

Speedpost



No. M/23/2018

केंद्रीय फिल्म प्रमाणन बोर्ड

सूचना और प्रसारण मंत्रालय
भारत सरकार

9 वी मंजिल, फेस 1,
फिल्म प्रभाग परिसर,
24, डॉ जी. देशमुख मार्ग,
मुंबई - 400026

Date : 6-6-2018

To,

The Regional Officer,
CBFC,
Mumbai/Chennai/Kolkata/Hyderabad/Bengaluru/
Thiruvananthapuram/Delhi/Cuttack/Guwahati.

Subject : Advisory towards prohibition on disclosure of identity of children under section 23 of the POCSO (Protection of Children from Sexual Offences) Act of 2012 and section 74 of the JJ (Juvenile Justice) Act, 2015 – reg.

Please find attached copy of letter received from National Commission for Protection of Child Rights on the above mentioned subject. In this regard, I am directed to inform that section 23 of the POSCO Act, 2012 and section 74 of the JJ Act, 2015 may be kept in view and strict compliance regarding protection of children rights may be stressed while certifying films.

In view of the above, copy of NCPCR's handbook for ready reference is available on the website www.ncpcr.gov.in. You may bring this to the notice of all officers and advisory panel members in your region.

This issues with the approval of Chairperson, CBFC.

Yours faithfully,

(Anurag Srivastava)
Chief Executive Officer
Tel. No. 022-23510477
E-mail - ceo.cbfc@nic.in

Encl : As above.



स्तुति कक्कड़
Stuti Kacker
अध्यक्ष
Chairperson

भारत सरकार
GOVERNMENT OF INDIA

राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

नई दिल्ली-110 001
New Delhi - 110 001



F.No.2801/10/2016/Media/NCPCR
Dated: 4th May, 2018

71450

Dear *Shri Jasbir*

For the protection of Children's rights, a large number of Conventions, Treaties, Laws and Charters have been enacted at the national and international level. The Constitution of India also recognizes the vulnerability of children and their Rights to survival, protection, development and participation and therefore, given special attention to children. Based on these, major legislations like CPC Act 2005, RTE 2009, POCSO Act 2012 and JJ Act 2015 have further strengthened the legal mechanism for protection of child rights.

2. The CPC Act 2005 provides for the constitution of a National as well as State Commissions for Protection of Child Rights. NCPCR was thus set-up in March 2007. One of the major functions of NCPCR is to generate awareness about Child Rights and their protection.

3. The Media plays a significant role in highlighting the condition of children, deprivation/violation of children's rights and in bringing child issues into the mind space of the policy makers. However, while doing so, it is important that the legal provisions such as; Section 23 of POCSO Act of 2012 and Section 74 of JJ Act 2015 which prohibit disclosure of identity of children are kept in view.

Section 74 is reproduced below:

Prohibition on disclosure of identity of children. Section 74. (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.

*Laxmi
P. disurs
22/5/18*

*To
CEO
Please
see*

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5th Floor, Chanderlok Building, 36, Janpath, New Delhi-110 001
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Web:www.ncpcr.gov.in

4. Further, Section 23 of the POCSO Act, 2012 is reproduced below:

Procedure for media section: Section 23. (1) *No person shall make any report or present comments on any child from any form of media or studio or photographic facilities without having complete and authentic information, which may have the effect of lowering his reputation or infringing upon his privacy.*

(2) *No reports in any media shall disclose, the identity of a child including his name, address, photograph, family details, school, neighbourhood or any other particulars which may lead to disclosure of identity of the child:*

Provided that for reasons to be recorded in writing, the Special Court, competent to try the case under the Act, may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

(3) *The publisher or owner of the media or studio or photographic facilities shall be jointly and severally liable for the acts and omissions of his employee.*

(4) *Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be liable to be punished with imprisonment of either description for a period which shall not be less than six months but which may extend to one year or with fine or with both*

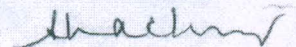
5. It is towards this objective that NCPCR has developed guidelines, 'Understanding Child Rights – NCPCR's Handbook for Media Professionals' for easy referencing. We hope that the users will find it useful.

6. I am enclosing 2 copies of NCPCR's 'Understanding Child Rights – NCPCR's Handbook for Media Professionals' for your reference and for disseminating the guidelines to all concerned. It is also available on our website www.ncpcr.gov.in

7. In view of the above, it is requested that an advisory may please be issued to all concerned to strictly comply with the provisions of the above Indian Laws on the protection of rights of the children.

With regards,

Yours sincerely,



(Stuti Kacker)

Shri Praseon Joshi
Chairperson
Central Board of Film Certification
Films Division Complex
Phase- I Building, 9th Floor, Dr. G. Deshmukh Marg
Mumbai- 400026