

# SIKKIM

## GOVERNMENT



## GAZETTE

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GOVERNMENT OF SIKKIM  
SOCIAL WELFARE DEPARTMENT  
GANGTOK

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### NOTIFICATION

In exercise of the powers conferred by section 68 of the Juvenile Justice (Care and Protection of Children) Act,2000 (56 of 2000),the State government hereby makes the following rules, namely;-

#### CHAPTER-I

#### ***PRELIMINARY***

Short title and  
Commencement

1, (1) these rules may be called the sikkim Juvenile Justice (Care and Protection children)rules,2002  
(2) they shall come into force on the date of their publication in the official Gazette.

Definition

2.(1) In these rules, unless the context otherwise requires;-  
(a) "ACT" means the Juvenile Justice (Care and Protection of Children)Act,2000(56 of 2000)  
(b) "adoption" means taking permanent custody and responsibility of a juvenile or a child covered under this Act, who shall have pari passu rights of a natural born child.  
(c) "Form" means the form annexed to these rules;  
(d) "institution" for the purposes of these rules, means an observation home, or a special home, or a children's home or a shelter home, set up or certified or recognized under sections 8,9, 34 and 37 of the Act responsibility;  
(e) "State Government" means the government of Sikkim  
(f) "Superintendent" means a person appointed for the control and management of the institution;  
2) words and expressions defined in the Act and used ,but not defined in these rules, shall have the same meaning as assigned to them in the Act.

**CHAPTER-II**  
**JUVENILE IN CONFLICT WITH LAW**

Juvenile Justice

3.(1) The Board constituted under Section 4 of the Act shall consist of a Judicial magistrate of the first class and two social workers of whom at least one shall be a woman, forming a bench.

(2) Every such bench shall have the powers conferred by the code of Criminal Procedure 1973 (2 of 1974)

3) (a) A magistrate with special knowledge or training in child psychology or child welfare shall be designated as the Principal Magistrate of the Board,

b) In case the Principal Magistrate with such special knowledge or training is not available, then, the State government shall provide for such short term training in child psychology or child welfare as it considers necessary

4) The two social workers, of whom at least one shall be a woman, shall be appointed by the State Government on the recommendation of the Selection committee and up under sub-rules(2) of rule 24 of these rules

5) the selection Committee shall take into consideration the panels of names recommended by the local authority while considering the selection of social workers for the Board and shall prepare a panel of names for each Board including a panel of names to fill in vacancies, which may arise during the tenure of the Board

6) the social worker to be appointed as a member of the board shall be a person who has been actively involved and engaged in planning, implementing and administrative measures relating to health, education or other welfare activities pertaining to children for at least seven years.

7) the board shall have a tenure of three years and the appointment of members shall be co-terminus with the tenure of a board.

8) a social worker being a member of the Board shall be eligible for appointment for a maximum of two terms.

9) the Board shall hold its sittings in the premises of an observation home and shall meet on all the working days of a week

10) a member may resign any time, by giving one month's advance notice in writing or maybe removed from his office as provided in sub-section(5) of section 4 of the Act.

11) The social worker members of the board shall be paid such traveling or meeting allowance or honorarium, as the State government may decide from time to time.

Institutional  
Management  
For Juvenile  
In conflict

4.(1) The State government or the voluntary organization \ certified by the state government shall set up separate observation homes for boys and girls.

2) the State government or the Voluntary organization

With law

certified by the State government shall set up separate special homes for girls above the age of 10 years and boys in the age groups of 11 to 15 and 16 to 18 years as and when required.

3) The following procedure shall be followed in respect of the newly admitted juveniles namely;-

- a) receiving and search;
- b) hair-cut (unless prohibited by religion) issue of the toiletry
- c) disinfections and storing of juvenile's personal belongings and other valuables;
- d) bath
- e) issue of new set of clothes, bedding and other outfit and equipment (as per scales);
- f) medical examination and treatment, where necessary and in case of any juvenile suspected to be suffering from contagious or infectious diseases, mental ailments, addiction, etc... he shall be immediately segregated in specially earmarked dormitories or wards or hospitals;
- g) attending to immediate and urgent needs of the juvenile's like appearing in examinations, interview letter to parent(s), personal problems etc..., and
- h) Verification by the superintendent of the order of the Board, identification marks, register entries, cash, other valuables etc.

4) Every institution shall follow a schedule of orientation for the newly admitted juveniles covering the following aspects, namely;-

- a) health, sanitation, hygiene;
- b) institutional discipline and standards of behaviour, respect for elders, teachers, etc
- c) self-improvement opportunities; and
- d) responsibilities and obligations.

5. A case history of the juvenile or the child admitted to an institution shall be maintained which may contain information regarding his socio-cultural and economic background and this information may invariably be collected through all possible and available sources, including home, parents or guardians, employer, school, friends and community.

6) all residents in the institution shall be given work like

- a) self-help in maintaining their own establishment
- b) cleaning of open spaces, gardening etc;
- c) preliminary operations for crafts

Daily routine

5) Every institution shall have a well regulated daily routine for the juveniles, which shall be displayed and provide inter alia, for regulated and disciplined life, personal hygiene and cleanliness, physical exercise, educational classes, vocational training organized recreation and games, moral education, group activities, prayer and community singing and special programmes for Sundays and holidays.

Diet scale

6. The State government shall prepare a diet scale to be strictly adhered to by the institutions, for juveniles in consultation with nutrition experts so that the diet becomes balanced, nutritious and varied, with a special diet which may be provided on holidays, festivals and to the sick juveniles as required.

Issue of clothing Bedding and And other articles	7. Each juvenile shall provided with clothin and bedding ,in cluding customary undergarments,towel,jersey for winter ,durry bed-sheets blanket,pillow,chappal or shoes ,utensils as required ,and tooth powder,soap,oil,comb etc.. as per the scale laid down by the State government from time to time
Sanitation and Hygine.	8. Every institution shall have the following facilities, namely A) sufficient treated drinking water; b) sufficient water for bathing, washing clothes and maintenance and cleanliness of the premises; c) proper drainage system'; d) arrangement for disposal garbage e) protection from mosquitoes; f) sufficient number of latrines in the proportion of at least one latrine for seven children g) sufficient number of bathrooms in the proportion of at least one bath room for ten children; h) sufficient space for washing i) clean and fly proof kitchen j) sunning of bedding and clothing; and k) maintenance of cleanliness in the medical canter
Accommodation	9. the minimum standard of accommodation, to the extent possible, shall be as follows namely;- a) Dormitory-40 square feet per juvenile b) Classroom-Sufficient accommodation c) Workshop- sufficient work space d) Play ground-Sufficient play ground areas shall be provided in every institution according to the total number of juveniles in the institution. 2) the Dormitories, classroom and workshops shall have sufficient cross ventilation and light .
Medical care	10(1) Every institution shall provide for the necessary medical facilities so as to ensure that; a) regular facilities are available for the medical treatment b) arrangements are made for the immunization coverage; and c) a system is evolved for referral of cases with deteriorating health or serious cases to the nearest civil hospital or recognized treatment centers; 2) Each juvenile admitted in an observation home shall be medically examined by the medical Officer within 24 (twenty four) hours and in special cases within 48 (forty eight ) hours giving the reasons thereof. 3 ) No surgical treatment shall be carried out on any juvenile without the previous consent of his parent or guardian, unless wither the parent or guardian cannot be found and the condition of the juvenile is such that any delay shall, in the opinion of the medical officer, involve unnecessary suffering or injury to the health of the juvenile, or without obtaining a direction to this effect from the board 4) a health record of each juvenile in the institution shall be maintained on the basis of quarterly medical check-up.
Monitoring and	11(1) A juvenile shall be grouped on the basis of the age

Evaluation of Juveniles

physical and mental health length of stay order, degree of delinquency and the character.

2) For the purposes of sub-rule (1) , a monitoring and evaluation committee shall be constituted in each institution consisting of the following personnel, namely

Superintendent	Chairperson
Social Welfare Officer/Psychologist	Member-Secretary
Medical officer	Member
Inspector social	Member
Welfare/Instructor Care Taker	Member

- 3) The Committee shall meet periodically to consider and review
- (a) custodial care, housing, place of work, area of activity and type of supervision required
  - (b) individual problems of juveniles, family contacts and adjustment , economic problems and institutional adjustment.
  - (c) Vocational training and opportunities for employment
  - (d) Educational. health education, medical education, academic, education, vocational education and moral education
  - (e) Social adjustment, recreation, group work activities, guidance and counseling
  - (f) Special instructions, collecting moral information and special precautions to be taken etc
  - (g) Review of progress and adjusting institutional programmes to the needs of the inmates
  - (h) Planning post-release rehabilitation programme and follow up for a period of two years in collaborations with alter care service.
  - (i) Pre-release preparation
  - (j) Release and
  - (k) Any other matter which the Superintendent may like to bring up

Rewards and

12. Rewards to the juveniles at such rates as may be fixed Earnings. By the management of the institution from time to time, may be granted by the Superintendent as an encouragement to steady work and good behaviors and at the time of release, the reward shall be handed over after obtaining a receipt from the parent or the guardian who comes to take charge of the juvenile

Visits to and

13(1) The parents and relations of the juveniles shall be communication allowed to visit once in a month or in special cases, more with inmates frequently at the discretion of the Superintendent as per the visiting hours laid down by him.

2) The receipt of letters by the Juvenile of the institution shall not be restricted and they shall have freedom to write as many letters as they like at all reasonable times and the institution shall ensure that where parents, guardians or relatives are known ,at least one letter is written by the juvenile every month for which the postage shall be provided.

3) The Superintendent may peruse any letter written by or to the juvenile, and may for the reasons that he considers sufficient to refuse to deliver or issue the letter, may destroy the same after recording his reasons in a book maintained for the purpose.

- Prohibited articles 14. No person shall bring into the institution the following articles, namely
- a) Fire-arms or other weapons whether requiring license or not (like lathi, spears, swords etc).
  - b) Alcohol and spirit of every description;
  - c) Bhang, ghanja, opium and other narcotic or psychotropic substances
  - d) Tobacco, or
  - e) Any other article specified in this behalf by the state government by a general or special order.
- Articles found received in the institution inspection 15. (1) the Superintendent shall see that every juvenile on search and received in the institution is searched his personal effect inspected and any money or valuables found with or person of the juveniles is kept in the safe custody of the Superintendent
- 2) Girls shall be searched by a female member of the staff with due regard to decency
  - 3) In every institution, a register of money, valuable and other articles found with or on the person of a juvenile received therein shall be maintained which may be called the "Personal Belonging Register"
  - 4) the entries made in the Personal Belonging Register, relating to each juvenile, shall be read over to juvenile in the presence of a witness whose signature shall be obtained in token of the correctness of such entries and it shall be countersigned by the superintendent.
- Disposal of 16. the money or valuables belonging to a Juvenile received articles or retained in an institution shall be dispose of in the following manner, namely'-
- a) On an order made by the competent authority in respect of any juvenile, directing the juvenile to be sent to an institution, the Superintendent shall deposit such juvenile's money together with the sale proceeds in the manner laid down from time to time in the name of the juvenile.
  - b) The juvenile's money shall be kept with the Superintendent and valuables, clothing bedding and other articles, if any shall be kept in a safe custody.
  - c) On an order made by the competent authority in respect of any juvenile, directing the juvenile to be sent to an institution, the Superintendent shall deposit such juvenile's money together with the sale proceeds in the manner laid down from time to time in the name of the juvenile.
  - d) At the time of release of such juvenile, the valuables and other articles kept in safe custody and the money deposited in name of the juvenile shall be handed over to the parent or guardian, as the case may be, with an entry made in this behalf in the register and signed by the superintendent.
  - e) When the juvenile of an institution dies, the valuable and other articles left by the deceased and the money deposited in the name of the juvenile shall be handed over by the Superintendent to any person who establishes his claim thereto and executive and indemnity bond.

- f) A receipt shall be obtained from such person for having received such valuables and other articles and the amount.
- g) If no claimant appears within period of six months from the date of death or escape of such juvenile, the valuables and other articles and amount shall be disposed of as per the decision taken by monitoring and evaluation committees.

Duties of suptd.

17. (1) the superintendent shall be responsible for the following, namely;-

- a) Security measure and periodical inspection thereof;
  - b) Proper maintenance of buildings and premises;
  - c) Prompt, firm and considerate handling of all disciplinary matters;
  - d) Careful handling of equipment
  - e) Accident preventive measure
  - f) Fire preventive measures
  - g) Segregation of a juvenile or child suffering from contagious or infectious diseases
  - h) Proper storage and inspection of food stuffs;
  - i) Stand-by arrangements for water storage, power plant, emergency lighting etc.
- 2) In the event of an escape of juvenile or a child, the following action shall be taken, namely;-
- a) the superintendent shall immediately send the guards in search of the juvenile, at places like bus stands and other places where the juvenile is likely to go
  - b) the parents or guardians shall be informed immediately about such escape
  - c) A report shall be sent to the nearest Police Station along with the details and description of the juvenile or the child, with identification marks and the photographs with a copy to the Board and the authorities concerned;
  - d) The Superintendent shall hold an inquiry about such escape and send his report to the Board and the authorities concerned.
- 3) On the occurrence of any case of death or suicide the procedure to be adopted shall be as under, namely;-
- a) If a juvenile or child dies within twenty four hours of his admission to the institution an inquest and post-mortem examination shall be held at the earliest.
  - b) Whenever a sudden or violent death, or death from suicide or accident takes place, immediate information shall be given to the Superintendent and the medical Officer
  - c) The Superintendent and the medical Officer shall examine and inspect the dead body and in case a juvenile dies due to cause other than natural causes, or if the cause of death is not known, or if the death has occurred due to suicide, violence of accident, or whenever there is any doubt or complaint or question concerning the cause of death of any juvenile, the Superintendent shall inform the officer-in-charge of the Police Station having jurisdiction.
  - d) The superintendent shall also immediately give intimation to nearest Magistrate empowered to hold inquests.

- e) The Medical officer shall report to the Superintendent about the happening of the natural death of a juvenile and see that the body is decently removed to the mortuary .
  - f) In case of natural death or due to illness of a juvenile or child of an observation home or special home, the Superintendent shall obtain a report of the medical Officer stating the cause of death and a written intimation about the death shall be given immediately to the nearest Police Station , the Board, the State Human Rights Commission and the authorities concerned.
  - g) The parents or guardians of the deceased juvenile shall be contacted and the Superintendent shall wait for twenty-four hours for the arrival of relatives.
  - h) As soon as the inquest is held, the body shall be disposed in accordance with the known religion of the juvenile.
- 4) In the event of any custodial rape or sexual abuse the following action shall be taken namely;-
- a) In case a resident makes any complaint, or occurrence of such rape or abuse comes to the knowledge of the Superintendent , a report shall be placed before the Board, who shall order for special investigation and direct the local police station to register case against the person (s) found guilty under the relevant provisions of at the Indian Penal Code,1860 (45 of 1860)
  - b) The special juvenile Police Unit shall also take due cognizance of such occurrences and conduct necessary investigations.
- 5) In the event of any other offences committed in respect of residents, the Board shall take cognizance and arrange for necessary investigations to be carried out by Special Juvenile Police Unit

Leave of absence 18 (1) the juvenile or child of an institution may be allowed of a Juvenile to go on leave of absence or released on license and stay or child with his family during during examination, emergencies or special occasions like marriage in the family

- 2) The leave of absence for short period not exceeding seven days excluding the journey time may be recommended by the superintendent ,but such leave shall be granted by the Board
- 3) The parents or guardians of the juvenile or child may submit an application to the Superintendent requesting for release of the juvenile or child on leave, stating clearly the purpose for the leave and at the period of leave
- 4) If the Superintendent considers the granting of such leave is in the interest of the juvenile or child, he shall submit a report of the case to the Board.
- 5) While issuing orders sanctioning the leave
  - 6) of absence or release on license in form VII, as
  - 7) mention the period of leave and the conditions attached to the leave order, and if any of these conditions are not complied with during the leave order, and if any of these conditions are



not complied with during the leave period, the juvenile or child may be called back to the institution

- 5) the parent or guardian shall arrange to escort the juvenile or child from and to the institution and bear the traveling expenses;whereasm,in exceptional cases or during an emergency the Superintendent may arrange to escort the juvenile or child to the place of the family and back.
- 7.) If the juvenile or child runs away from the family during the leave period, the parent or guardian are required to inform the Superintendent of the institution immediately, and try to trace the juvenile or child and if found, send the juvenile or child to the institution.
8. If the parent or guardian do not take proper care of the juvenile or child during the leave period or do not bring the juvenile or child back to the institution within the stipulated period such leave shall be reused on later occasions.
- 9) If the juvenile or child does not return to the institution of expiry of the sanctioned leave, the Board shall refer the case to police for taking charge of the juvenile or child and bring him back to institution.
- 10) The period of such leave shall be counted as a part of the period of stay in the institution and the time which lapses after the failure of juvenile or child to return to the institution within the stipulated period ,shall be excluded while computing the period of his stay in the institution.

Release.

19. (1) the Superintendent shall maintain a roster of cases of Juvenile or child to be released on the expiry of the period of stay as ordered by the Board.

2) Each case shall be placed before the Selection committee for proper main streaming and with regard to cases in which the juvenile or child is kept for the maximum period, action may be initiated six months before they attain the age of eighteen years.

3) a timely information of the release of the juvenile or child and the exact date of release shall be given to the parent or guardian and the parent or the guardian shall be invited to come to the institution to take charge of the juvenile or child on that date.

4) If necessary, the actual expenses of the parent's or guardian's journey both ways and of the juvenile's or child's journey from the institution shall be paid to the parent or guardian by the Superintendent at the time of release of the juvenile or child.

5) If the parent or guardian, as the case maybe fails to come and take charge of the juvenile or child on the appointed date, the juvenile or child shall be taken by the escort of the institution, and in case of a girl ,she shall be escorted by a female escort.

6) at the time of release or discharge, a juvenile or child maybe provided with a set of summer or winter clothing, if the superintendent deems it necessary.

7) If the juvenile or child has no parent or guardian, he may be sent to an aftercare organization, or in the event of employment to the person who has undertaken to employ the juvenile or child.

8) the superintendent of a girl's institution, subject to the approval of the competent authority, may get suitable girls above the age of eighteen years married according to the procedure laid down by that authority from time to time

9) The Superintendent shall order the discharge of any juvenile or child, the period of whose detention has expired and inform the competent authority within seven days of the action taken, and if the day of release falls on a Sunday or another public holiday, the juvenile or child may be released on the proceeding day with an entry to that effect being made in the register of discharge.

10) the Superintendent shall in appropriate cases, order the payment of subsistence money, at such rates as may be fixed from time to time and also the fare of the journey by road.

11) In deserving cases, the superintendent may provide the juvenile with such small tools, as may be necessary, to start a work or business subject to such maximum cost as may be fixed by the institution.

12) The Superintendent may, subject to the approval of the competent authority, allow at their own request such girls who have no place to go, to stay in the institution after the period of their stay is over, till the time some other suitable arrangements are made.

#### Maintenance of case file

20 (1) The case file of each juvenile or child shall be maintained in the institution containing the following information, so far as applicable:-

- a) report of the person or agency who produced the juvenile or child before the board.
- b) Superintendent's report
- c) Information from previous institution;
- d) Initial interview material, information from family members, relatives, community, friends and miscellaneous information'
- e) Source of further information;
- f) Observation reports from staff members;

- g) Reports from medical officer, Intelligence Quotient(IQ) testing, aptitude testing, educational or vocational tests;
- h) Social history;
- i) Summary and analysis by the Superintendent;
- j) Initial classification sheet;
- k) Instruction regarding training and treatment programmed and about special precautions to be taken
- l) Leave and other privileges granted
- m) Violation of rules, of any, and special achievement;
- n) Quarterly progress report from the various sections; review sheet;
- o) Monthly cycle(M.C) report (in case of girls);
- p) Pre-release programme;
- q) Final progress report;
- r) Leave of absence or release on
- s) Leave of absence or release on license
- t) Final discharge;
- u) Follow-up reports;
- v) Central index number;
- w) Annual photograph and
- x) Remarks;

2) a); the case files maintained by the Institutions and Board shall, as far as practicable, be computerized and networked so that the data is centrally available.

Production of a juvenile

21.(1) As soon as a juvenile in conflict with law is apprehended by the Police, the police shall place the juvenile under the charge of the special juvenile Police unit , or the designated police officer.

2) The special juvenile police unit to which the juvenile is brought shall inform the Probation office concerned of such apprehension, to obtain information, regarding the antecedents and family background of the juvenile and other material circumstance likely to be of assistance to the Board for making the inquiry,.

3) Prior to the production of a juvenile before the board, the juvenile may be placed in a safe place within the Police Station,(which shall not be a lock up),or in a place safely.

4)The special juvenile police or the designated police officer shall produce the juvenile before the magistrate or a member of the Board within twenty four hour of his apprehension (excluding the time taken to bring the juvenile from the Police Station or place of safety to the Board.)

5) In case of delay in production before the magistrate or the Board, the details of not doing so be recorded in the Police diary or general diary.

6) In case a recognized voluntary organization takes a juvenile to the board, the voluntary organization shall inform the concerned Police Station.

7) The State Government shall recognize only those registered voluntary organization which can provide the service of probation, counseling, case work a place of safety and also associate with the special Juvenile Police Unit and are willing and have the capacity, facilities and expertise to do so,.

8) The registered voluntary organization shall prepare a report narrating the circumstances of apprehension and offence committed and produce the juvenile before the Board or Police with the report.

9) When a juvenile is produced before an individual member of the Board, the order given by the member shall be ratified in the next meeting of the Board.

10) The Police or the recognized voluntary organization shall be responsible for the safety and basic amenities to the juvenile apprehended or kept under their charge during the period they are with them.

Procedure to be followed 22(1) In all cases under the Act, the proceedings shall be conducted in as simple a manner as inquiries and the possible and care shall be taken to ensure that determination of age the juvenile or child against whom the

Proceedings have been instituted is given home like atmosphere during the proceedings

2) when witnesses are produced for examination, the Board shall be free to use the power under section 165 of the Indian Evidence Act 1872(1 of 1872), to question them so as to bring out any point that may go in favor of the juvenile or the child.

3) While examining a juvenile or child and recording his statement, the competent authority shall be free to address the juvenile or child in any manner that may seem suitable in order to put the juvenile or child to ease and to elicit the true facts, not only in respect of the offence of which the juvenile or child is accused, but also in respect of the home and social surroundings and the influence to which the juvenile or child might have been subjected.

4) The record of the examination shall be in such form as the Board may consider suitable having regard to the contents of the statement and the circumstances in which it was made.

5) In every case concerning a juvenile or a child, the Board shall either obtain

a) a birth certificate given by a corporation or a municipal authority, or Registrar of a Birth and Death or

b) a date of birth certificate from the school first attended or

c) matriculation or equivalent certificate, if available, and

d) in the absence of (1) and (b), the medical opinion by a duly constituted medical Board, subject to a margin of one year, in

deserving cases for the reason to be recorded by such Medical Board, regarding his age, and when passing orders in such case shall, after taking into consideration such evidence as may be available or the medical opinion, as the case may be, record a finding in respect of his age.

- 6) The state Government shall recognize registered voluntary organization, to supervise and submit periodical reports, as directed by the board regarding the orders passed under clauses(b) or sub-section (1) of section 15 of the Act.
- 7) In accordance with the rules made under sub-section(2) of section 10 of Act, the Board shall, in form I, order a probation Officer, or otherwise to conduct a social investigation, reporting on the character and antecedents of the juvenile or the child with a view to assessing the best possible mode for placement, such as, with the family, an institution or otherwise permissible under the Act.
- 8) When a juvenile or child is placed under the care of a Parent or a guardian and the Board considers it expedient to place the juvenile or child under the supervision of of a Probation Officer, it shall issue a supervision order in Form-II
- 9) The competent authority may, while making an order placing a juvenile under the care of a parent, guardian or fit person, as the case may be direct such parent, guardian of fit person to enter into a bond in Form-IV with or without sureties.
- 10) Whenever the Board orders a juvenile or child to be kept in an institution, it shall forward to the Superintendent of such institution a copy of its order, in Form III with particulars of the home and parents or guardian and previous record.
- 11) The juvenile or child shall be lodged in a home closest to where he belongs.
- 12) The Superintendent of an institution, certified as Special home under sub-section (2) of section 9 of the Act, shall be informed in advance by the Board before any juvenile or child is committed to it.
- 13) the Superintendent of the said institution may, on receipt of the information, intimate in writing objections, if any, to the committal of the juvenile or child and the objections shall be taken into consideration by the Board before the juvenile or child is committed to the said institution
- 14) In case the Board orders the parent of the juvenile or child, or the juvenile or child to pay a fine and the amount realized shall be deposited in the government treasury.

*Procedure in respect of* 23. the offence against the juvenile or child specified *section 23,24, and 26* in sections 23,24,25 and 26 shall be either bail able or *of the act* non –Bail able besides being cognizable under the provision of bail or otherwise, shall apply on the Police the Board and the concerned accordingly.

CHAPTER II  
CHILD IN NEED OF CARE AND PROTECTION

*Child Welfare* 24.(1) the committee shall consist of a Chairperson and four *Committee* other member as the State Government may think fit to appoint, of whom at least one shall be a women and another ,an expert on matters concerning children.

2) The Chairperson and members of the committee shall be appointed on the recommendation of a Selection Committee set up by the State government ,for the purpose.

3) the Selection Committee shall consist of following seven members, namely;-

a) a retired Judge of the High Court or retired Secretary to the State government having experience in Social Welfare shall be the Chairperson of the Selection Committee.;

b) two representatives of reputed non-governmental organizations working in the area of child welfare;

c) a representative from an academic body’;

d) two representatives of the concerned department of the State Government; and

e) a representative of the State Human Rights Commission or such recognized agency or cell or a retired special judicial Magistrate.

4)The Selection Committee shall take in to consideration the panel of names recommended by the concerned local authority, who could be considered for selection of members of the Committee.

5) the Selection Committee shall also prepare a list of names for each Committee to fill in vacancies, which may arise during the tenure of the committee.

6) a person to be selected as a member of the Committee shall have either of the following qualifications, in addition to five years experience in their respective,field,namely;-

a) a responsible ,well educated citizen with the background of special knowledge of social work, child psychology,education,sociology or home science; or

b) a teacher or a directly engaged in child welfare.

7) the chairperson of the committee shall be at least a graduate with either of the qualifications given in sub-rule(6)

8) the committee shall have a tenure of three years and the appointment of members shall be co-terminus with the tenure of the committee.

9) a member of the Committee shall be eligible for appointment for maximum of two terms

10) A member may resign at any time by giving one month's notice in writing.

11) Any casual vacancy on the committee may be filled by appointment of another Person from the list or panel prepared by the Selection Committee, and shall hold office for the remaining term of the Committee.

12) The member of the Committee shall be paid such traveling or meeting allowance or honorarium as the State Government may decide from time to time.

Procedure etc in relations  
To committee

25. (1) The committee shall hold its sittings in the premises of a children's home and shall meet at least three days a week

2) The quorum for the meeting shall be three members attending, which may include the Chairperson.

3) any decision taken by an individual member, when the committee is not sitting shall require ratification by the Committee in its next sitting.

4) the final disposal of cases relating to children in need of care and protection, shall take place from the office of the Committee by the order of at least two members.'

5) The committee shall take into consideration the age physical and mental health background, opinion of the child and the recommendation of the case worker, prior to disposal of such case.

Production of a child  
Before the committee

26 (1) any child in need of care and protection shall be produced before the Committee by one of the following persons, namely.

a) any police officer of Special juvenile Police Unit or a designated police officer;

b) any public servant

c) child line, a registered voluntary organization, or by such other voluntary organization or an agency as may be recognized by the State Government; or

d) any social worker or a public spirited citizen authorized by the State government; or

e) by the child himself.

2) When any person or organization authorized under sub-rule(1) receives a child in need of care and protection, he may produce the child before the Committee with their report of the circumstances under which the child came to his notice.

3) a child, above two years of age, shall be produced before the Committee with forty-eight hours of such admission, excluding the journey time taken by the person or the organization; and for children under two years of age, the person or the organization shall send a written report along with the photograph, within forty eight hours of admission, excluding the journey time.

4) In case the Committee is not sitting, the child shall be kept in place of safety and provided with basic facilities and adequate protection

5) Every possible effort shall be made to trace and associate the family and assistance or recognized voluntary organizations or childline may also be taken

6) In case a recognized voluntary organization takes a child to the Committee, they shall also report on the circumstances under which the child came to their notice, and efforts shall be made by them for tracing the family.

7) The Committee shall make arrangement to send the child to the designated place of safety, with age and sex appropriate facilities, pending the inquiry.

8) the child may be escorted by the police officer or representative of the voluntary organization or by any other arrangement as considered appropriate by the Committee.

9) a list of names and address of all recognized children's homes along with its capacity, appropriate facilities as prescribed under section 34 of the Act, shall be listed with the Committee.

10) The competent authority may, while making an order placing a child under the care of parent, guardian or fit person, as the case may be, direct such parent, guardian or fit person to enter into a bond in Form-IV with or without sureties.

11) Whenever the Committee orders a child to be kept in an institution, it shall forward to the Superintendent of such institution a copy of its order, in Form-II with particulars of the home and parents or guardian and previous records.

13) The child shall be lodged in a home closest to where he belongs

#### Procedure for enquiry

27 (1) When a child is brought before the Committee, the Committee shall assign the case to a social worker or case worker or child welfare officer or Probation Officer, as the case may be, of the home or any recognized agency for conducting the inquiry.

2) The direction for the inquiry under sub-rule(1) shall be given in Form-I

3) The committee shall direct the concerned person or organization about the details or particulars to be inquired into for suitable rehabilitation



4. The inquiry must be completed within four months unless special circumstances do not permit to do so in the interest of the child, and for which a written extension must be taken by the inquiring officer or the agency under sub-section(2) of section 33 of the Act.

5) After completion of the inquiry ,if the child is under orders to continue in the children's home, the Committee shall carry out an annual review of the progress of the child in the home.

Children's home 28. (1) The State government itself or in association with voluntary organization , shall set up separate homes for children in need of care and protection, in the manner specified below;-

a) While children of both sexes below ten years, may be kept in the same home but separate facilities shall be maintained for boys and girls in the age group 5 to 10 years.

c) separate children's home shall be set up for boys and girls in the age group 10 to 18 years.

2) Each children's home child care by involving the community and local non-government organizations (NGOs).

3) The activities of such center shall focus on :-

(a) family based services, such as, foster family care, adoption and sponsorship

(b) specialized services in conflict or disaster affected areas to prevent neglect by

(c) provisions of childlineand emergency outreach service through a free phone facility for children linking up with integrated child development services (ICDS) to cater to the needs of children below the age of six years;

(d) to establish linkages with organizations and individuals who an provide support services to children; and

(e) to encourage volunteers to provide for various services for children and families to become guardian

4) Every children's home shall have the following, namely;-

a) Physical infrastructure

1) it shall include separate facilities for children in the age group of 0.5 years with appropriate facilities for the infants

ii) The facilities to be created for children in the age group of 6-10 years having separate dormitories for boys and girls.

iii) The standard of accommodation as specified in rule 9 shall apply

iv) There shall be adequate lighting, ventilation, heating and cooling arrangements. Drinking water and toilets, in terms of age appropriateness and hygiene

The clothing and bedding shall be according to season and age appropriate as per scale mentioned in rule 7 of these rules.

#### b) Nutrition

h) The children shall be provided 4 meals including breakfast in a day

i) The menu shall be prepared with the help of nutritional expert or doctor to ensure balanced diet and variety in taste.

j) Children may be provided special meals on holidays'

k) The diet of infants and sick children shall be according to the requirement.

l) The normal dietary scale for children up to 18 years shall be according to scale mentioned in rule 6 of these rules.

#### m) Medical –

i) The children's home shall have arrangement for the medical facility preferably with doctor and nurse.

ii) All children brought into the home shall be medically examined initially within 24 hours of arrival

iii) the routine medical checkup of the children must be done on monthly basis

iv) the sick children shall constantly be under medical supervision

v) In the event of break out of contagious or infectious diseases segregation must be ensured.

vi) The medical service shall include immunization facility as specified under the National Immunization schedule.

vii) The medical record of each child shall be meticulously maintained in the file of the child which shall also include weight and height recorded, any sickness and treatment and other physical or mental problem, if any.

d) Vocational Training-

j) Every children's home shall facilitate for useful vocational training under the guidance of trained instructors.

e) Counseling

i) Each home shall have the services of a trained counselor.

ii) The services of child Guidance Centres, Psychology and Psychiatric Departments or similar agency may also be availed.

g) Recreation facilities-It must include indoor and outdoor games, music, television, picnics and outings, cultural programme etc.

h) Care Plan-

j) the in charge, counselor along with the child welfare officer, case worker, or social worker shall prepare a care plan for every child in the home.

k) i) the care plan shall be reviewed from time to time for appropriate development and rehabilitation including options for restoration to family or foster care or adoption and review shall not be delayed beyond a year.

iii) The focus shall be on providing family and community based re-integration programs.

iv) Children shall be consulted while determining their care plan

i) Intake Procedure-

j) i) Every new child who is brought to home, shall immediately be taken charge of by the counselor or child welfare officer or designated officer, as the case may be

ii) The child shall be received with due care as provided under these rules, with dignity and love.

ii) A brief orientating shall be given to the child on induction, to remove any inhibition from the mind for the child.

iv) The child shall be immediately given bath, clothing, food etc. And medically examined.

v) The designated officer shall enter the name of the child in the admission Register and allocate appropriate accommodation facility.

vi) the photographs shall also be taken immediately for records and the care worker shall begin the investigation and correspondence with the person, the child might have named.

vii) the Superintendent shall see that the personal belongings of every child received by the home is kept in safe custody and recorded in the personal belonging register and the item must be returned to the child when he leaves the home.

viii) The girl child shall be searched by a female member of the staff, and with due regard decency.

ix) The articles mentioned under rule 14 of these rules shall also be prohibited in case of children's homes.

(i) In the event of a child leaving the home without permission, the information shall be sent to the police and the family, if known; and the detailed report along with the efforts to trace the child shall be sent to the committee for the information in the subsequent sitting of the committee.

k) Death of a child'-

i) In the event of the death of a child, the circumstances of the death shall be recorded in the case file of the child the case worker giving the cause of the death and the death certificate shall be obtained from the attending doctor or hospital, as the case may be.

ii) The information shall be sent to the Committee and district level inspection Team Registrar of Births and Deaths, and the relative, if known.

iii) The last rites shall be performed according to known religion of the child

In the event of custodial rape or sexual abuse, the action to be taken shall be as follows

(i) In case any resident complaint, or occurrence of such nature comes to the knowledge of the

(ii) Superintendent a report shall be placed before the committee, who in turn shall order for special investigation

(iii) The committee shall direct the local police station to register case against the person found guilty under the relevant provisions of the Indian Penal Code, 1860 (45 of 1860)/

(iv) The special Juvenile Police Unit shall also take due cognizance of such occurrences and conduct necessary investigations

(v) In the event of any other crime committed in respect of residents, the committee shall take cognizance and arrange for necessary investigation to be carried out the Juvenile Police Unit.

(vi) Record Keeping;-

All the case files of the children maintained by the institutions and the committee shall be computerized and networked so that the data is centrally available.

Inspection

29 (1) The State government shall constitute State District level inspection teams on the recommendation of Selection committee, constituted under sub-rule(3) of rule 24, for a period of 3 years to visit and oversee the day to day

functioning of the homes and give suitable directions to be followed by them.

- 2) The team shall consist of a minimum of five members from the representatives of the State government, local authority, the medical committee, professionals and the other experts, voluntary organizations and reputed social workers.
- 3) The team shall also make suggestions for the improvement and development of the intuitions.
- 4) The inspection visit shall be carried out by not less than three members.
- 5) The team may visit the homes either by prior intimation or by surprise
- 6) The team shall interact with the children during the visits to the institution, to determine their well being and uninhibited feedback.
- 7) The follow up action on the findings and suggestion of the children shall be taken by all concerned authorities.
- 30) The State government shall monitor and evaluate the functioning of the children's home annually with the help of organizations working with the children and autonomous bodies like state level social welfare Boards.

Social auditing

Shelter Homes

31) (1) For the children in urgent need of care and protection, such as destitute, street children and run-away children, the State Government shall support creation of the requisite number of shelter homes or drip-in-centers through the voluntary organizations.

2) The shelter homes or drop-in-centers shall have the minimum facilities of boarding and lodging, besides the provision for fulfillment of basic needs in terms of clothing food healthcare and nutrition.

3. such children in crisis situations may live in short stay homes which may have the requisite facilities for education, vocational training and recreation as well.

4. The committee, Special Juvenile Police Units, public servants, childlines, voluntary organizations, Social workers and the children themselves may refer a child to such shelter homes

5. The requirement of investigation and disposal shall not apply in cases of children residing in the shelter home, except giving information to the committee and the police about the missing or home less children, besides initiating legal action in the interest of the child in terms of the Act or other child related laws.

Transfer

6) The services of Superintendent, child welfare officer, social worker shall be provided for the proper care, protection development, rehabilitation and reintegration needs of such children.

8) No child shall ordinarily stay in the government funded shelter home or drop-in-centers for more than a year.

32 (1) During the enquiry, if it is found that the child hails from the place outside the jurisdiction of the committee it shall order the transfer of the child to the competent

2) No child be transferred or proposed to be transferred only on the ground that the child has created problems or has become difficult to be managed in the existing institution.

3) The transfer for restoration or enquiry for all proceedings in respect of a child from one state institution to other may also be ordered by the local authority, after obtaining concurrence from the committee.

4) No. child shall be transferred out of the district or city for the purposes of adoption without the concurrence of the committee.

5) On receipt of transfer order from the local authority the superintendent shall arrange to escort the child at the government expenses to the place or person as specified in the order.

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

**REHABILITATION AND SOCIAL REINTEGRATION**

Adoption

33(1) As the family is the best option, to provide care and protection for children, adoption shall be the first alternative for rehabilitation and social reintegration of children who are orphaned ,abandoned, neglected and abused.

2) For the purpose of adoption, the laws relating to adoption for the time being in force in the State shall apply

3) The State government shall recognize children's homes or State run Government homes for orphans, as adoption agencies both for scrutiny and placement for such children for in country adoption

4) In the case of inter-country adoption, the procedure laid down by the Central adoption Resource agency(CARA) shall apply.

5) The scrutiny shall be done independently but an agency recognized for this purpose.

6) The scrutinizing agency shall examine all available information and verify the background of the child before making a recommendation to the Board for adoption of the child.

7) any child who is eligible for adoption and residing in unrecognized home, shall ,for the purpose of adoption ,be transferred to a recognized home.

8) An abandoned child can be given in adoption only when committee declares such a child to be legally free for adoption and an order to that effect is signed by at least two members of the committee

9) Before declaring the child as abandoned and certifying him as legally free for adoption, the committee shall institute a process of enquiry ,as follows, namely;-

- a) A through enquiry by the Probation Officer or caseworker of police, as the case may be, shall be conducted and a report containing findings submitted within a maximum period of one month.
- b) Declaration by the placement agency, stating that there has been no claimant for the child even after making notification in at least one leading newspaper including a regional language newspaper, television and radio announcement and after waiting for a period of one month, the time which shall run concurrently to the inquiry to be conducted and report submitted under clause(q) of this sub-rule.
- c) The committee shall make a release order declaring the child legally free for adoption within the period of six weeks from the date of application in the case of children below the age of two years, and three months in the case of children above that age.
- d) No child above seven years who can understand and express his opinion shall be placed in adoption without his consent.
- e) Serious efforts shall be made for counseling the parents, so as to persuade them to retain the child and if, the parents are still unwilling to retain, then such children shall be kept initially in foster care or arranged for their sponsorship
- f) As far as practicable, the time taken for passing an adoption order, shall not exceed two months from the date of filling of application
- g) The order shall also include provision for a periodic follow up report either by the probation officer or caseworker or adoption agency to ensure the well being of the child and the period of such follow up shall be three years, six monthly in the first year and annually for the subsequent two years.

## Foster care

34(1) a child to be placed under short term foster care shall not exceed four months.

2) The temporary foster care shall be carried out, by competent authority under the supervision of a Probation Officer or Case Worker, as the case may be, in Form II and the total period of temporary foster care shall not exceed five years.



- 3) the following criteria shall be applied for selection of families for temporary foster care:-
- a) foster parent(s) should have 'stable emotional adjustment within the family'
  - b) foster parents (s) have an income to meet their needs and not dependent on the foster care maintenance payment;
  - c) the monthly family income shall not be less than rupees five thousand per month'
  - d) medical reports of all the members of the family residing in the premises should be obtained including checks on Human Immune Deficiency virus (HIV), Tuberculosis(TB) and Hepatitis B to determine that they are medically fit;
  - e) an update should be done at regular intervals
  - f) an update should be done at regular intervals of not less than once in a colander year'
  - g) the foster mother should have experience in child caring and the capacity to provide good child care
  - h) the foster mother should be physically, mentally and emotionally stable
  - i) home should have adequate space and physical facilities.
  - j) The foster care family should be willing to follow rules. laid down including regular visits to pediatrician, maintenance of child health, record etc.
  - k) The family should be willing to sign an agreement and to return the child to the agency whenever called to do so;
  - l) The foster mother should be willing to attend training or orientation programs;
  - m) The foster parent(s) should be willing to take the child regular ( at least once a month in the case of infants) checkups to a pediatrician approved by the agency.
- 4) there shall be regular monitoring and supervision carried out by the Probation Officer of the child welfare Officer, as case may be.

Sponsorship

35.(1) the children's homes and special homes shall promote sponsorship programmers

2) The homes receiving sponorship,shall maintain proper and separate accounts of all the receipts and payments for the programme.

Foster care Organization

36. (1) The children's homes and special homes shall promote sponsorship programmes.

2) These after-care organization are essential for all children or youth between the age of 18 to 20 years; and as such, this age group is most vulnerable and need care guidance and protection

3) The objectives of these homes shall be to enable such children to adopt to the society and

during their stay in these transactional homes these children will be encouraged to move away from an institution-based life to a normal one.

4) The target groups will include juvenile or children who have wither left special homes or children's homes.

5) The key components of the model include setting up temporary homes for a group of youths, who can be encouraged to learn a trade and contribute towards the rent as well as the running of the home.

6) there shall also be provision for a peer counselor, who will be in regular contact with these youths to discuss their rehabilitation pans and provide creative outlets for their energy and to tide over crisis period in their life

7) the programmes under the scheme shall include :-

- a) Facilitating employment generation for these youths will be key programme
  - b) After the youth has saved a sufficient amount, he can be encouraged to stay in a place of his own and move out of the group home
  - c) The youth learning a vocational trade can be given a stipend, which may be stopped once the youth gets a job.
  - d) The youth learning a vocational trade can be given a stipend, which may be stopped once the youth gets a job
  - e) Loans to these youth to set up entrepreneurial activities may also be arranged.
  - f) A peer counselor shall also be made available fro youth at these homes, as at this stage of life ,they can be lured into crime or drug dependence and such other habits or deviant behaviors
- 9) The strategy for children who have been juveniles or have left special homes shall be to help them to return to normal life and adjust and adapt to their environment.
- g) there shall be provision for vocational training of these children to enable them to sustain themselves through their own efforts.

10) Structure-One per counselor can be made-in-charge of a cluster of five homes and each homes may house 6 to 8 youths who may opt to stay together on their own.

## CHAPTER V

### *MISECELLANEOUS*

#### Recognition of fit person

37(1) any individual or a suitable place or institution, the occupier or manager of which is willing temporarily to receive a juvenile or child in need of care protection or treatment for a period as may be necessary, may be recognized by the competent authority as a fit person or a fit institution.

2) Any association or body of individuals, whether incorporated or not, established for or having for its object the reception or protection of juveniles or children, or the prevention of cruelty to juvenile, and which undertakes to bring or to give facilities for bringing up any juvenile entrusted to its care in conformity with religion of his birth may be included within the meaning of fit institution.

3) A list of names and the addresses of fit persons and fit institution approved by the competent authority shall be kept in the office of the Board and the Committee and shall be used when necessary

4) After committal of a juvenile or a child by the competent authority to an institution recognized as a fit institution with collateral branches, the manager of such institution after giving an intimation to the competent authority under shoes orders the juvenile or child was committed.

5) Before declaring any person or institutions a fit person or a fit institution, the competent authority shall hold due enquiry and only on being satisfied, recognition shall be given.

#### Certification or recognition And transfer of management

38(1) if the management of any organization desires that its organization may be citified of institution recognized

the Act, the same shall make application together with a copy of each of members of the society or the association running the organization ,office bearers and a statement showing the status and past record of social or public service provided by the organization, to the State government, who shall after

verifying the provisions made in the organizations for the boarding and lodging, general health, educational facilities, vocational training and treatment services may grant certification or recognition under sections 8,9,34,37 and 44 of the Act, as the case may be, on the condition that the organization shall comply with the standards or services as laid down under the Act and the rules framed thereunder, from time to time and to ensure an all round growth and development of juvenile or child placed under its charge.

2) The State government may, transfer the management of any State run institution under the Act to a voluntary organization or depute, who has the capacity to run such an institution. and certify the said voluntary organization as a fit institution to own the requisite responsibilities under a Memorandum of Understanding for a specified period of time

3) the institution and the infrastructure already available with the State government in relation to the juvenile Justice Act, 1986 shall be suitably used for implementing the Act.

4) The State government may, if dissatisfied with the conditions, rules manager of the organization, declare that the certificate or recognition of the organization, as the case may be shall stand withdrawn as from a date specified in the notice and from the said date, the organization shall cease to be an organization certified or recognized under sections 8,9,34,37 or 44 of the Act as the case may be provided that the concerned organization shall be given an opportunity of making a representation in writing, within a period of thirty days against the grounds of withdrawal of certificate or recognition of that organization.

5) the decision to withdraw or to restore the certificate, or recognition of the organizations may be taken, on the basis of the through investigation by a specially constituted advisory board under section 62 of the Act.

6) On the report of the advisory board, the officer-in-charge of the home shall be asked to show cause so as to give an explanation; within thirty days.

7) when an organization ceases to be an organization certified or recognized under section 8.9. 34,37 or 44 of the Act. The juvenile

or the child kept therein shall under the orders of the designated officer empowered in this behalf of the State Government, either-

- a) be discharged absolutely or on such condition as the officer may impose or
- b) transferred to some other institution established certified or recognized under section 8,9,34,,,,,37 or 44 of the Act, in accordance with the provision of the Act and the rules relating to their discharge and transfer by giving intimation of such discharge or transfer to the Board of the Committee, as the case may be.

Grant in aid to certified or recognized organization

39 1) An organization certified reorganization under section 8,9,34,37 or 44 of the Act may during the period when certification or recognition is in force, may apply for grants-in-aid by the State

juvenile or child received by them under the provisions of the Act; and for expenses incurred on their education,treatment,vocational training, development and rehabilitation

2) the grant-in-aid may be admissible at such rates which shall be sufficient to meet prescribed norms, in such manner and subject to such conditions as may be mutually agreed to by both the parties.

3) In case of transfer of management of government run Homes under sections 8,9,34,37 of the Act to a voluntary organization, the same budget which the Government was spending on that home, shall be given to the voluntary organization as grant-in-aid under the Memorandum of Understanding Signed between both parties describing their role and obligations.

Admission of outsiders.

40. No Stranger shall be admitted to the premises of the Institution, except with the permission of the Superintendent.

Identity Photos.

41. 1) On admission to a home established under the Act, every juvenile or the child shall be photographed and three copies of the photograph shall be obtained.

Identity photos.	One photographs shall be kept in the case file of the juvenile or the child ,one shall be fixed with the index card and the third copy shall be kept in an album serially with the negative in another album.
Police officer to be in provision arrest	42. While dealing with a juvenile or a child under the plain cloths. provisions of the Act and the rules made, except at the time of the Police Officer shall wear plain cloths
Prohibition on the use Of handcuffs And fetters.	43.no juvenile or the child dealt with under the provisions of the act and the rule made there under Shall be handcuffed and fettered.
Visitors book	44.(1) A Visitor's book shall be maintained in every institution, in which the person visiting the home shall record the date o this visit with remarks or suggestions, which he may think proper
Maintenance of registers	<p>2) The superintendent shall maintain in his office, such entry to the designated authority, and the local authority, with such remarks as he may desire to offer in explanation or otherwise: and thereon, the designated authority shall issue such orders as he may consider necessary.</p> <p>45. The Superintendent shall maintain in his office, such registers and forms , as may be required from time to time.</p>
Procedure For sending a juvenile Or a child outside the jurisdiction of the competent Authority	<p>46.(1) In the case of juvenile or a child whose ordinary place of residence lies outside the jurisdiction of the of the competent authority, and if the competent authority considers its necessary to take action under section 50 of the Act, it shall direct a Probation Officer to make enquiries as to the fitness and willingness of the relative or other person to receive the juvenile or the child at the ordinary place of residence, and whether such relative or other fit person can exercise proper care and control over the juvenile or the child.</p> <p>2)) any juvenile or a child, who is a foreign national and who has lost contact with his family shall also be entitled for protection.</p> <p>3) the juvenile or the child, who is a foreign national, shall be repatriated, at the earliest to the country of his origin in co-ordination with the ministry of External affairs and respective Embassy of High Commission</p>

4) On being satisfied with the report of the Probation officer or case worker or child welfare officer, as the case maybe, the competent authority may send the juvenile or the child, if necessary, on execution of a bond by the juvenile, as nearly as in Form V to the said relative or fit person on giving an undertaking by the said relative or fit person in Form VI

5) A copy of the order passed by the competent authority under section 50 shall be sent to-

- a) the probation officer who was directed to submit a report under sub-rule (1)
- b) the probation officer ,if any, having jurisdiction over the place where the juvenile or the child is to be sent;
- c) the competent authority having jurisdiction over the place where the juvenile or the child is to be sent; and
- d) the relative or the person who is to receive the juvenile or the child.

6) Any breach of bond undertaking or of both may, under sub-rule(4) shall render the juvenile or the child liable to directing the juvenile or the child to be sent to a home

7) during the tendency of the order under sub-rule (4) the juvenile or the child shall be sent by the competent authority to an observation home or children home.

8) Where in the case of a juvenile or a child, the competent authority considers in expedient to sent the juvenile or the child back to his ordinary place of residence under section 50, the competent authority shall inform the relative or the fit person who is to receive the juvenile or child accordingly ,and shall invite the said relative or fit person who is or receive the juvenile or the child accordingly and shall invite the said relative or fit person come to the home, to take charge of the juvenile or the child on such date ,as may be specified by the competent authority.

9) the competent authority inviting the said relative or fit person under sub-rule (8) may also direct, if necessary, the payment to be made by the superintendent of the home, of the actual expenses of the relative or fit person's journey both ways by the appropriate class and the juvenile's child's journey from the home to his ordinary place of residence, at the time of sending the juvenile or the child

10) if the relative or the fit person fails to come to take charge of the juvenile or the child on the specified date, the juvenile or the child shall be taken to his ordinary place of residence or observation home and in case of girl at least one escort shall be a female.

Mode of dealing with Juvenile or child suffering Or mental complain

47(1) When a juvenile or a child kept in a home under the care of a fit person or a fit institution, is found to requiring prolonged medical treatment or physical or mental complain which will respond to treatment or is found addicted to a narcotic drug or psychotropic or substance; the juvenile or the child may be removed by an order of the authority empowered on this behalf to an approved place up for such purpose for the authority or for such period as may be certified by medical officer to be necessary for the proper treatment of the juvenile or the child

2) where it appears to the authority ordering the removal of the juvenile or the child under sub-rule (1), that the juvenile or the child is cured of the disease or physical or mental complain, he may if the juvenile or the child is still liable to stay, order the person having in charge, to send the juvenile or the child to the home or fit person from which or from whom he was removed, or if the juvenile or the child is not longer liable to be kept in home, order him to be discharged.

3) Where action has been taken under sub-rule (1), in the case of a juvenile or a child suffering from an infectious or contagious diseases, the authority empowered under the sub-rule (1) before restoring the said juvenile or child to his partner in marriage or to the guardian, as the case may be, shall where it is satisfied that such action shall be in the interest of the said juvenile or child, call upon the partner in marriage or the guardian, as the case may be, to satisfy it that such partner or guardian will not re-infect the juvenile or child.

4) If there is no organization either within the jurisdiction of the competent authority, or nearby state for sending the juvenile, or child suffering from dangerous diseases, as required under section 58 of the Act, necessary organization shall be set up by the state government at such places, as it may deem fit.

Personnel/staff of a home

48(1) The personnel strength of a home shall be determined according to the duty, posts hours of duty per day as the base for each category of staff



2)The institutional organization set up shall be fixed in accordance with the size of the home, the capacity work load distribution of functions and requirements of programmes.

3) The whole-time staff in a home may consist of superintendent/project/Manager Probation Officer (in case of Observation home or Special home),case workers (in case of children's home or shelter home or after care organization)child Welfare Officers.Counsellor,Educator,Vocational Training Instructor, medical Staff administrative staff, care takers, house Father and House Mother ,Store Keeper cook, Helper ,Washer man,Safai Karmachari,Gardener as required.

4) The part-time staff, shall include Psychiatrist,Psychologist,Occupational therapist and other professionals as may be required by time to time.

5) the staff of the home shall be subject to control and overall supervision of the Superintendent or Project Manager, who by order, shall determine their specific responsibilities and shall keep the concerned authority informed of such orders made by him from time to time.

6) The duties and responsibilities of the staff under the Superintendent or the Project manager shall be fixed in keeping with the statutory requirements of the Act.

b. 7) The Superintendent or the Project ;manager and such other Staff who may be required shall live in the quarter provided for them within the premises of the home.

8) The number of posts in each category of staff shall be Fixed on the basis of capacity of the institution; and the staff shall be appointed in accordance with the educational qualifications, training and experience required for each category.

9) the suggested staff pattern for an institution with a capacity of 100 juveniles or children could be as mentioned below:-

SL.No.	Designation	No. of posts.
1	Superintendent of Project Manager	1
2.	Counselors	2
3.	Case worker or Probation Officer	3
4.	House Mother or House Father	4
5.	Educator or part time	2(Voluntary
6.	Vocational Instructor	1
7.	doctor	1
8/	Paramedical staff	1
9.	Store Keeper-cum-Accountant	1
10.	Driver	1
11.	Cook	1
12.	Helper	2
13.	sweeper	2
14.	Aer & Craft cum Music Teacher	1
15.	Gardner	1(Part time)
Total		25



(10) The number of post in the category of counselor, case Worker or Superintendent house father or house mother,educator and vocational instructor shall proportionally increase with the increase in the capacity of the institution

Special Juvenile Police Unit  
And Juvenile or the child  
Welfare officer

49.(1) the state Government shall appoint Special Juvenile Police Unit at the district and a juvenile or a child welfare shall be designated in term of section 63 of the Act at the level of police station.

2) The special Juvenile Police Unit at the district level shall function under a juvenile police officer ( of the rank of Inspector of Police) and two paid social workers of whom one shall be a women and another preferably child expert or having relevant experience.

3) The special Juvenile police Unit at other places shall be aided by two or more honorary social worker.

4) The special Juvenile Police Units shall be assisted by Recognized Voluntary organizations, who will help then identifying juveniles and helping the juveniles or children under the Act.

Honorary/voluntary probation  
Officer

50> the augment the existing probation service ,honorary or voluntary Probation Officer may be appointed from the voluntary organization and social workers found fit for the purpose by the competent authority and their probation services may

Responsibilities of the local Authority

also be co-opted into the implementation machinery by the orders of the competent authority.

51) the State government

may delegate powers to local authority under section 66 of the Act, to carry out the following responsibilities, namely.

- a) recommending the panel of names to the selection Committee for appointment of social worker for the Board, Chairperson and members of the committee district and city advisory boards under rule 24;
- b) to designate its responsibilities for the inspection committee under sub-section (2) of section 35 of the act.
- c) To visit the institution and make suggestions for the improvement and development of institutions under sub-section (2) of section 35 of this act.
- d) To give order or inter-state transfer of juvenile of a child with prior intimation to the Board and the committee under section 57 of the Act.
- e) Create a fund for the welfare and rehabilitation of the juvenile or the child dealt with under the act.

Protection of action taken in good faith.

52 No suit or legal proceedings shall lie against any functionary under the act including members of the voluntary organization and social worker, in respect of anything which is in good faith done or intended to be done in pursuance of the Act during the performance of the duties assigned to them.

Duties of the Superintendent of Homes.

53. the general duties, functions and responsibilities of the Superintendent shall be as follows:-

- a) providing homely atmosphere of love, affection, care Development and welfare of Juvenile or children
- b) Planning implementation and coordinating all institutional activities; programmes and operations;
- c) Maintaining minimum standards in the Home;
- d) Monitoring of juveniles or children, as the case may be training and treatment programmes and correctional activities;
- e) Supervision over juvenile or children's discipline and moral well being'
- f) Allocation of duties to personnel;
- g) Attending to personnel welfare and staff discipline;

## Duties of Probation Officer

- h) Preparation of budget and control over financial matters
- i) Supervision over office administration.
- j) Monthly office inspection
- k) Daily inspections and round of institution
- l) Inspecting and testing food prepared for juvenile or child.
- m) Take prompt action to meet emergencies
- n) To take appropriate rehabilitation measures.

54. 1) On receipt of information from the Officer-in-charge. Police station or the Special Juvenile Police Unit under clause (b) of section 13 of Act, the Probation Officer shall inquire into the antecedents and family history of the juvenile or the child and such other material circumstances, as may be necessary and submit a social investigation report as early as possible, in Form VIII , to the Board

- 2) Every Probation Officer shall carry out all directions given by the Board or Committee or concerned authority and shall perform the following duties namely:-
  - a) to make inquiries regarding the home and school conditions conduct, character and health of juvenile or child under their supervision;
  - b) to attend regularly the proceeding of the Board and submit reports
  - c) to maintain diary case file and such register as may be specified from time to time
  - d) to visit regularly the residence of the juvenile or the child, their or the child and to submit fortnightly reports as prescribed in form IX.
  - f) to accompany juveniles or children where ever possible from the office of the Board to observation home, special children's home or fit person , as the case may be;
  - g) to bring before the Board or the Committee, immediately juveniles or children who have not been of good behavior during the period of supervision
  - h) establishing linkages with voluntary workers and organizations to facilitate rehabilitation and social reintegration of juveniles or children and to ensure the necessary follow up .
  - i) ensuring that the children's need of food and cloth are met as per the specified standard.
  - j) To ensure the cleanliness of premises and maintenance of physical infrastructure including provisions of water and electricity

Duties of case workers/child welfare Officer.

3) The Probation Officer shall not employ a juvenile or children under their supervision for their own purposes or take no private service from them.

55. The general duties, functions and responsibilities of Case worker or Child Welfare of case worker or child welfare officer shall be as follows.:-

- a) making social investigation of the juvenile or the child through personal interview and from the family, social agencies and other sources.
- b) Clarifying problems of the juvenile or the child and dealing with their difficulties in institutional life;-
- c) Participating in the orientation, monitoring, education, vocational and rehabilitation programmes.
- d) Establishing co-operation and understanding between the juvenile or the child and the Officer-in-charge
- e) Assisting the juvenile or the child to develop contacts with family and also providing assistance to family members
- f) Participating in the pre-release programme and helping the juvenile or the child to establish contacts which can provide emotional and social support to juvenile or child after their release.
- g) Ensuring that the children's need of food and clothes be met as per the specified standards.
  
- h) ensure the cleanliness of the premises and maintenance of physical infrastructure including provisions of water and electricity.

Duties of House father/  
House mother.

56.1) The general duties, functions and responsibilities of a house father, house mother and other care taker shall be as follows

- a) handling juvenile or child with love and affection
- b) taking proper care and welfare of juvenile or child;
- c) maintaining discipline among the juveniles or children;
- d) maintenance, sanitation and hygiene
- e) implementing daily routing in an effective manner and ensuring children's involvement;
- f) looking after the security and safety arrangements of the home

## Training of personnel

g) escorting juveniles or children, whenever they go out of the home

57. 1) The State government or the Officer-in-charge shall provide for training of personnel of each category of staff, in keeping with their statutory responsibilities and specific jobs requirements.

- 2) The training programme shall include\_
- a) orientation and training of the newly-recruited staff.
  - b) Refresher training courses for every staff member at least once in every five years and
  - c) Staff conferences, seminars, workshops, along with the various components or functionaries of the juvenile justice system and the State Government at various levels of the personnel organization

## Advisory board.

58.(1) the State Government shall constitute advisory board at various levels for a period of three years.

2) The State Government shall constitute the State advisory board and District advisory board

3) All the boards shall hold at least two meeting in a year.

- 3) these advisory boards shall also inspect the various institutional or non-institutional services in their respective jurisdiction; and the recommendations made by them shall be acted upon by the Central Government ,the State government and the Local Authorities

5. The State government ,through the Selection Committee Constituted under sub-rule(2) of rule 24 of these rules shall set up State and District advisory boards which shall consist of members of the competent authority, academic institutions, locally respectable and spirited citizens ,representatives of Non-governmental organizations and the representative of local authority, who act as its secretary.

6.The inspection committee constituted under section 35 of the Act shall function as district advisory board in terms of sub-section (3) of 62 of the Act.