

The Maharashtra Juvenile Justice (Care and Protection of Children) Rules, 2002

MAHARASHTRA

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Rule

THE-MAHARASHTRA-JUVENILE-JUSTICE-CARE-AND-PROTECTION-OF 2002

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The Maharashtra Juvenile Justice (Care and Protection of Children) Rules, 2002Published vide Notification No. JJA. 2002/CR-67/D-8, dated the 30th July, 2002 (M.G.G., Part 4A, dated 5.9.2002, pp. 463-556)In exercise of the powers conferred by section 68 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules, namely:-

Chapter I Preliminary

1. Short title and extent.

(1)These rules may be called the Maharashtra Juvenile Justice (Care and Protection of Children) Rules, 2002.(2)These rules shall extend to the whole of the State of Maharashtra.

2. Definitions.

- 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)"Child Welfare Officer" means a person appointed by the State Government to perform the duties and functions of the Child Welfare Officer as assigned under the

rules and conferred with the powers of a probation officer and includes the probation officer;(d)"Commissioner" means the Commissioner of Women and Child Development for the State of Maharashtra;(e)"Competent Authority" means in relation to children in need of care and protection, a Child Welfare Committee and in relation to a child in conflict with law, a Juvenile Justice Board. It also includes the Commissioner, Women and Child Development in both the cases ;(f)"Form" means, the forms annexed to these rules ;(g)"Government" means, the Government of Maharashtra ;(h)"Institution" means an observation home, a special home, a children's home, or shelter home, set up, certified or recognised as such under the Act;(i)"officer-in-charge" means a Superintendent 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)Words and expressions used in these rules, but not defined, shall have the meanings, respectively assigned to them in the Act.

Chapter II

Juvenile in Conflict with Law

3. Term of office of Member of Board.

(1)A member of the Board shall be appointed for a period of three years and shall be eligible for re-appointment.(2)A member may, by writing under his hand addressed to the State Government and a copy to the Principal Magistrate of the Board, resign his membership.Provided that, such resignation shall not take effect until the State Government accepts it.

4. Time and place of sitting of Board.

(1)The Board may as far as possible hold its sitting in the premises of an Observation Homes or any other suitable place on such days and at such time as may be fixed by the Board from time to time.(2)The Board shall hold its sittings preferably on all working days in a week.

5. Procedure to be followed on production of juvenile in conflict with law.

(1)As soon as a juvenile in conflict with law is apprehended by police, the police shall place him under the charge of the Special Juvenile Police Unit, or the designated police officer.(2)The juvenile shall be brought by the concerned police officer, to the Board within a period of twenty-four hours of taking the charge of such juvenile. The period required for journey shall be excluded from the above said period of twenty-four hours. In case of delay in production before the Magistrate or the Board, the details of not doing so be recorded in the police diary or general diary.(3)The Special Juvenile Police Unit to which the juvenile is brought shall inform the Probation Officer in that jurisdiction of such apprehension, so as to enable him to obtain information regarding the antecedents and family background of the juvenile and submit his preliminary report to the Board in Form I.(4)The juvenile shall not be kept in the lock up of the police station or jail in order to conduct the preliminary inquiries.(5)No juvenile in conflict with law shall be handcuffed, chained or tied with ropes or any other material while producing him before the Board.(6)Juvenile shall be received, assessed and interviewed in a child friendly manner and home-like environment by the specially trained

Probation Officers or designated or authorized social workers or Police Officers.(7)The juvenile shall be given all possible assistance to enable him to fulfill his right to call any person of his choice over the phone or otherwise.(8)No juvenile shall be detained for more than twenty-four hours for such preliminary inquiry.(9)Wherever possible, the persons who are conducting any inquiry, shall only wear civil clothes and not to be in uniform unless specific circumstances require the said officer to wear a police uniform in the interest of the child. However, they shall at all times have on their person, an identification that shall be produced on demand.(10)The concerned police officer shall produce the copy of the First Information Report and other relevant documents before the Board at the earliest. If the original documents are not available, the attested copies shall be submitted at initial stage of the proceedings. However, in no case the proceeding shall be withheld for want of original documents.(11)In case a recognised voluntary organisation takes a juvenile to the Board, the voluntary organisation shall also inform the concerned Police Station.(12)The State Government shall recognise only those registered voluntary organisations which can provide the services of probation, Counselling, 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.(13)The registered voluntary organisation shall prepare a report narrating the circumstances of apprehension and offences committed and produce the juvenile before the Board or Police with the report.(14)When a juvenile is produced before an individual member of the Board as per the provision of section 5 (2), the order given by the member shall be ratified in the next meeting of the Board.(15)The police or the recognised voluntary organisation shall be responsible for the safety and basic amenities to the juveniles apprehended or kept under their charges during the period they are with them.

6. Procedure to be followed by Board.

(1)The Board shall sit as a Bench and hear the proceedings. The hearing of the proceedings shall be conducted in a home-like and child friendly atmosphere and that too in the presence of the parents, if any, or any other person who is in near relation with the juvenile.(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.(3)The interaction of the Board with the child shall be in an informal and child-friendly manner making sure that the juvenile can understand the substance of the charge against him.(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, 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 (ii) 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.(6)If any ill treatment during investigation is given to the juvenile, the Juvenile Justice Board shall record the statement of the child concerned and send the child for medical investigation and treatment.(a)If the Board on the basis of the report of Medical Officer or Probation Officers or social worker or Officer-in-Charge concludes that the child is abused, then the Board shall issue summons to the concerned persons to be present on the dates specified in that behalf.(b)If the Board on an enquiry arrives at a conclusion or if they found any prima facie evidence, which confirms that the child was abused physically or

sexually, then they shall communicate the same to the District and Sessions Judge for further proceedings.(c)In cases of abuses, the child shall be sent for trauma Counselling.(7)In case of any doubt with regard to the age of the juvenile, the Board shall pass an order to obtain the medical opinion regarding the age and mental conditions of the child. The Board shall pass an order in such cases after taking into consideration the medical opinion and such other evidence as may be available and then record the finding in respect of his age.(8)The Police at the time of handing over the child to the Board shall submit the copy of the police diary or written statement to confirm that - (a)the juvenile was not kept in the police lock up or jail.(b)the juvenile has been produced before the board within a period of twenty-four hours.(c)any other charge-sheet or inquiry papers that are available with them.(d)the Police on taking charge of the juvenile has intimated to the Parents or guardians of the Juvenile, if available, and the concerned Probation Officer, as required under section 13, in Form II and III, respectively.(9)On production of a juvenile before the Board, the Board shall by issuing an order in Form IV direct the Probation Officer concerned to inquire into the character and social antecedents of the juvenile and furnish the social investigation report of such juvenile to the Board in Form I. For this purpose, the Probation Officer may take the opinions of the professionals or experts on cases pertaining to the psychological or psychiatric problems of the juvenile. The Board can also directly ask the professionals to furnish a special report about the juvenile in conflict with law.(10)When a juvenile is placed under the care of a parent or a guardian or other fit person the Board shall issue a supervision order in Form V.(11)When the juvenile is placed under the supervisions of a Probation Officer under sub-section (3) of section 15, the Board shall issue the supervision order in Form VI. The Probation Officer shall place a supervision report regularly in Form VII to the Board.(12)When the Board orders that a juvenile to be kept in an Observation Home or a place of safety under sub-sections (2) and (3) of section 12, it shall forward to the Superintendent of such institution a copy of its order together with the order of detention in Form VIII along with an order in Form IX.(13)The juvenile or child shall be lodged in a home closest to where he belongs.(14)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.(15)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 in to consideration by the Board before the juvenile or child is committed to the said institution.(16)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.(17)The Board while making an order placing a juvenile under the care of parent, guardian or other fit person, as the case may be, under clause (e) of sub-section (1) of section 15 may direct such parent, guardian or other fit person to enter into a bond in Form X with or without sureties.(18)When a juvenile has been placed under the supervision of a Probation Officer under sub-section (3) of section 15 the Board shall impose a condition that all necessary assistance shall be rendered by the parent, guardian or other fit person, as the case may be, to the Probation Officer to enable him to carry out the duties of supervision.(19)The Board may send the juvenile on execution of a bond by a juvenile in Form XI to the parent, guardian or other fit person to whose care he is committed under section 15(1) (e) and 39(3)(c), to the said person on giving and undertaking by the said person in Form XII.(20)The Board shall initiate action against any media for publishing any matters relating to the children in conflict with law which would lead to the identification of the Juvenile.(21)The Board shall ensure that no female child is taken in custody by police between sunset and sunrise;

provided if the circumstances warrants, the police may take charge of female child during such time. The Board should ensure that the female child is kept under the care of a woman or a relative of the female child, who shall also be a woman or in a place of safety or in an Observation Home.(22)No strangers or outsiders who are not associated with that particular case which is being heard, shall be permitted to be present during the proceedings.(23)The Board shall not adjudicate the proceedings or effect any disposition of the inquiry without calling the report of the Probation Officer.(24)The Board shall maintain the list of experts in the field of psychology, Counselling and guidance clinics or centers and psychiatric institutions etc.(25)If the Board decides to commit a child to any institution against the report of the Probation Officer as contemplated under section 6 of the Probation of Offenders Act, 1958 (20 of 1958), the reasons for the same should be recorded in writing.(26)Whenever a juvenile is ordered to be released on Probation or for doing community services or to participate in group counselling or similar activities or to be released on probation of good conduct and placed under the care of any fit institution or person under section 15(1)(f), the Board shall direct, the Probation Officer to effect supervision as prescribed for the period and report to the Board regularly. While doing so the Board shall satisfy that the probation conditions are very specific in nature and not in general terms alone. The Probation Officer shall submit his supervision report in Form XIII.(27)The Board shall explain the conditions of Probation to be followed by the Probationer and place them under a probation officer to whom he has to report.(28)Whenever the action of the juvenile in conflict with law is due to victimization or exploitation, and such issues are brought before the Board either by the child himself or through the report of the Medical Officer or the Probation officer, the Board shall enquire into, and direct the police to register a case, investigate and report for further proceedings forthwith.(29)The Board shall maintain a list of Non-Governmental Organizations, fit persons, institution and place of safety, prepared in consultation with the Probation Officers for the purpose of providing care, protection and supervision during the period of bail or on community service or on probation or during the period of community based correction in order to utilize the community resources effectively. The Probation Officer shall assist the Board in this aspect. The Board shall chalk out appropriate rehabilitation programs under the supervision of the Probation Officer.(30)In case the juvenile has to be transferred to the parents or guardians or fit persons or institution the Board shall pass an escort order and ensure that the escort order has been complied within a period of seven days or such extended period as may be allowed by the Board.(31)In case of breach of bond by the institution or Home or parent or guardian during the period of leave or probation or license or bail or community correction, the Board may call upon the concerned party to produce the juvenile before the Board by issuing a show cause notice in Form XIV. The juvenile shall be taken back into the Home. And if it appears to the Board that the juvenile is likely to be removed from its jurisdiction or to be concealed, the Board may revoke the license or leave or probation by making an order in Form XVI for the removal of the juvenile and may issue a search warrant in Form XV.(32)Whenever the Board orders a juvenile to be detained in an institution it shall forward to the Superintendent of such institution a copy of each judgement or, as the case may be, order of detention in Form VIII along with previous record.(33)The State Government shall recognise the registered voluntary organisations, 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.(34)The offences against the juvenile or child specified in sections 23, 24, 25 and 26 shall be either bailable or non-bailable or otherwise, shall apply on the Police, the Board and the concerned

accordingly.

Chapter III

Children in Need of Care and Protection

7. Time and place of sitting of Committee.

(1) As far as possible the Committee shall hold its sitting in the premises of the Children's Home, preferably in rotation at the different Children's Homes in the District. In case there are more than one such Children's Home, then the committee may work out a timetable to decide its venue for its sitting. The copy of this timetable shall be put up on the notice board of every Children's home. The quorum for the meeting shall be three members attending, which may include the Chairperson. (2) All the members of the Committee may be provided with an Identity card by the State Government. (3) The Committee shall hold its sitting for at least three days in a week. However, the Chairperson may extend the sitting time in case the workload is more or if there is any important business to transact.

8. Procedure to be followed when child is produced before the Committee.

(1) When any person or organisation authorized under sub-section (1) of section 32, or any recognized voluntary organization, receives a child in need of care and protection, he shall produce the child before the Committee with the report of the circumstances under which the child came to his notice. (2) A child above two years of age, shall be produced before the Committee within twenty four hours of such admission, excluding the journey time taken by the person or the organization; and for the 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. (3) A child above shall not be kept in the police station and shall be taken to a place of safety till he is produced before the Committee, such as a recognized Drop-in-Centre or a Shelter Home or certified non-governmental organization, or to the Children's Home in that jurisdiction. (4) The Committee shall make arrangements to send the child to the designated place of safety during the pendency of inquiry. (5) Every possible effort shall be made to trace and associate the child with its family. Assistance of recognized voluntary organizations or childline may also be taken. (6) A child may be produced before an individual member of the Committee at his residence or any other place when the Committee is not sitting. (7) Any decision taken by an individual member, when the Committee is not sitting, shall require ratification by the Committee in its next sitting. (8) 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. (9) The child shall be escorted by the police officer or representative of the voluntary organization or by any other arrangement as considered appropriate by the Committee. (10) A list of the names and addresses of all recognised children's home along with its capacity, appropriate facilities shall be listed with the Committee. (11) The competent authority may, while making an order placing a child under the care of a parent or guardian or fit person, as the case may be, direct such parent or guardian or fit person to enter in to a bond in Form X with or without sureties. (12) Whenever the Committee orders a child to be kept in

institution, it shall forward to the Officer-in-Charge of such institution a copy of its order in Form VIII with particulars of the parents or guardian and previous record.(13)The child shall be lodged in a home closest to where he belongs.(14)The Committee shall conduct the proceeding in an informal way to ensure that the child's interest is of paramount importance.(15)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 or Probation Officer, as the case may be, of the home or any recognized agency for conducting the inquiry by issuing an order in Form IV and the concerned Officer shall submit his preliminary report of inquiry in Form I.(16)The Committee shall direct the concerned person or organization about the details or particulars to be enquired into for suitable rehabilitation.(17)In the absence of any proof of age or if any dispute with regard to the age of the child, the Committee may obtain the opinion of the medical expert to fix the approximate age of the child under dispute.(18)The police or social workers or any individual at the time of handing over the child to the Competent Authority shall submit a written statement regarding the following matter, namely :-(a)the child was not kept in the police lock up or jail and was placed in a place of safety;(b)that the child has been produced before the Committee within a period of twenty-four hours;(c)the child is not ill-treated or harassed in the place of custody;(d)any other details if known.(19)The Committee shall also refuse temporary custody of the child to parents for the reasons to be recorded in writing, if the release is likely to be against the best interest of the child.(20)The inquiry shall 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 is taken by the inquiring officer or the agency under sub-section (2) of section 33.(21)Whenever a child is ordered to be released for community services or to participate in group Counselling or similar activities or under the care of any fit institution, the Committee shall direct the Probation Officer to effect supervision as prescribed for the period in the order and report to the Committee regularly in Form XIII.(22)Whenever a child is ordered in Form VIII, to be placed in a Home, the Committee shall substantiate the reasons for the non-application of community-based services and assistance. However, the placement of a Child in an institution shall be for a shortest duration to prevent a child, from delinking from the family.(23)The Committee shall also carry out an annual review of the progress of the child in the home.(24)If the Committee on the basis of the report of Medical Officer or Probation Officers or social worker or Officer-in-Charge or concludes that the child is abused, then the Committee shall issue summons to the concerned persons to be present on the dates specified in that behalf.(25)If the Committee on an enquiry arrives at a conclusion or if they found any prima facie evidence, which confirms that the child was abused physically or sexually, then they shall communicate the same to the District and Sessions Judge for further proceedings.(26)In cases of abuses, the child shall be sent for trauma Counselling.(27)In case of breach of bond by the institution or Home or parent or guardian during the period of leave or probation or license or bail or community correction, the Committee may call upon the concerned party to produce the child before the Committee by issuing a show cause notice in Form XIV. The Committee may accordingly direct that the child shall be taken back into the Home and if it appears to the Committee that the child is likely to be removed from its jurisdiction or to be concealed, the Committee may revoke or forfeit the permission of leave by making an order in Form XVI for the removal of a child.(28)Voluntary admission : When a child voluntarily produces himself under action 32(1), before the Committee, the Committee shall obtain a written declaration in Form XVII confirming the child's choice to be admitted into the juvenile justice system.(29)Inspection and

Evaluation of the Committee : The inspection and evaluation of the working of the Committee shall be done on a Quarterly basis by the Commissioner Women and Child Development. The report of the evaluation shall be submitted to the Government.

Chapter IV

Transfer of Children

9. Transfer of children.

- (i) The Competent Authority shall direct the Officer in Charge of the Home's to arrange for the safety and security of the children during transportation.(ii)The expenditure to be incurred for maintenance and transportation of the children would be fixed by the Government from time to time.(iii)No female child shall be escorted by a male staff alone. She will be accompanied by a female staff.(iv)Escorting of the child or juvenile shall be made primarily by the Special Juvenile Police Unit and in case they are not available, then as a last resort either by the staff of the Department of Women and Child Development, or volunteers drawn from non-Governmental Organisations who are duly approved by the Department of Women and Child Development, In this connection the department shall maintain a panel of volunteers who will be willing to act as escorts.(v)Any child or juvenile who is a foreign national and who has lost contact with the family shall also be entitled for protection. The child shall be repatriated, at the earliest, to the country in co-ordination with the Ministry of External Affairs, Government of India and respective Embassies or High Commission.(vi)On being satisfied on the report of the Probation Officer or Case Worker or Child Welfare Officer, as the case may be, the competent authority, may send the child, if necessary, on execution of a bond by the child in Form XI to the said relative or other fit person on giving an undertaking by the said relative or other fit person preferably through the concerned State in Form X.(vii)A copy of the order passed by the Competent Authority under section 50 shall be sent to the ,-(a)Probation Officer who was directed to submit a report in this regard,(b)Probation Officer, if any, having jurisdiction over the place where the child is to be sent,(c)Competent Authority having jurisdiction over the place where the child is to be sent, and(d)relative or any other fit person who is to receive the child.(viii)On such transfer, the case file and records of the juvenile or the child shall be sent along with him.(ix)Inter State transfers of children shall be done only through orders from the Commissioner.(x)Any breach of a bond or undertaking or of both given under sub-rule (vi) above shall render the child liable to be brought before the Competent Authority who may, pass an order directing the child to be sent back to the institution from where he was discharged by issuing an order to that effect.(xi)During the pendency of the orders under sub-rule 6 (vi), the child shall be sent by the Competent Authority to an Observation Home or Children's Home.(xii)In the case of a child where the competent authority deems it expedient to send the child back to his ordinary place of residence under section 50, the Competent Authority shall inform the relative or other fit person who is to receive the child accordingly and shall invite the said relative or other fit person to come to the Home to take charge of the child on such date as may be specified by the Competent Authority.(xiii)In case the relative or other fit person fails to come to take charge of the child on the specified date, the child shall be taken to his ordinary place of residence by the escort of the concerned Home.

10. Transfer of juvenile or child to other institution.

- The Juvenile or child in an institution may be transferred to any other institution by the Competent Authority. The Superintendent shall make the proposal for transfer of juvenile or child with a proper justification. The juvenile or child may also make a request for the same to a Competent Authority, directly. The transfer may be proposed only if it is in the interest of the juvenile or child with specific reasons thereof, such as, -(a)The juvenile or child is to be given further education or special training which is not available in the institution.(b)The juvenile or child is in need of change of environment or change of climate on health ground, for taking treatment which is not available in the institution.(c)The proposed transfer would bring the juvenile or child 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 or child.(2)The transfer of juveniles or children shall be given effect by a travel document issued by the Officer-in-Charge of the institution.

Chapter V Advisory Board

11. Advisory Boards.

(1)The State Government may constitute an Advisory Board at various levels for a period of three years.(2)The State Government shall continue the State Advisory Board, District Advisory Board and the City Advisory Board till the Boards are reconstituted under these rules.(3)All the Boards shall hold at least two meetings in a year.(4)These Advisory Boards shall also inspect the various institutional or non-institutional services in their respective jurisdictions; and the State Government shall act upon the recommendations made by the them if found appropriate.

Chapter VI Qualification of Members of Board and Committee

12. Procedure of selection of the members of Board and Committee.

(1)The Commissioner shall through an advertisement or otherwise, call for application from the various Districts for the post of Social Workers on the Board or the Committee, as the case may be.(2)The applications shall be scrutinized by the State Advisory Board.(3)The State Advisory Board shall also prepare a panel of names for each Board or Committee to fill in the vacancies which may arise during the tenure of the Board and the Committee.

13. Qualification of the Chairperson and Members of Committee and of Social Workers of the Board.

(1)The Chairperson and the members of Committee shall possess special knowledge in Child

Psychology and Child Welfare. It shall be the duty of the State Government to provide them with periodic training in Child rights, Child psychology and Child Development to enable them to acquire special knowledge.(2)Social Workers for the Board and the members of the Committee shall possess a degree in any one of the Social Sciences such as Psychology, Criminology, Sociology, Social Work, Economics, Home Science, Education, Political Science, Women Studies, Rural Developments etc., or Law or Medicine.(3)The Social Workers of the Board and the Members of the Committee shall have an experience in working in any one of the areas related to legal, health, education or other rehabilitation and developmental activities pertaining to children for at least three years.(4)The members to be nominated to the Board and Committee shall not have been involved in any criminal offences and should not have been convicted previously.(5)The members of the Board and Committee and social workers of the Board, shall not be directly associated with, any placement of adoption services that will have conflicting interest with the welfare of the child.(6)The social workers of the Board and members of the Committee shall not be less than 35 years of age and not more than 65 years of age at the time of appointment.(7)The Chairperson and the Members of the Committee and Social Workers of the Board shall hold office for a period of three years from the date of appointment or for such further period, as the State Government may by general or special order direct in that behalf.(8)Every casual vacancy of the non-official member may be filled by appointment of another member, who shall hold office so long as the person in whose place he is nominated would have held it if the vacancy would have not occurred.(9)The members of the Committee, and the social workers of the Board, shall be eligible for appointment as such for maximum two terms.(10)Any member of the Committee may resign at any time by giving a one month advance notice in writing to the State Government.

14. Honorarium and allowances to social workers of the Board and the members of the Committee.

(1)The members of the Committee and members of the Board shall be entitled for the travelling allowance and meeting allowance at such rate as are admissible to Class I officers of the State Government from time to time by issuing an order.(2)Chairperson and member of the Committee and social workers shall be given an honorarium as fixed by the State Government from time to time.

Chapter VII Institutions

15A. Observation Home.

(1)The State Government or the voluntary organisation certified by the State Government shall set up separate observation homes or maintain separate structures and enclosures for boys and girls in a way that they do not come in contact with each other in the same premises for the temporary reception of any child in conflict with law. During the pendency of any enquiry regarding him/her the child would stay in the Observation Home.(2)Newly admitted child shall be placed in the reception Unit, for a minimum period of fifteen days. The period may be extended by the officer

concerned, till such time the child is treated for infectious diseases, addiction to drugs, Counselling etc.(3)The children shall be classified and separated by the classification Committee in accordance to their age.(a)Between 7 years and 12 years;(b)Between 13 years and 16 years;(c)Between 17 and 18 (inclusive of both the ages).(4)During their stay in the Reception Unit, the children shall be provided with adequate opportunities for, -(a)Yoga, meditation and Physical Exercise.(b)Opportunities to play and relax, recreational facilities, cultural programmes among children, non-formal education, creative learning etc.(5)There shall be adequate lighting, ventilation, heating and cooling arrangements, drinking water and toilets, in terms of age appropriateness and hygiene.

15B. Special Home.

(1)The Government may establish and maintain exclusive one or more Special Home for boys and girls in every district or a group of districts for the reception, care, treatment and rehabilitation of children in conflict with law. The Government may establish and maintain either an exclusive institution or exclusive living premises to different age group of children as follows:-(i)the age group of children between 8-12 years;(ii)the age group of children between 13 to 16 years;(iii)the age group of children between 17-18 years;(inclusive of both the ages).(2)Special Home shall have the following facilities for care, treatment and rehabilitation of children in conflict with law,-(i)The Special Home should provide facilities for formal as well as non-formal education to juveniles. The education shall also include the modern, vocational training courses which are required in day to day life.(ii)The facility of professional assistance by Psychologist, Social Workers or Counsellors etc. should be provided.(iii)Facilities for creative learning, participatory programmes in seminars also imparted in the Home for re-socialisation of a juvenile.(iv)Facilities for sports (indoor and outdoor), yoga, music and other extra curricular activities like debates, competitions, painting, literary works, cultural programmes etc. should be provided to juveniles.(v)A library and other recreational facilities should also be available in the premises of the Special Home.(vi)There shall be adequate lighting, ventilation, heating and cooling arrangements, drinking water and toilets, in terms of age appropriateness and hygiene.

16. Establishment of Children's Home.

(1)The State Government may set up in every district or a group of districts, either by itself or by recognizing or certifying any of the Child Welfare Institutions as Children Home for children in need of care and protection in the manner specified under section 34 of the Act.(2)A Separate homes and facilities should be maintained and provided for boys and girls of(i)0 -6 years of age (mix boys and girls),(ii)7-12 years of age,(iii)13-18 years of age.(inclusive of both the ages)(3)Each Children's Home shall have a Child Care Centre or Child Guidance Clinic. The activities of Children's Home shall involve the participation of the community voluntary organisations and Non-Governmental organisations etc.(4)The Schemes pertaining to development, education, health, etc., shall be linked with the activities of Children's Home.(5)A Medical Officer should visit and examine the children in the home at least twice a week to provide the required medical care.(6)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 Counselling, sponsorship, play 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 Services (ICDS) to cater to the needs of the children below six years.(e)To establish linkages with organisations 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.(7)There shall be adequate lighting, ventilation, heating and cooling arrangements, drinking water and toilets, in terms of age appropriateness and hygiene.(8)The children's home shall provide education to all children according to the age and ability and as per requirement.(9)Every children's home shall make available useful vocational training under the guidance of trained instructors or through external sources. The home shall develop networking with Institute of Technical Instruction, Jan Shikshan Sansthan, Government and Private Organisations with expertise or placement agencies.(10)Each home shall have the services of a trained counsellor. The services of Child Guidance Centres, Psychology and Psychiatric Departments or similar agency may also be availed.(11)Each home must have recreation facilities including indoor and outdoor games, music, television, picnics and outgoing, cultural programmes etc.(12)The in-charge, counsellor along with the child welfare office, 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 or foster care or adoption and review shall not be delayed beyond a year. The focus shall be on providing family and community based re-integration programmes. It is advisable to consult with the children while determining their care plan.

17. Establishment of Shelter Homes.

(1)The State Government may recognise non-Governmental organization to establish shelter homes for the children in need of care and protection. Such Homes shall have at least the minimum facilities of boarding and lodging besides the provision for fulfilment of basic needs in terms of clothing, food, health care and nutrition etc.(2)The Child Welfare Committees, Special Juvenile Police Units, Public Servants, Childline, Voluntary Organizations, Social Workers and the children themselves may refer a child to such Shelter Homes. The legal requirements regarding investigation and disposal, etc., shall not apply in cases of children residing in these Shelter Homes, except giving an information to the Committee and the police about children admitted.(3)The services of Social Worker around the clock shall be provided for the proper care, protection, development, rehabilitation and reintegration of such children.(4)No child shall ordinarily stay in the Shelter Home or Drop-in-Centre for more than a year.

18. Establishment and recognition of After Care Homes.

(1)The after care organisation, as outlined in the Act, are to take care of juveniles or children after they leave special homes and children's homes.(2)Government may establish and maintain as many After-Care homes as may be necessary for the reception of the juveniles and children discharged from the institutions or homes for the purpose of enabling them to lead an honest industrious and useful life.(3)Where the Competent Authority is of the opinion that any institution other than an institution established under sub-rule (2) is fit for the reception of the juvenile or child to be sent there from the institution or home may be recognised as an After Care Home for the purposes of the

Act.(4)The objective of these homes shall be to enable such children to adopt 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 and to help the individual to make smooth adjustments to his post release environments;(5)The target groups will include juveniles or children who have either been discharged or released on probation or license from the special homes or children's homes.(6)This may includes setting up of temporary homes (not exceeding 3 years) 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.(7)There shall also be provision for a 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.(8)The programmes in the aftercare home shall include:(a)Facilitating employment generation for these youths will be a key programme.(b)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.(c)Loans to these youth to set up entrepreneurial activities may also be arranged.(d)A 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.(9)The strategy for children who have been juveniles or have left special homes shall be to help them to return to normal life and adjust and adapt to their environment.(10)There shall be provision for vocational training of these children to enable them to sustain themselves through their own efforts.(11)Before a juvenile or child is discharged from a home, as the case may be, and is sent to an After Care home, the Probation Officer or the Case Worker shall prepare a report regarding the need and nature of after-care assistance required by the juvenile or child, the period of such after care and supervision thereof.(12)The Superintendent of the after care home in which the juvenile or child is placed shall periodically submit a detailed progress report on the juvenile or child to the classification committee till the juvenile is reintegrated into the community.(13)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 by the Government.

19. Admission procedure in a observation home and children's home.

(1)Admission of child can be acquired by the police or any authorized person as mentioned in the Act on a written requisition addressed in Form XVIII to the Officer-in-Charge of the Home.(2)Admission of a child/juvenile to the home shall be made round the clock and the Officer-in-Charge of the Home is authorized and bound to receive the child or juvenile irrespective of the time till the child or juvenile is produced before the Board or the Committee, as the case may be, up to the next day for obtaining an order. This is applicable to cases of babies and infants also.(3)A Child of a minor mother may be allowed to stay in the Observation Home or Children's Home or Special Home, and shall be allowed to remain with the minor mother in that home till the date of discharge of mother.(4)A baby or a child in an Observation Home or Children Home or Special Home shall be allowed such diet and clothing as the Medical Officer of the Home may prescribe.

20. Reception Unit.

- This is a general intake procedure applicable to all institutions.(1)There shall be a Reception Unit in each Observation home, Special Home and Children's Home under the charge of a Child Welfare Officer or a Social Worker.(2)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.(3)The child shall be received with due care as provided under these rules, with dignity and love.(4)A brief orientation shall be given to the child on induction, to remove any inhibition from the mind of the child or juvenile.(5)A child shall be immediately given a bath, clothing, food etc., and medically examined.(6)The designated officer shall enter the name of the child in the admission register and allocate appropriate accommodation facility.(7)The photograph shall also be taken immediately for records and the case worker shall begin the investigation and correspondence with the person the child might have named.(8)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 items shall be returned to the child or returned when he leaves the home.(9)The girl child shall be searched by a female member of the staff, and with due regard to decency.(10)The following procedure shall also be followed in respect of the newly admitted children in the reception unit:-(a)Receiving and search of the child.(b)Hair-cut if required (unless prohibited by religion), and issue of toiletry items.(c)Disinfecting and storing of a child's personal belongings and other valuables.(d)Bath.(e)Issue of new set of clothes, bedding and other outfit and equipment (as per rules and scales).(f)Medical examination and treatment, where necessary and in case of any juvenile suspected to be suffering from contagious or infectious diseases, mental ailment, addiction etc. he shall be immediately segregated in specially earmarked dormitories or wards or hospitals;(g)Attending to immediate and urgent needs of the child's like appearing in examination, interview letter to parent or parent, personal problem etc.;;(h)Verification by the Officer-in-Charge of the order of the Board or the Committee, identification marks of the child, entries in the register, cash and other valuables etc.(i)Orientation of the child to the environment of the home and his rights.(j)The officer shall work towards building a rapport with the child and encourage the child to speak about his whereabouts. Counselling and such other facilities shall be provided to the child.(11)Every institution shall follow a schedule of orientation in the Reception Unit for the newly admitted child covering the following aspects, namely :-(a)Health and hygiene.(b)Institutional discipline, standards of expected behaviour, respect for elders, teachers etc.(c)Self-improvement opportunities.(d)Orientation of Child Rights and the responsibility of the child to ensure the rights within the frame of institution.(e)Duties, responsibilities and obligation during their period of stay.(f)Participatory role of children in the institutional activities.(12)A case history of 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.(13)The education level and vocational aptitude of the child 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. A resource directory may be prepared and placed in each institution.(14)All residents in the institution shall be given work like-(i)self-help in

maintaining their own establishment.(ii)Cleaning of open spaces, gardening, etc.(iii)Preliminary operations for crafts.(15)A well conceived programme of pre-release planning and follow up of cases discharged from special homes shall be organised in all institutions in close collaboration with existing governmental and voluntary welfare organizations.(16)Every home or institutions shall have the services of a trained counsellor.

21. Classification Committee.

(1)A juvenile/child shall be classified on the basis of his age, physical and mental health, length of commitment and his character. Besides, factors like sequence of his behaviour, social processing, 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)There shall be a classification committee constituted in each Home consisting of the following personnel, namely:-

* Officer-in-Charge	Chairperson.
* Medical Officer	Member
* Professional Social Worker	Member
* One representative from teaching and vocational Instructors	Member
* Child Welfare Officer Member	Secretary

(3)The Classification Committee shall periodically meet to consider and undertake review particularly on following matters:-(a)The profile of the newly admitted child will be analyzed and the child will be permitted to participate in the proceedings while taking the appropriate action on his further developments;(b)The child shall be counselled or advised to arrive or accept the treatment programme proposed by the Child Welfare Officer and the Psychologist;(c)To review the progress of child adjustment programmes;(d)Custodial care, housing, place of work, area of activity and type of supervision required;(e)Individual problems of child, family welfare, family contact and adjustment, economic problems, and institutional adjustment, etc;(f)Vocational training and opportunities for employment;(g)Education, health education, social education, academic education, vocational education and moral education;(h)Social adjustment, recreation, group work activities, guidance and Counselling;(i)Special instructions, collecting information, special precautions to be taken, etc.;(j)Review of progress and adjusting institutional programmes to the needs of the children;(k)Mentally preparing the child for release and planning post-release rehabilitation programme in collaboration with After Care service;(l)Any other matters which the Officer-in-Change may like to bring up.(4)After the review the classification Committee shall prepare a plan for each child and take appropriate action.

Chapter VIII

Recognition and Certification of Institution

22. Recognition of fit person or fit institution.

(1) Any individual or a suitable place or institution, the occupier or manager who is willing temporarily to receive a child in need of care, protection or treatment for so long a period as may be necessary, be recognized by the Competent Authority as fit person or fit institution. (2) Any association or body of individuals, established for or having for its object the reception or protection of children or the prevention of cruelty to a child and which undertakes to bring or to give facilities for bringing up any child 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 addresses of fit persons and fit institutions shall be kept in the office of the Commissioner, the Board, the Committee as well as all the local police stations. (4) After committal of a juvenile or a child by the competent authority to an institution recognised as a fit person or fit institution with collateral branches, the managers of such institutions may send a juvenile to any of the branches of such institution after giving an intimation to the competent authority under whose orders the juvenile was committed. (5) Before declaring any person or institution as a fit person or fit institution, as the case may be, the Competent Authority shall hold due enquiry and only on being satisfied, recognition shall be given.

23. Certification of institutions or organisations and its recognition.

(1) If the management of any organisation or institution desires that its organisation or institution may be certified or recognised 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 organisation or institution, office bearers and a statement showing the status and past record of social or public service provided by the organization or institution, to the Commissioner, who shall after verifying the provisions made in the organization or institution 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, as the case may be, on the condition that the organization or institution 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 fit institution of repute who has the capacity to run such institution. This should be done 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) If the State Government is not satisfied with the working of the organization or institution, it may direct the Advisory Board to make inquiries regarding the same within a period of seven days. (5) Based on the report of the Advisory Board, the State Government shall issue a notice on the Manager of the organization or institution and give a one month's time to the organization or institution to rectify its flaws and to settle its problems. (6) If the organization or institution fails to rectify its flaws and settle its problem within given time or no satisfactory progress is seen then the State Government may, - (a) Issue a show cause notice to the organization or institution declaring that the certificate or recognition of the organization or institution, 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 section 8, 9, 34, 37 or 44, as the case may be; or (b) Take any other action, as may deem fit. (8) When an organization or institution ceases to be an organization or institution certified or recognized under section 8, 9, 34, 37 or 44, the Juvenile or children kept therein shall either be, - (i) discharged absolutely or on such conditions as the officer in charge may impose or, (ii) transferred to some other institution established, certified or recognized under section 8, 9, 34, 37 or 44 in accordance with the provisions of the Act and rules relating to discharge and transfer with the orders of the Competent Authority. Intimation of such discharge or transfer shall be given to the Board or the Committee as the case may be.

24. Grant-in-Aid to certified or recognised organisation.

(1) An organisation certified or recognised 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 determined by the State Government from time to time.

25. Non-Institutionalised Services.

- The State Government shall endeavour to develop non-institutionalised services like Foster Care, Sponsorship and Community Services in best interest of the Child.

Chapter IX

Institutional Management

26. Institutional Management of Homes.

- The Management of the Observation Home shall be maintained by an Officer-in-Charge specifically appointed to hold office as Superintendent of the institution, who is under the control and supervision of the Commissioner.

27. Accommodation.

(a) The Minimum standard of accommodation shall be as follows: - Dormitory : 40 square feet per child. 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 children in the institution. (b) The dormitories, class rooms and workshops shall have sufficient cross ventilation and light.

28. Identity Photos.

- On admission to home established under the Act every child shall be photographed and three copies of the photograph shall be obtained. One photograph shall be kept in the case file of the child, one shall be fixed with the index card and the third one shall be kept in an album serially. The negative shall be kept in another album. The facilities for photographing must be made available within the institute.

29. Daily routine.

(1) Each institution shall have a well regulated daily routine or time table for the children which should be displayed and should provide, among other aspects, for regulated disciplined life, physical exercise, yoga, educational classes, vocational training, organized recreation and games, moral education, group activities prayer and community singing. (2) For Sundays and holidays 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. (f) Seminars, workshop etc. (3) Those children who would like to study or read may be permitted to stay awake as long as required. (4) Each Children's or Special Home may provide for modern, marketable vocational training of the pupils. The wishes of each pupil shall be consulted as far as possible as to the particular training which he or she shall undergo. All courses of instructions shall be approved by the Commissioner. The courses shall be located within or outside the institution. Sponsorship can be obtained for such courses for children by the Officer-In Charge of Home.

30. Articles found on search and inspection.

(1) The Officer-in-Charge shall see that every juvenile/child received in the Home is searched and his personal property are inspected. Any money or valuables found with or on the child shall be kept in the safe custody of the Officer-in-Charge. Girls shall be searched only by a female member of the staff and with due regard to decency. (2) No person shall, except with the written permission of the Superintendent or the medical officers of the institution, carry into the institution a prohibited article, like, - (i) Fire arms, (ii) Alcohol and spirit of every description, (iii) Bhang, ganja, opium and other narcotic drugs or psychotropic substances, or (iv) Any other article specified in this behalf by the Competent Authority by general or special orders.

31. Personal Property Register.

(1) In every institution a register of money, valuable and other articles found with, or on, the person of a juvenile or child received therein shall be maintained in the Personal Property Register. (2) On a juvenile/child being received in the institution or Home, the money, valuable and other articles found with him or on his person on search and inspection shall be taken in possession and shall be entered in such register, and the entries relating thereto shall be read over to the juvenile/child in the language in which he understands in the presence of a witness. The signature shall be obtained

from the juvenile/child and the witness in token of the correctness of such entries. All such entries shall be countersigned by the Officer-in-Charge. These money, valuables and articles shall be returned to him when he leaves the institution or Home.(3)Entries shall be made of every such search and inspection in the register and attested by the Superintendent showing,-(a)List of articles, if any,(b)Articles destroyed, sold and stores;(c)In the case of sold articles the amount realised.(d)The return to him of any money, valuable or articles at the time of release or otherwise.

32. Disposal of properties.

(1)The property other than money or valuable belonging to a juvenile or child 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/child directing the juvenile/child to be send to an institution, the Officer-in-Charge shall deposit such juvenile's/child's money together with self proceeds in the manner laid down from time to time in the name of the juvenile/child.(b)If it consists of obscene pictures or literature, tobacco, snuff, opium, drug, liquor or perishable articles or trivial value, it shall be destroyed;(c)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 the child's account by the Superintendent;(d)The clothing, bedding or other articles of such juvenile or child shall be destroyed if the superintendent considers it essential on hygienic grounds or considers to be worthless, or the clothing and bedding and other articles of the juveniles or children are found to be suffering from any infectious or contagious disease shall be burnt;(e)Clothing, bedding and other articles not covered by the provisions of clauses (a), (b) and (c) shall, after being wash and disinfected, suitably stored. The superintendent shall be responsible for their safe custody. If the clothing's have been destroyed, he shall be provided with fresh clothing.(2)No person or staff on the institution or home shall, whether directly or indirectly bid at the auction of, for purpose, any property auctioned under these rules.(3)When the juvenile or child is transferred from one institution to another, all his property, valuable and account book in the custody of the Superintendent shall be sent along with him to the Superintendent of the institution to which he has been transferred together with a full and correct statement of the description and estimated value thereof.(4)At the time of release of such juvenile or child, 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 behalf in the register and signed by the Officer-in-Charge.(5)When an inmate of an institution dies therein, the property left by the deceased and the money or articles 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 six months from the date of death of such inmate, the property and amount shall be credited to the fund created by the Government under section 61.(6)When a juvenile or child 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 six months from the date of escape of such juvenile/child or the date on which such juvenile/child should have return thereto, as the case may be. If within the said period such juvenile/child is not found and sent back or does not return to the institution, such property and amount shall be

credited to the Fund set up under section 61.

33. Openness and transparency.

(1) All the institutions established under the Act shall be open to visitors with the permission of the State Government, 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 and welfare of the child. (2) The Superintendent or Officer-in-Charge shall maintain a visitor's book. The Advisory Board or Inspecting Authority shall consider the remarks of the visitors. (3) While visiting an institution, the visitors will not say or do anything that undermines the authority of the Superintendent or Project manager or is in contravention of law or rules or impinges on the human dignity of the juvenile/child.

34. Communications.

(1) Communication and correspondence between the children in the Home and parents or guardians shall not be subjected to strict scrutiny unless the activities or the antecedents of the parents of the child or the child warrants such scrutiny. (2) The Officer-in-Charge may pursue any letter written by or to the juvenile/child 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. (3) The receipt of the letter by the juvenile/child of the Institution shall not be restricted and they shall have freedom to right as many letters as they like at all reasonable times; and the institutions 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.

35. Authorized visitors for children.

(1) Visitors to children will be restricted to parents, family members, guardian with prior permission of the superintendent or any other higher authority. (2) Such authorized visitors shall be allowed to visit the children as per institution rules or in special circumstances like festivals, birthdays, sickness in family, death in family, etc.

36. Issue of clothing, bedding and other articles.

- Each juvenile/child shall be provided with clothing and bedding including customary under garments, towels, jersey for winter, school uniform for juveniles attended outside schools, mattresses, bed sheet, utensils as required, tooth-powder, soap, oil, comb and the like as per the guidelines issued by the Government from time to time.

37. Clothing to the discharged children.

- The Officer-in-Charge of the institution may, if necessary, provide the juvenile/child with suitable clothing at the time of leaving the institution either on leave or on discharge.

38. Sanitation and hygiene.

(1) Each institution shall have the following facilities, namely:- (a) Sufficient, clean and sterilized drinking water. (b) Sufficient water facilities for bathing, washing clothes. (c) Proper drainage system. (d) Arrangements for disposal of garbage. (e) Protection from mosquitoes. (f) Maintenance of cleanliness on the premises and of flushing latrines. (g) Sufficient number of urinals. (h) Sufficient number of latrines with working taps, buckets and jugs in the proportion of at least one latrine for seven children. (i) Sufficient number of bath rooms with working taps, buckets and mugs proportion in the proportion of at least one bath room for ten children. (j) Sufficient space for washing places. (k) Toilets and bathrooms shall be properly with a proper drainage system. (l) Cleanliness in the kitchen. (m) Fly-proof kitchen. (n) Sunning of bedding and clothing twice in a week. And (o) Cleanliness in the Medical Centre.

39. Issue of toilet articles.

(1) All children shall be issued oil, soap and other materials for bathing, washing and toilet purposes in accordance with the following scale:- (a) Boys :- The male children shall be given the following items- (i) coconut oil. (ii) toilet soap twice in a month. and (iii) one bar of washing soap or washing powder once in a month for washing clothes, tooth powder or tooth paste and tooth brush as per requirement. (b) Girls :- Female children shall be given the following items- (i) coconut oil daily for dressing the hair. (ii) soap-nut powder or shikakai powder once a week. (iii) toilet soap as per requirement. (iv) washing powder or one bar of washing soap once in a month for washing clothes. (v) tooth powder or tooth paste and a tooth brush as per requirement. (vi) Grown up girls shall be given sanitary napkins in accordance with the needs.

40. Leave of absence.

(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 or events like funeral of a father, mother, siblings, grand parents etc. (2) Leave of absence for short periods not exceeding seven days excluding the journey time in a year may be recommended by the Officer-in-Charge, but granting of such leave shall be at the discretion of the sanctioning authority and it can not be claimed as a right. (3) The parents or guardians 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 and forward the case to the Competent authority. (5) While issuing an order of sanctioning the leave of absence or release on license the

Competent Authority shall clearly mention the period of leave and condition attached to the leave order. If any of these conditions are not complied with during the leave period, the child or juvenile may be recalled to the institution by the competent authority.(6)The person who takes charge of a child or the juvenile from Observation Home or any other home for such purpose shall execute a bond in Form XIX to fulfill the conditions stipulated therein.(7)The parent or guardian shall arrange to escort the juvenile or child from and to the Home or institution and bear the travelling expenses. In exceptional cases or during an emergency, the Officer-in-Charge may arrange to escort the child or juvenile to the place of the family and back.(8)If the juvenile or child runs away from family during the leave period, the parents or guardians shall inform the Officer-in-Charge of the Home or institution immediately and try to trace the child or juvenile, and if found, send the child or juvenile to the Home or institution.(9)If the parent or guardian do not take proper care of the child or juvenile during the leave period or do not bring the child or juvenile back to the Home or institution within the stipulated period, such leave may be refused on later occasions.(10)If the child or juvenile does not return to the Home or institution on expiry of the sanctioned leave, the Competent authority shall make inquiries and then refer the case to police for taking charge of the child or juvenile and bring him back to the institution.(11)The period of such leave shall be deemed to be part of the period of placement in the institution. The time which lapses after the failure of a child or juvenile to return to the institution within the stipulated period shall be excluded in computing the period of his placement in the institution.(12)The leave of absence to a child or juvenile placement shall not be at one instance, The children shall be granted leave of absence for six weeks as summer vacations. Summer vacation can be availed any time from the 1st May of every year.

41. Acting Officer-in-Charge of an Institution.

(1)During the absence of the Officer-in-Charge of an institution on short leave (other than casual leave) or during a vacancy in the post of Officer-in-Charge of an institution for a short period for other reasons, the Commissioner, Women and Child Development shall authorize any of the officer to perform the duties of the Officer-in-Charge of the institutions.(2)No Officer-in-Charge of an institution of a Children's or Special Home shall quit the institution or hand over charge of the Home without having obtained the previous permission of the Commissioner, Women and Child Development.

42. Police Officers to be in plain clothes.

- While dealing with children 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

43. Prohibition of the use of handcuffs or chains.

- No child dealt with under the provisions of the Act shall be handcuffed or chained.

44. Rewards and earnings.

(1) Rewards to the juvenile, 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. (2) These incentives shall be deducted at the rate or rates decided by the management of the institution if, - (a) the child or juvenile does not show positive behaviour or attitude in spite of three warnings issued during the past. (b) the child or juvenile violates any of the rules, regulations of the institution (c) the child or juvenile indulges in unlawful activities such as bullying, damaging the properties, stealing the belongings of others etc. (d) the child or juvenile possesses any of the prohibited articles.

45. Participatory role of Children.

(1) As emphasised by the Child Rights Convention a participatory right of children is ensured. To ensure such rights in the institution the following activities shall be adopted, - (i) A committee shall be formed among children to decide their daily menu within the admissible of scales or rates. The committee shall co-ordinate with the kitchen staff in the preparation of menu, however, the staff in the institution shall be responsible for the cooking. (ii) A Cultural Committee, Campus Maintenance Committee, Sports Committee, Literary Committee etc. shall be constituted. (iii) Any rehabilitation plan for a child including the option of higher studies shall take into consideration the interest of the child. (2) The tenure of the Committee shall be three months in case of diet Committee and Campus Maintenance Committee. The tenure of other Committees shall be six months. No child shall be a member of more than two Committees. (3) No child shall hold membership in any of the Committees for more than two terms in a calendar year. (4) The exemplary contribution of a child shall be considered for special awards. Any child who violates the rules of the institution or misuses his position shall be removed from the Committee.

46. Complaint Box.

(1) A Complaint Box shall be kept in every institution. The box shall be kept in the dormitory of the kids and the keys of the same shall be with the District Women and Child Development Officer. (2) The Superintendent shall not open the complaint Box. (3) The boxes shall be opened once in a fortnight by the District Women and Child Development Officer and sent to the State Advisory Board for review and action. The name of the complainant shall be kept confidential.

Chapter XI

Health and Nutrition

47. Medical Care.

(1) Each Home or institution shall provide for at least one resident Medical Officer or a nurse and

other necessary medical staff and ensure that, - (a) regular facilities are available for the medical treatment for 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) The Home or institutions shall have visiting Medical Officer for boys and girls. The Medical Officer shall visit the home twice a week to see the health and cleanliness of the children, treatment of the sick, sanitation of the premises and all such matters as are connected directly or indirectly with the health of the inmates and staff. The pharmacist attached to the Homes shall carry out the lawful orders of the Medical Officer and be subordinate to him in matters connected with the medical works of the Home and to the Superintendent in other matters. A medical chart shall be maintained in respect each child. (3) The Officer-in-Charge of an institution shall cause every children to be weighed and height to be measured on admission and thereafter in the first week of every month. A record of such weighing shall be made in a register in prescribed form. Any child who loses weight shall be specially brought to the notice of the Medical Officer. (4) Special care shall be taken with regard to children of poor physique on admission, in which a small loss of weight may have a serious impact. In such cases the recommendation of the Medical Officer shall be strictly adhered to. (5) Each juvenile/child admitted in a Home shall be medically examined by the Medical Officer within a period of twenty four hours, and in special cases within a period of forty eight hours and also at the time of transfer of the juvenile/child to the another Home within a similar period before transfer and further at any other time that may be considered necessary by the medical officer or the Office-in-charge. (6) No surgical treatment can be carried out on any juvenile/child without the previous consent of his parent or guardian or, unless either the parent or guardian cannot be found and the condition of the juvenile/child is such that any delay would, in the opinion of the medical officer, involved unnecessary suffering, or injury to the health of the juvenile/child, or without obtaining a direction to this effect from the Competent Authority. (7) The health record of each juvenile in the Home shall be maintained on the basis of quarterly medical check up. The routine medical check up of the children must be done on monthly basis. The details of the health of the each child should be recorded properly and systemically. (8) The medical record of each child shall be maintained in the file of the child. Record shall also include weight and height record, any sickness and treatment, and any other physical or mental problem, if any. (9) The Officer-in-charge of the institution shall ensure that the above directions are complied with. (10) The medical officer shall be responsible for the supervision of the health and hygienic condition of the entire campus. He should take special care to protect the children from skin disease or any type of nutritional deficiencies. (11) The sick children shall constantly be under medical supervision. (12) In the event of break out of contagious or infectious diseases segregation must be ensured. (13) The medical service shall include immunization facility as specified under the National Immunization Scheme. (14) The home shall have networking with local doctors and hospitals for referral cases.

48. Diet Scale.

(1) The State Government shall prepare a diet scale, to be adhered to by the institutions, for juvenile or children 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 or children as required. (2) The diet of infants and sick children shall be according to the requirement.

49. Mode of dealing with child suffering from dangerous diseases or mental complaint.

(1)When a juvenile kept in a Special Home or Children Home or Shelter Home or an institution under the provisions of the Act or placed under the care of the 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 child may be removed by an order of the competent authority, to an approved place set up for such purpose for the remainder of the term for which he has to be kept in the custody under the order of the Competent Authority or for such period as may be certified by a Medical Officer.(2)Where it appears to the authority ordering the removal of the child under sub-rule (1) that child is cured of the disease or physical or mental complaint, he may, if the juvenile is still liable to be kept in custody, order the person having charge of the juvenile to sent him back to the Home or institution or fit person from where or from whom he was removed, or if the juvenile or 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 the juvenile or a child suffering from an infectious or contagious disease, the authority empowered under sub-rule (1), before restoring the said juvenile or child to his partner in marriage or to the guardian or parent, as the case may be, shall where it is satisfied that such action will be interest of the said juvenile or child, call upon the partner in marriage or the guardian or the parent, as the case may be, to satisfy it that such partner or guardian or parent will not be re-infect the juvenile or child.(4)Children suffering from psychological problems shall be given proper psychological treatment.(5)Those children who are addicted to any substance like gutkha, smoking, drinking, drugs etc. shall be sent to a de-addiction centre for further treatment.(6)If there is no organization either within the jurisdiction of the State the competent authority or nearby area sending the child suffering from dangerous diseases as required in section 58, necessary arrangement may be made by the State Government at such places as may be deemed fit by it.

50. Medical officer to correspond through Officer-in-charge of an Institution.

- The Medical Officer shall ordinarily correspond with the Commissioner through the Officer-in-Charge of an institution or may also directly correspond to the Commissioner on reports related to any child health issues in an institution.

Chapter XII

Registers, Documents etc.

51. Maintenance of Registers.

(1)The list of registers or files or books to be maintained in each institution shall minimally comprise of,-(a)Admission register.(b)Supervision Register.(c)Medical File or Medical Record.(d)Nutrition Diet file.(e)Raw materials Register.(f)Log Book.(g)Order Book.(h)Cash Book.(i)Budget Statement File.(j)Inquiry Report File.(k)Case File.(l)Inward and Outward Register.(m)Visitor's

Book.(n)Personal Property Register.

52. Visitor's Book.

(1)A Visitors Book shall be maintained, in which the persons visiting the home shall record the dates of his visits 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 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.

53. Juvenile's medical history sheet.

- A medical history sheet shall be maintained by the Medical Officer, showing the full medical history of the juveniles/child during their stay in the Home. The details of interview and communication, medical observation and important events involving the child shall be entered.

54. Maintenance of case file.

- The case file of each child shall be maintained in the institution or Home containing the following information, namely:-(a)report of the person or agency who produced the child before the Board or Committee;(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, I.Q.E.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. regulations, special achievements;(n)quarterly progress report from various sections;(o)Medical report;(p)pre-release programme;(q)final progress report;(r)leave of absence or release on license;(s)final discharge;(t)follow-up reports;(u)annual photograph;(v)remarks;(w)Review Sheet; and(x)Monthly Cycle (M.C.) Report in case of a girl.

55. Order Book.

- The Officer-in-Charge of Home or an institution shall maintain an order book in which he shall pass orders to be carried out by any of the staff in the institutions, The orders of the Superintendent shall be carried out immediately by the staff of the institution. The copy of the order passed by the Superintendent shall also be displayed in the notice board.

56. Meeting Book.

- The Superintendent shall convene the meeting of Heads of the Branches once in a fortnight and discuss the issues to be decided which are within the reach of the Superintendent. A similar meeting

of the staff also will be commenced once in a month to facilitate the staff to hear these grievances and such opportunities will enhance the inter-personnel relations between the staff and the institution. The minutes of these meetings shall be recorded in the meeting book.

57. Journals.

- The Officer-in-Charge or Superintendent of the institutions, Assistant Superintendent or Deputy Superintendent and Medical Officer etc., shall maintain a journal for daily recording. The entries on the journal shall be of any of the events taken place on the particular day and action initiated on the part of the individual and also. All events shall be recorded.

58. Disposal of Records or documents.

- The records or documents in respect of juvenile or child should be kept in a safe place for a period of seven years and thereafter be destroyed with the help of the Board and the Committee, as the case may be.

Chapter XIII

Emergency Provisions

59. Escape or run away of children.

- In the event of an escape, the Officer-in-Charge of Observation Home or Special Home or Children's Home or an Institution shall adopt the following proceedings:-(1)A complaint shall be lodged with the Police Station along with the details and description of the child, identification marks, photograph, the details of parents address, offence for which he had been placed in the institution etc., immediately by issuing search warrant in Form XIV.(2)Search of the child at places like railway stations, bus stand other places etc., can be made by the staff of the institution. Staff need not wait for the formal orders or instructions to be issued. The available immediate Superior Officer shall direct such action in the absence of the Officer-in-Charge of the institution.(3)Search parties should report the fact immediately on return from search operation.(4)The Officer-in-Charge of the institution shall hold an enquiry on the incident and a report shall be sent to the Competent authority and other controlling authorities within twelve hours of the incidence. The report shall be sent either by a mail, fax, special messenger etc., as the case may be.(5)A communication shall be sent to the parents or guardian and the Advisory Board immediately about such escapes.(6)The Officer in-Charge of the institution shall specify the security lapses if any noticed at the time of enquiry.(7)The Officer-in-Charge of the institution shall initiate suitable action against the staff if lapses on their part while discharging their duties have been established.(8)All the staff who are dealing with children are accountable for the safety of children.(9)In case of a child who runs away from the institution for more than two occasions, such child shall be reproduced before the Board or Committee as the case may be for review of alternate means of rehabilitation.(10)No action shall be taken against the children who have been found and bought back to the institution.(11)If the child is not traceable during the leave period then after due

enquiries, the names of such child should be struck off after three months from the institution after the complaint has been registered in a police station. If the child or juvenile returns back after 3 months, he shall be admitted as a fresh inmate.

60. Suicide or death.

(1)The following procedures shall be followed in case suicide or death takes places:-
(i)The Officer-in-Charge of the institution shall inform to the police, Executive Magistrate, parents or guardian, Central or State Human Rights Commission and the Competent Authority regarding the suicide or accident or death of the child, taken place either within the premises or in the Medical hospital during treatment,
(ii)In case of accident, attempt to suicide, violence etc., the available staff shall arrange for immediate medical assistance either by removing them to the nearest medical institution or by calling for the Medical Officer or doctor to the institution.
(iii)In case of natural death, the Officer-in-Charge shall also arrange for the body to be kept in Mortuary after formal investigation or enquiries have been conducted by the concerned authorities.
(iv)In case of every unnatural death, inquiry and post-mortem should be held.

61. Funeral.

(1)The body of the child shall be handed over to the parents or guardians, to perform the rituals as per their religious sentiments. The Government shall meet the expenditure if any to be incurred towards the removal of the body to the native place of the child or the guardian in full in the case the parents cannot meet the expenditure.
(2)If the child is a destitute or a orphan or no one is willing to perform the last rites, the Officer-in-Charge of the institution shall arrange for the funeral of the body as per the religious sentiments of the child. The Officer-in-Charge of the institution shall obtain the death certificate and communicate the copy to the parents or guardian, Commissioner, Women and Child Development, Human Rights Commission besides keeping one copy in the official records.

62. Emergencies.

(1)Whenever there is an out-break of an epidemic in an institution, the Officer-in-Charge of the institution shall arrange for the medical treatment in consultation with the District Medical authority or the Health Officer from the local Government.
(2)Whenever a child suffers from infectious disease he/she shall be kept in a separate block or a Medical unit to prevent the spreading of diseases to other children.
(3)A report shall be sent to the Commissioner, Women and Child Development immediately within twelve hours of the prevalence of epidemic either by e-mail or fax or by special messages.

63. Accidents and other emergencies.

- The Officer-in-Charge of the institution shall initiate the following measures to prevent accidents and other incidents:
(1)Proper maintenance of buildings and premises.
(2)First-aid kit, Fire

extinguishers shall be installed adequately in kitchen, dormitories, store rooms etc.,(3)Periodically review of electrical installations.(4)Proper white washing of buildings and cleanliness of the premises etc.,(5)The Officer-in-Charge of the institution shall maintain an accident Register.(6)Proper cleanliness maintained in the bathrooms and toilets and to ensure that the bathrooms and toilets have proper taps, running water and drainage system.

Chapter XIV

Personnel of Institutions

64. Personnel for management of institutions.

(1)The personnel strength of a home shall be determines according to the duty, posts, hours of duty per day as the base for each category of stall.(2)The institutional organisational set up shall be fixed in accordance with the size of the home, the capacity, workload, distribution of functions and other requirements of programmes.(3)The staffing pattern for institutions shall be decided keeping in mind the type and strength of the Home and notified through government circulars from time to time.(4)The whole-time staff in a home may consist of Superintendent or the Officer in charge, Probation Officer (in case of Observation Home or Special Home), Case Workers (in case of children's home or shelter home or after care organisation), Child Welfare Officers, Counsellor, teachers, Vocational Training Instructor, Medical staff, administrative staff, care takers, house father and house mother, store keeper, cook, helper, washermen, safai karamchari, gardener as required.(5)The part-time staff, shall include Psychiatrist, Psychologist, occupational therapist, and other professionals as may be required from time to time.(6)The staff of the home shall be subject to control and overall supervision of the Superintendent or the Officer-in-charge, which by an order, shall determine their specific responsibilities and shall keep the concerned authority informed of such orders made by him from time to time.(7)The duties and responsibilities of the staff under the Superintendent or the Officer-in-charge shall be fixed in keeping with the statutory requirements of the Act.(8)The Superintendent or the Officer-in-charge and such other staff who may be required, shall live in the quarters provided for them within the premises of the home.(9)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.

65. Training of Personnel.

(1)The State Government or the Officer-in-charge shall provide for training of each category of staff, in keeping with their statutory responsibilities and specific job requirements.(2)The training programme shall include,-(a)Orientation and training of newly recruited staff;(b)Refresher training courses for every staff member at least once in every two 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.

66. Probation Officer.

- The State Government may appoint as many Probation Officers as per the Probation of Offender's Act, 1958(20 of 1958), to perform the following duties and responsibilities in respect of Children who have been dealt with under the provisions of the Act.(1)On receipt of information from the officer-in-charge or 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 I to the Board.(2)Every Probation Officer shall carry out all directions given by the Board or Committee or concerned authority and shall perform the following duties, namely:-(a)To make inquiries regarding the home and school conditions, conduct, character and health of juvenile or child under their supervision;(b)To attend regularly the proceeding of the Board or the committee as the case may be and submit reports;(c)To maintain diary case file and other 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 I and Form XIII;(e)To accompany children wherever 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 behaviour during the period of supervision.(g)Follow-up of juveniles or children after their release from the organisations and extending help and guidance to them.(h)Establishing linkages with voluntary workers and organisations 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.(k)Any other task/duty assigned by the management from time to time.(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.

67. Honorary or voluntary Probation Officer.

- To augment the existing probation service, Honorary or voluntary Probation Officers may be appointed by the Competent Authority from the voluntary organisation and social workers found fit for the purpose and their probation services may also be co-opted into the implementation machinery by the orders of the Competent Authority.

68. Duties and responsibilities of Officer-in-Charge of an institution and Superintendent.

(1)The Officer-in-Charge of the institutions shall be the controlling authority in so far as the administration activities pertaining to the institution as a whole. All the staff in the institution are his subordinates for the purpose of administration.(2)The Superintendent shall be responsible for the following, namely:-(a)To provide homely atmosphere of love, affection, care, development and welfare of juveniles or children and ensure and safeguard the rights of child or juvenile in all

possible manner within the frame of rules and regulations.(b)To exercise control over the staff and shall issue instructions for the smooth and effective functioning of the institutions.(c)To ensure that all the staff are discharging their duties in accordance with the rules and regulations.(d)To ensure that the children are provided with quality and quantity of food, educational and vocational training in accordance with the aptitude and need base of the children. The officer shall personally taste the food to be given to the children.(e)Planning implementation and co-ordinate all institutional activities, programmes and operations.(f)Organise training workshops for the staff members at various levels.(g)Financial management of the institution, propose plan and non-plan schemes for the further development of the institution(h)The Officer-in-charge of the institution shall be the custodian of important confidential documents, deeds agreements, personal files of staff, valuable articles of children etc.(i)The Officer-in-charge shall be responsible for safety drinking water, proper sanitary and hygienic conditions in the institution, proper health care of children or juveniles etc.(j)In the addition to the routine visits the Officer-in-charge shall pay surprise visits at least once in fortnight during night and ensure that the institutional management is in control and vigil during night(k)The Officer-in-charge shall conduct open house meeting with the children, staff in the institution once in a week and ascertain that the children are treated satisfactorily and their rights are ensured without deviation.(l)List of vacancies available in the institutions shall be forwarded to the Commissioner on a monthly basis.(m)The Officer-in-charge shall conduct meeting with family members of children whenever such opportunities are available and encourage the parents to interact with the children and the staff to ensure that the interests of the children are honoured.(n)Proper maintenance of buildings and premises.(o)Segregation of a juvenile or child suffering from contagious or infectious diseases.(p)Proper storage and inspection of food stocks.(q)Standby arrangements for water storage, power plant, emergency lighting, etc.(r)Take prompt action to meet all kind of emergencies.(s)Any other task/duty assigned by the management from time to time.

69. Duties of case workers and Child Welfare Officer.

- The general duties, functions and responsibilities of Case Workers and Child Welfare Officer shall be as follows, namely:-(a)Making social investigation of the child through personal interview and from the family, social agencies and other sources;(b)Clarifying problems of the child and dealing with their difficulties in institutional life;(c)Participating in the orientation, classification, education, vocational and rehabilitation programmes;(d)Establishing cooperation and understanding between the child and the Officer-in-charge ;(e)Assisting the child to develop contacts with family and also providing assistance to family members;(f)Participating in the pre-release programmes, and helping the child to establish contacts which can provide emotional and social support to child after their release;(g)Ensuring that the children's need of food and cloth are met as per standard;(h)Ensure the cleanliness of the premises and maintenance of physical infrastructure including provisions of water and electricity etc.(i)Any other task/duty assigned by the management from time to time.

70. Duties of Assistant Superintendent.

- The duties and responsibilities of Assistant Superintendent shall be as follows, namely:-(a)To maintain Custodian of placement orders.(b)Supervision of food preparation, food distribution

etc.,(c)To conduct open house meeting with children and staff to encourage children in participating the activities.(d)To conduct interviews with parents of children and regulation of communication of children with outsiders.(e)To facilitate the children to participate in seminars, cultural programmes, meetings etc.,(f)Prepare a status report in consultation with the House parents or wardens.(g)To monitor the supply of external eatables if any supplied to children by parents.(h)Custodian of clothing and bedding being supplied to Children Home.(i)Organisation of camps, picnics, cultural programmes, extra curricular activities like Scouts, Red Cross work etc.,(j)To see that the protective and developmental rights of children are ensured.(k)Any other task/duty assigned by the management from time to time.

71. Duties of care takers.

- The general duties, functions and responsibilities of care takers shall be as follows, namely:-(a)Handling child with love and affection;(b)Taking proper care and welfare of child;(c)Maintaining discipline among the children;(d)Maintaining, sanitation and hygiene;(e)Implementing daily routine in an effective manner;(f)Looking after the security and safety arrangements of the home;(g)Escorting children whenever they go out of the home.(h)Any other task/duty assigned by the management from time to time.

72. Functions of the Commissioner.

(1)The State Government shall provide for the appointment of staff for the supervision, control and development of services under the Act including Commissioner, Deputy Commissioner, Accounts officers, Audit officers and ministerial staff as per requirement.(2)The functions are -(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 or 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;(k)Research and evaluation.

Chapter XV

Discharge and Release

73. Discharge for community based corrections.

(1)The children in conflict with law shall be released for community based correction by the Board in consultation with the Commissioner, W&CD, report of the Probation Officer and consent of the Officer-in-Charge. The Board shall call for the report of the Probation Officer.(2)The juvenile discharged for community based correction shall be placed under a Probation Officer up to the date

of the normal period of discharge, or till he completes eighteen years of his age, or whichever is earlier.(3)The Board shall release a juvenile for a community based correction and the order shall be issued in an appropriate format as prescribed in Form XX with condition.(4)Wherever possible, while granting such a permission, the parent or guardian shall enter into an agreement or execute a bond in Form XIX to follow the license conditions without any deviation.(5)If the parent or guardian is not available or in a position to enter into the agreement of execute a bond, the juvenile can still be sent for community based corrections by making proper arrangements for the juvenile to stay in an after-care home.(6)After the order of release on license in Form XX is issued by the Competent Authority, it shall be read out to the licensee and his signature obtained. The conditions on which he has been released on license shall be explained to him in detail.(7)On the release of any juvenile on license, copies of the order of release on license shall be sent to the parent or guardian and the Probation Officer who will supervise the juvenile during the license period by the Superintendent to the competent authority under whose orders the juvenile was kept in the institution.(8)During the period of license if the juvenile is not able to adopt to the conditions, and the parent or guardian are not able to exercise any control over the juvenile, then the Probation Officer shall recommend to the competent authority to revoke the license. Provided the revocation shall be ordered after conducting a hearing of the probation officer.(9)When a license 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 orders of the concerned authority, arrest the juvenile without warrant and arrange him to be sent to the institution by issuing a Search Warrant in Form XIV.(10)Criteria for selection of the juvenile for community based correction,-(i)If he has completed half of the portion of the placement period in the Special Home;(ii)If he has exhibited exemplary and positive behaviour as certified by the Officer-in-Charge of the institution.(11)The juvenile shall preferably be sent to area or place of residence of his parent for community based correction.(12)The Probation Officer while preparing his report shall consult the local police officer and the parent or guardian in whose jurisdiction the juvenile shall be sent for community based correction to ascertain any possibilities of a threat to the juvenile's safety or the release of the juvenile would be a threat to the peace in the locality or would expose the juvenile to further conflict with law.(13)The Probation Officer shall submit a monthly report to the Board and to the Officer-in-Charge of the Home about the status of the juvenile during the period of supervision.

74. Restoration of children from Children's Home.

- A child in the Children Home shall be restored to the family at any time either absolutely or for a specific period on the orders of the Competent authority.

75. Procedure to be followed on release.

(1)The Officer-in-Charge shall maintain a record of the cases to be released on the expiry of the period of stay as ordered by the Board or Committee.(2)Each case shall be placed before the Classification Committee for proper mainstreaming. With regard to cases in which the juvenile/child is kept for the maximum period, action may be initiated six months before they attain the age of eighteen years during which the Officer-in-Charge shall call for the pre-release report of the Probation Officer or Child Welfare Officer or Social Worker as the case may be.(3)Timely

information of the release of a juvenile/child and the probable date of release shall be given to the parent or guardian. The parent or the guardian shall be invited to come to the institution to take charge of the juvenile/child on the 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 to take charge of the juvenile/child on the appointed date, the juvenile/child shall be taken by the escort of the institution or any approved Non-Government Organization. Girls shall be escorted by a female escort.(6)At the time of release or discharge, a juvenile/child may be provided with a set of summer or winter clothing as the case may be.(7)If any juvenile/child has no parent or guardian, or in the event of employment he may be sent to an aftercare organization. In the case of a girl who would like to get married the Officer-in-Charge of a girls' institution, subject to the approval of the Commissioner of Women and Child Development, may arrange for the marriage in accordance with the procedure laid down by the Department of Women and Child Development.(8)The Officer-in-Charge shall order the discharge of any Juvenile/child, the period of whose placement has expired and inform the Board or the Committee within seven days of the action taken. If the date of release falls on a Sunday or another public holiday, the juvenile/child 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 travel expense, at such rate as may be fixed from time to time based on the railway or road, or both, fare, as the case may be.(9)The deserving cases the Officer-in-Charge may provide the juvenile or child with such small tools or books as may be necessary, to start a business subject to such maximum cost as may be fixed by the institution and recommended by the Classification Committee.(10)The Officer-in-Charge may, subject to the approval of the competent authority, allow girls children to stay in the home of the institution after the period of their detention has expired, till alternative arrangements are made.(11)If a juvenile or child is to be kept in the institution due to one of the following reasons, beyond the actual date of release or permitted to be kept in the institution, a formal order of the Board or Committee, as the case may be, shall be obtained in advance by the Officer-in-Charge for the following reasons,-(a)To complete the academic or vocational training till the closure of the academic year or complete the course.(b)To undergo medical treatment which warrants immediate attention in the best interest of the child.(c)In any other special circumstances which prohibits or prevents the mobility of the child either due to accident, threat to life or safety or natural calamities etc.

Chapter XVI

Juvenile Police Unit

76. Special Juvenile Police 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 district level Special Juvenile Police Unit shall be headed by an officer not below the rank of an Assistant Commissioner of Police who shall coordinate the activities of the Juvenile/Child Welfare Officer.(3)Every designated Probation Officer as Child Welfare Officer shall be the member

of a District Special Juvenile Police Unit to facilitate the coordination and networking among the Police, Probation Officer, Non-Governmental Organisations, Judiciary, etc.,(4)The Special Juvenile Police Units shall be assisted by recognised voluntary organisations, who will help them in identifying juveniles and helping the juveniles or children under the Act.

77. Duties and functions of Special Juvenile Police Unit and Police.

(1)Whenever a charge of a child is taken by the Police, the child shall be referred to the Juvenile/Child Welfare Officer for investigation, who in turn will after a preliminary enquiry arrange to produce the juvenile/child before the Competent Authority as the case may be.(2)The child shall be treated with decency and dignity while doing investigation, enquiry, search etc.(3)A girl child shall be subjected to search by a female staff.(4)The Juvenile/child welfare officer or the head of the Special Juvenile Police Unit shall arrange for the escorting of the child to be produce before the Competent Authority through police in plain clothes or by volunteers from Non-Governmental Organizations.(5)Police shall prevent taking charge of a juvenile in conflict with law between Sunset and Sunrise. Provided that in case of taking charge, instead of keeping the juvenile in the police station or lockup, shall arrange to keep the juvenile in a place of safety or Observation Home or in a fit institution or under the care of a fit person after recording the facts and circumstances.(6)A juvenile/child shall be produced before the Competent Authority within a period of 24 hours of taking charge excluding the journey time.(7)The police shall strictly adhere to the guidelines of the Supreme Court of India and High Courts while dealing with a juvenile/child.(8)The police shall also ensure that the provision of Convention on the Rights of the Child have been strictly adhered to and all actions are initiated in the best interest of the child.(9)As soon a juvenile is taken charge by the police an intimation shall be sent to the Probation Officer and his/her parent/guardian.(10)Whenever a Juvenile is produced before the Board the police should furnish the following details to the Board,-(a)Date and time of taking charge of juvenile, address of the child, offence said to be committed the place where the child was kept till such time the child was produced before the court.(b)Copy of the intimation letter sent to the Probation Officer or parent or guardian of the child.(c)Details of the property or any articles recovered from the juvenile at the time of taking charge.(11)Whenever an intimation is received by the police about the existence of an abandoned infant, the police shall with the assistance of approved Non-Governmental Organizations or a Social Worker take charge of the infant and arrange to provide immediate medical assistance and subsequently place the child in an Foundling Home if available or to the care of a fit person or fit institution. The police shall immediately send a report to the Committee.(12)Whenever intimation is received from an Non-Governmental Organizations about the possession of an infant child under their care the police shall make an First Information Report in the Station Register. A report shall be sent to the Child Welfare Committee about the action taken in this aspect. A police shall not close a file without making a report to the Committee.(13)The Police shall maintain a list of approved Non-Governmental Organizations functioning in their respective jurisdiction and shall monitor the activities to prevent child trafficking, illegal adoption, keeping children unauthorisedly. The police shall send a monthly report to the Board about the children who are kept unauthorisedly in such institutions.

Chapter XVIII

Rehabilitation and Social Reintegration

78. Adoption of children.

(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 recognise children's homes or State run Government homes for orphans, as adoption agencies both for scrutiny and placement of such children for adoption. (4) In the case of inter-county adoption, the procedure laid down by the Central Adoption Resource Agency shall apply. (5) The scrutiny for adoption shall be done independently by an agency recognized for this purpose. (6) The scrutinizing agency shall examine all available information's 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 case workers or police, as the case may be, shall be conducted and a report containing findings shall be 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 can understand and express his opinion shall be placed in adoption without his consent. (10) Role of licensed or recognized 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 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 Counselling 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 the 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 or names of the adoptive parent or parents 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.

79. 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 78, 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 VI 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 or parents shall have stable emotional adjustment within the family.(b)Foster parent or parents shall have income to meet their needs and not dependent on the foster care maintenance payments.(c)The monthly family income shall not be less than rupees five thousand.(d)Medical reports of all the members of the family residing in the premises shall be obtained including checks on Human Immuno Deficiency Virus (HIV), Tuberculosis (TB) and Hepatitis B to determine that they are medically fit.(e)A review of progress made by the child shall be done at regular intervals of not less than once in a year.(f)The foster mother shall have experience in child caring and the capacity to provide good childcare.(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 paediatrician, 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 parents or parents should be willing to take the child for regular (at least once a month in the case of infants) checkups to a paediatrician 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.

80. Sponsorship.

(1)The Children Homes and Special Homes shall promote the sponsorship programmes as laid down in section 43.(2)The homes receiving Sponsorship shall maintain separate accounts of all the receipts and the payment for the programmes.

81. Social Auditing.

- The State Government shall monitor and evaluate the functioning of the Homes annually with the help of leading organizations working with the children, besides Autonomous bodies like National Institute of Public-Cooperation and Child Development, Indian Social Institute, Child-line India Foundation, National Institute of Social Defence, Tata Institute of Social Sciences, Nirmala Niketan, Shrimati Nathibai Damodar Thakercey, Central and State level Social Welfare Boards, Department of Criminology, Psychology , Sociology, Law of recognised universities etc.

82. Inspection.

(1)The State Government shall constitute State, District or city level inspection teams for a period of three years to visit and oversee the day to day function of the Homes and give suitable direction 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 member from the representatives of the State Government, local authority, the Committee, medical and other experts, voluntary organisation and reputed social workers.(4)Not less then three members shall carry out the inspection visits.(5)The team may visit the homes either by giving a 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)All concerned authorities shall take the follow up action on the findings and suggestion of the children.(8)The inspection team shall be given an identity card.

83. Inspection of Institutions, monitoring and evaluation.

(1)The Chief Inspection Officer or any other officer authorized by the State Government shall only enter the premises of the homes for the purpose of inspection.(2)During the institution rounds, the Inspecting Officer shall give every juvenile or child committed or remanded to its care an opportunity to make any complaint or application to him which such juvenile or child may wish to make.(3)Every such inspection visit shall at the conclusion of his inspection, be noted in the inspection book of the institution or home as proof that he has inspected it on a particular date.(4)The Inspecting Officer shall furnish the report to the Commissioner and the State Advisory Board.(5)Any place of safety in which a juvenile or child is kept shall be open to inspection.(6)The occupier or manager of such place of safe custody shall give every facility to the inspecting officer and the others as stated above who visits the juvenile or child for the purpose of making inquiries into his case.(7)Any registered medical practitioner empowered in this behalf by Government may visit any institution or home, a fit person or fit institution at any time with or without notice in order

to report to the Superintendent and the Competent Authority 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 Education Officer (Primary) of the Zilla Parishad 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 recognized to be in accordance with the curriculum approved by the Directorate of Education. He shall also carry out inspection of such institutions within his jurisdiction to confirm that the required recognition of the educational curriculum prescribed by the said Directorate is observed in the concerned home. He shall comply with such directions as the Competent Authority may consider it necessary to give him through the Director of Education and he shall submit inspection reports of the institutions of the Competent Authority through the Director of Education.(9)Such Inspector shall inspect the premises of each 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 Education any suggestions he may wish to make. The Director of Education shall forward such reports to the Competent Authority 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 authorized by him in this behalf or by any officer of the Agriculture or other Departments concerned, as the case may be, and he shall forward the inspection report to the Competent Authority.

Chapter XVIII

Miscellaneous

84. State children's fund.

(1)The State Government shall create a fund at the State level under section 61 of the Act to be called the State Children's Fund (here in after referred to as "the fund") for the welfare and rehabilitation of the juvenile or child dealt with under the provisions of the Act.(2)In addition to voluntary donation, the Central Government shall also make contribution to State Children's Fund.(3)The fund shall be applied for the following purposes,-(a)to implement programmes for the welfare and rehabilitation of children and which do not fall in any of the Central Government or State Government or any other scheme;(b)to provide for medical aid or surgery for major illnesses for juvenile or child;(c)to provide for fees for higher or vocational or technical education;(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)For the management and administration of the Fund, a Board of Management shall be set up under the chairmanship of the Secretary, Women and Child Development Department under sub-section (3) of the section 61.(5)For the management and administration of the fund, Government shall constitute a Board of Management consisting of the following members :-* Secretary (Women and Child Development Department) - Chairman* Commissioner (Women and Child Development Department) - Member* Three non-official Members to be appointed by Government - Member* Deputy Commissioner-Child development

(Women and Child Development Department) - Member Secretary - Treasurer(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. A member nominated to fill a casual vacancy shall hold office so long only as the member in whose place his is nominated would have held it if the vacancy had not occurred.(7)(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 address to government.(iii)The resignation shall take effect from date of its acceptance or on the expiry of thirty days from the date of its receipt by the Chairman or, as the case may be, by Government, which ever is earlier.(8)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 of nay offence which in the opinion of Government involves moral turpitude;(c)if in the opinion of Government, it is not desirable that he should continue to be a member.(9)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 appointed by the chairman.(10)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 the 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 place and time.(11)The assets of the Fund shall include all such grants and contributions, recurring or non-recurring, from the Central Government and State Government or well as the voluntary donations from any individual or organisation.(12)All withdrawals shall be made by cheques or requisitions, as the case may be, singed by the secretary-cum-treasurer in the case of amounts not exceeding rupees one thousand and signed duly the by the secretary-cum-treasurer and other member of the board of management to be nominated by the Board of Management.(13)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.(14)The auditors shall also certify the expenditure from the Fund made by the secretary-cum-treasurer.(15)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 authorized by it for the purpose.(16)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 mode of investment for the time being authorized by law for the investment of trust money as the Board of Management may think proper.(17)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

85. Pending Cases.

(1)No juvenile or child shall be denied the benefits of the Act and the rules made thereunder.(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 thereunder.(3)Any juveniles 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 of stay or a juvenile, such period which the juvenile 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.

86. Repeal and saving.

(1)The Maharashtra Juvenile Justice Rules, 1989 is hereby repealed.(2)Notwithstanding such repeal any action taken, order issued, by-laws made under the provisions of these rules shall, in so far as it is not inconsistent with the provisions of these rules, be deemed to have been taken, issued or made under the provisions of these rules. Form I[See Rule 5(3) and 6(9), 8(15) and 66(2)(d)] Preliminary ReportSr./No. submitted to the Juvenile Justice Board/Child Welfare Committee.....Profile No. Probation Department Profile No. Under Section.....Title of Profile : Police Station : Nature of offence charged(in the case of juvenile only) Name : Father's name : Permanent address : Last address : Before arrest : Previous institutional history : Family

Member of Family (relation) if any	Name	Age	Health	Occupation or school	Wa
Father /step father					
:					
Mother / step mother					
:					
Siblings					
:					
Any other relation					
:					
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					
:					

Juvenile/Child's History Mental conditions, past and present :Physical conditions, past and present:Habit, interest(Moral, recreational etc) Outstanding characteristics and responsibility Traits :Companies and their influence :Truancy from home, if any :Previous delinquency, if any:.....School (attitude towards school, teachers, Class-mates 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 inThe home and child's reactions :Any other remarks: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 II[See Rule 6(8)(d)]Information of Arrest of a Juvenile to his Parent or GuardianWhereas (name of the juvenile)..... Son/daughter ofaged..... Resident of..... has been Arrested under Section.....and has been kept in the home atwill be produced before the Juvenile Justice Board 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-chargeof the Police Station.Dated.....day of.....200**Form III[See Rule 6(8)(d)]Information of Arrest of a Juvenile to the Probation Officer**Name of the Juvenile.....Age.....Son/daughter.....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.....Whether informed parents/guardians. If No, state reason.....Signature of the Officer-in-charge.....of the Police Station.Dated.....day of.....200ToThe Probation Officer.....**Form IV[See Rule 6(9) and 8(15)]Order Requiring a Probation Officer to Make EnquiriesToProbation Officer/Social Worker/Child Welfare Officer,**Whereas (1) a report/complaint No. under section 15 (2) / section 33(1) 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)(Name of the juvenile/child)..... son/daughter of residing at has been produced before this Child Welfare Committee/ Juvenile Justice Board under the provision of Section 13/sub-section (1) of Section 32 of the said Act.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.....date.Dated thisday of.....200 .SignatureMagistrate, Juvenile Justice Board,Chairman, Child Welfare CommitteeSeal : Magistrate, Juvenile Justice Board,Chairman, Child Welfare Committee**Form V[See Rules 6(10) and 79(2)]Supervision Report**When the juvenile/child is placed under the care of a parent/guardian or other fit

person. Profile No. of 200..... Name of the juvenile/child
 Resident of (full address such as house No. Road, Village/town,
 district etc.) has this day found 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 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/child be placed under the supervision of a
 Probation Officer for a period of subject to the following conditions, namely :-(1) That the
 juvenile/child 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/child will be
 submitted to the supervision of the Probation Officer. (3) That the juvenile/child will reside at
 for a period of (4) That the juvenile/child will not be allowed to leave
 the district jurisdiction of without the written permission of the Probation Officer. (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 juvenile/child does not commit any offence punishable by
 the 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/social worker from time to time, for the due observance of the conditions mentioned above
 shall be carried out. Signature Magistrate, Juvenile Justice Board, Chairman, Child Welfare
 Committee Seal : Magistrate, Juvenile Justice Board, Chairman, Child Welfare
 Committee. Additional, conditions, if any may be inserted by the Juvenile Justice Board/Child
 Welfare Committee. Form VI [See Rule 6(11)] Supervision Order Profile No. of
 200..... Whereas (Name of 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 a surety of Rs. and the Juvenile Justice Board 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 Probation Officer
 for a period of and shall observe the following conditions, namely :-(1) That he/she 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/she will submit himself to the supervision of
 the probation officer; (3) That he/she will, during the period of specified herein, keep the probation
 officer, apprised of his place of residence and means of livelihood/place of work/place of education
 and progress in education; (4) That he/she will attend the Attendance Centre regularly; (5) That
 he/she will not associate with bad characters to lead a disciplined life; (6) That he/she will live
 honestly and peaceably and will go to school regularly/endeavour to earn an honest
 livelihood; (7) That he/she will not commit any offence punishable by any law in force in
 India; (8) That he/she will abstain from taking intoxicants; and (9) That he/she 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 200..... (Signature) Principal

Magistrate, Juvenile Justice Board Additional conditions if any, may be inserted by the Board, if necessary. Form VII [See Rule 6 (11)] Supervision Report

Part I – Name of the Probation Officer :

For the month of : Register No. : Competent Authority : Profile No. : Name of the Juvenile : Date of Supervision Order : Address of the Juvenile : Period of Supervision :

Part II – { |

| - | | Place of Interview | Date | - | |

..... |
 | - | 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 Book 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 guardian or fit person under whose care the juvenile is to live after the supervision period is over, | | } Signature of the Probation Officer. Date of Report. Form VIII [See Rule 6(12) and (32) and 8(8) and (22)] To The Superintendent, Whereas on the day of 2001 (Name of Juvenile/child) son / daughter of aged residing at being found in Profile No. * to have committed an offence/is in need of care and protection under Section of the Act and has been ordered by me. Principal Magistrate, Juvenile Justice Board / Chairman, Child Welfare Committee to be detained in the • Observation Home • Special Home • Shelter Home • Children's Home • Any other fit institution • Fit person (as the case may be) For a period of This is to authorize and require you to receive the said juvenile into your custody, and to keep him/her in Home/person, for the aforesaid order to be carried into execution according to law. Given under my hand and the seal of : Child Welfare Committee Juvenile Justice Board. This day of 200 Signature* Principal Magistrate, Juvenile Justice Board * Chairman, Juvenile Welfare Committee * Strike which is not required. Encl : Copy of the Judgement if any, of the orders, Particulars of home and previous record. Directions to be followed -

- 1. That the juvenile/child will not be allowed to associate with bad character;**
- 2. That the juvenile/child will attend the Attendance Centre;**
- 3. That the juvenile/child will attend the Attendance Centre regularly;**
- 4. That the person under whose care the juvenile/child is placed will arrange for the Proper care, education and welfare of the juvenile;**
- 5. 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;**
- 6. That the juvenile/child will be prevented from taking narcotic drugs or psychotropic substances or any other intoxicants;**
- 7. 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.**

This.....day of.....200.....Signature* Chairman, Child Welfare Committee*
Principal Magistrate, Juvenile Justice Board* Additional conditions, if any, may be inserted by the
Child Welfare Committee/Juvenile Justice Board. Form IX [See Rule 6(12) and Rule 8 (8)] Order of
the competent authority sending a juvenile/child to a children's Home/Shelter Home/Special
Home/observation home under the provision of sub-section (3) of Section 33 or under provisions of
sub-section (1) of Section 15 of the Juvenile Justice (Care and Protection of Children) Act,
2000 Order Competent Authority.....No. Whereas (Name of the
juvenile/child)..... Son/daughter of Resident of..... Was placed
under the care of..... Resident of..... Under Section..... of the Juvenile Justice
(Care and Protection of Children) Act, 2000, vide Order No..... dated..... And was
further placed under the 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/child under Section..... of the Juvenile Justice (Care and Protection of Children)
Act, 2000 It is hereby ordered that the said..... (Name of the juvenile/child) be sent to the
Juvenile Home/Special Home..... For the period of..... Dated..... day
of..... 200..... Signature Magistrate, Juvenile Justice Board Chairman Child Welfare
Committee Form X [See Rule 6(17), 8(22)) and 9(1)(vi)] Bond to be executed by a
parent/Guardian/fit person to whose care a juvenile/child is committed under Section 15(1)(e) and
Section 39(3)(c) Whereas I being the parent/guardian, relative or person under whose
care (name of the juvenile/child)..... has been ordered to be placed by the Child Welfare
Committee/Juvenile Justice Board to execute a bond in the sum Rupees.....
(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 Child Welfare Committee/Juvenile Justice Board through the Probation Officer;(2)That I shall not remove the said..... from the limits of the jurisdiction of the Child Welfare Committee /Juvenile Justice Board without previously obtaining the written permission of the Committee/Board.(3)That I shall send the said.....daily to school/to such daily work as is approved by the Committee/Board 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.Signature/thumb impressionParent/guardian/fit personForm XI[See Rule 6(19) and 9(1)(vi)]Bond to be Executed by Juvenile/ChildWhereas Iinhabitant of (Give full particulars such as house number) (road, village/town, tahsil, district, State) have been ordered to be sent back to my native place by the Child Welfare Committee/Juvenile Justice Board under Section 15(1)(e) of the Act, and/or under sub-rule (9) of rule 6 on my entering into a bond, 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 any where else beyond the said district without the prior permission of the Committee/Board.(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 Committee/Board 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 :-(6)That I shall report immediately to the Committee/Board through the probation officer, if the said.....misbehaves or absconds from my care;(7)That I shall produce the said.....before the Committee/Board whenever so required by it;(8)That I shall render all necessary assistance to the probation Officer to enable him to carry out the duties of supervision;(9)In the event of my making default herein, I bind myself to forfeit to Government the sum of Rs.....(Rs.....)This.....day of.....200.....Before(Signed)(Signature of person executing the Bond)Additional conditions, if any, by the Juvenile Justice Board/Child Welfare Committee done.Where a bond with sureties is to be executed-I/We, Of (Place of residence with full particulars) hereby declare myself, surety/ourselves sureties, for the foresaid.....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 of200.....In the presence of : (Signed)Form XII[See Rule 6(19)]Undertaking to be Given by the Relative or Fit PersonI,.....resident of..... (give full particulars such as house No./Road) (village/town,district, State) do hereby declare that I am willing to take charge ofagedunder the orders of the Chairman, Child Welfare Committee/Magistrate, Juvenile Justice Board.....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 shall have proper medical attention in the nearest hospital;(iv)I undertake to produce him/her before the competent authority when so required.(v)And see to it that the child follows the directions given by the concerned authority from time to time.Dated this thethe day of200.....SignatureSignature and address of witnesses.

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2.

.....Dated thisthe day of200.....Signature or thumb impressionForm XIII[See Rule 6(26), 8(21) and 65(2)(d)]Report of Probation OfficerName of the probation officer under whose Supervision the juvenile has been placed :Order No, and date under which the juvenile/Child has been placed under supervision :Competent authority under whose orders the Juvenile/child 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 :Where there has been breach of any of the conditions imposed by the competent authority :If so, state the condition breach of which has been taken place :Whether the juvenile is not being looked after Properly? If so, justify the same :Whether the juvenile/child is attending hisPlace of employment regularly? :Whether the juvenile is attending the Attendance Centre? :Any other reasons for which the juvenile/child is recommended to be sent to the particular Home :Name of the Home, where the juvenile/child is recommended to be sent :Signature of the Probation OfficerDated.....day of.....200 .Form XIV[See Rules 6(31) and 8(27)]Show Cause NoticeNo.As reported by.....the Probation Officer, (name of the juvenile/child) son/daughter of.....residing at.....• Has failed to report to the institution after the leave period• Breach of Bond by fit institution/person/parent/guardian• Please state if any other reason.....Whereasresiding at..... (name of the parent or guardian)is reported to have the actual charge of, or control over the said juvenile/child, the said is hereby called upon to produce the said.....before this Child Welfare Committee/Juvenile Justice Board on.....day of.....200....., hours and to show cause why the said.....(Name of the juvenile/child)should not be dealt with under Rule.Dated this.....day of.....200.Signature* Principal Magistrate, Juvenile Justice Board*Chairman, Child Welfare CommitteeForm XV[See Rule 6(31), 59(1) and 72(3)]Search WarrantProfile No.To(Name and designation of the Officer who is to execute the warrant)Whereas Residing at Under the actual charge of control of..... Is a juvenile and is required to be dealt with under the provisions of the Juvenile Justice (Care and Protection of Children)Act, 2000.And Whereas it has been made to appear to be that the said juvenile is• likely to be removed from /to be concealed• run / escaped• had

been released on license and has failed to report back to the institution• Please state if any other reason.....This is to authorize and require you to search for the saidIn the.....and if found, to produce him/her forthwith before this Juvenile Justice Board/Child Welfare Committee 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/Child Welfare CommitteeDate :Place :SignaturePrincipal Magistrate, Juvenile Justice Board.Chairman, Child Welfare committeeForm XVI[See Rules 6 (31) and 8(27)]Order for the Removal of a Juvenile/Child from the Charge of his Parent or Guardian(Name and designation of the person who is to execute the order)Whereas (name of the juvenile/child) Residing at Under the actual charge or control of..... Is apparently neglected juvenile/child and is required to be dealt with under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000.And Whereas there is reason to believe that the said juvenile/child is• likely to be removed from /to be concealed• had been released on license and has failed to report back to the institution• Breach of Bond• Please state if any other reasonYou are hereby directed to remove the said juvenile/child from the charge or control ofto the home.....Dated theday of200.....(Signature)Principal Magistrate, Juvenile Justice Board.Chairman, Child Welfare committeeForm XVII[See Rule 8(28)]Voluntary Admission Requisition by the ChildTo,Child Welfare Committee.....Sir/Madam,I, am in need of care and protection becauseKindly admit me in the children's Home at• I hereby declare that -• I shall exhibit good behaviour. • I shall accept the guidance and assistance of the institution and obey the directions given to me from time to time. • I shall not play truant and cooperate with all. • That I shall live honestly and amicably and will endeavour to earn an honest livelihood/attend school regularly and obey the authorities. • Additional conditions if any.DatedPlaceSignature or thumb impression of the child.Form XVIII[See Rule 19(1)]Application FormTo,The Superintendent,.....Where as on the day, Son/daughter of Aged residing at• Has been found by me..... At• Has committed an offence under Section.....Nature of offenceKindly receive the said juvenile/child into your custody and keep him/her in your safe custody till he / she is produced before the Child Welfare Committee/Juvenile Justice Board.Dated :Place :Signature of the person/authoritywho has bought /found the juvenile/ childForm XIX[See Rule 40(6) and 73(4)]Bond to be executed by a parent/guardian/fit person to whose care a juvenile/child is kept during his leave periodWhereas Ibeing the parent Guardian, relative or person under whose care (name of the juvenile/child)has been placed, by the Child Welfare Committee/Juvenile Justice Board. I shall take good care of and return the child back to the Home on the date specified by the Concerned authority.Name of the child Has been granted leave from date to Date.I shall bring the child back on Date.I bind that -

1. I shall not change my place of residence without giving previous intimation in writing to the Child Welfare Committee/Juvenile Justice Board through the Probation Officer;

2. that I shall not remove the saidfrom the limits of the jurisdiction of the Child Welfare Committee / Juvenile Justice Board without previously obtaining the written permission of the Committee / Board.

3. That I shall abide by all the instructions given to me at the time of taking the child.

4. Any other directions issued to me from time to time.

Date :Place :Signature of the parent/guardianForm XX[See Rule 73(3) and (6)]Form of LicenseI, (name and designation of the licensing authority/Commissioner) do by this licence permit..... son/daughter of caste residence.....number..... who was ordered to be detained in a Children's Home, special Home, Shelter home, After care Home by the Child Welfare Committee/Juvenile Justice Board.....under sectionof the Juvenile Justice (Care and Protection of Children) Act, 2000 for a term of.....on the.....day of.....200, and who is now detailed in the..... atto 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 license is granted subject to the conditions endorsed hereon, upon the breach of any of which it shall be liable to be revoked.Signature and DesignationLicensing Authority.Dated the.....PlaceConditions

1. The license 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 said..... Remove himself/herself from that place or any other place which may be named by the said..... He/she shall obey such instructions as he/she receive from the said.....with regard to punctual and regular attendance at employment or otherwise.

3. He/she shall attend the Attendance Centre at..... regularly

4. He/she shall abstain from committing any offence and shall read a sober and instructions life to the satisfaction of

5. *

6. *

7. *

8. *

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) of Section 59 of the Juvenile Justice (Care and 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 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 (Superintendent of the institution) * Additional conditions, if any to be imposed, May be inserted by the Licensing Authority To be numbered where necessary.