

Foreword

To fulfil its obligations under the Constitution, international instruments and Convention on the Rights of the Child as also to make the adjudicatory procedure child friendly, the Juvenile Justice (Care and Protection of Children) Act, 2000, as amended by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 was enacted by the Parliament to consolidate and amend the law relating to Juvenile in conflict with law and children in need of care and protection, for providing them proper care, protection and treatment by catering to their developmental 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 and for matters connected therewith or incidental thereto, through institutional as well as non institutional measures enumerated under the said Act. This is the latest legislation on the subject. The Act as amended upto date provides for constitution of Juvenile Justice Board to deal exclusively with all proceedings under the Act relating to juvenile in conflict with law. Magistrates with special knowledge or training in child psychology or child welfare have been appointed as member of the board who are designated as Principal Magistrate and only those social workers are appointed as member of the Board who have been actively associated with the welfare activities pertaining to children. The Parliament with a view to provide for better implementation and administration of the provisions of the said Act in its true spirit and substance and in exercise of the powers conferred by the proviso of amended sub-section (1) of section 68 of the Juvenile Justice (Care and Protection of Children) Act 2000 have also made Juvenile Justice (Care and Protection of Children) Rules 2007. Section 68 of the Act as amended provides that the Central Government may frame model rules in respect of all or any of the matters with respect to which the State Government may make rules under this section, and where any such model rules have been framed in respect of any such matter they shall apply to the State until the rules in respect of that matter is made by the State Government. It also provides that such rules to be made by the State Government shall conform to the model rules framed by Central Government. Rule 96 of Rule 2007 framed by Central Government provides that until the new rules conforming to these rules of 2007 are framed by the State Government under section 68 of the Act the Model Rules 2007 made by the Central Government shall mutatis mutandis apply in that State. It is therefore necessary for Members of the Board, Principal Magistrate, Chief Judicial Magistrate and all other concern to make deep study of the subject so that benefit of this beneficial legislation may be extended to all juvenile and children in conflict with law who are in need of care and protection in a friendly atmosphere. Keeping in view that all the needs of children are met and their basic rights are fully protected this brochure have been prepared by the Institute.

The Institute is extremely thankful to all those who have contributed articles on the subject. We acknowledge their valuable contribution. I thankfully acknowledge the contribution and cooperation of Faculty Members and Employee of the Institute, who have been very actively associated with the preparation of this Reading Material and have taken great pains and have devoted their valuable extra time in compiling the material and giving the material, the shape of a Brochure.

I hope that this brochure would be of great help to the participating officers of the Seminar to be held on 26-04-2008 in the Institute under the guidance of The Hon'ble High Court.

Suggestions for improvement and rectification of errors and omissions, if any, are always welcome.

09 April 2008

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THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000*

(Act No. 56 of 2000)

[30th December 2000]

An Act to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation [and for matters connected therewith or incidental thereto].

WHEREAS the Constitution has, in several provisions, including clause (3) of article 15, clauses (e) and (f) of article 39, articles 45 and 47, impose on the State a primary responsibility of ensuring that all the needs of children are met and that their basic human rights are fully protected,

AND WHEREAS, the General Assembly of the United Nations has adopted the Convention on the Rights of the Child on the 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 Convention on the 11th December, 1992.

AND WHEREAS, it is expedient to re-enact the existing law relating to juveniles 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. Be it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:-

Statement of Objects and Reasons. - A review of the working of the Juvenile Act, 1986 (53 of 1986) would indicate that much greater attention is required to be given to children in conflict with law or those in need of care and protection. The justice system as available for adults is not considered suitable for being applied to a juvenile or the child or any one on their behalf

* Received the assent of the President on 30-12-2000 and published in the Gazette of India, Est., Pt. II, S. 1, dated 30-12-2000.

† Substituted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006), S. 2, for "through various institutions established under the enactment" (w.e.f. 22-8-2006).

including the police, voluntary organisations, social workers, or parents and guardians, throughout the country. There is also urgent for creating adequate infrastructure necessary for the implementation of the proposed legislation with a larger involvement of informal systems specially the family, the voluntary organisations and the community.

2. In this context, the following further proposals have been made-
 - (i) to lay down the basic principles for administering justice to a juvenile or the child in the bill;
 - (ii) to make the juvenile system meant for a juvenile or the child more appreciative of the developmental needs in comparison to criminal justice system as applicable to adults;
 - (iii) to bring the juvenile law in conformity with the United Convention on the Rights of the Child;
 - (iv) to prescribe a uniform age of eighteen years for both boys and girls;
 - (v) to ensure speedy disposal of cases by the authorities envisaged under this Bill regarding juvenile or the child within a time limit of four months;
 - (vi) to spell out the role of the State as a facilitator rather than doer by involving voluntary organisations and local bodies in the implementation of the proposed legislation;
 - (vii) to create special juvenile police units with a humane approach through sensitisation and training of police units with a humane approach through sensitisation and training of police personnel;
 - (viii) to enable increases accessibility to a juvenile or the child by establishing juvenile justice Boards and Child Welfare Committees and Homes in each district or Group of districts;
 - (ix) to minimize the stigma and in keeping with the developmental needs of the juvenile or the child, to separate the Bill into two parts- one for juveniles in conflict with law and the other for the juvenile or the child in need care and protection;
 - (x) to provide for effective provisions and various alternatives for rehabilitation and social reintegration such as adoption, foster care, sponsorship and aftercare of abandoned, destitute, neglected and delinquent juvenile and child.

(3) The Bill seeks to repeal and re-enact the Juvenile Justice Act, 1986 with a view to achieving the above objects.

Amendment Act 33 of 2006- Statement of Objects and Reasons.-
The Juvenile Justice (Care and Protection of Children) Act, 2000 (the Juvenile

Justice Act) was brought into force on 1st April, 2001. The Juvenile Justice Act was aimed at providing a juvenile justice system for juveniles in conflict with law and children in need of care protection by adopting a child friendly approach in the adjudication and disposition of matters in the interests of children and for their rehabilitation keeping in view the developmental needs of the children.

2. In a public interest litigation (Civil Writ Petition No 3447 of 2001) certain provisions of the Juvenile Justice Act were challenged the High Court of Delhi. During the course of hearings, the High Court observed that some of the provisions of the Juvenile Justice Act merited reconsideration. Keeping in view these observations, it was proposed to carry out amendments in sections 22,33,56,57 and 59 of the Juvenile Justice Act. Accordingly, an amendment Bill was introduced in the Lok Sabha on 24-7-2003. Meanwhile, taking cognizance of the said Bill, the High Court of Delhi disposed of the above said Civil Writ Petition on 28-7-2003. The Lok Sabha referred the said Bill to the Parliamentary Standing Committee on Labour and Welfare for examination and report. Before the Standing Committee submitted its report to the Lok Sabha, the Lok Sabha was dissolved and the said Bill lapsed.

3. Thereafter, before re-introducing a fresh amendment bill the Government considered it necessary to revisit the amendment proposals again alongwith other suggestions received by the Standing Committee from various experts. In the process, further consultations were held and suggestions/views of all concerned were obtained. Based upon these consultations, it is proposed to make amendments in other provisions of the Juvenile Justice Act in addition to those contained in the earlier Bill. Modifications proposed in the Bill, inter alia, intend-

- (i) to modify the long title of the Juvenile Justice Act so as to convey a wider scope of rehabilitation of child in need of care and protection or a juvenile in conflict with law under the Act though not only institutional but also non-institutional approach;
- (ii) to clarify that the Juvenile Justice Act shall apply to all cases involving detention or criminal prosecution of juveniles under any other law;
- (iii) to remove doubts regarding the relevant date in determining the juvenility of a person and applicability of the Juvenile Justice Act;
- (iv) exclusion of the local authority from the provisions authorising them to discharge or transfer a child in need of care and protection or a juvenile from the children's home or special home or for sending a juvenile in conflict with law undergoing imprisonment, to a special home or a fit institution;
- (v) to have a procedure laid where claim of juvenility is raised before any Court.

- (vi) to have a minimum period of twenty-four hours, excluding the time necessary for which he should the place where the juvenile in conflict with law was apprehended, within which he should be produced before the Board and a similar provision with regard to production of a child before the Child Welfare Committee;
- (vii) to provide for alternatives to detention in the observation home to achieve the intention of the Juvenile Justice Act;
- (viii) to do away with the association of any police officer from the inquiry process, for the child in need of care and protection as the work is assigned to the Child Welfare Committee and to cover other cases where the child can remain in children/shelter home after completion of enquiry;
- (ix) to extend the scope of adoption of a child to childless parents and to limit the same under the Juvenile Justice Act to citizens of India only;
- (x) to provide for a flexible period of leave that may be given to child on special occasions like examination, marriage of relatives, death of kith and kin or accident or serious illness of parent or any emergency of the like nature;
- (xi) to ensure the applicability of model rules framed by the Central Government in the States/Union territories who have not made their own rules, till the rules are framed in this regard by the respective States/Union territories.

4 This Bill seeks to achieve the above objectives.

CHAPTER - I

Preliminary

1. Short title, extent ¹ commencement and application] (1) This Act may be called the Juvenile Justice (Care and Protection of Children) Act, 2000.

(2) It extends to the Whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date ² as the Central Government may, by notification in the Official Gazette, appoint.

³(4) Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall apply to all cases involving

¹ Substituted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006) S. 3(i), for "and commencement" (w.e.f. 22-8-2006)

² Brought into force on 1-4-2001 vide Notification No. S.O. 173/E3, dated 28-3-2001

³ Inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act 2006 (33 of 2006) S. 3(i)(w.e.f. 22-8-2006)

detention, prosecution, penalty or sentence of imprisonment of juvenile in conflict with law under such other law.

2. Definitions - In this Act, unless the context otherwise requires,-

(a) "advisory board" means a Central or a state advisory board or a district and city level advisory board, as the case may be, constituted under section 62;

¹[(aa) "adoption" means the process through which the adopted child is permanently separated from his biological parents and become the legitimate child of his adoptive parents with all the rights, privileges and responsibilities that are attached to the relationship.]

(b) "Begging" means-

- (i) soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, whether under any pretence,
- (ii) exposing or exhibiting with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;

(c) "Board" means a Juvenile Justice Board constituted under section 4;

(d) "child in need of care and protection" means a child -

- (i) who is found without any home or settled place or abode and without any ostensible means of subsistence,

⁶ [(ia) Who is found begging, or who is either a street child or a working child.]

- (ii) who resides with a person (whether a guardian of the child or not) and such person-

- (a) has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out, or

- (b) has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person,

- (iii) who is mentally or physically challenged or ill children or children suffering from terminal diseases or incurable diseases having no one to support or look after,

- (iv) who has a parent or guardian and such parent or guardian is unfit or incapacitated to exercise control over the child.

¹ Inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act 2006 (11) of 2006, S. 4 (ix) w.e.f. 22-8-2006.

⁶ Inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act 2006 (11) of 2006, S. 4 (ca) (ix) w.e.f. 22-8-2006.

- (v) who does not have parent and no one is willing to take care of or whose parents have abandoned [or surrendered] him or who is missing and run away child and whose parents cannot be found after reasonable inquiry.
 - (vi) who is being or is likely to be grossly abused, tortured or exploited for the purpose of sexual abuse or illegal acts.
 - (vii) who is found vulnerable and is likely to be inducted into drug abuse or trafficking.
 - (viii) who is being or is likely to be abused for unconscionable gains.
 - (ix) who is victim of any armed conflict, civil commotion or natural calamity.
- (e) "children's home" means an institution established by a State Government or by voluntary organisation and certified by that Government under section 34;
- (f) "Committee" means a Child Welfare Committee constituted under section 29.
- (g) "competent authority" means in relation to children in need of care and protection a Committee and in relation to juveniles in conflict with law a Board.
- (h) "fit institution" means a governmental or a registered nongovernmental organisation or a voluntary organisation prepared to own the responsibility of a child and such organisation is found fit by the [State Government on the recommendation of the competent authority].
- (i) "fit person" means a person, being a social worker or any other person, who is prepared to own the responsibility of a child and is found fit by the competent authority to receive and take care of the child.
- (j) "guardian", in relation to a child, means his natural guardian or any other person having the actual charge or control over the child and recognised by the competent authority as a guardian in course of proceedings before that authority;
- (k) "juvenile" or "child" means a person who has not completed eighteenth year of age.

¹ Inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act 2006 (11 of 2006), S. 4 (a) (ii) (w.e.f. 22-8-2006).

² Substituted by the Juvenile Justice (Care and Protection of Children) Amendment Act 2006 (11 of 2006), S. 4 (iii) for "competent authority" (w.e.f. 22-8-2006).

- (i) "juvenile in conflict with law" means a juvenile who is alleged to have committed an offence;
- (j) "local authority" means Panchayats at the village and Zila Parishad at the district level and shall also include a Municipal Committee or Corporation or a Cantonment Board or such other body legally entitled to function as local authority by the Government;
- (k) "narcotic drug" and "psychotropic substance" shall have the meanings respectively assigned to them in the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985);
- (l) "observation home" means a home established by a State Government or by a voluntary organisation and certified by that State Government under section 8 as an observation home for the juvenile in conflict with law;
- (m) "offence" means an offence punishable under any law for the time being in force;
- (n) "place of safety" means any place or institution (not being a police lock-up or jail), the person incharge of which is willing temporarily to receive and take care of the juvenile and which, in the opinion of the competent authority, may be a place of safety for the juvenile;
- (o) "prescribed" means prescribed by rules made under this act;
- (p) "Probation officer" means an officer appointed by the State Government as a probation officer under the Probation of Offenders Act, 1958 (20 of 1958);
- (q) "public place" shall have the meaning assigned to it in the Immoral Traffic (Prevention) Act, 1956 (104 of 1956);
- (r) "shelter home" means a home or a drop-in-centre set up under section 37;
- (s) "special home" means an institution established by a State Government or by a voluntary organisation and certified by that Government under section 9;
- (t) "special juvenile police unit" means a unit of the police force of a State designated for handling of juveniles or children under section 63.

¹ Substituted by the Juvenile Justice (Care and Protection of Children) Amendment Act 2006 (13 of 2006) S. 4 (iv) for CE (i) (w.e.f. 22-8-2006). Prior to its substitution, CE (i) read as under: "(i) 'juvenile in conflict with law' means a juvenile who is alleged to have committed an offence."

² CE (vi) inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act 2006 (13 of 2006) S. 4 (v) for CE (vi) (w.e.f. 22-8-2006). Prior to its insertion, CE (vi) read as under: "(vi) 'Local authority' means Panchayats at the village and Zila Parishad at the district level and shall also include a Municipal Committee or Corporation or a Cantonment Board or such other body legally entitled to function as local authority by the Government."

- (x) "State Government", in relation to a Union territory, means the Administrator of that Union territory appointed by the President under article 239 of the Constitution.
- (y) all words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1973 (2 of 1974) shall have the meanings respectively assigned to them in that code.

COMMENTS

The crucial date for determining the status of a person as juvenile is the date when accused is brought before the competent authority and not the date when the offence is committed, *Khunnu Yadav v. Rajesh Maurya* (2003) 10 S.C.C. 291 (case under 1986 Act).

3. Continuation of inquiry in respect of juvenile who has ceased to be a juvenile.—Where an inquiry has been initiated against a juvenile in conflict with law or a child in need of care and protection and during the course of such inquiry the juvenile or the child ceases to be such, then, notwithstanding anything contained in this Act or in any other law for the time being in force, the inquiry may be continued and orders may be made in respect of such person as if such person had continued to be a juvenile or a child.

CHAPTER - II

Juvenile in Conflict with Law

4. Juvenile Justice Board - (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the State Government may, ¹¹ within a period of one year from the date of commencement of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, by notification in the Official Gazette, constitute for a district or a group of districts] one or more Juvenile Justice Boards for exercising the powers and discharging the duties conferred or imposed on such Boards in relation to juveniles in conflict with law under this act.

(2) A Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of the first class, as the case may be, and two social workers of whom at least one shall be a woman, forming a Bench and every such Bench shall have the powers conferred by the Code of Criminal Procedure, 1973 (2 of 1974) on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the first class and the Magistrate on the Board shall be designated as the principal Magistrate.

(3) No Magistrate shall be appointed as a member of the Board unless he has special knowledge or training in child psychology or child welfare and no social worker shall be appointed as a member of the Board unless he has been actively involved in health, education, or welfare activities pertaining to children for at least seven years.

¹¹ Substituted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006), S. 6, for "by notification in the Official Gazette, constitute for a district or a group of districts specified in the notification" (w.e.f. 22-8-2006).

(4) The term of office of the members of the Board and the manner in which such member may resign shall be such as may be prescribed.

(5) The appointment of any member of the Board may be terminated after holding inquiry, by the State Government, if -

(i) he has been found guilty of misuse of power vested under this act.

(ii) he has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or he has not been granted full pardon in respect of such offence.

(iii) he fails to attend the proceedings of the Board for consecutive three months without any valid reason or he fails to attend less than threefourth of the sittings in a year.

5. Procedure, etc., in relation to Board- (1) The Board shall meet at such times and shall, observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.

(2) A child in conflict with law may be produced before an individual member of the Board, when the Board is not sitting.

(3) A Board may act notwithstanding the absence of any member of the Board, and no order made by the Board shall be invalid by reason only of the absence of any member during any stage of proceedings.

Provided that there shall be at least two members including the principal Magistrate present at the time of final disposal of the case.

(4) In the event of any difference of opinion among the members of the Board in the interim or final disposition, the opinion of the majority shall prevail, but where there is no such majority, the opinion of the principal Magistrate, shall prevail.

6. Powers of Juvenile Justice Board- (1) Where a Board has been constituted for any district¹² such Board shall, notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, have power to deal exclusively with all proceedings under this Act, relating to juvenile in conflict with law.

(2) The powers conferred on the Board by or under this Act may also be exercised by the High Court and the Court of Session, when the proceedings comes before them in appeal, revision or otherwise.

7. Procedure to be followed by a Magistrate not empowered under the Act- (1) When any Magistrate not empowered to exercise the powers of a Board under this Act is of the opinion that a person brought before him under any of the provisions of this Act (other than for the purpose of giving evidence), is a juvenile or the child, he shall without any delay record such

¹² The words "or a group of districts" inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006(11 of 2006), S. 7 (w.e.f. 22-8-2006)

opinion and forward the juvenile or the child, and the record of the proceeding to the competent authority having jurisdiction over the proceeding.

(2) The competent authority to which the proceeding is forwarded under sub-section shall hold the inquiry as if the juvenile or the child had originally been brought before it.

[7-A. Procedure to be followed when claim of juvenility is raised before any Court - (1) Whenever a claim of juvenility is raised before any Court or a Courts is of the opinion that an accused person was a juvenile on the date of commission of the offence, the Court shall make an inquiry, take such evidence as may be necessary (but not an affidavit) so as to determine the age of such person, and shall record a finding whether the person is a juvenile or a child or not, stating his age as nearly as may be.

Provided that a claim of juvenility may be raised before any Court and is shall be recognised at any stage, even after final disposal of the case, and such claim shall be determined in terms of the provisions contained in this Act and the rules made thereunder, even if the juvenile has ceased to be so on or before the date of commencement of this Act.

(2) If the Court finds a person to be a juvenile on the date of commission of the offence under sub-section (1), it shall forward the juvenile to the Board for passing appropriate order, and the sentence, if any, passed by a Court shall be deemed to have no effect]

8. Observation homes.- (1) Any State Government may establish and maintain either by itself or under an agreement with voluntary organisations, observation homes in every district or a group of districts, as may be required for the temporary reception of any juvenile in conflict with law during the pendency of any inquiry regarding them under this Act.

(2) Where the State Government is of opinion that any institution other than a home established or maintained under sub section (1), is fit for the temporary reception of juvenile in conflict with law during the pendency of any inquiry regarding them under this Act, it may certify such institution as an observation home for purposes of this Act.

(3) The State Government may, by rules made under this Act, provide for the management of observation homes, including the standards and various types of services to be provided by them for rehabilitation and social integration of a juvenile, and the circumstances under which, and the manner in which, the certification of an observation home may be granted or withdrawn.

(4) Every juvenile who is not placed under the charge of parent or guardian and is sent to an observation home shall be initially kept in a reception unit of the observation home for preliminary inquiries, care and classification for juveniles according to his age group, such as seven to twelve years, twelve to sixteen years and sixteen to eighteen years, giving due

¹⁷ Inserted by the the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006(1) of 2006, S. 8 (w.e.f. 22-8-2006)

considerations to physical and mental status and degree of the offence committed, for further induction into observation home.

9. Special homes.- (1) Any State Government may establish and maintain either by itself or under an agreement with voluntary organisations, special homes in every district or a group of districts, as may be required for reception and rehabilitation of juvenile in conflict with law under this Act.

(2) Where the State Government is of opinion that any institution other than a home established or maintained under sub-section (1), is fit for the reception of juvenile in conflict with law to be sent there under this Act, it may certify such institution as a special home for the purposes of this Act.

(3) The State Government may, by rules made under this Act, provide for the management of special homes, including the standards and various types of services to be provided by them which are necessary for resocialisation of a juvenile, and the circumstances under which and the manner in which, the certification of a special home may be granted or withdrawn.

(4) The rules made under sub-section (3) may also provide for the classification and separation of juvenile in conflict with law on the basis of age and the nature of offences committed by them and his mental and physical status.

10. Apprehension of juvenile in conflict with law.¹⁴ (1) As soon as a juvenile in conflict with law is apprehended by police, he shall be placed under the charge of the special juvenile police unit or the designated police officer, who shall produce the juvenile before the Board without any loss of time but within a period of twenty-four hours of his apprehension excluding the time necessary for the journey, from the place where the juvenile was apprehended, to the Board.

Provided that in no case, a juvenile in conflict with law shall be placed in a police lockup or lodged in a jail.]

(2) The State Government may make rules consistent with this Act -

(i) to provide for persons through whom (including registered voluntary organisations) any juvenile in conflict with law may be produced before the Board;

(ii) to provide the manner in which such juvenile may be sent to an observation home.

11. Control of custodian over juvenile.- Any person in whose charge a juvenile is placed in pursuance of this Act shall, while the order is in force have the control over the juvenile as he would have if he were his parents, and shall be responsible for his maintenance, and the juvenile shall continue in his

¹⁴ Substituted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (1) of 2006, S. 9 for sub-S (1) (w.e.f. 22-8-2006). Prior to its substitution, sub-S (1) read as under -
“(1) As soon as a juvenile in conflict with law is apprehended by police, he shall be placed under the charge of the special juvenile police unit or the designated police officer who shall immediately report the matter to a of the Board.”

charge for the period stated by competent authority, notwithstanding that he is claimed by his parents or any other person.

12. Bail of juvenile. - (1) When any person accused of a bailable or non-bailable offence, and apparently a juvenile, is arrested or detained or appears or is brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety¹⁷ or placed under the supervision of a Probation Officer or under the care of any fit institution or fit person] but he shall not be so released if there appear reasonable grounds for believing that the release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice.

(2) When such person having been arrested is not released on bail under sub-section (1) by the officer incharge of the police station, such officer shall cause him to be kept only in an observation home in the prescribed manner until he can be brought before a Board.

(3) When such person is not released on bail under sub-section (1) by the Board it shall, instead of committing him to prison, make an order sending him to an observation home or a place of safety for such period during the pendency of the inquiry regarding him as may be specified in the order.

13. Information to parent, guardian or probation officer. - Where a juvenile is arrested, the officer incharge of the police station or the special juvenile police unit to which the juvenile is brought shall, as soon as may be after the arrest, inform-

(a) the parent or guardian of the juvenile, if he can be found, of such arrest and direct him to be present at the Board before which the juvenile will appear, and

(b) the probation officer of such arrest to enable him 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.

14. Inquiry by Board regarding juvenile. -¹⁸(i) Where a juvenile having been charged with the offence is produced before a Board, the Board shall hold the inquiry in accordance with the provisions of this Act and may make such order in relation to the juvenile as it deems fit.

Provided that an inquiry under this section shall be completed within a period of four months from the date of its commencement, unless the period is extended by the Board having regard to the circumstances of the case and in special cases after recording the reasons in writing for such extension.

¹⁷ Inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006(33) of 2006, S 10 (w & F 22-8-2006)

¹⁸ S 14 renumbered as sub-S (1) thereof and sub-S (2) inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33) of 2006, S 10 (w & F 22-8-2006)

[2] The Chief Judicial Magistrate or the Chief Metropolitan Magistrate shall review the pendency of cases of the Board at every six months, and shall direct the Board to increase the frequency of its sittings or may cause the constitution of additional Boards]

15. Order that may be passed regarding juvenile - (1) Where a Board is satisfied on inquiry that a juvenile has committed an offence, then notwithstanding anything to the contrary contained in any other law for the time being in force, the Board may, if it thinks so fit -

- (a) allow the juvenile to go home after advice or admonition following appropriate inquiry against and counselling to the parent or the guardian and the juvenile;
- (b) direct the juvenile to participate in group counselling and similar activities;
- (c) order the juvenile to perform community service;
- (d) order the parent of the juvenile or the juvenile himself to pay a fine, if he is over fourteen years of age and earns money;
- (e) direct the juvenile to be released on probation of good conduct and placed under the care of any parent, guardian or other fit person, on such parent, guardian or other fit person executing a bond, with or without surety, as the Board may require, for the good behaviour and well-being of the juvenile for any period not exceeding three years;
- (f) direct the juvenile to be released on probation of good conduct and placed under the care of any fit institution for the good behaviour and well-being of the juvenile for any period not exceeding three years;
- (g) make an order directing the juvenile to be sent to a special home for a period of three years;

Provided that the Board may, if it is satisfied that having regard to the nature of the offence and the circumstances of the case it is expedient so to do, for reasons to be recorded, reduce the period of stay to such period as it thinks fit.]

(2) The Board shall obtain the social investigation report on juvenile either through a probation officer or a recognised voluntary

¹⁷ Substitution by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (11 of 2006), S 12, for Cl 1(g) for a C, 22 & 2006. Prior to its substitution, Cl 1(g) read as under - "1g) make an order directing the juvenile to be sent to a special home, if the case of juvenile is an recurrent case but less than eighteen years of age for a period of not less than two years

(1) in case of any other juvenile for the period until he ceases to be juvenile. Provided that the Board may, if it is satisfied that having regard to the nature of the offence and the circumstances of the case it is expedient so to do, for reasons to be recorded, reduce the period of stay to such period as it thinks fit

organisation or otherwise, and shall take into consideration the findings of such report before passing an order.

(3) Where an order under clause (d), clause (e) or clause (f) of sub-section (1) is made, the Board may, if it is of opinion that in the interests of the juvenile and of the public, it is expedient so to do, in addition make an order that the juvenile in conflict with law shall remain under the supervision of a probation officer named in the order during such period, not exceeding three years as may be specified therein, and may in such supervision order impose such conditions as it deems necessary for the due supervision of the juvenile in conflict with law.

Provided that if at any time afterwards it appears to the Board on receiving a report from the probation officer or otherwise, that the juvenile in conflict with law has not been of good behaviour during the period of supervision or that the fit institution under whose care the juvenile was placed is no longer able or willing to ensure the good behaviour and well-being of the juvenile it may, after making such inquiry as it deems fit, order the juvenile in conflict with law to be sent to a special home.

(4) The Board shall while making a supervision order under sub-section (3), explain to the juvenile and the parent, guardian or other fit person or fit institution, as the case may be, under whose care the juvenile has been placed, the terms and conditions of the order shall forthwith furnish one copy of the supervision order to the juvenile, the parent, guardian or other fit person or fit institution, as the case may be, the sureties, if any, and the probation officer.

16. Order that may not be passed against juvenile. (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no juvenile in conflict with law shall be sentenced to death¹⁵ or life imprisonment for any term which may extend to imprisonment [de], or committed to prison in default of payment of fine or in default of furnishing security.

Provided that where a juvenile who has attained the age of sixteen years has committed an offence and the Board is satisfied that the offence committed is of so serious in nature or that his conduct and behaviour have been such that it would not be in his interest or in the interest of other juvenile in a special home to send him to such special home and that none of the other measures provided under this Act is suitable or sufficient, the Board may order the juvenile in conflict with law to be kept in such place of safety and in such manner as it thinks fit and shall report the case for the order of the State Government.

(2) On receipt of a report from a Board under sub-section (1), the State Government may make such arrangement in respect of the juvenile as it

¹⁵ Substituted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006), S 13, i) for " or life imprisonment" (w.e.f. 22-8-2006).

deems proper and may order such juvenile to be kept under protective custody at such place and on such conditions as it thinks fit :

¹⁹] Provided that the period of detention so ordered shall not exceed in any case the maximum period provided under section 15 of this Act]

17. Proceeding under Chapter VIII of the Code of Criminal Procedure not competent against juvenile.-Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 (2 of 1974) no proceeding shall be instituted and no order shall be passed against the juvenile under Chapter VIII of the said Code.

18. No joint proceeding of juvenile and person not a juvenile.- (1) Notwithstanding anything contained in section 223 of the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, no juvenile shall be charged with or tried for any offence together with a person who is not a juvenile.

(2) If a juvenile is accused of an offence for which under section 223 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force, such juvenile and any person who is not a juvenile would, but for the prohibition contained in sub-section (1), have been charged and tried together, the Board taking cognizance of that offence shall direct separate trials of the juvenile and the other person.

19. Removal of disqualification attaching to conviction.- (1) Notwithstanding anything contained in any other law, a juvenile who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attaching to a conviction of an offence under such law.

(2) The Board shall make an order directing that the relevant records of such conviction shall be removed after the expiry of the period of appeal or a reasonable period as prescribed under the rules, as the case may be.

20. Special provision in respect of pending cases.- Notwithstanding anything contained in this Act, all proceedings in respect of a juvenile pending in any court in any area on the date on which this Act comes into force in that area, shall be continued in that court as if this Act had not been passed and if the court finds that the juvenile has committed an offence, it shall record such finding and instead of passing any sentence in respect of the juvenile, forward the juvenile to the Board which shall pass orders in respect of that juvenile in accordance with the provisions of this Act as if it had been satisfied on inquiry under this Act that a juvenile has committed the offence.

²⁰] Provided that the Board may, for any adequate and special reason to be mentioned in the order, review the case and pass appropriate order in the interest of such juvenile.

¹⁹ Substituted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (13 of 2006) S 13, (a) for the previous (w.e.f. 22-8-2006). Prior to its substitution, the provision read as order - "Provided that the period of detention so ordered shall not exceed the maximum period of imprisonment to which the juvenile could have been sentenced for the offence committed."

Explanation.- In all pending cases including trial, revision, appeal or any other, criminal proceedings in respect of a juvenile in conflict with law, in any Court, the determination of juvenility of such a juvenile shall be in terms of clause (1) of section 2, even if the juvenile ceases to be so on or before the date of commencement of this Act and the provisions of this Act shall apply as if the said provisions had been in force, for all purposes and at all material times when the alleged offence was committed]

21. Prohibition of publication of name, etc., of juvenile involved in any proceeding under the Act.- (1) No report in any newspaper, magazine, news-sheet or visual media of any inquiry regarding a juvenile in conflict with law under this Act shall disclose the name, address or school or any other particulars calculated to lead to the identification of the juvenile nor shall any picture of any such juvenile be published :

Provided that for reasons to be recorded in writing the authority holding the inquiry may permit such disclosure, if in its opinion such disclosure is in interest of the juvenile or the child.

(2) Any person who contravenes the provisions of sub-section (1), shall be liable to a penalty which extend to twenty-five thousand rupees]

22. Provision in respect of escaped juvenile.- Notwithstanding anything to the contrary contained in any other law for the time being in force, any police officer may take charge without warrant of a juvenile in conflict with law who has escaped from a special home or an observation home or from the care of a person under whom he was placed under this Act, and shall be sent back to the special home or the observation home or that person, as the case may be; and no proceeding shall be instituted in respect of the juvenile by reason of such escape, but the special home, or the observation home or the person may, after giving the information to the Board which passed the order in respect of the juvenile, take such steps in respect of the juvenile as may be deemed necessary under the provisions of this Act.

23. Punishment for cruelty to juvenile or child.- Whoever, having the actual charge of, or control over, a juvenile or the child, assaults, abandons, exposes or wilfully neglects the juvenile or causes or procures him to be assaulted, abandoned, exposed or neglected in a manner likely to cause such juvenile or the child unnecessary mental or physical suffering shall be

²⁰ Inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006) E 14 (w.e.f. 22-8-2006)

²¹ Substituted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006) S 13, for S 21 (w.e.f. 22-8-2006). Prior to its substitution, S. 21 read as under - "21. Prohibition of publication of name, etc. of juvenile involved in any proceeding under the Act - (1) No report in any newspaper, magazine, news-sheet or visual media of any inquiry regarding a juvenile in conflict with law under this Act shall disclose the name, address or school or any other particulars calculated to lead to the identification of the juvenile nor shall any picture of any such juvenile be published.

Provided that for reasons to be recorded in writing the authority holding the inquiry may permit such disclosure, if in its opinion such disclosure is in interest of the juvenile.

(2) Any person contravening the provisions of sub-section (1) shall be punishable with fine, which may extend to one thousand rupees."

punishable with imprisonment for a term which may extend to six months, or fine, or with both.

24. Employment of juvenile or child for begging.- (1) Whoever employs or uses any juvenile or the child for the purpose or causes any juvenile to beg shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

(2) Whoever, having the actual charge of, or control over, a juvenile or the child abets the commission of the offence punishable under sub-section (1), shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

25. Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to juvenile or child - Whoever gives, or causes to be given, to any juvenile or the child any intoxicating liquor in a public place or any narcotic drug or psychotropic substance except upon the order of duly qualified medical practitioner or in case of sickness shall be punishable with imprisonment for a term which may extend to three years and shall be liable to fine.

26. Exploitation of juvenile or child employee.- Whoever ostensibly procures a juvenile or the child for the purpose of any hazardous employment keeps him in bondage and withholds his earnings or uses such earning for his own purposes shall be punishable with imprisonment for a term which may extend to three years and shall be liable to fine.

27. Special offences - The offences punishable under sections 23, 24, 25 and 26 shall be cognizable.

28. Alternative punishment - Where an act or omission constitute an offence punishable under this Act and also under any other Central or State Act, then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offences shall be liable to punishment only under such Act as provides for punishment which is greater in degree.

CHAPTER - III

Child in need of Care and Protection

29. Child Welfare Committee - (1) The State Government may, ^[] within a period of one year from the date of commencement of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, by notification in Official Gazette, constitute for every district] one or more Child Welfare Committees for exercising the powers and discharge the duties conferred on such Committees in relation to child in need of care and protection under this Act.

(2) 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.

²² Substituted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006) S. 15, for S. 16, for " by notification in Official Gazette, constitute for every district or group of districts, specified in the notification" (w.e.f. 22-8-2006)

(3) The qualifications of the Chairperson and the members, and the tenure for which they may be appointed shall be such as may be prescribed

(4) The appointment of any member of the Committee may be terminated, after holding inquiry, by the State Government, if-

(i) he has been found guilty of misuse of power vested under this Act;

(ii) he has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or he has not been granted full pardon in respect of such offence;

(iii) he fails to attend the proceedings of the Committee for consecutive three months without any valid reason or he fails to attend less than three-fourth of the sittings in a year.

(5) The Committee shall function as a Bench of Magistrates and shall have the powers conferred by the Code of Criminal Procedure, 1973 (2 of 1974) on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the first class.

30. Procedure, etc., in relation to Committee.- (1) The Committee shall meet at such times and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.

(2) A child in need of care and protection may be produced before an individual member for being placed in safe custody or otherwise when the Committee is not in session.

(3) In the event of any difference of opinion among the members of the Committee at the time of any interim decision, the opinion of the majority shall prevail but where there is no such majority the opinion of the chairperson shall prevail.

(4) Subject to the provisions of subsection(1), the Committee may act, notwithstanding the absence of any member of the Committee, and no order made by the Committee shall be invalid by reason only of the absence of any member during any stage of the proceeding.

31. Powers of Committee - (1) The Committee shall have the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of the children as well as to provide for their basic needs and protection of human rights.

(2) Where a Committee has been constituted for any area, such Committee shall, notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, have the power to deal exclusively with all proceedings under this Act relating to children in need of care and protection.

32. Production before Committee.- (1) Any child in need of care and protection may 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 organisation or by such other voluntary organisation or an agency as may be recognised by the State Government;
- (iv) any social worker or a public spirited citizen²³ [* * *]; or
- (v) by the child himself.

²⁴ [Provided that the child shall be produced before the Committee without any loss of time but within a period of twenty-four hours excluding the time necessary for the journey.]

(2) The State Government may make rules consistent with this Act to provide for the manner of making the report²⁵ [* * *] to the police and to the Committee and the manner of sending and entrusting the child to children's home pending the inquiry.

33. Inquiry - (1) On receipt of a report under section 32, the Committee²⁶ [* * *] or any police officer or special juvenile police unit or the designated police officer shall hold an inquiry in the prescribed manner and the Committee, on its own or on the report from any person or agency as mentioned in sub-section (1) of section 32, may pass an order to send the child to the children's home for speedy inquiry by a social worker or child welfare officer.

(2) The inquiry under this section shall be completed within four months of the receipt of the order or within such shorter period as may be fixed by the Committee:

Provided that the time for the submission of the inquiry report may be extended by such period as the Committee may, having regard to the circumstances and for the reasons recorded in writing, determine.

²⁷ (3) The State Government shall review the pendency of cases of the Committee at every six months, and shall direct the Committee to increase the frequency of its sittings or may cause the constitution of additional committees.

²³ The words "authorised by the State Government" inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2005, S. 17 (a)(i)(a) of F. 22-8-2004.

²⁴ Inserted by the State Government" inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act (51 of 2006), S. 12 (a)(i)(iv) of F. 22-8-2006.

²⁵ The words "to the police and" inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2005, S. 17 (b) (a) of F. 22-8-2004.

²⁶ The words "or any police officer or special juvenile police unit or the designated police officer" inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2005, S. 13 (a) (a) of F. 22-8-2004.

²⁷ Substituted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006), S. 18 (b), for sub-S (3) (a) of F. 22-8-2006. Prior to its substitution, sub-S (3) read as under - "(3) After the completion of the inquiry if the Committee is of the opinion that the said child has no family or other support, it may allow the child to remain in the children's home or shelter home till suitable rehabilitation is found for him or till he attains the age of eighteen years."

(4) After the completion of the inquiry if the Committee is of the opinion that the said child has no family or ostensible support, it may allow the child to remain in the children's home or shelter home till suitable rehabilitation is found for him or till he attains the age of eighteen years.]

34. Children's homes (1) The State Government may establish and maintain either by itself or in association with voluntary organisations, children's homes, in every district or group of districts, as the case may be, for the reception of child in need of care and protection during the pendency of any inquiry and subsequently for their care, treatment, education, training, development and rehabilitation.

(2) The State Government may, by rules made under this Act, provide for the management of children's homes including the standards and the nature of services to be provided by them, and the circumstances under which, and the manner in which, the certification of a children's home or recognition to a voluntary organisation may be granted or withdrawn.

²⁶[(3) Without prejudice to anything contained in any other for the time being in force, all institutions, whether State Government run or those run by voluntary organisations for children in need of care and protection shall, within a period of six months from the date of commencement of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006, be registered under this Act in such manner as may be prescribed.]

35. Inspection.-(1) The State Government may appoint inspection committees for the children's homes (hereinafter referred to as the inspection committees) for the State, a district and city, as the case may be, for such period and for such purposes as may be prescribed.

(2) The inspection committee of a State, district or of a city shall consist of such number of representatives from the State Government, ²⁷* * * *] Committee, voluntary organisations and such other medical experts and social workers as may be prescribed.

36. Social auditing.- The Central Government or State Government may monitor and evaluate the functioning of the children's homes at such period and through such persons and institutions as may be specified by that Government.

37. Shelter homes.-(1)The State Government may recognise, reputed and capable voluntary organisations and provide them assistance to set up and administer as many shelter homes for juveniles or children as may be required.

(2) The shelter homes referred in subsection-(1) shall function as drop-incentres for the children in the need of urgent support who have been brought to such homes through such persons as are referred to in subsection (1) of section 32.

²⁶ Inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act 2006 (37 of 2006), S. 19 (w.e.f. 22-8-2006).

²⁷ The words "local authority" inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act 2006 (37 of 2006), S. 5 (w.e.f. 22-8-2006).

(3) As far as possible, the shelter homes shall have such facilities as may be prescribed by the rules.

38. Transfer. - (1) If during the inquiry 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) Such juvenile or the child shall be escorted by the staff of the home in which he is lodged originally.

(3) The State Government may make rules to provide for the travelling allowance to be paid to the child.

39. Restoration. - (1) Restoration of and protection to a child shall be the prime objective of any children's home or the shelter home.

(2) The children's home or a shelter home, as the case may be, shall take such steps as are considered necessary for the restoration of and protection to a child deprived of his family environment temporarily or permanently whereas such child is under the care and protection of a children's home or a shelter home, as the case may be.

(3) The Committee shall have the powers to restore any child in need of care and protection to his parent, guardian, fit person or fit institution, as the case may be, and give them suitable directions.

[Explanation - For the purposes of this section "restoration of child" means restoration to-

- (a) Parents;
- (b) adopted parents;
- (c) foster parents;
- (d) Guardian;
- (e) Fit person;
- (f) Fit institution]

CHAPTER - IV

REHABILITATION AND SOCIAL REINTEGRATION

40. Process of rehabilitation and social reintegration.- The rehabilitation and social reintegration of a child shall begin during the stay of the child in a children's home or special home and the rehabilitation and social reintegration of children shall be carried out alternatively by (i) adoption, (ii) foster care, (iii) sponsorship, and (iv) sending the child to an aftercare organisation.

41. Adoption.- (1) The primary responsibility for providing care and protection to children shall be that of his family.

¹ Substituted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33) of 2006, S. 20, for the Explanation (w.e.f. 22-8-2006). Prior term substitution, the Explanation read as under - For the purposes of this section "restoration of child" means restoration to-

- (a) parents;
- (b) adopted parents;
- (c) foster parents."

²¹(2) Adoption shall be resorted to for the rehabilitation of children who are orphan, abandoned or surrendered through such mechanism as may be prescribed.

(3) In keeping with the provisions of the various guidelines for adoption issued from time to time by the State Government, or the Central Adoption Resource Agency and notified by the Central Government, may be given in adoption by a Court after satisfying itself regarding the investigations having been carried out, as are required for giving such children in adoption.

(4) The State Government shall recognise one or more its institutions or voluntary organisation in each district as specialised adoption agencies in such manner as may be prescribed for the placement of orphan, abandoned or surrendered children for adoption in accordance with the guidelines notified under sub-section(3).

Provided that the children's homes and the institutions run by the State Government or a voluntary organisation for children in need of care and protection, who are orphan, abandoned or surrendered, shall ensure that these children are declared free for adoption by the Committee and all such cases shall be referred to the adoption agency in that district for placement of such children in adoption in accordance with the guidelines notified under sub-section(3).

(5) No child shall be offered for adoption.

- (a) until two members of the Committee declare the child legally free for placement in the case of abandoned children,
- (b) till the two months period for reconsideration by the parent is over in the case of surrendered children, and
- (c) without his consent in the case of a child who can understand and express his consent.

²²(6) The Court may allow a child to be in adoption-

- (a) to a person irrespective of marital status, or

²¹ Substituted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2016 (11 of 2016) S. 21 (a), for sub-Ss (2), (3) and (4) (w.e.f. 22-8-2016) Prior to their substitution, sub-Ss (2), (3) and (4) read as under - "(2) Adoption shall be resorted to for the rehabilitation of such children as are orphaned, abandoned, neglected and abused through institutional and non-institutional methods.

(3) In keeping with the provisions of the various guidelines for adoption issued from time to time by the State Government, the Board shall be empowered to give children in adoption and carry out such investigations as are required for giving children in adoption in accordance with the guidelines issued by the State Government from time to time in this regard.

(4) The Children's homes or the State Government run institutions for orphans shall be recognised as an adopting agencies both for scrutiny and placement of such children for adoption in accordance with the guidelines issued under sub-section(3).

²² Substituted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2016 (11 of 2016) S. 21(a), for sub-Ss (6) (w.e.f. 22-8-2016) Prior to its substitution, sub S. 10 read as under - "6) The Board may allow a child to be given in adoption-

(a) to a single parent, and

(b) to parents to adopt a child of same sex irrespective of the number of living biological sons or daughters."

- (b) to parents to adopt a child of same sex irrespective of the number of living biological sons or daughters, or
- (c) to childless couples.]

42. Foster care.- (1) The foster care may be used for temporary placement of those infants who are ultimately to be given for adoption.

(2) In foster care, the child may be placed in another family for a short or extended period of time, depending upon the circumstances where the child's own parent usually visit regularly and eventually after the rehabilitation, where the children may return to their own homes.

(3) The State Government may make rules for the purposes of carrying out the scheme of foster care programme of children.

43. Sponsorship.- (1) The sponsorship programme may provide supplementary support to families, to children's homes and to special homes to meet medical, nutritional, educational and other needs of the children with a view to improving their quality of life.

(2) The State Government may make rules for the purposes of carrying out various schemes of sponsorship of children, such as individual to individual sponsorship, group sponsorship or community sponsorship.

44. After-care organisation - The State Government may, by rules made under this Act, provide-

(a) for the establishment or recognition of after-care organisations and the functions that may be performed by them under this Act;

(b) for a scheme of after-care programme to be followed by such organisations for the purpose of taking care of juveniles or the children after they leave special homes, children homes and for the purpose of enabling them to lead an honest, industrious and useful life;

(c) for the preparation or submission of a report by the probation officer or any other officer appointed by that Government in respect of each juvenile or the child prior to his discharge from a special home, children's home, regarding the necessity and nature of after-care of such juvenile or of a child, the period of such after-care, supervision thereof and for the submission of report by the probation officer or any other officer appointed for the purpose, on the progress of each juvenile or the child;

(d) for the standards and the nature of services to be maintained by such after care organisations;

(e) for such other matters as may be necessary for the purpose of carryout the scheme of after-care programme for the juvenile or the child :

Provided that any rule made under this section shall not provide for such juvenile or child to stay in the after-care organisation for more than three years :

Provided further that a juvenile or child over seventeen years of age but less than eighteen years of age would stay in the after-care organisation till he attains the age of twenty years.

45. Linkages and co-ordination. - The State Government may make rules to ensure effective linkages between various governmental, non-governmental, corporate and other community agencies for facilitating the rehabilitation and social reintegration of the child.

CHAPTER - V MISCELLANEOUS

46. Attendance of parent or guardian of juvenile or child. - Any competent authority before which a juvenile or the child is brought under any of the provisions of this Act, may, whenever it so thinks fit, require any parent or guardian having the actual charge of or control over the juvenile or the child to be present at any proceeding in respect of the juvenile or the child.

47. Dispensing with attendance of juvenile or child. - If, at any stage during the course of an inquiry, a competent authority is satisfied that the attendance of the juvenile or the child is not essential for the purpose of inquiry, the competent authority may dispense with his attendance and proceed with the inquiry in the absence of the juvenile or the child.

48. Committal to approved place of juvenile or child suffering from dangerous diseases and his future disposal. - (1) When a juvenile or the child who has been brought before a competent authority under this Act, is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment, the competent authority may send the juvenile or the child to any place recognised to be an approved place in accordance with the rules made under this Act for such period as it may think necessary for the required treatment

(2) Where a juvenile or the child is found to be suffering from leprosy, sexually transmitted disease, Hepatitis B, open cases of Tuberculosis and such other diseases or is of unsound mind, he shall be dealt with separately through various specialised referral services or under the relevant laws as such.

49. Presumption and determination of age. -

(1) When a juvenile or the child who has been brought before a competent authority under this Act, is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment, the competent authority may send the juvenile or the child to any place recognised to be an approved place in accordance with the rules made under this Act for such period as it may think necessary for the required treatment.

(2) Where it appears to a competent authority that person brought before it under any of the provisions of this Act (otherwise than for the purpose of giving evidence) is a juvenile or the child, the competent authority shall make due inquiry as to the age of that person and for that purpose shall take such evidence as may be necessary (but not an affidavit) and shall record a finding whether the person is a juvenile or the child or not, stating his age as nearly as may be.

(3) No order of a competent authority shall be deemed to have become invalid merely by any subsequent proof that the person in respect of

whom the order has been made is not a juvenile or the child, and the age recorded by the competent authority to be the age of person so brought before it, shall for the purpose of this Act, be deemed to be the true age of that person.

50. Sending a juvenile or child outside jurisdiction.- In the case of a juvenile or the child, whose ordinary place of residence lies outside the jurisdiction of the competent authority before which he is brought, the competent authority may, if satisfied after due inquiry that it is expedient so to do, send the juvenile or the child back to a relative or other person who is fit and willing to receive him at his ordinary place of residence and exercise proper care and control over him, notwithstanding that such place of residence is outside the jurisdiction of the competent authority; and the competent authority exercising jurisdiction over the place to which the juvenile or the child is sent shall in respect of any matter arising subsequently have the same powers in relation to the juvenile or the child as if the original order had been passed by itself.

51. Reports to be treated as confidential.- The report of the probation officer or social worker considered by the competent authority shall be treated as confidential.

Provided that the competent authority may, if it so thinks fit, communicate the substance thereof to the juvenile or the child or his parent or guardian and may give such juvenile or the child, parent or guardian an opportunity of producing such evidence as may be relevant to the matter stated in the report.

52. Appeals.- (1) Subject to the provisions of this section, any person aggrieved by an order made by a competent authority under this Act may, within thirty days from the date of such order, prefer an appeal to the Court of Session.

Provided that the Court of Session may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) No appeal shall lie from -

- (a) any order of acquittal made by the Board in respect of a juvenile alleged to have committed an offence; or
- (b) any order made by a Committee in respect of a finding that a person is not a neglected juvenile.

(3) No second appeal shall lie from any order of the Court of Session passed in appeal under this section.

53. Revision.- The High Court may, at any time, either of its own motion or on an application received in this behalf, call for the record of any proceeding in which any competent authority or Court of Session has passed an order for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit.

Provided that the High Court shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

54. Procedure in inquiries, appeals and revision proceedings.-(1) Save as otherwise expressly provided by this Act, a competent authority while holding any inquiry under any of the provisions of this Act, shall follow such procedure as may be prescribed and subject thereto, shall follow, as far as may be, the procedure laid down in the Code of Criminal Procedure, 1973 (2 of 1974) for trials in summons cases.

(2) Save as otherwise expressly provided by or under this Act, the procedure to be followed in hearing appeals or revision proceedings under this Act shall be, as far as practicable, in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974)

55. Power to amend orders.-(1) Without prejudice to the provisions for appeal and revision under this Act, any competent authority may, on an application received in this behalf, amend any order as to the institution to which a juvenile or the child is to be sent or as to the person under whose care or supervision a juvenile or the child is to be placed under this Act.

Provided that there shall be at least two members and the parties or its defence present during the course of hearing for passing an amendment in relation to any of its order.

(2) Clerical mistakes in orders passed by a competent authority or errors arising therein from any accidental slip or omission may, at any time, be corrected by the competent authority either on its own motion or on an application received in this behalf.

56. Power of competent authority to discharge and transfer juvenile child.- The competent authority or the local authority ³³[***] may, notwithstanding anything contained in this Act, at any time, order a child in need of care and protection or a juvenile in conflict with law to be discharged or transferred from one children's home or special home to another, as the case may be, keeping in view the best interest of the child or the juvenile, and his natural place of stay, either absolutely or on such conditions as it may think fit to impose.

Provided that the total period of stay of the juvenile or the child in a children's home or a special home or a fit institution or under a fit person shall not be increased by such transfer.

³⁴**57. Transfer between children's homes under the Act, and juvenile homes of like nature in different parts of India.**-The State Government may direct any child or the juvenile to be transferred from any children's home or

³³ The words "or the local authority" inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006), S. 3 (w.e.f. 22-8-2006).

³⁴ Substituted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006), S. 22, for S. 57 (w.e.f. 22-8-2006) Now to its substitution, S. 57 read as under: "57. Transfer between children's homes, under the Act, and juvenile homes, of like nature in different parts of India: - The State Government or the local authority may direct any child or the juvenile to be transferred from any children's home or special home outside the State to any other children's home, special home or institution of a like nature with the prior intimation to the local Committee or the Board, as the case may be, and such order shall be deemed to be operative for the competent authority of the area to which the child or the juvenile is sent."

special home within the State to any other children's home, special home or institution of a like nature or to such institution outside the State in consultation with the concerned State Government and with the prior intimation to the Committee or the Board, as the case may be, and such order shall be deemed to be operative for the competent authority of the area to which the child or the juvenile is sent]

58. Transfer of juvenile or child of unsound mind or suffering from leprosy or addicted to drugs.- Where it appears to the competent authority that any juvenile or the child kept in a special home or a children's home or shelter home or in an institution in pursuance of this Act, is suffering from leprosy or is of unsound mind or is addicted to any narcotic drug or psychotropic substance, the competent authority may order his removal to a leper asylum or mental hospital or treatment centre for drug addicts or to a place of safety for being kept there for such period not exceeding the period for which he is required to be kept under the order of the competent authority or for such further period as may be certified by the medical officer necessary for the proper treatment of the juvenile or the child.

59. Release and absence of juvenile or child on placement.-

(1) When a juvenile or the child is kept in a children's home or special home and on a report of a probation officer or social worker or of Government or a voluntary organisation, as the case may be, the competent authority may consider, the release of such juvenile or the child permitting him to live with his parent or guardian or under the supervision of any authorised person named in the order, willing to receive and take charge of the juvenile or the child to educate and train him for some useful trade or calling or to look after him for rehabilitation.

(2) The competent authority may also permit leave of absence to any juvenile or the child, to allow him, on special occasions like examination, marriage of relatives, death of kith and kin or the accident or serious illness of parent or any emergency of like nature, to go on leave under supervision,²⁵ [for a period generally not exceeding seven days], excluding the time taken in journey.

(3) Where a permission has been revoked or forfeited and the juvenile or the child refuses or fails to return to the home concerned or juvenile to which he was directed so to return, the Board may, if necessary, cause him to be taken charge of and to be taken back to the concerned home.

(4) The time during which a juvenile or the child is absent from a concerned home in pursuance of such permission granted under this section shall be deemed to be part of the time for which he is liable to be kept in the special home :

Provided that when a juvenile has failed to return to the special home on the permission being revoked or forfeited, the time which lapses after his

²⁵ . Substituted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006), S. 23, "for maximum seven days", w.e.f. 22-8-2006.

failure so to return shall be excluded in computing the time during which he is liable to be kept in the institution.

60. Contribution by parents.- (1) The competent authority which makes an order for sending a juvenile or the child to a children's home or to a special home or placing the juvenile under the care of a fit person or fit institution may make an order requiring the parent or other person liable to maintain the juvenile or the child to contribute to his maintenance, if able to do so, in the prescribed manner according to income.

(2) The competent authority may direct, if necessary, the payment to be made to poor parent or guardian by the Superintendent or the Project Manager of the home to pay such expenses for the journey of the inmate or parent or guardian or both, from the home to his ordinary place of residence at the time of sending the juvenile as may be prescribed.

61. Fund.- (1) The State Government ²⁶[***] may create a Fund under such name as it thinks fit for the welfare and rehabilitation of the juvenile or the child dealt with under this Act.

(2) There shall be credited to the Fund such voluntary donations, contributions or subscriptions as may be made by any individual or organisation.

(3) The Fund created under sub-section (1) shall be administered by the State advisory board in such manner and for such purposes as may be prescribed.

62. Central, State, district and city advisory boards.- (1) The Central Government or a State Government may constitute a Central or State Advisory board, as the case may be, to advise that Government on matter relating to the establishment and maintenance of the homes, mobilisation of resources, provision of facilities for education, training and rehabilitation of child in need of care and protection and juvenile in conflict with law and co-ordination among the various official and nonofficial agencies concerned.

(2) The Central or State advisory board shall consist of such persons as the Central Government or the State Government, as the case may be, may think fit and shall include eminent social workers, representatives of voluntary organisations in the field of the child welfare corporate sector, academicians, medical professionals and the concerned Department of the State Government.

(3) The district or city level inspection committee constituted under section 35 of this Act shall also function as the district or city advisory board.

²⁷**[62-A. Constitution of Child Protection Unit responsible for implementation of the Act.** - Every State Government shall constitute a Child Protection Units for the State and, such Units for every District, consisting of such officers and other employees as may be appointed by that Government, to

²⁶ The words " or local authority" omitted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006), S. 3 (w.e.f. 22-8-2006)

²⁷ Inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006), S.24 (w.e.f. 22-8-2006)

take up matters relating to children in need of care and protection and juveniles in conflict with law with a view to ensure the implementation of this Act including the establishment and maintenance of homes, notification of competent authorities in relation to these children and their rehabilitation and co-ordination with various official and non-official agencies concerned]

63. Special juvenile police unit- (1) In order to enable the police officers who frequently or exclusively deal with juveniles or are primarily engaged in the prevention of juvenile crime or handling of the juveniles or children under this Act to perform their functions more effectively, they shall be specially instructed and trained.

(2) In every police station at least one officer with aptitude and appropriate training and orientation may be designated as the 'juvenile or the child welfare officer' who will handle the juvenile or the child in co-ordination with the police.

(3) Special juvenile police unit, of which all police officers designated as above, to handle juveniles or children will be members, may be created in every district and city to co-ordinate and to upgrade the police treatment of the juveniles and the children.

64. Juvenile in conflict with law undergoing sentence at commencement of this Act- In any area in which this Act is brought into force, the State Government ⁷⁰[***] ⁷¹[shall direct] that a juvenile in conflict with law who is undergoing any sentence of imprisonment at the commencement of this Act, shall, in lieu of undergoing such sentence, be sent to a special home or kept in fit institution in such manner as the State Government ⁷²[***] thinks fit for the remainder of the period of the sentence; and the provisions of this Act shall apply to the juvenile as if he had been ordered by the Board to be sent to such special home or institution or, as the case may be, ordered to be kept under protective care under sub-section (2) of section 16 of this Act.

⁷³] Provided that the State Government, or as the case may be the Board, may, for any adequate and special reason to be recorded in writing, review the case of a juvenile in conflict with law undergoing a sentence on imprisonment, who has ceased to be on or before the commencement of this Act, and pass appropriate order in the interest of such juvenile.

Explanation- In all cases where a juvenile in conflict with law is undergoing a sentence of imprisonment at any stage on the date of commencement of this Act, his case including the issue of juvenility, shall be deemed to be decided in terms of clause (1) of section 2 and other provisions contained in this Act and the rules made thereunder, irrespective of the fact that he ceases to be a juvenile on or before such date and accordingly he shall

⁷⁰ The words "or local authority" inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (11 of 2006), S. 7 (w.e.f. 22-8-2006)

⁷¹ Substituted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (11 of 2006), S. 25(i), for "may direct" (w.e.f. 22-8-2006)

⁷² Inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (11 of 2006), S. 25(i), for "may direct" (w.e.f. 22-8-2006)

be sent to the special home or a fit institution, as the case may be, for the remainder of the period of the sentence but such sentence shall not in any case exceed the maximum period provided in section 15 of this Act]

65. Procedure in respect of bonds - Provisions of Chapter XXXIII of the Code of Criminal Procedure, 1973 (2 of 1974) shall, as far as may be, apply to bonds taken under this Act.

66. Delegation of Powers - The State Government may, by the general order, direct that any power exercisable by it under this Act shall, in such circumstances and under such conditions, if any, as may be prescribed in the order, be exercisable also by an officer subordinate to that Government ⁴¹[***]

67. Protection of action taken in good faith - No suit or legal proceedings shall lie against the State Government or voluntary organisation running the home or any officer and the staff appointed in pursuance of this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or order made thereunder.

68. Power to make rules - (1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

⁴²[Provided that the Central Government may, frame model rules in respect of all or any of the matters with respect to which the State Government may make rules under this section, and where any such model rules have been framed in respect of any such matter, they shall apply to the State until the rules in respect of that matter is made by the State Government and while making any such rules, so far as is practicable, they conform to such model rules]

(2) In particular, and without prejudice to the generality of the forgoing powers, such rules may provide for all or any of the following matters, namely :-

- (i) the term of office of the members of the Board, and the manner in which such member may resign under subsection (4) of section (4),
- (ii) the time of the meetings of the Board and the rules of procedure in regard to the transaction of business at its meeting under subsection
- (iii) the management of observation homes including the standards and various types of services to be provided by them and the circumstances in which and the manner in which, the certification of the observation home may be granted or withdrawn and such other matters as are referred to in section 8.

⁴¹ The words "or local authority" omitted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006), S. 5 (w.e.f. 22-8-2006)

⁴² Inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006), S. 26 (a) (w.e.f. 22-8-2006)

- (iv) the management of special home including the standards and various types of services to be provided by them and the circumstances in which and the manner in which, the certification of the special home may be granted or withdrawn and such other matters as are referred to in section 9.
- (v) persons by whom any juvenile in conflict with law may be produced before the Board and the manner of sending such juvenile to an observation home under sub-section (2) of section 10.
- (vi) matters relating to removal of disqualifications attaching to conviction of a juvenile under section 19.
- (vii) the qualifications of the Chairperson and members, and the tenure for which they may be appointed under sub-section (3) of section 29.
- (viii) the time of the meetings of the Committee and the rules of procedure in regard to the transaction of business at its meeting under sub-section (1) of section 30.
- (ix) the manner of making the report to the police and to the Committee and the manner of sending and entrusting the child to children's home pending the inquiry under sub-section (2) of section 32.
- (x) the management of children's homes including the standards and nature of services to be provided by them, and the manner in which certification of a children's home or recognition to a voluntary organisation may be granted or withdrawn under subsection(2) ⁴⁴] and the manner of registration of institutions under sub-section (3) of section 34.
- (xi) appointment of inspection committees for children's homes, their tenure and purposes for which inspection committees may be appointed and such other matters as are referred to in section 35.
- (xii) facilities to be provided by the shelter homes under subsection(3) of section 37.
- ⁴⁴[(xii-a) rehabilitation mechanism to be resorted to in adoption under sub-section (2), notification of guidelines under sub-section (3) and the manner of recognition of specialised adoption agencies under sub-section 94) of section 41.]

⁴⁴ Inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (13 of 2006), S. 26(b) (w.e.f. 22.8.2006).

⁴⁵ Inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (13 of 2006), S. 26(b) (w.e.f. 22.8.2006).

- (xiii) for carrying out the scheme of foster care programme of children under sub-section (3) of section 42;
- (xiv) for carrying out various schemes of sponsorship of children under sub-section (2) of section 43;
- (xv) matters relating to after-care organisation under section 44;
- (xvi) for ensuring effective linkages between various agencies for facilitating rehabilitation and social integration of the child under section 45;
- (xvii) the purposes and the manner in which the Fund shall be administered under sub-section (3) of section 61;
- (xviii) any other matter which is required to be or may be, prescribed.

⁴³[3] Every rule made by a State Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both House agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

⁴⁴[4] Every rule made by a State Government under this Act shall be laid, as soon as may be after it is made, before the Legislature of that State.

69. Repeal and saving - (1) The Juvenile Justice Act, 1986 (53 of 1986) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act.

70. Power to remove difficulties - (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty :

Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Act.

(2) However, order made under the section shall be laid, as soon as may be after it is made, before each House of Parliament.

⁴³ Inserted by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006), S. 26 (c) (w.e.f. 22-8-2006)

⁴⁴ Sub-S. (3) renumbered as sub-S. (4) by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006), S. 26(c) (w.e.f. 22-8-2006)

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) RULES, 2007¹

WHEREAS the Constitution has, in several provisions, including clause (3) of article 15, article 21, article 21-A, clauses (1) and (2) of article 22, articles 23 and 24, clauses (e) and (f) of article 39, article 39-A, articles 45, 47 and 51-A(k), impose on the State a primary responsibility of ensuring that all the needs of children are met and that their basic rights are fully protected;

AND WHEREAS, the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on the 20th November, 1989 and ratified by India on 11th December, 1992, emphasizes conferment of rights on children, and reintegration of juveniles and care and protection of vulnerable children, with a view to furthering their right to survival, development, protection and participation;

AND WHEREAS, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990) set the minimum standard to be adhered to in the administration of juvenile justice in respect of juveniles in conflict with law;

AND WHEREAS, the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) and all other relevant international instruments focus on the prevention of juvenile delinquency and provide guidelines for it;

AND WHEREAS, to give effect to the provisions of the Constitution and relevant international instruments, the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000) as amended by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006) was enacted to consolidate and amend the law relating the juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their developmental 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 and for matters connected therewith or incidental thereto, through institutional as well as non-institutional measures enumerated under the said Act;

NOW THEREFORE, with a view to provide for better implementation and administration of the provisions of the said Act in its true spirit and substance the Central Government in pursuance of the above said provisions and in exercise of the powers conferred by the proviso to sub-section (1) of section 68 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000) hereby makes the following rules and lays down the fundamental principles to be applied in administration of juvenile justice, namely:-

¹ *Table G.S.R. 679(E)* dated 26-10-2007, published in the Gazette of India, *Ext., Pt. II, S. 3(i), Sl. No. 472*, dated 26-10-2007

CHAPTER-I
PRELIMINARY

1. Short title and commencement.-(1) These rules may be called THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) RULES, 2007.

(2) They shall come into force on the date¹ of their publication in the Official Gazette.

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

- (a) "abandoned" means an unaccompanied and deserted child who is declared abandoned by the Committee after due inquiry;
- (b) " Act" means the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000) as amended by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006);
- (c) "best interest of the child" means a decision taken to ensure the physical, emotional, intellectual, social and moral development of juvenile or child;
- (d) "child friendly" means any process and interpretation, attitude, environment and treatment, that is humane, considerate and in the best interest of the child;
- (e) "community service" implies service rendered to the society by juveniles in conflict with law in lieu of other judicial remedies and penalties, which is not degrading and dehumanizing.

Examples of this may include:-

- (i) cleaning a park;
- (ii) getting involved with Habitat for Humanity;
- (iii) serving the elderly in nursing homes;
- (iv) helping out a local fire or Police department;
- (v) helping out a local hospital or nursing home; and
- (vi) serving disabled children;
- (f) "detention" in case of juveniles in conflict with law means "protective custody" in line with the principles of restorative justice;
- (g) "Form" means the form annexed to these rules;
- (h) "individual care plan" is a comprehensive development plan for a juvenile or child based on age specific and gender specific needs and the case history of the juvenile or child, prepared in consultation with the juvenile or child, in order to restore the juvenile's or child's self-esteem, dignity and self-worth and nurture him into a responsible citizen and accordingly the plan shall address the following needs of a juvenile or a child-

¹ Brought into force on 26-10-2007

- (i) Health needs;
 - (ii) Emotional and psychological needs;
 - (iii) Educational and training needs;
 - (iv) Leisure, creativity and play;
 - (v) Attachment and relationships;
 - (vi) Protection from all kinds of abuse, neglect and mal-treatment;
 - (vii) Social mainstreaming; and
 - (viii) Follow-up post release and restoration;
- (j) "institution" means an observation home, or a special home, or a children's home or a shelter home set up, certified or recognized and registered under sections 8, 9, 34, sub-section (3) of section 34 and section 37 of the Act respectively;
 - (j) "Officer-in-Charge" or such other nomenclature as issued by the State Government, means a person appointed for the control and management of the institution;
 - (k) "orphan" means a child who is without parents or willing and capable legal or natural guardian;
 - (l) "place of safety" means any institution set up and recognized under sub-section (3) of section 12 and sub-section (1) of section 16 of the Act for juvenile in conflict with law or children;
 - (m) "recognized" means a person found fit by the competent authority or, an institution found fit by the State Government on the recommendation of the competent authority as per clauses (h) and (i) of section 2 of the Act, or, recognition of an institution or agency or voluntary organization by the State Government to operate as a children's home, observation home and special home; or a shelter home, specialized adoption agency or after care organization under sub-section (1) of section 37, sub-section (4) of section 41 and clause (a) of section 44 of the Act;
 - (n) "registered" means all institutions or agencies or voluntary organizations providing residential care to children in need of care and protection registered under sub-section (3) of section 34;
 - (o) "State Government" in relation to a Union territory means the Administrator of that Union territory appointed by the President under article 239 of the Constitution;
 - (p) "street and working children" means children without ostensible means of livelihood, care, protection and support in accordance with the provisions laid down under clause (d)(i) of section 2 of the Act;
 - (q) "surrendered child" means a child, who in the opinion of the Committee, is relinquished on account of physical, emotional and social factors beyond the control of the parent or guardian;
 - (r) 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

FUNDAMENTAL PRINCIPLES OF JUVENILE JUSTICE AND PROTECTION OF CHILDREN

3. Fundamental principles to be followed in administration of these rules.-

(1) The State Government, the Juvenile Justice Board, the Child Welfare Committee or other competent authorities or agencies, as the case may be, while implementing the provisions of these rules shall abide and be guided by the principles, specified in sub-rule (2).

(2) The following principles shall, *inter alia*, be fundamental to the application, interpretation and implementation of the Act and the rules made hereunder:

1. Principle of presumption of innocence.

(a) A juvenile or child or juvenile in conflict with law is presumed to be innocent of any *mala fide* or criminal intent up to the age of eighteen years.

(b) The juvenile's or juvenile's in conflict with law or child's right to presumption of innocence shall be respected throughout the process of justice and protection, from the initial contact to alternative care, including aftercare.

(c) Any unlawful conduct of a juvenile or a child or a juvenile in conflict with law which is done for survival, or is due to environmental or situational factors or is done under control of adults, or peer groups, is ought to be covered by the principles of innocence.

(d) The basic components of presumption of innocence are:-

(i) *Age of innocence* - Age of innocence is the age below which a juvenile or child or a juvenile in conflict with law cannot be subjected to the criminal justice system. The Beijing Rule 4(1) clearly lies down that "the beginning of the age of criminal responsibility shall not be fixed at too low an age level bearing in mind the facts of mental and intellectual maturity". In consonance with this principle, the mental and intellectual maturity of juvenile or child or a juvenile in conflict with law below eighteen years is considered insufficient throughout the world.

(ii) *Procedural protection of innocence* - All procedural safeguards that are guaranteed by the Constitution and other statutes to the adults should that go in to strengthen the juvenile's or child's right to presumption of innocence shall be guaranteed to juveniles or the children or juveniles in conflict with law.

(iii) *Provisions of legal aid and guardian ad litem* - Juveniles in conflict with law have a right to be informed about the accusations against them and a right to be legally represented. Provisions must be made for guardian *ad litem*, legal aid and other such assistance through

legal services at State expense. This shall also include such juveniles right to present his case before the competent authority on his own.

II. Principle of dignity and worth:

(a) Treatment that is consistent with the child's sense of dignity and worth is a fundamental principle of juvenile justice. This principle reflects the fundamental human right enshrined in article I of the Universal Declaration of Human Rights that all human beings are born free and equal in dignity and rights. Respect of dignity includes not being humiliated, personal identity, boundaries and space being respected, not being labeled and stigmatized being offered information and choices and not being blamed for their acts.

(b) The juvenile's or child's right to dignity and worth has to be respected and protected throughout the entire process of dealing with the child from the first contact with law enforcement agencies to the implementation of all measures for dealing with the child.

III. Principle of right to be heard:

Every child's right to express his views freely in all matters affecting his interest shall be fully respected through every stage in the process of juvenile justice. Children's right to be heard shall include creation of developmentally appropriate tools and processes of interacting with the child, promoting children's active involvement in decisions regarding their own lives and providing opportunities for discussion and debate.

IV. Principle of best interest:

(a) In all decisions taken within the context of administration of juvenile justice, the principle of best interest of the juvenile or the juvenile in conflict with law or child shall be the primary consideration.

(b) The principle of best interest of the juvenile or juvenile in conflict with law or child shall mean for instance that the traditional objectives of criminal justice retribution and repression, must give way to rehabilitative and restorative objectives of juvenile justice.

(c) This principle seeks to ensure physical, emotional, intellectual, social and moral development of a juvenile in conflict with law or child so as to ensure the safety, well being and permanence for each child and thus enable each child to survive and reach his or her full potential.

V. Principle of family responsibility:

(a) The primary responsibility of bringing up children, providing care, support and protection shall be with the biological parents. However, in exceptional situations, this responsibility may be bestowed on willing adoptive or foster parents.

(b) All decision making for the child should involve the family of origin unless it is not in the best interest of the child to do so.

(c) The family-biological, adoptive or foster (in that order), must be held responsible and provide necessary care, support and protection to the

juvenile or child under their care and custody under the Act, unless the best interest measures of mandates dictate otherwise.

VI. Principle of safety (no harm, no abuse, no neglect, no exploitation and no maltreatment):

- (a) At all stages, from the initial contact till such time he remains in contact with the care and protection system, and thereafter, the juvenile or child or juvenile in conflict with law shall not be subjected to any harm, abuse, neglect mal-treatment, corporal punishment or solitary or otherwise any confinement in jails and extreme care shall be taken to avoid any harm to the sensitivity of the juvenile or the child.
- (b) The State has a great responsibility for ensuring safety of every child in its care and protection, without resorting to restrictive measures and processes in the name of care and protection.

VII. Positive measures:

- (a) Provisions must be made to enable positive measures that involve the full mobilization of all possible resources, including the family, volunteers and other community groups, as well as schools and other mainstream community institutions or processes, for the purpose of promoting the well-being of the juvenile or child through individual care plans carefully worked out.
- (b) The positive measures shall aim at reducing vulnerabilities and reducing the need for intervention under the law, as well as effective, fair and humane dealing of the juvenile or child.
- (c) The positive measures shall include avenues for health, education, relationships, livelihoods, leisure, creativity and play.
- (d) Such positive measures must facilitate the development of identity for the child and provide them with an inclusive and enabling environment.

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

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

IX. Principle of non-waiver of rights:

- (a) No waiver of rights of the child or juvenile in conflict with law, 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.
- (b) Non-exercise of a fundamental right does not amount to waiver.

X. Principle of equality and non-discrimination:

- (a) There shall be no discrimination against a child or juvenile in conflict with law on the basis of age, sex, place of birth, disability, health, status, race, ethnicity, religion, 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.
- (b) Equality of access, equality of opportunity, equality in treatment under the Act shall be guaranteed to every child or juvenile in conflict with law.

XI. Principle of right to privacy and confidentiality:

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

XII. Principle of last resort:

Institutionalization of a child or juvenile in conflict with law shall be a step of the last resort after reasonable inquiry and that too for the minimum possible duration.

XIII. Principle of repatriation and restoration:

- (a) Every juvenile or child or juvenile in conflict with law has the right to be re-united with his family and restored back to the same socio-economic and cultural status that such juvenile or child enjoyed before coming within the purview of the Act or becoming vulnerable to any form of neglect, abuse or exploitation.
- (b) Any juvenile or child, who has lost contact with his family, shall be eligible for protection under the Act and shall be repatriated and restored, at the earliest, to his family, unless such repatriation and restoration is likely to be against the best interest of the juvenile or the child.

XIV. Principle of fresh start:

- (a) The principle of fresh start promotes new beginning for the child or juvenile in conflict with law by ensuring erasure of his past records.
- (b) The State shall seek to promote measures for dealing with children alleged or recognized as having impinged the penal law, without resorting to judicial proceedings.

CHAPTER III

JUVENILE IN CONFLICT WITH LAW

4. Juvenile Justice Boards.—There shall be one or more Juvenile Justice Boards in every district, which shall be constituted by the State Government as per section 4 of the Act.

5. Composition of the Juvenile Justice Board.—(1) The Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of the first class, as the case may be, and two social workers of whom at least one shall be a woman, forming a bench.

Provided that the Principal Magistrate of the Board shall review the

pendency of cases before the Board and take such steps, as may be necessary in the expeditious disposal of the cases.

(2) Every such bench shall have the powers conferred by the Code of Criminal Procedure, 1973 (2 of 1974).

(3)(i) A Magistrate with special knowledge or training in child psychology or child welfare shall be designated as the Principal Magistrate of the Board.

(ii) 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 rule 91 of these rules.

(5) The State Government shall provide for such training and orientation in child psychology, child welfare, child rights, national and international standards for juvenile justice to all members of the Board as it considers necessary, in accordance with the Integrated Child Protection Scheme of the Central Government.

6. Tenure of the Board.—(1) The Board shall have a tenure of three years and the appointment of members shall be co-terminus with the tenure of the Board.

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

(3) Any extension of the tenure of members of the Board shall be on the basis of their performance appraisal by the District Child Protection Unit of the State Government and on the recommendation of a Selection Committee constituted for the purpose and the performance appraisal of members of the Board shall necessarily assess their participation in the proceedings of the Board and contribution in case disposal.

(4) 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.

(5) Any vacancy in the Board may be filled by appointment of another person from the panel of names prepared by the Selection Committee, and shall hold office for the remaining term of the Board.

7. Qualifications for Members of the Board.—(1) The social worker to be appointed as a member of the Board shall be a person not less than 35 years of age, who has a post-graduate degree in social work, health, education, psychology, child development or any other social science discipline and has been actively involved and engaged in planning, implementing and administering measures relating to child welfare for at least seven years.

(2) No person shall be considered for selection as a Member of the Board, if he-

- (a) has been convicted under any law,
- (b) have ever indulged in child abuse or employment of child labour or any other human rights violations or immoral act,
- (c) is holding such other occupation that does not allow him to give necessary time and attention to the work of the Board,
- (d) does not fulfill the qualification and experience prescribed in the Act and the rules made thereunder and in such a case the Selection Committee shall after due inquiry and on establishment of such fact, reject his application and recommend the name of the next person from the list of names prepared for filling the vacancies.

8. Sitting and conveyance allowances.-The social worker members of the Board shall be paid such travel and sitting allowance, as the State Government may determine, but it shall not be less than rupees five hundred per sitting.

9. Sittings of the Board.-(1) The Board shall hold its sittings in the premises of an Observation Home or, at a place in proximity to the observation home or, at a suitable premise in any institution run under the Act, and in all circumstances shall the Board operate from within any Court premises.

- (2) The premises where the Board holds its sittings shall be child-friendly and shall not look like a Courtroom in any manner whatsoever; for example, the Board shall not sit on a raised platform and the sitting arrangement shall be uniform, and there shall be no witness boxes.
- (3) The Board shall meet on all working days of a week, unless the case pendency is less in a particular district and concerned authority issues an order in this regard.
- (4) A minimum of three-fourth attendance of the Chairperson and Members of the Board is necessary in a year.
- (5) Every member of the Board shall attend a minimum of five hours per sitting.

10. Functions of the Board - The Board shall perform the following functions to achieve the objectives of the Act, namely:-

- (a) adjudicate and dispose cases of juveniles in conflict with law;
- (b) take cognizance of crimes committed under sections 23 to 28 of the Act;
- (c) monitoring institutions for juveniles in conflict with law and seeking compliance from them in cases of any noticeable lapses and improvement based on suggestions of the Board,
- (d) deal with non-compliance on the part of concerned Government functionaries or functionaries of voluntary organizations, as the case may be, in accordance with due process of law,
- (e) pass necessary direction to the district authority and Police to create or provide necessary infrastructure or facilities so that minimum standards of justice and treatment are maintained in the spirit of the

Act

- (f) maintain liaison with the Committee in respect of cases needing care and protection;
- (g) liaison with Boards in other districts to facilitate speedy inquiry and disposal of cases through due process of law;
- (h) take suitable action for dealing with unforeseen situations that may arise in the implementation of the Act and remove such difficulties in the best interest of the juvenile;
- (i) send quarterly information about juveniles in conflict with law produced before them, to the District, State Child Protection Unit, the State Government and also to the Chief Judicial Magistrate or Chief Metropolitan Magistrate for review under sub-section (2) of section 14 of the Act;
- (j) any other function assigned by the State Government from time to time relating with juveniles in conflict with law.

11. Pre and Post-production action of Police and other agencies.-(1) As soon as a juvenile alleged to be in conflict with law is apprehended by the Police, the concerned Police Officer shall inform -

- (a) the designated Juvenile or the Child Welfare Officer in the nearest Police Station to take charge of the matter;
 - (b) the parents or guardian of the juvenile alleged to be in conflict with law about the apprehension of the Juvenile, about the address of the Board where the juvenile will be produced and the date and time when the parents or guardian need to be present before the Board;
 - (c) the concerned probation officer, of such apprehension to enable him to obtain information regarding social background of the juvenile and other material circumstances likely to be of assistance to the Board for conducting the inquiry.
- (2) Soon after apprehension, the juvenile shall be placed under the charge of the Juvenile or Child Welfare Officer from the nearest Police Station, who shall produce the juvenile before the Board within twenty-four hours as per sub-section (1) of section 10 of the Act and where such Juvenile or the Child Welfare Officer has not been designated as per provisions laid down under sub-section (2) of section 63 of the Act or is not available for some official reasons, the Police Officer who had apprehended the juvenile shall produce him before the Board.
- (3) The Police apprehending a juvenile in conflict with law shall in no case send the juvenile in lock-up or delay his charge being transferred to the Juvenile or the Child Welfare Officer from the nearest Police Station, if such an officer has been designated.
- (4) A list of all designated Juvenile or the Child Welfare Officers in a district and members of Special Juvenile Police Unit with contact details shall be prominently displayed in every Police Station.

- (5) For gathering the best available information it shall be incumbent upon the Police or the Juvenile or the Child Welfare Officer from the nearest Police Station, to contact the parents or guardians of the juvenile and also apprise them of the juvenile's law breaking behaviour.
- (6) The Police or the Juvenile or the Child Welfare Officer from the nearest Police Station, shall also record the social background of the juvenile and circumstances of apprehension and offence alleged to have been committed in the case diary of each juvenile, which shall be forwarded to the Board forthwith.
- (7) The Police or the Juvenile or the Child Welfare Officer from the nearest Police Station, shall exercise the power of apprehending the juvenile only in cases of his alleged involvement in serious offences (entailing a punishment of more than 7 years imprisonment for adults).
- (8) In such cases where apprehension apparently seems to be in the interest of the juvenile, the Police or the juvenile or the Child Welfare Officer from the nearest Police Station, shall rather treat the juvenile as a child in need of care and protection and produce him before the Board, clearly explaining the juvenile's need for care and protection in its report and seek appropriate orders from the Board under rule 13(1)(b) of these rules.
- (9) For all other cases involving offences of non-serious nature (entailing a punishment of less than 7 years imprisonment for adults) and cases where apprehension is not necessary in the interest of the juvenile, the Police or the Juvenile or the Child Welfare Officer from the nearest Police Station, shall intimate the parents or guardian of the juvenile about forwarding the information regarding nature of offence alleged to be committed by their child or ward along with his socio-economic background to the Board, which shall have the power to call the juvenile for subsequent hearings.
- (10) In case the Board is not sitting, the juvenile in conflict with law shall be produced before the single member of the Board as per the provisions laid down under sub-section (2) of section 5 of the Act.
- (11) In dealing with cases of juveniles in conflict with law the Police or the juvenile or the Child Welfare Officer from the nearest Police Station, shall not be required to register an FIR or file a charge-sheet, except where the offence alleged to have been committed by the juvenile is of a serious nature such as rape, murder or when such offence is alleged to have been committed jointly with adults; instead, in matters involving simple offences, the Police or the Juvenile or the Child Welfare Officer from the nearest Police Station shall record information regarding the offence alleged to have been committed by the juvenile in the general daily diary followed by a report containing social background of the juvenile and circumstances of apprehension and the alleged offence and forward it to the Board before the first hearing.

- (12) The State Government shall recognize only such voluntary organizations that are in a position to provide the services of probation, counseling, case work, a safe place and also associate with the Police or the Juvenile or the Child Welfare Officer from the special Juvenile Police Unit, and have the capacity, facilities and expertise to do so as protection agencies that may assist the Police or the Juvenile or the Child Welfare Officer from the Police at the time of apprehension, in preparation of the report containing social background of the juvenile and circumstances of apprehension and the alleged offence, in taking charge of the juvenile until production before the Board, and in actual production of the juvenile before the Board within twenty-four hours.
- (13) The Police or the Juvenile or the Child Welfare Officer from the Special Juvenile Police Unit, or the recognized voluntary organization shall be responsible for the safety and provision of food and basic amenities to the juveniles apprehended or kept under their charge during the period such juveniles are with them.
- (14) When a juvenile is produced before an individual member of the Board, and an order obtained, such order shall need ratification by the Board in its next meeting.

12. Procedure to be followed in determination of age.-(1) In every case concerning a child or a juvenile in conflict with law, the Court or the Board, as the case may be, the Committee referred to in rule 19 of these rules shall determine the age of such juvenile or child or a juvenile in conflict with law within a period of thirty days from the date of making of the application for that purpose.

- (2) The Court or the Board or, as the case may be, the Committee shall decide the juvenility or otherwise of the juvenile or the child or, as the case may be, the juvenile in conflict with law, *prima facie* on the basis of physical appearances or documents, if available, and send him to the observation home or in jail.
- (3) In every case concerning a child or juvenile in conflict with law, the age determination inquiry shall be conducted by the Court or the Board or, as the case may be, the Committee by seeking evidence by obtaining-
- (a)(i) the matriculation or equivalent certificates, if available, and in the absence whereof;
- (ii) the date of birth certificate from the school (other than a play school) first attended; and in the absence whereof;
- (iii) the birth certificate given by a corporation or a municipal authority or a panchayat.
- (b) and only in the absence of either (i), (ii) or (iii) of clause (a) above, the medical opinion will be sought from a duly constituted Medical Board, which will declare the age of the juvenile or child. In case exact assessment of the age cannot be done, the Court or the Board

or, as the case may be, the Committee, for the reasons to be recorded by them, may, if considered necessary, give benefit to the child or juvenile by considering his/her age on lower side within the margin of one year, and, while 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 and either of the evidence specified in any of the clauses (a)(i), (ii), (iii) or in the absence whereof, clause (b) shall be the conclusive proof of the age as regards such child or the juvenile in conflict with law.

- (4) If the age of a juvenile or child or the juvenile in conflict with law is found to be below 18 years on the date of offence, on the basis of any of the conclusive proof specified in sub-rule (3), the Court or the Board or, as the case may be, the Committee shall in writing pass an order stating the age and declaring the status of juvenility or otherwise, for the purpose of the Act and these rules and a copy of the order shall be given to such juvenile or the person concerned.
- (5) Save and except where, further inquiry or otherwise is required, *inter alia*, in terms of section 7-A, section 64 of the Act and these rules, no further inquiry shall be conducted by the Court or the Board after examining and obtaining the certificate or any other documentary proof referred to in sub-rule (3) of this rule.
- (6) The provisions contained in this rule shall also apply to those disposed off cases, where the status of juvenility has not been determined in accordance with the provisions contained in sub-rule (3) and the Act, requiring dispensation of the sentence under the Act for passing appropriate order in the interest of the juvenile in conflict with law.

13. Post-production processes by the Board.-(1) On production of the juvenile before the Board, the report containing social background of the juvenile and circumstances of apprehension and offence alleged to have been committed provided by the officers, individuals, agencies producing the juvenile shall be reviewed by the Board, and the Board shall pass the following order in the first summary inquiry on the same day, namely:-

- (a) dispose off the case, if the evidence of this conflict with law appears to be unfounded or where the juvenile is involved in trivial law breaking;
- (b) transfer to the Committee, matters concerning juveniles clearly stated to be in need of care and protection in the Police report submitted to the Board at the time of production of the juvenile;
- (c) release the juvenile in the supervision or custody of fit persons or fit institutions or probation officers, as the case may be, through an order in Form I, with a direction to appear or present a juvenile for an inquiry on a next date;
- (d) detain the juvenile in an Observation Home or fit institution pending inquiry, only in cases of juvenile's involvement in serious offences as per an order in Form II.

- (e) in all cases of release pending inquiry, the Board shall notify the next date of hearing, not later than 15 days of the first summary enquiry and also seek social investigation report from the concerned Probation Officer through an order in Form III;
- (2) The Board shall take the following steps to ensure fair and speedy inquiry, namely :-
- (a) at the time of initiating the inquiry, the Board shall satisfy itself that the juvenile in conflict with law has not been subjected to any ill-treatment by the Police or by any other person, including a lawyer or probation officer and take corrective steps in case of such ill-treatment;
- (b) 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, against whom the proceedings have been instituted, is given child-friendly atmosphere during the proceedings;
- (c) every juvenile brought before the Board shall, be given the opportunity to be heard and participate in his inquiry;
- (d) cases of petty offences, if not disposed off by the Special Juvenile Police Unit or at the Police Station itself, may be disposed off by the Board through summary proceedings or inquiry, while in cases of heinous offences entailing punishment of 7 years or more, due process of inquiry in detail may follow;
- (e) even in cases of inquiry pertaining to serious offences the Board shall follow the procedure of trial in summons cases.
- (3) When witnesses are produced for examination in inquiry relating to a juvenile in conflict with law, the Board shall keep in mind that the inquiry is not to be conducted in the spirit of strict adversarial proceedings and it shall use the powers conferred by section 165 of the Indian Evidence Act, 1872 (1 of 1872) so as to question the juvenile and proceed with the presumptions that favour the juvenile's right to be restored.
- (4) While examining a juvenile in conflict with law and recording his statement, the Board shall address the juvenile in a child-friendly manner in order to put the juvenile at ease and to encourage him to state the facts and circumstances without any fear, not only in respect of the offence of which the juvenile is accused, but also in respect of the home and social surroundings and the influence to which the juvenile might have been subjected.
- (5) The Board may take into account the report of the Police containing circumstances of apprehension and offence alleged to have been committed and the social investigation report in Form IV prepared by the Probation Officer or the voluntary organization on the orders of the Board as per Form III, along with the evidence produced by the parties for arriving at a conclusion about the juvenile.
- (6) Every inquiry by the Board shall be completed within a period of

four months after the first summary inquiry and only in exceptional cases involving trans-national criminality, large number of accused and inordinate delay in production of witnesses, the period of inquiry may be extended by two months on recording of reasons by the Board.

- (7) In all other cases except where the nature of alleged offence is serious, delay beyond four to six months shall lead to the termination of the proceedings.
- (8) Where the proceedings are delayed beyond six months on account of serious nature of the offence alleged to have been committed by the juvenile, the Board shall send a periodic report of the case to the Chief Judicial Magistrate or Chief Metropolitan Magistrate stating the reason for delay as well as steps being taken to expedite the matter.

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

- (2) The Board shall ensure that the Legal Officer in the District Child Protection Unit and the State Legal Aid Services Authority shall extend free legal services to all the juvenile in conflict with law.
- (3) The Legal Officer in the District Child Protection Unit and the State Legal Aid Services Authority shall be under an obligation to provide legal services sought by the Board.
- (4) In the event of shortfall in the State Legal Aid Services support, the Board shall be responsible for seeking legal services from recognized voluntary legal services organisations or the university legal services clinics.
- (5) The Board may also deploy the services of the student legal services volunteers and Non-Governmental Organisation volunteers in para-legal tasks such as contacting the parents of juveniles in conflict with law and gathering relevant social and rehabilitative information about the juveniles.

15. Completion of inquiry and dispositional alternatives.- (1) The Board shall complete every inquiry within the stipulated time of four months and on recording a finding about juvenile's involvement in the alleged offences, pass one of the seven dispositional orders enumerated in section 15 of the Act.

- (2) Before passing an order, the Board shall obtain a social investigation report prepared by the probation officer or by a recognised voluntary organisation ordered to do so by the Board, and take the findings of the report into account.
- (3) All dispositional orders passed by the Board shall necessarily include an individual care plan for the concerned juvenile in conflict with law, prepared by a probation officer or voluntary organisation on the basis of interaction with the juvenile and his family where possible.
- (4) Where the Board decides to release the juvenile after advice and

admonition or after participation in group counselling or orders him to perform community service, necessary direction may also be made by the Board to the District or State Child Protection Unit or the State Government for arranging such individual counselling, group counselling and community service.

- (5) Where the Board decides to release the juvenile in conflict with law on probation and place him under the care of the parent or guardian or fit person, the person in whose custody the juvenile is released may be required to submit a written undertaking in Form V for the good behaviour and well-being of the juvenile for a maximum period of three years.
- (6) The Board may order release of a juvenile in conflict with law on execution of a personal bond without surety in Form VI.
- (7) In the event of placement of a juvenile in conflict with law in care of a fit institution or special home, the Board shall keep in mind that the fit institution or special home is located nearest to the place of residence of the juvenile's parent or guardian.
- (8) The Board, where it releases a juvenile in conflict with law on probation and places him under the care of parent or guardian or fit person or where the juvenile is released on probation and placed under the care of fit institution, may order that the juvenile be placed under the supervision of a probation officer. The period of supervision shall be a maximum of three years.
- (9) Where the Board decides that a juvenile in conflict with law ought to be treated as a child in need of care and protection, it shall make necessary orders for production of such juvenile before the nearest Committee for suitable care, protection and rehabilitation.
- (10) Where it appears to the Board that the juvenile in conflict with law has not complied with probation conditions, it may order the juvenile to be sent for detention in a special home.
- (11) Where a juvenile in conflict with law who has attained the age of sixteen years and the offence committed by him is of such a serious nature that in the satisfaction of the Board, it is neither in the interest of the juvenile himself nor in the interest of other juveniles of the special home, the Board may order the juvenile to be kept in a place of safety and in a manner considered most appropriate by it.
- (12) The State Government shall make arrangement for complying with the detention of special category of juveniles in conflict with law in place of safety other than the special home.
- (13) In no case the period of detention shall exceed beyond the maximum period provided in clause (g) of sub-section (1) of section 15 of the Act.

16. Institutions for juveniles in conflict with law.-(1) The State Government or the voluntary organisation recognised by that State Government shall set up separate observation homes or special homes for boys and girls.

- (2) The observation homes or special homes shall set up separate residential facilities for boys and girls up to 12 years, 13-15 years and 16 years and above.
- (3) Every institution shall keep a copy of the Act, the rules made by the Central Government and the State rules if any, for use by both staff, juveniles and children residing therein.
- (4) The State Governments in collaboration with civil society shall develop and make available simplified and child friendly versions of the Act and the rules in regional languages.
- (5) All facilities and services for juveniles in conflict with law shall be made available and maintained as per the provisions of the Act and the State rules. In case the State rules have not been notified, the provisions of these rules shall apply.

17. Release.-(1) The Officer-in-Charge shall maintain a roster of the cases of juveniles in conflict with law to be released on the expiry of the period of stay as ordered by the Board.

- (2) Each case shall be placed before the Management Committee set up under rule 55 of these rules by the concerned probation officer or child welfare officer or case worker for ensuring proper release and social mainstreaming of the juvenile post-release.
- (3) The release shall be as per the pre-release and post-release plan prepared under the individual care plan and reviewed from time to time by the management committee set up under rule 55 of these rules and in all cases of release, necessary action and preparation shall be initiated well before the time of release and shall include preparation for post-release follow-up.
- (4) The timely information of the release of a juvenile and of the exact date of release shall be given to the parent or guardian and the parent or guardian shall be invited to come to the institution to take charge of the juvenile on that date.
- (5) If necessary, the actual expenses of the parent's or guardian's journey both ways and of the juvenile's journey from the institution shall be paid to the parent or guardian by the Officer-in-Charge at the time of the release of the juvenile.
- (6) If the parent or guardian, as the case may be, fails to come and take charge of the juvenile on the appointed date, the juvenile shall be taken by the escort of the institution, and in case of a girl, she shall be escorted by a female escort.
- (7) At the time of release or discharge, a juvenile shall be provided with a set of summer or winter clothing and essential toiletries, if the Officer-in-Charge considers it necessary.
- (8) If the juvenile has no parent or guardian, he may be sent to an aftercare organisation, or in the event of his employment, to the person who has undertaken to employ the juvenile.

- (9) The Officer-in-Charge of a girls' institution may, subject to the consent of the girl and the approval of the competent authority, help the girl with her social re-integration by way of sending a girl above the age of eighteen years to an after care programme or, helping her with some vocation or gainful employment or, helping her settle into family life according to the procedure laid down by the competent authority from time to time.
- (10) The Officer-in-Charge shall order the discharge in Form VII of any juvenile whose detention period has come to an end and inform the competent authority within seven days of the action taken and if the date of release falls on a Sunday or a public holiday, the juvenile may be discharged on the preceding day with an entry to that effect being made in the register of discharge.
- (11) The Officer-in-Charge shall in appropriate cases, order the payment of subsistence money, at such rates as may be fixed from time to time, by the State or the District Child Protection Unit or the State Government, and the railway or road, or both, fares, as the case may be.
- (12) In deserving cases, the Officer-in-Charge may provide the juvenile with such small tools, as may be necessary, to start a work or business subject to such maximum cost as may be fixed by the institution which shall also form part of the post-release plan.
- (13) Where a girl has no place to go after release and requests for stay in the institution after the period of her stay is over, the Officer-in-Charge may, subject to the approval of the competent authority, allow her stay till the time some other suitable arrangements are made.

18. Procedure to be followed in respect of sections 21,22,23,24,25 and 26 of the Act.-(1) In the event of violation of provisions laid down under section 21 of the Act,-

- (a) the Board shall take cognizance of such violation by print or electronic media and shall initiate necessary inquiry and pass appropriate orders as per provisions contained in sub-section (2) of section 21 of the Act; and
- (b) where the National or the State Commission for Protection of Child Rights takes suo motu cognizance of violation under section 21 of the Act, it shall inform the District or the State Child Protection Unit of the concerned district and the State directing them to initiate necessary action through the Board.
- (2) In the event of an escape of a juvenile in conflict with law or a child, the following action shall be taken within twenty-four hours,-
- (a) the Officer-in-Charge of any institution shall immediately send a report to the area Police Station or Special Juvenile Police Unit along with the details and description of the juvenile or child, with identification marks and a photograph, with a copy to the Board, District Child Protection Unit and other authorities concerned.

- (b) the Officer-in-Charge of institutions other than shelter homes or drop-in-centres shall send the guards or concerned staff in search of the juvenile, at places like railway stations, bus stands and other places where the juvenile is likely to go;
 - (c) the parents or guardians shall be informed immediately about such escape; and
 - (d) the Officer-in-Charge of an institution other than a shelter home or drop-in-centre shall hold an inquiry about such escape and send his report to the Board or Committee and the authorities concerned and the report shall be placed before the Management Committee set up under rule 55 of these rules in the next meeting for review.
- (3) The offences against a juvenile in conflict with law or a child specified in sections 23, 24, 25 and 26 shall be either bailable or non-bailable besides being cognizable under the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) and the procedures shall apply on the Police, the Board and the concerned authorities and functionaries accordingly.

CHAPTER IV

CHILD IN NEED OF CARE AND PROTECTION

19. Child Welfare Committee.—There shall be a Child Welfare Committee in every district, which shall be constituted by the State Government through a notification in the Official Gazette as per sub-section (1) of section 29 of the Act.

20. Composition of the Child Welfare Committee.—(1) The Committee shall consist of a Chairperson and four other members, of whom at least one shall be a woman.

- (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 under rule 91.
- (3) The Selection Committee, while selecting the Chairperson and Members of the Committee, shall as far as possible ensure that none of them are from any adoption agency.
- (4) The State Government shall provide for such training and orientation in child psychology, child welfare, child rights, national and international standards for juvenile justice to all members of the Committee as it considers necessary.

21. Tenure of the Committee.—(1) The Committee shall have a tenure of three years and the tenure of Chairperson and Members shall be co-terminus with the tenure of the Committee.

- (2) The Chairperson and Members of the Committee shall be eligible for appointment for a maximum of two consecutive terms.
- (3) Extension of the tenure of members of the Committee shall be on the basis of their performance appraisal by the District Child Protection Unit or the State Government and on the recommendation of the

Selection Committee.

- (4) With a view to ensuring continuity on completion of the tenure of a Committee, the State Government shall constitute a new Committee before the expiry of the term of the existing Committee; where after the existing Committee shall handover all records and information to the newly formed Committee.
- (5) The Chairperson and Members may resign at any time by giving one month's notice in writing or may be removed from office as provided in sub-section (4) of section 29 of the Act.
- (6) Any casual vacancy in the Committee may be filled by appointment of another person from the panel of names prepared by the Selection Committee, and shall hold office for the remaining term of the Committee.

22. Qualifications for Chairperson and Members of the Committee.-

- (1) A person to be selected as a Chairperson or Member of the Committee shall have either of the following qualifications, in addition to a minimum of seven years experience in their respective field -
 - (i) a person with post graduate degree in social work, psychology, child development, education, sociology, law, criminology and, where such a person is not available, a person with at least a graduate degree in any of the social science disciplines;
 - (ii) a teacher, doctor or a social worker who has been involved in work concerning children.
- (2) The Chairperson or Member of the Committee shall be a person not less than 35 years of age.
- (3) No person shall be considered for Selection as a Chairperson or Member of the Committee, if he -
 - (i) has a previous conviction record;
 - (ii) has been involve in any immoral act or in an act of child abuse or employment of child labour;
 - (iii) is holding such full-time occupation that may not allow him to give necessary time and attention to the work of the Committee as per the Act and these rules;
 - (iv) does not fulfill the qualification and experience prescribed in the Act and the rules made thereunder, and in such a case the Selection Committee shall after due inquiry and on establishment of such fact, reject his application and recommend the name of the next person from the list of names prepared for filling the vacancies.

23. Sitting and conveyance allowances.- The Chairperson and Members of the Committee shall be paid such travel and sitting allowance, as the State Government may determine, but it shall not be less than rupees five hundred per sitting per member.

24. Sitting of the Committee.-(1) The Committee shall hold its sittings in the premises of the children's home or, at a place in proximity to the children's home or, at a suitable premise in any institution run under the Act.

- (2) On receiving information about child or children in need of care and protection, if circumstances are such that the child or children cannot be produced before the Committee, the Committee may move out to reach the child or children and hold its sitting at a place that is convenient for such child or children.
- (3) The premises where the Committee holds its sittings shall be child-friendly and shall not look like a Court room in any manner whatsoever, for example, the Committee shall not sit on a raised platform and the sitting arrangement shall be uniform and there shall be no witness boxes.
- (4) The Committee shall meet a minimum of three days a week, which may be extended by the State Government depending on case and pendency of work.
- (5) A minimum of three-fourth attendance of the Chairperson and Members of the Committee is necessary in a year.
- (6) The duration of a sitting is dependent on the pendency of work before the Committee.
- (7) Every member of the Committee shall attend a minimum of four hours per sitting.

25. Functions and powers of the Committee.- The Committee shall perform the following functions to achieve the objectives of the Act, namely -

- (a) take cognizance of and receive children produced before the Committee;
- (b) decide on the matters brought before the Committee;
- (c) reach out to such children in need of care and protection who are not in a position to be produced before the Committee, being in difficult circumstances, with support from the District Child Protection Unit or State Child Protection Unit or the State Government;
- (d) conduct necessary inquiry on all issues relating to and affecting the safety and well-being of the child;
- (e) direct the Child Welfare Officers or Probation Officers or Non-Governmental Organisations to conduct social inquiry and submit a report to the Committee;
- (f) ensure necessary care and protection, including immediate shelter;
- (g) ensure appropriate rehabilitation and restoration, including passing necessary directions to parents or guardians or fit persons or fit institutions in this regard, in addition to follow-up and co-ordination with District Child Protection Unit or State Adoption Resource Agency and other agencies;
- (h) direct the Officer-in-Charge of children's homes to receive children

requiring shelter and care.

- (i) document and maintain detailed case record along with a case summary of every case dealt by the Committee;
- (j) provide a child-friendly environment for children;
- (k) recommend "fit institutions" to the State Government for the care and protection of children;
- (l) declare "fit persons";
- (m) declare a child legally free for adoption;
- (n) keep information about and take necessary follow-up action in respect of missing children in their jurisdiction;
- (o) maintain liaison with the Board in respect of cases needing care and protection;
- (p) visit each institution where children are sent for care and protection or adoption at least once in three months to review the condition of children in institutions, with support of the State Government and suggest necessary action;
- (q) monitor associations and agencies within their jurisdiction that deal with children in order to check on the exploitation and abuse of children;
- (r) co-ordinate with the Police, Labour Department and other agencies involved in the care and protection of children with the support of District Child Protection Unit or State Child Protection Unit or State Government;
- (s) liaison and network with the corporate sector and non-governmental organisation for any of the above, including for social inquiry, restoration and rehabilitation, as and when required; and
- (t) maintain a suggestion box to encourage inputs from children and adults alike and take necessary action.

26. Procedure in relation to Committee-(1) The quorum for the meeting shall be three members attending, which may include the Chairperson.

- (2) Any decision taken by an individual member, when the Committee is not sitting, shall require ratification by the Committee in its next sitting.
- (3) The Committee shall take into consideration the age, developmental stage, physical and mental health, opinion of the child and the recommendation of the child welfare officer or caseworker, prior to disposal of cases.
- (4) For final disposal of a case, the order of the Committees shall be signed by at least two members, including the Chairperson.

27. Production of a Child before the Committee-(1) A child in need of care and protection shall be produced before the Committee within twenty-four hours, excluding journey time, by one of the following persons-

- (a) any Police Officer or Special Juvenile Police Unit or a designated Police Officer;
 - (b) any public servant;
 - (c) childline, a registered voluntary organisation or by such other voluntary organisation or an agency as may be recognised by the State Government;
 - (d) social worker;
 - (e) any public spirited citizen; or (1) by the child himself.
- (2) In case of a child under two years of age, who is medically unfit, the person or the organisation shall send a written report along with the photograph of the child to the Committee within twenty-four hours and produce the child before the Committee as soon as the child is medically fit along with a medical certificate to that effect.
 - (3) The Committee can *Suo motu* take cognizance of cases brought to their notice and reach out to a child in need of care and protection where necessary and the District or the State Child Protection Unit or the State Government Shall provide necessary support and assistance to the Committee for carrying out such functions.
 - (4) In case the Committee is not sitting, the child may be produced before the single member of the Committee as per the provisions laid down under the sub-section (2) of section 30 of the Act for being placed in safe custody of parent or guardian or fit person or fit institutions, as the case may be, till such time that the child can be produced before the Committee.
 - (5) In case the single member is also not accessible, or that the hours are odd, the child shall be taken by a non-governmental organisation or Childline or Police to an appropriate institution for children registered under the Act with all the necessary documents, and placed in such institution till the time of production before the Committee.
 - (6) The concerned institution shall inform the Chairperson or a member of the Committee about such child and produce the child before the Committee within twenty-four hours and in such cases, it may not be necessary for the person who brings a child in need of care and protection to an institution to be present at the time of production of the child before the Committee.
 - (7) Whoever produces a child before the Committee shall submit a report on the circumstances under which the child came to their notice and efforts made by them on informing the Police and the missing persons squad and in cases where a recognised voluntary organisation or any Police personnel produce a child before the Committee, they shall also submit a report on the efforts made by them for tracing the family of the child.
 - (8) Any genera] medical or gynecological examination of children shall not be a pre-requisite for production of the child before the Committee or admission in an institution.

- (9) The Committee shall facilitate the filing of a Police complaint and First Information Report in cases of missing children as well as matters of violence, exploitation and abuse of children and arrange for required legal aid through the Legal Officer in the District Child Protection Unit or District or State Legal Aid Services Authority or voluntary organisations.
- (10) Each Committee shall send quarterly information about children in need of care and protection received by them to the District or State Child Protection Unit or State Government.
- (11) Children shall be provided a child-friendly environment during the proceedings of the Committee.
- (12) The Committee shall have an empanelled list of lawyers, social workers and mental health expert who may assist the Committee in dealing with cases of abused children and who may also interface with the Public Prosecutor or Assistant Public Prosecutor to facilitate legal services to the abused children, when the cases relating to such children are taken up in regular Criminal Courts.
- (13) Every possible effort shall be made to trace the family with support from the District Child Protection Unit, and assistance of recognised voluntary organisations, childline or Police may also be taken.
- (14) The Committee shall send the child to the designated place of safety, with age and gender appropriate facilities, pending inquiry and in such eventuality, the District Child Protection Unit or State Child Protection Unit or State Government shall provide transport or make necessary budgetary allocations for such expenses based on the actual fare.
- (15) The child may be escorted by the Police Officer or representative of the voluntary organisation or by any other arrangement as considered appropriate by the Committee with support from the District Child Protection Unit and in case of a girl child, a female escort shall accompany the child.
- (16) A list of all recognised child care institutions along with their capacity and appropriate facilities as prescribed under section 34 of the Act, a list of all child related resource services and a list of contact details of all Child Welfare Committees across the country shall be provided to the Committee by the District Child Protection Unit or State Government.
- (17) The Committee may, while making an order in Form VIII placing a child under the care of a parent, guardian or fit person pending inquiry or at the time of restoration, as the case may be, direct such parent, guardian or fit person to enter into an undertaking in Form IX.
- (18) 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 the order of short term placement pending inquiry, in Form X with particulars of the home and parents or guardian and previous record.

(19) Whenever the Committee orders a child to be kept in a fit institution as part of restoration under clause (1) of sub-section (3) of section 39 of the Act, it shall forward a copy of its order of restoration in Form XI to the Officer-in-Charge of such institution.

(20) The child shall be placed in an institution closest to where his parents or guardians belong as far as possible, unless the child has been subjected to abuse or exploitation by parents or guardians.

28. Procedure for inquiry.-(1) When a child is brought before the Committee, the Committee shall assign the case to a social worker or caseworker or child welfare officer or Officer-in-Charge, as the case may be, of the institution or any recognised agency for conducting the inquiry through an order in Form XII.

(2) The Committee shall direct the concerned person or organisation about the details or particulars to be enquired into for developing an individual care plan and suitable rehabilitation.

(3) All inquiries conducted by a social worker or caseworker or child welfare officer or Officer-in-Charge of the institution or any recognised agency shall be as per Form XIII and must provide an assessment of the family situation of the child in detail, and explain in writing whether it will be in the best interest of the child to restore him to his family.

(4) The inquiry must be completed within four months or within such shorter period as may be fixed by the Committee.

Provided that the Committee may, in the best interest of the child and for the reasons to be recorded in writing, extend the said period under special circumstances.

(5) After completion of the inquiry, if the child is under orders to continue in the children's home, the Committee shall direct the Officer-in-Charge of the home to submit quarterly progress report of such child and produce the child before the Committee for an annual review of the progress.

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

(a) all children's homes shall be registered as child care institutions under sub-section (3) of section 34 of the Act and rule 71 of these rules;

(b) all children's homes shall be certified as per the procedure laid down in rule 70;

(c) all children's homes shall report to the concerned Committee about every child in need of care and protection received by them;

(d) 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;

(e) every children's home shall include separate facilities for children in

- the age group of 0-5 years with appropriate facilities for the infants.
- (f) separate children's homes shall be set up for boys and girls in the age group 10 to 18 years;
 - (g) children in the age group of 10 to 18 shall be further segregated into two groups of 10 to 15 years and 15 to 18 years.
- (2) Each children home shall be a comprehensive child care center with the primary objective to promote an integrated approach to child care by involving the community and local Non-Governmental Organisations through the Management Committee set up under rule 55 of these rules and the District Child Protection Unit or State Child Protection Unit or the State Government shall make an annual performance review of functioning of the children's homes.
- (3) The activities of such centre shall focus on:-
- (a) preparing and following individual care plans for every child, with rights based approach, specifically addressing the child's physical and mental health, emotional needs, education, skill development, protection and special needs if any;
 - (b) family based non-institutional services, such as, foster family care, adoption and sponsorship;
 - (c) specialised services in situations of conflict or disaster and for juvenile or children affected by terminal or incurable disease to prevent neglect by providing family counselling, nutrition, health interventions, psycho-social interventions and sponsorship;
 - (d) emergency outreach service through childline (toll free Help Line No.1098);
 - (e) linkages outreach Integrated Child Development Services to cater to the needs of children below six years;
 - (f) linkages with organisations and individuals who can provide support services to children; and
 - (g) opportunities to volunteers willing to provide various services for children.

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

- (2) Shelter homes shall include:-
- (a) short-stay homes for children needing temporary shelter, care and protection for a maximum period of one year;
 - (b) transitional homes providing immediate care and protection to a child for a maximum period of four months;
 - (c) 24 hours drop-in-centres for children needing day care or night shelter facility.

- (3) The shelter homes or drop-in-centres shall have the minimum facilities of boarding and lodging, besides and provision for fulfillment of basic needs in terms of clothing, food, health care and nutrition, safe drinking water and sanitation.
- (4) There shall be separate shelter homes for girls and boys as per rule 40(2)(d) of these rules.
- (5) All shelter homes shall provide requisite facilities for education, vocational training, counselling and recreation or make arrangements for it in collaboration with voluntary organisations or corporate sector.
- (6) The Committee, Special Juvenile Police Units, public servants, childline, voluntary organisations, social workers and the children themselves may refer a child to such shelter homes.
- (7) All shelter homes shall submit a report of children using the shelter home facility along with a photograph of the child to the Committee, the missing persons bureau or Special Juvenile Police Unit and the District Child Protection Unit or the State Child Protection Unit.
- (8) The requirements of producing a child received by a shelter home before the Committee, inquiry and disposal under sections 32,33,38 and 39 of the Act shall apply only to shelter homes other than drop-in-centres as specified in rule 30(2)(c) of these rules.
- (9) The services of Officer-in-Charge, Child Welfare Officer, Social Worker shall be provided for the proper care, protection, development, rehabilitation and reintegration needs of children in shelter homes.
- (10) No child shall ordinarily stay in a short stay home for more than a year except in special circumstances with the approval of the Committee.

31. Guidelines for prevention of sexual abuse of children.-The Central Government, State Government, the Juvenile Justice Board, the Child Welfare Committee, other competent authorities and agencies shall, in the best interest of children, ensure that every person, school or such other educational institutions abide by the guidelines issued from time to time by Central Government and State Government.

CHAPTER V

REHABILITATION AND SOCIAL REINTEGRATION

32. Rehabilitation and Social Reintegration.- The primary aim of rehabilitation and social reintegration is to help children in restoring their dignity and self-worth and mainstream them through rehabilitation within the family where possible, or otherwise through alternate care programmes and long-term institutional care shall be of last resort.

33. Adoption. - (1) The primary aim of adoption is to provide a child who cannot be cared for by his biological parents with a permanent substitute family.

- (2) For all matters relating to adoption, the guidelines issued by the Central Adoption Resource Agency and notified by the Central Government under sub-section (3) of section 41 of the Act, shall apply.
- (3) In case of orphaned and abandoned children the following procedure shall apply, namely:-
- (a) Specialised Adoption Agencies shall produce all orphaned and abandoned children who are to be declared legally free for adoption before the Committee within twenty-four hours of receiving such children, excluding the time taken for journey;
 - (b) a child becomes eligible for adoption when the Committee has completed its inquiry and declares the child legally free for adoption;
 - (c) such declaration shall be made in Form XIV;
 - (d) a child must be produced before the Committee at the time of declaring such child legally free for adoption;
 - (e) whenever intimation is received by the Police about an abandoned infant, the Police shall take charge of the infant and arrange to provide immediate medical assistance and care;
 - (f) subsequently, the child shall be placed in a specialised adoption agency or recognised and certified children's home or in a paediatric unit of a Government hospital followed by production of the child before the Committee within twenty-four hours;
 - (g) procedure for declaring a child abandoned and certifying him legally free for adoption:-
 - (i) in case of an abandoned child, the recognised agency shall within twenty four hours, report and produce the child before the Committee with the copy of the report filed with the Police Station in whose jurisdiction the child was found abandoned;
 - (ii) the Committee will institute a process of inquiry, which shall include a thorough inquiry conducted by the Probation Officer or Child Welfare Officer, as the case may be, and who shall give report in Form XIII to the Committee containing the findings within one month;
 - (iii) there shall be a declaration by the specialised adoption agency, stating that there has been no claimant for the child even after making notification in at least one leading national newspaper and one regional language newspaper for children below two years of age and for children above two years, an additional television or radio announcement and notification to the missing persons squad or bureau shall be made;
 - (iv) the steps stated (ii) (iii) shall be taken within a period of sixty days from the time when the child is found in case of a child below two years of age and in case of children above two years of age, this period shall be four months;

- (v) the period of notification shall run concurrently with the inquiry to be conducted and report submitted under clause (ii) of this sub-rule; (vi) the Committee shall declare the child legally free for adoption on completion of the process of inquiry, including declaration of the specialised adoption agency made under clauses (ii) and (iii) of this sub-rule;
- (vii) no child above seven years who can understand and express his opinion shall be declared free for adoption without his consent.
- (4) In case of surrendered children the following procedure shall apply, namely -
 - (a) a surrendered child is one who had been declared as such after due process of inquiry by the Committee and in order to be declared legally free for adoption, a "surrendered" child shall be any of the following:-
 - (i) born as a consequence of non-consensual relationship;
 - (ii) born of an unwed mother or out of wedlock;
 - (iii) a child in whose case one of the biological parents is dead and the living parent is incapacitated to take care;
 - (iv) a child where the parents or guardians are compelled to relinquish him due to physical, emotional and social factors beyond their control;
 - (b) serious efforts shall be made by the Committee for counseling the parents, explaining the consequences of adoption and exploring the possibilities of parents, retaining the child and if, the parents are unwilling to retain, then, such children shall be kept initially in foster care or arranged for their sponsorship;
 - (c) if the surrender is inevitable, a deed of surrender in Form XV shall be executed on a non-judicial stamp paper in the presence of the Committee;
 - (d) the adoption agencies shall wait for completion of two months reconsideration time given to the biological parent or parents after surrender;
 - (e) in case of a child surrendered by his biological parent or parents, the document of surrender shall be executed by the parent or parents before the Committee;
 - (f) after due inquiry, the Committee shall declare the surrendered child legally free for adoption in Form XIII as the case may be after a sixty days' reconsideration period as per Central Adoption Resource Agency guidelines.
- (5) For the purposes of section 41 of the Act, "Court" implies a Civil Court, which has jurisdiction in matters of adoption and guardianship and, may include the Court of the District Judge, Family Courts and City Civil Court.

34. Foster Care.- (1) For children who cannot be placed in adoption, order shall be issued by the competent authority in Form XVII for carrying Out foster care, as given in sub-section (2) of section 42 of the Act and rule 35(1) of these rules, under the supervision of a probation officer or case worker or social worker, as the case may be, and the period of foster care shall depend on the need of the child.

(2) Every State Government shall design its own foster care programme so as to reduce institutionalization of children and enable a nurturing family environment for every child.

(3) The State Government shall consult the Boards or Committees, Non-Governmental Organisation, Academicians and Organisations working on alternative care for children in developing the foster care programme.

35. Criteria for selection of families for Foster Care.- (1) In case of the children covered under rule 34 of these rules, the following criteria shall apply for selection of families for foster care, namely:-

(i) foster parents should have stable emotional adjustment within the family,

(ii) foster parents should have an income in which they are able to meet the needs of the child and are not dependent on the foster care maintenance payment,

(iii) the monthly family income shall be adequate to take care of foster children and approved by the Committee,

(iv) 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,

(v) the foster parents should have experience in child caring and the capacity to provide good child care;

(vi) the foster parents should be physically, mentally and emotionally stable,

(vii) the home should have adequate space and basic facilities,

(viii) the foster care family should be willing to follow rules laid down including regular visits to pediatrician, maintenance of child health and their records;

(ix) the family should be willing to sign an agreement and to return the child to the specialised adoption agency whenever called to do so;

(x) the foster parents should be willing to attend training or orientation programmes, and

(xi) the foster parents should be willing to take the child for regular (at least once a month in the case of infants) checkups to a pediatrician approved by the agency.

(2) There shall be no discrimination in selection of foster parents on the

basis of caste, religion, ethnic status, disability, or health status and the best interest of the child shall be paramount in deciding foster care placement.

- (3) The foster parents shall be declared "fit persons" by the Committee before placing the child as per the provisions laid down in clause (i) of section 2 of the Act after thorough assessment done by the Child Welfare Officer or Social Worker as per Form XVI.

36. Pre-adoption Foster Care.- In case of pre-adoption foster care, the provisions contained in sub-section (1) of section 42 and the corresponding guidelines notified under sub-section (3) of section 41 of the Act, shall apply.

37. Sponsorship.- (1) The State Government shall prepare sponsorship programme in consultation with the Non-Governmental Organisations, Child Welfare Committees, other relevant Government agencies and the corporate sector.

- (2) The State Government, with the help of District or State Child Protection Units shall identify families and children at risk and provide necessary support services in the form of sponsorship for child's education, health, nutrition and other developmental needs.
- (3) The children's homes and special homes shall promote sponsorship programmes as laid down in section 43 of the Act.
- (4) The institutions receiving sponsorship, shall maintain proper and separate accounts of all the receipts and payments for the programme.
- (5) The Board or the Committee shall make an order in Form XVIII for support to a juvenile or child through sponsorship and send a copy to the District or State Child Protection Unit or the State Government for appropriate action.

38. After Care Organisation.- (1) The State Government shall set up an after care programme for care of juveniles or children after they leave special homes and children's homes with the objective to facilitate their transition from an institution-based life to mainstream society for social re-integration.

- (2) After care programmes shall be made available for 18-21 year old persons, who have no place to go to or are unable to support themselves, by the District or State Child Protection Units in collaboration with voluntary organisations for the purpose of section 44 of the Act and this rule.
- (3) Once the Board or the Committee passes an order in Form XIX for placing a juvenile or a child completing 18 years of age under the after care programme, a copy of such order shall be sent to the District and the State Child Protection Unit and the State Government, who shall be responsible for arranging after care.
- (4) The Board or the Committee shall have jurisdiction over persons placed in after care programme.
- (5) The objective of these organisations 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 an institution-based life to a normal one.

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

- (a) community group housing on a temporary basis for groups of young persons aged 18-21 years;
- (b) encouragement to learn a vocation or gain employment and contribute towards the rent as well as the running of the home;
- (c) encouragement to gradually sustain themselves without State support and move out of the group home to stay in a place of their own after saving sufficient amount through their earnings;
- (d) provision for a peer counselor to stay in regular contact with these groups to discuss their rehabilitation plans and provide creative outlets for their energy and to tide over crisis periods in their life.
- (7) During the course of vocational training a stipend may be provided till such time that the youth gets employment.
- (8) Loans may be arranged for the youth in an after care programme aspiring to set up entrepreneurial activities on the basis of an application made by them and due verification of the need for such a loan, and necessary professional advice and training shall be made available to the youth in the after care programme in this regard.
- (9) The structure shall include 6 to 8 youths in each group home who may opt to stay together on their own and one peer counsellor for a cluster of five group homes.

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

- (2) The State Government with the help of State or District Child Protection Unit shall identify the roles and responsibilities of each department at State or district levels for effective implementation of the Act and the rules and inform them through a notification.
- (3) The State Government with the help of State or District Child Protection Unit shall arrange for appropriate training and sensitisation of functionaries of these departments from time to time in co-ordination with National Institute of Public Cooperation and Child Development and its Regional Centers.
- (4) The State Government with the help of State or District Child Protection Unit shall develop effective networking and linkages with local Non-Governmental Organisations for specialised services and technical assistance like vocational training, education, health care, nutrition, mental health intervention, drug de-addiction and legal aid

CHAPTER VI

STANDARDS OF CARE AND INSTITUTIONS

40. Physical infrastructure.- (1) The homes for juveniles in conflict with law and children in need of care and protection shall function from separate premises.

(2) The accommodation in each institution shall be as per the following criteria, namely:-

(a) Observation home-

(i) Separate observation homes for girls and boys;

(ii) Classification and segregation of juveniles according to their age group preferably 7-11 years, 12-16 years and 16-18 years, giving due consideration to physical and mental status and the nature of the offence committed.

(b) Special home-

(i) 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;

(ii) Classification and segregation of juveniles on the basis of age and nature of offences and their mental and physical status.

(c) Children's home-

(i) While children of both sexes below 10 years can be kept in the same home, separate bathing and sleeping facilities shall be maintained for boys and girls in the age group of 5-10 years;

(ii) Separate children's homes for boys and girls in the age group of 7-11 and 12-18 years;

(iii) Separate facilities for children in the age group of 0-5 years with appropriate facilities for infants.

(d) Shelter home-

(i) Separate shelter homes for girls and boys;

(ii) Separate shelter homes for girls above the age of 10 years and boys in the age groups of 11 to 15 and 16 to 18 years.

(3) The norms for building or accommodation for an institution with 50 juveniles or children shall be as under:

(i)	2 Dormitories	Each 1000 Sq. ft. for 25 juveniles/ children, i.e., 2000 Sq. ft.
(ii)	2 Classrooms	300 Sq. ft. for 25 juveniles/ children, i.e., 600 Sq. ft.
(iii)	Sickroom/first aid room	75 Sq. ft. per juvenile/ children for 10, i.e., 750 Sq. ft.
(iv)	Kitchen	250 Sq. ft.
(v)	Dining hall	800 Sq. ft.

(vi)	Store	250 Sq. ft.
(vii)	Recreation room	300 Sq. ft.
(viii)	Library	500 Sq. ft.
(ix)	5 bathrooms	25 Sq. ft. each, i.e., 125 Sq. ft.
(x)	8 toilets/latrines	25 Sq. ft. each, i.e., 200 Sq. ft.
(xi)	Office rooms	(a) 300 Sq. ft. (b) Superintendent's room 200 sq. ft.
(xii)	Counseling and guidance room	120 Sq. ft.
(xiii)	Workshop	1125 sq. ft. for 15 juvenile @ 75 Sq. ft. per trainee
(xiv)	Residence for Superintendent	(a) 2 rooms of 250 Sq. ft. each (b) kitchen 75 Sq. ft. (c) bathroom-cum-toilet/latrine 50 Sq. ft.
(xv)	2 rooms for Juvenile Justice Board/Child Welfare Committee	300 Sq. ft. each, i.e., 600 Sq. ft.
(xvi)	Play ground	Sufficient area according to the total number of juveniles or children
Total		8495 Sq. ft.

(4) The Superintendent shall stay within the institution and be provided with quarters and in case he is not able to stay in the home for legitimate reasons (to be permitted by Director, Child Protection), any other senior staff member of the institution shall stay in the institution and be in a position to supervise the overall care of the children or juveniles and, take decisions in the case of any crisis and emergency.

(5)(i) The standards of accommodation as per the norms laid down in rule 40(2) shall be observed to the extent possible and shall include a minimum of following facilities:-

(a) Dormitory: 40 Sq. ft. per juvenile or child

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

(c) Workshop: 75 Sq. ft. per juvenile or child

(d) Play ground. Sufficient play ground area shall be provided in every institution according to the total number of juveniles in institution.

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

(iii) There shall be adequate lighting, ventilation, heating and cooling arrangements, safe drinking water and clean toilets, in terms of gender, age appropriateness and accessibility.

(iv) All institutions under the Act shall make provision of first aid kit, fire extinguishers in kitchen, dormitories, store rooms, counselling room, periodic review of electrical installations, proper storage and inspection of articles of food stuffs, stand-by arrangements for water storage and emergency lighting.

(6) The Observation homes and special homes shall be child-friendly and in no way shall they look like a jailer lock-up.

41. Clothing and bedding.- The clothing and bedding shall be as per the scale and climatic conditions. The requirements of each juvenile or child and the minimum standards for clothing and bedding area laid down in Schedule I of these rules.

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

- (a) sufficient treated drinking water, water filters shall be installed;
- (b) sufficient water for bathing and washing clothes, maintenance and cleanliness of the premises;
- (c) proper drainage system;
- (d) arrangements for disposal of garbage;
- (e) protection from mosquitoes by providing mosquito nets;
- (f) annual pest control;
- (g) sufficient number of well lit and airy toilets in the proportion of at least one toilet for seven children;
- (h) sufficient number of well lit and airy bathrooms in the proportion of at least one bath room for ten children;
- (i) sufficient space for washing;
- (j) clean and fly-proof kitchen and separate area for washing utensils;
- (k) sunning of bedding and clothing;
- (l) maintenance of cleanliness in the Medical Centre

43. Daily routine.- (i) Every institution shall have a daily routine for the juveniles or children developed in consultation with the Children's Committees, which shall be prominently displayed at various places within the institution.

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

44. Nutrition and diet scale.- The following nutrition and diet scale shall be followed by the institutions, namely:-

- (a) the children shall be provided four meals in a day including breakfast;
- (b) the menu shall be prepared with the help of a nutritional expert or doctor to ensure balanced diet and variety in taste as per the minimum nutritional standard and diet scale set out in Schedule II of these rules;
- (c) every institution under this Act shall strictly adhere to the minimum nutritional standard and diet scale specified in Schedule II;
- (d) juveniles or children may be provided special meals on holiday and festivals;

- (e) infants and sick juveniles or children shall be provided special diet according to the advice of the doctor on their dietary requirement

45. Medical care.- Every institution shall-

- (a) maintain a medical record of each juvenile or child on the basis of monthly medical check-up and provide necessary medical facilities.
- (b) ensure that the medical record includes weight and height record, any sickness and treatment, and other physical or mental problem;
- (c) have arrangement for the medical facilities, including a doctor on call available on all working days for regular medical check-ups and treatment of juveniles or children.
- (d) have sufficient medical equipments to handle minor health problems including first aid kit with stock of emergency medicines and consumables;
- (e) train all staff in handling first aid.
- (f) tie-up with local Primary Health Centre, Government hospital, medical colleges, other hospitals, clinical psychologists and psychiatrists and mental health institutes for regular visits by their doctors and students and for holding periodic health camps within the institutions.
- (g) make necessary arrangements made for the immunisation coverage;
- (h) take preventive measures in the event of out break of contagious or infectious diseases;
- (i) set up a system for referral of cases with deteriorating health or serious cases to the nearest civil hospital or recognised treatment centers;
- (j) keep sick children under constant medical supervision.
- (k) admit a juvenile or child without insisting on a medical certificate at the time of admission;
- (l) arrange for a medical examination of each juvenile or child admitted in an institution by the Medical Officer within twenty-four hours and in special cases or medical emergencies immediately;
- (m) arrange for a medical examination of the juvenile or child by the Medical Officer at the time of transfer within twenty-four hours before transfer;
- (n) not carry out any surgical treatment on any juvenile or child without the previous consent of his parent or guardian, unless either the parent or guardian cannot be found and the condition of the juvenile or child is such that any delay shall, in the opinion of the medical officer, involve unnecessary suffering or injury to the health of the juvenile or child, or otherwise without obtaining a written consent to this effect from the Officer-in-Charge of the institution;
- (o) provide or arrange for regular counselling of every juvenile or child and ensure specific mental health interventions for those in need of

such services, including separate rooms for counselling session within the premises of the institution;

- (p) refer such children who require specialised drug abuse prevention and rehabilitation programme, to an appropriate centre administered by qualified personnel where these programmes shall be adopted to the age, gender and other specifications of the concerned child.

46. Mental health.- (1) A mental health record of every juvenile or child shall be maintained by the concerned institutions.

- (2) Both milieu based interventions that is creating an enabling environment for children and individual therapy are must for every child and shall be provided in all institutions.

Explanation.- For the purpose of this sub-rule, milieu based intervention is a process of recovery, which starts through providing an enabling culture and environment in an institution so as to ensure that each child's abilities are discovered and they have choices and right to take the decisions regarding their life and thus, they develop and identify beyond their negative experiences and such intervention has a critical emotional impact on the child.

- (3) The environment in an institution shall be free from abuse, allowing juveniles or children to cope with their situation and regain confidence.
- (4) All persons involved in taking care of the juveniles or children in an institution shall participate in facilitating an enabling environment and work in collaboration with the therapists.
- (5) Individual therapy is a specialised process and each institution shall make provisions for it as a critical mental health intervention.
- (6) Every institution shall have the services of trained counsellors or collaboration with external agencies such as child guidance centres, psychology and psychiatric departments or similar Government and non- Governmental agencies, for specialised and regular individual therapy for every juvenile or child in the institution.
- (7) A mental health care plan shall be developed for every juvenile or child by the child welfare officers in consultation with mental health experts associated with the institution and integrated into the individual care plan of the concerned juvenile or child.
- (8) The recommendations of mental health experts shall be maintained in every case file and integrated into the care plan for every child.
- (9) All care plans shall be produced before the Management Committee set up under rule 55 of these rules every month and before the Child Welfare, Committee every quarter.
- (10) No juvenile or child shall be administered medication for mental health problems without a psychological evaluation and diagnosis by appropriately trained mental health professionals.

47. Education.- (1) Every institution shall provide education to all juveniles or

children according to the age and ability, both inside the institution or outside as per the requirement.

- (2) There shall be a range of educational opportunities including mainstream inclusive schools, bridge school, open schooling, non-formal education and learning and input from special educators where needed.
- (3) Wherever necessary, extra coaching shall be made available to school going children in the institutions by encouraging volunteer services or tying up with coaching centers.

48. Vocational training.- (a) Every institution shall provide gainful vocational training to juveniles or children.

- (b) The institutions shall develop networking with Institute of Technical Instruction, Jan Shikshan Sansthan, Government and Private Organisation or Enterprises, Agencies or Non-Governmental Organisation with expertise or placement agencies.

49. Recreation facilities.- (1) A provision of guided recreation shall be made available to all juveniles or children in the institutions.

- (2) It shall include indoor and outdoor games, music, television, picnics and outings, cultural programmes and library.

50. Institutional management of juveniles or children.- (1) The following procedure shall be followed in respect of the newly admitted juveniles -

- (a) receiving and search;
 - (b) disinfection and storing of juvenile's personal belongings and other valuables;
 - (c) bath and haircut (unless prohibited by religion);
 - (d) issue of toiletry items, new set of clothes, bedding and other outfit and equipment (as per scales);
 - (e) medical examination and treatment where necessary and in case of every juvenile suspected to be suffering from contagious or infectious disease, mental ailments or addiction;
 - (f) segregation in specially earmarked dormitories or wards or hospitals in case of a child suffering from contagious disease requiring special care and caution;
 - (g) attending to immediate and urgent needs of the juveniles like appearing in examinations, interview letter to parents, personal problems and verification by the Officer-in-Charge of age of juvenile as per order of the Board.
- (2) Every newly admitted juvenile or child shall be allotted a Case Worker from amongst the Probation Officers or Child Welfare Officers or Social Workers or counsellors attached to the institutions or voluntary social workers or counsellors.
 - (3) Every newly admitted juvenile shall be familiarised with the institution and its functioning and shall receive orientation in the

following areas -

- (a) personal health, hygiene and sanitation.
 - (b) institutional discipline and standards of behaviour, respect for elders and teachers.
 - (c) daily routine, peer interaction, optimum use of developmental opportunities, and
 - (d) rights, responsibilities and obligations within the institution.
- (4) The designated officer shall enter the name of the juvenile or child in the Admission Register and allocate appropriate accommodation facility.
 - (5) The photograph shall also be taken immediately for records and the Case Worker or Probation Officer or Welfare Officer shall begin the investigation and correspondence with the person, the juvenile or child might have named.
 - (6) The Officer-in-Charge shall see that the personal belongings of the juvenile or child received by the institution is kept in safe custody and recorded in the Personal Belonging Register and the item must be returned to the juvenile or child when he leaves the institution.
 - (7) The girl juvenile or child shall be searched by a female member of the staff, and with due regard to decency and dignity of the juvenile or child.
 - (8) The 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 schools or Jan Shikshan Sansthan.
 - (9) A case history of the juvenile or the child admitted to an institution shall be maintained as per Form XX, which shall 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, schools, friends and community.
 - (10) A well conceived programme of pre-release planning and follow-up of cases discharged from special homes shall be organised in all institutions in close collaboration with existing governmental and voluntary welfare organisations.
 - (11) In the event of a juvenile or child leaving the institution without permission or committing an offence within the institution, the information shall be sent by the Officer-in-Charge of the concerned institution to the Police and the family, if known, and the detailed report of circumstances along with the efforts to trace the juvenile or child where the juvenile or child is missing, shall be sent to the Board

or Committee, as the case may be.

- (12) An individual care plan for every juvenile or child in institutional care shall be developed with the ultimate aim of the child being rehabilitated and re-integrated based on their case history, circumstances and individual needs and the individual care plan shall be based on following guidelines:-
- (a) the Officer-in-Charge, counsellor along with the Child Welfare Officer or Case Worker, or Social Worker shall prepare an individual care plan, for every child in an institution within one month of his admittance as per Form XXI.
 - (b) all care plans shall include a plan for the juvenile's or child's restoration, rehabilitation, reintegration and follow-up;
 - (c) the care plan shall be reviewed quarterly by the Management Committee set up under rule 55 of these rules for appropriate development and rehabilitation including options for release or restoration to family or foster care or adoption;
 - (d) juveniles or children shall be consulted while determining their care plan;
 - (e) continuity of care plan shall be ensured in cases of transfer or repatriation or restoration.

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

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

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

- (2) The girls shall be searched by a female member of the staff and both the girls and boys shall be searched with due regard to decency and dignity.
- (3) In every institution, a record of money, valuables and other articles found with a juvenile shall be maintained in the "Personal Belongings Register".
- (4) The entries made in the Personal Belongings Register, relating to each juvenile, shall be read over to juvenile in the presence of a witness, whose signature shall be obtained in token of the correctness of such entries and it shall be countersigned by the Officer-in-Charge.

53. 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, namely:-

- (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, valuable and other articles, shall be sent along with the juvenile to the Officer-in-Charge of the institution to which he had been transferred together with a full and correct statement of the description and estimated value thereof;

(d) at the time of release of such juvenile, the valuables and other articles kept in safe custody and the money deposited in name of the juvenile shall be handed over to the parent or guardian, as the case may be, with an entry made in this behalf in the register and signed by the Officer-in-Charge;

(e) when a juvenile in an institution dies, the valuable and other articles left by the deceased and the money deposited in the name of the juvenile shall be handed over by the Officer-in-Charge to any person who establishes his claim thereto and executes an indemnity bond;

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

(g) if no claimant appears within a period of six months from the date of death or escape of such juvenile, the valuables and other articles and amount shall be disposed off as per decision taken by Management committee set up under rule 55 of these rules.

54. Maintenance of case file.-(1) The case file of each juvenile and child shall be maintained in the institution containing the following information:-

- (a) report of the person or agency who produced the juvenile before the Board;
- (b) Officer-in-Charge's, Probation Officer's or Child Welfare Officer's Counsellor's and Case Workers reports;
- (c) information from previous institution;
- (d) report of the initial interaction with the juvenile, information from family members, relatives, community, friends and miscellaneous information;

- (e) source of further information.
 - (f) observation reports from staff members.
 - (g) regular health status reports from Medical Officer, drug deaddiction progress reports, progress reports vis-à-vis psychological counselling or any other mental health intervention where applicable,
 - (h) Intelligence Quotient (IQ) testing, aptitude testing, educational or vocational tests,
 - (i) Social history,
 - (j) Summary and analysis by Case Worker and Officer-in-Charge,
 - (k) Instruction regarding training and treatment programme and about special precautions to be taken,
 - (l) Leave and other privileges granted.
 - (m) Special achievement and violation of rules, if any;
 - (n) Quarterly progress report;
 - (o) Individual care plan, including pre-release programme, post release plan and follow-up plan as prescribed in Form XXI,
 - (p) leave of absence or release under supervision;
 - (q) final discharge;
 - (r) follow -Up reports;
 - (s) annual photograph;
 - (t) case history duly filled in prescribed Form XX;
 - (u) follow-up report of post release cases as per direction of the competent authority if any; and
 - (v) remarks.
- (2) All the case files maintained by the institutions and the Board or Committee shall, as far as possible, be computerised and networked so that the data is centrally available to the State and the District Child Protection Unit and the State Government.

55. Management Committee.-(1) Every institution shall have a Management Committee for the management of the institution and monitoring the progress of every juvenile and child.

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

(3) The Management Committee shall consist of the following personnel

District Child Protection Officer (District Child -Chairperson
Protection Unit)

Officer-in-Charge Child Welfare Officer or	-Member-Secretary Probation Officer or
Case Worker	-Member
Medical Officer or Counsellor	-Member Psychologist
Member Workshop Supervisor or	-Member Teacher
Instructor in Vocation or	-Member Social Worker Member of Juvenile Justice Board
Child welfare Committee	-Member
A juvenile or child representative from each of the Children's Committees (on a monthly rotation basis to ensure representation of juveniles or children from all age groups)	-Member

- (4) In the districts where District Child Protection Unit is not constituted the District Magistrate or Collector or his nominee shall be the Chairperson of this Committee.
- (5) Where voluntary organisations are involved in providing professional and technical services like education, vocational training, psychosocial care, mental health intervention and legal aid, the Management Committee may invite a representative of such voluntary organisations as a special invitee to the Management Committee meeting.
- (6) (a) The Management Committee shall meet every month to consider and review-
- (i) custodial care or care in the institution, housing, area of activity and type of supervision or interventions required,
 - (ii) medical facilities and treatment,
 - (iii) food, water, sanitation and hygiene conditions;
 - (iv) mental health interventions with the juveniles and children,
 - (v) individual problems of juveniles and children, provision of legal aid services and institutional adjustment, leading to the quarterly review of individual care plans,
 - (vi) vocational training and opportunities for employment,
 - (vii) education and life skills development programmes,
 - (viii) social adjustment, recreation, group work activities, guidance and counselling,
 - (ix) review of progress, adjustment and modification of residential programmes to the needs of the juveniles and children,
 - (x) planning post-release or post-restoration rehabilitation programme and follow-up for a period of two years in collaboration with aftercare services;

- (xi) pre-release or pre-restoration preparation;
 - (xii) release or restoration;
 - (xiii) post release or post-restoration follow-up;
 - (xiv) minimum standards of care, including infrastructure and services available;
 - (xv) daily routine;
 - (xvi) community participation and voluntarism in the residential life of children such as education, vocational activities, recreation and hobby;
 - (xvii) oversee that all registers as required under the Act and rules are maintained by the institution, check and verify these registers, duly stamped and signed in the monthly review meetings;
 - (xviii) matters concerning the Children's Committees;
 - (xix) any other matter which the Officer-in-Charge may like to bring up.
- (b) The Officer-in-Charge or Child Welfare Officer shall file a quarterly progress report of every juvenile or child in the case file and send a copy to the District Child Protection Unit and Board or Committee, as the case may be.
- (7) The Management Committee shall set up a complaint and redress mechanism in every institution and a Children's Suggestion Box shall be installed in every institution at a place easily accessible to juveniles and children away from the office set up and closer to the residence or rooms or dormitories of the children.
- (8) (a) The Children's Suggestion Box, whose key shall remain in the custody of the Chairperson of the Management Committee, shall be checked every week by the Chairperson of the Management Committee or his representative from District Child Protection Unit, in the presence of the members of the Children's Committees
- (b) If there is a problem or suggestion that requires immediate attention, the Chairperson of the Management Committee shall call for an emergency meeting of the Management Committee to discuss and take necessary action.
- (c) The quorum for conducting the emergency meetings shall be five members, including two members of Children's Committees, Chairperson of the Management Committee, Member of Committee or the Board, as the case may be, and the Officer-in-Charge of the institution.
- (d) In the event of a serious allegation or complaint against the Officer-in-Charge of the institution, he shall not be part of the emergency meeting and another available member of the

Management Committee shall be included in his place.

- (e) All suggestions received through the suggestion box and action taken as a result of the decisions made in the emergency meeting or action required to be taken shall be placed for discussion and review in the monthly meeting of the Management Committee.
- (9) A Children's Suggestion Book shall be maintained in every institution where the complaints and action taken by the Management Committee are duly recorded and such action and follow-up shall be communicated to the Children's Committees after every monthly meeting of the Management Committee.
- (10) The Board or Committee shall review the Children's Suggestion Book at least once in three months.

56. Children's Committees.-(1) Officer-in-Charge of every of Station for juveniles or children shall facilitate the setting up of Children's Committees for three different age groups of children, viz., 6-10 years, 11-15 years and 16-18 years and these Children's Committees shall be constituted solely by children.

(2) Such Children's Committee shall be encouraged to participate in following activities:-

- (a) improvement of the condition of the institution;
- (b) reviewing the standards of care being followed;
- (c) preparing daily routine and diet scale;
- (d) developing educational, vocational and recreation plans;
- (e) supporting each other in managing crisis;
- (f) reporting abuse and exploitation by peers and caregivers;
- (g) creative expression of their views through wall papers or newsletters or paintings or music or theater;
- (h) management of institution through the Management Committee.
- (3) The Officer-in-Charge shall ensure that the Children's Committee meet every month and maintain a register for recording its activities and proceedings, and place it before the Management Committee in their monthly meetings.
- (4) The Officer-in-Charge shall ensure that the Children's Committees are provided with essential support and materials including stationary, space and guidance for effective functioning.
- (5) The Officer-in-Charge shall, as far as possible, seek assistance from local voluntary organisation or child participation experts for the setting up and functioning of the Children's Committees.
- (6) The local voluntary organisation or child participation expert shall support the Children's Committees in the following:-
 - (i) selecting their leaders;

- (ii) conducting the monthly meetings.
 - (iii) developing rules for the functioning of Children's Committees and following it.
 - (iv) maintaining records and Children's Suggestion Book and other relevant documents;
 - (v) any other innovative activity.
- (7) The Management Committee shall seek a report from the Officer-in-Charge on the setting up and functioning of the Children's Committees, review these reports in their monthly meetings and take necessary action where required.

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

58. Visits to and communication with juveniles or children.-(1) The parents and relatives of the juveniles or children 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, except where parents or relatives or guardian have been found to be responsible for subjecting the juvenile or child to violence, abuse and exploitation.

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

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

(4) The Officer-in-Charge shall, in special circumstances or as per orders of the Board or Committee, allow a juvenile or child to make telephonic communication with his parents or guardians or relatives.

59. Death of a juvenile or child.-On the occurrence of any case of death or suicide in an institution the procedure to be adopted shall be as under-

(1) In the event of an unnatural death or suicide of a juvenile or child in an institution it is imperative for the institution to ensure that an inquest and post-mortem examination is held at the earliest.

(2) In case of natural death or due to illness of a juvenile or child, the Officer-in-Charge shall obtain a report of the Medical Officer stating the Cause of death and a written intimation about the death shall be

given immediately to the nearest Police Station, the Board or Committee, the National or State Commission for Protection of Child rights, District Child protection Unit or State Child Protection Unit or any other concerned authority and the parents or guardians or relatives of the juvenile or child.

- (3) Whenever a sudden or violent death or death from suicide or accident takes place, immediate information shall be given by the Case Worker or Probation Officer or Welfare Officer to the Officer-in-Charge and the Medical Officer and the Officer-in-Charge shall immediately inform the nearest Police Station, Board or Committee and parents or guardians or relatives of the deceased juvenile or child.
- (4) If a juvenile or child dies within twenty-four hours of his admission to the institution, the Officer-in-Charge of the institution shall report the matter to the Officer-in-Charge of the Police Station having jurisdiction and the District Medical Officer or the nearest Government Hospital and the parents or guardians or relatives of such juvenile or child without delay.
- (5) The Officer-in-Charge shall also immediately give intimation to nearest Magistrate empowered to hold inquests and to the Board or, as the case may be, the Committee.
- (6) The Officer-in-Charge and the Medical Officer at the institution shall record the circumstances of the death of the child and send a report to the concerned Magistrate, the Officer-in-Charge of the Police Station having jurisdiction, the Committee and the District Medical Officer or the nearest Government hospital where the dead body of the juvenile or child is sent for examination, inspection and determination of the cause of death and the Officer-in-Charge and the Medical Officer shall also record in writing their views on the cause of the death if any, and submit it to the concerned Magistrate and the Officer-in-Charge of the Police Station having jurisdiction.
- (7) The Officer-in-Charge and the Medical Officer shall make themselves available for any inquiries initiated by the Police or the Magistrate concerning the cause of death and other details regarding such juvenile or child.
- (8) As soon as the inquest is held, the body shall be handed over to the parents or guardian or relatives or, in the absence of any claimant, the last rituals shall be performed under the supervision of the Officer-in-Charge in accordance with the known religion of the juvenile or child.

60. Abuse and exploitation of the juvenile or child.—(1) Every institution shall have systems of ensuring that there is no abuse, neglect and mal-treatment and this shall include the staff being aware of what constitutes abuse, neglect and mal-treatment as well as early indicators of abuse, neglect and mal-treatment and how to respond to these.

- (2) In the event of any physical, sexual or emotional abuse, including neglect of juvenile and children in institution by those responsible for care and protection, the following acting shall be taken:-

- (i) the incidence of abuse and exploitation must be reported by any staff member of the institution immediately to the Officer-in-Charge on receiving such information;
- (ii) when an allegation of physical, sexual or emotional abuse comes to the knowledge of the Officer-in-Charge, a report shall be placed before the Board or Committee, who in turn, shall order for special investigation;
- (iii) the Board or Committee shall direct the local Police Station or Special Juvenile Police Unit to register a case, take due cognizance of such occurrences and conduct necessary investigations;
- (iv) the Board or Committee shall take necessary steps to ensure completion of all inquiry and provide legal aid as well counselling to the juvenile or child victim.
- (v) the Board or Committee shall transfer such a juvenile or child to another institution or place of safety or person;
- (vi) the Officer-in-Charge of the institution shall also inform the chairperson of the management committee and place a copy of the report of the incident and subsequent action taken before the management committee in its next meeting;
- (vii) in the event of any other crime committed in respect of juveniles or children in institutions, the Board or Committee shall take cognizance and arrange for necessary investigation to be carried out by the local Police Station or Special Juvenile Police Unit;
- (viii) the Board or Committee may consult Children's Committee setup in each institution to enquire into the fact of abuse and exploitation as well as seek assistance from relevant voluntary organisations, child rights experts, mental health experts or crisis intervention centres in dealing with matters of abuse and exploitation of juveniles or children in an institution.

61. Juvenile or child suffering from dangerous diseases or mental health problems.-

- (1) When a juvenile or a child placed under care of a fit person or a fit institution under the provisions of the Act, is found to be suffering from a disease or physical or mental health problems requiring prolonged medical treatment, or is found addicted to a narcotic drug or psychotropic substance, the juvenile or the child may be sent by an order of the competent authority to an appropriate place for such period as may be certified by Medical Officer to be necessary for proper treatment of the juvenile or the child or for the remainder of the term for which he has to stay.
- (2) When the juvenile or the child is cured of the disease or physical or mental health problems, the competent authority may, if the juvenile or child is still liable to stay, order the juvenile or the child to be placed back in the care of fit person or institution from where the juvenile or child was removed for treatment and if the

juvenile or the child is no longer liable to be kept under the care of fit person or institution, the competent authority may order him to be discharged.

- (3) The order of restoration of a juvenile or a child suffering from an infectious or contagious disease to his parents guardian shall be based on the principle of best interest of the juvenile or child, keeping in mind the risk of stigmatisation and discrimination and discontinuation of treatment.
- (4) Where there is no organisation either within the jurisdiction of the competent authority, or nearby District or State for care and protection of juveniles or children suffering from serious psychiatric or physical disorder and infection, as required under section 58 of the Act, necessary organisation shall be set up by the State Government at such places, as it may deem fit to cater to the special needs of such juveniles or children.

62. Leave of absence of a juvenile or child -(1) A juvenile or child in an institution may be allowed to go on leave of absence or released under supervision for examination or admission, special occasions like marriage or emergencies like death or accident or serious illness in the family.

- (2) While the leave of absence for short period generally not exceeding seven days excluding the journey time may be recommended by the Officer-in-Charge, but granting of such leave shall be by the Board or Committee.
- (3) The parents or guardian of the juvenile or the Officer-in-Charge on behalf of the juvenile or child may submit an application to the Board or Committee requesting for relieving the juvenile or child on leave, stating clearly the purpose for the leave and the period of leave.
- (4) While considering the application of leave of absence, the Board or Committee shall hear the juvenile or child or the parents or guardians of the juvenile or child and if the Board or Committee considers that granting of Such leave is in the interest of the juvenile or child, appropriate order shall be made and the Board or Committee may call for a report from the probation officer or Child Welfare Officer in case the preliminary information gathered from the juvenile or child or concerned parent or guardian is not sufficient for the purpose.
- (5) While issuing orders sanctioning the leave of absence or relieving under supervision, as the case may be, the competent authority shall mention the period of leave and the conditions attached to the leave order, and if any of these conditions are not complied with during the leave period, the juvenile or child may be called back to the institution.
- (6) The parent or guardian shall arrange to escort the juvenile or child from and to the institution and where this is not possible, the Officer-in-Charge may arrange to escort the juvenile or child to the

place of the family and back. In case the parent or guardian is willing to arrange escort but does not have requisite financial means, the Officer-in-Charge shall arrange for the travelling expenses as admissible under the rules.

- (7) If the juvenile or child runs away from the family during the leave period, the parent or guardian is required to inform the Officer-in-Charge of the institution immediately, and try to trace the juvenile or child and if found, the juvenile or child shall be brought back to the institution immediately.
- (8) If the juvenile or child is not found within twenty-four hours, the Officer-in-Charge shall report the matter to the nearest Police Station and missing person's bureau, but no adverse disciplinary action shall be taken against the juvenile or child and procedure laid down under the Act shall be followed.
- (9) If the parent or guardian does not take proper care of the juvenile or child during the leave period or does not bring the juvenile or child back to the institution within the stipulated period, such leave may be refused on later occasions.
- (10) If the juvenile or child does not return to the institution on expiry of the sanctioned leave, the Board or Committee shall refer the case to Police for taking charge of the juvenile and bring him back to the institution.
- (11) The period of such leave shall be counted as a part of the period of stay in the institution and the time which elapses after the failure of a juvenile to return to the institution within the stipulated period, shall be excluded while computing the period of his stay in the institution.

63. Inspection - (1) The State Government shall constitute State, District or city level inspection committee on the recommendation of the Selection Committee constituted under rule 91 of these rules.

- (2) The inspection committees shall visit and oversee the conditions in the institutions and appropriateness of the processes for safety, well being and permanence, review the standards of care and protection being followed by the institutions, look out for any incidence of violation of child rights, look into the functioning of the Management Committee and Children's Committee set up under rules 55 and 56 of these rules and give appropriate directions.
- (3) The team shall also make suggestions for improvement and development of the institution.
- (4) The team shall consist of a minimum of five members with representation from the State Government, the Board or Committee, the State Commission for the Protection of Child Rights or the State Human Rights Commission, medical and other experts, voluntary organisations and reputed social workers.

- (5) The inspection shall be carried out at least once in every three months.
- (6) The inspection visit shall be carried out by not less than three members.
- (7) The team may visit the institutions either by prior intimation or make a surprise visit.
- (8) The team shall interact with the children during the visits to the institution, to determine their well-being and uninhibited feed back.
- (9) The follow-up action on the findings and suggestion of the children shall be taken by all concerned authorities.
- (10) The action taken report, findings and suggestions from the Inspection Committee shall be sent to the District Child Protection Unit and the State Government.

64. Social Audit.-(1) The Central Government or the State Government shall monitor and evaluate the implementation of the Act annually by reviewing matters concerning establishment of Board or Committee or Special Juvenile Police Unit where required, functioning of Board or Committee or Special Juvenile Police Unit, functioning of institutions and staff, functioning of adoption agencies, child friendly administration of juvenile justice and any other matter concerning effective implementation of the Act in the State.

- (2) The social audit shall be carried out with support and involvement of organisations working in the field of mental health, child care and protection and autonomous bodies like the National Institute of Public Co-operation and Child Development, Indian Council for Child Welfare, Childline India Foundation, Central and State level Social Welfare Boards, School of Social Work and School of Law.

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

- (2) The Board or Committee shall send a copy of the restoration order along with a copy of the order for escort as per Form XXII to the District Child Protection Unit or State Government who shall provide funds for restoration of the juvenile or child.
- (3) Every restoration shall be planned for as part of the individual care plans prepared by the case-workers or counsellors or Child Welfare Officers or probation officer, as the case may be, and shall be based on the review and recommendations of the Management Committee set up under rule 55 of these rules.
- (4) Besides Police, the Board or Committee shall seek collaboration with non-governmental organisations to accompany juveniles or children back to their family for restoration.

- (5) In case of girls, the juvenile or child shall necessarily be accompanied by female escorts.
- (6) The expenses incurred on restoration of a juvenile or child, including travel and other incidental expenses, shall be borne by the District Child Protection Unit or State Government.
- (7) When a juvenile or child expresses his unwillingness to be restored back to the family, the Board or Committee shall make a note of it in its records in writing and such juvenile or child shall not be coerced or persuaded to go back to the family, particularly if the social investigation report of the child welfare officer or probation officer establishes that restoration to family may not be in the best interest of the juvenile or child or, if the parents or guardians refuse to accept the juvenile or child back.
- (8) A follow-up plan shall be prepared as part of the individual care plans by the Child Welfare Officers or Probation Officers or non-governmental organisations assigned by the Board or Committee to assist in restoration of the child.
- (9) A quarterly follow-up report shall be submitted to the Board or Committee by the concerned Child Welfare Officer or Probation Officer or non-governmental organisation for a period of two years with a copy to the Officer-in-Charge of the institution from where the juvenile or child is restored.
- (10) The follow-up report shall clearly state the situation of the juvenile or child post restoration and the juvenile's or child's needs to be met by the State Government in order to reduce further vulnerability of the juvenile or child.
- (11) The Officer-in-Charge shall file the follow-up report in the case-file of the juvenile or child and place the report before the management committee set up under rule 55 of these rules in its next meeting.
- (12) The Officer-in-Charge shall also send a copy of the follow-up reports to the District Child Protection Unit.
- (13) Where a follow-up is not possible due to unavailability of Government functionaries or Non-Governmental Organisations, the concerned District Child Protection Unit shall provide necessary assistance and support to the concerned Board or Committee.

66. 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 District Child Protection Unit or State Government, 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.

67. Maintenance of Registers - The Officer-in-Charge shall maintain in his office, such registers and forms, as required by the Act and as specified by

these rules made thereunder and the list of registers or files or books to be maintained shall minimally comprise of:-

- (a) Admission and discharge register;
- (b) Supervision register;
- (c) Medical file or medical report;
- (d) Nutrition diet file;
- (e) Stock register;
- (f) Log book;
- (g) Order book;
- (h) Meeting book;
- (i) Cash book;
- (j) Budget statement file;
- (k) Inquiry report file;
- (l) Individual case file, with individual care plan;
- (m) Children's Suggestion book;
- (n) Visitor's book;
- (o) Staff movement register;
- (p) Personal belongings register;
- (q) Minutes register of Management Committee;
- (r) Minutes register of Children's Committees; and
- (s) Attendance register for staff and juveniles or children.

68. Personnel or staff of a Home-(1) The personnel strength of a home shall be determined according to the duty, posts, hours of duty per day and category of children that the staff is meant to cater to.

- (2) The institutional organisational 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 Officer-in-Charge, Probation Officer (in case of Observation home or Special home), Case Workers (in case of Children's home or shelter home or after care organisation), Child welfare Officers, Counsellor, Educator, Vocational Training Instructor, Medical Staff, Administrative staff, Care Takers, House Father and House Mother, Child Mentors, Volunteers, 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 Officer-in-Charge who by order, shall determine their specific responsibilities and shall keep the concerned authority informed of such orders made by him from time to time.
- (6) The duties and responsibilities of the staff under the Officer-in-Charge shall be fixed in keeping with the statutory requirements of the Act.

- (7) The Officer-in-Charge and such other staff who may be required shall live in the quarters provided for them within the premises of the home.
- (8) The number of posts in each category of staff shall be fixed on the basis of capacity of the institution; and the staff shall be appointed in accordance with the educational qualifications, training and experience required for each category.
- (9) The suggested staffing pattern for an institution with a capacity of 100 juveniles or children could be as mentioned below:-

S.No. (1)	Staff/Personnel (2)	No. of Posts (3)
1	Officer-in-Charge (Superintendent)	1
2	Counsellor	2
3	Probation Officer or Child Welfare Officer or Case Worker	3
4	House Mother or House Father	4
5	Educator	2 (voluntary or part time)
6	Doctor	1
7	Paramedical staff	1
8	Store-Keeper-cum-Accountant	1
9	Art & Craft-cum-Music Teacher	1(part time)
10	PT Instructor-cum-Yoga Trainer	1(part time)
11	Driver	1
12	Cook	2
13	Helper	2
14	Housekeeping	2
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 Vocational Instructor shall proportionally increase with the increase in the capacity of the institution.
- (11) In case of institutions housing infants, provision for Ayaas and Paramedical staff shall be made as per the need.

CHAPTER VII MISCELLANEOUS

69. Recognition of fit persons or fit institution:- (1) Any individual who 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 recognised by the competent authority as a fit person after due verification of their credentials and reputation.

(2) Any suitable place or institution, the manager of which is willing temporarily to receive a juvenile or child in need of care and protection for a period as may be necessary, may be recognised by

the State Government as a fit institution on the recommendation of the competent authority.

- (3) An institution recognised as a fit institution shall –
 - (a) meet the standards of care laid down in the Act and the rules made thereunder;
 - (b) have the capacity and willingness to meet the standards of care laid down in the Act and the rules;
 - (c) receive and provide basic services for care and protection of the juveniles and children;
 - (d) prevent subjection of juvenile or child to any form of cruelty or exploitation or neglect; and
 - (e) abide by the orders of the competent authority.
- (4) A list of fit institutions approved by the State Government shall be kept in the office of the Board and the Committee.
- (5) A fit institution with collateral branches may send the juvenile or child placed therein by an order of the competent authority to any of its branches after seeking permission from the competent authority.
- (6) Before declaring any person as a fit person or recommending an institution as a fit institution, the competent authority shall hold due enquiry and only on being satisfied, recognition shall be given.

70. Certification or recognition and transfer of management of institutions and after care organizations – (1) Any organization desiring certification under the Act 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 specialized child care services 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, 41 and 44 of the Act, as the case may be, on the condition that the organization shall comply with the standards or services as laid down under the Act and the rules framed thereunder, from time to time and to ensure an all round growth and development of juvenile or child placed under its charge.

- (2) Any organization desiring recognition under the Act shall make an application to the Competent Authority, who shall after due inquiry, recommend the State Government for such recognition.
- (3) The State Government may transfer the management of any State run institution under the Act to a voluntary organization of repute, who has the capacity to run such an institution, and certify or recognize the said voluntary organization as a fit institution to own the requisite responsibilities under a Memorandum of Understanding for a specified period of time.

- (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, also 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, 41 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 institution shall be asked to show cause so as to give an explanation within thirty days.
- (7) When an organization ceases to be an organization, certified or recognized under sections 8, 9, 34, 37, 41 or 44 of the Act, the juvenile or the child kept therein, shall be transferred to some other institution of repute, certified or recognized under sections 8, 9, 34, 37, 41 or 44 of the Act or discharged, 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.

71. Registration under the Act - (1) All institutions and organizations running institutional or non-institutional care services for children in need of care and protection, whether run by the Government or voluntary organization, shall get themselves registered under sub-section (3) of section 34 of the Act

(2) All such institutions shall make an application together with a copy each of rules, bye-laws, memorandum of association, list of governing body, office bearers, balance sheet of past three years, statement of past record of social or public service provided by the institution or organization to the State Government, who shall after verifying that provisions made in the institution or organization for the care and protection of children, health, education, boarding and lodging facilities, if any, vocational facilities and scope of rehabilitation, may issue a registration certificate to such organization under sub-section (3) of section 34 of the Act and as per this rule.

72. Grant-in-aid to certified or recognized organization-(1) An organization certified or recognized or registered under sections 8, 9, 34, sub-section (3) of section 34, 37 or 44 of the Act, may during the period when certification or recognition or registration is in force, 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, sub-section (3) of section 34, 37 and 44 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.

73. Admission of outsiders - (1) No stranger shall be admitted to the premises of the institution, except with the permission of the Officer-in-Charge or on an order from the Board or Committee.

(2) In special cases, where parents or guardians have traveled a long distance from another State or District, the Officer-in-Charge shall allow parents or guardians entry into the premises and a meeting with their children, provided they possess proper identification and are not reported to have subjected the juvenile or child to abuse and exploitation.

74. Identity photos- (1) On admission to a home established under the Act, every juvenile or child shall be photographed.

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

(3) In case of a child missing from an institution or in case of lost children received by an institution, a photograph of the child with relevant details shall be sent to the missing person's bureau and the local Police Station.

75. 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 Officers shall wear plain clothes and not the Police uniform.

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

77. Procedure to be followed by a Magistrate not empowered under the Act - (1) When any juvenile or child is produced before a Magistrate other than Board or Committee, and the Magistrate is of the opinion that such person

is a juvenile or child, he shall record his reasons and send the juvenile or child to the appropriate competent authority.

- (2) In case of a juvenile produced before a Magistrate not empowered under this Act, such Magistrate shall direct the case to be transferred to the Board for inquiry and disposal.
- (3) In case of a child in need of care and protection produced as a victim of a crime before a Magistrate not empowered under the Act, such Magistrate shall transfer the matter concerning care and protection, rehabilitation and restoration of the child to the appropriate Committee.

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

Provided that -

- (i) such transfer is in the best interest of the juvenile or child,
- (ii) 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 or, is suffering from a chronic or terminal, illness or, on account of disability,
- (iii) such transfer shall only take place after the completion of evidence and cross examination that may be required in a legal proceeding involving a juvenile or child, and
- (iv) the reasons for and circumstances of such transfer are recorded in writing.

(2) The State Government or State or District Child Protection Unit shall accordingly -

- (i) send the information of transfer to the appropriate competent authority having jurisdiction over the area where the child is ordered to be transferred by the Board or Committee, and
 - (ii) send a copy of the information to the Officer-in-Charge of the institution where the child is placed for care and protection at the time of the transfer order.
- (3) On receipt of copy of the information from the State Government or State or District Child Protection Unit, the Officer-in-Charge shall arrange to escort the child at Government expenses to the place or person as specified in the order.
- (4) On such transfer, case file and records of the juvenile or child shall be sent along with the juvenile or child.

79. 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 or Case Worker or Child Welfare Officer, as the case may be, to make enquiries as to the fitness and willingness of the relative or other person to receive the juvenile or the child at the ordinary place of residence, and whether such relative or other fit person can exercise proper care and control over the juvenile or the child.

- (2) Where a juvenile or child is ordered to be sent to the ordinary place of residence or to a relative or fit person, execution of a bond by the juvenile or child without any surety, in Form VI, is necessary along with an undertaking by the said relative or fit person in Form V or IX, as the case may be.
- (3) Any breach of a bond or undertaking or of both given under sub-rule (2) of this rule, shall render the juvenile liable to be brought before the competent authority, who may make an order directing the juvenile to be sent to an institution home.
- (4) Any juvenile or a child, who is a foreign national and who has lost contact with his family shall also be entitled for protection.
- (5) The juvenile or the child, who is a foreign national, shall be repatriated, at the earliest, to the country of his origin in co-ordination with the respective Embassy or High Commission.
- (6) The Board or Committee shall keep the Ministry of External Affairs informed about repatriation of every juvenile or child of foreign nationality carried out on the orders of the Board or Committee.
- (7) A copy of the order passed by the competent authority under section 50 of the Act shall be sent to -
 - (a) the Probation Officer or Child Welfare Officer who was directed to submit a report under sub-rule (1) of this rule;
 - (b) the Probation Officer or Child Welfare Officer, if any, having jurisdiction over the place where the juvenile or the child is to be sent;
 - (c) the competent authority having jurisdiction over the place where the juvenile or the child is to be sent; and
 - (d) the relative or the person who is to receive the juvenile or the child.
- (8) During the pendency of the order under sub-rule (6) of this rule, the juvenile or the child shall be sent by the competent authority to an observation home or children's home, as the case may be.
- (9) Where 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.

- (10) The competent authority inviting the said relative or fit person under sub-rule (8) of this rule may also direct, if necessary, the payment to be made by the Officer-in-Charge of the home, of the actual expenses of the relative or fit person's journey both ways by the appropriate class and the juvenile's or child's journey from the home to his ordinary place of residence, at the time of sending the juvenile or the child.
- (11) If the relative or the fit person fails to come to take charge of the juvenile or the child on the specified date, the juvenile or the child shall be taken to his ordinary place of residence by the escort of the observation home and in the case of a girl, at least one escort shall be a female.

80. State Child Protection Unit - The specific functions of the State Child Protection Unit shall include:-

- (a) implementation of the Act and supervision and monitoring of agencies and institutions under the Act;
- (b) set up, support and monitor the District Child Protection Units;
- (c) represent State Child Protection Unit as a member in the Selection Committee for appointment of members of Boards or Committees;
- (d) make necessary funds available to the District Child Protection Units for providing or setting up required facilities for implementation of the Act.
- (e) network and co-ordinate with all Government departments to build inter sectoral linkages on child protection issues, including Departments of Health, Education, Social Welfare, Urban Basic Services, Backward Classes & Minorities, Youth Services, Police, Judiciary, Labour, State AIDS Control Society, among others;
- (f) network and co-ordinate with civil society organizations working for the effective implementation of the Act;
- (g) training and capacity building of all personnel (Government and Non-Government) working under the Act;
- (h) establish Minimum Standards of Care and ensure its implementation in all institutions set up under the Act;
- (i) review of the functioning of Committees; and
- (j) all other functions necessary for effective implementation of the Act.

81. District Child Protection Unit - (1) The District Child Protection Unit shall co-ordinate and implement all child rights and protection activities at district level.

- (2) The specific functions of the District Child Protection Unit shall include:-
 - (a) ensure effective implementation of the Act at district or city level by supporting creation of adequate infrastructure, such as, setting up Boards Committees, Special Juvenile Police Units and homes

in each district:

- (b) identify families at risk and children in need of care and protection;
- (c) assess the number of children in difficult circumstances and creating district-specific databases to monitor trends and patterns of children in difficult circumstances;
- (d) periodic and regular mapping of all child related services at district for creating a resource directory and making the information available to the Committees and Boards from time to time;
- (e) implement family based non-institutional services including sponsorship, foster care, adoption and after care;
- (f) ensure setting up of District, Block and Village level Child Protection Committees for effective implementation of programmes as well as discharge of its functions;
- (g) facilitate transfer of children at all levels for either their restoration to their families or placing the child in long or short-term rehabilitation through institutionalization, adoption, foster care and sponsorship;
- (h) supporting State Adoption Resource Agency in implementation of family based non-institutional services at district level;
- (i) network and co-ordinate with all Government Departments to build inter-sectoral linkages on child protection issues, including departments of Health, Education, Social Welfare, Urban Basic Services, Backward Class Minorities, Youth Services, Police, Judiciary, Labour, State AIDS Control Society, among others;
- (j) network and co-ordinate with civil society organisations working under the Act;
- (k) develop parameters and tools for effective monitoring and supervision of agencies and institutions in the district in consultation with experts in child welfare;
- (l) supervise and monitor all institutions or agencies providing residential facilities to children in district;
- (m) train and build capacity of all personnel (Government and Non-Government) implementing the Act to provide effective services to children;
- (n) organise quarterly meeting with all stakeholders at district level including childline, Specialised Adoption Agencies, Officer-in-Charges of Homes, Non-Governmental Organizations and members of public to review the progress and implementation of the Act; and
- (o) liaison with the State Child Protection Unit, State Adoption Resource Agency at State level and District Child Protection

Units of other districts.

82. Setting of the Child Welfare Committee.—(1) The State Government shall set up by notification in Official Gazette Child Welfare Committees under section 29 of the Act in every district with requisite infrastructure, personnel, and finances for smooth running, as listed below:-

- (a) The infrastructure shall consist of a sitting hall, a separate room for the Committee, room for office staff, waiting room for children, waiting room for parents or guardian, room for personal interaction between the child or parents and the Committee, a record room, safe drinking water facility and toilets.
 - (b) The State Government shall provide necessary human resource support for every Committee, including Welfare Officer, steno-typist or computer operator, peon, safai karamchari.
- (2) The allowances of the Chairperson and Members shall be disbursed by the District Child Protection Unit or State Government as per rule 23 of these rules.

83. Setting up of Juvenile Justice Board - The State Government shall set up by notification in Official Gazette, Juvenile Justice Board in every district, with requisite infrastructure, personnel, besides the Principal Magistrate and Members and Finances as listed below:-

- (1) Infrastructure shall consist of a Board Room, waiting room for children, a room for Principal Magistrate and Members, a record room, room for Probation Officers, waiting room for parents and visitors, safe drinking water facility and toilets.
- (2) The State Government shall provide necessary human resource support for every Board, including Probation Officer, steno-typist or computer operator, peon, safai karamchari.

84. Special Juvenile Police Unit-(1) The State Government shall appoint a Special Juvenile Police Unit at the District level within four months of the notification of these rules and the unit shall consist of a Juvenile or Child Welfare Officer of the rank of Police Inspector and two paid social workers having experience of working in the field of child welfare, of whom one shall be a woman.

- (2) The District Child Protection Unit or the State Government shall provide services of its two social workers to the Special Juvenile Police Unit for discharging their duties.
- (3) The Juvenile or Child Welfare Officer at the Police Station shall be a person with aptitude and appropriate training and orientation to handle the cases of Juveniles or children in terms of the provision of the Act.
- (4) The transfer and posting of the designated Juvenile or Child Welfare Officer shall be within the Special Juvenile Police Units of other Police Stations or district unit, unless there is an exceptional case of promotion and in such cases, other Police Officer must be designated and deputed in the unit so that there is no shortfall.

- (5) Special Juvenile Police Unit at district level shall co-ordinate and function as a watch-dog for providing legal protection against all kinds of cruelty, abuse and exploitation of child or juvenile.
- (6) The unit shall take serious cognizance of adult perpetrators of crimes against children and see to it that they are without delay apprehended and booked under the appropriate provisions of the law and for this purpose the district level units shall maintain liaison with other units of Police Station.
- (7) The Special Juvenile Police Units shall seek assistance from the voluntary organisations, panchayats and gramsabhas or President Welfare Associations in identifying juveniles in conflict with law as well as reporting cases of violence against children, child neglect and child abuse.
- (8) The Special Juvenile Police Units shall particularly seek assistance from voluntary organisations recognised as protection agencies by the State Government for the purpose of assisting Special Juvenile Police Units and local Police Stations at the time of apprehension, in preparation of necessary reports, for taking charge of juveniles until production and at the time of production before the Board as per rule 11 (12) of these rules.
- (9) The Superintendent of Police in a district shall head the Special Juvenile Police Unit and oversee its functioning from time to time.
- (10) A Nodal Officer from Police not less than the rank of Inspector General of Police shall be designated in each State to co-ordinate and upgrade role of Police on all issues pertaining to care and protection of children or juveniles under Act.
- (11) Any Police Officer found guilty, after due inquiry, of torturing a child, mentally or physically, shall be liable to be removed from service, besides being prosecuted for the offence.

85. Honorary or Voluntary Welfare Officers and Probation Officers-To augment the existing probation service, Honorary or Voluntary Welfare Officers and Probation Officers may be appointed from the voluntary organisation and social workers found fit for the purpose by the competent authority and their services may also be co-opted into the implementation machinery by the orders of the competent authority.

86. Duties of the Officer-in-Charge of an institution -(1) The Officer-in-Charge shall have the primary responsibility of maintaining the institution and shall stay within the institutional premises to be readily available as and when required by the Juveniles or children and the staff and in case where an accommodation is not available within the institutional premises, the Officer-in-Charge shall stay at a place in close proximity to the institution till such time that such an accommodation is made available within the institution.

(2) The general duties and functions of the Officer-in-Charge shall include-

- (a) compliance with provisions of the Act and the rules and

orders made thereunder.

- (b) compliance with the orders of the Board or Committee;
- (c) providing homely atmosphere of love, affection, care, development and welfare for juveniles or children;
- (d) maintaining minimum standards of care in the institution;
- (e) proper maintenance of buildings and premises;
- (f) security measures and periodical inspection, including daily inspection and rounds of the institution, proper storage and inspection of food stuffs as well as food being served;
- (g) supervision and monitoring of juveniles' or children's discipline and well being;
- (h) planning implementation and co-ordination of all institutional activities, programmes and operations, including training and treatment programmes or correctional activities as the case may be;
- (i) prompt action to meet emergencies;
- (j) ensuring accident and fire preventive measures within the institutional premises;
- (k) stand-by arrangements for water storage, power plant, emergency lighting;
- (l) careful handling of plants and equipments;
- (m) segregation of a juvenile or child suffering from contagious or infectious diseases;
- (n) observance and follow-up of daily routine;
- (o) filing of monthly report of juvenile or child in the case file;
- (p) organise local and national festivals in the institution;
- (q) organise trips or excursions or picnics for juveniles or children;
- (r) preparation of budget and control over financial matters;
- (s) allocation of duties to personnel;
- (t) supervision over office administration, including attending to personnel welfare and staff discipline;
- (u) prompt, firm and considerate handling of all disciplinary matters;
- (v) organise the meetings of the Management Committee set up under rule 55 of these rules and provide necessary support;
- (w) maintenance of all records and registers required under the Act and the rules and monthly verification of the same by the Management Committee set up under rule 55 of these rules;
- (x) liaison, co-ordination and co-operation with the District Child Protection Unit or State Government as and when required; and
- (y) co-ordination with the legal officer in the District Child Protection Unit to ensure that every juvenile is legally

represented and provided free legal aid and other necessary support or, where the District Child Protection Unit has not been set up, services of the District or State Legal Services Authority shall be made available.

87. Duties of a Probation Officer or Child Welfare Officer or Case Worker.-(1) Every Probation Officer or Child Welfare Officer or Case Worker

shall carry out all directions given by the Board or Committee or concerned authority and shall perform the following duties, functions and responsibilities:

- (a) making social investigation of the juvenile (Form IV) or the child (Form XIII) through personal interview and from the family, social agencies and other sources;
- (b) attending the proceedings of the Board or Committee and submitting reports as and when required;
- (c) clarifying problems of the juvenile or the child and dealing with their difficulties in institutional life;
- (d) participating in the orientation, monitoring, education, vocational and rehabilitation programmes;
- (e) establishing co-operation and understanding between the juvenile or the child and the Officer-in-Charge;
- (f) assisting the juvenile or the child to develop contacts with family and also providing assistance to family members;
- (g) developing a care plan for every child in consultation with the juvenile or child and following up its implementation;
- (h) participating in the pre-release programme and helping the juvenile or the child to establish contacts which can provide emotional and social support to juvenile or child after their release;
- (i) establishing linkages with voluntary workers and organisations to facilitate rehabilitation and social reintegration of juveniles and to ensure the necessary follow-up;
- (j) follow-up of juveniles after their release and extending help and guidance to them;
- (k) visiting regularly the residence of the juvenile or child under their supervision and also places of employment or school attended by such juvenile or child and submitting fortnightly reports as prescribed in Form XXI;
- (l) accompanying juveniles or children wherever possible, from the office of the Board to observation home, special home, children's home or fit person, as the case may be; and
- (m) maintaining case file and such registers as may be specified from time to time.

(2) On receipt of information from the Police or Juvenile or Child Welfare Officer of the Police 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 IV or XIII, to the Board.

88. Duties of House Father or House Mother-(1) The general duties, functions and responsibilities of a house father, house mother and other care takers 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; and
- (g) escorting juveniles or children, whenever they go out of the home.

89. Disqualification for Officer-in-Charge, Probation Officer or Child Welfare Officer or Case Worker, House Father or House Mother and other care givers and staff-(1) The Officer-in-Charge, Probation Officer or Child Welfare Officer or Case Worker, House Father or House Mother and other care givers and staff shall not employ a juvenile or child under their supervision or care and protection for their own purposes or take any private service from them.

- (2) Any report of physical, sexual or emotional abuse of a juvenile or a child in an institution or outside, by a care giver, shall hold them liable for disqualification after due inquiry.

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

(3) The State Government with the help of the State Child Protection Unit, National Institute of Public Cooperation and Child Development and its Regional Centres shall organise regular training and capacity building of personnel involved in the implementation of the Act and the rules made thereunder.

91. Selection Committee and its composition - The State Government shall constitute a Selection Committee by notification in the Official Gazette, for a period of five years, consisting of the following seven members, namely -

- (a) a retired judge of High Court as the Chairperson;

- (b) one representative from the concerned Department of State Government not below the rank of Director as the Member-Secretary;
- (c) two representatives from a reputed Non-Governmental Organization, working in the area of child welfare;
- (d) two representatives from academic bodies concerned with social work, psychology, sociology, child development, education, law, criminology and with experience of working on children's issues; and
- (e) a representative of the National or State Human Rights Commission or, National or State Commission for Protection of Child Rights or, National or State Commission for Women.

92. Functions of the Selection Committee : (1) (a) In making appointment of members of the Board or Committee, the Selection Committee shall take into consideration the applications received in this regard in response to a public advertisement to this effect by the District or State Child Protection Unit or the State Government, and

(b) The Selection Committee shall select and recommend a panel of names to the State Child Protection Unit or State Government for appointment as members of the Board or Committee from amongst the applications received.

(2) In the event of any complaint against a Member of the Board or Committee, the Selection Committee shall hold necessary inquiry and recommend termination of appointment of such Member to the State Child Protection Unit or State Government, if required.

(3) (a) The Selection Committee at the time of recommending names for appointment as member of Board or Committee shall also prepare a panel of names for each Board or Committee to fill in vacancies, which may arise during the tenure of the Board or Committee.

(b) In the event of a vacancy in the Board or Committee, The District Child Protection Unit shall inform the State Child Protection Unit or State Government for filling up such vacancy.

(c) The State Child Protection Unit or State Government shall fill the vacancies on the basis of the panel of names recommended by the Selection Committee.

(4) The Selection Committee shall recommend names for Constitution of the State or District or City level Inspection Committees as required under section 35 of the Act.

93. Advisory Boards : (1) The Central Government and the State Government shall constitute Advisory Board at Central, State, District, City levels for a period of three years.

(2) The Central Advisory Board shall be constituted through the Union Ministry of Women and Child Development.

(3) The State Government shall constitute the State Advisory Board, District Advisory Board and the City Advisory Board.

- (4) All the Advisory Board shall hold at least two meetings in a year.
- (5) These Advisory Boards shall inspect the various institutional or non-institutional services in their respective jurisdictions; and the recommendations made by them, shall be acted upon by the Central Government and the State Government.
- (6) The Central Government through the Central Ministry of Woman and Child Development shall set up the Central Advisory Board to be headed by the Minister concerned and shall consist of the Secretary of the Ministry aforesaid, representatives from State Government, representative members from the competent authority, leading Non-Governmental Organisations, experts in child or juvenile care, children's institution and academic institutions as Members.
- (7) A designated official of the Central Ministry of Women and Child Development shall function as the Member-Secretary of the Central Advisory Board.
- (8) The State Government, through the Selection Committee constituted under rule 91 of these rules, shall set up State, District and City level Advisory Boards, which shall consist of representatives of the State Government, members of the competent authority, academic institutions, locally respectable and spirited citizens, representatives of Non-Governmental Organisations.
- (9) The District or City level Advisory Board constituted in terms of sub-section (3) of section 62 of the Act shall also function as the Inspection Committee under section 35 of the Act.
- (10) The termination, resignation, or other vacancy caused in an Advisory Board and appointment of new members therein shall be done in the same manner as is done in case of the competent authority.

94. Openness and transparency: (1) All children's homes shall be open to visitors with the permission of the Officer-in-Charge and the Committee or Officer-in-Charge, as the case may be, may consider appropriate to allow representatives of local self-Government, voluntary organisations, social workers, researchers, medicos, academicians, prominent personalities, media and any other persons as visitors, as the Officer-in-Charge considers appropriate keeping in view the security, welfare and the interest of the children.

- (2) The Officer-in-Charge of the home shall encourage active involvement of local community in improving the conditions in the homes, if, the members of the community want to serve the institution or want to contribute through their expertise.
- (3) The Officer-in-Charge 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 visitors will not say or do anything that undermines the authority of the Officer-in-Charge or is in

contravention of the Act or rules or impinges on the dignity of the children.

- (5) The visitors may be allowed to visit observation homes and special homes with the permission of the competent authority.

95. 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" (hereinafter 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, the Central Government shall also make contribution to the Fund.

- (3) The Fund shall be applied-

- (a) to implement programmes for the welfare, rehabilitation and restoration of juveniles 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 necessary for 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 contribution, 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 an individual or organization.

- (6) All withdrawals shall be made by cheques or requisitions, as the case may be, signed by the secretary-cum-treasurer and in the case of amount exceeding rupees one thousand, they shall be signed duly by the secretary cum-treasurer and a Member of the Board of Management to be nominated by the State Advisory Board.

- (7) The regular accounts shall be kept of all money and properties, and all incomes and expenditure of the Fund and shall be audited by a notified firm of Chartered Accountants, or any other 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 or a Member of the Board of Management authorised by it for the purpose.

- (10) The Board of Management shall invest for the time being the proceeds of sale or other disposal of the property, as well as any

money or property not immediately required to be used to serve the objective of the Fund, in anyone or more of the modes of investment authorised by law for the investment of trust moneys as the board of management may think proper.

- (11) The Board of Management may delegate to one or more of the Members such of its powers, which in its opinion are merely a procedural arrangement.

96. Application of these rules.—It is hereby declared that until the new rules conforming to these rules are framed by the State Government concerned under section 68 of the Act, these rules shall *mutatis mutandis* apply in that State.

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

- (2) All pending cases which have not received a finality shall be dealt with and disposed off 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 benefit under sub-rule (1) of this rule, and it is hereby clarified that such benefits shall be made available to all those accused who were juvenile or a child at the time of commission of an offence, even if they cease to be a juvenile or a child during the pendency of any inquiry or trial.

- (4) While computing the period of detention or stay or sentence 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, stay or sentence of imprisonment shall be counted as a part of the period of stay or detention or sentence of imprisonment contained in the final order of the Court or the Board.

98. Disposed off cases of juveniles in conflict with law.—The State Government or as the case may be the Board may, either *suo moto* or on an application made for the purpose, review the case of a person or a juvenile in conflict with law, determine his juvenility in terms of the provisions contained in the Act and rule 12 of these rules and pass an appropriate order in the interest of the juvenile in conflict with law under section 64 of the Act, for the immediate re case of the juvenile in conflict with law whose period of detention or imprisonment has exceeded the maximum period provided in section 15 of the said Act.

99. Disposal of records or documents.—The records or documents in respect of a juvenile or a child or a juvenile in conflict with law shall be kept in a safe place for a period of seven years and no longer, and thereafter be destroyed by the Officer-in-Charge or Board or Committee, as the case may be.

100. Repeal.—The Juvenile Justice (Care and Protection of Children) Rules, 2001, notified vide F No 1-3/2001-D, dated the 22nd June, 2001 in the Gazette of India, Extraordinary, Part I, Section 1 of the same date is hereby repealed.

SCHEDULE [See rule 41]

CLOTHING, BEDDING, TOILETRIES AND OTHER ARTICLES

(1) juveniles or children shall be provided with the following articles-

BEDDING

Sl No	Article	Quantity to be provided per child
1	Towels	4 per year
2	Cotton bed sheets	2 per 2 years
3	Pillow (Cotton stuffed)	1 per 2 years
4	Pillow covers	2 per 2 years
5	Woolen blankets	2 per 2 years
6	Cotton duiry	2 per 2 years
7	Cotton filled quilt	1 per 2 year (in cold regions)
8	Mattress	1 per 2 years
9	Mosquito net	1 per 2 years

CLOTHING FOR GIRLS

1	Skirts & Blouse or salwar kameez or half sari with blouses and petticoats	5 sets per year for girls depending on age and regional preference.
2	Banyans (1 Metre each)	6 per year for younger girls
3	Brassieres	6 per year for older girls
4	Panties (1 metre cloth each)	6 per year
5	Sanitary towels	12 packs per year for older girls
6	Woolen sweaters	2 in 2 years (in cold regions)
7	Woolen shawls	1 in 2 years (in cold regions)

CLOTHING FOR BOYS

1	Shirts	5 sets per year
2	shorts	5 sets per year for younger boys
3	Pants	5 sets per year for older boys
4	Vest	4 sets per year
5	Underwear	4 sets per year
6	Woolen jerseys	2 in 2 years (in cold regions)
7	Scarf	1 in 2 years (in cold regions)

MISCELLANEOUS ARTICLES

1	Sleepers	1 pair per year
2	Shoes	1 pair per year
3	School Uniform	2 sets per year for children attending outside schools
4	School shoes	1 pair per year for children attending outside schools
5	School bag stationery	1 set per year for children attending outside schools
6	Handkerchiefs	6 per year

Note In addition to the clothing specified above, each child shall be provided, once in three years, with a sun consisting of one white shirt, one pair of Khaki, shorts or pants, one pair of white canvas shoes and one blazer (for, cold regions) for use during ceremonial occasions. In the case of girls it shall be one white half sar or one salwar kameez, one white skirt and one white blouse, a pair of white canvas shoes and a blazer (for cold regions)

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

1	Mattress	One per bed per 3 years
2	Cotton Bed sheets	Four per bed per year
3	Pillows	One per bed per 2 years
4	Pillow covers	Four per bed per year
5	Woolen blankets	One per bed per 2 years
6	Pyjamas and loose shirts (Hospital type for boys)	3 pairs per child per year
7	Skirts and blouses or salwar kameez for girls	3 pairs per child per year
8	Cotton durry	One pair per bed per 3 years

Note

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

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

(iii) The Superintendent shall make arrangements for two-ber bed system in place of conventional cots, as per convenience and necessity.

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

Hair oil for grooming the hair	100 mgs per month
Toilet soap or carbolic soap	1 large bar per month
Tooth paste and brush	1 Brush per 3 months, 50 gms paste per month
Comb	1 per year

Note

(i) For washing of cloth and towel, bed-sheet, etc. the following scale may be followed-

(i) Washing soap	1 soap for one month (125gms)
(ii) Whitening/bleaching agent	to the extent required only for white clothing

Provided, however, the hospital clothing is not mixed with other clothing at the time of washing and if necessary, the Superintendent can issue the above items separately for washing of hospital clothing.

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

(4) the following items shall be provided for maintaining the Hostels in a healthy and sanitary condition -

Item	Scale of supply
(1) Broom stick	25 to 40 Nos. per month depending on the area of the institution.
(2) DDT spray	As per the institution Doctor's advice.
(3) Effective bugs killing agent	As required ---
(4) Phenyl and cleaning acid (daily)	Depending on the area of lavatories to be cleaned as per institution Doctor's advice.

SCHEDULE II

NUTRITION AND DIET SCALE (See rule 44)

Name of the articles of diet	Scale per head per day
(1) Rice/Wheat/Ragi/Jowar	600 gms, (700 gms for 16-18 yrs age) which atleast 100 gms to be either rice or Ragi or Jowar
(2) Dal/Rajma/Chana	120 gms
(3) Edible Oil	25 gms
(4) Onion	25 gms
(5) Salt	25 gms
(6) Turmeric	05 gms
(7) Coriander Seed Powder	05 gms
(8) Ginger	05 gms
(9) Garlic	05 gms
(10) Tamarind/Mango powder	05 gms
(11) Milk (at breakfast)	150 ml
(12) Dry Chillies	05 gms
(13) Vegetables Leafy	100 gms
Non-leafy	130 gms
(14) Curd or Butter Milk	100gms/ml
(15) Chicken once a week or Eggs 4 days	115 gms
(16) Jaggery & Ground Nut Seeds or Panceer (vegetarian only)	60 gms each (100 gms for panceer) Once in a week
(17) Sugar	40 gms

Following items for 50 Children per day

(18) Pepper	25 gms
(19) Jeera Seeds	25 gms
(20) Black Gramdail	50 gms
(21) Mustard Seeds	50 gms
(22) Ajwain Seeds	50 gms

On Chicken Day for 10 kg of chicken

(23) Garam Masala	10 gms
(24) Kopra	150 gms
(25) Khas khas	150 gms

For Sick Children

(26) Groundnut Oil	500 gms
(27) Bread	500 gms
(28) Milk	500 ml

Other Items

(29) LP Gas for Cooking only

Instructions -

(2) Variation in diet--

- (a) Three varieties of dal, i.e. Toor (Turari), Moong (Green Gram) and Chana (Bengal Gram) may be issued alternatively.
- (b) The Superintendent may also arrange to substitute chicken with fish at his discretion, provided that there is no extra expenditure to Government.
- (c) On non-vegetarian days, vegetarian children shall be issued with either 60 gms of jaggery and 60 gms of Groundnut seeds per head in the shape of laddus or any other sweet dish or 100 gms paneer.
- (d) Potatoes shall be issued in lieu of vegetables once in a week.
- (e) Leafy vegetables such as Fenugreek (Methi), Spinach (Palak), Sarson (Mustard leaves) Gongura Thotakura or any other saag, etc., may also be issued once in a week. If a kitchen garden is attached to any institution leafy vegetables, in addition to drumstick trees, curry leaves trees and coriander leaves, should be grown and issued and the Superintendent should try to issue variety of vegetables and see that the same vegetable is not repeated for at least a period of one week.
- (f) The Superintendent may make temporary alternations in the scale of diet in individual cases when considered necessary by him, or on the institution Doctor's advice subject to the condition that the scale laid down is not exceeded.

(3) Meal timing and Menu

(a) Breakfast after 8:00 a.m.

- (i) Upma or chapattis made of Wheat or Ragi or any other dish.
- (ii) Chutneys from Gongura or fresh curry leave or fresh coriander or Coconut and Putnadal, etc., dal/vegetable may be issued as a dish.
- (iii) Milk
- (iv) Any seasonal fruit in sufficient quantity

(b) Lunch (at 1:00p.m. and Dinner after 7:00p.m.)

- (i) Rice/Chapattis or combination of both
- (ii) Vegetable Curry
- (iii) Sambar or Dal
- (iv) Butter Milk or Curd

(4) Others

- (a) Depending on the season, the Superintendent shall have the discretion to alter the time for distribution of food.
- (b) On the advice of the institution Doctor, every sick child who is prevented from taking regular food, on account of his ill-health, may be issued with medical diet, indicated in diet scale.
- (c) Extra diet for nourishment like milk, eggs, sugar and fruits shall be issued to the children on the advice of the institution Doctor in addition to the regular diet, to pick up weight or for other health reasons and for the purpose of calculation of the daily ration, the sick children shall be excluded from the day's strength.
- (d) On the following national and festival occasions, sweet dishes may be distributed to all the children at the Home at the rate fixed by the Commissioner, from time to time
 1. Republic Day (26th January)
 2. Ambedkar's Birthday (14th April)
 3. Independence Day (15th August)
 4. Mahatma Gandhi's Birth Day (2nd October)
 5. Children's Day (14th November)
 6. Child Rights Day (20th November)
 7. Dussehra (Vijayadasami)
 8. Deepavali
 9. Ramzan (Id-UI-Fitr)
 10. Bakrid (Id-UI-Zuha)
 11. Christmas (25th December)

The States may specify additional festivals depending upon local preferences.

FORM 1

[See rule 13(1)(c)]

SUPERVISION ORDER

When the Juvenile is placed under the care of a parent, guardian or other fit person/fit institution Profile No. of 20.....

Whereas..... (name of the juvenile) 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 Board is satisfied that it is expedient to deal with the said juvenile 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..... subject to the following conditions -

1. That the juvenile along with the copies of the order and the bond executed by the said shall be produced before the Probation Officer /Case Worker named therein
2. That the juvenile shall be submitted to the supervision of the aforesaid Probation Officer/Case Worker.
3. That the juvenile shall reside at for a period of
4. That the juvenile shall not be allowed to quit the district jurisdiction of without the permission of the Probation Officer /Case Worker .
5. That the juvenile shall not be allowed to associate with bad characters.
6. That the juvenile shall live honestly and peacefully; and will go to school regularly endeavour earn an honest livelihood.
7. That the juvenile shall attend the attendance centre regularly.
8. That the person under whose care the juvenile is placed shall arrange for the proper care, education and welfare of the juvenile.
9. That the preventive measures will be taken by the person under whose care the juvenile is placed to see that the juvenile does not commit any offence punishable by any law in India.
10. That the juvenile 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 Additional conditions, if any, may be inserted by the Juvenile Justice Board

FORM II

[See rule 13(1)(d)]

ORDER OF DETENTION UNDER SUB-SECTION OF SECTION
SUB-SECTION OF SECTION AND SUB-SECTION OF
SECTION

To

The Officer-in-Charge

Whereas on the day of 20....., (name of the
juvenile), son/ daughter of aged residing at being
found in Profile No to be juvenile in conflict with law
/section is order by me Principal Magistrate, Juvenile
Justice Board under section of Juvenile Justice Act, 2000 to be kept
in the Observation Home/ Special Home/ for a period of
.....

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

Given under my hand and the seal of Juvenile Justice Board.

This day of 20

(Signature)

Principal Magistrate, Juvenile Justice Board

End

Copy of the judgment, if any, or orders, particulars of home and case
history and individual care plan, if any:

Strike which is not required.

FORM III

[See rule 13(1)(c) and (5)]

ORDER OF SOCIAL INVESTIGATION /INQUIRY

To

Probation Officer/Case Worker/Person-in-charge of Voluntary Organisation/Case Worker

Whereas 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), son/daughter of approximate age residing at who has been produced before the Board.

You are hereby directed to enquire into the social antecedents, family background and circumstances of the alleged offence by the said juvenile and submit your social investigation report on or before or within such time allowed to you by the Board.

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

Dated this day of 20

(Signature)

Principal Magistrate, Juvenile Justice Board

FORM IV

(See rules 13(5) and 87 (1)(a) and (2))

Sl. No.

Submitted to the Juvenile Justice Board (address)

Probation Department/Concerned State Government Authority /Voluntary Organisation (Signature and Stamp)

Profile No. :

Under section: Title of Profile: Police Station:

Nature of offence charged:

Name

Religion

Father's Name

Caste

Permanent Address

Year of birth

Last address before apprehension Age

Sex

Previous institutional/care history and individual care plan, if any.

Members of family	Name	Age	Health	Education	Occupation	Monthly Earnings	Disabilities	Any other e.g. social habit

FORM V

[See rules 15(5) and 79(2)]

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

Whereas I, being the parent, guardian, relative or fit person under whose care (name of the juvenile) has been ordered to be placed by the Juvenile Justice Board have been directed by the said Board to execute an undertaking/bond with surety in the sum of Rs. (Rupees) or without surety. I hereby bind myself on the said being placed under my care. I shall have the said properly taken care of and I do further bind myself to be responsible for the good behaviour of the said and to observe the following conditions for a period of years w.e.f.

1. That I shall not change my place of residence without giving previous intimation in writing to the Juvenile Justice Board through the Probation Officer/Case Worker.

2. That I shall not remove the said juvenile from the limits of the jurisdiction of the Juvenile Justice Board without previously obtaining the written permission of the Board.

3. That I shall send the said juvenile daily to school/to such vocation as is approved by the Board unless prevented from so doing by circumstances beyond control.

4. That I shall send the said juvenile to an Attendance Centre regularly unless prevented from doing so by circumstances beyond my control.

5. That I shall report immediately to the Board whenever so required by it.

6. That I shall produce the said juvenile in my care before the Board, if he / she does not follow the orders of Board or his/her behaviour is beyond control.

7. That I shall render all necessary assistance to the Probation Officer/Case Worker to enable him to carry out the duties of supervision.

8. In the event of my making default herein, I undertake to produce myself before the Board for appropriate action or bind myself, as the case may be, to forfeit to Government the sum of Rs. (Rupees)

Dated this day of 20.....

Signature of person executing the
Undertaking/Bond

(Signed before me)

Principal Magistrate, Juvenile Justice Board

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

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

I/We of (place of residence with full particulars) hereby declare myself/ourselves as surety/sureties for the aforesaid (name of the person executing the undertaking/bond) to adhere to the terms and conditions of this

undertaking/bond. In case of (name of the person executing the bond) making fault therein, I/We hereby bind myself/ourselves jointly or severally to forfeit to Government the sum of Rs. (Rupees)

Dated this the day of 20 in the presence of

Signature of Surety(ties)

(Signed before me)

Principal Magistrate, Juvenile Justice Board

FORM VI

[See rules 15(6) and 79(2)]

PERSONAL BOND BY JUVENILE/CHILD

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

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

I hereby bind myself as follows:-

1. That during the period I shall not ordinarily leave the village/town/ district to which I am sent and shall not ordinarily return to or go anywhere else beyond the said district without the prior permission of the Board/Committee.

2. That during the said period I shall attend school/vocational training in the village/ town or in the said district to which I am sent.

3. That in case of my attending school/vocational training at any other place in the said district, I shall keep the Board/Committee informed of my ordinary place of residence.

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

(Signature or thumb impression of the juvenile / child)

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

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

Signature and Designation of the Certifying Authority,
i.e., Officer-in-Charge of the Institution

FORM VII
[See rule 17(10)]
DISCHARGE ORDER

I, name and designation of the discharging authority
..... State Government/Union Territory Administration, do by
this order permit son/ daughter of residence
Profile Number who was ordered to be detained/placed in an
observation home/special home/after care home by the Juvenile Justice Board
..... under section of the Juvenile Justice (Care and Protection of
Children) Act, 2000, for a term of on the day of 20..... and who
is now in the home, at to be discharged from the said
..... home and supervision and the authority of during the remaining
period of stay.

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

Signature and Designation of Releasing Authority

Dated

Place

CONDITIONS

1. The discharged person shall proceed to and live 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/herself from that place or any other place, which may be named by the
said

3. He/She shall obey such instruction as he/she may receive from the
said with regard to punctual and regular attendance at
school/vocation or otherwise.

4. He/She shall attend the Attendance Center located 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 with under
sub-section (3) of section 59 of the Juvenile Justice (Care 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 juvenile)

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

Certified accordingly that the said juvenile/child has been discharged on
the

Signature and Designation of the Certifying Authority,
i.e., Officer-in-Charge of the Institution

FORM VIII

[See rule 27(17)]

SUPERVISION ORDER

When the child is placed under the care of a parent/guardian or other fit person

Case No. _____ of _____ 20_____

Whereas (name of the child) _____ has this day been found to be in need of care and protection, and has been placed under the care and supervision of (name) _____ (address) _____ it is expedient to deal with the said child by making an order placing him/her under supervision.

It is hereby ordered that the said child be placed under the supervision of (name) _____ (address) _____ for a period of _____ subject to the following conditions that:-

1. The child along with the copies of the order and the bond, if any, executed by the said shall be produced before the Committee as and when required by the person executing the bond.
 2. The child shall be placed under the supervision of the aforesaid parent/guardian/fit person.
 3. The child shall reside at for a period of _____.
 4. The child shall not be allowed to quit the district jurisdiction of _____ with the permission of the Committee.
 5. The child shall go to school regularly / endeavour to earn an honest livelihood.
 6. The person under whose care the child is placed shall arrange for the proper care, education and welfare of the child.
 7. The child shall not be allowed to associate with undesirable characters and shall be prevented from coming in conflict with law.
 8. The child shall be prevented from taking narcotic drugs or psychotropic substances or any other intoxicants.
 9. The directions given by the Committee from time to time, for the due observance of the conditions mentioned above, shall be carried out.
- Dated this _____ day of 20_____

(Signature)

Chairperson, Child Welfare Committee

Additional conditions, if any, may be inserted by the Child Welfare Committee

FORM IX

[See rules 27(17) and 79(2)]

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

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

(i) If his/her conduct is unsatisfactory, I shall at once inform the
Committee.

(ii) I shall do my best for the welfare and education of the said child as
long as he/she remains in my charge and shall make proper provision for
his/her maintenance.

(iii) In the event of his/her illness, he/she shall have proper medical
attention in the nearest hospital.

(iv) I undertake to produce him/her before the competent authority as
and when required.

Date this _____ day of _____

Signature

Signature and address of witness(es)

.....
(Signed before me)

Chairperson, Child Welfare Committee

FORM X

[See rule 27(18)]

ORDER OF SHORT TERM PLACEMENT PENDING INQUIRY

Name of the child

Sex:

Age:

Father's Name:

Mother's Name:

Address:

Date of receiving by Organization/Institution:

Produced by:

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

Next Date:

(Signature)

Chairperson/ Member
Child Welfare Committee

FORM XI

[See rule 27(19)]

ORDER OF RESTORATION OF A CHILD TO AN INSTITUTION

To

The Officer-in-Charge

Whereas on the day of 20..... (name of the child) son/daughter of aged residing at being in care and protection under section 33(4) of the Juvenile Justice (Care and Protection) Act, 2000 is ordered by the Child Welfare Committee to be kept in the Children's Home/Shelter Home for a period of

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

Given under my hand and the seal of Child Welfare Committee.

This day of 20.....

.....
(Signature)

Chairperson / Member
Child Welfare Committee

Encl:

Copy of the orders, particulars of home and previous record, case history and individual care plan, whichever is applicable:

FORM XII

[See rule 28(1)]

ORDER FOR ENQUIRY

To

Child Welfare Officer/Person in-charge of Voluntary Organisation/Social Worker/ Case Worker

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

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

You are also hereby directed to consult an expert in child psychology,

psychiatric treatment or counseling for their expert opinion, if necessary and submit such report along with your Inquiry Report.

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

Dated this day of 20

(Signature)

Chairperson /Member
Child Welfare Committee
SEAL

FORM XIII

[See rules 28(3); 33(3)(g)(ii); and 48(F); and 87(1)(a) and (2)]

FORMAT FOR INQUIRY REPORT

Sl. No.

Produced before the Child Welfare Committee (address)

Case No.

Concerned Government Department/Voluntary Organisation

Category of child in need of care and protection:

Name	Religion
Father's name	Caste
Permanent address	Year of birth
Address of last residence	Age
	Sex

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

FAMILY

Members of family	Name	Age	Health	Education	Occupation	Monthly earnings	Disabilities	Any other e.g. social habits
Father								
Step Father								
Mother								
Step Mother								
Siblings								
Any other								

legal guardian/relative							
-------------------------	--	--	--	--	--	--	--

If married, relevant particulars

Other near relatives or agencies interested

Attitude towards religion, normal and ethical code of the home, etc.

Social and economic status

Delinquency record of members of family

Present living conditions

Relationship between parent/parents and children especially with the said child

Other factors of importance, if any

CHILD'S HISTORY

Mental condition (present and past)

Physical condition (present and past)

Habits, interests (moral, recreational, etc.)

Outstanding characteristics and personality traits

Companions and their influence

Truancy from home, if any

School (attitude towards school, teachers, class mates and vice versa)

Work record (jobs held, reasons for leaving vocational interests, attitude towards job or employers)

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

Intelligence

Social and economic factors

Religious factors

Reasons for child's need for care and protection

Opinion of experts consulted

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

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

FORM XIV

[See rule 33(1c)]

ORDER FOR DECLARING CHILD LEGALLY FREE FOR ADOPTION

I, in exercise of the powers vested in the Child Welfare Committee..... constituted under sub-section..... of section of the Juvenile Justice (Care and Protection of Children) Act, 2000 and sub-

rule _____ of rule of _____ these rules, minor _____ born on (date) _____ placed in custody of Specialised Adoption Agency (name & address) _____ vide order _____ dated _____ of the Chairperson, Child Welfare Committee _____ has been declared legally free for adoption on the basis of details furnished through:

(a) Inquiry/home study conducted by Child Welfare Officer /Social Worker /Case Worker.

(b) Document of surrender executed by the parent(s) and surrender deed signed in the presence of the Committees under sub-rules _____ of rule _____ of these rules.

(c) Declaration submitted by the Specialised Adoption Agency under sub-rules _____ of rule _____ of these rules.

2. _____ (name of the Specialised Adoption Agency) shall fulfill all conditions specified in Juvenile Justice (Care and Protection of Children) Act, 2000 and the rules relating thereto and furnish a copy of adoption decree/guardianship order in respect of the minor as may be required by Committee and the concerned Department of the State Government of _____

Chairperson /Member
Child Welfare Committee

Date _____

Place _____

For completion by the Specialised Adoption Agency:

(i) I have read and understood Chapters III and IV of Juvenile Justice (Care and Protection of Children) Act, 2000 and the rules thereunder and agree to abide/be bound by the same while placing said minor in adoption.

(ii) I further declare that the particulars stated in the declaration submitted by me on _____ true and correct. In case they are found to be false or incorrect, the Committee has right to suspend this Release Order for (name of the minor) and ask for production of said minor before the Committee.

Date _____

Place _____

Child Welfare Officer /Social Worker

FORM XV
[See rule 33(4)(c)]
DEED OF SURRENDER

I, _____ d/o or s/o _____ residing at _____ am not in a position due to social reasons/ due to being single/ill/ disabled to take care of my child (name, if any) _____ approximate age _____ years. I am explained the consequences of surrendering my child by the Child Welfare Officer /Social Worker (name) _____ and the Child Welfare Committee _____. In full knowledge of all these facts, I am surrendering my child before the Committee today, dated _____. Within two months from this stated date if I do not revise my decision to take back my child and do not approach the said Committee for the same, the Committee shall declare my child legally free for adoption and I shall have no further claim on my child.

Signature of parent/ guardian

Date _____

That I, _____ Child Welfare Officer/Social Worker
 have explained the procedure and the consequences of surrendering the child to
 the concerned parent/ guardian on (date) _____

Signature of Child Welfare Officer /Social Worker

Date _____

(Signed before me)
 Chairperson/Member Child Welfare Committee

FORM XVI

[See rule 35(3)]

A. FOSTER CARER'S ASSESSMENT

1. Agency details

Name of the Agency _____
 Address _____
 Telephone/Fax _____
 E-mail _____
 Name of the Social Worker _____
 Telephone _____
 Date _____ (Form Completed)

2. Details of the Applicant

Surname _____
 Full Name _____
 Date of Birth _____
 Religion _____
 Language(s) spoken at Home _____
 Occupation _____
 (a) Nature of Work _____
 (b) Hours of Work _____
 Address _____
 Telephone _____

3. Description of a preferred child

The type of child, the foster carer would consider
 (To be filled after a full discussion with the foster carer)

Age range Under 2 years 3-6 years 7-12 years 13-15 years 16-18 years

Sl. No.	Type of placement	Duration
(i)	Pre-adoption	
(ii)	Emergency	
(iii)	Short term	
(iv)	Assessment	
(v)	Long term	

The Child an applicant can care for (please Tick)

A child who is:

- (i) Neglected
- (ii) Orphaned
- (iii) With Physical impairment

- (iv) Mental impairment
- (v) Hearing impairment
- (vi) Speech impairment
- (vii) Special Education needs
- (viii) Learning difficulties
- (ix) Physical abuse
- (x) Sexual abuse
- (xi) Who does not relate easily
- (xii) Who needs control/may defy authority
- (xiii) Born of rape / incest
- (xiv) Who's parent(s) suffering from disease
- (xv) Whose parent(s) is HIV positive?
- (xvi) Whose parent(s) are AIDS patient
- (xvii) Whose parent(s) are alcoholic?
- (xviii) Drug addicts
- (xix) Are in jail
- (xx) Relinquished
- (xxi) Belong to another caste
- (xxii) Are of different religion

4. Profile of the family

BRIEF FAMILY PROFILE

Name	Gender	Approx. Age	Occupation	Education	Relationship with the applicant

(Give details of personalities, family life, experiences, etc. Also highlight specific qualities of the family that can match with a child's needs. The details should facilitate initial identification of a potential match with a specific child.)

Accommodation (House)

(Details of type, size, own/ rented space, amenities, etc.)

Neighbourhood

(Details of composition, amenities and facilities, public transport, etc.)

5. Verification of applicant's identity

Place of residence

Period of stay

Nationality

Marital status (date/length of marriage)

Has either of the applicant had a previous marriage? Details

If children from previous marriage? Details

Specify documents seen with date

6. Career history

(Details of education, employment, voluntary work, part time work, leisure activities)

7. Agency inquiries

Medical check

Police check

Employer

8. Personal references (from 2 persons)

This section to be completed after interviews with two references, information gathered through these interviews should include:

- Length of time known
- Relationship to the applicant
- Provide evidence on the applicant's ability to perform the tasks involved in Caring for children
- Providing a safe and caring environment
 - Applicant as a neighbour
 - Interests, talents, personality

Assessment of the social worker for these references

B. HOME STUDY REPORT

A Home Study Report of the foster carer(s) being a crucial document being prepared by the social worker of the Specialized Adoption Agency based on the information collected by the format given above should broadly include the following information:

- Social status and family background
- Description of the home
- Standard of living as it appears in the home
- Current relations amongst the members in the home
- Status of development of the children already in the home
- Employment and economic status
- Health details
- Details of facilities of education, medical, vocational trainings available in the neighbourhood
- Reasons for wanting a child in foster care
- Attitudes of the grand parents and other relatives
- Anticipated plans for the foster child
- Legal status of the foster carer(s)
- Willingness to undergo training

C. DETAILS OF APPLICANT(S)

1. Background - Family structure with details of parents and siblings, significant details of other family members, childhood experiences, etc.

2. Relationships - If couple - Length of married life, what qualities does each applicant bring to the partnership, what makes the relationship positive for each other? Within the relationship how do applicants cope with problems/stress/anger? How do applicants support each other? What is each applicant's assessment of how the foster placement will affect his or her relationship?

3. Decision making - How is decision-making exercised in this relationship and how does each of the applicants view this? Is there wider extended family involvement in the couple's decision-making process? If so, how will this affect the child to be placed?

What are the strengths and vulnerabilities of this partnership?

- Children
- Children and their parents' relationships

Children's attitude and readiness for a foster placement sibling. Describe each child and their temperament, any special talent and need, how children have been involved in preparation.

4. Applicants support networks.- Give a general picture of support systems currently used by the applicants including extended family, friends, neighbours, religious activities, community groups, etc., include details of the location etc.

5. Other significant members of the family - Living in the house or not? Their relationship to the applicants, how much time they spent within the home, their attitude to the proposed placement? How important is their acceptance of placement to the applicant?

6. Description of the family life style - Outline what family considers important, are religious important are religious and cultural practices? How is affection show in the family? How do the members spend their time? What expectations family members have with regard to personal space? What value is placed on education/hobbies and leisure activities that the whole family undertakes?

7. Parenting capacities.- Experience of the applicants of caring and working with children. Describe their adjustment to parenthood. What is their understanding of how children develop?

Using their own childhood experiences what patterns of parenting would the repeat and what would they change? What is their understanding of their own parenting strengths/potentials and about their parenting skills to meet the needs of individual child. To what extent they would expect other family members to be involved in parenting of their children/placed children.

How will they ensure that a child will be safe from physical sexual abuse in their family and within wider support networks?

8. Managing unacceptable behaviour.- What are rules in the household? How do the applicants show approval/disapproval? What are discipline measures they use? Their attitude towards punishment?

What do they anticipate would be the issues and difficulties and themselves for their own children and for their support network? What do they anticipate would be the issues and difficulties for the child? Which changes do they anticipate would need in their lifestyle?

Social workers assessment.- It should provide an analysis of all the information collected through the format and its significance with regard to the capacity of the applicant to carryout fostering task:

(What skills do the applicants have in relating to and working with children? How well will the applicant work with the agency, with biological parents? What are the strengths and resources of the applicants and which are the areas where they may experience difficulty? Also the point of disagreement between the social worker and the applicants should be recorded here)

*Recommendations of the Child Welfare Officer /Social Worker
(Signature)*

FORM XVII

[See rule 34(1)]

ORDER OF FOSTER CARE PLACEMENT

The child (name and address)....., approximate age..... d/o or s/o Mr..... and Mrs or Ms..... is in need of care and protection of a family. Mr..... and Mrs..... or Ms..... resident of (complete address and contact numbers)..... is/ are declared fit person/persons for foster care placement of the child based on the home study report of the Child Welfare Officer /Social Worker Ms./Mr..... of the organization (address).....
The child (name)..... is placed in foster care for a period of..... (days/months), under the supervision of the aforesaid Child Welfare Officer /Social Worker (name and contact).....

Chairperson / Member Child Welfare Committee

FORM XVIII

[See rule 37(5)]

ORDER OF SPONSORSHIP PLACEMENT

The juvenile/ child (name and address)....., approximate age d/o or s/o Mr and Mrs or Ms..... has been identified by the State/ District Child Protection Unit as a juvenile/child at risk needing urgent care and protection. On the basis of the Inquiry Report submitted by the State/District Child Protection Unit/Child Welfare Officer /Social Worker it is established that the said juvenile/child needs sponsorship support for education/health/nutrition/other developmental needs..... (please specify). The State/District Child Protection Unit is hereby directed to release Rs..... per month/Rs..... as one time sponsorship support to the said juvenile/child for a period of..... (days/month) and carryout necessary follow up.

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

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

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

FORM XIX

[See rule 38(3)]

ORDER OF AFTER CARE PLACEMENT

The juvenile/child (name)..... d/o or s/o..... has/will be completing 18 years of age on (date)..... She/He is still in need of care and protection for the purpose of rehabilitation and reintegration. She/He is placed in (name of organization)..... for providing after care. The In-charge of the Organisation is directed to admit the child and provide all possible opportunities for her/his rehabilitation and reintegration in its truest sense. The person shall be provided all these opportunities maximum till the age of 21 years only or till reintegration in the society, whichever is earlier. The In-charge will send half-yearly report on the status of the child/youth to the Child Welfare Committee.

The State/District Child Protection Unit is hereby directed to arrange for

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

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

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

FORM XX

[See rules 50(9) and 54(1)(i)]

CASE HISTORY FORM FOR CHILDREN IN NEED OF CARE AND PROTECTION

Case Profile No.

Date & Time

Affix a latest photograph here

A. PERSONAL DATA

1. Name
2. Male/Female (tick the appropriate category)
3. (a) age at the time of admission
(b) present age
4. Category:
-Separated from family
-Abandoned/Deserted
-Victims of exploitation and violence (give detail)
-Run-away -Any other
5. Religion, Hindu (OC/BC/SC/ST)
Muslim/Christian/Other
(please specify)
6. Location of Residence Urban/Sub-urban/ Rural/Slum
/ Industrial/Other (please specify)
7. Native District & State:
8. Description of the Housing:
(i) Concrete building Tiled
House/Hut/On the street/ others
(Please specify)
(ii) Three-bed room/ two-bed
room/ one-bed room/ no separate bed room
(iii) Owned/Rental
9. By whom the juvenile was brought before the Child Welfare Committee:
(i) Police-Local Police/Special Juvenile Police Unit/Railway
Police/Women Police
(ii) Probation Officers
(iii) Social Welfare Organisation
(iv) Social Worker
(v) Parent(s)/Guardian(s) (please specify the relationship)
(vi) Child himself/herself

10. Reasons for leaving the family

- (i) Abuse by parent(s)/ guardian(s)/step parent(s)
- (ii) In search of employment
- (iii) Peer group influence
- (iv) Incapacitation of parents
- (v) Criminal behaviour of parents
- (vi) Separation of parents
- (vii) Demise of parents
- (viii) Poverty
- (ix) Others (please specify)

11. Types of abuse met by the child

Verbal abuse-Parents/siblings/employers/others (please specify)

- (i) Physical abuse
- (ii) Sexual abuse-Parents/siblings/employers/others (please specify)
- (iii) Others-Parents/ siblings/ employers/ others (please specify)

12. Types of ill-treatment met by the child

- (i) Denial of food-Parents/ siblings/ employers/ other (please specify)
- (ii) Beaten mercilessly-Parents/ siblings/ employers/ other (please specify)
- (iii) Causing injury-Parents/ siblings/ employers/ other (please specify)
- (iv) Other (please specify)-Parents/siblings/employers/others (please specify)

13. Exploitation faced by the child

- (i) Extracted work without payment
- (ii) Little (low) wages with longer duration of work
- (iii) Others (please specify)

14. Health status of the child before admission

- (i) Respiratory Disorders-present/not known/ absent
- (ii) Hearing impairment-present/not known/ absent
- (iii) Eye diseases-present/ not known/ absent
- (iv) Dental disease-present/not known/absent
- (v) Cardiac diseases-present/not known/ absent
- (vi) Skin disease-present/ not known/ absent
- (vii) Sexually transmitted diseases-present/ not known / absent
- (viii) Neurological disorders-present/not known/ absent
- (ix) Mental handicap-present/ not known/ absent
- (x) Physical handicap-present/not known/ absent
- (xi) Others (please specify)-present/not known/ absent

15. With whom the child was staying prior to admission

- (i) Parent(s)-Mother /Father /Both
- (ii) Guardian(s)-Relationship
- (iii) Friends
- (iv) On the Street
- (v) Night Shelter
- (vi) Orphanages/Hostels/Similar Homes

(vi) Other (please specify)

16. Visit of the parents to meet the child

(i) Prior to institutionalisation-Frequently/Occasionally /Rarely /Never

(ii) After institutionalisation-Frequently/Occasionally /Rarely /Never

17. Visit of the child to his family

(i) Prior to institutionalisation-Frequently/Occasionally /Rarely/ During festival times/ During summer holidays/Whenever fallen sick/Never

(ii) After institutionalisation-Frequently/Occasionally/ Rarely/ During festival times/ During summer holidays/Whenever fallen sick/Never

18. Correspondence with parents

(i) Prior to institutionalisation-Frequently/Occasionally /Rarely/ During festival times/ During summer holidays/Whenever fallen sick/Never

(ii) After institutionalization - Frequently / Occasionally/Rarely / During festival times/ During summer holidays/ Whenever fallen sick/ Never

B. CHILDHOOD HISTORY (up to the age of 12 years)

19. Diet of Mother during pregnancy

(i) Taken nutritious diet

(ii) Ordinary diet

(iii) Inadequate food intake

20. Health during pregnancy

(i) Mother infected with contagious diseases

(ii) Mother consumed/used contraceptives

(iii) Intake of antibiotics

(iv) No such details available

21. Birth details

(i) Normal delivery / prolonged delivery / caesarian

(ii) Under weight/normal weight/ over weight

22. Details of immunisation provided

23. Details of handicap

(i) Hearing impairment' By birth/After accident/Diseases

(ii) Speech impairment By birth/After accident/Diseases

(iii) Physical handicap By birth/After accident/Diseases

(iv) Mental handicap By birth/After accident/Diseases

(v) Others (please specify)

C. FAMILY DETAILS:

24. Household composition:

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

--	--	--	--	--

25. **Type of family:**

Nuclear family /joint family /broken family

26. **Relationship among the family members:**

- (i) Father & mother Cordial/Non cordial/Not known
- (ii) Father & child Cordial/Non cordial/Not known
- (iii) Mother & child Cordial/Non cordial/Not known
- (iv) Father & siblings Cordial/Non cordial/Not known
- (v) Mother & siblings Cordial/Non cordial/Not known
- (vi) Juvenile & siblings Cordial/Non cordial/Not known

27. **History of crime committed by family members :**

Sl No.	Relationship	Nature of crime	Arrest, if any made	Period of confinement	Punishment awarded
1	Father				
2	Step father				
3	Mother				
4	Step Mother				
5	Bother (a) (b) (c) (d)				
6	Sister (a) (b) (c) (d)				
7	Child				
8	Others (uncle/aunty/grand-parents)				

28. **Properties owned by the family**

- (i) Landed properties (please specify the area)
- (ii) Household articles-Cows/Cattle/Bull
- (iii) Vehicles- two -wheeler/three -wheeler/four -wheeler (lorry/bus/car/ tractor/jeep)
- (iv) Others (please specify)

29. **Marriage details of family members:**

- (i) Parents Arranged/Special Marriage/Local Union
- (ii) Brothers Arranged/Special Marriage/Local Union
- (iii) Sisters Arranged/Special Marriage/ Local Union

30. **Social activities of family members**

- (i) Participate in social and religious functions
- (ii) Participate in cultural activities
- (iii) Does not participate in social and religious functions
- (iv) Not known

31. *Parental care towards juvenile before admission*

- (i) Over protection
- (ii) Affectionate
- (iii) Attentive
- (iv) Not affectionate
- (v) Not attentive
- (vi) Rejection

D. ADOLESCENCE HISTORY (between 12 and 18 years)

32. *Puberty*

- Early
- Middle age
- Late

33. *Details of delinquent behaviour, if any*

- (i) Stealing
- (ii) Pick pocketing
- (iv) Arrack selling
- (v) Drug pedaling
- (vi) Petty offences
- (vii) Violent crime
- (viii) Rape
- (viii) None of the above
- (ix) Others (please specify)

34. *Reason for delinquent behaviour*

- (i) Parental neglect
- (ii) Parental over protection
- (iv) Parents criminal behaviour
- (v) Parents influence (negative)
- (vi) Peer group influence
- (ix) To buy drugs/ alcohol
- (x) Others (please specify)

35. *Habits*

A

- (i) Smoking
- (ii) Alcohol consumption
- (iii) Reading books
- (iv) Gambling
- (v) Begging
- (vi) Any other

B

- (i) Watching TV /movies
- (ii) Playing indoor / outdoor games
- (iii) Drug use (specify)
- (iv) Religious activities
- (v) Drawing/painting/acting/singing
- (vi) Any other

E. EMPLOYMENT DETAILS

Employment details of the juveniles prior to entry into the Home

Sl. No.	Details of employment	Duration	Wages earned
(i)	Cooly		
(ii)	Rag picking		
(iii)	Mechanic		
(iv)	Hotel work		
(v)	Tea shop work		
(vi)	Shoe polish		

(vi)	Household works		
(vii)	Others (please specify)		

36. **Details of income utilisation:**
- Sent to family to meet family need
 - For dress materials
 - For gambling
 - For prostitution
 - For alcohol
 - For drug
 - For smoking
 - Savings
37. **Details of savings**
- With employers
 - With friends
 - Bank/Post Office
 - Others (please specify)
38. **Duration of working hours**
- Less than six hours
 - Between six and eight hours
 - More than eight hours

F. EDUCATIONAL DETAILS

39. **The details of education of the juvenile prior to the admission to Children's Home**
- Illiterate
 - Studied up to V Standard
 - Studied above V Standard but below VIII Standard
 - Studied above VIII Standard but below X Standard
 - Studied above X Standard
40. **The reason for leaving the school**
- Failure in the class last studied
 - Lack of interest in the school activities
 - Indifferent attitude of the teachers
 - Peer group influence
 - To earn and support the family
 - Sudden demise of parents
 - Rigid school atmosphere
 - Absenteeism followed by running away from school
 - Others (please specify)
41. **The details of the school in which studied last**
- Corporation/Municipal/Panchayat Union
 - Government/SC Welfare School/BC Welfare School
 - Private management
 - Convents
42. **Medium instruction**
Hindi/English/Urdu/Tami/Malayalam/Kannada/Telugu Other language (please specify)
43. **After admission to Children's Home, the educational attainment from the date of admission till date**
- | | | |
|--------------|---------------|-------------------|
| No. of years | Class studied | Promoted/Detained |
|--------------|---------------|-------------------|

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

No. of years Name of Vocational Trade Proficiency attained

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

- (i) Scout
- (ii) Sports (please specify)
- (iii) Athletics (please specify)
- (iv) Drawing
- (v) Painting
- (vi) Others (please specify)

G. MEDICAL HISTORY

46. Height and weight at the time of admission

47. Physical condition

48. Medical history of child (gist)

49. Medical history of parent/ guardian (gist)

50. Present health status of the child

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

51. Height and weight chart

Date, Month & Year	Height	Admissible weight	Actual weight

II. SOCIAL HISTORY

52. Details of friendship prior to admission into Children's Home

- (i) Co-workers
- (ii) School/Classmate
- (iii) Neighbours

- (iv) Others (pl. specify)
- 53. Majority of the friends are**
 - (i) Educated
 - (ii) Illiterate
 - (iii) The same age group
 - (iv) Older in age
 - (v) Younger in age
 - (vi) Same sex
 - (vii) Opposite sex
- 54. Details of membership in group (please specify details)**
 - (i) Associated with cine fans association
 - (ii) Association with religious group
 - (iii) Associated with arts and sports club
 - (iv) Associated with voluntary social service league
 - (v) Others (please specify)
- 55. The position of the child in the groups / league**
 - (i) Leader
 - (ii) Second level leader
 - (iii) Middle level functionary
 - (iv) Ordinary member
- 56. Purpose of taking membership in the group**
 - (i) for social service activities
 - (ii) for leisure time spending
 - (iii) for pleasure seeking activities
 - (iv) for deviant activities
 - (v) Others (please specify)
- 57. Attitude of the group/league**
 - (i) Respect the social norms and follow the rules
 - (ii) Interested in violating the norms
 - (iii) Impulsive in violating the rules
- 58. The location / meeting point of the groups**
 - (i) Usually at fixed place
 - (ii) Places are changed frequently
 - (iii) No specific places
 - (iv) Meeting point is fixed conveniently
- 59. The reaction of the society when the child first came out of the family**
 - (i) Supportive
 - (ii) Rejection
 - (iii) Abuse
 - (iv) Ill-treatment
 - (v) Exploitation
- 60. The reaction of the Police towards children**
 - (i) Passionate
 - (ii) Cruel
 - (iii) Abuse
 - (iv) Exploitation
 - (v) Ill-treatment
- 61. The response of the general public towards the child**

- (i) Education
- (ii) Health
- (iii) Vocational Training
- (iv) Extra Curricular activities
- (v) Others

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

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

Superintendent / Welfare Officer / Probation Officer

FORM XXI

[See rules 50(12)(a), 54(1)(n) and 87(1)(k)]

INDIVIDUAL CARE PLAN

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

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

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

Admission No.

Date of Admission:

A. PERSONAL DETAILS

1. Name of the Child:
2. Age:
3. Sex: Male / Female
4. Father's / Mother's Name:
5. Nationality:
6. Religion / Caste:
7. Educational Attainment:
8. Summary of Case History:
 - Health needs
 - Emotional and psychological support needed
 - Educational and Training needs
 - Leisure, creativity and play
 - Attachments and Relationships
 - Religious beliefs
 - Protection from all kinds of abuse, neglect and mal-treatment
 - Social mainstreaming
 - Follow-up post release / restoration

B. FORTNIGHTLY PROGRESS REPORT OF PROBATIONER

Part One

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

Part Two

Place of interview

Dates

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

Part Three

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

Signature of the Probation Officer /

Case Worker

C. PRE-RELEASE REPORT

Tick whichever is applicable

Final Release

Transfer

1. Details of place of transfer and concerned authority responsible in the place of transfer / release
2. Details placement of the juvenile / child in different institutions.
3. Training undergone and skills acquired
4. Final progress report of the Officer-in-Charge/Probation Officer /-child Welfare Officer /Case Worker /Social Worker (to be attached)
5. Date of release/transfer
6. Date of repatriation
7. Requisition for escort if required
8. Identification of escort

9. Recommended rehabilitation plan including possible placements
10. Sponsorship requirement and report, if applicable
11. Identification of Probation Officer/Case Worker/Social Worker/Non-Governmental Organisation for post-release follow-up
12. Memorandum of Understanding with Non-Governmental Organisation identified for post-release follow-up
13. Identification of sponsorship agency /individual sponsor for the child post-release, if any
14. Memorandum of Understanding between the sponsoring agency and individual sponsor
15. Details of Savings Account of the child, if any
16. Details of child's earnings and belongings, if any
17. Details of awards/rewards due to the child, if any
18. Opinion of the child
19. Any other information

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

D. POST-RELEASE REPORT

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

FORM XXII

[See rule 65(2)]

ESCORT ORDER

Case No.

In the matter of Boy /Girl child

.....
 Aged about..... year taken Charged for sole custody under Section 33(3) of the Juvenile Justice (Care and Protection of Children) Act, 2000

The parents of the boy / girl child are reported to be residing at:

He/She therefore be sent under supervision of a proper Police/Non-Governmental Organisation escort to the

For tracing and for handing over to the parents or close relatives of the said Boy child/ Girl child residing at the aforesaid address or at other place which may be shown by the child, if no such parents or relative are traced or if traced but they are unwilling to take charge of the boy / girl be kept in the

custody of the Superintendent Children's Home and the said Boy/Girl child be produced before the concerned Child Welfare Committee for further orders.

Orders

Pending Escort, the said Boy/Girl child shall remain in Children's Home, residing at present at The State/District Child Protection Unit, or Police Department or Non-Governmental Organisation/Childline shall positively make immediate arrangement not less than 15 days from the date of receipt of this order by him and send the said Boy child/Girl child at his/her aforesaid place of residence,

Dated this day of 20.....

Chairperson / Member Child Welfare
Committee

CC to:

1. The Superintendent, Children Home
2. The State/District Child Protection Unit or Non-Governmental Organisation or Childline

Ref. 1. Order of admission of minor born on Profile No

Uttar Pradesh Juvenile Justice (Care and Protection of Children) Rules, 2004

CHAPTER-I PRELIMINARY

1. Short title and commencement. —

(1) These rules may be called the Uttar Pradesh Juvenile Justice (Care and Protection of Children) Rules, 2004.)

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

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

(a) "Act" means the Juvenile Justice (Care and Protection of Children) Act, 2000 (Act No. 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) "Controlling Officer" means the Director, Women Welfare, Uttar Pradesh;

(d) "Director" means the Director, Women Welfare, Uttar Pradesh;

(e) "Form" means the form annexed to these rules;

(f) "Government" means the Government of Uttar Pradesh;

(g) "Institution" for the purposes of these rules, means the homes established or notified as such by the Government from time to time under the provisions of the Act.

(h) "Superintendent" means a person appointed for the control and management of the institution and includes Deputy Superintendent and Assistant Superintendent also;

(i) Words and expressions defined in the Act and used, but not defined in these rules, shall have the same meaning as assigned to them in the Act.

CHAPTER-II JUVENILE IN CONFLICT WITH LAW

3. *Juvenile Justice Board.* —(1) The Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of the first class, as the case may be, and two social workers of whom at least one shall be a woman, to be nominated by Hon'ble High Court.

(2) In case the principal Magistrate with special knowledge or training in child psychology or child welfare is not available, then the State Government shall provide for such short-term training in child psychology or child welfare as it considers necessary.

(3) The two social workers, of whom at least one shall be a woman, shall be appointed by the State Government on the recommendation of the selection committee set up under sub-rule (2) of Rule 23 of these rules.

(4) The Selection Committee shall take into consideration the panel of names recommended by the District Magistrate 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.

(5) 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 and shall not be below 25 years and not more 65 years of age.

(6) The Board shall have a tenure of three years and the appointment of members shall be co terminus with the tenure of the Board.

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

(8) The Board shall hold its sitting in the premises of an Observation Home and shall meet on all the working days of a week.

(9) A member may resign any time, by giving one month's advance notice in writing.

4. Institutional Management for Juveniles. — The procedure for classification review and follow-up of the decisions taken by the classification Committee as laid down by the controlling officer shall be followed in each institution —

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

(2) The Government or the voluntary organization certified by the Government shall set up separate special homes for girls above the age of ten 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 belonging 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 like appearing in examination, interview letter to parent(s) personal problems etc.; and
- (h) Verification by the superintendent 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 standard of behaviour, respect for elders, teachers etc.;
- (c) Self improvement opportunities; and
- (d) Responsibilities and obligations.

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

(6) 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 the necessary linkages may also be established without side specialists and community based welfare agencies, psychologists, psychiatrists, child guidance clinic, hospital and local doctors, open school 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,
- (d) To help in cooking turn by turn.

(8) A well conceived program 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 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, Holidays and Festivals.

6. Diet scale. —The 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 become balanced, nutritious and varied with 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 out side

schools, durry, bedsheets, blanket, pillow, chappal, shoes, utensils as required and toothpowder, 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 amely:—

- (a) Sufficient treated drinking water.
- (b) Sufficient water for bathing and washing clothing, maintenance and cleanliness of the premises;
- (c) Proper drainage system;
- (d) Arrangement for disposal of garbage;
- (e) Protection from mosquitoes;
- (f) Sufficient number of latrines in the proportions of at least one latrine for seven children;
- (g) Sufficient number 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 of bedding and clothing; and
- (k) Maintenance of cleanliness in the medical centre.

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

- (a) Dormitory : 40 sq. ft. per juvenile.
- Classroom: Sufficient accommodation.
- Workshop: Sufficient workspace.

Playground: Sufficient playground area shall be provided in every institution according to the total number of juveniles in the institution.

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

10. Medical care. —(1) Every institution shall provide for the necessary medical facilities so as to ensure that—

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

(2) Each juvenile admitted in an observation home shall be medically examined by the medical officer within 24 hours 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 Superintendent.

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

(4) A health record of the 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 age, physical and mental health, length of stay, 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—

Superintendent	- 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 10 years in collaboration with after care service;
- (i) pre-release preparation;
- (j) release; and (k) any other matter which the superintendent 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 Superintendent as an encouragement of steady work and good behaviour and at the time of release, the reward shall be handedover after obtaining a receipt from the parent or the guardian who comes to take charge of the juvenile.

13. Visits to and communication with inmates.—(1) The parents and relations of the juvenile shall be allowed to visit once in a month or in special cases, more frequently at the discretion of the Superintendent as per the visiting hours laid down by him.

(2) The receipt of letters by the juvenile 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 Superintendent may peruse any letter written by or the juvenile, and may for the reason that he considers sufficient to refuse to deliver or issue the letter, may destroy the same after recording his reasons in a book maintained for the purpose.

14. Prohibited articles. —No person shall bring into the institution the following prohibited articles, namely: —

- (a) fire-arms or other weapons, whether requiring license or not (like lath, spears, swords etc).
- (b) alcohol and spirit of every description.
- (c) bhang, ganja, opium and other narcotic or psychotropic substances;
- (d) tobacco, or
- (e) any other article specified in this behalf by the State Government by a general or special order.

15. Articles found on search and inspection. —(1) The Superintendent shall ensure that every juvenile received in the institution is searched, his personal effects inspected and any money or valuable found with or on the person of the juvenile is kept in the safe custody of the Superintendent.

(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, valuable and other articles found with or on the person of a juvenile received therein shall be maintained which may be called the "Personal Belonging Register".

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

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 Superintendent shall deposit such juvenile's money together with the safe 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 Superintendent 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, valuable and other articles, shall be sent along with the juvenile to the Superintendent 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 Superintendent.

- (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 Superintendent 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 cash shall vest in State and other articles and amount shall be disposed of as per the decision taken by Monitoring and Evaluation Committee, constituted under Rule 11.

17. Duties of the Superintendent —(1) The Superintendent 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 Superintendent 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 by the Superintendent 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 to the District Magistrate.
 - (d) The District Magistrate shall hold a preliminary inquiry about such escape and send his report to the Board and the controlling officer.
 - (e) The controlling officer shall conduct a detailed inquiry on the report of the District Magistrate to find out whether an employee has knowingly or connived or induced a juvenile to escape.

- (3) On the occurrence of any case of death or suicide the procedure to be adopted shall be as under—
- (a) If a juvenile or child dies within twenty-four hours of his admission to the institution an inquest and post-mortem examination shall be held at the earliest.
 - (b) Whenever a sudden or violent death, or death from suicide or accident takes place immediate information shall be given to the Superintendent and the Medical Officer.
 - (c) The Superintendent and the Medical Officer shall examine and inspect the dead body and in case a juvenile dies due to causes other than natural causes, or if the cause of death is not known, or if the death has occurred due to suicide, violence or accident, or whenever there is any doubt or complaint or question concerning the cause of death of any juvenile, the Superintendent shall inform the Officer Incharge of the Police Station having jurisdiction.
 - (d) The Superintendent shall also give intimation to nearest Magistrate empowered to hold inquests immediately.
 - (e) The Medical Officer shall report to the Superintendent 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 the natural death due to illness of a juvenile or child of an observation home or special home, the Superintendent shall obtain a report of the Medical Officer stating the cause of death and a written intimation about the death shall be given immediately to the nearest Police Station, the Board, the State Human Rights Commission and the authorities concerned.
 - (g) The parents or guardians of the deceased juvenile shall be contacted and the Superintendent shall wait for at least twenty-four hours for the arrival of relatives.
 - (h) As soon as the inquest is held, the body shall be disposed of in accordance with the known religion of the juvenile.
- (4) In the event of any custodial rape or sexual abuse, the following action shall be taken, namely:—
- (a) In case a resident makes any complaint, or occurrence of such rape or abuse comes to the knowledge of the Superintendent, a report shall be placed before the Board immediately, who shall order for special investigation and direct the local police station to register case against the person(s) found guilty under the relevant provisions of the Indian Penal Code.
 - (b) The Special Juvenile Police Unit shall also take due cognizance of such occurrences and conduct necessary investigations permissible under law.
- (5) In the event of any other offence committed in respect of residents, the Board shall take cognizance and arrange for necessary investigation to be carried out by Special Juvenile Police Unit.

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

(2) While the leave of absence for short period not exceeding seven days excluding the journey time may be recommended by the Superintendent for consideration by the Board.

(3) The parents or guardian of the juvenile or child may submit an application to the Superintendent 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 Superintendent 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 Board 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 Superintendent 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 Superintendent 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 Superintendent 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 Committee constituted under Rule 11 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 Superintendent at the time of the release of the juvenile or child.
- (5) If the parent or guardian, as the case may be, fail to come and take charge of the juvenile or child on the appointed date, the juvenile or child shall be taken by the escort of the institution; and in case of a girl, she shall be escorted by a female escort.
- (6) At the time of release or discharge, a juvenile or child may be provided with a set of summer or winter clothing.
- (7) If the juvenile or child has no parent or guardian, he may be sent to an aftercare organization, or in the event of employment, to the person who has undertaken to employ the juvenile or child.
- (8) The Superintendent of a girls' institution, subject to the approval of the Board, may get suitable girls above the age of eighteen years married according to the procedure laid down by the Board from time to time.
- (9) The Superintendent shall order the discharge of any juvenile or child, the period of whose detention has expired and inform the Board within seven days of the action taken; and if, the date of release falls on a Sunday or another public holiday, the juvenile or child may be released on the preceding day with an entry to that effect being made in the register of discharge.
- (10) The Superintendent shall in appropriate cases, order the payment of subsistence money, at such rates as may be fixed from time to time and the railway or road, or both, fare, as the case may be.
- (11) In deserving cases, the Superintendent 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 Superintendent may, subject to the approval of the competent authority, allow at their own request such girls as have no place to go, to stay in the institution after the period of their stay is over, till the time some other suitable arrangements are made.

20. Maintenance of case file. — (1) The case file of each juvenile or child shall be maintained in the institution containing the following information, so far as applicable—

- (a) report of the person or agency who produced the juvenile or child before the Board;
- (b) probation officer's report;
- (c) information from previous institution;
- (d) initial interview material, information from family members, relatives, community, friends and miscellaneous information;
- (e) source of further information;
- (f) observation reports from staff members;
- (g) reports from Medical Officer, Intelligence Quotient (IQ) testing, aptitude testing, educational or vocational tests;
- (h) social history;

- (i) summary and analysis by Superintendent;
- (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;
- (x) follow-up reports;
- (v) central index number;
- (w) annual photograph; and
- (x) remarks.

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

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

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

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

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

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

(6) In case a recognized voluntary organization takes a juvenile to the Board, the voluntary organization shall also inform the concerned Police Station.

(7) The State Government shall recognize only those registered voluntary organizations which can provide the services of probation, counselling, case work, a place of safety and also associate with the Special Juvenile Police Unit and are willing and have the capacity, facilities, expertise to do so.

(8) The registered voluntary organization shall prepare a report narrating the circumstances of apprehension and offence committed and produce the juvenile before the Board or Police with the report.

(9) When a juvenile is produced before an individual member of the Board, the order given by the member shall be ratified in the next meeting of the Board.

(10) The police or the recognized voluntary organization shall be responsible for the safety and basic amenities to the juveniles apprehended or kept under their charge during the period they are with them.

22. Procedure to be followed by a Board in holding inquiries and the determination of age.—(1) In all cases under the Act the proceedings shall be conducted in as simple a manner as possible and care shall be taken to ensure that the juvenile or child against whom the proceedings have been instituted is given home like atmosphere during the proceedings.

(2) When witnesses are produced for examination, the Board shall be free to use the power under Section 165 of the Indian Evidence Act, 1872 (Act No. 1 of 1872), to question them so as to bring out any point that may go in favour of the juvenile or the child.

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

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

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

- (i) a birth certificate given by a corporation or a municipal authority, or
- (ii) a date of birth certificate from the school first attended, or
- (iii) matriculation or equivalent certificates, if available; and
- (iv) in the absence of (i) to (iii) above, the medical opinion by a duly constituted Medical Board, subject to a margin of one year, in deserving cases for the reasons to be recorded by such Medical Board, regarding his age, and, when passing orders in such case shall, after taking into consideration such evidence as may be available or the medical opinion, as the case may be record a finding in respect of his age.

(6) The State Government shall recognize voluntary organizations, which have 10 years experience of child welfare to supervise and submit periodical reports, as directed by the Board regarding the orders passed under clauses (b) and (r) of sub-section (1) of Section 15 of the Act.

(7) The Board shall, in Form-1, order a Probation Officer, or otherwise to conduct a special investigation, reporting on the character and antecedents of the juvenile or child with a view to assess 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 Superintendent 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 place where he belongs.
- (12) The Superintendent of an institution, certified as special home under sub-section (2) of Section 9 of the Act, shall be informed in advance by the Board before any juvenile or child is committed to it.
- (13) The Superintendent of the said institution may, on receipt of the information, intimate in writing objections, if any, to the committal of the juvenile or child and the objections shall be taken into consideration by the Board before the juvenile or child is committed to the said institution.
- (14) In case the Board orders the parent of the juvenile or child, or the juvenile or child to pay a fine, the amount realized shall be deposited in Government Treasury.

CHAPTER-III CHILD IN NEED OF CARE AND PROTECTION

23. Child Welfare Committee.—(1) The Chairperson and members of the committee shall be appointed on the recommendation of a Selection Committee constituted by the State Government for the purpose.

(2) The Selection Committee shall consist of following seven members, namely:—

- (i) a retired Judge of the High Court or retired Secretary to the State Government having experience in social welfare shall be median-person 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 Women and Child Welfare 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.

(3) The Selection Committee shall take into consideration the panel of names recommended by the concerned District Magistrate who could be considered for selection of members of the committee.

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

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

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

(6) The Chairperson of the Committee shall be at least a graduate and shall not be below 45 years and not more than 65 years of age with either of the qualifications given in sub-rule (5)

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

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

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

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

(11) A member of the committee shall not be less than 24 years and not be more than 65 years of age at the time of appointment.

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 three days a week.

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

(3) Any decision taken by an individual member, when the committee not sitting, shall require notification 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 enquiry.
- (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 superintendent 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 the place 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 caseworker or child welfare officer or Superintendent, 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-1.
- (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 two month 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 itself or in association with voluntary organizations, shall set up separate homes for children in need of care and protection, in the manner specified below—

- (a) while children of both sexes below ten years, may be kept in the same home, separate facilities shall be maintained for boys and girls in the age group 5 to 10 years;
- (b) separate children's home 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 up to 18 years shall be according to scale mentioned in Rule 6 of these rules.
- (d) Medical—
 - (i) The children's home shall have arrangement for the medical facility preferably with doctor and nurse.
 - (ii) All children brought into the home shall be medically examined initially within 24 hours of arrival.
 - (iii) The routine medical checkup of the children must be done on monthly basis.
 - (iv) The sick children shall constantly be under medical supervision.
 - (v) In the event of breakout of contagious or infectious diseases segregation must be ensured.
 - (vi) The medical service shall include immunization facility as specified under the National Immunization Schedule.
 - (vii) The home shall have networking with local doctors and hospitals for referral cases.
 - (viii) The medical record of each child shall be meticulously maintained in the file of the child which shall also include weight and height record, any sickness and treatment, and other physical or mental problem, if any.
- (e) Education —The children's home shall provide education to all children according to the age and ability, either both inside the home or outside, as per the requirement.
- (f) Vocational Training—
 - (i) Every children's home shall facilitate for useful vocational training under the guidance of trained instructor and shall be paid wages by the Government from time to time work undertaken by them during training. Such wages shall be kept in an account of the child and paid at the time of release.
 - (ii) The home shall develop networking with Institute of Technical Instruction (ITI), Jan Shikshan Sansthan, Government and Private Organization, or Enterprises, Agencies or Non-Governmental Organization (NGOs) with expertise, or placement agencies.

(g) Counselling—

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

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

(i) Care Plan—

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

(j) Intake procedure—

- (i) Every new child who is brought to home, shall immediately be taken charge of by the counsellor or child welfare officer or designated officer, as the case may be.
- (ii) The child shall be received with due care as provided under these rules, with dignity and love.
- (iii) A brief orientation shall be given to the child on induction, to remove any inhibition from the mind of the child.
- (iv) The child shall be immediately given bath, clothing, food etc. and medically examined.
- (v) The designated officer shall enter the name of the child in the Admission Register and allocate appropriate accommodation facility.
- (vi) The photograph shall also be taken immediately for records and the caseworker shall begin the investigation and correspondence with the person, the child might have named.
- (vii) The Superintendent 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, 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 death shall be recorded in the case File of the child, by the Superintendent giving the cause of death and the death certificate shall be obtained from the attending doctor or hospital as the case may be.

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

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

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

(i) In case any resident makes complaint, or occurrence of such nature comes to the knowledge of the Superintendent, 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.

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

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

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

28. Inspection.—(1) The State Government shall constitute State, District or city level inspection teams on the recommendation of Board for a period of 3 years to visit and oversee the day to day functioning of the Homes and give suitable directions to be followed by them.

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

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

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

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

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

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

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 Cooperation and Child Development, Indian Council for Child Welfare, Indian Council for Social Welfare, Indian Social Institute, Childline Indian 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 fulfilment of basic needs in terms of clothing, food, health care and nutrition.

(3) Such children in emergent 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, Childline, 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 Superintendent, child welfare officer, social worker shall be provided for the proper care, protection, development, rehabilitation and reintegration needs of such children.

(7) No child shall ordinarily stay in the Government funded shelter home or drop-in-centrefor 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 order from the local authority, the Superintendent shall arrange to escort the child at the Government expenses to the place or person as specified in the order.

- (b) 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 reintegration of children who are orphaned, abandoned, neglected and abused.

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

(3) The State Government shall recognize children's homes including homes giving certificates of recognition under Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960 or State run Government homes for orphans, as adoption agencies both for scrutiny and placement of such children for in-country adoption after joined inspection and recommendation of in-charge of Adoption Cell and established U.P. Control Board under Act No. 10 of 1960 in accordance with the guidelines laid down by CARA.

(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 information and verify the background of the child before making a recommendation to the Board for adoption of the child.

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

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

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

- (a) A thorough enquiry by the probation officer or caseworkers or police, as the case may be, shall be conducted and a report containing findings submitted within a maximum period of one month.
- (b) Declaration by the placement agency, stating that there has been no claimant for the child even after making notification in at least one leading newspaper including a regional language newspaper, Television and Radio announcement and after waiting for a period of one month, the time which shall run concurrently to the inquiry to be conducted and report submitted under clause (a) of this sub-rule.

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

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

(10) Role of licensed or recognized Government and non-Government agencies for adoption—

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

(11) Role of Juvenile Justice Board—

- (a) After receiving an application from a recognized agency for adoption, the Board shall call for an independent enquiry by a recognized scrutiny agency, which shall submit its report within a period of two weeks.
- (b) The Board shall undertake a process of enquiry which shall include interviewing the prospective parents, verifying the documents and scrutiny reports.
- (c) If the Board is satisfied that the placement is in the best interest of the child, it shall pass a final order giving permanent custody of the child to the adoptive parent or parents.
- (d) The order of adoption shall be signed by the principal Magistrate besides at least one of the two members of the Board.
- (e) The Board shall determine and fix the date of birth, in the best interest of the child and shall pass order to the appropriate authority to issue a regular birth certificate for the child giving the name(s) of the adoptive parent(s) as if in the case of natural born children.

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

(g) The order shall also include provision for a periodic follow-up report either by the probation officer or case worker or adoption agency to ensure the well being of the child and the period of such follow-up shall be three years, six monthly in the first year and annually for the subsequent two years.

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 32, and the short-term foster care period shall not exceed four months.

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

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

(a) foster parent(s) should have stable emotional adjustment within the family;

(b) foster parent(s) have an income to meet their needs and not dependent on the foster care maintenance payment;

(c) the monthly family income shall not be less than Rupees Five thousand per month;

(d) medical reports of all the members of the family residing in the premises should be obtained including checks on Human Immuno Deficiency Virus (HIV), Tuberculosis (TB) and Hepatitis B to determine that they are medically fit;

(e) an update should be done at regular intervals of not less than once in a calendar year;

(f) the foster mother should have experience in child caring and the capacity to provide good child care;

(g) the foster mother should be physically, mentally and emotionally stable;

(h) the home should have adequate space and physical facilities;

(i) the foster care family should be willing to follow rules laid down including regular visits to Pediatrician, maintenance of child health, record etc.;

(j) the family should be willing to sign an agreement and to return the child to the agency whenever called to do so;

(k) the foster mother should be willing to attend training or orientation programs;

(l) the foster parent(s) should be willing to take the child for regular (at least 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 programmes as laid down in Section 43 of the Act.

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

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

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

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

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

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

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

(7) The programmes under the scheme shall include:

(i) Facilitating employment generation for these youths will be a Key programme.

(ii) After a youth has saved a sufficient amount, he can be encouraged to stay in a place of his own and move out of the group home.

(iii) The youth may continue staying in the home and return the deposit to the Non-Governmental Organizations (NGOs). (iv) The youth learning a vocational trade can be given a stipend, which may be stopped once the youth gets a job. (v) Loans to these 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) There shall be provision for vocational training of these children to enable them to sustain themselves through their own efforts.

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

CHAPTER -A
MISCELLANEOUS

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

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

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

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

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

(4) The State Government may, if dissatisfied with the conditions, rules, management of the organization certified or recognized under the Act, at any time, by notice served on the manager of the organization, declare that the certificate or recognition of the organization, as the case may be, shall stand withdrawn as from a date specified in the notice and from the said date, the organization shall cease to be an organization certified or 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 an organization ceases to be an organization, certified or recognized 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, 37 and 49 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 controlling authority/officer.

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

42. 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) A 'gate entry register' shall be maintained in the institutions in which every person including inmates and staff make entry of date and time whether coming or leaving the institution.

(3) The Superintendent 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.

43. Maintenance of Registers.—The Superintendent shall maintain in his office, such registers and forms, as required by the Act and as specified by the rules made thereunder.

44. Procedure for sending a juvenile or child outside the jurisdiction of the competent authority.—(i) 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 of that area to make enquiries as to the fitness and willingness of the relative or other person to receive the juvenile or the child at the ordinary place of residence, and whether such relative or other fit person can exercise proper care and control over the juvenile or the child.

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

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

(4) Whenever any juvenile or a child, who is a Foreign National is admitted in institution, the Superintendent shall inform the controlling officer, Government through District Magistrate who shall make necessary arrangement to return him to his country.

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

(6) A copy of the order passed by the competent authority under Section 50 shall be sent

to—

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

(7) Any breach of a bond or undertaking or of both given under sub-rule (5), 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.

(8) During the pendency of the order under sub-rule (5), the juvenile or the child shall be sent by the competent authority to an observation home or children home.

(9) Where in the case of a juvenile or a child, the competent authority considers it expedient to send the juvenile or the child back to his ordinary place of residence under Section 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.

(10) The competent authority inviting the said relative or fit person under sub-rule (9) may also direct, if necessary, the payment to be made by the officer-in-charge of the home, of the actual expenses of the relative or fit person's journey both ways, by the appropriate class and the juvenile's or child's journey from the home to his ordinary place of residence, at the time of sending the juvenile or the child.

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

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

(2) Where it appears to the authority ordering the removal of the juvenile or the child under sub-rule (1), that the juvenile or the child is cured of the disease or physical or mental complaint, he may, if the juvenile or the child is still liable to stay, order the person having in charge, to send the juvenile or the

child to the home or fit person from which or from whom he was removed, or if the juvenile or the child is no longer liable to be kept in home, order him to be discharged.

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

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

(5) The controlling officer shall have power to transfer mentally or physically challenged or children suffering from incurable diseases to the other institution run by the Government in other department/voluntary organization.

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

(2) The institutional organizational set up shall be fixed in accordance with the size of the home, the capacity, work load, 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 determined by the State Government.

(4) The part-time staff, shall include Psychiatrist, Psychologist, Occupational Therapist, and other professionals as determined by the Government may be required from time to time.

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

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

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

(8) The number of posts in each category of staff shall be determined by the Government.

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

Sl. No.	Designation	No. of Posts
1.	Superintendent	1
2.	Counsellor	2
3.	Case Worker or Probation Officer	2
4.	House Mother or House Father	2
5.	Educator (Voluntary or part time)	2
6.	Vocational Instructor	1
7.	Doctor (Part time)	1
8.	Paramedical Staff	1
9.	Stock-keeper-cum-Accountant	1
10.	Driver	1
11.	Cook	2
12.	Helper	2
13.	Sweeper	2
14.	An and Craft-cum-Music Teacher (Part time)	1
15.	Gardener	1
	Total	22

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

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

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

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

(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.

48. 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.

49. Responsibilities of the local authority. —The State Government may delegate powers to local authority under Section 66 of the Act, to carry out the following responsibilities, namely:—

- 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;
- to designate its responsibilities for the Inspection Committee under sub-section (2) of Section 35 of the Act,
- to visit the institution and make suggestions for the improvement and development of institutions under sub-section (2) of Section 35

of the 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.

50. Duties of the Superintendent of Homes. — The general duties, functions and responsibilities of the Superintendent shall be as follows: —

- (a) Providing homely atmosphere of love, affection, care, development and welfare of juveniles or children;
- (b) Planning implementation and co-ordinating 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 personnel 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.

51. 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 such conditions, conduct, character and health of juvenile child under their supervision;
- (b) to attend regularly the proceeding of the Board and submit reports;
- (c) to maintain diary case file and such register as may be specified from time to time;
- (d) to visit regularly the residence of the juvenile under their supervision and also places of employment school attended by such juvenile or the child and to submit fortnightly reports as prescribed in Form IX;
- (e) to provide fortnightly report on Form I to the Board where any order has been passed by the Board under Section 15(c)(e)(f) of the Act,

- (f) to accompany juveniles or children wherever possible from the office of the Board to observation home, special home, children's home or fit person, as the case may be;
- (g) to bring before the Board or the committee, immediate juveniles or children who have not been of good behaviour during the period of supervision;
- (h) follow-up of juveniles or children after their release for the organizations and extending help and guidance to them;
- (i) establishing linkages with voluntary workers and organizations to facilitate rehabilitation and social integration of juveniles or children and to ensure the necessary follow-up;
- (j) ensuring that the children's need of food and cloth are met as per the specified standard;
- (k) to ensure the cleanliness of the premises and maintenance of physical infrastructure including provisions of water and electricity. 1) The probation officer shall not employ a juvenile or children under their supervision for own purposes or take any private service from them.

(52) Duties of Case Workers/Child Welfare Officer—The general duties, functions 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 Superintendent;
- (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 that the children's need of food and cloth are met as per the specified standard;
- (g) Ensure the cleanliness of the premises and maintenance of physical infrastructure including provisions of water and electricity.

53. Duties of House Father/House Mother/Caretaker :—(1) The general duties and responsibilities of a housefather, housemother and other caretaker 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.

54. Training of Personnel.—(1) The State Government or the Officer-in-charge shall be for training, of personnel of each category of staff, in keeping with their statutory isibilities and specific job 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.

55. Advisory Boards.—(1) The Central Government and the State Government shall constitute advisory board at various levels for a period of three years.

(2) The Central Advisory Board shall be constituted through the Ministry of Social Justice and Empowerment.

(3) The State Government shall constitute the State Advisory Board, District Advisory Board and City Advisory Board.

(4) All the boards shall hold at least two meetings in a year.

(5) These advisory boards shall also inspect the various institutional or non-institutional services in their respective jurisdictions, and the recommendations made by them, shall be acted upon by the Central Government, the State Government and the local authorities.

(6) The Central Government through the Ministry of Social Justice and Empowerment shall set up the Central Advisory Board to be headed by the Minister concerned and shall consist of the Secretary of the Ministry aforesaid, representatives from State Governments, leading Non-Governmental organizations, children's institution and academic institutions as members.

(7) A designated official of the Ministry of Social Justice and Empowerment shall function as the Member-Secretary of the Central Advisory Board.

(8) The State Government, through the Selection Committee constituted under sub-rule (2) of Rule 23 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.

(9) 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 Section 62 of the Act.

(10) The termination, resignation, or other vacancy caused in a advisory board and appointment of new members therein shall be done in the same manner as is done in case of the committee.

56. Openness and Transparency. —(1) All Children's Home shall be opened to visitors with the permission of the Superintendent, particularly the representatives of local self Government, voluntary organizations, social workers, researchers, medicos, academicians, prominent personalities, media and any other person, as the Superintendent considers appropriate keeping in the view the security, welfare and the interest of the child.

(2) The Superintendent of the homes 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 visitors will not say or do anything that undermines the authority of the Superintendent 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.

57. 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'.

(2) In addition to donations, contributions or subscriptions coming under sub-section (2) of Section 61, the Central Government shall also make contribution to the Fund for the welfare and rehabilitation of the juvenile or the child dealt with under the provisions of the Act.

(3) The Fund may be administered for the following purposes namely: —

(a) to implement programmes for the welfare and rehabilitation of juvenile or children;

(b) to pay grant-in-aid to non-governmental organizations;

(c) to meet the expenses of State Advisory Board and its purpose;

(d) to do all other things that are incidental and conducive to the above purposes.

(4) The management and administration of the Fund, shall be under the control of the State Advisory Board.

(5) The assets of the Fund shall include all such grants and contributions, recurring or non-recurring, from the Central Government and the 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 organization.

(6) All withdrawals shall be made by cheque or requisitions, as the case may be, signed by the Secretary-cum-Treasurer in the case of amount not exceeding Rupees One thousand and signed duly by the Secretary-cum-Treasurer and one member of the Board of Management to be nominated by the State Advisory Board in other cases.

(7) The regular accounts shall be kept of all money and properties, and all incomes and expenditure of the Fund and shall be audited by body or authority 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 Management authorized 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 authorized by law for the investment of trust moneys as the Board of Management may think proper.

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

58. Deployment of existing staff.—The State Government shall re-designate and deploy the existing staff sanctioned at the Headquarter and Field level to supervise, control and ensure effective implementation of the Act and scheme, so however the officers and staff appointed for an institution shall not be attached or deployed elsewhere under any circumstances. However, they shall be liable to transfer outside district after five years of posting under the orders of director. Government in special circumstances may extend the period of posting in a District up to seven years and no more.

59. Disposal of records/documents.—The records or documents in respect of a Juvenile or a child shall be kept in a safe place for a period of seven years and no longer and thereafter, be destroyed with the help of the Board or the committee.

60. Repeal and Saving—The Juvenile Justice (Care and Protection of Children) Rules, 2004 as in force within the State of Uttar Pradesh and the Juvenile Justice (Uttar Pradesh) Rules, 1987, repealed.

Provided that anything 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 construed to have been done or issued under the relevant provisions of these rules.

FORM-1

[See sub-rule (7) of Rule 22, sub-rule (2) of Rule 26]

To,

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

Whorean

(1) A report/complaint under Section _____ of the Juvenile Justice (Care and Protection of Children) Act, 2000 has been received from _____ juvenile child _____ in respect of (Name of the son/daughter of _____ residing

(2) _____ son/daughter of _____ has been produced before the 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 such time allowed to you by the Board/Committee.

Dated this _____ day of _____ 20__

(Signature)

Principal Magistrate, Juvenile Justice Board

FORM-II

[See sub-rule (8) of Rule 22, sub-rule (2) of Rule 33]
supervision order

When the juvenile is placed under the care of a parent, guardian or other 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)..... 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/caseworker, for a period of....., subject to the following conditions:—

1. That the juvenile/child along with the copies of the order and the executed by the said shall be produced before the probation officer/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 25]

Order of Detention under sub-section of Section ... sub-section ... of
Section..... and sub-section..... of Section

To

The Officer-in-Charge/Project Manager

Whereas on the.....day of.....20..... [Name of the juvenile/child].....son/daughter of.....aged.....reading at.....being found in profile. No (sic)..... 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 Act, 2000 to be kept in the Special Home/Children Home/Shelter Home..... for a period of.....

This is to authorize 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

(Signature)

.....20.....

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

Encl. Copy of the judgment, 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..... Section

..... Competent Authority of detention, if any.

FORM-IV

[See sub-rule (9) of Rule 22, sub-rule (10) of Rule 25]
Bond to be 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 _____) 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—

- (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 _____ misbehaves or report if he 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 _____).

Dated this _____ day of _____ 20

Before me signed
Signature of person executing the bond

Additional condition, if any, by the Juvenile Justice Board/Child Welfare Committee may be entered numbering them properly.
(Where a bond with sureties is to be executed add) (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 failure therein; I/we hereby bind myself/ourselves jointly said severally to forfeit government the sum of Rs _____ dated this _____ the day of _____ 20...in the presence of _____

FORM-V

[See sub-rule (5) of Rule 44]

**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, (chail, district, state) have been ordered to be send 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 Juvenile Justice (Care and Protection of Children) Rules, 2001 to observe the conditions mentioned hereinafter. 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 (5) of Rule 44]

I, resident of

.....[Give full particular such as house no./road, village/town, district, state] do hereby declare that I am willing to take charge of aged 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, _____ name and designation of the releasing authority _____ State Government/Union Territory Administration, do by this order permit _____ son/daughter of _____ case _____ residence _____ number _____ who was ordered to be detained in an 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 20 _____ and who is now in the home, 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

Place:

authority

Conditions

1. The released person shall proceed to _____, and to live 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, with the consent of the _____ remove himself/herself 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 otherwise.
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 (Care 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 and that he/she has been realized accordingly on _____.

Signature and Designation of the certifying authority (i.e. Superintendent of the institution)

FORM-VIII

[See sub-ruled] of Rule 511
 SOCIAL INVESTIGATION REPORT

Submitted to the Juvenile Justice Board/Child Welfare Committee

Profile No. _____ Probation Department

Profile No. _____ under Section _____

Title of the Profile

Nature of the charge

(Only in the case of delinquent child)

Name

Father's Name

Permanent Address

Religion

Caste

Year of birth

Age

Sex

Present circumstances of Life

Relationship between parents/parent and children especially with the child under

Other facts of importance, if any

JUVENILES/CHILD'S HISTORY

Mental condition

Present and past

Physical condition

Present and past

Habits, interests

Outstanding characteristics and companions and their influence

School (Attitude towards school)

Parent's attitude towards discipline

RESULT OF INQUIRY

Emotional factors

Physical condition

Intelligence

Social and economic factors

Religious factors

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 sub-rule (2) of Rule 51
FORTNIGHTLY PROGRESS REPORT OF PROBATIONER

Part I

Name of the Probation Officer/Case Worker
For the month of _____
Register No. _____
Competent Authority _____
Profile No. _____
Name of the Child _____
Date of Supervision Order _____
Address of the child _____

Part II

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 income, 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 of conditions of bond
(b) Change of residence
(c) Other matters ?
9. Period of supervision completed on.....
10. Report regarding the community service performed by the Juvenile probationer.
11. A result of supervision with remarks (if any).
12. 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 Probation Officer/Case Worker)

FORM-X
[See clause (e) of sub-rule (2) of Rule 51]
FORTNIGHTLY REPORT OF PROGRESS OF PROBATOR

Part I

Name of the Probation Officer
For the month of Register No.
Competent authority Case 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 Saving Bank Account in his/her name.
5. Health of the Juvenile.
6. Remarks on his/her general conduct and progress.
7. Where property cared for?

Part III

1. Any proceeding before the competent authority, or
 - (a) Variation of conditions of bond
 - (b) Change of residence
 - (c) Other matter.
2. Date of completion of supervision
3. Note on result of supervision period (if any)
4. Name and address of the parent/guardian or fit person under whose care the Juvenile is to live after the supervision is over

Date of statement.

| (Signature of Probation Officer)*

* In Hindi version of the Gazette it appears as

* Part III of Form-X is translated from Hindi version as it is not printed in English version of the Gazette.

NATIONAL CHARTER FOR CHILDREN, 2003¹

The Government of India have had for consideration the question of adopting a National Charter for Children to reiterate its commitment to the cause of the children in order to see that no child remains hungry, illiterate or sick. After the consideration, it has been decided to adopt the National Charter for Children as enunciated below:-

National Charter for Children, 2003-Whereas the Constitution of India enshrines both in Parts III and IV the cause and the best interest of children, insofar that

The State can make special provisions for children, (Art. 15(3)) The State shall provide free and compulsory education to all children of the age of six to fourteen years, (Art. 21-A)

No child below the age of fourteen years shall be employed to work in a factory, mine or any other hazardous employment, (Art. 24)

The tender age of children is not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength (Art. 39(e)), and that

Children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that youth are protected against exploitation and against moral and material abandonment, (Art. 39(f))

The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years, (Art. 45)

Whereas it is a fundamental duty of a parent or guardian to provide opportunities for education to his child or ward between the age of six and fourteen years, (Art. 51-A)

Whereas through the National Policy for Children, 1974, we are committed to providing for adequate services to children, both before and after birth and throughout the period of growth, to ensure their full physical, mental and social development,

Whereas we affirm that the best interest of children must be protected through combined action of the State, society, communities and families in their obligations in fulfilling children's basic needs,-

Whereas we also affirm that while State, society, community and family have obligations towards children, these must be viewed in the context of intrinsic and attendant duties of children and inculcating in children a sound sense of values directed towards preserving and strengthening the Family, Society and the Nation.

And whereas we believe that by respecting the child, society is respecting itself,

¹ Resolution No. 6-13-98-C. W., dated 9-2-2004, issued by Ministry of Human Resource Development.

Now, therefore, in accordance with our pledge in the National Agenda of Governance, the following National Charter for Children, 2003 is announced.

Underlying this Charter is our intent to secure for every child its inherent right to be a child and enjoy a healthy and happy childhood, to address the root causes that negate the healthy growth and development of children, and to awaken the conscience of the community in the wider societal context to protect children from all forms of abuse, while strengthening the family, society and the Nation.

1. Survival, life and liberty.-(a) The State and community shall undertake all possible measures to ensure and protect survival, life and liberty of all children.

(b) In particular, the State and community will undertake all appropriate measures to address the problems of infanticide and foeticide, especially of female child and all other emerging manifestations that deprive the girl child of her right to survive with dignity.

2. Promoting high standards of health and nutrition.-(a) The State shall take measures to ensure that all children enjoy the highest attainable standards of health, and provide for preventive and curative facilities at all levels especially immunisation and prevention of micronutrient deficiencies for all children.

(b) The State shall take measures to cover, under primary health facilities and specialised care and treatment, all children of families below the poverty line.

(c) The State shall take measures to provide adequate pre-natal and post-natal care for mothers along with immunization against preventable diseases.

(d) The State shall undertake measures to provide for a national plan that will ensure that the mental health of all children is protected.

(e) The State shall take steps to ensure protection of children from all practices that are likely to harm the child's physical and mental health.

3. The State shall take steps to provide all children from families below the poverty line with adequate supplementary nutrition and undertake adequate measures for ensuring access to safe drinking water and environmental sanitation and hygiene.

4. Assuring basic minimum needs and security.-(a) The State recognizes that the basic minimum needs of every child must be met that foster full development of the child's faculties.

(b) In order to ensure this, the State shall in partnership with the community provide social security for children, especially for abandoned children and street children.

(c) State and community shall try and remove the fundamental causes which result in abandoned children and children living on streets, and provide infrastructure and material support by way of shelter, education, nutrition and recreation.

5. Play and leisure. - The State and community shall recognize that all children require adequate play and leisure for their healthy development and must ensure means to provide for recreational facilities and services for children of all ages and social groups.

6. Early childhood care for survival, growth and development.-(a) The State shall in partnership with the community provide early childhood care for all children and encourage programmes which will stimulate and develop their physical and cognitive capacities.

(b) The State shall in partnership with the community aim at providing a child care centre in every village where infants and children working mothers can be adequately cared for.

(c) The State will make special efforts to provide these facilities to children from SCs/STs and marginalised sections of society.

7. Free and compulsory primary education.-(a) The State recognises that all children shall have access to free and compulsory education. Education at the elementary level shall be provided free of cost and special incentives should be provided to ensure that children from disadvantaged social groups are enrolled, retained and participate in schooling.

(b) At the secondary level, the State shall provide access to education for all and provide supportive facilities from the disadvantaged groups.

(c) The State shall in partnership with the community ensure that all the educational institutions function efficiently and are able to reach universal enrolment, universal retention, universal participation and universal achievement.

(d) The State and community recognise that a child be educated in its mother tongue.

(e) The State shall ensure that education is child-oriented and meaningful. It shall also take appropriate measures to ensure that education is sensitive to the healthy development of the girl child and to children of varied cultural backgrounds.

(f) The State shall ensure that school discipline and matters related thereto do not result in physical, mental, psychological harm or trauma to the child.

(g) The State shall formulate special programmes to spot, identify, encourage and assist the gifted children for their development in the field of their excellence.

8. Protection from economic exploitation and all forms of abuse.-(a) The State shall provide protection to children from economic exploitation and from performing tasks that are hazardous to their well-being.

(b) The State shall ensure that there is appropriate regulation of conditions of work in occupations and processes where children perform work of a non-hazardous nature and that their rights are protected.

(c) The State shall move towards a total ban of all forms of child labour

9 (a) All children have a right to be protected against neglect, maltreatment, injury, trafficking, sexual and physical abuse of all kinds, corporal punishment, torture, exploitation, violence and degrading treatment.

(b) The State shall take legal action against those committing such violations against children even if they be legal guardians of such children.

(c) The State shall in partnership with the community set up mechanisms for identification, reporting, referral, investigation and follow-up of such acts, while respecting the dignity and privacy of the child.

(d) The State shall in partnership with the community take up steps to draw up plans for the identification, care, protection, counselling and rehabilitation of child victims and ensure that they are able to recover, physically, socially and psychologically, and re-integrate into society.

10 (a) The State shall take strict measures to ensure that children are not used in the conduct of any illegal activity, namely, trafficking of narcotic drugs and psychotropic substances, begging, prostitution, pornography or violence. The State in partnership with the community shall ensure that such children are rescued and immediately placed under appropriate care and protection.

(b) The State and community shall ensure protection of children in distress for their welfare and all round development.

(c) The State and community shall ensure protection of children during the occurrence of natural calamities in their best interest.

11. **Protection of the girl child** - (a) The State and community shall ensure that crimes and atrocities committed against the girl child, including child marriage, discriminatory practices, forcing girls into prostitution and trafficking are speedily eradicated.

(b) The State shall in partnership with the community undertake measures, including social, educational and legal, to ensure that there is greater respect for the girl child in the family and society.

(c) The State shall take serious measures to ensure that the practice of child marriage is speedily abolished.

12. **Empowering adolescents** - The State and community shall take all steps to provide the necessary education and skills to adolescent children so as to equip them to become economically productive citizens. Special programmes will be undertaken to improve the health and nutritional status of the adolescent girl.

13. **Equality, freedom of expression, freedom to seek and receive information, freedom of association and peaceful assembly** - The State and community shall ensure that all children are treated equally without discrimination on grounds of the child's or the child's parents or legal guardian's race, colour, caste, sex, language, religion, political or other opinion, national, ethnic or social origin, disability, birth, political status, or any other consideration.

14. All children shall be given every opportunity for all round development of their personality, including expression of creativity.

15.) Every child shall have the freedom to seek and receive information and ideas. The State and community shall provide opportunities for the child to access information that will contribute to the child's development.

(b) The State and community shall undertake special measures to ensure that the linguistic needs of children are taken care of and encourage the production and dissemination of child-friendly information and material in various forms.

(c) The State and community shall be responsible for formulating guidelines for the mass media in order to ensure that children are protected from material injuries to their well-being.

16. All children shall enjoy freedom of association and peaceful assembly, subject to reasonable restrictions and in conformity with social and family values.

17. Strengthening family.-(a) Every child has a right to a family. In case of separation of children from their families, the State shall ensure that priority is given to re-unifying the child with its parents. In cases where the State perceives adverse impact of such a re-unification, the State shall make alternate arrangements immediately, keeping in mind the best interests and the views of the child.

(b) All children have a right to maintain contact with their families, even when they are within the custody of the State for various reasons.

(c) The State shall undertake measures to ensure that children without families are either placed for adoption, preferably intra-country adoption, or foster care or any other family substitute services.

(d) The State shall ensure that appropriate rules with respect to till implementation of such services are drafted in a manner that are in the best interest of the child and that regulatory bodies are set up to ensure the strict enforcement of these rules.

(e) All children shall have the right to meet their parents and other family members who may be in custody.

18. Responsibilities of both parents.— The State recognizes the common responsibilities of both parents in rearing their children.

19. Protection of children with disabilities.-(a) The State and community recognise that all children with disabilities must be helped to lead a full life with dignity and respect. All measures would be undertaken to ensure that children with disabilities are encouraged to be integrated into the mainstream society and actively participate in all walks of life.

(b) State and community shall also provide for their education, training, health care, rehabilitation, recreation in a manner that will contribute to their overall growth and development.

(c) State and community shall launch preventive programmes against disabilities and early detection of disabilities so as to ensure that the families with disabled children receive adequate support and assistance in bringing up their children.

(d) The State shall encourage research and development in the field of prevention, treatment and rehabilitation of various forms of disabilities.

20. Care, protection, welfare of children of marginalized and disadvantaged communities.-The State and community shall provide care, protect and ensure the welfare of children from marginalized and disadvantaged communities, support them in preserving their identity, and encourage them to adopt practices that promote their best interest.

21. The State recognises that children from disadvantaged communities and weaker / vulnerable sections of the society are in need of special interventions and support in all matters pertaining to education, health, recreation and supportive services. It shall make adequate provisions for providing such groups with special attention in all its policies and programmes.

22. Ensuring child friendly procedures.-All matters and procedures relating to children, viz., judicial administrative, educational or social, should be child friendly. All procedures laid down under the juvenile justice system for children in conflict with law and for children in need of special care and protection shall also be child friendly.

प्रिय,

बडोदासीया,
सवित्र,
उत्तर प्रदेश शासन ।

विषय में,

1. विरोध, महिला सशक्त, 3000।
2. सशक्त महिला परिवीक्षा अधिकारी, 3000।

मौलिक एवं मान विभाग अनुभाग-1

संख्यक: दिनांक 11 फरवरी, 2004

विषय- किशोर न्याय (बालकों की देख रेख एवं संरक्षण) अधिनियम, 2000 के अन्तर्गत स्वीकृत/संघटित गृहों का पुनर्गठन।

संदर्भ,

संरक्षण में अनेक बार परिणामहीन विविध प्रयासों से अक्षमता संशोधन ऐसे अवसर उत्पन्न हो जाते हैं कि आणविक सम्बन्धिता से न जुड़े होने पर भी अल्पवयु के बालक-व्यक्तियों एवं किशोर-किशोरियाँ अवस्था की निरक्षरता में आ जाते हैं तथा कुछ ऐसे लक्षण, अज्ञान और निर्णय अभाव में वह रात-रात-व्यक्तियों भी होते हैं जिनको शांत-चित्त अल्प संरक्षणों की अनुपलब्धता से बालक-विभाग के समुचित अवसर प्राप्त नहीं हो पाते हैं।

प्रदेश की इस सशक्त इच्छा को अल्प प्राणिक बनाने एवं समाज को मुख्य भाग में जोड़ने के लिए शासन बलबद्ध है। इस प्रतिबद्धता को सुनिश्चित रखने हुए प्रदेश में किशोर न्याय (बालकों की देखरेख एवं संरक्षण) अधिनियम, 2000 के अन्तर्गत विभिन्न प्रकार के गृह स्थापित किए गए हैं। वर्तमान में ऐसे कुल 92 गृह शासन द्वारा संघटित किए जा रहे हैं।

शासन द्वारा संघटित इन गृहों को कार्य सम्पत्तियों के संघर्ष में विभिन्न कारणों से घटा सृष्टि, आर्थिक निर्दिष्टी एवं अनुभवजन्य उच्च शारीरिक दैर्घ्य से जो बिना सफल हुए हैं, वे अल्प विस्तरीय हैं।

संघटित प्रदेश में बस रहे इन गृहों में अधिकांश गृह ऐसे हैं जिनमें निम्न संघटितियों की संख्या, गृह के लिए स्वीकृत स्टॉक की संख्या में सही अभाव कम है। ऐसी स्थिति में जो स्टॉक इन गृहों में है, उसे उसको मानक के अनुकूल कार्य भी कार्य करने के लिए उपलब्ध नहीं है। स्पष्ट है कि यह स्टॉक सीमा लेना ही के संदर्भ में शासन के लिए निम्न अनुसूची सिद्ध हो रहा है और इसी कारण शासन पर अव्यवस्था विचार्य न्याय का भी पड़ रहा है। वर्तमान में प्रदेश में सभी गृहों के संघटितियों की औसत संख्या 850 है जबकि न्यूनतम संख्या में संघटित गृहों में संघटितियों की स्वीकृत संख्या 4190 है। स्पष्ट है कि स्वीकृत संख्या के साथ बालक में निम्न संघटितियों की संख्या एक सौदा से भी कम है। इस विषय निम्न के कारण इन गृहों में मुनासब सौदा भी सीधु संख्या में उपलब्ध नहीं कार्य जा रही है। अतः यह अव्यवस्था है कि स्वीकृत संख्या में संघटित किए जा रहे गृहों को पुनर्गठित किया जाए। यदि इन गृहों का भविष्य में सुदृढीकरण करने हुए संघटितियों को वेतार सुविधा दी जा सके।

उक्त प्रकृतियों में वर्तमान में संघटित संख्या 92 गृहों के संघर्ष में एक परिणामोपरांत निम्नानु इन गृहों का पुनर्गठन किया जात है-

(क) सशक्त संघटित गृह (किशोर):-

वर्तमान में प्रदेश के विभिन्न जिलों में 42 संघटित गृह संघटित किए जा रहे हैं। प्राथमिक इकाय में इन 42 संघटित गृहों की संख्या पर कुल 17 संघटित गृह निम्न जिलों में संघटित होयें: जगद - जगद, मधुग, सकिपुर, जगद, हरदोई, बरेली, मेरठ, मुसुकरनगर, मुसुकरन, बाराली, शीखपुर, गऊ बारी, इलाहाबाद, बालपुर देवा, (बल्लपुर) फरीदाबाद एवं मेरठ।

संयुक्त किए गए हुए किता प्रस्तावित नुस्ते से सम्बद्ध होने उनका विवरण सारण परिशिष्ट में अंकित किया गया है। इस परिशिष्ट में प्रस्तावित जनपदों के अधीनस्थ प्रस्तावित क्षमता का उल्लेख किया गया है।

(घ) राजकीय सम्प्रेषण नुस्ते (किशोरी)-

संयुक्त में प्रदेश में ऐसे सम्प्रेषण नुस्ते की संख्या 16 है जो ताकतिक प्रथम से केवल 5 तक जायेगी और यह 5 नुस्ते बाराबंकी, मुतासकर, पिन्नेपुर, सीतापुर एवं ग्वाँरियापुर में संघठित होंगे। संयुक्त किए गए नुस्ते के संयुक्त में अधीनस्थ विवरण शासनादेश के साथ सारण परिशिष्ट में अंकित है।

(ग) राजकीय विशेष नुस्ते (किशोरी)-

संयुक्त में राजकीय विशेष नुस्ते (किशोरी) जनम इटावा, मुतासकर एवं बाराबंकी के लिए स्वीकृत है। इस स्वीकृति को विरात करते हुए अब यह नुस्ते केवल जनम इटावा में संघठित किया जायेगा। इस नुस्ते की संख्या 50 होगी। यह नुस्ते सम्पूर्ण उत्तर प्रदेश के लिए होगा।

(घ) राजकीय विशेष नुस्ते (किशोरी)-

संयुक्त में प्रदेश में राजकीय विशेष नुस्ते (किशोरी) के रूप में किशोरी भी नुस्ते का संयोजन नहीं हो रहा है। अब जनम बाराबंकी राजकीय सम्प्रेषण नुस्ते (किशोरी) को प्रदेश के लिए राजकीय सम्प्रेषण नुस्ते किशोरी के स्थान-स्थान राजकीय विशेष नुस्ते (किशोरी) में परिवर्तित किया जा रहा है। किशोरीयों के लिए यह विशेष नुस्ते भी सम्पूर्ण उत्तर प्रदेश के लिए होगा।

(द) राजकीय बाल नुस्ते (बालक)-

संयुक्त में प्रदेश में ऐसे नुस्ते की संख्या 13 है। ताकतिक प्रथम से निम्नलिखित 10 जनपदों में यह नुस्ते संघठित होंगे-

बनारस- गोरखपुर, लखनपुर, बाराबंकी, गोरखपुर, बनारस नगर, फिरोजापुर, शाहजहाँपुर, देवरिया, आरमपुर, मेरठ। इन नुस्ते से सम्बद्ध जनम एवं उनका अनुसूच्य क्षमता शासनादेश के साथ सारण परिशिष्ट में अंकित है।

(घ) राजकीय बाल नुस्ते (बालिका)-

संयुक्त में प्रदेश में ऐसे नुस्ते की संख्या 3 है। प्रदेश की अध्यापकियों को तृपित करने हुए राजकीय बाल नुस्ते (बालिका) की संख्या 3 के स्थान पर 4 की जा रही है। यह बाल नुस्ते बनारस, इलाहाबाद, गोरखपुर एवं बनारस में संघठित होंगे। इन जनपदों के साथ सम्बद्ध जनपदों का विवरण एवं अनुसूच्य क्षमता शासनादेश के साथ सारण परिशिष्ट में अंकित है।

(ग) साम्प्रदायिकी देवरिया सम्प्रेषण-

संयुक्त में प्रदेश में ऐसे नुस्ते की संख्या 7 है जिससे घटाकर 4 किया जाता है। यह नुस्ते बाराबंकी, बाराबंकी, गोरखपुर, एवं मेरठ में संघठित होंगे। इन नुस्ते के साथ सम्बद्ध जनपदों का विवरण परिशिष्ट में अंकित है।

(घ) राजकीय बालनुस्ते (किशु)-

संयुक्त में प्रदेश में ऐसे नुस्ते की संख्या 7 है जिससे घटाकर 5 किया जाता है। यह नुस्ते ताकतिक प्रथम से बनारस, आगरा, मथुरा, ग्वाँरिया एवं इलाहाबाद में संघठित किए जायेंगे। उत्तर प्रदेश के सारा जनपदों को प्रस्तावित नुस्ते से सम्बद्ध/ प्रस्तावित किए जाने का विवरण परिशिष्ट में सारण है।

उक्त पुनर्गठन के परिणामस्वरूप प्रदेश में अब केवल 47 नुस्ते संघठित होंगे। पुनर्गठन की इस प्रक्रिया में संयुक्त में किशोरी भी पर पर कार्यरत कर्मियों की सेवा एवं सेवा शर्तों में परिवर्तन नहीं किया जायेगा। नैतिक कामकाज में सारण पर एवं लोकव्यवस्था के कल्याण हेतु सम्भव किता पदोक्त को आसन्न (अवेन्स) में रखा जायेगा। इस प्रकार अधिसूचना में उक्त पर विहित व्यवहार होने-होने रूप होता जायेगा।

उक्त व्यवस्था के अधीनस्थ राज्य सरकार एवं भारतीय न्यायालय के अधिकारियों के अन्तर्गत यह नुस्ते से दूसरे नुस्ते में संघठितों का स्वाभाविक किया जा सकेगा।

धरम,
(संयुक्त/की-1)
सचिव

संख्या-574/60-1-2004-1/13/(103)/03

संख्या-574(1)/60-1-2004-1/13/(103)/03, लखनऊ

प्रशासिक विभागीयता को सुदृढता एवं आच्छन्न कार्यकारी हेतु पत्र -

1. सहाय कल्याण अनुसूच/ प्रमुख सचिव सहाय कल्याण, उत्तर प्रदेश, लखनऊ।
2. सहाय सचिव/अनुसूच, उत्तर प्रदेश।
3. सहाय सिलेक्शनी, उत्तर प्रदेश।
4. सहाय पीठासीन अधिकारी, बिहार न्यायालय, उत्तर प्रदेश।
5. निदेशक, सहाय कल्याण, उत्तर प्रदेश, लखनऊ।
6. सचिव, सहाय कल्याण बोर्ड, लखनऊ।
7. सहाय सचिव, उत्तर प्रदेश नियन्त्रण बोर्ड, लखनऊ।
8. अध्यक्ष, राजकीय सुधारण, उत्तर प्रदेश, लखनऊ को इस अनुप्रेष के साथ प्रेषित किए कि इसका बाद में प्रस्ताव करने का कष्ट करें।

आज्ञा से,
(राम कुमार प्रसाद)
उप सचिव

बिहार न्याय (सहायों की वेतन-नेट एवं संरक्षण) अधिनियम 2000 के अन्तर्गत सीक्यू/ संशुद्धित पुरी के पुनर्गठन विषयक पत्रित आदेश संख्या 574/60-1-2004-1/13(102)/03, दिनांक 11 फरवरी, 2004 के क्रम में।

(क) राजकीय सन्देश गृह (बिहार)

(10 से 18 वर्ष के लिए)

क्रमांक	गृह सन्देश का वर्णन	अनुभव्य श्रेणी	भवन की स्थिति	आवधिक जनपद
1	2	3	4	5
1.	आगरा	75	किले का भवन	आगरा, एटा, मैन्सूर, मिर्जापुर
2.	बनारस	30	किले का भवन	बनारस एवं आरंभिक
3.	बलियापुर	50	विभागीय भवन	बलियापुर, बलिया, इलाहाबाद, झांसी, सोनभद्र, सीता, पिबकूर
4.	लखनऊ	75	विभागीय भवन	लखनऊ एवं रामपुरी
5.	हरदोई	50	विभागीय भवन	हरदोई, उन्नाव, धौली एवं पौलपुर
6.	बनौली	50	किले का भवन	बनौली, बाराबंकी, पौलपुर एवं आरंभिक
7.	बेगूसराय	50	किले का भवन	बेगूसराय, सतियाबाद, कुम्भकर्ण, बागमती
8.	मुजफ्फरपुर	30	विभागीय भवन	मुजफ्फरपुर एवं सारायपुर
9.	मुंगेर	50	विभागीय भवन	मुंगेर, सारन एवं मिर्जापुर
10.	आगरा	75	विभागीय भवन	आगरा, सारन, सैफपुर, मिर्जापुर, सोनभद्र, सीता, पौलपुर, (बनौली)
11.	सौराष्ट्र	50	नि:शुल्क भवन	सौराष्ट्र, देवरिया, सारायपुर, बलिया
12.	बनौली	30	किले का भवन	आरंभिक, बलिया, बलिया
13.	बनौली	30	किले का भवन	बनौली, सौराष्ट्र, सारायपुर,

				बहागद्वय, सिद्धार्थनगर
14.	इलाहाबाद	51	विभागीय भवन	इलाहाबाद, इलाहाबाद, फतेहपुर
15.	कानपुर जिला (कानपुरपुर)	50	किराये का भवन	कानपुर नगर एवं कानपुर जिला
16.	फरीदाबाद	50	विभागीय भवन	फरीदाबाद, इटावा एवं कन्नौज
17.	कैलाश	50	किराये का भवन	कैलाश, तुलानपुर, बाराबंकी
कुल	17 जनपद	845	विभागीय भवन 08 किराये के भवन तथा 1 निःशुल्क भवन	61 जनपद

(ख) राजकीय सम्प्रेक्षण गृह (बिड़ोरी)

(10 में 12 वर्ष की बालिकाएँ)

क्रमांक	गृह स्थापना का जनपद	अनुपन्थ क्षमता	भवन की स्थिति	जायघारित जनपद	अभ्युक्ति
18.	बाराबंकी	30	किराये का भवन	झाँसी, मिर्जापुर, आगरा, कानपुर, फैजाबाद पहाड़ी के सम्मिलित जनपद बाराबंकी	राजकीय सम्प्रेक्षण गृह (बिड़ोरी) बाराबंकी के भवन पर
19.	बुलंदशहर	30	विभागीय भवन	बुलंदशहर, बरेली सफ़ल के सभी जनपद	राजकीय विशेष गृह (बिड़ोरी) बुलंदशहर के भवन पर
20.	बिदांचुर	30	किराये का भवन	बाराबंकी, इलाहाबाद, गोरखपुर एवं आज़मगढ़ सफ़ल के सम्मिलित जनपद	राजकीय सम्प्रेक्षण गृह (बिड़ोरी) बुलंदशहर के भवन पर
21.	सीतापुर	30	किराये का भवन	ताजपुरा सफ़ल के सम्मिलित जनपद	राजकीय सम्प्रेक्षण गृह (बिड़ोरी) सीतापुर के भवन पर
22.	खीरसागर	30	भवन किराये पर नियंत्रित बना अधिष्ठित है	बरेली सफ़ल के सभी जनपद	राजकीय सम्प्रेक्षण गृह (बिड़ोरी) खीरसागर (अध्यापक) के भवन पर
कुल	50	150	1 विभागीय भवन है जेव किराये पर	घरेलू के सम्मिलित 13 सफ़ल के सभी जनपद	

(ग) राजकीय विशेष गृह (बिड़ोरी)

क्रमांक	गृह स्थापना का जनपद	अनुपन्थ क्षमता	भवन की स्थिति	जायघारित जनपद	अभ्युक्ति
23.	इटावा	50	किराये का भवन	सम्पूर्ण उत्तर प्रदेश	

(घ) राजकीय विशेष गृह(किडोरी)

क्रमांक	गृह स्थापना का जनपद	अनुमान्य क्षमता	भवन की स्थिति	आच्छादित जनपद	अभ्युक्ति
24.	बाराबंकी	30	किराये का भवन	सम्पूर्ण जलर प्रदेश	राजकीय सम्प्रेषण गृह(किडोरी) बाराबंकी के स्थान पर, इसी में राजकीय सम्प्रेषण गृह(किडोरी) भी संस्थानित होगा

(ङ) राजकीय बाल गृह(बालक)

(10 से 18 वर्ष के किडोरी बालकों के लिए)

क्रमांक	गृह स्थापना का जनपद	अनुमान्य क्षमता	भवन की स्थिति	आच्छादित जनपद	अभ्युक्ति
1	2	3	4	5	6
25.	मधनऊ	200	विभागीय भवन	मधनऊ, सीतापुर, उन्नाव, सीता, हरदोई, सोनी, बहरापुर, बलरामपुर एवं मथुरागंजी	
26.	लखीमपुर	100	विभागीय भवन	बिबकूट, बाघ, हथौड़ा, पाली, झांसी, बालीन व मथुरापुर	
27.	बाराबंकी	200	विभागीय भवन	बाराबंकी, जौनपुर, मिर्जापुर, सौनख, सोन गजियाल नगर(पटौडी)	विशेष गृह बाराबंकी के स्थान पर
28.	मथुरापुर	100	विभागीय भवन	मथुरा, बली, मिर्जापुरनगर	
29.	बाराबंकी नगर बाराबंकी	100	विभागीय भवन	बाराबंकी नगर, बाराबंकी, देहात, बाराबंकी, इटावा, बलराम, इलाहाबाद, फतेहपुर एवं प्रतापगढ़	
30.	मिर्जापुरनगर	100	किराये का भवन	आगरा, अलीगढ़, एटा, मेरठ, मिर्जापुरनगर एवं मथुरा	
31.	मथुरापुर	100	विभागीय भवन	मुंगेर, बाराबंकी, बली, बाराबंकी, सीतापुर एवं	

32.	देवीघा	100	किराये का भवन	इलाहाबाद मोहनपुर, देवीघा, कुशीनगर, महागन्धर्व
33.	आननगढ़	100	किराये का भवन	आननगढ़, मऊ, दलिया, कैलाशपुर, मुन्धनपुर, बागबंदी
34.	मेरठ	100	किराये का भवन	मुन्धनगढ़, गईयाबाद, कणाल, मेरठ, महानपुर, भुवकानपुर
कुल	10	1200	6 विभागीय भवन तथा 4 किराये के भवन	61 जलज

(ब) राजकीय सार भूखण्ड (बालिका)

(10 से 18 वर्ष के किशोर बालकों के लिए)

क्रमांक	भूखण्ड का नाम	अनुमन्य क्षमता	भवन की विधि	आवृत्तित जलज	अवस्थिति
35.	जोरा	100	विभागीय भवन	बागबंदी, गौरीपुर, जीरपुर, आननगढ़, मऊ एवं दलिया	
36.	इलाहाबाद	100	किराये का भवन	इलाहाबाद, फतेहपुर, प्रतापगढ़, हाथी, खीरपुर, जलिया, हमीरपुर, दादा, मठिया, पिककूट, पितापुर, सोनख, सांत विद्या नगर, बाली एवं विद्यापीठ	
37.	लखनऊ	100	विभागीय भवन	लखनऊ, मयबाग, बी हरदोई, उन्नाव, सीतापुर, सीता, बानी, बदायूं, पीसीपी, म सहजपुर, मोहनपुर, महागन्धर्व, कुशीनगर, देवीघा, मोरघा, महागढ़, कैलाशपुर, मुन्धनपुर, बागबंदी एवं बलगापुर	एनएचपी रेल-गेज सेक्टर मोहनपुर, लखनऊ के स्थान पर
38.	बानपुर	100	विभागीय भवन	बानपुर नगर, बानपुर देहान, बालीबाद, इटावा, बानी, अलगा, अलीबाद, दादा, पैरपुरी, भदुग, फिरोजबाद,	

				मुरादाबाद, रायपुर, बिन्दौर, बेरा, गर्बिदाबाद, मुल्तानपुर, दागदा, साहानपुर, मुल्तानपुर
कुल	4	400	3 विधायक तथा 1 किराये का घर	समस्त 61 जनपद

(ख) पञ्जाबराज्यी क्षेत्रीय संघटन

क्रमांक	ग्राम तालुका का जनपद	अनुसूचित संख्या	घरों की संख्या	आवर्धित जनपद	अभ्युक्ति
39.	गवर्बोली	100	किराये का घर	लखनऊ, रायबोली, इन्दौर, उन्नाव, सीतापुर, छीरी, इलाहाबाद, फतेहपुर, प्रतापगढ़, बलिया, मुल्तानपुर, बागबोली महोबा, बहराइन, बानपुर नगर, बलरामपुर, बानपुर देहरा, गोगटा, कानौज, बिजवूट, बंदा, इटावा, कर्मोदाबाद, इंदौरपुर, इलाही, मन्दिपुर, जालौन	
40.	बागपती	100	किराये का घर	बागपती, मिर्जापुर, गरीपुर, पटौली, गोगण्डपुर, जौनपुर, सोनभद्र, महाराजगढ़, देवीदास, कुशीनगर, जयमगढ़, बलिया, बल, बरौली, सिद्धार्थनगर	
41.	साहानपुर	200	विधायक घर	साहानपुर, मुल्तानपुर, बरौली, बलौली, बिन्दौर, झांझनपुर	
42.	बेरा	100	किराये का घर	दागदा, बेरा, मुल्तानपुर, गर्बिदाबाद, मुरादाबाद, रायपुर, जयपुर, रादा, देवपुरी, जलौन, पिरोजगढ़ एवं मथुरा	
कुल	4	500	3 किराये का घर तथा 1 विधायक घर	समस्त 61 जनपद	

उत्तर प्रदेश शासन
परिष्कार एवं खात विभाग विभाग
अनुभाग-1
अधिसूचना
प्रकीर्ण
10 नवम्बर, 2004 ई०

संख्या 3702/60-1-04-1/13(69)-2004- सहायक सचिव अधिनियम, 1897 (अधिनियम संख्या 10 सन् 1897) की धारा 21 के अन्तर्गत विजो न्याय (बसने की देखरेख और सहायता) अधिनियम, 2000 (अधिनियम संख्या 56 सन् 2000) की धारा 4 द्वारा प्रदत्त शक्ति का प्रयोग करते हुए सहायक सचिव अधिसूचना संख्या 580/60-1-2002-1/13(17)-2002, दिनांक 10 अक्टूबर, 2002 का अधिसूचना क्रमांक इस अधिसूचना के मासिकी गणना में प्रशस्तित होने के दिनांक से नीचे अनुसूची में सारण-3 में प्रत्येक के सारण लिखित जिला समूह के अन्तर्गत उत्तर अनुसूची में सारण-2 में उल्लिखित विजो न्याय बोर्डों का गठन करते हैं:-

अनुसूची

क्रमांक	विजो न्याय बोर्ड	अध्यक्षित नगर
1	2	3
1.	विजो न्याय बोर्ड, अजमेर	अजमेर, दूत, मैनपुरी, विरोधवाट व महाभवन (अजमेर)
2.	विजो न्याय बोर्ड, मधुत	मधुत व जालौद
3.	विजो न्याय बोर्ड, लखीमपुर	लखीमपुर, लखीम, इमलीपुर, जाली, गडोवा, बाटा व निवसुत
4.	विजो न्याय बोर्ड, लखनऊ	लखनऊ व गजपौरी
5.	विजो न्याय बोर्ड, इलाहाबाद	इलाहाबाद, उन्नाव, गोरखी व सिद्धपुर
6.	विजो न्याय बोर्ड, बरेली	बरेली, बरजु, डेहीपौर व सहायपुर
7.	विजो न्याय बोर्ड, मेरठ	मेरठ, मखियावाट, बुन्दलखंड, बालाज व पीतम्बुखंडनगर
8.	विजो न्याय बोर्ड, मुल्ताबादनगर	मुल्ताबादनगर व सहायपुर
9.	विजो न्याय बोर्ड, मुल्ताबादनगर	मुल्ताबादनगर, गणपुर, बिकरी व मखियावाट नगर
10.	विजो न्याय बोर्ड, बालासो	बालासो, मखियावाट, लखनपुर, सिद्धपुर, मखियावाट, मखियावाटनगर (पटौली) व मखियावाट
11.	विजो न्याय बोर्ड, गोरखपुर	गोरखपुर, देहातिया, महाभवन व कुशीनगर
12.	विजो न्याय बोर्ड, मऊ	मऊ, जालौद व बरौली
13.	विजो न्याय बोर्ड, बरेली	बरेली, रोहतास, बालासो, मखियावाट, सिद्धपुरनगर व मखियावाट नगर
14.	विजो न्याय बोर्ड, इलाहाबाद	इलाहाबाद, उन्नाव, डेहीपौर व सिद्धपुर
15.	विजो न्याय बोर्ड, मखियावाट	मखियावाट, इलाहाबाद, मखियावाट व जालौद
16.	विजो न्याय बोर्ड, मखियावाट	मखियावाट, मुल्ताबादनगर, बालासो व मखियावाट नगर
17.	विजो न्याय बोर्ड, मखियावाट नगर	मखियावाट नगर व मखियावाट नगर

आता है,
संख्या 3702/60-1-04-1/13(69)-2004
 अधिसूचना

उत्तर प्रदेश, दिनांक 27.11.2004, भाग-1 में प्रकाशित।

उत्तर प्रदेश शासन

सहिला एवं बाल विकास विभाग अनुभाग-1

संख्या-3122/व0-1-03-1/13(102)/01

तखनक: दिनांक 17 जनवरी, 2004

अधिसूचना

विश्वोत्सव न्याय (बालों की देखरेख और संरक्षण) अधिनियम 2000 (अधिनियम संख्या 56 सन् 2000) की धारा-4 के अधीन शक्ति का प्रयोग करते जीए अधिसूचना संख्या-580/60-1-2002-1/13(17)/2002, दिनांक 10.4.2002 के क्रम में राजस्थान विम्बेडिगल सामाजिक कार्यकर्ताओं को नीचे उल्लिखित जिलों के विश्वोत्सव बोर्ड में सदस्य के रूप में नाम निर्दिष्ट किये हैं।

- | | |
|-------------|--|
| 1. फिरोजपुर | (1) श्रीमती तुलन धनुषी
पानी श्री संतोष साहूदेवी, इटावा रोड,
सिरासागर, फिरोजपुर |
| | (2) श्री रमेश सिंह,
पुर श्री जयसिंह, 598 नई बस्ती,
फिरोजपुर, फिरोजपुर |
| 2. वाराणसी | (1) श्री अशोक कुमार प्रसाद,
पुर श्री सुष्मा शर्मा प्रसाद, 54/2,
मोहनलाल मंडलपुरा, वाराणसी |
| | (2) सुषी सोमलता शुक्ला,
पानी श्री राजेश कुमार शुक्ला, राधिका लाल,
अम्बरपुर सिन्धोली, तखनक रोड,
वाराणसी |
| 3. जलियाँ | (1) श्री रमेश चन्द्र शर्मा,
पुर श्री अशोक शर्मा, 54/10 सिविल लाइन,
जलियाँ, जलियाँ |
| 4. इलाहाबाद | (1) श्रीमती गीता श्रीवास्तव,
पानी श्री अशोक श्रीवास्तव, इन्द्र विहार,
चंद्रा विहार बस्ती, कैलाश रोड, इलाहाबाद |
| | (2) श्रीमती उमा शर्मा,
पुर श्री श्री अशोक शर्मा,
सिविल बोर्ड, इलाहाबाद |
| 5. जलौन | (1) श्री सुषमा अनीता प्रसाद,
पुर श्री मोहनलाल प्रसाद, 32 कृष्ण नगर,
बागुली श्री श्रीमती के. पी. उर्फ, बनारस जलौन |
| | (2) श्रीमती ललितेश्वरी शर्मा,
पानी श्रीमती प्रमिला शर्मा,
झा0 व. रोड विहीना, जिला जलौन |
| 6. उन्नाव | (1) श्री अशोक प्रसाद शुक्ला,
पुर श्री अशोक प्रसाद शुक्ला, 1065कल्याणदेवी
उन्नाव |
| | (2) श्रीमती धनुषी शर्मा,
248/1, श्रीवास्तव, उन्नाव |

7. बगेली (1) श्री बन्धु सेवा समिति,
पुर श्री रामचन्द्र प्रसाद, रामचन्द्रिका,
मधुवन सिनेमा के पीछे, बगेली।
- (2) अजीबाना,
पानी श्री लक्ष्मी जैवरी, 144 विठ्ठल लाल,
बगेली।
8. झांझरवापुर (1) श्री जयसुख रामान झांझरी
पुर सरो अजिंक ठुलीन, सोऽनुपमन्द जलानवर,
सना महर बाजार, झांझरवापुर।
- (2) श्रीमती आशा पाल,
पानी सरो (सरो) साधन,
सरो मन्थान नर्मिण सेवा, कल्या नगर,
झांझरवापुर।
9. मेरठ (1) श्री ओम प्रकाश,
पुर सरो श्री लिलेक नन्द, सी-2, लखनपुर बगेली,
पत्ते-4, अर्धऽसरो के पीछे, मेरठ।
- (2) श्रीमती सुमुख मदनलाल,
पानी लखऽसरोबाजार,
सिद्धादी रोड, मेरठ।

आता से,
बंगलऽनीना
शिव

संख्या 3122(1)/60-1-03, मद्रिणल।

प्रतिनिधि निदेशक, मूल्य एवं सेवाय बाणरी, उच्च शिक्षण समिति, इलाहाबाद को अधिसूचना
को एक अर्धऽसरो प्रेषित करि इस अनुपम के साथ कि वे इस अधिसूचना को गणना के आधारी
अंक से प्रकाशित कर इसकी 100 प्रतिशत अनुदान अधिकारी, महिला एवं बाल विकास अनुदान-1,
पानु पनर, शिक्षण लाल, उच्च शिक्षण, लखनपुर को उपलब्ध करनी का कष्ट करे।

आता से,
(राम कुमार प्रसाद)
उप शिव

संख्या 3122(2)/60-1-03, मद्रिणल।

प्रतिनिधि निम्नीयित को सूचना के एवं आलोक्य धारणारी हेतु प्रेषित:-

1. निदेशक, महिला कल्याण, उच्च शिक्षण, लखनपुर।
2. संबंधित निम्नीयकारी।
3. संबंधित शिक्षण प्रेषित अधिकारी।
4. संबंधित लखनपुर।

आता से,
(राम कुमार प्रसाद)
उप शिव

In pursuance of the provision of clause (3) of Article 348 of the Constitution. The Governor is pleased to order the publication of the following English translation of Notification No. 667/60-1-05-1/13(102)/2001 dated 7 March, 2005

Uttar Pradesh Shashan
Mahila Evans Bal Vikas Anubhag-I
No. 1776/60-1-05-1/13(102)/1
Lucknow Dated: 12 November, 2005

NOTIFICATION

In exercise of the power under Section 4 of the Juvenile Justice (Care and Protection of Children) Act 2000 (Act No. 56 of 2000), and in continuation of Notification No. 667/60-1-2005-1/13(102)/01 dated 7 March, 2005, the Governor is pleased to nominate the following Social Workers as Member in Juvenile Justice Board of districts Muzaffar Nagar below:-

Sl.No.	Name & Address	Designation
1.	Sri Hoti Lal Sharm Son of Shri Chiranjil Lal Shastri, 188, South Krishnapuri, Muzaffernagar	Member
2.	Dr. Rehana Nahid Wife of Dr. Mohammed Zahid, 47, Civil Lines South, Mahabir Chaur, Muzaffernagar	Member

By Order,
(K. L. Meena)
Secretary

सरकारी पत्र, उत्तर प्रदेश
उत्तर प्रदेश सरकार द्वारा प्रकाशित जलवायु
विशदी परिशिष्ट
भाग 4, खण्ड (क)
(परिनिषेध क्रम)
संयोजक, शनिवार, 3 जनवरी, 2004
पृष्ठ 13, 1925 तक सम्पूर्ण
उत्तर प्रदेश सरकार
शिक्षा एवं मन विकास अनुभाग-3
संख्या 3593/60-3-03-13.(69)-2003
संयोजक, 03 जनवरी, 2004
कार्यालयकाय

PO.AIO-736

उत्तर प्रदेश में शिक्षा कल्याण विभागात्मक के निबंधन में अर्थात्क व्यापक (विद्यार्थ) अधिनियम, 1956 के अन्तर्गत 6 शिक्षा शाखात्मक/प्रदेशात्मक (कैलाश, मुद्राशाखा, इलाहाबाद, बरोली, मधुवा एवं इटावा) संघाशित है। उक्त अधिनियम 1956 के अन्तर्गत निम्नलिखित शीतकओं को तत्कालिक सुरक्षा दिने जाने हेतु विभिन्न न्यायिक परिशिष्टों के अंतर्गत से कुल 6 शिक्षा शाखात्मक/प्रदेशात्मक में निम्नलिखित जल है इन शाखात्मक/प्रदेशात्मक का क्षेत्र निश्चित नहीं है। मन्त्रालय विद्यार्थिपरिषद विनियमन किया गया कि शिक्षा शाखात्मक/प्रदेशात्मक का कार्य क्षेत्र निश्चित किया जाय। अतएव श्री गन्धर्वात् उक्त शाखात्मक/प्रदेशात्मक का कार्यक्षेत्र उनके नाम के सम्पूर्ण अधिकृत जनपदों में निश्चित किया जाने की कार्य अनुमति प्रदान करती है।

क्रमांक कार्यक्षेत्र	क्षेत्र/जनपद	शाखात्मक का नाम	शाखात्मक के अन्तर्गत का नाम जहां से सेवा में प्रवेश हेतु निश्चित है।
1	शिक्षा शाखात्मक एवं प्रदेशात्मक, कैलाश	1- कैलाश 2- बरौली 3- देवीगढ़ 4- गोरखपुर 5- आगरा	कैलाश/अम्बेडकर नगर/मुन्नापुर/बरोली/बस्ती/सिद्धार्थनगर/गन्धर्वनगर
2	शिक्षा शाखात्मक एवं प्रदेशात्मक, मुद्राशाखा	6- मुद्राशाखा 7- मीरठ 8- मधुवापुर	मुद्राशाखा/पतिशाला/तपपुर/सिद्धार्थ मीरठ/सीतामढ़ी/गन्धर्व/कुन्दाहर/सिद्धार्थ
3	शिक्षा शाखात्मक एवं प्रदेशात्मक, इलाहाबाद	9- इलाहाबाद 10- मिर्जापुर 11- बाराबंकी	इलाहाबाद/मुन्नापुर/अगरा/मिर्जापुर/बाराबंकी/सिद्धार्थ नगर (बदौली)/मीरठ
4	शिक्षा शाखात्मक एवं प्रदेशात्मक, बरोली	12- बरोली 13- लखनऊ	बाराबंकी/बदौली/गोरखपुर/मेरठ/बरोली/बनारस/सिद्धार्थ/अगरा
5	शिक्षा शाखात्मक एवं प्रदेशात्मक, मधुवा	14- आगरा 15- गन्धर्वनगर 16- शिवपुर	संयोजक/गन्धर्वनगर/बरोली/अगरा/सीतापुर/बाराबंकी/रौतहट्टी
6	शिक्षा शाखात्मक एवं प्रदेशात्मक, मधुवा	16- शिवपुर 17- विरभूट नगरी	आगरा/अलीगढ़/सहायनगर/गन्धर्व/सिद्धार्थ/मिर्जापुर/बाराबंकी/बनारस/सिद्धार्थ/अलीगढ़

		हरीपुर/सावा/पथोक/विजपुर	
		कुल 17 ग्राम	कुल 20 बिघे
<p>साथ ही उत्तर प्रदेश में स्थापित आग, बालगरी, बैरह, गोगरपुर व लखनऊ में राजकीय संरक्षण गृह स्थिति है। इन गृहों में ही अतिरिक्त व्यापार (विकास) अधिनियम, 1956 के अन्तर्गत गण्ड न्यायालय के आदेश के तहत सीमाओं को विस्तृत किया जा रहा है। इन संरक्षण गृहों के साथ भी मण्डली/जिलों का सम्बन्धीकरण नहीं है। वर्तमान में इन पांच राजकीय संरक्षण गृहों का सम्बन्धीकरण उसके सम्बन्ध अतिरिक्त मंडलों/स्तरणों में किया जाता है :-</p>			
क्र.सं.	संस्था/उपसंस्था	ग्रामों का नाम	ग्रामों के स्तरण का नाम तथा वे मंडल में प्रवेश हेतु प्राप्त क्षेत्र निर्धारित है।
1	राजकीय संरक्षण गृह	1- आग	आग/अमोहर/पट्टा/दुलहर/सैतपुरी/सोनीमठ पर उपवास, आग
		2- बगलपुर	बगलपुर/बगलपुरदेहात/दुआबा/कसीपबाबा/ कसीप
		3- रामी	जोरीबा/रामी/जोरीपुर एवं जमीन
2	राजकीय संरक्षण गृह बालगरी	4- बालगरी	बालगरी/कलीश्री/गरीपुर एवं सैतपुर
		5- आशुपहाड़	आशुपहाड़/बलिबा/बाडा
		6- विन्दावा	विन्दावा/सोनभद्र/सोनविहार नगर (खेरी)
		7- दुआबा	दुआबाबाद/दोआबा/सोनीपुर/आगवाड़ा
3	राजकीय संरक्षण गृह बैरह	8- बैरह	बैरह/सुपुलवाड़ा/बूरा-दुआबा/बगलपुर/ सैतपुर/सुपुलवाड़ा
		9- सुपुलवाड़ा	सुपुलवाड़ा/खैरिबाबू/सोनीपुर/उमरपुर/विजपुरी
		10- बगलपुर	बगलपुर/सुपुलवाड़ा
4	राजकीय संरक्षण गृह गोगरपुर	11- गोगरपुर	गोगरपुर/आशुपहाड़/दोआबा/सुपुलवाड़ा
		12- देहरादून	बगलपुर/बगलरी/गोगरपुर/बगलपुर
		13- देहरादून	देहरादून/अमोहरनगर/सुपुलवाड़ा/बालगरी
		14- बन्नी	बन्नी/सुपुलवाड़ा/सुपुलवाड़ा
5	राजकीय संरक्षण गृह लखनऊ	15- लखनऊ	लखनऊ/लखनऊ/दोआबा/आग/सैतपुर/सुपुलवाड़ा
		16- सोनी	सोनी
		17- विजपुर	बैरह/बगल/गोगरपुर/बगलपुर
		घर	विजपुर बाबा/हरीपुर/सावा/पथोक
		कुल 17 ग्राम	कुल 20 बिघे

उक्त व्यवस्था के अतिरिक्त गण्ड न्यायालय एवं राज्य सरकार के आदेशों के अनुसार विस्तृत सीमाओं का स्थानान्तरण एक गृह से दूसरे गृह में किया जा सकेगा।

आज्ञा में,
 से० ए० सी०
 सचिव।

उत्तर प्रदेश शासन
महिला एवं बाल विकास अनुभाग-3
संख्या-454/60-03-2004-13(7)/2004
तखनक: दिनांक 11 फरवरी, 2004

कार्यालय-घरा

महिला कल्या निदेशकत्व, UOD के अर्धीन 9 मण्डल स्तरीय उच्चार अधिकारी तैनात हे।
 अर्थिक व्यापार (निवारण) अधिनियम, 1956 के समस्त/प्रधानी क्रियान्वयन हेतु प्रदेश के
 उच्चार अधिकारी के मण्डल/जनपद को निम्नपुंखर आच्छादित क्रिये जाने की श्री गण्यराल
 मर्या अनुमती प्रदान करने हे :-

क्रमक	पदान	आच्छादित मण्डल/जनपद का नाम
1.	उच्चार, अधिकारी, लखनऊ मण्डल, लखनऊ	लखनऊ व बालपुर मण्डल के समस्त जनपद
2.	उच्चार अधिकारी, झांसी मण्डल, झांसी	झांसी मण्डल के समस्त जनपद
3.	उच्चार अधिकारी, मेरठ मण्डल, मेरठ	मेरठ मण्डल के समस्त जनपद
4.	उच्चार अधिकारी, अजमेर मण्डल, अजमेर	अजमेर मण्डल के समस्त जनपद
5.	उच्चार अधिकारी, इलाहाबाद	इलाहाबाद, मिर्जापुर मण्डल के समस्त जनपद
6.	मण्डल, इलाहाबाद	गोरखपुर मण्डल के समस्त जनपद
7.	उच्चार अधिकारी, गोरखपुर मण्डल,	बोली मण्डल के समस्त जनपद
8.	गोरखपुर	वाराणसी व आजमगढ़ मण्डल के समस्त जनपद
9.	उच्चार अधिकारी, बरेली मण्डल, बरेली	फैजाबाद मण्डल के समस्त जनपद
	उच्चार अधिकारी, वाराणसी मण्डल,	
	वाराणसी	
	उच्चार अधिकारी, फैजाबाद मण्डल,	
	फैजाबाद	

2. उस अर्देख तात्कालिक प्रभाव से पूर्व निर्गत सभी जर्देखों का अतिरिक्तित करते हेतु
 लघु/प्रमुखी माना जावेला।

(केवलत घेन)

संघिग।

सं-454 (1)/60-3-2004-13(7)/ 2004 तसुनिकक।

प्रतिनीति निम्नलिखित को सुचन एवं अवयवक कार्यवाही हेतु प्रेषित:-

1. समस्त मण्डलसुक्त उड प्रड।
2. समस्त शिताधिकारी, उड प्रड।
3. समस्त उच्चार अधिकारी, उड प्रड।
4. समस्त वरिष्ठ पुलिस अर्धीकक, उड प्रड।
5. समस्त शिता प्रीवेकन अधिकारी, उड प्रड।
6. निदेशक, वरिष्ठ कल्याण, उड प्रड लखनऊ को हत निर्देश के साथ प्रेषित कि वे दृष्य
 समस्त मण्डल/जनपद स्तरीय अधिकारियों को अपने हत में परिचलित कर शसन को अवगत
 कराने का कष्ट करे।
7. निदेशक, सुदण एवं लेखन सपनी उड प्रड लखनऊ को अवधारण मर्या से प्रकथन हेतु।

आशा से,
 (केवलत घेन)

उत्तर प्रदेश शासन
 महिला एवं बाल विकास अनुभाग-3
 संख्या-671/60-03-2004-13(7)/2004
 लखनऊ दिनांक 25 मार्च, 2004
 शुद्धि एवं

कार्यालय-ज्ञाप

जनैतिक आधार निर्धारण अधिनियम, 1956 के प्रथमी कार्यान्वयन हेतु उत्तर प्रदेश अधिकांशों का निर्धारण कार्यालय ज्ञाप संख्या-454/60-3-2004-13/(7)/2004, दिनांक 11 फरवरी, 2004 द्वारा किया गया था।

उक्त कार्यालय ज्ञाप के क्रमांक-5 के अन्तर्गत माण्डल/जनपद का नाम में त्रुटिपूर्वक इलाहाबाद विन्डनूर माण्डल के समस्त जनपद टीका हो गया है। जबकि विन्डनूर के स्थान पर चिककूट टीका होना चाहिए था। आ. क्रमांक-5 को निम्न प्रकार संशोधित समझा जाय-

क्रमांक	पदनाम	अन्तर्गत माण्डल/जनपद का नाम
5.	उत्तर अधिकांश, इलाहाबाद	इलाहाबाद एवं चिककूट माण्डल के समस्त जनपद इलाहाबाद

कार्यालय ज्ञाप दिनांक 11 फरवरी, 2004 के शेष प्रावधान ब्यक्त रहेंगे।

(80 एलओ पीन)
 सचिव

सं-671/ (1)/60-3-2003 ? 2004 तदुपदिनांक।

प्रतिनिधि निम्नलिखित को सूचना एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. समस्त माण्डलमुखी उओ उओ।
2. समस्त जिलाधिकारी, उओ उओ।
3. समस्त उत्तर अधिकारी, उओ उओ।
4. समस्त बॉम्बे पुलिस अधीक्षक, उओ उओ।
5. समस्त जिला प्रोवेंशन अधिकारी, उओ उओ।
6. निदेशक, महिला कल्याण, उओ उओ लखनऊ को इस निर्देश के साथ प्रेषित कि वे कृपया समस्त माण्डल/जनपद सारीय अधिकारियों को अपने स्तर में परिचित कर शासन को अवगत करने का कष्ट करें।
7. निदेशक, मुद्रण एवं लेखन सचयी उओउ लखनऊ को आवश्यकतानुसार में प्रकाशन हेतु।

आज्ञा से,
 (80 एलओ पीन)
 सचिव

उत्तर प्रदेश सरकार
न्याय अनुभाग-2 (अपील एवं न्यायालय)
संख्या 1527/राज-न्याय-2-06-123/सी/(टीओसी)
लखनऊ: दिनांक 11 अगस्त, 2006

अधिसूचना

विषय

विशेष न्याय (बालबोध को देख-नेत्र और संरक्षण अधिनियम, 2000 अधिनियम संख्या-26 सन् 2000) की धारा 4(ब) उपधारा (2) के अर्धीन शक्ति का प्रयोग करते मानवीय सम्बन्धन, उच्च न्यायालय, लखनऊ, एलायन्स की संमति पर जिला/मेट्रोपॉलिटन सेन के ज्येष्ठतम न्यायिक अधिकारी/मेट्रोपॉलिटन अधिकारी को संवेष्टित करने में विशेष न्याय बोर्ड का प्रधान अधिकारी नियुक्त करने हैं और यह निर्देश देने हैं कि उक्त ज्येष्ठतम न्यायिक अधिकारी/मेट्रोपॉलिटन अधिकारी का न्यायालय रिक्त है अथवा उपलब्ध नहीं है उक्त ज्येष्ठतम अथवा मुख्य न्यायिक अधिकारी/अथवा मुख्य मेट्रोपॉलिटन अधिकारी विशेष न्याय बोर्ड के प्रधान अधिकारी हों। ये सम्बन्धन अतिरिक्त निर्देश देने हैं कि उपर्युक्त अधीनस्थ प्रचार प्रोग।

HO
(राज ही विरम विरम)
उत्तर न्याय।

संख्या: 1527/राज-न्याय-2-06-, लखनऊ

प्रतिनिधि संयुक्त निर्देशक, मुख्य एवं सेवान सहायी, एलायन्स सेन को अधीन अनुवाद की प्रतिक्रिया सहित इस अधिसूक्ति के साथ प्रेषित कि वे उत्तर प्रदेश सरकार द्वारा प्रसारित सम्बन्धन पत्र में दिनांक 11 अगस्त, 2006 को विधि में विद्यमान पॉलिस्ट चयन-4 शब्द (घ) अधिनियम अधिनियम में प्रकाशित करने का कष्ट करें और अधिसूचना को 25 अगस्त न्याय अनुभाग-2 को उपलब्ध करावें।

अज्ञात,
HO
(अतिरिक्त न्यायिक)
विशेष न्याय।

निदेशात्मक, पठित कल्याण, उच्च

संख्या: सी-487/न्याय/नियंत्रण/टीओसी/2006-07

प्रतिनिधि-निम्नलिखित को सूचनाएं एचयू अथवा अन्य कर्मचारी से प्रेषित-

- 1- समस्त उपर्युक्त अधीनस्थ अधिकारी, उच्च।
- 2- समस्त जिला प्रोसेक्यूटिव अधिकारी, उत्तर प्रदेश।

HO
(अथवा अधिनियम)
निदेशक।

बच्चों के अधिकार

संयुक्त राष्ट्र महासभा द्वारा 20 नवम्बर, 1989 को पारित प्रस्तावना

इस सम्झौते में शामिल देश यह मानते हुए कि संयुक्त राष्ट्र घोषणा-पत्र के सिद्धान्तों के अनुसार हमारे मानव-समुदाय की अंतर्निहित गरिमा और सभी के समान और अछूटगीर अधिकारों की मान्यता ही विश्व में स्वतंत्रता, न्याय और शांति का आधार है।

यह समझते हुए कि संयुक्त राष्ट्र घोषणा पत्र को मानने वाले राष्ट्रों ने मूलभूत मानव अधिकारों और मानवीय गरिमा तथा सम्मान के प्रति आस्था व्यक्त की है तथा व्यापक स्वीकृति के अभाव में सामाजिक अराजक और जीवन के बेहतर मानकों को बढ़ावा देने का संकल्प व्यक्त किया है।

यह मानते हुए कि संयुक्त राष्ट्र ने मानव अधिकारों की विभिन्नगीर घोषणा तथा मानव अधिकारों की अंतर्राष्ट्रीय प्रक्रियाओं में यह घोषणा की है और सहमति व्यक्त की है कि हर व्यक्ति को शान्ति, धर्म, भाषा, जाति, धर्म, राजनीतिक अथवा अन्य रूप, राष्ट्रीय अथवा सामाजिक उत्पत्ति, संस्कृति, जन्म का देश तथा जैसी भी श्रेष्ठता के बिना इस घोषणा और प्रक्रियाओं में प्रत्यक्ष अधिकार और स्वतंत्रता प्राप्त है।

इस बात को ध्यान करते हुए कि मानव अधिकारों की विभिन्नगीर घोषणा के अंतर्गत, संयुक्त राष्ट्र ने कहा है कि बचपन पर विशेष ध्यान और स्थायता की आवश्यकता है।

इस बात पर सहमत होते हुए कि परिवार सम्मान का मूलभूत समूह है और इस के सभी सदस्यों, विशेषतः बच्चों के विकास और सुखसुखी के लिए इसे आवश्यक संरक्षण और सहायता मिलनी चाहिए ताकि यह सम्मान में अपना अधिकतम पूर्ण रूप से निर्यात करे।

यह मानते हुए कि बच्चों के व्यक्तिगत के पूर्ण और सुखसुखी विकास के लिए उसे परिवार के साथ सुखी, प्रेम और आराम से सम्बन्ध-पुनः के अभाव में बचपन पर विशेष ध्यान देना चाहिए।

यह समझते हुए कि बच्चों को सम्मान में अपने विशिष्ट व्यक्तिगत के साथ जीने को तैयार किया जाना चाहिए और उसे का लक्ष्य-प्राप्त संयुक्त राष्ट्र घोषणा पत्र के आदर्शों की भावना, सम्मानों से भरी, गरिमा, सहिष्णुता, स्वाधीनता, समता और परस्पर एकता की भावना के अनुकूल होना चाहिए।

यह धार रखते हुए बच्चों पर विशेष ध्यान देने की आवश्यकता सबसे पहले 1924 में बाल अधिकारों के बारे में जेनेवा घोषणा और फिर 20 नवम्बर, 1959 को महासभा द्वारा पारित बाल अधिकारों की घोषणा में व्यक्त की गई। इसे मानव अधिकारों की विश्व-व्यापी घोषणा, सामाजिक और राजनीतिक अधिकारों की अंतर्राष्ट्रीय प्रक्रिया (विशेषतः अनुच्छेद 23 तथा 24 में), अंतर्राष्ट्रीय आर्थिक, सामाजिक और सांस्कृतिक अधिकार प्रक्रिया (विशेषतः अनुच्छेद 10 में) तथा बच्चों के कल्याण में जुड़ी विशिष्ट एजेंसियों और अंतर्राष्ट्रीय संस्थाओं के संबद्ध विभागों और प्रयत्नों में मान्यता दी गई।

बाल अधिकार घोषणा में कही गई इस बात को धार रखते हुए कि "अधिकांश तथा मानवीय रूप में अविश्वसनीय होने के कारण, बच्चों को सुरक्षा के विशेष उपकरणों और देखभाल की आवश्यकता है, इसमें क्रम से पूर्ण तथा धार में भी सम्पुष्टि कानूनी संरक्षण शामिल है।"

भावा-विश्व के असाधारण अन्य व्यक्ति-द्वारा चलान और मोद लेने-देने के राष्ट्रीय और अंतर्राष्ट्रीय नियमों के विशेष संदर्भ में बच्चों के संरक्षण और कल्याण से संबद्ध सामाजिक और

कानूनी सिद्धान्तों की शोधा, कानूनी के पक्षों में न्याय प्रणाली के बारे में संयुक्त राष्ट्र मानक युक्तन नियम (द्विविध नियमों) और अज्ञात स्थिति तथा सामान्य मूल्यों की स्थिति में परिवर्तनों और कानूनी के माध्यम से जो वे शोधा को फिर साद करते हुए।

यह सम्झते हुए कि विश्व के सभी देशों में अत्यन्त उच्चतम परिस्थितियों में प्रत्येक कानूनी रूप में और इन पर विशेष ध्यान दिया जाना जरूरी है,

कानूनी के संरक्षण और सुशुद्ध विधाय के लिए प्रत्येक राष्ट्र की परम्पराओं और सामूहिक मूल्यों का पूरा ध्यान रखते हुए प्रत्येक देश में, खास तौर से विकासशील देशों में कानूनी के क्षेत्रों की स्थितियों में सुधार के काम में अंतर्राष्ट्रीय सहयोग के माध्यम से सम्झते हुए, निम्न बातों पर सहमत हुए।

भाग 1

अनुच्छेद 1

इस सम्झौते के उद्देश्य में, कानूनी के अर्थ में 18 वर्ष की कम आयु के प्रत्येक कानूनी से है वहनी कि कानूनी पर विशेष कानूनी के अंतर्गत, कानूनी इस उच्च में कानूनी व्यवस्था प्राप्त नहीं कर लेता।

अनुच्छेद 2

1. इस सम्झौते में उल्लिखित देश अपने अधिकार-क्षेत्र में प्रत्येक कानूनी के लिए, कानूनी अथवा उसके अन्तर्गत अथवा कानूनी अधिकारों की जमीन, वर्ष, शिशु, बच्चा, वर्ष, सामूहिक तथा अन्य विचार, राष्ट्रीय, जातीय अथवा सामाजिक उद्देश्य, स्थिति, विकासशीलता, जन्म और शैक्षणिक के सिद्धि की संरक्षण के बिना इस सम्झौते में उल्लिखित अधिकारों का सम्मान करें और इन्हें सुनिश्चित करेंगे।

2. सम्झौते में उल्लिखित देश का सुनिश्चित करने के सभी उचित उपाय करेंगे कि कानूनी के अन्तर्गत, कानूनी अधिकारों अथवा अधिकार-क्षेत्रों की स्थिति, परिस्थितियों, अथवा विचारों अथवा विचारों के कारण कानूनी को किसी भी प्रकार का संरक्षण या रक्षा न मिलना पड़े।

अनुच्छेद 3

1. कानूनी से संवाद तथा कार्य, कानूनी के विषय अथवा सामूहिक सामाजिक कल्याण संस्थाओं, अकादमियों, प्रशासनिक अधिकारियों अथवा विधायी निकायों द्वारा किये जाएं, कानूनी परम्पराओं पर कानूनी परम्परा से ध्यान दिया जाएगा।

2. सम्झौते में उल्लिखित देश कानूनी के कल्याण के लिए आवश्यक संरक्षण और देखभाल सुनिश्चित करेंगे और ऐसा करने में उसके अन्तर्गत, कानूनी अधिकारों अथवा अन्तर्गत निम्नोपर अधिकारों के अधिकारों तथा कानूनी का ध्यान रखेंगे और इस काम के लिए सभी उपयुक्त विधायी तथा प्रशासनिक उपाय करेंगे।

3. सम्झौते में उल्लिखित देश का सुनिश्चित करने कि कानूनी की देखभाल और संरक्षण के लिए निम्नोपर संस्थाओं, सेवाओं और सुविधाओं, कर्मचारियों की संख्या, उपयुक्तता और उचित नियंत्रण के अन्तर्गत में अथवा अधिकारों द्वारा खास तौर से सुरक्षा और स्वास्थ जैसे क्षेत्रों में निर्धारित मानकों के अनुषंग हो।

अनुच्छेद 4

इस सम्झौते में उल्लिखित अधिकारों के क्रियान्वयन के लिए सम्झौते में उल्लिखित देश कानूनी उपयुक्त विधायी, प्रशासनिक और अन्य उपाय करेंगे। अतिरिक्त, सामाजिक और सामूहिक अधिकारों के क्रियान्वयन के लिए सम्झौते में उल्लिखित देश अपने उपयुक्त संस्थाओं का स्वाभाविक अधिकार उपाय करेंगे और आवश्यक होने पर अंतर्राष्ट्रीय सहयोग के अन्तर्गत में ऐसा करेंगे।

अनुच्छेद 5

समझौते में शामिल देश याता-यात अथवा (यहां लागू हो) स्थानिक रीति रिवाजों व अनुयाय विचारों पर आधारित अथवा अनुयाय के मामलों, वास्तुनि अधिकारों अथवा वस्त्रों के लिए वास्तुनि रीति पर निर्भर अथवा स्थानिकों के ऐसे अधिकारों, अधिकारों और कर्तव्यों का, वस्त्रों की पहचान अथवा अर्थ के अनुयाय, सम्मान करने, मिल पावियों अधिकारों और वस्त्रों से इस समझौते में सीमाएं किए गए अधिकारों का वस्त्रों द्वारा इस्तेमाल किए जाने में उचित विज्ञा और निर्देश मिलने हैं।

अनुच्छेद 6

1. समझौते में शामिल देश यह करते हैं कि हर वस्त्र को जीने का सम्मान अधिकार है।
2. समझौते में शामिल देश वस्त्रों के निर्देश रखने और निवास को सुनिश्चित करने का हर साथ प्रयत्न करेंगे।

अनुच्छेद 7

1. वस्त्र के सुरत यात्र ही वस्त्रों का परीक्षण कर लिया जाएगा और अन्य में ही उसे अलग नाम होने, एक राष्ट्रीयता प्राप्त करने तथा जहां तक संभव हो, मात-रिक्त द्वारा उचित देखभाल किया जाने तथा वह मानने का अधिकार होगा कि उसकी देखभाल हो रही है।
2. समझौते में शामिल देश यह सुनिश्चित करेंगे कि अपने-अपने राष्ट्रीय वास्तुनि और वस्त्र अथवा राष्ट्रीय विचारों को मानने के अधिकारों के अंतर्गत वस्त्रों को वे अधिकार मिल सकें, यहां और पर ऐसे स्थितियों में जब वस्त्रों राष्ट्रीयता से विभक्त हो जाए।

अनुच्छेद 8

1. समझौते में शामिल देश विधि-सम्मत रूप में राष्ट्रीयता, नाम और परिभाषिक संबंधों सहित वस्त्रों को अस्मिता के अधिकार का सम्मान करेंगे और इस में कोई अर्थ्य हस्तक्षेप नहीं होने देंगे।
2. अगर किसी वस्त्रों को उसकी अस्मिता के कुछ या सभी पहलुओं से पैर-वास्तुनि तरीके से खिंचा गया हो तो समझौते में शामिल देश उसकी अस्मिता को जल्दी से जल्दी बहाल करने के लिए उपयुक्त साहाय्य और साहाय्य प्रदान करेंगे।

अनुच्छेद 9

1. समझौते में शामिल देश यह सुनिश्चित करेंगे कि मात-रिक्त की दुष्का के खिलाफ वस्त्र उनसे अलग व स्थित जाए, केवल ऐसे मामलों को छोड़कर, जब सार्व अधिकारों प्रत्येक वास्तुनि और परिभाषिकों के अंतर्गत स्थानिक सम्पत्ति के बंध निर्धारित करें कि किसी वस्त्रों का मात-रिक्त से अलग रहना उसके सर्वोत्तम हित में है। देश निर्धारण ऐसे विशिष्ट मामलों में आवश्यक हो सकता है जब मात-रिक्त द्वारा वस्त्रों के साथ दुर्व्यवहार अथवा उसकी उन्नत को जाए अथवा मात-रिक्त के अलग-अलग रहने की स्थिति में वस्त्रों के निवास-स्थान को बर्से में प्रस्ताव करना अनिवार्य हो जाए।
2. इस अनुच्छेद के पैराग्राफ 1 के अंतर्गत स्थितियों को बर्सेवाली के दौरान, इन्हें मान लेने के इच्छुक सभी पक्षों को बर्सेवाली में भाग लेने और अपने विचार व्यक्त करने का सीध स्थित जाएगा।
3. समझौते में शामिल देश मात-रिक्त दोनों से या किसी एक से अलग रखे गए वस्त्रों के इस अधिकार का सम्मान करेंगे कि वह मात और रिक्त दोनों से निर्धारित आधार पर स्थानिक संबंध और सीध संबंध रख सकें, बर्से कि ऐसा करना वस्त्रों के सर्वोत्तम हितों के प्रतिष्ठित न हो।

4. अगर सम्प्रति में शामिल देश की किसी कार्यवाही में नगरपालिका, बैंक, टेलिफोन निर्वहन अथवा मृत्यु (गन्ध की हिरासत के दौरान किसी भी कारण से व्यक्ति की मृत्यु सहित) के साथ साक्षात्ता या इनमें से किसी एक को बन्धों में अलग अलग रखता है तो सम्प्रति में शामिल देश, अनुरोध किए जाने पर, साक्षात्ता, बन्धों अथवा उचित होने पर परिवार के अन्य सदस्य को परिवार में अलग सदस्य (गैरसी) के निवास स्थिति के बारे में जानकारी देना चाहती कि ऐसे जानकारी देना बन्धों के हित के प्रतिबन्धित न हो। सम्प्रति में शामिल देश वह भी सुनिश्चित करे कि ऐसे जानकारी देने पर, संवेदक व्यक्ति (व्यक्तिगत) को कोई सुरे परिणाम न होने पड़े।

अनुच्छेद 10

1. अनुच्छेद 9 के पैराग्राफ 1 में उल्लिखित सम्प्रति में शामिल देशों के अधिकारों के अनुसार, अगर किसी देश को परिवार के पुनर्निर्माण के लिए उस देश को छोड़ने या उसमें आने के लिए बन्धों अथवा उसके साक्षात्ता को अलग अलग रखता है तो सम्प्रति में शामिल देश ऐसे आवेदन पर साक्षात्ता, मानवीय और सुरे कार्यवाही करे। सम्प्रति में शामिल देश वह भी सुनिश्चित करे कि देश आवेदन करने पर आवेदकों और उनके परिवारियों को सुरे परिणाम न होने पड़े।

2. अगर किसी बन्धों के साक्षात्ता अलग-अलग देशों में रहते हों तो उसे असाधारण परिस्थितियों को छोड़कर साक्षात्ता दोनों से निर्दिष्ट आधार पर किसी संघ और संघे कार्य करने का अधिकार होगा। इस उद्देश्य की पूर्ति और अनुच्छेद 9, पैराग्राफ 2 के तहत सम्प्रति में शामिल देशों के अधिकारों के अंतर्गत, ये देश अपने देश सहित किसी भी देश को छोड़ने तथा अपने देश में प्रवेश करने के बन्धों और उसके साक्षात्ता के अधिकार का सम्भाल करे। लेकिन देश को छोड़ने का अधिकार ऐसे परिस्थितियों से अधिक होगा जो प्रतिबंधित कानून द्वारा लगाए गए हों और जो राष्ट्रीय सुरा, सार्वजनिक व्यवस्था, सार्वजनिक स्वास्थ्य, वैयक्तिकता और अन्य व्यक्तियों के अधिकारों को बनाए रखने को आवश्यक हों और इस सम्प्रति में माने गए अन्य अधिकारों के अनुसार हों।

अनुच्छेद 11

1. सम्प्रति में शामिल देश बन्धों को दूर-दानी तक से विदेश भेजे जाने और उनके पास नहीं लौटने की घटकओं को रोकने के लिए कदम उठाएंगे।

2. इस उद्देश्य के लिए, सम्प्रति में शामिल देश नये द्विपक्षीय और बहुपक्षीय सम्प्रति करने तथा संलग्न सम्प्रति को प्रभाव देने के प्रयास करे।

अनुच्छेद 12

1. अपने विचार बन्धों करने वाले बन्धों को सम्प्रति में शामिल देश अज्ञात करे कि उनके जुड़े 44 सुरे पर स्वतंत्र रूप से अपने विचार व्यक्त करने का उसे अधिकार है। बन्धों को जानु तथा परिणामों के अनुसार उनके विचारों को प्रेषित करने दिया जाएगा।

2. इस उद्देश्य के लिए, बन्धों को, ध्यान लीर से, बन्धों से संवेदक किसी व्यक्ति या प्रशासनिक कार्यवाही के दौरान, राष्ट्रीय कानून के प्रक्रियात्मक नियमों के अंतर्गत स्वयं अपना किसी प्रतिनिधि अथवा उचित सलाह के माध्यम से अपनी बात कहने का अवसर दिया जाएगा।

अनुच्छेद 13

1. बन्धों को अधिष्ठाता को स्वतंत्रता का अधिकार होगा। इस अधिकार में निरा निरा संघ, बैंक, वैयक्तिक, लिखित अथवा मुद्रित रूप में, बह-बात में अथवा बन्धों के पत्र के किसी और माध्यम से, सभी प्रकार की जानकारी और विचार मांगने, प्राप्त करने और दूसरों को बताने की शक्ति का अधिकार होगा।

2. वह अधिकार कुछ प्रतिबंधों के तहत ही सकता है लेकिन वे प्रतिबंध बसल कानूनी तथा आवश्यक होने चाहिए।

(क) अन्य व्यक्तियों को अधिकारी अपना प्रतिष्ठा के लिए।

(ख) राष्ट्रीय सुरक्षा अथवा सार्वजनिक व्यवस्था अथवा सार्वजनिक स्वास्थ्य अथवा नैतिकता के लिए।

अनुच्छेद 14

1. समझौते में शामिल देश विचारों, अंतर्भाव और धर्म की आजादी के बन्धों के अधिकार सुनिश्चित करेंगे।

2. समझौते में शामिल देश, अपने की उपरोक्त शक्तों के अनुस्यूत अपने अधिकार के इस्तेमाल के लिए सात-गिना अथवा (जब प्रयोज्य हो) कानूनी अधिकारों के बन्धों को रद्द करने के अधिकारों और कर्तव्यों का सम्पादन करेंगे।

3. अपने धर्म अथवा विश्वासों के प्रदर्शन की आजादी पर कानून द्वारा निषेधित ऐसे विषयों को सम्बन्धी है जो सार्वजनिक सुरक्षा, स्वास्थ्य, स्वास्थ्य अथवा नैतिकताओं अथवा अन्य लोगों के मूलभूत अधिकारों तथा स्वतंत्रताओं को बनाये रखने के लिए जरूरी है।

अनुच्छेद 15

1. समझौते में शामिल देश संगठन बनाने की आजादी तथा प्रतिपूर्व तरीके से एक होने की बन्धों की आजादी के अधिकारों को स्वीकार करते हैं।

2. इन अधिकारों के कार्यान्वयन में ऐसे प्रतिबंधों को छोड़कर अन्य कोई प्रतिबंध नहीं लगाया जा सकते जो प्रतिबंध कानून के अनुस्यूत ही और जो किसी लोकतांत्रिक समाज में राष्ट्रीय सुरक्षा अथवा सार्वजनिक सुरक्षा, सार्वजनिक व्यवस्था, सार्वजनिक स्वास्थ्य अथवा नैतिकताओं के संरक्षण अथवा अन्य लोगों के अधिकारों और स्वतंत्रताओं को बनाये रखने के लिए आवश्यक हों।

अनुच्छेद 16

1. किसी भी बन्धों की विज्ञान, परिवार, धर्म और एक व्यवहार पर मनमाने और वैयक्तिक हानि से हस्तक्षेप नहीं किया जाएगा। उनके सम्मान और प्रतिष्ठा पर वैयक्तिक तरीके से हस्तक्षेप भी नहीं किया जाएगा।

2. बन्धों को ऐसे हस्तक्षेपों और हानियों से हिलाने कानून के संरक्षण का अधिकार है।

अनुच्छेद 17

समझौते में शामिल देश उन संघों कायमों की सम्पूर्ण श्रुतियों को स्वीकार करते हैं और वह सुनिश्चित करेंगे कि बन्धों को उनके राष्ट्रीय तथा अंतरराष्ट्रीय स्तरों से सुरक्षा और सारथि मिले, खास तौर पर ऐसे स्तरों में, जो बन्धों के सामाजिक, आर्थिक और नैतिक हित तथा सार्वजनिक और सार्वजनिक स्वास्थ्य को जलाने देने में सक्षम हैं। इस उद्देश्य के लिए, समझौते में शामिल देश:

(क) उन संघों कायमों को बन्धों के सामाजिक और सामुदायिक हित के लिए और अनुच्छेद 29 की भावना के अनुसार सुरक्षा और सारथि देने को प्रोत्साहित करेंगे।

(ख) अनेक सामुदायिक, राष्ट्रीय और अंतरराष्ट्रीय स्तरों से ऐसी सारथि के निर्माण, प्रति और आदान-प्रदान के लिए अंतरराष्ट्रीय सम्मेलन को बढ़ावा देंगे।

(ग) बाल-पुस्तकों के प्रकाशन और उनके बन्धों तक पहुंचने को बढ़ावा देंगे।

(घ) अंतरराष्ट्रीय अथवा अतिरिक्त धर्मों के बन्धों की भाषागत आवश्यकताओं पर विशेष ध्यान रखने के लिए उपसंधार साधनों को प्रोत्साहित करेंगे।

(इ) अनुच्छेद 13 और 18 के प्रावधानों को ध्यान में रखते हुए, बच्चे के हित में प्रतिष्ठित सुचल और सफल से उनके बचपन में लिए उचित शिक्षा-निदेश देवार करने के ध्येय में जनसंसार माध्यमों को प्रोत्साहित करने।

अनुच्छेद 18

1. समझौते में शामिल देश इस सिद्धान्त की मान्यता सुनिश्चित करने के अरु संभव प्रयास करेंगे कि बच्चे की देखभाल और विकास की माता और पिता दोनों की सहाय निम्नोपारी है। बच्चे की देखभाल और विकास को प्राथमिक निम्नोपारी माता-पिता अथवा (परिस्थिती के अनुसार) सानुनी अधिभावकों की है। बच्चे के सर्वोत्तम हित में उनकी सुविधाही विला होने चाहिए।

2. इस समझौते में प्रदात अधिकारों को सुनिश्चित करने और बढ़ावा देने के लिए, समझौते में शामिल देश माता-पिता और सानुनी अधिभावकों को उचित सहायता देने तकिक वे बच्चे की देखभाल को निम्नोपारिष्ठ निष्ठा करें। समझौते में शामिल देश बच्चे पर उचित ध्यान देने के लिए संस्थाओं, सुविधाओं और सेवाओं के विकास को भी सुनिश्चित करेंगे।

3. समझौते में शामिल देश सब सुनिश्चित करने के उद्देश्य प्रयास करेंगे कि सम्बन्धी माता-पिता के बच्चे को बच्चे की देखभाल की ऐसी सेवाओं और सुविधाओं से लाभ उठानेक का अधिकार मिले जिससे वे बच हों।

अनुच्छेद 19

1. समझौते में शामिल देश ऐसी सभी उचित विधायी, प्रशासनिक, सामाजिक और वैधानिक उपाय करने जिससे माता-पिता (अथवा माता या पिता), सानुनी अधिभावक (अधिभावकों) और अन्य किसी व्यक्ति की देखरेख में रह रहे बच्चे को सभी प्रकार की शारीरिक और मानसिक हिंसा, शोषण अथवा उत्पीड़न, उन्मुख अथवा उन्मुखजनक व्यवहार, दुर्व्यवहार अथवा शोषण जिसमें शैशु-शोषण शामिल है, से बचाया जा सके।

2. इन संरक्षण उपयों में अधिचय के अनुसार, बच्चे और उनकी देखभाल करने वाली को आवश्यक सहायता देने के लिए सामाजिक कार्यक्रम बनाने की प्रभावी प्रविधिएं भी शामिल हैं। इन उपयों में बच्चे से दुर्व्यवहार रोषकने तथा ऐसे दुर्व्यवहार का पता लगाने, रिपोर्ट किए जाने, उपयुक्त अधिकारी को विचारार्थ होने जाने, अथ, उन्धार, दुर्व्यवहार के बाद के घटनाक्रम पर नजर रखार और उचित होने पर न्यायिक कार्यवाही भी शामिल है।

अनुच्छेद 20

1. अगर कोई बच्चा असाध्य अथवा स्वयंसेवक रूप सेक अपने परिवारिक वातावरण में बंभित है, अथवा उसे के सर्वोत्तम हित में उसे अपने परिवारिक वातावरण में प्रेश जगह उचित नदी है, तो ऐसी स्थिति में वह बच्चा सारकार की ओर से विशेष संरक्षण और सहायता देने का अधिकारी है।

2. समझौते में शामिल देश अपने राष्ट्रीय सानुनी के अनुसार ऐसी बच्चे की देखभाल की वैकल्पिक व्यवस्था करेंगे।

3. इस देखभाल में, अन्य बातों के अलावा, माता-पिता का दायित्व अन्य व्यक्ति द्वारा संभाल जाना, इसलगी सानुनी के अनुसार सहायता, शैशु विद्या जाया और नगरी होने पर बच्चे की देखभाल के लिए उचित संस्था में रखा जाना शामिल है। बच्चे की देखभाल को समरथा के समायोजनों का ध्यान करते में बच्चे की देख-रेख की सर्वोत्तम व्यवस्था की निरंतरता बने रहने तथा बच्चे की जलीय, शारीरिक, सांस्कृतिक तथा सामाजिक दृष्टीगत पर उचित ध्यान दिया जाए।

अनुच्छेद 21

समाप्त होने में शामिल हो देना होर लेने की प्रथा को मान्यता देते हैं और /अथवा इसकी प्रशंसा करते हैं, वे यह सुनिश्चित करेंगे कि इस प्रक्रिया में अपने को मसौदा बनाने पर मसौदा बनाना दिया जाएगा और वे देख-

(क) यह सुनिश्चित करेंगे कि अपने को होर दिए जाने केवल तब ही अधिकारी द्वारा अधिकृत होने की स्थिति में ही हो और यह अधिकारी प्रत्येक मामलों और प्रक्रियाओं के अनुसार तथा सभी संभव और विद्यमान सभी जानकारी के आधार पर निर्धारित करें कि घात-विना, संबंधों और आनुवंशिक अधिकारों के साथ अपने को संबंध को देखते हुए होर दिया जाना स्वीकार किया जा सकता है तथा आवश्यक होने पर, संबंध व्यक्तियों ने होर दिये जाने की जानकारी प्राप्त करने आवश्यक परामर्श के बाद अपनी सहमति दी है-

(ख) यह मानते कि दूसरे देश में होर दिए जाने अपने को देखभाल का वैधानिक तरीका नहीं हो सकता है जब अपने को अपने ही देश के किसी देश-भाग करने वाले या होर लेने वाले परिवार में नहीं रखा जा सकता अथवा अपने को अपने देश में निरक्षर किया तरीके से उसकी देखभाल नहीं की जा सकती है-

(ग) यह सुनिश्चित करेंगे कि दूसरे देश में होर दिए गए अपने को की वही संरक्षण और जीवन-भार मिलेगा जो उसके अपने देश में होर दिये जाने की स्थिति में उपलब्ध है-

(घ) इस बात को सुनिश्चित करने के साथ उचित कदम उठाएंगे कि दूसरे देश में होर दिए जाने की स्थिति में, अपने को विदेश भेजने से इस बात में शामिल लोगों कोई अन्याय किया जाय न हो-

(ङ) जब उचित हो, जो इस अनुच्छेद के उद्देश्यों की पूर्ति के लिए द्वितीय और तृतीय अनुच्छेद अथवा अनुच्छेद करे और इसी कारण वे यह सुनिश्चित करने का प्रयास करेंगे कि दूसरे देश में अपने को भेजे जाने का साथ साथ अधिकारियों अथवा संगठनों द्वारा किया जाय।

अनुच्छेद 22

1. समाप्त होने में शामिल देना यह सुनिश्चित करने के लिए उचित प्रयास करेंगे कि अगर कोई अपना भारतीय या देशी होर जाने की बात कहता है अथवा लगू होने वाले जोरों-द्वारा अपना राष्ट्रीय आनुवंशिक और अधिकारों के अंतर्गत भारतीयता प्राप्त गया है, वह नहीं अपने घात विना अपना अन्य किसी व्यक्ति के साथ हो अथवा न हो, उस अपने को उचित संरक्षण और समाप्त होने तथा अन्य ऐसी अंतरराष्ट्रीय मान्य अधिकार अथवा मानवीय अधिकारों, जिसके कि वे देश मान्य है, के अनुसार मिलने वाले अधिकार दिलाने में मानवीय साहाय्य मिले।

2. इस उद्देश्य के लिए, समाप्त होने में शामिल देना, कि वह वे उचित समझे, संयुक्त राष्ट्र तथा इसकी संस्थाएँ करने वाले अन्य साथ-साथ ही तथा गैर-सरकारी संगठनों से साहाय्य करने तक कि ऐसे अपने को संरक्षण दिए जा सकें और अगर की जा सकें और किसी भारतीय अपने को घात-विना अथवा परिवार के अन्य सदस्यों का घात लगू न हो तब तक अपने को उसके परिवार से पुनर्निर्माण के लिए आवश्यक जानकारी जुटाई जा सके। अगर घात-विना अथवा अन्य परिस्थलों का घात न घात पाए तो अपने को इसी संरक्षण मिलना चाहिए कि वह किसी भी कारण से परिचारिक साहाय्य से अथवा अन्य साहाय्य रूप से जलग हुए किसी को अपने को दिए जाने की समाप्त होने में शामिल है।

अनुच्छेद 23

1. समाप्त होने में शामिल देना मानते हैं कि आनुवंशिक अथवा सांख्यिक रूप से विकसित अपने को पूर्ण और अच्छे निर्णय लेनी चाहिए और इस निर्णय में परिवार सुनिश्चित होने चाहिए, आनुवंशिकता को बढ़ावा दिया जाना चाहिए तथा संभव है अपने को सक्रिय भारतीयता की सुनिश्चित होने चाहिए।

2. समझौते में शामिल देश विशेष देखभाल देने के विकल्प बच्चे के अधिकार को मानने में और वे देश आवेदन किए जाने पर जब बच्चे और उनकी देखभाल के लिए जिम्मेदार लोगों को उचित सहायता के अनुभव, इन तरह की सहायता को प्रोत्साहित और सुनिश्चित करने के बच्चे की स्थिति तथा उनके माता-पिता अथवा उनकी देखभाल करने वाले अन्य लोगों की परिस्थितियों के अनुभव होगे।

3. विकल्प बच्चे को विशेष आवश्यकताओं को समझने हुए, इन अनुभव के पैरदाक 2 के अनुसार ही जारी काले सहायता, बच्चे के माता-पिता अथवा उनकी देखभाल कर रहे अन्य लोगों के वित्तीय सहायता को रखते हुए, सहायता नि:शुल्क ही जारी और इस सहायता का उद्देश्य यह सुनिश्चित करना होगा कि बच्चे के लिए शिक्षा, प्रशिक्षण, स्वास्थ्य सेवाएं, पुनर्वास सेवाएं, रोजगार की तैयारी और मनोरंजन के अवसर संभव हो सकें और वह इनके ऐसे तरीके से प्राप्त करे जो तरीका बच्चे के व्यक्तित्व पूर्व रूप से समाज में घुल-मिल सकने तथा अपने सामूहिक और आध्यात्मिक विकास सहित व्यक्तिगत विकास के अनुकूल हो।

4. समझौते में शामिल देश अंतर्राष्ट्रीय सहयोग की भावना से विकल्पगत देखभाल के प्रतिबन्धी स्वास्थ-संबंधी उपायों तथा विकल्प बच्चे के विकसलात्मक, मनोवैज्ञानिक और अन्य संबंधी उपायों में समुचित जानकारी का अदान-प्रदान करेंगे। इसमें पुनर्वास, शिक्षा तथा आध्यात्मिक सेवाओं संबंधी जानकारी की प्रशिक्षण और दिवा जना शामिल हैं। समझौते में शामिल देश इन क्षेत्रों में अपनी क्षमताएं, कार्यक्षमता और अनुभव बदा सकें, इस मामले में, विचारणीय देशों की आवश्यकताओं पर विशेष ध्यान रखा जाए।

अनुच्छेद 24

1. समझौते में शामिल देश बीमारी के उपचार और फिर स्वस्थ होने के लिए उचित सहायता स्वास्थ्य-संबंधी मानक तथा सुविधाएं प्राप्त करने के बच्चे के अधिकार को मान्यता देने में। समझौते में शामिल देश यह सुनिश्चित करने का प्रयास करेंगे किसे भी बच्चे को ऐसे स्वास्थ्य सेवाएं देने के अधिकार से वंचित न होना पड़े।

2. समझौते में शामिल देश इस अधिकार से पूर्ण कार्यवाहन का प्रयास करेंगे और विशेष रूप से, इन क्षेत्रों में उचित उपय करेंगे-

(क) शिशु तथा बाल-शिशु सहायता करना

(ख) स्वास्थ्य संबंधी प्राथमिक देखभाल पर विशेष धन देते हुए सभी बच्चों के आवश्यक चिकित्सा सेवा तथा स्वास्थ्य की देखभाल उचित और सुनिश्चित करना

(ग) बीमारी और कुटुंब को दूर करने के प्रयास करना- इसमें स्वास्थ्य संबंधी प्राथमिक देखभाल के उपर्ये में, अन्य बीमारी के उत्पन्न, वृद्ध और अज्ञान से उत्पन्न जैविकीयों के जंतु और पर्याप्त वैज्ञानिक शोध और स्वस्थ देखभाल उचित करने और पर्यावरण प्रदूषण के कारणों को पूरी तरह ध्यान में रखते हुए बीमारी और कुटुंब दूर करने के प्रयास शामिल हैं।

(घ) बच्चे के जन्म से पूर्व और बाद में माताओं के लिए उपयुक्त स्वास्थ्य संबंधी देखभाल सुनिश्चित करना

(ङ) यह सुनिश्चित करना कि सलान से सभी बच्चे, छात्राधी से बच्चे और उनके माता-पिताओं को बाल-स्वास्थ्य और पोषण की सुविधाएं मिलें, शाल-दान के सभी, स्वच्छता और पर्यावरण की सुविधा और दुर्घटनाएं रोकने के उपर्ये के बारे में जानकारी दी जाए और उन्हें इस बारे में शिक्षा इस जानकारी के इस्तेमाल में मदद मिले।

(च) स्वास्थ्य ठीक रखने के बारे में प्रतिबन्धी देखभाल को बढ़ावा देना, माता-पिता को उचित निर्देश देने की आवश्यकता और पर्यावरण नियंत्रण की शिक्षा तथा सेवाएं।

3. समझौते में शामिल देश वस्त्रों के स्वतन्त्र वंश और नुकसानदेह परम्परागत प्रथाओं को सफल बनाने के सभी प्रयासों और उपायों को प्रोत्साहित करेंगे।

4. इस अनुच्छेद में कानून का अधिकारों को सीने-सीने पूर्ण उपाय के लिए समझौते में शामिल देश अंतरराष्ट्रीय स्तर पर बढ़ाने और प्रोत्साहित करने का दायित्व देते हैं। इस धारा में, विश्वसनीयता देना की आवश्यकता का विशेष ध्यान रखा जाएगा।

अनुच्छेद 25

समझौते में शामिल देश किसी भी ऐसे वस्त्रों को लिए जा रहे उपकरण और उपकरण के दौरान उसे रखे जाने के संबंध में अन्य परिस्थितियों की समान समान पर समझौते के अधिकार को मानते हैं, जिस वस्त्रों को समान अधिकारों में उनसे शारीरिक तथा मानसिक स्वतन्त्र की देखभाल, संरक्षण और उपकरण के लिए रखा है।

अनुच्छेद 26

1. समझौते में शामिल देश सामाजिक बीमा स्थिति सामाजिक सुरक्षा से लाभ उठाने के हर वस्त्रों के अधिकारों का बचाव देते और ऐसे हर संभव प्रयास करेंगे कि राष्ट्रीय धारणा के अनुसार वस्त्रों को पूर्ण तरह का अधिकार मिल सके।

2. किसी वस्त्रों द्वारा अन्य उपायों और छे ऐसे तरीकों के लिए आवेदन किए जाने पर, वस्त्रों और उनसे देखभाल का दायित्व संभाल रहे व्यक्तियों को संसाधनों और परिस्थितियों तथा अन्य संबंध बर्तों का ध्यान रखते हुए उपाय लेने पर वस्त्रों को वे लाभ दिए जाने चाहिए।

अनुच्छेद 27

1. समझौते में शामिल देश मानते हैं कि हर वस्त्रों को उनके शारीरिक, मानसिक, आर्थिक, शैक्षिक और सामाजिक विकास के लिए समुचित जीवन स्तर देने का अधिकार है।

2. वस्त्रों का माता पिता (अथवा माता व पिता) उनसे देखभाल का दायित्व संभालने से अन्य व्यक्तियों को जिम्मेदारों के कि वे अपनी योग्यताओं और विलक्षण क्षमताओं के अनुसार, वस्त्रों के विकास के लिए आवश्यक स्थितियां उसे उपलब्ध कराएं।

3. समझौते में शामिल देश, राष्ट्रीय परिस्थितियों और अपने साधनों के अनुसार, इस अधिकार के कार्यान्वयन में माता पिता और वस्त्रों के देखभाल का दायित्व संभालने वाले अन्य व्यक्तियों को सहायता देने के उपायों को प्रोत्साहित करेंगे और आवश्यकता पड़ने पर समझौते के रूप में सहायता और सहायता कार्यक्रम, सामाजिक से संरक्षण, बचत और आयोजन के लिए, उपलब्ध कराएंगे।

4. समझौते में शामिल देश, समझौते में और विदेशों में रह रहे माता-पिता अथवा वस्त्रों की वित्तीय जिम्मेदारों वाले अन्य व्यक्तियों से वस्त्रों के देखभाल के लिए आवश्यक प्रति उपलब्ध कराएंगे, सामाजिक से ऐसे मामलों में जब वस्त्रों की वित्तीय जिम्मेदारों वाले व्यक्तियों के देश में नहीं रहता हो, समझौते में शामिल देश अंतरराष्ट्रीय समझौते में शामिल होने, ऐसे समझौते बनाने और अन्य उपायों का उपयोग करने को प्रोत्साहित करेंगे।

अनुच्छेद 28

1. समझौते में शामिल देश वस्त्रों के शिक्षा के अधिकार को बचाव देते हैं और समान अवसर के आधार पर इस अधिकार को उपलब्ध बनाने में निरंतर प्रयत्न के लिए निम्न उपाय करेंगे-

(क) प्राथमिक शिक्षा को अनिवार्य बनकर सभी वस्त्रों को निःशुल्क उपलब्ध कराया।

(ख) सामान्य और व्यावसायिक शिक्षा सहित माध्यमिक शिक्षा के विभिन्न स्तरों के विकास को बढ़ावा देना और इस दायरे के लिए इसे सुलभ और उपलब्ध बनाना और जिन बच्चों को आवश्यकता हो, उन्हें नि:शुल्क शिक्षा और विद्यार्थी छावनीयता देने जैसे प्रयोग करना।

(ग) सभ्यता के अन्तर्गत पर सभ्यता के लिए उच्च शिक्षा सुलभ बनाने के सभ्यता उपयुक्त प्रयोग करना।

(घ) सभ्यता बच्चों को वैज्ञानिक तथा व्यावसायिक सूचना और शिक्षा निर्देश उपलब्ध तथा सुलभ बनाना।

(ङ) स्कूलों में बच्चों की निर्यातित उपस्थिति सुनिश्चित करने तथा पढ़ाई के बीच में ही बच्चों का स्कूल छोड़ जाने की दर कम करना।

2. सभासदों में शामिल देख इन सुनिश्चित करने के उपयुक्त प्रयोग करने कि स्कूलों में अनुशासन लागू करने के तरीके बच्चों की मानवीय गरिमा तथा इस सभासदों के उपचारों के अनुसंधान में।

3. सभासदों में शामिल देख शिक्षा से संबद्ध मामलों, खास तौर से शिक्षण में अज्ञान और निराशा को समाप्त करने तथा वैज्ञानिक और तकनीकी जानकारी और शिक्षण के आधुनिक तरीकों की जानकारी सुलभ बनाने में अन्तर्राष्ट्रीय सहयोग बढ़ाने और इसे प्रोत्साहित करने। इस मामले में विद्यार्थीयता देखों को आवश्यकताओं का विशेष ध्यान रखा जाएगा।

अनुच्छेद 29

1. सभासदों में शामिल देख इस बात पर सहमत है कि बच्चों की शिक्षा को निम्न दिशाओं में निर्देशित किया जाना चाहिए-

(क) बच्चों के व्यक्तित्व, प्रतिभाओं तथा मानवीय और शारीरिक योग्यताओं का पूर्ण विकास।

(ख) मानव अधिकारों, मूलभूत स्वतंत्रताओं और समुदाय राष्ट्र कोपचारण के सिद्धान्तों के प्रति सम्मान का विकास।

(ग) बच्चों के भाषा शिक्षा, उसकी सांस्कृतिक पारंपारण, भाषा, जीवन-मूल्यों, बच्चों के निवास तथा अनुभव वाले देश के राष्ट्रीय मूल्यों और बच्चों की अपनी सभ्यता के अलावा अन्य सभ्यताओं के प्रति सम्मान की भावना का विकास।

(घ) सभ्यता देखों तथा जातीय, राष्ट्रीय और धार्मिक समुदायों तथा देश के आदिम निवासियों के बीच समझ-बूझ, भागी, सहिष्णुता, स्वी-सुलभ सम्बन्धता और मैत्री के भावना के साथ सुलभ सभ्यता में शिक्षित करने जीवन के लिए बच्चों को तैयार करना।

(ङ) प्राकृतिक पर्यावरण के प्रति सम्मान की भावना का विकास।

2. इस अनुच्छेद और अनुच्छेद 28 के किसी भी भाग को शिक्षित सम्बन्धन छोड़ने या इनसे निर्देशित करने की व्यवस्था सभासदों में अंतर्धान करके के अर्थ में नहीं समझा जाएगा बसंत कि इन सम्बन्धों में इस अनुच्छेद के पैराग्राफ 1 के सिद्धान्तों का पालन किया जाए और इन सम्बन्धों में ही जा रही शिक्षा राज्य द्वारा निर्देशित न्यूनतम मानकों के अनुसंधान हो।

अनुच्छेद 30

जिन देखों में जातीय, धार्मिक अथवा भाषायी अल्पसंख्यक और देश के आदिम निवासी रहते हैं, वहां इन अल्पसंख्यक वर्गों के अथवा आदिम निवासी बच्चों को उसके देश के अन्य बच्चों के समुदाय में अपनी संस्कृति को बनाने, अपने धर्म के बारे में कहने या उसे बनाने अथवा अपनी भाषा का प्रयोग करने के अधिकार से वंचित नहीं किया जाएगा।

अनुच्छेद 31

1. सम्प्रदायों में शामिल देश जागृत बनने, खिलने, आगले उन्नत में अनुकूल संशोधन करने और सामुदायिक जीवन तथा बलाओं में दुःख रूप में भाग लेने के बन्धों के अधिकार को संरक्षण देते हैं।

2. सम्प्रदायों में शामिल देश सामुदायिक और बलात्मक जीवन में योगदान देने के बन्धों के अधिकार को सम्मान और बचाव देने और सामुदायिक, कलात्मक, मन्दारकलात्मक और विज्ञान संबंधी परिस्थितियों के लिए उपयुक्त तथा सम्मान अर्थात् जाने प्रवधानों को प्रोत्साहित करेंगे।

अनुच्छेद 32

1. सम्प्रदायों में शामिल देश अर्थिक शोषण और विवेक को अथवा बन्धों की शिक्षा में बाधा बनने वाले अथवा बन्धों के प्रभाव प्रत्यक्ष सामाजिक, सामाजिक, अध्यात्मिक, वैश्विक या सामाजिक विद्या के लिए अर्थिक बाधों में संरक्षण के बन्धों के अधिकार को संरक्षण देते हैं।

2. सम्प्रदायों में शामिल देश इस अनुच्छेद का कार्यान्वयन सुनिश्चित करने के लिए विद्यार्थी, प्रशासनिक, सामाजिक और वैश्विक उपाय करेंगे। इस उद्देश्य को प्रति और अन्य अंतरराष्ट्रीय परिस्थितियों के संबंध प्रवधानों को ध्यान में रखते हुए सम्प्रदायों में शामिल देश विवेक रूप से-

(क) गैरवार के लिए अनुकूल अनु अथवा शिक्षण योजनाओं के लिए अलग अलग अनुकूल अनु विद्यार्थी करेंगे।

(ख) योजना के धर्म और परिस्थितियों के बारे में उपयुक्त विचार बनाएंगे।

(ग) इस अनुच्छेद का कार्यान्वयन सुनिश्चित करने के लिए उपयुक्त टव और अन्य प्रतिबन्धों का प्रवधान करेंगे।

अनुच्छेद 33

सम्प्रदायों में शामिल देश बन्धों को, संबंध अंतरराष्ट्रीय स्थितियों में परिस्थित नवीने पदार्थों के अथवा इस्तेमाल से बचने और ऐसे पदार्थों के अथवा प्रचलन तथा रक्षण में बन्धों को संरक्षण अथवा गैरबन्धों के लिए विद्यार्थी, प्रशासनिक, सामाजिक तथा वैश्विक उपायों सहित सभी उपयुक्त उपाय करेंगे।

अनुच्छेद 34

सम्प्रदायों में शामिल देश धर्म शोषण तथा धर्म दुर्व्यवहार को सभी स्तरों से बन्धों को बचाने का बंधन देते हैं। इस उद्देश्य को पूर्ण के लिए सम्प्रदायों में शामिल देश निम्न बातों को गंभीर के लिए सभी उपयुक्त राष्ट्रीय, द्विपक्षीय और बहुपक्षीय उपाय करेंगे-

(क) किसी बन्धों को किसी अथवा धर्म-कार्य के लिए अनुकूल या खेर-खबरवासी करण-

(ख) बन्धों का शोषण करते हुए उनमें वैश्विकी अथवा अन्य अथवा धर्म कार्य करण-

(ग) बन्धों का शोषण करते हुए सम्पूर्ण धार्मिक और स्थितियों में उनका इस्तेमाल करण।

अनुच्छेद 35

सम्प्रदायों में शामिल देश किसी उद्देश्य के लिए और किसी भी रूप में बन्धों का उपयोग, शिक्षा और व्यवहार रखने के लिए उपयुक्त राष्ट्रीय, द्विपक्षीय और बहुपक्षीय उपाय करेंगे।

अनुच्छेद 36

सम्प्रदायों में शामिल देश बन्धों के कल्याण के किसी भी पक्ष के लिए अनुचित शोषण के सभी अन्य स्तरों से बन्धों को बचाएंगे।

अनुच्छेद 37

समझौते में शामिल देश का सुनिश्चित करने कि-

(क) किसी भी बन्धे को वापस अथवा अन्य दूर, अत्यावसीय या अत्यावजनक व्यवहार या दंड नहीं होना पड़ेगा; अद्वारक हाल में कम आयु के व्यक्तिओं को अरण्यों के लिए न तो अनुपुनर विद्ये जाणा न ही ऐस आन्वेषन करवावस दिखे जाणा किसी मुक्त होने की आज्ञा हो.

(ख) किसी भी बन्धे को स्वाधीनता सेक पैरकानूनी तथा मनमाने तरीके से बंधित नहीं किया जाणा। किसी भी बन्धे की गिरफ्तारी, नगरबंदी और कारावास का दंड कानून के अनुसार ही होना और कोई उपाय महातभव कम में कम अवधि के लिए होने.

(ग) स्वाधीनता से बंधित हर बन्धे के साथ, मनुष्य की जन्मजात गरिमा की बचाव रखते हुए और ऐसे की उम्र के अनुसार अवयवकलाओं की ध्यान में रखते हुए मानवता और सम्मान का व्यवहार किया जाणा। घास दौर से, स्वाधीनता से बंधित बन्धे को सजावों से अलग तथा रखा जाणा जब ऐस करन उनके सर्वोत्तम हित में समझा जाए और आरामान्य परिस्थितियों को जोड़कर, ऐसे बन्धे को पर व्यवहार और आने-जाते रहने के जरिए अपने परिवार में संर्क बनाए रखने का अधिकार होना.

(घ) स्वाधीनता से बंधित हर बन्धे को कानूनी तथा अन्य उपयुक्त सहायता तुरंत मुक्त होने का अधिकार होना और स्वाधीनता से बंधित किए जाने की वैधता को किसी अदालत या अन्य सक्षम, स्वांत्र और निष्पक्ष अधिकारी के साथ सुनौती देने और किसी कार्यवाई पर तुरंत फेराला देने का अधिकार होना।

अनुच्छेद 38

1. समझौते में शामिल देश सरकार सारणी की स्थिति में बन्धों से संबद्ध कानूनों का सम्पान करने और इन नियमों के प्रति सम्पान सुनिश्चित करने का यथन देते है।

2. समझौते में शामिल देश का सुनिश्चित करने के लिए सभी व्यवहारिक उपाय करेगे कि पदक वर्ष से कम आयु के व्यक्ति सहायकों में सिधे हिसाब न लें।

3. समझौते में शामिल देश पदक से कम आयु के बन्धों को सेना में भर्ती नहीं करेगे। पदक से अद्वारक वर्ष के व्यक्तिओं को सेना में भर्ती करने के मामले में, समझौते में शामिल देश, इन व्यक्तिओं में से सबसे ज्यादा उम्र के व्यक्तिओं को प्राथमिकता देते।

4. सहायक संपर्कों की स्थिति में सारणीओं को बचाने के अंतर्राष्ट्रीय कानून के तहत अपने परिचितों को तुरंत के अनुसार ही, समझौते में शामिल देश ऐसे संपर्कों से प्रभावित बन्धों के सम्पान और देखभाल सुनिश्चित करने के लिए सभी व्यवहारिक उपाय करेगे।

अनुच्छेद 39

उपेक्ष, शोषण अथवा दुर्व्यवहार को किसी भी रूप, वाताण तथा दूर, अत्यावसीय अथवा अत्यावजनक व्यवहार तथा दंड को किसी भी अन्य रूप, अथवा सहायक संपर्कों के विचार बन्धे को सांखिक और मनोवैज्ञानिक रूप से फिर स्वस्थ बनने तथा सजाय में उनके फिर पुन-विल हानने को सहाय देने के लिए समझौते में शामिल देश सभी उपयुक्त उपाय करेगे। बन्धे को पुन-सम्पान बनाने और सजाय में उनके पुन-समन्वय का ध्यान उसके लिए स्वास्वययार, आत्मसम्पानपूर्ण तथा परिश्रमय वातवलय में किया जाणा।

अनुच्छेद 40

1. समझौते में शामिल देश मानते है कि ऐसे प्राथमिक बन्धे, जिसने बंधित रूप से दंड विधान का उल्लेख किया है, उस पर ऐस आरोप है या ऐस मन्दा पता है, उसे ऐस व्यवहार करने

का अधिकार है जो वहीमा तथा मजल की बन्धों की अनुभूति को बढ़ावा देने के अनुभव से, ज मानव अधिकारों तथा अन्य लोगों की स्वाधीनताओं के प्रति बन्धों के सम्बन्ध को और प्रकृत करता और जिस व्यवहार में बन्धों की अनुभूति में बन्धों के फिर पुनः-विचार करने और मजल में बन्धों का सम्बन्धित भूमिका निम्नानुसार करने को स्वाधीनता का ध्यान रखा जाय।

2. इस उपरोक्त की प्राप्ति और अंतर्राष्ट्रीय प्राविधिकों के मजल प्रावधानों को ध्यान में रखते हुए, समझौते में शामिल देश, विशेष रूप से एक इन बातों को सुनिश्चित करेंगे-

(क) किसी भी बन्धों पर ऐसे किसी कार्य को करने पर अनुमति में हो जाने से वह बन्धों के उल्लंघन का आरोप नहीं लगाया जाएगा अथवा ऐसे नहीं समझा जाएगा अथवा पर नहीं बना जाएगा कि उनमें बन्धों लोड़ा है, जिस कार्य को किता जैसे समय तक सर्व राष्ट्रीय अथवा अंतर्राष्ट्रीय बन्धों के अंतर्गत प्राविधिक नहीं था-

(ख) प्रत्येक बन्धों को, जिस पर वह बन्धों लोड़ने का आरोप है या जो ऐसे बन्धों का एक है, कम से कम निम्न प्राप्ति मिलेगी-

(ग) जब तक वह बन्धों लोड़े नहीं समाप्त हो जाता, तब तक उसे निलंबित माना जाय।

(घ) उसके खिलाफ आरोपों की उसे तुरंत और सीधे और उचित होने पर उसके मजल-विचार अथवा बन्धों अधिकारक के जरिए जानकारी दी जाय और अपने बन्धों की देखरी और ऐसी सम्बन्धों प्रकृत करने में उसे बन्धों अथवा अन्य उपयुक्त सम्बन्धों प्रदान की जाय।

(ङ) साथ, मजल और निम्न अधिकारों अथवा न्यायिक निम्न द्वारा बन्धों के अनुसार मजलपूर्ण सुनवाई के जरिए, निम्न देशों के, मजल निम्नानुसार और इस दौरान बन्धों तथा अन्य उपयुक्त सम्बन्धों मौजूद हो बन्धों कि ऐसा बन्धों, खास तौर से बन्धों की उन अथवा परिस्थिति, उसके मजल-विचार और बन्धों अधिकारक को ध्यान में रखते हुए, बन्धों के सम्बन्धित विचार में न बना जाय।

(च) उसे साथ देने अथवा अथवा सम्बन्धों करने, प्रतिकूल मजलों को जप करने अथवा उनके द्वारा जप कराए जाने और सम्बन्धों की बातों के आधार पर अपने और से मजल देने करने और उनसे जप के लिए काम न किया जाय।

(छ) अगर वह बना जाय कि बन्धों ने वह विचार का उल्लंघन किया है, तो उसे इस बन्धों और इसके अनुभव की गई कार्यवाही को बन्धों के अनुसार अथवा अन्य मजल, मजल और निम्न अधिकारों अथवा न्यायिक निम्नानुसार से पुनः मजल की प्राप्ति मिले।

(ज) अगर बन्धों उपयुक्त बाधा को सम्बन्धों अथवा कोल न लगे तो उसे दुश्चिन्तों की निन्दुक कोला मिले।

(झ) सुनवाई के हर दौर में उसकी निम्नानुसार का पूरा सम्बन्धों किया जाय।

3. समझौते में शामिल देश वह विचार के उल्लंघन का आरोप लगे, सीधे मजल पर अथवा जिसके बारे में बना गया है कि उन्होंने वह विचार का उल्लंघन किया है, ऐसे बन्धों के लिए खास तौर से प्रत्येक बन्धों, अधिकारों, अधिकारों और सम्बन्धों को बढ़ावा देने और खास तौर से-

(क) ऐसी मजलानुसार अनुभव का निर्धारण करने मिलते कम अनुभव के बन्धों के लिए माना जा लगे कि उनमें वह विचार के उल्लंघन की सम्बन्धों नहीं है-

(ख) जहां उपयुक्त और बाधनीय हो, ऐसे बन्धों को मजल को विचार न्यायिक कार्यवाही के सुलभाने के प्रयास को प्रोत्साहित साथ ही यह भी ध्यान में रखते कि मजल अधिकार और बन्धों सुनवाई के प्रावधानों को पूरा ध्यान रखा जाय।

4. देशभक्त, साह-मिता के अलावा किसी अन्य व्यक्ति द्वारा देश-साल, विद्या, व्यावसायिक प्रशिक्षण कार्यक्रम तथा संस्कार देशभक्त के अन्य विचारों जैसे विभिन्न तरीके बच्चों को उत्साह से तालि का रुचिभिता हो सके कि बच्चों के भाव उद्बुता कार्यक्रमों के अलावा से और यह व्यक्तता उनी अग्रगण्य तथा परिचितियों- दोनों वाली को ध्यान में रखी हुए किया जाए।

अनुच्छेद 41

इस सम्प्रदाय की कोई भी बात का ऐसे अवधानों पर कोई उत्तर नहीं लेना जो बच्चों के अधिकारों की पूर्ति के ब्यापक अनुकूल हो और जो

(क) सम्प्रदाय में शामिल देश के अनुरूप अथवा

(ख) उदा देश में लघु अंतरराष्ट्रीय सम्बन्ध में सम्बन्धित हो।

भाग 2

अनुच्छेद 42

सम्प्रदाय में शामिल देश इस सम्प्रदाय के विद्यार्थियों और छात्रवर्गों के बच्चों और बच्चियों तक व्यापक प्रसार के लिए उपयुक्त और सक्रिय उत्साह करने का बचन देते हैं।

अनुच्छेद 43

1. इस सम्प्रदाय में जिन विषयों को विधानों का बचन दिया गया है, सम्प्रदाय में शामिल देशों द्वारा उन्हीं प्रति में सफलता की साथ के लिए ताल अधिकारों के बारे में एक सविधि रचना की जाएगी जो निर्धारित तरीके से कार्य करेगी

2. सविधि में इस सम्प्रदाय के कार्यक्रमों से संबंधित उच्च नैतिक उत्तर और भाव व्यक्तता वाले दस विधेयक होंगे। सम्प्रदाय में शामिल देश अपने कार्यक्रमों में से इन विधेयकों का बचन करने और वे विधेयक अपनी व्यक्तिगत क्षमता में इन सविधियों में कार्य करेंगे। इनके अलावा में विभिन्न शैक्षणिक क्षेत्रों से और उद्युक्त सम्बन्धी प्रणालियों के आधार पर सफलता बनाए रखने पर ध्यान दिया जाएगा।

3. सविधि के सदस्यों का चुनाव सम्प्रदाय में शामिल देशों द्वारा मनोनीत लोगों की सूची में से गुप्त मतदान द्वारा होगा। सम्प्रदाय में शामिल प्रत्येक देश अपने कार्यक्रमों में से एक व्यक्ति को मनोनीत कर सकता है।

4. सविधि का प्रारंभिक चुनाव इस सम्प्रदाय के लघु होने की तिथि से छह महीने की अवधि तक करना हो जाएगा। इसके बाद हर दूसरे वर्ष सविधि का चुनाव होगा। ऐसे चुनाव से कम से कम चार यात्रा पूर्ण, संयुक्त राष्ट्र महासचिव सम्प्रदाय में शामिल देशों को सूचित करेगा कि वे दो महीने की अवधि में अपने मतदान प्रस्तुत कर दें। इसके बाद महासचिव इन मनोनीत सदस्यों और उन्हें मनोनीत करने वाले देशों के अकाउंट बन में सूची तैयार करेंगे और उसे इस सम्प्रदाय के सार्वभूमिक देशों को प्रस्तुत कर देंगे।

5. संयुक्त राष्ट्र महासचिव में महासचिव द्वारा आयोजित सम्प्रदाय में शामिल देशों की बैठक में सविधि का चुनाव होगा। इन बैठकों में संपूर्ण (कोरस) के लिए दो तिहाई सार्वभूमिक देशों की उपस्थिति आवश्यक होगी। सविधि के सदस्य वे व्यक्ति होंगे जिनके सार्वभूमिक मत मिलने और उपस्थित तथा मतदान कर रहे सार्वभूमिक देशों के प्रतिनिधियों का पूर्ण बहुमत की मिलेगा।

6. सविधि के सदस्य चार वर्ष के लिए चुने जाएंगे। चुनाव मनोनीत होने पर वे फिर चुनाव में भाग ले सकते हैं। पहले चुनाव में चुने गए सदस्यों में से पांच सदस्यों का कार्यकाल दो वर्ष में ही समाप्त हो जाएगा और ऐसे सदस्यों का बचन बैठक के अध्यक्ष द्वारा लॉटरो निकाल कर किया जाएगा।

7. अगर समिति के किसी सदस्य को मनुष्य ही जाना या वह इसीका हिस्सा है तो वह घोषित कर दे कि वह समिति में अपना दायित्व निभाने की स्थिति में नहीं है तो मनेजिल करने वाला देज अपने देज के विवेकपूर्णता में से एक व्यक्ति को नियुक्त करेगा जो उस सदस्य के कार्यकाल की शर्तों अर्थात् एक काम करेगा लेकिन इसके लिए समिति को मंजूरी लेनी होगी।

8. समिति अपने कार्य-प्रक्रिया के निम्न चरण को लेगी:

9. समिति अपने परामर्शदाताओं को दो वर्ष की अवधि के लिए चुनेगी।

10. समिति की बैठक सप्ताहवार, मंगुल रात सुप्रसन्न अथवा शीशी काग निर्धारित अन्य किसी सुविधाजनक स्थान पर होगी। समिति की बैठक सप्ताहवार हर वर्ष होगी। आवश्यक होने पर समिति को बैठकों को अवधि का निर्धारण और समीक्षा, मंगुल रात सप्ताहवार की अनुपस्थिति निम्न पर, सम्पन्न होने में शामिल देजों की बैठक में भी करेगी।

11. इस सम्पन्न होने के अंतर्गत समिति के प्रभावी तरीके से काम करने के लिए मंगुल रात सप्ताहवार आवश्यक संख्या में कार्यदाताओं तथा अन्य सुविधाओं की व्यवस्था करेगी।

12. मंगुल रात सप्ताहवार की मंजूरी पर, इस सम्पन्न होने के अंतर्गत समिति के सदस्य सप्ताहवार काग निर्धारित नियमों और शर्तों के अनुसार परिष्कारित करेगी।

अनुच्छेद 44

1. सम्पन्न होने में शामिल देज, मंगुल रात सप्ताहवार के जरिए, इस सम्पन्न होने में मान्य अधिकारों को निभाने के लिए किए गए उद्योगों और इन अधिकारों को निभाने में हुई प्रगति की रिपोर्ट प्रस्तुत करेगी।

(क) देज के सम्पन्न होने में शामिल होने के दो वर्ष के अंतर।

(ख) इसके बाद हर पांच वर्ष बाद।

2. इस अनुच्छेद के अंतर्गत प्रस्तुत रिपोर्ट में इस सम्पन्न होने के तत्काल परिणामों से जुड़े कार्यों और अगर कोई परामर्शित हो तो उनका उल्लेख किया जाएगा। रिपोर्ट में ऐसी व्यक्ति सुचारात भी होगी जिसे समिति को संकट देज में सम्पन्न होने के प्रारंभिक मनुष्य बनने के बारे में व्यापक जानकारी मिले।

3. समिति सम्पन्न होने में शामिल देजों से सम्पन्न होने को लागू करने से स्पष्ट और जानकारी देने या भी प्राप्त कर सकती है।

4. समिति अधिक और सामाजिक परिणाम से जरिए, हर दो वर्ष में, सप्ताहवार में अपनी परिष्कारित रिपोर्ट देज करेगी।

5. सम्पन्न होने में शामिल देज अपने परिष्कारित के लिए इन रिपोर्टों को व्यापक तरीके से उपलब्ध कराएंगे।

अनुच्छेद 45

इस सम्पन्न होने के प्रारंभिक कार्य-प्रक्रिया तथा इस क्षेत्र में जीवित-परामर्श सप्ताहवार की प्रेरणादायक करने के लिए-

(क) विवेकपूर्णता वाली सम्पन्न होने, मंगुल रात सप्ताहवार यात क्षेत्र और अन्य मंगुल रात सम्पन्न होने को ऐसे प्रारंभिक कार्य-प्रक्रिया के बारे में अपने परिष्कारित या अधिकार लोग जो इन सम्पन्न होने को लेगे या कार्य-क्षेत्र में आते हैं। सम्पन्न होने के ऐसे क्षेत्रों, जो विवेकपूर्णता सम्पन्न होने, मंगुल रात सप्ताहवार और सप्ताह सम्पन्न होने के कार्य-क्षेत्र में आते हैं, के कार्य-प्रक्रिया के बारे में विवेकपूर्णता-परामर्श के लिए समिति इन सम्पन्न होने को आमंत्रित कर सकती है। सम्पन्न होने के ऐसे क्षेत्रों, जो विवेकपूर्णता सम्पन्न होने,

संयुक्त राष्ट्र बाल शोध और अन्य स्वयं सहायता के कार्यक्रमों में जाते हैं, के ब्यक्तियुक्त के बारे में स्थिति इस संस्थाओं को अपने रिपोर्ट देने के लिए आग्रह कर सकती है।

(घ) अगर संघीयों में शामिल कोई देश कोई ऐसा रिपोर्ट प्रस्तुत करने है जिसमें तार्किकी उपपत्ति अथवा साक्ष्य के लिए प्रमाण की गई हो अथवा अव्यक्तता का संकेत दिख गया हो, तो संबंधित अगर संयुक्त राष्ट्र को इन आवेदनों और तथ्यों को अपने देशों तथा सुझावों सहित, धरि कोई हो, विशेष एजेंसियों, संयुक्त राष्ट्र बाल शोध और अन्य स्वयं सहायता के प्रस्तुत करेगा:

(ग) स्थिति संयुक्त राष्ट्र महासभा को यह सिफारिश कर सकती है कि वह महासभिय से यह अनुरोध करे कि वे महासभा की ओर से बच्चों के अधिकारों से जुड़े विविध विषयों पर अध्ययन कराए।

(घ) इस संघीयों के अनुच्छेद 44 और 45 के अंतर्गत सूचना के आधार पर स्थिति सुझाव दे सकती है या आम सिफारिश कर सकती है। ऐस सुझाव और आम सिफारिशें संघीयों में शामिल संस्था देश को भेजे जाएंगे और संघीयों में शामिल देश की टिप्पणियों के साथ, धरि कोई हो, महासभा को भेजे जाएंगे।

भाग 3

अनुच्छेद 46

इस संघीयों पर सभी देश कर्तव्य कर सकते।

अनुच्छेद 47

इस संघीयों की पूर्ण हो जानी है। पूर्ण हो प्रविष्टा संयुक्त राष्ट्र महासभिय के पास जमा की जाएगी।

अनुच्छेद 48

कोई भी देश इस संघीयों में शामिल हो सकता है। संघीयों में शामिल होने की प्रविष्टा संयुक्त राष्ट्र महासभिय के पास जमा की जाएगी।

अनुच्छेद 49

1. यह संघीय पूर्ण हो शामिल होने की तीसरी प्रविष्टा के संयुक्त राष्ट्र महासभिय को भेजे जाने की तिथि के तीसरे दिन से लागू हो जाएगा।

2. इस संघीयों की पूर्ण करने या अपने शामिल होने वाला कोई भी देश जिस तिथि को पूर्ण करने या शामिल होने की तीसरी प्रविष्टा संयुक्त राष्ट्र महासभिय के पास जमा कर देगा, उसके तीसरे दिन से उस देश में यह संघीय लागू हो जाएगा।

अनुच्छेद 50

1. संघीयों में शामिल देश किसी संशोधन का प्रस्ताव कर सकता है और इसे संयुक्त राष्ट्र महासभिय के पास दर्ज कर सकता है। ऐसा होने पर संयुक्त राष्ट्र महासभिय प्रस्तावित संशोधन की जनसहरी संघीयों में शामिल देशों को देने और इन देशों से यह बताने का आग्रह करेगा कि क्या वे चाहते हैं कि इन प्रस्तावों पर विचार और वास्तव के लिए संघीयों में शामिल देशों का सम्मेलन बुलाए जाने के पक्ष में है। अगर ऐसा सुझाव संघीयों में शामिल देशों को भेजे जाने के बार गतीने के अंदर कम से कम एक तिहाई सदस्य देश ऐसा सम्मेलन बुलाए जाने की राय देने तो महासभिय संयुक्त राष्ट्र के वास्तविक में ऐसा सम्मेलन आयोजित करेगा। सम्मेलन में उपस्थित और वोट दे रहे सदस्यों की बहुमत से धरि कोई भी संशोधन सदस्यों की लिए महासभा में प्रस्तुत किया जाएगा।

2. इस अनुच्छेद 1 में वर्णित प्रक्रिया के अनुसार पत्रित संशोधन संयुक्त राष्ट्र महासभा द्वारा स्वीकृत और सम्प्रति में शामिल देशों के दो तिहाई सार्वभौम द्वारा स्वीकृत होने पर लागू हो जाएगा।

3. अगर कोई संशोधन लागू हो जाता है तो इसे स्वीकृत करने वाले देशों के लिए वह बाध्यकारी होगा। अन्य देशों के लिए जब भी इस सम्प्रति और उसके द्वारा स्वीकृत अन्य पिछले संशोधनों के प्रावधान बाध्यकारी होंगे।

अनुच्छेद 51

1. सम्प्रति में शामिल देशों द्वारा इसकी पूर्ण अथवा इसे मानने के समय विभिन्न मुद्दों पर आपत्तियों को संयुक्त राष्ट्र महासचिव प्राप्त करेंगे और सभी सार्वभौम देशों को इसके बारे में।

2. इस सम्प्रति के उद्देश्य तथा तब से केवल नहीं रखने वाली अर्थात् की अनुप्राणी नहीं हो जायेगी।

3. संयुक्त राष्ट्र महासचिव को अधिमूचना प्राप्त करने के किसी भी समय आपत्तियों प्राप्त हो जा सकती है। इसके बाद महासचिव आपत्तियों प्राप्त होने की जानकारी सभी सार्वभौम देशों को देंगे। ऐसी अधिमूचना, महासचिव को प्राप्त होने की तिथि से प्रभावी होगी।

अनुच्छेद 52

सम्प्रति में शामिल कोई देश संयुक्त राष्ट्र महासचिव को लिखित अधिमूचना भेज कर इस सम्प्रति को अव्यक्त कर सकता है। ऐसी अधिमूचना महासचिव को प्राप्त होने की तिथि से एक वर्ष बाद तक अस्वीकृति प्रभावी हो जाती है।

अनुच्छेद 53

संयुक्त राष्ट्र महासचिव को इस सम्प्रति के दस्तावेजों और प्रक्रियाओं को रखने वाले अधिकारी (सहायक) नियुक्त किया गया है।

अनुच्छेद 54

इस सम्प्रति का मूल पाठ, जिसके अंग्रेजी, फ्रेंच, स्पेनी और रूसी पाठ भी उपरोक्त ही प्रामाणिक हैं, संयुक्त राष्ट्र महासचिव के पास रखा रहेगा।

प्रतिबद्ध प्रतिनिधियों ने, जो अर्थात्-अर्थात् सार्वभौम द्वारा विविध प्रतिकूल हैं, इस सम्प्रति के सही- स्वल्प इस पर प्रस्ताव किया है।

भारत की वचनबद्धता

राज्य विशेषकर से, अपनी नीति को इन उद्देश्यों की प्राप्ति के लिए निर्दिष्ट करेगा-

- कि बच्चों, युवकों और महिलाओं और युवावस्था के वर्गों के स्वास्थ्य और भ्रष्टाचार के साथ युवावस्था मटी हो और अधिक अवसरों के कारण कार्यरतों द्वारा ऐसे व्यवस्था करने को वचन नहीं किया जाए जो उनकी आयु अथवा भ्रष्टाचार के अनुकूल नहीं है।
- कि बच्चों को स्वस्थ तरीके और स्वाधीनता तथा परिस्थितियों में विकास करने के अवसर दिए जाएं और बचपन तथा जीवन को संरक्षण मिले तबकि उनका भेषण और नैतिक तथा शैक्षिक परिष्कार न होने पर।

भारत के संविधान के राज्य के नीति-निर्देशक सिद्धांतों

के अनुच्छेद 39 से उद्धृत

राष्ट्रीय बाल नीति

भारत सरकार

(22 अगस्त 1974 का संकल्प)

संख्या 1-14/74-सी सी सी- भारत सरकार ने बच्चों के कल्याण के लिए एक राष्ट्रीय नीति बनाने पर विचार किया। उचित विचार-विमर्श के बाद, निम्नलिखित नीति अपनाते का निर्णय लिया गया-

प्रस्तावना

1. राष्ट्र के बच्चे एक सर्वोच्च प्राथमिकता संरक्षित हैं। उनकी देखभाल और विकास करना हमारी ज़िम्मेदारी है। मानव संसाधन विकास के लिए हमारी राष्ट्रीय योजनाओं में बच्चों के कार्यक्रमों को प्रमुख स्थान मिलना चाहिए तबकि हमारे बच्चे पुष्ट शारीरिक बनें और शारीरिक रूप से स्वस्थ, मानसिक रूप से स्वस्थ और नैतिक रूप से स्वस्थ बनें। हमारा लक्ष्य यह होना चाहिए कि बचपन की अवधि में सभी बच्चों को विकास के समान अवसर मिलें क्योंकि इससे असाधजनता कम करने और सामाजिक न्याय सुनिश्चित करने का हमारा अत्यंत व्यापक उद्देश्य पूरा होगा।

2. बच्चों की अवसरताओं और उनके प्रति हमारे दायित्व संविधान में बतलाया है, संसार द्वारा परिचित राष्ट्रीय शिक्षा संकल्प बच्चों की शैक्षिक अवसरताओं के बारे में राज्य की नीति को निर्दिष्ट करता है। राष्ट्रीय संसाधनों के विभाजन और कुशल उपयोग से इन दस्तावेजों में बतलाया गया लक्ष्य प्राप्त किए जा सकते हैं। इन लक्ष्यों को ध्यान में रखते हुए भारत सरकार राष्ट्रीय बाल नीति के बारे में यह संकल्प परिचित करती है।

नीति और उपाय

3. बच्चों का पूर्ण शारीरिक, मानसिक और सामाजिक विकास सुनिश्चित करने के लिए, उन्हें जन्म से पूर्व और इसके बाद तथा बचपन की पूरी उम्र में पर्याप्त सेवाएं प्रदान करना राज्य की नीति होगी। राज्य ऐसी सेवाओं का कार्यक्रम निर्धारण करेगा तबकि सुनिश्चित अवधि में देश में सभी बच्चों को उनके संतुलित विकास के लिए सर्वोत्तम परिस्थितियाँ मिलें। इन उद्देश्यों की प्राप्ति के लिए विशेष रूप से, निम्न उपाय किए जाएंगे-

(i) सभी बच्चों को एक व्यापक स्वास्थ्य कार्यक्रम के तहत में लाया जाएगा।

(ii) बच्चों की शुरुआत में बचियाँ दूर करने के उद्देश्य से वैचारिक सहाय्य देने के लिए कार्यक्रम चलाए जाएंगे।

(iii) गर्भवती महिलाओं और सहायक करने वाली माताओं के अग्र स्वास्थ्य में सुधार, उनकी देखभाल, वैचारिक तथा उनके वैचारिक के बारे में शिक्षित करने के लिए कार्यक्रम चलाए जाएंगे।

(iv) राज्य 14 वर्ष की उम्र तक बच्चों को नि:शुल्क और अनिवार्य शिक्षा देने के लिए उचित उपकरण और राष्ट्रीय स्तरों की उपलब्धता के अनुसार इस कार्य के लिए सम्बन्धित कार्यक्रम चलाया जाएगा। स्कूलों में इस समय बच्चों की, खास तौर से लड़कियों और कमजोर वर्ग के बच्चों की, जो बाकायदा और उनके विद्यालय में जो टाइटल आ रहा है, उसे कम करने के विशेष प्रयास किए जाएंगे। ऐसे ही वर्गों के बच्चों को स्कूल जाना शुरू करने से पहले अवैधानिक शिक्षा देने का कार्यक्रम भी चलाया जाए।

(v) जो बच्चे औद्योगिक स्कूलों शिक्षा का पूरा लाभ उठा पाने की स्थिति में नहीं हैं, उनको बच्चावर्गों के अनुभव शिक्ष के अन्य तरीके उपलब्ध कराए जाने चाहिए।

(vi) स्कूलों, समुदायिक केंद्रों और ऐसी ही अन्य संस्थाओं में शारीरिक स्वास्थ्य शिक्षा, खेल और अन्य मनोरंजक तथा सांस्कृतिक और वैज्ञानिक गतिविधियों को बढ़ावा दिया जाएगा।

(vii) असमर्थों की सहायता सुनिश्चित करने के लिए कमजोर वर्गों जैसे अनुसूचित जातियों और जनजातियों के बच्चों और गर्भवती और शारीरिक रूप से कमजोर वर्गों के बच्चों को विशेष सहायता उपलब्ध कराई जाएगी।

(viii) विभिन्न सामाजिक परिस्थितियों वाले, अशक्त बच्चे, पिछड़ी बच्चों को बचपन और अन्य शैक्षणिकों में ही रहे बच्चों को शिक्षा, प्रशिक्षण और पुनर्वासन दिलवाए जाएंगे और उन्हें देख के लिए जासूसी शारीरिक बच्चे में मदद की जाएगी।

(ix) बच्चों को उन्नत, कृषि और शोषण से बचाने के लिए संरक्षित किया जाएगा।

(x) चौदह वर्ष से कम उम्र के बच्चों को शैक्षणिक वाले बच्चों में लगाने की इजाजत नहीं दी जाएगी, न ही उन्हें भारी काम करने दिया जाएगा।

(xi) शारीरिक रूप से विकलांग, शैक्षणिक रूप से उदात्त और शारीरिक बच्चों के विशेष उपचार, शिक्षा, पुनर्वासन और देखभाल की व्यवस्था की जाएगी।

(xii) विरासतियों और राष्ट्रीय अंतराओं के समय राहत साहाय्य देने में बच्चों को प्राथमिकता दी जाएगी।

(xiii) अल्प प्रविष्टकारी बच्चों, खास तौर से कमजोर वर्गों के ऐसे बच्चों, का पूरा लभाने, प्रोत्साहित करने और उनकी सहायता करने के लिए विशेष कार्यक्रम चलाए जाएंगे।

(xiv) बाल्यक बचपन में इस प्रकार स्वीकार किए जाएंगे ताकि सभी बचपन शिक्षकों में सही से माता-पिताओं के बीच ही अग्रतः संस्थाओं के बीच, बच्चों के हितों पर सार्वजनिक ध्यान दिया जाएगा।

(xv) बच्चों के लिए विभिन्न संस्थाओं के आवेदन में शैक्षणिक संस्थाओं को बचपन बचाने की शिक्षा में प्रयास किए जाएंगे ताकि सम्बन्धित परिवार, पंच-पक्षीय और समुदाय की सहायता में बच्चों को बचपन से ही पूर्ण शिक्षा हो सके।

कार्यक्रम बनाने की प्राथमिकता

4. विभिन्न क्षेत्रों में कार्यक्रम बनाने में, इन क्षेत्रों से संबंध कार्यक्रमों की प्राथमिकता को जल्दी -

- (क) बच्चों के स्वास्थ्य से संबंध क्षेत्रों की देखभाल और वेलाए स्वास्थ्य के उपयोक्तों को प्रोत्साहित करना,
- (ख) स्कूल जन्म प्रत्यक्ष करने से पहले बच्चों और शिक्षकों के प्रत्यक्ष के साथ-साथ गर्भवती महिलाओं और स्तन-पान करने वाली माताओं के प्रत्यक्ष के कार्यक्रम,
- (ग) अनाथ और विपन्न बच्चों की देखभाल, शिक्षा और प्रशिक्षण की व्यवस्था,
- (घ) कार्यकारी अनाथ बंधु माताओं के बच्चों की देखभाल के लिए बाल-गृह(केम्प) तथा अन्य सुविधाएँ, तथा
- (ङ) विधवाएँ बच्चों की देखभाल, शिक्षा, प्रशिक्षण और पुनर्वास की व्यवस्था।

राष्ट्रीय बाल बोर्ड का गठन

5. पिछले दो दशकों में हमने उपर्युक्त दिशाओं में महत्त्वपूर्ण प्रयास करने में सफलता प्राप्त की है। स्वास्थ्य, पोषण, शिक्षा और कल्याण गतिविधियों का उल्लेखनीय विस्तार हुआ है। जहाँ भी जीवन स्तर उन्नत हुआ है, उसमें अनाथ बाल से कुछ हद तक बच्चों की मूलभूत आवश्यकताएँ पूरी करने में सही विभिन्न सेवाओं का नियोजन, सर्वोत्तम और सम्भव हो सकें। ऐसा ही केन्द-विन्दु प्रणाली बनाने तथा विभिन्न स्तरों पर सभी आवश्यक सेवाओं का निरन्तर नियोजन, प्रवर्धन और सम्भव सुविधाएँ करने के लिए राष्ट्रीय बाल बोर्ड बनाना चाहिए। राज्य स्तर पर भी ऐसे ही विभिन्न बोर्ड बनाए जा सकते हैं।

स्वयंसेवी संगठनों की भूमिका

6. सरकार ऐसे प्रयास करेगी ताकि बाल कल्याण कार्यक्रमों के लिए पर्याप्त संसाधन प्राप्त हों और अनुसूचित क्षेत्रों में कार्य हों। इनमें स्वयं-सेवा बाल कल्याण के क्षेत्र में कार्यरत स्वयंसेवी संगठनों को, स्वयं या सरकारी सहायता से, शिक्षा, स्वास्थ्य, मनोरंजन और सामाजिक कल्याण सेवाओं के विकास का उत्तर मिलना चाहिए। भारत में स्वयंसेवी कार्य की परंपरा रही है। राज्य का प्रयास स्वयंसेवी कार्य को बढ़ावा देने और मजबूत बनाने का होना चाहिए ताकि राज्य के और स्वयंसेवी प्रयास एक-दूसरे के पूरक बन सकें। बाल कल्याण कार्यक्रमों को बढ़ावा देने तथा इनके विकास के लिए स्वयंसेवी संगठनों, स्वयंसेवी, कल्याणकारी तथा सामाजिक सेवाओं से संसाधनों का हर संभव इस्तेमाल किया जाएगा।

विधायी और प्रशासनिक प्रयास

7. इन उद्देश्यों की प्राप्ति के लिए राज्य आवश्यक विधायी तथा प्रशासनिक सहायता प्रदान करेगा। विस्तृत हो रहे कार्यक्रमों की जल्दगी पूरी करने तथा सेवाओं की कार्यक्षमता बढ़ाने के लिए अनुसंधान-कार्य तथा कार्यक्रमों के प्रशिक्षण को सुविधाओं का विकास किया जाएगा।

जनता की भागीदारी

8. भारत सरकार को विश्वास है कि बालक्यों में कार्य हों नीति को सफल के सभी वर्गों तथा बच्चों के लिए काम कर रहे सभी संगठनों का समर्थन और सहयोग मिलेगा। इन उद्देश्यों की प्राप्ति में अपनी भागीदारी निरूपण के लिए भारत सरकार अपने नागरिकों और स्वयंसेवी संगठनों का आग्रह भी करती है।

CHILDREN IN COURTS

Childhood is the most formative stage of a man's life and the maximum learning takes place during this period. Childhood is the time when a child should be either in home or school. However the hard reality of the life is that willingly or unwillingly many children come to courts. Sensitive and immature as children are, they are exposed to dangers of ill effects of the court atmosphere. United Nations have enumerated various rights of children and most of the member States have enacted legislations to give effect to the rights of children. In India, we have Juvenile Justice (Care and Protection of Children) Act, 2000. Prior to that we had Juvenile Justice Act, 1986 and even earlier most of the States had their own Children Acts. Juvenile Justice (Care and Protection of Children) Act, 2000 has made elaborate procedure how a child in conflict with law would be dealt with by Juvenile Justice Board and how child in need of care and protection would be dealt with by Child Welfare Committee. But children in conflict with law and children in need of care and protection do not constitute the whole lot of children who come in touch with courts and other law enforcing machineries. For example - a child witness is neither a child in conflict with law nor he is a child in need of care and protection. Similarly a child complainant of an offence and a child victim of sexual abuse do not come in category of the above-referred classes of children. How these children should be treated when they appear in a court of law is a question, which we are, must address very seriously. Children are quite delicate and frazil and in whatever capacity they come in contact with courts they must be protected and preserved so that they are saved from ill effects of court atmosphere.

SEXUALLY ABUSED CHILD IN A COURT:

As pointed out earlier a sexually abused child is neither a child in conflict with law nor a child in need of care and protection. As such he would neither be produced before a Juvenile Justice Board nor before Child Welfare Committee. He would be produced before an ordinary court as a witness and he will have to face the court atmosphere like any other ordinary person. Can anybody say that only a child in conflict with law or a child in need of care and protection need to be protected from court's atmosphere? Simply because a child is neither a child in conflict with law nor a child in need of care and protection, his need of not being exposed to ordinary criminal administration system is over. It is submitted that the law has taken care of children in conflict with law and those in need of care and protection but at the same time a large chunk of children have been left out and they keep on coming in contact with ordinary criminal justice delivery system and continue to get affected by the court's atmosphere. A legislation in this regard is desirable to regulate the procedure to be adopted whenever a child is produced before a court

of law laying down the norm which would be observed by the court. At present there is no such law and children particularly sexually abused children of both sexes are treated very badly by the employees of the court. Advocates and often even by Judges. These bad treatments affect the child very deeply and the scar on his psyche is made for the whole life. When a sexually abused child is produced as a witness, the counsel for defence ask a number of embarrassing questions which shake the child from within. The behaviour of court's staff and the prosecution machinery is also not very good and in most of the cases when the child leaves the court's premises he is badly shaken physically and psychologically.

A CHILD WITNESS:

If a child happens to have witnessed a crime he is produced as a child witness before the ordinary court of law. The testimony of a child witness is as good as of any other person, the only rider is that the courts require some amount of corroboration to believe the testimony of a child witness. Here we do not propose to discuss whether the testimony of a child witness should be accepted or not. What we are more concern is that how such a child witness should be dealt with in the court of law. Certainly, he also needs protection from the rocky and thorny atmosphere of the court. If the lawyers are allowed to put any type of question just in order to shake his credit, this type of questioning would certainly affect the psyche of child and in most of the cases he would feel humiliated and his self-esteem would go very low.

UNDERSTANDING

CHILD DEVELOPMENT

HOW HAPPINESS AFFECTS CHILDHOOD

ADJUSTMENT

- ❖ Happy children are normally healthy and energetic. Unhappiness saps their strength and energy and lowers their general physical well being.
- ❖ Happy children turn their energies into purposeful activities, while unhappy children dissipate their energies in brooding, daydreaming and self-pity.
- ❖ Happiness improves children's looks by giving them a cheerful expression. People react positively to cheerfulness and negatively to the "whipped-dog" expression characteristic of an unhappy child.
- ❖ Happiness supplies a strong motivation to do things, while unhappiness stifles motivation.

- ❖ Happy children accept frustrations more calmly and try to understand the reasons for frustrations. Unhappy children react with temper outbursts, and this militates against learning why frustrations exist.
- ❖ Happiness encourages social contacts and participation in social activities. Unhappiness encourages children to be withdrawn and self-oriented.
- ❖ With repetition, happiness becomes a habit. In the same way, unhappiness can develop into a habit.
- ❖ A happy childhood does not guarantee adult success, but it lays the foundation for success, while unhappiness lays the foundation for failure.

CHILD DEVELOPMENT

Developmental psychologists realize that an accurate picture of the developmental pattern is fundamental to an understanding of children. They also recognize that knowledge of what causes variations in development is essential to an understanding of each individual child.

Knowing what the developmental pattern has scientific as well as practical value. These values are:

First, knowledge of the pattern of human development helps developmental psychologists to know what to expect of children, at approximately what ages to expect different patterns of behaviour to appear, and when these patterns will normally be replaced by more mature patterns. This is important because if too much is expected at a given age, children are likely to develop feelings of inadequacy if they do not live up to the standards their parents and teachers set for them. If, on the other hand, too little is expected of them, they are deprived of incentives to develop their potentials. Equally serious, they often build up resentments toward those who underestimate their capacities.

Second, knowing what to expect enables to set up guidelines in the form of height-weight scales, age-weight scales, age-height scales, mental-age scales, and social or emotional development scales. Since the pattern of development for all normal children is approximately the same, it is then possible to evaluate each child in terms of the norm for that child's age. If development is typical, it means that the child is making normal adjustments to social expectations. Should, on the other hand, there be deviations from the normal pattern, this may be regarded as a danger signal of poor personal, emotional, or social adjustments. Steps can then be taken to discover the cause of the deviation and to remedy it. Should the deviation be the result of lack of opportunities to learn, for example, the child can then be given learning opportunities and encouragement to use these opportunities.

Third, since successful development requires guidance, knowing the developmental pattern enables parents teachers to guide the child's learning at appropriate times. A baby who is ready to learn to walk must be given opportunities to practice walking and encouragement to keep on trying

until the walking skill has been mastered. Lack of opportunity and encouragement may delay normal development.

Fourth, knowing what the normal developmental pattern is makes it possible for parents and teachers children ahead of time for the changes that will place in their bodies, their interests, or their behaviour.

PRINCIPLES OF DEVELOPMENT (as given by Harlock 1997)

1. Development Involves Change:

Many people use the terms "growth" and "development" interchangeably. In reality they are different, though they are inseparable; neither takes place alone. Growth refers to quantitative changes- increases in size and structure. Not only does the child become larger physically, but the size and structure of the internal organs and the brain increase. As a result of the growth of the brain, the child has a greater capacity for learning for remembering, and for reasoning. The child grows mentally as well as physically.

Development, by contrast, refers to qualitative and quantitative changes. It may be defined as a progressive series of orderly, coherent changes. "Progressive" signifies that the changes are directional, that they lead forward rather than backward. "Orderly" and "coherent" suggest that there is a definite relationship between the changes taking place and those that preceded or will follow them.

The goal of developmental changes is self-realization or the achievement of genetic potentials. This Maslow had labeled "self-actualization"- the striving to be the best person possible, both physically and mentally. It is urge to do what one is fitted to do.

2. Early Development Is More Critical Than Later Development:

Long before scientific studies of children were made, it was an accepted fact that the early years are critical in the child's development. This was expressed in the old Chinese proverb, "As the twig is bent, so the tree's inclined." In a more poetic way, Milton expressed the same fact when he wrote, "the children shows the man, as morning shows the day."

The first important scientific clue of the significance of the early years came from Freud's studies of personality maladjustment. Such maladjustments, Freud found, could be traced to unfavourable childhood experiences. More recent studies have substantiated Freud. From clinical studies of children from birth to maturity, Erikson has concluded that "childhood is the scene of man's beginning as man, the place where our particular virtues and vices slowly but clearly develop and makes themselves felt." He has further explained that babyhood is a time of "basic trust"- the individual learns to view the world as safe, reliable, and nurturing; or a time of "basic distrust"- the individual learns to view the world as full of threat, unpredictability, and treachery.

What the child will learn, Erikson explained, will depend on how parents gratify the child's needs for food, attention, and love. Once learned,

these attitudes will color the individual's perceptions of people and situations throughout life.

The histories of maladjusted children from preschool years into high school or college have revealed that most of them were so poorly adjusted as young children that they never belonged to any group or had many friends. In addition, many suffered from speech, academic, and enuretic difficulties and were regarded by their families as "problem" children. From studies of the life histories of delinquents, Glueck concluded that potential delinquents could be identified as early as two or three years of age by their antisocial behaviour.

3. Development Is the Product of Maturation and Learning:

One of the oldest controversies in the world of science concerns the relative importance of heredity and environment in determining the physical and mental characteristics of the development child. Despite wide scientific and practical interest in this problem, valid evidence is still far from adequate to solve it to every one's satisfaction.

No completely acceptable method has been found to isolate the influence of heredity from that of environment. There is always the possibility of psychological damage to the children used as subjects for scientific experimentation.

The evidence seems to indicate that the development of physical and mental traits comes partly from an intrinsic maturing of those traits and partly from exercise and effort on the part of the individual.

Intrinsic- Maturation- is the unfolding of characteristics potentially present in the individual that come from the individual's genetic endowment. In phylogenetic functions- functions common to the race- such as creeping crawling, sitting and walking.

Learning is development that comes from exercise and effort. Through learning, children acquire competence in using their hereditary resources. They must, however, have opportunities to learn. A child with superior neuromuscular organization, for example, may have a high aptitude for musical performance. But, if deprived of opportunities for practice and systematic training, the child will not develop this hereditary potential.

4. The developmental Pattern Is Predicable:

Every species, whether animal or human, follows a pattern of development peculiar to that species. In prenatal development there is a genetic sequence, with certians appearing at fixed intervals. The same orderly pattern is evident in postnatal development, though the individual rate of development may vary more in the postnatal period than in the prenatal.

Genetic studies of children over a period of years have demonstrated that behavioral development, too, follows a pattern and that this pattern is relatively little influenced by experience.

5. The Developmental Pattern has Predictable Characteristics:

Not only is the developmental pattern predictable but also it has certain common and predictable characteristics. This holds true for the pattern of mental, as well as, physical development.

Studies of development have shown that there are a number of predictable characteristics.

- (1) Similarity in Developmental Patterns
- (2) Development Proceeds from General to specific Responses.
- (3) Development Is Continuous.
- (4) Different Areas Develop at Different Rates.
- (5) There is Correlation in Development.

6. There Are Individual Differences in Development:

Although the pattern of development is similar for all children, all children follow the predictable pattern in their own way and at their own rate. Some children develop in a smooth, gradual, step-by-step fashion, while others move in spurts. Some show slight swing, while others show wide ones. All children do not, therefore, reach the same point of development at the same age.

7. There Are Periods in The Developmental Pattern:

Even though development is continuous, there is evidence that at different ages certain traits stand out more conspicuously than others because their development is taking place at a more rapid rate. It is possible, therefore, to mark off major periods, characterized by a specific kind of development, which overshadows all others. Owing to individual variations, the age limits for these periods can be only roughly predicted. Binou has suggested that the periods be marked off not by age but by biological events and changes in the individual's marked off not by age but by biological events and changes in the individual's behaviour.

The five major developmental periods in childhood begin with the moment of conception and end when the child becomes sexually mature.

Ages of equilibrium and disequilibrium during the early years of life. (Adapted from L.B. Ames and F.L.O. Ilg): The developmental point of view with special reference to the principle of reciprocal neuromotor interweaving.

Normal versus "Problem" Behaviour:

During every period of development, some normal patterns of behaviour are regarded as "problem" behaviour by parents, teachers, and other adults because they do not conform to adult standards. Young children, for example, who take things belonging to others or who tell "tall tales" have not yet reached a point in their mental development that enables them to understand the difference between "mine and thine" or between reality and the product of imagination.

These patterns of so-called "problem" behaviour arise because of the adjustments the child must make to new demands and new environmental conditions. The more demands and the greater the changes in the environment, the more adjustment problems the child will encounter. During phases of disequilibrium, a constellation of environmental pressures and biological changes affects the child's behaviour. At puberty, for example, social expectations to "act like an adult" coincide with the adjustments the child must make to the physical and physiological changes puberty gives rise to.

Parents and teachers often regard normal behaviour that interferes with the efficient running of the home or school as problem behaviour. When they do this, they are likely to develop in the child unfavourable attitudes towards them and toward the situation in which the behaviour occurs. The result is that many children then develop real problem behaviour, such as lying, sneakiness, or destructiveness, as a way of getting their revenge.

Most forms of real problem behaviour are normal for a younger age. Children may cling to immature behaviour because they have not learned to meet their needs in a more mature manner or because they derive less satisfaction from mature behaviour. Children who revert to infantile behaviour when they are jealous derive satisfaction from the attention their helplessness brings. If they persist in this pattern, it is symptomatic of some disturbance in their social relationships and may be regarded as true problem behaviour. Stealing for example will be tolerated in preschool children, but in a older child or adolescent it will be regarded as "delinquent" behaviour.

The fact that certain forms of behaviour are normal for certain ages does not make them acceptable. Nor does it mean that they should be tolerated without any effort to change them. If, for example, children have enough mother coordination to grab another child's toys, they have enough motor coordination to offer the other child one of their toys in exchange.

No form of problem behaviour should be overlooked on the grounds that it is "typical" and that children will "outgrow" it. They may, but the chances are just as great that they will not. Instead, behaviour that is not typically found at the child's age or maturity level is a danger signal of possible future trouble. As such, attempts should be made to remedy it before it has developed into a habitual method of adjustment.

8. There Are social Expectations for Every Developmental Period.

In every cultural group, experience has shown that people learn certain behaviour patterns and certain skills more easily and more successfully at some ages than at others. The group then comes to expect each individual to perform according to this timetable of development.

People of all ages are well aware of these "social expectations". Even young children know, from what people say to them and ask them to do, that certain things are expected of them. They soon realize, from the

approval or disapproval of their behaviour, that these social expectations largely determine the pattern of their learning.

9. Every Area of Development Has Potential Hazards:

Even when the developmental pattern is progressing normally, there are likely to be, at every age, hazards in some areas of development that interfere with this normal pattern. As Erikson has explained, "The struggles that inevitably characterize all growth can generate utterly reliable talents as well as intractable 'problems'.

Some of these hazards are environmental in origin while others originate from within. Regardless of their origin, hazards can and do affect the physical, psychological, and social adjustments the child is attempting to make. As a result, they change the developmental pattern by producing a plateau in which no forward movement occurs or they cause a regression to a lower stage. When this happens, the child encounters adjustment problems and is said to be "poorly adjusted" or "immature."

10. Happiness Varies at Different Periods in Development.

According to tradition, childhood is the happiest period of life. This tradition has been reinforced by another, that childhood should be a happy, carefree time to guarantee good adjustment to adult life. There is ample evidence today to show that neither of these beliefs is totally true and that, for many children, they are actually false.

Studies of childhood happiness have revealed that, for some children, childhood is happy age while, for others, it is an unhappy age. Retrospective reports by adults of happiness at different ages have produced similar results.

Some adults remember their childhood days as the happiest in their lives. On the other hand, retrospective reports of some adults have emphasized both that unhappy memories overshadow the happy and that they have no desire to return to childhood.

ESSENTIALS OF HAPPINESS

From the analysis of happiness and unhappiness at different times during the childhood years, three essentials stand out. They are often called the "three A's of happiness" and are acceptance, affection, and achievement.

Acceptance means not only acceptance by others but also acceptance of self. However, they normally go hand-in-hand. Children who are accepted by others find it easy to like and accept themselves. They thus become well-adjusted people who are popular with both age mates and adults.

Children who are accepted can count on affection—the second "A of happiness". The more accepted children are by others, the more affection they will receive from them. However, to receive affection, children must, in turn, show affection. Unless they do so, their acceptance by others will be reduced and, in turn, the amount of affection they receive from them.

The third "A of happiness" is achievement. For children to be happy, their achievement must be in an area regarded as important to the members of the social group with which they are identified. If, for example, being a good ball player is important to the group, the child who is regarded as a good ball player will be happy.

In addition, children's happiness depends on their reaching the goals they set for themselves. One of the biggest obstacles to happiness in childhood is the setting of unrealistically high goals. If children are encouraged by parents, teachers, or peers to do things they are not developmentally ready to do, they are bound to meet with failure. As a result, they become dissatisfied with themselves and feel that others regard them as failures. Only when goals are realistic in the sense that children have the capacity to reach them can they have the achievements that are essential to self-acceptance as well as acceptance by others.

Effects of Social Acceptance.

The kind of personal and social adjustments children make is greatly influenced by the extent to which their peers find them acceptable. Therefore the impact of social acceptance is great, though it is more important in some areas of development than in others.

In a culture where high value is placed on social acceptance and where parents, teachers, peers, and others use acceptance as index of social success, children come to evaluate themselves in these terms. They measure their success, or failure by the number of friends they have and by the security of their status in the group. This has a great impact on their self-concepts.

As was pointed out earlier, each year, as children grow older, their ability to perceive how others feel about them improves. They then have a better yardstick by which to evaluate themselves. This is back of much of the deterioration in the self-concept that occurs, as children grow older.

Because children who are well accepted have more opportunities for participation in peer-group activities, and more motivation to do so, than children who are not accepted.

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EFFECTS OF DETERIORATION IN FAMILY RELATIONSHIPS

Once poor relationships develop, they tend to persist and grow worse rather than better. This is partly because people develop the habit of reacting to one another in a frictional way and partly because there is less and less communication between them and, hence, less understanding.

Studies of the way mothers treat their children reveal that treatment during infancy is significantly related to later treatment. Changes usually occur in quantity of treatment rather than in quality; indulgent parents tend to become more indulgent, and rejective parents more rejective. Consequently, small frictions in early childhood are likely to become major disruptions in late childhood.

When children misinterpret parental behaviour and believe that their parents are rejecting them or love them less than they formerly did, they become anxious, insecure, and rebellious. Parents, not understanding what is behind this childish behaviour, feel unappreciated and rejected. In time, parents reject their children because of the mutual hostility that is generated. This vicious cycle may begin at any time, but it is most likely to begin early in childhood. At this time children find it difficult to understand the behaviour of others unless the reasons for their behaviour are spelled out in words children can comprehend. That is why, as was stressed earlier, democratic discipline which puts emphasis on telling children why their behaviour is wrong and why they are being punished for intentional misbehaviour is so superior to authoritarian discipline which ignores any explanation on the parent's part. Once misunderstandings begin, they are likely to gain momentum.

CONDITIONS AFFECTING EARLY FOUNDATIONS FAVORABLE INTERPERSONAL RELATIONSHIPS:

Favorable relationships with people, especially with family members, will encourage the child to develop outgoing tendencies and to become other oriented—a characteristic that leads to good personal and social adjustments.

EMOTIONAL STATES:

Emotional deprivation, resulting from rejection by family members or separation from parents, often leads to personality disorders. Emotional satisfaction by contrast, encourages healthy personality development.

CHILD TRAINING METHODS:

Children brought up by permissive parents tend, as they grow older to lack a sense of responsibility, to have poor emotional control, and to become underachievers in whatever they undertake. Those brought up by democratic or even slightly authoritarian parents make better personal and social adjustments.

EARLY ROLE-PLAYING:

The firstborn child, who is, for example, often expected to assume responsibilities in the home and to take care of younger children, may have greater self-confidence than later-born siblings but may also have a tendency to develop a lifelong habit of bossiness.

CHILDHOOD FAMILY STRUCTURE:

The child who comes a large family tends to become authoritarian in attitudes and behaviour, while coming from a divorced or separated family makes the child anxious, distrustful, and somewhat rigid.

ENVIRONMENTAL STIMULATION:

A stimulating environment is one encourages the development of the child's hereditary potentials. Talking to a baby or showing a preschooler pictures in story books encourages interest in learning words and a desire to learn to read. A stimulating environment encourages good physical and mental development, while an unstimulating environment causes the child's development to fall below its potential.

VALUES OF KNOWING THAT CHILDREN DEVELOP DIFFERENTLY DIFFERENT EXPECTATIONS:

All children of the same age cannot be expected to behave in the same way. A child who comes from a culturally deprived environment cannot be expected to learn to read as early as a child of the same ability whose parents put high value on education and encourage the child to be interested in reading.

BASIS OF INDIVIDUALITY:

The child who is different from members of the group provided the difference is not so great as to be conspicuous, will be interesting to other children and will be able to contribute something different to the group activities.

CHILD REARING MUST BE INDIVIDUALIZED

One child may respond favourably to authoritarian control because it gives a feeling of security while another child will respond with antagonism and resentment.

PREDICTION IS DIFFICULT:

Even when it is known how the average person reacts in a given situation, it is never possible to predict how a specific person will react. One person for example may find a joke "hilariously funny" while another person finds the same joke "boring" or "stupid".

FAMILY INFLUENCES:

Of all personality determinants, the family is the most important. There are a number of reasons why: the family is the first social group with which the child is identified, the child spends more time with the family group than with any other social group, family members are the most significant people in the child's life during the years when the foundations of personality are being laid, and the areas of family influence are broader than those of any other personality determinant, even the school.

The influence of the family on the developing personality depends to some extent upon the kind of child. A child who is nervous and tense, for example will be more upset by the attention given to a new baby in

the family than a child of a more phlegmatic disposition. Similarly, a healthy child will react very differently to parental over protectiveness and pampering than will a delicate, sickly child.

CONTRIBUTIONS OF THE FAMILY TO THE DEVELOPMENT OF CHILDREN

- Feelings of security from being a member of a stable group.
- People children can rely on to meet their needs- physical and psychological.
- Sources of affection and acceptance, regardless of what they do.
- Models of approved patterns of behaviour for learning to be social.
- Guidance in the development of socially approved patterns of behaviour.
- People they can turn to for help in solving the problems every child faces in adjustment to life.
- Guidance and help in learning skills-motor, verbal, and social- needed for adjustment.
- Stimulation of their abilities to achieve success in school and in social life.
- Aid in setting aspirations suited to their interests and abilities.
- Sources of companionship until old enough to find companions outside the home or when outside companionship is unavailable.

ACCORDING TO JOSSELYN (1996) THERE ARE EIGHT DIMENSIONS OF RELATIONSHIP

Eight Dimensions of Relatedness and the Metaphor of Space:

At birth, the cord that tied us prenatally to our mother is cut, and we are alone. We are thrust into separateness physically bound within the confines of our body, if we are women, we can contain another, in pregnancy, within our physical body space. But we can never again be physically joined to another. Relationship becomes the only means of overcoming the space between us.

There are many ways in which we reach through the space that separates us to make connections- ways that vary throughout life- and many motives that impel us to do so. Relatedness involves other people as objects of desire (as when we need someone to satisfy a particular need), but relatedness also serves as a context for the experience of the self.

The psychological and the physical are always metaphorically (and often linguistically) linked. Thus, when we feel deeply the experience of another, we say that we feel "touched."

There are eight primary ways in which we overcome the space between us. They involve, actually or metaphorically, a way of transcending space, of reaching through space (or being reached) and being in contact with each other. As each dimension emerges in the developmental history of the individual, each is concrete and basic. As development proceeds, each way of connecting becomes more symbolic, less physical and spatial, but no less

crucial. Each dimension of relatedness has its own channel, its own origin and course. Understanding each dimension univocally allows us to understand the confluence of the streams that create the character of relatedness in adult life.

1. *Holding* is the first interpersonal experience and represents security and a basic trust what is essential will be provided. In holding, we experience ourselves as contained by another; powerful arms keep us from falling. Throughout life, we need to feel held in developmentally more mature idioms, but we continue to need to be contained, bounded, and grounded in order to grow.

2. A bit later in earliest development, babies learn to discriminate their mothers from the other people around, making possible attachment to this one very particular other person. The innate propensity to attach to others structures some of the most fundamental processes throughout life, including the painful vulnerability to loss that is part of our human core. When we are attached, it is as though we were clinging to someone, holding on with our limbs, keeping close. Throughout life, we continue to form attachments (if we are fortunate), and these are often at the center of our existence.

3. From the beginning of life, basic biological drivers seek gratification. In infancy, the need to suck- The earliest form of libidinal life-forms a third configuration of interpersonal experience. Here, in the realm of passionate experience, others are objects of drive gratification. This pleasure-seeking orientation will organize experience in different ways and at different levels of intensity throughout the life course. Contacting other through our drives is the mode of passionate relating; overcoming separateness through sexual union or its symbolic expression. The pleasures of touch and the possibilities of uniting in boundaryless bliss are powerful means of transcending space.

4. In eye-to-eye relating, we overcome space though the communication of eye cannot, finding ourselves in the other's eyes, having a place in the other. In eye-to-eye validation, we connect by existing in and for someone else. As early in development as we become able to know an other as an Other, we begin to use the other as mirror to learn ourselves. What the infant first sees in the mother's eyes forms a core of the infant's sense of self- the beginning of a process that continues in more refined and complex ways throughout life.

5. After existing for a time in this world of Others, we begin to notice that some are bigger, stronger, and more able to do things than we are ourselves. When we idealize and identify with others, we reach up for them, try to climb through the distance that separates us; we try to be where they are as a way of expanding ourselves. *Idealization and identification* are ways of linking to powerful other and striving to become like them (or to control them).

6. As the person grows through childhood and the self matures and becomes more aware of others, the child eventually discovers the possibilities of engaging the self with others and becomes able to experience companionship, which is a form of mutuality. In mutuality, we stand side by side with someone moving in harmony, creating a bond that is the product of both people- an emergent we in the space between.

7. When we are embedded with others, we "fit in" like a piece of a jigsaw puzzle, we are comfortable in our role, our "place." It is not usually until adolescence that the concern with having a place in society becomes paramount. Yet younger children also important their sense of belonging to one group rather than another, differentiating themselves and at the same time experiencing communality. The experience is one of being part of, belonging- the dimension of embeddedness with others.

8. Finally, but all along, the developing person has been learning about taking care of other, offering the self to others needs, bridging the space through tending and care. In tending, we hold others, cradling them (actually or symbolically) in our arms.

The first four dimensions are primary: holding, attachment, passionate experience, and eye-to-eye validation. They are present either from the beginning of life (the need to be held and the need for drive gratification) or shortly thereafter (as in attachment and awareness of eye-to-eye response). The second four dimensions require cognitive maturation and may not develop until late childhood. Idealization and embeddedness require a concept and experience of the self, as well as the capacity to think about how one is positioned in regard to others. Mutuality and tending, also very much concerned with responsiveness to others, require development out of egocentrism and into a world of others.

Children need freedom to express their feelings, both positive and negative. Sharing a positive feelings- joy, pleasure, contentment- enriches the quality of family life, learning to express the negative emotions- anger, hatred, jealousy- in appropriate ways is just as important. These feelings seem so strong that people often like to push them aside, in themselves or their children. But feelings are real, and part of being human. Getting them out in the open furthers the individual's mental health and the family's ability to communicate well.

Feelings that can be expressed clearly are less likely to pop up unexpectedly in the form of tantrums, nail biting, or nightmares. When parents can accept the feelings, they can help the child to express them in a way that will not hurt himself or others. Also, by helping the child to be aware of his feeling, parents help him to state his needs. As parents we need to be clear with our children, letting them know what we expect and of them, and it is good for our children to do the same. This way we avoid much guessing and misinterpretation, and increase the chances for mutual understanding.

Positive feelings like happiness, contentment, joy, and serenity are good places to begin. Parents can help make children more aware of feelings good with comments like "You really enjoy playing with clay", or "Hearing that story really helped you to relax."

Often, children feel two ways about the same thing. Instead of saying, "What's the matter with you? Do you like your friend or hate him?" parents can respect the ambivalence. "Sometimes you like Pat and sometimes you don't. Sometimes you like him and hate him at the same time!" Ambivalence is normal; adults often feel it too.

Some feelings of children are hard to bear, like anger, hatred, jealousy, and fear, but they, too, need opportunity for expression. When these feelings are bottled up inside, they can fester and grow, to the detriment of a person's body and mind. Feelings that are allowed out in the open lose their sharp edge. Expressing feeling is not a luxury; it is essential to mental and physical health.

Adults can model the expression of feeling with statements like "I'm so relieved you got home safely, but I was furious you didn't call to say you'd be late", or "I enjoyed myself at the game today", or "I'm not in the mood for doing laundry right now". Doing this shows that it is appropriate to express feeling and demonstrates how to do so. Adults also help children by striking up conversations about feeling- the adult's or the child's- often. It is good to discuss feelings both when they are fresh and later, when the experience and the emotions can be reviewed and absorbed. For example: "You really had a terrible fight with your sister this morning about the lunch-boxes. Are you feeling better about it now?" or "It was nice to see you and Daddy going off fishing together last weekend. That was a very special time for you, wasn't it?"

For a long time, the right to feel pain and sadness seemed to be reserved for females only in our society. Girls and women felt more comfortable having certain feelings and expressing them. Boys and men knew that many expressions of feeling were taboo for them and kept their emotions inside and did not reveal them. Similarly, anger was reserved for boys and men to feel.

Today, times are changing and people are realizing that a wide range of feelings is an essential part of being human. Nonetheless, many adults still feel uncomfortable seeing a boy cry or are shocked to see an older girl get angry. It feels good to express positive and pleasurable feelings, and also to express anger, disappointment, or sadness, when this is done in appropriate ways. It feels good to get feelings out in the open. We need to be able to do this within our own families and with our friends. All of us, men and women, boys and girls, can find our feelings, give them form and expression, and learn to listen to the feelings of others.

At home and in school, attention often centers on what a child has done wrong, on what she needs to improve, on what her parents and teachers don't like about her personality or performance. The good side- What she is doing well, her strengths and positive qualities- is too often taken for granted.

When parents let their child know they see her as capable of being loving, responsible, competent, cooperative, and enjoyable, she will demonstrate these qualities more and more. When parents and teachers hold up a positive mirror to children, they will reflect back a positive self-image.

Many parents are in the habit of relying almost exclusively on words, rather than touch, to communicate good feelings to their children. Group members have remarked on a need in our society for families to open up more to the benefits of physical affection. Both verbal and nonverbal communications are necessary and that more can be done to emphasize physical closeness between parents and children. Hugs and kisses express love. Holding a child's hand, caressing her hair or forehead, leaning over to put a hand gently on her shoulder are gestures that create strong bonds and often

Speak louder than words. Sitting together for a moment with your arm around your child's shoulder adds warmth and closeness, and feels good.

Parents can add even more to the benefits of touching by telling their children how much they appreciate the physical affection shared between them. A father can say to his son, "Thanks for that wonderful hug. It made me feel so good."

Children of all ages, both boys and girls, need plenty of physical affection. Many parents still believe that it is for girls only to be affectionate and that boys over five or so longer need to give or receive too many hugs and kisses. In this way we direct boys away from their natural tender feelings. I encourage both fathers and mothers to be as affectionate with their sons as with their daughters, throughout their childhood. It is wonderful, too, when parents and their grown children are able to express closeness by touching. People of all ages need physical affection; it is an essential part of being human.

Some parents ask what to do when they attempt to hug or kiss a child and the child is not in the mood. Other parents have said that sometimes the reverse occurs- the children want to hug and kiss them and the parents don't feel like it. One mother said that her daughter would try to kiss her so many times in a row that the mother would say to her, sometimes quite nastily, "Cut that out already!"

If a child doesn't seem to be in the mood for physical affection at a certain moment, I would not force it on her. I would stop my attempts gently and without sarcasm. I would definitely continue to offer the child physical affection at other moments when she may be more receptive. I would also let her know how important it is to me to be able to touch her that it helps me to feel good and to feel close to her.

Childhood fears are a common and normal phenomenon. At times parents help by providing clarifying information, in other instances by simply accepting the fear without ridicule, while being reassuring and encouraging. This can be done with words or touch, or acted out in play.

Tomorrow we'll play together again. You visit your friends, and we need time for this too. The father could then give his son a nice reassuring hug. When parents are confident, children will adjust sooner. Most children will not cry for long.

Play is one of the most useful tools for facing fears. This boy's parents could act out the evening routine with him during the day, to help him practice the parents' leave-taking. Together, the boy and a parent could set up props to establish the scene that will be enacted. Parent and child can be the players (playing themselves, each other, or baby-sitter), or dolls can be used to represent them.

COMMON CAUSES OF DETERIORATION IN FAMILY RELATIONSHIPS

HUSBAND-WIFE RELATIONSHIPS

Should either husband or wife become disenchanted with the parental role, because of radical changes in their lives, which they had not anticipated, husband-wife friction develops. The disenchanted parent then becomes highly critical of the other parent and of the children. When both husband and wife become disenchanted, the frictional relationship will be intensified.

PARENT-CHILD RELATIONSHIPS

When children no longer need to depend so much on their parents as they did earlier and are no longer so demonstrative in their affection, consideration and respect, they often treat their parents in such a way that the parents feel rejected. Even when children are not critical and rebellious, their changed behaviour toward their parents cannot fail to contribute to deterioration in parent-child relationships. Parents add to this deterioration by being more critical and punitive in their attitudes and treatment of the children than they were when the children were younger.

SIBLING RELATIONSHIPS:

To older sibling who regarded a younger sibling as an "adorable doll" when the younger sibling was a baby may come to consider the younger sibling a brat when expected to act as an unpaid baby-sitter. The younger sibling, who formerly regarded the older sibling as an idol may find that the idol has lost some of its glamour when the older sibling is critical and refuses to play with the younger.

RELATIONSHIPS WITH RELATIVES

The doting grandmother who "spoiled" her grandchildren when they were babies may turn into a strict disciplinarian, as they grow older. As grow older, children often accept the cultural stereotypes of old people and of grandparents. They may then develop an antagonistic attitude toward grandparents and all elderly relatives.

CHANGES IN THE FAMILY PATTERN

Whenever there is a change in the accustomed pattern of family life, the homeostasis of the family life will be upset and trouble will ensue unless changes are made in their role playing by all family members. The arrival of a new baby in the home usually upsets all family members, as does the arrival of an elderly relative as a permanent member of the household.

JUVENILE JUSTICE AND LAW: A CRITICAL APPRAISAL

-Justice Allah Rahim¹

A Nation which is not concerned with the welfare of its children cannot look forward to a bright future². "Children are the natural resource of our country. They are country's future. Hope of tomorrow rests on them". Thus observed the Supreme Court in *State of Rajasthan v. Om Prakash*.³ Nation's concern for its children has been adequately expressed in the Directive Principles of State Policy, contained in Part IV of the Constitution. Article 39 of the Constitution provides *inter alia* that the State shall, in particular, direct its policy towards securing:

- (c) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
- (f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

It is noteworthy that the General Assembly of the United Nations adopted the Convention on the rights of the Child on 20th November, 1989. This Convention has prescribed a set of standards to be adhered to by all State Parties in securing the best interest of the Child. The Convention emphasizes social re-integration of Child victim, to the extent possible, without resorting to judicial procedure. The Government of India further demonstrated its commitment for its children by ratifying the Convention of Rights of the Child on 11th December, 1992.

The Point to ponder is who is a Juvenile Delinquent? "Any act prohibited by Law for Children up to a prescribed age limit is Juvenile Delinquency and it follows, therefore, that a Child found to have committed an act of Juvenile Delinquency by a court is a juvenile delinquent"⁴. The new Act treats the juvenile not as a criminal but as a person in need of correctional treatment. The Old Act defined 'Delinquent Juvenile' as the one who has been found to have committed an offence. The new Act gives almost a similar definition of "Juvenile in conflict with Law" as a Juvenile who is alleged to have committed an offence. The new Act makes special provisions for trial of Juvenile in conflict with Law. Stress is on the correctional aspect. The salient features of the new Act are:

- (a) That it does not discriminate between a girl and boy. It defines a Juvenile of child as a person who has not completed 18 years of age.

¹ The Then Director, J.T.R.I., U.P., Lucknow, now Judge, Allahabad High Court, Lucknow-Bench.

² *Manu v. State of U.P.*, AIR 1982 SC 806.

³ AIR 2002 SC 2233.

⁴ *Abstract Subjapan Criminology Problems and perspective*, Third Edition, Eastern Book Company (1993) 205.

- (b) The new Act has made provisions of two statutory bodies, i.e. juvenile in conflict with law, Juvenile Justice Board has been provided (Section 4 of the new Act). Provision of Child Welfare Committees has been made for children in need of care and protection (Section 29 of the New Act)
- (c) Sub-clause (e) of Clause (1) of Section 15 of the new Act makes provision for performance of community service by Juvenile in Conflict with law.
- (d) There is an emphasis on making rules to ensure effective linkages between various governmental, non-governmental, corporate and other community agencies for facilitating the rehabilitation and social reintegration of the Child (Section 45)
- (e) Provisions for adoption, foster care and sponsorship have also been made in the new Act (Section 41 to 43)
- (f) Under Section 44 of the new Act State Government may make rules for the establishment or recognition of after care organizations and the functions that may be performed by them. For the present, we shall focus on the provisions of Bail and related matters as given in the new Act.

There is no doubt that the new Act has been enacted with a laudable purpose. The Act cannot achieve its desired purpose and objective unless the provisions of the new Act are implemented in their letter and spirit. Implementation of the new Act depends much on the State. We are constrained to note that in Uttar Pradesh the implementation of the Act is still incomplete. Much is still to be done. Even Statutory bodies have not been constituted by the State. This aspect of the matter came up for consideration before the Allahabad High Court in *Sant Das alias Shiv Mohan Singh v. State of U.P.*⁷ The question for consideration before the High Court was whether their powers of Juvenile Courts could be exercised by the District and Sessions Judges under Section 6(2) of the Old Act. It was submitted before the High Court that the State Government has issued direction in letter No. 1297/60-1-98-1/16(2)/97 to all District Magistrates of U.P. authorizing them to get the powers of Section 6(2) of the Act Exercised by the concerned District and Sessions Judges and the said authorization was issued by virtue of powers conferred on State Government by Section 60 of the Old Act. The High Court found that the said letter cannot be said a delegation or direction. It is simply a letter issued by Secretary, Mahila and Bal Vikas Anubhag-1 to all District Magistrate of Uttar Pradesh that in the absence of constitution of Board they may get the powers of Board exercised by concerned District and Sessions Judge. The letter was not addressed either to the Sessions Judge or to the Registrar of this Court. It cannot be interpreted as delegation of the power conferred on the State Government. Moreover, above letter was also not issued with the concurrence of the High Court and therefore, is not applicable to District and Sessions Judges. Moreover, it also does not confer any power of

⁷ 2002 J.C. 499 (Allahabad)

the Board upon District and Sessions Judge. It is simply a direction to the District Magistrates and not more than it". It thus clear that State Government had not constituted Juvenile Welfare Board under Section 4 of the Old Act. A corresponding body namely Juvenile Justice Board has also not been constituted under Section 4 of the New Act. An observation to this effect was made in Sant Das case (Supra) by the High Court. The Court observed that it was not disputed by the Government Advocate that Juvenile Justice Board has not been constituted in any of the Districts of Uttar Pradesh.

BAIL TO JUVENILE

In the absence of Juvenile Justice Boards problems are being faced in disposal of the bail applications of Juvenile in Conflict with Law Grant of Bail to a Juvenile in Conflict with Law in the rule while rejection of the same is an exception. Section 12 of the New Act has made three stipulations when bail can be refused to a juvenile in conflict with law. A juvenile shall not be released on bail:

- (1) If there are reasonable grounds for believing that the release is likely to bring him into association with any known criminal or
- (2) Expose him to moral, physical or psychological danger or
- (3) That his release would defeat the ends of justice.

While disposing off a bail application of a juvenile the court must record a finding on the above aspects if it is of the view that bail is to be refused to the juvenile. Cogent reasons should be given for refusing bail to the juvenile on any of the grounds mentioned above.

DETERMINATION OF JUVENILE'S AGE

Both the Old and New Acts use the same language regarding the appearance of the Juvenile. The relevant provisions in both the Acts are as follows, "when any person accused of bailable or non-bailable offence, and *apparently a juvenile* is arrested or detained or appears or is brought before a

.....

This point (determination of age of the juvenile) got the attention of the Apex Court in *Arnit Das v. State of Bihar*⁶. This was a case under the Old Act. The question before the Supreme Court was whether the age of the juvenile is to be determined by reference to the date of appearance of the person before the competent authority or the date when the person was brought before such authority and not by reference to the date of commission of the offence by such person. The Supreme Court held that the scheme of the Act contemplates its applicability coming into play only when the person may appear or be brought before the competent authority. A police officer or a Magistrate who is not empowered to act or cannot act as a competent authority has to merely form an opinion guided by the apparent age of the person and in the event of forming an opinion that he is a juvenile, he has to forward him to the competent authority at the earliest subject to arrangements for keeping in custody and safety of the person having been made for the duration of time

⁶ (2000) 5 SCC 488

to the age of that person for determining the same by reference to the date of the appearance of the person before it or by reference to the date when the person was brought before it under any of the provisions of the Act. The use of the word "is" at two places in sub-section (1) of Section 32 of the Act read in conjunction with "a person brought before it" also suggests that the competent authority is required to record the finding by reference to an event in praesenti before it. The procedure prescribed by the provisions of the Act has to be adopted only when the competent authority finds the person brought before it or appearing before it to be under 16 years of age if a boy and under 18 years of age if a girl on the date of being so brought or such appearance first before the competent authority. **The date of the commission of offence is irrelevant for finding out whether the person is a juvenile within the meaning of clause (h) of Section 2 of the Act.** If that would have been the intention of Parliament, nothing had prevented it from saying so specifically. Section 2 which defines "juvenile" and "neglected juvenile" itself begins by saying that the words defined therein would have the assigned meaning "unless the context otherwise requires". So far as the present context is concerned it is clear that the crucial date for determining the question whether a person is a juvenile is the date when he is brought before the competent authority.

It must be proved by reliable legal evidence that the accused is a juvenile. Entry in school register cannot be accepted as positive proof regarding date of birth of the accused. Laying the law in **Ram Deo Chauhan alias Raj Nath Chauhan v. State of Assam**,⁷ the Supreme Court had this to say:

"It is not disputed that the Register of Admission of students relied upon by the defence is not maintained under any statutory requirement. The author of the Register has also not been examined. The register is not paged at all. Column No of the register deals with "age at the time of admission". Entries 1 to 45 mention the age of the students in terms of the years, months and days. Entry No. 1 is dated 25th January, 1988 whereas Entry no. 45 is dated 31st March, 1989. Thereafter except for Entry no. 45, the page is totally blank and entries are made w.e.f. 5.1.1990, apparently by one person up to Entry No. 32. All entries are dated 5.1.1990. The other entries made on various dates appear to have been made by one person though in different inks. Entries for the year 1990 are up to the Entry No. 64 whereafter entries of 1991 are made again apparently by the same person. Entry 36 relates to Rajnath Chauhan, son of Firato Chauhan. In all the entries except Entry no. 32, after 5.1.1990, in column no. 12, instead of age some date is mentioned which, according to the defence, is the date of birth of the student concerned. In Entry 32, the age of the concerned student has been recorded. In column no. 12, again in the entries

⁷ 2001 Cr LJ 2902 (Supreme Court)

with effect from 9.1.1992, the ages of the students are mentioned and not their dates of birth. The manner in which the register has been maintained does not inspire confidence of the Court to put any reliance on it. Learned defence counsel has also not referred to any provision of law for accepting its authenticity in terms of Section 35 of Evidence Act. The entries made in such a register cannot be taken as a proof of age of the accused for any purpose."

If two views may be possible on the evidence adduced on behalf of the accused in support of plea that he was a juvenile, the Court should lean in favour of holding the accused to be a juvenile in borderline case. This view was expressed by the Supreme Court in *Rajinder Chandra v. State of Chhatisgarh*⁹.

It has been ruled by the Supreme Court in *Shiv Shanker v. State of U.P.*¹⁰ that provisions of the U.P. Children Act and the Juvenile Justice Act, 1986 would apply only if the accused conclusively establishes the fact that he was a juvenile on the date of the occurrence. It was also indicated that it will be better if such a plea is taken before the forums below, so that, an enquiry could have been made regarding the date of birth of the accused claiming himself to be a juvenile on the date of occurrence.

In *Kali Prasad Patwa v. State of U.P.*¹¹ the juveniles were challaned under section 326/498-A, 304-B, IPC and Section 3 of the Dowry Prohibition Act. According to the school leaving certificate of one of the juveniles his date of birth was 10.10. 1988 and the date of birth of other juvenile was 1.9.1985. Thus, the first juvenile was 13 years of age while the second juvenile was 16 years of age. They were subjected to medical examination also and in radiological examination their age were ascertained as 16 and 17 years respectively. The Trial Court refused to hold the accused persons juveniles. The High Court held that repeal of the old Act of 1986 was not brought to the notice of the Trial Court and definition of juvenile under the New Act covers persons below 18 years of age. The Court further held that it is little harsh that the Trial Court has not accepted their certificates and had placed reliance merely upon their medical examination report. The Trial Court ought not to have given much weightage to the medical opinion alone to refuse them the benefit of this progressive legislation.

APEALS

The new Act contains provision of appeal against any order made by a competent authority under the Act. Section 52 of the New Act provides that any person aggrieved by order made by a Competent Authority under this Act may, within 30 days from the date of such orders prefer an appeal to the Court of Session. However, no appeal shall lie from any order of acquittal made by the Juvenile Justice Board in respect of a Juvenile, alleged to have committed an offence or by an order given by a committee in respect of a finding that a

⁹ 2002(2) SCC 287

¹⁰ (2002) 10 Supreme Court Cases 472

¹¹ 2002 (44) ACC 840 (Allahabad)

person is not a neglected juvenile. An order of competent authority declaring a person juvenile or otherwise is appealable. Similarly, an order refusing bail to a juvenile under Section 12 of the New Act is also appealable. As discussed above, Juvenile Justice Boards have not been constituted in U.P. The question is where is the competent authority? The matter came up for consideration before the Allahabad High Court in *Mohd Amir v. State of U.P.*¹¹ The High Court formulated the following points for its consideration:

"..... in the absence of creation of Juvenile Justice Board, the question is as who should consider the bail application and record a finding that the applicants are 'Juvenile In Conflict with Law' and whether the application can be entertained directly by the High Court?"

The High Court took shelter of Clause (1) of Section 4 of the Cr.P.C. which provides as under:

" All offences under the Indian Penal Code (45 of 1860) shall be investigated, enquired into, tried and otherwise dealt with according to the provisions hereinafter contained."

The High Court opined that till the Board is constituted under Section 4 of the New Act bail application of a juvenile can be entertained and decided in accordance with the above provisions of the Code. Finding a solution to the problem the judge held that in absence of the constitution of the Board, the Juvenile may move application for bail before the Magistrate having jurisdiction under Section 437 of the Cr.P.C. and in case the same is rejected they may move application for bail under Section 439 of the Cr.P.C. before the Sessions Judge and also before the High Court. This view has been followed in the case of *Sant Das* (Supra).

As, a judge has found a solution of the problem. But the basic question is still to be answered. A juvenile whose bail application has been rejected cannot avail of the remedy of appeal under Section 52 of the new Act. Can a Magistrate exercising his power of grant of bail under Section 437 of the Cr.P.C. be termed as 'competent authority' under section 52 of the New Act? The answer may be in the negative because 'competent authority' mentioned under Section 52 of the New Act has not been constituted under Section 4 of the Act. Non-constitution of the Juvenile Justice Board has brought the trial of the Juveniles to a halt. Its affect is that juveniles who have refused bail will remain detained in observation homes or special homes waiting for their trial to commence. This may result in detention of the juvenile in these homes for longer periods.

The High Court has solved the problem where the Juvenile in conflict with law, is challaned under any of the provisions of the Indian Penal Code. **What happens if the Juvenile is challaned under the NDPS Act, Excise Act, Arms Act etc? I am afraid, the law laid down in Mohd. Amir's case (Supra) will not come to the rescue of such a juvenile.**

¹¹ 2002 (2) BC 317 (AP)

Thus, inaction on the part of the State will add to the misery of the Juveniles. They will be detained in observation homes or special homes for long durations because the state has not constituted Juvenile Justice Boards. It is, therefore, expected that the State shall discharge its statutory obligations without further delay. Unless these statutory boddies are constituted the provisions of New Act cannot be implemented in their letter and spirit.

In Uttar Pradesh rules have not been framed by the State under Section 68 of the new Act. In the absence of rules, the Juvenile Justice Board, even if constituted, will not be able to discharge its functions properly.

DISPENSING JUSTICE FOR JUVENILES THROUGH JUVENILE JUSTICE BOARD UNDER JUVENILE JUSTICE (CARE & PROTECTION OF CHILDREN) ACT, 2000

- Prof. Balraj Chauhan⁴

The Juvenile Justice System is the product of a historical and philosophical movement of substantial importance in 20th Century. Juvenile Justice is an umbrella term, variously used to refer to a novel jurisprudential approach to young miscreants; to the Juvenile Court the institutional linchpin of this innovation; and to a stream of affiliated institutions that carry responsibilities for control and rehabilitation of the young including police, the juvenile court itself, its auxiliary staff, prosecuting and defence Attorneys, juvenile detention centres and juvenile correctional facilities. From the day when the first legislation was passed, the institution of juvenile justice has spread in some form in all jurisdictions in our country⁵. All efforts were made, at least through legislation, to provide care, protection, treatment, development and rehabilitation of children because it was realized that the children are most venerable group in any population and in need of greatest care and protection. I have no hesitation in saying that the Juvenile Justice in our country gained momentum only after the decision of the Hon'ble Supreme Court in *Sheela Barse v. Union of India*⁶.

In this paper an attempt is made to highlight the responsibilities of the Juvenile Justice Board⁷. Therefore at this place it is necessary to understand the concept of justice and juvenile justice. The term "justice" in the strictly legal sense refers the quality of being or doing what is just i.e. right in law and equity. In its operational sense, the term "justice" is used in two senses: as representing, on the one hand, the faithful realization of the existing law as against any arbitrary infraction of it, and as representing on the other, the ideal element in all law - the 'idea' which the law tends to sub serve⁸. Justice as a goal of law is thus philosophical idea, which is capable of various formulations. In the legal arena, justice is at least theoretically supposed to proceed according to the precepts of positive law wherein justice practice is dominated by the conception of "justice according to law".

By virtue of having a separate nomenclature and the differential character, the concept of juvenile justice is vastly different from the concept of criminal justice. Whilst the concept criminal justice, inter-alia entails the principle of strict legality in regard to its approach and philosophy towards the law violational conduct, the concept of juvenile justice largely shuns the stark

⁴ Director, Ram Manohar Lohia National Law University, Lucknow

⁵ First legislation which was enacted in our country regarding Juvenile Justice was the Apprentice Act, 1850

⁶ The first special law dealing with delinquency on all India basis was the Reformatory School Act, 1876. After independence, Article 15(3) 21 A, 24, 29(1), 30(1), 44 of the Constitution created new rights for children. State Children Act, Central Children Act, 1960 and Juvenile Justice Act, 1986 were passed. In 2000 Parliament enacted Juvenile Justice Act, 2000 hereinafter mentioned as JJ Act, 2000 replacing JJ Act, 1986

⁷ AIR 1986 SC 1773

⁸ Edwin R.S. Saligman and Alvin Johnson, *Encyclopedia of social Sciences* Vol. 7, New York, Macmillan, 1949 P. 21

legality in its preference to emphasizing the well-being of the juveniles despite the fact of their being in conflict with the law.

Thus, the juvenile justice approach, unlike the ordinary criminal justice approach, accords high priority to reducing the need for legal interventions, so as to avoid in children's cases the devastating ill-effects of criminalization, penalization and stigmatization. The purpose of this differential justice basically is to save children from ordinary criminal court games, wherein the punitive considerations of just desert philosophy prevail over protective considerations of compassionate corrections. Viewed in this context, the juvenile justice is more of a philosophy than a mere justice system for children in conflict with the law. The concept of juvenile justice as a philosophy envisages a comprehensive approach towards dealing with the problems of delinquent children and those vulnerable to delinquency through care, protection, treatment, rehabilitation, social integration etc. In the case of juveniles the concept of justice notionally has two dimensions: justice before the onset of delinquency and justice after onset of delinquency. The concept of justice before the onset of delinquency, observed the "Sixth United Nations Congress on Prevention of Crime and Treatment of Offenders", hardly ever has legal connotation. It is essentially the notion of social and ethical justice. This involves devolution and, even imposition of social responsibilities on the child whilst at the sometime demonstrating societal concern for him⁹. The concept of after the onset of delinquency, the congress said, "is formally intervenist. It involves the elements of protective intervention both in the sense of the child and in the sense of society." The concept of justice often results in a conflict of goals. I think it is because of this reason section 4 (3) of J.J. Act, 2000 provides, "No Magistrate shall be appointed ..." It may not be far from truth to suggest that common people continue to perceive judiciary at the trial courts level more as "dispute adjudicators" than officers vested with the human rights protection, or justice in a broader sense. While it may be difficult to find out as to why such popular perception continue, it may be necessary to recognize that even Judges at the trial courts level themselves have a tendency to perceive that their role in protection of human right is rather limited. It appears to me that the intention of legislature in changing the name from juvenile justice court (J.J. Act, 1986) to Juvenile Justice Board (J.J. Act, 2000) would have to empower the Principal Magistrate and the members of the bench so that they may provide justice to the children in conflict with law in broader sense. It will be necessary for the bench including the Principal Magistrate to understand the functions of the juvenile justice system. The juvenile justice system is one of a number of institutions which society has devised and developed for the purpose of socializing and controlling children¹⁰. It is concerned both with protecting society and serving the best interests of the child, while at the same time meeting the child's needs and protecting his rights. The juvenile justice system thus performs the welfare-cum-criminal justice functions. From the preamble of J.J. Act, 2000 it becomes evident that Juvenile Justice Board should strive to

9 Report of the Sixth United Nations Congress on the Prevention of Crime and Treatment of Offenders Caracas, Venezuela 25th August - 5th September, 1980 P. 41

10 Phyllida Perrow, *Juvenile Justice in Britain and the United States: the balance of Needs and Resources*, London Routledge and Kegan Paul, 1978 P. 3

safeguard rights of child not only provided under this Act but also as per the U.N. Declaration of the rights of the child and should function to achieve explicit social goals such as the provision of minimum standards of childcare. In other words Principal Magistrate and members are expected to familiarize with International Human Rights Law.¹¹

The enactment and enforcement of the J.J. Act, 2000 professedly marked the beginning of a comprehensive justice policy for juveniles, providing for proper care, protection and treatment by catering to their developmental needs and by adopting a child friendly approach in the adjudication and disposition of matters in the best interests of the children and for their ultimate rehabilitation through various institutions established under this enactment. It, in a sense, posed a challenge for the country and provided an excellent opportunity to fulfil the nation's constitutional obligations towards all such children who on account of their own doings, or on account of the doings of others, willingly or unwillingly came into conflict with law. Where there is a conflict in J.J. Act and other law the provisions of the J.J. Act shall prevail. The Supreme Court of India in *Raghubir v. State of Haryana*¹² observed that Children Act was to prevail over Section 27 of Cr.P.C. Even a child accused of an offence punishable with death or life imprisonment could not be tried by ordinary criminal court. In *Daljit Singh v. State of Punjab*¹³ it was observed that J.J. Act is a complete code in itself and has sweeping overriding effect on any other enactment. Therefore, Juvenile Justice Board is having enormous powers to decide a case in the best interest of the child.

Although the J.J. Act, 2000 was enacted in the year 2000 by the Parliament and it was notified on 1st April, 2001 but I have been told that the State Government has not framed the rules so far. These appear to be confusion throughout state as far as the implementation of the provisions of this Act is concerned. Sometimes model rules are applied while at the other time they are ignored. Even the High Court of Allahabad confronted this problem in the case of *Sant Das alias Shiv Mohan Singh v. State of U.P. & Others*¹⁴ Section 2(k) of the J.J. Act, 2000 defines juvenile or child as a person who has not completed eighteenth year of age. The question in this case was that in the absence of constitution of Juvenile Justice Board which authority should exercise the powers of the Board. Hon'ble Justice U.S. Tripathi observed, "it is not disputed that Juvenile Justice Board has not been constituted in any district specially in the district Fatehpur. Therefore, in the absence of any Board, the power of Magistrate under Cr.P.C. can be exercised and the applicant may move bail application before the Magistrate concerned under Section 437 Cr.P.C. taking plea of juvenile and in case it is rejected he may move application under section 439 of Cr.P.C. before Sessions Judge and High Court in which plea of juvenile may be raised." I think that in this case petition was finally dismissed but justice was not done. According to Section 7 of the J.J. Act, 2000 any

11 Important provisions are, Art. 14(4) of International Covenant on civil and Political Rights, Art. 23(1), 29, 40(1) of U.N. Convention on the rights of the child, Principle 5.1, 6.3, 16.1, 17.1, 18.1, 19.1 of U.N. Standard Minimum Rules for the Administration of Juvenile Justice

12 (1981) 4 SCC 210

13 1992 Cr.L.J. (P. & H.)

14 2002 (45)ACC 1157

Magistrate not empowered to exercise the powers of a Board under this Act is not having any legal authority to pass any order against a juvenile or child. Even the Supreme Court in different judgements¹⁵ has shown its concern for the disposal of cases according to the provisions of the children Act. Inspite of the concern shown by the Supreme Court and J.J. Act Judges and Magistrates dealing with juveniles could not understand the need of providing care and different treatment to the juveniles. They deal with them as an ordinary law breaker and they did not only tried them along with adult and hardened criminals but also sent them to jail. In this case no discussion was made on Section 12 of the J.J. Act, 2000 which provides bail as a right to the juvenile or child. Even no directions were issued for the Government to constitute Juvenile Justice Board when the State Government direction through letter no. 1297/60-1-98-1/16(2)/97 was not considered as delegation of the power conferred by the State Government.

Again in *Virendra Kumar Mali etc. v. State of U.P.*¹⁶ revisionists there declared juvenile by order passed by the C.I.M. This fact was confirmed by the Sessions Judge in his judgment but rejected the bail application. The High Court observed, "The Session Judge, Sonbhadra has probably lost sight of the provisions of the Act and ignored the directions issued by this court passed in the aforesaid revisions. He has mentioned the ground of refusal of bail to be the gravity of offence, which is none of the grounds mentioned in Section 12 of the J.J. Act, 2000. It appears from this order that the Sessions Judge, Sonbhadra was bent upon to refuse the bail without caring for the law on this point. Section 12 of this Act provides that the juvenile offender shall be released on bail but the exception would be that he shall not be released if there appears reasonable grounds for believing that the release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice." The Hon'ble High Court further observed, "the order of the Session Judge nowhere shows that anyone of the grounds for refusing bail existed. Under these circumstances the refusal of the bail was not only unjustified but illegal and against the intention of the Act. The Sessions Judge while exercising the powers of a Sessions Judge must know that the orders of the superior court have got to be complied with and while discharging his duties as such he should not be swayed away by his whims but keep in mind intention of the legislature." Similar concern was shown by the Hon'ble High Court when it corrected the mistake done by the juvenile court¹⁷. After quoting section 18 of the J.J. Act, 1986 the High Court observed that perusal of the aforesaid section indicated that it was mandatory to release the juvenile on bail. The only restrictions imposed on the release of the juvenile offender on bail are: (i) if there appears reasonable ground to believe that release is likely to bring him into association with any known criminal, or (ii) expose him to any moral danger, or (iii) that his release would defeat the ends of justice. The lower

¹⁵ *Murari Ali and Others v. State of U.P.*, AIR 1982 SC 808. Similar concern was shown in *Jayendra and Others v. State of U.P.*, 1982 Cr.L.J. 1000, *Umesh Chandra v. State of Rajasthan*, 1982 Cr.L.J. 994, *Gopi Nath Ghosh v. the State of West Bengal*, AIR 1984 SC 237

¹⁶ 2003 Cr.L.J. 4619

¹⁷ Reported in the *Pioneer* on 22.10.1992 under the heading of important cases by High Court Orissa.

courts have not brought the case of petitioner within clauses (ii) and (iii) mentioned above. Only this much was said that he may join the company of criminals. Only registration of the case under Section 399/402, IPC. On the same date of recovery against petitioner was not sufficient ground for coming to conclusion that petitioner was likely to come into contact with or association of any known criminal. The word 'known' has not been used by the Parliament in the Section 18 of J.J. Act, 1986 (Section 12 under J.J. Act, 2000) without purpose. By the use of the word 'known' the legislature requires that the court must know the full particulars of the criminals with whom the delinquent is likely to come in association. The court also remarked that even the procedure mentioned in section 19 of J.J. Act, 1986 (Section 13 of the J.J. Act, 2000) was not followed. The parent or guardian or probation officer was not informed about the juvenile's arrest. Considering the circumstances the Judge of the High Court remarked, "I find that the appellate court as well as Juvenile Magistrate had erred in not releasing the Juvenile on Bail."

From the perusal of the J.J. Act, 1986 and J.J. Act, 2000, it is evident that options are with the juvenile Court/Board to decide a case in the best interest of the child. In the above cases the petitioners were able to reach up to High Court but large number of juvenile delinquents come from the poor families and for then the decision of the Juvenile Court/Board becomes the fate. In fact the goal of disposition is to prescribe a treatment appropriate for the juvenile offender and not to impose a punishment that fitted the crime. The J.J. Act, 2000¹⁸ provides this opportunity to Juvenile Justice Board to deal with juvenile offender effectively. Once the guilt of the juvenile has been proved, disposition options are the primary tools by which Juvenile Justice Board responds to the problems and needs of children in trouble. Disposition denotes the outcome of the decisions made by Juvenile Justice Court/Board about the future status of the youths referred to them'. It ranges from dismissal to commitment to an institution. The legal and philosophical under-pinnings of disposition decision are found in two doctrines: PARENS PATRIAE AND INDIVIDUALIZED TREATMENT, both of which uniquely characterize the Juvenile Justice Board and Juvenile Welfare Committee. The Parens Patriae doctrine allows the Board to conduct proceedings principally to determine what should be done in the best interest of the child, not as a trial to determine criminal guilt and sentence¹⁹. This doctrine minimizes the distinction between the child in conflict with law and child in need of care and protection and also enables the Board and Welfare Committee to intervene in the lives of youths who may not be guilty of any offence²⁰. The individualized treatments view the disposition decision inherently rehabilitative²¹. It seeks to prescribe a treatment programme filling the needs, personality, psychological developments and social circumstances of the individual youth. From these two perspectives delinquent acts of juveniles are considered merely as symptoms of personal pathology rather than as justification for the disposition decision. Consequently

¹⁸ Sections 14, 15 and 16

¹⁹ Sections 13, 16 of U. Act, 2000 are based on this doctrine.

²⁰ Sections 29,32,33 and 41 of the J.J. Act, 2000

21 Preamble of the J.J. Act, 2000 states, " for their ultimate rehabilitation through various institutions

disposition can be made during any phase of court processes and is not contingent upon the result of a formal hearing²².

The combined effect these two doctrines invest the *Juvenile Justice Board* with considerable discretion, which is also reflected in the provisions²³ of the Act, in handling delinquent juveniles. The distinguishing features of the *Juvenile Justice Board*²⁴ are: -

1. *Juvenile Justice Board* has power to deal exclusively with all proceedings relating to delinquent juveniles.
2. In all cases relating to juvenile delinquent the proceeding usually are conducted in as simple a manner and, as far as possible, no unnecessary formality is observed. Section 14 of the Act provides that Board will conduct the inquiry and not trial. Due care is to be taken to ensure that the juvenile against whom the proceedings have been instituted feels home like atmosphere during the inquiry.
3. The competent authority is supposed to ensure that the juvenile brought before it is not kept under the close guard of a police officer, but is allowed to sit or stand by himself or in company of the relative or friend or a probation officer at some convenient place as near to it as possible.
4. In examining the juvenile and recording his statement the competent authority is required to address the juvenile in a manner suitable to put the juvenile at ease.
5. In every case the competent authority is duty-bound to determine the age of the juvenile after making the inquiry and that age shall be deemed to be the true age of that person for the purpose of this Act.²⁵
6. Delinquent juveniles when arrested or brought before a Board are generally released on bail with or without surety unless there appear reasonable grounds for believing that the release is likely to bring him in association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice²⁶.
7. When delinquent juvenile is not released on bail by the Board it shall, instead of committing him to prison, make an order sending him to an observation home²⁷ or a place of safety for such period during the pendency of the inquiry²⁸.
8. Where a juvenile is arrested, the officer in charge of police station shall inform the parent or guardian of the juvenile, if he can be found, of such arrest and to probation officer to enable him to obtain information

²² Some philosophy is reflected in Sections 14, 15, 16, 19, 23 and 29 of the JJ Act, 2000

²³ Sections 15, 16 of the JJ Act, 2000

²⁴ Constituted under Section 4 of the JJ Act, 2000

²⁵ Section 49, JJ Act, 2000

²⁶ Section 12, JJ Act, 2000

²⁷ Observation homes have been established under Section 8 of the JJ Act, 2000 for the temporary reception of any juvenile in conflict with law during the pendency of any inquiry under this Act

²⁸ Section 12(3) of JJ Act, 2000

- regarding the antecedents and family background of the juvenile and other material circumstances likely to be assistance to the Board for making the inquiry²⁹.
9. Where a Juvenile Justice Board is satisfied on inquiry that the juvenile has committed the offence, the Juvenile Justice Board will pass the order in accordance with the provisions of the Act³⁰.
 10. No juvenile shall be charged with or tried for any offence together with a person who is not a juvenile³¹.
 11. No juvenile who has committed an offence and who has been dealt with under the J.J. Act, 2000 suffers any disqualification attaching to a conviction of an offence under such law³².
 12. The inquiry regarding the delinquent juveniles are to be completed within a period of four months from the date of its commencement, unless the period is extended by the Board having regard to the circumstances of the case and in special case after recording the reasons in writing for such extension³³.
 13. The report of the probation officer or social-worker considered by the competent authority shall be treated as confidential. However, the competent authority, if it so thinks fit, communicate the substance thereof to the juvenile or his parent or guardian and may give an opportunity to them of producing such evidence as may be relevant to the matter stated in the report³⁴.
 14. No report in any newspaper, magazine or news-sheet or visual media of any inquiry regarding a juvenile in conflict with law under this Act shall disclose the name, address or school or any other particulars calculated to lead to the identification of the juvenile nor shall any picture of any such juvenile be published. However the authority holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the interest of the juvenile³⁵.
 15. Right to appeal to the Court of Session against the order of the competent authority has been provided within a period of 30 days from the date of such order. No second appeal is allowed against any order of the Court of Session passed in appeal³⁶.
 16. The High Court has been authorized to call, at any time, either of its own motion or on an application received in this behalf, for the record of

²⁹ Section 13 of the J.J. Act, 2000. It is a mandatory requirement and Board must see whether it was complied or not.

³⁰ Sections 15, 16 of the J.J. Act, 2000.

³¹ Section 18 of the J.J. Act, 2000.

³² Section 19.

³³ Proviso of Section 14 of the J.J. Act, 2000.

³⁴ Section 51 of the J.J. Act, 2000.

³⁵ Section 21 of the J.J. Act, 2000.

³⁶ Section 52 of the J.J. Act, 2000.

any proceedings in which any competent authority or court of session has passed an order²⁷.

In India the criticism of juvenile court, however, is not as hysterical and devastating as it is in the United States, ironically the country which gave birth to this unique institution. However, the criticism of Juvenile Court/Board is slowly and gradually picking up. The candid appraisal of juvenile Court experiment in India unmistakably suggests, as one commentator observed that the good idea has been badly utilized²⁸. Much of the criticism of the court centers sometimes on the deleterious consequences of its disposition decisions. Inappropriate and ineffective dispositions are the result of several factors including-

- (1) Lack of resources and facilities
- (2) In-attention to the rights of juveniles
- (3) Lack of training and expertise on the part of Court personnel, and
- (4) Absence of an effective system of monitoring and accountability.

Therefore, I would like to congratulate Director of Institute of Judicial Training & Research, U.P., Lucknow and his team for organizing interaction for Judges and Members of the Board - on this important subject. Certainly it will create responsibility, sensitivity and they will be able to discharge their constitutional obligation in the dispensation of justice to the juveniles in conflict with law.

²⁷ Section 53 of the J.J. Act, 2000

²⁸ Jyotsana Shah, "Some Fresh Thinking on Juvenile Courts" Indian Journal of Criminology, Vol. 4 No. 1, 1973 -

BRIEF HISTORY OF JUVENILE JUSTICE IN INDIA AND RECENT MAJOR AMENDMENTS

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The children are the asset of every Nation. In ancient time in our country every care was taken of a child by their parents. It was a prevailing practice in ancient India to send the children to *Gurukul* for their moral, ethical, educational and spiritual upliftment. Every care of the children was taken by the society.

The present juvenile justice system in India is a product of a long history of concerns put forward by civil society, and of enactments, policies and programmes of the Government that came into existence over a period of time. Traditionally the joint family, caste groups and village community played a key role in looking after a child in need of care and protection. However, with the spread of urbanisation and industrialisation, the break-down of family structures and religious sanctions, population explosion, prospects of adventure and excitement in cities, this traditional system was no longer able to provide for care of needy children.

In order to provide for care and protection of children in need, the Government of India came up with the first uniform national law for children titled "Children's Act" in 1960. Among other provisions for children in need, the Children's Act, 1960 provided for Juvenile Courts or Child Welfare Boards to deal with neglected juveniles with an aim to provide differential treatment to child offenders and non-offenders. This was followed by the enactment of the National Policy for Children, 1974. The first national legislation on juvenile justice, titled "The Juvenile Justice Act, 1986" was passed by the Parliament, providing a uniform law for the entire country. A progressive legislation, the 1986 Act provided for the care, protection, treatment, development and rehabilitation of neglected or delinquent juveniles, and for the adjudication of certain matters relating to, and disposition of, delinquent juveniles. The Act replaced various children's acts in force in different states and brought uniformity in procedures, institutions, court services and facilities for neglected children.

When India ratified the UN Convention on the Rights of the Child in 1992, even the progressive Juvenile Justice Act, 1986 was found to have certain gaps in legal provisions, and shortcomings in the measures for government and non-government linkages for the care, treatment and rehabilitation of such children. In order to rationalise and standardise the approach towards juvenile justice in keeping with relevant provisions of the Constitution of India and international obligations in this regard, the Juvenile Justice (Care and Protection of Children) Act, 2000 was enacted.

The Juvenile Justice (Care and Protection of Children) Act, 2000 is a comprehensive legislation to provide justice and opportunities to children for

their growth and development. The Act is based upon the provisions of the Indian Constitution and four broad rights of the UN Convention on the Rights of the Child.

The Act lays down the primary law for not only the care and protection of children in need but also for the adjudication and disposition of matters relating to children in conflict with law. It conforms to the UN Convention on the Rights of the Child, the UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), 1985, the UN Rules for the Protection of Juveniles Deprived of their Liberty and all other relevant national and international instruments. It also prescribes a uniform age of 18 years, below which both boys and girls are to be treated as children. A clear distinction has been made in this Act between the juvenile offender and the neglected child. It also aims to offer a juvenile or a child increased access by establishing Juvenile Justice Boards and Child Welfare Committees and Homes in each district or group of districts. The Act has laid special emphasis on rehabilitation and social integration of the children and has provided for alternatives like adoption, foster care, sponsorship, and after care.

This Act also broadens the ambit of the law to groups of children who may need care and protection in view of the fast changing socio-economic conditions, and includes in its scope such categories of children who could be street children, child labour, child victims of the flesh trade, children affected by conflict, child victims of natural disasters and children affected by drugs and HIV/AIDS. Importantly, the Act encourages partnerships with voluntary agencies and outlines mechanisms for monitoring its implementation. While providing for institutional care for children in conflict with law and the abandoned, destitute and orphaned, it stipulates mobilisation of community support for outreach programmes and sponsorship for the needy, to strengthen the capacities of families to provide better care and protection.

Five years of implementing the Juvenile Justice (Care and Protection of Children) Act, 2000 has been a challenging experience for the Government of India. During this period, while encouraging uniform implementation of the Act in all the States and Union Territories of the country by framing the Central Model Rules, the Government of India also provided financial assistance to the State Governments to create adequate infrastructure for children under the purview of the Act.

AMENDMENT TO THE JUVENILE JUSTICE ACT, 2000

Although the Juvenile Justice (Care and Protection of Children) Act, 2000 is a progressive and comprehensive legislation for children of India, uniform implementation of the provisions of the Act throughout the country has been a concern for Government of India. In order to strengthen the country-wide implementation of the Act, the Government of India has introduced some key amendments to the Act. The Juvenile Justice (Care and Protection of Children) Amendment Act, 2006" came into force on 22 Aug 2006. Some major amendments to the Act are:

Section	Introduced Amendment
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2(a)(A)	Inclusion of definition of Adoption: "Adoption" means the process through which the adopted child is permanently separated from his/her biological parents and becomes the legitimate child of his/her adoptive parents with all the rights, privileges and responsibilities that are attached to the relationship.
2(f)(i)	Child beggars to be included in the definition of children in need of care and protection.
10(1)	In no case shall a juvenile in conflict with law be placed in a police lock-up or lodged in jail.
14(2)	Since the provision for enquiry to be completed within four months lacks proper implementation, as enquiries are pending before the Boards for a long period of time, it is proposed that the Chief Judicial Magistrate/Chief Metropolitan Magistrate shall review the pendency of cases of the Board every six months, and shall direct the Board to increase the frequency of its sittings or may cause constitution of additional Boards.
15(1)(g)	The Juvenile Justice Board can make an order directing the juvenile to be sent to a special home for a maximum period of three years.
16(1)	No juvenile in conflict with law can be placed under imprisonment for any term, which may extend to imprisonment for life.
21	Contravention of provisions dealing with prohibition of publication of name etc. of child/juveniles shall be punishable with a fine extending to 25,000 rupees or against the existing 1,000 rupees.
4 & 29	The State Governments to constitute Juvenile Justice Board and Child Welfare Committee for each district within one year of the Amendment Act coming into force.
33(3)	The State Governments may review pendency of cases before the Child Welfare Committee in order to ensure speedy completion of the enquiry process.
34(3)	All State Governments/voluntary organisations running institutions for a child/juvenile shall be registered under this Act within a period of six months from the date of commencement of the Amendment Act, 2006.
41(4)	State Governments shall recognise one or more of their institutions or voluntary organisations in each district as specialised adoption agencies for the placement of orphans, abandoned or surrendered children for adoption. Children's homes and the institutions run by the State Government or voluntary organisations for children who are orphans, abandoned or surrendered, shall ensure that these children are declared free for adoption by the Child Welfare Committee, and all such cases shall be referred to the adoption agency in that district for placement of such children in adoption in accordance with guidelines.
42(A)	Every State Government shall constitute a Child Protection Unit for the State and, such units for every district, consisting of such officers and other employees as may be appointed by the Government to take up matters relating to children/juveniles with a view to ensuring the implementation of this Act.
68	Besides other amendments in sections 68 of the principal act in sub Section 1 a proviso was also inserted to the effect that the Central Government may, frame model rules in respect of all or any of matters with respect to which the State Government may make rules under this section, and where any such model rules have been framed in respect of any such matter, they shall apply to the State.

until the rules in respect of that matter is made by the State Government and while making any such rules so far as is practicable, they conform to such model rules.

For better implementation and administration of the provisions of the Juvenile Justice (Care and Protection Children) Act, 2000, as amended by The Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 with affect from 22nd August, 2006, in its true spirit and substance the Central Government made Juvenile Justice (Care and Protection of Children) Rule, 2007 which came into force on 26th October, 2007, the date of their publication in the official Gazette. The Government of U.P. after amendment of Juvenile Justice (Care and Protection of Children) Act by the Amending Act No. 33, 2006, has not framed the rules under Section 68 of the Act to give affect to the provisions of the Act as amended. The Uttar Pradesh Juvenile Justice (Care and Protection of Children) Rules, 2004 which were framed by the State of U.P. are no more applicable in the State in view of the amended provision of Section 68 of The Juvenile Justice (Care and Protection Children) Act, 2000, read with Rule 96 of The Juvenile Justice (Care and Protection of Children) Rule, 2007.

Thus, in view of the above provisions, everyone must be clear in his mind that it is necessary to give effect to the amended provisions of the Juvenile Justice Act & new Rules, 2007 framed there under.

**DETERMINATION OF AGE UNDER JUVENILE JUSTICE ACT,
2000**

**-S.P. SRIVASTAVA*
I.L.J.**

Juvenile Justice Act, 2000 is the latest legislation on the subject. Along with providing for procedure of enquiry it also deals with care protection, treatment and rehabilitation of children in conflict with law and those in need of care and protection. Like earlier legislations this Act also treat juveniles in conflict with law as a special class and provide special procedure for enquiry in respect of charges leveled against them. Even if those charges are established, a very liberal approach has been provided in respect of punishment for such offences. Different sections put a strict bar on the child/juvenile being sent to jail custody either before an enquiry or after the conclusion of the enquiry in respect of the offence alleged or proved to have been committed. Even if such a child has committed a murder or a rape, in view of S. 16, neither he can be sentenced to death nor to imprisonment. It is true that in many cases the offences committed by such delinquent children may be shocking to the conscience and their conduct and behaviour may be abhorring but S. 16 is quit conscious of such situations. Still it provides for keeping the delinquent child/juvenile accused of such serious offences, in safe custody at a place ordered by the State Government.

Once the legislature has enacted a law to extend special treatment in respect of enquiry and conviction of juveniles, the Courts and authorities under Juvenile Justice Act should be jealous while administering such law so that the delinquent juveniles derive full benefit of the provisions of such Act but, at the same time, it is the duty of the courts and authorities under Juvenile Justice Act to see that the benefit of the provisions meant for juveniles are not derived by unscrupulous person, who might have committed heinous and serious offences, by getting themselves declared as children or juveniles on the basis of procured certificates.

ENQUIRY U/s. 49:

Section 49 of Juvenile Justice (Care and Protection of children) Act, 2000 vests power in Juvenile Justice Board to make due enquiry in respect of the age of the juvenile in conflict with law. The Board has to take evidence as may be necessary and to record a finding whether the alleged juvenile in conflict with law was in fact a juvenile. The word 'due' as used in this section is of great importance and it defines the scope and extent of the enquiry to be conducted by the Juvenile Justice Board. What evidence has to be taken and how is to be decided by the Board and the Board is not bound by the choice of the delinquent of the State as the case may be. The Act says that due enquiry has the Board has to be conducted.

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result of this enquiry will depend the fate of the accused whether he will face a regular trial or he will be subjected to an enquiry under Juvenile Justice Act. In most of the cases of heinous crime attempt is made to get a declaration from Juvenile Justice Board that the accused is juvenile. For this purpose various types of evidences are produced before the authorities to convince them that the person concern is a juvenile. An attempt has been made in this article to analyze various types of evidences that are produced before the Courts and Board in this regard and the opinion Supreme Court on such type of evidences.

HOROSCOPE:

This is one of the most common types of document that is produced before the Authority to convince that the person concern was born on a particular date. In *Sushil Kumar v. Rakesh Kumar*, (2003) 8 SCC 673 the Supreme Court has observed-

"The horoscope purported to have been filed by respondent does not inspire confidence. It was said to have been prepared at the instance of one Damodar Pathak. It was purported to have, however, been written by his brother DW 2 was a bystander. He had nothing to do either with the preparation of the horoscope or with the writing thereof. His evidence is, thus, not trustworthy. The horoscope, therefore, could not have been looked into by the High Court for any purpose whatsoever. The paper on which the said horoscope has been drawn up does not appear to be an old one. It is a self-serving document. Furthermore, the maker of the horoscope being dead could not be examined to prove as to what was the primary evidence of the date and time of birth of the respondent on the basis whereof the same was prepared."

Thus, it is clear that mere production of horoscope is not sufficient to prove date of birth of a person. Condition of the paper on which horoscope is written can be indication whether the horoscope is genuine or not. Apart from the horoscope, the primary evidence as regards the date and time of the birth of the person concern must also be produced then alone the horoscope can be utilized as a proof of the date of birth of the person concern.

ADMISSION REGISTER & SCHOOL LEAVING CERTIFICATE

In a number of cases admission register/school leaving certificates and admission forms are produced before the Board to prove the date of birth. Under Section 35 of the Indian Evidence Act, a register maintained in terms of a statute or by a statutory authority in regular course of business would be a relevant fact. If such a vital evidence is produced, it would clinch the issue. But mostly registers from private institutions are produced which is not of great evidentiary value.

In *Sushil Kumar's case* (supra) it has been observed that under section 35 of the Indian Evidence Act, a register maintained in terms of a statute or by a statutory authority in regular course of business would be a relevant fact. In *Birad Mal Singhvi v. Anand Parohit*, 1985 Supp. SCC 604 the Supreme Court has observed "to render a document admissible under Section 35, three conditions must be satisfied. firstly, entry that is relied on must be one in a public or other official book, register or record; secondly, it must be an entry

stating a fact in issue or relevant fact, and thirdly, it must be made by a public servant in discharge of his official duty, or any other person in performance of a duty specially enjoined by law. An entry relating to date of birth made in the school register is relevant and admissible under Section 35 of the Act but the entry regarding the age of a person in a school register is of not of much evidentiary value to prove the age of the person in the absence of the material on which the age was recorded."

In *Brij Mohan Singh v. Priya Brat Narian Sinha*; AIR 1965 SC 282 the Supreme Court observed that in actual life it often happens that persons give false age of the boy at the time of his admission to a school so that later in life he would have an advantage when seeking public service for which a minimum age for eligibility is often prescribed.

These cases indicate unmistakably that mere production of admission register or school leaving certificate would not be sufficient to prove that a particular person was born on a particular date as shown in the admission register or school leaving certificate. The primary evidence on the basis of which the entry was made in the school register must be disclosed. Besides, if the school admission register is not properly maintained then also it loses much of its evidentiary value. In *Sushil Kumar's case* (supra) the Supreme Court found that pagination of the register was done by hand. Perusal of the register showed that entries had been made by one person with two different pens in one sitting. After examination of the register the Supreme Court observed-

"it is curious to note that the entries at Sl.Nos. 310 and 311 relate to the same person and in relation to the names of the two students two pens had been used. Entries 312 and 313 are dated 23.9.1980 whereas Entries 315 and 316 are dated 23.9.1980. For all those students, the same person has signed as guardian, although admission were effected on different dates. So far as entry 314 is concerned, the same has been altered from 334. There is an alteration in the date of admission being 12.11.1980 as against Sl. No. 319. The address of the father of the respondent is shown as Lakhanpur Tarapur, District Munger. There is no evidence on record that the respondent used to stay with some relatives at Patna as the school is not a residential one. At p. 66 of the register alterations have been made as regards date of admission from 1981 to 1980, although at the top of the page, the figure "1981" has been written."

The Supreme Court in the backdrop of above facts came to the conclusion that the school authorities must have used some blank space of the register for the year 1980 at the instance of the respondent and thus, no credence was given to the entries in the register to prove the age.

In *Ram Dev Chauhan v. State of Assam*; 2001 Cri. L.J. 2902 Hon'ble Mr. Justice Thomas observed-

"it is not shown that the school register was maintained by a public servant in the discharge of his official duty or by any other person in the performance of duty specially enjoined by the law of the country in which such register is kept. Thus the entry in the school register remains

away from the range of acceptability as proof positive regarding the date of birth of the petitioner."

In the same case Hon'ble Mr. Justice Shetty delivering the majority opinion observed-

" DW 2 Satya Narayan Yadav exhibited the school admission register and the relevant entry. But it seems that the entry in the school admission register is based on a transfer certificate issued by another school. As such, Mailoo Hindi School is not the first school where the accused first got admitted. Furthermore, from the cross-examination, it appears that registers of the school are not maintained properly. In the cross-examination, prosecution finds out many irregularities in maintaining the school register. This register did not contain any official label, which seems to be torn away. There was no note regarding the age at the time of admission in register. He could not say on what basis date of birth was noted in the school admission register. There is no mention of the year in the admission register. Moreover, the school register contains no serial page mark and as such there is scope of manipulating the record by inserting new sheet of papers, there is no seal and signature of the authority who supplied the register to the school. It seems that it was made and prepared at the school and DW 2 Sri Satya Narayan Yadav was not the headmaster at the relevant time. He is present headmaster and joined at school very recently. He has no personal knowledge regarding the exhibit as well as the age of the accused. In view of such evidence, the school admission register cannot be said to be authentic and original document of the age of the accused"

The Supreme Court in view of above factual analysis held that on the basis of the school register it could not be held that the accused was born on the date shown in the school register.

Thus, it is clear that mere production of school register or school leaving certificate is not sufficient to prove the date of birth of the person. The primary evidence on the basis of which entry has been made in the register must be disclosed and tendered. The school register must also be scrutinized and it must be ensured that it is properly maintained then alone it can prove the date of birth of particular person. No doubt in *Bhoop Ram v. State of U.P.*; AIR 1989 SC 1329 the Supreme Court has held that if there is no material throwing doubt on entries in school certificate, school certificate cannot be rejected on surmise that it is not unusual for parents to understate age of their children at time of school admission. It is submitted that *Bhoop Ram's* case was decided by two Judges Bench of the Supreme Court whereas in earlier judgment in *Brijmohan v. Priya Bhai* (supra) Five Judge Bench of the Supreme Court had observed that in actual life it often happens that persons give false age of the boy at the time of his admission to a school so that later in life he would have an advantage when seeking public service for which a minimum age for eligibility is often prescribed. The case of *Brij Mohan Singh* had been referred in *Sushil Kumar's* case (supra). *Bhoop Ram's* case was decided in the background of the facts of that case and it cannot be taken as an authority for the proposition that whatever age is shown in the school certificate should be

accepted in current state of form of the person concerned and nothing more is required to be proved to establish actual date of birth.

Protect your child from

CRIME

Teach the basics:

There are certain things your child must learn as early as possible:

- His or her full name, address and phone number, including area code
- Both parents' first and last names.
- Where to go for help. "Safe places include a trusted friend's house, the police station, busy stores, restaurants, the school or other public places," says a senior police officer. Accompany your child along his route to school, for example, and show exactly which places are safe to go to in case of an emergency.
- How to say no. It's imperative for your child to understand that he has the right to protest if someone's touch makes him uncomfortable. If accosted by a stranger, he should yell, "This person is not my father or mother." Kids who simply struggle and scream may appear to be having a tantrum.

Be streetwise:

Teach your child to play with a friend or in a group whenever possible. When walking to and from school, friends' houses or parks, kids should avoid dark, isolated areas.

If your child senses that someone in a car is following him as he walks along a street, he should turn around and head in the opposite direction. The driver is not likely to attract attention to himself by also turning around. Tell your child to stay at least five to six metres from the door of a vehicle if someone stops to talk or ask directions. (Demonstrate this distance) Emphasize that it's okay to say "I don't know" and walk away.

Caution your child to stay alert, walk confidently and pay attention to his surroundings. Criminals are expert at spotting easy victims – kids who look lost, confused, sad or upset.

"On the bus", says a Detective, "Your child should know his stop. He should stay alert and avoid burying his head in a book, wearing headphones or sleeping."

It's common sense that children avoid wearing expensive jewellery or watches. Tell your child to immediately surrender money or any other item that a mugger demands. He should not try to argue. The thief may have a weapon.

Be school-smart:

While the situation at your child's school may not seem dangerous, don't assume that he is safe there.

Attend school-board meetings, join the PTA, talk to other parents. Most important, talk to your child. Is he fearful of school or certain students? Why? Follow up on his comments. If he really doesn't feel safe, consider changing schools.

If that's out of the question, talk to the principal. Try to get both sides of the story before demanding any action.

Finally, talk frankly with your child about avoiding students who use drugs, carry weapons or seem to be involved in frequent fights.

Be neighbourhood-safe:

"Teach your child to keep you informed of his whereabouts, even if he's just going across the street to a friend's," says a police officer. He advises that you should also know your child's friends, including their parents' full names and where they live.

Sometimes safety-or the lack of it is a question of looking out for one another's children. Ask neighbours to call you or the police if they see anything unusual.

Finally, teach your child basic home-security rules, such as locking doors. If a youngster must be home alone, instruct him never to say so over the phone. Tell the child to take a message and say that you will call back. Hands on practice will reinforce good security habits.

If your child is the victim of a crime, even if it is seemingly insignificant, take him or her seriously. Listen carefully. Above all, don't blame your youngster for what happened. No one deserves to be victimized especially a child.

- Compiled by
NAGENDRA SHUKLA

CHILD ADOPTION IN INDIA – AN OVERVIEW

Dr. Nilima Mehta

Introduction

Among the non-institutional services for children in difficult circumstances, Adoption is the most recommended form of rehabilitation for the orphaned, abandoned and destitute child, since it ensures the Child's Right to a Family and involves permanency planning. Reciprocally, it also meets the needs of persons who are considering parenthood through adoption.

Adoption of children in India has witnessed a significant change in the last two decades. Adoption of an unrelated child into the family is gaining acceptance and more Indian couples are coming forward to adopt. The national adoption programme received an impetus because of the promotional efforts of social welfare organisations that created awareness in the community about adoption. The focus is now moving from "parent-centred" to "child-centred" adoptions and from the concept of "child for a family" to "family for a child".

Historical perspective

Child adoption in India has been a prevalent social practice from ancient times but with a different perspective. Earlier the practice was to adopt a child from one's own family and a childless couple took it upon themselves to "adopt" and bring up a relative's child. The primary consideration was the interest of the childless adoptive parents, namely, the perpetuation of family name and lineage, protection in old age, performance of death rites and salvation of the adoptive parents. Adoption in this case was influenced by patriarchal values and meant the adoption of only a male child – providing a "son to the sonless". The practice of adoption did not take into consideration the needs of the orphaned, abandoned or destitute child. Adoption was not so much for the child or his/her welfare or to give shelter to the child in need, but a social practice that met the needs of the prospective adoptive parents.

The adoption of an unrelated child into the family had its beginnings in the sixties. Intervention of child welfare agencies in the process of adoption began only in the early seventies. The professional intervention led to a systematisation of the process so that the best interest of the child, adoptive parents and the birth parents could be protected. The adoption programme saw significant changes in the eighties at the legal, social and practice levels. The practice of adoption is also witnessing an evolution where the "Best interest of the Child" is becoming the focus of adoption. With the awareness of the UN Convention on the Rights of the Child (C.R.C.) the attention of child welfare agencies is shifting from "a child for a family" to "a family for a child."

Evolving Scenario and Changing Trends

The attitude towards adoption in urban India has changed significantly in the last decade. The adoption of an unrelated child is now receiving acceptance in the Indian society. The sensitisation and awareness of society to this issue has also helped to create a more positive climate for adoption. Now more childless couples and single parents are considering the adoption option. Some years ago

it was only the adoption of a male child that was common but today, more couples are coming forward to adopt girl children. Positive experiences of adoptive parents encourage other couples to adopt. Promotional programmes on adoption undertaken by committed social welfare agencies have brought about openness in adoption. However the stigma attached to "infertility" on one hand and "unwed motherhood" on the other, still presents a paradox in society - namely motherhood being glorified in a married woman and totally stigmatised in a single, unwed mother.

Prospective adoptive parents have now begun to understand the legal and social process of adoption and recognise the need to go through child welfare agencies, since it ensures legal security, both for the adopted child and the parents. Private adoptions that were done earlier directly through hospitals are discouraged because there is a risk involved in the process and there is no future legal security for the child and the parents.

On the legal front, the Supreme Court Judgement pronounced in 1984, gave the desired legal frame of reference to the adoption programme. The judgement provided norms and guidelines for placement of children in Inter-Country Adoption and also brought in the intervention of the government in regulating and monitoring adoption work. The judgement also clearly defined the functions of placement agencies, scrutinising agencies and the voluntary co-ordinating agencies thus bringing in the necessary checks and balances to ensure that there were no malpractices.

Child welfare agencies began to prepare Home Study Reports, Child Study Reports and other relevant documents for legalisation of adoption through courts. Scrutiny agencies were appointed by the Court to peruse all the relevant documents related to the child and to ensure that the adoption was in the best interests of the child. Voluntary co-ordinating agencies that were established facilitated collaboration between adoption agencies to ensure that every child received an opportunity to be rehabilitated within an Indian family. Whenever this was not possible the child would be placed in Inter-Country Adoption.

The earliest Inter-Country Adoption placements from India were mainly to countries like Sweden, Norway, Denmark, Switzerland and Holland. The adoptions to USA were also a significant number but many of these were not considered Inter-Country Adoptions since they were to families of Indian origin who had migrated to the US. The adoptions done through child welfare agencies were of unrelated children, who were orphans and not of relatives. Even today, as statistics show (Annexure II) the maximum Inter-Country Adoptions are to the USA. Again, most of these are not "inter-racial" adoptions because in many of them, at least one parent is of Indian origin.

As mentioned earlier, the trend towards domestic adoption has definitely improved in the last decade, as evident from the statistics (Annexure I) from 398 in country (domestic) adoptions in 1988 to 1558 in 1999. However considering the magnitude of the problem of destitute children in India, this is an insignificant number and more concentrated efforts still need to be made to promote domestic adoptions.

As for research related to adoption in India, it is very limited and does not give any significant data related to the trends and outcome of adoptions. Some of

the findings reflect that, except in larger cities, families in India are still in favour of relative or family based adoptions. In urban areas this attitude is changing and more families are willing to adopt an unrelated child and also the family and community at large have a positive attitude towards adoption. Research related to the Indian children's adjustment in inter-racial adoption is not available. Generally domestic adoption placements have been successful as per the experience of most adoption agencies in India.

Legal Situation: Laws, Judgement, Guidelines

In India, there is no uniform law of adoption that is applicable to all Indians, irrespective of their religious affiliation. It is the right of every child to be brought up in a secure and nurturing family to ensure a positive, mental, social, emotional and spiritual growth. It is the responsibility of the State and society to see that this right is guaranteed to the child in his/her own biological family. Where this is not possible due to circumstances beyond control, it becomes necessary to create a new family by adoption, so that a child's long-term needs are met and the future legal status of every child is protected and assured. There is no uniform law of adoption in India that can protect the right of the child to be brought up in a nurturing family environment, that gives equal rights and opportunities to the adoption of girl children and adoption by women, and which is applicable to all Indians, irrespective of their religion.

The legislation related to adoption can be seen as falling into two broad categories:

- Hindu Adoption and Maintenance Act, 1956 (HAMA, 1956)
- Guardians and Wards Act, 1890 (GWA, 1890)

Thus Adoptions in India are at present governed by personal laws and therefore only Hindus can avail of HAMA, 1956. Personal law for Muslims, Christians, Parsis and Jews do not recognise complete adoption and hence persons belonging to these communities desirous of adopting a child can do so only in guardianship under the provisions of GWA, 1890. This does not provide the child the same status as that of the child born to the family. This act confers only a guardian-ward relationship.

Supreme Court Judgement of 6th February 1984

The purpose of the Judgement was to provide certain guidelines and lay down principles, norms and procedures for adoptions with the object of ensuring the welfare of the child.

This was a fairly comprehensive judgement and in the absence of a uniform adoption law, this provides directives and guidelines in processing adoptions, under the Guardians and Wards Act of 1890. This Judgement regulated several aspects of the adoptive situation in terms of the destitute child, the natural parents, adoptive parents and social welfare agencies, with a view to promote adoption among Indians.

The Supreme Court in its landmark judgement of 6th February 1984 laid down firm procedures for processing guardianship petitions in the case of inter-country adoptions. The judgement directs that no destitute child shall be presumed to be abandoned and free for adoptive placement unless certified to

The placement agencies are now required to make an application to the Juvenile Welfare Board for declaring a destitute child as abandoned and legally free for adoption. The Juvenile Welfare Board is responsible for investigating into each case of an abandoned child and for issuing certificates to placement agencies declaring the child free for adoption. This procedure is not required if the child has been relinquished by the biological mother or parents in which case a "Deed of Surrender" is signed by the surrendering party.

As per the guidelines every destitute child who is free for adoption should be first offered for adoption to Indian parents and only then considered for foreign adoption.

Revised Guidelines To Regulate Matters Relating To Adoption Of Indian Children (Government of India)

The aims and objectives of these guidelines are to provide a sound basis for adoption within the framework of the norms and principles laid down by the Supreme Court in *L. K. Pandey vs Union of India*. It recognises that adoption undoubtedly offers an important avenue for the care and protection of an abandoned, destitute or neglected child in a family setting and provides an atmosphere of happiness, love and understanding for the realisation of his/her talents and potentials. It carries with it all emotional, physical and material security necessary for the proper development of the child and also serves as the most reliable means of preventing situations associated with the abuse, exploitation and social maladjustment of abandoned, destitute and neglected children. The guidelines incorporate within them adoption procedures, the process to be followed and the role of various agencies in the field of adoption.

ROLE OF VARIOUS AGENCIES IN THE PROCESS OF ADOPTION

Role of Central Adoption Resource Agency (CARA)

- Facilitate and promote In-Country Adoption of Indian children
- Act as a clearing house of information with regard to children available for adoption and to regulate, monitor and develop programmes for rehabilitation of children through adoption
- Receive copies of applications of foreigners for Inter-Country adoption through a recognised child welfare agency and issue a N.O.C. after necessary procedures
- Monitor and regulate the working of Child Welfare Agencies recognised by CARA
- Maintain a list of all recognised foreign and Indian agencies for adoption, enlisted by the Government of India
- Maintain a liaison with Indian Diplomatic missions abroad in order to safeguard the interests of children of Indian origin by foreigners
- Arrange every year a meeting of all recognised placement agencies, VCAs and scrutinising agencies
- Receive periodical data from recognised agencies about children available for and children given in adoption

- Inspect the Indian recognised child welfare agencies and call for the annual audited statement of accounts
- Obtain periodical progress reports of children adopted by foreigners
- Mobilise community opinion and resources for promotion of In-Country Adoption
- Arrange training programmes for social workers engaged in adoption
- Initiate action on any activity related to adoption of Indian children.

Role Of Voluntary Coordinating Agency (VCA)

- Actively promote In-Country Adoption and undertake activities for the same
- Maintain a central list of prospective adoptive parents and children legally free for adoption
- Co-ordinate between member adoption agencies to ensure that priority is given to In-Country adoption
- Issue a clearance / N.O.C. for children within two months from application to children who cannot be placed in In-country Adoption so as to enable the child to be placed in Inter-country adoption
- Call for a meeting of member agencies, at least once in every quarter.

Role Of Scrutiny Agency

- Appointed by the Court to scrutinise all the relevant documents of the child and prospective adoptive parents
- Ensure that the child is legally free for adoption
- Ensure that the placement is in the best interests of the child
- Receive regular follow-up reports and ensure that legal adoption is completed in the receiving country.

Role Of State Governments

- Maintain a list of all Children's Homes registered, licensed, recognised under various laws
- Maintain a list of all adoption agencies in the State
- Issue recognition to agencies for In-Country adoption as per procedures laid down
- Forward applications of Indian agencies for Inter-Country Adoption Recognition to CARA after proper verification, within 60 days
- Form an Advisory Committee on adoption
- Inspection of all adoption agencies, periodically
- Monitor the performance of all agencies, in the promotion of In-Country Adoption

- Monitor the adoption programme within its jurisdiction and co-ordinate the activities of placement agencies, VCAs and Scrutinising agencies
- Ensure minimum standards for child care through enforcement of relevant acts.

Inter-Country Adoption: Issues and Concerns

The U.N. Convention on the Rights Of the Child clearly declares that every country must first make exhaustive efforts to ensure that the child grows up within his/her own social-cultural milieu and with parents of same ethnic origin because this is in the best interest of the child. However, when there are circumstances that are compelling and it is not possible to locate suitable adoptive parents within their own country, then the next best option is an adoptive family in another country, and the last resort should be residential/institutional care.

International Adoptions involve the universal issue of evolving ethical practices that ensure the best interests of the child in the receiving country. Inter-country adoption is the adoption of children from countries that are unable to rehabilitate the orphaned, abandoned and destitute children within their own country. In India, inter-country adoptions began in the sixties and saw a considerable rise in the next two decades. Adoption agencies in the West established linkages with child welfare agencies in India for the purpose of inter-country adoption. Several malpractices were brought to light by the media and in response to this a writ petition was filed in the Supreme Court in India. This eventually led to the historical Supreme Court Judgement of 1984, which attempted to regulate inter-country adoption.

The Process Of Adoption

Parenthood is an integral stage in the life cycle of a family. Parenting involves nurturing, care and contribution to the growth of another human being. It is much more than procreation and the biological process of birth. A common reason that leads couples in India to consider adoption is their involuntary childlessness – a condition that gives rise to a complex of emotions for the two individuals involved. These emotions have their roots in the fundamental human need and desire for parenthood. Other motivations to adopt could be a desire to give a home to a child who needs one, wanting a child of the other gender, advanced age and the possibility of genetic problems in one's biological child.

Adoption is seen as a triad - formed by the child, the adoptive parents, and the birth parents - whose three corners are connected by organisations such as adoption agencies and children's homes, to form a complete circle.

The process involves "Pre-Adoption counselling" and the preparation of the "Home Study Report".

The purpose of the Home Study Report is to provide the couple with an opportunity, as prospective adoptive parents, to think through the decision to adopt and to have all their apprehensions and doubts clarified, so that they feel confident of their decision. It is also an assessment of their capacity and emotional readiness to parent a child who is not related to them biologically.

Through individual and joint interviews and a home visit, the agency is assuring itself that the couple will provide a caring and nurturing home for the adopted child.

Preparing the Home Study Report involves in-depth discussion on the following issues:

1. Social and family background of both parents
2. Current marital and family relationships
3. Attitude and motivation for adoption
4. Attitude towards infertility and childlessness
5. Anxieties related to the child's social background
6. **View on sharing the fact of adoption with the family and the child**
7. Parenting experience and anticipated plans after the child's arrival
8. Financial stability
9. General physical and mental health
10. Views and recommendations of friends and relatives about the prospective adoptive parents

Pre-Adoption Counselling

The adoptive couples that come to adoption agencies in India often come with a lot of anxieties, apprehensions and sometimes misconceptions about the process of adoption.

They have doubts and queries in many areas and the first and most important task is to put the couple at ease and reassure them about the concern and availability of the social worker. To dispel doubts and establish a positive rapport with the prospective adoptive parents becomes the primary task of the social worker. A humane and compassionate attitude helps to reassure and convince the couple that they are in the right place. This alone alleviates their doubts and proves to be the motivating factor in engaging in the adoptive process.

When the couples are involved in the adoption process, they are also engaged in a reflective discussion about their own situation. This helps them to clarify their doubts and mitigate their anxieties. This phase can be compared to the gestation period that is provided by nature for the biological birth of the child.

Some of major areas for counselling for adoptive parents before placement centre around the following issues:

- Emotional readiness and acceptance of adoption as an alternative way of achieving parenthood
- Coping with childlessness and infertility issues without any residual sense of guilt, blame, inadequacy or deprivation
- Stability of the marital relationship
- Issues of "Bonding and Attachment" with a child who is not biologically related

- Concerns about the child's social background
- Heredity and environment issues
- Process of selecting the child
- Confidentiality in the adoption process
- Acceptance of the child by family, friends and neighbours.
- Requests for "Secret" adoption
- Anxieties about sharing the fact of adoption with the child in future

Many childless couples in India make their decision to adopt as a last alternative – when all other options of having a biological child have been exhausted. The process of medical treatment itself is both physically and psychologically traumatic for parents. With medical advancements most parents have tried the whole gamut of treatment in the hope of conceiving. Hence, in most cases, when they choose to adopt, it is more with a feeling of "compromise" and "reconciliation" with fate.

It is very important that in the counseling process, the couples are helped to overcome this feeling of "helplessness" and explained the joys of parenting through adoption. The bond between a parent and child is one of "love" that comes through "nurturing" and not just the process of biological birth. Once parents are helped to accept this fact, then they would look forward to the joys of adoptive parenthood.

The parental concerns about the child's social background are understandable to an extent, due to the social context in which they live. There is a lot of social "stigma" attached to the fact of "illegitimacy", and parents can be helped to understand that in the case of a child who is born out of wedlock, it is the "relationship" that is considered "illegitimate" and not the innocent, vulnerable child. Social and Religious backgrounds of the child are all acquired factors and do not have any genetic influence on the child.

Another major area of Counseling centres around the controversy between "Heredity and Environment" – as to which has a more dominant influence. Heredity provides the "potential", but it is the environment that helps to maximise this potential. Hence if a nurturing and stimulating environment is provided along with maximum opportunities for development, then the child could progress really well. Predispositions and susceptibility to certain illness are inherited, but this risk can be minimised through a complete medical check up prior to adoption.

The social worker has to have a very sensitive, humane and caring approach during the period of child selection. It is also the role of the social worker to explain that it would be "emotionally" incorrect and traumatic for a couple to simultaneously see many children. The social worker makes a judgement based on her understanding of the couple and their expectations and shows a child that appears to be most compatible and appropriate for them, so that it facilitates "integration" of the child into the new family of a affiliation. Of course, the final decision rests with the parents, but a very sensitive support system is made available to the couple to help them with their decision.

Once the decision is made, the couple is assisted with preparations for the "arrival" or the "homecoming" of their child. The ensuing change in roles and lifestyles which is discussed earlier turns into a reality now. Often parents need assistance to cope with this and the "moral" and emotional support of the social worker is sought.

Parents also express concern about the attitude of the extended family, neighbours and friends towards the adopted child. Parents need to be counselled that once they themselves are convinced and emotionally prepared, they could well cope with social comments and with time the child's acceptability would be increased.

In the process of counselling, it is also important to reassure the couple about the "confidentiality" aspect of adoption. Private adoptions done directly through hospitals are not recommended since there is no legal protection. Utmost care is taken so that identities of both sets of parents are kept completely "confidential" and that due to the legal process the rights of the child and adoptive parents would be protected.

Some parents also request for a "Secret Adoption", whereby they would like to "pose" a pregnancy and pretend that the adopted child is their natural born child. Often the reasons given for justifying this are social pressures and family's non-acceptance of adoption. However, this is discouraged, because it would amount to a deception and also of the many difficulties involved in keeping this secret forever.

It is also necessary to help parents with their anxieties related to sharing the fact of adoption with the child. It is recommended that parents share this fact with the child themselves at an age when the child begins to understand. It is important that the child does not hear from an outside source, other than parents. Counselling should also revolve around the fact that no genuine relationship can be based on "untruth" or on fears of being "found out" hence it is best to be honest right from the outset. Post-adoption counselling services should also be made available to adopt child and the parents to cope better with this problem.

The importance of post-placement follow-up needs to be emphasised at this point. The purpose of the follow-up is to assess the adjustment of the child in his new home and also the adoptive couple's adaptation into the new roles as parents. The social worker is available to facilitate the process of mutual adjustment and provide guidance and support when required.

Post-Adoption Counselling

Post-Adoption Counselling focuses on the following issues:

- Coping with parenthood and change of roles
- Feelings of bonding and attachment
- Acceptance of the child by relatives and friends
- Sharing the fact of adoption with the child _ Why, When, How
- Disciplining issues in adoption
- Issues related to the child's schooling and academic performance
- Child's need to search for "Roots" _ Social, Emotional and Legal issues

- Disruption in adoption placement

Coping with Parenthood and Change of Roles

Once the initial "high" of adoption is over, the reality of parenthood begins to sink in. Many adoptive parents choose to adopt at a later stage and hence have had many years of freedom as a "couple". This shift in role from being a couple to being parents is a difficult one. The man may continue his life as usual, busy with his career and profession and often it is the woman who feels that she has to cope with the restrictions accompanying motherhood. There are mixed feelings of joy and depression, which are very common and natural. Talking about this with the social worker helps adoptive parents cope better with their own emotions. In my experience, there are also moments of panic when the couple question their decision and feel "should we return the child?" "Are we ready for this?", "Do we really want to go ahead with the legal adoption?" Counselling helps to allay the fear of adoptive parents to recognise that this is more likely a passing phase and that eventually they would settle down to experience the joys of adoptive parenthood.

Acceptance of the Child by Relatives and Friends

In India, the extended family, relations, friends, neighbours play a very crucial role in the lives of adoptive parents. Even though adoption is a very personal decision, attitudes and responses of relatives affect the adoptive parents. If there is any doubt or restraint expressed by relatives, adoptive parents feel very touchy and sensitive about it. They expect that there should be total acceptance of the child and feel disappointed if a family member passes any hurtful remark. Post-placement counselling helps parents accept the fact that any decision that is "different" from the social norm and practice evokes mixed reactions and the social worker helps them to cope with this situation.

Feelings of Bonding and Attachment

The Pre-adoption fear of "can we love an adopted child who is not born to us, as much as our own natural born child?" is allayed the moment the child comes home. Many parents share the feeling of immediate and total bonding with the adopted child. After a few days they even comment "We need to be reminded that she is our adopted child!" However, there are also situations where it takes time for the process of bonding to occur. This is very normal and natural. Adoptive parents need reassurance about this because sometimes they may experience immense fear and guilt for not feeling totally "in love" with the adopted child. Post-Adoption counselling is very important in situations like this.

Sharing the fact of Adoption with the Child: Why, When and How?

This is a very sensitive area and most parents wish they did not have to face this. The most obvious reason why adoptive parents need to share the fact of adoption is that the child is likely to find out about it at some stage from an outsider, which would create a trauma for the child. Moreover, happiness and security in a relationship cannot be built on an untruth or the fear of "being found out". Of course, the appropriate time, situation and the manner in which to talk about the adoption varies from family to family.

Parents are able to talk about adoption openly only when they themselves are comfortable, positive and have a sense of pride in their adoption decision. Inhibitions, fears and apprehensions usually come when the adoptive parents have some doubts about their own adoptive status. Counselling helps the adoptive parents regarding how to share the fact of adoption with the child.

Just "what" parents say is not as important as "how" they say it. Parents could use the child's Baby Book, Photo Album, or the Life Book to share how they became a family. All that a little child needs to know is that being adopted means being loved, being wanted and being part of a family for life. The story of adoption unfolds as the child's understanding develops. It is not a "one time" situation, but an on going and lifelong process. Counselling helps parents cope with this in a positive manner.

There are two schools of thought regarding this, one that recommends "early" sharing and one that believes in "late" sharing. The first school of thought believes that if a child grows up with the word adoption right from the start he is familiar and comfortable with the situation of adoption and hence has no fear and doubts. The latter school believes that the child has to be older and only after his cognitive development has occurred can he emotionally accept the fact of adoption.

The experience of most adoption agencies and adoptive parents has shown that "early sharing" and "openness" after taking into consideration the developmental level of the individual child has positive results.

Of course, most adoptive parents wish that they did not have to go through this process because they feel so close to the children that it is hard to acknowledge that these children were not born to them. However in the best interest of the child and all concerned, "Sharing the fact of adoption" is an integral part of counselling.

Disciplining and the Adopted Child

Parenting is parenting - and yet parenting through adoption seems to bring in another dimension to the issue of disciplining the adopted child. Overindulgence and overprotection are two phenomena that may be common in adoptive parenting. Some parents have shared that in an attempt to "give the best" to their child, there is an unconscious desire to "make up for" or "atone" for the fact that they are not biological parents. There is an underlying fear of "what will people say" or "what will the child feel" if one is strict in disciplining the adopted child. Counselling helps the parents to focus on the fact that they are "like" all parents and that just because their child became a part of their family through the process of adoption and not birth, does not make the issue of disciplining any different. "Best interests of the child" is the guiding factor in all parenting issues.

Issues related to the Child's Schooling and Academic Performance

As with all children adopted children may also show a wide range of problems related to behaviour and academic achievement. The adoptees who are referred for counselling in this area have had problems like Attention Deficit Disorders, Learning Difficulties, Dyslexia, Aggressive Behaviour, Bed Wetting, Thumb Sucking, Nail Biting, Truancy, Lying and Stealing. Adoptive parents get very

anxious when faced with such problems in their children. There is an unconscious tendency to attribute these problems to the "adoption" situation and hold the child's background and genes responsible for all this. A child is a product of both heredity and environment and hence it is important to help the parents to reflect upon their own parenting and create awareness about factors that could have contributed to their child's problems. Instead of experiencing guilt and shame, parents are helped to cope with the situation and handle the problems in a positive manner through the intervention of counselling and child guidance clinics.

Sensitisation programmes in schools also help to create a positive climate for acceptance of the adopted child and prevents "labelling" of adoptees.

Adoptees' Need to Search for his "Identity" and "Roots" - Social Emotional and Legal Implications

In the Indian socio-cultural context, this issue takes on a unique dimension. The right of the adoptee to search for his roots and identity is diametrically opposite to the birth mothers' right to secrecy and confidentiality of her identity. The "search" has serious repercussions on the emotional well-being of all the three integral corners of the adoption triad, i.e. the Adoptee, the Birth Parent and the Adoptive Parents.

Counselling in this area helps the adoptee to cope with his adoptive status. There are some adoptees who are quite comfortable with this knowledge and there are some who feel a sense of "incompletion" like the oft quoted "missing link" or the "missing piece of the jigsaw" situation. The issue that often larks in the mind of the adopted child is "why was I given up? Did my parents not love me and want me?" Counselling the adopted child and the adoptive parents on this issue helps to resolve many unarticulated problems. The whole question of "who is a parent?" is reflected upon and children feel comfortable with the fact that parenting is far more than the biological process of birth.

Experience has shown that there is no co-relation between children who have a need to "search" for the biological "Roots" and their level of adjustment or security in their adoptive homes. Therefore the belief that children who are happy and well adjusted do not have a need to search and vice versa is not necessarily true.

Disruptions in Adoption Placements

In depth Pre-Adoption and Post-Adoption counselling is very crucial to the success of an adoption placement. However there could be situations that result in the disruption of an adoption which need to be handled with a lot of care and sensitivity keeping in mind the "Best Interests of the Child". Disruptions could occur due to poor marital stability, inability of the adoptive parents to adjust to the new parental roles, inability of the child and adoptive parents to adjust to each other and establish a "bond", or some other crisis situation. An adoption disruption should not be considered as a "failure" in adoption but as a situation that needs empathetic counselling by social workers of the agency, so that it leaves no trauma on the child or the adoptive parents.

Counselling The Birth Parents

Counselling is also very essential for the other set of parents involved in the process of adoption and that is the "Birth Parents" - persons who have biologically given birth to the child, but who are not in position to provide the "parenting" for them. They take a decision to relinquish their rights over the children due to social and economic circumstances, which are beyond their control.

A majority of cases in India are of young unwed girls who are unable to look after their own child due to stigma attached to illegitimacy. These women need help from social workers to make their decision and then to rehabilitate them so that they can get back into the mainstream of society. Alternatives, like foster care or financial assistance, should be made available to these mothers for prevention of abandonment and in case they want to consider keeping their own children. The final decision of relinquishment should be made of their own volition and without any coercion from external pressures.

The content of "Document of Surrender" is clearly explained, so that they are fully aware of what they are signing. The natural parent is explained about the reconsideration period, so that they are aware of their legal rights and irrevocable nature of the relinquishment, once this period is over. Preferably, there should be an accompanying relative or witness, so that the fact can be verified and there is some supportive evidence.

Current Issues facing the Adoption Professional in India

The current issues facing the Adoption professionals are related to both the practice of adoption and the law of adoption in India. The following are some of the issues related to the practice of child adoption:

- The first and the most important factor is that the adoption must put the child at the centre of all work, and the best interests of the child should be the guiding factor.
- The adoption focus must move from "parent centred" to "child centred" adoption and from the concept of "child for a family" to a "family for a child."
- It is necessary that the process of adoption is facilitated and streamlined so that there is no undue delay and it does not deter prospective parents from coming forward to adopt.
- There should be uniformity in the documentation and procedures all over India, so that there is one set of practice in all states.
- There needs to be a clear, unambiguous interpretation of the Supreme Court Judgement of 1984 and Adoption Guidelines of CARA, Government of India.
- It is essential that the Juvenile Justice system in India, keeping in mind the best interests of the child, expedites the procedures related to investigating the child's background and declaring the child legally true for adoption.
- It must be ensured that in all child adoption placements there is intervention of a licensed/recognised child welfare organisation. This is necessary in order to prevent any malpractices and prevent direct, private adoptions that do not give any legal protection to the child and the adoptive parents.

- Since a child adjusts best in his own socio-cultural milieu, it is essential that maximum efforts be made to rehabilitate the child through in-country adoptions, i.e. adoption by parents of Indian origin.
- The adoption practitioners also need to continuously upgrade their study and knowledge regarding the adoption process, so that there is sensitivity and concern towards adoptive parents and their attitude, better counselling of adoptive parents in preparing them for adoptive parenthood.
- It is also necessary to improve the networks and co-ordination between adoption organisations so that there is sharing of knowledge, resources and discussion of their views and concerns.
- There is need for developing training and orientation modules for all adoption functionaries and those associated with the adoptive process and develop a Code of Ethics in adoption practice.
- Within the existing legal situation, there is need to ensure that the adopted child gets a Birth Certificate and the adoptive mother gets special "child care leave" like maternity leave at the time of legal adoption.
- Finally the most important need is the formation of an Adoption Task force that will review the existing Adoption laws (HAMA, 1956 and GWA, 1890) and that will recommend changes and modifications, and also lobby for the enactment of a Uniform / Common / Special Adoption legislation.

Conclusion

The "Best Interests of the child" is the guiding principle behind all adoptions. Social awareness programmes have helped to change the attitude of society and the people towards adoption in India. The "Adoption option" is now receiving a positive acceptance in the urban Indian society.

However child adoption in India clearly needs a paradigm shift – from "parent-centred" adoption to "child-centred" adoption. Intervention strategies at the level of lobbying for a special law on child adoption, must focus on the need for a "Child Just" adoption law. Child's Rights activist needs to bring attention to the marginalised neglected group of homeless children. A new construct of "Justice to the Child" must be the central theme for reforms in the sphere of child welfare.

Surinder Singh and Another Vs. State of U.P.

AIR 2003 SC 3811

CORAM : Doraishwamy Raju and A. Pasayat, JJ.

Date of Decision: 05-Sep-03

Criminal Appeal No. 896 of 1996, D/- 5-9-2003 (From : Allahabad)

Head Notes :

A. Juvenile Justice Act of 1986, Section 2(h) - Juvenile offender - Murder - No plea raised by accused that he was juvenile - Court is not required to determine the age in absence of plea.

B. Evidence Act, Section 3 - Criminal trial - Ground that the witness being a close relative and consequently being a partisan witness, should not be relied upon, has no substance - It is wrong impression that relatives are not independent witnesses. AIR 1953 SC 364 relied.

C. Indian Penal Code, Section 302 - Murder - Site plan is prepared on hearsay and is not to be read as evidence. JT 1996(3) SC 615 relied.

D. Indian Penal Code, Section 302 - Evidence Act, Section 3 - Criminal trial - Murder - Examination of some of eye-witness - Non-examination of other eye-witnesses does not make prosecution version suspect and the position is not changed when the witnesses examined are relatives. JT 1996(3) SC 615 relied.

E. Evidence Act, Section 3 - Indian Penal Code, Section 302 - Murder - Interested witness - A relation would not conceal actual culprit and make allegations against an innocent person - Foundation has to be laid if plea of false implication is made - In such cases, the court has to adopt a careful approach and analyse evidence to find out whether it is cogent and credible. AIR 1953 SC 364 relied.

F. Indian Penal Code, Section 302 - Medical evidence and ocular evidence - Witnesses said that attacks were from different side and doctor said that injuries appeared to be on one side of body - Medical evidence does not totally improbabilise the ocular evidence - It is only when the medical evidence totally improbabilises the ocular evidence that the Court starts suspecting the veracity of the evidence and not otherwise.

G. Indian Penal Code, Section 302 - Evidence Act, Section 3 - Chance witness - Murder - Evidence of police constable who was on patrolling duty in the area - His evidence cannot be rejected as chance witness - His presence is quite creditable.

Judgement :

Arijit Pasayat, J. - The appellants were found guilty of offence punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860 (in short the 'IPC') by the Allahabad High Court, upsetting the judgment of acquittal passed by the sessions judge, Rampur.

2. Prosecution version as presented during trial is essentially as follows :

3. On 23.1.1975 at about 2.00 p.m. Harnam Singh (hereinafter referred to as the 'deceased') was murdered in broad day light in the heart of Bilaspur town of district Rampur. An information was lodged by Nathu Singh (PW-1) to the effect that he and his brother (the deceased) were in inimical terms with family members of accused-Surinder Singh and Gurmeh Singh. The dispute initially related to a way through the fields of the deceased, made by Gurmeh Singh and his brother Gurmukh Singh (father of accused Surinder Singh). The strained relationship was so acute that the police had to take action twice under Section 107/117 of the Code of Criminal Procedure, 1973 (for short the 'Code'). There was however compromise later on. One Hardeo Singh was murdered. He was related to Doolah, the elder brother of accused-Surinder Singh. Report of that murder was lodged by Gurmukh Singh, Deceased, Nathu Singh (PW-1) and others were arrayed as accused persons in the said case. The murder took place

about two years prior to the incident and the matter was pending adjudication. Swarna Singh, father of accused Pinder Singh was witness for the prosecution of the said case. Accused-Surinder Singh is a relative of other co-accused persons. Due to this strained relationship, there was enough bad blood flowing. When the deceased and PW-1 were going from their village Gadarya towards the town of Bilaspur for making purchases and reached the main crossing near the culvert of the canal, Nirmal Singh (PW-4) sister's son of the deceased met them there. When PW-1 stopped to have a talk with Nirmal Singh, he asked the deceased to proceed further. The deceased had proceeded a few paces when suddenly the three accused persons who were standing nearby attacked and assaulted with their swords. This sudden attack attracted the attention of PW-1 and he raised an alarm which attracted notice of number of other persons including Shiv Prasad (PW-2), the police constable who was on duty at that time and Siya Ram (PW-3). Natha Singh (PW-1) and Shiv Prasad (PW-2) managed to capture two of the accused persons, namely, Surinder Singh and Pinder Singh along with blood stained swords. The other assailant succeeded in running away and could not be apprehended immediately. Harnam Singh breathed his last due to the injuries sustained by him. PW-1 and PW-2 and others went to the police station which is situated at a distance of two furlongs. Two blood stained swords which were the weapons of assaults were also taken. At the police station PW-1 dictated an oral report which was taken down by Mahavir Prasad, Clerk-Constable (PW-8) in the register and FIR (Ex ka 4) has been prepared at 2.15 p.m. Accused-Surinder Singh and Pinder Singh and two swords were handed over to the police. PW-8 took the swords into custody and sealed them. Sub-Inspector, Om Pal Singh (PW-11) was present at the police station. He took up the investigation and sent two constables to the place of occurrence to guard the dead body. He then interrogated PW-1 and captured accused persons. Then he reached the place of occurrence at about 4.00 p.m. to prepare inquest report and the dead body was sent for post-mortem examination. The investigating officer also took shoes of the deceased which were lying at the spot of occurrence along with other articles. The Circle Officer, Balbir Singh reached at the spot around 7.00 p.m. The investigation was entrusted to Narpat Singh, Station Officer of Police Station, Malak Khuruk (PW-12). Dr. A.N. Zutshi (PW-6) performed the post-mortem examination on 29.1.1975 at about 11.00 a.m. He noticed 9 injuries. On internal examination he found that the occipital bone under injury Nos. 1 and 3 were cut and broken to different pieces. The back portion of parietal bone was also broken. The diameter of the brain was cut at two places and the brain was congested. On completion of investigation, charge sheet was placed and charges were framed under Section 302 read with Section 34 IPC. The accused persons pleaded innocence. In order to substantiate its plea, 12 witnesses were examined by prosecution. One witness was examined by the accused persons claiming that two of the accused persons were arrested from his Motor repair shop and they were not taken from the place of occurrence.

4. During trial, prosecution version primarily rested on the evidence of PWs 1, 2, 3 and 4 who were claimed to be eye-witnesses. The trial Court found that there were serious infirmities in the prosecution version and following were held to be the vulnerable factors -

1. there was no immediate motive to provoke the accused persons to commit a daring murder in the heart of the town of Bilaspur;
 2. none of the witnesses produced from the side of the prosecution could be said to be independent witness and no shopkeeper was produced to support the prosecution version though they were admittedly present at the time of incident;
 3. all the witnesses were chance witnesses;
 4. presence of constable Shiv Prasad has been held to be doubtful on the ground that the place from where he witnessed the incident has not been shown in the site plan and it appeared that till the site plan was prepared it was not decided to make him an eye witness.
 5. the ocular testimony of the witnesses was not in consonance with the medical evidence;
 6. the FIR appeared to have been prepared afterwards;
 7. it was not probable to believe that Gurmuz Singh, if he had taken part in the incident, would have been sleeping at his house from where he was arrested;
 8. it was not expected that accused Surinder Singh and Pinder would have meekly surrendered without putting any resistance.
5. He, therefore, directed acquittal of the accused person.
6. Aggrieved by the said judgment of acquittal, the State of Uttar Pradesh preferred a Government Appeal (Cr.) No. 585 of 1976. During pendency of the appeal the accused Gurmuz Singh was reported to be dead and, therefore, it was held that appeal abated so far as he is concerned. After analyzing the evidence on record, the High Court came to hold that the approach of the trial Court was indefensible and was full of errors and great emphasis was laid on insignificant and unreasonable grounds. It was primarily held that there were no inconsistencies or discrepancies in the prosecution evidence to warrant an order of acquittal. Therefore, the judgment of the trial Court was set aside and the accused appellants were found guilty of offence punishable under Section 302 read with Section 34 IPC and each of the accused was convicted and sentenced to imprisonment for life.
7. In the present appeal, learned counsel for the appellants at the threshold took exception to the trial on the ground that the accused persons were juveniles as defined under the Juvenile Justice Act, 1986 (in short the 'Juvenile Act') at the time of occurrence. There was no determination of their respective ages and if the trial Court doubted the correctness of their age, a proper enquiry to determine their age should have been undertaken. It was pointed out that one of the accused i.e. Surinder Singh claimed his age to be 16/17 years, while other accused Pinder Singh claimed his age to be 17/18 years. The trial Court noted that the age of Surinder Singh appeared to be 18/19 years. It was submitted that while the accused persons were in jail, they were kept in a cell of the jail meant for juveniles. This itself, according to appellants is, indicative of the fact that they were juveniles. Coming to the merits of the case, it was submitted that conclusions of the High Court are full of holes and the judgment of acquittal should not have been so lightly interfered with. Though PWs 2 and 3 were

considered to be the independent witnesses by the High Court, they were known to the prosecution witnesses and the deceased and they cannot be the independent witnesses. PW-3 was a chance witness. The presence of PWs 2 and 3 at the spot of occurrence is highly improbable. If really they are eye-witnesses, in the site plan, the position from which PW-2 claimed to have seen the occurrence should have been indicated. On reading of the evidence tendered by the prosecution it is clear that many persons were also present and their non-examination assumes importance because most of the so-called witnesses are relatives of the deceased and the rest cannot be treated as totally independent witnesses. There were number of shopkeepers nearby. It is strange that not even a single shopkeeper has been examined. Particularly, the non-examination of Ramdas who was claimed to have apprehended the accused at the spot is a vital omission on the part of the prosecution which has not been explained. PWs 1 and 4 being relatives of the deceased, they are interested witnesses, no credence should have been attached to their evidence. Finally, it was submitted that if two views are possible, one which is in favour of the accused is to be preferred. The view taken by the trial Court cannot be treated to be so unreasonable as to warrant interference and order of acquittal should not have been altered to one of conviction.

8. Per contra, learned counsel for the State submitted that the High Court rightly interfered with the judgment of acquittal. The trial Court's judgment was based more on surmises and conjectures, rather than analyzing the cogent and credible evidence on record. Minor details which in no way corrode or effect the credibility of prosecution version were highlighted to a great magnitude. The trial court acted on surmises and conjectures. The judgment of acquittal which was perverse has been rightly set aside. The rival stands need careful consideration.

9. The jurisdictional issue based on purported ages of the accused needs consideration first. The question relating to age of the accused was never raised before the courts below, necessitating a decision in this regard. In fact, the Juvenile Act on which the appellants have placed reliance was not in existence at the time of occurrence, and Uttar Pradesh Children Act, 1951 (in short the 'Children Act') which was repealed by Juvenile Act was operative. Clause (4) of Section 2 of the Children Act defines 'child' who is under the age of 16 years. Statement of the accused on which great reliance was placed by learned counsel for the appellants, itself shows that the accused Surinder Singh and Pinder Singh stated their ages to be 16/17 and 18/19 years. Though the statement was recorded few months after the occurrence, that does not really show that the accused were less than the prescribed age on the date of occurrence. Further, the necessity of determine in the age of accused arises, when the accused raises a plea and the Court entertains a doubt. Here, no claim was made by the accused that he was a child and, therefore, the question of the Court entertaining a doubt does not arise. Further, the mere fact that the accused were put in a cell meant for juveniles as contended by learned counsel for the appellants is a plea which is just to be noted and rejected. There is no material to even substantiate this stand, nor any such treatment could be specifically said to have been meted out by any orders of Court/Authority. On the contrary, the order of bail passed by the Allahabad High Court by which

baul was granted, does not even direct that they were to be kept in a cell meant for juveniles. The order dated 9.2.1987 was passed when after admitting the appeal, the present appellants were directed to be released on bail in the concerned Government appeal and at that time there was not even any adjudication of the question whether the accused were child/juvenile. In the aforesaid background, plea based on purported age raised by the appellants has no merit and is rejected.

10. Coming to the merits though the evidence of PWs 2 and 3 attacked on the ground that they are not independent witnesses being known to the prosecution witnesses is too hollow to carry any weight. PW-2 was a constable of police, and he has no reason to falsely implicate accused persons. There is not even any suggestion given to him at any stage that he had any animosity with accused or any familiarity with the deceased and the witnesses. Even if it would have been so suggested, his evidence could not have been rendered vulnerable, merely because he knows names of the prosecution witnesses and the deceased, this is but natural because he was performing patrolling duty in the area where the deceased and the prosecution witnesses lived. Similar is the case of PW-3. He has given the reasons as to why he was present at the spot of occurrence. The High Court has found the reason given for his presence to be quite credible. On the evidence of these two witnesses, the prosecution version was firmly established. Merely because name of PW-2 did not appear at the site plan that does not render his presence at the place of occurrence improbable. As was held in *Girish Yadav and others v. State of Madhya Pradesh* (JT 1996(3) SC 615), the site plan is prepared on hearsay and is not to be read as evidence. Even otherwise, explanation has been given as to why the position from where PW-2 claimed to have been seen the occurrence was not noted in the site plan. The High Court has noticed this factor and in our view rightly. Further the plea as to why no shopkeeper has been examined, is also explained by the prosecution. It was stated that those witnesses appeared to be terrified at the ghastly attacks and did not come forward to say anything about the assaults. Their examination in the background could not have been done just for formality. As is noticed in *Girish Yadav's case* (supra) non-examination of such witnesses when other eye-witnesses have been examined does not make the prosecution version suspect and the position is not changed when the witnesses examined are relatives.

10. Next comes the contention regarding interestedness of the witnesses for furthering prosecution version. Relationship is not a factor to affect credibility of a witness. It is more often than not that a relation would not conceal actual culprit and make allegations against an innocent person. Foundation has to be laid if plea of false implication is made. In such cases, the court has to adopt a careful approach and analyse evidence to find out whether it is cogent and credible.

11. In *Dalip Singh and others v. The State of Punjab* (AIR 1953 SC 364) it has been laid down as under :-

"A witness is normally to be considered independent unless he or she springs from sources which are likely to be tainted and that usually means unless the witness has cause, such as enmity against the accused, to wish to implicate him

falsely. Ordinarily a close relation would be the last to screen the real culprit and falsely implicate an innocent person. It is true, when feelings run high and there is personal cause for enmity, that there is a tendency to drag in an innocent person against whom a witness has a grudge along with the guilty, but foundation must be laid for such a criticism and the mere fact of relationship far from being a foundation is often a sure guarantee of truth. However, we are not attempting any sweeping generalization. Each case must be judged on its own facts. Our observations are only made to combat what is so often put forward in cases before us as a general rule of prudence. There is no such general rule. Each case must be limited to and be governed by its own facts."

12. The above decision has since been followed in *Guli Chand and others v. State of Rajasthan* (1974(3) SCC 698) in which *Vadivelu Thevar v. State of Madras* (AIR 1957 SC 614) was also relied upon.

13. We may also observe that the ground that the witness being a close relative and consequently being a partisan witness, should not be relied upon, has no substance. This theory was repelled by this Court as early as in *Dalip Singh's case* (supra) in which surprise was expressed over the impression which prevailed in the minds of the Members of the Bar that relatives were not independent witnesses. Speaking through *Vivian Bose, J.* it was observed:

"We are unable to agree with the learned Judges of the High Court that the testimony of the two eyewitnesses requires corroboration. If the foundation for such an observation is based on the fact that the witnesses are women and that the fate of seven men hangs on their testimony, we know of no such rule. If it is grounded on the reason that they are closely related to the deceased we are unable to concur. This is a fallacy common to many criminal cases and one which another Bench of this Court endeavoured to dispel in *Rameshwar v. State of Rajasthan* (AIR 1952 SC 54 at p. 59). We find, however, that it unfortunately still persists, if not in the judgment of the Courts, at any rate in the arguments of counsel."

14. Again in *Masali and others v. State of U.P.* (AIR 1965 SC 202) this Court observed (p. 209-210 para 14):

"But it would, we think, be unreasonable to contend that evidence given by witnesses should be discarded only on the ground that it is evidence of partisan or interested witnesses.....The mechanical rejection of such (such?) evidence on the sole ground that it is partisan would invariably lead to failure of justice. No hard and fast rule can be laid down as to how much evidence should be appreciated. Judicial approach has to be cautious in dealing with such evidence; but the plea that such evidence should be rejected because it is partisan cannot be accepted as correct."

15. To the same effect is the decision in *State of Punjab v. Jagir Singh* (AIR 1973 SC 2407) and *Lehra v. State of Haryana* (2002(3) SCC 76).

16. Looked at from the aforesaid angle, the trial Court had erroneously discarded the prosecution evidence and the High Court was right in accepting their evidence.

17. One of the pleas raised by learned counsel for the appellants was that the injuries as noticed by the doctor are at variance with the ocular evidence. On a

close reading of the evidence of eye-witnesses and the doctor's report there is no noticeable variance. The mere fact that doctor said that injuries appeared to be on one side of the body and the witnesses said that attacks were from different sides, is too trifling an aspect. When three persons are attacking a person, the witnesses naturally get shocked. This is normal human conduct and the immediate reaction is to save the victim and to stop the assailants from further attacks. That is precisely what has been done by the eye-witnesses. It is only when the medical evidence totally improbabilises the ocular evidence, that the Court starts suspecting the veracity of the evidence and not otherwise.

18. In view of the fact that the order of acquittal was set aside by the High Court, we have gone through the evidence carefully and minutely in the background of submissions made by the learned counsel for the appellants. We find that, as rightly observed by the High Court, minor irrelevant factors were highlighted to discard credible, cogent and trustworthy evidence. It is true that an order of acquittal should not be lightly interfered with. This Court in a number of cases has held that though the appellate Court has full power to review the evidence upon which the order of acquittal is founded, still while exercising such an appellate power in a case of acquittal, the appellate Court should not only consider every matter on record having a bearing on the question of fact and the reasons given by the Courts below in support of its order of acquittal, it must express its reasons in the judgment which led it to hold that the acquittal is not justified.

19. It is obligatory on the High Court while reversing an order of acquittal to consider and discuss each of the reasons given by the trial court to acquit the accused and then to dislodge those reasons. [See *Chandu v. State of Maharashtra* (2001) 4 SCALE 590 and *Kashiram and others v. State of M.P.* (2002) 1 SCC 71 : 2001(4) RCR (Cri) 556 (SC)].

20. In the instant case, the High Court has discharged the aforesaid obligation as required and by careful analysis demolished each one of the fundamental weak reasonings given by the trial court.

21. The inevitable result of this appeal is dismissed which we direct. The accused-appellants who are on bail are directed to surrender to custody to serve the remainder sentence.

Appeal dismissed.

MURARI THAKUR AND ANOTHER Vs. STATE OF BIHAR

AIR 2007 S.C. 1129

SUPREME COURT OF INDIA

(S. B. SINHA & MARKANDEY KATJU JJ.)

Appeal (cri.) 985 of 2005-Decided on 14-12-2006. (From: Patna)

(A) Penal Code, 1860, Section 302 - Juvenile Justice (Care and Protection of Children) Act, 2000, Section 1 - Murder - Juvenile - Applicability of Juvenile Act - Plea raised before Supreme Court - Neither taken before

the trial Court nor before the High Court - Question of age of accused is a question of fact - On which evidence, cross-examination required - Cannot be allowed to be taken at late state.

(Para 5)

(B) Penal Code, 1860, Section 302 r/w 34 - FIR delay - Murder - Occurrence took place on 26.8.1998 at 4 p.m - Investigation Officer stated in his evidence that it was rainy season and there was flood in the areas - He reached the place of occurrence on the night of 26.8.1998/27.8.1998 at about 1.30 a.m - No such fatal delay in lodging in FIR.

(Para 6)

(C) Penal Code, 1860, Section 302 r/w 34 - Common intention - Murder - Co-accused cut the neck of deceased but the appellant also participated in murder - He had caught the legs of the deceased and sat on the back of deceased at the time of commission of murder - Section 34 clearly applicable - Accused committed murder of deceased after overpowering him in furtherance of their common intention.

(Para 7)

Advocate(s) : S.C. Maheshwari, Sr. Advocate, Ms. Sandhya Goswami, Jabar Singh M.P.S. Tomar and Vipul Maheshwari, Advocates with him for the Appellants.

Gopal Singh and Nishkant Pandey Advocates for Respondent.

JUDGEMENT

MARKANDEY KATIJI, J.-This appeal has been filed against the judgment and order dated 12.1.2005 of the Patna High Court in Criminal Appeal No. 266 of 2001. By that judgment the conviction of the appellants by the trial court under Section 302/34 IPC was upheld.

2. Heard learned counsel for the parties and perused the record.

3. The case of the prosecution, in short, is that on 26.8.1998 at about 3 p.m., Dhameshwar Mishra (PW4), elder brother of the first informant Bhureshwar Mishra was going for grazing his buffalo when he saw his deceased nephew Bal Krishna Mishra with the appellants going across the river in Parti land. When Dhameshwar Mishra enquired from them where they were going, they all replied that they were on a stroll and they went towards east of the river. Dhameshwar Mishra also went across the river with his buffalo. After sometime at about 4 p.m., he heard the sound of gasping from the other side of a field of sugarcane and leaving his buffalo, he went towards the sugarcane field. He found that on a ridge under the tree of Jamun (rose apple), appellants Murari Thakur had caught hold of the legs of deceased, appellant Sudhir Thakur was sitting on the back of the deceased holding both his hands, and the third accused Sunil Kumar (who is not before us) after pressing the neck of the deceased was cutting it with a sharp edged weapon. Dhameshwar Mishra saw this incident from a distance of ten laggis, and he ran raising hulla and the appellants and Sunil Kumar fled away towards west of the sugarcane field. When Dhameshwar Mishra reached the place, he found that all the three appellants had already committed the murder of the deceased by cutting his

neck. On hulla of Dhameshwar Mishra, Devendra Singh (PW6), Kishore Jha (PW2), Baleshwar Mishra (PW3), Paras Nath Mishra (PW7) and a number of other persons came there and they saw the dead body of the deceased. About motive of the occurrence, the case of the prosecution is that twelve days before the occurrence, some altercation had taken place with appellant Sunil Kumar. On the date of the occurrence at about 8 p.m. when the informant Bhuneshwar Mishra (PW8), father of the deceased came to his house from Sitamarhi, he came to know that his son had been killed and Dhameshwar Mishra told him about the entire incident. On the night between 26.8.1998 and 27.8.1998 about 1.30 hours, Fard-e-bayan of the first informant was recorded at the place of the occurrence and a case under Section 302/34 of Indian Penal Code was registered against all the three appellants. The police, after investigation, submitted chargesheet against them under the same heading. Cognizance of the case was taken and the case was committed to the Court of Session where after trial, appellants were held guilty and were convicted and sentenced, as stated above.

4. Against the judgment of the Trial Court, the appellant filed an appeal in the High Court, which was dismissed and hence this appeal.

5. Learned counsel for the appellant firstly submitted that the appellants are entitled to the benefit of the Juvenile Justice (Care and Protection of Children) Act 2000 as amended by the amendment of 2006. We are of the opinion that this point cannot be raised at this stage because neither was it taken before the Trial Court nor before the High Court. Even otherwise we do not find any merit in the said contention. The question of age of the accused appellants is a question of fact on which evidence, cross-examination, etc. is required and, therefore, it cannot be allowed to be taken up at this late stage. Hence, we reject this submission of the learned counsel for the appellant.

6. Learned counsel for the appellant then submitted that there was delay in filing the FIR. We are of the opinion that there is no such delay which can be said to be fatal to the prosecution case. The occurrence took place on 26.8.1998 at 4 p.m. The first informant, the father of the deceased, Bhuneshwar Mishra (PW8), was at Sitamarhi and returned home on 8 p.m., when he came to know from his brother Dhameshwar Mishra that his minor son Bal Krishna Mishra aged about 14 years had been murdered. After Bhuneshwar Mishra learnt about this from his brother Dhameshwar Mishra (PW4), then he went and lodged the FIR. R.K. Tiwari (PW11), the Investigating Officer, has stated in his evidence that it was rainy season and there was flood in the area and he reached the place of the occurrence on the night of 26.8.1998/27.8.1998 at about 1.30 a.m. and recorded the Fard-e-bayan of the informant. In these circumstances, we are of the opinion that there was no such fatal delay in lodging the FIR.

7. We agree with the view taken by the High Court and the Trial Court that the accused had committed murder of deceased Bal Krishna Mishra after overpowering him in furtherance of their common intention on 26.8.1998 at 4 p.m. No doubt it was Sunil Thakur, who is not before us, who cut the neck of the deceased but the appellants before us (Murali Thakur and Sudhir Thakur) also participated in the murder. Murali Thakur had caught the legs of the deceased and Sudhir Thakur sat on the back of the deceased at the time of

commission of this murder. Hence Section 34 IPC is clearly applicable in this case.

8 In these circumstances, we find no merit in this appeal and hence it is dismissed.

JAMEEL Vs. STATE OF MAHARASHTRA

AIR 2007 S.C.971

SUPREME COURT OF INDIA

(S. B. SINHA & MARKANDEY KATJU JJ.)

Appeal (crl.) 173 of 2006-Decided on 16-1-2007. (From Bombay)

(A) Penal Code, 1860, Sections 363, 376r/w 511 and 377 - Rape - Test identification parade - Non holding of - Accused was known to the prosecutrix and her family members and she having identified him before lodging of the FIR - It would have been futile to hold a test identification parade - Even otherwise substantive evidence is the evidence of identification in court.

(Para 12)

(B) Penal Code, 1860, Sections 363, 376r/w 511 and 377 - Juvenile Justice (Care and Protection of Children) Act, 2000 - Rape - Juvenile - Applicability of 2000 Act in pending cases - On 1.4.2001 i.e. the date on which the 2000 Act came into force person should not attain the age of 18 years to get the benefit of Act - Appellant above 18 years of age on 1.4.2001 - Act of 2000 cannot have application.

(Para 14 and 15)

JUDGEMENT

S.B. SINHA, J :- This appeal is directed against a judgment and order dated 27.01.2005 passed by a learned Single Judge of the Aurangabad Bench of the Bombay High Court in Criminal Appeal No. 23 of 1991 whereby and whereunder the appeal preferred by the appellant herein against a judgment of conviction and sentence dated 16.01.1991 was dismissed.

2. Appellant herein is a resident of Ambedkarnagar, Nanded. He was a mechanic of two-wheelers. One Shivrani Dhondiba Kshirsagar, aged about 6 years at that time, was also residing at House No. 14, Ambedkarnagar, Nanded. He allured the said child to ride with him on his Luna. She was taken towards Aerodrome. A search was made for her, but she could not be traced. She came back to her house weeping and crying. It has been noticed by the High Court :

"When her mother made query, she told that the person who used to repair Luna had taken her towards aerodrome on Luna and there, after removing her nicker, he urinated on his private part. She also told that as a result of the same, she was having pains at her private part. After arrival of the father of the prosecutrix, Vandana, the mother of the prosecutrix narrated the incident to him. The prosecutrix also narrated the said incident to her father. Thereafter, father tried to search the person who had committed the above acts, but he was not traced."

3. A First Information Report could not be lodged immediately as night had set in. On the next day, the girl was taken to the 'Noor Garage' where the appellant was identified as the person who had committed the 'mischievous act' against her on the previous day. The First Information Report thereafter was lodged. The prosecutrix was medically examined by one Dr. Sheela Kadam. The medical report reads as under :

- (i) Hymen intact
- (ii) No evidence of injury over valva
- (iii) External anal sphincter abrasion anteriorly and laterally about 1/4 cm x 1/4 cm. Redness of sphincter PR powerful.
- (iv) For vaginal examination not possible.
- (v) No semen deposit and hymen intact. So wet smear for sperm taken from rectum. Negative.

There is evidence of intercourse through rectum."

4. Although a chargesheet was filed against the appellant under Sections 363 and 376 of the Indian Penal Code, but the same was altered to one under Sections 363, 376 read with Section 511 and Section 377 thereof.

5. Before the learned Sessions Judge, not only the prosecutrix but also her mother Vandana Dhondiba Kshirsagar and father Dhondiba Kishan Kshirsagar were examined.

6. Believing the testimonies of the said witnesses, the learned Sessions Judge found the charges to have been proved as against the appellant. He was convicted under Sections 363, 376 read with Section 511 and Section 377 IPC. He was sentenced to suffer rigorous imprisonments for three years, five years and seven years under Sections 363, 376/511 and 377 IPC respectively and to pay a fine of Rs 2,000/- under Section 363 and Rs. 3,000/- each under Section 376/511 and 377 IPC respectively.

7. The appeal preferred by the appellant herein was dismissed by the High Court by reason of the impugned judgment. Hence, the appellant is before us.

8. The learned counsel appearing on behalf of the appellant would submit that the appellant having not been put to test identification parade, which was imperative having regard to the fact that the prosecutrix did not know him, the impugned judgment cannot be sustained.

9. It was furthermore submitted that although the age of the appellant on the date of the occurrence was more than sixteen years but below eighteen years, having regard to the provision of the Juvenile Justice (Care and Protection of Children) Act, 2000, (for short, 'the 2000 Act'), it was imperative on the part of the court to follow the procedures laid down therein.

10. The fact that the appellant as also the prosecutrix are of the same town is not in dispute. It is also not in dispute that the appellant was a mechanic of two-wheelers. He was working in the 'Noor Garage'. At about 2.00 p.m. on 16.12.1989, the appellant allured the prosecutrix stating that he would take her on his Luna for a ride. She was tempted to go along with him. The medical report is also not in dispute. The identification of the accused by the prosecutrix on the next day also stands proved.

11. Having regard to the depositions of the prosecutrix and her parents, the learned Sessions Judge as also the High Court cannot be held to have committed any error in arriving at the finding as noticed hereinbefore. The High Court, in our opinion, has rightly opined:

"Merely because there was no evidence of stains over perineum or clothes and no semen was detected, it cannot be concluded that sexual intercourse through rectum had not taken place. Suggestion in this behalf has been categorically denied by Dr. Sheela Kadam No, the medical evidence, in fact, supports the version of prosecutrix. Merely because prosecutrix has stated that the accused put his penis on her private part and urinated there and has not specifically stated that he had inserted his penis in her vagina on her private part, we cannot jump to the conclusion that there was no attempt on the part of the accused to commit rape on prosecutrix. We must take into consideration the fact that the prosecutrix is hardly of six years age and whatever act was committed by the accused, she might have thought that the accused urinated there, but in fact, the evidence indicates that he must have tried to commit rape on prosecutrix. However, finding that it is difficult to insert his penis in her vagina, intercourse through rectum was committed. The doctor has stated that there is evidence of intercourse through rectum."

12. The deposition of the prosecutrix, in our opinion, clearly shows that she was absolutely an innocent girl. So far as the submission of the learned counsel in regard to non-holding of the test identification parade of the appellant is concerned, we are of the opinion that having regard to the fact that the appellant was known to the prosecutrix and her family members and she having identified him before lodging of the F.I.R., it would have been futile to hold a test identification parade. Even otherwise the substantive evidence is the evidence of identification in court. [See *Amitsingh Bhikansing Thakur v. State of Maharashtra* - 2007 (1) SCALE 62]. We, therefore, cannot accept the contention that the prosecution has not proved its case.

13. So far as the submission of the learned counsel in regard to the applicability of the 2000 Act, is concerned, it is not in dispute that the appellant on the date of occurrence had completed sixteen years of age. The offence having been committed on 16.12.1989, the 2000 Act has no application. In terms of the Juvenile Justice Act, 1986, 'juvenile' was defined to mean "a boy who had not attained the age of sixteen years or a girl who had attained the age of eighteen years".

14. The applicability of the provisions of Section 20 of the 2000 Act was considered by a Constitution Bench of this Court in *Pratap Singh v. State of Jharkhand and Another* [(2005) 3 SCC 551], wherein, inter alia, it was held:

"31. Section 20 of the Act as quoted above deals with the special provision in respect of pending cases and begins with non-obstante clause. The sentence "notwithstanding anything contained in this Act, all proceedings in respect of a juvenile pending in any court in any area on date of which this Act came into force" has great significance. The proceedings in respect of a juvenile pending in any court referred to in Section 20 of the Act are relatable to proceedings initiated before the 2000 Act came into force and which are pending when the 2000 Act came into force. The term "any court" would include even ordinary criminal courts. If the person was a "juvenile" under the 1986 Act the proceedings would not be pending in criminal courts. They would be pending in criminal courts only if the boy had crossed 16 years or girl had crossed 18 years. This shows that Section 20 refers to cases where a person had ceased to be a juvenile under the 1986 Act but had not yet crossed the age of 18 years then the pending case shall continue in that Court as if the 2000 Act has not been passed and if the Court finds that the juvenile has committed an offence, it shall record such finding and instead of passing any sentence in respect of the juvenile, shall forward the juvenile to the Board which shall pass orders in respect of that juvenile.

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34. This Rule also indicates that the intention of the Legislature was that the provisions of the 2000 Act were to apply to pending cases provided, on 1.4.2001 i.e. the date on which the 2000 Act came into force, the person was a "juvenile" within the meaning of the term as defined in the 2000 Act i.e. he/she had not crossed 18 years of age.

XXX XXX XXX

(b) The 2000 Act would be applicable in a pending proceeding in any court/authority initiated under the 1986 Act and is pending when the 2000 Act came into force and the person had not completed 18 years of age as on 1.4.2001."

15. The appellant was above eighteen years of age on 01.04.2001. The 2000, therefore, cannot have any application whatsoever in the instant case.

16. For the reasons aforementioned, there is no merit in this appeal which is dismissed accordingly.

Jyoti Prakash Rai @ Jyoti Prakash Vs. State of Bihar

Appeal (crl.) 440 of 2008

DATE OF JUDGMENT: 04/03/2008

BENCH:

(S.B. Sinha & V.S. Sirpurkar,J.J.)

HEAD NOTES:- 1- The Juvenile Justice (Care and Protection of Children) Act, 2000 is indisputably a beneficial legislation. Principles of beneficial legislation, however, are to be applied only for the purpose of interpretation of the statute and not for arriving at a conclusion as to whether a person is juvenile or not. Whether an offender was a juvenile on the date of commission of the offence or not is essentially a question of fact which is required to be determined on the basis of the materials brought on records by the parties. In absence of any evidence which is relevant for the said purpose as envisaged under Section 35 of the Indian Evidence Act, the same must be determined keeping in view the factual matrix involved in each case. For the said purpose, not only relevant materials are required to be considered, the orders passed by the court on earlier occasions would also be relevant.

2- A medical report determining the age of a person has never been considered by the courts of law as also by the medical scientists to be conclusive in nature. After certain age it is difficult to determine the exact age of the person concerned on the basis of ossification test or other tests.

3- Unlike the age of a person is required to be determined in a manner laid down under a statute different standard of proof should not be adopted. It is no doubt true that the court must strike a balance. In case of a dispute, the court may appreciate the evidence having regard to the facts and circumstances of the case. It would be a duty of the court of law to accord the benefit to a juvenile, provided he is one. To give the same benefit to a person who in fact is not a juvenile may cause injustice to the victim.

JUDGMENT

S.B. SINHA, J.:

1. Leave granted.

2. Appellant herein is said to be a delinquent juvenile. He was accused of commission of an offence under Section 302 of the Indian Penal Code for killing one of his school mates. He is said to have stabbed the deceased several times. The incident took place on 12.05.2000. His age was estimated at about 17 years as on the said date by the learned Magistrate before whom he was produced. At that point of time, the Juvenile Justice Act, 1986 (for short "the 1986 Act") was in force. In terms of the provisions of the 1986 Act, "juvenile" meant a boy who had not attained the age of sixteen years. The Juvenile Justice (Care and Protection of Children) Act, 2000 (for short "the 2000 Act") came into force with effect from 1.04.2001. "Juvenile" has been defined in the 2000 Act to mean a person who has not completed eighteen years of age. Section 16 of the 2000 Act, as it stood then, provides for a non-obstante clause prohibiting imposition of sentence to death or life imprisonment or commitment to person in default of payment of fine or in default of furnishing security, on a delinquent juvenile.

3. Section 20 of the 2000 Act, as it stood then, reads as under:

"20. Special provision in respect of pending cases - Notwithstanding anything contained in this Act, all proceedings in respect of a juvenile pending in any court in any area on the date on which this Act comes into force in that area, shall be continued in that court as if this Act had not been passed and if the court finds that the juvenile has committed an offence, it shall record such finding and instead of passing any sentence in respect of the juvenile, forward the juvenile to the Board which shall pass orders in respect of that juvenile in accordance with the provisions of this Act as if it had been satisfied on inquiry under this Act that a juvenile has committed the offence."

4. For examining the claim of the appellant that he was a juvenile as on the date of commission of the offence, two medical boards were constituted. The first medical board which examined him on 24.04.2001, opined his age to be between 18 to 19 years. The second medical board which was constituted on 29.06.2001 also opined similarly.

5. Before the learned ACJM, Buxar, some documents were also produced. However, the same were not taken into consideration by the courts below.

6. By an order dated 21.04.2005, the learned Additional Sessions Judge [T.C], Buxar held:

"On 29.06.2001 the Medical Board was constituted under the Chairmanship of the Civil Surgeon, Buxar in which Jyoti Prakash was adjudged to be between 18 and 19 years. The board conducted ossification test and found the place of moustache to be black and also found the ancillary and Pubic Hair to be developed and on radiological findings the right wrist, right elbow and the chest appeared to be developed. The medical board on 24.04.2001 has also adjudged the age of the accused Jyoti Prakash Rai to be between 18 and 19 years of age. The incident is dated 12.05.2000 and the medical board was constituted on 24.04.2001, which was after 11 months and 12 days from the date of occurrence. If by the date of occurrence and also the finding of the medical board of 19 years when 11 months and 12 days are subtracted then the age of the accused is more than 18 years. The New Act of 2000 and also the judgment of the Hon'ble Supreme Court would be applicable only in the condition when on 01.04.2001 the age of the petitioner has not crossed 18 years. As per the findings of the medical board the petitioner on 01.04.2001 was around 18 years 10 months and 19 days old. The Counsel for the petitioner has prayed that the case be sent to the Special Court. In respect of this there is a clear direction of the Hon'ble Supreme Court that under Section 25 that if there is a clear direction of the court that a juvenile offender has committed a crime then only the child offender will be sent before the Board. In light of the above mentioned facts there is no occasion to abide by the directions of the Hon'ble Supreme Court, which is not applicable in the present case."

7. Before the High Court, it was inter alia rightly contended that the decision of this Court in *Arnit Das v. State of Bihar* [(2000) 5 SCC 488] which had laid down the law that the age of the juvenile should be determined as on the date of his production before the Court and not on the date of commission of offence has been overruled by a Constitution Bench of this Court in *Pratap Singh v. State of Jharkhand* [(2005) 3 SCC 551].

In the impugned judgment, the High Court held:

7. According to the submission of learned Advocate of the petitioner, the first medical board was constituted on 24.4.2001 and on that date and board was of the opinion that the petitioner was aged between 18-19 years. He submitted that if the age of the petitioner is taken as 18 years on 24.4.2001 then on 1.4.2001, he was definitely below 18 years [i.e. 23 days less in 18 years]. Likewise, the second medical board was constituted on 29.6.2001 and on that date also the board assessed his age as 18-19 years and, therefore, if the minimum age of the petitioner is taken as 18 years on 29.6.2001, the net result will be that the petitioner was less than 18 years on 1.4.2001 i.e. [two months twenty eight days less in attaining eighteen years].

8. I am of the view that this will not be the proper way of computing the age of petitioner and the proper way to assess the age of the petitioner will be that his age should be fixed in between 18-19 years on the date of examination, according to which the age of the petitioner comes to 18 years 5 months 8 days on 1.4.2001 when he for the first time appeared before the medical board on 29.6.2001. Thus, the net result is that on 1.4.2001 the petitioner was definitely above 18 years of age and not below 18 years of age."

8. Mr. Nagendra Rai, learned senior counsel appearing on behalf of the appellant, would submit that the courts below committed a serious illegality insofar as they failed to take into consideration that on 12.05.2000, the age of the appellant having been determined to be 17 years, inevitably his age as on 1.04.2001 would be less than 18 years. It was furthermore submitted that Armit Das (supra) being no longer a good law, the learned Trial Judge should have proceeded to determine the issue keeping in view the minimum age determined by the Medical Board. Reliance in this behalf has been placed on an unreported decision of this Court in Bihar State Electricity Board v. Bihar Power Workers Union & Ors [Civil Appeal No. 420 of 2001 decided on 6.03.2002] wherein it has been held:

"The High Court is of the view that age determined by the Medical Board cannot be accurate and, therefore, it finds that it would be appropriate to extend the benefit of the lesser age determined by the Medical Board. We do not think that that view of the High Court should be upset. The view of the appellant's Board that it should be only average of the maximum and minimum age, cannot be quite accurate, if in fact, the employee is of the lesser age as determined by the Medical Board. In that view, the policy adopted by the appellant's Board cannot be stated to be without any fault. In that view of the matter, the interference by the High Court is justified, in the circumstances of the case. The appeal is therefore dismissed."

9. The 2000 Act is indisputably a beneficial legislation. Principles of beneficial legislation, however, are to be applied only for the purpose of interpretation of the statute and not for arriving at a conclusion as to whether a person is juvenile or not. Whether an offender was a juvenile on the date of commission of the offence or not is essentially a question of fact which is required to be determined on the basis of the materials brought on records by the parties. In absence of any evidence which is relevant for the said purpose as envisaged under Section 35 of the Indian Evidence Act, the same must be determined keeping in view the factual matrix involved in each case. For the said purpose, not only relevant materials are required to be considered, the orders passed by the court on earlier occasions would also be relevant.

10. A medical report determining the age of a person has never been considered by the courts of law as also by the medical scientists to be conclusive in nature. After certain age it is difficult to determine the exact age of the person concerned on the basis of ossification test or other tests. This Court in *Vishnu v. State of Maharashtra* [(2006) 1 SCC 283], opined:

"20. It is urged before us by Mr Latit that the determination of the age of the prosecutrix by conducting ossification test is scientifically proved and, therefore, the opinion of the doctor that the girl was of 18-19 years of age should be accepted. We are unable to accept this contention for the reasons that the expert medical evidence is not binding on the ocular evidence. The opinion of the Medical Officer is to assist the court as he is not a witness of fact and the evidence given by the Medical Officer is really of an advisory character and not binding on the witness of fact.

21."

11. In the aforementioned situation, this Court in a number of judgments has held that the age determined by the doctors should be given flexibility of two years on either side.

In a case of this nature, thus, where the delinquent was examined by two different medical boards, who on two different dates have reached the identical opinion, viz, the age of the appellant between 18 and 19 years, and, thus, resulting in two different conclusions, a greater difficulty arises for the court to arrive at a correct decision. For the said purpose, the court may resort to some sort of hypothesis, as no premise is available on the basis whereof a definitive conclusion can be arrived at. 12. It is in the aforementioned situation, we are of the opinion that the test which may be applied herein would be to take the average of the age as opined by both the medical boards. Even applying that test, the age of the appellant as on 01.04.2001 would be above 18 years.

We, however, hasten to add that we have taken recourse to the said method only for the purpose of this case and we do not intend to lay down any general proposition of law in this behalf. As indicated hereinbefore, in so doing, we have also taken into consideration the fact that the appellant had filed documents in support of his claim that he was a juvenile but the same were found to be forged and fabricated which is itself a factor to show that he was making attempts to obtain a benefit to which he might not have been entitled to.

13. Applicability of the 2000 Act in relation to a juvenile who has committed an offence prior to coming into force of the 2000 Act came up for consideration before a Constitution Bench of this Court in *Pratap Singh* (supra). It was opined:

"31. Section 20 of the Act as quoted above deals with the special provision in respect of pending cases and begins with a non-obstante clause. The sentence "notwithstanding anything contained in this Act, all proceedings in respect of a juvenile pending in any court in any area on the date on which this Act came into force" has great significance. The proceedings in respect of a juvenile pending in any court referred to in Section 20 of the Act are relatable to proceedings initiated before the 2000 Act came into force and which are pending when the 2000 Act

came into force. The term "any court" would include even ordinary criminal courts. If the person was a "juvenile"

under the 1986 Act the proceedings would not be pending in criminal courts. They would be pending in criminal courts only if the boy had crossed 16 years or the girl had crossed 18 years. This shows that Section 20 refers to cases where a person had ceased to be a juvenile under the 1986 Act but had not yet crossed the age of 18 years then the pending case shall continue in that court as if the 2000 Act has not been passed and if the court finds that the juvenile has committed an offence, it shall record such finding and instead of passing any sentence in respect of the juvenile, shall forward the juvenile to the Board which shall pass orders in respect of that juvenile."

It was furthermore observed:

"36. We, therefore, hold that the provisions of the 2000 Act would be applicable to those cases initiated and pending trial/inquiry for the offences committed under the 1986 Act provided that the person had not completed 18 years of age as on 1-4-2001."

It was concluded:

"37. The net result is:

(b) The 2000 Act would be applicable in a pending proceeding in any court/authority initiated under the 1986 Act and is pending when the 2000 Act came into force and the person had not completed 18 years of age as on 1-4-2001."

14. Reliance placed by Mr. Rai on the unreported decision in Bihar State Electricity Board (supra) is misplaced. Therein a policy decision had been taken. The correctness of the said policy decision was in question having regard to the determination of the age by a medical board. The High Court was of the view that the age determined by the medical board cannot be accurate. It was, therefore, not a case where any law was laid down. 15. The court has to determine the age keeping in view a large number of factors. It is in that context it was opined in *Birad Mal Singhvi v. Anand Parohit* [1988 Supp SCC 604]:

"To render a document admissible under Section 35, three conditions must be satisfied, firstly, entry that is relied on must be one in a public or other official book, register or record; secondly, it must be an entry stating a fact in issue or relevant fact; and thirdly, it must be made by a public servant in discharge of his official duty, or any other person in performance of a duty specially enjoined by law. An entry relating to date of birth made in the school register is relevant and admissible under Section 35 of the Act but the entry regarding the age of a person in a school register is of not much evidentiary value to prove the age of the person in the absence of the material on which the age was recorded."

16. In *Sushil Kumar v. Rakesh Kumar* [(2003) 8 SCC 673], this Court observed:

"32. The age of a person in an election petition has to be determined not only on the basis of the materials placed on record but also upon taking into consideration the circumstances attending thereto. The initial burden to

prove the allegations made in the election petition although was upon the election petitioner but for proving the facts which were within the special knowledge of the respondent, the burden was upon him in terms of ...

17. In *Ravinder Singh Gorkhi vs. State of U.P.* [(2006) 5 SCC 584], it was held :- "21. Determination of the date of birth of a person before a court of law, whether in a civil proceeding or a criminal proceeding, would depend upon the facts and circumstances of each case. Such a date of birth has to be determined on the basis of the materials on records. It will be a matter of appreciation of evidence adduced by the parties. Different standards having regard to the provision of Section 35 of the Evidence Act cannot be applied in a civil case or a criminal case."

It was furthermore held :-

"38. The age of a person as recorded in the school register or otherwise may be used for various purposes, namely, for obtaining admission, for obtaining an appointment, for contesting election, registration of marriage, obtaining a separate unit under the ceiling laws; and even for the purpose of litigating before a civil forum e.g. necessity of being represented in a court of law by a guardian or where a suit is filed on the ground that the plaintiff being a minor he was not appropriately represented therein or any transaction made on his behalf was void as he was a minor. A court of law for the purpose of determining the age of a party to the lis, having regard to the provisions of Section 35 of the Evidence Act will have to apply the same standard. No different standard can be applied in case of an accused as in a case of abduction or rape, or similar offence where the victim or the prosecutrix although might have consented with the accused, if on the basis of the entries made in the register maintained by the school, a judgment of conviction is recorded, the accused would be deprived of his constitutional right under Article 21 of the Constitution, as in that case the accused may unjustly be convicted.

39. We are, therefore, of the opinion that until the age of a person is required to be determined in a manner laid down under a statute, different standard of proof should not be adopted. It is no doubt true that the court must strike a balance. In case of a dispute, the court may appreciate the evidence having regard to the facts and circumstances of the case. It would be a duty of the court of law to accord the benefit to a juvenile, provided he is one. To give the same benefit to a person who in fact is not a juvenile may cause injustice to the victim. In this case, the appellant had never been serious in projecting his plea that he on the date of commission of the offence was a minor. He made such statement for the first time while he was examined under Section 313 of the Code of Criminal Procedure.

40. The family background of the appellant is also a relevant fact. His father was a "Pradhan" of the village. He was found to be in possession of an unlicensed firearm. He was all along represented by a lawyer. The court estimated his age to be 18 years. He was tried jointly with the other accused. He had been treated alike with the other accused.

On merit of the matter also the appellant stands on the same footing as the other accused. The prosecution has proved its case. In fact no such plea

could be raised as the special leave petition of the persons similarly situated was dismissed when the Court issued notice having regard to the contention raised by him for the first time that he was a minor on the date of occurrence."

18. In *Jitendra Ram v. State of Jharkhand* [(2006) 9 SCC 428], this Court stated:

"20. We are, however, not oblivious of the decision of this Court in *Bhola Bhagat v. State of Bihar* wherein an obligation has been cast on the court that where such a plea is raised having regard to the beneficial nature of the socially oriented legislation, the same should be examined with great care. We are, however, of the opinion that the same would not mean that a person who is not entitled to the benefit of the said Act would be dealt with leniently only because such a plea is raised. Each plea must be judged on its own merit. Each case has to be considered on the basis of the materials brought on records."

It was held:

"22. We, therefore, are of the opinion that the determination of the age of the appellant as on the date of the commission of the offence should be done afresh by the learned Sessions Judge."

19. Appellant herein had produced a large number of documents to prove his age purported to be as on the date of commission of the crime. The genuineness of the school certificate and the horoscope had been questioned. The school certificate produced by the appellant was found to be forged and fabricated and as a matter of fact a criminal case was directed to be instituted against the Head of the Institution.

20. The court, therefore, had no other option but to determine the age on the basis of the Medical Reports. Both the medical reports dated 24.04.2001 and 29.06.2001 opined the age of the appellant between 18 and 19 years. In terms of first medical report, the age of the appellant came to be 18 years 5 months 8 days and in terms of the second medical report, it came to be between 18 and 19 years. The High Court opined that the appellant on 1.04.2001 was definitely above 18 years of age and not below 18 years of age.

21. The courts have considered this aspect of the matter on earlier occasions also. If, thus, on the basis of several factors including the fact that school leaving certificate and the horoscope produced by the appellant were found to be forged and fabricated and having regard to two medical reports the courts below have found the age of the appellant as on 1.04.2001 to be above 18 years, we are of the opinion that no exception thereto can be taken.

22. For the reasons aforementioned, there is no merit in this appeal which is dismissed accordingly.

Lavi Yadav alias Love Yadav, Versus state of U.P. and another .

Criminal Revision Defective no. 88 of 2007

Hon.R.K.Rastogi,J.

This is a revision against judgment and order dated 7.12.2006 passed by the Sessions Judge, Agra and order dated 16.11.2006 passed by the Juvenile Justice Board, Agra in case crime no. 41/2006 under sections 147, 148, 149, 307 I.P.C. P.S. Nagla Khangar district Firozabad. Since certified copy of the order dated 16.11.2006 was not filed by the revisionist, this revision was registered as Defective Criminal Revision no. 88 of 2007. An application for exemption was also filed by the revisionist and that application was allowed by Hon'ble V.K.Chaturvedi,J. vide his order dated 23.2.07 providing that "filing of certified copy of the order dated 16.11.2006 is dispensed with". There after it was ordered to be connected with Criminal Revision No.549 of 2006 and A.G.A. was directed to file counter affidavit within three weeks and it was ordered to be listed on 23.3.07. Under these circumstances, when the requirement of filing of the certified copy of the order has been dispensed with vide order dated 23.2.07 regular number of the criminal revision should have been allotted by the office. Let it be done now.

I have heard learned counsel for the revisionist as well as the learned A.G.A. for the State.

The facts relevant for disposal of this revision are that the revisionist is involved in case crime no.41/2006 under sections 147, 148, 149, 307 I.P.C. P.S.Nagla Khangar district Firozabad. He had taken a plea that he was juvenile on the date of incident. His above plea was allowed and he was declared to be juvenile. Thereafter he moved an application for grant of bail in the above case. That application was rejected by the Juvenile Justice Board vide order dated 16.11.2006 on the ground that there were several cases pending against him and so after his release he would come into contact with criminals. Aggrieved with that order he filed Criminal (Juvenile) Appeal No.207 of 2006. Lavi Yadav alias Love Yadav vs. State. That appeal was also dismissed by the Sessions Judge on the same ground. Aggrieved with that order the revisionist Lavi Yadav alias Love Yadav has filed this revision.

It may be mentioned that Juvenile Justice Board, Agra had rejected the bail application of the applicant in the present case as well as in case crime no. 73 of 2006 under sections 364-A I.P.C. P.S. Nanirpur district Firozabad vide joint order dated 16.11.2006. In case crime no. 73 of 2006 under section 364-A I.P.C. revisionist had filed Criminal Revision no. 549 of 2007 and that revision was allowed by Hon'ble A.K. Ruoparwal,J. vide order dated 10.12.2007. It may also be mentioned that certified copy of the order of the Juvenile Justice Board was filed in the above revision and file of that revision was also summoned in this revision and has been perused by me.

Now the question to be considered is whether the revisionist should be granted bail in the present case or not.

It was submitted by the learned counsel for the prosecution that since several cases are pending against the revisionist, bail should not be granted to him. On the other hand the learned counsel for the revisionist submitted that the present case in which the revisionist has been detained is a case of no injury. He pointed out that according to the prosecution case certain accused

persons had fired at police party but no injury was received by any one and three co-accused were arrested on the spot by the police and three other persons had allegedly run away from the spot, and those arrested accused named the accused Lavi @ Love Yadav, as one who had participated in the incident and had run away from the spot. The learned counsel for the revisionist submits that besides the above statement of the co-accused, there is no evidence against him. He was not arrested on the spot in the present case nor any recovery was made from him, and so he should be bailed out in the present case.

Without expressing any opinion on the merits of the case but taking into consideration the facts and circumstances narrated above I am of the view that the revisionist deserves to be bailed out in this case and the courts below erred by rejecting his bail application.

The revision, therefore, deserves to be allowed and the order passed by the Juvenile Justice Board and the Sessions Judge, Agra are set aside and the revisionist is directed to be released on bail on execution of personal bond by his mother and two surety bonds to the satisfaction of the Juvenile Justice Board, Agra. One of the sureties would be a male near relative of the revisionist who shall also give an undertaking that he shall keep the revisionist under his supervision and see that he does not come into contact with criminals.

Dated 31.1.2008