

Kerala Gazette No. 19 dated 8th May 2007.

**PART I**

**Section i**



**GOVERNMENT OF KERALA**

**Law (Legislation-Publication) Department**

**NOTIFICATION**

No. 1342/Leg. Pbn.3/2007/Law.

*Dated, Thiruvananthapuram, 25th January, 2007.*

The following Act of Parliament Published in the Gazette of India, Extraordinary, Part II Section I dated the 23rd August, 2006 is hereby republished for general Information. The Bill as passed by the Houses of Parliament received the assent of the President on the 22nd August, 2006.

By order of the Governor,

P. S. GOPINATHAN,  
*Law Secretary.*

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN)  
AMENDMENT ACT, 2006

(ACT No. 33 OF 2006)

AN

ACT

*to amend the Juvenile Justice (Care and Protection of Children) Act, 2000.*

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006

2. *Amendment of long title.*—In the Juvenile Justice (Care and Protection of Children) Act, 2000 56 of 2000 (hereinafter referred to as the principal Act), in the long title, for the words “through various institutions established under this enactment”, the words “and for matters connected therewith or incidental thereto” shall be substituted.

3. *Amendment of section 1.*—In section 1 of the principal Act,—

(i) in the marginal heading, for the words “and commencement”, the words, “commencement and application” shall be substituted;

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall apply to all cases involving detention, prosecution, penalty or sentence of imprisonment of juveniles in conflict with law under such other law.”.

4. *Amendment of section 2.*—In section 2 of the principal Act,—

(i) after clause (a), the following clause shall be inserted, namely:—

“(aa) “adoption” means the process through which the adopted child is permanently separated from his biological parents and become the legitimate child of his adoptive parents with all the rights, privileges and responsibilities that are attached to the relationship;”

(ii) in clause (d),—

(I) after sub-clause (i), the following sub-clause shall be inserted, namely:—

“(ia) who is found begging, or who is either a street child or a working child.”;

(II) in sub-clause (v), after the word ‘abandoned’, the words ‘or surrendered’ shall be inserted;

(iii) in clause (h), for the words “competent authority”, the words “State Government on the recommendation of the competent authority” shall be substituted;

(iv) for clause (l), the following clause shall be substituted, namely:—

“(l) “juvenile in conflict with law” means a juvenile who is alleged to have committed an offence and has not completed eighteenth year of age as on the date of commission of such offence.”;

(v) clause (m) shall be omitted.

5. *Omission of certain expressions.*—Throughout the principal Act, the words “local authority”, “or local authority” and “or the local authority”, wherever they occur, shall be omitted.

6. *Amendment of section 4.*—In section 4 of the principal Act, in sub-section (1), for the words “by notification in the Official Gazette, constitute a district or a group of districts specified in the notification”, the words “within a period of one year from the date of commencement of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, by notification in the Official Gazette, constitute for every district” shall be substituted.

7. *Amendment of section 6.*—In section 6 of the principal Act, in sub-section (1), the words “or a group of districts” shall be omitted.

8. *Insertion of new section 7A.*—After section 7 of the principal Act, the following section shall be inserted, namely:—

“7A. *Procedure to be followed when claim of juvenility is raised before any court.*—(1) Whenever a claim of juvenility is raised before any court or a court is of the opinion that an accused person was a juvenile on the date of commission of the offence, the court shall make an inquiry, take such evidence as may be necessary (but not an affidavit)

so as to determine the age of such person, and shall record a finding whether the person is a juvenile or a child or not, stating his age as nearly as may be:

Provided that a claim of juvenility may be raised before any court and it shall be recognised at any stage, even after final disposal of the case, and such claim shall be determined in terms of the provisions contained in this Act and the rules made thereunder, even if the juvenile has ceased to be so on before the date of commencement of this Act.

(2) If the court finds a person to be a juvenile on the date of commission of the offence under sub-section (1), it shall forward the juvenile to the Board for passing appropriate order, and the sentence if any, passed by a court shall be deemed to have no effect."

9. *Amendment of section 10.*—In section 10 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) As soon as a juvenile in conflict with law is apprehended by police, he shall be placed under the charge of the special juvenile police unit or the designated police officer, who shall produce the juvenile before the Board without any loss of time but within a period of twenty-four hours of his apprehension excluding the time necessary for the journey, from the place where the juvenile was apprehended, to the Board:

Provided that in no case, a juvenile in conflict with law shall be placed in a police lockup or lodged in a jail."

10. *Amendment of section 12.*—In section 12 of the principal Act, in sub-section (1), after the words "with or without surety", the words "or placed under the supervision of a Probation Officer or under the care of any fit institution or fit person" shall be inserted.

11. *Amendment of section 14.*—Section 14 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) The Chief Judicial Magistrate or the Chief Metropolitan Magistrate shall review the pendency of cases of the Board at every six months, and shall direct the Board to increase the frequency of its sittings or may cause the constitution of additional Boards."



12. *Amendment of section 15.*—In section 15 of the principal Act, in sub-section (1), for clause (g), the following clause shall be substituted, namely:—

“(g) make an order directing the juvenile to be sent to a special home for a period of three years:

Provided that the Board may, if it is satisfied that having regard to the nature of the offence and the circumstances of the case, it is expedient so to do, for reasons to be recorded, reduce the period of stay to such period as it thinks fit.”

13. *Amendment of section 16.*—In section 16 of the principal Act,—

(i) in sub-section (1), for the words “or life imprisonment”, the words “or imprisonment for any term which may extend to imprisonment for life” shall be substituted;

(ii) in sub-section (2), for the proviso, the following proviso shall be substituted, namely:—

“Provided that the period of detention so ordered shall not exceed in any case the maximum period provided under section 15 of this Act.”

14. *Amendment of section 20.*—In section 20 of the principal Act, the following proviso and Explanation shall be inserted, namely:—

“Provided that the Board may, for any adequate and special reason to be mentioned in the order, review the case and pass appropriate order in the interest of such juvenile.

*Explanation.*—In all pending cases including trial, revision, appeal or any other criminal proceedings in respect of a juvenile in conflict with law, in any court, the determination of juvenility of such a juvenile shall be in terms of clause (1) of section 2, even if the juvenile ceases to be so on or before the date of commencement of this Act and the provisions of this Act shall apply as if the said provisions had been in force, for all purposes and at all material times when the alleged offence was committed.”

15. *Substitution of new section for section 21.*—For section 21 of the principal Act, the following section shall be substituted, namely:—

“21. *Prohibition of publication of name, etc., of juvenile in conflict with law or child in need of care and protection involved in any proceeding under the Act.*—(1) No report in any newspaper, magazine,

news-sheet or visual media of any inquiry regarding a juvenile in conflict with law or a child in need of care and protection under this Act shall disclose the name, address or school or any other particulars calculated to lead to the identification of the juvenile or child nor shall any picture of any such juvenile or child be published:

Provided that for reasons to be recorded in writing, the authority holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the interest of the juvenile or the child.

(2) Any person who contravenes the provisions of sub-section (1), shall be liable to a penalty which may extend to twenty-five thousand rupees."

16. *Amendment of section 29.*— In section 29 of the principal Act, in sub-section (1), for the words "by notification in Official Gazette, constitute for every district, or group of district specified in the notification", the words "within a period of one year from the date of commencement of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, by notification in the Official Gazette, constitute for every district" shall be substituted.

17. *Amendment of section 32.*— In section 32 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (iv), the words "authorized by the State Government" shall be omitted;

(ii) in following proviso shall be inserted at the end, namely:—

"Provided that the child shall be produced before the Committee without any loss of time but within a period of twenty-four hours, excluding the time necessary for the journey.";

(b) in sub-section (2), the words "to the police and" shall be omitted.

18. *Amendment of section 33.*— In section 33 of the principal Act,—

(a) in sub-section (1), the words "or any police officer or special juvenile police unit or the designated police officer" shall be omitted;

(b) for sub-section (3), the following sub-sections shall be substituted, namely:—

"(3) The State Government shall review the pendency of cases of the Committee at every six months, and shall direct the Committee to increase the frequency of its sittings or may cause the constitution of additional Committees.

(4) After the completion of the inquiry, if, the Committee is of the opinion that the said child has no family or ostensible support or is in continued need of care and protection, it may allow the child to remain in the children's home or shelter home till suitable rehabilitation is found for him or till he attains the age of eighteen years."

19. *Amendment of section 34.*—In section 34 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Without prejudice to anything contained in any other law for the time being in force, all institutions, whether State Government run or those run by voluntary organisations for children in need of care and protection shall, within a period of six months from the date of commencement of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, be registered under this Act in such manner as may be prescribed."

20. *Amendment of section 39.*—In section 39 of the principal Act, for the *Explanation*, the following *Explanation* shall be substituted, namely:—

*Explanation.*—For the purposes of this section "restoration of and protection of a child" means restoration to—

- (a) parents;
- (b) adopted parents;
- (c) foster parents;
- (d) guardian;
- (e) fit person;
- (f) fit institution.

21. *Amendment of section 41.*—In section 41 of the principal Act,—

(i) for sub-sections (2), (3) and (4), the following sub-sections shall be substituted, namely:—

"(2) Adoption shall be resorted to for the rehabilitation of the children who are orphan, abandoned or surrendered through such mechanism as may be prescribed.

(3) in keeping with the provisions the various guidelines for adoption issued from time to time, by the State Government, or the Central Adoption Resource Agency and notified by the Central

Government, children may be given in adoption by a court after satisfying itself regarding the investigations having been carried out, as are required for giving such children in adoption.

(4) The State Government shall recognize one or more of its institutions or voluntary organisations in each district as specialized adoption agencies in such manner as may be prescribed for the placement of orphan, abandoned or surrendered children for adoption in accordance with the guidelines notified under sub-section (3) :

Provided that the children's homes and the institutions run by the State Government or a voluntary organization for children in need of care and protection, who are orphan, abandoned or surrendered, shall ensure that these children are declared free for adoption by the Committee and all such cases shall be referred to the adoption agency in that district for placement of such children in adoption in accordance with the guidelines notified under sub-section (3).";

(ii) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) The court may allow a child to be given in adoption—

- (a) to a person irrespective of marital status; or
- (b) to parents to adopt a child of same sex irrespective of the number of living biological sons or daughters; or
- (c) to childless couples.”.

22. *Substitution of new section for section 57.*—For section 57 of the principal Act, the following section shall be substituted, namely:—

“57. *Transfer between children's homes under the Act, and juvenile homes of like nature in different parts of India.*—The State Government may direct any child or the juvenile to be transferred from any children's home or special home within the State to any other children's home, special home or institution of a like nature or to such institutions outside the State in consultation with the concerned State Government and with the prior intimation to the Committee or the Board, as the case may be, and such order shall be deemed to be operative for the competent authority of the area to which the child or the juvenile is sent.”.

23. *Amendment of section 59.*—In section 59 of the principal Act, in sub-section (2), for the words “for maximum seven days”, the words “for a period generally not exceeding seven days” shall be substituted.

24. *Insertion of new section 62A.*—After section 62 of the principal Act, the following section shall be inserted, namely:—

“62A. *Constitution of Child Protection Unit responsible for implementation of the Act.*—Every State Government shall constitute a Child Protection Unit for the State and, such Units for every District, consisting of such officers and other employees as may be appointed by that Government, to take up matters relating to children in need of care and protection and juveniles in conflict with law with a view to ensure the implementation of this Act including the establishment and maintenance of homes, notification of competent authorities in relation to these children and their rehabilitation and co-ordination with various official and non-official agencies concerned.”

25. *Amendment of section 64.*—In section 64 of the principal Act,—

(i) for the words “may direct”, the words “shall direct” shall be substituted;

(ii) the following proviso and *Explanation* shall be inserted, namely:—

“Provided that the State Government, or as the case may be the Board, may, for any adequate and special reason to be recorded in writing, review the case of a juvenile in conflict with law undergoing a sentence of imprisonment, who has ceased to be so on or before the commencement of this Act, and pass appropriate order in the interest of such juvenile.

*Explanation.*—in all cases where a juvenile in conflict with law is undergoing a sentence of imprisonment at any stage on the date of commencement of this Act, his case including the issue of juvenility, shall be deemed to be decided in terms of clause (1) of section 2 and other provisions contained in this Act and the rules made thereunder, irrespective of the fact that he ceases to be a juvenile on or before such date and accordingly he shall be sent to the special home or a fit institution, as the case may be, for the remainder of the period of the sentence but such sentence shall not in any case exceed the maximum period provided in section 15 of this Act.”

26. *Amendment of section 68.*—In section 68 of the principal Act,—

(a) in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that the Central Government may, frame model rules in respect of all or any of the matters with respect to which the State Government may make rules under this section, and where any such model rules have been framed in respect of any such matter, they shall apply to the State until the rules in respect of that matter is made by the State Government and while making any such rules, so far as is practicable, they conform to such model rules.”;

(b) in sub-section (2),

(i) in clause (x), after the words, letter and brackets “sub-section (2)”, the following words, letter, and brackets shall be inserted, namely:—

“and the manner of registration of institutions under sub-section (3)”;

(ii) after clause (xiii), the following clause shall be inserted, namely:—

“(xiia) rehabilitation mechanism to be resorted to in adoption under sub-section (2), notification of guidelines under sub-section (3) and the manner of recognition of specialised adoption agencies under sub-section (4) of section 41.”;

(c) sub-section (3) shall be re-numbered as sub-section (4) thereof, and before sub-section (4) as so re-numbered, the following sub-section shall be inserted namely:—

“(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.



GOVERNMENT OF KERALA

Law (Legislation-Publication) Department

NOTIFICATION

No. 4976|Leg. Pbn. 2|87|Law. *Dated, Trivandrum, 25th March, 1987.*

The following Act of Parliament, published in a Gazette of India Extraordinary, Part II-section 1, dated the 3rd December 1986 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the president on the 1st December, 1986.

By order of the Governor,

L. MANOHARAN,  
*Law Secretary.*

# THE JUVENILE JUSTICE ACT, 1986

(No. 53 of 1986)

## ARRANGEMENT OF SECTIONS

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# THE JUVENILE JUSTICE ACT, 1986

AN

ACT

*to provide for the care, protection, treatment development and rehabilitation of neglected or delinquent juveniles and for the adjudication of certain matters relating to, and disposition of, delinquent juveniles.*

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Juvenile Justice Act, 1986.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and for different States.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “begging” means—

(i) soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, whether under the pretence of singing, dancing, fortunetelling, performing tricks or selling articles or otherwise;

(ii) exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;

(iii) allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms;

(b) “Board” means a Juvenile Welfare Board constituted under section 4;

(c) "brothel", "prostitute", "prostitution" and "public place" shall have the meanings respectively assigned to them in the Suppression of Immoral Traffic in Women and Girls Act, 1956 (104 of 1956);

(d) "competent authority" means, in relation to neglected juveniles, a Board and, in relation to delinquent juveniles a Juvenile Court and where no such Board or Juvenile Court has been constituted, includes any Court empowered under subsection (2) of section 7 to exercise the powers conferred on a Board or Juvenile Court;

(e) "delinquent juvenile" means a juvenile who has been found to have committed an offence;

(f) "fit person" or "fit institution" means any person or institution (not being a police station or jail) found fit by the competent authority to receive and take care of a juvenile entrusted to his or its care and protection on the terms and conditions specified by the competent authority;

(g) "guardian" in relation to a juvenile, includes any person who, in the opinion of the competent authority, having cognizance of any proceeding in relation to a juvenile, has, for the time being, the actual charge of, or control over, that juvenile.

(h) "juvenile" means a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years;

(i) "Juvenile Court" means a Court constituted under section 5,

(j) "juvenile home" means an institution established or certified by the State Government under section 9 as a juvenile home;

(k) "narcotic drug" and "psychotropic substance" shall have the meanings respectively assigned to them in the Narcotic Drugs and Psychotropic Substances Act, 1985; (61 of 1985).

(l) "neglected juvenile" means a juvenile who—

(i) is found begging; or

(ii) is found without having any home or settled place of abode and without any ostensible means of subsistence and is destitute;

(iii) has a parent or guardian who is unfit or incapacitated to exercise control over the juvenile; or

(iv) lives in a brothel or with a prostitute or frequently goes to any place used for the purpose of prostitution, or

is found to associate with any prostitute or any other person who leads an immoral, drunken or depraved life;

(v) who is being or is likely to be abused or exploited for immoral or illegal purposes or unconscionable gain;

(m) "observation home" means any institution or place established or recognised by the State Government under section 11 as an observation home;

(n) "offence" means an offence punishable under any law for the time being in force;

(o) "place of safety" means any place or institution (not being a police station or jail), the person in charge of which is willing temporarily to receive and take care of a juvenile and which, in the opinion of the competent authority may be a place of safety for the juvenile;

(p) "prescribed" means prescribed by rules made under this Act;

(q) "probation officer" means an officer appointed as a probation officer under this Act or under the Probation of Offenders Act, 1958 (20 of 1958);

(r) "special home" means an institution established or certified by the State Government under section 10;

(s) "supervision", in relation to a juvenile placed under the care of any parent, guardian or other fit person or fit institution under this Act, means the supervision of that juvenile by a probation officer for the purpose of ensuring that the juvenile is properly looked after and that the conditions imposed by the competent authority are complied with;

(t) all words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1973 (2 of 1974), shall have the meanings respectively assigned to them in that Code.

3. *Continuation of inquiry in respect of juvenile who has ceased to be a juvenile.*—Where an inquiry has been initiated against a juvenile and during the course of such inquiry the juvenile ceases to be such, then, notwithstanding anything contained in this Act or in any other law for the time being in force, the inquiry may be continued and orders may be made in respect of such person as if such person had continued to be a juvenile.

## CHAPTER II

COMPETENT AUTHORITIES AND INSTITUTIONS  
FOR JUVENILES

4. *Juvenile Welfare Boards.*—(1) The State Government may, by notification in the Official Gazette, constitute for any area specified in the notification, one or more Juvenile Welfare Boards for exercising the powers and discharging the duties conferred or imposed on such Board in relation to neglected juveniles under this Act.

(2) A Board shall consist of a Chairman and such other members as the State Government thinks fit to appoint, of whom not less than one shall be a woman; and every such member shall be vested with the powers of a Magistrate under the Code of Criminal Procedure, 1973 (2 of 1974).

(3) The Board shall function as a Bench of Magistrates and shall have the powers conferred by the Code of Criminal Procedure, 1973 (2 of 1974), on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the first class.

5. *Juvenile Courts.*—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the State Government may, by notification in the Official Gazette, constitute for any area specified in the notification, one or more Juvenile Courts for exercising the powers and discharging the duties conferred or imposed on such Court in relation to delinquent juveniles under this Act.

(2) A Juvenile Court shall consist of such number of Metropolitan Magistrates or Judicial Magistrates of the first class, as the case may be, forming a Bench as the State Government thinks fit to appoint, of whom one shall be designated as the Principal Magistrate; and every such Bench shall have the powers conferred by the Code of Criminal Procedure, 1973 (2 of 1974), on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the first class.

(3) Every Juvenile Court shall be assisted by a panel of two honorary social workers possessing such qualifications as may be prescribed, of whom at least one shall be a woman, and such panel shall be appointed by the State Government.

6. *Procedure, etc., in relation to Boards and Juvenile Courts.*—(1) In the event of any difference of opinion among the members of a Board, or among the Magistrates of a Juvenile Court, the opinion of the majority shall prevail, but where there is no such

majority, the opinion of the Chairman or of the Principal Magistrate, as the case may be, shall prevail.

(2) A Board or Juvenile Court may act notwithstanding the absence of any member of the Board or, as the case may be, any Magistrate of the Juvenile Court, and no order made by the Board or Juvenile Court shall be invalid by reason only of the absence of any member or Magistrate, as the case may be, during any stage of the proceeding.

(3) No person shall be appointed as a member of the Board or as a Magistrate in the Juvenile Court unless he has, in the opinion of the State Government, special knowledge of child psychology and child welfare.

*7. Powers of Board and Juvenile Court.*—(1) Where a Board or a Juvenile Court has been constituted for any area, such Board or Court shall, notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, have power to deal exclusively with all proceedings under this Act relating to neglected juveniles or delinquent juveniles, as the case may be:

Provided that a Board or a Juvenile Court may, if it is of opinion that it is necessary so to do having regard to the circumstances of the case, transfer any proceedings to any Juvenile Court or Board, as the case may be:

Provided further that where there is any difference of opinion between a Board and a Juvenile Court regarding the transfer of any proceedings under the first proviso, it shall be referred to the Chief Metropolitan Magistrate or, as the case may be, the Chief Judicial Magistrate for decision, and in a case where the District Magistrate is functioning as a Board or a Juvenile Court, such difference of opinion shall be referred to the Court of Session, and the decision of the Chief Metropolitan Magistrate or Chief Judicial Magistrate or, as the case may be, the Court of Session on such reference shall be final.

(2) Where no Board or Juvenile Court has been constituted for any area, the powers conferred on the Board or the Juvenile Court by or under this Act shall be exercised in that area, only by the following, namely:—

- (a) the District Magistrate; or
- (b) the Sub-Divisional Magistrate; or
- (c) any Metropolitan Magistrate or Judicial Magistrate of the first class, as the case may be.

(3) The powers conferred on the Board or Juvenile Court by or under this Act may also be exercised by the High Court and the Court of Session, when the proceeding comes before them in appeal, revision or otherwise.

8. *Procedure to be followed by a Magistrate not empowered under the Act.*—(1) When any Magistrate not empowered to exercise the powers of a Board or a Juvenile Court under this Act is of opinion that a person brought before him under any of the provisions of this Act (otherwise than for the purpose of giving evidence) is a juvenile, he shall record such opinion and forward the juvenile and the record of the proceeding to the competent authority having jurisdiction over the proceeding.

(2) The competent authority to which the proceeding is forwarded under sub-section (1) shall hold the inquiry as if the juvenile had originally been brought before it.

9. *Juvenile homes.*—(1) The State Government may establish and maintain as many juvenile homes as may be necessary for the reception of neglected juveniles under this Act.

(2) Where the State Government is of opinion that any institution other than a home established or maintained under sub-section (1) is fit for the reception of the neglected juveniles to be sent there under this Act, it may certify such institution as a juvenile home for the purposes of this Act.

(3) Every juvenile home to which a neglected juvenile is sent under this Act shall not only provide the juvenile with accommodation, maintenance and facilities for education, vocational training and rehabilitation, but also provide him with facilities for the development of his character and abilities and give him necessary training for protecting himself against moral danger or exploitation and shall also perform such other functions as may be prescribed to ensure all round growth and development of his personality.

(4) The State Government may, by rules made under this Act, provide for the management of juvenile homes, including the standards and the nature of services to be maintained by them and the circumstances under which, and the manner in which, the certification of a juvenile home may be granted or withdrawn.

10. *Special homes.*—(1) The State Government may establish and maintain as many special homes as may be necessary for the reception of delinquent juveniles under this Act.



(2) Where the State Government is of opinion that any institution other than a home established or maintained under sub-section (1), is fit for the reception of the delinquent juveniles to be sent there under this Act, it may certify such institution as a special home for the purposes of this Act.

(3) Every special home to which a delinquent juvenile is sent under this Act shall not only provide the juvenile with accommodation, maintenance and facilities for education, vocational training and rehabilitation, but also provide him with facilities for the development of his character and abilities and give him necessary training for his reformation and shall also perform such other functions as may be prescribed to ensure all round growth and development of his personality.

(4) The State Government may, by rules made under this Act, provide for the management of special homes, including the standards and the nature of services to be maintained by them, and the circumstances under which, and the manner in which, the classification of a special home may be granted or withdrawn.

(5) The rules made under sub-section (4) may also provide for the classification and separation of delinquent juveniles on the basis of age and nature of offences committed by them.

11. *Observation homes.*—(1) The State Government may establish and maintain as many observation homes as may be necessary for the temporary reception of juveniles during the pendency of any inquiry regarding them under this Act.

(2) Where the State Government is of opinion that any institution other than a home established or maintained under sub-section (1), is fit for the temporary reception of juveniles during the pendency of any inquiry regarding them under this Act, it may recognise such institution as an observation home for the purposes of this Act.

(3) Every observation home to which a juvenile is sent under this Act shall not only provide the juvenile with accommodation, maintenance and facilities for medical examination and treatment, but also provide him with facilities for useful occupation.

(4) The State Government may, by rules made under this Act, provide for the management of observation homes, including the standards and the nature of services to be maintained by them and the circumstances under which, and the manner in which, an institution may be recognised as an observation home or the recognition may be withdrawn.

12. *After-care organisations.*—The State Government may, by rules made under this Act, provide—

(a) for the establishment or recognition of after-care organisations and the powers that may be exercised by them for effectively carrying out their functions under this Act;

(b) for a scheme of after-care programme to be followed by such after-care organisations for the purpose of taking care of juveniles after they leave juvenile homes or special homes and for the purpose of enabling them to lead an honest, industrious and useful life;

(c) for the preparation or submission of a report by the probation officer in respect of each juvenile prior to his discharge from a juvenile home or special home, as the case may be, regarding the necessity and nature of after-care of such juvenile, the period of such after-care, supervision thereof and for the submission of a report by the probation officer on the progress of each such juvenile;

(d) for the standards and the nature of services to be maintained by such after-care organisations;

(e) for such other matters as may be necessary for the purpose of effectively carrying out the scheme of after-care programme of juveniles.

### CHAPTER III

#### NEGLECTED JUVENILES

13. *Production of neglected juveniles before Boards.*—(1) If any police officer or any other person or organisation authorised by the State Government in this behalf, by general or special order, is of opinion that a person is apparently a neglected juvenile, such police officer or other person or organisation may take charge of that person for bringing him before a Board..

(2) When information is given to an officer-in-charge of a police station about any neglected juvenile found within the limits of such station, he shall enter in a book to be kept for the purpose the substance of such information and take such action thereon as he deems fit and if such officer does not propose to take charge of the juvenile, he shall forward a copy of the entry made to the Board.

(3) Every juvenile taken charge of under sub-section (1) shall be brought before the Board without any loss of time but within a period of twenty-four hours of such charge taken excluding the time necessary for the journey from the place where the juvenile had been taken charge of to the Board.

(4) Every juvenile taken charge of under sub-section (1) shall, unless he is sent with his parent or guardian, be sent to —

observation home (but not to a police station or jail) until he can be brought before a Board.

14. *Special procedure to be followed when neglected juvenile has parents.*—(1) If a person, who in the opinion of the police officer or the authorised person or organisation is a neglected juvenile, has a parent or guardian who has the actual charge of, or control over, the juvenile, the police officer or the authorised person or the organisation may, instead of taking charge of the juvenile, make a report to the Board for initiating an inquiry regarding that juvenile.

(2) On receipt of a report under sub-section (1), the Board may call upon the parent or guardian to produce the juvenile before it and to show cause why the juvenile should not be dealt with as a neglected juvenile under the provisions of this Act and if it appears to the Board that the juvenile is likely to be removed from its jurisdiction or to be concealed, it may immediately order his removal (if necessary by issuing a search warrant for the immediate production of the juvenile) to an observation home or a place of safety.

15. *Inquiry by Board regarding neglected juveniles.*—(1) When a person alleged to be a neglected juvenile is produced before a Board, it shall examine the police officer or the authorised person or the organisation who brought the juvenile or made the report and record the substance of such examination and hold the inquiry in the prescribed manner and may make such orders in relation to the juvenile as it may deem fit.

(2) Where a Board is satisfied on inquiry that a juvenile is a neglected juvenile and that it is expedient so to deal with him, the Board may make an order directing the juvenile to be sent to a juvenile home for the period until he ceases to be a juvenile:

Provided that the Board may, for reasons to be recorded, extend the period of such stay, but in no case the period of stay shall extend beyond the time when the juvenile attains the age of eighteen years, in the case of a boy, or twenty years, in the case of a girl:

Provided further that the Board may, if it is satisfied that having regard to the circumstances of the case it is expedient so to do, for reasons to be recorded, reduce the period of stay to such period as it thinks fit.

(3) During the pendency of any inquiry regarding a juvenile, the juvenile shall, unless he is kept with his parent or guardian, be sent to an observation home or a place of safety for such period as may be specified in the order of the Board:

Provided that no juvenile shall be kept with his parent or guardian if, in the opinion of the Board, such parent or guardian is unfit or unable to exercise or does not exercise proper care and control over the juvenile.

16. *Power to commit neglected juvenile to suitable custody.*—

(1) If the Board so thinks fit, it may, instead of making an order under sub-section (2) of section 15, for sending the juvenile to a juvenile home, make an order placing the juvenile under the care of a parent, guardian or other fit person, on such parent, guardian or fit person executing a bond with or without surety to be responsible for the good behaviour and well-being of the juvenile and for the observance of such conditions as the Board may think fit to impose.

(2) At the time of making an order under sub-section (1) or at any time subsequently, the Board may, in addition, make an order that the juvenile be placed under supervision for any period not exceeding three years in the first instance.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), if at any time it appears to the Board, on receiving a report from the probation officer or otherwise, that there has been a breach of any of the conditions imposed by it in respect of the juvenile, it may, after making such inquiry as it deems fit, order the juvenile to be sent to a juvenile home.

17. *Uncontrollable juveniles.*—Where a parent or guardian of a juvenile complains to the Board that he is not able to exercise proper care and control over the juvenile and the Board is satisfied on inquiry that proceedings under this Act should be initiated regarding the juvenile, it may send the juvenile to an observation home or a place of safety and make such further inquiry as it may deem fit and the provisions of section 15 and section 16 shall, as far as may be, apply to such proceedings.

## CHAPTER IV

### DELINQUENT JUVENILES

18. *Bail and custody of juveniles.*—(1) When any person accused of a bailable or non-bailable offence and apparently a juvenile is arrested or detained or appears or is brought before a Juvenile Court such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), or in any other law for the time being in force, be released on bail with or without surety but he shall not be so released if there appear reasonable grounds for believing that the release is likely to bring him into

association with any known criminal or expose him to moral danger or that his release would defeat the ends of justice.

(2) When such person having been arrested is not released on bail under sub-section (1) by the officer-in-charge of the police station, such officer shall cause him to be kept in an observation home or a place of safety in the prescribed manner (but not in a police station or jail) until he can be brought before a Juvenile Court.

(3) When such person is not released on bail under sub-section (1) by the Juvenile Court it shall instead of committing him to prison, make an order sending him to an observation home or a place of safety for such period during the pendency of the inquiry regarding him as may be specified in the order.

19. *Information to parent or guardian or probation officer.*—Where a juvenile is arrested, the officer-in-charge of the police station to which the juvenile is brought shall, as soon as may be after the arrest, inform—

(a) the parent or guardian of the juvenile, if he can be found, of such arrest and direct him to be present at the Juvenile Court before which the juvenile will appear; and

(b) the probation officer of such arrest in order to enable him to obtain information regarding the antecedents and family history of the juvenile and other material circumstances likely to be of assistance to the Juvenile Court for making the inquiry.

20. *Inquiry by Juvenile Court regarding delinquent juveniles.*—Where a juvenile having been charged with an offence appears or is produced before a Juvenile Court, the Juvenile Court shall hold the inquiry in accordance with the provisions of section 39 and may, subject to the provisions of this Act, make such order in relation to the juvenile as it deems fit.

21. *Orders that may be passed regarding delinquent juveniles.*—

(1) Where a Juvenile Court is satisfied on inquiry that a juvenile has committed an offence, then, notwithstanding anything to the contrary contained in any other law for the time being in force, the Juvenile Court may, if it so thinks fit,—

(a) allow the juvenile to go home after advice or admonition;

(b) direct the juvenile to be released on probation of good conduct and placed under the care of any parent, guardian or other fit person, on such parent, guardian or other fit person executing a bond, with or without surety as that Court may

require, for the good behaviour and well-being of the juvenile for any period not exceeding three years;

(c) direct the juvenile to be released on probation of good conduct and placed under the care of any fit institution for the good behaviour and well-being of the juvenile for any period not exceeding three years;

(d) make an order directing the juvenile to be sent to a special home,—

(i) in the case of a boy over fourteen years of age or of a girl over sixteen years of age, for a period of not less than three years;

(ii) in the case of any other juvenile, for the period until he ceases to be a juvenile:

Provided that the Juvenile Court may, if it is satisfied that having regard to the nature of the offence and the circumstances of the case it is expedient so to do, for reasons to be recorded, reduce the period of stay to such period as it thinks fit:

Provided further that the Juvenile Court may, for reasons to be recorded, extend the period of such stay, but in no case the period of stay shall extend beyond the time when the juvenile attains the age of eighteen years, in the case of a boy, or twenty years, in the case of a girl;

(e) order the juvenile to pay a fine if he is over fourteen years of age and earns money.

(2) Where an order under clause (b), clause (c) or clause (e) of sub-section (1) is made, the Juvenile Court may, if it is of opinion that in the interests of the juvenile and of the public it is expedient so to do, in addition make an order that the delinquent juvenile shall remain under the supervision of a probation officer named in the order during such period, not exceeding three years, as may be specified therein, and may in such supervision order impose such conditions as it deems necessary for the due supervision of the delinquent juvenile:

Provided that if at any time afterwards it appears to the Juvenile Court on receiving a report from the probation officer or otherwise, that the delinquent juvenile has not been of good behaviour during the period of supervision or that the fit institution under whose care the juvenile was placed is no longer able or willing to ensure the good behaviour and well-being of the juvenile it may, after making such inquiry as it deems fit order the delinquent juvenile to be sent to a special home.

(3) The Juvenile Court making a supervision order under sub-section (2), shall explain to the juvenile and the parent, guardian or other fit person or fit institution, as the case may be, under whose care the juvenile has been placed, the terms and conditions of the order and shall forthwith furnish one copy of the supervision order to the juvenile, the parent, guardian or other fit person or fit institution, as the case may be, the sureties, if any, and the probation officer.

(4) In determining the special home, or any person or institution to whose custody a juvenile is to be committed or entrusted under this Act, the Court shall pay due regard to the religious denomination of the juvenile to ensure that religious instruction contrary to the religious persuasion of the juvenile is not imparted to him.

22. *Orders that may not be passed against delinquent juveniles.*—(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no delinquent juveniles shall be sentenced to death or imprisonment, or committed to prison in default of payment of fine or in default of furnishing security:

Provided that where a juvenile who has attained the age of fourteen years has committed an offence and the Juvenile Court is satisfied that the offence committed is of so serious a nature or that his conduct and behaviour have been such that it would not be in his interest or in the interest of other juvenile in a special home to send him to such special home and that none of the other measures provided under this Act is suitable or sufficient, the Juvenile Court, may order the delinquent juvenile to be kept in safe custody in such place and manner as it thinks fit and shall report the case for the orders of the State Government.

(2) On receipt of a report from a Juvenile Court under sub-section (1), the State Government may make such arrangement in respect of the juvenile as it deems proper and may order such delinquent juvenile to be detained at such place and on which conditions as it thinks fit:

Provided that the period of detention so ordered shall not exceed the maximum period of imprisonment to which the juvenile could have been sentenced for the offence committed.

23. *Proceeding under Chapter VIII of the Code of Criminal Procedure not competent against juvenile.*—Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 (2 of 1974), no proceeding shall be instituted and no order shall be passed against a juvenile under Chapter VIII of the said Code.

24. *No joint trial of juvenile and person not a juvenile.*—(1) Notwithstanding anything contained in section 223 of the Code of Criminal Procedure, 1973 (2 of 1974), or in any other law for the time being in force, no juvenile shall be charged with or tried for, any offence together with a person who is not a juvenile.

(2) If a juvenile is accused of an offence for which under section 223 of the Code of Criminal Procedure, 1973 (2 of 1974), or any other law for the time being in force, such juvenile and any person who is not a juvenile would, but for the prohibition contained in sub-section (1), have been charged and tried together, the court taking cognizance of that offence shall direct separate trials of the juvenile and the other person.

25. *Removal of disqualification attaching to conviction.*— Notwithstanding anything contained in any other law, a juvenile who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attaching to a conviction of an offence under such law.

26. *Special provision in respect of pending cases.*—Notwithstanding anything contained in this Act, all proceedings in respect of a juvenile pending in any court in, any area on the date on which this Act comes into force in that area, shall be continued in that court as if this Act had not been passed and if the court finds that the juvenile has committed an offence, it shall record such finding and instead of passing any sentence in respect of the juvenile, forward the juvenile to the Juvenile Court which shall pass orders in respect of that juvenile in accordance with the provisions of this Act as if it had been satisfied on inquiry under this Act that the juvenile has committed the offence.

## CHAPTER V

### PROCEDURE OF COMPETENT AUTHORITIES GENERALLY AND APPEALS AND REVISION FROM ORDERS OF SUCH AUTHORITIES

27. *Sittings, etc., of Boards and Juvenile Court.*—(1) A Board or a Juvenile Court shall hold its sittings at such place, on such day and in such manner, as may be prescribed.

(2) A Magistrate empowered to exercise the powers of a Board or, as the case may be, a Juvenile Court under sub-section (2) of section 7 shall, while holding any inquiry regarding a juvenile under this Act, as far as practicable, sit in a building or room different from that in which the ordinary sittings of Civil and Criminal Courts are held, or on different days or at times different from those at which the ordinary sittings of such Courts are held.



(3) An inquiry regarding a juvenile under this Act shall be held expeditiously and shall ordinarily be completed within a period of three months from the date of its commencement, unless, for special reasons to be recorded in writing, the competent authority otherwise directs.

28. *Persons who may be present before competent authority.*—

(1) Save as provided in this Act, no person shall be present at any sitting of a competent authority, except—

(a) any officer of the competent authority, or

(b) the parties to the inquiry before the competent authority, the parent or guardian of the juvenile and other persons directly concerned in the inquiry including police officers and legal practitioners, and

(c) such other persons as the competent authority may permit to be present.

(2) Notwithstanding anything contained in sub-section (1), if at any stage during an inquiry, a competent authority considers it to be expedient in the interest of the juvenile or on grounds of decency or morality that any person including the police officers, legal practitioners, the parent, guardian or the juvenile himself should withdraw, the competent authority may give such direction, and if any person refuses to comply with such direction, the competent authority may have him removed and may, for this purpose, cause to be used such force as may be necessary.

(3) No legal practitioner shall be entitled to appear before a Board in any case or proceeding before it, except with the special permission of that Board.

29. *Attendance of parent or guardian of juvenile.*—Any competent authority before which a juvenile is brought under any of the provisions of this Act may, whenever it so thinks fit, require any parent or guardian having the actual charge of, or control over, the juvenile to be present at any proceeding in respect of the juvenile.

30. *Dispensing with attendance of juvenile.*—If, at any stage during the course of an inquiry, a competent authority is satisfied that the attendance of the juvenile is not essential for the purpose of the inquiry, the competent authority may dispense with his attendance and proceed with the inquiry in the absence of the juvenile.

31. *Committal to approved place of juvenile suffering from dangerous disease and his future disposal.*—(1) When a juvenile who has been brought before a competent authority under this Act is

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the places at which, the days on which, the time at which, and the manner in which, a competent authority may hold its sittings;
- (b) the procedure to be followed by a competent authority in holding inquiries under this Act, and the mode of dealing with juveniles suffering from dangerous diseases or mental complaints;
- (c) the circumstances in which, and the conditions subject to which, an institution may be certified as a special home or a juvenile's home or recognised as an observation home, and the certification or recognition withdrawn;
- (d) the internal management of special homes, juvenile homes and observation homes and the standards and the nature of services to be maintained by them;
- (e) the functions and responsibilities of special homes, juvenile homes and observation homes;
- (f) the inspection of special homes, juvenile homes, observation homes and after-care organisations;
- (g) the establishment, management and functions of after-care organisations; the circumstances in which, and the conditions subject to which an institution may be recognised as an after-care organisation and such other matters as are referred to in section 12;
- (h) the qualifications and duties of probation officers;
- (i) the recruitment and training of persons appointed to carry out the purposes of this Act and the terms and conditions of their service;
- (j) the conditions subject to which a girl who is a neglected or delinquent juvenile may be escorted from one place to another, and the manner in which a juvenile may be sent outside the jurisdiction of a competent authority;
- (k) the manner in which contribution for the maintenance of a juvenile may be ordered to be paid by a parent or guardian;
- (l) the officers or authorities by whom, the manner in which and the purpose for which the Fund created under section 52 shall be administered;

(e) the religious persuasion of the juvenile;

(f) such other circumstances as may, in the opinion of the competent authority, require to be taken into consideration in the interest of the welfare of the juvenile:

Provided that in the case of a delinquent juvenile, the above circumstances shall be taken into consideration after the Juvenile Court has recorded a finding against the juvenile that he has committed the offence:

Provided further that if no report of the probation officer is received within ten weeks of his being informed under section 19, it shall be open to the Juvenile Court to proceed without it.

34. *Sending a juvenile outside jurisdiction.*—In the case of a neglected or delinquent juvenile whose ordinary place of residence lies outside the jurisdiction of the competent authority before which he is brought, the competent authority may, if satisfied after due inquiry that it is expedient so to do, send the juvenile back to a relative or other person who is fit and willing to receive him at his ordinary place of residence and exercise proper care and control over him, notwithstanding that such place of residence is outside the jurisdiction of the competent authority; and the competent authority exercising jurisdiction over the place to which the juvenile is sent shall in respect of any matter arising subsequently have the same powers in relation to the juvenile as if the original order had been passed by itself.

35. *Reports to be treated as confidential.*—The report of the probation officer or any circumstance considered by the competent authority under section 33 shall be treated as confidential:

Provided that the competent authority may, if it so thinks fit, communicate the substance thereof to the juvenile or his parent or guardian and may give such juvenile, parent or guardian an opportunity of producing such evidence as may be relevant to the matter stated in the report.

36. *Prohibition of publication of names, etc., of juvenile involved in any proceeding under the Act.*—(1) No report in any newspaper, magazine or news-sheet of any inquiry regarding a juvenile under this Act shall disclose the name, address or school or any other particulars calculated to lead to the identification of the juvenile nor shall any picture of any such juvenile be published:

Provided that for reasons to be recorded in writing, the authority holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the interest of the juvenile.

(2) Any person contravening the provisions of sub-section (1) shall be punishable with fine which may extend to one thousand rupees.

37. *Appeals*.—(1) Subject to the provisions of this section, any person aggrieved by an order made by a competent authority under this Act may, within thirty days from the date of such order, prefer an appeal to the Court of Session:

Provided that the Court of Session may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) No appeal shall lie from—

(a) any order of acquittal made by the Juvenile Court in respect of a juvenile alleged to have committed an offence; or

(b) any order made by a Board in respect of a finding that a person is not a neglected juvenile.

(3) No second appeal shall lie from any order of the Court of Session passed in appeal under this section.

38. *Revision*.—The High Court may, at any time, either of its own motion or on an application received in this behalf, call for the record of any proceeding in which any competent authority or Court of Session has passed an order for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit:

Provided that the High Court shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

39. *Procedure in inquiries, appeals and revision proceedings*.—(1) Save as otherwise expressly provided by this Act, a competent authority while holding any inquiry under any of the provisions of this Act, shall follow such procedure as may be prescribed and subject thereto, shall follow, as far as may be, the procedure laid down in the Code of Criminal Procedure, 1973 (2 of 1974), for trial in summons cases.

(2) Save as otherwise expressly provided by or under this Act, the procedure to be followed in hearing appeals or revision proceedings under this Act shall be, as far as practicable, in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).

40. *Power to amend orders.*—(1) Without prejudice to the provisions for appeal and revision under this Act, any competent authority may, either on its own motion or on an application received in this behalf, amend any order as to the institution to which a juvenile is to be sent or as to the person under whose care or supervision a juvenile is to be placed under this Act.

(2) Clerical mistakes in orders passed by a competent authority or errors arising therein from any accidental slip or omission may, at any time, be corrected by the competent authority either on its own motion or on an application received in this behalf.

## CHAPTER VI

### SPECIAL OFFENCES IN RESPECT OF JUVENILES

41. *Punishment for cruelty to juvenile.*—(1) Whoever, having the actual charge of, or control over, a juvenile, assaults, abandons, exposes or wilfully neglects the juvenile or causes or procures him to be assaulted, abandoned, exposed or neglected in a manner likely to cause such juvenile unnecessary mental or physical suffering shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) No court shall take cognizance of an offence punishable under sub-section (1) unless the complaint is filed with the previous sanction of the State Government or an officer authorised by it in this behalf.

42. *Employment of juveniles for begging.*—(1) Whoever employs or uses any juvenile for the purposes of begging or causes any juvenile to beg shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

(2) Whoever, having the actual charge of, or control over a juvenile abets, the commission of the offence punishable under sub-section (1), shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

(3) The offence punishable under this section shall be cognizable.

43. *Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to a juvenile.*—Whoever gives, or causes to be given, to any juvenile any intoxicating liquor in a public place or any narcotic drug or psychotropic substance except upon the order of a duly qualified medical practitioner or in case of sickness shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

44. *Exploitation of juvenile employees.*—Whoever ostensibly procures a juvenile for the purpose of any employment and withholds the earnings of the juvenile or uses such earnings for his own purposes shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

45. *Alternative punishments.*—Where an act or omission constitutes an offence punishable under this Act and also under any other Central or State Act, then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under such Act as provides for punishment which is greater in degree.

## CHAPTER VII

### MISCELLANEOUS

46. *Power of State Government to discharge and transfer juveniles.*—(1) The State Government may, notwithstanding anything contained in this Act, at any time, order a neglected or delinquent juvenile to be discharged from the juvenile home or special home, either absolutely or on such conditions as it may think fit to impose.

(2) The State Government may, notwithstanding anything contained in this Act, order—

(a) a neglected juvenile to be transferred from one juvenile home to another;

(b) a delinquent juvenile to be transferred from one special home to another or from a special home to a borstal school where such school exists or from a special home to a juvenile home;

(c) a neglected juvenile or a delinquent juvenile to be transferred from a juvenile home or a special home to a fit person or a fit institution;

(d) a juvenile who has been released on licence which has been revoked or forfeited, to be sent to the special home or juvenile home from which he was released or to any other juvenile home or special home or borstal school:

Provided that the total period of the stay of the juvenile in juvenile home or a special home or a fit institution or under a fit person shall not be increased by such transfer.

(3) The State Government may, notwithstanding anything contained in this Act, at any time discharge a juvenile from the

care of any person under whom he was placed under this Act either absolutely or on such conditions as may think fit to impose.

47. *Transfer between juvenile homes, etc., under the Act and juvenile homes, etc., of like nature in different parts of India.*—(1) The Government of a State may direct any neglected juvenile or delinquent juvenile to be transferred from any juvenile home or special home within the State to any other juvenile home, special home or institution of a like nature in any other State with the consent of the Government of that State.

(2) The Government of a State may, by general or special order, provide for the reception in a juvenile home or special home within the State of a neglected juvenile or delinquent juvenile detained in a juvenile home or special home or institution of a like nature in any other State where the Government of that State makes an order for such transfer, and upon such transfer the provisions of this Act shall apply to such juvenile as if he had been originally ordered to be sent to such juvenile home or special home under this Act.

48. *Transfer of juveniles of unsound mind or suffering from leprosy or addicted to drugs.*—(1) Where it appears to the State Government that any juvenile kept in a special home or juvenile home or institution in pursuance of this Act is suffering from leprosy or is of unsound mind, or is addicted to any narcotic drug or psychotropic substance, the State Government may order his removal to a leper asylum or mental hospital or treatment centre for drug addicts or other place of safe custody for being kept there for such period not exceeding the period for which he is required to be kept in custody under the orders of the competent authority or for such further period as may be certified by the medical officer to be necessary for the proper treatment of the juvenile.

(2) Where it appears to the State Government that the juvenile is cured of leprosy or of unsoundness of mind or drug addiction it may, if the juvenile is still liable to be kept in custody, order the person having charge of the juvenile to send him to the special home or juvenile home or institution from which he was removed or, if the juvenile is no longer liable to be kept in custody, order him to be discharged.

49. *Placing out on licence.*—(1) When a juvenile is kept in a juvenile home or special home, the State Government may, if it so thinks fit, release the juvenile from the juvenile home or special home and grant him a written licence for such period and on such conditions as may be specified in the licence permitting him to live with, or under the supervision of, any responsible person named

in the licence willing to receive and take charge of him with a view to educate him and train him for some useful trade or calling.

(2) Any licence so granted under sub-section (1) shall be in force for the period specified in the licence or until revoked or forfeited by the breach of any of the conditions on which it was granted.

(3) The State Government may, at any time, by order in writing, revoke any such licence and order the juvenile to return to the juvenile home or special home from which he was released or to any other juvenile home or special home, and shall do so at the desire of the person with whom or under whose supervision the juvenile has been permitted to live in accordance with a licence granted under sub-section (1).

(4) When a licence has been revoked or forfeited and the juvenile refuses or fails to return to the special home or juvenile home to which he was directed so to return, the State Government may, if necessary, cause him to be taken charge of and to be taken back to the special home or juvenile home.

(5) The time during which a juvenile is absent from a special home or juvenile home in pursuance of a licence granted under this section shall be deemed to be part of the time for which he is liable to be kept in custody in the special home or juvenile home:

Provided that when a juvenile has failed to return to the special home or juvenile home on the licence being revoked or forfeited, the time which elapses after his failure so to return shall be excluded in computing the time during which he is liable to be kept in custody.

50. *Provision in respect of escaped juveniles.*—Notwithstanding anything to the contrary contained in any other law for the time being in force, any police officer may take charge without warrant of a juvenile who has escaped from a special home or a juvenile home or from the care of a person under whom he was placed under this Act and shall send the juvenile back to the special home or the juvenile home or that person, as the case may be; and no proceeding shall be instituted in respect of the juvenile by reason of such escape but the special home, juvenile home or the person may, after giving the information to the competent authority which passed the order in respect of the juvenile, take such steps against the juvenile as may be deemed necessary.

51. *Contribution by parents.*—(1) The competent authority which makes an order for sending a neglected juvenile or a



delinquent juvenile to a juvenile home or a special home or placing the juvenile under the care of a fit person or fit institution may make an order requiring the parent or other person liable to maintain the juvenile to contribute to his maintenance, if able to do so, in the prescribed manner.

(2) The competent authority before making any order under sub-section (1) shall inquire into the circumstances of the parent or other person liable to maintain the juvenile and shall record evidence, if any, in the presence of the parent or such other person, as the case may be.

(3) The person liable to maintain a juvenile shall, for the purposes of sub-section (1), include in the case of illegitimacy, his putative father:

Provided that where the juvenile is illegitimate and an order for his maintenance has been made under section 125 of the Code of Criminal Procedure, 1973 (2 of 1974), the competent authority shall not ordinarily make an order for contribution against the putative father, but may order the whole or any part of the sums accruing due under the said order for maintenance to be paid to such person as may be named by the competent authority and such sum shall be paid by him towards the maintenance of the juvenile.

(4) Any order made under this section may be enforced in the same manner as an order under section 125 of the Code of Criminal Procedure, 1973 (2 of 1974).

52. *Fund*.—(1) The State Government may create a Fund under such name as it thinks fit for the welfare and rehabilitation of the juveniles dealt with under this Act.

(2) There shall be credited to the Fund such voluntary donations, contributions or subscriptions as may be made by any individual or organisation.

(3) The Fund created under sub-section (1) shall be administered by such officers or authority, in such manner and for such purposes as may be prescribed.

53. *Advisory Board*.—(1) The State Government may constitute an Advisory Board to advise it on matters relating to the establishment and maintenance of homes, mobilisation of resources, provision of facilities for education, training and rehabilitation of neglected and delinquent juveniles and co-ordination among the various official and non-official agencies concerned.

(2) The Advisory Board shall consist of such number of officers and other persons as the State Government thinks fit and may also include experts and the representatives of voluntary organisations engaged in the relevant areas.

54. *Visitors.*—(1) The State Government may nominate not more than three non-officials to be Visitors for each of the homes established under this Act.

(2) A Visitor nominated for a home under sub-section (1) shall periodically visit such home and make a report to the State Government.

55. *Control of custodian over juvenile.*—Any person in whose custody a juvenile is placed in pursuance of this Act shall, while the order is in force, have the like control over the juvenile as he would have if he were his parent, and shall be responsible for his maintenance, and the juvenile shall continue in his custody for the period stated by the competent authority, notwithstanding that he is claimed by his parent or any other person:

Provided that no juvenile while in such custody shall be carried except with the permission of the competent authority.

56. *Delinquent juvenile under going sentence at commencement of the Act.*—In any area in which this Act is brought into force, the State Government may direct that a delinquent juvenile who is undergoing any sentence of imprisonment at the commencement of this Act shall, in lieu of undergoing such sentence, be sent to a special home or be kept in safe custody in such place and manner as the State Government thinks fit, for the remainder of the period of the sentence; and the provisions of this Act shall apply to the juvenile as if he had been ordered by a Juvenile Court to be sent to such special home or, as the case may be, ordered to be detained under sub-section (2) of section 22.

57. *Appointment of officers.*—(1) The State Government may appoint as many probation officers, officers for the inspection of special homes, juvenile homes, observation homes or after-care organisations and such other officers as it may deem necessary for carrying out the purposes of this Act.

(2) It shall be the duty of the probation officer—

(a) to inquire, in accordance with the direction of a competent authority, into the antecedents and family history of any juvenile accused of an offence, with a view to assist the authority in making the inquiry;

(b) to visit neglected and delinquent juveniles at such intervals as the probation officer may think fit;

(c) to report to the competent authority as to the behaviour of any neglected or delinquent juvenile;

(d) to advise and assist neglected or delinquent juveniles and, if necessary, endeavour to find them suitable employment;

(e) where a neglected or delinquent juvenile is placed under the care of any person or institution on certain conditions, to see whether such conditions are being complied with; and

(f) to perform such other duties as may be prescribed.

(3) Any officer empowered in this behalf by the State Government may enter any special home, juvenile home, observation home or after-care organisation and make a complete inspection thereof in all its departments and of all papers, registers and accounts relating thereto and shall submit the report of such inspection to the State Government.

58. *Officers appointed under the Act to be public servants.*—Probation officers and other officers appointed in pursuance of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

59. *Procedure in respect of bonds.*—The provisions of Chapter XXXIII of the Code of Criminal Procedure, 1973 (2 of 1974), shall, as far as may be, apply to bonds taken under this Act.

60. *Delegation of powers.*—The State Government may, by general or special order, direct that any power exercisable by it under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by an officer subordinate to that Government.

61. *Protection of action taken in good faith.*—No suit or other legal proceeding shall lie against the State Government or any probation officer or other officer appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

62. *Power to make rules.*—(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the places at which, the days on which, the time at which, and the manner in which, a competent authority may hold its sittings;

(b) the procedure to be followed by a competent authority in holding inquiries under this Act, and the mode of dealing with juveniles suffering from dangerous diseases or mental complaints;

(c) the circumstances in which, and the conditions subject to which, an institution may be certified as a special home or a juvenile's home or recognised as an observation home, and the certification or recognition withdrawn;

(d) the internal management of special homes, juvenile homes and observation homes and the standards and the nature of services to be maintained by them;

(e) the functions and responsibilities of special homes, juvenile homes and observation homes;

(f) the inspection of special homes, juvenile homes, observation homes and after-care organisations;

(g) the establishment, management and functions of after-care organisations; the circumstances in which, and the conditions subject to which an institution may be recognised as an after-care organisation and such other matters as are referred to in section 12;

(h) the qualifications and duties of probation officers;

(i) the recruitment and training of persons appointed to carry out the purposes of this Act and the terms and conditions of their service;

(j) the conditions subject to which a girl who is a neglected or delinquent juvenile may be escorted from one place to another, and the manner in which a juvenile may be sent outside the jurisdiction of a competent authority;

(k) the manner in which contribution for the maintenance of a juvenile may be ordered to be paid by a parent or guardian;

(l) the officers or authorities by whom, the manner in which and the purpose for which the Fund created under section 52 shall be administered;

(m) the conditions under which a juvenile may be placed out on licence and the form and conditions of such licence;

(n) the conditions subject to which juveniles may be placed under the care of any parent, guardian or other fit person or fit institution under this Act and the obligations of such persons or institutions towards the juveniles so placed;

(o) any other matter which has to be, or may be, prescribed;

(3) Every rule made by a State Government under this Act shall be laid, as soon as may be after it is made, before the Legislature of that State.

63. *Repeal and savings.*—If, immediately before the date on which this Act comes into force in any State, there is in force in that State, any law corresponding to this Act, that law shall stand repealed on the said date:

Provided that the repeal shall not affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed.

Kerala Gazette No. 47 dated 27th November 2001.

PART I

Section I



GOVERNMENT OF KERALA

Law (Legislation-Publication) Department

NOTIFICATION

No. 10401/Leg. Phn. 2/2001/Law. Thiruvananthapuram, 2nd July 2001.

The following Act of the Parliament, published in a Gazette of India Extraordinary, Part II-Section I, dated the 30th December 2000 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on the 30th December 2000.

By order of the Governor,

V. RAMKUMAR,

Law Secretary.

THE JUVENILE JUSTICE (CARE AND PROTECTION OF  
CHILDREN) ACT, 2000

(Act No. 56 OF 2000)

AN

ACT

*to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under this enactment.*

WHEREAS the Constitution has, in several provisions, including clause (3) of article 15, clauses (e) and (f) article 39, articles 45 and 47, impose on the State a primary responsibility of ensuring that all the needs of children are met and that their basic human rights are fully protected ;

G. 698/2001/G.

AND WHEREAS, the General Assembly of the United Nations has adopted the Convention on the Rights of the Child on the 20th November, 1989;

AND WHEREAS, the Convention on the Rights of the Child has prescribed a set of standards to be adhered to by all State parties in securing the best interests of the child;

AND WHEREAS, the Convention on the Rights of the Child emphasises social reintegration of child victims, to the extent possible, without resorting to judicial proceedings;

AND WHEREAS, the Government of India has ratified the Convention on the 11th December, 1992.

AND WHEREAS, it is expedient to re-enact the existing law relating to juveniles bearing in mind the standards prescribed in the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), and all other relevant international instruments.

Be it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Juvenile Justice (Care and Protection of Children) Act, 2000.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “advisory board” means a Central or a State advisory board or a district and city level advisory board, as the case may be, constituted under section 62;

(b) “begging” means—

(i) soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, whether under any pretence;

(ii) exposing or exhibiting with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;

(c) “Board” means a Juvenile Justice Board constituted under section 4;

(d) "child in need of care and protection" means a child—

(i) who is found without any home or settled place or abode and without any ostensible means of subsistence

(ii) who resides with a person (whether a guardian of the child or not) and such person—

(a) has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out, or

(b) has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person,

(iii) who is mentally or physically challenged or ill children or children suffering from terminal diseases or incurable diseases having no one to support or look after,

(iv) who has a parent or guardian and such parent or guardian is unfit or incapacitated to exercise control over the child

(v) who does not have parent and no one is willing to take care of or whose parents have abandoned him or who is missing and run away child and whose parents cannot be found after reasonable inquiry,

(vi) who is being or is likely to be grossly abused, tortured or exploited for the purpose of sexual abuse or illegal acts,

(vii) who is found vulnerable and is likely to be inducted into drug abuse or trafficking,

(viii) who is being or is likely to be abused for unconscionable gains,

(ix) who is victim of any armed conflict, civil commotion or natural calamity;

(e) "children's home" means an institution established by a State Government or by voluntary organisation and certified by that Government under section 34;

(f) "Committee" means a Child Welfare Committee constituted under section 29;

(g) "competent authority" means in relation to children in need of care, and protection a Committee and in relation to juveniles in conflict with law a Board;

(h) "fit institution" means a governmental or a registered non-governmental organisation or a voluntary organisation prepared to own the responsibility of a child and such organisation is found fit by the competent authority;



(i) "fit person" means a person, being a social worker or any other person, who is prepared to own the responsibility of a child and is found fit by the competent authority to receive and take care of the child;

(j) "guardian", in relation to a child, means his natural guardian or any other person having the actual charge or control over the child and recognised by the competent authority as a guardian in course of proceedings before that authority;

(k) "Juvenile" or "child" means a person who has not completed eighteenth year of age;

(l) "juvenile in conflict with law" means a juvenile who is alleged to have committed an offence;

(m) "local authority" means Panchayats at the village and Zila Parishad at the district level and shall also include a Municipal Committee or Corporation or a Cantonment Board or such other body legally entitled to function as local authority by the Government;

(n) "narcotic drug" and "psychotropic substance" shall have the meanings respectively assigned to them in the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);

(o) "observation home" means a home established by a State Government or by a voluntary organisation and certified by that State Government under section 8 as an observation home for the juvenile in conflict with law;

(p) "offence" means an offence punishable under any law for the time being in force;

(q) "place of safety" means any place or institution (not being a police lockup or jail), the person incharge of which is willing temporarily to receive and take care of the juvenile and which, in the opinion of the competent authority, may be a place of safety for the juvenile;

(r) "prescribed" means prescribed by rules made under this Act;

(s) "probation officer" means an officer appointed by State Government as a probation officer under the Probation of Offenders Act, 1958 (20 of 1958);

(t) "public place" shall have the meaning assigned to it in the Immoral Traffic (Prevention) Act, (1956 104 of 1956);

(u) "shelter home" means a home or a drop-in-centre set up under section 37;

(v) "special home" means an institution established by a State Government or by a voluntary organisation and certified by that Government under section 9;

(w) "special juvenile police unit" means a unit of the police force of a State designated for handling of juveniles or children under section 63 ;

(x) "State Government", in relation to a Union territory, means the Administrator of that Union territory appointed by the President under article 239 of the Constitution ;

(y) all words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1973 (2 of 1974) shall have the meanings respectively assigned to them in that Code.

3. *Continuation of inquiry in respect of juvenile who has ceased to be a juvenile.*—Where an inquiry has been initiated against a juvenile in conflict with law or a child in need of care and protection and during the course of such inquiry the juvenile or the child ceases to be such, then, notwithstanding anything contained in this Act or in any other law for the time being in force, the inquiry may be continued and orders may be made in respect of such person as if such person had continued to be a juvenile or a child.

## CHAPTER II

### JUVENILE IN CONFLICT WITH LAW

4. *Juvenile Justice Board.*—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the State Government may, by notification in the Official Gazette, constitute for a district or a group of districts specified in the notification, one or more Juvenile justice Boards for exercising the powers and discharging the duties conferred or imposed on such Boards in relation to juveniles in conflict with law under this Act.

(2) A Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of the first class, as the case may be, and two social workers of whom at least one shall be a woman, forming a Bench and every such Bench shall have the powers conferred by the Code of Criminal Procedure, 1973 (2 of 1974) on a Metropolitan Magistrate or as the case may be, a Judicial Magistrate of the first class and the Magistrate on the board shall be designated as the Principal Magistrate.

(3) No Magistrate shall be appointed as a member of the Board unless he has special knowledge or training in child psychology or child welfare and no social worker shall be appointed as a member of the Board unless he has been actively involved in health, education, or welfare activities pertaining to children for at least seven years.

(4) The term of office of the members of the Board and the manner in which such member may resign shall be such as may be prescribed.

(5) The appointment of any member of the Board may be terminated after holding inquiry, by the State Government, if—

(i) he has been found guilty of misuse of power vested under this Act.

(ii) he has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or he has not been granted full pardon in respect of such offence,

(iii) he fails to attend the proceedings of the Board for consecutive three months without any valid reason or he fails to attend less than three-fourth of the sittings in a year.

5. *Procedure, etc. in relation to Board.*—(1) The Board shall meet at such times and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.

(2) A child in conflict with law may be produced before an individual member of the Board, when the Board is not sitting.

(3) A Board may act notwithstanding the absence of any member of the Board, and no order made by the Board shall be invalid by reason only of the absence of any member during any stage of proceedings:

Provided that there shall be at least two members including the Principal Magistrate present at the time of final disposal of the case.

(4) In the event of any difference of opinion among the members of the Board in the interim or final disposition, the opinion of the majority shall prevail, but where there is no such majority, the opinion of the Principal Magistrate shall prevail.

6. *Powers of Juvenile Justice Board.*—(1) Where a Board has been constituted for any district or a group of districts; such Board shall, notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, have power to deal exclusively with all proceedings under this Act relating to juvenile in conflict with law.

(2) The powers conferred on the Board by or under this Act may also be exercised by the High Court and Court of Session, when the proceeding comes before them in appeal, revision or otherwise.

7. *Procedure to be followed by a Magistrate not empowered under the Act.*—

(1) When any Magistrate not empowered to exercise the powers of a Board under this Act is of the opinion that a person brought before him under any of the provisions of this Act (other than for the purpose of giving evidence), is a juvenile or the child, he shall without any delay record such opinion and forward the juvenile or the child and the record of the proceeding to the competent authority having jurisdiction over the proceeding.

(2) The competent authority to which the proceeding is forwarded under sub-section (1) shall hold the inquiry as if the juvenile or the child had originally been brought before it.

8. *Observation homes.*—(1) Any State Government may establish and maintain either by itself or under an agreement with voluntary organisations, observation homes in every district or a group of districts, as may be required for the temporary reception of any juvenile in conflict with law during the pendency of any inquiry regarding them under this Act.

(2) Where the State Government is of opinion that any institution, other than a home established or maintained under sub-section (1) is fit for the temporary reception of juvenile in conflict with law during the pendency of any inquiry regarding them under this Act, it may certify such institution as an observation home for the purposes of this Act.

(3) The State Government may, by rules made under this Act provide for the management of observation homes, including the standards and various types of services to be provided by them for rehabilitation and social integration of a juvenile, and the circumstances under which, and the manner in which, the certification of an observation home may be granted or withdrawn.

(4) Every juvenile who is not placed under the charge of parent or guardian and is sent to an observation home shall be initially kept in a reception unit of the observation home for preliminary inquiries, care and classification for juveniles according to his age group, such as seven to twelve years, twelve to sixteen years and sixteen to eighteen years, giving due considerations to physical and mental status, and degree of the offence committed, for further induction into observation home.

9. *Special homes.*—(1) Any State Government may establish and maintain either by itself or under an agreement with voluntary organisations, special homes in every district or a group of districts, as may be required for reception and rehabilitation of juvenile in conflict with law under this Act.

(2) Where the State Government is of opinion that any institution other than a home established or maintained under sub-section (1), is fit for the reception of juvenile in conflict with law to be sent there under this Act, it may certify such institution as a special home for the purposes of this Act.

(3) The State Government may, by rules made under this Act, provide for the management of special homes, including the standards and various types of services to be provided by them which are necessary for re-socialisation of a juvenile, and the circumstances under which, and the manner in which, the certification of a special home may be granted or withdrawn.

(4) The rules made under sub-section (3) may also provide for the classification and separation of juvenile in conflict with law on the basis of age and the nature of offences committed by them and his mental and physical status.

10. *Apprehension of juvenile in conflict with law.*—(1) As soon as a juvenile in conflict with law is apprehended by police, he shall be placed under the charge of the special juvenile police unit or the designated police officer who shall immediately report the matter to a member of the Board.

(2) The State Government may make rules consistent with this Act—

(i) to provide for persons through whom (including registered voluntary organisations) any juvenile in conflict with law may be produced before the Board;

(ii) to provide the manner in which such juvenile may be sent to an observation home.

11. *Control of custodian over juvenile.*—Any person, in whose charge a juvenile is placed in pursuance of this Act shall, while the order is in force have the control over the juvenile as he would have if he were his parents, and shall be responsible for his maintenance, and the juvenile shall continue in his charge for the period stated by competent authority, notwithstanding that he is claimed by his parents or any other person.

12. *Bail of juvenile.*—(1) When any person accused of a bailable or non-bailable offence, and apparently a juvenile, is arrested or detained or appears or is brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety but he shall not be so released if there appear reasonable grounds for believing that the release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice.

(2) When such person having been arrested is not released on bail under sub-section (1) by the officer-in-charge of the police station, such officer shall cause him to be kept only in an observation home in the prescribed manner until he can be brought before a Board.

(3) When such person is not released on bail under sub-section (1) by the Board it shall, instead of committing him to prison, make an order sending him to an observation home or a place of safety for such period during the pendency of the inquiry regarding him as may be specified in the order.

13. *Information to parent guardian or probation officer.*—Where a juvenile is arrested, the officer in charge of the police station or the special juvenile police unit to which the juvenile is brought shall, as soon as may be after the arrest, inform—

(a) the parent or guardian of the juvenile, if he can be found of such arrest and direct him to be present at the Board before which the juvenile will appear; and

(b) the probation officer of such arrest to enable him to obtain information regarding the antecedents and family background of the juvenile and other material circumstances likely to be of assistance to the Board for making the inquiry.

14. *Inquiry by Board regarding juvenile.*—Where a juvenile having been charged with the offence is produced before a Board, the Board shall hold the inquiry in accordance with the provisions of this Act and may make such order in relation to the juvenile as it deems fit:

Provided that an inquiry under this section shall be completed within a period of four months from the date of its commencement, unless the period is extended by the Board having regard to the circumstances of the case and in special cases after recording the reasons in writing for such extension.

15. *Order that may be passed regarding juvenile.*—(1) Where a Board is satisfied on inquiry that a juvenile has committed an offence, then, notwithstanding anything to the contrary contained in any other law for the time being in force, the Board may, if it thinks so fit,—

(a) allow the juvenile to go home after advice or admonition following appropriate inquiry against and counselling to the parent or the guardian and the juvenile;

(b) direct the juvenile to participate in group counselling and similar activities;

(c) order the juvenile to perform community service;

(d) order the parent of the juvenile or the juvenile himself to pay a fine, if he is over fourteen years of age and earns money;

(e) direct the juvenile to be released on probation of good conduct and placed under the care of any parent, guardian or other fit person on such parent, guardian or other fit person executing a bond, with or without surety, as the Board may require, for the good behaviour and well-being of the juvenile for any period not exceeding three years;

(f) direct the juvenile to be released on probation of good conduct and placed under the care of any fit institution for the good behaviour and well-being of the juvenile for any period not exceeding three years;

(g) make an order directing the juvenile to be sent to a special home,—

(i) in the case of juvenile, over seventeen years but less than eighteen years of age for a period of not less than two years;

(ii) in case of any other juvenile for the period until he ceases to be a juvenile:

Provided that the Board may, if it is satisfied that having regard to the nature of the offence and the circumstances of the case it is expedient so to do, for reasons to be recorded, reduce the period of stay to such period as it thinks fit.

(2) The Board shall obtain the social investigation report on juvenile either through a probation officer or a recognised voluntary organisation or otherwise, and shall take into consideration the findings of such report before passing an order.

(3) Where an order under clause (d), clause (e) or clause (f) of sub-section (1) is made, the Board may, if it is of opinion that in the interests of the juvenile and of the public, it is expedient so to do, in addition make an order that the juvenile in conflict with law shall remain under the supervision of a probation officer named in the order during such period, not exceeding three years as may be specified therein, and may in such supervision order impose such conditions as it deems necessary for the due supervision of the juvenile in conflict with law:

Provided that if at any time afterwards it appears to the Board on receiving a report from the probation officer or otherwise, that the juvenile in conflict with law has not been of good behaviour during the period of supervision or that the fit institution under whose care the juvenile was placed is no longer able or willing to ensure the good behaviour and well-being of the juvenile it may, after making such inquiry as it deems fit, order the juvenile in conflict with law to be sent to a special home.

(4) The Board shall while making a supervision order under sub-section (3), explain to the juvenile and the parent, guardian or other fit person or fit institution, as the case may be, under whose care the juvenile has been placed, the terms and conditions of the order and shall forthwith furnish one copy of the supervision order to the juvenile, the parent, guardian or other fit person or fit institution as the case may be, the sureties, if any, and the probation officer.

16. *Order that may not be passed against juvenile.*—(1). Notwithstanding anything to the contrary contained in any other law for the time being in force, no juvenile in conflict with law shall be sentenced to death or life imprisonment, or committed to prison in default of payment of fine or in default of furnishing security:

Provided that where a juvenile who has attained the age of sixteen years has committed an offence and the Board is satisfied that the offence committed is of so serious in nature or that his conduct and behaviour have been such that it would not be in his interest or in the interest of other juvenile in a special home to send him to such special home and that none of the other measures provided

under this Act is suitable or sufficient, the Board may order the juvenile in conflict with law to be kept in such place of safety and in such manner as it thinks fit and shall report the case for the order of the State Government.

(2) On receipt of a report from a Board under sub-section (1), the State Government may make such arrangement in respect of the juvenile as it deems proper and may order such juvenile to be kept under protective custody at such place and on such conditions as it thinks fit :

Provided that the period of detention so ordered shall not exceed the maximum period of imprisonment to which the juvenile could have been sentenced for the offence committed.

17. *Proceeding under Chapter VIII of the Code of Criminal Procedure not competent against juvenile.*—Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 (2 of 1974) no proceeding shall be instituted and no order shall be passed against the juvenile under Chapter VIII of the said Code.

18. *No joint proceeding of juvenile and person not a juvenile.*—(1) Notwithstanding anything contained in section 223 of the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, no juvenile shall be charged with or tried for any offence together with a person who is not a juvenile.

(2) If a juvenile is accused of an offence for which under section 223 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force, such juvenile and any person who is not a juvenile would, but for the prohibition contained in sub-section (1), have been charged and tried together, the Board taking cognizance of that offence shall direct separate trials of the juvenile and the other person.

19. *Removal of disqualification attaching to conviction.*—(1) Notwithstanding anything contained in any other law, a juvenile who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attaching to a conviction of an offence under such law.

(2) The Board shall make an order directing that the relevant records of such conviction shall be removed after the expiry of the period of appeal or a reasonable period as prescribed under the rules, as the case may be.

20. *Special provision in respect of pending cases.*—Notwithstanding anything contained in this Act, all proceedings in respect of a juvenile pending in any court in any area on the date on which this Act comes into force in that area, shall be continued in that court as if this Act had not been passed and if the court finds that the juvenile has committed an offence, it shall record such



finding and instead of passing any sentence in respect of the juvenile, forward the juvenile to the Board which shall pass orders in respect of that juvenile in accordance with the provisions of this Act as if it had been satisfied on inquiry under this Act that a juvenile has committed the offence.

21. *Prohibition of publication of name, etc., of juvenile involved in any proceeding under the Act.*—(1) No report in any newspaper, magazine, news-sheet or visual media of any inquiry regarding a juvenile in conflict with law under this Act shall disclose the name, address, or school or any other particulars calculated to lead to the identification of the juvenile nor shall any picture of any such juvenile be published:

Provided that for reasons to be recorded in writing the authority holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the interest of the juvenile.

(2) Any person contravening the provisions of sub-section (1) shall be punishable with fine, which may extend to one thousand rupees.

22. *Provision in respect of escaped juvenile.*—Notwithstanding anything to the contrary contained in any other law for the time being in force, any police officer may take charge without warrant of a juvenile in conflict with law who has escaped from a special home or an observation home or from the care of a person under whom he was placed under this Act, and shall be sent back to the special home or the observation home or that person, as the case may be; and no proceeding shall be instituted in respect of the juvenile by reason of such escape, but the special home, or the observation home or the person may, after giving the information to the Board which passed the order in respect of the juvenile, take such steps in respect of the juvenile as may be deemed necessary under the provisions of this Act.

23. *Punishment for cruelty to juvenile or child.*—Whoever, having the actual charge of or control over, a juvenile or the child, assaults, abandons, exposes or wilfully neglects the juvenile or causes or procures him to be assaulted, abandoned, exposed or neglected in a manner likely to cause such juvenile or the child unnecessary mental or physical suffering shall be punishable with imprisonment for a term which may extend to six months, or fine, or with both.

24. *Employment of juvenile or child for begging.*—(1) Whoever, employs or uses any juvenile or the child for the purpose or causes any juvenile to beg shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

(2) Whoever, having the actual charge of, or control over, a juvenile or the child abets the commission of the offence punishable under sub-section (1), shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

25. *Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to juvenile or child.*—Whoever gives, or causes to be given, to any juvenile or the child any intoxicating liquor in a public place or any narcotic drug or psychotropic substance except upon the order of duly qualified medical practitioner or in case of sickness shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

26. *Exploitation of juvenile or child employee.*—Whoever ostensibly procures a juvenile or the child for the purpose of any hazardous employment keeps him in bondage and withholds his earnings or uses such earning for his own purposes shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

27. *Special offences.*—The offences punishable under sections 23, 24, 25 and 26 shall be cognizable.

28. *Alternative punishment.*—Where an act or omission constitute an offence punishable under this Act and also under any other Central or State Act, then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offences shall be liable to punishment only under such Act as provides for punishment which is greater in degree.

### CHAPTER III

#### CHILD IN NEED OF CARE AND PROTECTION

29. *Child welfare Committee.*—(1) The State Government may, by notification in Official Gazette, constitute for every district or group of districts, specified in the notification, one or more Child Welfare Committees for exercising the powers and discharge the duties conferred on such Committees in relation to child in need of care and protection under this Act.

(2) The Committee shall consist of a Chairperson and four other members as the State Government may think fit to appoint, whom at least one shall be a woman and another, an expert on matters concerning, children.

(3) The qualifications of the Chairperson and the members, and the tenure for which they may be appointed shall be such as may be prescribed.

(4) The appointment of any member of the Committee may be terminated, after holding inquiry, by the State Government, if—

(i) he has been found guilty of misuse of power vested under this Act;

(ii) he has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or he has not been granted full pardon in respect of such offence;

(iii) he fails to attend the proceedings of the Committee for consecutive three months without any valid reason or he fails to attend less than three-fourth of the sittings in a year.

(5) The Committee shall function as a Bench of Magistrates and shall have the powers conferred by the Code of Criminal Procedure, 1973 to of 1974 (2) on a Metropolitan Magistrate or, as he case may be, a Judicial Magistrate of the first class.

30. *Procedure, etc., in relation to Committee.*—(1) The Committee shall meet at such times and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.

(2) A child in need of care and protection may be produced before an individual member for being placed in safe custody or otherwise when the Committee is not in session.

(3) In the event of any difference of opinion among the members of the Committee at the time of any interim decision, the opinion of the majority shall prevail but where there is no such majority the opinion of the Chairperson shall prevail.

(4) Subject to the provisions of sub-section (1), the Committee may act, notwithstanding the absence of any member of the Committee, and no order made by the Committee shall be invalid by reason only of the absence of any member during any stage of the proceeding.

31. *Powers of Committee.*—(1) 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 rights.

(2) 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.

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) child line; 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.

33. *Inquiry.*—(1) On receipt of a report under section 32, the Committee or any police officer or special juvenile police unit or the designated police officer shall hold an inquiry in the prescribed manner and the Committee, on its own or on the report from any person or agency as mentioned in sub-section (1) of section 32, may pass an order to send the child to the children's home for speedy inquiry by a social worker or child welfare officer.

(2) The inquiry under this section shall be completed within four months of the receipt of the order or within such shorter period as may be fixed by the Committee:

Provided that the time for the submission of the inquiry report may be extended by such period as the Committee may, having regard to the circumstances and for the reasons recorded in writing, determine.

(3) After the completion of the inquiry if the Committee is of the opinion that the said child has no family or ostensible support, it may allow the child to remain in the children's home or shelter home till suitable rehabilitation is found for him or till he attains the age of eighteen years.

34. *Children's homes.*—(1) The State Government may establish and maintain either by itself or in association with the voluntary organisations, children's homes, in every district or group of districts, as the case may be, for the reception of child in need of care and protection during the pendency of any inquiry and subsequently for their care, treatment, education, training, development and rehabilitation.

(2) The State Government may, by rules made under this Act, provide for the management of children's homes including the standards and the nature, of services to be provided by them, and the circumstances under which, and the manner in which, the certification of a children's home or recognition to a voluntary organisation may be granted or withdrawn.

35. *Inspection.*—(1) The State Government may appoint inspection committees for the children's homes (hereinafter referred to as the inspection committees) for the State, a district and city, as the case may be, for such period and for such purposes as may be prescribed.

(2) The inspection committee of a State, district or of a city shall consist of such number of representatives from the State Government, local authority, Committee, voluntary organisations and such other medical experts and social workers as may be prescribed.

36. *Social auditing.*—The Central Government or State Government may monitor and evaluate the functioning of the Children's homes at such period and through such persons and institutions as may be specified by that Government.

37. *Shelter homes.*—(1) The State Government may recognise, reputed and capable voluntary organisations and provide them assistance to set up and administer as many shelter homes for juveniles or children as may be required.

(2) The shelter homes referred in sub-section (1) shall function as drop-in-centres for the children in the need of urgent support who have been brought to such homes through such persons as are referred to in sub-section (1) of section 32.

(3) As far as possible, the shelter homes shall have such facilities as may be prescribed by the rules.

38. *Transfer.*—(1) If during the inquiry it is found that the child hails from the place outside the jurisdiction of the Committee, the Committee shall order the transfer of the child to the competent authority having jurisdiction over the place of residence of the child.

(2) Such juvenile or the child shall be escorted by the staff of the home in which he is lodged originally.

(3) The State Government may make rules to provide for the travelling allowance to be paid to the child.

39. *Restoration.*—(1) Restoration of and protection to a child shall be the prime objective of any children's home or the shelter home.

(2) The children's home or a shelter home, as the case may be, shall take such steps as are considered necessary for the restoration of and protection to a child deprived of his family environment temporarily or permanently where such child is under the care and protection of a children's home or a shelter home, as the case may be.

(3) The Committee shall have the powers to restore any child in need of care and protection to his parent, guardian, fit person or fit institution, as the case may be, and give them suitable directions.

*Explanation.*—For the purposes of this section "restoration of child" means restoration to—

- (a) parents ;
- (b) adopted parents ;
- (c) foster parents.

## CHAPTER IV

## REHABILITATION AND SOCIAL REINTEGRATION

40. *Process of rehabilitation and social reintegration.*—The rehabilitation and social reintegration of a child shall begin during the stay of the child in a children's home or special home and the rehabilitation and social reintegration of children shall be carried out alternatively by (i) adoption, (ii) foster care, (iii) sponsorship and (iv) sending the child to an after-care organisation.

41. *Adoption.*—(1) The primary responsibility for providing care and protection to children shall be that of his family.

(2) Adoption shall be [resorted to for the rehabilitation of] such children as are orphaned, abandoned, neglected and abused through institutional and non-institutional methods.

(3) In keeping with the provisions of the various guidelines for adoption issued from time to time by the State Government, the Board shall be empowered to give children in adoption and carry out such investigations as are required for giving children in adoption in accordance with the guidelines issued by the State Government from time to time in this regard.

(4) The children's homes or the state Government run institutions for orphans shall be recognised as an adoption agencies both for scrutiny and placement of such children for adoption in accordance with the guidelines issued under sub-section (3).

(5) No child shall be offered for adoption—

(a) until two members of the Committee declare the child legally free for placement in the case of abandoned children,

(b) till the two months period for reconsideration by the parent is over in the case of surrendered children, and

(c) without his consent in the case of a child who can understand and express his consent.

(6) The Board may allow a child to be given in adoption—

(a) to a single parent, and

(b) to parents to adopt a child of same sex irrespective of the number of living biological sons or daughters.

42. *Foster care.*—(1) The foster care may be used for temporary placement of those infants who are ultimately to be given for adoption.

(2) In foster care, the child may be placed in another family for a short or extended period of time, depending upon the circumstances where the child's own parent usually visit regularly and eventually after the rehabilitation, where the children may return to their own homes.

(3) The State Government may make rules for the purposes of carrying out the scheme of foster care programme of children.

43. *Sponsorship*.—(1) The sponsorship programme may provide supplementary support to families, to children's homes and to special homes to meet medical, nutritional, educational and other needs of the children with a view to improving their quality of life.

(2) The State Government may make rules for the purposes of carrying out various schemes of sponsorship of children, such as individual to individual sponsorship, group sponsorship or community sponsorship.

44. *After-care organisation*.—The State Government may, by rule made under this Act, provide—

(a) for the establishment or recognition of after-care organisations and the functions that may be performed by them under this Act ;

(b) for a scheme of after-care programme to be followed by such after-care organisations for the purpose of taking care of juveniles or the children after they leave special homes, children homes and for the purpose of enabling them to lead an honest, industrious and useful life ;

(c) for the preparation or submission of a report by the probation officer or any other officer appointed by that Government in respect of each juvenile or the child prior to his discharge from a special home, children's home, regarding the necessity and nature of after-care of such juvenile or of a child; the period of such after-care, supervision thereof and for the submission of report by the probation officer or any other officer appointed for the purpose, on the progress of each juvenile or the child ;

(d) for the standards and the nature of services to be maintained by such after-care organisations ;

(e) for such other matters as may be necessary for the purpose of carrying out the scheme of after-care programme for the juvenile or the child ;

\* Provided that any rule made under this section shall not provide for such juvenile or child to stay in the after-care organisation for more than three years :

Provided further that a juvenile or child over seventeen years of age but less than eighteen years of age would stay in the after-care organisation till he attains the age of twenty years.

45. *Linkages and co-ordination*.—The State Government may make rules to ensure effective linkages between various governmental, non-governmental, corporate and other community agencies for facilitating the rehabilitation and social reintegration of the child.

CHAPTER V  
MISCELLANEOUS

46. *Attendance of parent or guardian of juvenile or child.*—Any competent authority before which a juvenile or the child is brought under any of the provisions of this Act, may, whenever it so thinks fit, require any parent or guardian having the actual charge of or control over the juvenile or the child to be present at any proceeding in respect of the juvenile or the child.

47. *Dispensing with attendance of juvenile or child.*—If, at any stage during the course of an inquiry, a competent authority is satisfied that the attendance of the juvenile or the child is not essential for purpose of inquiry, the competent authority may dispense with his attendance and proceed with the inquiry in the absence of the juvenile or the child.

48. *Committal to approved place of juvenile or child suffering from dangerous diseases and his future disposal.*—(1) When a juvenile or the child who has been brought before a competent authority under this Act, is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment, the competent authority may send the juvenile or the child to any place recognised to be an approved place in accordance with the rules made under this Act for such period as it may think necessary for the required treatment.

(2) Where a juvenile or the child is found to be suffering from leprosy, sexually transmitted disease, Hepatitis B, open cases of Tuberculosis and such other diseases or is of unsound mind, he shall be dealt with separately through various specialised referral services or under the relevant laws as such.

49. *Presumption and determination of age.*—(1) Where it appears to a competent authority that person brought before it under any of the provisions of this Act (otherwise than for the purpose of giving evidence) is a juvenile or the child, the competent authority shall make due inquiry so as to the age of that person and for that purpose shall take such evidence as may be necessary (but not an affidavit) and shall record a finding whether the person is a juvenile or the child or not, stating his age as nearly as may be.

(2) No order of a competent authority shall be deemed to have become invalid merely by any subsequent proof that the person in respect of whom the order has been made is not a juvenile or the child, and the age recorded by the competent authority to be the age of person so brought before it, shall for the purpose of this Act, be deemed to be the true age of that person.



50. *Sending a juvenile or child outside jurisdiction.*—In the case of a juvenile or the child, whose ordinary place of residence lies outside the jurisdiction of the competent authority before which he is brought, the competent authority may, if satisfied after due inquiry that it is expedient so to do, send the juvenile or the child back to a relative or other person who is fit and willing to receive him at his ordinary place of residence and exercise proper care and control over him, notwithstanding that such place of residence is outside the jurisdiction of the competent authority; and the competent authority exercising jurisdiction over the place to which the juvenile or the child is sent shall in respect of any matter arising subsequently have the same powers in relation to the juvenile or the child as if the original order had been passed by itself.

51. *Reports to be treated as confidential.*—The report of the probation officer or social worker considered by the competent authority shall be treated as confidential:

Provided that the competent authority may, if it so thinks fit, communicate the substance thereof to the juvenile or the child or his parent or guardian and may give such juvenile or the child, parent or guardian an opportunity of producing such evidence as may be relevant to the matter stated in the report.

52. *Appeals.*—(1) Subject to the provisions of this section, any person aggrieved by an order made by a competent authority under this Act may, within thirty days from the date of such order, prefer an appeal to the Court of Session:

Provided that the Court of Session may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) No appeal shall lie from—

(a) any order of acquittal made by the Board in respect of a juvenile alleged to have committed an offence; or

(b) any order made by a Committee in respect of a finding that a person is not a neglected juvenile.

(3) No second appeal shall lie from any order of the Court of Session passed in appeal under this section.

53. *Revision.*—The High Court may, at any time, either of its own motion or on an application received in this behalf, call for the record of any proceeding in which any competent authority or Court of Session has passed an order for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit:

Provided that the High Court shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

54. *Procedure in inquiries, appeals and revision proceedings.*—(1) Save as otherwise expressly provided by this Act, a competent authority while holding any inquiry under any of the provisions of this Act, shall follow such procedure as may be prescribed and subject, thereto, shall follow, as far as may be, the procedure laid down in the Code of Criminal Procedure, 1973 (2 of 1974) for trials in summons cases.

(2) Save as otherwise expressly provided by or under this Act, the procedure to be followed in hearing appeals or revision proceedings under this Act shall be, as far as practicable, in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).

55. *Power to amend orders.*—(1) Without prejudice to the provisions for appeal and revision under this Act, any competent authority may, on an application received in this behalf, amend any order as to the institution to which a juvenile or the child is to be sent or as to the person under whose care or supervision a juvenile or the child is to be placed under this Act:

Provided that there shall be at least two members and the parties or its defence present during the course of hearing for passing an amendment in relation to any of its order.

(2) Clerical mistakes in orders passed by a competent authority or errors arising therein from any accidental slip or omission may, at any time, be corrected by the competent authority either on its own motion or on an application, received in this behalf.

56. *Power of competent authority to discharge and transfer juvenile or child.*—The competent authority or the local authority may, notwithstanding anything contained in this Act, at any time, order a child in need of care and protection or a juvenile in conflict with law to be discharged or transferred from one children's home or special home to another, as the case may be, keeping in view the best interest of the child or the juvenile, and his natural place of stay, either absolutely or on such conditions as it may think fit to impose:

Provided that the total period of stay of the juvenile or the child in a children's home or a special home or a fit institution or under a fit person shall not be increased by such transfer.

57. *Transfer between children's homes, under the Act and juvenile homes of like nature in different parts of India.*—The State Government or the local authority may direct any child or the juvenile to be transferred from any children's home or special home outside the State to any other children's home, special home, or institution of a like nature with the prior intimation to the local Committee or the Board, as the case may be, and such order shall be deemed to be operative for the competent authority of the area to which the child or the juvenile is sent.

58. *Transfer of juvenile or child of unsound mind or suffering from leprosy or addicted to drugs.*—Where it appears to the competent authority that any juvenile or the child kept in a special home or a children's home or shelter home or in an institution in pursuance of this Act, is suffering from leprosy or is of unsound mind or is addicted to any narcotic drug or psychotropic substance, the competent authority may order his removal to a leper asylum or mental hospital or treatment centre for drug addicts or to a place of safety for being kept there for such period not exceeding the period for which he is required to be kept under the order of the competent authority or for such further period as may be certified by the medical officer necessary for the proper treatment of the juvenile or the child.

59. *Release and absence of juvenile or child on placement.*—(1) When juvenile or the child is kept in a children's home or special home and on a report of a probation officer or social worker or of Government or a voluntary organisation, as the case may be, the competent authority may consider, the release of such juvenile or the child permitting him to live with his parent or guardian or under the supervision of any authorised person named in the order, willing to receive and take charge of the juvenile or the child to educate and train him for some useful trade or calling or to look after him for rehabilitation.

(2) The competent authority may also permit leave of absence to any juvenile or the child, to allow him, on special occasions like examination, marriage of relatives, death of kith and kin or the accident or serious illness of parent or any emergency of like nature, to go on leave under supervision, for maximum seven days, excluding the time taken in journey.

(3) Where a permission has been revoked or forfeited and the juvenile or the child refuses or fails to return to the home concerned or juvenile to which he was directed so to return, the Board may, if necessary, cause him to be taken charge of and to be taken back to the concerned home.

(4) The time during which a juvenile or the child is absent from a concerned home in pursuance of such permission granted under this section shall be deemed to be part of the time for which he is liable to be kept in the special home:

Provided that when a juvenile has failed to return to the special home on the permission being revoked or forfeited, the time which elapses after his failure so to return shall be excluded in computing the time during which he is liable to be kept in the institution.

60. *Contribution by parents.*—(1) The competent authority which makes an order for sending a juvenile or the child to a children's home or to a special home or placing the juvenile under the care

of a fit person or fit institution may make an order requiring the parent or other person liable to maintain the juvenile or the child to contribute to his maintenance, if able to do so, in the prescribed manner according to income.

(2) The competent authority may direct, if necessary, the payment to be made to poor parent or guardian by the Superintendent or the Project Manager of the home to pay such expenses for the journey of the inmate or parent or guardian or both, from the home to his ordinary place of residence at the time of sending the juvenile as may be prescribed.

61. *Fund*.—(1) The State Government or local authority may create a Fund under such name as it thinks fit for the welfare and rehabilitation of the juvenile or the child dealt with under this Act.

(2) There shall be credited to the Fund such voluntary donations, contributions or subscriptions as may be made by any individual, or organisation.

(3) The Fund created under sub-section (1) shall be administered by the State advisory board in such manner and for such purposes as may be prescribed.

62. *Central, State, district and city advisory boards*.—(1) The Central Government or a State Government may constitute a Central or a State advisory board, as the case may be, to advise that Government on matter relating to the establishment and maintenance of the homes, mobilisation of resources, provision of facilities for education, training and rehabilitation of child in need of care and protection and juvenile in conflict with law and co-ordination among the various official and non-official agencies concerned.

(2) The Central or State advisory board shall consist of such persons as the Central Government or the State Government, as the case may be, may think fit and shall include eminent social workers, representatives of voluntary organisation in the field of child welfare corporate sector, academicians, medical professionals and the concerned Department of the State Government.

(3) The district or city level inspection committee constituted under section 35 of this Act shall also function as the district or city advisory boards.

63. *Special juvenile police unit*.—(1) In order to enable the police officers who frequently or exclusively deal with juveniles or are primarily engaged in the prevention of juvenile of crime or handling of the juveniles or children under this Act to perform their functions more effectively, they shall be specially instructed and trained.

(2) In every police station at least one officer with aptitude and appropriate training and orientation may be designated as the 'juvenile or the child welfare officer' who will handle the juvenile or the child in co-ordination with the police.

(3) Special juvenile police unit, of which all police officers designated as above, to handle juveniles or children will be members, may be created in every district and city to co-ordinate and to upgrade the police treatment of the juveniles and the children.

64. *Juvenile in conflict with law undergoing sentence at commencement of this Act.*—In any area in which this Act is brought into force, the State Government or the local authority may direct that a juvenile in conflict with law who is undergoing any sentence of imprisonment at the commencement of this Act, shall, in lieu of undergoing such sentence, be sent to a special home or be kept in fit institution in such manner as the State Government or the local authority thinks fit for the remainder of the period of the sentence; and the provisions of this Act shall apply to the juvenile as is he had been ordered by the Board to be sent to such special home or institution or, as the case may be, ordered to be kept under protective care under sub-section (2) of section 16 of this Act.

65. *Procedure in respect of bonds.*—Provisions of Chapter XXXIII of the Code of Criminal Procedure, 1973 (2 of 1974) shall, as far as may be, apply to bonds taken under this Act.

66. *Delegation of powers.*—The State Government may, by the general order, direct that any power exercisable by it under this Act shall, in such circumstances and under such conditions, if any, as may be prescribed in the order, be exercisable also by an officer subordinate to that Government or the local authority.

67. *Protection of action taken in good faith.*—No suit or legal proceedings shall lie against the State Government or voluntary organisation running the home or any officer and the staff appointed in pursuance of this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or order made thereunder.

68. *Power to make rules.*—(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(i) the term of office of the members of the Board and the manner in which such member may resign under sub-section (4) of section 4;

(ii) the time of the meetings of the Board and the rules of procedure in regard to the transaction of business at its meeting under sub-section (1) of section 5;

(iii) the management of observation homes including the standards and various types of services to be provided by them and the circumstances in which and the manner in which, the certification of the observation home may be granted or withdrawn and such other matters as are referred to in section 8 ;

(iv) the management of special homes including the standard and various types of services to be provided by them and the circumstances in which and the manner in which, the certification of the special home may be granted or withdrawn and such other matters as are referred to in section 9 ;

(v) persons to whom any juvenile in conflict with law may be produced before the Board and the manner of sending such juvenile, to an observation home under sub-section (2) of section 10 ;

(vi) matters relating to removal of disqualification attaching to conviction of a juvenile under section 19 ;

(vii) the qualifications of the Chairperson and members, and the tenure for which they may be appointed under sub-section (3) of section 29 ;

(viii) the time of the meetings of the Committee and the rules of procedure in regard to the transaction of business at its meeting under sub-section (1) of section 30 ;

(ix) 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 under sub-section (2) of section 32 ;

(x) the management of children's homes including the standards and nature of services to be provided by them, and the manner in which certification of a children's home or recognition to a voluntary organisation may be granted or withdrawn under sub-section (2) of section 34 ;

(xi) appointment of inspection committees for children's homes, their tenure and purposes for which inspection committees may be appointed and such other matters as are referred to in section 35

(xii) facilities to be provided by the shelter homes under sub-section (3) of section 37 ;

(xiii) for carrying out the scheme of foster care programme of children under sub-section (3) of section 42 ;

(xiv) for carrying out various schemes of sponsorship of children under sub-section (2) of section 43 ;

(xv) matters relating to after-care organisation under section 44 ;

(xvi) for ensuring effective linkages between various agencies for facilitating rehabilitation and social integration of the child under section 45 ;

(xvii) the purposes and the manner in which the Fund shall be administered under sub-section (3) of section 61 ;

(xviii) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by a State Government under this Act shall be laid, as soon as may be after it is made, before the Legislature of that State.

69. *Repeal and savings.*—(1) The Juvenile Justice Act, 1986 (53 of 1986) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act.

70. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty :

Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Act.

(2) However, order made under the section shall be laid, as soon as may be after it is made, before each House of Parliament.



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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NEW DELHI, THURSDAY, JULY 24, 2003 / SRAVANA 2, 1925

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## LOK SABHA

The following Bill was introduced in Lok Sabha on 24th July, 2003.

BILL No. 46 OF 2003

*A Bill to amend the Juvenile Justice (Care and Protection of Children) Act, 2000.*

BE it enacted by Parliament in the Fifty-fourth Year of Republic of India as follows:—

1. This Act may be called the Juvenile Justice (Care and Protection of Children) Amendment Act, 2003.

Short title.

2. In section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (hereinafter referred to as the principal Act), clause (m) shall be omitted.

Amendment of section 2.

3. In section 32 of the principal Act, —

Amendment of section 32.

(a) in sub-section (1), in clause (i), for the words “any police officer or special juvenile police unit”, the words “any member of a special juvenile police unit” shall be substituted;

(b) after sub-section (1), the following proviso shall be inserted, namely:—

“Provided that the child shall be produced before the Committee without any loss of time but within a period of twenty-four hours excluding the time necessary for the journey.”



Amendment  
of section 33.

4. In section 33 of the principal Act, in sub-section (1), for the words "any police officer or special juvenile police unit", the words "any member of a special juvenile police unit" shall be substituted.

Amendment  
of section 56.

5. In section 56 of the principal Act, the words "or the local authority" shall be omitted.

Amendment  
of section 57.

6. In section 57 of the principal Act, the words "or the local authority" shall be omitted.

Amendment  
of section 59.

7. In section 59 of the principal Act, in sub-section (2), for the words "for maximum seven days", the words "for a period generally not exceeding seven days" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

The Juvenile Justice (Care and Protection of Children) Act, 2000 was brought into force on 1st April, 2001. The said Act was enacted to provide for a juvenile justice system relating to juveniles in conflict with law and children in need of care and protection by adopting a child friendly approach in the adjudication and disposition of matters in the best interests of the children. It also provides for rehabilitation of children through various institutions established under the Act.

2. In a public interest litigation (Civil Writ Petition No. 3447 of 2001), certain provisions of this Act were challenged before the Delhi High Court. The Court observed that some of the provisions of the Act merited reconsideration. Keeping in view these observations, it is proposed to make the following amendments in the Act:—

(i) to have a minimum time period within which a child should be produced before the Child Welfare Committee;

(ii) to do away with the association of any police officer from the inquiry process, who is not trained and has no experience or expertise in child psychology;

(iii) exclusion of local authority from the provisions authorising them to discharge or transfer a child in need of care and protection or a juvenile from the children's home or special home;

(iv) to provide for a flexible period of leave that may be given to child on special occasions like examination, marriage of relatives, death of kith and kin or accident or serious illness of parent or any emergency of the like nature,

accordingly, sections 32, 33, 56, 57 and 59 of the Juvenile Justice (Care and Protection of Children) Act, 2000 are proposed to be amended.

3. This Bill seeks to amend the Juvenile Justice (Care and Protection of Children) Act, 2000 with a view to achieving the above objects.

NEW DELHI;  
The 20th June, 2003.

S.N. JATIYA.

G. C. MALHOTRA,  
Secretary-General.

Folder of ~~India~~

Juvenile Justice (Care & Protection of Children)

रजिस्ट्री सं० डी० एल०-33004/99

Act. 2000 REGD. NO. D. L.-33004/99



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग I—खण्ड 1

PART I—Section 1

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सामाजिक न्याय और अधिकारिता मंत्रालय

अधिसूचना

नई दिल्ली, 22 जून, 2001

किशोर न्याय (बालकों की देख-रेख और संरक्षण) अधिनियम, 2000 (2000 का 56) के अधीन नियम

(उक्त अधिनियम के उपबंधों के, उसकी सही भावना और सार के अनुसार बेहतर कार्यान्वयन और प्रशासन के लिए)

सं. 1-3/2001-एस. डी.—संविधान ने, अनुच्छेद 15 के खंड (3), अनुच्छेद 39 के खंड (ड) और खण्ड (च), अनुच्छेद 45 और अनुच्छेद 47 सहित अनेक उपबंधों में राज्य पर यह सुनिश्चित करने का प्राथमिक दायित्व अधिरोपित किया है कि बालकों की सभी आवश्यकताएं पूरी की जाएं और उनके मौलिक मानव अधिकारों का पूर्ण रूप से संरक्षण किया जाए;

और संयुक्त राष्ट्र संघ की साधारण सभा ने 20 नवंबर, 1989 को बालकों के अधिकारों से संबंधित अभिसमय को अंगीकार किया है;

और बालकों के अधिकारों से संबंधित अभिसमय ने ऐसे कुछ मानदंड विहित किए हैं जिनका बालकों के सर्वोत्तम हितों को प्राप्त करने के लिए, सभी पक्षकार राज्यों द्वारा पालन किया जाना है;

और बालकों के अधिकारों से संबंधित अभिसमय ने न्यायिक कार्यवाहियों का सहारा लिए बिना, संभव सीमा तक, पीड़ित बालकों के सामाजिक पुनः एकीकरण के लिए बल दिया है;

और भारत सरकार ने उक्त अभिसमय का 11 दिसंबर, 1992 को अनुसमर्थन कर दिया है;

और किशोर न्याय अधिनियम, 1986 को, बालकों के अधिकारों से संबंधित अभिसमय में विहित मानकों, किशोर न्याय के प्रशासन के लिए संयुक्त राष्ट्र मानक न्यूनतम नियम, 1985, (बीजिंग नियम), ऐसे किशोरों के संरक्षण के लिए जिन्हें उनकी स्वाधीनता से वंचित किया गया है, संयुक्त राष्ट्र के नियम 1990 और अन्य सभी सुसंगत अन्तर्राष्ट्रीय लिखितों को ध्यान में रखते हुए, पुनः अधिनियमित करना समीचीन है;

और संविधान तथा अभिसमय के उपबंधों को प्रभावी करने के लिए विधि का उल्लंघन करने वाले किशोरों और देख-रेख और संरक्षण के लिए जरूरतमंद बालकों से संबंधित विधि का, उनके विकास की आवश्यकताओं को पूरा करते हुए उचित देख-रेख, संरक्षण, उपचार का उपबंध करते हुए तथा उनसे संबंधित विषयों का न्यायनिर्णयन और व्ययन करने में बालकों के सर्वोत्तम हित में, बालकों के प्रति मैत्रीपूर्ण, दृष्टिकोण अपनाते हुए तथा इस अधिनियम के अधीन स्थापित विभिन्न संस्थाओं के माध्यम से उनके अंतिम पुनर्वास के लिए समेकन और संशोधन करने के लिए किशोर न्याय (बालकों की देख-रेख और संरक्षण) अधिनियम, 2000 (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) अधिनियमित किया गया था;

अतः अब, केन्द्रीय सरकार, उपरोक्त उपबंधों और इस निमित्त सभी अन्य समर्थकारी शक्तियों के अनुसरण में, उक्त अधिनियम के उपबंधों के उसकी सही भावना और सार के अनुसार, बेहतर कार्यान्वयन और प्रशासन के लिए उपबंध करने हेतु सिद्धांत अधिकथित करती है और निम्नलिखित नियम (माडल) बनाती है जिन्हें तब तक लागू किया जाना है जब तक कि राज्य सरकार द्वारा इस निमित्त नए नियम नहीं बना दिए जाते हैं; अर्थात्:—

### सिद्धांत

निम्नलिखित सिद्धांत, अन्य बातों के साथ-साथ, उक्त अधिनियम की नीतियों के विकास, निर्वचन और कार्यान्वयन के लिए मूल सिद्धांत होंगे। यह प्रगणन किन्हीं संभव उच्चतर उपायों या संविधान के अनुरूप विकसित उपायों का सहारा लेने से निवारित नहीं करता है।

#### 1. निर्दोषिता के अधिकार का सिद्धांत

किशोर या बालक के निर्दोषिता के अधिकार का और सात वर्ष की आयु तक (या बारह वर्ष की आयु तक, जैसा नीचे दिया गया है) अनभिज्ञता की उपधारणा का आरंभिक संपर्क से लेकर अनुरक्षण तक संपूर्ण प्रक्रिया के दौरान सम्मान किया जाएगा।

निर्दोषिता के अधिकार और उपधारणा के आधार भूत संघटक निम्नलिखित हैं :

##### (i) निर्दोषिता की आयु

(क) किसी किशोर या बालक के बारे में यह उपधारणा की जाती है कि सभी मामलों में सात वर्ष की आयु तक और ऐसे मामलों में यह वर्ष की आयु तक जिनमें समझ की अपरिपक्वता के कारण अपने कार्य के परिणामों को समझने में असमर्थ है, किसी असदभाविक या आपराधिक आशय से अनभिज्ञ है;

(ख) ऐसा विधिविरुद्ध आचरण जो जीवित रहने के लिए किया जाता है या पर्यावरणीय या पारिस्थितिक पहलुओं के कारण है या वयस्कों या अभिजात समूहों के नियंत्रण के अधीन किया जाता है, निर्दोषिता के सिद्धांतों के अंतर्गत आएगा।

(ग) इसका आशय विधि का उल्लंघन करने वाले किसी किशोर को कतिपय फायदे अनुज्ञात करना है और पूरी दुनिया में इस क्षेत्र में विशेषज्ञों द्वारा निर्धारित उसका मानसिक विकास करना है जो सीमांकन के लिए अठारह वर्ष की आयु तक है और इस दृष्टि से मापदंड घटना की तारीख ही हो सकता है क्योंकि इसके पीछे संपूर्ण भावना ऐसे किशोर को उसकी मानसिक स्थिति में कम विकास के आधार पर फायदे प्रदान करने की है।

##### (ii) निर्दोषिता का प्रक्रियात्मक संरक्षण

अनभिज्ञता की उपधारणा का संरक्षण करने के लिए प्रक्रियात्मक रक्षोपायों की गारंटी दी जाएगी।

##### (iii) विधिक सहायता और वादार्थ संरक्षक के लिए उपबंध

किशोर या बालक के निर्दोषिता के अधिकार और उसकी उपधारणा का संरक्षण करने के लिए निशुल्क विधिक सहायता और वादार्थ संरक्षक के लिए जब भी आवश्यक हो, उपबंध किए जाएंगे।

##### (iv) अपहानि का परिवर्जन

आरंभिक संपर्क से लेकर निपटाने तक सभी प्रक्रमों पर किशोर या बालक की भावुकता को किसी अपहानि से बचाने के लिए अनिवार्य सावधानी बरती जाएगी।

#### 2. सर्वोत्तमहित का सिद्धांत

यह सिद्धांत किशोर या बालक के शारीरिक, भावनात्मक, बौद्धिक, सामाजिक और नैतिक विकास को सुनिश्चित करने के लिए है जिससे स्वस्थ विकास में बाधाओं को दूर करते हुए एक लाभदायक और अच्छा नागरिक बनाया जा सके।

#### 3. कुटुम्ब सुविधा का सिद्धांत

अधिनियम के अधीन किशोर या बालक की देख-रेख, उसके संरक्षण और पुनर्निर्देश के लिए प्रक्रिया में कुटुम्ब, जैवीय, दत्तक या पोषण (उस आदेश में) विकसित किया जाए और एक आधारिक ईकाई के रूप में मजबूत किया जाए जब तक सर्वोत्तम हित के उपाय या आज्ञा अन्यथा निर्देश न दें।

#### 4. अपहानि न करने, कोई दुर्व्यवहार न करने का सिद्धांत

किसी ऐसे किशोर या बालक को जिसे उक्त अधिनियम के अधीन किसी संस्था में या किसी अन्य सुविधा के अधीन रखा जाता है, कोई अपहानि, दुर्व्यवहार, उपेक्षा, अनाचार शारीरिक दंड नहीं दिया जाएगा।

**MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT**  
**NOTIFICATION**

New Delhi, the 22nd June, 2001

**Rules under the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000)**

[For better implementation and administration of the provisions of the said Act in its true spirit and substance]

**F. No. 1-3/2001-SD.**—Whereas the Constitution of India has, in several provisions, including clause (3) of article 15, clause (c) and (f) article 39, articles 45 and 47, impose on the State a primary responsibility of ensuring that all the needs of children are met and that their basic human rights are fully protected;

**AND WHEREAS,** the General Assembly of the United Nations has adopted the Convention on the Rights of the Child on the 20<sup>th</sup> November, 1989;

**AND WHEREAS,** the Convention on the Rights of the Child has prescribed a set of standards to be adhered to by all State parties in securing the best interests of the child;

**AND WHEREAS,** the Convention on the Rights of the Child emphasises social reintegration of child victims, to the extent possible, without resorting to judicial proceedings;

**AND WHEREAS,** the Government of India has ratified the Convention on the 11<sup>th</sup> December, 1992;

**AND WHEREAS,** it was considered expedient to re-enact the Juvenile Justice Act, 1986 bearing in mind the standards prescribed in the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), and all other relevant international instruments;

**AND WHEREAS,** to give effect to the provisions of the Constitution and Convention, the Juvenile Justice (care and protection of children) Act, 2000 (herein under referred to as the said Act) was enacted to consolidate and

amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under that Act.

NOW, THEREFORE, in pursuance of the above said provisions and all other enabling powers in this behalf, the Central Government hereby lays down the principles and makes the following Rules (model) to be applied until new rules are framed by the State Government in this regard to provide for better implementation and administration of the provisions of the said Act in its true spirit and substance, namely:-

### **PRINCIPLES**

The following principles shall, *interalia*, be fundamental to the development of strategies, interpretation and implementation of the said Act.

This enumeration does not preclude resorting to any higher measures possible or evolved in consonance with the Constitution.

#### **1. Principle of right to innocence-**

The juvenile or child's right to innocence and presumption of innocence up to the age of seven years (or up to the age of twelve years, as under) be respected throughout the process from the initial contact to aftercare.

The basic components of the right to and presumption of innocence are:

##### **(i) Age of innocence:**

- (a) A juvenile or child is presumed to be innocent of any malafide or criminal intent up to the age of seven years in all cases and upto twelve years in the cases wherein he is unable to understand the consequences of his action on account of immaturity of understanding;
- (b) Unlawful conduct which is done for survival, or is due to environmental or situational factors or is done under control of adults, or peer groups, is ought to be covered by the principles of innocence.
- (c) The idea is to allow certain benefits to a juvenile in conflict with law *vis a vis* his mental development assessed by the experts in the field through out the world as of eighteen years being the time of demarcation and with this end in view the yardstick can only be the date of occurrence because the whole spirit is to impart benefit to such juvenile on grounds of lesser development of his mental faculty.

(ii) **Procedural protection of innocence**

Procedural safeguards shall be guaranteed to protect the presumption of innocence.

(iii) **Provisions of Legal aid and *Guardian Ad Litem***

To protect the juvenile's or child's right to and the presumption of innocence, provisions must be made when needed, for free legal aid and guardian ad litem.

(iv) **Avoidance of harm**

At all stages, from the initial contact till disposition, extreme care shall be taken to avoid any harm to the sensitivity of the juvenile or child.

2. **Principle of Best Interest.-**

This principle seeks to ensure physical, emotional, intellectual, social and moral development of juvenile or child, so as to make him a useful and good citizen by ameliorating the impediments to healthy development.

3. **Principle of Family cushion.-**

The family, biological, adoptive or foster (in that order), must be involved in the processes, preferred as placement cushion and strengthened as the base unit for care, protection and redirection of the juvenile or child under the said Act unless the best interest measures or mandates dictate otherwise.

4. **Principle of no harm, no maltreatment.-**

The juvenile or child who is placed in any institution under the said Act or under any placement cushion, shall not be subjected to any harm, abuse, neglect, maltreatment, corporal punishment or solitary confinement.

5. **Principle of non-stigmatizing semantics, decisions and actions.-**

The non-stigmatizing semantics of the said Act must be strictly adhered to, and the use of adversarial or accusatory words, such as, arrest, remand, accused, charge sheet, trial, prosecution, warrant, summons, conviction, inmate, delinquent, neglected, custody, etc., is prohibited in the processes pertaining to the juvenile or child under the said Act.

**6. Principle of balancing.-**

This principle aims at striking a balance between the provisions of the said Act on one hand and constitutional safeguards and social ethos on the other, in the dispensation of matters pertaining to juvenile or child.

**7. Principle of non-waiver of rights.-**

No waiver of rights of the juvenile or child, whether by himself or the competent authority or anyone acting or claiming to act on behalf of the juvenile or child, is either permissible or valid.

Non-exercise of a fundamental right does not amount to waiver.

**8. Principle of equality.-**

Equality of access, equality of opportunity, equality under the said Act, is guaranteed to the juvenile or child; and as such there shall be no discrimination on the basis of age, sex, place of birth, disability, race, ethnicity, status, caste, cultural practices, work, activity or behaviour of the juvenile or child or that of his parents or guardians, or the civil and political status of the juvenile or child.

**9. Principle of right to privacy and confidentiality.-**

The juvenile's or child's rights to privacy and confidentiality shall be protected by all means and through all the stages of the proceedings.

**10. Principle of Fresh Start.-**

The principle of fresh start promotes new beginning for the juvenile or child by ensuring erasure of his past records.

**11. Principle of last resort.-**

Institutionalization of juvenile or child will be a step of the last resort after reasonable enquiry and that too for the minimum possible duration.

**12. Principle of repatriation.-**

Any juvenile or child, who is a foreign national and who has lost contact with his family, shall also be eligible for protection under the said Act and he shall be repatriated, at the earliest, to his country.



**The (name of State/UT) Juvenile Justice (Care and Protection of Children)**  
**Rules, 2001**

In exercise of the powers conferred by section 68 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (No. 56 of 2000), the State Government/Administrator \_\_\_\_\_ hereby makes the following rules, namely:-

**CHAPTER – I**

**'PRELIMINARY**

**1. Short title and commencement.-**

- (1) These rules may be called the (name of the State/UT) Juvenile Justice (Care and Protection of Children) Rules, 2001.
- (2) They shall come into force on the date of their publication in the Official Gazette.

**2.-Definition.-** 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 certified or recognized under sections 8, 9, 34 and 37 of the Act respectively;
- (e) "Officer-in-charge" (nomenclature as used by the State Government) means a person appointed for the control and management of the institution;
- (f) "State Government" in relation to a Union Territory, means the Administrator of that Union territory appointed by the President under article 239 of the Constitution;

- (g) all 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

#### 3. Juvenile Justice Board.-

- (1) The Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of the first class, as the case may be, 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 set up under sub-rule (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 administering 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 the 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 may be 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.

#### **4. Institutional Management for juveniles in conflict with law.-**

(1) The State Government or the voluntary organisation certified by that State Government shall set up separate observation homes for boys and girls.

(2) The State Government or the Voluntary Organisation certified by that 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 toiletry items;
- (c) disinfection 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 Officer-in-charge 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 juvenile 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 these information may invariably be collected through all possible and available sources, including home, parents or guardians, employer, school, friends and community.

(6) The educational level and vocational aptitude of the juvenile admitted, may be assessed on the basis of test and interview conducted by the teacher, the workshop supervisor and other technical staff and necessary linkages may also be established with outside specialists and community-based welfare agencies, psychologist, psychiatrist, child guidance clinic, hospital and local doctors, open school, Jan Sikshan Sansthan etc.

(7) 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.

(8) A well conceived programme of pre-release planning and follow up of cases discharged from special homes shall be organized in all institutions in close collaboration with existing governmental and voluntary welfare organizations.

#### **Routine.-**

Institution shall have a well regulated daily routine for the juveniles, shall be displayed and provide, *inter alia*, for regulated and disciplined 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.

#### **6. Diet Scale.-**

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.

#### **7. Issue of clothing, bedding and other articles. -**

Each juvenile shall be provided with clothing and bedding, including customary under-garments, towel, jersey for winter, school uniform for juveniles attending outside schools, 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.

**8. Sanitation and Hygiene.-** Every institution shall have the following facilities, namely:-

- (a) sufficient treated drinking water;

- (b) sufficient water for bathing and washing clothes, maintenance and cleanliness of the premises;
- (c) proper drainage system;
- (d) arrangements for disposal of 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 Centre.

**9. Accommodation.-** The minimum standard of accommodation, to the extent possible, shall be as follows: -

- |               |   |   |
|---------------|---|---|
| (a) Dormitory | - | 40 square feet per juvenile.  |
| Classroom     | - | Sufficient accommodation.   |
| Workshop      | - | Sufficient work space.  |
| Play ground   | - | Sufficient play ground area shall be provided in every institution according to the total number of juveniles in the institution. |

(b) The dormitories, classrooms and workshops shall have sufficient cross ventilation and light.

#### **10. Medical Care.-**

(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 recognised treatment centres.

(2) Each juvenile admitted in an observation home shall be medically examined by the Medical Officer within 24 hours and in special cases within 48 hours giving the reasons therefor, and also at the time of transfer of the juvenile to a special home, within a similar period before transfer and further at any other time that may be considered necessary by the Medical Officer or the Officer-in-Charge.

(3) No surgical treatment shall be carried out on any juvenile without the previous consent of his parent or guardian, unless either 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.

#### **11. Monitoring and Evaluation of Juveniles.-**

(1) A juvenile shall be grouped on the basis of the age, 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:-

Officer-in-Charge	-Chairperson.
Child Welfare Officer/Psychologist	- Member-Secretary.
Medical Officer	-Member.
Workshop Supervisor/ Instructor in Vocation	-Member.
Teacher	-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, etc;
- (c) vocational training and opportunities for employment;
- (d) education, i.e. health education, social 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 collaboration with aftercare service;
- (i) pre-release preparation;
- (j) release, and
- (k) any other matter which the Officer-in-Charge may like to bring up.

## **12. Rewards and Earnings.-**

Rewards to the juveniles, at such rates as may be fixed by the management of the institution from time to time, may be granted by the Officer-in-Charge as an encouragement to steady work and good behaviour; 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.

## **13. Visits to and communication with inmates.-**

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

(2). The receipt of letters by the juveniles 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 Officer-in-Charge 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.

## **14. Prohibited Articles .-**

No person shall bring into the institution the following prohibited 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, ganja, 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.

## **15. Articles found on search and inspection.-**

(1) The Officer-in-Charge shall see that every juvenile received in the institution is searched, his personal effects inspected and an money or

valuables found with or on the person of the juvenile is kept in the safe custody of the Officer-in-Charge.

(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, valuables 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 Officer-in-Charge.

#### **16. Disposal of articles:-**

The money or valuables belonging to a juvenile received or retained in an institution shall be disposed of in the following manner:-

(a) On an order made by the competent authority in respect of any juvenile, directing the juvenile to be sent to an institution, the Officer-in-Charge 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 Officer-in-Charge and valuables, clothing, bedding and other articles, if any, shall be kept in safe custody.

(c) When such juvenile is transferred from one institution to another, all his money, valuables and other articles, shall be sent along with the juvenile to the Officer-in-Charge of the institution to which he has been transferred together with a full and correct statement of the description and estimated value thereof.

(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 Officer-in-Charge.

(e) When a 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 Officer-in-Charge to any person who establishes his claim thereto and executes an 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 a 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 committee.



**17. Duties of the Officer in charge.-**

(1) The Officer-in-charge 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 plant and equipment;
- (e) accident preventive measures;
- (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 a juvenile or a child, the following action shall be taken, namely :-

- (a) The Officer-in-Charge shall immediately send the guards in search of the juvenile, at places like railway stations, 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 area Police Station along with the details and description of the juvenile or the child, with identification marks and a photograph, with a copy to the Board and the authorities concerned;
- (d) The Officer-in-charge 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:-

- (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 Officer-in-Charge and the Medical Officer.
- (c) The Officer-in-Charge and the Medical Officer shall examine and inspect the dead body and in case a juvenile dies due to causes other than natural causes, or if the cause of death is not known, or if the death has occurred due to suicide, violence or accident,

or whenever there is any doubt or complaint or question concerning the cause of death of any juvenile, the Officer-in-charge shall inform the Officer-in-charge of the Police Station having jurisdiction.

- (d) The Officer-in-charge shall also immediately give intimation to nearest Magistrate empowered to hold inquests.
  - (e) The Medical Officer shall report to the Officer-in-charge 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 Officer-in-charge 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 National Human Rights Commission and the authorities concerned.
  - (g) The parents or guardians of the deceased juvenile shall be contacted and the Officer-in-charge shall wait for twenty-four hours for the arrival of relatives.
  - (h) As soon as the inquest is held, the body shall be disposed of 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 Officer-in-charge, 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 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 offence committed in respect of residents, the Board shall take cognizance and arrange for necessary investigation to be carried out by Special Juvenile Police Unit.

#### **18. Leave of absence of a juvenile or child.-**

- (1) The juvenile or child of an institution may be allowed to go on leave of absence or released on license and stay with his family during examination, emergencies or special occasions like marriage in the family.
- (2) While the leave of absence for short period not exceeding seven days excluding the journey time may be recommended by the Officer-in-charge, but granting of such leave shall be by the Board.

- (3) The parents or guardian of the juvenile or child may submit an application to the Officer-in-charge requesting for release of the juvenile or child on leave, stating clearly the purpose for the leave and the period of leave.
- (4) If the Officer-in-charge considers that granting of such leave is in the interest of the juvenile or child, he shall call for a report of the Probation Officer on the advisability or otherwise and forward the case to the Board.
- (5) While issuing orders sanctioning the leave of absence or release on license in Form VII, as the case may be, the competent authority shall 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 period, the juvenile or child may be called back to the institution.
- (6) The parent or guardian shall arrange to escort the juvenile or child from and to the institution and bear the travelling expenses; whereas, in exceptional cases or during an emergency, the Officer-in-charge 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 Officer-in-charge 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 may be refused on later occasions.
- (9) If the juvenile or child does not return to the institution on 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 the 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 elapses after the failure of a 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.

#### 19. Release. -

- (1) The Officer-in-charge shall maintain a roster of the 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 Classification Committee for proper mainstreaming 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 a juvenile or child and of 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 Officer-in-charge at the time of the release of the juvenile or child.

(5) If the parent or guardian, as the case may be, 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 may be provided with a set of summer or winter clothing, if the Officer-in-charge 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 Officer-in-charge of a girls' 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 Officer-in-Charge 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 date of release falls on a Sunday or another public holiday, the juvenile or child may be released on the preceding day with an entry to that effect being made in the register of discharge.

(10) The Officer-in-charge shall in appropriate cases, order the payment of subsistence money, at such rates as may be fixed from time to time and the railway or road, or both, fare, as the case may be.

(11) In deserving cases, the Officer-in-charge 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 Officer-in-charge may, subject to the approval of the competent authority, allow at their own request such girls as 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.

## **20. Maintenance of case file.-**

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

- (a) report of the person or agency who produced the juvenile or child before the Board;
- (b) probation officer'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 (I.Q) testing, aptitude testing, educational or vocational tests;
- (h) social history ;
- (i) summary and analysis by Officer-in-charge ;
- (j) initial classification sheet;
- (k) instruction regarding training and treatment programme and about special precautions to be taken;
- (l) leave and other privileges granted;
- (m) violation of rules, if any, and special achievements;
- (n) quarterly progress report from various sections;
- (o) review sheet;
- (p) Monthly Cycle (m.c.) report (in case of girls);
- (q) pre-release programme;
- (r) final progress report ;
- (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) All the case files maintained by the Institutions and the Board shall, as far as practicable, be computerised and networked so that the data is centrally available.

**21. Production of a Juvenile.-**

- (1) As soon as a juvenile in conflict with the 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 officer concerned of such apprehension, to obtain information regarding the antecedents and family background of the juvenile and other material circumstances likely to be of assistance to the Board for making the inquiry.
- (3) Prior to 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 of safety.
- (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 hours 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 daily or general diary.
- (6) In case a recognized voluntary organization takes a juvenile to the Board, the voluntary organization shall also inform the concerned Police Station.
- (7) The State Government shall recognize only those registered voluntary organizations which can provide the services 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 juveniles apprehended or kept under their charge during the period they are with them.

**22. Procedure to be followed by a Board in holding inquiries and the determination of age.-**

- (1) In all cases under the Act the proceedings shall be conducted in as simple a manner as possible and care shall be taken to ensure that 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 favour 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 at 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 circumstances in which it was made.
- (5) In every case concerning a juvenile or a child, the Board shall either obtain, -
  - (i) a birth certificate given by a corporation or a municipal authority; or
  - (ii) a date of birth certificate from the school first attended ;or
  - (iii) matriculation or equivalent certificates, if available; and
  - (iv) in the absence of (i) to (iii) above, the medical opinion by a duly constituted Medical Board, subject to a margin of one year, in deserving cases for the reasons 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 organizations, to supervise and submit periodical reports, as directed by the Board regarding the orders passed under clauses (b) and (c) of sub-section(1) of section 15 of the Act.
- (7) In accordance with the rules made under sub-section (2) of section 10 of the 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 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 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 or 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 Officer-in-charge 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 Officer-in-charge of an institution, certified as special home under subsection (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 Officer-in-charge 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.

### **23. Procedure in respect of Sections 23, 24, 25 and 26 of the Act.-**

The offences against the juvenile or child specified in sections 23, 24, 25 and 26 shall be either bailable or non-bailable besides being cognizable under the provisions of the Code of Criminal Procedure Act, 1973 (2 of 1974) and the provisions of bail or otherwise, shall apply on the Police, the Board and the concerned accordingly.

## **CHAPTER III**

### **CHILD IN NEED OF CARE AND PROTECTION**

**24. Child Welfare Committee.-** (1) The Committee shall consist of a Chairperson and four other members as the State Government may think fit to



appoint, of whom at least one shall be a woman 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:-

- (i) 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;
- (ii) two representatives of reputed non-governmental organizations working in the area of child welfare;
- (iii) a representative from an academic body;
- (iv) two representatives of the concerned department of the State Government; and
- (v) 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 into 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 respectable, 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 doctor or a senior retired public servant who has been involved in work concerning child welfare; or
- (c) a social worker of repute, who has been 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 a 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 members of the Committee shall be paid such traveling or meeting allowance or honorarium as the State Government may decide from time to time.

**25. Procedure etc. in relation to Committee.-** (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 caseworker, prior to disposal of such cases.

**26. Production of a Child before the Committee.-** (1) Any child in need of care and protection shall 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 organization, or by such other voluntary organization or an agency as may be recognized by the State Government;
- (iv) any social worker or a public spirited citizen authorized by the State Government; or
- (v) 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 the 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 within 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 a place of safety and provided with all basic facilities and adequate protection.

(5) Every possible effort shall be made to trace and associate the family and assistance of 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 submit a 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 arrangements 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 the names and addresses 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 a 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 Officer-in-charge of such institution a copy of its order, in Form III with particulars of the home and parents or guardian and previous record.

(12) The child shall be lodged in a home closest to where he belongs.

**27. Procedure for inquiry. –**

- (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 Officer-in-charge, 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 enquired 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.

**28. Children's Home.-** (1) The State Government it self or in association with voluntary organizations, 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;
  - (b) separate children's homes shall be set up for boys and girls in the age group 10 to 18 years.
- (2) Each children's home shall be a **comprehensive child care center** with the primary objective to promote an integrated approach to child care by involving the community and local Non-Governmental Organisations(NGOs).
- (3) The activities of such centre 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 providing family counseling, sponsorship, play groups; etc.
  - (c) provision of childline and emergency outreach service through 1098, a free phone facility for children;
  - (d) linking up with Integrated Child Development Services(ICDS) to cater to the needs of children below six years;
  - (e) to establish linkages with organizations and individuals who can provide support services to children; and

- (f) to encourage volunteers to provide for various services for children and families to become guardian.

(4). Every children's home shall have the following facilities, namely:-

**(a) Physical infrastructure.**-(i) 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.

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

**(c) Nutrition.**- (i) The children shall be provided 4 meals including breakfast in a day.

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

(iii) Children may be provided special meals on holidays.

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

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

**(d) 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 home shall have networking with local doctors and hospitals for referral cases.

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

**(e) Education.-** The children's home shall provide education to all children according to the age and ability, either both inside the home or outside, as per the requirement.

**(f) Vocational Training.-** (i) Every children's home shall facilitate for useful vocational training under the guidance of trained instructors.

(ii) The home shall develop networking with Institute of Technical Instruction (ITI), Jan Shikshan Sansthan, Government and Private Organization or Enterprises, Agencies or Non-Governmental Organisations (NGOs) with expertise, or placement agencies.

**(g) Counselling.-** (i) Each home shall have the services of a trained counsellor.

(ii) The services of Child Guidance Centres, Psychology and Psychiatric Departments or similar Agency may also be availed.

**(h) Recreation facilities.-** It must include indoor and outdoor games, music, television, picnics and outings, cultural programmes etc.

**(i) Care Plan.-** (i) The incharge, counsellor along with the child welfare officer, case worker, or social worker shall prepare a care plan for every child in the home.

(ii) 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 programmes.

(iv) Children shall be consulted while determining their care plan.

**(j) Intake Procedure.-** (i) Every new child who is brought to home, shall immediately be taken charge of by the counsellor 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.

(iii) A brief orientation shall be given to the child on induction, to remove any inhibition from the mind of 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 photograph shall also be taken immediately for records and the caseworker shall begin the investigation and correspondence with the person, the child might have named.

(vii) The Officer-in-charge 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 to decency.

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

(k) 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 information in the subsequent sitting of the Committee.

**(l) Death of a child.-** (i) In the event of death of a child, the circumstances of the death shall be recorded in the case file of the child, by the case worker giving the cause of 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 the known religion of the child.

**(m)** In the event of custodial rape or sexual abuse, the action to be taken shall be as follows:

(i) In case any resident makes any complaint, or occurrence of such nature comes to the knowledge of the Officer-in-charge, a report shall be placed before the Committee, who in turn, shall order for special investigation.

(ii) 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).

(iii) The Special Juvenile Police Unit shall also take due cognizance of such occurrences and conduct necessary investigations.

**(n)** 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 by the Special Juvenile Police Unit.

**(o) 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.

**29. Inspection.-** (1) The State Government shall constitute State, District or city 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 also make suggestions for the improvement and development of the institution.

(3) The team shall consist of a minimum of five members from the representatives of the State Government, local authority, the Committee, medical and other experts, voluntary organizations and reputed social workers.

(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 feed back .

(7) The follow up action on the findings and suggestion of the children shall be taken by all concerned authorities.

**30. Social Auditing.-** The Central Government or the State Government shall monitor and evaluate the functioning of the children's homes annually with the help of organizations working with the children and autonomous bodies like the National Institute of Public Co-operation and Child Development, Indian Council for Child Welfare, Indian Council for Social Welfare, Indian Social Institute, Childline India Foundation, National Institute of Social Defence, Central and State level Social Welfare Boards and School of Social Work.

**31. Shelter Homes.-** (1) For the children in urgent need of care and protection, such as destitutes, street children and run-away children, the State Government shall support creation of the requisite number of shelter homes or drop-in- centres through the voluntary organizations.

(2) The shelter homes or drop-in-centres shall have the minimum facilities of boarding and lodging, besides the provision for fulfillment of basic needs in terms of clothing, food, health care 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 requirements 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 homeless children, besides initiating legal action in the interest of the child in terms of the Act or other child related laws.



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

(7) No child shall ordinarily stay in the Government funded shelter home or drop-in-centre for more than a year.

**32. Transfer.-** (1) During the enquiry, if it is found that the child hails from the place outside the jurisdiction of the Committee, the Committee shall order the transfer of the child to the competent authority having jurisdiction over the place of residence of the child.

(2) No child shall 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 Officer-in-charge 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 child case file and records shall be sent along with the child.

## CHAPTER IV

### REHABILITATION AND SOCIAL REINTEGRATION

**33. Adoption:-** (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) The guidelines on adoption, issued by a State Government under sub-section (3) of section 41 of the Act, the Supreme Court and the Central Adoption Resource Agency (CARA) from time to time, 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 of such children for in-country adoption.

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

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

(6) The scrutinizing agency shall examine all available informations 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 an 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 the 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, which shall include -

(a) A thorough enquiry by the probation officer or caseworkers or 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 (a) 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.

**(10) Role of licensed or recognised Government and non-Government agencies for adoption.**-(a) In the case of an abandoned child the recognized agency shall within forty eight hours report to the Committee along with the copy of the report filed with the police station in whose jurisdiction the child was found abandoned.

(b) The adoption agency may initiate the process of clearance at the earliest, in the case of abandoned children, for the purpose of adoption within a period of two months and for placing application before the Committee for declaring the child legally free for adoption.

(c) In case of a child surrendered by his biological parent or parents by executing a document of surrender, the adoption agency shall make an application directly to the Board for giving the child in adoption.

(d) The adoption agencies shall wait for completion of two months reconsideration time given to the biological parent or parents.

(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) In the case of a surrendered or abandoned child who is legally free for adoption, the licensed agency shall have discretion to place the child in pre-adoption foster care under intimation to the Board, within one week of its placement pending the final order.

**(11) Role of Juvenile Justice Board.**-(a) After receiving an application from a recognized agency for adoption, the Board shall call for an independent enquiry by a recognized scrutiny agency, which shall submit its report within a period of two weeks.

(b) The Board shall undertake a process of enquiry which shall include interviewing the prospective parents, verifying the documents and scrutiny reports.

(c) If the Board is satisfied that the placement is in the best interest of the child, it shall pass a final order giving permanent custody of the child to the adoptive parent or parents.

(d) The order of adoption shall be signed by the principal Magistrate besides at least one of the two members of the Board.

(e) The Board shall determine and fix the date of birth, in the best interest of the child and shall pass order to the appropriate authority to issue a regular birth certificate for the child giving the name(s) of the adoptive parent (s) as if in the case of natural born children.

(f) As far as practicable, the time taken for passing an adoption order, shall not exceed two months from the date of filing of application.

(g) The order shall also include provision for a periodic follow up report either by the probation officer or case worker 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.

**34. Foster Care.-** (1) A child to be placed under short-term foster care shall be done according to the procedure laid down in clause (f) of sub-rule(10) of rule 33, and the short-term foster care period shall not exceed four months.

(2) The temporary foster care shall be carried out, as given in sub-section (2) of section 42 of the Act, by the competent authority under the supervision of a probation officer or case worker or social 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 parent (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 Immuno Deficiency Virus(HIV), Tuberculosis(TB) and Hepatitis B to determine that they are medically fit;
- (e) an update should be done at regular intervals of not less than once in a calendar year ;
- (f) the foster mother should have experience in child caring and the capacity to provide good child care;
- (g) the foster mother should be physically, mentally and emotionally stable;
- (h) the home should have adequate space and physical facilities;
- (i) the foster care family should be willing to follow rules laid down including regular visits to pediatrician, maintenance of child health, record etc. ;
- (j) the family should be willing to sign an agreement and to return the child to the agency whenever called to do so;
- (k) the foster mother should be willing to attend training or orientation programmes;
- (l) the foster parent (s) should be willing to take the child for 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 or the Child Welfare Officer, as the case may be.

**35. Sponsorship.-** (1) The children's homes and special homes shall promote sponsorship programmes as laid down in section 43 of the Act.

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

**36. After Care Organization.-** (1) The after care organization, as outlined in the Act, are to take care of juveniles or children after they leave special homes and children's homes.

(2) These after care organizations 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 objective of these homes shall be to enable such children to adapt to the society and during their stay in these transitional homes these children will be encouraged to move away from an institution-based life to a normal one.

(4) The target groups will include juveniles or children who have either left special homes or children's homes.

(5) The key components of the model include setting up of 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 counsellor, who will be in regular contact with these youths to discuss their rehabilitation plans and provide creative outlets for their energy and to tide over crisis periods in their life.

(7) The programmes under the scheme shall include:

i) Facilitating employment generation for these youths will be a key programme.

ii) After a 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.

iii) The youth may continue staying in the home and return the deposit to the Non- Governmental organizations (NGOs).

iv) The youth learning a vocational trade can be given a stipend, which may be stopped once the youth gets a job.

v) Loans to these youth to set up entrepreneurial activities may also be arranged.

vi) A peer counsellor shall also be made available for 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 behaviour.

(8) 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.

(9) There shall be provision for vocational training of these children to enable them to sustain themselves through their own efforts.

(10) **Structure.**— One peer counsellor can be made in-charge of a cluster of five homes and each home may house 6 to 8 youths who may opt to stay together on their own.

## CHAPTER V

### MISCELLANEOUS

**37. Recognition of fit person or fit institution.**—(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 the 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 institutions 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 may send the juvenile to any of the branches of such institution after giving an intimation to the competent authority under whose orders the juvenile or the child was committed.

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

**38. Certification or recognition and transfer of Management of Institutions.**—(1) If the management of any organization desires that its organization may be certified or recognized under the Act, the same shall make an application together with a copy each of the rules, bye-laws articles of association, list 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 organization 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 of repute, 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, management of the organization certified or recognized under the Act, at any time, by notice served on the 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 recognised 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 organization may be taken, on the basis of a thorough 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 recognised under sections 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 by the State Government, be either –

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

**39. Grant in aid to certified or recognized organization.-** (1) An organization certified or recognized under sections 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 Government, for the maintenance of 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 grants-in-aid may be admissible, at such rates, which shall be sufficient to meet the 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, and 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 the parties describing their role and obligations.

**40. Admission of outsiders.-** No stranger shall be admitted to the premises of the institution, except with the permission of the Chief Inspector or Officer-in-charge.

**41. Identity Photos.-** (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.

(2) One photograph 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.

**42. Police Officers to be in plain clothes.-** While dealing with a juvenile or a child under the provisions of the Act and the rules made thereunder, except at the time of arrest, the Police Officer shall wear plain clothes and not the police uniform.

**43. Prohibition on the use of handcuffs and fetters.-** No juvenile or the child dealt with under the provisions of the Act and the rules made thereunder shall be handcuffed or fettered.

**44. Visitor's Book.-** (1) A Visitor's Book shall be maintained, in every institution, in which the person visiting the home shall record the date of his visit with remarks or suggestions, which he may think proper.

(2) The Officer-in-charge shall forward a copy of every 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.



**45. Maintenance of Registers.-** The Officer- in-charge shall maintain in his office, such registers and forms, as required by the Act and as specified by the rules made thereunder.

**46. Procedure for sending a juvenile or child outside the jurisdiction of the competent authority.-**(1) In the case of a juvenile or a child whose ordinary place of residence lies outside the jurisdiction of the competent authority, and if the competent authority considers it 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.

(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.

(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 or High Commission.

(4) On being satisfied with the report of the probation officer or case worker or child welfare officer, as the case may be, 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 a bond or undertaking or of both given under sub-rule (4), shall render the juvenile or the child liable to be brought before the competent authority, who may make an order directing the juvenile or the child to be sent to a home.

(7) During the pendency 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 it expedient to send 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 the child accordingly; and shall invite the said relative or fit person to 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 Officer-in-charge 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 or 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 by the escort of the observation home and in the case of a girl, at least one escort shall be a female.

**47. Mode of Dealing with Juvenile or Child suffering from dangerous diseases or mental complaint.-**

(1) When a juvenile or a child kept in a home under the provisions of the Act, or placed under the care of a fit person or a fit institution, is found to be suffering from a disease, requiring prolonged medical treatment or physical or mental complaint, which will respond to treatment or is found addicted to a narcotic drug or psychotropic substance; the juvenile or the child may be removed by an order of the authority empowered on this behalf to an approved place set up for such purpose for the remainder of the term for which he has to stay, under the order of the competent 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 complaint, 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 no 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 disease, 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.

**48. Personnel/Staff of a Home.**-(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 organizational set up shall be fixed in accordance with the size of the home, the capacity, workload, 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, Counselor, Educator, Vocational Training Instructor, Medical Staff, Administrative staff, Care Takers, house father and house mother, store keeper, cook, helper, washerman, safai karamchari, 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.

(7) The Superintendent or the Project Manager and such other staff who may be required, shall live in the quarters 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 staffing pattern for an institution with a capacity of 100 juveniles or children could be as mentioned below:-

Sl. No.	Designation	Number of Posts
1	Superintendent or Project Manger	1
2	Counsellor	2
3	Case Worker or Probation Officer	3
4	House Mother or House Father	4
5	Educator	2 (voluntary or part-time)
6	Vocational Instructor	1
7	Doctor	1 (part-time)
8	Paramedical staff	1
9	Store -keeper cum Accountant	1
10	Driver	1
11	Cook	2
12	Helper	2
13	Sweeper	2
14	Art & Craft cum Music Teacher	1 (part-time)
15	Gardner	1 (part-time)
<b>Total</b>		<b>25</b>

(10) The number of posts in the category of counsellor, case worker or probation officer, house father or house mother, educator, and vocational instructor shall proportionally increase with the increase in the capacity of the institution.

#### **49. Special Juvenile Police Unit and Juvenile or the Child Welfare Officer.-**

(1) The State Government shall appoint Special Juvenile Police Unit at the district and a juvenile or a child welfare officer 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 woman 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 workers.

(4) The Special Juvenile Police Units shall be assisted by recognized voluntary organizations, who will help them in identifying juveniles and helping the juveniles or children under the Act.

**50. Honorary/Voluntary Probation Officers.-** To augment the existing probation service, honorary or voluntary probation officers may be appointed from the voluntary organization and social workers found fit for the purpose by the competent authority and their probation services may also be co-opted into the implementation machinery by the orders of the competent authority.

**51. Responsibilities of the local authorities.-**

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 workers 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 for inter-state transfer of Juvenile or 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.

**52. Protection of action taken in good faith.-** No suit or legal proceedings shall lie against any functionary under the Act including the 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.

**53. Duties of the Officer- In-charge of Homes.-** The general duties, functions and responsibilities of the Officer- in-charge shall be as follows:-

- (a) Providing homely atmosphere of love, affection, care development and welfare of juveniles 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 juveniles' or childrens', discipline and moral well being;
- (f) Allocation of duties to personnel;
- (g) Attending to personnel welfare and staff discipline;
- (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 tasting food prepared for juvenile or child;
- (m) Take prompt action to meet emergencies;
- (n) To take appropriate rehabilitation measures.

**54. Duties of a Probation Officer.**— (1) On receipt of information from the Officer- in-charge, the Special Juvenile Police Unit under clause(b) of section 13 of the 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 the 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 under their supervision and also places of employment or school attended by such juvenile or the child and to submit fortnightly reports as prescribed in Form IX;
- (e) to accompany juveniles or children where ever possible, from the office of the Board to observation home, special home, children's home or fit person, as the case may be;
- (f) to bring before the Board or the Committee, immediately juveniles or children who have not been of good behavior during the period of supervision;
- (g) follow-up of juveniles or children after their release from the organizations and extending help and guidance to them ;
- (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 the premises and maintenance of physical infrastructure including provisions of water and electricity.

(3) The probation officer shall not employ a juvenile or children under their supervision for their own purposes or take any private service from them.

**55. Duties of Case Workers/Child Welfare Officer.-** The general duties, functions and responsibilities 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 cloth are met as per the specified standard;
- (h)) Ensure the cleanliness of the premises and maintenance of physical infrastructure including provisions of water and electricity.

**56. Duties of House Father/House Mother.-(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 routine in an effective manner and ensuring children's involvement;
- (f) Looking after the security and safety arrangements of the home;
- (g) Escorting juveniles or children, whenever they go out of the home.

**57. Training of Personnel.**-(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 organisation.

**58. Advisory Boards.**- (1) The Central Government and the State Government shall constitute advisory board at various levels for a period of three years.

(2) The Central advisory board shall be constituted through the Ministry of Social Justice and Empowerment.

(3) The State Government shall constitute the State advisory board, district advisory board and the city advisory board.

(4) All the boards shall hold at least two meetings in a year.

(5) These advisory boards shall also inspect the various institutional or non-institutional services in their respective jurisdictions; and the recommendations made by them, shall be acted upon by the Central Government, the State Government and the local authorities.

(6) The Central Government through the Ministry of Social Justice and Empowerment shall set up the Central advisory board to be headed by the Minister concerned and shall consist of the Secretary of the Ministry aforesaid, representatives from State Governments, leading Non-Governmental organisations, children's institution and academic institutions as members.

(7) A designated official of the Ministry of Social Justice & Empowerment shall function as the Member- Secretary of the Central advisory board.

(8) The State Government, through the Selection Committee constituted under sub-rule (2) of rule 24 of these rules, shall set up State, district and city level 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 shall act as its secretary.



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

(10) The termination, resignation, or other vacancy caused in a advisory board and appointment of new members therein shall be done in the same manner as is done in case of the Committee.

**59. Openness & Transparency.-** (1) All Children's Home shall be open to visitors with the permission of the Superintendent or the Project Manager, particularly the representatives of local self government, voluntary organizations, social workers, researchers, medicos, academicians, prominent personalities, media and any other person, as the Superintendent or the Project Manager considers appropriate keeping in view the security, welfare and the interest of the child.

(2) The Superintendent of the home shall encourage active involvement of local community in improving the conditions in the homes, if, the members of the community want to serve the institution or want to contribute through their expertise.

(3) The Superintendent or the Project Manager shall maintain a visitors book and the remarks of the visitors given therein shall be considered by the advisory inspecting authority.

(4) While visiting an institution, the visitors will not say or do anything that undermines the authority of the Superintendent or the Project Manager or is in contravention of the Act or rules or impinges on the dignity of the child.

(5) The visitors may be allowed to visit observation homes and special homes with the permission of the competent authority

**60. Juvenile Justice Fund.-** (1) The State Government shall create a Fund at the State level under section 61 of the Act to be called the 'Juvenile Justice Fund' ( herein under referred to as the Fund) for the welfare and rehabilitation of the juvenile or the child dealt with under the provisions of the Act.

(2) In addition to donations, contributions or subscriptions coming under Sub-Section (2) of Section 61, the Central Government shall also make contribution to the Fund.

(3) The Fund shall be applied, -

- (a) to implement programmes for the welfare and rehabilitation of juvenile or children ;
- (b) to pay grant-in-aid to non governmental organizations;
- (c) to meet the expenses of State advisory board and its purpose ;

- (d) to do all other things that are incidental and conducive to the above purposes.

(4) The management and administration of the Fund, shall be under the control of the State advisory board under sub-section (3) of section 61 of the Act.

(5) The assets of the Fund shall include all such grants and contributions, recurring or non-recurring, from the Central Government and State Government or any other statutory or non-statutory bodies set up by the Central or State Government as well as the voluntary donations from any individual or organization.

(6) All withdrawals shall be made by cheques or requisitions, as the case may be, signed by the secretary-cum-treasurer in the case of amounts not exceeding rupees one thousand and signed duly by the secretary-cum-treasurer and other member of the board of management to be nominated by the State advisory board.

(7) The regular accounts shall be kept of all money and properties, and all incomes and expenditure of the Fund and shall be audited by a notified firm of Chartered Accountants, or any other recognized authorities as may be appointed by the Board.

(8) The auditors shall also certify the expenditure from the Fund made by the secretary-cum-treasurer.

(9) All contracts and other assurances shall be in the name of the board of management and signed on their behalf by the secretary-cum-treasurer and one member of the board of the management authorised by it for the purpose.

(10) The board of management shall invest the proceeds of sale or other disposal of the property, as well as any money or property not immediately required to be used to serve the objective of the Fund, in any one or more of the modes of investment for the time being authorised by law for the investment of trust moneys as the board of management may think proper.

(11) The board of management may delegate to one or more of the members such of its powers, which in its opinion are merely a procedural arrangement.

**61. Temporary application of model rules.**— It is hereby declared that until the new rules are framed by the State Government concerned under section 68 of the Act, these rules shall mutatis mutandis apply in that State.

**62. Pending Cases.**—(1) No juvenile in conflict with law or a child shall be denied the benefits of the Act and the rules made thereunder.

(2) All pending cases which have not received a finality shall be dealt with and disposed of in terms of the provisions of the Act and the rules made thereunder.

(3) Any juvenile in conflict with law, or a child shall be given the benefits under sub-rule (1), and it is hereby clarified that such benefits shall be made available not only to those accused who was juvenile or a child at the time of commission of an offence, but also to those who ceased to be a juvenile or a child during the pendency of any enquiry or trial.

(4) While computing the period of detention or stay of a juvenile in conflict with law or of a child, all such period which the juvenile or the child has already spent in custody, detention or stay shall be counted as a part of the period of stay or detention contained in the final order of the competent authority.

**63. Disposal of records/documents.** -The records or documents in respect of a juvenile or a child shall be kept in a safe place for a period of seven years and no longer and thereafter, be destroyed with the help of the Board or the Committee.

**64. Repeal and Saving.** - The Juvenile Justice (\_\_\_\_\_) Rules, 20\_\_\_\_, as in force within the State/UT of \_\_\_\_\_ shall stand repealed immediately on the publication of these rules :

Provided that any thing done or omitted to be done or order issued, shall, in so far as it is not inconsistent with the provisions of these rules, be construed to have been done or issued under the relevant provisions of these rules.

## FORM - I

(See sub-rule (7) of rule 22, sub-rule (2) of rule 27)

To  
Probation Officer/ Person in-charge Voluntary Organization/ Social worker/  
Case Worker

Whereas (1) a report/ complaint under section ----- of the Juvenile  
Justice (Care and Protection of children) Act, 2000 has been received from --  
----- in respect of (name of the juvenile/child)  
son/ daughter of ----- residing at-----

(2) ----- son/ daughter of -----  
----- residing at -----  
----- has been produced before the Board/ Committee under section-  
----- of the Juvenile Justice (Care and Protection of Children)  
Act, 2000.

You are hereby directed to enquire into the character and social antecedents  
of the said juvenile and submit your social investigation report on or before-----  
----- or within such time allowed to you  
by the Board/Committee.

Dated this ----- day of -----20-----

(signature)

Principal Magistrate, Juvenile Justice Board/  
Chairperson, Child Welfare Committee

SEAL

## FORM - II

(See sub-rule (8) of rule 22, sub-rule (2) of rule 34)

## SUPERVISION ORDER

When the Juvenile is placed under the care of a parent, guardian or other fit person

Profile No. \_\_\_\_\_ of \_\_\_\_\_ 20\_\_\_\_\_

Whereas (name of the juvenile/child) has this day found to have committed an offence and has been placed under the care of (name) \_\_\_\_\_  
 \_\_\_\_\_ (address) \_\_\_\_\_ on  
 executing a bond by the said \_\_\_\_\_  
 and the court is satisfied that it is expedient to deal with the said juvenile or child by making an order placing him/ her under supervision.

It is hereby ordered that the said juvenile be placed under the supervision of --  
 \_\_\_\_\_ probation officer /case worker, for a period of -----  
 ----- subject to the following conditions:-

- 1 that the juvenile/child along with the copies of the order and the bond executed by the said \_\_\_\_\_ shall be produced before the probation officer/ caseworker named therein-----
- 2 that the juvenile/child shall be submitted to the supervision of the probation officer.
- 3 that the juvenile/ child reside at-----for a period of-----
- 4 that the juvenile/ child shall not be allowed to quit the district jurisdiction of ----- without the permission of the probation officer/case worker.
- 5 that the juvenile/child shall not be allowed to associate with bad characters.
- 6 that the juvenile/ child shall live honestly and peacefully; and will go to school regularly/endeavour to earn an honest livelihood.
- 7 that the juvenile/ child shall attend the attendance centre regularly.
- 8 that the person under whose care the juvenile/ child is placed shall arrange for the proper care, education and welfare of the juvenile/child.
- 9 that the preventive measures will be taken by the person under whose care the juvenile/ child is placed to see that the child does not commit any offence punishable by any law in force in India.
- 10 That the juvenile/ child shall be prevented from taking narcotic drugs or psychotropic substances or any other intoxicants.

- 11 That the directions given by the probation officer/case worker from time to time, for the due observance of the conditions mentioned above, shall be carried out.

Date  day of \_\_\_\_\_ 20\_\_\_\_.

(signature)

Principal Magistrate, Juvenile Justice Board/  
Chairperson, Child Welfare Committee

- Additional, conditions, if any may be inserted by the Juvenile Justice Board/Child Welfare Committee.

**FORM - III**

(See sub-rule(10) of rule 22, sub rule (11) of rule 26)

Order of detention under Sub-Section ----- of Section -----, Sub-Section -----  
 --of Section ----- and Sub-section ----- of Section -----.

To

The Officer in charge/ Project Manager

Whereas on the ----- day of ----- 20----- (name  
 of the juvenile/child) son/daughter of ----- aged -----  
 -----residing at----- being found in Profile  
 No.-----to be juvenile in conflict with law/ child in need of  
 care and protection under section----- is ordered by me-----  
 ----- Principal Magistrate, Juvenile Justice Board /Chairperson , Child  
 Welfare Committee, under section ----- of Juvenile Justice Act,  
 2000 to be kept in the Special Home/Children Home/Shelter Home -----  
 -----for a period of -----.

This is to authorise and require you to receive the said juvenile/child into your  
 charge, and to keep him/her in the Special Home/Children Home/Shelter  
 Home -----for the aforesaid order to be there carried into  
 execution according to law.

Given under my hand and the seal of Juvenile Justice Board/Child Welfare  
 Committee.

This ----- day of ----- 20

(Signature)

Principal Magistrate, Juvenile Justice Board/Chairperson, Child Welfare  
 Committee.

Encl:

Copy of the judgement, if any, of orders, particulars of home and previous  
 record:

Strike which is not required.

Previous history under the Juvenile Justice (Care and Protection of Children)  
 Act, 2000

Date	Order passed including period of detention, if any	section	Competent Authority

## FORM IV

(See sub-rule (9) of rule 22, sub-rule (10) of rule 26)

Bond to be executed by a Parent/Guardian/Relative or fit person in whose  
care a child is placed under

Clause (e), Sub-Section (1) of Section 15/Sub-Section (3) of Section 39

Whereas I -----being the parent, guardian, relative or fit person under whose care (name of the juvenile/child has been ordered to be placed by the Juvenile Justice Board/Child Welfare Committee----- have been directed by the said Juvenile Justice Board/Child Welfare Committee to execute a bond in the sum of Rs. ----- (Rupees-----) with one surety\*/ two sureties. I hereby bind myself on the said -----being placed under my care I shall have the said -----properly taken care of and I do further bind myself to be responsible for the good behaviour of the said----- and to observe the following conditions for a period of ----- years commencing from -----.

- (1) that I shall not change my place of residence without giving previous intimation in writing to the Juvenile Justice Board/Child Welfare Committee through the Probation Officer/child Welfare Officer ;
- (2) that I shall not remove the said----- from the limits of the jurisdiction of the Juvenile Justice Board/Child Welfare Committee without previously obtaining the written permission of the Board /Committee ;
- (3) that I shall send the said-----daily to school/to such daily work as is approved by the Board/Committee unless prevented from so doing by circumstances beyond my control;
- (4) that I shall send the said-----to an Attendance Centre regularly unless prevented from so doing by circumstances beyond my control;
- (5) that I shall report immediately to the Board/Committee whenever so required by it;
- (6) that I shall produce the said -----misbehaves or absconds from my care;
- (7) that I shall render all necessary assistance to the Probation Officer/Case Worker to enable him to carry out the duties of supervision;
- (8) in the event of my making default herein, I bind myself to forfeit to Government the sum of Rs. ----- (Rupees-----).

Dated this -----day of -----, 20---



Before me signed

Signature of person executing the bond.

Additional conditions, if any, by the Juvenile Justice Board/Child Welfare Committee may be entered numbering them properly;

(Where a bond with sureties is to be executed add)

I/We \_\_\_\_\_ of \_\_\_\_\_  
(place of residence with full particulars)-----hereby declare myself,  
surety/ourselves sureties for the aforesaid \_\_\_\_\_(name of the person  
executing the bond)-----do and perform and in case of his making fault  
therein; I/We hereby bind myself /ourselves jointly said severally to forfeit to  
government the sum of Rs. \_\_\_\_\_ dated this the \_\_\_\_\_  
day of \_\_\_\_\_-20----- in the presence of

(Signed)

### FORM V

(See sub-rule (4) of rule 46)

Bond to be signed by juvenile/child who has been ordered under Clause -----  
of Sub- Section ----- of Section ----- of the Act.

Whereas, I -----inhabitant of -----(give  
full particulars such as house number., road, village/town, tehsil, district, state  
-----have been ordered to be sent back to my native place by the  
Juvenile Justice Board/Child Welfare Committee-----under  
section----- of the Juvenile Justice (Care and Protection of Children) Act,  
2000 on my entering into a bond under sub- rule -----of rule -----  
-----of the Juvenile Justice (Care and Protection of Children) Justice,  
Rules, 2001 to observe the conditions mentioned herein below. Now,  
therefore, I do solemnly promise to abide by these conditions during the  
period-----.

I hereby bind myself as follows:

- 1 That during the period-----I shall not ordinarily leave the  
village/town/district to which I am sent and shall not ordinarily return to-  
----- or go anywhere also beyond the said district without the prior  
permission of the Board/Committee;
- 2 That during the said period I shall attend work/school in the  
village/town or in the said district to which I am sent;
- 3 That in case of may attending work/school at any other place in the  
said district I shall keep the Board/Committee informed of my ordinary  
place of residence.

## FORM VI

(See sub-rule (4) of rule 46)

I,-----resident of -----give full particulars such as house no./road, village/town, district, state-----do hereby declare that I am willing to take charge of -----aged-----under the orders of the Juvenile Justice Board/Child Welfare Committee-----subject to the following terms and conditions :

- (I) If his/her conduct is unsatisfactory I shall at once inform the 'competent authority'.
- (II) I shall do my best for the welfare and education of the said ----- as long as he/she remains in my charge and shall make proper provision for his/her maintenance.
- (III) In the event of his/her illness, he/she shall have proper medical attention in the nearest hospital.
- (IV) I undertake to produce him/her before the 'competent authority' when so required.

Dated this -----day of -----20.

Signature :

Signature and address of witness (es) :

**FORM VII**

(See sub-rule(5) of rule 18)

I, -----name and designation of the releasing authority-----  
 -----State Government/Union Territory Administration, do by this order  
 permit-----son/daughter of -----cast-----  
 -----residence-----number-----who was ordered to be  
 detained in a observation home, special home, children home, shelter home,  
 after care home by the Juvenile Justice Board/Child Welfare Committee -----  
 -----under section-----of the Juvenile Justice (Care and  
 Protection of Children) Act 2000, for a term of -----on the -----  
 -----day of -----2----- and who is now in the -----  
 -----homes, at -----to be discharged from the said -----  
 -----on condition that he/she be placed under the  
 supervision and the authority of -----during the  
 remaining position of the aforesaid period of stay,

This order is granted subject to the conditions endorsed hereon, upon the  
 breach of any which it shall be liable to be revoked.

Dated

Signature and Designation of  
Releasing Authority

Place :

**Conditions:**

- 1 The released person shall proceed to-----and live under the supervision and authority of -----until the expiry of the period of his/her detention unless the remission is sooner cancelled.
- 2 He/she shall not, without the consent of the -----remove himself/herself from that place or any other place, which may be named by the said-----
- 3 He/She shall obey such instructions as he/she may receive from the said-----with regard to punctual and regular attendance at employment or otherwise.
- 4 He/She shall attend the Attendance Centre at -----regularly.
- 5 He/She shall abstain from committing any offense and shall lead a sober and industrious life to the satisfaction of -----
- 6 In the event of his/her committing a breach of any of the above conditions the remission of the period of detention hereby granted shall be liable to be cancelled and on such cancellation he/she shall be dealt under sub section (3) of section 59 of the Juvenile Justice (Care & Protection of Children) Act 2000.

I hereby acknowledge that I am aware of the above conditions which have been read over/explained to me and that I accept the same.

(Signature or mark of the released person)

Certified that the conditons specified in the above order have been read over/explained to (Name)-----and that he/she has accepted them as the conditions upon which the remission of the period of detention has been granted to him/her and that he/she has been realized accordingly on the-----

Signature and Designation of the certifying authority

(i.e. Officer-in-charge of the institution)

### FORM VIII

(See rule sub-rule (1) of rule 54)

#### Social Investigation Report

Sl. No. -----

Submitted to the Juvenile Justice Board/Child Welfare Committee,-----  
----- (address).

Profile No.

Probation Department  
Profile No.  
Under section

Title of Profile  
Police Station

Nature of offence charge  
(In the case of delinquent juvenile)

Name	Religion
Father's Name	Caste
Permanent Address	Year of birth
Last address before arrest	Age
	Sex

Previous institutional history, if any

## FAMILY

Members of Family	Name	Age	Health	Occupation or School	Wages, if any
Father					
Step Father					
Mother					
Step Mother					
Sub-mother					
Siblings					
If married, relevant particulars					
Other near relatives or agencies interested					
Attitude towards religion normal And ethical code of the home etc.					
Social and economic status					
Delinquency record of members of family					
Present living conditions					
Relationship between parents/ Parent and children especially With the child under investigation					
Other facts of importance if any					

## JUVENILES/CHILDS HISTORY

Mental condition  
Present and past

Physical condition  
Present and past

Habits, interests  
(moral, recreational etc.)

---

Outstanding characteristics and  
Personality traits

---

Companions and their influence

---

Truancy from home, if any

---

School (attitude towards school,  
Teachers, class mates and vice-versa)

---

Work record (jobs held, reasons for leaving  
Vocational interests, attitude towards job or employers)

---

Neighbourhood and neighbours report

---

Parent attitude towards discipline  
In the home and child's reaction

---

Any other remarks

---

#### RESULT OF INQUIRY

Emotional factors  
Physical condition  
Intelligence  
Social and economic factors  
Religious factors  
Suggested causes of the problems  
Analysis of the case giving an idea  
As to how the delinquency developed

Recommendation regarding treatment and its  
Plan by Probation Officer/Child Welfare Officer

Signature of the Probation Officer/Case Worker

**FORM IX**

(See clause (d) of rule (2) of rule 54)

**Fortnightly Progress report of Probationer****Part I**

Name of the Probation Officer/Case Worker

For the month of

Register No.

Competent Authority

Profile No.

Name of the Child

Date of Supervision Order

Address of the Child

Period of Supervision

**Part II**

Places of interview

-----  
 -----  
 -----

Dates

-----  
 ○ -----  
 -----

- 1 Where the child is residing ?
- 2 Progress made in any educational/training course
- 3 What work he/she is doing and his/her monthly average earning, if employed.
- 4 Savings kept in the Post Office
- 5 Savings Bank Account in his/her name
- 6 Remarks on his/her general conduct and progress.
- 7 Whether properly cared for?

**Part III**

- 8 Any proceedings before the competent authority of or
  - a) Variation of conditions of bond
  - b) Change of residence
  - c) Other matters
- 9 Period of supervision completed on-----
- 10 Result of supervision with remarks (if any)
- 11 Name and addresses of the parent or guardian or fit person under whose care the juvenile is to live after the supervision is over.

Date of report

Signature of the Probation Officer/Case Worker

DHARMENDRA DEO, Jt. Secy.



# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)

प्राधिकरण से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 420  
No. 420

नई दिल्ली, बुधस्वतिवार, अगस्त 13, 1987/श्रावण 22, 1909  
NEW DELHI, THURSDAY, AUGUST 13, 1987/SRAVANA 22, 1909

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as  
a separate compilation

कल्याण मंत्रालय

नई दिल्ली, 13 अगस्त, 1987

अधिसूचना

सा. का. नि. 710(अ):—केन्द्रीय सरकार, किशोर न्याय अधिनियम, 1986  
(1986 का. 53) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते  
हुए, अक्टूबर, 1987 को ऐसी तारीख के रूप में नियत करती है जिसको अधिनियम के  
सभी उपबन्ध ऐसे सभी राज्यों में जिन पर उसका विस्तार है, प्रवृत्त होंगे।

[फा सं० 8-1/85 एस. डी. (जिल्द-2)]

आशा दास, संयुक्त सचिव



## MINISTRY OF WELFARE

New Delhi, the 13th August, 1987

## NOTIFICATION

G.S.R. 710 (E).—In exercise of the powers conferred by sub-section (3) section 1 of the Juvenile Justice Act, 1986 (53 of 1986), the Central Government hereby appoints the 2nd day of October 1987, as the date on which the provisions of the Act shall come into force in all the States to which extends.

[F. No. 8-1/85-SD (Vol. II)  
ASHA DAS, Jt. Secy

→ Folder @ home 8  
21/21



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 129]

नई दिल्ली, बुधवार, फरवरी 28, 2001/फाल्गुन 9, 1922

No. 129]

NEW DELHI, WEDNESDAY, FEBRUARY 28, 2001/PHALGUNA 9, 1922

सामाजिक न्याय और अधिकारिता मंत्रालय

अधिसूचना

नई दिल्ली, 28 फरवरी, 2001

का. आ. 177 (अ).—केन्द्रीय सरकार, किशोर न्याय (बालकों की देखरेख और संरक्षण) अधिनियम, 2000 (2000 का 56) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 1 अप्रैल, 2001 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के संबंध प्रवृत्त होंगे।

[फा. सं. 1-2/2001-एस.डी.]

धर्मेन्द्र देव, संयुक्त सचिव

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

NOTIFICATION

New Delhi, the 28th February, 2001

S.O. 177(E).—In exercise of the powers conferred by sub-section (3) of section 1 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000), the Central Government hereby appoints the 1st day of April, 2001 as the date on which the provisions of the said Act shall come into force.

[F. No. 1-2/2001-SD]

DHARMENDRA DEO, Jt. Secy.



25-7  
**KERALA GAZETTE**  
**കേരള ഗസറ്റ്**  
**EXTRAORDINARY**  
അസാധാരണം

**PUBLISHED BY AUTHORITY**  
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Vol. II	Thiruvananthapuram,	12th February 2013	No.	} 405
വാല്യം 2	Tuesday	2013 ഫെബ്രുവരി 12	നമ്പർ	
	തിരുവനന്തപുരം,	23rd Magha 1934		
	ചൊവ്വ	1934 മാഘം 23		

**GOVERNMENT OF KERALA**

**Social Justice (A) Department**

**NOTIFICATION**

G. O. (P) No. 12/2013/SJD. Dated, Thiruvananthapuram, 6th February, 2013.

S. R. O. No. 98/2013.—In exercise of the powers conferred by section 4 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (Central Act 56 of 2000), read with rule 4 of the Juvenile Justice (Care and Protection of Children) Rules, 2007, and in supersession of notification issued under G. O. (P) No. 19/2009/SWD dated 24th April, 2009 and published as S. R. O. No. 329/2009 in the Kerala Gazette Extraordinary No. 778 dated 24th April, 2009 the Government of Kerala hereby constitute the Juvenile Justice Boards for all Districts in the State with the members mentioned in the Schedule below, for exercising the powers and discharging the duties conferred or imposed on such Boards in relation to juvenile in conflict with law under the said Act, namely:—

## SCHEDULE

**1. Juvenile Justice Board for Thiruvananthapuram District**

- (1) Chief Judicial Magistrate, .. Principal Magistrate  
Thiruvananthapuram
- (2) Smt. Philomina Cedric, .. Member  
Greham, KRA-B/123,  
Chattambiswami Nagar,  
Kannammoola,  
Thiruvananthapuram
- (3) Sri N. Radhakrishnan Nair, .. Member  
Ragam, Kunnu Bangalow,  
Chavadinada,  
Venganoor P. O.,  
Thiruvananthapuram-695 523

**2. Juvenile Justice Board for Kollam District**

- (1) Chief Judicial Magistrate, .. Principal Magistrate  
Kollam
- (2) Smt. Sunantha Kumari, .. Member  
Aswathy,  
No. 18, Vidhya Nagar,  
Pattathanam,  
Kollam-21
- (3) Sri K. Sivasankara Pillai, .. Member  
Sivasailam,  
Near Starch Factory,  
Vellimon P. O.,  
Kollam

### 3. Juvenile Justice Board for Pathanamthitta District

- |     |  |    |                      |
|-----|--|----|----------------------|
| (1) | Chief Judicial Magistrate,<br>Pathanamthitta                                       | .. | Principal Magistrate |
| (2) | Smt. Decpa, S.,<br>Moonalam,<br>Adoor P. O.,<br>Pathanamthitta                     | .. | Member               |
| (3) | Sri Biju Mohammed,<br>Biju Manzil,<br>Churulicodu P. O.,<br>Pathanamthitta-689 668 | .. | Member               |

### 4. Juvenile Justice Board for Alappuzha District

- |     |  |    |                      |
|-----|--|----|----------------------|
| (1) | Chief Judicial Magistrate,<br>Alappuzha                                      | .. | Principal Magistrate |
| (2) | Smt. Shyni, A.,<br>Puthen Veedu,<br>Civil Station Ward,<br>Alappuzha-688 012 | .. | Member               |
| (3) | Smt. N. Naja,<br>Janaki Sadanam,<br>Ambalappuza P. O.,<br>Alappuzha-688 561  | .. | Member               |

### 5. Juvenile Justice Board for Kottayam District

- |     |   |    |                      |
|-----|---|----|----------------------|
| (1) | Chief Judicial Magistrate,<br>Kottayam  | .. | Principal Magistrate |
| (2) | Smt. Delsini Scaria,<br>Karakkozhuppil House,<br>Chempilavu P. O.,<br>Cherpunkal,<br>Kottayam-686 584 | .. | Member               |
| (3) | Adv. Sr. Regy Augustine,<br>Medical Mission Sisters,<br>Collectorate P. O.,<br>Kottayam-2             | .. | Member               |

#### 6. Juvenile Justice Board for Idukki District

- |     |  |    |                      |
|-----|--|----|----------------------|
| (1) | Chief Judicial Magistrate,<br>Idukki   | .. | Principal Magistrate |
| (2) | Smt. Jancy Sebastian,<br>Stella Mary's Convent,<br>Adimali P. O.,<br>Idukki-685 584      | .. | Member               |
| (2) | Sri. H. Krishnakumar,<br>Gokulam House,<br>Temple Road,<br>Thodupuzha,<br>Idukki-685 561 | .. | Member               |

#### 7. Juvenile Justice Board for Ernakulam District

- |     |   |    |                      |
|-----|---|----|----------------------|
| (1) | Chief Judicial Magistrate,<br>Ernakulam   | .. | Principal Magistrate |
| (2) | Fr. Kuriakose Augustine,<br>Don Bosco Snehabhavan,<br>Palluruthy,<br>Kochi-680 006.                         | .. | Member               |
| (3) | Smt. Binu Sanathanan,<br>50/1197, A-1,<br>Midhunam, Ponevazhi Road,<br>Elamakkara P. O.,<br>Edapally, Kochi | .. | Member               |

#### 8. Juvenile Justice Board for Thrissur District

- |     |   |    |                      |
|-----|---|----|----------------------|
| (1) | Chief Judicial Magistrate,<br>Thrissur                                    | .. | Principal Magistrate |
| (2) | Sri Haridas, K. B.,<br>Kunnath House,<br>Chavakkad, Thrissur              | .. | Member               |
| (3) | Smt. Smitha Satheesh,<br>Pournami Road,<br>Peringavu,<br>Thrissur-680 018 | .. | Member               |

### 9. Juvenile Justice Board for Palakkad District

- (1) Chief Judicial Magistrate, .. Principal Magistrate  
Palakkad
- (2) Smt. Cicily George, .. Member  
Kallanickal House,  
Karimba P. O., Palakkad
- (3) Smt. P. C. Aleymamma, .. Member  
Panangadan House,  
Thottappura,  
Akatheethara P. O.,  
Palakkad-678 008

### 10. Juvenile Justice Board for Malappuram District

- (1) Chief Judicial Magistrate, .. Principal Magistrate  
Malappuram
- (2) Smt. K. A. Rugmini, .. Member  
Chithira, Vadakkumpuram,  
Valanchery, Malappuram
- (3) Sri Shaji, K. P. .. Member  
Pournami House,  
Thupilikattukunnu,  
Vattapara, Narukara P. O.,  
Manjeri-676 122

### 11. Juvenile Justice Board for Kozhikode District

- (1) Chief Judicial Magistrate, .. Principal Magistrate  
Kozhikode
- (2) Adv. B. Babitha, .. Member  
Crescent Avenue (B1),  
Vendipette,  
Bilathikulam Road,  
Nadakavu, (Near Ogin Bakes),  
Kozhikode
- (3) Dr. C. Radhakrishnan, .. Member  
"Prayaga", Perumugam P. O.,  
Feroke, Kozhikode-673 631

**12. Juvenile Justice Board for Wayanad District**

- (1) Chief Judicial Magistrate, .. Principal Magistrate  
Wayanad
- (2) Smt. Glory George, .. Member  
Arpitha, Cholvayal,  
Chuzhali, Kalpatta-673 121
- (3) Sri. K. Aravindaksan, .. Member  
Geetham, Kattayad Road,  
Sulthan Bethery,  
Wayanad-673 592

**13. Juvenile Justice Board for Kannur District**

- (1) Chief Judicial Magistrate, .. Principal Magistrate  
Kannur
- (2) Smt. Cicily Joseph, .. Member  
Neendukunnel House,  
Mundayad P. O.,  
Athirakam, Kannur
- (3) Sri Mani Melvettom, .. Member  
Director,  
Tellicherry Social Service Society,  
P. B. No.70,  
Thalassery, Kannur-670 101

**14. Juvenile Justice Board for Kasaragod District**

- (1) Chief Judicial Magistrate, .. Principal Magistrate  
Kasaragod
- (2) Sri P. K. Kunhiraman, .. Member  
Syamasree,  
Maniyat P. O., Via Trikaripoor,  
Kasaragod-671 310
- (3) Smt. P. P. Maniamma, .. Member  
Jiji Nivas,  
Opposite Court Complex,  
Vidya Nagar, Muttathodi P. O.,  
Kasaragod.

By order of the Governor,

DR. K. M. ABRAHAM,  
*Principal Secretary to Government.*



**Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

Section 4 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (Central Act 56 of 2000) and rule 4 of the Juvenile Justice (Care and Protection of Children) Rules 2007, empower the State Government to constitute one or more Juvenile Justice Boards of every District for exercising the powers and discharging the duties conferred or imposed on such Boards in relation to Juvenile in conflict with law under the said Act. As per the Rule 6(1) of the Juvenile Justice (Care and Protection of Children) Rules, 2007 the tenure of the Juvenile Justice Boards is for three years and the appointment of members shall be co-terminus with the tenure of the Board. Since the Juvenile Justice Boards constituted as per notification issued under G. O. (P) No. 19/2009/SWD dated 24th April, 2009 and published as S.R.O. No. 329/2009 in the Kerala Gazette Extraordinary No. 778 dated 24th April, 2009 have completed three years. The Government have decided to reconstitute the Juvenile Justice Boards in all districts of Kerala.

The notification is intended to achieve the above object.

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Government of Kerala  
കേരള സർക്കാർ  
2012



Regn. No. KERBIL/2012/45073  
dated 5-9-2012 with RNI

Reg. No. രജി. നമ്പർ  
KL/TV(N)/634/2012-14

## KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണം

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. II	Thiruvananthapuram,	12th February 2013	No.	} 406
വാല്യം 2	Tuesday	2013 ഫെബ്രുവരി 12	No.	
	തിരുവനന്തപുരം, ചൊവ്വ	23rd Magha 1934 1934 മാഘം 23	നമ്പർ	

GOVERNMENT OF KERALA

Social Justice (A) Department

NOTIFICATION

G. O. (P) No. 13/2013/SJD. Dated, Thiruvananthapuram 6th February, 2013.

**S. R. O. No. 99/2013.**—In exercise of the powers conferred by section 29 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (Central Act 56 of 2000), read with rule 19 of the Juvenile Justice (Care and Protection of Children) Rules, 2007, Government of Kerala hereby constitute Child Welfare Committees for Idukki, Thrissur, Palakkad, Malappuram, Kannur and Kasaragod Districts with the members mentioned in the Schedule below for exercising the powers and discharging the duties conferred on such Committees in relation to child in need of care and protection under the said Act, namely:—

## SCHEDULE

**1. Child Welfare Committee for Idukki District:—**

- |     |   |   |             |
|-----|---|---|-------------|
| (1) | Sri P. G. Gopalakrishnan,<br>Panchami, Kurumpupadam,<br>Karimannoor P.O., Idukki - 685 581.   | : | Chairperson |
| (2) | Smt. Jessy John (Xavier),<br>Kattukudiyil House, Kolani P.O.,<br>Thodupuzha, Idukki.  | : | Member      |
| (3) | Sri Sunny Thomas,<br>Chackungal House,<br>Ottalloor P.O., Karimkunnam,<br>Thodupuzha, Idukki-685 586.                                     | : | Member      |
| (4) | Smt. Mini John (Sr. Melvy, S.D),<br>Prathyasa Rehabilitation Centre,<br>Olamattom-685 584.  | : | Member      |
| (5) | Sr. Jancy Joseph,<br>Amal Jyothi Charitable Society,<br>Special School for Differently<br>Abled Children,<br>Painavu P.O., Idukki-683603. | : | Member      |

**2. Child Welfare Committee for Thrissur District**

- |     |   |   |             |
|-----|---|---|-------------|
| (1) | Sri P. O. George,<br>Paranikkulangara House,<br>Ollukkara P.O., Thrissur-680 655.                         | : | Chairperson |
| (2) | Smt. Faritha, J.,<br>Pallithody House, Catherine Road,<br>Ollukkara P.O., Kalathode,<br>Thrissur-680 655. | : | Member      |
| (3) | Smt. Seena Rajagopal,<br>Shrivalsam,<br>Arimbur P.O., Thrissur-680 620.                                   | : | Member      |
| (4) | Smt. O. S. Nafeesa,<br>Pokkakkillath House,<br>Kaipamangalam P.O.,<br>Thrissur.                           | : | Member      |

- (5) Smt. Mini, M. U., : Member  
Cheruvathur House,  
Gandhi Nagar, Akkikkavu-680 579.

### 3. Child Welfare Committee for Palakkad District

- (1) Dr. Jose Paul, : Chairperson  
Director,  
Child Line (Collaboration),  
Kalmadapam,  
Bye Pass Road, Palakkad-678 007.
- (2) Smt. Tessin Mynatty, : Member  
Nazaraeth Care and Support Centre,  
Kinassery P. O.,  
Muthukad, Palakkad-678 701.
- (3) Smt. Grace Koshy, : Member  
Correspondent/in Charge,  
Bethany Balabavan (R. No. 1226),  
Vatalakki, Mattathucadu P. O.,  
Palakkad-678 581.
- (4) Sri V. P. Kuriakose, : Member  
Parethottiyil,  
Vidya Nagar, Chittur P. O.,  
Palakkad-678 101.
- (5) Sri V. Krishnakumar, : Member  
Thiruvonam,  
Chittilamachery P. O.,  
Palakkad-678 704.

### 4. Child Welfare Committee for Malappuram District

- (1) Sri Abdul Shereefa Ullath, : Chairperson  
Sadgamaya, Kalathinjadi,  
Pulpetta P.O.,  
Manjeri-676 126.
- (2) Smt. Kavitha, C. K., : Member  
Sreesailam,  
Biyyam P. O., Ponnani-679 576.

- (3) Sri Najmal Babu Korambayil, : Member  
Korambayil House, Thurakkal P. O.,  
Manjeri, Malappuram-676 121.
- (4) Sri M. Manikandan, : Member  
Manikanda Nivas,  
22 Mullamparra Road, Manjeri,  
Malappuram-676 121.
- (5) Adv. Muhammed Haris, : Member  
Panchily House,  
West Kodur P.O.,  
Malappuram-676 504.

#### 5. Child Welfare Committee for Kannur District

- (1) Sri T. A. Mathew, : Chairperson  
Thellyil, Areekamala P.O.,  
Naduvil, Kannur-670 582.
- (2) Sri T. K. Narayanan, : Member  
Sourparnika,  
Mahadeva Gramam,  
Payyannur, Kannur-670 307.
- (3) Sri P. C. Vijayarajan, : Member  
Shanthi,  
Thrichambaram,  
Thaliparamba P.O., Kannur-670 141.
- (4) Adv. K. Baby Lathika, : Member  
Lakshmi Nilayam,  
Pachapoyka P. O.,  
Koothuparamba, Kannur.
- (5) Dr. Umer Farooque, S.L.P., : Member  
Light House,  
Eripuram, Payangadi P. O.,  
Kannur-670 303.

#### 6. Child Welfare Committee for Kasaragod District

- (1) Smt. Madhuri S. Bose, : Chairperson  
Sreesailam,  
Mannipadi, RD Nagar,  
Post, Kasaragod.

- (2) Smt. Fousia Shamnad, : Member  
D/o Hameed Ali Shamnad (Ex. M. P.),  
Seaview, Kasaragod-671 121.
- (3) Smt. Suma, M., : Member  
Sreerethnam,  
Mangalathil, Neeleswaram P. O.,  
Kasaragod-671 314.
- (4) Sri Vinod Kumar, M., : Member  
Benoor House,  
Perumbala P.O., Kalanad (Via),  
Kasaragod-671 317.
- (5) Sri Muhammed Basheer, : Member  
Pallikunnil House,  
Bakal P.O., Kottikulam,  
Kasaragod.

By order of the Governor,

DR. K. M. ABRAHAM,  
*Principal Secretary to Government.*

### Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Section 29 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (Central Act 56 of 2000) and rule 19 of the Juvenile Justice (Care and Protection of Children) Rules, 2007, empower the State Government to constitute one or more Child Welfare Committees for every District for exercising the powers and discharging the duties conferred on them by the said Act and Rules. The Government have decided to reconstitute Child Welfare Committees in six Districts namely, Idukki, Thrissur, Palakkad, Malappuram, Kannur, Kasaragod on completion of the term of three years of the Committee appointed as per notification issued under G.O. (P) No. 18/2009/SWD dated 24th April, 2009 and published as S.R.O. No. 328/2009 in the Kerala Gazette Extraordinary No. 777 dated 24th April, 2009.

The notification is intended to achieve the above object.



# KERALA GAZETTE

കേരള ഗസറ്റ്  
EXTRAORDINARY

അസാധാരണം

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തപ്പെടുന്നു

XLV വര്യം 45	Thiruvananthapuram, Saturday	5th February 2000 2000 ഫെബ്രുവരി 5	No. നമ്പർ	236
	തിരുവനന്തപുരം, ശനി	16th Magha 1921 1921 മാഘം 16		

## GOVERNMENT OF KERALA

### Social Welfare (B) Department

#### NOTIFICATION

G. O. (P) No. 3/2000/SWD. Dated, Thiruvananthapuram, 5th February, 2000.

**S. R. O. No. 122/2000.**—In exercise of the powers conferred by section 60 of the Juvenile Justice Act, 1986, the Government of Kerala hereby delegate the powers under section 47 of the said Act to the Director of Social Welfare.

By order of the Governor,

DR. SATYANARAYANA DASH,  
Principal Secretary to Government.

### **Explanatory Note**

As per section 60 of the Juvenile Justice Act, 1986 the State Government may by general or special order, direct that any power exercisable by it under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by an officer subordinate to that Government. As such the Government of Kerala have decided to delegate the powers vested with it under section 47 of the said Act to the Director of Social Welfare for speedy transfer of juveniles to other States.

This notification is intended to achieve the above purpose.

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27-7-

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കേരള സർക്കാർ  
Government of Kerala  
2015



Regn. No. KERBIL/2012/45073  
dated 5-9-2012 with RNI  
Reg. No. KL/TV(N)/634/2015-17

കേരള ഗസറ്റ്  
KERALA GAZETTE

അസാധാരണം  
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്  
PUBLISHED BY AUTHORITY

വാല്യം 4 Vol. IV	} തിരുവനന്തപുരം, തിങ്കൾ Thiruvananthapuram, Monday	2015 മാർച്ച് 23 23rd March 2015	നമ്പർ } 652 No. }
		1190 മീനം 9 9th Meenam 1190	
		1937 ചൈത്രം 2 2nd Chaithra 1937	

GOVERNMENT OF KERALA

Social Justice (A) Department

NOTIFICATION

G. O. (P) No. 17/2015/SJD.

Dated, Thiruvananthapuram, 20th March, 2015  
6th Meenam, 1190.

**S. R. O. No. 152/2015.**—In exercise of the powers conferred by section 68 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (Central Act 56 of 2000), read with rule 107 of the Kerala Juvenile Justice (Care and Protection of Children) Rules, 2014 and in supersession of the notification issued under G. O. (P) No. 2/2009/SWD dated 14th January, 2009 and published as S.R.O. No. 28/2009 in the Kerala Gazette Extraordinary No. 104 dated 14th January, 2009 the Government of Kerala hereby

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GOVERNMENT CENTRAL PRESS, THIRUVANANTHAPURAM. 2015.

reconstitute the Selection Committee with the members mentioned in the Schedule below, for exercising the powers and discharging the duties conferred on such Committee under the above said Act and Rules, namely:—

#### SCHEDULE

(a) A retired judge of High Court, or retired Chief Secretary/Additional Chief Secretary as the Chairperson

(1) Justice P. K. Shamsudheen, : Chairperson  
"Jasmine",  
SRM Road, Kochi-18.

(b) The Director of Social Justice : Member Secretary  
Department

(c) Three eminent persons in the field of health, education, law and Juvenile Justice, child rights and correctional field nominated by the Government.

(1) Dr. Roshan Bijlee, K. N., : Member  
39/167, Edassery House,  
Patteri Cross Road,  
Kuthiravattom,  
Kozhikode,  
Pin-673 016.

(2) Adv. P. Mohammed Sha, : Member  
Attorneys Alliance, II Floor,  
Choondanal Monarch,  
K. R. Padmanabhan Road,  
Cochin-682 018.

(3) Shri Koshy P. Zacharia, : Member  
Pallikkakuzhiyil,  
Thuruthikkadu P. O.,  
Mallappalli,  
Pathanamthitta District,  
Pin-689 597.

(d) A representative of the State Commission for Protection of Child Rights

Smt. C. U. Meena,  
A3, Star Castle,  
Sastha Temple Road,  
Link Avenue, Kaloor P. O.  
Cochin-682 017.

Member

(e) A representative of the State Commission for Women

Adv. Noorbeena Rasheed,  
'Ashiyana',  
Malaparamba P. O.  
Kozhikode,  
Pin-673 009.

Member

By order of the Governor,

DR. K. M. ABRAHAM,

*Additional Chief Secretary to Government.*

**Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

Section 68 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (Central Act 56 of 2000), and rule 107 of the Kerala Juvenile Justice (Care and Protection of Children) Rules, 2014 empower the State Government to constitute a Selection Committee, by notification in the official Gazette, for exercising the powers and discharging the duties conferred on it by the said Act and Rules.

Government have now decided to reconstitute the Selection Committee in supersession of the notification issued under G. O. (P) No. 2/2009/SWD dated 14th January, 2009 and published as S.R.O. No. 28/2009 in the Kerala Gazette Extraordinary No. 104 dated 14th January, 2009. The Committee shall have a tenure of three years or till a new committee is constituted as stipulated under sub-rule (3) of rule 107 of the said Rules.

The notification is intended to achieve the above object.

Government of Kerala  
1991

Reg. No. KL/TV(N)/12



# KERALA GAZETTE

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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Vol. XXXVII] Thiruvananthapuram, Thursday, 7th February 1991 [No. 161  
18th Magha 1912 (Saka)

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GOVERNMENT OF KERALA  
Social Welfare (A) Department  
NOTIFICATION

G.O. (P) No. 3/91/SWD. *Thiruvananthapuram, 7th February 1991.*

**S. R. O. No. 173/91.**—In exercise of the powers conferred by section 53 of the Juvenile Justice Act, 1986 (Central Act 53 of 1986) read with rule 52 of the Juvenile Justice (Kerala) Rules, 1988, the Government of Kerala hereby make the following amendment to G. O. (P) No. 14/89/SWD dated the 26th October, 1989 issued as S.R.O. No. 1768/89 and published in the Kerala Gazette Extraordinary No. 983 dated the 30th October, 1989 namely :—

AMENDMENT

In the said notification, in serial number 5, the word 'General' shown in bracket shall be deleted:

By order of the Governor,  
K. BALASUBRAMANIAN,  
Additional Secretary to Government.

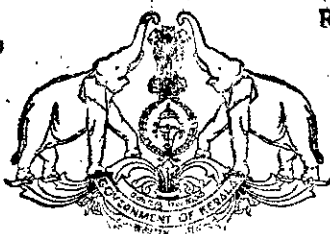
**Explanatory Note**

As per G. O. (P) No. 14/89/SWD dated the 26th October, 1989 published in the Kerala Gazette Extraordinary No. 983 dated the 30th October, 1989, Government of Kerala have constituted an Advisory Board as provided in the Juvenile Justice Act, 1986. In that notification, in serial number 5, the word 'General' is shown in bracket. There is no post of Director General of Police (General) and hence the word 'General' shown in the bracket is to be deleted.

The notification is intended to achieve the above object.

Government of Kerala  
1991

Reg. No. KL/TV(N)/12



# KERALA GAZETTE

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

Vol. XXXVI] Thiruvananthapuram, Friday,

15th February 1991

[No 196

26th Magha 1912 (Saka)

GOVERNMENT OF KERALA  
Social Welfare (A) Department  
NOTIFICATION

G.O. (P) No. 4/91/SWD.

Thiruvananthapuram, 15th February 1991.

**S.R.O. No. 203/91.**—In exercise of the powers conferred by section 4 of the Juvenile Justice Act, 1986 (Central Act 53 of 1986) read with rules 4, 5 and 6 of the Juvenile Justice (Kerala) Rules, 1988, the Government of Kerala hereby constitute three Juvenile Welfare Boards specified below each with Headquarters at Thiruvananthapuram, Ernakulam and Kozhikode having jurisdiction shown against each, consisting of the following members, namely:—

1. *Juvenile Welfare Board,  
Thiruvananthapuram.*

*Jurisdiction.*

Revenue Districts of  
Thiruvananthapuram,  
Kollam and Pathanam-  
thitta.

- (1) Dr. Rajagopal,  
Civil Surgeon Grade II,  
General Hospital,  
Thiruvananthapuram.

Chairman

- (2) Shri K. Sukumaran, Member,  
V. V. Sadanam,  
Peroor P. O. Kollam.
- (3) Smt. T. G. Indira, Member  
M. N. Smarakam,  
P. B. No. 410,  
Thiruvananthapuram.
- (4) Smt. A. K. Lalithamma, Member  
Moononnil, Chethikkad,  
Peringara p. O.,  
Thiruvalla.

## 2. *Juvenile Welfare Board Ernakulam*

### *Jurisdiction*

Revenue Districts of  
Ernakulam, Thrissur,  
Kottayam, Alappuzha  
and Idukki.

- (1) Dr. K. A. Bhaskaran, Chairman  
Shine Nivas,  
Perumbavoor P. O.,  
Ernakulam
- (2) Smt. P. Bhagyalekshmi Amma, Member  
Pappisseri Veedu,  
Karuvathara P. O.,  
Enkakkad (Via),  
Vadakkancherry, Thrissur.
- (3) Smt. Amminikutty Peter, Member  
Nishaj, Pakkil P. O.,  
Kottayam.
- (4) Shri. E. J. Paul, Member  
Advocate, Ponnuranni,  
Vytila P. O. Kochi—19.

## 3. *Juvenile Welfare Board, Kozhikode*

Revenue Districts  
of Kozhikode  
Palakkad,  
Malappuram  
Wynad, Kannur  
and Kasaragod

- (1) Smt. Kunji Matha Teacher, Chairman  
P. O. Sivapuram,  
Mattannur, Kannur District.

- (2) Shri Sami Master, Member  
 Kanangod House,  
 Merykunnu P. O.  
 Kozhikode.
- (3) Smt. P. Vasantham, Member  
 Ramanilayam,  
 Mokeri P. O.,  
 Kakkattil (via),  
 Kozhikode District.

The fifth member for Thiruvananthapuram, Ernakulam and fourth and fifth members for Kozhikode Juvenile Welfare Boards will be notified later

*Period of membership of the Board.*—(1) Every member shall hold office for a period of two years from the date of appointment and for such further period, if any, as the authority concerned may by general or special order direct in that behalf.

(2) The tenure of appointment of a member may be terminated by the authority concerned at any time without assigning any reason.

(3) A member may at any time resign his/her appointment by giving, as far as possible, one month's notice in writing.

(4) Every member will be eligible for reappointment on the expiry of his/her term of office.

(5) Any casual vacancy among the members may be filled by appointment of another person who will hold office so long as the person in whose place he is nominated would have held it, if the vacancy had not occurred.

The board shall function as a Bench of Magistrates and shall have the powers conferred by the Code of Criminal Procedure, 1973 (2 of 1974), on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the first class.

By order of the Governor,  
 K. BALASUBRAMANIAN,  
 Additional Secretary to Government.



### Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport).

As per section 4 of the Juvenile Justice Act, 1986, the State Government may constitute Juvenile Welfare Boards for exercising the powers and discharging the duties conferred or imposed on such Board in relation to neglected juveniles under the Act. Rules 4,5 and 6 of the Juvenile Justice (Kerala) Rules, 1988 prescribed the constitution of Juvenile Welfare Boards and its functions. The notification is intended to constitute Juvenile Welfare Boards as provided in the Juveniles Justice Act, 1986.

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Government of Kerala  
കേരള സർക്കാർ  
2006



Reg. No. രജി. നമ്പർ  
KI-TV(N)/12/2006-2008

## KERALA GAZETTE

കേരള ഗസറ്റ്  
EXTRAORDINARY  
അസാധാരണം

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Thiruvananthapuram, Thursday	2nd March 2006 2006 മാർച്ച് 2	No. } 504
Vol. LI വാല്യം 51	തിരുവനന്തപുരം, വ്യാഴം	11th Phalguna 1927 1927 ഫാൽഗുനം 11

GOVERNMENT OF KERALA

Social Welfare (B) Department

NOTIFICATION

G. O. (P) No. 15/2006/SWD. Dated, Thiruvananthapuram, 14th February, 2006.

S. R. O. No. 205/2006:—In exercise of powers conferred by section 62 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (Central Act 56 of 2000) read with rule 70 of the Kerala Juvenile Justice (Care and Protection of Children) Rules, 2003, the Government of Kerala hereby constitute a State Advisory Board with the members mentioned in the schedule below, for exercising the powers and discharging the duties conferred or imposed on such Board in relation to juvenile in conflict with law and children in need of care and protection, under the said Act, and the rules made thereunder namely:—

33/871/2006/DTP.

## SCHEDULE

1. The Chief Minister	Chairman
2. The Minister, Industries and Social Welfare Department	Vice-Chairman
3. The Secretary to Government, Social Welfare Department	Member-Secretary
4. The Secretary to Government, Health Department	Member
5. The Secretary to Government, Local Self Government Department	"
6. The Prl. Secretary-II, Industries Department	"
7. The Prl. Secretary to Government, Home Department	"
8. The Secretary to Government, Education Department	"
9. The Secretary to Government, Law Department	"
10. The Secretary to Government, Information and Public Relations Department	"
11. The Director General of Police, Kerala	"
12. The Prl. Magistrate Juvenile Justice Board, Kozhikode District	"
13. The Prl. Magistrate Juvenile Justice Board, Idukki District	"
14. The Chairman, Child Welfare Committee, Kozhikode	"
15. The Chairman, Child Welfare Committee, Idukki	"
16. Dr. H. Sam Sananda Raj, Professor and Head, Department of Psychology, University of Kerala	"
17. Dr. M. Indukumary, Professor and Head, Department of Sociology, University of Kerala	"

- |     |   |    |                  |
|-----|---|----|------------------|
| 18. | Sri S. Vijayakumar, Divisional Railway Manager,<br>Southern Railway, Thiruvananthapuram   | .. | Member           |
| 19. | The Secretary, Press Club, ruvananthapuram.   | .. | "                |
| 20. | Justice V. P. Mohankumar, Chairman,<br>Kerala State Human Rights Commission   | .. | "                |
| 21. | Smt. P. Kulsu, Member, Kerala Women's Commission  | .. | "                |
| 22. | Sri Saji Thomas, Representative of UNICEF   | .. | "                |
| 23. | Adv. P. Abu Siddique (Social Worker),<br>S/o. Puzhakkal Mohammed Kutty, Daya Manzil,<br>Pandikadavu P. O., Malappuram District. | .. | "                |
| 24. | Sri N. A. Pankajakshan Nair, (Social Worker)<br>Nandanam, Poovathuruthu P. O., Kottayam   | .. | "                |
| 25. | Adv. Thomas Andrews (Social Worker)<br>C/o. Nazareth Holy Family Church, Mattanchery,<br>Kochin-2                               | .. | "                |
| 26. | Sri A. J. Joseph, Probation Officer, Ernakulam City   | .. | "                |
| 27. | N. Rajagopal, Superintendent, Juvenile Home,<br>Thiruvananthapuram  | .. | "                |
| 28. | Sri P. K. K. Bava, M. L. A.   | .. | "                |
| 29. | Sri P. T. Thomas, M. L. A.  | .. | "                |
| 30. | Sri. M. P. Abdussamad Samadani, M. P., Iqbal<br>Bhavan, Sirhind Nagar, Kottakkal,<br>Malappuram-675 303.                        | .. | "                |
| 31. | Sri Thennala Balakrishna Pillai, M. P. Ambadi,<br>Yamuna Nagar, Karakulam P. O., Thiruvananthapuram                             | .. | "                |
| 32. | Director of Social Welfare  | .. | Member-Treasurer |

By order of the Governor,

LIDA JACOB,

Secretary to Government.

### Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Section 62 of the Juvenile Justice (Care and Protection of Children) Act, 2000 and rule 70 of the Kerala State Juvenile Justice (Care and Protection of Children) Rule, 2003, empower the Government to constitute a State Level Advisory Board for exercising powers and discharging duties conferred as per the provision of the said Act and Rule. The Government have decided to constitute a State Level Advisory Board.

This notification is intended to achieve the above object.

Government of Kerala  
കേരള സർക്കാർ  
1998



Reg. No. KL/TV(N)/12

# KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണ

PUBLISHED BY AUTHORITY

മുദ്രിപ്പിക്കുന്നതിന്നു പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. LIII ഖാലു. 43	Thiruvananthapuram, Friday തിരുവനന്തപുരം, വെള്ളി	13th March 1998 1998 മാർച്ച് 13	No. 441 നമ്പർ
		22nd Phalguna 1919 1919 ഫാൽഗുന. 22	

GOVERNMENT OF KERALA

Social Welfare (B) Department

NOTIFICATION

G. O. (P) No. 6/98|SWD.

*Dated, Thiruvananthapuram, 10th March, 1998.*

S. R. O. No. 244/98.—In exercise of the powers conferred by sub rule (1) of Rule 6 of the Juvenile Justice (Kerala) Rules, 1988, the Government of Kerala hereby extend the period of tenure of the members of the existing three Juvenile Welfare Boards, constituted under Section 4 of the Juvenile Justice Act, 1986 (Central Act 53 of 1986) as per G. O. (P) No. 29/95|SWD dated the 3rd July 1995 and published as S. R. O. No. 859/95, in the Kerala Gazette Extraordinary No. 648 dated the 3rd July 1995, for a further period of 3 months from the 4th January, 1998.

By order of the Governor,

T. R. GOPALAKRISHNAN,  
Secretary to Government.

33/1011/98|MC.

**Explanatory Note**

(This does not form part of the Notification, but is intended to indicate its general purport.)

The term of the period of the existing 3 Juvenile Welfare Boards expired on 3-1-1998. For avoiding dis-continuance of the Board Government have decided to extend the term of period of the three Juvenile Welfare Boards constituted as per G. O. (P) No. 29/95/SWD dated 3rd July 1995 for a further period of three months from 4th January, 1998.

This Notification is intended to achieve the above object.

Government of Kerala  
കേരള സർക്കാർ  
1998



Reg. No. KL/TV(N)/12  
ജി. നമ്പർ

**KERALA GAZETTE**  
**കേരള ഗസറ്റ്**  
**EXTRAORDINARY**  
അസാധാരണ  
**PUBLISHED BY AUTHORITY**  
ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. XLIII	Thiruvananthapuram, Friday,	17th April 1998 1998 ഏപ്രിൽ 17	No.	598
വാല്യം 43	തിരുവനന്തപുരം, വെള്ളി,	27th Chaithra 1920 1920 ചൈത്രം 27	നമ്പർ	

GOVERNMENT OF KERALA

Social Welfare (B) Department

NOTIFICATION

G.O. (P) No. 12/98/SWD. Dated, Thiruvananthapuram, 15th April, 1998.

**S. R. O. No. 326/98.**—In exercise of the powers conferred by section (2) of section 9 of the Juvenile Justice Act, 1986 (Central Act 53 of 1986) the Government of Kerala is of opinion that the Balasadanams functioning under the Social Welfare Department of the Government of Kerala at Alappuzha and Kozhikode are fit for the reception of the neglected juveniles to be sent there and hereby certify these institutions as Juvenile homes for the purpose of the said Act.

By order of the Governor,

T. R. GOPALAKRISHNAN,  
Secretary to Government.



### Explanatory Note

(This does not form part of the Notification but is intended to indicate its general purport.)

There are two Balasadanams functioning under the control of the Social Welfare Department at Alappuzha and Kozhikode. The delinquent and neglected Juveniles are provided shelter in these Homes, Special Homes, Observations Homes, Juvenile Homes etc. under the provisions of the Juvenile Justice Act, 1986. Under section 9(2) of the Juvenile Justice Act, where the State Government is of the opinion that any institution other than a home established or maintained under section 9(1) of the said Act is fit for the reception of the neglected Juveniles to be sent there under the Act, it may certify such institution as a juvenile home for the purpose of the Act. In order to provide better service and facilities to the inmates of the two Balasadanams at Alappuzha and Kozhikode, Government propose to bring these institutions under the provisions of the Act.

The notification is intended to achieve the above objective.

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Government of Kerala  
2015



Regn. No. KERBIL/2012/45073  
dated 5-9-2012 with RNI  
Reg. No. KL/TV(NY)634/2015-17

CJ-7

കേരള ഗസറ്റ്  
KERALA GAZETTE

അസാധാരണ  
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

PUBLISHED BY AUTHORITY

വാല്യം 4 } Vol. IV }	തിരുവനന്തപുരം, വ്യാഴം Thiruvananthapuram, Thursday	2015 മേയ് 21 21st May 2015	നമ്പർ } No. }	1211
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GOVERNMENT OF KERALA

Social Justice (A) Department

NOTIFICATION

G. O. (P) No. 33/2015/SJD.

Dated, Thiruvananthapuram, 15th May, 2015  
1st Idavam, 1190.

**S. R. O. No. 330/2015.**—In exercise of the powers conferred by section 62 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (Central Act 56 of 2000), read with rule 109 of the Kerala Juvenile Justice (Care and Protection of Children) Rules, 2014 and in supersession of the notification issued under G. O. (P) No. 44/2007/SWD, dated 21st August, 2007 and published as S.R.O. No. 734/2007 in the Kerala Gazette Extraordinary No. 1606 dated 1st September, 2007 the Government of Kerala hereby

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33/2013/2015/S-10.

reconstitute the State Advisory Board with the members mentioned in the Schedule below, for exercising the powers and discharging the duties conferred on such Committee under the above said Act and Rules, namely:—

#### SCHEDULE

- |     |   |   |               |
|-----|---|---|---------------|
| 1.  | The Minister,<br>Panchayat and Social Justice.                              | : | Chairman      |
| 2.  | The Secretary,<br>Social Justice Department.                                | : | Vice Chairman |
| 3.  | The Secretary,<br>Health Department.  | : | Member        |
| 4.  | The Secretary,<br>Local Self Government Department.                         | : | Member        |
| 5.  | The Secretary,<br>Industries Department.                                    | : | Member        |
| 6.  | The Secretary,<br>Home Department.  | : | Member        |
| 7.  | The Secretary,<br>General Education Department.                             | : | Member        |
| 8.  | The Secretary,<br>Law Department.   | : | Member        |
| 9.  | The Secretary,<br>Information and Public Relations<br>Department.           | : | Member        |
| 10. | The Director General of Police.   | : | Member        |
| 11. | The Principal Magistrate,<br>Juvenile Justice Board,<br>Thiruvananthapuram. | : | Member        |
| 12. | The Principal Magistrate,<br>Juvenile Justice Board,<br>Kozhikode.          | : | Member        |
| 13. | The Chairman,<br>Child Welfare Committee,<br>Idukki.                        | : | Member        |

- |     |  |          |
|-----|--|----------|
| 14. | The Chairman,<br>Child Welfare Committee,<br>Thrissur.                                   | : Member |
| 15. | The Head of the Department,<br>Psychology Department,<br>University of Kerala.           | : Member |
| 16. | The Head of the Department,<br>Sociology Department,<br>University of Kerala.            | : Member |
| 17. | The Divisional Manager,<br>Southern Railway,<br>Thiruvananthapuram.                      | : Member |
| 18. | The Secretary,<br>Press Club,<br>Thiruvananthapuram.                                     | : Member |
| 19. | The Chairperson,<br>Kerala State Commission for<br>Protection of Child Rights.           | : Member |
| 20. | Representative of UNICEF   | : Member |
| 21. | The District Child Protection Officer,<br>Kollam.  | : Member |
| 22. | The Superintendent,<br>Government Children's Home,<br>Thrissur.                          | : Member |
| 23. | Shri P. Ubaidulla, MLA,<br>Poolakkanni House,<br>Anakkayam P. O.,<br>Malappuram-676 509. | : Member |
| 24. | Shri V. P. Sajeendran, MLA,<br>Vallothyamala,<br>Kolencherry P. O.,<br>Ernakulam.        | : Member |

- |     |  |                    |
|-----|--|--------------------|
| 25. | Shri E. T. Mohammed Basheer, MP,<br>Soumyam, Mapram,<br>Cheruvayoor P. O.,<br>Malappuram.                    | : Member           |
| 26. | Shri Anto Antony, MP,<br>Catholicate, College Jn.,<br>Pathanamthitta-689 645.                                | : Member           |
| 27. | Shri K. N. Muhammed Ziya,<br>Kaleekka Vadakkethil,<br>P. O. Perunna,<br>Changanassery,<br>Kottayam District. | : Member           |
| 28. | Shri P. P. Yousuf Ali,<br>'Snehalayam', Valayamkulam,<br>P. O. Kokkur,<br>Malappuram District-679 591.       | : Member           |
| 29. | Adv. A. V. Anwar,<br>Ayiramveedu, Kallai P. O.,<br>Calicut-679 591.  | : Member           |
| 30. | The Member Secretary,<br>Orphanage Control Board,<br>Thiruvananthapuram.                                     | : Member           |
| 31. | The Principal,<br>Rajagiri College of Social Science,<br>Rajagiri P. O., Kalamassery,<br>Kochi-683 104.      | : Member           |
| 32. | Jawahar Balajanavedi,<br>T. C. 50/447, Karamana,<br>Thiruvananthapuram-695 002                               | : Member           |
| 33. | The Director,<br>Social Justice Department.  | : Member Secretary |

By order of the Governor,

DR. K. M. ABRAHAM,

*Additional Chief Secretary to Government.*

**Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

Section 62 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (Central Act 56 of 2000), and rule 109 of the Kerala Juvenile Justice (Care and Protection of Children) Rules, 2014 empower the State Government to constitute a State Advisory Board for exercising the powers and discharging the duties conferred on it by the said Act and Rules. The Government have now decided to reconstitute the State Advisory Board in supersession of the notification issued under G.O. (P) No. 44/2007/SWD, dated 21st August, 2007 and published as S.R.O. No. 734/2007 in the Kerala Gazette Extraordinary No. 1606 dated 1st September, 2007.

The notification is intended to achieve the above object.

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# KERALA GAZETTE

കേരള ഗസറ്റ്  
 EXTRAORDINARY

അനുധാതനം

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നു

Vol. XLIV

വരദ്ധ്യം 44

Thiruvananthapuram  
 Wednesday

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21st April 1999

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## GOVERNMENT OF KERALA

### Social Welfare (B) Department

#### NOTIFICATION

G.O. (P) No. 11/99/SWD.. Dated, Thiruvananthapuram, 31st March, 1999.

**S.R.O. No. 356/99.**—In exercise of the powers conferred by sub-rule (1) of Rule 6 of the Juvenile Justice (Kerala) Rules, 1988, the Government of Kerala hereby extend the period of tenure of the members of the existing three Juvenile Welfare Boards constituted under section 4 of the Juvenile Justice Act, 1988 (Central Act 53 of 1986) as per G.O. (P) No. 29/95/SWD dated 3rd July, 1995 and published as S.R.O. No. 859/95, in the Kerala Gazette Extraordinary No. 648 dated the 3rd July, 1995, for a further period upto 31st March, 1999.

By order of the Governor,

J. LALITHAMBIKA,

Principal Secretary to Government.

**Explanatory Note**

(This does not form part of the Notification, but is intended to indicate its general purport.)

The term of the period of the existing 3 Juvenile Welfare Boards expired on 3-4-1998. For avoiding disruption of work, Government have decided to extend the term of period of the three Juvenile Welfare Boards constituted as per G.O. (P) No. 29/95/SWD dated 3rd July, 1995 for a further period from 4th April, 1998 to 31st March, 1999.

This notification is intended to achieve the above object.



Government of Kerala  
കേരള സർക്കാർ  
1999



Reg. No. KL/TV(11)/12  
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# KERALA GAZETTE

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EXTRAORDINARY

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PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നു

Vol. XLIV	Thiruvananthapuram,	21st April 1999	
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## GOVERNMENT OF KERALA

### Social Welfare (B) Department

#### NOTIFICATION

G.O. (P) No. 12/99/SWD:

Dated, Thiruvananthapuram, 31st March, 1999.

**S. R. O. No. 357/99.**—In exercise of the powers conferred by sub-sections (1) and (2) of section 4 of the Juvenile Justice Act, 1986 (Central Act 53 of 1986) read with rule 4 of the Juvenile Justice (Kerala) Rules, 1988, the Government of Kerala hereby constitute the following Juvenile Welfare Boards specified in column (2) of the schedule below having jurisdiction in the respective districts with the members specified against each in column (3) thereof with effect from 1st April, 1999 namely:—

## SCHEDULE

<i>Sl. No.</i>	<i>Headquarters</i>	<i>Name and address of members</i>	
(1)	(2)	(3)	
1.	Kasaragod	1. Shri B. M. Ramayya Shetty, Bangara, Manjeswaram, Manjeswaram.	Chairman
		2. Prof. C. Balan, History Department, Nehru Arts & Science College, Kanjhangad, Pattanakkad P.O., Kasaragod.	Member
		3. Shri O. M. Balakrishnan Master, Kalichamaram, Karinthalam P.O., Naleswaram (via)	Member
		4. Dr. V. Kunhiraman, Cheruvathoor, Kuttamath, Cheruvathoor P.O.	Member
		5. Adv. P. V. Jayarajan, Vidyanagar P.O., Kasaragod	Member
2.	Kannur	1. Adv. M. C. Raghavan, Kottoor Vayal, Sreekantapuram P.O., 670 631	Chairman
		2. Shri M. N. Vijayan Master, 'Karuna', Dharmadam P.O., Thalassery.	Member
		3. Smt. Kathrikutty, K.T. W/o Thomas, Nellikutty P.O., Chencherry (via) 670 632	Member

(1)	(2)	(3)
	4.	Dr. K. P. Balakrishna Pothuval, 'Damodar Bhavan', Podikundu, Pallikkunnu P.O., Kannur-4. Member
	5.	Shri P. M. Prabhakaran Master, Padikkeri House, Dharmadam P.O. Thalassery. Member
3.	Wayanad	
	1.	Shri P. K. Suresh, S/o E. M. Sankaran Master, P. O., Kambana, Mananthavady. Chairman
	2.	Shri P. C. Ramankutty, Lecturer, N.M.S.M. Government College, Kalpetta P.O. Member
	3.	Smt. R. Bhageerathy Teacher, Government U.P. School, Kuppadi, Sultan Battery. Member
	4.	Dr. P. V. Seethamony, Government Primary Health Centre, P.O. Vazhavatta, Muttill, Wayanad District. Member
	5.	Adv. Aravindakshan, Sultan Battery. Member
4.	Kozhikode	
	1.	Thayattu Balan, P.O. Edakkadu, West Hill, Kozhikode-5. Chairman
	2.	Dr. P. V. Unnikrishnan, 4/79 Preyus, Jawahar Nagar Housing Colony, Erannjipalam, Kozhikode-6. Member

(1)	(2)	(3)
5. Malappuram	3. Shri N. D. Unnikrishnan, 'Sruthileyam' 32/967 A Moozhikkal, P.O., Chelavoor, Kozhikode-673 571.	Member
	4. Dr. T. P. Mubraksani, Department of Community Medicine, Medical College, Kozhikode.	Member
	5. Shri N. P. Prathapkumar, Kadekkanali, Chevalambalam P.O., Kozhikode-17.	Member
	1. Shri A. N. Sivaraman Nair, 'Chintha' Manjeri P.O.	Chairman
	2. Shri Jyothi Das, P., Punnakkal Veedu, Vattamkulam P.O., Edappal.	Member
6. Thrissur	3. Dr. A. R. Vasudevan, Manjeri P.O.	Member
	4. Adv. Tom K. Thomas, Puthanazhi, Iringattiri P.O., Karuvarakundu.	Member
	5. Prof. Komalavalli, Vice-Chairman, Ponnani Municipality, Ponnani P. O.	Member
	1. Shri C. R. Das, Vikas, Indira Nagar, Mannuthy P.O., 680 651	Chairman
	2. Prof. M. Muralcedaran, 6B-Menacherry Tower, Bennat Road, Thrissur-680 020.	Member

(1)	(2)	(3)
		3. Shri T.Y.K. Sacheendran, Tharayil Veedu, Koorkancheeri P.O., Thrissur-680 007. <span style="float: right;">Member</span>
		4. Dr. Praveenlal, Psychiatry Department, Medical College Hospital, Thrissur-680 001. <span style="float: right;">Member</span>
		5. Adv. P. K. Asokan, Mannampetta, Alagappa Nagar P.O., Thrissur District. <span style="float: right;">Member</span>
7. Ernakulam		1. Adv. T. O. Khader Pillai, Tharakandathil Veedu, Near Y.M.C.A. Camp site, Thottumugham P.O., Aluva. <span style="float: right;">Chairman</span>
		2. Shri K. S. David, Director, Central Hospital, Kadavanthara Road, Kochi-682 020. <span style="float: right;">Member</span>
		3. Sony Komath, Molath Veedu, Shadamughal P.O., Kakkanadu, <span style="float: right;">Member</span>
		4. Dr. S. D. Singh, Psychiatrist, Indira Nagar, Kadavanthara, Kochi-682 020. <span style="float: right;">Member</span>
		5. Shri K. M. Ayyappan Master, Kakkandan Veedu, Cherai P.O., Pin-683 514. <span style="float: right;">Member</span>

(1)	(2)	(3)
8. Alappuzha	1. Adv. B. Rajendran, Kanakalayam, Muttam, Harippad,	Chairman
	2. Dr. Sukumaran, Physician and Associate Professor of Medicine, Medical College, Alappuzha.	Member
	3. Prof. Mahadevan Pillai, Cherukunnathu, Evoor Thekku, Keezhikadu P.O.	Member
	4. Dr. Krishnan, Deepthi, Aryad (N) P.O., Alappuzha.	Member
	5. Shri Sreekumaran Thampi, M., Mariathu House, Kakkazham P.O., Alappuzha.	Member
9. Pathanamthitta	1. Prof. A. Lopez, Vadakkeparampil, Parumala P.O.	Chairman
	2. Prof. A. K. Sreekumar, Ambady, Near Railway Station, Thiruvalla.	Member
	3. Dr. Gopinathan Nair, People's Nursing Home, Elyarackal, Konni P.O.	Member
	4. Adv. Reghunatha Varma, Kovilakam, Azhoor, Pathanamthitta.	Member
	5. Smt. S. Subhaga, Navarengam, Mezhuveli P.O.,	Member

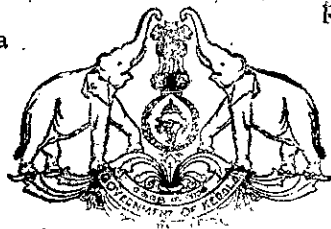
(1)	(2)	(3)
10. Kollam	<ol style="list-style-type: none"> <li>1. Shri Karinganoor Murali, Vilayil Veedu, Karingannoor P.O., Kollam.</li> <li>2. Shri Antony, C.J., House No. 18, Co-operative Colony, Polayathodu.</li> <li>3. Shri Ramachandran Nair, Headmaster, Town U.P.S., Kollam.</li> <li>4. Dr. Aji Surendran, Indras, Karinganoor P.O., Kollam.</li> <li>5. Adv. Sajinath, Giri Nivas, Thekkevila P.O., Kollam.</li> </ol>	<p>Chairman,</p> <p>Member</p> <p>Member</p> <p>Member</p> <p>Member</p>
11. Kottayam	<ol style="list-style-type: none"> <li>1. J. Saraswathi Amma, (Retd. Teacher), Navamalika, Edanadu P.O., Palai.</li> <li>2. Prof. K. N. Remanan, Mullakkal Veedu, Manganam P.O., Kottayam District.</li> <li>3. Dr. Sadiq Labba, Govt. Hospital, Vaikom.</li> <li>4. Adv. Kanan Sivan Pillai, Ponkunnam.</li> <li>5. Shri T. R. Reghunathan, Tharayil, Arumanoor P.O., Kottayam.</li> </ol>	<p>Chairperson</p> <p>Member</p> <p>Member</p> <p>Member</p> <p>Member</p>

(1)	(2)	(3)
12.	Palakkad	<ol style="list-style-type: none"> <li>1. Rasheed Kanicherry, P.O. Karinkarapully, Kadamkode, Palakkad. Chairman</li> <li>2. Dr. Unnithan, K.P., District Hospital, Palakkad. Member</li> <li>3. Dr. P. Reghunath, District Hospital, Palakkad. Member</li> <li>4. Adv. K. Santhakumari, Thenkurissi P.O., Palakkad. Member</li> <li>5. Shri Abdul Rahiman, Thottappalam, P.O. Erimayoor. Member</li> </ol>
13.	Thiruvananthapuram	<ol style="list-style-type: none"> <li>1. Dr. N. M. Muhammedali, 33, Harithagiri, Kanjirampara, Thiruvananthapuram. Chairman</li> <li>2. Dr. N. K. Sankaran, Department of Sanskrit, University college, Thiruvananthapuram. Member</li> <li>3. Shri R. Gopikurup, Headmaster, Government U. P. School, Palavila, Chirayinkeezhu P.O. Member</li> <li>4. Adv. H. A. Sharaf, Vilayil Veedu, Venjaramoodu. Member</li> <li>5. Shri R. Somasekharan Nair, Nilakkal Bangalow, Koliyakode P.O., Thiruvananthapuram. Member</li> </ol>

By order of the Governor,

J. LALITHAMBIKA,  
Principal Secretary to Government.





# KERALA GAZETTE

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

Vol. XXXV]

Thiruvananthapuram, Tuesday,

20th March 1990

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[No. 286

GOVERNMENT OF KERALA

Social Welfare (A) Department

NOTIFICATION

G.O. (P) No. 7/90/SWD.

*Dated, Thiruvananthapuram, 15th March, 1990.*

**S. R. O. No. 427/90.**—WHEREAS the Government of Kerala have, by Notification No. G.O.(Ms)120/83/Home dated the 12th September, 1983, established Children's Homes under the Kerala Children Act, 1972 (3 of 1973);

AND WHEREAS, the Kerala Children Act, 1972 has been repealed by the Juvenile Justice Act, 1986 (Central Act 53 of 1986), which has been brought into force;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (b) of section 9 of the Juvenile Justice Act, 1986, and in supersession of the said notification, the Government of Kerala hereby notify the Children's Homes established under the Kerala Children Act, 1972, to be Juvenile Homes established under the Juvenile Justice Act, 1986 with the capacity noted in column 1 of the schedule below and change the nomenclature of the institutions specified in column 2 of the schedule as specified in the corresponding entries in column 3, for the reception of neglected Juveniles from the area as noted against each home in the Schedule.

33/1290/MC.

## SCHEDULE

<i>Sl. No.</i>	<i>Name and address of the Government Children's Home</i>	<i>Name and address of the Government Juvenile Home</i>	<i>Capacity</i>	<i>Area</i>
(1)	(2)	(3)	(4)	(5)
1.	Children's Home for Boys, Quilon	Government Juvenile Home, Beach Road, Kollam	100 boys	The Revenue Districts of Thiruvananthapuram, Kollam, Pathanamthitta and Alapuzha.
2.	Children's Home for Boys, Kottayam	Government Juvenile Home, Thiruvanchoor, Kottayam	150 boys	The Revenue Districts of Kottayam, Idukki and Ernakulam.
3.	Children's Home for Boys, Trichur	Government Juvenile Home, Ramavarpuram, Thrissur	200 boys	The Revenue Districts of Thrissur, Palakkad and Malappuram.
4.	Children's Home for Boys, Kozhikode	Government Juvenile Home, Silver Hills, Kozhikode	200 Boys	The Revenue Districts of Kozhikode, Wayanadu, Cannur and Kasargode.
5.	Children's Home for Girls, Kozhikode	Government Juvenile Home for Girls, (B. Block) Silver Hills, Kozhikode	100 Girls	Entire State of Kerala.

By order of the Governor,

K. BALASUBRAMANIAN,

*Additional Secretary to Government.*

### Explanatory Note

(This is not part of the notification, but is intended to indicate its general purport.)

The Juvenile Justice Act, 1986 (Central Act 53 of 1986), has been brought into force throughout the country, except the State of Jammu and Kashmir, in supersession of the various State Legislations. Thereby, the Kerala Children Act, 1972 (Act 3 of 1973), has been repealed. To fall in line with the Central Act, the nomenclature of the existing Government Children's Homes has to be changed, and has to be established under the Juvenile Justice Act, 1986, as Juvenile Homes.

The notification is intended to achieve the above object.

## GOVERNMENT OF KERALA

## Social Welfare (A) Department

## NOTIFICATION

G. O. (P)No. 8/90/SWD. Dated, Thiruvananthapuram, 15th March, 1990.

**S. R. O. No. 428/90.** - WHEREAS, the Government of Kerala have, by notification No. G. O. MS.120/83/Home dated the 12th September, 1983, established Special Schools under the Kerala Children Act, 1972 (3 of 1973);

AND WHEREAS, the Kerala Children Act, 1972 has been repealed by the Juvenile Justice Act, 1986 (53 of 1986), which has been brought into force;

NOW, THEREFORE, in exercise of the powers conferred by sub-section of section 10 of the Juvenile Justice Act, 1986, and in supersession of the said notification, the Government of Kerala hereby notify the Special School established under the Kerala Children Act, 1972, to be Special Homes established under the Juvenile Justice Act, 1986 with the capacity noted in column 4 of the schedule below and change the nomenclature of the institutions specified in column 2 of the schedule as specified in the corresponding entries in column 3, for the reception of delinquent juveniles from the area as noted against each home in the schedule.

## SCHEDULE

<i>Sl. No.</i>	<i>Name and address of Government Special School</i>	<i>Name and address of Government Special Home.</i>	<i>Capacity</i>	<i>Area</i>
(1)	(2)	(3)	(4)	(5)
1.	Special School for Boys, Trivandrum	Government Special Home for Boys, Poojappura, Thiruvananthapuram	100	Entire State of Kerala.
2.	Special School for Girls, Calicut	Government Special Home for Girls, Silver Hill, Kozhikode	100	Entire State of Kerala.

By order of the Governor,

K. BALASUBRAMANIAN,

Additional Secretary to Government.

## Explanatory Note

(This is not part of the Notification, but is intended to indicate its general purport.)

The Juvenile Justice Act, 1986 (Central Act 53 of 1986), has been brought into force throughout the country except the State of Jammu and Kashmir in supersession of the various State legislation. Thereby the Kerala Children Act, 1972 (Act 3 of 1973) has been repealed. To fall in line with the Central Act, the nomenclature of the existing special schools has to be changed and has to be established under the Juvenile Justice Act, 1986, as Special Homes.

The Notification is intended to achieve the above object.

## GOVERNMENT OF KERALA

### Social Welfare (A) Department

### NOTIFICATION

G. O. (P)No. 9/90/SWD. *Dated, Thiruvananthapuram, 15th March 1990.*

**S. R. O. No. 429/90.**—In exercise of the powers conferred by sub-section (1) of section 11 of the Juvenile Justice Act, 1986 (Central Act 53 of 1986) the Government of Kerala hereby establish the Observation Homes specified in the schedule below with the capacity noted therein for the temporary reception of Juveniles during the pendency of any enquiry regarding them under the Act. They will be received in the homes in the said schedule from the area as noted against each home in the schedule.

#### SCHEDULE

Sl. No.	Name and address of the Observation Home	Capacity	Area
(1)	(2)	(3)	(4)
1.	Government Observation Home Poojappura, Thiruvananthapuram	50 boys	The Revenue District of Thiruvananthapuram.
2.	Government Observation Home, Beach Road, Kollam	25 boys	The Revenue Districts of Kollam and Pathanamthitta.
3.	Government Observation Home, Alappuzha	25 boys	The Revenue District of Alappuzha.

(1)	(2)	(3)	(4)
4.	Government Observation Home, Ernakulam	25 boys	The Revenue District of Ernakulam.
5.	Government Observation Home, Thiruvanchoor, Kottayam	25 boys	Revenue Districts of Kottayam and Idukki.
6.	Government Observation Home, Ramavarmapuram, Thrissur	50 boys	Revenue Districts of Thrissur, Palakot and Malappuram.
7.	Government Observation Home, Silver Hills, Kozhikode	50 boys	Revenue Districts of Kozhikode and Wayanad.
8.	Government Observation Home, Court Compound, Thalassery	25 boys	Revenue Districts of Cannur and Kasargod.
9.	Government Observation Home for Girls, Silver Hills, Kozhikode	50 girls	All the Revenue Districts of Kerala.

By order of the Governor,

K. BALASUBRAMANIAN,

*Additional Secretary to Government.*

### **Explanatory Note**

(This is not part of the notification, but is intended to indicate its general purport.)

Sub-section (1) of section 11 of the Juvenile Justice Act, 1986 (Central Act 53 of 1986), provides that the State Government may establish and maintain as many Observation Homes as may be necessary for the temporary reception of juveniles during the pendency of any enquiry regarding them under the Act. It is necessary to establish Observation Homes and to specify the capacity and the area from which each such home may receive juveniles temporarily during the pendency of such enquiry.

The notification is intended to achieve the above object.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS,

THIRUVANANTHAPURAM, 1980

33/1290/MC.



കേരള ഗസറ്റ്  
KERALA GAZETTE

അസാധാരണം  
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്  
PUBLISHED BY AUTHORITY

വാല്യം 4 } Vol. IV }	തിരുവനന്തപുരം, ചൊവ്വ Thiruvānānthapuram, Tuesday	2015 ആഗസ്റ്റ് 11 11th August 2015	നമ്പർ } No. }
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GOVERNMENT OF KERALA  
Social Justice (A) Department  
NOTIFICATION

G. O. (P) No. 46/2015/SJD.  
*Dated, Thiruvananthapuram, 5th August, 2015*  
*20th Karkadakam, 1190.*

S. R. O. No. 525/2015.— In exercise of the powers conferred by section 4 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (Central Act 56 of 2000), read with rule 5 of the Kerala Juvenile Justice (Care and Protection of Children) Rules, 2014 the Government of Kerala hereby designate Judicial First Class Magistrates instead of Chief Judicial Magistrates as Principal Magistrates of Juvenile Justice Boards in all Districts and consequently make the following amendment to the notification issued under G.O. (P) No. 12/2013/SJD dated 6th February, 2013 and published as S.R.O. No. 98/2013 in the Kerala Gazette Extraordinary No. 405 dated 12th February, 2013, namely:—

## AMENDMENT

In the Schedule to the said notification,—

(1) under the heading '1. Juvenile Justice Board for Thiruvananthapuram District', in serial number (1), for the entry "Chief Judicial Magistrate", the following entry shall be substituted,—

"Judicial First Class Magistrate—II";

(2) under the heading '2. Juvenile Justice Board for Kollam District', in serial number (1), for the entry "Chief Judicial Magistrate", the following entry shall be substituted,—

"Judicial First Class Magistrate—I";

(3) under the heading '3. Juvenile Justice Board for Pathanamthitta District', in serial number (1), for the entry "Chief Judicial Magistrate", the following entry shall be substituted,—

"Judicial First Class Magistrate—II" ;

(4) under the heading '4. Juvenile Justice Board for Alappuzha District', in serial number (1), for the entries "Chief Judicial Magistrate, Alappuzha", the following entries shall be substituted, namely:—

"Judicial First Class Magistrate—II,  
Cherthala";

(5) under the heading '5. Juvenile Justice Board for Kottayam District', in serial number (1), for the entries "Chief Judicial Magistrate, Kottayam", the following entries shall be substituted, namely:—

"Judicial First Class Magistrate—I,  
Ettumanoor";

(6) under the heading '6. Juvenile Justice Board for Idukki District', in serial number (1), for the entries "Chief Judicial Magistrate, Idukki", the following entries shall be substituted, namely:—

"Judicial First Class Magistrate—I,  
Thodupuzha";

(7) under the heading '7. Juvenile Justice Board for Ernakulam District', in serial number (1), for the entry "Chief Judicial Magistrate", the following entry shall be substituted, namely:—

"Judicial First Class Magistrate—III";

(8) under the heading '8. Juvenile Justice Board for Thrissur District', in serial number (1), for the entry "Chief Judicial Magistrate", the following entry shall be substituted, namely:—

"Judicial First Class Magistrate—II";

(9) under the heading '9. Juvenile Justice Board for Palakkad District', in serial number (1), for the entry "Chief Judicial Magistrate", the following entry shall be substituted, namely:—

"Judicial First Class Magistrate—II";

(10) under the heading '10. Juvenile Justice Board for Malappuram District', in serial number (1), for the entry "Chief Judicial Magistrate, Malappuram", the following entries shall be substituted, namely:—

"Judicial First Class Magistrate—I,  
Tirur";

(11) under the heading '11. Juvenile Justice Board for Kozhikode District', in serial number (1), for the entry "Chief Judicial Magistrate", the following entry shall be substituted,—

"Judicial First Class Magistrate—III";

(12) under the heading '12. Juvenile Justice Board for Wayanad District', in serial number (1), for the entries "Chief Judicial Magistrate", Wayanad", the following entries shall be substituted, namely:—

"Judicial First Class Magistrate—II,  
Mananthavady";

(13) under the heading '13. Juvenile Justice Board for Kannur District', in serial number (1), for the entries "Chief Judicial Magistrate, Kannur", the following entries shall be substituted, namely:—

"Judicial First Class Magistrate—I,  
Thalassery";

(14) under the heading '14. Juvenile Justice Board for Kasargod District', in serial number (1), for the entry "Chief Judicial Magistrate", the following entry shall be substituted, namely:—

"Judicial First Class Magistrate—I,"  
Kasargod

By order of the Governor,

DR. K. M. ABRAHAM CFA, IAS,  
*Additional Chief Secretary to Government.*



### **Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

As per notification issued under G.O. (P) No. 12/2013/SJD dated 6th February, 2013 and published as S.R.O. No. 98/2013 in the Kerala Gazette Extraordinary No. 405 dated 12th February, 2013 the Government of Kerala constituted the Juvenile Justice Boards for all districts in the State of Kerala for exercising the power and discharging the duties conferred or imposed on such Boards in relation to Juveniles in conflict with law under the said Act. For the proper monitoring and administration of Justice pertaining to children the Kerala State Commission for Protection of Child Rights has requested the Hon'ble High Court to appoint Judicial First Class Magistrate as Principal Magistrate of Juvenile Justice Boards in each district as the appointment of Chief Judicial Magistrate as Principal Magistrates removes one layer of monitoring envisaged in section 14 of the Juvenile Justice (Care and Pro.) Act, 2000 (Central Act 56 of 2000). The Hon'ble High Court has agreed to the proposal. Therefore, now Government have decided to notify Judicial First Class Magistrate as Principal Magistrate of Juvenile Justice Board in each district.

The notification is intended to achieve the above object.

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Government of Kerala  
2015



Regn. No. KERBIL/2012/45073  
dated 5-9-2012 with RNI  
Reg. No. KL/TV(N)/634/2015-17

കേരള ഗസറ്റ്  
KERALA GAZETTE

അസാധാരണം  
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്  
PUBLISHED BY AUTHORITY

വാല്യം 4 Vol. IV	തിരുവനന്തപുരം, ചൊവ്വ Thiruvananthapuram, Tuesday	2015 സെപ്റ്റംബർ 8 8th September 2015 1191 ചിങ്ങം 23 23rd Chingam 1191 1937 ഭാദ്രം 17 17th Bhadra 1937	നമ്പർ No.	2026
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GOVERNMENT OF KERALA  
Social Justice (A) Department  
NOTIFICATION

G. O.(P)No.55/2015/SJD. Dated, Thiruvananthapuram, 3rd September, 2015  
18th Chingam, 1191.

S. R. O. No. 580/2015.—In exercise of the powers conferred by section 41 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (Central Act 56 of 2000), read with sub-rule (5) of rule 40 of the Kerala Juvenile Justice (Care and Protection of Children) Rules, 2014 and with the concurrence of the High Court of Kerala, the Government of Kerala hereby notify all the twenty eight Family Courts in the fourteen districts of the State as Specialized Adoption Courts for the purposes of Chapter IV of the above said Act, as specified in the Schedule given below, namely:—

## SCHEDULE

<i>Sl. No.</i>	<i>Name of District</i>	<i>Family Courts</i>
(1)	(2)	(3)
1	Thiruvananthapuram	Family Court, Thiruvananthapuram Family Court, Nedumangad Family Court, Attingal
2	Kollam	Family Court, Kollam Family Court, Kottarakkara Family Court, Chavara
3	Pathanamthitta	Family Court, Pathanamthitta Family Court, Thiruvalla
4	Alappuzha	Family Court, Alappuzha Family Court, Mavelikkara
5	Kottayam	Family Court, Ettumanoor Family Court, Pala
6	Idukki	Family Court, Thodupuzha Family Court, Kattappana
7	Ernakulam	Family Court, Ernakulam Family Court, Muvattupuzha
8	Thrissur	Family Court, Thrissur Family Court, Irinjalakkuda
9	Palakkad	Family Court, Palakkad Family Court, Ottapalam
10	Malappuram	Family Court, Malappuram Family Court, Tirur

(1)	(2)	(3)
11	Kozhikode	Family Court, Kozhikode Family Court, Vadakara
12	Wayanad	Family Court, Kalpetta
13	Kannur	Family Court, Kannur Family Court, Thalassery
14	Kasaragod	Family Court, Kasaragod

By order of the Governor,

A. SHAJAHAN, IAS,  
*Special Secretary to Government.*

### **Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

Under sub-rule (5) of rule 40 of the Kerala Juvenile Justice (Care and Protection of Children) Rules, 2014 the State Government in consultation with the High Court has to notify a Civil Court which has jurisdiction in matters of adoption, guardianship and foster care as Specialized Adoption Court in each District. Accordingly, in exercise of the powers specified in the said Rules and section 41 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (Central Act 56 of 2000) and with the concurrence of the High Court, Government of Kerala have decided to notify all the twenty eight Family Courts in the State as Specialized Adoption Courts. Hence this notification.

The notification is intended to achieve the above object.

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2007



Reg. No. രജി. നമ്പർ  
KL/TV(N)/12/2006-2008

## KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണം

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. • LII വാല്യം 52	Thiruvananthapuram, Saturday തിരുവനന്തപുരം, ശനി	1st September 2007 2007 സെപ്റ്റംബർ 1 10th Bhadra 1929 1929 ചോദം-10	No. നമ്പർ	1606
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GOVERNMENT OF KERALA

Social Welfare (B) Department

NOTIFICATION

G. O. (P) No. 44/2007/SWD. Dated, Thiruvananthapuram, 21st August, 2007.

**S. R. O. No. 734/2007.**—In exercise of the powers conferred by section 62 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (Central Act 56 of 2000), read with rule 70 of the Kerala Juvenile Justice (Care and Protection of Children) Rules, 2003, the Government of Kerala hereby reconstitute the State Advisory Board in supersession of the notification issued under G. O. (P) No. 15/2006/SWD dated 14th February, 2006 and published as S. R. O. No. 205/2006 in the Kerala Gazette Extraordinary No. 504 dated 2nd March, 2006, with the members mentioned in the schedule below, for exercising the powers and discharging the duties conferred or imposed on such Board in relation to juvenile in conflict with law and children in need of care and protection, under the said Act and the rules made thereunder, namely :—

## SCHEDULE

1. The Chief Minister	Chairman
2. The Minister of Social Welfare	Vice Chairman
3. The Secretary to Government, Social Welfare Department	Member-Secretary
4. The Secretary to Government, Health Department	Member
5. The Secretary to Government, Local Self Government Department	"
6. The Principal Secretary, Industries Department	"
7. The Principal Secretary, Home Department	"
8. The Secretary to Government, Education Department	"
9. The Secretary to Government, Law Department	"
10. The Secretary to Government, Information and Public Relations Department	"
11. The Director General of Police, Kerala	"
12. The Principal Magistrate, Juvenile Justice Board, Kozhikode District	"
13. The Principal Magistrate, Juvenile Justice Board, Thiruvananthapuram District	"
14. The Chairman, Child Welfare Committee, Kannur	"
15. The Chairman, Child Welfare Committee, Kollam	"
16. Head of the Department of Psychology, University of Kerala	"
17. Head of the Department of Sociology, University of Kerala	"
18. The Divisional Railway Manager, Southern Railway, Thiruvananthapuram	"
19. The Secretary, Press Club, Thiruvananthapuram	"
20. The Chairman, Kerala State Human Rights Commission	"

- |     |   |                   |
|-----|---|-------------------|
| 21. | Smt. P. K. Sainaba; Member, Kerala Women's Commission 'Granma', Thachancode, Chungathara (P.O.) , Malappuram District | Member            |
| 22. | Representative of UNICEF  | "                 |
| 23. | Sri P. Krishnan, General Secretary, Kerala State Council for Child Welfare, Thiruvananthapuram                        | "                 |
| 24. | Sri T. Narayanan, TC 28/890, Kaithamukku, Thiruvananthapuram-695 024  | "                 |
| 25. | Smt. P. Prabhavathy, Choorikovval, Kalikadavu P. O., Pilicode, Kasargode  | "                 |
| 26. | Sri. Shanmughadas, District Probation Officer, Gr. I, Kollam  | "                 |
| 27. | Sri K. Rajan, Superintendent, Juvenile Home (Boys), Kozhikode   | "                 |
| 28. | Sri M. Prakasan Master, M. L. A., Pranavam, Azhikode South P.O., Kannur   | "                 |
| 29. | Smt. K. S. Saleeka, M.L.A., Amakkattuparambil, Atampazhipuram P.O., Palakkad-678 633                                  | "                 |
| 30. | Dr. K. S. Manoj, M. P., 'Kurisinkal', Kanjiraanchira, Alappuzha-688 007   | "                 |
| 31. | Sri Themala G. Balakrishna Pillai M.P., Ambadi, Yamuna Nagar, Karakulam P.O., Thiruvananthapuram                      | "                 |
| 32. | The Director of Social Welfare, Thiruvananthapuram  | Member Treasurer. |

By order of the Governor,

DR, VISHWAS MEHTA,

Secretary to Government.

**Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

The names of the members of the State Level Advisory Board constituted as per G. O. (P) No. 15/2006/SWD dated 14th February, 2006 and published as S.R.O. No. 205/2006 in the Kerala Gazette Extraordinary No. 504 dated 2nd March, 2006 have been changed. Therefore, the Government have decided to reconstitute the State Level Advisory Board in supersession of the above notification.

This notification is intended to achieve the above purpose.



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2003



Reg. No./രജി. നമ്പർ  
KL/TV(N)/12/2003-2005

# KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണം

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. XLVIII	Thiruvananthapuram.	13th August 2003	No.	1512
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GOVERNMENT OF KERALA

Social Welfare (B) Department

NOTIFICATION

G.O. (P) No. 37/2003/SWD. Dated, Thiruvananthapuram, 4th August 2003.

S. R. O. No. 773/2003. — In exercise of the powers conferred by section 68 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (Central Act 56 of 2000) and in supersession of the Juvenile Justice (Kerala) Rules, 1988, the Government of Kerala hereby make the following rules, namely:—

# THE KERALA JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) RULES, 2003

## CHAPTER I PRELIMINARY

1. *Short title and commencement.*—(1) These rules may be called the Kerala Juvenile Justice (Care and Protection of Children) Rules, 2003.

(2) They shall come into force at once.

2. *Definitions.*—In these rules, unless the context otherwise requires:

(a) “Act” means the Juvenile Justice (Care and Protection of Children) Act, 2000 (Central Act 56 of 2000);

(b) “Adoption” means taking custody and responsibility permanently of a child/juvenile covered by the Act, who shall have all the rights and privileges of a natural born child;

(c) “Board” means the Juvenile Justice Board constituted under section 4 of the Act;

(d) “Chief Inspector” means an officer appointed by the Government;

(e) “Committee” means a Child Welfare Committee constituted under section 29 of the Act;

(f) “Form” means a form appended to these rules;

(g) “Government” means the Government of Kerala;

(h) “Institution” for the purpose of these rules means an Observation Home or a Special Home or a Children’s Home or a Shelter Home set up under the Act;

(i) “Officer-in-charge” means a person appointed for the control and management of institution certified or recognized as such under the Act;

(j) “Section” means a section of the Act;

(k) “Social Worker” means a qualified person duly recognised by the competent authority to perform enquiry, supervision of juveniles, children during community service or on probation or to perform professional services as counselling and guidance;

(l) 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

3. *Juvenile Justice Board.*—(1) The State Government may by notification in the official Gazette, constitute for each district or group of districts specified in the notification a Board by name called the Juvenile Justice Board for exercising the powers and discharging the duties conferred or imposed on such Boards in relation to Juveniles in conflict with law under the Act.

(2) The Board shall consist of the following Members, namely:—

(a) The Principal Magistrate shall be appointed in consultation with the High Court and he shall be the Chief Judicial Magistrate or any Additional Chief Judicial Magistrate and having special knowledge/training in Child Psychology or Child Welfare.

(b) Two Social Workers, of whom at least one shall be a woman and actively involved in health education or welfare activities pertaining to children for at least seven years appointed by the Government from a panel of five persons of whom two shall be women, submitted by the District Judge in consultation with the District Collector.

(3) The term of Members of the Board under section 4 of the Act shall be for a period of 3 years from the date of his appointment.

Provided that the existing Members shall continue in office until their successors assume charge.

(4) Any Member of the Board may resign his office at any time by giving three months notice in writing to the Government and with a copy thereof to the Principal Magistrate.

(5) The office of such a Member shall fall vacant from the date on which his resignation is accepted by the Government or the expiry of thirty days from the date of receipt of the letter of resignation by the Government, whichever is earlier.

(6) The Board shall hold its meetings at least twice in a week on such days and such time as may be fixed by the Board, in the premises of the observation home or any fit institution.

(7) A Member other than the Principal Magistrate of the Juvenile Justice Board shall be paid such Travelling Allowance and Daily Allowance as are admissible to a Class I Officer in State Government + 1 D.A as sitting fee admissible to a Class I Officer of the Government. For journeys performed for attending the meetings of the Board there shall be no ceiling for claiming the amount.

(8) A Member other than the Principal Magistrate of the Board shall be eligible for a maximum of two terms and shall not be more than 65 years at the time of first appointment.

(9) Every casual vacancy of a Member shall be filled by appointment of another Member, who shall hold office for the remaining period of the Member in whose place he has been appointed. The casual vacancy may be filled up from the panel by the Government.

4. *Production of a Juvenile in Conflict with Law.* - (1) As soon as a juvenile in conflict with the law is taken charge of by the Police, the Police shall place the juvenile under the care of the Special Juvenile Police unit or the designated Police Officer.

(2) The Special Juvenile Police unit or the designated Police Officer to which the juvenile is brought, shall as soon as inform parents and the probation officer concerned of such taking of charge to obtain information regarding the antecedents and family background of the juvenile and other material circumstances likely to be of assistance to the Board for making the inquiry.

(3) Prior to production of a juvenile before the Board, the juvenile shall be placed in a "place of safety"

(4) On receipt of information from Police or otherwise the Probation Officer shall conduct a Pre-bail enquiry and submit forthwith a report to the Board.

(5) The Special Juvenile Police or the designated Police Officer shall take the juvenile before the Magistrate or a Member of the Board immediately not later than twelve hours of his taking charge (excluding the time taken to bring the juvenile from the place of safety to the Board), where such Officer in-charge of the Police Station is not granting bail to the juvenile under sub-section(1) section 12 of the Act.

(6) In case of delay in production before the Magistrate or Board, the reasons for not doing so shall be recorded in the Police Diary or General Diary as the case may be.

(7) Where a juvenile is brought before the Board by a Recognised Voluntary Organisation, the Organisation shall inform the fact simultaneously to the concerned Police Station and the Probation Officer of the region.

(8) The Government shall recognize only such registered Voluntary Organizations which can provide services of counselling, Case Work etc. and afford a place of safety. The Recognised Voluntary Organizations, which are willing and have the capacity, facilities and expertise to provide the services aforesaid shall function in association with the Special Juvenile Police Unit.

(9) The recognised voluntary organization shall prepare a report narrating the circumstances of apprehension and offence committed by the juvenile and produce the juvenile before the Board along with the report.

(10) When a juvenile is produced before an individual Member of the Board, the order given by the Member shall be placed in the next meeting of the Board.

(11) The Police or the Recognized Voluntary Organization shall be responsible for providing safety and basic amenities to the juveniles apprehended or kept under their charge during the period they are with them.

(12) On production of the juvenile before the Magistrate/Board it shall be ascertained whether the Juvenile has been subjected to any form of cruelty and if so, appropriate action shall be initiated forthwith against the person having control over or actual charge over the juvenile.

5. *Procedure to be followed by the Board in holding inquiries.* - (1) Whoever produces the juvenile before the Board shall produce a birth certificate or any other certificate in proof of age of the juvenile within a period of fourteen days and if the Board is not satisfied with such certificate, the medical opinion regarding his age shall be called for by the Board and record a finding in respect of his age.

(2) The Board or Member, as the case may be, shall also satisfy that the Police on taking charge of the child has intimated to the Probation Officer concerned and Parents/Guardians of the juvenile as required under section 13 of the Act.

(3) The Board may, irrespective of the offence committed by the child, notwithstanding anything contained in the Code of Criminal Procedure, 1973, or any other law for the time being in force, release the child on bail with or without surety to the parents or legal guardians or a fit person or fit institution after due verification. The Board shall also refuse bail to the child in conflict with law, for reasons to be recorded in writing, if the release is likely to be against the best interest of the child. The pre-bail enquiry report of the Probation Officer may also be considered before refusing the bail.

(4) In all cases under the Act the proceedings shall be conducted in as simple a manner as possible. Care shall be taken to ensure that the juvenile against whom the proceedings have been instituted is given a homely atmosphere during the proceedings. Procedure prescribed by the code for summary trial shall be followed as far as possible.

(5) When witnesses are produced for examination, the Board shall make free use of the power conferred on it by Section 165 of the Indian Evidence Act, 1872, to question them so as to bring out any point that may go in favour of the juvenile.

(6) In examining a juvenile and recording his statement the competent authority shall be free to address the juvenile in any manner that may seem suitable in order to put the juvenile at ease and to elicit the true facts, not only in respect of the offence of which the juvenile is accused, but also in respect of the home and social surroundings and the influence to which the juvenile may have been subjected. 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 circumstances in which it was made.

(7) All procedures and enquiries shall ensure the participation of the juvenile by ascertaining and recording his or her views during all stages. During such enquiries, it shall also be ascertained whether the juvenile had been subject to any form of cruelty or abuse and if so, appropriate action shall be initiated against the officer in accordance with law.

(8) In accordance with sub-section (2) of section 15, the Board shall in Form I order a Probation Officer, or a Recognised Voluntary Organisation or otherwise, to conduct a social investigation, for reporting on the character and antecedents of the juvenile with a view to assess the best possible mode for placement, such as, with the family, an institution or otherwise permissible under the Act.

(9) The Probation Officer shall submit the social investigation report in *Form II*.

(10) When a juvenile is placed under the care of a parent or a guardian and the Board deems it expedient to place the juvenile under the supervision of a Probation Officer, it shall issue a supervision order in *Form III*.

(11) The Competent Authority shall obtain periodical report from the Placement Organization or institutions to which the Juveniles are entrusted under Section 15 of the Act.

(12) Whenever the Board orders a juvenile to be kept in an institution, it shall, forward to the Officer-in-charge of such institution a copy of its order in *Form IV* with particulars of his/her home, parents or guardian and previous record, if any.

(13) The Officer-in-charge 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 is committed to it.

(14) The Officer-in-charge of the said institution may on receipt of the information, intimate in writing objections, if any, to the committal of the juvenile and the objections shall be fully taken into consideration by the Board before the juvenile is committed to the said institution.

(15) Where the Board orders the parent of the juvenile or the juvenile to pay a fine, the amount realized thereof shall be deposited in the Government Treasury.

(16) The Board shall issue an order committing the juvenile to an Institution only after taking into account, —

- (a) the views of the child;
- (b) the best interest of the child;
- (c) the social investigation report; and
- (d) the fact that detention to be a measure of last resort and for the shortest possible period of time.

6. *Supervision and Evaluation of the Board.*—(1) The Supervision and Evaluation activities of Board shall be made by the District and Sessions Judge.

(2) The Principal Magistrate of the Board shall forward the copies of all its orders to the District and Sessions Judge.

(3) The District and Sessions Judge shall evaluate the activities of the Board and submit an annual report to the High Court with a copy to the Government.

7. *Procedure in respect of Sections 23, 24, 25 and 26 of the Act.*—The offences against juvenile specified in sections 23, 24, 25 and 26 shall be bailable or non-bailable besides being cognizable under the provisions of the Criminal Procedure Code, 1973. The provisions of the Criminal Procedure Code 1973 shall apply on the Police, Board and the Committee. The offences against the juvenile under the said sections shall be tried and disposed of by the Criminal Courts having jurisdiction.

### CHAPTER III

#### CHILD IN NEED OF CARE AND PROTECTION

8. *Child Welfare Committee.*—(1) The Government may appoint a Committee consisting of a Chairperson and four other Members of whom atleast one shall be a woman and another an expert on matters concerning children. The Members of the Committee shall be selected from a panel of ten Members of whom three shall be women, prepared by the District Judge in consultation with the District Collector and the panel shall remain valid till the expiry of the period of the Committee.

(2) The Chairperson of the Committee shall be a Law Graduate and have either of the following qualifications, besides five years experience in the respective field.

(a) respectable, 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 doctor or a senior retired public servant who has been involved in work concerning child welfare; or

(c) a social worker of repute who is directly engaged in child welfare.

(3) The other Members of the Committee shall be graduates and have either of the following qualifications, besides five years experience in their respective field,—

(a) respectable, 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 doctor or a senior retired public servant who has been involved in work concerning child welfare; or

(c) a social worker of repute who is directly engaged in child welfare.

(4) The Term of the Committee shall be for a period of three years and the appointment shall be co-terminus with tenure of the Committee; provided that the Committee shall function as such till a new Committee assumes office.

(5) A Member of the Committee shall be eligible for a maximum of two term and shall not be more than 65 years of age at the time of first appointment.

(6) A Member may resign, at any time by giving a notice of three months in writing to the Government and a copy thereof to the Chairperson.

(7) Any casual vacancy of the Committee may be filled by appointment of another person from the existing panel and such Member shall hold office for the remaining term of the Committee

(8) A Member of the Committee shall be paid Travelling Allowance at such rates as are admissible to Class I Officers of the Government. He shall also be entitled to one D.A. as sitting fee, as are admissible to Class I Officer of the Government and there shall be no claim for claiming the amount.

9. *Proceedings of the Committee.* - (1) The Committee shall hold its sittings in the premises of a Children's Home or any fit institutions and shall meet on at least once in a week on such days and time as the Committee may decide.

(2) No business of the Committee shall be transacted at the meeting unless atleast two Members are present at the meeting.

(3) Any decision taken by an individual Member, when the Committee is not sitting, shall be placed in its next sitting.

(4) Final disposal shall take place from the office of the Committee, by the order of at least two Members. The Committee shall take into consideration the age, physical and mental health background, opinion of the child and the recommendation of the Probation Officer/Case Worker, prior to such disposal.

(5) Where there is difference of opinion in the process of disposition or interim order, if any to be made, the opinion of the majority shall prevail, but where there is no such majority, the opinion of the Chairperson shall prevail. In such cases the Chairperson shall record in writing the circumstances that led him to take such a decision.

(6) In the absence of the Chairperson, the Members present shall elect a Chairperson from among themselves for conducting the business of the Committee.

10. *Production of a Child before the Committee.*—(1) Any child in need of care and protection shall be produced before the Committee by the following persons namely:—

(i) any Police Officer or Special Juvenile Police Unit or a designated Police Officer;

(ii) any Public Servant ;

(iii) Childline, a Registered Voluntary Organization or by such other Voluntary Organization or an Agency as may be recognized by the Government;

(iv) any Social Worker or a public spirited citizen authorized by the Government; or

(v) by the child himself.

(2) *Procedure for Production of a Child before the Committee.*—(i) When a person/organization mentioned in sub rule (i) above receives a child in need of care and protection, he shall produce the child before the Committee with a report of the circumstances under which he has received the child. Such children, above five years of age, shall be produced before the Committee within the shortest possible time but not later than twelve hours of such reception, excluding the journey time. For children under five years of age, the person/organization shall send a written report along with the photograph of the child, within twenty four hours of reception, excluding the journey time after admitting the child in a nearby Foundling Home/Placement Agency.

(ii) In case the Committee is not sitting, the child shall be kept in a place of safety/Children's Home and provided with all basic facilities and adequate protection. Every possible effort shall be made to trace and associate the family of the child. Assistance of Recognized Voluntary Organizations/Child Line may also be taken into consideration for such purpose.

(iii) In case a Recognized Voluntary Organization takes a child to the Committee, they shall also submit a report on the circumstances under which the child came to their notice, and efforts shall be made by them for tracing the family.

(iv) The Committee shall make arrangement to send the child to a Children's Home, with details relating to his age, sex and appropriate facilities to be provided to the child, pending inquiry.

(v) The child shall be escorted by a Police Officer, Representative of the Voluntary Organization or by any other arrangement deemed appropriate by the Committee.

(vi) Every recognised Children's Home shall furnish the Committee the details relating to its name, address, capacity to afford children, facilities available with them etc.

11. *Procedure for Inquiry*. —(1) Whoever produces the child to the Committee shall produce a birth certificate or any other certificate/declaration by the parents or guardian in proof of age within a period of fourteen days.

(2) In case of any doubt or dispute with regard to the age of the child, the Member or Committee, as the case may be, shall pass an order to obtain the opinion of the medical experts to fix the age of the child under question.

(3) The Committee shall also satisfy that the child has not been subjected to ill-treatment or harassment either by the Police or by any other person who takes charge of the child for the purpose bringing before the Committee and if any such incident of ill-treatment or harassment has been either noticed by the Committee itself or caused to be brought to the notice of the Committee, it shall initiate appropriate action against the offenders, by filing a complaint before the Magistrate having jurisdiction.

(4) The Committee may release the child to the care of parent/guardian/Fit Person/Fit Institution with or without surety till such time the final disposition is made.

(5) The Committee shall direct the Probation Officers or any other person/organisation empowered to conduct social enquiry including the prospects of rehabilitation and furnish the report to the Committee, but also direct him to cause a expert opinion on cases pertaining to the psychological or psychiatric problems of the child. The Committee may also direct the expert to furnish a special report about the child in need of care and protection.

(6) The Committee shall maintain the list of experts in the field of psychology, counselling and guidance, psychiatric institutions etc., who are

willing to provide such services.

(7) The direction for the inquiry under sub rule (5) shall be in Form-I.

(8) The inquiry shall be completed within four months of receipt of the order or within such shorter period as may be fixed by the Committee, provided that the period for submission of report may be extended by the Committee, having regard to the circumstances and for reasons to be recorded in writing.

(9) The social investigation report shall be submitted in Form—II.

(10) If the Committee is satisfied that the child can be corrected and rehabilitated at his home surroundings with or without additional non-institutional services, the Committee can order the release of the child with his parents/guardian or fit person or fit institution, as the case may be, and give them suitable directions.

(11) Whenever a child is ordered to be restored under the care of parents or guardians or fit person to participate in group counselling or similar activities or to be restored under the care of any fit institution, the Committee shall direct the Probation Officer/Social Worker to effect supervision for such period as the Committee may deem fit period and report to the Committee regularly.

(12) The Committee shall also direct a Medical Officer or any Medical Institution to undertake medical examination in respect of children and furnish report for follow-up action thereof.

(13) If the Committee finds that a child is abused as per the report of Medical Officer or as per the report of Probation Officer/Social Worker, the Committee shall issue summons to concerned persons to be present on such dates, or dates specified for enquiry and initiate appropriate action against such offender by filing a complaint before the Magistrate having jurisdiction.

(14) After completion of the inquiry, if the Committee is of the opinion that the said child has no family or ostensible support it can order for retention of the child in the Children's Home until suitable rehabilitation is found for him, or till he attains the age of eighteen years in the children's home. The Committee shall carry out an annual review of the progress of the child in the home.

12. *Child Rights Protection*: – (1) The Committee is the competent authority to provide for the basic needs and protection of human rights of children

(2) Wherever any instances of child right violation comes to the notice of the Committee either directly or on the report of a Probation Officer or otherwise the Committee shall issue an order to the Police to make an enquiry and submit report within such period as may be specified in the order.

(3) If the Child Welfare Committee is satisfied that any violation of child right has occurred, the Committee shall call upon the parent or guardian to produce the child before it and show cause why action should not be taken against him. If the explanation is not satisfactory and the Committee is satisfied that leaving the child along with parent/guardian or the custodian is detrimental to the best interest of the child, the Committee shall order for removal of the child therefrom and keep him in a Children's Home or such other place of safety.

(4) If, on enquiry report, the Committee is satisfied that immediate removal of the child is necessary for the best interest of the child, it can issue a search warrant for the immediate production of the child.

(5) If the Committee on an enquiry arrives at a conclusion that there is prima facie evidence to confirm violation of the child rights, the Committee shall at the earliest file a complaint before the Magistrate having jurisdiction.

(6) Whenever any case of child in difficult circumstances come to the notice of the Committee directly or on the report of the Probation Officer or otherwise, the Committee shall be competent to issue an order to the Special Juvenile Police Officer to conduct an enquiry and submit a report within such time as it deem fit. If the Committee is satisfied that the child needs care and protection, it can issue proper orders for the best interest of the child such as adoption, foster care, appointment of guardian and institutionalization of the child under the provisions of the Act.

## INSTITUTIONAL MANAGEMENT

13. *The following shall be the guiding principles for the institutional management, namely.*—(1) All institutions shall have children's committees/Balasabha to enable the children to take active participation in the day-to-day functioning of the home.

(2) To ensure processes by which children's opinion are respected and considered while implementing programmes and services according to his/her satisfaction.

(3) To ensure systems wherein children's grievances are openly discussed and acted upon by the concerned authorities.

(4) Bala Sabhas may be constituted as mentioned in Rule 18 and these Sabhas shall periodically report to all concerned authorities and ensure follow-up action thereof.

(5) Community support shall be mobilized.

14. *Institutional Management for juveniles in conflict with law shall be as follows, namely.*—(a) *Observation Home.*—(1) The Government shall establish and maintain either by itself or under an agreement with voluntary organisations in every district or a group of districts separate Observation Homes for boys and girls. The Government may also certify any institution as Observation Home for the purpose of this Act. Mahila Mandiram of the Government shall also function as Observation Home for girls.

(2) The Board may also recognize any fit institution as a place of safety to function as Observation Home for the temporary reception of any child in conflict with law, during the pendency of any inquiry regarding them under this Act.

(b) *Special Home.*—(1) The Government may establish, either by itself or under an agreement with Voluntary Organisations, Special Home for every district or a group of districts for boys and girls separately. The inmate shall be classified and separated in accordance with their age as follows:—

(a) For the age group of children up to 14 years.

(b) For the Age group of children between 14 and 18 years

(2) The Board may order for separate accommodation for juveniles considering the nature of offences committed by the juvenile and his mental and physical status.

(3) No person shall be admitted in a Special-Home without any proper order from the Board under its seal and signature. The Officer-in-charge shall refuse admission to the child whose age and identification marks have not been mentioned in the detention order of the Board.

15. *Facilities to be provided by institutions, namely.*—(1) Each institution shall have a Reception Unit under the charge of an officer authorised by the Superintendent for the admission of new juveniles. Newly admitted juveniles may be kept in the Reception Unit for ten days initially. Wherever necessary, the Officer-in-charge may suitably extend this period to facilitate a detailed study of the juvenile. Any juvenile suspected to be suffering from contagious/infectious diseases, mental ailments, addiction etc., shall be immediately segregated in specially earmarked dormitories or wards or hospitals, as the case may be.

(2) The following procedure shall be followed in respect of the newly-admitted juveniles, namely:—

(i) verification by the officer-in-charge of the order of the Board as to the identification marks, register entries, cash, property, etc;

(ii) receiving and search in the reception unit;

(iii) hair-cut (unless prohibited by religion), issue of toiletry items;

(iv) Disinfection and storing of juvenile's personal belongings and other valuables;

(v) Bath;

(vi) Issue of new set of clothes, bedding and other outfit and equipment;

(vii) Medical examination and treatment, where necessary;

(viii) Attending to immediate and urgent needs of the juvenile's like interview letter to parent(s), personal problems etc.

(3) Each institution shall follow a schedule of orientation for the newly-admitted juvenile covering the following aspects:—

(a) Interpretation of rules and regulations;

(b) Health, sanitation, hygiene;

(c) Institutional discipline and standards of behaviour respect for elders, teachers, etc;

(d) Self-improvement or personality development opportunities, and;

(e) Responsibilities and obligations.

(4) An overall study of the juvenile admitted to an institution shall be undertaken on the basis of their social history, behavioral pattern and attitudes towards others. Information regarding their socio-cultural and economic background shall be collected through all possible and available sources including home, parents or guardians, employer, school, friends and community. The educational level and vocational aptitude shall be assessed on the basis of test and interview conducted by the teacher, the workshop supervisor and other technical staff. For this purpose, appropriate linkages shall also be established with outside specialists and community based welfare agencies, psychologist, psychiatrist, child guidance clinic, hospital and local doctors, open school etc.

(5) All residents in the Reception Unit 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.

(6) A well-rounded programme of pre-release planning and follow-up of cases discharged from Special Homes shall be organized in all institutions in collaboration with existing Governmental and Voluntary Welfare Organizations.

(7) *Daily Routine:* (1) Each institution shall have a well regulated daily routine for the juveniles, which shall be displayed and it shall provide, among other aspects, for regulated and disciplined life, physical exercise, educational classes, vocational training, organized recreation and games, moral education, group activities, prayer and community singing. The suggested daily routine could be as stated in Annexure -I

(2) For Sunday and holiday the daily routine shall include, —

(a) Washing of clothing and bedding;

(b) Library reading;

(c) Recreational programmes, games, sports;

(d) Radio, Television and Recorded music;

(e) Scouting activities and cultural activities.



(8) *Education.*—(i) Education shall be provided inside and outside the detention homes and wherever possible it shall be in community schools. The education shall be provided by qualified teachers through programme integrated with the general educational system of the country so that, after release, juveniles may continue their education without difficulty.

(ii) Each home shall provide facilities for useful vocational training under the guidance of trained instructors. The home shall develop working with Institute of Technical Instruction, Jan Shikshan Sansthan, Government and Private Organisations/Enterprises, Agencies/Non Governmental Organisation's with expertise, or placement agencies.

(iii) Each home shall have the services of a trained Counsellor, based on specified Counsellor—child ratio. Services of Child Guidance Centres, Psychology and Psychiatric Departments or similar Agency may also be availed. Juvenile in the special home shall be provided with special and unique correctional programmes and services appropriate to each individual juvenile.

(9) *Diet Scale.*—The Government shall prepare Diet Scale for juveniles in consultation with qualified dieticians so that the diet becomes balanced, nutritious and varied. Special diet may be provided on festivals and to the sick juveniles as required. On special occasions Superintendent shall be competent to provide extra articles of diet subject to the condition that the cost of extra articles shall not be exceeded on such amount as may be fixed from time to time by the authority. The Cooks shall be eligible for ration at the same rate as is applicable to the juvenile/child. The diet of sick inmates shall be as prescribed by a Medical Officer. The minimum standard for dietary scale shall as shown in Annexure II.

(10) *Issue of clothing, bedding etc.*—Each juvenile shall be provided with clothing and bedding including customary under-garments, towels, jersey for winter, school uniform for juveniles attending outside schools, 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 Government from time to time. The minimum standard for scale for clothing and bedding shall be as mentioned in Annexure III.

(11) *Sanitation and Hygiene*.— Each institution shall also have the following facilities, namely :—

- (i) Sufficient and treated drinking water;
- (ii) Sufficient water for bathing and washing clothes; maintenance and cleanliness of the premises;
- (iii) Proper drainage system;
- (iv) Arrangements for disposal of garbage;
- (v) Protection from mosquitoes;
- (vi) Sufficient number of latrines in the proportion of at least one latrine for seven children;
- (vii) Sufficient number of bath rooms in the proportion of at least one bath room for ten children;
- (viii) Sufficient space for washing;
- (ix) Cleanliness in the kitchen;
- (x) Fly proof kitchen;
- (xi) Sunning of bedding and clothing.
- (xii) Cleanliness in the Medical Centre.

(12) *Accommodation*.—The minimum standard of accommodation shall be as follows, namely :—

- (i) Dormitory .. 40 square feet per juvenile;
- Classroom .. Sufficient accommodation;
- Workshop .. Sufficient work space;
- Play ground .. Sufficient play ground area should be provided in each institution according to the total number of juveniles in the institution.

(ii) The dormitories, class rooms and workshops shall have sufficient cross ventilation and lighting.

(13) *Medical Care*.—(i) Every juvenile shall be provided with adequate medical care, both preventive and remedial, including dental, ophthalmologic and mental health care, as well as pharmaceutical products and special diets as medically indicated on grounds of illness or ill health. All such medical care shall, where possible, be provided to detained juveniles through the appropriate health facilities and services of the community in which the detention facility is located, in order to prevent stigmatization of the juvenile and promote self-respect and integration into the community.

(ii) Each institution shall provide for the necessary medical staff including a Nurse and a Part-time Medical Officer and 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 serious cases to the nearest civil hospital or treatment centres.

(iii) Each juvenile admitted in an Observation Home shall be medically examined by the Medical Officer within twenty four hours, in special cases within forty eight hours, and also at the time of transfer of the juvenile to a Special Home, within a similar period before transfer and further at any other time that may be considered necessary by the Medical Officer or the Officer-in-Charge.

(iv) No surgical treatment shall be carried out on any juvenile without the previous consent of his parent or guardian, unless either the parent or guardian cannot be found and the condition of the juvenile is such that any delay would, in the opinion of the Medical Officer, involve unnecessary suffering or injury to the health of the juvenile.

(v) A health record of each juvenile in the institution shall be maintained on the basis of quarterly medical check-up.

(vi) A juvenile, who is suffering from mental illness, shall be treated in a specialized institution under independent medical management. Steps should be taken, by arrangement with appropriate agencies, to ensure any necessary continuation of mental health care after release.

(vii) Observation/Special Homes shall refer such juveniles who require specialised drug abuse prevention and rehabilitation programmes to an appropriate center administered by qualified personnel. These programs shall be adapted to the age, sex and other requirements of the juveniles concerned.

(viii) Medicines shall be administered only to the extent that is necessary for treatment on medical grounds and, when possible, after having obtained the consent of the juvenile concerned. In particular, they must not be administered with a view to eliciting information or a confession, for inflicting a punishment or as a means of restraint. Juveniles shall never be subjected to tests in the experimental use of drugs and treatment. The administration of any drug shall always be authorised and carried out by qualified medical personnel.

(ix) The District Medical Officer shall arrange one Medical Officer for the periodic checkup of the children of Observation Home and Special Home once in a week. In the case of emergency, the Medical Officer shall extend his services as and when requested by the Superintendent.

16. *Referral Services for Children with Other Special Needs.*—(1) The Competent Authority/the Government shall identify and recognize institutions providing specialized services to children with other special needs and refer the children to these institutions so that their particular needs are met.

(2) These services include those for physically challenged children, street children, sexually abused children, children with HIV/AIDS, children of prisoners, child prostitutes, children addicted to substances, terminally/chronically ill children, and any others.

17. *Classification of Juveniles.*—(1) A juvenile shall be classified on the basis of the age, physical and mental health, length of stay order, degree of delinquency and the character. Besides, factors like sequence of juvenile's behaviour, possibilities of functioning as a contamination risk, requirements of custody, educational and vocational training needs, total background, possibilities of social adjustment, prospects after release and the rehabilitation needs, shall be taken into consideration.

(2) For the above purpose, a Classification Committee shall be constituted in each institution consisting of the following personnel:—

Superintendent	Chairperson
Case Worker/Probation Officer Grade II (JJ)	Member Secretary
Psychiatrist	Member
Medical Officer	Member
Workshop Supervisor/Instructor in Vocation	Member
Teacher	Member
One Representative from the 'Balasabha' nominated by the Superintendent on a rotation basis	Member

(3) The Classification Committee shall meet as and when necessary but at least once in a month to consider and review the following namely:—

(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, etc;

(c) vocational training and opportunities for employment;

(d) education, health education, social education, academic education, vocational education and moral education;

(e) social adjustment recreation, group work activities guidance and counselling;

(f) special instructions, collecting moral instructions and special precautions to be taken, etc.;

(g) review of progress and adjusting institutional programmes to the needs of the children;

(h) planning post-release rehabilitation programme in collaboration with aftercare service;

(i) pre-release preparation;

(j) release, and

(k) any other matter which the Officer-in-Charge may like to bring up.

18. *Constitution of Balasabha*.—(1) There shall be constituted a Balasabha in a representative manner as one representative for ten Juveniles and the Members of the Balasabha shall elect a Leader/Convenor from among themselves. Case Worker/Probation Officer shall be the patron of the Balasabha.

(2) The Balasabha shall convene monthly meetings and discuss all matters affecting the children.

(3) The Balasabha shall discuss grievances of children and acted upon by the concerned authorities.

(4) The Balasabha shall take active participation in the day to day functioning of the Home.

(5) The opinion of the Balasabha are respected and considered in the implementation of programmes and services for the juveniles.

19. *Rewards and Earnings*.—(1) Rewards to the juveniles at such rates as may be fixed by the Director of Social Welfare from time to time may be granted by the Officer-in-charge as an encouragement to steady work and good behaviour. At the time of release, the reward shall be handed over under proper receipt to the parent/guardian who comes to take charge of the juvenile in case the child continues to be a minor at the time of release.

(2) Wherever possible, juveniles above fourteen years of age shall be provided with the opportunity to perform remunerated work, if possible within the local community, as a complement to the vocational training provided in order to enhance the possibility of finding suitable employment when they return to their communities. The type of work shall be such as to provide appropriate training that will be of benefit to the juveniles following release. The organisation and methods of work offered in juvenile justice facilities shall resemble as closely as possible those of similar work in the community, so as to prepare juveniles for the conditions of normal occupational life.

(3) The earning of the Juvenile shall be deposited in a Bank jointly in the name juvenile and Superintendent and shall be withdrawn at the time of his release and handed over to the juvenile or his parent or guardian, under proper receipt.

20. *Visits to and communication with inmates.*—(1) The parents and near relations of the juveniles shall be allowed to visit once a month or in special cases, more frequently at the discretion of Officer-in-charge. The visiting hours shall be laid down by the Officer-in-charge.

(2) The receipt of letter by the juveniles of the institution shall not be restricted and they shall have freedom to write as many letters as they like at all reasonable times. However, 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 Officer-in-charge may peruse any letter written by or to juvenile, and may for any 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.

(4) Every means shall be provided to ensure that juveniles, have adequate communication with the outside world, which is an integral part of the right to fair and humane treatment and is essential to the preparation of juveniles for their return to society.

(5) Juveniles shall have the opportunity to keep themselves informed regularly of the news by reading newspapers, periodicals and other publications, through access to radio and television programmes and motion pictures and through the visits of the representatives of any lawful club or organisation in which the juvenile is interested.

21. *Prohibited Articles* :—No person shall bring into the institution the following prohibited 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, ganja, opium and other narcotic/psychotropic substances ;

(d) tobacco, or ;

(e) any other article specified in this behalf by the Government by general or special order.

22. *Articles found on search and inspection*.—(1) The Officer-in-Charge shall see that every juvenile received in the institution is searched, he is cleaned, his personal effects inspected and any money or valuables found with or on the person of the juvenile is kept in the safe custody of the Officer-in-Charge. Girls shall be searched by a female Member of the staff with due regard to decency.

(2) In every institution, a register of money, valuables and other articles found with or on the person of a juvenile received therein shall be maintained which may be called the "Personal Belongings Register".

(3) On a juvenile being received in the institution any money, valuables and other articles found on search and inspection and taken possession of shall be entered in such register, and the entries relating to him 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. All such entries shall be countersigned by the Officer-in-charge.

(4) Entries shall be made in such register and attested by the Officer-in-charge, showing in respect of every such search and inspection, the following details namely:—

(a) what articles, if any, are respectively destroyed, sold and stored;

(b) in the case of articles sold, the amount realized for them;

(c) the return to juvenile of any money, valuables or articles at the time of release or otherwise.

23. *Disposal of articles.*—(1) The property other than money or valuables belonging to a juvenile received or detained in an institution shall be disposed 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 Officer-in-charge shall deposit such juvenile's money together with the sale proceeds, if any, under rule 22 (4) (b) in the manner laid down from time to time, in the name of the juvenile. The amount shall be kept with the Officer-in-charge. Juvenile's valuables, clothing, bedding and other articles, if any, shall be kept in safe custody.

(b) When such juvenile is transferred from one institution to another, all his property, valuables, shall be sent along with the juvenile to the Officer-in-charge of the institution to which he has been transferred together with a full and correct statement of the description and estimated value thereof.

(c) At the time of the release of such juvenile, the property or valuables kept in safe custody and the money deposited in the name of juvenile shall be handed over to the parent or guardian, juvenile, as the case may be, and an entry made in that behalf in the register. Such entry shall be signed by the Officer-in-charge.

(d) When a juvenile of an institution dies or escapes therein the property left by the deceased and the money deposited in the name of the juvenile shall be handed over by the Officer-in-charge to any person who establishes his claim thereto and executes an indemnity bond. A receipt shall be obtained from such person for having received such property and the amount. If no claimant appears within a period of one year from the date of death/escape of such juvenile, the property and amount, if any, shall be handed over to the police for disposal in accordance with the provisions of sections 25 to 27 of the Police Act, 1861.

24. *Emergencies.*—(1) The Officer-in-charge shall take the following measures to prevent and control emergent situations, namely:—

- (a) adequate security measure and periodical inspection thereof;
- (b) proper maintenance of buildings and premises;
- (c) prompt firm and considerate handling of all discipline problems;
- (d) careful handling of plant and equipment;
- (e) accident preventive measures;



- (f) fire preventive measures;
- (g) segregation of juvenile suffering from prolonged 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, the following procedure shall be adopted, namely:—

(a) The Officer-in-charge shall immediately send the Care Taker in search of the juvenile at places like railway stations, bus stands and other places where the juvenile is likely to go;

(b) The parents or guardians shall be informed immediately about such escape, if known;

(c) A report shall immediately be sent to the Police Station in the area along with the details/description of the juvenile, with identification marks and a photograph, with a copy to Juvenile Justice Board and the Chief Inspector;

(d) The Officer-in-charge shall hold an inquiry about each escape and send his report to the Board and the Chief Inspector.

(3) On the occurrence of any case of death or suicide, the following procedure shall be adopted, namely:—

(a) If a juvenile dies, an inquest and post mortem examination shall be held;

(b) Whenever a sudden or violent death or death from suicide or accident takes place, immediate information shall be given to the Officer-in-charge and the Medical Officer, and the juvenile shall, if life be extinct, according to a doctor, be left in the position in which it was found, pending inspection by the officers concerned;

(c) In case a juvenile dies due to causes other than natural causes or if the cause of death is not known or if the death has occurred due to suicide or violence or accident or whenever there is any doubt or complaint or question concerning the cause of death of any juvenile, the Officer-in-charge shall inform the officer-in-charge of the Police Station having jurisdiction. The Officer-in-charge shall immediately give intimation to nearest Magistrate empowered to hold inquests;

(d) The Medical Officer shall report to the Officer-in-charge about the happening of the natural death of a juvenile and see that the body is decently removed to the mortuary;

(e) The Officer-in-charge shall obtain a report of the Medical Officer stating the cause of death. A written intimation about the death shall be given immediately to the nearest Police Station, Juvenile Justice Board, National/State Human Rights Commission and the Director of Social Welfare;

(f) The parents or guardians of the deceased juvenile shall be contacted and the Officer-in-charge shall wait for 24 hours for the arrival of relatives. After the inquest is held, the body shall be disposed of in accordance with the known religion of the juvenile.

(4) In the event of custodial rape and/or sexual abuse, the following action shall be taken, namely:—

(a) In case any resident makes any complaint or occurrence of such nature comes to the knowledge of the Officer-in-charge, a report shall be placed before the Juvenile Justice Board, who in turn, will order for special investigation. The Juvenile Justice Board shall direct the local police station to register case against the person found guilty under the relevant section of the IPC. If the person suspected of sexually abusing a child is himself or herself a child then the child shall be referred to child psychiatrists for consultation/counselling who shall prescribe the appropriate course of action;

(b) The Special Juvenile Police Unit shall take due cognizance of such occurrences and conduct necessary investigations.

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

25. *Leave on absence:*—(1) The juvenile of an institution may be allowed to go on leave of absence/or released on license and stay with his family during examination, emergencies or special occasions like marriage in the family etc. While the leave of absence for short period not exceeding seven days excluding the journey time may be granted by the Juvenile Justice Board and it cannot be claimed as a matter of right. In the case of death of kith and kin or the accident or serious illness or emergency of like nature, the Superintendent can sanction emergency leave for seven days subject to ratification of the Board or Committee, as the case may be.

(2) The parents or guardian of the juvenile shall submit an application to the Officer-in-Charge requesting for release of the juvenile on leave, stating clearly the purpose for the leave and the period of leave.

While issuing orders sanctioning the leave of absence as the case may be, the competent authority shall clearly mention the period of leave and the conditions attached to the leave order. If any of these conditions are not complied with during the leave period, the juvenile or the child may be recalled to the institution.

(3) The parent or guardian shall arrange to escort the juvenile from and to the institution and bear the travelling expenses. In exceptional cases or during an emergency, the Superintendent may arrange to escort the juvenile to the place of the family and back.

(4) If the juvenile runs away from family during the leave period, the parent or guardian are required to inform the Officer-in-charge of the institution immediately and try to trace the juvenile and if found, send the juvenile to the institution concerned. If the parent or guardian do not take proper care of the juvenile during the leave period or do not bring the juvenile back to the institution concerned within the stipulated period, leave may be refused to such juvenile on later occasions. If the juvenile does not return to the institution on expiry of the sanctioned leave, the matter shall be reported to the Board or the Committee as the case may be and the Board or Committee shall refer the matter to police for taking charge of the juvenile and bring him back to the concerned institution.

(5) The period of such leave shall be deemed to be part of the period of detention in the institution. The time which elapses after the failure of a juvenile to return to the institution within the stipulated period shall be excluded in computing the period of his detention in the concerned institution.

26. *Release on Licence of Juvenile in conflict with Law.*—(1) The Juvenile in conflict with law or child in need of care and protection shall be released on licence by the Board or Committee on the report of the Probation Officer.

(2) The Juvenile in conflict with law or the child in need of care and protection shall be released on licence at any time. The Officer-in-charge of the Home shall on receipt of application from the parent/guardian shall place the application with his report to the Board or the Committee, as the case may be. The Board/Committee may call for a report from the Probation Officer and if it is satisfied may release order on license in Form No. VIII.

(3) Whenever a juvenile or child is so released on licence by the Board or Committee, he shall be kept under the supervision of the Probation Officers for a period of three years or upto the date of the normal period of discharge had he not been released on licence. The Probation Officer shall submit a quarterly report to the Board or Committee with copy to the Officer-in-charge of the institution concerned about the status of the child during the period of supervision. The Officer-in-charge of the institution shall furnish a gist of the behavior of the individual during his stay in the institution or such other training, educational, vocational if any, undergone for subsequent follow-up by the Probation Officer.

27. *Release.*—(1) The Officer-in-charge shall maintain a roster of the cases to be released on the expiry of the period of stay as ordered by the Board. Each case shall be placed before the Classification Committee for proper mainstreaming. Action may be preferably initiated six months before the release. The details of juvenile to be released shall be submitted to the Regional Probation Officer for arranging the pre-release enquiry report by the Probation Officer.

(2) Timely information of the release of a juvenile and of the probable 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 on the date. In cases where the parents or guardian are unable to bear the actual expenses of the parent's or guardian's journey both ways and of the juvenile's journey from the institution shall be paid to the parent or guardian by the Officer-in-charge at the time of the release of the juvenile. If the parent or guardian, as the case may be, fails to come to take charge of the juvenile on the appointed date, the juvenile shall be taken by the escort of the institution. Girls shall be escorted by a female escort.

(3) At the time of release or discharge a juvenile may be provided with a set of summer/winter clothing as the case may be, if the Officer-in-charge deems it necessary.

(4) If the juvenile 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.

(5) The Officer-in-charge of a girls' institution, subject to the approval of the Competent Authority, may get suitable girls above the age of 18 years married according to the procedure laid down by the Director of Social Welfare from time to time.

(6) The Officer-in-charge shall order the discharge of any juvenile, the period of whose detention has expired and inform the competent authority within seven days of the action taken. If the date of release falls on a Sunday or another public holiday, the juvenile may be released on the preceding day, entry to that effect being made in the register of discharge. The Officer-in-charge shall, in appropriate cases, order the payment of subsistence at such rates as may be fixed from time to time and the railway and road, or both, fare, as the case may be.

(7) In deserving cases, the Officer-in-charge may provide the juvenile with such small tools, as may be necessary, to start a business subject to such maximum cost as may be fixed by the competent authority in this regard.

(8) The Officer-in-charge may, subject to the approval of the competent authority, allow school going juveniles at their own request to stay in the institution after the period of their detention till the completion of annual examination.

(9) The Officer-in-charge shall intimate the release to the Regional Probation Officer and the Regional Probation Officer shall appoint District Probation Officer as 'After Care Officer' for a period of two years upon his release.

28. *Maintenance of case file.*—(1) There shall be maintained in each institution a case file pertaining to each juvenile containing the following particulars, namely:—

- (a) report of the person/agency who produced the juvenile before the Board (See Annexure IV);
- (b) Probation Officer's report;
- (c) information from previous institution (See Annexure V);
- (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, I.Q. testing, aptitude testing, educational/vocational tests;
- (h) social history (See Annexure VI);
- (i) summary and analysis by officer-in-charge;
- (j) initial classification sheet;

- (k) instruction regarding training and treatment programme and about special precautions to be taken;
- (l) leave and other privileges granted;
- (m) violation of rules, regulations, special achievements;
- (n) quarterly progress report from various sections;
- (o) review sheet (See Annexure VII);
- (p) pre-release programme (See Annexure VIII);
- (q) final progress report;
- (r) leave of absence/release on license;
- (s) final discharge;
- (t) follow-up reports;
- (u) central index number;
- (v) annual photograph;
- (w) remarks.

(2) Modern Computer Technology may be made applicable in keeping case files of the Juveniles in the institutions, Juvenile Justice Board Records and Juvenile Probation Records.

29. *Children's Home*.—(1) The Government may establish and maintain either by itself or in association with Voluntary Organizations Children's Homes for children in need of care and protection, in the manner specified below, namely:—

(a) While children of both sex below 10 years of age may be kept in the same home, separate facilities to be maintained for boys and girls;

(b) Separate Children's Homes shall be set up for boys and girls above 10 years and also separate facilities to be maintained for the age groups of 10 to 14 and 14 to 18 of age considering their physical growth and maturity.

(2) The following procedure shall be followed for reception of child at a Children's Home, namely:—

(a) Every new child who is brought to home, shall immediately be taken charge of by the Counsellor/Child Welfare Officer/designated officer, as the case may be. The child shall be received with due care and treated with dignity and love. A brief orientation shall be given to the child on induction to remove any inhibition from the mind of the child.

The child shall be immediately be given bath, clothing, food etc. and medically examined. The designated officer shall enter the name of the child in the Admission Register and allocate appropriate accommodation facility. The photograph shall also be taken immediately for records and the case worker shall begin the investigation and correspondence with the parent/guardian/interested person;

(b) The Officer-in-charge of the Children's Home shall see that the personal belongings of every child received by him is kept in safe custody and recorded in the Personal Belonging Register and it shall be returned to the child when he is released from the home. The girl child shall be searched by a female Member of the staff, and with due regard to decency. The Officer-in-charge shall be confirmed of himself that the child is not in possession of article mentioned under Rule 21 and the search and disposal of such article, if any, shall be regulated by rules 22 and 23;

(c) During the course of intake of the child if it comes to the notice of the officer that the child had been abused or subjected to cruelty he shall report the fact forth with to the Committee for appropriate action.

(3) Each Children's Home shall function as a *comprehensive child care centre*. The primary objective of this centers shall be to promote an integrated approach towards child care by involving the community and local Non-Governmental Organisations. The activities of the centre shall focus on the following matters, namely:—

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

(b) specialized services in conflict or disaster affected areas such as family counselling, peer groups, etc.;

(c) provision of child line and emergency outreach service through 1098, a free phone facility for children;

(d) linking up with Integrated Child Development Scheme to cater to the needs of children below six years;

(e) to establish linkages with organizations and individuals who can provide support services to children. These centres shall encourage volunteers to provide for various services for children and families to become foster parents/sponsors.

(4) Each Children's Home shall have the following facilities:—

(a) *Physical infrastructure.*—It shall include separate facilities for children upto the age group five years with appropriate facilities for the infants (service of recognized foundling homes to be utilized). The facilities to be created for children in the age group of 5-10 years shall include separate dormitories for boys and girls. The standard of accommodation as prescribed in Sub Rule (12) of Rule 15 shall apply. There should be adequate lighting, ventilation, heating and cooling arrangements, drinking water and toilets, in terms of age appropriateness and hygiene.

(b) *Daily Routine.*—As prescribed in Sub Rule (7) of Rule 15.

(c) *Clothing & Bedding.*—According to season and age appropriate as per scale mentioned in Sub Rule 10 of Rule 15.

(d) *Nutrition.*—The children shall be provided nutritious food as per Sub Rule 9 of Rule 15. The normal dietary scale for children upto eighteen years shall be according to scale mentioned in Annexure II.

(e) *Medical.*—(i) The children's home shall have the medical facility preferably with doctor and nurse. All children brought into the home shall be medically examined initially within 24 hours of arrival. The routine medical checkup of the children must be done on monthly basis. The sick children shall constantly be under medical supervision. In the event of break out of contagious/infectious diseases, segregation must be ensured.

(ii) The medical service shall include immunization facility as prescribed by the National Immunization Schedule. The home shall have networking with local doctors/hospitals for referral cases.

(iii) The medical record of each child shall be meticulously maintained in the file of the child. The record shall also include weight and height record, any sickness and treatment, and other physical/mental problem if any. Other provisions mentioned in sub-rule (13) of rule 15 is also applicable to the inmates of Children's Home.

(f) *Education.*—(i) The home shall provide educational facilities to all children according to their age and ability, either both inside the home or outside, as per the requirement;

(ii) In each Children's Home there shall be a school to provide education upto and including VII Standard for the General Education of the Children detained therein;



(iii) The provisions of the Kerala Education Rules relating to the accommodation, discipline and periodical examination, shall apply to the Schools attached to Children's Home as the case may be except in so far as their special character does not permit of such application;

(iv) The concerned District Educational Officers/Assistant Educational Officers under whose jurisdiction the concerned academic school of the institution is situated shall circulate all circulars and standing orders issued from time to time to the institutions also;

(v) The syllabus of the various standards in the School shall be the same as that of Schools under the Directorate of Education Department in the matter of General Education;

(vi) General Education upto Standard IV (Primary Education) shall be compulsory to all children;

(vii) The School shall have holidays on all Sundays, all other gazetted holidays and for 20 days during the period from 1<sup>st</sup> April to 31<sup>st</sup> May. The dates of holidays shall be reported to the Director of Social Welfare. The teachers or instructors may be permitted to avail themselves of the holidays, provided one teacher or instructor shall take holiday duty by turn and attend the institution during the hours fixed by the Superintendent. Any Member of the staff who is detained for duty on a holiday does not attend the duty must obtain eligible leave under the rules if he wants to be absent from duty on that day;

(viii) All children shall be instructed in physical exercise and drill. Games shall be arranged according to the availability of ground in each Home;

(ix) Gardening shall be compulsory to all children;

(x) The Government may exempt the children who may be presented for the public examinations from the institutions under the Act from payment of fees for the examination;

(xi) The Transfer Certificates issued to children from the institution for their admission in other schools shall be considered equivalent to those issued by the schools under the Government;

(xii) Those pupils who fail in VII Standard and do not show any aptitude or progress in their study may be exempted from study under orders of Superintendent and such pupils may be given full time vocational training or gardening work or other suitable work;

(xiii) Necessary opportunities for the self education of the inmates shall be provided for in the institution. Those who have requisite capacity and desire to raise their educational level shall be encouraged to undertake further studies. They shall be given necessary facilities to appear for the examinations conducted by the Directors of Public Instructions or Higher Secondary Directorate of the Government or by the University or by recognised institutions as private candidates.

(xiv) Children who have passed Standard VII in an outstanding manner and desirous of higher studies may be given facilities of higher studies in such manner as may be specified by Government in this behalf.

(xv) Expense for the purchase of text books, note books, instruments box, stationery articles, umbrellas, tiffin carrier etc. required for higher studies of children shall be met by Government duly accounted for in the institution;

(xvi) The Superintendent shall watch the progress in study and conduct of the children. He shall have the power to stop sending for higher studies any children who try to escape or misbehave or participate in strike or show wilful negligence in study or cause wilful destruction or loss of educational articles or other items supplied to him for purpose of study;

(xvii) No children studying in outside schools who fails in the annual examination shall ordinarily be allowed to continue his studies at Government expense. But if the parent or guardian or sponser of the child is prepared to meet the entire expenditure towards the further study of the pupil in the same class in which he failed such pupil may be allowed to continue his study;

(xviii) The Superintendent shall send a list of inmates who were attending High School classes at the commencement of each academic year and another list showing the names of inmates who have passed or failed during the year after the result of the final examination is published, to the Chief Inspector for information;

(xix) The Superintendent may at the end of every school year prepare a list of all articles worn out or lost such as note books, books, umbrellas, shirts, cloth etc., with costs thereof and submit it to the Chief Inspector for sanction to write off the same;

(xx) The Superintendent may depute teachers or Headmaster to attend refresher or inservice training conducted by the Education Department. The teachers or Headmaster as the case may be shall be eligible for the allowance as is admissible to the teachers of the Education Department during such training;

(xxi) The District Educational Officer/Assistant Education Officer within the Local Jurisdiction where the Children's Home is situated shall carry out academic inspection in the schools. He shall forward a copy of report of inspection to the Director of Social Welfare.

30. *Vocational Training.*—(1) Each Home shall provide facilities for useful vocational training under the guidance of trained instructors. The Home shall develop networking with Institute of Technical Instruction (ITI), Government and Private Organization/Enterprises/Agencies/Non Governmental Organisations with expertise, or Placement Agencies.

(2) The Government shall recognize the vocational training given at children's home for the purpose of vocational training each Children's Home shall be treated as an Industrial Training Institute on par with the vocational training given by Government Technical Examination Training Centre.

(3) Each children's home shall have at least one trained Instructor to impart training on selected vocational trade and inmates will be prepared for appearing the Industrial Training Institute Certificate Examination.

(4) The academic inspection of the Children's Home Industrial Training Institute will be done by the Director of Technical Education or his nominee and forward the inspection report to the Director of Social Welfare.

(5) The class and various technical sessions shall function in shift. The Superintendent of the Institution shall fix time for schooling and vocational training according to the needs and availability of children and staff.

(6) All the children's homes shall be properly equipped with training aids, class rooms etc. for conducting the vocational training. The cost incurred in the training, inclusive of expenditure on staff, equipments, materials etc. shall be met from the fund established under this Act on the same lines as specified by the Directorate of Technical Education.

(7) *Computer Training*:—Each Children's Home shall also provide facilities for computer training based on the norms of National Council for Vocational Training. The staff appointed shall be qualified persons as per National Council for Vocational Training norms. Duration of the course and syllabus will be as approved by the National Council for Vocational Training.

(8) *Remunerated Work*:—Wherever possible, juveniles above 14 years shall be provided with the opportunity to perform remunerated work, if possible within the local community, as a complement to the vocational training provided in order to enhance the possibility of finding suitable employment when they return to their communities. The type of work shall be such as to provide appropriate training that shall be beneficial to the juveniles even after release. The organisation and methods of work offered in children's home facilities shall resemble as closely as possible those of similar work in the community, so as to prepare juveniles for the conditions of normal occupational life.

31. *Other facilities*.—Each Home have the following facilities:

(1) *Counselling*:—Each home shall have the services of a trained counsellor. Services of Child Guidance Centres, Psychology and Psychiatric Departments or similar Agency may also be availed.

(2) *Recreation facilities*:— It must include indoor and outdoor games, music, television, picnics and outings, cultural programmes, annual sports and arts day celebrations, family get together, annual day celebration etc.

(3) *Care Plan*:—The Incharge Counsellor along with the Child Welfare Officer, Case Worker, or Social Worker shall prepare a Care Plan for every child in the Home. The Care Plan shall be reviewed from time to time for appropriate development and rehabilitation including options for restoration to family/foster care/adoption and review shall not be delayed beyond a year. The focus should be on providing family and community based re-integration programmes. Children should be consulted while determining their Care Plan. A Classification Committee as mentioned in Rule 17 shall be constituted for children in Children's Home and same procedure with regard to review shall be followed.

32. *Emergencies*:—in Children's Home:—(1) In the event of a child leaving the Home without permission, the information shall be sent to the police and the family, if known. The detailed report along with the effort to trace the child shall be sent to the Committee for information in the subsequent sitting of the Committee. The procedure laid down in sub-rule (2) of rule 24 shall be followed.

(2) In the event of death of a child the circumstances of the death shall be recorded in the case file of the child by the case worker giving the case of death and the death certificate shall be obtained from the attending doctor or hospital, as the case may be. The information shall be sent to the Committee and District Level Inspection Team, Registrar of Births and Death, and the relative, if known. The last rites shall be performed according to the known religion of the child. The procedure laid down in sub-rule (3) of rule 24 shall be followed.

(3) In the event of custodial rape and/or sexual abuse the proceeding mentioned in sub rule (4) of Rule 24 shall be followed.

(4) In the event of any other crime committed in respect of residents, the Child Welfare Committee shall take cognizance and arrange for necessary investigation to be carried out by Special Juvenile Police Unit.

(5) *Record keeping*:—Modern Computer Technology may be made applicable in keeping all the case files of the children maintained in the Children's Homes and that of the Committee and Juvenile Probation Officers pertaining to said homes shall be computerized and networked so that the data is centrally available. The contents of the case file shall be as mentioned in sub rule (1) of Rule 28.

(6) *Leave*:—Leave on absence and release on license shall be granted by Child Welfare Committee. The Procedure laid down Rule 25, 26 and 27 shall *mutatis mutandis* apply to children kept in Children's Home.

33. *Social Auditing*.—(1) The Government shall monitor and evaluate the functioning of the Children's Homes annually with the help of leading organizations working with the children, besides Autonomous Bodies like National Institute of Public Co-operation and Child Development, Indian Council for Child Welfare, Indian Council for Social Welfare, Indian Social Institute, Child Line India Foundation, National Institute of Social Defence, Central and State Level Social Welfare Boards, School of Social Work etc.

(2) Social Audit shall include a programme audit as well as a review of progress of all children in care such as incoming and outgoing children, rehabilitated children and children residing within institutions as supervised by the Monitoring and Evaluation Committee. These details shall include information and analysis of the needs, problems and progress of these children according to indicators listed in the review sheet (Annexure VII).

34. *Inspection, Monitoring and Evaluation*.—The Director of Social Welfare and any other officer authorized by him shall enter into any of the premises for the purpose of inspection of such institution. The Programme Development and Monitoring Cell, the District Advisory

Committee, Local Government Authorities shall inspect, monitor and evaluate the institutional and non-institutional programmes on Juvenile Justice Administration. The Inspection shall not be a fault finding process, it shall be constructive.

35. *Shelter Homes*:—(1) The Government may support creation of requisite number of Shelter Homes/Drop-in Centres through the Voluntary Organizations/Local Bodies for children in urgent need of care and protection, such as destitute, street children, run-away children etc. The existing Social Welfare Institutions for Women and Children shall also be treated as shelter homes for the purpose of this Act.

(2) Such Homes/Centres should have the minimum facilities of boarding, lodging besides the provision for fulfilment of basic needs in terms of clothing, food, health care and nutrition etc. 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.

(3) The Child Welfare Committees, Special Juvenile Police Units, Probation Officer, Public Servants, Childlines, Voluntary Organizations, Social Workers may refer a child to a shelter home or the child himself can seek admission to such shelter homes.

(4) The services of Officer-in-charge, Child Welfare Officer, Social Worker shall be provided for the proper care, protection, development, rehabilitation and re-integration needs of such children.

(5) The Shelter Home or Drop in Centres (DIC) for temporary stay approximately 4 months, if home placement or rehabilitation is not completed within the period the case shall be referred to the Committee.

(6) The Shelter Home authority shall furnish a monthly report to the Committee regarding the inmates of Home with special reference to the rehabilitated children.

(7) The Government shall approve a minimum of one Shelter Home/Drop in Centre for every District.

(8) The first stage of intervention shall be made through the setting up of a Drop in Centre similar to Street Contact Centres located in Railway Stations or other areas of high density of children at risk.

(9) The second phase may be facilitated through the setting up of Transit or Shelter Homes for children requiring transit care prior to long term placement.

(10) Within the jurisdiction, every Drop in Centre shall be affiliated to the Police Station within whose Jurisdiction it is, for documentation and for any specific assistance.

(11) The Government shall run a Home for Destitute Mentally Challenged Children and Children with Multiple Disabilities. The Home for these children shall be a comprehensive care and rehabilitation centre involving the local community. The State Institute of Mentally Handicapped, Pangappara, Care Home for Disabled Children Kozhikkode and Manchery shall be the Home for Destitute, Mentally Challenged Children and Children with Multiple Disability.

36. *Transfer.*—(1) During the enquiry, if it is found that the child hails from the place outside the jurisdiction of the Committee, the Committee shall order the transfer of the child to the competent authority having jurisdiction over the place of residence of the child, having regard to the best interest and safety either absolutely or on such conditions as it deems fit.

(2) No transfer shall ordinarily be proposed on the ground that the child has created problems or is difficult to be managed in the existing institution.

(3) Transfer for restoration or enquiry for all proceedings in respect of a child from one State to any other may also be ordered by the Government or the Local Authority, after obtaining concurrence from the Committee or the Board, as the case may be. No child shall be transferred out of the district/city for the purposes of adoption without the concurrence of the competent authority.

(4) On receipt of transfer order from the competent authority/local authority, the Officer in-Charge shall arrange to escort the child at the expenses of the Government to the place/person as specified in the order. The case file and records relating to the shall be sent along with the child.

## REHABILITATION AND SOCIAL RE-INTEGRATION

37. *Adoption.*—(1) The Children who are orphaned, abandoned, neglected and abused can be adopted under the Act. The guidelines for such adoption shall be issued by the Government from time to time. The guidelines so issued shall form part of these rules. Further the guidelines on adoption issued by the Central Adoption Resource Agency (CARA) shall also be followed.

(2) Government shall recognize Children's Homes or Government run Homes as adoption agencies for in-country adoption. In the case of Inter-country adoption the procedure laid down by the Central Adoption Resource Agency shall apply. However, the scrutiny shall be done independently by an agency recognized for this purpose. 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.

(3) An abandoned child can be given in adoption only when the Committee declares such a child to be legally free for adoption. An abandoned child shall be legally free for adoption when such an order is signed by at least two Members of the Committee. The Committee shall make a release order declaring the child legally free for adoption within a period of five weeks from the date of making the application.

(4) Before declaring the child as abandoned and certifying him/her as legally free for adoption, the Committee shall institute a due process of enquiry which shall include,—

(a) declaration by the recognised agency stating there has been no claimant for the child even after making notification in at least one leading newspaper and after waiting for a period of four months;

(b) the Police enquiry for the purpose of ascertaining and tracing the parents of the child in respect of which found abandoned must be completed within one month from lodging the complaint in the Police Station and submit reports to the Committee;

(c) a thorough enquiry and report by the Probation Officer/Case Worker, as the case may be, shall be submitted within a maximum period of four months;

(d) no child who can understand and express her/his opinion shall be placed in adoption without his/her consent.



(5) The Role of licensed/recognized Government and Non-Government agencies for adoption shall be –

(a) When an abandoned child is received, the recognized agency shall within twelve hours of the receipt of the child report to the Committee along with the copy of the report filed with the Police Station in whose jurisdiction the child was found abandoned.

(b) The adoption agency may initiate the process of clearance for the purpose of adoption at the earliest in the case of children who are found abandoned and for placing application within a period of two months before the Committee for declaring the child legally free for adoption.

(c) Where a child is surrendered by her/his biological parent/parents by executing a document of surrender as prescribed, the adoption agency shall make an application directly to the Board for giving the child in adoption. However, the adoption agencies shall wait for completion of two months given as period of reconsideration to the biological parent/parents.

(d) Where a surrendered/abandoned child who is legally free for adoption so received, the licensed agency shall have discretion to place the child in pre-adoption foster care with the selected prospective adoptive parent/parents under intimation to the Board immediately after filing petition for final adoption order before the Board.

(6) The Procedure for Adoption shall be –

(a) Every petition for adoption shall be submitted before the Board by the Superintendent/Officer-in-charge of the recognized Children's Home/Placement Agency under the Act.

(b) Every petition for adoption shall be accompanied by the following, namely:—

(i) Declaration of willingness of the institution to give the child in adoption (Form X).

(ii) A declaration from the prospective adoptive parent/parents expressing their willingness to take the child in adoption (Form No. XI).

(iii) Home Study Report prepared by Probation Officer/qualified Social Worker of the Placement Agency (Form No. XII).

- ✓(iv) Child study report (Form No. XIII).
- (v) Medical Report of the Child.
- ✓(vi) Legally Free for Adoption declaration from Child Welfare Committee.
- ✓(vii) Medical Certificate showing both husband and wife are mentally and physically fit and do not suffer from any communicable disease.
- ✓(viii) Marriage certificate.
- (ix) Bank statement
- ✓(x) Income certificate.
- (xi) Property statement.
- (xii) Two recommendations from respectable Members of the community.
- ✓(xiii) Four photographs of the couple (post card size, midclose).
- (xiv). Consent of the parents/natural mother in the case of relinquished child (consent should be obtained in a language known to the consentee).

(c) when the child proposed to be given on adoption is a relinquished child, the Board shall satisfy itself that the relinquishment deed was taken properly and the child has been voluntarily surrendered by the biological parent/parents/unmarried mother. The Board may also in cases which are doubtful, direct the scrutinizing agency to enquire whether the child has been voluntarily surrendered by the biological parents/parent/unmarried mother or whether such relinquishment has been by fraudulent means. But unless the Board so directs, the scrutinizing agency shall not make any attempt to trace the biological parents/parent/unmarried mother of the child.

(d) After receiving an application from a recognized agency for adoption, the Board shall call for independent enquiry by recognized scrutinizing agencies. The scrutiny report shall be submitted within a period of two weeks.

(e) The Board shall undertake a process of enquiry which shall include interviewing the prospective parents, verifying the documents and scrutiny reports. If the Board is satisfied that the placement is in the best

interest of the child, it shall pass a final order giving permanent custody to the adoptive parent/parents. An order of adoption shall be signed by the Principal Magistrate besides one of the two Members of the Board.

(f) The Board shall fix the date of birth, in the best interest of the child and shall pass order to the appropriate authority to issue a regular birth certificate for the child, giving the name (s) of the adoptive parent (s) as if in the case of natural born children. The date of birth given in the order of the Board shall be conclusive proof of the date of birth of the child for all practical purposes.

(g) As far as possible, the time taken for passing an adoption order shall not exceed two months from the date of filing. The order shall also include provision for a periodic follow up report either by the Probation Officer/Case Worker or Adoption Agency to ensure the well being of the child. The period of such follow up shall be half yearly in the first year and annually for the subsequent years till he/she ceases to be a child.

(h) When the proposed adoptive parent/parents is related to the child, the Board may dispense with any of the above conditions.

(i) A photograph of the child signed by the Principal Magistrate of the Board shall be attached to the order.

(j) No formal form of ceremony for the adoption under the Act is required and the order issued by the Board shall be a final Adoption Order. Once an Adoption Order is issued, it cannot be cancelled and the adoptive parents cannot be discharged of their responsibilities as such.

(k) If the parents have already been appointed as legal guardian by the competent court, then they need only produce the certified copy of the order before the Board and the Board after conducting a formal enquiry, may issue an Adoption Order. Before issuing the order, the Board shall consider a report of the Probation Officer regarding the present condition of the child and family.

(l) The adoptive parents, if employed, are eligible to get a familiarization leave for a maximum period of three months on the basis of the recommendation of the Board. This benefit shall not be given in the case of adoption under clause (k) above.

(m) The adoptive child is entitled to get all the rights as that of a natural born child with respect to the adoptive parents. A copy of the adoption order shall be forwarded to the Director of Social Welfare by the Juvenile Justice Board.

38. *Foster Care.* — (1) Any person desirous of giving foster care shall submit to the competent authority an application in Form XIV. The temporary foster care period shall not exceed four months.

(2) The short term foster care shall be carried out as given in sub-section (2) of Section 42 of the Act by the competent authority under supervision of a Probation Officer/Case Worker/Social Worker. The total period of short term foster care shall not exceed five years, unless extended by the competent authority. The duties and responsibilities of foster care parents are given in Annexure IX.

(3) On receipt of a foster care application, the competent authority shall call for a Home Study Report from the Social Worker/Probation Officer in Form No. XV.

(4) The following criteria shall be applied for selection of families for temporary foster care:

(a) foster parent shall have stable emotional adjustment within the family;

(b) foster parent shall have an income to meet their needs and not be dependent on the foster care maintenance payment. The monthly family income shall not be less than Rs. 5000 per month ;

(c) medical reports of the foster parents shall be obtained to determine that they are medically fit. An updating shall be done at regular intervals of not less than once in a calendar year ;

(d) the foster parent shall have experience in child caring and the capacity to provide good child care;

(e) the foster parent shall be physically, mentally and emotionally stable;

(f) the home shall have adequate space and physical facilities;

(g) The foster care family shall be willing to follow the provisions of the rules including regular visits to pediatrician, maintenance of child health, record etc. ;

(h) the family shall be willing to sign an agreement and to return the child to the agency whenever called to do so.

(i) the foster parent shall be willing to attend training/ orientation programmes;

(j) the foster parent (s) shall be willing to take the child for regular ( at least once a month in the case of infants) checkups to a pediatrician approved by the agency.

(5) If the competent authority is satisfied, the child can be placed on short term foster care after obtaining an undertaking in Form No. XVI.

(6) In the case of children above the age of 7 years and who is willing to stay with a relative of his family and if that family is also willing to take the child on foster care, the child can be released from the home and placed under the foster care of his relative family. In deserving cases the competent authority can relax any of the above conditions as regard to the selection of foster parents considering the best interest of the child.

(7) There shall be carried out regular monitoring and supervision by the Probation Officer/Child Welfare Officer, as the case may be. The details showing the responsibilities of foster care parents are shown in annexure IX.

(8) The Government may formulate a comprehensive Foster Care Scheme.

39. *Sponsorship.*—(1) Sponsorship services shall be considered to supplement the resources of the child and his/her parent or guardian so as to support efforts to re-integrate the child into the community and finance his/her education, vocational training, health care, etc. or to supplement the family income to encourage parent or guardian to fulfil their responsibility to the child.

(2) The Government shall also permit individuals, institutions, corporate sectors, financial institutions, industries etc. to sponsor the following activities for the benefit of children in the institutions established under the Act,—

(i) Any child or his family shall be supported under sponsorship for higher education, to meet medical needs, to encourage children to do away from child labour etc.;

(ii) Any activities pertaining to improve the behaviour of children, construction or alteration of buildings, cultural programme, picnics, holiday camps, medical observations, immunization programmes, special medical assistance, improving infrastructural amenities, staff requirements etc.;

(iii) Any activities pertaining to the job oriented training programmes, establishment of vocational rehabilitation centres, community college etc.;

(iv) Establishment of libraries, sports activities, horticulture/sericulture creative arts and competitions etc.;

(v) Inter-school sports activities, seminars for children involving eminent personalities etc.

(3) Sponsorship shall also be extended to needy children under the supervision of the Probation Officer.

(4) The Superintendent of the Institution/Probation Officer shall prepare a need based action plan for sponsorship and they shall invite suitable sponsors by giving wide publicity and arrange sponsorship assistance to the needy children. The Superintendent and Probation Officer shall act as facilitators.

(5) As regards the home placed children or foster care children, a Bank Account in the name of the child along with the name of guardian shall be operated for the sponsorship programme. In the case of institutionalized children a joint account in the name of the child and Superintendent shall be operated for the sponsorship programme.

(6) Sponsorship for other activities of the institution shall be received by way of Cheque/Demand Draft and proper account shall be maintained and operated by the Superintendent.

(7) The Officer-in-charge of the Institution/Probation Officer shall supervise the utilization of the sponsorship amount and submit quarterly periodical report to the Director of Social Welfare.

(8) The Government may formulate a comprehensive sponsorship programme through a suitable scheme.

40. *After Care Organization.*—(1) The Government shall establish such number of aftercare institutions as they may find necessary for the aftercare and rehabilitation of the juvenile and children discharged from institutions or children under supervision of Probation Officers or other fit persons. The Government may also give recognition to institutions run by aftercare organisations/Associations or Society.

(2) After Care Organization are to take care of juveniles or children after they leave Special Homes and Children's Homes.

(3) Any Organization/Association or Society desiring to be recognized under clause (a) of Section 44 of the Act may make an application in writing to the Director of Social Welfare who shall cause such Organization/Association or society to be inspected and forward a report to the Government regarding the facilities in such Organization/Association or society for the boarding, lodging, general health and the arrangements made for providing training and employment facilities to the discharges of Children's Home, Special Homes and Observation Home and Children under supervision of Probation Officers and other fit persons for the purpose of enabling them to lead an honest, industrious and useful life.

(4) The diet, bedding, clothing, medical facilities and other services of the After Care Home run by the Government shall be the same as specified for a Special Home under the Act. The Government shall also provide necessary staff in the same pattern of a Special Home for the administration and management of an After Care Home.

(5) The After Care Homes shall be Production Centres set up in collaboration with Government and Non Governmental Organisations.

(6) The programmes under the scheme shall include the following namely:—

(i) Continuing of education/training with sponsorship support till completion of the course;

(ii) Facilitating employment generation and physical and psychological reintegration for these youths would be a key programme;

(iii) A permanent qualified Full-time Counsellor shall be appointed in the Home. Under him a peer counsellor would also be available for youth at these Homes.

(7) Strategy for children who have been juveniles or have left Special Homes would be to help them return to normal life and adjust and adapt to their environment. There shall be provision for vocational training of these children to enable them to sustain themselves through their own efforts. All efforts shall be made by the Counsellor to link the children in the Group Homes to the community and other Non-Governmental Organisation's networks.

(8) Before a juvenile is discharged from a Children's Home or Special Home, as the case may be, and is sent to an After Care Home, the Probation Officer or the Case Worker shall prepare and submit a report regarding the necessity and nature of aftercare assistance required by the juvenile, the period of such after care and the supervision thereof. The Superintendent of the After Care Home in which the juvenile is placed shall submit periodically a detailed progress report on the juvenile to the Director of Social Welfare till the juvenile is reintegrated into the community.

(9) The internal management, functions and responsibilities of the After Care Home and the standards, and nature of services to be maintained by it shall be regulated by the instructions as issued by Government from time to time.

(10) The Government may formulate a comprehensive scheme for After Care.



## CHAPTER VI

## MISCELLANEOUS

41. *Recognition of fit person or fit institution.*—(1) Any suitable individual or a suitable place or institution, the occupier or manager of which is willing temporarily to receive a juvenile/child in need of care, protection or treatment for so long a period as may be necessary, may be recognized by the Competent Authority as fit person or 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 the 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 institutions approved by the Competent Authority shall be kept in the office of the Board/Committee and shall be used when necessary. Efforts shall be made to identify and recognize institutions, which meet the specialized needs of all categories of children like mentally retarded, physically handicapped and children below 5 years requiring specialized intervention and services.

(4) After committal of juvenile/child by the competent authority to an institution recognized as a fit institution with collateral branches, the manager of such institution may send the juvenile to any of the branches of such institution after getting sanction from the competent authority under whose orders the juvenile/child was committed.

(5) Before declaring any person/institution as fit person/fit institution, the competent authority shall hold due enquiry through a Probation Officer and only on satisfaction shall give recognition as such.

(6) Children shall be referred to these institutions/individuals based on the child's need and the stated objectives, competence or ability of the recognized fit institution/person to meet the needs of the child. Prior to such placement, the competent authority shall consult with the head of the institution and after receiving his consent transfer the child to the said facility.

42. *Certification/recognition and transfer of Institutions.*—(1) If the management of any organization desires that its organization may be certified or recognised under the Act, the same shall make a written application together with a copy each of the rules, bye-laws, articles of association, list of Members of the society/association running the organization, office bearers and a statement showing the status and past record of social or public service of the organization and the society running the organization to the Government who shall after verifying the provisions made in the organization for the boarding and lodging, general health, educational facilities, vocational training and treatment services may grant certification/recognition under section 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 Rule made thereunder and guidelines of instructions given by the Government from time to time and to ensure an all round growth and development of juveniles/child placed under its charge.

(2) The Institution and the infrastructure already available with the Government in relation to the Juvenile Justice Act, 1986 shall be suitably used for implementing the Act.

(3) The Government may, if dissatisfied with the conditions, rules, management or of the organization certified or recognised under the Act, at any time by notice served on the 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 recognised under sections 8, 9, 34, 37 or 44 of the Act, as the case may be.

(4) The decision to withdraw or to restore the certificate, or recognition of the organization may be taken on the basis of a thorough investigation by the Chief Inspector of Juvenile Justice. On the report of the Chief Inspector, the Director of Social Welfare shall call for the explanation from the officer in charge of the Home within a period of thirty days.

(5) When an organization ceases to be an organization certified or recognised under Sections 8, 9, 34, 37 or 44 of the Act, the juvenile/child kept therein shall under orders of the Director of Social Welfare be, either

- (a) discharged absolutely or on such conditions as the Officer may impose; or
- (b) transferred to some other institution established, certified or recognised under sections 8, 9, 34, 37 or 44 of the Act, in accordance with the provisions of the Act and rules relating to discharge and transfer. Intimation of such discharge or transfer shall be given to the Board or the Committee as the case may be.

43. *Grant in aid to certified or recognised organization.*—An organization certified or recognised under section 8,9,34,37 or 44 of the Act may during the period of certification or recognition is in force, may apply for grant-in-aid by the Government for maintenance of juvenile/child received by them under the provisions of the Act and for expenses incurred on their education, treatment, vocational training, development and rehabilitation. The grant-in-aid may be admissible at such rates, which shall be able to meet the prescribed norms in such manner and subject to such conditions as may be mutually agreed upon and sanctioned by Government.

44. *Admission of outsiders.*—No stranger shall be admitted into the premises of the institution, except with the permission of the Chief Inspector or Officer in-Charge of the institution

45. *Identity Photos.*—On admission to Home established/certified/recognized under the Act, every juvenile/child shall be photographed and three copies of the photograph shall be obtained and out of these, one photograph shall be kept in the case file of the juvenile/child, one shall be fixed with the index card and the other shall be kept in an album serially. The negative shall be kept in another album. These photographs shall be taken prior to any haircut.

46. *Police Officers to be in plain clothes.*—While dealing with juvenile/child under the provisions of the Act or these rules, except at the time of apprehension, the Police Officer shall wear plain clothes and not the police uniform.

47. *Prohibition of the use of hand-cuffs and fetters.*—No juvenile/child dealt with under the provisions of the Act or rules shall be hand-cuffed or fettered.

48. *Visitor's Book.*—(1) A Visitor's Book shall be maintained at every institution, in which the persons visiting shall record the dates of their visits with the purpose and remarks or suggestions if any.

(2) The officer in-charge shall forward a copy of every such entry to the Director of Social Welfare with such remarks as he may desire to offer in explanation or otherwise. The Director of Social Welfare shall issue such orders thereon as he/she may deem necessary.

49. *Grievance Redressal Mechanism.*—A complaint box shall be placed in one of the dormitory of each Juvenile Justice Institution including certified or recognized under the Act. The keys of the complaint box of Observation Home, and Special Home shall be kept by the Principal Magistrate of the Board and the keys of other Homes shall be kept by the District Probation Officer Grade-I (JJ). The box shall be opened twice in a month and proper action will be initiated for the redressal of the grievances.

50. *Library.*—There shall be a library for the stock and issue of books required for the inmates in every Institution. The Deputy Superintendent shall be in charge of the library.

51. *Scout Unit.*—Scout Unit may be started in each Children's Home. The expenditure towards registration fee, uniform to the scouts, etc. shall be met by the Government. The Physical Training Instructor or any Teacher or Vocational Instructor or Care Taker got trained in scouting may be designated as Scout Master also.

52. *Religious and Moral Instruction.*—The religious observance of the children shall be duly respected. The selection of moral and religious instructor shall be made by the Superintendent and entrust the duty with the approval of the Director of Social Welfare. The Director of Social Welfare or the Government may remove any moral and religious instructor without assigning any reason and with or without the recommendation of the Superintendent. The religious and moral lectures to children shall be allowed on condition that no proselytizing is carried on under the cloak of religious and moral instruction and that the instructors confine their attention to children of their own faith. The time and date of moral instruction by each moral and religious instructor shall be fixed by the Superintendent concerned.

53. *Maintenance of Registers.*—The Officer-in-charge shall maintain in the office such registers and forms as may be prescribed by the Act and Rules. A list of important registers is shown in Annexure X.

54. *Procedure for sending a juvenile/child outside the jurisdiction of the competent authority:—*(1) In the case of juvenile/child whose ordinary place of residence lies outside the jurisdiction of the competent authority before whom he is brought and if the competent authority deems it necessary to take action under section 50, 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/child at the ordinary place of residence and whether such relative or fit person can exercise proper care and control over the juvenile/child.

(2) Any juvenile/child who is a foreign national and who has lost contact with the family shall also be entitled for protection. The juvenile/child shall be repatriated, at the earliest, to the country in co-ordination with the Ministry of External Affairs and respective Embassies or the High Commission.

(3) On being satisfied on the report of the Probation Officer/Case Worker, as the case may be, the competent authority may send back the juvenile/child to his ordinary place of residence, if necessary, on execution of a bond by the juvenile in Form VI.

(4) The relative or fit person shall give an undertaking in Form No. VII

(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/child is to be sent;
- (c) the competent authority having jurisdiction over the place where the juvenile/child is to be sent, and;
- (d) the relative or the persons who is to receive the juvenile/child;

(6) Any breach of a bond or undertaking or of both given under sub rule (3) and (4) shall render the juvenile/child liable to be brought before the competent authority who may make an order directing the juvenile/child to be sent to Home.

(7) During the pendency of the orders under sub rule (3), the juvenile/child shall be sent by the competent authority to an Observation Home/Children Home.

(8) In the case of a juvenile/child where the competent authority deems it expedient to send the juvenile/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/child accordingly and shall invite the said relative or fit person to come to the Home to take charge of the juvenile/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 officer in-charge 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/child.

(10) If the relative of the fit person fails to come to take charge of the juvenile/child on the specified date the juvenile/child shall be taken to his ordinary place of residence by the escort of the Police. In the case of a girl at least one escort shall be a female.

(11) If a relative or other person who is fit and willing to receive him/her at his/her ordinary place of residence is not traced out within a period of thirty days of the order of the competent authority, the competent authority can send the child to any Juvenile Justice Institution recognised as reception unit at the place of residence of the child with his case file with Police escort and competent authority of the place of residence of the juvenile will dispose the case as if the juvenile/child is originally brought before it.

55. *Contribution to the Maintenance of the Juvenile or the Child by Parent.* — (1) The competent authority before making any order under sub-section (1) of section 60 shall inquire into the circumstances including the income of the parents or other person liable to maintain the juvenile or child and shall record evidence, if any, in the presence of the parents or such other persons, as the case may be.

(2) The person liable to maintain a juvenile or child shall, for the purpose of sub-section (1) of section 60, include in the case of illegitimacy, his putative father. Provided that where the juvenile is illegitimate and an order for his maintenance has been made under section 125 of the Code of Criminal Procedure, 1973, the competent authority shall not ordinarily make an order for contribution against the putative father, but may order

the whole or any part of the sums accruing due under the said order for maintenance to be paid by such person as may be named by the competent authority and such sum shall be paid by him towards the maintenance of the juvenile or the child.

(3) Any order made under the section may be enforced in the same manner as an order under section 125 of the Code of Criminal Procedure, 1973.

(4) The competent authority making an order under sub-section (1) of section 60 may direct the parent or other person liable to maintain the juvenile/child to pay to the competent authority in advance in the beginning of each month such sum of money, the competent authority may think fit as contribution towards the maintenance of such juvenile or child.

(5) All such recovery shall be credited by the competent authority into Government Treasury as Miscellaneous Receipts of Government.

56. *Travel Expenses of Poor Parent or Guardian.*—In the case of a juvenile or child, where the competent authority deems to send the juvenile or the child to his ordinary place of residence from the Observation Home, Special Home or Children's Home, and the Parent or Guardian of the juvenile or child is so poor to meet the travel expenses and the competent authority is so satisfied, may direct the Superintendent of the Home to pay actual travel expenses by the shortest route in the lowest class plus incidental expenses admissible to Class IV in Government service for the journey of the Parent or Guardian in both ways and of the journey of the juvenile or child from the Home to his ordinary place of residence.

57. *Escort.*—(1) Any Juvenile/Child is ordered to be transferred from one institution to another institution inside or outside the State the Police shall arrange the escort on request from the concerned Superintendent of the Institution.

(2) The travel expense of the child including actual fare plus food expenses subject to the maximum of eligible Daily Allowance to a Class IV employee in Government service shall be paid by the Superintendent of the Institution and escort expense by the Police shall be met by the Police Department. The Police personnel escorting the juvenile/child shall wear plain clothes and shall not be in their uniform during the period of such escort.

58. *Mode of Dealing with Juvenile/Child suffering from dangerous diseases or mental illness.*—(1) When a juvenile/child kept in Home under the provisions of the Act or placed under the care of a fit person or a fit institution is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint or is found addicted to a narcotic drug or psychotropic substance, the juvenile/child may be removed by an order of the competent authority empowered on this behalf to an approved place set up for such purpose for the remaining period of the term for which he has to be kept in custody under the order of the competent authority or for such period as may be certified by Medical Officer to be necessary for the proper treatment of the juvenile/child.

(2) Where it appears to the authority ordering the removal of the juvenile/child under sub-rule (1), that the juvenile/child is cured of the disease or physical or mental illness he may, if the juvenile/child is still liable to be kept in custody, order the person having charge to send juvenile/child to the Home or fit person from which or from whom he was removed or if the juvenile/child is no 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/child suffering from an infectious or contagious disease, the authority empowered under the sub rule (1), before restoring the said juvenile/child to the parent or to the guardian, as the case may be, shall, where it is satisfied that such action will be in the interest of the said juvenile/child call upon the parent or the guardian, as the case may be, to satisfy it that such parent or guardian will not re-infect the juvenile/child.

(4) If there is no organization either within the jurisdiction of the Competent authority or within a neighbouring State for sending the juvenile/child suffering from dangerous diseases as required in section 58 of the Act, necessary organization shall be set up by the Government at such places as it may deem fit.

(5) A Code of Conduct regarding HIV/AIDS issues that translate Human Rights Principles and Medical Ethics into Codes of Professional Responsibility and Practice, with the mechanism to implement and enforce these Codes shall be evolved by the Monitoring and Evaluation Committee. Institutional authorities shall also provide juveniles and institutional staff with access to HIV related prevention information and education. Facilities for voluntary testing and counselling, means of



prevention, treatment and care shall be provided. Confidentiality shall be assured and mandatory testing, segregation and denial of access to facilities and privileges prohibited.

(6) Compassionate early release or referral of residents living with AIDS shall be considered.

59. *Headquarters Organisation.* - (1) The administration of Juvenile Justice in the State of Kerala shall be administered by the Joint Director of Social Welfare and Chief Inspector, (Juvenile Justice) under the control of the Director of Social Welfare. The Regional Probation Officers shall be the Regional Inspector of Juvenile Justice and District Probation Officer Grade-I (JJ) shall be the District Inspector.

(2) The main functions of the Headquarters organisation shall be as follows:-

(i) Policy formulation, implementation, Programme Development etc.;

(ii) Controlling of receipts and expenditure, budget and financial control etc.;

(iii) Monitoring and evaluation of the schemes being implemented by the Department for the benefit of children;

(iv) On evaluation of the schemes proposed necessary modification and alternation of the existing schemes shall be proposed;

(v) Collection of data's, evaluation of the schemes, preparation of reports and administration of Juvenile Justice, documentation, etc.;

(vi) Training and allied activities research and documentation publication, news letters etc.;

(vii) Inter-linkage, co-ordination and networking with Non Governmental Organisations, local Governments, other Government Departments etc., to ensure the effective service deliveries to the children;

(viii) The Headquarters organisation shall inspect all the institutions established and recognised or certified under this Act whether run by Non Governmental Organisations or Government and undertake audits of all the institutions and their activities;

(3) The Head of the Social Welfare Department or his nominee shall visit all the institutions established under the provisions of the Act at least once in a year:

Provided the Head of the Department shall authorise any of the subordinate officer in the Headquarters organisation to inspect, audit and evaluate the activities pertaining to the administration of Juvenile Justice. The Head of the Department shall publish an annual report and the entire activities on the administration of Juvenile Justice with supporting data's and statistics. The Head of the Department shall be the controlling authority in all matters whether it is administration or financial in nature.

(4) The Programme Development and Monitoring Cell (JJ) at the Directorate of Social Welfare shall co-ordinate all the activities of Juvenile Justice Administration such as Juvenile Justice Board, Child Welfare Committee, Special Juvenile Police Unit, Probation, Institution and Non Governmental Organisations. The Juvenile Justice Board, Child Welfare Committee, Special Juvenile Police Unit, Probation, Institutions both Government and Certified and Recognized shall submit monthly progress reports in the format prescribed by Director of Social Welfare to the Programme Development and Monitoring Cell. The State Level Monitoring shall be done by the Programme Development and Monitoring Cell.

60. *District Level Organization.*—(1) The District Probation Officer Grade-I (JJ) shall be the Child Rights Protection Officer in the District Level and he shall co-ordinate all the activities under Juvenile Justice Act within the District. He shall be the Inspecting Officer in all Juvenile Justice Institutions including Certified and Recognized Institutions in the district.

(2) He shall carry out the following activities, namely:—

(i) on receipt of information from the officer incharge, the Special Juvenile Police Unit under clause (b) of section 13 of the Act, the Probation Officer shall inquire into the antecedents and family history of the juvenile/child and such other material circumstances, as may be necessary and submit a pre-bail enquiry report before the competent authority as early as possible;

(ii) on receipt of orders of the Competent Authority, conduct social investigation in respect of the juvenile/child and submit a report as early as possible in Form No. II to the Juvenile Justice Board or Child Welfare Committee, as the case may be;

(iii) the Probation Officer shall initiate *suo motu* enquiry in case of any type of child right violations and the cases of child in difficult circumstances and report to the Competent Authority for taking further action under this Act or any other law for the time being in force.

(3) Every Probation Officer shall carry out the directions given by a Board/Committee or concerned authority and shall perform the following duties, namely:—

(a) to attend regularly the proceeding of Juvenile Justice Board/Committee and act as a guide of the juvenile in the proceedings;

(b) to maintain diary, case file and such register as may be prescribed from time to time;

(c) to visit regularly the residence of the juvenile/child under their supervision and also places of employment or school attended to by such juveniles and to submit regularly, monthly reports as prescribed in Form IX;

(d) to bring before the Board/Committee, immediately juveniles/children who have not been of good behaviour during the period of supervision;

(e) follow-up of juveniles or children after their release from the institution/organizations and extending help and guidance to them;

(f) establishing linkages with voluntary workers and organizations to facilitate rehabilitation and social reintegration of juveniles/children and to ensure the necessary follow up;

(g) conduct enquiry to declare the child free for adoption;

(h) scrutiny of adoption cases and submit report to the Juvenile Justice Board;

(i) adoption supervision;

(j) conduct enquiries regarding the feasibility of foster care;

(k) foster Care Supervision;

(l) arrange non-institutional sponsorship programme;

(m) conduct post release, pre-release and license release enquiry and submit reports;

(n) after care supervision;

(o) to attend monthly review meeting of Special Juvenile Police Unit;

(p) convene meeting of the District Level Advisory Board;

(q) to inspect all Juvenile Justice Institutions established and recognised or certified under the Act in the District;

(r) Initiate *suo motu* action in any case of child right violations/child in difficult circumstances and submit report to the competent authority/courts.

(4) The Probation Officers shall not employ a juvenile/children under their supervision for their own purposes or take any private service from them.

61. *Institutional Organization.*—(1) The institutional organisational set up shall be fixed in accordance with the size of the Home, the capacity, work load, distribution of functions and requirements of programmes.

(2) The regular staff in a Home may consist of Superintendent, Probation Officer Grade II (JJ)/Case Worker, Counsellor, Educator, Vocational Training Instructor, Para Medical Staff, Administrative staff, Care Takers, Store Keeper, Cook, Helper, Washerman, Gardener etc. or any other staff as the Government may specify in this behalf from time to time.

(3) The Part-Time staff, shall include Doctor, Psychiatrist, Psychologist, Occupational Therapist, Yoga Teacher, Music Teacher and other professionals as may be required from time to time.

(4) The staff of the Home under the control and overall supervision of the Superintendent 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. The duties and responsibilities of the staff under him shall be fixed in keeping with the statutory requirements of the Act. The Superintendent and such other staff who may be required, shall live in the quarters provided for them within the premises of the home.

(5) The number of posts in each category of staff shall be fixed on the basis of capacity of the institution. The staff shall be appointed in accordance with the educational qualifications, training, experience, etc. required for each category. The suggested staffing pattern for an institution could be as mentioned below:—

(a) Government Observation Home:

Sl. No.	Designation	Number of Post
1	Superintendent Grade - III	1
2	Care Takers	3
3	Cook	1
4	Clerk	1
5	Typist	1
6	Peon	1

The Clerk and Peon created in the Children's Court of Thiruvananthapuram, Kottayam, Ernakulam, Thrissur, Kozhikkode and Thalassery vide G.O (MS) No. 52/84/Home (B) Department dated 17-4-1984 and continuing under Plan Head of the Social Welfare Department shall stand shifted to the Observation Homes in the respective districts and placed under the Superintendent of Observation Homes concerned. They shall attend the work of Juvenile Justice Board and Observation Homes. The ministerial staff for the remaining districts shall be posted by redeployment from the Social Welfare Department/Other Government Departments. Superintendent of the Observation Home shall also be the Head Ministerial Officer of Juvenile Justice Board.

b. Special Homes/Children's Homes:

Sl. No.	Designation	Number of Post
1.	Superintendent	1
2.	Deputy Superintendent-cum Headmaster	1
3.	District Probation Officer Grade-II/ Case Worker	4 (one for each 25 inmates)
4.	Care Takers	10 (one for each 10 inmates)
5.	P.D./Literacy Teachers	4
6.	Hindi Teacher	1
7.	Vocational Instructors	4
8.	Doctor	1 (part-time)
9.	Psychiatrist	1 (part-time)
10.	Psychologist	1 (part-time)
11.	Male/Female Nurse	1 (deputation from health department)
12.	Store-Keeper/U.D. Accountant	1
13.	Lower Division Clerk	1
14.	L.D. Typist	1
15.	Head Clerk	1
16.	Cook	3
17.	Sanitation Worker-cum-Pump Operator	1
18.	Music Teacher	1 (part-time)
19.	Physical Education-cum-Yoga Teacher	1
20.	Gardner	1
21.	Peon	1
22.	Night Watch man/woman	1

The Head Clerk will also act as the Head Ministerial Officer of the Child Welfare Committee and Superintendent will provide ministerial support such as Clerk, Typist and Peon. Vocational course shall be job oriented. The out-dated vocational courses shall be dispensed with and the staff shall be trained on job oriented courses approved by NCVT/ITI.

62. *Key Duties of the Superintendent of Homes.*—(1) 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 juveniles/children;

(b) planning implementation and co-ordinating all institutional activities, programmes and operations;

(c) maintaining minimum standards in the Home;

(d) classification of juveniles/children, as the case may be, training and treatment programmes and correctional activities;

(e) supervision over juveniles/children discipline and moral well being;

(f) allocation of duties to personnel;

(g) attending to personnel welfare and staff discipline;

(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 tasting food prepared for juvenile/child (from the main vessel in the kitchen itself and managing the menu to ensure that the basic principles of good nutrition such as colour, texture, taste, smell and variety);

(m) take prompt action to meet emergencies;

(n) to take appropriate rehabilitation measures.

63. *Key Duties of Case Workers/District Probation Officer Grade-II (JJ) in Institutions.*—(1) The general duties, functions and responsibilities of Case Workers/District Probation Officer Grade-II (JJ) shall be as follows:—

(a) making social investigation of the juvenile/child through personal interview and from the family, social agencies and other sources and send references to concerned Probation Officers/Agencies wherever needed;

(b) clarifying problems of the juvenile/child and dealing with their difficulties in institutional life;

(c) participating in the orientation, classification, education, vocational and rehabilitation programmes;

(d) establishing co-operation and understanding between the juvenile/child and the officer incharge;

(e) assisting the juvenile/child to develop contacts with family and also providing assistance to family Members;

(f) participating in the pre-release programme and helping the juvenile/child to establish contacts which can provide emotional and social support to juvenile/child after their release;

(g) conduct counselling and prepare case study report.

64. *Key Duties of Care Takers.*—(1) The general duties, functions and responsibilities of Care Takers shall be as follows:—

(a) handling juvenile/child with love and affection;

(b) taking proper care and welfare of juvenile/child;

(c) maintaining discipline among the juveniles/children;

(d) maintenance, sanitation and hygiene;

(e) implementing daily routine in an effective manner;

(f) looking after the security and safety arrangements of the home;

(g) escorting juveniles/children whenever they go out of the home.

65. *Training of Personnel* :—(1) The Department of Social Welfare shall develop the existing Programme Development and Monitoring Cell into a training centre for the functionaries of Juvenile Justice administration. Seminars, Workshops, Pre-Service Training In-Service Training, Specialized Training on Counselling and Guidance, Case Work

Methods etc., shall be organised. The training centre shall conduct Short Term Training Courses/Diploma Courses on Child Rights, Counselling and Guidance Communication and Personnel Management etc., for the benefit of personnel who form the integral part of the Juvenile Justice Administration. The training centre may give training to personnel from other departments and States including Chairman and Members of the Juvenile Justice Board, Child Welfare Committee, Juvenile Police Unit and the Judiciary, Lawyers, Media Persons etc.

(2) The following personnel in the Department Headquarters Organisation/District Level Organisation shall undergo Pre-Service Training as detailed below:—

(i) Care Takers (Duration: 1 month)

One Week under Superintendent of Police/Commissioner of police

(a) Training on Security measures

(b) Combating riots, emergency situations

One week under Fire Force Department

(c) Training under the Fire Service Department on rescue and relief operations etc.

One week under District Medical Officer

(d) First Aid, Crisis management during epidemic, Personal hygiene sanitation

One week under Social Welfare Department

(e) Psychology of children and behavior management techniques, institutional rules and regulations, duties and responsibilities

(f) Child Rights Convention, Juvenile Justice Act and Rules (under Assistant Director/Regional Assistant Director)



- |  |  |
|--|--|
| (ii) Probation Officers<br>Case Worker   | (a) Child Rights Convention  |
| Superintendents of Institutions  | (b) Juvenile Justice Act<br>And Rules  |
| Deputy Superintendent  | (c) Probation of Offenders<br>Act and Rules                                      |
| Psychologist and Social Workers  | (d) UN Standard Minimum<br>Rules for the Admini-<br>stration of Juvenile Justice |
| Volunteers, Teachers, Vocational<br>Instructors etc.                                 | (e) UN Rules for the<br>protection of Juveniles<br>deprived of their liberty     |
| (Duration 2 Weeks under Joint<br>Director and Chief Inspector,<br>Juvenile Justice ) | (f) Social Case Work<br>method and intake<br>procedure                           |
|  | (g) Behaviour, Management<br>Techniques  |
|  | (h) Techniques on<br>interviewing children                                       |
|  | (i) Communication, inter-<br>personnel relationship                              |
|  | (j) Counselling and Guidance   |
|  | (k) Probation, Social<br>Supervision Techniques                                  |

(iii) The personnel who are selected for the post of Superintendent and Deputy Superintendent of institutions should undergo the following practical training in addition to the above:—

- (a) one week as Care Taker & Security Guards;
- (b) two weeks on Office Administration, budget and accounting procedure;
- (c) two weeks as Case Worker, Probation Officers etc.;
- (d) two weeks with Juvenile Justice Board, Child Welfare Committee, Police etc.

(iv) Case Worker, Psychologists, Social Workers etc., should undergo the following practical training:—

- (a) one week intake procedure, interviewing children;
- (b) one week on Social Case work method;

(c) Two weeks training on probation related works (Social Investigation, Probation Supervision, other enquiries etc.);

(d) One week under Juvenile Justice Board and Child Welfare Committee;

(e) One week with Police Departments and Public Prosecutor.

(v) Ministerial Staff (One Week)

(a) Orientation on Child Rights and Juvenile Justice (Care and Protection of Children) Act, 2000 and Rules thereunder.

(b) Role of Ministerial Staff in the administration of Juvenile Justice.

(c) Co-ordination, communication and inter-linkage with the allied systems.

### (3) Special and Departmental Tests

The following personnel who are appointed directly or by transfer from other services shall pass the following departmental tests and special tests to perform their duties and functions effectively within a period of two years or within the period of Probation or within such time as may be extended in this regard, namely:—

#### Teachers and Care Takers Vocational Instructors

Part I (1) Juvenile Justice (Care and Protection of Children) Act, 2000 and the rules framed thereunder (without books) (Duration Two Hours)

Part II (1) U.N. Standard Minimum Rules for the Administration of Juvenile Justice (without books).

(2) U. N. Convention on the Rights of child (without books).

(3) U. N. Rules for the protection of juvenile deprived of liberty (without books) (Duration: Two hours).

#### Superintendents of Homes and Deputy Superintendents

Part I (1) U.N. Standard Minimum Rules for the Administration of Juvenile Justice (without books).  
(Duration 2 hours)

(2) U.N. Convention on the Rights of Child (without books).

(3) U.N. Rules for the protection of juvenile deprived of liberty (without books).

- |                                   |  |
|-----------------------------------|--|
| Part II<br>(Duration 2<br>hours)  | (1) Juvenile Justice (Care and Protection of Children) Act, 2000 and the rules framed thereunder. (without books). |
|                                   | (2) The Immoral Traffic (Prevention) Act, 1956 and Rules (without books).  |
|                                   | (3) The Probation of Offenders Act and Rules (without books).  |
| Part III<br>(Duration 2<br>hours) | (1) Indian Penal Code (with book) Criminal Procedure Code Chapter 8 & 10 (with book).                              |
| Part IV<br>(Duration 2<br>hours)  | (1) Probation and related measures, community based correction (without books).                                    |

In addition to the above, the officers concerned shall pass obligatory departmental test such as MOP, Account test (lower) during the period of probation. The provisions of Kerala Service Rules shall apply to persons appointed directly or by transfer in matters relating to probation.

66. *Special Juvenile Police Unit and Juvenile/Child Welfare Officer.*—

(1) The Government shall appoint juvenile police units at every district and selected cities and one Police Officer in every Police Station may be designated as Juvenile or Child Welfare Officer as provided in section 63 of the Act.

(2) The Juvenile Police Unit at the district/city level shall function under a Juvenile Police Officer not below the rank of a Deputy Superintendent of Police and as many selected Police Constables and two Voluntary Social Workers of whom one shall be a woman and another preferably Child Expert of having relevant experience. All designated Juvenile/Child Welfare Officers in the Police Stations of the district will also be the Member of the Special Juvenile Police Unit. The Probation Officer Grade I (JJ) shall also be the Member of the Special Juvenile Police Unit to facilitate the co-ordination and networking among the Police, Probation, Non Governmental Organisation, Judiciary etc.

(3) The Juvenile Police Unit at Police Station level would be aided by two Voluntary Social Workers.

(4) The Special Juvenile Police Units would be assisted by recognized Voluntary Organizations who will help them in identifying juveniles and helping the juveniles/children under the Act.

(5) Special Juvenile Police Unit shall not be located within the premises of a Police Station.

(6) A minimum of one Police Constable of the Special Juvenile Police Unit shall be a woman.

(7) Special Juvenile Police Unit is to be considered as a place of safety as per definition of the term 'place of safety' under these Rules. The Special Juvenile Police Unit may have one separate space which is custodial in nature which may be used to detain a juvenile who is found to be in danger either to herself/himself or is alleged to have committed a serious offence, prior to his being produced before the Board. Reasons for detaining a juvenile within this custodial space shall be recorded in writing.

(8) The voluntary social workers in the Special Juvenile Police Unit and Police Station shall be nominated by the District Collector.

(9) The Special Juvenile Police Unit shall keep the important areas like Railway Station, Bus Stand, Pilgrim Centres, Business Centres etc. under their strict vigilance and conduct regular check-up and rescue the children found in any type of difficult circumstances and produce before the Competent Authority/Institution. The designated Police Officer at the Police Station Level shall conduct similar type of check-up and produce the children in difficult circumstance before the Competent Authority/Institution.

(10) The Officer-in-charge of the Special Juvenile Police Unit shall convene meetings of the Members in the District/Cities so as to review its functions regularly and submit a detailed monthly Action Taken Report to the Juvenile Justice Board.

67. *Linkage and Co-ordination.* — (1) To ensure the best interest of the children, the mobilization of the Human Resources, Material Resources, Financial Resources etc., shall be made by the Officer-in-Charge of the institution and the Director of Social Welfare. The linkage and co-ordination shall be made on the following lines:

(i) Voluntary participation of reputed Non Governmental Organisations, Social Workers, Community Health Centres, Retired Teachers, Probation Officers, Doctors, Nurses etc., shall be encouraged by the Officer-in-Charge of the Home. The service deliveries shall be in the form of seminars, cultural programmes, competition,

creative learning process, recreational activities, rendering professional services etc.;

(ii) The Officer-in-charge of any institution shall accept any materials being donated by individual or organisation or by group of people etc. The materials donated shall be entered into a Donation Register (Material) brought into stock. A report shall be sent to the Director of Social Welfare for information;

(iii) The Officer-in-charge of an institution or the Director of Social Welfare shall accept any contributions by individuals, or organisation or by group of people to construct any buildings or blocks or alterations in the existing buildings etc., with the approval of the Public Works Department;

(iv) The Officer-in-charge of an institution shall avoid in receiving donation in cash. Provided Cheques and Drafts shall be accepted and such donations shall be added to Juvenile Justice Fund constituted. Each institution and the Director of Social Welfare shall maintain a Register in this regard;

(v) There shall be a Suhruth Samathi in each institution to provide additional support to the institution and the children. The Non Governmental Organisation's Representative, Local Body Representatives, Social Workers, Retired Teachers, Doctors, Probation Officers, Senior Citizens etc. shall be its Members. The functioning of the samithy shall be regulated with such Bye-laws as approved by the Government.

68. *Openness and Transparency.* — (1) All the Children's Homes shall be open to visitors with the permission of the Superintendent particularly the representatives of Local Self Government, Voluntary Organizations, Social Workers, Researchers, Medicos, Academicians, Prominent Personalities, Media and any other person, as the Superintendent considers appropriate keeping in view the security welfare and the interest of the child.

(2) The Superintendent shall maintain a visitor's book. The remarks of the visitors shall be considered by the Advisory Inspecting Authority.

(3) While visiting an institution, the visitors shall not say or do anything that undermines the authority of the Superintendent or is in contravention of law or rules or impinges on the human dignity of the child.

(4) The visitors may be allowed to visit Observation Homes and Spécial Homes also with the permission of the competent authority.

(5) The Members of the National and the State level Human Rights Commission, Women's Commission and Children's Commission are empowered to inspect any Juvenile Justice Institution maintained by the Government or recognized or certified under the Act at any time with or without prior notice. The Superintendent shall extend all possible assistance for the inspection.

69. *Juvenile Justice Fund.*—(1) The Government shall create a fund at state level to be called the 'Juvenile Justice Fund' (hereinafter referred to as fund) for the welfare and rehabilitation of the juvenile/child dealt with under the provisions of the Act.

(2) There shall be credited to the fund:

(i) such voluntary donations, contributions or subscriptions by individuals or organisations or local authorities;

(ii) all money received by on behalf of the Board/Committee under the provisions of the Act;

(iii) grants or contributions from the Government or the Central Government if any;

(iv) and such other amount as the Government may from time to time specify by notifications in the gazette in this behalf.

(3) The fund shall be applied:

(a) to implement programmes for the welfare and rehabilitation of juvenile/children;

(b) to pay grant-in-aid to non official organizations running Children's Home/Juvenile Special Homes/Observation Home certified or recognized under the Act;

(c) to provide after care assistance, sponsorship assistance and scholarship to the institutionalised and non-institutionalised children under this Act;

(d) to meet the expenses of State Advisory Board and its purpose;

(e) to do all other things that are incidental and conducive to the above purposes.

(4) The management and administration of the fund, shall be under the control of the State Advisory Board constituted under sub section (1) of section 62.

(5) Withdrawals from the fund shall be made by cheques or requisitions, as the case may be, signed duly by the Treasurer and Member Secretary of the Advisory Board. The Board may operate a joined account jointly by the Secretary and Treasurer in a nationalized Bank.

(6) The State Advisory Board shall maintain Regular accounts of all money, and properties and all income and expenditure of the Fund shall be audited by notified firm of Chartered Accountants or any other recognized authorities as may be appointed by the Advisory Board with the approval of the Government. The auditors shall also certify that the expenditure from the funds have been kept by the Treasurer. All contracts and other assurances shall be in the name of the State Advisory Board and shall be signed on their behalf by the Secretary and one Member of the Advisory Board authorized by it for the purpose.

(7) The State Advisory Board shall invest the proceeds of sale or other disposal of the property as well as any money or property not immediately required to be used to serve the objective of the Fund in any one or more of the modes of investment for the time being authorised by law for the investment of trust money as the Advisory Board may think fit.

(8) The State Advisory Board may delegate to one or more of the Members such of its powers, which in its opinion, are merely of a procedural nature.

70. *Advisory Boards and Inspection Committee.*—(1) The State Government shall constitute a State Level Advisory Board to monitor and oversee the functions of the institutions and administration of Juvenile Justice in the state. The Member of the Advisory Board individually or jointly shall function as State Level Inspection Committee to be constituted under Sub Section (1) of Section 35 of the Act and submit report to the

Secretary, State Advisory Board at least twice in a year. The State Level Advisory Board shall consists of the following as Chairperson and Members:—

- |    |  |                       |
|----|--|-----------------------|
| 1  | The Honourable Chief Minister  | .. Chairperson        |
| 2  | The Honourable Minister in charge of the administration of Juvenile Justice in the State                   | .. Vice - Chairperson |
| 3  | The Secretary to Government Dealing Juvenile Justice   | .. Member- Secretary  |
| 4  | The Secretaries to Government from Health, Municipal Administration, Industries, Home, Education, Law, PRD | .. Members            |
| 5  | Director General of Police   | .. Member             |
| 6  | Two Principal Magistrates, Two Chairmen of Child Welfare Committees nominated by the Government            | .. Member             |
| 7  | Prof. & Head, Department of Psychology, Sociology and Social Work of Kerala University                     | .. Members            |
| 8  | General Manager, Southern Railway, Thiruvananthapuram  | .. Member             |
| 9  | Director of Social Welfare   | .. Member-Treasurer   |
| 10 | Secretary, Press Club, Thiruvananthapuram  | .. Member             |
| 11 | Two Nominees from State Human Rights Commission and Kerala Women's Commission                              | .. Members            |
| 12 | Representative from UNICEF   | .. Member             |
| 13 | Three Nominees of Non Governmental Organisation/Social Workers/Child Line                                  | .. Members            |
| 14 | One Nominee from the District Probation Officers, One Nominee from Institution Superintendents             | .. Members            |
| 15 | Two Members of Legislative Assembly, Two Members of Parliament Nominated by the State Government           | .. Members            |



2. The State Level Advisory Committee shall meet once in six months and transact the following business.—

- (i) To review the minimum standards ensured in the institutions set up under the Act.
- (ii) To review the Non-Institutional Services like Probation, Foster Care, Adoption, Sponsorship Programmes etc.—
- (iii) To analyse the basic requirements to administer the Juvenile Justice Act in the state.
- (iv) To review the inter co-ordination between the various departments, Community based Programmes etc. and suggest suitable remedial measures for effective functioning.
- (v) To review the Man power management marks and Human Resource Development activities and mobilization of resources.
- (vi) To review the functions of District Level Advisory Boards, recommendations of Inspection Committees etc.
- (vii) To propose necessary suggestions to State Government to improve the quality of Institutional and Non-Institutional Services effectively.
- (viii) Management and review the administration of Juvenile Justice Fund and approve its spending after review.
- (ix) To suggest and approve suitable policies, programmes etc. for effective services to children.
- (x) Other matters mentioned under section 62 (1) of the Juvenile Justice Act.

3. The tenure of the office of the Non-Official Members shall be for a period of three years.

● *District Advisory Committee.*— The Government shall form District Advisory Committee which shall also perform the role of inspection Committee to be constituted under sub-section (1) of Section 35 of the Act.

The District Advisory Committee shall consists of the following:

- |        |  |                     |
|--------|--|---------------------|
| (i)    | District Panchayat President   | .. Chairperson      |
| (ii)   | Principal Magistrate & Members of the Juvenile Justice Board   | .. Members          |
| (iii)  | Chairman & Members of the Child Welfare Committee  | .. Members          |
| (iv)   | District Collector or his Nominee  | .. Member           |
| (v)    | Superintendent of Police & Commissioner of Police  | .. Members          |
| (vi)   | Rotary/Lions District Governor   | .. Member           |
| (vii)  | Experts in the field of health, education etc./Child line (five Members nominated by the District Collector) | .. Members          |
| (viii) | Deputy Director of Education & District Medical Officer  | .. Members          |
| (ix)   | District Probation Officer Grade I (JJ)  | .. Member-Secretary |
| (x)    | Superintendent of Juvenile Homes   | .. Members          |

The District Advisory Committee shall review the activities relating to the administration of Juvenile Justice in the District and carry out similar functions as that of the State Advisory Board.

The District Advisory Committee shall prepare an Annual Report and submit to the State Advisory Board. The District Advisory Committee shall comply with the directions given by the State Advisory Board in carrying out the functions under the Act.

71. *All Functionaries under this Act to be Public Servants.*—All functionaries under this Act including the Members of the Voluntary Organization and Social Worker, etc. shall while exercising their powers be deemed to be Public Servant, and hence he is legally accountable for the performance of the duties assigned to him.

72. *Disposal of Records/Documents.*—The records/documents in respect of juvenile/child shall be kept in a safe place for a period of seven years or after the expiry of period of appeal, whichever is later, and thereafter be destroyed with the permission of Juvenile Justice Board.

73. *Missing Children's Bureau.*—The Government shall set up a Missing Children's Bureau to document and publicize information relating to missing children in such manner as the Government may specify in this regard. Computerized software shall be put in place to facilitate such a service. Attempts shall be made to network with all other similar facilities set up around the country so as to facilitate speedy scanning of and transmission of information about such children around the country. This shall also serve as a database of missing children. The Missing Children's Bureau shall be linked upto the Childline wherever available as well as to all major Police Stations in each District. All Citizens found to be directly related to or otherwise authorized to access this information to shall be allowed free access to this database. Persons found to be abusing this database against the interests of children shall be investigated into and the necessary action taken.

## SOCIAL INVESTIGATION ENQUIRY ORDER

[Vide Sub Rule.....(8).....of Rule.....5 and  
Sub Rule (7) of Rule 11.....]

To

Probation Officer/ Person in-charge of Voluntary Organisation/ Social  
Worker/ Case Worker.....

Whereas (1) a report/ complaint under section.....  
of the Juvenile Justice (Care and Protection of Children) Act, 2000 has  
been received from.....in respect of (name of the  
juvenile/child) son/ daughter of.....residing at  
.....

(2).....son/daughter of.....  
residing at.....has been produced before the  
Board/Committee under section.....of the Juvenile Justice  
(Care and Protection of Children) Act, 2000.

You are hereby directed to enquire into the character and social  
antecedents of the said juvenile and submit your social investigation report  
on or before.....or within such time allowed  
to you by the Board/Committee.

Dated this.....day of.....20.....

(signature)

Principal Magistrate, Juvenile Justice Board/  
Chairperson,  
Child Welfare Committee.

(Seal)

## FORM II

## SOCIAL INVESTIGATION REPORT.

[Vide Sub-Rule.....(9).....of Rule.....5 Sub Rule (9)  
of Rule 11.....]

Sl. No.....

Submitted to the Juvenile Justice Board/Child Welfare Committee,  
.....(address).

Case No. : Name of Probation Officer  
Under Section :  
Crime :  
Police Station :

Nature of offence

(In the case of Juvenile in conflict with Law)

Name	Religion	Age
Father's Name	Caste	Sex
Permanent Address	Year of birth	
Last address before arrest		
Previous institutional history, if any		

## FAMILY

Members of Family	Name	Age	Health	Occupation or School	Wages, if any
Father					
Step Father					
Mother					
Step Mother					
Sub-mother					
Siblings					

If married, relevant particulars .

Other near relatives or agencies  
interested

Attitude towards religion, moral.  
ethical code of the home etc.

Social and economic status

Delinquency record of Members  
of family

Present living conditions

Relationship between parents/  
Parent and children especially  
with the child under investigation

Other facts of importance, if any

### **Juvenile's/Child's History**

Mental condition  
Present and past

Physical condition  
Present and past

Habits, interests  
(moral, recreational etc.)

Outstanding characteristics and  
Personality traits

Companions and their influence

Truancy from home, if any

School (attitude towards school,  
Teachers, classmates and vice-versa)

Work record (jobs held, reasons for  
leaving Vocational interests, attitude  
towards job or employers)

Neighbourhood and neighbours  
report

Parent's attitude towards discipline  
in the home and child's reaction

Any other remarks

**Result of Inquiry**

Emotional factors

Physical condition

Intelligence

Social and economic factors

Religious factors

Suggested causes of the problems

Analysis of the case giving an idea  
as to how the delinquency developed

Recommendation regarding treatment  
and its Plan by Probation Officer/Case  
Worker

Signature of the Probation Officer/  
Case Worker With name and address

Date :

## Form III

## SUPERVISION ORDER

[Vide Sub Rule (10) of Rule (5) and Sub Rule (11) of Rule (11)]

When the Juvenile is placed under the care of a parent, guardian or other fit person

Case No..... of.....20.....

Whereas .....(name of the juvenile/child) has this day found to have committed an offence and has been placed under the care of (name).....(address)..... on executing a bond by the said.....and the Board/Committee is satisfied that it is expedient to deal with the said juvenile/child by making an order placing him/ her under supervision.

It is hereby ordered that the said juvenile be placed under the supervision of.....Probation Officer/Case Worker, for a period of .....subject to the following conditions:—

1. that the juvenile/child along with the copies of the order and the bond executed by the said.....will be produced before the Probation Officer/Case Worker named therein.....
2. that the juvenile/child will be submitted to the supervision of the Probation Officer.
3. that the juvenile/ child reside at.....for a period of.....
4. that the juvenile/ child will not be allowed to quit the district jurisdiction of.....without the permission of the Probation Officer/Case Worker.
5. that the juvenile/child will not be allowed to associate with bad characters.
6. that the juvenile/child will live honestly and peacefully; and will go to school-regularly/endeavour to earn an honest livelihood.
7. that the juvenile/child will attend the attendance centre regularly.



8. that the person under whose care the juvenile/child is placed will arrange for the proper care, education and welfare of the juvenile/child.
9. that the preventive measures will be taken by the person under whose care the juvenile/child is placed to see that the child does not commit any offence punishable by any law in force in India.
10. that the juvenile/child will be prevented from taking narcotic drugs or psychotropic substances or any other intoxicants.
11. that the directions given by the Probation Officer/Case Worker from time to time, for the due observance of the conditions mentioned above, will be carried out.
12. Additional Conditions if any

Dated this.....day of: .....20.....

(signature)

*Principal Magistrate, Juvenile Justice Board/  
Chairperson, Child Welfare Committee.*

Additional, conditions, if any may be inserted by the Juvenile Justice Board/Child Welfare Committee.

## FORM IV

## DETENTION ORDER

[Order of Detention under Sub-Rule (12) of Rule (5)]

To

The Officer-in-charge/Superintendent  
.....

Whereas on the ..... day of ..... 20.....  
 (name of the juvenile/child) son/daughter of .....  
 .....aged.....and with marks of identification

1.....  
 2.....residing  
 at.....  
 .....(Complete home address) being found in case  
 No.....to be juvenile in conflict with law/child in need  
 of care and protection under section..... is ordered  
 by me..... (Principal Magistrate, Juvenile  
 Justice Board/Chair Person, Child Welfare Committee) under section  
 .....of Juvenile Justice Act, 2000 to be kept in  
 the Special Home/Children Home/Shelter Home .....  
 for a period of .....

This is to authorise and require you to receive the said juvenile/child  
 into your charge, and to keep him/her in the Special Home/Children  
 Home/Shelter Home .....for the aforesaid  
 order to be there carried into execution according to law.

8. that the person under whose care the juvenile/child is placed will arrange for the proper care, education and welfare of the juvenile/child.
9. that the preventive measures will be taken by the person under whose care the juvenile/child is placed to see that the child does not commit any offence punishable by any law in force in India.
10. that the juvenile/child will be prevented from taking narcotic drugs or psychotropic substances or any other intoxicants.
11. that the directions given by the Probation Officer/Case Worker from time to time, for the due observance of the conditions mentioned above, will be carried out.
12. Additional Conditions if any

Dated this.....day of.....20.....

(signature)

*Principal Magistrate, Juvenile Justice Board/  
Chairperson, Child Welfare Committee.*

Additional, conditions, if any may be inserted by the Juvenile Justice Board/Child Welfare Committee.

## FORM IV

## DETENTION ORDER

[Order of Detention under Sub-Rule (12) of Rule (5)]

To

The Officer-in-charge/Superintendent  
.....

Whereas on the ..... day of ..... 20.....  
 (name of the juvenile/child) son/daughter of .....  
 .....aged.....and with marks of identification

1.....  
 2.....residing  
 at.....  
 .....(Complete home address) being found incase  
 No.....to be juvenile in conflict with law/child in need  
 of care and protection under section..... is ordered  
 by me..... (Principal Magistrate, Juvenile  
 Justice Board/Chair Person, Child Welfare Committee) under section  
 .....of Juvenile Justice Act, 2000 to be kept in  
 the Special Home/Children Home/Shelter Home .....  
 for a period of .....

This is to authorise and require you to receive the said juvenile/child  
 into your charge, and to keep him/her in the Special Home/Children  
 Home/Shelter Home .....for the aforesaid  
 order to be there carried into execution according to law.

Given under my hand and the seal of Juvenile Justice Board/Child Welfare Committee.

This ..... day of ..... 20.....

(Signature)

*Principal Magistrate, Juvenile Justice Board /  
Chairman, Child Welfare Committee.*

Date  
Seal

Encl:

Copy of the judgement, if any, of orders, particulars of home and previous record:

Strike which is not required.

Previous history under the Juvenile Justice (Care and Protection of Children) Act, 2000

Date	Order passed including period of detention, if any	section	Competent Authority
------	--	---------	---------------------

## FORM VI

**Bond to be signed by Juvenile/Child who has been ordered to be sent back to his native place**

(Sub Rule(3) of Rule 54)

Whereas, I .....inhabitant of.....(give full particulars such as House No., road, village/town, tehsil, district, State.....have been ordered to be sent back to my native place by the Juvenile Justice Board/Child Welfare Committee.....under section..... of the Juvenile Justice (Care and Protection of Children) Act, 2000 on my entering into a bond under Sub-Rule .....of Rule .....of the Juvenile Justice (Care and Protection of Children) Justice, Rules 2003 to observe the conditions mentioned herein below. Now, therefore, I do solemnly promise to abide by these conditions during the period.....

I hereby bind myself as follows:—

- 1 That during the period.....I shall not ordinarily leave the village/town/district to which I am sent and shall not ordinarily return to..... or go anywhere also beyond the said district without the prior permission of the Board/Committee ;
- 2 That during the said period I shall attend work/school in the village/town or in the said district to which I am sent ;
- 3 That in case of attending work/school at any other place in the said district I shall keep the Board/Committee informed of my ordinary place of residence.

Date :

Signature :

Name and Address of the  
Juvenile/Child

## FORM VII

DECLARATION OF PARENTS/RELATIVES/FIT PERSONS TO TAKE  
CHARGE OF THE JUVENILE/CHILD

[Vide Sub Rule (4) of Rule 54]

I, ..... resident of ..... (give full particulars  
such as House No./road, village/town, district, State)..... do  
hereby declare that I am willing to take charge of ..... aged  
..... under the orders of Juvenile Justice Board/Child Welfare  
Committee..... subject to the following terms and conditions.

- I. If his/her conduct is unsatisfactory I shall at once inform the  
'competent authority'.
- II. I shall do my best for the welfare and education of the  
said..... as long as he/she remains in my charge and  
shall make proper provision for his/her maintenance.
- III. In the event of his/her illness, he/she shall have proper medical  
attention in the nearest hospital.
- IV. I undertake to produce him/her before the 'competent authority'  
when so required.

Dated this ..... day of ..... 20.....

Signature :

Signature and address of witness (es) :

Name and Address of  
Relatives/Fit Person

## FORM VIII

## DISCHARGE ON LICENSE

[Vide Sub Rule (2) of Rule 26]

I, .....name and designation of the releasing authority  
 .....State Govt. Administration, do by this order permit  
 .....son/daughter of .....caste  
 .....residence.....number.....who  
 was ordered to be detained in a Observation Home, Special Home,  
 Children Home, Shelter Home, After Care Home by the Juvenile Justice  
 Board/Child Welfare Committee.....under  
 section.....of the Juvenile Justice (Care and Protection of Children)  
 Act, 2000, for a term of .....on the .....  
 day of .....20.....and who is now in the .....  
 .....homes. at .....to be discharged from the said  
 .....on condition that he/she be placed under  
 supervision and the authority of .....during the  
 remaining portion of the aforesaid period of stay.

This order is granted subject to the conditions endorsed hereon, upon  
 the breach of any which it shall be liable to be revoked.

Dated :

Signature and Designation of  
 Releasing ordering Authority •

Place :

Conditions :

1. The released person shall proceed to.....and live  
 under the supervision and authority of .....  
 until the expiry of the period of his/her detention unless the  
 remission is sooner cancelled.
2. He/She shall not, without the consent of the .....  
 remove himself/herself from that place or any other place, which  
 may be named by the said.....



3. He/She shall obey such instructions as he/she may receive from the said.....with regard to punctual and regular attendance at employment or otherwise.
4. He/She shall attend the Attendance Centre at..... regularly.
5. He/She shall abstain from committing any offense and shall lead a sober and industrious life to the satisfaction of.....
6. \*
7. \*
8. \*
9. \*
10. In the event of his/her committing a breach of any of the above conditions the remission of the period of detention hereby granted shall be liable to be cancelled and on such cancellation he/she shall be dealt under sub-section (3) of section 59 of the Juvenile Justice (Care & Protection of Children) Act, 2000.

I hereby acknowledge that I am aware of the above conditions which have been read over/explained to me and that I accept the same.

(Signature or mark of the released person)

Certified that the conditions specified in the above order have been read over/explained to (Name).....and that he/she has accepted them as the conditions upon which the remission of the period of detention has been granted to him/her and that he/she has been realized accordingly on the.....

Signature and Designation of the  
certifying authority

(i.e. Officer-in-charge of the institution)  
(Strike which is not required)

## FORM No. IX

## PROGRESS REPORT OF PROBATIONER

[Clause (C) of Sub-rule (3) of Rule 58]

**Part I**

Name of the Probation Officer/Case Worker

For the month of

Register No.

Competent Authority

Profile No.

Name of the Child

Date of Supervision Order

Address of the Child

Period of Supervision

**Part II**

Places of interview

Dates

.....

.....

.....

.....

.....

.....

1. Where the child is residing?
2. Progress made in any educational/  
training course
3. What work he/she is doing and his/her  
monthly average earning, if employed
4. Savings kept in the Post Office
5. Savings Bank Account in his/her name
6. Remarks on his/her general conduct  
and progress
7. Whether properly cared for?

**Part III**

- 8 Any proceedings before the competent authority of or
  - (a) Variation of conditions of bond
  - (b) Change of residence
  - (c) Other matters
- 9 Period of supervision completed on.....
- 10 Result of supervision with remarks (if any)
- 11 Name and addresses of the parent or guardian or fit person under whose care the juvenile is to live after the supervision is over.

Date of report :

Signature of the Probation Officer/  
Case Worker.

FORM No. X

# DECLARATION OF WILLINGNESS OF THE INSTITUTION TO GIVE THE CHILD UNDER ADOPTION

[Vide Sub-clause(I) of Clause (b) of Sub-rule (6) of Rule 37]

Before the Honourable Juvenile Justice Board, at .....

G.P. No ..... of 20.....

In the matter of ..... a minor.

AB (& Another)

*Petitioner/Petitioners*

EF

*Respondent*

**Declaration of willingness of the Institution to give the child under Adoption (under Clause (b) of Sub Rule (6) of Rule 37 of Juvenile Justice (Care and Protection of Children) Kerala Rules 2003)**

I/We, the undersigned..... EF (name/names Institution) represented by its.....having its office at....., the respondent(s) in the above case, do hereby declare my/our willingness and consent to give the above said child in adoption to the petitioners, in case this Honourable Juvenile Welfare Board thinks fit to allow this Original Petition.

Dated this ..... the day of 20.....

*Respondent, represented by its Official*

(1) Name, Address & Signature

(2) Name, Address & Signature

FORM NO. M

**DECLARATION OF WILLINGNESS OF THE ADOPTIVE  
PARENTS/PARENT  
[VIDE SUB CLAUSE (II) CLAUSE (B) OF SUB-RULE (6) OF RULE 37]**

**Before the Honourable Juvenile Welfare Board, at .....**

**O. P. No.                      of 20....**

In the matter of ..... a minor.

: Petitioner/Petitioners

: Respondent

**Declaration willingness of the Adoptive parent(S) to take the child in Adoption** (filed under Sub-Rule (6) (b) (ii) of Rule 37 of Juvenile Justice (Care and Protection of Children) Kerala Rules, 2003)

I/ We, the undersigned ....., aged ....., son of Sri.....and....., aged ....., wife of Mr.....residing at .....the petitioner(s) in the above case hereby declare my/our willingness and consent to adopt as my/ our son/daughter, the above named child .....in case this Honourable Juvenile Justice Board thinks fit to allow this Original Petition.

Dated this the                      day of                      20.....

1<sup>st</sup> Petitioner:

2<sup>nd</sup> Petitioner:

Signed in the presence of witnesses:

(1).

(2)

FORM No. XII

## HOME STUDY REPORT

(Vide Sub Clause (iii) of Clause (b)  
of Sub Rule (6) of Rule 37)

## 1. IDENTIFICATION INFORMATION :

Name and Address of the Family : Mr &amp; Mrs/Ms.....

Tele - Resi.....Office : Husband.....  
wife.....Referred by .....

## 2. HOME STUDY CONTACT :

Conducted by (Name &amp; Designation) .....

contacts made (include telephone, if relevant, under additional notes)

Date	Person seen	Place-Home, Office	Remarks
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

## 3. PERSONAL DATA

Name	Husband	Wife
Date of birth & Age		
Place of Birth		
Nationality		
Mother Tongue		
Religion		
Education		
Occupation		
Income		
Place of Work		

4. Marital Status, Children & Family
5. Living Place
6. Home and Neighbourhood
  - (a) The standard of living
  - (b) Neighbourhood
7. Personal, Family and Social Background
  - (A) Adoptive Father
    - Personality Description
    - Family Background & Upbringing
    - Extended Family
    - Education and Related Qualification
    - Occupation
    - Social & Recreational
  - (B) Adoptive Mother
    - Personality Description
    - Family Background & Upbringing
    - Extended Family
    - Education and other Related Qualifications
    - Occupation
    - Social & Recreational
8. Marital and Family Relationships
  - Relationship
  - Respective Families
9. Adoption-Attitude, Motivation, Expectations and Experiences
  - Decision process
  - Parenthood
  - Preparation for Adoptive Parenthood
  - Ideas on
10. Financial Status
11. References
12. Evaluation and any other relevant matters :
  4. Report prepared by
  - Name and Address of the Social Worker/ Probation Officer :

Signature :

FORM No. XIII  
CHILD STUDY REPORT

[Vide Sub Clause (iv) of Clause (b) of Sub-Rule (6) of Rule 37]

Information on the Child who is to be placed in Adoption under the  
Juvenile Justice (Care and Protection of Children) Act 2000

Name of Child  
Name of the Institution  
Address

**Part I**

Name of the child

1. Reference No. as per General Register of the Institution
2. Present Age
3. Sex
4. Religion (if known)
5. Date of birth (if available)
6. Place of birth (if available)

**Part II**

1. Petition No.
2. Name of the Petitioner
3. Complete address of the Petitioner

.....  
Part III to be filled for committed children by Juvenile Justice Board/  
Child Welfare Committee only.

**Part III (Legal Data)**

1. Name of the committing Juvenile Justice Board/  
Child Welfare Committee
2. Age of the child at the time of commitment
3. Date of order of commitment
4. Period of commitment
5. Final date of release
6. Section of the Juvenile Justice  
(Care and Protection of Children) Act 2000
7. Date of admission to your institution



Please enclose a copy of the order of Juvenile Welfare Board/Child Welfare Committee .

Please enclose a copy of the report of the Probation Officer which he/she has submitted to the Juvenile Justice Board/Child Welfare Council at the time of commitment of the child

#### Part IV Social Data

- How the child come to your Institution
  - (a) Admitted directly by parents/  
unwed mother & Relinquished
  - (b) Committed by Juvenile Justice Board/  
Child Welfare Committee
  - (c) Transferred from any other  
institution and if so which one
  - (d) Any other source
2. ● Circumstances under which the child come  
to the original institution
3. Reasons for seeking protection in  
the institution
4. Information about the relatives
5. In case if they are alive, have they agreed  
to give away the child in adoption/  
and if so, whether written consent has  
been obtained
6. Whether the relatives have established  
any contacts with the child after his or her  
admission to your institution
7. If the Child is pure destitute, give factors  
which will show that
8. ● Any other information on which you  
would like to add

## Part V

## Behavioural Observation

1. How long the child is with you in your institution
2. Attitude towards other inmates
3. Relationship towards staff and other adults
4. Intelligence (if and where possible, IQ report should be enclosed)
5. General personality and description of the child
6. Play activity and any specific talent
7. Observer's impressions about the child
1. Please indicate how the parent's plan of rehabilitation will be useful to the child taking in to consideration the child's needs and temperament
9. If the child is school going give a detailed report about his/her Standard, attendance, general interest in studies progress, defects if any
10. Any other information

## Part VI

Physical and Medical report—Form enclosed

## Part VII

Have you reviewed the Home Study Report of the adoptive parents and do you feel that the placement of this child with this family is suitable

Have the adoptive parents seen the details of child whom they wish to bring up and have they approved the child after knowing the general conditions—physical or mental defect, etc.

If so, please give a copy of the Certificate wherein the adoptive Parents have given their consent in writing that they have examined the Child Study Report and accept the proposed Child.

### Part VIII

I, Shri/Smt. ....

Superintendent/Officer-in-charge .....

Hereby certify that the information given in this form about the child is correct.

I also enclose herewith the certificate/attested copies of the following Documents:

1. Copy of the Court Warrant.
2. Copy of the report of the Probation Officer.
3. And other documents mentioned in Rule ..... of the Juvenile Justice (Care and Protection of Children), Kerala Rules, 2003.

Place:

Signature

Date :

Name

Designation

**PHYSICAL EXAMINATION REPORT**  
(To be filled in by the examining physician)

Name of the child

Sex:

Age :

Date of birth:

Color

Skin

Eyes

Hair

Height

Weight

Head (*Circumference*)Feet(*any defect*)

Vision

Nose

Teeth(*Number and condition*)

Chest

Posture

Heart

Spine

Nervous system

Legs

Reflexes

Abdomen

Hearing

Any defects

Any other

**Immunisations**

B.C.G

1st

2nd

3rd

Small Pox

Triple Antigen

**Medical Evaluation :**

(Any pertinent information regarding physical condition of the child)

**General condition of Mental and Physical Development**

Observation of the doctor

## APPLICATION FOR FOSTER CARE

(Sub Rule 1 of Rule 38)

Name of the Applicant : .....

Married/Single: ..... Age .....

Address : .....

..... Tel. No : .....

Number of Children : ..... Age : .....

Employment of Applicant : .....

Employment of Husband : .....

Employment of Wife : .....

Other Sources of Income : .....

Have you Ever fostered a child/children before ? (If so give particulars)

Name of the child	Age	Period of Foster Care
.....	.....	.....
.....	.....	.....

Reasons to Foster :

.....

.....

Are you willing to undertake short-term foster care ?

Yes

No

If Yes, Specify the period .....

References ( Name & Address - Persons )

Age, Sex and other specifications of child you desire to foster:

Applicant 's Signature/s

Date :

#### FORM XV

#### HOME STUDY REPORT

(Sub Rule 3 of Rule 38)

The prospective foster family will participate in the preparation of the Home Study Report, which at a minimum would include the following:—

1. Identifying information supported by necessary documents such as marriage, divorce, birth certificates, etc.
2. Antecedents of the prospective foster family including:
  - ❖ Their own childhood experiences, upbringing and interpersonal relationships.
  - ❖ Information on other Members of the family
  - ❖ Attitude of the children and relatives of the foster family towards the foster care plan
  - ❖ Social, ethnic-cultural, linguistic and religious identity of the prospective foster family
3. Recent photograph of the family.
4. Physical, intellectual, emotional and educational status of prospective foster family.
5. Medical report on the family's health status and health history.
6. Employment and financial status.

7. Accommodation and community environment.
8. Motivation.
9. Ability to provide nurturing care and supervision in an atmosphere of affection, moral and material security.
10. Statement of positive references and emotional support from relatives, friends, community.
11. Assessment by a multi-disciplinary support team of professionals (as far as possible) stating:
  - their reasons for approving the prospective foster parent/s
  - details of the child (age, sex, acceptance of siblings, special needs child etc.) they would prefer to adopt and are capable of parenting.



## FROM XVI

## FORM FOR UNDERTAKING OF FOSTER CARE

(Under Sub Rule 5 of Rule 38)

I/We (name of Foster Parent/s).....  
 who received (name of the child).....in my/our home on (date)  
 .....from .....  
 .....undertake that:

1. I/We will care for (name) .....  
 as through he/she were my/our own child.
2. I/We will look after his/her health and allow him/her to be  
 medically examined.
3. I/We will allow an Officer of the Child Welfare Committee/  
 Social Worker/Probation Officer to visit our home, and see the  
 child at any time.
4. I/We will inform the person concerned immediately if the child  
 is seriously ill or is missing, or is involved in an accident, or is in  
 any kind of trouble.
5. I/We will inform the person concerned immediately if we plan to  
 change residence and address.
6. I/We understand that the Child Welfare Committee/Social  
 Worker/Probation Officer has the right to remove the child from  
 my/our home in certain circumstances.

.....  
 (Signed, Foster Mother)

.....  
 (Signed, Foster Father)

.....  
 (Address of Foster Parents)

ANNEXURE - I  
DAILY ROUTINE

[vide Clause (1) of Sub Rule (7) of Rule 15]

The following daily routine shall be observed in the Institution. But the Superintendent is authorized to make necessary changes in daily routine programme to suit the needs of the Institution and in accordance with the available facilities and local conditions.

**(i) On Working Days**

5.45 a.m.	..	Raising Bell
5.45 a.m. to 6 a.m.	..	Counting fall in line Prayer
6 a.m. to 6.30 a.m.	..	Toilet
6.30 a.m. to 7.00 a.m.	..	P.T./Yoga/Meditation
7 a.m. to 7.30 a.m.	..	Cleaning of dormitories and premises cleaning (houses)
7.30 a.m. to 8.15 a.m.	..	Break fast
8.15 a.m. to 8.30 a.m.	..	Rest
8.30 a.m. to 9.30 a.m.	..	Study Time
9.30 to 9.45 a.m.	..	Dress Changing to class
9.45 a.m. to 10 a.m.	..	Assembly
10 a.m. to 12.30 p.m.	..	Class/Session (Literary and Vocational)
12.30 p.m. to 1.30 p.m.	..	Noon meal - Rest
1.30 p.m to 4.p.m.	..	Class/Session (Literary and Vocational)
4 p.m. to 4.15 p.m.	..	Evening tea- Change of dress
4.15 p.m. to 5.30 p.m.	..	Games - Recreation
5.30 p.m. to 6 p.m.	..	Gardening
6 pm. to 7 pm.	..	Bath, Washing, Indoor games / Library
7 p.m. to 8 p.m.	..	T.V. Programme
8 p.m. to 3.30 p.m.	..	Supper
8.30 p.m. to 9.30 p.m.	..	Study
9.30 p.m	-	Roll call Prayer- Bed time - Bell

## (ii) On Sundays and Holidays

As in (1) above subject to variations as follows.

8 a.m. to 11 a.m.	.. Cleaning of houses (Dormitories) Cleaning of equipment, Washing of Clothes—Bath etc.
11 a.m. to 12 Noon	.. Inspection of equipment
1 p.m. to 4 p.m.	.. Group Music - Radio Club Meeting Educational films—Dramatics—News Paper —Books etc.
4 p.m. to 5 p.m.	.. Balasabha (once in a month)

## ANNEXURE II

## DIET SCALE OF OBSERVATION HOME, SPECIAL HOME, CHILDRENS HOME AND AFTER CARE HOME

[Vide Sub Rule (9) of Rule 15]

	<i>Juniors upto 12 Years</i>	<i>Seniors from 12 Years</i>
Rice	300 gm	400 gm (Morning Noon and Supper)
Wheat	85 gm	100 gm
Greengram/Bengalgram/ for Greenpeas/Redgram breakfast)	70 gm	70 gm (4 times in a week breakfast)
Salt	20 gm	20 gm
Tamarind	5 gm	5 gm
Chillies	4 gm	4 gm
Coconut	20 gm	40 gm
Coconut Oil	10 ml	10 ml
Curds	100 ml	100 ml
Fuel	1 Kg	1 Kg
Ginjelly Oil	5 gm	5 gm

Onion	10 gm	10 gm
Pappadam	1 No.	1 No.
Taro (Fresh), Sweet potato	250 gm	250 gm (Once in a week)
Vegetable (Large & Small) on vegetarian days	200 gm	200 gm (Thrice in a Week)
(On non vegetarian days)	100 gm only	100 gm only
Beef/Chicken	85 gm	85 gm (Twice in a month)
Hens Egg	1 No	1 No. (6 in a month)
Ghee	7 gm	7 gm
Fish	85 gm	85 gm (Twice in a week)
Dhall	10 gm	20 gm
Blackgramdal	40 gm	40 gm (each for iddli/Dosa)
Rava	85 gm	100 gm
Aval	50 gm	50 gm
Morning/Evening	Coffee/ Powder/ Tea Dust	3 gm/child. 4 gms Seniors
	Sugar	16 gm/Child 16 gm/Senior
	Milk	40 ml 40 ml

### Weekly Menu

7 a.m. Coffee/Tea

- (1) Puttu (Wheat) + Bengalgram Curry
- (2) Iddli & Chutney
- (3) Dosa & Chutney
- (4) Chappathy (Wheat) & Green Peas  
Curry
- (5) Uppuma (Bombay Rava) &  
Plantain 2 Nos.
- (7) Rice Kanji & Redgram

12.30 Lunch (Vegetarian Days)

1. Rice
2. Sambar
3. Thoran (Cabbage, Cabbage or any other  
leafy vegetable)
4. Curd
5. Pappadam

## Non-Vegetarian Days

1. Fish Curry—Fish medium type (Chala, Mathi, Kozhuchala, Ayala, Chempalli, Chooru, Para etc)
2. Iheran (Raw Banana/Plantain, Beetroot/Amaraakka, Beans etc)
3. Rasam
4. Pappadam (Curd excluded in non-vegetarian days)

*Ment*

Chicken/Beef curry twice in a month  
(Every Thursday)

Egg—6 times in a month (Every Monday  
and alternate Thursdays)

*Tea**Evening Snacks*

1. Bread + 4 Pieces
2. Bun
3. Raw Tapioca/Sweet Potato
4. Aval 50 gm
5. Plantain 2 each
6. Banana
7. Tapioca/Sweet potato

*Note:—Condiments*

Turmeric, Cumin seed, Corriander, Uluva,  
Garlic, Assafoetida—Once in a week  
40 gms per child

7 gms ghee should be issued 4 times in a month for preparing Uppuma

*Festival Days*

1. Onam
2. Vishu
3. Christmas
4. Easter
5. Ramzan
6. Independence Day
7. Republic Day
8. Bakreed

*Supper*

Rice/...

Aviyal/Thiyal/Erusseri/Payasam/  
Pappadam/banana

**Distribution of Food**

1	Sunday	Vegetables
2	Monday	Egg
3	Tuesday	Vegetables
4	Wednesday	Fish
5	Thursday	Egg/Beef/Chicken
6	Friday	Vegetables
7	Saturdays	Fish

(5<sup>th</sup> Thursday Vegetarian Diet)

**Diet for a Week**

Sunday/Tuesday/Friday	Vegetarian Days	3 (Thrice in a week)
Wednesday/Saturday	Fish	2 (Twice in a week)
Monday	Egg	1 (Six times in a month)
*Thursday	Chicken/Beef/Egg	1 (Twice in a month)
		7 days

**\*Meat/Egg**

*Egg should be issued on Mondays and alternate Thursdays Meat/Chicken/Beef on alternate Thursdays*

## ANNEXURE III

## SCALE OF SUPPLY OF BEDDING AND CLOTHING

[vide Sub Rule (10) of Rule 15]

<i>Description of articles</i>	<i>No. to be given on admission</i>	<i>No. to be given on renewal</i>	<i>Period of renewal</i>
(1)	(2)	(3)	(4)
<b>Bedding (Boys &amp; Girls)</b>			
Wooden cot	1	"	"
Cotton bedsheet	2	1	Every 1 Year
Jamaka	1	1	Every 3 Year
<b>Clothing (Boys)</b>			
Merooni Dirill Shorts (Size according to age)	2	1	Every 4 months
Pants for Senior boys	2	1	"
Shirts in cream poplin (Size according to age)	2	1	"
Thorthu	2	1	"
Underwear	2	1	"
Baniyan (with or without sleeves)	2	1	Every 6 months
<b>Clothing (Girls below 10 years)</b>			
Frock (in dark Green casement cloth)	2	1	Every 4 months
Pettycoat (with white mull cloth)	2	1	"
Underwear	2	1	"
Thorthu	2	1	"
<b>Clothing (Girls above 10 years)</b>			
Skirt (Dark Green casement cloth)	2	1	"
Blouse ( Cream Poplin)/ Churidar	2	2	"
Underwear	2	1	"

(1)	(2)	(3)	(4)
Thorthu	2	1	"
Pettycoat	2	1	"
Dhavari/Dupattah (Shawl)	2	1	"
Brassiers	2	1	(Special for
Sanitary towel	2	2	grown-up girls)

*Note:*—Every pupil on release shall be given suitable clothing provided he/she has no suitable clothing of his/her own.

#### Churidar for High School Girl Students Washing items

<i>Article</i>	<i>Quantity per inmate</i>	<i>Period of issue</i>
Washing Soap	2 pieces of a bar of 12 pieces	Twice in a week
Washing soda	25 gm.	Once in a Week
Firewood	1 Kg.	"
Toilet Soap	1 cake	Once a month
(Lifeboy Soap)	20 ml. (for boys)	Thrice a week
Coconut Oil	30 ml. (for girls)	"



## ANNEXURE IV

REPORT OF PRODUCING AGENT ON FIRST STAGE OF  
PRODUCTION

[Vide Clause (a) of sub rule(1) of Rule 28]

Report of the person/agency who produced the child in need of care and protection before any authority (Points to be taken care of while filling in this form) :

1. As far as possible the child/juvenile should not be coerced into providing information for this report.
2. This form shall be filled as soon as possible to the time of receiving the child so as to preserve any information/memories relating to the child at the time of being found.
3. Any changes in the information provided by the child/juvenile should also be mentioned in this report.
4. Name of the person/agency referring the juvenile/child
5. Address
6. Phone/FAX/email
7. Name of nearest Police Station
8. Date and time of child/juvenile was found
9. Date and time the child/juvenile was produced before the authority.
10. Name of the authority before which the child/juvenile was produced
11. Details of the child/juvenile when found
12. Name and alias of child/juvenile as and if given by the child/juvenile
13. Approximate age of child/juvenile
14. Address and Phone number as and if given by the child/juvenile
15. Name of the place of work if the child/juvenile was employed
16. Name and details of relatives or agencies known to the child
17. Details of any personal belongings found on his/her person at the time
18. Details of family as given by the child at the time
19. Reason for the present circumstances as given by the child/juvenile- what was the pre-disposing factor in terms of what incident provoked the child/juvenile to leave his/her previous residence and come to be in the present circumstances.

- ❖ Push factors i.e. reasons why child was forced to leave home such as whether he/she complains of abuse/violence within the home/previous residence.
- ❖ Pull factors i.e. reasons why child/juvenile was attracted out of the home by outside influences

20. Place where the child/juvenile was found giving details of at least three nearest landmarks.

21. Conditions in which the child/juvenile was found with specific remarks about

*Emergency:* whether there was any serious injury/abuse requiring medical attention.

*Description of activity:* The child was engaged in at the time of being found

*Dress:* the colour and type of dress worn at the time, condition in which the clothes were

*Physical condition:* hygiene, general health, hunger, injuries, any observable disability

*Emotional condition:* whether the child was distressed, appeared lost, asking for help whether he/she was willing to share information readily

*Attitude towards parents/family as expressed by the child/juvenile (fear, affection, whether he/she wants to go back home or is seeking alternate shelter)*

Any outstanding observations (any out of the ordinary remarks, behaviour, whether the details given by the child seem to be genuine, etc.)

Any opinion or specific request expressed by the child at the time.

*Note:*—Information for this report should be taken from documents maintained by the previous institution and Xerox copies of the same should be enclosed. In case the child/juvenile has been referred from an organisation which uses Form (a-1) pertaining to the Producing agent, the xerox form may be used for this Section A of Form C.

## ANNEXURE V

## REPORT FROM THE PREVIOUS INSTITUTION

[Vide Clause (c) of Sub Rule (1) of Rule 28]

1. Name of the person/agency referring the juvenile/child
2. Address
3. Phone/FAX/email
4. Name of nearest Police station
5. Date and time of child/juvenile was found:
6. Date and time the child/juvenile was produced before the authority
7. Name of the authority before which the child/juvenile was produced  
 Details of the child/juvenile when found:  
 Name and alias of child/juvenile as and if given by the child/juvenile  
 Approximate age of child/juvenile  
 Address and Phone number as and if given by the child/juvenile  
 Name and address of the school if given by the child/juvenile  
 Name of the place of work if the child/juvenile was employed  
 Name and details of relatives or agencies known to the child  
 Details of any personal belongings found on his/her person at the time  
 Details of family as given by the child at the time

Reason for the present circumstances as given by the child/juvenile—  
 what was the pre-disposing factor in terms of what incident provoked the  
 child/juvenile to leave his/her previous residence and come to be in the  
 present circumstances.

Push factors i.e. reasons why child was forced to leave home such as  
 whether he/she complains of abuse/violence within the home/  
 previous residence.

Pull factors i.e. reasons why child/juvenile was attracted out of the  
 home by outside influences.

Place where the child/juvenile was found giving details of at least three  
 nearest landmarks.

Conditions in which the child/juvenile was found with specific remarks about:

*Emergency:* whether there was any serious injury/abuse requiring medical attention.

*Description of activity:* The child was engaged in at the time of being found

*Dress:* the colour and type of dress worn at the time; condition in which the clothes were

*Physical condition:* hygiene, general health, hunger, injuries, any observable disability

*Emotional condition:* whether the child was distressed, appeared lost, asking for help whether he/she was willing to share information readily

*Attitude towards parents/family as expressed by the child/juvenile* (fear, affection, whether he/she wants to go back home or is seeking alternate shelter)

Any outstanding observations (any out of the ordinary remarks, behaviour, whether the details given by the child seem to be genuine, etc.)

any opinion or specific request expressed by the child at the time.

### Section B

Information pertaining to the child/juvenile during the period of stay at the previous institution.

*Note:*—If the child has resided in more than one institution prior to his/her being admitted into this institution then details of those institutions should also be recorded here.

## ANNEXURE VI

## SOCIAL HISTORY—CLASSIFICATION OF CHILDREN AND PROBLEM IDENTIFICATION

[Vide Clause (h) of Sub Rule (1) of Rule 28]

**1. Parents**

Both alive and together  
 Both alive but separated  
 Mother and step mother alive  
 Father and step father alive  
 One of the parent dead (single parent)  
 Both not alive  
 Not known

**2. Guardians**

Maternal uncles/aunts  
 Relatives  
 Grandmother/father/parents  
 Neighbours/community

**3. Child and the address**

Very clear and can be located  
 Clear but difficult to locate—nearby major places told by the child is located  
 Clear but not locatable—describes family surroundings in details  
 Description very poor

**4. Economic situation at home**

Earnings of the family per month  
 Home—jhopdi, small thatched house, small concrete house, good house  
 Family—begging, migrating, stationary  
 Meals per day  
 At home—cycle, car, fan, TV, radio, cooker  
 Clothes worn are torn. Last a child had a new one  
 Footwear

**5. Child wants to go home**

Afraid at home

Crying to go home

Indifferent

Not wanting to go home

**6. Parents/relatives are aware**

Parents know that the child is here—voluntary admission

Parents have been told by the child but do not know that the child is here

Parents/guardian do not know

Child did not tell anybody

**7. Torture to the child/loved by whom**

Father drinks and beats

Works situation—owner beats repeatedly

If the child do not earn the family Members beat

Beaten by friends

Beaten by teachers

Loved by parents/guardians

Loved by whom in the family other than the parents

Loved by someone outside the family

**8. Child leaving home—habit**

Child has left home for the first time

Has left home more than once

Child has a habit of leaving home and returning home repeatedly

Child is advised by the parents to leave home

**9. Members**

Father/guardian

Mother

Younger brother

Elder brother

Younger sister

Elder Sister

**10. Reasons as to why the child left home**

ANNEXURE VII  
REVIEW SHEET

[Vide Clause (o) of sub rule (1) of Rule 28]

**1. Degree of overall adjustment to placement**

	<i>Poor</i>	<i>Average</i>	<i>Fair</i>	<i>Good</i>	<i>Very Good</i>
According to the child/ juvenile					
According to the Primary Case Worker					
Reasons for the same as given by the child					
Reasons for the same as concluded by the Primary Case Worker					
Recommendations for the future					

**2. Participation in the daily activities of the Institution**

	<i>Poor</i>	<i>Average</i>	<i>Fair</i>	<i>Good</i>	<i>Very Good</i>
According to the child/ juvenile					
According to the Primary Case Worker					
Reasons for the same as given by the child					
Reasons for the same as concluded by the Primary Case Worker					
Recommendations for the future					

**3. Performance in academics (if applicable)**

	<i>Poor</i>	<i>Average</i>	<i>Fair</i>	<i>Good</i>	<i>Very Good</i>
Reasons for the same as given by the child					
Reasons for the same as concluded by the Primary Case Worker					

Reasons for the same given  
by the Teacher/s

Reasons for the same as  
given by the Parents/  
Guardians (if applicable)

Recommendations for the future

#### 4. Performance in vocational training (if applicable)

*Poor    Average    Fair    Good    Very Good*

Reasons for the same as  
given by the child

Reasons for the same as  
concluded by the Primary  
Case Worker

Reasons for the same given  
by the Teacher/s

Reasons for the same as  
given by the Parents/  
Guardians (if applicable)

Recommendations for the future

#### 5. General Behaviour

Any significant changes in behaviour (positive or negative, with  
specific observations on emotional status, coping strategies)

Opinion of the child/juvenile and Reasons for the same as given by  
the child

Reasons for the same as concluded by the Primary Case Worker

#### 6. Health Status

Any significant changes in health

As reported by the Medical Officer

As observed by the Primary Case Worker

Any specific complaints that the child/juvenile has to make at the  
time of the review

Reasons for the same as given by the child

Reasons for the same as concluded by the Primary Case Worker

Reasons for the same as given by the Parents/Guardians (if  
applicable)

Action to be taken



**7. Attempts of the child to enhance his/her behaviour performance record**

Reasons for the same as given by the child  
Reasons for the same as concluded by the Primary Case Worker  
Any special achievements  
Suggestions/recommendations for the future

**8. Any incidents that have taken place during the interim period of previous review and the present review that needs to be recorded**

Nature of incident

Opinion of the Child, Parent/Guardian and Case Worker about the cause and result of that incident

Implications for the child's progress

**9. Any points brought up by the child/juvenile with regard to his/her review report**

**10. Any other relevant observations or information**

● Recommendations

## ANNEXURE VIII

## PRE RELEASE PROGRAMME REPORT

[vide clause (p) of Rule (1) of rule 28]

Factors to be taken into account while preparing this report

- ❖ This report shall be prepared 6 months prior to the date of discharge.
- ❖ The report shall be taken into account the recommendations of the last review report and all other relevant documentation or information.
- ❖ The opinion of the child shall be given primary consideration.

Age of the child

Education/Vocational Training of the child

Final progress report to be attached

Date of discharge

Date of report

Recommended Rehabilitation plan including possible placements

Reasons for the same

Sponsorship requirement and report if applicable

Opinion of the child

Any other information or comment

## ANNEXURE IX

## FOSTER PARENTS RESPONSIBILITIES

[vide sub rule (7) of Rule 38]

**Role :—**

The foster parent has many responsibilities to a number of individuals: the child placed, the agency, the child's biological family, the team and the foster parents own family.

The goal is to provide skilled care, discipline and nurturing for any child placed, while serious problems are addressed thorough treatment interventions. Foster parent/s operate as a parent, a behaviour, management specialists, a mentor, a guide, a protector, a team Members, an advocate, a teacher, a mentor of families and as a care giver.

**Some tasks and responsibilities of foster parent/s:—  
Child's Physical Needs**

Meet the child's basic needs for food, clothing and shelter.

Provide adequate personal space for the child with separate bed and place to store their belongings.

Feed the child nourishing meals on a regular basis.

Regularly check the child clothing needs and keep the child well clothed year around.

Provide for the child's personal care, health and hygiene needs.

See that the child is clean and well groomed. Teach personal hygiene methods when necessary.

Transport the child to all medical, dental and health appointments.

Assure the child's medical and dental needs are regularly checked and met.

Provide adequate supervision on a 24 hour basis ( it is the responsibility of the foster parent/s to make sure the child is being supervised by an approved adult.)

Assure that the child follows a healthy, structured daily routine.

Provide opportunities for the child to get regular and sufficient exercise.

Administer all prescribed medications as directed. If problems or symptoms develop, contact medical assistance and/or staff immediately. DO NOT make a decision to discontinue medication without a doctor's approval.

**Child's Emotional Needs and Nurturing:—**

Provide fair and equal treatment for all children.

Transport the child to all counselling, appointments, assessments, testing and medical management appointments.

Include the child in all family activities.

Express affection often. Demonstrate affection in appropriate, healthy ways.

Say positive things about the child to other, or in their hearing.

Understand and care about the child's feelings.

Avoid hurtful sarcastic comments. Do not criticize the child in front of others.

Listen non-judgementally to child's feelings.

Take pride in how the child looks and presents themselves to others.

Seek to establish supportive relationship with child's biological family.

Never speak negatively about the child's family history. Listen and sympathize.

Model effective ways of expressing powerful feelings.

Help children advance through the grieving and adjustment process that accompanies removal from their homes and placement.

Provide recreational and enrichment activities that will promote the health development of a positive self esteem.

Respect confidentiality of the child.

**Child's Educational Needs:—**

Enroll the child in a school.

Provide for daily attendance at school.

Provide a quiet physical space for the child to complete school assignments.

Monitor the child's educational progress.

Transport the child to any educational evaluations.

Communicate with Teachers, Guidance Counsellors and administrators to ensure your child is participating and co-operating in the school.

Attend any after school meeting required.

Provide access to after school activities, sports etc.

**Child's Recreational Needs:—**

- Encourage the child's involvement in social and recreational activities.
- Encourage the child to develop hobbies, talents and personal interests.
- Applaud their achievements.

**Teaching/Discipline tasks:—**

- Provide consistent and realistic discipline and guidance that is age appropriate and does not involve corporeal punishment.
- Teach the child effective social interaction skills.
- Teach the child how to respond in difficult situations.
- Teach negotiations skills to the child. Demonstrate these skills at times of conflict between you and the child.
- Teach effective anger management skills. Reinforce those taught by the Agency. Demonstrate these skills at all times of conflict.
- Document behaviours effectively.

**Working with Agency/Team:—**

- Attend all Agency/Team meetings and participate fully.
- Provide adequate information regarding the child's progress, behaviour at home and school to the agency/team.
- Notify the Agency or On Call Worker immediately in all emergencies.
- Transport child to all meetings, activities, appointments etc.
- Submit all requested documents in a timely manner.
- Discuss important status changes in your family with the Agency (such as job change, separations, divorce, illness, financial stability etc.)
- Participate in planning for the child—permanency, treatment, options etc.
- Implement suggested behaviour management plans from Professional Therapists, Social Workers, etc.
- Co-operate and support Agency/Team Members roles and responsibilities.
- Communicate effectively with all Agency/Team so that child does not split authorities in his/her life.
- Adhere to Agency/Team policies and procedures.
- Recognize when you need help or support and request this support from the Agency or Team.

Notify the Agency/Team of any vacation or holiday plans. Allow adequate time for custodial approval and preparation.

Meet all training requirements. Identify to the Agency/Team where you feel you need additional training and support.

Attend Support Groups Meetings.

**Working with Biological Families:—**

Provide supportive, non-judgmental attitude of respect at all times.

Work with the biological family as an extension of their family rather than an alternative to the family.

Model professional team behaviour.

Model effective negotiating, conflict management and anger management skills.

Be willing to listen to their story, needs.

Model effective discipline techniques.

Co-operate fully with phone calls and visitations as prescribed by the team.

Respect confidentiality of the family.

Provide information, pictures, school data, report card, medical records, etc to the family.

## ANNEXURE X

## LIST OF REGISTERS TO BE MAINTAINED

[Vide Rule 53]

1. Admission Register
2. Inmates Receipt Book
3. Superintendent's Journal
4. Medical Officer's Journal
5. Property Register of Inmates
6. Weighment Register
7. Stock Register of Ration
8. Register showing the No. of Inmates Dieted
9. Diet Roll
10. Interview Register
11. Register of Letters, Received and Despatched
12. Release Register
13. Library Register
14. Cash Book
15. Acquittance Roll
16. Register of P.A.
17. Clothing Register
18. Contingent Register
19. Register of Trees
20. Register of Agricultural Implements
21. Auction Register
22. Register of Immovable Properties
23. Stock Register of Stationery and Printed Forms
24. Dead Stock Register
25. Register of Permanent & Temporary Establishment
26. Registers required in Industrial Sections
27. Office Order Book
28. Punishment Register
29. Muster Roll

30. Gate Register
31. Lockup Register
32. Casual Leave Register
33. Pupils History Book
34. Recovery Register
35. Register of Special Advance
36. Register of Cash Received and Despatched
37. Visitor's Book

*Note:- Any other registers as prescribed by Government or by the Chief Inspector from time to time.*

By order of the Governor

M. G. ROCKY,

*Additional Secretary to Government,*

#### **Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

Government of India have enacted the Juvenile Justice (Care and Protection of Children) Act, 2000 (Central Act 56 of 2000) giving it effect from 1-4-2001, for meeting the standards prescribed in the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), and all other relevant International Instrument. Section 68(1) of the above Act requires the State Government to make Rules to carryout the purposes of the Act.

This notification is intended to achieve the above object.



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Government of Kerala  
കേരള സർക്കാർ  
2002



Reg. No. KL/TV(N)/12/2002  
രജി.നമ്പർ

## KERALA GAZETTE

കേരള ഗസറ്റ്  
EXTRAORDINARY

അസാധാരണം

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. XLVII വാല്യം 47	Thiruvananthapuram, Wednesday തിരുവനന്തപുരം, ബുധൻ	23rd October 2002 2002 ഒക്ടോബർ 23 1st Karthika 1924 1924 കാർത്തിക 1	No. 1503 നമ്പർ
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### GOVERNMENT OF KERALA

#### Social Welfare (B) Department

#### NOTIFICATION

G. O. (P) No. 23/2002/SWD. Dated, Thiruvananthapuram, 28th September, 2002.

**S. R. O. No. 861/2002.**—In exercise of the powers conferred by sub-rule (1) of rule 6 of the Juvenile Justice (Kerala) Rules, 1988, the Government of Kerala hereby extend the period of tenure of the members of the Juvenile Welfare Boards constituted under section 4 of the Juvenile Justice Act, 1986 (Central Act 53 of 1986) as per Notification issued under G. O. (P) No. 12/99/SWD dated 31st March, 1999 and published as S. R. O. No. 357/99 in the Kerala Gazette Extraordinary No. 810 dated 21st April, 1999, for a further period of 20 months from the 1st day of April, 2001.

By order of the Governor,

S. SUBBIAH,  
Secretary to Government.

### Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

The Juvenile Justice Act, 1986 (Central Act 53 of 1986) has been repealed by the Juvenile Justice (Care Protection of Children) Act, 2000 (Central Act 56 of 2000). However the Rules has not been framed in the State so far. Therefore, Government have decided to extent the tenure of the Juvenile Welfare Boards constituted as per Notification issued under G. O. (P) No. 12/99/SWD dated 31st March, 1999 and published as S.R.O. No. 357/99 in the Kerala Gazette Extraordinary No. 810 dated 21st April, 1999 for a further period of 20 months from 1st April, 2001.

This Notification is intended to achieve the above object.

Government of Kerala

കേരള സർക്കാർ

1995



Reg. No. KL/TV(N)/42  
രജി.നമ്പർ

# KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണ

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. XL	Thiruvananthapuram,	3rd July 1995	No.	648
വാല്യം 40	Monday,	1995 ജൂലായ് 3		
	തിരുവനന്തപുരം,	12th Ashadha 1917	നമ്പർ	
	തിങ്കൾ,	1917 ആഷാഢം 12		

## GOVERNMENT OF KERALA

### Social Welfare (A) Department

#### NOTIFICATION

G.O. (P) No. 29/95/SWD.

Dated, Thiruvananthapuram, 3rd July, 1995.

**S. R. O. No. 859/95.**—In exercise of the powers conferred by sub-sections (1) and (2) of section 4 of the Juvenile Justice Act, 1986 (Central Act 53 of 1986) read with rule 4 of the Juvenile Justice (Kerala) Rules, 1988, the Government of Kerala hereby constitute three Juvenile Welfare Boards for the areas specified in column (4) of the Schedule hereto with their Headquarters at the places specified in column (2) and the members specified against each in column (3) thereof, namely:—

#### SCHEDULE

Sl. No.	Headquarters	Name and addresses of Members	Jurisdiction
(1)	(2)	(3)	(4)
1.	Thiruvananthapuram	(1) Dr. S. Parameswaran, M.D., FRACR, 'Sowparnika' Pillaveedu Lane, Kesavadasapuram, Thiruvananthapuram. (Chairman)	Revenue Districts of Thiruvananthapuram, Kollam and Pathanamthitta.

(1)	(2)	(3)	(4)
	(2) Smt. Lathika Devi, Advocate, Neyyattinkara. (Member)		
	(3) Prof. Thonnakkal Jamal, Thonnakkal P.O., Thiruvananthapuram. (Member)		
	(4) Shri V. A. Sayed, Mohammed Rowther, Vanthuparambil House, Azhoor, Pathanamthitta. (Member)		
	(5) Shri J. Sahayadas, Midhya, Kattakkodu, Kattakkada P.O., Thiruvananthapuram. (Member)		
2. Ernakulam	(1) Shri H. E. Mohammed Babu Sait, Krishnaswamy Road, Kochi-18. (Chairman)	Revenue Districts of Ernakulam Thrissur, Kottayam, Alappuzha and Idukki.	
	(2) Smt. Indira Radhakrishnan, K. Karunakaran Sapthathi Mandiram, Thrissur. (Member)		
	(3) Shri A. M. Azhraf, Advocate, Ambalapuzha P.O., Alappuzha. (Member)		
	(4) Shri K. M. Abdul Majced, Kottapadikkal, Kavunkara, Muvattupuzha. (Member)		

(1)	(2)	(3)	(4)
		(5) Shri Joseph P. Paliyath, Kochupally Road, Thoppumpady, Kochi -5. (Member)	
Kozhikode		(1) Dr. P. M. Kutty, 19/1448A, "SHISHU", Chalapuram, Kozhikode-673 002. (Chairman)	Revenue Districts of Kozhikode, Palakkad, Malappuram, Wayanad, Kannur and Kasargod.
		(2) Smt. Dhanalakshmi, Advocate, Ponnani. (Member)	
		(3) Smt. Kulsu Teacher, District Council Member, Near Keerthi Mudra, Vadakara. (Member)	
		(4) Shri P. Ubaidullah, District Council Member, Anakkayam P.O., Malappuram. (Member)	
		(5) Smt. Alykutty Thomas, Karakkamala P.O., Panamaram, Wayanad. (Member)	

By order of the Governor, .

C. P. NAIR,

Commissioner and Secretary to Government.

### Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

As per section 4 of the Juvenile Justice Act, 1986, the State Government may constitute Juvenile Welfare Boards for exercising the powers and discharging the duties conferred or imposed on such Board in relation to neglected juveniles under the Act. Rules 4, 5 and 6 of the Juvenile Justice (Kerala) Rules, 1988 prescribe the constitution of Juvenile Welfare Boards and its functions. Government have decided to constitute the Juvenile Boards at Thiruvananthapuram, Ernakulam and Kozhikode.

This Notification is intended to achieve the above purpose.



# KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അനുധാരണം

PUBLISHED BY AUTHORITY

അധികാരികൾക്ക് പ്രസിദ്ധീകരിക്കാവുന്നതാണ്

Vol. XLIII	Thiruvananthapuram, Saturday	17th October 1998 1998 ഒക്ടോബർ 17	No.	1667
വാല്യം 43	തിരുവനന്തപുരം, ശനി	25th Asvina 1920 1920 ആശവിനം 25	നമ്പർ	

## GOVERNMENT OF KERALA

### Social Welfare (B) Department

#### NOTIFICATION

G.O. (P) No. 25/98/SWD. Dated, Thiruvananthapuram, 28th September, 1998.

**S. R. O. No. 923/98.**—In exercise of the powers conferred by section 53 of the Juvenile Justice Act, 1986 (Central Act 53 of 1986) read with rule 52 of the Juvenile Justice (Kerala) Rules, 1988, and in supersession of the notification issued in G.O. (P) 24/92/SWD dated the 4th July, 1992, published as S.R.O. No. 807/92 in the Kerala Gazette Extraordinary No. 790 dated the 4th July, 1992, the Government of Kerala hereby reconstitute the Advisory Board consisting of the following members namely:—

- |  |          |
|--|----------|
| 1. Minister-in-charge of Juvenile Justice Services | Chairman |
| 2. Secretary, Social Welfare Department            | Member   |
| 3. Secretary, General Education Department         | Member   |
| 4. Secretary, Law Department                       | Member   |
| 5. Secretary, Industries Department                | Member   |
| 6. Secretary, Labour Department                    | Member   |
| 7. Secretary, Higher Education Department          | Member   |
| 8. Secretary, Finance Department                   | Member   |

9. Director of Health Services	Member
10. Director General of Police	Member
11. Smt. J. Mercykutty Amma, MIA	Member
12. Shri Chengara Surendran, M.P.	Member
13. Shri V. K. C. Mohammed, Kozhikode.	Member
14. Shri K. Balakrishnan (Desabhimani, Kannur-Journalist)	Member
15. Shri Mathew Velangadan, Advocate, Mavelikkara	Member
16. Smt. P. K. Sreemathy Teacher Naruvamburam, Pazhayangadi, Kannur	Member
17. Shri A. G. Krishnan, Arakkalparambil Veedu, Nanthiyattukunnam	Member.
18. Shri P. K. Muraleedharan, Manayathammuriyil, Kottarakkavu, Mavelikkara	Member
19. Director of Social Welfare	Member-Secretary

2. The Advisory Board may advise the State Government on the following matters, namely:—

(a) development of Juvenile Justice Services through various official and community based welfare agencies;

(b) the ways and means of mobilising human and material resources to ensure social justice to neglected or delinquent juveniles;

(c) the development of facilities for education, vocational training and rehabilitation of various categories of juvenile coming within the purview of the Juvenile Justice Services;

(d) the co-ordination between various sectors of child development in dealing with the problems of juveniles processed through the law.

3. The Advisory Board may meet at such intervals as may be required, but shall meet at least once in a year.

4. The term of office of the non-official members will be 3 years from the date of appointment.

5. The Board is classified as a First Class Committee for the purpose of Travelling Allowance and Daily Allowance.

By order of the Governor,

J. LALITHAMBIKA,  
Principal Secretary to Government.

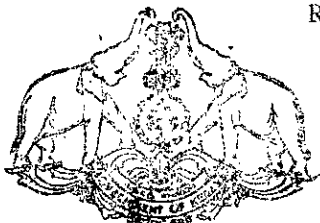


**Explanatory Note**

(This is not part of the notification, but is intended to indicate its general purport.)

As per notification No. G.O. (P) 24/92/SWD dated 4th July 1992 published as S.R.O. No. 207/92 Government have constituted an Advisory Board under section 53 of the Juvenile Justice Act, 1986 read with rule 52 of the Juvenile Justice (Kerala) Rules, 1988. Government propose to reconstitute the Advisory Board.

This notification is intended to achieve the above object.



# KERALA GAZETTE

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## GOVERNMENT OF KERALA

### Social Welfare (A) Department

#### NOTIFICATION

G. O. (P) 21/83/SWD. *Dated, Trivandrum, 2nd August, 1988.*

S. R. O. No. 962/88.—In exercise of the powers conferred by section 62 of the Juvenile Justice Act, 1986 (Central Act 53 of 1986), the Government of Kerala hereby make the following rules, namely:—

#### THE JUVENILE JUSTICE (KERALA) RULES, 1988

1. *Short title and commencement.*—(1) These rules may be called the Juvenile Justice (Kerala) Rules, 1988.

(2) They shall come into force at once.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) 'Act' means the Juvenile Justice Act, 1986 (Central Act 53 of 1986);

33/3274/MC.

(b) 'Chief Inspector, Inspector or Assistant Inspector' means an officer of the State Government appointed to discharge the functions of the Chief Inspector, Inspector or Assistant Inspector under these rules;

(c) 'Form' means a form annexed to these rules;

(d) 'Institution' means a juvenile home, a special home, an observation home or an after care organisation or any institution certified or recognised as such, under the Act;

(e) Probation Officer means an officer appointed as a Probation Officer under the Probation of Offenders Act, 1958 (Central Act 20 of 1958).

(f) 'Section' means a section of the Act;

(g) 'State Government' means the State Government of Kerala;

(h) 'Superintendent' means a person appointed for the control and management of a Juvenile home, a special home, an observation home or after care organisation or any institution certified or recognised as such under the Act; and

(i) the words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act.

3. *Place of Sitting, etc., of the Competent Authority.*—The competent authority shall hold its sittings on the premises of an observation home on such days and at such time as may be fixed by the authority concerned from time to time.

4. *Juvenile Welfare Board.*—(1) The Juvenile Welfare Board shall consist of five members including the chairman.

(2) A person to be appointed as a member of the Board shall be,—

(i) a respectable educated citizen with the background of Psychology, Sociology, Social Work, Education or Home Science;

(ii) a teacher, a doctor, or a professional who is involved in work concerning juveniles;

(iii) a Social Worker who has been directly engaged in child welfare.

5. *Sitting of the Board.*—(1) The Board shall hold its sittings on the premises of an observation home on such days and at such time as may be fixed by the authority concerned from time to time.

(2) In the absence of the Chairman, the members present shall elect a Chairman from among themselves for conducting the business of the Board.

6. *Period of membership of the Board.*—(1) Every member shall hold office for a period of two years from the date of appointment and for such further period, if any, as the authority concerned may by general or special order direct in that behalf.

(2) The tenure of appointment of a member may be terminated by the authority concerned at any time without assigning any reason.

(3) A member may at any time resign his appointment by giving, as far as possible, one month's notice in writing.

(4) Every member shall be eligible for reappointment on the expiry of his term of office.

(5) Any casual vacancy among the members may be filled, by appointment of another person who shall hold office so long as the person in whose place he is nominated would have held it, if the vacancy had not occurred.

7. *Juvenile Court.*—A Juvenile Court shall consist of three Judicial Magistrates of First Class of whom the senior Magistrate shall be, designated as 'Principal Magistrate.'

8. *Honorary Social Worker.*—A person to be appointed as an honorary Social Worker on the panel under sub-section (3) of section 5 shall be,—

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

(b) a teacher, a doctor, a retired public servant or a professional who is involved in work concerning juvenile; or

(c) a Social Worker who has been directly engaged in child welfare.

9. *Terms and conditions of the honorary Social Worker.*—(1) Every honorary Social Worker on the panel will hold office for a period of two years from the date of appointment and for such further period, if any, as the authority concerned may by general or special order direct in that behalf.

(2) The tenure of appointment of an honorary Social Worker on the panel may be terminated by the authority concerned at any time without assigning any reason.

(3) An honorary Social Worker on the panel may at any time resign his appointment by giving, as far as possible, one month's notice in writing.

(4) Every honorary Social Worker shall be eligible for the appointment on the expiry of his term of office.

(5) Any casual vacancy on the panel may be filled by appointment of another honorary social worker who shall hold office as long as the person in whose place he is nominated, would have held it if the vacancy had not occurred.

10. *Procedure to be followed by a competent authority in holding enquiries.*—(1) In all cases under the Act the proceedings shall conduct in a simple manner as possible and no unnecessary formality shall be observed. Care shall be taken to ensure that the juvenile against whom the proceedings have been instituted, feels home-like atmosphere during the proceedings.

(2) The competent authority shall see that the juvenile brought before it is not kept under the close guard of a police officer but sits or stands by himself or in the company of a relative or friend or a probation officer at some convenient place as near to it as possible.

(3) In examining a juvenile and recording his statement, the competent authority shall be free to address the juvenile in any manner that may seem suitable in order to put the juvenile at ease and to elicit the true facts, not only in respect of the offence of which the juvenile is accused but also in respect of the home surroundings and the influence to which the juvenile has been subjected. The record of the examination shall be in such form as the competent authority may consider suitable having regard to the contents of the statement and circumstances in which it was made.

(4) In every case concerning a juvenile, the competent authority shall obtain a birth certificate or medical opinion regarding his age and his physical and mental conditions and when passing orders such case shall after taking into consideration the medical opinion and such other evidence as may be available, record a finding in respect of his age.

(5) On production of a juvenile under sub-section (3) of section 13 or on receipt of a report under sub-section (1) of section 14 or on a complaint being received under section 17, of the Act, the Board may order in Form I, a Probation Officer or call upon a social worker to enquire into the character and social antecedents of the juvenile with a view to assessing the best possible mode for placement with the family or an institution.

(6) When a juvenile is placed under the care of a parent or a guardian and the competent authority deems it expedient to place the juvenile under the supervision of a Probation Officer, it shall issue a supervision order in Form. II.

(7) When a juvenile has been ordered to pay a fine under clause (e) of sub-section (1) of section 21 by a juvenile court and is ordered by it to be placed under the supervision of a Probation Officer, the juvenile court shall issue the supervision order as nearly as in Form III.

(8) Whenever the competent authority orders a juvenile to be detained in an institution, it shall forward to the Superintendent of such institution a copy of its judgement, or as the case may be, orders together with the order of detention in Form IV and any particulars of the home and parents or guardian and previous record.

(9) The Superintendent of an institution certified as juvenile home under sub-section (2) of section 9 or as special homes under sub-section (2) of section 10 or as recognised as observation home under sub-section (2) of section 11 shall be informed in advance by the competent authority before any juvenile is committed to it.

(10) The Superintendent of the said institution may on receipt of the information, intimate in writing objections, if any to the committal of the juvenile and the objections shall be fully taken into consideration by the competent authority before the juvenile is committed to the said institution.

*11. Placement under the care of parent, guardian or fit person.*—(1) The competent authority making an order placing a juvenile under the care of a parent, guardian or fit person as the case may be under sub-section (1) of Section 16 or clause (b) of sub-section (1) of section 21 may direct such parent, guardian or fit person to enter into bond in Form V with or without sureties and in such sum of money as the competent authority may think fit, to keep the juvenile under proper care and control and to be responsible for his good behaviour.

(2) Where a juvenile has been placed under the supervision of a Probation Officer, the competent authority shall impose a condition that all necessary assistance shall be rendered by the parent, guardian or fit person as the case may be, to the Probation Officer to enable him to carry out the duties of supervision.

(3) The parent, guardian or fit person under whose care a juvenile has been placed under sub-section (1) of section 16 or under clause (b) of sub-section (1) of section 21, by a competent authority shall.

- (a) make arrangements for proper care and nurture;
- (b) arrange for the proper medical care of the juvenile whenever necessary;
- (c) ensure that the juvenile is not wilfully neglected in a manner likely to cause the juvenile, unnecessary mental or physical suffering;
- (d) protect the juvenile against moral danger or exploitation;
- (e) be responsible for a good behaviour and conduct of a juvenile;
- (f) prevent the juvenile from being associated with undesirable persons;
- (g) protect the juvenile from all types of social vices and ensure the general welfare of the juvenile.

12. *Contribution of parent or other persons.*—(1) The competent authority making an order under sub-section (1) of Section 51 may direct the parent or other person liable to maintain the juvenile to pay to the competent authority in advance in the beginning of each month such sum of money as the competent authority may think fit as contribution towards the maintenance of such juvenile.

(2) All such recoveries shall be credited by the competent authority into Government Treasury as Miscellaneous Receipts of Government.

13. *Procedure for sending a juvenile outside the jurisdiction of the competent authority.*—(1) In the case of juvenile whose ordinary places of residence lies outside the jurisdiction of the competent authority and if the competent authority deems it necessary to take action under section 34 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 at his ordinary place of residence and whether such relative or other fit person can exercise proper care and control over the juvenile.

(2) On being satisfied on the report of the Probation Officer, the competent authority may send the neglected or delinquent juvenile, as the case may be, if necessary on execution of a bond by the juvenile as nearly as in Form VI to the said relative or fit person on giving an undertaking by the said relative or fit person in Form VII.

(3) A copy of the orders passed by the competent authority under section 34 shall be sent to:

(a) the Probation Officer who was directed to submit a report under sub-rule (i);

(b) the Probation Officer, if any, having jurisdiction over the place where the juvenile is to be sent;

(c) the competent authority having jurisdiction over the place where the juvenile is to be sent; and;

(d) the relative or the person who is to receive the juvenile.

(4) any breach of the bond or undertaking or of both given under sub-rule (2) shall render the juvenile liable to be brought before the competent authority who may make an order directing the juvenile to be sent to an institution.

(5) During the pendency of the orders under sub-rule (3) the juvenile shall be sent by the competent authority to an observation home.

(6) In the case of juvenile where the competent authority deems it expedient to send the juvenile back to his ordinary place of residence under section 34, the competent authority shall inform the relative or the fit person who is to receive the juvenile accordingly and shall invite the said relative or fit person to come to the observation home to take charge of the juvenile on such date as may be specified by the competent authority.

(7) The competent authority inviting the said relative or fit person under sub-rule (6) may also direct if necessary the payment to be made to him by the Superintendent of the observation home of the actual expenses of the relatives or fit person's journey both ways by the lowest class and of the juvenile's journey from the observation home to his ordinary place of residence at the time of sending the juvenile.

(8) If the relative or the fit person fails to come to take charge of the juvenile on the specified date, the juvenile shall be taken to his ordinary place of residence by the escort of the observation home. In the case of a girl the escort of the observation home shall be a female.

14. *Escorting of a girl from the place to another.*—When a girl who is a neglected or delinquent juvenile has to be transferred from one place to another outside the jurisdiction of a competent



authority or from the one institution to another institution, or for treatment to a hospital, mental asylum de-addiction centre etc., the following conditions shall be observed, namely:—

- (a) She is escorted by a female.
- (b) She is properly dressed;
- (c) She is made to travel only during the day time unless she is taken by rail;
- (d) In case she is required to travel by road on a long journey which cannot be completed during the day-time, arrangements are made for her stay during the night in an institution and in the absence of any institution, then to any other safe place nearby;
- (e) In case she is taken to a hospital necessary facilities exist for the treatment of female patients; and
- (f) Before taking her from one place to another, it is ascertained that she would be properly received at the destination.

15. *Mode of dealing with juveniles suffering from dangerous diseases or mental complaints.*—(1) When a juvenile detained in an institution under the provisions of the Act or placed under the care of a fit person in a fit institution is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment or is found addicted to a narcotic drug or psychotropic substance, the juvenile may be removed by an order of the authority empowered in this behalf to an approved place set up for such purpose for the remainder of the term for which he has to be kept in custody under the order of the competent authority or for such period as may be certified by a medical officer to be necessary for the proper treatment of the juvenile.

(2) Where it appears to the authority ordering the removal of the juvenile under sub-rule (1) that the juvenile is cured of the disease or physical or mental complaint it may, if the juvenile is still liable to be kept in custody, order the person having charge of the juvenile to send him to the institution or fit person from which or from whom he was removed or if the juvenile is no longer liable to be kept in custody, order him to be discharged.

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

(4) If there is no institution either within the jurisdiction of the competent authority or nearby state for sending the juveniles suffering from dangerous diseases as required in sub-section (1) of section 31, necessary institutions shall be set up by the State Government at such places as may be deemed fit by it.

16. *Articles found on search and inspection.*—(1) The Superintendent shall see that every juvenile received in the institution is searched that he is cleansed, that his personal effects are inspected and that any money or valuables found with or on the person of the juvenile is kept in the safe custody of the Superintendent. Girls shall be searched by a female member of the staff and with due regard to decency.

(2) In every institution, a register of money, valuables and other articles found with or on the person of a juvenile received therein shall be maintained.

(3) On juvenile being received in the institution, the money, valuables and other articles found with him or on his person on search and inspection and taken possession of shall be entered in such register, and the entries relating to him shall be read over to him in the presence of a witness whose signature shall be obtained in token of the correctness of such entries. All such entries shall be countersigned by the Superintendent.

(4) Entries shall be made in such register and attested by the Superintendent, showing in respect of every, such search and inspection:—

(a) What articles, if any, are respectively destroyed, sold and stored;

(b) in the case of articles sold, the amount realised for them;

(c) the return to him of any money, valuables or articles at the time of release or otherwise.

17. *Disposal of property.*—(1) The property other than money or valuables belonging to a juvenile received or detained in an institution shall be disposed of in the following manner, namely:—

(a) if it consists of obscene pictures or literature, tobacco, snuff, opium, drug or liquor or perishable articles of trivial value, it shall be destroyed;

(b) if it consists of perishable articles of more than trivial value, it shall be sold by auction as soon as possible and the proceeds kept in safe custody by the Superintendent;

(c) the clothing, bedding or other articles of such juvenile shall be destroyed if the Superintendent considers it essential on hygienic grounds or considers to be worthless, of juveniles found to be suffering from any infectious or contagious disease shall be burnt;

(d) clothing, bedding and other articles not covered by the provisions of clauses (a), (b) and (c) shall, after being washed and disinfected, if necessary, be made up into a bundle or bundles and suitably stored. The Superintendent shall be responsible for their safe custody.

(2) No person on the staff of the institution shall, whether directly or indirectly, bid at the auction of or purchase any property auctioned under these rules.

(3) On the competent authority making an order other than directing the juvenile to be sent to an institution in respect of any juvenile, his money and valuables and such of his articles as are not destroyed or disposed of, together with the proceeds of such of his articles as have been sold shall, at the time of his release, be handed over to him in the presence of the Superintendent and the Superintendent shall take the signature or thumb impression of the parent or guardian of the juvenile or the juvenile or of both in the column provided for the purpose in the register maintained, in token of his having received such money, valuable articles and proceeds. If the clothings have been destroyed, he shall be provided with fresh clothing.

(4) 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 and the account book shall be kept in safe custody.

(5) When such juvenile is transferred from one institution to another, all his property, valuables, and account book in the custody of the Superintendent shall be sent along with him to the Superintendent of the institutions to which he has been transferred, together with a full and correct statement of the description and estimated value thereof.

(6) At the time of the release of such juvenile, the property or valuables kept in safe custody and the money deposited in his name shall be handed over to him or to his parent or guardian, as the case may be and an entry made in that behalf in the register. Such entry shall be signed by the Superintendent.

(7) When an inmate of an institution dies therein, the property left by the deceased and the money deposited in his name shall be handed over by the Superintendent to any person who establishes his claim thereto and executes an indemnity bond. A receipt shall be obtained from such person for having received such property and the amount. If no claimant appears within a period of one year from the date of death of such inmate, the property and amount shall be handed over to the police for disposal and thereupon the provision of section 35 of the Kerala Police Act, 1960 (5 of 1961), shall mutatis mutandis apply in such a case.

(8) When a juvenile kept in an institution escapes therefrom or fails to return thereto after the expiry of the period of absence permitted to him, the property left by him and the amount deposited in his name shall be kept in safe custody by the Superintendent of such institutions for a period of one year from the date of escape of such juvenile or the date on which such juvenile should have returned thereto as the case may be. If within the said period such juvenile is not arrested and sent back or does not return to the institution, such property and amount shall be handed over to the police for disposal and thereupon the provision of section 35 of the Kerala Police Act, 1960 (5 of 1961), shall mutatis mutandis apply in such a case.

18. *Institutional Management.*—(1) The State Government as far as possible may, set up separate observation homes for neglected and delinquent juveniles. Separate homes may be established for juveniles below and above the age of 12 years. In any case boys above 12 years shall be lodged in separate homes.

(2) Each institution shall have a Reception Unit under the charge of a case worker for the admission of new arrivals. Newly admitted juveniles may in suitable cases, be kept in the Reception Unit for ten days initially. Where necessary, the Superintendent may suitably extend this period to facilitate a detailed study of the juvenile. The juveniles suspected to be suffering from contagious diseases, mental ailments, addiction etc., shall be immediately segregated in specially earmarked dormitories or wards.

(3) The following procedure shall be followed in respect of the newly admitted juveniles, namely:—

- (a) receiving and search in the receiving unit;
- (b) hair cut (unless prohibited by religion); issue of soap and disinfectant lotion;
- (c) disinfection and storing of juveniles personal clothing and other personal effects;
- (d) bath;

(e) issue of disinfected clothes, bedding, and other outfit and equipment (as per rules and scales);

(f) housing;

(g) medical examination and treatment where necessary;

(h) attending to immediate and urgent needs of the juveniles like letters, interviews, family matters, personal problems etc., and;

(i) verification by the officer-in-charge of order of the competent authority, identification marks register entries, cash property, etc.

(4) Each institution shall follow a schedule of orientation talk for the newly admitted juveniles covering the following aspects, namely:--

(a) interpretation of rules and regulations;

(b) health, sanitation, hygiene,

(c) institutional discipline and standards of behaviour, respect for elders, teachers, etc.

(d) self-improvement opportunities; and

(e) responsibilities and obligations;

(5) An overall study of the juveniles admitted to an institution shall be undertaken on the basis of their social history, behavioural pattern and attitudes towards others. Information regarding their socio-cultural and economic background shall be collected through all possible and available sources including home, parents or guardians, employer, school, friends and community contacts. The educational level and vocational aptitude shall be assessed on the basis of tests and interviews conducted by the teacher, the workshop supervisor and other technical staff. For this purpose, appropriate linkages shall also be established with outside specialists and community based welfare agencies.

(6) All inmates in the Reception Unit 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.

19. *Daily Routine.*—(1) Each institution shall have a well regulated daily routine for the inmates which should be displayed and should provide, among other aspects, for regulated disciplined life, physical exercise, educational classes, vocational training, organised recreation and games, moral education, group activities, prayer and community singing.

(2). For Sunday and Holiday, the daily routine shall include,—

- (a) washing of clothing and bedding;
- (b) library reading;
- (c) recreational programmes, games, sports;
- (d) radio, television and recorded music;
- (e) properly planned excursions; and
- (f) scouting activities.

20. *Diet Scale.*—The State Government shall prepare diet scale for juvenile in consultation with nutrition experts to that the diet becomes balanced, nutritious and varied. Special diet may be provided on national days and festivals.

21. *Issue of Clothing etc.*—Each juvenile shall be provided with clothing and bedding including customary under-garments, towels, jersey for winter, school uniform for juveniles attending outside schools, durry, bed sheets; blanket, pillow, chappal or shoes etc., utensils as required; and tooth powder, soap, oil, comb, etc., as per the scale laid down by the State Government.

22. *Accommodation and sanitation.*—(1) Each institution shall have the following facilities namely:—

- (a) sufficient and treated drinking water;
- (b) sufficient water for bathing and washing clothes; maintenance of cleanliness on the premises and for flushing latrines;
- (c) proper drainage system;
- (d) arrangements for disposal of 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 bath rooms in the proportion of at least one bath room for ten children;
- (h) sufficient number of urinals;
- (i) sufficient number of washing places;
- (j) arrangements for getting the entire premises and buildings of the institution thoroughly cleaned at least once a day;
- (k) cleanliness in the kitchen;
- (l) fly-proof kitchen;
- (m) arrangements for boiling clothes once a week, arrangements for washing for clothes every day;

- (n) sunning of bedding and clothing twice a week; and
- (o) scrupulous cleanliness in the hospital.

(2) The minimum standard of accommodation shall be as follows, namely:—

- (a) Dormitory : 40 square feet per child
- Class-room : sufficient accommodation.
- Workshop : sufficient work space.
- Play ground : sufficient play ground area should be provided in each institution according to the total number of juveniles in the institution.

- (b) The dormitories, class-room and workshops shall have sufficient cross ventilation and sufficient light.

23. *Medical Care.*—(1) Each institution shall provide for the necessary medical staff and ensure that—

- (a) regular facilities are available for the medical treatment of inmates;

- (b) arrangements are made for the immunisation coverage; and

- (c) a system is evolved for the removal of serious cases to the nearest civil hospitals or treatment centres.

(2) Immediate action in accordance with the provisions of section 48 shall be taken in respect of the juvenile who is was suffering from leprosy, is was of unsound mind or is was addicted to a drug.

(3) Each juvenile admitted in an observation home shall be medically examined by the medical officer of the observation home as far as possible within forty-eight hours after his admission to his observation home and also in the case of a juvenile known to be awaiting removal to a juvenile home or special home, within a similar period before such removal and further at any other time or times that may be considered necessary by the medical officer or the Superintendent.

(4) An inmate known or suspected to be suffering from a infectious disease shall forthwith be removed to a Government hospital and if this is not practicable, he shall be isolated from other inmates. If any infectious disease breaks out in an institution and subsequently admitted juvenile shall so far as practicable be kept separate from those who are known or suspected to be suffering from the infectious disease.

(5) No surgical treatment shall be carried out on an inmate without the previous consent of his parent or guardian, unless either the parent or guardian cannot be found and the condition of the inmate is such that any delay would in the opinion of the medical officer involve unnecessary suffering or injury to the health of the inmate.

(6) A health chart on each juvenile in the institution shall be maintained on the basis of his quarterly medical check-up.

24. *Institutional Programmes.*—(1) Each institution shall provide for physical exercise and recreational facilities. The recreational facilities may include the provision of radio, television, library music, games, (indoor and out-door), etc., with the trained staff available for this purpose.

(2) Each institution shall organise activities and programmes for the socio-cultural uplift of the inmates, such as cultural meets, parents-inmates-staff meetings, community contacts, visits to outside institutions, excursions, etc.

(3) Case work services shall be provided in all institutions to deal with the individual problems of inmates. The service of psychologist or psychiatrist shall also be availed of preferably by establishing linkages with child guidance clinics, counselling and guidance centres, psychiatric departments or similar agencies in the community or by appointment on part-time or full-time basis as per requirement.

(4) The educational programme shall be developed as an integral part of the educational routine, emphasising on the academic, health, social, moral and ethical aspects. The educational programme shall be organised on the pattern recognised by the education department of the State Government including non-formal adult education techniques. The inmates shall be provided facilities of specialised education in the community on a selective basis. The educational programme shall be organised under the supervision of trained staff.

(5) A diversified programme of vocational training shall be organised in all juvenile and special homes with special reference to employment opportunities available in the community so as to facilitate their rehabilitation. The courses shall be designed on the lines approved by the technical departments of the State Government. The trained vocational instructor shall be appointed for the purpose. Vocational training facilities in the community shall also be availed for inmates on a selective basis by providing linkages with welfare institutions, placement agencies and industrial and other production units.



(6) A well-rounded programme of pre-release planning and follow up of cases discharged from juvenile and special homes shall be organised in all institutions in close collaboration with voluntary welfare organisations.

25. *Classification Committee*.—(1) A juvenile shall be classified on the basis of his age, physical, and mental health, length of commitment, degree of delinquency and his character. Besides, factors like sequence of the juvenile's delinquent behaviour, his social processing, type of delinquency, possibilities of functioning as a contamination risk, requirements of custody, his educational and vocational training needs, his total background, possibilities of his social adjustment, his prospects after release and his rehabilitation needs shall be taken into consideration.

(2) For this purpose, a Classification Committee shall be constituted in each juvenile or special home consisting of the following personnel; namely:-

(1) Superintendent	Chairman
(2) Deputy Superintendent	Vice-Chairman
(3) Case Worker/Psychologist	Member
(4) Medical Officer	"
(5) Workshop Supervisor	"
(6) Instructor in Vocation	"
(7) Teacher	"
(8) Head of Care-Taking Staff	" and
(9) Officer in charge of the Reception Unit.	Member-Secretary

(3) The Classification Committee shall periodically meet 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 welfare, family contacts and adjustment, economic problems, and institutional adjustment, etc.

(c) vocational training and opportunities for employment,

(d) education, health education, social education, academic education, vocational education and moral education;

(e) social adjustment recreation, group-work activities, guidance and counselling;

(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, in collaboration with after-care service;

(i) Pre-release preparation;

(j) release; and

(k) any other matter which the Superintendent may like to bring up.

(4) The procedure for classification and review and follow-up of the decisions taken by the Classification Committee, as laid down by the Chief Inspector, shall be followed in each institution.

26. *Rewards.*—(1) Rewards to the inmates at such rates as may be fixed by the State Government from time to time, may be granted by the Superintendent as an encouragement to steady work and good behaviour.

(2) At least half the amount earned by the juvenile shall be deposited in the manner prescribed by the concerned authority from time to time in his name (of the inmate) and the account book shall be kept with the Superintendent. The balance amount may be permitted to be spent by the inmate as pocket money for purchase of articles such as sweets, toys, etc., on fixed days of the week.

(3) At the time of premature release of an inmate from the institution his account book shall be transferred to the Probation Officer, whose duty is to supervise him. If the inmate is released on the expiry of the period of his stay ordered by the competent authority, the money deposited in his name shall be withdrawn by the Superintendent and handed over personally after obtaining a proper receipt from the parent or guardian who comes to take charge of the inmate and if he does not come, to the inmate.

27. *Visits to and communication with inmates.*—(1) The parent and near relations of the inmates shall be allowed to visit an inmate once a month or in special cases more frequently at Superintendent's discretion. The visiting hours shall be fixed by the Superintendent.

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

(3) The Superintendent may peruse any letter written by or to an inmate, and may for any reasons inmates health, morality or well being that he considers sufficient refuse to deliver or issue the letter and may destroy the same after recording his reasons in a book maintained for the purpose.

28. *Prohibited Articles.*—(1) No person shall carry into the institution any prohibited article.

(2) The following shall be the prohibited articles, namely:—

- (a) fire-arms.
- (b) alcohol and spirit of every description;
- (c) bhang, ganja, opium and other narcotic drugs or psychotropic substances; or
- (d) any other article specified in this behalf by the State Government, by general or special order.

29. *Meeting Emergency Situation.*—(1) The Superintendent shall take the following measures to prevent and control emergency situations, namely:—

- (a) adequate security measure and periodical inspection thereof;
- (b) proper maintenance of buildings and premises;
- (c) proper custody of tools and equipment;
- (d) prompt, firm and considerate handling of all discipline problems;
- (e) attending to care and welfare requirements of children;
- (f) system of good discipline;
- (g) careful handling of plant and equipment;
- (h) accident preventing measures;
- (i) fire preventing measures;
- (j) fire fighting equipment at all vulnerable points;
- (k) good environmental and institutional sanitation and hygiene;
- (l) proper procedure of quarantining of newly admitted juveniles;
- (m) segregation of juveniles suffering from contagious diseases;
- (n) proper storage and inspection of articles of foodstuffs;
- (o) observance of the required minimum standards in kitchen operations service of food and eatables;

(p) stand-by arrangements for water storage, power plant emergency lighting etc; and

(q) periodical inspection of plant equipment, emergency operation etc.

(2) In the event of escape of a juvenile, the action to be taken is as follows, namely:—

(a) the Superintendent shall immediately send the guards in search of the juvenile at places like railway stations, bus stands, the juvenile's home 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 Police Station along with the detailed description of the juvenile, with identification marks and a photograph, with a copy to the authorities concerned with the placement of the juvenile in the institution; and

(d) the Superintendent shall hold an enquiry about each escape and send his report to the court and the Chief Inspector.

(3) On the occurrence of any case of death or suicide, the procedure to be adopted is as under, namely:—

(a) if a juvenile dies within 24 hours of his admission to the institution, an inquest and post-mortem examination shall be held;

(b) Whenever a sudden or violent death or death from suicide or accident takes place, immediate notice shall be sent to the Superintendent and the Medical Officer, and the juvenile shall, if life be extinct, be left in the position in which it was found, pending inspection by the officers concerned. In case a juvenile dies due to causes other than natural causes or if the cause of death is not known or if the death has occurred due to suicide or violence or 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. The Superintendent shall immediately give intimation to the nearest Magistrate empowered to hold inquests;

(c) In case of death due to suicide, accident, violence and sudden death, etc., both inquest and post-mortem shall be conducted;

(d) where the death has occurred due to violence or unnatural causes the Superintendent shall at once send a brief report to the authorities concerned including the Chief Inspector/Inspector;

(e) the Superintendent shall then make a detailed investigation of all the circumstances connected with the cause and forward the report without delay, along with the inquest report to the authorities concerned;

(f) 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.

(g) In every case of illness which ends fatally, the Medical Officer shall see the body of the juvenile and shall record full particulars of the cause of death in relevant registers.

(h) In case of natural death of a juvenile of an observation Home or Juvenile Home or Special Home the Superintendent shall obtain a report of the Medical Officer stating the cause of death. A written intimation about the death shall be given immediately to the nearest Police Station the Civil Surgeon or the District Magistrate and the authorities under the Act.

(i) The parents or guardians of the Deceased Juvenile shall be contacted and the Superintendent shall wait for 24 hours for the arrival of relatives. After the inquest is held, the body should be disposed of in accordance with the religion of the Juvenile.

(j) Upon the occurrence of any case of suicide, the Superintendent shall give immediate information thereof to the corner or the nearest Magistrate empowered to hold inquests in order that an inquest and post-mortem may be held on the body. A full report on the whole circumstances connected with the case shall be promptly submitted by the Superintendent to the authorities concerned after the inquest is over.

30. *Leave of Absence.*—(1) The inmate of an institution may be given leave of absence to go and stay with his family during School Vacations, Festivals, emergencies or special occasions like marriage in the family. While the leave of absence for short periods not exceeding 15 days in a year may be granted by the Superintendent, long leave up to six weeks in a year may be sanctioned by the Chief Inspector. Granting of such leave shall be at the discretion of the sanctioning authority and it cannot be claimed as a right.

(2) The parents or guardian of the juvenile shall submit an application to the Superintendent requesting for release of the juvenile on leave, stating clearly the purpose for the leave and the period of leave. If the Superintendent considers that granting of such leave is in the interest of the juvenile, he shall call for a detailed report of the Probation Officer on the advisability or otherwise of granting such leave and take decision himself or

forward the case to the Chief Inspector as the case may be. While issuing orders sanctioning the leave of absence, the sanctioning authority shall clearly mention the period of leave and the conditions attached to the leave order. If any of these conditions are not complied with during the leave period, the juvenile may be recalled to the Institution.

(3) The parent or guardian shall arrange to escort the juvenile from and to the Institution and bear the travelling expenses. In exceptional cases or during an emergency the Superintendent may arrange to escort the juvenile to the place of the family and back.

(4) If the juvenile runs away from his home during the leave period, the parent or guardian is required to inform the Superintendent of the Institution immediately and try to trace the juvenile and if found, escort him to the Institution. If the parent or guardian does not take proper care of the juvenile during the leave period or do not bring him back to the Institution within the stipulated period, such leave may be refused on later occasions. If the juvenile does not return to the institution on expiry of the sanctioned leave, the case shall be referred to the police for taking charge of the juvenile and bringing him back to the institution.

(5) The period of such leave shall be deemed to be part of the period of his detention in the institution. The time which elapses after the failure of an inmate to return to the institution within the stipulated period shall be excluded in computing the period of his detention in the institution.

31. *Transfer of Juvenile.*—(1) The juvenile in an institution can be transferred to any other institution by the Chief Inspector. The proposal for transfer of juvenile shall be made by the Superintendent with proper justification. The transfer may be proposed only if it is in the interest the juvenile with specific reasons as mentioned below:—

(a) the juvenile is to be given further education or special training which is not available in the institution;

(b) the juvenile is in need of change of environment or change of climate on health grounds, for taking treatment which is not available in the institution.

(c) the proposed transfer would bring the juvenile near his family and would help him in his rehabilitation; or

(d) any other reason for which the transfer would be in the interest of the welfare of the juvenile.

(2) No transfer shall ordinarily be proposed on the ground that the juvenile has created problems or is difficult to be managed in the existing institution.

(3) Transfer of juvenile from one state to any other state may be ordered by the competent authority after obtaining the concurrence of that State. Correspondence and orders in this behalf may be issued by the State Government.

(4) On receipt of transfer orders from the proper authority, the Superintendent shall arrange to escort the juvenile to the new Institution. The juvenile shall be properly dressed and necessary arrangements for his food may be made till he reaches the new Institution. The juvenile's case file containing the record of the juvenile shall be sent along with the juvenile. The parents or guardian shall be informed about the juvenile's transfer and reasons therefor.

32. *Release on Licence.*—(1) The licence granted under Sub-Section (1) of section 49 of the Act shall as far as possible be in Form VIII.

(2) After the order of release on licence in Form VIII is issued by the State Government, it shall be read out to the licensee and his signature obtained. The conditions on which he has been released on licence shall be explained to him in detail. The copies of the order of release on licence shall be sent to the parent or guardian and the Probation Officer who will supervise the juvenile during the licence period. On the release of any juvenile on licence, information shall be sent by the Superintendent to the competent authority under whose orders the juvenile was kept in the institution.

(3) When a licence has been revoked and the juvenile refuses or fails to report to the Institution to which he was directed so to return any Police Officer may on the advice of the authority revoking the licence arrest the juvenile without warrant and arrange him to be sent to the Institution.

33. *Maintenance of Case File.*—(1) The Superintendent shall maintain a Register of the case to be released on the expiry of the period of stay as ordered by the competent authority. Each case shall be placed before the classification Committee well in advance for review and advice with regard to his or her placement after release, and submit the case to the Chief Inspector along with a detailed report. With regard to cases in which the juveniles are kept for the maximum period, action may be initiated six months before they attain the age of 18 years in case of boys and 20 years in case of girls.

(2) Timely information of the release of an inmate and of the probable date of his release shall be given to his parent or guardian and the parent or the guardian shall be invited to come to the institution to take charge of the inmate on that date. If necessary, the actual expenses of the parent's or guardian's journey both ways and of the juvenile's journey from the Institution shall be paid to the parent or guardian by the Superintendent at the time of the release of the juvenile. If the parent or guardian, as the case may be, fails to come to take charge of the juvenile on the appointed date, the juvenile shall be taken to his native place by the escort of the institution. Girls shall be escorted by a female escort.

(3) At the time of release or discharge a juvenile may be provided with a set of government clothing, if the Superintendent deems it necessary.

(4) If the inmate has no parent or guardian, he may be sent to an aftercare organisation or in the event of employment having been found for him to the person who has undertaken to employ him.

(5) The Superintendent of a girl's institution subject to the approval of the Chief Inspector, may get suitable girls above the age of 18 years married according to the procedure laid down by the Chief Inspector from time to time.

(6) The Superintendent shall order the discharge of any juvenile the period of whose detention has expired and inform the Chief Inspector within 7 days of the action taken by him. If the date of release falls on a Sunday or any other Public holiday, the juvenile may be released on the preceeding day, entry to that effect being made in the Register of discharge. The Superintendent shall in appropriate cases, order the payment of subsistence at such rates as may be fixed from time to time and the Railway or Road or both the fare, as the case may be.

(7) In deserving cases, the Superintendent may provide the juvenile with such small tools, as may be necessary, to start a business, subject to such maximum cost as may be fixed.

(8) The Superintendent may, subject to the approval of the Chief Inspector, allow at their own request such girls as have no place to go, to stay in the institution after the period of their detention has expired, till some other suitable arrangements are made.

34. *Contents of Case File.*—(1) The case file of each inmate shall be maintained in a juvenile home or special home, containing the following information, namely:—

(a) commitment papers, court documents and other relevant papers;



- (b) Probation Officer's report;
- (c) information from previous institution;
- (d) initial interview material, information from family members, relatives, friends and miscellaneous information;
- (e) sources of further information;
- (f) observation reports from staff members in charge of admission programmes;
- (g) reports from Medical Officer, Intelligence quotient Testing, Aptitude Testing, Educational tests;
- (h) Social History;
- (i) Summary and Analysis by Officer-in-charge of the reception unit;
- (j) initial classification sheet;
- (k) instruction regarding training and treatment programme and about special precautions to be taken;
- (l) leave and other privileges granted;
- (m) violation of rules, regulations, special achievements;
- (n) quarterly progress reports from various sections.
- (o) review sheet;
- (p) Medical Officer's report (in case of girls);
- (q) Pre-release programme;
- (r) final progress report;
- (s) release on licence;
- (t) final discharge;
- (u) follow-up reports;
- (v) central index number; and
- (w) remarks if any;

35. *Establishment and Recognition of After Care Home.*—(1) The State Government shall provide a comprehensive scheme of After Care Home with the following objectives, namely:—

- (a) to extend help, guidance, counselling, support and protection to all released juveniles whenever necessary;
- (b) to help a released juvenile to overcome his mental, social and economic difficulties;
- (c) to impress upon the juvenile the need to adjust his habits, attitudes, approaches and value schemes on a rational appreciation of social responsibilities and obligations and also of requirements of community living;

(d) to help the juvenile to make smooth adjustment to his post-release environment;

(e) to encourage the juvenile in making satisfactory readjustment with his family, neighbourhood and community;

(f) to assist the juvenile in functioning as a self-dependent and self reliant socially useful citizen;

(g) to assist in the process of the juvenile's physical, mental vocational, economic, social and attitudinal post-release readjustment and ultimate rehabilitation; and

(h) to complete in all respects the process of the juvenile's final readjustment, resettlement and rehabilitation.

(2) The State Government may establish and maintain as many After Care Homes as may be necessary for the reception of the juveniles discharged from the juvenile homes and Special Homes for the purpose of enabling them to lead an honest, industrious and useful life.

(3) Where the State Government is of the opinion that any Institution other than an institution established under Sub-Rule (2) is fit for the reception of the juvenile to be sent there from the juvenile homes and Special Homes he may recognise such institution as an After Care Home for the purposes of the Act.

(4) Every After Care Home to which a juvenile is sent under these rules shall, not only provide the juvenile with accommodation, maintenance and educational and vocational guidance but also provide him with facilities for the development of his character and abilities to ensure all-round development of his personality as well as opportunities to enable him to reintegrate into the community as law-abiding citizen and shall perform such other functions as may be prescribed from time to time.

(5) Before a juvenile is discharged from a juvenile home or special home, as the case may be, and is sent to an After Care Home, the Probation Officer or the Case Worker shall prepare and submit a report regarding the necessity and nature of aftercare assistance required by the juvenile, the period of such after care and the supervision thereof. The Superintendent of the After Care Home in which the juvenile is placed shall submit periodically a detailed progress report on the juvenile to the Chief Inspector till the juvenile is reintegrated into the community.

(6) The internal management, functions and responsibilities of the After Care Home and the standards and nature of services to be maintained by it shall be regulated by the instructions as issued from time to time.

36. *Recognition of Fit Person or Institution.*—(1) Any individual or a suitable place or institution, the occupier or manager of which is willing temporarily to receive a juvenile in need of Care, Protection or treatment for so long a period as may be necessary, may be recognised by the State Government as fit person or 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 the prevention of cruelty to juveniles and which undertakes to bring up or to give facilities for bringing up any juvenile entrusted to its care in conformity with the 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 institutions approved by the State Government shall be kept in the office of the Chief Inspector and shall be made available to the competent authority wherever necessary.

(4) After committal of a juvenile by the competent authority to an institution recognised as a fit person or fit institution with collateral branches, the managers of such institution may send the juvenile to any of the branches of such institution after giving an intimation to the competent authority under whose orders the juvenile was committed and to the Chief Inspector.

37. *Certification of Recognition of Institutions.*—(1) If the Superintendent of any Institution desires that the Institution may be certified or recognised under the Act, he shall make a written application together with a copy each of the rules, bye-laws, articles of association list of members of the society/association running the institution, office bearers and a statement showing the status and past record of social or public service of the institution to the Chief Inspector who shall either inspect the institutions himself or cause it to be inspected by any of his subordinate officers and shall make a report to the State Government regarding the provision made in the institution for the boarding, lodging, general health of the inmates, the quality of the Educational, Vocational Training and treatment services made available and sources of income and may recommend certification or recognition with specific reference to the age group and sex.

(2) The State Government may on receipt of the report of the Chief Inspector and after satisfying himself that the institution possesses sufficient financial means to carry out its obligations, certify or grant recognition to or certify the institution under

Sections 9, 10 and 11 or as the case may be, on condition that it shall undertake to:—

(a) comply with the standards of services as laid down by the State Government from time to time and to ensure an all-round growth and development of juveniles placed under its charge;

(b) abide by these rules and any instructions issued by the Chief Inspector or the competent authority and see that the same are followed by the personnel of the Institution;

(c) provide such staff as may be required by the Chief Inspector or the competent authority from time to time;

(d) furnish to the Chief Inspector, whenever required, a statement of its financial position including the balance sheet and audited report.

(3) The State Government may, on the report of the Chief Inspector, if dissatisfied with the conditions, rules, management or Superintendents of an institution certified or recognised under the Act, at any time by notice served on the Superintendent of the Institution declare that the certificate or recognition of the institution as the case may be shall stand withdrawn as from a date specified in the notice and from the said date the institution shall cease to be an Institution certified or recognised under Section 9, 10 or 11 of the Act, as the case may be.

(4) The State Government may, instead of withdrawing a certificate or recognition by notice served on the manager of the institution prohibit admission of juveniles to the institution for such time as may be specified in the notice or until the notice is revoked, whichever is earlier. Before the issue of a notice a reasonable opportunity shall be given to the Superintendent of the Institution to show cause why the certificate or recognition may not be withdrawn or admission may not be prohibited, as the case may be.

(5) The decision to withdraw or to restore the certificate or recognition of the Institution may be taken on the basis of a thorough investigation by a specially constituted committee including among its members a representative of a voluntary institution or organisation other than the one under consideration.

(6) The Superintendent of an Institution may, on giving six months notice in writing to the authority concerned through the Chief Inspector of their intention to do so, resign the certificate or recognition of the institution and accordingly at the expiration of six months from the date of notice, unless before that time the notice is withdrawn the resignation of the certificate or recognition shall take effect and the institution shall cease to be certified or recognised under the Act or these Rules.

(7) A juvenile shall not be received into an institution after the date of the receipt by the Superintendent of the Institution of a notice of withdrawal of the certificate or recognition or after the date of notice of resignation of the certificate or recognition. The obligation of the Superintendent to teach, train, lodge, cloth and feed any juvenile detained in the institution at the respective dates aforesaid shall, except so far as the authority concerned otherwise directs, continue until the withdrawal or resignation of the certificate or recognition takes effect.

(8) When an institution ceases to be an institution certified for recognised under Section 9, 10 or 11 or the juveniles detained therein shall under orders of the officer empowered in this behalf by the State Government be either:—

(a) discharged absolutely or on such condition as the officer may impose; or

(b) transferred to some other institution established, certified or recognised under section 9, 10 or 11 of the Act in accordance with the provisions of the Act and rules relating to discharge and transfer.

Intimation of such discharge or transfer shall be given to the Board/Court.

38. *Grant-in-aid to Certified or Recognised Institution.*—An Institution Certified or recognised under Section 9, 10 or 11 of the Act may during the period certification or recognition is in force, may apply for grant-in-aid by the State Government for maintenance of juveniles received by them under the provisions of the Act and for expenses incurred on their education, treatment, vocational training development and rehabilitation. The grant-in-aid may be admissible at such rates, in such manner and subject to such conditions as may be determined by the State Government from time to time.

39. *Admission of Outsiders.*—No stranger shall be admitted to the premises of the Institution except with the permission of the Chief Inspector or the Superintendent.

40. *Identify Photos.*—On admission to an Institution established under the Act, every juvenile shall be photographed and three copies of the Photograph shall be obtained. One photograph shall be kept in the case file of the inmate one shall be fixed with the index card and the third one shall be kept in the album serially. The negative shall be kept in another album.

41. *Police Officers to be in Plain Clothes.*—While dealing with juveniles under the provisions of the Act or these rules except at the time of arrest the police officer shall wear plain clothes and not the police uniform.

42. *Prohibition of the use of Handcuffs and Fetters.*—No Juvenile dealt with under the provisions of the Act or these rules shall be handcuffed or fettered.

43. *Visitors Books.*—A Visitors Book shall be maintained in which the persons authorised to visit the institution shall record the dates of their visits with any remarks or suggestions which they may think proper. The Superintendent shall forward a copy of every such entry to the Chief Inspector with such remarks as he may desire to offer in explanation or otherwise and thereon the Chief Inspector shall issue such orders as he may deem necessary.

44. *Maintenance of Registers.*—The Superintendent shall maintain in his office such registers and forms as may be required by the Chief Inspector from time to time.

45. *Headquarters organisation.*—(1) The State Government shall provide for the appointment of staff for the supervision, control and development of services under the Act including Director|Deputy Director|Chief Inspector|Inspectors|Assistant Inspectors, Research Statistical Officers|Accountants|Audit Officers and ministerial staff as per requirement.

(2) The State Government shall appoint an Inspector|Assistant Inspector for each district to assist the Chief Inspector.

(3) The Headquarter's Organisation shall have a separate wing for the development of education, vocational training and rehabilitation services as well as for the placement of juveniles released from institutions. Such a wing shall also have a unit for women with a specific function of securing for girls opportunities for their reintegration into the community through marriage, employment, vocational placement, etc.

(4) One of the main objective of the Headquarters Organisation will be the development of infrastructure in voluntary sector for providing services under the juvenile justice system.

(5) The functions of the Headquarters organisation will be as follows namely:—

(a) planning directing, co-ordinating, controlling supervising and guiding the activities in the field of juvenile justice;

(b) advising Government on the formulation of progressive policies and implementation of juvenile justice services;

(c) implementing Government policies regarding juvenile justice development;

(d) preparing plan and non-plan schemes for the development of the juvenile justice programme;

(e) formulating annual budget and exercising financial control;

(f) releasing grant-in-aid for juvenile justice activities.

(g) inspection of juvenile justice programmes;

(h) departmental audit of juvenile justice institutions and activities;

(i) training of both governmental and voluntary functionaries engaged in juvenile justice activities;

(j) preparation of annual reports and compilation of statistics; and

(k) research and evaluation.

(6) The duties of the Chief Inspector shall be determined in accordance with the provisions of the Act and requirements of these rules. The Chief Inspector shall be responsible for the inspection of institutions set up or recognised under the Act. His inspection reports shall contain comments and suggestions on the following items pertaining to the working of the institutions, namely:—

(a) physical setting in terms of buildings space, requirements, living quarters for juveniles, class rooms, sick rooms, water supply and sanitary arrangements, playgrounds, quarters on the premises for essential staff general cleanliness etc.

(b) quality and quantity of food given to the juveniles;

(c) clothing and bedding;

(d) facilities for medical treatment including arrangements for immunisation and preventive and curative services;

(e) arrangements for education and vocational training;

(f) maintenance of case files of juveniles in institutions;

(g) arrangements made for recreation games, Physical training, Library etc.;

(h) provision of staff of various categories;

(i) registers and accounts;

(j) difficulties and grievances of personnel;

(k) difficulties and grievances of juveniles; and

(l) review of the impact of the institutional programmes.

46. *Inspection of Institutions.*—(1) Every Chief Inspector, Inspector and Assistant Inspector shall, during his inspection or visit to an institution, give every juvenile committed or remanded to its care an opportunity to make any complaint or application to him which such juvenile may wish to make.

(2) Every such Inspector shall at the conclusion of his inspection, note in the inspection book of the institution the fact that he has inspected it on a particular date.

(3) Every Inspector and Assistant Inspector shall submit to the Chief Inspector a detailed report of his inspection.

(4) The Chief Inspector shall, either on his own inspection or on the inspection report of other inspecting staff, communicate to the Superintendent of the institution so inspected such suggestions or directions as he may deem fit and necessary.

(5) Any place of safe custody in which a juvenile is kept shall be open in inspection by the District Magistrate, any Magistrate deputed by District Magistrate, member of a Juvenile Welfare Board, Magistrate of a juvenile court the Chief Inspector and his inspecting staff and any officer of the State Government so empowered in this behalf.

(6) The occupier of manager of such place of safe custody shall give every facility to the Probation Officer who visits the juvenile for the purpose of making inquiries into his case.

(7) Any registered medical practitioner empowered in this behalf by the State Government may visit any institution a fit person or fit institution at any time with or without notice in order to report to the Chief Inspector on the health of the inmates and the sanitary condition of the institution.

(8) In addition to the inspecting staff appointed under the Act, every Government District Education Officer shall also be an ex-officio Inspector of the institutions set up or certified under this Act within his local jurisdiction. He shall carry out purely educational inspection of the institutions whose educational curriculum is recognised to be in accordance with the curriculum approved by the Directorate of Public Instruction. He shall also carry out inspection of such institutions within his local jurisdiction as require recognition of the educational curriculum prescribed by the said Directorate. He shall comply with such directions as the Chief Inspector may consider it necessary to give him through the Director of Public Instruction and shall submit inspection reports of the institutions to the Chief Inspector through the Director of Public Instruction.



(9) Such Inspector shall inspect the premises of each such institution within his jurisdiction see the juveniles and satisfy himself that all the registers pertaining to literary education are maintained according to the rules for the time being in force and that proper arrangements are made for the safe custody of all such records. Each year he shall personally arrange for the examination of the literacy classes of each such institution and shall submit to the Director of Public Instruction any suggestions he may wish to make. The Director of Public Instruction shall forward such reports to the Chief Inspector with his remarks, if any.

(10) The industrial, technical, agricultural or other vocational training classes run by the institutions shall be inspected by the Director of Employment and Training or by an Officer authorised by him in this behalf or by an officer of the Agriculture or other Departments concerned as the case may be shall forward the inspection report to the Chief Inspector.

47. *Duties of the Superintendent.*—The general duties, functions and responsibilities of the Superintendent will be as follows, namely:—

(a) providing homely atmosphere of love, affection, care and welfare of juveniles;

(b) planning, implementing and co-ordinating all institutional activities programmes and operations;

(c) maintaining minimum standards at the institution;

(d) classification of juveniles, training and treatment programmes and correctional activities;

(e) supervision over juveniles' discipline and morale;

(f) allocation of duties to personnel;

(g) attending to personnel welfare and staff discipline;

(h) preparation of budget and control over financial matters;

(i) supervision over office administration;

(j) monthly office inspection;

(k) daily inspection and round of institution; and

(l) inspecting and tasting food prepared for juveniles.

48. *Duties of Probation Officer.*—(1) On receipt of information from the Officer-in-charge of a Police Station under clause (b) of section 19 or an order from the Juvenile Welfare Board under

these rules, the Probation Officer shall enquire into the antecedents and family history of the juvenile and such other material circumstances as may be necessary and submit a preliminary report as nearly as in Form IX to the competent authority as early as may be allowed by the competent authority.

(2) Every Probation Officer shall carry out all directions given to him by a competent authority and the Chief Inspector and shall perform the following duties; namely:—

(a) to make inquiries regarding the home and school conditions, conduct, character and health of juveniles under his supervision;

(b) to attend regularly the court of a competent authority and submit reports;

(c) to maintain diary case files and such registers as may be prescribed from time to time;

(d) to visit regularly juveniles placed under his supervision and also places of employment or school attended by such juveniles, and to submit regularly fortnightly reports as nearly as in Form X;

(e) to take juveniles wherever possible from the court of a competent authority to observation home, to juvenile home, special home or fit person;

(f) to bring before the competent authority immediately juveniles who have not been of good behaviour during the period of supervision;

(g) follow up of juveniles after their release from the institutions and extending help and guidance to them; and

(h) establishing linkages with voluntary workers and organisations to facilitate rehabilitation and social reintegration of juveniles and to ensure the necessary follow up.

(3) A probation officer shall not employ a juvenile under his supervision for his own private purposes or take any private services from him.

*Duties of Case Workers.*—The general duties, functions and responsibilities of Case Workers shall be as follows, namely:—

(a) making social study of the juvenile through personal interview and from the family, social agencies and other sources;

(b) clarifying problems of the juvenile and dealing with his difficulties in institutional life;

(c) participating in the orientation classification and reclassification programme;

(d) establishing co-operation and understanding between the juvenile and the administration;

(e) assisting the juvenile to develop contacts with his family and also providing assistance to his family members;

(f) participating in the pre-release programme and helping the juvenile to establish contacts which can provide emotional and social support to juveniles after their release.

50. *Duties of Care Takers.*—(1) The general duties, functions and responsibilities of Care Takers shall be as follows, namely:—

- (a) handling juveniles with love and affection;
- (b) taking proper care and welfare of juveniles;
- (c) maintaining discipline in institutions;
- (d) maintenance sanitation and hygiene;
- (e) implementing daily routine in an effective manner;
- (f) looking after the security and safety arrangements of the institution; and
- (g) escorting juveniles whenever they go out of the institutions.

(2) A job chart for Care Takers shall be worked out by the Chief Inspector to be strictly adhered to in all institutions.

(3) A Care Taker shall be liable for departmental action for,—

- (a) willingly or negligently permitting an inmate to escape;
- (b) giving or attempting to give an inmate or taking out or attempting to take out from the institution any articles not allowed by the Superintendent; and
- (c) wilful disobedience or neglect of any rules, regulations or orders.

51. *Training of Personnel.*—The State Government shall provide for training for personnel of each category of staff keeping with their statutory responsibilities and specific job requirements. The training programme shall include;

- (a) training of newly-recruited staff;
- (b) refresher training courses for every staff member at least once in every five years;
- (c) staff conferences, seminars, workshops etc., at various levels of the personnel organisation.

52. *Advisory Board.*—The State Government shall set up an Advisory Board as required under section 53 consisting of the following persons, namely:—

- |  |                      |
|--|----------------------|
| (1) Minister-in-charge of juvenile justice services.                               | Chairman             |
| (2) Secretary-in-charge of juvenile justice services.                              | Member               |
| (3) Secretary, General Education.  | Member               |
| (4) Secretary, Health.   | Member               |
| (5) Secretary, Home.   | Member               |
| (6) Secretary, Law.  | Member               |
| (7) Secretary, Labour and Employment.  | Member               |
| (8) Secretary, Industries.   | Member               |
| (9) Secretary, Higher Education.   | Member               |
| (10) Secretary, Finance.   | Member               |
| (11) An Industrialist  | Member               |
| (12) A journalist.   | Member               |
| (13) A representative of the Bar Council.  | Member               |
| (14) Two social workers/representatives of voluntary organisations; and            | Members              |
| (15) Director-in charge of juvenile justice services (Director of Social Welfare). | Member—<br>Secretary |

(2) The Advisory Board may advise the State Government on the following matters, namely:—

- (a) development of juvenile justice services through various official and community based welfare agencies;
- (b) the ways and means of mobilising human and material resources to ensure social justice to neglected or delinquent juveniles;
- (c) the development of facilities for educational, vocational training and rehabilitation of various categories of juveniles coming within the purview of the juvenile justice services;
- (d) the co-ordination between various sectors of child development in dealing with the problems of juveniles processed through the law.

(3) The non-official members of the Advisory Board shall be appointed by the State Government on the recommendation of the Director in charge of juvenile justice services. The non-official members shall hold office for a term of 3 years from the date of appointment and shall be eligible for reappointment. The tenure of the non-official member may, without assigning any reason, be terminated by the State Government. Any casual vacancy among non-official members shall be filled by the appointment of another

non-official who shall hold office so long as the person in whose place he is appointed would have held it if the vacancy had not occurred. The procedure for the meetings of the Advisory Board shall be laid down by the State Government.

53. *Visitors.*—The District Magistrate shall be empowered to appoint three non-officials as visitors for each institution established under the Act within his jurisdiction. Each visitor appointed under section 54 shall visit the institution for which he or she is appointed at least once in three months and send a quarterly report to the State Government containing his or her comments or suggestions in regard to the institutional management and the quality of institutional services, for such action as the District Magistrate may deem necessary.

54. *Juvenile justice fund.*—(1) The State Government shall create a fund to be called the "Juvenile Justice Fund" (hereinafter in this rule referred to as fund) for the welfare and rehabilitation of the juveniles dealt with under the provisions of the Act.

(2) The fund shall be applied,—

(a) to implement programmes for the welfare and rehabilitation of juveniles;

(b) to pay grant-in-aid to non-official organisations; and

(c) to do all other things that are incidental and conducive to the above purposes.

(3) For the management and administration of the fund, the State Government shall constitute a Board of Management consisting of the following members namely:—

(i) Minister-in-charge of juvenile justices

Chairman

(ii) Secretary in-charge of the Department dealing with the juvenile justice services.

Member

(iii) Secretary, Department of Finance.

Member

(iv) Three non-official members to be appointed by the State Government.

Members

(v) Director of the Department dealing with the juvenile justice services.

Secretary  
Treasurer.

(4) A non-official member shall, unless he resigns his office or dies or otherwise vacates his office at an earlier date, hold office for a period not exceeding two years. A member nominated to fill a casual vacancy shall hold office for as long as the member whose place he fills, would have been entitled to hold office if the vacancy had not occurred.

(5) (i) A non-official member other than the Chairman may resign his office by writing under his hand addressed to the Chairman.

(ii) The Chairman may resign his office by writing under his hand addressed to the State Government.

(iii) The resignation shall take effect from the date of its acceptance or on the expiry of 30 days from the date of its receipt by the Chairman or as the case may be, by the State Government, whichever is earlier.

(6) A non-official member shall be deemed to have vacated his office—

(a) if he becomes of unsound mind or is declared insolvent;

(b) if he is convicted for any offence which in the opinion of the State Government, involves moral turpitude;

(c) if, in the opinion of the State Government, it is not desirable that he should continue to be a member.

(7) The Board of Management shall meet at least once a year at such places and on such dates and at such times as may be fixed by the Chairman.

(8) The quorum for a meeting of the Board of Management shall be four. If a meeting of the Board of Management could not be held for want of quorum then a meeting shall automatically stand adjourned till the same day in the next week at the same time and place or if that day is a public holiday till the next succeeding day which is not a public holiday, at the same time and place.

(9) It shall be the duty of the Secretary-Treasurer,—

(a) to be the custodian of all records of the Board of Management;

(b) to conduct the official correspondence on behalf of the Board of Management;

(c) to issue all notices for convening the meetings of the Board of Management;

(d) to keep minutes of all meetings of the Board of Management;

(e) to manage the properties and funds of the Fund to maintain accounts and execute all contracts on behalf of the Board of Management;

(f) to exercise all other powers and execute such other functions as may be assigned to him by the Board of Management from time to time.

(10) The Board of Management may receive such voluntary donations, contributions or subscriptions as may be made by any individuals or organisations in furtherance of the object of the fund.

(11) The assets of the Fund shall include all such grants and contributions, recurring or non-recurring, from the Central and State Governments or any other statutory or non-statutory bodies set up by the Central or State Government as well as the voluntary donations from any individual or organisation.

(12) Withdrawals shall be made by cheques or requisitions, as the case may be, signed by the Secretary-Treasurer in the case of amounts not exceeding rupees one thousand and signed duly by the Secretary-Treasurer and another member of the Board of Management to be nominated by the Board of Management in other cases.

(13) Regular accounts shall be kept of all money and properties and incomes and expenditure of the fund and shall be audited by the firm of Chartered Accountants or any other recognised authorities as may be appointed by the Board. The Auditors shall also certify that the expenditure from the funds of the Fund has been incurred in accordance with the objects of the Fund. Regular accounts of the money of the Funds shall be kept by the Secretary-Treasurer. All contracts and other assurances shall be in the name of the Board of Management and signed on their behalf by the Secretary-Treasurer and one member of the Board of Management authorised by it for that purpose.

(14) The Board of Management shall invest the proceeds of sale or other disposal of the property as well as any money or property not immediately required to be used for the objects of the Fund in any one or more of the modes of investment for the time being authorised by law for the investment of trust moneys as the Board of Management may think proper.

(15) The Board of Management may delegate to one or more of the members such of its powers which in its opinion are merely ministerial or procedural.

55. *Forms.*—As far as possible, the following forms shall be used for the purposes noted against each:—

Form XI : Show cause notice under sub-section (2) of section 14.

Form XII : Search warrant under sub-section (2) of section 14.

- Form XIII : Order for the removal of a juvenile from the charge of his parent or guardian under section (2) of section 14.
- Form XIV : Form of report of the probation officer for the purpose of sub-section (3) of section 16 or proviso to sub-section (2) of section 21.
- Form XV : Form of information of arrest of a juvenile to his/her parent or guardian under clause (a) of section 19.
- Form XVI : Form of information of arrest of a juvenile to the Probation Officer under clause (b) of section 19.
- Form XVII : Order of the competent authority sending a child to a juvenile home or special home under sub-section (3) of section 16 and proviso to sub-section (2) of section 21.

By order of the Governor,

J. LALITHAMBIKA,

*Secretary to Government.*

### Explanatory Note

(This is not part of the notification but is intended to bring out its main purport.)

The care, protection, treatment, development and rehabilitation of neglected or delinquent children and the adjudication of certain matters relating to, and disposition of, delinquent children were dealt with under the provisions of the Kerala Children Act 1972 (3 of 1973) and the Kerala Children Rules 1976 issued thereunder. Now the Government of India have enacted the Juvenile Justice Act, 1986 (Act 53 of 1986) which extends to the whole of India except the State of Jammu and Kashmir. The Central Act brought into force in this State with effect from 2nd October 1987. According to the provisions under section 63 of the said Act, the Kerala Children Act 1972 stands repealed. As per section 62 of the Central Act, the State Government are competent to make rules by notification in the Official Gazette, to carry out the purposes of the Act. The Government of Kerala now propose to issue the Juvenile Justice (Kerala) Rules 1988. The Notification is intended to achieve the above purpose.



## FORM I

[See Sub-rule (5) of rule 10]

**Order requiring a Probation Officer to make enquiries**

To

Probation Officer, Social Worker  
.....

Whereas (1) a report, complaint under section .....  
 ..... of the Juvenile Justice Act, 1986, has been  
 received from ..... in respect of  
 ..... son daughter of .....  
 (name of the Juvenile)

..... residing at .....  
 .....  
 .....  
 .....

(2) ..... son daughter of .....  
 ..... residing at  
 .....  
 .....

..... has been produced before  
 this Juvenile Welfare Board under the provisions of sub-section (1)  
 of section 15 of the Juvenile Justice Act, 1986.

You are hereby directed to enquire into the character and  
 social antecedents of the said Juvenile and submit your report of  
 social enquiries on or before .....

..... or within such further  
 time as may be allowed to you by the Juvenile Welfare Board.

Dated this ..... day of ..... 19.....

(Signature)

*Chairman, Juvenile Welfare Board.*

## FORM II

[See sub-rule (6) of rule 10]

## Supervision Order

(When the juvenile is placed under the care of a parent, guardian  
or Other fit person)

Case No. .... of ..... 19 .....

Whereas ..... has  
(name of the child)

this day been found to be neglected juvenile to have committed an  
offence under section.....

and has been placed under the care of (name) .....  
..... (address) .....

on executing a bond by the said.....

And the court is satisfied that it is expedient to deal with the said  
juvenile by making an order placing him/her under supervision.

It is hereby ordered that the said juvenile be placed under the  
supervision of .....

a Probation Officer, for a period of.....

subject to the following conditions, namely:—

- (1) that the juvenile along with copies of the order and the  
bond executed by the said.....  
will be produced before the Probation Officer named  
therein.....
- (2) that the juvenile will be submitted to the supervision of  
the Probation Officer.....
- (3) that the juvenile will reside at.....  
for a period of .....

- (4) that the juvenile will not be allowed to quit the district jurisdiction of ..... without the written permission of the Probation Officer;
- (5) that the juvenile will not be allowed to associate with bad characters;
- (6) that the juvenile will live honestly and peaceably;
- (7) that the juvenile will attend the Attendance Centre regularly;
- (8) that the person under whose care the juvenile is placed will arrange for the proper care, education and welfare of the juvenile;
- (9) that the preventive measures will be taken by the person under whose care the juvenile is placed to see that the child does not commit any offence punishable by any law in force in India;
- (10) that the juvenile will be prevented from taking narcotic drugs or psychotropic substances or any other intoxicants;
- (11) that the directions given by the Probation Officer from time to time, for the due observance of the conditions mentioned above, will be carried out.

Dated this ..... day of ..... 19.....

(Signature)

Chairman, Juvenile Welfare Board/  
Principal Magistrate, Juvenile Court.

\*Additional conditions, if any, may be inserted by the Juvenile Welfare Board/Juvenile Court.

## FORM III

[See sub-rule (7) of rule 10]

**When the child is ordered to pay fine under clause (c) of sub-section (1) of section 21 of the Juvenile Justice Act, 1986**

Case No. .... of ..... 19.....

Whereas .....  
(name of the juvenile)

resident of .....  
(give full address such as house No., Road, Village/Town,  
district etc.)

.....  
has this day been found guilty of an offence under section .....  
..... and has been ordered to pay fine of Rs. ....  
and the Juvenile Court is satisfied that it is expedient to deal with  
the said juvenile by making an order placing him/her under  
supervision.

It is hereby ordered that the said juvenile be placed under the  
supervision of ..... a Probation Officer  
for a period of ..... and shall observe the  
following conditions, namely:-

- (1) that he will present himself within fourteen days from the date of this order, before the probation officer named herein, and will produce copy of the order;
- (2) that he will submit himself to the supervision of the probation officer;
- (3) that he will, during the period specified herein, keep the probation officer, advised of his place of residence and means of livelihood/place of work/place of education and progress in education;
- (4) that he will attend the Attendance Centre regularly;
- (5) that he will not associate with bad characters lead a desolute life;

- 44
- (6) that he will live honestly and peaceably and will go to school regularly endeavour to earn an honest livelihood;
  - (7) that he will not commit any offence punishable by any law in force in India;
  - (8) that he will abstain from taking intoxicants, and
  - (9) that he will carry out such directions as may, from time to time be given by the probation officer, for the due observance of the conditions mentioned above.

Dated this, ..... day of ..... 19.....

(Signature)

Principal Magistrate, Juvenile Court.

\*Additional conditions, if any, may be inserted by the Juvenile Court, if necessary.

To be renumbered if necessary.

## FORM IV

[See sub-rule (8) of rule 10]

Order detention under sub-section (2) of section 15 or under  
clause (c) of sub-section (1) of section 21 of the Act

To

The Superintendent

Whereas on the.....day of.....19.....  
.....son/daughter of.....

(Name of Juvenile)

.....aged .....  
residing at.....  
being found in case No.....

.....\*to be a neglected juvenile  
.....\*to have committed an offence  
under section.....was ordered by the.....

\*Chairman, Juvenile Welfare Board

\*Senior Magistrate, Juvenile Court

under section.....of the Juvenile Justice

Act, 1986 to be detained in the \*Juvenile Home

\*Special Home

for a period of.....

This is to authorise and require you to receive the said  
juvenile into your custody, and to keep him/her in the  
\*Juvenile Home

\*Special Home

for the aforesaid order to be there carried into execution according  
to law.

Given under my hand and the seal of

\*Juvenile Welfare Board

\*Juvenile Court

This .....day of .....19.....

(Signature)

Chairman Juvenile Welfare Board

\*Principal Magistrate, Juvenile Court.

Encl:

Copy of the Judgment if any, or orders,  
particulars of home and previous record.

\*Strike out which is not required.

**Previous history under the Act**

Date	Order passed including period of detention, if any	Section	Competent authority
------	---	---------	------------------------

## FORM V

[See sub-rule (1) of rule 11]

**Bond to be executed by a parent/guardian/relative or fit persons  
to whose care a child is committed under section 16 (1)  
or section 21 (1) (b) of the Act**

Whereas I.....being the parent, guardian,  
relative or person under whose care (name of juvenile) has been  
ordered to be placed by the Juvenile Welfare Board/Juvenile's  
Court.....have been directed by the said Juvenile  
Welfare Board/Juvenile Court to execute a bond in the sum of  
rupees ..... (Rupees.....) with  
one surety \*|two sureties, I hereby bind myself of the said.....  
.....being placed under my care I shall have the  
said..... properly taken care of and I do further  
bind myself to be responsible for the good behaviour of the  
said..... and to observe the following conditions  
for a period of..... years commencing from.....

- (1) that I shall not change my place of residence without giving previous intimation in writing to the Juvenile Welfare Board/Juvenile Court through the probation officer;
- (2) that I shall not remove the said..... from the limits of the jurisdiction of the Juvenile Welfare Board/Juvenile Court without previously obtaining the written permission of the Board/Court;
- (3) that I shall send the said..... daily to school/to such daily work as is approved by the Board/Court unless prevented from so doing by circumstances beyond my control;
- (4) that I shall send the said..... to an Attendance Centre regularly unless prevented from so doing by circumstances beyond my control;
- (5) that I shall report immediately to the Board/Court through the Probation Officer, if the said..... misbehave or absconds from my care;
- (6) that I shall produce the said..... before the Board/Court whenever so required by it;
- (7) that I shall render all necessary assistance to the Probation Officer to enable him to carry out the duties of supervision;



(8) in the event of my making default herein, I bind myself to forfeit to Government the sum of Rupees.....  
(Rs.....)

Dated this the.....day of .....19.....  
Before

(Signed)  
(Signature of person  
executing the bond)

Additional conditions, if any, by the Juvenile Court|Board may be entered numbering them properly.

(Where a bond with sureties is to be executed add)

I|We.....  
of.....

(Place of residence with full particulars)

hereby declared myself, surety|ourselves sureties for the aforesaid

.....  
(name of the person executing the bond)

that he shall do and perform all that he has undertaken to do and perform and in case of his making fault therein; I|We hereby bind myself|ourselves jointly and severally to forfeit to Government the sum of Rs.....

Dated this the..... the day of .....19.....

In the presence of:

(Signed)

## FORM VI

[See sub-rule (2) of rule 13]

Bond to be signed by Juvenile who has been ordered under clause (e) of sub-section (1) of Section 21 of the Act

Whereas I.....inhabitant of

(give full particulars such as House number)

(road, village, town, tahsil, district, state)

have been ordered to be sent back to my native by the Juvenile Welfare Board/Juvenile Court.....under section 21 of the Act on my entering into a bond under sub-rule (2) of rule 8 of the Juvenile Justice (Kerala) Rules, 1988 to observe the conditions mentioned herein below. Now, therefore, I do solemnly promise to abide by those conditions during the period,

I hereby bind myself as follows:

- (1) That during the period..... I shall not ordinarily leave the village, town, district to which I am sent and shall not ordinarily return to..... or go anywhere also beyond the said district without the prior permission of the Board/Court;
- (2) that during the said period I shall attend work/school in the village, town or in the said district to which I am sent;
- (3) that in case of my attending work/school at any other place in the said district, I shall keep the Board/Court informed of my ordinary place of residence;
- (4) that I shall be of good behaviour and shall not in any way commit any breach of conditions laid down in this bond and accepted by me;
- (5) that during the period specified in the order I shall particularly observe the following conditions:—
  - (a) that I shall accept the guidance and assistance of the relative or fit person to whom I am sent as named in the order and will obey the directions given to me from time to time by the said person.
  - (b) that I shall not play truant from home, school, work of place to which I am sent;

- (c) that I shall live honestly and peaceably and will endeavour to earn an honest livelihood, attend school regularly and obey the authorities, shall not change my employment/school without the permission of the relative or fit person to whom I am sent;
- (d) Additional conditions, if any
- (6) In case of my making\* default in observing any of the conditions specified above I shall on my reappearance before the competent authority receive such order as the competent authority deem fit.

Dated this ..... day of ..... 19....

Signature or mark

Signature and addresses of witness(es)

1.

2.

## FORM VII

[See sub-rule (2) of rule 13]

**Undertaking to be given by the person to whose care the  
Juvenile is to be sent to his native place**

I, ..... resident of .....  
 ..... (give full particulars such as house No. ....  
 ..... road, village|town, district, state)  
 ..... do hereby declare that I am willing  
 to take charges of ..... aged ..... under  
 the orders of the Juvenile Welfare Board|Juvenile Court|Magistrate  
 ..... subject to the following terms and  
 conditions:

- (i) If his|her conduct is unsatisfactory I shall at once inform the competent authority.
- (ii) I shall do my best for the welfare and education of the said ..... as long as he|she remains in my charge and shall make proper provision for his|her maintenance.
- (iii) In the event of his|her illness, he|she shall have proper medical attention in the nearest hospital.
- (iv) I undertake to produce him|her before the competent authority when so required.

Dated this ..... day of ..... 19....

Signature:

Signature and address of witnesses:

- 1.
- 2.

## FORM VIII

[See sub-rule (1) of rule 32]

## Form of Licence

I,.....(name and designation of the  
 licensing authority) State Government do by this licence permit  
 .....son/daughter of.....caste  
 .....residence.....number .....  
 who was ordered to be detained in a Juvenile Home, Special Home,  
 Observation Home, After Care Home by the Juvenile Welfare Board/  
 Juvenile Court.....under Section.....of the Act,  
 for a term of.....on the.....day of  
 .....19....and who is now detained in the  
 .....at.....to be discharged  
 from the said.....on condition that he/she be placed  
 under the supervision and authority of.....during the  
 remaining portion of the aforesaid period of detention.

This licence is granted subject to the conditions endorsed hereon,  
 upon the breach of any of which it shall be liable to be revoked.

Signature and designation of Licencing Authority.

Dated the .....

Place: .....

## CONDITIONS

1. The licensee shall proceed to.....and live under  
 supervision and authority of.....until the expiry  
 of the period of his/her detention unless the remission is  
 sooner cancelled.
2. He/she shall not, without the consent of the said.....  
 .....remove himself/herself from that place or  
 any other place which may be named by the said.....  
 .....

3. He|She shall obey such instructions as he|she may receive from the said.....with regard to punctual and regular attendance to employment or otherwise.
4. He|She shall attend the Attendance Centre at.....regularly.
5. He|She shall abstain from committing any offence and shall lead a sober and industrious life to the satisfaction of .....
6. \*
7. \*
8. \*
9. \*
10. In the event of his|her committing a breach of any of the above conditions, the remission of the period of detention hereby granted shall be liable to be cancelled and on such cancellation he|she shall be dealt with under sub-section (3) section 49 of the Act.

I hereby acknowledge that I am aware of the above conditions which have been read over|explained to me and that I accept the same.

(Signature or mark of the licensee).

Certified that the conditions specified in the above order have been read over|explained to (Name).....and that he|she has accepted them as the conditions upon which the remission of the period of detention has been granted to him|her and that he|she has been released accordingly on the.....

Signature and designation of the certifying authority (i.e., Superintendent of the Institution).

Additional conditions, if any to be imposed may be inserted by the Licensing Authority.

To be numbered where necessary.

## FORM IX

[See sub-rule (1) of rule 48]

## Report on Preliminary Enquiry

Sl. No.....

Submitted to the Juvenile Court Juvenile Welfare Board.....  
 .....in the court of.....  
 Court Case No.

Probation Deptt.

Case No.

Under Section.

Title of Case.

Police Station.

Nature of offence, charged  
 (in the case of delinquent Juvenile only)

Name

Father's Name

I Religion

Permanent

Address

I Caste

Last address

before arrest.

Year of birth

Age

Sex

## Previous court or institutional history

## FAMILY

Members of Family	Name	Age	Health	Occupation or School	Wages if any.
-------------------	------	-----	--------	----------------------	---------------

Father					
--------	--	--	--	--	--

Step father					
-------------	--	--	--	--	--

Mother					
--------	--	--	--	--	--

Step Mother					
-------------	--	--	--	--	--

Sub-mother					
------------	--	--	--	--	--

Siblings					
----------	--	--	--	--	--

If married, relevant particulars					
----------------------------------	--	--	--	--	--

Other near relatives or agencies interested					
---	--	--	--	--	--

Attitude towards religion normal ethical code of the home etc.					
--	--	--	--	--	--

Social and economic status					
----------------------------	--	--	--	--	--

Delinquency record of members of family					
--	--	--	--	--	--

Present living conditions					
---------------------------	--	--	--	--	--

Relationship between parents parent and children especially with the child under investigation					
--	--	--	--	--	--

Other facts of importance if any					
----------------------------------	--	--	--	--	--



**Juveniles History**

Mental conditions  
     past and present  
 Physical conditions  
     past and present  
 Habit, interests  
     (moral, recreational etc.)  
 Outstanding characteristics  
     and personality traits  
 Companions and their influence  
 Truancy from home, if any  
 Previous delinquency if any  
 School (attitude, towards  
     school teachers, classmates and  
     vice versa)  
 Work record (jobs hold, reasons for  
     leaving vocational interests,  
     attitude towards job or employers)  
 Neighbourhood and neighbours report  
 Parents attitude towards  
     discipline in the home and  
     child reactions  
 Any other remarks

**RESULT OF ENQUIRY**

Emotional factors  
 Physical conditions  
 Intelligence  
 Social and Economic factors  
 Religious factors  
 Suggested causes of the problems  
 Analysis of the case giving an idea  
     as to how the delinquency behaviour  
     developed.  
 Recommendations regarding  
     treatment and its plan by  
 Probation Officer.

Signature of Probation Officer.

## FORM X

[See sub-rule (2) (d) of rule 48]

## Fortnightly Report of Progress of Probationer

## PART I

Name of the Probation Officer  
for the month of

Register No.

Competent authority

Case No.

Name of the Child,

Date of Supervision Order

Address of the Child

Period of Supervision

## PART II

Places of interview

Dates

.....  
.....  
.....  
.....

.....  
.....  
.....  
.....

1. Where the child is residing ?

2. Progress made in any educational  
training course.

3. What work he/she is doing and his/  
her monthly average earning, if  
employed.

4. Savings kept in the Post Office  
Saving Bank Account in his/her name.

5. Health of the juvenile.

6. Remarks on his/her general conduct  
and progress.

7. Whether properly cared for?

## PART III

8. Any proceedings before the competent authority of or
  - (a) Variation of conditions of bond
  - (b) Change of residence
  - (c) Other matter
9. Period of supervision completed on .....
10. Result of supervision with remarks (if any).
11. Name and address of the parent or guardian or fit person under whose care the juvenile is to live after the supervision period is over.

Date of report

Signature of the Probation Officer.

## FORM XI

(See rule 5)

Show cause notice under sub-section (2) of section 14 of the Act

No.

Whereas a report from..... has been received under sub-section (1) of section 14 of the Act and whereas there is reason to believe that..... (name of the Juvenile) son/daughter of..... residing at..... is a neglected child. Whereas..... residing at..... (name of the parent or guardian) is reported to have the actual charge of, or control over the said juvenile the said.....

is hereby called upon to produce the said ..... before this  
 Juvenile Welfare Board on ..... day of .....  
 19..... hours and to show cause why the said .....  
 (name of the child) ..... should not be dealt with as  
 neglected under the provisions of the Act, Dated this .....  
 day of ..... 19.....

Juvenile Welfare Board.

### FORM XII

#### Search Warrant under sub-section (2) of section 14 of the Act

Case No.

To

(name and designation of the officer who is to execute the warrant)

Whereas ..... residing at .....  
 under the actual charge or control of ..... is apparently a  
 neglected juvenile and is required to be dealt with under the pro-  
 visions of the Act.

And whereas it has been made to appear to be that the said  
 juvenile is likely to be removed from ..... or  
 to be cancelled.

This is to authorise and require you to search for the said  
 ..... in the ..... and if found, to produce  
 him/her forthwith before this Juvenile Welfare Board returning this  
 warrant, with an endorsement certifying what you have done under  
 it, immediately upon its execution.

Given under my hand and the seal of the Juvenile Welfare Board.

This ..... day of ..... 19.....

(Signature)

Chairman, Welfare Board.

# FORM XIII

(See Rule 54)

**Order for the removal of a juvenile from the charge of his parent or guardian under sub-section (2) of Section (14) of the Act**

(name and designation of the person who is to execute the order)

Whereas.....residing at .....under the actual charge or control of.....is apparently neglected juvenile and is required to be dealt with under the provisions of the Act.

And whereas there is reason to believe that the said juvenile is likely to be removed from.....or to be cancelled.

You are hereby directed to remove the said juvenile from the charge or control of.....to observation home.....dated the.....day of.....19.....

Chairman, Juvenile Welfare Board,

# FORM XIV

(See Rule 54)

**Report of the Probation Officer for the purposes of sub-section (3) of section 16 or proviso to sub-section (2) of section 21 of the Act**

Name of the Probation Officer under whose supervision the juvenile has been placed.

Order No. and date under which the juvenile has been placed under supervision.

Competent authority under whose orders the juvenile has been placed under the supervision.

Name of the juvenile's guardian or other fit person under whose care the juvenile has been placed.

Place of residence.

Whether there has been breach of any of the condition imposed by the competent authority; if so, state the condition breach of which has taken place?

Whether the juvenile has not been of good behaviour; if so, justify the same?

Whether the juvenile is not being looked after properly? If so, justify the same?

Whether the juvenile is/is not attending his place of employment regularly?

Whether the juvenile is not attending the Attendance Centre?

Any other reasons for which the Juvenile is recommended to be sent to a juvenile Home/Special Home?

Name of the juvenile home/special home where the juvenile is recommended to be sent?

Signature of the Probation Officer.

Date:

### FORM XV

(See Rule 55)

**Information of arrest of a juvenile to his/her parent or guardian vide clause (a) of Section 19 of the Act.**

Whereas (name of the juvenile.....son/daughter of.....aged.....resident of.....has been arrested under section.....and has been kept in the observation Home at.....will be produced before the Juvenile Court at.....(on date).....

(Name of the parent or guardian)

resident of.....is hereby directed to be present at the Juvenile Court.....on.....(at time).....

Signature of the  
Officer in charge of the  
Police Station.

Date:

## FORM XVI

(See Rule 55)

Information of arrest a Juvenile to the Probation Officer  
vide clause (b) of section 19 of the Act.

Name of the juvenile .....

Age

Son/daughter of

Residing at

Under the care of

Date and time of arrest

Place of arrest

Section under which arrested

Brief history of the case

Whether kept in the Observation Home and  
if so, name of the Observation Home?

Signature of the Officer  
in charge of the  
Police Station.

Date:

To

The Probation Officer

.....  
.....  
.....

## FORM XVII

(See Rule 55)

Order of the competent authority sending a juvenile to a Juvenile Home/Special Home under the provisions of sub-section (3) of Section 16 or under provisions of sub-section (2) of section 21 of the Act.

## ORDER

No.

Competent authority.....

Whereas..... (name of the juvenile) son/daughter of..... resident of..... was placed under care of ..... under section..... of the Act, order No..... dated..... and was further placed under supervision of..... (name of the Probation Officer)..... under section..... vide order No..... dated.....

And whereas on the report of the said Probation Officer and on making necessary inquiry it has been found expedient to deal with the said juvenile under section..... of the Act.

It is hereby ordered that the said..... (name of the Juvenile) be sent to the Juvenile Home/Special Home..... for a period of..... dated this..... day of..... 19.....

Signature

Chairman, Juvenile Welfare Board  
Senior Magistrate Juvenile Court.



Government of Kerala  
കേരള സർക്കാർ  
1993



Reg. No. KL/TV(N)/12  
രജി.നമ്പർ

**KERALA GAZETTE**  
**കേരള ഗസറ്റ്**  
**EXTRAORDINARY**  
അസാധാരണ  
**PUBLISHED BY AUTHORITY**  
ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

V XXXVIII	Thiruvananthapuram, Tuesday,	6th July 1993 1993 ജൂലായ് 6	No.	} 706
വാല്യം 38	തിരുവനന്തപുരം, ചൊവ്വ,	15th Ashadha 1915 1915 ആഷാഢം 15	നമ്പർ	

GOVERNMENT OF KERALA

Social Welfare (A) Department

NOTIFICATION

G.O.(P) No. 11/93/SWD.

Dated, Thiruvananthapuram, 3rd July, 1993.

**S.R.O. No. 1045/93.**—In exercise of the powers conferred by sub-sections (1) and (2) of Section 4 of the Juvenile Justice Act, 1986 (Central Act 53 of 1986) read with rule 4 of the Juvenile Justice (Kerala) Rules, 1988, the Government of Kerala hereby constitute three Juvenile Welfare Boards for the areas specified in column (4) of the schedule below with Headquarters at the places specified in column (2) with the members specified against each in column (3) thereof, namely:—

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS,  
THIRUVANANTHAPURAM, 1993

33/2623/93/MC

<i>Sl. No.</i>	<i>Headquarters</i>	<i>Name and addresses of members</i>		<i>Jurisdiction</i>
(1)	(2)	(3)		(4)
1.	Thiruvananthapuram	1. Dr. S. Parameswaran, M.D., FRACR, 'Sowparnika', Pillaveedu Lane, Kesavadasapuram, Thiruvananthapuram-4	Chairman	Revenue Districts of Thiruvanan- thapuram, Kollam and Pathanamthitta
		2. Smt. Lathika Devi, Advocate, Neyyattinkara	Member	
		3. Prof. Thonnakkal Jamal, Thonnakkal P.O., Thiruvananthapuram	Member	
		4. Shri V.A. Sayed Mohammed Rawther, Vanthuparambil House, Azhoor, Pathanamthitta	Member	
		5. Shri J. Sahayadas Midhya, Kattakkodu, Kattakkada P.O., Thiruvananthapuram	Member	

2. Ernakulam

- |    |   |          |
|----|---|----------|
| 1. | Shri H. E. Mohammed Babu Sait,<br>Krishnaswamy Road,<br>Cochin-18           | Chairman |
| 2. | Smt. Indira Radhakrishnan,<br>K. Karunakaran Sapthathi<br>Mandiram, Trichur | Member   |
| 3. | Shri A. M. Azhraf,<br>Advocate,<br>Ambalapuzha P.O.,<br>Alappuzha.          | Member   |
| 4. | Shri K. M. Abdul Majeed,<br>Kottapadikkal,<br>Kavunkara,<br>Muvattupuzha.   | Member   |
| 5. | Shri Joseph P. Paliyath,<br>Kochupally Road,<br>Thoppumpady, Cochin-5       | Member   |

Revenue Dis-  
tricts of Ernaku-  
lam, Trichur,  
Kottayam,  
Alappuzha and  
Idukki.

3. Kozhikode

- |    |   |          |
|----|---|----------|
| 1. | Dr. V. P. M. Musthafa,<br>Associate Professor<br>of Medicine,<br>Medical College,<br>Kozhikode. | Chairman |
|----|---|----------|

Revenue  
Districts of  
Kozhikode,  
Palakkad,  
Malappuram  
Wayanad,  
Kannur and  
Kasaragod.

(1)	(2)	(3)	(4)
	2.	Smt. Dhanalakshmi Advocate, Ponrani.	Member
	3.	Smt. Kulsu Teacher, District Council Member, Near Keerthi Mudra, Vadakara.	Member
	4.	Shri P. Ubaidullah, District Council Member, Anakkayam P.O., Malappuram.	Member
	5.	Smt. Alykutty Thomas, Karakkamala P.O., Panamaram, Wayanad	Member

By order of the Governor,  
C. P. NAIR,  
*Commissioner and Secretary to Government.*

### **Explanatory Note**

(This does not form part of the Notification, but is intended to indicate its general purport).

As per section 4 of the Juvenile Justice Act, 1986, the State Government may constitute Juvenile Welfare Boards for exercising the powers and discharging the duties conferred or imposed on such Board in relation to neglected Juveniles under the Act. Rules 4, 5 and 6 of the Juvenile Justice (Kerala) Rules, 1988 prescribe the constitution of Juvenile Welfare Board and its functions. The notification is intended to constitute Juvenile Welfare Boards as provided in the Juvenile Justice Act, 1986.



# KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണം

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. LII വാല്യം 52	Thiruvananthapuram, Monday തിരുവനന്തപുരം, തിങ്കൾ	24th December 2007 2007 ഡിസംബർ 24 3rd Pousha 1929 1929 പൗഷം 3	No. } നമ്പർ } 2296
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GOVERNMENT OF KERALA

Social Welfare (B) Department

NOTIFICATION

G. O.(P) No. 88/2007/SWD. Dated, Thiruvananthapuram 7th December, 2007.

**S. R. O. No. 1078/2007.**—In exercise of the powers conferred by sub-section (1) of Section 8 of the Juvenile Justice (Care & Protection of Children) Act, 2000 (Central Act 56 of 2000) and rule 14 (a) (1) of the Kerala Juvenile Justice (Care and Protection of Children) Rules, 2003, the Government of Kerala hereby establish the Observation Homes specified in the schedule below with the capacity noted therein for the temporary reception of juvenile in conflict with law during the pendency of any inquiry regarding them under the Act. The name and address of the observation homes, number of the Juveniles permitted to be received there and the area/areas within which the function of the homes are limited as given under column Nos. 2, 3 and 4 of the schedule given below:

## SCHEDULE

<i>Sl. No.</i>	<i>Name and address of the Observation Homes</i>	<i>Capacity</i>	<i>Area/Areas</i>
(1)	(2)	(3)	(4)
1.	Government Observation Home, Poojappura, Thiruvananthapuram	50 boys	The Revenue District of Thiruvananthapuram.
2.	Government Observation Home, Beach Road, Kollam	25 boys	The Revenue District of Kollam.
3.	Government Observation Home, Vayalathala P. O., Pathanamthitta	25 boys	The Revenue District of Pathanamthitta.
4.	Government Observation Home, Mayithara, Cherthala, Alappuzha	25 boys	The Revenue District of Alappuzha.
5.	Government Observation Home, Kakkanadu, Ernakulam	25 boys	The Revenue District of Ernakulam.
6.	Government Observation Home, Thiruvanchoor, Kottayam	25 boys	The Revenue Districts of Kottayam and Idukki.
7.	Government Observation Home, Ramavarnapuram, Thrissur	50 boys	The Revenue District of Thrissur.
8.	Government Observation Home, Muttikulangara, Palakkad	25 boys	The Revenue District of Palakkad.
9.	Government Observation Home, Thavanoor, Malappuram	25 boys	The Revenue District of Malappuram.
10.	Government Observation Home, Silver Hill, Kozhikode	50 boys	The Revenue District of Kozhikode.
11.	Government Observation Home, Kaniyampatta P. O., Wayanad	25 boys	The Revenue District of Wayanad.
12.	Government Observation Home, Court Compound, Thalassery	25 boys	The Revenue District of Kannur.

(1)	(2)	(3)	(4)
13.	Government Observation Home, Paravanadukkom P. O., (via) Kalanadu, Kasaragode	25 boys	The Revenue District of Kasaragode.
14.	Government Observation Home, for Girls, Siver Hills, Kozhikode	50 girls	All the Revenue Districts of Kerala.

By order of the Governor,

DR. USHA TITUS,  
*Secretary to Government.*

#### Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Sub-section (1) of section 8 of the Juvenile Justice (Care and Protection of Children) Act 2000 (Central Act 56 of 2000) and rule 14 (a) (1) of the Kerala Juvenile Justice (Care and Protection of Children) Rules, 2003 provide that the State Government may establish and maintain as many Observation Homes as may be necessary for the temporary reception of any juvenile in conflict with law during the pendency of any inquiry regarding them under the Act. It is necessary to establish Observation Homes and to specify the capacity and the area from which each such Home may receive juveniles temporarily, during the pendency of such inquiry.

This notification is intended to achieve the above object.

The Juvenile Justice Act  
1986

Government of Kerala  
കേരള സർക്കാർ  
2000



Reg. No.  
ജി. നമ്പർ KL/TV(N)11

# KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണ

PUBLISHED BY AUTHORITY

ആതിഥേയത്വത്തിൽ പ്രസിദ്ധീകരിക്കുന്നു

Vol. XLV	Thiruvananthapuram Friday	15th December 2000 2000 ഡിസംബർ 15	No.	2206
വലയം 45	തിരുവനന്തപുരം, വെള്ളി	24th Agrahayana 1922 1922 അഗ്രഹായനം 24	നമ്പർ	

## GOVERNMENT OF KERALA

### Social Welfare (B) Department

#### NOTIFICATION

G. O. (P) No. 30/2000/SWD.

Dated, Thiruvananthapuram, 15th December, 2000.

S. R. O. No. 1154/2000.—In exercise of the powers conferred by Section 60 of the Juvenile Justice Act, 1986 (Central Act 53 of 1986), the Government of Kerala hereby delegate the powers under Section 49 of the said Act to the Director of Social Welfare.

By order of the Governor,

DR. SATHYANARAYANA DASH,  
Principal Secretary to Government.



### Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per Section 49 of the Juvenile Justice Act, 1986, only the State Government have the authority to release the Juveniles from Juvenile Homes and Special Homes and grant written licence permitting them to live with or under the Supervision of any responsible person. In order to avoid delay and also in the best interest of the Juveniles so to be released, the Government have decided to delegate the powers under Section 49 of the said Act to the Director of Social Welfare.

This notification is intended to achieve the above object.



# KERALA GAZETTE

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

Vol. XXXIV] Trivandrum, Monday,

30th October 1989

[No. 983

8th Karthika 1911

## GOVERNMENT OF KERALA

### Social Welfare (A) Department

#### NOTIFICATION

G.O.(P) No. 14/89/SWD.

Dated, Trivandrum, 26th October, 1989.

**S. R. O. No. 1768/89.**—In exercise of the powers conferred by section 53 of the Juvenile Justice Act, 1986 (Central Act 53 of 1986) read with rule 52 of the Juvenile Justice (Kerala) Rules, 1988, the Government of Kerala hereby constitute an Advisory Board consisting of the following members namely:—

- |  |          |
|--|----------|
| 1. Minister in charge of Juvenile Justice Services | Chairman |
| 2. Secretary, Social Welfare Department            | Member   |
| 3. Secretary, General Education Department         | Member   |
| 4. Director of Health Services                     | Member   |
| 5. Director General of Police (General)            | Member   |
| 6. Secretary, Law Department                       | Member   |
| 7. Secretary, Labour & Employment Department       | Member   |
| 8. Secretary, Industries Department                | Member   |
| 9. Secretary, Higher Education Department          | Member   |
| 10. Secretary, Finance Department                  | Member   |

33/4695/MC.

- |   |                   |
|---|-------------------|
| 11. Shri Subramania Iyer,<br>(Industrialist), 38/820 Market Road,<br>Ertakulam, Cochin 682031                   | Member            |
| 12. Shri N. Ramachandran,<br>Leader Writer, Kerala Kaumudi,<br>Pettah, Trivandrum.                              | Member            |
| 13. Shri A. K. Balan.<br>Advocate, Palghat.   | Member            |
| 14. Smt. P. Kalyani (Social Worker)<br>Teacher, Kottiyodi,<br>Pathayakunnu P.O.,<br>Kuthuparambu, Cannanore     | Member            |
| 15. Captain Kerala Varma Kochaniyan<br>Thampuram, (Social Worker),<br>Kamalalayam, Kottakkom,<br>Thrippunithura | Member            |
| 16. Smt. Nafeesa Ummal, M.L.A.,<br>Shalimar Bungalow,<br>Arasuparamba, Nedumangad                               | Member            |
| 17. Shri P. K. Kunjachan, M. P.,<br>"Peedone", Thittamel,<br>Chengannur.  | Member            |
| 18. Director of Social Welfare  | Member-Secretary. |

The Advisory Board may advise the State Government on the following matters, namely:—

- (a) development of Juvenile Justice Services through various official and community based welfare agencies;
- (b) the ways and means of mobilising human and material resources to ensure social justice to neglected or delinquent juveniles;
- (c) the development of facilities for educational, vocational training and rehabilitation of various categories of juveniles coming within the purview of the Juvenile Justice Services;
- (d) the co-ordination between various sectors of child development in dealing with the problems of juveniles processed through the law

The Advisory Board may meet at such intervals as may be required, but shall meet at least once in a year.

The term of the non-official members will be for a period of 3 years from the date of appointment and will be subject to the conditions laid down in clause (3) of rule 52 of the Juvenile Justice (Kerala) Rules, 1988.

The Board is classified as a First Class Committee for the purpose of Travelling Allowance and Daily Allowance.

By order of the Governor,

K. BALASUBRAMANIAN,  
*Additional Secretary to Government.*

### **Explanatory Note**

(This is not part of the Notification, but is intended to indicate its general purport.)

As per sec. 53 of the Juvenile Justice Act, 1986, the State Government may constitute an Advisory Board to advise it on matters relating to the establishment and maintenance of homes, mobilisation of resources, provision of facilities for education, training and rehabilitation of neglected and delinquent juveniles and co-ordination among the various official and non-official agencies concerned, with such number of officers and other persons as the State Government thinks fit. Rule 52 of the Juvenile Justice (Kerala) Rules, 1988 prescribes the constitutions of the Advisory Board and its functions. As per the orders of Supreme Court dated the 5th September, 1989, it is necessary to constitute the Board as directed in the Order of the Supreme Court. The Notification is intended to set up an Advisory Board as provided in the Juvenile Justice Act, 1986 and as directed by the Supreme Court. The notification is intended to achieve the above object.

Government of Kerala  
കേരള സർക്കാർ  
1998



Reg. No.  
ബി. നമ്പർ KL/TV(N)/12

# **KERALA GAZETTE**

കേരള ഗസറ്റ്  
**EXTRAORDINARY**

അസാധാരണ

**PUBLISHED BY AUTHORITY**

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. XLIII	Thiruvananthapuram, Friday,	17th April 1998 1998 ഏപ്രിൽ 17	No.	598
വരവ് 43	തിരുവനന്തപുരം, വെള്ളി,	27th Chaithra 1920 1920 ചൈത്രം 27	നമ്പർ	

GOVERNMENT OF KERALA

Social Welfare (B) Department

NOTIFICATION

G.O. (P) No. 12/98/SWD.

*Dated, Thiruvananthapuram, 15th April, 1998.*

**S. R. O. No. 326/98.**—In exercise of the powers conferred by section (2) of section 9 of the Juvenile Justice Act, 1986 (Central Act 53 of 1986) the Government of Kerala is of opinion that the Balasadanams functioning under the Social Welfare Department of the Government of Kerala at Alappuzha and Kozhikode are fit for the reception of the neglected juveniles to be sent there and hereby certify these institutions as Juvenile homes for the purpose of the said Act.

By order of the Governor,

T. R. GOPALAKRISHNAN,  
Secretary to Government.

33/1516/98/MC.

Government of Kerala  
കേരള സർക്കാർ  
1993



Reg. No. KL/TV(N)/12  
രജി.നമ്പർ

# KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണ

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. XXXVIII	Thiruvananthapuram,	30th November 1993	No. 1209
പാലും 38	Tuesday,	1993 നവം. 30	
	തിരുവനന്തപുരം,	9th Agrayana 1915	
	ചൊവ്വ, 1915 അഗ്രഹായനം 9		

## GOVERNMENT OF KERALA

### Social Welfare (A) Department

#### NOTIFICATION

G.O. (P) No. 19/93/SWD. Dated, Thiruvananthapuram, 25th November, 1993.

**S. R. O. No. 1856/93.**—In exercise of the powers conferred by sub-sections (1) and (2) of section 4 of the Juvenile Justice Act, 1986 (Central Act 53 of 1986) read with rule 4 of the Juvenile Justice (Kerala) Rules, 1988, the Government of Kerala hereby appoint Dr. P. M. Kutty, 19/1448 A, "Shishu", Chalappuram, Kozhikode as a member and Chairman of the Regional Juvenile Welfare Board, Kozhikode in the place of Dr. V.P.M. Musthafa, Associate Professor of Medicine, Medical College, Kozhikode and consequently make the following amendment to the Notification G.O.(P) No.11/93/SWD dated the 3rd July, 1993 and published as S.R.O.No.1045/93 in the Kerala Gazette Extraordinary No. 706 dated the 6th July, 1993, namely:—

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS,  
THIRUVANANTHAPURAM, 1993

33/4512/93/MC.

## AMENDMENT

In the said notification, against serial No. 3 in column (3), for the entry

- "1. Dr. V. P. M. Musthafa,  
Associate Professor of Medicine,  
Medical College, Kozhikode."

the following shall be substituted, namely:—

- "1. Dr. P. M. Kutty,  
19/1448 A, "SHISHU",  
Chalappuram,  
Kozhikode-673 002."

By order of the Governor,

C. P. NAIR,  
*Commissioner and Secretary to Government.*

**Explanatory Note**

(This does not form part of the Notification but is intended to indicate its general purport.)

Dr. V.P.M. Musthafa a member and Chairman of the Juvenile Welfare Board, Kozhikode has expressed his difficulties to continue in the said Board. Government have therefore decided to appoint Dr. P. M. Kutty in the place of Dr. V. P. M. Musthafa. This Notification is intended to achieve the above object.

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Bill No. 149-F of 2000

# THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) BILL, 2000

(AS PASSED BY THE HOUSES OF PARLIAMENT—

LOK SABHA ON 18TH DECEMBER, 2000  
RAJYA SABHA ON 20TH DECEMBER, 2000)

ASSENTED ON 31-12-2000  
ACT No. 56 OF 2000.



THE JUVENILE JUSTICE (CARE AND PROTECTION OF  
CHILDREN) BILL, 2000

ARRANGEMENT OF CLAUSES

CHAPTER I

PRELIMINARY

CLAUSES

1. Short title, extent and commencement.
2. Definitions.
3. Continuation of inquiry in respect of juvenile who has ceased to be a juvenile.

CHAPTER II

JUVENILE IN CONFLICT WITH LAW

4. Juvenile Justice Board.
5. Procedure, etc., in relation to Board.
6. Powers of Juvenile Justice Board.
7. Procedure to be followed by a Magistrate not empowered under the Act.
8. Observation homes.
9. Special homes.
10. Apprehension of juvenile in conflict with law.
11. Control of custodian over juvenile.
12. Bail of juvenile.
13. Information to parent, guardian or probation officer.
14. Inquiry by Board regarding juvenile.
15. Order that may be passed regarding juvenile.
16. Order that may not be passed against juvenile.
17. Proceeding under Chapter VIII of the Code of Criminal Procedure not competent against juvenile.
18. No joint proceeding of juvenile and person not a juvenile.
19. Removal of disqualification attaching to conviction.
20. Special provision in respect of pending cases.
21. Prohibition of publication of name, etc., of juvenile involved in any proceeding under the Act.
22. Provision in respect of escaped juvenile.
23. Punishment for cruelty to juvenile or child.
24. Employment of juvenile or child for begging.
25. Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to juvenile or child.
26. Exploitation of juvenile or child employee.
27. Special offences.
28. Alternative punishment.

### CHAPTER III

#### CHILD IN NEED OF CARE AND PROTECTION

##### CLAUSES

29. Child Welfare Committee.
30. Procedure, etc., in relation to Committee.
31. Powers of Committee.
32. Production before Committee.
33. Inquiry.
34. Children's homes.
35. Inspection.
36. Social auditing.
37. Shelter homes.
38. Transfer.
39. Restoration.

### CHAPTER IV

#### REHABILITATION AND SOCIAL REINTEGRATION

40. Process of rehabilitation and social reintegration.
41. Adoption.
42. Foster care.
43. Sponsorship.
44. After-care organisation.
45. Linkages and co-ordination.

### CHAPTER V

#### MISCELLANEOUS

46. Attendance of parent or guardian of juvenile or child.
47. Dispensing with attendance of juvenile or child.
48. Committal to approved place of juvenile or child suffering from dangerous diseases and his future disposal.
49. Presumption and determination of age.
50. Sending a juvenile or child outside jurisdiction.
51. Reports to be treated as confidential.
52. Appeals.
53. Revision.
54. Procedure in inquiries, appeals and revision proceedings.
55. Power to amend orders.
56. Power of competent authority to discharge and transfer juvenile or child.
57. Transfer between children's homes, under the Act, and juvenile homes, of like nature in different parts of India.
58. Transfer of juvenile or child of unsound mind or suffering from leprosy or addicted to drugs.
59. Release and absence of juvenile or child on placement.

CLAUSES

60. Contribution by parents.
61. Fund.
62. Central, State, district and city advisory boards.
63. Special juvenile police unit.
64. Juvenile in conflict with law undergoing sentence at commencement of this Act.
65. Procedure in respect of bonds.
66. Delegation of powers.
67. Protection of action taken in good faith.
68. Power to make rules.
69. Repeal and savings.
70. Power to remove difficulties.

~~BILL No. 149-F of 2000~~

THE JUVENILE JUSTICE (CARE AND PROTECTION OF  
CHILDREN) BILL, 2000

~~(AS PASSED BY THE HOUSES OF PARLIAMENT)~~

~~BILL~~

*to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under this enactment.*

WHEREAS the Constitution has, in several provisions, including clause (3) of article 15, clauses (e) and (f) of article 39, articles 45 and 47, impose on the State a primary responsibility of ensuring that all the needs of children are met and that their basic human rights are fully protected;

AND WHEREAS, the General Assembly of the United Nations has adopted the Convention on the Rights of the Child on the 20th November, 1989;

AND WHEREAS, the Convention on the Rights of the Child has prescribed a set of standards to be adhered to by all State parties in securing the best interests of the child;

AND WHEREAS, the Convention on the Rights of the Child emphasises social reintegration of child victims, to the extent possible, without resorting to judicial proceedings;

AND WHEREAS, the Government of India has ratified the Convention on the 11th December, 1992.

AND WHEREAS, it is expedient to re-enact the existing law relating to juveniles bearing in mind the standards prescribed in the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), and all other relevant international instruments.

Be it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Juvenile Justice (Care and Protection of Children) Act, 2000.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "advisory board" means a Central or a State advisory board or a district and city level advisory board, as the case may be, constituted under section 62;

(b) "begging" means—

(i) soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, whether under any pretence;

(ii) exposing or exhibiting with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;

(c) "Board" means a Juvenile Justice Board constituted under section 4;

(d) "child in need of care and protection" means a child—

(i) who is found without any home or settled place or abode and without any ostensible means of subsistence,

(ii) who resides with a person (whether a guardian of the child or not) and such person—

(a) has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out, or

(b) has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person,

✓ (iii) who is mentally or physically challenged or ill children or children suffering from terminal diseases or incurable diseases having no one to support or look after,

(iv) who has a parent or guardian and such parent or guardian is unfit or incapacitated to exercise control over the child,

(v) who does not have parent and no one is willing to take care of or whose parents have abandoned him or who is missing and run away child and whose parents cannot be found after reasonable inquiry,

✓ (vi) who is being or is likely to be grossly abused, tortured or exploited for the purpose of sexual abuse or illegal acts,

(vii) who is found vulnerable and is likely to be inducted into drug abuse or trafficking,

(viii) who is being or is likely to be abused for unconscionable gains,

(ix) who is victim of any armed conflict, civil commotion or natural calamity;

(e) "children's home" means an institution established by a State Government or by voluntary organisation and certified by that Government under section 34;

(f) "Committee" means a Child Welfare Committee constituted under section 29;

(g) "competent authority" means in relation to children in need of care and protection a Committee and in relation to juveniles in conflict with law a Board;

(h) "fit institution" means a governmental or a registered non-governmental organisation or a voluntary organisation prepared to own the responsibility of a child and such organisation is found fit by the competent authority;

(i) "fit person" means a person, being a social worker or any other person, who is prepared to own the responsibility of a child and is found fit by the competent authority to receive and take care of the child;

(j) "guardian", in relation to a child, means his natural guardian or any other person having the actual charge or control over the child and recognised by the competent authority as a guardian in course of proceedings before that authority;

(k) "juvenile" or "child" means a person who has not completed eighteenth year of age;

(l) "juvenile in conflict with law" means a juvenile who is alleged to have committed an offence;

(m) "local authority" means Panchayats at the village and Zila Parishad at the district level and shall also include a Municipal Committee, or Corporation or a Cantonment Board or such other body legally entitled to function as local authority by the Government;

(n) "narcotic drug" and "psychotropic substance" shall have the meanings respectively assigned to them in the Narcotic Drugs and Psychotropic Substances Act, 1985;

(o) "observation home" means a home established by a State Government or by a voluntary organisation and certified by that State Government under section 8 as an observation home for the juvenile in conflict with law;

(p) "offence" means an offence punishable under any law for the time being in force;

(q) "place of safety" means any place or institution (not being a police lock-up or jail), the person in charge of which is willing temporarily to receive and take care of the juvenile and which, in the opinion of the competent authority, may be a place of safety for the juvenile;

(r) "prescribed" means prescribed by rules made under this Act;

(s) "probation officer" means an officer appointed by the State Government as a probation officer under the Probation of Offenders Act, 1958;

(t) "public place" shall have the meaning assigned to it in the Immoral Traffic (Prevention) Act, 1956;

(u) "shelter home" means a home or a drop-in-centre set up under section 37;

(v) "special home" means an institution established by a State Government or by a voluntary organisation and certified by that Government under section 9;

(w) "special juvenile police unit" means a unit of the police force of a State designated for handling of juveniles or children under section 63;

(x) "State Government", in relation to a Union territory, means the Administrator of that Union territory appointed by the President under article 239 of the Constitution;

(y) all words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1973, shall have the meanings respectively assigned to them in that Code. 2 of 1974.

Continuation  
of inquiry in  
respect of  
juvenile who  
has ceased to  
be a juvenile.

3. Where an inquiry has been initiated against a juvenile in conflict with law or a child in need of care and protection and during the course of such inquiry the juvenile or the child ceases to be such, then, notwithstanding anything contained in this Act or in any other law for the time being in force, the inquiry may be continued and orders may be made in respect of such person as if such person had continued to be a juvenile or a child.

## CHAPTER II

### JUVENILE IN CONFLICT WITH LAW

Juvenile  
Justice Board.

4. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the State Government may, by notification in the Official Gazette, constitute for a district or a group of districts specified in the notification, one or more Juvenile Justice Boards for exercising the powers and discharging the duties conferred or imposed on such Boards in relation to juveniles in conflict with law under this Act. 2 of 1974.

(2) A Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of the first class, as the case may be, and two social workers of whom at least one shall be a woman, forming a Bench and every such Bench shall have the powers conferred by the Code of Criminal Procedure, 1973, on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the first class and the Magistrate on the Board shall be designated as the principal Magistrate. 2 of 1974.

(3) No Magistrate shall be appointed as a member of the Board unless he has special knowledge or training in child psychology or child welfare and no social worker shall be appointed as a member of the Board unless he has been actively involved in health, education, or welfare activities pertaining to children for at least seven years.

(4) The term of office of the members of the Board and the manner in which such member may resign shall be such as may be prescribed.

(5) The appointment of any member of the Board may be terminated after holding inquiry, by the State Government, if—

(i) he has been found guilty of misuse of power vested under this Act,

(ii) he has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or he has not been granted full pardon in respect of such offence,

(iii) he fails to attend the proceedings of the Board for consecutive three months without any valid reason or he fails to attend less than three-fourth of the sittings in a year.

Procedure,  
etc., in  
relation to  
Board.

5. (1) The Board shall meet at such times and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.

(2) A child in conflict with law may be produced before an individual member of the Board, when the Board is not sitting.

(3) A Board may act notwithstanding the absence of any member of the Board, and no order made by the Board shall be invalid by reason only of the absence of any member during any stage of proceedings:

Provided that there shall be at least two members including the principal Magistrate present at the time of final disposal of the case.

(4) In the event of any difference of opinion among the members of the Board in the interim or final disposition, the opinion of the majority shall prevail, but where there is no such majority, the opinion of the principal Magistrate shall prevail.

6. (1) Where a Board has been constituted for any district or a group of districts, such Board shall, notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, have power to deal exclusively with all proceedings under this Act relating to juvenile in conflict with law.

Powers of  
Juvenile  
Justice Board.

(2) The powers conferred on the Board by or under this Act may also be exercised by the High Court and the Court of Session, when the proceeding comes before them in appeal, revision or otherwise.

7. (1) When any Magistrate not empowered to exercise the powers of a Board under this Act is of the opinion that a person brought before him under any of the provisions of this Act (other than for the purpose of giving evidence), is a juvenile or the child, he shall without any delay record such opinion and forward the juvenile or the child and the record of the proceeding to the competent authority having jurisdiction over the proceeding.

Procedure to  
be followed  
by a  
Magistrate not  
empowered  
under the Act.

(2) The competent authority to which the proceeding is forwarded under sub-section (1) shall hold the inquiry as if the juvenile or the child had originally been brought before it.

8. (1) Any State Government may establish and maintain either by itself or under an agreement with voluntary organisations, observation homes in every district or a group of districts, as may be required for the temporary reception of any juvenile in conflict with law during the pendency of any inquiry regarding them under this Act.

Observation  
homes.

(2) Where the State Government is of opinion that any institution other than a home established or maintained under sub-section (1), is fit for the temporary reception of juvenile in conflict with law during the pendency of any inquiry regarding them under this Act, it may certify such institution as an observation home for the purposes of this Act.

(3) The State Government may, by rules made under this Act, provide for the management of observation homes, including the standards and various types of services to be provided by them for rehabilitation and social integration of a juvenile, and the circumstances under which, and the manner in which, the certification of an observation home may be granted or withdrawn.

(4) Every juvenile who is not placed under the charge of parent or guardian and is sent to an observation home shall be initially kept in a reception unit of the observation home for preliminary inquiries, care and classification for juveniles according to his age group, such as seven to twelve years, twelve to sixteen years and sixteen to eighteen years, giving due considerations to physical and mental status and degree of the offence committed, for further induction into observation home.

9. (1) Any State Government may establish and maintain either by itself or under an agreement with voluntary organisations, special homes in every district or a group of districts, as may be required for reception and rehabilitation of juvenile in conflict with law under this Act.

Special  
homes.

(2) Where the State Government is of opinion that any institution other than a home established or maintained under sub-section (1), is fit for the reception of juvenile in conflict with law to be sent there under this Act, it may certify such institution as a special home for the purposes of this Act.



(3) The State Government may, by rules made under this Act, provide for the management of special homes, including the standards and various types of services to be provided by them which are necessary for re-socialisation of a juvenile, and the circumstances under which, and the manner in which, the certification of a special home may be granted or withdrawn.

(4) The rules made under sub-section (3) may also provide for the classification and separation of juvenile in conflict with law on the basis of age and the nature of offences committed by them and his mental and physical status.

Apprehension  
of juvenile in  
conflict with  
law.

10. (1) As soon as a juvenile in conflict with law is apprehended by police, he shall be placed under the charge of the special juvenile police unit or the designated police officer who shall immediately report the matter to a member of the Board.

(2) The State Government may make rules consistent with this Act,—

(i) to provide for persons through whom (including registered voluntary organisations) any juvenile in conflict with law may be produced before the Board;

(ii) to provide the manner in which such juvenile may be sent to an observation home.

Control of  
custodian over  
juvenile.

11. Any person in whose charge a juvenile is placed in pursuance of this Act shall, while the order is in force have the control over the juvenile as he would have if he were his parents, and shall be responsible for his maintenance, and the juvenile shall continue in his charge for the period stated by competent authority, notwithstanding that he is claimed by his parents or any other person.

Bail of  
juvenile.

12. (1) When any person accused of a bailable or non-bailable offence, and apparently a juvenile, is arrested or detained or appears or is brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 or in any other law for the time being in force, be released on bail with or without surety but he shall not be so released if there appear reasonable grounds for believing that the release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice.

2 of 1974.

(2) When such person having been arrested is not released on bail under sub-section (1) by the officer incharge of the police station, such officer shall cause him to be kept only in an observation home in the prescribed manner until he can be brought before a Board.

(3) When such person is not released on bail under sub-section (1) by the Board it shall, instead of committing him to prison, make an order sending him to an observation home or a place of safety for such period during the pendency of the inquiry regarding him as may be specified in the order.

Information  
to parent,  
guardian or  
probation  
officer.

13. Where a juvenile is arrested, the officer incharge of the police station or the special juvenile police unit to which the juvenile is brought shall, as soon as may be after the arrest, inform—

(a) the parent or guardian of the juvenile, if he can be found of such arrest and direct him to be present at the Board before which the juvenile will appear; and

(b) the probation officer of such arrest to enable him to obtain information regarding the antecedents and family background of the juvenile and other material circumstances likely to be of assistance to the Board for making the inquiry.

Inquiry by  
Board  
regarding  
juvenile.

14. Where a juvenile having been charged with the offence is produced before a Board, the Board shall hold the inquiry in accordance with the provisions of this Act and may make such order in relation to the juvenile as it deems fit:

Provided that an inquiry under this section shall be completed within a period of four months from the date of its commencement, unless the period is extended by the Board having regard to the circumstances of the case and in special cases after recording the reasons in writing for such extension.

15. (1) Where a Board is satisfied on inquiry that a juvenile has committed an offence, then, notwithstanding anything to the contrary contained in any other law for the time being in force, the Board may, if it thinks so fit,—

Order that  
may be passed  
regarding  
juvenile.

(a) allow the juvenile to go home after advice or admonition following appropriate inquiry against and counselling to the parent or the guardian and the juvenile;

(b) direct the juvenile to participate in group counselling and similar activities;

(c) order the juvenile to perform community service;

(d) order the parent of the juvenile or the juvenile himself to pay a fine, if he is over fourteen years of age and earns money;

(e) direct the juvenile to be released on probation of good conduct and placed under the care of any parent, guardian or other fit person, on such parent, guardian or other fit person executing a bond, with or without surety, as the Board may require, for the good behaviour and well-being of the juvenile for any period not exceeding three years;

(f) direct the juvenile to be released on probation of good conduct and placed under the care of any fit institution for the good behaviour and well-being of the juvenile for any period not exceeding three years;

(g) make an order directing the juvenile to be sent to a special home,—

(i) in the case of juvenile, over seventeen years but less than eighteen years of age for a period of not less than two years;

(ii) in case of any other juvenile for the period until he ceases to be a juvenile:

Provided that the Board may, if it is satisfied that having regard to the nature of the offence and the circumstances of the case it is expedient so to do, for reasons to be recorded, reduce the period of stay to such period as it thinks fit.

(2) The Board shall obtain the social investigation report on juvenile either through a probation officer or a recognised voluntary organisation or otherwise, and shall take into consideration the findings of such report before passing an order.

(3) Where an order under clause (d), clause (e) or clause (f) of sub-section (1) is made, the Board may, if it is of opinion that in the interests of the juvenile and of the public, it is expedient so to do, in addition make an order that the juvenile in conflict with law shall remain under the supervision of a probation officer named in the order during such period, not exceeding three years as may be specified therein, and may in such supervision order impose such conditions as it deems necessary for the due supervision of the juvenile in conflict with law:

Provided that if at any time afterwards it appears to the Board on receiving a report from the probation officer or otherwise, that the juvenile in conflict with law has not been of good behaviour during the period of supervision or that the fit institution under whose care the juvenile was placed is no longer able or willing to ensure the good behaviour and well-being of the juvenile it may, after making such inquiry as it deems fit, order the juvenile in conflict with law to be sent to a special home.

(4) The Board shall while making a supervision order under sub-section (3), explain to the juvenile and the parent, guardian or other fit person or fit institution, as the case may

be, under whose care the juvenile has been placed, the terms and conditions of the order and shall forthwith furnish one copy of the supervision order to the juvenile, the parent, guardian or other fit person or fit institution, as the case may be, the sureties, if any, and the probation officer.

Order that may not be passed against juvenile.

16. (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no juvenile in conflict with law shall be sentenced to death or life imprisonment, or committed to prison in default of payment of fine or in default of furnishing security:

Provided that where a juvenile who has attained the age of sixteen years has committed an offence and the Board is satisfied that the offence committed is of so serious in nature or that his conduct and behaviour have been such that it would not be in his interest or in the interest of other juvenile in a special home to send him to such special home and that none of the other measures provided under this Act is suitable or sufficient, the Board may order the juvenile in conflict with law to be kept in such place of safety and in such manner as it thinks fit and shall report the case for the order of the State Government.

(2) On receipt of a report from a Board under sub-section (1), the State Government may make such arrangement in respect of the juvenile as it deems proper and may order such juvenile to be kept under protective custody at such place and on such conditions as it thinks fit:

Provided that the period of detention so ordered shall not exceed the maximum period of imprisonment to which the juvenile could have been sentenced for the offence committed.

Proceeding under Chapter VIII of the Code of Criminal Procedure not competent against juvenile.

17. Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 no proceeding shall be instituted and no order shall be passed against the juvenile under Chapter VIII of the said Code.

2 of 1974.

No joint proceeding of juvenile and person not a juvenile.

18. (1) Notwithstanding anything contained in section 223 of the Code of Criminal Procedure, 1973 or in any other law for the time being in force, no juvenile shall be charged with or tried for any offence together with a person who is not a juvenile.

2 of 1974.

(2) If a juvenile is accused of an offence for which under section 223 of the Code of Criminal Procedure, 1973 or any other law for the time being in force, such juvenile and any person who is not a juvenile would, but for the prohibition contained in sub-section (1), have been charged and tried together, the Board taking cognizance of that offence shall direct separate trials of the juvenile and the other person.

2 of 1974.

Removal of disqualification attaching to conviction.

19. (1) Notwithstanding anything contained in any other law, a juvenile who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attaching to a conviction of an offence under such law.

(2) The Board shall make an order directing that the relevant records of such conviction shall be removed after the expiry of the period of appeal or a reasonable period as prescribed under the rules, as the case may be.

Special provision in respect of pending cases.

20. Notwithstanding anything contained in this Act, all proceedings in respect of a juvenile pending in any court in any area on the date on which this Act comes into force in that area, shall be continued in that court as if this Act had not been passed and if the court finds that the juvenile has committed an offence, it shall record such finding and instead of passing any sentence in respect of the juvenile, forward the juvenile to the Board which shall pass orders in respect of that juvenile in accordance with the provisions of this Act as if it had been satisfied on inquiry under this Act that a juvenile has committed the offence.

21. (1) No report in any newspaper, magazine, news-sheet or visual media of any inquiry regarding a juvenile in conflict with law under this Act shall disclose the name, address or school or any other particulars calculated to lead to the identification of the juvenile nor shall any picture of any such juvenile be published:

Prohibition of publication of name, etc., of juvenile involved in any proceeding under the Act.

Provided that for reasons to be recorded in writing the authority holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the interest of the juvenile.

(2) Any person contravening the provisions of sub-section (1) shall be punishable with fine, which may extend to one thousand rupees.

22. Notwithstanding anything to the contrary contained in any other law for the time being in force, any police officer may take charge without warrant of a juvenile in conflict with law who has escaped from a special home or an observation home or from the care of a person under whom he was placed under this Act, and shall be sent back to the special home or the observation home or that person, as the case may be; and no proceeding shall be instituted in respect of the juvenile by reason of such escape, but the special home, or the observation home or the person may, after giving the information to the Board which passed the order in respect of the juvenile, take such steps in respect of the juvenile as may be deemed necessary under the provisions of this Act.

Provision in respect of escaped juvenile.

23. Whoever, having the actual charge of or control over, a juvenile or the child, assaults, abandons, exposes or wilfully neglects the juvenile or causes or procures him to be assaulted, abandoned, exposed or neglected in a manner likely to cause such juvenile or the child unnecessary mental or physical suffering shall be punishable with imprisonment for a term which may extend to six months, or fine, or with both.

Punishment for cruelty to juvenile or child.

24. (1) Whoever, employs or uses any juvenile or the child for the purpose or causes any juvenile to beg shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Employment of juvenile or child for begging.

(2) Whoever, having the actual charge of, or control over, a juvenile or the child abets the commission of the offence punishable under sub-section (1), shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

25. Whoever gives, or causes to be given, to any juvenile or the child any intoxicating liquor in a public place or any narcotic drug or psychotropic substance except upon the order of duly-qualified medical practitioner or in case of sickness shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to juvenile or child.

26. Whoever ostensibly procures a juvenile or the child for the purpose of any hazardous employment keeps him in bondage and withholds his earnings or uses such earning for his own purposes shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Exploitation of juvenile or child employee.

27. The offences punishable under sections 23, 24, 25 and 26 shall be cognizable.

Special offences.

28. Where an act or omission constitute an offence punishable under this Act and also under any other Central or State Act, then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offences shall be liable to punishment only under such Act as provides for punishment which is greater in degree.

Alternative punishment.

## CHAPTER III

## CHILD IN NEED OF CARE AND PROTECTION

Child welfare  
Committee.

29. (1) The State Government may, by notification in Official Gazette, constitute for every district or group of districts, specified in the notification, one or more Child Welfare Committees for exercising the powers and discharge the duties conferred on such Committees in relation to child in need of care and protection under this Act.

(2) The Committee shall consist of a Chairperson and four other members as the State Government may think fit to appoint, of whom at least one shall be a woman and another, an expert on matters concerning children.

(3) The qualifications of the Chairperson and the members, and the tenure for which they may be appointed shall be such as may be prescribed.

(4) The appointment of any member of the Committee may be terminated, after holding inquiry, by the State Government, if—

(i) he has been found guilty of misuse of power vested under this Act;

(ii) he has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or he has not been granted full pardon in respect of such offence;

(iii) he fails to attend the proceedings of the Committee for consecutive three months without any valid reason or he fails to attend less than three-fourth of the sittings in a year.

(5) The Committee shall function as a Bench of Magistrates and shall have the powers conferred by the Code of Criminal Procedure, 1973 on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the first class.

2 of 1974.

Procedure, etc.,  
in relation to  
Committee.

30. (1) The Committee shall meet at such times and shall observe such rules of procedure in regard to the transation of business at its meetings, as may be prescribed.

(2) A child in need of care and protection may be produced before an individual member for being placed in safe custody or otherwise when the Committee is not in session.

(3) In the event of any difference of opinion among the members of the Committee at the time of any interim decision, the opinion of the majority shall prevail but where there is no such majority the opinion of the Chairperson shall prevail.

(4) Subject to the provisions of sub-section (1), the Committee may act, notwithstanding the absence of any member of the Committee, and no order made by the Committee shall be invalid by reason only of the absence of any member during any stage of the proceeding.

Powers of  
Committee.

31. (1) 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 rights.

(2) 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.

Production  
before  
Committee.

32. (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.

33. (1) On receipt of a report under section 32, the Committee or any police officer or special juvenile police unit or the designated police officer shall hold an inquiry in the prescribed manner and the Committee, on its own or on the report from any person or agency as mentioned in sub-section (1) of section 32, may pass an order to send the child to the children's home for speedy inquiry by a social worker or child welfare officer. Inquiry.

(2) The inquiry under this section shall be completed within four months of the receipt of the order or within such shorter period as may be fixed by the Committee:

Provided that the time for the submission of the inquiry report may be extended by such period as the Committee may, having regard to the circumstances and for the reasons recorded in writing, determine.

(3) After the completion of the inquiry if the Committee is of the opinion that the said child has no family or ostensible support, it may allow the child to remain in the children's home or shelter home till suitable rehabilitation is found for him or till he attains the age of eighteen years.

34. (1) The State Government may establish and maintain either by itself or in association with the voluntary organisations, children's homes, in every district or group of districts, as the case may be, for the reception of child in need of care and protection during the pendency of any inquiry and subsequently for their care, treatment, education, training, development and rehabilitation. Children's homes.

(2) The State Government may, by rules made under this Act, provide for the management of children's homes including the standards and the nature of services to be provided by them, and the circumstances under which, and the manner in which, the certification of a children's home or recognition to a voluntary organisation may be granted or withdrawn.

35. (1) The State Government may appoint inspection committees for the children's homes (hereinafter referred to as the inspection committees) for the State, a district and city, as the case may be, for such period and for such purposes as may be prescribed. Inspection.

(2) The inspection committee of a State, district or of a city shall consist of such number of representatives from the State Government, local authority, Committee, voluntary organisations and such other medical experts and social workers as may be prescribed.

36. The Central Government or State Government may monitor and evaluate the functioning of the Children's homes at such period and through such persons and institutions as may be specified by that Government. Social auditing.

37. (1) The State Government may recognise, reputed and capable voluntary organisations and provide them assistance to set up and administer as many shelter homes for juveniles or children as may be required. Shelter homes.

(2) The shelter homes referred in sub-section (1) shall function as drop-in-centres for the children in the need of urgent support who have been brought to such homes through such persons as are referred to in sub-section (1) of section 32.

(3) As far as possible, the shelter homes shall have such facilities as may be prescribed by the rules.

38. (1) If during the inquiry it is found that the child hails from the place outside the jurisdiction of the Committee, the Committee shall order the transfer of the child to the competent authority having jurisdiction over the place of residence of the child. Transfer.

(2) Such juvenile or the child shall be escorted by the staff of the home in which he is lodged originally.

(3) The State Government may make rules to provide for the travelling allowance to be paid to the child.

Restoration.

39. (1) Restoration of and protection to a child shall be the prime objective of any children's home or the shelter home.

(2) The children's home or a shelter home, as the case may be, shall take such steps as are considered necessary for the restoration of and protection to a child deprived of his family environment temporarily or permanently where such child is under the care and protection of a children's home or a shelter home, as the case may be.

(3) The Committee shall have the powers to restore any child in need of care and protection to his parent, guardian, fit person or fit institution, as the case may be, and give them suitable directions.

*Explanation.*—For the purposes of this section "restoration of child" means restoration to—

- (a) parents;
- (b) adopted parents;
- (c) foster parents.

## CHAPTER IV

### REHABILITATION AND SOCIAL REINTEGRATION

Process of  
rehabilitation  
and social  
reintegration.

40. The rehabilitation and social reintegration of a child shall begin during the stay of the child in a children's home or special home and the rehabilitation and social reintegration of children shall be carried out alternatively by (i) adoption, (ii) foster care, (iii) sponsorship, and (iv) sending the child to an after-care organisation.

Adoption.

41. (1) The primary responsibility for providing care and protection to children shall be that of his family.

(2) Adoption shall be resorted to for the rehabilitation of such children as are orphaned, abandoned, neglected and abused through institutional and non-institutional methods.

(3) In keeping with the provisions of the various guidelines for adoption issued from time to time by the State Government, the Board shall be empowered to give children in adoption and carry out such investigations as are required for giving children in adoption in accordance with the guidelines issued by the State Government from time to time in this regard.

(4) The children's homes or the State Government run institutions for orphans shall be recognised as an adoption agencies both for scrutiny and placement of such children for adoption in accordance with the guidelines issued under sub-section (3).

(5) No child shall be offered for adoption—

(a) until two members of the Committee declare the child legally free for placement in the case of abandoned children,

(b) till the two months period for reconsideration by the parent is over in the case of surrendered children, and

(c) without his consent in the case of a child who can understand and express his consent.

(6) The Board may allow a child to be given in adoption—

(a) to a single parent, and

(b) to parents to adopt a child of same sex irrespective of the number of living biological sons or daughters.

42. (1) The foster care may be used for temporary placement of those infants who are ultimately to be given for adoption.

Foster care.

(2) In foster care, the child may be placed in another family for a short or extended period of time, depending upon the circumstances where the child's own parent usually visit regularly and eventually after the rehabilitation, where the children may return to their own homes.

(3) The State Government may make rules for the purposes of carrying out the scheme of foster care programme of children.

43. (1) The sponsorship programme may provide supplementary support to families, to children's homes and to special homes to meet medical, nutritional, educational and other needs of the children with a view to improving their quality of life.

Sponsorship.

(2) The State Government may make rules for the purposes of carrying out various schemes of sponsorship of children, such as individual to individual sponsorship, group sponsorship or community sponsorship.

44. The State Government may, by rules made under this Act, provide—

After-care organisation.

(a) for the establishment or recognition of after-care organisations and the functions that may be performed by them under this Act;

(b) for a scheme of after-care programme to be followed by such after-care organisations for the purpose of taking care of juveniles or the children after they leave special homes, children homes and for the purpose of enabling them to lead an honest, industrious and useful life;

(c) for the preparation or submission of a report by the probation officer or any other officer appointed by that Government in respect of each juvenile or the child prior to his discharge from a special home, children's home, regarding the necessity and nature of after-care of such juvenile or of a child, the period of such after-care, supervision thereof and for the submission of report by the probation officer or any other officer appointed for the purpose, on the progress of each juvenile or the child;

(d) for the standards and the nature of services to be maintained by such after-care organisations;

(e) for such other matters as may be necessary for the purpose of carrying out the scheme of after-care programme for the juvenile or the child:

Provided that any rule made under this section shall not provide for such juvenile or child to stay in the after-care organisation for more than three years:

Provided further that a juvenile or child over seventeen years of age but less than eighteen years of age would stay in the after-care organisation till he attains the age of twenty years.

45. The State Government may make rules to ensure effective linkages between various governmental, non-governmental, corporate and other community agencies for facilitating the rehabilitation and social reintegration of the child.

Linkages and co-ordination.

## CHAPTER V

### MISCELLANEOUS

46. Any competent authority before which a juvenile or the child is brought under any of the provisions of this Act, may, whenever it so thinks fit, require any parent or guardian having the actual charge of or control over the juvenile or the child to be present at any proceeding in respect of the juvenile or the child.

Attendance of parent or guardian of juvenile or child.



Dispensing with attendance of juvenile or child.

47. If, at any stage during the course of an inquiry, a competent authority is satisfied that the attendance of the juvenile or the child is not essential for the purpose of inquiry, the competent authority may dispense with his attendance and proceed with the inquiry in the absence of the juvenile or the child.

Committal to approved place of juvenile or child suffering from dangerous diseases and his future disposal.

48. (1) When a juvenile or the child who has been brought before a competent authority under this Act, is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment, the competent authority may send the juvenile or the child to any place recognised to be an approved place in accordance with the rules made under this Act for such period as it may think necessary for the required treatment.

(2) Where a juvenile or the child is found to be suffering from leprosy, sexually transmitted disease, Hepatitis B, open cases of Tuberculosis and such other diseases or is of unsound mind, he shall be dealt with separately through various specialised referral services or under the relevant laws as such.

Presumption and determination of age.

49. (1) Where it appears to a competent authority that person brought before it under any of the provisions of this Act (otherwise than for the purpose of giving evidence) is a juvenile or the child, the competent authority shall make due inquiry so as to the age of that person and for that purpose shall take such evidence as may be necessary (but not an affidavit) and shall record a finding whether the person is a juvenile or the child or not, stating his age as nearly as may be.

(2) No order of a competent authority shall be deemed to have become invalid merely by any subsequent proof that the person in respect of whom the order has been made is not a juvenile or the child, and the age recorded by the competent authority to be the age of person so brought before it, shall for the purpose of this Act, be deemed to be the true age of that person.

Sending a juvenile or child outside jurisdiction.

50. In the case of a juvenile or the child, whose ordinary place of residence lies outside the jurisdiction of the competent authority before which he is brought, the competent authority may, if satisfied after due inquiry that it is expedient so to do, send the juvenile or the child back to a relative or other person who is fit and willing to receive him at his ordinary place of residence and exercise proper care and control over him, notwithstanding that such place of residence is outside the jurisdiction of the competent authority; and the competent authority exercising jurisdiction over the place to which the juvenile or the child is sent shall in respect of any matter arising subsequently have the same powers in relation to the juvenile or the child as if the original order had been passed by itself.

Reports to be treated as confidential.

51. The report of the probation officer or social worker considered by the competent authority shall be treated as confidential:

Provided that the competent authority may, if it so thinks fit, communicate the substance thereof to the juvenile or the child or his parent or guardian and may give such juvenile or the child, parent or guardian an opportunity of producing such evidence as may be relevant to the matter stated in the report.

Appeals.

52. (1) Subject to the provisions of this section, any person aggrieved by an order made by a competent authority under this Act may, within thirty days from the date of such order, prefer an appeal to the Court of Session:

Provided that the Court of Session may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) No appeal shall lie from—

(a) any order of acquittal made by the Board in respect of a juvenile alleged to have committed an offence; or

(b) any order made by a Committee in respect of a finding that a person is not a neglected juvenile.

(3) No second appeal shall lie from any order of the Court of Session passed in appeal under this section.

53. The High Court may, at any time, either of its own motion or on an application received in this behalf, call for the record of any proceeding in which any competent authority or Court of Session has passed an order for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit:

Revision.

Provided that the High Court shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

54. (1) Save as otherwise expressly provided by this Act, a competent authority while holding any inquiry under any of the provisions of this Act, shall follow such procedure as may be prescribed and subject thereto, shall follow, as far as may be, the procedure laid down in the Code of Criminal Procedure, 1973 for trials in summons cases.

Procedure in inquiries, appeals and revision proceedings.

2 of 1974.

(2) Save as otherwise expressly provided by or under this Act, the procedure to be followed in hearing appeals or revision proceedings under this Act shall be, as far as practicable, in accordance with the provisions of the Code of Criminal Procedure, 1973.

2 of 1974.

55. (1) Without prejudice to the provisions for appeal and revision under this Act, any competent authority may, on an application received in this behalf, amend any order as to the institution to which a juvenile or the child is to be sent or as to the person under whose care or supervision a juvenile or the child is to be placed under this Act:

Power to amend orders.

Provided that there shall be at least two members and the parties or its defence present during the course of hearing for passing an amendment in relation to any of its order.

(2) Clerical mistakes in orders passed by a competent authority or errors arising therein from any accidental slip or omission may, at any time, be corrected by the competent authority either on its own motion or on an application received in this behalf.

56. The competent authority or the local authority may, notwithstanding anything contained in this Act, at any time, order a child in need of care and protection or a juvenile in conflict with law to be discharged or transferred from one children's home or special home to another, as the case may be, keeping in view the best interest of the child or the juvenile, and his natural place of stay, either absolutely or on such conditions as it may think fit to impose:

Power of competent authority to discharge and transfer juvenile or child.

Provided that the total period of stay of the juvenile or the child in a children's home or a special home or a fit institution or under a fit person shall not be increased by such transfer.

57. The State Government or the local authority may direct any child or the juvenile to be transferred from any children's home or special home outside the State to any other children's home, special home or institution of a like nature with the prior intimation to the local Committee or the Board, as the case may be, and such order shall be deemed to be operative for the competent authority of the area to which the child or the juvenile is sent.

Transfer between children's homes, under the Act, and juvenile homes, of like nature in different parts of India.

58. Where it appears to the competent authority that any juvenile or the child kept in a special home or a children's home or shelter home or in an institution in pursuance of this Act, is suffering from leprosy or is of unsound mind or is addicted to any narcotic drug or psychotropic substance, the competent authority may order his removal to a leper asylum or mental hospital or treatment centre for drug addicts or to a place of safety for being kept there for such period not exceeding the period for which he is required to be kept under the order of the competent authority or for such further period as may be certified by the medical officer necessary for the proper treatment of the juvenile or the child.

Transfer of juvenile or child of unsound mind or suffering from leprosy or addicted to drugs.

Release and  
absence of  
juvenile or  
child on  
placement.

59. (1) When a juvenile or the child is kept in a children's home or special home and on a report of a probation officer or social worker or of Government or a voluntary organisation, as the case may be, the competent authority may consider, the release of such juvenile or the child permitting him to live with his parent or guardian or under the supervision of any authorised person named in the order, willing to receive and take charge of the juvenile or the child to educate and train him for some useful trade or calling or to look after him for rehabilitation.

(2) The competent authority may also permit leave of absence to any juvenile or the child, to allow him, on special occasions like examination, marriage of relatives, death of kith and kin or the accident or serious illness of parent or any emergency of like nature, to go on leave under supervision, for maximum seven days, excluding the time taken in journey.

(3) Where a permission has been revoked or forfeited and the juvenile or the child refuses or fails to return to the home concerned or juvenile to which he was directed so to return, the Board may, if necessary, cause him to be taken charge of and to be taken back to the concerned home.

(4) The time during which a juvenile or the child is absent from a concerned home in pursuance of such permission granted under this section shall be deemed to be part of the time for which he is liable to be kept in the special home:

Provided that when a juvenile has failed to return to the special home on the permission being revoked or forfeited, the time which elapses after his failure so to return shall be excluded in computing the time during which he is liable to be kept in the institution.

Contribution  
by parents.

60. (1) The competent authority which makes an order for sending a juvenile or the child to a children's home or to a special home or placing the juvenile under the care of a fit person or fit institution may make an order requiring the parent or other person liable to maintain the juvenile or the child to contribute to his maintenance, if able to do so, in the prescribed manner according to income.

(2) The competent authority may direct, if necessary, the payment to be made to poor parent or guardian by the Superintendent or the Project Manager of the home to pay such expenses for the journey of the inmate or parent or guardian or both, from the home to his ordinary place of residence at the time of sending the juvenile as may be prescribed.

Fund.

61. (1) The State Government or local authority may create a Fund under such name as it thinks fit for the welfare and rehabilitation of the juvenile or the child dealt with under this Act.

(2) There shall be credited to the Fund such voluntary donations, contributions or subscriptions as may be made by any individual or organisation.

(3) The Fund created under sub-section (1) shall be administered by the State advisory board in such manner and for such purposes as may be prescribed.

Central, State,  
district and  
city advisory  
boards.

62. (1) The Central Government or a State Government may constitute a Central or a State advisory board, as the case may be, to advise that Government on matter relating to the establishment and maintenance of the homes, mobilisation of resources, provision of facilities for education, training and rehabilitation of child in need of care and protection and juvenile in conflict with law and co-ordination among the various official and non-official agencies concerned.

(2) The Central or State advisory board shall consist of such persons as the Central Government or the State Government, as the case may be, may think fit and shall include eminent social workers, representatives of voluntary organisation in the field of child welfare corporate sector, academicians, medical professionals and the concerned Department of the State Government.

(3) The district or city level inspection committee constituted under section 35 of this Act shall also function as the district or city advisory boards.

**BILL**

to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under this enactment.

*(As passed by the Houses of Parliament)*

MGIP(PLU)MRND-6004RS-05-01-2001.

(vi) matters relating to removal of disqualification attaching to conviction of a juvenile under section 19;

(vii) the qualifications of the Chairperson and members, and the tenure for which they may be appointed under sub-section (3) of section 29;

(viii) the time of the meetings of the Committee and the rules of procedure in regard to the transaction of business at its meeting under sub-section (1) of section 30;

(ix) 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 under sub-section (2) of section 32;

(x) the management of children's homes including the standards and nature of services to be provided by them, and the manner in which certification of a children's home or recognition to a voluntary organisation may be granted or withdrawn under sub-section (2) of section 34;

(xi) appointment of inspection committees for children's homes, their tenure and purposes for which inspection committees may be appointed and such other matters as are referred to in section 35;

(xii) facilities to be provided by the shelter homes under sub-section (3) of section 37;

(xiii) for carrying out the scheme of foster care programme of children under sub-section (3) of section 42;

(xiv) for carrying out various schemes of sponsorship of children under sub-section (2) of section 43;

(xv) matters relating to after-care organisation under section 44;

(xvi) for ensuring effective linkages between various agencies for facilitating rehabilitation and social integration of the child under section 45;

(xvii) the purposes and the manner in which the Fund shall be administered under sub-section (3) of section 61;

(xviii) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by a State Government under this Act shall be laid, as soon as may be after it is made, before the Legislature of that State.

Repeal and savings.

69. (1) The Juvenile Justice Act, 1986 is hereby repealed.

53 of 1986.

(2) Notwithstanding such repeal, anything done or any action taken under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act.

Power to remove difficulties.

70. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Act.

(2) However, order made under the section shall be laid, as soon as may be after it is made, before each House of Parliament.

63. (1) In order to enable the police officers who frequently or exclusively deal with juveniles or are primarily engaged in the prevention of juvenile crime or handling of the juveniles or children under this Act to perform their functions more effectively, they shall be specially instructed and trained.

Special juvenile police unit.

(2) In every police station at least one officer with aptitude and appropriate training and orientation may be designated as the 'juvenile or the child welfare officer' who will handle the juvenile or the child in co-ordination with the police.

(3) Special juvenile police unit, of which all police officers designated as above, to handle juveniles or children will be members, may be created in every district and city to co-ordinate and to upgrade the police treatment of the juveniles and the children.

64. In any area in which this Act is brought into force, the State Government or the local authority may direct that a juvenile in conflict with law who is undergoing any sentence of imprisonment at the commencement of this Act, shall, in lieu of undergoing such sentence, be sent to a special home or be kept in fit institution in such manner as the State Government or the local authority thinks fit for the remainder of the period of the sentence; and the provisions of this Act shall apply to the juvenile as if he had been ordered by the Board to be sent to such special home or institution or, as the case may be, ordered to be kept under protective care under sub-section (2) of section 16 of this Act.

Juvenile in conflict with law undergoing sentence at commencement of this Act.

2 of 1974.

65. Provisions of Chapter XXXIII of the Code of Criminal Procedure, 1973 shall, as far as may be, apply to bonds taken under this Act.

Procedure in respect of bonds. Delegation of powers.

66. The State Government may, by the general order, direct that any power exercisable by it under this Act shall, in such circumstances and under such conditions, if any, as may be prescribed in the order, be exercisable also by an officer subordinate to that Government or the local authority.

67. No suit or legal proceedings shall lie against the State Government or voluntary organisation running the home or any officer and the staff appointed in pursuance of this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or order made thereunder.

Protection of action taken in good faith.

68. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(i) the term of office of the members of the Board and the manner in which such member may resign under sub-section (4) of section 4;

(ii) the time of the meetings of the Board and the rules of procedure in regard to the transaction of business at its meeting under sub-section (1) of section 5;

(iii) the management of observation homes including the standards and various types of services to be provided by them and the circumstances in which and the manner in which, the certification of the observation home may be granted or withdrawn and such other matters as are referred to in section 8;

(iv) the management of special homes including the standards and various types of services to be provided by them and the circumstances in which and the manner in which, the certification of the special home may be granted or withdrawn and such other matters as are referred to in section 9;

(v) persons to whom any juvenile in conflict with law may be produced before the Board and the manner of sending such juvenile, to an observation home under sub-section (2) of section 10;

**THE JUVENILE JUSTICE (CARE AND  
PROTECTION OF CHILDREN)  
AMENDMENT BILL, 2006**

*Act*

(AS PASSED BY THE HOUSES OF PARLIAMENT—

LOK SABHA ON 2ND AUGUST, 2006

RAJYA SABHA ON 8TH AUGUST, 2006)

ASSENTED TO ON 22.08.2006

ACT No. 33 OF 2006

**Bill No. 124-F of 2005**

**THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN)  
AMENDMENT BILL, 2006**

**(AS PASSED BY THE HOUSES OF PARLIAMENT)**

**A**

**BILL**

*to amend the Juvenile Justice (Care and Protection of Children) Act, 2000.*

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006. Short title.

56 of 2000.

2. In the Juvenile Justice (Care and Protection of Children) Act, 2000 (hereinafter referred to as the principal Act), in the long title, for the words “through various institutions established under this enactment”, the words “and for matters connected therewith or incidental thereto” shall be substituted. Amendment of long title.

3. In section 1 of the principal Act,—

(i) in the marginal heading, for the words “and commencement”, the words, “commencement and application” shall be substituted;

Amendment of section 1.

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall apply to all cases involving detention, prosecution, penalty or sentence of imprisonment of juveniles in conflict with law under such other law.”.



Amendment  
of section 2.

4. In section 2 of the principal Act,—

(i) after clause (a), the following clause shall be inserted, namely:—

“(aa) “adoption” means the process through which the adopted child is permanently separated from his biological parents and become the legitimate child of his adoptive parents with all the rights, privileges and responsibilities that are attached to the relationship;”;

(ii) in clause (d),—

(I) after sub-clause (i), the following sub-clause shall be inserted, namely:—

“(ia) who is found begging, or who is either a street child or a working child,”;

(II) in sub-clause (v), after the word ‘abandoned’, the words ‘or surrendered’ shall be inserted;

(iii) in clause (h), for the words “competent authority”, the words “State Government on the recommendation of the competent authority” shall be substituted;

(iv) for clause (I), the following clause shall be substituted, namely:—

“(I) “juvenile in conflict with law” means a juvenile who is alleged to have committed an offence and has not completed eighteenth year of age as on the date of commission of such offence;”;

(v) clause (m) shall be omitted.

Omission of  
certain  
expressions.

5. Throughout the principal Act, the words “local authority”, “or local authority” and “or the local authority”, wherever they occur, shall be omitted.

Amendment  
of section 4.

6. In section 4 of the principal Act, in sub-section (I), for the words “by notification in the Official Gazette, constitute for a district or a group of districts specified in the notification”, the words “within a period of one year from the date of commencement of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, by notification in the Official Gazette, constitute for every district” shall be substituted.

Amendment  
of section 6.

7. In section 6 of the principal Act, in sub-section (I), the words “or a group of districts” shall be omitted.

Insertion of  
new section  
7A.

8. After section 7 of the principal Act, the following section shall be inserted, namely:—

Procedure to  
be followed  
when claim of  
juvenile is  
raised before  
any court.

“7A. (1) Whenever a claim of juvenility is raised before any court or a court is of the opinion that an accused person was a juvenile on the date of commission of the offence, the court shall make an inquiry, take such evidence as may be necessary (but not an affidavit) so as to determine the age of such person, and shall record a finding whether the person is a juvenile or a child or not, stating his age as nearly as may be:

Provided that a claim of juvenility may be raised before any court and it shall be recognised at any stage, even after final disposal of the case, and such claim shall be determined in terms of the provisions contained in this Act and the rules made thereunder, even if the juvenile has ceased to be so on or before the date of commencement of this Act.

(2) If the court finds a person to be a juvenile on the date of commission of the offence under sub-section (1), it shall forward the juvenile to the Board for passing appropriate order, and the sentence if any, passed by a court shall be deemed to have no effect.”.

Amendment  
of section 10.

9. In section 10 of the principal Act, for sub-section (I), the following sub-section shall be substituted, namely:—

“(I) As soon as a juvenile in conflict with law is apprehended by police, he shall be placed under the charge of the special juvenile police unit or the designated police

officer, who shall produce the juvenile before the Board without any loss of time but within a period of twenty-four hours of his apprehension excluding the time necessary for the journey, from the place where the juvenile was apprehended, to the Board:

Provided that in no case, a juvenile in conflict with law shall be placed in a police lockup or lodged in a jail."

10. In section 12 of the principal Act, in sub-section (1), after the words "with or without surety", the words "or placed under the supervision of a Probation Officer or under the care of any fit institution or fit person" shall be inserted.

Amendment  
of section 12.

11. Section 14 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

Amendment  
of section 14.

"(2) The Chief Judicial Magistrate or the Chief Metropolitan Magistrate shall review the pendency of cases of the Board at every six months, and shall direct the Board to increase the frequency of its sittings or may cause the constitution of additional Boards."

12. In section 15 of the principal Act, in sub-section (1), for clause (g), the following clause shall be substituted, namely:—

Amendment  
of section 15.

"(g) make an order directing the juvenile to be sent to a special home for a period of three years:

Provided that the Board may, if it is satisfied that having regard to the nature of the offence and the circumstances of the case, it is expedient so to do, for reasons to be recorded, reduce the period of stay to such period as it thinks fit."

13. In section 16 of the principal Act,—

Amendment  
of section 16.

(i) in sub-section (1), for the words "or life imprisonment", the words "or imprisonment for any term which may extend to imprisonment for life" shall be substituted;

(ii) in sub-section (2), for the proviso, the following proviso shall be substituted, namely:—

"Provided that the period of detention so ordered shall not exceed in any case the maximum period provided under section 15 of this Act."

14. In section 20 of the principal Act, the following proviso and *Explanation* shall be inserted, namely:—

Amendment  
of section 20.

"Provided that the Board may, for any adequate and special reason to be mentioned in the order, review the case and pass appropriate order in the interest of such juvenile.

*Explanation.*— In all pending cases including trial, revision, appeal or any other criminal proceedings in respect of a juvenile in conflict with law, in any court, the determination of juvenility of such a juvenile shall be in terms of clause (1) of section 2, even if the juvenile ceases to be so on or before the date of commencement of this Act and the provisions of this Act shall apply as if the said provisions had been in force, for all purposes and at all material times when the alleged offence was committed."

15. For section 21 of the principal Act, the following section shall be substituted, namely:—

Substitution of  
new section for  
section 21.

"21. (1) No report in any newspaper, magazine, news-sheet or visual media of any inquiry regarding a juvenile in conflict with law or a child in need of care and protection under this Act shall disclose the name, address or school or any other particulars calculated to lead to the identification of the juvenile or child nor shall any picture of any such juvenile or child be published:

Prohibition of  
publication of  
name, etc., of  
juvenile in  
conflict with  
law or child in  
need of care  
and protection  
involved in  
any  
proceeding  
under the Act.

Provided that for reasons to be recorded in writing, the authority holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the interest of the juvenile or the child.

(2) Any person who contravenes the provisions of sub-section (1), shall be liable to a penalty which may extend to twenty-five thousand rupees.”

Amendment  
of section 29.

16. In section 29 of the principal Act, in sub-section (1), for the words “by notification in Official Gazette, constitute for every district, or group of districts specified in the notification”, the words “within a period of one year from the date of commencement of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, by notification in the Official Gazette, constitute for every district” shall be substituted.

Amendment  
of section 32.

17. In section 32 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (iv), the words “authorised by the State Government” shall be omitted;

(ii) the following proviso shall be inserted at the end, namely:—

“Provided that the child shall be produced before the Committee without any loss of time but within a period of twenty-four hours excluding the time necessary for the journey.”;

(b) in sub-section (2), the words “to the police and” shall be omitted.

Amendment  
of section 33.

18. In section 33 of the principal Act,—

(a) in sub-section (1), the words “or any police officer or special juvenile police unit or the designated police officer” shall be omitted;

(b) for sub-section (3), the following sub-sections shall be substituted, namely:—

“(3) The State Government shall review the pendency of cases of the Committee at every six months, and shall direct the Committee to increase the frequency of its sittings or may cause the constitution of additional Committees.

(4) After the completion of the inquiry, if, the Committee is of the opinion that the said child has no family or ostensible support or is in continued need of care and protection, it may allow the child to remain in the children’s home or shelter home till suitable rehabilitation is found for him or till he attains the age of eighteen years.”

Amendment  
of section 34.

19. In section 34 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Without prejudice to anything contained in any other law for the time being in force, all institutions, whether State Government run or those run by voluntary organisations for children in need of care and protection shall, within a period of six months from the date of commencement of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, be registered under this Act in such manner as may be prescribed.”.

Amendment  
of section 39.

20. In section 39 of the principal Act, for the *Explanation*, the following *Explanation* shall be substituted, namely:—

‘*Explanation.*— For the purposes of this section “restoration of and protection of a child” means restoration to—

(a) parents;

(b) adopted parents;

(c) foster parents;

- (d) guardian;
- (e) fit person;
- (f) fit institution.

**21. In section 41 of the principal Act,—**

Amendment  
of section 41.

(i) for sub-sections (2), (3) and (4), the following sub-sections shall be substituted, namely:—

“(2) Adoption shall be resorted to for the rehabilitation of the children who are orphan, abandoned or surrendered through such mechanism as may be prescribed.

(3) In keeping with the provisions of the various guidelines for adoption issued from time to time, by the State Government, or the Central Adoption Resource Agency and notified by the Central Government, children may be given in adoption by a court after satisfying itself regarding the investigations having been carried out, as are required for giving such children in adoption.

(4) The State Government shall recognise one or more of its institutions or voluntary organisations in each district as specialised adoption agencies in such manner as may be prescribed for the placement of orphan, abandoned or surrendered children for adoption in accordance with the guidelines notified under sub-section (3):

Provided that the children's homes and the institutions run by the State Government or a voluntary organisation for children in need of care and protection, who are orphan, abandoned or surrendered, shall ensure that these children are declared free for adoption by the Committee and all such cases shall be referred to the adoption agency in that district for placement of such children in adoption in accordance with the guidelines notified under sub-section (3).”;

(ii) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) The court may allow a child to be given in adoption—

- (a) to a person irrespective of marital status; or
- (b) to parents to adopt a child of same sex irrespective of the number of living biological sons or daughters; or
- (c) to childless couples.”.

**22. For section 57 of the principal Act, the following section shall be substituted, namely:—**

Substitution of  
new section for  
section 57.

“57. The State Government may direct any child or the juvenile to be transferred from any children's home or special home within the State to any other children's home, special home or institution of a like nature or to such institutions outside the State in consultation with the concerned State Government and with the prior intimation to the Committee or the Board, as the case may be, and such order shall be deemed to be operative for the competent authority of the area to which the child or the juvenile is sent.”.

Transfer  
between  
children's  
homes under  
the Act, and  
juvenile homes  
of like nature  
in different  
parts of India.

**23. In section 59 of the principal Act, in sub-section (2), for the words “for maximum seven days”, the words “for a period generally not exceeding seven days” shall be substituted.**

Amendment  
of section 59.

Insertion of  
new section  
62A.

Constitution of  
Child  
Protection Unit  
responsible for  
implementation  
of the Act.

Amendment of  
section 64.

24. After section 62 of the principal Act, the following section shall be inserted, namely:—

"62A. Every State Government shall constitute a Child Protection Unit for the State and, such Units for every District, consisting of such officers and other employees as may be appointed by that Government, to take up matters relating to children in need of care and protection and juveniles in conflict with law with a view to ensure the implementation of this Act including the establishment and maintenance of homes, notification of competent authorities in relation to these children and their rehabilitation and co-ordination with various official and non-official agencies concerned."

25. In section 64 of the principal Act,—

- (i) for the words "may direct", the words "shall direct" shall be substituted;
- (ii) the following proviso and *Explanation* shall be inserted, namely:—

"Provided that the State Government, or as the case may be the Board, may, for any adequate and special reason to be recorded in writing, review the case of a juvenile in conflict with law undergoing a sentence of imprisonment, who has ceased to be so on or before the commencement of this Act, and pass appropriate order in the interest of such juvenile.

*Explanation.*—In all cases where a juvenile in conflict with law is undergoing a sentence of imprisonment at any stage on the date of commencement of this Act, his case including the issue of juvenility, shall be deemed to be decided in terms of clause (I) of section 2 and other provisions contained in this Act and the rules made thereunder, irrespective of the fact that he ceases to be a juvenile on or before such date and accordingly he shall be sent to the special home or a fit institution, as the case may be, for the remainder of the period of the sentence but such sentence shall not in any case exceed the maximum period provided in section 15 of this Act."

Amendment  
of section 68.

26. In section 68 of the principal Act,—

- (a) in sub-section (1), the following proviso shall be inserted, namely:—

"Provided that the Central Government may, frame model rules in respect of all or any of the matters with respect to which the State Government may make rules under this section, and where any such model rules have been framed in respect of any such matter, they shall apply to the State until the rules in respect of that matter is made by the State Government and while making any such rules, so far as is practicable, they conform to such model rules."

- (b) in sub-section (2),—

- (i) in clause (x), after the words, letter and brackets "sub-section (2)", the following words, letter and brackets shall be inserted, namely:—

- "and the manner of registration of institutions under sub-section (3)";

- (ii) after clause (xii), the following clause shall be inserted, namely:—

- "(xiii) rehabilitation mechanism to be resorted to in adoption under sub-section (2), notification of guidelines under sub-section (3) and the manner of recognition of specialised adoption agencies under sub-section (4) of section 41;"

- (c) sub-section (3) shall be re-numbered as sub-section (4) thereof, and before sub-section (4) as so re-numbered, the following sub-section shall be inserted namely:—

- "(3) Every rule made by the Central Government under this Act shall be

laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 8th September, 2011/Bhadra 17, 1933 (Saka)

The following Act of Parliament received the assent of the President on the 7th September, 2011, and is hereby published for general information:—

### THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) AMENDMENT ACT, 2011

No. 12 of 2011

[7th September, 2011.]

An Act to further to amend the Juvenile Justice (Care and Protection of Children) Act, 2000.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Juvenile Justice (Care and Protection of Children) Amendment Act, 2011.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In the Juvenile Justice (Care and Protection of Children) Act, 2000 (hereinafter referred to as the principal Act), in section 48, sub-section (2) shall be omitted.

Amendment of section 48.

Substitution of  
new section for  
section 58.

Transfer of  
juvenile or child  
as are mentally  
ill or addicted  
to alcohol or  
other drugs.

3. For section 58 of the principal Act, the following section shall be substituted, namely:—

'58. (1) Where it appears to the competent authority that any juvenile or child kept in a special home or an observation home or a children's home or a shelter home or in an institution in pursuance of this Act, is a mentally ill person or addicted to alcohol or other drugs which lead to behavioural changes in a person, the competent authority may order his removal to a psychiatric hospital or psychiatric nursing home in accordance with the provisions of the Mental Health Act, 1987 or the rules made thereunder.

14 of 1987.

(2) In case the juvenile or child had been removed to a psychiatric hospital or psychiatric nursing home under sub-section (1), the competent authority may, on the basis of the advice given in the certificate of discharge of the psychiatric hospital or psychiatric nursing home, order to remove such juvenile or child to an Integrated Rehabilitation Centre for Addicts or similar centres maintained by the State Government for mentally ill persons (including the persons addicted to any narcotic drug or psychotropic substance) and such removal shall be only for the period required for the in-patient treatment of such juvenile or child.

*Explanation.*—For the purposes of this sub-section,—

(a) "Integrated Rehabilitation Centre for Addicts" shall have the meaning assigned to it under the scheme called "Central Sector Scheme of Assistance for Prevention of Alcoholism and Substance (Drugs) Abuse and for Social Defence Services" made by the Government of India in the Ministry of Social Justice and Empowerment or any other corresponding scheme for the time being in force;

(b) "mentally ill person" shall have the meaning assigned to it in clause (f) of section 2 of the Mental Health Act, 1987;

14 of 1987.

(c) "psychiatric hospital" or "psychiatric nursing home" shall have the meaning assigned to it in clause (g) of section 2 of the Mental Health Act, 1987.

14 of 1987.

V.K. BHASIN,  
Secy. to the Govt. of India.





# ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೫	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಡಿಸೆಂಬರ್ ೩೦, ೨೦೧೦ (ಪುಷ್ಯ ೯, ಶಕ ವರ್ಷ ೧೯೩೨)	ಸಂಚಿಕೆ ೫೧
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ಭಾಗ - ೪ಎ

ರಾಜ್ಯದ ವಿಧೇಯಕಗಳ ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ರಾಜ್ಯದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರದ ಮತ್ತು ರಾಜ್ಯದ ಶಾಸನಗಳ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ರಾಜ್ಯಾಂಗದ ಮೇರೆಗೆ ರಾಜ್ಯಪಾಲರು ಮಾಡಿದ ನಿಯಮಗಳು; ಹಾಗೂ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮಾಡಿದ ನಿಯಮಗಳು.

ಸಹಕಾರ ಸಚಿವಾಲಯ  
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ:ಸಇ 44 ಎಂಆರ್‌ಇ 2009, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:18/06/2010

ಕರ್ನಾಟಕ ಕೃಷಿ ಉತ್ಪನ್ನ ಮಾರುಕಟ್ಟೆ ವ್ಯವಹಾರ (ನಿಯಂತ್ರಣ ಮತ್ತು ಅಭಿವೃದ್ಧಿ) ಅಧಿನಿಯಮ, 1965 ರ ಪ್ರಕರಣ 3, 4, 5, 144 ಮತ್ತು 145 ರಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರವನ್ನು ಜಾಲಾಯಿ ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ಕಾಲಕಾಲಕ್ಕೆ ಹೊರಡಿಸಿದ ಅಧಿಸೂಚನೆಗಳ ಮೂಲಕ ರಾಜ್ಯದಲ್ಲಿನ ಕೃಷಿ ಉತ್ಪನ್ನ ಮಾರುಕಟ್ಟೆ ಸಮಿತಿಗಳ ಮಾರುಕಟ್ಟೆ ಕ್ಷೇತ್ರಗಳನ್ನು ಮತ್ತು ಸದರಿ ಮಾರುಕಟ್ಟೆ ಕ್ಷೇತ್ರಗಳಲ್ಲಿ ವಿವಿಧ ಕೃಷಿ ಉತ್ಪನ್ನಗಳನ್ನು ಮಾರಾಟ ನಿಯಂತ್ರಣಕ್ಕೆ ಸೇರಿಸಿ ಘೋಷಿಸಿದ ಮತ್ತು ಪ್ರಕರಣ 96 ರ ಮೇರೆಗೆ ಬೆಂಗಳೂರಿನಲ್ಲಿ ಹಣ್ಣು ಮತ್ತು ತರಕಾರಿಗಳಿಗಾಗಿ (ವಿಶೇಷ) ಕೃಷಿ ಉತ್ಪನ್ನ ಮಾರುಕಟ್ಟೆ ಸಮಿತಿಯು ಹಣ್ಣು ಮತ್ತು ತರಕಾರಿಗಳನ್ನು ನಿಯಂತ್ರಿಸಲು ಘೋಷಿಸಲಾಗಿದೆ.

ಆದ ಕಾರಣ, ಕರ್ನಾಟಕ ಕೃಷಿ ಉತ್ಪನ್ನ ಮಾರುಕಟ್ಟೆ ವ್ಯವಹಾರ (ನಿಯಂತ್ರಣ ಮತ್ತು ಅಭಿವೃದ್ಧಿ) ಅಧಿನಿಯಮ, 1966 ರ ಪ್ರಕರಣ 3 ನ್ನು ಓದಿಕೊಂಡು ಪ್ರಕರಣ 5 ರ ಮೇರೆಗೆ ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ಹೊರಡಿಸಿದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ:ಸಇ 127 ಎಂಆರ್‌ಇ 2001, ದಿನಾಂಕ:06/07/2001ರ ಮೂಲಕ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರ ವಿಶೇಷ ಪತ್ರಿಕೆ ಭಾಗ-4ಎ ದಿನಾಂಕ:09/07/2001 ರಲ್ಲಿ ನುತ್ತು ಪ್ರಜಾವಾಣಿ ದಿನಪತ್ರಿಕೆಯಲ್ಲಿ ದಿನಾಂಕ:27/07/2001 ರಲ್ಲಿ ಜಾಹಿರಾತು ಮಾಡಿರುವ ಮೂಲಕ ಬೆಂಗಳೂರು ಹಣ್ಣು ಮತ್ತು ತರಕಾರಿಗಳ (ವಿಶೇಷ) ಕೃಷಿ ಉತ್ಪನ್ನ ಮಾರುಕಟ್ಟೆ ಸಮಿತಿಯನ್ನು ಹೊರತುಪಡಿಸಿ ರಾಜ್ಯದಲ್ಲಿನ ಉಳಿದ ಎಲ್ಲಾ ಕೃಷಿ ಉತ್ಪನ್ನ ಮಾರುಕಟ್ಟೆ ಸಮಿತಿಗಳ ಮಾರುಕಟ್ಟೆ ಕ್ಷೇತ್ರಗಳಲ್ಲಿ ಕಾಲಕಾಲಕ್ಕೆ ಹೊರಡಿಸಿರುವ ಅಧಿಸೂಚನೆಗಳ ಮೂಲಕ ಮಾರಾಟ ನಿಯಂತ್ರಣಕ್ಕೆ ಸೇರಿಸಲಾಗಿರುವ ಕೃಷಿ ಉತ್ಪನ್ನಗಳನ್ನು ಭಾಗಶಃ ಮಾರ್ಪಡಿಸಿ ಕರ್ನಾಟಕ ಕೃಷಿ ಉತ್ಪನ್ನ ಮಾರುಕಟ್ಟೆ ವ್ಯವಹಾರ (ನಿಯಂತ್ರಣ ಮತ್ತು ಅಭಿವೃದ್ಧಿ) ಅಧಿನಿಯಮ, 1966 ರ ಅನುಸೂಚಿಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವ ಎಲ್ಲಾ ಕೃಷಿ ಉತ್ಪನ್ನಗಳನ್ನು ರಾಜ್ಯದಲ್ಲಿನ ಎಲ್ಲಾ ಕೃಷಿ ಉತ್ಪನ್ನ ಮಾರುಕಟ್ಟೆ ಸಮಿತಿಗಳ ಮಾರುಕಟ್ಟೆ ಕ್ಷೇತ್ರಗಳಲ್ಲಿ ಮಾರಾಟ ನಿಯಂತ್ರಣಕ್ಕೆ ಒಳಪಡಿಸಿ ಘೋಷಿಸಲಾಗಿತ್ತು. ಆ ಅನುಸೂಚಿಯ ಭಾಗ-12 ರಲ್ಲಿನ "ಇತರೆ ಉತ್ಪನ್ನಗಳಲ್ಲಿ" ಕ್ರಮ ಸಂಖ್ಯೆ 4 ರ ನಂತರ ಕ್ರಮ ಸಂಖ್ಯೆ 5 ರಲ್ಲಿ "ತಂಬಾಕು ಹುಟ್ಟುವಳಿಯನ್ನು" ರಾಜ್ಯದಲ್ಲಿನ ಎಲ್ಲಾ ಕೃಷಿ ಉತ್ಪನ್ನ ಮಾರುಕಟ್ಟೆ ಸಮಿತಿಗಳ ಮಾರುಕಟ್ಟೆ ಕ್ಷೇತ್ರಗಳಲ್ಲಿ ಮಾರಾಟ ನಿಯಂತ್ರಣಕ್ಕೆ ಒಳಪಡಿಸಿ ಈ ಮೂಲಕ ಘೋಷಿಸಿದೆ. ಈ ಬಗ್ಗೆ ಅಕ್ಷೇಪಣೆಗಳು ಮತ್ತು ಸಲಹೆಗಳು ಇದ್ದಲ್ಲಿ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಪ್ರಕಟವಾದ 30 ದಿನಗಳೊಳಗೆ ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ, ಸಹಕಾರ ಇಲಾಖೆ, 6ನೇ ಮಹಡಿ, ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ, ಬೆಂಗಳೂರು-1 ಇಲ್ಲಿಗೆ ಕಳುಹಿಸಿಕೊಡಬೇಕೆಂದು ಕೋರಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆಜ್ಞಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ಸಿ.ಕೆ.ವಾಸುದೇವ ಮೂರ್ತಿ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ, ಸಹಕಾರ ಇಲಾಖೆ.

ಓ.ಆರ್.1026

(೧೫೩೯)

## WOMEN AND CHILD DEVELOPMENT SECRETARIAT

## NOTIFICATION

No. WCD 230 SBB 2008, Bangalore, Dated:26.11.2010

In exercise of the powers conferred by section 68 of the Juvenile Justice (Care & Protection of Children) Act, 2000 (Central Act 56 of 2000), the Government of Karnataka hereby makes the following rules, namely, -

## CHAPTER I

## PRELIMINARY

## 1. Title and commencement, -

- (1) These rules may be called the **Juvenile Justice (Care and Protection of Children) Karnataka Rules, 2010.**
- (2) They shall come into force on the date of their publication in the Official Gazette.

## 2. Definitions

- (1) In these rules, unless the context otherwise requires, -

- (a) "**Abandoned**" means an unaccompanied and deserted child who is declared abandoned by the Child Welfare Committee after inquiry;
- (b) "**Act**" means the Juvenile Justice (Care and Protection of Children) Act, 2000 (Act 56 of 2000);
- (c) "**Best interest of the child**" means a decision taken to ensure the overall (Physical, emotional, intellectual, social and moral) development of a Juvenile or a child;
- (d) "**Case worker**" is a person appointed by the State Government to be responsible for social investigation, inquiries, visits and individual care plan for children in need of care and protection under this Act;
- (e) "**Child friendly**" means child rights friendly, and is any process, interpretation, attitude, environment and treatment, that is humane, considerate and in the best interest of the child;
- (f) "**Child with single parent**" means a child found to have or has only one biological parent alive;
- (g) "**Child with special needs**" means a child for whom specialized services or interventions are necessary to facilitate proper care and rehabilitation in addition to regular services provided under the Act;
- (h) "**Community service**" implies service rendered to the society by juveniles in conflict with law in lieu of other judicial remedies and penalties, which is not degrading and dehumanizing. Examples of this may include:
  - (i) Cleaning a park;
  - (ii) Serving the elderly in nursing homes;
  - (iii) Helping out a local fire or police department;
  - (iv) Helping out at a local hospital or nursing home; and
  - (v) Serving disabled children.
- (i) "**Director**" means the Director, Department of Women & Child Development;
- (j) "**Detention**" in case of juveniles in conflict with law means "protective custody" in line with the principles of restorative justice;
- (k) "**Domestic violence**" means domestic violence as defined in Sec 3 of the Protection of Women from Domestic Violence Act, 2005 (Central Act 43 of 2005);
- (l) "**Form**" means the form annexed to these rules;
- (m) "**Individual care plan**" is a comprehensive development plan for juvenile or child based on age and gender specific needs and his/her case history and prepared in consultation with the juvenile or child, in order to restore his/her self-esteem and nurture him into a responsible citizen;
- (n) "**Institution**" means an Observation Home or a Special Home, or a Children's Home set up, certified or recognized and registered under Sections 8,9,34, sub-section (3) of section 34 and section 37 of the Act respectively;
- (o) "**Officer-in-Charge**" means a person appointed for the control and management of an Observation Home or a Special Home or a Children's Home or any other institution registered or recognized under the Act;
- (p) "**Orphan**" means a child whose biological parents or legal guardians are found to be deceased after due inquiry by the competent authority;

- (q) "Recognised" means a person found fit by the competent authority or an institution found fit by the State Government on the recommendation of the competent authority as per clauses (h) and (i) of section (2) of the Act; or, recognition of an institution or voluntary organization by the State Government to operate as a children's home, observation home and special home; or a shelter home, specialized adoption agency or after care organization under sub section (1) of section 37, sub-section (4) of section 41 and clause (a) of section 44 of the Act;
- (r) "Registered" means, all institutions or voluntary organizations, registered under sub-section (3) of section 34 of the Act, that provide residential care for children in need of care and protection;
- (s) "Registration authority" means an authority who is authorized to register all child care institutions whether state government run or those run by voluntary organizations for children in need of care and protection in the State;
- (t) "Section" means a section of the Act;
- (u) "Street and working children" means children without ostensible means of livelihood, care, protection and support in accordance with the provisions laid down under clause (d) (1) of section 2 of the Act;
- (v) "Surrendered child" means a child, who in the opinion of the Committee, is relinquished on account of physical, emotional, economical and social factors beyond the control of the parent or guardian.

All words and expressions defined in the Act and used, but not defined in these rules shall have the same meanings as assigned to them in the Act.

## CHAPTER - II JUVENILE IN CONFLICT WITH LAW

3. **Juvenile Justice Boards.** (1) The State Government shall provide as far as possible necessary infrastructure and staff for every Juvenile Justice Board as specified in rule 83 of the Government of India Rules, 2007.

4. **Appointment and training for the members of the Juvenile Justice Board, -**

- (1) A Magistrate with special knowledge or training in child rights, child psychology or child development shall be designated as the Principal Magistrate of the Board.
- (2) 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 set up under rule 87 of these rules.
- (3) In case the Principal Magistrate with such special knowledge or training is not available, the State Government shall provide for such short term training / orientation on child psychology, child development, child rights, national and international standards for juvenile justice, Code of Criminal Procedure, Indian Penal Code, Indian Evidence Act and other related acts to the Principal Magistrate as well as the other social worker members of the Board, either prior to or after assuming office, by the Karnataka Judicial Academy or any other appropriate institution or by the Directorate of Women and Child Development.

5. **Term of office of the members of the Board.** (1) The Board shall have tenure of three years and the appointment of members shall be co-terminus with the tenure of the Board.

(2) The State Government shall constitute new Boards before expiry of the term of the existing Board, where after the existing Board shall hand over all records and information to the newly formed Board. However, with a view to ensure continuity the existing Board shall continue to hold office until the new Board assumes charge.

(3) A member may resign any time, by giving one month advance notice in writing to the Member-secretary of the Selection Committee with a copy to the Principal Magistrate. The resignation shall come into effect from the date of acceptance by Member-secretary of the Selection Committee. Such vacancy shall be filled from among names in the reserve list selected by the Selection Committee, who shall hold office for the remaining term of the Board.

(4) A member may be removed from his office as provided in sub-section (5) of Section 4 of the Act on the following grounds:-

- (i) If he becomes of unsound mind;
- (ii) If he is declared insolvent;
- (iii) If he is found guilty under any existing child and other related laws;
- (iv) In the opinion of the State Government, it is not desirable to continue to have him as a member;
- (v) If he is an active political worker.

- (5) In such circumstances, the Member- secretary of the Selection Committee shall submit to the state government for necessary action in this behalf.

**6. Qualifications for members of the Board.** (1) The social worker to be appointed as a member of the Board shall be a person not less than thirty five years and not more than sixty years at the time of submission of application.

- (2) He/She shall have, a post-graduate degree in social work, health, education, child psychology, law, sociology, child development or any other social science discipline and when such a person is not available a person with degree in any of the above mentioned disciplines and has been actively involved and engaged in other rehabilitative and welfare activities related to children for at least seven years.

(3) No person shall be considered for selection as a member of the Board, if he: -

- (a) Has been convicted under any law;
- (b) Has indulged in child abuse or employment of child labour or committed any other human rights violations or an immoral act;
- (c) Is holding an occupation that does not allow him to give necessary time and attention to the work of the Board; and,
- (d) Does not fulfill the qualification and experience prescribed in the Act and the rules made there under.
- (e) Is a member of the management of the childcare institution, registered under Section 34 of the Act.

**7. Sitting fees and travel allowances:**

- (1) The social workers members of the Board shall be paid sitting fees which shall not be less than rupees five hundred per sitting and travel allowance as is admissible to Group A officers of the State Government
- (2) The allowances of the social worker members of the Board shall be paid by the Officer-in-charge of the institution.

**8. Time and place of sittings of the Board.**

- (1) The Board shall hold its sittings in the premises of an Observation Home having jurisdiction over that district, and in no circumstances shall the Board operate from within any court premises.
- (2) The premises where the Board holds its sittings shall be child-friendly and shall not look like a court room in any manner whatsoever; for example, the Board shall not sit on a raised platform and the sitting arrangement shall be uniform, and there shall be no witness boxes.
- (3) The Board shall meet at least once in a week where there are less than 500 inquiries pending and twice a week where more than 500 inquiries pending against juveniles in conflict with law. The Board shall hold meetings on sitting days between 11 a.m. to 2p.m. and 3 p.m. to 5.00 p.m. However, urgent meetings may be convened, if necessary, by the Principal Magistrate or at the request of the members, as may be specified by the Principal Magistrate.
- (4) Every member of the Board shall attend a minimum of five hours per sitting.
- (5) The quorum for the sittings of the Board shall be two including the Principal Magistrate for final disposition of the case.
- (6) The Deputy Director of the Department of Women and Child Development or his nominee (Women and Child Welfare Officer) shall attend every sitting of the Board and send a report. He shall also bring to the notice of the Director any issues that require urgent and immediate attention.

**9. Functions of the Board.** The Board shall perform the following functions namely:-

- (1) Adjudicate and dispose cases of juveniles in conflict with law;
- (2) Take cognizance of crimes committed under section 23 to 26 of the Act;
- (3) Monitor institutions for juveniles in conflict with law and seek compliance from the institutions in cases of noticeable lapses and ensure improvement based on suggestions of the Board;
- (4) Maintain liaison with the Child Welfare Committees in respect of cases of children in need of care and protection;
- (5) Liaison with Boards in other districts / states to facilitate speedy inquiry and disposal of cases;
- (6) Take suitable action for dealing with unforeseen situations that may arise in the implementation of the Act and remove such difficulties in the best interest of the juvenile;
- (7) Send quarterly status report about juveniles in conflict with law brought before them to the District, State Child Protection Unit, the State Government and also to the Chief Judicial Magistrate or Chief Metropolitan Magistrate for review under sub-section (2) of section 14 of the Act.

(8) Any other function assigned by the State Government from time to time relating to juveniles in conflict with law.

#### 10. Procedure to be followed by the Board -

- (1) When the juvenile is brought before the Board, the First Referral Report in Form 1 containing social background of the juvenile and circumstances of apprehension and offence alleged to have been committed, provided by the police officer, social worker presenting the juvenile shall be examined by the Board, and the Board shall pass orders in the first summary inquiry on the same day:-
  - (a) Dispose off the case, if the evidence of the juvenile in conflict with law appears to be unfounded or where the juvenile is involved in a petty offence; or
  - (b) Transfer to the Child Welfare Committee, matters concerning juveniles clearly stated to be in need of care and protection in the police report submitted to the Board; or
  - (c) Release the juvenile to the supervision or custody of fit person or fit institution or Observation Home as the case may be, through an order in Form 3, with a direction to appear or present a juvenile for an inquiry on a next date; and the details of the same intimated to parents/guardian of the juvenile in Form 2; or
  - (d) The Board shall determine if the juvenile can be released on bail and if established that he could be released, the Board shall release the juvenile on bail. The bail application in Form 4 shall be submitted to the Board by the parent/guardian.
  - (e) Any member of the Board is competent to release the child on bail subject to the ratification of the order by the Board in the next sitting.
  - (f) In all cases of release pending inquiry, the Board shall notify the next date of hearing, not later than fifteen days of the first summary enquiry and also seek the social investigation report in Form 6 from the concerned Probation Officer through an order in Form 5.
  - (g) Place the juvenile under supervision or custodial care of the parent, guardian or fit person and if Board deems it expedient to place the juvenile under the supervision of a probation officer as the case may be, through a supervision order in Form 7.
- (2) In every case concerning a juvenile or child, the Board or Committee shall determine the age of such juvenile or child within a period of thirty days from the date of making of the application for that purpose.
- (3) The Board shall decide the juvenility or otherwise of the juvenile, *prima facie* on the basis of physical appearance or documents, if available, and send him to the Observation Home or jail.
- (4) The age determination inquiry shall be conducted by the Board by seeking evidence of:-
  - (a) (i) The matriculation or equivalent certificates, if available; and in the absence whereof;
  - (ii) The date of birth from the school (other than a play school) first attended; and in the absence whereof;
  - (iii) The date of birth certificate given by a corporation or a municipal authority or a panchayath;
- (b) And in case of any doubt or dispute with regard to the age of the juvenile, the member shall pass an order to obtain the opinion of the medical experts such as radiologists or any other competent experts to fix the age of the juvenile under question.
- (c) In case exact assessment of the age cannot be done, the Board, for the reasons to be recorded by them, may, if considered necessary, give benefit to the child or juvenile by considering his/her age on lower side within the margin of one year and while 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 and either of the evidence specified in any of the clauses (a)(i), (ii), (iii) or in the absence whereof, clause (b) shall be the conclusive proof of the age as regards such juvenile in conflict with law.
- (5) If the age of a juvenile is found to be below 18 years on the date of offence, on the basis of any of the conclusive proof specified in sub-rule (4) of this rule, the court or the Board, shall in writing pass an order stating the age and declaring the status of juvenility or otherwise, for the purpose of the Act and a copy of the order shall be given to such juvenile or person concerned.

- (6) Save and except where, further inquiry or otherwise is required, *inter alia*, in terms of section 7A, section 64 of the Act and these rules, no further inquiry shall be conducted by the court or the Board after examining and obtaining the certificate or any other documentary proof referred to in sub-rule (4) of this rule.
- (7) The provisions contained in this rule shall also apply to those disposed off cases, where the status of juvenility has not been determined in accordance with the provisions contained in sub-rule (4) of this rule for passing appropriate order in the interest of the juvenile in conflict with law.
- (8) The Board shall take the following steps to ensure fair and speedy inquiry.
- (a) At the time of initiating the inquiry, the Board shall satisfy itself that the juvenile has not been subjected to any ill-treatment by the police or by any other person, including a lawyer or probation officer and take corrective steps in case of such ill-treatment.
  - (b) In all cases under the Act the proceedings shall be conducted in as simple a manner as possible and in a child-friendly atmosphere.
  - (c) Every juvenile brought before the Board shall be given the opportunity to be heard and participate in his inquiry;
  - (d) Cases of petty / non-serious offences, if not disposed off by the Special Juvenile Police Unit or at the police station itself, may be disposed off by the Board through summary proceedings or inquiry, while in cases of serious offences entailing punishment of seven years or more, due process of inquiry in detail may follow;
  - (e) Even in cases of inquiry pertaining to serious offences, the Board shall follow the procedure of trial in summons cases.
- (9) The Officer-in-charge shall pay travelling expenses and admissible *Batta* of the juvenile and one of his parents / guardian to attend the proceedings / inquiry before the Board.
- (10) When witnesses are produced for examination in inquiry relating to a juvenile, the Board shall use the powers conferred by section 165 of the Indian Evidence Act, 1872 (1 of 1872) so as to question the juvenile and proceed with the presumptions that favour the juvenile's right to be restored.
- (11) While examining a juvenile and recording his statement, the Board shall address the juvenile in a child-friendly manner in order to put the juvenile at ease and to encourage him to state the facts and circumstances without any fear, not only in respect of the offence of which the juvenile is accused, but also in respect of the home and social surroundings and the influence to which the juvenile might have been subjected.
- (12) If the juvenile accepts that he did commit the offence, he has been accused of, then the Board shall record the acceptance and issue the appropriate order in the case. In case of petty offences the Board shall whenever possible issue a reprimand and release the juvenile.
- (13) If the juvenile does not accept the substance of the charge, then the Board shall proceed to hear and take all evidence produced by the prosecution and also hear and take all the evidence that the juvenile may produce in his defence.
- (14) The Board shall take into account the report of the police containing circumstances of apprehension, and offence alleged to have been committed, and the social investigation report in **Form 6** prepared by the Probation officer or the voluntary organization on the orders of the Board as per **Form 5**, along with the evidence produced by the parties for arriving at a conclusion about the juvenile.
- (15) Every inquiry by the Board shall be completed within a period of four months after the first summary inquiry and only in exceptional cases involving trans-national criminality, large number of accused and inordinate delay in production of witnesses, the period of inquiry may be extended by two months on recording of reasons by the Board.
- (16) In all other cases except where the nature of alleged offence is serious, delay beyond six months shall lead to the termination of the proceedings.
- (17) Where the proceedings are delayed beyond six months on account of serious nature of the offence alleged to have been committed by the juvenile, the Board shall send a periodic report of the case to the Chief Judicial Magistrate or Chief Metropolitan Magistrate stating the reason for delay as well as steps being taken to expedite the matter.

- (18) The Board shall not declare any of the Children's Home or Shelter Homes either as a place of safety or fit institution for the purpose of keeping a juvenile in conflict with law and no juvenile in conflict with law shall be ordered to be kept in Children's Home or Shelter Home under any circumstances.
- (19) The Principal Magistrate and social worker members of the Board shall visit Observation Homes, Fit Institutions and Special Homes at least once in two months and submit a report to the High Court and the State Government about the living conditions of the juveniles and the institutions and Homes.
- (20) The Chief Metropolitan Magistrate/Chief Judicial Magistrate/ Judicial Magistrate of First Class shall visit jails /prisons within their jurisdiction and if a juvenile in conflict with law is admitted in the jail/prison, refer the juvenile to the Board.
- (21) The Principal Magistrate shall submit monthly status report of pendency and disposal of the inquires, to the Chief Metropolitan Magistrate / Chief Judicial Magistrate and High Court.
- (22) The Chief Metropolitan Magistrate/Chief Judicial Magistrate shall submit performance report of the Principal Magistrate and the social worker members to the High Court and the State Government once in every three months.

#### 11. Legal aid:-

- (1) The proceedings before the Board shall be conducted in a non-adversarial environment, but with due regard to all the process guarantees such as right to counsel and free legal aid:-
  - (a) The Board shall ensure that the legal officer in the State Child Protection Unit or the State / District Legal Services Authority, extends free legal services, which he is under an obligation to provide, to all juveniles in conflict with law;
  - (b) The Karnataka State Legal Services Authority shall provide services of a Standing Counsel, who has practiced for not less than ten years as an advocate, to advise, give free legal aid and defend the juvenile in conflict with law in the inquiry and /or proceedings under the Act, if requested by the juvenile, his parents or guardian;
  - (c) The Department of Prosecutions and Government Litigation shall provide services of an Officer not below the rank of Assistant Public Prosecutor to assist the Board in the inquiry and other proceedings under the Act;
  - (d) In the event of shortfall in the State Legal Aid Services support, the Board shall be responsible for seeking legal services from recognized voluntary legal services organisations or the university legal services clinics;
  - (e) The Board may also deploy the services of the student legal services volunteers and volunteers of non-government organizations, in para-legal tasks such as contacting the parents of juveniles in conflict with law and gathering relevant social and rehabilitative information about the juveniles.

#### 12. Procedure for release.

- (1) The Officer-in-Charge shall maintain a roster of the cases of juveniles to be released on the expiry of the period of stay as ordered by the Board.
- (2) Each case shall be placed before the Management Committee set up under rule 62 of these rules by the concerned Probation Officer or Case Worker for ensuring proper release and social mainstreaming of the juvenile.
- (3) The release shall be as per the pre-release and post-release plan prepared under the individual care plan and reviewed from time to time by the Management Committee set up under rule 62 of these rules and in all cases of release necessary action and preparation shall be initiated well before the time of release and shall include preparation for post-release follow-up.
- (4) The timely information of the release of a juvenile and of the exact date of release shall be intimated to the parent or guardian and the parent or guardian shall be asked to come to the institution to take charge of the juvenile on that date.
- (5) If necessary, the actual expenses of the parent's or guardian's journey both ways and of the juvenile's journey from the institution shall be paid to the parent or guardian by the Officer-in- Charge at the time of the release of the juvenile.
- (6) If the parent or guardian, as the case may be, fails to come and take charge of the juvenile on the appointed date, the juvenile shall be taken by the escort of the institution, police or voluntary organisation and in case of a girl, she shall be escorted by a female escort.
- (7) At the time of release or discharge, a juvenile shall be provided with a set of summer or winter clothing and essential toiletries, if the Officer-in-Charge considers it necessary.

- (8) If the juvenile has no parent or guardian, he may be sent to an aftercare organization, or in the event of his employment, to the person who has undertaken to employ the juvenile.
- (9) The Officer-in-Charge of a girls' institution may, subject to the consent of the girl and the approval of the competent authority, assist a girl above the age of eighteen years to take up after care programme or, some vocation or gainful employment or, settle into family life according to the procedure laid down by the State Government from time to time.
- (10) The Officer-in-Charge shall order the discharge in **Form 11**, of any juvenile whose custody care period has come to an end and inform the competent authority within seven days of the action taken, and if the date of release falls on a Sunday or a public holiday, the juvenile may be discharged on the preceding day with an entry to that effect being made in the register of discharge.
- (11) The Officer-in-Charge shall in appropriate cases, order the payment of subsistence money, at such rates as may be fixed from time to time, by the State Government, and the railway or road, or both, fares, as the case may be.
- (12) In deserving cases, the Officer-in-Charge may provide the juvenile with such small tools as may be required, to start a work or business subject to such maximum cost as may be fixed by the institution which shall also form part of the post-release plan.
- (13) Where a girl has no place to go after release and requests for stay in the institution after the period of her stay is over, the Officer-in-Charge may, subject to the approval of the competent authority, allow her stay till other suitable arrangements are made.

### 13. Completion of enquiry and dispositional alternatives:-

- (1) The Board shall complete every inquiry within the stipulated time of four months and on recording a finding about juvenile's involvement in the alleged offence, pass one of the seven dispositional orders enumerated in Section 15 of the Act.
- (2) Before passing an order, the Board shall obtain a social investigation report in **Form 6** prepared by the Probation Officer or by a recognized voluntary organization ordered to do so by the Board, and take the findings of the report into account.
- (3) All dispositional orders passed by the Board shall necessarily include an individual care plan for the concerned juvenile, prepared by a probation officer or voluntary organization on the basis of interaction with the juvenile and his family where possible.
- (4) Where the Board decides to release the juvenile after advice and admonition or after participation in group counselling or orders him to perform community service, necessary direction shall also be made by the Board to the State Child Protection Unit or the State Government for arranging such individual counselling, group counselling and community service.
- (5) Where the Board decides to release the juvenile on probation and places him under the care of the parent or guardian or fit person, the person in whose custody the juvenile is released shall be required to submit a written undertaking in **Form 8** for the good behaviour and well-being of the juvenile for a maximum period of three years.
- (6) The Board may order release of a juvenile further to an undertaking by the juvenile in **Form 9**.
- (7) In the event of placement of a juvenile in care of a fit institution or special home, the Board shall keep in mind that the fit institution or special home is located nearest to the place of residence of the juvenile's parent or guardian.
- (8) The Board, where it releases a juvenile on probation and places him under the care of parent or guardian or fit person or fit institution, may order that the juvenile be placed under the supervision of a probation officer, **Form 7**. The period of supervision shall be a maximum of three years.
- (9) Where the Board decides that a juvenile ought to be treated as a child in need of care and protection, it shall make necessary orders for presentation of such a juvenile before the "nearest Committee for suitable care, protection and rehabilitation."
- (10) Where it appears to the Board that the juvenile has committed an offence and not complied with probation conditions, it may order the juvenile to be placed in custody in a special home in **Form 10**.
- (11) Where a juvenile has attained the age of sixteen years and the offence committed by him is of such a serious nature, that in the opinion of the Board, it is neither in the interest of the juvenile himself nor in the interest of other juveniles of the



special home for the juvenile to be placed in that special home, the Board may order the juvenile to be kept in a place of safety and in a manner considered most appropriate by it.

(12) The State Government shall make arrangements for complying with the detention of special category of juveniles in conflict with law in place of safety other than the special home.

(13) In no case the period of detention shall exceed beyond the maximum period provided in clause (g) of sub-section (1) of section 15 of the Act.

#### 14. Observation Homes:-

(1) The Observation Homes shall have separate residential facilities for juveniles (both boys & girls) in accordance with the degree of offence and age preferably up to 12 years, 12-16 years and 16 years and above.

(2) Management of the Observation Homes:-

(a) To provide a conducive environment for the child to learn positive behaviour and facilitate education through the provision of non formal classes so as to enable the juvenile to become literate, and vocational training for livelihood opportunities.

(b) To hold special counselling sessions by trained persons and help the child to build his self-confidence and self esteem to understand his potentialities and limitations.

(c) Children shall be given opportunities for yoga, meditation, physical exercise, recreational facilities, cultural programmes etc., during the period of stay in the Home.

(3) Admission of a juvenile shall be made in an Observation Home (i) round the clock and the Officer in charge of the Observation Home shall receive the juvenile irrespective of the time (ii) by the Juvenile Justice Board by issuing a placement order duly signed and seal affixed.

(4) The Officer in charge of the Observation Home shall be authorized to take custody of a juvenile brought during the night till he is presented the next day for obtaining an order.

(5) The period of custody of a juvenile in an Observation Home shall not normally exceed six months. No child other than a juvenile in conflict with law shall be admitted in the Observation Home under any circumstances.

#### 15. Special Homes:-

(1) The Special Homes shall have separate residential facilities for juveniles (both boys & girls) in accordance with the degree of offence and age from 12-16 years and 16-18 years.

(2) Management of the Special Homes:-

(a) To receive a juvenile in conflict with law who has been ordered by the Juvenile Justice Board.

(b) To facilitate the juvenile to receive proper health care, education, vocational training.

(c) To provide opportunities to receive psychological support.

(d) To ensure the juvenile is protected from secondary victimization and assist the juvenile for proper development and growth.

(e) To assist the juvenile for reintegration with the community.

(3) The Special Homes shall provide facilities for formal as well as non formal education which shall include vocational training courses, creative learning, participatory programmes in the Home for re-socialisation of the juvenile, sports, yoga, music and other extra-curricular activities like debates, competitions, painting, cultural programmes.

(4) A juvenile in conflict with law shall be admitted in a Special Home only on a written placement order issued and duly signed by the Juvenile Justice Board for the purpose of admission.

(5) No juvenile shall be admitted or kept in a Special Home beyond the date up to which he / she can be kept or without any valid order issued by the Juvenile Justice Board or any competent authority exercising the powers of the Board.

(6) If a juvenile is to be kept in a Special home beyond the date up to which he was permitted to be kept, a formal order by the Juvenile Justice Board shall be obtained in advance to complete his / her academic education or training or till the closure of the academic year provided that the juvenile has to undergo treatment which warrants immediate attention and in any other circumstances which prohibit or prevent the mobility of the juvenile either due to accident or natural calamities an intimation shall be sent to the Juvenile Justice Board regarding the same.

(7) **Classification committee:-** (1) A juvenile shall be classified on the basis of his age, physical and mental health, length of stay period and his character.

(8) For this purpose, there shall be a Classification committee in each special home consisting of the following personnel:-

Superintendent	.....	Chairman
Deputy superintendent	.....	Vice- Chairman
Case Worker /Psychologist	.....	Member
Medical officer	.....	Member
Workshop supervisor	.....	Member
Instructor in vocation	.....	Member
Teacher	.....	Member
Head of care-taking staff	.....	Member
Officer- in-charge of the Reception Unit	.....	Member secretary

(9) The Classification committee shall periodically meet to consider and review :

- Custodial care, housing, place of work, area of activity and type of supervision required.
- Individual problems of juveniles, family contacts and adjustment, economic problems and institutional adjustment etc.,
- Vocational training and opportunities for employment.
- Social, academic, vocational and moral education and education regarding health.
- Social adjustment, recreation, group work activities, guidance and counselling
- Special adjustment, recreation, group work activities, guidance and counselling;
- Adjusting the institutional programmes to the needs of the children;
- Planning post- release rehabilitation programme in collaboration with after care services;
- Pre-release preparation;
- Release and
- Any other matter which the Superintendent may like to bring up.

#### 16. Special Juvenile Police Unit.

- The Karnataka State Police shall establish a Special Juvenile Police Unit (SJPU) at the District / Zonal (DCP in cities) level, within four months of the notification of these rules. The unit shall be set up and managed by the Child Welfare Officer designated under sub-rule (3), assisted by or in partnership with a recognized voluntary organisation, wherever present.
- The Special Juvenile Police Unit shall consist of five members, three of whom shall be Child Welfare Officers and two paid social workers as may be designated by the Superintendent of Police in districts.
- Every police station shall have a designated "Child Welfare Officer". He / She shall either be of the rank of Assistant Sub-inspector or of any other rank, as appointed by the District or Zonal Nodal Officer. The Child Welfare Officer shall be a person with a child friendly attitude and shall be given appropriate training and orientation to handle the cases of juveniles or children in terms of the provisions of the Act, on child rights, juvenile justice system, child psychology etc.
- Any police officer found guilty, of torturing a child, mentally or physically, after inquiry by the Superintendent of Police concerned if necessary, shall be recommended for taking such action or for being prosecuted for the offence.
- A list of all child welfare officers in a district and members of Special Juvenile Police Unit, with contact details, shall be prominently displayed in every police station.

#### 17. Functions of the Special Juvenile Police Unit.

- The Special Juvenile Police Unit shall perform the following functions:-
  - The Special Juvenile Police Unit shall take serious cognizance of adult perpetrators of crimes against children and ensure that they are apprehended immediately and booked under the appropriate provisions of the law. For this purpose the district level units shall maintain liaison with other units of police station.

- (b) Special Juvenile Police Unit shall maintain a list of voluntary organizations in their respective jurisdiction, and shall monitor the activities to prevent all crimes against children specifically trafficking, illegal adoption and detention of children.

#### 18. Procedures at Special Juvenile Police Unit.

- (1) (a) As soon as a juvenile alleged to be in conflict with law is received by the police, the concerned police officer shall inform:-
  - (b) The designated Child Welfare Officer in the jurisdictional police station to take charge;
  - (c) The parents or legal guardian of the child or juvenile, in Form 2 and their presence shall be ensured during further questioning of the juvenile and during further enquiries.
  - (d) The Probation Officer concerned, to enable him/her to fill in the social investigation report in Form 6
- (2) The juvenile or child shall be treated with decency and dignity during investigation, enquiry, search, etc.
- (3) The right to confidentiality and privacy of the juvenile/child shall be upheld.
- (4) Police Officers and social workers shall ensure that no child/juvenile is tortured or harassed in order to extract information and he or she is not compelled to confess or give testimony.
- (5) The Child Welfare Officer or the social worker shall ensure that the juvenile or child is provided with immediate medical attention, basic needs and create a child-friendly atmosphere at the time of first contact.
- (6) The Child Welfare Officer shall explain to the child/juvenile the charges against him/her in a simple language and manner that he/she understands clearly.
- (7) A quick assessment shall be made by the Child Welfare Officer or social worker at the Special Juvenile Police Unit, at the place of contact and the details shall be recorded in Form 1.
- (8) The Child Welfare Officer from the jurisdictional police station shall exercise the power of apprehending the child/juvenile only in cases of his alleged involvement in serious offences (entailing a punishment of more than seven years of imprisonment for adults).
- (9) In cases of non-serious offences where apprehension apparently seems to be in the interest of the child/juvenile, the Child Welfare Officer shall rather treat the juvenile as a child in need of care and protection and bring him/her before the Board, clearly explaining the juvenile's need for care and protection in his/her report and seek appropriate orders from the Board under sub-rule 1(b) of rule 11 of these rules.
- (10) For all other cases involving offences of non-serious nature (entailing a punishment of less than seven years imprisonment for adults) and cases where apprehension is not necessary in the interest of the juvenile, the Child Welfare Officer shall intimate the parents or guardian of the juvenile about forwarding all information to the Board, which shall have the power to call the juvenile for subsequent hearings.
- (11) The Senior Child Welfare Officer at the Special Juvenile Police Unit or the Child Welfare Officer at the Police Station shall ensure immediate registration of a First Information Report in case of juvenile in conflict with law where the offence alleged to have been committed by the juvenile is of a serious nature such as rape, murder or when such offence is alleged to have been committed jointly with adults and age verification done.
- (12) After taking charge of the juvenile or child, the Child Welfare Officer shall conduct the preliminary inquiry, and arrange to present the child before the Committee in case of a child in need of care and protection or in the case of juvenile in conflict with the law before the Board under intimation to the Special Juvenile Police Unit. Wherever necessary, the social worker of the Special Juvenile Police Unit shall come to the police station to assist the Child Welfare Officer with the preliminary inquiries and procedures.
- (13) The FIR shall not contain any self incriminating language which can be held against the child or juvenile.
- (14) The police apprehending a juvenile in conflict with law shall in no case place the juvenile in lock-up or delay handing over the juvenile to the Child Welfare Officer. The police shall handle the juveniles or children in civil clothes except while on duty at the time of taking charge of the juvenile. The Child Welfare Officer shall ensure that the police shall not use handcuffs, leading chain or bands while taking the child to the Board, Committee or Homes. In case of a girl child or juvenile, she should be accompanied by a woman police.

- (15) The Child Welfare Officer shall ensure that no photograph or the identity of the juvenile or child is revealed to the media, no MOB cards shall be opened by the police station and no bio-metrics of the child are captured.
- (16) The Child Welfare Officer shall ensure that the police do not, under normal circumstances, take charge of a juvenile or child between sunset and sunrise. If the police are required to do so due to unusual circumstances, the police shall not keep the juvenile or child in the lock-up of the police station, but shall arrange to place the juvenile or child in a place of safety or Observation Home or in a fit institution or under the care of a fit person, after recording the fact.
- (17) Whenever a juvenile is brought before the Board, the police shall furnish the following details in Form 1:-
- (a) Date and time of taking charge of a juvenile, address of the juvenile, offence said to have been committed and the place where the juvenile was kept stating reasons for delay, if any, till the juvenile was brought before the Board;
  - (b) Copy of the intimation letter Form 2 sent to the Probation Officer or parent/guardian of the juvenile;
  - (c) Details of the property or articles taken from the juvenile at the time of taking charge;
  - (d) Copy of the First Information Report (FIR), if any.
- (18) Juveniles who have committed petty offences may be released after admonition or reconciliation from Special Juvenile Police Unit or police station itself, ratified by at least one member of the Board. If not, the juvenile shall be transferred or retained in the Observation Home/Place of safety/Fit Institution and brought before the Board.
- (19) When a juveniles/child is taken into custody for allegedly committing serious offence, then he/she and his/her parents/guardians shall be informed about their right to representation and an opportunity provided to meet their legal aid before the meeting with the Board.
- (20) In case the Board is not sitting on the day the child is received, the juvenile shall be brought before a single member of the Board, as per the provisions laid down under the sub-section (2) of section 5 of the Act, and an order obtained. Such an order shall be ratified by the Board in its next sitting.
- (21) The State Government shall recognize only such voluntary organizations that are in a position to provide the services of voluntary probation, counseling, case work, a safe place; and also associate with the Police or the Child Welfare Officer from the Special Juvenile Police Unit, and have the capacity, facilities and expertise to assist the Police at the time of apprehension, in preparation of the social investigation report Form 6, in taking charge of the juvenile until he/she is brought before the Board, and in actual presentation of the juvenile before the Board within twenty-four hours.
- (22) The police shall ensure that the provisions of the Convention on the Rights of the child are strictly adhered to and all actions are initiated in the best interest of the juvenile or child
- (23) The Special Juvenile Police Unit shall send a monthly status report to the Department of Women and Child Development, Police and State Child Protection Unit.

**19. Procedures to be followed in respect of sections 21, 22, 23, 24, 25 and 26 of the Act:-**

- (1) In the event of violation of provisions laid down under section 21 of the Act -
- (a) The Board shall take cognizance of such violation by print or electronic media and shall initiate necessary inquiry and pass appropriate orders as per provisions contained in subsection (2) of section 21 of the Act; and
  - (b) Where the State Commission for Protection of Child Rights take *suo motu* cognizance of violation under section 21 of the Act, it shall inform the State Government to initiate necessary action through the Board.
- (2) In the event of an escape of a juvenile or child, the following action shall be taken within twenty-four hours:-
- (a) The Officer-in-Charge/ Probation Officer shall immediately lodge a complaint in the jurisdictional police station or Special Juvenile Police Unit along with the details and description of the juvenile or child, with identification marks and a photograph, details of address of parents/guardian (if available) with a copy to the Board, and other authorities concerned;
  - (b) The Officer-in-Charge / Probation Officer of institutions other than shelter homes or drop-in-centres, shall send the guards or concerned staff in search of the juvenile or child, at places like railway stations, bus stands, the juvenile or child's home and other places where the juvenile or child is likely to go;
  - (c) The parents or guardians shall be informed immediately about such escape; and

- (d) The Officer-in-charge shall specify the security lapses, if any, noticed at the time of enquiry and shall initiate suitable action against the staff if lapses on their part have been established.
- (e) Caseworker should try to analyze the reasons for the escape and report his findings to the Officer-in-charge suggesting a suitable programme for avoidance of such incidents.
- (f) The Officer-in- Charge shall hold an inquiry about the escape and send his report to the Board / Committee or the State Government within twenty hours of the occurrence of the incident. No escape of a juvenile or child shall be the personal liability of any staff of the institution, if such member has acted in good faith.
- (3) Offences against a juvenile in conflict with law or child in need of care and protection, specified in sections 23, 24, 25 and 26 shall be either bailable or non-bailable besides being cognizable under the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) and the procedures shall apply on the police, the Board and the concerned authorities and functionaries accordingly.
- 20. Removal of disqualification attached to conviction:-** (1) No juvenile dealt with under the provisions of this Act shall suffer any disqualification attaching to conviction of any offence.
- (2) When a juvenile is found to have committed any offence, the fact that he/she has been so found shall not have any effect under Section 75 of IPC or Section 565 of Cr P C or operate as a disqualification for office or any employment or election under any law.
- (3) The Board while passing order directing the juvenile to be taken to an institution shall incorporate the time, when the record of such conviction shall be removed which shall not exceed three years, or the period until the juvenile is sent to the institution whichever is less.

### Chapter III

#### CHILD IN NEED OF CARE AND PROTECTION

##### 21. Child Welfare Committees:-

- (1) The State Government shall provide necessary infrastructure and staff for every committee.

##### 22. Appointment of Chairperson / members and training for the members of the Committee:-

- (1) The Chairperson and members of the Child Welfare Committee shall be appointed by the State Government on the recommendation of a Selection Committee set up under rule 87 of these rules.
- (2) The State Government shall provide for such training, workshops and orientation in child psychology, child development, child rights, national and international standards for juvenile justice and other related Acts to all members of the Committee, either prior to or after assuming office, by institutions such as NIPPCD, ATI, NLSIU, by the Directorate of Women and Child Development or any other institution recognized by the State Government. Training programmes shall be planned and implemented as per schedule-I.
- (3) Orientation/training programmes for Chairpersons and members shall be compulsory. The Probation Officers, Superintendents and other support staff of the Committee shall also be given training.

##### 23. Term of office and manner of resignation of the members of the Committee.

- (1) The Committee shall have tenure of three years and the appointment of the members shall be co-terminus with the tenure of the Committee.
- (2) The members of the Committee may resign at any time by giving one month's notice in writing to the State Government which shall come into effect from the date of acceptance by the Member Secretary of the Selection Committee. Such vacancy shall be filled from among the names in the reserve list selected by the Selection Committee who shall hold office for the remaining term of the Committee.
- (3) A member may be removed from his office as provided in sub-section (5) of Section 4 of the Act on the following grounds:-
- If he becomes of unsound mind.
  - He is declared insolvent.
  - If he is found guilty under any existing child and other related laws.
  - In the opinion of the State Government, it is not desirable to continue to have him as a member.
  - If he is an active political worker.

- (4) In such circumstances, the Member- secretary of the Selection Committee shall submit to the state government for necessary action in this behalf.

**24. Qualifications for the members of the Committee:-**

- (1) A member of the Child Welfare Committee shall be a person not less than 35 years and not more than 60 years of age.
- (2) A person to be selected as a member of the Child Welfare Committee shall have either of the following qualifications with a minimum of seven years experience in their respective fields -
- (a) Post graduate degree in social work, child psychology, child development, education, health, sociology, law, and where such a person is not available, a person with at least a graduate degree in any of the above mentioned disciplines.
- (b) A teacher, doctor / medical practitioner or a social worker of a registered voluntary organization who has been involved in work concerning children.
- (c) No person shall be considered for selection as a member of the Committee, if he/she
- (a) Has a previous conviction record;
- (b) Has indulged in child abuse or employment of child labour or committed any human rights or child rights violation or an immoral act
- (c) Is holding an occupation that does not allow him to give necessary time and attention to the work of the Committee
- (d) Does not fulfill the qualification and experience prescribed in the Act and Rules made there under
- (e) Is a member of the management of a child care institution, registered under Section 34 of the Act

**25. Sitting fees and travel allowances**

- (1) The members of the Committee shall be paid sitting fees which shall not be less than rupees five hundred per sitting for a member and traveling allowance as admissible to a Group A officer of the State Government from time to time.
- (2) The allowances of the Chairperson and members of the Child Welfare Committees shall be disbursed by the Officer-in charge of the institution.

**26. Time and place of sittings of the Committee.**

- (1) The Committee shall hold its sittings in the premises of the Children's Home by rotation in any of the Children's Homes functioning in the district.
- (2) The premises where the Committee holds its sittings shall be child-friendly and shall not look like a court room in any manner whatsoever, for example, the Committee shall not sit on a raised platform and the sitting arrangement shall be uniform and there shall be no witness boxes, etc.
- (3) The Committee shall meet once in a week, which may be increased depending on cases and pendency of work. The pending cases shall be dealt by the Committee on a pre-determined cycle.
- (4) Every member shall attend a minimum of four hours per sitting.
- (5) The quorum for the sittings of the Committee shall be three including the Chairperson for the final disposition of the case.
- (6) The Deputy Director of the Department of Women and Child Development or his nominee (Women and Child Welfare Officer) shall attend every sitting of the Committee and send a report. He shall also bring to the notice of the Director any issues that require urgent and immediate attention.

**27. Functions of the Committee.**

- (1) Restoration of the child to the child's parent/ guardian /fit institution/ fit person as the case may be, and protection to the child shall be the prime objective of the child welfare committee.
- (2) The Committee shall perform the following functions to achieve the objectives of the act:-
- (1) Take cognizance of and receive children presented before the Committee.
- (2) Decide on the matters brought before the Committee.
- (3) On direction from State Government, reach out to children in need of care and protection who being in difficult circumstances, are not in a position to be presented before the Committee.
- (4) Conduct necessary inquiry.

- (5) Direct the Child Welfare Officers/Probation Officers/non-government organisations to conduct social investigation report and submit a report to the Committee within a specific period prescribed by the Committee for speedy disposal.
- (6) Ensure necessary care and protection, including immediate shelter.
- (7) Ensure appropriate rehabilitation and restoration, including necessary directions to parents/guardians/fit persons/fit institutions in this regard.
- (8) Direct the Officer-in-Charge of children's homes to receive children requiring shelter and care.
- (9) Document and maintain detailed case records along with a case summary of every case dealt by the Committee with the assistance of Probation Officer and other support staff of the Committee.
- (10) Recommend 'fit institutions' to the State Government for care and protection of children.
- (11) Declare 'fit persons'.
- (12) Declare a child legally free for adoption.
- (13) Maintain information about and take necessary follow up action in respect of missing children in their jurisdiction in coordination with police, Department of Women and Child Development and non-government organisations in the field.
- (14) Visit institutions where children are sent for care and protection / adoption at least once in three months, with support of the State Government and suggest necessary action, wherever required.
- (15) Visit and monitor institutions, organizations, associations and agencies within their jurisdiction, that provide services/facilities for children, to ensure adherence to child rights, standards of institutional care and recommend action in case of child rights violation.
- (16) Coordinate with the Child Welfare Committees of other districts and state for repatriation, restoration of children and as the case may require.
- (17) Coordinate with all Government Departments, and other agencies involved in the care, development and protection of children with the support of District Child Protection Society.
- (18) Liaison and network with the corporate sector and non-government organisations for restoration and rehabilitation.
- (19) Maintain a suggestion box to encourage inputs from children and adults alike and direct necessary action.
- (20) Submit monthly status reports to the Department of Women and Child Development and State Child Protection Unit on the children brought before the Committee in the format prescribed by the department.

#### 28. Procedure to be followed by the Committee:

- (1) The Committee can *suo moto* take cognizance of cases brought to their notice and reach out to a child in need of care and protection wherever necessary, conduct a visit and prepare a report on the situation and suggest suitable action. The State Government shall provide necessary support and assistance to the Committee for carrying out such functions.
- (2) The Committee shall take into consideration the age, physical and mental health, opinion of the child and the recommendation of the Child Welfare Officer or Case Worker, prior to disposal of cases.
- (3) Every possible effort shall be made to trace the family of the child brought before the Committee, with support from the State Government, recognized voluntary organisations, or Childline.
- (4) Any general medical or gynecological examination of children shall not be a pre-requisite for presentation of the child before the Committee or admission in an institution.
- (5) Any decision taken by an individual member of the Committee, when the Committee is not sitting shall be ratified by the Committee in its next sitting with quorum.
- (6) For final disposal of a case, the order of the Committee shall be signed by at least two members, one of whom should be the Chairperson, and ratified by Committee in its next sitting.
- (7) The Committee shall have an empanelled list of lawyers, social workers and mental health experts who may assist the Committee in dealing with cases of abused children and who may also interface with the Public Prosecutor/Assistant Public Prosecutor to facilitate legal services to the abused children, and their families when the cases relating to such children are taken up in regular criminal courts.

- (8) A list of all recognised child care institutions along with their capacity and facilities prescribed under Section 34 of the Act, a list of child related resource services, a list of contact details of all government departments providing child related services and details of Child Welfare Committees across the country shall be provided by the State Government.

**29. Presentation of a child before the Committee:-**

- (1) A child in need of care and protection shall be presented before the Committee within twenty-four hours, excluding journey time, by persons listed under sub section (1) of Section 32 of the Act and by parent/guardian of the child.
- (2) Whoever presents a child before the Committee shall submit a report, on the circumstances under which the child came to their notice and efforts made by them and in the case of missing child inform the police and the missing children's bureau. In cases where a recognised voluntary organisation or any police personnel presents a child before the committee they shall also submit a report on the efforts made by them for tracing the family of the child. In all such cases the police shall file a First Information Report (FIR) and produce the same before the Committee.
- (3) In case of a child less than two years of age, who is medically unfit, the person or the organisation shall send a written report along with the photograph of the child to the Committee within twenty-four hours; and as soon as the child is medically fit, present the child before the Committee along with a medical certificate.
- (4) In case the Committee is not sitting the child may be presented before a single member of the Committee as per the provisions laid down under the sub-section (2) of Section 30 of the Act, for being placed in safe custody of parents, guardians or fit person or fit institution or Children Homes, as the case may be, till such time that the child can be presented before the Committee.
- (5) In case no member is accessible, or the hours are odd, the child shall be taken by a non-government organisation, government staff or Childline or police to an appropriate institution for children registered or recognised under the Act, with all the necessary documents and placed in such institutions till the time of presentation before the Committee.
- (6) The institution shall inform the Chairperson or a member of the Committee about such child/children and present the child/children before the Committee within twenty four hours. In such cases it may not be necessary for the person who brings the child/children to an institution to be present at the time of presentation of the child before the Committee.
- (7) The Committee shall facilitate the filing of a police complaint and First Information Report (FIR) in case of missing children as well as in cases of matters of violence, exploitation and abuse of children and arrange for the required legal aid through the legal officer in the State/District/Taluk Legal Aid Services Authority or voluntary organisations.
- (8) When a child is presented before the Committee details of the social and educational background of the child along with all other relevant details shall be provided, in the First Referral Report Form 12.
- (9) Pending inquiry, the Committee shall send the child for a short term to the designated place of safety, through an order in Form 13, with age and gender appropriate facilities. such an eventuality, the State Government shall provide transport or make necessary budgetary allocations for such expenses based on the actual fare.
- (10) As soon as the child is taken to the place of safety, a medical examination shall be done and the Committee shall be informed of abuse, if any, that has occurred and findings recorded.
- (11) The child may be escorted by the police officer or representatives of the voluntary organisations or by any other arrangement as considered appropriate by the Committee. In case of a girl child a female escort shall accompany the child.
- (12) The Probation Officer or case worker shall inform the parent or legal guardian in Form 14, about the child's whereabouts and ensure their presence at the time and venue, when the child would be presented before the Committee.
- (13) The Committee may, while making an order in Form 15 placing the child under the care and supervision of a parent guardian or fit person, as the case may be, direct such parent, guardian or fit person to enter into an undertaking in Form 16.
- (14) Whenever the Committee orders a child to be kept in an institution, it shall forward to the Officer-in-Charge of such institution a copy of the order of short term placement in Form 13 with particulars of the home and parents or guardian and previous record.



- (15) Whenever the Committee orders a child to be kept in a fit institution as part of restoration under clause (f) of sub-section (3) of Section 39 of the Act, it shall forward a copy of its order of restoration in **Form 13** to the Officer-in-Charge of such institution.
- (16) The child shall be placed in an institution closest to where his parents/guardians are residing as far as possible, unless the child has been subjected to abuse or exploitation by them.
- (17) Whenever the parents insist that the child be placed in the children's home, they shall be directed to place a maintenance charge of not less than Rs.100 per month or upto a maximum of Rs.500 per month. Maintenance fee shall not be charged for abused children, orphans, destitute, children of single parents, and children of chronically ill person who is unable to earn his/her livelihood and families that are very poor.

### 30. Procedure for Inquiry:-

- (1) When a child is presented before the Committee, the Committee shall assign the case to a social worker or case worker or Child Welfare Officer or Officer-in-Charge as the case may be, of the institution or any recognized agency for conducting the inquiry through the order in **Form 17**.
- (2) As soon as the child is presented before the Committee, the age of the child shall be determined and in case of any doubt the Committee shall obtain the opinion of the Medical Officer and this shall be done within forty eight hours.
- (3) The Probation Officer of the Children's Home shall immediately inform the parent(s)/ guardian(s) and ensure that the parent(s)/guardian(s) of the child is present at the time of inquiry. Where a child's parent(s)/guardian(s) cannot be contacted or the child specifically wishes that they should not be contacted, the Probation Officer shall contact any other suitable person acceptable to the child.
- (4) All inquiries conducted by a social worker or case worker or Child Welfare Officer or Officer-in-Charge of the institution or any recognised agency shall be presented as a report in **Form 18**, and must provide an assessment of the family situation of the child in detail and explain in writing whether it would be in the best interest of the child to restore him to his family.
- (5) If the Committee finds that a child has been abused as per the report of the Probation Officer / Case-Worker, it shall summon the concerned person to be present on the dates of inquiry, in the summons format in **Form 19**.
- (6) The Committee shall direct the Police to investigate and file a report in respect of any cases of physical or sexual abuse within a specified period of time. If the Committee finds any *prima facie* evidence that confirms the abuse of the child it shall direct the police to investigate the case as per law.
- (7) Further to inquiry the Committee shall place the child in the care of Children's Home or fit institution as the case may be through order for institutional placement in **Form 20**.
- (8) The Committee shall direct the concerned person or organisation about the details or particulars to be enquired into for developing an individual care plan and suitable rehabilitation.
- (9) The inquiry must be completed within four months or within such shortest period as may be fixed by the Committee, provided that the Committee may in the best interest of the child and for the reasons to be recorded in writing, extend the said period under special circumstances.
- (10) After completion of the Inquiry, if the child is under orders to continue in the children's home, the Committee shall direct the Officer-in-Charge of the home to submit quarterly progress report of such child and present the child before the Committee for an annual review of the progress.
- (11) The State Government or his representative shall review the cases including the pendency of cases of the Committee once in every three months or as and when required.

### 31. Procedure for sending a juvenile or child outside the jurisdiction of competent authority:-

- (1) In the case of a juvenile or a child whose ordinary place of residence lies outside the jurisdiction of the competent authority, and if the competent authority considers it necessary to take action under section 50 of the Act, it shall direct a probation officer or case worker as the case may be, 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.

- (2) Where a juvenile or child is ordered to be sent to the ordinary place of residence or to a relative or fit person, an undertaking by the juvenile, in Form 9, is necessary along with an undertaking by the said relative or fit person in Form 8 or 16 as the case may be.
- (3) A copy of the order passed by the competent authority under section 50 of the Act shall be sent to-
  - (a) The probation officer or case worker was directed to submit a report under sub-rule (1) of this rule;
  - (b) The probation officer or case worker of the institution in the district where the juvenile or child is to be sent;
  - (c) The competent authority having jurisdiction over the place where the juvenile or the child is to be sent;
  - (d) The relative or the person who is to receive the juvenile or the child; and;
- (4) During the pendency of the order under sub-rule (6) of this rule, the juvenile or the child shall be sent by the competent authority to an observation home or children's home as the case may be.
- (5) Where the competent authority considers it expedient to send 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 the child accordingly; and shall invite the said relative or fit person to come to the home, to take charge of the juvenile or the child on such date, as may be specified by the competent authority.
- (6) Any breach of the undertaking given under sub-rule (2) of this rule, shall render the juvenile liable to be brought before the competent authority, who may make an order directing the juvenile to be sent to an institution.
- (7) The competent authority inviting the said relative or fit person under sub-rule (9) of this rule may also direct, if necessary, the payment to be made by the Officer-in-Charge of the home, of the actual expenses of the relative's or fit person's journey both ways, by the appropriate class and the juvenile's or child's journey from the home to his ordinary place of residence, at the time of sending the juvenile or the child.
- (8) 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 by the escort of the observation home and in the case of a girl, at least one escort shall be a female.
- (9) Any juvenile or child, who is a foreign national and who has lost contact with his family shall also be entitled for protection.
- (10) 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 respective Embassy or High Commission.
- (11) The Board or Committee shall keep the Ministry of External Affairs informed about repatriation of every juvenile or child of foreign nationality, carried out on the orders of the Board or Committee.

### 32. Children's Home:-

- (1) All children's homes shall be registered as child care institutions under Section 34(3) of the Act (as amended in 2006)
- (2) 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 of 6-10 years.
- (3) Every Home shall have separate facilities for children in the age group of 0-6 years with appropriate facilities for infants.
- (4) Children in the age group of 10-18 shall be further segregated into two groups of 10-15 years and 15-18 years and housed in separate unconnected buildings, each with its own administration.
- (5) All Children's Homes shall report to the Committee about every child in need of care and protection received by them from any part of the country or abroad.
- (6) Each Children's Home shall be a child care center with the primary objective to promote an integrated approach to child care by involving the community and non-governmental organisations through the Management Committee set up under rule 62 of these rules.
- (7) The center shall
  - (a) Prepare and follow individual care plans for every child with a rights based approach, specifically addressing the child's physical and mental health, emotional needs, education, skill development, protection and special needs if any;
  - (b) Provide family based non-institutional services, such as, foster family care, adoption and sponsorship;

(c) Provide specialized services such as individual/ family counseling, nutrition, health intervention, psycho-social intervention, sponsorship, for children in situations of conflict or disaster and for children affected by terminal or incurable disease and through these services prevent neglect of such children;

(d) Provide emergency outreach service through Childline (1098);

(e) Provide linkages with Integrated Child Development Services (ICDS) to cater to the needs of children below six years;

(f) Provide linkages with organisations and individuals who can provide support services to children, and opportunities to volunteers willing to provide various services for children.

(8) Every institution shall keep a copy of the Act, the rules made by the State, and a child friendly version of the rules in Kannada. These documents shall be easily accessible to children and interpretation provided if sought for by any child or his/her guardian.

(9) The State Government shall make an annual performance review of functioning of the children's homes.

### 33. Shelter Homes:

(1) The shelter homes or drop-in centers shall have minimum facilities of boarding and lodging, besides provision for fulfillment of basic needs in terms of clothing, food, health care, nutrition, safe drinking water and sanitation.

(2) There shall be separate shelter homes for girls and boys. Separate shelter homes shall be set up for girls above the age of ten years and boys in the age group of 10 to 16 and 16 to 18 years.

(3) All shelter homes shall provide requisite facilities for education, vocational training, counseling and recreation or make arrangements for these in collaboration with voluntary organisations or corporate sector.

(4) Special Juvenile Police Units, public servants, Childlines, voluntary organisations, social workers and the children themselves may refer a child to Child Welfare Committee which in turn shall refer the children to shelter homes.

(5) All shelter homes shall submit a report of children using the shelter home facility along with a photograph of the child to the Committee, the missing children's bureau or Special Juvenile Police Unit or State Child Protection Unit or State Government.

(6) The requirement of presenting a child received by a shelter home before the Committee, Inquiry and disposal under Sections 32, 33, 38 and 39 of the Act shall apply only to shelter homes other than drop-in centers.

(7) The services of Officer-in-Charge, Child Welfare Officer, and social worker shall be provided for the proper care, protection, development, rehabilitation and reintegration needs of children in shelter homes.

(8) No child shall ordinarily stay in the shelter home for more than a year except in special circumstances with the approval of the Committee.

### 34. After Care organizations:

(1) The State Government shall establish and maintain adequate number of after care organizations by Government itself or through non governmental organizations with an objective to facilitate the social reintegration of juveniles or children who have been discharged from the Special homes or Children homes from an institution based life to main stream society.

(2) Separate after care homes shall be set up for boys and girls between eighteen and twenty one years of age.

(3) The after care organizations shall:-

a) Provide accommodation, maintenance, educational and vocational guidance facilities for the development of his abilities.

b) Ensure all round development of his personality and provide opportunities to enable him to reintegrate into the community as a law abiding citizen.

c) Ensure protection from abuse and exploitation and prevent children from being associated with undesirable elements.

d) In case of children pursuing professional courses, the State Government shall meet the expenditure on his education, boarding and lodging in the concerned hostels.

(4) The key components of the after care programme shall include:-

(a) Facilitating employment opportunities;

(b) Encouragement to learn a vocation or gain employment;

- (c) Provision for vocational training so as to enable children to sustain themselves without state support and move out of the home to stay in a place of their own after saving sufficient amount through their earnings;
- (d) To receive specialized training to improve their skill in job oriented / personality development or career development programmes;
- (5) Children who have no parent/guardian alone are eligible for admission, provided that children who have parent/guardian shall also be admitted for specific purposes of continuing higher education or training.
- (6) A child who has been discharged from the institution shall not be admitted again.
- (7) A child who has been employed shall be ineligible to continue in the institution.
- (8) No person who is above twenty one years of age shall be allowed to continue in the institution.
- (9) The Board / Committee shall pass an order in **Form 21** for placing a juvenile or a child completing 18 years of age under the after care programme; a copy of such order shall be sent to the State Child Protection Unit or State Government, who shall be responsible for arranging after care.
- (10) The Board / Committee shall monitor after care programme offered by organizations in their jurisdictions.
- (11) Wherever possible the State Government shall make efforts to dovetail the after care programme with other state and central schemes that are may enable the youth to avail the benefits under them.

#### CHAPTER IV

#### REHABILITATION AND SOCIAL REINTEGRATION

##### 35. Adoption:-

- (1) The State Government, through the State Adoption Resource Agency, shall recognize registered voluntary organizations/fit institutions or children's homes as specialized adoption agencies for placement of children in adoption as per CARA guidelines.
- (2) Every specialized adoption agency shall also be registered under Section 34(3) of the Act. All specialized adoption agencies shall be a member of the Adoption Co-ordinating Agency and shall give children in adoption through the procedure set up by CARA guidelines.
- (3) Any child care institution, not recognized as a specialized adoption agency, shall not give children in adoption and shall be subjected to cancellation of registration under sub-section (3) of Section (34) of the Act as well as under the Societies Registration Act or any other law under which the institution is registered.
- (4) The criteria and procedure for recognition of children's homes for adoption shall be as per the guidelines issued by the State Government under Section 41(3) and (4) of the Act, the Supreme Court and CARA from time to time shall apply.
- (5) The Committee shall take *suo moto* cognizance of any violation of the provisions laid down under rule (4) above and shall recommend for the cancellation of registration to the State Government. The State government shall initiate inquiry and take stringent action including cancellation of license.
- (6) Any child who is eligible for adoption and residing in an unrecognized home shall for the purposes for adoption be transferred to a recognized home or the nearest specialized adoption agency by an order of the Child Welfare Committee or at the time of issue of order of detention.
- (7) In case of orphaned and abandoned children the following procedure shall apply:
- Specialized adoption agencies shall present all orphaned and abandoned children who are to be declared legally free for adoption before the Committee
  - Within twenty-four hours of receiving such children, excluding the time taken for journey;
  - The Committee shall order the Probation Officer or case worker in **Form 22** to undertake a detailed study containing the findings and submit an inquiry report within a maximum period of one month in **Form 23**.
  - A child becomes eligible for adoption when the Committee has obtained the report and completed its inquiry and declares the child legally free for adoption;
  - Such a declaration shall be made through an order in **Form 24**;
  - A child must be presented before the Committee at the time of declaring such a child legally free for adoption. In exceptional cases, where the child has been advised by a medical practitioner not to commute, the Chairperson or a

member designated by the Chairperson shall visit the child at the specialized adoption agency prior declaring the child legally free for adoption;

- (g) Whenever intimation is received by the police about the existence of an abandoned infant, the police shall with the assistance of a voluntary organization or a social worker take charge of the infant and arrange to provide immediate medical assistance and care. The police shall also immediately send a report to the Child Welfare Committee; and subsequently place the child in a specialized adoption agency or children's home or in a pediatric unit of a Government hospital.
- (h) Whenever intimation is received from person/couple about the possession of abandoned infant and produced before the Committee directly or by the police or non government agency or concerned official, then the Committee shall order for short term placement of the child pending enquiry with the couple/person recognized as fit person as under rule 86 (1 b) of these rules.
- (i) Whenever intimation is received from any non government organization about the possession of an infant under their care the police shall make a FIR in the station register. A report shall be sent to the Child Welfare Committee about the action taken and the police shall not close a file without making a report to the Committee.
- (j) The Committee shall maintain a roster of all the specialized adoption agencies in the district, and by rotation refer the child for temporary care to an agency, until the enquiries are completed as specified Section 33 of the Act;
- (k) Role of the Child Welfare Committee in declaring a child legally free for adoption
  - (i) In case of an abandoned child, the recognized agency shall within twenty four hours present the child before the Child Welfare Committee along with a copy of the report filed with the police station in whose jurisdiction the child was found abandoned;
  - (ii) The Child Welfare Committee shall institute a process of inquiry, through an inquiry order in Form 22, which shall include a thorough inquiry conducted by the Probation Officer/Case Worker, as the case may be and who shall give a report, in Form 23 the inquiry report to declare a child legally free for adoption, to the Committee containing the findings within a maximum period of one month;
  - (iii) For children below two years of age, there shall be a declaration by the specialized adoption agency, stating that there has been no claimant for the child even after making a notification in at least one leading national newspaper and one regional language newspaper. For children above two years, an additional television/radio announcement and intimation to the missing children's bureau shall be made;
  - (iv) In case of children below two years, the steps stated in (iii) shall be completed within a period of sixty days from the time when the child was found. In case of children above two years of age, this period shall be four months;
  - (v) The period of notification shall run concurrently to the inquiry to be conducted and report submitted under clause (ii) of this sub rule;
  - (vi) The Committee shall order for short term placement of the child with a fit institution in Form 13 or fit person in Form 15, during the period of inquiry and prior to declaring the child legally free for adoption.
  - (vii) The Child Welfare Committee shall declare the child legally free for adoption on completion of the process of inquiry, including declaration of the specialized adoption agency made under clauses (ii) & (iii) of these rules.
  - (viii) No child above seven years who can understand and express his opinion shall be declared legally free for adoption without his consent.
  - (ix) No child shall be placed on adoption without a clearance certificate from the Child Welfare Committee. The certificate shall be valid if it is signed and seal affixed by at least two persons and one of them shall be the chairperson.

(8) A surrendered child is one who has been declared as such after due process of inquiry by the Child Welfare Committee. In order to be declared legally free for adoption, a 'surrendered' child should be any of the following:-

- (a) born as a consequence of a non-consensual relationship and whose mother is unwilling or unfit for parenting the child,
- (b) born of an unwed mother or as out of wed-lock,
- (c) has only one biological parent alive who is either unwilling or unfit for parenting the child,
- (d) whose parents/guardians are compelled to relinquish him due to physical, emotional, medical and social factors beyond their control;

(9) In case of a surrendered child or a child who has parents or guardian, the following procedure shall apply:-

- (a) In case of surrender of a child, the birth parent/biological parents shall be counseled and duly informed by the adoption agency concerned of the effect of their consent for adoption. The alternate services available for the care and maintenance of the child shall be offered for prevention/ surrender of the child. If the parents are unwilling or are found unfit by the Committee after due process of enquiry, they shall be referred to a specialized adoption agency.
- (b) (i) The surrender document shall be executed at the freewill of the biological parent/parents with no compulsion, payment or compensation of any kind on the part of the agency. If the biological parent states a preference for the religious upbringing of the child, their wish should be respected as far as possible. But ultimately the best interest of the child shall be taken before the child is placed in adoption.
- (ii) The surrender document shall be executed on a non-judicial stamp paper by the parent(s), in the presence of the Committee and two witnesses of whom one shall be a responsible person who is not an employee of the organization.
- (c) In circumstances where the parent(s) of the child is unable to come before the Committee, the Chairperson or a member designated by the Chairperson if required shall visit the specialised adoption agency or hospital/nursing home or where the parent(s) is residing in order to undertake this procedure which shall be endorsed by at least two other Committee members at the next sitting.
- (d) The surrender deed, Form 25 shall explain the reason for surrender and other relevant information of the child. It shall be written in the regional language. The document shall contain the information that the parent has a right to revoke the surrender deed within two months from the date of execution of the said deed.
- (e) If a legitimate child is surrendered both parents shall sign the relinquishment document
- (f) If the surrender deed is executed by any one parent, the person who executes the deed shall declare the present position of the other parent. In case of death of one of the parents or divorce, the death certificate or divorce decree shall be produced as proof. In the event that this is not available, or if the mother is separated/ abandoned by the putative father of the child then the procedure for an abandoned child shall be followed.
- (g) The Deed of surrender cannot be executed by any relative/guardian of the child. In such cases the report of the Probation officer shall be called for by the Child Welfare Committee and the procedure relating to abandoned children shall be followed.
- (h) After due enquiry, the Committee shall declare the surrendered child legally free for adoption, in Form 24, as the case may be after a period of two months reconsideration period as per CARA guidelines. The specialized adoption agencies shall wait for completion of the reconsideration time, before placing the child in adoption.
- (i) In case of a surrendered or abandoned child who is declared legally free for adoption, the specialized adoption agency shall have the discretion to place the child in pre-adoptive foster care under intimation to the Committee pending the final order.
- (j) The specialized adoption agency shall send the list of finalized adoptions to the Committee every quarter.

(10) If a child eligible for adoption, residing in a specialized adoption agency (in-country adoption), has not been placed in adoption within two years of his or her admission to the agency he or she shall be transferred to the nearest recognized Indian placement agency with prior permission of the competent authority or the State Government for inter-country adoption. This shall apply to differently-abled and older children above the age of six and siblings.

26. 000S toA ent to 4 notices to (E) of section 41 of the Act 2000

(13) The Deputy Directors of the department and District Child Protection Unit in coordination with Adoption Coordinating Agency shall maintain a list of non-governmental organisations that are engaged in child care activities within their jurisdiction and

Committee shall monitor their activities periodically up to (b) (7) (D) or (b) (7) (F) as necessary to provide support services to their national or international efforts.

**36. Prevention of illegal trafficking of children for adoption.**

(1) To prevent illegal trafficking of children for adoption and other purposes the Deputy Directors of the Department of Women and Child development in co-ordination with the Adoption Co-ordinating agencies shall maintain a list of non-government

(2) The Anti-trafficking committees constituted at the district, taluk and grampanchayat level shall take necessary measures for

to the prevention, rescue, care, protection and rehabilitation to the victims of traffickers of benefit ed lista gineprologa queo (b)

**37: Foster Care.** Approval of such an institution shall be done by the Child Welfare Committee in special circumstances.

(1) For children who cannot be placed in adoption but are in need of family care, foster care shall be considered as an option over institutional care. An order shall be issued by the competent authority in **Form 27** for carrying out foster care, as given in Sub-26

section (2) of section 42 of the Act under the supervision of a probation officer or case worker or social worker, as the case may be, and the period of foster care shall depend on the need of the child.

(2) Persons competent to be foster parents are: (a) married couple; (b) single parent, female; (c) members of the extended families of the child; (d) NGOs or other recognized person or agencies willing to take responsibility of the child in individual or group foster

(3) Foster care placement with the extended family shall be the first option and foster care with an unrelated family shall be the second option.

(second option: In both cases, criteria for selection of family for foster care must be in accordance with foster care plan.) These

(4) The foster-parents shall be declared 'fit persons' by the Committee before placing the child as per the provision laid down in clause (i) of section 2 of the Act, after thorough assessment done by the Probation Officer or Social Worker.

(5) There should be no discrimination in selection of foster-parents on the basis of caste, religion, ethnic status, disability or health status, and the best interest of the child shall be paramount in deciding foster care placement.

(6) Children placed in foster care shall include:

(a) Children with no parents or whose parents are unwilling or unable to bring them up but whose extended family members are willing to bring them up with support, financial and other assistance as required by law.

(b) Children with no parents or whose parents do not or rarely visit them in long term institutional care, or parent in prison

(d) Children of families whose members are suffering from chronic or terminal illness; based on information on 2/9/91

(7) Steps involved in foster care placement of the child are:

a) Based on the antecedents and the home enquiry report of the Probation Officer, the Committee shall declare a child free for foster care placement in Form-28. Children above seven years who can understand and express their opinion shall be

counseled and their consent taken before the Committee declares them free for foster care. On completion of the process, the Committee shall issue an Order for the child's return to the parent or guardian.

b) Identification of a suitable foster family for the child shall be the responsibility of the Probation Officer with support of

Periodic follow-up of foster care placement shall be undertaken by the Probation Officer, supported by the District Child

d) Foster families who wish to provide long term foster care for the child shall be encouraged legal guardianship of the child

within a period of two years;

**Siblings, if any, shall be placed together in the same foster family, wherever possible.**

e) In case of pre-adoptive foster care, the provisions contained in sub-section (1) of section 42 of the Act shall apply in accordance to the guidelines notified by CARA as detailed under sub-section (3) of section 41 of the Act, 2000.

(8) The State Government shall formulate detailed guidelines regarding foster placement of children to ensure that they grow up in a nurturing family environment

### 38. Sponsorship.

- (1) The State Government in coordination with NGOs shall identify families and children at risk and recommend to Committee/Board to provide necessary support services to their parent(s) or guardians in the form of sponsorship for child's education, health, nutrition and other developmental needs.
- (2) The Board / Committee shall make an order for sponsorship support in **Form 29**, for support to a juvenile or child and the Officer- in Charge shall duly maintain the records in a register.
- (3) The disbursal of sponsorship grants shall be through the Observation / Children's Homes and they shall maintain proper and separate accounts of all the receipts and payments for the programme.
- (4) Group sponsorship shall be offered to any organization providing quality residential care and offering to bring up a group of children in special circumstances. Approval of such an institution shall be done by the Child Welfare Committee to the State Government on the basis of an inquiry report of the Probation Officer.

### 39. Children with special needs.

- (1) The State Government shall establish a home for destitute, mentally challenged children and children with disabilities. The home for these children shall be a comprehensive care and rehabilitation center, with infrastructure and other facilities sensitive to needs of these children, involving the local community, non governmental organizations and shall include specialized services with inputs from experts.
- (2) The Competent Authority shall refer the children to such institutions that provide the required special needs so that their particular needs are met.
- (3) These services include those for physically challenged children, street children, sexually abused children, children affected and infected with HIV/AIDS, children of prisoners, children rescued from prostitution, children addicted to substance abuse, terminally/chronically ill children etc.
- (4) Children with special needs referred to other specialized services or institutions run by non-governmental organizations shall be covered under the sponsorship programme.
- (5) The State Government and Competent Authorities shall maintain list of all such institutions providing such specialized support for referral service.

### 40. Children affected by natural calamities and other socio-political disturbances

- (1) The State Government shall ensure that immediate and appropriate measures be taken for the rescue, safety and long term rehabilitation of children affected by natural calamities and other socio-political disturbances. Care shall be taken to ensure that there is no discrimination based on gender, caste, class, religion, language, ethnicity etc.
- (2) The State Government shall ensure that the State Disaster Management Authority shall provide immediate assistance and long term rehabilitation to the children who are victims of natural calamities and socio-political disturbances.
- (3) The State Government shall train at regular intervals all child care institutions under the Act for rescue, safety and long term rehabilitation of children affected by natural calamities and other socio-political disturbances.
- (4) The State Government shall ensure that emergency medical kit and other emergency rescue aids like tent for temporary shelter, bedding materials, cooking implements, containers for safe drinking water, first aid materials make shift toilets ensuring privacy for girl children etc are provided in all child care institutions.
- (5) The State Government shall set up temporary shelters in coordination with non-governmental organisations at times of such emergencies and ensure linkage to specialized agencies, both government and private hospitals for appropriate treatment, counseling and care.
- (6) In such cases of emergencies as mentioned above, the Child Welfare Committee, assisted by Probation Officers shall hold sittings at relief centers or temporary shelters.



- (7) The State Government shall ensure that emergency service providers take utmost care to respect the socio-cultural and religious background of children while providing services like food, education etc and ensure that the environment is comfortable, safe and stress free. Individual child care plan shall be developed with help of professional counselors and social workers.
- (8) The State Government shall ensure that all emergency care providers uphold the right of children to information and participation in decision making. Girl child safety and protection shall be given utmost priority and secondary victimization of children avoided.
- (9) In case of death of the child's parents in calamities, the state shall ensure that the child's property rights and right to compensation are secured and such assets and monies protected till the child attains majority. The child shall be kept informed of all his/her rights and assets and protected against exploitation by family members, community or any other person.
- (10) Every effort shall be made to trace the child's family/extended family at the earliest. If the children are orphaned and have no extended family then keeping in mind the best interest of the child alternative foster or adoptive families may be identified, preferably from within the child's community.
- (11) Family and community based reintegration shall be given priority and at the time of resettlement care shall be taken to ensure that the home environment is conducive for child and in case of financial problems sponsorship or other government welfare measures may be considered.

#### 41. Linkages and co-ordination:

- (1) State Governments shall circulate a copy of the Act and the rules framed there under to establish effective linkages between various government, non-government, corporate and other community agencies for facilitating the rehabilitation and social reintegration of juveniles/children through the Board or Committee as the case may be.
- (2) State Government shall promote inter-departmental linkages for effective implementation of the Act and the rules and seek their cooperation through a notification.
- (3) State Government shall arrange for appropriate training and sensitization of functionaries of these departments from time to time in coordination with National Institute of Public Cooperation and Child Development and its Regional Centres.
- (4) To further promote the rehabilitation and economic independence of youth in the After Care programme the State Government shall develop effective networking and linkages with local voluntary organizations for specialized services and technical assistance like vocational training, education, health care, nutrition, mental health intervention, drug de-addiction and legal aid services.

### CHAPTER V

#### STANDARDS OF CARE FOR INSTITUTIONS

#### 42. Physical infrastructure.

- (1) The minimum standards of institutional care shall apply to all child care institutions both government and non-government
- (2) The homes for children in conflict with law and children in need of care and protection shall function from separate premises.
- (3) The minimum standards of accommodation shall be:
  - (a) Dormitory: 40 sq. ft. per child
  - (b) Classroom: 300 sq. ft for 25 children
  - (c) Workshop: 75 sq. ft. per child
  - (d) Play ground: Play ground area shall be provided in every institution according to the total number of children in the institution
- (4) The norms for building or accommodation for an institution with 50 juveniles or children shall be as laid down in Schedule II of the Rules.
- (5) The Superintendent shall stay in the premises of the institution and shall be provided with quarters. In case he/she is not able to stay there for legitimate reasons, any other senior staff member of the institution shall stay and supervise the overall care of the children and take decisions in case of any crisis and emergency.
- (6) There shall be proper and smooth flooring, parapets walls for open terrace, railings for staircase to prevent accidents.
- (7) There shall be adequate lighting, ventilation, heating and cooling arrangements, drinking water, bathrooms and toilets.

- (8) All institutions under the Act shall make provisions for first aid kits, sufficient number of fire extinguishers, exhaust fans in kitchen, dormitories, store rooms etc., and periodic review of electrical installations, proper storage and inspection of food articles, arrangements for water storage and emergency lighting.
- (9) All institutions shall be child-friendly and in no way shall they look like a jail or lock-up.

#### 43. Daily Routine.

- (1) Every institution shall have a daily routine for the children, developed in consultation with the Children's Committees, and the daily time-table shall be prominently displayed at appropriate places within the institution.
- (2) The daily routine shall provide, among other things for a regulated and disciplined life, personal hygiene and cleanliness, physical exercise, yoga, educational classes, vocational training, organized recreation and games, moral education, group activities, prayer and community singing and special programmes for Sundays and holidays.

#### 44. Sanitation and Hygiene.

- (1) Every institution shall have the following facilities:-

- sufficient treated drinking water filters shall be installed
- sufficient water for bathing and washing clothes, maintenance and cleanliness of the premises
- proper drainage system
- arrangements for disposal of garbage
- protection from mosquitoes by providing mosquito coils, nets for doors and windows
- annual pest control
- sufficient number of well lit and airy toilets in the proportion of at least one toilet for seven children
- sufficient number of well lit and airy bathrooms in the proportion of at least one bath room for ten children
- sufficient space for washing
- clean and fly-proof kitchen and separate area for washing utensils
- space for sunning of bedding and clothing
- maintenance of cleanliness in the Medical Centre

#### 45. Clothing and Bedding.

- (1) The clothing and bedding shall be as per the climatic conditions and requirements of each juvenile/child and the minimum standards for clothing and bedding shall be as per the scale prescribed by the State Government.

#### 46. Nutrition and Diet Scale.

- (1) The nutrition and diet scale shall be followed by the institutions, namely -

- the children shall be provided nutritional diet as recommended by a nutritional expert /dietician or doctor to ensure balanced diet and variety in taste.
- every institution under this Act shall strictly adhere to the minimum nutritional standard and diet scale prescribed by the State Government.
- the menu shall include the regional and locally available nutritional food and be altered or changed in consultation with the children within the prescribed scale of diet.
- juveniles or children may be provided special meals on holidays and festivals
- infants and sick juveniles or children shall be provided special diet according to the advise, of the doctor on their dietary requirement.

#### 47. Medical Care.

- (1) Every institution shall

- maintain a medical record of each juvenile or child on the basis of monthly medical check-up and provide necessary medical facilities
- ensure that the medical record includes weight and height details, any sickness and treatment, and any physical or mental problem
- have arrangement for the medical facilities, including a doctor on call available on all working days for regular medical check-ups and treatment of juveniles or children

- (d) have sufficient medical equipments, including first-aid kit with stock of emergency medicines and consumables; to handle minor health problems
- (e) train all staff in providing first aid
- (f) make necessary arrangements for the immunization coverage
- (g) take preventive measures in the event of out break of contagious or infectious diseases
- (h) set up a system for referral of cases with deteriorating health or serious cases to the nearest civil hospital or recognised treatment centres
- (i) keep sick children under constant medical supervision
- (j) provide or arrange for regular counselling of every child and ensure specific mental health interventions for those in need of such services including separate rooms for counseling sessions within the premises of the institution
- (k) tie-up with local Primary Health Centres, government hospitals, medical colleges, other hospitals, mental health institutes for regular visits by their doctors and students clinical psychologists and psychiatrists for holding periodic health camps within the institutions
- (l) admit a juvenile or child without insisting on a medical certificate at the time of admission
- (m) arrange for a medical examination of each juvenile or child admitted in an institution by the Medical Officer within twenty four hours, and immediately in special cases or medical emergencies
- (n) arrange for a medical examination of the juvenile or child to be transferred by the Medical Officer, twenty four hours before transfer
- (o) not carry out any surgical treatment on any child without the previous consent of his parent or guardian, unless either the parent or guardian cannot be found, and the condition of the child is such that any delay shall, in the opinion of the medical officer involve unnecessary suffering or injury to the health of the child or otherwise, without obtaining a written consent to this effect from the Officer-in-charge of the institution
- (p) refer such children who require specialized substance/drug abuse prevention and rehabilitation programme to an appropriate centre administered by qualified personnel where these programmes shall be adopted to suit the age, gender and other specifications of the concerned child.

#### 48 Mental Health.

- (1) A mental health record of every juvenile or child shall be maintained by all the institutions.
- (2) Both milieu-based interventions that create an enabling environment for children and individual therapy shall be provided for every child in all institutions.

**Explanation** - Milieu-based intervention is a process of recovery, which starts through providing an enabling culture and environment in an institution so as to ensure that each child's abilities are discovered and they have choices and right to take to decisions regarding their life and thus, develop and identify beyond their negative experiences and such intervention has a critical emotional impact on the child.

- (3) Individual therapy is a specialized process and each institution shall make provisions for it as a critical mental health intervention.
- (4) All persons involved in taking care of the children in an institution shall participate in facilitating an enabling, non-abusive environment and work in collaboration with the therapists.
- (5) Every institution shall have the services of trained counselors or collaborate with external agencies such as child guidance centres, psychology and psychiatric departments or similar government and non-government agencies, for specialized and regular individual therapy for every child in the institution.
- (6) A mental health care plan shall be developed for every child by the social workers or case workers in consultation with mental health experts associated with the institution, and their recommendations integrated into the individual care plan of the child.
- (7) All care plans shall be produced before the Management Committee set up under rule 58 of these rules every month and before the Child Welfare Committee every quarter.
- (8) No juvenile or child shall be administered medication for mental health problems without prescription from a psychiatrist.

**49. Education**

- (1) Every institution shall provide education to all children according to age and ability, both within the institution or outside, as required
- (2) A range of educational opportunities shall be provided these would include, mainstream inclusive schooling, bridge school, open schooling, non-formal education and special education.
- (3) Wherever necessary, supplementary coaching shall be made available to school going children in the institutions by encouraging volunteer services or by tying up with NGO/private services like coaching Institutions.
- (4) All children shall be also provided with life skills orientation to cover areas like personality development, value education, general and reproductive health care, stress management etc.
- (5) Every institution shall have a library.

**50. Vocational Training**

- (1) Every institution shall facilitate vocational training to enable children have better career prospects.
- (2) The institutions shall develop networking with Institute of Technical Instruction (ITI), Jan Shikshan Sansthan, Government and private organization or enterprises, non-governmental organisations with expertise or placement agencies.

**51. Recreation facilities**

- (1) Provision of guided recreation shall be made available to children in the institutions.
- (2) It shall include indoor and outdoor games, sports, yoga, meditation, music, television, picnics, excursions and cultural programmes.

**52. Reception Unit :**

- (1) There shall be a reception unit in each Observation Home, special Home and Children's Home, under the charge of a probation officer or a caseworker
- (2) Admission of children in the Homes shall be made round the clock and the Officer-in-charge of the Home is authorized and bound to receive a juvenile or child irrespective of the time till the juvenile or child is produced before the Board or Committee as the case may be.
- (3) The child shall be received with care, dignity and love.
- (4) The Officer-in-charge shall enter the name of the juvenile or child in the admission register and allocate appropriate accommodation facility.
- (5) The following procedure shall be followed by the Officer-in-charge in respect of the newly admitted juveniles or children:
  - (a) receive the child, and search to ensure that there are no harmful instruments, drugs etc in the possession of the child. A girl child shall be searched by a female member of the staff with due regard to decency and dignity of the child.
  - (b) record personal belongings of the child in the Personal Belongings Register and keep in safe custody these things to be returned to the child when leaving the institution
  - (c) bath and haircut (unless prohibited by religion)
  - (d) issue of toiletry items, new set of clothes, bedding etc
  - (e) medical examination and treatment in case of every child suspected to be suffering from contagious or infectious diseases, mental ailments or addiction. A girl child shall be examined by a lady medical officer.
  - (f) segregation in case of a child suffering from contagious disease requiring special care and treatment
  - (g) routine procedures like :
    - (i) sending intimation letter to parent(s),
    - (ii) verifying the age of child as per the orders of the Board or Committee.
  - (h) make arrangements, if required for a child to appear for examinations
- (6) The photograph of the child shall be taken immediately for records and the case worker or probation officer shall begin the investigation. The facilities to take photographs shall be made available within the institution.
- (7) Every newly admitted juvenile or child shall be
  - (i) allotted a case worker who shall be a probation officer/ case worker/counselor attached to the institution.
  - (ii) familiarized with the institution and its activities and shall receive orientation in the following areas:

- (a) personal health and hygiene
- (b) institutional discipline and standards of expected behaviour, respect for elders, teachers
- (c) daily routine, peer interaction, optimum use of developmental opportunities
- (d) rights, responsibilities and obligations during the period of stay in the institution

### 53. Procedures to be followed in an institution

- (1) A case history of the juvenile or the child admitted to an institution shall be maintained in Form 6 or Form 18 respectively, which shall contain information regarding his/her socio-cultural and economic background.
- (2) The educational level and vocational aptitude of the juvenile shall be assessed on the basis of test and interview conducted by the teacher or other technical staff
- (3) An individual care plan for every juvenile or child in institutional care shall be developed with the ultimate aim of the rehabilitation and reintegration into society of the child based on their case history, circumstances and individual needs.

The individual care plan shall be based on following guidelines:

- (a) The Officer-in-Charge along with social worker or case worker shall prepare an individual care plan for every child in an institution, in consultation with the child, within one month of his admission in Form 30
- (b) All care plans shall include a plan for the child's restoration, rehabilitation, reintegration and follow-up.
- (c) The care plan shall be reviewed quarterly by the Management Committee set up under rule 58 of these rules for appropriate development and rehabilitation including options for release or restoration to family or foster care or adoption.
- (d) The care plan shall be drawn up in consultation with the child.
- (e) continuity of care plan shall be ensured in cases of transfer or repatriation or restoration.
- (4) A well conceived programme of pre-release planning and follow up of cases discharged from homes shall be organized in all institutions in close collaboration with existing governmental and voluntary organizations.
- (5) In case a juvenile or child leaves the institution without permission or commits an offence within the institution the police and family shall be informed and a detailed report along with the efforts to trace the juvenile/child shall be sent to the Board/Committee as the case may be.

### 54. Prohibited Articles

- (1) No person shall bring into the institution the following prohibited articles:-
  - (a) fire-arms or other weapons, whether requiring license or not (like knife, blades, lathi etc.)
  - (b) alcohol and spirit of every description
  - (c) bhang, ganja, opium and other narcotic or psychotropic substances
  - (d) tobacco, or
  - (e) any other article specified in this regard by the State Government by a general or special order.

### 55. Articles found on search and inspection

- (1) The Officer-in-Charge shall see that every juvenile or child received in the institution is searched, his personal belongings inspected and money or any valuables found with the juvenile or child is kept in the safe custody of the Officer-in-Charge.
- (2) In every institution, a record of money, valuables and other articles found with a juvenile or child shall be maintained in the "Personal Belongings Register".
- (3) The entries made in the personal belongings register, relating to each juvenile, shall be read over to juvenile in the presence of a witness, whose signature shall be obtained in
- (4) token of the correctness of such entries and it shall be countersigned by the Officer-in-Charge.

### 56. Disposal of articles

- (1) The money or valuables belonging to a child received or retained in an institution shall be disposed off in the following manner:-
  - (a) On an order made by the competent authority in respect of a child, directing him/her to be sent to an institution, the Officer-in-Charge shall deposit such juvenile's money together with the sale proceeds of any articles if sold, in the manner laid down from time to time in the name of the juvenile.

- (b) When such juvenile is transferred from one institution to another, all his money, valuables and other articles, shall be sent along with the juvenile to the Officer-in-Charge of the institution to which he has been transferred together with a full and correct statement of description and estimated value thereof.
- (c) At the time of release of such juvenile, the valuables and other articles kept in safe custody and the money deposited in the name of the juvenile shall be handed over to the parent or guardian, as the case may be, with an entry made in this regard in the register and signed by the Officer-in-Charge.
- (e) When a juvenile in 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 Officer-in-Charge to any person who establishes his claim thereto and executes an 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 a 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 Management Committee set up under rule 58 of these rules.

#### 57. Maintenance of case file

- (1) The Officer in charge of the institution is the custodian of all the case files pertaining to children in the homes. The case file of each child shall contain the following information:-
- (a) report of the person or organisation who presented the juvenile or child before the Board or Committee
  - (b) reports of Officer-in-Charge, probation officer and case worker
  - (c) information from previous institution if child is sent on transfer
  - (d) report of the initial interaction with the juvenile or child, information from family members, relatives, community, friends and miscellaneous information, in **Form 6 or Form 18**
  - (e) observation reports from staff members
  - (f) annual photograph
  - (g) regular health status reports from Medical Officer, and reports on specialized medical treatment, if any, such as drug de-addiction progress reports, progress reports based on psychological counseling or any mental health intervention, and treatment programme and special precautions to be taken
  - (h) intelligence quotient (I.Q) testing, aptitude testing, educational or vocational testing
  - (i) case summary and analysis by case-worker and Officer-in-Charge
  - (j) individual care plan, including pre-release programme, post release plan and follow-up plan in **Form 30**
  - (k) details regarding training
  - (l) leave and other privileges granted
  - (m) quarterly progress report
  - (n) special achievements and violation of rules, if any
  - (o) leave of absence or release under supervision
  - (p) final discharge
  - (q) follow-up reports

- (2) All the case files maintained by the Institutions, Board and Committee shall, as far as possible, be computerized and networked so that the data is centrally available to the State Government and State Child Protection Unit.

#### 58. Management Committee

- (1) Every institution shall have a Management Committee for the management of the institution and monitoring the progress of every juvenile or child.
- (2) The Management Committee shall consist of the following members -
- |                                   |                    |
|-----------------------------------|--------------------|
| District Child Protection Officer | - Chairperson.     |
| Officer-in-charge                 | - Member-Secretary |
| Deputy Director                   | - Member           |
| Case worker                       | - Member           |

Medical Officer

- Member

ಅಧ್ಯಕ್ಷನಿಂದ ನೇಮಕಗೊಂಡ ೧೨

೨. (a) Psychologist/Counselor: ೧೨ ಗಳು ಪ್ರತಿಯೊಂದು ಸಂಸ್ಥೆಯಲ್ಲಿಯೂ ಒಬ್ಬರಾದರೂ ಇರಬೇಕು. (b) Member: ೧೨ ಗಳು ಪ್ರತಿಯೊಂದು ಸಂಸ್ಥೆಯಲ್ಲಿಯೂ ಒಬ್ಬರಾದರೂ ಇರಬೇಕು. (c) Instructor, in Vocational Training: ೧೨ ಗಳು ಪ್ರತಿಯೊಂದು ಸಂಸ್ಥೆಯಲ್ಲಿಯೂ ಒಬ್ಬರಾದರೂ ಇರಬೇಕು. (d) Teacher: ೧೨ ಗಳು ಪ್ರತಿಯೊಂದು ಸಂಸ್ಥೆಯಲ್ಲಿಯೂ ಒಬ್ಬರಾದರೂ ಇರಬೇಕು.

Member of Board or Committee

- Member

ಅಧ್ಯಕ್ಷನಿಂದ ನೇಮಕಗೊಂಡ ೧೨

೩. One NGO representative: ೧೨ ಗಳು ಪ್ರತಿಯೊಂದು ಸಂಸ್ಥೆಯಲ್ಲಿಯೂ ಒಬ್ಬರಾದರೂ ಇರಬೇಕು. (b) Member: ೧೨ ಗಳು ಪ್ರತಿಯೊಂದು ಸಂಸ್ಥೆಯಲ್ಲಿಯೂ ಒಬ್ಬರಾದರೂ ಇರಬೇಕು.

A child representative from each of the Children's

Committees on a monthly rotation basis to ensure equal representation

equal representation

(3) In districts where District Child Protection Units are not constituted the Deputy Commissioner or his/her nominee shall be the Chairperson of the Committee.

(4) Where voluntary organizations are involved in providing professional and technical services like education, vocational training, psychosocial care, mental health intervention and legal aid, the Management Committee may invite a representative of such voluntary organizations as a special invitee to the Management Committee meetings.

(5) (a) The Management Committee shall meet every month to consider and review-

(i) minimum standards of care, including infrastructure, food and services available

(ii) medical facilities and treatment including mental health interventions

(iii) oversee that all registers as required under the Act and Rules are maintained by the institution, check and verify these registers, duly stamped and signed in the monthly review meetings

(iv) quarterly review of care plan

(v) vocational training and opportunities for employment

(vi) education and life skills development programmes

(vii) social adjustment, recreation, group work activities, guidance and counselling

(viii) review of progress and modify institutional programmes to suit the needs of the juveniles and children

(ix) release or restoration along with post-release or post-restoration rehabilitation plans

(x) matters concerning Children's Committees

(xi) remarks and suggestions entered in the Visitor's Book

(xii) any other matter which the Officer-in-charge may like to bring up

(b) The role and responsibility of the Management Committee shall be conveyed to the child representatives in a simple and understandable language. The meeting shall also be conducted likewise.

(6) (a) A Children's Suggestion Box shall be installed in every institution at a place easily accessible to juveniles or children away from the office set up and closer to the rooms or dormitories of the children.

(b) The key to the box shall be with the Chairperson of the Management Committee who shall check the contents once in every month.

(c) If there is a complaint or suggestion that requires immediate attention, the Chairperson shall call for an emergency meeting to discuss and take necessary action.

(d) The quorum for conducting the emergency meetings shall be five members, including two members of Children's Committees, Chairperson of the Management Committee, member of Committee or the Board as the case may be, and the Officer-in-Charge of the institution.

(e) In the event of a serious allegation or complaint against the Officer-in-Charge of the institution, he shall not be included in the emergency meeting and another available member of the Management Committee shall be included in his place. Report of such emergency meetings and action taken shall be placed before this Committee at the monthly meeting.

(7) A Children's Suggestion Book shall be maintained and the suggestions together with complaints and action taken report shall be shared with the children and reviewed once in three months by the Board or Committee as the case may be.

**59. Children's Committee**

- (1) The Officer-in-charge of every institution for juveniles or children shall facilitate the setting up of Children's Committees for three different age groups of children, viz., 6-10 years, 10-15 years and 15-18yrs and these Committees shall consist only of children. Every institution shall have a minimum of two such committees and wherever the number of children is more than three groups may be formed.
  - (a) The children shall be informed of the role and responsibilities of the Children's Committee in a manner and language they can understand
  - (b) Children shall discuss and arrive at the criteria for selecting representatives to the Children's Committee.
- (2) The Children's Committee shall be encouraged to participate in following activities:
  - (a) improvement of the condition of the institution
  - (b) review the standards of care being followed
  - (c) preparing daily routine and menu
  - (d) develop educational, vocational and recreation plans
  - (e) support each other in managing crisis
  - (f) report abuse and exploitation by peers and caregivers
  - (g) express their views creatively through wall papers, newsletters, paintings, music or theater
  - (h) participation in the management of the institution through representation in Management Committee meetings and reviews.
- (3) The Officer-in-Charge shall encourage the Children's Committees to meet every month and maintain a register for recording its activities and proceedings, and place it before the Management Committee in their monthly meetings. The confidentiality of matters discussed should be maintained by all the members and also by the Officer-in-Charge.
- (4) The Officer-in-Charge shall ensure that the Children's Committees are provided with essential support and materials including stationery, space and guidance for effective functioning.
- (5) The Officer-in-Charge shall, as far as possible, seek assistance from the local voluntary organization for supporting the children in the setting up and functioning of the Children's Committees.
- (6) The local voluntary organization shall support the Children's Committees in the following:
  - (a) In understanding the roles and functions of the committee
  - (b) selecting their leaders
  - (c) developing rules for the functioning of Children's Committees and following them
  - (d) conducting monthly meetings and maintaining records and Children's Suggestion Book and other relevant documents
  - (e) skills and techniques for handling situations of abuse, crisis, or emergency
  - (f) any innovative activity.
- (7) Representatives of the Children's Committee to the Management Committee should represent their committee adequately and key decisions taken shall be reported back to the Children's Committee.
- (8) The Management Committee shall seek a report from the Officer-in-Charge on the setting up and functioning of the Children's Committees, review these reports in their monthly meetings and take necessary action where required.

**60. Rewards**

- (1) Rewards to a juvenile or child at such rates as may be fixed by the State Government from time to time, may be granted by the Officer-in-Charge as an encouragement for steady work and good behaviour and at the time of release, the reward shall be handed over after obtaining a receipt from the parent or the guardian who takes charge of the juvenile or child, or from the juvenile or child himself.

**61. Visits to and communication with juveniles or children**

- (1) The parents and relatives of the juveniles or children shall be allowed to visit once a month or in special cases, more frequently at the discretion of the Officer-in-Charge as per the visiting hours laid down by him, except where parents or relatives or guardians have been found responsible for subjecting the juvenile or child to violence, abuse or exploitation.



**SOCIAL INVESTIGATION REPORT**  
 [Rule 10(1) (f) 10(14) 53(1) 57(1)(d) 71(2), 71 (1)(a)]

Form 6

<b>Overall Observations and Recommendations of the PO.</b>
<b>43 Any Other Observations of PO/Case Worker</b>

Date

		/			/		
--	--	---	--	--	---	--	--

Place:

Signature (Probation Officer/ Case Worker)

Documents Attached: Tick those applicable

- ☐ School attendance / School Progress Report
- ☐ Recommendation of experts/ medical practitioners consulted
- ☐ Previous Institutional Case History, if any

Note:

- a) This format shall be used by the PO to do the Home Inquiry as soon as the Order for Social Investigation is made by the JJB

**SOCIAL INVESTIGATION REPORT**  
[Rule 10(1) (f) 10(14) 53(1) 57(1)(d) 71(2), 71 (1)( a)]

Form 6

**SCHOOL/COLLEGE VISIT IF STUDYING**

**36 School/College Teacher(s)/Staff met**

- a)  
b)  
c)

Latest Year of Attending school	Last Class Attended	Attendance	Academic Performance (Marks/Grade)	Sports and Cultural Activities

**37 Teacher's Feedback on child's behavior in the classroom**

**38 Any Other Specific Observation**

**ONLY IN CASE THE CHILD IS/WAS WORKING**

**39 Child's Work Record**

S No	Job	Employer	Duration	Reasons for Leaving	Attitude Towards work/employer
1					
2					
3					

**INTERACTION WITH CHILD**

**40 Personal Traits/Characteristics/ Talents**

**41 Incidences of ill treatment / abuse as narrated by the child**

**42 Habits (if any)**

- ☐ None    ☐ Smoking    ☐ Alcohol    ☐ Gambling    ☐ Substance/ Drug Abuse

If substance or drug abuse, please specify \_\_\_\_\_

**SOCIAL INVESTIGATION REPORT**  
 [Rule 10(1) (f) 10(14) 53(1) 57(1)(d) 71(2), 71(1)(a)]

Form 6

<b>27 Overall Economic Status of the Family</b>				
<input type="checkbox"/> BPL <input type="checkbox"/> Poor <input type="checkbox"/> Lower Middle Class <input type="checkbox"/> Upper Middle Class <input type="checkbox"/> Well-to-do				
<b>28 Description of Home &amp; Living Conditions</b>				
<b>a) House</b>	<b>b) No. of Rooms</b>	<b>c) Toilet</b>	<b>d) Drinking Water</b>	<b>e) Environment</b>
<input type="checkbox"/> Kutchha <input type="checkbox"/> Pucca <input type="checkbox"/> Pavement Dwelling <input type="checkbox"/> Others	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Unhealthy <input type="checkbox"/> Overcrowded <input type="checkbox"/> Clean
<b>INTERACTION WITH FAMILY MEMBERS</b>				
<b>29 Names of Family member(s) met</b>			<b>33 Observations about Family's commitment to the child</b>	
<b>30 Parent's relationship with child &amp; other children</b>				
<b>31 Concerns expressed by parents, if any</b>				
<b>32 The Child has been missing from home previously</b> <input type="checkbox"/> Yes <input type="checkbox"/> No A) If Yes, the number of times: _____ B) Reason for child 'missing' from home earlier (tick more than one for different missing incidents) <input type="checkbox"/> Ran away <input type="checkbox"/> Kidnapped <input type="checkbox"/> Lost his/her way <input type="checkbox"/> Lost from family during a trip <input type="checkbox"/> Others C) Other details of previous incidents:				
<b>34 Attitude of other Family Member's / Neighbour's towards child</b>			<b>35 Observations about Neighbour's and Peer Feedback</b>	
<input type="checkbox"/> Friendly <input type="checkbox"/> Sympathetic <input type="checkbox"/> Unfriendly <input type="checkbox"/> Indifferent <input type="checkbox"/> Other				
<b>36 Friends' and Peer Group Opinion / feedback</b>				

088E

Form 6

**SOCIAL INVESTIGATION REPORT**

[Rule 10(1) (f), 10(14), 53(1), 57(1)(d), 71(2), 71(1)(a)]

**PART 2: FAMILY DETAILS (CONTD.)****25 Family Members**

S No.	Member's Name	Relationship to the child	Age	Education	Occupation	Monthly income	Health Status	Specify if any disability
1								
2								
3								
4								
5								
6								
7								
8								
9								

**26 Any cases of delinquency / Crime amongst other family members**

# SOCIAL INVESTIGATION REPORT

[Rule 10(1) (f), 10(14), 53(1), 57(1) (d), 71(2); 71 (1) (a)]

Form 6

<b>PART 0: CASE NUMBER</b>			
CASE NO			
<b>PART 1: CHILD PARTICULARS</b>			
<b>1 Name of child-Full Name</b>			
<b>2 Sex</b> <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other	<b>3 Language(s) known</b>	<b>4 Religion</b> <input type="checkbox"/> Hindu <input type="checkbox"/> Sikh <input type="checkbox"/> Muslim <input type="checkbox"/> Buddhist <input type="checkbox"/> Christian <input type="checkbox"/> Jain <input type="checkbox"/> Others <input type="checkbox"/> Not revealed	
<b>5 Caste</b> <input type="checkbox"/> SC <input type="checkbox"/> ST <input type="checkbox"/> OBC <input type="checkbox"/> Others <input type="checkbox"/> Not Revealed	<b>6 Age</b>	<b>7 Date of Birth</b>	<b>8 Occupation</b>
<b>9 Education Level</b>	<b>10 School Name and Locality</b>		
<b>11 Is the child disabled?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>12 Type of disability (answer only if 11 is "yes")</b> <input type="checkbox"/> Visually challenged <input type="checkbox"/> Hearing and Speech challenged <input type="checkbox"/> Physically challenged <input type="checkbox"/> Learning disability <input type="checkbox"/> Other		
<b>13 Who does the child stay with?</b> <input type="checkbox"/> Father <input type="checkbox"/> Mother <input type="checkbox"/> Both <input type="checkbox"/> Other <b>14 If Other, Name of the Person</b>	<b>15 Address of child's place of stay</b>		
	City/Town/Village	Panchayat	Taluk
<b>16 If Other, Relationship</b>	District	State	PIN
<b>PART 2: FAMILY DETAILS</b>			
<b>Child's Father's and Mother's Particulars</b>			
<b>17 Father's Name- Full Name</b>	<b>18 Address of Father's place of stay</b>		
	City/Town/Village	Panchayat	Taluk
<b>19 Father's Occupation</b>	District	State	PIN
<b>20 Monthly Income</b>	<b>22 Address of Mother's place of stay (If same as child's or father's place of stay, mention so - do not fill details)</b>		
<b>21 Mother's Name- Full Name</b>			
<b>23 Mother's Occupation</b>	City/Town/Village	Panchayat	Taluk
<b>24 Monthly Income</b>	District	State	PIN

# ORDER FOR SOCIAL INVESTIGATION REPORT

[Rule 10(1)(f), 10(14)]

Form 5

09/2

To,

The Probation Officer

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Case Number:

B 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Child's Name

Presented under section(s)

Order Number:

You are hereby directed to enquire into the social antecedents, family background and the circumstances of the alleged offense by the said child and submit your Social Investigation Report on or before:

\_\_\_\_/\_\_\_\_/\_\_\_\_ or within \_\_\_\_\_ period of time as allowed by the Board.

You are also hereby directed to consult an expert in child psychology, psychiatrists for their expert opinion if any for psychiatric treatment or counseling.

<p>Date: <table border="1"><tr><td>d</td><td>d</td><td>/</td><td>m</td><td>m</td><td>/</td><td>y</td><td>y</td></tr></table></p> <p>Place: _____</p>	d	d	/	m	m	/	y	y	
	d	d	/	m	m	/	y	y	
<p>Signature and Seal</p> <p>Principal Magistrate, Juvenile Justice Board</p>									

Copies of the following are attached with this order. Tick the ones attached.

- ☐ Copy of Form 1- First Referral Report
- ☐ Copy of complaint Letter (if any applicable for cases heard by JJB)
- ☐ Copy of Medical Report (if any)

0362

**APPLICATION FOR BAIL TO JJ BOARD**

[Rule 10(1) (d)]

Form 4

**Application made under Section 12 of Juvenile Justice Act 2000**

<b>PART - 0: CASE NUMBER: To be entered by the Assistant / Case Worker at JJB</b>												
CASE NO												
<b>Name of child-Full Name</b>												

The said child, who is my daughter/son/ward, has been taken into custodial care by the police on charges of

I would like to submit to the JJ Board that to my knowledge, he/she is innocent and has not committed any offence as alleged by the police.

Hence, I request the Board to kindly release the juvenile on bail in the interest of justice and equity. I will take care of the juvenile and bring him/her before the Board as and when required.

I will also ensure that the juvenile remains within the Jurisdiction of the Board during the pendency of the case.

<b>Date:</b> <table border="1"> <tr> <td>d</td><td>d</td><td>/</td><td>m</td><td>m</td><td>/</td><td>y</td><td>y</td> </tr> </table> <b>Place:</b>	d	d	/	m	m	/	y	y	
	d	d	/	m	m	/	y	y	
<b>Name and Signature of the Applicant</b>									

**SHORT-TERM PLACEMENT ORDER PENDING INQUIRY**  
[Rule 10(1)(c)]

0285  
**Form 3**

To:

**The Officer-In-Charge**

<Name of Institution & Address>

*Case Number:*

B /

*Presented under section(s)*

*Order Number:*

Whereas the said child aged about \_\_\_\_\_  
is alleged to be in conflict with law, it is ordered by me, Principal Magistrate / member, Juvenile Justice Board, that the said child be kept in the Observation home/ Fit Institution \_\_\_\_\_ for a period of \_\_\_\_\_ from the date of this order.

a) This is to authorize and require you to receive the said child into your charge and to keep him/her in the Observation home/ Fit Institution for the aforesaid order to be carried into execution according to law.

b) You are also directed to produce the child before the Juvenile Justice Board on \_\_\_\_\_ as and when required.

Date:

/ /

Place:

**Signature and Seal**

**Principal Magistrate / member, Juvenile Justice Board**

**Originals of all case papers of the child must be transferred to the institution.**



02859

# **INTIMATION TO PARENTS/ GUARDIAN OF JUVENILE**

[Rule 10 (1) (c) 18(1) (c) 18(17) (b)]

Form-2

To,

<Name of the Parent/ Guardian>

<Address>

Where as your son/ daughter/ward:

1 Name of child-Full Name

2 Age

has been taken in custodial care under:

3 the provisions of JJ (C&PC) Act 2000:

4 On Date: / / and at Time: : AM / PM

and placed in

5 Institution Name & Address

He/ she will be brought before the Juvenile Justice Board at:

Place

on / / at time: : :

You are hereby directed to be present at the JJB at the above mentioned place and time.

6 Reasons for taking charge of the child:

Date:

d d / m m / y Y

Place:

Signature and Seal

Officer-in-Charge of Police Station/ SJPU

Copy to: Probation Officer of PO Act <Name of the Probationary Officer>

೦೫೯೭

**FIRST REFERRAL REPORT OF JUVENILE IN CONFLICT WITH LAW**  
[Rule 10(1), 18(7), 18(17)]

Form 1

☐ Preliminary Inquiry Report (use Form 6 - Social Investigation Report)

**Note:**

- 1) This First Referral Report is expected to be filled by the CWO or the SJPU or the Police Officer (in case there is no CWO or SJPU at the police station) before the child is produced at Juvenile Justice Board. Social workers attached to the SJPU should assist the Police in filling up the first contact details of the child in this form.
- 2) The Complaint Letter and FIR /NCR should be attached to it.
- 3) If it is a group offence separate FRR will have to be filled for each child alleged to have committed the offence.
- 4) The preliminary inquiry report is to be prepared by the P.O. in 24 hours and submitted at the time of the hearing. In case of Group Offences, FRR will have to be completed for each of the children alleged to have committed that offence.
- 5) The **CASE NO. (Case Number)** will be assigned by the Assistant or Case worker attached to the JJB. The Assistant/ Case worker, should ensure that the correct serial number is entered.

## 33 Physical State

## 34 Mental/ Emotional State

## 35 Brief case details

## 36 Details of where the child is placed before the child is brought before the JJB

☐ Parent's Home ☐ Guardian's Home ☐ Observation Home ☐ Fit Institution / Fit Person

a) Institution Name (to be filled only if child is placed in the reception unit of OH or FI)

## PART 3: DETAILS OF THE PERSON FILLING UP THE FORM

Date:

		/			/		
--	--	---	--	--	---	--	--

Name

Seal of the Police  
Station / SJPU

Place:

Signature

Designation

## PART 4: Ratification by JJB Member to be filled if case of petty offence diverted at Police Station / SJPU level

Date:

		/			/		
--	--	---	--	--	---	--	--

Name of JJB Member

Seal of the JJB

Place:

Attachments to this FRR: Please tick those attached

- ☐ Complaint Letter  
☐ FIR / NCR  
☐ Copy of Intimation letter to Parent/Guardian (Form 2)

**FIRST REFERRAL REPORT OF JUVENILE IN CONFLICT WITH LAW**  
[Rule 10(1), 18(7), 18(17)]

**Form 1**

**PART 2: CASE PARTICULARS**

**21 Type of Offence**

☐ Serious Offence

☐ Petty Offence (Case can be decided at the Police station /SJPU level, with ratification of one JJB Member)

☐ Non-serious Offence

**22 Date & Time when reported**

		/			/		
		:					AM / PM

**23 Provisions under which the child is taken into custodial care**

**24 Reported by**

- |  |  |
|--|--|
| <input type="checkbox"/> NGO           | <input type="checkbox"/> Police Officer      |
| <input type="checkbox"/> Child Line    | <input type="checkbox"/> Government Official |
| <input type="checkbox"/> Social Worker | <input type="checkbox"/> Public              |
| <input type="checkbox"/> Another Child | <input type="checkbox"/> Court               |

**25 Name & contact details of the complainant**

**Work Status Details (26-29) : (To be filled only if the child is a working child)**

**26 Working Child** ☐ Yes ☐ No

**27 Nature of work (work sector)**

**28 Name of Establishment /Employer-Full name**

--

**29 Establishment/ Employer Address**

		Taluk	District
City/Town/Village	Panchayat	State	Pin

**30 Police Case Details**

a) Police Station

c) Police Officer's No/ID.

b) Police Unit

d) Police Officer's Name

e) In case of Group offense mention related FIR No /NCR No /Form 76

f) FIR Date /NCR Date / Form 76 Date

\_\_\_\_/\_\_\_\_/\_\_\_\_

**31 Personal Belongings of the child**

**32 Any signs of physical abuse**

- ☐ Scars
- ☐ Open Wounds
- ☐ Bruises
- ☐ Burn Marks
- ☐ Lashings
- ☐ Others
- ☐ None

**FIRST REFERRAL REPORT OF JUVENILE IN CONFLICT WITH LAW**  
[Rule 10(1), 18(7), 18(17)]

Form 1

<b>PART 0: CASE NUMBER</b> To be entered by the Assistant/Case worker at Police Station/SJPU/JJB										
CASE NO										FIR No /NCR No /Form 76
<b>PART 1: CHILD PARTICULARS</b>										
1 Name of child-Full Name										
2 Sex			3 Language(s) known				4 Age		5 Date of Birth	
<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other									/ /	
6 Education Level		7 School Name and Address /Locality				8 Is child disabled? <input type="checkbox"/> Yes <input type="checkbox"/> No				
						9 Disability Type (answer only if 8 is "yes")				
						<input type="checkbox"/> Visually challenged <input type="checkbox"/> Hearing & Speech <input type="checkbox"/> MR <input type="checkbox"/> Physically challenged <input type="checkbox"/> Orthopedically challenged <input type="checkbox"/> Other				
10 Identification Marks										
(1)										
(2)										
(3)										
11 Who does the child stay with?					14 Address of child's place of stay					
<input type="checkbox"/> Father <input type="checkbox"/> Mother <input type="checkbox"/> Both parents <input type="checkbox"/> Other										
12 If Other, Name of the Person					City/Town/Village					
					Panchayat					
					Taluk					
13 If Other, Relationship					District					
					State					
					PIN					
15 Landmark 1:					16 Landmark 2:					
<b>Child's Father's and Mother's Particulars</b>										
17 Father's Name- Full Name					18 Address of place of stay					
					City/Town/Village					
					Panchayat					
					Taluk					
					District					
					State					
					PIN					
19 Mother's Name- Full Name					20 Address of place of stay (If same as child's or father's place of stay, mention as such - do not fill details)					
					City/Town/Village					
					Panchayat					
					Taluk					
					District					
					State					
					PIN					

No one shall be denied the right to adequate notice of the allegations against him/her, the time, venue, procedure that would be followed and other relevant details shall be informed.

- i) Each party in the proceeding has a right to attend the hearing, be allowed to present his/her case, to ask questions and counter the evidence of the opposing party.
  - ii) The parties shall be allowed to call witnesses, make submissions and cross-examine the witnesses called by others. A person against whom any allegation is made must be given a fair opportunity to answer the case against him, of countering all allegations and of adducing evidence in support of his/her own case.
  - iii) The parties shall be informed about the decision, with reasons for it
  - iv) Proceedings shall be conducted such that justice is seen to be done.
- (2) In the event of a hearing taking place or a decision being reached which breaches the principles of natural justice, the person charged may seek a review of the hearing and/or the decision.

## Schedule II

(a) 2 Dormitories	Each 1000 sq. ft. for 25 juveniles/children i.e. 2000 sq. ft.
(b) 2 Class rooms	300 sq. ft. for 25 juveniles/children i.e. 600 sq. ft.
(c) Sickroom/First Aid Centre	750 Sq. ft. for 10 juveniles/children @ 75 sq ft/juvenile or child
(d) Kitchen	250 sq. ft.
(e) Dining Hall	800 sq. ft.
(f) Store	250 sq.ft.
(g) Recreation room	300 sq.ft.
(h) Library	500 sq.ft
(i) 5 bathrooms	25 sq.ft. each i.e. 125 sq.ft.
(j) 8 toilets/latrines	25 sq.ft. each i.e. 200 sq.ft.
(k) Office rooms	(i) 300 sq.ft. (ii) Superintendent's room 200 sq.ft.
(l) Counselling room	120 sq.ft.
(m) Workshop	1125 sq.ft. for 15 juveniles @ 75 sq.ft per trainee
(n) Residence for Superintendent	(i) 2 rooms of 250 sq.ft. each (ii) kitchen 75 sq.ft. (iii) bathroom cum toilet/latrine 50 sq.ft.
(o) Board / Committee	600 sq ft @ 300 sq ft each
(p) Play ground	Area according to the total number of juveniles or children
<b>Total 8495 sq. ft</b>	

## Schedule III

Sl. No.	Personnel	Number of Posts
1.	Officer-in-Charge (Superintendent)	1
2.	Counselor	2
3.	Probation Officer	2
4.	Case Worker	2
5.	House Mother or House Father	4
6.	Teacher	2 (voluntary/part time)
7.	Doctor	1 (part time)
8.	Paramedical staff	1 (part time)
9.	Accountant	1
10.	Art & Craft cum Music Teacher	1 (part time)
11.	PT Instructor cum Yoga Trainer	1 (part time)
12.	Cook	2
13.	Helper	2
14.	Sweeper	2

By order and in the name of Governor of Karnataka,

**S.NARAYANASWAMY**

Deputy Secretary to Government,  
Department of Women and Child Development.

punishment or solitary or otherwise any confinement in jails and extreme care shall be taken to avoid any harm to the sensitivity of the juvenile or the child.

- (b) the state has a greater responsibility for ensuring safety of every juvenile or child in its care and protection, without resorting to restrictive measures and processes in the name of care and protection

**IX. Positive measures:**

- (a) Provisions must be made to enable positive measures that involve the full mobilization of all possible resources, including the family, volunteers and other community groups, as well as schools, and other mainstream community institutions or processes, for the purpose of promoting the well-being of the juvenile or child through individual care plans carefully worked out.
- (b) The positive measures shall aim at reducing the need for intervention under the law, as well as effective, fair and humane dealing of the juvenile or child and any other measure in the best interests of the child.
- (c) The positive measures shall include avenue for health, education, relationships, livelihoods, leisure, creativity and play.
- (d) Such positive measures must facilitate the development of identity for the child and provide them with an inclusive and enabling environment.

**X. Principle of non-stigmatizing semantics, decisions and actions:**

Simple child friendly language and terminology shall be used during the conduct of any inquiry or proceedings. The non-stigmatizing semantics of the said Act must be strictly adhered to, and the use of adversarial or accusatory words, such as, arrest, remand, accused, charge sheet, trial, prosecution, warrant, summons, conviction, inmate, delinquent, neglected, custody or jail is prohibited in the processes pertaining to the juvenile or child under the Act.

**XI. Principle of non-waiver of rights:**

No waiver of rights of the juvenile or child, whether by himself or the competent authority or anyone acting or claiming to act on behalf of the juvenile or child, is either permissible or valid. Non-exercise of a fundamental right does not amount to waiver.

**XII. Principle of right to privacy and confidentiality:**

The juvenile's or child's rights to privacy and confidentiality shall be protected by all means and through all the stages of the proceedings, care and protection processes.

**XIII. Principle of institutionalization as a measure of last resort:**

Institutionalization of juvenile or child shall be a step of the last resort after reasonable enquiry and that too for the minimum possible duration.

**XIV. Principle of repatriation:**

- (k) Every juvenile or child has the right to be re-united with his family and restored back to the same socio-economic and cultural status that such juvenile or child enjoyed before coming within the purview of the Act or becoming vulnerable to any form of neglect, abuse or exploitation.
- (b) Any juvenile or child, who has lost contact with his family, shall be eligible for protection under the Act and he shall be repatriated and restored, at the earliest, to his family unless such repatriation and restoration is likely to be against the best interest of the juvenile or the child.

**XV. Principle of fresh start:**

- (a) The principle of fresh start promotes a new beginning for the juvenile or child by ensuring erasure of his past records.
- (l) The State shall seek to promote measures for dealing with children alleged or recognized having impinged the penal law, without resorting to judicial proceedings, wherever appropriate and desirable.

**XVI. Principle of good governance and accountability:**

The state shall be accountable to all juveniles and children as part of their *parens patria* role and civil society organizations shall be bound by all principles and systems of monitoring just as any statutory institutions managed.

**XVII. Principle of effective administration:**

Effective administration includes: selection of qualified personnel, adequate training for people involved in administration of juvenile justice, accountability and transparency, system of checks and balances, incorporation of various codes of conducts and other appropriate measures.

**XVIII. The Principles of natural justice:**

- (1) All persons or bodies acting in a judicial capacity under this Act shall abide by the principles of natural justice as minimum standards for procedural fairness in disposition. Natural Justice entails respect for the following basic rules:

- a) Rule against bias: No person shall be made a judge in his/her own cause and should therefore declare any personal interest that he/she may have in the case.
- b) Rule of fair hearing: No case shall be disposed without fair hearing to both parties. This principle involves the following

**(iii) Provisions of legal aid and guardian ad litem:**

Juveniles have a right to be informed about the accusations against them and a right to be legally represented. Provisions must be made for *guardian ad litem*, legal aid and other such assistance through legal services at State expense complemented by registered practicing lawyers, law students under supervision of their Faculty and recognized civil society organizations. This shall also include such juveniles' right to present his case before the competent authority on his own.

**II. Principle of dignity and worth:**

(a) A juvenile or a child shall be treated in a way that is consistent with the child's sense of dignity and worth; this is a fundamental principle of juvenile justice. This principle reflects the fundamental human right enshrined in Article 1 of the Universal Declaration of Human Rights that all human beings are born free and equal in dignity and rights. Respect of dignity includes respect for not being humiliated; personal identity, boundaries and space being respected; not being labeled and stigmatized; being offered information and choices; and not being blamed for their acts.

(b) The juvenile's or child's right to dignity and worth has to be respected and protected throughout the entire process of dealing with the child from the first contact with juvenile justice system and throughout the implementation of all measures for dealing with the juvenile or child.

**III. The Principle of participation of child:**

The basic components of the principle of participation of child are,

(a) **Right to be heard:** Every juvenile's or child's right to express his views freely in all matters affecting him shall be fully respected through every stage in the process of juvenile justice and these views shall be taken into consideration with due regard to age and maturity of the child. Juvenile's or child's right to be heard shall include creation of developmentally appropriate tools and processes of interacting with the child, promoting the juvenile's or child's active involvement in decisions regarding their own lives and providing opportunities for discussion and debate.

(b) **Parent(s) and guardian(s):** The parents or guardians shall be entitled to participate in the proceedings, unless the competent authority denies them participation in best interest of the juvenile or child.

**IV. Principle of best interest:**

(a) In all decisions taken within the context of administration of juvenile justice, the principle of best interest of the juvenile or child shall be the primary consideration.

(b) The principle of best interest of the juvenile or child shall mean for instance that the traditional objectives of criminal justice, retribution and repression, must give way to rehabilitative and restorative objectives of juvenile justice. These objectives shall therefore govern decisions for children and their families.

(c) This principle shall be applied in arriving at any decision concerning a juvenile or child to ensure physical, emotional, intellectual, social and moral development of juvenile or child so as to ensure the safety, well being and permanence for each child thereby enabling each child to survive and reach his potential.

**V. Principle of diversion:**

The state shall establish rules, procedures or measures applicable to children alleged to be in conflict with law, that are appropriate and desirable, for dealing with such children without resorting to judicial proceedings, provided that human rights and legal safeguards are fully respected.

**VI. Principle of equality and non-discrimination:**

(a) There shall be no discrimination against a juvenile or a child or his family, or legal guardian on the basis of age, sex, place of birth, health, disability, race, ethnicity, religion, status, caste, cultural practices, work, activity or behaviour of the juvenile or child or that of his parents or guardians, or the civil and political status of the juvenile or child or parents or guardians.

(b) Equality of access, equality of opportunity, equality in treatment under the said Act, is guaranteed to every juvenile or child.

**VII. Principle of family responsibility:**

(a) The primary responsibility of bringing up children, providing care, support and protection shall be with the biological parents. However, in exceptional situations, this responsibility may be bestowed on willing adoptive or foster parents.

(b) All decision making for the juvenile or child should involve the family of origin unless it is not in the best interest of the child to do so.

(c) The family - biological, adoptive or foster (in that order), must be held responsible and provide necessary care, support and protection to the juvenile or child under their care and custody under the Act, unless the best interest measures or mandates dictate otherwise.

**VIII. Principle of safety (no harm, no abuse, no neglect, no exploitation and no maltreatment):**

(a) At all stages, from the initial contact till such time he remains in contact with the care and protection system, and thereafter, the juvenile or child shall not be subjected to any harm, abuse, neglect, maltreatment, corporal



(4) While computing the period of detention or stay of a juvenile or child, such period which the juvenile or child has already spent in detention or stay shall be counted as a part of the period of stay contained in the final order of the Board / Committee.

**96. Dispose off cases of juveniles in conflict with law:**

The State Government or the Board, as the case may be, may, either *suo motu* or on an application made for the purpose, review the case of a juvenile in conflict with law, determine his juvenility in terms of the provisions contained in the Act and rule 13 of these rules and pass an appropriate order in the interest of the juvenile, under section 64 of the Act, for the immediate release of the juvenile whose period of detention or imprisonment has exceeded the maximum period provided in section 15 of the said Act.

**97. Access to records and documents of the juvenile or child:**

- (1) All the records of the juvenile or child such as case reports, reports of the probation officer and social worker, medical records, orders of the Board or the Committee regarding the case, shall be kept confidential and closed to third parties. Access to records shall be allowed to persons directly concerned with the disposition of the case at hand or other duly authorized persons.
- (2) Records of juveniles in conflict with law shall not be used in adult proceedings in subsequent cases involving the same juvenile.
- (3) The Board or the Committee may hold in-camera proceedings where necessary. Only duly authorized persons, persons directly involved in disposition of the case and the parents / guardians of the juvenile or child may be allowed to be present during the proceedings before the Board / Committee.
- (4) Information which may lead to the identification of the juvenile or child shall not be published, either by private agents or state agencies.

**98. Disposal of records or document:**

- (1) The records or documents in respect of a juvenile or a child shall be kept in a safe place for a period of seven years and no longer, and thereafter be destroyed by the Officer-in-Charge after obtaining due permission of the Board / Committee, as the case may be.
- (2) The records pertaining to the conviction of the juvenile shall be removed or destroyed after one year of issue of orders by the Board under Section 15 of the Act.

**99. Repeal:**

The Karnataka Juvenile Justice (Care and Protection of Children) Rules, 2002, notified vide WCD-40-SBB 2001(P), dated the 26<sup>th</sup>, September, 2002 in the Karnataka Gazette, Extraordinary No.1363 of the same date is hereby repealed.

**SCHEDULE - I**

**FUNDAMENTAL PRINCIPLES OF JUVENILE JUSTICE AND  
PROTECTION OF CHILDREN**

**1. Fundamental principles to be followed in administration of these rules -**

- (1) The State Government, the Juvenile Justice Board, the Child Welfare Committee or other competent authorities, individuals or organizations, as the case may be, while implementing the provisions of these rules shall abide and be guided by the principles, specified in sub-rule (2).
- (2) The following principles shall, *inter alia*, be fundamental to the application, interpretation, and implementation of the Act and the rules made hereunder:

**I. Principle of presumption of innocence:**

- (a) A juvenile alleged to be in conflict with law or child in need of care and protection, is presumed to be innocent of any malafide or criminal intent, up to the age of eighteen years.
- (b) The juvenile's or child's right to presumption of innocence shall be respected throughout the process of justice and protection, from the initial contact to alternative care, including aftercare.
- (c) Any unlawful conduct of a juvenile or a child which is done for survival, or is due to environmental or situational factors or is done under control of adults, or peer groups, is ought to be covered by the principles of innocence.
- (d) The basic components of presumption of innocence are:

**(i) Age of Innocence**

Age of Innocence is the age below which a juvenile or child cannot be subjected to the criminal justice. The Beijing Rule 4(1) clearly lays down that "the beginning of the age of criminal responsibility shall not be fixed at too low an age level bearing in mind the facts of mental and intellectual maturity." In consonance with this principle, the mental and intellectual maturity of juvenile or child below eighteen years is considered insufficient through out the world.

**(ii) Procedural protection of innocence:**

All procedural safeguards that are guaranteed by the Constitution and other statutes to the adults and that go in to strengthen the juvenile's or the child's right to presumption of innocence shall be guaranteed to juveniles and children.

- (14) The Board of Management may receive such voluntary donations, contributions or subscriptions as may be made by any individual or organisation in furtherance of the object of the Fund.
- (15) The assets of the Karnataka Children's Fund shall include all such grants and contributions, recurring or nonrecurring, from the Central and State Government(s) or any other statutory or non-statutory bodies set up by the Central or State Government(s) as well as voluntary donations from any individual or organization.
- (16) All withdrawals shall be made by cheques or requisitions, as the case may be, signed by the secretary-cum-treasurer and in the case of amounts exceeding rupees one thousand, they shall be signed duly by the secretary-cum-treasurer and a member of the board of management to be nominated by the State Advisory Board.
- (17) Regular accounts shall be kept of all money and properties, and all incomes and expenditure of the Karnataka Children's Fund and shall be audited by a notified firm of Chartered Accountants, or any other recognized authorities as may be appointed by the State Advisory Board.
- (18) The auditors shall also certify the expenditure from the Karnataka Children's Fund made by the secretary-cum- treasurer.
- (19) All contracts and other assurances shall be in the name of the Board of Management and signed on their behalf by the secretary-cum-treasurer and one member of the Board of management authorized by it for the purpose.
- (20) The Board of Management shall invest for the time being the proceeds of sale or other disposal of the property, as well as any money or property not immediately required to be used to serve the objective of the Karnataka Children's Fund, in any one or more of the modes of investment authorized by law for the investment of trust moneys as the Board of Management may think proper.
- (21) The Board of Management may delegate to one or more of the members such of its powers, which in its opinion are merely a procedural arrangement.

#### 91. Training of Personnel:

- (1) The State Government shall provide for training of personnel of each category of staff, in keeping with their statutory responsibilities and specific job requirements.
- (2) The training programme shall include-
  - (a) orientation and induction training of all newly-recruited staff including those on contract
  - (b) refresher training courses and capacity building programmes for all functionaries once a year, and
  - (c) periodic conferences, seminars and workshops on issues related to children and implementation of the Act.
- (3) The State Government shall organize regular training and capacity building of personnel involved in the implementation of the Act and rules made there under.

#### 92. Social audit.

- (1) The Central Government or the State Government shall monitor and evaluate the implementation of the Act annually by reviewing matters concerning establishment of Board(s) or Committee(s) or Special Juvenile Police Unit(s) where required, functioning of Board(s) or Committee(s) or Special State Juvenile Police Unit(s), functioning of institutions and staff, functioning of adoption agencies, any other matter concerning effective implementation of the Act in the State.
- (2) Social audit shall be carried out with support and involvement of organizations working in the field of mental health, child care and protection and autonomous bodies like the National Institute of Public Co-operation and Child Development, Karnataka State Council for Child Welfare., School of Social Work and National Law School of India University.

#### 93. Annual Report:

The Director of Women and Child Development shall bring out annual report on the activities of Probation services in the State which shall be placed before the State Level Advisory Board. The publication of the report shall be made after the approval of the State Level Advisory Board.

#### 94. Openness & Transparency:

- (1) All homes under the act shall be open to visitors only with the permission of the Deputy Director of the Department of Women and Child Development who may consider it appropriate to allow representatives of voluntary organizations, social workers, researchers, medicos, academicians, prominent personalities and any other persons as visitors, keeping in view the rights and interest of the children.
- (2) The Officer-in-Charge of the home shall encourage active involvement of local community in improving the conditions of the homes, if the members of the community want to serve the institution or want to contribute through their expertise.

#### 95. Pending Cases:

- (1) No juvenile or a child shall be denied the benefits of the Act and the rules made there under.
- (2) All pending cases, which have not received finality, shall be dealt with and disposed of in terms of the provisions of the Act and the rules made there under.
- (3) Juveniles or children shall be given the benefits under sub-rule (1) of this rule, and it is hereby clarified that such benefits shall be made available to all those who were juveniles or children at the beginning of the case, even if they cease to be so during pendency of the case.

- (b) to inspect the various institutional or non-institutional services and obtain feed back from the children and make recommendations for improvement of these services.
- (c) to ensure social justice to children coming under the purview of the juvenile justice system.
- (d) to serve as a forum for effective coordination between the various sectors of child development in dealing with the problems of children.

- (4) The non-official members of the Board shall be appointed by the State Government on the recommendation of the Director of Women and Child Development and shall hold office for a term of three years from the date of appointment.
- (5) Any vacancy caused among the non-official members in the Advisory Board, due to termination, resignation, or any other reason, shall be filled by appointment of another person who shall hold office for the remaining period.
- (6) The non-official members shall be entitled for TA and DA and an honorarium of Rupees five hundred per day as incidental expenses.
- (7) The minutes of the meeting shall be circulated to all the members and other Departments/ organizations for follow up.

#### 90. Karnataka Children's Fund.

- (1) The State Government shall create a Fund at the State level under section 61 of the Act to be designated Karnataka Children's Fund (herein under referred to as the Fund) for the development and rehabilitation of the juvenile or the child dealt with under the provisions of the Act.
- (2) In addition to donations, contributions or subscriptions coming under sub-section (2) of section 61, the Central Government shall also make contribution to the Fund.
- (3) The Fund shall be applied to:
  - (a) implement programmes for the welfare, rehabilitation, repatriation and estoration of juveniles or children;
  - (b) provide for medical aid or surgery for major illnesses/emergencies for juvenile or child.
  - (c) provide for scholarships, fees for higher, professional, vocational or technical education.
  - (d) meet the expenses of State Advisory Board;
  - (e) for all other expenses that are incidental and necessary for the above purposes.
- (4) The management and administration of the Karnataka Children's Fund shall be under the control of the State Advisory Board under sub-section (3) of section 61 of the Act.
- (5) A Board of Management shall be set up with the following members
 

(a) The Secretary, Women and Child Development	- Chairperson
(b) Three non-official members (representatives of voluntary organisations, Corporate sector, or academicians) to be nominated by Government	- Members
(c) Director, Women and Child Development	- Member Secretary
- (6) A non-official member shall, unless he resigns his office or dies or otherwise vacated his office at an earlier date, hold office for a period not exceeding two years.
- (7) A non-official member may resign his office by sending his resignation in writing to the Chairperson which shall become effective from the date of its acceptance or on the expiry of thirty days after the date of resignation, whichever is earlier.
- (8) A member nominated to fill a vacancy shall hold office until the completion of the term of office.
  - (1) A non-official member shall be deemed to have vacated his office if -
    - (a) he becomes of unsound mind or he is declared to be insolvent.
    - (b) if he is convicted of any offence which in the opinion of the State Government is illegal or involves moral turpitude.
    - (c) in the opinion of the State Government, it is not desirable to continue him to be a member
- (2) The Board of Management shall meet at least once in a year at such place, dates and time as may be fixed by the Chairperson
- (3) The quorum for the meeting shall be four.
- (4) The Board may function notwithstanding any vacancy in its constitution.
- (5) It shall be the duty of the Member Secretary:-
  - (a) to be the custodian of all records of the Board of Management
  - (b) to conduct the official correspondence on behalf of the Board of Management
  - (c) to issue all notices, agenda and earlier meeting minutes for convening the meetings of the Board of Management
  - (d) to keep minutes of all the meetings of the Board of Management
  - (e) to manage the properties and funds of the Fund
  - (f) to maintain accounts and execute all contracts on behalf of the Board of Management.
  - (g) to exercise all other powers and exercise such other functions as may be assigned to him by the Board of Management from time to time.

- (m) train and build capacity of all personnel (Government and Non-government) implementing the Act to provide effective services to children;
- (n) organise quarterly meeting with all stakeholders at district level including Childline, specialised adoption agencies, Officer-in-charge of homes, non-governmental organisations and members of public to review the progress and implementation of the Act; and
- (o) liaison with the State Child Protection Unit, State Adoption Resource Agency at State level and District Child Protection Units of other districts.
- (p) maintain a district level database of all children in institutional care and family based non-institutional care and update it on a quarterly basis

#### 87. Selection Committee.

- (1) The State Government shall constitute a Selection Committee for a period of five years by notification in the official gazette consisting of the following seven members, namely:
  - (a) a retired judge of High Court as the Chairperson;
  - (b) one representative from the Department of Women and Child not below the rank of Director as the Member Secretary;
  - (c) one representative from a reputed non-governmental organization working in the area of child development for a minimum period of seven years, and one shall be a representative of the State Child Protection Unit
  - (d) two representatives from academic bodies / Universities preferably from the faculty of social work, psychology, sociology, child development, health, education, law, and with experience of working on children's issues for a minimum period of seven years; and
  - (e) a representative of the State Commission for Protection of Child Rights or State Human Rights Commission
- (2) The quorum for the meeting of the Selection Committee shall not be less than four members including the Chairperson.
- (3) The sitting fees and travel allowances for the Chairperson and non-official members of the Selection Committee shall be paid as fixed by the State government from time to time.

#### 88. Functions of the Selection Committee.

- (1) The Selection Committee shall take into consideration the applications received, prepare, select and recommend a panel of names for selection of members of the Board/ Committee while making appointment of members of the Board or Committee.
- (2) The Selection Committee, at the time of recommending names for appointment as member of Board or Committee shall also finalise a panel of names for Board or Committee to fill in vacancies, which may arise during the tenure of the Board or Committee.
- (3) The Selection Committee while selecting the Chairpersons and members of the Juvenile Justice Boards/ Child Welfare Committees shall ensure that none of them are:
  - (a) members of the managing committee or board of an adoption agency.
  - (b) not directly associated with any placement of adoption services that will have conflicting interest with the welfare of the child.
- (4) the State government shall
  - (a) call for applications through public advertisement in the local news papers.
  - (b) invite nominations from members of civil society organizations and other qualified individuals for selection of members of the Board /Committee.
- (5) No person shall be eligible for appointment unless he/she is recommended by the Selection Committee.
- (6) In the event of non-reporting of a member within the stipulated time after appointment to the Committee or Board as the case may be, the Deputy Director of the Department of Women and Child Development shall inform the Member- Secretary of the Selection committee to fill up the vacancy at the earliest.
- (7) In the event of a vacancy in the Board or Committee, the District Deputy Director of the Department of Women and Child Development shall inform the Member –secretary of the Selection Committee for filling up such vacancy based on the panel of names provided by the Selection Committee.
- (8) In the event of any complaint against a member of the Board or Committee, the Deputy Director of the Department shall hold a detailed inquiry and send a report to the Director of Women and Child Development who shall forward the same to the State Government along with his opinion for taking appropriate action in the matter.

#### 89. Advisory Board.

- (1) The State Government shall constitute an Advisory Board at the State level to monitor and oversee the functioning of institutions and administration of juvenile justice in the state for the period of three years.
- (2) The Advisory Board shall meet once in six months to transact its business.
- (3) The functions of the Advisory Board shall be
  - (a) to advise the State Government on matters relating to the development of services through various official and community based agencies.

**85. State Child Protection Unit.**

The specific functions of the State Child Protection Unit shall include:

- (1) effective implementation of the Act and other child protection legislation, schemes and achievement of child protection goals laid out in various National and State Plans of Actions. In doing so, the SCPU will follow national and state priorities, rules and guidelines;
- (2) effective supervision and monitoring of all agencies involved in child development and protection scheme/programmes and agencies/institutions at State level;
- (3) Facilitate to set up, support and monitor performance of District Child Protection Societies;
- (4) represent the State Child Protection Unit as a member in the Selection Committee for appointment of members of Boards or Committees;
- (5) network and coordinate with all government departments to build inter-sectoral linkages on child protection issues, including Departments of Health, Education, Social Welfare, Urban Basic Services, Disabled Welfare, Backward Classes & Minorities, Youth Services, Police, Judiciary, Labour, State AIDS Prevention Society, among others;
- (6) network and coordinate with voluntary and civil society organizations working for the effective implementation of the Act and other child related legislations;
- (7) training and capacity building of all personnel (Government and Non-government) working under the juvenile justice system;
- (8) facilitate to establish minimum standards of care and ensure its implementation in all institutions set up under the Act;
- (9) coordinate reviews at state and district level of the various mechanisms for children including Child Welfare Committees, child lines etc; and
- (10) maintain a state level database of all children in institutional care and family based non-institutional care and update it on a quarterly basis. periodic progress report to Directorate on enforcement, program implementation and issues that impact children
- (11) all other functions necessary for effective implementation of the Act.

**86. District Child Protection Unit.**

(1) The District Child Protection Unit shall coordinate and implement all child rights and protection activities at district level.

(2) The specific functions of the District Child Protection Unit shall include;

- (a) ensure effective implementation of the Act and other legislations related to children at district or city levels in coordination with other protective mechanisms, such as Boards, Committees, Special Juvenile Police Units and homes in each district;
- (b) identify families and children at risk and children in need of care and protection through effective networking and linkages with ICDS functionaries, specialized adoption agencies, NGO's dealing with child protection issues etc;
- (c) assess the number of children in need of difficult circumstances and create district-specific databases to monitor trends and patterns of children in difficult circumstances;
- (d) periodic and regular mapping of all child related services at district for creating a resource directory and making the information available to the Committees and Boards from time to time.
- (e) implement family based non-institutional services including sponsorship, foster care, adoption and after care;
- (f) ensure setting up of District, Taluk and Village level Child Protection Committees for effective implementation of programmes as well as discharge of its functions;
- (g) facilitate transfer of children at all levels for either their restoration to their families or placing the child in long or short-term rehabilitation through institutionalization, adoption, foster care and sponsorship;
- (h) supporting State Adoption Resource Agency in implementation of family based non-institutional services at district level;
- (i) network and coordinate with all government departments to build inter-sectoral linkages on child protection issues, including Departments of Health, Education, Social Welfare, Urban Basic Services, Backward Classes & Minorities, Youth Service, Police judiciary, Labour, State AIDS Control Society, among others;
- (j) network and coordinate with voluntary and civil society organisations working under the Act;
- (k) develop parameters and tools for effective monitoring and supervision of agencies and institutions in the district in consultation with experts in child welfare;
- (l) supervise and monitor all institutions or agencies providing residential facilities to children in district;

for expenses incurred on their education, treatment, vocational training, development, rehabilitation and repatriation/restoration.

#### 84. Missing Children's Bureau.

- (1) (a) The State government shall facilitate, through the Departments of Women and Child Development and Police in setting up of the Missing Children's Bureau at the Directorate of Women and Child Development, with support from competent NGOs.
- (b) Attempt shall be made to network with all other similar facilities set up in other parts of the country so as to facilitate speedy scanning and transmission of information of missing children.
- (c) The Missing Children's Bureau at the district level shall be located at the District Child Protection Unit, and shall be supported by competent NGOs.

#### (2) Functions of the Missing Children's Bureau shall be:

- (a) Collect and collate data to create a database of missing children, from the Police, Child Line, and all child care intuitions of the state, both government and non-government.
- (b) Disseminate data/information on missing children to Department of Women and Child Development and Police for immediate action.
- (c) Collect and disseminate data/information on traced/found children from the Police stations, Child Line, Child Welfare Committees and all child care
- (d) institutions of the state, both government and non-government to Department of Women and Child Development and Police
- (e) Documentation of the repatriation process of every traced/found child in the State and monitor unnecessary detention of the children in any child care institution
- (f) Identify and partner with competent voluntary organisations in all districts of the state to coordinate with activities of the Missing Children's Bureau, located in the District Child Protection Unit, and monitor the voluntary organisations.
- (g) Develop and deploy a web-based solution and allied software systems for tracing missing children and facilitate coordination with authorized/competent child care institutions.
- (h) Organise periodical review meetings at state and district level with Women and Child Development and Police to discuss and update policy related issues on missing children.
- (i) Create public awareness on the objectives and achievements of the Missing Children's Bureau
- (j) Initiate research on issues of missing children for policy and advocacy.

#### (3) The procedures shall include:

- (a) Ensure FIR of all cases of missing children with the Police Station as mandated, except in the event of parent/guardian/care provider having reservation.
- (b) All child care institutions both government and non-government, and local police stations, on receiving a missing child shall furnish the details of the child with the photograph to the Missing Children's Bureau at the District Child Protection Unit within twenty four hours. They shall do the same for complaints of missing children in the prescribed format.
- (c) NGOs partnering or coordinating with the Bureau at the district level shall follow up with the families and institutions whose children are reported to be missing, and report back to the Bureau as soon as the child is traced and reunited with the family.
- (4) Forms to record missing child complaints shall be made available in all police stations, department web site and Child Welfare Committees/Juvenile Justice Boards and the filled forms to be submitted to the district Missing Children's Bureau.
- (5) All related departments shall collaborate with the Missing Children's Bureau in spreading awareness on the services available like the web site.
- (6) Any person, other than the parents/guardian/authorized care provider having custody of a child shall cooperate with the Bureau, coordinating NGOs and officials in the district for verification of the status of the child.
- (7) Only authorised persons/agencies shall be provided access to database of missing children; any person found guilty of misusing information found in the database shall be dealt with as per law.

(5) The State Government may transfer the management of any State run institution under the Act to a voluntary organization of repute, who has the capacity to run such an institution; and certify or recognize the said voluntary organisation as a fit institution to own the requisite responsibilities for a specified period of time.

(6) A list of institutions certified or recognised by the State Government, shall be maintained in the office of the Board / Committee and shall be updated as and when institution are certified or recognized/de-recognised.

#### 81. Recognition of fit institution:

(1) All non-governmental organisations seeking certificate of recognition as fit institution for children in need of care and protection or children in conflict with the law shall get themselves registered under sub-section 3 of section 34 of the Amendment Act 2006.

(2) Any organisation which is established for and is willing temporarily to receive and provide facilities for bringing up any child in need of care and protection or treatment for a period as may be necessary, may be recommended by the competent authority, as a fit institution after due verification of the credentials and reputation based on the guidelines provided by the State Government

(3) Before recommending any organisation as a fit institution, the competent authority shall satisfy itself with regard to the standards of care as prescribed under of these rules and only on being satisfied, shall recommendation be made to the State Government to accord fit institution status to the organization.

(4) Any institution recognized as a fit institution shall

(a) meet the standards of care laid down in the Act, the rules made there under and guidelines provided by the state from time to time, or agree to build compliance with these standards within a reasonable period of time.

(b) receive and provide basic and other appropriate services for care, protection and rehabilitation of the juveniles or children.

(c) prevent subjection of juvenile or child to any form of cruelty or exploitation, abuse or neglect within and outside the institution; and

(d) abide by the orders of the competent authority and state Government.

(5) A data base of all fit institutions recognised by the State Government with addresses and contact details shall be maintained by the State and kept in the office of the Board / Committee, and shall be updated as and when the State Government recognizes /de-recognizes such fit institutions.

(6) A fit institution with collateral branches may send the juvenile or child placed therein by an order of the competent authority to any of its branches after seeking permission from the competent authority under whose authority the child was placed.

#### 82. Recognition of fit person:

(1) Any individual who is willing to receive and own responsibility of 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 after due verification of their credentials and reputation.

(2) Before declaring any person as a fit person, the competent authority shall hold due enquiry and only on being satisfied, shall recognition be given as a 'fit person'.

(3) Data base of names and addresses of fit persons recognised by the competent authority shall be kept at the directorate, in the office of the Board / Committee as well as the Special Juvenile Police Units, and shall be updated periodically as well as when the competent authority recognizes such fit persons or de recognizes a person.

(4) The competent authority shall de-recognise any person declared as 'fit person' if the person is found guilty of malpractice, is involved in any illegal activities or is guilty of child abuse or any other crime.

(5) Escape of child or juvenile from the custody of a fit person or fit institution shall be inquired into, keeping in mind the principle of good faith as provided for under Section 67 of the Act.

#### 83. Grant-in-aid to certified or recognized organization:

(1) An organization certified or recognized or registered shall be allowed to the grant-in-aid to the State Government after application by such organization for the maintenance of juvenile or child received by them under the provisions of the Act; and

- (10). State Government shall maintain a comprehensive updated database of all child care institutions, both government and non-government, who have been issued Certificate of Registration and the same shall be hosted on the website of the Department of Women and Child Development.
- (11) Registration of an institution shall not entitle an institution for Grant-in-aid. However for the maintenance of children sent by the Child Welfare Committee, the Institution can apply to the Government for sanction of Grant-in-aid.
- (12) No organization either Government or NGO/Individual shall keep founder abandoned children in the institution without information the respective Child Welfare Committee. If any organization or individual or a group of people indulge in such activities, the children shall be removed from their custody and criminal action shall be initiated for illegal custody of the children as per law. When the institution admits children directly brought by biological parent/guardian, it shall take a written request along with proof of addresses.

#### 79. Functions of the Registration Authority

- (1) Review the applications received with the inspection report, and where the institutions have complied with all the requirements of the Act and Rules there under, grant the Certificate of Registration within a period of ninety days from the date of receipt of application for registration. Where Registration Authority is not satisfied that the standards of care are not complied with, it shall by order refuse to grant the Certificate applied for.
- (2) Maintain a comprehensive database of all child care institutions registered at the State level in coordination with the Department of Women and Child Development, along with information of those whose registration has been revoked.
- (3) Perform such other functions as are necessary.

#### 80. Certification or recognition and transfer of management of institutions

- (1) If the management of any organisation desires that its organization may be certified as Observation Home, or Special Home or Children's Home as per Sections 8 (2), 9 (2) and 34 (2) of the Act respectively, or recognized under the Act, they shall make an application in Form 33 together with a copy each of the rules, bye-laws, memorandum of association, list of governing body, office bearers, audited statement of accounts for the last three years, and a report of past record of social or public service provided by the organization for the care and protection of children to the State Government.
- (2) The Director of Women and Child Development shall cause the District Deputy Directors to inspect the organization and the inspecting officer shall after verifying the provisions made in the organisation for the boarding and lodging, general health, education facilities, vocational training and treatment services may grant certification or recognition under sections 8,9,34,37,41 and 44 of the Act, as the case may be, on the condition that the organisation shall comply with the standards or services as laid down under the Act, rules framed there under, and guidelines issued by the state from time to time and to ensure an all round growth and development of juvenile or child placed under its charge. While certifying or recognizing an institution, specific mention shall be made about the age group and sex of the children in the institution.
- (3) Withdrawal of Recognition. (a) In the event of any complaint received about poor standards of care or mal practices in institutions the Committee shall order for inquiry report or District Deputy Director shall undertake a verification and submit report, and based on the report the State Government shall issue a notice to the management of the organization or institution and give one month's time for explanation or to rectify the irregularities/poor performance if any. (b) If the organization fails to comply within the given time or no satisfactory progress is seen then the State Government shall
- issue a show-cause notice to the organization or institution declaring that the certificate or recognition as the case may be shall stand withdrawn from a date specified in the notice and from the said date the organization or institution shall cease to be an organization or institution certified or recognized under sections 8, 9, 34, 3, or 44, as the case may be; or
  - take any other action as may deem fit.
- (4) When an organization ceases to be an organization certified or recognized under sections 8, 9, 34, 37,41 or 44 of the Act, the juvenile or the child kept therein shall either be transferred to another institution certified or recognized under sections 8, 9, 34, 37,41 or 44 of the Act and with necessary services available; or discharged, in accordance with the provisions of the Act and rules relating to their discharge or transfer order given by the Board or the Committee or the state government, as the case may be.



**CHAPTER VI  
MISCELLANEOUS**

**78. Registration of Organisations:**

- (1) All institutions whether state government run or those run by voluntary organisations for children in need of care and protection, shall get themselves registered under sub-section (3) of section 34 of the Act.
- (2) (a) The State Government shall authorize the Director of Department of Women and Child Development as the Registration Authority to register all such institutions in the state.  
(b) The Registration Authority shall be located at the Directorate of Women and Child Development.
- (3) Organisations who have registered themselves under any other law for the time being in force, shall also make an application for registration under sub section (3) of section 34 of the Act in Form 33.
- (4) All such institutions shall make an application for grant of registration/renewal of registration to the District Deputy Director of the Department of Women and Child Development together with:
  - (a) copy each of rules and regulations, bye-laws and memorandum of association
  - (b) a copy of Certificate of Registration under the Indian Societies Registration Act, 1860 or a Public Trust registered under any law for the time being in force.
  - (c) list of governing body members and office bearers
  - (d) balance sheet and audited statement of accounts for the last three years
  - (e) a report of past record of social or public service provided by the organization for the care and protection of children.
  - (f) An amount of rupees 750 / to be paid towards registration of the organization.
- (5) The District Deputy Directors, Women and Child Development shall receive applications and after verifying that provisions made in the organisation for the care and protection of children like health, education, boarding and lodging facilities, if any, vocational facilities and scope of rehabilitation are in order, forward the same with their recommendation to the Registration Authority which shall issue a registration certificate to such organisations under sub-section (3) of section 34 of the Act.
- (6) Rejection of Application
  - (a) where Registration Authority is not satisfied that the applicant has complied with the requirements of the Act and the Rules there under, it shall for reasons to be recorded in writing, reject the application for registration or renewal of Certificate of Registration and communicate such rejection the applicant.
  - (b) Where the application has been rejected, the applicant shall be given a period of thirty days to comply with the same before reconsidering its application for registration/renewal.
- (7) Every Certificate of Registration shall be granted in Form No. 33A by the Registration Authority.

**(8) WITHDRAWAL OF REGISTRATION**

- (a) Where the Registration Authority has received complaints about improper functioning and poor quality of care/service to children in any organisation, 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 of registration. After the registration authority is satisfied that the organization is guilty of commission of such act, or omission thereof, as mentioned in the complaint, it shall make an order to revoke the Certificate of Registration and it shall stand withdrawn as from a date specified in such order and from the said date the organization shall cease to be registered under the Act.
- (b) When an organization's registration is revoked the children in the care of the organisation therein shall be transferred based on the needs of the children, to another organisation that has a valid Certificate of Registration or to an institution which has a Certificate of Registration under the Act, and is able to provide the services required for the children, or be restored to the care and custody of their parents or lawful guardian through an order by the Child Welfare Committee or the State government.
- (9) State or NGO managed institutions shall display the Certificate of Registration/ Certificate of Recognition issued to them by the Registration Authority and the state government respectively in a conspicuous place in its premises where services for children or juveniles are provided.

**76. Maintenance of Registers:** The Officer-in-Charge shall maintain in his office, such registers and forms, as required by the Act and as specified by these rules made there under. The list of registers, files, forms to be maintained shall minimally comprise of:

- (a) Admission register
- (b) Supervision register
- (c) Medical file/medical report
- (d) Nutrition diet file
- (e) Stock register
- (f) Log book
- (g) Order book
- (h) Meeting book
- (i) Cash book
- (j) Budget statement file
- (k) Inquiry report file
- (l) Individual case file with individual care plan
- (m) Discharge register
- (n) Children's Suggestion Book
- (o) Visitor's book
- (p) Staff movement register
- (q) Personal belongings register
- (r) Leave record register for children/staff
- (s) Minutes register of management committee
- (t) Minutes register of Children's Committees
- (u) Attendance register for staff and juveniles/children.

**77. Personnel of a Home:**

- (1) The personnel strength of a home shall be determined by the Director, Women and Child Development, according to the duty, posts, hours of duty per day, as the base for each category of staff.
- (2) The organizational set up of an institution shall be fixed in accordance with the size of the home, the capacity, workload, distribution of functions and requirements of programmes. The staff shall be appointed in accordance with the educational qualifications, training and experience required for each category
- (3) The full-time staff in a home shall consist of Officer-in-Charge, Probation Officer, case workers, counselor, educator, vocational training instructor, medical and para-medical staff, administrative staff, caretakers, house father and house mother, store keeper, cook, helper, washer man/woman, sweeper, security and gardener as required.
- (4) The part-time staff, shall include trained social worker, 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 Officer-in-Charge who by order, shall determine their specific responsibilities and shall keep the concerned authority informed of such orders made by him/her from time to time.
- (6) All staff in the Homes of girls shall be women as far as possible.
- (7) The duties and responsibilities of the staff under the Officer-in-Charge shall be fixed in keeping with the statutory requirements of the Act.
- (8) The Officer-in-Charge and other required staff members shall live in the quarters provided for them within the premises of the home.
- (9) The suggested staffing pattern for an institution with a capacity of 50 juveniles or children are laid down in schedule III.

- (c) maintaining discipline among the juveniles or children;
- (d) supervising maintenance, sanitation and hygiene;
- (e) implementing daily routine in an effective manner and ensuring children's involvement;
- (f) looking after the security and safety arrangements of the home; and
- (g) escorting juveniles or children, whenever they need to go out of the home.
- (h) bringing to the notice of the superintendent and other concerned officials of any emergencies

**73. Disciplinary proceedings against Officer-in-charge, probation officer or case-worker, house father or house mother and other members of the staff.**

- (1) The officer-in-charge, probation officer or case-worker, house father or house mother and other care givers and staff shall not employ a juvenile or child under their supervision or care and protection for their own purposes or take any private service from them.
- (2) In the event of any report of physical, sexual or emotional abuse of a juvenile or a child in an institution or outside, by a member of the staff, the matter shall be brought to the notice of the higher authorities and disciplinary action shall be initiated.

**74. Restoration and Follow-up:**

- (1) The order for restoration shall be made by the Board/Committee on the basis of a fair hearing of the juvenile/child and his/her parents or guardian, as well as on the reports of the Probation Officers/Case Workers directed by the Board/Committee to conduct the home study and any other relevant document/report brought before the Board/Committee for deciding the matter.
- (2) The Board or Committee shall send a copy of the restoration order along with a copy of the order for escort in Form 32 to the State Government, who shall provide funds for restoration of the juvenile or child.
- (3) Every restoration shall be planned for as part of the individual care plans prepared by the case-worker/counselor/child welfare officer/probation officer as the case may be and shall be based on the review and recommendations of the management committee. This shall include the post restoration follow up plan.
- (4) Besides police, the Board or Committee shall seek collaboration with non-government organisations to accompany juveniles/children back to their family for restoration.
- (5) In case of a girl, the juvenile/child shall necessarily be accompanied by female escort.
- (6) The expenses incurred on restoration of a juvenile/child, including travel and other incidental expenses, shall be borne by the concerned state government authority through the concerned institution.
- (7) When a juvenile/child expresses his or her unwillingness to be restored back to the family, the Board/Committee shall make a note of it in its records in writing and such juvenile/child shall not be coerced or persuaded to go back to the family. Particularly if the social investigation report of the case worker or Probation Officer establishes that restoration to family may not be in the best interest of the juvenile or child or, if the parents or guardians refuse to accept the juvenile or child back.
- (8) (a) A quarterly follow-up report shall be submitted to the Board/Committee by the concerned Child Welfare Officer/Probation Officer/non-government organisation for a period of two years with a copy to the Officer-in-Charge of the institution from where the juvenile or child is restored.
- (b) The follow-up report shall clearly state the situation of the juvenile/child post restoration and the juvenile's/child's needs to be met by the concerned state government in order to reduce further vulnerability of the juvenile or child.
- (c) The Officer-in-Charge shall file the follow-up report in the case-file of the juvenile/child and place the report before the management committee.
- (9) Where a follow-up is not possible due to unavailability of government functionaries or non-government organisations, the State Child Protection Unit shall provide necessary assistance and support to the concerned Board/Committee.

**75. Visitor's Book.**

- (1) The Officer-in-Charge shall maintain a visitors' book in every institution, in which the person visiting the home shall record the date of his visit with remarks or suggestions.
- (2) The Officer-in-Charge shall submit such remarks or suggestions to the Management committee for review and follow-up.
- (3) While visiting an institution, the visitors shall not say or do anything that undermines the authority of the Officer-in-Charge or is in contravention of the Act or rules or impinges on the dignity of the juveniles or children.

- (m) arrangement for segregation of a juvenile or child suffering from contagious or infectious diseases
- (n) observance and follow up of daily routine
- (o) maintenance of case files of children
- (p) organizing local and national festivals in the institution
- (q) organizing trips or excursions or picnics for juveniles or children
- (r) preparation of budget and exercising control over financial matters
- (s) allocation of duties to personnel
- (t) supervision over office administration, including attending to personnel welfare and staff discipline
- (u) prompt, firm and considerate handling of all disciplinary matters
- (v) organizing the meetings of the Management Committee set up under Rule 58 of these rules and provide necessary support
- (w) encouraging the children to hold meetings of the Children's Committee
- (x) maintenance of all records and registers required under the Act and the rules and monthly verification of the same by the Management Committee
- (y) liaison, coordination and cooperation with the District/State Child Protection Unit or State Government as and when required and
- (z) coordination with the legal officer in the District/State Child Protection Unit to ensure that every juvenile is legally represented and provided free legal aid and other necessary support, or where the State Child Protection Unit has not been set up, services of the District or State Legal Services Authority shall be made available.

#### 71. Duties of a Probation Officer or Case Worker.

- (1) Every Probation Officer or Case Worker shall carry out all directions given by the Board or Committee or concerned authority and shall perform the following duties, functions and responsibilities:
  - (a) making social investigation of the juvenile in Form 6 or the child in Form 18 through personal interview and from the family, social agencies and other sources
  - (b) attending the proceedings of the Board or Committee and submitting reports as and when required
  - (c) clarifying problems of the juvenile or the child and dealing with their difficulties in institutional life
  - (d) participating in the orientation, monitoring, education, vocational and rehabilitation programmes
  - (e) establishing co-operation and understanding between the juvenile or the child and the Officer-in-charge
  - (f) assisting the juvenile or the child to develop contacts with family and also providing assistance to family members
  - (g) developing a individual care plan for every child in consultation with the juvenile or child and ensuring its implementation
  - (h) participating in the pre-release programme and helping the juvenile or the child to establish contacts which can provide emotional and social support to him/her after release
  - (i) establishing linkages with voluntary workers and organizations to facilitate rehabilitation and social reintegration of juveniles and to ensure necessary follow-up
  - (j) follow-up of juveniles after their release and extending help and guidance to them
  - (k) visiting regularly the residence of the juvenile or child under their supervision and also places of employment or school attended by such him/her and submitting fortnightly reports.
  - (l) accompanying juveniles or children where ever possible, from the office of the Board or Committee to observation home, special home, children's home or fit person, as the case may be and
  - (m) maintaining case file and such registers as may be specified from time to time.
- (2) On receipt of information from the Police or Child Welfare Officer under clause (b) of section 13 of the 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 6 or Form 18, to the Board or Committee.

#### 72. Duties of the Caretaker (House Father or House Mother).

- (1) The general duties, functions and responsibilities of the caretakers (house father, house mother) shall be as follows:
  - (a) treating juvenile or child with love and affection;
  - (b) providing for proper care and welfare of juvenile or child;

**68. Identity Photos.**

- (1) On admission to a home established under the Act, every juvenile or child shall be photographed. The photograph shall be kept in the case file of the juvenile or the child, a copy along with negative shall be kept in an album serially numbered, one copy affixed to admission register, and the forth copy shall be sent to the Board or Committee.

**69. Inspection.**

- (1) The State Government shall constitute District level Inspection Committees to inspect all Children's Homes in the state for a period of three years.
- (2) The committee shall consist of
- (a) Deputy Commissioner of the district or his nominee
  - (b) Deputy Director of the Department of Women and Child Development
  - (c) The Chairperson of the Justice Board / Chairperson of the Child Welfare Committee
  - (d) District Health and Family Welfare Officer
  - (e) One non government organization to be decided by the Deputy Commissioner
- (3) The purpose of the Committee shall be
- (a) to visit and oversee the conditions in the Children Homes at least once in a quarter
  - (b) to review the standards of care and protection being followed in the institutions
  - (c) look into the functioning of the Management committees and Children's committees and give appropriate directions.
  - (d) to interact with the children during the visits to the institution.
  - (e) to inspect the records of the institution
  - (f) to visit the institutions either by prior intimation or by surprise.
  - (g) to review the programmes and activities and make suggestions for improvement and development of the institution.
  - (h) The inspection report of the inspection committee shall be sent to the District Child Protection Unit and the State Government.
- (4) The Director of women and child development, joint director, deputy director, assistant director, women and child development officer, and any other officer authorized by him shall enter into any of the premises for the purpose of such organization.

**70. Duties of the Officer-in-charge of the institution.**

- (1) The Officer-in-Charge shall have the primary responsibility of maintaining the institution and shall stay within the institutional premises to be readily available as and when required by the juveniles or children and the staff, and in case where accommodation is not available the Officer-in-Charge shall stay at a place in close to the institution till such time that such accommodation is made available
- (2) The general duties and functions of the Officer-in-Charge shall include:-
- (a) compliance with provisions of the Act, rules and orders made there under
  - (b) compliance with the orders of the Board or Committee
  - (c) providing homely atmosphere of love, affection, care, and development for juveniles or children, ensuring their protection and confidentiality
  - (d) maintaining minimum standards of care in the institution
  - (e) proper maintenance of buildings and premises
  - (f) periodic or daily inspection as may be required to ensure that security measures are in place and proper storage facilities are provided for food and water inspection of food being served
  - (g) supervision and monitoring of juveniles' or children's discipline and well being
  - (h) planning implementation and coordination of all institutional activities, programmes and operations, including training, treatment, rehabilitation/restoration programmes or activities
  - (i) prompt action to meet emergencies
  - (j) ensuring accident and fire preventive measures are in place within the institution
  - (k) stand-by arrangements for water storage, power plant, emergency lighting
  - (l) ensuring careful handling of equipments

conditions are not complied with during the leave period, the juvenile or child may be recalled to the institution by the competent authority.

- (6) The parent or guardian shall arrange to escort the juvenile or child from and to the institution and bear the travel expenses. In exceptional cases or during an emergency, the Officer-in-Charge may arrange to escort the juvenile or child to the place of the family and back. In case the parents or guardians are willing to arrange escort but do not have requisite financial means, the Officer-in-Charge shall arrange for the traveling expenses as admissible under the rules.
- (7) If the juvenile or child runs away from the family during the leave period, the parent or guardian is required to inform the Officer-in-Charge of the institution immediately, and try to trace the juvenile or child. The juvenile or child shall be brought back to the institution immediately, as soon as he is found.
- (8) If the juvenile or child is not found within twenty four hours, the Officer-in-Charge shall report the matter to the nearest police station and missing children's bureau, but no adverse disciplinary action shall be taken against the juvenile or child, and procedure laid down under the Act shall be followed.
- (9) If the parent or guardian does not take proper care of the juvenile or child during the leave period or does not bring him/her back to the institution within the stipulated period, such leave may be refused on later occasions.
- (10) If the juvenile or child does not return to the institution on expiry of the sanctioned leave, the Board or Committee, shall refer the case to police to bring him/her back to the institution.
- (11) The period of such leave shall be counted as a part of the period of stay in the institution and the time which elapses after the failure of a 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.

**66. Transfer.** (1) During the inquiry, if it is found that the juvenile or child hails from a place outside the jurisdiction of the Board or Committee, the Board or Committee shall order the transfer of the juvenile or child in Form 31 and send a copy of the order to the State Government

Provided that:

- (a) such transfer is in the best interest of the juvenile or child
- (b) no child shall 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 or is suffering from a chronic or terminal illness or on account of disability
- (c) such transfer shall only take place after the completion of evidence and cross-examination that may be required in a legal proceeding involving a juvenile or child and
- (d) the reasons for and circumstances of such transfer are recorded in writing.

(2) The State Government shall :

- (a) send the information of transfer to the appropriate competent authority having jurisdiction over the area where the child is ordered to be transferred by the Board or Committee and
- (b) send a copy of the information to the Officer-in-Charge of the institution where the child is placed for care and protection at the time of the transfer order

(3) On receipt of copy of the information from the State Government the Officer-in-Charge shall arrange to escort the child, at government expense, to the place or person as specified in the order.

(4) On such transfer, case file and records of the juvenile or child shall be sent along with him/her.

#### **67. Admission of outsiders**

- (1) No stranger shall be admitted to the premises of the institution, and entry to any person shall be only with the prior permission of the Officer-in-Charge of the institution or by an order by the Board or Committee.
- (2) In special cases, where parents or guardians have traveled a long distance from another state or district, the Officer-in-Charge shall allow them entry into the premises and a meeting with their children, provided they possess proper identification and are not reported to have subjected the juvenile or child to abuse and exploitation.
- (3) No male visitors shall be allowed entry to Children's Home for girls after 6 p.m.

- (c) The Board or Committee shall take necessary steps to ensure completion of inquiry and provide legal aid as well as counseling to the juvenile or child victim. Care shall be taken to avoid secondary victimization during investigation.
- (d) The Board or Committee shall transfer such a juvenile or child to a fit institution/place of safety/fit person.
- (e) Any report of physical, sexual or emotional abuse of a juvenile or a child in an institution or outside, by a member of the staff, the staff member shall immediately be placed under suspension pending inquiry and appropriate legal action initiated.
- (f) If the person suspected of abusing a child is himself/herself a child then he/she shall be referred to a psychiatrist or child psychologist for counseling who shall prescribe the appropriate course of action.
- (g) The Officer-in-Charge shall inform the action taken to the Management Committee on the progress of the case in its next meeting.
- (h) If the child reports sexual abuse/rape after leaving the institution to any person, the person shall bring the same to the notice of the Board and Committee who will then institute an inquiry.

(3) Guidelines for prevention of sexual abuse of children- the State, Board and Committee, other competent authorities, agencies and schools shall in the best interest of children ensure that every person, school and child care institutions abide by the guidelines issued by the government from time to time.

#### 64. Juvenile or child suffering from contagious diseases or mental health problems

- (1) When a juvenile or a child placed under the care of a fit person or a fit institution under the provisions of the Act, is found to be suffering from a disease or physical or mental problems requiring prolonged medical treatment, or is found addicted to a narcotic drug or psychotropic substance, the juvenile or the child may be sent by an order of the competent authority to an appropriate place for such period as may be certified by medical officer to be necessary for proper treatment of the juvenile or the child or for the remainder of the term for which he has to stay.
- (2) When the juvenile or the child is cured of the disease or physical or mental health problems, the competent authority may, if the juvenile or child is still liable to stay, order him/her to be placed back in the care of fit person or institution from where he/she was removed for treatment. If the juvenile or the child is no longer liable to be kept under the care of fit person or institution, the competent authority may order him/her to be discharged.
- (3) Restoration of a juvenile or a child suffering from an infectious or contagious disease to his parents or guardian shall be based on the principle of best interest of the juvenile or child, keeping in mind the risk of stigmatization, discrimination, and discontinuation of treatment.
- (4) If there is no organization either within the jurisdiction of the competent authority, or neighbouring District/State, for sending the juvenile or child suffering from contagious or infectious 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.

#### 65. Leave or absence of a juvenile or child

- (1) A juvenile or child in an institution may be allowed to go on leave of absence or released under supervision for examination or admission, special occasions like marriage or events like death or accident or serious illness in the family.
- (2) The leave of absence for short period generally not exceeding fifteen days, excluding the journey time, may be recommended by the Officer-in-Charge with intimation to the Board or Committee while leave for longer period shall be granted only by the Board or Committee.
- (3) The parents or guardian of the juvenile or child, or the Officer-in-charge may submit an application to the Board or Committee, on behalf of the juvenile, requesting for release of the juvenile on leave, stating clearly the purpose and the period of leave.
- (4) While considering the application of leave of absence, the Board or Committee shall hear the juvenile or child, parents or guardians. If the Board or Committee considers that granting of such leave is in the interest of the juvenile or child an appropriate order shall be made. The Board or Committee may call for a report from the probation officer in case the preliminary information gathered from the juvenile or child, parent or guardian is not sufficient for the purpose.
- (5) While issuing orders sanctioning the leave of absence or release under supervision in Form 7 or Form 15 as the case may be, the competent authority shall mention the period of leave and the conditions attached to the leave order, and if any of these

- (2) The receipt of letters by the juveniles or children of the institution shall not be restricted and they shall have freedom to write as many letters as they like and the institution shall ensure that where parents, guardians or relatives are known, at least one letter is written by the juvenile or child every month for which the postage shall be provided by the institution.
- (3) The Officer-in-Charge may peruse any letter written by or to the juvenile or child, and may for reasons that he considers sufficient refuse to deliver or post the letter, after recording his reasons in a book maintained for the purpose. Copies of all such communication found to be unacceptable shall be delivered to the respective competent authority.
- (4) The Officer-in-charge shall, in special circumstances or as per orders of the Board or Committee, allow a juvenile or child to telephone his parents or guardians or relatives.

#### 62. Death of a juvenile or child:

On the occurrence of any case of death or suicide in an institution the procedure to be adopted shall be as under: -

- (1) In the event of a death or suicide of a juvenile or child in an institution, the institution shall ensure that an inquest and post-mortem examination is held at the earliest.
- (2) In case of natural death or death due to illness of a juvenile or child, the Officer-in-charge 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 or Committee, the State Human Rights Commission, the State Commission for Protection of Child Rights, State Child Protection Unit and the parents or guardians or relatives of the juvenile/child.
- (3) Whenever a sudden or violent death or death from suicide or accident takes place, immediate information shall be given by the case-worker or probation officer to the concerned authority and the Medical Officer. The brief case details shall also be maintained at the Homes, as per rule 80 (v) of these rules.
- (4) If a juvenile or child dies within twenty four hours of his admission to the institution, the Officer-in-Charge of the institution shall report the matter to the police station having jurisdiction and the District Medical Officer or the nearest Government Hospital and the parents or guardians or relatives of such juvenile or child without delay.
- (5) The Officer-in-Charge shall also immediately intimate the nearest Magistrate empowered to hold inquests and to the Board or Committee.
- (6) (a) The Officer-in-Charge and the Medical Officer for that institution, or from the nearest Government Hospital shall record the circumstances of the death of the child and send report to the concerned Magistrate, the Officer-in-charge of the jurisdictional police station, the Committee and the District Medical Officer or the nearest government hospital where the dead body of the juvenile/child is sent for determination of the cause of death.  
(b) The Officer-in-Charge and the Medical Officer shall also record in writing their views on the cause of the death if any, and submit it to the concerned Magistrate and the Officer-in-Charge of the police station having jurisdiction.
- (7) The Officer-in-Charge and the Medical Officer shall make themselves available for any inquiries initiated by the police or the Magistrate concerning the cause of death and other details regarding such juvenile or child.
- (8) As soon as the inquest is held, the body shall be handed over to the parents/ guardian/relatives or, in the absence of any claimant the last rituals shall be performed under the supervision of the Officer-in-Charge in accordance with the known religion of the juvenile or child.

#### 63. Abuse or exploitation of a juvenile or child

- (1) Every institution shall have systems of ensuring that there is no abuse, neglect and maltreatment and this shall include the staff being aware of what constitutes abuse, neglect and maltreatment, the early indicators of the same and response mechanisms.
- (2) In the event of any physical, sexual or emotional abuse, including neglect of juveniles/children in an institution by those responsible for care and protection the following action shall be taken:
  - (a) When an allegation of physical, sexual or emotional abuse comes to the knowledge of the Officer-in-Charge, a report shall be placed before both Management Committee of the institution and the Board or Committee, who in turn shall order for special investigation.
  - (b) The Board or Committee shall direct the local Police Station or Special Juvenile Police Unit to register a case, take due cognizance of such occurrences and conduct necessary investigations.

IVA -F3 -(O)



[illegible]**PART 1: JUVENILE'S PARTICULARS**

**1. Name of juvenile-Full Name**

\_\_\_\_\_

Whereas the said juvenile has been alleged/ found to have committed an offence and has been placed under the care of parent / guardian/ fit person/ fit institution/ specialty treatment centre, whose details are given in 2 and 3 below, on executing an undertaking.

**2 Name of Person/ Fit Institution/ Specialty Treatment Centre under whose Care the juvenile is placed**

--

## 3 Address where the Juvenile is placed

		Taluk	District
City/Town/Village	Panchayat	State	Pin

## PART 2: SUPERVISION DETAILS

The Board is satisfied that it is expedient to place the juvenile under supervision. It is hereby ordered that the said juvenile be placed under the supervision of:

**4 Name of the Probation Officer**

\_\_\_\_\_

For a period of \_\_\_\_\_ years \_\_\_\_\_ months, commencing from \_\_\_\_/\_\_\_\_/\_\_\_\_

**subject to the following conditions:**

- ☐ The juvenile along with the copies of the order executed by his/her parent/guardian/ institution will be produced before the Probation Officer/ Case Worker named above
- ☐ The juvenile will be submitted to the supervision of the Probation Officer/ Case worker
- ☐ The juvenile will reside at the above address for a period \_\_\_\_\_ Years \_\_\_\_\_ Months
- ☐ The juvenile will not be allowed to quit the district jurisdiction of the JJB District \_\_\_\_\_ without the permission of the probation officer / case-worker
- ☐ The juvenile will not be allowed to associate with anti-social elements
- ☐ The juvenile will lead an honest and peaceful life
- ☐ The juvenile will go to school/College regularly
- ☐ The juvenile will attend the attendance centre regularly

## SUPERVISION ORDER

[Rule 13(8), 65(5)]

Form 7

- ☐ The person under whose care the juvenile is placed will arrange for proper care, education and development of the juvenile
- ☐ Preventive measures will be taken by the person under whose care the juvenile is placed to see that the juvenile does not commit any offence punishable by any law in force in India.
- ☐ The juvenile will be prevented from taking narcotic drugs or psychotropic substances or any other intoxicants
- ☐ The directions given by the probationary worker/ case-worker from time to time for the due observance of the conditions mentioned above will be carried out
- ☐ Additional conditions imposed on the juvenile and his/her family.

(a)

(b)

(c)

(d)

<b>Date:</b> <table border="1"><tr><td>d</td><td>d</td><td>/</td><td>m</td><td>m</td><td>/</td><td>y</td><td>y</td></tr></table> <b>Place:</b>	d	d	/	m	m	/	y	y	
	d	d	/	m	m	/	y	y	
<b>Signature and Seal</b> <b>Principal Magistrate, Juvenile Justice Board</b>									

CL08

**UNDERTAKING BY PERSON  
IN WHOSE CARE THE JUVENILE IS PLACED**  
[Rule 13(5) 31(2)]

Form 8

<b>PART - 0: CASE NUMBER</b>											
CASE NO.											
<b>PART - 1: JUVENILE PARTICULARS</b>											
1 <b>Name of child</b> -Full Name											

2 **Reference to Supervision Order** dated \_\_\_\_/\_\_\_\_/\_\_\_\_.

The said child has been placed under my/our care by the Juvenile Justice Board.

I, as parent / guardian /fit person will take proper care of the said child and be responsible for his/her good behaviour for a period of \_\_\_\_ years \_\_\_\_ months, commencing from \_\_\_\_/\_\_\_\_/\_\_\_\_.

**I will abide by the following conditions for the said period:**

- (1) I shall not change my place of residence without giving previous intimation in writing to the JJB through the Probation Officer/ Child Welfare Officer.
- (2) I shall not remove the said child from the limits of the jurisdiction of the JJB without prior written permission of the JJB.
- (3) I shall send her/him daily to school /to such daily work as is approved by JJB unless prevented from doing so by circumstances beyond my control.
- (4) I shall report immediately to the JJB whenever required.
- (5) I shall produce the said child if s/he seriously misbehaves and report to the JJB if s/he absconds from my care.
- (6) I shall render all necessary assistance to the probation officer / case worker to enable him/her to carry out the duties of supervision.
- (7) I shall cooperate to the best of my ability in the implementation of the individual care plan.
- (8) Additional conditions if any defined by the JJB.

(a)

(b)

(c)

(d)

Date: 

d	d	/	m	m	/	y	y
---	---	---	---	---	---	---	---

Place:

**Name and Signature  
of the Person under whose care the Juvenile is placed**

**UNDERTAKING BY JUVENILE**

[Rule 13(6) and 31(2)]

Form 9

CASE NO

Ordered under section(s) of JJ Act: \_\_\_\_\_

Personal undertaking under section(s) of JJ Act: \_\_\_\_\_

**Whereas, I**

(Name of the Juvenile)

Resident of:

Address of the place of stay of the Juvenile			
		Taluk	District
City/Town/Village	Panchayat	State	Pin

have been ordered to be sent back/restored to my native place by the Juvenile Justice Board on my entering into a personal undertaking to observe the conditions mentioned herein below.

I therefore, do solemnly promise to abide by these conditions during the period:

\_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_.

- (1) During the period mentioned above I shall not ordinarily leave the village/town/district to which I am sent and shall not ordinarily return to the Home or go anywhere else beyond the said district without the prior permission of the Board/Committee.
- (2) During the said period I shall attend work/school in the village/town or in the said district to which I am sent;
- (3) In case of my attending work/school at any other place in the said district I shall keep the Board/Committee informed of my ordinary place of residence.
- (4) I shall behave properly and shall not in any way commit any breach of conditions laid down in this bond and accepted by me.
- (5) During the period specified in the Order I shall particularly observe the following conditions:
  - (a) I shall accept the guidance and assistance of the relative or fit person to whom I am sent as named in the order and will obey the directions given to me from time by the said person.
  - (b) I shall not play truant from home, school, work of place to which I am sent;
  - (c) I shall live honestly and will endeavour to earn an honest livelihood/attend school regularly and obey the authorities, shall not change my employment/school without the permission of the relative or fit person to whom I am sent.

(d) Additional conditions, if any

**UNDERTAKING BY JUVENILE**

[Rule 13(6) and 31(2)]

Form 9

(6) In case I fail to observe any of the conditions specified above, I shall on my reappearance before the competent authority receive such order as the competent authority deems fit.

<b>Date</b> <input type="text"/> / <input type="text"/> / <input type="text"/> <b>Place:</b>	<b>Thumb impression or Signature of the Child being released</b>
--	--

Certified that the conditions specified in the above order have been read over/explained to the said child and that he/she has accepted them as the conditions upon which his/her release order may be revoked.

<b>Date</b> <input type="text"/> / <input type="text"/> / <input type="text"/> <b>Place:</b>	<b>Signature and Designation by the Certifying authority i.e. Officer-In-Charge of the Institution</b>
--	--

To:

The Officer-In-Charge

<Name of Institution & Address>

Case Number:

B /

Presented under section(s)

Order Number:

Whereas the juvenile, <Name of the Juvenile>

being found to be in conflict with law, is ordered by me Principal Magistrate, Juvenile Justice Board, under Section 15(g) of the Juvenile Justice Act 2000, to be placed in the Special Home for a period of \_\_\_\_\_ Years \_\_\_\_\_ months, from the date of this order.

- a) This is to authorize and require you to receive the said child into your charge and to keep him/her in the Special Home for the aforesaid order to be carried into execution according to law.  
b) You are also directed to produce the child before the Juvenile Justice Board as and when required.

Date:

/ /

Place:

Signature and Seal

Principal Magistrate, Juvenile Justice Board

Originals of the all the case papers of the child should be transferred to the institution where the child is to be placed.

**DISCHARGE ORDER**

[Rule 12(10)]

Form 11

Where as the said juvenile, who was ordered to be detained/placed in a observation

home/special home/after care home by the Juvenile Justice Board and who is now in the

to be discharged on date:

Date of Discharge:

\_\_\_\_/\_\_\_\_/\_\_\_\_

Time of Discharge

\_\_\_\_/\_\_\_\_/\_\_\_\_

The child is discharged/ restored to his parents/ guardian residing at (address with landmarks):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Case Number:

B. \_\_\_\_\_

Child's Name

Presented under section(s)

Institutional Placement Order Date:

\_\_\_\_/\_\_\_\_/\_\_\_\_

Order Number

\_\_\_\_\_  
\_\_\_\_\_

I do by this order permit the discharge of the said child.

This order is granted subject to the conditions herein, upon the breach of any of which it shall be liable to be revoked.

**PART 2: CONDITIONS APPLICABLE TO DISCHARGED JUVENILE**

The discharged juvenile/child shall proceed to the address of placement given in this order and live under the supervision and authority of \_\_\_\_\_

until the expiry of the period of his/her detention unless the remission is sooner cancelled.

1. He/She shall not, without the consent of the Probationary Officer remove himself/herself from that place to any other place.

2. He/she shall continue education.

3. He/She shall attend the Attendance Centre regularly.

4. He/She shall abstain from committing any offense and shall lead a sober and industrious life.

5. In the event of his/her committing a breach of any of the above conditions the remission of the period of detention hereby granted shall be liable to be cancelled and on such cancellation he/she shall be dealt with under sub section (3) of section 59 of the Juvenile Justice (Care & Protection of Children) Act 2000.

**PART 3: ACKNOWLEDGEMENT OF THE DISCHARGED JUVENILE**

I hereby acknowledge that I am aware of the above conditions which have been read over/explained to me and that I accept the same.

<b>Date</b> <div style="border: 1px solid black; padding: 2px; display: inline-block;"> d d / m m / y y </div> <b>Place:</b>	<b>Name and Thumb impression or Signature of the Child being restored</b>
--	---

Certified that the conditions specified in the above order have been read over/explained to the said child and that s/he has accepted them as the conditions upon which his/her restoration order may be revoked.

<b>Date</b> <div style="border: 1px solid black; padding: 2px; display: inline-block;"> d d / m m / y y </div> <b>Place:</b>	<b>Signature and Designation by the Certifying authority ie Officer-In-Charge of the Institution</b>
--	--

**Cc: Juvenile Justice Board**

**Attachments :**

- 1) Rehabilitation Plan
- 2) Case Summary



# FIRST REFERRAL REPORT OF CINOCAP

[Rule 29(8)]

Form 12

<b>PART 0: CASE NUMBER</b>									
CASE NO	C								
<b>PART 1: CHILD PARTICULARS</b>									
1 Name of child-Full Name								Please affix photo of the child	
2 Alias Name 1									
3 Alias Name 2									
4 Sex <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other									
5 Language(s) known									
6 Religion <input type="checkbox"/> Hindu <input type="checkbox"/> Sikh <input type="checkbox"/> Muslim <input type="checkbox"/> Buddhist <input type="checkbox"/> Jain <input type="checkbox"/> Christian <input type="checkbox"/> Others <input type="checkbox"/> Not revealed				7 Caste <input type="checkbox"/> SC <input type="checkbox"/> ST <input type="checkbox"/> OBC <input type="checkbox"/> Others <input type="checkbox"/> Not Revealed		8 Age		9 Date of Birth	
10 Education Level		11 School Name and Locality				12 Is child disabled? <input type="checkbox"/> Yes <input type="checkbox"/> No			
						13 Disability Type (answer only if 10 is "yes") <input type="checkbox"/> Visually challenged <input type="checkbox"/> Hearing & Speech <input type="checkbox"/> Physically challenged <input type="checkbox"/> Other <input type="checkbox"/> Mentally challenged			
14 Identification Marks				15 Personal Belongings of the child					
(1)				(1)					
(2)				(2)					
(3)				(3)					
16 Who does the child stay with? <input type="checkbox"/> Father <input type="checkbox"/> Mother <input type="checkbox"/> Both parents <input type="checkbox"/> Other				18 Address of child's place of stay					
17 If Other, Name of the Person				City/Town/Village					
				Panchayat		Taluk			
19 If Other, Relationship				District		State		PIN	
20 Landmark 1				21 Landmark 2					
<b>Child's Father's and Mother's Particulars</b>									
22 Father's Name- Full Name				23 Address of place of stay					
				City/Town/Village					
				Panchayat		Taluk			
24 Father's Occupation				District		State		PIN	
25 Mother's Name- Full Name				26 Address of place of stay (If same as child's or father's place of stay, mention so - do not fill details)					
				City/Town/Village					
				Panchayat		Taluk			
27 Mother's Occupation				District		State		PIN	

## PART 2: CASE PARTICULARS

## A: CHILD LABOUR / MIGRANT / BEGGARY CASE DETAILS

28 Date & Time when referred		29 Referred by	
<input type="text"/> / <input type="text"/> / <input type="text"/> : <input type="text"/> AM / PM		<input type="checkbox"/> NGO <input type="checkbox"/> Police Officer/CWO <input type="checkbox"/> Labour Officer <input type="checkbox"/> SJPU <input type="checkbox"/> Public <input type="checkbox"/> Child Line <input type="checkbox"/> Another Child <input type="checkbox"/> Child himself/herself <input type="checkbox"/> Transfer from other CWC <input type="checkbox"/> JJB	
30 Name and Contact details of Agency/Person who reported the case (do not fill if child himself came)			
31 Rescued by (if different from 28)			
<input type="checkbox"/> NGO Name _____ <input type="checkbox"/> Police (Police Station) _____ <input type="checkbox"/> Child Line <input type="checkbox"/> Labour Department			
32 Nature of work (work sector)	33 Hours of Work/Day	34 Wage Payment	35 Amount
	_____ Hours	<input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Advance <input type="checkbox"/> No Wages	
36 Name of Employer	37 Address of Employer		
	City/Town/Village Panchayat Taluk		
38 Name of Establishment	District State PIN		
39 Is the child a migrant child? <input type="checkbox"/> Yes <input type="checkbox"/> No	40 District from where migrated (If 37, is "Yes")	41 State from where migrated (If 37, is "Yes")	

## B: 'FOUND' CHILD CASE DETAILS (For Abandoned, Runaways &amp; Lost children who are found)

42 Date & Time when found		43 Found by	
<input type="text"/> / <input type="text"/> / <input type="text"/> : <input type="text"/> AM / PM		<input type="checkbox"/> NGO <input type="checkbox"/> Police Officer/CWO <input type="checkbox"/> Adoption Agency <input type="checkbox"/> SJPU <input type="checkbox"/> Public <input type="checkbox"/> Child Line <input type="checkbox"/> Another Child <input type="checkbox"/> Child himself/herself <input type="checkbox"/> Govt / Dept Official	
44 Type of case	45 Name and Contact details of Person who found the child (do not fill if child himself came to CWC)		
<input type="checkbox"/> Abandoned <input type="checkbox"/> Runaway <input type="checkbox"/> Lost			
46 Presented to CWC by (if different from the 43)		47 Location where child was found: Address with Land Marks	
<input type="checkbox"/> NGO _____ <input type="checkbox"/> Police _____ <input type="checkbox"/> Child Line		City/Town/Village District State	

**FIRST REFERRAL REPORT OF CINOCAP**  
[Rule 29(8)]

0202

**Form 12**

**C: SURRENDERED CHILD**

**48 Date & Time when referred**

		/			/		
		:					AM / PM

**49 Referred by**

☐ NGO      ☐ Police Officer/CWO      ☐ Adoption Agency  
☐ Public      ☐ Child Line      ☐ Hospital  
☐ Parent/ Guardian

**50 Name & contact of the person/NGO/Agency referring the case**

**51 Surrendered by**

☐ Mother    ☐ Father    ☐ Both Parents    ☐ Guardian

**D: VOLUNTARY ADMISSION: FAMILY CIRCUMSTANCES/ SPECIAL NEEDS/ HIV/AIDS**

**52 Date & Time when referred**

		/			/		
		:					AM / PM

**53 Referred by**

☐ NGO      ☐ Parent/Guardian      ☐ Child himself/herself  
☐ Govt official

**54 Reason for Voluntary Admission**

☐ Family Circumstances      ☐ Special Needs

**55 Name & contact of the person/Agency referring the case if other than Parent/Guardian**

**E: CHILD ABUSE CHILD MARRIAGE**

*(Facts of child abuse and marriage come to fore during the inquiry process of other cases. The details of such cases must be reported under the case details of those respective sections). This section is to be used only those cases where the case cannot be classified in any of the other sections.*

**56 Date & Time when referred**

		/			/		
		:					AM / PM

**57 Referred by**

☐ NGO      ☐ Police Officer/CWO  
☐ SJPU      ☐ Citizen      ☐ Child Line  
☐ Parent/Guardian      ☐ Another child  
☐ Child himself/herself

**58 Name and Contact details of Person who referred the child**

*(do not fill if child himself came to CWC)*

**F: CHILD CUSTODY** *(Technically child custody cases are heard in Family Courts. However Families approach CWC for advise and guidance in custody cases. There are also cases where custody is being contested by an institution.)*

**59 Date & Time when referred**

		/			/		
		:					AM / PM

**60 Referred by**

☐ NGO      ☐ Parent/ Guardian      ☐ Court    ☐ Police

**61 Name of Persons contesting/ claiming custody if other than Parents**

**FIRST REFERRAL REPORT OF CINOCAP**  
[Rule 29(8)]

Form 12

**PART 3: OTHER FACTS OF THE CASE**

<b>62 Physical State</b>	<b>63 Any signs of physical abuse</b>  <input type="checkbox"/> Scars <input type="checkbox"/> Open wounds <input type="checkbox"/> Burn marks <input type="checkbox"/> Bruises <input type="checkbox"/> Others	<b>64 Emotional State</b>
<b>65 Brief case history and details</b>		

**PART 4: DETAILS OF THE PERSON FILLING UP THE FORM**

<b>Date:</b> <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr> </table>  <b>Place:</b>									<b>Name</b>  <b>Signature</b>  <b>Designation (PO)</b>

**PART 5: CWC's decision on placement of child at First Hearing**

<input type="checkbox"/> Parent's Home	<input type="checkbox"/> Guardian's Home	<input type="checkbox"/> Children's Home	<input type="checkbox"/> Fit Institution
<input type="checkbox"/> Crisis Intervention Centre	<input type="checkbox"/> Shelter Home	<input type="checkbox"/> Adoption Agency	

<b>a) Institution Name</b>	<b>b) Date of admission</b> <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr> </table>									<b>c) Admission Register No</b>

**Attachments: Tick those relevant**

- ☐ FIR On Adult Perpetrators
- ☐ Referral Report/ Case sheet by Child Line, NGOs
- ☐ Any other documents

ORDER FOR SHORT TERM PLACEMENT FINDING INQUIRY  
FIRST REFERRAL REPORT OF CINOCAP  
[Rule 29(8)]

Form 12

1. Note:

- 1) This First Referral Report is expected to be filled by the PO in discussion with NGO/ChildLine/ and after referring referral report CWC member who brings the child before the CWC.
- 2) The NGO/ ChildLine/ CWC Member should make efforts in tracing the parents of the child. This report must be submitted along with this format during the first hearing with the CWC.
- 3) The **CASE NO. (Case Number)** will be assigned by the Documentation Assistant or Case worker attached to the CWC. S/he should ensure that the correct serial number is entered.

ORDER FOR SHORT TERM PLACEMENT PENDING INQUIRY

[Rule 29(9), 29(14), 29(15), 35 (7) (k) (vi)]

Form 13

To,

The Officer-In-Charge

<Name of Institution & Address>

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Case Number:

C														
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Child's Name

\_\_\_\_\_  
\_\_\_\_\_

Presented under section(s)

Order Number:

a) This is to authorize and direct you to receive the said child into your charge and to keep him/her in the Children's Home/ Fit Institution /Shelter Home / Crisis Intervention Centre for care and protection under section 33(1) of JJ Act 2000, for a period of \_\_\_\_\_ from the date of this order.

b) You are also directed to produce the child before the Child Welfare Committee as and when required.

<p>Date: ____/____/____</p> <p>Place:</p>	
	<p>Name , Signature and Seal</p> <p>Chairperson/ Member, Child Welfare Committee</p>

INTIMATION TO PARENT/ GUARDIAN OF CHILD - CINOCAP  
[Rule 29(12)]

0202  
Form 14

To,

<Name of the Parent/ Guardian>

<Address>

Dear Parent/ Guardian,

Your child/ward : \_\_\_\_\_

was found on date \_\_\_\_/\_\_\_\_/\_\_\_\_ and at time: \_\_\_\_:\_\_\_\_ am / pm

he/she was found:

- ☐ abandoned
- ☐ wandering without adult supervision and without any ostensible means of protection
- ☐ residing with a person who was not able provide adequate care and/ or was likely to harm the child
- ☐ working as a child labourer
- ☐ begging on the streets
- ☐ exploited, neglected, abused, molested
- ☐ being trafficked
- ☐ emotionally /mentally distraught and unable to give us his/her address details,

in a situation that was assessed to be unsafe for a child under section 32(1) of the JJ (C&PC) Act 2000. A process of inquiry into the circumstances of the child has been initiated by the Child Welfare Committee.

In the best interest of the child, s/he has been placed at the following institution by the Child Welfare Committee.

<Name & Address of the Institution>

You are hereby directed to present yourself to Child Welfare Committee at:

Place \_\_\_\_\_

on \_\_\_\_/\_\_\_\_/\_\_\_\_ at time \_\_\_\_:\_\_\_\_

d d / m m / y y

Name, Signature and Seal

Probation Officer

Copy to: Child Welfare Committee, \_\_\_\_\_, District

Copy to: Superintendent, \_\_\_\_\_

**SUPERVISION ORDER**

Form 15

[Rule 29(13), 35(7) (k) (vi), 65(5)]

*When the child is placed under care of parent, guardian or other Fit Person.*

<b>PART 0: CASE NUMBER :</b>												
CASE NO												
<b>1 Name of child-Full Name</b>												

a) Whereas the said child, whose details are given above, has this day been found to be in need of care and protection, and has been placed under the care and supervision of the following:

<b>2 Name of the Person</b>			
<b>3 Address of the Person</b>			
		Taluk	District
City/Town/Village	Panchayat	State	Pin

b) The Committee is satisfied that it is expedient to place the child under supervision of the aforesaid parent/guardian/ fit person

For a period of \_\_\_\_\_ Years \_\_\_\_\_ Months, commencing from \_\_\_\_/\_\_\_\_/\_\_\_\_.

subject to the following conditions:

- ☐ The child along with the copies of the order and the undertaking, if any, shall be produced before the Committee as and when required.
- ☐ The child shall be placed under the supervision of the aforesaid parent/ guardian/ Fit Person.
- ☐ The child will reside at the above address for a period \_\_\_\_\_ Years \_\_\_\_\_ Months
- ☐ The CWC will be intimated and permission sought to take the child out of district jurisdiction permanently or for a duration longer than a period of 2 months.
- ☐ The child will not be allowed to associate with anti-social elements. Preventive measures will be taken by the person under whose care the child is placed to see that the child does not commit any offence punishable by any law in force in India.
- ☐ The child will lead an honest and peaceful life
- ☐ The person under whose care the child is placed will arrange for proper care, education and development of the child. The child shall continue his education and prepare for economic independence
- ☐ The child will be prevented from taking narcotic drugs or psychotropic substances or any other intoxicants
- ☐ The directions given by the probationary officer/ case-worker from time to time for the due observance of the conditions mentioned above will be carried out
- ☐ Additional conditions imposed on the child and his/her family.



**INDIVIDUAL CARE PLAN**  
[Rule 53(3)(a), 57(1)(j)]

**Form 30**

**B) VOCATIONAL SKILLS**

Skill /Course Name	Name of the Training Institute	Date of Admission	Duration

**C) EMOTIONAL AND PSYCHOLOGICAL NEEDS**

Name of the Counselor	Sessions Start Date	Number of Sessions

**D) HEALTH NEEDS (SPECIAL TREATMENT)**

Medical Practitioner/ Hospital	Treatment Start Date

**Part 4: Additional Requirements**

--

**Date**

--	--	--	--	--	--	--	--	--	--

**Place:**

**Name and Signature**

**Probationary Officer / Social Worker**

The care plan shall be prepared in discussion with the child, biological parent(s), teachers, doctors, counselors and others who have been in close association with the child. It will be prepared by the Social Worker attached to the CWC and the Probationary Officer, who will also take into consideration the observations recorded in the Social Investigation Report (Form 18) and the opinion of experts.

A Short Term Care Plan will be prepared for the children placed under custodial care during the process of inquiry.

After the inquiry process, if the child is placed in institutional care as a part of the restoration and the rehabilitation process, the progress of the child against the plan will be reviewed every quarter by the Probationary Officer and/or Social Worker. After each review, if necessary, the plan may be revised.

**INDIVIDUAL CARE PLAN**  
[Rule 53(3)(a), 57(1)(j)]

0280  
**Form30**

**PART 0: CASE NUMBER :**

CASE NO																			
---------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**Part 1: Child Particulars**

<b>1 Name of child - Full Name</b>		
<b>2 Sex</b> <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other	<b>3 Age</b>	<b>Date of Social Investigation Report</b> ____/____/____

**Part 2: Institution Details during Care Plan Period**

<input type="checkbox"/> Fit Institution <input type="checkbox"/> Children's Home <input type="checkbox"/> Observation Home <input type="checkbox"/> Special Home <input type="checkbox"/> After Care Home		
<b>4 Name of Institution</b>	<b>5 Legal Order for placement</b> <input type="checkbox"/> Short Term Placement Order <input type="checkbox"/> Long Term Placement Order <input type="checkbox"/> After Care Placement Order	<b>6 Date of Admission</b> ____/____/____

**Part 3: Care Plan Details**

<b>7 Short Term Care Plan</b> <i>(tick all the needs that shall be provided to the child in institutional care, while the case is pending inquiry)</i> <input type="checkbox"/> Schooling <input type="checkbox"/> Vocational Training <input type="checkbox"/> Emotional & Psychological (Counseling) <input type="checkbox"/> Medical Treatment <input type="checkbox"/> Family Contact <input type="checkbox"/> Restoration to biological family	<b>8 Long Term Care Plan</b> <i>(tick all the needs that shall be provided to the child)</i> <input type="checkbox"/> Schooling <input type="checkbox"/> Vocational Training <input type="checkbox"/> Emotional & Psychological (Counseling) <input type="checkbox"/> Medical Treatment <input type="checkbox"/> Family Contact <input type="checkbox"/> Other Referral Services  <b>Long Term Placement Goal</b> <u>Family based</u> <input type="checkbox"/> Restore to biological family in ____ (Years/Months) <input type="checkbox"/> Foster Care Placement <input type="checkbox"/> Place in adoption  <u>Institutional Alternatives</u> <input type="checkbox"/> Place in Fit Institution <input type="checkbox"/> Children's Home <input type="checkbox"/> Special Home
<b>9 Short Term Care Plan Start Date</b>	<b>10 Long Term Care Plan Start Date</b>

**A) ACADEMIC SKILLS**

<b>11 Schooling</b> <input type="checkbox"/> Mainstream School <input type="checkbox"/> In-house School <input type="checkbox"/> Special Education <input type="checkbox"/> Any other program		
<b>12 Class</b>	<b>13 Name of the School &amp; Location</b>	<b>14 School Admission Date</b> ____/____/____

To:

---



---



---



---

Case Number:

C																			
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Child's Name

Presented under section(s)

Order Number:

On the basis of the inquiry report submitted by the Child Welfare Officer/ Probationary Officer/ Social Worker, it is established that the said child needs sponsorship support as specified below; You are hereby requested to sanction and release the said amount on the terms specified below to the said child. It is also recommended the terms and conditions for sponsorship support and follow-up be adhered to.

**SPONSORSHIP DETAILS****1 Sponsorship Purpose**
☐ Education ☐ Health ☐ Nutrition ☐ Other Developmental needs
**2 Sponsorship payment details**

a) Total Sponsorship Amount \_\_\_\_\_ (In figures)

(in words)

b) Payment schedule ☐ Monthly Basis ☐ One time Support

c) If monthly basis:

Amount per month \_\_\_\_\_ For a period of \_\_\_\_\_

Date:

d	d	/	M	m	/	y	y
---	---	---	---	---	---	---	---

Place:

Signature and Seal

Principal Magistrate- JJB/  
Chairperson- CWC

Attachment: Social Investigation Report &amp; Individual Care Plan

ORDER DECLARING A CHILD LEGALLY FREE FOR FOSTER CARE

[Rule 37(5) (a)]

Form 28

Case Number:

C

Order Number:

1. In exercise of the powers vested in the Child Welfare Committee, \_\_\_\_\_ District, constituted under Juvenile Justice (Care & Protection of Children) Act, 2000 (Rule 35 (3)(b)), the child \_\_\_\_\_, placed at the Children's Home/ Fit Institution or living with parents/family, has been declared free for foster care on the basis of the details furnished in Social Inquiry Report in Form 18, of rules of Juvenile Justice (Care & Protection of Children) Act, 2000 submitted by the Probationary Officer.

2. The Foster Care Placement Agency \_\_\_\_\_ shall fulfill all conditions specified in the Juvenile Justice (Care & Protection of Children) Act, 2000 and rules in respect of the foster care of the child and such returns as may be required by the Child Welfare Committee and the Department of Women and Child Development, Government of Karnataka.

Ordered By

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Place:

Signature  
Member,  
Child Welfare Committee

Signature  
Chairperson,  
Child Welfare Committee

The child,

approximate age \_\_\_\_\_, d/o or s/o

Mr. \_\_\_\_\_ and

Mrs. \_\_\_\_\_ or

Ms. \_\_\_\_\_

is in need of care and protection of a family.

Case Number:

C

Presented under section(s)

Order Number:

Mr. \_\_\_\_\_ and

Mrs. \_\_\_\_\_ or Ms. \_\_\_\_\_ resident

of

\_\_\_\_\_ is/  
\_\_\_\_\_ are

declared fit person/persons for foster-care placement of the child based on the home study report of the Child Welfare Officer/Social Worker of the \_\_\_\_\_, District.

The said child is to be placed in foster care for a period of \_\_\_\_\_ (days/ months), under the supervision of the aforesaid Child Welfare Officer/Social Worker (name and contact) \_\_\_\_\_.

<b>Date:</b> <table border="1"> <tr> <td>d</td><td>d</td><td>/</td><td>m</td><td>m</td><td>/</td><td>y</td><td>y</td> </tr> </table> <b>Place:</b>	d	d	/	m	m	/	y	y	
	d	d	/	m	m	/	y	y	
<b>Signature and Seal</b>  <b>Chairperson- Child Welfare Committee</b>									

PROFORMA: QUARTERLY CHILD STATUS REPORT

[Rule 35(11)]

022

Form 26

S.No.	Name of Child	Date of Admission	Date of Birth	Gender	Reason why the child has not been referred for adoption

**DEED OF SURRENDER**

(Rule 35(9) (d))

Form 25

Date: d d / m m / y y

Place:

Signed before me  
Signature and Seal  
Chairperson- Child Welfare Committee  
Members - Child Welfare Committee

**DEED OF SURRENDER**

[Rule 35(9) (d)]

Form 25

**To be executed on judicial stamp paper and signed by the Parent(s) surrendering the child.**

I / We \_\_\_\_\_

d/o or s/o \_\_\_\_\_

d/o or s/o \_\_\_\_\_

residing at: \_\_\_\_\_

Case Number: \_\_\_\_\_

C

\_\_\_\_\_ I am/ we are  
unable to care for the said child being my daughter/son/ ward due to:☐ being single ☐ illness ☐ social reasons ☐ disability

● The consequences of surrendering my/our child have been explained to me/us by the CWO/ Social Worker/ \_\_\_\_\_

I/we have been counseled on the matter on dates: \_\_\_\_\_ and \_\_\_\_\_

In full knowledge of these facts, I/we now surrender my child before Child Welfare Committee,  
\_\_\_\_\_

If I/we do not approach the Committee to take back my/our child on / before expiry of two months from today, the Committee shall declare my/our child legally free for adoption and I/we shall have no further claim on my/our child.

Date: 

d	d	/	m	m	/	y	y
---	---	---	---	---	---	---	---

Place: \_\_\_\_\_

Signature of Parent/(s) \_\_\_\_\_

**To be signed by Child Welfare Officer/ Social Worker/ Case Worker**

● I \_\_\_\_\_ have explained to the concerned parents the procedure and the consequence of surrendering the child to the concerned parent/s on date \_\_\_\_/\_\_\_\_/\_\_\_\_.

Date: 

d	d	/	m	m	/	y	y
---	---	---	---	---	---	---	---

Place: \_\_\_\_\_

Signature of Child Welfare Officer/ Social Worker \_\_\_\_\_



0223

**ORDER DECLARING A CHILD LEGALLY FREE FOR ADOPTION**  
[Rule 35(7) (e), 35(9)(h)]

Form 24

**TO BE COMPLETED by Adoption Agency**

1. I have read and understood **chapters 3 and 4** of the Juvenile Justice (Care & Protection of Children) Act, 2000 and the Government of Karnataka rules and herein agree to abide by the same while placing the said child in adoption.
2. I further declare that the particulars stated in the declaration submitted by me on \_\_\_\_/\_\_\_\_/\_\_\_\_ are true and correct. In case they are found to be false or incorrect, the Child Welfare Committee has the right to suspend this release order and ask for production of the said child before the Child Welfare Committee.

Date: ____/____/____  Place: _____	
	<b>Signature &amp; Seal Chief Functionary of Adoption Agency</b>

**ORDER DECLARING A CHILD LEGALLY FREE FOR ADOPTION**  
[Rule 35(7) (e), 35(9)(h)]

Form 24

Affix photograph of  
the child

Case Number:

C																			
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Order Number:

In exercise of the powers vested in the Child Welfare Committee, \_\_\_\_\_  
District, constituted under Juvenile Justice (Care & Protection of Children) Act, 2000 (Rule 35  
(3)(b)), minor \_\_\_\_\_ born on (date) \_\_\_\_/\_\_\_\_/\_\_\_\_,  
placed in custody of Adoption Agency \_\_\_\_\_ vide order  
\_\_\_\_\_, dated \_\_\_\_\_, of the Chairperson, Child  
Welfare Committee has been declared legally free for adoption on the basis of the details  
furnished in (tick the appropriate ones):

- ☐ Enquiry Report in Form 23, of rules of Juvenile Justice (Care & Protection of Children) Act, 2000 submitted by the Probationary Officer.
- ☐ Declaration submitted by Adoption Agency that there have been no claimants to the child.
- ☐ Deed of Surrender executed by the parent(s) and signed in presence of the Committee.

2. The Adoption Agency \_\_\_\_\_ shall fulfill all  
conditions specified in the Juvenile Justice (Care & Protection of Children) Act, 2000 and rule relating  
there to and furnish a copy of the adoption decree/guardianship order in respect of the child and  
such returns as may be required by the Child Welfare Committee and the Department of Women and  
Child Development, Government of Karnataka.

Ordered By

Date: ____/____/____  Place:		
	Signature Member, Child Welfare Committee	Signature Chairperson, Child Welfare Committee

0222

# ENQUIRY REPORT TO DECLARE A CHILD LEGALLY FREE FOR ADOPTION

[Rule 35(7) (c), 35(7) (k) (ii)]

Form 23

<b>21 Has a Police Report been made? If Yes, FIR Number</b> _____ <input type="checkbox"/> Yes <input type="checkbox"/> No			
<b>Attach details of the Police Report</b>			
<b>22 Action taken to trace the biological parents/guardians of the abandoned child</b>			
<b>Photograph of the child was published in print media</b>		<b>Broadcast on AIR on</b>	<b>Telecast on DD on</b>
<b>In</b>	<b>On Date (s)</b>		
<b>23 Date when SIR (Form -18) was submitted:</b> ____/____/____			
<b>24 Other Efforts made to locate the biological parents/guardians of the abandoned child</b>			

## PART 3: CASE PARTICULARS & INQUIRY FOR SURRENDERED CHILD

<b>25 Date &amp; Time when referred</b> ____/____/____ : ____ AM / PM		<b>26 Referred by</b> <input type="checkbox"/> NGO <input type="checkbox"/> Police Officer/CWO <input type="checkbox"/> Adoption Agency <input type="checkbox"/> Citizen <input type="checkbox"/> Child Line <input type="checkbox"/> Parent/ Guardian <input type="checkbox"/> Hospital	
<b>27 Name &amp; contact of the person/NGO/Agency referring the case</b>			
<b>28 Surrendered by</b> <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Both Parents <input type="checkbox"/> Guardian(s)		<b>29 Have the parent(s) signed the Surrender Deed</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>30 Surrender Deed Date</b> ____/____/____		<b>31 Any claimants to the child?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>32 Observations on home situation (attach report, if needed)</b>			

**33 If the child is older than 7 years, his/her consent has been taken**      ☐ Yes      ☐ No

**34 Any other relevant details.** \_\_\_\_\_

<b>35 Recommendations (Tick one of the following)</b> <input type="checkbox"/> I hereby declare that there have been no claimants to the child to the best of my knowledge. In the child's best interests s/he could be placed for adoption. <input type="checkbox"/> Further inquiry needed in this case. <input type="checkbox"/> Adoption placement for this child is not recommended.	<b>Other Suggestions/Remarks</b>
--	----------------------------------

**PO/ Case worker who conducted the enquiry**

<b>Date:</b> ____/____/____  <b>Place:</b>	<b>Name and Signature</b> <b>PO/ Case Worker</b>
--	---

[Rule 35(7) (c), 35(1) (k) (ii)]

Form 23

[illegible]

## PART 1: CHILD DETAILS

**5 Date of Birth**

### 8 Identification Marks

PIN	
-----	--

13	Inter-country Adoption Agency Recognition Number & Validity	
----	---	--

15	Is adoption agency recognized as FI	
----	-------------------------------------	--

If Yes FI Reference Number
----------------------------

Street Address (Door No, Locality, Street Name)

PIN	
-----	--

0620

# INQUIRY ORDER (ADOPTION)

[Rule 35(7) (c), 35(7) (k)(ii)]

Form 22

To

The Probation Officer / Superintendent / Case Worker

You are hereby directed to submit an Adoption Enquiry Report in Form 23 for the child whose particulars are given below based on the application submitted by the Adoption Agency mentioned below. The Report should be submitted on or before \_\_\_\_/\_\_\_\_/\_\_\_\_.

PART 0: CASE NUMBER									
CASE NO	C								
PART 1: CHILD DETAILS									
1 Name of child-Full Name									
2 Parent's Address									
						Taluk		District	
City/Town/Village				Panchayat		State		Pin	
PART 2: Details of Adoption Agency									
3 Name of the Shishu Gruha / Adoption Agency									
4 Agency Address									
						Taluk		District	
City/Town/Village				Panchayat		State		Pin	

Date:

d	d	/	m	m	/	y	y
---	---	---	---	---	---	---	---

Place:

 Signature and Seal  
CWC Chairperson

**AFTER CARE PLACEMENT ORDER**  
[Rule 34(9)]

0205  
Form 21

Whereas the said child, who was admitted to the children's home, as ordered by the Committee has completed the age of 18 years / the committal period.

He/She is still in need of care and protection for the purpose of rehabilitation and social integration. S/he is placed in an After Care Home as given below Name and Address:

Case Number:									
C									
Child's Name									
Presented under section(s)									
Date of Institutional Placement Order									
		/			/				
Order Number									

- a) The Officer-in-charge of the After Care Home is directed to admit the young person and provide all possible opportunities for her/ his rehabilitation and reintegration in its truest sense.
- b) The child/youth shall be provided all opportunities till the age of 21 years or till reintegration in the society, whichever is earlier.
- c) The Officer-in-charge will send half yearly reports on the status of the young person to the Child Welfare Committee.

Date: <table border="1"><tr><td>d</td><td>d</td><td>/</td><td>m</td><td>m</td><td>.</td><td>y</td><td>y</td></tr></table>	d	d	/	m	m	.	y	y	
d	d	/	m	m	.	y	y		
Place:									
	Signature and Seal								
	Chairperson, Child Welfare Committee								

Cc: Child Welfare Committee

Attachments : 1) Rehabilitation Plan 2) Case Summary

೧೭೨೮

# ORDER FOR INSTITUTIONAL PLACEMENT

[Rule 30(7)]

Form 20

To

The Officer in Charge

---



---



---

Affix photo of child  
here

Order no:

PART 0: CASE NUMBER :												
CASE NO												
1 Name of child-Full Name												
Presented under section(s) _____ of The JJ (C& PC) Act 2000.												

The child, particulars about whom are given above is in need of care and protection. For the purposes of rehabilitation and integration, it is hereby ordered that the said child be placed at the children's home/ fit institution under your supervision for a period of \_\_\_\_\_ years \_\_\_\_\_ months commencing from \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_.

This is to authorize and require you to receive the said child into your charge and to keep her/him in the children's home/fit institution for the aforesaid order to be carried into execution according to law.

All records, documents and personal belongings of the child will be handed over to you.

Date:

D	d	/	m	M	/	y	y
---	---	---	---	---	---	---	---

Place:

Signature and Seal

Chairperson, Child Welfare Committee

a) All case papers and related documents must be photocopied. The originals must be delivered to the institution where the child shall be residing during the long term placement (committal) period. Photocopies shall be retained in the transferring institution, where the child stayed during the case pendency period.

b) All the money, valuables and personal belongings of the child shall be sent along with the child to the institution together with a statement of description and the value there of.

၇၆၅၃

**To**

[illegible][illegible]

**Venue of the Committee sitting (use address seal of the CWC venue):**

Failure to respond to this summons is punishable under the Indian Penal Code, 1860.

<b>Date:</b> d   d   /   m   m   /   y   y  <b>Place:</b>	
	<b>Signature and Seal</b> <b>Chairperson, Child Welfare Committee</b>



**SOCIAL INQUIRY REPORT**  
[Rule 32(4), 57(1), 61(1)(d), 75(1)(a), 75(2)]

Form 18

**42 Incidences of ill treatment / abuse as narrated by the child**

**43 Habits (if any)**

☐ None ☐ Smoking ☐ Alcohol ☐ Gambling ☐ Substance/ Drug Abuse

If substance or drug abuse, please specify \_\_\_\_\_

**Overall Observations and Recommendations of the PO.**

**44 Any Other Observations of PO/Case Worker**

**45 Recommendations regarding Rehabilitation and Integration Needs, include expert opinions on:**

*Schooling, Vocational Training, Emotional & Psychological (Counseling), Medical Treatment, Family Contact, Restoration to biological family*

Placement Alternatives in best interests of the Child

Family based

☐ Restore to biological family in \_\_\_\_ (Years/Months)

☐ Foster Care Placement

☐ Place in adoption

Institutional Alternatives

☐ Fit Institution

☐ Children's Home

**Documents Attached: Tick those applicable**

**Date**

		/			/		
--	--	---	--	--	---	--	--

**Place:**

**Signature (Probationary Officer/ Case Worker)**

- ☐ School attendance , Progress Report
- ☐ Opinion Recommendation of experts/ medical practitioners consulted
- ☐ Previous Institutional Case History, if any

**Note:**

- a) This format shall be used by the PO to do the Home Inquiry as soon as the Order for Social Inquiry is made by the CWC

**SOCIAL INQUIRY REPORT**  
[Rule 32(4), 57(1), 61(1)(d), 75(1)(a), 75(2)]

Form 18

**SCHOOL / COLLEGE VISIT**

**36 School / College Teacher(s)/Staff met**

- a)  
b)  
c)

Latest Year of Attending school	Last Class Attended	Attendance	Academic Performance (Marks/Grade)	Sports and Cultural Activities

**37 Teacher's Feedback on child's behavior in the classroom**

**38 Any Other Specific Observation, please specify**

**39 Child's Property Rights**

S No	Type of Property	Property Description	Owned by	In custody of	Remarks
1					
2					
3					

**IN CASE OF CHILD LABOUR**

**40 Child's Work Record**

S No	Job	Employer	Duration	Reasons for Leaving	Attitude Towards work/employer
1					
2					
3					

**INTERACTION WITH CHILD**

**41 Personal Traits/Characteristics/ Talents**

**SOCIAL INQUIRY REPORT**  
[Rule 32(4), 57(1), 61(1)(d), 75(1)(a), 75(2)]

Form 18

<b>26 Overall Economic Status of the Family</b> <input type="checkbox"/> BPL <input type="checkbox"/> Poor <input type="checkbox"/> Lower Middle Class <input type="checkbox"/> Upper Middle Class <input type="checkbox"/> Well-to-do				
<b>27 Description of Home &amp; Living Conditions</b>				
<b>a) House</b>  <input type="checkbox"/> Kutcha <input type="checkbox"/> Pucca  <input type="checkbox"/> Pavement Dwelling  <input type="checkbox"/> Others	<b>b) No. of Rooms</b>  <div style="border-bottom: 1px solid black; width: 50px; margin: 0 auto;"></div>	<b>c) Toilet</b>  <input type="checkbox"/> Yes  <input type="checkbox"/> No	<b>d) Drinking Water</b>  <input type="checkbox"/> Yes  <input type="checkbox"/> No	<b>e) Environment</b>  <input type="checkbox"/> Unhealthy <input type="checkbox"/> Overcrowded <input type="checkbox"/> Clean
<b>INTERACTION WITH FAMILY MEMBERS</b>				
<b>28 Names of Family member(s) met</b>  <div style="height: 40px; border: 1px solid black;"></div>			<b>32 Observations about Family's commitment to the child</b>  <div style="height: 200px; border: 1px solid black;"></div>	
<b>29 Parent's relationship with child &amp; other children</b>  <div style="height: 40px; border: 1px solid black;"></div>				
<b>30 Concerns expressed by parents, if any</b>  <div style="height: 40px; border: 1px solid black;"></div>				
<b>31 Has the child been missing from home previously?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, the number of times: _____  <b>B) Reason for child 'missing' from home earlier</b> <i>(tick more than one for different missing incidents)</i>  <input type="checkbox"/> Ran away <input type="checkbox"/> Kidnapped <input type="checkbox"/> Lost his/her way <input type="checkbox"/> Lost from family during a trip <input type="checkbox"/> Others  <b>C) Was FIR filed?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>D) If yes FIR No</b> <b>E) Was the Police informed when the child returned home.</b> <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>E) Other details of previous incidents:</b>  <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div>				
<b>33 Attitude of other Family Member's/ Neighbour's towards child</b> <input type="checkbox"/> Friendly <input type="checkbox"/> Sympathetic <input type="checkbox"/> Unfriendly <input type="checkbox"/> Indifferent <input type="checkbox"/> Other				
<b>34 Observations about Neighbour's and Friends' Feedback</b>  <div style="height: 40px; border: 1px solid black;"></div>				
<b>35 Friends and Peer Group Opinion / feedback</b>  <div style="border: 1px solid black; height: 40px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 40px; margin-bottom: 5px;"></div>			<div style="border: 1px solid black; height: 40px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 40px; margin-bottom: 5px;"></div>	

**SOCIAL INQUIRY REPORT**  
[Rule 32(4), 57(1), 61(1)(d), 75(1)(a), 75(2)]

Form 18

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PART 2: FAMILY DETAILS (CONTD /)									
25 Family Members (Other than Mother & Father)									
S No.	Member's Name	Relationship to the child	Age	Education	Occupation	Specify if present in any institutional care	Monthly Income	Health Status	Specify if any disability
1									
2									
3									
4									
5									
6									
7									
8									
9									

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# **SOCIAL INQUIRY REPORT** [Rule 30(4), 53(1), 57(1)(d), 71(1)(a), 71(2)]

Form 18

<b>PART 0: CASE NUMBER</b> To be entered by the Clerk / Case worker at CWC									
CASE NO									
<b>PART 1: CHILD PARTICULARS</b>									
1 Name of child-Full Name									
2 Sex <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other			3 Language(s) known			4 Religion <input type="checkbox"/> Hindu <input type="checkbox"/> Sikh <input type="checkbox"/> Muslim <input type="checkbox"/> Buddhist <input type="checkbox"/> Christian <input type="checkbox"/> Jain <input type="checkbox"/> Others <input type="checkbox"/> Not revealed			
5 Caste <input type="checkbox"/> SC <input type="checkbox"/> ST <input type="checkbox"/> OBC <input type="checkbox"/> Others <input type="checkbox"/> Not Revealed			6 Age		7 Date of Birth		8 Occupation		
9 Education Level			10 School Name and Locality						
11 Is the child disabled? <input type="checkbox"/> Yes <input type="checkbox"/> No			12 Type of disability (answer only if 11 is "yes") <input type="checkbox"/> Visually challenged <input type="checkbox"/> Hearing and Speech challenged <input type="checkbox"/> Physically challenged <input type="checkbox"/> Learning disability <input type="checkbox"/> Other						
13 Who does the child stay with? <input type="checkbox"/> Father <input type="checkbox"/> Mother <input type="checkbox"/> Both <input type="checkbox"/> Other			15 Address of child's place of stay						
14 If Other, Name of the Person			City/Town/Village		Panchayat		Taluk		
16 If Other, Relationship			District		State		PIN		
<b>PART 2: FAMILY DETAILS</b>									
<b>Child's Father's and Mother's Particulars</b>									
17 Father's /Guardian's Name- Full Name			18 Address of place of stay						
19 Father's /Guardian's Occupation			City/Town/Village		Panchayat		Taluk		
20 Monthly Income			District		State		PIN		
21 Mother's Name- Full Name			22 Address of place of stay (If same as child's or father's place of stay, mention so - do not fill details)						
23 Mother's Occupation			City/Town/Village		Panchayat		Taluk		
24 Monthly Income			District		State		PIN		

[Rule 30(1)]

Form 17

**The Probation Officer / Case Worker / Social worker**

Case Number:												
C												
Child's Name												
Presented under section(s)												

- Prepare a Social Inquiry Report:** Enquire into the social and family background of the said child whose brief particulars are given above and submit your Social Inquiry Report (Form 18)
- Submit a Specialist's Report (Only if necessary):** Consult an expert in child psychology, psychiatric treatment or counseling for his/her expert opinion on the child, if necessary, and submit the report.
- Conduct a routine medical examination** by the medical officer in charge.

on or before: \_\_\_\_/\_\_\_\_/\_\_\_\_ or within \_\_\_\_\_ period of time as allowed by the Committee.

<b>Date:</b> <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px; height: 20px;">d</td> <td style="width: 20px; height: 20px;">d</td> <td style="width: 20px; height: 20px;">/</td> <td style="width: 20px; height: 20px;">m</td> <td style="width: 20px; height: 20px;">m</td> <td style="width: 20px; height: 20px;">/</td> <td style="width: 20px; height: 20px;">y</td> <td style="width: 20px; height: 20px;">y</td> </tr> </table>	d	d	/	m	m	/	y	y	<div style="border: 1px solid black; height: 100px; width: 100%;"></div>
d	d	/	m	m	/	y	y		
<b>Place:</b>	<div style="border: 1px solid black; height: 100px; width: 100%;"></div>								

**UNDERTAKING BY PARENT / FIT PERSON  
TO WHOM THE CHILD IS RESTORED**  
[Rule 29(13), 31(2)]

Form 16

I \_\_\_\_\_

resident of:

House No /Street/ Road Name		
City/Town/Village	Panchayat	Taluk
District	State	PIN

Case Number:

C																			
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Child's Name

Presented under section(s)

Order Number:

do hereby declare that I am willing to take charge of the said child under the orders of the Child Welfare Committee (CWC). As long as the child remains in my charge, I will abide by the following terms and conditions:

1. I shall not change my place of residence without giving previous intimation in writing to the CWC
2. I shall not remove the said child from the limits of the jurisdiction of the CWC without previously obtaining written permission of the CWC.
3. I shall do my best for the welfare and education of the child.
4. I shall report immediately to the CWC whenever required.
5. I shall present the said child if s/he seriously misbehaves and report to the CWC if s/he absconds from my care.

Date: <table border="1"><tr><td>d</td><td>d</td><td>/</td><td>m</td><td>m</td><td>/</td><td>y</td><td>y</td></tr></table>		d	d	/	m	m	/	y	y	
d	d	/	m	m	/	y	y			
Place:										
Signature, Name and Address of Witness		(Signature)								
WITNESS 1:										
WITNESS 2:										
		(Signed before me) (Chairperson, Child Welfare Committee)								

**SUPERVISION ORDER**  
[Rule 29(13), 35(7) (k) (vi), 65(5)]

Form 15

(a)

(b)

(c)

(d)

Date: <table border="1"><tr><td>d</td><td>d</td><td>/</td><td>m</td><td>m</td><td>/</td><td>y</td><td>y</td></tr></table> Place:	d	d	/	m	m	/	y	y	
	d	d	/	m	m	/	y	y	
<b>Signature and Seal</b> <b>Chairperson, Child Welfare Committee</b>									

Copy to: Probation Officer of PO Act, \_\_\_\_\_, District