

appoint, of whom at least one shall be a woman and another, an expert on matters concerning children.

(2) The Chairperson and members of the Committee shall be appointed on the recommendation of a Selection Committee set up by the State Government, for the purpose.

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

- (i) a retired Judge of the High Court or retired Secretary to the State Government having experience in social welfare shall be the Chairperson of the Selection Committee;
- (ii) two representatives of reputed non-governmental organizations working in the area of child welfare;
- (iii) a representative from an academic body;
- (iv) two representatives of the concerned department of the State Government; and
- (v) a representative of the State Human Rights Commission or such recognized agency or cell or a retired special Judicial Magistrate.

(4) The Selection Committee shall take into consideration the panel of names recommended by the concerned local authority, who could be considered for selection of members of the Committee.

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

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

- (a) a respectable, well educated citizen with the background of special knowledge of social work, child psychology, education, sociology or home science; or
- (b) a teacher or a doctor or a senior retired public servant who has been involved in work concerning child welfare; or
- (c) a social worker of repute, who has been directly engaged in child welfare.

(7) The Chairperson of the Committee shall be at least a graduate with either of the qualifications given in sub-rule (6).

(8) The Committee shall have a tenure of three years and the appointment of members shall be co-terminus with the tenure of the Committee.

(9) A member of the Committee shall be eligible for appointment for a maximum of two terms.

(10) A member may resign at any time by giving one month's notice in writing.

(11) Any casual vacancy on the Committee may be filled by appointment of another person from the list or panel prepared by the Selection Committee, and shall hold office for the remaining term of the Committee.

(12) The members of the Committee shall be paid such traveling or meeting allowance or honorarium as the State Government may decide from time to time.

25. Procedure etc. in relation to Committee.- (1) The Committee shall hold its sittings in the premises of a children's home and shall meet at least three days a week.

(2) The quorum for the meeting shall be three members attending, which may include the Chairperson.

(3) Any decision taken by an individual member, when the Committee is not sitting, shall require ratification by the Committee in its next sitting.

(4) The final disposal of cases relating to children in need of care and protection, shall take place from the office of the Committee, by the order of at least two members.

(5) The Committee shall take into consideration the age, physical and mental health background, opinion of the child and the recommendation of the caseworker, prior to disposal of such cases.

26. Production of a Child before the Committee.- (1) Any child in need of care and protection shall be produced before the Committee by one of the following persons-

- (i) any police officer or Special Juvenile Police Unit or a designated police officer;
- (ii) any public servant ;
- (iii) childline, a registered voluntary organization, or by such other voluntary organization or an agency as may be recognized by the State Government;
- (iv) any social worker or a public spirited citizen authorized by the State Government ; or
- (v) by the child himself.

(2) When any person or organization authorized under sub-rule(1) receives a child in need of care and protection, he may produce the child before the Committee with the report of the circumstances under which the child came to his notice.

(3) A child, above two years of age, shall be produced before the Committee within forty eight hours of such admission, excluding the journey time taken by the person or the organization; and for children under two years of age, the person or the organization shall send a written report along with the photograph, within forty eight hours of admission, excluding the journey time.

(4) In case the Committee is not sitting, the child shall be kept in a place of safety and provided with all basic facilities and adequate protection.

(5) Every possible effort shall be made to trace and associate the family and assistance of recognized voluntary organizations or childline may also be taken.

(6) In case a recognized voluntary organization takes a child to the Committee, they shall also submit a report on the circumstances under which the child came to their notice, and efforts shall be made by them for tracing the family.

(7) The Committee shall make arrangements to send the child to the designated place of safety, with age and sex appropriate facilities, pending the inquiry.

(8) The child may be escorted by the police officer or representative of the voluntary organization or by any other arrangement as considered appropriate by the Committee.

(9) A list of the names and addresses of all recognized children's homes along with its capacity, appropriate facilities as prescribed under section 34 of the Act, shall be listed with the Committee.

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

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

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

27. Procedure for inquiry. —

- (1) When a child is brought before the Committee, the Committee shall assign the case to a social worker or case worker or child welfare officer or Officer-in-charge, as the case may be, of the home or any recognized agency for conducting the inquiry.
- (2) The direction for the inquiry under sub-rule (1) shall be given in Form-I.
- (3) The Committee shall direct the concerned person or organization about the details or particulars to be enquired into for suitable rehabilitation.
- (4) The inquiry must be completed within four months unless special circumstances do not permit to do so in the interest of the child, and for which a written extension must be taken by the inquiring officer or the agency under sub-section (2) of section 33 of the Act.
- (5) After completion of the inquiry, if, the child is under orders to continue in the children's home, the Committee shall carry out an annual review of the progress of the child in the home.

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

- (a) while children of both sexes below ten years, may be kept in the same home but separate facilities shall be maintained for boys and girls in the age group 5 to 10 years;
 - (b) separate children's homes shall be set up for boys and girls in the age group 10 to 18 years.
- (2) Each children's home shall be a **comprehensive child care center** with the primary objective to promote an integrated approach to child care by involving the community and local Non-Governmental Organisations(NGOs).
- (3) The activities of such centre shall focus on :
- (a) family based services, such as, foster family care, adoption and sponsorship;
 - (b) specialized services in conflict or disaster affected areas to prevent neglect by providing family counseling, sponsorship, play groups; etc.
 - (c) provision of childline and emergency outreach service through 1098, a free phone facility for children;
 - (d) linking up with Integrated Child Development Services(ICDS) to cater to the needs of children below six years;
 - (e) to establish linkages with organizations and individuals who can provide support services to children; and

- (f) to encourage volunteers to provide for various services for children and families to become guardian.

(4). Every children's home shall have the following facilities, namely:-

(a) Physical infrastructure.-(i) It shall include separate facilities for children in the age group of 0-5 years with appropriate facilities for the infants.

(ii) The facilities to be created for children in the age group of 6-10 years having separate dormitories for boys and girls.

(iii) The standard of accommodation as specified in rule 9 shall apply.

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

(b) The clothing and bedding shall be according to season and age appropriate as per scale mentioned in rule 7 of these rules.

(c) Nutrition.-(i) The children shall be provided 4 meals including breakfast in a day.

(ii) The menu shall be prepared with the help of a nutritional expert or doctor to ensure balanced diet and variety in taste.

(iii) Children may be provided special meals on holidays.

(iv) The diet of infants and sick children shall be according to the requirement.

(v) The normal dietary scale for children upto 18 years shall be according to scale mentioned in rule 6 of these rules.

(d) Medical.-(i) The children's home shall have arrangement for the medical facility preferably with doctor and nurse.

(ii) All children brought into the home shall be medically examined initially within 24 hours of arrival.

(iii) The routine medical checkup of the children must be done on monthly basis.

(iv) The sick children shall constantly be under medical supervision.

(v) In the event of break out of contagious or infectious diseases segregation must be ensured.

(vi) The medical service shall include immunization facility as specified under the National Immunization Schedule.

(vii) The home shall have networking with local doctors and hospitals for referral cases.

(viii) The medical record of each child shall be meticulously maintained in the file of the child which shall also include weight and height record, any sickness and treatment, and other physical or mental problem, if any.

(e) Education.- The children's home shall provide education to all children according to the age and ability, either both inside the home or outside, as per the requirement.

(f) Vocational Training.- (i) Every children's home shall facilitate for useful vocational training under the guidance of trained instructors.

(ii) The home shall develop networking with Institute of Technical Instruction (ITI), Jan Shikshan Sansthan, Government and Private Organization or Enterprises, Agencies or Non-Governmental Organisations (NGOs) with expertise, or placement agencies.

(g) Counselling.- (i) Each home shall have the services of a trained counsellor.

(ii) The services of Child Guidance Centres, Psychology and Psychiatric Departments or similar Agency may also be availed.

(h) Recreation facilities.- It must include indoor and outdoor games, music, television, picnics and outings, cultural programmes etc.

(i) Care Plan.- (i) The incharge, counsellor along with the child welfare officer, case worker, or social worker shall prepare a care plan for every child in the home.

(ii) The care plan shall be reviewed from time to time for appropriate development and rehabilitation including options for restoration to family or foster care or adoption and review shall not be delayed beyond a year.

(iii) The focus shall be on providing family and community based re-integration programmes.

(iv) Children shall be consulted while determining their care plan.

(j) Intake Procedure.- (i) Every new child who is brought to home, shall immediately be taken charge of by the counsellor or child welfare officer or designated officer, as the case may be.

(ii) The child shall be received with due care as provided under these rules, with dignity and love.

(iii) A brief orientation shall be given to the child on induction, to remove any inhibition from the mind of the child.

(iv) The child shall be immediately given bath, clothing, food etc. and medically examined.

(v) The designated officer shall enter the name of the child in the Admission Register and allocate appropriate accommodation facility.

(vi) The photograph shall also be taken immediately for records and the caseworker shall begin the investigation and correspondence with the person, the child might have named.

(vii) The Officer-in-charge shall see that the personal belongings of every child received by the home is kept in safe custody and recorded in the

Personal Belonging Register and the item must be returned to the child when he leaves the home.

(viii) The girl child shall be searched by a female member of the staff, and with due regard to decency.

(ix) The articles mentioned under rule 14 of these rules shall also be prohibited in case of children's homes.

(k) In the event of a child leaving the home without permission, the information shall be sent to the police and the family, if known; and the detailed report along with the efforts to trace the child shall be sent to the Committee for information in the subsequent sitting of the Committee.

(l) Death of a child.- (i) In the event of death of a child, the circumstances of the death shall be recorded in the case file of the child, by the case worker giving the cause of death and the death certificate shall be obtained from the attending doctor or hospital, as the case may be.

(ii) The information shall be sent to the Committee and District Level Inspection Team, Registrar of Births and Deaths, and the relative, if known.

(iii) The last rites shall be performed according to the known religion of the child.

(m) In the event of custodial rape or sexual abuse, the action to be taken shall be as follows:

(i) In case any resident makes any complaint, or occurrence of such nature comes to the knowledge of the Officer-in-charge, a report shall be placed before the Committee, who in turn, shall order for special investigation.

(ii) The Committee shall direct the local police station to register case against the person found guilty under the relevant provisions of the Indian Penal Code, 1860(45 of 1860).

(iii) The Special Juvenile Police Unit shall also take due cognizance of such occurrences and conduct necessary investigations.

(n) In the event of any other crime committed in respect of residents, the Committee shall take cognizance and arrange for necessary investigation to be carried out by the Special Juvenile Police Unit.

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

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

(2) The team shall also make suggestions for the improvement and development of the institution.

(3) The team shall consist of a minimum of five members from the representatives of the State Government, local authority, the Committee, medical and other experts, voluntary organizations and reputed social workers.

(4) The inspection visit shall be carried out by not less than three members.

(5) The team may visit the homes either by prior intimation or by surprise.

(6) The team shall interact with the children during the visits to the institution, to determine their well being and uninhibited feed back .

(7) The follow up action on the findings and suggestion of the children shall be taken by all concerned authorities.

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

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

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

(3) Such children in crisis situations may live in short-stay homes which may have the requisite facilities for education, vocational training and recreation as well.

(4) The Committee, Special Juvenile Police Units, public servants, Childlines, voluntary organizations, social workers and the children themselves may refer a child to such shelter homes.

(5) The requirements of investigation and disposal shall not apply in cases of children residing in the shelter home, except giving information to the Committee and the police about the missing or homeless children, besides initiating legal action in the interest of the child in terms of the Act or other child related laws.

(6) The services of Officer-in-charge, child welfare officer, social worker shall be provided for the proper care, protection, development, rehabilitation and reintegration needs of such children.

(7) No child shall ordinarily stay in the Government funded shelter home or drop-in-centre for more than a year.

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

(2) No child shall be transferred or proposed to be transferred only on the ground that the child has created problems or has become difficult to be managed in the existing institution.

(3) The transfer for restoration or enquiry for all proceedings in respect of a child from one state institution to other may also be ordered by the local authority, after obtaining concurrence from the Committee.

(4) No child shall be transferred out of the district or city for the purposes of adoption without the concurrence of the Committee.

(5) On receipt of transfer order from the local authority, the Officer-in-charge shall arrange to escort the child at the Government expenses to the place or person as specified in the order.

(6) On such transfer, the child case file and records shall be sent along with the child.

CHAPTER IV

REHABILITATION AND SOCIAL REINTEGRATION

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

(2) The guidelines on adoption, issued by a State Government under sub-section (3) of section 41 of the Act, the Supreme Court and the Central Adoption Resource Agency (CARA) from time to time, shall apply.

(3) The State Government shall recognize children's homes or State run Government homes for orphans, as adoption agencies both for scrutiny and placement of such children for in-country adoption.

(4) In the case of inter-country adoption, the procedure laid down by the CARA shall apply.

(5) The scrutiny shall be done independently by an agency recognized for this purpose.

(6) The scrutinizing agency shall examine all available informations and verify the background of the child before making a recommendation to the Board for adoption of the child.

(7) Any child who is eligible for adoption and residing in an unrecognized home, shall, for the purpose of adoption, be transferred to a recognized home.

(8) An abandoned child can be given in adoption only when the Committee declares such a child to be legally free for adoption and an order to that effect is signed by at least two members of the Committee.

(9) Before declaring the child as abandoned and certifying him as legally free for adoption, the Committee shall institute a process of enquiry, which shall include -

(a) A thorough enquiry by the probation officer or caseworkers or police, as the case may be, shall be conducted and a report containing findings submitted within a maximum period of one month;

(b) Declaration by the placement agency, stating that there has been no claimant for the child even after making notification in at least one leading newspaper including a regional language newspaper, Television and Radio announcement and after waiting for a period of one month, the time which shall run concurrently to the inquiry to be conducted and report submitted under clause (a) of this sub-rule;

(c) The Committee shall make a release order declaring the child legally free for adoption within the period of six weeks from the date of application in the case of children below the age of two years, and three months in the case of children above that age;

(d) No child above seven years who can understand and express his opinion shall be placed in adoption without his consent.

(10) Role of licensed or recognised Government and non-Government agencies for adoption.-(a) In the case of an abandoned child the recognized agency shall within forty eight hours report to the Committee along with the copy of the report filed with the police station in whose jurisdiction the child was found abandoned.

(b) The adoption agency may initiate the process of clearance at the earliest, in the case of abandoned children, for the purpose of adoption within a period of two months and for placing application before the Committee for declaring the child legally free for adoption.

(c) In case of a child surrendered by his biological parent or parents by executing a document of surrender, the adoption agency shall make an application directly to the Board for giving the child in adoption.

(d) The adoption agencies shall wait for completion of two months reconsideration time given to the biological parent or parents.

(e) Serious efforts shall be made for counseling the parents, so as to persuade them to retain the child and if, the parents are still unwilling to retain, then, such children shall be kept initially in foster care or arranged for their sponsorship.

(f) In the case of a surrendered or abandoned child who is legally free for adoption, the licensed agency shall have discretion to place the child in pre-adoption foster care under intimation to the Board, within one week of its placement pending the final order.

(11) Role of Juvenile Justice Board.—(a) After receiving an application from a recognized agency for adoption, the Board shall call for an independent enquiry by a recognized scrutiny agency, which shall submit its report within a period of two weeks.

(b) The Board shall undertake a process of enquiry which shall include interviewing the prospective parents, verifying the documents and scrutiny reports.

(c) If the Board is satisfied that the placement is in the best interest of the child, it shall pass a final order giving permanent custody of the child to the adoptive parent or parents.

(d) The order of adoption shall be signed by the principal Magistrate besides at least one of the two members of the Board.

(e) The Board shall determine and fix the date of birth, in the best interest of the child and shall pass order to the appropriate authority to issue a regular birth certificate for the child giving the name(s) of the adoptive parent (s) as if in the case of natural born children.

(f) As far as practicable, the time taken for passing an adoption order, shall not exceed two months from the date of filing of application.

(g) The order shall also include provision for a periodic follow up report either by the probation officer or case worker or adoption agency to ensure the well being of the child and the period of such follow up shall be three

years, six monthly in the first year and annually for the subsequent two years.

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

(2) The temporary foster care shall be carried out, as given in sub-section (2) of section 42 of the Act, by the competent authority under the supervision of a probation officer or case worker or social worker, as the case may be, in Form II and the total period of temporary foster care shall not exceed five years.

(3) The following criteria shall be applied for selection of families for temporary foster care :

- (a) foster parent (s) should have stable emotional adjustment within the family;
- (b) foster parent (s) have an income to meet their needs and not dependent on the foster care maintenance payment.
- (c) The monthly family income shall not be less than rupees five thousand per month ;
- (d) medical reports of all the members of the family residing in the premises should be obtained including checks on Human Immuno Deficiency Virus(HIV), Tuberculosis(TB) and Hepatitis B to determine that they are medically fit;
- (e) an update should be done at regular intervals of not less than once in a calendar year ;
- (f) the foster mother should have experience in child caring and the capacity to provide good child care;
- (g) the foster mother should be physically, mentally and emotionally stable;
- (h) the home should have adequate space and physical facilities;
- (i) the foster care family should be willing to follow rules laid down including regular visits to pediatrician, maintenance of child health, record etc. ;
- (j) the family should be willing to sign an agreement and to return the child to the agency whenever called to do so;
- (k) the foster mother should be willing to attend training or orientation programmes;
- (l) the foster parent (s) should be willing to take the child for regular (at least once a month in the case of infants) checkups to a pediatrician approved by the agency.

(4) There shall be regular monitoring and supervision carried out by the Probation Officer or the Child Welfare Officer, as the case may be.

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

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

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

(2) These after care organizations are essential for all children or youth between the age of 18 to 20 years; and as such, this age group is most vulnerable and need care, guidance and protection.

(3) The objective of these homes shall be to enable such children to adapt to the society and during their stay in these transitional homes these children will be encouraged to move away from an institution-based life to a normal one.

(4) The target groups will include juveniles or children who have either left special homes or children's homes.

(5) The key components of the model include setting up of temporary homes for a group of youths, who can be encouraged to learn a trade and contribute towards the rent as well as the running of the home.

(6) There shall also be provision for a peer counsellor, who will be in regular contact with these youths to discuss their rehabilitation plans and provide creative outlets for their energy and to tide over crisis periods in their life.

(7) The programmes under the scheme shall include:

- i) Facilitating employment generation for these youths will be a key programme.
- ii) After a youth has saved a sufficient amount, he can be encouraged to stay in a place of his own and move out of the group home.
- iii) The youth may continue staying in the home and return the deposit to the Non- Governmental organizations (NGOs).
- iv) The youth learning a vocational trade can be given a stipend, which may be stopped once the youth gets a job.
- v) Loans to these youth to set up entrepreneurial activities may also be arranged.
- vi) A peer counsellor shall also be made available for youth at these homes, as at this stage of life, they can be lured into crime or drug dependence and such other habits or deviant behaviour.

(8) The strategy for children who have been juveniles or have left special homes shall be to help them to return to normal life and adjust and adapt to their environment.

(9) There shall be provision for vocational training of these children to enable them to sustain themselves through their own efforts.

(10) **Structure.**— One peer counsellor can be made in-charge of a cluster of five homes and each home may house 6 to 8 youths who may opt to stay together on their own.

CHAPTER V

MISCELLANEOUS

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

(2) Any association or body of individuals, whether incorporated or not, established for or having for its object the reception or protection of juveniles or children, or the prevention of cruelty to juvenile; and which undertakes to bring or to give facilities for bringing up any juvenile entrusted to its care in conformity with the religion of his birth, may be included within the meaning of fit institution.

(3) A list of names and the addresses of fit persons and fit institutions approved by the competent authority shall be kept in the office of the Board and the Committee and shall be used when necessary.

(4) After committal of a juvenile or a child by the competent authority to an institution recognized as a fit institution with collateral branches, the manager of such institution may send the juvenile to any of the branches of such institution after giving an intimation to the competent authority under whose orders the juvenile or the child was committed.

(5) Before declaring any person or institution as a fit person or a fit institution, the competent authority shall hold due enquiry and only on being satisfied, recognition shall be given.

38. Certification or recognition and transfer of Management of Institutions.—(1) If the management of any organization desires that its organization may be certified or recognized under the Act, the same 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 social or public service provided by the organization, to the State Government, who shall after verifying the provisions made in the organization for the boarding and lodging, general health, educational

facilities, vocational training and treatment services may grant certification or recognition under sections 8, 9, 34, 37 and 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 thereunder, from time to time and to ensure an all round growth and development of juvenile or child placed under its charge.

(2) The State Government may, transfer the management of any State run institution under the Act to a voluntary organization of repute, who has the capacity to run such an institution; and certify the said voluntary organization as a fit institution to own the requisite responsibilities under a Memorandum of Understanding for a specified period of time.

(3) The institution and the infrastructure already available with the State Government in relation to the Juvenile Justice Act, 1986 shall be suitably used for implementing the Act.

(4) The State Government may, if dissatisfied with the conditions, rules, management of the organization certified or recognized under the Act, at any time, by notice served on the manager of the organization, declare that the certificate or recognition of the organization, as the case may be, shall stand withdrawn as from a date specified in the notice and from the said date, the organization shall cease to be an organization certified or recognised under sections 8, 9, 34, 37 or 44 of the Act, as the case may be:

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

(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 a specially constituted advisory board under section 62 of the Act.

(6) On the report of the advisory board, the Officer-in-charge of the home shall be asked to show cause so as to give an explanation within thirty days.

(7) When an organization ceases to be an organization, certified or recognised under sections 8, 9, 34, 37 or 44 of the Act, the juvenile or the child kept therein shall, under the orders of the designated officer empowered in this behalf by the State Government, be either –

- (a) discharged absolutely or on such conditions as the officer may impose; or
- (b) transferred to some other institution established, certified or recognized under sections 8, 9, 34, 37 or 44 of the Act, 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.

39. Grant in aid to certified or recognized organization.- (1) An organization certified or recognized under sections 8, 9, 34, 37 or 44 of the Act, may during the period when certification or recognition is in force, may apply for grants-in-aid by the State Government, for the maintenance of juvenile or child received by them under the provisions of the Act ; and for expenses incurred on their education, treatment, vocational training, development and rehabilitation.

(2) The grants-in-aid may be admissible, at such rates, which shall be sufficient to meet the prescribed norms, in such manner and subject to such conditions as may be mutually agreed to by both the parties.

(3) In case of transfer of management of government run homes under sections 8, 9, 34, and 37 of the Act to a voluntary organization, the same budget which the Government was spending on that home, shall be given to the voluntary organization as grant-in-aid under the Memorandum of Understanding signed between both the parties describing their role and obligations.

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

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

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

42. Police Officers to be in plain clothes.- While dealing with 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.

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

44. 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 Officer- in-charge shall forward a copy of every such entry to the designated authority, and the local authority, 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.

45. Maintenance of Registers.- The Officer- in-charge shall maintain in his office, such registers and forms, as required by the Act and as specified by the rules made thereunder.

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

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

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

(5) A copy of the order passed by the competent authority under section 50 shall be sent to-

- (a) the probation officer who was directed to submit a report under sub-rule (1);
- (b) the probation officer, if any, having jurisdiction over the place where the juvenile 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; and
- (d) the relative or the person who is to receive the juvenile or the child.

(6) Any breach of a bond or undertaking or of both given under sub-rule (4), shall render the juvenile or the child liable to be brought before the competent authority, who may make an order directing the juvenile or the child to be sent to a home.

(7) During the pendency of the order under sub-rule (4), the juvenile or the child shall be sent by the competent authority to an observation home or children home.

(8) Where in the case of a juvenile or a child, 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.

(9) The competent authority inviting the said relative or fit person under sub-rule (8) may also direct, if necessary, the payment to be made by the Officer-in-charge 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.

(10) 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 of the observation home and in the case of a girl, at least one escort shall be a female.

47. Mode of Dealing with Juvenile or Child suffering from dangerous diseases or mental complaint.-

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

(2) Where it appears to the authority ordering the removal of the juvenile or the child under sub-rule (1), that the juvenile or the child is cured of the disease or physical or mental complaint, he may, if the juvenile or the child is still liable to stay, order the person having in charge, to send the juvenile or the child to the home or fit person from which or from whom he was removed, or if the juvenile or the child 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 juvenile or a child suffering from an infectious or contagious disease, the authority empowered under the sub-rule (1), before restoring the said juvenile or child to his partner in marriage or to the guardian, as the case may be, shall where it is satisfied that such action shall be in the interest of the said juvenile or child, call upon the partner in marriage or the guardian, as the case may be, to satisfy it that such partner or guardian will not re-infect the juvenile or child.

(4) If there is no organization either within the jurisdiction of the competent authority, or nearby State for sending the juvenile or child suffering from dangerous diseases, as required under section 58 of the Act, necessary organization shall be set up by the State government at such places, as it may deem fit.

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

(2) The institutional organizational set up shall be fixed in accordance with the size of the home, the capacity, workload, distribution of functions and requirements of programmes.

(3) The whole-time staff in a home may consist of Superintendent/Project Manager, 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), Child Welfare Officers, Counselor, Educator, Vocational Training Instructor, Medical Staff, Administrative staff, Care Takers, house father and house mother, 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 by time to time.

(5) The staff of the home shall be subject to control and overall supervision of the Superintendent or Project Manager, who by order, shall determine their specific responsibilities and shall keep the concerned authority informed of such orders made by him from time to time.

(6) The duties and responsibilities of the staff under the Superintendent or the Project Manager shall be fixed in keeping with the statutory requirements of the Act.

(7) The Superintendent or the Project Manager and such other staff who may be required, shall live in the quarters provided for them within the premises of the home.

(8) The number of posts in each category of staff shall be fixed on the basis of capacity of the institution; and the staff shall be appointed in accordance with the educational qualifications, training and experience required for each category.

(9) The suggested staffing pattern for an institution with a capacity of 100 juveniles or children could be as mentioned below:-

| Sl. No. | Designation | Number of Posts |
|---------|----------------------------------|----------------------------|
| 1 | Superintendent or Project Manger | 1 |
| 2 | Counsellor | 2 |
| 3 | Case Worker or Probation Officer | 3 |
| 4 | House Mother or House Father | 4 |
| 5 | Educator | 2 (voluntary or part-time) |
| 6 | Vocational Instructor | 1 |
| 7 | Doctor | 1 (part-time) |
| 8 | Paramedical staff | 1 |
| 9 | Store -keeper cum Accountant | 1 |
| 10 | Driver | 1 |
| 11 | Cook | 2 |
| 12 | Helper | 2 |
| 13 | Sweeper | 2 |
| 14 | Art & Craft cum Music Teacher | 1 (part-time) |
| 15 | Gardner | 1 (part-time) |
| | Total | 25 |

(10) The number of posts in the category of counsellor, case worker or probation officer, house father or house mother, educator, and vocational instructor shall proportionally increase with the increase in the capacity of the institution.

49. Special Juvenile Police Unit and Juvenile or the Child Welfare Officer.-

(1) The State Government shall appoint Special Juvenile Police Unit at the district and a juvenile or a child welfare officer shall be designated in term of section 63 of the Act, at the level of police station.

(2) The Special Juvenile Police Unit at the district level shall function under a juvenile police officer (of the rank of Inspector of Police) and two paid social workers of whom one shall be a woman and another preferably child expert or having relevant experience.

(3) The Special Juvenile Police Unit at other places shall be aided by two or more honorary social workers.