GOVERNMENT OF MANIPUR
DIRECTORATE OF EDUCATION(S)
(Administrative Section)

No: AO/14/Misc/2009(7)-DE(S)Pt-I

Imphal, the 15th August, 2016

To

All ZEOs/ Principals/ Headmasters/ Headmistress.

Sub: Request to inform all Schools/ Educational Institutes the possible liability on them under the Juvenile Justice Act (JJA), 2015 if children face cruelty by exposing them to agitations in the State.

Sir/Madam,

I am to invite a reference to letter No. 21/12/2016-SE(S), dt. 8th July, 2016 from Joint Secretary (Education-S), Govt. of Manipur on the above subject (copy enclosed along with enclosures) requesting not to allow any children below 18 years of age of your concerned Schools to participate in any public agitation which may attract section 75 of Juvenile Justice Act, 2015 to the Principals or Headmaster concerned.

A copy of the JJ Act along with the letter from Deputy Secretary (SW/Coop), Govt. of Manipur is uploaded in the Official website of this Directorate at www.manipureducation.gov.in for ready reference.

Yours faithfully,

(N. Praveen Singh)
Director of Education

Copy to:
1. Additional Director (H/V), Education(S), Manipur.
3. Notice Board.
No. 21/12/2016-SE(S)
GOVERNMENT OF MANIPUR
SECRETARIAT: EDUCATION (S) DEPARTMENT

Imphal, the 8th July, 2016.

To,

1. The Director of Education(S), Manipur
2. The State Project Director (SSA/RMSA), Manipur.
3. The Director, Tribal Affairs & Hills, Manipur.

Subject: Request to inform all Schools/Educational Institutes the possible liability on them under the Juvenile Justice Act(JJA) 2015 if children face cruelty by exposing them to agitations in the State.

Sir,

I am directed to send herewith a copy of letter No. 6/4/2015-S(SW) dated 18-06-2016 from Deputy Secretary(SW/Coop), Government of Manipur along with its enclosures on the above subject and to request you to kindly take deemed appropriate necessary action, at the earliest.

Encl: As above.

Yours faithfully,

( Abdus Salam )
Joint Secretary (Education-S),
Government of Manipur.
No.6/4/2015-5(SW)
GOVERNMENT OF MANIPUR
SECRETARIAT: SOCIAL WELFARE DEPARTMENT

To

The Secretary, Education(S),
Govt. of Manipur, Imphal.

Imphal, the 18th June, 2016

Subject: Request to inform all Schools/Educational Institutes the Possible liability on them under the Juvenile Justice Act,(JJA) 2015 if children face cruelty by exposing them to agitations in the State.

Sir,

In reference to the above subject, I am directed to draw your kind attention to the prevailing situation in the State whereby students/children below 18 years are often out in the streets joining different agitations. It is generally understood that often children are made to come out to agitate on different issues, often against their own will. In the process, many of them get hurt for different reasons including action taken by State Authorities/Police to contain violent and destructive activities.

2. The spirit of JJA Act assumes juveniles have limited understanding and therefore accountability can be fixed on the persons who are having actual charge or control over a child- in the event a child suffers because of persons having actual charge or control over the child is a party causing to expose or wilfully neglecting them/child(ren), in a manner that is likely to cause unnecessary mental or physical suffering; which shall be punishable under the Section 75 of the above cited Act by way of imprisonment or monetary fine or both. "Section 75" of JJA Act, 2015 is quoted below for better clarity:

"75. Punishment for cruelty to child. — Whoever, having the actual charge 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."

Staff Officer to
Chief Secretary
Government of Manipur
(3) As can be seen from above, if children/juveniles join agitations resulting in getting hurt during school hours when children are under the charge and control of School/Institutes; the Principals/Headmasters and concerned School authorities are liable to be booked under JJ Act, 2015.

In this regard, you are requested to inform all Schools/Institutes in the State having students under juvenile category by clearly indicating that they would be liable for punishment for causing cruelty to a child if they do not ensure preventing children to be exposed to agitations whereby the children can get hurt.

Yours faithfully,

(S. Naba Singh)
Deputy Secretary(SW/Coop)
Govt. of Manipur

Copy to:

1. Chief Secretary, Govt. of Manipur.
2. DGP, Manipur.
3. Additional Chief Secretary (Home).
4. Principal Secretary: Social Welfare

Copy for kind information:

1. PPS to Minister: Social Welfare.
2. Chairperson: Manipur Commission for Protection of Child Rights (MCPCR), Old High Court Complex, North AOC, Imphal.
THE JUVENILE JUSTICE
(CARE AND PROTECTION OF CHILDREN) Act, 2015
Act No. 2 of 2016
w.e.f. 15th January 2016

BARE ACT
WITH SHORT COMMENTS
2016

SHARDA Book House
(Publishers & Book Sellers)
Allahabad
(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 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.
Explanation.—An act or omission is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy 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 also of 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 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 recognized as a suitable 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