

**GOVERNMENT OF RAJASTHAN**  
**SOCIAL JUSTICE & EMPOWERMENT DEPARTMENT**

G 3/1, Residency Area, Behind Rajmahal Palace Hotel,  
Near Civil Line Railway Crossing, Jaipur, Rajasthan

No. : F(14)(2)POCSO/RSCPS/CCO/SJE /1587

Jaipur, Dated: 7/01/2013

**CIRCULAR**

The Protection of Children from Sexual Offences Act, 2012 (POCSO) has been newly enacted to strengthen the legal provisions for the protection of children from sexual abuse and exploitation. The Protection of Children from Sexual Offences Act, 2012 defines a child below the age of 18 years and provides protection to all children from the offences of sexual assault, penetrative sexual assault, aggravated penetrative sexual assault, sexual harassment, pornography and use of children for sexual purposes including trafficking. Child Welfare Committee (CWC) constituted under section 29 of Juvenile Justice (Care and Protection of Children) Act, 2000 has been assigned the various duties under this Act.

Standard Operating Procedure to be followed by Child Welfare Committee/District Child Protection Unit:-

**Child Welfare Committee shall follow the following procedure:-**

1. Take cognizance of the children produced by Police/SJPU/NGO/Child Line or by any person including child himself/herself under the provisions of JJ Act and the POCSO Act. CWC shall also take action when they noticed a child is sexually abused or of even apprehension that offence likely to be committed.
2. The CWC must probe possibilities of sexual offence against each child produced before it.
3. The child should be placed in a comfortable and friendly environment when being interviewed by CWC.
4. CWC must inspire confidence of the child and secure and maintain the child's trust.
5. The child should not be pressurized to answer any questioning s/he is not willing to. During the interview, a representative from the NGO associated with the CWC should be present. In the case of a female child, a female member must be present. If the family member is not the abuser, a member of the family whom the child is comfortable with may be present. In the process of the interview utmost care should be taken so that there are no biases or moral judgements that would make the child feel guilty or responsible for the abuse.
6. The version of the child must be taken on record, identifying the abuser clearly, nature of abuse and need of the child for medical, psychological and psychiatric treatment. The name of the CWC Member and/or Welfare Officer/Counsellor who interviewed the child should be on record.

7. The CWC must first verify who has abused the child – whether it is an immediate family member, member of the extended family, neighbour, teacher or a stranger. Whether abuse took place when the child was in institutional care also needs to be ascertained. If abuser is from the immediate or extended family, it is important that the child should be separated and protected from the abuser.
8. In case, the child is not in a position to speak due to age, mental and physical condition, CWC should make such observation referring to the medical examination report.
9. CWC must take into account opinion of the child and considerations listed in I to VII under Rule 4 (5) of the POCSO Rules, 2012.
10. To provide a detailed assessment of the child produced before them under Rule 4 (3) of the POCSO Rules, 2012.
11. The CWC shall provide a support person within three days to the child victim to provide assistance. CWC should ensure willingness and competence of the person who is designated as support person. CWC will inform to concerned Child Welfare Officer/Investigation Officer regarding appointment of support person. (under Rule 2 (g)) provided under Rule 4 (7) of the POCSO Rules, 2012.
12. While deciding about the support person CWC must take into account the opinion of the child/parent/guardian and ensure that he/she enjoys the trust and confidence of the child/parent/guardian.
13. In accordance with Rule 27(9) of JJ Act, 2000, the CWC shall facilitate filing of police complaint and F.I.R. in all cases of sexual violence, exploitation and abuse of child victim under POCSO, relevant section of IPC and section 23 of JJ (C&P) Act, 2000.
14. The CWC must direct the police to collect all forms of evidence that shall be used in the legal proceedings like photographs, statements of children etc.
15. The CWC shall ensure the interview of child victim at his or her home. It must be carried out by woman police officer (not below sub inspector rank) as far as possible and conducted in the presence of a female member of CWC/support person/representative of an NGO etc.
16. In case a child is a Victim of abuse within family or shared household, CWC should decide within three days whether he/She needs to be taken out of the custody and placed in a children home/Shelter home.
17. CWC should also avoid giving repeated permissions for interview by the police that could increase the trauma and distress faced by the child.
18. Documentation of CWC of the entire case should be detailed, so that it can be used as evidence in the Court. The CWC must insist upon receiving a copy of the FIR and all the supporting documents including Charge Sheet that have been attached to the same.



19. The CWC should arrange legal aid to child through panel lawyer associated with it or through District Legal Service Authority.
20. The CWC should direct the Medical Officer to conduct a detailed physical examination and gynaecological examination specifically looking for signs of sexual abuse. The process of medical examination has to commence within 24 hours, especially for the collection of medical evidence.
21. The CWC must direct the Probation Officer (PO) to prepare an individual care plan for the immediate and long term rehabilitation of the child. Under no circumstances should the child be sent back to family, if there is a likelihood of the parents, members of the extended families been involved in sexual abuse or if the child is not willing to go back.
22. The CWC shall coordinate and liaison with the DCPU, Police, NGOs, and other stakeholders if child needs to be rescued from the custody of abuser and to be produced before them.
23. The CWC shall ensure that child must get the benefit of victim's compensation benefits scheme as per the Act.
24. The CWC shall ensure the child friendly procedure at every stage like no detention in police station, protection from public, non disclosure of identity through media
25. The CWC should immediately inform the Assistant Director, DCPU/District Officer of Education Department regarding the person who has allegedly committed a sexual offence against the child in the custody of the home/institution or school.
26. In the case of sexual abuse in child care institutions, The Committee should seek a detailed report from the head of the Institution within two days of having received such information regarding sexual abuse of child in writing and verbally from the child at the time of production or inspection of the institution.
27. If the child is from the institution, Rule 60 of the Rajasthan J.J. (C&P) Rules, 2011 should be strictly followed by all concerned and CWC will ensure the compliance.
28. The child should be transferred to another institution or a place of safety or to a fit person, if required.
29. The CWC should promote that every institution in its jurisdiction has systems of ensuring that there is no abuse, neglect and maltreatment and this shall include the staff being aware of what constitutes abuse, neglect and maltreatment and how to respond to the same.
30. Every home shall have complaint box for reporting of such cases by the inmates as per the provision of JJ Act.
31. Ensure discussion about personal safety with all inmates by management committee of the institution.

32. In cases of incest and child being in need of care and protection, the Child Welfare Committee shall examine the victim to ascertain the nature of support s/he is getting from his/her family and initiate steps for ensuring best interest of the child. In such cases the Child Welfare Committee shall conduct a home study to assess and ensure the safety of the victim.
33. Child Welfare Committee shall ensure that the victim is provided with necessary medical and psychological aid during her stay in institution for the purpose of her rehabilitation.
34. In case of emergency medical care, CWC will seek the certificate regarding urgent medical needs/sufferings of the victim through concerned SHO for immediate benefits including interim relief under victim compensation scheme of Government of Rajasthan.
35. In cases where the child is placed in the shelter, the Child Welfare Committee shall monitor the condition of the victim closely.
36. In cases of incest, while the victim stays in the foster home/child care institution the family members should be allowed to meet the victim only in the presence of the support person and care be taken by the staff of the home so that the meeting be not used to pressurize/influence the victim for change of statement.
37. Child Welfare Committee shall ensure that rehabilitation facilities are provided to the victim in appropriate cases. In cases of a prolonged stay, the victim should be given educational and vocational training in order to enable the victim to support herself after s/he leaves the institution.
38. Before passing any order of restoration of custody of child to the family, the Child Welfare Committee shall conduct an inquiry to assess the suitability of the victim being restored to the family. The Custody of the child will be altered by the Child Welfare Committee only after consultation with the stake holders.
39. CWC shall inform the parent/guardian/support person about the decision taken regarding the custody and also explain the reasons.
40. Child Welfare Committee shall maintain a list of all registered child care institutions and support service providers, who are providing residential support, special services and rehabilitation facilities to the victim.
41. CWC should facilitate the child's parents/guardians in the claim for the compensation under victim compensation fund through DLSA as provided under section 33 (8) of the POCSO Act, 2012.
42. The child victim of trafficking for sexual purpose should be interviewed properly, appropriate legal action can be taken with the help of police against all perpetrators and allowed to meet his/her parents under the supervision of the CWC/ NGO/Official of the institution after verification of the identity documents of the parents/guardians. CWC must ensure the proper restoration and rehabilitation of child as soon as possible.
43. Child Welfare Committee shall conduct the home study to assess and ensure that the safety of the home is provided with necessary medical and psychological aid.



44. In the process of protection, interim care, rehabilitation and reintegration the child needs to have the support of many other stakeholders that are outside the JJ System. The CWC can call upon these stakeholders to play a role in fulfillment of the needs of the child and for the child's protection and ask the District Child Protection Unit (DCPU) to facilitate the coordination and convergence with other department and civil society bodies in the interest of children. Coordination is necessary with the police, health department, WCD, SJE and judiciary, media and NGOs.
45. CWC should coordinate with the Mahila Salah evam Suraksha Kendra being run by NGO's appointed by Government of Rajasthan and refer cases of child sexual abuse as they think appropriate for their intervention in writing and seek progress reports periodically.
46. The CWC may seek assistance from District Child Protection Unit/Interpreter/ Support Person/Psychiatrist/Special Educator/ Legal Experts/Child Rights Experts/Translator/Counsellor/Mental Health Experts/ Block Level Child Protection Committees/Gram Panchayat Child Protection Committees or relevant voluntary organizations for the care, protection and rehabilitation of the child.
47. Rajasthan State Commission for the Protection of Child Rights (RSCPCR) has been designated as monitoring authority under section 44 (1) of this Act, the CWC should provide all necessary information of cases of sexual offences as and when required by RSCPCR.

#### **Role of District Child Protection Unit:-**

1. DCPU shall ensure the training of all stakeholders, home functionaries on POCSO/JJ Act and protection related issues regularly.
2. Maintain the detail list of Interpreter/Psychiatrist/Special Educator/ Legal Experts/ Child Rights Experts/Translator/Counsellor/Mental Health Experts and arrange the services of them to Police/CWC as and when required.
3. Ensure the proper documentation of cases reported to them and CWC
4. Work for building enabling and protective environment for children in district.
5. Ensure wider dissemination of information on Protection of Children from Sexual Offence Act, 2012.
6. Ensure the benefit of Rajasthan Compensation Scheme to the victim.
7. Coordinate with Special Juvenile Police Unit and Local Police to ensure the protection of children.
8. Seek regular report along with copy of documents from the concerned CWC on cases of sexual abuse.
9. Ensure the effective IEC on Child Protection and send the quarterly action taken report to concerned collector and Rajasthan State Child Protection Society.

10. Coordination with the Police, particularly SJPU for:

- FIR/filing complaint
- Evidence recording
- Escorting child to hospital, home
- Review the status of cases pending at Children/Special Court
- Legal aid through State/District Legal Aid Service Authority

11. Coordination with Non Governmental/ Voluntary Organizations for:

- Coordination with Health Department for medical examination, age verification and reporting to CWC
- Follow up of the cases
- Psycho-social counselling and services, legal counselling and education

**Obligation to media:-**

Media will follow the process laid down under section 23 of the Act.

1. Media/Studio house will not publish or release any report without proper information. CWC will ensure the privacy and confidentiality of each child victim.
2. Media/Studio house will not publish any details of child including name, address, village name, family details. With the permission of concerned court media can publish a report for the best interest of child.
3. Owner or Editor and concern reporter will be responsible for news published in their newspaper/studio.
4. Any person who contravene the provisions of 23 (1) (2) shall be liable for punishment and fine.

Chairperson of District Child Protection Unit and Chairperson of CWC shall be responsible for the effective implementation of these guidelines in the district.

  
**Commissioner**

No. : F(14)(2)POCSO/RSCPS/CCO/SJE /1588-1875

Jaipur, Dated: 7/01/2013

Copy to:

1. Chief Executive Officer, RSCPS and Commissioner, SJE, Ambedkar Bhawan, Jaipur
2. Secretary, RSCPCR, 2, Jal Path, Gandhi Nagar, Jaipur
3. Member Secretary, RLSA, Jaipur
4. DGP of Rajasthan Police, PHQ, Jaipur
5. All Chairpersons of Child Welfare Committees
6. All Chairpersons of DCPU's (District Collector's)
7. All Superintendent of Police/DCP
8. All Assistant Director's of DCPU's
9. All District Officer's of SJE
10. All District Education Officer's
11. All Chief Medical and Health Officer's
12. All Superintendent of Govt./Non Govt. Child Care Institutions
13. All Coordinator's of Child Line
14. Guard file

  
**Commissioner**