

Draft

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Advisory on Amendments in Delhi JJ Rules 2009

**(Modified as per meeting of Supervision Committee with Hon'ble Justice Rajiv Shakdher,
Hon'ble Justice Indermeet Kaur & Hon'ble Justice Mukta Gupta on 29.03.12)**

Prepared By:

Supervision Committee for Observation Homes

(Constituted by Hon'ble Delhi High Court)

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Chapter	Existing	Proposed	Rationale
Chapter I Rule 2 “Definition”	The definition of this term does not exist in 2009 Rules.	(gg) “Guardian” in relation to a child means his natural or legal guardian or any other person having the actual charge or control over the child and recognized by the Board or Committee as a guardian in course of the proceedings before them;	Term “<i>Guardian</i>” has been used in these Rules but nowhere defined.
Rule 2	The definition of this term does not exist in 2009 Rules.	(ii) “Narcotic drug” and “Psychotropic substance” shall have same meanings respectively as assigned to them in the “Narcotic Drugs and Psychotropic Substances act, 1985 (16 of 1985);	Term “<i>Narcotic Drug & Psychotropic substance</i>” has been used in these Rules but nowhere defined.

Rule 2	The definition of this term does not exist in 2009 Rules.	(hh) "Inquiry" for the purpose of Section 14 shall mean the process during which Board makes decision regarding juvenile's involvement or otherwise in the alleged offence.	This definition has been added to address the confusion concerning the date of initiation of inquiry, and for the purpose of computation of 4 months and also to clear that time period prescribed for inquiry does not include process of rehabilitation, which can go beyond 4 months in deserving cases.
Rule 2	<i>Add New Rules</i>	<i>(cc) "certified" means 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, certification of an institution 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.</i>	To bring in the definitions in conformity with the terms used in the Act and to provide for certification.
Rule 2	<i>(m) "recognized" means a person found fit by the competent</i>	<i>(m) "recognized" means a voluntary organization recognized by the State</i>	To bring in the definitions in conformity

	<p><i>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 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.</i></p>	<p><i>Government to operate 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.</i></p>	<p>with the terms used in the Act and to provide for certification.</p>
Rule 2	<p><i>(r) “Registered” means, all institutions or voluntary organizations, registered under sub-section (3) of section 34 of the Act, that provide residential care for children in need of care and protection;</i></p>	<p><i>(n) “registered” means, all institutions whether State Government run or those run by voluntary organizations for children in need of care and protection, registered under sub-section (3) of section 34 of the Act.</i></p>	<p>To bring in the definitions in conformity with the terms used in the Act and to provide for certification.</p>
III Rule 5	<p>Rule 5 Sub Rule (1) The Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of the first class...</p>	<p>Rule 5 Sub Rule (1). <i>The Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of the first class with at least five years of experience...</i></p>	<p>To ensure that the person appointed as Principal Magistrate has sufficient experience and maturity to deal with children and legal procedures. This is</p>

			also as the seniority provided under JJ Act of 1986.
III Rule 5	Rule 5 Sub Rule 3 (ii) - In case the Principal Magistrate with 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.	In case the Principal Magistrate with such special knowledge or training is not available, then, the State Government shall provide for such training in child psychology or child welfare and other aspects of dispensation of justice as per the Juvenile Justice system.	To emphasize that the training to Principal Magistrates should have special reference to the Juvenile Justice system, not merely restricted to child psychology and child welfare.
	Add Rule 5 A	5A (i) The Board shall be under the direct supervision of the Chief Justice of respective High Court or his nominee(s). (ii) In case of any dereliction of duty on part of any social worker member of the Board, the Chief Justice or his nominee(s) may recommend suitable action to the State Government.	To put JJB under direct supervision of the High Court with an emphasis on accountability and monitoring of functioning o social worker members of JJBs.

		(iii) The Inspecting Judge of the Principal Magistrate as nominated by the District Judge ,shall inspect the Board once every 2 months and submit a report to the High Court.	
Rule 9	Add sub-rule (6)	9(6) When the Board is not sitting on account of holidays or vacation, the child in conflict with law shall be produced before the Principal Magistrate/ member of the Board designated as the Magistrate on duty for the Boards for that day by the Chief Metropolitan Magistrate.	To bring it in conformity with Section 5(2) and provide for availability of one Member on days of vacation/holiday before whom the child in conflict with law can be produced.
Rule 9	Add sub -rule (7) (added as per discussion in meeting dated 29.03.12)	9(7) The Board may hold in-camera proceedings where necessary. Only duly authorized persons, persons directly involved in disposition of the case and the parents/guardians of the juvenile or the child may be allowed to be present during	This rule was originally suggested to be included in Rule 98 but then later on at the time of drafting, it was felt that it is better suited to be added here.

		the proceedings before the Board.	
Rule 10	<p>10. Functions of the Board. The Board shall perform the following functions to achieve the objectives of the Act, namely:-</p> <p>(b) take cognizance of crimes committed under section 23 to 28 of the Act,</p>	<p>10. Functions of the Board. The Board shall perform the following functions to achieve the objectives of the Act, namely:-</p> <p>(b) to pass appropriate direction to police , in any case where commission of any offence under section 23 to 28 of the Act, in respect of a juvenile , is brought to the notice of Board, in any inquiry before it.</p>	<p>To bring clarity about the procedure to be followed by board and to clarify the scope and jurisdiction of JJB. Existing provision has caused various interpretations in various places.</p>
Rule 10	<p>(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;</p>	<p>(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; and recommend suitable action to the State Government against any employee found in dereliction of duty”.</p>	<p>To enable JJB to recommend suitable action to the State Government against the officers found in dereliction of duty. This will ensure strict compliance of orders of Board. At present there is no provision to fix responsibility on the erring officials.</p>

Rule 10	Add one more function in Rule 10	(k) take cognizance of violation of section 19 of the Act and pass appropriate direction to the person or the authority causing or responsible for such violation and to ensure that disqualification stands removed and if a juvenile has suffered any harm due to such disqualification, order such person or persons or authority responsible to compensate such juvenile.	To give power to JJB to order for removal of disqualification of juveniles and to order for compensation in cases such disqualification has caused harm to juvenile.
Rule 11	Rule 11 Sub Rule (1)- In dealing with cases of juveniles in conflict with law the Police or the Juvenile or the Child Welfare Officer... 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.	In dealing with cases of juveniles in conflict with law the Police or the Juvenile/ Child Welfare Officer...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. The same shall be forwarded to the Board within 24 hours. The Final Report in such cases shall be filed at the earliest and in any case not beyond a period of 3 months from the date of the offence.”	Sending DD Entry/ FIR/ Version of Child and other documents to the Board within 24 hours will ensure that (1) timely intimation to JJBs to given to all the children who come into conflict with law and (2) no subsequent manipulation is done in the documents. FIRs are anyway required to be sent to the Ilaka Magistrate within 24 hours. The second part is to bring the Rule is consonance with the judgement of the Hon’ble Supreme Court in Sheela Barse’s case which mandates police

			investigation to be completed within 3 months from the date of incident.
Rule 11	Rule 11 Sub Rule (2)- 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 7 years or more imprisonment for adults).	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)	Police Officer get confused in cases where the punishment prescribed is “<u>which may extend to 7 years</u>”. This proposed changed would do away with this confusion and will make it clear that apprehension will only be exercises where prescribed punishment is more than 7 years. <i>Comment: This proposed amendment is in line with the corresponding provision in the Model Rules 2007 and should be applied in all provisions in existing Rules where “less than 7 years” is used.</i>
Rule 11	Rule 11 after Sub-Rule 6 , new Sub-rule to be added.	6A. In all cases where the age of the person apprehended is stated to be up to 21 years the investigating officer shall carry out age-verification and if the person apprehended prima facie appears to be a juvenile he shall be produced before the Board rather than	To make age verification mandatory in cases where the age is stated to be upto 21 years as often the practice adopted is to show the person apprehended to be

		the court of competent criminal jurisdiction.	above 18 years in a routine and casual manner and produce him before a regular criminal court and the person apprehended languishes in jail for several months before the claim of juvenility is settled. This is also the law laid down down in Gopinath Ghosh V. State of West Bengal.
Rule 13	Rule 13 Sub Rule (1) (a) - dispose off the case, if the evidence of his conflict with law appears to be unfounded or where the juvenile is involved in trivial law breaking;	dispose off the case, if on the consideration of the documents and the record submitted at the time of his first appearance, his being in conflict with law appears to be unfounded or where the juvenile is involved in infraction of law which is <i>de minimus</i> .	Question of evidence would arise only after evidence has been led and it creates difficulty in disposing off the inquiry on the very first day where no material is on record against the juvenile at the time of the first appearance.
Rule 13	After Rule 13 Sub- rule(2) the following Sub-rule 2A be added:	Sub-rule 2A: (1) When the juvenile after being admitted to bail, fails to appear before the Board, on any date fixed for hearing, and no application is moved for exemption on his behalf or no cogent reason is found for granting him	To make the language child friendly and avoid use ofailable and non-ailable warrants and process under Section 82 Cr.P.C. which entails publication and disclosure of name of juvenile. Use of

		<p>exemption, the Board shall instead of issuing warrants against the juvenile, issue to the Juvenile Welfare Officer and SHO directions for production of the juvenile.</p> <p>(2) If the Juvenile Welfare Officer fails to produce the juvenile before the Board even after the issuance of the directions for production of the juvenile, the Board shall instead of issuing process under Section 82 Cr.P.C. pass appropriate orders under Section 22 of the Act.</p>	<p>word “ Warrant” is prohibited in Fundamental Principle Parts of Rules.</p>
Rule 16	Rule 16 Sub Rule (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.	The observation homes or special homes shall set up separate residential facilities for boys and girls in age groups of 12-14 years, 14-16 years and 16-18 years.”	This is to clarify the existing ambiguity about 12-13 years group.
	Add sub rule 2 A	For the girls and boys in the age group of 7 to 12 years, there will be a separate Observation cum Special Home.	To provide for separate facility for children who are in the age group of below 12 years, keeping in view their tender age.
Chapter IV	New addition after Rules 20	20A (i) The Child Welfare Committee shall be under the direct supervision of the Chief	(in light of the judgment of Hon’ble Supreme Court in Bachpan Bachao

		<p>Justice of respective High Court or his nominee(s).</p> <p>(ii) In case of any dereliction of duty on part of any chairperson/member of the Committee, the Chief Justice or his nominee(s) may recommend suitable action to the State Government.</p> <p>(iii) The District Judge shall inspect the Child Welfare Committee in his district once every 2 months and submit a report to the High Court with a copy to State Government.</p> <p>(iv) The Child Welfare Committee shall send quarterly information about children in need of care and protection produced before them to the District Judge in the proforma as may be prescribed.</p>	<p>Andolan v. Union of India & Ors. WP(C) No.51 of 2006 in which Hon'ble Court accepted the submission of Union Government to bring CWC under Court Monitored mechanism.</p>
Rule 24	<p>Add Sub Rule (3A) (Added as per discussion in meeting dated 29.03.12)</p>	<p>(3A) The Committee may hold in-camera proceedings where necessary. Only duly authorized persons, persons directly involved in disposition of the case and the</p>	<p>This rule was originally suggested to be included in Rule 98 but then later on at the time of drafting, it was felt that it is better suited to be added here. It relates</p>

		parents/guardians of the child may be allowed to be present during the proceedings before the Committee.	to CWC also .
IV Rule 25	25. Functions and Powers of the Committee. The Committee shall perform the following functions to achieve the objectives of the Act, namely:- (q) monitor associations and agencies within their jurisdiction that deal with children in order to check on the exploitation and abuse of children;	(q) monitor associations and agencies within their jurisdiction that deal with children in order to check on the exploitation and abuse of children and recommend suitable action to the State Government against officers found in dereliction of duty”.	To enable CWC to recommend suitable action to the State Government against the officers found in dereliction of duty. This will ensure strict compliance of orders of CWC. At present there is no provision to fix responsibility on the erring officials.
Rule 25	(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	(p) visit each institution where children are sent for care and protection or adoption at least once in <i>two</i> months to review the condition of children in institutions, with support of the State Government and recommend suitable action to the State Government against officers found in	To enable CWC to take action against erring officials of such institutions.

	necessary action.	dereliction of duty.	
Rule 26	26(1) The quorum for the meeting shall be two members attending, which may include the Chairperson or the officiating Chairperson.	<i>26(1) The quorum for the meeting shall be three members attending, which may include the Chairperson or the officiating Chairperson.</i>	By way of amendment to the Rules the quorum had been reduced to two and the same should be reverted to three. Further at times the Chairperson is not available and can nominate another member as the officiating Chairperson.
Rule 26	26(4) For final disposal of a case, the order of the Committee shall be signed by at least two members, including the Chairperson.	<i>26(4) For final disposal of a case, the order of the Committee shall be signed by at least three members, including the Chairperson or the officiating Chairperson.</i>	To bring it in line with the quorum of three members.
Rule 27	Add Rule 1 (A)	Where a request is received from any institution where children are sent for care and protection or adoption or by voluntary organisation or childline or where the circumstances so demand, the committee	To ensure that CWC reach out the the children in their institutions or other places where such children are.

		may conduct its proceeding at any place where such children are.	
Rule 28	Add Rule 28(1) A	In all cases, pending inquiry, the Committee shall notify the next date of appearance of child , not later than 15 days of the previous date and also seek periodic status report from the social worker conducting Inquiry on each such date.	To ensure that children are brought before CWC within 15 days.
Rule 29A	To be Added	29A. Every Children’s Home shall be inspected once every two months by a Metropolitan Magistrate , nominated by the District Judge of the district concerned and the report of such inspection shall be submitted to the District Judge who shall cause it to be placed before High Court.	
Chapter VI Rule 40	Addition of a new provision	In Rule 40 after (1) Sub- Rule 1A may be added: 1A. The homes should be child friendly and	To clarify the position in this regard and make emphasis on the point that Homes don’t have to be structured as Jails or lockups.

		in no way look like a jail or lockup.																					
Rule 40	Rule 40 ,Sub-Rule (2) (a) (ii)- Classification and segregation of juveniles according to their age group preferably 7-12 years, 13-15 years and 16-18 years, giving due consideration to physical and mental status and the nature of the offence commit	Classification and segregation of juveniles according to their age group preferably, 7-12 years, 12-14 years, 14-16 years and 16-18 years, giving due consideration to physical and mental status and the nature of the offence committed.	These are the groupings which are generally being followed.																				
Rule 40	Rule 40 Sub Rule (3) changes, amendments have been suggested.	<table border="1"> <thead> <tr> <th>S.N o.</th> <th>Type of Space</th> <th>No</th> <th>Size of each</th> <th>Total size</th> </tr> </thead> <tbody> <tr> <td>iA</td> <td>Reception Dormitory</td> <td>1</td> <td>200 sq. ft.</td> <td>200 sq. ft.</td> </tr> <tr> <td>li A.</td> <td>Vocational training room</td> <td>5</td> <td>200 sq. ft.</td> <td>1000 sq. ft.</td> </tr> <tr> <td>Xii A.</td> <td>Meeting Room</td> <td>1</td> <td>200 sq. ft.</td> <td>200 sq. ft.</td> </tr> </tbody> </table>	S.N o.	Type of Space	No	Size of each	Total size	iA	Reception Dormitory	1	200 sq. ft.	200 sq. ft.	li A.	Vocational training room	5	200 sq. ft.	1000 sq. ft.	Xii A.	Meeting Room	1	200 sq. ft.	200 sq. ft.	The same have not been provided for presently but need to be there for instance there has to be a reception dormitory to keep the new children who are sent to the Home separate from those who have been there for longer period.
S.N o.	Type of Space	No	Size of each	Total size																			
iA	Reception Dormitory	1	200 sq. ft.	200 sq. ft.																			
li A.	Vocational training room	5	200 sq. ft.	1000 sq. ft.																			
Xii A.	Meeting Room	1	200 sq. ft.	200 sq. ft.																			

Rule 42	<p>In Rule 42: Sanitation and Hygiene. Every institution shall have the following facilities, namely :- (a to l)</p> <p>Some additions have been suggested.</p>	<p>m) daily sweeping and wiping of all floors in the home;</p> <p>n)washing of the toilets and bathrooms twice everyday;</p> <p>o) proper washing of vegetables and fruits and hygienic manner of preparing food;</p> <p>p) cleaning of the kitchen slabs, floor and gas after every meal;</p> <p>q) clean and pest proof store for maintaining food articles and other supplies;</p> <p>r) disinfection of the beddings at least once a year.</p>	<p>These need to be specifically provided to ensure proper hygiene.</p>
Chapter VI Rule 43	<p>In Rule 43 : Daily Routine Sub-rule be added:</p>	<p>(As per Annexure A)</p>	<p>To ensure some uniformity in the daily routine.</p>

Rule 44	In Rule 44 : Nutrition and Diet Scale the following be added:	f) The requirements of each child and minimum standard of nutrition and diet as per Schedule II of these rules shall be met.	To ensure that the requirements of the child are also taken into account.
Rule 45	In Rule 45 Medical Care Suggested addition:	A1 A medical officer at all times who shall during his shift be in charge of the medical centre in the home.	This is essential as there may be children in need of medical care.
Rule 45	In Rule 45 Medical Care the following be added: After (m), add (mm):	(mm) arrange for an HIV test and for STD and similar diseases for victims of rape, sodomy with the consent of parent(s)/guardian, when advised by the medical officer. <i>Prior to obtaining consent of the child and parent or guardian wherever available, services of a professional counsellor shall be extended</i>	This is essential as there is a possibility that the victims may get infected by the said diseases but tests to detect the same are not carried out during normal medical examination. This provision is based on SOP in Maharashtra. Moreover there has to be informed consent for such tests.
Rule 50	Rule 50 : Institutional Management of Juveniles or Children	As per Annexure B.	
Rule 51	Rule 51. Prohibited Articles. No person shall bring into the institution the following	51. Prohibited Articles. No person shall bring into the institution the following prohibited articles, namely:	(to include other items as mentioned in the circular issued by Prison authorities)

	<p>prohibited articles, namely:</p> <p>a) fire-arms or other weapons, whether requiring license or not (like knife, blades, lathi, spears and swords);</p> <p>b) alcohol and spirit of any description;</p> <p>c) bhang, ganja, opium or other narcotic or psychotropic substances;</p> <p>d) tobacco; or</p> <p>e) any other article specified in this behalf by the State Government by a general or special order.</p>	<p>a) Intoxicants of any description, including liquor, ganja, bhang, opium, smack etc.</p> <p>b) All explosives, intoxicating dangerous, drugs or poisonous substances and chemicals, whether fluid or solid of whatever description.</p> <p>c) All arms, ammunition and weapons, knives and cutting implements of every kind and articles which are capable of being used as a weapon of whatever description.</p> <p>d) All bullion, metal, coin, jewellery, ornaments, currency notes, securities and articles of value of every description.</p> <p>e) All obscene matter.</p> <p>f) String, rope, chains and all materials which are capable of being converted into string or rope or chains, of whatever description.</p> <p>g) Wood, bamboo, club, stick, ladder,</p>	
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		<p>bricks, stones and earth of every description.</p> <p>h) Cell phones, wireless or any other telecommunication electronic gadget.</p> <p>i) Playing cards or other implements for gambling.</p> <p>k) All tobacco items, pan masala or similar item.</p> <p>l) Sport shoes (ankle with spongy padding which may be used for concealing prohibited items).</p> <p>n) Every article of whatever description which has not been issued by the Officer in charge.</p> <p>o) any other article specified in this behalf by the State Government by a general or special order.</p>	
Rule 54	<p>54. Maintenance of case file. (1) The case file of each juvenile and child shall be maintained in the institution containing the</p>	<p>54. Maintenance of case file.- 1. The case file of each child shall be maintained in the home containing the following</p>	<p>To make the case file more comprehensive and ensure that the same is produced before the Board or</p>

	<p>following information:</p> <p>(a) report of the person or agency who produced the juvenile before the Board;</p> <p>(b) officer-in-charge's, probation officer's or child welfare officer's, counselor's and caseworkers reports;</p> <p>(c) information from previous institution;</p> <p>(d) report of the initial interaction with the juvenile, information from family members, relatives, community, friends and miscellaneous information;</p> <p>(e) source of further information;</p> <p>(f) observation reports from staff members;</p> <p>(g) regular health status reports from Medical Officer, drug de-addiction progress reports, progress reports <i>vis-a-vis</i> psychological counseling or any other mental health intervention, where applicable;</p> <p>(h) Intelligence Quotient (I.Q) testing, aptitude testing, educational or vocational tests;</p> <p>(i) social history;</p> <p>(j) summary and analysis by case-worker and Officer-in-charge;</p>	<p>information:</p> <p>a. Copy of the PCC/RIC.</p> <p>b. Report of the presence or absence of urgent need of a child.</p> <p>c. Photo ID</p> <p>d. Copy of the Personal Belongings Register.</p> <p>e. Copy of the supply of the toiletries and other provisions on being received in the home.</p> <p>f. Assignment of the CWO.</p> <p>g. Case history in Form XX</p> <p>h. Information from previous home, if any.</p> <p>i. I.Q. testing, aptitude testing, educational or vocational tests.</p> <p>j. Care plan of the child in Form XXI</p> <p>k. The schedule prepared for the child.</p> <p>l. Copy of the order of declaration of juvenility or otherwise.</p>	<p>the Committee. As of now, Juveniles are produced before Boards only with a production file which only contains the dates and details of other cases. Modification of this Rule will enable Board to have complete case file of each juvenile before it on all the dates of production.</p>
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	<p>(k) instruction regarding training and treatment programme and about special precautions to be taken;</p> <p>(l) leave and other privileges granted;</p> <p>(m) special achievements and violation of rules, if any, ;</p> <p>(n) quarterly progress report;</p> <p>(o) individual care plan, including pre-release programme, post release plan and follow-up plan as prescribed in Form XXI;</p> <p>(p) leave of absence or release under supervision;</p> <p>(q) final discharge;</p> <p>(r) follow-up reports;</p> <p>(s) annual photograph;</p> <p>(t) case history duly filled in prescribed Form XX;</p> <p>(u) follow-up report of post release cases as per direction of the competent authority if any; and</p> <p>(v) remarks.</p> <p>(2) All the case files maintained by the institutions and the Board or Committee shall, as far as possible,</p>	<p>m. Observation reports from staff members.</p> <p>n. Progress reports</p> <p>o. Reports of the Officer-in-charge, probation officer/ child welfare officer, counsellor.</p> <p>p. Report of the child's functioning as a house representative.</p> <p>q. Record of difficulties faced by the child and their resolution.</p> <p>r. Record of the complaints of the child and action taken on the same.</p> <p>s. Fortnightly and monthly report of the effectiveness of the care plan.</p> <p>t. Modified care plan and routine, if any.</p> <p>u. Report of the refusal by the Officer-in-charge to deliver or issue a letter.</p> <p>v. Report of a visitor of the child being found to have objectionable/prohibited articles.</p>	
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	<p>be computerised and networked so that the data is centrally available to the State and the District Child Protection Unit and the State Government.</p>	<ul style="list-style-type: none"> w. Report of the child having such articles and action taken on the same. x. Report of any unacceptable or exceptional behaviour and its outcome. y. Copy of the Leave order. z. Note of the rewards/earnings of the child and receipt by the child or his parent/guardian. aa. Release or restoration order. bb. Escort order, if any. cc. Receipt of the personal belongings, money or other valuables, clothes and other articles supplied to the child for use in the home and rewards being received, by the child or his parents/guardian/relatives. dd. Compliance report of release in case of children under rehabilitation intervention stay. 	
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		<p>ee. Report of the child not being released.</p> <p>ff. Compliance report of the directions issued on non-release of a child.</p> <p>gg. Follow-up plan.</p> <p>hh. Copy of Medical Record of Child</p> <p>ii. other report called by the Board or court of competent criminal jurisdiction in respect of the child.</p> <p>2. It shall be the responsibility of the Welfare Officer concerned to maintain the case file.</p> <p>3. In case of any Welfare Officer going on a long leave, the case file shall be handed over to the Officer-in-charge to be marked to another Welfare Officer.</p> <p>4. The case file shall be produced before the Board or Committee or court of competent criminal jurisdiction by the Welfare Officer/Probation Officer on every</p>	
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		date of production of the juvenile or child before the Board or the Committee or the court of competent jurisdiction, as the case may be.	
Rule 54	After Rule 54 the following new rules be inserted:	54A. Protective Custody or Rehabilitation Intervention Card.- The PCC/RIC shall be issued by the Board in prescribed Form. In case of court of criminal competent jurisdiction, after receiving the child on a custody warrant, the CWO shall visit the sitting place of such court of competent criminal jurisdiction, inform the authority of the need for the PCC, supply the form of PCC with the material particulars filled and get the same signed and stamped by such court of competent criminal jurisdiction. The custody warrant received earlier shall be tagged with the PCC by the CWO.	To provide for maintenance of appropriate forms

		<ul style="list-style-type: none">a. The <i>PCC/RIC</i> of a child shall be maintained by the CWO.b. The <i>PCC/RIC</i> shall be sent with the child to the Board or court of competent criminal jurisdiction on every date.c. On being received back, the CWO shall verify that the next date or other appropriate directions are noted thereon.d. The CWO shall also note and comply with any urgent direction noted on the same by the Board or court of competent criminal jurisdiction.e. In case of a child referred to a center for specialized care, the <i>PCC/RIC</i> shall be sent to the Board or court of competent criminal jurisdiction with a noting that the child is in such center, on all such dates when the child is summoned from such center.	
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		f. In case of a child re-apprehended after escape, the current <i>PCC/RIC</i> for the remaining duration shall be tagged with the previous <i>PCC/RIC</i> to maintain continuity.	
Rule 54	New Addition in Rule 54	54B. Medical record.- The medical record of a child shall contain all reports and records of the child regarding the status of his physical and mental health and addiction status and treatment and shall include: a. All medical reports of initial examinations or subsequent or at the time of illness. b. Reports of the psychological and addiction status and its follow up.	To provide for comprehensive medical records to be maintained in respect of the child which would be available in time of need.
Rule 55	In Rule 55 Sub-Rule 3: (3) The Management Committee shall consist of the following personnel:	In Rule 55 Sub-Rule 3, following be added: (3)(a) The Management Committee shall consist of Governing Council and Executive Council.	Since in Delhi there are lawyers of DLSA in every Board and they are also required to visit the Homes and they interact with the children and every

	<p>District Child Protection Officer (District Child Protection Unit) - Chairperson Officer-in-Charge - Member-Secretary Probation Officer or Child Welfare Officer or Case Worker - Member Medical Officer - Member Psychologist or Counsellor - Member Workshop Supervisor or Instructor in Vocation - Member Teacher - Member Social Worker Member of Juvenile Justice Board or 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 A representative from Senior Citizen forum and/or Resident Welfare Association -Member/s One Non-Government Organization Representative -Member</p>	<p>(b)The Executive Council shall function and discharge its duties prescribed under sub rule 5 (a) and shall be accountable to the Governing Council. (c) The Governing Council shall consist of the following: Deputy Director of State Child Protection Unit – Chairperson Social Worker Member of Juvenile Justice Board or 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 Representative of Delhi State Legal Services Authority - Member One Non-Government Organisation Representative Working in the area of Child Rights - Member (d) The Executive Council shall consist of the following persons: Officer-in-Charge - Member Probation Officer or Child Welfare Officer</p>	<p>child has a right to legal aid, they should be made part of Management Committee.</p> <p>The functions of Management Committee as specified in rule are such that they cannot be carried without active participation of Duty Holders.</p> <p>However, to ensure that the persons in charge are not able to influence the decision making they have been subordinated to Governing Council consisting of outsiders</p> <p><i>(as per discussion in meeting dated</i></p>
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	(Modified as per meeting dated 29.03.12)	<p>or Case Worker - Member Medical Officer - Member Psychologist or Counselor – Member Workshop Supervisor or Instructor in Vocation - Member Teacher - Member</p> <p>(e) Pursuant to the meetings of the Management Committee the directions of the Governing Council shall be executed by the Executive Council who shall file an action taken report before the Governing Council in the next meeting.</p>	29.03.2012.)
Rule 56	<p>The following be substituted:</p> <p>In Rule 56 Sub-rule 1 “for three different age groups of children, viz., 7-12 years, 13-15 years and 16-18 years” substitute:</p>	<p>“for four different age groups of children, viz., 7-12 years, 12-14 years, 14-16 and 16-18 years”</p>	(to make it consonant with other clauses)
Rule 56	<p>Rule 56 (6)</p> <p>(6) The local voluntary organization or child participation expert shall support the Children’s Committees in the following:</p> <p>(a) selecting their leaders; (b) conducting the monthly meetings; (c) developing rules for the</p>	<p>(6) The local voluntary organization or child participation expert shall support the Children’s Committees in the following:</p> <p>(a) <u>electing their leaders and in devising the procedure to be followed for conducting the election.</u></p>	(to provide for manner of election of members of the Children’s Committee and to ensure representation of each of the Houses in the Homes and to the children on a wider basis)

	functioning of Children’s Committees and following it; (d) maintaining records and Children’s Suggestion Book and other relevant documents; (e) any other innovative activity.	<u>(b) conducting the elections and monthly meetings;</u> (c) developing rules for the functioning of Children’s Committees and following it; (d) maintaining records and Children’s Suggestion Book and other relevant documents; (e) any other innovative activity.	
Rule 58	Rule 58 be substituted as under:	As per Annexure C.	(to make the provisions in respect of visitors and communications more comprehensive and avoid any difficulties in that respect)
Rule 60	Rule 60 be substituted:	60. Abuse and exploitation of the child. (1) Every home shall have systems of ensuring that there is no abuse, neglect and maltreatment and this shall include the staff being aware of what constitutes abuse, neglect and maltreatment as well as early indicators of abuse, neglect and maltreatment and how to respond to these. (2) In the event of any physical, sexual or emotional abuse, including neglect of children in home by those responsible for	(to deal with situations of abuse and exploitation of the children more extensively)

		<p>care and protection, the following action shall be taken:</p> <p>(i) the incidence of abuse and exploitation must be reported by the staff member to the Officer-in-charge immediately on receiving such information;</p> <p>(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 court of competent criminal jurisdiction, which in turn, may transfer such child to another home or fit person and shall order for special investigation;</p> <p>(iii) the Board or court of competent criminal jurisdiction shall provide counselling to the child victim as soon as possible;</p> <p>(iv) the Board or court of competent criminal jurisdiction may direct the local police station or Special Juvenile Police</p>	
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		<p>Unit to register a case, take due cognizance of such occurrences and conduct necessary investigations;</p> <p>(v) the Board or court of competent criminal jurisdiction shall take necessary steps to ensure the completion of all inquiry and provide legal aid to the child victim;</p> <p>(vi) the Officer-in-charge 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;</p> <p>(vii) in the event of any other crime committed in respect of the children, the Board or court of competent criminal jurisdiction shall take cognizance and arrange for necessary investigation to be carried out by the local police station or Special Juvenile Police Unit;</p>	
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		(viii) the Board or court of competent criminal jurisdiction may consult the house representative and the Children’s Committee to enquire into the fact of abuse and exploitation as well as seek assistance from relevant voluntary organizations, child rights experts, mental health experts or crisis intervention centers in dealing with matters of abuse and exploitation of children in a home.	
Rule 62	After Rule 62 the following new rule be inserted:	<p>Rule 62A. Escape of a child.- 1. In the event of an escape of a child, the following action shall be taken within twenty-four hours:</p> <p>(a) the Officer-in-charge shall immediately send a report to the area Police Station along with the details, description of the child with identification marks and a photograph and have a copy of the report sent to the Board or court of competent criminal jurisdiction, District Child</p>	To provide what steps are to be taken in compliance of Section 22 of the Act.

		<p>Protection Unit and other authorities concerned, if any;</p> <p>(b) the parents or guardians shall be informed immediately about such escape;</p> <p>(c) the Officer-in-charge shall send the guards or concerned staff in search of the child at places like railway stations, bus stands and other places where the child is likely to go; and</p> <p>(d) the Officer-in-charge shall hold an inquiry about such escape and send his report to the Board or court of competent criminal jurisdiction, the Department and the report shall be placed before the Management Committee in the next meeting.</p> <p>2. On the re-apprehension of an escaped child, the fact shall be notified to all the concerned persons.</p> <p>3. No adverse action shall be taken against the child.</p>	
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Rule 65	<p>In Rule 65 Restoration and Follow-up the following be added:</p>	<p>(5a) The particulars of the child and of release shall be noted in the Outgoing register and the Officer-in-charge shall personally check each entry so made and shall be responsible for the correctness thereof.</p> <p>(5b) In case a child is not released, the Board or court of competent criminal jurisdiction shall be informed with reasons thereof without any delay. The orders passed by the Board or court of competent criminal jurisdiction shall then be complied with and a compliance report filed thereon, a copy of which shall be retained on the case file of the child.</p> <p>(6a) At the time of release, the personal belongings, the clothes, slippers and toiletries provided for use by the child and the cash rewards granted to the child and</p>	<p>(to further supplement the existing rules regarding restoration and follow up and to ensure that the children receive the amount which has accrued to them on account of services rendered in the Homes)</p>
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		<p>accumulated in his name shall be handed over to the parent/guardian who comes to take charge of the child or to the child himself, under acknowledgement. In case of restoration under escort, the personal belongings, the clothes, slippers and toiletries provided for use by the child and such amount shall be handed to the escort who shall hand it over to the parent/guardian under acknowledgement.</p> <p>(6b) Where certain amount has become due to the child on account of rendering some services in the Home, the Officer-in-charge shall ensure that the amount is paid to the child at the time of his release and where the same is not possible, the said amount shall be sent to the child after his release at the earliest by money order, and if the child is not found then the said amount shall be remitted to the Juvenile Justice Fund.</p>	
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Rule 67	Rule 67 Maintenance of Registers be substituted as under:	As per Annexure D. Also add: All the information maintained in the registers should be computerised.	(to provide for more detailed records to be maintained which would ensure transparency and availability of records for inspection)
Rule 68	Rule 68 Personnel or Staff of a Home. may be substituted as under:	As per Annexure E.	(to clarify the number of staff that shall be available at all times)
Chapter VII Rules 70 and 71	Rules 70 and 71 to be substituted as under:	As per Annexure E-1	(to bring about clarity in respect of several terms used and to provide for withdrawal of registration and consequences of non-registration)
Chapter VII Rule 86	Rule 86 Duties of the Officer-in-Charge of an institution be substituted as under:	As per Annexure F.	(to specify the duties of the Officer in charge in more detail)
Rule 87	Rule 87 Duties of a Probation Officer or Child Welfare Officer or Case Worker be substituted as under:	As per Annexure G.	(to provide for the duties of the CWO/Case Worker/ Probation Officer in more detail)

Rule 88	Rule 88 Duties of House Father or House Mother be substituted as under:	<p>88. Duties of the House Mother/Father, Caregiver-</p> <ol style="list-style-type: none"> 1. Every house father/mother or caregiver shall abide by the directions of the Officer-in-charge. 2. The general duties, functions and responsibilities of a house father, house mother and caregiver shall be as follows: <ol style="list-style-type: none"> a. handle every child in the home with love and affection; b. take proper care of the child and ensure his welfare; c. provide each child upon his reception with all the necessary supplies like clothing, toiletries etc.; d. replenish the provisions/supplies as per scale and need of the child; e. maintain discipline among the 	(to clarify the role of the House Mother/Father, Caregiver)
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		<p>children;</p> <p>f. ensure the children maintain their personal cleanliness and hygiene;</p> <p>g. look after maintenance, sanitation and maintain hygienic surroundings;</p> <p>h. implement the daily routine of every child in an effective manner and ensure the participation of the children;</p> <p>i. look after safety and security arrangements in the home; and</p> <p>j. escort the children whenever they go out of the home;</p> <p>k. report to the Officer-in-charge and to the CWO about the child assigned to the CWO;</p>	
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		l. maintain the registers, relevant to their duties.	
Rule 88	After Rule 88 the following new rules be inserted:	Rule 88 A, 88 B, 88 C, 88 D As per Annexure H	Justifications given with the new rules at Annexure H
Rule 90	<p>Rule 90 Training of Personnel</p> <p>(1) The State Government or the Officer-in-charge, in collaboration with reputed organisations shall provide for training of personnel of each category of staff, in keeping with their statutory responsibilities and specific jobs requirements.</p> <p>(2) The training programme shall include-</p> <p>(a) orientation and induction training of the newly-recruited staff,</p> <p>(b) refresher training courses and skill enhancement programmes for all care givers once a year, and</p>	<p>90. Training of Personnel.- The State Government or the Officer-in-Charge, in collaboration with reputed organizations shall arrange for training of the personnel of each category of staff, in keeping with their statutory responsibilities and specific jobs requirements, including:</p> <p>a. orientation and induction training of the newly-recruited staff,</p> <p>b. refresher training courses and skill enhancement programs for all caregivers once a quarter,</p> <p>a. refresher training courses and sensitization programs for all caregivers once a quarter, and staff</p>	

	(c) staff conferences, seminars, workshops	conferences, seminars, workshops.	
Rule 94	(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.	(1) All institutions shall be open to visitors with the permission of the Officer-in-charge or the competent authority as the case may be, may consider appropriate to allow representatives of local self government.	To bring in provisions of openness and transparency in respect of observation homes and special homes.
Rule 97	After rule 97 add new rule 97A	97A. No person shall sell liquor or any of its derivatives, tobacco in any form including cigarettes, bidis or narcotic and psychotropic substances within 100 metres of the vicinity of the Juvenile Justice Boards, Child Welfare Committees, Observation Homes, Special Homes, Children’s Homes.	To prohibit of sale of liquor or tobacco etc in the vicinity of JJB, CWC and Homes.
Rule 98	Rule 98. Disposal of records of	Rule 98. Non-Disclosure of Identity,	Section 68 (2) (VI)of JJ Act provides that

	<p>Documents</p> <p>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 be.</p> <p>(Modified as per meeting dated 29.03.12 . This rule requires further discussion to bring clarity on several aspects)</p>	<p>Removal of disqualification and stigma, maintenance of records</p> <p>(1) All the records of the juvenile or child such as case reports, reports of the probation officer, Counsellor and social worker, medical records, orders of the Board or the Committee or the Court, as the case may be, regarding the case, shall be confidential and can be given to appropriate third parties subject to order of the competent authority for the purposes of:</p> <ul style="list-style-type: none"> i) record keeping, monitoring or research, or ii) any other purpose mandated by law, for reasons to be recorded in writing. <p>[2] Records of juveniles in conflict with law except for the record relating to determination of age shall not be used in adult proceedings in subsequent</p>	<p>rules can me made for matters relating to removal of disqualification attaching to conviction of a juvenile under Section 19. Existing rule under 98 is only in respect of record keeping and has been found inadequate and does not ensure enough safeguard. There are serious concerns related to unconditional prohibition on disqualification. Same have been addressed but the same require further deliberations.</p>
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		<p>cases involving the same juvenile.</p> <p>[3] Information which may lead to the identification of the juvenile shall not be published, either by private agents or state agencies.</p> <p>[4]Notwithstanding anything contained in any other law, having applicability at the relevant time, non-disclosure of any information concerning registration of complaint or FIR or DD Entry, institution, pendency , disposal, discharge, compounding, acquittal, conviction or termination of any inquiry or any ancillary proceeding in respect of a juvenile or a child or a juvenile in conflict with law in any court or board or committee or any commission or police station or any other forum, as the case may be, shall</p>	
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		<p>neither amount to an offence nor concealment of truth or fact, whether such disclosure or non-disclosure is made during the time of juvenility or thereafter.</p> <p>[5] Any person in possession of any information or document or record pertaining to a child or juvenile or juvenile in conflict with law shall not make disclosure of the same, in any manner.</p> <p>Provided that disclosure may be made under the orders of the Board or the competent Court if it is in the interest of such child.</p> <p><i>[6]No person or competent authority or court or agency or institution in possession of any such information in any manner, shall attach or cause to be attached any disqualification, harm,</i></p>	
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		<p><i>prejudice, presumption or stigma to a child or juvenile or juvenile in conflict with law for the reason of having been dealt with under the provisions of the Act.</i></p> <p>[7] Violation of sub rule 6, shall be cognizable by the Board or committee or any court, as the case may be, having jurisdiction over the area where such violation has occurred.</p> <p>[8] The records or documents in respect of a juvenile or a child or a juvenile in conflict with law shall be kept in a sealed cover at a safe place for a period of five years from the date of attainment of majority by the juvenile or the child or the juvenile in conflict with law or for a period of five years from the date of final disposal of the proceedings including appeal or revision whichever is later, and</p>	
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		<p>thereafter shall be destroyed by the Officer-in-Charge of the institution or police station, or Board or Committee or court, as the case may be unless required for a proceeding in a court of law.</p> <p>Provided that the age record and other essential record except the record of inquiry of offence shall be maintained even thereafter whether in the same form or digitalised form.</p> <p>(as per the meeting dated 21.2.2012)</p> <p>Or in alternate</p> <p>98. (1) All the records of the juvenile or child such as case reports, reports of the probation officer and social worker, medical records, orders of the Board or the Committee regarding the case, shall be kept confidential and can be given to appropriate third parties subject to</p>	
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		<p>order of the competent authority for the purposes of:</p> <ul style="list-style-type: none">i) record keeping, monitoring or research, orii) any other purpose mandated by law, for reasons to be recorded in writing. <p>[2] Records of juveniles in conflict with law except for the record relating to determination of age shall not be used in adult proceedings in subsequent cases involving the same juvenile.</p> <p>[3] The Board or the Committee may hold in-camera proceedings where necessary. Only duly authorized persons, persons directly involved in disposition of the case and the parents/guardians of the juvenile or the child may be allowed to be present during the proceedings before the Board/Committee.</p> <p><u>[4] Information which may lead to</u></p>	
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		<p><u>the identification of the juvenile shall not be published, either by private agents or state agencies.</u></p> <p><i>(This part needs relook)</i></p> <p>[5] <i>The records or documents in respect of a juvenile or a child or a juvenile in conflict with law shall be kept in a sealed cover at a safe place for a period of five years from the date of attainment of majority by the juvenile or the child or the juvenile in conflict with law or for a period of five years from the date of final disposal of the proceedings including appeal or revision whichever is later, and thereafter shall be destroyed by the Officer-in-Charge of the institution or police station, or Board or Committee or court, as the case may be unless required for a proceeding in a court of law.</i></p> <p><i>Provided that the age record and other essential record except the record of</i></p>	
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		<i>inquiry of offence shall be maintained even thereafter whether in the same form or digitalised form.</i>	
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Annexure A – For rule 43

i. The suggested daily routine is:

S. No.	Timings	Activity
1.	6.00 a.m.	Opening of dormitories and counting of children
2.	6.00 a.m. to 7.00 a.m.	Bathing and washing
3.	7.00 a.m. to 7.15 a.m.	Prayers
4.	7.15 a.m. to 8.15 a.m.	Morning meal/Breakfast
5.	8.15 a.m. to 8.30 a.m.	Reporting and leaving for hearing, for those children who have inquiries listed on the day and for the others, reporting for their classes.
6.	8.30 a.m. to 12.00 noon	Vocational classes as per respective schedules including life skills training.
7.	12.00 noon to 1.00 p.m.	Mid day meal/Lunch

8.	1.00 p.m. to 2.00 p.m.	Mid day rest/Library
9.	2.00 p.m. to 4.00 p.m.	Education classes
10.	4.00 p.m. to 5.00	Evening snack
11.	5.00 p.m. to 7.00 p.m.	Outdoor and indoor recreational activities and yoga
12.	7.00 p.m. to 8.00 p.m.	Counting of children and night meal/dinner
13.	8.00 p.m. to 10.00 p.m.	TV, indoor games or library (as per the choice of the child)
14.	10.00 p.m.	Lights off and closing of dormitories

Necessary changes in the suggested routine as required by the season may be made by the Officer-in-charge or the department in writing.

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

Children required to be taken for check-ups outside the home shall be so taken as per the appointment/time given.

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

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

Annexure B

Rule 50: RECEIVING OF CHILDREN

TYPES OF STAY & OPS

A. General Precautions.- 1. Every child shall be received by the Officer-in-charge of the home or such other official duly authorized by the Officer-in-charge to receive a child. Such officer of the home receiving the child shall be referred to as the *Receiving Officer*.

2. The receiving officer shall question the child and fully satisfy himself as regards the identity of the child.

3. In case of any doubt about the identity of the child, the receiving officer (if not the Officer-in-charge) shall promptly inform the Officer-in-charge.

4. The Officer-in-charge in such case shall forthwith inform the Board or the court of competent criminal jurisdiction, as the case may be and direct the police officer producing the child to produce the child before the Board or the court of competent criminal jurisdiction without any delay or in case of a non-working day before any single member of the Board of the Duty Magistrate of the Concerned District.

B. Types of Stay at the Home.- There are three types of stay of children at the Home:

1. *Protective Custody.*

2. *Overnight Protective Stay.*

3. *Rehabilitation Intervention Stay.*

C. Protective Custody.- 1. A *Protective Custody Card (PCC)* in Form XXIX , duly signed by the Board or a custody warrant duly signed by the court of competent criminal jurisdiction is required for such stay.

2. Duration of such stay shall be as directed by the Board or court of competent criminal jurisdiction and as extended from time to time by them.

D. Overnight Protective Stay (OPS).- The stay contemplated in this provision would not require a *PCC* from the Board.

1. The purpose of the stay is to provide shelter to the apprehended child and prevent his being detained overnight at the police station by providing an alternative.

2. Such stay shall be maximum from 10 p.m. to 02 p.m. the next day.

3. A child shall be permitted to stay in the home for one night under the following conditions:

a. The production of the child even before the single member of the Board after the relevant investigation and medical examination is completed is inconvenient;

b. The production of the child on the next day at 2 p.m. at the Board, if the Board is sitting on that day or before a single member of the Board at his residence if the Board is not sitting, would be within 24 hours of the apprehension of the child;

c. Proper medical examination of the child has been got conducted by the JWO/IO.

4. The application seeking OPS of the child shall be made by the JWO/IO, in writing and shall be accompanied with the copy of the relevant documents for establishing the:

Apprehension of the child in the relevant case;

Medical condition of the child.

5. Upon satisfaction of the identity of the child and his medical condition to be as stated in the documents with the IO:

a. the child may be received by filling Form XXX, in triplicate;

- b. one copy of the Form shall be retained for the record of the home and a copy shall be handed over to the JWO/IO;
- c. the third copy shall be forwarded to the concerned Board for their record.
- 7. The child shall be handed over into the charge of the JWO/IO on the next day at the time stated in Form XXXI under receipt by the said police officer in the home's copy of the Form.
- 8. Such receipt shall be conclusive proof of the charge of the child having being taken by the said police officer.
- 9. In case of the JWO/IO not taking the charge of the child at the designated time, the child shall be forwarded to the concerned Board with a report stating such fact.
- 10. The particulars of the child shall be entered in the Admission register, specifically noting that the child has been received for OPS.
- 11. The child shall be searched and all his personal belongings, if any found, shall be handed over to the JWO/IO who has produced the child and who shall seize the articles and furnish a copy of such seizure to the receiving officer.
- 12. The child shall be provided something to eat and drink if the child is hungry, irrespective of the time of receiving such child.
- 13. The child shall be placed for the night in the *Reception Dormitory*.

E. *Rehabilitation Intervention Stay*.- 1. A child may be sent to the Special Home for such a stay under section 15 of the Act by the Board.

- 2. The Board shall issue the *Rehabilitation Intervention Card (RIC)* in Form XXXI.
- 3. The duration of the stay shall be as stated in the RIC unless the duration is shortened by a specific order in this respect by the Board or court of competent criminal jurisdiction.

F. *Procedure to be Adopted at the Time of Receiving the Child*.- The following procedure shall be adopted by the receiving officer at the time a child is produced with a legitimate PCC or RIC, as the case may be:

1. If the receiving officer is not a CWO and a CWO is available at the time the child is received, the CWO shall be called to speak with child and supervise the receiving. In case the CWO is not so present, a CWO shall interact with the child as soon as possible.
 2. A full personal description of the child shall be entered in the Admission register. In case of rehabilitation intervention stay, the date of release of the child shall also be noted. The special home shall maintain an additional diary, the Release Dates Diary in which the child's particulars shall be noted in the page of the relevant date of release, at the time or receiving the child.
 3. The child shall be searched with due regard to decency and dignity and all the personal belongings dealt with as prescribed in rule. A girl child shall be searched only by a female member of the staff.
 4. The child shall be provided something to eat and drink if the child is hungry, irrespective of the time of receiving such child.
 5. The child shall be provided medical care in case of ill-health, injury, mental ailment, disease or addiction requiring immediate attention.
 6. The child shall be segregated in specially earmarked dormitories or ward or hospitals in case he is suspected to be suffering from contagious or infectious disease requiring special care and caution.
 7. The child shall be questioned about any immediate and urgent needs like appearing in an examination or interview, contacting family members. A note of the same or of the fact that no such need is present shall be made by the receiving officer and put up before the CWO to whom the child is assigned. The said note shall be placed in the case file of the child.
 8. Every child received in the home shall be kept for the first week of his stay in the home in a separate dormitory, the *Reception Dormitory*, to provide the child space and time to adjust to the life in the home.
- G. Procedure to be adopted After the Child is Received.-** The following procedure shall be adopted on the same day or the next day if the child is received in the night:
1. The child shall have a bath and be given a haircut, unless prohibited by his religion.

2. Photograph of the child shall be taken. One photograph shall be kept in the case file of the child and another shall be fixed on the index card with the particulars of the child. A copy shall be kept in an album serially numbered with the negative, kept in another album and a copy of the photograph shall be sent to the Board as well as to the District or State Child Protection Unit.
3. The house father/mother or caregiver shall issue the child toiletry items, new sets of clothes, bedding and other outfit and equipment as per scales, a list of which shall be kept in his case file. The provisions will be replenished from time to time as per need and scales.
4. The CWO shall familiarize every newly admitted child with the home and its functioning, particularly in the following areas:-
 - a. Personal health, hygiene and sanitation;
 - b. Discipline of the home and standards of behaviour;
 - c. Daily routine and peer interaction; and
 - d. Rights, responsibilities and obligations within the home.
5. The child shall be examined by the medical officer, who shall record the state of health of the child, and of any wound or mark on his person and any observation which the medical officer thinks fit, a copy of which shall be placed in the medical record of the child.
6. A CWO shall be assigned to the child by the Officer-in-charge. The child would henceforth belong to the said CWO's *House*.

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

1. The assigned CWO shall interact with the child as often as possible and in case less than twice a day. He shall closely observe the child over the week.
2. Within two days of the receipt of the child, the child shall be examined by a panel of doctors to understand his physical/medical, psychological state and his state of addiction, if any, for assessment of his personality and requirements to assist in the rehabilitation

plan to be prepared for him. The recommendations made by such panel shall immediately be complied with. A record of the recommendations and the steps taken in compliance thereof shall be placed in the medical record of the child.

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

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

5. A temporary daily schedule shall be developed for the child subject to the medical and other tests of the child to be conducted.

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

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

2. Assignment of the dormitory shall be done on the basis of:

a. Age;

b. The nature of offence alleged to be committed;

c. The physical and mental status of the child;

d. The children, who are in need of special care, shall be kept in a different dormitory than the children who do not require such special care.

3. An individual care plan in Form XXI of the child shall be prepared by the CWO on the basis of child's case history, education and vocational aptitude. In case of rehabilitation intervention stay, the care plan shall be formulated for the complete period of the stay and shall necessarily include any and all directions given by the Board towards rehabilitation.
4. In keeping with the individual care plan, a daily schedule shall be developed for the child detailing the classes, educational and vocational, which the child would be required to attend. The schedule shall be clearly explained to the child, emphasizing the need to adhere to the same.
5. The schedule developed for the child shall be reviewed by the CWO every week in the initial one month and thereafter along with the review of the care plan who shall note his opinion in the weekly Progress report in Form XXXII on the basis of his observations, interaction with the child and his teachers/instructors alongwith the report received by the House Father/Mother/Caregiver.
6. The CWO shall also maintain a record of any difficulty faced by the child during his stay at the home with a note of the steps taken to resolve the difficulty.
7. The CWO shall similarly keep a record of the complaints made by the child with regard to the facilities in the home with a note of the steps taken thereon by the Officer-in-charge.
8. The care plan shall be reviewed every fortnight during the initial three months and thereafter, monthly. A report of its effectiveness or inadequacy shall be prepared with reasons for such opinion.

J. Procedure to be adopted after Three months.-

1. The progress of the child shall be examined, with specific reference to the aims and targets noted in the care plan for the child. The Quarterly Progress report in Form XXXIII of the same shall be prepared with reasons for the unaccomplished.
2. The Quarterly Progress report shall be placed before the Management Committee for perusal and consideration.

3. After deliberation by the Management Committee, the care plan shall be appropriately modified. The routine of the child and the approach towards rehabilitation of the child shall also be suitably modified. Record of such modified care plan and daily routine shall be maintained in the case file of the child. The progress would be reviewed every month thereafter.

K. Daily Routine in the Home.- All the children in the Home shall remain under strict discipline and control both by day and night.

1. Every child shall obey the lawful order of an officer of the home or house representative.
2. In the morning at wake-up time at 6.00 a.m., the shift incharge shall have the dormitories opened and the children shall be counted, house-wise by the caregiver to who the house is assigned for the particular shift.
3. The child who appears to be sick or complains of sickness at the time of morning count shall be sent to dispensary/ hospital.
4. After they have finished their morning chores of washing, bathing and cleaning up, the children shall gather for a prayer or where there is no such space available, the prayers may be said in the respective dormitories with the caregiver or CWO.
5. The children shall then be served their morning meal/breakfast.
6. Distribution of all meals and cleaning of utensils shall be supervised by the shift incharge.
7. Those children who are required to attend the Board shall report after the morning meal at the gate to the CWO. All such children shall be provided a properly packed lunch before they leave.
8. Rest of the children shall as per their respective daily schedule be sent to their respective classes under direct supervision of the house father/mother/caregiver.
9. The mid day meal/lunch, the evening snack and the night meal /dinner shall be provided to the children in the same manner as breakfast, under the supervision of the shift incharge.
10. The children shall be allowed a mid day rest for an hour though it shall not be necessary for every child to lie down. A child may spend this hour in the library but no child shall be permitted any other activity during this hour.

11. The children shall finish their classes by evening, shall be given the evening snack and thereafter shall be taken out for outdoor activities.
12. While the children shall be allowed various indoor and out door activities during the recreation time, it shall be necessary for every child to participate in outdoor physical activity/physical training under supervision, for at least an hour unless permitted by the medical officer in writing for not so participating.
13. After being provided the night meal the children shall be sent to their respective dormitories.
14. The TV shall be permitted to be watched till 10 p.m. where after all TVs and lights shall be switched off.

L. House System.- All the children allotted to a CWO shall together form a House. At any given time, there shall not be more than 10 children in any House.

1. All the children of the House shall be allotted the same dormitory.
2. The children shall elect one child from amongst themselves to be the *House Representative* for a month. The CWO shall endeavour that the house representative so elected actually enjoys the confidence of the other children of the House.
3. While there shall be no bar to re-election of a child, the CWO shall try that all children get an opportunity to be the representative.
4. The house representative shall be responsible for maintaining order amongst the children of the House, especially during the night.
5. He shall also assist the CWO during any House activities.
6. The CWO shall maintain a report of the efficiency of a child as the representative of the House.
7. The House of a child shall not be changed under normal circumstances but the same may be permitted by the Officer-in-charge for specified reasons.
8. A CWO shall innovate and arrange activities for the children of his House.

9. If all the children of the House maintain exceptional behaviour through a month, the CWO may organize a low-budget party for the House. The expenses for the party shall be borne by the home.
10. The Officer-in-charge may organize competitions inter-se the Houses, with rewards for the winning House's participating and contributing children.
11. Every month, the Officer-in-charge shall select one House as the best House on the basis of maintaining good behaviour, adhering to the routine, maintaining cleanliness and hygiene etc.

DISCIPLINE

M. Behaviour of the Child.- children in the institution will be oriented and trained to abide by the discipline of the home, follow the rules and standards of good behaviour.

1. Every unacceptable behaviour shall be taken note of by the children committee and the child found in violation of rules may be made to give an explanation. Children committee may recommend appropriate action to the officer in charge. A copy of the report containing the description of the incident and the action taken thereupon shall be submitted to the Board or the Committee by the officer in charge within 24 hours. A copy of same shall also be placed before the management committee for planning a long term strategy for prevention of such incidents.

2. A copy of the report under clause (1) shall be kept in case file of the child concerned,

4. The Officer-in-charge may, in his wisdom, deal with the violation in appropriate manner giving due consideration to the recommendation of the children committee and,, the safety, dignity and worth of the child.

5. The Officer-in-charge may seek the assistance of the counsellor or the CWO, any NGO associated with home in dealing with the situation.

6. A Child showing exceptionally good behaviour shall be considered for appropriate reward or benefits by the officer in charge

N. Unacceptable Behaviour.-

1. *Violating the rules of discipline or disobeying the lawful directions of the officers of the home.*
2. *Indulging in improper or unbecoming behaviour with any other person.*
3. *Digressing from his daily schedule except under medical conditions.*
4. *Loitering in the corridors during the class/training/night time.*
5. *Staying in his dormitory instead of attending his class/training without the express permission from the Caregiver/CWO to stay in the dormitory.*
6. *Violating the lights-off time or insisting to watch the TV beyond the determined time.*
7. *Being found in possession of any of the prohibited articles.*
8. *Tampering in any way with the home property viz. locks, taps, lights, utensils or other property with which he has no concern.*
9. *Stealing the clothing or belonging of any other child.*
10. *Committing nuisance in any part of the home.*
11. *Spitting on or defacing any floor, door, wall, or other part of the building.*
12. *Wilfully causing any illness, injury or disability to self.*
13. *Taking part in any attack on other child or officer of home.*
14. *Instigating another to indulge in any of the above stated behaviour.*

O. Manners of dealing with unacceptable behaviour:

1. *The action taken shall be commensurate with the nature and degree of violation and the age of the child and may be one of the following:*

- a. *Formal warning;*
- b. *Extra school/study work;*
- c. *Writing a particular number of times that he shall not repeat the committed behaviour again;*
- d. *Forfeiture of privileges viz. permission to watch television, permission to go for outdoor activity;*
- e. *Shifting from one house to other to ensure change of company;*

2. *No child shall be subjected to corporal punishment or any mental harassment including being subjected to humiliating behaviour affecting the dignity and worth of the child.*

P. *Exceptional Behaviour.-*

1. *Following the rules of discipline and adhering to the routine, assessable over a period of a month.*
2. *Preventing without a fight, any other child from indulging in any unacceptable behaviour.*
3. *Assisting any officer of the home in maintaining order. For the House representatives, in situations that may develop into an emergency, the behaviour before the sounding of the alarm would be considered.*
4. *Informing the CWO or caregiver of any plan of creating unrest or of escape.*
5. *Performing exceptionally well in an examination in continuation of his studies,*

Q. *Reward/ Benefits for maintaining exceptional behaviour.-*

- a. *One extra meeting with family members in a month.*
- b. *Special toiletry article like deodorant or gel.*

- c. One homemade meal in a month provided the child accepts to eat the meal separate from the other children in the presence of an officer to ensure no article is passed through the meal.*
- d. Extra supplies to the satisfaction of the Officer-in-charge.*
- e. Cash reward that may be fixed from time to time by the Management Committee or where the said Committee is not operational, by the Officer-in-charge of the home.*
- f. Change of house to the house of a particular CWO or for company of a friend in the other house.*
- g. Permission to participate in an outdoor activity.*

(To make the rules more comprehensive and provide for details of how the children are to be handled)

Annexure C

58. Visits and Communications.-

1. Every child in the home shall be permitted to have two meetings per week with his relatives, on Tuesday and Friday, between 10.00 a.m. to 5.00 p.m.

Provided that in special cases, where parents or guardians have travelled a long distance from another state or district, the Officer-in-Charge shall allow the parents or guardians entry into the premises and a meeting with their children on other days on confirmation of their identity and are not reported to have subjected the juvenile or child to abuse and exploitation.

2. A newly received child shall be permitted to meet his parents/guardian/family member on their first visit on any day.
3. No meeting shall be allowed at any other time except with the special permission of the Officer-in-charge.
4. No meeting shall be permitted with the parents/guardian or relatives where such visitors have been found to be responsible of subjecting the child to violence, abuse and exploitation, except with the express permission granted by the Board or court of competent criminal jurisdiction or when such meeting has been specifically directed by the counsellor of the child.
5. The normal time of one meeting shall be 30 minutes, but may be extended by the Officer-in-charge at his discretion.
6. Every child is also allowed to write two letters in a week to their relatives. Necessary stationary and postage for the letters shall be provided by the Officer-in-charge.
7. The Officer-in-charge may peruse any letter written by or to the child and may, for reasons to be noted in the case file of the child, refuse to deliver or issue the letter. A report of the same shall be prepared and placed before the Management Committee. A copy of the report shall be retained on the case file and another copy shall be sent to the Board or court of competent criminal jurisdiction.

Provided that no Officer of the Home shall prevent the child from bringing any written communication for the purpose of handing over to the Board or the Committee or the court of competent criminal jurisdiction as the case may be.

8.The Officer-in-charge may at his discretion grant meetings or allow the dispatch or receipt of letters at shorter intervals on special grounds to be recorded in writing, to be retained in the case file of the concerned child.

9.The Officer-in-charge shall at regular intervals allow a child to speak with his parents/guardians on telephone under supervision of the Welfare Officer/Probation Officer and record shall be duly maintained of such calls.

10.Applications for meeting the children can be in writing or oral. If the child is not entitled for the meeting, the applicant shall be informed immediately along with the reason for such refusal in the same manner as the application for the meeting.

11.Every person desiring to meet the child shall, before the meeting, disclose his name and address, which shall be noted in the Visitors register and signed by the visitor. If the visitor refuses to disclose his particulars, he shall be denied the meeting.

12.The visitor shall submit himself for a search at the main gate.

- i. Due precaution of privacy and dignity shall be taken by the staff in conducting the search. The female relatives shall be searched by female staff only.
- ii. If any objectionable or a prohibited article is found, the same shall be detained at the main gate and handed back at the time of leaving of the visitor after the meeting.

- iii. If the visitor objects to such detaining, he shall be denied the meeting.
- iv. In case of any illegal article being found attracting legal action, the article and the visitor shall be detained and the police informed. The visitor and such article shall be handed over into the custody/charge of the police.
- v. A report of such visitor shall be prepared and placed in the case file of the child.

13. Every meeting shall take place in a specified part of the home, preferably near the main gate.

14. Every meeting shall take place in the presence of CWO/Probation Officer of the home, who shall be responsible to see that no irregularity occurs and who shall be so placed that he is able to see and to prevent any article being passed between the parties.

15. Every child shall be carefully searched before and after the meeting. The child should not be having anything with him before he goes for the meeting.

- a. If any objectionable or prohibited article is found in the search conducted before the meeting,
 - i. the said article shall be seized;
 - ii. the Officer-in-charge shall conduct an inquiry to know the identity of the person(s) responsible for the article reaching the child;
 - iii. if the person(s) responsible are from the staff of the home, appropriate action will be initiated against them;
 - iv. a detailed report of the inquiry and its result shall be forwarded to the Department and the Board or court of competent criminal jurisdiction.
- b. If any objectionable or prohibited article is found in the search conducted after the meeting;
 - i. the article shall be seized;

- ii. a report of the incident shall be forwarded to the Board or court of competent criminal jurisdiction.
- c. A copy of the reports shall be placed in the case file of the child.

16. Any child who abuses any privilege relating to the holding of a meeting shall be liable to be excluded from such privilege for such time as the Officer-in-charge may direct. A report of the same shall be sent to the Board or court of competent criminal jurisdiction and a copy shall be retained in the case file of the child.

17. Every child shall be entitled to communicate with his legal advisors.

- i. The rules of search and seizure shall apply to all legal advisors also.
- ii. Every such interview shall take place within the sight of a home official, though at a safe distance so as to be out of hearing.
- iii. The person wishing to have an interview with the child in the capacity of his advocate shall apply in writing, giving his name, address and enrolment number with a copy of a vakalatnama, duly attested by the Board.
- iv. Any child who claims to have no counsel shall be permitted to meet the legal aid counsels who visit the home in normal course.

Annexure D.

67. Maintenance of Registers. – Every home shall maintain registers, books and files as may be required apart from the following:

S.No.	Register	Entry to be made by	Custodian
1	Admission Register*	CWO/Receiving Officer	Officer-in-charge
1A	Register showing change of nature of custody	Receiving Officer	---do--
2	Attendance Registers for staff and children.	Shift Incharge	-do-
3	Budget Statement File.	Officer-in-charge	-do-
4	Case File of each child.	CWO	-do-
5	Cash Book.	Accounts Officer/Cashier	-do-
6	Children's Suggestion Book.	Children's Committee	-do-
7	Counselling Register	Counsellor	Officer-in-charge
8	Drug De-addiction Programme Enrolment and Progress Register	CWO	-do-
9	Handing Over Charge Register.	Shift Incharge	-do-
10	Inquiry Report File.		
11	Inspection Book.	Person conducting the inspection	-do-
12	Legal Aid Register	CWO	Officer-in-charge
13	Library Register	Shift Incharge	Officer-in-charge

14	Log Book.		
15	Meals Register.	CWO	Shift Incharge
16	Medical File of each child.	CWO	Officer-in-charge
17	Meeting Book.	Shift Incharge	-do-
18	Minutes Register of Children's Committees.	Children's Committee	-do-
19	Minutes Register of Management Committee.	Management Committee	-do-
20	Order Book.	L.D.C. or U.D.C.	-do-
21	Outgoing Register.	Shift Incharge	-do-
22	Personal Belongings Register.	CWO/Shift Incharge	-do-
23	Protective Custody Card of each child.	CWO	-do-
24	Psychotherapy Register	CWO	Officer-in-charge
25	Release Dates Diary (in case of Special Home)	CWO/Receiving Officer	-do-
26	Rewards/Earnings Register	CWO/Accounts Officer	Officer-in-charge
27	Safai Register.	CWO	Shift Incharge
28	Staff Movement Register.	Staff concerned	-do-
29	Stock Register.	L.D.C. or U.D.C.	Officer-in-charge
30	Supervision Register		
31	Visitor's Book	Visitors/Guards	Main Gate's Keeper

32	Vocational Training Programme Enrolment Register	CWO	Officer-in-charge
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- The Admission Register should specify who had received the custody and from whom.

Annexure E.

68. Personnel or Staff of a Home. - The number of posts in each category of staff shall be fixed on the basis of the capacity of the home and the staff shall be appointed in accordance with the educational qualifications, training and experience required for each category.

- a. The whole-time staff in a home shall consist of Officer-in-charge, Probation Officer or Child Welfare Officers, Counselor, Educator, Vocational Training Instructor, Medical Staff, Administrative staff, Caregiver or House Father or House Mother and safai karamchari.
- b. The whole-time staff in a home may also include child mentors, volunteers, store keeper, cook, helper, washer man, gardener as required.
- c. The part-time staff shall include Psychiatrist, Psychologist, Occupational therapist, and other professionals as may be required by time to time.
- d. 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 authorities informed of such orders made by him from time to time.
- e. The duties and responsibilities of the staff under the Officer-in-charge shall be fixed in keeping with the statutory requirements of the Act.
- f. The **suggested** staffing pattern for a home with a capacity of 100 children could be as mentioned below:

S. No.	Staff/Personnel	No. of Posts
(1)	Officer-in-charge	1
(2)	Counselor	4

(3)	Probation Officer or Welfare Officer (in each shift)	3
(4)	House Mother or House Father or Care Giver (in each shift)	6
(5)	Educator	2 (voluntary or part time)
(6)	Doctor	1
(7)	Paramedical staff (in each shift)	1+1+1
(8)	L.D.C. + U. D.C	2
(9)	Art & Craft cum Music Teacher	1 (part time)
(10)	Care Taker or Ayahs	10
(11)	PT Instructor cum Yoga Trainer	1 (part time)
(12)	Driver (in each shift)	1+1+1
(13)	Cook	1
(14)	Helper	2
(15)	Safai Karamchari	2
(16)	Gardner	1 (part time)
(17)	Sports Teacher	Full Time

The number of posts in the category of counselor, probation officer, house father or house mother or care giver, educator, and vocational instructor may proportionally increase with the increase in the capacity of the home.

In case of homes housing children up to 12 years of age, provision for *ayahs* and paramedical staff shall be made as per the need.

Annexure E-1

70. Registration under the Act. (1) No institution run by either the State Government or by voluntary organization for children in need of care and protection shall function without getting *them registered under sub-section (3) of section 34 of the Act.*

(2) *Organizations which have got themselves registered or got themselves licensed under any other law for the time being in force, shall also make an application for registration under sub section (3) of section 34 of the Act in FormProvided in Schedule*

(3) *All such institutions or organizations shall make an application for grant of registration/renewal of registration to the State Government along with a copy to the competent authority together with:*

(a) copy each of rules and regulations, bye-laws and memorandum of association

(b) a copy of Certificate of Registration under the Indian Societies Registration Act, 1860 or a Public Trust registered under any law for the time being in force.

(c) list of governing body members and office bearers

(d) balance sheet and audited statement of accounts for the last three years

(e) a report of past record of social or public service provided by the institution or organization or by the governing body members and office bearers for the care and protection of children.

(f) copy of child protection policy of the organisation.

Provided that if the organization is not in existence for three years it may be granted provisional registration.

(4) *The State Government after verifying that provisions made in the institution or organization for the care and protection of children like health, education, boarding and lodging facilities, if any, vocational facilities and scope of rehabilitation are in order, shall issue a registration certificate to such organization or institution under sub-section (3) of section 34 of the Act.*

Provided that such an order of either grant or rejection of application shall be passed with in three months from the date of the application.

(5) Rejection of Application

(a) Where the State Government is not satisfied that the applicant has complied with the requirements of the Act and the Rules there under, it shall for reasons to be recorded in writing, reject the application for registration or renewal of Certificate of Registration and communicate such rejection to the applicant.

(b) Where the application has been rejected, the applicant shall be given a period of thirty days to remove the objections before reconsidering its application for registration/renewal.

(6) Withdrawal of registration

(a) Where the State Government receives complaints about improper functioning, misuse of funds and poor quality of care/service to children in any organization or institution, the concerned organization or institution shall be given an opportunity of making a representation in writing pursuant to a show-cause notice, within a period of thirty days from the date of receipt of Show Cause Notice. The show cause notice shall contain the grounds of withdrawal of certificate of registration. After the State Government is satisfied that the organization is guilty of commission of such act, or omission thereof, as mentioned in the complaint, it shall make an order to revoke the Certificate of Registration and it shall stand withdrawn as from a date specified in such order and from the said date the said organization shall cease to be registered under the Act.

(b) When an organization's registration is revoked the children in the care of the organization or institution therein shall be transferred based on the needs of the children to another organization or institution that has a valid Certificate of Registration under the Act, and is

able to provide the services required for the children, or be restored to the care and custody of their parents or lawful guardian through an order by the Child Welfare Committee or the State Government or appoint an administrator/committee who shall take over instantly and all the financial and administrative powers of the governing body shall stand ipso facto vested in the administrator or the committee

(7) All institutions shall display the Certificate of Registration issued to them by the State Government in a conspicuous place in its premises where services for children or juveniles are provided.

(8). The State Government shall maintain a comprehensive updated database of all child care institutions, both government and non-government, who have been issued Certificate of Registration and the same shall be hosted on the website of the Department of Women and Child Development.

(9) No organization or institution either Government or NGO/Individual shall keep children in need of care and protection in the institution without information to the respective Child Welfare Committee. If any organization or individual or a group of people indulges in such activities, the children shall be removed from their custody and criminal action shall be initiated for illegal custody of the children as per law. When the institution admits children directly brought by biological parent/guardian, it shall take a written request along with proof of addresses.

70A. Certification of an institution.

*(1) If the management of any organization desires that its institution may be certified as Observation Home, or Special Home or Children's Home or Shelter Home or Specialized Adoption Agency or after-care organization as per Sections 8 (2), 9(2) and 34 (2), 37, 41 and 44 of the Act respectively, it shall make an application **in formas provided under schedule.....** for grant of certification to the State Government along with a copy to the competent authority together with:*

(a) copy each of rules and regulations, bye-laws and memorandum of association

(b) a copy of Certificate of Registration under the Indian Societies Registration Act,

1860 or a Public Trust registered under any law for the time being in force.

(c) list of governing body members and office bearers

(d) balance sheet and audited statement of accounts for the last three years

(e) a report of past record of social or public service provided by the institution or organization or by the governing body members and office bearers for the care and protection of children.

(f) copy of child protection policy of the organization.

*(2) The State Government after verifying that provisions made in the institution or organization for the care and protection of children like health, education, boarding and lodging facilities, if any, vocational facilities and scope of rehabilitation are in order, may grant certificate **in form....as provided under schedule** for a maximum period of 3 years at a time, (subject to annual review), 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 of services as laid down under the Act and the rules framed there under, from time to time and to ensure an all round growth and development of juvenile or child placed under its charge.*

(3)The competent authority shall, within one month of the receipt of the application, after due inquiry, recommend or advise otherwise the State Government for such certification.

Provided that such an order of either grant or rejection of application shall be passed with in three months from the date of the application.

(4) Rejection of Application

(a) Where the State Government is not satisfied that the applicant has complied with the requirements of the Act and the Rules there under, it shall for reasons to be recorded in writing pursuant to a show-cause notice, reject the application and communicate such rejection to the applicant.

(b) Where the application has been rejected, the applicant shall be given a period of thirty days to remove the objections before reconsidering its application for certification/renewal.

(5) Withdrawal of certification

(a) The State Government where it receives complaints about improper functioning, misuse of funds and poor quality of care/service to children or malpractices in any organization or institution shall give a show cause notice to the manager of the organization informing about the complaints received and shall thereafter give them an opportunity of making a representation in writing, within a period of thirty days from the date of receipt of the show cause notice, against the grounds of withdrawal of certification of that organization.

(b) After the State Government is satisfied that the organization is guilty of commission of such act, or omission as complained of, it shall declare that the certification of the organization shall stand withdrawn as from a date specified in the order and from the said date the organization shall cease to be an organization certified under sections 8,9,34,37,41 or 44 of the Act as the case may be.

(c) The decision to withdraw or to restore the certificate of the organization may be taken, on the basis of a thorough investigation by the Advisory Board provided under section 62 of the Act.

(d) When an organization's certification is revoked the children in the care of the organization or institution therein shall be transferred based on the needs of the children, to another organization or institution that has a valid Certificate under the Act, and is able to provide the services required for the children, or be restored to the care and custody of their parents or lawful guardian through an order by the competent authority or the State Government or appoint an administrator/committee who shall take over instantly and all the financial and administrative powers of the governing body shall stand ipso facto vested in the administrator or the committee.

71. Recognition of a voluntary organization and transfer of management of Management of institutions.

*(1) If any voluntary organization desires to be recognized under Section 34(2) of the Act it shall make an application for grant of recognition in an application **in form ... provided under schedule ...** to the State Government along with a copy to the competent authority together with:*

(a) copy each of rules and regulations, bye-laws and memorandum of association

(b) a copy of Certificate of Registration under the Indian Societies Registration Act, 1860 or a Public Trust registered under any law for the time being in force.

(c) list of governing body members and office bearers

(d) balance sheet and audited statement of accounts for the last three years

(e) a report of past record of social or public service provided by the organization or by governing body members and office bearers for the care and protection of children.

(f) copy of the Child Protection Policy of the organization.

(2) The State Government after verifying the nature of services to be provided by the organization and the provisions made for the services to be provided may grant recognition to a voluntary organization for such services as per sub section 3 of section 34 for a maximum period of 3 years at a time, (subject to annual review).

Provided that such an order of either grant or rejection of application shall be passed with in three months from the date of the application.

(3)The competent authority within one month of the receipt of the application shall after due inquiry, recommend or advise otherwise the State Government for such recognition.

(4) Rejection of Application

(a) Where the State Government is not satisfied that the applicant has complied with the requirements of the Act and the Rules there under, it shall for reasons to be recorded in writing, reject the application and communicate such rejection to the applicant.

(b) Where the application has been rejected, the applicant shall be given a period of thirty days to remove the objections before reconsidering its application for recognition or renewal.

(5) Withdrawal of recognition

(a) The State Government where it receives complaints about improper functioning, misuse of funds and poor quality of care/service or malpractices in any organization shall give a show cause notice to the manager of the organization informing about the complaints received and shall thereafter give them an opportunity of making a representation in writing, within a period of thirty days of the date of receipt of the show cause notice, against the grounds of withdrawal of recognition of that organization.

(b) After the State Government is satisfied that the organization is guilty of commission of such act, or omission as complained of, it shall declare that the recognition of the organization shall stand withdrawn as from a date specified in the order and from the said date the organization shall cease to be an organization recognized under sub section (3) of section 34 of the Act.

(c) The decision to withdraw or to restore the recognition of the organization may be taken, on the basis of a thorough investigation by the Advisory Board provided under section 62 of the Act.

(6) 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 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.

Consequential changes need to be made regarding the numbering of rules in rule 29 etc.

Annexure F.

86. Duties of the Officer-in-Charge of an institution:

The primary responsibility of the Officer-in-Charge is of maintaining the home and *of providing care and protection to the children.*

1. The Officer-in-Charge shall stay within the premises to be readily available as and when required by the children or the staff and in case where an accommodation is not available in the premises, he shall stay at a place in close proximity to the home till such time that such an accommodation is made available within the home premises.
2. The general duties and functions of the Officer-in-charge shall include, to:
 - a. ensure compliance with provisions of the Act and the rules and orders made there under;
 - b. ensure compliance with the orders of the Board or Committee, as the case may be;
 - c. provide homely and enabling atmosphere of love, affection, care and concern for children;
 - d. strive for the development and welfare of the children;
 - e. supervise and monitor discipline and well being of the children and the staff;
 - f. plan, implement and coordinate all activities, programmes and operations, including training and treatment programmes or correctional activities as the case may be;
 - g. segregate a child suffering from contagious or infectious diseases on the advise of the medical officer of the institution;
 - h. ensure observance and follow-up of daily routine;
 - i. organize local and national festivals in the home;
 - j. organize trips or excursions or picnics for children;

- k. send a list of children in Form in the home to the Board or Committee, as the case may be, by the end of every week;
- l. allocate duties to personnel;
- m. maintain standards of care in the home;
- n. ensure proper storage and inspection of food stuffs as well as food served;
- o. maintain the buildings and premises of the home;
- p. maintain proper hygiene in the home;
- q. provide accident and fire preventive measures within the premises;
- r. make stand-by arrangements for water storage, power plant, emergency lightening;
- s. ensure careful handling of plants and equipments;
- t. employ appropriate security measures;
- u. conduct periodical inspections, including daily inspection and rounds of the home;
- v. take prompt action to meet emergencies;
- w. prompt, firm and considerate handling of all disciplinary matters;
- x. ensure proper and timely maintenance of the case files;
- y. maintain all records and registers required under the Act and these rules;
- z. prepare the budget and maintain control over financial matters;
- aa. organize the meetings of the Management Committee set-up under Rule 55 of these rules and provide necessary support;
- bb. ensure monthly verification of the all records and registers by the Management Committee set-up under Rule 55 of the Rules;
- cc. liaison, co-ordinate and co-operate with the District Child Protection Unit and the Government of NCT of Delhi as and when required; and

dd. co-ordinate with the legal officer in the District Child Protection Unit to ensure that every child is legally represented and provided free legal aid and other necessary support and where the District Child Protection Unit has not been set-up, make available the services of the District or State Legal Services Authority.

4. (1) Regular inspections of the home shall be conducted, especially with regard to:

- a. maintenance of hygiene and sanitation,
- b. maintenance of order,
- c. quality and quantity of food,
- d. hygienic maintenance of food articles and other supplies,
- e. hygiene in the medical center and provisions for medical care,
- f. behaviour of the children and staff,
- g. security arrangements, and
- h. maintenance of files, registers and books.

(2). The Officer-in-charge shall inspect the home as often as possible but not less than twice a day. He shall make a record of the timings of his visit and also note his observations in a separate book maintained for the purpose.

- a. Anything amiss that comes to the notice of the Officer-in-charge shall be enquired into and set right. A note of the steps taken shall also be noted in the book with the date of the day by when the problem has been resolved.
- b. In case of any problem of urgent nature not being resolved within two working days, a note of the same shall be put up before the Director of the Women and Child Department.
- c. In case of other problems remaining unresolved, a note shall be put up before the Director of Women and Child Department after a week.

- d. The said book shall be checked periodically and any problem remaining unresolved for more than three weeks shall be brought to the notice of the Secretary and the Board.

Annexure G.

87. Duties of the Child Welfare Officer (CWO)/Case Worker or Probation Officer.-

1. CWO/ **Case Worker or Probation Officer** shall carry out all directions given by the Board.
2. The CWO/ **Case Worker or Probation Officer** shall establish linkages with voluntary workers and organizations to facilitate rehabilitation and social re-integrations of the children and to ensure the necessary follow-up.
3. The CWO/ **Case Worker or Probation Officer** available in the home at the time of receiving a child shall interact with the child received with a view to put the child at ease and befriend him and shall supervise the 'receiving of the child';
4. On receipt of information from the police or juvenile welfare officer or on arrival of a child in the home, the CWO/ **Case Worker or Probation Officer** shall forthwith conduct social investigation of the child through personal interviews from the child and his family members, social agencies and other sources; inquire into antecedents and family history of the child and collect such other material circumstance as may be relevant and material and submit the Social Investigation Report (SIR) to the Board as early as possible.
5. All the children in the Home shall be equally divided and assigned to the Child Welfare Officers/ **Case Worker or Probation Officer** and such Child Welfare Officer/ **Case Worker or Probation Officer** shall be responsible qua the child assigned to him in all respects viz. care and development of the child, reporting to the Board or court of competent criminal jurisdiction about the child or maintaining the child's record in the home.
6. Upon assignment of the child to a CWO/ **Case Worker or Probation Officer**, the CWO/ **Case Worker or Probation Officer** shall:
 - a. Prepare the case file of the child with his photo ID in Form, the child's copy of the Personal Belongings Register, report of the urgent needs of the child, record of the toiletries and other articles supplied to the child and the case history and maintain the case file.
 - b. Maintain the *Protective custody card* or the *Rehabilitation intervention card* of the child.

- c. Prepare and maintain the medical record of the child and ensure that the treatment of the child is not interrupted or neglected.
- d. Meet the child every day to ensure his safety, welfare and development; assist the child to adjust in the life in the home. A newly received child shall be met more often than once a day.
- e. Gather information about the child within the initial five days to ascertain the child's education, vocational status and aptitude and emotional status.
- f. Have the necessary tests and examinations of the child as stated hereinafter, conducted.
- g. Collect the child's medical, mental status and addiction status reports from the concerned persons and place them in the medical record of the child.
- h. Study the reports and prepare in consultation with the child and his family members, a care plan for the child in prescribed Form to be placed in the case file of the child. The CWO/ **Case Worker or Probation Officer** may consult the counsellor, psychologists or such other person as he deems fit in this regard.
- i. In keeping with the care plan, a daily routine shall be developed for the child and explained to him.
- j. Ensure that the child adheres to the routine so developed and take timely reports from the caregivers in this respect.
- k. Review periodically the implementation and effectiveness of the care plan and if necessary, suitably modify the care plan and/or the routine of the child.
- l. Resolve the problems of the child and deal compassionately with their difficulties in life in the Home.
- m. Participate in the orientation, monitoring, education, vocational and rehabilitation programmes generally and specifically qua the child.
- n. Establish co-operation and understanding between the child and the Officer-in-charge.
- o. Assist the child to develop contact with family and also provide guidance and assistance to family members.

- p. Attend the Board proceedings, convey all the above information and file all reports mentioned above with the Board as also any other that may be called.
 - q. On receiving the copy of the order of declaration of juvenility or otherwise, to make the necessary changes in the record as regards the age of the child if any change is required and to place the copy of the said order in the case file of the child.
 - r. Participate in the pre-release programme and help the child to establish contact which can provide emotional and social support to the child after the release.
 - s. Maintain contact with the children after their release and extend help and guidance to them;
 - t. Visit regularly the residence of the child under their supervision and also places of employment or school attended by such child and submit fortnightly reports or as otherwise directed;
 - u. Accompany child wherever possible from the Board to home or fit person as the case may be;
 - v. Maintain the registers as may be specified from time to time.
7. The CWO who has been assigned the duty of verifying the daily cleaning shall do so twice a day, one after the morning cleaning and the other after the evening cleaning. The CWO shall make a note of the same in the Safai register.
- 8.** The CWO who has been assigned the duty of verifying the daily cooking shall make a note of the same in the Meals register, in respect of every meal.

Annexure H.

Rule 88A. General Duties of each Staff-member, including the Guarding Establishment.-

1. The designated staff shall be responsible for taking care of all the needs of the children.
2. It shall be the duty of every person working in the home, in whatever capacity, to:
 - a. comply with the provisions of the Act and the rules and orders made there under;
 - b. comply with the orders of the Board;
 - c. deal with each child in the home compassionately, being sensitive to the circumstances and difficulties of the child;
 - d. maintain discipline and order amongst the children;
 - e. inform the Officer-in-charge forthwith of emergent situations;
 - f. take appropriate action in case of emergent situations;
 - g. maintain discipline and good behaviour in the Home.

88B. Staff Discipline.- Any violation of rules or lapse in adhering to the expectations under law shall be viewed seriously and strict disciplinary action shall be taken/ recommended by the Officer-in-charge against erring officials.

1. No staff of the home shall loiter inside the premises of Home beyond the period of their duty. Violation shall be viewed strictly.
2. No staff of the home shall report to duty under influence of any intoxicant.
3. No staff of the home shall consume any addictive substances like liquor, bidi, cigarette, tobacco etc. within the premises of the Home, whether on duty at the relevant time or not.
4. No staff of the home shall sell or let for gain any article to any child nor have any business dealings with such child or his parent or guardian.

(to ensure that the staff adheres to certain rules and regulations and maintains discipline)

88C. Security measures.- The Officer-in-Charge shall ensure that appropriate security measures are employed at all times, including the following:

1. There shall be sufficient number of guards at all the times in different shifts to be posted at the points to be identified by the Officer-in-charge in consultation with Incharge Security and the Department.
2. The dormitories shall be guarded from inside by the house representative at the time of night, who shall ensure discipline inside the dormitories amongst his house.
3. Any child, who complains of a medical problem or any similar other problem at the time of night, shall report to the house representative, who shall in turn inform the caregiver concerned. The caregiver shall take such necessary steps as may be required and in case of emergency shall inform the medical officer concerned or the officer in charge as the need may be, who shall immediately take appropriate steps.
4. During the night, patrolling officers shall be on guard and shall not quit their beat or sleep.
5. A roster of turns of duty shall be prepared and displayed in some prominent place. A record shall be prepared showing the person put on each beat during each watch. This record shall be maintained by the officer in charge
6. Every caregiver, if he comes to know of any incident or probability thereof regarding unrest amongst the children, shall bring the same to the notice of the officer in charge without any loss of time, who shall take such necessary steps as may be the need of the hour to keep the situation under control and shall inform the Board about the information as well as steps taken by him, in writing as soon as possible.

7. Officer in charge shall visit all parts of the home at the time of night as frequently as possible, but not less than once a week. The time of visit shall not be made known before hand. He shall make a record of the timings of his visit and also note his observations. This Register shall be in custody of gatekeeper.
8. If it be the case of disturbance outside the home the shift incharge shall immediately inform the police station concerned under information to the Secretary.
9. Should it be a case of riot or disturbance inside the home, the shift incharge shall take assistance of the police with permission of the Secretary. The shift incharge shall first issue a warning to the children. The doors shall not be opened till the unrest is settled. Necessary action shall then be taken as is the need of the situation.
10. To prepare the officers, children and guards to follow the above routine, a practice drill shall be held once a month, without previous warning or notice by the Officer-in-charge or any ex-officio visitor.
11. Closed Circuit Televisions shall be installed at all key points.

(to ensure that adequate security measures are in place and to provide for cases of disturbance, if any, in the home)

88D. SEARCHES AND SEIZURES.- regular and periodic searches shall be conducted and articles prohibited articles, if found seized and dealt with as stated hereinafter:

1. Searches.-
 - a. The officer in charge and CWO shall search the entire premises of the home at regular intervals without giving any notice of the same.
 - b. The bathrooms and toilets shall be searched everyday by the caregiver under the supervision of a CWO.
 - c. The dormitories shall be searched regularly by the Officer-in-charge or the CWO, but not less than once a week.

- d. Special precaution shall be taken for the safe custody of the children with addiction/allied problems. They should be searched regularly and if possible, twice daily and occasionally at uncertain hours.
 - e. Surprise searches of the staff shall also be conducted by the Officer-in-charge with the assistance of the guards.
 - f. The Incharge Security shall be responsible for the guards posted in the home.
- 2. Seizures.-**
- a. Any prohibited article found during the search shall be seized by the officer in charge. A list of the articles seized shall be prepared.
 - b. In case of arms, weapons or addictive substances being found from a child or dormitory, the officer in charge shall conduct an inquiry to ascertain how the article entered the home and the persons responsible for the neglect.
 - c. The officer in charge shall furnish his report in this respect to the Department and the Board or the Committee as the case may be.
 - d. The Department shall take appropriate action against the person responsible if such person be an officer of the home and forward an action-taken report to the Board or the committee as the case may be.
 - e. As regards the child responsible, he shall be dealt with according to these rules.
- 3. Disposal of Articles Seized.-**
- b. All the articles seized shall be destroyed having regard to the nature of the article if the said article will not be required in any inquiry/departmental action against any officer.
 - c. If the article will be so required, the same shall be deposited with the Department under receipt from the Director of the Women and Child Department.

(to ensure that no prohibited articles are kept in the Homes)