

GOVERNMENT OF MEGHALAYA
SOCIAL WELFARE DEPARTMENT

NOTIFICATION

Dated Shillong, the 8th December, 2004

No. SW (S) 27/2001/Pt/121, In exercise of the powers conferred by Section 68 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (No. 56 of 2000), the Governor of Meghalaya is pleased to make the following rules, namely :-

1. Short title and commencement -

- (i) These rules may be called the Meghalaya Juvenile Justice (Care and Protection of Children) Rules, 2004.
- (ii) They extend to the whole State of Meghalaya.
- (iii) These rules shall come into force on the date of their notification in the official gazette.

2. Definition - In these rules, unless the context otherwise requires, -

- (a) 'Act' means the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000)
- (b) 'Adoption' means taking permanent custody and responsibility of a child/ juvenile covered by this Act who will have all the rights and privileges of a natural born child;
- (c) 'Form' means the form annexed to these rules;
- (d) 'Government' means the Government of Meghalaya.
- (e) 'Institution' means an Observation Home or a Special Home or Children's Home or a Shelter Home set up or certified/ recognized U/S 8, 9, 34 and 37 of the Act respectively;
- (f) 'Superintendent' means a person appointed for the control and management of Institution certified and recognized as such under the Act;
- (g) 'Rules' means the rule framed under the Meghalaya Juvenile Justice (Care and Protection of Children) Rules, 2000;
- (h) 'Words and Expressions' used in these rules shall have the same meaning as assigned to them in the Act.

3. Juvenile Justice Board

- (i) The Juvenile Justice Board shall consist of a Executive 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.
- (ii) Every such bench shall have the powers conferred by the code of criminal procedures 1973 (2 of 1974).

- (iii) The Magistrate shall be designated as a Principal Magistrate of the Juvenile Justice Board.
- (iv) The two social workers, of whom at least one shall be a woman, shall be appointed by State Government from panel of names recommended by Selection Committee.
- (v) The Social Worker to be appointed a member of the Board shall be a person who has been actively involved and engaged in planning, implementing and administering measures relating to health, education or other welfare activities pertaining to Children for at least seven years.
- (vi) The Board shall have a tenure of three years and the appointment of members shall be co-terminus with the tenure of the Board.
- (vii) A Social worker being a member of the Board shall be eligible for appointment for a maximum of two terms.
- (viii) The Board shall meet as and when required in any specified office/ place.
- (ix) A member may resign anytime, by giving one month's advance notice in writing or may be removed from office as provided in sub-section (5) of section 4 of the Act.
- (x) The Social Worker members of the Board shall be paid such traveling/ meeting allowance or honorarium, as the State Government may, decide from time to time.
- (xi) In absence of recommendations of Selection Committee, State Government may on its own appoint members of Juvenile Justice Board temporarily.

4. Institutional Management for Juvenile in Conflict with law -

- (1) The State Government or Voluntary Organization Certified by Government shall set up separate Observation Homes for boys and girls.
- (2) Separate Special Home shall be set up for girls above the age of 10 years and boys in the age group of 11 – 15 and 16 – 18 years as and when required.
- (3) The following procedure shall be followed in respect of newly admitted juvenile, namely:-
 - (a) Receiving and search
 - (b) Haircut, issue of toiletry items.
 - (c) Disinfection and storing of juvenile's personal belongings and other valuables.
 - (d) Bath.

- (e) Issue of clean clothes, bedding and other outfit and equipment.
 - (f) Medical examination and treatment where necessary. Any juvenile suspected to be suffering from contagious/ infectious diseases, mental ailments, addiction etc., shall be immediately segregated in special earmarked dormitories or wards or hospitals.
 - (g) Attending to immediate and urgent needs of the juvenile's like interview letter to parent(s) personal problem etc. and
 - (h) Verification by the Superintendent of the order by the Board identification marks registers entries, cash, property etc.
- (4) Each institution shall follow a schedule of orientation for the newly admitted juvenile covering the following aspects:
- (a) Health sanitation, hygiene,
 - (b) Institutional discipline and standard of behavior, respect for elders, teachers etc.
 - (c) Self improvement opportunities and
 - (d) Responsibilities and obligations.
- (5) A case history of the juvenile admitted to an institution shall be maintained which may contain information regarding his/ her socio cultural and economic background and these information may be collected through all possible and available sources, including home, parents or guardian, employer, school, friends and community.
- (6) The educational level and vocational aptitude may also be assessed on the basic to test and interview conducted by the teacher. Education teacher and other technical staff. The appropriate linkages may also be established with outside specialists and community bases welfare agencies psychologist, psychiatrist, hospital and local doctors open schools etc.
- (7) All inmates in the institution shall be given work like:
- (a) Self help in maintaining their own establishment.
 - (b) Cleaning of open spaces, gardening etc.
 - (c) Preliminary operation for crafts.
- (8) A well conceived programme of pre release planning and follow up of cases discharged from special homes shall be organized in all institutions in close collaboration with existing government and voluntary welfare organizations.
5. Daily Routine – Each institution shall have a well regulated daily routine for the juveniles, which shall be displayed and provided among other aspects, for regulated and discipline life, personal hygiene and cleanliness, physical exercise, educational classes, vocational training organized recreation and games, moral education, group activities, prayers and community singing. Special programmes may be organized on Sunday and holidays.

6. Diet Scale – The State Government shall prepare Diet scale for juveniles in consultation with nutrition experts so that the diet becomes balance, nutritious and varied, special diet may be provided on holidays and festivals and to the sick juveniles as required.
7. Issues of clothing, bedding and other articles: Each juvenile shall be provided with clothing and bedding, including customary undergarments, towels, jersey for winter. School uniform for juvenile attending outside schools, bed sheets, blankets, pillow, chappal, utensils, tooth powder, soap, oil, comb, etc. as per the scale laid down by Government from time to time.
8. Sanitation and Hygiene: Every institution shall have the following facilities, namely:
 - (a) Sufficient drinking water.
 - (b) Sufficient water for bathing and washing clothes, maintenance and cleanliness of the premises.
 - (c) Proper drainage system.
 - (d) Arrangement for disposal of garbage.
 - (e) Protection from mosquitoes.
 - (f) Sufficient number of latrines in the proportion of at least one latrine for ten children.
 - (g) Sufficient number of bathrooms in the proportion of at least one bathroom for ten children.
 - (h) Sufficient space for washing.
 - (i) Cleanliness in the kitchen.
 - (j) Fly proof kitchen.
 - (k) Sunning of bedding and clothing.
9. Accommodation - The minimum standard of accommodation, shall be as follows to the extent possible:
 - (a) Dormitory – 40 square feet per juvenile
Class room – Sufficient accommodation.
Workshop – Sufficient work space.
Playground – Sufficient playground area shall be provided in every institution according to the total number of juvenile in the institution.
 - (b) The dormitories, classrooms and workshops shall have sufficient cross ventilation and light.
10. Medical Care: (1) Each institution shall provide for the necessary medical facilities so as to ensure that:
 - (a) Regular facilities are available for the medical treatment.
 - (b) Arrangement are made for the immunization coverage; and
 - (c) A system is evolved for referral of serious cases to the nearest civil hospital or treatment centers.

- (2) Each juvenile admitted in Observation Home shall be medically examined by the medical officer within 24 hours and in special cases within 48 hours giving the reason thereof, and also at the time of transfer of the juvenile to a special Home, within a similar period before transfer and further at any other time that may be considered necessary by the Medical Officer or the officer in charge (Superintendent).
- (3) No surgical treatment shall be carried out on any juvenile without the previous consent of his parents or guardian, unless either the parents or guardian cannot be found and the condition of the juvenile is such that any delay shall, in the opinion of the medical officer, involve unnecessary suffering or injury to the health of the juvenile, or without obtaining a direction to this effect from the Board.
- (4) A health record of each juvenile in the institution shall be maintained on the basis of quarterly medical check up.

11. Monitoring and evaluation of Juveniles: (1) A juvenile shall be grouped on the basis of the age, physical and mental health, length of stay order, degree of delinquency and the character.

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

Officer in charge/ Superintendent	-	Chairperson
Probation officer/ caseworker	-	Member Secretary
Medical officer	-	Member
Vocational Instructor	-	Member
Educational Teacher	-	Member
Matron	-	Member

(3) The Committee shall meet periodically to consider and review: -

- (a) Custodial care, housing, place of work, area of activity and type of supervision required.
- (b) Individual problems of juvenile, family contacts and adjustment, economic problems and institutional adjustment, etc.
- (c) Vocational training and opportunities for employment.
- (d) Education, i.e. health education, social education, academic, vocational education and moral education.
- (e) Social adjustment, recreation group work activities, guidance and counseling
- (f) Special instruction, collecting moral information and special precautions to be taken etc.
- (g) Review of progress and adjusting institutional programmes to the needs of the inmates.

- (h) Planning post-release rehabilitation programme and follow up for the period of two years in collaboration with after care service.
- (i) Pre release preparation.
- (j) Release, and
- (k) Any other matter which the officer in charge may like to bring up.

12. Reward and Earnings: - Reward to the juveniles, at such rates as may be fixed by the management as an encouragement to steady work and good behaviour. At the time of release, the reward shall be handed over after obtaining a proper receipt to the parent guardian who comes to take charge of the juvenile.

13. Visits to and communication with inmates: - (1) The parents and near relatives of the juvenile shall be allowed to visit once in a month or in special cases, more frequently at the discretion of the officer incharge / superintendent as per the visiting hours laid down by him/ her.

- (2) The receipt of letter by the juvenile of the institutions shall not be restricted and they shall have freedom to write as many letters as they like at all reasonable times. However, the institution shall ensure that where parent / guardians or relatives are known, at least one letter is written by the Juvenile every month for which the postage shall be provided.
- (3) The Officer – incharge may peruse any letter written by or to the juvenile, and may for the reasons that he / she considers sufficient to refuse to deliver or issue the letter, may destroy the same after recording his reasons in a book maintained for the purpose.

14. Prohibited article: - No person shall bring into the institution the following prohibited articles, namely,

- (a) Fire-arms or other weapons, whether requiring license or not (like lathi, spears, swords, etc.)
- (b) Alcohol and spirit of every description;
- (c) Bhang, ganja, opium and other narcotic or psychotropic substances.
- (d) Tobacco or
- (e) Any other article specified in this behalf of the State Government by a general or special order.

15. Articles found on search and inspection: - (1) The officer incharge shall see that every juvenile received in the institution is searched, his personal effects inspected and money or valuables found with or on the person of the juvenile is kept in the safe custody of the officer – in – charge.

- (2) Girls shall be searched by a female member of the staff with due regard to decency.

- (3) In every institution, a register of money, valuables and other articles found with or on the person of a juvenile received therein shall be maintained which may be called the "Personal Belongings Register".
- (4) The entries made in the Personal Belongings Register, relating to each juvenile, shall be read over to juvenile in the presence of a witness whose signature shall be obtained in token of the correctness of such entries and it shall be countersigned by the officer – in – charge.

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

- (a) On an order made by the competent authority in respect of any juvenile, directing the juvenile to be sent to an institution, the officer – in – charge/superintendent shall deposit such juvenile's money together with the sale proceeds in the manner laid down from time to time in the name of the juvenile.
- (b) The amount shall be kept with the officer – in- charge/ superintendent and valuables, clothing bedding and other articles, if any shall be kept in safe custody.
- (c) When such juvenile is transferred from one institution to another, all his money, valuable, shall be sent along with the juvenile to the officer-in-charge/ superintendent of the institution to which he has been transferred together with a full and correct statement of the description and estimated value thereof.
- (d) At the time of release of such juvenile, the valuables and other articles kept in safe custody and the money deposited in the name of juvenile shall be handed over to the parent of guardian, as the case may be, and an entry made in that behalf in the register. Such entry shall be signed by the officer-in-charge/superintendent.
- (e) When a juvenile of the institution dies, the valuable and other articles left by the deceased and the money deposited in the name of the juvenile shall be handed over by the officer-in-charge / superintendent to any person who establishes his/ her claim there to 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/ escape of such juvenile, the valuable, etc, and the amount shall be disposed off as per decision taken by monitoring and evaluation committee.

17. Duties of the Officer-in-charge (1) Officer-in-charge shall be responsible for the following: -

- (a) Adequate security measure and periodical inspection thereof.
- (b) Proper maintenance of buildings and premises.
- (c) Prompt, firm and considerate handling of all discipline problems.
- (d) Careful handling of plant and equipment.
- (e) Accident preventive measure.

- (f) Fire preventive measures.
 - (g) Segregation of juvenile/ child suffering from Contagious/ Infectious diseases.
 - (h) Proper storage and inspection of foodstuffs.
 - (i) Standby arrangement for water storage, power plants emergency lighting etc.
- (2) In the event of an escape of the juvenile the following action shall be taken, namely:-
- (a) The officer-in-charge shall immediately send the guards in search of the juvenile at places like bus stands/ stations and other places where the juvenile is likely to go.
 - (b) The parents or guardians shall be informed immediately about such escape if known.
 - (c) A report shall be sent to the area Police Station along with the details/ descriptions of the juvenile, with identification marks and a photograph, with a copy to Juvenile Justice Board and the Committees concerned.
 - (d) The officer-in-charge shall hold an inquiry about such escape and send his report to the Board and the authorities concerned
- (3) On the occurrence of any case of death or suicide the procedure to be adopted is as under: -
- (a) If a juvenile dies within 24 hours of his admission to the institution an inquest and post mortem examination shall be held at the earliest.
 - (b) Whenever a sudden or violent death or death from suicide or accident takes place, immediate information shall be given to the officer-in-charge and medical officer.
 - (c) The officer-in-charge and the medical officer shall examine and inspect the dead body. In case the juvenile dies due to causes other than natural due to suicide or violent or accident or whenever there is any doubt or complaint or question concerning the cause of death of any juvenile, the officer-in-charge shall inform the officer-in-charge of the Police Station having jurisdiction.
 - (d) The officer-in-charge shall also immediately give intimation to nearest Magistrate empowered to hold inquest.
 - (e) The medical officer shall report to the officer-in-charge about the happening of the natural death of a juvenile and see that the body is decently removed to the mortuary.
 - (f) In case of natural death or due to illness of juvenile of an Observation Home or Special Home the officer-in-charge shall obtain a report of the medical officer stating the cause of death. A written intimation about the death shall be given immediately to the nearest police station, Juvenile Justice Board, State Human Rights Commission and the authority concerned.

- (g) The parents or guardians of the deceased juvenile shall be contacted and the officer-in-charge shall wait for twenty four hours for the arrival of relatives.
 - (h) As soon as the inquest is held, the body should be disposed of in accordance with the known religion of the juvenile.
- (4) In the event of custodial rape or sexual abuse, the action to be taken is as follows: -
- (a) In case a resident makes any complaint or occurrence of such rape or abuse comes to the knowledge of the officer-in-charge, a report shall be placed before the Juvenile Justice Board, who in turn, will order for special investigation and direct the local police station to register case against the person(s) found guilty under the relevant provisions of the IPC 1860 (45 of 1860).
 - (b) The Special Police unit shall also take due cognizance of such occurrence and conduct necessary investigations.
- (5) In the event of any other offence committed in respect of residents, the Board shall take cognizance and arrange for necessary investigation be carried out by Special Juvenile Police Unit.

18. Leave and absence of Juvenile or Child: -

- (1) The juvenile or child of an institution may be allowed to go on leave of absence on released or license and stay with his / her family during examination, emergencies or special occasions like marriage in the family.
- (2) While the leave of absence for short period not exceeding seven days excluding the journey time may be recommended by the officer-in-charge. Granting of such leave will be at the discretion of the Juvenile Justice Board and it cannot be claimed as a right.
- (3) The parents or guardians of the juvenile may submit an application to the officer-in-charge requesting for release of the juvenile on leave, stating clearly the purpose for the leave and the period of leave.
- (4) If the officer-in-charge considers that granting of such leave is in the interest of the juvenile or child, he shall call for a report of the Probation Officer on the advisability or otherwise and forward the case to the Board.
- (5) While issuing orders sanctioning the leave of absence or release on license in Form VII, as the case may be, the competent authority shall mention the period of leave and the conditions attached to the leave order, and if any of these conditions are not complied with during the leave period, the juvenile or child may be called back to the institution.

- (6) The parent or guardian shall arrange to escort the juvenile from and to the institution and bear the traveling expenses. In exceptional cases and during an emergency, the officer-in-charge may arrange to escort the juvenile to the place of the family and back.
- (7) If the juvenile runs away from family during the leave period, the parent or guardian are required to inform the officer-in-charge of the institution immediately, and try to trace the juvenile and if found, send the juvenile to the institution.
- (8) If the parent or guardian do not take proper care of the juvenile during the leave period or do not bring the juvenile back to the institution within the stipulated period, such leave may be refused on later occasions.
- (9) If the juvenile does not return to the institution on expiry of the sanctioned leave, the Board shall refer the case to the police for taking charge of the juvenile 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 to return to the institution within the stipulated period, shall be excluded while computing the period of his / her stay in the institution.

19. Release:- (1)The officer-in-charge shall maintain a roster of the cases to be released on the expiry of the period of stay as ordered by the Board.

- (2) Each case shall be placed before the Classification Committee 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) A timely information of the release of 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.’
- (4) If necessary, the actual expenses of the parent’s or guardian’s journey both ways and of the juvenile’s journey from the institution shall be paid to the parent or guardian by the officer-in-charge at the time of release of the juvenile.
- (5) If the parent or guardian as the case may be, fails to come to take charge of the juvenile on the appointed date, the juvenile shall be taken by the escort of the institution; and in case of a girl, she shall be escorted by a female escort.
- (6) At the time of release or discharge, juvenile may be provided with a set of summer / winter clothing, as the case may be, if the officer-in-charge deems it necessary.

- (7) If the juvenile has no parent or guardian, he may be sent to an aftercare organization or in the event of employment to the person who has undertaken to employ the juvenile.
- (8) The officer-in-charge / Superintendent of a girl's institution, subject to the approval of the competent authority, may get suitable girls above the age of eighteen years married according to the procedure laid down by the authority from time to time.
- (9) The officer-in-charge / superintendent shall order the discharge of any juvenile the period of whose detention has expired and inform the competent authority within seven days of the action taken. If the date of release falls on a Sunday or another public holiday, the juvenile may be released on the preceding day with entry to that effect being made in the register of discharge.
- (10) The officer-in-charge shall in all appropriate cases, order the payment of subsistence money, at such rate as may be fixed from time to time and the bus fare, as the case may be.
- (11) In deserving cases, the officer-in-charge may provide the juvenile with such small tools, as may be necessary, to start a work or business subject to such maximum cost as may be fixed by the institution.
- (12) The officer-in-charge may, subject to the approval of the competent authority, allow at their own request such girls who have no place to go to stay in the institution after the period of their detention has expired till some other suitable arrangements are made.

20. Maintenance of case file: - The case file of each juvenile shall be maintained in the institution containing the following in formations, so far as applicable: -

- (a) Report of the person / agency who produced the juvenile before the Board.
- (b) Probation Officer's Report
- (c) Information from pervious institution.
- (d) Initial interview material, information from family members, relatives, community, friends and miscellaneous information.
- (e) Source of further information.
- (f) Observation reports from staff members.
- (g) Reports from medical officer, I.Q. testing, aptitude test, education / vocational test.
- (h) Social history.

- (i) Summary and analysis by officer-in-charge / superintendent.
 - (j) Initial classification sheet.
 - (k) Instruction regarding training and treatment programme and about special precautions to be taken.
 - (l) Leave and other privileges granted.
 - (m) Violation of rules, if any and special achievement.
 - (n) Quarterly progress report form various sections.
 - (o) Review sheet.
 - (p) Monthly cycle (M. C.) report (in case of girl)
 - (q) Pre-release programme.
 - (r) Final progress report.
 - (s) Leave of absence release on license.
 - (t) Final discharge.
 - (u) Final follows up report
 - (v) Central index number
 - (w) Annual photograph, and
 - (x) Remarks.
- (2) All the case files maintained by the institutions and the Board shall, as far as practicable, be computerized and network so that the data is centrally available.

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

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

- (3) Prior to production of a juvenile before the Board the juvenile may be placed in a safe place with the Police Station, (which shall not be a lock up) or in a “place of safety”.
- (4) The special police or the designated police officer shall produce the juvenile before the Magistrate or a Member of the Board within twenty hours of his apprehension (excluding the time taken to bring the juvenile from the Police Station / place of safety to the Board).
- (5) In case of delay in production before the Magistrate/ Board, the details of not doing so be recorded in the police dairy or general dairy.
- (6) In case a recognized voluntary organization takes a juvenile to the Board, the voluntary organizations shall also inform the concerned Police Station.
- (7) The State Government shall recognize only those registered Voluntary organization which can provide the services of probation, counseling, case work, a place of safety and also associate with the Special Juvenile Police Unit and are willing and have the capacity, facilities and expertise to do so.
- (8) The registered voluntary organization shall prepare a report narrating the circumstances of apprehension and offences committed and produce the juvenile before the Board / Police with report.
- (9) When a juvenile is produced before an individual member of the Board, the order given by the member shall be ratified in the next meeting of the Board.
- (10) The police or the recognized Voluntary Organization shall be responsible for the safety and basic amenities to the juveniles apprehended or kept under their charge during the period they are with them.

22. Procedure to be followed by a Juvenile Justice Board in holding inquiries: -

- (1) In all cases under the Act the proceeding shall be conducted in a simple manner as possible and care shall be taken to ensure that the juvenile against whom the proceedings have been instituted is given home like atmosphere during the proceedings.
- (2) When witnesses are produced for examination, the Board shall make free use of power conferred on it by section 165 of the Indian Evidence Act, (1 of 1872), to question them as to bring out any point that may go in favour of the juvenile or the child.
- (3) While examining a juvenile and recording his statement, the competent authority shall be free to address the juvenile in any manner that may seem suitable, in order to put the juvenile at ease and to elicit the true facts, not only in respect of the offence of which the juvenile is accused, but also in respect of the Home and social surrounding and the influence to which the juvenile / child might have been subjected.

- (4) The record of the examination shall be in such form as the Board may consider suitable having regard to the contents of the statement and circumstances in which it was made.
- (5) In every case concerning a juvenile the Board shall obtain-
 - (i) A birth certificate given by a corporation or Municipal authority, or
 - (ii) A date of birth certificate from the school first attended, or
 - (iii) Matriculation or equivalent certificates, if available, and
 - (iv) in the absence of (i) to (iii) above, the medical opinion by a duly constituted Medical Board, subject to a margin of one year, in deserving cases for the reasons to be recorded by such medical board, regarding his age: and, when passing orders in such case shall, after taking into consideration such evidence as may be available or the medical opinion, as the case may be, record a finding in respect of his age.
- (6) The State Government shall recognize registered voluntary organizations, to supervise and submit periodical reports.
- (7) In accordance with the rules made under sub-section (2) of section 10 of the Act, the Board shall, in Form I order a Probation Officer, or otherwise to conduct a social investigation, reporting on the character and antecedents of the juvenile with a view to assessing the best possible mode for placement, such as, with the family, an institution or otherwise permissible under the Act.
- (8) When juvenile is placed under the care of a parent or guardian and the Board considers it expedient to place the juvenile or child under the supervision of a probation officer, it shall issue a supervision order in Form II.
- (9) The competent authority may, while making an order placing a juvenile under the care of a parent, guardian or fit person, to enter into a bond in Form IV with or without sureties.
- (10) Wherever the Board orders a juvenile to be kept in an institution, it shall forward to the officer-in-charge / superintendent of such institution a copy of its order, in Form III with particulars of the home and parents or guardian and previous record.
- (11) The juvenile or child shall be lodged in a home closest to where he/she belongs.
- (12) The officer-in-charge / superintendent of the institution certified as special Home under sub-section (2) of section 9 of the Act, shall be informed in advance by the Board before any juvenile is committed to it.

(13) The officer-in-charge/ superintendent of an institution may, on receipt of the information, intimate in writing objections, if any, to the committal of the juvenile or child and the objections shall be taken into consideration by the Board before the juvenile or child is committed to the said institution.

(14) In case the Board orders the parent of the juvenile or child, to pay a fine and the amount realized shall be deposited in the Government treasury.

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

24. Child Welfare Committee :- (1) The Committee shall consist of a chairperson and four other members as the State government may think fit to appoint, of whom at least one shall be a woman and another an expert on matters concerning children.

(2) The Chairperson and members of the Committee shall be appointed from panel of names recommended by a Selection Committee set up by the State Government for the purpose.

(3) The Selection Committee shall consist of following seven members namely:-

(i) A retired Secretary of the State Government having experience in Social Welfare shall be the chairperson of the Selection Committee.

(ii) Two representative of reputed non-governmental organizations working in the area of child welfare.

(iii) A representative from an academic body;

(iv) Two representatives of the concerned Department of the State Government.

(4) The Selection Committee shall also prepare a list of names for each Child Welfare Committee to fill in vacancies, which may arise during the tenure of the Committee.

(5) A person to be selected as member of the Child Welfare Committee shall have either of the following qualifications, besides five years experience in their respective field, namely :-

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

- (b) A teacher or a doctor or a senior retired public servant who has been involved in work concerning child welfare; or
 - (c) A social worker of repute who has been directly engaged in child welfare.
- (6) The Chairperson of the Child Welfare Committee shall be at least a graduate with either of the qualifications given above in sub rule (6).
 - (7) The Child Welfare Committee shall have a tenure of three years and the appointment of members shall be co-terminus with the tenure of the Committee.
 - (8) A member of the Committee shall be eligible for appointment for a maximum of two terms.
 - (9) A member may resign anytime by giving one month's advance notice in writing.
 - (10) Any casual vacancy on the Committee may be filled by appointment of another person from the waiting list/ panel prepared by the Selection Committee and shall hold office for the remaining term of the Committee.
 - (11) The members of the Committee shall be paid such traveling/ meeting allowance or honorarium as the State Government may decide from time to time.
 - (12) In the absence of recommendations of Selection Committee, the State Government may temporarily fill up the vacancies in Child Welfare Committee on its own.
- 25. Procedure etc. in relation to Committee :-** (1) The Committee shall hold its sitting in the premises of the children's home and shall meet at least once in a week.
- (2) The quorum for the meeting shall be three members attending, which may include the Chairperson.
 - (3) Any decision taken by an individual member, when the Committee is not in sitting, shall require ratification by the Committee in its next sitting.
 - (4) The final disposal of cases relating to children in need of care and protection, shall take place from the office of the Committee, by the order of at least two members.
 - (5) The Committee shall take into consideration the age, physical and mental health background, opinion of the child and the recommendation of the case worker, prior to disposal of such cases.
- 26. Production of a child before the committee:** - (1) Any child in need of care and protection shall be produced before the committee by one of the following person:-

- (i) Any police officer or Special Juvenile Police Unit or a designated police Officer;

- (ii) Any public servant:
 - (iii) Childline, a registered voluntary organization, or by such other voluntary Organization or an agency as may be recognized by the State Government.
 - (iv) Any social worker or a public spirited citizen authorized by the State Government or
 - (v) By the child himself.
- (2) When any person / organization authorized under sub-rule (1) receives a child in need of care and protection, he / she / they may also produced the child before the committee with the report of the circumstances under which the child came to their notice.
 - (3) A child above two years of age, shall be produced before the committee within forty eight hours of such admission, excluding the journey time taken by the person or the organization; and for children under two years of age, the person or organization shall send a written report along with the photograph, within forty eight hours of admission, excluding the journey time.
 - (4) In case the committee is not sitting, the child shall be kept in a place of safety and provided with all basic facilities and adequate protection.
 - (5) Every possible effort shall be made to trace and associate the family and assistance of recognized voluntary organizations / Childline may also be taken.
 - (6) In case a recognized voluntary organization takes a child to the committee, they shall also submit a report in the circumstances under which the child came to their notice, and efforts shall be made by them for tracing the family.
 - (7) The Committee shall make arrangement to send the child to the designated place of safety, with age and sex appropriate facilities, pending the inquiry.
 - (8) The child may be escorted by the Police officer or representative of the Voluntary Organization or by any other arrangement as considered appropriate by the Committee.
 - (9) A list of the names and addresses of all recognized Children's Homes along with its capacity appropriate facilities as prescribes under section 34 of the Act, shall be listed with the Committee.
 - (10) The competent authority may, while making an order placing a child under the care of a parent, guardian or fit person, as the case may be, direct such parent, guardian or fit person to enter into a bond in Form IV with or without sureties.
 - (11) Whenever the Committee orders a child to be kept in an institution, it shall forward to the Officer-in-charge of such institutions copy of its order in Form III with particulars of the Home and parents or guardian and previous record.
 - (12) The Child shall be lodged in a home closest to where he belongs.

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

- (2) The direction for the inquiry under sub-rule (1) shall be given in Form – 1.
- (3) The committee shall direct the concerned person/ organization about the details / particulars to be enquired into for suitable rehabilitation.
- (4) The inquiry must be completed with 4 months unless special circumstances do not permit to do so in the interest of the child, and for which as written extension must be taken by the inquiring officer / agency under Section 33 (2) of the Act.
- (5) After completion of the inquiry, if, the child is under orders to continue in the children's home, the Committee shall carry out an annual review of the progress of the child in the Home.

28. Children's Home: - (1) The State Government it self or in association with voluntary organizations, shall set up separate homes for children in need of care and protection, in the matter specified below: -

- (a) While children of both sexes below ten years, may be kept in the same home but separate facilities shall be maintained for boys and girls in the age group 5-10 years.
- (b) Separate Children's Homes shall be set up for boys and girls in the age group 10 to 18 years.
- (2) Each Children Home shall be comprehensively child care centre with the primary objective to promote an integrated approach to child care by involving the community and local NGOs.
- (3) The activities of such Centre shall focus on:
 - (a) Family based services, such as, foster family care, adoption and sponsorship;
 - (b) Specialized services in conflict or disaster affected areas to prevent neglect by providing family counseling, sponsorship, playground etc.
 - (c) Provision of Childline and emergency outreach service through 1098 a free phone facilities for children.
 - (d) Linking up with ICDS to cater to the needs of children below 6 years.
 - (e) To establish linkages with organization and individuals who can provide support services to children: and
 - (f) To encourage volunteers to provide for various services for children and facilities to become guardian.

- (4) Every Children's Home shall have the following facilities, namely: -
- (i) Physical infrastructure: - (i) it shall include separate facilities for children in the age group of 0-5 years with appropriate facilities for
 - (ii) The facilities to be created for children in the age group of 6-10 years having separated dormitories for boys and girls.
 - (iii) The standard of accommodation as prescribe in rule 9 shall apply.
 - (iv) There shall be adequate lighting, ventilation, heating and cooling arrangements, drinking water and toilets, in terms of age appropriateness and hygiene.
- (b) The clothing and bedding according to season and age appropriate as per scale mentioned in rule 7 of these rules.
- (c) **Nutrition:** - (i) The children shall be provided 4 meals including breakfasts in a day.
- (ii) The menu shall be prepared with the help of a nutritional expert / doctor to ensure balanced diet and variety in taste.
 - (iii) Children may be provided special meals on holidays.
 - (iv) The diet of infants and sick children shall be according to the requirement.
 - (v) The normal dietary scale for children up to 18 years shall be according to scale mentioned in rule 6 of these rules.
- (d) **Medical :-** (i) The Children's Home shall have arrangement for the medical facility preferably with doctor and nurse.
- (ii) All children brought into the home shall be medically examined initially within 24 hours of arrival.
 - (iii) The routine medical check up of the children must be done on monthly basis.
 - (iv) The sick children shall constantly be under medical supervision.
 - (v) In the event of breakout of contagious/ infectious diseases, segregation must be ensured.
 - (vi) The medical service shall include immunization facilities as specified under the National Immunization Schedule.
 - (vii) The home shall have networking with local doctors/ hospitals for referral cases.

- (viii) The medical record of each child shall be meticulously maintained in the file of the child which shall also include weight and height record, any sickness and treatment and other physical/ mental problem if any.
- (e) **Education:** - The Children's Home shall provide education to all children according to age and ability, either both inside the home and outside as per the requirement.
- (f) **Vocational Training :-** (i) every Children's Home shall facilitate for useful vocational training under the guidance of trained instructors.
- (ii) the home shall develop networking with Institute of Technical Instruction (ITI), Government and Private organisation/ Enterprises, Agencies/ NGOs with expertise, or placement agencies.
- (g) **Counseling :-** (i) each home shall have the services of a trained counselor.
- (ii) the services of Child Guidance Centres, Psychology and Psychiatric Departments or similar agency may also be availed.
- (h) **Recreational:** - It must include indoor and outdoor games, music, television, picnics and outings, cultural programmes etc.
- (i) **Care Plan:** - (i) the incharge, counselor along with the child welfare officer, case worker, or social worker shall prepare a care plan for every child in the home.
- (ii) the care plan shall be reviewed from time to time for appropriate development and rehabilitation including options for restoration to family / foster care / adoption and review shall not be delayed beyond a year.
- (iii) The focus should be on providing family and community based re-integration programme.
- (iv) Children shall be on providing family and community based reintegration programmes.
- (j) **Intake procedure:** - (i) every new child who is brought to the home, shall immediately be taken charge of by the counselor / child welfare officer / designated officer, as the case may be.
- (ii) The child shall be received with due care as provided under these rules, with dignity and love.
- (iii) A brief orientation shall be given to the child on induction to remove any inhibition from the mind of the child.
- (iv) The child shall be immediately be given bath clothing, food etc, and medically examined.

- (v) The designated officer shall enter the name of the child in the Admission register and allocate appropriate accommodation facility.
- (vi) The photograph shall also be taken immediately for records and the case worker shall begin the investigation and correspondence with the person, the child might have named.
- (vii) The officer-in-charge shall see that the personal belongings of every child received by the home is kept in safe custody and recorded in the Personal Belonging Register and the item must be returned to the child when he leaves the home.
- (viii) The girl child shall be searched by a female member of the staff, and with due regard to decency.
- (ix) The articles mentioned under clause 14 shall and be prohibited in case of children's home.
- (k) In the event of the child leaving the home without permission, the information shall be sent to the police and the family, if known and the detailed report along with the efforts to trace the child shall be sent to the Committee for information in the subsequent sitting of the Committee.
- (l) **Death of a Child:** - (i) In the event of death of a child, the circumstances of the death shall be recorded in the case file of the child, by the case worker giving the cause of death and the death certificate shall be recoded in the case file of the child by the case worker giving the cause of death and the death certificate shall be obtained from the attending doctor or hospital, as the case may be.
- (ii) The information shall be sent to the Committee and the District level Inspection Team, register of births and deaths and relative, if known.
- (iii) The last rites shall be performed according to the known religion of the child.
- (m) In the event of custodial rape or sexual abuse, the action to be taken is as follows: -
 - (i) In case any resident makes any complaint or occurrence of such nature comes to the knowledge of the officer in charge / superintendent, a report shall be placed before the Committee, who in turn, shall order for special investigation.
 - (ii) The Committee shall direct the local police station to register case against the person found guilty under the relevant provisions of the Indian Penal Code, 1860 (45 of 1860)
 - (iii) The Special Juvenile Police Unit shall also take due cognizance of such occurrences and conduct necessary investigations.
- (n) In the even of any other crime committed in respects of residents, the Committee shall take cognizance and arrange for necessary investigation to be carried out by the Special Juvenile Police Unit.

- (o) **Record Keeping** – All the case files of the children maintained by the institutions and the Committee shall be computerized and networked so that the data is centrally available.

29. Inspection – (1) The State Government shall constitute State / District / City level inspection teams on the recommendation of Selection Committee, constituted under sub-rule (3) of rule 24, for a period of 3 years to visit and oversee the day to day function of the Homes and give suitable directions to be followed by them.

- (2) The team shall also make suggestions for the improvement and development of the institution.
- (3) The team shall consist of minimum of five members from representatives of State Government, Local Authority, Child Welfare Committee, Medical and other experts, voluntary organizations and reputed social workers.
- (4) The inspection visit shall be carried out by not less than three members.
- (5) The team may visit the homes either by prior intimation or by surprise.
- (6) The team shall interact with the children during the visits to the institution, to determine their well-being and uninhibited feedback.
- (7) The follow up action on the findings and suggestion of the children shall be taken by all concerned authorities.

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

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

- (2) The shelter homes or drop-in centres shall have the minimum facilities of boarding and lodging, besides the provision for fulfillment of basic needs in terms of clothing, food, health care and nutrition.
- (3) Such children in crises situation may live in short-stay homes which may have the requisite facilities for education, vocational training and recreation as well.
- (4) The committee, Special Juvenile Police Units, Public Servants, Childlines, Voluntary Organisations, Social workers and the children themselves may refer a child to such shelter homes.

- (5) The requirements of investigation and disposal shall not apply in cases of children residing in shelter home, except giving information to the Committee and the Police about the missing or homeless children, besides initiating legal action in the interest of the child in terms of the Act or other child related laws.
- (6) The services of Officer-in-charge, Child Welfare Officer, Social Worker shall be provided for the proper care, protection, development, rehabilitation and reintegration needs of such children.
- (7) No child shall ordinarily stay in the Government funded shelter homes or drop-in centre for more than a year.

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

- (2) No child shall be transferred or proposed to be transferred only on the ground that the child has created problems or become difficult to be managed in the existing institution.
- (3) The transfer for restoration or enquiry for all proceedings in respect of a child from one state to other may also be ordered by the local authority, after obtaining the concurrence from the committee.
- (4) No child shall be transferred out of the district / city for the purpose of adoption without the concurrence of the committee.
- (5) On receipt of transfer order from the local authority, the officer in charge shall arrange to escort the child at the Government expenses to the place or person as specified in the order.
- (6) On such transfer, the child case file and records shall be sent along with the child.

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

- (2) The guidelines on adoption, issued by a State Government under sub-section (3) of section 41 of the Act, the Supreme Court and the Central Adoption Resource Agency (CARA) from time to time shall apply.
- (3) The State Government shall recognize Children's Homes or State Government Homes for orphans as adoption agencies both for scrutiny and placement of such children for in country adoption.
- (4) In the case of inter country adoption, the procedure laid down by CARA shall apply.
- (5) The scrutiny shall be done independently by an agency recognized for this purpose.

- (6) The scrutinizing agency shall examine all available information and verify the background of the child before making a recommendation to the Board for adoption of the child.
- (7) Any child who is eligible for adoption and residing in unrecognized home, shall for the purpose of adoption, be transferred to a recognized home.
- (8) An abandoned child shall be given in adoption only when the child welfare committee declares such a child to be legally free for adoption and an order to that effect is signed by at least two members of the child welfare committee.
- (9) Before declaring the child as abandoned and certifying him / her as legally free for adoption, the child welfare committee shall institute a process of inquiry which shall include –
 - (a) A thorough enquiry by the Probation Officer / case workers / police, as the case may be, shall be conducted and a report containing findings submitted which within a maximum period of one month.
 - (b) Declaration by the placement agency, stating that there has been no claimant for the child even after making notification in at least one leading newspaper including a regional language newspaper, T. V. and Radio announcement and after waiting for a period of one month, the time which shall run concurrently of the inquiry to be conducted and report submitted under clause (a) of this sub-rule;
 - (c) The Committee shall make a release order declaring the child legally free for adoption within the period of six weeks from the date of application in the case of children below the age of two years, and three months in the case of children above that age;
 - (d) No child above seven years who can understand and express his / her option shall be placed in adoption without his / her consent.
- (10) Role of licensed or recognized Government and Non-Government agencies for adoption: -
 - (a) In the case of an abandoned child the recognized agency shall within forty eight hours report to the Child Welfare Committee along with the copy of the report filed with the police station in whose jurisdiction the child was found abandoned.
 - (b) The adoption agency may initiate the process of clearance at the earliest, in the case of abandonment of children, for the purpose of adoption within a period of two months for placing application before the committee for declaring the child legally free for adoption.
 - (c) In case of a child surrendered by his/ her biological parent/ parents by executing a document of surrender, the adoption agency shall make an application directly to the Juvenile Justice Board for giving the child for adoption.

- (d) The adoption agencies shall wait for completion of two months reconsideration time given to the biological parent/ parents.
 - (e) Serious efforts shall be made for counseling the parents, so as to persuade them to retain the child and if, the parents are still unwilling to retain, then, such children shall be kept initially in foster care or arranged for their scholarship.
 - (f) In the case of surrendered or abandoned child who is legally free for adoption, the licensed agency shall have discretion to place the child in pre-adoption foster care under intimation to the Juvenile Justice Board within one week, of its placement pending the final order.
- (11) Role of Juvenile Justice Board:
- (a) After receiving an application form from a recognized agency for adoption, the Board shall call for independent enquiry by recognized scrutiny agency, which shall submit its report within a period of two weeks.
 - (b) The Board shall undertake a process of enquiry, which shall include interviewing the prospective parents, verifying the documents and scrutiny reports.
 - (c) If the Board is satisfied that the placement is in the best interest of the child, it shall pass a final order giving permanent custody to the adoptive parent or parents.
 - (d) The order of adoption shall be signed by the Principal Magistrate besides at least one of the two members of the Board.
 - (e) The Board shall determine and fix the date of birth, in the best interest of the child and shall pass order to the appropriate authority to issue a regular birth certificate for the child giving the name(s) of the adoptive parents(s) as if in the case of natural born children.
 - (f) As far as practicable, the time taken for passing an adoption order, shall not exceed two months from the date of filing of application.
 - (g) The order shall also include provision for a periodic follow up report either by the probation officer or case worker or adoption agency to ensure the well being of the child and the period of such follow up shall be three years, six monthly in the first year and annually for the subsequent two years.

34. Foster Care - (1) A child to be placed under short term foster care shall be done according to the procedure laid down in clause (f) of sub rule (10) of the rule 33, and the short- term foster care period shall not exceed four months.

- (2) The temporary foster care shall be carried out, as given in sub-section (2) of Section 42 of the Act, by the Competent Authority under the supervision of a Probation Officer / case worker / social worker, as the case may be, in Form II and the total period of temporary foster care shall not exceed five years.

- (3) The following criteria shall be applied for selection of families for temporary foster care: -
- (a) Foster parent(s) should have stable emotional adjustment within the family.
 - (b) Foster parent(s) have an income to meet their needs and not be dependent on the foster care maintenance payment.
 - (c) The monthly family income shall not be less than Rs.5000 per month.
 - (d) Medical reports of all the members of the family residing in the premises should be obtained including checks on HIV, TB and Hepatitis B to determine that they are medically fit.
 - (e) An update should be done at regular intervals of not less than once in a calendar year.
 - (f) The foster care family should be willing to follow rules laid down including regular visit to paediatrician, maintenance of child health, record, etc.
 - (g) The foster mother should be physically, mentally and emotional stable.
 - (h) The home should have adequate space and physical facilities.
 - (i) The foster care family should be willing to follow rules laid down including regular visit to paediatrician, maintenance of child health, record, etc.
 - (j) The family should be willing to sign an agreement and to return the child to the agency whenever called to do so.
 - (k) The foster mother should be willing to attend training or orientation programme.
 - (l) The foster parent(s) should be willing to take the child for regular (at least once a month in a case of infants) checkups to a paediatrician approved by the agency.
- (4) There shall be regular monitoring and supervision carried out by the probation officer/child welfare officer as the case may be.

35. Sponsorship (1) The children's home and special homes shall promote sponsorship programmes as laid down in section 43 of the Act.

- (2) The Homes receiving sponsorship, shall maintain proper and separate accounts of all the receipts and payments for the programme.

36. After Care Organization – (1) The After Care organization, as outlined in the Act are to take care of Juveniles or children after they leave special homes and children's homes.

- (2) These after care organizations are essential for all children or youth between the age of 18-20; years and as such, this age group is most vulnerable and need care, guidance and protection.
- (3) The objective of these homes shall be to enable such children to adapt to the society and during their stay in these transitional homes these children will be encourage to move away from an institution – based life to a normal one.
- (4) The target groups will include juveniles or children who have either left special homes or children's home.

- (5) The key components of the model include setting up of temporary homes for a group of youths, who can be encouraged to learn a trade and contribute towards the rent as well as the running of the home.
- (6) There shall also be provision for a peer counselor, who will be in regular contact with these youths to discuss their rehabilitation plans and provide creative outlets for their energy to tide over crises periods in their life.
- (7) The programmes under the scheme shall include: -
 - (i) Facilitating employment generation for these youths will be a key programme.
 - (ii) After a youth has saved a sufficient amount, he/ she can be encouraged to stay in a place of his / her own and move out of the group home.
 - (iii) The youth may continue staying in the home and return the deposit to the Non- Governmental Organizations (NGOs).
 - (iv) The youth learning a vocational trade can be given a stipend, which may be stopped once the youth gets a job.
 - (v) Loans to these youth to set up entrepreneurial activities may also be arranged.
 - (vi) A peer counselor shall also be made available for youth at these homes, as at this stage of life, they can be lured into crime or drug dependence and such other habits or deviant behavior.
- (8) The strategy for children who have been juveniles or have left special homes shall be to help them to return normal life and adjust and adapt to their environment.
- (9) There shall be provision for vocational training of these children to enable them to sustain themselves through their own efforts.
- (10) Structure: One peer counselor can be made in-charge of a cluster of 5 (five) homes and each home may house 6-8 youths who could opt to stay together on their own.

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

- (2) Any association or body of individuals, whether incorporated or not, established for or having for its object the reception or protection of juveniles or children, or the prevention of cruelty to juvenile, and which undertakes to bring or to give facilities for bringing up any juvenile entrusted to its care in conformity with their religion of his birth, may be included within the meaning of fit institutions.
- (3) A list of names and the addresses of fit persons and fit institution approved by the competent authority shall be kept in the office of the Board and the Committee and shall be used when necessary.

- (4) After committal of a juvenile or a child by the competent authority to an institution recognized as a fit institution which collateral branches, the manager of such institution may send the juvenile to any or the branches of such institution after giving an intimation to the competent authority under whose order the juvenile or the child was committed.
- (5) Before declaring any person or institution as fit person or fit institution, the competent authority shall hold due enquiry and only on being satisfied, recognition shall be given.

38. Certification/ recognition and transfer of management of institution – (1) If the management of any organization desires that its organization can be certified or recognized under the Act, the same shall make an application together with a copy each of the rules bye-laws article of association, list of member of the society / association running the organization office bearers and a statement showing the statute and past records of social or public service provided by the organization, to the State Government who shall after verifying the provision made in the organization for the boarding and lodging, general health, education facilities, vocational training and treatment services may grant certificates or recognition under section 8,9,34,37 and 44 of the Act, as the case may be, on the condition that organization shall comply with the standards or services as laid down under the Act and the rules framed there under, from time to time 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 this Act to a voluntary organization of repute, who has the capacity to run such institution and certify the said voluntary organization as a fit institution to own the requisite responsibilities under a Memorandum of understanding for a specified period of time.
- (3) The institution and the infrastructure already available with the State Government in relation to the earlier Juvenile Justice Act, 1986 shall be suitably used for implementing the Act.
- (4) The State Government may, if dissatisfied with the conditions, rules, management of the organization certified or recognized under the Act, at any time, by notice served on the manager of the organization, declare that the certificate or recognition of the organization, as the case may be, shall stand with drawn as from the date specified in the notice and the said date the organization shall cease to be an organization certified or recognized under section 8,9,34,37 and 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 reorganization of that organization.

- (5) The decision to withdraw or to restore the certificate, or recognition of the organization may be taken, on the basis of a thorough investigation by specially constituted Advisory Board under section 62 of the Act.

- (6) On the report of the Advisory Board the officer in-charge / superintendent of the home shall be asked to show cause so as to give an explanation within thirty days.
- (7) When an organization ceases to be an organization, certified recognized under section 8,9,34,37 or 44 of the Act, the juvenile / child kept therein shall, under the orders of the designated officer empowered in this behalf by the State Government be either: -
 - (a) Discharge absolutely or on such conditions as the officer may imposed; or
 - (b) Transfer to some other institution established, certified or recognized under section 8,9,34,37 or 44 of the Act, in accordance with the provision of the Act and rules relating to discharge and transfer by giving intimation of such discharge or transfer to the Board or the Committee, as the case may be.

39. Grant in Aid to Certified or recognized organization (1) An organization certified or recognized under section 8,9,34,37 or 44 of the Act, may during the period of certification or recognition is in force may, apply for grant in aid from the State Government, for the maintenance of juvenile on their education, treatment, vocational training, development and rehabilitation.

- (2) The grant-in-aid may be admissible, at such rates, which shall be sufficient to meet the prescribed norms
- (3) In case of transfer of management of Government run homes under section 8,9,34,37 of the Act to a voluntary organization, the same budget which the Government was spending on that home, shall be given to the voluntary organization as grant-in-aid under the memorandum of understanding signed between both parties describing their role and obligations.

40. Admission of outsider - No stranger shall be admitted to the premises of the institution, except with the permission of the Chief Inspector or Officer-in-charge.

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

- (2) One photograph shall be kept in the case file of the juvenile or child, one shall be kept fixed with the index card and the third copy shall be kept in an album serially with the negative in another album.

42. Police officers to be in plain clothes – While dealing with juvenile or a child under the provisions of the Act and the rules made there under, except at the time of arrest, the police officer shall wear plain clothes and not the police uniform.

43. Prohibition of the use of handcuffs and fetters – No juvenile or child dealt with under the provisions of the Act and the rules made there under shall be handcuffed or fettered.

44. Visitors Book (1) a visitor's book shall be maintained, in every institution, in which the person visiting the home shall record the date of his visit with remarks or suggestions, which he may think proper.

(2) The Officer-in-charge / superintendent shall forward a copy of every such entry to the designated authority, and the local authority, with such remark as the may desire to offer in explanation or otherwise; and thereon, the designated authority shall issue such orders as may consider necessary.

45. Maintenance of Registers – The officers in charge shall maintain in his office, such registers and forms, as required by the Act and as specified by the rules made there under.

46. Procedure for sending a juvenile or child outside the jurisdiction of the Competent Authority. (1) In the case of juvenile or a child whose ordinary place of residence lies outside the jurisdiction of the competent authority, and if the competent authority, considers its necessary to take action under section 50 of the Act, it shall direct a probation officer to make enquiries as to the fitness and willingness of the relative or other person to receive the juvenile or the child at the ordinary place of residence, and whether such relative or other fit person can exercise proper care and control over the juvenile or child.

(2) Any juvenile or child, who is a foreign national and who has lost contact with the family shall also be entitled for protection.

(3) The juvenile/ child who is a foreign national shall be repatriated, at the earliest, to the country of his origin in coordination with the Ministry of External Affairs and respective Embassy or High Commission.

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

- (5) A copy of the order passed by the competent authority under section 50 shall be sent to:
- (a) The probation officer who was directed to submit a report under sub rule (1)
 - (b) The probation officer, if any, having jurisdiction over the place where the juvenile / child is to be sent.
 - (c) The competent authority having jurisdiction over the place where the juvenile / child is to be sent and
 - (d) The relative or the persons who is to receive the juvenile / child.
- (6) Any breach of a bond or undertaking or of both given under sub rule (4) above shall render the juvenile / child to be sent to home.
- (7) During the pending of the orders under sub rule (4), the juvenile / child shall be sent by the competent authority to an Observation Home / Children Home.
- (8) In case of a juvenile / child, where the competent authority deems its expedient to send the juvenile / child back to his/ her ordinary place of residence under section 50, the competent authority shall inform the relative or the fit person who is to receive the said relative or fit person to come to the home, to take charge of the juvenile / child on such date, as may be specified by the competent authority.
- (9) The competent authority inviting the said relative or fit person under sub rule (8) may also direct, if necessary, the payment to be made by the officer in charge/ superintendent of the home, of the actual expenses of the relative or fit person's journey both ways, by the appropriate class and the juvenile's / child's journey from the home to his ordinary place of residence, at the time of sending the juvenile / child.
- (10) If the relative of the fit person fails to come to take charge of the juvenile / child on the specified date, the juvenile / child shall be taken to his ordinary place of residence by the escort of the observation home. In the case of a girl, at least one escort shall be a female.

47. Mode of dealing with juvenile / child suffering from dangerous diseases or mental complaint:-

(1) When a juvenile or the child kept in home under the provisions of the Act, or placed under the care of a fit person or a fit institution, is found to be suffering from disease, requiring prolonged medical treatment or physical or mental complain, which will respond to treatment or is found addicted to narcotic drug or psychotropic substance, the juvenile or the child may be removed by an order of the authority empowered on this behalf to an approved place set up for such purpose for the remainder of the term for which he has to stay, under the order of the component authority or for such period as may be certified by medical officer to be necessary for the proper treatment of the juvenile or the child.

- (2) Where it appears to the authority ordering the removal of the juvenile / child under sub rule (1), that the juvenile / child is cured of the disease or physical or mental complain, he may, if the juvenile/ child is still liable to be kept in custody, order the person having in charge, to send the juvenile / child to the home or fit person from which or from whom he was removed, or if the juvenile / child is no longer to be kept in the home, ordered him to be discharged.
- (3) Where action has been taken under sub rule (1), in the case of a juvenile / child suffering from an infectious or contagious disease, the authority is empowered under sub rule (1), before restoring the said juvenile/child to his partner in marriage or to the guardian, as the case may be, shall where it is satisfied that such action will be in the interest of the said juvenile / child, call upon the partner in marriage or the guardian, as the case may be, to satisfy it that such partner or guardian will not re-infect the juvenile / child./
- (4) If there is no organization either within the jurisdiction of the competent authority, or nearby state for sending the juvenile / child suffering from dangerous diseases, as required under section 58 of the act, necessary organization shall be set up by the State Government at such places, as it may deem fit.

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

- (2) The institutional organizational set up shall be fixed in accordance with the size of the home, the capacity, work load, distribution of functions and requirements of programmes.
- (3) The whole time staff in a Home may consists of Superintendent, Assistant Superintendent, Probation Officer (in case of observation Home/ Special Home), Case workers (in case of children's Home / Shelter Home/ Aftercare organization), Child Welfare Officer, Counsellor, Educator, Vocational Training Instructor, Warder Care Takers, Cook Peon, Chowkidar, Sweeper and Medical Staff. Administrative Staff, Helper, Washerman, Safai Karmachasri, gardener as required.
- (4) The part-time staff shall include Psychiatrist, Psychologist, Occupational therapist and other professionals as may be required from time to time.
- (5) The Staff of the home shall be subject to control and over all supervision of the Superintendent / Project Manager, who by order, shall determine their specific responsibilities and shall keep the concerned authority informed of such orders made by him from time to time.
- (6) The duties and responsibilities of the staff under the Superintendent/ Project Manager shall be fixed in keeping with the statutory requirements of the Act.
- (7) The Superintendent or Project Manager and such other staff who may be required, shall live in the quarters provided for them within the premises of the home.

- (8) The number of posts in each category of staff shall be fixed on the basis of capacity of the institution; and the staff shall be appointed in accordance with the educational qualifications, training and experience required for each category.
- (9) The suggested staffing pattern for an institution with a capacity of 50 juveniles/ children could be as mentioned below :

<i>Sl. No.</i>	<i>Designation</i>	<i>No. of Post</i>
1.	Superintendent/ Project Manager	1
2.	Counsellor	1
3.	Case Worker/ Probation Officer	2
4.	Education Teacher	1
5.	Assistant Superintendent	1
6.	U.D.A.	1
7.	Vocational Instructor	2
8.	Paramedical Staff	1
9.	Matron/ Warden	1
10.	L.D.A. Cum Typist	1
11.	Driver	1
12.	Caretakers	10
13.	Peon	1
14.	Chowkidar	1
15.	Sweeper	1
16.	Sweeper	1
17.	Doctor	1 (part time)
18.	Art and Craft-cum-Music Teacher	1 (part time)
19.	Gardener	1 (part time)

49. Special Juvenile Police Unit and Juvenile/ Child Welfare Officer :- (1) The State Government shall appoint special Juvenile Police Units at the District and a Juvenile/ Child Welfare officer shall be designated in term of section 63 of the act at the level of Police Station.

- (2) The Special Juvenile Police Unit at the district level shall function under a juvenile police officer (of rank of Inspector of Police) and two honorary Social Workers of whom one shall be a woman and another preferably child expert or having relevant experience.
- (3) The Special Juvenile Police Units shall be assisted by recognized voluntary organization who will help them in identifying juveniles and helping the juveniles/ children under the Act.

50. Honorary/ Voluntary Probation Officers :- To augment the existing probation service, honorary or voluntary probation officers may be appointed from the voluntary organization and social workers found fit for the purpose by the competent authority and their probation services may also be co-opted into the implementation machinery by the orders of the competent authority.

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

52. Duties of the officers-in-charge of Homes - The general duties, functions and responsibilities of the officer in charge shall be as follows :-

- (a) Providing homely atmosphere of love, affection, care development and welfare of juveniles/ children;
- (b) Planning implementation and coordinating all institutional activities, programmes and operations.
- (c) Maintaining minimum standards in the Home;
- (d) Monitoring of juvenile/ children, as the case may be, training and treatment programmes and correctional activities.
- (e) Supervision of juveniles/ children, discipline and moral well being;
- (f) Allocation of duties to personnel;
- (g) Attending to personnel welfare and staff discipline;
- (h) Preparation of budget and control over financial matters;
- (i) Supervision over office administration;
- (j) Monthly office inspection;
- (k) Daily inspections and round of institutions;
- (l) Inspection and testing food prepared for juvenile/ child;
- (m) Take prompt action to meet emergencies;
- (n) To take appropriate rehabilitation measures.

53. Duties of Probation Officer - (1) On receipt of information from the officer-in-charge, the special juvenile police unit under clause (b) of section 13 of the act, the probation officer shall inquire into the antecedents and family history of the juvenile/ child and such other material circumstances, as may be necessary and submit a social investigation report as early as possible, in form VIII, to the Board.

- (2) Every probation Officer shall carry out all directions given by the Board or Committee or concerned authority and shall performs the following duties, namely:-
- (a) To make inquiries regarding the home and school conditions, conduct, character and health of juvenile/ child under their supervision;
 - (b) To attend regularly the proceeding of juvenile justice board and submit reports.
 - (c) To maintain diary case file and such register as may be specified from time to time.
 - (d) To visit regularly the residence of the juvenile/ child under their supervision and also places of employment or school attended by such juvenile or the child and to submit regularly fortnightly reports as prescribed in Form IX.
 - (e) To accompany juvenile/ children wherever possible, from the office of the Board to Observation Home, Special Home, Children's Home or fit person, as the case may be.
 - (f) To bring before the Board or the Committee, immediately juveniles/ children who have not been of good behaviour during the period of supervision;
 - (g) Follow-up of juveniles or children after their released from the organizations and extending help and guidance to them;
 - (h) Establishing linkages with voluntary workers and organizations to facilitate rehabilitation and social integration of juveniles/ children and to ensure the necessary follow up.
 - (i) Ensuring that the children's need of food and cloth are met as per the specified standard.
 - (j) To ensures the cleanliness of the premises and maintenance of physical infrastructure including provisions of water and electricity;
- (3) The probation officers shall not employ a juveniles/ children under their supervision for their own purposes or take any private service from them.

54. Duties of Case Workers/ Child Welfare Officer - The general duties, functions and responsibilities of case worker/ child welfare officer shall be as follows :-

- (a) Making social investigation of the juvenile/ child through personal interview and other sources.
- (b) Clarifying problems of the juvenile/ child and dealing with their difficulties in institutional life.
- (c) Participating in the orientation, monitoring, education, vocational and rehabilitation programmes.

- (d) Establishing cooperation and understanding between the juvenile/ child and the officer-in-charge.
- (e) Assisting the juvenile/ child to develop contacts with family and also providing assistance to family members.
- (f) Participating in the pre-released programme and helping the juvenile/ child to establish contact which can provide emotional and social support to juvenile/ child after their release.
- (g) Ensuring that the children's need of food and cloth are met as per the specified standard.
- (h) Ensure the cleanliness of the premises and maintenance of physical infrastructure including provisions of water and electricity etc.

55. Duties of Matron/ Warden/ Caretaker – (1) The general duties, functions and responsibilities of a Warden/ Caretakers shall be as follows :

- (a) Handling juvenile/ child with love and affection;
- (b) Taking proper care and welfare of juvenile/ child;
- (c) Maintaining discipline among the juveniles/ children;
- (d) Maintenance, sanitation and hygiene ;
- (e) Implementing daily routine in an effective manner and ensuring children's involvement;
- (f) Looking after the security and safety arrangements of the home; and
- (g) Escorting juveniles/ children whenever they go out of the home.

56. Training of Personnel - (1) The State Government or the officer-in-charge shall provide for training, of personnel of each category of staff, in keeping with their statutory responsibilities and specific jobs requirements.

(2) The Training programme shall include :-

- (a) Orientation and training of the newly recruited staff.
- (b) Refresher training Course for every staff members at least once in every five years; and
- (c) Staff Conferences, Seminars and Workshops along with the various component/ functionaries of Juvenile Justice System and the State Government at various level of the personnel organization.

57. **Advisory Board** - (1) The State Government shall constitute Advisory Board at various levels as required under section 62 of the Act consisting of the following members:-

- | | | | |
|-----|--|----|------------------|
| (a) | Commissioner and Secretary
Social Welfare Department ,
Meghalaya | -- | Chairman |
| (b) | Secretary, Home Department
Meghalaya | } | Members |
| (c) | Secretary, Industrial Department
Meghalaya | | |
| (d) | Secretary, Finance Department
Meghalaya | | |
| (e) | Secretary, Law Department
Meghalaya | | |
| (f) | Two Social Workers to be nominated by
the State Government | | |
| (g) | One Academician to be nominated by
the State Government | | |
| (h) | Director of Health Services,
Meghalaya | | |
| (i) | Director of Social Welfare,
Meghalaya | -- | Member Secretary |

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

- (a) To advise State government on matter relating to the Development of Juvenile Justice Services through various officials and Community Based Welfare Agencies.
- (b) To consider ways and means of mobilizing human and material resources to ensure Social Justice to juveniles in conflict with law and neglected children.
- (c) To serve as a forum for an effective coordination between various sectors of child development in dealing with the problem of juvenile proceeded through law.

- (3) The non official members under clause (f) and (g) of sub rule (1) of the Advisory Board shall be nominated by the State Government on recommendation of the Selection Committee. The non-official members shall hold office for terms of three years from date of nomination and shall be eligible for re-nomination. The tenure of the non official members may without assigning any reason be terminated by the State Government.
- (4) All the Boards shall hold at least two meetings in a year.
- (5) These Advisory Boards shall also inspect the various institutional or non institutional services in their respective jurisdictions; and the recommendations made by them; shall be acted upon by the State Government and Local Authorities.
- (6) The State Government through the selection committee constituted under sub rule (2) of rule 24 of these rules, shall set up State, District and City Level Advisory Boards, which shall consists of members of the competent authority, academic institutions, locally respectable and spirited citizens, representative of non-governmental organization and the representative of local authority, who shall act as its secretary.
- (7) The inspection committee constituted under section 35 of the Act shall function as district or city advisory board in terms of sub section (3) of Section 62 of the Act.
- (8) The termination, resignation or other vacancy caused in advisory board and appointment of new members therein shall be done in the same manner as is done in case of the Committee.

58. Openness and Transparency - (1) All Children's Home shall be opened to visitors with the permission of the Superintendent or the Project Manager particularly the representatives of local self government, voluntary organizations, social workers, researchers, medicos, academicians, prominent personalities, media and any other persons as the Superintendent or the Project Manager considers appropriate keeping in view the security welfare and the interest of the child.

- (2) The Superintendent or the Project Manager of the Home shall encourage active involvement of local community in improving the conditions in the Homes, if the members of the community want to serve the institution or want to contribute through their expertise.
- (3) The Superintendent/ Project Manager shall maintain a visitor book. The remarks of the visitors given therein shall be considered by the Advisory Inspecting Authority.
- (4) While visiting an institution, the visitors will not say or do anything that undermines the authority of the Superintendent or the Project Manager or is in contravention of the Act or Rules or impinges on the dignity of the child.
- (5) The visitors may be allowed to visit Observation Homes and Special Homes with the permission of the Competent Authority.

- 59. 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 Meghalaya Juvenile Justice Fund (herein after in this rule referred to as fund) for the welfare and rehabilitation of the juvenile dealt with under the provisions of the Act. The fund is to be maintained with such bank or banks as it may deemed necessary and to which all moneys received and expenditure made shall be credited into or as the case may be debited to it.
- (2) In addition to donations, contributions or subscriptions coming under Sub-section (2) of Section 61, the Central Government shall also make contribution to the fund.
- (3) The fund shall be applied :-
- (a) to implement programmes for the welfare and rehabilitation of juvenile/ child.
 - (b) to pay grant-in-aid to non-governmental organization.
 - (c) to meet the expenses of State Advisory Board and its purposes.
 - (d) to do all other things that are incidental and conducive to the above purpose.
- (4) The management and administration of the fund will 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 and State Government's 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-treasurer in the case of amounts not exceeding Rs.1000 (Rupees one thousand) and signed duly by the Secretary cum treasurer and other member of the Board of the 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 the Examiner of Local Accounts and Audit Meghalaya.
- (8) The auditors shall also certify that the expenditure from the funds made by the Secretary-cum-treasurer.
- (9) All contract and other assurance shall be in the name of the Board of the management and signed on their behalf by the Secretary-cum-treasurer and one member of the Board of the management authorized by it for the purpose.
- (10) The Board of Management shall invest the proceeds of sale and other disposal of the property, as well as any money or property not immediately required to be used to serve the objectives of the Fund, in any one or more of the modes of investment for the time being authorized 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 Director of Social Welfare, Meghalaya shall also function as Treasurer of the Board of Management.

60. Pending Cases - (1) No juvenile in conflict with law or a child shall be denied the benefits of the Act and the rules made there under.

(2) All pending cases which have not received a finality shall be dealt with and disposed of in terms of the provisions of the Act and the rules made there under.

(3) Any juvenile in conflict with law, or a child shall be given the benefits under sub rule (1) and it is hereby clarified that such benefits shall be made available not only to those accused who was juvenile or a child at the time of commission of an offence, but also to those who ceased to be a juvenile or a child during the pendency of any enquiry or trial.

(4) While computing the period of detention of 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.

61. Disposal of Records/ Documents - The records/ documents in respect of a juvenile/ child shall be kept in a safe place for a period of seven years and no longer and thereafter, be destroyed with the help of the Board or the Committee.

62. Payment of TA/ DA and Remuneration - (a) Outstation members of the Advisory Boards, Juveniles Advisory Board, Child Welfare Committee and Selection Committee will be paid TA/ DA equivalent to 1st Class Gazetted Officer as amended from time to time.

(b) State Government may appoint Medical Officer, Social Worker, Art and Crafts-cum-music teacher, gardener on honorary basis and shall be paid remunerating the rate of Rs.2000/- p.m. as amended from time to time.

Sd/- S. S. Gupta
Commissioner and Secretary to the Government of Meghalaya,
Social Welfare Department

Copy to: -

- (1) Law (B) Department.
- (2) Home (Police) Department.
- (3) Political Department.
- (4) Health Department.
- (5) Cabinet Affairs.
- (6) Meghalaya Legislative Assembly Secretariat.
- (7) PS to Chief Minister
- (8) PS to Chief Secretary
- (9) PS to Minister, Social Welfare.
- (10) Director of Social Welfare
- (11) All Deputy Commissioners.

By Order etc.

**Deputy Secretary
to the Government of Meghalaya,
Social Welfare Department**

FORM – I

(See Sub Rule (7) of Rule 22, Sub Rule (2) of Rule 27)

To,

The Probation Officer/ Person In-charge,
Voluntary Organization / Social Worker / Case Workers.

Whereas (1) a report / complaint under section _____ of the
Juvenile Justice (care and protection of children) Act 2000 has been received from

_____ in respect of (name of the Juvenile / Child) son / daughter of
_____ residing at _____

(2) _____

son / daughter of _____ residing

at _____ has been produced

before the Board / Committee under Section _____ of the

Juvenile Justice (care and protection of children) Act, 2000.

You are hereby directed to enquire into the character and social antecedents of the said juvenile and submit your social investigation report on or before _____ or within such time allowed to you by the Board/ Committee.

Dated this _____ day of _____ 20_____.

(Signature)

**Principal Magistrate, Juvenile Justice Board
Chairperson Child Welfare Committee**

FORM – II

(See Sub Rule (8) of Rule 22, Sub Rule (2) of Rule 34)

SUPERVISION ORDER

When the Juvenile is placed under the care of a parent, guardian of other fit person,

Profile No. _____ of _____ 20_____

Whereas (name of the juvenile / child) has this day found to have committed an offence and has been placed under the care of (name) _____.

(Address) _____

on executing a bond by the said _____ and the court is satisfied that it is expedient to deal with the said juvenile / child by making an order placing him/ her under supervision.

It is hereby ordered that the said Juvenile be placed under the supervision of _____ Probation Officer/case worker, for a period of _____ subject to the following conditions: -

1. That the juvenile / child along with the copies of the order and the bond executed by the said _____ shall be produced before the probation officer/ case worker named therein _____.
2. That the Juvenile / Child will be submitted to the supervision of the probation officer.
3. That the Juvenile / Child reside at _____ for a period of _____.
4. That the Juvenile / Child shall not be allowed to quit the district jurisdiction of _____ without the permission of the probation officer / case worker.
5. That the Juvenile / Child shall not be allowed to associate with bad characters.
6. That the Juvenile / Child shall live honestly and peacefully; and will go to school regularly / endeavour to earn an honest livelihood.
7. That the Juvenile / Child shall attend the attendance centre regular.
8. That the person under whose care the Juvenile / Child is placed will arrange for the proper care, education and welfare of the juvenile / child.
9. That the preventive measures will be taken by the person under whose care the juvenile / child is placed to see that child does not commit any offence punishable by law in force in India.
10. That the juvenile / child shall be prevented from taking narcotic drugs or psychotropic substances or any other intoxicants.
11. That the directions given by the probation officer / case worker from time to time for the due observance of the conditions mentioned above, will be carried out.

Dated this _____ day of _____ 20_____

(Signature)

**Principal Magistrate, Juvenile Justice Board
Chairperson Child Welfare Committee**

Additional conditions, if any may be inserted by the Juvenile Justice Board / Child Welfare Committee.

FORM – III

(See Sub Rule (10) of Rule 22, Sub Rule (11) of Rule 26)

Order of detention under sub section _____ of section _____ sub section _____ of section and sub section _____ of section _____.

To,

The Superintendent,

Whereas on the _____ day of _____ 20_____
(name of the juvenile/ child) son/ daughter of _____
aged _____ residing at _____
being found in profile No. _____ to be Juvenile in
conflict with law/ child in need of care and protection under section _____ is
ordered by me _____ Principal Magistrate, Juvenile Justice
Board/ Chairperson, Child Welfare Committee, under section
_____ of Juvenile Justice (Care and Protection of Children) Act
2000 to be kept in the Special Home/ Children Home/ Shelter Home _____ for
a period of _____.

This is to authorize and require you to receive the said juvenile/ child into your
charge, and to keep him/ her in the Special Home/ Children Home/ Shelter Home
_____ for the aforesaid order to be there carried into execution according to law.

Given under my hand and the seal of Juvenile Justice Board/ Child Welfare
Committee.

This _____ day of _____ 20_____.

(Signature)
Principal Magistrate, Juvenile Justice Board
Chairperson Child Welfare Committee

Enclo :
Copy of the judgement, if any orders, particulars of home and preview record. Strike which is not
required.

FORM – IV

(See Sub Rule (9) of Rule 22, Sub Rule (10) of Rule 26)

Bond to be executed by a parent / guardian / relatives or fit person in whose care a child is placed.

Whereas I _____ being the parent, guardian, relative or fit person under whose care (name of the Juvenile / Child has been ordered to be placed by the Juvenile Justice Board / Child Welfare Committee _____ have been directed by the said Juvenile Justice Board / Child Welfare Committee to execute a bond in the sum of Rs. _____ (Rupees) _____) with one surety */ two sureties.

I hereby bind myself on the said _____ being placed under my care I shall have the said _____ Properly taken care of and I do further bind myself to be responsible for the good behaviour of the said _____ and to observe the following conditions for a period of _____ years commencing from _____.

- (1) That I shall not change my place of residence without giving previous intimation in writing to the Juvenile Justice Board / Child Welfare Committee through the Probation Officer/ Child Welfare Officer.
- (2) That I shall not remove the said _____ from the limits of the jurisdiction of the Juvenile Board / Child Welfare Committee without previously obtaining the written permission of the Board / Committee;
- (3) That I shall send the said _____ daily to school / to such daily work as is approved by the Board / Committee unless prevented from so doing by circumstances beyond my control;
- (4) That I shall send the said _____ to an attendance Centre regularly unless prevents from so doing by circumstances beyond my control;
- (5) That I shall report immediately to the Board / Committee whenever so required by it;
- (6) That I shall produce the said _____ misbehaves or absconds from my care;
- (7) That I shall render all necessary assistance to the Probation Officer / case worker to enable him/ her to carry out the duties of supervision.
- (8) In the event of my making default herein. I bind myself to forfeit to government the sum of Rs. _____ (Rupees _____)

This _____ day of _____ 20 _____

Before me signed

Signature of person executing the bond

Additional conditions, if any by the Juvenile Justice Board / Child Welfare Committee may be entered numbering them properly.

Where a bond with sureties is to be executed add

I/ We _____
Of _____ (place
of residence with full particulars) _____
_____ hereby declare my
self, surety / ourselves sureties of the aforesaid _____
(name of the person executing the bond) _____
do and perform and in case of his making fault therein; I/ We hereby bind myself /
ourselves jointly said severally to forfeit to Government sum of Rs. _____
(Rupees _____) dated this the _____
day of _____ 20 _____ in the presence of.

(Signed)

FORM – V

(See Sub Rule (4) of Rule 46)

Bond to be signed by the juvenile / child who has been ordered under clause _____ of sub section _____ of section _____ of the Act.

Whereas, I _____ inhabitant of _____ (give full particulars such as house no. road, village / town, tehsil, district, State _____

_____ have been ordered to be sent back to my native place by J. J. Board / Child Welfare Committee _____ (under section _____ of the Juvenile Justice (care and protection of children) Act, 2000 on my entering into a bond under sub-rule _____ of Rule _____ of the J. J. (care and protection of children) Rules, 2004 _____ to observe the condition mentioned herein below. Now, therefore, I do solemnly promise to abide by these conditions during the period _____.

I hereby bind myself as follows:

1. That during the period _____ I shall not ordinarily leave the village / town / district to which I am sent and shall not ordinarily return to _____ or go any where also beyond the said district without the prior permission of the Board / Committee.
2. That during the said period, I shall attend work / school in the village / town or in the said district to which I am sent.
3. That in case of my attending work / school at any other place in the said district I shall keep the Board / Committee informed of my ordinary place of residence.

FORM – VI

(See Sub Rule (4) of Rule 46)

I, _____ resident of
_____ give
full particulars such as house No. road, village/town, district, state _____
do hereby declare that I am willing to take charge of _____
aged _____ under the orders of the J. J. B./C.W.C. _____
subject to the following terms and conditions:

1. If his / her conduct is unsatisfactory I shall at once inform the “Competent authority”.
2. I shall do my best for the welfare and education of the said _____ as long as he/ she remain in my charge and shall make proper provisions for his / her maintenance.
3. In the event of his/ her illness, he/ she shall have proper medical attention in the nearest hospital;
4. I undertake to produce him/ her before the ‘Competent Authority’ when so required.

This _____ day of _____ 20_____

Signature

Signature and address of witness (es)

FORM – VII
(See Sub Rule (5) of Rule 18)

Name and designation of the releasing authority _____

State Government / U.T. administration do by this order permit _____

Son / daughter of _____

Cast _____ residence _____

Number _____ who was ordered to be detained in a observation Home / Special Home / Children Home / Shelter Home / After Care Home by the Juvenile Justice Board/ Child Welfare Committee _____ under section _____ of the Juvenile Justice (care and protection of children) Act, 2000 for a term of _____ on the _____ day of _____ 20____ and who is now in the homes, at _____ to be discharged from the said _____ on condition that he / she be placed under the supervision and the authority of _____ during the remaining position of the aforesaid period of stay.

This order is granted subject to the conditions endorsed hereon, upon the breach of which it shall be liable to be revoked.

Dated:
the
Place :
Authority.

Signature and Designation of
Releasing Order

Conditions:

1. The released person shall proceed to _____ and gave under the supervision and authority of _____ until the expiry of the period of his / her detention unless the remission is sooner cancelled.
2. He/ She shall not without the consent of the _____ remove himself / herself form that place or any other place which may be named by the said _____.
3. He / She shall obey such instructions as he / she may receive from the said _____ with regard to punctual and regular attendance at employment or otherwise.
4. He/ She shall attend the Attendance Centre at _____ regularly.

5. He/ She shall abstain from committing any offence and shall lead a sober and industrious life to the satisfaction of _____.
6. *
7. *
8. *
9. *
10. In the event of his/ her committing a breach of any of the above conditions the remission of the period of detention hereby granted shall be liable to be cancelled and on such cancellation he/ she shall be dealt under sub section (3) of section 59 of the Juvenile Justice (Care and Protection of Children) Act 2000.

I hereby acknowledge that I am aware of the above conditions which have been read over/ explained to me and that accept the same.

(Signature or mark of the released person)

Certified that the conditions specified in the above order have been read over/ explained (Name) and that he/ she has accepted them as the conditions upon which the remission of the period of detention has been granted to him/ her and that he/ she has been realized accordingly on the

(Signature and designation of the Certifying Authority)

(i.e. Superintendent of the Institution)

FORM – VIII

(See Sub Rule (1) of Rule 53)

Social Investigation Report

Sl. No. _____

Submitted to the Juvenile Justice Board / Child Welfare Committee _____

(Address)

Profile No.	Probation Department
Title of Profile	Profile No.
Police Station	Under Section

Nature of offence charge
(in the case of delinquent juvenile)

Name	Religion
Father's name	Caste
Permanent Address	Year of birth
Last address before arrest	Age
Previous institution history, if any	Sex

Members of family	Name	Age	Health	Occupation of School	Wages, if any
Father					
Step father					
Mother					
Step mother					
Siblings					
If married, relevant particulars					
Other near relatives or agencies interested					
Attitude towards religion					
Normal and ethical code of the home etc					
Social and economic status					

Delinquency record
Of members of
Family

Present living conditions

Relationship between parents/
parents and children especially
with the child under investigation.

Other facts of importance, if any

JUVENILE / CHILD HISTORY

Mental condition present and past	
Physical condition present and past	
Habits, interests (moral, recreation etc)	
Outstanding characteristics and personality traits	
Companions and their influence	
Truancy from home, if any	
School (attitude towards school, teacher, class mates and vice versa)	
Work record (jobs held reasons for leaving, vocational interest attitude towards job or employers)	
Neighbourhood and neighbour report	
Parent attitude towards discipline in the home and child reaction.	
Any other remarks	

RESULT OF INQUIRY

Emotional factors

Physical conditions

Intelligence

Social and economic factors

Religious factors

Suggested causes of the problems

Analysis of the case giving an

Idea as to how the delinquency developed

Recommendation regarding

Treatment and its plan by probation

Officer / Child Welfare Office

Signature of the Probation Officer/

Case Worker

FORM – IX

{See Clause (d) sub-rule (2) of rule 53}

Fortnightly Progress of Probationer

PART – I

Name of the Probation Officer / Case Worker

For the month of

Register No.

Competent Authority

Profile No.

Name of the child

Date of supervision order

Address of the child period of supervision

PART – II

Place of interview

Dates

.....
.....
.....

1. Where the child is residing?
2. Progress made in any educational course/ Training course
3. What work he/she is doing and his / her monthly average earning, if employed.
4. Savings kept in the Post Office
5. Savings Bank account in his/ her name,
6. Remarks on his/ her general conduct and progress
7. Whether properly cared for?

PART – III

8. Any proceeding before the competent authority of or
 - (a) Variations of conditions of bond
 - (b) Change of residence
 - (c) Others matters

9. Period of supervision completed on

10. Result of supervision with remarks (if any)

11. Name and address of the parent or guardian or fit person under whose care the juvenile is to live after the supervision is over.

Date of report

Signature of Probation / Case Workers