

THE TAMIL NADU JUVENILE JUSTICE
(CARE AND PROTECTION OF CHILDREN) DRAFT RULES,
2016

In exercise of the powers conferred by section 110 of the Juvenile Justice (Care and Protection of Children) Act, 2015 [Central Act 2 of 2016], the Governor of Tamil Nadu hereby makes the following rules, namely:-

CHAPTER – I

PRELIMINARY

1. Short title, extent and commencement.- (1) These rules may be called as the Tamil Nadu Juvenile Justice (Care and Protection of Children) Rules, 2016;

(2) These rules shall extend to the whole of the State of Tamil Nadu;

(3) These rules shall come into force on the date of publication of these rules in the Tamil Nadu Government Gazette.

2. Definitions.- (1) In these rules, unless the context otherwise requires.-

(a) “Act” means the Juvenile Justice (Care and Protection of Children) Act, 2015;

(b) “Aftercare Home” means a home that is maintained for children without family or other support who leave institutional care after they attain 18 years of age to sustain themselves during the transition from institutional to independent life.

(c) “Children Home” means a home that is primarily a residential care home intended for the reception of children in need of care and protection during the pendency of any inquiry before the Child Welfare Committee and subsequently for their care, treatment, education, training, development and rehabilitation.

(d) “community services” means, service rendered to the society preferably with adult supervision, by children in conflict with law in lieu of or in addition to other judicial remedies and penalties imposed by the Juvenile Justice Board which is not dangerous

degrading and dehumanizing and with due protection of the identity of the child. Community service may include (a) cleaning a park (c) helping out at a local hospital or nursing home and (e) serving as traffic wardens or volunteers;(f) tree planting or such

(e) "District Child Protection Officer" means an officer appointed by the Tamil Nadu State Child Protection Society or the state government to carry out the day to day activities of the Unit under the Juvenile Justice System;

(f) "Form" means the form annexed to these rules;

(g) "Government" means the Government of Tamil Nadu;

(h) "individual care plan" means a comprehensive development plan for a child based on age specific and gender specific needs and the case history of the child, prepared in consultation with the child, in order to restore the child's self-esteem, dignity and self-worth and nurture him into a responsible citizen and accordingly the plan shall address the following, including but not limited to the needs of a child, namely.-

- (i) Health needs, including any special needs;
- (ii) Emotional and psychological needs;
- (iii) Educational and training needs;
- (iv) Leisure, creativity and play;
- (v) Protection from all kinds of abuse, neglect and maltreatment;
- (vi) Restoration and follow up;
- (vii) Social mainstreaming.

(i) "inspection committee" means a committee appointed by the State Government under section 54 of the Act;

(j) "Integrated Child Protection Scheme" means the scheme of the Ministry of Women and Child Development in the Government of India implemented in partnership with the State Government for ensuring effective Child Protection under the Juvenile Justice System;

(k) "Hospice" means a home that takes care of those who are very ill, terminally ill or dying and who need continual healthcare, support or attention or a home that provides palliative care;

- (l) "natural death" means any death caused due to sickness or disease or death following hospital admission or treatment or such as does not fall within the definition of an unnatural death;
 - (m) "Observation Home means a home run by the Government or Agreement with an non-governmental that provides for the temporary reception of any child in conflict with the law during the pendency of any enquiry regarding him under this Act
 - (n) "officer-in-charge" means an officer appointed in a child care institution to hold the day to day affairs, control and overall management of the institution;
 - (o) "Shelter Home" means a home or a drop in center that offers day and night facilities for children in urgent need of care and protection including destitute, street children, run-away children and such others
 - (p) "social investigation report" means a detailed report in a the prescribed format prepared in relation to a child and includes all information pertaining to the circumstances of the child, the situation of the child on economic, social and psycho-social and other relevant factors, and the recommendation thereon;
 - (q) "Special Home" means a home which is an exclusive institution or exclusive living premises for the reception care, treatment and rehabilitation of children in conflict with law who have been directed to undergo institutional training for their activities against law.
 - (r) "Superintendent" means an officer appointed by the State Government or Non Governmental Organisation as head of a child care institution responsible for the day to day functioning, control and overall management of the institution;
 - (s) "Tamil Nadu State Child Protection Society' means a society constituted under section 106 of the Act;
 - (t) "unnatural death' means any death that falls within the purview of Section 174 CrPC and shall include suicide, accident, and death by a violent act.
- (2) All words and expressions used but not defined in these Rules shall have the meanings respectively assigned to them in the Act.

CHAPTER – II

GENERAL

3. Standards of care for child care institutions.-The following standards of care shall be maintained in all child care institutions for children in need of care and protection or children in conflict with law:-

- (A) General standards of care.-** (1) To ensure that a child during the stay in the institution is met with the standards of care and protection with all facilities for his or her overall development. The standards of care shall include appropriate and adequate health care, purified drinking water facilities, spacious and airy accommodation, bathing and toilet facilities with hygienic atmosphere, good environment, sports and recreational facilities, book reading facilities and access to information and age appropriate facilities for education and life skills training;
- (2) The child's welfare, safety and needs shall be the focal attention of care;
- (3) Children shall have an enjoyable childhood and benefit from good parenting and education, enjoying a wide range of opportunities to develop their talents and skills leading to a successful adult life;
- (4) Each child shall be valued as an individual and given personalised support in line with their individual needs and background in order to develop their identity, self-confidence and self-worth;
- (5) The special needs of differently abled children and children with complex needs shall be fully acknowledged and taken care of;
- (6) Children shall be provided good and wholesome food resulting in an age-appropriate balanced diet.
- (7) The institution shall be child-friendly in approach, character and environment.

4. Institutional management of children.- The following procedure shall be followed in respect of the newly admitted children and thereafter, namely.-

- (a) A newly admitted child shall be welcomed into the home. The staff and other children in the home shall be gathered and efforts made to provide a warm peer welcome.

- (b) The officer in charge of the institution shall interact with the child in a soft and polite manner and ensure that the child is not carrying with him any prohibited articles. Girl children shall be handled by female staff only;
- (c) The officer in charge of the child care institution shall then enter the name of the child in the Admission Register and allocate appropriate accommodation facility;
- (d) The photograph of the child shall be taken and affixed in the record;
- (e) The officer-in-charge shall arrange for the personal belongings of the child received by the institution to be kept in safe custody and recorded in the personal belongings register and the items shall be returned to the child when leaving the institution;
- (f) Toiletry items, new set of clothes, bedding, tooth brush and other necessary items shall be issued for each child;
- (g) Each child shall be interviewed and a case file or profile prepared by the child welfare officers or social workers or counsellors attached to the institution or voluntary social workers or counsellors from outside;
- (h) The child shall be familiarized with the institution and its functioning and shall be briefed on the following areas, namely:-
 - (i) Personal health, hygiene and sanitation;
 - (ii) Institutional discipline and standards of behaviour;
 - (iii) Daily routine, roles and responsibilities within the institution;
- (i) In every institution, a record of money, valuables and other articles received from the child shall be maintained in the 'personal belongings register'. If there is a reasonable amount, the same may be deposited in a bank in the name of the child by nominating the officer in charge of the institution as guardian to fetch interest for the child;
- (j) The entries made in the 'personal belongings register', relating to each child shall be read over to the child in the presence of a witness, whose signature shall be obtained in token of the

correctness of such entries and shall be countersigned by the officer-in-charge of the child care institution;

- (k) A case history of the child admitted to an institution shall be maintained as per Form - I which shall contain information regarding his socio-cultural and economic background and this information may be collected through all possible and available sources, including home, parents or guardians, employer, school, friends and community;
- (l) A pre-release planning and follow up programme shall be prepared before the discharge of the child. The assistance of voluntary welfare organizations may also be taken up for preparation of the plan;
- (m) In the event of a child leaving the institution without permission or committing the offence within the institution, the information shall be sent by the officer-in charge of the concerned institution to the local police and the family if known. A detailed report of circumstances along with the efforts to trace the child shall be sent to the Board or Committee, as the case may be;
- (n) An individual care plan for every child in the institution shall be developed with the ultimate aim to rehabilitate and re-integrate the child based on the case history, circumstances and individual needs. Individual care plan shall be based on the following guidelines, namely:-
 - (i) The officer-in-charge, counsellor along with the child welfare officer shall prepare an individual care plan for every child in an institution within one month of his admission as per Form - II;
 - (ii) The care plan shall include a plan for the restoration, rehabilitation, reintegration and follow-up of the child;
 - (iii) The care plan shall be reviewed on a quarterly basis by the Management Committee for appropriate development and rehabilitation including options for release or restoration to family or foster care or adoption;
 - (iv) The individual care plan shall take into consideration the views of the Child;
 - (v) Continuity of care plan shall be ensured in cases of transfer of a child to another institution.

5. Physical infrastructure.- (1) A home for children in conflict with law and a home for children in need of care and protection shall not function in the same building nor have access to each other if on the same premises;

(2) The accommodation in each institution shall provide for an overall minimum of 40 square feet per child and shall have toilet facilities at a minimum of one toilet for every seven students and bathing facilities in the ratio of one for every ten children and shall be in accordance with the following criteria.-

(a) *Observation Home and Special Home.-*

- (i) Separate homes for girls and boys;
- (ii) Classification and segregation of children according to their age group preferably 7-12 years, 12-16 years and 16-18 years, giving due consideration to physical and mental status and the nature of the offence committed.
- (iii) Students alleged to have either committed or been party to heinous crimes shall be provided separate accommodation within the Home.

(b) *Place of Safety and Shelter Home (for children in conflict with law).-*

- (i) A separate place of safety shall be provided for children in conflict with law according to their age and the nature of offence;
- (ii) Classification and segregation of children shall be made in the age groups 16-18 years and 18-21 years respectively.
- (iii) Students alleged to have either committed or been party to heinous crimes shall be provided separate accommodation within the Home.

(c) *Children's Home*.-

(i) The Child Care Institution may have separate bed rooms and toilets for accommodation for boys and girls over and above the age of five years. Home may not be permitted to enter into the bed rooms of girls and toilets and vice versa. All other facilities may be common;

Each children's home may preferably provide separate bed rooms and toilets for accommodation in the age groups of 6-12, 12-16 and 16-18 years respectively;

(ii) Separate facilities for children in the age group of 0-5 years with appropriate facilities for infants;

(d) *Hospice*.- In accordance with advice of medical experts, a Hospice shall provide accommodation suitable to the type of sicknesses and illness that the Home caters to.

(3) The officer in-charge or Home parents of the institution shall stay within the institution and be provided with quarters and in case are not able to stay in the home for legitimate reasons, any other senior staff member of the institution shall stay in the institution and be in a position to supervise the overall care of the children and take decisions in the case of any crisis or emergency;

(4) There shall be adequate lighting, proper flooring, ventilation, sufficient fans and safe drinking water;

(5) All Child Care Institutions shall make provision for first aid kit and stock of emergency medicines, fire extinguishers, periodic review of electrical installations, proper storage and inspection of articles of food stuffs, stand-by arrangements for water storage and emergency lighting;

(6) The observation homes and special homes shall be child-friendly and shall not appear to be a jail or lock-up;

(7) Every child shall be provided with required clothing and bedding according to climatic conditions;

(8) Every institution shall have the following facilities, namely.-

- (a) Sufficient space and water for bathing and washing clothes;
- (b) Proper drainage system;
- (c) Arrangements for disposal of garbage;
- (d) Protection from mosquitoes with netting facilities;
- (e) Pest control arrangements;
- (f) Sufficient number of well lit and airy toilets and bathrooms;
- (g) Clean and fly-proof kitchen and separate area for washing utensils;
- (h) 'Sunning' of bedding and clothing.

(9) Every institution shall have CCTV facilities to monitor the access points to the Home.

6. Daily routine.- Every institution shall have a daily routine for children which shall be prominently displayed in the institution. The daily routine shall provide for a regulated and disciplined life with adequate physical exercise, recreation and games, value education, group activities, prayer and community singing and special programmes may be held during the week and on Sundays and holidays.

7. Nutrition and Medical care.-

(1) The following nutrition and diet scale shall be followed by the institutions, namely.-

- (i) The children shall be provided three meals in a day; Snacks may be provided in the evening;
- (ii) The menu chart shall be prepared with the help of a nutritional expert to ensure balanced diet and variety in taste to maintain minimum nutritional standards and diet scale and this shall be displayed prominently;

- (iii) Children may be provided special meals on holidays and festivals;
- (iv) Infants and sick children shall be provided special diet according to the advice of the doctor.
- (v) While an institution may encourage sponsorship of meals that has been planned in advanced without compromising on the diet structure as determined by an expert, any such institution shall not receive leftover food items or bringing in food from outside as an afterthought.
- (vi) Every institution shall have its own cooking facility and in-house cooks and staff to manage the kitchen and dining facilities.

(2) Every institution shall maintain the following, namely:-

- (i) Maintain a medical record of each child on the basis of half-yearly medical check-up and provide necessary medical facilities;
- (ii) Ensure that the medical record includes weight and height record, any sickness and treatment and other physical or mental problems;
- (iii) There shall be an arrangement for a doctor on call during times of emergency;
- (iv) Training shall be imparted to all staff running the home in the use of first aid;
- (v) Necessary arrangements shall be made for immunization coverage;
- (vi) Preventive measures in the event of outbreak of contagious or infectious diseases shall be taken;
- (vii) Surgical treatment or hospitalisation shall not be carried out on any child without the previous consent of the parent or guardian if available. Such surgical treatment may be performed in case where parent or guardian cannot be found and the condition of the child is such that any delay shall in the opinion of the medical officer involve unnecessary suffering or injury to the health of the child. The Officer in charge or the Superintendent shall take a final decision in the matter. Thereafter, the CWC and or the DCPO may be informed;

- (viii) Counselling of children and specific mental health interventions shall be arranged for those in need of such services;
- (ix) Children who require specialized drug abuse prevention and rehabilitation programme shall be referred to an appropriate centre and necessary treatment shall be given.
- (x) Hospices and Palliative care institutions shall maintain their own medical protocol that will deal with all issues ranging from admission till discharge care and records based on advice from medical experts. Such a protocol shall be made available for perusal during any inspection.

8. Education and Recreation facilities.- (1) Every institution shall provide education to all children according to their age and ability, within or outside the institution;

- (2) The varying educational requirements of the children shall be met and special educators arranged wherever required;
- (3) Wherever necessary, extra coaching shall be made available to school going children especially for those who are weak in studies.
- (4) Recreation facilities may include indoor and outdoor games, music, television, picnics and outings, cultural programmes and library visits.

9. Aftercare of young adults leaving Child Care Institutions

- (1) Any person who leaves a Child Care Institution on completion of eighteen years of age may be provided with an extended institutional care for a maximum of three years not exceeding twenty one years of age in an After Care Organisation if required so;
- (2) The After Care Placement shall be ordered by the Director of Social Defence on the request of the Officer-in-Charge of the Institution based on the report of the Probation Officer;
- (3) In case of young adults leaving Child Care Institution, not requiring extended institutional care but any other facility or financial support for re-integration into the mainstream of Society, the provisions under the Integrated Child Protection Scheme may be extended.

10. Registration of institutions.- (1) For the purpose of registration under sub-section (1) of section 41 of the Act, the Child Care Institution shall apply to the

District Child Protection Unit or any other authorized officer of the Department of Social Defence or an authorized officer of the State Commissioner for the Differently Abled on an application in Form III together with supporting documents. The receipt of application for registration under the Act shall be acknowledged by providing a proof of receipt to the applicant organisation in Form IV and shall comply with the following, namely:-

(i) The Non-Governmental Organization shall be a registered body either under the Societies Registration Act or Trusts Act or Company Act or any other law;

(ii) The Non-Governmental Organization shall not be a blacklisted organisation in any District or State for misappropriation or mismanagement of funds received either from Central or State Government or for violation of child rights;

(iii) The accounts of the Non-Governmental Organization have been audited and income tax returns have been submitted regularly;

(iv) The minimum standards for a Child Care Institution prescribed by Government from time to time shall be ensured;

(v) The Child Care Institution shall have separate bed rooms and toilets for accommodation for boys and girls over and above the age of five years if they are housed within the same building. Boys shall not be permitted to enter into the bed rooms of girls and toilets and vice versa. All other facilities may be common;

(vi) The Child Care Institution shall have adequate water facilities including safe drinking water;

(vii) If an executive found guilty of an offence in an organisation and subjected to penal action, establishes another organisation or forms part of an organisation as office bearer or any other position, such organization shall not be considered for registration;

(viii) The Child Care Institution shall maintain the history profile of every child;

(ix) The Child Care Institution shall be subjected for evaluation and inspection by the Directorate of Social Defence or State Commissioner for differently abled or any other authority designated by them. A Child Welfare Committee Member or the Child Welfare Committee while inspecting a Child Care Institution shall behave in a child-friendly manner;

(x) Registration of an Institution shall not entitle an Institution for Grant-in-aid from State or Central Government;

(xi) Every child care institution shall make an application for the renewal of registration three months before the expiry of the earlier registration;

(xii) The services to be provided shall be as per section 53 of the Act.

(2) The District Child Protection Unit or an authorized officer of the Department of Social Defence or an authorized Officer of the State Commissioner for the Differently Abled, after ensuring that the conditions specified in sub-rule (1) are satisfied and that the details furnished in the application are correct may then recommend to the Director of Social Defence or the State Commissioner for the Differently Abled as the case may be. The registering authority if satisfied may issue a registration certificate in Form V.

(3) The procedure and Form III for registration shall apply for renewal also.

11. Cancellation or withholding of the registration.-(1) The registration for running and maintaining of a Child Care Institution for children in need of care and protection or children in conflict with law shall be cancelled for any major lapses, misutilisation of funds, physical or sexual abuse or for any other action which hampers the best interest of the child including keeping a child without intimation to Child Welfare Committee or Juvenile Justice Board.

(2) Cancellation or withholding of registration shall be ordered by the Director of Social Defence or the State Commissioner for Differently Abled on the recommendation of the Inspection Committee or any other officer designated by the Director of Social Defence or State Commissioner for the Differently Abled.

(3) The District Child Protection Unit or an authorised officer either upon the complaint received or on observation made by itself or by the direction of the Inspection Committee constituted under the Act or on the evaluation or inspection report of the Department of Social Defence or Differently Abled or by the District Collector shall issue a show cause notice to the child care institution.

(4) On receipt of the show cause notice, the Child Care Institution shall file its reply within fifteen days. The reply shall be forwarded to the Director of Social Defence or State Commissioner for the Differently Abled immediately for instructions to take further action as the Director of Social Defence or State Commissioner for the Differently Abled may deem fit. If no reply is received within the time stipulated, the District Child Protection Unit or the authorised Officer shall recommend to the registering Authority for further disposal or for cancellation of Registration or for withholding of registration as the case may be.

(5) Upon the closure order received from the Director of Social Defence or State Commissioner for the Differently abled, the District administration shall take the following steps; namely:-

(i) Upon closure of the institution the children shall be immediately produced before the Committee or Board as the case may be for appropriate action including transfer to a suitable institution. If necessary, the children may be permitted to stay in the same premises temporarily under the direct supervision of the CWC or Board or DCPO until an alternative institution is determined ensuring adequate protection. Funds received specifically by the Child Care Institution for maintenance of the children, shall be frozen by the District administration until completion of the enquiry. Partial use of funds for maintenance of the children may be permitted;

(ii) Upon closure of the Institution, the District Administration may seal the child care institution as per the procedure followed for public buildings by the Executive Magistrate if necessary;

(iii) No children shall be admitted in the institution during the period of withholding of registration;

(6) The procedures laid down above shall also apply to Child Care Institutions not registered or not having valid registration under the Act.

12. Responsibilities of the Child Welfare Officer .- The Superintendent or Officer in charge of a Child Care Institution shall be the Child Welfare Officer for the purpose of this Act. The duties, functions and responsibilities of the Child Welfare Officer or Superintendent shall be as follows:-

(i) The Child Welfare Officer shall maintain individual case profile of each child through personal interview, the family, social agencies and other sources;

(ii) The Child Welfare Officer shall ensure that the rights of every child are protected in all possible manner within the frame work of rules and regulations;

(iii) The Child Welfare Officer is the custodian for placement orders and to carry out the orders of the Child Welfare Committees and Juvenile Justice Boards;

(iv) The Child Welfare Officer Shall be responsible for nutritious food (as advised by a dietician who shall take into consideration the type of food products that are freely available in the area), safe drinking water, proper sanitary and hygienic conditions in the institution, proper health care of children;

(v) The Child Welfare Officer shall nurture a congenial relationship among residents, convene meetings of various Committees, conduct the proceedings and supervise and implement the decisions of the Committees;

(vi) The Child Welfare Officer shall conduct regular meetings with family members of children whenever such opportunities are available and encourage the parents to meet and interact with their children and the staff to ensure that the interests of the children are honoured;

(vii) The Child Welfare Officer is responsible for executing the individual care plan for each child;

(viii) The Child Welfare Officer shall work towards integration of services available with other Government Departments and the Non-Governmental Organisations for the development of children;

(ix) The Child Welfare Officer shall facilitate counselling and guidance of children having deviant behaviour;

(x) The Child Welfare Officer shall plan for a pre-discharge programme that would empower the child to have a smooth and sustainable life on discharge from the Child Care Institution.

(xi) The Child Welfare Officer of any institution shall authorise and delegate any responsible staff for all interaction and meetings between the institution and other authorities such as CWC, Board, District Administration or others.

13. Maintenance of case file.-(1) A case file shall be maintained for each child in a Child Care Institution. The complete history of the child together with the report of the Probation Officer or Case Workers or Social Workers or Psychologists and

other professionals if any, who have interacted with the child shall also be maintained in the file.

(2) Regular health status reports from Medical Officer and any specialised treatment given to the child as in-patient or outpatient including de-addiction of drugs and substances shall also be maintained in the file;

(3) Reports relating to any mental health intervention if undertaken shall be kept in the case file;

(4) Leave and other privileges granted to the child shall be kept in the record;

(5) Special achievement of the child and violation of rules if any shall also be maintained;

(6) A quarterly progress report shall be kept in the case file;

(7) Individual care plan, including pre-release programme, post release plan and follow-up plan as prescribed in Form II for children in Children homes or Special homes shall be maintained.

10. Prohibited articles.- No person shall bring into any child care institution the following prohibited articles, namely:-

- (i) Fire-arms or other weapons, whether licensed or otherwise (like knife, blades, lathi, spears and swords);
- (ii) Alcohol and spirit of any description;
- (iii) Tobacco, bhang, ganja, opium or other narcotic or psychotropic substances;
- (iv) Any other article specified in this behalf by the State Government by a general or special order.

14. Disposal of articles.-The money or valuables belonging to a child received or detained in an institution shall be disposed in the following manner, namely.-

- (i) When a child is transferred from one institution to another, all his money, valuables and other articles, shall be sent along with the child to the Officer-in-Charge of the institution to which the child has been transferred together with a full and correct statement of the description and estimated value thereof;
- (ii) At the time of release of such child, the valuables and other articles kept in safe custody and the money deposited in name of the child shall be handed over to the parent or

guardian, as the case may be, with an entry made in the register and signed by the Officer-in-Charge;

- (iii) In case of death of a child in an institution, the valuable and other articles left by the deceased and the money deposited in the name of the child shall be handed over by the Officer-in-Charge to any person who establishes his claim as parent or guardian thereto and executes an indemnity bond. A receipt shall be obtained from such person for having received such valuables and other articles and the amount. If no claimant appears within a period of six months from the date of death or escape of such child, the valuables and other articles and amount shall be disposed as per the decision taken by Management Committee of the institution;

15. Suggestion box.- A suggestion box shall be installed in a place that is easily accessible to children to help the Child Care Institution to improve upon its own functioning. Such a suggestion box shall be unlocked prior to the commencement of the Management Committee Meeting by the Chairperson of the said Management Committee who shall have custody of the keys and the suggestions discussed at the Committee Meeting.

16. Qualification, experience and payment of fee of an interpreter and translator.-(1) In each district, the District Child Protection Unit shall maintain a register with names, addresses and other contact details of interpreters, translators and special educators for the purposes of the Act and the register shall be made available to the Board or Children's Court or Committee as and when required.

(2) The qualifications and experience of the interpreters, translators, Special educators, and experts shall be as follows:

- (i) The Interpreters and translators shall have functional familiarity with language spoken by the child as well as the official language of the State, either by virtue of such language being his mother tongue or medium of instruction at school at least up to primary school level, or the interpreter or translator having acquired knowledge of such language through his vocation, profession, or residence in the area where that language is spoken.
- (ii) Sign language interpreters, Special educators and experts entered in the register should have relevant qualifications in sign language or special education, or in the case of an expert, in the relevant discipline, from

a recognized University or an institution recognized by the Rehabilitation Council of India.

- (iii) Preference shall be given to Interpreters, translators, Special educators, experts who have worked in similar activities for a period of two years for engaging them to render such services.

(3) Payment for the services of an interpreter, translator, special educator or expert whose name is enrolled in the register maintained under sub-rule (1) or otherwise, shall be made from the funds placed at the disposal of the District Child Protection Unit by an order of the Board or Children's Court or Committee;

(4) The payment for the services of an interpreter, translator, special educator or expert shall be not less than Rs.750/- per sitting;

(5) Any preference expressed by the child at any stage regarding the gender of the interpreter, translator, special educator, or expert, may be taken into consideration. Wherever necessary, more than one such person may be engaged in order to facilitate communication with the child;

(6) The interpreter, translator, special educator, expert engaged to provide services for the purposes of the Act shall be unbiased and impartial and shall disclose any real or perceived conflict of interest to the Board or Children's Court or Committee. He shall render a complete and accurate interpretation or translation without any additions or omissions, in accordance with section 282 of the Code of Criminal Procedure, 1973;

(7) Any interpreter, translator, special educator or expert appointed under the provisions of the Act or its rules shall be bound by the rules of confidentiality, as described under section 127 read with section 126 of the Indian Evidence Act, 1872;

(8) The Board or Children's Court or Committee shall ensure that the interpreter, translator, special educator, expert engaged to facilitate communication with the child, does not involve in any conflict of interest.

17. Inspection committee.- (1) State Level Inspection Committee.- The State Government shall appoint an Inspection Committee consisting of not more than five members to inspect and review the functioning of the Child Care Institutions in the State. The team shall consist of members chosen among the State Government, the State Commission for the Protection of Child Rights or the State

Human Rights Commission, Medical and other experts, voluntary organizations or reputed social workers;

(2) District Level Inspection Committees.- The District Collector on behalf of the State Government, shall appoint a committee consisting of a minimum of three and not more than five persons to inspect the Child Care Institutions including Government run institutions in the district.

(a) The inspection committees shall visit and oversee the conditions in the institutions and appropriateness of the processes for safety, well being and permanence, review the standards of care and protection being followed by the institutions, look out for any incidence of violation of child rights, look into the functioning of the Management Committee and Children's Committee and so on. Every inspection by the Committee shall be carried out in a child friendly manner and shall not be such as to bring in an element of fear among children;

(b) The team may make suggestions for improvement and development of the institution;

(c) The team may visit the institutions either by prior intimation or make a surprise visit. The team shall interact with the children during the visits to the institution, to determine their well-being and uninhibited feedback. The follow up action on the findings and suggestions of the children shall be taken by all concerned authorities. The action taken report, findings and suggestions from the Inspection Committee shall be sent to the District Child Protection Unit and the State Government;

(3) Inspection shall be carried out by the District Sessions judge in relation to the functioning of Juvenile Justice Board. Similarly, Inspection shall also be carried out by the Chief Judicial Magistrate in relation to the functioning of Child Welfare Committee and Juvenile Justice Board.

18. Inspection and evaluation.- (1) The District and Sessions Judge shall be the Inspecting Officer of the activities of the Juvenile Justice Board under whose jurisdiction the Juvenile Justice Board functions.

(2) The District and Sessions Judge shall inspect the functions of Juvenile Justice Board at least once in six months and report to the State Government and the High court for follow-up.

(3) The District and Sessions Judge shall also be the Vigilance Officer for the purpose of entertaining any allegations or complaints if any made on the activities of Juvenile Justice Board or against the Principal Magistrate, Social Worker Members and other staff of the Board.

(4) The District and Sessions Judge shall arrange for a review meeting once in three months consisting of the Principal Magistrate and the members of Juvenile Justice Board, Police, Assistant Public Prosecutor in the Board, Officer in charge of the Observation Home or Special Home or Probation officers, Medical personnel to ensure that children related issues and rehabilitation are being carried out effectively.

(5) The Juvenile Justice Board shall inspect and evaluate the activities of observation home or a place of safety or a special home at least once in two months to ensure that the child's developmental needs have been adequately addressed in terms of educational, vocational, medical, behavioural management, or any other condition stipulated by the Board while sending a child to such institution.

(6) The District Magistrate shall be the Inspecting Officer of the activities of the Child Welfare Committee under whose jurisdiction the Child Welfare Committee functions.

(7) The District Magistrate shall also be the Vigilance Officer for the purpose of entertaining any allegations or complaints if any made on the activities of the Child Welfare Committee.

(8) The District Magistrate shall arrange for a review meeting once in three months consisting of the Chairperson and members of Child Welfare Committee, Officer in charge of Children Home, probation officers, medical personnel to ensure that children related issues and rehabilitation are being carried out effectively.

(9) The Child Welfare Committee shall inspect and evaluate the activities of the Children Home at least once in a year to ensure that the child's developmental needs have been adequately addressed in terms of educational, vocational, medical, behavioural management, or any other condition stipulated by the Committee while sending a child to such an institution.

(10) The Superintendent of Police or Deputy Commissioner of Police shall be the inspecting officer of the Special Juvenile Police Unit in the concerned District. He shall arrange for a meeting once in three months with the Juvenile Justice Board, Probation Officer, Police Officers, Assistant Public Prosecutor of the Board to resolve issues if any. Steps shall be taken for completing the enquiry by the Police within the stipulated time period.

(11) The District Child Protection Unit or any other officer designated by the Director of Social Defence or Commissioner for the Differently abled Department shall inspect the Child Care Institutions for children in need of care and protection and children in conflict with law or fit persons or fit facility institutions once in six months to evaluate the programmes and standards of care. For any institution found to be unregistered during

inspection, necessary action shall be taken as per the provisions of the Act. Any deficiency noticed by the inspecting officer shall be intimated to the officer in charge of the institution or fit person in writing and the compliance of the remarks or instructions shall be confirmed during the next visit. If any serious violations affecting the interest of the children is noticed, action shall be initiated immediately. A detailed report on the Inspection shall be sent to the Director of Social Defence or Commissioner for the Differently Abled Department concerned.

19. Enquiry of a missing or run away child or whose parents cannot be found.-

(1) A detailed enquiry shall be conducted with the child in the language known to him by utilising the services of interpreter or translators required if any;

(2) The Child Welfare Committee shall conduct an enquiry with the person who rescued the child in the first instance and the other persons or institutions who had taken charge thereafter;

(3) A report from the Probation Officer shall be called for by a field enquiry that includes the place of rescue of the child. The probation officer shall also collect other information required by the Child Welfare Committee regarding parents or guardian, school and any other background information during their background information enquiry;

(4) A report from the District Child Protection Unit shall be called for to ascertain any particulars relating to the information of the child being available in the child tracking system;

(5) A report from the District Crime Records Bureau or Central Crime Records Bureau shall be called for to ascertain if any complaint has been registered on a missing child;

(6) Child Welfare Committee shall ensure that the police have registered a First Information Report and action taken to trace out parents or guardians;

20. Transfer of a child.- (1) Transfer of a child ordered by the Committee or Board shall be carried out by the Officer in charge of the Institution. The Committee or Board shall direct the Officer-in-Charge of the Child Welfare Committee to arrange for the safety and security of the child during transportation.

(2) The details of verification and material evidences or information collected by the Committee in determining the place of residence of the

child and the report of the probation officer if any, proof of age, the case history of the child, medical report and complete details of any disease or specialised treatment given to the child if any shall be sent along with the child while transferring to a similar Committee having jurisdiction over the place of residence of the child.

(3) In case of transfer of child in conflict with law from one special home or place of safety or a child in need of care and protection from one institution to another, the Committee or Board shall record in writing the reasons for such transfer and send the same to the respective institution to which the child is transferred. The report of the probation officer or child welfare officer if any, proof of age, the case history of the child, medical report and complete details of any disease or specialised treatment given to the child if any shall be sent along with the child while transferring such child

(4) The expenditure to be incurred on the part of a child towards maintenance during transit and the travelling allowance for the escort shall be as applicable to category 'c' of the State Government servants. The expenditure to be incurred on the part of a child towards maintenance during transit should not be less than the amount spent in an institution towards maintenance if the child would have been in the institution itself during such period of transit.

21. Child suffering from dangerous diseases or serious health problems.-

(1) When a child is placed under the care of an Observation Home or Special Home or Children's Home or fit person or a fit facility institution under the provisions of the Act, is found to be suffering from a disease or physical or mental health problems requiring prolonged medical treatment, or is found addicted to a narcotic drug or psychotropic substance, the child may be sent by an order of the Board or Committee to an appropriate place for such period as may be certified by a medical officer to be necessary for proper treatment.

(2) When a child is cured of the disease or physical or mental health problems, the Committee or Board may order the child to be placed back in the care of a child care institution, fit person or fit facility institution from where the child was removed for treatment and if the child is still liable to stay. If the child is no longer liable to be kept under the care in an institution, fit person or fit facility institution, the Committee or Board may order him to be discharged.

22. Death of a child.- In the event of a natural or unnatural death of a child in a Child care Institution, the following procedures shall be adopted by the officer-in-charge of the institution, namely:-

(1) **In the event of a natural death.-** (i) The District Collector and the District Child Protection Unit shall be informed immediately with complete details of the causes of death. In the event of death relating to medical causes, the discharge

summary shall also be sent as soon as received and preferably so with the initial report.

(ii) The officer-in-charge of the Child Care Institution shall inform the parents or guardian and await their arrival for the final rites for at least 24 hours. If they do not arrive, the Child Care Institution shall undertake to complete the final ceremonies.

(iii) The officer-in-charge of the Child Care Institution shall obtain the death certificate and provide a copy to the parents or guardian of the deceased child and also retain a copy in the institution.

(2) In the event of an unnatural death.- (i) A detailed report shall be sent immediately by the Officer in charge of the Child Care Institution to the District Collector, District Child Protection Unit and the Juvenile Justice Board or Child Welfare Committee depending on the supervisory authority;

(ii) A complaint shall immediately be filed in the police station wherein the jurisdiction of the Child Care Institution lies and steps initiated for post mortem. To the extent necessary the body shall be retained in the position found till the arrival of the police;

(iii) A copy of the post-mortem report shall be sent to the District Collector and the District Child Protection Unit on receipt of the same;

(iv) After completion of the inquest and the post-mortem if found necessary, the body of the deceased child shall be handed over to the parents of the child. If the parents are not immediately available, then the body may be handed over to the guardians or the relatives. In the event of there being no claim for the body either from the parents or the guardians or the relatives, the funeral ceremony shall be completed by the officer in charge of the Child Care Institution. The District Child Protection Unit shall be informed on the timing of the funeral;

(3) In the event of a doubt of the death being due to natural or unnatural causes, the procedures outlined above for unnatural death shall be followed.

23. Mental health.- (This is with reference to Homes catering to special needs children and in particular mentally challenged children).- (1) A mental health record of every child shall be maintained by every child care institution and the environment of the institution shall be free from abuse, allowing children to cope with their situation and regain confidence;

- (2) Where necessary, such services shall be outsourced to experienced service providers;
- (3) A mental health care plan shall be developed for every child by the child welfare officers in consultation with mental health experts associated with the institution and integrated into the individual care plan of the concerned juvenile or child. The recommendations of mental health experts shall be maintained in each child's file and integrated into the care plan;
- (4) No child shall be administered medication for mental health problems without a psychological evaluation and diagnosis by appropriately trained mental health professionals.

CHAPTER – III

CHILDREN IN CONFLICT WITH LAW

24. Qualification of members of juvenile justice board.-

- (1) Every Social Worker member of the Board to be appointed shall not be less than thirty five years and not more than sixty five years of age at the time of appointment;
- (2) No person who has served earlier in the Juvenile Justice Board in any of Districts of the State shall be considered;
- (3) A person shall not be appointed as a Social Worker member if he is an active political worker;
- (4) A person shall not be appointed as Social Worker member if he is an insolvent;
- (5) A person shall not be appointed as Social Worker member if he has previously convicted in any matter;

25. Selection of social worker members for juvenile justice boards.-(1)

Calling of applications for the selection of Social Worker members shall be made through a press release by each District Collector. The applicants shall submit the application to the District Child Protection Officer of the District. The District Child Protection Officer shall in turn scrutinize the applications and forward the eligible applications to the Chairperson of the Selection Committee within 15 days from the last date of submission.

(2) The selection of Social Worker members of the Board shall be made by a selection committee consisting of the following persons, namely.-

- | | | |
|--|---|-------------|
| (i) Principal District
and Sessions Judge | - | Chairperson |
| (ii) District Collector | - | Member |
| (iii) Commissioner of Police/Dist.
Superintendent of Police | - | Member |

(3) The selection committee shall recommend a panel in order of preference, of not more than ten names of willing and competent persons in the respective district for appointment as members.

(4) The selection process shall include an interview to find out the aptitude of the applicants in child welfare and commitment to discharge their duties under the Act.

(5) The Government shall appoint Social Worker members to the Board, only from the list of persons in order of preference as recommended by the selection committee and no person shall be eligible for appointment unless he is recommended by the selection committee.

26. Term of office of social worker member.-(1) The term of Office of the Social Worker member shall be three years from the date of assuming charge. No person shall be appointed for more than one term:

Provided that an existing member may continue to hold office until his successor assumes charge or for a maximum period of three months from the date of completion of his tenure, whichever is earlier.

(2) A member may resign at any time, by giving three month's advance notice in writing to the State Government, through the Director of Social Defence.

(3) Every casual vacancy of a Social Worker member in the Board shall be filled up by appointment of another member who shall hold office for the remaining period of tenure of the member in whose place he is appointed. Appointment to a casual vacancy shall be made by the Government from the panel of names in order of preference earlier recommended by the Selection Committee.

27. Training of Principal Magistrate and social worker members.-All the members including the Principal Magistrate shall be given training or orientation on child psychology, child rights, child welfare, care, protection, rehabilitation, legal provisions and justice for children for a period of not less than five days, within a period of sixty days after their assuming office by the Judicial Academy or any other appropriate institution or by the Directorate of Social Defence.

28. Sittings of the Board.-(1) The Board shall hold its sitting in the premises of the Observation Home or at any place as may be specified by the State Government. The Board shall hold its sittings for atleast three days in a week on Monday, Wednesday and Friday between 10.30 a.m. and 1.00 p.m. or as and when required. The sitting time may be extended by the Principal Magistrate in case of any important business to be transacted.

Provided that the Board may hold its sittings in any place other than the scheduled place of sitting for the benefit of children within its jurisdiction as camp sittings.

(2) The Social Worker Member of the Board shall be paid sitting allowance, travelling allowance or any other allowance which shall not be less than Rs.1000/- per sitting.

(3) The Board shall not sit on a raised platform.

29. Transaction of business.- The Board or member to whom a child is produced shall observe the following, namely:-

(i) Such rules of procedures in regard to the transaction of business at its meetings as contemplated in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);

(ii) A child in conflict with law may be produced either before the Principal Magistrate or a Social worker Member at their residence when the Board is not holding a sitting in office;

Provided that a child who is detained in an observation home or a place of safety by the Principal Magistrate or a Social Worker member when the Board is not in sitting shall be produced before the Board at its first sitting of the Board, immediately thereafter:

(iii)The Board shall satisfy either from the declaration of Police in writing or otherwise that the child was not kept in police lock up or jail prior to the production before the Board and that the child was produced before the Board at the earliest not exceeding twenty four hours of taking charge of the child excluding travel time. The child shall be enquired privately and his views obtained. The views and expressions shall be recorded. Proceedings shall be made on the views and expressions of the child;

(vi)The Board shall also satisfy that the police on taking charge of the child has intimated to the Probation Officer concerned in Form VII and parents or guardians of the child as required under section 13 of the Act. The police shall be insisted upon to file a written statement in this aspect;

(v)The Board shall also satisfy that the child has not been subjected to ill treatment or harassment either by the police or by any other person, who had taken charge for the purpose of bringing the child before the Board;

(vi) The Board shall ensure that the State or District Legal Aid Services authority extend free legal services to a child whenever required;

(vii)The Board shall initiate action against any media institution for publishing any matter relating to children which would affect the best interest of the child;

(viii) The Board shall consider the report of the Probation Officer while deciding on bail for the child in conflict with law and consider the conditions recommended by the probation officer;

(ix) Irrespective of the offence committed by the child notwithstanding anything contained in the Code of Criminal Procedure, 1973, (Central Act 2 of 1974) or any other law for the time being in force, the Board may release the child on bail with or without surety to the parents or legal guardians or fit person if it is in the best interest of the child after considering the pre-bail report of the probation officer upon conditions to be followed during the bail period;

(x)The Board shall ensure that no girl child is taken charge by police between sunset and sunrise provided if circumstances warrant, only a women police personnel shall be permitted to take charge of a girl child and shall be sent to an observation home immediately without any loss of time for temporary accommodation;

(xi)The Board shall obtain a declaration from police in writing that the child was dealt with due regard for decency. The Board shall also enquire the child in conflict with law and shall record the same;

(xii) In all cases of pending inquiry, the Board shall fix the next date of hearing not later than fifteen days;

(xiii)The Board shall maintain a list of experts in the field of psychology, counselling and guidance, psychiatrists and psychiatric institutions who are willing to provide such services. The list can be prepared in consultation with the

probation officers and District Child Protection Officer in the concerned District;

(xiv) The Board or Committee shall call for a Social Investigation Report from the probation officer by an order in Form – VII. The probation officer shall submit the Social Investigation Report in Form IX. The Probation Officer, if required shall cause for the suggestions and opinion of such experts as found necessary for preparing the Social Investigation Report. The Board shall also call for a separate report from professionals or experts on cases pertaining to psychological or psychiatric problems of the child;

(xv) The Board shall not make a final disposition without considering the report of the probation officer;

xvi) The decision of the Board regarding determination of age and preliminary assessment shall be taken by majority including the Principal Magistrate;

(xvii) In cases of heinous offences, the Board shall call for a preliminary assessment report of a child in conflict with law from the department of Paediatrics or Psychiatric medicine of the Medical college or hospital under the Government or willing private medical college or hospital or the Department of Psychology in a Government or willing private college or University for the purpose of section 15 of the Act;

For the purpose of conducting a preliminary assessment the Board shall interact with the child alleged to be in conflict with law as well as his family members, where available. The child may, in addition be represented through his counsel and the submissions on behalf of the child shall be considered;

The Board shall take into account the report of investigation, statements of witnesses recorded by the Child Welfare Police Officer, medico-legal report, forensic report and other documents prepared during the course of investigation filed by the police before it;

The Board shall take into account the medical reports of the child as are available;

The Board shall take into account mental health reports including an assessment of the cognitive maturity of the child.

Where the Board, after preliminary assessment under section 15 of the Act, passes an order that there is a need for trial of the said child as an adult, it shall assign reasons for the same and the copy of the order shall be provided to the child forthwith;

(xviii) If the Board decides to commit a child to any institution, contrary to the report of the probation officer as contemplated under section 6 of the Probation of Offenders Act, 1958 (Central Act 20 of 1958), the reasons for the same shall be recorded in writing;

(xix) Whenever a child is ordered to be released on probation or for rendering community services or to participate in group counselling or similar activities or to be released on probation of good conduct, the Board shall consider the conditions recommended by the probation officer and direct the probation officer to effect supervision and report to the Board for a period as specified by the Board;

(xx) The Board shall also direct the Probation Officers to effect intensive Probation supervision on specific cases whose accountability can be ensured by frequent supervision;

(xxi) The Board shall explain the conditions of Probation to be followed by the probationer and direct him to appear before the Board in case of breach of conditions as reported by the probation officer;
In such breach of conditions the Board may order to send the child to a special home or place of safety for the remaining period of supervision;

(xxii) Whenever victimisation or exploitation of a child is brought before the Board either by the child himself or from the report of the medical officer or the probation officer, the Board shall direct the police to register a case, investigate and report for further proceedings. However, such proceedings shall not delay the disposal;

(xxiii) The Board shall prepare and maintain a list of Non Governmental Organisations, fit persons, fit facility in consultation with the Probation officer and District Child Protection Officer for the purpose of providing care and

protection, supervision during the period of bail or on community service or on probation or during the period of community based correction in order to utilise the community resources effectively. The probation officer shall assist the Board in this aspect. The Board shall consider all the avenues of placing the child under the care of parents or guardian or within the community such as fit person or fit facility and receive appropriate rehabilitation packages under the supervision of the probation officer;

(xxiv) In the event that institutionalization in a special home is inevitable, the Board shall record the reasons thereof;

(xxv) The Board shall not recognise any children home or open shelter home either as a place of safety or fit facility for the purpose of keeping a child in conflict with law and no child in conflict with law shall be ordered to be kept in a children home or a open shelter home under any circumstances;

(xxvi) On completion of enquiry and considering the social background of the child and the circumstances leading to the commission of offence, report of the probation officers, facts ascertained from witnesses, individuals or any other agencies the Board shall pass an order as mentioned in section 18 of the Act; Dispose of the case after proper counselling, if the evidence of his alleged deviant behaviour appears to be unfounded or where the child is involved in a trivial offence;

(xxvii) Where release of a child to the custody of parent or guardian or a fit person with or without the supervision of Probation Officer is ordered as the case may be, the Board shall make an order in Form-X and call for a report by the Probation Officer when supervision is required;

(xxviii) As soon as a child is produced, the Board shall interact with the child on a one to one basis to-

- (a) elicit information on the background of the child;
- (b) inform the child of the case filed against him by the police and availability of free legal aid facility;
- (c) help him to understand the process of the proceedings;

- (d) make enquiries of his point of view about the commission of the alleged offence;
- (e) take cognizance of any dereliction or excesses committed by police or any other authority;

(xxix) When witnesses are produced for examination in inquiry relating to a child in conflict with law, the Board shall keep in mind that the inquiry is not to be conducted in the spirit of strict adversarial proceedings and it shall use the powers conferred under section 165 of the Indian Evidence Act, 1872 (Central Act 1 of 1872) so as to question the child and proceed with the presumptions that favour the child's right to be restored;

(xxx) While examining a child in conflict with law and recording his statement, the Board shall address the child in a child friendly manner in order to put the child at ease and to encourage him to state the facts and circumstances without any fear, not only in respect of the offence alleged to have been committed but also in respect of the home and social surroundings and the influence to which the child might have been subjected to;

In cases of heinous offences alleged to have been committed by a child, who has completed the age of sixteen years, the Child Welfare Police Officer shall produce the statements of witnesses recorded by him and other documents prepared during the course of investigation within a period of one month from the date of first production of the child before the Board.

In cases of petty and serious offences, the final report shall be filed before the Board at the earliest and in any case not beyond the period of 3 months from the date of information to the police;

(xxxi) If the Police do not complete the investigation within three months and fail to inform the Board for the delay with reasonable grounds, the Board shall fix a date for final enquiry serving a notice to the Police to be present and adjudicate and dispose the case on the basis of materials available before it;

Provided that if the police justifies the delay to the satisfaction of the Board, it may extend a specified time limit to police to complete the investigation and file the necessary report. If the police does not complete the investigation even after the time granted, the Board is free to adjudicate the final disposal of the case as it deems fit;

(xxxii) Where the proceedings are delayed beyond four months, the Board shall send a report for the delay as well as steps being taken to expedite the matter to the Chief Judicial Magistrate or Chief Metropolitan Magistrate as the case may be, besides the quarterly report as mentioned in sub-section (3) of Section 16 of the Act. The Board shall send the quarterly report in Form- XII to the Chief Judicial Magistrate or Chief Metropolitan Magistrate, District Magistrate and the Director of Social Defence;

(xxxiii) All dispositional orders passed by the Board shall necessarily include an individual care plan in Form - II for the child in conflict with law concerned, prepared by a probation officer;

30. Procedure to be followed in determination of age.- (1) The age of the child shall be determined as per section 94 of the Act. While determining the age of a child, the Committee, Board or Children's Court for the reasons to be recorded by them, may, if considered necessary, give benefit to the child by fixing him on a lower age within the margin of one year. While passing such an order, the Committee, Board or Children's Court shall after taking into consideration such evidence as may be available, or the medical opinion as the case may be, record its finding in respect of determining the age of the child.

(2) In case of any doubt on the genuineness of the certificate produced as proof of age, the Committee, Board or Children's Court may direct the probation officer to make necessary enquiry and submit a report;

(3) The claim of the 'child' shall be raised at any stage even after the final disposal of the case and such claim shall be made in accordance with the provisions laid down under the Act and rules;

(4) If the age of a child is found to be 18 years or above on the date of commission of the offence, the Board shall in writing pass an order stating the age and forward the case to the court concerned for appropriate action. A copy of the order shall also be given to the person concerned;

31. Persons through whom the child alleged to be in conflict with law may be produced.-(1) As soon as a child alleged to be in conflict with law is apprehended by the police, the concerned police officer shall inform the designated Child Welfare Police Officer in the police station or Special Juvenile Police Unit to take charge of the matter and the child. The child so apprehended shall not be handcuffed or fettered.

(2) Soon after receipt of a child from the Police or any other agency the Child Welfare Police Officer of the Police Station or Special

Juvenile Police Unit shall produce the child before the Board within twenty four hours as per sub-section (1) of section 10 of the Act and where such Child Welfare Police Officer has not been designated as per provisions laid down under sub-section (1) of section 107 of the Act or is not available for some official reasons, or the Special Juvenile Police Unit cannot be contacted, the police officer who had apprehended the child shall produce him before the Board.

If FIR is registered, the copy shall be made available to the child or copy of the police report should be given to the parents/guardian at free of cost;

The Child Welfare Police Officer shall record the social background of the child and circumstances of apprehension in every case of alleged involvement of the child in an offence in Form - XIII which shall be forwarded to the Board forthwith. For gathering the best available information, it shall be incumbent upon the Special Juvenile Police Unit or the Child Welfare Police Officer to contact the parents or guardians of the child.

No FIR shall be registered except where the offence alleged to have been committed by the child entails an imprisonment of seven years and more for adults, or when such offence is alleged to have been committed jointly with adults. In all other matters, the Special Juvenile Police Unit or the Child Welfare Police Officer shall record the information regarding the offence alleged to have been committed by the child in the general daily diary followed by a report containing social background of the child and circumstances of apprehension and the alleged offence and forward it to the Board before the first hearing.

When the child is released in a case where the apprehension is not warranted, the parents or guardians or a fit person in whose custody the child is released, shall furnish an undertaking on a non-judicial paper in Form XIV to ensure their presence on the dates during enquiry or proceedings before the Board.

(3) The Child Welfare Police Officer or Officer of the Special Juvenile Police Unit shall be in plain clothes and not in uniform.

(4) When the child in conflict with law, after being admitted to bail, fails to appear before the Board, on any date fixed for hearing, and no application is moved for exemption on his behalf or no cogent reason is found for granting him exemption, the Board shall, issue to the Child Welfare Police Officer and the Person-in-charge of the Police Station directions for the production of the child.

(5) If the Child Welfare Police Officer fails to produce the child before the Board even after the issuance of the directions for production of the child, the Board shall instead of issuing process under section 82 of the Code of

Criminal Procedure, 1973 pass appropriate orders under section 26 of the Act and the child would also be treated as a missing child.

32. Runaway child in conflict with law.-

(1) If a child in conflict with law runs away from a Child Care Institution, the following

action shall be taken within twenty-four hours, namely.-

- (i) the Officer-in-charge of the institution shall immediately send a report to or approach the area Police Station or Special Juvenile Police Unit or Child Welfare Police Officer along with the details and description of the child, with identification marks and a photograph, with a copy to the Board or the Children's Court and the Director of Social Defence;
- (ii) the parents or guardians shall be informed immediately;
- (iii) the Officer-in-charge of the institution shall hold an inquiry and send his report to the Board or the Children's Court and to the Director of Social Defence. The details of the child shall also be uploaded on the Track Child portal.

(2) When the child is apprehended again, the said fact shall be notified to all the persons concerned.

(3) If the child could not be traced, then the child would be treated as a missing child

33. Destruction of records of children in conflict with law.-The records or documents in respect of a child shall be kept in a safe place for a period of seven years and thereafter destroyed with the orders of Children's court or Juvenile Justice Board as the case may be.

34. Sending of a child to an observation home or place of safety.-(1) Admission of a child in the observation home or a place of safety shall be made round the clock for the purpose of sub-sections (2) and (3) of section 12 of the Act and the officer-in-charge of observation home or a place of safety is bound to receive the child irrespective of the time;

(2) Admission of a child in observation home or a place of safety shall be made by the Juvenile Justice Board by issuing a placement order duly signed and seal affixed. No child other than a child in conflict with law shall be kept in an observation home or a place of safety;

(3) No child shall be admitted in the observation home or a place of safety without proper placement order by the Board;

Provided that admission of child can also be made by the Police on a written requisition addressed to the officer-in-charge of the observation home or a place of safety in the prescribed Form- XV

Provided further that the child shall be produced subsequently before the Board by the police for obtaining the formal placement order from the Board.

(4) The officer-in-charge shall furnish a report to the Board in case of any admission made on the requisition received from the police;

(5) The officer-in-charge shall refuse admission of a child whose age, identification marks, details of offence committed has not been mentioned;

Provided that admission can also be refused if the placement order received from the Board is not duly signed or corrections not attested properly or brought without any seal affixed.

(6) The officer-in-Charge shall be personally responsible to ensure that no child is unauthorisedly admitted. He shall keep a proper check when a child is admitted at odd hours;

35. All dispositional orders passed by the Board shall necessarily include an individual care plan in Form- II for the child in conflict with law concerned, prepared by a probation officer.

36. Children's court.- (1) The Children's Court proceedings shall be held in camera and shall be similar to the manner of proceedings held by the Board;

(2) Where an appeal has been filed against the order of the Board declaring the age of the child under sub-section (1) of section 101 of the Act, the Children's Court shall first decide the said appeal before conducting any proceeding under sec.19 of the Act;

(3) Where an appeal has been filed before the Court of Sessions under sub-section (2) of section 101 of the Act the Children's Court shall not conduct the trial till such time the appeal is disposed of by the Court of Sessions;

(4) The Children's Court shall record its reasons while arriving at a conclusion whether the child is to be treated as an adult or as a child;

(5) The Children's Court, while conducting the inquiry shall follow the procedure for trial in summons case under the Code of Criminal Procedure, 1973;

(6) In case where the Children's Court decides that there is no need of a trial as an adult, the inquiry shall be completed by the Children's Court within a period of four months from the date of such decision unless extended by it, for reasons to be recorded in writing;

(7) The Children's Court may take into account the report containing circumstances of apprehension and offence alleged to have been committed and the social investigation report of the Probation Officer which has been forwarded to it, along with the evidence produced by the parties for arriving at a conclusion about the child.

CHAPTER – IV

CHILDREN IN NEED OF CARE AND PROTECTION

37. Age and educational qualification of chairperson and members of the child welfare committee.-(1) The Chairperson and member of a Child Welfare Committee to be appointed shall not be less than thirty five years and not more than sixty five years of age at the time of appointment;

(2) No person who has served earlier in the Child Welfare Committee in any of Districts of the State shall be considered;

(3) A person shall not be appointed as a Chairperson or Member if he is an active political worker;

(4) A person shall not be appointed as Chairperson or Member if he is an insolvent;

(5) A person shall not be appointed as Chairperson or Member if he has been previously convicted in any matter;

(6) No office bearer or staff of any of the Non-Governmental Organization which is licensed or recognized for either in-country or inter-country adoption shall be appointed as Chairperson or member of the Child Welfare Committee. Such person who has held office or served in such a Non-Governmental Organization in any capacity shall also not be eligible for consideration within a period of three years from the date of resignation or relinquishment of the said office. If the Non-Governmental Organization has been de-licensed from adoption placement activities, a person from such a Non-Governmental Organization serving at the time of de-licensing shall not be eligible at any point of time for appointment as Chairperson or member in a Child Welfare Committee;

38. Selection of chairperson and members of child welfare committee.- (1)

Calling of applications for the selection of Chairperson and members of Child Welfare Committee shall be made through a press release by the District Collector. The applicants shall send their application to the District Child Protection Officer of the district. The District Child Protection Officer shall in turn scrutinize the applications and forward the eligible applications to the Chairperson of the Selection Committee within fifteen days from the last date of submission;

(2) The selection of Social Worker members of the Committee shall be made by a selection committee consisting of the following persons, namely.-

- | | | |
|--|---|-------------|
| (i) Principal District and Sessions Judge | - | Chairperson |
| (ii) District Collector | - | Member |
| (iii) Commissioner of Police/
District Superintendent of Police | - | Member |

(3) The selection committee shall recommend a panel in order of preference of not more than fifteen names of willing and competent persons in the respective districts for appointment as Chairperson and members;

(4) The selection process shall include an interview to find out the aptitude of the applicants in child welfare and commitment to discharge their duties under the Act;

(5) The Government shall appoint Chairperson and members to the Committee, only from the list of persons in order of preference recommended by the selection committee and no person shall be eligible for appointment unless he is recommended by the selection committee;

39. Term of office of chairperson and members.- (1) The term of Office of the Chairperson and members shall be three years from the date of assuming charge. No person shall be appointed for more than one term;

Provided that an existing member shall continue to hold office until his successor assumes charge or for a period of three months from the date of completion of his tenure, whichever is earlier.

(2) A member may resign at any time, by giving three month's advance notice in writing to the State Government through the Director of Social Defence;

(3) Every casual vacancy of a Chairperson or member in the Committee shall be filled up by appointment of another

Chairperson or member by the State Government from the panel of names in order of preference as recommended earlier by the selection committee and shall hold office for the remaining period of tenure of the Chairperson or member in whose place he is appointed;

40. Time and place of sitting of the committee.- (1) The Committee shall hold its sitting in the premises of a Children's Home or at any other place as may be prescribed by the Directorate of Social Defence. The Committee shall normally hold its sitting for twenty days in a month from Monday to Friday between 11.00 a.m. and 4.00 p.m. However, the Chairperson, may extend the time of the sitting or may reschedule the day and time of sitting for any important business to transact;

(2) The premises where the Committee holds its sittings shall be child friendly and shall not resemble a court room in any manner whatsoever; the Committee shall not sit on a raised platform and the sitting arrangement shall be uniform and there shall be no witness boxes and the police shall not be in uniform;.

(3) On receiving information about a child in need of care and protection, if circumstances warrants that such a child cannot be produced before the Committee, the Committee may move out to reach such a child and hold its camp sitting at a place that is convenient for the child;

(4) In the event of continued absence of a chairperson or member without prior intimation to the committee for more than five sittings, it shall be informed to the Directorate of Social Defence;

(5) The Chairperson and member of the Committee shall be paid sitting allowance, travelling allowance or any other allowance which shall not be less than Rs.1000/- per sitting;

41. Training of Chairperson and Members of Child Welfare Committee.-The Chairperson and members shall be given training or orientation on child psychology, child rights, child welfare, care, protection, rehabilitation, legal provisions and justice for children for a period of not less than five days, within a period of sixty days after their assuming office by the Directorate of Social Defence or Judicial Academy or any other appropriate institution.

42. Proceedings of the committee.-The Committee shall observe such rules of procedures in regard to the transaction of business at its meetings as contemplated in the Code of Criminal Procedure, 1973. The member to whom a child is produced shall observe the following; namely:-

(i) All children in need of care and protection shall be produced before the Committee;

- (ii) The age of the child shall be determined as soon as the child is produced as per section 94 of this Act;
- (ii) The Committee shall satisfy that the child was not kept in police lock-up or in prison prior to the production of the child before the Committee and produced before the Committee within twenty four hours of taking charge of the child, excluding the time required for travel from the place where the child was found to the place of production of the child before an individual Member or Committee;
- (iv) The Committee shall also satisfy that, the child has not been subjected to ill treatment or harassment either by the Police or by any other person, who had taken charge of the child for the purpose of bringing before the Child Welfare Committee;
- (v) While communicating with the child, the Committee members shall use child friendly techniques through their conduct. Each member shall adopt a child friendly attitude with regards to body language, facial expression, eye contact, intonation and volume of voice while addressing the child;
- (vi) The Committee shall document and maintain detailed case record along with a case summary of every case dealt by the Committee in Form - XVI
- (vii) The Committee shall conduct an assessment of vulnerability of the child before the child is released;
- (viii) In the case of abandoned or lost or orphaned child, the Committee, before passing an order granting interim custody of the child pending inquiry, shall see that, the information regarding such child is uploaded on a portal as specified by the Central Government;
- (ix) The Committee shall restore a child in need of care and protection only on proper verification of the identity of the child, parents or guardian and after addressing the vulnerability of the child;
- (x) The Committee may, while making an order for placing a child under the care of a parent, guardian or fit person, pending inquiry or at the time of restoration, as the case may be, direct such parent, guardian or fit person to enter into an undertaking in Form – XVII.

- (xi) Whenever the Committee orders a child to be kept in an institution, it shall forward to the Officer-in-charge of such institution a copy of the order of placement in Form - XVIII with all relevant records;

Provided that, in the event of a child being considered for placement in an institution that has not originally recommended or requested for placement of the child, such an institution may refuse placement if they are of the opinion that they are unable to take responsibility for such a child either due to lack of capacity or if in their assessment the child is unlikely to fit into their institution, or that the child may be a negative influence on the other children or any other such genuine reasons recorded by the institution and submitted to the Committee.

- (vi) The Committee shall also refuse temporary custody of the child to parents for reasons to be recorded in writing, if it is in the best interest of the child;

- (vii) The Committee shall conduct the proceeding in an informal way to ensure that the interest of the child is of paramount importance;

The Committee shall, *suo motu* or on receipt of any information, complaint or otherwise, pertaining to any offence against a child, direct the police or the District Child Protection Unit to immediately take action for the rescue or recovery of such child from such situation, and to take further action including coordination with labor, health, social welfare and any other agencies involved with the care and protection of children;

The Committee shall send a quarterly report in Form -XIX to the District Magistrate and to the Director of Social Defence;

In all cases pending inquiry, the Committee shall notify the next date of appearance of the child not later than 15 days of the previous date..

- (viii) The Committee shall initiate action against any form of media, person or individual for publishing any matters relating to the children in need of care and protection, which would affect the best interest of the child.

- (ix) The Committee shall also direct the Probation Officer or any other person empowered to conduct social enquiry, and furnish the report to the Committee. Professional bodies such as Departments of Paediatrics, Psychiatric Medicine of Medical College or Hospital, Departments of Psychology or Criminology of Universities or any other expert body may be recognized as nodal

agencies for professional opinions and advice. The Committee may direct the said professional bodies to furnish a special report about a child in need of care and protection.

(x) The Committee shall prepare and maintain a list of experts, reputed institutions in the field of psychology, counselling and guidance, psychiatry and an empanelled list of language interpreters who are willing to provide such services. The list may be prepared in consultation with the Probation Officer and District Child Protection Officer of the concerned District.

(xi) The Committee shall consider the report of the Probation Officer or any other expert before taking a final decision.

(xii) Whenever a child is ordered to be restored to the care of parents or guardians or fit person to participate in group counselling or similar activities or to be restored under the care of any fit facility, the Committee shall direct the Probation Officer to effect supervision during such period and report to the Committee regularly. While doing so, the Committee shall satisfy that the follow-up conditions are very specific in nature and not in general terms. The specific follow-up conditions shall find place in the Social Investigation Report of the Probation Officer.

(xiii) In the process of restoration of a child to the parents, if the Parents or Guardian of a child fail to appear before the Committee, the Committee shall order in Form XX to restore the child.

(xiv) The Committee may also direct the Probation Officer or District Child Protection Officer to effect intensive follow-up on specific cases whose accountability may be ensured by frequent supervision.

(xv) The Committee may also ensure that while a follow-up has been ordered, the parents enter into an agreement with the Probation Officer, on the follow-up conditions. Whenever the residence of the child falls outside the jurisdiction of the Child Welfare Committee, the Child Welfare Committee while ordering the follow-up shall communicate such orders to the Child Welfare Committee of the respective jurisdiction for further action.

(xvi) Whenever a child is ordered to be placed in a Children's Home, the Child Welfare Committee shall substantiate the reasons for the purpose.

(xvii) To ensure the accountability and fulfil the responsibility as parents to protect and maintain their child, the Child Welfare Committee shall direct the parents or guardian to take full responsibility of their children with appropriate directions to ensure

that the child's rights are protected. In the event of failure of the parents to fulfil such responsibilities, the child may be admitted in a children's Home.

(xviii) If the parents voluntarily desire to place their child in an institution and the institution is willing to accept the child, the parents shall be directed to pay a maintenance charge for the child. and if the children then do not fall within the definition of a child in need of care of protection as in Section of the Act, such admission of children will be deemed to be governed by the relevant Hostel Rules and will not require to be produced before the CWC.

Proviso 1: Provided that admission of children without maintenance charges shall be restricted to abused children, orphans, destitute or deserving children or children from extreme poverty situations or the children of chronically ill persons who are unable to earn their livelihood due to incapacitation;

Proviso 2: Provided that there shall be no discrimination between children on account of the nature of admission;

Proviso 3: provided that all inspections in the institution by the CWC or any other designated authority shall include all such children within the scope of such inspection.

(xix) In all cases of reported abuse, the Committee shall ensure that a medical-check up of the child is carried out and details of physical, sexual, mental, verbal or any other type of abuse, if any, be recorded and appropriate action regarding the said abuse is taken. In all other cases, the Committee may direct a medical officer or any medical institution to undertake appropriate medical examination in respect of the child and furnish a report;

(xx) If the Child Welfare Committee either on enquiry or on the report of the probation officer or on the report of a medical officer or in any other manner, is satisfied that a child produced before it has been abused by an adult, either physically or sexually or in any other manner, the committee shall direct the police to file a first information report, investigate the case and take necessary further action as per law. The Committee shall also direct the police to furnish to it, a status report on the case, periodically. In case the alleged abuser himself is a child, the Committee shall direct the police to investigate the case and also refer the matter to the Board for further proceedings;

(xxi) When a child is produced before the Committee, members of the committee shall ensure that the proceedings of the committee are carried out in a language that the child understands or shall arrange for an empanelled translator or interpreter to help the child understand the proceedings. When a special needs child is produced before the Committee, the Committee shall arrange for the assistance of a special educator or an expert in the field to help the child to understand the proceedings of the committee;

Every Open Shelter shall send monthly information in Form - XXI to the Committee regarding the children availing the services in the Open Shelter.

(xxii) All proceedings held by the Child Welfare Committee that requires the presence of the Child Care Institution shall be held in a manner respectful to the Child Care Institution and with dignity.

43. Management Committee.- (1) Every Child Care Institution shall have a Management Committee for the management of the institution and for monitoring the progress of every child.

(2) In order to ensure proper care and treatment as per the individual care plans, a child shall be grouped on the basis of age, nature of offence (in the case of children in conflict with law), physical and mental health and length of rehabilitation.

(3) The Management Committee shall consist of a minimum of three persons chosen by the Child Care Institution itself. and shall periodically review the function of the institution every quarter. . The officer-in-charge of the Child Care Institution shall function as the Member-Secretary. The District Child Protection Officer or nominee, shall be sent an invitation for the Management Committee meetings. As and when deemed necessary, the medical officer, the psychologist or counsellor of the Child Care Institutions may be invited for the meeting

44. Children's committee.-Children's Committees may be constituted by the officer-in-charge of each children's home and may comprise entirely of children. The purpose of the Children's Committee is to encourage leadership, involvement and participation in the running of the Home. Children nominated to the Committees shall be encouraged to take up responsibilities within the Home. The Children's Committee shall also discuss ways to improve mutual respect, prevent bullying within the home and any other form of exploitation.

CHAPTER –VI NON-INSTITUTIONAL CARE

ADOPTION

45. Procedure in case of surrendering of children for adoption

(1) A child may be surrendered by.-

- (i) both the parents;
 - (ii) by any one of the parent if the other is not alive or has been declared to be unsound mind by a competent court;
 - (iii) natural guardian or the guardian appointed by the Court, where both parents are alive but are not living together and the parents have given their consent to the Child Welfare Committee for surrendering the child;
 - (vi) an unwed mother where the biological father had deserted the mother and his whereabouts are not known;
 - (vii) an unwed minor mother, or a mentally challenged mother accompanied by a parent or a guardian;
 - (viii) an unwed minor mother placed in a Child Care Institution accompanied by the Officer-in-charge when the child has no parents or guardians or relatives as the case may be;
- (2) The application for surrender of a child shall be in a prescribed Form – XXII and the deed of execution shall be in Form - XXIII child as legally free for adoption after the expiry of sixty days from the date of surrender;
- (3) The specialised adoption agency or Child Care Institution shall follow due procedure as provided in Adoption Regulations;

46. Sponsorship.- (1) The District Child Protection Unit may identify families and provide necessary support services in the form of sponsorship for child's education, health, nutrition and other developmental needs as an alternative to institutionalisation.

(2) The Committee or Board or the implementing department or Head of institutions may allow individuals, institutions, corporate sector, financial institutions to sponsor or support the following in the interest of children and as part of corporate social responsibility initiatives, namely:-

(i) Any needy child or his family shall be supported under sponsorship for higher education and similarly children rescued from child labour or bonded labour;

(ii) Any activity that may help to improve the behaviour of children through child development Programme;

(iii) Cultural programmes, picnics, holiday camps, medical assistance, immunisation programmes, special medical assistance, Inter school sports activities, creative arts and competition and seminars for children;

(iv) Any activity pertaining to job oriented training programmes, establishment of vocational rehabilitation centres and community colleges;

(v) Establishment of libraries, sports activities, creative arts and competitions or any other developmental programmes;

(vi) Improving infrastructures and amenities, construction or alteration of building.

(3) In respect of Government Institutions the implementing Department shall permit the officer-in-charge of an institution to accept any sponsorship under intimation to the heads of department.

(4) All receipts under Sponsorship shall be entered in a register with the complete details such as name, address, profession of the sponsor. The institutions receiving sponsorship, shall maintain proper and separate accounts of all the receipts and payments for the programme.

(5) The Board or Committee or District Child Protection Unit may inspect the activities and verify the relevant records on sponsorship during inspection.

(6) The Board or the Committee may make an order in Form VI for support to a child through sponsorship for both de-institutionalisation or rehabilitation and send a copy to the District or State Child Protection Unit.

- (2) In respect of Foster Care and Sponsorship programme implemented under the Integrated Child Protection Scheme (ICPS) of the Ministry of Women and Child Development in the Government of India, the guidelines under the Integrated Child Protection Scheme (ICPS) shall apply.

FOSTER CARE

47. Foster care including group foster care.-(1) Foster care shall be considered for orphan, abandoned, children from dysfunctional families or from institutions, children whose biological parents are either incapacitated or in a state of crisis and unable to provide for the care and protection to the child;

(2) Foster care could be either long term, short term, or placed in a group;

(3) Children who could not be placed on adoption due to various reasons shall be considered for foster care;

(4) De-institutionalization of children and placing them in foster care may be done with the orders of the Child Welfare Committee on the recommendation of the probation officer or District Child Protection Officer;

(5) Foster care shall be considered after obtaining the consent of the parents if they are alive and their place of residence is known;

(6) Twins and siblings shall not be separated by a foster care placement except under extraordinary circumstances. If for some reasons they are separated, arrangements shall be made for regular interaction between them;

48. Criteria for selection of families for foster care.-(1) Foster parents and members of the family shall have good physical and mental health;

(2) Foster parents shall have an adequate and regular income to meet out the expenditure relating to the needs of the child;

(3) The family shall have adequate space and basic amenities for growth and development;

(4) Foster Parent shall not have been convicted for any offence;

(5) Foster parent shall be known for their respect, character and dignity in the local community;

(6) There shall be not be any discrimination in selection of foster-parents on the basis of caste, religion, ethnic status, and the best interest of the child shall be paramount in deciding foster-care placement;

(7) The foster parents shall be declared 'fit persons' by the Committee before placing the child in that family after a thorough assessment done by the Probation Officer or District Child Protection Unit as per Form – XXIV;

49. Programme implementation.- Foster care shall be implemented in each district with the assistance of District Child Protection Unit. Children shall be placed directly with individual foster parents or as group foster care with such fit facility only under proper orders of the Child Welfare Committee.

50. Role of district child protection unit in foster care.- (1) The District Child Protection Unit shall help in identification of children for foster care placement in co-ordination with the Child Welfare Committee;

(2) The District Child Protection Unit shall select foster families based on their suitability, facilities and resources;

(3) The District Child Protection Unit shall carry out a home visit and preparation of assessment report on foster parents;

(4) The District Child Protection Unit shall arrange for counselling training and orientation to the foster parents for receiving and caring of children;

(5) The District Child Protection Unit shall follow up and review regarding comfort and relationship between the child and family;

(6) A follow up report shall be done once for every six months by the District Child Protection Unit;

51. Procedure for placing a child.-(1) The child shall be clearly informed on the foster care plan and the child's willingness and interest shall also be obtained. On completion of Home visits if the District Child Protection Unit is of the opinion that the Foster Care arrangement shall benefit the child for growth and development rather than staying in an institution, the District Child Protection Unit shall submit a report to the Child Welfare Committee in this regard;

(2) On receipt of report from the District Child Protection Unit,

the Child Welfare Committee shall examine all the records relating to the child and the future prospects of for the child while placing under Foster Care;

(3) The Child Welfare Committee shall call for the Foster Parents to appear in person and make enquiry to confirm their genuine interest and their suitability to keep the child;

(4) The Child Welfare Committee shall interact and explain to the child the complete details of the foster care programme;

(5) On mutual interest of the child and the foster family, the Child Welfare Committee shall make an order in Form - XXV to place the child under Foster Care;

52. Agreement to be executed by foster parents.- (1) The foster parents shall enter into an agreement with the Child Welfare Committee to ensure the following during the period of foster care.-

(2) that the child shall be sent to school for continuing of education;

(3) that the child shall be treated with decency and dignity and all efforts for growth be fulfilled;

(4) that the child shall not be abused;

(5) that the foster parents shall co-operate for the home Visit of the District Child Protection Unit or Child Welfare Committee to ensure the well being of the child;

(6) that in case of violation of conditions or abuse of children , the child shall be withdrawn from their custody;

(7) that the biological parents shall be free to visit their children during their stay with Foster parents;

53. Repeal.- The Tamil Nadu Juvenile Justice (Care and Protection of Children) Rules, 2001 is hereby repealed.