



E-MAIL/POST

ODISHA POLICE
CRIME BRANCH
CRIMINAL INVESTIGATION DEPARTMENT

No. 21255 / CID-JD
To

Dated. 25 .05. 2018

All District SsP including SsRP, Rourkela & Cuttack / DCsP, Cuttack / Bhubaneswar UPD.

Ref: National Commission for Protection of Child Rights, Govt. of India, Letter No 28011/11/2016/Media-NCPCR, date 05.04.2018

Sub: **Implementation of Provisions of Juvenile Justice (Care and Protection of Children) Act 2015.**

With reference to the letter on the subject cited above, this is to intimate that National Commission for Protection of Child Rights received a complaint regarding a viral video clip showing a one year old child being placed on burning charcoal during a traditional annual religious custom. This issue has been examined by the Commission and it has been directed for implementation of the section 75 of Juvenile Justice (Care and Protection of Children) Act 2015.

1. Section 75 of Juvenile Justice (Care and Protection of Children) Act 2015 is reproduced below:

Section 75: Punishment for cruelty to Child:- "whoever, having the actual charge of, or control over, a child, assaults, abandons, abuses, exposes or willfully 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.

(i) *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 willful and the penal provisions of this section shall not apply in such cases:*

(ii) *Provided further that if such offence is committed by any person employed by or managing an organization, 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:*

(iii) *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”

2. Considering the provisions enjoined U/s 86 of the Act, offence U/s 75 if not linked with second and third proviso therein, is non- cognizable, bailable and triable by any Magistrate.

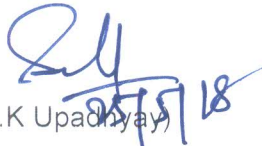
When offence U/s 75 is supported with the first Proviso therein, penal provisions of the section shall not apply in such cases.

When offence U/s 75 is committed by the provisions mentioned in the second proviso therein, the offence shall be cognizable, non-bailable and triable by Magistrate of First Class.

When offence U/s 75 is committed against a child and condition of the child deteriorated to the extent mentioned in the third Proviso, therein, the offence shall be cognizable, non-bailable and triable by a Children’s Court.

3. In view of section 88 of the Juvenile Justice (Care and Protection of Children) Act 2015 additional heads of offences of IPC and other Special Acts can be leveled along with section 75 of Juvenile Justice (Care and Protection of Children) Act 2015.

Hence, you are requested to take appropriate action to prevent such abuse/ assault to the children amounting to violation of provisions of the Juvenile Justice (Care and Protection of Children) Act 2015. Necessary directions may be circulated to all field functionaries of your respective jurisdiction to implement the provisions of this Act along with section 88 of this Act.


(S.K Upadhyay)

Addl. Director General of Police,
CID, Crime, Odisha, Cuttack