

NOTIFICATION BY GOVERNMENT

**WOMEN DEVELOPMENT CHILD WELFARE & DISABLED WELFARE
DEPARTMENT**

(JJ)

**JUVENILE JUSTICE (CARE & PROTECTION OF CHILDREN) ACT, 2000
(CENTRAL ACT 56 OF 2000 AS AMENDED BY THE AMENDMENT ACT 33 OF
2006) – THE ANDHRA PRADESH JUVENILE JUSTICE (CARE AND
PROTECTION OF CHILDREN) RULES, 2009.**

**(G.O.Ms.No....., Women Development Child Welfare & Disabled Welfare (JJ),
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In exercise of the powers conferred by sub- section 68 of the Juvenile Justice (care and protection of Children) Act, 2000 (Central Act No.441, 56 of 2000 and in suppression of the Rules issued in G.O.Ms.No.21, Women Development Child Welfare & Disabled Welfare (JJ) Dept., Dated the 29 April, 2003 and published in Rules supplement to Part-I Extraordinary of the Andhra Pradesh Gazettee, dated the 8th May, 2003, the Govenor of Andhra Pradesh hereby make the following Rules.

**ANDHRA PRADESH JUVENILE JUSTICE (CARE AND
PROTECTION OF CHILDREN) RULES 2009**

The object of the Juvenile Justice (Care and Protection of Children) Act, 2000 is to make effective provision in law for the Children in need of care and protection and children in conflict with law, by providing for their proper care, protection and treatment, by catering to their development needs, by adopting a Child-friendly approach in the adjudication and disposition of matters in the best interest of children for their ultimate rehabilitation and ensuring the realization and fulfillment of the Child Rights Convention. The success in the realization of these goals will depend more on the spirit of implementation of the Act and attitudinal aspect of the personnel involved rather than on infrastructure and procedures alone. The following principles shall, inter alia, be fundamental to the development of strategies, interpretation and implementation of the Act.

CHAPTER-I

PRINCIPLES

The following principles shall, *interalia*, be fundamental to the application, interpretation and implementation of the said Act and the **rules** made thereunder

1. Principle of *Diversion*-

A Child is presumed to be innocent of any malafide or criminal intent up to the age of eighteen years.

The Child's right to presumption of innocence shall be respected throughout the process of justice and protection, from the initial contact to alternative care, including aftercare. It is a right of even adult accused.

Unlawful conduct which is done for survival, or is due to environmental or situational factors or is done under control of adults, or peer groups, is ought to be covered by the principles of innocence. *If these factors are proved, child shall be discharged. Standard of proof of existence of these circumstances shall be preponderance of probabilities.*

The basic components of presumption of innocence are:

(i) *Age of innocence*

Age of innocence is the age below which a child cannot be subjected to the criminal justice or the juvenile justice system. *Ordinarily the Indian Penal Code treats a juvenile below the age of seven as doli incapax, and between seven and twelve there is a presumption of innocence, which is rebuttable. However, the Beijing Rule 4(1) clearly lays down that "the beginning of the age of criminal responsibility shall not be fixed at too low an age level bearing in mind the facts of mental and intellectual maturity".*

(ii) *Procedural protection of innocence*

Procedural safeguards that are guaranteed by the Constitution and *Indian Penal Code*, to adults and that go in to strengthen the Child's right to presumption of innocence shall be guaranteed to Children.

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

Juveniles have a right to be informed about the accusations against them and a right to be legally represented. Provisions must be made for guardian ad litem, legal aid and other such assistance through legal services at State expense. This shall also include juvenile's right to present his case before the competent authority on his own.

2. Principle of dignity and worth

Treatment that is consistent with the child's sense of dignity and worth is a fundamental principle of juvenile justice. This principle reflects the fundamental human right enshrined in Article 1 of the Universal Declaration of Human Rights that all human beings are born free and equal in dignity and rights. *The juvenile's/ Child's right to dignity and worth has to be respected and protected throughout the entire process of dealing with the Child from the first contact with law enforcement agencies to the implementation of all measures for dealing with the Child.*

3. Principle of Right to *participation*

Every Child's right to express his or her views freely in all matters affecting *their* interest should be fully respected through every stage in the process of juvenile justice.

4. Principle of Best Interest-

In all decisions taken within the context of administration of juvenile justice, the principle of best interest of the Child shall be the primary consideration. The principle of best interest of Child shall mean, for instance, that the traditional objectives of criminal justice, retribution and repression, must give way to rehabilitative and restorative objectives of juvenile justice. This principle seeks to ensure physical, emotional, intellectual, social and moral development of juvenile or child so as to *make him/her a useful, productive and good citizen by removing impediments to his/her healthy development.*

5. Principle of Family Responsibility-

- (i) The primary responsibility of bringing up children, providing care, support and protection shall be with the biological parents. However, in exceptional situations, this responsibility may be *transferred on to* willing adoptive/foster parents.
- (ii) The family - biological, adoptive or foster (in that order), must be held responsible for providing necessary care, support and protection to the juvenile or child under their care and custody under the said Act, unless the best interest measures or mandates dictate otherwise.

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

At all stages, from the initial contact till *resolution, including when the child is placed in safe custody until resolution* and thereafter, the child shall not be subjected to any harm, abuse, neglect, maltreatment, corporal punishment or solitary confinement and extreme care shall be taken to avoid any harm to the sensitivity of the child.

7. Principle of *concerted action*

Provisions must be made to enable positive measures that involve the full mobilization of all possible resources, including the family, volunteers and other community groups, as well as schools and other community institutions, for the purpose of promoting the well-being of the child through individual care plans carefully worked out. Positive measures shall aim at reducing vulnerabilities and reducing the need for intervention under the law, as well as effective, fair and humane dealing of the juvenile or Child.

8. Principle of non-stigmatizing semantics, decisions and actions-

The non-stigmatizing semantics of the Act must be strictly adhered to, and the use of adversarial or accusatory words, such as, arrest, remand, accused, charge sheet, trial, prosecution, warrant, summons, conviction, inmate, delinquent, negligent (*not care for*), custody (*safe care*), *etc.*, is prohibited in the processes pertaining to the child under the Act.

9. Principle of non-waiver of rights-

No waiver of rights of the Child, whether by himself or the competent authority or anyone acting or claiming to act on behalf of the Child, is either permissible or valid. Non-exercise of a fundamental right does not amount to waiver.

10. Principle of equality and non-discrimination-

- (i) There shall be no discrimination against a Child on the basis of age, sex, place of birth, disability, race, ethnicity, status, caste, *religion, language, colour and health status*, cultural practices, work, activity or behaviour of the Child or that of his parents or guardians, or the civil and political status of the Child.

- (ii) Equality of access, equality of opportunity, equality in treatment under the Act, is guaranteed to every Child.

11. Principle of right to privacy and confidentiality-

The Child's rights to privacy and confidentiality shall be protected by all means and through all the stages of the proceedings *and thereafter*.

12. Principle of last resort-

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

13. Principle of restoration/ repatriation-

Any Child, *including a foreign national and who has lost contact with his family, shall also be eligible for protection under the Act and he shall be repatriated with informed consent at the earliest, to his country.*

14. Principle of Fresh Start -

The principle of fresh start promotes new beginning for the Child by ensuring erasure of his past records. The State shall seek to promote measures for dealing with Children alleged or recognized as having impugned the law, without resorting to judicial proceedings.

15. Principle of nurturing a Child

To ensure that every child is given the due respect and dignity and his/ her childhood is restored.

16. Principle of concern -

Concern for all living beings and the environment shall be promoted in the Child.

17. Principle of Good Governance and Accountability

(a) The principle of Good Governance means the personal, organizational or institutional responsibility to rise above one's circumstances and demonstrate the ownership necessary for achieving desired results. The state shall be accountable to all children and parents as part of their role. Any civil society organizations shall be bound by all principles and systems of monitoring just as any statutory institutions managed.

(b) Accountability through effective Administration- Effective administration includes: selection of qualified personnel, adequate training for people involved in administration of juvenile justice, accountability and transparency, systems of checks and balances, incorporation of various codes of conduct and other measures which are necessary to check exercise of discretion.

CHAPTER - II **PRELIMINARY**

1. Short title and commencement:

- (1) These **rules** may be called the *Andhra Pradesh Juvenile Justice (Care and Protection of Children) Rules*, 2009.
- (2) They shall come into force from the date of their publication in the Official Gazette.

2. Definition:

In these **rules**, unless the context otherwise requires:

- (a) "Abandoned" means *an unaccompanied and deserted child who is declared abandoned by the committee after due inquiry.*
- (b) "Act" means the Juvenile Justice (Care and Protection of Children) Act, 2000 as amended by the Juvenile Justice (Care and Protection of Children) Amendment Act 2006 (33 of 2006);
- (c) "Adoption" means *the process through which the adopted child is permanently separated from his biological parents and becomes the legitimate child of his adoptive parents with all the rights, privileged and responsibilities that are attached to the relationship.*
- (d) "Best interest of the Child" means a decision taken to ensure the physical, emotional, intellectual, social and moral development of child. *In all decisions taken within the context of the administration of the juvenile justice, the best interest of the child should be a primary consideration. Children differ from adults in their physical and psychological development, and their emotional and educational needs. The protection of the best interest of the child such as restoration to family and rehabilitation be given priority.*
- (e) "Child friendly" means any process and interpretation, attitude, environment and treatment, that is humane, considerate and in the best interest of the Child;
- (f) "Certified" means *certification of an institution/agency/voluntary organization by the state government to operate as a Children's home, observation home, special home, shelter home, specialized adoption agency or after care organization;*
- (g) "Co-management" means *the joint management of the Institution under the Act by the Government and the voluntary sector in all aspects, to achieve the objects of the Act.*
- (h) "Concerned state Government Authority" means *the Director of Juvenile Welfare, Correctional Services & Welfare of Street Children, A.P., Hyderabad.*
- (i) "Form" means the form annexed to these **rules**;
- (j) "Home Committee", "Working Committee" and "Executive Committee" are *the various Committees constituted under Rule 26 for implementing Co-management.*

- (k) “Individual care plan” is a comprehensive development plan for a child based on age specific and gender specific needs and the case history of the child in order to restore the Child’s self-esteem, dignity and self-worth and nurture *him/her* into a responsible citizen. It shall address the following needs of a child:
- Health needs
 - Emotional and psychological needs
 - Educational and Training needs
 - Protection from all kinds of abuse, neglect and maltreatment
 - Social mainstreaming
 - Follow-up post release/restoration
- (l) "Institution" *for the purposes of these rules*, means an observation home, or a special home, or a Children's home or a shelter home set up, certified or recognized and registered under sections 8, 9, 34, 34 (3), and 37 of the Act respectively;
- (m) ‘NGO’ means a Non Governmental Organization.
- (n) “Orphan” *for the purpose of adoption under Section 41 of the Act* means a Child who is without parents or willing and capable legal/natural guardian;
- (o) “Place of safety” means any institution set up and recognized under sections 12 (3) and 16 (1) of the Act for juvenile in conflict with law;
- (p) “Principles” means the principles which are fundamental to the development of strategies, interpretation and implementation of the Act and the Rules
- (q) “Recognised” *for the purpose of the Act and these Rules* means recognition of a fit person by the competent authority or recognition of a fit institution by the state Government on the recommendation of the competent authority as per sections 2(h) and (i) of the Act;
- (r) “Registered” *for the purpose of the Act and the Rules* means registration of all institutions/agencies/voluntary organisations providing residential care to Children in need of care and protection under section 34 (3);
- (s) “Secondary Victimizations’ means and refers to behaviour and attitudes of persons in the Juvenile Justice System, which further traumatizes victims who are within the Juvenile Justice System.
- (t) “Section’ means a Section of the Act.
- (u) "State Government" in relation to a Union Territory, means the Administrator of that Union territory appointed by the President under article 239 of the Constitution;
- (v) "State Government Authority” - State Level Society
- (w) “Street and working Children” *for the purpose of the Act* means Children without ostensible means of livelihood, care, protection and support; (street and working children needs to be interpreted in the light of Section 2 (d) (1) of the Act) and children who are made to work.

- (x) *“Surrendered Child” for purpose of section 41 of the Act means a child, who in the opinion of the Committee, is relinquished on account of physical, emotional and social factors beyond the control of the parent/guardian;*
- (y) *“Superintendent of Home” means a person appointed for the control and management of the institution under the Act;*
- (z) *“Wrongful confinement”, any child not confined according to provisions of the Act shall be construed as an attempt to human trafficking and the confinement is wrongful confinement (section 336 of IPC)*
- (aa) All words and expressions defined in the Act and used, but not defined in these **rules**, shall have the same meaning as assigned to them in the Act.

CHAPTER - III

JUVENILE IN CONFLICT WITH LAW

3. Preliminary:

There shall be one or more Juvenile Justice Boards in every district, which shall be constituted by the State Government as per Section 4 of the Act.

4. Juvenile Justice Board:

The State Government shall set up by notification in official gazette, Juvenile Justice Board in every district, with requisite infrastructure, personnel, besides the Principal Magistrate and Members.

(1) Composition of the Board:

- (a) The Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of the first class, as the case may be, and two social workers of whom at least one shall be a woman, forming a bench.

Explanation: In order to facilitate proper review of pendency of cases before the Boards, the Chairperson of the Board shall necessarily be a Judicial Magistrate or Metropolitan Magistrate of First Class, but not the Chief Judicial Magistrate.

- (b) Every such bench shall have the powers conferred by the Code of Criminal Procedure 1973 (2 of 1974).
- (c) (i) A Magistrate with special knowledge or training in Child psychology or Child welfare shall be designated as the Principal Magistrate of the Board.
(ii) In case the Principal Magistrate with such special knowledge or training is not available, then, the State Government shall provide for such short-term training in Child psychology or Child welfare as it considers necessary.
- (d) The two social workers, of whom at least one shall be a woman, shall be appointed by the State Government on the recommendation of the Selection Committee set up under Rule 86 of these **Rules**.

(2) Tenure of the Board:

- (a) The Board shall have a tenure of three years and the appointment of members shall be co-terminus with the tenure of the Board.
- (b) (i) A social worker being a member of the Board shall be eligible for appointment for a maximum of two consecutive terms.
(ii) Extension of the tenure of members of the Board shall be *by the Selection Committee on the basis of their performance appraisal by the District Child Protection Unit*.
(iii) A member may resign any time, by giving one month's advance notice in writing or may be removed from his office as provided in sub-section (5) of Section 4 of the Act.
(iv) Any *causal* vacancy in the Board may be filled by appointment of another person from the panel of names prepared by the Selection Committee, and shall hold office for the remaining term of the Board.

(3) Qualifications for Members of the Board:

The social worker to be appointed as a member of the Board, shall be a person not less than 35 years of age *or more than 65 years of age*, who has a graduate degree in health, education, psychology or any other social science discipline and has been actively involved and engaged in planning, implementing and administering measures relating to welfare activities pertaining to Children for at least seven years.

(4) Conditions for Selection as a Member of the Board:

- (a) *The person should not have been convicted under any law;*
- (b) *Should not have indulged in Child abuse or employment of Child labour or any other human rights violations;*
- (c) *Should not be holding such full-time occupation that may not allow him/her to give necessary time and attention to the work of the Board as per the Act and these Rules.*
- (d) *If it is brought to the knowledge of the Selection Committee that the qualification and experience of a member of the Board so appointed do not confirm to the qualification and experience prescribed in the Act and these Rules, the Selection Committee shall, after due inquiry and on establishment of such fact, declare the appointment of such member null and void and recommend the name of the next person from the list of names prepared for filling vacancies under Rule 86.*

(5) Conditions for Disqualification as a the Member of the Board:

- (a) *Failure to attend the proceedings of the Board for three consecutive meetings without any valid reason;*
- (b) *Failure to attend a minimum of three-fourths of the sittings of the Board in a year.*
- (c) *Involvement in activity which is prejudicial to interest of child.*

(6) Allowances:

The social worker members of the Board shall be paid such travel and sitting allowance subject to a minimum of Rs.500/- per sitting or as the State Government may decide from time to time.

(7) Sittings of the Board:

- a) *The Board shall hold its sittings in the premises of an Observation Home or, at a place in proximity to the observation home or, at a suitable premise in any institution run under the Act, and in no circumstances shall the Board operate from within any Court premises.*
- b) *The premises where the Board holds its sittings shall be child-friendly and shall not look like a court room in any manner whatsoever; for example, the Board shall not sit on a raised platform and the sitting arrangement shall be uniform, there shall be no witness boxes etc.*
- c) *The Board shall meet on all working days of a week.*
- d) *A minimum of three-fourth attendance of the Chairperson and Members of the Board is necessary in a year.*
- e) *Every member of the Board shall attend a minimum of five hours per sitting.*
- f) *The Infrastructure consists of a Board Room, waiting room for Juveniles a room for Principal Magistrate and Members, a record room, room for Probation Officers, waiting room for parents and visitors, safe drinking water facility and toilets.*
- g) *The State Government shall provide necessary human resource support for every Board, including probation officer, Computer operator, Office Subordinate and Sweeper.*

5. Functions of the Board:

The Board shall *have the* following functions to *accomplish the provisions of the Act*:

- a) Adjudicate and Dispose cases of juveniles in conflict with law;
- b) Take cognizance of crimes committed under section 23 to 28 of the Act;
- c) Monitoring institutions for juveniles in conflict with law and seeking compliance from them in cases of any noticeable lapses and improvement based on suggestions of the Board;
- d) Deal with non-compliance on the part of concerned government functionaries or functionaries of voluntary organizations, as the case may be, in accordance with due process of law;
- e) Pass necessary direction to the *State Government* and Police to create or provide necessary infrastructure or facilities so that minimum standards of justice and treatment are maintained in the spirit of the Act;
- f) Maintain liaison with the Committee in respect of cases needing care and protection action;
- g) Liaison with Boards in other districts to facilitate speedy inquiry and disposal of cases through due process of law;
- h) Take suitable action for dealing with unforeseen situations that may arise in the *functioning* of the Act and remove such difficulties in the best interest of the juvenile;
- i) Send quarterly information about juveniles in conflict with law produced before them to the District/State Child Protection Unit/*concerned* State Government *authority* and also to the Chief Judicial Magistrate or Chief Metropolitan Magistrate for review under Section 14 (2) of the Act.
- j) Any other function assigned by the State Government from time to time relating to juveniles in conflict with law.

6. Pre and Post-Production action of Police & other *protection* agencies:

- (1) As soon as a juvenile alleged to be in conflict with law is apprehended by the police, *he shall make an initial report and handover to the Child Welfare officer.*
- (2) The child welfare officer *shall interview the child and inform*
 - (i) the parents or guardian of the juvenile alleged to be in conflict with law about the apprehension of the juvenile, about the address of the Board where the juvenile will be produced and the date and time when the parents or guardian need to be present before the Board
 - (ii) the concerned probation officer, of such apprehension to enable him to obtain information regarding social background of the juvenile and other material circumstances likely to be of assistance to the Board for conducting the inquiry
 - (iii) *arrange for medical investigation if need be otherwise in case of violations related to physical abuse/ sexual abuse or any other form of bodily damage to the child.*
 - (iv) *Make a report for the Juvenile Justice Boards consideration.*
- (3) Soon after *taking charge*, the *Child Welfare Officer shall keep the child in a place of safety till production before* the Board within twenty four hours as per sub-section (1) of Section 10 of the Act and where such Juvenile or the Child Welfare Officer has not been designated as per provisions laid down under Sub-section (2) of Section 63 of the Act or is not available for some official reasons, the police officer who had apprehended the juvenile shall produce him before the Board.

- (4) The Police apprehending a juvenile in conflict with law shall in no case send the juvenile in lock-up or delay his charge being transferred to the juvenile or the child welfare officer from the nearest police station, if such an officer has been designated.
- (5) A list of all designated child welfare officers in a district and members of special juvenile police unit with contact details shall be prominently displayed in every police station.
- (6) For gathering the best available information, it shall be incumbent upon the police or the child welfare officer from the nearest police station, to contact the parents or guardians of the juvenile and also apprise them of the juvenile's law breaking behaviour.
- (7) The police or the child welfare officer from the nearest police station, shall also record the social background of the juvenile and circumstances of apprehension and offence alleged to have been committed in the case diary of each juvenile, which shall be forwarded to the board forthwith
- (8) The police or the child welfare officer from the nearest police station shall exercise the power of apprehending the juvenile only in cases of his alleged involvement in serious offences (entailing a punishment of more than 7 years imprisonment for adults).
- (9) In such cases where apprehension apparently seems to be in the interest of the juvenile, the police or the child welfare officer from the nearest police station, shall rather treat the juvenile as a child in need of care and protection and produce him before the board, clearly explaining the juvenile's need for care and protection in its report and seek appropriate orders from the board under rule 13 (1) (b) of these rules.
- (10) For all other cases involving offences of non-serious nature (entailing a punishment of less than 7 years imprisonment for adults) and cases where apprehension is not necessary in the interest of the juvenile, the police or the juvenile or the child welfare officer from the nearest police station, shall intimate the parents or guardian of the juvenile about forwarding the information regarding nature of offence alleged to be committed by their child or ward along with his socio-economic background to the board, which shall have the power to call the juvenile for subsequent hearings.
- (11) In case the Board is not sitting, the juvenile in conflict with law shall be produced before the single member of the board as per the provision laid down under the sub-section (2) of section 5 of the Act.
- (12) In dealing with cases of juveniles in conflict with law the police or the child welfare officer from the nearest police station, shall not be required to register an FIR or file a charge-sheet, except where the offence alleged to have been committed by the juvenile is of a serious nature such as rape, murder or when such offence is alleged to have been committed jointly with adults; instead, in matters involving simple offences, the police or the juvenile or the child welfare officer from the nearest police station shall record information regarding the offence alleged to have been committed by the juvenile in the general daily diary followed by a report containing social background of the juvenile and circumstances of apprehension and the alleged offence and forward it to the board before the hearing.
- (13) The State Government shall recognize only such voluntary organizations that are in a position to provide the services of probation, counseling, case work a safe place and also associate with the police or the juvenile or the child welfare officer from the special juvenile police unit, and have the capacity, facilities and expertise to do so as protection agencies that may assist the police or the juvenile or the child welfare officer from the police

at the time of apprehension, in preparation of the report containing social background of the juvenile and circumstances of apprehension and the alleged offence in taking charge of the juvenile until production before the board and in actual production of the juvenile before the board within twenty four hours.

- (14) The police or the juvenile or the child welfare officer from the special juvenile police unit, or the recognized voluntary organization shall be responsible for the safety and provision of food and basic amenities to the juvenile apprehended or kept under their charge during the period such juvenile are with them.
- (15) When a juvenile is produced before the individual member of the board, and an order obtained, such order shall need ratification by the board in its next meeting.

7. Post-production processes by the Board:

(1) On production of the juvenile *by the Police/voluntary organization/parents, the Board shall review the socio-economic background information provided under Rule 6 (3) and 6 (11) of these rules* by the Police/voluntary organization, and pass the following order at the end of the day in the first summary enquiry:

- (a) Dispose off the case, if the evidence of his conflict with law appears to be unfounded or where the juvenile is involved in trivial law breaking
 - (b) Release the juvenile in *the custody of parent/fit persons or fit institutions run by voluntary organizations or under supervision of probation officer* through an order in FORM-I with a direction to appear/present a juvenile for an enquiry on a next date
 - (c) Detain the juvenile in an Observation Home/fit persons /fit institution pending inquiry only in cases of juvenile`s involvement in serious offences in FORM - II.
 - (d) In all cases of release pending inquiry, the Board shall notify the next date of hearing, not later than 15 days of the first summary enquiry and also seek social investigation report from the concerned Probation Officer *through FORM - III.*
- (2) The Board shall take following steps to ensure fair and speedy inquiry.
- (a) In all cases under the Act the proceedings shall be conducted in as simple a manner as possible and care shall be taken to ensure that the juvenile against whom the proceedings have been instituted is given child-friendly atmosphere during the proceedings
 - (b) Every juvenile brought before the Board shall be given the opportunity to be heard and participate in his/her inquiry.
 - (c) Cases of petty offences *may be disposed* through summary proceedings/inquiry, while in cases of heinous offences due process of inquiry in detail may follow.
 - (d) Even in cases of inquiry pertaining to serious offences the Board *is required to* follow the procedure of trial in summons cases.
- (3) When witnesses are produced for examination in inquiry relating to a juvenile, 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 by Sec. 165 of the Indian Evidence Act so as to question the juvenile and proceed with the presumptions that favour the Juvenile`s right to be restored.

- (4) While examining a *juvenile* and recording his statement, the Board shall *be free to* address the juvenile *in any manner that may seem suitable, in order to put the juvenile at ease and to elicit the true facts*, not only in respect of the offence of which the juvenile is accused, but also in respect of the home and social surroundings and the influence to which the juvenile might have been subjected
- (5) *The Board shall rely upon socio-economic background information provided by the Police/voluntary organization under Rule 6(3) and 6(11) of these Rules*, the social investigation report in FORM - IV prepared by the Probation officer/voluntary organizations along with the evidence produced by the parties for arriving at a conclusion about juvenile *offending*.
- (6) Every inquiry by the Board shall be completed within a period of four months after the first summary inquiry. Only in exceptional cases involving trans-national criminality, large number of accused and inordinate delay in production of witnesses, the period of *enquiry* may be extended by two months on recording of *reasons* by the Board. In all other cases, delay beyond four to six months *would* lead to termination of the proceedings.

8. Legal Aid:

- (1) The proceedings before the Board shall be conducted in non-adversarial environment, but with due regard to all the due process guarantees such as right to counsel and free legal aid.
- (2) The Board shall ensure that the Legal Officer in the District Child Protection Unit and the State Legal Aid Services Authority shall extend free legal services to all the *juveniles*. The Legal Officer in the District Child Protection Unit and the State Legal Aid Services Authority shall be under an obligation to provide legal services sought by the Board.
- (3) In the event of shortfall in the State Legal Aid Services support, the Board shall be responsible for seeking legal services from recognized voluntary legal services organisations or the university legal services clinics.
- (4) The Board may also deploy the services of the student legal services volunteers and NGO volunteers in para-legal tasks such as contacting the parents of juveniles and gathering relevant social and rehabilitative information about the juveniles.

9. Completion of Inquiry and Dispositional Alternatives:

- (1) The Board shall complete every inquiry within the stipulated time and on recording a finding about juvenile's involvement in the alleged offence, pass one of the seven dispositional orders enumerated in Section 15 of the Act.
- (2) Before passing an order, the Board shall obtain a social investigation report prepared *either* by a probation officer or a recognized voluntary organisation *and* take the findings of the report into account.
- (3) All dispositional orders passed by the Board shall necessarily include an individual care plan for the concerned *juvenile*, prepared by a probation officer/voluntary organization on the basis of interaction with the juvenile and his/her family where possible.
- (4) Where the Board decides to release the juvenile after advice and admonition or after participation in group counseling or orders him to perform community service, necessary direction may also be made by the Board to the District/State Child Protection Unit or the *concerned* State Government *authority* for arranging such individual counseling, group counseling and community service.
- (5) Where the Board decides to release the *juvenile* on probation and place him under the care of the parent/guardian/fit person, the person in whose custody the juvenile

- is released may be required to *execute a bond in FORM - V* for the good behaviour and well-being of the juvenile for *up to* a period of three years.
- (6) The board may order release of a juvenile in conflict with law on execution of a personal bond without surety in FORM - VI.
 - (7) *Where the Board decides to release a juvenile on probation and place him under the care of fit institution for good behaviour and well-being up to a period of three years, it shall direct the State Government to furnish a list of recognized voluntary organisations running as fit institutions.*
 - (8) In the event of placement of a *juvenile* in care of a fit institution, the Board shall keep in mind that the fit institution/special home is located nearest to the place of residence of the juvenile's parent/guardian.
 - (9) The Board, where it releases a *juvenile* on probation and places under the care of parent/guardian/fit person or where the juvenile is released on probation and placed under the care of fit institution, may order that the juvenile be placed under the supervision of a probation officer *up to a period of* three years.
 - (10) Where it appears to the Board that the *juvenile* has not complied with probation condition, it may order the juvenile to be sent for detention in a special home.
 - (11) *However, where a juvenile who has attained the age of sixteen years and the offence committed by him is of such a serious nature that in the satisfaction of the Board it is neither in the interest of the juvenile himself nor in the interest of other Juvenile's of the special home, the Board may order the juvenile to be kept in a place of safety and in a manner considered most appropriate by the Board.*
 - (12) The State Government shall make arrangement for complying with the detention of special category of *juveniles* in place of safety other than the special home.
 - (13) In no case the period of detention shall exceed beyond the maximum period provided by Section 15 (1) (g) of the Act.

10. Release:

- (1) *The Superintendent of Home shall maintain a roster of the cases of juveniles to be released on the expiry of the period of stay as ordered by the Board.*
- (2) Each case shall be placed before the Management Committee by the concerned case worker for proper mainstreaming *and with regard to cases in which the juvenile is kept for the maximum period, action may be initiated six months before they attain the age of eighteen years.*
- (3) The release shall be as per the pre-release plan prepared under the individual care plan and reviewed by the management committee from time to time. *A timely information of the release of a juvenile and of the exact date of release shall be given to the parent or guardian and the parent or the guardian shall be invited to come to the institution to take charge of the juvenile on that date.*
- (4) The timely information of the release of a juvenile and of the exact date of release shall be given to the parent or guardian and the parent or guardian shall be invited to come to the institution to take charge of the juvenile on that date.
- (5) If necessary, the actual expenses of the parent's or guardian's journey both ways and of the juvenile's journey from the institution shall be paid to the parent or guardian by the *Superintendent of Home* at the time of the release of the juvenile.
- (6) If the parent or guardian, as the case may be, fails to come and take charge of the juvenile on the appointed date, the juvenile shall be taken by the escort of the institution *to the place of residence of the child* and in case of a girl, she shall be escorted by a female escort.
- (7) At the time of release or discharge, a juvenile *may be* provided with a set of summer or winter clothing, *if the Superintendent of Home deems it necessary.*
- (8) If the juvenile has no parent or guardian, he may be sent to an aftercare organization, or in the event of his employment, to the person who has undertaken to employ the juvenile

- (9) *The Superintendent of Girls Institution* may, subject to the consent of the girl and the approval of the competent authority, help the girl with her social re-integration by way of sending a girl above the age of eighteen years to an after care programme or, helping her with some vocation or gainful employment or, helping her settle into family life according to the procedure laid down by the competent authority from time to time.
- (10) *The Superintendent of Home* shall order the discharge in FORM - VII of any juvenile, the period of whose detention has expired, and inform the competent authority within seven days of the action taken; and, if the date of release falls on a Sunday or a public holiday, the juvenile may be *released* on the preceding day with an entry to that effect being made in the register of discharge.
- (11) *The Superintendent of Home* shall, in appropriate cases, order the payment of subsistence money, at such rates as may be fixed from time to time *and* the railway or road, or both, fares, as the case may be.
- (12) In deserving cases, the *Superintendent of Home* may provide the juvenile with such small tools, as may be necessary, to start a work or business subject to such maximum cost as may be fixed by the institution. This shall also form part of the post-release plan.
- (13) Where a girl juvenile has no place to go after release and requests for stay in the institution after the period of *their* stay is over, the *Superintendent of Home* may, subject to the approval of the competent authority, allow *their* stay till the time some other suitable arrangements are made.

11. Discharge:

Any person seeking discharge or release of a Juvenile / Child under section 56 or section 59 (1) of the Act as the case may be, may make an application to the competent authority who shall send the copies of the application to the concerned probation officer where the applicant is residing and to the Home Committee of the institution where the juvenile/ Child is staying and call for their reports. An application, seeking discharge can also be made to the Home Committee, where the juvenile / Child is residing. Where the Home Committee, on due enquiry, finds that the Juvenile / Child may be discharged, a report shall be sent to the competent authority for appropriate orders. The Home Committee shall make the enquiry by it self or through any other qualified agency and submit its report to the competent authority expeditiously.

2. *The competent authority shall pass orders on the application with in one month of receiving the reports. If no such order is passed with in the period of one month it shall be deemed that the competent authority has no objection to the recommendations made in the report of the Home committee and the juvenile / Child shall be discharged as per the report of the Home Committee.*

12. Procedure in respect of Sections 21, 22, 23, 24, 25 and 26 of the Act:

(1) In the event of violation of provisions laid down under Section 21 of the Act:

- (a) The Board shall take cognizance of such violation by print or electronic media and shall *initiate* necessary inquiry and pass appropriate orders as per provisions contained in Section 21 (2) of the Act.
- (b) Where the National/State Commission for protection of Child Rights takes *suo moto* cognizance of violation under Section 21 of the Act, it shall inform the District/State Child Protection Unit of the concerned district/state directing them to initiate necessary action through the Board.

(2) In the event of an escape of a juvenile/ Child, the following action shall be taken within twenty-four hours:

- (a) *The Superintendent of Home* of any institution shall immediately send a report to the area Police Station/Special Juvenile Police Unit along with the details and description of the juvenile/ Child, with identification marks and a photograph, with a copy to the Board/ *Committee* , District Child Protection Unit and other authorities concerned;
 - (b) *The Superintendent of Home* other than shelter homes or drop-in-centres shall send the guards/concerned staff in search of the juvenile/ *child*, at places like railway stations, bus stands and other places where the juvenile/ child is likely to go;
 - (c) The parents or guardians shall be informed immediately about such escape;
 - (d) *The Superintendent of Home* other than a shelter home or drop-in- centre shall hold an inquiry about such escape and send his report to the Board/Committee and the authorities concerned. The report shall also be placed before the management committee in the next meeting for review.
- (3) The offences against a juvenile or a Child specified in sections 23, 24, 25 and 26 shall be either bailable or non-bailable besides being cognizable under the provisions of the Code of Criminal Procedure Act, 1973 (2 of 1974) and the procedures shall apply on the Police, the Board and the concerned authorities and functionaries accordingly.

CHAPTER IV

CHILD IN NEED OF CARE AND PROTECTION

13. Preliminary:

There shall be a Child Welfare Committee in every district, which shall be constituted by the State Government through a notification in the official gazette as per Section 29(1) of the Act.

14. CHILD WELFARE COMMITTEE:

The State Government shall set up by notification in such manner as shall be prescribed in official gazette Child Welfare Committees under section 29 of the Act in every district with requisite infrastructure, personnel, and finances for smooth running.

Applications for the appointment of Chairperson and members shall be invited by the District Level Society and the State Level Society will be screening and prepare a panel for the Committee.

(1) Composition of the Committee:

- (a) The Committee shall consist of a Chairperson and atleast four other members , of whom at least one shall be a woman and shall be an eligible official who is member of the District Level Society.
- (b) The Chairperson and members of the Committee shall be appointed on the recommendation of a Selection Committee set up by the State Government, for the purpose under Rule 86.
- (c) The Selection Committee, while selecting the Chairperson and members of the Committee, shall as far as possible ensure that none of them are from any adoption agency.
- (d) The State Government shall provide for such training and orientation in child psychology, child welfare, child rights, national and international standards for juvenile justice to all members of the committee as it considers necessary.

(2) Tenure of the Committee-

- (a) The Committee shall have a tenure of three years and the tenure of Chairperson/ Members shall be co-terminus with the tenure of the Committee.
- (b) *With a view to ensuring continuity on completion of the tenure of a Committee, the State Government shall constitute a new Committee before the expiry of the term of the existing Committee; where after the existing Committee shall handover all records and information to the newly formed Committee.*
- (c) The Chairperson and Members of the Committee shall be eligible for appointment for a maximum of two consecutive terms.
- (d) Extension of the tenure of members of the Committee shall be on the basis of their performance appraisal by the District Level society or the State Level Society and on the recommendation of the Selection Committee.
- (e) The Chairperson and *the* Members may resign at any time by giving one month's notice in writing or may be removed from office as provided in sub-section(4) of section 29 of the Act
- (f) Any casual vacancy in the Committee may be filled by appointment of another person from the panel of names prepared by the Selection Committee, and shall hold office for the remaining term of the Committee.

(3) Qualifications for Chairperson and Members of the Committee-

- (a) A person to be selected as a Chairperson/Member of the Committee shall have either of the following qualifications, in addition to a minimum of seven years experience in

the area of social work relating to children;

- (i) a person with graduate degree in social work, psychology, Child development, education, sociology, law, criminology etc., and, where such a person is not available, a person with at least a graduate degree in any of the social science disciplines;
 - (ii) a teacher, doctor or a social worker who has been involved in social work concerning Children in addition to their professional pursuits.
- (b) The Chairperson or Member of the Committee shall be a person not less than 35 years.

(4) Conditions for Selection as a Chairperson or Member of the Committee-

- (i) The person should not have a previous conviction record;
- (ii) Should not have been involved in any immoral act or in an act of child abuse or employment of child labour;
- (iii) Should not be holding such full-time occupation that may not allow him/her to give necessary time and attention to the work of the Committee as per the Act and Rules.
- (iv) *If it is brought to the knowledge of the Selection Committee that the qualification and experience of a member of the Committee so appointed does not confirm to the qualification and experience prescribed in the Act and the Rules, the Selection Committee shall after due inquiry and on establishment of such fact, declare the appointment of such member null and void and recommend the name of the next person from the list of names prepared for filling vacancies under Rule 86.*

(5) Conditions for Disqualification as a Chairperson or Member of the Committee-

- (a) *Failure to attend the proceedings of the Committee for three consecutive meetings without any intimation or valid reason;*
- (b) *Failure to attend a minimum of one-fourth of the sittings of the Committee in a quarter;*

(6) Allowances -

The Chairperson and Members of the Committee shall be paid such travel and sitting allowance subject to a minimum of Rs.500/- per sitting or as the State Level Society may decide from time to time taking into consideration the budget availability and parity with other similar bodies.

(7) Sitting of the Committee

- (a) The Committee shall hold its sittings in the premises of the Children's home or, at a place in proximity to the Children's home or, at a suitable premise *like pranganam/ Collectorates* or in any institution run under the Act.
- (b) On receiving information about child or children in need of care and protection, if circumstances are such that the child or children cannot be produced before the committee, the committee may move out to reach the child or children and hold its sitting at a place that is convenient for such child or children.
- (c) The premises where the Committee holds its sittings shall be Child-friendly and shall not look like a court room in any manner whatsoever; for example, the Committee shall not sit on a raised platform and the sitting arrangement shall be uniform, there shall be no witness boxes etc.
- (d) The Committee shall meet on pre-notified days which shall be a minimum of twice a week, which may be extended depending on pendency of work.
- (e) A minimum of three-fourth attendance of the Chairperson and Members of the Committee is necessary in a year.
- (f) The duration of a sitting is dependent on the pendency of work before the Committee.

(g) The Infrastructure consists of a Committee Room, waiting room for children a room for Chairperson and Members, a record room, room for Probation Officers, waiting room for parents and visitors, safe drinking water facility and toilets.

(i) The State Government shall provide necessary infrastructure and human resource support for every Committee, including welfare officer, computer operator etc.

15. Functions and Powers of the Committee;

The Committee shall perform the following functions to achieve the objectives of the Act, namely:-

- (a) (i) Take cognizance of and receive Children produced before the Committee;
(ii) *The Committee shall satisfy in self that the Child has not been subjected to any ill treatment by the police or by any other period and taken corrective steps in case of such ill treatment.*
- (b) Decide on the matters brought before the Committee;
- (c) Reach out to such Children in need of care and protection who are not in a position to be produced before the Committee, being in difficult circumstances, with support from the District Child Protection Unit / State Child Protection Unit / *concerned State Government authority*;
- (d) Conduct necessary inquiry on all issues relating to and affecting the safety and well being of the child
- (e) Direct the Child Welfare Officers/Probation Officers/NGOs to conduct social enquiry and submit a report to the Committee *in Form- III*
- (f) Ensure necessary care and protection, including immediate shelter;
- (g) Ensure appropriate rehabilitation and restoration, including passing necessary directions to parents/guardians/ fit persons/ fit institutions in this regard, in addition to follow-up and coordination with DCPU (*District Child Protection Unit /State Adoption Resource Agency and other agencies*);
- (h) Direct the Superintendent of Children's homes/ Fit Institution and other recognized institutions under Juvenile Justice Act to receive Children requiring shelter and care;
- (i) Document and maintain detailed case record as may be prescribed by the Government along with a case summary of every case dealt by the Committee;
- (j) Provide a Child-friendly environment for Children;
- (k) Recommend 'fit institutions' to the state government authority for the care and protection of Children;
- (l) Declare 'fit persons' / *place of safety*;
- (m) Declare a Child *as abandoned and* legally free for adoption;
- (n) Information about and monitor follow-up action in respect of missing Children in their jurisdiction
- (o) Maintain liaison with the Board in respect of cases needing care and protection *action*;
- (p) Visit each institution where children are sent for care and protection/adoption at least once in three months, *with support of the concerned State Government authority*;
- (q) Monitor associations and agencies within their jurisdiction that deal with Children in order to check on the exploitation and abuse of Children;
- (r) Coordinate with the Police, Labour Department and other agencies involved in the care and protection of Children with the support of district child protection unit/ of the District Level Society state child protection unit/ *concerned state government authority*;
- (s) Liaison and network with the corporate sector and NGOs for any of the above, including for social enquiry, restoration and rehabilitation etc., as and when required.
- (t) Maintain a suggestion box to encourage inputs from Children and adults alike and take necessary action;
- (u) *Linkages with authorized Foster Care and Transit Homes*

16. Procedure etc. in relation to Committee-

- (1) The quorum for the meeting shall be three members attending, which may include the Chairperson.
- (2) Any decision taken by an individual member, when the Committee is not sitting, shall require ratification by the Committee in its next sitting.
- (3) The Committee shall take into consideration the age, developmental stage, physical and mental health, opinion of the Child and the recommendation of the caseworker, prior to disposal of cases.
- (4) For final disposal of a case, the order of the Committee shall be signed by at least two members, including the Chairperson.
- (5) *The concerned institution shall inform the Chairperson or a member of the Committee about such child and produce the child before the Committee within twenty four hours and in such cases, it may not be necessary for the person who brings a child in need of care and protection to an institution to be present at the time of production of the child before the Committee.*

17. Production of a Child before the Committee –

- (1) A child in need of care and protection shall be produced before the Committee within twenty-four hours, excluding journey time, by one of the following persons-
 - (a) any police officer or Special Juvenile Police Unit or a designated police officer;
 - (b) any public servant;
 - (c) Childline, a registered voluntary organization or by such other voluntary organization or an agency as may be recognized by the State Government;
 - (d) social worker;
 - (e) any public spirited citizen; or
 - (f) by the Child himself.
- (2) (a) *A Child above two years of age shall be produced before the Committee within twenty-four hours, excluding the journey time, unless the Child is medically unfit. In that case, the person or the organization shall send a written report along with the photograph of the Child to the Committee within twenty-four hours and produce the Child before the Committee as soon as the Child is medically fit.*
 - (b) If circumstances are such that the child or children cannot be produced before the committee, the committee may move out to reach the child or children and hold its sitting at a place that is convenient for such child or children.
- (3) The Committee can suo moto take cognizance of cases brought to their notice and reach out to a Child in need of care and protection where necessary. The District Child Protection Unit/ State Child Protection Unit/*concerned* State Government *authority* shall provide necessary support and assistance to the Committee for carrying out such functions.
- (4) In case the committee is not sitting, the child may be produced before a single member of the committee as per the provisions laid down under the sub-section (2) of Section 30 of the act for being placed in safe custody of parent or guardian or fit person or fit institutions, as the case may be till such time that the child can be produced before the committee.
- (5) In case a single member is also not accessible, or that the hours are odd, anyone authorized under section 17(1) child shall be taken by a non-governmental organization or / Childline/ Police to an appropriate institution for Children covered under the Act with all the necessary documents and placed in such institution till the time of production of the child before the Committee.
- (6) The concerned institution shall produce the intimate about admission of the child to the Committee and to the nearest police stations and such other bodies/ offices as notified by State Government within twenty four hours. In such cases, it may not be necessary or the person who brings a child in need of care and protection to an

- institution to be present at the time of production of the Child before the Committee.
- (7) (a) Whoever produces a child before the committee shall submit a report on the circumstances under which the child came to their notice and reports made by them to inform the police and the missing persons squad and other offices/ bodies authorized by State Government
 - (b) In cases where a recognized voluntary organization or any police personnel produce a child before the committee, they shall also submit a report on the efforts made by them for tracing the family of the child.
 - (8) Any General Medical or gynecological examination of Children shall not be a prerequisite for production of the Child before the Committee or admission in an institution.
 - (9) The Committee shall facilitate the filing of a police complaint and FIR in cases of missing Children as well as matters of violence, exploitation and abuse of Children and arrange for required legal aid through state legal service authorities or District Legal Services authority.
 - (10) Each Committee shall send quarterly information about Children in need of care and protection received by them to the District/State Child Protection Unit/*concerned* State Government *authority* or as may be prescribed by the State Level Society or District Level Society.
 - (11) Children shall be provided a Child-friendly environment during the proceedings of the Committee.
 - (12) The Committee shall have an empanelled list of lawyers and social workers who may assist the Committee in dealing with cases of abused Children and who may also interface with the Public Prosecutor/Assistant Public Prosecutor to facilitate legal services to the abused Children, when the cases relating to such Children are taken up in regular criminal courts.
 - (13) Every possible effort shall be made by Police and other bodies/offices authorized by State Government to trace the family with support from the DCPU, and assistance of recognized voluntary organizations, or Child line
 - (14) The Committee shall send the Child to the designated place of safety, with age and gender appropriate facilities, pending inquiry. In such eventuality, the DCPU/State Child Protection Unit/*concerned* State Government *authority* shall provide transport or make necessary budgetary allocations for such expenses based on the actual fare.
 - (15) The Child may be escorted by the police officer or representative of the voluntary organization or by any other arrangement as considered appropriate by the Committee with support from the DCPU. In case of a girl Child, a female escort shall accompany the Child.
 - (16) A list of all recognized Child care institutions along with their capacity and appropriate facilities as prescribed under section 34 of the Act, a list of all Child related resource services and a list of contact details of all Child Welfare Committees across the country shall be made available on their respective web site providing access to the Committee / the District Society i.e., District Child Protection Unit/*concerned* State Government authority.
 - (17) The Committee may, while making an order in Form- VIII placing a Child under the care of a parent, guardian or fit person, as the case may be, direct such parent, guardian or fit person to enter into a bond in Form- IX.
 - (18) Whenever the Committee orders a Child to be kept in an institution, it shall forward to the *Superintendent of Home* of such institution a copy of its order, in Form-X with particulars of the home and parents or guardian and previous record.
 - (19) Whenever the committee orders a child to be kept in a fit institution as part of restoration under clause (f) of sub section (3) of section 39 of the act, it shall forward a copy of its order of restoration in Form- XI to the *Superintendent of the Home* of such institution and SJPU concerned.

(20) The Child shall be *lodged* in an institution closest to the *place*, where his/her parents/guardians belong as far as possible unless the child has been subjected to abuse or exploitation by parents or guardians.

18. Procedure for inquiry-

- (1) When a Child is brought before the Committee, the Committee shall assign the case to a social worker or Case Worker through Superintendent of Home or District Probation Officer or any other designated Women & Child Welfare officer of the Department as the case may be, of the institution or any recognized agency for conducting the inquiry through an order in Form- XII.
- (2) The Committee shall direct the concerned person or organization about the details or particulars to be enquired into, for developing and implementing an individual care plan and suitable rehabilitation as per guidelines prescribed by the Government.
- (3) All inquiries conducted by a social worker or case worker through Superintendent or District Probation Officer/ Child welfare officer/ any recognized agency shall assess the family situation of the Child in detail and explain in writing whether it would be in the best interest of the Child to restore him/her to his/her family in Form -XIII.
- (4) The inquiry must be completed within four months *unless special circumstances do not permit to do so in the interest of the Child*, and for which the reason shall be recorded in writing by the Committee.
- (5) After completion of the inquiry, if, the Child is under orders to continue in the Children's home, the Committee shall direct the Superintendent of Home/ incharge of Fit Institutions/ registered institutions to submit quarterly progress report of such Child and produce the Child before the Committee for an annual review of the progress *and also continue the efforts to trace the parent / guardian of the Child where required.*
- (6) If the parent/ guardian of the child is traced after due inquiry and Home investigation of the child's environment and if the child is willing to be restored the child may be restored to the parent/guardian as per the orders of the Child Welfare Committee.

19) *The Child Welfare Committee shall maintain updated data base of fit persons and places of safety. There shall be regular interaction between Special Juvenile Police Unit, Child Welfare officer and Child Welfare Committee/ Juvenile Justice Board. Similarly the Child Welfare Committee and Juvenile Justice Board shall regularly interact with each other to share experiences and monitor the welfare of the children and other issues of mutual interest for furthering the interest of the children in their respective jurisdictions.*

CHAPTER – V
INSTITUTIONS UNDER THE ACT

20) Observation Home :

The State Government or the voluntary organisation certified by that State Government shall set up separate observation homes and special homes for boys and girls. Juveniles undergoing trial are sent to Observation Homes.

- 1) *The objectives of the Observation Home are:
 - a) *To provide safe and secure place during the stay of the child.*
 - b) *To provide counseling to the Juvenile and for behavioral change and other assessment such as mental status examination, case analysis and after care plan*
 - c) *To provide family counseling for effective reintegration*
 - d) *To provide and facilitate useful skills including education and vocational training.*
 - e) *To create linkages for Legal Aid*
 - f) *To provide for continuing education, vocational training and possible rehabilitation by networking with other Agencies, Fit Institutions, Fit Persons, the community etc.,*
 - g) *To create systems for monitoring and evaluation of child's life in after care services.**

- 2) *The Juvenile shall initially be accommodated in a reception unit and later segregated as per age, as required under section 8 (4) and separated from old acquaintances and avoidable influences.*

- 3) *In respect of newly admitted Juveniles, the name and address of the parent/ guardian of the Child shall be ascertained and they shall immediately be informed of the detention of the Child.*

- 4). *A schedule of orientation for the newly admitted Juveniles shall be followed for:
 - a) *Counseling the Juvenile and parent/guardian.*
 - b) *Self-improvement opportunities, short-term vocational training, academic education, a library and other recreational facilities.*
 - c) *Institutional discipline, standards of behaviour, respect for elders, teachers etc.*
 - d) *Health, Sanitation and Hygiene.*
 - e) *Legal Aid**

- 5) *A case history of the Juvenile admitted to an institution shall be maintained continuously which may give information collected through available sources, including home, parents or guardians, employer, school, friends and community. The education level vocational aptitude of the Juvenile may also be assessed. The appropriate linkages may also be established with outside specialists and community based welfare agencies, psychologist, psychiatrist, Juvenile guidance clinic and local doctors, open school, jan Shikshana etc. A care and rehabilitation plan for each Juvenile shall be drawn by the Case Worker and placed before the Home Committee.*

- 6) *All residents in the Observation Home shall be involved in the effective day to day running of the Home through appropriate duty allocation.*

- 7) *The Superintendent shall supervise, advise and ensure control over the above issues and record the same in the daily journal.*

21) **Special Home :**

The State Government or the voluntary organisation certified by the State Government shall set up separate special homes for boys and girls. Juveniles are sent to Special Homes for rehabilitation.

1. *The objectives of the Special Home are:*
 - a) *To provide safe and secure place during the stay of the child.*
 - b) *To provide intensive psycho-social counseling to the Juvenile for behavioral change and make assessment such as mental status examination, case analysis and after care plan*
 - c) *To provide family counseling for effective reintegration*
 - d) *To provide and facilitate useful and viable vocational skills and education.*
 - e) *To provide facilities for overall development of a child including recreation, crafts, music and other talents etc*
 - f) *To link up with referral support system for continuing education, vocational training and other services for rehabilitation*
 - g) *To create systems for monitoring and evaluation of child's life in after care services.*
- 2) *Each special home shall be a comprehensive Juvenile– care center. The center should promote an integrated approach to Juvenile – care by involving the community and local NGO's etc. The activities of the center should include establishing linkages with organizations and individuals who can provide support services to Juveniles. These centers should encourage volunteers to provide for various services for Juveniles and their families.*

22) **Children Home:**

- (1) *The State Government or the voluntary organisation recognised by the State Government shall set up separate children homes for boys and girls. Children in need of care and protection are sent to Children Homes during pendency of inquiry and subsequently for their rehabilitation in the manner specified below.*
 - (a) *All Children homes shall be registered as Child care institutions under Section 34 (3) of the Act (as amended in 2006) and Rule 73 of these **rules**.*
 - (b) *All Children homes shall be certified as per the procedure laid down in Rule 72.*
 - (c) *All Children homes shall report to the concerned Committee about every Child in need of care and protection received by them.*
 - (d) *Children of both sexes below ten years may be kept in the same home but separate facilities shall be maintained for boys and girls below the age of 10 years;*
 - (e) *Separate Children homes shall be set up for boys and girls in the age group 10 to 18 years.*
 - (f) *Children in the age group of 10 to 18 years shall be further segregated into two groups of 10 to 15 years and 15 to 18 years.*
 - (g) *A child specific strategy shall be adopted by every institution such that taking into consideration the aptitude / interest and potential or requirements of the child, he or she shall be mainstreamed in residential school/ specialist institution.*
- (2) *Each Children home shall be a comprehensive Child care center with the primary objective to promote an integrated approach to Child care by involving the community and local Non-Governmental Organisations (NGOs) through the Home committee. The District Child Protection Unit/ State Child Protection Units of the Societies concerned shall make a periodical performance review of functioning of the Children homes, which shall not be less than once in 3 months and 6 months respectively.*

- (3) The activities of such centre shall focus on:
- (a) Preparing and following individual care plans for every Child, specifically addressing the Child's physical and mental health, emotional needs, education, skill development, protection and special needs if any;
 - (b) Family based non-institutional services, such as, foster family care, adoption and sponsorship;
 - (c) Specialized services *in* conflict or disaster affected areas to prevent neglect by providing family counseling, sponsorship, *play groups; etc.*
 - (d) Emergency outreach service through Childline (1098);
 - (e) Linkages with Integrated Child Development Services (ICDS) to cater to the needs of Children below six years;
 - (f) Linkages with organizations and individuals who can provide support services to Children; and
 - (g) Opportunities to volunteers willing to provide various services for Children.

(4) The shelter homes or drop-in-centres shall have the minimum facilities of boarding and lodging, besides the provision for fulfillment of basic needs in terms of clothing, food, health care and nutrition, safe drinking water and sanitation.

23) Shelter Home-

- (1) For *Juveniles/ Children* in urgent need of care and protection, such as *destitutes*, street Children and run-away Children, the State Government shall support creation of requisite number of shelter homes or drop-in- centres through the voluntary organizations.
- (2) Shelter homes *or drop-in-centres* shall include:
 - (a) Short-stay homes for *Juveniles / Children* needing temporary shelter, care and protection for a maximum period of one year
 - (b) Transitional homes providing immediate care and protection to *a Juvenile / Child* for a maximum period of four months
 - (c) 24 hours drop-in-centres for *Juveniles / Children* needing day care/ night shelter facility.
- (3) The shelter homes or drop-in-centres shall have the minimum facilities of boarding and lodging, besides the provision for fulfillment of basic needs in terms of clothing, food, health care and nutrition, safe drinking water and sanitation.
- (4) There shall be separate shelter homes for girls and boys as per Rule 30 (d) of these **rules**.
- (5) All shelter homes shall *have the* requisite facilities for education, vocational training, counseling and recreation or make arrangements for it in collaboration with Government departments/ agencies voluntary organization or corporate sector etc.
- (6) The Committee, Special Juvenile Police Units, public servants, Childlines, voluntary organizations, social workers and the *Juveniles / Children* themselves may refer a *Juvenile / Child* to such shelter homes.
- (7) All shelter homes shall submit a report of *Juveniles / Children* using the shelter home facility along with a photograph of the *Juvenile / Child* to the *Board/ Committee*, the Child Welfare officer of the Police station concerned missing persons bureau/special juvenile police unit and the District *Juvenile / Child* Protection Unit/State Child Protection Unit of societies concerned.
- (8) The requirements of producing a *Juvenile / Child* received by a shelter home before the Committee, inquiry and disposal under sections 32, 33, 38 and 39 of the Act shall apply only to shelter homes other than drop-in-centres as specified in rule 23 (2) (c).
- (9) The services of *Superintendent of Home*, Child welfare officer, social worker shall be provided for the proper care, protection, development, rehabilitation and reintegration needs of *Juveniles / Children* in shelter homes.

(10) No *Juvenile / Child* shall ordinarily stay in the *Government funded* short stay home for more than a year except in special circumstances.

24. After Care Organisation-

- 1) State Government shall set up an after care programme for care of juveniles or Children after they leave Special homes / Children's homes with the objective to facilitate their transition from an institution-based life to mainstream society for social re-integration.
- 2) After care programmes shall be made available for 18-21 year old persons, who have no place to go to or are unable to support themselves, by the District/State Child protection Units in collaboration with voluntary organizations for the purpose of Section 44 of the Act.
- 3) Once the Board or the Committee passes an order in FORM- XIX for placing a juvenile or a child completing 18 years of age under the after care programme, a copy of such order shall be sent to the District and the State Child Protection Unit and the State Government, who shall be responsible for arranging after care.
- 4) The Board/Committee shall have jurisdiction over persons placed in after care programme.
- 5) The objective of these organisations shall be to enable such *Juveniles /Children* to adapt to the society and during their stay in these transitional homes these *Juveniles / Children* will be encouraged to move away from an institution-based life to a normal one.
- 6) The key components of the programme shall include:
 - a) Community group housing on a temporary basis for groups of young persons aged 18-21 years ,
 - b) Encouragement to learn a vocation or gain employment and contribute towards the rent as well as the running of the home.
 - c) Encouragement to gradually sustain themselves without state support and move out of the group home to stay in a place of their own after saving sufficient amount through their earnings under “ Earn while you learn scheme” which shall be introduced in all After Care organizations.
 - d) Provision for a peer counsellor to stay in regular contact with these groups to discuss their rehabilitation plans and provide creative outlets for their energy and to tide over crisis periods in their life.
- 7) During the course of vocational training a stipend may be provided till such time that the youth gets employment.
- 8) Loans may be arranged for the youth in an after care programme aspiring to set up entrepreneurial activities on the basis of an application made by them and due verification of the need for such a loan.
- 9) Structure shall include 6 to 8 youths in each group home who may opt to stay together on their own and one peer counsellor for a cluster of five group homes.

25. Linkages and co-ordination

- 1) State Governments shall circulate a copy of the Act and these **rules** to establish effective linkages between various government, non-government, corporate and other community agencies for facilitating the rehabilitation and social reintegration of juveniles/Children through the Board/Committee as the case may be.
- 2) State Government with the help of State/District Child Protection Unit shall identify the roles and responsibilities of each department at

state/district levels for effective implementation of the Act and the **rules** and inform them through a notification.

- 3) State Government with the help of State/District Child Protection Unit shall arrange for appropriate training and sensitization of functionaries of these departments from time to time in coordination with National Institute of Public Cooperation and Child Development and its Regional Centres or institutions as identified by Government.
- 4) State Government with the help of State/District Child Protection Unit shall develop effective networking and linkages with local NGOs for specialized services and technical assistance like vocational training, education, health care, nutrition, mental health intervention, drug de-addiction and legal aid services.

CHAPTER VI

CO-MANAGEMENT

26. Co-Management

(1) All the state run institutions under the Act shall be jointly managed by the Government and Non Government Organisations, as expeditiously as possible by constituting societies at Institutions level on a care to basis . The NGOs with a good track record of working with children and having experienced staff shall be involved in all aspects of managing the institution along with the Government to achieve the objects of the Act and in particular as provided in sections 34,40 & 45.

Empower the state level society

(2) Co-management shall be implemented through the Home Committee, Working Committee and Executive Committee. The Home Committee shall be responsible for managing the institution in all aspects. The Home Committee is a representative body of the officials of the Department and the NGOs. The objective of establishment of the Home Committee is to ensure optimum care and protection of children through co-operative efforts, all round development of the personality of the children and realization of their rights and transparency and accountability of the institution.

(3) The Home Committee will be constituted appropriate to include selectively identified Non Government Organizations, Government official concerned etc.

(4) Functions and role of Home committees:-
The Home committee shall:-

- (a) prepare the micro plans for the institution including projection and utilization of required budgets for administering the Home and implementing requisite programmes for all round development of the children;
- (b) Work on the standardization of the education system including vocational training, in the Home, to provide quality education;
- (c) Provide for retraining of present teachers/ instructors, deputation of new teachers, Instructors, from other Departments or engage suitable instructors from other sources on contract basis where required, procurement of study material and raw material;
- (d) Introduce bridge schools for older children who had little or no formal education
- (e) Impart life skills education in terms of leadership and personality development as an integral part of the child's education and re-integration.
- (f) Impart livelihoods training for children with a focus on productivity to motivate the child to learn new skills and to attend certification programmes;
- (g) Provide counseling with trained and competent counselors, who are qualified in social work, psychology, sociology or Home science.
- (h) Take care of the children day and night.
- (i) Mainstream regular schools/ Educational Institutions wherever required.

(5) The criterion for selection of NGOs, who will be part of the Home committee shall be as per the following guidelines:

1. Registered, with a track record and having not less than 3 years field experience of social work with children in difficult circumstances
2. Shall have necessarily worked on education and other child related issues
3. Should have credible financial management and capacity for financial resources management
4. Should have been networking and collaborative with Government and Non Government bodies for programmes and activities
5. Should have a strong team of trained personnel working in the organization
6. Shall be willing to commit time, energy and resource (human, finances) for the implementation of the programme.

(6) The District Level working Committee shall be constituted appropriately consisting of the following.

<u>Sl.No</u>	<u>Name and Address</u>	<u>Designation</u>
<u>1</u>	<u>Commissioner/Director, Juvenile Welfare, Correctional Services & Welfare of Street Children.</u>	<u>Chairperson</u>
<u>2</u>	<u>Joint Director of Correctional services O/o the Commissioner JWCS & WSC</u>	<u>Convenor</u>
<u>3</u>	<u>NGO participants in the Co-management</u>	<u>Members</u>
<u>4</u>	<u>Commissioner of Education/ his representative</u>	<u>Member</u>
<u>5</u>	<u>Deputy Director of Correctional services O/o the Commissioner JWCS & WSC</u>	<u>Member</u>
<u>6</u>	<u>UNICEF, Programme officer</u>	<u>Member</u>
<u>7</u>	<u>Commissioner of Social Welfare or his representative</u>	<u>Member</u>
<u>8</u>	<u>Superintendents of Homes</u>	<u>Members</u>
<u>9</u>	<u>Any other persons nominated by the Director, JWCS & WSC</u>	<u>Special invitees</u>

(7) The working committee will meet quarterly, by rotation, in different regions. The Superintendents concerned and NGOs of the district shall attend the quarterly meeting as Members.

(8) The Working committee shall :

- (a) Implement in the Homes, the programmes approved by the Executive Committee.
- (b) Review the functioning of the Homes at least once in every three months and more often as required.
- (c) Submit half yearly review report to the Executive committee and make suggestions regarding more effective implementation of programmes.
- (d) Monitor and direct the functionaries in the Homes through the respective Home Committee.

- (e) Review and direct the functioning of the Home Committee and issue appropriate guidelines for the effective Co-management of the Homes.
- (f) Implement such decisions as are entrusted to it by the Executive Committee for mobilization of resources, initiation of collaboration etc.
- (g) Help Executive Committee draw up the Budget Estimates and Annual General Report of the functionaries of the Homes.
- (h) Ensure that the aims and objectives of the Juvenile Welfare Programme is achieved through proper implementation, monitoring and review of programmes and personnel.

(9) The Executive Committee shall consists of :

SlNo	Name	Designation
1	Principal Secretary, Women Development, Child Welfare and Disabled Welfare Department	Chair person
2	Commissioner/ Director, Juvenile Welfare, Correctional Services & Welfare of Street Children.	Convenor
3.	Commissioner of Education	Member
4	NGO participants in the Co-management (Three per region, on rotation basis, to be nominated by the chairperson)	Members
5	The <u>three</u> principal magistrates of the Board and the <u>2</u> chairpersons of the Child Welfare Committee for a term of 2 years on rotation	Members
6.	UNICEF, Programme officer	Member
7.	Managing Director, AP <u>women</u> Co-operative Finance corporation	Member
8.	<u>Any two Superintendents of the institutions in rotation for 2 years</u>	Members
9.	<u>Director, Women Development & Child Welfare</u>	<u>Member</u>
10.	<u>Director, Disabled Welfare</u>	<u>Member</u>
11.	<u>Commissioner, Employment & Training</u>	<u>Member</u>
12.	<u>SPD, Rajiv Vidya Mission</u>	<u>Member</u>
13.	CEO, Rajiv UdyogaSri	Special Invitee
14.	Person in-charge, Jana Sikshan Sansthan	Special Invitee

(10) (1) The Executive committee shall ;

- (a) Be responsible for the implementation and monitoring of the child welfare programme. It shall function according to the policies and guidelines of the Government and the State Advisory Board.
- (b) Take such measures as may be necessary for realizing the goals and objectives of the Child Welfare Programme.
- (c) Receive and review periodic reports from the working committee regarding implementation and impact of such measures on the general working of the Homes and issue suitable directions to the working committee.
- (d) Have the responsibility to prepare the annual budget estimates and have it approved by competent authorities
- (e) Approve the expenditure covering all aspects of the programme.

- (f) Review utilization of funds, activities and implementation of programmes in the Homes.
- (g) Submit a consolidated annual report to the State Advisory Board about all its programmes and about the Co-management system.
- (h) Meet at least once in every four months and more often if necessary.

10 (2) Resource mobilization:-

Juvenile Justice Fund, National Children Fund, Fund for differently abled. All proposals for grants/ support for any institution above Rs. 1 lakh made to any National/ International or UN agency be proposed through Working Committee and approval of Executive Committee. Transparency to be maintained for all the Funds received and spent under Co-management.

11. Children's Committee- (1) Children's Committee to be constituted by the children for different age groups of 6-10 years, 11-15 years and 16-18 years.

(2) These Committees shall be encouraged to participate in following activities:-

- (a) Improvement of the condition of the institution
- (b) Reviewing the standards of care being followed
- (c) Preparing daily routine and diet scale
- (d) Developing educational, vocational and recreation plans
- (e) Supporting each other in managing crisis
- (f) Reporting abuse and exploitation by peers and caregivers
- (g) Creative expression of their views through wall papers or newsletters or painting or music or theater

(3) The Home Committees shall monitor the performance of the Children Committee and provide essential support and also to involve local voluntary organizations in their activities.

CHAPTER VII REHABILITATION AND SOCIAL REINTEGRATION

The primary aim of rehabilitation and social reintegration is to help Children restore their dignity and self-worth and mainstream them through rehabilitation within the family where possible, or otherwise through alternate care programmes. Long-term institutional care shall be the last resort.

27. Adoption:

- (1) *The primary aim of adoption is to provide a Child who cannot be cared for by his or her biological parents with a permanent substitute family. For all matters relating to adoption, the guidelines issued by CARA and notified by central government under Section 41(3) of the Act shall apply.*
- (2) *Adoption shall be resorted to for the rehabilitation of Children who are orphaned, abandoned and surrendered through such mechanisms as may be prescribed in these **rules**.*
- (3) *Every institution for children shall apply for registration to the competent authority u/s.34(3) of the Act within 3 months of its establishment.*
- (4) *The State Government through the State Adoption Resource Agency shall recognize registered voluntary organizations/fit institutions or Children's homes, Sishugreha as specialized adoption agencies for placement of Children in adoption as per CARA guidelines.*
- (5) *Only a certified specialized adoption agency shall give Children in adoption through the procedure set up by CARA guidelines and as per rule 72 of these **rules**.*
- (6) *Any child care institution, not certified as specialized adoption agency, shall not give Children in adoption and shall be subjected to cancellation of registration under Section 34(3) of the Act as well as under the Societies Registration Act or any other law under which the institution is registered.*
- (7) *The Child Welfare Committee shall take suo moto cognizance of any violation of the above provisions and shall recommend for the cancellation of registration to the State Government.*
- (8) *The criteria and procedure for recognition of Children's homes for adoption shall be as per the guidelines issued under Section 41(3) of the Act and CARA guidelines.*
- (9) *Every certified specialized adoption agency shall also be registered under Section 34 (3) of the Act.*
- (10) *Any Child eligible for adoption, residing in unrecognized homes, shall for the purpose of adoption be transferred to the nearest specialized adoption agency by an order of the Committee.*
- (11) *All such recognized agencies shall submit a monthly Child status report to the State Adoption Resource Agency and to the Child Welfare Committee.*
- (12) *Any Child Care Institution not recognized as a specialized adoption agency shall not give children in adoption and shall be subjected to cancellation of registration u/s.34(3) of the Act as well as under the Societies Registration Act or any authorized law under which the institution is registered.*
- (13). *The Child Welfare Committee or any authorized Officers of WDCW&DW/JW Department shall take suo-moto cognizance of any violations of the above provisions and shall recommend for the cancellation of registration to the State Government.*
- (14) *In case of orphaned and abandoned Children the following procedure shall be apply:*
 - (a) *whenever intimation received by the Police about an abandoned or orphaned Child, the police shall*
 - (i) *take charge of the infant or child*
 - (ii) *arrange to provide immediate medical assistance and care*

- (iii) **shall suo-moto register FIR/G.D.(General Diary) Entry**
- (iv) **and shift the child to the nearest registered child care institutions and place the particulars of the child on the authorized website.**
- (b) Specialized adoption agencies shall produce all orphaned, abandoned and surrendered children who are to be declared legally free for adoption before the Committee within twenty-four hours of receiving such Children, excluding the time taken for journey.
- (c) A Child becomes eligible for adoption when the Committee has completed its inquiry and declares the legally free for adoption.
- (d) Such declaration shall be made in Form XIV.
- (e) A Child must be produced before the Committee at the time of declaring such Child legally free for adoption
- (f) Subsequently, the Child shall be placed in a specialized adoption agency or recognized and certified Children's home / Sishugreha or in a pediatric unit of a Government hospital followed by production of the Child before the Committee within twenty-four hours.
- (g) Any recognized agency shall produce all relevant records of orphaned/abandoned Children, if required, before the Committee within 24 hours of receiving such children excluding the time taken for journey.
- (h) Procedure for declaring a Child abandoned and certifying him legally free for adoption:
- (i) In case of an abandoned child, the recognized agency shall within twenty four hours, report and produce the child before the committee with the copy of the report filed with the police station in whose jurisdiction the child was found abandoned;
- (ii) the committee will institute a process of inquiry, which shall include a thorough inquiry conducted by the Probation Officer or Child Welfare Officer, as the case may be and who shall give report in Form XIII to the committee containing the findings within one month.
- (iii) There shall be a declaration by the specialized adoption agency, stating that there has been no claimant for the child even after making notification in at least one leading national newspaper and one regional language newspaper for children below two years of age and for children above two years, an additional television or radio announcement and notification to the missing persons squad or bureau shall be made;
- (iv) the steps stated in (iii) shall be taken within a period of sixty days from the time when the child is found in case of a child below two years of age and in case of children above two years of age, this period shall be four months;
- (v) the period of notification shall run concurrently with the inquiry to be conducted and report submitted under clause (ii) of this sub-rule;
- (vi) the committee shall declare the child legally free for adoption on completion of the process of inquiry, including declaration of the specialized adoption agency made under clauses (ii) and (iii) of this sub-rule;
- (vii) No child above seven years who can understand and express his opinion shall be declared free for adoption without his consent.
- (viii) A child must be produced before the Committee at the time of declaration of such child legally free for adoption. Such declaration shall be made in the Form – XIV (enclosed).

(15) In case of surrendered Children the following procedure shall apply:

- (a) A surrendered Child is one who had been declared as such after due process of inquiry by the Committee. In order to be declared legally free for adoption, a 'surrendered' Child shall be any of the following:
 - (i) Born as a consequence of non-consensual relationship*
 - (ii) Born of an unwed mother/out of wedlock*
 - (iii) A Child where one of the biological parents is dead and the living parent is incapacitated to take care*
 - (iv) A Child where the parents/guardians are compelled to relinquish him due to physical, emotional and social factors beyond their control**
- (b) Serious efforts shall be made by the Committee for counseling the parents, explaining the consequences of adoption and exploring the possibilities of parents retaining the Child. If, the parents are unwilling to retain, then, such Child shall be kept initially in foster care or arranged for their sponsorship.*
- (c) If the surrender is inevitable, a deed of surrender in FORM XV shall be executed on a non-judicial stamp paper in the presence of the Committee.*
- (d) The adoption agencies shall wait for completion of two months reconsideration time given to the biological parent or parents after surrender.*
- (e) In case of a Child surrendered by his biological parent or parents, the document of surrender shall be executed by the parent/s before the Committee.*
- (f) After due enquiry, the Committee shall declare the surrendered Child legally free for adoption in FORM XIII as the case may be after a sixty days' reconsideration period as per CARA guidelines.*
- (g) The adoption agency shall report to the concerned Committee in writing about the application made to the court for the final adoption and shall also send a copy of the final adoption order to the Committee.*

(16) In case of filing an application for adoption order from court the following procedure shall apply:

- (a) All applications filed for adoption with the Court shall be scrutinized by an independent agency recognized for this purpose.*
- (b) The scrutiny agency shall be a Child welfare agency appointed by the High Court.*
- (c) The scrutinizing agency shall examine all available information and verify the background of the Child as well as prospective parents before making a recommendation to the Court for adoption of the Child as per CARA guidelines or guidelines notified by the Government of India in this regard.*

(15) For the purposes of section 41 of the Act and sub-rule 14 above 'Court' implies a civil court, which has jurisdiction in matters of adoption and guardianship. This could include the court of the district judge, family courts, city civil court and High Court.

(16) The Court shall process the application of adoption as per provisions laid down in Section 41(3) of the Act.

17. Adoptions were legalized under HAMA were benefited inherent rights in property and continued to be legal heirs of the adoptive family, whereas the adoptions under GAWA & JJ Act, 2006 are not provided with such rights. Therefore, it is proposed to provide all the rights on par with HAMA keeping in view the welfare of the child.

18. It is mandatory that all the adoptions (in-country / inter-country) should be legalized under HAMA/GAWA/J.J. Act in the competent Court within 30 days from the date of issuing of foster care. Failure to which no rights will be given to the child on par with

biological children. The parents have the primary responsibility to legalize the adoption of the children.

19. The concerned authority in the respective Districts such as District Collector/District Magistrate/ Municipal Corporations/ Municipalities / Panchayat Offices should issue Date of Birth Certificate of the adopted child on production of Court Order irrespective of location of the Competent Court, without insisting any further documents/certificates. The concerned authority should consider that the Judgment will become the final and binding.

20. The employees who are working in the Government / Non Government Organizations who adopt the child from the respective agency and legalize in the competent Court under HAMA/GAWA/JJ Act. The concerned authorities should record the adoption by the Prospective Adoptive Parents in their respective Service Registers to facilitate the transfer of benefits as entitled by the Government.

21. Provision should be made for providing adoption leave to the adoptive mother on par with maternity leave on par with the regular Government employees. (for enabling adjustment of the child with the mother in the initial stages particularly for infant child).

22. If the parents are not satisfied with the child who has taken for the foster care should return the child with the compensation for the care & protection of the child.

28. Foster care

1. Foster Care-

- (a) For Children who cannot be placed in adoption, foster care shall be carried out, as given in sub-section (2) of section 42 of the Act, by the competent authority under the supervision of a probation officer or case worker or social worker, as the case may be, in Form XVII and the period of foster care shall depend on the need of the Child.
- (b) Every state government shall design its own foster care programme so as to reduce institutionalization of children and enable a nurturing family environment for every child.
- (c) The state government shall consult the Child Welfare Committees, NGOs, academicians and organisations working on alternative care for children in developing the foster care programme.

2. Criteria for selection of families for foster care

- 1) In case of the children covered under rule 28 of these rules, the following criteria shall apply for selection of families for foster care, namely:-
 - i. Foster parent (s) should have stable emotional adjustment within the family;
 - ii. Foster parent (s) should have an income in which they are able to meet the needs of the Child and are not dependent on the foster care maintenance payment.
 - iii. The monthly family income shall be adequate to take care of foster children and approved by the Committee;
 - iv. Medical reports of all the members of the family residing in the premises should be obtained including checks on Human Immuno Deficiency Virus (HIV), Tuberculosis (TB) and Hepatitis B to determine that they are medically fit;

- v. *the foster parent(s) should have experience in Child caring and the capacity to provide good Child care;*
- vi. *the foster parent(s) should be physically, mentally and emotionally stable;*
- vii. *the home should have adequate space and basic facilities;*
- viii. *the foster care family should be willing to follow **rules** laid down including regular visits to pediatrician, maintenance of Child health record etc.;*
- ix. *the family should be willing to sign an agreement and to return the Child to the agency whenever called to do so;*
- x. *the foster parent(s) should be willing to attend training or orientation programmes;*
- xi. *the foster parent (s) should be willing to take the Child for regular (at least once a month in the case of infants) checkups to a pediatrician approved by the agency.*
- xii. *There shall be regular monitoring and supervision carried out by the Probation Officer or the Child Welfare Officer, as the case may be.*

- 5) *There shall be no discrimination in selection of foster-parents on the basis of caste, religion, ethnic status, disability, or health status and the best interest of the child shall be paramount in deciding foster-care placement*
- 6) *The foster parents shall be declared 'fit persons' by the Committee before placing the child as per the provisions laid down in clause (i) of section 2 of the Act after through assessment done by the Child Welfare Officer or Social worker as per FORM XVI*

3. Pre-adoption Foster Care:

In case of pre-adoption foster care, the provisions contained in sub-section(1) of section 42 and the corresponding guidelines notified under subsection (3) of section 41 of the Act, shall apply

29. Sponsorship-

- 1) *State Government shall prepare sponsorship programme in consultation with the NGOs, Child Welfare Committees, other relevant government agencies and the corporate sector.*
- 2) *State Government, with the help of District/State Child Protection Units shall identify families and Children at risk and provide necessary support services in the form of sponsorship for Child's education, health, nutrition and other developmental needs.*
- 3) *The Children's homes and special homes shall promote sponsorship programmes as laid down in section 43 of the Act.*
- 4) *The institutions receiving sponsorship, shall maintain proper and separate accounts of all the receipts and payments for the programme.*
- 5) *The Board or the Committee shall made an order in FORM XVIII to support a juvenile or child through sponsorship and send a copy to the District or State Child Protection Unit or the State Government for appropriate action.*

CHAPTER VIII

STANDARDS OF CARE FOR INSTITUTIONS

30. Physical infrastructure:

(1) The homes for juveniles in conflict with law and Children in need of care and protection shall function from separate premises. The accommodation in each institution shall be as per the following criteria:

(a) Observation Home:

- i) Separate observation homes for girls and boys
- ii) Classification and segregation of juveniles according to their age group preferably 7-11 years, 12-16 years and 16-18 years, giving due consideration to physical and mental status and degree of the offence committed.

(b) Special Home:

- i) Separate special homes for girls above the age of 10 years and boys in the age groups of 11 to 15 and 16 to 18 years
- ii) Classification and segregation of juveniles on the basis of age and nature of offences and their mental and physical status

(c) Children's Home:

- i) While Children of both sexes below 10 years can be kept in the same home, separate bathing and sleeping facilities should be maintained for boys and girls in the age group of 5-10 years
- ii) Separate Children's homes for boys and girls in the age group of 7-11 and 12- 18 years
- iii) Separate facilities for Children in the age group of 0-5 years with appropriate facilities for infants

(d) Shelter Home:

- i) Separate shelter homes for girls and boys;
- ii) Separate shelter homes for girls above the age of 10 years and boys in the age groups of 11 to 15 and 16 to 18 years;

(2) *The minimum standards of accommodation should be observed as follows:*

- | | |
|--|---|
| <i>i) Dormitory: 40 Sq. ft. per Juvenile / Child</i> | } <i>As per norms of welfare Dept.,</i> |
| <i>ii) Classroom: 300 Sq. ft for 25 Juvenile / Child</i> | |
| <i>iii) Workshop: 75 Sq. ft. per Juvenile / Child</i> | |
| <i>iv) Play ground: Sufficient play ground area shall be provided in every institution according to the total number of juveniles in institution</i> | |

(3) There shall be proper and smooth flooring for preventing accidents.

(4) There shall be adequate lighting, ventilation, heating and cooling arrangements, drinking water and toilets, in terms of gender and age appropriateness.

(5) All institutions under the Act shall make provision of first aid kit, fire extinguishers in kitchen, dormitories, store rooms etc., periodic review of electrical installations, proper storage and inspection of articles of food stuffs, stand-by arrangements for water storage and emergency lighting.

(6) Observation homes and special homes shall be child-friendly and in no way shall they look like a jail or lock-up.

31. Clothing and Bedding:

(1)The clothing and bedding of each juvenile/ child shall be as per the following scale

Boys

1) Shirts	-	4 per year
2) Shorts	-	4 per year (below 14 yrs age)
3)Pants	-	4 per year (above 14 yrs age)
4)Banyans	-	4 per year
5)School Shoes	-	1 pair per year
<i>(for Juveniles / Children attending outside schools)</i>		
6) Hawai Chappals	-	1 pair per year
7) Towels	-	4 per year
8) Cotton Bed Sheets	-	1 per year
9) Pillow (cotton stuffed)	-	1 per 2 year
10)Pillow covers	-	1 per year
11) Woolen blankets	-	1 per 2 years
12) Cotton Durry	-	1 per 2 year

Senior Girls (above 14 years)

1) Half Saries (2 ½ meter)	-	5 per year
2) Peticosats (3 meters each)	-	5 per year
3) Panties (1 meter cloth each)	-	6 per year
4) Blouses (1 ½ meters)	-	6 per year
5) Sanitary towels	-	20 per month

Junior Girls (below 14 years)

6) Skirts (2 ½ meters each)	-	5 per year
7) Blouses (1 meter each)	-	6 per year
8) Banyans (1 meter each)	-	6 per year
9) Panties	-	6 per year

Note:

- (1) Senior / Junior Girls will also be provided with items from 4 to 12 given to boys in addition to the items specifically provided for them
- (2) In addition to the clothing specified above, each Juvenile / Child shall be provided , once in three years, with a suit consisting of one white shirt, one pair of Khaki shorts and one pair of white canvas shoe for use during ceremonial occasions. In the case of girls it shall be one white half sari, one white skirt and one white blouse (for senior girls) and one white skirt and one white blouse (for junior girls) in addition to a pair of white canvas shoes
- (3) The Juveniles / Children, who are admitted to out side schools to pursue higher education, shall be provided with two shirts and two airs of shorts per academic year, of the uniform of the particular school. In addition they shall be provided with one air of chappals and one bag for carrying books per year.
- (4) The children admitted to outside schools to pursue higher education shall be provided with 2 pairs of uniform of that particular school. In addition they shall be provided with one pair of chappals/ shoes and a bag for carrying books, per year.

(2) In every hospital attached to the institution where there is a provision for in-patient cots, the following scale has to be followed:

- | | | |
|---|---|-----------------------------|
| 1) Mattress | - | One per bed per 3 years |
| 2) Cotton Bed sheets | - | Four per bed per year |
| 3) Pillows | - | One per bed per two years |
| 4) Pillow covers | - | Four per bed per year |
| 5) Woolen blankets | - | one per bed per 2 years |
| 6) Pyjamas and loose shirts
(hospital type for boys) | - | 3 per child per year |
| 7) Skirts and full sleeved blouses for girls | | 3 pairs per child per year |
| 8) Cotton durry | - | One per bed per three years |

Note:

- 1) When a Juvenile / Child admitted as an in-patient in the institution Hospital, the Institution Doctor shall issue the in-patient with the hospital clothing, the clothes on body being preserved, duly washed and handed back, at the time of the Juvenile / Child discharge from the hospital
- 2) Each Juvenile / Child shall be provided with kit box or a locker, as per convenience and necessary
- 3) The Superintendent shall make arrangements for two tier bed system in place of conventional cots, as per convenience and necessity.

(32) Toiletry

Every juvenile/ child shall be issued with oil, soap, and other materials in accordance with the following scales:

- | | | |
|--------------------------------------|---|---------------------|
| | | Boys |
| 1) Coconut oil for grooming the hair | - | 100 gms per month |
| 2) Carbolic soap (125 gms) | - | 1 per month |
| 3) Tooth powder(Colgate) | - | 30 gms per month |
| 4) Tooth Brush & Tongue Cleaner | - | 1 each per 3 months |
| 5) Shampoo 8 ml sachet | - | 1 on sunday |
| 6) Washing soap (200 gms) | - | 1 per month |
| | | Girls |
| 1) Coconut oil for grooming the hair | - | 50 gms per week |
| 2) Carbolic soap (125 gms) | - | 2 per month |
| 3) Tooth powder (Colgate) | - | 30 gms per months |
| 4) Tooth Brush & Tongue Cleaner | - | 1 each per 3 months |
| 5) Shampoo 8ml sachets | - | 2 on Sunday |
| 6) Washing soap (200 gms) | - | 2 per month |

Note:

- 1) Whitening / bleaching agent to the extent required only for white clothing Provided, however, the hospital clothing is not mixed with other clothing at the time of washing. If necessary, the Superintendent can issue the above items separately for washing of hospital clothing
- 2) The Juveniles / Children attending school outside the institution may be issued with one additional bar of washing soap 125 gms per head per month for washing their school uniform.

33. Sanitation and Hygiene-

Every institution shall have the following facilities:-

- (a) Sufficient treated drinking water; water filters shall be installed;
- (b) Sufficient water for bathing and washing clothes, maintenance and cleanliness of the premises;
- (c) Proper drainage system;
- (d) Arrangements for disposal of garbage;
- (e) Protection from mosquitoes by providing mosquito nets;
- (f) Annual pest control;
- (g) Sufficient number of well lit and airy toilets in the proportion of at least one toilet for seven *Juveniles / Children*;
- (h) Sufficient number of well lit and airy bathrooms in the proportion of at least one bath room for ten *Juveniles /Children*;
- (i) Sufficient space for washing;
- (j) Clean and fly-proof kitchen and separate area for washing utensils;
- (k) Sunning of bedding and clothing;
- (l) Maintenance of cleanliness in the *premises of the home* by providing following items:

- | | | |
|---------------------------|---|--|
| (i) Broom stick (100 gms) | - | 25 to 40 Nos per month depending on the area of the Home |
| (ii) Phenyle | - | 1 Ltr per 400 sft. for toilets and bothrooms
1 Ltr per 800 sft. for other areas like Dormitories, Kitchen, Hospital etc |

34. Daily Routine -

- (1) Every institution shall have a *well regulated* daily routine for the juveniles / children, as shown below which shall be prominently displayed at various places within the institution.

1) Wake up	-	5.30 A.M
2) Attendance	-	6.00 A.M
3) Ablutions	-	6.15 A.M
4) Physical exercise	-	7.00 A.M
5) Bath	-	8.00 A.M
6) Break fast	-	8.45 A.M
7) Prayer	-	9.45 A.M
8) School and workshop	-	10.00 A.M
9) Lunch	-	1.00 P.M
10) School and Workshop	-	2.00 P.M
11) Play time	-	4.00 P.M
12) Snacks	-	4.30 P.M
13) Evening attendance	-	5.00 P.M
14) Bath	-	5.15 P.M
15) Reading library, recreation	-	6.00 P.M
16) Dinner	-	7.00 P.M
17) Retiring in dormitories	-	8.30 P.M

Note: The Superintendent may make minor charges in the timings to suit the practical needs like bathing times according to the season. Retiring to dormitories in the evening may be delayed in summer months and may be advanced in winter months

- (2) The daily routine shall provide, *inter alia*, for a regulated and disciplined life, personal hygiene and cleanliness, physical exercise, educational classes, vocational training, organized recreation and games, moral education, group activities, prayer and community singing. Special programmes for sundays and holidays.

35. Nutrition and Diet Scale-

The Diet scale shall be as follows:-

<i>Sl.No.</i>	<i>Name of the article</i>	<i>Scale per head per day</i>
I)	BREAK FAST	
	<i>Milk (Daily)</i>	<i>60 ml</i>
	<i>Sugar (Daily)</i>	<i>4 gms</i>
A)	WHEAT UPMA	
<i>1.</i>	<i>Wheat Rawa</i>	<i>120 gms</i>
<i>2.</i>	<i>G.N.Oil</i>	<i>10 gms</i>
<i>3.</i>	<i>Dry chillies</i>	<i>5 gms</i>
<i>4.</i>	<i>Salt</i>	<i>3 gms</i>
B)	WHEAT CHAPATI	
<i>1.</i>	<i>Wheat Flour</i>	<i>120 gms</i>
<i>2.</i>	<i>G.N.Oil</i>	<i>10gms</i>
C)	RAGI MALT	
<i>1.</i>	<i>Ragi Flour</i>	<i>120 gms</i>
<i>2.</i>	<i>Salt</i>	<i>3 gms</i>
D)	IDLI	
<i>1.</i>	<i>Idli Rawa</i>	<i>80 gms</i>
<i>2.</i>	<i>Udath Dal</i>	<i>40 gms</i>
	CHUTNEY FOR UPMA / IDLI	
<i>1</i>	<i>Putna Dal</i>	<i>10 gms</i>
<i>2.</i>	<i>Kopra</i>	<i>5 gms</i>
<i>3.</i>	<i>Dry chillies</i>	<i>5 gms</i>
<i>4.</i>	<i>Salt</i>	<i>3 gms</i>
	<i>(The above items shall be issued by Rotation)</i>	
II)	LUNCH AND DINNER	
<i>1.</i>	<i>Rice</i>	<i>500 gms (600 gms for 16-18 yrs age)</i>
<i>2.</i>	<i>Dal (Toor, Moong and Gramdal to be issued as per convenience)</i>	<i>100 gms</i>
<i>3.</i>	<i>Ground nut Oil</i>	<i>15 gms</i>
<i>4.</i>	<i>Onion</i>	<i>25 gms</i>
<i>5.</i>	<i>Salt</i>	<i>15 gms</i>
<i>6.</i>	<i>Turmeric powder</i>	<i>03 gms</i>
<i>7.</i>	<i>Coriander powder</i>	<i>02 gms</i>
<i>8.</i>	<i>Garlic</i>	<i>05 gms</i>
<i>9.</i>	<i>Tamarind</i>	<i>10 gms</i>
<i>10.</i>	<i>Dry chillies</i>	<i>10 gms</i>
<i>11.</i>	<i>Vegetables Hard (potato once in a week) Vegetable Leafy once in a week in lieu of Hard vegetable</i>	<i>230 gms</i>
<i>12.</i>	<i>Milk to be converted into Butter milk</i>	<i>100 ml</i>
<i>13.</i>	<i>Chicken on every Wednesday (on</i>	<i>115 gms</i>

	<i>chicken day, 115 gms of vegetables be given)</i>	
14.	<i>Jaggery (Vegetarian only) in lieu of chicken</i>	<i>100 gms</i>
15.	<i>Ground nut seeds (Vegetarian only) in lieu of chicken</i>	<i>100 gms</i>
	<i>Following items for 50 Juveniles / Children per day</i>	
16.	<i>Pepper</i>	<i>25 gms</i>
17.	<i>Jeera Seeds</i>	<i>25 gms</i>
18.	<i>Black Gramdal</i>	<i>50 gms</i>
19.	<i>Mustered seeds</i>	<i>50 gms</i>
20.	<i>Fennegreek seeds (Menthulu)</i>	<i>50 gms</i>
21	<i>Curry leaves</i>	<i>100 gms</i>
22	<i>Green chillies</i>	<i>250 gms</i>
	<i>On Chicken day for 10 kg.of Chicken</i>	
23.	<i>Ginger</i>	<i>250 gms</i>
24.	<i>Garam Masala</i>	<i>50 gms</i>
25.	<i>Kopra</i>	<i>250 gms</i>
26	<i>Khas Khas</i>	<i>100 gms</i>
27	<i>Ground nut oil</i>	<i>500 gms</i>
	<i>For sick Juveniles / Children per day</i>	
28	<i>Bread</i>	<i>500 gms</i>
29	<i>Milk</i>	<i>500 Ml</i>
	<i>Other Items</i>	
30.	<i>LP Gas for cooking only.</i>	
III	<i>SNACKS</i> <i>(Any one item among items 32, 33,34 along with boiled egg daily.)</i>	
31	<i>Boiled egg daily</i>	<i>1 each</i>
32.	<i>Biscuits</i>	<i>50 gms each</i>
33.	<i>Banana</i>	<i>1 each</i>
34	<i>Ragi Malt,</i>	<i>100 gms</i>
35.	<i>L.P.Cooking Gas (14.5 kg)</i>	<i>1 cylinder per day per 100 children.</i>

b) *Extra diet for nourishment like milk, eggs, sugar and fruits shall be issued to the Juveniles / Children on the advice of the institution Doctor in addition to the regular diet, to pick up weight or for other health reasons. For the purpose of calculation of the daily ration, the sick Juveniles / Children shall be excluded from the day's strength.*

c) *On the following occasions, sweet dished may be distributed to all the Juveniles / Children at the Homes at the rate of Rs.7 per head per Juvenile / Child per occasion fixed by the Commissioner/Director from time to time:-*

- (1) Republic Day*
- (2) Independence Day*
- (3) 14th November (Children's Day)*
- (4) Juvenile / Child Rights convention Day (20th November)*
- (5) Ambedkar's Birthday (April 14)*
- (6) Mahatma Gandhi's Birthday (2nd October)*

- (7) Dasara (Vijayadasami)
- (8) Deepavali
- (9) Ramzan (Id-Uz Fitr)
- (10) Bakrid (Id-Uz-Zoha)
- (11) Christmas
- (12) Sankranti
- (13) Ugadi

36. Medical Care-

Every institution shall –

- a) Maintain a over all case history record including medical record of each juvenile/ Child on the basis of monthly medical check-up and provide necessary medical facilities.
- b) Ensure that the medical record includes weight and height record, any sickness and treatment, and other physical or mental problem.
- c) have arrangement for the medical facilities, including a doctor on call available on all working days for regular medical check-ups and treatment of juveniles/ Children.
- d) have sufficient medical equipments to handle minor health problems including first aid kit with stock of emergency medicines and consumables, etc.
- e) train all staff in handling first aid.
- f) tie-up with local PHC/government hospital, medical colleges, other hospitals, clinical psychologists and psychiatrists and mental health institutes for regular visits by their doctors/students and for holding periodic health camps within the institutions.
- g) make necessary arrangements made for the immunization coverage;
- h) *ensure segregation of juveniles/ Children* in the event of break out of contagious or infectious diseases.
- i) set up a system for referral of cases with deteriorating health or serious cases to the nearest civil hospital or recognised treatment centres
- j) keep sick Juveniles / Children under constant medical supervision.
- k) admit a juvenile/child without insisting on a medical certificate at the time of admission
- l) arrange for a medical examination of each juvenile/ Child admitted in an institution by the Medical Officer within 24 hours and in special cases *as soon as possible*
- m) Arrange for a medical examination of the juvenile/Child by the Medical Officer at the time of transfer within 24 hours before transfer
- n) not carry out any surgical treatment on any juvenile/child without the previous consent of his parent or guardian, unless either the parent or guardian cannot be found and the condition of the juvenile/ Child is such that any delay shall, in the opinion of the medical officer, involve unnecessary suffering or injury to the health of the juvenile/Child, or otherwise without obtaining a written consent to this effect from the *Superintendent of Home*.
- o) provide or arrange for regular counselling of every juvenile/ Child and ensure specific mental health interventions for those in need of such services
- p) refer such Juveniles/children who require specialized drug abuse prevention and rehabilitation programme, to an appropriate centre administered by qualified personnel. These programmes shall be adopted to the age, gender and other specifications of the concerned Juvenile / Child
- q) *As and when the Medical Officer feels that the admission of a sick Juvenile / Child in an outside hospital, for further observation and treatment, is necessary, he shall report the fact immediately to the Superintendent. The Superintendent shall arrange for the pupil to be sent to such outside hospital along with a brief report from the Medical Officer as to the nature of the disease and treatment given. He/she shall intimate the*

parents of the Juvenile / Child about such admission.

37.-A Mental Health-

- a) Both milieu based *therapy and* individual therapy are must for every *Juvenile / Child* and shall be provided in all institutions.
- b) The environment in an institution shall be free from abuse, allowing juveniles/ Children to cope up with their situation and regain confidence.
- c) All persons involved in taking care of the juveniles/ Children in an institution shall participate in *the milieu therapy and cooperate* with the therapists.
- d) Individual therapy is a specialized process and each institution shall make provisions for it as a critical mental health intervention.
- e) Every institution shall have the services of trained counselors or collaboration with external agencies such as Child guidance centres, psychology and psychiatric departments or similar government and non-governmental agencies, for specialized and regular individual therapy for every juvenile/ Child in the institution.

37-B Counseling :-

- a) *A well planned professional counseling through psychologist/psychiatrist shall be implemented in all the Homes by way of either outsourcing/ contract basis or through voluntary service for attending the emotional and psychological well being of the children.*
- b) *A mental health care plan shall be developed for every juvenile/ 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 /child.*
- c) *Recommendations of mental health experts shall be maintained in every case file and integrated into the care plan for every Juvenile / Child.*
- d) *All care plans shall be produced before the Management Committee every month and before the Juvenile / Child Welfare Committee every quarter.*

38. Education-

- a) Every institution shall provide education to all juveniles/Children according to the age and ability, both inside the institution or outside, as per the requirement.
- b) *Extra coaching shall be made available to school going juvenile/Children in the institutions by encouraging volunteer services and/or tying up with coaching centers.*
- c) *The District Education Officer shall periodically inspect the schools in the institutions with view to improve the quality of education. The Superintendent and the Head Master shall ensure that the directives issued by the District Education Officer are complied with promptly.*
- d) *The schools in the institutions shall have vacation for (7) days each in December and May in every academic year.*
- e) *During the vacation the Superintendent of Home shall ensure that juveniles / Children are engaged in useful activities outside their regular class work, such as gardening, drawing , reading library books etc, by utilizing services of the teachers and instructions on turn duty basis for the said purpose.*

39. Vocational Training-

- a) Every institution shall provide gainful vocational training to juveniles/Children.
- b) All funds for vocational training shall be credited into 'Revolving fund for vocational training'.
- c) Institutions shall develop networking with Institute of Technical Instruction (ITI), Jan Shikshan Sansthan, Government and Private Organization or Enterprises, Agencies or Non-Governmental Organisations (NGOs) with expertise or placement agencies.

40. Recreation facilities-

- a) Provision of guided recreation shall be made available to all juveniles/ Children in the institutions.
- b) It shall include indoor and outdoor games, music, television, picnics and outings, cultural programmes, library etc.

41. Admission Protocol

- (i) The following procedure shall be followed in respect of the newly admitted juveniles/ Children:
 - a) Receiving and search;
 - b) Disinfection and storing of juvenile's/ *Children* personal belongings and other valuables;
 - c) Bath and haircut (unless prohibited by religion);
 - d) Issue of toiletry items, new set of clothes, bedding and other outfit and equipment *as prescribed under these rules*
 - e) Medical examination and treatment where necessary and in case of every juvenile/ Child suspected to be suffering from contagious or infectious diseases, mental ailments, addiction, *etc.*;
 - f) Segregation in specially earmarked dormitories or wards or hospitals in case of a *juvenile/ Child* suffering from contagious disease requiring special care and caution,
 - g) Attending to immediate and urgent needs of the juveniles/ *Children* like appearing in examinations, interview letter to parent(s), personal problems etc., and verification by the *Superintendent of Home* of age of juvenile/ *Child* as per order of the Board/*Committee* .
- (i) Every newly admitted juvenile/Child shall be allotted a case worker from amongst the probation officers/*Juvenile / Child* welfare officers/social workers/counsellors attached to the institutions or voluntary social workers/counsellors.
- (ii) Every newly admitted juvenile/ *Child* shall be familiarized with the institution and its functioning and shall receive orientation in the following areas:
 - a) Personal health, hygiene and sanitation,;
 - b) Institutional discipline and standards of behaviour, respect for elders, teachers; etc.
 - c) Daily routine, peer interaction, optimum use of developmental opportunities; and
 - d) Responsibilities and obligations within the institution.
- (iii) *The caseworker of the home* shall enter the name of the juvenile/Child in the Admission Register and allocate appropriate accommodation facility.
- (iv) The photograph shall also be taken immediately for records and the case worker/probation officer shall begin the investigation and correspondence with the person, the juvenile/ *Child* might have named.
- (v) The *Superintendent of Home* shall see that the personal belongings of the juvenile/ *Child* received by the institution is kept in safe custody and recorded in the 'Personal Belonging Register' and the item must be returned to the juvenile/Child when he/*she* leaves the institution.
- (vi) The girl juvenile/ *Child* shall be searched by a female member of the staff, and with due regard to decency and dignity of the juvenile/ *Child*.
- (vii) *The articles mentioned under rule 42 of these rules shall also be prohibited in case of institutions for Juveniles /Children.*
- (viii) The educational level and vocational aptitude of the juvenile/*Child* admitted, may be assessed on the basis of test and interview conducted by the teacher, *vocational instructor and caseworker* and necessary linkages may also be established with outside specialists and community-based welfare agencies, psychologist, psychiatrist, Child guidance clinic, hospital and local doctors, open school, Jan Sikshan Sansthan etc.

- (ix) A case history of the juvenile or the Child admitted to an institution shall be maintained in FORM XX, which shall contain information regarding his socio-cultural and economic background and these informations may invariably be collected through all possible and available sources, including home, parents or guardians, employer, school, friends and community.
- (x) A well conceived programme of pre-release planning and follow up of cases discharged from special homes shall be organized in all institutions in close collaboration with existing governmental and voluntary welfare organizations.
- (xi) In the event of a juvenile / Child leaving the institution without permission, the information shall be sent by the *Superintendent of Home* to the police and the family, if known; and the detailed report along with the efforts to trace the juvenile/Child shall be sent to the Board/Committee as the case may be *and the concerned State Government authority*
- (xii) An individual care plan for every juvenile/ Child in institutional care shall be developed with the ultimate aim of the *juvenile/ Child* being rehabilitated and re-integrated based on their case history, circumstances and individual needs. The individual care plan shall be based on following guidelines:
 - a) The *Superintendent of Home and Case Worker* shall prepare an individual care plan for every *Juvenile / Child* in an institution within one month of his admission as per FORM XXI .
 - b) All care plans shall include a plan for the juvenile's/ Child's restoration, rehabilitation, reintegration and follow-up.
 - c) The care plan shall be reviewed quarterly by the management committee for appropriate development and rehabilitation including options for release/restoration to family or foster care or adoption.
 - d) Juveniles/ Children shall be consulted while determining their care plan.

42. Prohibited Articles-

- (1) No person shall bring into the institution the following prohibited articles:-
 - (a) Fire-arms or other weapons, whether requiring license or not (like knife, blades, lathi, spears, swords etc.);
 - (b) Alcohol and spirit of every description;
 - (c) Bhang, ganja, opium and other narcotic or psychotropic substances;
 - (d) Tobacco, or
 - (e) *Any inciting/ obscene /prohibited literature/ books and provocative material etc.*
 - (f) Any other article specified in this behalf by the State Government by a general or special order.

43. Articles found on search and inspection-

- (1) The *Superintendent of Home* shall see that every juvenile/*Child* received in the institution is searched, his personal belongings inspected and money or any valuables found with the juvenile/ *Child* is kept in the safe custody of the *Superintendent of Home*.
- (2) Girls shall be searched by a female member of the staff with due regard to decency and dignity.
- (3) In every institution, a record of money, valuables and other articles found with a juvenile/ *Child* shall be maintained in the "Personal Belongings Register".
- (4) The entries made in the Personal Belongings Register, relating to each juvenile/*Child*, shall be read over to juvenile/ *Child* in the presence of a witness, whose signature shall be obtained in token of the correctness of such entries and it shall be countersigned by the *Superintendent of Home*.

44. Disposal of articles –

- (1) The money or valuables belonging to a juvenile/ *Child* received or retained in an institution shall be disposed off in the following manner:-
 - a) On an order made by the competent authority in respect of any juvenile/ *Child*, directing the juvenile/ *Child* to be sent to an institution, the *Superintendent of Home* shall deposit such juvenile's/ *Children* money together with the sale proceeds in the manner laid down from time to time in the name of the juvenile/ *Child*.
 - b) The juvenile's/ *Children*'s money shall be kept with the *Superintendent of Home* and valuables, clothing, bedding and other articles, if any, shall be kept in safe custody.
 - c) When such juvenile/*child* is transferred from one institution to another, all his money, valuables and other articles, shall be sent along with the juvenile/ *Child* to the *Superintendent of Home* of the institution to which he has been transferred together with a full and correct statement of the description and estimated value thereof.
 - d) At the time of release of such juvenile/ *Child*, the valuables and other articles kept in safe custody and the money deposited in name of the juvenile/ *Child* shall be handed over *him or to his* parent or guardian, as the case may be, with an entry made in this behalf in the register and signed by the *Superintendent of Home*.
 - e) When a juvenile/ *Child* in an institution dies, the valuable and other articles left by the deceased and the money deposited in the name of the juvenile/ *Child* shall be handed over by the *Superintendent of Home* to any person who establishes his claim thereto and executes an indemnity bond.
 - f) A receipt shall be obtained from such person for having received such valuables and other articles and the amount.
 - g) If no claimant appears within a period of six months from the date of death or escape of such juvenile/ *Child*, the valuables and other articles and amount shall be disposed off as per the decision taken by management committee .

45. Maintenance of case file-

- (1) The case file of each juvenile/ *Child* shall be maintained in the institution containing the following information:-
 - (a) Report of the person or agency who produced the juvenile/ *child* before the Board/ *Committee*;
 - (b) *Superintendent of Home*'s, probation officer's and case-workers report(s);
 - (c) Information from previous institution;
 - (d) Report of the initial interaction with the juvenile/ *Child*, information from family members, relatives, community, friends and miscellaneous information;
 - (e) Source of further information;
 - (f) Observation reports from staff members;
 - (g) Reports from Medical Officer, drug de-addiction progress reports, progress reports vis- a-vis psychological counselling or any other mental health intervention etc., where applicable;
 - (h) Intelligence Quotient (I.Q) testing, aptitude testing, educational or vocational tests;
 - (i) Social history;
 - (j) Summary and analysis by case-worker and *Superintendent of Home*;
 - (k) Instruction regarding training and treatment programme and about special precautions to be taken;
 - (l) Leave and other privileges granted;
 - (m) Special achievements and violation of **rules**, if any, ;
 - (n) Quarterly progress report;
 - (o) Individual care plan, including pre-release programme, post release plan and

- follow-up plan as prescribed in FORM- XXI ;
- (p) Leave of absence or release under supervision;
- (q) Final discharge;
- (r) Follow-up reports;
- (s) Annual photograph;
- (t) Case history duly filled in prescribed FORM -XX
- (u) Follow-up report of post release cases as per direction of the competent authority if any; and
- (v) Remarks

(2) All the case files maintained by the Institutions and the Board/ Committee shall, as far as possible, be computerised and networked so that the data is centrally available to the District *Juvenile / Child Protection Unit and the State Juvenile / Child Protection Unit.*

46. Management Committee-

(1) Every institution shall have a Management Committee for the management of the *Home* and monitoring the progress of every Juvenile / Child.

(2) In order to ensure proper care and treatment as per the individual care plans, a juvenile shall be grouped on the basis of age, *degree of delinquency*, physical and mental health and length of stay order

(3) The Management Committee shall consist of the following personnel,:-

- | | |
|--|--------------------|
| i) District Child Protection Officer of DCPU | - Chairperson. |
| ii) <i>Superintendent of Home</i> | - Member-Secretary |
| iii) Medical Officer | - Member |
| iv) <i>Probation Officer / Dy. Superintendent of Home</i> | - Member |
| v) <i>Case Worker / Probation Officer</i> | - Member |
| vi) <i>Vocational Training Instructor</i> | - Member |
| vii) <i>Head Master</i> | - Member |
| viii) Social Worker Member of JJB / member of CWC | - Member |
| ix) A juvenile/Child (<i>on a monthly rotation basis to ensure participation of every juvenile/ Child</i>) | - Member |
| x) <u>Any others as may be prescribed by the Government.</u> | |

(4) (a) The Management Committee shall meet monthly to consider and review-

- i) Custodial care, housing, area of activity and type of supervision required;
- ii) Medical facilities and treatment;
- iii) Individual problems of juveniles, provision of legal aid services and institutional adjustment, leading to the quarterly review of individual care plans;
- iv) Vocational training and opportunities for employment;
- v) Education and *awareness*;
- vi) Social adjustment, recreation, group work activities, guidance and counseling;
- vii) Review of progress and adjusting *institutional* programmes to the needs of the juveniles;
- viii) Planning post-release rehabilitation programme and follow up for a period of two years in collaboration with aftercare services;
- ix) Pre-release preparation;
- x) Release;
- xi) Post release follow-up;
- xii) *Food*;

- xiii) Minimum standards of care, including infrastructure and services available;
- xiv) Daily routine;
- xv) Oversee that all registers as required under the Act and **Rules** are maintained by the institution, check and verify these registers, duly stamped and signed in the monthly review meetings
- xvi) Management shall monitor and authorize expenditure from 'Revolving fund for vocational training'.
- xvii) Any other matter which the *Superintendent of Home* may like to bring up.

(b) *The Superintendent of Home* shall file a quarterly progress report of every juvenile/ Child in the case file and send a copy to the District Child Protection Unit / *the concerned State Government authority*.

47. Rewards and Earnings –

- i) Rewards to a juvenile / Child at such rates as may be fixed by the management of the institution from time to time, may be granted by the *Superintendent of Home* as an encouragement to steady work and good behaviour.
- ii) *The amount earned by the juvenile /Child shall be deposited in his / her personal account and the account book by sale of items/ articles etc., during training shall be kept with the Superintendent. The amount towards raw material and other expenses recovered from sale of such items shall be credited to the Revolving fund. The Juveniles / Children may be given some pocket money for purchase of articles such as sweets, books, toys etc., as per his / her choice on fixed days of the week*
- iii) At the time of release, the reward shall be handed over after obtaining a receipt from the parent or the guardian who comes to take charge of the juvenile / Child.

48. Visits and communication with juveniles /Children

- (1) The parents and relations of the juvenile /Child shall be allowed to visit once in a month or in special cases, more frequently at the discretion of the *Superintendent of Home during the officer hours*.
- (2) The receipt of letters by the juveniles / Children of the Home shall not be restricted and they shall have freedom to write as many letters as they like at all reasonable times; and the institution shall ensure that where parents, guardians or relatives are known, at least one letter is written by the juvenile / Children every month for which the postage shall be provided by the institution.
- (3) The *Superintendent of Home* may puruse any letter written by or to the juvenile / Child and may for the reasons that he considers sufficient refuse to deliver or issue the letter, may destroy the same after recording his reasons in a book maintained for the purpose.
- (4) *If the address of the parents or guardians or relatives is known, they shall be given notice of any serious illness of the Juvenile / Children and Superintendent, shall answer any reasonable enquires made by the parents or the relatives in this connection.*

49. Death of a juvenile/child

On the occurrence of any case of death or suicide in an institution the procedure to be adopted shall be as under: -

- (i) In the event of a death or suicide of a juvenile / Child in an institution it is imperative for the institution to ensure that an inquest and post-mortem examination is held *immediately*.

- (ii) In case of natural death or due to illness of a juvenile / Child, *the Superintendent of Home* shall obtain a report of the Medical Officer stating the cause of death and a written intimation about the death shall be given immediately to the nearest Police Station, the Board/Committee, the *State Human Rights Commission*, the State Commission for Protection of Child Rights, District Child Protection Unit/State Child Protection Unit/ any other concerned authority and the parents/guardians/relatives of the juvenile / Child.
- (iii) Whenever a sudden or violent death or death from suicide or accident takes place, immediate information shall be given by the Case-Worker/Probation Officer/Welfare Officer to the *Superintendent of Home* and the Medical Officer.
- (iv) If a juvenile or Child dies within twenty four hours of his admission to the institution, the *Superintendent of Home* shall report the matter to the *Station House Officer* of the Police Station having jurisdiction and the District Medical Officer or the nearest Govt. Hospital and the parents/ guardians / relatives of such juvenile / Child without delay.
- (v) The *Superintendent of Home* shall also immediately give intimation to nearest Magistrate empowered to hold inquests and to the Board/Committee.
- (vi) The *Superintendent of Home* and the Medical Officer at the institution shall record the circumstances of the death of the Juvenile / Child and send a report to the concerned Magistrate, the *Station House Officer* of the police station having jurisdiction, the Committee and the District Medical Officer or the nearest government hospital where the dead body of the juvenile / Child is sent for examination, inspection and determination of the cause of death. The *Superintendent of Home and the Medical Officer* shall also record in writing their views on the cause of the death if any, and submit it to the concerned Magistrate and the *Station House Officer* of the police station having jurisdiction.
- (vii) *The Superintendent of Home* and the Medical Officer shall make themselves available for any enquiries initiated by the police or the Magistrate concerning the cause of death and other details regarding such juvenile / Child.
- (viii) As soon as the inquest is held, the body shall be handed over to the parents/ guardian/relatives or, in the absence of any claimant *it shall be disposed of* under the supervision of the *Superintendent of Home* in accordance with the known religion of the juvenile / Child *and obtained cremation certificate from the concerned authorities.*

50. Abuse and exploitation of the Juvenile / Child

In the event of any physical, sexual or emotional abuse, including neglect of juveniles / Children in an institution by those responsible for care and protection the following action shall be taken:

- (i) When an allegation of physical, sexual or emotional abuse comes to the knowledge of the *Superintendent of Home*, a report shall be filed by the Superintendent and a report accordingly submitted to Board/ Committee.
- (ii) The Board/Committee shall direct the local Police Station/Special Juvenile Police Unit take due cognizance or suo-moto cognizance of such occurrences and conduct necessary investigations.
- (iii) The Board/Committee shall take necessary steps to ensure completion of all inquiry and provide legal aid as well as counselling to the juvenile / Child victim.
- (iv) The Board/Committee shall transfer such a juvenile / Child to another institution/place of safety/fit person.
- (v) *The Superintendent of Home* shall also inform the Chairperson of the management committee and place a copy of the report of the incident and subsequent action taken before the management committee in its next meeting.
- (vi) In the event of any other crime committed in respect of juveniles / Children in

institutions, the Board/Committee shall take cognizance and arrange for necessary investigation to be carried out by the local Police Station/Special Juvenile Police Unit.

50 A. Guidelines for prevention of sexual abuse of children- The Central Government, State Government, the Juvenile Justice Board, the Child Welfare Committee, other competent authorities and agencies shall, in the best interest of the children, ensure that every person, school or such other educational institutions abide by the guidelines issued from time to time by Central Government and State Government.

51. Juvenile / Child suffering from dangerous diseases or mental complaint

- (1) When a juvenile / Child under the provisions of the Act, is found to be suffering from a disease or physical or mental *complaint* requiring prolonged medical treatment, or is found addicted to a narcotic drug or psychotropic substance, the juvenile / Child may be sent by an order of the competent authority to an appropriate place for such period as may be certified by medical officer to be necessary for proper treatment of the juvenile / Child or for the remainder of the term for which he has to stay.
- (2) When the juvenile / Child is cured of the disease or physical or mental *complaint*, the competent authority may, if the juvenile / Child is still liable to stay, order the juvenile / Child to be placed back in the care of the institution from where the juvenile/ Child was removed for treatment. If the juvenile / Child is no longer liable to be kept in the institution, the competent authority may order him to be discharged.
- (3) The order of restoration of a juvenile / Child suffering from an infectious or contagious disease to his/her parents or guardian shall be based on the principle of best interest of the juvenile / Child, keeping in mind the risk of stigmatization and discrimination, discontinuation of treatment etc.
- (4) *A code of conduct regarding HIV/AIDS issues that translate human rights principles and medical ethics into codes of professional responsibility and practice with the mechanism to implement and enforce these codes shall be evolved by the monitoring and Evaluation Committee. Institutional authorities shall also provide Juveniles / Children and institutional staff with access to HIV related prevention, information and education. Facilities for voluntary testing and counseling, means of prevention, treatment and care shall be provided. Confidentiality should be assured and segregation and denial of access of facilities and privileges prohibited compassionate early release or referral of residents living with AIDS should be considered.*

52. Leave of absence of a juvenile/child:

- (1) A juvenile / Child in an institution may be allowed to go on leave of absence or released under supervision for examination/admission, special occasions like marriage or emergencies like death/accident/serious illness in the family.
- (2) While the leave of absence for short period generally not exceeding seven days excluding the journey time may be recommended by the *Superintendent of Home*, but granting of such leave shall be by the Board/Committee.
- (3) The parents or guardian of the juvenile / Child or the *Superintendent of Home* on behalf of the juvenile / Child may submit an application to the Board/Committee requesting for *release* of the juvenile/ Child on leave, stating clearly the purpose for the leave and the period of leave.
- (4) While considering the application of leave of absence, the Board/Committee shall hear the parents or guardians of the Juvenile / Child. If the Board/Committee considers that granting of such leave is in the interest of the juvenile / Child, appropriate order shall be made *in Form VI* The Board/Committee may call for a

- report from the probation officer in case the preliminary information gathered from the parent or guardian of Juvenile / Child is not sufficient for the purpose.
- (5) While issuing orders sanctioning the leave of absence or *release* under supervision *in Form – VIII* as the case may be, the competent authority shall mention the period of leave and the conditions attached to the leave order, and if any of these conditions are not complied with during the leave period, the juvenile / Child may be called back to the institution.
 - (6) The parent or guardian shall arrange to escort the juvenile / Child from and to the institution. Where this is not possible, the *Superintendent of Home* may arrange to escort the juvenile / Child to the place of the family and back *or* arrange for travelling expenses.
 - (7) If the juvenile / Child runs away from the family during the leave period, the parent or guardian is required to inform the *Superintendent of Home* immediately, and try to trace the juvenile / Child. If found, the juvenile / Child shall be brought back to the institution immediately.
 - (8) If the parent or guardian does not take proper care of the juvenile/ Child during the leave period or does not bring the juvenile / Child back to the institution within the stipulated period, such leave may be refused on later occasions.
 - (9) If the juvenile / Child does not return to the institution on expiry of the sanctioned leave, the Board/Committee shall refer the case to police for taking charge of the juvenile / *Child* and bring him back to the institution.
 - (10) The period of such leave shall be counted as a part of the period of stay in the institution and the time which elapses after the failure of a juvenile/*child* to return to the institution within the stipulated period, shall be excluded while computing the period of his stay in the institution.

53. Inspection-

- (1)The State Government or body as may be authorized shall constitute State, District or city level inspection committee on the recommendation of the Selection Committee constituted under Rule 86 of these **rules**.
- (2) The inspection committees shall visit and oversee the conditions in the *Juveniles / Children Homes*, review the standards of care and protection being followed by the institutions, look into the functioning of the management committee and give appropriate directions.
- (3) The team shall also make suggestions for improvement and development of the institution.
- (4) The team shall consist of a minimum of five members with representation from the State Government/Committee, *a member of the State Commission for the Protection of Child Rights/ State Human Rights Commission*, medical and other experts, voluntary organizations and reputed social workers.
- (5) The inspection shall be carried out at least once in every quarter.
- (6) The inspection visit shall be carried out by not less than three members.
- (7) The team may visit the institutions either by prior intimation or by surprise.
- (8) The team shall interact with the Juveniles / Children during the visits to the institution, to determine their well-being and uninhibited feed back.
- (9) The follow up action on the findings and suggestion of the *Juveniles / Children* shall be taken by all concerned authorities.

54. Social Audit-

- (1) The State Government or body as authorized shall monitor and evaluate the implementation of the Act annually by reviewing matters concerning establishment of Board(s)/Committee(s)/Special Juvenile Police Unit(s) where required, functioning of Board(s)/Committee(s)/Special Juvenile Police Unit(s), functioning of institutions and staff, functioning of adoption agencies, any other matter concerning effective implementation of the Act in the State.
- (2) Social audit shall be carried out with support and involvement of organizations working *with Juveniles / Children* and autonomous bodies like *National Institute of Social Defence*, Child line India Foundation, State level Social Welfare Board, School of Social Work, School of Law etc.

55 . Restoration and Follow-up-

- (1) The order for restoration shall be made by the Board/Committee on the basis of a fair hearing of the juvenile/ Child and his/her parents or guardian, as well as on the reports of the Probation Officers / Child Welfare Officers/NGOs directed by the Board/Committee to conduct the home study and any other relevant document/report brought before the Board/Committee for deciding the matter.
- (2) The Board or Committee shall send a copy of the restoration order along with a copy of the order for escort as per FORM XXII to the District Child Protection Unit or State Government who shall provide funds for restoration of the juvenile or child
- (3) Every restoration shall be planned for as part of the individual care plans prepared by the Case-Workers/Counsellors / Child welfare officers/probation officer as the case may be and shall be based on the review and recommendations of the management committee.
- (4) Besides Police, the Board/Committee shall seek collaboration with NGOs to accompany juveniles / children back to their family for restoration.
- (5) In case of girls, the juvenile / child shall necessarily be accompanied by female escorts.
- (6) The expenses incurred on restoration of a juvenile / child, including travel and other incidental expenses, shall be borne by the *concerned institution*.
- (7) When a juvenile / child expresses his *or her* unwillingness to be restored back to the family, the Board/Committee shall make a note of it in its records in writing and such juvenile / child shall not be coerced or persuaded to go back to the family.
- (8) A follow-up plan shall be prepared as part of the individual care plans by the Child Welfare Officers/Probation Officers/NGOs assigned by the Board/Committee to assist in restoration of the *Juvenile / Child*.
- (9) A quarterly follow-up report shall be submitted to the Board/Committee by the concerned Child Welfare Officer/Probation Officer/NGO for a period of two years in Form XIII with a copy to the *Superintendent of Home* of the institution from where the *Juvenile / Child* is restored.
- (10)The follow-up report shall clearly state the situation of the juvenile / child post restoration and the juvenile's / child's needs to be met by the state government in order to reduce further vulnerability of the juvenile / child.
- (11) The *Superintendent of Home* shall file the follow-up report in the case-file of the juvenile / child and place the report before the management committee in its next meeting.
- (12) The *Superintendent of Home* shall also send a copy of the follow-up reports to the District Child Protection Unit.
- (13) Where a follow-up is not possible due to unavailability of Government functionaries or NGOs, the concerned District Child Protection Unit shall provide

necessary assistance and support to the concerned Board/Committee.

56. Visitor's Book-

- (1) A Visitor's Book shall be maintained, in every institution, in which the person visiting the home shall record the date of his visit with remarks or suggestions, which he may think proper.
- (2) The *Superintendent of Home* shall forward a copy of every such entry to the *concerned State Government authority*, with such remarks as he may desire to offer in explanation or otherwise; and thereon, *who* shall issue such orders as he may-consider necessary.

57. Maintenance of Registers-

The *Superintendent of Home* shall maintain in his office, such registers and forms, as required by the Act and Rules. The list of registers/files/books to be maintained shall minimally comprise of:

- (1) Admission and discharge register;
- (2) Supervision register;
- (3) Medical file/medical report;
- (4) Nutrition diet file;
- (5) Stock register;
- (6) Order book;
- (7) Meeting book;
- (8) Cash book;
- (9) Budget statement file;
- (10) Inquiry report file;
- (11) Individual case file with individual care plan;
- (12) Visitor's book;
- (13) Staff movement register;
- (14) Personal belongings register;
- (15) Minutes register of management committee;
- (16) Attendance register for staff and juveniles / Children;
- (17) *Interview register of Juveniles/ Children*
- (18) *Leave of absence*
- (19) *Post card issue register of Juveniles/ Children*
- (20) *Religious watch register of Juveniles / Children*
- (21) *Register of after care supervision*
- (22) *Donation articles register*
- (23) *Juvenile Justice Fund register*
- (24) *Right to Information Act implementation Register*
- (25) *Gate register*
- (26) *Escape watch register*
- (27) *Death register*

Chapter –IX
INSTITUTIONAL PERSONNEL - DUTIES AND RESPONSIBILITIES

58. Personnel/Staff of Home-

The suggested staffing pattern for an institution with a capacity of 100 juveniles or Juveniles / Children is as mentioned below:

Sl. . No.	Personnel	No. of Posts	
		Special/Children Home	Observation Home
1.	Superintendent of Home	1	1
2.	Dy. Superintendent	1	--
3.	Caseworker	1	--
4.	Probation officer	1	1
5.	Civil Assistant surgeon	1	---
6.	Senior House master	1	---
7.	Junior House master/Housemother	1	1 (Girls Home)
8.	Head supervisor/Matron Gr-I	2	2
9.	Supervisor/ Matron Gr-II	8	7
10.	Head master/ Teacher	4	---
11.	Craft instructor	3	---
12.	Physical Education Teacher	1	---
13.	Pharmacist	1	---
14.	Mail Nursing orderly/ Auxiliary Nursing Maid	2	---
15.	Senior Assistant	2	--
16.	Junior Assistant	1	1
17.	Computer operator	1	1
18.	Record Assistant	1	---
19.	Attender	2	1
20.	Cook	2	1
21.	Ayah	1(Girls Home)	1 (Girls Home)
22.	Helper	--	1
23.	Sweeper	2	1
		40	17

59. Duties of the Superintendent of Home:

- (1) *The Superintendent shall attend to the following:*
- (a) Care & welfare requirements of juvenile / children.
 - (b) Proper maintenance of buildings and premises;
 - (c) *Proper custody of tools and equipment*
 - (d) Prompt, firm and considerate handling of all discipline problems;
 - (e) Adequate security measure and periodical inspections thereof;
 - (f) *System of good discipline;*
 - (g) Careful handling of plant and equipment;
 - (h) *Accident preventing measures;*
 - (i) Fire preventing measures;
 - (j) Fire fighting equipment at all vulnerable points;
 - (k) *Good environmental and institutional sanitation and hygiene;*

- (l) *Proper procedure of quarantining of newly admitted juveniles / children;*
- (m) *Segregation of Juveniles / Children suffering from contagious diseases;*
- (n) *Proper storage and inspection of dietary articles;*
- (o) *Observance of the required minimum standards in kitchen operations, serving of food and eatables;*
- (p) *Stand-by arrangements for water storage, power plant, emergency lighting etc.*
- (q) *Obtaining reports from Probation Officers for quick disposal of the cases.*

2) *The Superintendent shall in his own hand writing maintain an office journal in which he shall record daily occurrence of important events connected with the management of the institution. An extract of the office journal shall be forwarded to the concerned State Government authority by the fifth day of the succeeding month and who shall immediately return it after perusal with such remarks as he may consider necessary.*

3) *The Superintendent shall maintain an Institution Order Book in which he shall record all standing orders issued to his subordinates from time to time.*

4) *The following documents shall be kept in the personal custody of the Superintendent:*

- (a) *Contract deeds*
- (b) *Contractor's security deposit receipts*
- (c) *Personal files of the staff members, excepting that of the Deputy Superintendent and Case Worker.*
- (d) *Security deposit furnished by the staff.*

5) *The Superintendent shall be responsible for the procurement of approved quality of provisions from approved contractors and in case of local purchase, he shall ascertain himself of the current market rates and satisfy that the dietary articles are purchased at reasonable rates. He shall ensure that the ration issued to the cooks is weighed according to the diet scales. He shall inspect the cooked food daily along with the Institution Doctor and make arrangements for proper distribution among the juveniles / children. The result of the Superintendent's inspection of food shall be noted in the Office Journal.*

6)

- a. *The Superintendent shall pay special attention to the ventilation of the dormitories. In all cases, care shall be taken that there is sufficient lateral as well as roof ventilation.*
- b. *The Superintendent shall go around the home during day time daily at uncertain intervals to satisfy himself that the guiding staff are attending their duties promptly and shall record his findings in the office journal.*
- c. *The Superintendent shall visit the home during night time atleast once in a week at uncertain timings and record his findings in the office journal.*
- d. *The Superintendent shall see that the sanitary arrangements of the institution are in every respect thoroughly satisfactory. He shall also ensure that the instructions of the Institutional Doctor or Medial Officer are carried out immediately regarding the sick in the hospital.*
- e. *The Superintendent shall be responsible for all the property of the institution and for all money and stores received.*
- f. *The Superintendent should scrutinize at the end of every financial year the inventory of valuable stock.*

- g. *The Superintendent shall be responsible for the timely provision of the educational and vocational training material to the Juveniles / Juvenile / Children.*

(7) (a) *The Superintendent shall conduct weekly inspection on every Monday morning of all the juveniles / children along with the Institution Doctor and shall satisfy himself that every juvenile / child is clean and tidy and provided with proper clothing and bedding and also that the rules / orders applicable to them are being carried out properly.*

- a. *The Superintendent, shall at every such inspection, enquire into any complaints are requests of the Juveniles / Children, if any and shall attend to them immediately. A Juvenile / Child who makes complaints shall not be ill treated or punished, orally or physically. It shall be the duty of every member of the staff to produce before the Superintendent without delay any Juvenile / Child who desires to see him other than at the weekly inspection for making any complaint or request*

(8) *Any outbreak of epidemic, unusual sickness, and all accidents, suicides or deaths shall at once be reported by the Superintendent to the concerned State Government authority immediately.*

(9) *The Superintendent shall physically weigh and verify the quality and quantity of all articles and commodities received in the institution and ensure that necessary entries are made in the relevant registers under his attestation. He shall also conduct physical verification of dietary articles once in a quarter or even earlier if he considers necessary.*

(10) *The Superintendent of an institution shall on no account absent himself from the station, without written sanction of the concerned state Government authority. Similarly, the other members of the staff and the Institution Doctor of a Government institution, shall not leave the Headquarters without the written sanction of the Superintendent.*

(11) *The Superintendent shall organize competition in essay writing, poetry writing, debates, quiz, dramas, sports & games etc., on Children's Day (14th November) and Child Rights Convention day (20th November) and distribute prizes.*

(12) *He should also conduct career guidance to all high school students once a year through university teachers / reputed social workers.*

(13) *The Superintendent shall submit the periodical returns to the concerned State Government authority and Board / Committee concerned*

60. Duties of Medial Officer (Institution Doctor) & Para Medial staff:

(1) *Medical Officer:*

- a) *Every institution shall have a full time Civil Assistant Surgeon called 'Medical Officer'. He/She shall ordinarily attend the institution regularly every day from 8 am to 2 pm on all working days or at such other timings as may be necessary. He/She shall attend the institution on holidays also as necessary.*
- b) *The Medical Officer (except in professional matters) shall be a subordinate to the Superintendent.*

- c) *It shall be the duty of the Medical Officer to attend to the health and cleanliness of the Juveniles / Children, the treatment of the sick, the sanitation of the institution, the supervision of the food and all other matters connected directly or indirectly with the health of the Juvenile / Childs of the institution.*
- d) *The Medical Officer shall set apart sometime, preferably in the morning, before the normal school hours commence, and examine and treat all minor ailment cases as out-patients. For such out-patients, he/she shall maintain a separate Register, recording thereon the number and name of the juvenile / Child with parentage, age, ailment and the medicines prescribed.*
- e) *For every in-patient admitted to the Institution Hospital, a separate record shall be maintained, entering therein the nature of illness and the treatment given everyday, till such time the Juvenile / Child is cured of the illness and discharged. Any extra or special diet prescribed for him shall also be recorded.*
- f) *On admission, every Juvenile / Child should be weighed and measured and thereafter in the first week of every month, regularly. The Medical Officer shall be responsible for this and he shall record such weight in a Register. The Medical Officer shall take special care in respect of Juvenile / Childs who show loss of weight and in cases of Juvenile / Childs of poor physique, he shall also arrange for their periodic inoculations at the appropriate time.*
- g) *The Medical Officer shall maintain a journal in the form prescribed in which the following shall be recorded and sent immediately on each day to the Superintendent for such orders as deemed fit.:-*
 - 1. *The date and hour at which he entered and left the institution.*
 - 2. *The number of inpatients in the institution hospital.*
 - 3. *The number of out-patients examined and treated on that day*
 - 4. *The portions of the institutions examined and any advice given on ventilation, hygiene, sanitation etc.*
 - 5. *Any defects in the cooked food.*
 - 6. *Any defects in the water supply, sanitary or other arrangements which he/she considers injurious to the health of the juveniles, together with his remedial suggestions.*
 - 7. *Any marked increase in in-patients or out-patients and the apparent cause for the same.*
 - 8. *Any case of malingering on the part of Juveniles /Children and*
 - 9. *Any observation, recommendation or directions regarding individual Juvenile / Child.*
 - 10. *General or special remarks*
- h) *He/She shall be responsible for the proper utilization of all medicines and other medical instruments. He/she shall see that they are kept under proper lock and key and special care shall be taken in respect of poisonous drugs. He/She shall from time to time, examine all the medicines kept in the stores to ensure their purity and see that the medicines whose period has expired are destroyed under proper authority and in his presence. To avoid excess storage of medicines, sufficient care should be taken at the time of preparation of annual indents and any quantity over and above the actual quantum required should not be indented for.*
- i) *Shall not communicate with the Director of Medical & Health Services directly, but do so through the Superintendent of the institution and the concerned State Government.*
- j) *Inspects meat, milk, vegetables, bread etc., which are purchased daily and if in his opinion, the supply is not up to the standard, he shall give a report to the Superintendent.*

- k) *Shall maintain a separate register in the Form prescribed by the Commissioner for sick-diet and extra-diet prescribed for the health of the Juveniles / Children.*
- l) *Shall attend on all staff members, Home officials and their families at the institution premises. He/she shall also record details of the treatment given in separate register which shall be periodically examined by the Medical Officer for treatment.*
- m) *Shall also examine all candidates for employment in the institution and shall certify in writing regarding their physical capacity and state of health.*
- n) *Shall also examine any staff members referred to by the Superintendent and furnish the report required in writing.*

(2) Para Medical Staff:

(a) Duties of Pharmacist:

(1) *The Pharmacist shall assist the Medical Officer. He/She shall obey the lawful orders of the Medical Officer in all matters connected with the medical work of the institution and of the Superintendent in other matters.*

(2) *The Pharmacist shall help the Medical Officer in the maintenance of the health of the Juveniles / Children and the staff by compounding and distributing medicines; by arranging periodical vaccination and inoculation and weighing Juveniles / Children; performing clerical work connected with the institution hospital; maintaining order and discipline in the institution hospital and to carry out such other duties of a like-nature as may be imposed on them by the Medical Officer.*

(b) Duties of the Male Nursing Orderly / ANM:

- 1) *The Male Nursing Orderly / ANM shall see that the bed-head tickets of in-patients are maintained regularly and properly and shall put up the same before the Medical Officer everyday at the time of his checking up the in-patients. The instructions issued by the Medical Officer in the bed-head tickets should be scrupulously followed. The bed-head tickets shall be maintained in Form XX*
- 2) *The Male Nursing Orderly / ANM shall also be on night duty to look after the in-patients who require special attention as per orders of the Medical Officer / Superintendent, both at institution hospital and outside hospital.*
- 3) *The Male Nursing Orderly, however, need not be assigned night duty in female wards.*

61. Duties of Deputy Superintendent of Home:

- (a) *General supervision of the functioning of the Home, daily routine and assisting the Superintendent in day to day affairs of the Home. He shall make rounds at least once in 3 hours to verify the supervisors on duty, class rooms, Workshops, kitchen & hospital etc.*
- (b) *He shall maintain a daily journal /report book indicating the important occurrences/events every day and shall be placed before the Superintendent for perusal.*

- (c) *He shall have control over executive staff, supervisory staff and the menial staff.*
- (d) *All papers except those of a confidential nature shall ordinarily be routed through him to the Superintendent.*
- (e) *He shall be in charge of maintenance of Civil Stores, sports goods, electrical goods and live stock and their stock register.*
- (f) *He shall be in charge of raw materials, manufactured articles and supervision of manufacturing section and passing of indents.*
- (g) *He shall have control over issue of ration articles, cooking, maintenance and distribution of clothing and bedding items and their stock registers.*
- (h) *He shall reside in rent-free quarters, if provided.*
- (i) *All tappals, after opened and initialed by the Superintendent, he shall allot them to the concerned, under his initials for disposal.*
- (j) *Any other duty that may be assigned to him by the Superintendent for the efficient and proper administration of the institution.*
- (k) *Supervision of petty construction and repairs and proper upkeep of Home buildings and staff quarters will also come under his purview.*
- (l) *He shall arrange sick diet / extra diet to the children / juvenile as advise by the medical officer.*
- (m) *Any other duties that may be assigned to him by the Superintendent of the Hme for the efficient and proper administration of the institution.*

62. Duties of Case Workers/Child Welfare Officer / Probation Officer

The general duties, functions and responsibilities of Case Worker/ Child Welfare Officer shall be as follows:

- (a) *He shall attend to the proceedings of Child Welfare Committee / Juvenile Justice Board meetings regularly*
- (b) *Supervision & control over Teachers and Instructors.*
- (c) *Admission, leave of absence and discharge of Juvenile / Child.*
- (d) *Responsible for proper custody of committal warrants.*
- (e) *Giving training to the Juvenile / Child and maintenance of proper discipline among them.*
- (f) *Regulation of interviews and communications with Juvenile / Child.*
- (g) *Supervision over distribution of food to the Juvenile / Child.*
- (h) *Supervision and control over organisation of games, drill, picnics, outing and all other extra-curricular activities.*

- (i) *Maintenance of case histories of all Juvenile / Childs in the form prescribed.*
- (j) *Supervision of the library and reading room.*
- (k) *Responsible to organize outings / excursion to the juvenile / children periodically*
- (l) *Responsible to intimate parents / relatives of juvenile / child if seriously or admitted in outside hospital for specialized treatment*
- (m) *Responsible to Conduct quarterly / half-yearly / annual examination for the academic class*
- (n) *Responsible to arrange proper escort to juvenile / child whenever warranted by Juvenile Justice Board / Child Welfare Committee*
- (o) *Responsible to issue text / note books and other stationary articles to the juvenile / children at the appropriate time.*
- (p) *Responsible to maintain liaison with local Government agencies / Non-Governmental Organization / Philanthropist / Social Workers*

He shall record his quarterly observations on the following:

- (i) *The Juvenile / Child adjustment to institutional environment.*
- (ii) *The Juvenile / Child response to the educational or vocational programme.*
- (iii) *The Juvenile / Child participation in group activities, his attitude towards co-Juvenile / Child staff and others.*
- (iv) *The Juvenile / Child relationship with his parents or guardians, interest shown in interviews, communications etc.*
- (v) *General progress of the Juvenile / Child in respect of conduct, behaviour, attitude and outlook.*
- (vi) *At the time of discharge or release on expiry of committal period, the case worker should rehabilitation programmes to the concerned Probation Officer.*
- (vii) *Locating and identifying Juvenile / Childs who are backward, withdrawing, quarrelsome, aggressive, violent, mischievous etc., and try to bring them into the mainstream of healthy activity.*
- (q) *Guiding the concerned staff members in preparing educational, vocational, health records etc.,*
- (r) *He shall assist the Superintendent in selection of proper educational, vocational and other programmes to the Juvenile / Childs.*
- (s) *He shall identify Juvenile / Childs whose parents' address is not known and make special efforts to locate the parents and communicate with them. In case, the parents reside in other state, he shall take action for inter-state transfer.*
- (t) *He shall be present, as far as possible, at the time of interviews, with parents or relatives and elicit information from them as to the behaviour of the Juvenile / Child during home leave. He should also note the attitude of the parents or relatives towards the Juvenile / Childs.*
- (u) *He shall reside in rent free quarters, if provided.*
- (v) *Any other duties that may be assigned to him by the Superintendent for the efficient and proper administration of the institution.*

63.Duties of Probation Officers:

- (1) On receipt of information from the *Station House Officer / Special Juvenile Police Unit* under clause (b) of section 13 of the Act, and order from the *Juvenile Justice Board / Child Welfare Committee*, the Probation Officer shall enquire into the antecedents and family history of the Juvenile / Child and such other material circumstances as may be necessary and submit a *preliminary report* as nearly as possible in FORM IV or XIII to the *competent authority*.
- (2) *Every Probation Officer shall carry out all directions given to him by a competent authority and the Commissioner and shall perform the following duties:-*
 - (a) *To make inquiries regarding the home and school conditions, conduct, character and health of a Juvenile / Child under his supervision.*
 - (b) *To maintain dairy case files and such registers as may be prescribed from time to time.*
 - (c) *To visit regularly the Juveniles / Children placed under his supervision and also place of employment or school attended by such Juveniles / Children and to submit regularly fortnightly reports in Form- XIII to the concerned.*
 - (d) *To bring before the competent authority immediately Juveniles / Children who have not been of good behavior during the period of supervision.*
 - (e) *Follow up of Juveniles / Children after their release from the institutions and extending help and guidance to them.*
 - (f) *Establishing linkages with voluntary workers and organisations to facilitate rehabilitation and social reintegration of a Juvenile / Child and to ensure the necessary follow up.*
 - (g) *shall not employ a Juvenile / Child under his supervision for his own private purposes or take any private services from him.*

64.Duties of Head Master:

- 1) *The Head Master shall be responsible for the day to day administration of the school of the Home. He keeps up the performance of the academic institution and the maintenance of discipline among students.*
- 2) *He shall be responsible for the timely issue of text books, note books, stationary etc., required for the educational purpose of the Juveniles / Children.*
- 3) *He shall be in charge of the library, the stock and issue of library books, magazines periodicals etc.*
- 4) *He shall be responsible for organising and conducting educational training, cultural and other recreational programmes including children's day / Convention or Rights of Child week celebrations.*
- 5) *He shall prepare the time-table for teachers and instructors and get it approved by the Superintendent. When any teacher or instructor is on leave, he shall make suitable arrangements for the teaching of the Juveniles / Children of that class.*

- 6) *Applications for leave of teachers and instructors should be routed through the Head Master and Case Worker to the Superintendent.*

65.Duties of Senior & Junior House Master / House Mother:

- (1) The House Master / House Mother shall be responsible for the daily routine such as cleanliness, discipline, training of Juveniles / Children, supervision of study classes, supervision of Juveniles / Children's personal articles, search of prohibited articles, roll call of Juveniles / Children in the morning and in the evening, distribution of food and other duties if any entrusted by the Superintendent. They shall be on rounds frequently to check the duties performed by the Head Supervisors, Supervisors and other menial staff and also see that all Juveniles / Children attend to their respective duties without allowing them to loiter.*
- (2) The Senior House Master / House Mother shall maintain a daily roll register and submit it daily to the Superintendent through the Case Worker and the Deputy Superintendent along with his report book.*
- (3) The Senior House Master / House Mother shall maintain a daily report book indicating entire day activities / events in the home and about the duties performed by watch and ward staff. The same report book and submit the same to the superintendent through Deputy Superintendent daily.*
- (4) Applications for leave of Supervisors, Head Supervisors & Junior House Master and menial staff should be routed through the Senior House Master and Deputy Superintendent to Superintendent.*

66.Duties of Head Supervisor / Matron Gr.I:

- (1) The Head Supervisor shall be in charge of the supervisory staff.*
- (2) He shall be responsible for the assignment of duty of Supervisors at various posts and shall get the day and night duty rosters approved by the Senior House Master, Deputy Superintendent and Superintendent daily.*
- (3) He shall go on rounds frequently and see that the supervisors discharge their duties promptly and correctly and any dereliction or neglect of duty shall be brought to the notice of the Superintendent through the Senior House Master and Deputy Superintendent then and there.*
- (4) He shall maintain a report book and such other registers as may be specified by the Superintendent.*
- (5) He shall take the round every one hour while on night duty and watch whether caution calls are given by the Supervisors once in fifteen minutes during such night duties.*
- (6) He shall make health enquiry on juvenile / child during the night rounds with help of MNO / ANM on duty and if any body is found sick he shall inform the institution doctor and Superintendent to make sure that necessary treatment is provided immediately.*

67. Duties of Supervisors & Matron Gr. II:

- (1) The Supervisors / Matrons shall perform watch and ward duties as per duty assigned to them by the Superintendent or by any other superior officer. They shall not leave their posts without the orders of such officer.*
- (2) They shall deal with Juvenile / Childs with good temper, patience and good manners.*
- (3) They shall handle the Juveniles / Children with love and affection.*
- (4) They shall take proper care and welfare of the Juveniles /Children.*
- (5) They shall maintain discipline in the institution.*
- (6) They shall maintain sanitation and hygiene.*
- (7) They shall implement the daily routine in an effective manner.*
- (8) They shall strictly comply with the orders of superior officers and shall treat all superior officers at all times with respect.*
- (9) No supervisor shall be absent during the hour fixed for his attendance without the permission of the Superintendent or the senior officer-in-charge.*
- (10) They shall be clean in person and dress.*
- (11) They should not enter into unnecessary gossip with Juveniles / Children or other staff members while on duty.*
- (12) They shall neither drink alcohol nor smoke tobacco while on duty nor introduce liquor / tobacco or any other such prohibited articles into the institution.*
- (13) When being relieved from any particular duty or transferred to another part of the institution, they shall point out to their successors, all matters of special importance connected with their charge and explain any directions that might have been given to them by their superior officers.*
- (14) Before taking charge, they, along with the Head Supervisor, shall go through the entire premises, check all doors, windows, bars, locks, nuts, bolts, etc., check all electrical fittings and bring to the notice of the Head Supervisor then and there, any defect that is noticed. The Head Supervisor shall report immediately to the House Master and get the defects rectified.*
- (15) When on night duty, commencing from 9.00 pm till unlocking, a caution call that "all is well" should be given once in fifteen minutes regularly, commencing from the person at the gate and the call answered by every subsequent supervisor has to be watched. If there is no response from any particular post, the night duty officer should be alerted immediately.*
- (16) They shall escort the juvenile / child to the outside hospital as out patient / in patient where necessary along with the medical staff on receipt of orders from their superior.*
- (17) They shall see that no loss is caused to Government properties.*

68. General duties and responsibilities of all staff members

- (1) *All the staff of the institution shall work for the all round development and well being of the Juveniles /Children. The staff shall so conduct themselves that they are good role models for the Juveniles / Children*
- (2) *The staff should stive to help the Juveniles / Children to be an asset to the Nation*
- (3) *The staff should treat the Juveniles / Children humanely and not with contempt. Any staff member contravening this sub-rule will be liable for a major penalty*
- (4) *In addition to the above duties, the other duties of each category of staff.*
- (5) *The duties shown in this schedule are in addition to the duties prescribed in the main body of the rules. The staff shall also discharge such other duties as may be prescribe from time to time*
- (6) *No staff member shall, while on duty, drink alcohol nor introduce liquor / tobacco or any other such prohibited articles in to the institution.*

69. Disqualification for Officers and Staff of institution –

- (1) *The Officers and Staff of institution shall not employ a Juvenile / Child under their supervision or care and protection for their own purposes or take any private service from them.*
- (2) *Any report of physical, sexual or emotional abuse of a Juvenile / Child by Officers and Staff of the institution, shall hold them liable for dismissal/ removal after due inquiry.*

70. Protection of action taken in good faith

No suit or legal proceedings shall lie against the State Government, the competent authorities under the Act, any functionary under the Act including the members of the voluntary organization and social worker, in respect of anything which is in good faith done or intended to be done in pursuance of the Act or these rules or order made there under, during the performance of the duties assigned to them.

71. Training of Personnel-

- (1) *The State Government or the Superintendent of Home shall provide for training of personnel of each category of staff, in keeping with their statutory responsibilities and specific jobs requirements.*
- (2) *The training programme shall include-*
 - (a) *Orientation and induction training of the newly-recruited staff,*
 - (b) *Refresher training courses and skill enhancement programmes for all officers and staff of the institutions once a year, and*
 - (c) *staff conferences, seminars, workshops*
- (3) *The State Government with the help of the State Child Protection Unit, NIPCCD and its Regional Centres shall organize regular training and capacity building of personnel involved in the implementation of the Act and these rules.*

CHAPTER -X
FIT PERSON / FIT INSTITUTION

72. Certification or recognition and transfer of Management of Institutions and after care organization

- 1) Any organization desiring certification or recognition under the Act shall make an application together with a copy of bye-laws, articles of association, list of members of the society or the association running the organization, office bearers and a statement showing the status and past record of specialized *juvenile / child care services* provided by the organization, to the State Government or the Director. The Director shall refer the application to a team of officers consisting the Superintendent of Home/ Regional Inspector of Probation (Team leader), District Probation officer and Project Director of WD, CW Department of the District. The team shall verify the provisions made in the organization for the boarding and lodging, general health, educational facilities, vocational training and treatment services and recommend or otherwise for grant of certification or recognition under sections 8, 9, 34, 37 and 44 of the Act. The Director shall send a proposal with his specific remarks for consideration of Government whether to grant recognition/ certification as the case may be to the said organization, on the condition that the organization shall comply with the standards or services as laid down under the Act and these **rules** and to ensure an all round growth and development of Juvenile / Child placed under its charge.
- 2) The State Government may, transfer the management of any State run institution under the Act to a voluntary organization of repute, who has the capacity to run such an institution and certify or recognize the said voluntary organization as a fit institution to own the requisite responsibilities under a Memorandum of Understanding for a specified period of time.
- 3) The State Government/ State Government Authority may, if dissatisfied with the conditions, **rules**, management of the organization certified or recognized under the Act, at any time, by notice served on the manager of the organization, declare that the certificate or recognition of the organization, as the case may be, shall stand withdrawn as from a date specified in the notice and from the said date, the organization shall cease to be an organization certified or recognised under sections 8, 9, 34, 37 or 44 of the Act, as the case may be. Provided that the concerned organization shall be given an opportunity of making a representation in writing, within a period of thirty days, against the grounds of withdrawal of certificate or recognition of that organization.
- 4) The decision to withdraw or to restore the certificate or recognition of the organization may be taken, on the basis of a thorough investigation by a specially constituted advisory board under section 62 of the Act.
- 5) On the report of the advisory board, the *Superintendent of Home or person incharge* shall be asked to show cause so as to give an explanation within thirty days.
- 6) When an organization ceases to be an organization, certified or recognised under sections 8, 9, 34, 37 or 44 of the Act, the juvenile / Child kept therein shall, be transferred to some other institution of repute, certified or recognized under sections 8, 9, 34, 37 or 44 of the Act or discharged, in accordance with

the provisions of the Act and the **rules** relating to their discharge and transfer by giving intimation of such discharge or transfer to the Board or the Committee, as the case may be.

72 A. Recognition of fit persons or fit institution-

- 1) Any individual who is willing temporarily to receive a juvenile / Child in need of care, protection or treatment for a period as may be necessary, may be recognized by the *Director or District Society* as a fit person *after making due verification as indicated in Rule 73 above.*
- 2) Any suitable place or institution, the manager of which is willing temporarily to receive a juvenile / Child in need of care and protection for a period as may be necessary, may be recognized by the State Government as a fit institution on the recommendation of the competent authority.
- 3) An institution registered under section 34(3) or recognized as a fit institutions under section shall:
 - a. Receive and provide basic services *as prescribed in these rules* for care and protection of a juvenile/ Child
 - b. Prevent subjection of juvenile / Child to any form of cruelty or exploitation or neglect.
 - c. Abide by the orders of the competent authority
 - d. Shall admit any child referred by the Child Welfare Committee.
- 4) A list of fit institutions certified/ recognized by the state government shall be kept in the office of the Board and the Committee
- 5) A fit institution with collateral branches may send the juvenile/ Child placed therein by an order of the competent authority to any of its branches after seeking permission from the competent authority.
- 6) Before declaring any person as a fit person or recommending an institution as a fit institution, the competent authority shall hold due enquiry and only on being satisfied, recognition shall be given.

CHAPTER – XI
MISCELLANEOUS

73.Registration under the Act

1. All institutions whether run by the government or voluntary organization, for children in need of care protection, shall get themselves registered under section 34 (3) of the *Juvenile Justice (Care and Protection of Children) Act 2000, as amended in 2006 by Act No. 33 of 2006. The institutions already registered under Licensing Act and Orphanages Act shall intimate the same to the Authorities concerned.*
2. All such institutions shall make an application together with a copy of bye-laws, memorandum of association, list of governing body, office bearers, balance sheet of past three years, statement of past record of social or public service provided by the institution/organization to the State Government *or the District Collector*, who shall after verifying that provisions made in the institution/organization for the care and protection of children's health, education, boarding and lodging facilities, if any, vocational facilities and scope of rehabilitation, may issue a registration certificate to such organization under section 34 of the Act and as per this rule.
3. *Initially the institutions shall be registered for a period of (1) year and later shall be renewed for a minimum period of (3) years duly considering the overall performance.*
4. *Registration fee as may be prescribed by Government/ State Government Authority have to be paid at the time of making application in the prescribed FORM XXIII through a Demand Draft / Cheque in favour of **TELUGU BALA BALIKA SAMSEMA NIDHI** payable at Hyderabad*
5. *Failure to compliance with in (6) months from the date of notification of the Rules under section 34(3) of the Act and Rule 74 (1) of the Rules, the Government or the authority empowered by the Government shall take charge of such institutions with entire premises and infrastructure along with the inmates present. Further, the management of institution also be liable for prosecution duly ceasing all movable / immovable properties and Bank accounts etc. with them.*

74. Grant in aid to certified or recognized organization-

- (1) An organization certified or recognized or registered under sections 8, 9, 34, 34 (3), 37 or 44 of the Act, may during the period when certification or recognition or registration is in force, may apply for grants-in-aid by the State Government, for the maintenance of juvenile / Child received by them under the provisions of the Act; and for expenses incurred on their education, treatment, vocational training, development and rehabilitation.
- (2) The grants-in-aid may be admissible, at such rates, which shall be sufficient to meet the prescribed norms, in such manner and subject to such conditions as may be mutually agreed to by both the parties.
- (3) In case of transfer of management of government run homes under sections 8, 9, 34, 34 (3), 37 and 44 of the Act to a voluntary organization, the same budget which the Government was spending on that home, shall be given to the voluntary organization as grant-in-aid under the Memorandum of Understanding signed between both the parties describing their role and obligations.

75. Admission of outsiders-

- 1) No stranger shall be admitted to the premises of the institution, except with the permission of the *Superintendent of Home* or on an order from the Board/Committee.
- 2) In Special cases, where parents or guardians have travelled a long distance from another state or district, the *Superintendent of Home* shall allow parents or guardians entry into the premises and a meeting with their children, provided they possess proper identification and are not reported to have subjected the juvenile or child to abuse and exploitation.

76. Identity Photographs-

- (1) On admission to a home established under the Act, every Juvenile / Child shall be photographed
- (2) One photograph shall be kept in the case file of the Juvenile / Child, one shall be fixed in the *admission register*, a copy shall be kept in an album serially numbered with the negative in another album, and a copy of the photograph shall be sent to the Board/Committee as case may be, as well as to the district/state Child protection unit.
- (3) In case of a *Juvenile / Child* missing from an institution or in case of lost Children received by an institution, a photograph of the Juvenile / Child shall be sent to the missing persons bureau/ or such authority as prescribed by Government.

77. Police Officers to be in plain clothes-

While dealing with a Juvenile / Child under the provisions of the Act and these **rules** except at the time of *apprehension*, the Police Officer shall wear plain clothes and not the police uniform.

78. Prohibition on the use of handcuffs and fetters-

No juvenile / Child dealt with under the provisions of the Act and these **rules** shall be handcuffed or fettered.

79. Determination of Age-

- (1) In every case concerning a *Juvenile / Child*, the Board shall determine the age of such Juvenile / Child within a period of thirty days.
- (2) The Board/Committee shall declare juvenility or otherwise *in writing in every case that prima facie*, on the basis of *apprehension documents or physical verification etc., appears to be so.*
- (3) *In case of any doubt or dispute, an age determination inquiry shall be conducted by seeking evidence such as:*
 - i) A birth certificate given by a corporation or a municipal authority or panchayat;
 - ii) A date of birth certificate from the school first attended; matriculation or equivalent certificates, if available; and
 - iii) In the absence of (i) to (iii) above, the medical opinion by a duly constituted Medical Board, *subject to a margin of one year, in deserving cases for the reasons to be recorded by such Medical Board, regarding his age;* and, when passing orders in such case shall, after taking into consideration such evidence as may be available or the medical opinion, as the case may be, record a finding in respect of his age.
- (4) *In case of objections raised by defense or any concerned party related to the case with regards to the age of the juvenile, the Board/Court, after obtaining the*

certificate shall examine the witness like Sub-Registrar in case of municipal corporation, Sarpanch in case of Panchayat, Headmaster in case of school certificate and Chairman of the Medical Board in case of medical evidence and verify the date of birth from the original records before declaring juvenility.

- (5) If the age is found to be below 18 *and genuine, the Board shall in writing pass an order stating the age and declaring the status of juvenility or otherwise, for the purpose of the Act and the present enquiry. Copy of the order shall be given to the juvenile also.*
- (6) *No order of the Board/Committee shall be deemed to have become invalid merely by any subsequent proof that the person in respect of whom the order has been made is not a Juvenile / Child, and the age recorded by the Board/Committee to be the age of person so brought before it, shall for the purpose of this Act, be deemed to be the true age of that person.*

80. Procedure to be followed by a Magistrate not empowered under the Act-

- (1) When any Juvenile / Child is produced before a Magistrate other than Board/Committee, and the Magistrate is of the opinion that such person is a Juvenile / Child, he shall record his reasons and send the juvenile / Child to the appropriate competent authority
- (2) In care of a juvenile produced before a Magistrate not empowered under this Act such Magistrate shall direct the case to be transferred to the board for inquiry and disposal
- (3) In case of a child in need of care and protection produced as a victim of a crime before a Magistrate not empowered under the Act such Magistrate shall transfer the matter concerning care and protection, rehabilitation and restoration of the child to the appropriate committee.

81. Transfer –

- (1) During the inquiry, if it is found that the Juvenile / Child hails from a place outside the jurisdiction of the Board/Committee, the Board/Committee shall order the transfer of the Juvenile / Child and send a copy of the order to the *concerned* state government *authority*/State or District Child protection unit provided that:
 - i) such transfer is in the best interest of the juvenile or child;
 - ii) no child shall be transferred or proposed to be transferred only on the ground that the child has created problems, or has become difficult to be managed in the existing institution or, is suffering from a chronic or terminal illness or, on account of disability;
 - iii) such transfer shall only take place after the completion of evidence and cross; examination that may be required in a legal proceeding involving a juvenile or child and
 - iv) the reasons and circumstances of such transfer are recorded in writing
- (2) The state government *authority*/state or District Child Protection Unit shall accordingly:
 - i. send the information of transfer to the appropriate competent authority having jurisdiction over the area where the *Juvenile / Child* is ordered to be transferred by the Board/Committee.
 - ii. send a copy of the information to the *Superintendent of Home* of the institution where the *Juvenile / Child* is placed for care and protection at the time of the transfer order.
- (3) On receipt of copy of the information from the concerned state government *authority*/State or District Child protection unit, the *Superintendent of Home* shall

arrange to escort the *Juvenile / Child* to the place *and pay expenses towards actual travel and Rs.20/- per juvenile/ child per day towards diet wherever necessary.*

- (4) On such transfer, case file and records of the *Juvenile / Child* shall be sent along with the *Juvenile / Child*.

82. Procedure for sending a *Juvenile / Child* outside the jurisdiction of the competent authority-

- (1) In the case of a *Juvenile / Child* whose ordinary place of residence lies outside the jurisdiction of the competent authority, and if the competent authority considers it necessary to take action under section 50 of the Act, it shall direct a probation officer or case worker or *Child welfare officer*, as the case may be, to make enquiries as to the fitness and willingness of the relative or other person to receive the *Juvenile / Child* at the ordinary place of residence, and whether such relative or other fit person can exercise proper care and control over the *Juvenile / Child*.
- (2) Where a *Juvenile / Child* is ordered to be sent to the ordinary place of residence or to said relative or fit person, execution *of* a bond by the juvenile, in FORM VI is necessary along with an undertaking by the said relative or fit person in FORM V or IX as the case may be.
- (3) Any breach *of* a bond or undertaking or of both given under sub-rule(2), shall render the *Juvenile / Child* liable to be brought before the competent authority, who may make an order directing the *Juvenile / Child* to be sent *back* to the institution.
- (4) Any *Juvenile / Child*, who is a foreign national and who has lost contact with his family shall also be entitled for protection.
- (5) The *Juvenile / Child*, who is a foreign national, shall be repatriated, at the earliest, to the country of his origin in co-ordination with the respective Embassy or High Commission.
- (6) The Board/Committee shall keep the Ministry of External Affairs informed about repatriation of every *Juvenile / Child* of foreign nationality carried out on the orders of the Board/Committee.
- (7) A copy of the order passed by the competent authority under section 50 of the Act shall be sent to-
 - (a) The Probation Officer/ *Child welfare officer* who was directed to submit a report under sub- rule (1);
 - (b) The probation officer *Child welfare officer*, if any, having jurisdiction over the place where the *Juvenile / Child* is to be sent;
 - (c) The competent authority having jurisdiction over the place where the *Juvenile / Child* is to be sent , and.
 - (d) The relative or the person who is to receive the *Juvenile / Child*.
- (8) During the pendency of the order under sub-rule (6), the *Juvenile / Child* shall be sent by the competent authority to an observation home or *Children's home* as the case may be.
- (9) Where *in the case of a Juvenile / Child*, the competent authority considers it expedient to send the *Juvenile / Child* back to his ordinary place of residence under section 50, the competent authority shall inform the relative or the fit person, who is to receive the *Juvenile / Child* accordingly; and shall invite the said relative or fit person to come to the home, to take charge of the *Juvenile / Child* on such date, as may be specified by the competent authority.
- (10) The competent authority inviting the said relative or fit person under sub-rule (8) may also direct, if necessary, the payment to be made by the *Superintendent of*

Home, of the actual expenses of the relative or fit person's journey both ways, and the Juvenile / Child's journey from the Home to his ordinary place of residence, at the time of sending the Juvenile / Child.

- (11) If the relative or the fit person fails to come to take charge of the juvenile / Child on the specified date, the juvenile /Child shall be taken to his ordinary place of residence by the escort of the home and in the case of a girl, at least one escort shall be a female.

83. CHILD PROTECTION UNITS-

(I) State Child Protection Unit (SCPU)-

The State Government shall constitute State Child Protection Unit by notification in the official Gazette. The following is the structure of the unit;

- 1. Secretary to Government, Women Development, Child Welfare & Disabled Welfare, A.P., Hyderabad,*
- 2. Director dealing with Child related services*

A. Child Adoption Cell.

- 1. Programme Manager (adoption, foster care and sponsorship)*
- 2. Programme Assistant.*
- 3. Programme Officer.*
- 4. Accounts Officer.*
- 5. Assistant.*

B. Child Protection Unit.

- 1. Programme Manager (Child protection)*
- 2. Programme Assistant.*
- 3. Programme Officers - 2 (CNCP & JCL)*
- 4. Accounts Officers - 2*
- 5. Assistants - 2*

- 1. Programme Manager (Training, IEC & Advocacy)*
- 2. Programme Assistant*
- 3. Programme Officers - 2 (Training – IEC & Advocacy)*
- 4. Accounts Officer.*
- 5. Assistants - 2*

The specific functions of the State Child Protection Unit shall include:

- (a) Implementation of the Act and supervision and monitoring of agencies and institutions under the Act;
- (b) Set up, support and monitor the District Child Protection Units (DCPUs);
- (c) Represent SCPU as a member in the Selection Committee for appointment of members of JJBs/CWCs
- (d) Make necessary funds available to the DCPUs for providing or setting up required facilities to implement the Act
- (e) Network and coordinate with all government departments to build inter-sectoral linkages on Child protection issues, including Departments of Health, Education, Social Welfare, Urban Basic Services, Backward Classes & Minorities, Youth Services, Police, Judiciary, Labour, State AIDS Control Society, among others;

- (f) Network and coordinate with civil society organizations working for the effective implementation of the Act;
- (g) Training and capacity building of all personnel (Government and Non-government) working under the Act;
- (h) Establish Minimum Standards of Care and ensure its implementation in all institutions set up under the Act;
- (i) Review of the functioning of the CWCs;
- (j) All other functions necessary for effective implementation of the Act

(2) District Child Protection Unit (DCPU)-

The State Government shall constitute District Child Protection Unit by notification in the official Gazette. The following is the structure of the unit;

1. Programme Officer (Child protection)
2. Assistant.
3. District Child Protection Officer.
4. District Probation Officer.
5. District Legal Officer.
6. Counsellors - 2
7. Outreach workers - 2

The DCPU shall coordinate and implement all Child rights and protection activities at district level. The specific functions of the DCPU shall include:

- (a) Ensure effective implementation of the *Juvenile Justice (Care and Protection of Children) Act, 2000* at district/city levels by supporting creation of adequate infrastructure, viz. setting up JJBs, CWCs, SJPU and homes in each districts;
- (b) Identify families at risk and Children in need of care and protection;
- (c) Assess the number of *Juveniles/ Children* in difficult circumstances and creating district-specific databases to monitor trends and patterns of *Juveniles/ Children* in difficult circumstances;
- (d) Periodic and regular mapping of all Child related services at district for creating a resource directory and making the information available to the CWCs and JJBs from time to time;
- (e) Implement family based non-institutional services including sponsorship, foster care, adoption and after care;
- (f) Ensure setting up of District, Block and Village level Child Protection Committees for effective implementation of programmes as well as discharge of its functions;
- (g) Facilitate transfer of *Juveniles / Children* at all levels for either their restoration to their families or placing the *Juvenile / Child* in long or short-term rehabilitation through institutionalization, adoption, foster care and sponsorship;
- (h) Supporting SARA in implementation of family based non-institutional services at district level;
- (i) Network and coordinate with all government departments to build inter-sectoral linkages on Child protection issues, including Departments of Health, Education, Social Welfare, Urban Basic Services, Backward Classes & Minorities, Youth Services, Police, Judiciary, Labour, State AIDS Control Society, among others;
- (j) Network and coordinate with civil society organizations working under the Act;
- (k) Develop parameters and tools for effective monitoring and supervision of agencies and institutions in the district in consultation with experts in Child welfare;
- (l) Supervise and monitor all institutions/agencies providing residential facilities to Children in district;
- (m) Train and build capacity of all personnel (Government and Non-government) in implementing the Act to provide effective services to Children;

- (n) Organize quarterly meeting with all stakeholders at district level including CHILDLINE, SFPA (Sponsorship and Foster Placement Agency), *Superintendent of Homes*, NGOs and members of public to review the progress and implementation of the Act;
- (o) Liaison with the SCPU, SARAs at State level and DCPUs of other districts;

84. Special Juvenile Police Unit and Child Welfare Officer.-

- (1) The State Government shall appoint a special juvenile police unit at the district level within four months of the notification of these rules and the unit shall consist of a juvenile or child welfare officer of the rank of police inspector and two paid social workers having experience of working in the field of child welfare, of whom one shall be a woman
- (2) The District *juvenile / Child Protection Unit* shall provide services of two *honorary* social workers to the SJPU in discharging their duties.
- (3) The juvenile / Child welfare officer at the police station shall be a person with aptitude and appropriate training and orientation to handle the cases of juveniles or Children in terms of the provisions of the Act.
- (4) The transfer and posting of the designated juvenile / Child Welfare Officer shall be within the Special Juvenile Police Units of other police stations/district unit, unless there is an exceptional case of promotion. In such cases, other police officer must be designated and deputed in the unit so that there is no shortfall.
- (5) Special Juvenile Police Unit at district level shall coordinate and function as a watch-dog for providing legal protection against all kinds of cruelty, abuse and exploitation of Juvenile/Child.
- (6) The unit shall take serious cognizance of adult perpetrators of crimes against children and see to it that they are apprehended without delay and booked under the appropriate provisions of the law and for this purpose the district level units shall maintain liaison with other units of police station.
- (7) The Special juvenile police units shall seek assistance from the voluntary organizations, panchayats and gramsabas or resident welfare associations in identifying juvenile in conflict with law as well as reporting cases of violence against children, child neglect and child abuse.
- (8) The Special juvenile police units shall particularly seek assistance from voluntary organizations recognized as protection agencies by the State Government for the purpose of assisting special juvenile police units and local police stations at the time of apprehension, in preparation of necessary reports, for taking charge of juveniles until production and at the time of production before the board as per rule 11 (12) of these rules
- (9) The Superintendent of Police in a district shall head the Special Juvenile Police Unit and oversee its functioning from time to time.
- (10) A Nodal Officer from Police not less than the rank of IGP shall be designated in each State to coordinate and upgrade role of police on all issues pertaining to care and protection of Juveniles / Children under Act.
- (11) Any police officer found guilty, after due inquiry, of torturing a child mentally or physically, shall be liable to be removed from service, besides being prosecuted for the offence.

85. Honorary/Voluntary Welfare Officers and Probation Officers-

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

86. Selection Committee-

(1) The State Government shall constitute a State Level Society which shall constitute a Selection Committee which shall necessarily include the following among others by notification in the official gazette, for a period of five years for selection of the Chairperson and Members of the Child Welfare Committee, the Social Worker members of the Juvenile Justice Boards and Members of the Inspection Committees:-

(2) *The Selection Committee shall consist of the following members:*

- (a) Chief Executive Officer of Andhra Pradesh State Society Protection of Women and Children and
- (b) Director Juvenile Welfare, Correctional Services & Welfare of Street Juveniles / Children, A.P., Hyderabad as the Member Secretary;
- (c) Two representatives from a reputed Non-Governmental Organization, working in the area of Child welfare selected by State Level Society;
- (d) Two representatives from academic bodies concerned with Social work, Psychology, Sociology, Child Development, Education, Law, Criminology etc. and with experience of working on Juveniles / Children's issues; *and*
- (e) A representative of the State Legal Services Authority.

(3) *The Selection Committee shall take into consideration the panel of names for each Juvenile Justice Board headed by State Legal Services Authority for selection of one Social Worker Member of the Juvenile Justice Board of the District. The other Social Worker Member, Chairman and Members of Child Welfare Committee and Members of Inspection Committee shall be selected by inviting applications through a notification by way of Press release, Website, Circulation and display of Notification at important public offices like Collectorate, Court complex, Women Development, Disabled Welfare and Juvenile Welfare Institutions and Offices. The selection shall be through personnel interview of the candidates subject to criteria indicated in sub rule (4). The Selection Committee shall also prepare a list of persons for each District to fill vacancies which may arise during the tenure of the members.*

(4) *Criteria for selection of Chairman, Members of Child Welfare Committee and Social Workers of Juvenile Justice Board and Inspection Committees -*

- (i) He/She should not have been a member of a Board/ Management of any institution/ organization which has been blacklisted/ adversely reported upon.
- (ii) He/She should be a person with a unblemished record in rendering services for the welfare of women and children and should have substantially contributed towards the progress of the community/ children.
- (iii) Any person who has falsely exaggerated a claim about their credibility/ achievements at any date shall entail rejection of his/ her candidature for being a member (even if the person is already a member) and be debarred from being co-opted for any activity/ program in the WD, CW & DW Department for a period of 10 years. If he/she has already been co-opted without the knowledge of his/ her false claims, he/she shall also be debarred similarly.
- (iv) *A person to be selected as a Member should be a person having a child-friendly attitude. In addition, a social worker members of the Board must have been actively involved in health, education or welfare activities for at least*

seven years

- (v) *The Members of the Inspection Committee shall include a representative each from the State Government and the Local Authority. The Inspection Committee shall have at least five members.*
- (vi) *The Chairperson of the Child Welfare Committee shall be atleast a graduate with one or more of the qualification given in sub rule (1)*
- (vii) *The appointment of a Member of the Inspection Committee may be terminated in the same manner as that of a Member of the Child Welfare Committee under section 29(4).*
- (viii) *No person who has been guilty of an offence involving moral turpitude shall be appointed as a member by the Selection Committee.*
- (ix) *If any members of the Child Welfare Committee/ Juvenile Justice Board fails to attend the proceedings of Child Welfare Committee/ Juvenile Justice Board for continuous of (3) months without any valid reasons or he fails to attend less than ¾ sittings in a year, the Chairman Child Welfare Committee/ the Principal Magistrate of Juvenile Justice Board shall report to the Director/ Member secretary of Selection Committee who shall bring to the notice of Selection Committee for filling of the vacancy from among the persons kept on reserve.*
- (x) *The District Probation officer of the District shall assist the Child Welfare Committee and the Juvenile Justice Board and shall attend the proceedings of Child Welfare Committee/ Juvenile Justice Board in the Homes for early disposal of the issues concerning children.*

87. Advisory Boards-

- (1) *The State Government shall constitute Advisory Board at State, District and City levels for a period of three years.*
- (2) *The State Government shall constitute the State Advisory Board, District Advisory Board and the City Advisory Board.*
- (3) *All the Advisory Boards shall hold at least two meetings in a year.*
- (4) *The Advisory Boards shall inspect the various institutional or non-institutional services in their respective jurisdictions; and the recommendations made by them, shall be acted upon by the State Government.*
- (5) *The State Government, through the Selection Committee constituted under Rule 85 of these **rules**, shall set up State, District and City level Advisory Boards, which shall consist of representatives of the State Government, members of the Competent Authority, Academic Institutions, locally respectable and spirited citizens, Representatives of Non-Governmental Organizations.*
- (6) *The District or City level Advisory Board constituted in terms of sub-section (3) of 62 of the Act shall also function as the inspection committee under Section 35 of the Act.*
- (7) *The termination, resignation, or other vacancy caused in an Advisory Board and appointment of new members therein shall be done in the same manner as is done in case of the Competent Authority.*

(8) The state advisory board set up under section 62 of the Act shall consist the following:

- (a) *Hon'ble Minister for Women Development, Child Welfare & Disabled Welfare. Chairperson*
- (b) *Secretary to Government, Women Development Child Welfare & Disabled Welfare Member*

(c) Secretary to Government, Education Dept.,	Member
(d) Secretary to Government, Health Dept.,	Member
(e) Secretary to Government, Home Dept.,	Member
(f) Secretary to Government, Labour & Employment Dept.,	Member
(g) Secretary to Government, Technical Education Dept.,	Member
(h) Secretary to Government, Finance Dept.,	Member
(h) Industrialist.	Member
(i) Journalist.	Member
(j) Representative of Bank.	Member
(k) 2 Social Workers / Representatives of Voluntary Organisations.	Member
(l) Director, Juvenile Welfare, Correctional Services & Welfare of Street Children, A.P., Hyderabad	Secretary

(9) The State Advisory Board shall appoint a treasurer from among its members.

(10) The functions of the Advisory Board shall be as follows:

- (a) To advise State Govt., on matters relating to the development of Juvenile Justice Services through various official and community based welfare agencies.
- (b) To consider ways and means of mobilizing human and material resources to ensure social justice to juvenile coming in conflict with law.
- (c) To issue guidelines for the development of facilities for education, vocational training and rehabilitation of various categories of juveniles coming within the purview of the Juvenile Justice System.
- (d) To serve as a forum for an effective co-ordination between various sectors of Child development in dealing with the problems of juveniles processed through the law.

(11) The non-official members of the Advisory Board shall be appointed by the State Government on the recommendation of the Commissioner in charge of Juvenile Justice Services. The non-official members shall hold office for a term of 3 years from the date of appointment and shall be eligible for reappointment. The tenure of the non-official member may, without assigning any reason, be terminated by the State Government. Any casual vacancy among non-official members shall be filled by the appointment of another non-official who shall hold office so long as the person in whose place he is appointed would have held, if the vacancy had not occurred. The procedure for the meetings of the Advisory Board shall be laid down by the State Government.

88. Openness & Transparency-

(1) All Homes shall be open to visitors with the permission of the concerned State Government authority who may consider appropriate to allow representatives of Local self Government, Voluntary Organizations, Social Workers, Researchers, Medicos, Academicians, Prominent personalities, Media and any other persons as visitors, as the concerned State Government Authority considers appropriate keeping in view the security, welfare and the interest of the juveniles/children.

(2) The Superintendent of Home shall encourage active involvement of Local community in improving the conditions in the home, if, the members of the community want to serve the institution or want to contribute through their expertise.

- (3) While visiting an institution, the visitors will not say or do anything that undermines the authority of the *Superintendent of Home* or is in contravention of the Act or **rules** or impinges on the dignity of the *juveniles/ children*.

89. Juvenile Justice Fund

- (1) The State Government shall create a Fund at the State level under section 61 of the Act to be called the 'Juvenile Justice Fund' (herein under referred to as the Fund) for the welfare and rehabilitation of the juvenile or the child dealt with under the provisions of the Act.
- (2) In addition to donations, contributions or subscriptions coming under Sub-Section (2) of Section 61, the Central Government shall also make contribution to the Fund.
- (3) The Fund shall be applied:
 - (a) to implement programmes for the welfare and rehabilitation of juveniles /children;
 - (b) to pay Grant-in-Aid to Non-Governmental Organizations;
 - (c) to meet the expenses of State Advisory Board and its purpose;
 - (d) to do all other things that are incidental and necessary for the above purposes.
- (4) The management and administration of the Fund, shall be under the control of the State Advisory Board under sub-section (3) of section 61 of the Act.
- (5) The assets of the Fund shall include all such grants and contributions, recurring or non-recurring, from the Central Government and State Government or any other statutory or Non-statutory bodies set up by the Central or State Government as well as the voluntary donations from any individual or organization.
- (6) All withdrawals shall be made by cheques or requisitions, as the case may be, signed by the Secretary-cum-Treasurer in the case of amounts not exceeding rupees one thousand and signed duly by the Secretary-cum Treasurer and *other* member of the Board of management to be nominated by the State Advisory Board.
- (7) The regular accounts shall be kept of all money and properties, and all incomes and expenditure of the Fund and shall be audited by a notified firm of Chartered Accountants, or any other recognized authorities as may be appointed by the Board.
- (8) The auditors shall also certify the expenditure from the Fund made by the Secretary-cum- Treasurer.
- (9) All contracts and other assurances shall be in the name of the board of management and signed on their behalf by the Secretary-cum-Treasurer and one member of the board of the management authorised by it for the purpose.
- (10) The board of management shall invest *the* proceeds of sale or other disposal of the property, as well as any money or property not immediately required to be used to serve the objective of the Fund, in anyone or more of the modes of investment *for the time being* authorised by law for the investment of trust moneys as the board of management may think proper.
- (11) The board of management may delegate to one or more of the members such of its powers, which in its opinion are merely a procedural arrangement.
- (12) *The donations made to the fund shall be exempted from Income Tax under Section 80 G of the Income Tax Act 1961.*

90. Pending Cases-

- (1) No juvenile in conflict with law or a child shall be denied the benefits of the Act and *these rules*.
- (2) All pending cases which have not received a finality shall be dealt with and disposed of in terms of the provisions of the Act and *these rules*.
- (3) Any juvenile in conflict with law, or a child shall be given the benefits under sub-rule (1), and it is hereby clarified that such benefits shall be made available not only to those accused who were juvenile or a child at the time of commission of an offence, *but also to those who* ceased to be a juvenile or a child during the pendency of any enquiry or trial.
- (4) While computing the period of detention or stay of a juvenile in conflict with law or of a child, all such period which the juvenile or the child has already spent in custody, detention or stay shall be counted as a part of the period of stay or detention contained in the final order of the Competent Authority.

91. Disposal of Records/Documents-

The records or documents in respect of a juvenile or a Child shall be kept in a safe place for a period of seven years and no longer, and thereafter be destroyed by the *Superintendent of Home/Board/ Committee*, as the case may be.

92. Repeal and Saving-

The Andhra Pradesh Juvenile Justice (Care & Protection of Children) Rules, 2003, as in force within the State of Andhra Pradesh shall stand repealed immediately on the publication of these rules:

Provided that any thing done or omitted to be done or order issued, shall, in so far as it is not inconsistent with the provisions of these rules, be construed to have been done or issued under the relevant provisions of these rules.

THE ANDHRA PRADESH JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) RULES, 2009.

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