



THE
JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 126] Srinagar, Mon., the 24th March, 2014/3rd Chai., 1936. [No. 51-a

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
SOCIAL WELFARE DEPARTMENT

Notification

Jammu, 24th March, 2014.

SRO-76.—In exercise of the powers conferred by section 68 of the Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act, 2013, the Government hereby makes the following rules, namely :—

1. *Short title and commencement.*—(1) These rules may be called the Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Rules, 2014.

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

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

- (a) “Abandoned” means an unaccompanied and deserted child who is declared abandoned by the committee constituted under section 30 of the Act ;
- (b) “Act” means the Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act, 2013 ;
- (c) “Best interest of the child” means an action or decision taken to ensure physical, emotional, intellectual, social and moral development of juvenile or child ;
- (d) “Child friendly” means any process and interpretation, attitude, environment and treatment, that is humane, considerate and in the best interest of the child ;
- (e) “Certified” means certification of an institution or agency or voluntary organization issued by the Government to operate as a children’s home, observation home, special home, shelter home, or after care organization ;
- (f) “Form” means the form annexed to these rules ;
- (g) “Individual care plan” means a comprehensive development plan for a juvenile or a child based on age specific and gender specific needs and the case history of the juvenile in order to restore self-esteem, dignity and self-worth and nurture him into a responsible citizen, addressing his/her the following needs of a juvenile :—
 - (i) Health needs ;
 - (ii) Emotional and psychological needs ;
 - (iii) Educational and training needs ;

- (iv) Protection from all kinds of abuse, neglect and maltreatment ;
 - (v) Social mainstreaming ; and
 - (vi) Follow-up post release/restoration.
- (h) "Institution" for the purpose of these rules, means an observation home, or a special home, or a children's home or a shelter home established under sections 9, 10, 35, 35 (3) and 38 of the Act respectively ;
- (i) "Inquiry" for the purpose of section 15 means the proceeding through which Board makes decision regarding juvenile's involvement in the alleged offence or otherwise. Such inquiry starts at the time of Board taking cognizance of Police Investigation Report and concludes with Board giving finding in this regard. Conclusion of such inquiry shall not be taken to imply closure of proceedings before the Board ;
- (j) "Officer Incharge/Superintendent" means a person appointed for the control and management of the institution ;
- (k) "Police Investigation Report" means a report filed before the Board by the Juvenile Welfare Officer or Investigation Officer, as the case may be, on completion of police investigation of the offence in relation to the alleged involvement of juvenile and shall be deemed to have same status and effect as a Police Report under section 173 of Code of Criminal Procedure, Samvat 1989 ;
- (l) "Place of safety" means any institution set up and recognized under sections 13(3) and 17(1) of the Act for children in conflict with law ;
- (m) "Recognised" for the purpose of the Act and these rules means recognition of a fit person by the competent authority or recognition of a fit institution by the Government on the recommendation of the competent authority as per sections 2(i) and (j) of the Act ;

- (n) "Registered" for the purpose of the Act and the rules means registration of all institutions or agencies or voluntary organisations providing residential care to children in need of care and protection under section 35(3) ;
- (o) "Street and working children" means children without ostensible means of livelihood, care, protection and support ; (street and working children needs to be interpreted in light of section 2 (e) of the Act) ; and
- (p) Words and expressions used in these rules, but not defined **shall have the same meaning** as assigned to them in the Act.

CHAPTER II

Juvenile Justice Board

3. Appointment of Members of the Board.—The Board constituted under section 4 of the Act shall consist of—

- (a) **a Judicial Magistrate of the First Class** to be appointed by the High Court and to be designated as Principal Magistrate ; and
- (b) **Two social workers as members** of whom at least one shall be a woman, to be appointed by the Government on the recommendation of the Selection-cum-Oversight Committee constituted under rules 79 and 80 of these rules.

4. Tenure of the members of the Board.—(1) The term of office of the members of the Board shall be three years.

(2) A social worker member of the Board shall be eligible for re-appointment up to three consecutive terms based on performance appraisal to be made by Selection-cum-Oversight Committee based on recommendations of the District Child Protection Unit.

(3) For the objective performance appraisal of social worker members of the Board, the Government shall develop a standard performance appraisal system.

(4) A social worker member may resign, by giving one month's notice in writing.

(5) Any causal vacancy in the Board may be filled by appointment of another person out of the panel prepared by the Selection-cum-Oversight Committee as per merit.

(6) The panel prepared by the Selection-cum-Oversight Committee at the time of selection of members shall be valid for two years.

5. Qualifications for members of the Board.—(1) The Principal Magistrate shall be a Judicial Officer who has at least 5 years of experience of holding a court :

Provided that no Magistrate shall be appointed as the member of the Board unless he has special knowledge or training in child psychology or child welfare.

(2) No social worker shall be appointed as a member of the Board unless he/she has been actively involved in health, education or welfare activities pertaining to children for at least seven years and must possess also the following :—

- (i) post-graduate degree in social work, psychology, child development, education, sociology, law, criminology, etc. and where such a person is not available, a person with at least a graduate degree in any of the social science disciplines ;
- (ii) minimum 7 years of experience of working on children's issues in case of a graduate and 5 years of such experience in case of a post-graduate ; and not less than 35 years of age.

6. Conditions for selection as a social worker member of the Board.—A social worker shall not be appointed as member of the Board if he/she—

- (a) has been convicted under any law ;
- (b) has indulged in child abuse or employment of child labour or any other human rights violations ;

- (c) is holding such full time occupation that may not allow him or her to give necessary time and attention to the work of the Board as per the Act and these rules.

7. *Conditions for disqualification as a social worker member of the Board.*—(1) A social worker member of the Board shall be disqualified if he/she—

- (a) fails to attend a minimum of three-fourths of the sittings of the Board in a month ; and
(b) fails to attend the proceedings of the Board for three consecutive months without any valid reason.

(2) If it is brought to the knowledge of the Selection-cum-Oversight Committee that any member of the Board so appointed has misrepresented his qualification and experience at the time of selection, the Government shall, after due enquiry conducted by the Selection-cum-Oversight Committee and on establishment of such fact, declare the appointment of such member null and void.

(3) If it is brought to the knowledge of the Selection-cum-Oversight Committee that member of the Board has violated the terms and conditions of his appointment including Child Safeguarding Policy signed at the time of appointment, the Government shall, after due enquiry conducted by the Selection-cum-Oversight Committee and on establishment of such fact, declare the appointment of such member null and void.

8. *Allowances.*—The social worker members of the Board shall be paid such travel and sitting allowance, as the Government may decide from time to time, but not less than Rs. 1000.00 per sitting.

9. *Sittings of the Board.*—The Board shall—

- (a) 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 institution established/constituted under the Act, and in no circumstances shall the Board operate from within any Court premises ;

- (b) the premises where the Board holds its sittings shall be child-friendly and shall not look like a court room in any manner whatsoever ; for example, the Board shall not sit on a raised platform and the sitting arrangement shall be uniform, there shall be no witness boxes etc. ;
- (c) conduct its sittings on all working days of a week unless the case pendency is less in a particular district and concerned authority issues an order in this regard ;
- (d) every member of the Board shall attend a minimum of three-fourth of all sittings every month ;
- (e) every member of the Board shall attend a minimum of five hours per sitting day ;
- (f) in case a juvenile is produced before a single member of the Board, any order passed by such member shall be subject to ratification by the Board ;
- (g) in case of any difference of opinion among the members of the Board in the interim or final disposition, the opinion of the majority shall prevail, but where there is no such majority, the opinion of the Principal Magistrate, shall prevail ; and
- (h) two members of the Board shall constitute Quorum of the Board for a sitting.

10. *Powers and functions of the Board.*—The Board shall have the power to—

- (a) adjudicate and dispose of cases of juveniles in conflict with law ;
- (b) order for registration of First Information Report for crimes committed under sections 24 to 29 of the Act or any other offence under any other law, committed by anyone in respect

of a juvenile in conflict with law on a complaint made in this regard or *suo motu* and in respect of a child in need and care of protection on being intimated by the committee in writing ;

- (c) monitor institutions for juveniles in conflict with law and seek compliance from them in cases of any noticeable lapses ;
- (d) deal with non-compliance on the part of concerned Government functionaries or functionaries of voluntary organizations, as the case may be, in accordance with due process of law ;
- (e) pass necessary directions to the Government and police to create or provide necessary infrastructure and other facilities so that minimum standards of justice and treatment are maintained in the letter and spirit of the Act ;
- (f) liaise with the Child Welfare Committees in respect of a juveniles in need of care and protection ;
- (g) liaise with Boards in other districts or courts, as the case may be to facilitate speedy inquiry and disposal of cases ;
- (h) take suitable actions for dealing with unforeseen situations that may arise in carrying out the purpose of the Act in the best interest of the juvenile ;
- (i) send monthly information about juveniles in conflict with law produced before them to the District Child Protection Unit ;
and
- (j) send quarterly information to the Chief Judicial Magistrate regarding the pendency of cases and indicate nature of the orders passed in light of section 16 of the Act in the format annexed hereto as Form-I to enable the Chief Judicial Magistrate to review the pendency of the cases of the Board after every six months.

11. *Apprehension of juvenile in conflict with law.*—(1) The Police or the Juvenile or Child Welfare Officer shall apprehend the juvenile only in cases of his alleged involvement in serious offences entailing a punishment of 7 years or more imprisonment for adults.

(2) In cases where a juvenile in conflict with law is involved in a non-serious offence entailing a punishment less than 7 years, apprehension may be made, if it is in the interest of such juvenile.

(3) On apprehension a juvenile in conflict with law shall be sent to an observation home after completion of formalities laid down under rule 12 (2) of these rules as soon as possible but not later than 24 hours from the time of apprehension.

12. *Production of juvenile before the Board and submission of essential documents by the police.*—(1) In every case involving a juvenile in conflict with law, the police shall submit to the Board, a report containing social background of the juvenile and circumstances of the alleged offence along with the copy of the age memo, personal search memo, as prescribed in the format annexed as Form-II within 7 days of filing of FIR.

(2) Where a juvenile in conflict with law is apprehended by the police, the following documents shall be submitted within 24 hours at the time of first production of such juvenile before the Board :—

- (i) apprehension memo as prescribed in Form-III ;
- (ii) a report of circumstances of apprehension as prescribed in Form-IV ;
- (iii) medical examination report. When a juvenile or child requires to be medically examined, request for Medical Examination Report in Form-V shall be prepared ; and
- (iv) juvenile's version of the incident.

(3) Where a juvenile in conflict with law is not apprehended, the Police or the Juvenile or Child Welfare Officer shall intimate the parents or

guardian of the juvenile and hand over the custody of the juvenile to such parent or guardian on a written undertaking as prescribed in the Form-VI to produce the juvenile before the Board as and when required by the Board.

(4) In case the parents or guardian fail to ensure production of the juvenile in conflict with law before the Board despite an undertaking, the Board shall pass appropriate orders under section 23 of the Act ;

(5) The police shall record the Juvenile's version of the incident in the presence of and verified by Juvenile Welfare Officer or Probation Officer or social worker member of the Board or parent or guardian of such juvenile, as the case may be.

(6) If in the Juvenile's version of the incident, it comes to notice of the police that an adult has caused the juvenile to be in conflict situation, action against such adult shall be initiated keeping the best interest of juvenile in mind and to ensure that he keeps away from such influence.

13. *Post-production procedures for the police.*—(1) For the purposes of questioning, interview, recovery of articles and weapons involved in the offence and taking the juvenile for spot investigation or any other procedure relating to investigation, the concerned Police Officer shall seek written order from the Board.

(2) For the purposes of above sub-rule the presence of SJPU Social Worker or a person trusted by the juvenile shall be mandatory and their signatures shall be obtained on all the documents prepare by the Investigating Officer during the processes.

(3) In all cases where a juvenile is alleged to have committed an offence entailing a punishment of less than 7 years imprisonment for adults, the police shall file its police investigation report at the earliest and in no case later than a period of 60 days from the date of offence.

(4) In all cases where a juvenile is alleged to have committed an offence entailing a punishment of imprisonment of 7 years or more for adults, the police shall file its final report at the earliest and in no case later than a period of 90 days from the date of apprehension.

14. *Treatment of juveniles by the police.*—(1) As soon as the police come in contact with a juvenile in conflict with law, the concerned police officer shall inform the Officer Incharge of Police Station concerned, who shall immediately direct the designated Juvenile or Child Welfare Officer in the nearest police station to take charge of the juvenile.

(2) The concerned Police Officer or the Juvenile or Child Welfare Officer shall inform—

- (a) the parents or guardian of the juvenile about the allegations and apprehension of the Juvenile if applicable, and the address of the Board where the juvenile will be produced and the date and time when the parents or guardian need to be present before the Board ;
- (b) the concerned probation officer of the incident involving the juvenile in conflict with law to enable him to obtain information for the purposes of assisting the Board in conducting the inquiry and follow up ; and
- (c) the juvenile about his rights and the procedures under the Act and these rules.

(3) The juvenile shall be given all possible assistance to enable him to call any person of his choice over the phone or otherwise.

(4) The juvenile shall not be kept in police lock-up or jail at any stage in the course of preliminary enquiry and investigation.

(5) No juvenile in conflict with law shall be handcuffed, chained or tied with ropes or any other material while producing him before the Board or at any stage during the course of investigation under the Act.

(6) Juvenile shall be received, assessed and interviewed in a child-friendly manner and home-like environment by the specially trained Probation Officers or designated or authorized Social Workers or Police personnel.

(7) Wherever possible, the police conducting any investigation in cases involving juveniles in conflict with law, shall only wear civil clothes

and not be in uniform unless specific circumstances require the said officer to wear a police uniform in the interest of the child. However, they shall at all times have their identification proof that shall be produced on demand.

(8) The Police or the Juvenile or Child Welfare Officer shall be responsible for the safety and provision of food and basic amenities to the juveniles apprehended or kept under their charge.

(9) The District Child Protection Unit may identify voluntary organizations to associate with the Police or the Juvenile or Child Welfare Officer at the time of apprehension for counselling of the juvenile and for preparation of the report containing social background of the juvenile.

15. *Post-production processes by the Board.*—(1) On production of the juvenile, the Board shall review the information provided under sub-rule (1) of rule 12 and pass the following order in the first summary enquiry :—

- (a) dispose off the case, if on the consideration of documents and records submitted at the time of first summary enquiry, the grounds for the juvenile to be in conflict with law appears to be unfounded or where the juvenile is involved in infraction of law which is *de minimus*, and may treat such a juvenile as a child in need of care and protection and transfer to the concerned committee ;
- (b) release the juvenile in the supervision and custody of parent or guardian or fit person or fit institution with the direction to present the juvenile for the inquiry on the next date ;
- (c) place the juvenile in an observation home or place of safety or fit institution or with a fit person pending inquiry, only in cases of juvenile's involvement in a serious offence ;
- (d) in all cases of release pending inquiry, the Board shall notify the next date of hearing, not later than 15 days from the first summary enquiry and seek the Social Background report prepared by Police and the Social Investigation report prepared by the concerned Probation Officer.

(2) The Board shall take the following steps to ensure fair, speedy and child-friendly inquiry :—

- (a) at the time of first production, the Board or the individual member of the Board, before whom juvenile is produced for the first time, shall satisfy itself that the juvenile in conflict with law has not been subjected to any illegal detention or torture or ill treatment by the police or any other person including a lawyer or a Probation Officer and pass appropriate orders in case of any such allegation/ill treatment after recording complaint or statement of juvenile in this regard ;
- (b) in all cases under the Act the proceedings shall be conducted in a manner as simple as possible, in the language understood by the juvenile and in a child-friendly atmosphere ;
- (c) every juvenile brought before the Board shall be given an opportunity to be heard and to participate in all the proceedings and it shall be duty of the Board to ensure that every juvenile is represented by a lawyer of his choice and if there is no lawyer representing a juvenile, Board shall assign a legal aid lawyer to represent the juvenile and adequate opportunity shall be given to the juvenile to interact with his lawyer before Board conducts the hearing ;
- (d) the Board shall explain to the juvenile the content of allegations made out against him and record his detailed response verbatim and also ensure that the juvenile is not coerced or influenced to plead guilty ;
- (e) cases of offences entailing punishment of imprisonment of less than 7 years for adults may be disposed through summary proceedings or inquiry, while in cases of offences entailing punishment of imprisonment of 7 years or more for adults due process of inquiry in detail may follow ;
- (f) even in cases of inquiry pertaining to offences prescribing imprisonment of less than 7 years as punishment for adults the Board is required to follow the procedure of trial in cases where summons are issued.

(3) When witnesses are produced for examination in inquiry under section 15 of the Act relating to a juvenile, the Board shall keep in mind that the inquiry is not to be conducted in the spirit of strict adversarial proceedings and it shall use the powers conferred under Jammu and Kashmir Evidence Act, Samvat 1977 so as to question the juvenile and proceed with the presumptions that favour the juvenile's right to be restored.

(4) After being admitted to bail, if the juvenile 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 exemption, the Board shall instead of issuing warrants against the juveniles issue direction to the Juvenile or Child Welfare Officer and the Station House Officer for the production of juvenile.

(5) If the Juvenile or Child Welfare Officer fails to produce the juvenile before the Board even after issuance of order under rule 13 (4) of these rules, the Board shall instead of issuing process under section 82 of Code of Criminal Procedure, Samvat 1989, pass appropriate orders under section 23 of the Act.

(6) While examining a juvenile and recording his statement, the Board shall be free to address the juvenile in a appropriate manner, in order to put the juvenile at ease and to elicit the true facts, not only in respect of the offence of which the juvenile is accused, but also in respect of the home and social surroundings and the influence to which the juvenile might have been subjected.

(7) The Board shall rely upon social background report provided by the police under rule 12(1) of these rules, the social investigation report prepared by the Probation Officer or Voluntary Organization and the evidence produced by the parties for arriving at a conclusion about the juvenile.

(8) Every inquiry by the Board shall be completed within a period of four months after the first summary inquiry. Only in exceptional cases involving transnational or inter-state criminality, large number of accused and inordinate delay in production of witnesses, the period of enquiry may be extended by the Board up to a period of further two months by recording of the reasons by the Board in the order.

(9) In all other cases except where the nature of alleged offence is serious, delay beyond four to six months shall amount to the termination of the inquiry.

(10) Where the inquiry is delayed beyond six months on account of serious nature of the offence alleged to have been committed by the juvenile, the Board shall send a report of the case to the Chief Judicial Magistrate stating the reason for delay as well as steps being taken to expedite the inquiry. On receipt of such report, Chief Judicial Magistrate may issue necessary directions to expedite the inquiry.

16. *Legal aid.*—(1) The proceedings before the Board shall be conducted in non-adversarial environment, but with due regard to all the due process guarantees such as right to counsel and free legal aid.

(2) The Board shall ensure that the Legal Officer in the District Child Protection Unit and the State Legal Services Authority shall extend free legal services to all the juveniles. The Legal Officer in the District Child Protection Unit and the State Legal Services Authority shall be under an obligation to provide legal services sought by the Board.

(3) In the event of shortfall in the State Legal Services support, the Board shall be responsible for seeking legal services from recognized voluntary legal services organisations or the legal services clinics established by the Law Schools or University Faculty of Law.

(4) The Board may also deploy the services of the student legal services volunteers and NGO volunteers in para-legal tasks such as contacting the parents of juveniles and gathering relevant social and rehabilitative information about the juveniles.

(5) Any lawyer from the State Legal Services Authority, recognised voluntary legal services organization or a lawyer holding authorisation or vakalatnama from parents or guardians of the juvenile and para-legals of legal service clinics shall be entitled to visit and meet the juvenile in the observation home for the purposes of obtaining legal instruction(s), briefing and legal counselling.

17. *Completion of inquiry and dispositional alternatives.*—

(1) The Board shall complete every inquiry under section 15 of the Act

within the stipulated time by pronouncing its judgment and recording a finding about juvenile's involvement in the alleged offence or absolving the juvenile from the allegation(s), as the case may be.

(2) Before, passing the judgment, entire evidence of witnesses recorded during the inquiry shall be read over and explained to the juvenile and his response thereof shall be recorded by the Board with the assistance of juvenile's lawyer. Juvenile shall be accorded due opportunity to bring before Board any evidence in his support and also to suggest any witness(es) of his choice in his defence. All such witnesses shall be called for recording their evidence by the Board.

(3) Before passing the judgment, Board shall take into account entire evidence brought before the Board and the statement of juvenile, containing response of juvenile recorded by the Board under sub-rule (2).

(4) In case, Board gives a finding confirming juvenile's involvement in alleged offence(s), it shall proceed to pass anyone of the seven dispositional orders enumerated in section 16 of the Act.

(5) Before passing a dispositional order under section 16 of the Act, the Board shall obtain a social investigation report prepared either by a Probation Officer or a Recognized Voluntary Organisation ordered to do so by the Board and take the findings of the report into account.

(6) All dispositional orders passed by the Board shall necessarily include an individual care plan for the concerned juvenile, prepared by a Probation Officer or Voluntary Organization on the basis of interaction with the juvenile and his family wherever possible. The responsibility of implementing individual care plan shall lie with the District Child Protection Unit.

(7) Board, in its dispositional order shall indicate next date of hearing for monitoring the implementation of dispositional order and such date of hearing shall be fixed on any day before expiry of 30 days from the date of passing of dispositional order. Board shall continue to monitor the implementation of its dispositional order and progress of implementing the individual care plan by having such periodic hearings, at least once a month, till such time when Board is satisfied that the juvenile has been rehabilitated and further continuance of proceeding in his respect is not required.

(8) For hearings prescribed under Sub-Rule (7), juvenile shall be required to be present before the Board and shall participate in the proceedings and if a juvenile has been placed in an institution, Board shall order such institution to produce the juvenile on such dates.

(9) Whenever Board is satisfied that the individual care plan prepared for a juvenile needs any modification or change, it may do so by conducting a review of individual care plan in consultation with the juvenile, Child Welfare Officer or Probation Officer as the case may be and his parents or guardians as the case may be.

(10) Where the Board decides to release the juvenile after advice and admonition or after participation in group counselling or orders him to perform community service, necessary direction may also be made by the Board to the District or State Child Protection Unit or the concerned Government authority for arranging such individual counselling, group counselling and community service and shall be required to furnish a report to the Board on completion of individual counselling or group counselling or community service, as the case may be.

(11) The parent or guardian or fit person in whose care, supervision and custody a juvenile is placed by the Board, may be required to submit a written undertaking in a prescribed Form-VII for the good behaviour and well being of the juvenile up to a period of three years.

(12) The Board may order release of a juvenile in conflict with law on execution of a personal bond without surety in Form-VIII.

(13) In the event of placement of a juvenile in conflict with law in care of a fit institution or special home, the Board shall keep in mind that the fit institution or special home is located nearest to the place of residence of the juvenile's parent or guardian.

(14) Where the Board decides that a juvenile in conflict with law ought to be treated as a child in need of care and protection, it shall make necessary orders for production of such juvenile before the nearest committee for suitable care, protection and rehabilitation.

(15) Where it appears to the Board that the juvenile in conflict with law has not complied with probation conditions, it may order the juvenile to

appear for a review hearing and after review and hearing the juvenile, Board may send such juvenile to a special home or any fit institution.

(16) Where a juvenile in conflict with law who has attained the age of sixteen years and the offence committed by him is of such a serious nature that in the satisfaction of the Board, it is neither in the interest of the juvenile himself nor in the interest of other juveniles of the special home or fit institution, the Board may order the juvenile to be kept in a place of safety and in a manner considered most appropriate by it.

(17) The Government shall make arrangement for complying with the placement of juveniles in conflict with law in place of safety other than the special home.

(18) The maximum period of institutionalisation of a juvenile in a special home or a fit institution shall not exceed three years or as provided in clause (g) of sub-section (1) of section 16 of the Act.

18. *Institutions for juveniles in conflict with law.*—(1) The Government or the voluntary organisation recognized by the Government shall set up separate observation homes or special homes for boys and girls.

(2) The observation homes or special homes shall set up separate residential facilities for boys and girls up to 12 years, 12-16 years and 16-18 years.

(3) Every institution shall have a copy of the Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act, 2013 and its rules, readily available for use by both staff and juveniles residing therein.

(4) The Government shall in collaboration with civil society develop and make available simplified and child-friendly versions of the Act and the rules in regional languages.

(5) All facilities and services for juveniles shall be made available and maintained as per the provisions of Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act, 2013 and the rules framed thereunder.

19. *Release of juvenile.*—(1) The Officer Incharge or Superintendent shall maintain a roster of the cases of juveniles to be released on the expiry of the period as ordered by the Board.

(2) The release shall be as per the individual care plan prepared in the prescribed Form-IX by the Probation Officer or Social Worker as the case may be.

(3) The Management Committee shall review the pre-release preparation of the juvenile as per the Individual Care Plan.

(4) The Officer Incharge or Superintendent shall provide prior information to the parent or guardian of the release of a juvenile including the exact date of release and the parent or guardian shall be invited to the institution to take charge of the juvenile on that date.

(5) The actual to and fro expenses incurred by the parents or guardians on the journey by the most economical mode of transportation may be paid to the parent or guardian by the Officer Incharge at the time of the release of the juvenile, if deemed fit by the officer.

(6) If the parent or guardian fails to come or unable or incapacitated to come to take charge of the juvenile on the appointed date of the release, the juvenile shall be handed over against proper receipt to his parent or guardian by an escort from the institution ; and in case of a girl, such escort shall be accompanied by an adult female.

(7) At the time of release or discharge, a juvenile may be provided with a set of summer or winter clothing, if the Officer Incharge deems it necessary.

(8) The Officer Incharge shall immediately order the discharge of any juvenile, the period of whose institutionalisation has expired, and give intimation thereof to the competent authority within seven days of such order.

(9) If the date of release falls on a public holiday, the juvenile shall be released on the following working day and an entry to that effect shall be made in the register of discharge.

(10) The Officer Incharge shall provide necessary support including financial assistance to the outgoing juvenile as per the post-release component of the Individual Care Plan.

(11) The Officer Incharge of a girls' institution may, subject to the consent of the girl and the approval of the competent authority, help the girl with her social re-integration by way of facilitating her to avail of an after care programme or helping her with some vocation or gainful employment or helping her settle into family life according to the law in force for the time being.

(12) The Government shall provide necessary funds to the Officer Incharge to discharge his duties and responsibilities under the Act and the rules.

20. *Procedure in respect of section 20 and section 22 of the Act.*—(1) In the event of violation of provisions laid down under section 20 of the Act or under rule 85(C) of these rules, being brought to the notice of Board by way of an application by the juvenile or anyone on his behalf at any stage, even after the closure of proceedings in respect of such juvenile—

- (a) the Board shall initiate an inquiry by issuing a notice to the concerned authority or person against whom such violations are alleged, to appear before the Board and to provide such explanation as may be required by the Board ;
- (b) if on inquiry, Board finds that violation of the section 20 of the Act or of the provisions laid down in rule 85(C) in respect of a juvenile has been made or is likely to be made, Board shall pass orders for nullifying or prohibiting such violation and requiring such authority or person to take all such steps as may be required to undo the harm caused to the juvenile by such violation ;
- (c) the Board, in addition to the orders prescribed under rule 20(1)(b), may also order for payment of such cost, as Board may deem adequate, to be paid to the juvenile by the authority or person responsible for such violation(s) ;

- (d) Where the State Commission for Protection of Child Rights or the Child Welfare Committee takes *suo moto* cognizance of violation under section 20 of the Act or rule 85 (C) or receives a complaint in this regard, it shall forward the complaint to the Board concerned for cognizance and inquiry.

(2) In the event of violation of provisions as laid down under section 22 of the Act,—

- (a) the Board shall take cognizance of such violation by print or electronic media and shall initiate appropriate orders as per provisions contained in section 22 (2) of the Act ;
- (b) where the State Commission for Protection of Child Rights or the Child Welfare Committee takes *suo moto* cognizance of violation under section 22 of the Act or receives a complaint in this regard, it shall forward the complaint to the Board concerned for cognizance and inquiry.

21. *Procedure to be followed in case juvenile escapes.*—(1) In the event of an escape of a juvenile from the custody of a person having charge of such juvenile or from Special Home or Observation Home or place of safety as the case may be, the following action shall be taken by the concerned person or Officer Incharge within twenty-four hours :—

- (a) send a report of circumstances leading to such escape to the area Police Station or Special Juvenile Police Unit along with the details and description of the juvenile, including identification marks and a photograph with a copy to the Board, District Child Protection Unit and other authorities concerned ;
- (b) send the guards or concerned staff in search of the juvenile, at places like railway stations, bus stands and other places where the juvenile is likely to go ;
- (c) inform the parents or guardians about such escape ; and

- (d) submit a detailed report to the Board and the authorities concerned within 15 days of escape explaining the reasons for such escape and action taken thereof.

(2) The Board shall issue appropriate directions, as may be necessary.

22. *Special Offences against Juvenile or Child in conflict with law.*—(1) The offences against a juvenile or a child specified in sections 24 and 25 (2) shall be bailable and those specified in sections 25 (1), 26 and 27 shall be non-bailable, besides being cognizable under the provisions of the Code of Criminal Procedure Act, Samvat 1989 and the procedures in this regard as laid down herein shall apply on the Police, the Court concerned and other authorities and functionaries accordingly.

(2) Where a special offence under sections 24, 25, 26 and 27 of the Act or a similar offence under any other law is committed against a juvenile or a child by an adult, then, notwithstanding anything contained in any law for the time being in force, the offender shall be tried in a court competent to try offences against children :

Provided that where such offences are committed by a juvenile or a child, then, notwithstanding anything contained in any other law for the time being in force, the juvenile or child shall be treated and order shall be passed as per the provisions of this Act and these rules.

23. *Constitution of Child Welfare Committee.*—(1) The Child Welfare Committee constituted under section 30 shall consist of a Chairperson and four members, of whom one shall be women and the other an expert on matters concerning children.

(2) The Chairperson and Members of the Committee shall be appointed on the recommendation of a Selection-cum-Oversight Committee set up by the Government.

24. *Tenure of the Chairperson and Members of the Committee.*—(1) The Chairperson and Members of the Committee shall hold office for a period of three years.

(2) With a view to ensure continuity on completion of the tenure of the Chairperson and Members of the Committee, the Government shall,

before the expiry of their respective terms, appoint new Chairperson and members as per recommendation of the Selection-cum-Oversight Committee.

(3) The Chairperson and members of the Committee shall be eligible for re-appointment up to three consecutive terms or till they attain the age of 65 years, whichever is earlier.

(4) The Chairperson and members may resign at any time by giving one month's notice in writing.

(5) Extension of tenure of the Chairperson and Members of the Committee may be recommended by the Selection-cum-Oversight Committee on the basis of their performance appraisal by the District Child Protection Unit.

(6) For objective performance appraisal of the Chairpersons and Members of the Committee, the Government shall develop a standard performance appraisal system.

(7) Any causal vacancy in the committee may be filled by appointment of another person out of the panel prepared by the Selection-cum-Oversight Committee as per merit.

(8) The panel prepared by the Selection-cum-Oversight Committee at the time of selection of the Chairperson and Members shall be valid for two years.

25. Qualifications for Chairperson and Members of the Committee.—A person shall be eligible for appointment as Chairman or Member of the Committee, if he possess the following qualification :—

- (a) post-graduate degree in social work, psychology, child development, education, sociology, law, criminology, etc. and where such a person is not available, a person with at least a graduate degree in any of the social science disciplines ;
- (b) minimum seven years of experience of working on children's issues ;
- (c) not less than 35 years of age ; and

- (d) a Chairperson shall also have at least 5 years of administrative experience.

26. *Conditions for selection as a Chairperson or Member of the Committee.*—A person shall not be appointed as Chairperson or Member of the Committee, if he/she—

- (a) has a previous conviction record ;
- (b) has been involved in any immoral act or in an act of child abuse or employment of child labour ; and
- (c) is holding such full time occupation that may not allow him/her to give necessary time and attention to the work of the committee as per the Act and its rules.

27. *Conditions for disqualification as a Chairperson or Member of the Committee.*—(1) The Chairperson and/or a Member of the Committee shall be disqualified, if he/she—

- (a) fails to attend the proceedings of the committee for three consecutive months without any valid reason ;
- (b) fails to attend a minimum of three-fourths of the sittings of the committee in a quarter.

(2) If it is brought to the knowledge of the Selection-cum-Oversight Committee that the Chairperson or Member of the Committee so appointed misrepresented his qualification and experience at the time of selection, the Government shall, after due enquiry conducted by the Selection-cum-Oversight Committee and on establishment of such fact, declare the appointment of such Chairperson and Member null and void.

28. *Allowances.*—The Chairperson and Members of the Committee shall be paid such travel and sitting allowance, as the Government may decide from time to time, but not less than Rs. 1500.00 per sitting for the Chairperson and Rs.1000.00 for the other Members of the Committee.

29. *Sitting of the committee.*—(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 premise in any institution run under the Act.

(2) The premises where the committee holds its sittings shall be child-friendly and shall not look like a court room in any manner whatsoever ; for example, the committee shall not sit on a raised platform and the sitting arrangement shall be uniform, there shall be no witness boxes etc.

(3) The committee shall conduct its sittings on all working days of a week unless the case pendency is less in a particular district and Government issues a notification in this regard.

(4) Chairperson and every Member of the Committee shall attend a minimum of three fourth of all sittings every month.

(5) The working hours of the committee shall be as per prevailing Government rules in this regard.

(6) Three members of the committee including Chairperson shall constitute Quorum of the committee for a sitting.

(7) In the absence of the Chairperson, he shall nominate any member of the committee as the officiating Chairperson.

30. *Powers and functions of the committee.*—The committee shall have the power to—

- (a) take cognizance of and receive children in need of care and protection ;
- (b) conduct inquiry under section 34 of the Act and decide on matters related to Children in need of care and protection brought before the committee ;
- (c) direct the Welfare Officers or Probation Officers or NGOs to conduct social enquiry of the child in need of care and protection and submit report to the committee ;
- (d) take *suo moto* cognizance of and reach out to such children in need of care and protection who are not in a position to be

produced before the committee, with support from the DCPU or SCPS or concerned Government authority as the case may be ;

- (e) ensure necessary care and protection, including immediate shelter ;
- (f) direct Welfare Officers or Probation Officers or NGOs as the case may be, to prepare a child care plan for every child placed in their care and protection ;
- (g) ensure appropriate rehabilitation and restoration of the child and follow-up the child care plan ;
- (h) direct the Officer Incharge of children's homes to receive children requiring shelter and care ;
- (i) document and maintain detailed case record along with a case summary of every case dealt by the committee ;
- (j) recommend 'fit institutions' to the concerned Government authority for the care and protection of children ;
- (k) declare 'fit persons' as per Rule 58 ;
- (l) keep information about and take necessary follow-up action in respect of missing and found children in their jurisdiction ;
- (m) liaison with the Board in respect of cases needing care and protection ;
- (n) monitor all institutional and non-institutional child care services for children in need of care and protection within their jurisdiction and make appropriate recommendations to the DCPU or SCPS or concerned Government authority as the case may be ;
- (o) co-ordinate with the Police, Labour Department and other agencies involved in the care and protection of children with

the support of DCPU or SCPS or concerned Government authority ;

- (p) liaison and network with the corporate sector and NGOs for any of the above, including for social enquiry, restoration and rehabilitation etc., as and when required ;
- (q) maintain a suggestion box in the premises of the committee to encourage inputs from children and adults alike and take necessary action ; and
- (r) forward to the Board, any complaint in respect of violation of section 20 or section 22 of the Act or of Rule 85 (C) of these rules in respect of a child in need of care and protection.

31. *Procedure etc. in relation to committee.*—(1) Procedure in relation to committee shall consist of—

- (a) the quorum for the meeting shall be three members attending, which may include the Chairperson ;
- (b) any decision taken by an individual member, when the committee is not sitting, shall require ratification, modification or revocation by the committee in its next sitting ;
- (c) prior to disposal of cases the committee shall take into consideration the age, physical and mental health, opinion of the child and his parents or guardians, recommendation of the Child Welfare Officer or Probation Officer or NGO ; and
- (d) for final disposal of a case, the order of the committee shall be signed by at least three members, including the Chairperson.

(2) The identity of the person or organisation producing a child before the committee may be kept confidential, if the person or organisation so desires.

(3) A child under two years of age shall be produced before the committee within twenty-four hours, excluding the journey time, unless the

child is medically unfit. In that case, the person or the organization shall send a written report along with the photograph of the child to the committee within twenty-four hours and produce the child before the committee as soon as the child is medically fit.

(4) Jurisdiction as decided by the Government must be followed by the CWCs and no matter pertaining to jurisdiction of another CWC should be dealt with unless in emergency or in the best interest of the child. However, the CWC may guide the child or agency concerned to the appropriate CWC. Where a CWC finds it imperative to deal with a case otherwise belonging to different jurisdiction, it shall record reasons and special circumstances under which the case was attended in-writing.

(5) In case a child is produced before a single member of the committee, any order passed shall be placed by such member before the committee in the next sitting for ratification, modification or revocation by the committee as the case may be.

(6) In case of any difference of opinion among the members of the committee in the interim or final order, the opinion of the majority shall prevail, provided that where there is no such majority, the opinion of the Chairperson, shall prevail. The dissenting views, if any, shall be recorded in the orders passed by the committee.

(7) The committee must interact with the child and the child's version must be recorded in writing whenever the child appears before the committee if he is in the position to give his version.

(8) In case the committee is not sitting, the child shall be taken by an NGO or Childline or Police to an appropriate institution for children covered under the Act with all the necessary documents and placed in such institution till the time of production before the committee. The concerned institution shall produce the child before the committee within twenty-four hours. In such cases, it may not be necessary for the person who brings a child in need of care and protection to an institution to be present at the time of production of the child before the committee.

(9) No demand for providing security staff or guards or police staff shall be made by the institution where the child is taken by the Police or Childline or by an NGO.

(10) Each committee shall send quarterly information about children in need of care and protection received by them to the District or State Child Protection Society or concerned Government authority.

(11) In cases where a recognized voluntary organization or any police personnel produce a child before the committee, it shall submit a report on the circumstances under which the child came to their notice and efforts made by them for tracing the family of the child.

(12) Children shall be provided a child-friendly environment during the proceedings of the committee.

(13) The committee shall avail services of lawyers, social workers and counsellors for children in need of such assistance with support from State Legal Services Authority or DCPU or SCPS or any such agency willing and having requisite expertise.

(14) General medical or gynaecological examination of children shall not be a prerequisite for production of the child before the committee or admission in an institution.

(15) The committee shall send the child to the designated place of safety, with age and gender appropriate facilities during pendency of inquiry. In such eventuality, the DCPU or State Child Protection Unit shall provide transport or make necessary budgetary allocations for such expenses based on the actual fare.

(16) The child may be escorted by the police officer or representative of the voluntary organization or by any other arrangement as considered appropriate by the committee with support from the DCPU. In case of a girl child, an appropriate female escort shall accompany the child.

(17) A list of all recognized child care institutions along with their capacity and appropriate facilities as prescribed under section 35 of the

Act, a list of all children related resource services and contact details of all Child Welfare Committees across the country shall be provided to the committee by the District Child Protection Unit or concerned Government authority. All such information mentioned shall be updated every six months by DCPU or SCPS or concerned Government authority.

(18) The committee may, while making an order placing a child under the care of a parent, guardian or fit person, as the case may be, direct such parent, guardian or fit person to enter into a bond in Standard Format Annexed as Form-X.

(19) Whenever the committee orders a child to be kept in an institution, it shall forward to the Officer Incharge of such institution a copy of its order, in Standard Format Annexed as Form-XI with particulars of the home and parents or guardian and previous record.

(20) The child shall be lodged in an institution closest to where his parents or guardians belong as far as possible.

32. *Procedure for inquiry.*—(1) When a child is brought before the committee, the committee shall assign the case to a social worker or case worker or child welfare officer or as the case may be, of the committee or institution or any recognized agency for conducting the inquiry.

(2) The direction for the inquiry under sub-rule (1) of this rule shall be given in Standard Format Annexed as Form-XII.

(3) The committee shall direct the concerned person or organization about the details or particulars to be enquired into for developing an individual care plan and suitable rehabilitation as per Form-XIII.

(4) All inquiries conducted by a social worker or case worker or child welfare officer of the institution or any recognized agency shall assess the family situation of the child in detail and report in writing whether it would be in the best interest of the child to restore him to his family.

(5) The inquiry must be completed within four months unless special circumstances do not permit to do so in the interest of the child, and for which the reason shall be recorded in writing by the committee.

(6) After completion of the inquiry, if, the child is under orders to continue in the children's home, the committee shall direct the Officer Incharge of the home to submit quarterly progress report of such child and the committee shall interact with the child for biannual review of the progress of the child.

33. *Children's Home*.—(1) The Government may, either by itself or in association with voluntary organizations, shall set up separate homes for children in need of care and protection, in the manner specified below :—

- (a) all children's homes shall be registered as child care institutions under section 35 (3) of the Act ;
- (b) all children's homes shall be certified as per the procedure laid down in rule 68 ;
- (c) all children's homes shall report to the concerned committee about every child in need of care and protection received by them within 24 hours excluding journey time in a Standard Format Annexed as Form XIV ;
- (d) children of both sexes below 12 years may be kept in the same home but separate facilities shall be maintained for boys and girls in the age group of 6 to 12 years ;
- (e) every Children's homes shall include separate facilities for children in the age group of 0-6 years with appropriate facilities for the infants ;
- (f) separate children's homes shall be set up for boys and girls in the age group of 12 to 18 years ;
- (g) children in the age group of 12 to 18 shall be further segregated into two groups of 12 to 16 years and 16 to 18 years ;

(2) Every children home shall be a comprehensive child care and protection centre with the primary objective to promote an integrated approach to child care and protection by involving the community and local

voluntary Organisations through the management committee. The DCPU or SCPS or concerned Government authority shall make an annual performance review of functioning of the children's homes. Performance review shall be done strictly as per the quality standards of care and protection as laid down in these rules.

(3) The activities of such children's home or child care institutions shall focus on—

- (a) preparing and following individual care plans for every child, specifically addressing the child's physical, psychological, emotional, educational, protection and special needs, if any, including skill development ;
- (b) family based non-institutional services, such as, foster family care, kinship care and sponsorship ;
- (c) specialized services in conflict or disaster affected areas to prevent neglect by providing family counselling, sponsorship, play groups, creches, day care centres and such child-friendly spaces as needed ;
- (d) emergency outreach service through child-line (1098) ;
- (e) linkages with Integrated Child Development Services (ICDS) to cater to the needs of children below six years ;
- (f) linkages with organizations and individuals who can provide support services to children ; and
- (g) opportunities to volunteers willing to provide various services for children.

34. *Shelter Homes*.—(1) For children in urgent need of care and protection, such as destitute, street children and runaway children, the Government shall support creation of requisite number of shelter homes through voluntary organizations in each district.

(2) Shelter homes and drop-in-centres shall include,—

- (a) short-stay homes for children needing temporary shelter, care and protection for a maximum period of one year ;
- (b) transitional homes providing immediate care and protection to a child for a maximum period of four months ;
- (c) shelter homes for children needing day care and night shelter facility ; and
- (d) open shelters in urban and semi-urban areas for children in vulnerable situations and those in need of care and protection.

(3) The shelter homes and drop-in-centres shall have the minimum facilities of boarding and lodging, besides the provision for fulfilment of basic needs in terms of clothing, food, healthcare and nutrition, safe drinking water and sanitation as per the quality standards of care and protection laid down under these rules.

(4) There shall be separate shelter homes for girls and boys as per rule 33 (1) of these rules.

(5) All shelter homes shall have the requisite facilities for education, vocational training and recreation as per the quality standards of care and protection laid down under these rules.

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

(7) All shelter homes shall submit a report of children using the shelter home facility along with a photograph of the child to the committee, the missing persons bureau or Special Juvenile Police Unit and the District Child Protection Unit or State Child Protection Society within 24 hours of registration of the child.

(8) The requirements of producing a child received by a shelter home before the committee, inquiry and disposal under sections 33, 38 and 39 of the Act shall apply only to shelter homes specified in rule 34 (2) (a).

(9) The services of Officer Incharge, Child Welfare Officer and social worker shall be provided for the proper care, protection, development, rehabilitation and reintegration needs of children in shelter homes.

CHAPTER III

Rehabilitation and Social Reintegration

The primary aim of rehabilitation and social reintegration is to help children restore their dignity and self-worth and mainstream them through rehabilitation within the family where possible, or otherwise through alternate care programmes. Long-Term institutional care shall be the last resort.

35. *Sponsorship*.—(1) Government shall prepare sponsorship programme consultation with the NGOs, Child Welfare Committees, other relevant Government agencies and the corporate sector in order to prevent family separation, reduce institutionalization of children and enable a nurturing family environment for every child.

(2) Sponsorship shall include the following :—

(i) Individual Sponsorship—

- (a) a child found to be living with his family in conditions of extreme deprivation where the income of such family does not exceed Rs. 2150 per month may be supported through individual sponsorship in order to prevent them from destitution or as a measure of juvenile crime prevention.
- (b) a child in an institution who can be restored to his family may be supported through individual sponsorship in order to facilitate deinstitutionalization and prevent re-institutionalization.

(ii) Group or Community Sponsorship—

- (a) two or more children found to be living with their family in conditions of extreme deprivation where the income

of such family does not exceed Rs. 2150 per month may be supported through group sponsorship in order to prevent them from destitution or as a measure of juvenile crime prevention.

(b) two or more children temporarily placed in an institution may be supported through group sponsorship in order to fulfil their education, health, nutrition and other development needs.

(c) two or more children, especially siblings or children belonging to similar geographical locations uprooted from their families and community due to disaster or such other unforeseen circumstances may be jointly placed in the community with a family willing to receive such children and supported through community sponsorship to meet their education, health, nutrition and other development needs.

(3) The District Child Protection Unit or State Child Protection Society shall, with the help of the Committee or Board as the case may be, or SJPU or Child-line or Village Level Child Protection Committees, identify children requiring sponsorship to support their education, health, nutrition and other development needs.

(4) The District Child Protection Unit or State Child Protection Society shall, with the help of the Committee or Board as the case may be, or SJPU or Child-line or Village Level Child Protection Committees, identify suitable families and institutions requiring sponsorship support to take care of education, health, nutrition and other development needs of children placed in their care and protection.

(5) This list of families and children to be supported through sponsorship shall be revised every year.

(6) The Government shall in consultation with NGOs, Child Welfare Committees, other relevant Government agencies and the corporate sector,

prepare guidelines for sponsorship, including setting of criteria for identification and selection of children, families and institutions suitable for sponsorship, utilization of sponsorship fund received by them, monitoring and follow-up.

(7) The children's homes and special homes shall promote sponsorship programmes for de-institutionalization of children as laid down in section 42 of the Act.

(8) The institutions receiving support for children in the form of individual or group sponsorship shall maintain proper and separate accounts of all the receipts and payments for the programme.

(9) The Board or the Committee as the case may be, shall make an order for sponsorship support in Form-XV, for support to a juvenile or child and the Officer Incharge of the institution as well as the District Child Protection Unit or the State Child Protection Society shall duly maintain the records in a register.

(10) Government may create a Sponsorship Fund with the District Child Protection Unit or the State Child Protection Society to disburse the sponsorship money to eligible families or institutions as per orders of the Committee or the Board as the case may be.

(11) The District Child Protection Unit or State Child Protection Society shall supervise the sponsorship programme through regular follow-up and monitoring of the progress of the child sent periodic reports to the Government.

36. *After Care Organisation.*—(1) After care programmes shall be made available by the District or State Child Protection Society in collaboration with voluntary organizations for juveniles or children after they leave special homes and children's homes and who have no home, or settled place or abode and are without any ostensible means of subsistence.

(2) The objective of these programmes or organisations shall be to enable such children move away from an institution-based life and reintegrate into the society.

(3) The Board or the Committee shall pass an order in Form-XVI for placing a juvenile or a child under the after care programme to ensure their rehabilitation and social reintegration.

(4) A copy of such order shall be sent to the DCPU or SCPS or concerned Government as the case may be, who shall be responsible for arranging after care.

(5) The Board or the Committee as the case may be shall have jurisdiction over persons placed in after care programmes for purposes of monitoring their progress.

(6) The key components of the programme shall include—

- (a) Community group housing on a temporary basis.
- (b) Community group housing shall include a maximum of 6 to 8 youths in each group who opt to stay together and one peer counsellor for a cluster of five groups.
- (c) Encouragement to learn a vocation or avail apprenticeship or gain employment as the case may be.
- (d) Encouragement to contribute towards the costs of group housing and joint living and gradually sustain themselves without State support and move out of the group housing to live independently.
- (e) Provision for a peer counsellor to stay in regular contact with these groups to discuss their rehabilitation plans and provide creative outlets for their energy and to tide over crisis periods in their life.
- (f) Provision for personality development and career development programmes.
- (g) Facilitate admission to appropriate higher education and training courses.

(7) During the course of apprenticeship or vocational training a minimum stipend @ Rs. 1500 per month shall be provided subject to revision from time to time.

(8) Loans may be arranged in an after care programme for the youth aspiring to set up their own enterprise after due assessment of the proposal made by them in this regard.

37. *Linkages and co-ordination.*—(1) The Government shall circulate a copy of the Act and the rules framed thereunder to establish effective linkages between various Government, Non-Government, corporate and other community agencies for facilitating the rehabilitation and social reintegration of juveniles or children through the Board or Committee as the case may be.

(2) The Government with the help of District Child Protection Unit or State Child Protection Society shall identify the roles and responsibilities of each department at State, division and district levels for effective implementation of the Act and the rules and notify the same.

(3) The Government with the help of District Child Protection Unit or State Child Protection Society shall arrange for appropriate training and sensitization of functionaries of these departments from time to time in co-ordination with National Institute of Public Cooperation and Child Development (NIPCCD) or any such State level institutions recognised and designated by the Government.

(4) Government with the help of District Child Protection Unit or State Child Protection Society shall develop effective networking and linkages with local NGOs for specialized services and technical assistance like vocational training, education, healthcare, nutrition, mental health intervention, drug de-addiction, legal aid and such other services for rehabilitation and reintegration of juveniles and children.

CHAPTER IV

Standards of Institutions for Care and Protection

38. *Physical infrastructure.*—(1) The homes for juveniles in conflict with law and children in need of care and protection shall function from separate premises which should be accessible to persons with special needs. The accommodation in each institution shall be as per the following criteria :—

(a) **Observation Home.**—There shall be separate observation homes for girls and boys ;

(b) **Reception unit**—

(i) Every juvenile who is sent to an observation home shall be initially kept in a unit to be designated as a reception unit as provided in section 9 (4) of the Act ;

(ii) Juveniles shall be classified and segregated according to the following age groups :—

(a) 7-12 years ;

(b) 12-16 years ; and

(c) 16-18 years.

(iii) For the classification and segregation of juveniles due consideration shall be given to their physical and mental status and degree of their alleged offence.

(c) **Special Home**—

(i) There shall be separate special homes for girls and boys ;

(ii) Juveniles committed to special homes shall be classified and segregated according to the following age groups —

(a) 7-12 years ;

(b) 12-16 years ;

(c) 16-18 years ;

(d) Children's Home—

(i) There shall be separate children's homes for girls and boys ;

(ii) Juveniles committed to children's homes shall be classified and segregated according to the following age groups :—

(a) 0-6 years ;

(b) 6-12 years ;

(c) 12-16 years ;

(d) 16-18 years.

(e) Shelter Home—

(i) there shall be separate Shelter Homes for girls and boys ;

(ii) juveniles committed to Shelter Homes shall be classified and segregated according to the following age groups :—

(a) 0-6 years

(b) 6-12 years

(c) 12-16 years

(d) 16-18 years

(2) The norms for building or accommodation for an institution with 50 juveniles or children may be as under :—

(a) Rooms : Each 160 sq. ft. for minimum 4 juveniles or children
i. e. 2000 sq. ft. ; or

- (b) Two Dormitories : Each 1000 sq. ft. for 25 juveniles or children i. e. 2000 Sq. ft. ;
- (c) Two Classrooms : 300 Sq. ft for 25 juveniles or children ;
- (d) Workshop : 75 Sq. ft. per juvenile or child ;
- (e) Sick room First aid room : 75 Sq. ft. per juvenile or children for 10 i. e. 750 Sq. ft. ;
- (f) Kitchen : 250 Sq. ft. ;
- (g) Dining Hall : 800 Sq. ft. ;
- (h) Store : 250 Sq. ft. ;
- (i) Recreation room : 300 Sq. ft. ;
- (j) Library : 500 Sq. ft. ;
- (k) Five Bathrooms : 25 Sq. ft. each i. e. 125 Sq. ft. ;
- (l) Eight toilets or latrines : 25 Sq. ft. each i. e. 200 Sq. ft. ;
- (m) Counselling and guidance room : 120 Sq. ft. ;
- (n) Office-Incharge room : 200 sq. ft. ;
- (o) Residence for Office-Incharge : (a) 2 rooms of 250 Sq. ft. each, (b) kitchen 75 Sq. ft., (c) bathroom-cum-toilet or latrine 50 sq. ft. ;
- (p) Playground: Sufficient playground area shall be provided in every institution according to the sanctioned capacity of the institution ;
- (q) Reception Dormitory : 200 Sq. ft. reception dormitory to keep the new children who are sent to the home separate from those who have been there for longer period.

(3) For every observation home, special home, children's home and shelter homes, as the case may be, the minimum standards of accommodation are prescribed as under :—

(a) Rooms : Each 160 sq. ft. for minimum 4 juveniles or children or child Dormitory : 25 juvenile or child ;

(b) Classroom : 300 sq. ft for 25 juvenile or child ;

(c) Workshop : 75 sq. ft. per juvenile ;

(d) Playground : Sufficient playground area shall be provided in every institution according to the sanctioned capacity of the institution.

(4) There shall be proper and smooth flooring for preventing accidents.

(5) There shall be adequate lighting, ventilation, heating and cooling arrangements, drinking water and toilets, in terms of gender and age appropriateness and accessibility to persons with disability.

(6) All institutions under the Act shall be provided land line phone connection, at least one vehicle, first aid kit, fire extinguishers in kitchen, dormitories, store rooms etc., periodic review of electrical installations, proper storage and inspection of articles of food stuffs, stand by arrangements for water storage and emergency lighting.

(7) Observation homes and special homes shall be child-friendly, disable friendly and in no way shall look like a jail or lock-up.

(8) There shall be a special room for meeting with family members or guardians or others after seeking prior permission from the Officer Incharge.

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

40. *Sanitation and Hygiene*.—Every institution shall have the following facilities :—

- (a) sufficient treated drinking water ; water filters shall be installed ;
- (b) sufficient water for bathing and washing clothes, maintenance and cleanliness of the premises ;
- (c) proper drainage system ;
- (d) arrangements for disposal of garbage ;
- (e) Protection from mosquitoes ;
- (f) annual pest control ;
- (g) sufficient number of well-lit and airy toilets in the proportion of at least one toilet for seven children ;
- (h) sufficient number of well-lit and airy bathrooms in the proportion of at least one bath room for ten children ;
- (i) sufficient space for washing ;
- (j) clean and fly-proof kitchen and separate area for washing utensils ;
- (k) sunning of bedding and clothing ;
- (l) maintenance of cleanliness in the Medical Centre ;
- (m) daily sweeping and wiping of all floors in the home ;
- (n) washing of the toilets and bathrooms twice every day ;
- (o) proper washing of vegetables and fruits and hygienic manner of preparing food ;

- (p) cleaning of the kitchen slabs, floor and gas after every meal ;
- (q) clean and pest proof store for maintaining food articles and other supplies ;
- (r) Disinfection of the beddings at least once a year.

41. *Daily Routine*.—(1) Every institution shall have a well regulated daily routine for the juveniles or children, which shall be prominently displayed at various places within the institution specified in Schedule II.

(2) The daily routine shall provide, *inter alia*, for a regulated and disciplined life, personal hygiene and cleanliness, physical exercise, educational classes, vocational training, organized recreation and games, moral education, group activities, prayer and community singing and special programmes for sundays and holidays.

42. *Nutrition and Diet Scale*—

- (a) The children shall be provided 4 meals in a day including breakfast ;
- (b) The menu shall be prepared with the help of a nutritional expert or doctor to ensure balanced diet and variety in taste as per the minimum nutritional standard and diet scale set out in Schedule II of these rules ;
- (c) Every institution under this Act shall strictly adhere to the minimum nutritional standard and diet scale specified in Schedule III ;
- (d) Juveniles or children may be provided special meals on holidays and festivals ;
- (e) Infants and sick juveniles or children shall be provided special diet according to the advice of the doctor on their dietary requirement.

43. Medical Care.—Every institution shall—

- (a) maintain a medical record of each juvenile or child on the basis of monthly medical check-up and provide necessary medical facilities ;
- (b) ensure that the medical record includes weight and height record, any sickness and treatment, and other physical or mental problem ;
- (c) have arrangement for the medical facilities, including a doctor on call available on all working days for regular medical check-ups and treatment of juveniles/children ;
- (d) have sufficient medical equipments to handle minor health problems including first aid kit with stock of emergency medicines and consumables, etc. ;
- (e) train all staff in handling first aid ;
- (f) tie-up with local PHC or Government hospital, medical colleges, other hospitals, clinical psychologists and psychiatrists and mental health institutes for regular visits by their doctors/students and for holding periodic health camps within the institutions ;
- (g) make necessary arrangements for the immunization coverage ;
- (h) ensure segregation of juveniles or children in the event of break out of contagious or infectious diseases ;
- (i) set up a system for referral of cases with deteriorating health or serious cases to the nearest civil hospital or recognised treatment centres ;
- (j) keep sick children under constant medical supervision ;

- (k) admit a juvenile or child without insisting on a medical certificate at the time of admission ;
- (l) arrange for a medical examination of each juvenile or child admitted in an institution by the Medical Officer within 24 hours and in special cases as soon as possible ;
- (m) arrange for a medical examination of the juvenile or child by the Medical Officer at the time of transfer within 24 hours before transfer ;
- (n) not carry out any surgical treatment on any juvenile or child without the previous consent of his parent or guardian, unless either the parent or guardian cannot be found and the condition of the juvenile or child is such that any delay shall, in the opinion of the medical officer, involve unnecessary suffering or injury to the health of the juvenile or child, or otherwise without obtaining a written consent to this effect from the Officer Incharge of the institution ;
- (o) provide or arrange for regular counselling of every juvenile or child and ensure specific mental health interventions for those in need of such services ;
- (p) refer such children who require specialized drug abuse prevention and rehabilitation programme, to an appropriate centre administered by qualified personnel. These programmes shall be adapted to the age, gender and other specifications of the concerned child.

44. *Mental Health—*

- (a) a mental health record of every juvenile or child shall be maintained by the concerned institutions ;
- (b) both milieu based therapy and individual therapy are must for every child and shall be provided in all institutions ;

- (c) the environment in an institution shall be free from abuse, allowing juveniles or children to cope with their situation and regain confidence ;
- (d) all persons involved in taking care of the juveniles or children in an institution shall participate in the milieu therapy and cooperate with the therapists ;
- (e) individual therapy is a specialized process and each institution shall make provisions for it as a critical mental health intervention ;
- (f) every institution shall have the services of trained counsellors or collaboration with external agencies such as child guidance centres, psychology and psychiatric departments or similar Government and Non-Governmental agencies, for specialized and regular individual therapy for every juvenile or child in the institution ;
- (g) a mental healthcare plan shall be developed for every juvenile or child by the child welfare officers in consultation with mental health experts associated with the institution and integrated into the individual care plan of the concerned juvenile or child ;
- (h) recommendations of mental health experts shall be maintained in every case file and integrated into the care plan for every child ;
- (i) all care plans shall be produced before the Management Committee every month and before the Child Welfare Committee every quarter.

45. *Education.*—Milieu based therapy is a process of recovery, which starts through the culture and environment in an institution and has a critical emotional impact on the child—

- (a) Every institution shall provide education to all juveniles or children according to the age and ability, both inside the institution or outside, as per the requirement ;

- (b) Extra coaching shall be made available to school going children in the institutions by encouraging volunteer services and/or tying up with coaching centres.

46. *Vocational Training*—

- (a) Every institution shall provide gainful vocational training to juveniles or children ;
- (b) Institutions shall develop networking with Institute of Technical Instruction (ITI), Jan Shikshan Sansthan, Government and Private Organization or Enterprises, Agencies or Non- Governmental Organisations (NGOs) with expertise or placement agencies ;
- (c) Superintendent of the institution shall make reasonable efforts for placement of children 16-18 years of age as an apprentice.

47. *Recreation facilities*—

- (a) Provision of guided recreation shall be made available to all juveniles or children in the institutions ;
- (b) It shall include indoor and outdoor games, music, television, picnics and outings, cultural programmes, library, computer facilities etc.

48. *Institutional management of juveniles or children.*—(1) The following procedure shall be followed in respect of the newly admitted juveniles :—

- (a) receiving and search ;
- (b) disinfection and storing of juvenile's personal belongings and other valuables ;
- (c) bath and haircut (unless prohibited by religion) ;

- (d) issue of toiletry items ; new set of clothes, bedding and other outfit and equipment (as per scales) ;
- (e) medical examination and treatment where necessary and in case of every juvenile suspected to be suffering from contagious or infectious diseases, mental ailments, addiction, etc. ;
- (f) segregation in specially earmarked dormitories or wards or hospitals in case of a child suffering from contagious disease requiring special care and caution ;
- (g) attending to immediate and urgent needs of the juveniles like appearing in examinations, interview letter to parent(s), personal problems etc., and verification by the Officer Incharge of age of juvenile as per order of the Board.

(2) Every newly admitted juvenile or child shall be allotted a case worker from amongst the probation officers or child welfare officers or social workers or counsellors attached to the institutions or voluntary social workers/counsellors.

(3) Every newly admitted juvenile shall be familiarized with the institution and its functioning and shall receive orientation in the following areas :—

- (a) personal health, hygiene and sanitation, ;
- (b) institutional discipline and standards of behaviour, respect for elders, teachers etc. ;
- (c) daily routine, peer interaction, optimum use of developmental opportunities ; and
- (d) responsibilities and obligations within the institution.

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

(5) The photograph shall also be taken immediately for records and the case worker or probation officer or child welfare officer shall begin the investigation and correspondence with the person, the juvenile or child might have named.

(6) The Officer Incharge shall see that the personal belongings of the juvenile or child received by the institution is kept in safe custody and recorded in the Personal Belonging Register and the item must be returned to the juvenile or child when he leaves the institution.

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

(8) The articles mentioned under rule 40 of these rules shall also be prohibited in case of institutions for children or juvenile.

(9) The educational level and vocational aptitude of the juvenile admitted, may be assessed on the basis of test and interview conducted by the teacher, the workshop supervisor and other technical staff and necessary linkages may also be established with outside specialists and community based welfare agencies, psychologist, psychiatrist, child guidance clinic, hospital and local doctors, open school, Jan Sikshan Sansthan etc.

(10) A case history of the juvenile or the child admitted to an institution shall be maintained as per Form- XVII, which shall contain information regarding his socio-cultural and economic background and these information may invariably be collected through all possible and available sources, including home, parents or guardians, employer, school, friends and community.

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

(12) In the event of a juvenile or child leaving the institution without permission, the information shall be sent by the Officer Incharge of the

concerned institution to the police and the family, if known ; and the detailed report along with the efforts to trace the juvenile or child shall be sent to the Board or the Committee as the case may be.

(13) An individual care plan for every juvenile or child in institutional care shall be developed with the ultimate aim of the child being rehabilitated and re-integrated based on their case history, circumstances and individual needs. The individual care plan shall be based on following guidelines :-

- (a) The Officer Incharge, counsellor along with the child welfare officer or case worker, or social worker shall prepare an individual care plan for every child in an institution within one month of his admittance as per Form IX.

All care plans shall include a plan for the juvenile's or child's restoration, rehabilitation, reintegration and follow-up ;

- (b) The care plan shall be reviewed quarterly by the management committee set up under rule 53 of these rules for appropriate development and rehabilitation including options for release or restoration to family or foster care or adoption ;
- (c) Juveniles or children shall be consulted while determining their care plan ;
- (d) Continuity of care plan shall be ensured in cases of transfer or repatriation or restoration.

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

- (a) fire arms or other weapons, whether requiring license or not (like knife, blades, lathi, spears, swords etc.) ;
- (b) alcohol and spirit of every description ;
- (c) bhang, ganja, opium and other narcotic or psychotropic substances ;

(d) tobacco ; or

(e) any other article specified in this behalf by the Government by a general or special order.

50. *Articles found on search and inspection.*—(1) The Officer Incharge shall see that every juvenile received in the institution is searched, his personal belongings inspected and money or any valuables and cell phone found with the juvenile is kept in the safe custody of the Officer Incharge

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

(3) In every institution, a record of money, valuables, cell phone and other articles found with a juvenile shall be maintained in the “Personal Belongings Register”.

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

51. *Custody and disposal of articles.*—The money or valuables belonging to a juvenile received or retained in an institution shall be disposed of in the following manner :—

(a) on an order made by the competent authority in respect of any juvenile, directing the juvenile to be sent to an institution, the Officer Incharge shall deposit such juvenile’s money together with the sale proceeds in the manner laid down from time to time in the name of the juvenile ;

(b) the juvenile’s money shall be kept with the Officer Incharge and valuables, cell phone, clothing, bedding and other articles, if any, shall be kept in safe custody.

(c) when such juvenile is transferred from one institution to another, all his money, valuables, cell phones and other articles,

shall be sent along with the juvenile to the Officer Incharge of the institution to which he has been transferred together with a full and correct statement of the description and estimated value thereof ;

- (d) at the time of release of such juvenile, the valuables and other articles kept in safe custody and the money deposited in name of the juvenile shall be handed over to the parent or guardian, as the case may be, with an entry made in this behalf in the register and signed by the Officer Incharge ;
- (e) when a juvenile in an institution dies, the valuable and other articles left by the deceased and the money deposited in the name of the juvenile shall be handed over by the Officer Incharge to any person who establishes his claim thereto and executes an indemnity bond ;
- (f) a receipt shall be obtained from such person for having received such valuables and other articles and the amount ;
- (g) if no claimant appears within a period of six months from the date of death or escape of such juvenile, the valuables and other articles and amount shall be disposed of as per the decision taken by management committee set up under rule 53 of these rules.

52. *Maintenance of case file.*—(1) The case file of each juvenile or child shall be maintained in the every institution containing the following information :—

- (a) report of the person or agency who produced the juvenile before the Board ;
- (b) Officer Incharge's, probation officer's or child welfare officer's, counsellor's and case workers report(s) ;
- (c) information from previous institution ;

- (d) report of the initial interaction with the juvenile, information from family members, relatives, community, friends and miscellaneous information ;
- (e) source of further information ;
- (f) observation reports from staff members ;
- (g) reports from Medical Officer, drug de-addiction progress reports, progress reports vis-a-vis psychological counselling or any other mental health intervention etc., where applicable ;
- (h) Intelligence Quotient (I. Q.) testing, aptitude testing, educational or vocational tests ;
- (i) social history ;
- (j) summary and analysis by case worker and Officer Incharge ;
- (k) instruction regarding training and treatment programme and about special precautions to be taken ;
- (l) leave and other privileges granted ;
- (m) special achievements and violation of rules, if any ;
- (n) quarterly progress report ;
- (o) individual care plan, including pre-release programme, post release plan and follow-up plan ;
- (p) leave of absence or release under supervision ;
- (q) final discharge ;
- (r) follow-up reports ;

- (s) annual photograph ;
- (t) case history duly filled ;
- (u) follow-up report of post release cases as per direction of the competent authority, if any ; and
- (v) remarks.

(2) All the case files maintained by the Institutions and the Board shall, as far as possible, be computerised and networked so that the data is centrally available to the District Child Protection Unit and the State Child Protection Unit.

53. *Management Committee.*—(1) Every institution shall have a Management Committee for the management of the institution and monitoring the progress of every juvenile.

(2) In order to ensure proper care and treatment as per the individual care plans, a juvenile shall be grouped on the basis of age, degree of delinquency, physical and mental health and length of stay order.

(3) The Management Committee shall consist of Governing Council and Executive Council.

(4) The Governing Council shall consist of the following :—

- (i) Deputy Director of State Child Protection Unit : Chairperson
- (ii) Social Worker Member of Juvenile Justice Board or Child Welfare Committee : Member
- (iii) A juvenile or child representative from each of the Children's Committees (on a monthly rotation basis to ensure representation of juveniles or children from all age group) : Member

(iv) Representative of Jammu and Kashmir State Legal Services Authority : Member

(v) One Non-Government Organization Representative working in the area of Child Rights : Member

(5) The Executive Council shall function and discharge its duties prescribed under sub-rule (7) and shall be accountable to the Governing Council and shall consist of the following persons :—

(i) Officer Incharge : Member

(ii) Probation Officer or Child Welfare Officer or Case Worker : Member

(iii) Medical Officer : Member

(iv) Psychologist or Counselor : Member

(v) Workshop Supervisor or Instructor in Vocation : Member

(vi) Teacher : Member

(6) Pursuant to the meetings of the Management Committee the directions of the Governing Council shall be executed by the Executive Council who shall file an action taken report before the Governing Council in the next meeting.

(7) The Management Committee shall meet monthly to consider and review :—

(i) custodial care, housing, area of activity and type of supervision required ;

(ii) medical facilities and treatment ;

(iii) individual problems of juveniles and children, provision of legal aid services and institutional adjustment, leading to the quarterly review of individual care plans ;

- (iv) vocational training and opportunities for employment ;
- (v) education and awareness ;
- (vi) social adjustment, recreation, group work activities, guidance and counselling ;
- (vii) review of progress and adjusting institutional programmes to the needs of the juveniles ;
- (viii) planning post-release rehabilitation programme and follow-up for a period of two years in collaboration with after care services ;
- (ix) pre-release preparation ;
- (x) release ;
- (xi) post release follow-up ;
- (xii) food ;
- (xiii) minimum standards of care, including infrastructure and services available ;
- (xiv) daily routine ;
- (xv) oversee that all registers as required under the Act and rules are maintained by the institution, check and verify these registers, duly stamped and signed in the monthly review meetings ; and
- (xvi) any other matter which the Officer Incharge may like to bring up.

(8) The Officer Incharge/Child Welfare Officer shall file a quarterly progress report of every juvenile or child in the case file and send a copy to the District Child Protection Unit.

54. *Rewards and benefits for maintaining good behaviour.*—An Officer Incharge of the institution may, as an encouragement to steady work and good behaviour, grant following rewards and benefits to the juveniles :—

- (a) one extra meeting with the family members in a month ;
- (b) special toiletry articles like deodorant or gel ;
- (c) one home made meal in a month provided that the juvenile accepts to eat such meal separate from the other juveniles in the presence of an official of the institution to ensure that no prohibited article is passed through the meal ; and
- (d) permission to participate in an outdoor activity under proper supervision.

55. *Visits to and communication with juveniles.*—(1) The parents and relatives of the juvenile shall be allowed to visit once in a month or in special cases, more frequently at the discretion of the Officer Incharge as per the visiting hours laid down by him, provided that in case of newly received juvenile his parents, guardians or family members shall be permitted to meet juvenile on the day of their first visit.

(2) The normal duration of the one parent-juvenile meeting shall be of minimum one hour but may be extended by the Officer Incharge at his discretion.

(3) The receipt of letters by the juveniles of the institution shall not be restricted and they shall have freedom to write maximum of ten letters in a month at all reasonable times for which the postage shall be provided by the institution ; and the institution shall encourage that where parents, guardians or relatives are known, at least one letter is written by the juvenile every month.

(4) The Officer Incharge may pursue any letter written by or to the juvenile, and may for the reasons that he considers sufficient refuse to

deliver or issue the letter, may destroy the same after recording his reasons in a book maintained for the purpose.

(5) The Officer Incharge shall allow juvenile to have telephonic conversation with his parent, guardian, family members, counsellor and the lawyer as the case may be under supervision of the Child Welfare Officer as and when request is made by the juvenile in this regard subject to a maximum of two calls in a week. Record of such calls shall be duly maintained in a register.

56. Death of a juvenile or child.—In case of death of a juvenile or child committed to an institution the procedure to be adopted shall be as under :—

- (i) the Officer Incharge shall, within one hour of death being reported to him, intimate the Medical Officer to examine and give a report stating the cause of death. Such death shall be reported within an hour to the nearest Police Station, the Board or Committee having jurisdiction over the child, the parents or guardians or relatives of the juvenile or child, District Child Protection Unit, State Human Rights Commission, State Commission for Protection of Child Rights and any other concerned authority ;
- (ii) in the event of a death of a juvenile or child in an institution it is imperative for the institution to ensure that an inquest proceeding by the Magistrate and post-mortem examination is held at the earliest and all the necessary steps in this regard shall be taken by the Officer Incharge ;
- (iii) whenever a death occurs, the person who first notices such death shall immediately inform the Officer Incharge of the institute.
- (iv) the Officer Incharge and the Medical Officer at the institution shall record the circumstances of the death of the child and send a report, separately or jointly to the concerned Magistrate,

the Officer Incharge of the police station having jurisdiction, the Board or the Committee and the Chief Medical Officer or Medical Head of the nearest Government Hospital where the dead body of the juvenile or child is sent for examination, inspection and determination of the cause of death. The Officer Incharge and the Medical Officer shall also record in writing their views on the cause of the death, if any, and submit it to the concerned Magistrate and the Officer Incharge of the police station having jurisdiction ;

- (v) the Officer Incharge and the Medical Officer shall make themselves available for any enquiries initiated by the police or the Magistrate concerning the cause of death and other details regarding such juvenile or child ;
- (vi) 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 it shall be disposed of under the supervision of the Officer Incharge in accordance with the known religion of the juvenile or child, after obtaining the permission from concerned Board or the Committee.

57. Abuse and exploitation of the juvenile or child.—In the event of any physical, sexual or emotional abuse, including neglect of juveniles or children in an institution the following action shall be taken :—

- (a) when an allegation of physical, sexual or emotional abuse comes to the knowledge of the Officer Incharge, a report shall be placed before the Board or Committee, who in turn, shall conduct a preliminary enquiry and in appropriate cases shall direct the local police station to register a FIR, take due cognizance of such occurrences and conduct necessary investigations ;
- (b) 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 ;

- (c) the Board or Committee may transfer such a juvenile or child to another institution or place of safety or fit person ;
- (d) the Officer Incharge 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 ;
- (e) in the event of any other crime committed in respect of juveniles or children in institutions, the Board or Committee shall order for registration of a First Information Report by the local police station either *suo moto* or on the basis of a complaint made in this regard.

58. Juvenile or Child suffering from serious physical or mental disease or an addiction.—(1) When a juvenile or a child placed under the care of a fit person or an institution under the provisions of the Act, is found to be suffering from serious physical or mental disease requiring prolonged medical treatment, or is found addicted to a narcotic drug or psychotropic substance, a report thereof shall be submitted by the Officer Incharge of the institution or the fit person to the Board or the Committee who after appropriate enquiry may refer such juvenile or child to an appropriate specialised service for proper treatment.

(2) When the juvenile or the child is cured of serious physical or mental disease or addiction, the competent authority may, if the juvenile or child is still liable to stay, order the juvenile or the child to be placed back in the care of fit person or institution from where the juvenile or child was removed for treatment. If the juvenile or the child is no longer liable to be kept under the care of fit person or institution, the competent authority may order him to be discharged.

(3) The order of restoration of a juvenile or a child suffering from an infectious or contagious disease to his parents or guardian shall be based on the principle of best interest of the juvenile or child, keeping in mind the risk of stigmatization and discrimination, discontinuation of treatment etc.

(4) If there is no organization either within the jurisdiction of the competent authority, or nearby State for sending the juvenile or child suffering from serious physical or mental disease or addiction, as required under section 56 of the Act, necessary organization shall be set up by the Government at such places, as it may deem fit.

59. *Leave of a juvenile.*—(1) The Juveniles or parents or guardian of the juvenile or the Officer Incharge on behalf of the juvenile may submit an application to the Board or Committee requesting for release of the juvenile on leave, stating clearly the purpose and period of the leave.

(2) While considering the application of leave of absence, the Board or the Committee shall hear the juvenile or parents or guardians of the juvenile. If the Board or Committee considers that granting of such leave is in the interest of the juvenile, appropriate order shall be passed. The Board may call for a report from the probation officer in case the preliminary information gathered from the juvenile or parent or guardian is not sufficient for the purpose.

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

(4) While issuing orders sanctioning the leave of absence or release under supervision, as the case may be, the competent authority shall mention in the order as to who shall be responsible for escorting the child from and to the institution. The parent or guardian may be permitted to escort the juvenile from and to the institution. Where this is not possible, the Officer Incharge may be directed to either arrange for escorting the juvenile to the place of the family and back or arrange for travelling expenses as the case may be.

(5) If the juvenile or child runs away from the family during the leave period, the parent or guardian is required to inform the Officer Incharge of the institution immediately, and try to trace the juvenile. If found, the juvenile shall be brought back to the institution immediately.

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

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

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

60. *Inspection.*—(1) Inspection Committee envisaged under section 36 of the Act shall be constituted by the Government for a period of three years which shall consist of following members :—

- (i) Chairperson of Child Welfare Committee—(Chairperson) ;
- (ii) District Child Protection Officer—(Member-Secretary) ;
- (iii) Representative of a registered Voluntary Organisation other than an organisation running children's home in that district ;
- (iv) Chief Medical Officer or his representative who shall be a Medical Officer ;
- (v) Social worker with experience of working on children issues to be nominated by the DCPU.

(2) The committees will exercise the following functions at the District level :—

- (i) to visit and oversee the conditions in the children's home ;
- (ii) to review the standards of care and protection being followed by the children's homes ;

(iii) to look into the functioning of the management and give appropriate suggestions for improvement and development of the children's homes ;

(iv) to interact with the children to determine their well being and take their feedback ;

(v) to report to State Child Protection Unit.

(3) The inspection of each children's homes shall be carried out at least once in every quarter.

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

(5) Inspection Committee may visit the children's homes with or without prior intimation.

(6) The Government shall provide for re-imbursement of expenditure incurred on inspections by members of the inspection committees.

61. *Social Audit.*—(1) Government shall constitute a Social Audit Authority to carry out social audit under section 37 of this Act and issue a notification for laying down schedule for the entire process throughout the year.

(2) Social Audit Authority shall include members from Non-Governmental Organizations working with children, Childline India Foundation, State Social Welfare Board, Academic institution of higher learning, or any other body as designated by the Government, etc.

(3) Chairperson of the State Commission for the Protection of the Child Rights (SCPCR) shall head the Social Audit Authority and shall be responsible for executing the process of Social Audit as per the schedule notified by the Government and shall submit its report at the end of the year to the Secretary to Government, Social Welfare Department.

(4) On receipt of report under sub-rule (3), Government shall take steps to implement the recommendations as made in the said report.

(5) Government may issue necessary orders for inclusion or removal of any member of the Social Audit Authority.

(6) Government may issue order from time to time to the Social Audit Authority to undertake social audit of any other services under this Act and rules like functioning of observation homes, childline services, probation services, non-institutional child care schemes, functioning of Special Juvenile Police Units.

62. *Restoration and follow-up.*—(1) The order for restoration shall be made by the Board or the Committee on the basis of a fair hearing of the juvenile or child and his parents or guardian, as well as on the reports of the Probation Officers or Child Welfare Officers or NGOs directed by the Board or Committee to conduct the home study and any other relevant document or report brought before the Board or Committee for deciding the matter.

(2) Every restoration shall be planned for as part of the individual care plans prepared by the case workers or counsellors or child welfare officers or probation officer as the case may be and shall be based on the review and recommendations of the management committee.

(3) Besides police, the Board or Committee shall seek collaboration with NGOs to accompany juveniles or children back to their family for restoration.

(4) The female juvenile or child shall necessarily be accompanied by female escorts.

(5) The expenses incurred on restoration of a juvenile or child, including travel and other incidental expenses, shall be borne by the Government through the concerned institution wherever claimed.

(6) When a juvenile or child expresses his unwillingness to be restored back to the family, the Board or Committee shall make a note of it in its records in writing and such juvenile or child shall not be coerced or persuaded to go back to the family.

(7) A follow-up plan shall be prepared as part of the individual care plans by the Child Welfare Officers or Probation Officers or NGOs assigned by the Board or Committee to assist in restoration of the child.

(8) A quarterly follow-up report shall be submitted to the Board or Committee by the concerned Child Welfare Officer or Probation Officer or NGO for a period of two years with a copy to the Officer Incharge of the institution from where the juvenile or child is restored.

(9) The follow-up report shall clearly state the situation of the juvenile or child post restoration and the juvenile's or child's needs to be met by the concerned Government in order to reduce further vulnerability of the juvenile or child.

(10) The Officer Incharge shall file the follow-up report in the case file of the juvenile or child and place the report before the management committee in the next meeting of the management committee.

(11) The Officer Incharge shall also send a copy of the follow-up reports to the District Child Protection Unit.

(12) Where a follow-up is not possible due to non-availability of Government functionaries or NGOs, the concerned District Child Protection Unit shall provide necessary assistance and support to the concerned Board or Committee.

63. *Visitor's Register.*—(1) It shall be the duty of Officer Incharge to keep a visitor's register at the entrance of the institution at all times, in which the person visiting the institution shall record the date and time of his visit, his particulars, purpose of such visit, his remarks or suggestions, which he may think proper.

(2) A copy of the visitor's register shall be forwarded to the Principal Magistrate of the concerned Board and Chairperson of the concerned Committee at the end of the every month by the Officer Incharge for their perusal and passing of any necessary direction, if required.

64. *Maintenance of Registers in the institutions.*—The Officer Incharge shall maintain in his office, such registers and forms, as required by the Act and as specified by these rules made thereunder. The list of registers, files, books to be maintained shall minimally comprise of:— ,

- (a) admission and discharge register ;
- (b) minutes register of management committee ;
- (c) medical file or medical report ;
- (d) dak or record file stock register ;
- (e) log books for vehicle and telephone calls ;
- (f) order book ;
- (g) attendance register for staff and juveniles or children ;
- (h) cash book ;
- (i) budget statement file ;
- (j) inquiry report file ;
- (k) individual case files with individual care plan ;
- (l) visitor's register ;
- (m) staff movement register ;
- (n) personal belongings register.

Note :—The list is indicative, not limited to the above and can be updated as per the requirements of each institution.

65. *Personnel or Staff of a Home .*—(1) The institutional organizational set up shall be fixed in accordance with the size of the home, the intake capacity, workload, distribution of functions and requirements of programmes.

(2) Every institution mentioned hereinabove or in the Act shall consist of Officer Incharge, Probation Officer (in case of Observation Home or Special Home), Case Workers (in case of children's home or shelter home or after care organization), Child Welfare Officers, Counsellor, Educator, Vocational Training Instructor, Medical Staff, Clerical Staff, Care Takers, storekeeper, cook, helper, washerman, safaikaramchari, driver, security staff, gardener as required.

(3) The part time staff may include Psychiatrist, Psychologist, Occupational the rapist, and other professionals as may be required by time to time.

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

(5) The duties and responsibilities of the staff under the Officer Incharge shall be fixed in keeping with the statutory requirements of the Act and these rules.

(6) One of following officials shall remain present in the institution during night by rotation as per the devised Roaster by the Officer Incharge :—

(a) Officer Incharge (Superintendent) ;

(b) Probation Officer ;

(c) Child Welfare Officer ;

(d) Case Worker.

(7) The Officer Incharge and such other staff, who may be required, shall live in a separate quarter provided for them outside the building in the proximity of the institution.

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

(9) The suggested staffing pattern for an institution with a capacity of 50 to 70 juveniles or children could be as mentioned below :—

(a) Permanent staff :

S. No.	Personal	No. of Posts
1	Officer Incharge (Superintendent)	1
2	Counsellor	1
3	Probation Officer/Child Welfare Officer/Case Worker	3
4	Doctor	1
5	Paramedical staff (1 Pharmacist and 1 Nurse)	2
6	Storekeeper-cum-Accountant	1
7	Driver	1
8	Cook	2
9	Helper	3
10	Sweeper	2
11	Security Guards	2
12	Washerman	1
Total		20

(b) Part time staff :

1	Educator	2
2	Art and Craft-cum-Music Teacher	1
3	PT Instructor	1
4	Gardener	1
Total		5

(10) The number of posts excluding Officer Incharge shall proportionally increase with the increase in the capacity of the institution.

CHAPTER V

Miscellaneous

66. *Registration under the Act.*—(1) All institutions and organisations housing children in need of care and protection, whether run by the Government or voluntary organizations, shall get themselves registered under Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act, 2013.

(2) All such institutions shall make an application together with a copy each of rules, bye-laws, memorandum of association, list of governing body, office bearers, balance sheet of past three years, statement of past record of social or public service provided by the institution or organization to the Government, who shall after verifying that provisions made in the institution or organization for the care and protection of children, health, education, boarding and lodging facilities, if any, vocational facilities and scope of rehabilitation, may issue a registration certificate to such organization under section 35 of the Act.

67. *Recognition of fit persons or fit institution.*—(1) Any individual who is willing to receive temporarily a juvenile in conflict with law or child in need of care, protection or treatment for such period as may be necessary, may be recognized by the competent authority as a fit person.

(2) Any suitable place or institution, the Manager of which is willing to receive temporarily a juvenile in conflict with law or child in need of care, protection and treatment for such period as may be necessary, may be recognized by the Government as a fit institution on the recommendation of the competent authority.

(3) An institution recognized as a fit institution shall—

- (a) receive and provide basic services for juvenile in conflict with law or child in need of care and protection ;
- (b) prevent subjection of juvenile in conflict with law or child in need of care and protection to any form of cruelty or exploitation or neglect ; and

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

(4) A list of fit institutions approved by the Government shall be kept in the office of the Board, the Committee and the Special Juvenile Police Units.

(5) A fit institution with collateral branches may send a juvenile in conflict with law or child in need of care and protection as the case may be, to any of its branches after seeking permission from the competent authority.

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

68. Certification or and transfer of Management of Institutions and after care organisations.—(1) Any organization or institution housing or aiming to house children in need of care and protection or juveniles in conflict with law shall apply for certification under the Act by submitting an application to Department of Social Welfare, together with a copy of the rules, bye-laws, articles of association, list of members of the society or the association running the organization, details of office bearers along with a statement regarding the current status and past record of specialized childcare services rendered by the organization.

(2) Any organisation which houses the children in need of care and protection or juveniles in conflict with law in contravention to this rule shall be liable to a penalty of Rs. 1000 per day till such default continues. The amount of penalty shall be recovered as arrear of land revenue under the Jammu and Kashmir Land Revenue Act, 1939.

(3) The Government, after verifying the contents of the application and after getting inspection of the applicant organisation done through District Child Protection Unit (DCPU) in respect of the boarding and lodging, general health, educational facilities, vocational training and treatment services, may grant or refuse recognition and certification as envisaged by sections 9, 10, 35, 38 and 43 of the Act, as the case may be, on the condition that the organization shall comply with the standards or services as laid

down under the Act and these rules, and shall ensure all round growth, development and protection of juveniles or children placed under its charge.

(4) The Government shall endeavour to dispose of the application within 60 days from the date of receipt of the application. In case the Government for some reasons does not dispose of the application within the said period of 60 days, it shall in writing inform the applicant the reasons for the delay.

(5) The certification shall be valid for a period of three years where after it shall be renewed after following the procedures laid down hereinabove.

(6) The Government may, if it is satisfied that an organisation or institution is not fulfilling the conditions subject to which the certification was made or is not observing the rules laid down herein, order withdrawal of the certification or recognition of the organization, as the case may be and in that case the organisation or institution shall cease to be certified or recognised under sections 9, 10, 35, 38 and 43 of the Act :

Provided that no such order shall be passed by the Government unless an enquiry has been conducted by the Government through Inspection Committee appointed under section 36 of the Act.

(7) When an organization ceases to be a certified organization under sections 9, 10, 35, 38 and 43 of the Act, the juveniles or children kept therein shall be transferred to a fit institution as defined in the section 2 (i) of the Act keeping in view the best interest of the children.

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

69. *Grant-in-aid to certified or recognized organization.*—

(1) An organization certified or recognized or registered under sections 9,

10, 35, 38 and 43 of the Act, may during the period when certification or recognition or registration is in force, apply for grants-in-aid by the Government, for the maintenance of juvenile or child received by them under the provisions of the Act ; and for expenses incurred on their education, treatment, vocational training, development and rehabilitation.

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

(3) In case of transfer of Management of Government run homes under sections 9, 10, 35, 38 and 43 of the Act to a voluntary organization, the same budget which the Government was spending on that home, shall be given to the voluntary organization as grant-in-aid under the Memorandum of Understanding signed between both the parties describing their role and obligations.

70. *Admission of outsiders.*—No stranger shall be admitted to the premises of the institution, except with the permission of the Officer Incharge or on an order from the Board or Committee.

71. *Identity Photos.*—(1) On admission to a home established under the Act, every juvenile or child shall be photographed.

(2) One photograph shall be kept in the case file of the juvenile or the child, one shall be fixed with the index card, a copy shall be kept in an album serially numbered with the negative in another album, and a copy of the photograph shall be sent to the Board or Committee as the case may be, as well as to the District Child Protection Unit or the State Child Protection Society.

(3) In case of a child missing from an institution or in case of lost children received by an institution, a photograph of the child shall be sent to the missing persons bureau.

72. *Police Officers to be in plain clothes.*—While dealing with a juvenile or a child under the provisions of the Act and the rules made

thereunder, except at the time of apprehension, the Police Officer shall wear plain clothes and not the police uniform.

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

74. *Determination of age.*—(1) Whenever an alleged offender who appears to be below the age of 21 years is produced before a Court not being the Board, it shall on the very first date of production question the alleged offender about his age, satisfy itself that he is not a juvenile, make a note of its findings and order immediate transfer of the matter to the Board where necessary.

(2) When a juvenile or child or a juvenile in conflict with the law is produced before the Board or the Committee as the case may be, it shall determine and declare his age within a period of thirty days from the date of such production.

(3) The Board or the Committee, as the case may be shall, as far as possible, decide the juvenility or otherwise, on the basis of physical appearance or documents available, if any. Where an inquiry is instituted by the Board or the Committee for determination of age, such inquiry shall be conducted on the basis of following evidence :—

- (i) the birth certificate issued by a Corporation or a Municipal Committee or any other notified authority ; or
- (ii) the matriculation or equivalent certificate ; or
- (iii) in absence of the certificates mentioned in sub-clauses (i) and (ii) or in case of any contradiction arising therefrom, the authority deciding the age issue may refer the matter to a duly constituted Medical Board, which shall record its findings and submit to the Juvenile Justice Board.

(4) All Government Hospitals shall constitute Medical Boards for medical age examination, consisting of a Physiologist, a Dental Examiner

and a Radiologist or Forensic Expert, of whom one shall be notified as the Chairperson.

(5) All the Members of the Medical Board shall give their individual findings on age, which shall then be forwarded to the Chairperson of the Board to give the final opinion on the age within a margin of one year.

(6) The duly constituted Medical Boards shall give their report with the findings on age within 15 days of request being made in this regard.

75. Declaration of age by the Court or Board or the Committee.—(1) The Court or the Board or the Committee as the case may be, shall declare the age after examining the witnesses on age and by affording opportunity or cross examination to the State/Complainant and the Juvenile.

(2) For the purposes of sub-rule (1), the witnesses may include School Principals or their representative, parents, Registrars of Education Boards, Municipal Corporation or Panchayat Representative, Chairperson and Members of the Medical Board etc.

(3) In case exact assessment of the age cannot be done, the Court or the Board or the Committee as the case may be, for the reasons to be recorded by them, may, if considered necessary, give benefit to the child or juvenile by considering his/her age on lower side within the margin of one year.

(4) The decision of the Board or the Committee as the case may be, shall be the conclusive proof of the age as regards a child or a juvenile in conflict with law.

(5) The Board or the Committee as the case may be shall provide a copy of the order declaring age to the concerned juvenile or child or his parent/guardian.

(6) The provisions contained in this rule shall also apply to those disposed off cases, where the status of juvenility has not been determined

in accordance with the provisions contained in sub-rule (3) of this rule and the Act, requiring dispensation of the sentence under the Act for passing appropriate order in the interest of the juvenile in conflict with law.

76. Procedure to be followed by a Magistrate not empowered under the Act.—(1) When any juvenile or child is produced before a Magistrate other than Board or Committee, and the Magistrate is of the opinion that such person may be a juvenile or child, he shall record his reasons and pass an order for the juvenile or child to be produced before the concerned Board or the Committee on the same day.

(2) In case of a child in need of care and protection produced as a victim of a crime before a Magistrate not empowered under the Act, such Magistrate shall transfer the matter concerning care and protection, rehabilitation and restoration of the child to the appropriate committee and no orders concerning the custody of such child shall be passed by such Magistrate.

77. Transfer.—(1) During inquiry, if it is found that the juvenile or child hails from a place outside the jurisdiction of the Board or Committee, the Board or Committee shall order the transfer of the juvenile or child and send a copy of the order to the concerned Government Authority or District Child Protection Unit.

(2) The concerned Government Authority or District Child Protection Unit shall accordingly—

(a) send the information of transfer to the appropriate competent authority having jurisdiction over the area where the child is ordered to be transferred by the Board or Committee.

(b) send a copy of the information to the Officer Incharge of the institution where the child is placed for care and protection at the time of the transfer order.

(3) On receipt of copy of the information from the concerned Government Authority or District Child Protection Unit, the Officer Incharge shall arrange to escort the child at Government expenses to the place or person as specified in the order.

(4) The travel, food and other incidental expenses incurred for the transfer of a juvenile or child and escort, shall be borne by the District Child Protection Unit.

(5) On such transfer, case file and records of the juvenile or child shall be sent to the place or person as specified in the order along with the juvenile or child.

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

78. Procedure for sending a juvenile or child outside the jurisdiction of the competent authority.—(1) In the case of a juvenile or a child whose ordinary place of residence lies outside the jurisdiction of the competent authority, and if the competent authority considers it necessary to take action under section 49 of the Act, it shall direct a probation officer or case worker or child welfare officer, as the case may be, to make enquiries as to the fitness and willingness of the relative or other person to receive the juvenile or the child at the ordinary place of residence, and whether such relative or other fit person can exercise proper care and control over the juvenile or the child.

(2) Where a juvenile is ordered to be sent to the ordinary place of residence or to said relative or fit person, execution of a bond by the juvenile, in Form VII, is necessary along with an undertaking by the said relative or fit person in Form VIII.

(3) Any breach of a bond or undertaking or of both given under sub-rule (2), shall render the juvenile liable to be brought before the competent authority, who may make an order directing the juvenile to be sent to an institution home.

(4) Any juvenile or a child, who is a foreign national or belongs to other states and who has lost contact with his family shall also be entitled for protection.

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

(6) The juvenile or child who belongs to other state shall be transferred to the state of his domicile in coordination with the concerned State Authority.

(7) A copy of the order passed by the competent authority under section 55 of the Act shall be sent to :—

- (a) the Probation Officer or Child Welfare Officer who was directed to submit a report under sub-rule (1) ;
- (b) the Probation Officer or Child Welfare Officer, if any, having jurisdiction over the place where the juvenile or the child is to be sent ;
- (c) the competent authority having jurisdiction over the place where the juvenile or the child is to be sent ; and
- (d) the relative or the person who is to receive the juvenile or the child.

(8) During the pendency of the order under sub-rule (6), the juvenile or the child shall be sent by the competent authority to an observation home or children's home as the case may be.

(9) Where in the case of a juvenile or a child, the competent authority considers it expedient to send the juvenile or the child back to his ordinary place of residence under section 55 of the Act, the competent authority shall inform the relative or the fit person, who is to receive the juvenile or the child accordingly ; and shall invite the said relative or fit person to come to the home, to take charge of the juvenile or the child on such date, as may be specified by the competent authority.

(10) The competent authority inviting the said relative or fit person under sub-rule (8) may also direct, if necessary, the payment to be made

by the Officer Incharge of the home, of the actual expenses of the relative or fit person's journey both ways, by the appropriate class and the juvenile's or child's journey from the home to his ordinary place of residence, at the time of sending the juvenile or the child.

(11) If the relative or the fit person fails to come to take charge of the juvenile or the child on the specified date, the juvenile or the child shall be taken to his ordinary place of residence by the escort of the observation home and in the case of a girl, at least one escort shall be a female.

79. Child Protection Units.—(1) State Child Protection Society (SCPS).—The specific functions of the State Child Protection Society shall include—

- (a) implementation of the Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act, 2013 and supervision and monitoring of agencies and institutions under the Act ;
- (b) set up, support and monitor the District Child Protection Units (DCPUs) ;
- (c) represent SCPS as a member in the selection-cum-oversight Committee for appointment of members of JJBs and CWCs ;
- (d) make necessary funds available to the DCPUs for providing or setting up required facilities for implementation of the Act ;
- (e) network and coordinate with all Government Departments to build inter-sectoral linkages on child protection issues, including Departments of Health, Education, Social Welfare, Urban Development, SC/ST, Backward Classes and Minorities, Youth Services, Police, Judiciary, Labour, State AIDS Control Society, among others ;
- (f) network and coordinate with civil society organisations working for the effective implementation of the Act ;

- (g) training and capacity building of all personnel (Government and Non-Government) working under the Act ;
- (h) establish Quality Standards of Care and Protection and ensure its implementation in all institutions set up under the Act ;
- (i) review of the functioning of the CWCs ;
- (j) all other functions necessary for effective implementation of the Act ; and
- (k) make policy recommendations to the Government pertaining to the welfare of children.

(2) District Child Protection Unit (DCPU).—The DCPU shall coordinate and implement all child rights and protection activities at district level. The specific functions of the DCPU shall include—

- (a) ensure effective implementation of the Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act, 2013 at district level by supporting creation of adequate infrastructure, viz. setting up JJBs, CWCs, SJPU and homes in each districts ;
- (b) identify families at risk and children in need of care and protection ;
- (c) assess the number of children in difficult circumstances and creating district specific databases to monitor trends and patterns of children in difficult circumstances ;
- (d) periodic and regular mapping of all child related services at district for creating a resource directory and making the information available to the CWCs and JJBs from time to time ;
- (e) implement family based non-institutional services including sponsorship and after care ;

- (f) ensure setting up of District, Block and Village level Child Protection Committees for effective implementation of programmes as well as discharge of its functions ;
- (g) facilitate transfer of children at all levels for either their restoration to their families or placing the child in long or short-term rehabilitation through institutionalization and sponsorship ;
- (h) network and coordinate with all Government Departments to build inter-sectoral linkages at district level on child protection issues, including Departments of Health, Education, Social Welfare, Urban Development, SC/ST, Backward Classes and Minorities, Youth Services, Police, Judiciary, Labour, State AIDS Control Society, among others ;
- (i) network and coordinate with civil society organizations working under the Act ;
- (j) develop parameters and tools for effective monitoring and supervision of agencies and institutions in the district in consultation with experts in child welfare ;
- (k) supervise and monitor all institutions or agencies providing residential facilities to children in district ;
- (l) train and build capacity of all personnel (Government and Non-Government) implementing the Act to provide effective services to children ;
- (m) organize quarterly meeting with all stakeholders at district level including Childline, Officer Incharges of homes, NGOs and members of public to review the progress and implementation of the Act ;
- (n) liaison with the SCPS and DCPUs of other districts ;

- (o) coordinate with agencies involved in tracking of missing children and specialised services for drug de-addiction and mental health services ; and
- (p) coordination with District Legal Services Authorities for the purpose of ensuring availability of the legal aid to juveniles or the child.

80. *Setting up of the Child Welfare Committee.*—(1) Government shall set up by notification in Official Gazette Child Welfare Committees under section 30 of the Act in every district with requisite infrastructure, personnel, and finances for smooth running within one year of notification of the Act, as listed below :—

- (a) Infrastructure : Infrastructure shall consist of a sitting hall, a separate room for the committee, room for office staff, waiting room for children, waiting room for parents or guardian, room for personal interaction between the child or parents and the committee, a record room, safe drinking water facility and toilets.
- (b) Staff : The Govenunent shall provide necessary human resource support for every Committee, including Sr. Assistant to act as custodian of records, welfare officer, steno-typist-cum-computer operator, peon, safaikaramchari.

(2) The allowances of the Chairperson and Members shall be disbursed by the District Child Protection Unit or Government authority as per rule 28.

81. *Setting up of Juvenile Justice Board.*—(1) The Government shall set up by notification in Official Gazette, Juvenile Justice Board in every district, with requisite infrastructure, personnel, besides the Principal Magistrate and Members and Finances as listed below :—

- (a) Infrastructure : Infrastructure shall consist of a board room, waiting room for children, a room for Principal Magistrate

and Members, a record room, room for probation officers, waiting room for parents and visitors, safe drinking water facility and toilets.

- (b) Staff : The Government shall provide necessary human resource support for every Board, including probation officer, steno-typist-cum-computer operator, peon, safaikaramchari.

82. Special Juvenile Police Unit and Juvenile or the Child Welfare Officer.—(1) A Police Officer not below the rank of Additional Director General of the Police (ADGP) shall be designated as State level Nodal Officer for implementation of the Act in the Police Department.

(2) The Government through its Home Department shall establish Special Juvenile Police Unit (SJPU) in every district. The unit shall consist of a Police Officer of the rank of Inspector and two paid social workers, of whom one shall be a woman and another preferably having experience of working in the field of child welfare.

(3) At every Police Station at least one Police Officer not below the rank of Sub-Inspector shall be designated to exclusively act as Juvenile or Child Welfare Officer. Such Police Officer shall have aptitude, appropriate training and orientation to handle the cases of juveniles or children in terms of the provisions of the Act.

(4) Notwithstanding anything contained in any other law for the time being in force, investigation of all the cases where juveniles are alleged of committing offences shall be investigated by the designated Juvenile Welfare Officer, provided that in exceptional circumstances, the Station House Officer may assign investigation to any other officer other than a designated Juvenile Welfare Officer.

(5) The transfer, promotion and posting of the designated Juvenile or Child Welfare Officers at the Police Station shall be within the Special Juvenile Police Units of other districts, unless there is an exceptional case of promotion not compatible with such arrangement. In such cases, other

police officer must be designated and deputed in the unit so that there is no shortfall.

(6) Special Juvenile Police Unit at district level shall coordinate with all the police stations and child line services in order to upgrade police response to crime prevention among children and shall function as a watch-dog for providing protection against all kinds of cruelty, abuse and exploitation of child or juvenile and shall take special measures to identify and eliminate organised gangs exploiting or abusing children.

(7) The unit shall take serious cognizance of adult perpetrators of crimes against children and see to it that they are without delay apprehended and booked under the appropriate provisions of the law. For this purpose, the district level units shall maintain liaison with other units of police station.

(8) The district level units, under the guidance and supervisions of State Level Nodal Officer shall take special preventive measures to eliminate misuse of children for any organised crime or any other illegal activities.

(9) The Superintendent of Police in a district shall head the Special Juvenile Police Unit and oversee its overall functioning.

83. Honorary or Voluntary Welfare Officers and Probation Officers.—(1) To augment the existing probation service, honorary or voluntary welfare officers and probation officers may be appointed from the voluntary organization and social workers found fit for the purpose by the competent authority and their services may also be co-opted into the implementation machinery by the orders of the competent authority.

(2) On the order of the competent authority, expenses and payments for the services of such honorary or Voluntary Welfare Officers shall be reimbursed by the DCPU from the fund set up under section 59 of the Act.

84. Duties of the Officer Incharge of an institution.—(1) The Officer Incharge shall have the primary responsibility of maintaining the institution and shall stay within the institutional premises to be readily available as and when required by the juveniles or children and the staff. In

case where an accommodation is not available within the institutional premises, the Officer Incharge shall stay at a place in close proximity to the institution till such time that such an accommodation is made available within the institution.

(2) General duties and functions of the Officer Incharge shall include—

- (a) compliance with provisions of the Act and the rules and orders made thereunder ;
- (b) compliance with the orders of the Board or Committee ;
- (c) providing homely atmosphere of love, affection, care, development and welfare for juveniles or children ;
- (d) maintaining quality standards of care in the institution ;
- (e) proper maintenance of buildings and premises ;
- (f) security measures and periodical inspection, including daily inspection and rounds of the institution, proper storage and inspection of food stuffs as well as food being served etc. ;
- (g) supervision and monitoring of juveniles, or children's discipline and well being ;
- (h) planning implementation and coordination of all institutional activities, programmes and operations, including training and treatment programmes or correctional activities as the case may be ;
- (i) prompt action to meet emergencies ;
- (j) ensuring accident and fire preventive measures within the institutional premises ;
- (k) stand-by arrangements for water storage, power plant, emergency lighting, etc. ;
- (l) careful handling of plants and equipments ;

- (m) segregation of a juvenile or child suffering from contagious or infectious diseases ;
- (n) observance and follow-up of daily routine ;
- (o) filing of monthly report of juvenile or child in the case file ;
- (p) organize local and national festivals in the institution ;
- (q) organize trips or excursions or picnics for juveniles or children ;
- (r) preparation of budget and control over financial matters ;
- (s) allocation of duties to personnel ;
- (t) supervision over office administration, including attending to personnel welfare and staff discipline ;
- (u) prompt, firm and considerate handling of all disciplinary matters ;
- (v) organize the meetings of the Management Committee set up under rule to be added of these Rules and provide necessary support ;
- (w) maintenance of all records and registers required under the Act and the rules and monthly verification of the same by the Management Committee ;
- (x) liaison, coordination and cooperation with the District Child Protection Unit and Government authority as and when required ; and
- (y) coordination with the legal officer in the District Child Protection Unit to ensure that every juvenile is legally represented and provided free legal aid and other necessary support or, where the District Child Protection Unit has not

been set up, services of the District or State Legal Services Authority shall be made available.

85. Duties of a Probation Officer or Child Welfare Officer or Case Worker.—(1) Every probation officer or child welfare officer or case worker shall carry out all directions given by the Board or Committee or concerned authority and shall perform the following duties, functions and responsibilities :—

- (a) making social investigation of the juvenile as prescribed in the Form-XVIII or the child as prescribed in the Form-XIX through personal interview and from the family, social agencies and other sources ;
- (b) attending the proceedings of the Board or Committee and submitting reports as and when required ;
- (c) clarifying problems of the juvenile or the child and dealing with their difficulties in institutional life ;
- (d) participating in the orientation, monitoring, education, vocational and rehabilitation programmes ;
- (e) establishing cooperation and understanding between the juvenile or the child and the Officer Incharge ;
- (f) assisting the juvenile or the child to develop contacts with family and also providing assistance to family members ;
- (g) developing and following a care plan for every child ;
- (h) participating in the pre-release programme and helping the juvenile or the child to establish contacts which can provide emotional and social support to juvenile or child after their release ;
- (i) establishing linkages with voluntary workers and organizations to facilitate rehabilitation ;

- (j) social reintegration of juveniles and to ensure the necessary follow-up ;
- (k) follow-up of juveniles after their release and extending help and guidance to them ;
- (l) visiting regularly the residence of the juvenile or child under their supervision and also places of employment or school attended by such juvenile or child and submitting fortnightly reports as prescribed in Form IX ;
- (m) accompanying juveniles or children wherever possible, from the office of the Board to observation home, special home, children's home or fit person, as the case may be ;
- (n) maintaining case file and such registers as may be specified from time to time.

(2) On receipt of information from the Officer Incharge, the Special Juvenile Police Unit under section 15 of the Act, the probation officer shall inquire into the antecedents and family history of the juvenile or the child and such other material circumstances, as may be necessary and submit a social investigation report as early as possible, in Form XVIII or XIX, to the Board.

86. *Disqualification for Officer Incharge, probation officer/child welfare officer/case worker and other care givers and staff.*—(1) The Officer Incharge, probation officer/child welfare officer/case worker other care givers and staff shall not employ a juvenile or child under their supervision or care and protection for their own purposes or take any private service from them.

(2) Any report of physical, sexual or emotional abuse of a juvenile or a child by a care giver in an institution shall hold them liable for disqualification and subsequent punishment after due inquiry as per the prevalent law in this regard.

87. *Protection of action taken in good faith.*—No suit or legal proceedings shall lie against, the competent authorities and functionaries under the Act including the members of the voluntary organization and social worker, in respect of anything which is in good faith done or intended to be done in pursuance of the Act or rules or order made thereunder, during the performance of the duties assigned to them.

88. *Training of Personnel.*—(1) A Judicial Magistrate with special knowledge or training in child psychology, child welfare and child rights shall be designated as the Principal Magistrate of the Board.

(2) In case the Magistrate with such special knowledge or training is not available, the 'Government shall prior to his appointment, arrange to provide the Magistrate a minimum of 7 days' training in child psychology, child welfare and child rights.

(3) In case of other two members, the Government shall arrange to provide on job training in the administration of the juvenile justice so as to carry out the purpose of the Act effectively.

(4) Government shall develop a standard training module for the Magistrate and other two members in consultation with State Judicial Academy and reputed Institutions.

(5) The Government or the Officer Incharge shall provide training of personnel of each category of staff, in keeping with their statutory responsibilities and specific jobs requirements.

(6) The training programme shall include—

- (a) orientation and induction training of the newly recruited staff ;
- (b) refresher training courses and skill enhancement programmes for all care givers once a year ; and
- (c) staff conferences, seminars, workshops and exposure visits outside the State.

(7) The Government with the help of the State Child Protection Society and its Regional Centres shall organize regular training and capacity building of personnel involved in the implementation of the Act and the rules made thereunder.

89. *Constitution of Selection-cum-Oversight Committee.*—(1) The Government shall constitute a Selection-cum-Oversight Committee for a period of three years by notification in the Official Gazette consisting of the following seven members, namely :—

- (a) a retired Judge of High Court as the Chairperson ;
- (b) one representative from the Department of Social Welfare, not below the rank of Director as the Member-Secretary ;
- (c) two representatives from two different reputed non-governmental organizations 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 ;
- (d) two representatives from academic bodies or Universities preferably from the faculty of social work, psychology, sociology, child development, health, education, law and with special knowledge or experience of working on children's issues for a minimum period of seven years ; and
- (e) a representative of the State Commission for Protection of Child Rights.

(2) The quorum for the meeting of the Selection-cum-Oversight Committee shall not be less than four members, including the Chairperson and the Member-Secretary.

(3) The Member-Secretary of the Selection-cum-Oversight Committee shall be responsible for convening the meetings of the Selection-cum-Oversight Committee at such times as may be necessary for facilitating and carrying out the functions of the Selection Committee.

(4) The Member-Secretary shall maintain the minutes of the selection process and all other meetings of the Selection-cum-Oversight Committee.

(5) The Member-Secretary shall pay such sitting fees and travel allowances to the Chairperson and non-official members of the Selection-cum-Oversight Committee as may be fixed by the Government from time to time.

(6) All communications relating to the working and discharge of the functions of the Selection-cum-Oversight Committee shall be addressed to the Office of the Member-Secretary, who shall place the same before the Selection-cum-Oversight Committee.

90. Election of Chairperson and members of Selection-cum-Oversight Committee.—(1) The Member-Secretary of the Selection-cum-Oversight 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-cum-Oversight 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 Government through the Member-Secretary of the Selection-cum-Oversight Committee shall call for applications through public advertisement in the local newspapers and official website of Department of Women and Child Development.

(3) Any serving Chairperson or Member of the Board or the Committee, as the case may be, whose tenure is nearing completion, may apply for another tenure in pursuance to sub-rule (7), provided that such extension shall not be beyond a period of two terms.

(4) The Member-Secretary shall screen all the applications received and place the applications which fulfill the basic eligibility requirements before the Selection-cum-Oversight Committee.

(5) The Selection-cum-Oversight Committee shall evaluate the candidates on the basis of qualifications, experience and other attributes necessary for functioning as Chairperson or Members of Board or Committee and the evaluation process shall set out a pen picture of each candidate.

(6) In the event of sufficient number of candidates not being found suitable for appointment by the Selection-cum-Oversight Committee, the Government shall invite nominations through the Member-Secretary from members of civil society organizations and other qualified individuals and the Member-Secretary shall screen the said nominations and place the nominations which fulfill the basic eligibility requirements before the Selection-cum-Oversight Committee.

(7) Where the Selection-cum-Oversight Committee is required to consider an application for renewal of tenure of Members of the Board or the Chairperson and Members of the Committee as the case may be, it shall evaluate the application on the basis of the following criteria :—

- (i) regular Performance Appraisals of the Chairperson or Member carried out by the Government quarterly as per a prescribed format, a copy of which shall be made available to the Chairperson and Members of the Selection-cum-Oversight Committee by the Government ;
- (ii) complaints if any, received and addressed by the Selection-cum-Oversight Committee against the person seeking an extension of tenure ; and
- (iii) interaction with such applicant.

(8) The Selection-cum-Oversight Committee shall, on the basis of the evaluation procedure and criteria determined under sub-rules (5), (6) and (7), select and recommend a panel of names in order of merit to the Government for appointment as Members of the Board or Chairperson/ Members of the Committee as the case may be.

(9) In recommending a panel of names, the Selection-cum-Oversight Committee shall prepare separate panels for the position of Chairperson of the Committee, Members of the Committee and Members of the Board respectively.

(10) The list of finalized names shall be duly signed by all members of the Selection-cum-Oversight Committee present at the time of selection and the Member-Secretary of the Selection-cum-Oversight Committee shall forward the finalized list to the Government for appointment.

(11) Government shall make endeavour to fill the vacancy prior to the incumbent demitting office.

(12) Names on the panel shall be valid for consideration for a period of one year 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.

(13) A letter of appointment shall be given by the Government to the selected persons 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 or Members of the Committee and Members of the Board as the case may be :

Provided that the Government shall develop such Code of Conduct within one month of the coming into force of these rules.

91. *Misconduct or Complaint against the Chairperson or Member of the Committee or Board.*—(1) All complaints against the Chairperson/ Member of the Committee or Member of the Board as the case may be, shall be addressed to the Member-Secretary of the Selection-cum-Oversight Committee or forwarded to the Member-Secretary by the Government.

(2) The Member-Secretary shall communicate the complaints to the Chairperson and Members of the Selection-cum-Oversight Committee at

the earliest and if the Chairperson and/or any Member, within a period of fifteen days, opines that there is a need to consider the complaint, the Member-Secretary shall put up the said complaint before the Selection-cum-Oversight Committee.

(3) The Selection-cum-Oversight Committee shall then issue a show cause notice to the person against whom a complaint is received.

(4) Where the Selection-cum-Oversight Committee does not receive a satisfactory reply to the show cause notice issued, it shall commence an inquiry into the complaint.

(5) The Chairperson of the Selection-cum-Oversight Committee shall appoint one of the Members of the Selection-cum-Oversight Committee as inquiry officer to conduct an inquiry into the complaint against the Chairperson/Member of the Committee or a Member of the Board as the case may.

(6) In conducting an inquiry into a complaint, the inquiry officer shall—

- (i) provide the concerned party(ies) an opportunity to be heard in person ;
- (ii) complete the inquiry within a period of two months, provided that where that is not possible, for reasons to be recorded in writing, the period of inquiry shall be reviewed and may be extended by the Chairperson of the Selection-cum-Oversight Committee ;
- (iii) prepare a report and may recommend suitable action, including issuing censure and/or termination of appointment of such Member/Chairperson :

Provided that issuance of censure third time will automatically lead to termination.

(7) The report of the inquiry officer appointed under sub-rule (5) along with the recommendations shall be placed before the Chairperson and Members of the Selection Committee.

(8) The Member-Secretary shall provide a copy of the report of the inquiry officer to the Chairperson or Member of the Committee or a Member of the Board as the case may be, against whom the complaint is made who may make a representation against the same to the Selection-cum-Oversight Committee within a period of fifteen days from the date of receipt of the copy of the report.

(9) If the Selection-cum-Oversight Committee deems it necessary, it may give an opportunity of hearing to the Chairperson or Member of the Committee or a Member of the Board against whom the complaint is made.

(10) If the Selection-cum-Oversight Committee agrees with the findings of the inquiry officer, it shall make recommendations for suitable action to be taken against the Member of the Board or Chairperson or Member of the Committee as the case may be to the Government.

(11) In the event of failure to arrive at a consensus within the Selection-cum-Oversight Committee on the findings of the inquiry officer, it shall forward the report of the inquiry officer along with the objections to the Government to take suitable action.

92. *Advisory Board.*—(1) The Government shall constitute Advisory Board at State level for a period of three years.

(2) The State Advisory Board shall be constituted through the Department of Social Welfare.

(3) Advisory Board shall hold at least two meetings in a year.

(4) Advisory Board shall inspect the various institutional or non-institutional services and its recommendations, shall be acted upon by the Government.

(5) The Government through the Department of Social Welfare shall set up the State Advisory Board to be headed by the Minister concerned and shall consist of the Secretary of the department aforesaid, representative members from the competent authority, leading non-governmental organisations, experts in child or juvenile care, children's institution and academic institutions as members.

(6) A designated official of the Department of Social Welfare shall function as the Member-Secretary of the State Advisory Board.

93. *Openness and Transparency.*—(1) All the institutions for juveniles and children shall be open to visitors with the permission of the Officer Incharge or the Board or the Committee, as the case may be. The Board or the Committee or Officer Incharge as the case may be, may consider appropriate to allow representatives of local self-government, voluntary organizations, social workers, researchers, medicos, academicians, prominent personalities, media and any other persons as visitors, as considered appropriate keeping in view the security, welfare and the best interest of the children.

(2) The Officer Incharge of the home shall encourage active involvement of local community in improving the conditions in the homes, if, the members of the community want to serve the institution or want to contribute through their expertise.

(3) The Officer Incharge shall maintain a visitor's register and the remarks of the visitors given therein shall be considered by the advisory inspecting authority.

(4) While visiting an institution, the visitor's will not say or do anything that undermines the authority of the Officer Incharge or is in contravention of the Act or rules or impinges on the dignity of the children.

94. *Juvenile Justice Fund.*—(1) The Government shall create a Fund under section 59 of the Act to be called the 'Juvenile Justice Fund' (hereinunder referred to as the Fund) for the welfare and rehabilitation of the juvenile or the child dealt with under the provisions of the Act.

(2) In addition to donations, contributions or subscriptions coming under sub-section (2) of section 59 of the Act, the Government shall also make contribution to the Fund.

(3) The Fund shall be applied—

- (a) to implement programmes for the welfare and rehabilitation of juveniles or children ;
- (b) to pay grant-in-aid to non-governmental organizations ;
- (c) to meet the expenses of State Advisory Board and its purpose ;
- (d) to do all other things that are incidental and necessary in pursuance of the provisions of this Act and these rules ;
- (e) to meet the expenses of the honorary and voluntary Probation Officer and Welfare Officers as may be appointed by the Competent Authorities.

(4) The management and administration of the Fund, shall be under the control of the State Advisory Board under sub-section (3) of section 59 of the Act.

(5) The assets of the Fund shall include all such grants and contributions, recurring or non-recurring, from Government or any other statutory or non-statutory body set up by Government as well as the voluntary donations from any individual or organization.

(6) All withdrawals shall be made by cheques or requisitions, as the case may be, signed by the secretary-cum-treasurer in case of amounts not exceeding rupees ten thousand and signed duly by the secretary-cum-treasurer and other Member of the Board of Management to be nominated by the State Advisory Board.

(7) The regular accounts shall be kept of all money and properties, and all incomes and expenditure of the Fund and shall be audited by a

notified firm of Chartered Accountants, or any other recognized authorities as may be appointed by the Board.

(8) The auditors shall also certify the expenditure from the Fund made by the secretary-cum-treasurer.

(9) All contracts and other assurances shall be in the name of the board of management and signed on their behalf by the secretary-cum-treasurer and one member of the board of the management authorised by it for the purpose.

(10) The board of management shall invest the proceeds of sale or other disposal of the property, as well as any money or property not immediately required to be used to serve the objective of the Fund, in anyone or more of the modes of investment for the time being authorised by law for the investment of trust moneys as the board of management may think proper.

(11) The board of management may delegate to one or more of the members such of its powers, which in its opinion are merely a procedural arrangement.

95. *Pending Cases.*—(1) No juvenile in conflict with law or a child shall be denied the benefits of the Act and the rules made thereunder.

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

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

(4) While computing the period of detention of stay of a juvenile in conflict with law or of a child, all such period which the juvenile or the child

has already spent in custody, detention or stay shall be counted as a part of the period of stay or detention contained in the final order of the competent authority.

96. *Record Keeping*.—(1) The records of proceedings before Board' and related documents shall be maintained in the judicial file in four parts :—

(A). Part (A) shall contain the following records and documents :—

- (i) the Index of Papers ;
- (ii) the order sheet pertaining to the inquiry under section 15 of the Act ;
- (iii) the Police Investigation Report, or petition of complaint, as the case may be ;
- (iv) social background report filed by the juvenile welfare officer or any other police officer, as the case may be ;
- (v) all depositions of witnesses of the offence committed and statements of juvenile ;
- (vi) all documentary evidence pertaining to the inquiry of offence ;
- (vii) the notice of the allegations made, requiring the juvenile to explain the circumstances of commission of offence ;
- (viii) the final order of the Juvenile Justice Board ;
- (ix) the Judgment of the Appellate Court on the inquiry above, if any ; and

- (x) the Judgment of High Court or Court of Sessions in revision on the inquiry above, if any.
- (B). Part (B) shall consist of all papers not included in Part (A) relating to the inquiry of the offence including, bail applications, bail bonds, applications under sections 20 and 22 of the Act, other miscellaneous applications and orders thereon.
- (C) Part (C) shall contain—
 - (i) the Index of Papers ;
 - (ii) the order sheet pertaining to the age inquiry under section 48 of the Act ;
 - (iii) applications filed pertaining to the claim of juvenility or opposing the same ;
 - (iv) all depositions of witnesses in age inquiry ;
 - (v) documentary evidences tendered during age inquiry ;
 - (vi) the orders of the Board during age inquiry including the order on conclusion of age inquiry ;
 - (vii) the Judgment of the Appellate Court on the age inquiry, if any ; and
 - (viii) the Judgment of High Court/Court of Sessions in revision on the age inquiry, if any.
- (D) Part D shall contain—
 - (i) the Index of Papers ;
 - (ii) the order sheet pertaining to the process pursuant to passing of order by the Board under section 16 of the

Act or under any other provision of the Act and the rules which are passed with a view to follow-up on rehabilitation of the juvenile in conflict with law ;

- (iii) Social Investigation Report filed by the Probation Officer or Welfare Officer, as the case may be ;
- (iv) compliance reports filed by the authorities concerned, parents, non-governmental organizations, juvenile himself ;
- (v) report of probation officers, counselor, social worker, etc. ;
- (vi) all the applications, reports and documents pertaining and incidental to the process of rehabilitation.

(2) Except as provided in sub-rules (4), (5) and (6), all judicial records, documents and registers in respect of a juvenile or a child shall be kept in a safe place for a period of seven years and no longer, and thereafter be destroyed :

Provided that the Juvenile Justice Board may order, for reasons to be recorded, that any particular paper or record of any particular case be preserved beyond such time period.

(3) It shall be the duty of the Record Keeper of the Board to ensure that the identity of the juvenile is erased or 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 actual tearing of the papers. The documents, which it appear will give away the identity of the juvenile in conflict with law and that the blackening and the erasing will not serve the purpose of safeguarding the identity, shall be destroyed by burning under supervision.

(4) Part B of the record shall be preserved for a period of five years from the date of attainment of majority by the juvenile 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 juvenile and shall then be destroyed unless its preservation for a longer period is necessary on special grounds to be recorded in writing.

(5) Part A of the Record shall be preserved for one year and shall thereafter be destroyed.

(6) Part D of the Record shall be preserved beyond one year of the date of attainment of majority by the juvenile in conflict with law or till the period of conclusive compliance of the orders passed under section 16 by the Juvenile Justice Board, whichever is later.

(7) The period prescribed above shall be taken to run from the date of the final order passed under section 16 of the Act 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.

(8) 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 Goshwara. 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.

(9) 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 Juvenile Justice Board declines all responsibility for them.

97. *Non-disclosure of identity, removal of disqualification and stigma in relation to a juvenile or a child.*—(1) All the records of the

juvenile or child such as case reports, reports of the probation officer, Counsellor and social worker, medical records, orders of the Board or the Committee or the Court, as the case may be, regarding the case, shall be confidential and can be given to appropriate third parties subject to order of the competent authority for the purposes of :—

(i) record keeping, monitoring or research ; or

(ii) any other purpose mandated by law, for reasons to be recorded in writing.

(2) Records of juveniles in conflict with law except for the record relating to determination of age shall not be used in adult proceedings in subsequent cases involving the same juvenile.

(3) Information which may lead to the identification of the juvenile shall not be published, either by private agents or State agencies.

(4) Whenever a person is asked to furnish information whether he has been convicted for any offence in any form for any purpose, this question will be deemed to be limited to information relating to conviction of the person for an offence which he may have committed after attaining the age of 18 years.

(5) Notwithstanding anything contained in any other law, having applicability at the relevant time, non-disclosure of any information concerning registration of complaint or FIR or DD Entry, institution, pendency, disposal, discharge, compounding, acquittal, conviction or termination of any inquiry or any ancillary proceeding in respect of a juvenile or a child or a juvenile in conflict with law in any court or board or committee or any commission or police station or any other forum, as the case may be, shall neither amount to an offence nor concealment of truth or fact, whether such disclosure or non-disclosure is made during the time of juvenility or thereafter.

(6) Any person in possession of any information or document or record pertaining to a child or juvenile or juvenile in conflict with law shall not make disclosure of the same, in any manner :

Provided that disclosure may be made under the orders of the Competent Authority if it is in the interest of such child.

(7) No person or competent authority or court or agency or institution in possession of any such information in any manner, shall attach or cause to be attached any disqualification, harm, prejudice, presumption or stigma to a child or juvenile or juvenile in conflict with law for the reason of having been dealt with under the provisions of the Act.

(8) Violation of sub-rule (7) shall be cognizable by the Board or Committee or any court, as the case may be, having jurisdiction over the area where such violation has occurred.

(9) The records or documents in respect of a juvenile or a child or a juvenile in conflict with law shall be kept in a sealed cover at a safe place for a period of five years from the date of attainment of majority by the juvenile or the child or the juvenile in conflict with law or for a period of five years from the date of final disposal of the proceedings including appeal or revision whichever is later, and thereafter shall be destroyed by the Officer Incharge of the institution or police station, or Board or Committee or court, as the case may be unless required for a proceeding in a court of law :

Provided that the age record and other essential record except the record of inquiry of offence shall be maintained even thereafter whether in the same form or digitalised form.

(10) Provisions contained hereinabove in this rule shall also apply to Child Welfare Committees to the extent applicable and practicable and any reference made therein to any provision of the Act made in relation to the Board or process pertaining to a juvenile in conflict with law shall be read as replaced with the corresponding provision of the Act in relation to the Committee or a child in need of care and protection, as the case may be.

98. *Repeal and Saving.*—The J&K Juvenile Justice Rules, 2005 shall stand repealed immediately on the publication of these rules :

Provided that anything done or any order issued, shall, in so far as it is not inconsistent with the provisions of these rules, be construed to have been done or issued under the corresponding provisions of these rules.

(Sd.) MOHAMMAD SHAFI RATHER, IAS,

Secretary to Government,
Social Welfare Department.

SCHEDULE-I

CLOTHING, BEDDING, TOILETRIES AND OTHER ARTICLES

(See rule 39)

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

Bedding

S. No.	Article	Quantity to be provided per child
1	2	3
1.	Towels (4ft x 2ft)	3 per year
2.	Cotton Bed Sheets	4 per 2 years
3.	Pillow	1 per 2 years
4.	Pillow Covers	2 per 2 years
5.	Woollen blankets	3 per 3 years
6.	Cotton durry	1 per 2 years
7.	Mattress	1 per 3 years
8.	Mosquito Net	1 per 2 years
9.	Quilt	1 per 3 years

Clothing for girls

- | | | |
|----|---|---|
| 1. | Skirts and Blouse or
Salwar Kameez or Half Sari
with blouses and petticoats | 5 sets per year for girls
depending on age and regional
preferences |
|----|---|---|

1	2	3
2.	Banyans	6 per year for younger girls
3.	Brassieres	6 per year for older girls
4.	Panties	6 per year
5.	Sanitary Towels	12 packs per year for older girls
6.	Woollen Sweaters (full sleeves)	2 in 2 years
7.	Woollen Sweaters (half sleeves)	1 in 1 year
8.	Woollen Shawls	1 in 1 year

Clothing for boys

1.	Shirts	4 per year
2.	Shorts	4 per year for younger boys
3.	Pants	4 per year for older boys
4.	Vest	4 per year
5.	Underwear	4 per year
6.	Woollen Jerseys (full sleeves)	2 in 2 years
7.	Woollen Jerseys (half sleeves)	1 in 1 year
8.	Scarfs or cap	2 in 2 years

Miscellaneous Articles

1.	Slippers	2 pair per year
2.	Sports Shoes	1 pair per year

1	2	3
3.	School Uniform	2 sets per year for children attending outside schools
4.	School Shoes	1 pair per year for children attending outside schools
5.	School Bag and Stationery	1 set per year for children attending outside schools
6.	Handkerchiefs	6 per year
7.	Kurta Payjama	2 sets per year
8.	Track suit	1 set per year
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 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 :—

S. No.	Night clothing and bedding	Scale for supply
1	2	3
1.	Mattress	One per bed per 3 years
2.	Cotton Bed Sheets	Four per bed per year

1	2	3
3.	Pillows	One per bed per two years
4.	Pillow Covers	Four per bed per year
5.	Woollen blankets	One per bed per 2 years
6.	Pyjamas and loose shirts for boys	3 pairs per child per year
7.	Skirts and blouses or shalwarkameez for girls	3 pairs per child per year
8.	Cotton durry	One per bed per three years

(a) When a child is admitted as an in-patient in the Institution Hospital, the Institution Doctor shall issue the in-patient with the hospital clothing, the clothes, on body being preserved, duly washed and handed back, at the time of the child's discharge from the hospital ;

(b) Each child shall be provided with Kit Box or a Locker, as per convenience and necessity ;

(c) The Officer Incharge may make arrangements for two-tier bed system in place of conventional cots, as per convenience and necessity.

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

S. No.	Toiletry	Scale for supply
1	2	3
1.	Hair oil for grooming the hair	100 mgs per month
2.	Toilet soap or carbolic soap	1 large bar per month

1	2	3
3.	Tooth paste and brush	1 Brush per 3 months 50gms paste per month
4.	Comb	1 per year
5.	Shampoo sachets (for girls)	10 per month

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

S. No.	Washing of cloth	Scale for supply
1.	Washing Soap	3 soap for one month (125 gms) or equivalent washing powder
2.	Whitening or 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 Officer Incharge can issue the above items separately for washing of hospital clothing. The Officer Incharge may get installed washing machines, as required.

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

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

S. No.	Item	Scale of Supply
1	2	3
1.	Broom Stick	25 to 40 Nos. per month depending on the area of the institution

1	2	3
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

SCHEDULE II

NUTRITION AND DIET SCALE

[See rule 41 (1)]

(1) The suggested daily routine is :

S. No.	Timings	Activity
1	2	3
1.	6.00 a. m.	Opening of dormitories and counting of children
2.	6.00 a. m. to 7.00 a. m.	Bathing and washing
3.	7.00 a. m. to 7.15 a. m.	Prayers
4.	7.15 a. m. to 8.15 a. m.	Morning meal/Breakfast
5.	8.15 a. m. to 8.30 a. m.	Reporting and leaving for hearing, for those children who have inquiries listed on the day and for the others, reporting for their classes.
6.	8.30 a. m. to 12.00 noon	Vocational classes as per respective schedules including life skills training.
7.	12.00 noon to 1.00 p. m.	Mid day meal/Lunch
8.	1.00 p. m. to 2.00 p. m.	Mid day rest/Library
9.	2.00 p. m. to 4.00 p. m.	Education classes
10.	4.00 p. m. to 5.00	Evening snack
11.	5.00 p. m. to 7.30 p. m.	Outdoor and indoor recreational activities and yoga

1	2	3
12.	7.30 p. m. to 8. 30 p. m.	Counting of children and night meal/dinner
13.	8.30 p. m. to 10.00 p. m.	TV, indoor games or library (as per the choice of the child)
14.	10.00 p. m.	Lights off and closing of dormitories

(2) Necessary changes in the suggested routine as required by the season or school timing may be made by the Officer Incharge or the department in writing.

(3) Children requiring counselling, medical check ups etc. shall be called as per the schedule of the counsellor or medical officer.

(4) Children required to be taken for check ups outside the home shall be taken as per the appointment/time given.

(5) A mandatory medical check up for each child shall be got conducted once or twice a week and a psychiatric check up once a week.

(6) The same shall also be reflected in the registers of doctor so that the same could be open to inspection and the case files maintained in respect of the children.

SCHEDULE-III

NUTRITION AND DIET SCALE

[See rule 42 (c)]

(1) Juveniles or children in the institutions shall be provided nutrition as per the following diet scale :

S. No.	Name of the articles of diet	Scale per head per day
1	2	3
1.	Rice/Wheat/Ragi/Jowar/ Bread	600 Gms, (700 Gms for 16-18 yrs age) of which atleast 100 gms to be either Wheat or Ragi or Jowar
2.	Dal/Rajma/Chana/ Moong/Mash	120 Gms
3.	Edible Oil	50 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)	300 ml
12.	Dry Chilies	05 Gms
13.	Vegetables Leafy	100 Gms
	Non-leafy	130 Gms

1	2	3
14.	Curd or Butter Milk	100 Gms/Ml
15.	Chicken once a week or Eggs 4 days or paneer once a week	115 Gms
16.	Nutri-nuggets twice a week	30 Gms
17.	Jaggery and Ground Nut Seeds	60 Gms each (100 Gms for paneer) once in a week
18.	Sugar	40 Gms
19.	Jam/Butter	25 Gms
20.	Tea	4 Gms per day
Following items for 50 Children per day		
21.	Pepper	25 Gms
22.	Jeera Seeds	25 Gms
23.	Black Gramdal	50 Gms
24.	Mustard Seeds	50 Gms
25.	Ajwain Seeds	50 Gms
On non-veg Day for 10 Kg. of meat/chicken/fish		
26.	Garam Masala	10 Gms
27.	Mustard Oil	500 Gms
For Sick Children		
28.	Bread	500 Gms
29.	Milk	500 Ml
Other Items		
30.	LP Gas for Cooking only	As required

(2) Variation in Diet—

- (a) Three varieties of dal i. e., Rajmash, Moong (Green Gram), Mash (Black gram) and Chana (Bengal Gram) may be issued alternatively ;
- (b) The Officer Incharge may also arrange to substitute chicken with fish at his discretion, provided that there is no extra expenditure to Government.
- (c) On non-vegetarian days, vegetarian children shall be issued 100 gms paneer.
- (d) Potatoes shall be issued in lieu of vegetables once in a week.
- (e) Leafy vegetables such as Fenugreek (Methi), Spinach (palak), Knolkhol (Kadam), (Sarson (Mustard leaves), 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 mint leaves, curry leaves trees and coriander leaves, should be grown and issued and the Officer Incharge should try to issue variety of vegetables and see that the same vegetable is not repeated for at least a period of one week.
- (f) The Officer Incharge may make temporary alternations in the scale of diet in individual cases when considered necessary by him, or on the institution Doctor's advice subject to the condition that the scale laid down is not exceeded.

(3) Meal Timing and Menu :

- (a) Breakfast before 8:00 a. m.
 - (i) Puri, bread or chapattis made of Wheat or any other dish ;

- (ii) Chutney with dal/vegetable may be issued as a dish ;
- (iii) Milk ;
- (iv) Any seasonal fruit in sufficient quantity ;
- (b) Lunch at 1:00 P.M. and Dinner after 7:00 P.M.
 - (i) Rice/Chapattis or combination of both
 - (ii) Vegetable Curry ;
 - (iii) Dal ;
 - (iv) Butter Milk or curd.

(4) Others :

- (a) Depending on the season, the Officer Incharge shall have the discretion to alter the time for distribution of food ;
 - (b) On the advice of the Institution Doctor, every sick child who is prevented from taking regular food, on account of his ill-health, may be issued with medical diet, as indicated in diet scale ;
 - (c) Extra diet for nourishment like milk, eggs, sugar and fruits shall be issued to the children on the advice of the institution Doctor in addition to the regular diet, to pick up weight or for other health reasons and for the purpose of calculation of the daily ration, the sick children shall be excluded from the day's strength ;
 - (d) On all the national and religious festival occasions, sweet dishes may be distributed to all the children at the institutions at the rate fixed by the Commissioner/Secretary, Social Welfare, from time to time ;
 - (e) State may specify additional festivals depending upon local preferences.
-

FORM-I

[See rule 10 (i)]

FORMAT FOR SENDING QUARTERLY INFORMATION TO THE CHIEF JUDICIAL MAGISTRATE

Year	Months	Part-A		Total Number of Inquiries completed in the reporting period	
		Number of Inquiries completed			
		1.	1.		
		2.	2.		
Particulars of Juvenile Justice Board	3.	3.	Name of Principal Magistrate	Name of Social Worker	Name of Social Worker Member

Part- B									
1. Month of									
S. No.	Name of Juvenile	FIR No., Police Station &	Date of Registration of	Date of first Production of Juvenile involved in the case	Police Investigation Report filed	Date of Initiating Inquiry under Section 15	Date of Closure of Inquiry under Section	Result of Inquiry (Please give short description	Reason in brief for delay in completing

District, Offences Alleged	FIR	before Board or before Individual Member of Board, as the case may be	on	of the Act	15 of the Act	of result of Inquiry/ Brief of Judgment)	the inquiry (If Any)
----------------------------------	-----	--	----	------------	------------------	---	-------------------------

2. Month of.....

S. No.	Name of Juvenile	FIR No., Police Station & District, Offences Alleged	Date of Regist ration of FIR	Date of first Production of Juvenile involved in the case before Board or before Individual Member of Board, as the case may be	Police Investi gation Report filed on	Date of Initiating Inquiry under Section 15 of the Act	Date of Closure of Inquiry under Section 15 of the Act	Result of Inquiry (Please give short description of result of Inquiry/ Brief of Judgment).	Reason in brief for delay in completing the inquiry (If Any)
-----------	------------------------	---	---	---	--	---	--	--	--

3. Month of.....

S. No.	Name of Juvenile	FIR No., Police Station & District, Offences Alleged	Date of Registration of FIR	Date of first Production of Juvenile involved in the case before Board or before Individual Member of Board, as the case may be	Police Investigation Report filed on	Date of Initiating Inquiry under Section 15 of the Act	Date of Closure of Inquiry under Section 15 of the Act	Result of Inquiry (Please give short description of result of Inquiry/ Brief of Judgment)	Reason in brief for delay in completing the inquiry (If Any)
--------	------------------	--	-----------------------------	---	--------------------------------------	--	--	---	--

Instructions for filling the format

1. Cases in which Inquiry under Section 15 of the Act is completed in the Given Month shall be reported in the Format
2. Entries in the format shall be made juvenile-wise, meaning thereby if there are more than one juvenile in a case, entry in respect of each juvenile shall be entered separately in the format.
3. Reports of 3 consecutive months (Quarter) shall be sent together. For example, first report in respect of January- February-March shall be sent together in the first week of April.

Prepared on :

Dispatched to Chief Judicial Magistrate on: (Signature of Principal Magistrate)

(Signature of Social Worker Member)

FORM-II

[See rule 12 (1)]

SOCIAL BACKGROUND REPORT

PERSONAL HISTORY

1. Name of the child.....
2. Age (attach proof/documents)..... 3. Sex.....
4. Religion..... 5. Caste.....
6. Educational Qualification (child studying in school)

Name of the school

.....

Name of the school (last attended in case child is a school drop-out)

.....

7. Whether child is working (if yes, mention details) : Yes/No.....

Nature of work.....

Place of work.....

Address of work place.....

Name of the Employer/Firm/Company.....

Telephone No.....

8. Residential address/contact number (with landmark) :

Present Address.....

.....

Telephone No.....

Permanent Address.....

Telephone No..... (Landmark).....

9. Does child has any history of addiction to Drugs/Alcohol/Tobacco items.

If yes, specify the same.....

.....

FAMILY BACKGROUND

Members of the family	Name / Age	Health (Disability, if any)	Education	Occupation	Monthly income	Any habit of Drugs, Alcohol, Tobacco
-----------------------	------------	-----------------------------	-----------	------------	----------------	--------------------------------------

Father

Mother
Siblings
(if married
please
specify)
Any other
legal guardian

10. Date, time and place of apprehension.....

11. Date, time and place of sharing information with the parents/
guardian/fit person.....
PS Reference..... DD No.....

12. Where the child kept during custody of police/JWO :
.....

13. Name of Juvenile Welfare Officer/Police Officer in whose custody
child kept :
.....

CASE BACKGROUND

14. DD Entry No..... FIR No..... Police Station

15. Section of law
.....

16. Any adult involved in this case: (if yes, give details)
.....

17. Name of Investigation/ Handling Officer with contact number :
.....
PIS No..... Telephone No.....

Name of Juvenile Officer with contact number :
PIS No..... Telephone No.....

Name & Signature of JWO.....

Date.....

FORM-III

[See rule 12 (2) (i)]

APPREHENSION MEMO

FIR No./D.D. No..... U/S..... Date.....

Police Station..... District

1. Name of the child with alias (if any)

2. Present address of the Child

3. Permanent address of the child

4. FIR/DD No. & Section (s) of Law

5. Place of apprehension.....

6. Date & time of apprehension.....

7. Name, address & telephone number of the person informed about apprehension.....

8. Relation of the person with juvenile.....

9. Name, Rank and No. of the officer, Making the apprehension.....

10. Name, Rank and No. of the Juvenile Welfare Officer.....

Witnesses with Address

1.....

2.....

3.....

Signature by Parent/guardian/
Probation Officer/ Social Welfare

Signature of Juvenile Welfare Officer

PS.....

Note : One copy to be delivered to the member of Child's family.

FORM-IV
[See rule 12 (2)(ii)]

REPORT ON CIRCUMSTANCES OF APPREHENSION OF
JUVENILE

Name of Juvenile.....

F.I.R. No.....Date.....

Police Station.....District.....

Under Section/(s).....

The Juvenile above-named has been apprehended due to his alleged involvement in allegations made in the F.I.R. afore-mentioned.

Whether the alleged offences are punishable for less than 7 years for adults (yes or no) :
.....

If Yes, please give the reason as to why apprehension has been made and explain as to how it is in interest of the juvenile :

Please explain in detail the circumstances of apprehension of Juvenile :

1. Place from where Juvenile has been apprehended :
.....
2. Date and Time when Juvenile was given into the charge of Juvenile Welfare Officer :
.....
3. Name, Number and Designation of Police Officer who handed over Juvenile to the concerned Juvenile Welfare Officer :
.....
.....
4. Was Juvenile caught or detained by any person from the Public ? If yes, give full details.....
.....
5. Whether parents or guardian of family members of Juvenile were present at the time of apprehension ? If yes, give full details .
.....
.....

6. Please explain whether juvenile produced himself to the Police on his own, or was brought to police by his parents, guardian or family members or Police searched for him to apprehend ?

.....

7. After how much time after the incident, juvenile has been apprehended ?

.....

8. Did Juvenile make any attempt to hide himself or tried to escape from Police ?

.....

9. Any other relevant description .

.....

Date :

Time :

(Signature and Details of Juvenile Welfare Officer who prepared this Report)

FORM-V

[See rule 12 (2)(iii)]

REQUEST FOR MEDICAL EXAMINATION

Case FIR/D.D.No..... Date..... U/s.....
P. S.....

To,
The Chief Medical Officer

Subject: Request for Medical Examination

Sir,

With due respect I am sending Master/Ms.....

S/o, D/o, W/o Sh.....

R/o.....

..... Age.....
in the custody/protection of

1. Const..... No.....

2. W/Const..... No.....

It is, therefore, requested that the child or patient may kindly be medically examined and opinion regarding his injuries or ailment may be furnished.

Thanking you,

Name of JWO

P. S.....

Distt.....

Date.....

FORM-VI

[See rule 12 (3)]

UNDERTAKING

Undertaking to be given by parent/guardian/fit person in whose custody juvenile/ child in conflict with law (JCL)/Child in need of care and protection (CNCP) is released by a police officer.

Case No..... of.....20.....

WHEREAS.....has been found to be in conflict with law/ in need of care and protection, and has been placed under the care and supervision of.....(Name).....(Address)

Subject to following conditions, that :—

1. The child shall be produced before the Juvenile Justice Board (JJB)/ Child Welfare Committee (CWC) as and when required by me.
2. The child shall remain under my supervision.
3. The child shall reside at..... and address of child shall not be changed without information to the JWO/JJB/CWC.
4. The child shall go to school regularly.
5. The child shall be permitted to make endeavour to earn an honest livelihood.
6. I shall arrange for the proper care, education and welfare of the child.
7. The child shall not be allowed to associate with undesirable characters and shall be prevented from coming in conflict with law again.
8. The child shall be prevented from taking Narcotic Drugs or Psychotropic Substances or any other intoxicants.

This.....day of.....201

Signature of parent/guardian/fit person

Countersigned by JWO

P. S.....

FORM VII

[See rule 17 (II)]

UNDERTAKING/BOND TO BE EXECUTED BY A PARENT/
GUARDIAN/RELATIVE/FIT PERSON IN WHOSE CARE A
JUVENILE IS PLACED

Whereas, I, _____ being the parent, guardian, relative or fit person under whose care (name of the juvenile) has been ordered to be placed by the Juvenile Justice Board, have been directed by the said Board to execute an undertaking/bond with surety in the sum of Rs. _____/- (Rupees _____) or without surety. I hereby bind myself on the said _____ being placed under my care.

I shall have the said _____ properly taken care of and I do further bind myself to be responsible for the good behaviour of the said _____ and to observe the following conditions for a period of _____ years w. e. f. _____

1. that I shall not change my place of residence without giving previous intimation in writing to the Juvenile Justice Board through the Probation Officer/Case Worker ;
2. that I shall not remove the said juvenile from the limits of the jurisdiction of the Juvenile Justice Board without previously obtaining the written permission of the Board ;
3. that I shall send the said juvenile daily to school/to such vocation as is approved by the Board unless prevented from so doing by circumstances beyond control ;
4. that I shall send the said juvenile to an Attendance Centre regularly unless prevented from doing so by circumstances beyond my control ;
5. that I shall report immediately to the Board whenever so required by it ;
6. that I shall produce the said juvenile in my care before the Board, if he/she does not follow the orders of Board or his/her behaviour is beyond control ;

7. that I shall render all necessary assistance to the Probation Officer/ Case Worker to enable him to carry out the duties of supervision ;
8. in the event of my making default herein, I undertake to produce myself before the Board for appropriate action or bind myself, as the case may be, to forfeit to Government the sum of Rs. _____ (Rupees _____). Dated this _____ day of _____ 20_____

Signature of person executing the Undertaking/Bond.

(Signed before me)

Principal Magistrate, Juvenile Justice Board.

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

(Where a bond with sureties is to executed add)

I/we, _____ of _____ (place of residence with full particulars) hereby declare myself/ourselves as surety/sureties for the aforesaid _____ (name of the person executing the undertaking/bond) to adhere to the terms and conditions of this undertaking/ bond. In case of (name of the person executing the bond) making fault therein, I/we hereby bind myself/ourselves jointly or severally to forfeit to Government the sum of Rs. _____/- (Rupees _____) dated this the _____ day of _____ 20_____ in the presence of _____.

Signature of Surety(ties)

(Signed before me)

Principal Magistrate, Juvenile Justice Board.

FORM VIII

[See rule 17 (12)]

PERSONAL BOND BY JUVENILE/CHILD

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

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

I hereby bind myself as follows :

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

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

(Signature or thumb impression of the juvenile/child)

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

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

Signature and Designation of the certifying authority

i. e. Officer Incharge of the institution.

FORM IX

[See rule 19 (2)]

INDIVIDUAL CARE PLAN

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

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

Case/Profile No. of 20 _____ (year) of the Board/Committee

Admission No.

Date of Admission :

A. PERSONAL DETAILS

- 1. Name of the Child :
- 2. Age :
- 3. Sex : Male/Female
- 4. Father's/Mother's Name :
- 5. Nationality :
- 6. Religion/caste :
- 7. Educational Attainment :
- 8. Summary of Case History :

Health needs :

Emotional and psychological support needed

Educational and training needs

Leisure, creativity and play

Attachments and Relationships

Religious beliefs

Protection from all kinds of abuse, neglect and maltreatment

Special main streaming

Follow-up post release/restoration

B. FORTNIGHTLY PROGRESS REPORT OF PROBATIONER

Part One

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

Part Two

Places of interview dates

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

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

Part Three

1. Any proceedings before the competent authority of or—
 - (a) Variation of conditions of bond
 - (b) Change of residence
 - (c) Other matters
2. Period of supervision completed on.
3. Result of supervision with remarks (if any).
4. Name and addresses of the parent or guardian or fit person under whose care the juvenile is to live after the supervision is over.

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

C. PRE-RELEASE REPORT

Tick whichever is applicable

Final Release Transfer

1. Details of place of transfer and concerned authority responsible in the place of transfer/release

2. Details of placement of the juvenile/child in different institutions
3. Training undergone and skills acquired
4. Final progress report of the Officer Incharge/Probation Officer/Child Welfare Officer/Case Worker/Social Worker (to be attached)
5. Date of release/transfer
6. Date of repatriation
7. Requisition for escort if required
8. Identification of escort
9. Recommended rehabilitation plan including possible placements
10. Sponsorship requirement and report, if applicable
11. Identification of Probation Officer/Case Worker/Social Worker/non-governmental organization for post-release follow-up
12. Memorandum of Understanding with non-governmental organization identified for post-release follow-up
13. Identification of sponsorship agency/individual sponsor for the child post-release, if any
14. Memorandum of Understanding between the sponsoring agency and individual sponsor
15. Details of Savings Account of the child, if any
16. Details of child's earnings and belongings, if any
17. Details of awards/rewards due to the child, if any
18. Opinion of the child
19. Any other information

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

D. POST-RELEASE REPORT

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

Form X
[See rule 31 (18)]

**UNDERTAKING BY THE PARENT OR 'FIT PERSON'
TO WHOM CHILD IS RESTORED**

I, _____ Resident of House No. _____
Street _____ Village/Town _____ District _____
State _____ do hereby declare that I am willing to take charge of
(name of the child) _____ Aged _____ under the orders of the
Child Welfare Committee _____ subject to the following
terms and conditions :—

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

Date this _____ day of _____

Signature.

Signature and address of witness (es)

(Signed before me)

Chairperson, Child Welfare Committee.

Form XI

[See rule 31 (19)]

ORDER OF SHORT TERM PLACEMENT PENDING INQUIRY

To,

The Officer Incharge,

Name of the child :

Age :

Father's Name :

Mother's Name :

Address :

Date of receiving by Organization/Institution :

Produced by :

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

Next Date :

(Signature)

Chairperson/Member,
Child Welfare Committee.

Form XII
[see rule 32 (2)]

ORDER FOR ENQUIRY

To

Child Welfare Officer/Person Incharge of Voluntary Organization/Social Worker/Case Worker _____

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

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

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

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

Dated this _____ day of _____ 20_____.

(Signature)

Chairperson/Member,
Child Welfare Committee.

SEAL

Copy to :

1. The Officer Incharge.

FORM XIII

[See rule 32 (3)]

FORMAT FOR INQUIRY REPORT

Sl. No. _____

Produced before the Child Welfare Committee _____ (address).

Case No. _____

Concerned Government Department/Voluntary Organisation _____

Category of child in need of care and protection : _____

Name/Religion _____

Father's Name/Caste _____

Permanent Address, Year of birth _____

Address of last residence/Age _____

Sex _____

Previous institutional/case history and individual care plan, if any _____

FAMILY

Members of family	Name	Age	Health	Edu- cation	Occup- ation	Monthly earnings	Disab- ilities	Any other e.g. social habits
Father								
Step- father								
Mother								
Step- Mother								
Siblings								
Any other legal guardian/ relative								

If married, relevant particulars _____ other near relatives of
agencies _____
interested _____

_____ Attitude towards religion,
normal and ethical code of the home etc. _____
Social and economic status _____ Delinquency
record of members of family _____ Present
living conditions _____ Relationship
between parent/parents and children especially with the said
child _____ other factors of importance, if
any _____

CHILD'S HISTORY

Mental condition (Present and past) _____ Physical
condition (Present and past) _____ Habits, interests
(moral, recreational etc.) _____ Outstanding
characteristics and personality traits _____ Companions
and their influence _____ Truancy
from _____ home, _____ if _____ any
_____ School (attitude
towards school, teachers, class mates and vice-versa)

Work record (jobs held, reasons for leaving vocational interests, attitude
towards job or employers) _____ or
Neighbourhood and neighbours report _____ Parent's
attitude towards discipline in the home and child's
reaction _____

Any other remarks

RESULT OF INQUIRY

Emotional factors

Physical condition

Intelligence

Social and economic factor

Religious factor

Reasons for child's need for care and protection

Opinion of experts consulted

Recommendation of Child Welfare Officer/Case Workers/ Social Worker regarding Psychological support, rehabilitation and reintegration of the child and suggested plan.

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

Physical condition (present and past) _____
 Mental condition (present and past) _____
 Habits, interests _____
 (moral, recreational etc.) _____
 Understanding _____
 Companions _____
 Characteristics and personality traits _____
 and their influence _____
 from _____
 School (attitude) _____
 towards school, teachers, class mates, and vice-versa) _____
 Work record (jobs held, reasons for leaving vocational interests, attitude towards job or employers) _____
 Neighbourhood and neighbours report _____
 Parent's _____
 attitude towards discipline in the home and child's _____
 reaction _____

RESULT OF INQUIRY

Any other remarks

Emotional factors

Physical condition

Intelligence

FORM XIV

[See rule 33 (1)(c)]

Date:

To
Child Welfare Committee
[Complete Address]

Child [<Name of Child>] was brought to the Institution on [<Date>]
at [<Time>] by the [<Mention the name of person or agency concerned>]
and said child was temporarily admitted into the Institution. Relevant
particulars of the Child are as below—

Name of Child :

Probable Age of Child :

Sex of Child :

Name of parents of the child (If known) :

Any other relevant detail :

As per the requirement of Rule 22(8) and 24(1), this report is being
produced today [<Date>] at [<Time>] along with the child accompanied by
[<Mention the name of staff(s) who accompanied the child from the
Institution to Child Welfare Committee>].

Kindly accept the custody of child and pass necessary direction
regarding care and protection of child, if any.

Name and Signature of Staff(s) of Institution accompanying the child	Name & Signature of Officer Incharge of the Institution (Affix official Seal of institution)
Date & Time :	Date & Time :

FORM XV

[See rule 35 (9)]

ORDER OF SPONSORSHIP PLACEMENT

The juvenile/child (name and address)..... approximate age..... D/o or S/o Mr..... and Mrs..... or Ms..... has been identified by the State/District Child Protection Unit as a juvenile/child at risk needing urgent care and protection. On the basis of the inquiry

Report submitted by the State/District Child Protection Unit/ Child Welfare Officer/ Social Worker it is established that the said juvenile/ child needs sponsorship support for education/health nutrition/ other developmental needs(please specify). The State/District Child Protection Unit is hereby directed to release Rs. per month/Rs.as one time sponsorship support to the said juvenile/child for a period of(days/month) and carry out necessary follow-up.

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

Principal Magistrate, Juvenile Justice Board/Chairperson/Member, Child Welfare Committee.

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

<p>Signature of Principal Magistrate or Chairperson/Member of Child Welfare Committee (Seal of Institution)</p>	<p>Signature and Stamp of Institution accompanying the child</p>
<p>Date & Time</p>	<p>Date & Time</p>

FORM XVI

[See rule 36 (3)]

ORDER OF AFTER CARE PLACEMENT

The juvenile/child (name) D/o or S/o.....
has/will be completing 18 years of age on (date). She/he is still in need of
care and protection for the purpose of rehabilitation and reintegration.
She/he is placed in (name of organization).....
for providing aftercare.

The Incharge of the Organization is directed to admit the child and
provide all possible opportunities for her/ his rehabilitation and reintegration
in its truest sense. The person shall be provided all these opportunities
maximum till the age of 21 years only or till reintegration in the society,
whichever is earlier. The Incharge will send half yearly report on the status
of the child/youth to the Child Welfare Committee.

The State/District Child Protection Unit is hereby directed to
arrange for aftercare for the said juvenile/child for a period
of(days/month) and carry out necessary follow-up. The
State/District Child Protection Unit is also directed to clearly lay down
the terms and conditions for aftercare programme and carry out
necessary follow-up.

Principal Magistrate, Juvenile Justice Board/Chairperson/Member,
Child Welfare Committee.

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

FORM XVII

[See rule 48 (10)]

CASE HISTORY FORM FOR CHILDREN IN NEED OF CARE AND PROTECTION

Case/Profile No.....

Date & Time.....

Affix a
latest
photograph
here

A. PERSONAL DATA

1. Name
2. Male/Female (tick the appropriate category)
3. (a) age at the time of admission
(b) present age
4. Category :
 - Separated from family
 - Abandoned/deserted
 - Victim of exploitation and violence (give detail)
 - Run-away
 - Any other
5. Religion Hindu (OC/BC/SC/ST):
Muslim/Christiani/Other (Pl. specify).
6. Location of Residence Urban/Sub-Urban/Rural/Slum/Industrial/
Other (Pl. specify)
7. Native District & State
8. By whom the juvenile was brought before the Child Welfare
Committee :
 - I. Police-Local Police/Special Juvenile Police Unit/Railway Police/
Women Police
 - II. Probation Officers
 - III. Social Welfare Organization

IV. Social Worker

V. Parent(s)/Guardian(s) (Please specify the relationship)

VI. Child himself/herself

9. Reasons for leaving the family :

I. Abuse by parent(s)/guardian(s)/step parent(s)

II. In search of employment

III. Peer group influence

IV. Incapacitation of parents

V. Criminal behaviour of parents

VI. Separation of parents

VII. Demise of parents

VIII. Poverty

IX. Others (Please specify)

10. Types of abuse met by the child :

I. Verbal abuse-parents/siblings/employers/others (Pl. specify)

II. Physical abuse-denial of food/beaten mercilessly/causing injury
(Pl. specify)

III. Sexual abuse parents/siblings/Employers/others (Pl. specify)

IV. Others-parents/siblings/employers/others (Pl. Specify)

11. Health status of the child before admission.

I. Respiratory disorders-present/not known/absent

II. Hearing impairment-present/not known/absent

III. Eye diseases-present/not known/absent

IV. Dental disease-present/not known/absent

V. Cardiac diseases-present/not known/absent

VI. Skin disease-present/not known/absent

VII. Sexually transmitted diseases-present/not known/absent

VIII. Neurological disorders-present/not known/absent

IX. Mental handicap-present/not known/absent

X. Physical handicap-present/not known/absent

XI. Others (Pl. specify) present/not known/absent

12. With whom the child was staying prior to admission :
 - I. Parent(s)-Mother/Father/Both
 - II. Guardian(s)-Relationship
 - III. Friends
 - IV. On the street
 - V. Night shelter
 - VI. Orphanages/Hostels/Similar Homes
 - VII. Other (Pl. specify)
13. Visit of the parents to meet the child :
 - I. Prior to institutionalization-Frequently/Occasionally/Rarely/Never
 - II. After institutionalization-Frequently/Occasionally/Rarely/Never
14. Visit of the child to his family :
 - I. Prior to institutionalization-Frequently/Occasionally/Rarely/
During festival times/During summer holidays/Whenever fallen sick/Never
 - II. After institutionalization
Mention dates: DD/MM/YY
15. Correspondence with parents :
 - I. Prior to institutionalization-Frequently/Occasionally/Rarely/
During festival times/During summer holidays/Whenever fallen sick/Never
 - II. After institutionalization-Frequently/Occasionally/Rarely/During
festival times/During summer holidays/Whenever fallen sick/
Never

B CHILDHOOD HISTORY (Up to the age of 12 years)

16. Details of immunization provided
17. Details of handicap :
 - I. Hearing impairment By birth/After accident/diseases
 - II. Speech impairment By birth/After accident/diseases
 - III. Physical handicap By birth/After accident/diseases
 - IV. Mental handicap By birth/After accident/diseases
 - V. Others (Please specify)

18. Household Composition :

S. No.	Name & Relationship	Age	Sex	Education	Occupation	Income
1	2	3	4	5	6	7
Health	History of Mental illness	Handicap		Habit	Socialization	
8	9	10		11	12	

19. Type of family :

Nuclear family/joint family/broken family

20. Relationship among the family members:

- I. Father & Mother Cordial/Non-cordial/Not known
- II. Father & Child Cordial/Non-cordial/Not known
- III. Mother & Child Cordial/Non-cordial/Not known
- IV. Father & Siblings Cordial/Non-cordial/Not known
- V. Mother & Siblings Cordial/Non-cordial/Not known
- VI. Juvenile & Siblings Cordial/Non-cordial/Not known

21. History of crime committed by family members :

S. No.	Relationship	Relation-ship	Nature of crime	Arrest, if any, made	Period of confinement	Punishment awarded
1	2	3	4	5	6	7
1.	Father					
2.	Step-father					
3.	Mother					
4.	Step-mother					
5.	Brother (a)					

1	2	3	4	5	6	7
	(b)					
	(c)					
	(d)					
6.	Sister					
	(a)					
	(b)					
	(c)					
	(d)					
7.	Child					
8.	Others (uncle aunty/ grandparents)					

22. Parental care towards juvenile before admission :

- I. Over protection
- II. Affectionate
- III. Attentive
- IV. Not affectionate
- V. Not attentive
- VI. Rejection

D. ADOLESCENCE HISTORY (Between 12 and 18 years)

23. Puberty

- Early
- Middle age
- Late

24. Details of delinquent behaviour, if any :

- I. Stealing
- II. Pick pocketing
- III. Arrack selling
- IV. Drug pedaling
- V. Petty offences
- VI. Violent crime
- VII. Rape
- VIII. None of the above
- IX. Others (Please specify)

25. Reason for delinquent behaviour :

- I. Parental neglect
- II. Parental over protection
- III. Parents criminal behaviour
- IV. Parents influence (negative)
- V. Peer group influence
- VI. To buy drugs/alcohol
- VII. Others (pl. specify)

26. Habits :

A

B

- | | |
|--------------------------|-------------------------------------|
| (i) Smoking | (i) Watching TV/movies |
| (ii) Alcohol consumption | (ii) Playing indoor/outdoor games |
| (iii) Drug use (specify) | (iii) Reading books |
| (iv) Gambling | (iv) Religious activities |
| (v) Begging | (v) Drawing/painting/acting/singing |
| (vi) Any other | (vi) Any other |

E. EMPLOYMENT DETAILS

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

S. No.	Details of employment	Duration	Wages earned
I.	Cooly		
II.	Rag picking		
III.	Mechanic		
IV.	Hotel work		
V.	Tea shop work		
VI.	Shoe polish		
VII.	Household works		
VIII.	Others (spl. specify)		

27. Details of income utilization :

- I. Sent to family to meet family need
- II. For dress materials
- III. For gambling
- IV. For prostitution
- V. For alcohol
- VI. For drug
- VII. For smoking
- VIII. Savings

28. Details of savings :

- I. With employers
- II. With friends
- III. Bank/Post Office
- IV. Others (pl. specify)

29. Duration of working hours :

- I. Less than six hours
- II. Between six and eight hours
- III. More than eight hours

F. EDUCATIONAL DETAILS

30. The details of education of the juvenile prior to the admission to Children's Home

- I. Illiterate

II. Studied up to V Standard

III. Studied above V Std. but below VIII Standard

IV. Studied above

V. Studied above X Standard

11. The reason for leaving the school :

I. Failure in the class last studied

II. Lack of interest in the school activities

III. Indifferent attitude of the teachers

IV. Peer group influence

V. To earn and support the family

VI. Sudden demise of parents

VII. Rigid school atmosphere

VIII. Absenteeism followed by running away from school

IX. Others (pl. specify)

32. The details of the school in which studied last :

I. Corporation/Municipal/Panchayat Union

II. Government/SC Welfare School/BC Welfare School

III. Private Management

IV. Convents

33. Medium instruction :

Hindi/English/Urdu/Tamil/Malayalam/Kannadal Telugu

Other language (please specify)

34. After admission to Children's Home, the education attainment from the date of admission till date :

No. of years, class studied promoted/detained

44. Vocational training undergone from the date of admission into Children's Home till date :

No. of years, Name of Vocational Trade Proficiency Attained

35. Extra curricular activities developed from the date of admission into the Children's Home till date :

I. Scout

II. Sports (please specify)

III. Athletics (please specify)

IV. Drawing

V. Painting

VI. Others (please specify)

G MEDICAL HISTORY

36. Height and weight at the time of admission :

37. Physical condition :

38. Medical history of child (gist) :

39. Medical history of parent/guardian (gist) :

40. Present health status of the child :

Sl. No.	Annual Observation	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
1.	Date of review				
2.	Height				
3.	Weight				
4.	Nutritious diet given				
5.	Stress disease				
6.	Dental				
7.	ENT-Tonsils				
8.	External eye problem vision				
9.	Left				
10.	Right				

41. Height and Weight Chart :

Date, Month and Year	Height	Admissible weight	Actual weight

H. SOCIAL HISTORY

42. Majority of the friends are :

- I. Educated
- II. Illiterate
- III. The same age group
- IV. Older in age
- V. Younger in age
- VI. Same sex
- VII. Opposite sex
- VIII. Association with gangs

43. The reaction of the society when the child first came out of the family :

- I. Supportive
- II. Rejection
- III. Abuse
- IV. Ill-treatment
- V. Exploitation

44. The reaction of the police towards children :

- I. Passionate
- II. Cruel
- III. Abuse
- IV. Exploitation
- V. Ill-treatment

45. The response of the general public towards the child :

HISTORY OF THE CHILD (GIST)

- i. Education
- ii. Health

- iii. Vocational training
- iv. Extra curricular activities
- v. Others

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

Follow up by Child Welfare Officer/Probation Officer/Case Worker/
Social Worker Quarterly Review of Case History by Management Committee

Office Incharge/Welfare Officer/Probation Officer.

FORM XVIII

[See rule 85 (1) (a)]

SOCIAL INVESTIGATION REPORT

Sl. No. _____ submitted to the Juvenile
Justice
Board _____ (address).

Probation Department/Concerned Government Authority/Voluntary
Organisation _____ (Signature and
Stamp).

Profile No.

Under section :

Title of Profile :

Police Station :

Nature of offence charge :

Name Religion

Father's Name/Caste

Permanent Address/Year of birth

Last address before apprehension Age _____ Sex

Previous institutional/case history and individual care plan, if any.

FAMILY :

Relation	Name	Age	Health	Educational	Occupation	Monthly earnings	Disabilities	Any other e.g. social habits
Father								
Step-father								
Mother								
Step-Mother								

Siblings								
Any other legal guardian/relative								

If married, relevant particulars :

_____ Other
near relatives or agencies
Interested _____

Attitude towards religion normal and ethical code of the home etc.
_____ Social and economic
status _____ Delinquency
record of members of family _____
Present living conditions _____ Relationship
between parents/Parents and children especially with the juvenile under
investigation _____ Other factors
of importance if any.

JUVENILES HISTORY

Mental condition(Present and past) _____ Physical condition
(Present and past) _____ Habits,
interests (moral, recreational etc.) _____ Outstanding characteristics
and personality traits _____ Companions and
their influence _____ Truancy
from home, if any _____

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

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

Neighbourhood and neighbours report _____ Parent's
attitude towards discipline in the home and child's reaction _____

Any other remarks _____

RESULT OF INQUIRY

Emotional factors

Physical condition

Intelligence

Social and economic factors

Religious factors

Suggested causes of the problems

Analysis of the case including reasons for delinquency

Opinion of experts consulted

Recommendation regarding treatment and its Plan by Probation Officer

Signature of the Probation Officer/Case Worker.

FORM XIX

[See rule 85 (1) (a)]

FORMAT FOR INQUIRY REPORT

Sl. No _____ Produced before the Child Welfare
Committee _____ (address).

Case No.

Concerned Government Department/Voluntary Organisation

Category of child in need of care and protection :

Name Religion

Father's Name/Caste

Permanent Address /Year of birth

Address of last residence Age _____ Sex _____

Previous institutional/case history and individual care plan, if any.

FAMILY

Members of family	Name	Age	Health	Education	Occupation	Monthly earnings	Disabilities	Any other e.g. social habits
Father								
Step-father								
Mother								
Step-mother								
Siblings								
Any other legal guardian/relative								

If married, relevant particulars _____

Other near relatives or agencies interested _____

Attitude towards religion, normal and ethical code of the home etc. _____

Social and economic status _____

Delinquency record of members of family _____

Present living conditions _____

Relationship between parent/parents and children especially with the said child _____

Other factors of importance, if any _____

CHILD'S HISTORY

Mental condition (Present and past) _____

Physical condition (Present and past) _____

Habits, interests (moral, recreational etc.) _____

Outstanding characteristics and personality traits _____

Companions and their influence _____

Truancy from home, if any _____

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

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

Neighbourhood

and neighbours report _____ Parent's attitude towards discipline in the home and child's reaction _____

_____ Any other remarks

RESULT OF INQUIRY

Emotional factors

Physical condition

Intelligence

Social and economic factors

Religious factors

Reasons for child's need for care and protection

Opinion of experts consulted

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

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