



Note for use: This is a format of a petition praying for release of a victim from a shelter home and granting custody of the girl to her mother or natural guardian. Such petitions are generally moved before the CWC.

Sample Format for Application for Restoration of Minor

BEFORE THE CHILD WELFARE COMMITTEE (CWC) AT _____

In the matter of:

..... Applicant

IN

..... Complainant

V/s

..... Accused

FIR no..... Dt..... U/s.

P.S.:

APPLICATION FOR RELEASE/RESTORATION OF VICTIM/PROSECUTRIX/MINOR CHILD (as the case maybe) IN THE ABOVEMENTIONED CASE FROM THE SHELTER HOME

MOST RESPECTFULLY SHEWETH:

1. The Applicant in this case is the mother/father of the minor child and hence is the natural guardian of the child by way of which the applicant has a legal right to move this application before this Hon'ble Bench.
2. That the victim/child (*as the case maybe*) being a minor was produced before the this Hon'ble bench onu/s 32 of the Juvenile Justice Act, 2000 (hereafter referred to as "JJ Act, 2000") specifically states that:
"Sec. 32. Production before Committee. -
(1) Any child in need of care and protection may be produced before the Committee by one of the following persons-
(i) any police officer or special juvenile police unit or a designated police officer;
(ii) any public servant;
(iii) Childline, a registered voluntary organisation or by such other voluntary organisation or an agency as may be recognised by the State Government;
(iv) any social worker or a public-spirited citizen authorised by the State Government; or
(v) by the child himself.
(2) The State Government may make rules consistent with this Act to provide for the manner of making the report to the police and to the Committee and the manner of sending and entrusting the child to children's home pending the inquiry."
3. That on the abovementioned date i.e., the this on viewing the prosecutrix as a child in need of care and protection u/s 2 () of the JJ Act took the prosecutrix into its custody and placed the prosecutrix at for care and protection, pursuant to its authority as per Sec. 31 of the JJ Act, 2000 wherein it stipulates that:

“Powers of Committee. The Committee shall have the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of the children as well as to provide for their basic needs and protection of human right.

Where a Committee has been constituted for any area, such Committee shall, notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, have the power to deal exclusively with all proceedings under this Act relating to children in need of care and protection.”

4. It is humbly submitted that as per Sec. 31 of the JJ Act, 2000 the CWC is the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of children as well as to provide for their basic needs and protection of human rights. This is further supported by the Hon’ble Bombay High Court decision in *Prerna Vs. State of Maharashtra*, 2003(2) Mah.L. J. 105, where the Division Bench of this Court gave the following guidelines to ensure that a child in need of care and protection is dealt with while bearing in mind the possibility of their reformation and rehabilitation:

"37. We feel that the following directions may prevent recurrence of such events in future:

- (A) No Magistrate can exercise jurisdiction over any person under 18 years of age whether that person is a juvenile in conflict with law or a child in need of care and protection, as defined by Sections 2(1) and 2(d) of the Juvenile Justice (Care and Protection of Children) Act, 2000. At the first possible instance, the Magistrates must take steps to ascertain the age of a person who seems to be under 18 years of age. When such a person is found to be under 18 years of age, the Magistrate must transfer the case to the Juvenile Justice Board if such person is a juvenile in conflict with law, or to the Child Welfare Committee if such a person is a child in need of care and protection...”

4. That the Applicant works at _____ and has a fixed monthly income (*or as the case maybe*)
5. That the Applicant being the natural guardian of the child is fit to look after the child’s protection and needs.
6. The instant application on behalf of the applicant is bona-fide and in the interest of justice.

PRAYER

Therefore, keeping in view afore stated facts and circumstances and also in the interest of justice, it is humbly prayed that this Hon’ble Bench: -

- a) To release/restore the child in need of care and protection to the applicant who is her natural guardian.
- b) Pass any other order which the court may deem fit and proper in the facts and circumstances of the case.

Dated:

Place:

(Applicant)
Through:

Lawyer

