

**MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT****NOTIFICATION**

New Delhi, the 22nd June, 2001

**Rules under the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000)**

**[For better implementation and administration of the provisions of the said Act in its true spirit and substance]**

**F. No. 1-3/2001-SD.**—Whereas the Constitution of India has, in several provisions, including clause (3) of article 15, clause (e) and (f) article 39, articles 45 and 47, impose on the State a primary responsibility of ensuring that all the needs of children are met and that their basic human rights are fully protected;

**AND WHEREAS**, the General Assembly of the United Nations has adopted the Convention on the Rights of the Child on the 20<sup>th</sup> November, 1989;

**AND WHEREAS**, the Convention on the Rights of the Child has prescribed a set of standards to be adhered to by all State parties in securing the best interests of the child;

**AND WHEREAS**, the Convention on the Rights of the Child emphasises social reintegration of child victims, to the extent possible, without resorting to judicial proceedings;

**AND WHEREAS**, the Government of India has ratified the Convention on the 11<sup>th</sup> December, 1992;

**AND WHEREAS**, it was considered expedient to re-enact the Juvenile Justice Act, 1986 bearing in mind the standards prescribed in the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), and all other relevant international instruments;

**AND WHEREAS**, to give effect to the provisions of the Constitution and Convention, the Juvenile Justice (care and protection of children) Act, 2000 (herein under referred to as the said Act) was enacted to consolidate and

amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under that Act.

NOW, THEREFORE, in pursuance of the above said provisions and all other enabling powers in this behalf, the Central Government hereby lays down the principles and makes the following Rules (model) to be applied until new rules are framed by the State Government in this regard to provide for better implementation and administration of the provisions of the said Act in its true spirit and substance, namely:-

### **PRINCIPLES**

The following principles shall, *interalia*, be fundamental to the development of strategies, interpretation and implementation of the said Act. This enumeration does not preclude resorting to any higher measures possible or evolved in consonance with the Constitution.

#### **1. Principle of right to innocence-**

The juvenile or child's right to innocence and presumption of innocence up to the age of seven years (or up to the age of twelve years, as under) be respected throughout the process from the initial contact to aftercare.

The basic components of the right to and presumption of innocence are:

##### **(i) Age of innocence:**

- (a) A juvenile or child is presumed to be innocent of any malafide or criminal intent up to the age of seven years in all cases and upto twelve years in the cases wherein he is unable to understand the consequences of his action on account of immaturity of understanding;
- (b) Unlawful conduct which is done for survival, or is due to environmental or situational factors or is done under control of adults, or peer groups, is ought to be covered by the principles of innocence.
- (c) The idea is to allow certain benefits to a juvenile in conflict with law *vis a vis* his mental development assessed by the experts in the field through out the world as of eighteen years being the time of demarcation and with this end in view the yardstick can only be the date of occurrence because the whole spirit is to impart benefit to such juvenile on grounds of lesser development of his mental faculty.

(ii) **Procedural protection of innocence**

Procedural safeguards shall be guaranteed to protect the presumption of innocence.

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

To protect the juvenile's or child's right to and the presumption of innocence, provisions must be made when needed, for free legal aid and guardian ad litem.

(iv) **Avoidance of harm**

At all stages, from the initial contact till disposition, extreme care shall be taken to avoid any harm to the sensitivity of the juvenile or child.

2. **Principle of Best Interest.-**

This principle seeks to ensure physical, emotional, intellectual, social and moral development of juvenile or child, so as to make him a useful and good citizen by ameliorating the impediments to healthy development.

3. **Principle of Family cushion.-**

The family, biological, adoptive or foster (in that order), must be involved in the processes, preferred as placement cushion and strengthened as the base unit for care, protection and redirection of the juvenile or child under the said Act unless the best interest measures or mandates dictate otherwise.

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

The juvenile or child who is placed in any institution under the said Act or under any placement cushion, shall not be subjected to any harm, abuse, neglect, maltreatment, corporal punishment or solitary confinement.

5. **Principle of non-stigmatizing semantics, decisions and actions.-**

The non-stigmatizing semantics of the said Act must be strictly adhered to, and the use of adversarial or accusatory words, such as, arrest, remand, accused, charge sheet, trial, prosecution, warrant, summons, conviction, inmate, delinquent, neglected, custody, etc., is prohibited in the processes pertaining to the juvenile or child under the said Act.

**6. Principle of balancing.-**

This principle aims at striking a balance between the provisions of the said Act on one hand and constitutional safeguards and social ethos on the other, in the dispensation of matters pertaining to juvenile or child.

**7. Principle of non-waiver of rights.-**

No waiver of rights of the juvenile or child, whether by himself or the competent authority or anyone acting or claiming to act on behalf of the juvenile or child, is either permissible or valid.

Non-exercise of a fundamental right does not amount to waiver.

**8. Principle of equality.-**

Equality of access, equality of opportunity, equality under the said Act, is guaranteed to the juvenile or child; and as such there shall be no discrimination on the basis of age, sex, place of birth, disability, race, ethnicity, status, caste, cultural practices, work, activity or behaviour of the juvenile or child or that of his parents or guardians, or the civil and political status of the juvenile or child.

**9. Principle of right to privacy and confidentiality.-**

The juvenile's or child's rights to privacy and confidentiality shall be protected by all means and through all the stages of the proceedings.

**10. Principle of Fresh Start.-**

The principle of fresh start promotes new beginning for the juvenile or child by ensuring erasure of his past records.

**11. Principle of last resort.-**

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

**12. Principle of repatriation.-**

Any juvenile or child, who is a foreign national and who has lost contact with his family, shall also be eligible for protection under the said Act and he shall be repatriated, at the earliest, to his country.

**The (name of State/UT) Juvenile Justice (Care and Protection of Children) Rules, 2001**

In exercise of the powers conferred by section 68 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (No. 56 of 2000), the State Government/Administrator \_\_\_\_\_ hereby makes the following rules, namely:-

**CHAPTER – I**

**PRELIMINARY**

**1. Short title and commencement.-**

- (1) These rules may be called the (name of the State/UT) Juvenile Justice (Care and Protection of Children) Rules, 2001.
- (2) They 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);
- (b) "adoption" means taking permanent custody and responsibility of a juvenile or a child covered under this Act, who shall have *pari passu* rights of a natural born child;
- (c) "Form" means the form annexed to these rules;
- (d) "institution" for the purposes of these rules, means an observation home, or a special home, or a children's home or a shelter home, set up certified or recognized under sections 8, 9, 34 and 37 of the Act respectively;
- (e) "Officer-in-charge" (nomenclature as used by the State Government) means a person appointed for the control and management of the institution;
- (f) "State Government" in relation to a Union Territory, means the Administrator of that Union territory appointed by the President under article 239 of the Constitution;



- (g) 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 Board.-

- (1) The Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of the first class, as the case may be, and two social workers of whom at least one shall be a woman, forming a bench.
- (2) Every such bench shall have the powers conferred by the Code of Criminal Procedure 1973 (2 of 1974).
- (3) (a) A Magistrate with special knowledge or training in child psychology or child welfare shall be designated as the principal Magistrate of the Board.
- (b) 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.
- (4) The two social workers, of whom at least one shall be a woman, shall be appointed by the State Government on the recommendation of the Selection Committee set up under sub-rule (2) of rule 24 of these rules.
- (5) The Selection Committee shall take into consideration the panels of names recommended by the local authority while considering the selection of social workers for the Board and shall prepare a panel of names for each Board including a panel of names to fill in vacancies, which may arise during the tenure of the Board.
- (6) The social worker to be appointed as a member of the Board shall be a person who has been actively involved and engaged in planning, implementing and administering measures relating to health, education or other welfare activities pertaining to children for at least seven years.
- (7) The Board shall have a tenure of three years and the appointment of members shall be co-terminus with the tenure of the Board.
- (8) A social worker being a member of the Board shall be eligible for appointment for a maximum of two terms.
- (9) The Board shall hold its sittings in the premises of an Observation Home and shall meet on all the working days of a week.

(10) 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.

(11) The social worker members of the Board shall be paid such traveling or meeting allowance or honorarium, as the State Government may, decide from time to time.

#### 4. Institutional Management for juveniles in conflict with law.-

(1) The State Government or the voluntary organisation certified by that State Government shall set up separate observation homes for boys and girls.

(2) The State Government or the Voluntary Organisation certified by that Government shall set up separate special homes for girls above the age of 10 years and boys in the age groups of 11 to 15 and 16 to 18 years as and when required.

(3) The following procedure shall be followed in respect of the newly-admitted juveniles, namely:-

- (a) receiving and search;
- (b) hair-cut (unless prohibited by religion), issue of toiletry items;
- (c) disinfection and storing of juvenile's personal belongings and other valuables;
- (d) bath;
- (e) issue of new set of clothes, bedding and other outfit and equipment (as per scales);
- (f) medical examination and treatment, where necessary and in case of any juvenile suspected to be suffering from contagious or infectious diseases, mental ailments, addiction, etc., he shall be immediately segregated in specially earmarked dormitories or wards or hospitals;
- (g) attending to immediate and urgent needs of the juvenile's like appearing in examinations, interview letter to parent(s), personal problems etc., and
- (h) verification by the Officer-in-charge of the order of the Board, identification marks, register entries, cash, other valuables, etc.

(4) Every institution shall follow a schedule of orientation for the newly-admitted juvenile covering the following aspects, namely:-

- a) health, sanitation, hygiene;
- b) institutional discipline and standards of behaviour, respect for elders, teachers; etc.
- c) self-improvement opportunities; and
- d) responsibilities and obligations.

(5) A case history of the juvenile or the child admitted to an institution shall be maintained which may contain information regarding his socio-cultural and

economic background and these information may invariably be collected through all possible and available sources, including home, parents or guardians, employer, school, friends and community.

(6) 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, Jan Sikshan Sansthan etc.

(7) All residents in the institution shall be given work like-

- (a) self-help in maintaining their own establishment ;
- (b) cleaning of open spaces, gardening, etc.;
- (c) preliminary operations for crafts.

(8) A well conceived programme of pre-release planning and follow up of cases discharged from special homes shall be organized in all institutions in close collaboration with existing governmental and voluntary welfare organizations.

#### **5. Daily Routine.-**

Every institution shall have a well regulated daily routine for the juveniles, which shall be displayed and provide, *inter alia* , for regulated and disciplined life, personal hygiene and cleanliness, physical exercise, educational classes, vocational training, organized recreation and games, moral education, group activities, prayer and community singing and special programmes for sundays and holidays.

#### **6. Diet Scale.-**

The State Government shall prepare a diet scale, to be strictly adhered to by the institutions, for juveniles in consultation with nutrition experts so that the diet becomes balanced, nutritious and varied, with a special diet which may be provided on holidays, festivals and to the sick juveniles as required.

#### **7. Issue of clothing, bedding and other articles. -**

Each juvenile shall be provided with clothing and bedding, including customary under-garments, towel, jersey for winter, school uniform for juveniles attending outside schools, durry, bed-sheets, blanket, pillow, chappal or shoes, utensils as required; and tooth powder, soap, oil, comb, etc. as per the scale laid down by the State Government from time to time.

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

- (a) sufficient treated drinking water;



- (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;
- (f) sufficient number of latrines in the proportion of at least one latrine for seven children;
- (g) sufficient number of bathrooms in the proportion of at least one bath room for ten children;
- (h) sufficient space for washing;
- (i) clean and fly-proof kitchen;
- (j) sunning of bedding and clothing ;and
- (k) maintenance of cleanliness in the Medical Centre.

**9. Accommodation.-** The minimum standard of accommodation, to the extent possible, shall be as follows: -

- |               |   |   |
|---------------|---|---|
| (a) Dormitory | - | 40 square feet per juvenile.  |
| Classroom     | - | Sufficient accommodation.   |
| Workshop      | - | Sufficient work space.  |
| Play ground   | - | Sufficient play ground area shall be provided in every institution according to the total number of juveniles in the institution. |

(b) The dormitories, classrooms and workshops shall have sufficient cross ventilation and light.

## 10. Medical Care.-

(1) Every institution shall provide for the necessary medical facilities so as to ensure that-

- (a) regular facilities are available for the medical treatment;
- (b) arrangements are made for the immunization coverage; and
- (c) a system is evolved for referral of cases with deteriorating health or serious cases to the nearest civil hospital or recognised treatment centres.

(2) Each juvenile admitted in an observation home shall be medically examined by the Medical Officer within 24 hours and in special cases within 48 hours giving the reasons therefor, and also at the time of transfer of the juvenile to a special home, within a similar period before transfer and further at any other time that may be considered necessary by the Medical Officer or the Officer-in-Charge.

(3) No surgical treatment shall be carried out on any juvenile without the previous consent of his parent or guardian, unless either the parent or guardian cannot be found and the condition of the juvenile is such that any delay shall, in the opinion of the medical officer, involve unnecessary suffering or injury to the health of the juvenile, or without obtaining a direction to this effect from the Board.

(4) A health record of each juvenile in the institution shall be maintained on the basis of quarterly medical check-up.

#### **11. Monitoring and Evaluation of Juveniles.-**

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

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

Officer-in-Charge	-Chairperson.
Child Welfare Officer/Psychologist	- Member-Secretary.
Medical Officer	-Member.
Workshop Supervisor/ Instructor in Vocation	-Member.
Teacher	-Member.

(3). The committee shall meet periodically to consider and review-

- (a) custodial care, housing, place of work, area of activity and type of supervision required;
- (b) individual problems of juveniles, family contacts and adjustment, economic problems, and institutional adjustment, etc;
- (c) vocational training and opportunities for employment;
- (d) education, i.e. health education, social education, academic education, vocational education and moral education;
- (e) social adjustment recreation, group work activities, guidance and counseling;
- (f) special instructions, collecting moral information, and special precautions to be taken, etc.;

- (g) review of progress and adjusting institutional programmes to the needs of the inmates;
- (h) planning post-release rehabilitation programme and follow up for a period of two years in collaboration with aftercare service;
- (i) pre-release preparation;
- (j) release, and
- (k) any other matter which the Officer-in-Charge may like to bring up.

## 12. Rewards and Earnings.-

Rewards to the juveniles, at such rates as may be fixed by the management of the institution from time to time, may be granted by the Officer-in-Charge as an encouragement to steady work and good behaviour; and at the time of release, the reward shall be handed over after obtaining a receipt from the parent or the guardian who comes to take charge of the juvenile.

## 13. Visits to and communication with inmates.-

(1). The parents and relations of the juveniles shall be allowed to visit once in a month or in special cases, more frequently at the discretion of the Officer-in-Charge as per the visiting hours laid down by him.

(2). The receipt of letters by the juveniles 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 every month for which the postage shall be provided.

(3). The Officer-in-Charge may peruse any letter written by or to the juvenile, and may for the reasons that he considers sufficient to refuse to deliver or issue the letter, may destroy the same after recording his reasons in a book maintained for the purpose.

## 14. 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 lathi, spears, swords etc.);
- (b). alcohol and spirit of every description;
- (c). bhang, ganja, opium and other narcotic or psychotropic substances ;
- (d). tobacco, or
- (e). any other article specified in this behalf by the State Government by a general or special order.

## 15. Articles found on search and inspection.-

(1) The Officer-in-Charge shall see that every juvenile received in the institution is searched, his personal effects inspected and an money or

valuables found with or on the person of the juvenile is kept in the safe custody of the Officer-in-Charge.

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

(3) In every institution, a register of money, valuables and other articles found with or on the person of a juvenile received therein shall be maintained which may be called the "Personal Belonging Register".

(4) The entries made in the Personal Belonging Register, relating to each juvenile, shall be read over to juvenile in the presence of a witness whose signature shall be obtained in token of the correctness of such entries and it shall be countersigned by the Officer-in-Charge.

#### **16. Disposal of articles:-**

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

(a) On an order made by the competent authority in respect of any juvenile, directing the juvenile to be sent to an institution, the Officer-in-Charge 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 Officer-in-Charge 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 Officer-in-Charge 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 parent or guardian, as the case may be, with an entry made in this behalf in the register and signed by the Officer-in-Charge.

(e) When a juvenile of 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 Officer-in-Charge 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 monitoring and evaluation committee.

**17. Duties of the Officer in charge.-**

(1) The Officer-in-charge shall be responsible for the following, namely:-

- (a) security measure and periodical inspection thereof;
- (b) proper maintenance of buildings and premises;
- (c) prompt, firm and considerate handling of all disciplinary matters;
- (d) careful handling of plant and equipment;
- (e) accident preventive measures;
- (f) fire preventive measures
- (g) segregation of a juvenile or child suffering from contagious or infectious diseases;
- (h) proper storage and inspection of food stuffs;
- (i) stand-by arrangements for water storage, power plant, emergency lighting, etc.,

(2). In the event of an escape of a juvenile or a child, the following action shall be taken, namely :-

- (a) The Officer-in-Charge shall immediately send the guards in search of the juvenile, at places like railway stations, bus stands and other places where the juvenile is likely to go;
- (b) The parents or guardians shall be informed immediately about such escape;
- (c) A report shall be sent to the area Police Station along with the details and description of the juvenile or the child, with identification marks and a photograph, with a copy to the Board and the authorities concerned;
- (d) The Officer-in-charge shall hold an inquiry about such escape and send his report to the Board and the authorities concerned.

(3) On the occurrence of any case of death or suicide the procedure to be adopted shall be as under:-

- (a) If a juvenile or child dies within twenty four hours of his admission to the institution an inquest and post-mortem examination shall be held at the earliest.
- (b) Whenever a sudden or violent death, or death from suicide or accident takes place, immediate information shall be given to the Officer-in-Charge and the Medical Officer.
- (c) The Officer-in-Charge and the Medical Officer shall examine and inspect the dead body and in case a juvenile dies due to causes other than natural causes, or if the cause of death is not known, or if the death has occurred due to suicide, violence or accident,



or whenever there is any doubt or complaint or question concerning the cause of death of any juvenile, the Officer-in-charge shall inform the Officer-in-charge of the Police Station having jurisdiction.

- (d) The Officer-in-charge shall also immediately give intimation to nearest Magistrate empowered to hold inquests.
  - (e) The Medical Officer shall report to the Officer-in-charge about the happening of the natural death of a juvenile and see that the body is decently removed to the mortuary.
  - (f) In case of natural death or due to illness of a juvenile or child of an observation home or special home, the Officer-in-charge shall obtain a report of the Medical Officer stating the cause of death and a written intimation about the death shall be given immediately to the nearest Police Station, the Board, the National Human Rights Commission and the authorities concerned.
  - (g) The parents or guardians of the deceased juvenile shall be contacted and the Officer-in-charge shall wait for twenty-four hours for the arrival of relatives.
  - (h) As soon as the inquest is held, the body shall be disposed of in accordance with the known religion of the juvenile.
- (4) In the event of any custodial rape or sexual abuse, the following action shall be taken, namely:-
- (a) In case a resident makes any complaint, or occurrence of such rape or abuse comes to the knowledge of the Officer-in-charge, a report shall be placed before the Board, who shall order for special investigation and direct the local police station to register case against the person(s) found guilty under the relevant provisions of the Indian Penal Code, 1860(45 of 1860).
  - (b) The Special Juvenile Police Unit shall also take due cognizance of such occurrences and conduct necessary investigations.
- (5) In the event of any other offence committed in respect of residents, the Board shall take cognizance and arrange for necessary investigation to be carried out by Special Juvenile Police Unit.

#### **18. Leave of absence of a juvenile or child.-**

- (1). The juvenile or child of an institution may be allowed to go on leave of absence or released on license and stay with his family during examination, emergencies or special occasions like marriage in the family.
- (2) While the leave of absence for short period not exceeding seven days excluding the journey time may be recommended by the Officer-in-charge, but granting of such leave shall be by the Board.

(3) The parents or guardian of the juvenile or child may submit an application to the Officer-in-charge requesting for release of the juvenile or child on leave, stating clearly the purpose for the leave and the period of leave.

(4) If the Officer-in-charge considers that granting of such leave is in the interest of the juvenile or child, he shall call for a report of the Probation Officer on the advisability or otherwise and forward the case to the Board.

(5) While issuing orders sanctioning the leave of absence or release on license in Form VII, as the case may be, the competent authority shall mention the period of leave and the conditions attached to the leave order, and if any of these conditions are not complied with during the leave period, the juvenile or child may be called back to the institution.

(6) The parent or guardian shall arrange to escort the juvenile or child from and to the institution and bear the travelling expenses; whereas, in exceptional cases or during an emergency, the Officer-in-charge may arrange to escort the juvenile or child to the place of the family and back.

(7) If the juvenile or child runs away from the family during the leave period, the parent or guardian are required to inform the Officer-in-charge of the institution immediately, and try to trace the juvenile or child and if found, send the juvenile or child to the institution.

(8) If the parent or guardian do not take proper care of the juvenile or child during the leave period or do not bring the juvenile or child back to the institution within the stipulated period, such leave may be refused on later occasions.

(9) If the juvenile or child does not return to the institution on expiry of the sanctioned leave, the Board shall refer the case to police for taking charge of the juvenile or child and bring him back to the institution.

(10) The period of such leave shall be counted as a part of the period of stay in the institution and the time which elapses after the failure of a juvenile or child to return to the institution within the stipulated period, shall be excluded while computing the period of his stay in the institution.

## 19. Release. -

(1) The Officer-in-charge shall maintain a roster of the cases of juvenile or child to be released on the expiry of the period of stay as ordered by the Board.

(2) Each case shall be placed before the Classification Committee for proper mainstreaming and with regard to cases in which the juvenile or child is kept for the maximum period, action may be initiated six months before they attain the age of eighteen years.

(3) A timely information of the release of a juvenile or child and of the exact date of release shall be given to the parent or guardian and the parent or the

guardian shall be invited to come to the institution to take charge of the juvenile or child on that date.

(4) If necessary, the actual expenses of the parent's or guardian's journey both ways and of the juvenile's or child's journey from the institution shall be paid to the parent or guardian by the Officer-in-charge at the time of the release of the juvenile or child.

(5) If the parent or guardian, as the case may be, fails to come and take charge of the juvenile or child on the appointed date, the juvenile or child shall be taken by the escort of the institution; and in case of a girl, she shall be escorted by a female escort.

(6) At the time of release or discharge, a juvenile or child may be provided with a set of summer or winter clothing, if the Officer-in-charge deems it necessary.

(7) If the juvenile or child has no parent or guardian, he may be sent to an aftercare organization, or in the event of employment to the person who has undertaken to employ the juvenile or child.

(8) The Officer-in-charge of a girls' institution, subject to the approval of the competent authority, may get suitable girls above the age of eighteen years married according to the procedure laid down by that authority from time to time.

(9) The Officer-in-Charge shall order the discharge of any juvenile or child, the period of whose detention has expired and inform the competent authority within seven days of the action taken; and if, the date of release falls on a Sunday or another public holiday, the juvenile or child may be released on the preceding day with an entry to that effect being made in the register of discharge.

(10) The Officer-in-charge shall in appropriate cases, order the payment of subsistence money, at such rates as may be fixed from time to time and the railway or road, or both, fare, as the case may be.

(11) In deserving cases, the Officer-in-charge may provide the juvenile with such small tools, as may be necessary, to start a work or business subject to such maximum cost as may be fixed by the institution.

(12) The Officer-in-charge may, subject to the approval of the competent authority, allow at their own request such girls as have no place to go, to stay in

the institution after the period of their stay is over, till the time some other suitable arrangements are made.

## 20. Maintenance of case file.-

(1) The case file of each juvenile or child shall be maintained in the institution containing the following informations, so far as applicable-

- (a) report of the person or agency who produced the juvenile or child before the Board;
- (b) probation officer's report;
- (c) information from previous institution;
- (d) initial interview material, information from family members, relatives, community, friends and miscellaneous information;
- (e) source of further information;
- (f) observation reports from staff members;
- (g) reports from Medical Officer, Intelligence Quotient (I.Q) testing, aptitude testing, educational or vocational tests;
- (h) social history ;
- (i) summary and analysis by Officer-in-charge ;
- (j) initial classification sheet;
- (k) instruction regarding training and treatment programme and about special precautions to be taken;
- (l) leave and other privileges granted;
- (m) violation of rules, if any, and special achievements;
- (n) quarterly progress report from various sections;
- (o) review sheet;
- (p) Monthly Cycle (m.c.) report (in case of girls);
- (q) pre-release programme;
- (r) final progress report ;
- (s) leave of absence or release on license ;
- (t) final discharge;
- (u) follow-up reports;
- (v) central index number;
- (w) annual photograph ; and
- (x) remarks ;

(2) All the case files maintained by the Institutions and the Board shall, as far as practicable, be computerised and networked so that the data is centrally available.

**21. Production of a Juvenile.-**

- (1) As soon as a juvenile in conflict with the law is apprehended by the police, the police shall place the juvenile under the charge of the special juvenile police unit, or the designated police officer.
- (2) The special juvenile police unit to which the juvenile is brought, shall inform the probation officer concerned of such apprehension, to obtain information regarding the antecedents and family background of the juvenile and other material circumstances likely to be of assistance to the Board for making the inquiry.
- (3) Prior to production of a juvenile before the Board, the juvenile may be placed in a safe place within the Police Station, (which shall not be a lock up), or in a place of safety.
- (4) The special juvenile police or the designated police officer shall produce the juvenile before the Magistrate or a member of the Board within twenty four hours of his apprehension (excluding the time taken to bring the juvenile from the Police Station or place of safety to the Board).
- (5) In case of delay in production before the Magistrate or the Board, the details of not doing so be recorded in the police daily or general diary.
- (6) In case a recognized voluntary organization takes a juvenile to the Board, the voluntary organization shall also inform the concerned Police Station.
- (7) The State Government shall recognize only those registered voluntary organizations which can provide the services of probation, counseling, case work, a place of safety and also associate with the Special Juvenile Police Unit and are willing and have the capacity, facilities and expertise to do so .
- (8) The registered voluntary organization shall prepare a report narrating the circumstances of apprehension and offence committed and produce the juvenile before the Board or Police with the report.
- (9) When a juvenile is produced before an individual member of the Board, the order given by the member shall be ratified in the next meeting of the Board.
- (10) The police or the recognized voluntary organization shall be responsible for the safety and basic amenities to the juveniles apprehended or kept under their charge during the period they are with them.



## 22. Procedure to be followed by a Board in holding inquiries and the determination of age.-

(1) 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 or child against whom the proceedings have been instituted is given home like atmosphere during the proceedings.

(2) When witnesses are produced for examination, the Board shall be free to use the power under section 165 of the Indian Evidence Act, 1872(1 of 1872), to question them so as to bring out any point that may go in favour of the juvenile or the child.

(3) While examining a juvenile or child and recording his statement, the competent authority shall be free to address the juvenile or child in any manner that may seem suitable, in order to put the juvenile or child at ease and to elicit the true facts, not only in respect of the offence of which the juvenile or child is accused, but also in respect of the home and social surroundings and the influence to which the juvenile or child might have been subjected.

(4) The record of the examination shall be in such form as the Board may consider suitable having regard to the contents of the statement and circumstances in which it was made.

(5) In every case concerning a juvenile or a child, the Board shall either obtain, -

- (i) a birth certificate given by a corporation or a municipal authority; or
- (ii) a date of birth certificate from the school first attended ;or
- (iii) matriculation or equivalent certificates, if available; and
- (iv) in the absence of (i) to (iii) above, the medical opinion by a duly constituted Medical Board, subject to a margin of one year, in deserving cases for the reasons to be recorded by such Medical Board,

regarding his age; and, when passing orders in such case shall, after taking into consideration such evidence as may be available or the medical opinion, as the case may be, record a finding in respect of his age.

(6) The State Government shall recognize registered voluntary organizations, to supervise and submit periodical reports, as directed by the Board regarding the orders passed under clauses (b) and (c) of sub-section(1) of section 15 of the Act.

(7) In accordance with the rules made under sub-section (2) of section 10 of the Act, the Board shall, in Form-I, order a Probation Officer, or otherwise to conduct a social investigation, reporting on the character and antecedents of

the juvenile or child with a view to assessing the best possible mode for placement, such as, with the family, an institution or otherwise permissible under the Act.

(8) When a juvenile or child is placed under the care of a parent or a guardian and the Board considers it expedient to place the juvenile or child under the supervision of a probation officer, it shall issue a supervision order in Form- II.

(9) The competent authority may, while making an order placing a juvenile under the care of a parent, guardian or fit person, as the case may be, direct such parent, guardian or fit person to enter into a bond in Form IV with or without sureties.

(10) Whenever the Board orders a juvenile or child to be kept in an institution, it shall forward to the Officer-in-charge of such institution a copy of its order, in Form III with particulars of the home and parents or guardian and previous record.

(11) The juvenile or child shall be lodged in a home closest to where he belongs.

(12) The Officer-in-charge of an institution, certified as special home under sub-section (2) of section 9 of the Act, shall be informed in advance by the Board before any juvenile or child is committed to it.

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

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

### **23. Procedure in respect of Sections 23, 24, 25 and 26 of the Act.-**

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

## **CHAPTER III**

### **CHILD IN NEED OF CARE AND PROTECTION**

**24. Child Welfare Committee.-** (1) The Committee shall consist of a Chairperson and four other members as the State Government may think fit to