



Towards a new dawn

DRAFT MODEL RULES, 2016 UNDER THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

**GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT**



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MINISTRY OF WOMEN AND CHILD DEVELOPMENT

NOTIFICATION

New Delhi, _____

In exercise of the powers conferred by sub-sections of Section 110 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the Central Government hereby makes the following rules, namely:-

CHAPTER - I PRELIMINARY

1.Short title and commencement.—(1) These rules may be called the Juvenile Justice(Care and Protection of Children) Rules, 2016.

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

2.Definition.—(1) In these rules, unless the context otherwise requires-

- (i) 'Act' means the Juvenile Justice (Care and Protection of Children) Act, 2015;
- (ii) "case worker" is a representative from a registered voluntary or non-governmental organization who may accompany the child to the Board or the Committee and who may perform such tasks as may be assigned to him by the Board or the Committee or the Person-in-charge of the Child Care Institution;
- (iii) 'Child Adoption Resource Information and Guidance System' means an online system for facilitating and monitoring the adoption programme;
- (iv) 'Child Study Report' means the report which contains details about the child, such as his date of birth and social background;
- (v) 'community service" means service rendered to the society by children in conflict with law in lieu of or in addition to other judicial remedies and penalties, which is not dangerous, degrading and dehumanizing and with due protection of the identity of the child, Guidelines for community service may be notified by the State Government from time to time, Community service may include:

- a) cleaning a park;

- b) serving the elderly;
- c) helping out at a local hospital or nursing home; and
- d) serving disabled children.
- e) serving as traffic wardens or volunteers

(vi) 'Form' means the form annexed to these rules;

(vii) 'Home Study Report' means a report containing details of the prospective adoptive parents or foster parents, and shall include social and economic status, family background, description of home and atmosphere therein, and health status;

(viii) 'Individual care plan' is a comprehensive development plan for a child based on age specific and gender specific needs and the case history of the child, prepared in consultation with the child, in order to restore the child's self-esteem, dignity and self-worth and nurture him into a responsible citizen and accordingly the plan shall address the following, including but not limited to, needs of a child:

- a) Health needs, including any special needs;
- b) Emotional and psychological needs;
- c) Educational and training needs;
- d) Leisure, creativity and play;
- e) Protection from all kinds of abuse, neglect and maltreatment;
- f) restoration and follow up
- g) Social mainstreaming

(ix) 'Integrated Child Protection Scheme' means the scheme on child protection of the Central Government,

(x) 'in country adoption means adoption of a child by a citizen of India residing in India;

(xi) 'Medical Examination Report' means the report in respect of a child given by a duly licensed physician;

(xii) 'Person-in-charge' means a person appointed for the control and management of the Child Care Institution;

(xiii) 'Rehabilitation cum Placement Officer' means an officer designated in every Child Care Institution for the purpose of rehabilitation of children;

(xiv) 'Selection Committee' means a Committee appointed by the State government under Rule 119 of these rules;

(xv) 'social background report' means a report in relation to a child in conflict with law that sets out the information pertaining to the background of the child prepared

by the Child Welfare Police Officer;

(xvi) “social investigation report” means a detailed report prepared in relation to a child and includes all information pertaining to the circumstances of the child, the situation of the child on economic, social and psycho-social and other relevant factors, and the recommendation thereon;

(xvii) “Social worker” means a person with post graduate degree in Social Work, Sociology, Psychology, Child Development or a graduate with minimum ten years of experience in child education and development or protection issues, who is engaged by a Child Care Institution or authorised by District Child Protection Unit or State Child Protection Society or State Adoption Resource Agency or Central Adoption Resource Authority for preparing social investigation report or individual care plan of the child, child study report, home study report of prospective adoptive parent or foster parents and care givers, rendering post-adoption services, and performing any other work assigned to such person;

(xviii) 'State Child Protection Society' means a Society constituted under Section 106 of the Act.

CHAPTER - II CHILD IN CONFLICT WITH LAW

3. Composition of the Juvenile Justice Board: (Section 4 (2) of the Act)

(1) A Magistrate with requisite experience of at least three years shall be designated as the Principal Magistrate of the Board and before taking charge as the Principal Magistrate of the Board, he shall undergo training as provided under Rule 121 of these rules.

(2) The two social workers, of whom at least one shall be a woman, shall be appointed by the State Government on the recommendation of the Selection Committee set up under rule 119 of these rules.

(3) The members shall have a minimum of 7 years of experience of working with children in the field of education, health, or welfare activities, or should be a practicing professional with a degree in child psychology or psychiatry or social work or sociology or human development or in the field of law. As far as possible, the two members so selected for a Board should belong to different fields.

(4) The person selected for the post of member should not:
(i) have been previously convicted in any matter;

(ii) have been involved in any immoral act or in an act of violence or exploitation of children;

(iii) be holding such full-time occupation that may not allow her/him to give necessary time and attention to the work of the Board as per the Act and rules;

(iv) be associated with any Child Care Institution, directly or indirectly, during his tenure as a member of the Board or have any other conflict of interest.

(v) be affiliated to any political party, or

(vi) be insolvent.

(5) All persons, on selection shall mandatorily complete the training as provided in rule 121 of these rules before being appointed as a member of the Board, failing which the appointment will be cancelled.

4. Term of Members of the Board. (Section 4 (6) of the Act)

(1) The members of the Board shall be appointed for a period of three years from the date of their appointment.

(2) A social worker member of the Board shall be eligible for appointment for a maximum of two terms.

(3) Any extension of the tenure of members of the Board shall be on the basis of their performance appraisal by the District Judge as to their participation in the proceedings of the Board and progressive measures adopted for child welfare, rehabilitation and re-integration, and on the recommendation of a Selection Committee constituted for the purpose under rule 119 of these rules.

(4) The Members may resign at any time by giving one month's notice in writing to the State Government.

(5) Any vacancy in the Board shall be filled by appointment of another person from the panel of names prepared by the Selection Committee as per rule 119 of these rules.

5. Sitting and conveyance allowances: (Section 7 (1) of the Act)

(1) The social worker members of the Board shall be paid such sitting allowance, travel allowance and any other allowance, as the appropriate Government may prescribe, which shall not be less than Rs.1,000/-per sitting.

(2) The social worker members of the Board shall be entitled to one paid leave every month, where the Board holds its sittings for a minimum of 20 days in a month.

(3) The Principal Magistrate of the Board shall ensure that at least one member is present, while sanctioning the leave application of a member of the Board

(4) If a member is absent continuously for 2 weeks without prior sanction, his appointment will be liable to be cancelled.

6. Sittings of the Board: (Section 7 of the Act)

(1) The Board shall hold its sittings in the premises of an Observation Home or, at a place in proximity to the observation home or, at a suitable premise in any Child Care Institution run under the Act, and in no circumstances shall the Board operate from within any court or jail premises.

(2) The Board shall ensure that no person/s un-connected with the case remains present in the room when the case is in progress.

(3) The Board shall sit on all working days for a minimum of 6 hours commensurate with the working hours of a magistrate court, unless the case pendency is less in a particular district and the authority concerned issues an order in this regard.

Provided that the State Government may, by notification in the Official Gazette constitute more than one Board in a district after giving due consideration to the pendency of the cases, area or terrain of the district, population density or any other consideration.

(4) A minimum of three-fourth attendance of the members of the Board is necessary in a year.

(5) The members of the Board are expected to bring in their expertise while interacting with the child, considering the social investigation report, during preliminary assessment and evaluating the individual care plan and rehabilitation plan before making it a part of the dispositional order.

(6) The decision of the Board regarding age, preliminary assessment and final disposition shall be taken by a majority including the Principal Magistrate.

(7) The Board shall ensure that only those person/s, in the presence of whom the child feels comfortable, shall be allowed to remain present during the sitting.

(8) When the Board is not in session, a child in conflict with law may be produced

before an individual member of the Board. For the said purpose one member of the Board shall always be available/ accessible to take cognizance of any matter of emergency and necessary directions required to deal with the emergency situation shall be given by such member to the Special Juvenile Police Unit or the local police of the district. The Principal Magistrate shall draw up a monthly duty roster of the members who shall be so available and accessible every day, including on Sundays and holidays. The roster shall be circulated in advance to all the Police Stations, the Chief Judicial Magistrate/ Chief Metropolitan Magistrate, the District Judge, the District Magistrate, the Committees, the District Child Protection Unit and the Special Juvenile Protection Unit. Each member shall be paid an appropriate allowance in keeping with the working hours on Sundays and holidays as mentioned in the roster.

(9) While communicating with the child, the Board shall use child friendly techniques through its conduct and shall adopt a child friendly attitude with regard to body language, facial expression, eye contact, intonation and volume of voice while addressing the child.

7. Physical infrastructure for the Board

(1) The Board shall hold its sittings in a child-friendly premises which shall not look like a court room in any manner whatsoever.

(2) The Board shall not sit on a raised platform.

(3) The sitting arrangement should enable the Board to interact with the child face to face.

(4) There shall be no barriers, such as witness boxes or bars between the Board and the children.

(5) The room where the hearing will be conducted by the Board shall be a spacious room with enough space for the child and the accompanying adult, case worker, public prosecutor, legal aid lawyer, etc. to sit and present the case.

(6) There shall be a child friendly waiting room/area or for children to relax and for the child's parents and guardians or accompanying adult to sit.

(7) Every Board will provide emergency or medical assistance apart from first aid, wheel chair and stretcher.

(8) The Board shall be provided necessary infrastructure as stated in the Integrated Child Protection Scheme.

8. Powers of the Board. (Section 8 of the Act)

(1) In addition to the powers conferred on the Board under sub-section (2) of section 4 and sub-section (1) of section 8 of the Act, any direction of the Board under sections 92 and 93 of the Act may be addressed to any hospital, whether a government hospital or private hospital or clinic or specialty or super specialty hospital or psychiatric home or treatment center or a center for the physically or mentally challenged or de-addiction center or integrated rehabilitation center as the case may be.

(2) Any such direction issued by the Board shall be complied with by such hospital, clinic, homes, center or facility immediately and failure to do so will tantamount to cruelty towards the child and subject to penalty under section 75 of the Act.

9. Functions of the Board. (Section 8 (3) (c) (d) (n) of the Act)

(1) In addition to the functions of the Board under sub-section (3) of section 8 of the Act, the Board shall perform the following functions to achieve the objectives of the Act, namely:

(2) Whenever necessary, the Board shall provide a translator or interpreter, who is well-versed with the language concerned and the language of the Board, and who will be paid not less than Rs.1500 per day or not exceeding Rs.100 per page. For the said purpose, the District Child Protection Unit shall maintain a panel of translators and interpreters which it shall forward to the Board;

(3) Issue relevant certificates to the child to enable the child to access all government welfare programmes and schemes including the issuance of 'orphan certificates' or Rehabilitation Card or similar such certificates;

(4) Where required, pass appropriate orders for the re-admission/ continuation of the child in the school where the child has been disallowed from continuing his education in a school on account of the pendency of the inquiry or the child having stayed in a Child Care Institution for any length of time;

(5) Liaison with the Committees in respect of cases of children in conflict with law needing care and protection;

(6) Liaison with Boards in other districts to facilitate speedy inquiry and disposal of cases through due process of law, including sending a child for the purpose of an inquiry or rehabilitation to a Board in another district or State;

- (7) Monitor agencies within its jurisdiction that deal with children in conflict with law in order to check on the exploitation and abuse of children and recommend suitable action to the State Government against the agencies;
- (8) Monitor Child Care Institutions for children in conflict with law, issue directions in cases of any noticeable lapses, suggest improvements, seek compliance and recommend suitable action, including against any employee found in dereliction of duty to the State Government;
- (9) Follow up and coordinate with District Child Protection Unit;
- (10) Liaison and network with the corporate sector and non-governmental organizations for rehabilitation;
- (11) Maintain a suggestion box/grievance redressal box in the premises of the Board at a prominent place to encourage inputs from children and adults alike which shall be operated by the nominee of the Principal Magistrate;
- (12) Ensure smooth functioning of Children's Committees in the Child Care Institutions within its jurisdiction, for realizing children's participation in the affairs and management of the said Child Care Institutions;
- (13) To review the Children's Suggestion Book at least once in three months;
- (14) Constitute and maintain a panel of fit persons and fit facilities which may be drawn upon as and when required;
- (15) 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 child;
- (16) Ensure that the Legal cum Probation Officer in the District Child Protection Unit and the State/ District Legal Aid Services Authority extends free legal services to a child. The Legal cum Probation Officer in the District Child Protection Unit and the State Legal Aid Services Authority shall be under an obligation to provide legal services to the child;
- (17) Deploy the services of student volunteers and non-governmental organisations volunteers for para-legal and other tasks such as contacting the parents of child in conflict with law and gathering relevant social and rehabilitative information about the child;
- (18) Maintain a database of medical and counselling centers, de-addiction centers, hospitals, open schools, education facilities, apprenticeship and vocational training

programmes and centers, recreational facilities such as performing arts, fine arts and facilities for children with special needs and other such facilities;

(19) Take notice of violation of section 24 of the Act and pass appropriate directions to the person or authority causing or responsible for such violation and to ensure that the disqualification stands removed;

(20) Conduct inspection of jails meant for adults once every thirty days to check if any child is lodged in such jails and take immediate measures for transfer of such a child to the observation home; and

(21) Any other function assigned by the State Government from time to time relating to children in conflict with law.

CHAPTER III

PROCEDURE IN RELATION TO CHILDREN IN CONFLICT WITH LAW

10. Pre-Production action of police and other agencies (Section 7 (1), 8 (3), 10 (2), 12 (2) of the Act)

(1) The power of apprehension shall only be exercised with regard to heinous offences, unless it is in the best interest of the child. For all other cases involving petty and serious offences (entailing a punishment of upto 7 years imprisonment for adults) and cases where apprehension is not necessary in the interest of the child, the police or Special Juvenile Police Unit or Child Welfare Police Officer shall forward the information regarding the nature of offence alleged to be committed by the child along with his socio-economic background to the Board and intimate the parents or guardian of the child as to when the child is to be produced for hearing before the Board.

(2) When a child alleged to be in conflict with law is apprehended by the police, the police officer concerned shall take immediate steps under section 10 of the Act to place the child under the charge of the Special Juvenile Police Unit or the Child Welfare Police Officer.

(3) The Special Juvenile Police Unit or the Child Welfare Police Officer shall immediately inform:

(i) the parents or guardian of the child about the apprehension of the child, about the address of the Board where the child will be produced and the date and time when the parents or guardian need to be present before the Board;

(ii) the probation officer concerned, of such apprehension to enable him to obtain information regarding social background of the child and other material circumstances likely to be of assistance to the Board for conducting the inquiry; and

(iii) a child welfare officer or a case worker from a registered voluntary or non-governmental organization, as soon as the child is under its charge, who shall accompany the Special Juvenile Police Unit or Child Welfare Police Officer while producing the child before the Board within twenty four hours as per sub-section (1) of section 10 of the Act.

(4) The police officer apprehending a child in conflict with law shall:

(i) in no case send the child to lock-up or jail or keep him with adult accused;

(ii) not delay his charge being transferred to the Child Welfare Police Officer from the nearest police station. The police officer may under section 12 (2) of the Act send the person apprehended to an observation home only for such period till he is produced before the Board i.e. within 24 hours of his apprehension and appropriate orders are obtained as per rule 13 of these rules;

(iii) not hand-cuff, chain or otherwise fetter a child;

(iv) inform the child promptly and directly of the allegations against him through his parent/guardian and if FIR is registered, copy of the same should be made available to the child or copy of the police report should be given to the parents/guardian free of cost;

(v) provide appropriate medical assistance, assistance of interpreter if the child cannot understand the language or any other assistance which the child may require;

(vi) give food to the child if he has not had his meals;

(vii) not compel the child to confess his guilt and he should be interviewed only at the Special Juvenile Police Unit or at a child-friendly premises or child friendly corner in the police station, which does not give the feel of a police station nor of being under custodial interrogation. The parents, may be present during the interview of the child by the police;

(viii) not ask the child to sign any statement;

(ix) take immediate action against the perpetrators, if the version of the child reveals that he has been subjected to any neglect/ abuse/ ill treatment by anyone, the situation of conflict has been forced upon the child or the child has been recruited

or used for any purpose by a militant group or an outfit declared as such by the Central Government or has been used for illegal activities by any adult or adult group;

(x) As soon as the child is apprehended, police will inform the District Legal Services Authority for providing free legal aid to the child;

(xi) not subject the child to any cruel or degrading treatment;

(xii) not use any coercion on the child; and

(xiii) inform the parents/guardian about the availability of legal aid.

(5) The Child Welfare Police Officer shall be in plain clothes and not in uniform.

(6) The police officer, if found guilty of torturing or cruelty to a child, will be liable to disciplinary action under major penalty procedure besides being prosecuted under section 75 of the Act.

(7) The Child Welfare Police Officer shall record the social background of the child and circumstances of apprehension in every case of alleged involvement of the child in an offence in **Form 1** which shall be forwarded to the Board forthwith. For gathering the best available information, it shall be incumbent upon the Special Juvenile Police Unit or the Child Welfare Police Officer to contact the parents or guardians of the child.

(8) A list of all designated Child Welfare Police Officers, child welfare officers, probation Officers, para legal volunteers, District Legal Services Authorities and registered voluntary and non-governmental organizations in a district, Principal Magistrate and members of Boards and members of Special Juvenile Police Unit or Child Welfare Police Officers with contact details shall be prominently displayed in every police station.

(9) No FIR shall be registered except where the offence alleged to have been committed by the child entails an imprisonment of 7 years and more for adults, or when such offence is alleged to have been committed jointly with adults. In all other matters, the Special Juvenile Police Unit or the Child Welfare Police Officer shall record the information regarding the offence alleged to have been committed by the child in the general daily diary followed by a report containing social background of the child in **Form 1** and circumstances of apprehension and the alleged offence and forward it to the Board before the first hearing.

(10) When the child is released in a case where the apprehension is not warranted, the parents/ guardians or a fit person in whose custody the child alleged to be in

conflict with law is released in the interest of the child, shall furnish an undertaking on a non-judicial paper in **Form 2** to ensure their presence on the dates during enquiry/proceedings before the Board.

(11) The State Government shall maintain a panel of voluntary or non-governmental organizations that are in a position to provide the services of probation, counselling, case work and also associate with the Police or Special Juvenile Police Unit or the Child Welfare Police Officer, and have the requisite expertise to assist in actual production of the child before the Board within twenty-four hours and during pendency of the proceedings and the panel of such voluntary or non-governmental organizations shall be forwarded to the Board.

(12) The State shall provide funds to the police or Special Juvenile Police Unit or the Child Welfare Police Officer or case worker from the recognized voluntary or non-governmental organization for the safety and protection of children and provision of food and basic amenities to the child apprehended or kept under their charge during the period such children are with them.

11. Production of the child alleged to be in conflict with law (Section 10(2) of the Act)

(1) When the child alleged to be in conflict with law is apprehended as per section 10 of the Act, he shall be produced before the Board within 24 hours of such apprehension by the Special Juvenile Police Unit or the designated Child Welfare Police Officer or the case worker from a voluntary or non-governmental organisation, along with a report explaining the reasons for the child being apprehended by the police.

(2) On production of the child before the Board, the Board may pass orders as deemed necessary, including sending the child to an observation home or a place of safety or a fit facility, as appropriate.

(3) Where the child produced before the Board is covered under section 83 of the Act, including a child who has surrendered, the Board may, after due inquiry and being satisfied of the circumstances of the child, transfer the child to the Committee as a child in need of care and protection;

(4) The Committee may pass appropriate directions for rehabilitation, including orders for safe custody and protection of the child and transfer to a fit facility recognised for the purpose which shall have the capacity to provide appropriate protection, and/ or consider transferring the child out of the district or out of the State to another State for the protection and safety of the life of the child.

(5) Where the child has not been apprehended as the offences involved are petty

or serious offences (entailing a punishment of upto 7 years imprisonment for adults), and the information is forwarded by the police or Special Juvenile Police Unit or Child Welfare Police Officer to the Board, the Board shall require the child to appear before it at the earliest so that measures for rehabilitation, where necessary, can be initiated though the final report may be filed subsequently.

(6) In case the Board is not in session, the child in conflict with law shall be produced before a single member of the Board as per the provisions laid down under sub-section (2) of section 7 of the Act.

(7) In case the child cannot be produced before the Board or even a single member of the Board due to apprehension during odd hours or distance, the child shall be kept by the Child Welfare Police Officer in the Observation Home as per rule 60 D of these rules or in a fit facility and the child shall be produced before the Board thereafter, within 24 hours of the apprehension of the child.

(8) When a child is produced before an individual member of the Board, and an order is obtained, such order shall need ratification by the Board in its next meeting.

12. Procedure to be followed in determination of age (Section 9 (2) and 94 of the Act)

(1) When a child comes before a Board or a Committee or a Court where the claim of juvenility is raised, the Board or the Committee or the Court shall determine the age of the child.

(2) In every case the Court or the Board or the Committee shall determine the age of such child within a period of thirty days from the date of submission of the application for that purpose or first production of the child; except in cases where the Court or the Board or the Committee allows more time for reasons to be recorded in writing

(3) wherever medical opinion is required for age determination purposes, it shall be sought from a duly constituted Medical Board, all government hospitals shall constitute a Medical Board on a permanent basis for the said purpose comprising of a radiologist, a dentist and a general physician and maintain a roster of doctors who would be available on a daily basis for discharging the duties of the Medical Board. The Medical Board shall give its report within fifteen days of the order of the Board or the Court or the Committee.

(4) Where the Medical Board gives the range of the age of the child, the Court or the Board or the Committee shall consider the age of the child on the lower side and, may, if considered necessary, for reasons to be recorded, give benefit to the child within the margin of one year.

(5) While passing orders in such a case, the Court or the Board or the Committee shall record a finding in respect of the age of the child and declare the status of juvenility of the child and which shall be the conclusive proof of the age as regards such child.

(6) The copy of the order shall be given to such child or the person concerned. A copy of the order declaring the age of the child shall be forwarded to the Special Juvenile Police Unit and to the Child Care Institution concerned.

(7) If the age of a child is found to be 18 years or above on the date of commission of the offence, the Board shall in writing pass an order stating the age and forward the case to the court concerned for appropriate action. A copy of the order shall also be given to the person concerned.

13. Post-production processes by the Board (Section 7 (1), 8 (3), 14 (1) of the Act)

(1) On production of the child before the Board, the report containing the social background of the child, including the counsellor's report where available, and circumstances of apprehension and offence alleged to have been committed provided by the officers, individuals, agencies producing the child shall be reviewed by the Board and the Board may pass such orders in relation to the child as it deems fit, including orders under sections 17 and 18 of the Act, namely:-

- (i) disposing off the case, if on the consideration of the documents and record submitted at the time of his first appearance, his being in conflict with law appears to be unfounded or where the child is alleged to be involved in petty offences;
- (ii) referring the child to the Committee where it appears to the Board that the child is in need of care and protection;
- (iii) releasing the child in the supervision or custody of fit persons or fit institutions or probation officers as the case may be, through an order in **Form 3**, with a direction to appear or present a child for an inquiry on the next date; and
- (iv) directing the child to be kept in the appropriate Child Care Institution, if necessary pending inquiry as per an order in **Form 4**.

(2) 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 probation officer concerned through an order in **Form 5**.

(3) When the child in conflict with law, after being admitted to bail, fails to appear

before the Board, on any date fixed for hearing, and no application is moved for exemption on his behalf or no cogent reason is found for granting him exemption, the Board shall, issue to the Child Welfare Police Officer and the Person-in-charge of the Police Station directions for the production of the child.

(4) If the Child Welfare Police Officer fails to produce the child before the Board even after the issuance of the directions for production of the child, the Board shall instead of issuing process under section 82 of the Code of Criminal Procedure, 1973 pass appropriate orders under section 26 of the Act and the child would also be treated as a missing child.

(5) In cases of heinous offences alleged to have been committed by a child, who has completed the age of sixteen years, the Child Welfare Police Officer shall produce the statements of witnesses recorded by him and other documents prepared during the course of investigation within a period of one month from the date of first production of the child before the Board.

(6) In cases of offences entailing a punishment upto seven years for adult offenders, the Final Report shall be filed before the Board at the earliest and in any case not beyond the period of 3 months from the date of information to the police, except in those cases where it was not reasonably known that the person involved in the offence was a child, in which case extension of time may be granted by the Board for filing the Final Report.

(7) When witnesses are produced for examination in inquiry relating to a child in conflict with law, the Board shall ensure that the inquiry is not 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 child and proceed with the presumptions in favour of the child.

(8) While examining a child in conflict with law and recording his statement during the inquiry under section 14 of the Act, the Board shall address the child in a child-friendly manner in order to put the child at ease and to encourage him to state the facts and circumstances without any fear, not only in respect of the offence which has been alleged against the child, but also in respect of the home and social surroundings, and the influence or the offences to which the child might have been subjected to.

(9) The Board may take into account the report containing circumstances of apprehension and the offence alleged to have been committed and the social investigation report in **Form 6** prepared by the probation officer or the voluntary or non- governmental organization, along with the evidence produced by the parties for arriving at a conclusion about the child.

14. Preliminary assessment into heinous offences by Board (Section 14 (3), 14(5)(f)(ii), 15, 18(3), 19 of the Act)

(1) The Board shall first determine whether the child is of 16 years of age or above; if not, it shall proceed as per provisions of Section 14;

(2) For the purpose of conducting a preliminary assessment in case of heinous offences, the Board may take the assistance of psychologists or psycho-social workers or other experts who have experience of working with children in difficult circumstances. A panel of such experts shall be made available by the District Child Protection Unit, whose assistance can be taken by the Board.

(3) While making the preliminary assessment, the child shall be presumed to be innocent unless proved otherwise; the objective of the assessment will be to evaluate the role of the child in the alleged offence, as well as his mental condition and background;

(4) The Board shall, before taking a decision in this regard take into consideration the social investigation report in **Form 6** prepared by the probation officer or the recognized voluntary or non-governmental organization.

(5) For the purpose of conducting a preliminary assessment, the Board shall:

(i) interact with the child alleged to be in conflict with law as well as his family members, where available. The child may, in addition be represented through his counsel and the submissions on behalf of the child would be considered;

(ii) take into account the report of investigation, statements of witnesses recorded by the Child Welfare Police Officer, medico-legal report, forensic report and other documents prepared during the course of investigation filed by the police before it;

(iii) take into account the medical reports of the child as are available; and

(iv) take into account mental health reports including an assessment of the cognitive maturity of the child.

(6) The gravity of the offence by itself shall not be the sole determining factor for taking a decision based on the preliminary assessment.

(7) While making the preliminary assessment, the Board shall be guided by the fundamental principle that the child in conflict with law is presumed to be innocent of

any malafide or criminal intent up to the age of eighteen years, and therefore must consider whether there is material available on record which could *prima facie* dispel the presumption.

(8) The Board shall take into consideration the principle of best interest of the child and the objective of rehabilitation and reintegration of the child in the society.

(9) The Board, while conducting a preliminary assessment, may consider:

(i) whether the child also qualifies as a child in need of care and protection;

(ii) whether the child has himself been a victim of any offence in the past;

(iii) whether the child has had a history of abuse and exploitation;

(iv) whether the unlawful conduct has been done for survival;

(v) whether the alleged offence has been committed due to situational factors such as the child being put to extreme mental trauma and cruelty to compel him to commit an offence;

(vi) whether the child had committed the offence under coercion or fear of mental or physical harm to himself or to some other person;

(vii) whether the alleged offence has been committed under the control of adults, or with an adult or the child has been used by a group of adults, and if so, the Board shall consider the aspect whether independent of the influence of the adults, the child may not have committed the offence;

(viii) whether the child suffers from a mental illness;

(ix) whether the child is prone to taking drugs or alcohol;

(x) whether the child is under the influence of peer groups or associates with those who present risk of harm e.g. sexual offenders, drug peddlers etc or criminals;

(xi) whether the child has been involved in violent incidents prior to the alleged offence;

(xii) whether the child has been previously involved in any offence;

(xiii) whether the child has suicidal tendencies or of harming himself;

(xiv) whether the child has been exposed to media, internet including to pornography

and media depicting violence;

(xv) personality traits and habits of the child;

(xvi) whether the child was aware of what he has done and his perception of the act; and

(xvii) whether the child has been recruited or used by any non-State, self-styled militant group or outfit declared as such by the Central Government.

(10) Where the Board, after preliminary assessment under section 15 of the Act, passes an order that there is a need for trial of the said child as an adult, it shall assign reasons for the same and the copy of the order shall be provided to the child forthwith.

(11) The Board shall, in such a case, also inform the child and/ or his family members of the legal options available to them under the Act, including the right to file an appeal under sub-section (2) of section 101 of the Act.

(12) The Board, at the time of passing the order to transfer the trial of the case to the Children's Court, shall specify the date and time and the court where the child is to appear/ be produced.

(13) The Board, while transferring the trial of the case to the Children's Court having jurisdiction to try such offences, shall makeover the records available with it, including the reports of experts and the social investigation report forming the basis of the preliminary assessment.

(14) Any statement made by the child during the interaction to the Board or the Principal Magistrate or the Member, at the time of preliminary assessment shall not be used against the child in any manner during the course of inquiry or trial before the Children's Court or before the Board itself.

15. Placement during Pendency of Inquiry (Section 5, 6 (1) of the Act)

(1) During the pendency of an inquiry, the child, if not released on bail may be sent to an observation home or a place of safety depending on the age of the child and the attendant circumstances.

(2) During the pendency of an inquiry, the person who is 18 years of age or above or who completes the age of 18 years, if not released on bail shall be sent to a place of safety meant for persons above the age of 18 years.

(3) In no case shall the child or person, during the pendency of the inquiry be sent to a lock up or jail.

16. Completion of Inquiry (Section 14 (2), 14 (5), 18 (1) of the Act)

(1) Where after preliminary assessment under section 15 of the Act, in cases of heinous offences allegedly committed by a child, the Board decides to dispose of the matter, the Board may pass any of the dispositional orders as specified in section 18 of the Act.

(2) Before passing an order, the Board shall obtain a social investigation report in **Form 6** prepared by the probation officer or by a recognized voluntary or non-governmental organization as ordered, and take the findings of the report into account.

(3) All dispositional orders passed by the Board shall necessarily include an individual care plan in **Form 7** for the child in conflict with law concerned, prepared by a probation officer or child welfare officer or a recognized voluntary organisation on the basis of interaction with the child and his family, where possible.

(4) Where the Board is satisfied that it is neither in the interest of the child himself nor in the interest of other children to keep a child in the special home, the Board may order the child to be kept in a place of safety and in a manner considered appropriate by it.

(5) Where the Board decides to release the child after advice or admonition or after participation in group counselling or orders him to perform community service, necessary direction may also be issued by the Board to the District Child Protection Unit for arranging such counselling and community service.

(6) Where the Board decides to release the child in conflict with law on probation and place him under the care of the parent or the guardian or fit person, the person in whose custody the child is released may be required to submit a written undertaking in **Form 8** for good behaviour and well-being of the child for a maximum period of three years.

(7) The Board may order the release of a child in conflict with law on execution of a personal bond without surety in **Form 9**.

(8) In the event of placement of the child in a fit facility or special home, the Board shall consider that the fit facility or special home is located nearest to the place of residence of the child's parent or guardian, except where it is not in the best interest of the child to do so.

(9) The Board, where it releases a child on probation and places him under the care of parent or guardian or fit person or where the child is released on probation and placed under the care of fit facility, it may also order that the child be placed under the supervision of a probation officer who shall submit periodic reports in **Form 10** and the period of such supervision shall be maximum of three years.

(10) Where it appears to the Board that the child has not complied with the probation conditions, it may order the child to be produced before it and may send the child to a special home or place of safety for the remaining period of supervision.

(11) In no case the period of stay in the special home or the place of safety shall exceed the maximum period provided in clause (g) of sub-section (1) of section 18 of the Act.

17. Pendency (Section 16 (3) of the Act)

(1) For the purpose of sub-section (3) of section 16 of the Act, the Board shall maintain a 'Case Monitoring Sheet' for every case and in case there is more than one child in one case, a separate sheet shall be used for each child. The case monitoring sheet shall be in **Form 11**. The said **Form 11** shall be kept at the top of each case file and shall be updated from time to time. The following points are to be considered so far as 'progress of inquiry' mentioned in **Form 11** is concerned:

- (i) Time schedule for disposal of the case should be fixed on the first date of hearing;
- (ii) Scheduled date given in column No. (2) of 'progress of inquiry' shall be the outer limit within which the steps indicated in column (1) are to be completed; and

(2) The Board shall submit a quarterly report to the following:

- (i) District Judge;
- (ii) Chief Judicial Magistrate or Chief Metropolitan Magistrate;

(3) The District Judge shall conduct an inspection of the Board once every quarter and appraise the performance of the members of the Board on the basis of their participation in the proceedings of the Board.

18. Procedure in relation to Children's Court (Section 19 (1) and 20 of the Act)

(1) The Children's Court, upon receipt of preliminary assessment from the Board

shall conduct its own assessment, independent of the preliminary assessment done by the Board before taking a decision whether there is need for trial of the child as an adult or as a child.

(2) For the purpose of conducting such assessment, the Children's Court may take the assistance of experienced psychologists or psycho-social workers or medical specialists or other experts other than those whose assistance has been obtained by the Board in passing the order under section 15 of the Act. A panel of such experts shall be made available by the District Child Protection Unit whose assistance can be taken by the Children's Court.

(3) The Children's Court shall take into consideration the social investigation report in **Form 6** prepared by the probation officer or the recognized voluntary or non-governmental organization.

(4) While making the assessment, the Children's Court shall be guided by the fundamental principle that the child in conflict with law is presumed to be innocent of any malafide or criminal intent up to the age of eighteen years, and therefore must consider whether there is material available on record which could *prima facie* dispel the presumption.

(5) The Children's Court shall take into consideration the principle of best interest of the child and the objective of rehabilitation and reintegration of the child in the society.

(6) For the purpose of conducting the assessment, the Children's Court shall:

(i) interact with the child alleged to be in conflict with law as well as his family members, where available, which may be in the presence of an expert in the field such as psychology, social work etc.;

(ii) take into account the report of investigation, statements of witnesses recorded by the Child Welfare Police Officer, MLC, forensic reports and other documents prepared during the course of investigation filed by the police before the Board and forwarded to it or filed before it;

(iii) take into account the medical reports of the child as are available;

(iv) take into account mental health reports including an assessment of the cognitive maturity of the child; and

(v) consider the factors mentioned in sub-rule (8) of rule 14 of these rules.

(7) The gravity of the offence by itself shall not be the sole determining factor for

taking a decision based on the assessment.

(8) The decision based on the assessment shall be taken within a period of one month from the date of receipt of preliminary assessment from the Board.

(9) During the said period of one month, the child, if not released on bail shall be placed in a place of safety.

(10) Where an appeal has been filed against the order of the Board declaring the age of the child under sub-section (1) of section 101 of the Act, the Children's Court shall first decide the said appeal before conducting the assessment in terms of sub-rule (1) of this rule.

(11) Where an appeal has been filed against the finding of the preliminary assessment done by the Board under sub-section (2) of section 101, the Children's Court shall first decide the appeal.

(12) Where the appeal under sub-section (2) of section 101 of the Act is disposed of by the Children's Court on a finding that there is no need for trial of the child as an adult, it may remand the matter back to the Board to dispose of the same as per the provisions of the Act and these rules.

(13) Where the appeal under sub-section (2) of section 101 of the Act is disposed of by the Children's Court on a finding that the child should be tried as an adult, after conducting its own assessment, the Children's Court shall call for the file of the case from the Board and dispose of the matter as per the provisions of the Act and these rules.

(14) The Children's Court shall record its reasons while arriving at a conclusion whether the child is to be treated as an adult or as a child.

(15) Where the Children's Court decides that there is no need for trial of the child as an adult, and that it shall decide the matter itself:

(i) It may conduct the inquiry as if it were functioning as a Board and dispose of the matter in accordance with the provisions of the Act and these rules.

(ii) There shall be no requirement for any social worker members during the proceedings before the Children's Court.

(iii) The Children's Court, while conducting the inquiry shall follow the procedure for trial in summons case under the Code of Criminal Procedure, 1973.

(iv) The proceedings shall be conducted in camera and in a child friendly

atmosphere.

(v) When witnesses are produced for examination the Children's Court shall ensure that the inquiry is not 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 child and proceed with the presumptions in favour of the child.

(vi) There shall be no joint trial of a child alleged to be in conflict with law, with a person who is not a child.

(vii) The inquiry shall be completed by the Children's Court within a period of four months from the date of the decision that there is no need of trial as an adult, unless extended by it, for reasons to be recorded in writing.

(viii) While examining a child in conflict with law and recording his statement, the Children's Court shall address the child in a child-friendly manner in order to put the child at ease and to encourage him to state the facts and circumstances without any fear, not only in respect of the offence which is alleged against the child, but also in respect of the home and social surroundings and the influence to which the child might have been subjected.

(ix) The Children's Court may take into account the report containing circumstances of apprehension and offence alleged to have been committed and the social investigation report in **Form 6** prepared by the probation officer or the recognized voluntary or non-governmental organization, along with the evidence produced by the parties for arriving at a conclusion about the child.

(x) The dispositional order passed by the Children's Court shall necessarily include an individual care plan in **Form 7** for the child in conflict with law concerned, prepared by a probation officer or child welfare officer or recognized voluntary organisation on the basis of interaction with the child and his family, where possible.

(xi) The Children's Court, in such cases, may pass any orders as provided in sub-sections (1) and (2) of section 18 of the Act.

(16) Where the Children's Court decides that there is a need for trial of the child as an adult:

(i) It shall follow the procedure prescribed by the Code of Criminal Procedure, 1973 of trial by sessions, however, giving due regard to the special needs of the child, the Fundamental Principles laid down in section 3 of the Act, the tenets of fair trial and maintaining a child friendly atmosphere as defined in these rules.

(ii) The proceedings shall be conducted *in camera*.

(iii) There shall be no joint trial of a child alleged to be in conflict with law with adult co-accused.

(iv) While examining a child in conflict with law and recording his statement under section 313 of Code of Criminal Procedure, 1973, the Children's Court shall address the child in a child-friendly manner in order to put the child at ease and to encourage him to state the facts and circumstances without any fear, after understanding the questions in a language understood by the child, not only in respect of the offence which is alleged against the child, but also in respect of the home and social surroundings and the influence to which the child might have been subjected.

(v) The Children's Court may take into account the report containing circumstances of apprehension and offence alleged to have been committed and the social investigation report in **Form 6** which has been forwarded to it, along with the evidence produced by the parties for arriving at a conclusion about the child.

(vi) The Children's Court, on the conclusion of the trial may record a finding that the child was involved or was not involved in the offence and shall not record a conviction.

(vii) Before passing the dispositional order, the Children's Court shall call for, and consider a report in **Form 12** from experienced psychologists or psycho-social workers or other experts.

(viii) The final order passed by the Children's Court shall necessarily include an individual care plan for the child as per **Form 7** prepared by a probation officer or child welfare officer or recognized voluntary organisation on the basis of interaction with the child and his family, where possible.

(ix) Where the child has been found to be involved in the offence, the child may be sent to a place of safety till the age of twenty-one years.

(x) While the child remains at the place of safety, there shall be yearly review by the probation officer or the District Child Protection Unit or a social worker in **Form 13** to evaluate the progress of the child, including psycho-social and the reports shall be forwarded to the Children's Court.

(xi) The Children's Court may also direct the child to be produced before it periodically and at least once every three months for the purpose of assessing the progress made by the child and the facilities provided for the

implementation of the individual care plan by the institution.

(xii) When the child attains the age of twenty-one years and is yet to complete the term of stay, the Children's Court shall:

- (a) interact with the child in order to evaluate whether the child has undergone reformatory changes and if the child can be a contributing member of the society.
- (b) take into account the periodic reports of the progress of the child, including psycho-social, prepared by the probation officer or the District Child Protection Unit or a social worker in **Form 12** and for the said purpose assistance may be taken of experienced psychologists or psycho-social workers or other experts.
- (c) take into account whether the duration of stay of the child in the place of safety was sufficient for reformatory changes to have taken place.
- (d) where it finds that reformatory changes have not taken place in the child, evaluate and assess the reasons for the same, including whether there was any institutional lacunae or lapse in providing appropriate services to the child and no child should be made to suffer an adverse finding for institutional failure.
- (e) After making the evaluation, the Children's Court may decide to:
 - (I) release the child forthwith;
 - (II) release the child on execution of a personal bond with or without sureties for good behaviour;
 - (III) release the child and issue directions regarding education, vocational training, apprenticeship, employment, after-care, counselling and other therapeutic interventions with a view to promoting adaptive and positive behaviour etc.;
 - (IV) release the child and appoint a monitoring authority for the remainder of the prescribed term of stay. The monitoring authority, where appointed shall maintain a Rehabilitation Card for the child/person in **Form 14**.
 - (V) send the person to complete the remainder of his term in a jail. Such an order shall include a plan for the continuation of the rehabilitation of the person in the jail to be monitored through the

Rehabilitation Card in **Form 14** by the jail authorities. The said person shall also be produced before the Children's Court every three months for evaluation.

(xiii) For the purpose of sub-rule (xii) (e) (IV) of this rule:

(a) A probation officer or case worker or child welfare officer or a fit person may be appointed as a monitoring authority.

(b) The District Child Protection Unit shall maintain a list of such persons who can be engaged as monitoring authorities which shall be sent to the Children's Court along with bi-annual updates.

(c) The child/person shall for the first quarter after release, meet with the monitoring authority on a weekly basis or at such intervals as may be directed by the Children's Court. The monitoring authority shall fix a time and venue for such meetings in consultation with the child/person. The monitoring authority will forward its observations on the progress of the child/person on a monthly basis to the Children's Court.

(d) At the end of the first quarter the monitoring authority shall make recommendations regarding the further follow up procedure required for the child/ person.

(e) Where the child/ person, after release is found to be indulging in criminal activities or associating with people with criminal antecedents, he shall be brought before the Children's Court for further orders, including further monitoring by the monitoring authority.

(f) If it is found that the child/person no longer requires to be monitored, the monitoring authority shall place the detailed report with recommendations before the Children's Court which shall issue further directions either terminating the monitoring or for its continuation.

(g) After the first quarter, the child/ person shall meet the monitoring authority at such intervals as may be directed by the Children's Court based on the recommendations made by the monitoring authority at the end of the first quarter and the monitoring authority shall forward its report to the Children's Court which shall review the same every quarter.

(xiv) For the purpose of sub-rule (xii) (e) (V) of this rule, there shall be a separate place designated in every jail, where a person who has committed an offence as a child is to be kept after the completion of the age of 21 years and

he shall not be placed with adult offenders. Such a place would have appropriate facilities for implementing the rehabilitation plan in respect of such person.

19. Removal of disqualification, destruction of records (Section 24 (2) of the Act)

(1) Non-disclosure of any information concerning registration of complaint or FIR or DD Entry, institution, pendency, disposal, discharge, compounding, acquittal, finding of involvement or termination of any inquiry or any ancillary proceeding in respect of a child in any court or board or committee or any commission or police station or any other forum, as the case may be, except as provided in section 24 of the Act, shall not amount to an offence, whether such disclosure or non-disclosure is made during the time of juvenility or thereafter.

(2) Any person in possession of any information or document or record pertaining to a child shall not make disclosure of the same, in any manner except as provided in section 24 of the Act.

(3) On the order of the Board or of an authorised police official, the police shall destroy the record of a child permanently after the expiry of the period of appeal and the police shall not disclose any record of the child for the purpose of character certificate or otherwise in cases where the case has been closed or disposed of, except as provided under section 24 of the Act. The order shall contain the case file number to enable the officer and registry to take appropriate action.

(4) No person or board or court or agency or institution in possession of information about the child, shall attach or cause to be attached any disqualification, harm, prejudice, presumption or stigma to the child for the reason of having been dealt with under the provisions of the Act, except as provided in section 24 of the Act.

(5) Any violation of sub-section (1) of section 24 of the Act and of sub-rules (2) and (4) of this rule may be brought to the notice of the Board or the court, as the case may be, having jurisdiction over the area where such violation has occurred and the Board or the court may pass appropriate orders, including for the removal of the disqualification or prevention of further disclosure of the information about the child.

(6) The records of the Board or of the Children's Court where it is exercising the powers of the Board, shall be maintained and destroyed as provided in **Annexure I**.

(7) The records pertaining to the children in conflict with law of the Children's Court where a child is tried as an adult shall be preserved in accordance with the established procedure.

20. Runaway child in conflict with law: (Section 2 (14) (vii), 26 (2) of the Act)

(1) If a child in conflict with law runs away from a Child Care Institution, the following action shall be taken within twenty-four hours-

(i) the Person-in-charge of the institution shall immediately send a report to or approach the area Police Station or Special Juvenile Police Unit or Child Welfare Police Officer along with the details and description of the child, with identification marks and a photograph, with a copy to the Board or the Children's Court, District Child Protection Unit and other authorities concerned;

(ii) the parents or guardians shall be informed immediately; and

(iii) the Person-in-charge of the institution shall hold an inquiry and send his report to the Board or the Children's Court and the authorities concerned and the report shall be placed before the Management Committee in the next meeting, the details of the child shall also be uploaded on the Trackchild portal.

(2) When the child is apprehended again, the said fact shall be notified to all the persons concerned.

(3) In case the child is not found, the Board shall instead of issuing warrants against the child, issue to the Child Welfare Police Officer and the Person-in-charge of the Police Station directions for the production of the child.

(4) If the Child Welfare Police Officer fails to produce the child before the Board even after the issuance of the directions for production of the child, the Board, instead of issuing process under section 82 of the Code of Criminal Procedure, 1973, shall pass appropriate orders under section 26 of the Act and the child would also be treated as a missing child

CHAPTER IV

CHILD WELFARE COMMITTEE

21. Selection, Training and Term of Members of the Committee

(1) The Chairperson and members of the Committee shall be appointed by the State Government on the recommendation of the Selection Committee set up under rule 119 of these rules.

(2) The Chairperson shall have a minimum of 10 years of experience of working with children in the field of education, health, or welfare activities, or should be a practicing professional with a degree in child psychology or psychiatry or social work or sociology or human development or in the field of law including a retired judicial officer.

(3) The person selected for the post of the Chairperson or the member should not:

(i) have been previously convicted in any matter;

(ii) have been involved in any immoral act or in an act of abuse or exploitation of children;

(iii) be holding such full-time occupation that may not allow her/him to give necessary time and attention to the work of the Committee as per the Act and the rules;

(iv) be associated with any Child Care Institution, directly or indirectly, during his tenure as the Chairperson or member of the Committee or have any other conflict of interest;

(v) be affiliated to any political party; or

(vi) be insolvent

(4) All persons, on selection shall mandatorily complete the training as provided in rule 121 before being appointed as Chairperson or member of the Committee.

(5) In the event that any person fails to complete the training, such person would no longer be eligible to be appointed as the Chairperson or the member of the Committee and his selection shall be deemed to be cancelled.

(6) The Chairperson and the members may resign at any time by giving one month's notice in writing to the State Government.

22. Sitting and conveyance allowances (Section 28 of the Act)

- (1) The Chairperson and members of the Committee shall be paid such sitting allowance, travel allowance and any other allowance, as the appropriate Government may prescribe but not less than Rs 1000 per sitting.
- (2) A visit to an existing Child Care Institution by the Committee shall be considered as a sitting of the Committee.
- (3) The Chairperson shall be entitled to an additional allowance of Rs. 5000 per month keeping in view his duties and responsibilities.
- (4) The Chairperson and the members of the Committee shall be entitled to one paid leave every month, where the Committee holds its sittings for a minimum of 20 days in a month.
- (5) The Chairperson of the Committee will ensure the minimum quorum while forwarding the leave application to the District Magistrate concerned.
- (6) The Chairperson of the Committee shall maintain a leave roster.

23. Sittings of the Committee (Section 28 of the Act)

- (1) The Committee shall hold its sittings in the premises of a children's home or, at a place in proximity to the children's home or, at a suitable premises in any institution run under the Act for children in need of care and protection.
- (2) The Committee shall ensure that no person/s un-connected with the case remains present in the room when the session is in progress.
- (3) The Committee shall ensure that only those person/s, in the presence of whom the child feels comfortable, shall be allowed to remain present during the sitting.
- (4) The Committee shall hear only one child at a time.
- (5) At least one member of the Committee shall always be available/ accessible to take cognizance of any matter of emergency and issue necessary directions to the Special Juvenile Police Unit or local police of the district. For this purpose the Chairperson of the Committee shall draw up a monthly duty roster of the Committee members who shall be so available and accessible every day, including on Sundays and holidays. The roster shall be circulated in advance to all the police stations, the Chief Judicial Magistrate/ Chief Metropolitan Magistrate, the District Judge, the District Magistrate, the Board, the District Child Protection Unit and the Special

Juvenile Police Unit. Each member shall be paid an appropriate allowance in keeping with working hours on Sundays and holidays as mentioned in the roster.

(6) The Committee shall sit on all working days for a minimum of 5 hours commensurate with the working hours of a magistrate court, unless the case pendency is less in a particular district and the authority concerned issues an order in this regard.

Provided that the State Government may, by notification in the Official Gazette constitute more than one Committee in a district after giving due consideration to the pendency of the cases, area or terrain of the district, population density or any other consideration.

(7) On receiving information about a child or children in need of care and protection, who cannot be produced before the Committee, the Committee shall reach out to the child or children and hold its sitting at a place that is convenient for such child or children.

(8) While communicating with the child, the Committee members shall use child friendly techniques through their conduct. Each member shall adopt a child friendly attitude with regards to body language, facial expression, eye contact, intonation and volume of voice while addressing the child.

(9) (i) The premises where the Committee holds its sittings shall be child-friendly and shall not look like a court room in any manner whatsoever.

(iii) The Committee shall not sit on a raised platform.

(iii) The sitting arrangement should enable the Committee to interact with the child face to face.

(iv) There shall be no barriers such as witness boxes or bars between the Committee and the children.

(v) The room where the hearing will be conducted by the Committee shall be spacious with enough space for the child and the accompanying adult, case worker, legal aid lawyer, etc. to sit and present the case.

(vi) There shall be a child friendly waiting room/area or for children to relax and for the child's parents and guardian or accompanying adult to sit.

(vii) Every Committee will provide emergency or medical assistance apart from first aid, wheel chair and stretcher.

(10) The infrastructure, logistics and staff for the Committee shall be as per the Integrated Child Protection Scheme.

24. Powers of the Committee

(1) In addition to the powers of the Committee under section 29 of the Act, any direction of the Committee under sections 92 and 93 of the Act may be addressed to any hospital, whether a government hospital or private hospital or clinic or specialty or super specialty hospital or psychiatric home or treatment center or a center for the physically or mentally challenged or de-addiction center or integrated rehabilitation center as the case may be.

(2) Any such direction issued by the Committee shall be complied with by such hospital, clinic, homes, center or facility immediately and failure to do so will tantamount to cruelty towards the child and subject to penalty under section 75 of the Act.

(3) The Committee shall, *suo motu*, or on receipt of any information, complaint or otherwise, pertaining to any offence against a child, direct the police or the District Child Protection Unit to immediately take action for the rescue or recovery of such child from such situation, and to take further action including coordination with labor, health, social welfare and any other agencies involved with the care and protection of children.

(4) The orders of the Committee passed for care, protection, treatment, development and rehabilitation of children in need of care and protection as well as to provide for basic needs of children under this Act and these rules shall have the same force and effect as if passed by the Metropolitan Magistrate or a Judicial Magistrate of First Class and shall be executed in the same manner as prescribed in Criminal Code of Criminal Procedure, 1973.

25. Functions and responsibilities of the Committee

(1) In addition to the functions and responsibilities of the Committee under section 30 of the Act, the Committee shall perform the following functions to achieve the objectives of the Act, namely:

- (i) document and maintain detailed case record along with a case summary of every case dealt by the Committee in **Form 15**;
- (ii) maintain documents and details of case records along with a case summary of every child dealt by the Committee;

- (iii) maintain liaison with the Board and other Committees in respect of cases of children needing care and protection;
- (iv) monitor associations and agencies within their jurisdiction that deal with children in order to check the exploitation and abuse of children and recommend suitable action to the State Government against such associations and agencies in case of exploitation and abuse of children;
- (v) recommend suitable action to the State Government against the officers found in dereliction of duty in Child Care Institutions dealing with children in need of care and protection;
- (vi) follow up and coordinate with District Child Protection Unit or State Adoption Resource Agency and other agencies;
- (vii) liaison and network with the corporate sector and non-governmental organizations including for restoration and rehabilitation;
- (viii) maintain a suggestion box/grievance redressal box at a prominent place in the premises of the Committee to encourage inputs from children and adults alike which shall be operated by the District Magistrate or his nominee;
- (ix) ensure smooth functioning of Children's Committees in the Child Care Institutions within its jurisdiction, for realizing children's participation in the affairs and management of the said Child Care Institutions;
- (x) review the Children's Suggestion Book at least once in three months;
- (xi) conduct an assessment of vulnerability of the child before the child is released;
- (xii) release any child in need of care and protection only on proper verification of the identity of the child, parents or guardian and after addressing the vulnerability of the child. The release order shall contain the reasons/background as to why the child is considered to be a child in need of care and protection;
- (xiii) constitute and maintain a panel of fit persons and fit facilities who may be drawn upon as and when required;
- (xiv) maintain a database of Specialized Adoption Agencies, open shelters, children's homes etc. available in the district;

- (xv) maintain a database of medical and counselling centers, de-addiction centers, hospitals, open schools, education facilities, apprenticeship and vocational training programmes and centers, recreational facilities such as performing arts, fine arts and facilities for children with special needs and other such facilities.
- (xvi) hold periodic meetings with the Superintendent/ Person-in-charge of Child Care Institutions, representatives of non-governmental organisations concerned and social workers/ case workers, Special Juvenile Police Unit/ Child Welfare Police Office/ Anti-Human Trafficking Unit officers to discuss specific issues that may arise;
- (xvii) send quarterly information in **Form 16** about children in need of care and protection received by it to the District Magistrate with all relevant details on nature of disposal of cases, pending cases and reasons for such pendency.
- (xviii) send monthly information to the State Adoption Resource Agency and the Authority about the number of children declared legally free for adoption and number of cases pending for decision under sub-section (5) of section 38 of the Act and the estimated time that would be taken for the disposal.
- (xix) maintain the following records in a register:
 - a) entries of the cases listed in a day and their next date and the Committee shall prepare a daily cause list of the cases before it.
 - b) entries and particulars of children brought before the Committee and details of the Child Care Institution where the children are placed or the address where the children are sent.
 - c) execution of bonds.
 - d) movement including visits to institutions.
 - e) children declared legally free for adoption.
 - f) children recommended for or placed in sponsorship.
 - g) children placed in individual or group foster care.
 - h) children transferred out or received from another Committee.
 - i) children for whom follow up is to be done.
 - j) children placed in after care.
 - k) Inspection record making entry of applications for inspection of the record of the Committee.
 - l) Record of Minutes meetings of the Committee.
 - m) correspondence received and sent.
 - n) Any other the appropriate authority may require.
- (xx) All information listed in Sub Rule (xix) shall be digitised and a software shall be developed by the State Governments.

CHAPTER V

PROCEDURE IN RELATION TO CHILDREN IN NEED OF CARE AND PROTECTION

26. Production of a Child before the Committee

(1) All children in need of care and protection shall be produced before the Committee during the working hours at its place of sitting and beyond working hours before the member as per the duty roster;

Provided where the child cannot be produced before the Committee, the Committee shall reach out to the child where the child is.

(2) Whoever produces the child before the Committee shall make a report in **Form 17** containing the particulars of the child as well as the circumstances in which the child was received or found.

(3) In case of a child less than two years of age, who is medically unfit, the person or the organization who comes in contact with the child in need of care and protection 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 after interaction with the child may issue directions for placing the child with the parent or guardian or Children's Home, Open Shelter, where such Home or Open Shelter or is available in the vicinity of the Committee before which the child is produced, and in the absence of such Home, to direct the placing of the child in safe custody of a fit person or a fit facility.

(5) The Committee or the member on duty shall issue the order for placing the child in Children's Home in **Form 18**.

(6) The Committee/member on duty shall order immediate medical examination of the child produced before the Committee/member on duty where such examination has not been got done.

Provided that in appropriate cases the Committee/member on duty may direct, the duty officer in the Child Care Institution to get the child medically examined and no Child Care Institution shall deny the entry to the child for want of such medical examination.

(7) In the case of abandoned/lost/orphaned child, the Committee, before passing an order granting interim custody of the child pending inquiry, shall see that, the

information regarding such child is uploaded on a portal as specified by the Central Government.

(8) The Committee may, while making an order in **Form 19** for 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 20**.

(9) Whenever the Committee orders a child to be kept in an institution, it shall forward to the Person-in-charge of such institution a copy of the order of short term placement pending inquiry in **Form 18** with particulars of the Child Care Institution and parents or guardian and previous record. A copy of such order shall also be forwarded to the District Child Protection Unit.

27. Procedure for inquiry

(1) The Committee shall inquire in to the circumstances under which the child is produced and accordingly declare such child to be a child in need of care and protection.

(2) The Committee shall, *prima facie* determine the age of the child in order to ascertain its jurisdiction, pending further inquiry regarding age as per section 94 of the Act and rule 12 of these rules.

(3) When a child is brought before the Committee, the Committee shall assign the case to a social worker or caseworker or child welfare officer or to any recognized non-governmental organization for conducting the social investigation under sub-section (2) of section 36 of the Act through an order in **Form 21**.

(4) The Committee shall direct the person or organization concerned to develop an individual care plan in **Form 22** including a suitable rehabilitation plan. The individual care plan prepared for every child in institutional care shall be developed with the ultimate aim of the child being rehabilitated and re-integrated based on the case history, circumstances and individual needs.

(5) The inquiry shall satisfy the basic principles of natural justice and shall ensure the informed participation of the child and the parent/guardian. The child shall be given an opportunity to be heard and his/her opinion shall be taken into consideration (with due regard to his/her age and level of maturity). The orders of the Committee shall be in writing and contain reasons.

(6) The Committee shall interview the child sensitively and in a child friendly manner and will not use adversarial or accusatory words or words that adversely impact the dignity or self-esteem of the child.

(7) The Committee, while releasing the child or restoring the child shall not accept the mere statement of the person claiming custody. The Committee shall satisfy itself through documents and verification reports of the relationship between the child and the person who is claiming custody of the child. Before releasing or restoring the child the Committee shall also be satisfied as per **Form 23** that it is in the welfare and best interest of the child to release/restore the child to the person claiming custody even if it is the child's natural guardian.

(8) The Committee shall direct the Special Juvenile Police Unit or the District Child Protection Unit or child welfare officer to verify the authenticity of documents that are produced.

(9) The inquiry conducted by a social worker or caseworker or child welfare officer of the institution or any non-governmental organization shall be as per **Form 24** 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.

(10) Before the Committee releases or restores the child to the person claiming custody, both the child as well as the person(s) claiming such custody shall be referred to the Counsellor.

(11) The Committee shall maintain proper records of the children produced before it including medical reports, social investigation report, any other report/s and orders passed by the Committee in regard to the child.

(12) In all cases pending inquiry, the Committee shall notify the next date of appearance of the child not later than 15 days of the previous date and also seek periodic status report from the social worker conducting investigation on each such date.

(13) In all cases pending inquiry, the Committee shall direct the person or institution with whom the child is placed to take steps for rehabilitation of the child including education, vocational training, etc. from the date of first production of the child itself.

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

(15) At the time of final disposal of a case, there shall be at least three members present including the Chairperson, and in the absence of Chairperson, a member so nominated by the Chairperson to act as such.

(16) The Committee shall function cohesively as a single body and as such shall not form any sub-Committees.

(17) While holding the inquiry relating to a child in need of care and protection who was found to be engaged or kept in bondage for the purpose of employment and /or whose earnings have been withheld, the Committee will, in addition to facilitating the registration of an FIR under section 79 of the Act, the Committee shall refer the matter to the Relevant Authority for recovery of the earnings of the child withheld.

(18) While holding the inquiry relating to a child in need of care and protection who was found to be sold or bought for any purpose, the Committee, will in addition to facilitating the registration of an FIR under section 81 of the Act, also order for a payment of sum as claimed by the child or else found by the committee due from such person from whose possession the child is recovered/rescued, for the period of exploitation and abuse.

(19) Where a child has to be sent/repatriated to another district/State/country the Committee shall direct the District Child Protection Unit to take necessary steps such as approaching the Forigners Regional Registration Offices (FRRO) for a no-objection certificate, contacting the counterpart Committee, or any other voluntary organization in the other district/State/country where the child is to be sent.

(20) At the time of final disposal of the case, the Committee shall incorporate in the order of disposal an individual care plan in **Form 22** or such child prepared by the social worker or caseworker or child welfare officer of the institution or any non-governmental organization.

(21) While finally disposing off the case, the Committee shall give a date for follow-up of the child not later than one month from the date of disposal of the case and thereafter once every month for the period of first six months and thereafter every three months for a minimum of one year or till such time the child attains majority, as the Committee deems it fit.

(22) Where the child belongs to a different district, the Committee shall forward the age declaration, case file and the individual care plan to the Committee of the district concerned which shall likewise follow-up the individual care plan as if it had passed such disposal order.

(23) The individual care plan shall be monitored by means of a Rehabilitation Card in **Form 14**. issued for the purpose by the Committee passing the disposal order and which shall form part of the record of the Committee which follows up the implementation of the individual care plan. Such Rehabilitation Card shall be maintained by the Rehabilitation cum Placement Officer.

(24) All orders passed by the Committee in respect of a child in need of care and protection shall also be uploaded on the prescribed web portal with due regard to the confidentiality and privacy of the child.

28. Procedure in case of surrendered children

- (1) A child may be surrendered by:
- (i) both the parents, where both parents are alive and living together;
 - (ii) natural guardian or the guardian appointed by the Court, where both parents are alive but are not living together and where no visitation rights have been claimed by the other parent;
 - (iii) both parents, where both parents are alive but are not living together, where visitation rights have been claimed or granted;
 - (iv) one parent, where the other parent has fully or completely renounced the world or has been declared to be of unsound mind by a competent court;
 - (v) mother, where the child is at imminent risk or danger of bodily harm particularly from the family;
 - (vi) an unwed mother without reference to the biological father;
 - (vii) an unwed minor mother, or a mentally challenged mother accompanied by a parent or a guardian, and in the absence of parent or guardian, by an accompanying adult;
 - (viii) an unwed minor mother placed in a Child Care Institution accompanied by the Person-in-charge, child welfare officer or the case worker or social worker of the Institution, as the case may be; or
 - (ix) a guardian appointed by the Court.
- (2) When a parent or guardian appointed by the Court, wishes to surrender a child under sub-section (1) of section 35, such parent or guardian shall make an application to the Committee in **Form 25**. Where such parent or guardian is unable to make an application due to illiteracy or any other reason, the Committee shall facilitate the same through the Legal Aid Counsel provided by the Legal Services Authority, the deed of surrender shall be executed as per **Form 26**.
- (3) The inquiry under sub section 3 of section 35 of the Act shall be concluded by the Committee expeditiously and the committee shall declare the surrendered

child as legally free for adoption after the expiry of sixty days from the date of surrender.

- (4) The specialised adoption agency or Child Care Institution shall follow due procedure as provided in Adoption Regulations.

29. Procedure in case of orphan or abandoned children.

- (1) In case of orphan and abandoned child, the Committee shall make all efforts for tracing the parents or guardians of the child and on completion of such inquiry, if it is established that the child is either an orphan having no one to take care, or abandoned, the Committee shall declare the child legally free for adoption.

- (2) In case an abandoned or orphan child is received by a Child Care Institution including a Specialized Adoption Agency, such a child shall be produced before the Committee within twenty four hours (excluding the time necessary for the journey) along with a report in **Form 17** containing the particulars and photograph of the child as well as the circumstances in which the child was received by it and a copy of such report shall also be submitted by the Child Care Institution or a Specialized Adoption Agency to the local police station within the same period.

- (3) The Committee shall issue an order in **Form 18** for short term placement and interim care of the child, pending inquiry under section 36 of the Act.

- (4) The Committee shall use the Trackchild or any such portal to ascertain whether the abandoned child or orphan child is a missing child while causing the details of the orphan or the abandoned child to be uploaded.

- (5) The Committee, after taking into account the risk factors, and in the best interest of the child, may direct the publication of the particulars and photograph of an orphan or abandoned child in newspapers with wide circulation within seventy two hours from the time of receiving the child for the purposes of tracing out the biological parents or the legal guardian(s).

- (6) In case where the child is from another State, the publication should be done in the known place of origin of the child.

- (7) The cost of publication shall be met by the District Child Protection Unit, Child Care Institution or the Specialized Adoption Agency as directed by the Committee.

- (8) In case the biological parents or legal guardian of the child cannot be traced, the District Child Protection Unit shall submit a report to the Committee within thirty days from the date of first production of the child before the Committee.

(9) The Child Care Institution or the Specialized Adoption Agency shall submit a report to the Committee immediately after thirty days from the first date of production of the child before the Committee as to whether any person has approached it to claim the child and the report may also include any information revealed by the child during his interim care.

(10) The Committee shall call a report about the traceability of the biological parents or legal guardian from the police and the police shall submit such a report within one month from the date of receipt of order of the Committee.

(11) The Committee, after making inquiry as per the provisions of the Act and the rules made hereunder, shall issue an order in **Form 27**, declaring the abandoned or orphan child as legally free for adoption. Such an order signed by any three members of the Committee including the Chairperson shall be issued within a period of two months of the first production of the child before the Committee in case of a child upto two years of age and within four months of the first production of the child before the Committee for a child above two years of age, from the date of first production of the child before the Committee. For declaring a child legally free for adoption, the Committee need not wait for the disposal of the case registered regarding abandonment of the child.

(12) Where the parents of the child are traced, the procedure for restoration of the child shall be as per rule 113 of these rules.

30. Pendency (Section 36 (4) of the Act)

(1) For the purpose of sub-section (4) of section 36 of the Act, the Committee shall maintain a 'Case Monitoring Sheet' for every case and in case there is more than one child in one case, a separate sheet shall be used for each child. The case monitoring sheet shall be in **Form 28**. The said **Form 28** shall be kept at the top of each case file and shall be updated from time to time. The following points are to be considered so far as 'progress of inquiry' mentioned in **Form 28** is concerned:

(i) Time schedule for disposal of the case should be fixed on the first date of hearing;

(ii) Scheduled date given in column No. (2) of 'progress of inquiry' shall be the outer limit within which the steps indicated in column (1) is to be completed; and

(2) The Committee shall submit a quarterly report in **Form 16** to the following:

(i) District Judge;

(ii) District Magistrate

(iii) District Child Protection Unit.

(3) The District Magistrate shall inspect the Committee once every quarter and also appraise the performance of the Chairperson and the members of the Committee on the basis of their participation in the proceedings of the Committee and submit a report to the State Government.

CHAPTER VI

REHABILITATION AND SOCIAL REINTEGRATION

31. Rehabilitation and Social Reintegration

A programme for rehabilitation and social re-integration of a child shall take into account the fundamental principles laid down in section 3 of the Act.

32. Child Care Institutions (Section 2 (21) of the Act)

(1) The State Government shall establish and maintain in every district, either by itself, or through voluntary or non-governmental organizations separate children's home, open shelter, observation home, special home, specialized adoption agency and a fit facility, separately for boys and girls.

(2) The Child Care Institutions in respect of children in conflict with law shall be as under:

- (i) Observation Home
- (ii) Special Home
- (iii) Place of Safety

(3) The Place of Safety shall have segregation units for following category of children

(i) for children in the age group of 16 to 18 years with pending inquiry in case of heinous offences

(ii) for children in the age group of 16 to 18 years found to be involved in heinous offences upon completion of inquiry

(iii) for children who are sent on the order of the Board as per sub-section(1) (g) of section 18 of the Act

(iv)) for persons in the age group of 18 to 21 years who may have committed an offence when they were child and with pending inquiry

(v) for persons in the age group of 18 to 21 years who committed an offence when they were child and are found to be involved in the offence upon completion of inquiry.

(4) The Child Care Institutions shall be child-friendly and in no way shall they look like a jail or lock-up.

(5) Every Child Care Institution shall keep a copy of the Act, the rules made by the Central Government and the State rules if any, for use by both staff and children residing therein.

(6) Each Child Care Institution shall have a Management Committee for the management of the institution and monitoring the progress of every child in the home.

33. Manner of Registration of Child Care Institutions (Section 41(1) of the Act)

(1) All such institutions or organisations shall make an application in **Form 29** together with a copy each of rules, bye-laws, memorandum of association, list of governing body, office bearers, list of trustees, balance sheet of preceding three years, statement of past record of social or public service provided by the institution or organisation to the State Government (along with the copy to the Board or the Committee as the case may be) and that it has not been black listed by the Central or State Government;

(2) The State Government shall after verifying, that provisions exist in the institution or organisation for the care and protection of children, health, education, boarding and lodging facilities, vocational facilities and rehabilitation as per the rules, may issue a registration certificate to such institution in **Form 30**.

(3) The District Officer of the Women and Child Development Department or Social Welfare Department of the State Government will be authorised to grant registration to Child Care Institutions.

(4) The Ministry of Women and Child Development, Government of India may develop a model online system for receipt and processing of applications for registration, within six months from the coming into force of these Rules

(5) The State Government, while taking a decision on the application for registration, shall consider the criteria listed in **Form 29**.

(6) If the detailed inspection or the annual review reveals that there is unsatisfactory compliance with the standards of care, protection, rehabilitation and reintegration services and management of the institution or the organisation as laid down under the Act and the rules or the facilities are inadequate, the registering authority may, at any time, serve notice on the management of the institution or the organisation and after giving opportunity of being heard, that the registration of the institution or organisation, shall stand withdrawn or cancelled from a date specified in the notice and from the said date, the institution or organisation shall cease to be an institution or organisation registered under sub-section (1) section 41 of the Act.

(7) Any institution that is aggrieved by a decision taken by the registering authority, may submit an appeal with the District Magistrate within 30 days of receipt of the order. The District Magistrate shall dispose of the appeal within 90 days of receipt after giving the appellant a reasonable opportunity of being heard.

(8) When the registration of an institution or organisation under the Act is suspended or cancelled for some reason the children placed therein shall, be transferred by the order of the Board or the Committee, to some other institution or organisation of repute, registered under sub-section (1) of section 41 of the Act.

(9) All institutions or organisations shall be bound to seek renewal of registration three months prior to the expiry of the period of registration

(10) An application for renewal of registration of an institution shall be disposed of within sixty days from the date of receipt of application.

34. Open Shelter (Section 43 of the Act)

(1) The State Government shall establish separate Open Shelters for girls and boys.

(2) All organisations and persons interested in running Open Shelters or already running Open Shelters shall make an application in **Form 31** to the registering authority to get themselves registered.

(3) The applicants shall submit a report of the need for opening such a shelter along with a survey on the status of children indicating the number of children or the target group in the urban or semi urban area or rural area where the Open Shelter is proposed to be established. After proper police verification and other inquiry as deemed necessary, the organization or person may be selected for running the open shelter.

(4) The Open Shelters shall be registered as provided under sub-section (1) of section 41 of the Act and rule 33 of these rules.

(5) The State Government shall prepare a list of Open Shelters which shall be forwarded to the Special Juvenile Police Unit, District Child Protection Unit and the Committee.

(6) The services provided in Open Shelters may include:

(i) Day care and Night residential facilities including food, washing facilities and toilets;

(ii) Encouraging involvement of social workers, community volunteers, peer educators, students and others to provide opportunity to people with skills and time to mentor, guide and improve the quality of life of the children;

(iii) Maintaining electronic data of each child, including Aadhar data, if available, and furnishing the details to the District Child Protection Unit as a part of the child tracking system and providing a list of names of children accessing the services to the Committee on monthly basis; and

(iv) Any other facility as the State Government may prescribe

(7) In cases where, the agency in charge of the Open Shelter finds that a child may require more than short term care and protection, such child may be produced before the Committee for appropriate further steps.

(8) The Open Shelter shall not refuse admission to any child in need of care and protection who seeks its services himself or is brought by any person at any time.

(9) An Open Shelter should be roomy and big enough to accommodate 25 to 50 children at one time and should include a kitchen, dining facilities, bathrooms and toilets, lockers, recreational facilities.

(10) The staffing pattern of an Open Shelter and Contact Point should be as stated in the Integrated Child Protection scheme.

(11) The duties of the Outreach worker and social worker shall be as notified by State Governments from time to time.

(12) Each Open Shelter shall send monthly information in **Form 32** to the District Child Protection Unit and the Committee regarding the children availing the services of the Open Shelter.

35. Foster Care (Section 44 (1) (5) JJ Act)

(1) The State Government shall develop a foster care programme in consultation with the Committees, non-governmental organizations, academicians and organizations working on alternative care for children for children in need of care and protection in a family which does not include the child's biological or adoptive parents or in an unrelated family recognised as suitable for the purpose by the State Government for a short or extended period of time

(2) District Child Protection Unit is the nodal authority for implementing the foster care programme in a district. All decisions related to placement of a child in foster care are to be taken by the Child Welfare Committee of the district.

(3) The Committee shall consider the well-being and best interest of the child between the age group of 6-18 years, while determining whether the child is to be considered for 'individual' or 'group' Foster Care.

(4) The Committee shall hear the child and take into consideration the opinion of the child before deciding the nature of foster care with due regard to his/her age and maturity as on the matters concerning selection of foster care family. He/she should be informed and prepared throughout the process; children above 6 years of age shall be placed in foster care; placement of children in foster care only with their consent.

(5) The appropriateness of placement of a child in foster care shall be determined by the level of trauma experienced by a child, history of drug addiction, disability, social behaviour, requirement of any specialized care, terminal illness etc.

(6) Foster care can be short term or long term depending upon the needs of the child. The duration of care and situations under which short term Foster care will be given will rest on the Committee based on their assessment of the individual case presented before them.

(7) Long term foster care, on the other hand, is placement of a child by the Committee for a period exceeding one year. This period can be increased by the Committee till the child attains 18 years of age on the basis of assessment of the compatibility of the child with the individual foster care/parent/group setting. On completing 18 years of age, the child has the option to avail services of aftercare programme.

(8) Recognizing that every child has the right to grow in a family environment, every attempt shall be made to reunite the child with his biological family, if available.

(9) Where the Committee is satisfied that family-based individual foster care is not advisable for a child or the child expresses a preference for being placed in group foster care, it may pass appropriate orders for placing the child in group foster care.

(10) Children with special needs may be considered either for placement in individual foster care or group foster care provided the Home Study Report of the foster family supports their fitness and group setting has facilities for care of such children, State Government shall provide for medical care of such children

(11) Children of six years and above may be considered for placement in foster care based on their individual care plan , in case they are residing in institutions or the Child study report prepared by the District Child Protection Unit when the child has been identified from the community while conducting vulnerability mapping and district need assessment exercise under the Integrated Child Protection Scheme.

(12) Care givers in Group Foster Care Institutions shall be declared as “fit persons” under section 52 of the Act who are willing to take care of groups of children.

(13) The number of children placed under group foster care shall not exceed 8 children including biological children.

(14) The District Child Protection Unit shall place periodically advertisement in local newspapers calling for separate applications for group foster care and individual foster care

(15) The District Child Protection Unit, while selecting foster family shall consider the following criteria:

(i) Both the spouses must be Indian citizens;

(ii) Both the spouses must be willing to foster the same child;

(iii) Both the spouses must be above the age of 35 years and must be in good physical, emotional and mental health;

(iv) Ordinarily the foster family should have an income with which they are able to meet the needs of the child and are not dependent on the foster care maintenance payment for the child;

(v) Medical reports of all the members of the foster family/care giver residing in the premises should be obtained including reports for Human Immuno Deficiency Virus (HIV), Tuberculosis (TB) and Hepatitis B etc. to determine that they are medically fit;

(vi) The foster family/ care giver should have adequate space and basic facilities;

(vii) The foster family/care giver should be willing to follow rules laid down including regular visits to doctors, maintenance of child health and their records;

- (viii) The foster family/ care giver should be willing to produce the child before the Committee at regular intervals or as directed by the Committee;
 - (ix) The foster family/ care giver should be willing to attend foster care orientation programmes organized by the District Child Protection Unit;
 - (x) The foster family/ care giver must be without criminal conviction or indictment;
 - (xi) The foster family/ care giver should have supportive community ties with friends and neighbours.
 - (xii) The criteria for selecting group foster care giver settings will include: registration of the group setting under the Act; recognition as a fit facility by Committee; existence of child protection policy and sufficient space and proper amenities for children.
 - (xiii) The District Child Protection Unit will also verify two references from individuals of good standing from the community that are provided by every foster parent.
 - (xiv) The District Child Protection Unit, while making an assessment of the prospective foster parents shall thoroughly check their economic status to ensure that they are able to meet the needs of the child and are not dependent on the foster care maintenance payment for the child; however if it assessed that all other criterion being satisfied and only financial support is required, the case shall be recommended to Sponsorship and Foster Care Approval Committee as constituted under ICPS, after the final orders of Committee.
- (16) The District Child Protection Unit shall maintain a roster/panel of prospective individual foster families and group foster care givers, including those requiring financial assistance every year which shall be forwarded to the Committee
- (17) The Committee before placing the child in foster care shall obtain a Home Study Report through the District Child Protection Unit in **Form 33**. The District Child Protection Unit may seek the assistance of reputed non-governmental organizations to conduct such Home Study.
- (18) The Committee shall obtain an Individual Care Plan of the child to be placed in foster care through the District Child Protection Unit prepared in **Form 22**. The District Child Protection Unit may seek the assistance of reputed non-governmental organisations while preparing such Individual Care Plan

(19) The Individual Care Plan prepared for the child shall be periodically reviewed by the Committee and adjusted according to the needs and best interests of the child.

(20) The Committee shall obtain through the District Child Protection Unit, a Child Study Report for every child identified for placing in foster care, as per **Form 34**. The District Child Protection Unit may seek the assistance of reputed non-governmental organizations while preparing such Child Study Report.

(21) The Committee, while passing orders for the placement of a child in Foster care, shall ensure that:

- (a) Not more than two children shall be placed with an individual foster family. The only exception shall be in case of siblings who shall be preferably placed together in a single family;
- (b) Where relevant and necessary, biological parents' consent shall be important in foster placement;
- (c) The foster family/ group foster care giver, Child Care Institution, the District Child Protection Unit and the Committee shall make efforts for a smooth transition of the child from the institution to foster care or to any other alternate care; and
- (d) As far as possible, the children will be placed in individual or group foster care with foster families/ care giver having similar socio-cultural milieu and belonging to similar ethnic groups.
- (e) The foster family/Group foster care giver is respected and heard; and
- (f) They are not discriminated against on the basis of their social origin

(22) The Committee may pass interim orders for suitable interaction between the child and the foster family/ group foster care giver in the presence of a social worker for a period of at least one month, to enable the child and the foster family/group foster care giver to build rapport, such as through short meetings, outings and child's visit to the potential foster family's/care giver's home, weekend stay etc.

(23) The Committee shall constantly assess the results of the said meetings through interaction with the child and the foster family/ group foster care giver.

(24) The Committee shall ensure that the placement of the child shall be handled with utmost sensitivity and in a child-friendly manner and shall also ensure that counselling and guidance is provided to the child/ children for holistic adjustment of such child / children with the foster family/ group foster care giver.

(25) The Committee shall pass the final order in **Form 35** for placing the child in foster care, specifying the period for which the child is placed in foster care.

- (a) In cases where no financial assistance is required, the final order by the Child Welfare Committee shall be given ordinarily within 60 days of passing the interim order.
- (b) In cases where financial assistance is required and matter is placed before the Sponsorship and Foster Care Approval Committee, the Child Welfare Committee shall pass the final order ordinarily within 75 days of passing the interim order subject to decision of the Sponsorship and Foster Care Approval Committee.

(26) The foster family/group foster care giver shall sign an undertaking for foster-care of the child in the prescribed **Form 36**.

(27) The Committee, while passing the final order may also direct the production of the child before the Committee at regular intervals in addition to inspecting the foster family/group foster care and seeking Home Study Reports in **Form 33** through the District Child Protection Unit as the Committee may consider appropriate for the purpose of reviewing that the placement is in the best interest of the child.

(28) The foster family/group foster care shall:

- (a) provide adequate food, clothing and shelter;
- (b) provide care, support and treatment for child's overall physical, emotional and mental health;
- (c) ensure education, recreation, extra-curricular activities such as sports, music, dance, drama, art and vocational training according to the age, developmental needs and interests of the child;
- (d) ensure protection from exploitation, maltreatment, harm, neglect and abuse;
- (e) respect the privacy of the child and his biological family, and acknowledge that any information provided about them is confidential and is not to be disclosed to another party without prior consent;
- (f) provide treatment in emergency situations and inform the Committee about the same which may pass appropriate orders wherever necessary;
- (g) support contact between the child and his biological family in consultation with the Committee keeping in view the best interest of the child;
- (h) share and discuss the information pertaining to the progress of the child periodically with the Committee and produce the child before the Committee as and when directed by the Committee; and
- (i) ensure that the child's whereabouts are known at all times, including reporting any changes of address, holiday plans and any episodes of running away of the child to the Committee.

(29) Where the child has remained with a foster family for a minimum of five years other than in pre-adoption foster care, the foster family may apply for adoption and

shall be given preference to adopt the child after the child has been declared legally free for adoption and after following the procedure as per adoption regulations.

(30) The Committee shall ensure that counselling is provided and is available to the foster family/ group foster care giver so as to enable them to cope with their overall responsibilities of caring for a child along with their own children with dignity.

(31) The Committee shall ensure that counselling is provided for biological parents (in case they are alive and available) to enable them to receive the child back into the family.

(32) The District Child Protection Unit shall provide assistance, wherever required, to the foster family/foster care giver in enrolment of the child placed in individual or group foster care, in a school near his/her place of residence.

(33) The District Child Protection Unit shall maintain a record of each child in foster care as per **Form 37**.

(34) The Committee shall conduct monthly inspection of the foster families/ foster care giver as per **Form 38** to check the well-being of the child.

(35) The Committee, after consideration of the recommendations of the District Child Protection Unit, or through its own review and inspection and inputs received from the child, who has been given adequate support through a psychologist or a social worker, may terminate a foster care placement for reasons recorded in writing where the continuation of the foster care placement is not found to be in the best interest of the child or the foster family/ caregiver is found lacking in taking care of the child.

(36) The Committee shall consider the views of the foster family/group foster care giver before termination of the foster care placement.

(37) In case of termination of the foster care placement, the Committee may place the child with another foster family/ caregiver or in the interim place the child in a Child Care Institution and explore other rehabilitative alternatives for the child.

(38) Where group foster care facilities are provided by a voluntary or non-governmental organisation, such organisation shall get itself registered under sub-section (3) of section 41 of the Act and recognized by the Committee as fit facility for Group foster care under section 51 of the Act for the specific purpose of providing group foster care in a family like environment.

(39) In case foster care givers wish to suo motu take care of a child in situations where the child is in urgent need of care, they may file an application before the Child and the Committee after due diligence and as per prescribed procedures in this rule

may approve the placement of the child in their care either as individual or Group Foster care.

36. Sponsorship (Section 45 (1) of the Act)

(1) The State Government through the State Child Protection Society shall prepare sponsorship programmes in consultation with the Committees or the Board, recognized non-governmental organizations, other relevant government agencies and the corporate sector.

(2) Such a programme shall include:

- (i) Individual to individual sponsorship;
- (ii) Group sponsorship;
- (iii) Community sponsorship;
- (iv) Support to families through sponsorship; and
- (v) Support to Child Care Institutions.

(3) The following age groups may be considered for providing sponsorship:

- (i) Children upto 18 years;
- (ii) Persons between the ages of 18-21 years; and
- (iii) Persons already under sponsorship, on attaining the age of 21 years for the specific purpose of completion of education, vocational training and/or special medical needs.

(4) Illustrative criteria for selecting children for providing sponsorship services:

- (i) Children with special talent and abilities;
- (ii) Children rescued from trafficking or bonded labour;
- (iii) Children of widows, divorced or abandoned mothers;
- (iv) Children with parent(s) in jail;
- (v) Other children in need of care and protection such as children of sex workers
- (vi) Trans gender children;
- (vii) Children of parents affected by HIV/AIDS or any other chronic or life-threatening disease;
- (viii) Children suffering from HIV/AIDS, cancer or any other chronic or life-threatening disease;
- (ix) Children of parents incapacitated and those who are unable to take care of the children;
- (x) Children with special needs;
- (xi) Children who are victims of disasters and
- (xii) Any other deserving case.

(5) The sponsorship may be for any activity(s) or facility(s) or service(s) that is provided to a child, including at a Child Care Institution under these rules.

(6) The sponsorship could be monetary or in kind or by way of a service or support to a service(s).

(7) The Sponsorship Programme shall be implemented by the District Child Protection Unit which shall create a panel of persons/ families/ organisations/ corporates/ businesses and the like who are interested in sponsoring a child.

(8) The panel will list sponsors as per their area of interest such as education, medical support, nutrition, vocational training etc., and the nature of sponsorship they are willing to support such as individual, group, family, Child Care Institution, etc.

(9) The District Child Protection Unit shall forward the panel to the Board or the Committee or the Children's Court and all Child Care Institutions for their record.

(10) The Board or the Committee or the Children's Court may *suo motu*, or on an application received in that behalf, consider the placement of a child under sponsorship for which purpose it shall verify from the panel whether a sponsor is available to support such child and pass an order for placement of the child under sponsorship in **Form 39**.

(11) The Board or the Committee or the Children's Court, will thereafter, invite the response of the sponsor to obtain their consent for such specific sponsorship.

(12) The Board or the Committee or the Children's Court, while finalising the Individual Care Plan may also explore the possibilities of the child availing sponsorship in a family environment.

(13) The Board or the Committee or the Children's Court, while monitoring the Individual Care plan will examine the effectiveness of the sponsorship programme, particularly whether the sponsorship is being utilized for the purpose for which it has been granted and the progress made by the child as a result of such sponsorship.

(14) Where the Board or the Committee or the Children's Court finds that the sponsorship programme is not serving the purpose for which it was given, it shall terminate the sponsorship in the best interest of the child.

(15) The Board or the Committee or the Children's Court after termination of sponsorship, shall consider all alternatives including sponsorship for the rehabilitation of the child.

(16) The District Child Protection Unit, in case of individual sponsorship, shall open a Bank account in the name of the child to be operated preferably by the mother.

There will be no cash transfer. The money shall be directly transferred from the District Child Protection Unit's bank account to the Bank account of the child.

(17) The duration of the sponsorship shall be as decided by the Board or the Committee or the Children's Court.

(18) The sponsorship availed under these rules shall be given due consideration for the purpose of availing sponsorship under any other Central or State Government scheme or vice versa.

37. Aftercare of young adults leaving institutional care (Section 46 of the Act)

(1) In order to provide for children who have to leave Child Care Institutions on attaining 18 years of age, the State Government shall prepare a Scheme for their education, giving them employable skills and placement as well as providing them places for stay till they join the mainstream of society. Such Schemes may be implemented directly by the State or through reputed voluntary organisations.

(2) Any person who leaves a Child Care Institution on completion of eighteen years of age may be provided After Care by the State Government under a notified scheme and placed on the order of the Committee or the Board or the Children's Court as the case may be as per **Form 40**.

(3) Such After Care Programme shall support rehabilitation and re-integration of such persons who are in need of support, financial or otherwise.

(4) After-care may be provided through institutional care or otherwise.

(5) The District Child Protection Unit shall prepare and maintain a list of organizations, institutions and individuals which are interested in providing after care as per their area of interest such as education, medical support, nutrition, vocational training etc.

(6) The District Child Protection Unit shall forward the list to the Board or the Committee and all Child Care Institutions for their record.

(7) The probation officer or the child welfare officer or case worker/ social worker, shall prepare a post release Plan and submit the same to the Board or the Committee, two months before the child is due to leave the Child Care Institution, recommending after care for such a child, as per the needs of the child.

(8) The Board or the Committee or the Children's Court, while monitoring the post release Plan will also examine the effectiveness of the after-care programme,

particularly whether it is being utilized for the purpose for which it has been granted and the progress made by the person as a result of such after-care programme.

(9) Where the Board or the Committee or the Children's Court finds that the after-care programme is ineffective it shall terminate the same and shall consider all alternatives including placing the person in another after care programme.

(10) Persons who are placed in After Care Programmes, shall be provided a reasonable amount of funds for their essential expenses; such funds shall be transferred directly to their bank accounts.

(11) The services provided under the after-care programme may include:

- (i) Community group housing on a temporary basis for groups of 6-8 persons;
- (ii) Provision of stipend during the course of vocational training or scholarships for higher education and support till the person gets employment;
- (iii) Arrangements for skill training and placement in commercial establishments through coordination with National Skill Development Programme, Indian Institute for Skill Training and other such Central/ State Government programmes and corporates etc.;
- (iv) Provision of a peer counsellor to stay in regular contact with such persons to discuss their rehabilitation plans ;
- (v) Provision of creative outlets for channelizing their energy and to tide over the crisis periods in their lives;
- (vi) Arrangement of loans and subsidies for persons in after-care, aspiring to set up entrepreneurial activities;
- (vii) Encouragement to sustain themselves without State or institutional support; and
- (viii) Arrangement for the marriage of girls, including through State programmes.

38. Staff in Child Care Institutions (Section 47 (3) of the Act)

(1) The personnel strength of a Child Care Institution shall be determined according to the duty, posts, hours of duty and category of children that the staff is meant to cater to.

(2) The institutional organizational set up shall be fixed in accordance with the size of the Child Care Institution, the capacity, work-load, distribution of functions and requirements of programmes.

(3) The staff of the Child Care Institution shall be subject to control and overall supervision of the Person-in-charge who by order, shall determine their specific

duties and responsibilities in keeping with the statutory requirements of the Act and these rules;

(4) The number of posts in each category of staff shall be fixed on the basis of capacity of the institution and shall proportionately increase with the increase in the capacity of the institution;

(5) In case of Child Care Institutions housing girls, only female Superintendent/ Person-in charge and staff shall be appointed.

(6) Any person associated with a Child Care Institution should not have been convicted of an offence or have been involved in any immoral act or in act of child abuse or employment of child labour or in an offence involving moral turpitude or be affiliated to any political party.

(7) No person shall be appointed to or work in a Child Care Institution without police verification .

(8) The suggested staffing pattern for an institution with a capacity of 100 or 50 children may be as below:

S. No.	Personnel/ Staff	No. of Posts	
		Capacity:100	Capacity:50
1.	Person-in-Charge (Superintendent)	1	1
2.	Child Welfare Officer/ Case Workers (NGOs) A child Welfare Officer may be designated as Rehabilitation-cum-Placement Officer	8 (3 each in 2 shifts and 2 in night shift)	5 (2 each in 2 shifts and 1 in night shift)
3	Probation Officers (For institutions for children in conflict with law)	4	2
5	Counselor/ Psychologists	3	2
6	House Mother/ House Father	9 (3 each in 3 shifts)	6 (2 each in 3 shifts)
7	Educator/ Tutor	3 (Part time)	2 (Part time)
8	Medical Officer (Physician)	1 (on call)	1
9	Para-medical staff/ Staff Nurse/Nursing Orderly	3 (1 each in 3 shifts)	3 (1 each in 3 shifts)
11	Art & Craft & activity teacher	2 (Part time)	1 (Part time)
12	PT Instructor-cum-Yoga trainer	2 (Part time)	1 (Part time)
13	Sports Teacher	1 (Part time)	1 (Part time)
14	Care Takers	10	7

		(3 each in 3 shifts with 1 reliever)	2 each in 3 shifts with 1 reliever)
15	Cook	3 each in two shifts	2 each in two shifts
16	Kitchen Helper	2 each in two shifts	1 each in two shifts
17	House keeping	6 each in two shifts (including 1 Housekeeping In-Charge)	4 each in two shifts (including 1 Housekeeping In-Charge)
18	Driver	1	1
19	Gardener	3 (Part time)	2 (Part time)
24	Social Workers (For Open Shelter Contact Points) (take up)	4	2
25	Outreach Workers (For Open Shelter Contact Points)	12	6

(9) The security personnel shall be deployed as per requirement of the Child Care Institution, taking into consideration if the child is alleged or found to be in conflict with law or children in need of care and protection, strength of the children, age groups, physical and mental status, segregation facility based on the nature of offence and structure of the Institution.

(10) The security personnel to be engaged or appointed shall be adequately trained and oriented to deal with the children with sensitivity preferably ex-servicemen or retired para-military personnel or through Director General of Resettlement.

(11) The security personnel shall not be with arms or guns but have training and special skills to handle a crisis situation, control violence and escape of children from the institution, conduct search and frisking and security surveillance.

39. Place of Safety (Section 49 of the Act)

(1) Where no separate institution is available, an earmarked area in an Observation Home or a Special Home with controlled access and no inter-mingling of children and commonality of staff of the two divisions, may be designated as the place of safety.

40. Fit Facility (Section 51(1) of the Act)

(1) The Board or the Committee, on its own or on an application received in **Form 41** from any institution or agency or voluntary organization registered under any law

for the time being in force, the manager of which is willing temporarily to receive a child for a specific purpose, may grant recognition to it as a fit facility.

(2) Any facility for recognition as a fit facility shall:

- (i) meet the basic standards of care and protection for the child;
- (ii) provide basic services for care and protection to any child placed with it;
- (iii) prevent subjection of child placed with it to any form of cruelty or exploitation or neglect or abuse of any kind; and
- (iv) abide by the orders passed by the Board or the Committee or any other authority from time to time.

(3) An application in **Form 41** for recognition shall be accompanied with a copy each of rules, bye-laws, memorandum of association, list of governing body, office bearers, list of trustees, balance sheet of the preceding three years, statement of past record of social or public service provided by the institution or organization.

(4) The Board or the Committee, after inspection to ensure that provisions exist in the institution or organization for the care and protection of children, health, education, boarding and lodging facilities, vocational facilities and rehabilitation as per the rules, and consideration of such other material as may be available, may grant recognition to such institution organization as a fit facility in **Form 42**.

Provided that any person associated with such institution or organization should not have been convicted of an offence or have been involved in any immoral act or in act of child abuse or employment of child labour or in an offence involving moral turpitude.

(5) A decision on the application for recognition of an institution or organization shall be taken by the Board or the Committee within a period of fifteen days from the date of receipt of the application.

(6) The Board or the Committee shall give recognition to an institution or an organisation as a fit facility initially for a period of three years which may be renewed for a further period of three years in accordance with sub-rule (4) of this rule.

(7) The Board or the Committee may, if dissatisfied with the standard of care and protection provided, or conditions prevailing in the facility, or the management of the institution or the organization recognized under the Act or on an adverse report made by an inspection committee appointed under section 54 of the Act, or for any other reason, at any time, by a reasoned order withdraw the recognition of the institution or the organization as a fit facility and from the date specified in the order of the Board or the Committee, the institution or the organization shall cease to be a fit facility recognized under the Act and these rules.

(8) Where the recognition of a fit facility is withdrawn by the Board or the Committee, intimation of the same shall be sent to the Children's Court, Special Juvenile Police Unit and District Child Protection Unit and the children placed with such an institution or organisation may be placed by the Board or the Committee or the Children's Court with another fit facility or any Child Care Institution.

(9) A list of fit facilities approved by the Board or the Committee shall be kept in the office of the Board and the Committee and be sent to the Children's Court, Special Juvenile Police Unit, the District Child Protection Unit and the State Child Protection Society.

(10) An institution or organisation shall be recognised as a fit facility for purposes which may include:

- (i) Short term care;
- (ii) Medical care including long term treatment and specialised treatment;
- (iii) Psychiatric and mental health care;
- (iv) De-addiction and rehabilitation;
- (v) Education;
- (vi) Vocational training and skill development;
- (vii) Placement of children who were recruited by militant groups or used by adult groups; and
- (viii) Witness protection.
- (ix) Group foster care

(11) The services to be provided by the fit facility may include:

- (i) Food, clothing, water, sanitation and hygiene;
- (ii) Mental health interventions including counselling;
- (iii) Medical facilities including first aid and treatment;
- (iv) Formal education including bridge education and continuing education and life skill education;
- (v) Recreation, sports, fine arts and group work activities;
- (vi) Transportation;
- (vii) Emergency services including Disaster Management and Fire Safety; and Security.

(12) A child shall not be placed with a facility which is not duly recognized as a fit facility, for any purpose or in any circumstance.

(13) The placement of a child in a fit facility shall be for a period as deemed fit by the Board or the Committee or the Children's Court.

41. Fit Person (Section 52 (1) of the Act)

(1) Any individual who is fit to temporarily receive a child for care, protection or treatment, for a period as may be necessary, may be recognized by the Board or the Committee as a fit person.

(2) The Board or the Committee may identify a panel of persons on the basis of their credentials, respectability, expertise, professional qualifications, experience of dealing with children and their willingness to receive the child and shall recognise them as fit persons for the purposes of the Act.

Provided that such a person should not have been accused of an offence under the Act or have been involved in any immoral act or in act of child abuse or employment of child labour or in an offence involving moral turpitude.

(3) The Board or the Committee may also appoint any person as a fit person on need basis for a child or children after verifying the credentials of such a person, and wherever possible, after getting police verification of such a person done.

(4) The Board or the Committee may, if dissatisfied with the standard of care and protection provided or for any other reason, at any time, by a reasoned order withdraw the recognition of the person as a fit person from the date specified in the order of the Board or the Committee.

(5) Where the recognition of a fit person is withdrawn by the Board or the Committee, intimation of the same shall be sent to the Children's Court and the child placed with such a fit person may be placed by the Board or the Committee or the Children's Court with another fit person or with a fit facility or any Child Care Institution.

(6) A list of fit persons recognised by the Board or the Committee shall be kept in the office of the Board and the Committee and the Children's Court and be sent to the Special Juvenile Police Unit, the District Child Protection Unit and the State Child Protection Society.

(7) An individual may be recognised as a fit person for the purpose of providing immediate shelter, food, clothing and medical assistance, if required.

(8) The Board or the Committee or the Children's Court may place the child with a fit person in cases wherever required, including where the child cannot be sent to a Child Care Institution due to distance and/ or odd time.

(9) The fit person shall:

- i) have the capacity and willingness to receive the child; and

ii) provide basic services for care and protection of the child.

(10) The Board or the Committee or the Children's Court, depending on the need of the child and in consultation with the fit person shall determine the period for which a child shall remain with the fit person.

(11) The child shall not be placed with a fit person for a period, in such cases where the child requires further care, the Committee may consider the placement of the child in foster care or may consider other rehabilitative alternatives for the child.

The Board or the Children's Court in such cases where the period of placement of the child may exceed thirty days, refer the child to the Committee for further orders in respect of the child.

(12) A child shall not be placed with an individual who has not been duly recognized as a fit person for any purpose or in any circumstance.

42 A. Physical infrastructure. (Section 53 of the Act)

(1) The Child Care Institutions for children in conflict with law and children in need of care and protection shall function from separate premises as per the criteria elaborated.

(2) The norms for building or accommodation in each institution with 100 and 50 children shall be as under:

S. No.	Infrastructure	Number/ Unit	
		100 children	50 children
1.	Reception Unit with capacity of 15 children	1	1
2.	Dormitory each with capacity of 15 children	6	3
3.	Toilet & bathrooms attached with the dormitory (3 in each dormitory/ reception unit)	12	6
4.	Segregation Units each with capacity of 5 children (with toilet bathrooms attached)	3	2
5.	Toilet & bathrooms attached with the Segregation Units (1 in each unit)	8	4
6.	Classrooms	3	2
7.	Medical room/ first aid room	1	1
8.	Kitchen	1	1
9.	Dining Hall	1	1
10.	Store (1 each for kitchen and General articles, clothing-bedding etc.)	3	2
11.	Staff Room (1 each for Child Welfare Officers/	2	2

	Probation Officers/ Case Workers and other Care givers)		
12.	Recreation room	2	1
13.	Library	1	1
14.	Workshop	2	1
15.	Mental Health Unit/ Counselling and Guidance	1	1
18.	Superintendent's room	1	1
19.	Visitors' room	1	1
21.	Play Ground	1	1
22.	Guard Rooms including security search & frisking room	3	2
23.	Residence for Superintendent/ Person-in-Charge	3 bedroom with a room for meeting with official & children visiting	
24.	Staff Quarters	As per requirement	

(3) The Person-in-charge/ Superintendent shall stay within the institution and be provided with quarters and in case he is not able to stay in the Child Care Institution for legitimate reasons, 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 and, take decisions in the case of any crisis and emergency.

(4) There shall be proper and non-slippery flooring for preventing accidents.

(5) There shall be adequate lighting, heating and cooling arrangements, ventilation, safe drinking water, clean and accessible gender and age appropriate and disabled friendly toilets and high walls with barbed wire fencing.

(6) All institutions under the Act shall:

- (i) make provision of first aid kit, fire extinguishers in kitchen, recreation room, vocational training room, dormitories, store rooms and counselling room;
- (ii) conduct periodic review of electrical installations;
- (iii) ensure proper storage and inspection of articles of food; and
- (iv) ensure stand-by arrangements for water storage and emergency lighting.

(7) Special infrastructural facilities and necessary equipment shall be provided to differently-abled children. Such facilities and equipment shall be designed under the guidance of specialists/experts.

(8) Other logistical and functional requirements which would be provided for may include:

- (i) Computer sets
- (ii) Printers
- (iii) Photocopiers
- (iv) Scanner
- (v) Telephone with internet facility
- (vi) Fax
- (vii) Web Cam with video conferencing facility
- (viii) Furniture for officials, record keeping cabinets, work stations, wheel chair & stretchers for medical room
- (ix) Chairs and tables for studies and dining hall
- (x) Projector
- (xi) Wall - Cabinet for children for keeping their belongings

42 B. Clothing and Bedding.(Section 53 of the Act)

(1) The clothing and bedding shall be as per the scale and climatic conditions. The requirements of each child and the minimum standards for clothing and bedding would be as following:

A. BEDDING		
Sl. No.	Article	Quantity to be provided per child
1.	Mattress	1 at the time of admission and subsequently 1 after every 1 year
2.	Cotton Durry	2 at the time of admission and subsequently 2 after every 2 years
3.	Cotton bed sheets	2 at the time of admission and subsequently 1 after every 6 months
4.	Pillow (Cotton stuffed)	1 at the time of admission and subsequently 1 after every 1 year
5.	Pillow covers	1 at the time of admission and subsequently 1 after every 1 year
6.	Cotton blankets/ Khes	2 at the time of admission and subsequently 1 after every 2 years
7.	Cotton filled quilt	1 at the time of admission and subsequently 1 after every 2 years (in cold region in addition to the blankets)
8.	Mosquito net	1 at the time of admission and subsequently 1 after every 6 months
9.	Cotton towels	2 at the time of admission and subsequently 1 after every 3 months

B. Clothing for Girls		
Sl. No.	Article	Quantity per child
1.	Skirts & Blouse or Salwar Kameez or Half Sari with Blouse and Petticoat	2 sets at the time of admission and subsequently 1 after every 4 months for girls depending on age and regional preferences.
2.	Slip or Camisole or Sameez	2 at the time of admission and subsequently 2 after every 4 months for younger girls
3.	Brassieres	2 at the time of admission and subsequently 2 after every 4 months for older girls
4.	Panties	2 at the time of admission and subsequently 2 after every 3 months
5.	Sanitary pads – well absorbent , appropriate size and sticky surface with wings	3 pack per month for older girls
6.	Woollen Sweaters (full sleeves)	2 in 2 years
7.	Woollen Sweaters (Half sleeves)	(ii) in 2 years (iii)
8.	Woollen Shawls	1 in 2 years
9.	Nightwear	1 set in every 6 months
10.	uniform	1 set in every 6 months

B. Clothing for Boys		
Sl. No.	Article	Quantity per child
1.	Shirts	2 at the time of admission and subsequently 1 after every 6 months
2.	Shorts	2 at the time of admission and subsequently 1 after every 6 months for younger boys
3.	Pants	2 at the time of admission and subsequently 1 after every 6 months for older boys
4.	Vests	2 at the time of admission and subsequently 2 after every 3 months
5.	Underwear	2 at the time of admission and subsequently 2 after every 3 months
6.	Woollen jerseys (full sleeves)	2 in 2 years
7.	Woollen jerseys (half sleeves)	2 in 2 years
8.	Woollen Caps	1 in 1 year
9.	Kurta Pyjama for night wear	1 set in every 6 months
10.	uniform	1 set in every 6 months

C. Miscellaneous Articles		
1.	Slippers	1 pair at the time of admission and subsequently after every 6 months
2.	Sports Shoes	1 pair at the time of admission and subsequently 1 pair after every 1 year
3.	School Uniform	2 sets per year for children attending outside schools
4.	School bag and stationery	1 set in every 6 months for children attending outside schools
5.	School Shoes	1 pair at the time of admission in school and subsequently 1 pair after every 6 months
6.	Handkerchiefs	2 at the time of admission and subsequently 1 after every 2 months
9.	Socks	4 pairs per year

(2) 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 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 blouse, a pair of white canvas shoes and a blazer.

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

Sl. No.	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.	Pillow Covers	Four per bed per year
5.	Woollen blankets	One per bed per 2 years
6.	Pyjamas 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

(4) 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, and the clothes worn by the child at the time of admission in the hospital shall be preserved, duly washed and handed back, at the time of the child's discharge from the hospital.

(5) Each child shall be provided with Kit Box or wall cabinet, as per convenience and necessity.

(6) The Person-in-charge/ Superintendent may make arrangements for two-tier bed system in place of conventional cots, as per convenience, necessity and climatic conditions.

(7) Toiletry: Every resident of the Child Care Institution shall be issued oil, soap and other material as per the following scale:

Sl. No.	Items	Quantity to be issued per child
1.	Hair Oil for grooming the hair	100 ml per month
2.	Toilet soap or Carbolic soap	2 bar of 100gm per month
3.	Tooth brush	1 in every 3 months
4.	Toothpaste	100gm (a tube) per month
5.	Comb	1 in every 3 month
6.	Shampoo sachets	8 in a month (10ml/ per sachet)
7.	Bathing soap	2 bar of 125gm per month
8.	Hair clip/ band	2 bands in 3 month
9.	Moisturizer/coldcream (during winters)	250 ml in a month

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

- (i) Washing Soap: 3 soap for one month (125 gms) or equivalent washing powder
- (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. The superintendent may get installed washing machines, as required.

(9) The following items shall be provided for maintaining the Child Care Institutions in a healthy and sanitary condition:

S. No.	Items	Scale of Supply
1.	Broom Stick	25 to 40 Nos. per month depending on the area of the institution
2.	Pesticide spray	As per the institution Doctor's advice
3.	Effective bugs killing agent	As required
4.	Phenyl and cleaning acid	Depending on the area of lavatories to be

		(daily) cleaned as per institution Doctor's advice
5.	Mosquito repellent	2 per room per month

43. Sanitation and Hygiene. (Section 53 of the Act)

- (1) Every Child Care Institution shall have the following facilities, namely:
- (i) sufficient treated drinking water; water filters shall be installed at multiple locations in the premises for easy access such as kitchen, dormitory, recreational rooms etc.;
 - (ii) sufficient water including hot water for bathing and washing clothes, maintenance and cleanliness of the premises;
 - (iii) proper drainage system with regular maintenance;
 - (iv) arrangements for disposal of garbage;
 - (v) protection from mosquitoes by providing mosquito nets;
 - (vi) annual pest control;
 - (vii) sufficient number of well-lit and airy toilets in the proportion of at least one toilet for seven children;
 - (viii) sufficient number of well-lit and airy bathrooms in the proportion of at least one bath room for ten children;
 - (ix) sufficient space for washing and drying of clothes;
 - (x) washing machine wherever possible;
 - (xi) clean and fly-proof kitchen and separate area for washing utensils;
 - (xii) sunning of bedding twice every month and clothing on regular basis;
 - (xiii) maintenance of cleanliness in the Medical Centre;
 - (xiv) daily sweeping and wiping of all floors in the home;
 - (xv) cleaning/ washing of the toilets and bathrooms twice everyday;
 - (xvi) proper washing of vegetables and fruits and hygienic manner of preparing food;
 - (xvii) cleaning of the kitchen slabs, floor and gas after every meal;
 - (xviii) clean and pest proof store for maintaining food articles and other supplies;
 - (xix) disinfection of the beddings at least once a year;
 - (xx) fumigation of a sick room/ isolation room after every discharge in case of contagious or infectious disease; and
 - (xxi) cleanliness in medical centre.

44. Daily Routine. (Section 53 of the Act)

- (1) Every Child Care Institution shall have a daily routine for children developed in consultation with the Children's Committees, which shall be prominently displayed at various places within the Child Care 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 and national holidays, festive days, birthdays.

(3) A annual mandatory medical check-up for each child shall be got conducted

45. Nutrition and Diet Scale (Section 53 of the Act)

(1) The following nutrition and diet scale shall be followed by the Child Care Institutions, namely:

(i) the children shall be provided four meals in a day including breakfast;

(ii) 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;

(iii) every Child Care Institution shall strictly adhere to the minimum nutritional standard and diet scale as specified below:

(2) A suggested Nutrition and Diet Scale is given in table below:

Name of the articles of diet	Scale per head per day
(1) Rice/Wheat/Ragi/Jowar	800 Gms, (700 Gms for 16-18 yrs age) of which atleast 100 gms to be either Wheat or Ragi or Jowar or Rice
(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

Non – leafy	130gms
(14) Curd or Butter Milk	100 Gms/MI
(15) Chicken once a week or Eggs 4 days	115 Gms
(16) Jaggery & Ground Nut Seeds or Paneer (vegetarian only)	60 Gms each (100 Gms for paneer) Once in a week
(17) Sugar	40 Gms
(18) Tea/Coffee	5gm
(19) Sooji/Poha	150 gms
(20) Ragi	150 gms
Following items for 50 Children per day	
(18) Pepper	25 Gms
(19) Jeera Seeds	25 Gms
(20) Black Gram dal	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 ml
(29) Khichadi	300 gms
Other Items	
(30) LP Gas for Cooking only	

(3) children may be provided special meals on holidays, festivals, sports and cultural day and celebration of days of national importance;

(4) infants and sick children shall be provided special diet according to the advice of the doctor on their dietary requirement;

(5) the requirement of each child shall also be taken into account.

(6) the menu for the day shall be prepared in consultation with the Children's Committee and shall be displayed in the dining hall.

(4) Variation in Diet:-

(i) Three varieties of dal i.e., Toor (Tuvvari), Moong (Green Gram) and Chana (Bengal Gram) may be issued alternatively.

(ii) The Person-in-charge/ Superintendent may also arrange to substitute chicken with fish at his discretion, provided that there is no extra expenditure to Government.

(iii) 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.

(iv) Potatoes shall be issued in lieu of vegetables once in a week.

(v) Leafy vegetables such as Fenugreek (Methi), Spinach (Palak), Sarson (Mustard leaves) Gongura Thotakura 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.

(vi) Seasonal fruits such as mangoes, apples, oranges, bananas, etc. shall be provided in a non-repetitive manner in sufficient quantities.

(vii) The Person-in-charge/ Superintendent may make temporary alterations 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.

(5) Meal Timing and Menu:

(i) Breakfast – 7.30 a.m. to 8.30 a.m.

(a) Upma or chapattis made of Wheat or Ragi or any other dish.

(b) Chutneys from Gongura or fresh curry leaf or fresh coriander or Coconut and Putnadal etc., dal/vegetable may be issued as a dish.

(c) Milk

(d) Any seasonal fruit in sufficient quantity

(ii) Lunch at 12.30 to 1.30 P.M. and Dinner – 7.00 P.M. – 8.00 P.M

(a) Rice/ Chapattis or combination of both

(b) Vegetable Curry

(c) Sambar or Dal

(d) Butter Milk or curd

(6) Others:

(i) Depending on the season, the Person-in-charge/ Superintendent shall have the discretion to alter the time for distribution of food.

(ii) On the advice of the Institution Doctor or at the discretion of the Person-in-charge/ Superintendent, every sick child who is prevented from taking regular food, on account of his ill-health, may be issued with medical diet as per the scale for sick children.

(iii) 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.

(iv) Girls attaining puberty should be given food rich in iron or diet as suggested by doctor/ nutritionist.

(v) Special lunch or dinner may be provided to the children at the Child Care Institution at the rate fixed by the Person-in-charge of the Child Care Institution, from time to time on national festivals and festival occasions, including:

- (a) Republic Day (26th January)
- (b) Independence Day (15th August)
- (c) Mahatma Gandhi's Birth Day (2nd October)
- (d) Children's Day (14th November)
- (e) Festivals of national importance
- (f) Local Festivals
- (g) Annual Day of the Child Care Institution

(vi) The States may specify additional festivals depending upon local preferences.

46. Medical Care (Section 53 of the Act)

(1) In all Child Care Institutions, a medical officer shall be available from 8.00 a.m. to 8.00 p.m. and on call during the rest of the hours.

(2) A nurse and a para medic shall be available round the clock in all Child Care Institutions.

(3) Every Child Care Institution shall:

- (i) admit a child without insisting on a medical certificate at the time of admission;

- (ii) arrange for a medical examination of each child admitted in an institution by the Medical Officer within twenty four hours and in special cases or medical emergencies immediately;
- (iii) arrange for a medical examination of child by the Medical Officer at the time of transfer within twenty four hours before transfer;
- (iv) maintain a medical record of each child on the basis of monthly medical check-up and provide necessary medical facilities;
- (v) ensure that the medical record includes weight and height record, any sickness and treatment, and other physical or mental problems;
- (vi) have facilities for quarterly medical check-ups including dental check-up, eye testing and screening for skin problems and for treatment of children;
- (vii) have sufficient medical equipment to handle minor health problems including first aid kit with stock of emergency medicines and consumables;
- (viii) train all staff in handling first aid;
- (ix) 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 students and for holding periodic health camps within the institutions;
- (x) make necessary arrangements for the immunization coverage;
- (xi) take preventive measures in the event of out-break of contagious or infectious diseases;
- (xii) set up a system for referral of cases with deteriorating health or serious cases to the nearest civil hospital or recognised treatment centres;
- (xiii) keep sick children under constant medical supervision;
- (xiv) not carry out any surgical intervention on any child without the previous consent of his parent or guardian, unless the parent or guardian cannot be contacted and the condition of the child is such that any delay would, in the opinion of the medical officer, involve unnecessary suffering or injury to the health of the child, or without obtaining a written consent to this effect from the Person-in-charge of the institution;
- (xv) provide or arrange for regular counselling of every 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 and referral to specialized mental health centres, where necessary; and
- (xvi) 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 child concerned.

(4) Baseline investigation of Complete Blood Count (CBC), Urine Routine, HIV, VDRL, Hepatitis B and Hepatitis C tests and allergy or addiction to drugs shall be conducted for all children at the time of entry into the institution.

(5) Test for pregnancy or diseases for victims of sexual offences shall be

conducted, if required by the order of the Board or the Committee or the Children's Court.

(6) The State Government through the District Child Protection Unit shall make provisions for those children diagnosed with special problems such as hormonal problems, immuno-compromised diseases, physical and mental disabilities on the recommendation of the medical officer. The children shall be kept in special care homes/hospitals and avail necessary medical/ psychiatric and psychological support/ treatment.

(7) All girls who have attained puberty shall undergo health assessment to detect iron deficiency. Necessary dietary plan and medicines should be prescribed by the nutritionist and appointed doctor.

47. Mental Health (Section 53 of the Act)

(1) A child friendly space for therapeutic group intervention shall be created in every Child Care Institution which shall have a non- threatening conducive environment, general ambience and resource availability.

(2) The infrastructure for such child friendly space would include:

- (i) Physical environment to facilitate a wide range of appropriate activities and programs; and
- (ii) Encouraging, supporting and sensitive staff.

(3) Confidentiality on all matters regarding the child's personal details shall be maintained and the child shall be assured of the same so that a rapport and trust can be built with the child. A non- critical and proactive approach ensuring the comfort zone of the child shall be adopted in the Child Care Institution.

(4) A psycho- social profile of every child shall be maintained by the Child Care Institution and updated every month. Special observations may be recorded, when required. Person-in-charge of the institution shall ensure that any recommendations made shall be duly compiled with.

(5) Initial Psychological Assessment shall include detailed case history along with cognitive assessment and personality assessment using tests as medically prescribed depending upon the age of the child.

(6) Psycho-social profile of every child shall include an activity plan and encourage involvement of the child in different activities and tasks for attitude change, aptitude development and behaviour modification.

(7) Any at risk behavior, trauma, mental health concerns/disorders/addictions/psychological care needed for the children and treatment/therapy must be documented and the Person-in-charge shall be guided for the supervision and management of the same.

(8) A brief summary of the therapeutic interventions (individual as well as group) along with the plan for the follow up sessions shall be maintained for each child in the Child Care Institution.

(9) Interactive, participatory skills in an enabling environment for children with support of individual or group therapy must be encouraged for children in need of such treatment in all Child Care Institutions. The therapeutic group interventions must be conducted by counsellors adequately trained or experienced for the purpose.

(10) The environment in an institution shall be free from abuse, allowing children to cope with their situation and regain confidence. A multi-pronged approach aimed at increasing awareness about different forms of abuse must be adopted. Safe places of interaction, regular screening of staff, professionals and feedback amongst the children should be provided in the Child Care Institutions.

(11) The counselor and house parent should regularly interact with the child individually and in groups to keep a watch towards any flag-signs of abuse (sexual, physical, emotional, verbal and any other) and signs of self-harm and disruptive behavior within the Child Care Institution and the same shall be reported to the Person-in-charge who shall in turn bring the same before the Management Committee and the Board or the Committee or the Children's Court at the earliest. The counselor shall help the child to develop coping skills and initiate therapy and medication, wherever necessary.

(12) Each Child Care Institution shall make provision for individual therapy as a critical mental health intervention and provide the necessary infrastructure for the same.

(13) Every institution shall have trained counselors and shall also collaborate with external agencies such as child guidance and counselling centres, psychology and psychiatric departments or similar government and non-government agencies, for specialized and regular therapeutic intervention in the Child Care Institution.

(14) A mental health care plan as part of the individual care plan shall be developed for every child in consultation with mental health experts associated with the Child Care Institution.

(15) The recommendations of mental health experts shall be maintained in every case file.

(16) No child shall be administered medication for mental health problems without psychological evaluation and diagnosis by appropriately trained mental health professionals.

(17) Medicines should be administered to the children only by trained appointed medical staff and not by any other staff of the Home.

48. Education. (Section 53 of the Act)

(1) The Board or the Committee or the Children's Court shall ensure that every child is provided with appropriate and age specific education in every Child Care Institution.

(2) On the admission of any child in the Child Care Institution, the level of education of the child shall be assessed including for their cognitive development by a counsellor, and a plan shall be drawn up for providing suitable education to the child.

(3) Every Child Care Institution shall provide education to all children according to the age and ability, both inside or outside the Child Care Institution, as per the requirement and taking into account the provisions of the Right of Children to Free and Compulsory Education Act, 2009 for the children between the age of six to fourteen years or the completion of elementary education.

(4) There shall be a range of educational opportunities including, mainstream inclusive schools, special needs schools, bridge school, open schooling, non-formal education and learning and input from special educators where needed.

(5) Specialized trainers and experts shall be appointed to cater to the educational needs of children with special needs either physical or mental. Learning disorders shall be identified, assessed and reported in the Individual Care Plan. Further assistance shall be given to the child by trained professionals.

(6) Wherever necessary, remedial coaching shall be made available to school going children in the institutions by encouraging volunteer services or tying up with coaching centers. Assistance may be taken from recognized non-governmental organizations/ corporate sector for rendering support towards education and training programme.

(7) Educational programmes including bridge courses shall be taken up for

children not attending regular schools within the Child Care Institutions with an aim to mainstream their education.

(8) Educational programmes shall include computer training and use of Information Technology. In Child Care Institutions where education for children is offered outside the premises, care should be taken by providing necessary escort and transportation and security facilities to children who may be at risk and require protection.

(9) National Institute of Open Schooling (NIOS) services shall be made available in every Child Care Institution.

(10) A record shall be maintained for all children attending educational and training programmes and the progress made by each child shall be reviewed. The report shall be submitted to the Board or the Committee or the Children's Court on a quarterly basis.

(11) Regularity of the education programme and attendance of the children shall be ensured.

(12) Children should be able to avail scholarships, grants and schemes and sponsorships.

(13) The children shall be given all the required support for fees and purchase of uniform, school bags, shoes, stationary, books, raincoats etc. and if necessary, under the Right of Children to Free and Compulsory Education Act, 2009 for the children between the age of six to fourteen years and any Schemes of the State Government.

49. Vocational Training. (Section 53 of the Act)

(1) Every Child Care Institution shall provide gainful vocational training to children according to their age, aptitude, interest and ability, both inside or outside the Child Care Institution.

(2) Vocational training shall include occupational therapy, skill and interest based training, aimed at appropriate placement at the end of the course. The Institute providing vocational training shall give a certificate, preferably government recognized, on the completion of the course.

(3) Where vocational training is offered outside the premises of the Child Care Institution, children shall be escorted for such programmes with proper security planning and services particularly for at risk children.

(4) A record shall be maintained for all children attending the programs and the progress made by each child shall be reviewed. The report in that regard shall be submitted to the Board or the Committee or the Children's Court, as the case may be, on a quarterly basis.

(5) The Child Care Institutions shall network with Institute of Technical Instruction, Jan Shikshan Sansthan, National Skill Development Corporation, Indian Institute of Skill Development, Non-Governmental Organisations, Government and Private Organization or Enterprises and the corporate sector and with placement agencies. They shall also take the benefit of the special schemes of the Ministries of Rural Development, Urban Development and Poverty Alleviation and Labour of the Government of India.

(6) Regularity of the vocational training programme and attendance of the children shall be maintained and monitored.

(7) Children should be able to avail sponsorship for vocational training.

(8) The District Child Protection Unit shall prepare a list of different training and vocational institutes and organisations and corporates supporting vocational training and furnish the same to the Board and the Committee and the Children's Court to enable them to pass appropriate directions and orders.

50. Recreational Facilities. (Section 53 of the Act)

(1) A provision of guided recreation shall be made available to all children in all the Child Care Institutions.

(2) Recreational facilities shall include indoor and outdoor games, yoga and meditation, music, television, picnics and outings, cultural programmes, gardening and library.

(3) Sufficient space shall be allotted for outdoor sports and games.

(4) Picnic and outings shall include education fair/ science fair, museum, planetarium, botanical garden, zoological garden.

(5) Cultural event/ sports competition shall be held once in a quarter to showcase talent on festivals or on days of national importance.

(6) Library shall have child friendly environment. There should be books in regional language, newspapers, children's magazines, puzzle books, picture books, books in Braille, audio and video devices.

(7) Space shall be allotted for gardening with technical input being given by a gardener.

(8) Assistance may be taken from non-governmental organization for conducting the recreational activities on regular basis

(9) Music, dance and art therapy should be included in the list of recreational activities to enhance the healing process of each child.

(10) Regularity of the activities shall be maintained and a report shall be submitted on quarterly basis to the Board or the Committee or the Children's Court, as the case may be.

51. Duties of the Person-in-Charge/ Superintendent of a Child Care Institution. (Section 53 of the Act)

(1) The primary responsibility of the Person-in-charge is of maintaining the Child Care Institution and of providing care and protection to the children.

(2) The Person-in-Charge shall stay within the premises to be readily available as and when required by the children or the staff and in case where an accommodation is not available in the premises, he shall stay at a place in close proximity to the Child Care Institution till such time such accommodation is made available within the premises of the Child Care Institution.

(3) The general duties and functions of the Person-in-charge shall include, to:

- (i) ensure compliance with the provisions of the Act and the rules and orders made there under;
- (ii) ensure compliance with the orders of the Board or the Committee or the Children's Court;
- (iii) provide homely and enabling atmosphere of love, affection, care and concern for children;
- (iv) strive for the development and welfare of the children;
- (v) supervise and monitor discipline and well-being of the children and the staff;
- (vi) plan, implement and coordinate all activities, programmes and operations, including training and treatment programmes or correctional activities as the case may be;
- (vii) segregate a child suffering from contagious or infectious diseases on the advice of the medical officer of the institution;
- (viii) segregate a child wherever required;

- (ix) ensure observance and follow-up of daily routine;
- (x) organize local and national festivals in the home;
- (xi) organize trips or excursions or picnics for children;
- (xii) send a list of children in **Form 43** in the Child Care Institution to the Board or the Committee, as the case may be, every week and bring to the notice of the Board or the Committee, if no date is given for the production of any child before the Board or the Committee;
- (xiii) allocate duties to personnel;
- (xiv) maintain standards of care in the Child Care Institution;
- (xv) ensure proper storage and inspection of food stuffs as well as food served;
- (xvi) maintain the buildings and premises of the Child Care Institution;
- (xvii) maintain proper hygiene in the home;
- (xviii) provide accident and fire preventive measures, disaster management within the premises;
- (xix) make stand-by arrangements for water storage, power back-up, inverters, generators;
- (xx) ensure careful handling of equipment;
- (xxi) employ appropriate security measures;
- (xxii) conduct periodical inspections, including daily inspection and rounds of the Child Care Institutions;
- (xxiii) take prompt action to meet emergencies;
- (xxiv) ensure prompt, firm and considerate handling of all disciplinary matters;
- (xxv) ensure proper and timely maintenance of the case files;
- (xxvi) maintain all records and registers required under the Act and these rules;
- (xxvii) prepare the budget and maintain control over financial matters;
- (xxviii) organize the meetings of the Management Committee set-up under rule 65 of these rules and provide necessary support;
- (xxix) ensure monthly verification of the all records and registers by the Management Committee set-up under rule 65 of the rules;
- (xxx) liaise, co-ordinate and co-operate with the State Child Protection Society and the District Child Protection Unit as and when required;
- (xxxi) co-ordinate with the legal cum probation officer in the District Child Protection Unit or the District or State Legal Services Authority to ensure that every child is legally represented and provided free legal aid and other necessary support.
- (xxxii) ensure the production of the child before the Board or the Committee or the Children's Court on the date of such production and to ensure that the dates for the said purpose are recorded.

(4) The Person-in-charge shall inspect the Child Care Institution as often as possible but not less than twice a day. He shall make a record of the timings of his inspection and also note his observations in a separate book maintained for the purpose, especially with regard to:

- (i) maintenance of hygiene and sanitation,
- (ii) maintenance of order,
- (iii) quality and quantity of food,
- (iv) hygienic maintenance of food articles and other supplies,
- (v) hygiene in the medical center and provisions for medical care,
- (vi) behaviour of the children and staff,
- (vii) security arrangements, and
- (viii) maintenance of files, registers and books.

(5) Anything amiss that comes to the notice of the Person-in-charge shall be enquired into and set right and the date, time and nature of the action taken shall be noted in the book.

(6) Where a problem of urgent nature has not been resolved within two working days, the Board or the Committee or the District Child Protection Unit shall be informed.

(7) In case the Person-in-charge is on leave or otherwise not available, the duties of the Person-in-charge shall be performed by the Child Welfare Officer as designated by the Person-in-charge.

52. Duties of the Child Welfare Officer (CWO) /Case Worker. (Section 53 of the Act)

(1) Every child welfare officer/case worker in the Child Care Institution shall carry out all directions given by the Board or the Committee or the Children's Court.

(2) The child welfare officer/ case worker shall establish linkages with voluntary workers and organizations to facilitate rehabilitation and social re-integration of the children and to ensure the necessary follow-up.

(3) The child welfare officer/ case worker available in the Child Care Institution at the time of receiving a child shall interact with the child received with a view to put the child at ease and befriend him and shall supervise the 'receiving of the child'.

(4) On receipt of information from the police or Child Welfare Police Officer or on arrival of a child in the Child Care Institution, the child welfare officer/ case worker shall forthwith conduct social investigation of the child through personal interviews with the child and his family members, social agencies and other sources; inquire into antecedents and family history of the child and collect such other material as may be relevant, and submit the Social Investigation Report to the Board or the Committee or the Children's Court, within fifteen days.

(5) All the children in the Child Care Institution shall be assigned a child welfare officer/ case worker and such child welfare officer/ case worker shall be responsible qua the child assigned to him in all respects viz. care and development of the child, reporting to the Board or the Committee or the Children's Court about the child or maintaining the child's record in the Child Care Institution.

(6) Upon assignment of the child to a child welfare officer/ case worker, the Child Welfare Officer/Case Worker shall:

- (i) Prepare the case file of the child;
- (ii) Maintain the Protective Custody Card;
- (iii) Prepare and maintain the medical record of the child and ensure that the treatment of the child is not interrupted or neglected;
- (iv) Meet the child every day to ensure his safety, welfare and development; assist the child to adjust to the life in the Child Care Institution. A newly received child shall be met more often than once a day;
- (v) Gather information about the child within the initial five days to ascertain the child's education, vocational status and aptitude and emotional status;
- (vi) Have the necessary tests, assessments and examinations of the child conducted;
- (vii) Collect the child's medical, mental status, cognitive assessment, psycho-social and addiction status reports from the persons concerned and place them in the medical record of the child;
- (viii) Study the reports and prepare in consultation with the child and his family members, an individual care plan for the child in **Form 7 or Form 22** for the period pending inquiry, to be placed in the case file of the child. The child welfare officer/case worker may consult the counsellor, psychologists or such other person as he deems fit in this regard;
- (ix) In keeping with the individual care plan, a daily routine shall be developed for the child and explained to him;
- (x) Ensure that the child adheres to the routine so developed and take timely reports from the caregivers in this respect;
- (xi) Review periodically the implementation and effectiveness of the individual care plan and if necessary, suitably modify the individual care plan in **Form 7 or Form 22** and/or the routine of the child with the approval of the Management Committee;
- (xii) Resolve the problems of the child and deal compassionately with their difficulties in life in the Home;
- (xiii) Participate in the orientation, monitoring, education, vocational and rehabilitation programmes in respect of the child and attend the parent teacher meetings in schools in respect of children assigned to them;
- (xiv) Establish co-operation and understanding between the child and the Person-in-charge;
- (xv) Assist the child to develop contact with family and also provide guidance and assistance to family members;

- (xvi) Attend the Board or the Committee or the Children's Court proceedings, convey all the information and file all reports that may be called for;
- (xvii) On receiving the copy of the order of declaration of age, to make the necessary changes in the record as regards the age of the child if any change is required and to place the copy of the said order in the case file of the child;
- (xviii) Participate in the pre-release programme and help the child to establish contact which can provide emotional and social support to the child after the release;
- (xix) Maintain contact with the children after their release and extend help and guidance to them;
- (xx) Visit regularly the residence of the child under their supervision and also places of employment or school attended by such child and submit fortnightly reports or as otherwise directed;
- (xxi) Accompany the child wherever possible from the Board or the Committee or the Children's Court to Child Care Institution as the case may be;
- (xxii) Maintain record of the next date of production of the child before the Board or the Committee or the Children's Court or for medical treatment and ensure the production of the child before the Board or the Committee or the Children's Court or for medical treatment on the said date;
- (xxiii) Maintain the registers as may be specified from time to time;
- (xxiv) Generally do everything in the best interest of the child; and
- (xxv) Any other duty assigned by the Person-in-charge of the Child Care Institution.

(7) The child welfare officer/case worker who has been assigned the duty of verifying the daily cleaning shall do so twice a day, one after the morning cleaning and the other after the evening cleaning. The child welfare officer/case worker shall make a note of the same in the House-keeping register.

(8) The child welfare officer/case worker who has been assigned the duty of verifying the daily cooking shall make a note of the same in the Meals register, in respect of every meal.

53. Duties of the House Mother/Father, Caregiver. (Section 53 of the Act)

(1) Every house father/mother or caregiver shall abide by the directions of the Person-in-charge.

(2) The general duties, functions and responsibilities of a house father, house mother and caregiver shall be as follows:

- (i) handle every child in the Child Care Institution with love and affection;
- (ii) take proper care of the child and ensure his welfare;
- (iii) provide each child upon his reception with all the necessary supplies like clothing, toiletries etc.;

- (iv) replenish the provisions/supplies as per scale and need of the child;
- (v) maintain discipline among the children;
- (vi) ensure that the children maintain their personal cleanliness and hygiene;
- (vii) look after maintenance, sanitation and maintain hygienic surroundings;
- (viii) implement the daily routine of every child in an effective manner and ensure the participation of the children;
- (ix) look after safety and security arrangements in the Child Care Institution;
- (x) escort the children whenever they go out of the Child Care Institution for purposes other than production before the Board or the Committee or the Children's Court;
- (xi) report to the Person-in-charge and to the Child Welfare Officer about the child assigned to the Child Welfare Officer;
- (xii) maintain the registers, relevant to their duties; and
- (xiii) any other duty as may be assigned by the Person-in-charge of the Child Care Institution.

54. Duties of a Probation Officer

(1) On receipt of information from the Police or Child Welfare Police Officer under sub-section (1) (ii) of section 13 of the Act, without waiting for any formal order from the Board, the probation officer shall inquire into the circumstances of the child as may have bearing on the inquiry by the Board and submit a social investigation report in **Form 6** to the Board.

(2) The social investigation report should provide for risk assessment, including aggravating and mitigating factors highlighting the circumstances which induced vulnerability such as traffickers or abusers being in the neighbourhood, adult gangs, drug users, accessibility to weapons and drugs, exposure to age inappropriate behaviours, information and material.

(3) The probation officer shall carry out the directions given by the Board and shall have the following duties, functions and responsibilities:

- (i) To conduct social investigation of the child in **Form 6**;
- (ii) To attend the proceedings of the Board and the Children's Court and to submit reports as and when required;
- (iii) To clarify the problems of the child and deal with their difficulties in institutional life;
- (iv) To participate in the orientation, monitoring, education, vocational and rehabilitation programmes;
- (v) To establish co-operation and understanding between the child and the Person- in-charge;
- (vi) To assist the child to develop contacts with family and also provide assistance to family members;

- (vii) To participate in the pre-release programme and help the child to establish contacts which could provide emotional and social support to the child after release;
- (viii) To establish linkages with probation officers in other districts and States for obtaining social investigation report, supervision and follow-up.
- (ix) To establish linkages with voluntary workers and organizations to facilitate rehabilitation and social reintegration of children and to ensure the necessary follow-up;
- (x) Regular post release follow-up of the child extending help and guidance, enabling and facilitating their return to social mainstreaming;
- (xi) To prepare the individual care plan and post release plan for the child;
- (xii) To supervise children placed on probation as per the individual care plan;
- (xiii) To make regular visits to the residence of the child under his supervision and places of employment or school attended by such child and submit periodic reports as per **Form 10**;
- (xiv) To accompany children where ever possible, from the office of the Board to the observation home, special home, place of safety or fit facility as the case may be;
- (xv) To evaluate the progress of the children in place of safety periodically and prepare the report including psycho-social and forward the same to the Children's Court;
- (xvi) To discharge the functions of a monitoring authority where so appointed by the Children's Court as per sub-rule 16(xiii) of rule 18 of these rules;
- (xvii) To maintain a diary or register to record his day to day activities such as visits made by him, social investigation reports prepared by him, follow up done by him and supervision reports prepared by him;
- (xviii) To identify alternatives of community services and to establish linkages with voluntary sector for facilitating rehabilitation and social reintegration of children; and
- (xix) Any other task as may be assigned.

55. Rehabilitation cum Placement Officer

- (1) The State Government shall designate Rehabilitation cum Placement Officers in all Child Care Institutions, including place of safety.
- (2) The Rehabilitation cum Placement Officer shall have a Masters Degree in Social Work or Human Resource Management and three to five years' experience in the field of rehabilitation, employment creation and resource mobilization.

(3) The Rehabilitation cum Placement Officer shall perform the following functions:

- (i) Identify the skills and aptitude of the children placed in Child Care Institutions through appropriate mechanism and in consultation with the child welfare officer, case worker, Counsellor and Vocational instructor;
- (ii) Identify and develop linkages with all such agencies that offer vocational and training services with job placement at the end of the course;
- (iii) Network with persons, corporates, recognised non-governmental organizations and other funding agencies to mobilize resources for sponsoring training program and support for self-employment;
- (iv) Facilitate and coordinate with agencies, individuals, corporates, recognised non-governmental organizations and other funding agencies to set up vocational training units / workshops in Child Care Institutions as per age, aptitude, interest and ability;
- (v) Mobilise voluntary vocational instructors who render services to carry out the training sessions in the Child Care Institutions;
- (vi) Inculcate entrepreneurial skills and facilitate financial and marketing support for self-employment;
- (vii) Prepare rehabilitation plans keeping in mind the nature of the offence and the personality traits of the child;
- (viii) Maintain the Rehabilitation Card in **Form 14** and monitor the progress made by the child on regular basis and submit such progress reports to the Management Committee;
- (ix) Facilitate the child to get certificates on completion of the education or vocational or training courses;
- (x) Make efforts for ensuring effective placement of each eligible and trained child;
- (xi) Organise workshops on Rehabilitation programmes and services available under Central and State Government Schemes, spread awareness and facilitate access to such schemes and services;
- (xii) Organise workshops on personality development, life skill development, coping skills and stress management and other soft skills to encourage the child to become a productive and responsible citizen; and
- (xiii) Conduct regular visits to the agencies where the children are placed to monitor their progress and provide any other assistance as may be required.

56. General Duties of each Staff-member, including the Security Personnel.

The designated staff shall be responsible for taking care of all the needs of the children as per the Fundamental Principles and the orders of the Board or the Committee or the Children's Court or the Person-in-charge.

57. Staff Discipline. (Section 53 of the Act)

(1) Any dereliction of duty, violation of rules and orders shall be viewed seriously and strict disciplinary action shall be taken/ recommended by the Person-in-charge against the erring officials.

(2) No staff of the Child Care Institution shall be present at an unauthorised location within the Child Care Institution.

(3) No staff of the Child Care Institution shall bring into the Institution any prohibited article.

(4) No staff of the Child Care Institution shall consume any addictive substances like liquor, bidi, cigarette, tobacco or any other psychotropic substance etc. within the premises of the Child Care Institution, whether on duty at the relevant time or not or shall report for duty under the influence of any intoxicating substance.

(5) No staff of the Child Care Institution shall sell or let for gain any article to any child nor have any business dealings with such child or his parent or guardian.

(6) No staff of the Child Care Institution shall use any abusive or vulgar language or discuss age-inappropriate topics or watch pornographic material or read obscene literature in the premises of the Child Care Institution.

58. Security measures. (Section 53 of the Act)

(1) Adequate number of security personnel shall be engaged in every Child Care Institution keeping in mind the category of children housed in the Child Care Institution, age group of children and the purpose of the Child Care Institution and the risk factor to and from the child.

(2) While engaging security personnel, preference shall be given to ex-servicemen recruited through the Directorate General of Resettlement or agencies recommended by them.

(3) In Child Care Institutions housing girls, female security guards would be provided for the security inside the Child Care Institution and male security guards may be engaged for the security of the Child Care Institution from outside.

(4) Security personnel should also be available in reserve for any emergency situation.

(5) The Person-in-charge shall ensure that appropriate security measures are employed at all times, including the following:

- (i) There shall be sufficient number of guards at all times in different shifts to be posted at the points to be identified by the Person-in-charge in consultation with In charge Security and the Department.
- (ii) Any child, who complains of a medical problem or any other problem at night, shall report to the caregiver concerned. The caregiver shall take such necessary steps as may be required and in case of emergency shall inform the medical officer concerned or the Person-in-charge as the need may be, who shall immediately take appropriate steps.
- (iii) A duty roster shall be prepared and displayed in some prominent place in the premises of the Child Care Institution by the Person-in-charge.

(6) Every caregiver or other staff of the Home, if he comes to know of any incident or probability of unrest amongst the children, shall bring the same to the notice of the Person-in-charge without any loss of time, who shall take necessary steps as the situation demands and shall inform the Board or the Committee of such information or incident as well as the steps taken by him, in writing.

(7) The Person-in-charge shall make surprise visits to all parts of the Child Care Institution during the night as frequently as possible, but not less than once a week. He shall make a record of the timings of his visit and also note his observations in the register maintained by him in that regard.

(8) In a case of disturbance outside the Child Care Institution, the shift in charge shall immediately inform the police station concerned.

(9) In a case of violence or disturbance inside the Child Care Institution, the shift in charge shall take assistance of the police with the permission of the Person-in-charge. The shift in charge shall first issue a warning to the children.

(10) In case of a natural disaster or fire or any such calamity, the shift in charge shall take suitable steps for evacuation and safety of the children as per the Disaster Management Protocol to be developed by the State Disaster Management Authority for Child Care Institutions.

(11) To prepare the officers, children and guards to follow the above routine, a practice drill shall be held once a month, without previous warning or notice by the Person-in-charge.

(12) Closed Circuit Television cameras shall be installed at all key points such as all entry and exit points to the Child Care Institution, reception, corridors, kitchen, pantry/ store room, dormitories, entry and exit points of the washrooms with due regard to the privacy and dignity of the children.

(13) Adequate number of scanners and metal detectors shall be provided in every Child Care Institution.

59. Searches and Seizures.

(1) The Superintendent or other authorised functionary of the Home may conduct searches if required, and seize prohibited articles if found.

(2) The procedur in case of seizures shall be as under.-

(i) Any prohibited article found during the search shall be seized by the Person-in-charge and a list prepared.

(ii) In case of arms, weapons, articles capable of being used as weapons or tools for criminal activities or addictive substances being found from a child or dormitory, the Person-in-charge shall conduct an inquiry to ascertain how the article entered the Child Care Institution and the persons who are responsible.

(iii) The Person-in-charge shall furnish his report in this respect to the Police and inform the Board or the Committee at the earliest.

(iv) The Board may initiate appropriate action upon such report or on the report forwarded by the Committee for disposal of the seized articles.

(v) The State Government shall take appropriate action against the person responsible, if such person is an officer of the Child Care Institution or against the Agency through whom the said person has been engaged or the Child Care Institution,.

(vi) The child responsible shall be dealt with in accordance with the Act and these rules.

(3) All the articles seized shall be destroyed or disposed off having regard to the nature of the articles, on the orders of the competent court, after being satisfied that the seized articles are not required in any inquiry/departmental action against any officer or in any criminal investigation and proceedings.

60. Institutional Management of children. (Section 53 of the Act)

A. (1) Every child shall be received by the Person-in-charge of the Child Care Institution or such other official duly authorized by the Person-in-charge to receive a child referred to as the Receiving Officer.

(2) The Receiving Officer shall fully satisfy himself as regards the identity of the child and in case of any doubt, the Receiving Officer (if not the Person-in-charge) shall promptly inform the Officer-in-charge who shall forthwith inform the Board or the Committee and produce the child before the Board or the Committee without any delay.

B. Types of Stay at the Child Care Institution.- (1) In case of children in conflict with law, there are three types of stay of children at the Child Care Institution:

- (i) Protective Custody.
- (ii) Overnight Protective Stay.
- (iii) Rehabilitation Stay.

(2) In case of children in need of care and protection, there are two types of stay of children at the Child Care Institution:

- (i) Overnight Protective Stay.
- (ii) Rehabilitation Stay.

C. Protective Custody.- (1) A Protective Custody Card in **Form 44** duly signed by the Board or a custody warrant duly signed by the Children's Court is required for such stay.

(2) Duration of such stay shall be as directed by the Board or the Children's Court and as extended from time to time by them.

(3) Such a stay shall be during the pendency of the inquiry.

D. Overnight Protective Stay- (1) The purpose of the stay is to provide shelter to the child and prevent his being kept overnight at the police station or at any other unsuitable place by providing an alternative.

(2) Such stay may be only after 8 pm in the night and till 11 am the following day.

(3) A child shall be permitted to stay at the Child Care Institution for one night on an application seeking Overnight Protective Stay of the child moved by the Child Welfare Police Officer in writing to the Receiving Officer. The application shall be accompanied with a copy of the relevant documents showing the circumstances in which the child was apprehended/ found and the medical condition of the child.

(4) Upon being satisfied about the identity of the child, the child may be received by the Receiving Officer and **Form 45** shall be filled in triplicate. One copy of the **Form 45** shall be retained for the record of the Child Care Institution, one copy shall be

handed over to the Child Welfare Police Officer and the third copy shall be forwarded to the Board concerned or the Committee for their record.

(5) The child shall be handed over into the charge of the Child Welfare Police Officer the next day at the time stated in **Form 45** under receipt by the said Child Welfare Police Officer in the copy of the **Form 45** with the Child Care Institution.

(6) In case of the Child Welfare Police Officer not taking the charge of the child at the designated time, the child shall be produced before the Board concerned or the Committee by the Person-in-Charge of the Child Care Institution with a report stating such fact.

(7) The particulars of the child shall be entered in the Admission and Discharge register, specifically noting that the child has been received for Overnight Protective Stay.

(8) The child shall be searched and all his personal belongings, if any found, shall be handed over to the Child Welfare Police Officer who has produced the child and who shall seize the articles and furnish a copy of such seizure to the Receiving Officer.

(9) The child shall be provided something to eat and drink if the child is hungry, irrespective of the time of receiving such child.

(10) The child shall be placed for the night in the Reception Dormitory or the segregation unit as the case may be.

E. Rehabilitation Stay.- (1) A child may be sent to the Children's Home by the Committee for such a stay and to the special home or the place of safety by the Board or the Children's Court.

(2) The child shall be issued the Rehabilitation Card in **Form 14** which shall state the duration of stay of the child, unless the duration is shortened by a specific order in that respect by the Board or the Committee or the Children's Court.

F. Procedure to be Adopted at the Time of Receiving the Child.- (1) The Receiving Officer shall follow the following procedure at the time a child is produced:

- (i) A full personal description of the child shall be entered in the Admission and discharge register. In case of rehabilitation stay, the date of release of the child shall also be noted.
- (ii) The child shall be searched after explaining the requirements and the process, and with due regard to decency and dignity and all the personal belongings

shall be dealt with as stated in rule 63 of these rules. A girl child shall be searched only by a female member of the staff.

- (iii) The child shall be provided something to eat and drink if the child is hungry, irrespective of the time of receiving such child.
- (iv) The child shall be provided medical care in case of ill-health, injury, mental ailment, disease or addiction requiring immediate attention.
- (v) The child shall be segregated in specially earmarked dormitory or ward or hospital in case he is suspected to be suffering from contagious or infectious disease requiring special care and caution.
- (vi) The child shall be questioned about any immediate and urgent needs like appearing in an examination or interview, contacting family members. A note of the same or of the fact that no such need is present shall be made by the Receiving Officer and put up before the child welfare officer/ case worker to whom the child is assigned. The said note shall be placed in the case file of the child.

(2) Every child received in the Child Care Institution shall be kept for the first fourteen days of his stay in the Reception Dormitory made specifically for the purpose or the segregation unit, to provide the child space and time to adjust to the life in the Child Care Institution.

G. Procedure to be adopted after the child is received.- (1) The following procedure shall be adopted on the same day or the next day if the child is received in the night:

- (i) The child may have a bath and be provided fresh clothes.
- (ii) Photograph of the child shall be taken. One photograph shall be kept in the case file of the child and another shall be fixed on the index card with the particulars of the child. A copy shall be kept in an album serially numbered and a copy of the photograph shall be sent to the Board or the Committee as well as to the District Child Protection Unit and be uploaded on the web portal set up for the purpose.
- (iii) The caregiver shall issue the child toiletry items, new sets of clothes, bedding and other outfit and equipment as per rule 42 of these rules, a list of which shall be kept in his case file. The provisions will be replenished from time to time as per rule 42 of these rules.
- (iv) The child welfare officer shall familiarize every newly admitted child with the Child Care Institution and its functioning, particularly in the following areas:-
 - (a) Personal health, hygiene and sanitation;
 - (b) Discipline of the Child Care Institution and code of behaviour;
 - (c) Daily routine and peer interaction; and

(d) Rights, responsibilities and obligations within the Child Care Institution.

(v) The child shall be examined by the medical officer, who shall record the state of health of the child, and of any wound or mark on his person and any observation which the medical officer thinks fit, a copy of which shall be placed in the medical record of the child.

(vi) A child welfare officer/ case worker shall be assigned to the child by the Person-in-charge.

H. Procedure to be adopted during the first fourteen days of receiving the child.-

(1) The assigned child welfare officer/ case worker shall interact with the child as often as possible and

(2) Within two days of the receipt of the child, the child may if required be examined by a panel of doctors to understand his physical/medical, psychological state and his state of addiction, if any, for assessment of his personality, cognitive skills and requirements to assist in the rehabilitation plan to be prepared for him. The recommendations made by such panel shall immediately be complied with. A record of the recommendations and the steps taken in compliance thereof shall be placed in the medical record of the child.

(3) The child welfare officer/ case worker assigned to the child shall also interact with the family members of the child, where available. A case history in **Form 46** shall be prepared and maintained in the case file of the child. Information for the same may be collected through all possible and available sources including the parents/guardian, home, school, friends, employer and community of the child.

(4) The child welfare officer/ case worker shall assess the educational level and vocational aptitude of the child on the basis of tests and interviews, conducted with the assistance of other technical staff. Necessary linkages, in this respect, shall be established with outside specialists and community based welfare agencies, psychologist, psychiatrist, child guidance clinic, hospital and other government and non-government organizations.

(5) A temporary individual care plan shall be developed for the child, if required.

I. Procedure to be adopted on the expiry of the first fourteen days.-

(1) The child shall be shifted to one of the regular dormitories and assigned a specific bed, cabinet and study table in that dormitory.

- (2) Assignment of the dormitory shall be done on the basis of:
- (i) Age;
 - (ii) The nature of offence by or against the child;
 - (iii) The physical and mental status of the child;
 - (iv) The children, who are in need of special care, shall be kept in a different dormitory.
- (3) An individual care plan in **Form7 or Form 22** of the child shall be prepared by the child welfare officer/ case worker on the basis of the child's case history, education and vocational aptitude. In case of rehabilitation stay, the care plan shall be formulated for the complete period of the stay and shall necessarily include any and all directions given by the Board or the Committee or the Children's Court towards the rehabilitation including bridge courses, formal, informal or continuing education.
- (4) The Child Welfare Officer shall review the care plan and note his opinion in the rehabilitation card in **Form14** on the basis of his own observations, interaction with the child and his teachers/instructors and the feedback received from the house father/ mother/ caregiver.
- (5) The child welfare officer/ case worker shall also maintain a record of any difficulty faced by the child during his stay at the Child Care Institution with a note of the steps taken to resolve the difficulty.
- (6) The child welfare officer/ case worker shall similarly keep a record of the complaints made by the child with regard to the facilities in the Child Care Institution with a note of the steps taken thereon.
- (7) The care plan shall be reviewed every fortnight during the initial three months and thereafter, monthly. A report of its effectiveness or inadequacy shall be prepared with reasons for such opinion.

J. Procedure to be adopted after Three months.-

- (1) The progress of the child shall be examined, with specific reference to the aims and targets noted in the individual care plan for the child. The progress of the child shall be reviewed and noted in the rehabilitation card in **Form14**.
- (2) The Quarterly Progress report shall be placed before the Management Committee for perusal and consideration.

(3) After deliberation by the Management Committee, the care plan shall be appropriately modified. The routine of the child and the approach towards rehabilitation of the child shall also be suitably modified. Record of such modified care plan and daily routine shall be maintained in the case file of the child. The progress shall be reviewed and recorded in the rehabilitation card in **Form 14**.

K. Pre-release planning

(1) A well-conceived programme of pre-release planning and follow up of cases discharged from Children's Homes, special homes and places of safety shall be organized in all institutions as per the directions of the Board or the Committee or the Children's Court.

(2) In the event of a child leaving the Child Care Institution without permission or committing an offence within the institution, the information shall be sent by the Person-in-charge to the police and the family, if known; and the detailed report of circumstances along with the efforts to trace the child if the child is missing, shall be sent to the Board or the Committee or the Children's Court, as the case may be.

L. Daily Routine in the Child Care Institution.

(1) Every child shall obey the lawful order of an officer of the Child Care Institution or house representative and shall remain under discipline.

(2) Every institution shall have a daily routine for the children in consultation with the Children's Committee, which shall be prominently displayed at various places within the institution.

(3) 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.

M. Behaviour of the Child.-

(1) The children in the Child Care Institution will be oriented and trained to follow the rules and standards of good behaviour.

(2) Every unacceptable behaviour shall be taken note of by the Children's Committee and the child found in violation of rules may be made to give an explanation. The Children's Committee may recommend appropriate action to the Person-in-charge. A copy of the report containing the description of the incident and the action taken thereupon shall be submitted to the Board or the Committee or the

Children's Court by the Person-in-charge within 24 hours. A copy of same shall also be placed before the Management Committee for planning a long term strategy for prevention of such incidents.

- (3) A copy of the report shall be kept in the case file of the child concerned.
- (4) The Person-in-charge may deal with the violation appropriately giving due consideration to the recommendation of the Children's Committee and the safety and dignity of the child.
- (5) The Person-in-charge may seek the assistance of the counsellor or the child welfare officer/ case worker, any non-governmental organisation associated with the Child Care Institution in dealing with the situation.
- (6) A child showing exceptionally good behaviour shall be considered for appropriate reward or benefits by the Person-in-charge and note of the same shall be placed in the case file of the child.

N. Manner of dealing with unacceptable behaviour:

- (1) The action taken shall be commensurate with the nature and degree of violation and the age of the child and may be one of the following:
 - (i) Formal warning;
 - (ii) Extra school/study work;
 - (iii) Extra-kitchen duty;
 - (iv) Engaging the child in weeding, watering the plants, cleaning the premises;
 - (v) Keeping the clothes and belongings of the children in an orderly manner;
 - (vi) Assignment of house-keeping tasks;
 - (vii) Washing clothes;
 - (viii) Imposition writing i.e. writing a number of times that he shall not repeat the behaviour;
 - (ix) Forfeiture of privileges viz. permission to watch television, permission to go for outdoor activity, sports and recreation and other preferred activity; and
 - (x) Shifting from one house to another house to ensure change of company.
- (2) No child shall be subjected to corporal punishment or any mental harassment including being subjected to humiliating behaviour affecting the dignity and worth of the child.

O. Exceptional good behaviour.-

- (1) Following the rules of discipline and adhering to the routine, assessed over a period of a month.

- (2) Preventing without a fight, any other child from indulging in any unacceptable behaviour or preventing violence.
- (3) Preventing any mishap by raising an alarm, evacuating children in case of disaster.
- (4) Assisting any officer of the Child Care Institution in maintaining order. For the House representatives, in situations that may develop into an emergency, the behaviour before the sounding of the alarm would be considered.
- (5) Informing the CWO or caregiver of any plan of creating unrest or of escape.
- (6) Inform the Person-in-charge about any prohibited article or contraband.
- (7) Helping another child to come out of his trauma.
- (8) Performing exceptionally well in an examination in continuation of his studies, or vocational or rehabilitation courses.
- (9) Positive and adaptive behaviour.
- (10) Any other behaviour as found exceptional by the Person-in-charge.

P. Reward/ Benefits for maintaining exceptional behaviour.-

- (1) The rewards to a juvenile or child, 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 or child or juvenile or child himself.

61. Prohibited Articles. (Section 53 of the Act)

- (1) No person shall bring into the Child Care Institution the following prohibited articles, namely:
 - (i) Intoxicants of any description, psychotropic substances, liquor, ganja, bhang, opium, smack etc.
 - (ii) All explosives, poisonous substances, acid and chemicals, whether fluid or solid of whatever description.

- (iii) All arms, ammunition and weapons, knives and cutting implements of every kind and articles which are capable of being used as a weapon of whatever description.
- (iv) All obscene matter
- (v) String, rope, chains and all materials which are capable of being converted into string or rope or chains, of whatever description.
- (vi) Wood, bamboo, club, stick, ladder, bricks, stones and earth of every description.
- (vii) Playing cards or other implements for gambling.
- (viii) All tobacco items, pan masala or similar item.
- (ix) Any medicine that has not been specifically prescribed.
- (x) Any other article specified in this behalf by the State Government by a general or special order.

(2) All bullion, metal, coin, jewellery, ornaments, currency notes, securities and articles of value of every description shall be deposited in safe custody

(3) The disposal of the prohibited articles shall be as per rule 63 of these rules.

62. Articles found on search and inspection (Section 53 of the Act).

(1) The Person-in-charge shall ensure that every child received in the institution is searched, his personal belongings inspected and money or any valuables found with the child is kept in the safe custody of the Person-in-charge. In case of search of a female child, the search shall be carried out by female staff only. In every institution, a record of money, valuables and other articles found with a child shall be maintained in the "Personal Belongings Register" which shall contain a description of the articles.

(2) The entries made in the Personal Belongings Register, relating to each child, shall be read over to the child in the presence of a witness, whose signature shall be obtained in token of the correctness of such entries and it shall be countersigned by the Person-in-charge.

63. Disposal of articles. (Section 53 of the Act)

The money or valuables belonging to a child shall be disposed of in the following manner, namely:

- (i) on receipt of a child in an institution, the Person-in-charge shall deposit the money belonging to the child in the name of the child;
- (ii) the valuables, clothing, bedding and other articles, if any, shall be kept in safe custody;
- (iii) when such child is transferred from one institution to another, all his money,

- valuables and other articles, shall be sent along with the child to the Person-in-charge of the institution to which he has been transferred together with a full and correct statement of the description thereof;
- (iv) at the time of release of such child, the valuables and other articles kept in safe custody and the money deposited in the name of the child 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 parent or the guardian;
 - (v) when a child in an institution dies, the valuables and other articles left by the deceased and the money deposited in the name of the child shall be handed over by the Person-in-charge to any person who establishes his claim thereto and executes an indemnity bond;
 - (vi) a receipt shall be obtained from such person for having received such valuables and other articles and money; and
 - (vii) if no claimant appears within a period of six months from the date of death or escape of a child, the valuables and other articles and money deposited in the name of the child shall be disposed of as per the decision taken by Management Committee set up under rule 65 of these rules.

64. Maintenance of case file (Section 53 of the Act)

- (1) The case file of each child shall be maintained in confidentiality in the Child Care Institution in safe custody.
- (2) The case file shall be produced before the Board or the Committee or the Children's Court on every date of production of the child for perusal of the Board or the Committee or the Children's Court.
- (3) The case file shall contain:
 - (i) report of the person or agency who produced the child before the Board/Committee including the report of the police;
 - (ii) copy of FIR or DD entry in case of offence by or against the child;
 - (iii) photo ID, if available;
 - (iv) assignment of the case worker/ child welfare officer;
 - (v) case history form;
 - (vi) report of any urgent need of the child;
 - (vii) reports of the Person-in-charge, probation officer or child welfare officer, counsellor and caseworker;
 - (viii) the case file of the child maintained in any previous institution, if any;
 - (ix) report of the initial interaction with the child, information from family members, relatives, community, friends and miscellaneous information;
 - (x) source of further information about the child, his family etc.;
 - (xi) observation reports from staff members;
 - (xii) regular health status reports from Medical Officer, drug de-addiction progress

- reports;
- (xiii) psycho-social profiling, regular counselling reports, any other mental health intervention report, wherever applicable;
 - (xiv) report of Intelligence Quotient (I.Q) testing, aptitude testing, cognitive assessment, educational or vocational tests;
 - (xv) summary and analysis by case-worker or child welfare officer;
 - (xvi) instructions regarding training and treatment programme and about special precautions to be taken;
 - (xvii) copy of the personal belongings register;
 - (xviii) schedule prepared for the child;
 - (xix) copy of order declaring the age of the child;
 - (xx) leave and other privileges granted;
 - (xxi) Rehabilitation Card;
 - (xxii) report of involvement and progress in recreational activity, education and vocational training;
 - (xxiii) quarterly progress report;
 - (xxiv) individual care plan, including pre-release programme, post release plan and follow-up plan as prescribed;
 - (xxv) fortnightly and monthly report of the effectiveness of the care plan;
 - (xxvi) modified care plan and routine, if any;
 - (xxvii) record of difficulties faced by the child and their resolution;
 - (xxviii) record of the complaints of the child and action taken on them;
 - (xxix) feedback given by the child;
 - (xxx) leave of absence or release under supervision;
 - (xxxi) report about a visitor visiting the child being found to have objectionable/prohibited articles;
 - (xxxii) report of the child having such articles and action taken on the same;
 - (xxxiii) report of any unacceptable or exceptional behaviour and its outcome;
 - (xxxiv) special achievements and violation of rules, if any;
 - (xxxv) note of the rewards/earnings of the child and receipt by the child or his parent/guardian;
 - (xxxvi) release or restoration order;
 - (xxxvii) escort order, if any;
 - (xxxviii) compliance report of release in case of children under rehabilitation intervention stay;
 - (xxxix) report of the child not being released and compliance report of the directions issued on non-release of a child;
 - (xl) follow-up reports;
 - (xli) annual photograph;
 - (xlii) follow-up report of post release cases as per the direction of the Board or the Committee or the Children's Court;
 - (xliii) copy of any other report called by the Board or the Committee or the Children's Court in respect of the child; and
 - (xliv) remarks, if any.

(4) **Medical record.**- The medical record of a child shall contain all reports and records of the child regarding the status of his physical and mental health, addiction status and treatment and shall include:

- (i) All medical reports of initial examinations and subsequent examinations.
- (ii) Reports of the psychological assessments, including to generate a baseline to decide upon the interventions for rehabilitation, or any subsequent assessment and addiction status and its follow up.

(5) It shall be the responsibility of the child welfare officer/ case worker concerned to maintain the case file.

(6) In case of any child welfare officer/ case worker going on a long leave, the case file shall be handed over to the Person-in-charge to be marked to another child welfare officer/ case worker.

(7) All the case files maintained by the institutions shall be computerised and networked so that the data is centrally available to authorised persons.

65. Management Committee (Section 53(2) of the Act)

(1) Every Child Care Institution shall have a Management Committee for the management of the institution and monitoring the progress of every child.

(2) In order to ensure proper care and treatment as per the individual care plans, children shall be grouped on the basis of age, nature of offence or kind of care required, physical and mental health and length of stay.

(3) The Management Committee shall comprise of:

- (i) District Child Protection Officer (District Child Protection Unit)- Chairperson
- (ii) Person-in-charge - Member-Secretary
- (iii) Probation Officer or Child Welfare Officer or Case Worker – Member
- (iv) Medical Officer - Member
- (v) Psychologist or Counsellor – Member
- (vi) Workshop Supervisor or Instructor in Vocation – Member
- (vii) Teacher – Member
- (viii) Social Worker Member of the Board or the Committee – Member
- (ix) Two child representatives from each of the Children’s Committees – Members
- (x) Any other special invitee with the consent of the Chairperson.

(4) The Management Committee shall meet at least once every month to consider

and review:

- (i) 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;
- (v) individual problems of children and institutional adjustment,
- (vi) quarterly review of individual care plans;
- (vii) provision of legal aid services;
- (viii) vocational training and opportunities for employment;
- (ix) education and life skills development programmes;
- (x) social adjustment, recreation, group work activities, guidance and counselling;
- (xi) review of progress, adjustment and modification of residential programmes to the needs of the children;
- (xii) planning post-release or post-restoration rehabilitation programme and follow up for a period of two years in collaboration with aftercare services;
- (xiii) pre-release or pre-restoration preparation;
- (xiv) release or restoration;
- (xv) post release or post-restoration follow-up;
- (xvi) minimum standards of care, including infrastructure and services available;
- (xvii) daily routine;
- (xviii) community participation and voluntary participation in the residential life of children such as education, vocational activities, recreation and hobby;
- (xix) oversee that all registers as required under the Act and the rules are maintained by the institution, duly stamped and signed and to check and verify the registers in the monthly review meetings;
- (xx) matters concerning the Children's Committees; and
- (xxi) any other matter which the Person-in-charge may like to bring up.

(5) 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 to children away from the office set up and closer to the residence or rooms or dormitories of the children.

(6) The key of the Children's Suggestion Box shall remain in the custody of the Chairperson of the Management Committee and 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.

(7) 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.

(8) 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 the Board or the Committee as the case may be and the Person-in-charge of the Child Care Institution.

(9) In the event of a serious allegation or complaint against the Person-in-charge 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.

(10) 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 monthly meeting of the Management Committee.

(11) 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 every monthly meeting of the Management Committee.

(12) The Board or Committee shall review the Children's Suggestion Book at least once in three months.

(13) The complaint box shall be accessible by the Chairperson of the Committee or any other person authorised by him.

66. Children's Committees (Section 53 (3) of the Act)

(1) Person-in-charge of every institution for children shall facilitate the setting up of Children's Committees for different age groups of children, viz., 6-10 years, 11-15 years and 16-18 years and these Children's Committees shall be constituted solely by children.

(2) Such Children's Committee shall be encouraged to participate in following activities:

- (i) improvement of the condition of the institution;
- (ii) reviewing the standards of care being followed;
- (iii) preparing daily routine and diet scale;
- (iv) developing educational, vocational and recreation plans;
- (v) supporting each other in managing crisis;

- (vi) reporting abuse and exploitation by peers and caregivers;
- (vii) creative expression of their views through wall papers or newsletters or paintings or music or theatre;
- (viii) management of institution through the Management Committee.

(3) The Person-in-charge shall ensure that the Children's Committees meet every month and maintain a register for recording their activities and proceedings, and place it before the Management Committee in their monthly meetings.

(4) The Person-in-charge shall ensure that the Children's Committees are provided with essential support and materials including stationary, space and guidance for effective functioning.

(5) The Person-in-charge may, as far as feasible, seek assistance from local voluntary organizations or child participation experts for the setting up and functioning of the Children's Committees.

(6) The local voluntary organization or child participation expert shall support the Children's Committees in the following:

- (i) electing their leaders and in devising the procedure to be followed for conducting the elections;
- (ii) conducting the elections and monthly meetings;
- (iii) developing rules for the functioning of Children's Committees and following it;
- (iv) maintaining records and Children's Suggestion Book and other relevant documents; and
- (v) any other innovative activity.

(7) The Management Committee shall seek a report from the Person-in-charge on the setting up and functioning of the Children's Committees, review these reports in their monthly meetings and take necessary action or place the same before the Board or the Committee, wherever required.

67. Rewards and Earnings.—(1) The rewards to a child, at such rates as may be fixed by the management of the institution from time to time, may be granted by the Person-in-charge as an encouragement for 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 child or the child himself.

68. Visits to and communication with children

(1) Every child in the Child Care Institution shall be permitted to have one meeting per week with his relatives.

Provided that in special cases, where parents or guardians have travelled a long distance from another state or district, the Person-in-charge may allow the parents or guardians entry into the premises and a meeting with their children on other days on confirmation of their identity and they being reported not to have been involved in subjecting the child to abuse and exploitation.

(2) A newly received child shall be permitted to meet his parents/guardian/family member on their first visit on any day.

(3) No meeting shall be permitted with the parents/guardian or relatives where such visitors have been found to be involved in subjecting the child to violence, abuse and exploitation or carrying any prohibited articles, except with the express permission granted by the Board or the Committee or the Children's Court or when such meeting has been specifically directed by the counsellor of the child.

(4) The normal time of one meeting shall be 30 minutes,

(5) Every child shall be allowed to write two letters in a week to his relatives. Necessary stationary and postage for the letters shall be provided by the Person-in-charge.

(6) The Person-in-charge may peruse any letter written by or to the child and may for reasons to be noted in the case file of the child, refuse to deliver or issue the letter. A report of the same shall be prepared and placed before the Management Committee. A copy of the report shall be retained on the case file and another copy shall be sent to the Board or the Children's Court or the Committee.

(7) Every child shall be allowed to bring any written communication for the purpose of handing over to the Board or the Committee or the Children's Court as the case may be and be provided stationary etc. for the same.

(8) The Person-in-charge may whenever required allow a child to speak with his parents/guardians on telephone under supervision of the Child Welfare Officer/case worker/ Probation Officer and record shall be duly maintained of such calls.

(9) Every person desiring to meet the child shall, before the meeting, disclose his name and address with proof, which shall be noted in the Visitors register and signed by the visitor. Copy of the photo identity card containing the address and a photo of the visitor to be taken before the meeting shall be retained by the institution. If the visitor refuses to disclose his particulars, he shall be denied the meeting.

(10) The visitor shall submit himself for a search at the main gate, female visitors shall be searched by female staff only.

(11) Every meeting shall take place in a specified part of the Child Care Institution, preferably near the main gate.

(12) Every meeting shall take place in the presence of the Child Welfare Officer/case worker/ Probation Officer of the Child Care Institution, who shall be responsible to see that no irregularity occurs and who shall be so placed that he is able to see and to prevent any article being passed between the parties.

(13) Every child shall be carefully searched before and after the meeting. The child should not be having anything with him before he goes for the meeting.

(14) If any objectionable or prohibited article is found in the search conducted before the meeting:

- (i) the said article shall be seized;
- (ii) the Person-in-charge shall conduct an inquiry to know the identity of the person(s) responsible for the article reaching the child;
- (iii) if the person(s) responsible are from the staff of the Child Care Institution, appropriate action will be initiated against them; and
- (iv) a detailed report of the inquiry and its result shall be forwarded to the Department and the Board or court of competent criminal jurisdiction.

(15) If any objectionable or prohibited article is found in the search conducted after the meeting:

- (i) the article shall be seized;
- (ii) in case of any illegal article being found attracting legal action, the article and the visitor shall be detained and the police informed. The visitor and such article shall be handed over to the police;
- (iii) a report of such visitor shall be prepared and placed in the case file of the child;
- (iv) a report of the incident shall be forwarded to the Board or court of competent criminal jurisdiction; and
- (v) copy of the report shall be placed in the case file of the child.

(16) Any child who abuses the privilege of meeting shall be denied the same for such period as the Person-in-charge may direct. A report of the same shall be sent to the Board or the Committee or the Children's Court and a copy shall be retained in the case file of the child.

(17) Every child shall be entitled to communicate with his legal counsel provided that:

- (i) The rules of search and seizure shall apply to all legal counsels also.
- (ii) Every such interview shall take place within the sight of a home official, though at a safe distance so as to be out of hearing.
- (iii) The person wishing to have an interview with the child in the capacity of his advocate shall apply in writing, giving his name, address and enrolment number with a copy of a vakalatnama, duly attested by the Board or the Committee or the Children's Court.
- (iv) Any child who claims to have no counsel shall be permitted to meet the legal aid counsels who visit the Child Care Institution in the normal course.

69. Death of a child

(1) On the occurrence of any case of death or suicide in a Child Care Institution, the procedure to be adopted shall be as under:

(i) In the event of an unnatural death or suicide of a child in an institution it is imperative for the institution to ensure that an inquest and post-mortem examination is held at the earliest.

(ii) In case of natural death or due to illness of a child, the person-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 or Committee and the parents or guardians or relatives of the child.

(iii) The police shall ensure that an inquest and post-mortem examination is held at the earliest.

(iv) 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 child welfare officer to the Person-in-charge and the Medical Officer and the Person-in-charge shall immediately inform the nearest police station, Board or Committee and parents or guardians or relatives of the deceased child.

(v) If a child dies within twenty four hours of his admission to the Child Care Institution, the Person-in-charge of the Child Care Institution shall report the matter to the police and the District Medical Officer or the nearest Government Hospital and the parents or guardians or relatives of such child without delay.

(vi) The Person-in-charge and the Medical Officer of the Child Care Institution shall record the circumstances of the death of the child and send a report to the Magistrate concerned, the police, the Board or the Committee or the Children's Court and the District Medical Officer or the nearest government hospital where the dead body of the child is sent for examination and determination of the cause of death and the Person-in charge and the Medical Officer shall also record in writing their views

on the cause of the death if any, and submit it to the Magistrate concerned and to the police.

(vii) The Person-in-charge and the Medical Officer at the Child Care Institution shall make themselves available for any inquiries initiated by the police or the Magistrate concerning the cause of death and other details regarding such child.

(viii) 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 rituals shall be performed under the supervision of the Person-in-charge of the Child Care Institution in accordance with the known religion of the child after retaining a photograph of the child for future reference.

70. Abuse and exploitation of the child

(1) Every institution shall have systems of ensuring that there is no abuse, neglect and maltreatment and this shall 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.

(2) 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, the following action shall be taken:

(i) the incidence of abuse and exploitation must be reported by any staff member of the institution immediately to the Officer-in-Charge on receiving such information;

(ii) when an allegation of physical, sexual or emotional abuse comes to the knowledge of the Officer-in-Charge, 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 of such occurrences and conduct necessary investigations;

(iv) the Board or Committee shall take necessary steps to ensure completion of all inquiry and provide legal aid as well as counselling to the juvenile or child victim;

(v) the Board or Committee shall transfer such a juvenile or child to another institution or place of safety or fit person;

(vi) the Officer-in-charge 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;

(vii) 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;

(viii) the Board or Committee may consult Children's Committee setup 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.

71. Inspection (Section 54 (1) of the Act)

(1) The State Government shall constitute State, District or City level inspection committees.

(2) The State Inspection Committee shall comprise of a minimum of five members with representation from the State Government, the Board or Committee, the State Commission for the Protection of Child Rights or the State Human Rights Commission, State Adoption Resource Agency, medical and other experts, voluntary organizations and reputed social workers.

(3) The State Inspection Committee shall carry out random inspections of the facilities housing children in the State.

(4) The State Inspection Committee shall submit report to the State Government through the State Child Protection Society.

(5) The State Inspection Committee shall make recommendations for improvement and development of the Institutions in accordance with the provisions of the Act and the rules and shall forward the same to the State Child Protection Society or the District Child Protection Unit for appropriate action.

(6) The State Inspection Committee shall interact with the children during the visits to the institution to determine their well-being and to get their feedback.

(7) The District or City Inspection Committee shall be nominated by the District Magistrate and chaired by an officer not below the rank of Sub-divisional Magistrate. comprise of members:

(i) Member of the Board

(ii) Member of the Committee

(iii) District Child Protection Officer as the Member Secretary

- (iv) Medical Officer
- (v) One member of the civil society working in the area of child rights, care, protection and welfare.
- (vi) One mental health expert who has the experience of working with children.

(8) The District or City Inspection Committee shall inspect:

(i) all Child Care Institutions as defined under Section 2 (21) of the Act housing children in the district or the city as per **Form 49**

(ii) institutions housing children seeking registration or renewal of registration under section 41 of the Act

(iii) institutions seeking recognition as fit facility under section 51 of the Act

(iv) Child Care Institutions seeking recognition as Specialised Adoption Agency under section 65 of the Act.

(9) The inspection of the facilities housing children in the district or the city shall be carried out at least once every three months as per the formats that may be issued under these Rules.

(10) The District or City Inspection Committee shall submit the report of the findings and shall also make suggestions for improvement and development of the Child Care Institutions in accordance with the provisions of the Act and the rules.

(11) The District or City Inspection Committee shall interact with the children during the visits to the institution to determine their well-being and to get their feedback.

(12) The District or City Inspection Committee shall submit the report to the the District Magistrate,

(13) The District Child Protection Unit shall take necessary follow up action on the report of the District or City Inspection Committee.

(14) The action taken report shall be submitted by the District Child Protection Unit to the, District Magistrate,

72. Evaluation (Sections16(2) and 55(1) of the Act)

The evaluation of functioning of the different structures under the Act may be got done by the Central Government or the State Government by reputed academic institutions such as Universities, schools of social work or Management Institutions.

73. Maintenance of Registers.

The Person- in-charge shall maintain in his office, such registers and forms, as required by the Act and the rules and the list of registers or files or books to be maintained and who shall maintain them shall be as under:

S.No.	Register		Custodian
1	Admission and Discharge Register which will also indicate change of nature of custody	Child Welfare Officer/Case Worker/Receiving Officer	Officer-in-charge ---do--
2	Attendance Registers for staff and children.	Shift Incharge	-do-
3	Budget Statement File.	Person-in-charge	-do-
4	Case File of each child.	Child Welfare Officer/ case worker	-do-
5	Cash Book.	Accounts Officer/Cashier	-do-
6	Children's Suggestion Book.	Children's Committee	-do-
7	Counselling Register	Counsellor	Officer-in-charge
8	Drug De-addiction Programme Enrolment and Progress Register	Child Welfare Officer/ case worker	-do-
9	Handing Over Charge Register.	Shift Incharge	-do-
10	House-keeping and Sanitation Register.	House Parent	
11	Inspection Book.	Person-in-charge	o-
12	Legal Services Register	Child Welfare Officer/ Case worker	Officer-in-charge
13	Library Register	Teacher	Officer-in-charge
14	Log Book.	Driver	
15	Meals Register/Nutrition Diet File.	House Parent	Shift Incharge
16	Medical File of each child.	Staff Nurse	Officer-in-charge
17	Meeting Book.	Child Welfare Officer/ Case worker	-do-

18	Minutes Register of Children's Committees.	Child Welfare Officer/ Case worker	-do-
19	Minutes Register of Management Committee.	Person-in-charge	-do-
20	Order Book.	Person-in-charge	-do-
21	Personal Belongings Register.	Child Welfare Officer/Case worker	-do-
22	Production Register	Probation Officer/ Child Welfare Officer/ Case worker	-do-
23	Staff Movement Register.	Incharge of Security	-do-
24	Stock Register.	L.D.C. or U.D.C.	Officer-in-charge
25	Visitor's Book	Security Guards	Main Gate's Keeper

74. Openness and Transparency

(1) All Child Care Institutions shall be open to visitors with the permission of the Board or the Committee or the Person-in-charge, who may allow, voluntary organisations, social workers, researchers, doctors, academicians, , and such other persons as the Management Committee may permit considers appropriate keeping in view the security, welfare and the interest of the children.

(2) Where such permission is given by the Person-in-charge, the Person-in-charge shall make a monthly report of such permissions as are granted, including the orders received from the Board or the Committee to the State Child Protection Society and also to the Board or the Committee, as the case may be.

(3) The Person-in-charge of the Child Care institution shall encourage active involvement of the local community in improving the condition in the institution, if, the members of the community want to serve the institution or want to contribute through their expertise.

(4) The Person-in-charge shall maintain a visitors' book to record the remarks of the visitors.

(5) The Person-in-charge will take all steps to inform the visitors to maintain the dignity of children.

CHAPTER VII

ADOPTION

75. Adoption related reporting [Section 38 (5) and Section 64]

(1) The Child Welfare Committees shall furnish the data relating to children legally free for adoption and cases pending for decision, to the respective State Adoption Resource Agencies and to the Authority online in the formats provided in the Adoption Regulations, with the assistance of the District Child Protection Units.

(2) District Child Protection Units shall report information regarding all adoption orders issued by the courts concerned to the respective State Adoption Resource Agencies and to the Authority in the formats provided in the Adoption Regulations.

(3) The specialised adoption agencies shall update data online as stipulated in Adoption Regulations.

76. Children eligible for Foster Care who have not been given in adoption after being declared legally free for adoption.

(1) The following categories of children shall be considered for Foster Care:

(i) Children in the age group 0-6 years who are legally free for adoption shall not be considered for placement in foster care. Such children should be provided a permanent family through adoption as per Adoption Regulations.

(ii) If adoptable children between the age of 6 to 8 years do not get a family either in in-country adoption or in inter-country adoption within a period of two years after they are declared legally free for adoption by Child Welfare Committee, such children shall be eligible to be placed in family foster care or group foster care, as the case may be, by the Committee on the recommendation of District Child Protection Unit/Specialised Adoption Agency.

(iii) Children in the age group of 8 to 18 years, who are legally free for adoption but have not been selected by any Prospective Adoptive Parent (PAP) for one year shall be eligible to be placed in family foster care or group foster care, as the case may be, by the Committee on the recommendation of District Child Protection Unit/Specialised Adoption Agency.

(iv) Children with special needs who do not get a family either in in-country adoption or in inter-country adoption within a period of one year after they are declared legally free for adoption by Child Welfare Committee, such children shall be eligible to be placed in family foster care or group foster care, as the case may be, by the

Committee on the recommendation of District Child Protection Unit/Specialised Adoption Agency, provided the Home Study Report of the foster family supports their fitness and group setting has facilities for care of such children.

(v) A child who is legally free for adoption and is in foster care for five years then the foster family shall be eligible to adopt such child, if it is in the best interest of the child, after registering in Child Adoption Resource Information and Guidance System (CARINGS) and according to procedures laid down in Adoption Regulations;

77. Requisites of a valid adoption. (Section 56 of the Act)

No adoption shall be valid unless the procedure laid down in the Adoption Regulations is complied with.

78. Persons who may adopt. (Section 57 of the Act)

The eligibility of the adoptive parent would be as provided in the Adoption Regulations.

79. Children who may be adopted.

The eligibility of the child for adoption under the Act shall be as provided in the Adoption Regulations.

80. Consent

Any consent to an adoption of a child given under this rule shall not be withdrawn except with the permission of the Court.

81. Procedure before the Court. (Section 61 of the Act)

(1) The procedure for obtaining an Adoption Order from the court concerned would be as provided in Adoption Regulations.

(2) The Court, for the purpose of an application for adoption order, shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908) and Evidence Act, 1872. The procedure, as laid down in the Juvenile Justice (Care and Protection of Children) Act, 2015 and Adoption Regulations shall be followed

82. Matters to be considered in making adoption orders.(Section 61 of the Act)

(1) In determining whether an adoption order will be in the best interest of the child, the Court shall have regard, among other things, to the health, social and

financial status of the prospective adoptive parent(s) as provided in the home study report.

(2) shall also satisfy itself, in case of inter-country adoption, that a 'No Objection Certificate" has been issued by the Authority after due verification as may be prescribed by the regulations framed by the Authority.

(3) The Court, at the time of passing an adoption order shall not impose any terms and conditions in contravention to the Act and Adoption Regulation.

83. Period for disposal of applications. (Section 61 (2) of the Act)

(1) The Court shall dispose of an application for making an adoption order within a period of two months from the date of filing of the application, as provided under Section 61 (2) of the Act.

(2) Where the court ordinarily exercising jurisdiction in such matters is not available for a period of more than one month, the applications shall be disposed of within stipulated time by other senior most judge designated for the purpose.

84. Effect of adoption order. (Section 63 of the Act)

The effect of adoption shall be as per Section 63 of the Act

85. Root Search.

The Root Search by older adoptees shall be governed by relevant provisions of the Adoption Regulations.

86. Special provision for protection of adopted children.-

Any case of offence committed against adopted child shall be dealt as per the law applicable to any other child.

Provided that the Court shall, at any stage of the proceedings under this rule, have the power to pass such interim order(s) as the Court may deem just and proper in the circumstances of the case and in the best interest of the child.

87. Valid adoption not to be cancelled.

(1) No adoption which has been validly made shall be liable to be cancelled at the instance of the adoptive father or mother or any other person, nor can the adopted child renounce his status as such and return to the family of his birth, except that the order of adoption may, having regard to the best interest of the child, be cancelled by the Court, in the following circumstances:

- (i) where the child at the time of adoption was a missing or runaway child and whose biological parent(s) could not be found after reasonable inquiry at the time of adoption, and whose biological parent(s) or grandparent(s) – both paternal and maternal or siblings come forward later to claim the child; or
- (ii) where the adoptive parents have adjustment issues; or
- (iii) where the child at the time of adoption was a victim of armed conflict, civil commotion, natural calamity or victim of trafficking and whose biological parent(s) could not be found after reasonable inquiry at the time of adoption and whose biological parent(s) or grandparent(s) – both paternal and maternal or siblings come forward later to claim the child:

Provided that the application under sub-rules(i), (ii) and (iii) in the court shall be entertained only in the best interest of the child and in no case an application shall be entertained by the Court, if the same is made after seven years of the passing of the order of adoption.

88. Linkage of Child Care Institutions to Specialized Adoption Agencies. (Section 66 of the Act)

Linkage of Child Care Institutions with Specialized Adoption Agencies for the purpose of adoption shall be governed by the provisions of Section 66 of the Act and Adoption Regulations.

89. The State Adoption Resource Agency. (Section 67 of the Act)

(1) Structure of the State Adoption Resource Agency shall be as under:-

(i) The State Government shall set up a State Adoption Resource Agency for dealing with adoptions and related matters in the State under the guidance of Authority, as per the provisions under Section 67 of the Act.

(ii) The State Adoption Resource Agency, wherever already exists, shall be deemed to be set up under this Act.

(iii) The State Adoption Resource Agency shall be headed by Principal Secretary or Secretary of the Department of the State Government dealing with adoption and the Governing Body of the Agency shall have following members:

- a) Director of the Department of State Government dealing with adoption who shall be the Member Secretary;

- b) Director of the Department of Health or Hospital Administration of the State Government;
- c) Chairperson of a Child Welfare Committee;
- d) Representative of a Specialized Adoption Agency; and
- e) One member from the civil society involved in child welfare and protection for at least ten years.
- f) One member from the State Legal Service Authority

(2) The Governing Body shall meet as frequently as required and at least once every quarter to review the progress of adoption work and to address the operational as well as logistic issues, bottlenecks, in the adoption process/system in the State.

(3) The Authorities dealing with issuance of birth certificate, passport and other related matters may be invited as special invitees to attend the meetings of the Executive Committee of the State Adoption Resource Agency.

(4) The State Government shall provide adequate staff, infrastructure and communication facilities to State Adoption Resource Agency, for the efficient performance of its functions.

(5) The State Adoption Resource Agency shall function as the executive arm of the State Government for promotion, facilitation and monitoring/regulation of the adoption programme in the State. Its specific functions would include:

- (i) recognize one or more of the child care institutions as specialized adoption agencies in each district;
- (ii) publish the contact details of specialized adoption agencies in the State at least once in a year;
- (iii) renew the registration of such specialized adoption agency every five years subject to satisfactory performance;
- (iv) conduct meetings of specialized adoption agencies on quarterly basis for addressing issues related to adoption and uploading the minutes of such meetings in the CARINGS.
- (v) inspect and monitor adoption programme and activities of all specialised adoption agencies within its jurisdiction as per the provisions under Section 65 (3) of the Act;

- (vi) identify child care institutions which are not recognised as specialised adoption agencies, and link them to specialised adoption agencies, to facilitate adoption of eligible children in such institutions, in pursuance of the provisions under Section 66 of the Act.
- (vii) enforce standards and measures for the adoption of orphan, abandoned and surrendered children, as envisaged under the Act or the rules and adoption regulation made there under;
- (viii) identify specialized adoption agencies or child care institutions which have the capacity to provide quality care and treatment on a long term basis to special need children including children affected or infected by HIV/AIDS and mentally or physically challenged children, and facilitate transfer of such children to these agencies;
- (ix) expedite de-institutionalization of children through adoption and other non-institutional alternatives;
- (x) take measures that are required for expansion of the adoption programme in the State, such as, strengthening the knowledge base, research and documentation, strengthening child tracking system, training and capacity building activities, publicity and awareness activities, advocacy and communication, monitoring and evaluation;
- (xi) validate the data furnished by the Child Welfare Committees in the State in pursuance of the provisions under Section 38(5) of the Act, online in the CARINGS;
- (xii) get correct adoption data and documents furnished by the specialized adoption agencies and validated online in the Child Adoption Resource Information and Guidance System in the format and the periodicity as provided in adoption regulations;
- (xiii) furnish/update the profile of the Specialized adoption agencies along with their name, address, contact person(s) , contact details , the validity period of their certificate of recognition[as required under section 65 (2) of the Act] in the prescribed format to the Authority online in the CARINGS in Form-III(Part-A), on half yearly;
- (xiv) update the contact details of the District Child Protection Units (DCPUs) ,Child Welfare Committees and of State Adoption Resource Agency online in the CARINGS on regular basis;

(xv) maintain a state-specific database in Child Adoption Resource Information and Guidance System of adoptable children, prospective adoptive parents, children given in in-country and inter-country adoption(s);

(xvi) take appropriate actions to their logical conclusion against violation of the provisions under Section 32, 41(1),41(4), 62(2), 65(4),80 & 81 of the Act;

(xvii) ensure that all adoption placements in the State are done in accordance with the relevant provisions of the Act, Rules & Adoption Regulations;

(xviii) maintain a panel of professionally qualified or trained social workers at State-level to assist District Child Protection Unit, specialised adoption agency or child care institution, wherever required, for:

(a) counseling and preparation of the home study report of the prospective adoptive parents;

(b) preparation of the Child study Report and counseling of older children (wherever required);

(c) preparing post-adoption followup report wherever required;

(d) preparing family background report in cases of inter-country relative adoptions;

(xix) take action(s) on the receipt of a complaint or suo motu, in the cases of violations of the provisions under Section 32, 41(1),41(4), 62(2), 65(4),80 and 81 of the Act

(xx) carry out such other functions as assigned by the Authority from time to time.

90. Functions of the Authority. (Section 68 of the Act)

(1) The Authority shall perform the following functions, in addition to the functions specified in sub-section (1) of section 68 of the Act:

(i) receive applications of a non-resident Indian or overseas citizen of India or a foreigner living abroad through authorized adoption agency or Central Authority or the Government Department concerned or an Indian Diplomatic Mission and process the same in terms of sub-section (5) of section 59 of the Act;

(ii) receive and process applications received from a foreigner or an overseas citizen of India residing in India for one year or more, and who is interested in adopting a child from India in terms of sub-section (12) of section 59 of the Act;

(iii) issue no-objection certificate in all cases of inter-country adoptions;

(iv) issue conformity certificate in the inter-country adoption cases under Article 23 of the 1993 Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption;

(v) intimate the immigration authorities of India and the receiving country of the child about the inter-country adoption cases;

(vi) maintain Child Adoption Resource Information and Guidance System for greater transparency in the adoption system;

(vii) provide support and guidance to State Adoption Resource Agencies, District Child Protection Units, Specialized Adoption Agencies and other stakeholders of adoption and related matters, through trainings, workshops, exposure visits, consultations, conferences, seminars and other capacity building programmes;

(viii) coordinate with State Governments or the State Adoption Resource Agencies and advise them in adoption related matters;

(ix) establish uniform standards and indicators, relating to-

- (a) adoption procedure related to orphan, abandoned and surrendered children and also related to relative adoptions;
- (b) quality child care standards inspecialised adoption agencies and child care institutions;
- (c) monitoring and supervision of service providers;
- (d) standardisation of documents in cases of adoptions;
- (e) safeguards and ethical practices including online applications for facilitating hassle-free adoptions.

(x) conduct research, documentation and publication on adoption and related matters;

(xi) maintain a comprehensive centralized database relating to children and prospective adoptive parents for the purpose of adoption in Child Adoption Resource Information and Guidance System;

(xii) maintain a confidential centralized database relating to children placed in adoption and adoptive parents in the Child Adoption Resource Information and Guidance System.

(xiii) arrange capacity building programmes for adoption agencies and other stakeholders;

(xiv) carry out advocacy, awareness and information, education, and communication activities for promoting adoption and other non-institutional child care services either by itself or through its associated bodies;

(xv) enter into bilateral agreements with foreign Central Authorities, wherever necessary and as prescribed under the Hague Adoption Convention;

(xvi) authorise foreign adoption agencies to sponsor applications of non-resident Indian or overseas citizen of India or foreign prospective adoptive parents for inter-country adoption of Indian children.

91. Selection or nomination of the Members of the Steering Committee of the Authority. (Section 69 of the Act)

(1) A person for being selected or nominated as a member of the Steering Committee of the Authority shall:

(i) be an Indian national;

(ii) be not below the age of twenty five years and above the age of sixty years, except that for the member from the category of adoptee in category (e), the minimum age would be twenty-one years;

(iii) not have been convicted or sentenced to imprisonment for an offence under any law for the time being in force; and

(iv) not have been removed or dismissed from service of the Central or State Government or a body or corporation owned or controlled by Central or State Government.

(2) The members in the categories (d) to (f) in sub-section (1) of section 69 of the Act shall be from different zones i.e. one member from one zone, on the basis of rotation.

(3) The member from the category of State Adoption Resource Agency would be selected from the State of the Zone under consideration on the basis of:

(i) number of inspections of Specialized Adoption Agencies conducted by the State Adoption Resource Agency;

(ii) regularity in conducting the quarterly meetings of the Specialized Adoption Agencies and uploading of the minutes of such meetings in the Child Adoption Resource Information and Guidance System;

- (iii) level of data integrity maintained by the State Adoption Resource Agency among the Specialized Adoption Agencies through the District Child Protection Units concerned;
- (iv) capacity building of stakeholders as well as publicity awareness activities of State Adoption Resource Agency for the promotion of adoption in the State; and
- (v) level of coordination with other stakeholders in the State as well as with the Authority.

(4) The selected State Adoption Resource Agency would be represented in the Steering Committee by the Secretary of the Department of the State Government dealing with adoption or his representative not below the rank of Deputy Secretary/Joint Director of the State Government.

(5) The members of the Specialized Adoption Agencies would be selected from the States of the Zones under consideration, on rotation basis, in alphabetical order, on the basis of performance adjudged as per the following criteria as available in the Child Adoption Resource Information and Guidance System and as per the record available with the Authority:

- (i) the number of children given in adoption;
- (ii) performance and data integrity in the Child Adoption Resource Information and Guidance System;
- (iii) follow-up of the progress of children placed in adoption;
- (iv) record keeping and documentation;
- (v) child care standards; and
- (vi) no proved complaint of malpractice against the agency.

(6) The Specialized Adoption Agencies shall be represented by their President or Chairperson or General Secretary or Secretary or Managing Trustee or Director or Manager, as the case may be.

(7) The members from the category of adoptive parent and adoptee would be selected from the States of the Zones under consideration, randomly from the names recommended by the State Governments.

(8) The selection of the member from the category of Advocate or Professor in Family Law will be from the panel of names received from National Legal Services Authority (NALSA) and National Law Schools for each category.

(9) Members from the category of State Adoption Resource Agency, Specialized Adoption Agency, Adoptive Parent, Adoptee and legal background shall be from different Zones.

(10) The Six Zones and the States covered thereunder for the purpose of selection of the members of the Steering Committee shall be as per the grouping made by Inter-State Council and North Eastern Council from time to time. The States not covered in any of the zonal councils shall be included in the Zone having geographical proximity.

(11) The members of the Steering Committee, other than the *ex-officio* members shall be selected or nominated by a Committee comprising of:

- (i) the Secretary, Ministry of Women and Child Development as the Chairperson;
- (ii) the Additional Secretary or Joint Secretary In-charge of the Authority in the Ministry of Women and Child Development as member;
- (iii) one outside expert in the field of child protection as nominated by the Minister for Women & Child Development, as member; and
- (iv) Member Secretary of the Steering Committee, as the Member Convener.

(12) The members of the Steering Committee shall be appointed with the approval of the Minister for Women and Child Development.

(13) The tenure of the members of the Steering Committee, other than the *ex-officio* members shall be two years, unless the member resigns or is removed or attains the age of sixty years.

(14) A non-*ex-officio* member shall not be eligible for a second term.

(15) In case of any vacancy, a new member will be nominated or selected for the remaining period of the tenure from the same State from the same category.

(16) A non-*ex-officio* member of the Steering Committee of the Authority shall cease to be a member if:

- (i) he/she resigns as a member, or
- (ii) he/she ceases to hold the position by virtue of which he/she has been represented as a member; or
- (iii) he/she is removed on the following grounds:
 - (a) on being adjudged as an insolvent, or
 - (b) is convicted of a criminal offence involving moral turpitude, or,
 - (c) fails to attend three consecutive meetings of the Steering Committee without the leave of the Chairperson of the Steering Committee
 - (d) is found working against the objectives of the adoption programme, the interests of the Authority and is found to be not following the regulations as applicable, or

- (e) is found divulging any transaction of business or deliberations in the meetings of the Steering Committee or any document/information circulated to them for the purpose, to media or any other agency, without the prior approval/authorization of the Chairperson, or
- (f) is found accepting benefaction from any source that involves conditions or obligations that are contrary to the mandates and objectives of the Authority.

(17) A non-*ex-officio* member shall be entitled to a sitting fee of Rs.5000/- per sitting, for attending a meeting of the Steering Committee, besides travelling allowance in economy class air fare as well as hotel accommodation and food bill as per the service rules/ regulations of the Authority.

92. Transaction of business of the Steering Committee of the Authority. (Section 69 of the Act)

(1) The Steering Committee of the Authority shall meet on monthly basis.

(2) The transaction of business of the Steering Committee can also be by circulation in case of urgency and such transaction of business shall have the same effect as if it had been transacted at a formal meeting.

(3) A meeting of the Steering Committee shall be convened by the Member Secretary with the approval of the Chairperson.

(4) The meeting notice shall be issued by the Member Secretary at least seven working days before the actual date of the meeting.

(5) An extra-ordinary meeting of the Steering Committee may be convened by the Chairperson at any time.

(6) Five members of the Steering Committee shall form the quorum for the meeting.

(7) The meeting shall be presided over by the Chairperson and in his/her absence, a member nominated/designated by the Chairperson.

(8) All decisions in the Steering Committee shall be taken by majority of the members present.

(9) In case of tie where voting is pressed, the Chairperson shall have the casting vote.

(10) The minutes of the meeting will be authenticated by the Member Secretary after obtaining the approval of the same by the Chairperson.

(11) Any other matter relating to the transaction of business of the Steering Committee shall be governed by the procedure adopted by the Steering Committee, whenever required.

(12) The Steering Committee may constitute Sub-Committees from amongst its members for discharge of its functions, including for deciding applications received by it against the decisions or findings of the Specialized Adoption Agencies.

93. Application against opinion of Specialized Adoption Agency made to the Authority. (Section 70(2) of the Act)

(1) Any prospective adoptive parent or child or any person on his behalf, aggrieved due to non-selection for adoption or with the opinion of the Specialized Adoption Agency regarding eligibility of the prospective adoptive parent or of the child to be adopted or regarding the documentation relating to the prospective adoptive parents or the child, such as, home study report or health status of the prospective adoptive parents, the child study report and medical examination report, may approach the Steering Committee of the Authority.

(2) Such application shall be made by the aggrieved within seven days from the date of opinion or decision.

(3) The Steering Committee of the Authority shall take decision on the application within thirty days from the date of receipt of the application.

(4) The decision of the Steering Committee of the Authority shall be communicated to the applicant within three working days of the decision.

(5) The decision of the Steering Committee of the Authority shall be binding on all concerned.

(6) The Steering Committee may decide, on the merits of each case, whether the child concerned can be referred to any other prospective adoptive parents for adoption.

94. Annual Report of the Authority. (Section 71 of the Act)

(1) The Chief Executive Officer or any other officer of the Authority duly authorized by the Chief Executive Officer in this behalf shall cause to be prepared

the annual report referred to in sub-section (1) of section 71 of the Act on or before the 30th day of June following the financial year to which that report relates.

(2) The annual report prepared under sub-rule (1) shall, after approval by the Steering Committee be signed and authenticated by the Chief Executive Officer.

95. Utilization of grant by the Authority. (Section 72 of the Act)

(1) The Authority shall utilize the grants received by it from the Central Government for carrying out its functions under the Act and the rules.

(2) The Steering Committee, with the approval of the Central Government shall adopt financial rules to govern the utilization of the grants.

96. Accounts and audit of the Authority. (Section 73 of the Act)

(1) The annual statement of accounts of the Authority for every financial year shall be prepared by the Chief Executive Officer or such officer of the Authority as may be authorized by the Chief Executive Officer in this behalf.

(2) The Authority shall forward to the Central Government quarterly reviews of expenditure incurred and the expenditure likely to be incurred during the remaining part of the financial year.

(3) The Chief Executive Officer shall supervise the maintenance of the accounts of the Authority, the compilation of financial statement and returns and shall also ensure that all accounts books, connected vouchers and other documents and papers of the Authority required by the office of the Comptroller and Auditor General for the purpose of auditing the accounts of the Authority are placed at the disposal of that officer.

(4) The accounts of the Authority shall be maintained in the formats prescribed by the office of the Comptroller and Auditor General of India from time to time.

(5) The annual statement of accounts shall be signed and authenticated by the Chief Executive Officer.

(6) The annual statement of accounts of the Authority shall be submitted to the office of the Comptroller and Auditor General on or before the 30th of June following the year to which the accounts relate which shall audit the accounts of the Authority and submit the audit report.

(7) The Authority shall, within thirty days of the receipt of the audit report, remedy any defect or irregularity pointed out therein, and submit its report to the Central Government and to the office of the Comptroller and Auditor General about the action taken by it.

CHAPTER IX

OFFENCES AGAINST CHILDREN

97. Inquiry in case of a Missing Child.

(1) A missing child is a child, whose whereabouts are not known to the parents, legal guardian or any other person or institution legally entrusted with the custody of the child, whatever may be the circumstances or causes of disappearance, and shall be considered missing and in need of care and protection until located or his safety and well-being established.

(2) When a complaint is received about a child who is missing, the police shall register an FIR forthwith.

(3) The police shall inform the Child Welfare Police Officer and forward the FIR to the Special Juvenile Police Unit for immediate action for tracing the child.

(4) The police shall:

(i) collect a recent photograph of the missing child and make copies for District Missing Persons Unit, Missing Persons Squad, National Crime Records Bureau/ Media etc.

(ii) fill the form on the web based portal created for the purpose such as www.trackthemissingchild.gov.in.

(iii) fill the specific designed 'Missing Persons Information Form' and immediately send to Missing Persons Squad, District Missing Persons Unit, CRO, National Crime Record Bureau, State Crime Records Bureau, Central Bureau of Investigation, etc.

(iv) send the copy of the FIR by post/email to the office of the nearest Legal Services Authority along with addresses and contact phone numbers of parents or guardian of the missing child or the Child Care Institution, after uploading the relevant information onto the web based portal created for the purpose such as www.trackthemissingchild.gov.in. The Legal Services Authority shall depute a counsellor or a lawyer or a para legal to interact with the family

and render all assistance to them in tracing the child.

(v) prepare sufficient number of Hue and Cry notices containing photograph and physical description of the missing child to be sent to the CRO for publication in the Police Gazette.

(vi) give wide publicity in the surrounding area through the use of loud speakers and the distribution and affixture of Hue & Cry notice at prominent places. Social networking sites like Facebook, SMS alerts and slides in cinema halls can be used to reach out to the masses.

(vii) distribute Hue and Cry notices at all the outlets of the city/town i.e. railway stations, bus stands, airports, regional passport offices and other prominent places.

(viii) take permission from the Board or the Committee or the Children's Court to publish the details of the child in the best interest of the child and thereafter give wide publicity by publishing/telecasting the photographs and the description of the missing child in (i) leading newspapers (ii) TV/electronic media (iii) local cable TV network and social media.

(ix) areas and spots of interest such as movie theatres, shopping malls, parks, amusement parks, games parlours should be searched and areas where missing/ run away children frequent should be identified and watched.

(x) the recordings of the CCTV Cameras installed in the vicinity of the area from where the child was reported missing and on all possible routes and transit/ destination points like bus stands, railway stations etc. should be scanned.

(xi) try to find any uncovered pits or drain manholes/septic tanks/unused bore wells, unused buildings, under construction sites, etc., in nearby places surrounding the area from where the child is reported missing. Search those pits/manholes/wells for any accidental fall.

(xii) inquiries should be made from hospitals, including government and private hospitals and clinics, mortuaries in hospitals, morgues, and local health volunteers in the area about unidentified injured persons admitted.

(xiii) inquiries should be made from neighbouring police stations, police stations under Government Railway Police and Railway Protection Force posts about any unidentified dead bodies found or information about missing children admitted in the hospitals.

(xiv) DNA finger printing should be done on all unidentified dead bodies and further

investigation should be conducted thereon.

(xv) make inquiries from the Poor House, Children's Homes, Rain Baseras, Nari Niketans, mortuaries in hospitals, placement agencies, NGOs, Child Welfare Committees, Anganwadi and Asha workers, Childline services and other local outreach workers, etc.

(xvi) details of missing children should be sent to the District Crime Record Bureaus of the neighbouring states as well as SHOs of the bordering police stations including In charge of all police posts in their jurisdiction. This should be followed up by regular interaction with the concerned so that follow up action is ensured.

(xvii) the missing person's record should be regularly matched with the data of unidentified dead bodies uploaded on web based portal set up for the purpose such as www.trackthemissingchild.gov.in and other similar e-tracking systems.

(5) Where a child cannot be traced within a period of four months, the investigation of the case shall be transferred to the Anti Human Trafficking Unit in the District which shall make reports every three months to the District Legal Services Authority regarding the progress made in the investigation.

(6) When a child is traced:

- (i) the child shall be produced before the Board or the Committee or the Children's Court for appropriate directions;
- (ii) the police shall send a report to the District Legal Services Authority which shall provide counselling and support services to the child and the family; and
- (iii) the police shall conduct an inquiry whether the child has been subjected to any offence under the Act or any other law and if so, proceed accordingly.

(7) The Central Government may develop appropriate Standard Operating Procedures for the manner of inquiry in cases of missing children or any other offences against children to give effect to these rules.

98. Prevention of offences against children.

(1) The Central Government, the State Government and the State Child Protection Society shall, in the best interest of the child, develop age-specific curriculum on child rights education, gender sensitivity and empowerment, and crimes against children, teaching and empowering both children and teachers on

various aspects of protection against drug abuse, trafficking, child sexual abuse and exploitation, and gender sensitivity, and other aspects of violence against children.

(2) The prevention of the commission of the offences against children shall be achieved through, education and empowerment of children, communities, law enforcement agencies and other relevant stakeholders.

(3) The District Child Protection Unit as per the guidelines framed by the State Child Protection Society shall take steps for awareness generation, identification and reporting of crimes against children.

(4) The District Child Protection Unit shall create an easy reporting mechanism for crimes against children, especially on child sexual abuse, trafficking, child marriage etc.

(5) The District Child Protection Unit shall create specific programmes for awareness generation on substance abuse in the schools and shall also develop safety mechanisms for prevention, reporting and rehabilitation of the child.

(6) The District Child Protection Unit shall also develop programmes for sensitization of Panchayati Raj Institutions and Municipal Corporations on crimes against children including identification and reporting of crimes for enhanced protection.

(7) A model child-friendly panchayat and municipality mechanism inclusive of children's participation to ensure prevention and protection of children from violence and crimes may be developed in each State by the State Government.

99. Procedure in cases of offences against children.

(1) A complaint of an offence against a child may be made by:

- (i) the child;
- (ii) the family or acquaintances of the child;
- (iii) next friend or guardian of the child;
- (iv) Childline and other helpline services;

(v) Voluntary and non-governmental organisations;

(vi) Committee;

(vii) Labour Inspector;

(viii) Government Railway Police, Railway Protection Force;

(ix) Police, Special Juvenile Police Unit, Anti-Human Trafficking Unit;

(x) District Child Protection Unit;

(xi) Legal Services Authorities;

(xii) National Commissions or State Commissions formed under various Statutes;
and

(xiii) any individual concerned.

(2) On receipt of information in respect of a cognisable offence against a child, the police shall register a First Information Report (FIR) forthwith.

(3) On receipt of information of a non- cognisable offence against a child, the police shall make an entry in the Daily Diary which shall be transmitted to the Magistrate concerned forthwith who shall direct appropriate action under sub-section (2) of section 155 of the Code of Criminal Procedure, 1973.

(4) In all cases of offences against children, the investigation shall be conducted by the Child Welfare Police Officer.

(5) Every child who is a victim of an offence shall be treated as a child in need of care and protection.

(6) Where any offence under the Act is committed by a Child Care Institution or a Specialized Adoption Agency, the Committee may pass appropriate orders for placing the children placed with the Child Care Institution or the Specialized Adoption Agency in any other Child Care Institution or Specialized Adoption Agency and recommending the cancellation of the registration and withdrawal of recognition of such institution or agency.

(7) Where an FIR is registered against a person working with a Child Care Institution or Specialized Adoption Agency for any offence under the Act and the rules, such a person shall be debarred from working directly with the children during the pendency of the criminal case.

(8) Where a person has been dismissed from service or is convicted of an offence under the Act and the rules, he shall stand disqualified from any further appointment under the Act and the rules.

(9) Every police station shall have child friendly infrastructure and shall follow child friendly procedures and processes, which may include:

(i) A separate children's room/space which provides for segregation between victims and adults.

(ii) A separate place or room shall be earmarked for the para legal volunteers for easy access to victims and children.

(iii) A board detailing offenses against children and rights of the child, displayed at a prominent place in the police station.

(iv) A list of names and contact details of all designated members of Special Juvenile Police Unit, Child Welfare Police Officers, child welfare officers, probation officers, District Legal Services Authorities and registered Child Care Institutions, para legals, medical practitioners within 2 kms of the police station, translators and special educators displayed at a prominent place in every police station.

(v) The child welfare police officer shall be in plain clothes.

(vi) The interaction with the child shall take place in the presence of the child's parents or a trusted adult or para legal volunteer or representative of identified voluntary organisation.

(vii) The interaction with the child shall not extend beyond half hour at one stretch.

(viii) The language used for interaction with the child will be that of the child and a translator or special educator may be engaged to assist in interactions.

(ix) As far as possible, the same investigation officer must follow up the case from the investigation stage to the trial stage.

(10) In no case a child shall be placed in a police lock-up or lodged in a jail

(11) The child and his family shall be provided access to paralegal volunteers under the District Legal Service Authority.

(12) The National and State Commissions for Protection of Child Rights may create information material detailing the rights of the child victims/witnesses and their families, and containing useful information in local languages, which may be provided to the victim and her/his family.

(13) An immediate need assessment of the child will be conducted in terms of the need for food, clothing, emergency medical care, counselling, psychological support and the same shall be immediately extended to the child at the police station.

(14) Where a female child has been subjected to sexual abuse, she may be referred to the nearest District Hospital or One-Stop Crisis Centre, if locally available, for management.

(15) A trafficked child shall not be treated as a child in conflict with law under the Foreigners Act.

(16) The designated courts under section 86 of the Act shall be created to try the offences against the children by the State government, in consultation with the Chief Justice of the High Court, within six months of the notification of the rules.

(17) Special children's rooms shall be designated in every Court Complex.

(18) Statements and interviews, other than during trial of children who are, victims, and/or, witnesses, shall be recorded through child friendly procedure in a children's room.

(19) The Children's Room shall have the following characteristics:

(i) A non- intimidating child- friendly environment.

(ii) All staff will be in plain clothes.

(iii) Provision for entertainment for children such as books, games etc. would be there in the Children's Room.

(iv) Separate space for children waiting and children who are giving their statement/ interview should be there.

(v) Separate entrances, wherever feasible should be there for children.

(vi) Social worker with a minimum of five years of experience in dealing with children, as well as an attendant, shall be appointed to take care of the children's room.

(vii) Wherever possible, video conferencing facilities shall be used for interacting with children

(20) All victims and /or witnesses in cases of offences against children are entitled to protection on submitting a request for protection to the police, or to the designated

Court concerned and such a request may be made by the child him/herself, or by the parent/ guardian or by the any other person having custody of the child, or by the police on their own orally or in writing, signed or unsigned, on receipt of such a request, suitable and adequate protection will be provided.

(21) All victims and /or witnesses in cases of offences against children are entitled to protection on submitting a request for protection to the police, or to the designated Court concerned, and such a request may be made by the child himself, or by the parent/ guardian, or by any other person having custody of the child, or by the police on their own orally or in writing, signed or unsigned.

(22) On receipt of such a request, the police shall provide for suitable and adequate protection.

(21) All orders and proceedings relating to victim/ witness protection shall be maintained with utmost secrecy and the said records can be accessed only under specific orders of the Court under whose custody the records are maintained in usual course.

(22) The statement or the interview of the victim/ witness child shall be conducted while ensuring the following conditions:

(i) The Magistrate shall record the statement of the child under Section 164 of the Code of Criminal Procedure, 1973 in the Children's room or, if possible in the child's place of residence including, home or institution where he or she is residing.

(ii) The statement shall be recorded verbatim as spoken by the child

(iii) The statement may also be recorded by audio – visual means as per the provisions of section 164 (1) of the Code of Criminal Procedure.

(iv) Child may be accompanied by parent/guardian/ trusted adult/social worker

(23) For the purposes of the trial, the child and the parent/guardian shall be provided pre-trial counseling.

(24) The Legal Services Authority shall provide a support person/ para legal volunteer to accompany the child for recording of the statement who shall also familiarize the child with the Court and Court environment in advance, and where the child is found to have been disturbed by the experience of coming to the Court, orders for video- conferencing maybe passed by the Court, on an application moved by the support person/ para-legal volunteer or by the Legal Services Authority, on behalf of the child.

(25) If the child victim or witness does not belong to the district/ State/ country, the statement and/ or interview and/ or deposition of the child may also be recorded through video conferencing.

(26) Where video-conferencing is not possible, all necessary accommodation, travel expenses for the child and a guardian accompanying the child will be provided as per actuals by the State Government/UT Administration.

(27) Separate rooms for vulnerable witnesses shall be designated in every Court Complex to record the evidence of child witnesses.

(28) During a trial involving children the following norms shall be followed to ensure a child-friendly atmosphere.

- (i). Parent/ guardian(s) shall accompany the child at all times (only if it is in the best interest of the child). If the said person has a conflict of interest, another person of the child's choice, or, fit person, or, representative of the fit institution identified, or, psychologist appointed by the Committee or Court, shall accompany the child at all times, on approval of the Court.
- (ii). Psychological counseling shall also be provided to the child wherever necessary.
- (iii). In a situation where parents or guardians may have been involved in the commission of the crime, or where the child is living in a place where the child is at risk of further trauma, and the same is brought to the notice of the Court, or, the Court on its on motion shall direct the child to be taken out of the custody/ care, or out of such situation and the child should be immediately produced before the Committee.
- (iv). For the age determination of the victim, in relation to offences against children under the Act, the same procedures mandated for the Board and the Committee under section 94 of the Act and rule 12 of these rules shall be followed.
- (v). All persons involved should be in plain clothes.
- (vi). The language(s) used should be familiar to the child and translators, if needed, should be available.
- (vii). Before the statement of the child is recorded, the Court shall ensure that the child is capable of making a voluntary statement.
- (viii). No statement of the child shall be disregarded as evidence in the trial solely on the basis of the age of the child.
- (ix). Images/ statements admissible in the interview of the child should not be detrimental to the mental or physical well- being of the child.
- (x). Length and questions admissible at the interview should not be taxing and should be suitable to the attention span of the child.

- (xi). In case of young children, or, otherwise incapacitated child, alternative methods of interaction and evidence collection that is less intimidating should be adopted.
- (xii). The Court shall ensure that at no stage during trial, the child comes face to face with the accused.
- (xiii). Questions for the child will be submitted to the Court in writing for approval.
- (xiv). The Court may determine if the questions are:
 - a) Age appropriate
 - b) Non- intimidating
 - c) Detrimental to the health, safety, moral values and, mental and physical development of the child.
 - d) The questions shall be put by the Court.
 - e) The Court shall endeavor to record the testimony of the child on the day the child appears before the Court for deposition.
 - f) Special permission from school and arrangement for remedial classes for days lost will be ensured by the school authorities.

(29) The child may be represented by:

- (i) a lawyer of her/ his choice, or,
- (ii) public prosecutor, or,
- (iii) a lawyer designated or empanelled by the Legal Services Authority.

(30) All functionaries of the Court and others concerned shall be sensitized on the special needs of children and child rights.

(31) Experts for cases involving children:

- (i) All courts should have a panel of designated experts on child rights, psychology, social work and/ or counselors, translators, special educators, etc. to assist the Court.
- (ii) Experts shall be paid honorarium commensurate with their services as prescribed by the State Government.

(32) After the process of trial:

- (i) The child/ guardian should be informed of the decision of the judicial proceeding and its implication.
- (ii) The child/ guardian should be made aware of his/ her legal options.
- (iii) The Court, on its own or on application filed by or on behalf of the victim, recommend the award of compensation under Section 357A of CrPC , or under any other applicable scheme, at any stage, or where the accused is convicted, or where the case ends in acquittal or discharge, or the accused is not traced or identified and in the opinion of the Court the child has suffered loss or injury as a result of that offence.

(32) In cases where the child's identity has not been established, the Court may on receipt of application, or, during trial, or, after completion of the case direct that the child be provided with such identity proof and proof of citizenship as it deems fit.

100. Prohibition on disclosure of identity of children. (Section 74 of the Act)

(1) For the purposes of the Act and the rules, the identity of the child may include her/his name, family's name, details, address, contact information including name and address of the school, photograph, personal documents of the child or any other detail that may lead to an identification of a child in need of care and protection, or a child in conflict with law, or a child victim or witness of a crime, in any manner.

(2) In case there has been a breach of identity of a child in violation of provisions of section 74 of the Act, the Board or the Committee, or police, District Child Protection Unit, State Child Protection Society, State Commission for Protection of Child Right, or any Court, or other appropriate agency may initiate proceedings for removal of such personal details and to ensure that there is no further disclosure.

(3) No information disclosing the identity of a child shall be uploaded on a website portal, or any other place except in respect of proceedings relating to missing children, without the permission, in writing, of the Board or the Committee in the best interest of the child.

(4) All media houses shall have a Child Protection Policy in place developed as per the guidelines laid down by National Commission for Protection of Child Rights.

(5) On receipt of an information under section 74 of the Act, the police shall proceed as per sub-rules (3) and (4) of rule 99 of these rules.

101. Punishment for cruelty to child. (Section 75 of the Act)

(1) On receipt of information about cruelty to a child, the police shall register an FIR forthwith.

(2) The Child Welfare Police Officer shall make a report of each case of cruelty to the Board or the Committee.

(3) For the purposes of section 75 of the Act and this rule , giving a child in marriage shall be considered as cruelty to the child. On receipt of information of risk of a child being given in marriage or a child having been married, the police or any officer authorised under the Act or under the Prohibition of Child Marriage Act,2006, shall produce the child before the Committee for appropriate directions and rehabilitative measures.

(4) The Board or the Committee or the Children's Court may issue appropriate directions for providing counselling, support and legal aid to the child and also take steps to do a risk assessment in each such case of cruelty to a child.

(5) The Board or the Committee or the Children's Court may ask a probation officer/ caseworker/ child welfare officer to do a social investigation in respect of the child as per **Form 6** and then decide if the parents or guardian or Child Care Institution are fit to take the custody of the child, or that the child needs alternate care.

(6) Where an act of cruelty to a child takes place in a Child Care Institution, or a school, or in any other place of care and protection to the child, considering the best interest of the child not to return to such place, the Board or the Committee or the Children's Court after consultation with the child and /or parents/ guardians shall provide alternative rehabilitation for the child.

(7) If a child is found to be in a situation of exploitation or cruelty more than once, the Board or the Committee or the Children's Court shall, at the time of considering the home verification/ social investigation report in, make an assessment of risk, including:

- (i) role of the parents, in any;
- (ii) the environment at home;
- (iii) factors contributing to vulnerability; and
- (iv) any other relevant factor.

(8) The guidelines laid down by National Commission for Protection of Child Rights with regard to acts of cruelty and adequate care and protection to be provided to children involved in audio-visual entertainment shall be strictly adhered to including taking responsibility to ensure that there is no loss to the education, mental and physical well-being of the child.

102. Procedure in case of offence under section 76.

(1) Any Authority, agency, Child Care Institution, or any other person coming in contact with a child who is employed or used for the purpose of begging, may remove such a child from a situation of begging and immediately produce the child before the Committee.

(2) Where the child is recovered during any operation by the social welfare or any other department entrusted with the responsibility of dealing with beggars and begging, the officer concerned shall immediately produce the child before the Committee and will also inform the police.

(3) On receipt of information or *suo motu*, the police shall:

- (i) make inquiries about the antecedents of the child and ascertain whether the child is living with parents or guardian or is a missing or a runaway child or a victim of kidnapping or trafficking;
- (ii) obtain documents to ascertain the identity and parentage of the child as well as of the person accompanying the child;
- (iii) where the child is found to be not living with her/his parents, the child will be treated as a child in need of care and protection and produced before the Committee for necessary action
- (iv) make inquiries whether other children have also been employed/ used for begging, investigate the case for trafficking from an organised crime perspective and the procedure for protection to all such children must be initiated immediately.

(4) The Committee, if they find that the child has been engaged in begging by his parents/guardians, , may order the child to be removed from the charge or control of such parent or guardian and to be placed in a Child Care Institution or explore other rehabilitation alternatives for the child in the best interest of the child.

(5) The Committee shall conduct an inquiry for the purpose of recovery from the person who employs or uses the child for the purpose of begging or has the actual charge of, or control over the child and is found abetting the commission of the offence under sub-section (1) of section 76 of the Act of a sum as claimed by the child, or as determined by the Committee and pass appropriate directions for recovery of the same as if it was a fine under section 421 of the Code of Criminal Procedure.

(6) The District Child Protection Unit shall prepare an action plan for elimination of child begging and rehabilitation of children, which shall be reviewed on a quarterly basis.

(7) The Station House Officer or in charge of the police station would be responsible to implement the action plan prepared by the District Child Protection Unit through proactive intelligence and information collection.

103. Procedure in case of offence under section 77.

(1) Whenever a child is found to be under the influence of, or in possession of intoxicating liquor or narcotic drugs or psychotropic substances or tobacco products, including for the purpose of sale, the police shall enquire as to how the child came under the influence of, or possession of such intoxicating liquor or narcotic drugs or psychotropic substances or tobacco products and shall register an FIR forthwith.

(2) The child who has been administered narcotic drugs or psychotropic substances or is found under the influence of the same may be produced either before the Board or the Committee as the case may be, and the Board or the Committee shall pass appropriate orders regarding rehabilitation and de-addiction of the child.

(3) In case of a child found to be addicted to intoxicating liquor or tobacco products, the child shall be produced before the Committee which shall pass directions for rehabilitation including de-addiction of the child and transfer to a fit facility identified for the purpose.

(4) In case any child is found to have been administered intoxicating liquor or narcotic drugs or psychotropic substances or tobacco products in a Child Care Institution, the child shall be produced immediately before the Board or the Committee, except in such cases where the child is not in a position to be produced before the Board or the Committee and requires immediate medical attention.

(5) The Board, shall on its own or on complaint received from the Committee, issue directions to the police to register an FIR immediately.

(6) The Board or the Committee shall also issue appropriate directions for inquiry as to the circumstances in which the product entered the Child Care Institution and reached the child and shall recommend appropriate action against the erring officials and the Child Care Institution as per sub-rule 3 of rule 59.

(7) The Board or the Committee may also issue directions for transfer of the child to another Child Care Institution.

(8) Any shop selling intoxicating liquor, tobacco products, must display a message at a prominent place on their shop that giving or selling intoxicating liquor or tobacco products to a child is a punishable crime with upto seven years of rigorous imprisonment and a fine of upto one lakh rupees.

(9) All tobacco products and intoxicating liquor must display a message that giving or selling intoxicating liquor or tobacco products to a child is a punishable crime with upto seven years of rigorous imprisonment and a fine of upto one lakh rupees.

(10) Giving or selling of intoxicating liquor, narcotic drugs or psychotropic substances or tobacco products within 200 meters of a Child Care Institution or any other home registered or recognized under the Act, or the office of a Committee or a Board shall be deemed to be an offence under section 77 of the Act.

104. Procedure in case of offence under section 78.

(1) Whenever a child is found to be vending, carrying, supplying or smuggling an intoxicating liquor, narcotic drug, or psychotropic substance, the police shall enquire how and from whom the child came into possession of the intoxicating liquor, narcotic drug, or psychotropic substance and shall register an FIR forthwith.

(2) A child who is alleged to have committed an offence under section 78 of the Act shall be produced before the Board, which may transfer the child to the Committee if the child is also in need of care and protection.

105. Procedure in case of offence under section 79

(1) For the purpose of the section 79 of the Act, engaging a child and:
(i) Keeping him in bondage for the purpose of employment, or
(ii) Withholding the earnings of the child, or
(iii) Using such earnings by the person engaging the child, for his own purposes shall constitute an offence.

(2) The police shall, *suo motu*, or on receipt of information about the commission of an offence under section 79 of the Act, register an FIR forthwith.

(3) In all such cases, the child shall be produced before the Committee forthwith which shall pass appropriate orders for the rehabilitation of the child.

(4) The Committee shall conduct an inquiry for the purpose of recovery of the wages/ earnings of the child which have been withheld or misappropriated and pass appropriate directions for recovery of the same as if it was a fine under section 421 of the Code of Criminal Procedure.

106. Procedure in case of offence under section 80.

(1) Where any orphan, abandoned or surrendered child, is offered or given or received for the purpose of adoption without following the procedures as provided in the Act and the rules, the police shall, *suo motu*, or on receipt of information in that regard register an FIR forthwith.

(2) A child who has been so offered, given or received for the purpose of adoption shall be produced before the Committee forthwith which shall pass appropriate directions for rehabilitation of the child, including placing such child in a Specialized Adoption Agency.

(3) Wherever any offence under section 80 of the Act is committed by a recognized Specialized Adoption Agency or by a person associated with such an agency, the

Committee may also pass appropriate orders for placing the other children placed with the Specialized Adoption Agency in any other Child Care Institution or Specialized Adoption Agency.

(4) The Committee shall also recommend to the State Government withdrawal of registration or recognition of such agency granted under the Act and these rules.

107. Procedure in case of offence under section 81.

(1) On receipt of information about the selling or buying of a child, the police shall register an FIR forthwith.

(2) Giving or agreeing to give, receiving or agreeing to receive any payment or reward in consideration of adoption, except as permitted under the adoption regulations framed by the Authority, towards the adoption fees or service charge or child care corpus by any prospective adoptive parent(s) or parent or guardian of the child or the Specialized Adoption Agency shall amount to an offence under section 81 of the Act and this rule,

(3) A child, who has been subjected to buying or selling, shall be produced before the Committee forthwith which shall pass appropriate orders for the rehabilitation of the child.

(4) Where any offence under section 81 of the Act is committed by a parent or a guardian of the child or any other person having actual charge or custody of the child, the Committee shall pass appropriate orders for placing the child in a Child Care Institution or fit institution or with a fit person.

(5) Where any offence under section 81 of the Act is committed by a Child Care Institution or recognized Specialized Adoption Agency or by a hospital or nursing home or maternity home, or a person associated with such an institution or agency, the Committee may also pass appropriate orders for placing the other children placed with such Child Care Institution or Specialized Adoption Agency or hospital or nursing home or maternity home in any other Child Care Institution or Specialised Adoption Agency or hospital or nursing home or maternity home.

(6) The Committee shall recommend to the State Government that the registration or recognition of such agency or institution or the registration or license of such a hospital or nursing home or maternity home or such associated person under any law for the time being in force shall also be withdrawn.

(7) The Committee shall conduct an inquiry for the purpose of recovery from the person from whose possession the child is recovered/ rescued after having been bought or sold, of a sum as claimed by the child, or as determined by the Committee

and pass appropriate directions for recovery of the same as if it was a fine under section 421 of the Code of Criminal Procedure.

108. Procedure in case of offence under section 82.

(1) A complaint of subjecting a child to corporal punishment under section 82 of the Act may be made by the child or any one on his behalf.

(2) Every Child Care Institution shall have a complaint box at a prominent place in the building to receive complaints of corporal punishment.

(3) The complaint box will be opened in the presence of a representative of the District Child Protection Unit.

(4) All such complaints shall be forthwith presented before the Judicial Magistrate of First Class nearest to the Child Care Institution and copies thereof shall be forwarded to the Board or the Committee.

(5) the Judicial Magistrate shall get the case investigated by the Child Welfare police officer concerned and take appropriate measures on receipt of a complaint.

(6) The Board or the Committee may consider transferring the child to another Child Care Institution in the best interest of the child who has made the complaint or who has been subjected to corporal punishment.

(7) Where the Judicial Magistrate First Class finds that the management of the institution is not cooperating with the inquiry or complying with the orders of the court under sub-section (3) of section 82 of the Act, the Judicial Magistrate First Class will either take cognizance of the offence himself or direct the registration of FIR and proceed against the person in-charge of the management of the institution.

(8) Where the Board or the Committee or the State Government issues any directions to the management of the institution in respect of any incident of corporal punishment in the child care institution, the management shall comply with the same.

(9) In the event of non-compliance, the Board of its own or on the complaint of the Committee or the State Government shall direct the registration of an FIR under sub-section (3) of section 82 of the Act.

(10) Where a person has been dismissed from service or debarred from working directly with children or is convicted of an offence of subjecting a child to corporal punishment under sub-section (2) of section 82 of the Act, he shall stand disqualified from any further appointment under the Act and the rules.

109. Procedure in case of offence under section 83:

(1) For the purposes of this section, 'recruits' means any process by which the custody of a child is obtained by any means and may include, by using threats, or force, or any other form of coercion, or by way of abduction, or by practising fraud, or deception, or by the abuse of power, or by inducement, including, the giving or receiving of payments or benefits.

(2) When a complaint or information is received about a child who has been recruited or is being recruited, or has been used or is being used for any purpose by a militant group or an outfit declared as such by the Central Government, or has been used or is being used for illegal activities by any adult or adult group, the police shall register an FIR forthwith.

(3) The police shall make inquiry as to how the child came into such a situation from the child, parents, family, the informant or any other person who may have knowledge about the same.

(4) The police shall make inquiries whether other children have also been recruited or are being recruited, or have been used or are being used for any purpose by a militant group or an outfit declared as such by the Central Government, or have been used or are being used for illegal activities by any adult or adult group, and the procedure for protection to all such children must be initiated immediately.

(5) The child shall be produced before the Board forthwith, which may, after due inquiry and on being satisfied about the circumstances of the child, transfer the child to the Committee as a child in need of care and protection.

(6) The Board, may on its own or on a complaint received from the Committee regarding the use of a child by an adult or an adult group for illegal activities issue directions to the police to register an FIR immediately.

(7) The Board or the Committee or the Children's Court shall pass appropriate directions for rehabilitation including orders for safe custody and protection of the child and transfer to a fit facility recognised for the purpose which shall have the capacity to provide appropriate protection.

(8) The Board or the Committee or the Children's Court may also consider transferring the child out of the district or out of the State to another State for the protection and safety of the child and the District Child Protection Unit may develop a 'Child-Witness / Child Protection Program' for this purpose.

(9) A child who has been recruited or used by a non-State, self-styled militant group or outfit or who is being used by an adult or adult group for illegal activities

may surrender before the police or the District Child Protection Unit or the Board or the Committee or any Court.

(10) A child who so surrenders shall be treated as a child in need of care and protection and the Board or the Court shall pass orders for transfer of the child to the Committee.

110. Offences under sections 33 and 42 of the Act.

(1) Where any offence is committed under sections 33 and 42, the procedure as prescribed in sub-rules (3) and (4) of rule 99 shall apply.

(2) Where any offence under section 42 of the Act is committed by an institution or organisation housing children in need of care and protection and children in conflict with law, the Board or the Committee may pass appropriate orders for placing the children placed with such institution or organisation in any other Child Care Institution registered under the Act and the rules.

Chapter IX

MISCELLANEOUS

111. Child suffering from disease requiring prolonged medical treatment in an approved place and transfer of a child who is mentally ill or addicted to alcohol or other drugs (Sections 92 and 93 of the Act)

(1) The Board or the Committee or the Children's Court may send the child to a fit facility for such period as may be certified by a medical officer to be necessary for proper treatment of the child or for the remainder of the term for which he has to stay.

(2) When the child is cured of the disease or physical or mental health problems, the Board or the Committee or the Children's Court may, order the child to be placed back in the care from where the child was removed for treatment and if the child no longer requires to be kept under further care, the Board or the Committee or the Children's Court may order him to be discharged.

(3) The Board or the Committee or the Children's Court may send the child to a fit facility for such period as may be certified by a medical officer or mental health expert or on the recommendation of the Person-in-charge or probation officer or child welfare officer or case worker, to be necessary for proper treatment of the child who is mentally ill or addicted to alcohol or drugs or any other substance which lead to behavioural changes in a person for the remainder of the term for which he has to

stay.

(4) When the child has recovered from the mental illness or the addiction, the Board or the Committee or the Children's Court may, order the child to be placed back in the care from where the child was removed for treatment and if the child no longer requires to be kept under further care, the Board or the Committee or the Children's Court may order him to be discharged.

(5) The State Government shall set up separate Integrated Rehabilitation Centres for Addicts for children on the basis of the age groups.

112. Transfer (Section 95 of the Act)

(1) During the inquiry, if it is found that the child hails from a place outside the jurisdiction of the Board or the Committee, the Board or the Committee shall order the transfer of the child and send a copy of the order stating the reasons for and circumstances of such transfer to the State Government, State Child Protection Society and District Child Protection Unit.

(2) The District Child Protection Unit shall accordingly:

(i) send the information of transfer to the appropriate Board or the Committee 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 Person-in-charge of the institution where the child is to be placed for care and protection at the time of the transfer order.

(3) The child shall be escorted at government expenses to the place or person as specified in the order and a travelling allowance on a per day basis shall be determined by the Board or the Committee which shall be paid by the District Child Protection Unit.

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

(5) Where the child is a national of another country, the Board or the Committee shall inform the State Government immediately on the production of the child before the Board or the Committee which may initiate the process for repatriation of the child immediately.

(6) For the purpose of repatriation of a child to another country, the Board or the Committee or the State Government may take the assistance from recognised

voluntary or non-government organisations.

(7) During the period pending the finalization of the repatriation the child shall be kept in a Child Care Institution.

(8) The expenses for the repatriation of the child to another country shall be borne by the State Government.

113. Release of a child from a Child Care Institution. (Section 97 of the Act)

(1) The Person-in-charge of the Child Care Institution shall maintain a roster of the cases of children to be released on the expiry of the period of stay as ordered by the Board or the Committee or the Children's Court.

(2) The timely information of the release of a child and of the exact date of release shall be given to the parent or guardian and the parent or guardian shall be called to the Child Care Institution to take charge of the child on that date and if necessary, the actual expenses of the parent's or guardian's journey both ways and of the child's journey from the Child Care Institution shall be paid to the parent or guardian by the Person-in-charge at the time of the release of the child.

(3) If the parent or guardian, as the case may be, fails to come and take charge of the child on the appointed date, the child shall be taken by the escort of the Child Care Institution; and in case of a girl, she shall be escorted by a female escort who shall hand over the custody to her parent/ guardian.

(4) At the time of release or discharge, a child shall be provided with a set of suitable clothing and essential toiletries

(5) When the child attains the age of 18 years, if he has no parent or guardian, he may be placed in an aftercare programme, subject to the consent of the child and the approval of the Board or the Committee or the Children's Court.

(6) In case the date of release falls on a Sunday or a public holiday, the child may be discharged on the preceding day with an entry to that effect being made in the register of discharge.

(7) The Person-in-charge of the Child Care Institution 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 and/or road fares, as the case may be.

(8) Where a girl child has no place to go after release and requests for stay in the Child Care Institution after the period of stay is over, the Person-in-charge may,

subject to the approval of the Board or the Committee or the Children's Court, allow her stay only for a limited period till the time some other suitable arrangement is made.

(9) Where a child fails to fulfil the conditions set by the Board or the Committee or the Children's Court as mentioned in sub-section (1) of section 97 of the Act, the Board or the Committee or the Children's Court, before taking a decision on placing the child back in the institution in terms of proviso to sub-section (1) of section 97, shall conduct an inquiry into:

(i) The conditions which were not fulfilled by the child;

(ii) The circumstances which prevented the child from fulfilling the conditions laid down;

(iii) Whether there was a deliberate and intentional non-compliance with the conditions laid down;

(iv) Behavioural progress of the child; and

(v) Any other factor which may be relevant.

(10) After conducting such inquiry, if the Board or the Committee or the Children's Court is satisfied that there is deliberate and intentional non-compliance of the conditions by the child, it may consider placing the child back in the Child Care Institution concerned.

(11) Where the person under whose supervision the child has been placed fails to fulfil the conditions laid down, the Board or the Committee or the Children's Court, before taking a decision to place the child back in the Child Care Institution concerned, shall consider the placement of the child under the supervision of any other authorised person named in the order, willing to receive and take charge of the child.

(12) Where the Board or the Children's Court in exercise of its powers as a Board decides to extend the period for which the child in conflict with law is liable to be kept in a Child Care Institution in terms of proviso to sub-section (2) to section 97, the total period for which the child is kept in the institution including the period for which the child was released conditionally shall not exceed three years.

114. Restoration and Follow-up

(1) The Board or the Committee or the Children's Court may make an order in **Form 47** for the release of the child placed in a Child Care Institution after hearing the child and his parents or guardian, and after satisfying itself as to the identity of the persons claiming to be the parents or the guardian.

(2) While passing an order for restoration of the child, the Board or the Committee or the Children's Court shall take into account the reports of the probation officer, social worker or child welfare officer or case worker or non-governmental organisation, including report of a home study prepared on the direction of the Board or the Committee or the Children's Court in appropriate cases, and any other relevant document or report brought before the Board or the Committee or the Children's Court.

(3) The order on restoration shall include an individual care plan prepared by the probation officer or the social worker or the child welfare officer or case worker or non-governmental organization.

(4) The Board or the Committee or the Children's Court, while directing restoration of the child, may pass order for an escort as per **Form 48**, where necessary.

(5) Besides police, the Board or the Committee or the Children's Court may seek collaboration with non-governmental organisations to accompany the child back to the family for restoration.

(6) In case of girls, the child shall necessarily be accompanied by female escorts.

(7) The copy of the restoration order along with a copy of the order for escort as per **Form 48** shall be forwarded by the Board or the Committee or the Children's Court to the District Child Protection Unit which shall provide funds for the restoration of the child, including travel and other incidental expenses.

(8) When a child expresses his unwillingness to be restored back to the family, the Board or the Committee or the Children's Court shall interact with the child to find out the reasons for the same and record the same and the child shall not be coerced or persuaded to go back to the family. The child may also not be restored back to the family where the social investigation report prepared by the child welfare officer or the social worker or the case worker or the non-governmental organisation establishes that restoration to family may not be in the interest of the child. The child would also not be restored back to the family where the parents or guardians refuse to accept the child back. In all such cases, the Board or the Committee or the Children's Court may provide alternative means for rehabilitation.

(9) A follow-up plan shall be prepared as part of the individual care plan by the probation officer or the child welfare officer or the case worker or the social worker or the non-governmental organisation and the follow-up shall be done as per sub-rules (24), (25) and (26) of rule 27 of these rules.

(10) The follow-up report shall state the situation of the child post restoration and the measures necessary in order to reduce further vulnerability of the child.

115. Juvenile Justice Fund (Section 105 of the Act)

(1) The State Government shall create a fund called the Juvenile Justice Fund for the welfare and rehabilitation of the children dealt with under the Act and the rules.

(2) The State Government shall make adequate budgetary allocations towards the Juvenile Justice Fund.

(3) Any voluntary donations, contributions or subscriptions or funds under Corporate Social Responsibility, whether or not for any specific purpose, may be credited to the Juvenile Justice Fund.

(4) The Juvenile Justice Fund shall be utilized by the State Government for:

- (i) Establishment and administration of Child Care Institutions;
- (ii) Supporting innovative programmes for the welfare of the children in the Child Care Institutions;
- (iii) Strengthening of legal assistance and support;
- (iv) Providing entrepreneurial support, skill development training or vocational training;
- (v) Providing after care facilities and entrepreneurship fund for providing capital and infrastructure to persons who have crossed the age of eighteen within institutionalized care, for starting up small businesses to support reintegration into mainstream life;
- (vi) Providing support for foster care;
- (vii) Providing witness protection and rehabilitation of children in special circumstances including children released from militant groups and adult groups such as to provide a new identity;
- (viii) Meeting the expenses of travel for trial and restoration of children, including the expenses of the escorts;
- (ix) Scholarship programmes for children covered under the Act;
- (x) Creating child friendly police stations, Boards, courts and Committees;
- (xi) Capacity building for parents and caregivers to understand special needs of children;

- (xii) Awareness generation programmes on child rights and offenses against children;
- (xiii) Creating community-based child protection programmes to identify and report offenses against children;
- (xiv) Providing specialized professional services, counsellors, translators, interpreters, social workers, mental health workers, vocational trainers etc. for the children covered under the Act;
- (xv) Providing recreational facilities and extra-curricular activities for the children covered under the Act including those in Child Care Institutions; and
- (xvi) Any other programme or activity to support the holistic growth, development and well-being of a child covered under the Act and the rules.

(5) The Juvenile Justice Fund shall be maintained and administered through the State Child Protection Society.

116. State Child Protection Society (Section 106 of the Act)

(1) The State Child Protection Society may delegate the financial powers in respect of the Juvenile Justice Fund to the Member Secretary of the Society.

(2) The State Child Protection Society, with the approval of the State Government shall adopt financial rules to govern the utilization of the Juvenile Justice Fund.

(3) The Member Secretary of the State Child Protection Society shall maintain regular accounts and all money and properties, and all incomes and expenditure of the Juvenile Justice Fund shall be audited annually.

(4) The annual statement of accounts in respect of the Juvenile Justice Fund for every financial year shall be prepared by the Member Secretary or such officer of the State Child Protection Society as may be authorized by the State Government.

(5) The State Child Protection Society shall forward to the State Government quarterly reviews of expenditure incurred from the Juvenile Justice Fund and the expenditure likely to be incurred during the remaining part of the financial year.

(6) The Member Secretary shall supervise the maintenance of the accounts in respect of the Juvenile Justice Fund, the compilation of financial statement and returns and shall also ensure that all account books, connected vouchers and other documents and papers of the Juvenile Justice Fund required by the office of the Comptroller and Auditor General for the purpose of auditing the accounts are placed at the disposal of that officer.

(7) The accounts in respect of the Juvenile Justice Fund shall be maintained in the formats prescribed by the office of the Comptroller and Auditor General of India from time to time.

(8) The annual statement of accounts in respect of the Juvenile Justice Fund shall be signed and authenticated by the Member Secretary and certified by the auditors.

(9) The annual statement of accounts in respect of the Juvenile Justice Fund shall be submitted to the office of the Comptroller and Auditor General on or before the 30th of June following the year to which the accounts relate which shall audit the accounts in respect of the Juvenile Justice Fund and submit the audit report.

(10) The State Child Protection Society shall, within thirty days of the receipt of the audit report, remedy any defect or irregularity pointed out therein, and submit its report to the Government concerned and to the office of the Comptroller and Auditor General about the action taken by it.

(11) The State Child Protection Society, for the purposes of the Act and these rules, shall mean the State Child Protection Society set up under the Integrated Child Protection Scheme and regulations thereunder.

(12) In addition to the functions assigned to the State Child Protection Society under the Integrated Child Protection Scheme, it shall have the following functions:

- (i) Overseeing the implementation of the Act and the rules in the State and supervision and monitoring of agencies and institutions under the Act;
- (ii) Addressing road-blocks, issues, complaints received regarding care and protection of children;
- (iii) Ensuring that all institutions that need to be set up under the Act and the rules are in place and performing their assigned roles;
- (iv) Reviewing reports received from various District Child Protection Units on the functioning of institutions in various districts and taking action to facilitate the protection of children wherever necessary and monitoring the functioning of the District Child Protection Units;
- (v) Develop programmes for foster care, sponsorship, after-care and long term custody of children;
- (vi) Inquire into, seek reports and make recommendations in cases of death or suicide in Child Care Institutions and under other institutional care.
- (vii) Ensuring inter-department coordination and liaisoning with the relevant departments of the State and Central Governments and State Child Protection Societies of other States/UTs;
- (viii) Networking and coordinating with civil society organisations working for the effective implementation of the Act and the rules;
- (ix) Maintaining a state level database of all children in institutional care and family based non-institutional care and updating it on a quarterly basis;

- (x) Maintaining a database of Child Care Institutions, Specialized Adoption Agencies, open shelters, fit persons and fit facilities, registered foster parents, sponsors, after care organisations and institutions etc. at the State level;
- (xi) Maintaining a database of medical and counselling centers, de-addiction centers, hospitals, open schools, education facilities, apprenticeship and vocational training programmes and centers, recreational facilities such as performing arts, fine arts and facilities for children with special needs and other such facilities at the State level;
- (xii) Monitoring and administering the Juvenile Justice Fund set up by the State Government including disbursal of funds to the District Child Protection Units and Special Juvenile Police Units;
- (xiii) Maintaining separate accounts for all funds received by the State Child Protection Society such as the Juvenile Justice Fund, funds under Integrated Child Protection Scheme etc. and getting the same audited;
- (xiv) Awareness generation among public on various aspects of the Act and the rules specifically the existent institutional framework, rehabilitation measures, penalties, procedures etc. for better protection of children;
- (xv) Organizing and conducting programmes for the implementation of the Act including training and capacity building of stakeholders under the Act and the rules;
- (xvi) Commissioning research programmes on child protection and implementation of the Act and the rules;
- (xvii) Coordinating with State Legal Services Authority and law schools in the State for implementation of the Act and the rules; and
- (xviii) All other functions that are necessary for the effective implementation of the Act and the rules.

(3) The Member Secretary of the State Child Protection Society shall be the Nodal Officer in the State for the implementation of the Act and the rules.

117. District Child Protection Unit. (Section 106 of the Act)

(1) The District Child Protection Unit, for the purposes of this Act, shall mean the District Child Protection Unit set up under the Integrated Child Protection Scheme and regulations there under to coordinate and implement all child rights and protection activities at the district level.

(2) In addition to the functions assigned to the District Child Protection Unit under the Integrated Child Protection Scheme, it shall have the following functions:

- (i) maintain report of quarterly information sent by the Board about children in conflict with law produced before the Board and the quarterly report sent by the Committee;
- (ii) arrange for individual or group counselling and community service for children in conflict with law;

- (iii) conduct follow up of the individual care plan prepared on the direction of the Children's Court for children in the age group of 16-18 years found to be in conflict with law for committing heinous offence;
- (iv) conduct review of the child placed in the place of safety every year and forward the report to the Children's Court;
- (v) maintain a list of persons who can be engaged as monitoring authorities and send the list of such persons to the Children's Court along with bi-annual updates;
- (vi) maintain record of run- away children from Child Care Institutions;
- (vii) identify families at risk and children in need of care and protection;
- (viii) assess the number of children in difficult circumstances and creating district-specific databases to monitor trends and patterns of children in difficult circumstances;
- (ix) periodic and regular mapping of all child related services at district for creating a resource directory and making the information available to the Committees and Boards from time to time;
- (x) facilitate the implementation of non-institutional programmes including sponsorship, foster care and after care as per the orders of the Board or the Committee or the Children's Court;
- (xi) facilitate transfer of children at all levels for their restoration to their families;
- (xii) ensure inter-departmental coordination and liaise with the relevant departments of the State Government and State Child Protection Society of the State and other District Child Protection Units in the State;
- (xiii) network and coordinate with civil society organizations working under the Act;
- (xiv) inquire into, seek reports and take action in cases of death or suicide in child care institutions and under other institutional care and submit the reports to the State Child Protection Society;
- (xv) look into the complaints and suggestions of the children as contained in the children's suggestion box and take appropriate action;
- (xvi) be represented on the Management Committees within the Child Care Institutions;
- (xvii) maintain a district level database of missing children in institutional care and uploading the same on 'Trackchild' portal and of children availing the facility of Open Shelter and of children placed in foster care;
- (xviii) maintain a database of child care institutions, specialized adoption agencies, open shelter, fit persons and fit facilities, registered foster parents, sponsors, after care organisations and institutions etc. at the district level and forward the same to the Boards, the Committees, the Children's Courts and the State Child Protection Society, as the case may be;
- (xix) maintain a database of medical and counselling centers, de-addiction centers, hospitals, open schools, education facilities, apprenticeship and vocational training programmes and centers, recreational facilities such as performing arts, fine arts and facilities for children with special needs and other such

facilities at the district level and forward the same to the Boards, the Committees, the Children's Courts and the State Child Protection Society;

- (xx) maintain a database of special educators, mental health experts, translators, interpreters, counsellors, psychologists or psycho-social workers or other experts who have experience of working with children in difficult circumstances at the district level and forward the same to the Boards and the Committees and the State Child Protection Society;
- (xxi) generate awareness amongst public on various aspects of the Act specifically the existent institutional framework, penalties, procedures etc. for better protection of children, create an easy reporting mechanism for crimes against children, especially on child sexual abuse, trafficking, child marriage and prepare an action plan for elimination of child begging, which shall be reviewed on a quarterly basis;
- (xxii) keep in safe custody seized articles in respect of which no criminal case has been registered;
- (xxiii) organize and conduct programmes for the implementation of the Act including training and capacity building of stakeholders under the Act;
- (xxiv) commission research programmes on child protection and implementation of the Act;
- (xxv) coordinate with District Legal Services Authority and law schools in the State for implementation of the Act;
- (xxvi) organize quarterly meeting with all stakeholders at district level including CHILDLINE, Specialised Adoption Agencies, Officer-in-charges of child care institutions, government departments, non-governmental organisations and members of public to review the progress and implementation of the Act;
- (xxvii) submit a monthly report to the State Child Protection Society;
- (xxviii) notify the State Government about a vacancy in the Board or the Committee six months before such vacancy arises;
- (xxix) constitute Inspection Committees, for inspecting all institutions under the Act and ensure visits to each institution at least once in three months;
- (xxx) review reports submitted by Inspection Committees and resolve the issues raised through coordination among the stakeholders;
- (xxxi) provide secretarial staff to the Committees and the Boards;
- (xxxii) all other functions necessary for effective implementation of the Act.

(3) The District Child Protection Officer shall be the Nodal Officer in the district for the implementation of the Act and the rules.

118. Special Juvenile Police Unit: (Section 107 of the Act)

(1) The State Government shall constitute a Special Juvenile Police Unit in each district and city within four months of the notification of these rules.

(2) The Central Government shall constitute a Special Juvenile Police Unit for the Railway Protection Force/ Government Railway Police at every railway station as per requirement and where a Special Juvenile Police Unit cannot be set up, at least one Railway Protection Force/Government Railway Police Officer shall be designated as the Child Welfare Police Officer.

(3) The Child Welfare Police Officers and other police officers of the Special Juvenile Police Unit shall be given, appropriate training and orientation to deal with matters concerning children.

(4) The Special Juvenile Police Unit shall have a separate building/ room with a separate entrance. It shall not look like a jail and shall not have lockups. Such a room shall be bright and attractive to the children and shall be well lit and airy.

(5) The provision of physical infrastructure in the Special Juvenile Police Unit may be as under:

1.	Office of the Special Juvenile Police Unit	1
2.	Meeting/ Conference Room	1
3.	Child friendly corner with recreational facility and conveniences	1
4.	Free Legal Services Centre	1
5.	Counselling and Guidance Unit	1
6.	Waiting Hall for the children and their parents/ guardians	1

(6) The State Government may make provision for the following logistical and Information Technology requirements in the Special Juvenile Police Unit:

- (i) Computer set including UPS and printers
- (ii) Photocopier with scanner
- (iii) Telephone with Internet Broadband connection
- (iv) Fax machine
- (v) Furniture i.e. Chairs, tables, file cabinets, etc. as per requirement

(7) The staff provided in the Special Juvenile Police Unit may be as under:

- (i) Head, an Officer not below the rank of Deputy Superintendent of Police or above
- (ii) Child Welfare Police Officers
- (iii) Counsellor
- (iv) Social Workers
- (v) Para Legal Volunteer/ Legal Services Counsel
- (vi) Data Entry Operator
- (vii) Field Assistant

(viii) MTS (Multi-tasking staff)

(8) The police officer interacting with children shall be in casual clothes and not in uniform. For dealing with girl child, woman police personnel shall be engaged.

(9) The Child Welfare Police Officer or any other police officer shall speak in polite and soft manner to a child brought before the Special Juvenile Police Unit. They shall not use harsh or forceful language and shall maintain dignity and self-esteem of the child.

(10) Where questions that may lead to discomfort of the child are to be asked, such questions shall be asked in tactful manner. Dolls and/ or drawings can be used to communicate with the child to bring out and identify element of abuse.

(11) When an FIR is registered for offence against child/children, a copy of the FIR shall be handed over to the complainant/ child victim. Subsequent to the completion of investigation, copy of investigation report and other relevant documents shall be handed over the complainant or any person authorized to act on his/her behalf.

(12) The Special Juvenile Police Unit shall have adequate security so that no unwanted person can enter such room and disturb the child. The room shall have a well monitored CCTV camera.

(13) No accused/ suspected accused shall be brought in contact with the child and where the victim and the person in conflict with law are both children, they shall not be brought in contact with each other.

(14) The Special Juvenile Police Unit shall have well equipped medical kit to meet immediate medical needs of the child.

(15) The Special Juvenile Police Unit shall have clean wash room and toilet which shall be child friendly in nature.

(16) The Special Juvenile Police Unit shall have a list of:

(i) The Board and Child Welfare Committee(s) in its respective jurisdiction, their place of sitting, hours of sitting, names and contact details of Principal Magistrate and members of the Board, names and contact details of Chairperson and members of the Committee and the procedures to be followed before the Board and the Committee;

(ii) Contact details of the Child Care Institutions and fit facilities in its respective jurisdiction; and

(iii) Various governmental and non-governmental organizations working in the area of child welfare, so that necessary legal and emotional support can be provided to the child.

(17) The names and contact details of the Special Juvenile Police Unit/ Child Welfare Police Officer shall be placed at a conspicuous part at the police stations, Child Care Institutions, Committees, Boards and the Children's Courts.

(18) The Special Juvenile Police Unit shall work in close co-ordination with the District Child Protection Unit, the Board and the Committee in the matters concerning the welfare of children within its jurisdiction.

(19) The Special Juvenile Police Unit shall coordinate with the District Legal Services Authority to provide legal aid to children.

(20) The Special Juvenile Police Unit shall undertake programmes for awareness in the community and schools about child care, protection, abuse, neglect, addiction, vulnerability, high risk behavior etc. with the aim to encourage reporting of such incidents and prevention.

(21) The Special Juvenile Police Unit at the district level shall coordinate and function as a watchdog for providing legal protection against all kinds of cruelty, abuse and exploitation of the child.

(22) The Special Juvenile Police Unit shall take cognizance of adult perpetrators of crimes against children and ensure that they are, without delay, apprehended and booked under the appropriate provisions of the law and for this purpose the district level units shall maintain liaison with other units of police stations.

(23) The Special Juvenile Police Unit shall seek assistance from the voluntary organizations, panchayats and gram sabhas and Resident Welfare Associations in identifying children in conflict with law as well as reporting cases of violence against children, child neglect and child abuse.

(24) The Special Juvenile Police Unit shall seek assistance from voluntary or non-governmental organizations identified by the State Government for the purpose of assisting Special Juvenile Police Unit and local police stations at the time of apprehension, in preparation of necessary reports, for taking charge of children until production and at the time of production before the Board as per sub-rule 11 of rule 10 of these rules.

(25) The Special Juvenile Police Unit shall identify the organizations or institutions housing children which are not registered under the Act and inform the, the District Child Protection Unit and the Board or the Committee.

(26) A Nodal Officer from police not less than the rank of DSP shall be designated to coordinate and upgrade the role of police on all issues pertaining to care and protection of children under the Act and the rules.

119. Selection Committee and its composition.

(1) The State Government shall constitute a Selection Committee for a period of three years by notification in the official gazette consisting of the following members, namely:

- (i) a retired judge of High Court as the Chairperson;
- (ii) one representative from the Department of Women and Child not below the rank of Director as the *ex-officio* Member Secretary;
- (iii) two representatives from two different reputed non-governmental organizations respectively working in the area of child development or child protection for a minimum period of seven years but not running or managing any children's institution;
- (iv) two representatives from academic bodies/Universities preferably from the faculty of social work, psychology, sociology, child development, health, education, law, and with special knowledge/ experience of working on children's issues for a minimum period of seven years; and

(2) The Committee shall continue for a period of three months after the completion of its tenure or till the time new Committee is constituted, whichever is earlier.

(3) If a vacancy arises in the Selection Committee, the Member Secretary shall intimate the Secretary, Department of Women and Child Development who shall take steps to fill the vacancy at the earliest.

(4) The quorum for the meeting of the Selection Committee shall be not less than four Members, including the Chairperson and the Member Secretary.

(5) The Member Secretary of the Selection Committee shall be responsible for convening the meetings of the Selection Committee at such times as may be necessary for facilitating and carrying out the functions of the Selection Committee.

(6) The Member Secretary shall maintain the minutes of the selection process and all other meetings of the Selection Committee.

(7) The Chairperson and non-official members of the Selection Committee shall be paid such sitting fees and travel allowances as may be fixed by the State Government from time to time.

(8) All communications relating to the working and discharge of the functions of the Selection Committee shall be addressed to the Office of the Member Secretary, who shall place the same before the Selection Committee.

(9) The Selection Committee shall recommend names for constitution of the State or District or City level Inspection Committees as required under section of the Act.

(10) An online system may be developed for selection, all selections shall be made after an open advertisement and through transparent procedures.

(11) All records relating to selection shall be placed on the website of the State Government Department concerned.

120. Selection of Chairperson/Members of the Committee/Board -

(1) The Member Secretary of the Selection Committee shall initiate the process of filling up a vacancy six months prior to the incumbent demitting office.

Provided that if a vacancy arises on account of resignation or death of the Chairperson of the Committee or a Member of the Board or Committee the Member Secretary of the Selection Committee shall immediately initiate the process for filling up such vacancy.

(2) For selection of members of the Board or Chairperson and members of the Committee, the State Government through the Member Secretary of the Selection Committee shall call for applications through public advertisement in the local and national newspapers and official website of Department of Women and Child Development.

(3) The Member Secretary shall screen all the applications received and place the applications which fulfil the basic eligibility requirements before the Selection Committee.

(4) The Selection Committee shall evaluate the candidates on the basis of qualifications, experience of working with children and personal interaction with the candidate.

(5) Where the Selection Committee is required to consider an application for renewal of tenure of Members of the Board, it shall evaluate the application on the basis of the following criteria:

(i) Regular Performance Appraisals of the Member carried out by the District Judge quarterly as per a prescribed format, a copy of which shall be made

available to the Chairperson and Members of the Selection Committee by the Member Secretary;

(ii) Complaints if any, received and addressed by the Selection Committee against the person seeking an extension of tenure; and

(iii) Interaction with such applicant.

(6) The Selection Committee shall, on the basis of the evaluation procedure and criteria, select and recommend a panel of names in order of merit to the State Government for appointment as Members of the Board or Chairperson/Members of the Committee as the case may be.

(7) In recommending a panel of names, the Selection Committee shall prepare separate panels for the position of Chairperson of the Committee, Members of the Committee and Members of the Board respectively.

(8) The list of finalised names shall be duly signed by all members of the Selection Committee present at the time of selection and the Member Secretary of the Selection Committee shall forward the finalised list to the State Government for appointment.

(9) Names on the panel shall be valid for consideration for a period of one year which may be extended by six months where a new panel has not yet been constituted, in order to fill in vacancies which may arise during such period either due to non-reporting of the selected persons within a stipulated time from the date of appointment, or otherwise during the tenure of the Board or Committee.

(10) A letter of appointment shall be given by the State Government to the selected persons, on due completion of the training programme, stating the date of joining and containing a job description and terms of reference, along with a copy of a Code of Conduct required to be followed by Chairperson/Members of the Committee and Members of the Board as the case may be.

Provided that the State Government shall develop such Code of Conduct within one month of the coming into force of these rules.

(11) In the event of a vacancy in the Board or Committee, the District Child Protection Unit shall inform the State Government for filling up such vacancy.

(12) The State Government shall fill the vacancies on the basis of the panel of names recommended by the Selection Committee.

(13) In the event of any complaint against a member of the Board or Committee, the State Government Department concerned shall hold necessary inquiry except in respect of judicial officers; complaints against judicial officers will be forwarded to the Registrar of the High Court for further action,

(14) The State Government Department concerned shall complete the inquiry within a period of one month and take appropriate action within two months.

(15) If a police case is registered against the person concerned, Government may suspend the appointment for such term as they direct.

121. Training of personnel dealing with children

(1) The State Government shall provide for training of personnel appointed under the Act and the rules and each category of staff, in keeping with their statutory responsibilities and specific jobs requirements.

(2) The training programme shall include:

- (i). Introduction on the Act and the rules;
- (ii). Orientation on child welfare, care and protection;
- (iii). Induction training of the newly recruited personnel;
- (iv). Refresher training courses and skill enhancement programmes, documentation and sharing of good practices; and
- (v). Conferences, seminars, workshops.

(3) The following categories personnel will have to undergo pre-posting/ job training mandatorily for minimum period of fifteen days

Sl. No.	Personnel
1.	Children's Court and Principal Magistrates of Juvenile Justice Boards
2.	Members of Juvenile Justice Boards
3.	Chairpersons and Members of Child Welfare Committees
4.	Child Welfare Police Officers and other police officers of Special Juvenile Police Units
5.	Programme Managers and Programme Officers of State Child Protection Societies (SCPS) and State Adoption Resource Agency
6.	Staff of State Adoption Resource Agency and Authority

7.	Legal-cum-Probation Officers under District Child Protection Units and Probation Officers in Child Care Institutions
8.	Staff of District Child Protection Units and State Child Protection Society
9.	Persons-in-charge of Child Care Institutions (including Open Shelters)

(4) The State Government shall also provide training to other personnel such as Social Workers, Child Welfare Officers, Case Workers, Rehabilitation cum Placement Officers, Care Givers (House Fathers and House Mothers of Child Care Institutions), Security Personnel and other staff of Child Care Institutions, Frontline Workers (Bridge Course Educators, Outreach Workers and Community Volunteers, Social Workers of Specialised Adoption Agencies (SAAs), Directors/Incharge of Specialised Adoption Agencies (SAAs), Chief Functionaries of Organisations Given Registration for Running Child Care Institutions under JJ Act, Mental Health practitioners (psychologists, psychiatrists, psychiatric social workers, Legal Services Lawyers, Members of Committees/Societies constituted under the Act and the rules other than the Child Welfare Committees

(5) The State Governments, while organising training programmes for the stakeholders at State/District level, shall ensure that training modules and training manuals to be developed by State Child Protection Society in consultation with NIPCCD and other such Institutions are strictly followed in order to maintain uniformity in the training process throughout the country.

(6) Judicial Academies in States may develop training module and training manual for the training of Principal Magistrates including on child psychology, use of child friendly procedures and ensuring child friendly environment, care, protection and rehabilitation of children and organise such training programmes at the State level.

(7) The State Legal Services Authority shall organise training programme for legal services lawyers and para legal volunteers as per the training module prepared by National Legal Services Authority.

(8) The State Child Protection Society in consultation with NIPCCD and other such institutions shall organise training programme for probation officers as per the training module prepared by National Legal Services Authority.

(9) The Central Adoption Resource Authority (CARA), may develop appropriate training modules and manuals for Specialized Adoption Agencies and staff of State Adoption Resource Agency and the Authority and organise training programmes.

(10) The State Child Protection Society in consultation with NIPCCD and other such institutions shall organise multi-stakeholder workshops and refresher courses at regular intervals.

122. Pending cases.

(1) No child shall be denied the benefits of the Act and the rules made thereunder.

(2) Such benefits shall be made available to all persons who were children at the time of the commission of the offence, even if they ceased to be children during the pendency of the inquiry or trial.

(3) While computing the period of detention or stay or sentence of a child in conflict with law, all such period which the child had 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.

123. Delegation of Powers.

The State Government may, by the general order, direct that any power exercisable by it under this Act shall, in such circumstances and under such condition, if any, as may be prescribed in the order, be exercisable also by an officer subordinate to that Government.

124. Repeal.

(1) The Juvenile Justice (Care and Protection of Children) Rules, 2007 notified vide G.S.R. 679(E) dated 26th October, 2007 are hereby repealed.

Provided that any action taken or order issued under the provisions of the Rules of 2007 prior to the notification of these rules shall, in so far it is not inconsistent with the provisions of these rules, be deemed to have been taken or issued under the provisions of these rules.

Annexure I

I. Records

1. Arrangement of records in three parts – The records of the Juvenile Justice Boards shall be arranged in four Parts A, B, C and D.

Part A shall contain the following papers:--

- (x) The Index of Papers
- (xi) The order sheet or chronological abstract of orders pertaining to the inquiry under section 14 of the Act
- (xii) The Final Police Report, or petition of complaint
- (xiii) All depositions of witnesses of the offence committed and statements of the child.
- (xiv) All documentary evidence pertaining to the inquiry of offence.
- (xv) The Notice of the allegations made, requiring the juvenile to explain the circumstances of commission of the offence.
- (xvi) The final order of the Juvenile Justice Board.
- (xvii) The Judgment of the Appellate Court on the inquiry above, if any.
- (xviii) The Judgment of High Court/Court of Sessions in revision on the inquiry above, if any.

Part B shall consist of all papers not included in Part A relating to the inquiry of the offence including miscellaneous applications, bail bonds, applications under Sections 24 of the Act and order thereon.

Part C shall contain:--

- (iv) The Index of Papers
- (v) The order-sheet or chronological abstract of order pertaining to the age-inquiry under section 94 of the Act.
- (vi) Applications filed pertaining to the claim of juvenility or opposing the same.
- (vii) All depositions of witnesses of age of the child.
- (viii) Documentary evidence of the age of the child.
- (ix) The order of the Board on the age of the child.
- (x) The Judgment of the Appellate Court on the age inquiry, if any.
- (xi) The Judgment of High Court/ Court of Sessions in revision on the age inquiry, if any.

Part D shall contain:--

- (xxii) The Index of papers
- (xxiii) The order-sheet or chronological abstract of order pertaining to the rehabilitation of the Juvenile in conflict with law passed under section 18 of the Act or under other provisions of the Act and the Rules.
- (xxiv) The record of the preliminary assessment of the child in conflict with law wherever applicable.
- (xxv) Social Investigation Report filed by the Probation/Welfare Officer.

- (xxvi) Rehabilitation card
- (xxvii) Compliance reports filed by the authorities/ parents/ juvenile himself, such as the report of probation officers, counselor, social worker, school and work records etc.
- (xxviii) All the applications incidental to the process of rehabilitation.

II. Destruction and Disposal of records:

1. **Timely destruction of records**— All judicial records and registers shall be destroyed as soon as the period for their retention has expired :

Provided that the Board may order, for reasons to be specified, that any particular paper or record of any particular case be preserved beyond such time period.

2. **Manner of destruction and disposal of waste paper** -- It shall be the duty of the Ahlmad/ Record Keeper to ensure that the identity of the juvenile is erased/ blackened on every document before it is sent for destruction. The destruction of the record shall be carried out under the supervision of the Record Keeper and shall be effected by shredding the papers with no remaining copies.

3. **Record to be preserved for 12 years**—Part C of the Record shall be preserved for a period of five years from the date of attainment of majority by the child in conflict with law and shall then be destroyed unless their preservation for a longer period is necessary on special grounds to be recorded in writing.

Provided that the order of age shall also be stored in digitalized form for twelve years in all cases, irrespective of the age of the child and shall then be destroyed unless its preservation for a longer period is necessary on special grounds to be recorded in writing.

4. **Records to be preserved for 1 year**— Part A of the Record shall be preserved for one year and shall then be destroyed.

5. **Record to be preserved conditionally**—Part D of the Record shall be preserved beyond one year of the date of attainment of majority by the child in conflict with law or till the period of conclusive compliance of the order of rehabilitation passed by the Juvenile Justice Board, whichever is later.

6. **Mode of reckoning period**— The period prescribed above shall be taken to run from the date of the final order passed by the Juvenile Justice Board, or, in the event of an appeal or revision, from that of decision of appeal or the revision, as the case may be.

7. **Notes of destruction**— When under the above rules any of the records contained in Part A, B, C or D are destroyed, a note to the effect shall be made at the time of destruction, against the entry of

the case in the register maintained in that regard. When the above record is destructed partially, entry to that effect shall be made accordingly. All notes made above shall be attested by the Record-keeper.

8. **Preservation of papers, belonging to Government or private persons**—The documents belonging to a private person or to Government, which have not been impounded in the case in which they were produced, shall be separated or removed from the record. These documents shall be preserved and kept in a separate parcel, and notice shall, whenever practicable, be given to the persons who produced them in court, requiring them to take them back into their own keeping within six months from the date of the notice, and warning them that they will be kept at their risk, and that the Board declines all responsibility for them.
9. The Person-in-charge shall be responsible to ensure that the confidentiality of registers is maintained and they are not accessible to the general public.