

9 अगस्त 2012

सं० 10/प्र०गृ०स्था०-21/2002-1695 का अंग्रेजी में निम्नलिखित अनुवाद बिहार राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जो भारतीय संविधान के अनुच्छेद 348 के खण्ड 3 के अधीन अंग्रेजी भाषा का प्राधिकृत पाठ समझा जाय।

बिहार-राज्यपाल के आदेश से,
संदीप पौण्डरीक,
सरकार के सचिव।

The 9th August 2012

Bihar Juvenile Justice (Care and Protection of Children) Rules, 2012

सं० 10/प्र०गृ०स्था०-21/2002-1695—In exercise of the power conferred by Section 68 of the Juvenile Justice (Care and Protection of Children) Act, 2000, (No. 56 of 2000) as amended by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (No. 33 of 2006), the State Government of Bihar makes the following Rules, namely:-

CHAPTER - I

PRELIMINARY

1. *Short title and commencement.*—(1) These rules may be called the Bihar State Juvenile Justice (Care and Protection of Children) Rules, 2012.

(2) It shall extend to the whole of the state of Bihar.

(3) It shall come into force on the date of their publication in the Official Gazette.

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

- (a) "Act" means the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000) as amended by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006);
- (b) "Abandoned" means an unaccompanied and deserted child who is declared abandoned by the Committee after due inquiry;
- (c) "Best interest of the child" means a decision taken to ensure the physical, emotional, intellectual, social, cultural and moral development of juvenile or child;
- (d) "Child abuse" means the maltreatment which includes any of the following:-
 - i) Physical, mental, or sexual or emotional maltreatment;
 - ii) Any act by word or deed which degrades the dignity of the child;
 - iii) Deprivation of his basic needs for survival;

- (e) “Child friendly” means any process and interpretation, attitude, environment and treatment, that is humane, considerate and in the best interest of the child;
- (f) “Community service” implies service rendered to the society by juveniles in conflict with law in lieu of or in addition to other judicial remedies and penalties, which is not degrading and dehumanizing;

Examples of this may include (only non hazardous part);

- (i) Cleaning a park/setting up of a garden;
 - (ii) Serving the elderly in nursing homes or Old Age Homes;
 - (iii) Helping out at a local hospital or nursing home;
 - (iv) Serving children with disabilities;
 - (v) Community care of elderly person;
 - (vi) Group works;
 - (vii) Getting involved with Habitat for Humanity;
- (g) “Detention” in case of juveniles in conflict with law means “protective custody” in line with the principles of restorative justice;
- (h) "Form" means the form annexed to these rules;
- (i) “Foster care” means, the care and protection of a child in need of care and protection for a stipulated period by a foster parent as ordered by the Child Welfare Committee;
- (j) “Group Counseling” means an order under Section 16 of the Act by the Juvenile Justice Board for the participation of juvenile in any group counseling programme organized by the State Government or by any recognized voluntary organisation;
- (k) “Individual care plan” is a comprehensive development plan for a juvenile or child based on age specific and gender specific needs and the case history of the juvenile or child, prepared in consultation with the juvenile’s or child’s self-esteem, dignity and self-worth and nurture him into a responsible citizen and accordingly the plan shall address the following needs of a juvenile or a child:
- (i) Health needs;
 - (ii) Emotional and psychological needs;
 - (iii) Educational and training needs;
 - (iv) Leisure, creativity and play;
 - (v) Attachments and relationships;
 - (vi) Protection from all kinds of abuse, neglect and maltreatment;
 - (vii) Social mainstreaming; and
 - (viii) Follow-up post release and restoration.

- (l) "Institution" means an Observation Home or a Special Home, or a Children's Home or a Shelter Home set up, certified or recognized and registered under sections 8, 9, 34, sub-section (3) of section 34 and section 37 of the Act respectively;
- (m) "Superintendent" means a person appointed for the control and management of the institution;
- (n) "Orphan" means a child who is without parents or willing and capable legal or natural guardian;
- (o) "Place of safety" means any institution set up and recognized under sub-section (3) of section 12 and sub-section (1) of section 16 of the Act for juvenile in conflict with law or children;
- (p) "Fit person", "fit institution" means a person found fit by the competent authority or, an institution found fit by the State Government on the recommendation of the competent authority as per clauses (h) and (i) of section (2) of the Act. This shall be done on a case to case basis for a temporary period of time for that specific child. These institutions may be registered under any Act;
- (q) "Registered" means all institutions or agencies or voluntary organizations providing residential care or any other care to children in need of care and protection registered under sub-section (3) of section 34;
- (r) "State Government" means the Government of Bihar;
- (s) "Street and working children" means children without ostensible means of livelihood, care, protection and support in accordance with the provisions laid down under clause (d) (1) of section 2 of the Act;
- (t) "Surrendered child" means a child, who in the opinion of the Committee, is relinquished on account of physical, emotional and social factors beyond the control of the parent or guardian;

(2) All words and expressions defined in the Act and used, but not defined in these rules, shall have the same meaning as assigned to them in the Act.

CHAPTER – II**JUVENILE IN CONFLICT WITH LAW**

3. *Juvenile Justice Boards.*—The State Government shall set up by notification in Official Gazette, Juvenile Justice Board in every district as per section 4 of the Act.

4. *Composition of the Juvenile Justice Board :-*

(1) The Board shall consist of Metropolitan Magistrate or Judicial Magistrate of the first class, as Principal Magistrate and, two social workers as members of the Board of whom at least one shall be a woman, forming a bench:

The Principal Magistrate of the Board shall assess the pendency of cases before the Board and take such steps, as may be necessary in the expeditious disposal of the cases.

(2) Every such bench shall have the powers conferred by the Code of Criminal Procedure 1973 (2 of 1974).

(3)(i) A Magistrate with special knowledge or training in child psychology or child welfare shall be designated as the Principal Magistrate of the Board.

(ii) In case the Principal Magistrate with such special knowledge or training is not available, then, the State Government shall provide for such short-term training in child psychology or child welfare as it considers necessary immediately thereafter or preferably one month of their designation as the Principal Magistrate.

(4) The two social workers, of whom at least one shall be a woman, shall be appointed by the State Government from a panel of names on the recommendation of the Selection Committee set up under Rule 99 of these rules;

(5) The State Government shall provide for such training and orientation in child psychology, child welfare, child rights, national and international standards for juvenile justice to all members of the Board, as it considers necessary, in accordance with the schemes and programmes of the State Government/Central Government.

5. *Tenure of the Board :-*

- (1) The Board shall have a tenure of three years and the appointment of members shall be co-terminus with the tenure of the Board.
- (2) A social worker being a member of the Board shall be eligible for appointment for a maximum of two consecutive terms.
- (3) Any re-appointment of the member of the Board shall be on the basis of his performance appraisal by the District Child Protection Unit or the State Government and on the recommendation of the Selection Committee set up under Rule 99 of these rules and the performance assessment of members of the Board shall necessarily assess their participation in the proceedings of the Board and contribution in case disposal;
- (4) A Member may resign any time, by giving one month's advance notice in writing or may be removed from his office as provided in sub-section (5) of section 4 of the Act.
- (5) Any vacancy in the Board may be filled by appointment of another person from the panel of names prepared by the Selection Committee, and the person so appointed shall hold office for the remaining term of the Board.

6. *Qualifications for Members of the Board :-*

- (1) The social worker to be appointed as a member of the Board shall be a person not less than 35 years of age and not more than 65 years of age, who has a post-graduate degree in social work/sociology/health/education/psychology, child development or law and has been actively involved and engaged in planning, implementing and administering measures relating to health, education, child rights and other development activities related to children for at least five years.
- (2) In Case suitable candidates having minimum qualifications as per (1) are not available in the district, Selection Committee can recommend candidates having graduate degree in subjects mentioned in (1) and experience for at least 3 years.
- (3) No person shall be considered for selection as a Member of the Board, if he, -
 - a) has been convicted under any law;

- b) has ever indulged in child abuse or employment of child labour or any other human rights violations or immoral act;
- c) is holding such other occupation that does not allow him to give necessary time and attention to the work of the Board;
- d) does not fulfill the qualification and experience prescribed in the Act and these rules and in such a case the Selection Committee shall, after due inquiry and on establishment of such fact, reject his application and recommend the name of the next person from the list of names prepared for filling the vacancies.

7. *Sitting and conveyance allowances*—The Social Worker members of Board shall be paid such travel and sitting allowance as the state government may determine.

8. *Sittings of the Board:-*

- (1) The Board shall hold its sittings in the premises of an observation home or at suitable premise in any institution run under the Act, other than court premises.
- (2) The State Government shall provide infrastructure like Board room, waiting room, office room, record room, hall, toilets/urinals and safe drinking water facility and other office accessories.
- (3) The state government shall provide secretarial assistance to the Board.
- (4) The premises where the Board holds its sittings shall be child-friendly and shall not look like a court room in any manner whatsoever; for example, the Board shall not sit on a raised platform and the sitting arrangement shall be uniform, and there shall be no witness boxes.
- (5) The proceedings of the Board shall be like a conference in which the Juvenile Justice Board members, the juvenile, the parents, the Probation Officer, the Police Officer, the legal representative etc., shall participate in the proceedings.
- (6) It shall follow the State Government calendar.
- (7) The Board shall meet at least three days in a week, but the sitting frequency can be extended by the Principal Magistrate. The State Government may also extend the number of sittings in a week by a general or special order.
- (8) A minimum of three-fourth attendance of the Principal Magistrate and members of the Board is necessary in a year.

- (9) Every member of the Board shall attend a minimum of five hours per sitting.
- (10) The proceedings of the Board shall not become invalid for absence of any of the member during any stage of proceedings.
- (11) The final disposition of the case shall be passed by at least two members, of whom one shall be the Principal Magistrate.
- (12) In case of difference of opinion in the case, or interim order, if any, the opinion of the majority shall prevail. In case where there is no such majority, the opinion of the Principal Magistrate shall prevail. In such a case, the Principal Magistrate shall record in writing the circumstances that led to the Principal Magistrate to take the final decision.

9. *Functions of the Board:-*

- (1) The Board shall perform the following functions to achieve the objectives of the Act, namely:-
 - (a) Adjudicate and dispose cases of juveniles in conflict with law;
 - (b) Take cognizance of crimes committed under sections 23 to 28 of the Act;
 - (c) Monitoring institutions for juvenile in conflict with law and seeking compliance from them in cases of any noticeable lapses and improvement based on suggestions of the Board;
 - (d) Deal with non-compliance of any order passed by the Board on the part of concerned government functionaries or functionaries of voluntary organizations, as the case may be, in accordance with due process of law;
 - (e) Pass necessary direction to the district authority and police to create or provide necessary infrastructure or facilities so that minimum standards of justice and treatment are maintained in the spirit of the act;
 - (f) Maintain liaison with the Committee in respect of cases needing care and protection;
 - (g) Liaison with Boards in other districts and other states or union territories to facilitate speedy inquiry and disposal of cases through due process of law;

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- (h) Take suitable action for dealing with unforeseen situations that may arise in the implementation of the Act and remove such difficulties in the best interest of the juvenile;
- (i) Send quarterly information about juveniles in conflict with law produced before them to the District Child Protection Unit, State Child Protection Unit, the State Government and to the Chief Judicial Magistrate for review under Para (2) of section 14 of the Act;
- (j) Any other function assigned by the State Government from time to time relating with juveniles in conflict with law;
- (k) The Board shall initiate action against any media for publishing any matters relating to the children in conflict with law which would lead to the identification of the child;
- (l) The Board shall order to keep the child in an Observation Home or in a place of safety as the case may be if the child could not be released on bail to the care of parents/guardians;
- (m) The Board shall ensure that no girl child was taken charge by police between sunset and sunrise;
- Provided if the circumstances warrants the police to take charge of a girl child during such time, the Board should ensure that the girl child was kept under the care of a female fit person or a relative of the girl child, who shall also be a female fit person or in a place of safety or in an Observation Home;
- (n) The Board shall, at any stage during the course of enquiry if satisfied that the attendance of the child is not essential for the purpose of enquiry, may dispense with his attendance and proceed with the enquiry in the absence of the child;
- (o) The Board shall not effect any final disposal of the enquiry without calling the report of the Probation Officer/Case Worker;
- (p) The Board can also direct the Probation Officer to conduct social enquiry and furnish the report to the Board and also direct him to cause the professional/expert opinion on cases pertaining to the psychological/psychiatric problems of the Child, provided the Board,

can also direct the professionals to furnish a special report about the child in conflict with law;

- (q) The Department of Pediatric/Psychiatric medicines of the Medical colleges/hospitals shall be recognized as nodal agencies for giving professional opinion.
- (2) In all dealings with children, the Juvenile Justice Board shall follow the following guidelines,-
- (a) child victims/witnesses are informed of their role in regard to Board proceedings;
 - (b) Their views are allowed to be heard and respected;
 - (c) inconvenience to them is minimized and their privacy is respected;
 - (d) delays in the proceedings are reduced;
 - (e) aggressive questioning or cross examination of child victims is avoided and the same, if necessary, is done through the judge;
 - (f) provisions are made for trials in camera;
 - (g) the identity of the child victim is protected;
 - (h) child victims are prepared for the judicial process and prosecution of alleged abusers is not rushed if a child is not ready to go to court;
 - (i) the investigator ascertains the need for medical examination of the child victim and when examination is undertaken, ensures that multiple re-examination is avoided;
 - (j) the medical examination should be conducted in the presence of the parent/guardian/social worker/counsellor;
 - (k) child's testimony should be recorded in the presence of a social worker/counselor as early as possible after the abusive incident;
 - (l) adequate translation/interpretation and translators/interpreters who are sensitive to the children's needs should be provided wherever needed;
 - (m) in case of a mentally challenged child, the competent service provider should depose on behalf of the child;
 - (n) the special needs of the child victims/witness should be catered for.

10. Pre and Post-Production action of police and other agencies-

- (1) As soon as a juvenile alleged to be in conflict with law is apprehended by the police, the concerned police officer shall inform:

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- (a) the designated juvenile or the child welfare officer of the concerned police station to take charge of the matter;
 - (b) the parents or guardian of the juvenile in conflict with law about the apprehension of the juvenile, about the address of the Board where the juvenile will be produced, physical location of the juvenile and the date and time when the parents or guardian need to be present before the Board.
 - (c) The concerned Probation Officer, of such apprehension to enable him to obtain information regarding social background of the juvenile and other material circumstances likely to be of assistance to the Board for conducting the inquiry.
- (2) Soon after apprehension, the juvenile shall be placed under the charge of the Juvenile or Child Welfare Officer who shall produce the juvenile before the Board within twenty four hours as per sub-section (1) of section 10 of the Act and where such Juvenile or the Child Welfare Officer has not been designated as per provisions laid down under sub-section (2) of section 63 of the Act or is not available for some official reasons, the police officer who had apprehended the juvenile shall produce him before the Board within 24 hours as per sub section (1) of section 10 of the Act.
 - (3) In case the Board is not sitting, the juvenile in conflict with law shall be produced before the single member of the Board as per the provisions laid down under sub-section (2) of section 5 of the Act.
 - (4) When a juvenile is produced before an individual member of the Board, and an order obtained, such order shall need ratification by the Board in its next meeting.
 - (5) The Police apprehending a juvenile in conflict with law shall in no case send the juvenile in lock-up or delay his charge being transferred to the Juvenile or the Child Welfare Officer of the concerned police station, if such an officer has been designated.
 - (6) A list of all designated Juvenile or the Child Welfare Officers in a district and members of the Special Juvenile Police Unit with contact details shall be prominently displayed in every police station.

- (7) For gathering the best available information it shall be incumbent upon the Police or the Juvenile or the Child Welfare Officer to contact the parents or guardians of the juvenile and also apprise them of the juvenile's law breaking behaviour.
- (8) The Police or the Juvenile or the Child Welfare Officer shall also record the social background of the Juvenile, taking assistance from the social worker members and circumstances of apprehension and offence alleged to have been committed in the case diary of each juvenile, which shall be forwarded to the Board forthwith.
- (9) The Police or the Juvenile/Child Welfare Officer shall exercise the power of apprehending the juvenile only in cases of his alleged involvement in offences involving a punishment of more than 5 years (entailing a punishment of more than 5 years imprisonment for adults).
- (10) In such cases where apprehension apparently seems to be in the interest of the juvenile, the police or the Juvenile/Child Welfare Officer, shall rather treat the juvenile as a child in need of care and protection and produce him before the Board, clearly explaining the juvenile's need for care and protection in its report and seek appropriate orders from the Board under 13 (6) (b) of these rules.
- (11) For all other cases involving offences of non-serious nature (entailing a punishment of more than 5 years imprisonment for adults) and cases where apprehension is not necessary in the interest of the Juvenile, the Police or the Juvenile or the Child Welfare Officer shall intimate the parents or guardian of the Juvenile above forwarding the information regarding nature of offence alleged to be committed by their child or ward along with his socio-economic background to the Board, which shall have the power to call the juvenile for subsequent hearings.
- (12) The State Government shall recognize only such voluntary organizations that are in a position to provide the services of probation, counseling, case work, a safe place and also associate with the Police or the Juvenile or the Child Welfare Officer from the Special Juvenile Police Unit, and have the capacity, facilities and expertise to do so as protection agencies that may assist the Police or the Juvenile or the Child Welfare Officer from the Police at the

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

- (13) The Police or the Juvenile or the Child Welfare Officer from the Special Juvenile Police Unit, or the recognized voluntary organization shall be responsible for the safety and provision of food, medicine and basic amenities to the juveniles apprehended or kept under their charge during the period such juveniles are with them.

11. Procedure to be followed in determination of Age:-

- (1) In every case concerning a child or a juvenile in conflict with law, the court or the Board or the Committee referred to in Rule 20 of these rules, as the case may be, shall determine the age of such juvenile or child or a juvenile in conflict with law within a period of thirty days from the date of making of the application for that purpose.
- (2) The Court or the Board or the Committee shall decide the juvenility or otherwise of the juvenile or the child in need of care and protection, as the case may be, the juvenile in conflict with law, prima facie on the basis of physical appearance or documents, if available and send him to the observation home or in prison as the case may be.
- (3) In every case concerning a child or juvenile in conflict with law, the age determination inquiry shall be conducted by the Court or the Board or the Committee, as the case may be, by seeking evidence by obtaining-
- (a) (i) the matriculation or equivalent certificate, if available; and/or,
(ii) the date of birth certificate from the school (other than a play school) first attended; and in the absence whereof;
(iii) the birth certificate given by municipal corporation or a municipal authority or a panchayat; and
- (b) only in the absence of either (i) and/or (ii) or (iii) of clause (a) above, or in case the court or the board or the committee finds it necessary, the medical opinion will be sought from a duly constituted Medical Board, which will declare the age of the juvenile or child. In case exact

assessment of the age cannot be done, the Court or the Board or, as the case may be, the Committee, for the reasons recorded by them, may, if to be considered necessary, give benefit to the child or juvenile by considering his/her age on lower side within the margin of 6 months and, while passing orders in such case shall, after taking into consideration such evidence as may be available or the medical opinion as the case may be, record a finding in respect of his age and either of the evidence specified in any of the clauses (a) (i), (ii), (iii) or in the absence whereof, clause (b) shall be proof of the age as regards such child or the juvenile in conflict with law.

- (4) The duly constituted Board shall submit medical opinion to the concerned authority within one week from the date of receipt of the order.
- (5) If the age of a juvenile or child or the juvenile in conflict with law is found to be below 18 years on the date of offence, on the basis of any of the proof specified in sub-rule (3), the Court or the Board or, as the case may be, the Committee shall in writing pass an order stating the age and declaring the status of juvenility or otherwise, for the purpose of the Act and these rules and a copy of the order shall be given to such juvenile or the parent/guardian/person concerned.
- (6) To avoid misuse of the provision of the Rules, the Social Welfare Department, Director, Social Welfare or the District Magistrate of the concerned district may set up a medical board, for the determination of age of such juveniles in conflict with law residing in observation homes, who apparently appear to be above 18 years of age. The constitution of medical board and final report from the board will be given within two weeks from the date of order issued by the concerned authorities.

12. Post-production processes by the Board:-

- (1) In accordance with the rules made under sub-section (2) of section 10 of the Act, the Board shall, in Form III, 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 in an institution, restoration with the family, or otherwise permissible under the Act.

- (2) The Probation Officer shall make suggestion in his report with regard to placement of the child keeping his best interest in mind. Juvenile, under supervision of Probation officer, must be monitored regularly by him and update the Board of their development.
- (3) In the best interest of child, Board must fix minimum time limit to Probation Officer or any other fit person or agencies to submit their report (which is directly concerned with the case of Juvenile) before Board.
- (4) The Board may hold in camera proceeding in the matter of a juvenile; At the time of proceeding the Board may allow only the concerned Juvenile or their respective representative or concerned person in that matter. Others not related to that particular child's matter should not be allowed to be present in the room.
- (5) Contrary to the provision of Criminal procedure code, 1973, inquiry shall be done in accordance with section 14 of The Juvenile Justice (Care & Protection of Children) Act, 2000 only.
- (6) On production of the juvenile before the Board, the report containing social background of the juvenile and circumstances of apprehension and offence alleged to have been committed provided by the officers, individuals, agencies producing the juvenile shall be reviewed by the Board, and the Board shall pass the following order in the first summary inquiry on the same day, namely:-
 - (a) Dispose off the case, if the evidence of his conflict with law appears to be unfounded or where the juvenile is involved in trivial law breaking;
 - (b) Transfer to the Committee, matters concerning juveniles clearly stated to be in need of care and protection in the police report submitted to the Board at the time of production of the juvenile;
 - (c) Release the juvenile in the supervision or custody of fit person or fit institution or probation officer as the case may be, through an order in Form I with a direction to appear or present a juvenile for an inquiry on a next date;

- (d) Detain the juvenile in an observation home or fit institution pending inquiry, only in cases of juvenile's involvement in serious offences, as per an order in Form II;
- (e) In all cases of release pending inquiry, the Board shall notify the next date of hearing, not later than 15 days of the first summary enquiry and also seek social investigation report from the concerned Probation Officer/Social Worker through an order in **Form III**;

13. *Enquiry:-*

- (1) The Board shall take the following steps to ensure fair and speedy inquiry, namely:-
 - (a) at the time of initiating the inquiry, the Board shall satisfy itself that the juvenile in conflict with law has not been subjected to any ill-treatment by the police or by any other person, including a lawyer or probation officer and take corrective steps in case of such ill- treatment;
 - (b) in all cases under the Act the proceedings shall be conducted in as simple a manner as possible and care shall be taken to ensure that the juvenile, against whom the proceedings have been instituted, is given child-friendly atmosphere during the proceedings;
 - (c) Every juvenile brought before the Board shall be given the opportunity to be heard and participate in his inquiry;
 - (d) Cases of petty offences, if not disposed off by the Special Juvenile Police Unit or at the police station it self, may be disposed of by the Board through summary proceedings or inquiry within one month, while in cases of heinous offences entailing punishment of 5 years or more, due process of inquiry in detail may follow;
 - (e) Even in cases of inquiry pertaining to serious offences the Board shall follow the procedure of trial in summons cases.
- (2) When witnesses are produced for examination in inquiry relating to a juvenile in conflict with law, the Board shall keep in mind that the inquiry

is not to be conducted in the spirit of strict adversarial proceedings and it shall use the powers conferred by section 165 of the Indian Evidence Act, 1872 (1 of 1872) so as to question the juvenile and proceed with the presumptions that favour the juvenile's right to be restored.

- (3) While examining a juvenile in conflict with law and recording his statement, the Board shall address the juvenile in a child-friendly manner in order to put the juvenile at ease and to encourage him to state the facts and circumstances without any fear, not only in respect of the offence of which the juvenile is accused, but also in respect of the home and social surroundings and the influence to which the juvenile might have been subjected.
- (4) The record of the examination shall be in such form as the Board may consider suitable having regards to contents of the statement and circumstances in which it was made.
- (5) The Board may take into account the report of the police containing circumstances of apprehension and offence alleged to have been committed and the social investigation report in Form IV prepared by the Probation officer or the voluntary organization on the orders of the Board as per Form III, along with the evidence produced by the parties for arriving at a conclusion about the juvenile.
- (6) Every inquiry by the Board shall be completed within a period of four months from the date of commencement of the case and only in exceptional cases involving trans-national criminality, large number of accused and inordinate delay in production of witnesses, the period of inquiry may be extended by two months on recording of reasons by the Board.
- (7) In all other cases except where the nature of alleged offence is serious, delay beyond four to six months shall lead to the termination of the proceedings.
- (8) Where the proceedings are delayed beyond six months on account of serious nature of the offence alleged to have been committed by the juvenile, the Board shall send a periodic report of the case to the District

Judge stating the reason for delay as well as steps being taken to expedite the matter.

14. Legal Aid:-

- (1) The proceedings before the Board shall be conducted in non-adversarial environment, but with due regard to all the due process guarantees such as right to counsel and free legal aid.
- (2) Bihar State Legal Services Authority shall nominate a lawyer to facilitate the legal services to juvenile in conflict with law. Their service may include to obtaining relief in cases of abuse or exploitation of the child.
- (3) The Board shall ensure that the Legal Officer in the District Child Protection Unit and the State Legal Aid Services Authority shall extend free legal services to all juvenile in conflict with law.
- (4) The Legal Officer in the District Child Protection Unit and the State Legal Aid Services Authority shall be under an obligation to provide legal services sought by the Board.
- (5) The Board may also deploy the services of the student, legal services volunteers and non-governmental organization volunteers in Para-legal tasks such as contacting the parents of juveniles in conflict with law and gathering relevant social and rehabilitative information about the juveniles
- (6) The Board shall initiate action against any media for publishing any matter relating to the identification of the juvenile in conflict with law.
- (7) The Board shall, during the course of inquiry may dispense with the attendance of the juvenile and proceed with the inquiry in the absence of the child.
- (8) The Board can obtain professional opinion in any case relating to psychiatric/psychological problems of the child.

15 Completion of Inquiry and Dispositional Alternatives:-

- (1) The Board shall complete every inquiry within the stipulated time of four months and on recording a finding about juvenile's involvement in the alleged offence, pass one of the seven dispositional orders enumerated in section 15 of the Act.
- (2) Before passing an order, the Board shall obtain a social investigation report prepared by the probation officer or by a recognized voluntary

organization ordered to do so by the Board, and take the findings of the report into account.

- (3) All dispositional orders passed by the Board shall necessarily an individual care plan for the concerned juvenile in conflict with law, prepared by a probation officer on the basis of interaction with the juvenile and his family where possible.
- (4) Where the Board decides to release the juvenile after advice and admonition or after participation in group counseling or orders him to perform community service, necessary direction may also be made by the Board to the District or State Child Protection Unit or the State Government for arranging such individual counseling, group counseling and community service.
- (5) Where the Board decides to release the juvenile in conflict with law on probation and place him under the care of the parent or guardian or fit person, the person in whose custody the juvenile is released may be required to submit a written undertaking in **Form V** for the good behaviour and well-being of the juvenile for a maximum period of three years.
- (6) The Board may order release of a juvenile in conflict with law on execution of a personal bond without surety in **Form VI**.
- (7) In the event of placement of a juvenile in conflict with law in care of a fit institution or special home, the Board shall keep in mind that the fit institution or special home is located nearest to the place of residence of the juvenile's parent or guardian.
- (8) The Board, where it releases a juvenile in conflict with law on probation and places him under the care of parent or guardian or fit person or where the juvenile is released on probation and places him under the care of fit institution, may order that the juvenile be placed under the supervision of a probation officer. The period of supervision shall be a maximum of three years.
- (9) Where the Board decides that a juvenile in conflict with law ought to be treated as a child in need of care and protection, it shall make necessary

orders for production of such juvenile before the nearest Committee for suitable care, protection and rehabilitation.

- (10) Where it appears to the Board that the juvenile in conflict with law has not complied with probation conditions, it may order the juvenile to be sent for detention in a Special Home.
- (11) Where a juvenile in conflict with law who has attained the age of sixteen years and the offence committed by him is of such a serious nature that in the satisfaction of the Board, it is neither in the interest of the juvenile himself nor in the interest of other juveniles of the special home, the Board may order the juvenile to be kept in a place of safety and in a manner considered most appropriate by it.
- (12) The State Government shall make arrangement for complying with the detention of special category of juveniles in conflict with law in place of safety other than the special home.
- (13) In no case, the period of detention shall exceed beyond the maximum period provided in clause (g) of sub-section (1) of section 15 of the Act.

16. Institutions for juveniles in conflict with law:-

- (1) The State Government, either by itself or under an agreement with the recognized voluntary organization, shall set up separate observation homes and special homes for boys and girls in every district or in group of districts as per requirement.
- (2) The observation homes and special homes shall set up separate residential facilities for boys and girls up to the age of 12 years, 13-15 years and 16 years and above.
- (3) Every institution shall keep a copy of the Act, the rules made by the State, for use by both staff, juveniles and children residing therein.
- (4) The State Government shall develop an Operational Manual and make available simplified and child friendly versions of the Act and the rules in regional languages.
- (5) All facilities and services for juveniles in conflict with law shall be made available and maintained as per the provisions of the Act and the State rules.

17. Release:-

- (1) The Superintendent shall maintain a roster of the cases of juveniles in conflict with law to be released on the expiry of the period of stay as ordered by the Board.
- (2) Each case shall be placed before the Management Committee set up under Rule 62 of these rules by the concerned superintendent, probation officer, child welfare officer or case worker for ensuring proper release and social mainstreaming of the juvenile post- release.
- (3) The release shall be as per the pre-release and post release plan prepared under the individual care plan and reviewed from time to time by the management committee set up under rule 62 of these rules and in all cases of release, necessary action and preparation shall be initiated well before the time of release and shall include preparation for post release follow up.
- (4) Timely information of the release of a juvenile and of the exact date of release shall be given to the parent or guardian and the parent or guardian shall be invited to come to the institution to take charge of the juvenile on that date.
- (5) If the parent or guardian, as the case may be, fails to come and take charge of the juvenile on the appointed date, the juvenile shall be taken to his parent or guardian by the escort of the institution; and in case of a girl, she shall be escorted by a female escort, who shall hand over her custody to her parent/guardian.
- (6) At the time of release or discharge, a juvenile shall be provided with a set of clothing and essential toiletries.
- (7) If the juvenile has no parent or guardian, he may be sent to an Aftercare Home/Child Welfare committee for appropriate direction, or in the event of his employment, to the person who has undertaken to employ the juvenile.
- (8) The Superintendent of a girl's institution may, subject to the consent of the girl and the approval of the Board, help the girl with her social re-integration by way of sending a girl above the age of eighteen years to an after care home or helping her with some vocation or gainful employment or, helping her settle into family life as per the procedure laid down by the state government from time to time.

- (9) The Superintendent shall order the discharge in Form VII of any juvenile whose detention period has come to an end and inform the Board and Director of Social Welfare within seven days of the action taken and if the date of release falls on a Sunday or a public holiday, the juvenile may be discharged on the preceding day with an entry to that effect being made in the register of discharge. The Superintendent shall be liable for disciplinary action including initiation of departmental proceeding, if he/she fails to release the juvenile on the date of such release or implement the order.
- (10) The Superintendent shall in appropriate cases, order the payment of subsistence money, at such rates as may be fixed from time to time, by the State Government, and the railway or road, or both, fares, as the case may be.
- (11) In deserving cases, the Superintendent 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 which shall also form part of the post-release plan.
- (12) Where a Juvenile in Conflict with law has no place to go after release or in order to complete the course and requests for stay in the institution after the period of his/her stay is over, the Superintendent may, subject to the approval of the competent authority, allow his/her to stay till the time some other suitable arrangements are made; or may be transferred to an After Care Home.

18. *Procedure to be followed in respect of sections 21, 22, 23, 24, 25 and 26 of the Act:-*

- (1) In the event of violation of provisions laid down under section 21 of the Act,-
 - (a) The Board/Committee shall take cognizance of such violation by print or electronic media and shall initiate necessary inquiry and pass appropriate orders as per provisions contained in sub-section (2) of section 21 of the Act; and;
 - (b) Where the National or the State Commission for Protection of Child Rights takes *suo motu* cognizance of violation under section 21 of the Act, it shall inform the District or the State Child Protection Unit

of the concerned district and the State directing them to initiate necessary action through the Board.

- (2) In the event of an escape of a juvenile in conflict with law or a child, the following action shall be taken within twenty-four hours,-
- (a) The Superintendent of the institution shall immediately send a report to the area Police Station or Special Juvenile Police Unit along with the details and description of the juvenile or child, with identification marks and a photograph, with a copy to the Board/Committee, District Child Protection Unit and other authorities concerned;
 - (b) The Superintendent of institutions other than shelter homes or drop-in-centre shall send the guards or concerned staff in search of the juvenile, at places like railway stations, bus stands and other places where the juvenile is likely to go;
 - (c) The parents or guardians, if any shall be informed immediately about such escape; and
 - (d) The Superintendent of the institution other than a shelter home or drop-in-centre shall hold an inquiry about such escape and send his report to the Board or Committee and the authorities concerned and the report shall be placed before the Management Committee set up under Rule 62 of these rules in the next meeting for review.
- (3) The offences against a juvenile in conflict with law or a child specified in sections 23, 24, 25 and 26 shall be either bailable or non-bailable besides being cognizable under the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) and the procedures shall apply on the Police, the Board and the concerned authorities and functionaries accordingly

CHAPTER III**CHILD WELFARE COMMITTEE**

19. *Child Welfare Committee.*— There shall be a Child Welfare Committee in every district, which shall be constituted by the State Government through a notification in the Official Gazette as per sub-section (1) of section 29 of the Act. The State Government shall provide necessary infrastructure, human and financial resources for its smooth functioning.

20. *Composition of the Child Welfare Committee:-*

- (1) The Committee shall consist of a Chairperson and four other members, of whom at least one shall be a woman.
- (2) The Chairperson and members of the Committee shall be appointed on the recommendation of a Selection Committee set up by the State Government, for the purpose under Rule 99.
- (3) The Selection Committee, while selecting the Chairperson and Members of the Committee, shall as far as possible ensure that none of them are from any specialized adoption agency or children institutions.
- (4) The State Government shall provide for such training and orientation in child psychology, child welfare, child rights, socialization and rehabilitation, national and international standards for juvenile justice and the relevant legal system to Chairperson and all the members of the Committee as it considers necessary.

21. *Tenure of the Committee:-*

- (1) The Committee shall have a tenure of three years and the tenure of Chairperson and Members shall be co-terminus with the tenure of the Committee.
- (2) The Chairperson and a member of the Committee may be eligible for re-appointment for a maximum of two consecutive terms.
- (3) Extension of the tenure of members of the Committee shall be on the basis of their performance appraisal by the State Government and on the recommendation of the Selection Committee.
- (4) With a view to ensuring continuity on completion of the tenure of a Committee, the State Government shall constitute a new Committee before the expiry of the term of the existing Committee; whereafter the existing

Committee shall handover all records and information to the newly formed Committee.

- (5) The Chairperson and Members may resign at any time by giving one month's notice in writing or may be removed from office as provided in sub-section (4) of Section 29 of the Act.
- (6) Any casual vacancy in the Committee may be filled by appointment of another person from the panel of names prepared by the Selection Committee, and shall hold office for the remaining term of the Committee.

22. *Qualifications for Chairperson and Members of the Committee:-*

- (1) A person to be selected as a Chairperson or Member of the Committee shall have either of the following qualifications, in addition to a minimum of five years experience in their respective field preferably:
 - (i) A person with post graduate degree in social work, psychology, child development, education, sociology or degree in Law, criminology; and where such a person is not available, a person with at least a graduate degree in any of the social science disciplines;
 - (ii) A teacher, doctor or a social worker who has been involved in work related to children.
- (2) The Chairperson or Member of the Committee shall be a person not less than 35 years of age and not more than 62 years of age at the time of appointment/extension.
- (3) A person with an experience of seven years in respected field will be preferred for Chairperson.
- (4) In Case suitable candidates having minimum qualifications as per (1) are not available in the district, selection committee can recommend candidates having graduate degree in subjects mentioned in (1) and experience for at least 3 years.
- (5) No person shall be considered for Selection as a Chairperson or Member of the Committee, if he,
 - (i) has a previous conviction record;
 - (ii) has been involved in any immoral act or in an act of child abuse or employment of child labour;

- (iii) is holding such full-time occupation that may not allow him to give necessary time and attention to the work of the Committee as per the Act and these rules;
- (iv) does not fulfill the qualification and experience prescribed in the Act and the rules made there under, and in such a case the Selection Committee shall after due inquiry and on establishment of such fact, reject his application and recommend the name of the next person from the list of names prepared for filling the vacancies.

23. *Sitting and conveyance allowances.*— The Chairperson and Members of the Committee shall be paid such travel and sitting allowance, as the State Government may determine. The allowances of the Chairperson and Members shall be disbursed by the Director, Social Welfare.

24. *Sitting of the Committee:-*

- (1) The Committee shall hold its sittings in the premises of the Children's Home or, at a place in proximity to the Children's Home or, at a suitable premise in any institution running under the Act.
- (2) On receiving information about child or children in need of care and protection, if circumstances are such that the child or children cannot be produced before the Committee, the Committee may move out to reach the child or children and hold its sitting at a place that is convenient for such child or children.
- (3) The premises where the Committee holds its sittings shall be child-friendly and shall not look like a court room in any manner whatsoever; for example, the Committee shall not sit on a raised platform and the sitting arrangement shall be uniform and there shall be no witness boxes.
- (4) The Committee shall meet at least a minimum of three days a week, which may be extended by the State Government depending on case and pendency of work.
- (5) A minimum of three-fourth attendance of the Chairperson and Members of the Committee is necessary in a year.
- (6) Every member of the Committee shall attend a minimum of five hours per sitting during the official working hours which may be extended by the state government depending on the pendency of the work.

25. *Functions and Powers of the Committee.*— The Committee shall perform the following functions to achieve the objectives of the Act, namely:-

- (a) Take cognizance of and receive child produced before the Committee;
- (b) Decide on the matters brought before the Committee at the earliest ;
- (c) Reach out to such children in need of care and protection who are not in a position to be produced before the Committee, being in difficult circumstances, with support from the District Child Protection Unit or State Child Protection Unit or the State Government;
- (d) Conduct necessary inquiry on all issues relating to and affecting the safety and well being of the child;
- (e) Direct the Child Welfare Officers or Probation Officers or non-governmental organizations to conduct social inquiry and submit a report to the Committee;
- (f) Prepare individual care plan for the children;
- (g) Ensure necessary care and protection to the child, including immediate shelter;
- (h) Ensure appropriate rehabilitation and restoration, including passing necessary directions to parents or guardians or fit persons or fit institutions in this regard, in addition to follow-up and coordination with District Child Protection Unit or State Adoption Resource Agency and other agencies;
- (i) Direct the Superintendent of children's home/shelter homes/drop-in-centres to receive children requiring shelter and care;
- (j) Document and maintain detailed case record along with a case summary of every case dealt by the Committee;
- (k) Ensure a child-friendly environment for children;
- (l) Recommend 'fit institutions' to the State Government for the care and protection of children;
- (m) Declare 'fit persons'; and 'fit institution' for temporary period for specific cases;
- (n) Declare a child legally free for adoption;
- (o) Keep information about and take necessary follow-up action in respect of missing children in their jurisdiction;
- (p) Maintain liaison with the Board in respect of cases needing care and protection;

- (q) Visit each institution where children are kept and sent for care and protection and specialized adoption agency at least once in three months to review the condition of children in institutions, with support of the State Government and suggest necessary action;
- (r) Monitor associations and agencies within their jurisdiction that deal with children in order to check on the exploitation and abuse of children;
- (s) Co-ordinate with the Education, Health, Police, Labour Department and other agencies involved in the care and protection of children with the support of District Child Protection Unit or State Child Protection Unit or State Government;
- (t) Liaison and network with the corporate sector and non-governmental organisations for any of the above, including for social inquiry, restoration and rehabilitation, as and when required; and
- (u) Maintain a suggestion box to encourage inputs from children and adults alike and take necessary action.
- (v) The Committee may, with the help of District Child Protection Unit or any NGO, maintain a list of various governmental, non-governmental, corporate and community agencies for facilitating the rehabilitation and social reintegration of the child;
- (w) Liaison with Committees in other districts and other concerned bodies to facilitate speedy inquiry and restoration or rehabilitation of the child;
- (x) Prepare and send monthly information about child and any other related matter as and when required, to the District Child Protection Unit and the State Child Protection Unit;
- (y) Any other function assigned by the State Government from time to time relating with Children in need of care and protection;
- (z) The CWC can issue order to the local authority to issue the birth certificate of the abandoned child after conducting necessary enquiries.

26. *Procedure in relation to Committee:-*

- (1) The quorum for the meeting shall be three members attending, which may include the Chairperson.
- (2) Any decision taken by an individual member, when the Committee is not sitting, shall require ratification by the Committee in its next sitting.

- (3) The Committee shall take into consideration the age, developmental stage, physical and mental health, opinion of the child and the recommendation of the child welfare officer or caseworker, prior to disposal of cases.
- (4) For final disposal of a case, the order of the Committee shall be signed by at least two members, including the Chairperson.

27. *Production of a Child before the Committee:-*

- (1) A child in need of care and protection shall be produced before the Committee within twenty-four hours, excluding journey time, by one of the following persons-
 - (a) any police officer or Special Juvenile Police Unit or a designated police officer;
 - (b) any public servant;
 - (c) childline, a registered voluntary organization or by such other voluntary organization or an agency as may be recognized by the State Government;
 - (d) social worker;
 - (e) any public spirited citizen; or
 - (f) by the child himself.
- (2) Whenever the above mentioned person/s takes charge of child in need of care & protection, the information shall be given to the police control room and childline as soon as possible, giving details of child, the situation from which rescued, the time at which the person took charge of the child including the place. The person taking charge of the child shall also give his details like name, address and organization for which he is working and other relevant details of members of rescue team.
- (3) In case of a child under two years of age, who is medically unfit, the person or the organization shall send a written report along with the photograph of the child to the Committee within twenty-four hours and produce the child before the Committee as soon as the child is medically fit along with a medical certificate to that effect.

- (4) The Committee can *suo motu* take cognizance of cases brought to its notice and reach out to a child in need of care and protection where necessary and the District or the State Child Protection Unit or the State Government shall provide necessary support and assistance to the Committee for carrying out such functions.
- (5) In case the Committee is not sitting, the child may be produced before the single member of the Committee as per the provisions laid down under sub-section (2) of section 30 of the Act for being placed in safe custody of parent or guardian or fit person or fit institutions, as the case may be, till such time that the child can be produced before the Committee.
- (6) In case the single member is also not accessible, or that the hours are odd, the child shall be taken by any non-governmental organisation or Childline or Police to an appropriate institution for children registered under the Act with all the necessary documents, and be placed in such institution till the time of production before the Committee.
- (7) The concerned institution shall inform the Chairperson or a member of the Committee about such child and produce the child before the Committee within twenty four hours and in such cases, it may not be necessary for the person who brings a child in need of care and protection to an institution to be present at the time of production of the child before the Committee. If the institution is Government Children Home, the child may be produced during the next sitting of the committee.
- (8) Whoever produces a child before the Committee may submit a report on the circumstances under which the child came to their notice and efforts made by them in informing the police and the missing persons squad and in cases where a recognized voluntary organization or any police personnel produce a child before the Committee, they shall also submit a report on the efforts made by them for tracing the family of the child.
- (9) Any general medical or gynaecological examination of child shall not be a pre-requisite for production of the child before the Committee or admission in an institution.

- (10) The Committee shall facilitate the filing of a police complaint and First Information Report in cases of missing children as well as matters of violence, exploitation and abuse of children and arrange for required legal aid through the Legal Officer in the District Child Protection Unit or District or State Legal Aid Services Authority or voluntary organizations.
- (11) Each Committee shall send quarterly information about children in need of care and protection received by them to the District or State Child Protection Unit or State Government.
- (12) Child shall be provided a child-friendly environment during the proceedings of the Committee.
- (13) The Committee shall have an empanelled list of lawyers, social workers and mental health experts who may assist the Committee in dealing with cases of abused children and who may also interface with the Public Prosecutor or Assistant Public Prosecutor to facilitate legal services to the abused children, when the cases relating to such children are taken up in regular criminal courts. As far as possible, the public prosecutor or Assistant public prosecutor may preferably be a female in case of girl child.
- (14) Every possible effort shall be made to trace the family with support from the District Child Protection Unit, and assistance of recognized voluntary organizations, Childline or police may also be taken.
- (15) The Committee shall send the child to the designated place of safety, with age and gender appropriate facilities, pending inquiry and in such eventuality, the State Government shall provide transport or make necessary budgetary allocations for such expenses based on the actual fare.
- (16) The child may be escorted by the police officer in plain clothes or representative of the voluntary organization or by any other arrangement as considered appropriate by the Committee with support from the District Child Protection Unit and in case of a girl child, a female escort shall accompany the child.

- (17) A list of all recognized child care institutions along with their capacity and appropriate facilities as prescribed under section 34 of the Act, a list of all child related resource services and a list of contact details of all Child Welfare Committees across the country shall be provided to the Committee by State Government.
- (18) The Committee may, while making an order in **Form VIII** placing a child under the care of a parent, guardian or fit person pending inquiry or at the time of restoration, as the case may be, direct such parent, guardian or fit person to enter into an undertaking in **Form IX**.
- (19) Whenever the Committee orders a child to be kept in an institution, it shall forward to the Superintendent of such institution a copy of the order of short term placement pending inquiry, in **Form X** with particulars of the home and parents or guardian and previous record.
- (20) Whenever the Committee orders a child to be kept in a fit institution as part of restoration under clause (f) of sub-section (3) of section 39 of the Act, it shall forward a copy of its order of restoration in **Form XI** to the Superintendent of such institution.
- (21) (a) The Committee should also satisfy that, the child has not been subjected to any harassment either by the Police or by any other person, who takes charge of the child for the purpose of bringing before the Child Welfare Committee.
- (b) The Committee may release the child to the care of parents/guardian with without surety till such time the final disposition in made.
- (c) The Committee shall conduct the proceeding in an informal way to ensure that child's interest is of paramount importance.
- (d) The Committee shall initiate action against any media for publishing any matter relating to the children in need of care and protection, which would affect the interest of the child.
- (e) The Committee shall enquire the child in need of care and protection and shall record the statements in accordance to the procedure as laid down in the Code Criminal Procedure, 1973.

(f) The Committee shall if at any stage during the course of the enquiry is satisfied that the attendance of the child is not essential for the purpose of enquiry, dispense with his attendance and proceed with the enquiry in the absence of child.

(22) The child shall be placed in an institution closest to where his parents or guardians belong as far as possible, unless the child has been subjected to abuse or exploitation by parents or guardians.

28. *Procedure for inquiry:-*

- (1) When a child is brought before the Committee, the Committee shall assign the case to a social worker or probation officer or case worker or child welfare officer for conducting the inquiry through and order in **Form-XII**.
- (2) The Committee shall direct the concerned person or organization about the details or particulars to be enquired into for developing an individual care plan and suitable rehabilitation.
- (3) All inquiries conducted by a probation officer or case worker or child welfare officer shall be as per **Form-XIII** and must provide an assessment of the family situation of the child in detail, and explain in writing whether it will be in the best interest of the child to restore him to his family.
- (4) The inquiry must be completed within four months or within such shorter period as may be fixed by the Committee. Provided that the Committee may, in the best interest of the child and for the reasons to be recorded in writing, extend the said period under special circumstances.
- (5) After completion of the inquiry, if, the child is under orders to continue in the children's home, the Committee shall direct the Superintendent of the home to submit quarterly progress report of such child and produce the child before the Committee for an annual review of the progress.

29. *Children's Home:-*

- (1) The State Government itself or in association with voluntary organizations, shall set up separate homes for children in need of care and protection, in the manner specified below:
 - a) All children's homes shall be registered as child care institutions under sub section (3) of section 34 of the Act and rule 83 of these rules;

- b)* All Children's home shall be certified as per the procedure laid down in rule 83;
 - c)* All children's homes shall report to the concerned Committee about every child in need of care and protection received by them;
 - d)* Children of both sexes below ten years may be kept in the same home but separate facilities shall be maintained for boys and girls in the age group 5 to 10 years;
 - e)* Every children's home shall have separate facilities for children in the age group of 0-5 years with appropriate facilities for the infants;
 - f)* Separate children's homes shall be set up for boys and girls in the age group 10 to 18 years;
 - g)* Children in the age group of 10 to 18 years shall be further segregated into two groups of 10 to 15 years and 15 to 18 years.
- (2) Each children home shall be a comprehensive child care center with the primary objective to promote an integrated approach to child care by involving the community and local Non-Governmental Organizations through the Management Committee set up under Rule 62 of these rules and the District Child Protection Unit or State Child Protection Unit or the State Government shall make an annual performance review of functioning of the children's homes run by the state government or by any recognized voluntary organization, besides the regular reviews.
- (3) The activities of such centre shall focus on:
- a)* preparing and following individual care plans for every child, with rights based approach, specifically addressing the child's physical and mental health, emotional needs, education, skill development, protection and special needs if any;
 - b)* family based non-institutional services, such as, foster family care, adoption and sponsorship;
 - c)* specialized services in situations of conflict or disaster and for juvenile or children affected by terminal or incurable disease to prevent neglect by providing family counseling, nutrition, health interventions, psycho-social interventions and sponsorship;

- d) emergency outreach service through childline (toll free Help Line no. 1098);
- e) linkages with Integrated Child Development Services to cater to the needs of children below six years;
- f) linkages with organizations and individuals who can provide support services to children;
- g) opportunities to volunteers willing to provide various services for children;
- h) ensure that the child develop positive attitudes towards the family and creates a linkage with family; and
- i) arrange group counseling like alternatives to violence project.

30. *Shelter Home:-*

- (1) For children in urgent need of care and protection, such as street children and run-away children, the State Government shall support creation of requisite number of shelter homes or drop-in- centres either on its own or through the voluntary organizations.
- (2) Shelter homes shall include:-
 - (a) short-stay homes for children needing temporary shelter, care and protection for a maximum period of one year,
 - (b) transitional facilities for providing immediate care and protection to a child for a maximum period of four months,
 - (c) 24 hour drop-in-centres for children needing day care or night shelter facility.
- (3) The shelter homes or drop-in-centres shall have the minimum facilities of boarding and lodging, besides the provision for fulfillment of basic needs in terms of clothing, food, health care and nutrition, safe drinking water and sanitation.
- (4) There shall be separate shelter homes for girls and boys as per Rule 47(2)(d) of these rules.
- (5) All shelter homes shall provide requisite facilities for education, vocational training, counseling and recreation or make arrangements for it in collaboration with voluntary organizations or corporate sector.

- (6) The Committee, Special Juvenile Police Unit, public servants, Child Lines, voluntary organizations, social workers and the children themselves may refer a child to such shelter homes.
- (7) All shelter homes shall submit a report of children using the shelter home facility along with a photograph of the child to the Committee, the missing persons bureau or special juvenile police unit and the District Child Protection Unit or the State Child Protection Unit.
- (8) The requirements of producing a child received by a shelter home before the Committee, inquiry and disposal under sections 32, 33, 38 and 39 of the Act shall apply only to shelter homes other than drop-in-centres as specified in Rule 30 (2) (c) of these rules.
- (9) 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 children in shelter homes.
- (10) No child shall ordinarily stay in a shelter home for more than a year except in special circumstances with the approval of the Committee.

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

CHAPTER IV**REHABILITATION AND SOCIAL REINTEGRATION**

32. *Rehabilitation and Social Reintegration.*— The primary aim of rehabilitation and social reintegration is to help children in restoring their dignity and self-worth and mainstream them through rehabilitation within the family where possible, or otherwise through alternate care programmes and long-term institutional care shall be of last resort.

33. *Adoption:-*

- (1) The primary aim of adoption is to provide a child who cannot be cared for by his biological parents with a permanent substitute family.
- (2) For all matters relating to adoption, the guidelines issued by the Central Adoption Resource Authority and notified by the Central Government under sub-section (3) of section 41 of the Act, shall apply.
- (3) In case of orphaned and abandoned children the following procedure shall apply, namely:-
 - (a) Wherever a Specialized Adoption Agency receives an abandoned children it shall within twenty four hours inform the matter to the police station.
 - (b) Specialized Adoption Agencies shall produce all orphaned and abandoned children who are to be declared legally free for adoption before the Committee within twenty-four hours of receiving such children, excluding the time taken for journey;
 - (c) A child becomes eligible for adoption when the Committee has completed its inquiry and declares the child legally free for adoption;
 - (d) Such declaration shall be made in **Form XIV**;
 - (e) A child must be produced before the Committee at the time of declaring such child legally free for adoption;
 - (f) Whenever intimation is received by the police about an abandoned infant, the police shall take charge of the infant and arrange to provide immediate medical assistance and care;
 - (g) Subsequently, the child shall be placed in a specialized adoption agency or recognized and certified children's home or in a pediatric unit of a Government hospital followed by production of the child before the Committee within twenty-four hours;

- (h) Procedure for declaring a child abandoned and certifying him legally free for adoption:-
- (i) in case of an abandoned child, the recognized agency shall within twenty four hours, report and produce the child before the Committee with the copy of the report filed with the police station in whose jurisdiction the child was found abandoned;
 - (ii) the Committee will institute a process of inquiry, which shall include a thorough inquiry conducted by the Probation Officer or Child Welfare Officer, as the case may be and who shall give report in **Form XIII** to the Committee containing the findings within one month;
 - (iii) there shall be a declaration by the specialized adoption agency, stating that there has been no claimant for the child even after making notification in at least one leading national newspaper and one regional language newspaper for children below two years of age and for children above two years, an additional television or any other prevalent mode or radio announcement and notification to the missing persons squad or bureau shall be made;
 - (iv) the steps stated in (iii) shall be taken within a period of sixty days from the time when the child is found in case of a child below two years of age and in case of children above two years of age, this period shall be four months;
 - (v) the period of notification shall run concurrently with the inquiry to be conducted and report submitted under clause (ii) of this sub-rule;
 - (vi) The Committee shall declare the child legally free for adoption on completion of the process of inquiry, including declaration of the specialized adoption agency made under clauses (ii) and (iii) of this sub-rule;
 - (vii) No child above seven years who can understand and express his opinion shall be declared free for adoption without his consent recorded before Child Welfare Committee.

- (4) In case of surrendered child the following procedure shall apply, namely:-
- (a) A surrendered child is one who had been declared as such after due process of inquiry by the Committee and in order to be declared legally free for adoption, a 'surrendered' child shall be any of the following:
 - (i) born as a consequence of non-consensual relationship;
 - (ii) born of an unwed mother or out of wedlock;
 - (iii) a child in whose case one of the biological parents is dead and the living parent is incapacitated to take care;
 - (iv) a child where the parents or guardians are compelled to relinquish him due to physical, emotional and social factors beyond their control;
 - (b) serious efforts shall be made by the Committee for counseling the parents, explaining the consequences of adoption and exploring the possibilities of parents retaining the child and if, the parents are unwilling to retain, then, such children shall be kept initially in foster care or arranged for their sponsorship;
 - (c) if the surrender is inevitable, a deed of surrender in Form XV shall be executed on a non-judicial stamp paper in the presence of the Committee.
 - (d) the adoption agencies shall wait for completion of two months reconsideration time given to the biological parent or parents after surrender;
 - (e) in case of a child surrendered by his biological parent or parents, the document of surrender shall be executed by the parent or parents before the Committee;
 - (f) after due inquiry, the Committee shall declare the surrendered child legally free for adoption in **Form XIII** as the case may be after a sixty days' reconsideration period as per Central Adoption Resource Agency guidelines.
- (5) For the purposes of section 41 of the Act, 'court' implies a civil court, which has jurisdiction in matters of adoption and guardianship and may include the court of the district judge, family courts and civil court.

34. Foster Care:-

- (1) For children who cannot be placed in adoption, order shall be issued by the competent authority in Form XVII for carrying out foster care, as given in sub-section (2) of section 42 of the Act under the supervision of a probation officer or case worker or social worker, as the case may be, and the period of foster care shall depend on the need of the child.
- (2) State Government shall design its own foster care programme so as to reduce institutionalization of children and enable a nurturing family environment for every child.
- (3) The State Government shall consult the Boards or Committees, non-governmental organizations, academicians and organizations working on alternative care for children in developing the foster care programme.
- (4) De-institutionalisation of children and placing them in foster care shall be made with the concurrence of the Child Welfare Committee.

35. Criteria for selection of families for foster care:-

- (1) In case of the children covered under Rule 34 of these rules, the following criteria shall apply for selection of families for foster care, namely:-
 - (i) foster parents should have stable emotional adjustment within the family;
 - (ii) foster parents should have an income in which they are able to meet the needs of the child and are not dependent on the foster care maintenance payment;
 - (iii) the monthly family income shall be adequate to take care of foster children and approved by the Committee;
 - (iv) medical reports of all the members of the family residing in the premises should be obtained including checks on Human Immuno Deficiency Virus (HIV) and Hepatitis B to determine that they are medically fit;
 - (v) the foster parents should have experience in child caring and the capacity to provide good child care;
 - (vi) the foster parents should be physically, mentally and emotionally stable;
 - (vii) the home should have adequate space and basic facilities;

- (viii) the foster care family should be willing to follow rules laid down including regular visits to pediatrician, maintenance of child health and their records;
 - (ix) the family should be willing to sign an agreement and to return the child to the specialized adoption agency whenever called to do so;
 - (x) the foster parents should be willing to attend training or orientation programmes;
 - (xi) the foster parents should be willing to take the child for regular (at least once a month in the case of infants) checkups to a pediatrician approved by the agency; and
 - (xii) Single parents cannot be given foster care of children of the opposite sex, having age difference less than 20 years.
- (2) There shall be no discrimination in selection of foster-parents on the basis of caste, religion, ethnic status, disability, or health status and the best interest of the child shall be paramount in deciding foster care placement.
- (3) The foster parents shall be declared 'fit persons' by the Committee before placing the child as per the provisions laid down in clause (i) of section 2 of the Act after thorough assessment done by the Child Welfare Officer or Social Worker as per Form XVI.

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

37. Maintenance grant.— The amount to be paid to the Foster parents if a blood relative for the maintenance of child shall be fixed by the state government from time to time. The amount shall be paid to the foster family as per the scheme developed by the State Government.

38. Target Group:-

- (1) Children from dysfunctional families or from institutions or the children whose biological parents are either incapacitated or in a state of crisis and unable to provide the care and protection to the child shall be target group for foster care.
- (2) children who can not be placed on adoption due to various reasons can be considered for foster care.

39. *Programme Implementation*— The foster care shall be implemented in each district by the Child Welfare Committee.

The District Child Protection Unit and the Superintendent of Children's Home shall perform the following functions:-

- a) Selection of foster family;
- b) Foster families shall be screened, oriented and trained for receiving the children;
- c) Provide counseling support, information to families and children;
- d) Periodical review regarding relationship between the family and the child;
- e) If the biological family is available, the agency shall keep the relationship alive, provided, if it is a safe relationship;
- f) Workout rehabilitative measures for the child in the foster family either in the form of continuing education or through vocational training or by any skilled development programme to ensure a safe future for the child;
- g) Provide counseling and other support;
- h) The Child Welfare Committee shall monitor the progress of the child.

40. (1) *Recognition of fit persons for foster placement:-*

- (i) Any person desiring recognition under these rules as foster parent shall make an application to the Child Welfare Committee. He/She shall enclose with the application consent of other spouse, if any, a certificate from a registered medical practitioner about the health condition of the members of his/her family, an income certificate, a character certificate from a gazetted officer or recommendations from the local resident welfare association.
- (ii) The decision to grant or withdraw recognition shall be taken by the Committee after thorough examination of the report of welfare officer and/or voluntary organization.
- (iii) The Committee may transfer the custody of a child kept in foster care from one fit person to another duly explaining reasons thereof. The person concerned shall transfer custody of the child within 24 hours of such order of the Committee, failing which Committee shall take appropriate action as per law.

(2) Engagement of voluntary organization

- (i) Any organization desiring engagement under these rules shall make an application together with a copy each of the rules, bye-laws, articles of association, list of members of the society or the association running the organization, office bearers and a statement showing the status and past records of specialized child care services provided by the organization to the Child Welfare Committee, who after verifying the capacity of the organization, in this regard, may approve the engagement of the voluntary organization under these rules on the condition that the organization shall always comply with the standards of services laid down under the Act and the rules framed there under from time to time.
- (ii) The voluntary organization shall submit to the Child Welfare Committee concerned all reports as directed by the Committee in connection with the foster care placement in the time prescribed by the Committee. These reports shall give all necessary details including the points covered in form XVI.
- (iii) The Child Welfare Committee shall ensure payment of the prescribed fee to the voluntary organization for all reports submitted by it, as per directions of the Committee.

41. Agreement to be executed by foster parents:-

- (1) The foster parents should enter into an agreement with the Child Welfare Committee to ensure the following during the period of Foster Care-
 - (i) that the foster parent shall ensure that the child is provided proper education;
 - (ii) that the child shall be treated with love and affection and ensure a suitable atmosphere conducive to overall growth and development of child;
 - (iii) that the child shall not be abused;
 - (iv) that foster parent shall allow the visits of biological parents of the child and respect their views on the child's care and development;
 - (v) that foster parent shall comply with the directions of the Child Welfare Committee and the State Government with due urgency;

- (vi) the foster parent shall attend the Child Welfare Committee whenever called to discuss the future plan in respect of child;
- (vii) the foster parent shall submit to the welfare officer or the authorized voluntary organization information about child's health, education, behaviour, conduct and any such matters concerning the child as may be required from time to time;
- (viii) The foster parent shall return the child to the Child Welfare Committee whenever so directed by the Committee;
- (ix) The foster parent shall intimate immediately the welfare officer, Child Welfare Committee, and the voluntary organization if the child is seriously ill;
- (x) The foster parent shall intimate about the change in residential address to the Child Welfare Committee and the voluntary organization concerned;
- (xi) The foster parent shall take written permission of the Child Welfare Committee before taking the child out of station for more than a week;
- (xii) The foster parent shall immediately inform the police and the committee if child placed in foster care goes missing;
- (xiii) That the minimum needs of children have been met without denial;
- (xiv) The foster parent shall comply with any other conditions that may be imposed in respect of individual cases;
- (xv) That the foster parents are fully aware that in case of violation of conditions or abuse of children, the child will be withdrawn from their custody. In case of physical or sexual abuse of children, criminal proceedings will be initiated against the foster parents (s).

42. Role of State Government:-

- (1) The State Government shall allocate funds for the implementation of the scheme keeping in view the resources of the state. The Director of social welfare shall be the nodal authority for effective implementation of the scheme.
- (2) The Department of Social Welfare or State Child Protection Society shall-

- (i) implement the foster care programme through the Child Welfare Committee;
 - (ii) monitor and evaluate performance of the scheme;
 - (iii) in the event of failure to fulfill the condition on the part of the foster parent for the implementation, de-recognise the Foster parent after conducting the necessary enquires and under intimation to the Child Welfare Committee;
 - (iv) Take appropriate steps for awareness creation, co-ordination and networking, training of functionaries etc.
- (3) The District Child Protection Unit or Superintendents of Children's Home/Case workers/ Social Worker shall;
- a) maintain records and case files, follow up records etc. in prescribed format;
 - b) submit periodical reports with the details of accounts, disbursement assistance of foster care family, child development details etc. to the Committee.
 - c) Appoint one or more professionally qualified Social Workers to implement the scheme, who shall be paid an honorarium at the rate Rs: 5,000/- month which may be revised from time to time by government order.

43. Sponsorship:-

- (1) The State Government shall prepare sponsorship programme in consultation with the Non Governmental Organizations, Child Welfare Committees, other relevant government agencies and the corporate sector.
- (2) The State Government, with the help of District or State Child Protection Unit shall identify families and children at risk and provide necessary support services in the form of sponsorship for child's education, health, nutrition and other developmental needs.
- (3) The children's homes and special homes shall promote sponsorship programmes as laid down in section 43 of the Act.
- (4) The institutions receiving sponsorship, shall maintain proper and separate accounts of all the receipts and payments for the programme.

- (5) The Board or the Committee shall make an order in Form XVIII for support to a juvenile or child through sponsorship and send a copy to the District or State Child Protection Unit or the State Government for appropriate action.
- (6) The State Government may allow individuals, institutions, corporate sectors, financial institutions, industries etc. to sponsor or support the following without expecting any gain in return,-
 - (i) any child or his family shall be supported under sponsorship for education, to withdraw children from child labour;
 - (ii) any activity pertaining to improve the behaviour of children, the personality development programme;
 - (iii) cultural programmes, picnics, holiday camps, medical assistance, immunization programmes, special medical assistance, inter school sports activities, creative arts, competition and seminars for children involving eminent personalities;
 - (iv) Any activities pertaining to the job oriented training programme, establishment of vocational training-cum-rehabilitation centres, community college etc;
 - (v) Establishment of libraries, sports activities, art and competition etc. or any other development programme;
 - (vi) Improving infrastructures and amenities, construction or alteration etc.
- (7) The Director of Social Welfare shall permit the Superintendent of an institution to accept any sponsorship under intimation to the Director of Social Welfare.
- (8) The Superintendent who receives sponsorship shall maintain a proper account and special report shall be sent to The Director of Social Welfare once in a quarter.
- (9) The District Child Protection Unit or any Competent Authority authorized to inspect the activities shall verify the relevant records on sponsorship during inspection and a report shall be sent to the Director of Social Welfare for follow up.

44. After Care Organisation:-

- (1) The state Government shall set up an after care programme for care of juveniles or children after they leave special homes and children's homes.
- (2) The State Government shall notify a 'place of Safety' to accommodate juveniles who have been referred by the Board under clause (2) of Section 16 of the Act, in such manner as may be prescribed from time to time.
- (3) After care programmes shall be made available for persons up to age group of 18-21 years, who have no place to go to or are unable to support themselves, for the purpose of section 44 of the Act and this rule.
- (4) Once the Board or the Committee passes an order in Form XIX for placing a juvenile or a child completing 18 years of age under the after care programme, a copy of such order shall be sent to the District and the State Child Protection Unit and the Director of Social Welfare, who shall be responsible for arranging aftercare. A copy of information shall be made available to the superintendent of the concerned home.
- (5) The Board or the Committee shall have jurisdiction over persons placed in after care programme.
- (6) The objective of these organizations shall be to enable such children to adapt to society and during their stay in these transitional homes these children will be encouraged to move away from an institution based life to a normal one.
- (7) All juveniles or children enrolled into an after care programme must be considered a beneficiary in all appropriate schemes and programmes run by the state government on priority basis.
- (8) The key component of the programme shall include:-
 - (a) community group housing on a temporary basis for groups of young persons aged 18-21 years;
 - (b) imparting vocational training, job oriented training and encouragement to contribute towards the rent or other expenses of the accommodation and maintenance;
 - (c) encouragement to gradually sustain themselves without state support and move out of the group home to stay in a place of their own after saving sufficient amount through their earnings;

- (d) provision for a peer counselor to stay in regular contact with these groups to discuss their rehabilitation plans and provide creative outlets for their energy and to tide over crisis periods in their life.
- (9) Loans may be arranged for the youth in an after care programme aspiring to set up entrepreneurial activities on the basis of an application made by them and after due verification of the need for such a loan, and necessary professional advice and training shall be made available to the youth in the after care programme in this regard.
- (10) The After Care Organization shall facilities for the issuance of the documents such as Voter's ID Card, Bank Savings Account, Residence Certificate, etc. in the name of the person enrolled into the after care programme.

45. Linkages and co-ordination:-

- (1) The State government shall establish effective linkages between various government, non government, corporate and other community agencies for facilitating the rehabilitation and social reintegration of juvenile or children through the Board or the Committee as the case may be.
- (2) The Government shall identify the roles and responsibilities of each department at State or district levels for effective implementation of the Act and the rules and inform them through a notification.
- (3) The State Government shall arrange for appropriate training and sensitization of functionaries of these departments from time to time in coordination with any appropriate agency.
- (4) The State Government through State or District Child Protection Unit shall develop effective networking and linkages with local non-governmental organizations for specialized services and technical assistance like vocational training, education, health care, nutrition, mental health intervention, drug de-addiction, legal aid services etc.
- (5) Voluntary participation of organization of retired persons, social workers, health, personnel shall be encouraged, to organize workshops, cultural programme, sports, camps counseling and recreational services.

46. *Victim Assistance Centre*— Child Victim who are produced before the Child Welfare Committee or brought before Juvenile Justice Boards or victims of the offence committed by the juveniles brought before the Board, often needs immediate assistance or follow up actions in the form of medical, legal, monetary, counseling, or other forms of rehabilitation. To provide such immediate help a service centre comprising the following members may be constituted by the Director of Social Welfare.

1. Superintendent of Special Home/Observation Home-Member/Secretary
2. Medical officer of the nearby Government hospital- Member
3. An advocate nominated by District Legal Service Authority- Member
4. District Probation Officer- Member
5. Two social workers involved in rehabilitation of children and nominated by the Director of Social Welfare- Member
6. A child counselor/pediatrician nominated by Director of Social Welfare- Member

The Victim Service Centre may be attached to the Children's Home/Observation Home/District Probation office in a district. Immediate assistance may be provided by the individual members alone or as a group. The members may meet once or more in a month and review the progress of cases. Such work shall be coordinated by the District Probation Officer, with a view to get compensation or take other remedial measures for physical abuse, sexual abuse, economic abuse, mental abuse and or emotional abuse meted towards children.

CHAPTER V**STANDARDS OF CARE FOR INSTITUTIONS***47. Physical infrastructure:-*

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

- (a) Observation Home:

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

- (b) Special Home:

- (i) Separate special homes for girls and boys above 10 years and boys in the age group of 11 to 16 and 16 to 18 years;
- (ii) Classification and segregation of juveniles on the basis of age and nature of offences and their mental and physical status.
- (iii) The State Government shall notify a 'Place of Safety' to accommodate juveniles who have been referred by the Board under clause (2) of Section 16 of the Act, in such manner as prescribed from time to time.

- (c) Children's Home:

- (i) While children of both sexes below 10 years can be kept in the same home, separate bathing and sleeping facilities shall be maintained for boys and girls in the age group of 5-10 years;
- (ii) Separate children's homes for boys and girls in the age group of 11 to 16 and 16 to 18 years;
- (iii) Separate facilities for children in the age group of 0-5 years with appropriate facilities for infants.

- (d) Shelter Home:
- (i) Separate shelter homes for girls and boys;
 - (ii) Separate shelter homes for girls above the age of 10 years and boys in the age groups of 11 to 16 and 16 to 18 years.
- (3) The building or accommodation for an institution with 50 juveniles or children may include space for:-
- (i) 2 Dormitories or living room,
 - (ii) 2 Classrooms,
 - (iii) Sickroom/First aid room,
 - (iv) Kitchen and Dining Hall, Store
 - (v) Recreation room or hall, Library,
 - (vi) Bathrooms, toilets/latrines,
 - (vii) Counseling and guidance room
 - (viii) Office rooms,
 - (ix) Superintendent's room,
 - (x) Residence for Superintendent,
 - (xi) Rooms for Juvenile Justice Board/Child Welfare Committee,
 - (xii) Play ground of sufficient area according to the total number of juveniles or children.
- (4) The Superintendent shall stay within the institution and will be provided with quarters and in case he is not able to stay in the home for legitimate reasons (prior written permission of Director, Social Welfare shall be obtained) and in such case any other senior staff member of the institution shall stay in the institution and be in a position to supervise the overall care of the children or juvenile and, take decisions in the case of any crisis or emergency.
- (5) (i) the standards of accommodation as per the norms laid down in Rule 47(3) shall be observed and shall include following facilities to the extent possible:
- (a) Dormitory or living rooms: 40 Sq. ft. per juvenile or child.
 - (b) Toilet and bathrooms: at least one for every 8 children.
 - (c) Classroom: 300 Sq. ft for each classroom for 25 children.
 - (d) Sickroom/First aid room: 375 Sq. ft for each room.

- (e) Workshop: 75 Sq. ft. per juvenile or child.
- (f) Play ground:-Sufficient play ground area shall be provided in every institution according to the total number of juveniles in institution
- (ii) there shall be proper and smooth flooring for preventing accidents;
- (iii) There shall be adequate lighting, ventilation, heating and cooling arrangements, safe drinking water and clean toilets, in terms of gender, age appropriateness and accessibility to persons with disability.
- (iv) All institutions under the Act shall make provision of first aid kit, fire extinguishers in kitchen, dormitories, store rooms, counseling room, periodic review of electrical installations, proper storage and inspection of articles of food stuffs, stand-by arrangements for water storage and emergency lighting.

48. *Clothing and Bedding.*— The clothing and bedding shall be as per the scale and climatic conditions. The requirements of each juvenile or child and the minimum standards for clothing and bedding are laid down in Schedule-I of these rules.

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

- (a) sufficient treated drinking water; water filters shall be installed;
- (b) sufficient water for bathing and washing clothes, maintenance and cleanliness of the premises;
- (c) proper drainage system;
- (d) arrangements for disposal of garbage;
- (e) protection from mosquitoes by providing mosquito nets;
- (f) annual pest control;
- (g) sufficient number of well lit and airy toilets and bathrooms in the proportion of at least one for 8 children;
- (h) sufficient space for washing;
- (i) clean and fly proof kitchen and separate area for washing utensils;
- (j) sunning of bedding and clothing;
- (k) maintenance of cleanliness in the sick room/ first aid room/Medical Centre.

50. *Daily Routine :-*

- (1) Every institution shall have a daily routine for the juveniles or children developed in consultation with the Children's Committees, which shall be prominently displayed at various places within the institution.
- (2) The daily routine shall provide, *inter alia*, for a regulated and disciplined life, personal hygiene and cleanliness, physical exercise, yoga, educational classes, vocational training, organized recreation and games, moral education, group activities, prayer and community singing and special programmes for Sundays and holidays.

51. *Nutrition and Diet Scale.*—The following nutrition and diet scale shall be followed by the institutions, namely:-

- (a) the children shall be provided four meals in a day including breakfast;
- (b) the menu shall be prepared with the help of a nutritional expert or doctor to ensure balanced diet and variety in taste as per the minimum nutritional standard and diet scale set out in Schedule II of these rules;
- (c) every institution under this Act shall strictly adhere to the minimum nutritional standard and diet scale specified in Schedule II;
- (d) Juveniles or children may be provided special meals on holidays and festivals;
- (e) Infants and sick juveniles or children shall be provided special diet according to the advise of the doctor on their dietary requirement.

52. *Medical Care.*—*Every institution shall:-*

- (a) maintain a medical record of each juvenile or child on the basis of monthly medical check-up and provide necessary medical facilities;
- (b) ensure that the medical record includes weight and height record, any sickness and treatment, and other physical or mental problem;
- (c) have arrangement for the medical facilities, including a doctor on call available on all working days for regular medical check-ups and treatment of juveniles or children;
- (d) have sufficient medical equipments to handle minor health problems including first aid kit with stock of emergency medicines and consumables;
- (e) train all staff in handling first aid;

- (f) tie-up with local Primary Health Centre, government hospital, medical colleges, other hospitals, clinical psychologists and psychiatrists and mental health institutes for regular visits by their doctors and interns and for holding periodic health camps within the institutions;
- (g) make necessary arrangements made for the immunization coverage and maintain proper records in respect thereof;
- (h) take preventive measures against out break of contagious or infectious diseases;
- (i) set up a system for referral of cases with deteriorating health or serious cases to the nearest civil hospital or recognized treatment centres;
- (j) keep sick children under constant medical supervision;
- (k) admit a juvenile or child without insisting on a medical certificate at the time of admission;
- (l) not carry out any surgical treatment on any juvenile or child without the previous consent of his parent or guardian, unless either the parent or guardian cannot be found and the condition of the juvenile or child is such that any delay shall, in the opinion of the medical officer, involve unnecessary suffering or injury to the health of the juvenile or child, or otherwise without obtaining a written consent to this effect from the superintendent of the institution;
- (m) provide or arrange for regular counselling of every juvenile or child and ensure specific mental health interventions for those in need of such services, including separate rooms for counselling sessions within the premises of the institution;
- (n) refer such children who require specialized drug abuse prevention and rehabilitation programme, to an appropriate centre administered by qualified personnel where these programmes shall be adopted to the age, gender and other specifications of the concerned child.

53. Mental Health :-

- (1) A mental health record of every juvenile or child shall be maintained by the concerned institutions.

- (2) Both mileu-based interventions that is creating an enabling environment for children and individual therapy are must for every child and shall be provided in all institutions.

Explanation.— For the purpose of this sub-rule, mileu based intervention is a process of recovery, which starts through providing an enabling culture and environment in an institution so as to ensure that each child's abilities are discovered and they have choices and right to take to decisions regarding their life and thus, they develop and identify beyond their negative experiences and such intervention has a critical emotional impact on the child.

- (3) The environment in an institution shall be free from abuse, allowing juveniles or children to cope with their situation and regain confidence.
- (4) All persons involved in taking care of the juveniles or children in an institution shall participate in facilitating an enabling environment and work in collaboration with the therapists.
- (5) Individual therapy is a specialized process and each institution shall make provisions for it as a critical mental health intervention.
- (6) Every institution shall have the services of trained counselors or collaboration with external agencies such as child guidance centres, psychology and psychiatric departments or similar government and non-governmental agencies, for specialized and regular individual therapy for every juvenile or child in the institution.
- (7) A mental health care plan shall be developed for every juvenile or child by the child welfare officers in consultation with mental health experts associated with the institution and integrated into the individual care plan of the concerned juvenile or child.
- (8) The recommendations of mental health experts shall be maintained in every case file and integrated into the care plan for every child.
- (9) All care plans shall be produced before the Management Committee set up under rule 62 of these rules every month and before the Child Welfare Committee every quarter.
- (10) No juvenile or child shall be administered medication for mental health problems without a psychological evaluation and diagnosis by appropriately trained mental health professionals.

54. Education :-

- (1) Every institution shall provide formal, non-formal and life skill education to all juveniles or children according to the age and ability, both inside the institution or outside, as per the requirement.
- (2) There shall be a range of educational opportunities including, mainstream inclusive schools, bridge school, open schooling, non formal education and learning and input from special educators where needed.
- (3) Wherever necessary, extra coaching shall be made available to school going children in the institutions by encouraging volunteer services or tying up with coaching centers.

55. Vocational Training:-

- (1) Every institution shall provide gainful and market oriented income generating vocational training to juveniles or children.
- (2) The institutions shall develop networking with recognized Institute of Technical Instruction, Jan Shikshan Sansthan, Government and Private Organization or Enterprises, Agencies or non governmental organizations with expertise or placement agencies.
- (3) Superintendent of the institution shall make reasonable efforts for placement of children of 16-18 years of age as an apprentice.

56. Recreation facilities:-

- (1) A provision of guided recreation shall be made available to all juveniles or children in the institutions.
- (2) It shall include indoor and outdoor games, music, television, picnics and outings, cultural programmes and library.
- (3) Every institution shall provide materials, toys, games in sufficient quantity to all children for recreational activities.

57. Institutional Management of juveniles or children:-

- (1) The following procedure shall be followed in respect of the newly admitted juvenile:
 - (a) receiving and search. The girl juvenile or child shall be searched by a female member of the staff, and both the girl and boy shall be searched with due regard to decency and dignity;

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- (b) disinfection and storing of juvenile's personal belongings and other valuables, entry of belongings in a separate register;
 - (c) bath and haircut (unless prohibited by religion);
 - (d) issue of toiletry items, new set of clothes, bedding and other outfit and equipment (as per scales);
 - (e) medical examination and treatment where necessary and in case of every juvenile suspected to be suffering from contagious or infectious diseases, mental ailments or addiction;
 - (f) segregation in specially earmarked dormitories or wards or hospitals in case of a child suffering from contagious disease requiring special care and caution;
 - (g) attending to immediate and urgent needs of the juveniles like appearing in examinations, interview, letter to parents, personal problems and verification by the superintendent of age of juvenile as per order of the Board or the Committee.
- (2) Every newly admitted juvenile or child shall be allotted a case worker from amongst the probation officers or child welfare officers or professionally trained social workers or counselors attached to the institution or professionally trained voluntary social workers or counselors.
 - (3) Every newly admitted juvenile shall be familiarized with the institution and its functioning and shall receive orientation in the following areas:
 - (a) personal health, hygiene and sanitation;
 - (b) institutional discipline and standards of behaviour, respect for elders and teachers;
 - (c) daily routine, peer interaction, optimum use of developmental opportunities; and
 - (d) rights, responsibilities and obligations within the institution.
 - (4) The designed officer shall enter the name of the juvenile or child in the Admission Register and allocate appropriate accommodation facility.
 - (5) The photograph shall also be taken immediately for records and the case worker or probation officer or welfare officer shall begin the investigation and correspondence with the person, the juvenile or child might have named.

- (6) The Superintendent shall see that the personal belongings of the juvenile or child received by the institution is kept in safe custody and recorded in the Personal Belonging Register and the item must be returned to the juvenile or child when he leaves the institution.
- (7) The educational level and vocational aptitude of the juvenile admitted, may be assessed on the basis of test and interview conducted by the teacher, the workshop supervisor and other technical staff and necessary linkages may also be established with outside specialists and community-based welfare agencies, psychologist, psychiatrist, child guidance clinic, hospital and local doctors, open school or Jan Sikshan Sansthan.
- (8) A case history of the juvenile or the child admitted to an institution shall be maintained as per **Form XX**, which shall contain information regarding his socio-cultural and economic background and this information may invariably be collected through all possible and available sources, including home, parents or guardians, employer, school, friends and community.
- (9) A well conceived programme of pre-release planning and follow up of cases discharged from special homes shall be organized in all institutions in close collaboration with existing governmental and voluntary welfare organizations.
- (10) In the event of a juvenile or child leaving the institution without permission or committing an offence within the institution, the information shall be sent by the Superintendent of the concerned institution to the police and the family, if known; and the detailed report of circumstances along with the efforts to trace the juvenile or child where the juvenile or child is missing, shall be sent to the Board or the Committee, as the case may be.
- (11) An individual care plan for every juvenile or child in institutional care shall be developed with the ultimate aim of the child being rehabilitated and re-integrated based on their case history, circumstances and individual needs and the individual care plan shall be based on following guidelines:
 - (a) the Superintendent along with the child welfare officer or case worker, or social worker shall prepare an individual care plan for every child in an institution within one month of his admittance as per **Form XXI**;

- (b) all care plans shall include a plan for the juvenile's or child's restoration, rehabilitation, reintegration and follow-up;
- (c) the care plan shall be reviewed quarterly by the Management Committee set up under rule 62 of these rules for appropriate development and rehabilitation including options for release or restoration to family or sponsorship or foster care or adoption;
- (d) juveniles or children shall be consulted while determining their care plan;
- (e) continuity of care plan shall be ensured in cases of transfer or repatriation or restoration.

58. *Prohibited Articles.*— No person shall bring into the institution the following prohibited articles, namely:

- (a) fire-arms or other weapons, whether requiring license or not (like knife, blades, lathe, spears and swords);
- (a) alcohol and spirit of any description;
- (b) bhang, ganja, opium or other narcotic or psychotropic substances;
- (c) tobacco, cigarette, gutka; or
- (d) any other article specified in this behalf by the State Government by a general or special order.

59. *Articles found on search and inspection:-*

- (1) The Superintendent shall see that every juvenile received in the institution is searched, without adversely affecting the dignity of the juvenile, his personal belongings inspected and money or any valuables found with the juvenile is kept in the safe custody of the Superintendent/officer-in-charge.
- (2) The girls shall be searched by a female member of the staff and both the girls and boys shall be searched with due regard to decency and dignity.
- (3) In every institution, a record of money, valuables and other articles and found with a juvenile shall be maintained in 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 Superintendent.

60. *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, namely:

- (a) on an order made by the competent authority in respect of any juvenile, directing the juvenile to be sent to an institution, the 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 juvenile's money shall be kept with the 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, valuables and other articles, shall be sent along with the juvenile to the Superintendent of the institution to which he has been transferred together with a full and correct statement of the description and estimated value thereof;
- (d) at the time of release of such juvenile, the valuables and other articles kept in safe custody and the money deposited in name of the juvenile shall be handed over to the juvenile or the child himself or the parent or guardian, as the case may be, with an entry made in this behalf in the register and signed by the Superintendent;
- (e) when a juvenile in an institution dies, the valuable and other articles left by the deceased and the money deposited in the name of the juvenile shall be handed over by the Superintendent to any person who establishes his claim thereto and executes an indemnity bond;
- (f) a receipt shall be obtained from such person for having received such valuables and other articles and the amount;
- (g) if no claimant appears within a period of six months from the date of death or escape of such juvenile, the valuables and other articles and amount shall be disposed of as per the decision taken by Management Committee set up under rule 62 of the rules. Any money shall be deposited in the Fund as described in Section 61 of the Act.

61. *Maintenance of case file:-*

- (1) The case file of each juvenile and child shall be maintained in the institution containing the following information;

-
- (a) report of the person or agency who produced the juvenile before the Board;
 - (b) Superintendent's, probation officer's or child welfare officer's, counselor's and caseworker's reports;
 - (c) information from previous institution, if any;
 - (d) report of the initial interaction with the juvenile, information from family members, relatives, community, friends and miscellaneous information;
 - (e) source of further information;
 - (f) observation reports from staff members;
 - (g) regular health status reports from Medical Officer, drug de-addiction progress reports, progress reports *vis-à-vis* psychological counselling or any other mental health intervention, where applicable;
 - (h) Intelligence Quotient (I.Q) testing, aptitude testing, educational or vocational tests;
 - (i) social history;
 - (j) summary and analysis by case-worker and Superintendent;
 - (k) instruction regarding training and treatment programme and about special precautions to be taken;
 - (l) leave and other privileges granted;
 - (m) special achievements and violation of rules, if any;
 - (n) quarterly progress reports;
 - (o) individual care plan, including pre-release programme, post release plan and follow-up plan as prescribed in **Form XXI**;
 - (p) leave of absence or release under supervision;
 - (q) final discharge;
 - (r) follow-up reports;
 - (s) annual photograph;
 - (t) case history duly filled in prescribed **Form XX**;
 - (u) follow-up report of post release cases as per direction of the competent authority if any; and;
 - (v) remarks.

- (2) All the case files maintained by the institutions and the Board or Committee shall, as far as possible, be computerized and networked so that the data is centrally available to the State and the District Child Protection Unit and the State Government.

62. Management Committee:-

- (1) Every institution shall have a Management Committee for the management of the institution and monitoring the progress of every juvenile and child, constituted through an order of the concerned District Child Protection Unit.
- (2) In order to ensure proper care and treatment as per the individual care plans, a juvenile or child shall be grouped on the basis of age, nature of offence or kind of care required, physical and mental health and length of stay order.
- (3) The Management Committee shall consist of the following persons:
1. District Child Protection Officer (District Child Protection Unit)- Chairperson
 2. Superintendent- Member-Secretary
 3. Probation officer or child welfare officer or Case Worker- Member
 4. District Medical Officer-Member
 5. Psychologist or counselor- Member
 6. Workshop supervisor or Instructor in Vocation-Member
 7. Teacher- Member
 8. Social Worker Member of Juvenile Justice Board or Child Welfare Committee- Member
 9. A Juvenile or child representative from each of the Children's Committees (on a monthly rotation basis to ensure representation of juveniles of children from all age groups)-Member
 10. A representative from senior citizen forum and/or Resident welfare Association-Member
 11. One Non-government organization Representative-Member
- (4) Where voluntary organization are involved in providing professional and technical services like education, vocational training, psychosocial care, mental health intervention and legal aid, the Management Committee may

invite four representatives of such voluntary organization as a special invitee to the Management Committee meetings.

(5) In the district where District Child Protection Unit is not constituted, the District Magistrate shall be the Chairperson of this committee.

(6)(a) The Management Committee shall meet as frequently as possible but at least once in every three months to consider and review;-

- (i) custodial care or care in the institution, housing, area of activity and type of supervision or interventions required;
- (ii) medical facilities and treatment;
- (iii) food, water, sanitation and hygiene conditions;
- (iv) mental health interventions with the juveniles and children;
- (v) individual problems of juveniles and children, provision of legal aid services and institutional adjustment, leading to the quarterly review of individual care plans;
- (vi) vocational training and opportunities for employment;
- (vii) education and life skills development programmes;
- (viii) social adjustment, recreation, group work activities, guidance and counseling;
- (ix) review of progress, adjustment and modification of residential programmes to the needs of the juveniles and children;
- (x) planning post-release or post-restoration rehabilitation programme and follow-up for a period of two years in collaboration with aftercare services;
- (xi) pre-release or pre-restoration preparation;
- (xii) release or restoration;
- (xiii) post release or post-restoration follow-up;
- (xiv) minimum standards of care, including infrastructure and services available;
- (xv) daily routine;
- (xvi) community participation and voluntarism in the residential life of children such as education, vocational activities, recreation and hobby;

- (xvii) oversee that all registers as required under the Act and rules are maintained by the institution, check and verify these registers, duly stamped and signed in the monthly review meetings;
 - (xviii) matters concerning the Children's Committees;
 - (xix) any other matter which the Superintendent may like to bring up.
- (b) The Superintendent shall file a quarterly progress report of every juvenile or child in the case file and send a copy to the District Child Protection Unit and Board or Committee, as the case may be.
- (7) The Management Committee shall set up a complaint and redressal mechanism in every institution and a Children's Suggestion Box shall be installed in every institution at a place easily accessible or rooms or dormitories of the children.
- (8) (a) The Children Suggestion Box, whose key shall remain in the custody of the Chairperson of the Management committee, shall be checked every week by the Chairperson of the Management committee or his representative from District Child Protection Unit, in the presence of the members of the Children's Committees.
- (b) If there is a problem or suggestion that requires immediate attention, the Chairperson of the Management Committee shall call for an emergency meeting of the Management Committee to discuss and take necessary action.
- (c) The quorum for conducting the emergency meetings shall be five members, including two members of Children's Committees, Chairperson of the Management Committee, Member of Child Welfare Committee or the Board as the case may be and the Superintendent of the institution.
- (d) In the event of a serious allegation or complaint against the Superintendent of the institution, he shall not be part of the emergency meeting and another available member of the Management Committee shall be included in his place.
- (e) All suggestions received through the suggestion box and action taken as a result of the decisions made in the emergency meeting or action required to be taken shall be placed for discussion and review in the quarterly meeting of the Management Committee.

- (9) A Children's Suggestion Book shall be maintained in every institution where the complaints and action taken by the Management Committee are duly recorded and such action and follow up shall be communicated to the Children's Committees after quarterly meeting of the Management Committee.
- (10) The Board or Committee shall review the Children's Suggestion Book at least once in six months.

63. *Children's Committees:-*

- (1) Superintendent of every institution for juveniles or children shall facilitate the setting up of Children's Committee for three different age group of children, viz., 6-11 years, 11-16 years and 16-18 years and these Children's Committee shall be constituted solely by children. There may be cleaning and hygiene committee, education and vocational training committee, sports and cultural committee, recreational committee etc.
- (2) Such Children's Committee shall be encouraged to participate in following activities.-
 - (a) improvement of the condition of the institution;
 - (b) reviewing the standards of care being followed;
 - (c) preparing daily routine and diet scale;
 - (d) developing educational, vocational and recreation plans;
 - (e) supporting each other in managing crisis;
 - (f) reporting abuse and exploitation by peers and caregivers;
 - (g) creative expression of their views through wallpapers or newsletters or paintings or music or theater;
 - (h) management of institution through the Management Committee.
- (3) The Superintendent shall ensure that the Children's Committees meet every month and maintain a register for recording its activities and proceedings, and place it before the Management Committee in their quarterly meetings.
- (4) The Superintendent shall ensure that the Children's Committees are provided with essential support and materials including stationary, space and guidance for effective functioning.
- (5) The local voluntary organization or counselor may support the Children's Committees in the following,-

- (a) selecting their leaders;
 - (b) conducting the monthly meetings;
 - (c) developing rules for the functioning of Children's Committees and following it;
 - (d) maintaining records and Children's Suggestion Book and other relevant documents;
 - (n) any other innovative activity.
- (6) The Management Committee shall seek a report from the Superintendent on the setting up and functioning of the Children's Committees, review these reports in their quarterly meetings and take necessary action where required.

64. Rewards and Earnings.— The rewards to a juvenile or child, at such rates as may be fixed by the management of the institution from time to time, shall be granted by the Superintendent as an encouragement to steady work and good behaviour and at the time of release, the reward shall be handed over after obtaining a receipt from the parent or the guardian who comes to take charge of the juvenile or child or juvenile or child himself.

65. Visits to and communication with juveniles or children:-

- (1) The parents and relatives of the juveniles or children shall be allowed to visit at least twice in a month or in special cases, more frequently at the discretion of the Superintendent as per the visiting hours laid down by him, except where parents or relatives or guardian have been found to be responsible for subjecting the juvenile or child to violence, abuse and exploitation.
- (2) The receipt of letters by the juveniles or children of the institution shall not be restricted and they shall have freedom to write as many letters as they like at all reasonable times and the institution shall ensure that where parents, guardians or relatives are known, at least one letter is written by the juvenile or children every month for which the postage shall be provided by the institution.
- (3) The Superintendent may peruse any letter written by or to the juvenile or children, and may for the reasons that he considers sufficient refuse to deliver or issue the letter and forward it to the Committee after recording his reasons in a book maintained for the purpose.

- (4) The Superintendent shall, in special circumstances or as per orders of the Board or Committee, allow a juvenile or child to make telephonic communication with his parents or guardians or relatives.

66. Death of a juvenile or child:- On the occurrence of any case of death or suicide in any institution the procedure to be adopted shall be as under: -

- (1) In the event of an unnatural death or suicide of a juvenile or child in an institution it is imperative for the institution to ensure that an inquest and post-mortem examination is held at the earliest.
- (2) In case of natural death or due to illness of a juvenile or child, the Superintendent shall obtain a report of the Medical Officer stating the cause of death and a written intimation about the death shall be given immediately to the State Government, nearest Police Station, the Board or Committee, the State Commission for the Protection of Child Rights, District Child Protection Unit or State Child Protection Unit or any other concerned authority and the parents or guardians or relatives of the juvenile or child.
- (3) Whenever a sudden or violent death or death from suicide or accident takes place, immediate information shall be given by the case worker or probation officer or welfare officer to the Superintendent and the Medical Officer and the Superintendent shall immediately inform the nearest police station, Board or Committee and parents or guardians or relatives of the deceased juvenile or child.
- (4) If a juvenile or child dies within twenty four hours of his admission to the institution, the Superintendent of the institution shall report the matter to the Officer in charge of the Police Station having jurisdiction and the District Medical Officer or the nearest Government Hospital and the parents or guardians or relatives of such juvenile or child without delay.
- (5) The Superintendent shall also immediately give intimation to nearest Magistrate empowered to hold inquests and to the Board or as the case may be the Committee.
- (6) The Superintendent and the Medical Officer at the institution shall record the circumstance of the death of the child and send a report to the concerned Magistrate, the Officer in charge of the police station having jurisdiction, the Committee and the District Medical Officer or the nearest government

hospital where the dead body of the juvenile or child is sent of examination, inspection and determination of the cause of death and the Superintendent and the Medical Officer shall also record in writing their views on the cause of the death and submit it to the concerned Magistrate and the Officer in charge of the police station having jurisdiction.

- (7) The Superintendent and the Medical Officer shall make themselves available for any inquiries initiated by the police or the Magistrate concerning the cause of death and other details regarding such juvenile or child.
- (8) As soon as the inquest is held, the body shall be handed over to the parents or guardian or relatives or, in the absence of any claimant, the last rites shall be performed under the supervision of the Superintendent in accordance with the known religion of the juvenile or child.

67. Abuse and exploitation of the juvenile or child:-

- (1) Every institution shall ensure the observance of the Protocol for prevention and protection of children from abuse, exploitation and neglect and maltreatment within the institutions, as prescribed by the State Government from time to time.
- (2) Superintendent of the institution shall ensure that there is no abuse, neglect and maltreatment and this include the staff being aware of what constitutes abuse, neglect and maltreatment as well as early indicators of abuse, neglect and maltreatment and how to respond to these.
- (3) The following action shall be taken in the event of any physical, sexual or emotional abuse, including neglect of juveniles and children in an institution by those responsible for care and protection:-
 - (i) the incidence of abuse and exploitation or any crime must be reported by any staff member of the institution immediately to the Superintendent;
 - (ii) when an allegation of physical, sexual or emotional abuse comes to the knowledge of the Superintendent, a report shall be placed before the Board or Committee, who in turn, shall order for special investigation.

- (iii) the Board or Committee shall direct the local police station or Special Juvenile Police Unit to register a case, take due cognizance or such occurrences and conduct necessary investigations;
- (iv) the Board or Committee shall take necessary steps to ensure completion of all inquiry and provide protection, legal aid as well as counseling to the juvenile or child victim;
- (v) the Board or Committee shall transfer such a juvenile or child to another institution or place of safely or fit person;
- (vi) in the event of any other crime committed in respect of juveniles or children in institutions, the Board or committee shall take cognizance and arrange for necessary investigation to be carried out by the local police station or Special Juvenile Police Unit;
- (vii) the superintendent of the institution shall also inform the chairperson of the Management Committee and place a copy of the report of the incident and subsequent action taken before the Management Committee in its next meeting;
- (viii) the Board or Committee may consult Children's Committee set up in each institution to enquire into the fact of abuse and exploitation as well as seek assistance from relevant voluntary organizations, child rights experts, mental health experts or crisis intervention centres in dealing with matters of abuse and exploitation of juveniles or children in an institution.

68. Mode of dealing with Child suffering from dangerous diseases or mental health problems:-

- (1) When a child kept in an institution under the provisions of the Act or under care of a fit person or a fit institution is found to be suffering from a disease or physical or mental health problems requiring prolonged medical treatment or is found addicted to a narcotic drug or psychotropic substance, the child shall be removed by an order of the competent authority to an approved place set up for the purpose for the remainder of the term for which he has to be kept in custody under the order of the competent authority or for such period as may be certified by medical officer to be necessary for the proper treatment of the child.

- (2) Where it appears to the authority ordering the removal of the child under sub rule (1) above that the child is cured of disease or physical or mental complaint the child is still liable to be kept in custody, order the person having charge to send to the institution or fit person from which or from whom he was removed or if the child's is no longer liable to be kept in home, order him to be discharged.
- (3) Where action has been taken under sub-rule(1) in the case of a child suffering from an infectious or contagious disease, the authority empowered under the sub rule before restoring the said child to his parent or to the guardian, as the case may be, where it is satisfied that such action will be in the interest of the said child, call upon parents or the guardian, as the case may be, to satisfy it that such parents or guardian not re-infect the child.
- (4) Where there is no organization either within the jurisdiction of the competent authority, or nearby District or State for care and protection of juveniles or children suffering from serious psychiatric or physical disorder and infection, as required under section 58 of the Act, the child or the juvenile shall be referred to a suitable place or institution, as it may deem fit to cater to the special needs of such juveniles or children.

69. Leave of absence of a juvenile or child:-

- (1) A juvenile or child in an institution may be allowed to go on leave of absence or released under supervision for examination or admission, special occasions like marriage or emergencies like death or accident or serious illness in the family.
- (2) While the leave of absence for short period generally not exceeding seven days excluding the journey time may be recommended by the Superintendent, but granting of such leave shall be by the Board or Committee.
- (3) The parents or guardian of the juvenile or the Superintendent on behalf of the juvenile or child may submit an application to the Board or Committee requesting for relieving the juvenile or child on leave, stating clearly the purpose for the leave and the period of leave.

- (4) While considering the application of leave of absence, the Board or Committee shall hear the juvenile or child or the parents or guardians of the juvenile or child and if the Board or Committee considers that granting of such leave is in the interest of the juvenile or child, appropriate order shall be made and the Board or Committee may call for a report from the probation officer or child welfare officer in case the preliminary information gathered from the juvenile or child or concerned parent or guardian is not sufficient for the purpose.
- (5) While issuing orders sanctioning the leave of absence or relieving under supervision, as the case may be, the competent authority shall mention the period of leave and the conditions attached to the leave order, and if any of these conditions are not complied with during the leave period, the juvenile or child may be called back to the institution.
- (6) The parent or guardian shall arrange to escort the juvenile or child from and to the institution and where this is not possible, the Superintendent may arrange to escort the juvenile or child to the place of the family and back. In case the parents or guardian is willing to arrange escort but does not have requisite financial means, the Superintendent shall arrange for the traveling expenses as admissible under the rules.
- (7) If the juvenile or child runs away from the family during the leave period, the parent or guardian is required to inform the Superintendent of the institution immediately, and try to trace the juvenile or child and if found, the juvenile or child shall be brought back to the institution immediately.
- (8) If the juvenile or child is not found within twenty four hours, the Superintendent shall report the matter to the nearest police station and missing person's bureau, but no adverse disciplinary action shall be taken against the juvenile or child and procedure laid down under the Act shall be followed.
- (9) If the parent or guardian does not take proper care of the juvenile or child during the leave period or does not bring the juvenile or child back to the institution within the stipulated period, such leave may be refused on later occasions.

- (10) If the juvenile or child does not return to the institution on expiry of the sanctioned leave, the Board or Committee shall refer the case to police for taking charge of the juvenile and bring him back to the institution.
- (11) The period of such leave shall be counted as a part of the period of stay in the institution and the time which elapses after the failure of a juvenile to return to the institution within the stipulated period, shall be excluded while computing the period of his stay in the institution.

70. Inspection:-

- (1) The State Government shall constitute State, District or City level inspection committee on the recommendation of Selection Committee, constituted under Rule 100 of these rules, for a period of 3 years.
- (2) The inspection committee shall visit and oversee the conditions in the institutions and appropriateness of the processes for safety, well being and permanence, review the standards of care and protection being followed by the institutions, look out for any incidence of violation of child rights, look into the functioning of the Management Committee and Children's Committees set up under rules 62 and 63 of these rules and give appropriate directions.
- (3) The team shall also make suggestions for improvement and development of the institution.
- (4) The team shall consist of seven members with representation from the Judiciary/State Government, local authority, the Board or Committee, the State Commission for the Protection of Child Rights or the State Human Rights Commission, medical and other experts, voluntary organizations and reputed social workers.
- (5) The inspection shall be carried out at least once in every three months.
- (6) The inspection visit shall be carried out by not less than three members.
- (7) The team shall visit the institutions either by prior intimation or make a surprise visit.
- (8) The team shall interact with the children during the visits to the institution, to determine their well being and uninhibited feed back.
- (9) the follow up action on the findings and suggestion of the children shall be taken by all concerned authorities.

- (10) The action taken report, finding and suggestions from the Inspection Committee shall be sent to the District Child Protection Unit and the State Government.

71. Social Audit:-

- (1) The State Government shall monitor and evaluate the implementation of the Act annually by reviewing matters concerning establishment of Board or Committee or Special Juvenile Police Unit where required, functioning of Board or Committee or Special Juvenile Police Unit, functioning of institutions and staff, functioning of adoption agencies, child friendly administration of juvenile justice and any other matter concerning effective implementation of the Act in the State.
- (2) The Social audit shall be carried out with support and involvement of organizations working in the field of mental health, child care and protection and public accountability.

72. Restoration and Follow-up:-

- (1) The order for restoration of the juvenile or child shall be made by the Board or Committee on the basis of a fair hearing of the juvenile or child and his parents or guardian, as well as on the reports of the Probation Officers or Child Welfare Officers or non-governmental organizations directed by the Board or Committee to conduct the home study and any other relevant document or report brought before the Board or Committee for deciding the matter.
- (2) The Board or Committee shall send a copy of the restoration order along with a copy of the order for escort as per **Form XXII** to the District Child Protection Unit or State Government who shall provide funds for restoration of the juvenile or child.
- (3) Every restoration shall be planned for as part of the individual care plans prepared by the case-workers or counselors or child welfare officers or probation officer, as the case may be, and shall be based on the review and recommendations of the Management Committee set up under Rule 62 of these rules.

- (4) Besides police, the Board or Committee may seek collaboration with non-governmental organizations to accompany juveniles or children back to their family for restoration.
- (5) In case of girls, the juvenile or child shall necessarily be accompanied by female escorts.
- (6) The expenses incurred on restoration of a juvenile or child, including travel and other incidental expenses, shall be borne by the District Child Protection Unit or State Government, if directed by the competent authority.
- (7) When a juvenile or child expresses his unwillingness to be restored back to the family, the Board or Committee shall make a note of it in its records in writing and such juvenile or child shall not be coerced or persuaded to go back to the family, particularly if the social investigation report of the child welfare officer or probation officer establishes that restoration to family may not be in the best interest of the juvenile or child or, if the parents or guardians refuse to accept the juvenile or child back.
- (8) A follow-up plan shall be prepared as part of the individual care plan by the Child Welfare Officers or Probation Officers or non-governmental organizations assigned by the Board or Committee to assist in restoration of the child.
- (9) A quarterly follow up report shall be submitted to the Board or Committee by the concerned Child Welfare Officer or Probation Officer or non-governmental organization for a period of two years with a copy to the superintendent of the institution from where the juvenile or child is restored.
- (10) The follow up report shall clearly state situation of the juvenile or child post restoration and the juvenile's or child's needs to be met by State Government in order to reduce further vulnerability of the juvenile or child.
- (11) The Superintendent shall file the follow up report in the case-file of the juvenile or child and place the report before the Management Committee set up under Rule 62 of these rules in its next meeting.
- (12) The Superintendent shall also send a copy of the follow up reports to the District Child Protection Unit.

- (13) Where a follow up is not possible due to unavailability of government functionaries or nongovernmental organizations, the concerned District Child Protection Unit shall provide necessary assistance and support to the concerned Board or Committee.

73. Visitor's Book:-

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

74. Maintenance of Registers.— The Superintendent shall maintain in his office, registers and forms, as required by the Act and as specified by these rules made thereunder and the list of registers or files or books to be maintained shall minimally comprise of,-

- (a) Admission and discharge register;
- (b) Supervision register;
- (c) Medical file or medical report;
- (d) Nutrition diet file;
- (e) Stock register;
- (f) Log book;
- (g) Order book;
- (h) Meeting book;
- (i) Cash book;
- (j) Budget statement file;
- (k) Inquiry report file;
- (l) Individual case file with individual care plan;
- (m) Children's suggestion book;
- (n) Visitor's book;
- (o) Staff movement register;
- (p) Personal belongings register;
- (q) Minutes register of Management Committee;
- (r) Minutes register of Children's Committees;

- (s) Attendance register for staff and juveniles or children;
- (t) Complaint & action taken report register; and
- (u) Rewards & punishment register of inmates.

75. Personnel or Staff of a Home:-

- (1) The personnel strength of a home and the number of posts in each category shall be determined by the State Government.
- (2) The institutional organizational set up shall be fixed in accordance with the size of the home, the capacity, workload, distribution of functions and requirements of programmes.
- (3) The whole-time staff in a home may consist of Superintendent, Probation Officer (in case of Observation home or Special home), Case Workers (in case of Children's home or shelter home or after care organization), Counselor, Educator, Vocational Training Instructor, Medical Staff, Administrative staff, Care Takers, volunteers, store keeper, cook, helper, washerman, safai karamchari, gardener as required.
- (4) The part-time staff, shall include Psychiatrist, Psychologist, Occupational therapist, and other professionals as may be required from time to time.
- (5) The staff of the home shall be subject to control and overall supervision of the Superintendent who by order, shall determine their specific responsibilities and shall keep the concerned authority informed of such orders made by him from time to time.
- (6) The duties and responsibilities of the staff under the Superintendent shall be fixed in keeping with the statutory requirements of the Act.
- (7) The staff shall be appointed in accordance with the rules prescribed by the State Government.
- (8) The suggested staffing pattern for an institution with a capacity of 100 juveniles or children could be as mentioned below:-

Sl.	Staff/Personnel	No. of Posts
1	Officer-in-Charge (Superintendent)	1
2	Counsellor (one for every 50 children)	2
3	Probation Officer or Child Welfare Officer or Case Worker	2
4	House Mother or House Father (one for every 20 children)	5
5	Educator (voluntary or part time)	2
6	Doctor	1
7	Paramedical staff	2

Sl.	Staff/Personnel	No. of Posts
8	Store-keeper cum Accountant	1
9	Art & Craft cum Music Teacher	1(part time)
10	PT Instructor cum Yoga Trainer	1 (part time)
11	Driver	1
12	Cook	2
13	Helper	2
14	Cleaner	2
15	Gardener	1 (part time)
16	Security Guards	4
Total		30

- (9) In case of institutions housing infants or children up to 12 years of age or physically or mentally challenged ones provision for ayahs and paramedical staff shall be made as per the need.

76. Duties and responsibilities of Superintendent of an institution:-

- (1) The Superintendent shall have the primary responsibility of maintaining the institution and shall stay within the institutional premises to be readily available as and when required by the juvenile or children and the staff and in case where an accommodation is not available within the institutional premises, the Superintendent shall stay at a place in close proximity to the institution till such time that such an accommodation is made available within the institution.
- (2) The general duties and functions of the Superintendent shall include:
 - (a) compliance with provisions of the Act and the rules and orders made there under;
 - (b) compliance with the orders of the Board or Committee;
 - (c) providing homely atmosphere of love, affection, care, development and welfare for juveniles or children;
 - (d) maintaining minimum standards of care in the institution.
 - (e) proper maintenance of buildings and premises;
 - (f) security measures and periodical inspection, including daily inspection and rounds of the institution, proper storage and inspection of food stuffs as well as food being served;
 - (g) supervision and monitoring of juvenile's or children's discipline and well being;

- (h) planning, implementation and coordination of all institutional activities, programmes and operations, including training and treatment programmes or correctional activities as the case may be;
- (i) prompt action to meet emergencies including regular fire drills and evacuation plan;
- (j) ensuring accident and fire preventive measures within the institutional premises;
- (k) stand by arrangements for water storage, power plant, emergency lighting;
- (l) careful handling of plants and equipments;
- (m) segregation of a juvenile or child suffering from contagious or infectious diseases;
- (n) observance and follow up of daily routine;
- (o) filling of monthly report of juvenile or child in the case file;
- (p) organize local and national festivals in the institution;
- (q) organize recreational activities including trips or excursions or picnics for juveniles or children;
- (r) preparation of budget and control over financial matters;
- (s) allocation of duties to personnel;
- (t) supervision over office administration, including attending to personnel welfare and staff discipline;
- (u) prompt, firm and considerate handling of all disciplinary matters;
- (v) organize the meetings of the Management Committee and provide necessary support;
- (w) maintenance of all documents and registers required under the Act and the rules;
- (x) liaison, coordination and cooperation with the District Child Protection Unit or State Government as and when required; and
- (y) coordination with the legal officer in the District Child Protection Unit to ensure that every juvenile is legally represented and provided free legal aid and other necessary support or, where the District Child Protection Unit has not been set up, services of the District or State Services Authority shall be made available.

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- (z) organize child committee and provide necessary support.
- (3) The Superintendent also have the other duties like,-
- (i) to ensure the Rights of child in all possible manner within the frame of rules and regulations;
 - (ii) he shall exercise control over the staff and shall issue instructions for the smooth and effective functioning of the institutions;
 - (iii) the Superintendent shall ensure that all the staff are discharging their duties in accordance with the rules and regulations and the children are provided with quality and quantity of food, educational and vocational training in accordance with the aptitude and need base of the children, control over budget and accounts, financial management of the institution, propose plan and non-plan schemes for the further development of the institution;
 - (iv) the Superintendent of the institution shall be the custodian of important confidential documents, deeds, agreements, personal files of staff, valuable articles of children etc;
 - (v) the Superintendent shall be responsible for safe drinking water, proper sanitary and hygienic conditions in the institution, proper health care of children/juveniles etc;
 - (vi) the Superintendent shall pay surprise visits at least once in fortnight during night and ensure that the institutional management is in control and vigil during night;
 - (vii) the Superintendent shall nurture a congenial relationship among inmates and convene the meetings of various committees and conduct the proceedings and supervise that the decisions of the Committees are implemented effectively;
 - (viii) conduct family gather of inmates and staff periodically;
 - (ix) he shall be responsible for evolving a rehabilitation plan for every child.

77. Duties of Deputy Superintendent.— The duties and responsibilities of Deputy Superintendent will be as follows:-

- (a) Custodian of placement orders.
- (b) Supervision of food preparation, food distribution and maintenance of related records etc.
- (c) To conduct open house meeting with children and staff to encourage children's participation in the activities.
- (d) To conduct interviews with parents of children and regulation of communication of children with outsiders.
- (e) To facilitate the children to participate in seminars, cultural programmes, meetings etc.
- (f) Monitor the application of positive reinforcement/cognitive restructuring, prepare a status report in consultation with the house parents or wardens.
- (g) To monitor the supply of external eatables if any supplied to children by parents.
- (h) Custodian of clothing and bedding being supplied to Children's Home.
- (i) Organization of camps, picnics, cultural programmes, extra curricular activities like Scouts, Red Cross work etc
- (j) To see that the protective and developmental rights of children are ensured.
- (k) Ensuring that the children's need of food and cloth are met as per standard..
- (l) Ensuring the cleanliness of the premises and maintenance of physical infrastructure including provisions of water and electricity etc.
- (m) Any other duties and responsibilities assigned by the Superintendent. In the absence of the post of Deputy Superintendent the work shall be performed by the Superintendent.

78. Duties of Deputy Superintendent as Head Master.— The following are the duties of the Head Masters.-

- (i) prepare the time table for academic activities;
- (ii) organize sports activities for the physical and personality development of children.
- (iii) identify the slow learners and initiate appropriate measures to overcome the problems in consultation with the professionals and the Superintendent of the institutions;

- (iv) scrutinize the performance of teachers and guide them for better performance;
- (v) advice the superintendent of the institutions to initiate new concept in the educational programmes including the training of teachers;
- (vi) maintain individual performance sheet in respect of teachers and advice the class teachers to maintain such performance sheet in respect of children;
- (vii) any other duties and responsibilities assigned.

79. *Key Duties of Care Takers.*—*The general duties, functions and responsibilities of care takers shall be as follows:-*

- (a) Handling children with love and affection.
- (b) Taking proper care and welfare of children.
- (c) Regulate the children into following the rules and regulations of the institutions.
- (d) Maintenance of sanitation and hygiene.
- (e) Implementing daily routine in an effective manner.
- (f) Looking after the security and safety arrangements of the home.
- (g) Escorting children whenever they go out of the home.
- (h) Present at the time of serving food to children.
- (i) Any other duties and responsibilities assigned by the Superintendent.

80. *Duties of a Probation Officer or Child Welfare Officer or Case Worker:-*

- (1) Every probation officer or child welfare officer or case worker shall carry out all directions given by the Board or Committee or concerned authority and shall perform the following duties, functions and responsibilities:
 - (a) making social investigation of the juvenile (Form IV) or the Child (Form XIII) through personal interview and from the family. Social agencies and other sources;
 - (b) attending the proceedings of the Board or Committee and submitting reports as and when required;
 - (c) clarifying problems of the juvenile or the child and dealing with their difficulties in institutional life;
 - (d) participating in the orientation, monitoring, education, vocational and rehabilitation programmes;

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- (e) establishing co-operation and understanding between the juvenile or the child and the superintendent;
 - (f) assisting the juvenile or the child to develop contacts with family and also providing assistance to family members;
 - (g) developing a care plan for every child in consultation with the juvenile or child and following up with its implementation;
 - (h) participating in the pre-release programme and helping the juvenile or the child to establish contacts which can provide emotional and social support to juvenile or child after their release;
 - (i) establishing linkages with voluntary workers and organizations to facilitate rehabilitation and social reintegration of juveniles and to ensure the necessary follow up;
 - (j) follow up of juveniles after their release and extending help and guidance to them;
 - (k) visiting regularly the residence of the juvenile or child under their supervision and also places of employment or school attended by such juvenile or child and submitting fortnightly reports as prescribed in Form XXI;
 - (l) accompanying juveniles or 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; and
 - (m) maintaining case file and such registers as may be specified from time to time.
- (2) On receipt of information from the Police or Juvenile or Child Welfare Officer of the police under clause (b) of section 13 of the Act, the Probation Officer shall inquire into the antecedents and family history of the juvenile or the child and such other material circumstances, as may be necessary and submit a social investigation report as early as possible, in Form IV or XIII, to the Board.

CHAPTER VI
MISCELLANEOUS

81. Recognition of fit persons or fit institution :-

- (1) Any individual or a suitable institution, the occupier or manager of which is willing temporarily to receive a child in the care, protection or treatment for so long a period as may be necessary, be recognized as fit person or fit institution after due verification of their credentials and reputation.
- (2) Any association or body of individuals, whether incorporated, established for or having for its object the reception or protection of children or prevention of cruelty to children and which undertakes to bring up or to give facilities for bringing up any child entrusted to its care in conformity with the religion of his birth be included within the meaning of fit institution.
- (3) A fit institution with collateral branches may send the juvenile or child placed therein by an order of the competent authority to any of its branches after seeking permission from the competent authority.
- (4) Before declaring any person as a fit institution competent authority shall hold due enquiry and recommend it to the Government in Social Welfare Department of the State Government, who in turn may declare it as fit institution.
- (5) Any suitable place or institution, the manager of which is willing temporarily to receive a juvenile or child in need of care and protection for a period as may be necessary, may be recognized by the State Government as a fit institution on the recommendation of the competent authority.
- (6) An institution recognized as a fit institutions shall:-
 - (a) meet the standards of care laid down in the Act and the rules made thereunder;
 - (b) have the capacity and willingness to meet the standards of care laid down in the Act and the rules;
 - (c) receive and provide basic services for care and protection of the juveniles and children;
 - (d) prevent subjection of juvenile or child to any form of cruelty or exploitation or neglect; and

(e) abide by the orders of the competent authority.

(7) A list of fit institutions approved by the State Government shall be kept in the office of the Board and the Committee.

82. Registration under the Act:-

(1) All institutions and organizations running institutional or non-institutional care services for children in need of care and protection, whether run by government or voluntary organization, shall get themselves registered under sub-section (3) of section 34 of the Act.

(2) All such institutions shall make an application together with a copy each of rules, byelaws, memorandum of association, list of governing body, office bearers, balance sheet of past three years, statement of past record of social or public service provided by the institution or organization to the State Government, who shall after verifying that provisions made in the institution or organization for the care and protection of children, health, education, boarding and lodging facilities, if any, vocational facilities and scope of rehabilitation, may issue a registration certificate to such organization under sub-section (3) of section 34 of the Act and as per this rule.

83. Certification or recognition and transfer of Management of Institutions and After Care Organizations:-

(1) Any organization requiring certification under the Act shall make an application together with a copy each of the rules, bye-laws, articles of association, list of members of the society or the association running the organization, office bearers and a statement showing the status and past record of specialized child care services provided by the organization, to the State Government, along with a copy to competent authority. The state government shall after getting verified the provisions made by the organization for the boarding and lodging, general health, educational facilities, vocational training and treatment services may grant certification or recognition for a maximum period of 3 years at a time, under sections 8, 9, 34, 37,41 or 44 of the Act, as the case may be, on the condition that the organization shall comply with the standards or services as laid down under the Act and the rules framed there under, from time to time and to ensure

an all round growth and development of juvenile or child placed under its charge.

- (2) Any organization desiring recognition under the Act shall make an application to the District Child Protection Unit or any other authority prescribed by the State Government from time to time. The competent authority within a month or receipt of the application shall after due inquiry, recommend or advice otherwise the state government for such recognition .
- (3) The State Government may, transfer the management of any State run institution under the Act to a voluntary organization, who has the capacity to run such an institution; and certify or recognize the said voluntary organization as a fit institution to own the requisite responsibilities under a Memorandum of Understanding for a specified period of time.
- (4) The State Government may, if dissatisfied with the conditions, rules, management of the organization certified or recognized under the Act, at any time, by notice served on the manager of the organization, declare that the certificate or recognition of the organization, as the case may be, shall stand withdrawn as from a date specified in the notice and from the said date, the organization shall cease to be an organization certified or recognized under sections 8, 9, 34,37,41 or 44 of the Act, as the case may be:

Provided that the concerned organization shall be given an opportunity of making a representation in writing, within a period of thirty days, against the grounds of withdrawal of certificate or recognition of that organization.

- (5) The decision to withdraw or to restore the certificate or recognition of the organization may be taken, on the basis of a thorough investigation by the District Child Protection Unit or any other authority prescribed by the State Government.
- (6) On the report of the District Child Protection Unit or such other authority, the Officer- in- charge of the institution shall be asked to show cause so as to give an explanation within thirty days.

- (7) When an organization ceases to be an organization, certified or recognized under sections 8, 9, 34, 37,41 or 44 of the Act, the juvenile or the child kept therein shall, be transferred to some other institution of like nature, certified or recognized under sections 8, 9, 34, 37,41 or 44 of the Act or discharged, in accordance with the provisions of the Act and the rules relating to their discharge and transfer by giving intimation of such discharge or transfer to the Board or the Committee, as the case may be.

84. Grant in aid to certified or recognized organization:-

- (1) An organization certified or recognized or registered under sections 8, 9, 34, 37 or 44 of the Act may during the period of certification or recognition in force, may apply for grants in aid to the State Government for maintenance of children received by them under the provision of Act and for expenses incurred on their education, treatment, vocational development and rehabilitation; and the government may sanction the amount as per availability of funds.
- (2) The grants-in-aid shall not be admissible if the organization is receiving grant in aid under Orphanage Control Board or from foreign sources.
- (3) In case of transfer of management of government run homes under sections 8, 9, 34, sub section (3) of section 34 and 37 or 44 of the Act to a voluntary organization, the same budget which the Government was spending on that home, shall be given to the voluntary organization as grant-in-aid under the Memorandum of Understanding signed between both the parties describing their role and obligations.

85. *Leave.*— Leave shall be granted to the juvenile by the Superintendent of concerned institution.

86. Admission of outsiders:-

- (1) No stranger shall be admitted to the premises of the institution, except with the permission of the Superintendent or on an order from the Board or Committee.
- (2) In special cases, where parents or guardians have travelled a long distance from another state or district, the Superintendent shall allow parents or guardians entry into the premises and a meeting with their children, provided

they possess proper identification and are not reported to have subjected the juvenile or child to abuse and exploitation.

87. Identity Photos:-

- (1) On admission to a home established under the Act, every juvenile or child shall be photographed.
- (2) One photograph shall be kept in the case file of the juvenile or the child, one shall be fixed with the index card, a copy shall be kept in an album serially numbered with the negative in another album, and a copy of the photograph shall be sent to the Board or Committee as the case may be, as well as to the District or State Child Protection Unit.
- (3) In case of a child missing from an institution or in case of lost children received by an institution, a photograph of the child with relevant details shall be sent to the missing person's bureau and the local police station.

88. police Officers to be in plain clothes.— While dealing with a juvenile or a child under the provisions of the Act and the rules made thereunder, except at the time of arrest, the Police Officer shall wear plain clothes and not the police uniform to maintain friendly atmosphere.

89. Prohibition on the use of handcuffs and fetters.— No child or the juvenile in conflict with law dealt with under the provisions of the Act and the rules made thereunder shall be handcuffed or fettered.

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

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

91. Transfer:-

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

92. Procedure for sending a juvenile or child outside the jurisdiction of the competent authority:-

- (1) In the case of a juvenile or a child whose ordinary place of residence lies outside the jurisdiction of the competent authority, and if the competent

authority considers it necessary to take action under section 50 of the Act, it shall direct a probation officer or case worker or child welfare officer, as the case may be, to make enquiries as to the fitness and willingness of the relative or other person to receive the juvenile or the child at the ordinary place of residence, and whether such relative or other fit person can exercise proper care and control over the juvenile or the child.

- (2) Where a juvenile or child is ordered to be sent to the ordinary place of residence or to a relative or fit person, execution of a bond by the juvenile or child without any surety, in **Form VI**, is necessary along with an undertaking by the said relative or fit person in **Form V or IX** as the case may be.
- (3) Any breach of a bond or undertaking or of both given under sub rule (2) of this rule, shall render the juvenile liable to be brought before the competent authority, who may make an order directing the juvenile to be sent to an institutional home.
- (4) Any juvenile or a child, who is a foreign national and who has lost contact with his family shall also be entitled for protection.
- (5) The Juvenile or the child, who is a foreign national, shall be repatriated, at the earliest, to the country of his origin in coordination with the respective Embassy or High Commission.
- (6) The Board or Committee shall keep the Ministry of External Affairs informed about repatriation of every juvenile or child of foreign nationality carried out on the orders of the Board or Committee.
- (7) A copy of the order passed by the competent authority under section 50 of the Act shall be sent to-
 - (a) The probation officer or child welfare officer who was directed to submit a report under sub-rule (1) of this rule;
 - (b) The Probation Officer or child welfare officer, if any, having jurisdiction over the place where the juvenile or the child is to be sent;
 - (c) The competent authority having jurisdiction over the place where the juvenile or the child is to be sent;
 - (d) The relative or the person who is to receive the juvenile or the child,;and

- (e) The approved escort by fax or any other instantaneous mode of communication.
- (8) During the pendency of the order under sub-rule (6) of this rule, the juvenile or the child shall be sent by the competent authority to an observation home or children's home as the case may be.
- (9) Where the competent authority considers it expedient to send the juvenile or the child back to his ordinary place of residence under section 50, the competent authority shall inform the relative or the fit person, who is to receive the juvenile or the child accordingly and shall invite the said relative or fit person to come to the home, to take charge of the juvenile or the child on such date, as may be specified by the competent authority.
- (10) The competent authority inviting the said relative or fit person under sub rule (8) of this rule may also direct, if necessary, the payment to be made by the 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 or child's journey from the home to his ordinary place of residence, at the time of sending the juvenile or the child.
- (11) If the relative or the fit person fails to come to take charge of the juvenile or the child on the specified date, the juvenile or the child shall be taken to his ordinary place of residence by the escort as decided by the competent authority and in the case of a girl, at least one escort shall be a female.

93. State Child Protection Unit:-

- (1) The state government shall set up an office of a State Child Protection Unit with such officials and employees as it considers necessary.
- (2) Functions of the State Child Protection Unit:- Besides the overall implementation of various provisions of the Act and supervision and monitoring of the agencies and institutions setup under the Act, the Unit shall be responsible for, but not limited to, the following specific functions:
- (a) set up, support and monitor the District Child Protection Units;
- (b) represent State Child Protection Unit as a member in the Selection Committee for appointment of members of Boards or Committees;
- (c) prepare annual budget and facilitate for necessary and timely allocation of funds to the Child Welfare Committee, Juvenile Justice

Boards, District Child Protection Units, Juvenile homes, or any other institutions or agencies to ensure their effective functioning.

- (d) documentation of all data related to children and units established under the Act, publishing such reports as required from time to time, development of IEC (Information, Education, Communication) materials or other such materials for awareness and sensitization, including documentary, materials on website, posters, brochures etc;
- (e) network and coordinate with all government departments (state and central) to build inter-sectoral linkages on child protection issues, including departments dealing with health, education, social welfare, welfare child labour, child marriage, trafficking, abuse, child rights, police, judiciary, HIV/AIDS etc. The Unit shall coordinate with any other state units in the State so created for the welfare and protection of children, including State level Adoption Coordinating Agency, State Adoption Resource Agency, Child Line, etc;
- (f) network and coordinate with NGOs and civil society organizations working on the issues related to children, including the processing of the NGO's and civil society organisation's application for recognition, certification, registration or grant-in-aid;
- (g) training and capacity building of all personnel (Government and Non Government) working under the Act and development of training manuals and curriculum, development of a list of resource persons and publication of such materials and manuals for distribution among the stakeholders;
- (h) establish minimum standards of Care and ensure its implementation in all institutions set up under the Act;
- (i) review of the functioning of Committees;
- (j) formulation and implementation of such schemes and programmes necessary for implementation of the provisions of the Act and any scheme of the Central Government, as the case may be, including non-institutional services such as adoption, foster care, after care programme, sponsorship etc;

- (k) to accomplish capacity building, awareness, documentation, survey, studies or impact assessment and such other programmes in association with research and training institutes;
- (l) to provide necessary inputs to the Department of Social Welfare or the concerned Department responsible for the implementation of the Act by any other name, as and when required for effective policy planning, formulation and implementation.

94. District Child Protection Unit:- (1) The State Government shall constitute a District Child Protection Unit in every district with such officials and employees as it considers necessary.

(2) Functions of the District Child Protection Unit:- Besides the overall implementation of various provisions of the Act and supervision and monitoring of the agencies and institutions set up under the Act, the District Child Protection Unit shall be responsible for, but not limited to, the following specific functions,-

- (i) work under the overall guidance from the State Child Protection Unit and implement the directions issued from the State Government from time to time;
- (ii) support to district level units such as Juvenile Justice Board, Child Welfare Committee, District Advisory Board, Special Juvenile Police Unit, children's institutions, juvenile homes, etc. and facilitate to set up their offices with adequate infrastructure, funding and staff;
- (iii) performance appraisal of the Board members and the Committee and send the report to the State Government;
- (iv) invite applications from the individuals for the Juvenile Justice Board members, Child Welfare Committee members, Advisory Board/Inspection Team members and process all such applications as directed by the State Child Protection Unit or the State Government from time to time;
- (v) identify and maintain data base of such children in need of care and protection through survey, campaigns or such other methods as may be necessary and like them to agencies for protection, emergency services, care, restoration or rehabilitation;

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- (vi) network and coordinate with all government departments to build inter-sectoral linkages on child rights issues, including Departments of Health, Education, Social Welfare, Welfare, Urban Development, Backward classes & Minorities, Youth Sports and Culture, Police, Judiciary, Labour, State AIDS Control Society, among others through monthly meetings;
 - (vii) network and coordinate with civil society organizations working under the Act;
 - (viii) implement family based non-institutional services including sponsorship, foster care, adoption and after care;
 - (ix) identify families at risk and children in need of care and protection;
 - (x) assess the number of children in difficult circumstances and creating district specific database to monitor trends and patterns of children in difficult circumstances;
 - (xi) periodic and regular mapping of all child related services in the district for creating a resource directory and making the information available to the Committees and Boards from time to time;
 - (xii) ensure setting up of District, Block and Village level Child Protection Committees for effective implementation of programmes as well as discharge of its functions;
 - (xiii) facilitate transfer of children at all levels for either their restoration to their families or placing the child in long or short-term rehabilitation through institutionalization, adoption, foster care and sponsorship;
 - (xiv) supporting State Adoption Resource Agency in implementation of family based non institutional services at district level;
 - (xv) develop parameters and tools for effective monitoring and supervision of agencies and institution in the district in consultation with experts in child welfare;
 - (xvi) supervise and monitor all institutions or agencies providing residential facilities to children in district;
 - (xvii) train and build capacity of all personnel (Government and Non government) implementing the Act to provide effective services to children;

- (xviii) organize quarterly meeting with all stakeholders at district level including CHILDLINE, Specialized Adoption Agencies, Superintendent of homes, non-government organizations and members of public to review the progress and implementation of the Act; and
- (xix) liaison with the state Child Protection Unit, State Adoption Resource Agency at State level and District Child Protection Unit of other districts.

95. Special Juvenile Police Unit:-

- (1) The State Government shall constitute special Juvenile Police Unit at the district level to handle cases related to juvenile in conflict with law and the children in need of care and protection.
- (2) The Special Juvenile Police Unit shall also coordinate with all the police stations in the District, Special Juvenile Police Units established in other districts and the District Child Protection Unit.
- (3) The Unit shall consist of Special Juvenile Police Officer (not below the rank of Deputy Superintendent of Police) along with two paid social worker (one women) and all the Child Welfare Officers of the district.
- (4) A police officer shall be designated as Child Welfare Officer in all the police stations of the district, who shall sensitively handle the cases of children and report the matter to Special Juvenile Police Unit in the District.
- (5) The Special Juvenile Police Unit may associate recognized voluntary organizations or Child Line to assist the Unit under the guidance of the Special Juvenile Police Officer in a manner which may help him/her in the care and protection of children, including social investigation, counseling, care, restoration and rehabilitation.
- (6) The District Child Protection Unit or State Child Protection Unit or any other designated training institute shall provide regular training and such orientation as may be necessary, to the Special Juvenile Police Officers and other persons associated with the handling of child related matters. It shall be mandatory for the Special Juvenile Police Officers and Child Welfare Officer to undertake the trainings.

- (7) In case there is any contradiction between the provisions of the juvenile Justice (Care and Protection of children) Act, 2000 (as amended in 2006) and the Rule framed there under on the one hand and other provisions of the Bihar Police Act, 2007 or any other Rules made thereunder or any Manual or Official Directions, it shall be decided in the best interest of the child.

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

97. *Disqualification for officer-in-charge, probation officer or child welfare officer or case worker and other care givers and staff:-*

- (1) The Superintendent, Probation officer or child welfare officer or case worker and other care givers and staff shall not employ a juvenile or child under their supervision or care and protection for their own purpose or take any private service from them.
- (2) Any report of physical, sexual or emotional abuse of a juvenile or a child in an institution or outside, by a caregiver, shall hold them liable for disqualification after due inquiry.

98. *Training of Personnel:-*

- (1) The State Government with the help of the State Child Protection Unit, shall organize regular training and capacity building of personnel involved in the implementation of the Act and the rules made thereunder, in keeping with their statutory responsibilities and specific jobs requirements, either itself or in collaboration with training and research institutes.
- (2) The training programme shall include-
 - (a) orientation and training of the newly-recruited officials, staff, care givers, officials, members, Police etc;
 - (b) refresher training courses and skill enhancement programmes for all care givers once a year;
 - (c) staff conferences, seminars, workshops.

99. Selection Committee and its composition:-

- (1) The State Government shall constitute a Selection Committee by notification in the official gazette, for a period of three years, consisting of the following seven members, namely:
 - (a) a retired Judge of a high court or a retired district Judge or a person who has served as Secretary to the Government of Bihar and has retired from active service to be nominated as the Chairperson.
 - (b) One representative from the concerned department not below the rank of Director as the Member-Secretary.
 - (c) one representative from a reputed non-governmental organization, working on the child rights issues but not running any children's institution;
 - (d) one representative from academic bodies concerned with social work, psychology, sociology, child development, education, law, criminology and with experience or working on children's issues; and
 - (e) a representative of the State Human Rights Commission or State Commission for Protection of Child Rights preferably the concerned person dealing with the issues of child rights as its member.
- (2) The selection committee shall hold its sittings as per requirement and the member secretary shall be responsible for organizing such a sitting.
- (3) Any member of the selection committee may resign any time giving in writing to the state government. Any vacancy so arising from resignation shall be immediately filled preferably within 4 weeks as per the composition of the selection committee and tenure of such a member shall be co-terminus with the remaining period of the selection committee.

100. Functions of the Selection Committee:-

- (1) The Selection Committee shall select and recommend a panel of names to the State Child Protection Unit or State Government for appointment as members of the Juvenile Justice Board, the Chairperson and Members of the Child Welfare Committee, the non official members of the State

Advisory Board or District or City Level Inspection Committee/Advisory Board.

- (2) The Selection Committee shall take into consideration the panel of names recommended by the District Child Protection Unit. For any State level Committee or Board, the State Child Protection Unit shall recommend the names to the Selection Committee. The Selection Committee may prescribe the manner for processing application for selection including a personal interview with the short-listed applications.
- (3) The panel of names so recommended by the Selection Committee shall be considered by the State Government to fill in any vacancies, which may arise during the tenure of the Board, Committee or the Unit.
- (4) Applications of appointment in the Board or committee shall be invited through public advertisement in the prescribed format.
- (5) In making appointment of members of the Board or Committee, the Selection Committee shall take into consideration the applications received in this regard in response to a public advertisement to this effect by the District or State Child Protection Unit or the State Government.
- (6) In the event of any complaint against a member of the Board or Committee, the Selection Committee shall hold necessary inquiry and recommend termination of appointment of such member to the State Child Protection Unit or State Government, if required.
- (7) The Selection Committee, at the time of recommending names for appointment as member of Board or Committee shall also prepare a panel of names for each Board or Committee to fill in vacancies, which may arise during the tenure of the Board or Committee.
- (8) In the event of a vacancy in the Board or Committee, the District Child Protection Unit shall inform the State Child Protection Unit or State Government for filling up such vacancy.
- (9) The State Child Protection Unit or State Government shall fill the vacancies on the basis of the panel of names recommended by the Selection Committee.

101. Advisory Boards:-

- (1) The State Government shall constitute Advisory Board at State, District and City levels for a period of 3 years.
- (2) The State Government shall constitute the State Advisory Board consisting of:-
 - (a) The Chief Secretary-Chairperson;
 - (b) Principal Secretary, Department of Social Welfare-convenor
 - (c) Secretary or its representative from the departments of Health, Education, Police, Law, Labour, and Building Construction Department;
 - (d) Chairperson of the Selection Committee
 - (e) Two representatives from NGOs working in the field of child welfare;
 - (f) Representatives from Legal Services Authority.
- (3) The functions of the State Advisory Board shall be:-
 - (i) To advise the government on matters relating to the establishment and maintenance of the homes,
 - (ii) To advise on creation and management of the Fund as prescribed under Section 61 of the Act,
 - (iii) To inspect various provisions, facilities and services such as food, clothes, medicine, education, vocational training, economic and social rehabilitation for the children in institution and their rates.
 - (iv) Any other matter considered necessary for policy, planning and implementation of any scheme for the benefit of the children
 - (v) Inter-departmental coordination at the apex level.
- (4) The State Government shall constitute District Advisory Board consisting of:-
 - (a) The District Magistrate-Chairperson,
 - (b) Civil Surgeon- Member,
 - (c) District Superintendent of Education- Member,
 - (d) Head of the District Child Protection Unit-Convener
 - (e) Two representatives from NGOs.

- (5) All the Advisory Boards shall hold at least two meetings in a year.
- (6) The District or City level Advisory Board constituted in terms of sub-section (3) of section 62 of the Act shall also function as the inspection committee under section 35 of the Act.
- (7) The Advisory Boards shall inspect the various institutional or non-institutional services in their respective jurisdictions; and the recommendations made by them, shall be considered by the State Government.
- (8) The State Government, through the Selection Committee constituted under Rule 99 of these rules, shall recommend a panel of names for the non-official members of the State, District and City level Advisory Boards.
- (9) The termination, resignation, or other vacancy with regard to the non-official members, caused in an advisory board and appointment of new members therein shall be done in the same manner as is done in case of the competent authority.

102. Juvenile Justice Fund:-

- (1) The State Government shall create a Fund at the State level under Section 61 of the Act to be called the 'Juvenile Justice Fund' (herein under referred to as the Fund) for the welfare and rehabilitation of the juvenile or the child dealt with under the provisions of the Act.
- (2) In addition to donations, contributions or subscriptions coming under Sub-Section (2) of Section 61, the Central Government shall also make contribution to the Fund
- (3) There shall be an autonomous and non-profit body registered under the Societies Registration Act, 1860 and the management and administration of the Fund shall be under the State Advisory Board, constituted under Section 62.
- (4) The Fund shall be applied, -
 - (a) To formulate and implement programmes and schemes necessary for the welfare, rehabilitation and restoration of juveniles or children;
 - (b) To pay grant-in-aid to non governmental organizations;
 - (c) To meet the expenses of State Advisory Board and its purpose;

- (d) To do all other things that are incidental and necessary for the above purpose.
- (5) The assets of the Fund shall include all such grants and contributions, recurring or non-recurring, from the Central Government and State Government or any other statutory or non-statutory bodies set up by the Central or State Government as well as the voluntary donations from any individual or organization.
- (6) The regular accounts shall be kept of all money and properties, and all incomes and expenditure of the Fund and shall be audited by a registered firm of Chartered Accountants, or any other recognized authorities as may be appointed by the Board.
- (7) All contracts and other assurances shall be in the name of the board of management and signed on their behalf by the secretary-cum-treasurer and one member of the board of the management authorized by it for the purpose.
- (8) All withdrawals shall be made by cheques or requisitions, as the case may be, signed by the secretary-cum-treasurer and in the case of amount exceeding rupees ten thousand, they shall be signed duly by the secretary-cum-treasurer and a member of the board of management to be nominated by the State Advisory Board.
- (9) The board of management shall invest for the time being the proceeds of sale or other disposal of property, as well as any money or property not immediately required to be used to serve the objective of the Fund, in any one or more of the modes of investment authorized by law for the investment of trust moneys as the board of management may think proper.

103. Pending Cases:-

- (1) No Juvenile in conflict with law or a child shall be denied the benefits of the Act and the rules made thereunder.
- (2) All pending cases which have not received a finality shall be dealt with and disposed of in terms of the provisions of the Act and the rules made thereunder.
- (3) Any juvenile in conflict with law, or a child shall be given the benefits under sub rule (1) of this rule, and it is hereby clarified that such benefits

shall be made available to all those accused who were juvenile or a child at the time of commission of an offence, even if they cease to be a juvenile or a child during the pendency of any inquiry or trial.

- (4) While computing the period of detention or stay or sentence 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, stay or sentence of imprisonment shall be counted as a part of the period of stay or detention or sentence of imprisonment contained in the final order of the court or the Board.

104. Openness & Transparency :-

- (1) All Children's homes shall be open to visitors with the permission of the Officer-in-charge and the Committee or Officer-in-charge as the case may be, may consider appropriate to allow representatives of local self-government, voluntary organizations, social workers, researchers, medicos, academicians, prominent personalities, media and any other persons as visitors, as the Officer-in-charge considers appropriate keeping in view the security, welfare and the interest of the children.
- (2) The Officer-in-charge 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 officer-in-charge shall maintain a visitors book and the remarks of the visitors given therein shall be considered by the advisory inspecting authority.
- (4) While visiting an institution, the visitors will not say or do anything that undermines the authority of the Officer-in-charge or is in contravention of the Act or rules or impinges on the dignity of the children.
- (5) Notwithstanding anything contained in the above sub-rules it shall be lawful for the officer in charge to refuse permission when he thinks that such visit will be prejudicial to the interest of the inmates or the running of homes.
- (6) The visitors may be allowed to visit observation homes and special homes with the permission of the competent authority.

105. Disposal or records or documents.— The records or documents in respect of a juvenile or a child or a juvenile in conflict with law shall be kept in a safe place for a period of seven years and no longer, and thereafter be destroyed in consultation with the Board or the Committee, or the Child Protection Unit, as the case may be.

106. Disposed off cases of juveniles in conflict with law.-

1. The State Government or the Board (as the case may be) may, either suo motu or on an application made for this purpose, review the case of a person or a juvenile in conflict with law, determine his juvenility in terms of the provisions contained in the Act and rule 12 of these rules and pass an appropriate order in the interest of the juvenile in conflict with law under section 64 of the Act, for the immediate release of the juvenile in conflict with law whose period of detention or imprisonment has exceeded the maximum period provided in section 15 of the said Act.
2. For the purpose aforementioned a Review Committee will be constituted by the State Government which will submit its recommendation after reviewing the matter and the state government will pass appropriate order.

107. 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.

108. Repeal and Saving:-

- (1) The Bihar State Juvenile Justice (Care and Protection of Children) Rules, 2003 in hereby repealed.
- (2) Nothing contained in these rules shall be deemed to affect any act done or order issued in pursuance of the Bihar State Juvenile Justice (Care and Protection of Children) Rules, 2003 before these rules come into force.

By order of the Governor of Bihar,

SANDEEP POUNDRIK,

Secretary to Government.

SCHEDULE-1**Clothing, bedding, toiletries and other articles (rule 48)**

(1) Juvenile or children shall be provided with the following articles:

Bedding		
Sl. No.	Article	Quantity to be provided per child
1	Towels	4 per year
2	Cotton Bed Sheets	2 per 2 year
3	Pillow (Cotton Stuffed)	1 per 2 year
4	Pillow Covers	2 per 2 year
5	Woolen blankets	2 per 2 years
6	Cotton Durry	2 per 2 years
7	Cotton filled quilt	1 per 2 year (in cold regions)
8	Mattress	1 per 2 years
9	Mosquito Net	1 per 2 years

Clothing for girls		
1	Skirts & Blouse or Salwar Kameez or Half sari with blouses and petticoats	5 sets per year for girls depending on age and regional preferences
2	Banyans (1 Metre each)	6 per year for younger girls
3	Brassieres	6 per year for older girls
4	Panties (1 Metre Cloth each)	6 per year
5	Sanitary Towels	12 packs per year for older girls
6	Woolen Sweaters	2 in 2 years (in cold regions)
7	Woolen Shawls	1 in 2 years (in cold regions)

Clothing for boys		
1	Shirts	5 sets per year
2	Shorts	5 sets per year for younger boys
3	Pants	5 sets per year of older boys
4	Vest	4 set per year
5	Underwear	4 set per year
6	Woolen Jerseys	2 in 2 years (for cold regions)
7	Scarfs	2 in 2 years (for cold regions)

Miscellaneous Articles		
1	Slippers	1 pair per year
2	Shoes	1 pair per year
3	School Uniform	2 sets per year for children attending outside schools
4	School shoes	1 pair per year for children attending outside schools
5	School Bag and Stationery	1 set per year for children attending outside schools
6	Handkerchiefs	6 per year

Note:-In addition to the clothing specified above, each child shall be provided, once in three years, with a suit consisting of one white shirt, one pair of khaki shorts or pants, one pair of white canvas shoes and one blazer (for cold regions) for use during ceremonial occasions. In the case of girls it shall be one white half sari or one salwar kameez or one white skirt and one white bolouse, a pair of white canvas shoes and a blazer (for cold regions).

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

Sl.	Night clothing & bedding	Scale for supply
1	Mattress	One per bed per 3 years
2	Cotton Bed Sheets	Four per bed per year
3	Pillows	One per bed per two year
4	Pillows Covers	Four per bed per year
5	Woollen blankets	One per bed per 2 year
6	Pyiamas and loose shirts (Hospital type for boys)	3 Pairs per child per year
7	Skirts and blouses or salwar kameez for girls	3 Pairs per child per year
8	Cotton durry	One per bed per three years

Note:-

- (i) When a child is admitted as an in patient in the institution Hospital, the Institution Doctor shall issue the in patient with the hospital clothing, the clothes on body being preserved duly washed and handed back an the time of the child's discharge from the hospital.
- (ii) Each child shall be provided with kit Box or a Locker as per convenience and necessity.
- (iii) The Superintendent shall make arrangement for two-tier bed system in place or conventional cots, as per convenience and necessity.

(3) Toiletry: Every resident to the Home shall be issued with oil, soap and other material for in accordance with the following scales:

Hair oil for grooming the hair	100 mgs per month
Toilet soap or carbolic soap	1 large bar per month
Tooth Paste and brush	1 Brush per 3 months 50 gms paste per month
Comb	1 Per Year

Note:-(a)For washing of cloth and towels, bed-sheet etc, the following scale may be followed:

- (i) Washing Soap 1 Soap for one month (125gms)
- (ii) Whitening/bleaching agent to the extent required only for white clothing

Provided, however, the hospital clothing is not mixed with other clothing at the time of washing and if necessary, the Superintendent can issue the above items separately for washing of hospital clothing.

(b) The children attending school outside the institution may be issued with one additional bar of washing soap (100 gms) per head per month for washing their school uniform.

(4) The following items shall be provided for maintaining the Homes in a healthy and sanitary condition:

Sl. No.	Item	Scale of supply
1	Broom Stick	25 to 40 Nos per month depending on the area of the institution
2	DDT spary	As per the institution Doctor's advice
3	Effective bugs killing agent	As required
4	Phenyl and cleaning acid (daily)	Depending on the area of lavatories to be cleaned as per institution Doctor's advice

SCHEDULE II
Nutrition and Diet Scale (rule 44)

Sl.	Name of the articles of diet	Scale per head per day
1	Rice/Wheat/Ragi/Jowar	600 Gms (700 Gms for 16-18 yrs age) of which atleast 100 gms to be either wheat or ragi or jowar
2	Dal/Rajma/Chana	120 Gms
3	Edible Oil	25 Gms
4	Onion	25 Gms
5	Salt	25 Gms
6	Turmeric	05 Gms
7	Coriander Seed Powder	05 Gms
8	Ginger	05 Gms
9	Garlic	05 Gms
10	Tamarind/Mango Powder	05 Gms
11	Milk (at breakfast)	150 ml
12	Dry Chillies	05 Gms
13	Vegetables Leafy	100 Gms
14	Vegetables Non Leafy	130 Gms
15	Curd or Butter Milk	100 Gms/MI
16	Jaggery & Ground Nut Seeds or Paneer (vegetarian only)	60 Gms each (100 Gms for paneer) Once in a week
17	Sugar	40 Gms
Following items for 50 Children per day		
18	Pepper	25 Gms
19	Jeera Seeds	25 Gms
20	Black Gramdall	50 Gms
21	Mustard Seeds	50 Gms
22	Ajwain Seeds	50 Gms
On Chicken Day for 10 kg. of Chicken		
23	Garam Masala	10 Gms
24	Kopra	150 Gms
25	Khas Khas	150 Gms
26	Groundnut Oil	500 Gms
For Sick Children		
27	Bread	500 Gms
28	Milk	500 MI
Other Items		
29	LP Gas for Cooking only	

Instructions:**(2) Variation in Diet**

- (a) Three varieties of dal i.e., Toor (Tuvvari), Moong (Green Gram) and Chana (Bengal Gram) may be issued alternatively.
- (b) The Superintendent may also arrange to substitute chicken with fish at his discretion, provided that there is no extra expenditure to Government.
- (c) On non-vegetarian days, vegetarian children shall be issued with either 60 Gms of Jaggery and 60 Gms of Groundnut seeds per head in the shape of laddus or any other sweet dish or 100 gms paneer.
- (d) Potatoes shall be issued in lieu of vegetables once in a week.
- (e) Leafy vegetables such as Fenugreek(Methi), Spinach (Palak), Sarson (Mustard leaves) Gongura Thotkaura or any other saag etc., may also be issued once in a week. If a kitchen garden is attached to any institution leafy vegetables, in addition to drumstick trees, curry leaves trees and coriander leaves, should be grown and issued and the Superintendent should try to issue variety of vegetables and see that the same vegetable is not repeated for at least a period of one week.
- (f) The Superintendent may make temporary alternations in the scale of diet in individual cases when considered necessary by him, or on the institution Doctor's advice subject to the condition that the scale laid down is not exceeded.

(3) Meal Timing and Menu:-(a) Breakfast after 8:00 am

- (i) Upma or chapattis made of Wheat or Ragi or any other dish.
- (ii) Chutneys from Gongura or fresh curry leave or fresh coriander or Coconut and putnadal etc., dal/vegetable may be issued as a dish.
- (iii) Milk
- (iv) Any seasonal fruit in sufficient quantity

(b) Lunch at 1:00 P.M. and Dinner After 7:00 P.M.

- (i) Rice/Chapattis or combination of both
- (ii) Vegetable Curry
- (iii) Sambar or Dal
- (iv) Butter Milk or curd

(4) Others:-

- (a) Depending on the season, the Superintendent shall have the discretion to alter the time for distribution of food.
- (b) On the advise of the Institution Doctor, every sick who is prevented from taking regular food, on account of his ill, health, may be issued with medical diet, as indicated in diet scale.
- (c) Extra diet for nourishment like milk, eggs, sugar and fruits shall be issued to the children on the advice of the institution Doctor in addition to the regular diet, to pick up weight or for other health reasons and for the purpose of calculation of the daily ration, the sick children shall be excluded from the day's strength.
- (d) On the following national and festival occasions, sweet dishes may be distributed to all the children at the Home at the rate fixed by the Commissioner from time to time.
 1. Republic Day (26th January)
 2. Ambedkar's Birthday (14th April)
 3. Independence Day (15th August)
 4. Mahatma Gandhi's Birth Day (2nd October)
 5. Children's Day (14th November)
 6. Child Rights Day (20th November)
 7. Dussehra (Vijayadasami)
 8. Deepavali
 9. Ramzan (Id-UI-Fitr)
 10. Bakrid (Id-UI-Zuha)
 11. Christmas (25th December)

The States may specify additional festivals depending upon local preferences.

Form-I**[Rule 12(6)(c)]****SUPERVISION ORDER**

When the juvenile is placed under the care of a parent, guardian or other fit person/fit institution Profile No.of20

Whereas (name of the juvenile) has this day found to have committed an offence and has been placed under the care of (name) (address) on executing a bond by the said and the Board is satisfied that it is expedient to deal with the said juvenile by making an order placing him/her under supervision.

It is hereby ordered that the said juvenile be placed under the supervision of probation officer/case worker, for a period of subject to the following conditions:-

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

Dated thisday of20

(signature)

Principal Magistrate, Juvenile Justice Board

Additional, conditions, of any may be inserted by the Juvenile Justice Board

FORM-II
[Rule 12(6)(d)]

Order of detention under Sub-Section.....of Section.....,
Sub-Sectionof Section and Sub-Section
.....of Section.....

To

The Officer in charge

.....
.....

Whereas on the day of20,
.....(name of the juvenile), son/daughter of, aged
....., residing at being found in Profile No.
..... to be juvenile in conflict with law/section
..... is order by me Principal Magistrate, Juvenile
Justice Board under section of Juvenile Justice Act, 2000 to be
kept in the Observation Home/Special Home/.....
..... for a period of

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

Given under my hand and the seal of Juvenile Justice Board

Thisday of 20.....

(signature)

Principal Magistrate, Juvenile Justice Board

Encl:

Copy of the judgment, if any, or orders, particulars of home and case history and individual
care plan, if any:

Strike which is not required.

FORM-III**ORDER OF SOCIAL INVESTIGATION/INQUIRY**

[Rule 12(1) and 12(6) (e)]

To

Probation Officer/Case Worker/Person-in-charge of Voluntary Organization/Case Worker

Whereas 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), son/daughter of approximate age residing at, who has been produced before the Board.

You are hereby directed to enquire into the social antecedents family background and circumstances of the alleged offence by the said juvenile and submit your social investigation report on or before or within such time allowed to you by the Board.

You are also hereby directed to consult an expert in child psychology, psychiatric treatment or counselling for their expert opinion if necessary and submit such report along with your Social Investigation Report.

Dated this day of 20.....

(signature)**Principal Magistrate, Juvenile Justice Board**

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 juvenile under investigation

 Other factors of importance if any

JUVENILES HISTORY

Mental condition
 (Present and past)

 Physical condition
 (Present and past)

 Habits, interests
 (moral, recreational etc.).....

 Outstanding characteristics and
 Personality traits

 Companions and their influence

 Truancy from home, if any

 School (attitude towards school,
 Teachers, class mates and vice-versa)

 Work record (jobs held, reasons for leaving,
 Vocational interests, attitude towards job or employers)

 Neighbourhood and neighbours report

Parent's attitude towards discipline

In the home and child's reaction

Any other remarks

.....

RESULT OF INQUIRY

Emotional factors

Physical condition

Intelligence

Social and economic factors

Religious factors

Suggested causes of the problems

Analysis of the case including reasons for delinquency

Opinion of experts consulted

Recommendation regarding treatment and its Plan by Probation Officer

Signature of the Probation Officer/Case Worker

FORM V**[Rules 15(5) and 92 (2)]****UNDERTAKING/BOND TO BE EXECUTED A PARENT/GUARDIAN/
RELATIVE/FIT PERSON WHOSE CARE A JUVENILE IS PLACED**

Whereas I being the parent, guardian, relative or fit person under whose care (name of the juvenile) has been ordered to be placed by the Juvenile Justice Board have been directed by the said Board to execute an undertaking/bond with surety in the sum of Rs./- (Rupees) or without surety. I hereby bind myself on the said or 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 behavior of the said and to observe the following conditions for a period of years w.e.f.....

1. that I shall not charge my place of residence without giving previous intimation in writing to the Juvenile Justice Board through the Probation Officer/Case Worker;
2. that I shall not remove the said juvenile from the limits of the jurisdiction of the Juvenile Justice Board without previously obtaining the written permission of the Board;
3. that I shall send the said juvenile daily to school/to such vocation as is approved by the Board unless prevented from so doing by circumstances beyond my control;
4. that I shall send the said juvenile to an Attendance Centre regularly unless prevented from doing so by circumstances beyond my control;
5. that I shall report immediately to the Board whenever so required by it;
6. that I shall produce the said juvenile in my care before the Board, if he/she does not follow the orders of Board or his/her behaviour is beyond control;
7. that I shall render all necessary assistance to the probation Officer/Case Worker to enable him to carry out the duties of supervision;
8. in the event of my making default herein, I undertake to produce myself before the Board for appropriate action or bind myself, as the case may be, to forfeit to Government the sum of Rs (Rupees).

Dated this day of20.

Signature of person executing the Undertaking/Bond.

(Signed before me)

Principal Magistrate, Juvenile Justice Board

Additional conditions, if any, by the Juvenile Justice Board may be entered numbering them properly;

(Where a bond with sureties is to be executed add)

I/We.....of
 (Place of residence with full particulars) hereby declare myself/ourselves as surety/sureties for the aforesaid(name of the person executing the undertaking/bond) to adhere to the terms and conditions of this undertaking/bond. In case of(name of the person executing the bond) making fault therein, I/We hereby bind myself/ourselves jointly or severally to forfeit to government the sum of Rs./- (Rupees)
 dated this the day of20 in the presence of

Signature of Surety(ties)

(Signed before me)

Principal Magistrate, Juvenile Justice Board

FORM VI
 [Rules 15(6) and 92 (2)]
PERSONAL BOND BY JUVENILE/CHILD

Personal Bond to be signed by juvenile/child who has been ordered under Clause of Sub-Section..... of Sectionof the Act.

Whereas, I inhabitant of (give full particulars such as house number, road, village/town, tehsil, district, state) have been ordered to be sent back/restored to my native place by the Juvenile Justice Board/Child Welfare Committee under Section of the Juvenile Justice (Care and Protection of Children) Act, 2000 on my entering into a personal bond under sub rule of Rule and sub rule of Rule of these Rules to observe the conditions mentioned herein below. Now, therefore, I do solemnly promise to abide by these conditions during the period

I hereby bind myself as follows:

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

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

(Signature or thumb impression of the juvenile/child)

Certified that the conditions specified in the above order have been read over/explained to (Name of Juvenile/Child)..... and that he/she has accepted them as the conditions upon which his/her period of detention/placement in safe custody may be revoked.

Certified accordingly that the said juvenile/child has been released/relieved on the

**Signature and Designation of the certifying authority
 i.e. Officer-in-charge of the institution**

FORM VII
[Rule 17(9)]
DISCHARGE ORDER

Iname and designation of the discharging authority State Government/Union Territory Administration, do by this order permit son/daughter of residence Profile Number Who was ordered to be detained/placed in a observation home/special home/after care home by the Juvenile Justice Board under section of the Juvenile Justice (Care and Protection of Children) Act, 2000, for a term of on the day of20..... and who is now in the home, at to be discharged from the said home and supervision and the authority of during the remaining period of stay.

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

Dated

Signature and Designation of
Releasing Authority

Place:

Conditions:

1. The discharged person shall proceed to and live under the supervision and authority of until the expiry of the period of his/her detention unless the remission is sooner cancelled.
2. He/She shall not, without the consent of the remove himself/herself from that place or any other place, which may be named by the said
3. He/She shall obey such instruction as he/she may receive from the said with regard to punctual and regular attendance at school/vocation or otherwise.

4. He/She shall attend the Attendance Centre located at regularly.
5. He/She shall abstain from committing any offence and shall lead a sober and industrious life to the satisfaction of
6. In the even of his/her committing a breach of any of the above conditions the remission of the period of detention hereby granted shall be liable to be cancelled and on such cancellation he/she shall be dealt with under sub section (3) of section 59 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

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

(Signature or mark of the released juvenile)

Certified that the conditions specified in the above order have been read over/explained to (Name of Juvenile/child)..... and that he/she has accepted them as the conditions upon which his/her period of detention may be revoked.

Certified accordingly that the said juvenile/child has been discharged on the

**Signature and Designation of the certifying authority
i.e. Officer-in-charge of the institution**

FORM VIII
[Rule 27(18)]
SUPERVISION ORDER

When the Child is placed under the case of a parent/guardian or other fit person

Case No.of20.....

Whereas (name of the child) has this day been found to be in need of care and protection, and has been placed under the care and supervision of (name) (address) on executing a bond by the said and the Committee is satisfied that it is expedient to deal with the said child by making an order placing him/her under supervision.

It is hereby ordered that the said child be placed under the supervision of (name)(address) for a period of subject to the following conditions that:

1. the child along with the copies of the order and the bond, if any, executed by the said shall be produced before the Committee as and when required by the person executing the bond.
2. the child shall be placed under the supervision of the aforesaid parent/guardian/fit person
3. the child shall reside at for a period of
4. the child shall not be allowed to quit the district jurisdiction ofwithin the permission of the Committee.
5. the child shall go to school regularly/endeavour to earn an honest livelihood.
6. the person under whose care the child is placed shall arrange for the proper care education and welfare of the child.
7. the child shall not be allowed to associate with undesirable characters and shall be prevented from coming in conflict with law.
8. the child shall be prevented from taking narcotic drugs or psychotropic substances or any other intoxicants.
9. the directions given by the Committee from time to time, for the due observance of the conditions mentioned above, shall be carried out.

Dated thisday of20.....

(Signature)

Chairperson, Child Welfare Committee

- Additional conditions, if any may be inserted by the Child Welfare Committee

FORM IX
[Rules 27(18) and 92(2)]
UNDERTAKING BY THE PARENT OR 'FIT PERSON' TO WHOM CHILD IS RESTORED

I resident of House no. Street
 Village/Town District State
 Do hereby declare that I am willing to take charge of (name of the
 child) Aged under the orders of the Child
 Welfare Committee subject to the following terms and
 conditions:

- (i) If his/her conduct is unsatisfactory I shall at once inform the Committee.
- (ii) I shall do my best for the welfare and education of the said child as long as he/she remains in my charge and shall make proper provision for his/her maintenance.
- (iii) In the event of his/her illness, he/she shall have proper medical attention in the nearest hospital.
- (iv) I undertake to produce him/her before the competent authority as and when required.

Date thisday of

Signature

Signature and address of witness (es)

(Signed before me)
Chairperson, Child Welfare Committee

FORM X
[Rule 27 (19)]
ORDER OF SHORT TERM PLACEMENT PENDING INQUIRY

Name of the child :

Sex :

Father's Name :

Mother's Name :

Address :

Date of receiving by Organization/Institution :

Produced by :

This is to authorize and direct you to receive the said child in your charge, and keep her/him in the Shelter Home/Children's home for care and protection under section 33 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2000.

Next Date:

(Signature)
Chairperson/Member
Child Welfare Committee

FORM XI
[Rule 27(20)]
ORDER OF RESTORATION OF A CHILD TO AN INSTITUTION

To

The Officer-in-Charge

Whereas on the Day of20
(name of the child), son/daughter of
..... aged
residing at being in
care and protection under section 33 (4) of the Juvenile Justice (Care and Protection of
Children) Act, 2000 is ordered by the Child Welfare Committee
....., to be kept in the children's Home/Shelter
Home for a period
of

This is to authorize and require you to receive the said child in your charge, and to kept
him/her in the Children's Home/Shelter Home for the aforesaid
order to be carried into execution according to law.

Given under my hand and the seal of Child Welfare Committee.

Thisday of20.

(Signature)
Chairperson/Member
Child Welfare Committee

Encl:
Copy of the orders, particulars of home and previous record, case-history and individual
care plan, whichever is applicable:

FORM XII
[Rule 28 (1)]
ORDER FOR ENQUIRY

To
 Child Welfare Officer/Person in charge of Voluntary Organization/Social Worker/Case Worker

Whereas a report under section of the Juvenile Justice (Care and Protection of Children) Act, 2000 has been received from in respect of (name of the child)aged (approximate),, son/daughter ofresiding at....., who has been produced before the Committee under section of the Juvenile Justice (Care and Protection of Children) Act, 2000.

You are hereby directed to enquire into the social and family background of the said child and submit your inquiry report on or before or within such time allowed to you by the Committee.

You are also hereby directed to consult an expert in child psychology, psychiatric treatment or counselling for their expert opinion if necessary and submit such report along with your Inquiry Report.

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 thisday of 20.....

(Signature)
Chairperson/Member
Child Welfare Committee

SEAL

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 said child _____

Other factors of importance if any _____

CHILD'S HISTORY

Mental condition

(Present and past) _____

Physical condition

(Present and past) _____

Habits, interests

(moral, recreational etc) _____

Outstanding characteristics and Personality traits _____

Companions and their influence _____

Truancy from home, if any

School (attitude towards school, teachers, class mates and vice-versa)

Work record (jobs held, reasons for leaving Vocational interests, attitude towards job or employers)_____

Neighbourhood and neighbour's report_____

Parent's attitude towards discipline In the home land child's reaction_____

Any other remarks

RESULT OF INQUIRY

Emotional factors

Physical condition

Intelligence

Social and economic factors

Religious factors

Reasons for child's need for care and protection

Opinion of experts consulted

Recommendation of Child Welfare Officer/Case-Worker/Social Worker regarding psychological support, rehabilitation and reintegration of the child and suggested plan

Signature of the Child Welfare Officer/Case Worker/Social Worker

FORM XIV

[Rule 33 (3) (d)]

ORDER FOR DECLARING CHILD LEGALLY FREE FOR ADOPTION

1. In exercise of the powers vested in the Child Welfare Committee _____ constituted under sub-section _____ of section _____ of the Juvenile Justice (Care and Protection of Children) Act, 2000 and sub-rule _____ of rule _____ of these rules, minor _____ born on (date) _____ placed in custody of Specialised Adoption Agency (name & address) _____, _____ vide order _____ dated _____ of the Chairperson, Child Welfare Committee _____, has been declared legally free for adoption on the basis of details furnished through:
- Inquiry/home study conducted by Child Welfare Officer/Social Worker/Case-Worker
 - Document of surrender executed by the parents(s) and surrender deed signed in the presence of the Committees under sub-rules _____ of rule _____ of these rules.
 - Declaration submitted by the specialised Adoption agency under sub-rules _____ of rule _____ of these rules.
2. _____ (name of the Specialised Adoption Agency) shall fulfill all conditions specified in Juvenile Justice (Care and Protection of Children) Act, 2000 and the rules relating thereto and furnish a copy of adoption decree/guardianship order in respect of the minor as may be required by Committee and the concerned Department of the State Government of _____.

Date:

Place:

Chairperson/Member

Child Welfare Committee

For completion by the Specialised Adoption Agency.

- I have read and understood Chapters III and IV of Juvenile Justice (Care and Protection of Children) Act, 2000 and the rules thereunder and agree to abide/be bound by the same while placing said minor in adoption.
- I further declare that the particulars stated in the declaration submitted by me on _____ are true and correct. In case they are found to be false or incorrect, the Committee has right to suspend this Release Order for (name of the minor) _____ and ask for production of said minor before the Committee.

Date:

Place:

Child Welfare Officer/Social Worker

FORM XV

[Rule 33 (4) (c)]

DEED OF SURRENDER

I _____ d/o or s/o _____ residing at _____ am not in a position due to social reasons/due to being single/ill/disabled to take care of my child (name, if any) _____ approximate age _____ years. I am explained the consequences of surrendering my child by the Child Welfare Officer/Social Worker (name) _____ and the Child Welfare Committee _____. In full knowledge of all these facts, I am surrendering my child before the Committee today, dated _____. Within two months from this stated date if I do not revise my decision to take back my child and do not approach the said Committee for the same, the Committee shall declare my child legally free for adoption and I shall have no further claim on my child.

Signature of parent/guardian**Date**

That I _____ Child Welfare Officer/Social Worker have explained the procedure and the consequences of surrendering the child to the concerned parent/guardian on (date) _____.

Signature of Child Welfare Officer/Social worker**Date****(Signed before me)****Chairperson/Member
Child Welfare Committee**

Sl. No.	Type of placement	Duration
(i)	Pre adoption	
(ii)	Emergency	
(iii)	Short term	
(iv)	Assessment	
(v)	Long term	

The Child an applicant can care for (please Tick)

A child who is:

- i. Neglected
- ii. Orphaned
- iii. With Physical impairment
- iv. Mental impairment
- v. Hearing impairment
- vi. Speech impairment
- vii. Special Education needs
- viii. Learning difficulties
- ix. Physical abuse
- x. Sexual abuse
- xi. Who does not relate easily
- xii. Who needs control/may defy authority
- xiii. Born of rape/incest
- xiv. Whose parent (s) is suffering from disease
- xv. Whose parent (s) is HIV positive
- xvi. Whose parent (s) are AIDS patient
- xvii. Whose parent (s) is alcoholic
- xviii. Drug addicts
- xix. Are in jail
- xx. Relinquished
- xxi. Belong to another caste
- xxii. Are of different religion

4. Profile of the family

Brief Family Profile					
Name	Gender	Approx. Age	Occupation	Education	Relationship with the applicant

(Give details of personalities, family life, experiences etc, Also highlight specific qualities of the family that can match with a child's needs. The details should facilitate initial identification of a potential match with a specific child.)

Accommodation (House)

(Details of type, size, own/ rented space, amenities etc.)

Neighbourhood

(Details of composition, amenities and facilities, public transport etc.)

5. Verification of applicant's identity

Place of residence

Period of stay

Nationality

Marital status (date/ length of marriage)

Has either of the applicant had a previous marriage? Details

If children from previous marriage? Details

Specify documents seen with date

6. Career History

(Details of education, employment, voluntary work, part-time work, leisure activities)

7. Agency Inquiries:

Medical check

Police check

Employer

8. Personal references (from 2 persons)

This section to be completed after interviews with two references; information gathered through these interviews should include:

- Length of time known
- Relationship to the applicant

- Provide evidence on the applicant's ability to perform the tasks involved in_____
 - Caring for children
 - Providing a safe and caring environment
 - Applicant as a neighbor
 - Interests, talents, personality

Assessment of the social worker for these references

B. HOME STUDY REPORT

A Home Study Report of the foster carer(s) being a crucial document being prepared by the social worker of the Specialised Adoption Agency based on the information collected by the format given above should broadly include the following information:

- Social Status and family background
- Description of the home
- Standard of living as it appears in the home
- Current relations amongst the members in the home
- Status of development of the children already in the home
- Employment and economic status
- Health details
- Details of facilities of education, medical, vocational trainings available in the neighborhood
- Reasons for wanting a child in foster care
- Attitudes of the grandparents and other relatives
- Anticipated plans for the foster child
- Legal status of the foster carer(s)
- Willingness to undergo training

C. DETAILS OF APPLICANT(S)

1. *Background.*—Family structure with details of parents and siblings, significant details of other family members, childhood experiences, etc.

2. *Relationship.*—If couple- Length of married life, what qualities does each applicant bring to the partnership, what makes the relationship positive for each other? Within the relationship how do applicants cope with problems/stress/anger? How do applicants support each other? What is each applicant's assessment of how the Foster placement will affect his or her relationship?

3. *Decision making.*—How is decision-making exercised in this relationship and how does each of the applicants view this? Is there wider extended family involvement in the couple's decision-making process? If so, how will this affect the child to be placed?

What are the strengths and vulnerabilities of this partnership?

- Children
- Children and their parents' relationships
- Children's attitude and readiness for a foster placement sibling. Describe each child and their temperament, any special talent and need, how children have been involved in preparation etc.

4. *Applicants support networks.*—Give a general picture of support systems currently used by the applicants including extended family, friends, neighbours, religious activities, community groups etc. including details of the location etc.

5. *Other significant members of the family.*—Living in the house or not. Their relationship to the applicants, how much time they spent within the home, their attitude to the proposed placement. How important is their acceptance of placement to the applicants.

6. *Description of the family life style.*—Outline what family considers important e.g. how important are religious and cultural practices. How is affection show in the family? How do the members spend their time? What expectations family members have with regard to personal space? What value is placed on education/hobbies and leisure activities that the whole family undertakes?

7. *Parenting capacities.*—Experience of the applicants of caring and working with children. Describe their adjustment to parenthood. What is their understanding of how children develop?

Using their own childhood experiences what patterns of parenting would they repeat and what would they change? What is their understanding of their own parenting strengths/potentials and about their parenting skills to meet the needs of individual child? To what extent they would expect other family members to be involved in parenting of their children/placed children.

How will they ensure that a child will be safe from physical sexual abuse in their family and within wider support networks?

8. *Managing Unacceptable Behavior.*—

What are the rules in the household? How do the applicants show approval/disapproval? What are the discipline measures that they use? Their attitude towards punishment?

What do they anticipate would be the issues and difficulties for themselves and for their own children and for their support network? What do they anticipate would be the issues and difficulties for the child? Which changes do they anticipate would be needed in their lifestyle?

Social Workers assessment:

It should provide an analysis of all the information collected through the format and its significance with regard to the capacity of the applicant to carryout fostering task:

(What skills do the applicants have in relating to and working with children? How well will the applicant work with the agency, with biological parents? What are the strengths and resources of the applicants and which are the areas where they may experience difficulty? Also the point of disagreement between the social worker and the applicants should be recorded here.)

Recommendations of the Child Welfare Officer/Social Worker

(Signature)

FORM XVII

[Rule 34 (1)]

ORDER OF FOSTER CARE PLACEMENT

The child (name and address)_____ approximate age _____ d/o or s/o Mr. _____ and Mrs. _____ or Ms. _____ is in need of care and protection of a family. Mr. _____ and Mrs. _____ or Ms. _____ resident of (complete address and contact numbers)_____ is/are declared fit person/persons for foster-care placement of the child based on the home study report of the Child Welfare Officer/Social Worker Ms./Mr. _____ of the organization (address)_____.

The child (name) _____ is placed in foster care for a period of _____ (days/months), under the supervision of the aforesaid Child Welfarer Officer/Social Worker (name and contact) _____.

Chairperson/Member**Child Welfare Committee**

FORM XVIII

[Rule 43 (5)]

ORDER OF SPONSORSHIP PLACEMENT

The juvenile/child (name and address) _____

approximate age ____d/o or s/o Mr. _____ and Mrs.

_____ or Ms. _____

has been identified by the State/District Child Protection Unit as a juvenile/child at risk needing urgent care and protection. On the basis of the Inquiry Report submitted by the State/District Child Protection Unit/Child Welfare Officer/Social Worker it is established that the said juvenile/child needs sponsorship support for education/health/nutrition/other developmental needs_____ (please specify).

The State/District Child Protection Unit is hereby directed to release Rs. _____ per month/Rs. _____ as one time sponsorship support to the said juvenile/child for a period of _____ (days/month) and carryout necessary follow up.

State/District Child Protection Unit is also directed to clearly lay down the terms and conditions for sponsorship support and follow up.

Principial Magistrate, Juvenile Justice Board/

Chairperson/Member, Child Welfare Committee

Copy to: State/District Child Protection Unit or concerned Department of the State Government

FORM XIX

[Rule 44(4)]

ORDER OF AFTER CARE PLACEMENT

The juvenile/child (name) _____ d/o or s/o _____ has /will be completing 18 years of age on (date)_____. She/he is still in need of care and protection for the purpose of rehabilitation and reintegration. She/he is placed in (name of organization) _____ for providing aftercare. The in-charge of the organization is directed to admit the child and providing all possible opportunities for her/his rehabilitation and reintegration in its truest sense. The person shall be provided all these opportunities maximum till the age of 21 years only or till reintegration in the society, whichever is earlier. The in-charge will send halfyearly report on the status of the child/youth to the Child Welfare Committee.

The State/District Child Protection Unit is hereby directed to arrange for aftercare for the said juvenile/child for a period of _____ (days/month) and carryout necessary follow up.

The State/District Protection Unit is also directed to clearly lay down the terms and conditions for aftercare programme and carryout necessary follow up.

Principial Magistrate, Juvenile Justice Board/

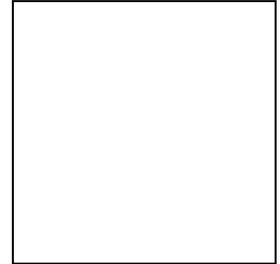
Chairperson/Member, Child Welfare Committee

Copy to: State/District Child Protection Unit or concerned Department of the State Government

FORM XX
 [Rule 57(8) and 61(1) (t)]
**CASE HISTORY FORM FOR CHILDREN IN NEED OF CARE FAND
 PROTECTION**

Case/Profile No. _____

Date & Time _____



A. PERSONAL DATA

1. Name
2. Male/Female (tick the appropriate category)
3. a.) age at the time of admission
b.) present age:
4. Category:
 - Separated from family
 - Abandoned/deserted
 - Victim of exploitation and violence (give detail)
 - Run-away
 - Any other
5. Religion Hindu(OC/BC/SC/ST)
Muslim/Christian/Other(pl. specify)
6. Location of Residence Urban/Sub-urban/Rural/Slum/
industrial/Other (pl. specify)
7. Native District & State:
8. Description of the Housing:
 - i) Concrete building Tiled
house/Hut/On the street/Others
(please specify)
 - ii) Three bed room/two-bed
room/one-bed room/no separate bed room
 - iii) Owned/rental
9. By whom the juvenile was brought before
the Child Welfare Committee:
 - i) Police-Local Police/Special Juvenile

Police Unit/Railway Police/Women Police

- ii) Probation Officers
 - iii) Social Welfare Organization
 - iv) Social Worker
 - v) Parent (s)/Guardian (s) (please specify the relationship)
 - vi) Child himself/herself
10. Reasons for leaving the family
- i) Abuse by parent(s) guardian(s) /step parents(s)
 - ii) In search of employment
 - iii) Peer group influence
 - iv) Incapacitation of parents
 - v) Criminal behaviour of parents
 - vi) Separation of parents
 - vii) Demise of parents
 - viii) Poverty
 - ix) Others (please specify)
11. Types of abuse met by the child
- i) Verbal abuse – Parents/siblings/employers/others (pl. specify)
 - ii) Physical abuse
 - iii) Sexual abuse-Parents/siblings/employers/others (pl. specify)
 - iv) Others – Parents/siblings/Employers/others(pl. specify)
12. Types of ill-treatment met by the child.
- i) Denial of food - parents/siblings/employers/other(pl. specify)
 - ii) Beaten mercilessly – parents/siblings/employers/other (pl. specify)
 - iii) Causing injury – parents/siblings/employers/other (pl. specify)
 - iv) Other (pl. specify) – parents/siblings/employers/other (pl. specify)
13. Exploitation faced by the child
- i) Extracted work without payment
 - ii) Little (low) wages with longer duration of work
 - iii) Other (pl. specify)

14. Health status of the child before admission.
- | | |
|------------------------------------|----------------------------|
| i) Respiratory disorders | - present/not known/absent |
| ii) Hearing impairment | - present/not known/absent |
| iii) Eye diseases | - present/not known/absent |
| iv) Dental disease | - present/not known/absent |
| v) Cardiac diseases | - present/not known/absent |
| vi) Skin disease | - present/not known/absent |
| vii) Sexually transmitted diseases | - present/not known/absent |
| viii) Neurological disorders | - present/not known/absent |
| ix) Mental handicap | - present/not known/absent |
| x) physical handicap | - present/not known/absent |
| xi) Other (pl. specify) | - present/not known/absent |
15. With whom the child was staying prior to admission
- a. Parent(s) – Mother/Father/Both
 - b. Guardian(s) – Relationship
 - c. Friends
 - d. On the street
 - e. Night shelter
 - f. Orphanages/Hostels/Similar Homes
 - g. Other (pl. specify)
16. Visit of the parents to meet the child
- a. Prior to institutionalization –
Frequently/Occasionally/Rarely/Never
 - b. After institutionalization –
Frequently/Occasionally/Rarely/Never
17. Visit of the child to his family
- a. Prior to institutionalization –
Frequently/Occasionally/Rarely/During festival times/During summer holidays/Whenever fallen sick/Never
 - b. After institutionalization –
Frequently/Occasionally/Rarely/During festival times/During summer holidays/Whenever fallen sick/Never
18. Correspondence with parents –
- i) Prior to institutionalization –
Frequently/Occasionally/Rarely/During festival times/During summer holidays/Whenever fallen sick/Never
 - ii) After institutionalization –
Frequently/Occasionally/Rarely/During festival times/During summer holidays/Whenever fallen sick/Never

B. CHILDHOOD HISTORY (up to the age of 12 years)

- 19. Diet of Mother during pregnancy
 - a. Taken nutritious diet
 - b. Ordinary diet
 - c. Inadequate food intake
- 20. Health during pregnancy
 - a. Mother infected with contagious diseases
 - b. Mother consumed/used contraceptives
 - c. Intake of antibiotics
 - d. No such details available
 - e.
- 21. Birth details
 - a. Normal delivery/prolonged delivery/caesarian
 - b. Under weight/normal weight/over weight
- 22. Details of immunization provided
- 23. Details of handicap/disability
 - i) Hearing impairment By birth /After accident/diseases
 - ii) Speech impairment By birth /After accident/diseases
 - iii) Physical handicap/disability By birth /After accident/diseases
 - iv) Mental handicap/disability By birth /After accident/diseases
 - v) Other (please specify)

C. FAMILY DETAILS:

24. Household Composition:

S. No.	Name & Relationship	Age	Sex	Education	Occupation	Income
1	2	3	4	5	6	7

Health	History of Mental illness	Handicap/Disability	Habit	Socialization
8	9	20	11	12

25. Type of family:

Nuclear family / Joint family/ Broken family

26. Relationship among the family members:

- i) Father & mother Cordial/ Non cordial/ Not known
- ii) Father & child Cordial/ Non cordial/ Not known
- iii) Mother & child Cordial/ Non cordial/ Not known
- iv) Father & siblings Cordial/ Non cordial/ Not known
- v) Mother & siblings Cordial/ Non cordial/ Not known
- vi) Juvenile & siblings Cordial/ Non cordial/ Not known

27. History of crime committed by family members:

S.No.	Relationship	Nature of crime	Arrest if any made	Period of confinement	Punishment awarded
1.	Father				
2.	Step-father				
3.	Mother				
4.	Step-mother				
5.	Brother (a) (b) (c) (d)				
6.	Sister (a) (b) (c) (d)				
7.	Child				
8.	Others (uncle/aunty/grandparents)				

28. Properties owned by the family:

- i) Landed properties (pl. specify the area)
- ii) Household articles-Crows/cattle/Bull
- iii) Vehicles-two wheeler/three wheeler/four wheeler (lorry/bus/car/tractor/jeep)
- iv) Others (please specify)

29. Marriage details of family members:

- i) Parents Arranged/Special Marriage/Local Union
- ii) Brothers Arranged/Special Marriage/Local Union
- iii) Sisters Arranged/Special Marriage/Local Union

30. Social activities of family members:

- i) Participate in social and religious functions
- ii) Participate in cultural activities
- iii) Does not participate in social and religious function
- iv) Not known

31. Parental care towards juvenile before admission:

- i) Over protection
- ii) Affectionate
- iii) Attentive
- iv) Not affectionate
- v) Not attentive
- vi) Rejection

D. ADOLESCENCE HISTORY (Between 12 and 18 years)

32. puberty
 - Early
 - Middle age
 - Late

33. Details of delinquent behaviour if any

- i) Stealing
- ii) Pick pocketing
- iii) Arrack selling
- iv) Drug pedaling
- v) Petty offences
- vi) Violent crime
- vii) Rape
- viii) None of the above
- ix) Others (Please specify)

34. Reason for delinquent behaviour

- i) Parental neglect
- ii) Parental overprotection
- iii) Parents criminal behaviour
- iv) Parents influence (negative)
- v) Peer group influence
- vi) To buy drugs/ alcohol
- vii) Others (pl. specify)

35. Habits

- | | |
|---|--|
| <p style="text-align: center;">A</p> <ul style="list-style-type: none"> i) Smoking ii) Alcohol consumption iii) Drug use (specify) iv) Gambling v) Begging vi) Any other | <p style="text-align: center;">B</p> <ul style="list-style-type: none"> i) Watching TV/movies ii) Playing indoor/outdoor games iii) Reading books iv) Religious activities v) Drawing/painting/acting/singing vi) Any other |
|---|--|

E. EMPLOYMENT DETAILS

Employment details of the juveniles prior to entry into the Home:

S. No.	Details of employment	Duration	Wages earned
i.)	Cooly		
ii.)	Rag picking		
iii.)	Mechanic		
iv.)	Hotel work		
v.)	Tea shop work		
vi.)	Shoe Polish		
vii.)	Household works		
viii.)	Others (Pl specify)		

36. Details of income utilization:

- (i) Sent to family to meet family need
- (ii) For dress materials
- (iii) For gambling
- (iv) For prostitution
- (v) For alcohol
- (vi) For drug
- (vii) For smoking
- (viii) Savings

37. Details of savings
 i) With employers
 ii) With friends
 iii) Bank/post Office
 iv) Others (pls specify)
38. Duration of working hours
 i) Less than six hours
 ii) Between six and eight hours
 iii) More than eight hours
- F. EDUCATIONAL DETAILS**
39. The details of education of the juvenile prior to the admission to Children's Home
 (i) Illiterate
 (ii) Studied up to V Standard
 (iii) Studied above V Std but below VIII Standard
 (iv) Studied above VIII Std but below X Standard
 (v) Studied above X Standard
40. The reason for leaving the school
 (i) Failure in the class last studied
 (ii) Lack of interest in the school activities
 (iii) Indifferent attitude of the teachers
 (iv) Peer group influence
 (v) To earn and support the family
 (vi) Sudden demise of parents
 (vii) Rigid school atmosphere
 (viii) Absenteeism followed by running away from school
 (ix) Other (pls specify)
41. The details of the school in which studied last:
 (i) Corporation/Municipal/Panchayat Union
 (ii) Government/SC welfare School/BC Welfare School
 (iii) Private management
 (iv) Convents
42. Medium of instruction:
 Hindi/English/Urdu/Tamil/Malayalam/Kannada/ Telugu
 Other language (please specify)
43. After admission to Children's Home, the educationl attainment from the date of admission till date:
 No. of years Class studied Promoted/ detained
44. Vocational training undergone from the date of admission into Children's Home till date.
 No. of years Name of Vocational Trade Proficiency Attained
45. Extra curricular activities developed form the date of admission into the Children's Home till date.
 i.) Scout
 ii.) Sports (please specify)
 iii.) Athletics (please specify)
 iv.) Drawing
 v.) Painting
 vi.) Others (pl. specify)

H. SOCIAL HISTORY

52. Details of friendship prior to admission into Children' s Home:
- i. Co-workers
 - ii. School/Classmate
 - iii. Neighbours
 - iv. Others (pl. specify)
53. Majority of the friends are
- i. Educated
 - ii. Illiterate
 - iii. The same age group
 - iv. Older in age
 - v. Younger in age
 - vi. Same sex
 - vii. Opposite sex
54. Details of membership in group (please specify details)
- i. Associated with cine fans association
 - ii. Associated with religious group
 - iii. Associated with arts and sports club
 - iv. Associated with gangs
 - v. Associated with voluntary social service league
 - vi. Others (please specify)
55. The position of the child in the groups/league
- i. Leader
 - ii. Second level leader
 - iii. Middle level functionary
 - iv. Ordinary member
56. Purpose of taking membership in the group:
- i. For social service activities
 - ii. For leisure time spending
 - iii. For pleasure seeking activities
 - iv. For deviant activities
 - v. Others (please specify)
57. Attitude of the group/league
- i. Respect the social norms and follow the rules
 - ii. Interested in violating the norms
 - iii. Impulsive in violating the rules
58. The location/meeting point of the groups
- i. Usually at fixed place
 - ii. Places are changed frequently
 - iii. No specific places
 - iv. Meeting point is fixed conveniently
59. The reaction of the society when the child first came out of the family
- i. Supportive
 - ii. Rejection
 - iii. Abuse
 - iv. Ill-treatment
 - v. Exploitation

60. The reaction of the police towards children
- i. Passionate
 - ii. Cruel
 - iii. Abuse
 - iv. Exploitation
 - v. Ill-treatment

61. The response of the general public towards the child

HISTORY OF THE CHILD(GIST)

- i. Education
- ii. Health
- iii. Vocational training
- iv. Extra curricular activities
- v. Others

Suggestion of Child Welfare Officer/Probation Officer after orientation to juvenile/child and the response towards orientation.

Follow up by Child Welfare Officer/Probation Officer/Case-Worker/Social Worker

Quarterly Review of Case History by Management Committee

SUPERINTENDENT/
WELFARE OFFICER/PROBATION OFFICER

FORM XXI**[Rules 57(11)(a), 61(1)(o) and 80(1)(k)]****INDIVIDUAL CARE PLAN**

Individual care plan for each child shall be prepared following the principle of the best interest of the child. In preparing individual care plan the care options in the following order of preferences shall be considered:-

- (i) Preserving the biological family
- (ii) Kinship Care
- (iii) In-country adoption
- (iv) Foster Care
- (v) Inter-country Adoption
- (vi) Institutional Care

Case/profile No.....of 20 -----(year) of the Board/Committee

Admission No.

Date of Admission:

A. PERSONAL DETAILS

1. Name of the Child:
2. Age:
3. Sex: Male/Female
4. Father's/Mother's name:
5. Nationality:
6. Religion/Caste:
7. Educational attainment:
8. Summary of Case History:
 - Health needs
 - Emotional and psychological support needed
 - Educational and Training needs
 - Leisure, creativity and play
 - Attachments and Relationships
 - Religious beliefs
 - Protection from all kinds of abuse, neglect and maltreatment

- Social mainstreaming
- Follow-up post release/restoration

B. FORTNIGHTLY PROGRESS REPORT OF PROBATIONER

Part One

1. Name of the Probation Officer/Case-Worker
2. For the month of
3. Registration No.
4. Competent Authority
5. Profile No.
6. Name of the Child
7. Date of Supervision Order
8. Address of the Child
9. Period of Supervision

Part Two

Places of interview	Date
.....
.....
.....

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

Part Three

1. Any proceedings before the competent authority of or
 - a) Variation of conditions of bond
 - b) Change of residence
 - c) Other matters
2. Period of supervision completed on

3. Result of supervision with remarks (if any)

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

Date of report _____ Signature of the Probation Officer/Case Worker _____

C. PRE-RELEASE REPORT

Tick whichever is applicable.

Final Release

Transfer

1. Details of place of transfer and concerned authority responsible in the place of transfer/release
2. Details of placement of the juvenile/child in different institutions
3. Training undergone and skills acquired
4. Final progress report of the officer-in-charge/probation officer/ child welfare officer/ case worker/ social worker (to be attached)
5. Date of release/transfer
6. Date of repatriation
7. Requisition for escort if required
8. Identification of escort
9. Recommended rehabilitation plan including possible placements
10. Sponsorship requirement and report, if applicable
11. Identification of Probation Officer/ Case-worker/ social worker/non-governmental organization for post-release follow-up
12. Memorandum of Understanding with non-governmental organization identified for post-release follow-up
13. Identification of sponsorship agency/individual sponsor for the child post-release, if any
14. Memorandum of Understanding between the sponsoring agency and individual sponsor
15. Details of Savings Account of the child, if any

16. Details of child's earnings and belongings if any
17. Details of awards/rewards due to the child if any
18. Opinion of the child
19. Any other information

Note:— Pre-release reports shall be prepared 6 months prior to the date of release/transfer of juvenile/ child and shall take into account the recommendations of the last review report and all other relevant information.

D. POST-RELEASE REPORT

1. Status of Bank Account: Closed/ Transferred
2. Earnings and belongings of the child: handed over to the child or his/her parents/guardians-Yes/ No
3. First interaction report of the probation officer/child welfare officer/ case worker/social worker/non-governmental organisation identified for follow-up with the child post-release
4. Placement of the juvenile/child if any
5. Family's behaviour towards the child
6. Social milieu of the child, particularly attitude of neighbours/ community
7. How is the child using the skills acquired?
8. Whether the child has been admitted to a school or vocation? Give date and name of the school/ institute/ any other agency
9. Report of second and third follow-up interaction with the child after two months and six months respectively

FORM XXII
[Rule 73 (2)]
ESCORT ORDER

Case No.....

In the matter of Boy/Girl Child

.....

Aged about year taken
Charged for sole custody under
Section 33(3) of the Juvenile
Justice Act 2000

The Parents of the boy/girl child are reported to be residing at:

He/She therefore be sent under supervision of a proper police/non-governmental organization escort to the

.....

For tracing and for handing over to the parents or close relatives of the said Boy Child/Girl Child residing at the aforesaid address or at other place which may be shown by the Child, if no such parents or relative are traced or if traced but they are unwilling to take charge of the boy/girl be kept in the custody of the Superintendent Children's Home and the said Boy/Girl child be produced before the concerned Child Welfare Committee for further orders.

Orders

Pending Escort, the said Boy/Girl Child shall remain in Children's Home, residing at present at The State/District Child Protection Unit, or Police Department or non-governmental organization/Childline shall positively make immediate arrangement not less than 15 days from the date of receipt of this order by him and send the said Boy Child/Girl Child at his/her aforesaid place of residence.

Dated this day of20.....

Chairperson/Member
Child Welfare Committee

CC to:

1. The Superintendent, Children's Home,.
2. The State/District Child Protection Unit or non governmental organization or Childline.

Ref.: 1. Order of admission of minorborn onProfile No.....

अधीक्षक, सचिवालय मुद्रणालय,
बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।
बिहार गजट (असाधारण) 400-571+2000-डी0टी0पी0।
Website: <http://egazette.bih.nic.in>