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NOTIFICATION

No.B.12019/2/92-SWD, the 30th July, 2003. In exercise of the powers conferred by section 68 of the Juvenile Justice (Care and Protection of Children) Act, 2000 No. 56 of 2000, the Governor of Mizoram is pleased to notify the Mizoram Juvenile Justice (Care and Protection of Children) Rules, 2003 which shall come into force with effect from the date of their publication in the Mizoram Gazette.

Sd/-

Lalramthanga Tochhawng
Secretary to the Govt. of Mizoram,
Social Welfare Department.

CHAPTER - I

PRELIMINARY

1. Short title and commencement

- (1) These rules may be called the Mizoram Juvenile Justice (Care and Protection of Children) Rules, 2003.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :- In these rules, unless the context otherwise requires,

- (a) "Act" means the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000) ;
- (b) "adoption" means taking permanent custody and responsibility of a juvenile or a child covered under this Act, who shall have pari passu rights of a natural born child ;
- (c) "Form" means the form annexed to these rules ;
- (d) "institution" for the purposes of these rules, means an observation home, or special home or a children's home or a shelter home, set up, certified or recognized under sections 8, 9, 34 and 37 of the Act respectively;
- (e) "officer-in-charge" means a person appointed for the control and management of the institution; under section 63 of the Act; and includes special Juvenile Police Officer or Chief Inspector.
- (f) all words and expressions defined in the Act and used, but not defined in these rules, shall have the same meaning as assigned to them in the Act.

CHAPTER - II**JUVENILE IN CONFLICT WITH LAW****3. Juvenile Justice Board**

- (1) The Board shall consist of a Judicial Magistrate of the first class, and two social workers of whom at least one shall be a woman, forming a bench.
- (2) Every such bench shall have the powers conferred by the Code of Criminal Procedure 1973 (2 of 1974).
- (3)
 - (a) A Magistrate with special knowledge or training in child Psychology or child welfare or having functional experience under the Juvenile Justice Act, 1986 shall be designated as Principal Magistrate of the Board;
 - (b) In case the principal Magistrate with such special knowledge or training is not available, then, the State Government shall provide for such short-term training in child psychology or child welfare as it considers necessary.
- (4) The two social workers, of whom at least one shall be a woman, shall be appointed by the State Government on the recommendation of the Selection Committee set up under sub-rule (3) of rule 23 of these rules.
- (5) The Selection Committee shall take into consideration the panel of names recommended by the local authority while considering the selection of social workers for the Board and shall prepare a panel of names for each Board including a panel of names to fill in vacancies, which may arise during the tenure of the Board.
- (6) The social worker to be appointed as a member of the Board shall be a person who has been actively involved and engaged in planning, implementing and administering measures relating to health, education or other welfare activities pertaining to children for at least seven years.
- (7) The Board shall have a tenure of three years and the appointment of members shall be co-terminus with the tenure of the Board.
- (8) A social worker being a member of the Board shall be eligible for appointment for a maximum of two terms.
- (9) The Board shall hold its sittings in the premises of an Observation Home and shall meet as often as possible but shall meet at least once in a month.
- (10) A member may resign any time, by giving one month's advance notice in writing or may be removed from his office as provided in sub-section (5) of section 4 of the Act.
- (11) The social worker members of the Board shall be paid such travelling or meeting allowance or honorarium, as the State Government may, decide from time to time.

4. Institutional Management for juveniles in conflict with law.

- (1) The State Government or the voluntary organisation certified by such State Government shall set up separate observation homes for boys and girls.
- (2) The State Government or the Voluntary Organisation certified by such State Government shall set up separate special homes for girls above the age of 10 years and boys in the age groups of 11 to 15 and 16 to 18 years as and when required.
- (3) The following procedure shall be followed in respect of the newly admitted juveniles, namely:-
 - (a) receiving and search
 - (b) hair-cut (unless prohibited by religion), issue of toiletry items;
 - (c) disinfection and storing of juvenile's personal belongings and other valuables.
 - (d) bath;
 - (e) issue of new set of clothes, bedding and other outfit and equipment (as per scales);
 - (f) medical examination and treatment, where necessary and in case of any juvenile suspected to be suffering from contagious or infectious diseases, mental ailments, addiction etc. he shall be immediately segregated in specially earmarked dormitories or wards or hospitals;
 - (g) attending to immediate and urgent needs of the juvenile's like appearing in examinations, interview letter to parent(s), personal problems etc, and
 - (h) verification by the Officer-in-charge of the order of the Board, identification marks, register entries, cash, other valuables etc.
- (4) Every institution shall follow a schedule of orientation for the newly admitted juvenile covering the following aspects, namely :-
 - (a) health, sanitation, hygiene;
 - (b) institutional discipline and standards of behaviour, respect for elders, teachers etc.
 - (c) self-improvement opportunities; and
 - (d) responsibilities and obligations.
- (5) A case history of the juvenile or the child admitted to an institution shall be maintained which may contain information regarding his socio-cultural and economic background and these informations may invariably be collected through all possible and available sources, including home, parents, or guardians, employer, school, friends and community.
- (6) The educational level and vocational aptitude of the juvenile admitted, may be assessed on the basis of test and interview conducted by the teacher, the workshop supervisor and other technical staff and necessary linkages may also be established with outside specialists and community-based

welfare agencies, psychologist, psychiatrist, child guidance clinic, hospital and local doctors, open school, Jan Sikshan Sansthan etc.

- (7) All residents in the institution shall be given work like -
 - (a) self-help in maintaining their own establishment ;
 - (b) cleaning of open spaces, gardening etc;
 - (c) preliminary operations for crafts.
- (8) A well conceived programme of pre-release planning and follow up of cases discharged from special homes shall be organized in all institutions in close collaboration with existing governmental and voluntary welfare organizations.

5. Daily Routine

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

6. Diet Scale

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

7. Issue of clothing, bedding and other articles

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

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

- (a) sufficient treated drinking water;
- (b) sufficient water for bathing and washing clothes, maintenance and cleanliness of the premises;
- (c) proper drainage system ;
- (d) arrangements for disposal of garbage;
- (e) protection from mosquitoes;
- (f) sufficient numbers of latrines in the proportion of at least one latrine for seven children;
- (g) sufficient numbers of bathrooms in the proportion of at least one bathroom for ten children;
- (h) sufficient space for washing;
- (i) clean and fly-proof kitchen;
- (j) sunning and bedding and clothing; and
- (k) maintenance of cleanliness in the Medical Centre.

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

- (a)

Dormitory	-	40 square feet per juvenile
Classroom	-	Sufficient accommodation
Workshop	-	Sufficient work space
Playground	-	Sufficient playground area shall be provided in every institution according to the total number of juvenile in the institution
- (b) The dormitories, classrooms and workshops shall have sufficient cross ventilation and light.

10. Medical Care

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

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

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

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

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

11. Monitoring and Evaluation of Juveniles

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

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

- | | | |
|--|---|------------------|
| Officer-in-charge | - | Chairperson |
| Child Welfare Officer/Psychologist | - | Member Secretary |
| Medical Officer | - | Member |
| Workshop supervisor/Instructor in vocation | - | Member |
| Teacher | - | Member |

- (3) The committee shall meet periodically to consider and review -
- (a) custodial care, housing, place of work, area of activity and type of supervision required
 - (b) individual problems of juveniles, family contacts and adjustment, economic problems, and institutional adjustment, etc;
 - (c) vocational training and opportunities for employment ;
 - (d) education, i.e. health education, social education, academic education, vocational education and moral education;
 - (e) social adjustment recreation, group work activities, guidance and counselling
 - (f) special instructions, collecting moral information, and special precautions to be taken, etc;
 - (g) review of progress and adjusting institutional programmes to the needs of the inmates;
 - (h) planning post-release rehabilitation programme and follow up for a period of two years in collaboration with aftercare service ;
 - (i) pre-release preparation;
 - (j) release, and
 - (k) any other matter which the Officer-in-charge may like to bring up.

12. Rewards and Earnings

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

13. Visits to and communication with inmates

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

14. Prohibited Articles

No person shall bring into the institution the following prohibited articles, namely :-

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

- (d) tobacco, or
- (e) any other article specified in this behalf by the State Government by a general or special order.

15. Articles found on search and inspection

- (1) The Officer-in-charge or Special Juvenile Police Officer shall see that every juvenile received in the institution is searched, his personal effects inspected and any money or valuables found with or on the person of the juvenile is kept in the safe custody of the Officer-in-charge/Special Juvenile Police Officer.
- (2) Girls shall be searched by a female member of the staff with due regard to decency.
- (3) In every institution, a register of money, valuables and other articles found with or on the person of a juvenile received there in shall be maintained which may be called the "Personal Belonging Register".
- (4) The entries made in the Personal Belonging Register, relating to each juvenile, shall be read over to juvenile in the presence of a witness whose signature shall be obtained in token of the correctness of such entries and it shall be countersigned by the Officer-in-charge/Special Juvenile Police Officer.

16. Disposal of articles

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

- (a) On an order made by the competent authority in respect of any juvenile, directing the juvenile to be sent to an institution, the Officer-in-charge shall deposit such juvenile's money together with the sale proceeds in the manner laid down from time to time in the name of the juvenile.
- (b) The juvenile's money shall be kept with the Officer-in-Charge and valuables, clothing, bedding and other articles, if any, shall be kept in safe custody.
- (c) When such juvenile is transferred from one institution to another, all his money, valuables and other articles, shall be sent along with the juvenile to the Officer-in-Charge of the institution to which he has been transferred together with a full and correct statement of the description and estimated value thereof.
- (d) At the time of release of such juvenile, the valuables and other articles kept in safe custody and the money deposited in name of the juvenile shall be handed over to the parent or guardian, as the case may be, with an entry made in this behalf in the register and signed by the Officer-in-Charge/Special Juvenile Police Officer.
- (e) When a juvenile of an institution dies, the valuable and other articles left by the deceased and the money deposited in the name of the juvenile shall be handed over by the Officer-in-Charge/Special Juvenile Police Officer to any person who establishes his claim thereto and executes an indemnity bond.

(f) A receipt shall be obtained from such person for having received such valuables and other articles and the amount.

(g) If no claimant appears within a period of six months from the date of death or escape of such juvenile, the valuables and other articles and amount shall be disposed of as per the decision taken by monitoring and evaluation committee.

17. Duties of the Officer in charge/Special Juvenile Police Officer

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

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

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

(a) The Officer-in-charge/Special Juvenile Police Officer shall immediately send the guards in search of the juvenile, at places like railway stations, bus stands and other places where the juvenile is likely to go;

(b) The parents or guardians shall be informed immediately about such escape;

(c) A report shall be sent to the area Police Station along with the details and description of the juvenile or the child, with identification marks and a photograph, with a copy to the Board and the authorities concerned.

(d) The Officer-in-Charge/Special Juvenile Police Officer shall hold an inquiry about such escape and send his report to the Board and the authorities concerned.

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

(a) If a juvenile or child dies within 24 hours of his admission to the institution an inquest and post-mortem examination shall be held at the earliest.

(b) Whenever a sudden or violent death, or death from suicide or accident takes place, immediate information shall be given to the Officer-in-Charge/Special Juvenile Police Officer and the Medical Officer.

(c) The Officer-in-Charge/Special Juvenile Police Officer and the Medical Officer shall examine and inspect the dead body and in case a juvenile dies due to causes other than natural causes, or if the cause of death is not known, or if the death has occurred due to suicide, violence or accident, guardian shall be invited to come to the institution to take charge of the Juvenile or child on that date.

(d) The Officer-in-Charge shall also immediately give intimation to nearest Magistrate empowered to hold inquests.

(e) The Medical Officer shall report to the Officer-in-Charge/Special Juvenile Police Officer about the happening of the natural death of a juvenile and see that the body is decently removed to the mortuary.

(f) In case of natural death or due to illness of a juvenile or child of an observation home or special home, the Officer-in-Charge/Special Juvenile Police Officer shall obtain a report of the Medical Officer stating the cause of death and written intimation about the death shall be given immediately to the nearest Police Station, the Board, and the authorities concerned.

(g) The parents or guardians of the deceased juvenile shall be contacted and the Officer-in-Charge/Special Juvenile Police Officer shall wait for twenty-four hours for the arrival of relatives.

(h) As soon as the inquest is held, the body shall be disposed of in accordance with the known religious rites of the juvenile.

(4) In the event of any custodial rape or sexual abuse, the following action shall be taken, namely :-

(a) In case a resident makes any complaint, or occurrence of such rape or abuse comes to the knowledge of the Officer-in-Charge/Special Juvenile Police Officer a report shall be placed before the Board, who shall order for special investigation and direct the local police station to register case against the persons(s) found guilty under the relevant provisions of the Indian Penal Code, 1860 (45 of 1860).

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

(5) In the event of any other offence committed in respect of residents, the Board shall take cognizance and arrange for necessary investigation to be carried out by Special Juvenile Police Officer.

18. Leave of Absence of a juvenile or child

(1) The juvenile or child of an institution may be allowed to go on leave of absence or released on license and stay with his family during examination, emergencies or special occasions like marriage in the family.

(2) While the leave of absence for short period not exceeding seven days excluding the journey time may be recommended by the Officer-in-Charge/Special Juvenile Police Officer but granting of such leave shall be given by the Board.

- (3) The parents or guardian of the juvenile or child may submit an application to the Officer-in-Charge/Special Juvenile Police Officer requesting for release of the juvenile or child on leave, stating clearly the purpose for the leave and the period of leave.
- (4) If the Officer-in-Charge/Special Juvenile Police Officer considers that granting of such leave is in the interest of the juvenile or child, he shall call for a report of the Probation Officer on the advisability or otherwise and forward the case to the Board.
- (5) While issuing orders sanctioning the leave of absence or release on license in Form VII, as the case may be, the competent authority shall mention the period of leave and the conditions attached to the leave order, and if any of these conditions are not complied with during the leave period, the juvenile or child may be called back to the institution.
- (6) The parent or guardian shall arrange to escort the juvenile or child from and to the institution and bear the travelling expenses; whereas, in exceptional cases or during an emergency, the Officer-in-Charge/Special Juvenile Police Officer may arrange to escort the juvenile or child to the place of the family and back.
- (7) If the juvenile or child runs away from the family during the leave period, the parent or guardian are required to inform the Officer-in-charge/Special Juvenile Police Officer of the institution immediately, and try to trace the juvenile or child and if found, send the juvenile or child to the institution.
- (8) If the parent or guardian do not take proper care of the juvenile or child during the leave period or do not bring the juvenile or child back to the institution within the stipulated period, such leave may be refused on later occasions.
- (9) If the juvenile or child does not return to the institution on expiry of the sanctioned leave, the Board shall refer the case to police for taking charge of the juvenile or child and bring him back to the institution.
- (10) The period of such leave shall be counted as a part of the period of stay in the institution and the time which elapses after the failure of a juvenile or child to return to the institution within the stipulated period, shall be excluded while computing the period of his stay in the institution.

19. Release

- (1) The Officer-in-charge shall maintain a roster of the cases of juvenile or child to be released on the expiry of the period of stay as ordered by the Board.
- (2) Each case shall be placed before the Classification Committee for proper mainstreaming and with regard to cases in which the juvenile or child is kept for the maximum period, action may be initiated six months before they attain the age of eighteen years.
- (3) A timely information of the release of a juvenile or child and of the exact date of release shall be given to the parent or guardian and the parent or the guardian shall be invited to come to the institution to take charge of the juvenile or child on that date.

- (4) If necessary, the actual expenses of the parent's or guardian's journey both ways and of the juvenile's or child's journey from the institution shall be paid to the parent or guardian by the Officer-in-charge/Special Juvenile Police Officer at the time of the release of the juvenile or child.
- (5) If the parent or guardian, as the case may be, fails to come and take the juvenile or child on the appointed date, the juvenile or child shall be taken by the escort of the institution; and in case of a girl, she shall be escorted by a female escort.
- (6) At the time of release or discharge, a juvenile or child may be provided with a set of summer or winter clothing, if the Officer-in-charge/Special Juvenile Police Officer deems it necessary.
- (7) If the juvenile or child has no parent or guardian, he may be sent to an aftercare organisation, or in the event of employment to the person who has undertaken to employ the juvenile or child.
- (8) The Officer-in-Charge/Special Juvenile Police Officer of a girl's institution, subject to the approval of the competent authority, may get suitable girls above the age of eighteen years married according to the procedure laid down by the authority from time to time.
- (9) The Officer-in-charge/Special Juvenile Police Officer shall order the discharge of any juvenile or child, the period of whose detention has expired and inform the competent authority within seven days of the action taken; and if, the date of release falls on a Sunday or another public holiday, the juvenile or child may be released on the preceeding day with an entry to that effect being made in the register of discharge.
- (10) The Officer-in-Charge/Special Juvenile Police Officer shall in appropriate cases, order the payment of subsistence money, at such rates as may be fixed from time to time and the railway or road, or both, fair, as the case may be.
- (11) In deserving cases, the Officer-in-charge/Special Juvenile Police Officer may provide the juvenile with such small tools, as may be necessary, to start a work or business subject to such maximum cost as may be fixed by the institution.
- (12) The Officer-in-charge/Special Juvenile Police Officer may, subject to the approval of the competent authority, allow at their own request such girls who have no place to go, to stay in the institution after the period of their stay is over, till the time some other suitable arrangements are made.

20. Maintenance of case file

- (1) The case file of each juvenile or child shall be maintained in the institution containing the following informations, so far as applicable:
 - (a) report of the person or agency who produce the juvenile or child before the Board;
 - (b) probation officer's report;
 - (c) information from previous institution;
 - (d) initial interview material, information from family members, relatives, community, friends and miscellaneous information;
 - (e) source of further information;
 - (f) observation reports from staff members;

- (g) reports from Medical Officer, Intelligence Quotient (I.Q) testing, aptitude testing, educational or vocational tests;
- (h) social history;
- (i) summary and analysis by Officer-in-charge/Special Juvenile Police Officer
- (j) initial classification sheet;
- (k) instruction regarding training and treatment programme and about special precautions to be taken
- (l) leave and other privileges granted;
- (m) violation of rules if any, and special achievements;
- (n) quarterly progress report from various sections;
- (o) review sheet;
- (p) Monthly Cycle (m.c) report (in case of girls);
- (q) pre-release programme;
- (r) final progress report;
- (s) leave of absence or release on license
- (t) final discharge;
- (u) follow-up reports;
- (v) central index number;
- (w) annual photograph; and
- (x) remarks;

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

21. Production of a Juvenile

(1) As soon as a juvenile in conflict with the law is apprehended by the police, the police shall place the juvenile under the charge of the special juvenile unit or the designated police officer.

(2) The special juvenile police unit to which the juvenile is brought, shall inform the probation officer concerned of such apprehension, to obtain information regarding the antecedents and family background of the juvenile and other material circumstances likely to be of assistance to the Board for making the inquiry.

(3) Prior to production of a juvenile before the Board, the juvenile may be placed in a safe place within the Police Station, (which shall not be a lock up), or in a place of safety.

(4) The special juvenile police officer or the officer-in-charge shall produce the juvenile before the Magistrate or a member of the Board within twenty four hours of his apprehension (excluding the time taken to bring the juvenile from the Police Station or place of safety to the Board).

(5) In case of delay in production before the Magistrate or the Board, the details of not doing so be recorded in the police daily or general diary.

(6) In case of recognized voluntary organisation takes a juvenile to the Board, the voluntary organization shall also inform the concerned Special Juvenile Police Officer or Officer-in-charge.

- (7) The State Government shall recognize only those registered voluntary organizations which can provide the services of probation, counselling, case work, a place of safety and also associate with the special Juvenile Police Unit and are willing and have the capacity, facilities and expertise to do so.
- (8) The registered voluntary organization shall prepare a report narrating the circumstances of apprehension and offence committed and produce the juvenile before the Board or Police with the report.
- (9) When a juvenile is produced before an individual member of the Board, the order given by the member shall be ratified in the next meeting of the Board.
- (10) The police or the recognized voluntary organization shall be responsible for the safety and basic amenities to the juvenile apprehended or kept under their charge during the period they are with them.

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

- (1) In all cases under the Act the proceedings shall be conducted in as simple a manner as possible and care shall be taken to ensure that the juvenile or child against whom the proceedings have been instituted is given home-like atmosphere during the proceedings.
- (2) When witnesses are produced for examination, the Board shall be free to use the power under section 165 of the Indian Evidence Act, 1872 (1 of 1872) in spirit, to question them so as to bring out any point that may go in favour of the juvenile or the child.
- (3) While examining a juvenile or child and recording his statement, the competent authority shall be free to address the juvenile or child in any manner that may seem suitable, in order to put the juvenile or child at ease and to elicit the true facts, not only in respect of the offence of which the juvenile or child is accused, but also in respect of the home and social surroundings and the influences to which the juvenile or child might have been subjected.
- (4) The record of the examination shall be in such form as the Board may consider suitable having regard to the contents of the statement and circumstances in which it was made.
- (5) In every case concerning a juvenile or a child, the Board shall either obtain
- (i) a birth certificate given by appropriate authority; or
 - (ii) a date of birth certificate from the school first attended; or
 - (iii) matriculation or equivalent certificates, if available; and
 - (iv) in the absence of (i) to (iii) above, the medical opinion by a duly constituted Medical Board, subject to a margin of one year, in deserving cases for the reasons to be recorded by such Medical Board. Regarding his age; and, when passing orders in such case shall, after taking into consideration such evidence as may be available or the medical opinion, as the case may be, record a finding in respect of his age.
- (6) The Government shall recognize registered voluntary organizations, to supervise and submit periodical reports, as directed by the Board regarding the orders passed under clauses (b) and (c) of sub-section (1) of Section 15 of the Act.

(7) In accordance with the rules made under sub-section (2) of section 10 of the Act, the Board shall, in Form-I, order a Probation Officer, or otherwise to conduct a social investigation, reporting on the character and antecedents of the juvenile or child with a view to assessing the best possible mode for placement, such as, with the family, an institution or otherwise permissible under the Act.

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

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

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

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

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

CHAPTER III

CHILD IN NEED OF CARE AND PROTECTION

23. Child Welfare Committee :

(1) The Committee shall consist of a Chairperson and four other members as the State Government may think fit to appoint, of whom at least one shall be a woman and another, an expert on matters concerning children.

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

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

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

- (4) The Selection Committee shall take into consideration the panel of names recommended by the concerned local authority, who could be considered for selection of members of the Committee.
- (5) The Selection Committee shall also prepare a list of names for each Committee to fill in vacancies, which may arise during the tenure of the Committee.
- (6) A person to be selected as a member of the Committee shall have either of the following qualifications, in addition to five years experience in their respective field, namely:-
- (a) a respectable, well educated citizen with a background of special knowledge of social work, child psychology, education, sociology or home science; or
 - (b) a teacher or a doctor or a senior retired public servant who has been involved in work concerning child welfare; or
 - (c) a social worker of repute, who has been directly engaged in child welfare.
- (7) The Chairperson of the Committee shall be at least a graduate with either of the qualifications given in sub-rule (6).
- (8) The Committee shall have a tenure of three years and the appointment of members shall be co-terminus with the tenure of the Committee.
- (9) A member of the Committee shall be eligible for appointment for a maximum of two terms.
- (10) A member may resign at any time by giving one month's notice in writing .
- (11) Any casual vacancy on the Committee maybe filled by appointment of another person from the list of panel prepared by the Selection Committee, and shall hold office for the remaining term of the Committee.
- (12) The members of the Committee shall be paid such traveling or meeting allowance or honorarium as the State Government may decide from time to time.

24 Procedure etc.in relation to Committee :

- (1) The Committee shall hold its sittings in the premises of a children's home and shall meet at least once a week.
- (2) The quorum for the meeting shall be three members attending, which may include the Chairperson
- (3) Any decision taken by an individual member, when the Committee is not sitting, shall require retification by the Committee in its next sitting.
- (4) The final disposal of cases relating to children in need of care and protection, shall take place from the office of the Committee, by the order of at least two members.

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

25 Production of a Child before the Committee :

(1) Any child in need of care and protection shall be produced before the Committee by one of the following persons :

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

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

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

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

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

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

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

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

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

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

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

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

26 Procedure for inquiry :

(1) When a child is brought before the Committee, the Committee shall assign the case to a social worker or case worker or child welfare officer or Officer-in-charge, as the case may be, of the home or any recognized agency for conducting the inquiry.

(2) The direction for the inquiry under sub-rule (1) shall be given in Form-I.

(3) The Committee shall direct the concerned person or organization about the details or particulars to be enquired into for suitable rehabilitation.

(4) The inquiry must be completed within four months unless special circumstances do not permit to do so in the interest of the child, and for which a written extension must be taken by the inquiring officer or the agency under sub-section (2) of section 33 of the Act.

(5) After completion of the inquiry, if, the child is under orders to continue in the children's home, the Committee shall carry out an annual review of the progress of the child in the Home.

27. Children's Home :

(1) The State Government it self or in association with voluntary organizations, shall set up separate homes for children in need of care and protection, in the manner specified below :

(a) While children of both sexes below ten years, may be kept in the same home but separate facilities shall be maintained for boys and girls in the age group 5 to 10 years.

(b) separate children's homes shall be set up for boys and girls in the age group 10 to 18 years.

(2) Each children's home shall be a **comprehensive child care center** with the primary objective to promote an integrated approach to child care by involving the community and local Non-Governmental Organizations(NGOs).

(3) The activities of such centre shall focus on :

- (a) family based services, such as, foster family care, adoption and sponsorship;
- (b) specialized services in conflict or disaster affected areas to prevent neglect by providing family counselling, sponsorship, play groups; etc
- (c) provision of childline and emergency outreach service through 1098, a free phone facility for children;
- (d) linking up with Integrated Child Development Services(ICDS) to cater to the needs of children below six years;

- (e) to establish linkages with organizations and individuals who can provide support services to children; and
- (f) to encourage volunteers to provide for various services for children and families to become guardian.

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

(a) Physical infrastructure :-

- (i) It shall include separate facilities for children in the age group of 0-5 years with appropriate facilities for the infants.
- (ii) The facilities to be created for children in the age group of 6-10 years having separate dormitories for boys and girls.
- (iii) The standard of accommodation as specified in rule 9 shall apply.
- (iv) There shall be adequate lighting, ventilation, heating and cooling arrangements, drinking water and toilets, in terms of age appropriateness and hygiene.

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

(c) Nutrition:-

- (i) The children shall be provided 4 meals including breakfast in a day.
- (ii) The menu shall be prepared with the help of a nutritional expert or doctor to ensure balanced diet and variety in taste.
- (iii) Children may be provided special meals on holidays.
- (iv) The diet of infants and sick children shall be according to the requirement.
- (v) The normal dietary scale for children upto 18 years shall be according to scale mentioned in rule 6 of these rules.

(d) Medical :-

- (i) The children's home shall have arrangement for the medical facility preferably with doctor and nurse.
- (ii) All children brought into the home shall be medically examined initially within twenty four hours of arrival.
- (iii) The routine medical check-up of the children must be done on monthly basis.
- (iv) The sick children shall constantly be under medical supervision.
- (v) In the event of break out of contagious or infectious diseases segregation must be ensured.
- (vi) The medical service shall include immunization facility as specified under the National Immunization Schedule.
- (vii) The home shall have networking with local doctors and hospitals for referral cases.
- (viii) The medical record of each child shall be meticulously maintained in the file of the child which shall also include weight and height record, any sickness and treatment, and other physical or mental problem, if any.

(e) Education :- The children's home shall provide education to all children accord-

ing to the age and ability, either both inside the home or outside, as per the requirement,

(f) Vocational Training :-

- (i) Every children's home shall facilitate for useful vocational training under the guidance of trained instructors.
- (ii) The home shall develop networking with Institute of Technical Instruction (ITI), Jan Shikshan Sansthan, Government and Private Organisation or Enterprises, Agencies or Non-Governmental Organizations (NGOs) with expertise, or placement agencies.

(g) Councelling :-

- (i) Each home shall have the services of a trained counsellor.
- (ii) The services of Child guidance Centres, Psychology and Psychiatric Departments or similar Agency may also be availed.

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

(i) Care Plan :-

- (i) The incharge counsellor along with the child welfare officer, case worker, or social worker shall prepare a care plan for every child in the home.
- (ii) The care plan shall be reviewed from time to time for appropriate development and rehabilitation including options for restoration to family or foster care or adoption and review shall not be delayed beyond a year.
- (iii) The focus shall be on providing family and community based re-integration programmes.
- (iv) Children shall be consulted while determining their care plan.

(j) Intake procedure :-

- (i) Every new child who is brought to home, shall immediately be taken charge of by the counsellor or Child Welfare Officer or designated officer, as the case may be.
- (ii) The child shall be received with due care as provided under these rules, with dignity and love.
- (iii) A brief orientation shall be given to the child in induction, to remove any inhibition from the mind of the child.
- (iv) The child shall be immediately given bath, clothing, food etc. and medically examined.
- (v) The designated officer shall enter the name of the child in the Admission Register and allocate appropriate accommodation facility.
- (vi) The photograph shall also be taken immediately for records and the caseworker shall begin the investigation and correspondence with the person, the child might have named.
- (vii) The Officer-in-charge shall see that the personal belongings of every child received by the home is kept in safe custody and recorded in the Personal Belonging Register and the item must be returned to the child when he leaves the home.
- (viii) The girl child shall be searched by a female member of the staff, and with due regard to decency.

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

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

(l) Death of a child-

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

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

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

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

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

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

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

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

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

28. Inspection :

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

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

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

- (4) The inspection visit shall be carried out by not less than three members.
- (5) The team may visit the homes either by prior intimation or by surprise.
- (6) The team shall interact with the children during the visits to the institution, to determine their well being and uninhibited feed back.
- (7) The follow up action on the findings and suggestions of the children shall be taken by all concerned authorities.

29. Social Auditing :

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

30. Shelter Homes :-

- (1) For the children in urgent need of care and protection, such as destitutes, street children and run-away children, the State Government shall support creation of the requisite number of shelter homes or drop-in-centres through the voluntary organizations.
- (2) The shelter homes or drop-in-centres shall have the minimum facilities of boarding and lodging, besides the provision for fulfillment of basic needs in terms of clothing, food, health care and nutrition.
- (3) Such children in crisis situations may live in short-stay homes which may have the requisite facilities for education, vocational training and recreation as well.
- (4) The Committee, Special Juvenile Police Unit, public servants, childlines, voluntary organizations, social workers and the children themselves may refer a child to such shelter homes.
- (5) The requirements of investigation and disposal shall not apply in cases of children residing in the shelter home, except giving information to the Committee and the police about the missing or homeless children, besides initiating legal action in the interest of the child in terms of the Act or other child related laws.
- (6) The services of Officer-in-Charge, Child Welfare Officer, social worker, shall be provided for the proper care, protection, development, rehabilitation and re-integration needs of such children.
- (7) No child shall ordinarily stay in the Government funded shelter home or drop-in-centre for more than a year.

31. Transfer :

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

- (2) No child shall be transferred or proposed to be transferred only on the ground that the child has created problems or has become difficult to be managed in the existing institution.
- (3) The transfer for restoration or enquiry for all proceedings in respect of a child from one state institution to other may also be ordered by the local authority, after obtaining concurrence from the Committee.
- (4) No child shall be transferred out of the district or city for the purposes of adoption without the concurrence of the Committee.
- (5) On receipt of transfer from the local authority, the Officer-in-charge shall arrange to escort the child at the Government expenses to the place or person as specified in the order.
- (6) On such transfer, the child case file and records shall be sent along with the child.

CHAPTER IV

REHABILITATION AND SOCIAL REINTEGRATION

32. Adoption :

- (1) As the family is the best option, to provide care and protection for children, adoption shall be the first alternative for rehabilitation and social re-integration of children who are orphaned, abandoned, neglected and abused.
- (2) The guidelines on adoption, issued by a State Government under sub-section (3) of section 41 of the Act, the Supreme Court and the Central Adoption Resource Agency (herein after referred to as CARA) from time to time shall apply.
- (3) The State Government shall recognize children's homes or State run Government homes for orphans, as adoption agencies both for scrutiny and placement of such children for in-country adoption.
- (4) In the case of inter-country adoption, the procedure laid down by the CARA shall apply.
- (5) The scrutiny shall be done independently by an agency recognized for this purpose.
- (6) The scrutinizing agency shall examine all available informations and verify the background of the child before making a recommendation to the Board for adoption of the child.
- (7) Any child who is eligible for adoption and residing in an unrecognised home, shall, for the purpose of adoption, be transferred to a recognised home.
- (8) An abandoned child can be given in adoption only when the Committee declares such a child to be legally free for adoption and an order to that effect is signed by at least two members of the Committee.
- (9) Before declaring the child as abandoned and certifying him as legally free for adoption, the Committee shall institute a process of inquiry, which shall include -

- (a) A thorough enquiry by the Probation Officer or case workers or police, as the case may be, shall be conducted and a report containing findings submitted within a maximum period of one month;
- (b) Declaration by the placement agency, stating that there has been no claimant for the child even after making notification in at least one leading newspaper including a regional language news paper, Television and Radio announcement and after waiting for a period of one month, the time which shall run concurrently to the enquiry to be conducted and report submitted under clause (a) of this sub-rule ;
- (c) The Committee shall make a release order declaring the child legally free for adoption within the period of six weeks from the date of application in the case of children below the age of two years, and three months in the case of children above that age ;
- (d) No child above 7 years who can understand and express his opinion shall be placed in adoption without his consent.

(10) Role of licensed or recognised Government and non-Government agencies for adoption :-

- (a) In the case of an abandoned child the recognized agency shall within forty eight hours report to the Committee along with the copy of the report filed with the police station in whose jurisdiction the child was found abandoned.
- (b) The adoption agency may initiate the process of clearance at the earliest, in the case of abandoned children, for the purpose of adoption within a period of two months and for placing application before the Committee for declaring the child legally free for adoption.
- (c) In case of a child surrendered by his biological parent or parents by executing a document of surrender, the adoption agencies shall make an application directly to the Board for giving the child in adoption.
- (d) The adoption agencies shall wait for completion of two months reconsideration time given to the biological parent or parents.
- (e) Serious efforts shall be made for counselling the parents, so as to persuade them to retain the child and if, the parents are still un-willing to retain, then, such children shall be kept initially in foster care or arranged for their sponsorship.
- (f) In the case of a surrendered or abandoned child who is legally free for adoption, the licensed agency shall have discretion to place the child in pre-adoption foster care under intimation to the Board, within one week of its placement pending the final order.

(11) Role of Juvenile Justice Board :-

- (a) After receiving an application from a recognized agency for adoption, the Board shall call for an independent inquiry by a recognized scrutiny agency, which shall submit its report within a period of two weeks.

- (b) The Board shall undertake a process of inquiry which shall include interviewing the prospective parents, verifying the documents and scrutiny reports.
- (c) If the Board is satisfied that the placement is in the best interest of the child, it shall pass the final order giving permanent custody of the child to the adoptive parent or parents.
- (d) The order of adoption shall be signed by the Principal Magistrate besides at least one of the two members of the Board
- (e) The Board shall determine and fix the date of birth, in the best interest of the child and shall pass order to the appropriate authority to issue a regular birth certificate for the child giving the name(s) of the adoptive parent(s) as if in the case of natural born children.
- (f) As far as practicable, the time taken for passing and adoption order, shall not exceed two months from the date of filing of application.
- (g) The order shall also include provision for a periodic follow up report either by the probation officer or case worker of adoption agency to ensure the well being of the child and the period of such follow up shall be three years, six monthly in the first year and annually for the subsequent two years.

33. Foster Care :

- (1) A child to be placed under short-term foster care shall be done according to the procedure laid down in clause(f) of sub-rule(10) of Rule 33, and the short term foster care period shall not exceed four months
- (2) The temporary foster care shall be carried out, as given in sub-section (2) of section 42 of the Act, by the competent authority under the supervision of a probation officer or case worker or social worker, as the case may be, in Form II and the total period of temporary foster care shall not exceed five years.
- (3) The following criteria shall be applied for selection of families for temporary foster care :
 - (a) foster parent(s) should have stable emotional adjustment within the family
 - (b) foster parent(s) have an income to meet their needs and not dependent on the foster care maintenance payment.
 - (c) the monthly income shall not be less than Rs 5000/- per month ;
 - (d) medical reports of all the members of the family residing in the premises should be obtained including checks on Human Immuno Deficiency Virus (HIV), Tuberculosis (TB), and Hepatitis 'B' to determine that they are medically fit.
 - (e) an update should be done at regular intervals of not less than once in a calendar year;
 - (f) the foster mother should have experience in child caring and the capacity to provide good child care ;
 - (g) the foster mother should be physically, mentally and emotionally stable;
 - (h) the home should have adequate space and physical facilities;
 - (i) the foster care family should be willing to follow rules laid down including regular visits to pediatrician, maintenance of child health records etc.
 - (j) the family should be willing to sign an agreement and to return the child to the agency whenever called to do so.

- (k) the foster mother should be willing to attend training or orientation programmes.
- (l) the foster parent(s) should be willing to take the child for (atleast once a month in the case of infants) check-ups to a pediatrician approved by the agency.

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

34. Sponsorship :

- (1) The children's homes and special homes shall promote sponsorship programme as laid down in section 43 of the Act.
- (2) The homes receiving sponsorship shall maintain proper and separate accounts of all the receipts and payments for the programme.

35. After Care Organization :

- (1) The after care organization, as out lined in the Act are to take care of juveniles for children after they leave special homes and children's homes.
- (2) These after care organizations are essential for all children or youth between the age of 18 - 20 years; and as such, this age group is most vulnerable and need care, guidance and protection.
- (3) The objective of these homes shall be to enable such children to adapt to the society and during their stay in these transitional homes these children will be encouraged to move away from an institution-based life to a normal one.
- (4) The target groups will include juveniles or children who have either left special homes or children's homes.
- (5) The key components of the model include setting up of temporary homes for a group of youths, who can be encouraged to learn a trade and contribute towards the rent as well as the running of a home.
- (6) There shall also be provision for a peer counsellor, who will be in regular contact with these youths to discuss their rehabilitation plans and provide creative outlets for their energy and to tide over crisis periods in their life.
- (7) The programmes under the scheme shall include :
 - i) Facilitating employment generation for these youths will be a key programme.
 - ii) After a youth has saved a sufficient amount, he can be encouraged to stay in a place of his own and move out of the group home
 - iii) The youth may continue staying in the home and return the deposit to the Non-Governmental organisations (NGOs).
 - iv) The youth learning a vocational trade can be given a stipend, which may be stopped once the youth gets a job.
 - v) Loans to these youths to set up entrepreneurial activities may also be arranged.

- vi) A peer counsellor shall also be made available for youth at these homes, as at this stage of life, they can be lured into crime or drug dependence and such other habits or deviant behaviour.

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

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

CHAPTER V

MISCELLANEOUS

36. Recognition of fit person or fit institution :-

(1) Any individual or a suitable non-Governmental organization or institution, the president or manager of which is willing temporarily to receive a juvenile or child in need of care, protection or treatment for a period as may be necessary, may be recognized by the competent authority as a fit person or a fit organisation or institution.

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

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

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

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

37. Certification or recognition and transfer of management of Institution :-

(1) If the management of any organization desires that its organization may be certified or recognized under the Act, the same shall make an application together with a copy each of the rules, bye-laws articles of association, list of members of the society or the association running the organization, office bearers and a statement showing the status and past record of social or public service provided by the organization, to the State Government, who shall after verifying the provisions made in the organization for the boarding and lodging, general health, educational facilities, vocational training and treatment services may grant certification or recognition under sections 8,9,34,37 and 44 of the Act, as the case may be, on the condition that the organization shall comply with the standards or services as laid down under the Act and the rules framed there under, from time to time and to ensure an all round growth and development of juvenile or child placed under its charge.

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

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

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

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

(5) The decision to withdraw or to restore the certificate, or recognition of the organization may be taken, on the basis of a thorough investigation by a specially constituted advisory board under section 62 of the Act.

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

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

(a) discharged absolutely or on such conditions as the officer may impose ; or

(b) transferred to some other institution established, certified or recognized under sections 8,9,34,37 or 44 of the Act, in accordance with the provisions of the Act and the rules relating to their discharge and transfer by giving intimation of such discharge or transfer to the Board or the Committee, as the case may be.

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

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

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

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

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

40. Identity Photos :

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

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

41. Police Officers to be in plain clothes :- While dealing with a juvenile or a child under the provisions of the Act and the Rules made thereunder, except at the time of arrest, the Police Officer shall wear plain clothes and not the police Uniform.

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

43. Visitor's Book :

(1) A Visitor's Book shall be maintained, in every institution, in which the person visiting the home shall record the date of his visit with remarks or suggestions, which he may think proper.

(2) The Officer-in-Charge shall forward a copy of every such entry to the designated authority, and the local authority, with such remarks as he may desire to offer in explanation or otherwise; and thereon, the designated authority shall issue such orders as he may consider necessary.

44. Maintainance of Registers :- The Officer-in-Charge shall maintain in his Office, such Registers and forms, as required by the Act and as specified by the rules made thereunder.

45. Procedure for sending a Juvenile or child outside the Jurisdiction of the competent authority :

(1) In the case of a juvenile or a child whose ordinary place of residence lies outside the jurisdiction of the competent authority, and if the competent authority considers it necessary to take action under section 50 of the Act, it shall direct a Probation Officer to make enquiries as to the fitness and willingness of the relatives or other person to receive the juvenile or the child at the ordinary place of residence, and whether such relative or other fit person can exercise proper care and control over the Juvenile or the child.

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

- (3) The juvenile or the child, who is a foreign national shall be repatriated, at the earliest, to the country of his origine in co-ordination with the Ministry of External Affairs and respective Embassy or High Commission.
- (4) On being satisfied with the report of the Probation Officer or Case Worker or Child Welfare Officer, as the case may be, the competent authority may send the juvenile or the child, if necessary, on execution of bond by the juvenile, as nearly as in Form-V, to the said relative or fit person on giving an undertaking by the said relative or fit person in Form-VI.
- (5) A copy of the order passed by the competent authority under section 50 shall be send to
- (a) the Probation Officer who was directed to submit a report under sub-rule (1) ;
 - (b) the Probation Officer, if any, having jurisdiction over the place where the juvenile or the child is to be sent;
 - (c) the competent authority having jurisdiction over the place where the juvenile or the child is to be sent; and
 - (d) the relative or the person who is to receive the juvenile or the child.
- (6) Any breach of a bond or undertaking or of both given under sub-rule (4), shall render the juvenile or the child liable to be brought before the competent authority, who may make an order directing the juvenile or the child to be sent to a home.
- (7) During the pendency of the order under sub-rule(4), the juvenile or the child shall be sent by the competent authority to an observation home or children home.
- (8) Where in the case of a juvenile or a child, the competent authority considers it expedient to send the juvenile or the child back to his ordinary place of residence under section-50, the competent authority shall inform the relative or the fit person, who is to receive the juvenile or the child accordingly; and shall invite the said relative or fit person to come to the home, to take charge of the juvenile or the child on such date, as may be specified by the competent authority.
- (9) The competent authority inviting the said relative or fit person under sub-rule(8) may also direct, if necessary, the payment to be made by the Officer in-charge of the home, of the actual expenses of the of the relative or fits person's journey both ways, by the appropriate class and the juvenile's or child's journey from the home to his ordinary place of residence, at the time of sending the juvenile or the child.
- (10) If the relative or the fit person fails to come to take charge of the juvenile or the child on the specified date, the juvenile or the child shall be taken to his ordinary place of residence by the escort of the observation home and in the case of a girl, atleast one escort shall be a female.

46. Mode of dealing with Juvenile or Child suffering from dangerous diseases or mental complaint :-

- (1) When a Juvenile or a Child kept in a home under the provisions of the Act, or placed under the care of a fit person or a fit institution, is found to be suffering from a diseases, requiring prolonged medical treatment or physical or mental complaint, which will respond to treatment or is found addicted to a Narcotic Drug or psychotropic substance; the Juvenile or the Child may be removed by an order of the authority empowered on this behalf to an approved place set up for such purpose for

the remainder of the term for which he has to stay, under the order of the competent authority or for such period as may be certified by Medical Officer to be necessary for the proper treatment of the Juvenile or the Child.

(2) Where it appears to the authority ordering the removal of the Juvenile or the Child under Sub-Rule (1), that the juvenile or the child is where cured of the diseases of the physical or mental complaint, he may, if the juvenile or the child is still liable to stay, order the person having in charge, to send the juvenile or the child to the home or fit person from which or from whom he was removed, or if the juvenile or the child is no longer liable to be kept in home, order him to be discharged.

(3) Where action has been taken under Sub-Rule (1), in the case of a juvenile or a child suffering from and infectious or contagious disease, the authority empowered under the Sub-Rule(1), before restoring the said juvenile or child to his partner in marriage or to the guardian, as the case may be, shall where it is satisfied that such action shall be in the interest of the said juvenile or child, call upon the partner in marriage or the guardian, as the case may be, to satisfy it that such partner or guardian will not reinfect the juvenile or child.

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

47. Personnel/Staff of a Home :

(1) The personnel strength of a home shall be determined according to the duty, posts, hour of duty per day as the base for it category of staff.

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

(3) The whole-time staff in a home may consist of Superintendent/Project Manager, Probation Officer (in case of observation home or special home), Case Workers (in case of Children's home or shelter home or after care organization), Child Welfare Officers, Counsellor, Educator, Vocational Training Instructor, Medical Staff, Administrative Staff, Care Takers, house father and house mother, Store Keeper, Cook, Helper, Washerman, Safai Karamchari, Gardener as required.

(4) The part-time Staff, shall include Psychiatrist, Psychologist, Occupational therapist, and other Professionals as may be required from time to time.

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

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

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

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

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

<u>Sl.No.</u>	<u>Designation</u>	<u>Number of post</u>
1.	Superintendent or Project Manager	1
2.	Counsellor	2
3.	Case Worker or Probation Officer	3
4.	House Mother or House Father	4
5.	Educator	2 (Voluntary or part-time)
6.	Vocational Instructor	1
7.	Doctor	1 (Part-time)
8.	Paramedical staff	1
9.	Store-keeper cum Accountant	1
10.	Driver	1
11.	Cook	2
12.	Helper	2
13.	Sweeper	2
14.	Art & Craft cum Music Teacher	1 (part-time)
15.	Gardener	1 (part-time)
TOTAL :		25

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

48. Special Juvenile Police Unit and Juvenile or the Child Welfare Officer

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

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

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

(4) The Special Juvenile Police Units shall be assisted by recognized voluntary organizations, who will help them in identifying juveniles and helping the juveniles or children under the Act.

49. Honorary/Voluntary Probation Officers :- To augment the existing probation service,

honorary or voluntary probation officers may be appointed from the voluntary organization and social workers found fit for the purpose by the competent authority and their probation services may also be co-opted into the implementation machinery by the orders of the competent authority.

50. Responsibilities of the local authorities-

The Government may delegate powers to local authority under section 66 of the Act, to carry out the following responsibilities, namely :

- (a) recommending the panel of names to the Selection Committee for appointment of social workers for the Board, Chairperson and members of the Committee, district and city advisory boards under rule 24.
- (b) to designate its responsibilities for the inspection committee under sub-section (2) of section 35 of the Act;
- (c) to visit the institution and make suggestions for the improvement and development of institutions under sub-section (2) of section 35 of this Act;
- (d) to give order for inter-state transfer of juvenile or a child with prior intimation to the Board and the Committee under section 57 of the Act;
- (e) create a Fund for the welfare and rehabilitation of the juvenile or the child dealt with under the Act.

51. Protection of action taken in good faith :- No suit or legal proceedings shall lie against any functionary under the Act including the members of the voluntary organization and social worker, in respect of anything which is in good faith done or intended to be done in pursuance of the Act and the Rules thereunder during the performance of the duties assigned to them.

52. Duties of the Officer-in charge of Homes :- The general duties, functions and responsibilities of the Officer-in-Charge shall be as follows :

- (a) Providing homely atmosphere of love, affection, care development and welfare of juveniles or children
- (b) Planning implementation and coordinating all institutional activities; programmes and operations;
- (c) Maintaining minimum standards in the Home;
- (d) Monitoring of juveniles or children, as the case may be, training and treatment programmes and correctional activities;
- (e) Supervision over juveniles' or childrens', discipline and moral well being;
- (f) Allocation of duties to personnel;
- (g) Attending to personal welfare and staff discipline;
- (h) Preparation of budget and control over financial matters;

- (i) Supervision over office administration;
- (j) Monthly office inspection;
- (k) Daily inspections and round of institution;
- (l) Inspecting and tasting food prepared for juvenile or child;
- (m) Take prompt action to meet emergencies;
- (n) To take appropriate rehabilitation measures.

53. Duties of a Probation Officer :-

(1) On receipt of information from the Officer-in-charge, the Special Juvenile Police Unit under clause (b) of section 13 of the Act, the probation officer shall inquire into the antecedents and family history of the juvenile or the child and such other material circumstances, as may be necessary and submit a social investigation report as early as possible, in Form VIII, to the Board.

(2) Every probation officer shall carry out all directions given by the Board or the Committee or concerned authority and shall perform the following duties, namely :-

- (a) to make inquiries regarding the home and school conditions, conduct, character and health of juvenile or child under their supervision;
- (b) to attend regularly the proceeding of the Board and submit reports;
- (c) to maintain daily case file and such register as may be specified from time to time;
- (d) to visit regularly the residence of the juvenile or the child under their supervision and also places of employment or school attended by such juvenile or the child and to submit fortnightly reports as prescribed in Form IX;
- (e) to accompany juveniles or children where ever possible, from the office of the Board to observation home, special home, children's home or fit person, as the case may be;
- (f) to bring before the Board or the Committee, immediately juveniles or children who have not been of good behaviour during the period of supervision;
- (g) follow-up of juveniles or children after their release from the organizations and extending help and guidance to them;
- (h) establishing linkages with voluntary workers and organizations to facilitate rehabilitation and social re-integration of juveniles or children and to ensure the necessary follow up;
- (i) ensuring that the children's need of food and cloth are met as per the specified standard;

- (j) to ensure the cleanliness of the premises and maintenance of physical infrastructure including provisions of water and electricity.

(3) The probation officer shall not employ a juvenile or children under their supervision for their own purposes or take any private service from them.

54. Duties of Case Workers/Child Welfare Officer:- The general duties, functions and responsibilities of Case Worker or child welfare officer shall be as follows:-

- (a) making social investigation of the juvenile or the child through personal interview and from the family, social agencies and other sources;
- (b) clarifying problems of the juvenile or the child and dealing with their difficulties in institutional life;
- (c) participating in the orientation, monitoring, education, vocational and rehabilitation programmes;
- (d) establishing co-operation and understanding between the juvenile or the child and the Officer-in-charge;
- (e) assisting the juvenile or the child to develop contacts with family and also providing assistance to family members;
- (f) 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;
- (g) ensuring the the children's need of food and cloth are met as per the specified standard;
- (h) ensure that cleanliness of the premises and maintenance of physical infrastructure including provisions of water and electricity.

55. Duties of House Father/House Mother :

(1) The general duties, functions and responsibilities of a house father, house mother and other care taker shall be as follows:-

- (a) handling juvenile or child with love and affection;
- (b) taking proper care and welfare of juvenile or child;
- (c) maintaining discipline among the juveniles or children;
- (d) maintenance, sanitation and hygiene;
- (e) implementing daily routine in an effective manner and ensuring children's involvement;
- (f) looking after the security and safety arrangements of the home;
- (g) escorting juveniles or children, whenever they go out of the home;

56. Training of Personnel :

- (1) The State Government or the Officer-in-charge shall provide for training, of personnel of each category of staff, in keeping with their statutory responsibilities and specific jobs requirements.
- (2) The training programme shall include-
 - (a) orientation and training of the newly-recruited staff,
 - (b) refresher training courses for every staff member at least once in every five years, and
 - (c) staff conferences, seminars, workshops, along with the various components or functionaries of the Juvenile Justice system and the State Government at various levels of the personnel organization.

57. Advisory Boards:-

- (1) The State Government shall constitute advisory boards at various levels for a period of three years.
- (2) The State Government shall constitute the State advisory board, district advisory board and a city advisory board.
- (3) All the boards shall hold at least two meetings in a year.
- (4) These advisory boards shall also inspect the various institutional of non-institutional services in their respective jurisdictions; and the recommendations made by them, shall be acted upon by the State Government and the local authorities.
- (5) The State Government, through the Selection Committee constituted under sub-rule (2) of rule 24 of these rules, shall set up State, district and city level advisory boards, which shall consist of members of the competent authority, academic institutions, locally respectable and spirited citizens, representatives of Non-Governmental organizations and the representative of local authority, who shall act as its secretary.
- (6) The inspection committee constituted under section 35 of the Act shall function as district or city advisory board in terms of sub-section (3) of 62 of the Act.
- (7) The termination, resignation, or other vacancy caused in advisory board and appointment of new members therein shall be done in the same manner as is done in case of the Committee.

58. Openness & Transparency :

- (1) All children's Homes shall be open to visitors with the permission of the Superintendent or the Project Manager, particularly the representatives of Local Self Government, Voluntary Organizations, social workers, researchers, medicos, academicians, or the Project Manager may consider appropriate keeping in view the security, welfare and the interest of the child.
- (2) The Superintendent 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 Superintendent or the Project Manager shall maintain a visitors book and the remarks of the visitors given therein shall be considered by the advisory inspecting authority.
- (4) While visiting an institution, the visitor will not say or do anything that undermines the authority of the Superintendent or the Project Manager or is in contravention of the Act or Rules or impinges on the dignity of the child.
- (5) The visitors may be allowed to visit observation homes and special homes with the permission of the competent authority.

59. Juvenile Justice Fund :

- (1) The State Government shall create a fund at the State level under Section 61 of the Act to be called the '**Juvenile Justice Fund**' (herein after referred to as the fund) for the welfare and rehabilitation of the juvenile or the child dealt with under the provisions of the Act.
- (2) In addition to donations, contributions or subscriptions coming under Sub-Section (2) of Section 61 of the Act the State Government shall be entitled to receive contribution to the fund from the Central Government.
- (3) The Fund shall be applied :-
 - (a) to implement programmes for the welfare and rehabilitation of juvenile or children
 - (b) to pay grant-in-aid to non-governmental organisations;
 - (c) to meet the expenses of State advisory board and its purpose;
 - (d) to do all other things that are incidental and conducive to the above purposes.
- (4) The management and administration of the Fund, shall be under the control of the state advisory board under sub-section (3) of section 61 of the Act.
- (5) The assets of the Fund shall include all such grants and contributions, recurring or non-recurring, from the Central Government and State Government or any other statutory or non-statutory bodies set up by the Central or State Government as well as the voluntary donations from any individual or organisation.
- (6) All withdrawals shall be made by cheques or requisitions, as the case may be, signed by the Secretary-cum-Treasurer in the case of amounts not exceeding rupees one 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 account shall be kept all money and property, and all incomes and expenditure of the fund and shall be audited by a notified firm of Chartered Accountant or any other recognised 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 any one 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 procedure arrangement.

60. Temporary application of model rules :- It is hereby declared that untill the new rules are framed by the State Government concerned under section 68 of the Act, these rules shall mutatis mutandis apply in that State.

61. Pending Case :

(1) No juvenile in conflict with law or a child shall be denied the benefits of the Act and the rules made there under.

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

(3) Any juvenile in conflict with law, or a child shall be given the benefits under sub-rule (1), and it is hereby clarified that such benefits shall be made available not only to those accused who was 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.

62. Disposal of records/documents - The records or documents in respect of a juvenile or a child be kept in a safe place for a period of seven years and no longer and thereafter, be destroyed with the help of the Board or the Committee.

63. Repeal and Saving :- All rules framed by the State Govt. under section 62 of the Juvenile Justice Act, 1986 as in force within the State of Mizoram shall stand repealed immediately on the publication of these rules:

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

Sd/- LALRAMTHANGA TOCHHAWNG,
Secretary to the Govt. of Mizoram,
Social Welfare Department.

FORM - I

(See sub-rule (7) of rule 22, sub-rule (2) of rule 27)

To

Probation Officer/Person in-charge Voluntary Organization/Social Worker/Case Worker.

Whereas (1) a report/complaint under Section ----- of the Juvenile Justice (Care and Protection of children) Act, 2000 has been received from -----
 ----- in respect of (name of the juvenile/child) son/daughter of -----
 ----- residing at -----

(2) ----- son/daughter of -----
 residing at ----- has been produced before Board/Committee under
 section ----- of the Juvenile Justice (Care and Protection of Children) Act, 2000.

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 allowed period to you by the Board/Committee.

Dated this ----- day of ----- 20-----

(Signature)

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

S E A L

FORM - II

(See sub-rule (8) of rule 22, sub-rule (2) of rule 34)

SUPERVISION ORDERWhen the juvenile is placed under a care of a parent, guardian or other fit person

Profile No. ----- of -----
 ---20 ---

Whereas (name of the juvenile/Child) has this day found to have committed an offence and has been placed under the care of (name) ----- (address) -----

----- on executing a bond by the said -----
 ----- and the court is satisfied that it is expedient to deal with the said juvenile or child by making an order placing him/her under supervision.

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

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

Dated this ----- day of ----- 20 -----

(signature)

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

. Additional, conditions, if any may be inserted by the Juvenile Justice Board/Child Welfare Committee.

FORM - III

(See sub-rule (10) of rule 22, sub-rule (11) of rule 26)

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

To

The Officer-in-charge/Project Manager/Special Juvenile Police Officer

Whereas on the _____ day of _____ 20____ (name of the Juvenile/Child) son/daughter of _____ aged _____ residing at _____ being found in Profile No. _____ to be juvenile in conflict with law/child in need of care and protection under section _____ is ordered by me _____ Principal/Magistrate, Juvenile Justice Board/Chairperson, Child Welfare Committee under section _____ of Juvenile Justice (Care and Protection of Children) Act, 2000 to be kept in the Special Home/Children Home/Shelter Home _____ for a period of _____.

This is to authorise and require you to receive the said juvenile/child into your charge, and to keep him/her in the Special Home/Children Home/Shelter Home _____ for the aforesaid order to be there carried into execution according to law.

Given under my hand and the seal of Juvenile Justice Board/Child Welfare Committee.

This _____ day of _____ 20_____.

(Signature)

Principal Magistrate, Juvenile Justice Board/Chairperson, Child welfare Committee.

Encl :

Copy of the judgement, if any, of orders, particulars of home and previous record.

Strike which is not required.

Previous history under the Juvenile Justice (Care and Protection of Children) Act, 2000.

Date	Order passed including period of detention, if any	Section	Competent Authority
------	--	---------	---------------------

FORM - IV

(See sub-rule (9) of rule 22, sub-rule (10) of rule 26)

Bond to executed by a Parent/Guardian/Relative or fit person in whose care a child is placed under Clause (e), Sub-section (1) of Section 15/Sub-section (3) of Section 39

Whereas I _____ being the parent, guardian, relative or fit person under whose care (name of the juvenile/child) has been ordered to be placed by the Juvenile Justice Board/Child Welfare Committee _____ have been directed by the said Juvenile Justice Board/Child Welfare Committee to execute a bond in the sum of Rs. _____ (Rupees _____) only with one surety*/two sureties, 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 commencing from _____.

- (1) that I shall not change my place of residence without giving previous intimation in writing to the Juvenile Justice Board/Child welfare Committee through the Probation Officer/Child Welfare Officer;
- (2) that I shall not remove the said _____ from the limits of the jurisdiction of the Juvenile Justice Board/Child Welfare Committee without previously obtaining the written permission of the Board/Committee.
- (3) that I shall send the said _____ daily to school/to such daily work as is approved by the Board/Committee unless prevented from so doing by circumstances beyond my control.
- (4) that I shall send the said _____ to an Attendance Centre regularly unless prevented from so doing by circumstances beyond my control.
- (5) that I shall report immediately to the Board/Committee whenever so required by it.
- (6) that I shall produce the said _____ mis-behaves or absconds from my care.
- (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 bind myself to forfeit to Government the sum of Rs. _____ (Rupees _____) only.

Dated this _____ day of _____ 20 _____.

Before me signed.

Signature of person executing the bond.

Additional conditions, if any, by the Juvenile Board/Child Welfare Committee may be entered numbering them properly.

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

I/We _____ of _____ (place of residence with full particulars) _____ hereby declare myself surety/ourselves sureties for the aforesaid _____ (name of the person executing the bond) _____ do and perform and in case of his making fault therein, I/We hereby bind myself/ourselves jointly said severally to forfeit to government the sum of Rs. _____ dated this the _____ day of _____ 20 _____ in the presence of.

(Signed)

FORM - V

(See sub-rule (4) of rule 46)

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 ordered to be sent back 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 bond under sub-rule _____ of rule _____ of the Mizoram Juvenile Justice (Care and Protection of Children), Rules, 2001 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 also beyond the said district without the prior permission of the Board/Committee.
2. That during the said period I shall attend work/school in the village/town or in the said district to which I am sent;
3. That in case of my attending work/school at any other place in the said district, I shall keep the Board/Committee informed of my ordinary place of residence.

FORM - VI

(See sub-rule(4) of rule 46)

I, _____ resident of _____ give particulars such as house no./road, village/town, district, state _____ do hereby declare that I am willing to take charge of _____ age _____ under the orders of the Juvenile Justice Board/Child Welfare Committee _____ subject to the following terms and conditions :

- (I) if his/her conduct is unsatisfactory I shall at once inform the 'competent authority'.
- (II) I shall do my best for the welfare and education of the said _____ 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' when so required.

Dated this _____ day of _____ 20

Signature

Signature and address of witness(es) :

FORM - VII

(See sub-rule (5) of rule 18)

I, _____ named and designation of the releasing authority _____ State Government/Union Territory Administration, do by this order permit _____ son/daughter of _____ cast _____ residence _____ number _____ who was ordered to be detained in a observation home, special home children home, shelter home, after care home by the Juvenile Justice Board/Child Welfare Committee _____ under section _____ of the Juvenile Justice (Care and Protection of Children) Act 2000, for a term of _____ on the _____ day of _____ 2 _____ and who is now in the _____ homes, at _____ to be discharged from the said _____ on condition that he/she be placed under the supervision and the authority of _____ during the remaining position of the aforesaid period of stay.

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

Dated :

Signature and designation of
Releasing Authority.

Place :

Conditions :

1. The released person shall proceed to _____ an _____ under the supervision and authority of _____ until the expiry of the period of his/her detention _____ unless the remission is sooner cancelled.
2. He/she shall not, without the consent of the _____ remove himself/her self _____ from that place or any other place, which may be named by the said _____.
3. He/She shall obey such instructions as he/she may receive from the said _____ with regard to punctual and regular attendance at employment or other- _____ wise.
4. He/She shall attend the Attendance Centre at _____ regularly.
5. He/She shall abstain from committing any offence and shall lead a sober and industrious life to the satisfaction of _____.
6. In the event of his/her committing a breach of any of the above conditions _____ the remission of the period of detention hereby granted shall be liable to be _____ cancelled and on such cancellation he/she shall be dealt under sub-section _____ (3) of section 59 of the Juvenile Justice and Protection of Children)) Act _____ 2000.

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

(Signature or mark of the released person)

Certified that the conditions specified in the above order have been read over/explained to (Name) _____ and that he/she has accepted them as the conditions upon which the remission of the period of detention has been granted to him/her has been realized accordingly on the _____.

Signature and Designation of the certifying authority.

(i.e. Officer-in-charge of the institution)

FORM - VIII

(See sub-rule(1) of rule 54)

Social Investigation Report

Sl.No. _____

Submitted to the Juvenile Justice Board/Child Welfare Committee, _____ (address)

Profile No.

Probation Department

Profile No.

Under Section .

Title of Profile**Police Station**

Nature of offence charge
(In the case of delinquent juvenile)

Name	Religion
Father's Name	Caste
Permanent Address	Year of birth
Last address before arrest	Age
	Sex

Previous institutional history, if any

FAMILY

Members of family any or School	Name	Age	Health	Occupation	Wages, if
------------------------------------	------	-----	--------	------------	-----------

Father

Step Father

Mother

Step Mother

Sub-mother

Siblings

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/
Parent and children especially
With the child under investigation

Other facts of importance if any

JUVENIL'S/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 interest, attitude towards job or employers)

Neighbourhood and neighbours report

Parent attitude towards discipline
In the home and child's reaction

Any other remarks

RESULT OF INQUIRY

Emotional factors
Physical condition
Intellegence
Social and economic factors
Religious factor
Suggested causes of the problems
Analysis of the case giving an idea
As to how the delinquency developed
Recommendation regarding treatment and its
Plan by Probation Officer/Child welfare Officer
Signature of the Probation Officer/Case Worker

FORM - IX

(See clause (d) of rule (2) of rule 54)

Fortnightly Progress report of Probationer**Part - I**

Name of the Probation Officer/Case Worker

For the month of

Registration No.

Competent Authority

Profile No.

Name of the Child

Date of Supervision Order

Address of the Child

Period of Supervision

Part - II

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 properly cared for ?

Part - III

- 8 Any proceedings before the competent authority of or
 - a) Variation before conditions of bond
 - b) Change of residence
 - c) Other matters
- 9 Period of supervision completed on _____.
- 10 Result of supervision with remarks (if any),
- 11 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

**GOVERNMENT OF MIZORAM
SOCIAL WELFARE DEPARTMENT**

NOTIFICATION

Dated Aizawl, the _____

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

(For better implementation and administration of the provisions of the said Act in its true spirit and substance).

F.No. _____ SWD - Whereas the Constitution of India has, in several provisions including clause (3) of article 15, clause (c) and (f) of article 39, article 45 and article 47, imposed on the State a primary responsibility of ensuring that all the needs of children are met and that their basic human rights are fully protected;

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

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

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

AND WHEREAS the Government of India has ratified the said Convention of the General Assembly of the United Nations on the 11th December, 1992;

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

AND WHEREAS it is felt necessary to give effect to the provisions of the Constitution and the said Convention, the Juvenile Justice (care and protection of children) Act, 2000 (herein under referred to as the said Act) was enacted to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing proper care, protection and treatment catering to their development needs, and by adopting a child friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under that Act;

NOW, THEREFORE, the following principles shall, *inter alia*, be fundamental to the development of strategies, interpretation and implementation of the said Act.

This enumeration does not preclude resorting to any higher measures possible resolved in consonance with the Constitution.

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

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

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

(i) **Age of innocence :**

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

(ii) **Procedural protection of innocence :**

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

(iii) **Provisions of legal aid and Guardian Ad Litem :**

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

(iv) **Avoidance of harm :**

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

2. **Principle of Best Interest :**

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

3. Principle of Family Cushion :

The family, biological, adoptive or foster (in that order), must be involved in the process es, preferred as placement

4. Principle of no harm, no maltreatment :

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

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

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

6. Principle of balancing :

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

7. Principle of non-waiver of rights :

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

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

8. Principle of equality :

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

9. Principle of right to privacy and confidentiality :

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

10. Principle of Fresh Start :

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

11. Principle of last resort :

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

12. Principle of repatriation :

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