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Towards a new dawn



# PROTOCOL FOR RESTORATION AND REPATRIATION OF CHILD

**GHAR - Go Home And Re-unite**  
NCPCR's designated portal



**NATIONAL COMMISSION FOR  
PROTECTION OF CHILD RIGHTS,  
(NCPCR) GOVT. OF INDIA**

**National Commission for Protection of Child Rights**  
**Janpath, New Delhi**

**PROTOCOL FOR RESTORATION AND REPATRIATION OF CHILDREN IN**  
**NEED OF CARE AND PROTECTION**

**Introduction**

The Government of India enacted the Juvenile Justice (Care and Protection of Children) Act, 2015, (JJ Act) to provide for care and protection of children, including missing and run-away children. The JJ Act, 2015 is a comprehensive legislation which provides for principles, procedures and structures to be established for helping children, who are vulnerable, victims of crime, belong to conflict prone areas etc. The JJ Act, 2015 provides for two categories of children- children in conflict with law and children in need of care and protection. Any child who is in conflict with law has to be produced before the Juvenile Justice Board (established in every district) and a child who is a child in need of care and protection is to be produced before the Child Welfare Committee (established in every district).

2. Section 2(13) of the JJ Act, 2015 defines “child in conflict with law” to mean 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. Section 2(14) of the JJ Act, 2015 provides for categories of children who fall under the purview of JJ Act, 2015 and are children in need of care and protection.

3. Since the implementation of the JJ Act, 2015 and its Rules, 2016, there were many challenges and gaps which came to the notice, especially hindering the process of rehabilitation of children. Keeping in view of the same, the Government of India brought landmark amendments to the Act and Rules and has implemented the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, Juvenile Justice (Care and Protection of Children) Amendment Model Rules, 2022 and Adoption Regulations, 2022. One of such major amendments that have been brought about is in the process of repatriation and restoration of children. It was seen that there were many children who were brought before the JJBs and the CWCs who were prima facie seen to be belonging to some other place but were difficult to be repatriated because the details of the native place were unable to be found out by the authorities. The reasons that have been observed for the same points towards the non-convergence between the authorities and lack of sharing of information of this system.

4. Through this protocol, an endeavor is being made to eliminate those challenges which are being faced by authorities in repatriation and send the maximum number of children back to their native place with their families/relatives. This would not only help in proper implementation of the JJ Act, 2021 and Rules, 2022 but would also help in bringing a significant change in the number of children languishing in CCIs.

### **REPATRIATION AND TRANSFER OF CHILDREN UNDER THE JJ ACT, 2015**

The prime objective of implementing the JJ Act, 2021 and its Rules, 2022 is to promote keeping the child in a family-based system by providing alternative means of rehabilitation and use institutionalization of children as the last possibility. The fundamental principles laid down under Section 3 of the JJ Act, 2015 provide that if children have their families and parents, they should be rehabilitated in their families. It reads as under:

**Principle 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<sup>1</sup>*

**Principle 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.<sup>2</sup>*

Even if it is assumed that some children do not have parents or families, it is enumerated in further provisions of the said Act that the CNCP children with no family or relatives to take care of can be placed with fit person under the sponsorship scheme or with foster parents under foster care or can be declared legally free for adoption by the CWC.

Keeping in view of the principles laid down under the JJ Act, 2015 and the recent amendments JJ Act, 2021 and its Rules, 2022, which provide for measures and steps that need to be taken to retain children in their families which includes finding out alternative means like identifying the specific needs of the child, in case of financial constraints, linking the families with Government sponsored schemes and restoration of children with their families/relatives/guardians. Also, the amendments of JJ (Amendment) Act, 2021 and JJ (Amendment) Rules, 2022 take into account the importance of

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<sup>1</sup> Section 3(xiii) of Juvenile Justice (Care and Protection of Children) Act, 2015

<sup>2</sup> Section 3(xii) of Juvenile Justice (Care and Protection of Children) Act, 2015

alternative means of rehabilitation like sponsorship, foster care and adoption which can be utilized to keep the child in a family-based system.

Rule 82 of the JJ (Amendment) Rules, 2022 has been amended into two parts (Rule 82A and 82B) to make it clear that the restoration of a CCL will be different from a CNCP. One of the major components of restoration of a child is also repatriation of the child to some other Country or State, as the child's native roots may be from some place other than where he/she is found. The JJ Rules, 2016 provide for both inter-State repatriation and inter-Country repatriation of children.

The amended Rule 81 of the JJ (Amendment) Rules, 2022 is stated as follows-

***“81. Transfer or Repatriation of Child.-*** (1) *During the inquiry, if it is found that the child hails from a place outside the jurisdiction of the Board or the Committee, the Board or the Committee shall order the transfer of the child and send a copy of the order stating the reasons for and circumstances of such transfer to the State Government and District Child Protection Unit.*

(2) *The District Child Protection Unit shall accordingly:*

*(i) Send the information of transfer to the appropriate Board or the Committee having jurisdiction over the area where the child is ordered to be transferred by the Board or Committee; and*

*(ii) Send a copy of the information to the Person-in-charge of the institution where the child is to be placed for care and protection at the time of the transfer order.*

(3) *The child shall be escorted at Government expenses to the place or person as specified in the order and a travelling allowance on a per day basis shall be determined by the Board or the Committee which shall be paid by the District Child Protection Unit of the State which has transferred the child.*

(4) *On such transfer, case file and records of the child shall be sent along with the child.*

(5) *Where the child is a national of another country, on the production of the child before the Board or the Committee, the Board or the Committee shall inform the District Magistrate who shall initiate the process for repatriation of the child immediately through the appropriate Department of the State Government and in consultation with the Ministry of Home Affairs and the Ministry of External Affairs, as the case may be.*

(5A) *The District Magistrate shall prepare a list of children to be repatriated and furnish the same to the Monitoring Authority (National Commission for Protection of Child Rights or State Commission for Protection of Child Rights, as the case may be) as per the protocols.*

*(5B) The Monitoring Authority shall follow up with the concerned Government or Private Agencies for getting the child repatriated.*

*(5C) The Monitoring Authority shall then submit a status report of the children who are to be repatriated to the Central Government and the State Government, as the case may be on a quarterly basis.*

*(6) During the period pending the finalization of the repatriation, the child shall be kept in a Child Care Institution.*

*(7) The expenses for the repatriation of the child to another country shall be borne by the State Government concerned.”*

It may be seen that after the amendment to JJ Rules, 2016, the procedure for repatriation of children has been stated in a detailed manner and the responsibility for ensuring repatriation of children has been placed on the CWCs, District Magistrate, SCPCRs and NCPCR.

**REPORTING UNDER RULE 81(5A), (5B) and (5C) OF THE JJ MODEL (AMENDMENT) RULES, 2022 BY SCPCRs AND NCPCR**

The new amended Rule 81(5A), (5B) and (5C) of the JJ Model (Amendment) Rules, 2022 mandates the Commissions to develop protocols for repatriation of children i.e. the manner in which the children who belong from a different State and District can be repatriated to their native place and restored with their families/relatives/guardians. In addition, these provisions also make the SCPCRs and NCPCR responsible for monitoring and tracking the repatriation of children and present quarterly reports to the State Government or Central Government, as the case may be. The District Magistrate shall prepare a list of children to be repatriated and furnish the same to the Monitoring Authority (National Commission for Protection of Child Rights or State Commission for Protection of Child Rights).

## **PROPOSED FLOW CHART OF THE WEB-PORTAL**

**After logging into the portal, the dashboard will show the following two options:-**

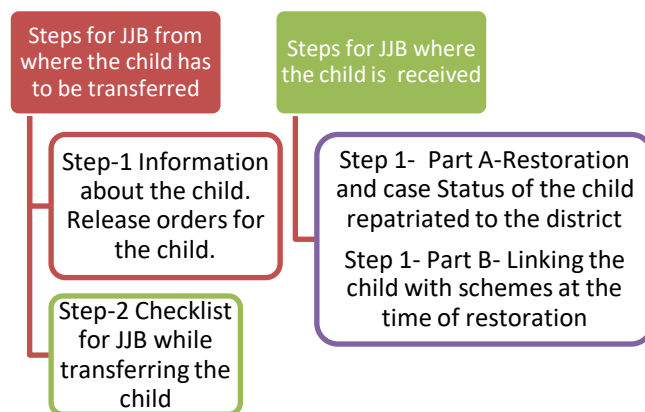
**A. Child in conflict with law**

**B. Child in Need of Care and Protection**

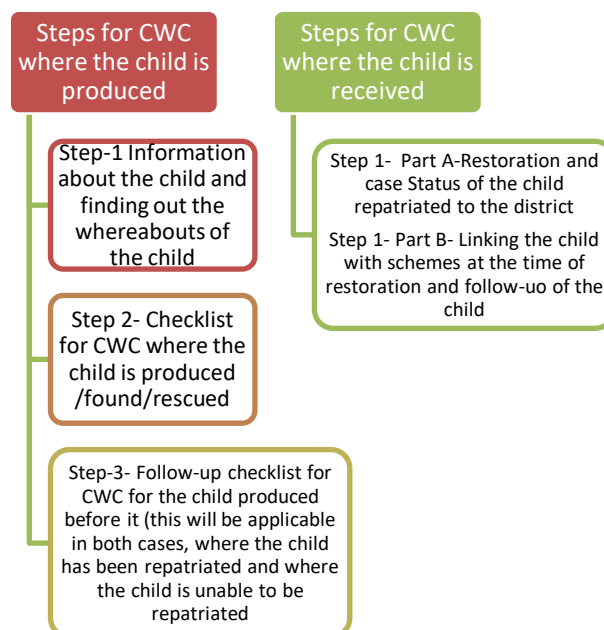
## **STEP-WISE FLOW CHART OF THE PORTAL**

### **IN-COUNTRY REPATRIATION**

#### **PART-A REPATRIATION OF CICL**



#### **PART-B REPATRIATION OF CNCP**



## **INTER-COUNTRY REPATRIATION**

### **PART-A REPATRIATION OF CICL**

**Child in conflict  
with law**

Step 1- Basic information  
about the child.

Step- 2 Checklist for JJB  
with the information  
about intimation to MEA,  
MHA and MWCD. Release  
orders for the child

### **PART-B REPATRIATION OF CNCP**

**Child in need of  
care and  
protection**

Step 1- Part A-Basic  
Information about the child  
with the information about  
intimation to MEA, MHA and  
MWCD

STEP 2- If the child was  
victim of offences then  
ensuring that the child  
receives compensation and  
any other monetary benefit  
which he/she is entitled to

**FEATURES OF GHAR- GO HOME AND RE-UNITE (Designated portal of NCPCR)**

- i.** Digital tracking and monitoring of children who are in the JJ system and have to be repatriated to another Country/State/District.
- ii.** Digital transfer of cases of children to the concerned JJB/CWC of the State. It will help in speedy repatriation of children.
- iii.** Where there is a requirement of a translator/interpreter/expert, request will be made to the concerned State Government.
- iv.** CWCs and DCPOs can ensure proper restoration and rehabilitation of children by digitally monitoring the progress of the case of the child.
- v.** A checklist format will be provided in the forms so that the children who are being hard to repatriate or children who are not getting their entitled compensation or other monetary benefits can be identified.
- vi.** List of Government implemented schemes will be provided, so that at the time of restoration the CWCs can link the child with the schemes to strengthen the family and ensure that child remains with his/her family.

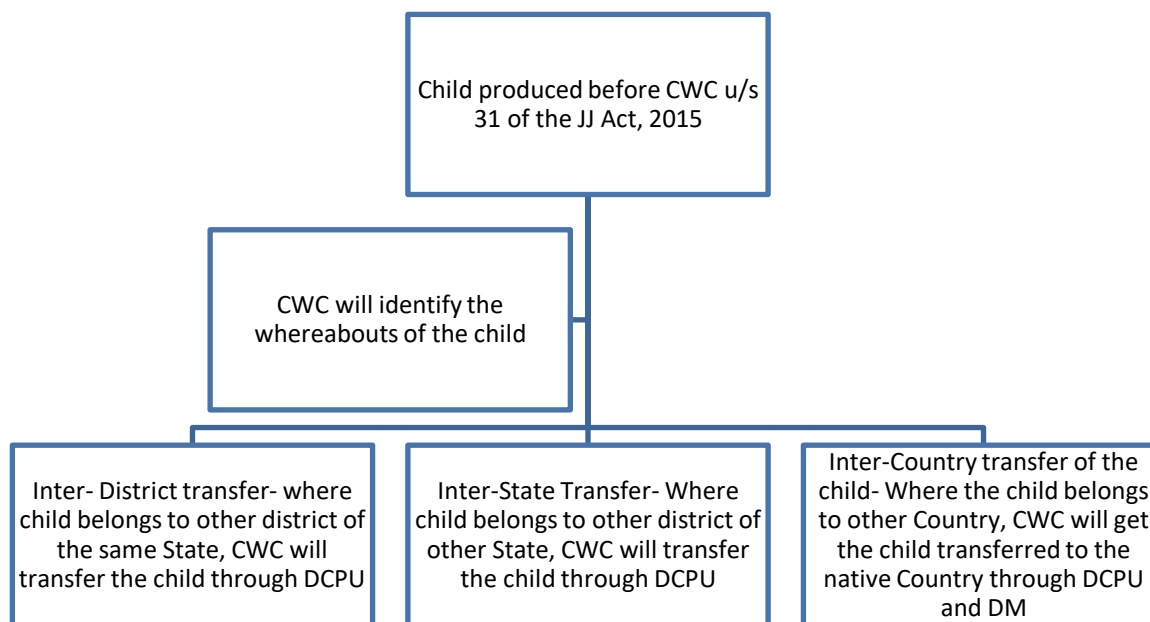


**CHAPTER-1**  
**TRANSFER/REPATRIATION**  
**AND RESTORATION OF CHILD**  
**IN NEED OF CARE AND**  
**PROTECTION**

**The following is the draft protocol proposed to be implemented under the JJ (Amendment) Rules, 2022 for transfer/repatriation of children-**

**Repatriation/Transfer of Children in Need of Care and Protection**

**Inquiry before CWC where the child is produced (Inter-District, Inter-State and Inter-Country repatriation)**



**Inter-District Transfer- Where the child belongs to other district of the same State and Inter-State Transfer- Where the child belongs to other State**

**PART-A- For CWC from where the child has to be transferred/repatriated (Transferring CWC)**

**Step-1- Steps to be taken by CWC when the child is produced**

- i. The CWC shall inquire into the whereabouts of the child with the assistance of the DCPU and initiate the process of repatriation for the child to the native District through the DCPU.

- ii. For ascertaining the whereabouts of the child, if required the CWC may issue the order for Aadhar verification of the child. For this, the CWC may order the DCPU to get the Aadhar Card verified of the child to know the whereabouts. The guidelines/protocol issued by Government of India from time to time in this regard may be followed.
- iii. **Temporary shelter to the child**-While the process of repatriating the child is going on, the CWC shall ensure that the child is placed in a temporary facility or a CCI for a short-term period. The child should be given any immediate assistance as required by the child and health screening and counselling of the child should be mandatorily done at the time of production.
- iv. **Inter-district transfer**-Where the child belongs to the same State but different district, CWC shall transfer the child to other district through the DCPU as per Rule 81 of the JJ Rules, 2016.
- v. **Inter-State transfer**-Where the child belongs to a different State, the CWC shall transfer the child to the other State through the DCPU under intimation to the District Magistrate and State Government.
- vi. The DCPO shall upload the information of the child on GHAR portal of NCPCR. At Step-1 of the portal, basic information about the child will be sought.
- vii. At Step-1 of the portal, if there is requirement of translator, interpreter, expert, then the request for the same can be sent to the SCPS for providing the same. ***[Refer page 17-18 of these protocols]***
- viii. At Step-1 of the portal, if there is requirement of investigation by SJPU, then the request for the same can be sent to the concerned SJPU for the same. ***[Refer page 18 of these protocols]***
- ix. The expenses for the repatriation of the child to another country including an accompanying person shall be borne by the State Government concerned.<sup>3</sup>

### **Step-2 Checklist for CWC before transferring the child to another CWC**

1. Before transferring the child to another District/State, the CWC will ensure that all necessary documentations of the child have been completed.
2. The DCPU shall ensure that in cases of victim of offences, all documents/formalities are completed before transferring the child out of the District/State.

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<sup>3</sup> Rule 81 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016

3. At step-2 of the GHAR portal, the CWC will be informing whether all necessary formalities and documentations have been done for the child who is to be repatriated. **(As have been given below in point no.6).**
4. CWC will transfer the case of the child to the concerned CWC and also digitally transfer the cases to the concerned CWC on the GHAR portal.
5. Where the whereabouts of the child are unknown, the CWC will transfer the investigation to local SJPU/Police/AHTU Station and update information on the portal.
6. Before transferring the child to another District/State, the CWC will ensure that the following steps have been taken-
  - i. Case file is opened and basic information of the child is prepared.
  - ii. Note of proceedings, if any.
  - iii. Health Screening Report.
  - iv. Counselling report, if any.
  - v. Information to concerned CWC has been provided.
  - vi. Information to District Magistrate of the district where the child has been found has been provided.
  - vii. Escort order has been passed (Form 45)- In cases of female child, escort should be female.
  - viii. In case SIR and ICP was prepared, then copy of SIR and ICP to be uploaded.
  - ix. Status of bank accounts of the child.
  - x. Compensation, if any is provided.
  - xi. The child who is a victim of offences will be entitled to compensation amount, depending upon the nature of crime that has happened against the child.
  - xii. Both the DCPUs (DCPU of the transferring district and DCPU of the transferred district) shall ensure that the compensation amount is credited to the bank account of the child opened in the native place of the child under guidance of the respective District Magistrates.
  - xiii. However, it must be seen that the compensation amount can be credited into the bank account of the child even after repatriation. For purposes of compensation, the child should not be kept from being repatriated.

**In cases of victim of offences, the following shall be ensured-**

- **Where child is found to be in contravention of labour laws/or is found working-**
  - (i) Inquire into the employment details of the child, duration of employment of the child, amount of minimum wages

received and due. A document may be made with these details.

- (ii) Record statement of the child to assess whether the child is child labour or bonded labour.

(iia) Where the CWC inquiry prima facie establishes that the child is a child labour, then the CWC shall send its report and copy of recorded statement to the concerned Labour Department.

(iib) Where the CWC inquiry prima facie establishes that the child is a victim of bonded labour, the CWC shall send its report and copy of recorded statement to the concerned District Magistrate and Labour department. Release certificate from the SDM should also be attached with papers.

- (iii) FIR on the perpetrators and employers of the child for violations of Child Labour Act, 1986, Juvenile Justice Act, 2015 and Indian PenalCode,1860 shall be lodged based on the statement of the child given before the Child Welfare Committee.

- (iv) This report of CWC of the rescued district will be prepared by it irrespective of the fact that the child belongs to another district.

***[Refer SOP of Child Labour of NCPCR or any other SOP issued by Government of India in this regard]***

**• Where the child is a sexual abuse victim-**

- Where the child who is rescued/found is a victim of sexual abuse or has been exploited sexually, the procedure for such a child shall be followed in accordance with the POCSO Act, 2012.
- The SJPU shall produce a child sexual abuse victim before the CWC, where the said child belongs to another Country/State/District, for the purposes of transfer of the child to its native Country/State/District.
- Before transferring a child to its native place, the CWC shall ensure that the following steps have been taken for the victim-
  - i. Registration of FIR in the case
  - ii. Recording of statement u/s 164 of Cr.PC
  - iii. Medical Assistance, if reqd.

iv. Application of DLSA to be filed before the Special Court for compensation

• **Where the child is victim of any other offence-**

- In cases where children are victim of offences under any law such as victim of drug peddling or substance abuser, victim of begging, victim of trafficking, victim of participating in illegal activities etc., then such children will be produced before the CWC of the district where the child has been rescued or found.
- The CWC shall at the first instance try to find out that whether the child is able to inform about its native place (Country/State/District).
- Prior to transferring the child to its native State or district, CWC shall ensure that the following steps have been taken-
  - i. Registration of FIR in the case
  - ii. Recording of statement u/s 164 of Cr.PC
  - iii. Medical Examination and Assistance
  - iv. Interim Compensation

\*It must also be ensured that child victims in all cases are not physically called for giving testimony/evidence before the Court after repatriation. The testimony of the child before the Court may be recorded through video conferencing.[Refer Order dated 01.02.2022 of the Hon'ble Supreme Court in W.P 274/2020 Santosh Vishwanath Shinde v/s Union of India]

• **Where the child is disabled-**

- In cases where the child produced before the CWC is suffering from any disability, then the CWC shall, before transferring the child to its native State and District, take the following steps-
  - i. Disability Certificate by the Chief Medical Officer
  - ii. Medical Assistance
  - iii. Making available any aid and assistive devices
  - iv. CWC recommendation for enrolling the child under the disability pension scheme or any other Central Government disability scheme.

**Step-3 Follow-up by the CWC after the child has been transferred**

1. At this step, on the portal, even after transferring the case to the concerned CWC, the inquiry of the CWC before whom the child was first produced will continue.

2. The inquiry before the CWC will be for the purposes of facilitating lodging of FIR in the child's case, investigation in the case of the child continues, the compensation is provided to the child, the bank account of the child is opened and that the proceedings of the Court is not hampered in the cases due to repatriation of the child.
3. The follow-up checklist on the portal will also inform about the cases where intervention of authorities like SCPCR, NCPCR, and Government of India is required to be taken.

**In cases where the child released is between the ages of 18-23 years**

1. Where the child being repatriated is above the age of 18 years and has to be enrolled in the after-care program, the DCPU of the transferred district will enroll the child in an after-care program as decided by the CWC.
2. A checklist for information about the after-care program given to the child will be uploaded on the GHAR portal at Step-3.

**PART-B- For the CWC to where the child has been transferred/repatriation (Receiving CWC)**

**Step 1- Steps to be taken by CWC/nodal CWC receiving the child in the native District/State<sup>4</sup>**

- i. The CWC will receive the child and initiate inquiry of the child as per Section 36 of the JJ Act, 2015.
- ii. The CWC will ensure that ICP is again prepared for the child after transfer, so as to assess the present requirements of the child.
- iii. In case the child cannot be immediately restored, the child can be placed in a temporary shelter or CCI for a short term period.
- iv. Where the parents/guardian/family of the child is willing to take back the child and the home visit report is not adverse, the CWC shall ensure that the child is not kept in an institution for more than 10 days.
- v. While releasing the child from an institution and restoring the child to the family, a release order (Form 44) may be passed after hearing the child and his parents or guardian, and after satisfying itself as to the identity of the persons claiming to be the parents or the guardian.
- vi. The Committee shall take into account the reports of the social worker or Child Welfare Officer or Case Worker or designated officer of the District Child Protection Unit or appropriate non-governmental organisation, including report of a home visit prepared on the direction of the

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<sup>4</sup> Rule 82B of the Juvenile Justice (Care and Protection of Children) Model (Amendment) Rules, 2022

Committee in appropriate cases, and any other relevant document or report brought before the Committee.

- vii. When a child expresses his unwillingness to be restored back to the family, the Committee shall interact with the child to find out the reasons for the same and record the same and the child shall not be coerced or persuaded to go back to the family.
- viii. Where the child refuses to go back to the family or the family refuses to take back the child due to reasons of financial constraints, the District Magistrate shall explore all possibilities of providing all Central and State sponsored schemes including sponsorship under section 45 of the Act, Juvenile Justice Fund under section 105 of the Act, Corporate Social Responsibility funds or any other scheme to strengthen the family financially in the best interest of the child.
- ix. The order of restoration shall include an individual care plan prepared by the social worker or the Child Welfare Officer or the Case Worker or the non-governmental organization.
- x. The Committee, while directing restoration of the child, may pass an order for an escort in Form 45, where necessary. In cases of girl child, the escort shall be a female escort.
- xi. The copy of the restoration order along with a copy of the order for escort shall be forwarded by the Committee to the District Child Protection Unit which shall provide funds for the restoration of the child, including travel and other incidental expenses.
- xii. A follow-up plan shall be prepared as part of the individual care plan by the Child Welfare Officer or the Case Worker or the social worker or the non-governmental organization.

#### **Cases where child may not be restored<sup>5</sup>**

- i) The child would also not be restored back to the family where the parents or guardians refuse to accept the child back and in all such cases, the Committee may provide alternative means for rehabilitation.
- ii) The child may not be restored back to the family where the social investigation report prepared by the Child Welfare Officer or the social worker or the Case Worker or the authorized non-governmental organisation or designated officer by the District Child Protection Unit or management of Child Care Institution, as the case may be, establishes that restoration to family may not be in the interest of the child.

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<sup>5</sup> Rule 82B of the Juvenile Justice (Care and Protection of Children) Model (Amendment) Rules, 2022



## **Inter-Country Repatriation of a Child in need of Care and Protection**

### **Step-1**

1. When the child in need of care and protection is produced before a CWC and the CWC is of the view that the child is of another Country and needs to be repatriated. The CWC may direct the District Child Protection Unit to initiate process of inter-country repatriation of such a child.
2. The District Child Protection Unit will inform the District Magistrate about the child to be transferred out of the country and upload the information on the GHAR portal of NCPCR. The tracking and monitoring of such children will be done through the GHAR portal.

### **In cases where the child belongs to Bangladesh**

1. Where the child produced before the CWC belongs to Bangladesh, the procedure as given under Article 11 of MoU between the Government of India and Government of Bangladesh. **The copy of MoU is enclosed as Annexure-1.**

### **In cases where the child belongs to Nepal**

1. Where the child produced before the CWC belongs to Nepal, the procedure as under the SOP for repatriation of Nepalese children issued by Ministry of Home Affairs will be followed. **The copy of SOP is enclosed as Annexure-2.**

### **In cases where the child belongs to other country**

1. The CWC will inform the District Magistrate of the district where the child has been found and produced about the inter-country transfer of the child.
2. The DM will initiate the process of repatriation of the child through the SCPS in consultation with Ministry of Home Affairs and Ministry of External Affairs, as the case may be. The concerned divisions of Ministry of External Affairs **are provided at Annexure-3.**
3. The District Magistrate and the SCPS can consult with the Women Safety Division of Ministry of Home Affairs, or any other division of MHA designated for the same. This will be done under the intimation to the Ministry of Women and Child Development.
4. The expenses for the repatriation of the child to another country including an accompanying person shall be borne by the State Government concerned.

5. The DCPU shall update the status of repatriation of such children on the portal of NCPCR.

**Step-2- At Step-2 of the GHAR portal of NCPCR, information with regard to information given to MEA, MHA, MWCD and District Magistrate will be sought.**

**Step-3**

1. In cases of children who being hard to repatriate, a checklist for seeking information about the response from MEA and MHA and the steps being taken by MWCD and NCPCR will be provided.
2. The DCPU shall ensure that in cases of victim of offences, all documents/formalities are completed before transferring the child out of the country.
3. The child who is a victim of offences will be entitled to compensation amount, depending upon the nature of crime that has happened against the child. The DCPU shall ensure that the compensation amount is credited to the bank account of the child opened in the native Country of the child.
4. For transferring the amount to the child in a foreign bank account, the DCPU shall take the assistance of State Child Protection Society under intimation to the District Magistrate.

**Applicable for repatriation cases before the CWCs**

**In case the language is a barrier to understand the child-**

- i. Where the child produced before the CWC is unable to be understood due to language barrier, the CWC shall direct the DCPU for arranging a translator.
- ii. In case the translator is not available in the said district, the DCPU can make the request for a translator to the SCPS of the language speaking State under intimation to the District Magistrate and upload the information on GHAR portal. The request should be made to the SCPS within 24 hours of production of child before the CWC.
- iii. Where a request is received by SCPS, the SCPS will assign a nodal CWC for this purpose and inform the DCPU of the concerned district (from where the request was received) about the nodal CWC. The SCPS should assign a nodal CWC for this purpose within 03 days.
- iv. The DCPU will also have the option of uploading a one-minute audio recording of the child on GHAR portal. The audio recording will appear on dashboard of all DCPUs of any district of any of the States/UTs.
- v. Regular checking of dashboard will help in repatriation of many children.

- vi. The proceedings with the translator before the CWC can also take place through video conferencing. The physical presence of the translator is not mandatory.
- vii. The CWC shall prepare record of proceedings which took place with the translator and the child.

**In case the child is not able to inform about whereabouts due to some medical condition-**

- i. Where the child produced before the CWC is unable to be understood due to the reason of being deaf, dumb etc. any other medical condition, the CWC shall direct the DCPU for arranging an interpreter/expert/psychologist.
- ii. If the required interpreter/expert/psychologist is not available in the district, the request for the same shall be raised by DCPU to the SCPS of its State and upload the information on GHAR portal of NCPCR.
- iii. The DCPU shall make the request to the SCPS for arranging an interpreter/expert/psychologist within 24 hours of producing the child before CWC.
- iv. The SCPS should at its own discretion try to assist the CWC to arrange for an expert/psychologist in the case of the child in not more than 03 days.
- v. The proceedings with the interpreter/expert/psychologist/counsellor before the CWC can also take place through video conferencing. The physical presence is not mandatory.
- vi. The CWC shall prepare record of proceedings which took place with the interpreter/expert/psychologist/counsellor and the child.

**Procedure for Transfer/Repatriation of Children**

**In cases when the whereabouts of the child is known-**

- i) In cases where the child is able to inform about its native place, the CWC will initiate the process of repatriation/transfer without any delay. The CWC of the district where the child is found will get the child transferred to the CWC of the native district after completing the necessary formalities and documentations. ***[Refer list of documents/steps to be taken by CWC before transferring the child at page 11-13]***
- ii) Where the native place is known for the child, the CWC shall ensure that the documentations and inquiry of CWC is completed within at least 10 days and thereafter, the child is transferred back to its native place.
- iii) In no circumstances, shall the CWC of the district where the child is found will retain the child in the said district beyond 15 days.

**In cases when whereabouts of the child are unknown-**

- i)** If the child prima facie seems to be of another place but is unable to inform about its exact location of the native place, the CWC will place the child in temporary shelter or CCI for a short-term period.
- ii)** The CWC will direct the DCPU to take up the case with the local SJPU/Police Station/AHTU for investigating into the whereabouts of the child.
- iii)** The information of such a child will also be uploaded on Khoya Paya/Track Child portal or any other Government portal for missing children.
- iv)** As per Section 38 of the Juvenile Justice Act, 2015, the CWC can initiate the process of declaring a child legally free for adoption 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.
- v)** In the meanwhile, the CWC shall direct the DCPU for preparation of SIR and ICP of the child.
- vi)** In case during the inquiry, the whereabouts become known for the child, then the child shall be transferred to the concerned State/District in the manner as mentioned above.

**In case the State is known but the district is unknown-**

- i.** Where the child produced before the CWC is able to inform about the native State but is unable to inform about the district, the CWC shall direct the DCPU for making a request to the SCPS of the native State of the child and upload information on GHAR portal of NCPCR.
- ii.** The DCPU should make the request to the SCPS of the native State/UT of the child within 24 hours of the production of the child before CWC.
- iii.** The SCPS should assign a nodal CWC and inform the concerned the DCPU (from where the request had been received) within 03 days for the purpose of production and inquiry of such children who are unable to inform about the particular district/area. So that, the child can be transferred to their native State/UT and produced before a CWC.
- iv.** The child after physical transfer will be produced before the nodal CWC of the State.
- v.** If, during the inquiry the nodal CWC/JJB is able to know about the exact district of the child, then it shall transfer the case of the child to concerned CWC and upload the information on GHAR portal of NCPCR.

**CHAPTER-2**  
**REPATRIATION/TRANS**  
**FER OF CHILD IN**  
**CONFLICT WITH LAW**

## **REPATRIATION/TRANSFER OF CHILD IN CONFLICT WITH LAW**

**For CICL, repatriation/transfer of child will happen only in the following cases-**

- i) Where the CICL has completed his/her sentence and is being released from CCI. To restore the child with his/her family, repatriation may be required to be done of the child to his/her native place.
- ii) Where the CICL is being released after acquittal or discharge from the case.
- iii) Where the CICL is being released during the inquiry because the case of the child does not fall under the jurisdiction of the Board.
- iv) Where sentence has been passed by JJB for CICL and the CICL has to be placed in a CCI for completion of sentence.
- v) Where the CICL is being released on bail.

## **In-Country repatriation (Inter- District and Inter-State) of children in conflict with law**

**PART-A- For JJBs from where the child has to be transferred/repatriated (Transferring JJB)**

**At Step-1 of the portal, basic information about the child in conflict with law who is to be repatriated/transferred will be sought.**

**At Step-2, there will be a Checklist for JJB while transferring the child**

**In cases where the child has to be released after the child has completed his/her sentence and/or is acquitted or discharged**

1. When the child in conflict with law is to be released by the institution after the child has completed the sentence or after acquittal and it is found that the child is of another District/State, then the CCI (Special Home or Place of safety, as the case may be) shall inform about the same to the Board while providing the release orders.
2. The JJB shall inform about the same to the DCPU for initiation of transfer of child and to the State Government, District Child Protection Unit and District Magistrate.
3. The DCPU shall then initiate the process of transfer of the child.
4. The District Child Protection Unit will upload the information of such a child on the web portal of NCPCR for this purpose. The tracking and monitoring of such children can be done through the portal.
5. The DCPU of the district from where the child is being transferred shall also inform to the DCPU of the district to where the child is being

transferred. The DCPU of the transferred district shall make all arrangements to receive the child and produce before concerned JJB.

6. **In case of Inter-State transfer of the child, the DCPU can transfer the child to the concerned JJB of the State/UT (the JJB of the district from where the child belongs) for restoring the child under intimation to the District Magistrate of the transferred district.**
7. In cases where the child is also a child in need of care and protection, the DCPU shall transfer the child to the concerned CWC of the State/UT (the CWC of the district from where the child belongs) under intimation to the District Magistrate of the transferred district.
8. In cases where the child is physically or mentally challenged or cannot understand the spoken language, appropriate support systems shall be provided by DCPUs.

**In cases where sentence has been passed for the child and the child has to be placed in CCI for completing the sentence**

1. Where the JJB has passed sentence for the CICL and the child has to be placed in CCI for completing the sentence, the JJB at its own discretion can decide to repatriate the child to its own native State/UT for completion of his/her sentence.<sup>6</sup>
2. After repatriation of the CICL to its native State/UT, the JJB of the native district should place the CICL in CCI, according to the orders of the JJB which had passed the sentence for the child.
3. The case files can also be transferred to the JJB of the native district.

**In cases where the child is released on Bail**

1. The JJB may repatriate the child to its native district/State through the DCPU as per the process given above depending upon the conditions of the Bail granted by the JJB. The JJB shall practice utmost precaution while transferring the child to its native place while releasing the child on bail.

**In cases where the child released is between the ages of 18-23 years**

5. Where the child being released is above the age of 18 years and has to be enrolled in the after-care program, the DCPU of the transferred district will enroll the child in an after-care program as decided by the JJB.
6. A checklist for information about the after-care program given to the child will be uploaded on the portal at Step-2.

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<sup>6</sup> The purpose of inquiry before a JJB is for rehabilitation of CICL. Therefore, the CICL may be rehabilitated in its native State/UT as per the orders of the JJB which had conducted the inquiry of the child.

**PART-B For JJBs to where the child is transferred (receiving JJB)**

**Steps to be taken by the JJB receiving the child- In cases where the child has to be released/restored to his/her parents/family<sup>7</sup>**

1. The JJB receiving the child from the JJB of another District/State shall restore the child to the family/parent/guardians.
2. The following steps shall be taken by the JJB for restoration of the CICL received from another State/UT-
  - a. Direct the Probation Officer/DCPU to prepare a home visit report of the child for considering restoration of the child.
  - b. If a child is being restored from a CCI, then an Order (Form 44) for the release of the child placed in a Child Care Institution shall be passed after hearing the child and his parents or guardian, and after satisfying itself as to the identity of the persons claiming to be the parents or the guardian.
  - c. While passing an order for restoration of the child, the Board shall take into account the reports of the Probation Officer Worker/District Child Protection Unit/non-governmental organization and the home visit report and any other relevant document or report brought before the Board.
  - d. The Board or the Children's Court, while directing restoration of the child, may pass order for an escort in Form 45, where necessary.
  - e. Besides police, the Board may seek collaboration with the District Child Protection Unit to accompany the child back to the family for restoration.
  - f. The copy of the restoration order along with a copy of the order for escort shall be forwarded by the Board to the District Child Protection Unit which shall provide funds for the restoration of the child and the accompanying person, including travel and other incidental expenses.
  - g. A follow-up plan shall be prepared as part of the individual care plan by the Child Welfare Officer or the Case Worker or the social worker or the non-governmental organization.

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<sup>7</sup> Rule 82A of the Juvenile Justice (Care and Protection of Children) Model (Amendment) Rules, 2022



h. If the child is transferred to another district and enrolled in an after-care program, then the information about the aftercare program will be sought on the portal.

### **Cases where restoration may not be done of the child<sup>8</sup>**

- i. The child would not be restored back to the family where the parents or guardians refuse to accept the child back and in all such cases, the Board or the Children's Court shall provide alternative means for rehabilitation.
- ii. The child may not be restored back to the family where the social investigation report prepared by the Probation officer or designated officer of the District Child Protection Unit or the Child Welfare Officer or the non-governmental organization establishes that restoration to family may not be in the interest of the child.

### **Inter-Country Repatriation of a Child in conflict with law**

#### **Step-1**

1. When the child in conflict with law is to be released by the JJB either during inquiry, after conviction or after acquittal and it is found that the child is of another country, then the JJB shall inform about the same to the State Government, District Child Protection Unit and District Magistrate through the Child Welfare Police Officer/Probation Officer.
2. The District Child Protection Unit will upload the information of such a child to be transferred out of the country on the web portal of NCPCR for this purpose. The tracking and monitoring of such children will be done through the portal.

#### **In cases where the child belongs to Bangladesh**

1. Where the child produced before the JJB belongs to Bangladesh, the procedure as given under Article 11 of MoU between the Government of India and Government of Bangladesh. **The copy of MoU is enclosed as Annexure-1.**

#### **In cases where the child belongs to Nepal**

1. Where the child produced before the JJB belongs to Nepal, the procedure as under the SOP for repatriation of Nepalese children issued by Ministry of Home Affairs will be followed. **The copy of SOP is enclosed as Annexure-2.**

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<sup>8</sup> Rule 82A of the Juvenile Justice (Care and Protection of Children) Model (Amendment) Rules, 2022

**In cases where the child belongs to other country**

1. The CWC will inform the District Magistrate of the district where the child has been found and produced about the inter-country transfer of the child.
2. The DM will initiate the process of repatriation of the child through the SCPS in consultation with Ministry of Home Affairs and Ministry of External Affairs, as the case may be. The concerned divisions of Ministry of External Affairs **is provided at Annexure-3.**
3. The District Magistrate and the SCPS can consult with the Women Safety Division of Ministry of Home Affairs, or any other division of MHA designated for the same. This will be done under the intimation to the Ministry of Women and Child Development.
4. The expenses for the repatriation of the child to another country including expenses of an accompanying person shall be borne by the State Government concerned.
5. The DCPU shall update the status of repatriation of such children on the portal of NCPCR.

**Step-3- In cases of children who being hard to repatriate, a checklist for seeking information about the response from MEA and MHA and the steps being taken by MWCD and NCPCR will be provided.**

**CHAPTER-3**  
**MISCELLANEOUS**

## **Expenses for Repatriation of children**

**The TA for the child and an accompanying escort shall be paid by the State Government<sup>9</sup>**

## **CONSTITUTION OF AN INTERNAL COMMITTEE OF NCPCR FOR MONITORING CASES OF REPATRIATION**

It is proposed that an internal committee of NCPCR for monitoring cases of repatriation uploaded on the portal may be constituted. The functions of the Committee are as follows-

- i) To keep a track and monitor the cases of repatriation on the portal of NCPCR.
- ii) Identification of cases of children who are unable to be repatriated due to various reasons and/or cases of children where the repatriation process is being unnecessary delayed.
- iii) To hold meetings atleast once in every two months to discuss the cases of repatriation and work out effective solutions for expediting the process of repatriation for children.
- iv) NCPCR shall hold quarterly meetings with the Committee for the purposes of preparing the quarterly report.
- v) To interact with children through VC who are hard to be repatriated due to various reasons as and when required.

### **Composition of the Committee**

<b>S.No.</b>	<b>Composition</b>	<b>Designation</b>	<b>Status</b>
1.	Member Secretary, NCPCR	Chairperson	Permanent
2.	01 representative of SCPS of the State where repatriation cases are prevalent	Member	On rotation basis (Cluster system)
3.	01 representative of SCPS of the State where significant number of children are being received in transfer	Member	On rotation system (Cluster system)

<sup>9</sup> Rule 81(3) of Juvenile Justice (Care and Protection of Children) Model Rules, 2016

4.	01 DCPU of the State where repatriation cases are prevalent	Member	On rotation basis (Cluster system)
5.	01 DCPU of the State where significant number of children are being received in transfer	Member	On rotation basis (Cluster system)
6.	State Commissions for Protection of Child Rights	Member	On rotation basis (Cluster system)
7.	03 Independent Experts who have experience in dealing with cases of trafficking, child labour or any other such matter related to child rights <sup>10</sup>	Member	Temporary

7. The SCPS who will be a part of this Committee will be on rotation basis. Every SCPS will change in every quarter.
  8. Each SCPS will be chosen from a cluster. In the quarterly meeting with NCPCR, the next SCPS to be represented in the committee in the next quarter will be decided and intimation will be sent to the concerned SCPS.
  9. The meetings may be called by the Chairperson as per the TOR of the Committee.
  10. Three types of meetings will be held by the Committee-
    - o To interact with children through VC as and when required.
    - o Once in every two months to discuss the cases of repatriation.
    - o Once in every quarter to prepare the quarterly report.
5. The Committee will also make recommendations to NCPCR from time to time for providing effective solutions to expedite repatriation and for cases where intervention of NCPCR or SCPCRs is required.
6. NCPCR will provide resources for secretarial assistance.
7. The quorum for interacting with children will be as follows-

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<sup>10</sup> Rule 22 of National Commission for Protection of Child Rights Rules, 2006

- There will be at a time minimum three members present while interacting with children through VC. Out of which one will be expert.
- **In cases where whereabouts are known including cases where State is known but exact area is unknown and repatriation process of the child is delayed and In cases where repatriation of the child is being difficult to be done-** one representative of the SCPS from where the child has to be repatriated, one representative of the SCPS of the State to which the child has to be transferred, two independent experts of the internal committee of NCPCR. Out of the two independent experts, only one can attend to form the quorum.
- The minutes of the interaction will be presented to the internal committee during the bi-monthly meetings of the committee.

### **ROLE OF AUTHORITIES IN TRANSFER/REPATRIATION OF CHILDREN**

<b>S.No.</b>	<b>Authority</b>	<b>Steps to be taken</b>
<b>1.</b>	<b>CWC/JJB of the district where the child is produced (that is at the place of rescue)</b>	<ul style="list-style-type: none"> <li>i. Ensure care and protection to the child as per provisions of JJ Act, 2015 and Rules, 2016.</li> <li>ii. Take steps to inquire into finding out the whereabouts of the child.</li> <li>iii. Inform the DCPU to repatriate the child to the native district and/or the State.</li> <li>iv. Inform the District Magistrate about the children produced before it who are to be repatriated.</li> <li>v. Inform the CWC/JJB of the native district about the child and call for home visit report from that CWC/JJB.</li> <li>vi. Ensure to complete all steps as given under Part-2 and Part-3 of these protocols before transferring the child.</li> <li>vii. Order for transfer/repatriation of child to its native district and/or State.</li> <li>viii. Where only the native State is known for the child, coordinate with the SCPCR and SCPS for repatriation of the child to its State.</li> <li>ix. Proceed for transfer/repatriation of</li> </ul>

		the child through the DCPU under intimation to the District Magistrate.
<b>2.</b>	<b>CWC/JJB of the native district/State</b>	<ul style="list-style-type: none"> <li>i. Receive the child in the district and initiate inquiry to suitably rehabilitate the child.</li> <li>ii. Inform the District Magistrate about the children repatriated/transferred in its district.</li> <li>iii. Restoration of the child to its family/guardian as per provisions of JJ Act, 2015 and JJ Rules, 2016.</li> </ul>
<b>3.</b>	<b>District Magistrate</b>	<ul style="list-style-type: none"> <li>i. Prepare a list of children to be repatriated and furnish the same to the Monitoring Authority (National Commission for Protection of Child Rights or State Commission for Protection of Child Rights, as the case may be)</li> <li>ii. Ensure inter-country repatriation of children from its district through the State Government.</li> <li>iii. Make available translators/interpreters to the CWCs for conducting inquiry for the child.</li> <li>iv. Coordinate the activities of all agencies in the district on all aspects prescribed under law and stated in this protocol.</li> </ul>
<b>4.</b>	<b>District Child Protection Unit</b>	<ul style="list-style-type: none"> <li>i. Send the information of transfer to the appropriate Board or the Committee having jurisdiction over the area where the child is ordered to be transferred by the Board or Committee.</li> <li>ii. Send a copy of the information to the Person-in-charge of the institution where the child is to be placed for care and protection at the time of the transfer order.</li> <li>iii. Assist and help the CWC in the transfer of the child.</li> <li>iv. Assist the District Magistrate in identification of children from CCIs</li> </ul>

		<p>who can be transferred/repatriated and get those children repatriated on priority.</p> <p>v. Assist the District Magistrate in linking up the various services that are required to ensure implementation of this protocol as well as ensuring the rights of the child.</p> <p>vi. Upload on portal.</p>
<b>5.</b>	<b>State Child Protection Society</b>	<p>i. In cases where the exact district/area of the child is unknown but the State is known. The SCPS shall maintain a list of all such children.</p> <p>ii. Direct the police to locate the whereabouts of the child.</p> <p>iii. Designate a nodal CWC for conducting inquiries of children who are received in the State through SCPS.</p> <p>iv. Make available translators/interpreters to the CWCs for conducting inquiry for the child.</p>
<b>6.</b>	<b>Police/SJPU</b>	<p>i. Work in a coordinated manner with the district administration to ensure transfer of children.</p> <p>ii. When a case is referred from the CWC for locating the whereabouts of the child, the police must take prompt steps to locate the same.</p> <p>iii. In case an abandoned child is found by the police, the child should be mandatorily reported and produced before CWC.</p> <p>iv. As per orders of CWC, escort children to their native District/State and ensure protection to the children during the transfer.</p>
<b>7.</b>	<b>State Commission for Protection of Child Rights of the State where the child is found</b>	<p>i. Track and Monitor children who are to be repatriated/transferred from the State.</p> <p>ii. Hold regular review meetings with all stakeholders to ensure that all</p>



		<p>actions are being taken in a time bound manner.</p> <ul style="list-style-type: none"> <li>iii. Take cognizance on delays caused in the repatriation/transfer of any child and make recommendations to authorities to expedite repatriation of children.</li> <li>iv. Intervene and assist the DM and the SCPS in providing translators/interpreters.</li> <li>v. Follow up with the concerned Government or Private Agencies for getting the child repatriated.</li> <li>vi. Assist and coordinate with the SCPS in getting the children repatriated to their districts and restored to their families/guardians, where the State of the child is known but the district is unknown.</li> <li>vii. Coordinate various activities in the State for children who are to be received in the State.</li> <li>viii. SCPCR may also form similar such Committee having CWC &amp; DCPU as members for monitoring the cases of repatriation.</li> <li>ix. SCPCR can make request to NCPCR for making appropriate provision on their dashboard of GHAR portal for holding meetings and uploading minutes/report on the portal.</li> <li>x. In monitoring the repatriation of children and this protocol, SCPCRs are limited to inter-district transfer of children within the jurisdiction of their own State/UT.</li> <li>xi. Submit a status report of the children who are to be repatriated to the State Government and NCPCR on a quarterly basis.</li> </ul>
<p><b>8.</b></p>	<p><b>National Commission for Protection of Child Rights</b></p>	<ul style="list-style-type: none"> <li>i. Developing an online portal to receive data of children who are identified for repatriation and running the portal effectively.</li> <li>ii. Overall monitoring and follow up with the concerned Government or Private Agencies for getting the child</li> </ul>

- repatriated
- iii. Submit a status report of the children who are to be repatriated to the Central Government on a quarterly basis.
  - iv. Constitute an internal committee for monitor the repatriation of children.
  - v. On the request of SCPCR, NCPCR facilitate a mechanism on GHAR portal for SCPCR to upload data on the portal.
  - vi. Coordinating meetings with all concerned as and when called for.
  - vii. In monitoring the repatriation of children, NCPCR will have the powers to inquire into any matter related to the repatriation of children and implementation of this protocol.
  - viii. While inquiring into any matter relating to repatriation of children and implementation of this protocol, NCPCR will have the same powers as are vested to NCPCR under the Commissions for Protection of Child Rights Act, 2005

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**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**THE GOVERNMENT OF THE REPUBLIC OF INDIA**  
**AND**  
**THE GOVERNMENT OF THE PEOPLE'S REPUBLIC**  
**OF BANGLADESH**  
**ON**  
**BILATERAL COOPERATION**  
**FOR**  
**PREVENTION OF HUMAN TRAFFICKING**  
**ESPECIALLY TRAFFICKING IN WOMEN**  
**AND CHILDREN;**  
**RESCUE, RECOVERY, REPATRIATION AND RE-**  
**INTEGRATION OF VICTIMS OF**  
**TRAFFICKING**

2014



**THE GOVERNMENT OF THE REPUBLIC OF INDIA AND THE  
GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH**  
(hereinafter referred to as the "Parties"),

**Having sought** to strengthen the bonds of friendship between the two countries and to increase the bilateral cooperation on the issues of prevention, rescue, recovery and repatriation related to human trafficking especially women and children expeditiously,

**Recognizing** that trafficking in women and children is a gross violation of their rights and dignity,

**Gravely concerned** that human trafficking especially women and children has a negative impact on women and children's physical, sexual and mental health, moral development and is detrimental to the social norms and values of the society,

**Taking into account** that transnational criminal groups and organizations are actively involved in human trafficking especially of women and children and that such transnational organized crimes have affected not only Bangladesh and India but also the region and the global community at large,

**Confirming** that the Parties share the common concern against transnational human trafficking especially in women and children as addressed from time to time,

**Recalling** also the relevant international and regional instruments relating to prevention of trafficking in women and children,

**Convinced** that prevention and combating of the crime of human trafficking especially in women and children through mutual cooperation in law enforcement and criminal procedures is an effective measure to ensure justice against crime of human trafficking,

**Emphasizing** the need to strengthen cooperation to prevent all forms of human trafficking, especially women and children and to protect and assist them,

**Ensure** the speedy investigation and prosecution of traffickers and organized crime syndicates in either country.

Have agreed as follows:

2014



## I- SCOPE OF THE MEMORANDUM OF UNDERSTANDING

### Article 1:

This Memorandum of Understanding shall apply to all forms of human trafficking especially trafficking in women and children as defined in Article 2 of this Memorandum and with specific reference to the respective Standard Operating Procedures adopted by both the countries.

## II- DEFINITION

### Article 2:

For the operational purpose of this memorandum:

(a) "Trafficking in women and children" shall mean the selling, buying, recruitment, receipt, transportation, transfer, or harbouring of any person for the purpose of sexual- exploitation, labour-exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs or any other form of exploitation by means of

(i) threat or use of force or other forms of coercion, or

(ii) abduction, fraud or deception, or other types of vulnerability, or

(iii) giving or receiving of payments or benefits to achieve the consent of a person having control over another person.

(b) "Victims of trafficking" or "victim" means a person against whom any of the trafficking offences under the respective laws of either countries has been committed.

(c) "Traffickers" means persons, agencies or institutions engaged in human trafficking especially women and children.

(d) "Child" means a person who has not completed the age of eighteen years.

(e) "Focal Point" means the designated officials from the Home Ministries of the respective countries.

(f) The consent of a victim of trafficking in person to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.

2014



### III- PREVENTIVE MEASURES

#### Article 3:

The Parties shall undertake necessary policies, programmes and appropriate measures to ensure that the respective countries conform to the international human rights instruments which both the Parties have ratified or acceded to are effective in eliminating human trafficking in women and children and in protecting the rights of victims of trafficking.

#### Article 4:

The Parties shall undertake preventive measures in the respective countries including strengthening of law enforcement agencies, border controls, raising awareness and life-skills, vocational and educational programs, community based prevention mechanisms in particular for women and children with special reference to human trafficking to increase the opportunity for employment and hence reduce vulnerability to trafficking in coordination with other relevant government agencies or non-government/development partners.

The Parties shall also strengthen immigration and border controls to prevent and detect trafficking in persons.

#### Article 5:

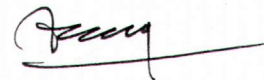
The Anti-trafficking Cells and Task Forces shall make best efforts to prevent human trafficking through the following preventive measures:

(a) Coordinate with relevant Government Organisations and Non-Government Organisations' activities regarding awareness raising programmes and setting up community based prevention mechanisms.

(b) Develop and share database on traffickers and also on victims of trafficking and regular exchange of such information through the designated focal points in the Ministry of Home Affairs in India and Bangladesh.

(c) Border guarding forces of India and Bangladesh will strive to prevent human trafficking through the implementation of simultaneous coordinated patrolling, activating nodal points, regular meetings of field commanders and sharing of intelligence inputs as agreed in CBMP 2011.

2/5/14



(d) Capacity building programmes for concerned agencies of both countries including joint trainings.

(e) Check and regulate the activities of manpower recruiting and travel agents through the appropriate authorities.

#### IV- PROTECTION OF TRAFFICKED WOMEN AND CHILDREN

##### Article 6:

Women and children who have been found victims of trafficking based on investigation shall be treated as victims of trafficking.  
Therefore,

(a) The relevant authorities shall ensure the protection and security at every step taken for the repatriation of trafficked women and children.

(b) Women and child victims shall be treated with dignity, ensure confidentiality and non- discrimination throughout the process of protection and repatriation, and judicial proceedings.

(c) Standard Operating Procedure adopted by the Governments for Rescue, Recovery, Repatriation and Integration [RRRI] will be followed for the repatriation of the victims of trafficking.

##### Article 7:

The Parties shall undertake appropriate measures on behalf of the victim of trafficking as per the laws and rules of the countries and may seek such mutual legal assistance as appropriate.

##### Article 8:

The relevant government agencies where appropriate, in cooperation with non-government organizations, shall provide victim of trafficking with safe shelters, health care, access to legal assistance, and other imperatives for their protection and safe guarding their best interest. In case of children specific measures included in the laws related to children will prevail.

##### Article 9:

The law enforcement agencies and other relevant agencies in both countries, especially at the border shall work in close cooperation to uncover domestic and cross border trafficking of children and women and

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**Article 10:**

The police and other relevant authorities in both countries shall cooperate in exchange of information concerning trafficking cases such as trafficking routes, places of trafficking, identification of traffickers, network of trafficking, methodologies of trafficking, information related to proceeds of crime, and data on trafficking through the focal points and Taskforces of both countries.

**V- REPATRIATION**

**Article 11:**

(a) The authorities in charge of repatriation shall follow the respective SOP to inform the other Party of repatriation arrangements of trafficked victims in advance and repatriation will be undertaken in accordance with the respective SOP adopted by the countries.

(b) Repatriation of trafficked victims shall be arranged and conducted expeditiously and cases pending beyond six months can be escalated to the higher authority.

**VI- REINTEGRATION**

**Article 12:**

The Parties shall make all possible efforts towards the safe and effective reintegration of victims of trafficking into their families and communities in order to restore their dignity, freedom, and self-esteem in their respective countries.

**VII- JOINT TASK FORCE**

**Article 13:**

(a) The Joint Task Force established between the two Parties shall be comprised of competent representatives from both Parties.

(b) The Joint Task Force existing between the two Parties and consisting of representatives of both Parties shall assume the following responsibilities:

27/01/14





(b) The Joint Task Force existing between the two Parties and consisting of representatives of both Parties shall assume the following responsibilities:

- (i) To monitor and assess the implementation of this Memorandum of Understanding and report to the respective Ministries at its annual meeting;
- (ii) To initiate establishment of strategies, plan of action and implementing guidelines and other necessary framework to implement this Memorandum;
- (iii) To make recommendations toward further development of mutual cooperation against human trafficking;
- (iv) To review the implementation of this Memorandum of Understanding every two years;
- (v) The Joint Task Force shall be called to meet as and when the need arises. The date and venue of the meeting of the Joint Task Force shall be agreed by both the Parties.

### VIII- FINAL PROVISIONS

#### Article 14:

This Memorandum of Understanding shall take effect on the date of signature by both the Parties.

#### Article 15:

The Parties shall endeavor to settle disputes concerning the interpretation or application of this Memorandum through negotiation.

#### Article 16:


Either Party may terminate this Memorandum of Understanding at any time by giving written notice to the other Party through diplomatic channels, and the termination shall be effective three months after the date of receipt of such notice.

#### Article 17:

This Memorandum of Understanding may be amended upon the agreement of the Governments of India and Bangladesh.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments have signed this Memorandum of Understanding.

2/3/07

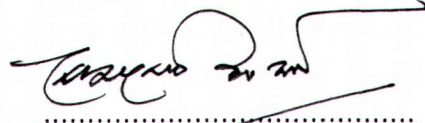
 6

Done at Dhaka on Sixth of June Two Thousand and Fifteen in two originals each in Hindi, English & Bangla. In case of divergence in interpretation, the English text shall prevail.

For and on behalf of the  
Government of  
Republic of India

27.04.2015

For and on behalf of the  
Government of  
People's Republic of  
Bangladesh



Dr. Md. Mozammel Haque Khan  
Senior Secretary  
Ministry of Home Affairs  
Govt. of the People's Republic  
of Bangladesh

**IMPORTANT**  
**MOST IMMEDIATE**

**F. No. 15011/ 31 /2018-ATC**  
**Government of India**  
**Ministry of Home Affairs**

**Women Safety Division, 2<sup>nd</sup> Floor,**  
**Major Dhyanchand National Stadium**  
**India Gate, New Delhi-110002**  
**December 26, 2018**

To

1. **The Additional Chief Secretary/Principal Secretary/ Secretary (Home) of all States & UTs**
2. **The Directors General / Commissioner of Police of all States & UTs**

Subject: **Standard Operating Procedure (SOP) for repatriation of Nepalese Children**

Sir/Madam,

Trafficking in persons is a serious crime and a grave violation of human rights. A large number of countries in the world are affected by human trafficking, whether as a country of origin, transit or destination for victims. It is a global phenomenon, which needs a concerted, collective and comprehensive response by all stakeholders.

2. To prevent and counter the menace of human trafficking, the Government of India has been taking various initiatives both at national and international level.

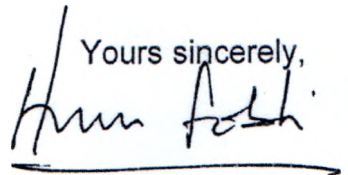
3. The Ministry of External Affairs (MEA) has recently informed the Ministry of Home Affairs that it receives several requests for repatriation of Nepalese nationals from the Directorate of Social Security and Women and Child Development, Government of Punjab. Most of the victims are children and are kept in Children Homes run by the Government of Punjab. MEA has informed that while efforts are made for reintegration of these children with their families, however often there is no set procedure for such cases. There may be similar cases in other States as well. MEA has therefore proposed a Standard Operating Procedure (SOP) for handling repatriation of such children in custody of State Governments.

4. The SOP which may be put into use for repatriation of Nepalese children is attached.

5. All State Governments and UT Administrations may make use of the attached SOP for repatriation of Nepalese children as suggested by the Ministry of External Affairs.

Encl. as above.

Yours sincerely,



(Arun Sobti)

Under Secretary (PR & ATC)

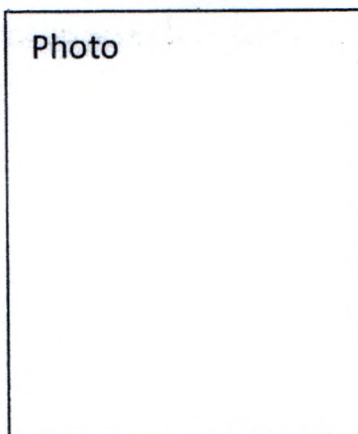
Tele: 23075297

Email: [uspr-mha@nic.in](mailto:uspr-mha@nic.in)

## SOP FOR REPATRIATION OF NEPALESE CHILDREN

1. Concerned Department of the State Government should submit complete details of the child, to the extent possible, as in 'Annexure' to Deputy Secretary, Northern Division, Ministry of External Affairs (MEA), South Block, New Delhi-110001.
2. Upon receipt of information, Northern Division, Ministry of External Affairs (MEA) will take up the matter with the Embassy of Nepal in Delhi requesting for verification of identity of the child and details of the child's family.
3. Upon receipt of confirmation from Embassy of Nepal about the child's identity, Northern Division, MEA will issue a communication to facilitate the handing over of the child to his/her parent/authorized guardian/legal heir.
4. The State Government will hand over the child to the parents/legal heir at the Embassy of Nepal in Delhi in the presence of a representative from the Northern Division, MEA at a mutually agreed date & time. The date and time of such handover will be decided only after the issue of response to the State Government by MEA.
5. Northern Division, MEA will send quarterly report of such repatriations to Women Safety Division, MHA.

## PARTICULARS OF THE CHILD TO BE REPATRIATED



**Full Name of the child :**

**Age of the child :**

**Father's Name :**

**Mother's Name :**

**Contact number in Nepal :**

**Address in Nepal :**

**Does the Child possess any ID :**

**If yes, details of the ID :**  
**(copy of the ID may be attached)**

**Annexure-3****Ministry of External Affairs (Country-wise list)**

<b>S.No.</b>	<b>Division</b>	<b>Concerned Countries</b>
1.	<b>AMS [Americas] Division</b>	All matters relating to Canada and U.S.A.
2.	<b>BM [Bangladesh, Myanmar ] Division</b>	All matters relating to Bangladesh, Myanmar
3.	<b>Central Europe Division</b>	Deals with India's relations with Albania, Austria, Bosnia & Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Greece, Holy See, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, North Macedonia, Malta, Moldova, Montenegro, Norway, Poland, Romania, Serbia, Slovak Republic, Slovenia, Sweden, Switzerland and Türkiye
4.	<b>Central and West Africa Division</b>	All matters relating to Angola, Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Cape Verde, Democratic Republic of Congo, Equatorial Guinea, Gambia, Ghana, Guinea Bissau, Guinea and Liberia, Gabon, Ivory Coast, Mali, Mauritania, Nigeria, Niger, Republic of Congo, Sierra Leone, Senegal, Sao Tome & Principe, Togo, CEMAC, ECCAS, ECOWAS, TEAM9 and WAEMU
5.	<b>CPV [Consular Passport, Visa] Division</b>	Indian visa related issues, visa requests from foreign resident diplomatic Missions/Posts and international organizations; matters relating to Legalisation of documents, consular services abroad; Extradition policy; issuance of diplomatic and official passports
6.	<b>EA [East Asia] Division</b>	All matters relating to China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea
7.	<b>Eurasia Division</b>	All matters relating to Russia, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan,

		Kyrgyz Republic, Tajikistan, Turkmenistan, Ukraine and Uzbekistan
8.	<b>Europe West Division</b>	All matters relating to Andorra, Belgium, France, Germany, Ireland, Italy, Luxemburg, Monaco, Netherlands, Portugal, San Marino, Spain, United Kingdom, European Union
9.	<b>E &amp; SA [East &amp; Southern Africa] Division</b>	All matters relating to Botswana, Burundi, Eswatini, Ethiopia, Kenya, Lesotho, Malawi, Mozambique, Namibia, Rwanda, South Africa, Tanzania, Uganda, Zambia, Zimbabwe, African Union, East African Community, and COMESA
10.	<b>Gulf Division</b>	All matters relating to Bahrain, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, Yemen, UAE
11.	<b>Indian Ocean Region Division</b>	All matters relating to Comoros, Madagascar, Maldives, Mauritius, Seychelles, Sri Lanka and Indian Ocean Region
12.	<b>LAC [Latin America &amp; Carribean] Division</b>	All matters relating to Anguilla, Antigua and Barbuda, Antilles and Aruba, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Cayman Islands, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Dominica Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Montserrat, Nicaragua, Panama, Paraguay, Peru, St. Christopher & Nevis, Suriname, Trinidad and Tobago, Turks and Caycos Islands, Uruguay, Venezuela, St. Lucia, St. Vincent & Grenadines
13.	<b>Northern [Nepal, Bhutan] Division</b>	All matters relating to Bhutan and Nepal
14.	<b>Oceania Division</b>	Australia, New Zealand, Pacific Island Countries- Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Niue, Palau, Papua New Guinea, Nauru, Republic of Marshal Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu
15.	<b>PAI [Pakistan, Afghanistan &amp; Iran]</b>	All matters relating to Pakistan, Afghanistan and Iran

	<b>Division</b>	
16.	<b>Southern Division</b>	All matters relating to Brunei, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, Timor Leste and Vietnam
17.	<b>WANA [West Asia &amp; North Africa] Division</b>	All matters relating to Algeria, Djibouti, Egypt, Israel, Libya, Lebanon, Morocco, Syria, Palestine, Sudan, South Sudan, Somalia, Jordan and Tunisia

**All matters concerning Inter-Country Repatriation will also be reported to the Women Safety Division of Ministry of Home Affairs**



**LANGUAGES WITH STATES**

**1. Andaman and Nicobar Islands**

- Bengali
- Tamil
- Telugu
- Hindi
- Nicobarese
- Malayalam
- Sadri
- Kurukh
- Mundari
- Kharia

**2. Andhra Pradesh**

- Telugu
- Urdu
- Tamil

**3. Arunachal Pradesh**

- Nishi
- Adi
- Apatani
- Tagin
- Hindi

**4. Assam**

- Assamese
- Bengali
- Bodo
- Hindi
- Nepali

**5. Bihar**

- Hindi

- Bhojpuri
- Magahi/Magadhi
- Angika
- Bajjika
- Nepali
- Maithili
- Urdu
- Sanskrit
- English
- Bengali
- Kurukh
- Mundari
- Santhali

#### **6. Chandigarh**

- Hindi
- Punjabi
- Urdu
- Nepali
- Bengali

#### **7. Chhattisgarh**

- Hindi
- Odia
- Bengali
- Telugu
- Marathi

#### **8. Dadra and Nagar Haveli and Daman and Diu**

- Gujarati
- Hindi
- Marathi
- Konkani
- Bengali

## **9. Delhi**

- Hindi
- Punjabi
- Urdu
- Bengali
- Maithili

## **10. Goa**

- Konkani
- Marathi
- Hindi
- Kannada
- Urdu

## **11. Gujarat**

- Gujarati
- Hindi
- Marathi
- Sindhi
- Urdu

## **12. Haryana**

- Hindi
- Punjabi
- Urdu
- Bengali
- Maithili

## **13. Himachal Pradesh**

- Hindi (including Pahari languages)
- Punjabi
- Nepali
- Kashmiri
- Dogri

## **14. Jammu and Kashmir and Ladakh**

- Kashmiri
- Dogri
- Hindi
- Punjabi
- Urdu

**15. Jharkhand**

- Hindi (including Bihari languages)
- Santali
- Bengali
- Urdu
- Odia

**16. Karnataka**

- Kannada
- Urdu
- Telugu
- Tamil
- Marathi
- Kodava
- Tulu
- Konkani
- Beary
- Malayalam
- Hindi

**17. Kerala**

- Malayalam
- Tamil
- Tulu
- Kannada
- Konkani
- Hindi

**18. Lakshadweep**

- Malayalam

- Dhivehi
- Tamil
- Hindi
- Telugu

**19. Madhya Pradesh**

- Hindi
- Marathi
- Urdu
- Sindhi
- Gujarati

**20. Maharashtra**

- Marathi
- Hindi
- Urdu
- Gujarati
- Telugu

**21. Manipur**

- Meitei
- Nepali
- Hindi
- Bengali
- English

**22. Meghalaya**

- Khasi
- Garo
- Bengali
- Nepali
- Hindi

**23. Mizoram**

- Mizo
- English

- Hindi
- Meitei
- Chakma

**24. Nagaland**

- Naga languages
- English
- Hindi
- Assamese
- Meitei

**25. Odisha**

- Odia
- Hindi
- Santali
- Urdu
- Telugu

**26. Puducherry**

- Tamil
- Telugu
- Malayalam
- French
- English

**27. Punjab**

- Punjabi
- Hindi
- Urdu
- Bengali
- English

**28. Rajasthan**

- Hindi (including Rajasthani languages)
- Punjabi
- Gujarati

- Sindhi
- Urdu

**29. Sikkim**

- Nepali
- Hindi
- Bengali
- Urdu
- Punjabi

**30. Tamil Nadu**

- Tamil
- Telugu
- Kannada
- Urdu
- Malayalam

**31. Telangana**

- Telugu
- Urdu
- Lambadi
- Marathi
- Hindi
- Others

**32. Tripura**

- Bengali
- Kokborok
- Chakma
- English
- Meitei

**33. Uttar Pradesh**

- Hindi (including local dialects)
- Urdu

- Punjabi
- Nepali
- Bengali

**34. Uttarakhand**

- Hindi
- Garhwali
- Kumaoni
- Urdu
- Punjabi

**35. West Bengal**

- Bengali
- Hindi
- Santali
- Urdu
- Nepali





**NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS  
5TH FLOOR, CHANDERLOK BUILDING, 36 JANPATH,  
NEW DELHI-110001**

**[WWW.NCPCR.GOV.IN](http://WWW.NCPCR.GOV.IN)**