.

(4) For the purposes of preventing solemnisation of mass child marriages on certain days such as *AkshayaTrutiya*, the District Magistrate shall be deemed to be the Child Marriage Prohibition Officer with all powers as are conferred on a Child Marriage Prohibition Officer by or under this Act.

(5) The District Magistrate shall also have additional powers to stop or prevent solemnisation of child marriages and for this purpose, he may take all appropriate measures and use the minimum force required.

(6) No injunction under sub-section (1) shall be issued against any person or member of any organisation or association of persons unless the Court has previously given notice to such person, members of the organisation or association of persons, as the case may be, and has offered him or them an opportunity to show cause against the issue of the injunction:

Provided that in the case of any urgency, the Court shall have the power to issue an interim injunction without giving any notice under this section.

(7) An injunction issued under sub-section (1) may be confirmed or vacated after giving notice and hearing the party against whom the injunction was issued.

(8) The Court may either on its own motion or on the application of any person aggrieved, rescind or alter an injunction issued under sub-section (1).

(9) Where an application is received under sub-section (1), the Court shall afford the applicant an early opportunity of appearing before it either in person or by an advocate and if the Court, after hearing the applicant rejects the application wholly or in part, it shall record in writing its reasons for so doing.

(10) Whoever knowing that an injunction has been issued under sub-section (1) against him disobeys such injunction shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one lakh rupees or with both:

Provided that no woman shall be punishable with imprisonment.

14. Child marriages in contravention of injunction orders to be void.—Any child marriage solemnised in contravention of an injunction order issued under section 13, whether interim or final, shall be void *ab initio*.

15. Offences to be cognizable and non-bailable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence punishable under this Act shall be cognizable and non-bailable.

16. Child Marriage Prohibition Officers.—(1) The State Government shall, by notification in the Official Gazette, appoint for the whole State, or such part thereof as may be specified in that notification, an officer or officers to be known as the Child Marriage Prohibition Officer having jurisdiction over the area or areas specified in the notification.

(2) The State Government may also request a respectable member of the locality with a record of social service or an officer of the Gram Panchayat or Municipality or an officer of the Government or any public sector undertaking or an office bearer of any non-governmental organisation to assist the Child Marriage Prohibition Officer and such member, officer or office bearer, as the case may be, shall be bound to act accordingly.

(3) It shall be the duty of the Child Marriage Prohibition Officer—

- (a) to prevent solemnisation of child marriages by taking such action as he may deem fit;
- (b) to collect evidence for the effective prosecution of persons contravening the provisions of this Act;
- (c) to advise either individual cases or counsel the residents of the locality generally not to indulge in promoting, helping, aiding or allowing the solemnisation of child marriages;
- (d) to create awareness of the evil which results from child marriages;
- (e) to sensitize the community on the issue of child marriages;
- (f) to furnish such periodical returns and statistics as the State Government may direct; and
- (g) to discharge such other functions and duties as may be assigned to him by the State Government.

(4) The State Government may, by notification in the Official Gazette, subject to such conditions and limitations, invest the Child Marriage Prohibition Officer with such powers of a police officer as may be specified in the notification and the Child Marriage Prohibition Officer shall exercise such powers subject to such conditions and limitations, as may be specified in the notification.

(5) The Child Marriage Prohibition Officer shall have the power to move the Court for an order under sections 4, 5 and 13 and along with the child under section 3.

17. Child Marriage Prohibition Officers to be public servants.—The Child Marriage Prohibition Officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

18. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against the Child Marriage Prohibition Officer in respect of anything in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

19. Power of State Government to make rules.—(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall, as soon as may be after it is made, be laid before the State Legislature.

20. Amendment of Act No. 25 of 1955.—In the Hindu Marriage Act, 1955, in section 18, for clause (a), the following clause shall be substituted, namely:—

“(a) in the case of contravention of the condition specified in clause (iii) of section 5, with rigorous imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both”.

21. Repeal and savings.—(1) The Child Marriage Restraint Act, 1929 (19 of 1929) is hereby repealed.

(2) Notwithstanding such repeal, all cases and other proceedings pending or continued under the said Act at the commencement of this Act shall be continued and disposed of in accordance with the provisions of the repealed Act, as if this Act had not been passed.

THE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS ACT, 2005

ARRANGEMENT OF SECTIONS

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THE COMMISSIONS FOR PROTECTION OF CHILDRIGHTS ACT, 2005

ACT NO. 4 OF 2006

[20th January, 2006.]

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.

WHEREAS India participated in the United Nations (UN) General Assembly Summit in 1990, which adopted a Declaration on Survival, Protection and Development of Children;

AND WHEREAS India has also acceded to the Convention on the Rights of the Child (CRC) on the 11th December, 1992;

AND WHEREAS CRC is an international treaty that makes it incumbent upon the signatory States to take all necessary steps to protect children's rights enumerated in the Convention;

AND WHEREAS in order to ensure protection of rights of children one of the recent initiatives that the Government have taken for Children is the adoption of National Charter for Children, 2003;

AND WHEREAS the UN General Assembly Special Session on Children held in May, 2002 adopted an Outcome Document titled "A World Fit for Children" containing the goals, objectives, strategies and activities to be undertaken by the member countries for the current decade;

AND WHEREAS it is expedient to enact a law relating to children to give effect to the policies adopted by the Government in this regard, standards prescribed in the CRC, and all other relevant international instruments;

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Commissions for Protection of Child Rights Act, 2005.

(2) It extends to the whole of India ^{1***}.

(3) It shall come into force on such date² as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "Chairperson" means the Chairperson of the Commission or of the State Commission, as the case may be;

(b) "child rights" includes the children's rights adopted in the United Nations convention on the Rights of the Child on the 20th November, 1989 and ratified by the Government of India on the 11th December, 1992;

(c) "Commission" means the National Commission for Protection of Child Rights constituted under section 3;

(d) "Member" means a Member of the Commission or of the State Commission, as the case may be, and includes the Chairperson;

1. The words "except the State of Jammu and Kashmir" omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).

2. 5th February, 2007, *vide* notification No. S.O. 229(E), dated 15th February, 2007, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

- (e) “notification” means a notification published in the Official Gazette;
- (f) “prescribed” means prescribed by rules made under this Act;
- (g) “State Commission” means a State Commission for Protection of Child Rights constituted under section 17.

CHAPTER II

THE NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

3. Constitution of National Commission for Protection of Child Rights.—(1) The Central Government shall, by notification, constitute a body to be known as the National Commission for Protection of Child Rights to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The Commission shall consist of the following Members, namely:—

(a) a Chairperson who is a person of eminence and has done outstanding work for promoting the welfare of children; and

(b) six Members, out of which at least two shall be women, from the following fields, to be appointed by the Central Government from amongst persons of eminence, ability, integrity, standing and experience in,—

(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.

(3) The office of the Commission shall be at Delhi.

4. Appointment of Chairperson and Members.—The Central Government shall, by notification, appoint the Chairperson and other Members:

Provided that the Chairperson shall be appointed on the recommendation of a three member Selection Committee constituted by the Central Government under the Chairmanship of the ¹[Minister in-charge of the Ministry or the Department of Women and Child Development].

5. Term of office and conditions of service of Chairperson and Members.—(1) The Chairperson and every Member shall hold office as such for a term of three years from the date on which he assumes office:

Provided that no Chairperson or a Member shall hold the office for more than two terms:

Provided further that no Chairperson or any other Member shall hold office as such after he has attained—

(a) in the case of the Chairperson, the age of sixty-five years; and

(b) in the case of a Member, the age of sixty years.

1. Subs. by Act 4 of 2007, s.2., for “Minister in-charge of the Ministry of Human Resource Development” (w.e.f. 29-12-2006).

(2) The Chairperson or a Member may, by writing under his hand addressed to the Central Government, resign his office at any time.

6. Salary and allowances of Chairperson and Members.—The salary and allowances payable to, and other terms and conditions of service of, the Chairperson and Members, shall be such as may be prescribed by the Central Government:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member, as the case may be, shall be varied to his disadvantage after his appointment.

7. Removal from office.—(1) Subject to the provisions of sub-section (2), the Chairperson may be removed from his office by an order of the Central Government on the ground of proved misbehaviour or incapacity.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may by order remove from office the Chairperson or any other Member, if the Chairperson or, as the case may be, such other Member,—

- (a) is adjudged an insolvent; or
- (b) engages during his term of office in any paid employment outside the duties of his office; or
- (c) refuses to act or becomes incapable of acting; or
- (d) is of unsound mind and stands so declared by a competent court; or
- (e) has so abused his office as to render his continuance in office detrimental to the public interest; or
- (f) is convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude; or
- (g) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission.

(3) No person shall be removed under this section until that person has been given an opportunity of being heard in the matter.

8. Vacation of office by Chairperson or Members.—(1) If the Chairperson or, as the case may be, a Member,—

- (a) becomes subject to any of the disqualifications mentioned in section 7; or
- (b) tenders his resignation under sub-section (2) of section 5,

his seat shall thereupon become vacant.

(2) If a casual vacancy occurs in the office of the Chairperson or a Member, whether by reason of his death, resignation or otherwise, such vacancy shall be filled within a period of ninety days by making afresh appointment in accordance with the provisions of section 4 and the person so appointed shall hold office for the remainder of the term of office for which the Chairperson, or a Member, as the case may be, in whose place he is so appointed would have held that office.

9. Vacancies, etc., not to invalidate proceedings of Commission.—No act or proceeding of the Commission shall be invalid merely by reason of—

- (a) any vacancy in, or any defect in the constitution of, the Commission; or
- (b) any defect in the appointment of a person as the Chairperson or a Member; or
- (c) any irregularity in the procedure of the Commission not affecting the merits of the case.

10. Procedure for transaction of business.—(1) The Commission shall meet regularly at its office at such time as the Chairperson thinks fit, but three months shall not intervene between its last and the next meeting.

(2) All decisions at a meeting shall be taken by majority:

Provided that in the case of equality of votes, the Chairperson, or in his absence the person presiding, shall have and exercise a second or casting vote.

(3) If for any reason, the Chairperson, is unable to attend the meeting of the Commission, any Member chosen by the Members present from amongst themselves at the meeting, shall preside.

(4) The Commission shall observe such rules of procedure in the transaction of its business at a meeting, including the quorum at such meeting, as may be prescribed by the Central Government.

(5) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by Member-Secretary in this behalf.

11. Member-Secretary, officers and other employees of Commission.—(1) The Central Government shall, by notification, appoint an officer not below the rank of the Joint Secretary or the Additional Secretary to the Government of India as a Member-Secretary of the Commission and shall make available to the Commission such other officers and employees as may be necessary for the efficient performance of its functions.

(2) The Member-Secretary shall be responsible for the proper administration of the affairs of the Commission and its day-to-day management and shall exercise and discharge such other powers and perform such other duties as may be prescribed by the Central Government.

(3) The salary and allowances payable to, and the other terms and conditions of service of the Member-Secretary, other officers and employees, appointed for the purpose of the Commission shall be such as may be prescribed by the Central Government.

12. Salaries and allowances to be paid out of grants.—The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the Member-Secretary, other officers and employees referred to in section 11, shall be paid out of the grants referred to in sub-section (1) of section 27.

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

13. Functions of Commission.—(1) The Commission shall perform all or any of the following functions, namely:—

(a) 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;

(b) present to the Central Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards;

(c) inquire into violation of child rights and recommend initiation of proceedings in such cases;

(d) 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;

(e) 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;

(f) 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;

(g) undertake and promote research in the field of child rights;

(h) 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;

(i) 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 Central Government or any State Government or any other authority, including any institution run by a social organisation; 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;

(j) inquire into complaints and take *suo motu* notice of matters relating to,—

(i) deprivation and violation of child rights;

(ii) non-implementation of laws providing for protection and development of children;

(iii) 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

(k) such other functions as it may consider necessary for the promotion of child rights and any other matter incidental to the above functions.

(2) The Commission shall not inquire into any matter which is pending before a State Commission or any other Commission duly constituted under any law for the time being in force.

14. Powers relating to inquiries.—(1) The Commission shall, while inquiring into any matter referred to in clause (j) of sub-section (1) of section 13 have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) and, in particular, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office; and

(e) issuing commissions for the examination of witnesses or documents.

(2) The Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

15. Steps after inquiry.—The Commission may take any of the following steps upon the completion of an inquiry held under this Act, namely:—

(i) where the inquiry discloses, the Commission of 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 concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons;

(ii) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;

(iii) recommend to the concerned Government or authority for the grant of such interim relief to the victim or the members of his family as the Commission may consider necessary.

16. Annual and special reports of Commission.—(1) The Commission shall submit an annual report to the Central Government and to the State Government concerned and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The Central Government and the State Government concerned, as the case maybe, shall cause the annual and special reports of the Commission to be laid before each House of Parliament or the State Legislature respectively, as the case may be, along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any, within a period of one year from the date of receipt of such report.

(3) The annual report shall be prepared in such form, manner and contain such details as may be prescribed by the Central Government.

CHAPTER IV

STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS

17. Constitution of State Commission for Protection of Child Rights.—(1) A State Government may constitute a body to be known as the(name of the State) Commission for Protection of Child Rights to exercise the powers conferred upon, and to perform the functions assigned to, a State Commission under this Chapter.

(2) The State Commission shall consist of the following Members, namely:—

(a) a Chairperson who is a person of eminence and has done outstanding work for promoting the welfare of children; and

(b) six Members, out of which at least two shall be women, from the following fields, to be appointed by the State Government from amongst persons of eminence, ability, integrity, standing and experience in,—

(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.

(3) The headquarter of the State Commission shall be at such place as the State Government may, by notification, specify.

18. Appointment of Chairperson and other Members.—The State Government shall, by notification, appoint the Chairperson and other Members:

Provided that the Chairperson shall be appointed on the recommendation of a three Member Selection Committee constituted by the State Government under the Chairmanship of the Minister in-charge of the Department dealing with children.

19. Term of office and conditions of service of Chairperson and Members.—(1) The Chairperson and every Member shall hold office as such for a term of three years from the date on which he assumes office:

Provided that no Chairperson or a Member shall hold the office for more than two terms:

Provided further that no Chairperson or any other Member shall hold office as such after he has attained—

(a) in the case of Chairperson, the age of sixty-five years; and

(b) in the case of a Member, the age of sixty years.

(2) The Chairperson or a Member may, by writing under his hand addressed to the State Government, resign his office at any time.

20. Salary and allowances of Chairperson and Members.—The salaries and allowances payable to, and other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed by the State Government:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member, as the case may be, shall be varied to his disadvantage after his appointment.

21. Secretary, officers and other employees of the State Commission.—(1) The State Government shall, by notification, appoint an officer not below the rank of the Secretary to the State Government as the Secretary of the State Commission and shall make available to the State Commission such other officers and employees as may be necessary for the efficient performance of its functions.

(2) The Secretary shall be responsible for the proper administration of the affairs of the State Commission and its day-to-day management and shall exercise and discharge such other powers and perform such other duties as may be prescribed by the State Government.

(3) The salary and allowances payable to, and the other terms and conditions of service of the Secretary, other officers and employees, appointed for the purpose of the State Commission shall be such as may be prescribed by the State Government.

22. Salaries and allowances to be paid out of grants.—The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the Secretary, other officers and employees referred to in section 21, shall be paid out of the grants referred to in sub-section (1) of section 28.

23. Annual and special reports of State Commission.—(1) The State Commission shall submit an annual report to the State Government and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The State Government shall cause all the reports referred to in sub-section (1) to be laid before each House of State Legislature, where it consists of two Houses, or where such Legislature consists of one House, before that House along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(3) The annual report shall be prepared in such form, manner and contain such details as may be prescribed by the State Government.

24. Application of certain provisions relating to National Commission for Protection of Child Rights to State Commissions.—The provisions of sections 7, 8, 9, 10, sub-section (1) of section 13 and sections 14 and 15 shall apply to a State Commission and shall have effect, subject to the following modifications, namely:—

- (a) references to “Commission” shall be construed as references to “State Commission”;
- (b) references to “Central Government” shall be construed as references to “State Government”; and
- (c) references to “Member-Secretary” shall be construed as references to “Secretary”.

CHAPTER V

CHILDREN’S COURTS

25. Children's Courts.—For the purpose of providing speedy trial of offences against children or of violation of child rights, the State Government may, with the concurrence of the Chief Justice of the High Court, by notification, specify at least a court in the State or specify, for each district, a Court of Session to be a Children's Court to try the said offences:

Provided that nothing in this section shall apply if—

- (a) a Court of Session is already specified as a special court; or
- (b) a special court is already constituted, for such offences under any other law for the time being in force.

26. Special Public Prosecutor.—For every Children's Court, the State Government shall, by notification, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

CHAPTER VI

FINANCE, ACCOUNTS AND AUDIT

27. Grants by Central Government.—(1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

(2) The Commission may spend such sums of money as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

28. Grants by State Governments.—(1) The State Government shall, after due appropriation made by Legislature by law in this behalf, pay to the State Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purposes of this Act.

(2) The State Commission may spend such sums of money as it thinks fit for performing the functions under Chapter III of this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

29. Accounts and audit of Commission.—(1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall, have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Commission and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

30. Accounts and audit of State Commission.—(1) The State Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the State Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the State Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the State Commission under this Act shall, have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Commission.

(4) The accounts of the State Commission as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the State Government by the State Commission and the State Government shall cause the audit report to be laid, as soon as may be after it is received, before the State Legislature.

CHAPTER VII

MISCELLANEOUS

31. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Government, the Commission, the State Commission, or any Member thereof or any person acting under the direction either of the Central Government, State Government, Commission or the State Commission, in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made there under or in respect of the publication by or under the authority of the Central Government, State Government, Commission, or the State Commission of any report or paper.

32. Chairperson, Members and other officers to be public servant.—Every Member of the Commission, State Commission and every officer appointed in the Commission or the State Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

33. Directions by Central Government.—(1) In the discharge of its functions under this Act, the Commission shall be guided by such directions on questions of policy relating to national purposes, as may be given to it by the Central Government.

(2) If any dispute arises between the Central Government and the Commission as to whether a question is or is not a question of policy relating to national purposes, the decision of the Central Government thereon shall be final.

34. Returns or information.—The Commission shall furnish to the Central Government such returns or other information with respect to its activities as the Central Government may, from time to time, require.

35. Power to Central Government to make rules.—(1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) terms and conditions of service of the Chairperson and Members of the Commission and their salaries and allowances under section 6;

(b) the procedure to be followed by the Commission in the transaction of its business at a meeting under sub-section (4) of section 10;

(c) the powers and duties which may be exercised and performed by the Member- Secretary of the Commission under sub-section (2) of section 11;

(d) the salary and allowances and other terms and conditions of service of officers and other employees of the Commission under sub-section (3) of section 11; and

(e) form of the statement of accounts and other records to be prepared by the Commission under sub-section (1) of section 29.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions afore said, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

36. Power of State Government to make rules.—(1) The State Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) terms and conditions of service of the Chairperson and Members of the State Commission and their salaries and allowances under section 20;

(b) the procedure to be followed by the State Commission in the transaction of its business at a meeting under sub-section (4) of section 10 read with section 24;

(c) the powers and duties which may be exercised and performed by the Secretary of the State Commission under sub-section (2) of section 21;

(d) the salary and allowances and other terms and conditions of service of officers and other employees of the State Commission under sub-section (3) of section 21; and

(e) form of the statement of accounts and other records to be prepared by the State Commission under sub-section (1) of section 30.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such State Legislature consists of one House, before that House.

37. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

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THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

ACT NO. 32 OF 2012

[19th June, 2012.]

An Act to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto.

WHEREAS clause (3) of article 15 of the Constitution, *inter alia*, empowers the State to make special provisions for children;

AND WHEREAS, the Government of India has acceded on the 11th December, 1992 to the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations, which has prescribed a set of standards to be followed by all State parties in securing the best interests of the child;

AND WHEREAS it is necessary for the proper development of the child that his or her right to privacy and confidentiality be protected and respected by every person by all means and through all stages of a judicial process involving the child;

AND WHEREAS it is imperative that the law operates in a manner that the best interest and well being of the child are regarded as being of paramount importance at every stage, to ensure the healthy physical, emotional, intellectual and social development of the child;

AND WHEREAS the State parties to the Convention on the Rights of the Child are required to undertake all appropriate national, bilateral and multilateral measures to prevent—

- (a) the inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) the exploitative use of children in prostitution or other unlawful sexual practices;
- (c) the exploitative use of children in pornographic performances and materials;

AND WHEREAS sexual exploitation and sexual abuse of children are heinous crimes and need to be effectively addressed.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Protection of Children from Sexual Offences Act, 2012.

(2) It extends to the whole of India, ^{1***}.

(3) It shall come into force on such date² as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—(1) In this Act, unless the context otherwise requires, —

- (a) "aggravated penetrative sexual assault" has the same meaning as assigned to it in section 5;
- (b) "aggravated sexual assault" has the same meaning as assigned to it in section 9;
- (c) "armed forces or security forces" means armed forces of the Union or security forces or police forces, as specified in the Schedule;
- (d) "child" means any person below the age of eighteen years;

1. The words "except the State of Jammu and Kashmir" omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).

2. 14th November, 2012, *vide* notification No. S.O. 2705 (E), dated 9th November, 2012, *see* Gazette of India Extraordinary, Part II, sec. 3(ii).

¹[(*da*) "child pornography" means any visual depiction of sexually explicit conduct involving a child which include photograph, video, digital or computer generated image indistinguishable from an actual child and image created, adapted, or modified, but appear to depict a child;]

(*e*) "domestic relationship" shall have the same meaning as assigned to it in clause (*f*) of section 2 of the Protection of Women from Domestic Violence Act, 2005 (43 of 2005);

(*f*) "penetrative sexual assault" has the same meaning as assigned to it in section 3;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "religious institution" shall have the same meaning as assigned to it in the Religious Institutions (Prevention of Misuse) Act, 1988 (41 of 1988).

(*i*) "sexual assault" has the same meaning as assigned to it in section 7;

(*j*) "sexual harassment" has the same meaning as assigned to it in section 11;

(*k*) "shared household" means a household where the person charged with the offence lives or has lived at any time in a domestic relationship with the child;

(*l*) "Special Court" means a court designated as such under section 28;

(*m*) "Special Public Prosecutor" means a Public Prosecutor appointed under section 32.

(2) The words and expressions used herein and not defined but defined in the Indian Penal Code (45 of 1860), the Code of Criminal Procedure, 1973 (2 of 1974), ²[the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016)] and the Information Technology Act, 2000 (21 of 2000) shall have the meanings respectively assigned to them in the said Codes or the Acts.

CHAPTER II

SEXUAL OFFENCES AGAINST CHILDREN

A.—PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR

3. Penetrative sexual assault.—A person is said to commit "penetrative sexual assault" if—

(*a*) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or

(*b*) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or

(*c*) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person; or

(*d*) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.

4. Punishment for penetrative sexual assault.—³[(*I*)] Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than ⁴[ten years] but which may extend to imprisonment for life, and shall also be liable to fine.

⁵[(2) Whoever commits penetrative sexual assault on a child below sixteen years of age shall be punished with imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person and shall also be liable to fine.

(3) The fine imposed under sub-section (*I*) shall be just and reasonable and paid to the victim to meet the medical expenses and rehabilitation of such victim.]

1. Ins. by Act 25 of 2019, s. 2 (w.e.f. 16-08-2019).

2. Subs. by s. 2, *ibid.*, for "the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000)" (w.e.f. 16-08-2019).

3. Section 4 renumbered as section 4(*I*) thereof by s. 3, *ibid* (w.e.f. 16-08-2019).

4. Subs. by s. 3, *ibid.*, for "seven years" (w.e.f. 16-08-2019).

5. Ins. by s. 3, *ibid.* (w.e.f. 16-08-2019).

B.—AGGRAVATED PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR

5. Aggravated penetrative sexual assault.—(a) Whoever, being a police officer, commits penetrative sexual assault on a child —

- (i) within the limits of the police station or premises at which he is appointed; or
- (ii) in the premises of any station house, whether or not situated in the police station, to which he is appointed; or
- (iii) in the course of his duties or otherwise; or
- (iv) where he is known as, or identified as, a police officer; or

(b) whoever being a member of the armed forces or security forces commits penetrative sexual assault on a child—

- (i) within the limits of the area to which the person is deployed; or
- (ii) in any areas under the command of the forces or armed forces; or
- (iii) in the course of his duties or otherwise; or
- (iv) where the said person is known or identified as a member of the security or armed forces; or

(c) whoever being a public servant commits penetrative sexual assault on a child; or

(d) whoever being on the management or on the staff of a jail, remand home, protection home, observation home, or other place of custody or care and protection established by or under any law for the time being in force, commits penetrative sexual assault on a child, being inmate of such jail, remand home, protection home, observation home, or other place of custody or care and protection; or

(e) whoever being on the management or staff of a hospital, whether Government or private, commits penetrative sexual assault on a child in that hospital; or

(f) whoever being on the management or staff of an educational institution or religious institution, commits penetrative sexual assault on a child in that institution; or

(g) whoever commits gang penetrative sexual assault on a child.

Explanation.—When a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang penetrative sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or

(h) whoever commits penetrative sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; or

(i) whoever commits penetrative sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or

(j) whoever commits penetrative sexual assault on a child, which—

(i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (b) of section 2 of the Mental Health Act, 1987 (14 of 1987) or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; ^{1***}

(ii) in the case of female child, makes the child pregnant as a consequence of sexual assault;

(iii) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or Infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks; ^{1***}

²[(iv) causes death of the child; or]

1. The word “or” omitted by Act 25 of 2019, s. 4 (w.e.f. 16-08-2019).

2. Ins. by s. 4, *ibid* (w.e.f. 16-08-2019).

(k) whoever, taking advantage of a child's mental or physical disability, commits penetrative sexual assault on the child; or

(l) whoever commits penetrative sexual assault on the child more than once or repeatedly; or

(m) whoever commits penetrative sexual assault on a child below twelve years; or

(n) whoever being a relative of the child through blood or adoption or marriage or guardianship or in foster care or having a domestic relationship with a parent of the child or who is living in the same or shared household with the child, commits penetrative sexual assault on such child; or

(o) whoever being, in the ownership, or management, or staff, of any institution providing services to the child, commits penetrative sexual assault on the child; or

(p) whoever being in a position of trust or authority of a child commits penetrative sexual assault on the child in an institution or home of the child or anywhere else; or

(q) whoever commits penetrative sexual assault on a child knowing the child is pregnant; or

(r) whoever commits penetrative sexual assault on a child and attempts to murder the child; or

(s) whoever commits penetrative sexual assault on a child in the course of ¹[communal or sectarian violence or during any natural calamity or in similar situations]; or

(t) whoever commits penetrative sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or

(u) whoever commits penetrative sexual assault on a child and makes the child to strip or parade naked in public,

is said to commit aggravated penetrative sexual assault.

²**[6. Punishment for aggravated penetrative sexual assault.**—(1) Whoever commits aggravated penetrative sexual assault shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person and shall also be liable to fine, or with death.

(2) The fine imposed under sub-section (1) shall be just and reasonable and paid to the victim to meet the medical expenses and rehabilitation of such victim.]

C. —SEXUAL ASSAULT AND PUNISHMENT THEREFOR

7. Sexual assault.—Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault.

8. Punishment for sexual assault.—Whoever, commits sexual assault, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to five years, and shall also be liable to fine.

D. —AGGRAVATED SEXUAL ASSAULT AND PUNISHMENT THEREFOR

9. Aggravated sexual assault.—(a) Whoever, being a police officer, commits sexual assault on a child—

(i) within the limits of the police station or premises where he is appointed; or

(ii) in the premises of any station house whether or not situated in the police station to which he is appointed; or

(iii) in the course of his duties or otherwise; or

1. Subs. by Act 25 of 2019, s. 4, for “communal or sectarian violence” (w.e.f. 16-08-2019).

2. Subs. by s. 5, *ibid.*, for section 6 (w.e.f. 16-08-2019).

- (iv) where he is known as, or identified as a police officer; or
 - (b) whoever, being a member of the armed forces or security forces, commits sexual assault on a child—
 - (i) within the limits of the area to which the person is deployed; or
 - (ii) in any areas under the command of the security or armed forces; or
 - (iii) in the course of his duties or otherwise; or
 - (iv) where he is known or identified as a member of the security or armed forces; or
 - (c) whoever being a public servant commits sexual assault on a child; or
 - (d) whoever being on the management or on the staff of a jail, or remand home or protection home or observation home, or other place of custody or care and protection established by or under any law for the time being in force commits sexual assault on a child being inmate of such jail or remand home or protection home or observation home or other place of custody or care and protection; or
 - (e) whoever being on the management or staff of a hospital, whether Government or private, commits sexual assault on a child in that hospital; or
 - (f) whoever being on the management or staff of an educational institution or religious institution, commits sexual assault on a child in that institution; or
 - (g) whoever commits gang sexual assault on a child.
- Explanation.*—when a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or
- (h) whoever commits sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; or
 - (i) whoever commits sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or
 - (j) whoever commits sexual assault on a child, which—
 - (i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (l) of section 2 of the Mental Health Act, 1987 (14 of 1987) or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or
 - (ii) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks; or
 - (k) whoever, taking advantage of a child's mental or physical disability, commits sexual assault on the child; or
 - (l) whoever commits sexual assault on the child more than once or repeatedly; or
 - (m) whoever commits sexual assault on a child below twelve years; or
 - (n) whoever, being a relative of the child through blood or adoption or marriage or guardianship or in foster care, or having domestic relationship with a parent of the child, or who is living in the same or shared household with the child, commits sexual assault on such child; or
 - (o) whoever, being in the ownership or management or staff, of any institution providing services to the child, commits sexual assault on the child in such institution; or
 - (p) whoever, being in a position of trust or authority of a child, commits sexual assault on the child in an institution or home of the child or anywhere else; or
 - (q) whoever commits sexual assault on a child knowing the child is pregnant; or
 - (r) whoever commits sexual assault on a child and attempts to murder the child; or

(s) whoever commits sexual assault on a child in the course of ¹[communal or sectarian violence or during any natural calamity or in any similar situations]; or

(t) whoever commits sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or

(u) whoever commits sexual assault on a child and makes the child to strip or parade naked in public, is said to commit aggravated sexual assault.

²[(v) whoever persuades, induces, entices or coerces a child to get administered or administers or direct anyone to administer, help in getting administered any drug or hormone or any chemical substance, to a child with the intent that such child attains early sexual maturity.]

10. Punishment for aggravated sexual assault.—Whoever, commits aggravated sexual assault shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

E.—SEXUAL HARASSMENT AND PUNISHMENT THEREFOR

11. Sexual harassment.—A person is said to commit sexual harassment upon a child when such person with sexual intent,—

(i) utters any word or makes any sound, or makes any gesture or exhibits any object or part of body with the intention that such word or sound shall be heard, or such gesture or object or part of body shall be seen by the child; or

(ii) makes a child exhibit his body or any part of his body so as it is seen by such person or any other person; or

(iii) shows any object to a child in any form or media for pornographic purposes; or

(iv) repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or

(v) threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act; or

(vi) entices a child for pornographic purposes or gives gratification therefor.

Explanation.—Any question which involves “sexual intent” shall be a question of fact.

12. Punishment for sexual harassment.—Whoever, commits sexual harassment upon a child shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

CHAPTER III

USING CHILD FOR PORNOGRAPHIC PURPOSES AND PUNISHMENT THEREFOR

13. Use of child for pornographic purposes.—Whoever, uses a child in any form of media (including programme or advertisement telecast by television channels or internet or any other electronic form or printed form, whether or not such programme or advertisement is intended for personal use or for distribution), for the purposes of sexual gratification, which includes—

(a) representation of the sexual organs of a child;

(b) usage of a child engaged in real or simulated sexual acts (with or without penetration);

(c) the indecent or obscene representation of a child,

shall be guilty of the offence of using a child for pornographic purposes.

1. Subs. by Act 25 of 2019, s. 6, for “communal or sectarian violence” (w.e.f. 16-08-2019).

2. Ins. by s. 6, *ibid.* (w.e.f. 16-08-2019).

Explanation.—For the purposes of this section, the expression “use a child” shall include involving a child through any medium like print, electronic, computer or any other technology for preparation, production, offering, transmitting, publishing, facilitation and distribution of the pornographic material.

¹[**14. Punishment for using child for pornographic purposes.**—(1) Whoever uses a child or children for pornographic purposes shall be punished with imprisonment for a term which shall not be less than five years and shall also be liable to fine and in the event of second or subsequent conviction with imprisonment for a term which shall not be less than seven years and also be liable to fine.

(2) Whoever using a child or children for pornographic purposes under sub-section (1), commits an offence referred to in section 3 or section 5 or section 7 or section 9 by directly participating in such pornographic acts, shall be punished for the said offences also under section 4, section 6, section 8 and section 10, respectively, in addition to the punishment provided in sub-section (1).]

²[**15. Punishment for storage of pornographic material involving child.**—(1) Any person, who stores or possesses pornographic material in any form involving a child, but fails to delete or destroy or report the same to the designated authority, as may be prescribed, with an intention to share or transmit child pornography, shall be liable to fine not less than five thousand rupees and in the event of second or subsequent offence, with fine which shall not be less than ten thousand rupees.

(2) Any person, who stores or possesses pornographic material in any form involving a child for transmitting or propagating or displaying or distributing in any manner at any time except for the purpose of reporting, as may be prescribed, or for use as evidence in court, shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

(3) Any person, who stores or possesses pornographic material in any form involving a child for commercial purpose shall be punished on the first conviction with imprisonment of either description which shall not be less than three years which may extend to five years, or with fine, or with both and in the event of second or subsequent conviction, with imprisonment of either description which shall not be less than five years which may extend to seven years and shall also be liable to fine.]

CHAPTER IV

ABETMENT OF AND ATTEMPT TO COMMIT AN OFFENCE

16. Abetment of an offence.—A person abets an offence, who—

First.—Instigates any person to do that offence; or

Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that offence, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that offence; or

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that offence.

Explanation I.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact, which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure a thing to be done, is said to instigate the doing of that offence.

Explanation II.—Whoever, either prior to or at the time of commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

Explanation III.—Whoever employ, harbours, receives or transports a child, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position, vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of any offence under this Act, is said to aid the doing of that act.

1. Subs. by Act 25 of 2019, s. 7, for section 14 (w.e.f. 16-08-2019).

2. Subs. by s. 8, *ibid.*, for section 15 (w.e.f. 16-08-2019).

17. Punishment for abetment.—Whoever abets any offence under this Act, if the act abetted is committed in consequence of the abetment, shall be punished with punishment provided for that offence.

Explanation.— An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy or with the aid, which constitutes the abetment.

18. Punishment for attempt to commit an offence.—Whoever attempts to commit any offence punishable under this Act or to cause such an offence to be committed, and in such attempt, does any act towards the commission of the offence, shall be punished with imprisonment of any description provided for the offence, for a term which may extend to one half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence or with fine or with both.

CHAPTER V

PROCEDURE FOR REPORTING OF CASES

19. Reporting of offences.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) any person (including the child), who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to,—

(a) the Special Juvenile Police Unit; or

(b) the local police.

(2) Every report given under sub-section (1) shall be—

(a) ascribed an entry number and recorded in writing;

(b) be read over to the informant;

(c) shall be entered in a book to be kept by the Police Unit.

(3) Where the report under sub-section (1) is given by a child, the same shall be recorded under sub-section (2) in a simple language so that the child understands contents being recorded.

(4) In case contents are being recorded in the language not understood by the child or wherever it is deemed necessary, a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, shall be provided to the child if he fails to understand the same.

(5) Where the Special Juvenile Police Unit or local police is satisfied that the child against whom an offence has been committed is in need of care and protection, then, it shall, after recording the reasons in writing, make immediate arrangement to give him such care and protection including admitting the child into shelter home or to the nearest hospital within twenty-four hours of the report, as may be prescribed.

(6) The Special Juvenile Police Unit or local police shall, without unnecessary delay but within a period of twenty-four hours, report the matter to the Child Welfare Committee and the Special Court or where no Special Court has been designated, to the Court of Session, including need of the child for care and protection and steps taken in this regard.

(7) No person shall incur any liability, whether civil or criminal, for giving the information in good faith for the purpose of sub-section (1).

20. Obligation of media, studio and photographic facilities to report cases.—Any personnel of the media or hotel or lodge or hospital or club or studio or photographic facilities, by whatever name called, irrespective of the number of persons employed therein, shall, on coming across any material or object which is sexually exploitative of the child (including pornographic, sexually-related or making obscene representation of a child or children) through the use of any medium, shall provide such information to the Special Juvenile Police Unit, or to the local police, as the case may be.

21. Punishment for failure to report or record a case.—(1) Any person, who fails to report the commission of an offence under sub-section (1) of section 19 or section 20 or who fails to record such

offence under sub-section (2) of section 19 shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

(2) Any person, being in-charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under sub-section (1) of section 19 in respect of a subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine.

(3) The provisions of sub-section (1) shall not apply to a child under this Act.

22. Punishment for false complaint or false information.—(1) Any person, who makes false complaint or provides false information against any person, in respect of an offence committed under sections 3, 5, 7 and section 9, solely with the intention to humiliate, extort or threaten or defame him, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

(2) Where a false complaint has been made or false information has been provided by a child, no punishment shall be imposed on such child.

(3) Whoever, not being a child, makes a false complaint or provides false information against a child, knowing it to be false, thereby victimizing such child in any of the offences under this Act, shall be punished with imprisonment, which may extend to one year or with fine or with both.

23. Procedure for media.—(1) No person shall make any report or present comments on any child from any form of media or studio or photographic facilities without having complete and authentic information, which may have the effect of lowering his reputation or infringing upon his privacy.

(2) No reports in any media shall disclose, the identity of a child including his name, address, photograph, family details, school, neighbourhood or any other particulars which may lead to disclosure of identity of the child:

Provided that for reasons to be recorded in writing, the Special Court, competent to try the case under the Act, may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

(3) The publisher or owner of the media or studio or photographic facilities shall be jointly and severally liable for the acts and omissions of his employee.

(4) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be liable to be punished with imprisonment of either description for a period which shall not be less than six months but which may extend to one year or with fine or with both.

CHAPTER VI

PROCEDURES FOR RECORDING STATEMENT OF THE CHILD

24. Recording of statement of a child.—(1) The statement of the child shall be recorded at the residence of the child or at a place where he usually resides or at the place of his choice and as far as practicable by a woman police officer not below the rank of sub-inspector.

(2) The police officer while recording the statement of the child shall not be in uniform.

(3) The police officer making the investigation, shall, while examining the child, ensure that at no point of time the child come in the contact in any way with the accused.

(4) No child shall be detained in the police station in the night for any reason.

(5) The police officer shall ensure that the identity of the child is protected from the public media, unless otherwise directed by the Special Court in the interest of the child.

25. Recording of statement of a child by Magistrate.—(1) If the statement of the child is being recorded under section 164 of the Code of Criminal Procedure, 1973 (2 of 1974) (herein referred to as the Code), the Magistrate recording such statement shall, notwithstanding anything contained therein, record the statement as spoken by the child:

Provided that the provisions contained in the first proviso to sub-section (1) of section 164 of the Code shall, so far it permits the presence of the advocate of the accused shall not apply in this case.

(2) The Magistrate shall provide to the child and his parents or his representative, a copy of the document specified under section 207 of the Code, upon the final report being filed by the police under section 173 of that Code.

26. Additional provisions regarding statement to be recorded.—(1) The Magistrate or the police officer, as the case may be, shall record the statement as spoken by the child in the presence of the parents of the child or any other person in whom the child has trust or confidence.

(2) Wherever necessary, the Magistrate or the police officer, as the case may be, may take the assistance of a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, while recording the statement of the child.

(3) The Magistrate or the police officer, as the case may be, may, in the case of a child having a mental or physical disability, seek the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed, to record the statement of the child.

(4) Wherever possible, the Magistrate or the police officer, as the case may be, shall ensure that the statement of the child is also recorded by audio-video electronic means.

27. Medical examination of a child.—(1) The medical examination of a child in respect of whom any offence has been committed under this Act, shall, notwithstanding that a First Information Report or complaint has not been registered for the offences under this Act, be conducted in accordance with section 164A of the Code of Criminal Procedure, 1973 (2 of 1973).

(2) In case the victim is a girl child, the medical examination shall be conducted by a woman doctor.

(3) The medical examination shall be conducted in the presence of the parent of the child or any other person in whom the child reposes trust or confidence.

(4) Where, in case the parent of the child or other person referred to in sub-section (3) cannot be present, for any reason, during the medical examination of the child, the medical examination shall be conducted in the presence of a woman nominated by the head of the medical institution.

CHAPTER VII

SPECIAL COURTS

28. Designation of Special Courts.—(1) For the purposes of providing a speedy trial, the State Government shall in consultation with the Chief Justice of the High Court, by notification in the Official Gazette, designate for each district, a Court of Session to be a Special Court to try the offences under the Act:

Provided that if a Court of Session is notified as a children's court under the Commissions for Protection of Child Rights Act, 2005 (4 of 2006) or a Special Court designated for similar purposes under any other law for the time being in force, then, such court shall be deemed to be a Special Court under this section.

(2) While trying an offence under this Act, a Special Court shall also try an offence [other than the offence referred to in sub-section (1)], with which the accused may, under the Code of Criminal Procedure, 1973 (2 of 1974) be charged at the same trial.

(3) The Special Court constituted under this Act, notwithstanding anything in the Information Technology Act, 2000 (21 of 2000) shall have jurisdiction to try offences under section 67B of that Act in so far as it relates to publication or transmission of sexually explicit material depicting children in any act, or conduct or manner or facilitates abuse of children online.

29. Presumption as to certain offences.—Where a person is prosecuted for committing or abetting or attempting to commit any offence under sections 3, 5, 7 and section 9 of this Act, the Special Court shall presume, that such person has committed or abetted or attempted to commit the offence, as the case may be unless the contrary is proved.

30. Presumption of culpable mental state.—(1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the Special Court shall presume the

existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

(2) For the purposes of this section, a fact is said to be proved only when the Special Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

Explanation.—In this section, "culpable mental state" includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact.

31. Application of Code of Criminal Procedure, 1973 to proceedings before a Special Court.—Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) (including the provisions as to bail and bonds) shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a court of Sessions and the person conducting a prosecution before a Special Court, shall be deemed to be a Public Prosecutor.

32. Special Public Prosecutors.—(1) The State Government shall, by notification in the Official Gazette, appoint a Special Public Prosecutor for every Special Court for conducting cases only under the provisions of this Act.

(2) A person shall be eligible to be appointed as a Special Public Prosecutor under sub-section (1) only if he had been in practice for not less than seven years as an advocate.

(3) Every person appointed as a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973 (2 of 1974) and provision of that Code shall have effect accordingly.

CHAPTER VIII

PROCEDURE AND POWERS OF SPECIAL COURTS AND RECORDING OF EVIDENCE

33. Procedure and powers of Special Court.—(1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts.

(2) The Special Public Prosecutor, or as the case may be, the counsel appearing for the accused shall, while recording the examination-in-chief, cross-examination or re-examination of the child, communicate the questions to be put to the child to the Special Court which shall in turn put those questions to the child.

(3) The Special Court may, if it considers necessary, permit frequent breaks for the child during the trial.

(4) The Special Court shall create a child-friendly atmosphere by allowing a family member, a guardian, a friend or a relative, in whom the child has trust or confidence, to be present in the court.

(5) The Special Court shall ensure that the child is not called repeatedly to testify in the court.

(6) The Special Court shall not permit aggressive questioning or character assassination of the child and ensure that dignity of the child is maintained at all times during the trial.

(7) The Special Court shall ensure that the identity of the child is not disclosed at any time during the course of investigation or trial:

Provided that for reasons to be recorded in writing, the Special Court may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

Explanation.—For the purposes of this sub-section, the identity of the child shall include the identity of the child's family, school, relatives, neighbourhood or any other information by which the identity of the child may be revealed.

(8) In appropriate cases, the Special Court may, in addition to the punishment, direct payment of such compensation as may be prescribed to the child for any physical or mental trauma caused to him or for immediate rehabilitation of such child.

(9) Subject to the provisions of this Act, a Special Court shall, for the purpose of the trial of any offence under this Act, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, and as far as may be, in accordance with the procedure specified in the Code of Criminal Procedure, 1973 (2 of 1974) for trial before a Court of Session.

34. Procedure in case of commission of offence by child and determination of age by Special Court.—(1) Where any offence under this Act is committed by a child, such child shall be dealt with under the provisions of ¹[the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016)].

(2) If any question arises in any proceeding before the Special Court whether a person is a child or not, such question shall be determined by the Special Court after satisfying itself about the age of such person and it shall record in writing its reasons for such determination.

(3) No order made by the Special Court shall be deemed to be invalid merely by any subsequent proof that the age of a person as determined by it under sub-section (2) was not the correct age of that person.

35. Period for recording of evidence of child and disposal of case.—(1) The evidence of the child shall be recorded within a period of thirty days of the Special Court taking cognizance of the offence and reasons for delay, if any, shall be recorded by the Special Court.

(2) The Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognizance of the offence.

36. Child not to see accused at the time of testifying.—(1) The Special Court shall ensure that the child is not exposed in any way to the accused at the time of recording of the evidence, while at the same time ensuring that the accused is in a position to hear the statement of the child and communicate with his advocate.

(2) For the purposes of sub-section (1), the Special Court may record the statement of a child through video conferencing or by utilising single visibility mirrors or curtains or any other device.

37. Trials to be conducted *in camera*.—The Special Court shall try cases *in camera* and in the presence of the parents of the child or any other person in whom the child has trust or confidence:

Provided that where the Special Court is of the opinion that the child needs to be examined at a place other than the court, it shall proceed to issue a commission in accordance with the provisions of section 284 of the Code of Criminal Procedure, 1973 (2 of 1974).

38. Assistance of an interpreter or expert while recording evidence of child.—(1) wherever necessary, the Court may take the assistance of a translator or interpreter having such qualifications, experience and on payment of such fees as may be prescribed, while recording the evidence of the child.

(2) If a child has a mental or physical disability, the Special Court may take the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed to record the evidence of the child.

CHAPTER IX

MISCELLANEOUS

39. Guidelines for child to take assistance of experts, etc.—Subject to such rules as may be made in this behalf, the State Government shall prepare guidelines for use of non-governmental organisations, professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development to be associated with the pre-trial and trial stage to assist the child.

1. Subs. by Act 25 of 2019, s. 9, for “the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000)” (w.e.f. 16-08-2019).

40. Right of child to take assistance of legal practitioner.—Subject to the proviso to section 301 of the Code of Criminal Procedure, 1973 (2 of 1974) the family or the guardian of the child shall be entitled to the assistance of a legal counsel of their choice for any offence under this Act:

Provided that if the family or the guardian of the child are unable to afford a legal counsel, the Legal Services Authority shall provide a lawyer to them.

41. Provisions of sections 3 to 13 not to apply in certain cases.—The provisions of sections 3 to 13 (both inclusive) shall not apply in case of medical examination or medical treatment of a child when such medical examination or medical treatment is undertaken with the consent of his parents or guardian.

¹**[42. Alternate punishment.**—Where an act or omission constitutes an offence punishable under this Act and also under sections 166A, 354A, 354B, 354C, 354D, 370, 370A, 375, 376, ²[376A, 376AB, 376B, 376C, 376D, 376DA, 376DB], ³[376E, section 509 of the Indian Penal Code or section 67B of the Information Technology Act, 2000 (21 of 2000)], then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under this Act or under the Indian Penal Code as provides for punishment which is greater in degree.

42A. Act not in derogation of any other law.—The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force and, in case of any inconsistency, the provisions of this Act shall have overriding effect on the provisions of any such law to the extent of the inconsistency.]

43. Public awareness about Act.—The Central Government and every State Government, shall take all measures to ensure that—

(a) the provisions of this Act are given wide publicity through media including the television, radio and the print media at regular intervals to make the general public, children as well as their parents and guardians aware of the provisions of this Act;

(b) the officers of the Central Government and the State Governments and other concerned persons (including the police officers) are imparted periodic training on the matters relating to the implementation of the provisions of the Act.

44. Monitoring of implementation of Act.—(1) The National Commission for Protection of Child Rights constituted under section 3, or as the case may be, the State Commission for Protection of Child Rights constituted under section 17, of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006) shall, in addition to the functions assigned to them under that Act, also monitor the implementation of the provisions of this Act in such manner as may be prescribed.

(2) The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, while inquiring into any matter relating to any offence under this Act, have the same powers as are vested in it under the Commissions for Protection of Child Rights Act, 2005 (4 of 2006).

(3) The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, also include, its activities under this section, in the annual report referred to in section 16 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006).

45. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

⁴[(a) the manner of deleting or destroying or reporting about pornographic material in any form involving a child to the designated authority under sub-section (1) of section 15;

1. Subs. by Act 13 of 2013, s. 29, for s. 42 (w.e.f. 3-2-2013).

2. Subs. by Act 22 of 2018, s. 25, for “376A, 376C, 376D” (w.e.f. 21-4-2018).

3. Subs. by Act 25 of 2019, s. 10, for “376E or section 509 of the Indian Penal Code (45 of 1860)” (w.e.f. 16-08-2019).

4. Ins. by Act 25 of 2019, s. 11 (w.e.f. 16-08-2019).

(aa) the manner of reporting about pornographic material in any form involving a child under sub-section (2) of section 15;]

¹[(ab)] the qualifications and experience of, and the fees payable to, a translator or an interpreter, a special educator or any person familiar with the manner of communication of the child or an expert in that field, under sub-section (4) of section 19; sub-sections(2) and (3) of section 26 and section 38;

(b) care and protection and emergency medical treatment of the child under sub-section (5) of section 19;

(c) the payment of compensation under sub-section (8) of section 33;

(d) the manner of periodic monitoring of the provisions of the Act under sub-section (1) of section 44.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

46. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removal of the difficulty:

Provided that no order shall be made under this section after the expiry of the period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

1. Clause (a) re-lettered as clause (ab) thereof by Act 25 of 2019, s. 11 (w.e.f. 16-08-2019).

THE SCHEDULE

[See section 2(c)]

ARMED FORCES AND SECURITY FORCES CONSTITUTED UNDER

- (a) The Air Force Act, 1950 (45 of 1950);
 - (b) The Army Act, 1950 (46 of 1950);
 - (c) The Assam Rifles Act, 2006 (47 of 2006);
 - (d) The Bombay Home Guard Act, 1947 (3 of 1947);
 - (e) The Border Security Force Act, 1968 (47 of 1968);
 - (f) The Central Industrial Security Force Act, 1968 (50 of 1968);
 - (g) The Central Reserve Police Force Act, 1949 (66 of 1949);
 - (h) The Coast Guard Act, 1978 (30 of 1978);
 - (i) The Delhi Special Police Establishment Act, 1946 (25 of 1946);
 - (j) The Indo-Tibetan Border Police Force Act, 1992 (35 of 1992);
 - (k) The Navy Act, 1957 (62 of 1957);
 - (l) The National Investigation Agency Act, 2008 (34 of 2008);
 - (m) The National Security Guard Act, 1986 (47 of 1986);
 - (n) The Railway Protection Force Act, 1957 (23 of 1957);
 - (o) The Sashastra Seema Bal Act, 2007 (53 of 2007);
 - (p) The Special Protection Group Act, 1988 (34 of 1988);
 - (q) The Territorial Army Act, 1948 (56 of 1948);
 - (r) The State police forces (including armed constabulary) constituted under the State laws to aid the civil powers of the State and empowered to employ force during internal disturbances or otherwise including armed forces as defined in clause (a) of section 2 of the Armed Forces (Special Powers) Act, 1958 (28 of 1958).
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Bill No. 47 of 2006

THE IMMORAL TRAFFIC (PREVENTION) AMENDMENT BILL, 2006

A

BILL

further to amend the Immoral Traffic (Prevention) Act, 1956 and the Prevention Money-Laundering Act, 2002.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

5 **1.** (1) This Act may be called the Immoral Traffic (Prevention) Amendment Act, 2006.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

Short title and
commencement.

CHAPTER II

AMENDMENT TO THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

Amendment of section 2.	2. In section 2 of the Immoral Traffic (Prevention) Act, 1956 (hereinafter referred to as the principal Act),—	104 of 1956.
	(i) in clause (aa), for the words “sixteen years”, the words “eighteen years” shall be substituted;	5
	(ii) clauses (ca) and (cb) shall be omitted;	
	(iii) in clause (f), after the words “for commercial purposes”, the words “or for consideration in money or in any other kind” shall be inserted.	
Amendment of section 3.	3. In section 3 of the principal Act, for sub-section (I), the following sub-section shall be substituted, namely:—	10
	“(I) Any person who keeps or manages, or acts or assists in the keeping or management of, a brothel shall be punishable on first conviction with rigorous imprisonment for a term of not less than two years and which may extend to three years and also with fine which may extend to ten thousand rupees and in the event of a second or subsequent conviction, with rigorous imprisonment for a term which shall not be less than three years and which may extend to seven years and shall also be liable to fine which may extend to two lakh rupees.”.	15
Amendment of section 4.	4. In section 4 of the principal Act, in sub-section (I), the words “or a minor to” shall be omitted.	20
Amendment of section 5.	5. In section 5 of the principal Act, in sub-section (I), for the proviso, the following proviso shall be substituted, namely:—	
	“Provided that if the person in respect of whom an offence committed under this sub-section, 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.”.	25
Insertion of new sections 5A, 5B and 5C. Trafficking in persons.	6. After section 5 of the principal Act, the following sections shall be inserted, namely:—	
	“5A. Whoever recruits, transports, transfers, harbours, or receives a person for the purpose of prostitution by means of,—	
	(a) threat or use of force or coercion, abduction, fraud, deception; or	
	(b) abuse of power or a position of vulnerability; or	30
	(c) giving or receiving of payments or benefits to achieve the consent of such person having control over another person,	
	commits the offence of trafficking in persons.	
	<i>Explanation.</i> —Where any person recruits, transports, transfers, harbours or receives a person for the purposes of prostitution, such person shall, until the contrary is proved, be presumed to have recruited, transported, transferred, harboured or received the person with the intent that the person shall be used for the purpose of prostitution.	35
Punishment for trafficking in persons.	5B. (1) Any person who commits trafficking in persons shall be punishable on first conviction with rigorous imprisonment for a term which shall not be less than seven years and in the event of a second or subsequent conviction with imprisonment for life.	40
	(2) Any person who attempts to commit, or abets trafficking in persons shall also be deemed to have committed such trafficking in persons and shall be punishable with the punishment hereinbefore described.	
Punishment for visiting a brothel.	5C. Any person who visits or is found in a brothel for the purpose of sexual exploitation of any victim of trafficking in persons shall on first conviction be punishable with imprisonment for a term which may extend to three months or with fine which may extend to twenty thousand rupees or with both and in the event of a second or subsequent conviction with imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to fifty thousand rupees.”.	45

	7. In section 6 of the principal Act,—	Amendment of section 6.
	(i) in sub-section (1), in clause (b), after the words “liable to fine”, the words “which may extend to one lakh rupees” shall be inserted;	
5	(ii) in sub-section (2A), the words “or minor” occurring at both the places shall be omitted.	
	8. In section 7 of the principal Act, in sub-section (1A) and in the proviso to sub-section (2), the words “or minor” shall be omitted.	Amendment of section 7.
	9. Section 8 of the principal Act shall be omitted.	Omission of section 8.
	10. In section 10A of the principal Act, in sub-section (1),—	Amendment of section 10A.
10	(i) in clause (a), the words and figure “or section 8” shall be omitted;	
	(ii) in clause (b), for the words “five years”, the words “seven years” shall be substituted.	
	11. In section 13 of the principal Act,—	Amendment of section 13.
15	(i) in sub-section (2), for the words “an Inspector”, the words “a sub-inspector” shall be substituted;	
	(ii) in sub-section (3), in clause (b), for the word “may”, the word “shall” shall be substituted.	
	12. After section 13 of the principal Act, the following sections shall be inserted, namely:—	Insertion of new sections 13A and 13B.
20	“13A. (1) The Central Government may constitute an Authority for the purposes of effectively preventing and combating the offence of trafficking in persons.	Constitution of Central Authority.
	(2) The members of the Authority shall be appointed by the Central Government and shall be of such number and chosen in such manner as may be prescribed.	
25	(3) The Chairperson of the Authority shall be one of the members appointed under sub-section (2) to be nominated by the Central Government.	
	(4) The term of office of the members of the Authority, the manner of filling vacancies among and the procedure to be followed in the discharge of their functions by the members shall be such as may be prescribed.	
30	13B. (1) The State Government may constitute an Authority for the purposes of effectively preventing and combating the offence of trafficking in persons.	Constitution of State Authority.
	(2) The members of the Authority shall be appointed by the State Government and shall be of such number and chosen in such manner as may be prescribed.	
	(3) The Chairperson of the Authority shall be one of the members appointed under sub-section (2) to be nominated by the State Government.	
35	(4) The term of office of the members of the Authority, the manner of filling vacancies among and the procedure to be followed in the discharge of their functions by the members shall be such as may be prescribed.”.	
	13. In section 17 of the principal Act, in sub-section (3), in the first proviso, the words “or minor” occurring at both the places shall be omitted.	Amendment of section 17.
40	14. In section 18 of the principal Act, in sub-section (1), in clause (b), the words “or minor” shall be omitted.	Amendment of section 18.
	15. Section 20 of the principal Act shall be omitted.	Omission of section 20.

Amendment
of section 22.

16. Section 22 of the principal Act shall be re-numbered as sub-section (1) thereof and,—

(i) in sub-section (1) as so re-numbered, for the words and figures “section 5, section 6, section 7 or section 8”, the words, figures and letters “section 5, section 5B, section 5C, section 6 or section 7” shall be substituted;

(ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the trial of the proceedings under this Act shall be conducted *in camera*.”.

2 of 1974.

Amendment
of section 23.

17. In section 23 of the principal Act, in sub-section (2),—

(a) in clause (g), in sub-clause (xii), the words and figure “or section 8” shall be omitted;

(b) after clause (g), the following clauses shall be inserted, namely:—

“(ga) number of the members of the Authority and the manner in which such members shall be chosen for appointment under sub-section (2) of section 13B;

(gb) the term of office of the members of the Authority and the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by, the members under sub-section (4) of section 13B;”.

Insertion of
new section
23A.

Power to make
rules.

18. After section 23 of the principal Act, the following section shall be inserted, namely:—

“23A. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for,—

(a) the number of the members of the Authority and the manner in which such members shall be chosen for appointment under sub-section (2) of section 13A;

(b) the term of office of the members of the Authority, the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by the members under sub-section (4) of section 13A.

(3) Every rule made by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Amendment
of the
Schedule.

19. In the Schedule to the principal Act, the figures and words “20 District Magistrate, Sub-Divisional Magistrate or any Executive Magistrate specially empowered by the State Government.” shall be omitted.

CHAPTER III

AMENDMENT TO THE PREVENTION OF MONEY-LAUNDERING ACT, 2002

20. In the Prevention of Money-Laundering Act, 2002, in the Schedule,—

Amendment of
Schedule to Act
15 of 2003.

5 (i) in PART A, after PARAGRAPH 2, the following PARAGRAPH shall be inserted, namely:—

“PARAGRAPH 3

OFFENCES UNDER THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

Section	Description of offence
5A	Trafficking in persons.”;

10 104 of 1956. (ii) in PART B, in PARAGRAPH 4 relating to OFFENCES UNDER THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956, section 8 and the entry relating thereto shall be omitted.

UNIT- IV

NATIONAL GUIDELINES

ON

**INFANT AND YOUNG CHILD
FEEDING**

**MINISTRY OF HUMAN RESOURCE DEVELOPMENT
DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
(FOOD AND NUTRITION BOARD)
GOVERNMENT OF INDIA
2004**

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MESSAGE

The nutritional well being of a population is both an outcome and an indicator of national development. Nutrition is, therefore, an issue of survival, health and development for current and succeeding generations.

It is a matter of pride that the 55th World Health Assembly has adopted a Global Strategy for Infant and Young Child Feeding which conforms to the traditional Indian practice of exclusive breastfeeding for the first six months, introduction of complementary foods after six months through an *annaprashan* ceremony and continued breastfeeding upto the age of two years or beyond. I am happy that efforts have been made to translate the mandate of this global strategy into the National Guidelines on Infant and Young Child Feeding.

It is important that these policy guidelines are disseminated widely through the entire network of development infrastructure in the country. I am confident that various arms of the Government like health and family welfare, education and women and child development infrastructures, training institutions for nutrition, health and family welfare, home science and medical faculties, professional associations and social organisations would utilise this practical instrument of National Guidelines on Infant and Young Child Feeding and dedicate themselves, individually and collectively, to protect, promote and support appropriate feeding of infants and young children.

(ARJUN SINGH)

SMT. KANTI SINGH
MINISTER OF STATE (HRD)
WOMEN & CHILD DEVELOPMENT

MESSAGE

Malnutrition in children is more an interplay of female illiteracy, ignorance about nutritional needs of infants and young children and poor access to health care. Appropriate feeding is crucial for the healthy growth and development of an infant.

The Tenth Five Year Plan has set specific nutrition goals for infant and child feeding indicators with a view to bring down the prevalence of under-weight in children. Goals have been set for enhancing early initiation of breastfeeding with a view to provide 'colostrum' to the new born baby, exclusive breastfeeding for the first six months and complementary feeding at six months.

Malnutrition is a national problem and its eradication deserves action by various partners. It is hoped that the National Guidelines on Infant and Young Child Feeding would be useful to the State Governments, district authorities, national institutions and social organisations for creating a movement for achieving optimal infant and young child feeding practices in the country.

(SMT. KANTI SINGH)

FOREWORD

Child is the chief victim of interplay of nutrition, socio-economic and health factors that cause malnutrition. The steep rise in malnutrition in children during the first two years of life is indicative of poor infant feeding practices. Prof. Amartya Sen has rightly described the nutritional status of children under-5 years as the most sensitive indicator of development of a particular area.

The National Nutrition Policy adopted by the Government of India under the aegis of the Department of Women and Child Development in 1993 laid due emphasis on nutrition and health education of mothers on infant and young child feeding and efforts to trigger appropriate behavioural changes among mothers were considered as direct interventions for reducing malnutrition in children.

The Department has been pursuing the issues concerned with infant and young child nutrition at national and international fora. Now with the adoption of the Global Strategy on Infant and Young Child Feeding by the 55th World Health Assembly in May 2002, and adoption of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Amendment Act, 2003 by the Parliament in June 2003, it became imperative that the national guidelines were formulated and disseminated widely.

I would like to compliment Smt. Shashi Prabha Gupta, Technical Adviser, Food and Nutrition Board of this Department for her untiring efforts in protecting and promoting the correct norms of infant and young child feeding and in preparing these National Guidelines.

(Reva Nayyar)

Dated: the 27th July, 2004

NATIONAL GUIDELINES ON INFANT AND YOUNG CHILD FEEDING

Introduction

Infant and young child nutrition has been engaging the attention of scientists and planners since long for the very simple reason that growth rate in the life of human beings is maximum during the first year of life and infant feeding practices comprising of both the breastfeeding as well as complementary feeding have major role in determining the nutritional status of the child. The link between malnutrition and infant feeding has been well established. Recent scientific evidence reveals that malnutrition has been responsible, directly or indirectly, for 60% of all deaths among children under five years annually. Over 2/3 of these deaths are often associated with inappropriate feeding practices and occur during the first year of life. Only 35% of infants world-wide are exclusively breastfed during the first four months of life and complementary feeding begins either too early or too late with foods which are often nutritionally inadequate and unsafe. Poor feeding practices in infancy and early childhood, resulting in malnutrition, contribute to impaired cognitive and social development, poor school performance and reduced productivity in later life. Poor feeding practices are, therefore, a major threat to social and economic development as they are among the most serious obstacles to attaining and maintaining health of this important age group.

Optimal Infant and Young Child Feeding practices - especially early initiation and exclusive breastfeeding for the first six months of life - help ensure young children the best possible start to life. Breastfeeding is nature's way of nurturing the child, creating a strong bond between the mother and the child. It provides development and learning opportunities to the infant, stimulating all five senses of the child – sight, smell, hearing, taste, touch. Breastfeeding fosters emotional security and affection, with a lifelong impact on psychosocial development. Special fatty acids in breast milk lead to increased intelligence quotients (IQs) and better visual acuity. A breastfed baby is likely to have an IQ of around 8 points higher than a non-breastfed baby.

Breastfeeding is not only important for young child survival, health, nutrition, the development of the baby's trust and sense of security – but it also enhances brain development and learning readiness as well.

The sound practice of breastfeeding suffered a set back because of aggressive media campaign of the multinational companies producing baby milk powder and infant foods. The WHO in late 70s recognised the seriousness of the declining trend in breastfeeding and introduced an International Code for Protection and Promotion of Breastfeeding in 1981. The Indian Government adopted a National Code for Protection and Promotion of Breastfeeding in 1983. The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992, is being implemented by the Department of Women and Child Development since 1993.

As per the scientific evidence available at that time, an age range of 4-6 months for exclusive breastfeeding of young infants was included in the international as well as national code. The age range was misused by the multinational companies which started promoting their products from the third month onwards. The early introduction of complementary foods was resulting in infections and malnutrition.

The National Nutrition Policy adopted by the Government of India under the aegis of the Department of Women and Child Development in 1993 laid due emphasis on nutrition and health education of mothers on infant and young child feeding and efforts to trigger appropriate behavioural changes among the mothers were considered as direct interventions for reducing malnutrition in children.

The Government of India has always been promoting at the national and international fora exclusive breastfeeding for the first six months and introduction of complementary foods thereafter with continued breastfeeding upto two years which is consistent with the Indian tradition of prolonged breastfeeding and introduction of complementary foods from six months of age through an *annaprashan* ceremony.

Various research studies since early 90s have brought out the beneficial effects of exclusive breastfeeding for the first six months on the growth, development and nutrition and health status of the infant and also for the mother. It was revealed that exclusive breastfeeding not only prevented infections particularly the diarrhoeal infections in the child but also helped in preventing anaemia in child as breast milk has the best bioavailable iron. The appearance of enzyme amylase in the seventh month of the infant was suggestive of desirability of introducing cereal based foods in the diet of infant after the age of six months.

Early initiation of breastfeeding lowers the mother's risk for excess post-partum bleeding and anaemia. Exclusive breastfeeding boosts mother's immune system, delays next pregnancy and reduces the insulin needs of diabetic mothers. Breastfeeding can help protect a mother from breast and ovarian cancers and osteoporosis (brittle bones).

While the scientific community was making efforts to adopt six months as the duration of the exclusive breastfeeding, the commercial influence particularly from the West was resisting this move at international fora namely Codex Committee on Nutrition and Foods for Special Dietary Uses, Codex Alimentarius Commission and the World Health Assembly. However, with the persistent efforts of the Department of Women and Child Development with active cooperation of the Department of Health, a landmark decision was taken in the World Health Assembly in May 2001 and Resolution 54.2 made a global recommendation for promoting exclusive breastfeeding for the first six months, introduction of complementary foods thereafter with continued breastfeeding upto the age of two years and beyond. Further, a new Resolution on Infant and Young Child Nutrition (WHA 55.25) was adopted by the 55th World Health Assembly in May 2002. The resolution endorses a Global Strategy on Infant and Young Child Feeding. The 55th World Health Assembly recognises that inappropriate feeding practices and their consequences are major obstacles to sustainable socio-economic development and poverty reduction. It also states that Governments will be

unsuccessful in their efforts to accelerate economic development in any significant long term sense until optimal child growth and development, specially through appropriate feeding practices, are ensured.

The global strategy gives due weightage to mother and child dyad and advocates that improved infant and young child feeding begins with ensuring the health and nutritional status of women, in their own right, throughout all stages of life.

The persistent efforts of the Department of Women and Child Development helped in enacting the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Amendment Act, 2003 which came into action from 1st January 2004. The important amendments in the act relate to extending the age of exclusive breastfeeding from 4-6 months to 6 months and bringing infant foods at par with infant milk substitutes in so far as advertising, promotion and other regulations are concerned. India now has one of the strongest legislation to protect breastfeeding from commercial influence.

Tenth Five Year Plan Goals

The Planning Commission recognizing the importance of appropriate infant and young child feeding practices has for the first time included goals for breastfeeding and complementary feeding in the National Nutrition Goals for the Tenth Five Year Plan.

The Tenth Plan has set specific nutrition goals to be achieved by 2007. The major goals are:

1. Intensify nutrition and health education to improve infant and child feeding and caring practices so as to:
 - bring down the prevalence of under-weight children under three years from the current level of 47 per cent to 40 per cent;
 - reduce prevalence of severe Undernutrition in children in the 0-6 years age group by 50 per cent;
2. Enhance Early Initiation of Breastfeeding (colostrum feeding) from the current level of 15.8 per cent to 50 per cent;
3. Enhance the Exclusive Breastfeeding rate for the first six months from the current rate of 55.2 per cent (for 0-3 months) to 80 per cent; and
4. Enhance the Complementary Feeding rate at six months from the current level of 33.5 per cent to 75 per cent.

Objectives of National Guidelines on Infant and Young Child Feeding (NGIYCF)

The new norms of Infant and Young Child Feeding i.e., exclusive breastfeeding for the first six months (replacing the 4-6 months age range of earlier guidelines), introduction of complementary foods at six months while continuing breastfeeding upto the age of two years or beyond are not known to all the professionals, instructors from training institutions and the field functionaries in different parts of the country and for want of this critical information, many still continue to advocate the old norms. It has, therefore, been decided to bring out the National Guidelines on Infant and Young Child Feeding, which will replace the earlier National Guidelines on Infant Feeding brought out by the Food and Nutrition Board, Department of Women and Child Development, Ministry of Human Resource Development, Government of India in 1994 and all other instructional manuals on the subject.

The objectives of the National Guidelines on Infant and Young Child Feeding, , therefore, are:

- to advocate the cause of infant and young child nutrition and its improvement through optimal feeding practices nationwide,
- to disseminate widely the correct norms of breastfeeding and complementary feeding from policy making level to the public at large in different parts of the country in regional languages,
- to help plan efforts for raising awareness and increasing commitment of the concerned sectors of the Government, national organisations and professional groups for achieving optimal feeding practices for infants and young children,
- to achieve the national goals for Infant and Young Child Feeding practices set by the Planning Commission for the Tenth Five Year Plan so as to achieve reduction in malnutrition levels in children.

A. APPROPRIATE INFANT AND YOUNG CHILD FEEDING PRACTICES

"Breastfeeding is an unequalled way of providing ideal food for the healthy growth and development of infants; it is also an integral part of the reproductive process with important implications for the health of mothers. As a global public health recommendation, infants should be exclusively breastfed for the first six months of life to achieve optimal growth, development and health. Thereafter, to meet their evolving nutritional requirements, infants should receive nutritionally adequate and safe complementary foods while breastfeeding continues for upto two years of age or beyond" – WHO, 2002.

Breastfeeding

Nutritional superiority of breast milk

Modern science and technology has not been able to produce a better food for young infants than mother's milk. Breastfeeding is the best way to satisfy the nutritional and psychological needs of the baby.

The exceptional nutritional quality of human milk has been recognised for a long time. Mother's milk is designed for easy digestion and assimilation. Protein in mother's milk is in a more soluble form which is easily digested and absorbed by the baby. Same is the case with regard to fat and calcium in human milk which are also easily absorbable. The milk sugar – lactose in mother's milk provides ready energy. In addition, a part of it is converted into lactic acid in the intestines which destroys harmful bacteria present there and helps in absorption of calcium and other minerals. The amount of vitamins such as thiamine, vitamin A and vitamin C found in mother's milk depends on the diet of the mother. Under normal conditions, breast milk provides reasonable amounts of these vitamins.

The human milk has inherent anti-infective properties which no other milk has. This protective function of human milk is particularly important in developing countries where there is much exposure to infection. Some of the advantages of breastfeeding are:

- Breast milk is the best natural food for babies.
- Breast milk is always clean.
- Breast milk protects the baby from diseases.
- Breast milk makes the child more intelligent.
- Breast milk is available 24 hours a day and requires no special preparation.
- Breast milk is nature's gift to the infant and does not need to be purchased.
- Breastfeeding makes a special relationship between mother and baby.
- Breastfeeding helps parents to space their children.
- Breastfeeding helps a mother to shed extra weight gained during pregnancy.

Early Initiation of Breastfeeding

Early initiation of breastfeeding is extremely important for establishing successful lactation as well as for providing 'Colostrum' (mother's first milk) to the baby. Ideally, **the baby should receive the first breastfeed as soon as possible and preferably within half an hour of birth.** The new born baby is very active during the first half an hour and if the baby is kept with the mother and effort is made to breastfeed, the infant learns sucking very fast. This early suckling by the infant starts the process of milk formation in the mother and helps in early secretion of breast milk. In case of caesarean deliveries, new born infants can be started with breastfeeding within 4-6 hours with support to the mother. Newborn babies should be kept close to their mothers to provide warmth and ensure frequent feeding. This also helps in early secretion of breast milk and better milk flow.

It is essential that the baby gets the first breast-milk called colostrum which is thicker and yellowish than later milk and comes only in small amounts in the first few days. Colostrum is all the food and fluid needed at this time – no supplements are necessary, not even water.

During this period and later, the newborn should not be given any other fluid or food like honey, ghutti, animal or powdered milk, tea, water or glucose water, since these are potentially harmful.

The mother, especially with the first birth, may need help in proper positioning for breastfeeding. Breastfeeds should be given as often as the baby desires and each feed should continue for as long as the infant wants to suckle.

Value of Colostrum

The milk secreted after the child birth for the first few days is called 'Colostrum'. It is yellowish in colour and sticky. It is highly nutritious and contains anti-infective substances. It is very rich in vitamin A. Colostrum has more protein, sometimes upto 10%. It has less fat and the carbohydrate lactose than the mature milk. Feeding colostrum to the baby helps in building stores of nutrients and anti-infective substances (antibodies) in the baby's body. The anti-infective substances protect the baby from infectious diseases such as diarrhoea, to which the child might be exposed during the first few weeks after birth. Colostrum is basically the first immunisation a child receives from the mother. Some mothers consider this first milk as something dirty and indigestible. Difference in colour and consistency could be possible reasons for such beliefs.

Delayed initiation of breastfeeding is a common practice in the country and this deprives the new borns from the concentrated source of anti-infective properties, vitamin A and protein available in colostrum. In some communities breastfeeding is started as late as the fifth day for various superstitions and ignorance. In India only 15.8% of the new borns are started with breastfeeding within one hour of birth and only 37.1% within a day of birth.

Late initiation of breastfeeding not only deprives the child of the valuable colostrum, but becomes a reason for introduction of pre-lacteal feeds like glucose water, honey, ghutti, animal or powder milk which are potentially harmful and invariably contribute to diarrhoea in the new born. Late initiation of breastfeeding also causes engorgement of breasts which further hampers establishment of successful lactation.

Educating the mothers and the communities about the value of colostrum would help in ensuring that colostrum is not wasted but fed to the child.

Exclusive breastfeeding

Exclusive breastfeeding means that babies are given only breast milk and nothing else – no other milk, food, drinks and not even water. During the first six months **exclusive breastfeeding** should be practiced. Breast milk provides best and complete nourishment to the baby during the first six months. The babies who are exclusively breastfed do not require anything else namely additional food or fluid, herbal water, glucose water, fruit drinks or water during the first six months. Breast milk alone is adequate to meet the hydration requirements even under the extremely hot and dry summer conditions prevailing in the country.

It is important to ensure exclusive breastfeeding of all babies as it saves babies from diarrhoea and pneumonia. It also helps in reducing specially the ear infections and risk of attacks of asthma and allergies.

Addition of even a single feed of the animal or powder milk, any other food or even water has two disadvantages, firstly it depresses lactation as child will suck less and hence less breast milk will be produced, and secondly addition of any other food or water increases the chances of infections particularly the diarrhoea. Recent WHO studies estimate that death rate in babies can go down four times if they are exclusively breastfed for the first six months.

Exclusive breastfeeding provides babies with the best start in life. It makes them smarter with higher intelligence and helps in optimal development. Exclusive breastfeeding is, therefore, extremely important to prevent infections like diarrhoea and acute respiratory infections in early infancy and thus reduce infant mortality. **It must be remembered that benefits of breastfeeding are reduced if it is not exclusive breastfeeding.**

Counselling for breastfeeding during pregnancy

Practically all mothers, including those with mild to moderate chronic malnutrition, can successfully breastfeed.

Expectant mothers, particularly primiparas, and those who have experienced difficulties with lactation management, should be motivated and prepared for early initiation of breastfeeding and exclusive breastfeeding. This should be achieved by educating them, through a personal approach, about the benefits and management of breastfeeding. In the last trimester of pregnancy, breasts and nipples should be examined and relevant advice given.

Antenatal checkups and maternal tetanus toxoid immunisation contact points should be utilised for promoting early initiation of breastfeeding, feeding of colostrum, exclusive breastfeeding and discouraging prelactal feeds. Advice regarding diet, rest and iron & folic acid supplementation should also be given.

Some tips on nutrition of pregnant women and lactating mothers are given in Annexures I and II.

COMPLEMENTARY FEEDING

Importance of Complementary Feeding

Complementary feeding is extremely essential from six months of age, while continuing breastfeeding, to meet the growing needs of the growing baby. Infants grow at a very rapid rate. The rate of growth at this stage is incomparable to that in later period of life. An infant weighing around 3kg at birth doubles its weight by six months and by one year the weight triples and the body length increases to one and a half times than at birth. Most of the organs of the body grow rapidly, both structurally and functionally during the early years of life and then later on, the growth slows down. Most of the growth in the nervous system and brain is complete in the first two years of life. In order to achieve optimum growth and development, there is an increased demand for a regular supply of raw material in the form of better nutrition.

Breast milk is an excellent food and meets all nutritional requirements of the baby for the first six months. However, after six months of age, breast milk alone is not enough to make an infant grow well, other foods are also needed. This is because the infant is growing in size and its activities are also increasing. As a result the nutritional needs of the infant increase significantly at this age.

Complementary feeding should be started at six months of age. The purpose of complementary feeding is to complement the breast milk and make certain that the young child continues to have enough energy, protein and other nutrients to grow normally. It is important that breastfeeding is continued upto the age of two years or beyond as it provides useful amounts of energy, good quality protein and other nutrients.

Adequate complementary feeding from six months of age while continuing breastfeeding is extremely important for sustaining growth and development of the infant.

Active feeding styles for complementary feeding are also important. Appropriate feeding styles can provide significant learning opportunities through responsive caregiver interaction, enhancing brain development in the most crucial first three years.

First food for the baby

The staple cereal of the family should be used to make the first food for an infant. Porridge can be made with *suji* (semolina), broken wheat, *atta* (wheat flour) ground rice, *ragi*, millet etc, by using a little water or milk, if available. Roasted flour of any cereal can be mixed with boiled water, sugar and a little fat to make the first complementary food for the baby and could be started on the day the child becomes six months old. Adding sugar or jaggery and ghee or oil is important as it increases the energy value of the food. In the beginning the porridge could be made a little thinner but as the child grows older the consistency has to be thicker. A thick porridge is more

nutritious than a thin one. In case a family can not prepare the porridge for the infant separately, pieces of half *chapati* could be soaked in half a cup of milk or boiled water, mashed properly and fed to the baby after adding sugar and fat. Soaked and mashed chapatti could be passed through a sieve so as to get a soft semi-solid food for the infant.

Fruits like banana, papaya, *chikoo*, mango etc could be given at this age in a mashed form. Infants could also be given reconstituted instant infant foods (preparation of which is discussed a little later) at this age.

Traditional foods for infants

Once the child is eating the cereal porridge well, mixed foods including cooked cereal, pulse and vegetable(s) could be given to the child. Most traditional foods given to infants in different parts of the country are examples of mixed foods like *khichidi*, *dalia*, *suji kheer*, *upma*, *idli*, *dokhla*, *bhaat-bhaji* etc. Sometimes traditional foods are given after a little modification so as to make the food more suitable for the child. For instance, mashed *idli* with a little oil and sugar is a good complementary food for the infant. Similarly *bhaat* can be made more nutritious by adding some cooked *dal* or vegetable to it. *Khichidi* can be made more nutritious by adding one or two vegetables in it while cooking.

Modified family food

In most families there is a cereal preparation in the form of *roti* or rice and a pulse or a vegetable preparation. For preparing a complementary food for the infant from the foods cooked for the family, a small amount of *dal* or vegetable preparation should be separated before adding spices to it. Pieces of chapati could be soaked in half a *katori* of *dal* and some vegetable, if available. The mixed food could be mashed well and fed to the baby after adding a little oil. If necessary the mixture could be passed through a sieve to get a semi-solid paste. Thus, rice or wheat preparation could be mixed with pulse and/or vegetable to make a nutritious complementary food for the infant. Modifying family's food is one of the most effective ways of ensuring complementary feeding of infants.

Instant Infant Foods

Infant food mixes can be made at home from foodgrains available in the household. These mixes can be stored atleast for a month and enable frequent feeding of infants. These are *sattu* like preparations which is quite familiar in the Indian community. One can take three parts of any cereal (rice/wheat) or millet (*ragi*, *bajra* *jowar*), one part of any pulse (*moong/channa/arhar*) and half part of groundnuts or white *til*, if available. The food items should be roasted separately, ground, mixed properly and stored in airtight containers. For feeding, take two tablespoons of this infant food mix, add boiled hot water or milk, sugar or jaggery and oil/ghee and mix well. Cooked and mashed carrot, pumpkin or green leafy vegetables could be added to the porridge, if available. The infant can be fed with this food whenever freshly cooked

food is not available in the family. The infant food mix could also be made into preparations like *halwa*, *burfi*, *upma*, *dalia* etc, and given to the child.

Protective foods

Besides modified family food and reconstituted infant food mixes, protective foods like milk, curd, lassi, egg, fish and fruits and vegetables are also important to help in the healthy growth of the infants. Green leafy vegetables, carrots, pumpkin and seasonal fruits like papaya, mango, *chikoo*, banana etc., are important to ensure good vitamin A and iron status of the child.

Baby needs all foods from six months namely cereals, pulses, vegetables particularly green leafy vegetables, fruits, milk and milk products, egg, meat and fish if non-vegetarian, oil/ghee, sugar and iodised salt in addition to breastfeeding. A diversified diet of the infant alongwith breastfeeding will also improve the micronutrients' status of the child.

Energy Density of Infant Foods

Low energy density of complementary foods given to young children and low frequency of feeding result in inadequate calorie intake and thus the malnutrition. Most of the foods are bulky and a child cannot eat more at a time. Hence it is important to give small energy dense feeds at frequent intervals to the child with a view to ensure adequate energy intake by the child.

Energy density of foods given to infants and young children can be increased in four different ways:

- i) By adding a teaspoonful of oil or ghee in every feed. Fat is a concentrated source of energy and substantially increases energy content of food without increasing the bulk. The false belief in the community that a young child cannot digest fat has to be dispelled with by informing that a young infant digests fat present in breast milk and all other foods like cereals and pulses and that there is no reason to feel that a child can not digest visible fat when added to food.
- ii) By adding sugar or jaggery to the child's food. Children need more energy and hence adequate amounts of sugar or jaggery should be added to child's food.
- iii) By giving malted foods. Malting reduces viscosity of the foods and hence child can eat more at a time. Malting is germinating whole grain cereal or pulse, drying it after germination and grinding. Infant Food Mixes prepared after malting the cereal or pulse will provide more energy to the child. Flours of malted food when mixed with other foods help in reducing the viscosity of that food. Amylase Rich Flour (ARF) is the scientific name given to flours of malted foods and must be utilised in infant foods.
- iv) By feeding thick mixtures. Thin gruels do not provide enough energy. A young infant particularly during 6-9 months requires thick but smooth

mixtures as hard pieces in the semi-solid food may cause difficulty if swallowed. The semi-solid foods for young infants can be passed through a sieve by pressing with a ladle to ensure that the mixed food is smooth and uniform without any big pieces or lumps.

Frequency of feeding

Infants and young children need to be fed 5-6 times a day in addition to breastfeeding. It must be remembered that inadequate feeding of infants and young children during the first two years is the main cause of malnutrition.

CONTINUED BREASTFEEDING

Breastfeeding must be continued upto the age of two years or beyond. Continuing breastfeeding while giving adequate complementary foods to the baby provides all the benefits of breastfeeding to the baby. In other words, the child gets energy, high quality protein, vitamin A, anti-infective properties and other nutrients besides achieving emotional satisfaction from the breastfeeding much needed for optimum development of the child. Breastfeeding especially at night ensures sustained lactation.

In the beginning when the complementary foods are introduced after six months of age, the complementary food should be fed when the infant is hungry. As the child starts taking complementary foods well, the child should be given breastfeeding first and then the complementary food. This will ensure adequate lactation.

Active feeding

Adopting caring attitude while feeding the baby like talking to the child, playing with the child stimulates appetite and development. One-two year old child should be given food on a separate plate and encouraged to eat on its own. Eating at the same time and at the same place also helps in improving appetite and avoids distractions.

Growth Monitoring and Promotion (GMP)

Weighing the child regularly and plotting the weight on the health card is an important tool to monitor the growth of the baby. Infants and young children should be weighed every month in the presence of their mothers and the growth status of the child should be explained to the mother. The growth chart kept in a plastic jacket could be entrusted to the mother. If the child is having malnutrition, the mothers should be advised to provide additional food to the child every day. Malnourished children should be followed up at home and mothers encouraged to come and ask questions regarding the feeding and care of the child.

Ensuring safety of complementary foods

Careful hygienic preparation and storage of complementary foods is crucial to prevent contamination. Personal hygiene plays an important role in feeding infants. If cleanliness is not observed, complementary feeding may do more harm than good to the child by introducing infections to the infant. It is, therefore, important that all foods prepared for young infants are handled in a way that they are free from any germs. Some of the considerations while preparing foods for infants are as under:

- ✓ Hands should be washed with soap and water before handling the food as germs that cannot be seen in dirty hands can be passed on to the food.
- ✓ Utensils used should be scrubbed, washed well, dried and kept covered.
- ✓ Cooking kills most germs. The foods prepared for infants should be cooked properly so as to destroy harmful bacteria present, if any.
- ✓ After cooking, handle the food as little as possible and keep it in a covered container protected from dust and flies.
- ✓ Cooked foods should not be kept for more than one to two hours in hot climate unless there is a facility to store them at refrigeration temperature.
- ✓ The hands of both mother and child should be washed before feeding the child.

Utilising the available nutrition and health services

There are a number of nutrition and health services available for young children in almost all places. The people in the community should be informed about various services which are available for children in the village, at the sub-centre, at the Primary Health Centre, under Reproductive and Child Health (RCH) Programme, Integrated child Development Services (ICDS) Scheme etc. Every effort should be made to encourage the community members to make use of these facilities so as to promote child health.

Feeding during and after illness

During the weaning period, i.e., from six months to two years of age, young children often suffer from infections like diarrhoea, measles, cold, cough etc. If their diet had been adequate, their symptoms are usually less severe than those in an undernourished child. A sick child needs more nourishment so that he could fight infections without using up nutrient reserves of his body. However, a child may lose appetite and may refuse to eat, but the child needs adequate nutrition to get better from illness.

Appropriate feeding during and after illness is important to avoid weight loss and other nutrient deficiencies. The cycle of infection and malnutrition can be broken if appropriate feeding of infant is ensured. Breastfed babies have lesser illness and are better nourished. A breastfed baby should be given breastfeeding more frequently during illness. For infants older than six months, both breastfeeding and complementary feeding should continue during illness. Restriction or dilution of food should be discouraged. Time and care must be taken to help an ill child eat enough food. The infant can be encouraged to eat small quantities of food but more frequently and by offering foods the child likes to eat.

Make sure that children with measles, diarrhoea and respiratory infections eat plenty of vitamin A rich foods. A massive dose of vitamin A could also be given to such children in consultation with the medical officer.

After the illness when the child is recovering, a nutritious diet with sufficient energy, protein and other nutrients is necessary to enable him to catch up growth and replacement of nutrient stores. The nutrient intake of child after illness can be easily increased by increasing one or two meals in the daily diet for a period of about a month or so.

FEEDING IN EXCEPTIONALLY DIFFICULT CIRCUMSTANCES

Malnourished infants

Infants and young children who are malnourished are most often found in environments where improving the quality and quantity of food intake is particularly problematic. To prevent a recurrence and to overcome the effects of chronic malnutrition, these children need extra attention both during the early rehabilitation phase and over the longer term. Continued frequent breastfeeding and, when necessary, relactation are important preventive steps since malnutrition often has its origin in inadequate or disrupted breastfeeding.

Nutritionally adequate and safe complementary foods may be particularly difficult to obtain and dietary supplements may be required for these children. Mothers of malnourished children could be invited in a camp and provided with a fortnight's ration of roasted cereal-pulse mixes with instructions. The children could be followed up every fortnight for growth monitoring, health check up and supply of instant food ration for a period of three months. When malnourished children improve with appropriate feeding, they themselves would become educational tools for others.

Preterm or Low Birth Weight Infants

Breast milk is particularly important for preterm infants and babies with low birth weight (newborn with less than 2.5kg weight) as they are at increased risk of infection, long term ill health and death.

Keep preterm or low birth weight baby warm. Practice Kangaroo care. Kangaroo care is a care given to a preterm baby in which baby is kept between the mother's breast for skin to skin contact as long as possible as it simulates intrauterine environment and growth. This helps the baby in two ways, (i) the child gets the warmth of the mother's body, and (ii) the baby can suck the milk from the mother's breasts as and when required. Such babies may need to suck more often for shorter duration. If the baby is not able to suck, expressed breast milk may be fed with katori or tube.

The unique composition of preterm milk with its high concentration of protective substances makes it particularly suited for preterm babies. Preterm baby should be fed every two hourly during the day and night.

Feeding During Emergencies

Infants and young children are among the most vulnerable victims of natural or human induced emergencies. Interrupted breastfeeding and inappropriate complementary feeding heighten the risk of malnutrition, illness and mortality. Uncontrolled distribution of breast milk substitutes, for example in refugee settings, can lead to early and unnecessary cessation of breastfeeding.

Emphasis should be on protecting, promoting and supporting breastfeeding and ensuring timely, safe and appropriate complementary feeding. Provide infant formula to those identified for need. Effort should be made to reduce ill effects of artificial feeding by ensuring adequate, sustainable supplies of breast milk substitutes, proper preparation of artificial feeds, supply of safe drinking water, appropriate sanitation, adequate cooking utensils and fuel. Pregnant and lactating women should receive priority in food distribution and should be provided extra food in addition to general ration. Complementary feeding of infants aged six months to two years should receive priority. Donated food should be appropriate for the age of the child. Immediate nutritional and care needs of orphans and unaccompanied children should be taken care of.

Feeding in Maternal HIV

The HIV pandemic and the risk of mother to child transmission of HIV through breastfeeding pose unique challenges to the promotion of breastfeeding, even among unaffected families. The absolute risk of HIV transmission through breastfeeding for more than one year – globally between 10% and 20% - needs to be balanced against the increased risk of mortality and morbidity when infants are not breastfed.

All HIV infected mothers should receive counselling, which should include provision of general information about meeting their own nutritional requirements, and about the risks and benefits of various feeding options, and specific guidance in selecting the option most likely to be suitable for their situation. The manifold advantages of breastfeeding even with some risk of HIV transmission should be explained to the HIV positive mothers.

The dangers of mixed feeding of infants should be explained to the HIV infected mothers. Sometimes mothers may chose to artificially feed the baby, but under some social pressures they also breastfeed the child. An artificially fed baby is at less risk than the baby who receives mixed feeding i.e., both breastfeeding and artificial feeding. The aim of the counselling for feeding infants in maternal HIV should, therefore, be to avoid mixed feeding. All breastfeeding mothers should be supported for exclusive breastfeeding upto six months. If the woman chooses not to breastfeed, she should be provided support for artificial feeding to make it safe.

B. OPERATIONAL GUIDELINES FOR PROMOTION OF APPROPRIATE INFANT AND YOUNG CHILD FEEDING

Obligations and Responsibilities

Central and State Governments, national and international organisations and other concerned parties share responsibility for improving the feeding of infants and young children so as to bring down the prevalence of malnutrition in children, and for mobilising required resources – human, financial and organizational. The primary obligation of Governments is to recognise the importance of improving infant and young child feeding (IYCF) at the highest policy making level and integrate IYCF concerns in existing policies and programmes. An effective national coordination is required to ensure full collaboration of all concerned Government agencies, national and international organisations and other concerned parties. Regional and local Governments also have an important role to play in implementing the national guidelines on infant and young child feeding.

The Departments of Women and Child Development, and Health and Family Welfare have a special responsibility to contribute to optimal infant and young child nutrition. National Guidelines on Infant and Young Child Feeding should form an integral part of nation-wide Integrated Child development Services (ICDS) and the Reproductive and Child Health (RCH) Programme. These need to be effectively operationalised through the programme managers and field functionaries of these on going programmes. The managers and functionaries of these programmes need to be practically oriented to the correct norms of IYCF. These guidelines should form an essential part of the nursing and undergraduate medical curricula. The medical and para-medical personnel of the Departments of Paediatrics, Obstetrics and Gynecology and Preventive and Social Medicine should actively educate and motivate the mothers and other relatives for adoption of appropriate IYCF practices. In addition, the services of other community level workers and involvement of formal and non-formal education, the media and voluntary organisations is recommended to be utilised for effective implementation of these guidelines.

In this context, due attention needs to be given to the monitoring of the implementation of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992 and its subsequent amendment(s).

INSTITUTIONAL PROMOTION

Nutrition and Health professional bodies

Nutrition and Health professional bodies, which include Home Science (Food and Nutrition) and medical faculties, schools of public health, public and private institutions for training nutrition and health workers (including midwives, nurses, nutritionists and

dietitians), and professional associations, should have the following main responsibilities towards their students or membership:

- ensuring that basic education and training cover lactation physiology, exclusive and continued breastfeeding, complementary feeding, feeding in difficult circumstances, meeting the nutritional needs of infants who have to be fed on breast-milk substitutes, and the legislation and other measures adopted;
- training in how to provide skilled support for exclusive and continued breastfeeding and appropriate complementary feeding in all neonatal, paediatric, reproductive health, nutritional and community health services;
- promoting achievement and maintenance of 'baby friendly' status by maternity hospitals, wards and clinics, consistent with the 'Ten steps to successful breastfeeding' and the principle of not accepting free or low cost supplies of breast-milk substitutes, feeding bottles and teats.

Nongovernmental organisations

The aims and objectives of a wide variety of nongovernmental organisations operating locally, nationally and internationally include promoting the adequate food and nutrition needs of young children and families. For example, charitable and religious organisations, consumer associations, mother-to-mother support groups, family clubs, and child-care facilities all have multiple opportunities to contribute to the implementation of National Guidelines on Infant and Young Child Feeding, for example:

- providing their members accurate, up-to-date information about infant and young child feeding;
- integrating skilled support for infant and young child feeding in community based interventions and ensuring effective linkages with the nutrition and health care system;
- contributing to the creation of mother and child friendly communities and workplaces that routinely support appropriate infant and young child feeding;
- working for full implementation of the principles and aim of the IMS Act;
- community based support, including that provided by other mothers, peer breastfeeding counsellors and certified lactation consultants, can effectively enable women to feed their children appropriately. Most communities have self-help traditions that could readily serve as a base for building or expanding suitable support systems to help families in this regard.

Commercial enterprises

Manufacturers and distributors of industrially processed foods intended for infants and young children also have a constructive role to play in achieving the aim of these guidelines. They are responsible for monitoring their marketing practices according to the principles and aim of the IMS Act and the National Guidelines on Infant and Young Child Feeding.

Other Groups

Many other components of society have potentially influential roles in promoting good feeding practices. These elements include:

- *education authorities*, which help to shape the attitudes of children and adolescents about infant and young child feeding –accurate information should be provided through schools and other educational channels to promote greater awareness and positive perceptions;
- *mass media*, which influence popular attitudes towards parenting, child care and infant feeding should portray these in accordance with the National Guidelines on Infant and Young Child Feeding. It should help create a climate of nutritional awareness in the country by launching special programmes on Infant and Young Child Nutrition on AIR and Doordarshan;
- *child-care facilities*, which permit working mothers to care for their infants and young children, should support and facilitate continued breastfeeding and breast-milk feeding.

International organisations

International organisations, including global and regional lending institutions, should place infant and young child feeding high on the global public health agenda in recognition of its central significance for realizing the rights of children and women; they should serve as advocates for increased human, financial and institutional resources for the universal implementation of these guidelines; and, to the extent possible, they should provide additional resources for this purpose.

Specific contributions of international organisations to facilitate the work of governments include the following:

- Developing norms and standards.
- Supporting national capacity building.
- sensitizing and training policy makers;
- improving women and child development and health workers skills in support of optimal infant and young child feeding;
- revising related pre-service curricula for doctors, nurses, midwives, nutritionists, dietitians, auxiliary health workers and other groups as necessary;
- planning and monitoring the Baby-friendly Hospital Initiative and expanding it beyond the maternity care setting;
- supporting social mobilization activities, for example using the mass media to promote appropriate infant feeding practices and educating media representatives;
- supporting research on marketing practices and the International Code.

These National Guidelines on Infant and Young Child Feeding provide governments and society's other main agents with both a valuable opportunity and a practical instrument for rededicating themselves,

individually and collectively, to protecting, promoting and supporting safe and adequate feeding for infants and young children.

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### Nutrition of Pregnant Women

A pregnant woman needs :

- An adequate nutritious diet
- Adequate rest during last trimester
- Iron and Folic Acid tablets throughout the pregnancy
- Immunization

#### Diet

- ❑ Increase food intake.
- ❑ Whole gram, pulses and legumes, sprouted pulses, leafy vegetables, jaggery, dates, groundnuts, gingelly seeds are foods of plant origin having good iron content. Include more of these in the daily diet.
- ❑ Include green leafy vegetables in daily diet right from the beginning as all foliage provide "folic acid" much needed during early months.
- ❑ Consume one seasonal fruit daily.
- ❑ Milk, curd, butter milk, egg, meat, fish are helpful.
- ❑ Iodised salt should be consumed as pregnant women requires sufficient iodine for brain development of the child in the womb.
- ❑ Take plenty of fluids/water.
- ❑ Take small and frequent meals.

#### Rest

- ❑ Heavy work should be avoided throughout the pregnancy
- ❑ Rest (in lying down position) during third trimester is important to enable adequate flow of nutrients from mother to the child
- ❑ A woman should gain 10-12kg weight during pregnancy

#### Iron and Folic Acid tablets

- ❑ IFA tablets should be consumed throughout the pregnancy
- ❑ Iron tablets may cause black stools which are harmless
- ❑ Iron and folic acid tablets prevent anaemia and helps a women to deliver a normal healthy baby
- ❑ The folic acid deficiency can cause "Neural tube defects" in the new borns

#### Immunisation

- ❑ Immunisation of the pregnant woman with tetanus toxoid (TT) given between the 5<sup>th</sup> and 8<sup>th</sup> months of pregnancy in two doses at an interval of 4 weeks is essential.

### **Nutrition of Lactating Mothers**

- ❖ A lactating mother requires to eat more than what she was eating during pregnancy.
- ❖ A lactating mother requires 550 calories extra per day to meet the needs of production of mother's milk for the new born baby.
- ❖ A good nutritious diet prepared from low cost locally available foods, family support and care, and a pleasant atmosphere in the family helps improve lactation and ensures health of both the mother and the baby.

#### Diet

- ❑ Include more of cereal, pulse and green leafy vegetable in daily diet.
- ❑ Take vegetables and one seasonal fruit a day.
- ❑ Take milk, butter milk, fluids and a lot of water.
- ❑ Egg, meat, fish are beneficial.
- ❑ Energy dense foods like ghee/oil and sugar are necessary to meet the increased energy needs. Traditional preparations like panjiri, laddoo are useful.

#### Rest

- ❑ Breastfeed in a relaxed state. Any type of mental tension decreases milk secretion

#### IFA tablets

- ❑ Take iron and folic acid tablets for first six months of lactation



# **Integrated Child Development Scheme (ICDS)**

---

**Manual for District- Level Functionaries**

**2017**

## PREFACE

The purpose of this Development Manual for Integrated Child Development Scheme (ICDS) Services is to create an enabling mechanism for improved implementation of the Centrally Sponsored Scheme (CSS) at the cutting edge, leading to enhanced outcomes in nature and extent. Accordingly, it would act as a guide for implementation by the District Collector and key District-level functionaries, enable quick learning, implementation modalities, roles and responsibilities of the various functionaries as well as stakeholders etc.

This Manual is prepared with inputs from a combination of sources, including interaction with the Ministry of Woman and Child Development (MWCD), Government of India (GoI), review of extant framework issued in October 2012 and circulars issued till November 2017 by MWCD and discussions with the key personnel involved in implementation of the Scheme.

For greater direction, the guidelines cited must be referred to along with the SSA website (<http://icds-wcd.nic.in/icds/>) for guidance and clarification on implementation from time to time.

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# 1 Integrated Child Development Scheme (ICDS)

## 1.1 About the Scheme

Launched in 1975, Integrated Child Development Scheme (ICDS) is a unique early childhood development programme, aimed at addressing malnutrition, health and also development needs of young children, pregnant and nursing mothers.

ICDS consists of 4 different components, namely:

1. Early Childhood Care Education & Development (ECCED)
2. Care & Nutrition Counselling
3. Health Services
4. Community Mobilisation Awareness, Advocacy & Information, Education and Communication

The ICDS, Centrally Sponsored Scheme, is anchored by Ministry of Women and Child Development (MoWCD), Government of India (GoI). The Anganwadi Services (under Umbrella Integrated Child Development Services) is a Centrally Sponsored Scheme and the Government of India releases grants-in-aid to the States / UTs presently on the following cost sharing ratio between Centre and States/UTs:

| Sl. No. | Contributors for the Scheme                                                                                                                                                                   | Percentage of Cost Sharing (Centre & State) |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| i       | States & UTs (With Legislature): <ul style="list-style-type: none"><li>• ICDS (General) [Salary/honorarium/programme components]</li><li>• ICDS (Supplementary Nutrition Programme)</li></ul> | 60 : 40<br>50 : 50                          |
| ii      | NE States and Himalayan States (all components)                                                                                                                                               | 90 : 10                                     |
| iii     | Union Territories (without Legislature) (all components)                                                                                                                                      | 100 : 0                                     |

## 1.2 Objectives of the Scheme

Objectives of the Scheme<sup>1</sup> are broadly classified as follows:

- **Institutionalise essential services and strengthen structures at all levels:**
  - o Implementing ICDS in Mission mode to prevent under nutrition
  - o Strengthen ICDS- AWC as the first village post for health, nutrition and early learning
  - o Focusing on children under 3 years
  - o Focusing on early child care and learning environment
  - o Moving from outlays to child-related outcomes
  - o Fostering decentralisation and community based locally responsive childcare approaches
- **Enhance capacities at all levels:**
  - o Vertical integration of training of all functionaries to strengthen field based joint action and teamwork to achieve desired results and objectives
  - o Establish national training resources centres at Central & State levels

- **Ensure appropriate inter-sectoral response at all levels:**
  - o Ensure convergence at the grassroots level by strengthening partnerships with PRIs, Communities, Civil Societies to improve Child development services
  - o Coordinate and network with all Government & Non- Government Organisations providing services for children
- **Raise public awareness and participation :**
  - o Strengthen maternal and child care, nutrition and health education
  - o Raise public awareness at all levels about vulnerabilities of children
  - o Inform beneficiary group and public about availability of core services
  - o Promote social mobilisation and voluntary action
- **Create database and knowledge base for Child development services:**
  - o Strengthen ICDS Management Information System (MIS)
  - o Use Information, Communication Technology (ICT) to strengthen the information base and share & disseminate information
  - o Undertake Research and Documentation

### 1.3 Convergence of Different Ministries & Schemes

In implementation of the ICDS scheme, convergence is brought in between many Central Ministries<sup>2</sup> and their services are framed into the 4 different components of ICDS. The Ministries involved for convergence with ICDS is given in the figure below.

Figure 1: Convergence of Different Departments through Anganwadi Centres

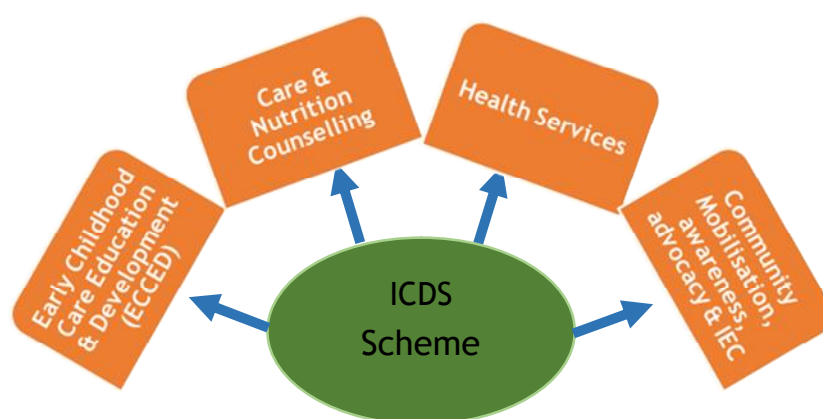


## 1.4 Scheme Component and Interventions

The scheme envisages interventions in four different components to achieve its objectives. The Scheme components are grouped into different services detailing the interventions that are suggested along with the activities to be carried out to enable achievement of the ultimate objectives of the Scheme.

The components and related interventions and the beneficiaries are detailed in this segment. Scheme Framework may be referred to for comprehensive information on these interventions<sup>3</sup>. The four components of the scheme are shown below.

Figure 2: ICDS Scheme Components



### 1.4.1 Early Childhood Care Education & Development (ECCED)

The services and interventions that are grouped into the Early Childhood Care Education & Development (ECCED) component are given in the table below along with activities to be carried out and the functionaries responsible for them.

Table 1: Interventions & Activities in Early Childhood Care Education & Development (ECCED)

| Service & Target Beneficiaries                                                                                                                                                                                                      | Interventions and Activities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Functionaries Responsible                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| Providing Early Childhood care and Education / Pre-school Non-formal Education<br><br>The beneficiaries of this service are: <ul style="list-style-type: none"> <li>- 0-6 year Children</li> <li>- Parents / Care givers</li> </ul> | <b>Interventions:</b> <ul style="list-style-type: none"> <li>- Guidance to Parents through Home visits</li> <li>- Early screening and referral</li> <li>- Monthly monitoring &amp; promotion of child growth &amp; Developmental milestones</li> <li>- Fixed Monthly village ECCE Days</li> <li>- Non-formal pre-school education:               <ul style="list-style-type: none"> <li>o Activity based</li> <li>o Semi-structured play &amp; learning method</li> </ul> </li> <li>- Quarterly monitoring &amp; promotion of child growth &amp; Developmental milestones</li> </ul> <b>Activities:</b> <ul style="list-style-type: none"> <li>- Provide Non Formal Pre-School Education to channelize child's energy and also offer substitute</li> </ul> | Anganwadi Worker (AWW) / Second AWW cum Child Care & Nutrition Counsellor<br><br>Supervisor is required to attend at least 2 EECE meetings per month |

| Service & Target Beneficiaries                                                                                                                                                                | Interventions and Activities                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Functionaries Responsible                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
|                                                                                                                                                                                               | care to younger, to free older Siblings, especially girls to attend school<br>- Make children school ready with holistic development activities<br>- Engage with Parents group / Mothers group to enable them train their children through play mode<br>- Conduct ECCE day capacity building to parents and Grand Parents for increased parent led child learning. Involve NGOs and School teachers in ECCE Days                                                                         |                                                                          |
| <b>Supplementary Nutrition</b><br><br>The beneficiaries of this service are: <ul style="list-style-type: none"> <li>- 6 months to 6 Yrs.</li> <li>- Pregnant and Lactating Mothers</li> </ul> | <b>Interventions:</b> <ul style="list-style-type: none"> <li>- Morning Snack, Hot Cooked Meal and THR as per norms</li> </ul> <b>Activities:</b> <ul style="list-style-type: none"> <li>- Supplementary nutrition to be ensured for a minimum of 300 days in a year</li> <li>- Bridge between the Recommended Dietary Allowance (RDA) and the Average Daily Intake (ADI) of beneficiaries</li> <li>- The Supplementary Nutrition Rules are issued by MWCD in 2017<sup>4</sup></li> </ul> | AWW/ Second AWW/ Anganwadi Helper (AWH)/ Self Help Groups (SHGs)/ Others |

### 1.4.2 Care and Nutrition Counselling

The services and interventions that are grouped into the Component of Care and Nutrition Counselling are detailed in the table below along with activities to be carried out and the functionaries responsible to carry out these activities.

**Table 2: Interventions & Activities in Care and Nutrition Counselling**

| Service & Target Beneficiaries                                                                                                                                                                                                             | Interventions and Activities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Functionaries Responsible                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <b>Infant &amp; Young Child feeding (IYCF) Promotion &amp; Counselling</b><br><br>The beneficiaries of this service are: <ul style="list-style-type: none"> <li>- Pregnant and lactating Mothers</li> <li>- Mothers of Children</li> </ul> | <b>Interventions:</b> <ul style="list-style-type: none"> <li>- IYCF practices comprise of breast feeding for first six months of life and appropriate complementary feeding</li> <li>- Skilled one to one counselling through home visits</li> </ul> <b>Activities:</b> <ul style="list-style-type: none"> <li>- Advice women on Food intake</li> <li>- Advice on breast feeding activity designed to give nutritional food to children</li> <li>- For optimal breast feeding practices linked to growth monitoring</li> <li>- Complementary Feeding</li> <li>- Home visits and follow-ups</li> </ul> | AWW/Second AWW cum nutrition Counsellor/ Supervisors/ Accredited Social Health Activist (ASHA) / Auxiliary Nurse Midwife (ANM) |



| Service & Target Beneficiaries                                                                                                                                                                                               | Interventions and Activities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Functionaries Responsible                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| under 3 years                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                       |
| <b>Maternal Care Counselling</b><br>The beneficiaries of this service are: <ul style="list-style-type: none"> <li>- Pregnant and Lactating Mothers</li> </ul>                                                                | <b>Interventions:</b> <ul style="list-style-type: none"> <li>- Early registration of pregnancy</li> <li>- Counselling on diet, rest and IFA compliance during Home visits</li> <li>- Monitoring Weight gain</li> <li>- Examination for pallor and oedema and any danger signs</li> <li>- Home based counselling which is essential for new-born care, lactation support &amp; counselling on spacing</li> </ul> <b>Activities:</b> <ul style="list-style-type: none"> <li>- Nutrition counselling to all the women in age group of 15 - 45 years</li> <li>- Counselling and Behaviour Change Communication (BCC) to women regarding:                             <ul style="list-style-type: none"> <li>o Basic Health Care, Nutrition, Maternal Care and healthy food habits</li> <li>o Childcare, infant feeding practices, utilisation of health services,</li> <li>o Family planning and Environmental Sanitation</li> </ul> </li> <li>- Lactation support includes support for initiation of breastfeeding through skilled counselling</li> </ul>                                                                             | ASHA/ ANM/ Medical Officer (MO) / Second AWW cum nutrition counsellor |
| <b>Care, Nutrition, Health &amp; Hygiene Education</b><br>The beneficiaries of this service are: <ul style="list-style-type: none"> <li>- P&amp;L Mothers and other caregivers,</li> <li>- Community and families</li> </ul> | <b>Interventions:</b> <ul style="list-style-type: none"> <li>- Monthly health and nutrition education sessions</li> <li>- Education on improved caring practices - feeding, health and hygiene and psychosocial</li> <li>- Knowledge sharing for care during pregnancy, lactation and adolescence</li> <li>- Promotion of local foods and family feeding</li> <li>- Appropriate food demonstration</li> <li>- Celebration of Nutrition week, Breastfeeding week, ICDS day etc.</li> </ul> <b>Activities:</b> <ul style="list-style-type: none"> <li>- Weighing of children 0-3 years on monthly basis and 0-6 years children on quarterly basis.</li> <li>- Maintain weight-for-age growth charts for all children 0-6 yrs. as per WHO Child Growth Standards.</li> <li>- Identifying growth faltering and appropriate counselling of care givers on optimal infant and young child feeding and health</li> <li>- Providing joint Mother and Child Protection card to each mother to track the nutritional status, immunization schedule and developmental milestones for both child and pregnant and lactating mothers</li> </ul> | AWW/ Second AWW cum nutrition counsellor / Supervisor                 |
| <b>Community</b>                                                                                                                                                                                                             | <b>Interventions:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | AWWs/ AWH/                                                            |

| Service & Target Beneficiaries                                                                                                                                                       | Interventions and Activities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Functionaries Responsible                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>based care and management of Underweight Children</b><br><br>The beneficiaries of this service are:<br>Moderately and severely underweight children & their mothers / care givers | <ul style="list-style-type: none"> <li>- 100% Weighing of all eligible children and identification of underweight children</li> <li>- Referral to NRCs/MTCs for children requiring medical attention</li> <li>- 12-day Nutritional counselling and care sessions for required children (Sneha Shivirs)&amp;18-day home care and follow up during home visit</li> </ul> <b>Activities:</b> <ul style="list-style-type: none"> <li>- Providing hands on training on caring practices is given at “Sneha Shivirs” to mothers and caregivers of underweight children at AWCs for 12 days, followed by 18 days home practice.</li> <li>- Tracking of the weight growth of the children during the 18 days home practice through home visits.</li> </ul> | Supervisors/<br>Mother’s<br>Group/ PRIs/<br>SHGs/ MO<br><br>Additional<br>Anganwadi<br>Worker /<br>Nutrition<br>Counsellor<br><br>ASHA and ANM<br>as facilitators |

### 1.4.3 Health Services

The services and interventions that are grouped into the Component of Health Services are detailed in the table below along with activities to be carried out and the functionaries responsible to carry out these activities.

Table 3: Interventions & Activities in Health Services

| Service & Target Beneficiaries                                                                                                                                                                                          | Intervention and Activities Suggested                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Functionaries Responsible                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| <b>Immunization and Micronutrient Supplementation</b><br><br>The beneficiaries of this service are:<br><ul style="list-style-type: none"> <li>- 0-3 years</li> <li>- 3-6 years</li> <li>- P &amp; PL Mothers</li> </ul> | <b>Interventions:</b> <ul style="list-style-type: none"> <li>- Regular fixed monthly VHNDs</li> <li>- Primary Immunization</li> <li>- Boosters</li> <li>- TT for Pregnant women</li> <li>- Vitamin A supplementation (9 months - 5 Years)</li> <li>- IFA supplementation (infants after 6 months of age)</li> <li>- Deworming as per guidelines &amp; Counselling</li> </ul> <b>Activities:</b> <ul style="list-style-type: none"> <li>- Ensure immunization of pregnant women and infants.</li> <li>- Children to be given Vitamin A and Booster Doses as per the national immunization schedule</li> <li>- AWW to assist health functionaries for complete coverage.</li> <li>- Organising and conducting fixed day immunization sessions, known as “Village Health Nutrition Days (VHND)” at the AWC</li> </ul> | ANM/MO/ ASHA/<br>AWWs as<br>facilitators |
| <b>Health Check-up</b>                                                                                                                                                                                                  | <b>Interventions:</b> <ul style="list-style-type: none"> <li>- Antenatal Care (ANC)/ Post Natal Care (PNC)/Janani Suraksha Yojna (JSY)</li> <li>- Support for Integrated Management of Neonatal &amp;</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | ANM/MO/ASHA/<br>AWWs                     |

| Service & Target Beneficiaries                                                                                                                                                                 | Intervention and Activities Suggested                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Functionaries Responsible |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| <p>The beneficiaries of this service are:</p> <ul style="list-style-type: none"> <li>- 0-3 years</li> <li>- 3-6 years</li> <li>- P &amp; PL Mothers</li> </ul>                                 | <p>Childhood Illness (IMNCI)/ Janani Shishu Suraksha Karyakram (JSSK)</p> <ul style="list-style-type: none"> <li>- Identification of severely underweight children requiring medical attention &amp; support community</li> </ul> <p><b>Activities:</b></p> <ul style="list-style-type: none"> <li>- Carry out regular health check-ups, recording weight, immunisation, support to community based management of malnutrition, treatment of diarrhoea, deworming and distribution of iron and folic acid and medicines for minor illness</li> <li>- AWC to control common ailments like fever, cold, cough, worm infestation etc. including medicines and basic equipment for first aid</li> </ul> |                           |
| <p><b>Referral Services</b></p> <p>The beneficiaries of this service are:</p> <ul style="list-style-type: none"> <li>- 0-3 years</li> <li>- 3-6 years</li> <li>- P &amp; PL Mothers</li> </ul> | <p><b>Interventions:</b></p> <ul style="list-style-type: none"> <li>- Referral of severely underweight to health facility / NRCs</li> <li>- Referral for complications during pregnancy</li> <li>- Referral of sick new-borns and sick children</li> </ul> <p><b>Activities:</b></p> <ul style="list-style-type: none"> <li>- During health check-ups and growth monitoring sessions refer sick and malnourished children as well as pregnant lactating mothers in need of prompt medical attention, to the Health facilities</li> </ul>                                                                                                                                                            | ANM/ MO/<br>ASHA/ AWWs    |

#### 1.4.4 Community Mobilisation, Awareness, Advocacy & IEC

Table 4: Interventions & Activities in Community Mobilisation, Awareness, Advocacy & IEC

| Service & Target Beneficiaries                                                                                                                                          | Intervention and Activities Suggested Thereof                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Functionaries Responsible                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| <p><b>IEC, Campaigns and Drives etc.</b></p> <p>The beneficiaries of this service are:</p> <ul style="list-style-type: none"> <li>- Families &amp; Community</li> </ul> | <p><b>Interventions:</b></p> <ul style="list-style-type: none"> <li>- Information dissemination &amp; awareness generation on entitlements, behaviours &amp; practices</li> <li>- Sharing of nutritional status of children at Gram Sabhas meetings</li> <li>- Linkage with VHSNC, Action Groups, Community</li> </ul> <p><b>Activities:</b></p> <ul style="list-style-type: none"> <li>- Sensitization and engagement of PRIs/SHGs/Mothers Committees on Nutrition &amp; Child Development</li> <li>- Social mobilisation campaign in partnership with Song and Drama Division in tribal areas, rural areas</li> <li>- Use of mainstream media channels like TV, Radio, print media, newsletter etc. for propagating good practices of child &amp; women health</li> <li>- Identifying local troupes to generate awareness</li> </ul> | <p>AWW/ Second AWW/<br/>Supervisors/<br/>Food and Nutrition Board (FNB)/ Dist. &amp; Block Resource Centres/ ICDS Management</p> |

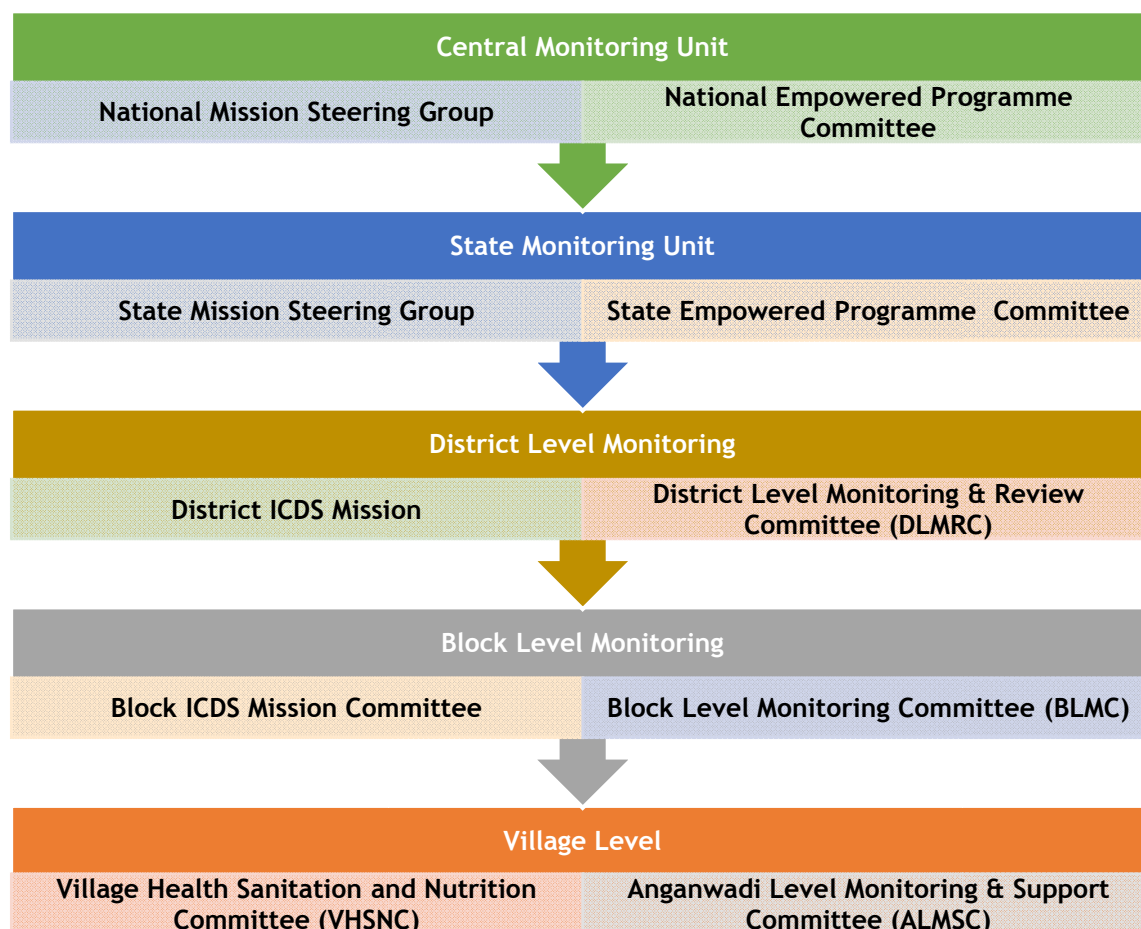
| Service & Target Beneficiaries | Intervention and Activities Suggested Thereof                                                                                                                                                                                                                                                                                                                                           | Functionaries Responsible |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
|                                | <p>about components of ICDS Scheme</p> <ul style="list-style-type: none"><li>- Interpersonal Communication through home visits, the mothers-in-law, mother and other care givers are also sensitised to ensure appropriate care and feeding practices at home.</li><li>- Voluntary Action for promoting ICDS schemes are invited for undertaking home visits and counselling.</li></ul> |                           |

## 2 Organisational Setup

### 2.1 Project Monitoring Structure

The administrative structure<sup>5</sup> to implement this programme is a multi-layered set up starting from the Central level monitoring to community level monitoring at the village level, detailed monitoring guidelines are issued by the CMU<sup>6</sup>. Different monitoring committees are prescribed at each level as presented below:

Figure 3: Project Monitoring Structure



#### 2.1.1 Monitoring Functions at Different Levels

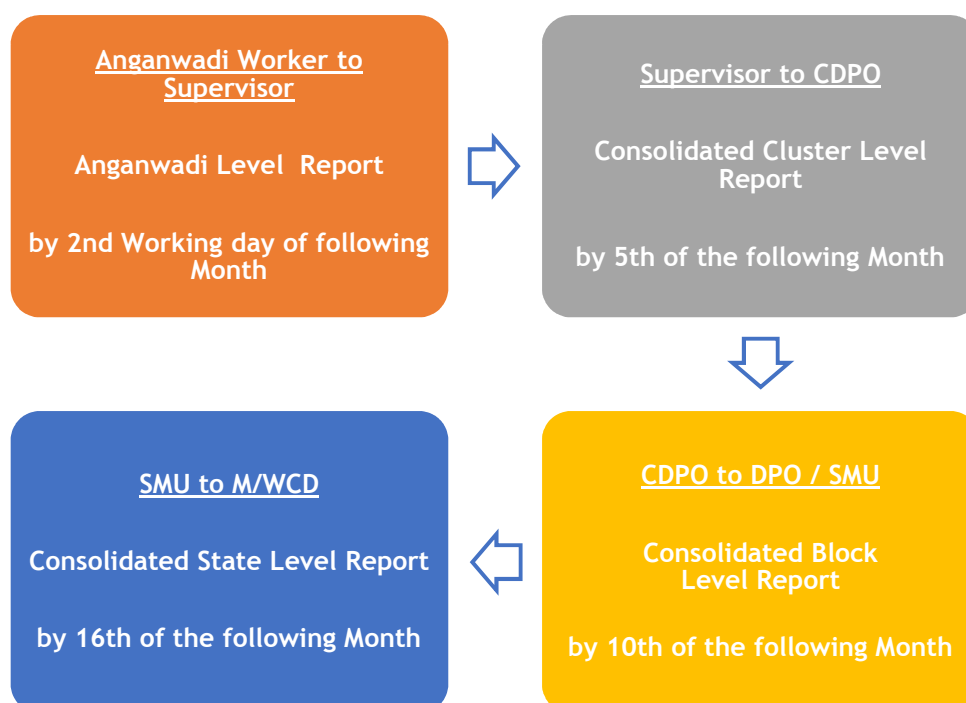
| State Level Monitoring Functions <sup>7</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>The work progression, supervision and monitoring of the scheme is carried out with the help of different academic Institutions such as Community Medicine Department of Medical Colleges, Home Science College and Schools of Social Work etc.</li> <li>With the help of the above institutions, data from each district is collected and, analysed. The data analysis and project implementation progress is monitored in Monthly Progress Report (MPR) and Annual Progress Report (APR) which are submitted to the Monitoring &amp; Evaluation Unit of the Ministry of Women and Child Development.</li> </ul> |
| District Level Monitoring Functions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

- At the district level, monitoring is carried out at 3 different levels in District:
  - District Magistrate / Collector and/or District Welfare Officer led monitoring
  - Block level monitoring by CDPO
  - Cluster level by the Supervisor
- Apart from Administrative monitoring, Community based monitoring mechanism are encouraged to bring in transparency and accountability in delivery of services.
- Time lines for submission of reports maintained on the integrated portal

### 2.1.2 Monthly & Quarterly Progress Reporting Flow:

Timelines for submission of Monthly Progress Reports<sup>8</sup> and Quarterly Progress Reports at different levels are detailed below.

Figure 4: Progress Reporting Flow



### 2.1.3 Rapid Reporting System

In the restructured and strengthened ICDS, revised Management Information System (MIS) for ICDS Scheme has been rolled out wherein new formats of registers and reporting (Monthly Progress Reports (MPR) and Annual Status Report (ASR) have been prescribed at AWW and CDPO level. This has been revamped and revised AW-MPR has introduced which replaces AW-MPR and AW-ASR.

National Informatics Centre (NIC), Delhi has developed web-enabled Rapid Reporting System earlier known as ICDS-MIS for use across all States/UTs for entry of revamped reporting formats at State / UT level.

It may be noted that each AWC will be assigned 11 digit unique code [2 digit for State Code + 3 digit for district code + 2 digit for ICDS project code + 2 digit for sector code + 2

digit for AWC code]. Seven digits of the 11 digit unique code for an AWC have already been communicated by the Ministry for implementation in the States/UTs. So only remaining 4 digits (2 digit code for Sector and 2 digit code for AWC) of the 11 digit unique code for each AWC, in a Sector, of the Project are to be assigned by the concerned State/UT.

The objective of the ICDS-RRS is to provide Design, Development, Implementation and Training for ICDS-RRS Application for real time entries and monitoring the physical and financial progress of the implementation of the ICDS Scheme.

## 2.2 Institutional Arrangement

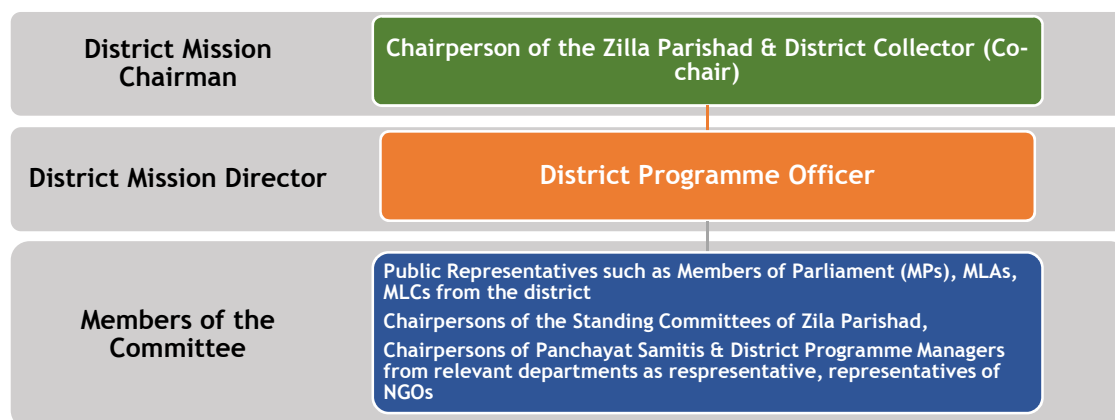
At the District level to involve Community at different levels, implementation framework prescribes Community based Monitoring Committees and also prescribes Administrative Committees to oversee implementation of the programme.

### 2.2.1 District Level

#### District ICDS Mission

At District Level, the District ICDS Mission is headed by the District Collector or Chairperson of Zilla Parishad as Chairperson or Co-chairperson of District ICDS Mission. The composition of the committee of District ICDS Mission is detailed below. District Programme Officer acts as District Mission Director. The composition of the District Mission<sup>9</sup> that monitors progress is depicted below.

Figure 5: Institutional Structure at District Level



#### District Level Monitoring & Review Committee

At Administrative level at the District, the administrative committee is known as District Level Monitoring & Review Committee (DLMRC) on ICDS monitors the progress of the Scheme implementation. The committee shall meet once in a quarter or as convened by the Chairman and it submits the report to Chief Secretary / Secretary (WCD) outlining actions taken and support required from State Government.

The DLMRC<sup>10</sup> is headed by the District Collector / Magistrate as Chairperson and Chief Executive Officer (CEO) as Vice-Chairperson and the District Programme Officer (ICDS) is

the Member - Secretary and the District level officers of different departments, Member of Parliament, Member of Legislative Assembly and other committee members as suggested by ICDS implementation framework.

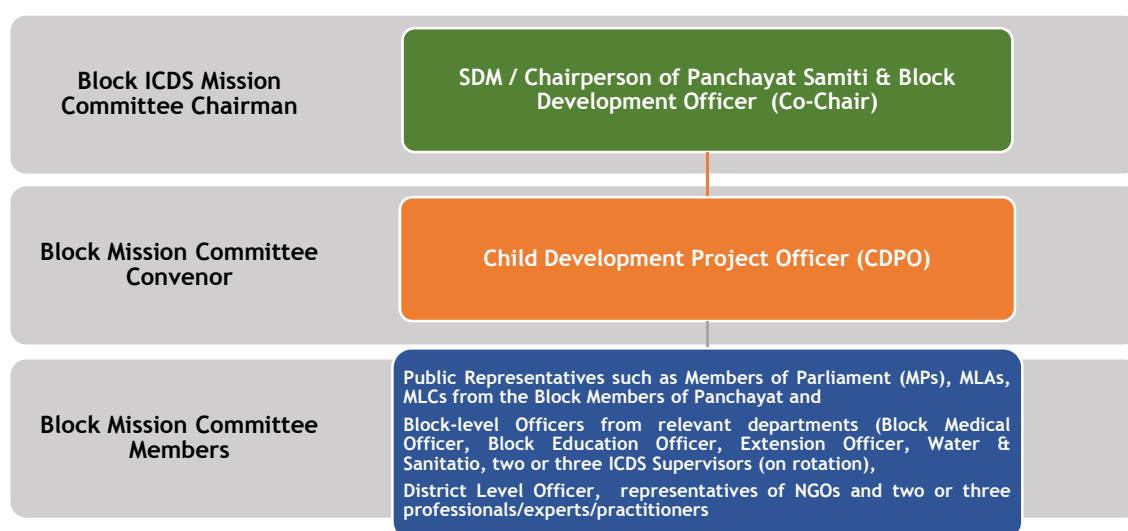
### 2.2.2 Block Level

#### Block ICDS Mission Committee

At Block Level, Block ICDS Mission Committee is headed by the SDM or Chairperson of the concerned Panchayat Samiti as Chairperson or Co-chairperson of Block ICDS Mission Committee

The composition of the committee is detailed below. The Child Development Project Officer (CDPO) is the Block Mission Committee Convenor. Administratively, Block Development Officer and Child Development Project Officer (CDPO) are responsible for conduct of the meetings and providing the committee with required information, co-ordination etc.

Figure 6: Institutional Structure at Block Level



#### Block Level Monitoring Committee (BLMC) on ICDS<sup>11</sup>

At Administrative level at the Block, the administrative committee is known as Block Level Monitoring Committee (BLMC) on ICDS monitors the progress of the Scheme implementation. The committee shall meet once in a quarter and it submits the report to District Committee with a copy to the State Directorate of ICDS. The Committee is suggested by Implementation Framework, the State Government can list the officials at Block level to represent suggested department in the Committee.

BLMC is headed by Sub Divisional Magistrate (SDM) as Chairperson and Block Development Officer as Vice-Chairperson. ICDS is represented by CDPO who supports the Committee.

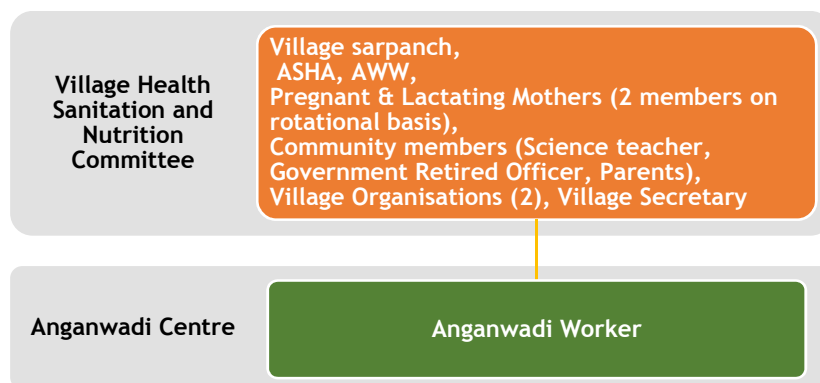


### 2.2.3 Village Level

#### Village Health Sanitation and Nutrition Committee (VHSNC)

At Village Level, Village Health Sanitation and Nutrition Committee (VHSNC) is the Community monitoring centre and they are assisted by the Supervisor and Anganwadi Worker. VHSNC functions as sub-committee of Panchayati Raj Institution.

Figure 7: Institutional Structure at Village Level



#### Anganwadi Level Monitoring & Support Committee (ALMSC)

Anganwadi Level Monitoring & Support Committee (ALMSC) on ICDS with Gram Panchayat/Ward member as Chairperson and Anganwadi Worker as Convenor and other community based village members. The Committee will organise regular monthly meetings to discuss various issues in Anganwadi in the village or ward and copy of the minutes sent to Block Level Committee and CDPO.

## 3 Financial Resources and Flow of Funds

For approval of the Plans and funding of the project<sup>12</sup>, the Districts prepare District Child Development Action Plan which is consolidated to prepare Annual Programme Implementation Plan (APIP) at the state level. The plans are prepared as per the prescribed norms in the Scheme.

#### Construction of AWC<sup>13</sup>:

For construction of an AWC building, as per the prescribed norms, an amount of Rs. 4.5 lakh is allocated for construction of new building and Rs. 1 lakh for renovation of the old building to make it child friendly. The cost is borne in 75:25 by Centre & State.

#### Rent of AWC:

The monthly rent budgeted for AWC / Mini-AWCs buildings at different locations are as follows:

| Project Type              | Monthly Rent     |
|---------------------------|------------------|
| Rural and Tribal projects | Rs. 1,000/p.m.   |
| Urban projects            | Rs. 4,000/- p.m. |
| Metropolitan cities       | Rs. 6,000/ p.m.  |

**Supplementary Nutrition:**

The cost norms for supplementary nutrition with annual indexation under the Anganwadi Services and Scheme for Adolescent Girls of the Umbrella ICDS Scheme is as below:

## i. Supplementary nutrition cost norms under the Anganwadi Services:

| Category                                       | Amount per day per beneficiary |
|------------------------------------------------|--------------------------------|
| Children (6 - 72 months)                       | Rs. 8.00                       |
| Pregnant Women and Lactating Mothers           | Rs. 9.50                       |
| Severely Malnourished children (6 - 72 months) | Rs. 12.00                      |

## ii. The supplementary nutrition cost norms for Adolescent Girls (out of school 11 - 14 years) covered under the Scheme for Adolescent Girls stands at Rs. 9.50/- per day per beneficiary, which is on par with the cost norms for Pregnant Women &amp; Lactating Mothers under the Anganwadi Services.

**Operational Costs:**

Detailed Budgets available for Operational cost, for each component are detailed in the Scheme guidelines<sup>14</sup>

**Flow of Funds:**

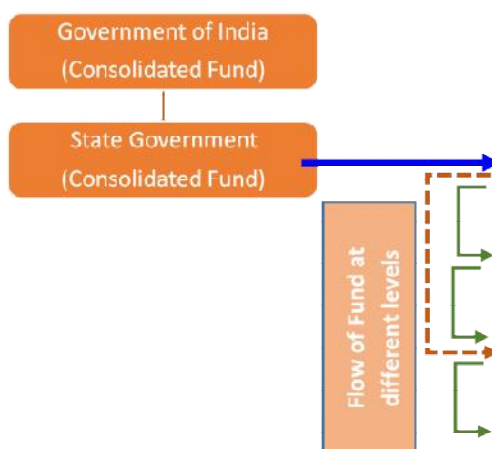
Based on State Annual Programme Implementation Plan (APIP), depending on the magnitude of the problem the fund allocation is made. The APIP of ICDS mission is jointly appraised by experts constituted jointly by National and State level societies. First instalment is released to the state after receipt of documents or commitments from State Government as per the technical and financial guidelines<sup>15</sup>.

The fund is released to the State Child Development Societies, in two instalments:

- First instalment is released before 15<sup>th</sup> April every year.
- Second instalment is released upon receipt of UC supported by required documents

The fund flow from the state to the VHNCs/PRIs/AWCs is presented below which is typically top to bottom. However, bottom-up approach is adopted in preparing APIP plan.

Figure 8: Fund Flow



## 4 Roles and Responsibilities

The Monitoring of the scheme is 4-Tier, comprising of District / Block / Cluster/ Village level through Community based Committees which are assisted by the administrative officers at District, Block, Cluster and Village Levels. The Roles and Responsibilities at different district functionaries are detailed in this segment. Monitoring and supervision guidelines<sup>16</sup> are issued by CMU.

### 4.1 District Level - District Collector

The Progress of the implementation is monitored by District Level Monitoring & Review Committee and also by District ICDS Mission and is reported to State level Mission.

The District Collector, being the Chairperson / Co-Chairperson of the District Committees has the responsibility to ensure fulfilment of the responsibilities of the Committees.

Table 5: Roles of District Collector

| Role                                   | Responsibilities                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PLANNING</b>                        | <ul style="list-style-type: none"> <li>Planning and preparation of District Child Development Action Plans including required budgets by compiling plans from all blocks of the district</li> <li>Plan for budgets in association with District level committees</li> <li>Submission of the District plans to the State level committee for incorporation into State Plan</li> </ul>          |
| <b>Facilitation &amp; Coordination</b> | <ul style="list-style-type: none"> <li>Coordinate with State and Central Missions for release of budgets</li> <li>Coordination and Convergence with Line departments / Programmes that includes Health, Education, Rural Development etc.</li> <li>Actively promote and facilitate convergence of programmes at village level to provide best of the services to the beneficiaries</li> </ul> |
| <b>IMPLEMENTATION</b>                  | <ul style="list-style-type: none"> <li>Ensure proper implementation of the programme</li> </ul>                                                                                                                                                                                                                                                                                               |

| Role                                               | Responsibilities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                    | <ul style="list-style-type: none"> <li>○ Regularity of functioning of AWCs</li> <li>○ Supply of essential items to AWCs - Medicine and PSE Kits, weighing scales, joint MCP card, WHO Growth Chart etc.</li> <li>• Provide leadership in implementation of the programme</li> <li>• Ensuring proper Grievance redressal mechanism by addressing the complaints received from Individuals, Community, PRIs etc.</li> <li>• Preparation of IEC action plan on issues like location of AWC and services available under ICDS, entitlement of beneficiaries and grievance redressal mechanism etc.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Monitoring &amp; Evaluation</b>                 | <ul style="list-style-type: none"> <li>• Overall Project implementation Monitoring, with focus on:               <ul style="list-style-type: none"> <li>○ Status of Operationalisation of Sanctioned projects and coverage</li> <li>○ Coverage of beneficiaries: Block-wise analysis of beneficiaries of supplementary nutrition and pre-school education</li> <li>○ Regularity in supply and quality of Supplementary nutrition at AWC and Comparison of feeding efficiency</li> <li>○ Nutritional status of children 0-3 years and 3-6 years</li> <li>○ Performance of non-formal pre-school provided at AWCs</li> <li>○ Methods of delivery of Supplementary food at AWCs - engagement of SHGs</li> <li>○ Methodology used for non-formal pre-school education at AWCs, use of locally developed learning aids, toy banks etc.</li> </ul> </li> <li>• Convening Review meetings of <b>District Level Monitoring &amp; Review Committee</b> once in a quarter and review progress based on Block level Monitoring Committees, Block Monthly Progress Reports and Block Annual Status Reports</li> <li>• Convene District ICDS Mission Committee meetings and discuss progress</li> <li>• Evaluation of the Outcome based indicators</li> <li>• Identifying low performing blocks and addressing the factors responsible</li> <li>• Review budget and budget analysis and ensure Fund flow and status of component-wise allocation and expenditures during the reported period and adherence to revised financial norms prescribed</li> <li>• Monitoring and supervision visits by CDPOs/Supervisors to AWCs as per and submission of reports</li> <li>• Prepare and submit periodical reports to the State Mission as per timelines</li> <li>• Convene monthly meetings of the District Committee</li> </ul> |
| <b>Institutional and Administrative Activities</b> | <ul style="list-style-type: none"> <li>• Approval of District Child Development and Nutrition Annual and Prospective plans</li> <li>• Approve fund transfer to Projects, VHSNCs and AWCs               <ul style="list-style-type: none"> <li>○ Ensure availability of funds for Implementation, contingency etc. at district, block and AWC levels</li> </ul> </li> <li>• Hiring of employees and technical experts as consultants on</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| Role | Responsibilities                                                                                                                                                                                                                                                                                                                                          |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      | <p>contractual basis as per the rules and procedures</p> <ul style="list-style-type: none"><li>• Payment of honoraria to AWWs/AWHs and travelling allowance to Supervisor</li><li>• AWC Infrastructure development through convergence with other schemes /programmes</li><li>• Ensure transparency in procurement and accountability</li><li>•</li></ul> |

## 4.2 Role of Functionaries at Village Level / Cluster Level & Block Level

The CDPO is the Block level implementation head of Block ICDS Mission and the responsibilities are described below. Monitoring<sup>17</sup> at CDPO and AWW level are detailed by CMU.

At the cluster level, the project implementation head is Supervisor who is responsible for implementation of ICDS scheme through Anganwadi Centres. Usually a supervisor is head of around 20 Anganwadi centres and reports to the CDPO of the Block. Roles and Responsibilities of the Supervisor are detailed in the table below.

Anganwadi level, is the grassroots level of the project implementation. Anganwadi Centre is manned by Anganwadi Worker assisted by Mini Anganwadi Worker and / or Anganwadi Helper. At the Anganwadi level, Anganwadi Level Monitoring and Support Committee (ALMSC) oversee and coordinate with AWW in implementation of the Project. Village Health Sanitation and Nutrition Committee (VHSNC) is the committee monitoring implementation of the scheme at Village Level, supporting the AWW and Supervisor in implementation of the programme

Table 6: Roles of Village, Cluster &amp; Block Level Functionaries

| Deliverable                            | Village Level                                                                                                                                                                                                                                                                                                                                                                                                                                | Cluster Level                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Block Level                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Officer Responsible                    | Anganwadi Worker                                                                                                                                                                                                                                                                                                                                                                                                                             | Supervisor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Child Development Project Officer (CDPO)                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>PLANNING</b>                        | <ul style="list-style-type: none"> <li>Preparation of Village Child Development plan in coordination with VHSNC based on village requirement for approval of the plan</li> <li>Prepare Monthly plan based on the children's requirement</li> <li>Prepare Indent of the requirements</li> </ul>                                                                                                                                               | <ul style="list-style-type: none"> <li>Guide AWW in identifying village requirements and include them in Annual Plan and Monthly Plans</li> <li>Prepare plans to meet the needs of children in the AWCs allocated to the Supervisor for implementation and Monitoring</li> <li>Guide preparation of Village/gram/urban centre ICDS Mission plans</li> <li>Collate the indents received for requirement of the SNP for AWCs</li> </ul>                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>Prepare plans to meet the needs of children in the Block</li> <li>Guide preparation of Village/gram/urban centre ICDS Mission plans</li> <li>Collate the indents received for requirement of the SNP</li> </ul>                                                                                                                                                                                     |
| <b>FACILITATION &amp; COORDINATION</b> | <ul style="list-style-type: none"> <li>Facilitate and coordinate with the MOs, LHVs, ANMs, SSA etc. for delivery of services</li> <li>Coordinate with ALMSC and VHNC for awareness generation among beneficiaries about ICDS Services</li> <li>Coordinate for proper distribution of nutrition supplements</li> <li>Participate in VHSNC Meetings and Grama Sabhas and conduct Awareness Generation regarding services of the AWC</li> </ul> | <ul style="list-style-type: none"> <li>Distribution of nutrition supplements</li> <li>Organise fixed monthly Village Mother-Child day,</li> <li>Convergence with ASHAs, ANMs, SSA and other service providers at village level</li> <li>Collection of Feedback through ICDS accreditation systems and community public hearings</li> <li>Coordinate with CDPO for Implementation and Monitoring of the scheme at Cluster level</li> <li>Coordinate with CDPO for identification of required infrastructure, manpower and nutrient requirements</li> <li>Facilitate maintenance of registers in prescribed formats</li> </ul> | <ul style="list-style-type: none"> <li>Procure Nutrition Supplements</li> <li>Attend at least 2 monthly Mother-Child Day linked to NRHM Village Health Day</li> <li>Work with District administration for release of funds</li> <li>Feedback from Supervisors on ICDS</li> <li>Facilitate convergence with MOs, LHVs, ANMs, ASHAs and SSA</li> <li>Coordinate with PRIs in overseeing and coordinating the delivery of services</li> </ul> |

| Deliverable           | Village Level                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Cluster Level                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Block Level                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Officer Responsible   | Anganwadi Worker                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Supervisor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Child Development Project Officer (CDPO)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>Coordinate with village leaders and local institutions such as Mahila Mandals, Panchayats, Primary Schools and Youth Clubs and involve them in ICDS programme</li> <li>Ascertain the number of immunized children and report it to the CDPO.</li> <li>Organize monthly meetings of AWW of her circle with the participation of concerned LHVs and ANMs.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>IMPLEMENTATION</b> | <ul style="list-style-type: none"> <li>Survey of habitation and households</li> <li>Preparation of MPRs on monthly basis with the details of the next month plans with details of SNP required, medical equipment required etc. based on the survey carried out on regular basis</li> <li>Preparation of Annual plans for AWCs in coordination with Supervisor and CDPO</li> <li>Ensure coverage of all eligible beneficiaries</li> <li>Organise fixed monthly days as per guidelines</li> <li>Provide Nutrition supplement to the children and pregnant women</li> <li>Bridge Calorie gap by regular monitoring of under nourished</li> </ul> | <ul style="list-style-type: none"> <li>Visit every Anganwadi once in a month</li> <li>Guide AWW in conducting survey and listing beneficiaries</li> <li>Help AWW develop interesting material to engage children</li> <li>Visit homes of malnourished children and counsel parents along with AWW</li> <li>Help AWW conduct various Days earmarked for specific purpose on monthly basis attend at least two ECCE Days every month</li> <li>Ensure proper storage of food stocks, medicines, first aid kits etc.</li> <li>Coordinate with the VHSNC</li> <li>Overall Progress in Implementation with regard to               <ul style="list-style-type: none"> <li>Coverage of all habitation/hamlets in the block</li> <li>Cover all the eligible beneficiaries</li> <li>Provide quality supplementary nutrition</li> <li>Nutritional status of children -</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>Overall Progress in Implementation with regard to               <ul style="list-style-type: none"> <li>Coverage of all habitation/hamlets in the block</li> <li>Cover all the eligible beneficiaries</li> <li>Provide quality supplementary nutrition</li> <li>Nutritional status of children - weightment, issue of joint mother and child protection cards, addressing moderate and severely undernourished children, measures being taken to address the issues</li> <li>Number of AWCs providing THR, Morning Snack</li> <li>Organising Village and Health Nutrition Days</li> </ul> </li> <li>Review overall implementation of the scheme at the block level with</li> </ul> |

| Deliverable         | Village Level                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Cluster Level                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Block Level                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Officer Responsible | Anganwadi Worker                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Supervisor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Child Development Project Officer (CDPO)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                     | <p>and severely malnourished Children</p> <ul style="list-style-type: none"> <li>• Coordinate immunization of pregnant women and infants</li> <li>• Conduct of Sneha Shivirs as per guidelines of Implementation guidelines</li> <li>• Train children for holistic development to make them school ready</li> <li>• Conduct non-formal Pre-School activities using local learning and play material, maintaining toy banks, making learning joyful and interesting</li> <li>• Coordinate with NGOs/CBOs, SHGs, Mothers Groups / Mahila Mandals</li> <li>• Work with Medical teams at village level for awareness generation, immunisation, counselling etc.</li> <li>• Referral services for severely under-nourished / mal-nourished, sick children and children with communicable diseases and impairments</li> <li>• Carryout Home visits to fulfil the responsibilities under 4 components of the scheme</li> <li>• Ensure proper storage and</li> </ul> | <p>weighment, issue of joint mother and child protection cards, addressing moderate and severely undernourished children, measures being taken to address the issues</p> <ul style="list-style-type: none"> <li>○ Number of AWCs providing THR, Morning Snack</li> <li>○ Organising Village and Health Nutrition Days</li> <li>• Review overall implementation of the scheme at the Cluster level with the help of AWC - MPRs, Annual State Reports, AWC meeting minutes etc.</li> <li>• Ensure proper storage and distribution of Supplementary Nutrients and other medical kits and equipment that is required at AWC</li> <li>• Establishing and adhering to grievance redressal mechanism</li> </ul> | <p>the help of AWC - MPRs, Annual State Reports, AWC meeting minutes etc.</p> <ul style="list-style-type: none"> <li>• Coordinate with Supervisors and identify infrastructure, manpower and nutrient requirements</li> <li>• Payment of Honoraria to AWWs and AWHs and travelling allowance to Supervisors</li> <li>• Make arrangements for procurement, transportation, storage and distribution of Supplementary Nutrients and other medical kits and equipment that is required at AWC</li> <li>• Coordinate with other departments for delivery of the required outcomes</li> <li>• Guide the work of supervisor and AWCs</li> <li>• Ensure fund availability at Block level and flexi-fund at AWC level</li> <li>• Take measures for staff development</li> <li>• Establishing and adhering to grievance redressal mechanism</li> </ul> |



| Deliverable                        | Village Level                                                                                                                                                                                                                                                                                                                                                                | Cluster Level                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Block Level                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Officer Responsible                | Anganwadi Worker                                                                                                                                                                                                                                                                                                                                                             | Supervisor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Child Development Project Officer (CDPO)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                                    | <p>maintenance of the materials of AWC including Supplementary Nutrition, Medical Kits, Learning aids, equipment like weighing machines, Report cards etc.</p> <ul style="list-style-type: none"> <li>Collection of feedback through ICDS accreditation systems and community public hearings</li> <li>Maintenance of all the Records and Registers as prescribed</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>MONITORING &amp; EVALUATION</b> | <ul style="list-style-type: none"> <li>Collection and review of the statistics at AWC level</li> <li>Preparation of the monthly reports as per the schedules</li> </ul>                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>Review village level child related indicators and outcomes; identify and recommend specific interventions</li> <li>Track Nutrition status of children with intensive support to lagging villages/habitations</li> <li>Monitor and supervise activities of the AWC and other projects/personnel involved with Village ICDS Mission</li> <li>Distribution of supplies and equipment to AWCs</li> <li>Home visits of AWWs for counselling of Pregnant and lactating mothers, families of children under key health and nutrition issues</li> <li>Compile monitoring reports of AWWs and share feedback</li> <li>Observance of VHNDs and participation of AWW, ANM and PRI members</li> <li>Check the entries of deaths and births in the survey register and the</li> </ul> | <ul style="list-style-type: none"> <li>Track Nutrition status of children with intensive support to lagging villages/habitations</li> <li>Distribution of supplies and equipment to AWCs</li> <li>Home visits of AWWs for counselling of Pregnant and lactating mothers, families of children under key health and nutrition issues</li> <li>Compile monitoring reports of Supervisors and share feedback</li> <li>Observance of VHNDs and participation of AWW, ANM and PRI members</li> <li>Methods of delivery of Supplementary nutrition at AWCs - engagement of SHGs</li> <li>Methodology of providing non-formal pre-school education using learning aids, play material, toy</li> </ul> |

| Deliverable                                          | Village Level                                                                                    | Cluster Level                                                                                                                                                                                                                                                                                                      | Block Level                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Officer Responsible                                  | Anganwadi Worker                                                                                 | Supervisor                                                                                                                                                                                                                                                                                                         | Child Development Project Officer (CDPO)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|                                                      |                                                                                                  | immunization register <ul style="list-style-type: none"> <li>• Check the arrangement for storage, preparation and distribution of food and stocks of supplies and report shortages to the CDPO.</li> <li>• Monitor usage of Flexi-fund given to AWCs</li> <li>• Check regularity of functioning of AWCs</li> </ul> | bank and other initiatives <ul style="list-style-type: none"> <li>• Desist engagement of ICDS staff in other works</li> <li>• Identification of low performing AWCs and address factors responsible</li> <li>• Ensure preparation of the required reports at all levels</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>INSTITUTIONAL &amp; ADMINISTRATIVE ACTIVITIES</b> | <ul style="list-style-type: none"> <li>• Maintenance of various Records and Registers</li> </ul> | <ul style="list-style-type: none"> <li>• Coordinating with the AWCs in the assigned area</li> <li>• Maintenance of the administrative records of the AWWs Prepare timely reports and submission to the District Committee</li> </ul>                                                                               | <ul style="list-style-type: none"> <li>• Development of operational policy and time schedule for various activities</li> <li>• Hiring of the staff and experts on contractual terms to be done as per the rules and procedures</li> <li>• Review village/ habitation/ urban centre level budgets</li> <li>• Prepare timely reports and submission to the District Committee</li> <li>• Conduct ICDS Accreditation of Anganwadi Centres and Projects</li> <li>• Allocate and releases monthly and yearly budgets to each anganwadi centre.</li> <li>• Prepare a project report containing all the necessary and relevant baseline information.</li> <li>• Maintenance of registers and records at all levels and inspect these records</li> <li>• Prepare periodical Progress</li> </ul> |

| <b>Deliverable</b>         | <b>Village Level</b>    | <b>Cluster Level</b> | <b>Block Level</b>                                                                        |
|----------------------------|-------------------------|----------------------|-------------------------------------------------------------------------------------------|
| <b>Officer Responsible</b> | <b>Anganwadi Worker</b> | <b>Supervisor</b>    | <b>Child Development Project Officer (CDPO)</b>                                           |
|                            |                         |                      | Reports and furnish all information as and when required by State and Central ICDS Units. |

## 5 Records and Registers

Basic Registers and Records to be maintained in the ICDS Scheme at different levels by the District Functionaries are detailed below. However, the records and registers are to be maintained as per the guidelines<sup>18</sup> and instructions of respective State Government / U.T. Administration.

**Figure 9: Registers and Records to be maintained**

| Registers & Records by Anganwadi worker                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Registers and Records by Supervisor at village level                                                                                                                                                                                                                                                                                  | Material and Records to be maintained at CDPO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Family Register</li> <li>• Supplementary Food Stock Register</li> <li>• Supplementary Food Distribution Register</li> <li>• Pre-School Education Register</li> <li>• Pregnancy and Delivery Register</li> <li>• Immunisation and Village Health and Nutrition Day (VHND)</li> <li>• Vitamin A Biannual Rounds Register</li> <li>• Home Visits Planner</li> <li>• Referrals</li> <li>• Summaries (Monthly &amp; Annual)</li> <li>• Weight Records of Children</li> </ul> | <ul style="list-style-type: none"> <li>• Monthly Progress Report</li> <li>• Annual Plans of the respective cluster</li> <li>• All the information collected from Anganwadi workers under supervisor's jurisdiction in the respective registers</li> <li>• Attendance and other administrative registers pertaining to AWWs</li> </ul> | <ul style="list-style-type: none"> <li>• Manual on ICDS/ICDS Booklet</li> <li>• Guidebook for AWWs/ Supervisors</li> <li>• Growth Monitoring Manual</li> <li>• Growth Chart Register</li> <li>• Compilation of Guidelines &amp; Instruction of ICDS (Issued by State &amp; GoI)</li> <li>• PSE Kit Material</li> <li>• NHED Kit Material</li> <li>• National Guidelines on Optimal IYCF practices</li> <li>• Booklet on SHG/Mahila Mandal &amp; Community Participation</li> <li>• MPRs &amp; MIS Manual</li> <li>• Records &amp; Registers collected from Supervisors</li> <li>• Guide on MCP Card</li> <li>• Availability of Beti Bachao Beti Padhao Guidelines</li> <li>• Five tier Monitoring System Guidelines</li> <li>• Monitoring Guidelines</li> </ul> |

## 6 ICDS Implementation Checklist

Ministry has envisaged implementation of Information and Communication Technology to enable tracking of the Real Time Monitoring (ICT - RTM)<sup>19</sup> across the states implementing the scheme. For monitoring District level ICDS Implementation Index suggested by Central Monitoring Unit can be used as a checklist by the District Administration to monitor and measure the performance of the ICDS scheme implementation. This can be done Block wise for a comparative picture of performance across the blocks

**Table 7: Implementation Checklist**

| ICDS Index                                                                    | Indicator                                                           |
|-------------------------------------------------------------------------------|---------------------------------------------------------------------|
| ICDS Infrastructure Index                                                     | AWCs having Pucca Building                                          |
|                                                                               | AWCs own Building / Provided by State Government                    |
|                                                                               | AWCs having adequate availability of Outdoor Space                  |
|                                                                               | AWCs having adequate availability of Indoor Space                   |
|                                                                               | AWCs having Drinking water facilities                               |
|                                                                               | AWCs having Usable Toilet Facility                                  |
|                                                                               | AWCs having Separate Storage Space                                  |
|                                                                               | AWCs having Adequate Cooking Space                                  |
| ICDS Training                                                                 | AWWs received Job Training                                          |
|                                                                               | Supervisors received Job Training                                   |
|                                                                               | CDPOs received Job Training                                         |
| ICDS Personal Profile Index                                                   | AWW Educated till Metric and Above                                  |
|                                                                               | AWW Belonging to Local Area                                         |
|                                                                               | Filled-in Position of AWWs                                          |
|                                                                               | Filled-in position of Supervisors                                   |
| ICDS Service Delivery Index                                                   | AWCs having interruption in Distribution of Supplementary Nutrition |
|                                                                               | AWCs having acceptability of Supplementary Nutrition                |
|                                                                               | Pregnant Women with Ante-Natal Check up                             |
|                                                                               | Children getting Health Check-up                                    |
|                                                                               | AWWs having Accuracy of in Growth Monitoring                        |
|                                                                               | AWWs giving counselling sessions based on Growth Monitoring         |
|                                                                               | Children Attending PSE Session                                      |
|                                                                               | AWCs providing good quality of Supplementary Nutrition              |
|                                                                               | AWCs having adequate availability of Educational Material for NHed  |
|                                                                               | AWCs maintaining Health Cards                                       |
| ICDS Continuous and Comprehensive Monitoring and Supportive Supervision Index | CDPOs monitoring the AWCs by Paying visits only                     |
|                                                                               | CDPOs monitoring the AWCs by using checklists during visits         |
|                                                                               | CDPOs monitoring the AWCs by using MPR Performance Reports          |
| ICDS Community Mobilisation and IEC Index                                     | ICDS Projects having involvement of PRI Institutions                |
|                                                                               | ICDS Projects Organising Continual Education Sessions               |

## Abbreviations

|       |                                                           |         |                                                                  |
|-------|-----------------------------------------------------------|---------|------------------------------------------------------------------|
| ALMSC | : Anganwadi Level Monitoring and Support Committee        | LHVs    | : Lady Health Visitor                                            |
| ANC   | : Antenatal Care                                          | MGNREGS | : Mahatma Gandhi National Rural Employment Guarantee Scheme      |
| ANM   | : Auxiliary Nurse Midwifery                               | MO      | : Medical Officer                                                |
| ASHA  | : Accredited Social Health Activist                       | MTC     | : Malnutrition Treatment Centre                                  |
| AWC   | : Anganwadi Centre                                        | NGO     | : Non-Governmental Organisations                                 |
| AWH   | : Anganwadi Helper                                        | NHED    | : Nutrition and Health Education                                 |
| AWW   | : Anganwadi Worker                                        | NIPCCD  | : National Institute of Public Cooperation and Child Development |
| BCC   | : Behaviour Change Communication                          | NRC     | : National Resource Centre                                       |
| BLMC  | : Block Level Monitoring Committee                        | P&LW    | : Pregnant & Lactating Women                                     |
| BPL   | : Below Poverty Line                                      | PNC     | : Post-Natal Care                                                |
| CDPO  | : Child Development Project Officer                       | PRI     | : Panchayati Raj Institutions                                    |
| DLMRC | : District Level Monitoring & Review Committee            | SDM     | : Special Divisional Magistrate                                  |
| ECCED | : Early Childhood Care Education & Development            | SHG     | : Self Help Groups                                               |
| FNB   | : Food and Nutrition Board                                | SNP     | : Special Nutrition Programme                                    |
| ICDS  | : Integrated Child Development Scheme                     | SSA     | : Sarva Shiksha Abhiyan                                          |
| IEC   | : Information, Education and Communication                | THR     | : Take Home Ration                                               |
| IFA   | : Iron Folic Acid                                         | VHND    | : Village Health Nutrition Day                                   |
| IMNCI | : Integrated Management of Neonatal and Childhood Illness | VHSNC   | : Village Health Sanitation and Nutrition Committee              |
| IYCF  | : Infant & Young Child Feeding                            | WBNP    | : Wheat Based Nutrition Programme                                |
| JSSK  | : Janani ShishuSuraksha Karyakram                         |         |                                                                  |
| JSY   | : JananiSurakshaYojna                                     |         |                                                                  |

## Endnotes and References

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- 1 Objectives of ICDS Mission as detailed in the Framework for Implementation
- 2 Convergence with different Ministries for ICDS Scheme are detailed in Annexure IX A of ICDS Mission - Framework for Implementation
- 3 The broad frame work documents and the Scheme related information can be accessed at [www.wcd.nic.in](http://www.wcd.nic.in), [www.icds-wcd.nic.in](http://www.icds-wcd.nic.in) along with the various guidance documents issued by the Central Monitoring Unit, National Institute Of Public Cooperation And Child Development (NIPCCD) can be accessed at <http://nipccd.nic.in/cmu.htm>
- 4 Nutrition Norms issued by MWCD can be accessed at <http://icds-wcd.nic.in/icds/icdsimg/snrules2017.pdf>
- 5 Chapter 5 - Institutional Arrangement of ICDS Mission - Framework for Implementation <http://www.nipccd-earchive.wcd.nic.in/sites/default/files/PDF/Broad%20Framework%20of%20Implementation%20-%20ICDS%20Mission-MWCD-2010.pdf>
- 6 Guidelines for Monitoring & Supervision of the Scheme Central Monitoring Unit (ICDS) published by National Institute Of Public Cooperation And Child Development (NIPCCD) can be found at <http://nipccd.nic.in/cmu/monisup.pdf>
- 7 Chapter 8 - Monitoring , Review and Evaluation of ICDS Mission - Framework for Implementation
- 8 Guidelines for ICT-RTM under Restructured ISSNIP issued by MWCD Accessible at <http://icds-wcd.nic.in/issnip/ISSNIP-Web-Contents/LEFT%20SIDE%20TABS/1-Guidelines%20&%20Circulars/Guidelines%20for%20ICT-RTM%20under%20Restructured%20ISSNIP.pdf>
9. Annexure XX of the ICDS Mission Framework for Implementation has details of the composition of DLMRC
10. Block Level Monitoring Committee (BLMC) on ICDS composition is detailed in Annexure-XX
11. Financial Resources and Flow of Funds of ICDS Mission Framework for Implementation
12. Guidelines for construction of Anganwadi Centres in convergence with MGNREGA funds [http://www.wcd.nic.in/sites/default/files/icds\\_scheme.pdf](http://www.wcd.nic.in/sites/default/files/icds_scheme.pdf)
13. ICDS Mission, The Broad Framework for Implementation published by Ministry of Women and Child Development, Government of India.
14. The broad frame work documents and the Scheme related information can be accessed at [www.wcd.nic.in](http://www.wcd.nic.in), [www.icds-wcd.nic.in](http://www.icds-wcd.nic.in)
15. Monitoring and Supervision guidelines issued by CMU of ICDS in 2013-14: <http://nipccd.nic.in/cmu/r28.pdf>

- 16 Monitoring of ICDS projects at CDPO, AWW levels published by National Institute Of Public Cooperation And Child Development (NIPCCD) is available at <http://nipccd.nic.in/cmu.htm>
- 17 Anganwadi workers user manual for filling up of Registers and Records can be referred to at: [http://icds-wcd.nic.in/icds/RevisedMIS/Users%20Manual/](http://icds-wcd.nic.in/icds/RevisedMIS/Users%20Manual/Users%20Manual%20(English).pdf)
- 18 Guidelines for ICT-RTM under Restructured ISSNIP issued by MWCD Accessible at <http://icds-wcd.nic.in/issnip/ISSNIP-Web-Contents/LEFT%20SIDE%20TABS/1-Guidelines%20&%20Circulars/Guidelines%20for%20ICT-RTM%20under%20Restructured%20ISSNIP.pdf>



RAJIV GANDHI  
NATIONAL CRECHE SCHEME  
FOR  
THE CHILDREN OF  
WORKING MOTHERS

GOVERNMENT OF INDIA  
Ministry of Women and Child Development  
New Delhi

# **RAJIV GANDHI NATIONAL CRECHE SCHEME FOR THE CHILDREN OF WORKING MOTHERS**

## **I. INTRODUCTION**

The Government's sustained initiative on education and employment of women has resulted in increased opportunities for their employment, and more and more women are now in gainful employment, working within or outside their homes. The growing industrialization and urban development has led to increased migration into the cities. The past few decades have shown a rapid increase in nuclear families and breaking up of the joint family system. Thus the children of these women, who were earlier getting support from relatives and friends while their mothers were at work, are now in need of day care services which provide quality care and protection for the children. Children who used to grow up in the secure and warm laps of their grandmothers and aunts are now confronted with an insecure and neglected environment; therefore women need a safe place for their children in their absence. It has become necessary to provide support to the young children in terms of quality, substitute care and other services while the mothers are at work. Effective day care for young children is essential and a cost effective investment as it provides support to both mothers and young children. Lack of proper day-care services is, often, a deterrent for women to go out and work. Hence, there is an urgent need for improved quality and reach of day care services/crèches for working women amongst all socio-economic groups both in the organized and unorganized sectors.

Women working in the organized sector can avail day care facilities for their children which their employers are obliged to provide under various legislations, (Factories Act 1948, Mines Act 1952, Plantation Act, 1951, Inter-State Migrant Workers Act, 1980 and NREGA 2005 make provision of day care mandatory). On the other hand, the need of the children of the women working in the un-organised sector still remains largely unaddressed.

There is a worldwide consensus among psychologists, educationists, paediatricians and sociologists regarding the significance of early years of life for the optimum development of child. Early childhood is a time of remarkable brain development that lays the foundation for later learning and any damage or

impoverishment suffered at this stage is likely to be irreparable. These are years of extreme vulnerability and tremendous potential during which adequate protection, care and stimulation are essential to provide the foundation for the child's well-being and development. Thus, there is a need to adequately address the developmental needs of the children in the crèches through Early Childhood Education and Development. Early Childhood Education and Development entails that young children be provided opportunities and experiences that lead to their all-round development – physical, social, emotional, language and cognitive abilities.

A lack of adequate nutrition and proper care has irreversible consequences. Poor nutrition has a negative impact on school enrollment and readiness. Undernourished children are less likely to enroll in school and would drop out, if enrolled. A severe or chronic lack of essential nutrients in childhood impairs language, motor and socio-emotional development. In addition, extending the provision of safe drinking water and proper sanitation would reduce infant and child mortality drastically. It is more cost effective to institute preventive measures and support for children early on than to compensate for disadvantage as they grow older. The need for child care services has been emphasized in the National Policy for Children, 1974, National Policy for Education, 1986, National Policy for Empowerment of Women, 2001 and the National Plan of Action for Children, 2005.

The Steering Committee on Women's Agency and Child Rights for the Twelfth Five Year Plan (2012-17) under the aegis of the Planning Commission has, in its report, stated that the Rajiv Gandhi National Creche Scheme (RGNCS) has so far fallen short of its target of providing quality day-care services for children. Further, with the universalisation of ICDS, which aims to cater to a similar target group of children, and provides a larger gamut of services, the design of RGNCS needs a relook, to effectively reap the demographic dividend in the context of increasing needs of younger working women, patterns of migration and urbanisation, changing family support structures etc. The Committee has recommended that upgrading AWCs to AWC-cum-creches and/or revision of norms, option of different flexible models, and procedures of RGNCS would therefore be the options that may be examined and taken forward in the next Plan period so that children can be provided community based safe and nurturing spaces for their growth and development.

In the above background and based on the experience gained/feed-back received from the implementation of the Rajiv Gandhi National Crèche scheme and recommendations of evaluation study conducted by National Institute of Public Co-operation and Child Development (NIPCCD), the present scheme has been revised for strengthening the existing programme components and thus making the services more effective in achieving the envisaged objectives. The revised scheme aims to make a significant impact on the Early Childhood Care Services for children up to 6 years of age in the country.

## **II. DEFINITION**

A crèche is a facility which enables parents to leave their children while they are at work and where children are provided stimulating environment for their holistic development. Crèches are designed to provide group care to children, usually up to 6 years of age, who need care, guidance and supervision away from their home during the day.

## **III. OBJECTIVES**

- (i) To provide day-care facilities for children (6 months to 6 years) of working mothers in the community.
- (ii) To improve nutrition and health status of children.
- (iii) To promote physical, cognitive, social and emotional development (Holistic Development) of children.
- (iv) To educate and empower parents /caregivers for better childcare.

## **IV. SERVICES**

The scheme will provide an integrated package of the following services:

- (i) Daycare Facilities including Sleeping Facilities.
- (ii) Early Stimulation for children below 3 years and Pre-school Education for 3 to 6 years old children.
- (iii) Supplementary Nutrition(**to be locally sourced**)
- (iv) Growth Monitoring.
- (v) Health Check-up and Immunization.

## **V. TARGET GROUP**

The scheme focuses on children of 6 months to 6 years, of working women in rural and urban areas who are employed for a minimum period of 15 days in a month, or six months in a year.

## **VI. COVERAGE**

The Scheme has a pan India coverage. Preference would be given to poor children and children with special nutritional needs. As on January 2015, there are 23,293 functional crèches. This Scheme will continue as a Central Sector Scheme in rural and urban areas.

In the first year of implementation of the revised Scheme, the agencies will undertake an exercise to upgrade the infrastructure in the crèches to meet the requirements of the revised Scheme. In this period the agencies will also undertake intensive inspections and weed out non-functional and non-performing crèches in these areas.

## **VII. NUMBER OF BENEFICIARIES AND FUNCTIONARIES**

Ideally the number of children in the crèche should not be more than 25. Of these, at least 40 percent of children should, preferably, be below 3 years of age.

It is important that adequate trained worker and helper are available to provide day care facilities and to supervise the functioning of the crèche. In addition to crèche worker, there should be one crèche helper looking after children.

Accordingly, the details of number of children and requirement of staff in a crèche will be as under:-

| <b>S.No.</b> | <b>Age group of children</b> | <b>Number of children to be enrolled</b> | <b>Number of Crèche Worker</b> | <b>Number of Crèche Helper</b> |
|--------------|------------------------------|------------------------------------------|--------------------------------|--------------------------------|
| 1            | 6 months to 3 years.         | 10 (preferably)                          | 01                             | 01                             |
| 2            | 3+ to 6 years                | 15                                       |                                |                                |
|              | Total                        | 25                                       | 01                             | 01                             |

The minimum qualification of Crèche Workers should be Class XII (intermediate) and that of the Helper, Class X (Matriculation). In case any suitable person with these qualifications is not available relaxation may be given by the State Government/District Administration. However, in any case, the qualification may not be less than Class X and VII respectively. The age limit for both the categories should be 18-35 years at the time of appointment.

To maintain the standards of care, the worker and helper should have minimum qualifications and requisite training at the time of appointment itself, so as to enable them to understand and cater to the children's individual needs and developmental capabilities. Thus, the NGO should engage only such staff in the crèches who have been trained in the last three years from approved training centres. The training will also be provided by the implementing agencies/ mother NGOs, from their own resources.

## **VIII. PHYSICAL INFRASTRUCTURE**

### **Location/Environment**

The crèche should be located in a safe and secure place which is welcoming and child friendly. It is ideal to have the crèche near the homes of children or near the place of work of the mothers (at a walkable distance i.e.  $\frac{1}{2}$  - 1 km) for the following reasons:

- Mothers breastfeeding their babies can conveniently come to feed their babies.
- Parents can be contacted in case of emergencies
- It is easier to pickup, bring or send the child from home
- If a child is absent for a long period of time, the crèche worker can go herself to enquire about the child from his/her home.

As far as possible the crèche environment should be akin to the child's home atmosphere and should also reflect the life style of the community.

### **Crèche Building / Space Specifications**

***The crèche should not function from the crèche worker's/helper's home.***

The crèche should be preferably on the ground floor. Physical environment should be reasonably suitable for children with special needs. A crèche must have a minimum space of 6-8 sq. ft. per child (total 150-200 sq ft) to ensure that they can play,

rest, and learn without any hindrance and to ensure a safe and protective environment for children especially for those under 3 years. Care should be taken that there is sufficient space both indoors and outdoors (preferably of equal size) at the crèche. The space in the centre may be utilized in a multi-purpose manner, for example, playing area can be converted into a make-shift sleeping place for children by spreading out some durries and mats. This will facilitate organizing activities for the children to promote their development. In summers, the space outdoors should have a shaded area which is clean and safe.

In an ideal centre, the kitchen should be 25% of the covered area and toilet should be 5% of the covered area. The centre should have at least two rooms/a large hall with a roof of at least 10 ft. height for children to rest and sleep, and a playing area. The rooms should have well plastered walls having enough space for display of pictorial material in each room of the centre. There should be at least two windows placed at a height of not more than 3 ft above the ground with an area which is  $\frac{1}{5}$ <sup>th</sup> of the floor area. Doors and windows combined should have  $\frac{2}{5}$ th the floor area. The doors and gates should be constructed appropriately to ensure safety of children and also of material/equipments.

Whereas the State Government should make efforts to provide space for crèches through the local bodies, in case such space is not available, the crèche may be housed/located in a hired building.

### **Light and Ventilation Arrangements**

The Centre should be clean, well lighted with adequate ventilation. A fan should also be installed in crèches where electricity supply is available. In case there is irregular/no electricity supply; provision of installing an inverter may be made by the organization.

## **IX. OTHER FACILITIES**

### **Drinking water and Sanitary Facilities**

The centre must have safe and regular drinking water facility. For this, centre should install a water filter/purifier which should be cleaned regularly. In places where there is shortage of water, adequate arrangements for storage of water may be done. At least one tank of 300 liters capacity may be installed.

Child friendly toilets including for children with special needs should be available keeping in view the safety and security of children at the centre. A clean, Indian type child-friendly toilet with water facilities, soap, clean cloth/towel, garbage bin, wash basin/sink at low level and an exhaust fan should be part of the centre. The water tap should be placed at a height that can be used independently by children. The crèche should have a regular supply of cleaning material such as phenyl, disinfectants, brooms and swabs, dustbins, garbage bins etc. Regular supervision may be done for improving the services and maintaining hygienic conditions in crèche.

### **Food and Cooking Facilities**

Food provided to the children must have adequate nutritional value. As the Child stays for 7½ hours in the crèche, three meals i.e. one morning snack/breakfast, one noon meal (hot cooked) and one afternoon snack may be provided. Small children may be provided milk, if required. There should be variety in the food that is given to the children every day. The food should be acceptable to both babies and children. For this, the worker should know what are the nutritious preparations suitable for children below 6 years, and they must cook them with due care and cleanliness.

The centre must have adequate cooking facilities, cooking utensils, utensils to feed the children – which should be cleaned regularly before and after use. The cooking area must be located at the place which is away from the activity area of the children to avoid accidents. Basic cooking equipment like stove, gas cylinder or



traditional chullhas; feeding equipment; storage bins and boxes must be available and safely placed.

### **Growth Monitoring**

Assessment of nutritional status of children using new WHO child growth standards is recognized as an important tool. The growth of children should be regularly monitored and recorded in separate growth charts for boys and girls, which should be maintained by the worker as per the new WHO child growth standards. Children in the age group 6 months to 3 years may be weighed on a monthly basis and children in the age-group 3 to 6 years may be weighed once in a quarter. For this, the Implementing Agency/NGO may tie-up with the nearest Anganwadi centre.

### **Health Check-up, Medicine & First Aid Kit**

The health check-up of all children registered in the crèche should be done at least once per quarter by a registered medical practitioner/doctors from Government Hospitals. The centre must at all times be equipped with basic First Aid & Medicine Kit containing paediatric medicines for common ailments like fever, body ache, vomiting, cough and cold, diarrhea, ear-ache, eye infection, stomach ache, worm infestation etc. and band-aids/ bandages, cotton wool and disinfectants for minor injuries. ORS packets, scissors, thermometer and antiseptic ointment should also be part of the medicine kit.

The crèche should also have a tie-up with the nearby Anganwadi centre/Public Health Centre and its workers for other health care inputs like immunization, polio drops etc. Further, in case of serious illness, children may be taken to private hospital.

### **Equipment and Play Material**

Within the centre, there should be sleeping facilities for children. Essential play material and teaching/ learning material which can be directly manipulated by children must be made available to meet the needs of pre-school children. Equipment, furniture

and toys should be available which are age appropriate and help to create an accessible and stimulating environment. The facilities shall include –

| Type of Facility             | Material/Equipment                                                                                                                                                                                                                                                          |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sleeping & Rest*             | Durries, bed sheets, cradles/ cots, pillows, mats and mosquito nets and basic furniture to meet the requirement of the children                                                                                                                                             |
| Play / Pre-school activities | Out-door equipment and material like swings, slides, material for balancing activities seesaw, sandpit etc.<br>Pre School Education (PSE) Kit including games and toys for play activities – doll, ball, ring, picture books, puppets and material for painting & colouring |
| Cooking and Feeding          | Gas stove, cooking utensils like pressure cooker, frying pans, feeding utensils like plates, bowls, spoons, tumblers etc.                                                                                                                                                   |
| Audio-Visual                 | Micro-processor based equipment which can also be used for interactive learning.                                                                                                                                                                                            |
| Storage                      | Plastic/aluminum drums/bins/boxes for storing food material and pre-school material                                                                                                                                                                                         |

\* The cradles and cots should be made of washable material to maintain cleanliness.

## **X. Community Participation**

The local Mahila Mandals, SHGs, members of local bodies etc. may be encouraged to participate actively in the activities of the crèche. They may also be closely involved in the selection of Crèche Workers and helpers as also in the selection of beneficiaries.

## **XI. CRECHE TIMINGS**

The crèche timings need to be flexible. Crèches shall be open for 26 days in a month and for seven and half (7-1/2) hours per day as per the work schedule of majority of the mothers in the area, which may be from 7.00 a.m. to 2.30 p.m., 8.00 a.m. to 3..30 p.m or 9.00 a.m. to 4.30 p.m. If required, arrangements may be made for mothers who have longer working hours with extra payment for additional time at reasonable rates and on mutually agreed basis. .

## **XII. USER CHARGES**

User charges are necessary to bring in an element of community ownership and may be collected as under:

- BPL families - Rs 20/- per child per month.
- Families with Income (Both Parents) of upto Rs. 12,000/- per month - Rs 100/- per child per month
- Families with Income (Both Parents) of above Rs. 12,000/- per month - Rs 200/- per child per month

The collection of user charges will ensure better participation of the community and also increase the resources of the centre. The user charges so collected may be placed in a revolving fund with the implementing agency which, in consultation with local bodies, may be used for welfare of children and upgradation of facilities of the creches.

## **XIII. RECORDS AND REGISTERS**

The enrolment forms of children duly filled in by the parents should be available with the worker/helper after the child is registered at the crèche. In addition, the crèche worker and helper are required to maintain the following basic records and registers, which should be available for inspection at any time during the working hours of the crèche centres :-

- (i) Admission/ Enrolment register for recording profile of children and their parents including profession/income of both parents.
- (ii) Attendance register of children
- (iii) Attendance registers of functionaries.
- (iv) Health checkups records including immunization of the child
- (v) Register for consumable and non-consumable items
- (vi) Supplementary nutrition register for recording the food provided to the children.
- (vii) The medical record of children to be shared with doctor.
- (viii) Mother's meeting register
- (ix) Visitors register
- (x) Register for User fee

**All records and registers should have specific entry for severely underweight children.**

#### **XIV. TRAINING OF FUNCTIONARIES**

(a) The crèches should not only provide custodial care to children but also contribute to the overall development of the child. It needs to be fully recognized that running of a crèche is not an unskilled job but requires proper and appropriate training. It is therefore imperative that all crèche worker and helper be specially trained in child care before the crèche is functional. Thus, trained crèche worker and helper are a pre-requisite for opening a crèche. The training should have preferably been done within the last three years prior to their appointment. The training will also be provided by implementing agencies /Mother NGOs from their own resources. A certificate of training of crèche worker and helper may be furnished by the organization. Training of Trainers (TOT) may be conducted by NIPCCD on request from Implementing Agency/Mother NGO.

(b) A training module prepared by NIPCCD shall be used for providing training to every crèche worker and helper after their appointment to orient them to provide better day care services and to build up child friendly environment in the Crèche Centre. The training module focuses on practical experiences in general hygiene, health and nutrition and specifically emphasizes the development and use of innovative teaching methods for pre-school children. Regular refresher training once in every two years is mandatory for both worker and helper which the implementing agency/mother NGO will undertake from its own resources.

(c) The training would enable crèche **worker/helper** to:

- Develop better understanding of critical issues of child survival, growth and development with special reference to children below three years and to orient them to integrated approach to child development.
- Emphasize on areas such as childcare, health care including first -aid.
- Inculcate basic personal hygienic habits in children
- Coordinate with AWWs/ASHA/ANM for immunization, health related services.

- Develop skills for monitoring growth of children.
- Develop basic understanding of nutritional needs of children and methods of cooking healthy, tasty and nutritious food.
- Develop basic understanding among the crèche workers/helpers about the need and importance of day care for children.
- Develop skills for organizing various activities to promote all-round development of children with adequate teaching/learning material.
- Develop skills in addressing the psycho-social care of young infants and toddlers.
- Develop an appreciation about the need of parent's participation and community involvement in the crèche programme and skills to work with parent and community

(d) After training the Crèche **worker/helper** will be expected to perform following functions:-

- Organize stimulation activities for children below 3 years.
- Organize pre-school education activities for children between 3 to 6 years of age.
- Prepare low cost teaching, learning material for children.
- Monitor growth of children and accordingly provide counseling to parents.
- Teach personal hygienic habits to the children.
- Prepare nutritious food for children attending the crèche centre.
- Keep the centre and its surroundings neat and clean.
- Motivate parents for immunization and coordinate with AWWs/ASHA/ANM for health related activities
- Provide proper arrangements for sleep and rest of children.
- Create awareness about better child care in the community through mothers' meetings
- Maintain records and registers
- Ensure visits by doctors/health workers

## **XV. IMPLEMENTATION OF SCHEME**

The RGNCS will continue to be implemented as a Central Sector Scheme (CSS) where MWCD will provide 90% of the required funds for all components as per the norms of the Scheme and the balance 10% will be provided by the NGOs actually

running the crèches at ground level. The implementing agencies shall ensure the 10% contribution from the NGOs actually running the crèches and will provide documentary evidence/proof of 10% share.

### **A. Implementing Agencies**

Implementation shall continue through the existing mother non-governmental organisations and CSWB. These organisations in turn could implement the Scheme through other suitable voluntary/ non-governmental organizations, if required. The implementing agencies will run the crèches as per the Standard Operating Procedure (SOP).

### **B. Eligibility Conditions**

The implementing organizations must fulfill the following eligibility conditions:

- a) The organisation should be registered under law and must have a properly constituted Managing Body with its powers, duties and responsibilities, clearly defined and laid down in its Constitution;
- b) The organization must not work for profit of any individual or body of individuals;
- c) It should ordinarily have three years experience in the relevant field after its registration.
- d) Its financial position should be sound;
- e) It should have facilities, resources, experience and personnel to initiate the scheme for which assistance is sought.

### **C. Identification of Location**

The first step of project implementation exercise by the Mother NGOs/ Implementing Agency would be to undertake an analysis of the requirement of crèche services at the district level based on a survey and a proper mapping of the existing crèches so as to assess the demand of crèches in the State. A meticulously conducted benchmark survey can generate valuable information on the early childhood care services in the State besides also helping in identification of beneficiaries for the crèche.

As part of the project formulation exercise, the implementing agency/ Mother NGOs will have to ensure the inputs relating to recruitment and training of staff, health and nutrition services, awareness generation, pre-school education activities and linkages with Government Departments. The site of the crèche may be reviewed in consultation with local bodies.

#### **XVI. LINKAGES/COORDINATION WITH GOVT. DEPTTS.**

Implementing agency/Mother NGOs and the crèche worker/helper must ensure linkages with the local Primary Health Centre (PHC)/Govt. Hospitals or Sub-centre in the area. They should also have a tie-up with the nearby Anganwadi centre and its workers for health care inputs like immunization, polio drops, basic health monitoring. Community support from local bodies is also envisaged in the scheme to ensure their participation.

#### **XVII. MONITORING OF CRECHES**

Regular and strict monitoring may be conducted at different levels to ensure effective running of the scheme and also to ensure that the beneficiaries are delivered services as envisaged in the scheme. Monitoring of crèches being run under the scheme may be conducted at following levels.

- i. Local level monitoring.
- ii. Monitoring by Implementing Agencies/Mother NGOs.
- iii. District level monitoring by District Monitoring Committee to be headed by the District Magistrate and assisted by the District Child Protection Unit set up under the Integrated Child Protection Scheme.
- iv. Monitoring by Independent monitoring agencies.
- v. Mobile/web based monitoring.

##### **(a) Monitoring at Local Level**

Community support is also envisaged in the scheme to ensure their participation and to supplement the efforts of the Government. At the local level, a local crèche committee will be formulated in the area for close supervision and monitoring. The Local Crèche Committee may be constituted by the State Government through a notification/order and shall include members from Block level like Tehsildar/Block Development Officer, local Child Development Project Officer under the Integrated Child

Development Scheme (ICDS) of the Ministry, a representative from the local Health Department and a Social Welfare Officer of the area. The local crèche committee would visit the crèche once in a month. The Committee would also look into the grievances of the beneficiaries/parents for redressal. The names of the Committee members with their contact numbers should be displayed at the crèche centre.

**(b) Monitoring by Implementing Agency/Mother NGOs**

The crèches should be regularly supervised by the officials/staff/managing committees of implementing agency/Mother NGOs including President/Secretary. Supervision should not be just checking of records, guidance should be provided in running crèches especially on:-

- Ensuring proper record maintenance by the workers/helpers.
- Support and Guidance by managing committee in solving day-to-day problems.
- Constitute a local committee of Mothers' group, members from Panchayati Raj Institutions, local leaders for community based monitoring.

Record of such monitoring and supervision should be available at the respective crèche.

**(c) Monitoring at District Level**

The monitoring committee at the District level should be headed by the Distt. Magistrate (assisted by District Child Protection Units set up under the Integrated Child Protection Scheme) and should also include Members of the Parliament in the District and the Members of the Legislative Assembly of that District. The Committee should carry out monitoring of the crèches every six months which may be conducted jointly with the Anganwadi Centres under ICDS Scheme.

**(d) Monitoring by Independent Agencies**

To ensure meaningful and effective assessment, the crèches should be monitored by independent organizations, selected by the Ministry of Women & Child Development which are not part of the implementation process.



Independent monitoring agencies must inspect every unit once in a year and submit their report to the Ministry. During monitoring, the independent agencies will inspect and verify the records of monitoring done at Local Level, by Implementing Agency/Mother NGOs and at District Level. Schools of Social Work, Home Science Colleges, Women's Studies centres and other reputed agencies may be engaged to monitor crèche units. They may be regularly provided list of sanctioned units in their respective areas with complete address and details of the NGOs/other agencies.

A lump sum one time grant of Rs.10,000/- would be given to each Identified agency and Rs.1000/- per crèche visit.

A uniform format may be prepared for the Monitoring Agencies. This will enable to ascertain that the basic minimum requirements are being met with in each crèche centre. The Monitoring Agency must review the centres in all their aspects, referring to the guidelines in particular. They must, in the course of the inspection, also assess the motivation and capacity of the implementing agencies.

**(e) Mobile/web based Monitoring**

In addition to the above monitoring, Implementing Agency/Mother NGOs will make provision for Mobile/web based Monitoring by which the activity at the individual creche can be monitored in real time by their State Units/Central Unit. Implementing Agency/Mother NGOs will submit an action plan and budget to implement this on a pilot basis during the 12<sup>th</sup> Five Year Plan. For this purpose, an allocation of Rs 05.00 crores has been proposed. Based on the learnings and experience gained from the pilot, necessary changes will be incorporated prior to its implementation. Subsequently the coverage of web based monitoring will be increased to cover all the creches under the scheme during next plan.

**(f) Central Monitoring Cell**

There would be Central Monitoring Cell in the Ministry for effective monitoring of creches all over the country to ensure that children are getting proper care, food and basic amenities in the crèche as per provisions of the Scheme. There would be one Project Manager at a remuneration of Rs. 40,000/- per month and two Project Officers at a remuneration of Rs. 30,000/- per month each.

## XVIII. Schematic Pattern

The present scheme will provide assistance to Implementing Agency/Mother NGOs for running crèches for babies (6 months to 6 years) for various components as tabulate below:

### **Financial Assistance/Recurring Grant:**

#### **A. Recurring Grant (For a crèche of 25 children)**

| S.No      | Item                                                  | Ceiling of expenditure         | Sharing ratio | Expenditure per annum | Implementing Agencies/ NGOs share per annum | Govt. share per annum (Grant) |
|-----------|-------------------------------------------------------|--------------------------------|---------------|-----------------------|---------------------------------------------|-------------------------------|
| <b>1.</b> | <b>Honorarium</b>                                     |                                |               |                       |                                             |                               |
| (a)       | Crèche worker                                         | Rs. 3000/- per month           | 90:10         | Rs.36000/-            | Rs.3600/-                                   | Rs.32400/-                    |
| (b)       | Creche helper                                         | Rs. 1500/- per month           | 90:10         | Rs. 18000/-           | Rs 1800/-                                   | Rs. 16200/-                   |
| (c)       | Doctor                                                | Rs.250/- per visit per quarter | 90:10         | Rs.1000/-             | Rs.100/-                                    | Rs.900/-                      |
| <b>2.</b> | <b>Supplementary nutrition for 26 days in a month</b> |                                |               |                       |                                             |                               |
|           | Rs. 12.00 per child per day for 25 children           | Rs 7800/- per month            | 90:10         | Rs.93600/-            | Rs.9360/-                                   | Rs.84240/-                    |
| <b>3.</b> | <b>Other Items</b>                                    |                                |               |                       |                                             |                               |
| (a)       | Medicine Kit                                          | Rs. 500/- six monthly          | 90:10         | Rs.1000/-             | Rs.100/-                                    | Rs. 900/-                     |
| (b)       | PSE Kit                                               | Rs. 2000/- per year            | 90:10         | Rs.2000/-             | Rs.200/-                                    | Rs.1800/-                     |
| (c)       | Monitoring by independent agencies (once in a year)   | Rs.1000/- per crèche per visit | 100%          | Rs.1000/-             | --                                          | Rs.1000/-                     |
| <b>4.</b> | <b>Total Expenditure</b>                              |                                |               | <b>Rs.152600/-</b>    | <b>Rs.15160/-</b>                           | <b>Rs.137440/-</b>            |

## Non-recurring Grant

The provision of non-recurring grant has been made in the scheme to enable implementing agencies to provide the basic minimum facilities to ensure that children in the crèche have a hygienic and healthy child friendly environment for their proper growth and development.

### B. Non-Recurring Grant (For a crèche of 25 children)

| S. No. | Item                                           | Ceiling of Expenditure                                                                                                                                                                            | Sharing Ratio | Expenditure                        | Implementing Agencies/ NGOs share | Govt. share (Grant)             |
|--------|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------------------------------|-----------------------------------|---------------------------------|
| 1.     | Non-recurring grant for a period of five years | Rs 10,000/- once in the beginning of every new crèche and a subsequent grant of Rs. 5000/- at an interval of five years towards replacement/ purchase of equipment/ furniture, water filter, etc. | 90:10         | (i) Rs.10,000/-<br>(ii) Rs 5,000/- | (i) Rs 1000/-<br>(ii) Rs 500/-    | (i) Rs 9000/-<br>(ii) Rs 4500/- |
| 3.     | One time grant for Monitoring Agencies         | Rs.10,000/- once                                                                                                                                                                                  | 100:00        | Rs.10,000/-                        | ---                               | Rs 10000/-                      |
| 4.     | One time grant for Mobile/web based monitoring | Rs 5.00 crore (For implementation on pilot basis)                                                                                                                                                 | 100:00        | Rs 5.00 crore                      | ---                               | Rs 5.00 crore                   |

## XIX. Role & Responsibilities of NGOs Running Crèches

### (A) Infrastructural facilities:

- Crèche should not be located in crèche worker's/helper's home.

- The crèche must be clean, well-lighted with adequate ventilation. It should have at least two rooms as per the specifications laid in the scheme. Also adequate safe play area outside the centre should be ensured.
- Provision of at least one fan and tube light/CFL in each room. Provision of an inverter is to be made if there is frequent electricity cut down in the area.
- Conduct field level surveys for assessment of needs of community, identifying location of the crèches and also eligible children.
- Coordinate with village/local leaders/PRIs and stakeholders for identifying/reviewing site for the crèche.
- Observance of certain minimum standards in provision of absolutely essential crèche services - sleeping space, child friendly toilets, safe drinking water facilities, supplementary nutrition (3 times), health check-ups etc.
- Ensuring availability and replenishment of the consumable items like cots, mattresses, walkers, towels, buckets, cooking, serving utensils etc.
- Recruitment of crèche workers/helpers as per the guidelines laid down in the scheme.
- All crèche workers/helpers to be provided short term training. The training institutions of ICDS functionaries i.e. Anganwadi Workers Training Centres (AWTCs) & Middle Level Training Centres (MLTCs) may be utilized in addition to the institutions identified by implementing agencies. A certificate to this effect should be attached with application while applying for new creches.

**(B) Service Delivery**

- Concerted efforts must be made to enroll more children below 3 years of age. Close monitoring during enrolment is required by the voluntary organizations so that intended target group is not left out. The voluntary organizations should make efforts to enroll children of working mothers of the area.
- Adherence to timings of the crèche for 7<sup>1</sup>/<sub>2</sub> hours for 26 days in a month. The timings for opening of the crèche can be fixed in accordance with the requirements of local community.
- It is imperative on the part of the organization actually running the creche to arrange indoor and outdoor play material for children in sufficient quantity in order to provide conducive environment for learning through play way method.

- Since the scheme has the provision of supplementary nutrition (**to be locally sourced**), the kitchen and storage facility for food grain is imperative. Storage facility like a separate small room, storage drum and covered tins etc. should be provided by the organization.
- Involvement of SHGs / women groups in supply of supplementary nutrition can be ascertained which is to be locally sourced.
- Ensuring availability of First-aid and Medicine kit at all times.
- Organization of Mothers' meeting on issues pertaining to nutrition such as growth monitoring, feeding of children and health related information.
- Ensuring continuous participation of people to support the programme. The approach of organization should be educative to gear up community for active participation in the programme.
- Display of information on number of crèche, name of the village/location, name of crèche workers and helpers, name of NGO with contact numbers contact number of the chief of organization, name of doctor visiting the crèche, names of local committee members and menu of Supplementary Nutrition, etc. at the crèche site.
- Mobilize community support for the programme by conducting community meetings and home visits and to create awareness among community to utilize the services of crèches so that women are confident to leave infants at the crèche.

### **(C) Financial Management**

- Maintenance of Record of assets acquired wholly or substantially out of the grant received from implementing agency.
- Timely submission of Statement of expenditure (SOE) supported by utilization certificate & audited accounts and the performance report for the previous financial year so as to avoid delay in release of funds.
- Collection of user charges and its utilization for welfare of the children – celebrating birthdays/festivals etc., maintenance of crèche building etc.
- Regular payment of honorarium to worker by NGOs may be ensured.
- Establishing reward system for appreciation of work.

**(D) Coordination and Convergence**

- Ensure linkages with the local PHC/sub centre/Govt. Hospital in the area for immunization and basic health check up of children.
- Ensure convergence with other schemes and programmes like ICDS, SSA, and MGNREGS etc within the vicinity.
- Arrangements for doctor's visit for medical check-up of children should be ensured. Unwillingness of qualified doctors to visit far flung crèche centres in rural areas needs to be adequately compensated.

**(E) Supervision of Crèches**

The Implementing Agency/Mother NGOs will ensure proper supervision of the functioning of crèches so that services of the prescribed standard are provided to the children. This will be ensured by way of regular periodic visits (both, planned as well as surprise visits) by the qualified staff of the Implementing Agency/Mother NGOs.

**(F) Pre-conditions for Applicability of revised norms to existing crèches**

- The minimum space requirement of 6-8 Sq ft. per child may be adhered to. It is mandatory that crèche should not run from crèche worker's/helper's house.
- Proper environment like proper ventilation, lighting facilities and hygienic conditions.
- All crèche workers and helpers need to be trained. No funds would be released to NGOs who have untrained crèche workers/helpers.
- It is mandatory for the implementing agency/Mother NGOs to run crèches for 7<sup>1</sup>/<sub>2</sub> hrs. duration.
- A baseline survey will be conducted by implementing agencies/Mother NGOs in the month of March every year to ascertain the requirement/willingness of children to attend the crèches.
- All children attending crèches to be provided with identity cards.
- Implementing agencies should give undertakings regarding fulfillment of the above conditions before the funds are released to them.

## **XX. Evaluation of the Scheme**

To assess and ensure success of the scheme, evaluation of the scheme will be done, by an independent, impartial and reputed agency, particularly to assess the impact of the scheme on the intended beneficiaries, possible changes, modifications and improvements in the delivery of services to the beneficiaries as also to identify the gaps in the implementation of the scheme and to suggest remedies, thereof. An amount of Rs.1.00 crore has been provided for evaluation of the scheme during the XII Plan period.

## **XXI. In case of default**

(a) In the event of any violation or breach of any provision of the scheme or the implementing agency/Creche ceasing to exist at any time, all assets created out of Government grant shall revert to the Government of India or the amount involved would be recovered as under the Indian Penal Code, as may be applicable.

(b) In addition to this, in the case of any misappropriation of funds by Implementing Agency/Mother NGOs, the Government would initiate criminal proceedings by lodging an FIR against the defaulting implementing agency, and taking strict legal action in order to recover the grant with a penal rate of interest as agreed in the bond to be furnished before the release of grant.

(c) In case of any minor default (like keeping less children in crèche and reporting higher number, badly treating the children, making wrong entry in the book of records and keeping such children who are not covered under the scheme by the implementing agencies), the Ministry on its own or on recommendation of the State Govt. shall be empowered to deduct up to 10% of the sanctioned amount as penalty. For a major default (like siphoning of funds for some other purpose and submission of forged documents), besides the action proposed in the preceding paras, the name of the organization will be listed as a blacklisted organization in the Ministry's website. Ministry shall also refuse grants/assistance to an organization in which the person, who is in the Board of Management of the blacklisted organization, is also a trustee/member of the Board of Management.

## **XXII. Transitional Provisions**

The implementing agency/Mother NGOs will undertake a comprehensive review of all the existing crèches with in a time-bound manner through a well defined mechanism and criteria. The criteria for furnishing the report by implementing agency/Mother NGOs would include but not be limited to:

- Location of the crèche and need assessment;
- Condition of the building where it is situated and the size of the crèche;
- The number of existing children and the number which could be accommodated within the crèche in future;
- Strength of the staff and the manner in which the creche is being managed;
- Facilities available to the children of the creche;
- Adequate number of children enrolled during last five years or since the inception of the crèche.

## **XXIII. Conditions for Release of Grants**

NGOs/Organisations will get themselves registered with the Implementing Agencies (i.e CSWB/Mother NGOs) from whom they are seeking grants-in-aid for running the creches. NGOs/Organisations already running the creches under the scheme will also get themselves registered with the CSWB/Mother NGOs before seeking further grant-in-aid. While registering NGOs/Organisation, CSWB/Mother NGOs will ensure that the NGO/Organisations have sufficient facilities for safety & security of children in the crèche and **they should also have the Aadhar Number of Key Functionaries of the Creche and beneficiaries ie children.**

Grants will be released on quarterly basis to the Implementing Agency/Mother NGOs on receipt of request and requisite documents. The grants will be released on the basis of actual number of children being provided facilities on a monthly basis under the scheme. No grants will be released, in case, the number of children in a particular month falls below 10. In cases where number of children for a particular month is less than 25 but more than 9, cost towards Supplementary Nutrition will be provided on pro-rata basis.



Application for the release of grants shall be accompanied by a statement of accounts by Implementing Agency/Mother NGOs and a Utilization Certificate, signed by a Chartered Accountant. However, final installment (ie fourth quarter) shall be released only after audited statement of accounts and a Utilization Certificate signed by a Chartered Accountant for the previous year is also received and found in order. The utilization certificate should be provided as per proforma given in the GFRs as at Annexure-B. In addition Implementing Agency/Mother NGOs will also furnish an undertaking/certificate to the effect that crèches are functional and running as per stipulated norms along with details of functional crèches for which grant has been requested (Proforma at Annexure C).

CSWB will also provide documentary evidence/proof of 10% share coming from non central govt sources at the time of every request for release.

#### **XXIV. Procedure for submission of application for Opening/Closure of Crèche**

Implementing agency/Mother NGOs will forward the application for opening of a crèche to the Ministry duly recommended by their State Units. It will, however, be open to the Central Social Welfare Board to entertain an application direct from an institution/organization of an All India character and thereafter, send the application to the Ministry. No crèche will be opened/relocated without the approval of the Ministry. However, new crèche may be opened/relocated with **the approval of the Ministry only in lieu of closed crèches**, where Anganwadi Centre-cum-Creche under ICDS does not exist or is not proposed to be established.

Application should be made in the prescribed form given at Annexure-A. Each application should be accompanied by the Documents mentioned in para 17 of the application form.

In case implementing Agency/Mother NGOs decide to close any of its crèches due to mal-functioning or otherwise, a report of the same shall be sent to the Ministry.

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**RAJIV GANDHI NATIONAL CRECHE SCHEME FOR THE CHILDREN OF  
WORKING MOTHERS**

**APPLICATION FORM**

Note (Application received in an incomplete form will not be entertained.)

1. Name of the Institution/organization & names of owner and Board of management members with contact details alongwith Aadhar numbers.
2. Brief history of the Institution/Organization including the details of its All India Character, if any, and its objects and activities:
3. Whether recognized by the State Government:
4. Whether registered under Indian Societies Registration Act, 1860 (ACT XXI of 1860)
5. Does the institution/organization work for profit to any individual or body of individuals?
6. Whether organization is/was running any creches. If so, details of number of beneficiaries (ie babies of 0-6 years of age) and the number of creches run by the organization.
7. Details of the crèches, number of beneficiaries (i.e. babies in the age group of 0 month to 3 years and 3-6 years) and likely dates of commencement of the crèche project for which grant is applied alongwith justification for the project indicating its important features which entitle it to central assistance
8. Names, postal address and qualification of crèche worker and helper .
9. Amount of grant requested for one year and source of funding for the organizational share of 10% (minimum):

| Item                      | 90% GOI Share | 10% organization share(of NGO actually running the crèche) | Total | Source of funding (10%) |
|---------------------------|---------------|------------------------------------------------------------|-------|-------------------------|
| Non-Recurring (Item wise) |               |                                                            |       |                         |
| Recurring(Item wise)      |               |                                                            |       |                         |
| Total                     |               |                                                            |       |                         |

10. Is accommodation available for running the crèches to or temporary shelter is proposed to be improvised? (Own/Rented Building)

11. List of papers/statements to be attached (as per appendix).

**Signature of Secretary/President.**

\*\*\*\*

## **Appendix**

### **List of papers/statements to be attached with Application**

1. Audited accounts for last 3 years along with a copy of their certified balance sheet for the previous year:
2. A statement giving details (year, purpose, amount etc.) of assistance received during the last 3 years from the Central/State Government, Central Social Welfare Board, local bodies or any other quasi-Government institutions including requests made thereof to any one of these or any other organization for the project under consideration or for any other project:
3. Qualification of Creche Worker and helper.
4. Certificate of Training of Creche Worker and helper.

\*\*\*\*\*

**Utilization Certificate**

.....

| Sl.No. | Letter No.<br>and date | Amount |
|--------|------------------------|--------|
|        |                        |        |
|        |                        |        |
|        |                        |        |

Certified that out of Rs..... of grants-in-aid sanctioned during the year.....in favour of.....under this Ministry/Department Letter No. given in the margin and Rs. .... on account of unspent balance of the previous year, a sum of Rs. ....has been utilized for the purpose of.....for which it was sanctioned and that the balance of Rs.....remaining unutilized at the end of the year has been surrendered to Government (vide No....., dated.....)/will be adjusted towards the grant-in-aid payable during the next year.....

2. Certified that I have satisfied myself that the conditions on which the grants-in-aid was sanctioned have been duly fulfilled/are being fulfilled and that I have exercised the following checks to see that the money was actually utilized for the purpose for which it was sanctioned.

Kinds of checks exercised

- 1.
- 2.
- 3.
- 4.
- 5.

Signature.....  
Designation.....  
Date.....

## **ANNEXURE-C**

### **Certificate**

It is certified that \_\_\_\_\_ (Number) creches are functional and running as on \_\_\_\_\_, 2015 as per stipulated norms and \_\_\_\_\_ (number) of children are benefited under the RGNCS. Details are as attached.

2. It is also certified that a sum of Rs \_\_\_\_\_ has been received from organizations (towards 10% organizational share) actually running the creches at ground level during the previous 1st/ 2<sup>nd</sup>/3<sup>rd</sup>/4<sup>th</sup> quarter from \_\_\_\_\_ to \_\_\_\_\_. These amount has been deposited in the Bank. (A/c \_\_\_\_\_).

3. An amount of Rs. \_\_\_\_\_ has been received on account of user charges during the quarter & the same has been utilized to provide following facilities:-

- (i)
- (ii)
- (iii)

Signature-----  
Designation-----  
Date :-----

### **List of Creches under Rajiv Gandhi National Creche Scheme(RGNCS)**

| S.No | Name of the States/UTs | No. of approved creches | No. of functional creches | No. of Children Enrolled | Remarks |
|------|------------------------|-------------------------|---------------------------|--------------------------|---------|
|      |                        |                         |                           | 0-3 yrs -<br>3-6 yrs -   |         |
|      |                        |                         |                           | 0-3 yrs -<br>3-6 yrs -   |         |
|      |                        |                         |                           | 0-3 yrs -<br>3-6 yrs -   |         |
|      |                        |                         |                           | 0-3 yrs -<br>3-6 yrs -   |         |
|      |                        |                         |                           | 0-3 yrs -<br>3-6 yrs -   |         |
|      |                        |                         |                           | 0-3 yrs -<br>3-6 yrs -   |         |
|      |                        |                         |                           | 0-3 yrs -<br>3-6 yrs -   |         |
|      |                        |                         |                           | 0-3 yrs -<br>3-6 yrs -   |         |

## [EXTRACT FROM THE GAZETTE OF INDIA, PART I—SEC. 1, dated 11th May 2013]

### MINISTRY OF WOMEN AND CHILD DEVELOPMENT

New Delhi, the 26th April 2013

#### RESOLUTION

No. 16-1/2012-CW-I—The Government of India have had under consideration a National Policy for Children to reiterate the commitment to the rights based approach for children. After due consideration and approval, the National Policy for Children, 2013 is hereby adopted.

#### ORDER

ORDERED that a copy of the resolution be communicated to all Ministries and Departments of the Government of India, all State Governments and Union Territories, the President's Secretariat, the Vice-President's Secretariat, Lok Sabha Secretariat, Rajya Sabha Secretariat, Cabinet Secretariat, Prime Minister's Office and the Planning Commission.

ORDERED also that the resolution be published in the Gazette of India for general information.

VIVEK JOSHI  
Jt. Secy.

#### THE NATIONAL POLICY FOR CHILDREN, 2013

##### 1. Introduction

1.1 India is home to the largest child population in the world. The Constitution of India guarantees Fundamental Rights to all children in the country and empowers the State to make special provisions for children. The Directive Principles of State Policy specifically guide the State in securing the tender age of children from abuse and ensuring that children are given opportunities and facilities to develop in a healthy manner in conditions of freedom and dignity. The State is responsible for ensuring that childhood is protected from exploitation and moral and material abandonment.

1.2 Declaring its children as the nation's "supremely important asset" in the National Policy for Children, 1974, the Government of India reiterated its commitment to secure the rights of its children by ratifying related international conventions and treaties. These include the Declaration of the Rights of the Child, Universal Declaration of Human Rights and its Covenants, the Convention on the Rights of the Child and its two Optional Protocols, the United Nations Convention on the Rights of Persons with Disabilities, the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Women and Children, the Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption, and the Convention on the Elimination of All Forms of Discrimination against Women.

1.3 The National Policy for Children, 1974 recognised that programmes for children should find prominent place in national plans for the development of human resources, so that children grow up to become robust citizens, physically fit, mentally alert and morally healthy, endowed with the skills and motivations provided by society. The Policy also laid emphasis on equal opportunities for the development of all children during the period of growth.

1.4 The National Charter for Children, 2003 adopted on 9th February 2004, underlined the intent to secure for every child its inherent right to be a child and enjoy a healthy and happy childhood, to address the root causes that negate the healthy growth and development of children, and to awaken the conscience of the community in the wider societal context to protect children from all forms of abuse, while strengthening the family, society and the Nation.

1.5 To affirm the Government's commitment to the rights based approach in addressing the continuing and emerging challenges in the situation of children, the Government of India hereby adopts this Resolution on the National Policy for Children, 2013.

##### 2. Preamble

###### 2.1 Recognising that :

- a child is any person below the age of eighteen years;
- childhood is an integral part of life with a value of its own;
- children are not a homogenous group and their different needs need different responses, especially the multi-dimensional vulnerabilities experienced by children in different circumstances;
- a long term, sustainable, multi-sectoral, integrated and inclusive approach is necessary for the overall and harmonious development and protection of children;

###### 2.2 Reaffirming that :

- every child is unique and a supremely important national asset;
- special measures and affirmative action are required to diminish or eliminate conditions that cause discrimination;
- all children have the right to grow in a family environment, in an atmosphere of happiness, love and understanding;
- families are to be supported by a strong social safety net in caring for and nurturing their children;



the Government of India reiterates its commitment to safeguard, inform, include, support and empower all children within its territory and jurisdiction, both in their individual situation and as a national asset. The State is committed to take affirmative measures—legislative, policy or otherwise—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.

2.3 This Policy is to guide and inform all laws, policies, plans and programmes affecting children. All actions and initiatives of the national, state and local government in all sectors must respect and uphold the principles and provisions of this Policy.

### 3. Guiding Principles

- (i) every child has universal, inalienable and indivisible human rights
- (ii) the rights of children are interrelated and interdependent, and each one of them is equally important and fundamental to the well-being and dignity of the child
- (iii) every child has the right to life, survival, development, education, protection and participation
- (iv) right to life, survival and development goes beyond the physical existence of the child and also encompasses the right to identity and nationality
- (v) mental, emotional, cognitive, social and cultural development of the child is to be addressed in totality
- (vi) all children have equal rights and no child shall be discriminated against on grounds of religion, race, caste, sex, place of birth, class, language and disability, social, economic or any other status
- (vii) the best interest of the child is a primary concern in all decisions and actions affecting the child, whether taken by legislative bodies, courts of law, administrative authorities, public, private, social, religious or cultural institutions
- (viii) family or family environment is most conducive for the all-round development of children and they are not to be separated from their parents, except where such separation is necessary in their best interest
- (ix) every child has the right to a dignified life, free from exploitation

- (x) safety and security of all children is integral to their well-being and children are to be protected from all forms of harm, abuse, neglect, violence, maltreatment and exploitation in all settings including care institutions, schools, hospitals, creches, families and communities
- (xi) Children are capable of forming views and must be provided a conducive environment and the opportunity to express their views in any way they are able to communicate, in matters affecting them
- (xii) children's views, especially those of girls, children from disadvantaged groups and marginalised communities, are to be heard in all matters affecting them, in particular judicial and administrative proceedings and interactions, and their views given due consideration in accordance with their age, maturity and evolving capacities.

### 4. Key Priorities

Survival, health, nutrition, development, education, protection and participation are the undeniable rights of every child and are the key priorities of this Policy.

#### Survival, Health and Nutrition

4.1 The right to life, survival, health and nutrition is an inalienable right of every child and will receive the highest priority.

4.2 The State stands committed to ensure equitable access to comprehensive, and essential, preventive, promotive, curative and rehabilitative health care, of the highest standard, for all children before, during and after birth, and throughout the period of their growth and development.

4.3 Every child has a right to adequate nutrition and to be safeguarded against hunger, deprivation and malnutrition. The State commits to securing this right for all children through access, provision and promotion of required services and supports for holistic nurturing, well-being with nutritive attainment of all children, keeping in view their individual needs at different stages of life in a life cycle approach.

4.4 The State shall take all necessary measures to :—

- (i) Improve maternal health care, including antenatal care, safe delivery by skilled health personnel, post-natal care and nutritional support
- (ii) Provide universal access to information and services for making informed choices related to birth and spacing of children
- (iii) Secure the right of the girl child to life, survival, health and nutrition
- (iv) Address key causes and determinants of child mortality through interventions based on



continuum of care, with emphasis on nutrition, safe drinking water, sanitation and health education

- (v) Encourage focused behaviour change communication efforts to improve new born and childcare practices at the household and community level
- (vi) Provide universal and affordable access to services for prevention, treatment, care and management of neo-natal and childhood illnesses and protect children from all water borne, vector borne, blood borne, communicable and other childhood diseases
- (vii) Prevent disabilities, both mental and physical, through timely measures for pre natal, peri natal and post-natal health and nutrition care of mother and child, provide services for early detection, treatment and management, including interventions to minimise and prevent further disabilities, prevent discrimination faced by children with disabilities (mental and physical), and provide services for rehabilitation and social support
- (viii) Ensure availability of essential services, supports and provisions for nutritive attainment in a life cycle approach, including infant and young child feeding (IYCF) practices, special focus on adolescent girls and other vulnerable groups, and special measures for the health, care and nutrition, including nutrition education, of expectant and nursing mothers
- (ix) Provide adolescents access to information, support and services essential for their health and development, including information and support on appropriate life style and healthy choices and awareness on the ill effects of alcohol and substance abuse
- (x) Prevent HIV infections at birth and ensure infected children receive medical treatment, adequate nutrition and after-care, and are not discriminated against in accessing their rights
- (xi) Ensure that only child safe products and services are available in the country and put in place mechanisms to enforce safety standards for products and services designed for children
- (xii) Provide adequate safeguards and measures against false claims relating to growth, development and nutrition.

#### Education and Development

4.5 Every child has equal right to learning, knowledge and education. The State recognises its responsibility to secure

this right for every child, with due regard for special needs, through access, provision and promotion of required environment, information, infrastructure, services and supports, towards the development of the child's fullest potential.

4.6 The State shall take all necessary measures to :

- (i) Provide universal and equitable access to quality Early Childhood Care and Education (ECCE) for optimal development and active learning capacity of all children below six years of age
- (ii) Ensure that every child in the age group of 6-14 years is in school and enjoys the fundamental right to education as enshrined in the Constitution
- (iii) Promote affordable and accessible quality education up to the secondary level for all children
- (iv) Foster and support inter sectoral networks and linkages to provide vocational training options including comprehensively addressing age-specific and gender-specific issues of children's career choices through career counselling and vocational guidance
- (v) Ensure that all out of school children such as child labourers, migrant children, trafficked children, children of migrant labour, street children, child victims of alcohol and substance abuse, children in areas of civil unrest, orphans, children with disability (mental and physical), children with chronic ailments, married children, children of manual scavengers, children of sex workers, children of prisoners, etc. are tracked, rescued, rehabilitated and have access to their right to education
- (vi) Address discrimination of all forms in schools and foster equal opportunity, treatment and participation irrespective of place of birth, sex, religion, disability, language, region, caste, health, social, economic or any other status
- (vii) Priorities education for disadvantaged groups by creating enabling environment through necessary legislative measures, policy and provisions
- (viii) Ensure physical safety of the child and provide safe and secure learning environment
- (ix) Ensure that all processes of teaching and learning are child friendly
- (x) Ensure formulation and practice of pedagogy that engages and delights children, with a special focus on mental health, from a social and gender just, life skills and age appropriate perspective



- (xi) Provide access to ICT tools for equitable, inclusive and affordable education for all children especially in remote, tribal and hard to reach areas
- (xii) Promote safe and enjoyable engagement of children's experiences with new technology in accordance with their age and level of maturity, even as there is respect for their own culture and roots
- (xiii) Review, develop and sustain age-specific initiatives, services and programmes for safe spaces for play, sports, recreation, leisure, cultural and scientific activities for children in neighbourhoods, schools and other institutions
- (xiv) Enable children to develop holistically, bringing out their aspirations, with focus on their strengths, empowering them to take control of their lives, bodies and behaviours
- (xv) Ensure no child is subjected to any physical punishment or mental harassment. Promote positive engagement to impart discipline so as to provide children with a good learning experience
- (xvi) Ensure that children's health is regularly monitored through the school health programme and arrangements are made for health and emergency care of children
- (xvii) Provide services to children with special needs in regular schools and ensure that these are inclusive and have all facilities such as trained teachers and special educators, appropriate pedagogy and education material, barrier-free access for mobility, functional toilets and co-curricular activities towards the development of child's fullest potential and autonomy and sense of dignity and self worth.
- (xviii) Promote engagement of families and communities with schools for all round development of children, with emphasis on good health, hygiene and sanitation practices, including sensitization on ill-effects of alcohol and substance abuse
- (xix) Facilitate concerted efforts by local governments, non-governmental organisations/community based organisations to map gaps in availability of educational services, especially in backward, child labour intensive areas, areas of civil unrest, and in situations of emergency, and efforts for addressing them
- (xx) Identify, encourage and assist gifted children, particularly those belonging to the disadvantaged groups, through special programmes
- (xxi) Provide and promote creche and day care facilities for children of working mothers, mothers

belonging to poor families, ailing mothers and single parents

- (xxii) Promote appropriate baby feeding facilities in public places and at workplaces for working mothers in public, private and unorganised sector.

#### Protection

4.7 A safe, secure and protective environment is a precondition for the realisation of all other rights of children. Children have the right to be protected wherever they are.

4.8 The State shall create a caring, protective and safe environment for all children, to reduce their vulnerability in all situations and to keep them safe at all places, especially public spaces.

4.9 The State shall protect all children from all forms of violence and abuse, harm, neglect, stigma, discrimination, deprivation, exploitation including economic exploitation and sexual exploitation, abandonment, separation, abduction, sale or trafficking for any purpose or in any form, pornography, alcohol and substance abuse, or any other activity that takes undue advantage of them, or harms their personhood or affects their development.

4.10 To secure the rights of children temporarily or permanently deprived of parental care, the State shall endeavour to ensure family and community-based care arrangements including sponsorship, kinship, foster care and adoption, with institutionalisation as a measure of last resort, with due regard to the best interests of the child and guaranteeing quality standards of care and protection.

4.11 The State commits to taking special protection measures to secure the rights and entitlements of children in need of special protection, characterised by their specific social, economic and geo-political situations, including their need for rehabilitation and reintegration, in particular but not limited to, children affected by migration, displacement, communal or sectarian violence, civil unrest, disasters and calamities, street children, children of sex workers, children forced into commercial sexual exploitation, abused and exploited children, children forced into begging, children in conflict and contact with the law, children in situations of labour, children of prisoners, children infected/affected by HIV/AIDS, children with disabilities, children affected by alcohol and substance abuse, children of manual scavengers and children from any other socially excluded group, children affected by armed conflict and any other category of children requiring care and protection.

4.12 The State shall promote child friendly jurisprudence, enact progressive legislation, build a preventive and responsive child protection system, including emergency outreach services, and promote effective enforcement of punitive legislative and administrative measures against all



forms of child abuse and neglect to comprehensively address issues related to child protection.

4.13 The State shall promote and strengthen legislative, administrative and institutional redressal mechanisms at the National and State level for the protection of child rights. For local grievances, effective and accessible grievance redressal mechanisms shall be developed at the programme level.

#### Participation

4.14 The State has the primary responsibility to ensure that children are made aware of their rights, and provided with an enabling environment, opportunities and support to develop skills, to form aspirations and express their views in accordance with their age, level of maturity and evolving capacities, so as to enable them to be actively involved in their own development and in all matters concerning and affecting them.

4.15 The State shall promote and strengthen respect for the views of the child, especially those of the girl child, children with disabilities and of children from minority groups or marginalised communities, within the family; community; schools and institutions; different levels of governance; as well as in judicial and administrative proceedings that concern them.

4.16 The State shall engage all stakeholders in developing mechanisms for children to share their grievances without fear in all settings; monitor effective implementation of childrens' participation through monitorable indicators; develop different models of child participation; and undertake research and documentation of best practices.

#### 5. Advocacy and Partnerships

5.1 The State shall encourage the active involvement, participation and collective action of stakeholders such as individuals, families, local communities, non-governmental organisations, civil society organisations, media and private sector including government in securing the rights of the child.

5.2 The State shall make planned, coordinated and concerted efforts to raise public awareness on child rights and entitlements amongst the parents and caregivers/guardians as well as functionaries and duty bearers. All stakeholders are to promote the use of rights-based and equity-focused strategies, platforms, programmes, communications and other tools to generate awareness on child rights and the commitment to their achievement.

5.3 This Policy is to be given wide publicity and supported by focused advocacy measures to ensure that children's best interests and rights are accorded the highest priority in areas of policy, planning, resource allocation, governance, monitoring and evaluation, and children's

voices and views are heard in all matters and actions which impact their lives.

5.4 The State shall ensure that service delivery and justice delivery mechanisms and structures are participatory, responsive and child-sensitive, thereby enhancing transparency and ensuring public accountability. Synergistic linkages will be created with other progressive and successful experiments to learn from best practices across regions.

#### 6. Coordination, Action and Monitoring

6.1 Addressing the rights and needs of children requires programming across different sectors and integrating their impact on the child in a synergistic way. Rights based approach to survival, development and protection calls for conscious, convergent and collateral linkages among different sectors and settings, with indicators for tracking progress.

6.2 Community and local governance play a significant role in ensuring the child's optimum development and social integration. Ensuring coordination among Central Government Ministries/Departments, between Central and State Governments, between different levels of governance and between government and civil society is crucial for effective implementation of this Policy.

6.3 The Ministry of Women and Child Development (MWCD) will be the nodal Ministry for overseeing and coordinating the implementation of this Policy. A National Coordination and Action Group (NCAG) for Children under the Minister in charge of the Ministry of Women and Child Development will monitor the progress with other concerned Ministries as its members. Similar Coordination and Actions Groups will be formed at the State and District level.

6.4 The Ministry of Women and Child Development, in consultation with all related Ministries and Departments, will formulate a National Plan of Action for Children. Similar Plans at the State, District and local level will be formulated to ensure action on the provisions of this Policy. The National, State and District Coordination and Action Groups will monitor the progress of implementation under these Plans.

6.5 The National Commission for Protection of Child Rights and State Commissions for Protection of Child Rights will ensure that the principles of this Policy are respected in all sectors at all levels in formulating laws, policies and programmes affecting children.

#### 7. Research, Documentation and Capacity Building

7.1 The implementation of this Policy will be supported by a comprehensive and reliable knowledge base on all aspects of the status and condition of children. Establishing such a knowledge base would be enabled through child focused research and documentation, both quantitative as well as qualitative. A continuous process of indicator-based child impact assessment and evaluation will be developed, and assessment and evaluation will be carried out on the situation

of children in the country, which will inform policies and programmes for children.

7.2 Professional and technical competence and capability in all aspects of programming, managing, working and caring for children at all levels in all sectors will be ensured through appropriate selection and well planned capacity development initiatives. All duty bearers working with children will be sensitised and oriented on child rights and held accountable for their acts of omission and commission.

#### 8. Resource Allocation

8.1 The State commits to allocate the required financial, material and human resources, and their efficient and

effective use, with transparency and accountability, to implement this Policy.

8.2 Child budgeting will track allocation and utilisation of resources and their impact on outcomes for children with regard to budgets and expenditures on children by all related Ministries and Departments.

#### 9. Review of Policy

9.1 A comprehensive review of this Policy will be taken up once in five years in consultation with all stakeholders, including children. The Ministry of Women and Child Development will lead the review process.

मुद्रण निदेशालय द्वारा, भारत सरकार मुद्रणालय, एन.आई.टी. फरीदाबाद में मुद्रित  
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