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### NOTIFICATIONS BY GOVERNMENT

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**NOTIFICATIONS BY GOVERNMENT**


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**LABOUR AND EMPLOYMENT DEPARTMENT**
**Draft of Amendments to the Tamil Nadu Factories Rules, 1950.**

[G.O. Ms. No. 13, Labour and Employment (M2), 13th January 2012, Margazhi 28, Thiruvalluvar Aandu-2042.]

No. SRO A-12/2012.—The following draft of amendments to the Tamil Nadu Factories Rules, 1950 which it is proposed to make in exercise of the powers conferred by Section 87 read with Section 112 of the Factories Act, 1948 (Central Act LXIII of 1948), is hereby published for information of all the persons likely to be affected thereby, as required by Section 115 of the said Act.

2. Notice is hereby given that the draft amendments will be taken into consideration on or after the expiry of 45 days from the date of publication of this Notification in the *Tamil Nadu Government Gazette*. Any objection or suggestion which may be received from any person with respect thereto, before the expiry of the aforesaid period, will be considered by the Government of Tamil Nadu. Objection or suggestion, if any, should be addressed in duplicate, to the Principal Secretary to Government, Labour and Employment Department, Secretariat, Chennai-600 009, through the Chief Inspector of Factories, Chepauk, Chennai-600 005.

**AMENDMENTS**

In the said Rules, in rule 95 (i) in sub-rule (1), for item 32, the following item shall be substituted, namely:—  
“32. Operations in foundries and furnaces.”, (2) for Schedule XXXII, the following Schedule shall be substituted, namely:—

**“SCHEDULE XXXII.**
**Operations in Foundries and Furnaces**

1. **Application.**—Provisions of this Schedule shall apply to all parts of factories where any of the following operations or processes are carried on:—

(a) the production of iron castings or, as the case may be, steel castings by casting in moulds made of sand, loam, moulding composition or other mixture of materials, or by shell moulding or by centrifugal casting and any process incidental to such production;

(b) the production of non-ferrous castings by casting metal in moulds made of sand, loam, metal, moulding composition or other material or mixture of materials, or by shell mouldings, die-casting (including pressure die-casting), centrifugal casting or continuous casting and any process incidental to such production;

(c) the melting and casting of non-ferrous metal and / or ferrous metal for the production of ingots, billets, slabs or other similar products and the stripping thereof; but shall not apply with reference to—

(i) any process with respect to the smelting and manufacture of lead and the Electric Accumulators;

(ii) any process for the purposes of printing works;

(iii) any smelting process in which metal is obtained by a reducing operation or any process incidental to such operation; or

(iv) the production of steel in the form of ingots; or

(v) any process in the course of the manufacture of solder or any process incidental to such manufacture; or

(vi) the melting and casting of lead or any lead-based alloy for the production of ingots, billets, slabs or other similar products or the stripping thereof or any process incidental to such melting, costing or stripping.

2. **Definitions.**—For the purpose of this Schedule—

(a) “approved respirator” means a respirator of a type approved by the Chief Inspector;

(b) “Cupola or furnace” includes a receiver associated therewith;

(c) “dressing or fettling operations” includes stripping and other removal of adherent sand, cores, runners, risers, flash and other surplus metal from a casting and the production of reasonably clean and smooth surface, but does not include—(i) the removal of metal from casting when performed incidentally in connection with the machining or assembling of castings after they have been dressed or fettled; or (ii) any operation which is knock-out operation within the meaning of this Schedule;

(d) "foundry" means those parts of a factory in which the production of iron or steel or non-ferrous castings (not being the production of pig iron or the production of steel in the form of ingots) is carried on by casting in moulds made of sand, loam, moulding composition or other mixture of materials, or by shell moulding or by centrifugal casting in metal moulds lined with sand or die casting including pressure die casting, together with any part of the factory in which any of the following processes are carried on as incidental processes in connection with and in the course of such production, namely, the preparation of moulds and cores, knock out operations and dressing or fettling operations;

(e) "knock-out operations" means all methods of removing casting from moulds and the following operations, when done in connection therewith, namely, stripping, coring-out and the removal of runners and risers;

(f) "pouring aisle" means an aisle leading from main gangway or directly from a cupola or furnace to where metal is poured into moulds;

(g) "qualified supervisors" means a person possessing a Bachelor's Degree in Science or Diploma or Degree in Engineering with Certificate in ferrous / non-ferrous technology from any institution recognised by the Chief Inspector.

3. **Prohibition of use of certain materials as parting materials.**—(1) A material shall not be used as a parting material if it is a material containing compounds of silicon calculated as silica to the extent more than 5 per cent by weight of the dry material; Provided that this prohibition shall not prevent the following being used as a parting material if the material does not contain an admixture of any other silica—

- (a) Zirconium silicate (Zircon)
- (b) Calcined China clay.
- (c) Calcined aluminous fireclay.
- (d) Sillimanite.
- (e) Calcined or fused alumina.
- (f) Olivine
- (g) Natural sand.

(2) Dust or other matter deposited from a fettling or blasting process shall not be used as a parting material or as a constituent in a parting material.

4. **Arrangement and Storage.**—For the purposes of promoting safety and cleanliness in workrooms, the following requirements shall be observed:—

(a) Moulding boxes, loam plates, ladles, patterns, pattern plates, frames, boards, box weights and other heavy articles shall be so arranged and placed as to enable work to be carried on without unnecessary risk;

(b) suitable and conveniently accessible racks, bins, or other receptacles shall be provided and used for the storage of other gear and tools;

(c) where there is bulk storage of sand, fuel, metal scrap or other materials or residues, suitable bins, bunkers or other receptacles shall be provided for the purpose of such storage.

5. **Construction, Installation and Operation.**—(1) The precinct in which induction furnace is installed shall be of adequate strength and shall be segregated from the other parts of the factory in such a way so that minimum number of workers is exposed to the risk of any fire or explosion at any time;

(2) Furnace shed shall be well ventilated;

(3) All the fittings and attachment of Induction furnace shall be of good construction, sound material and adequate strength;

(4) Adequate arrangements shall be made to avoid tilting of the ladles while transportation;

(5) Ladle shall not be filled with molten metal more than 3/4th of its volume to avoid spillage of molten metal while being carried by the crane;

(6) The refractory material of the induction furnace shall be strong at high temperature, resistant to thermal shock, chemically inert, low thermal conductivity and co-efficient of expansion and of adequate uniform thickness;

(7) The lining of the induction furnace shall be checked by qualified supervisor every week for any wear and tear and damage as per relevant Bureau of Indian Standards;

(8) Adequate precautions shall be taken during repair of induction furnace as per relevant Bureau of Indian Standards.

6. **Construction of floors.**—(1) Floors of indoor workplaces in which the processes are carried on, other than parts which are of sand, shall have been surface of hard material;

(2) No part of the floor of any such indoor workplace shall be of sand except where this is necessary by reason of the work done;

(3) All parts of the surface of the floor of any such indoor workplace which are of sand shall, so far as practicable, be maintained in an even and firm condition.

7. **Means of Escape.**—There shall be at least two ways of escape with adequate width at opposite ends of the furnace platforms.

8. **Display of Notice.**—Notice regarding non use of water, etc. near induction furnace shall be displayed.

9. **Charging of scrap in Induction Furnace.**—(1) No scrap material with close cavities shall be charged in the induction furnace. Scrap to be charged shall be dry and shall not contain oil or any other liquid or moisture.

(2) No scrap material shall be fed into induction furnace unless it is thoroughly checked in the presence of qualified Supervisor.

(3) No closed container scrap shall be fed into the furnace unless it is cut into pieces. Such container shall be rendered safe by suitable means.

(4) No wet scrap material shall be charged into the induction furnace.

(5) Scrap received in the form of pressed bundle should be opened, sorted and only then fed into furnace.

10. **Cleanliness of indoor workplaces.**—(1) All accessible parts of the walls of every indoor workplace in which the processes are carried on and of everything affixed to those walls shall be effectively cleaned by a suitable method to a height of not less than 4.2 metres from the floor at least once in every period of fourteen months. A record of the carrying out of every such effective cleaning in pursuance of this paragraph including the date (which shall neither be less than five months nor more than nine months after the last immediately preceding washing, cleaning or other treatment).

(2) Effective cleaning by a suitable method shall be carried out at least once every working day of all accessible parts of the floor of every indoor workplace in which the processes are carried on, other than parts which are of sand; and the parts which are of sand shall be kept in good order.

11. **Manual operations involving molten metal.**—(1) There shall be provided and properly maintained for all persons employed on manual operations involving molten metal with which they are liable to be splashed, a working space for that operation—

(a) which is adequate for the safe performance of the work; and

(b) which, so far as reasonably practicable, is kept free from obstruction.

(2) Any operation involving the carrying by hand of a container holding molten metal shall be performed on a floor all parts of which where any person walks while engaged in the operation shall be on the same level :

Provided that where necessary to enable the operation to be performed without undue risk, nothing in this paragraph shall prevent the occasional or exceptional use of a working space on a different level from the floor, being a space provided with a safe means of access from the floor for any person while engaged in the operation.

12. **Gangways and pouring aisles.**—(1) In every workroom to which this paragraph applies constructed, reconstructed or converted for use as such after the making of this Schedule and so far as reasonably practicable, in every other workroom to which this paragraph applies, sufficient and clearly defined main gangway shall be provided and properly maintained which—

(a) shall have an even surface of hard material and shall, in particular, not be of sand or have on them more sand than is necessary to avoid risk of flying metal from accidental spillage;

(b) shall be kept, so far as reasonably practicable, free from obstruction;

(c) if not used for carrying molten metal, shall be at least 920 millimeters in width;

(d) if used for carrying molten metal shall be—

(i) where truck ladles are used exclusively, at least 600 millimeters wider than the overall width of the ladle;

(ii) where hand shanks are carried by not more than two men, at least 920 millimeters in width;

(iii) Where hand shanks are carried by more than two men, at least 1.2 meters in width; and

(iv) where used for simultaneous travel in both directions by men carrying hand shanks, at least 1.8 metres in width;

(2) In workroom to which this paragraph applies constructed, reconstructed or converted for use as such after the making of this Schedule, sufficient and clearly defined pouring aisles shall be provided and properly maintained which—

(a) shall have an even surface of hard material and shall in particular, not be sand or have on them more sand than is necessary to avoid risk of flying metal from accidental spillage;

(b) shall be kept so far as reasonably practicable free from obstruction;

(c) If molten metal is carried in hand ladles or bulk ladles by not more than two men per ladle, shall be atleast 460 millimetres wide, but where any moulds alongside the aisle are more than 510 millimetres above the floor of the aisle, the aisle shall be not less than 600 millimetres wide;

(d) If molten metal is carried in hand ladles or bull ladles by more than two men per ladle, shall be atleast 760 milimietres wide;

(e) If molten metal is carried in crane, trolley or truck ladles, shall be of a width adequate for the safe performance of the work.

(3) Requirements of sub-paragraphs (1) and (2) shall not apply to any workroom or part of a workroom if, by reason, of the nature of the work done therein, the floor of that workroom or, as the case may be, that part of a workroom has to be of sand.

(4) In this paragraph "workroom to which this paragraph applies" means a part of a ferrous or non-ferrous foundry in which molten metal is transported or used and a workroom to which this paragraph applies shall be deemed for the purposes of this paragraph to have been constructed, reconstructed or converted for use as such after the making of this Schedule if the construction, reconstruction or conversion thereof was begun after the making of this Schedule.

**13. Work near cupolas and furnaces.**—No person shall carry out any work within a distance of 4 meters from a vertical line passing through the delivery end of any spout of a cupola or furnace, being a spout used for delivering molten metal, or within a distance of 2.4 metres from a vertical line passing through the nearest part of any ladle which is in position at the end of such a spout, except in either case, where it is necessary for the proper use or maintenance of a cupola or furnace that work should be carried out within that distance of that work is being carried out at such a time and under such conditons that there is no danger to the person carrying it out from melten metal which is being obtain from the cupola or furnace or is in a ladle in position at the end of the spout.

**14. Dust and fumes.**—(1) Open coal, coke or wood fires shall not be used for heating or drying ladles inside a workroom unless adequate measures are taken to prevent, so far as practicable, fumes or other impurities from entering into or remaining in the atmosphere of the workroom.

(2) No open coal, coke or wood fires shall be used for drying moulds except in circumstances in which the use of such fires is unavoidable.

(3) Mould stoves, core stoves and annealing furances shall be so designed constructed, maintained and worked as to prevent, so far as practicable, offensive or injurious fumes from entering in to any workroom during any period when a person is employed therein.

(4) All knock-out operations shall be carired out—

(a) In a separate part of foundry suitable partitioned off, being a room or part in which so far as reasonably practicable, effective and suitable local exhaust ventilation and a high standard of general ventilation are provided; or

(b) In an area of the foundry in which, so tar as reasonably practicable, effective and suitable local exhaust ventilation is provided, or where compliance with this requirement is not reasonably practice, a high standard of general ventilation is provided.

(5) All dressing or fettling operation shall carried out—

(a) in a separate room or in a separate part of foundry suitably partitioned off; or

(b) in an area of the foundry set apart for the purpose;

and shall, so far as reasonably practicable, be carried out with effective and suitable local exhaust ventilation or other equally effective means of suppressing dust, operating as near as possible to the point of origin of the dust.

**15. Maintenance and examination of exhaust plant.**—(1) All ventilation plant used for the purpose of extracting, suppressing or controlling dust or fumes shall be properly maintained.

(2) All ventilation plant used for the purpose of extracting, supperessing or controlling dust or furnes shall be examined and inspected once every week by a responsible person. It shall be thoroughly examined and tested by a competent person at least once in every period of twelve months; and particulars of the results of every such examination and test shall be entered in an approved register which shall be available for inspection by an Inspector. Any defect found on any such examination and test shall be immediately reported in writing by the person carrying out the examination and test to the occupier or manager of the factory.

**16. Protective equipment.**—(1) The occupire shall provide and maintain protective equipment specified for the protection of workers,—

(a) suitable gloves or other protection for the hands for workers engaged in handling any hot material likely to cause damage to the hands by burn, scald, or scar, or in handling pig iron, rough castings or other articles likely to cause damage to the hands by cut or abrasion;

(b) approved respirators for workers carrying out any operations creating a heavy dust concentration which cannot be dispelled quickly and effectively by the existing ventilation arrangements.

(2) No respirator provided for the purpose of clause (b) of sub-paragraph (1) has been worn by a person shall be worn by another person if it has not since been thoroughly cleaned and disinfected.

(3) Persons who for any of their time—

(a) work at a spout of or attend to, a cupola or furnace in such circumstances that material therefrom may come into contact with the body, being material at such a temperature that its contact with the body would cause a burn; or

(b) are engaged in, or in assisting with, the pouring of molten metal; or

(c) carry by hand or move by manual power any ladle or mould containing molten metal;

(d) are engaged in knocking-out operations involving material at such a temperature that its contact with the body would cause a burn;

shall be provided with suitable footwear and gaiters which worn by them prevent, so far as reasonably practicable, risk of burns to his feet and ankles.

(4) Where appropriate, suitable screens shall be provided for protection against flying materials (including splashes of molten metal and sparks and chips thrown off in the course of any process).

(5) The Occupier shall provide and maintain suitable accommodation for the storage and make adequate arrangements for cleaning and maintaining of the protective equipment supplied in pursuance of this paragraph.

(6) Every person shall make full and proper use of the equipment provided for his protection in pursuance of sub-paragraphs (1) and (4) and shall without delay report to the occupier, manager or other appropriate person any defect in, or loss of, the same.

(7) Workers working in the furnace / casting pit area shall be provided with cottan cloths, safety shoes leg guards, apron, face shield, hand gloves and safty helmet.

(8) Workers employed for segregation of scrap shall be provided with safety shoes and hand gloves.

(9) Fire retardant and heat retardant clothing shall be provided to all the workers working on platform of induction furnace.

**17. Training and Supervision.**— (1) All operations under this Schedule shall be carried out under the supervision of qualified supervisors at all times.

(2) Workers carrying out operations and maintenance activities in foundries and furnaces shall be adequately trained.

**18. Washing and bathing facilities.**—(1) There shall be provided and maintained in clean state and good repair for the use of all workers employed in the foundry,—

(a) a wash place under cover with either—

(i) 'a trough with impervious surface fitted with a waste pipe without plug and of sufficient length to allow atleast 60 centimeters for every 10 such persons employed at anyone time and having a constant supply of clean water from taps or jets above the trough at intervals of not more than 60 centimeters; or

(ii) atleast one tap or stand pipe for every 10 such persons employed at any one time and having a constant supply of clean water, the tap or stand pipe being spaced not less than 1.2 meters apart; and

(b) not less than one half of the total number of washing places provided under clause

(a) shall be in form of bathrooms;

(b) a sufficient supply of clean towels made of suitable material changed daily, with sufficient supply of nail brushes and soap.

(2) The facilities provided for the purposes of sub-paragraph (1) shall be placed in charge of a responsible person or persons and maintained in a clean and orderly condition.

**19. Disposal of dross and skimming.**—Dross and skimming removed from molten metal or taken from a furnace shall be placed forthwith in suitable receptacles.

**20. Disposal of Waste.**—Appropriate measures shall be taken for the disposal of all waste products from shell moulding (including waste burnt sand) as soon as reasonably practicable after the castings have been knocked-out.

21. **Material and Equipment left out of doors.**—All material and equipment left out of doors (including material and equipment so left only temporarily or occasionally) shall be so arranged and placed as to avoid unnecessary risk. There shall be safe means of access to all such material and equipment and so far as reasonably practicable, such access shall be by roadways or pathways which shall be properly maintained. Such roadways or pathways shall have a firm and even surface and shall, so far as reasonably practicable be kept free from obstruction.

22. **Medical facilities and records of examinations and tests.**—(1) The Occupier of every factory to which this schedule applies, shall—

(a) employ a qualified medical practitioner for medical surveillance of the workers employed therein whose employment shall be subject to the approval of the Chief Inspector of Factories; and

(b) provide to the medical practitioner all the necessary facilities for the purpose referred to in clause (a).

(2) The record of such examinations carried out by the medical practitioner shall be maintained in a separate register approved by the Chief Inspector of Factories, which shall be kept readily available for inspection by the Inspector.

23. **Medical examination by Certifying Surgeon.**— (1) Every worker employed in the processes specified in paragraph 1 shall be examined by a Certifying Surgeon within 15 days of his first employment. such examinations shall include skin test for dermatitis. Pulmonary function test and chest x-ray and no worker shall be allowed to work after 15 days of his first employment in the factory unless certified fit for such employment by the Certifying Surgeon.

(2) Every worker employed in the processes specified in paragraph 1 shall be re-examined by a Certifying Surgeon at least once in every three calendar months and such examination shall, wherever the Certifying Surgeon considers appropriate include all the tests in sub-paragraph (1) except chest x-ray which will be once in 3 years.

(3) The Certifying Surgeon after examining a worker, shall issue a Certificate of fitness in Form No. 27. The record of examination and re-examinations carried out shall be entered in the Certificate and the Certificate shall be kept in the custody of a the manager of the factory. The record of each examination carried out under sub-paragraphs (1) and (2) including the nature and the results of these tests, shall also be entered by the Certifying Surgeon in Health Register in Form No. 17.

(4) The Certificate of fitness and the Health Register shall be kept readily available for inspection by the Inspector.

(5) If at any time the Certifying Surgeon is of the opinion that worker is no longer fit for employment in the said processes on the ground that continuance therein would involve special danger to the health of the worker, he shall make a record of his findings in the said certificate and the Health Register. The entry of his findings in those documents should also include the period for which he considers that the said person is unfit to work in the said process. Such person shall be provided with alternate placement facilities unless he is fully incapacitated in the opinion of the Certifying Surgeon in which case the person affected shall be suitably rehabilitated.

(6) No person who has been found unfit to work as said in sub-paragraph (5) shall be re-employed or permitted to work in the said processes unless the Certifying Surgeon after further examination again certifies him fit for employment in those processes.

(7) Workers working in the furnace and casting pit area shall be medically examined by qualified Medical Practitioner once in year.

24. **Exemptions.**—If in respect of any factory, the Chief Inspector is satisfied that owing to the exceptional circumstances or infrequency of the processes or for any other reason, all or any of the provisions of this Schedule is not necessary for the protection, of the workers in the factory, the Chief Inspector may, by a certificate in writing, which he may at his discretion revoke at any time, exempt such factory from all or any of such provisions subject to such conditions, if any, as he may specify therein".

#### NOTIFICATION-II

[G.O. Ms. No. 13, Labour and Employment (M2), 13th January 2012, Margazhi 28, Thiruvalluvar Aandu — 2042.]

No. SRO A-13/2012—The following draft of an amendment to the Tamil Nadu Factories Rules, 1950 which it is proposed to make in exercise of the powers conferred by sub-section (2) of Section 21 read with Section 112 of the Factories Act, 1948 (Central Act LXIII of 1948) is hereby published for information of all persons likely to be affected thereby, as required by Section 115 of the said Act.

2. Notice is hereby given that the draft amendment will be taken into consideration on or after the expiry of forty-five days from the date of publication of this Notification in the *Tamil Nadu Government Gazette*. Any objection or suggestion which may be received from any person with respect thereto, before the expiry of the above said period will be considered by the Government of Tamil Nadu. Objection or suggestion, if any, should be addressed in duplicate to the Principal Secretary to Government, Labour and Employment Department, Secretariat, Chennai-600 009, through the Chief Inspector of Factories, Chepauk, Chennai-600 005.

## AMENDMENTS

In the said Rules, under sub-rule (1) of the rule 53 for Schedule IV, the following Schedule shall be substituted, namely:—

## “SCHEDULE IV

**Rubber and Plastic Mills and Injection Moulding Machine**

1. **Definitions.**— For the purpose of this Schedule,—

(a) “Rubber Mill or Plastic Mill” shall mean machines with rollers used in breaking down, cracking, washing, grating, mixing, refining and warming rubber or rubber goods or plastic or plastic compound;

(b) “Calendar” shall mean machine with rolls used for fractioning, sheeting, coating and spreading of rubber compounds and plastic or plastic compounds;

(c) “Injection Moulding Machines” shall mean a moulding machine where in a heat-softened plastic material is forced from a cylinder into a relatively cool cavity, which gives the article the desired shape.

2. **Installation of machines.**— Rubber and plastic mills shall be so installed that top of the front roll is not less than one metre above the floor or working level, provided that in existing installation where the top of the front roll is below this height, a strong rigid distance bar guard shall be fitted across the front of the machine in such position that the operator cannot reach the nip of the roller from the normal working position of the operator.

3. **Safety Devices.**—(1) (a) Rubber and Plastic Mills shall be equipped with hoppers so constructed or guarded that it is impossible for the operators to come into contact in any manner with the nip of the rolls or horizontal safety-trip rods or tight wire cable across both front and rear, which will when pushed or pulled operate instantly to disconnect the power and apply the brakes or to reverse the rolls.

(b) *Safety*—trip rods or tight wire cable on rubber mills shall extend across the entire length of the face of the rolls and shall be located not more than 170 centimeters above the floor or working level.

(2) (a) Calendar machine shall be equipped with horizontal safety-trip rods or tight wire across both front and rear, which will when pushed or pulled, operate instantly to be disconnect the power and apply the brakes or to reverse the roll;

(b) Safety-trip rods or tight wire cable on calendar machines shall extend across the entire length of the face of the rolls and shall be located not more than 170 centimeters above the floor or working level.

(c) On each side of all calendars and near both ends of the face of the rolls there shall be a vertical tight wire cable connecting with the bar tripping mechanism at the top and fastened to the frame within 30 centimetres of the floor. These cables should be positioned at a distance of not more than 30 centimetres from the face of the roll and at a distance of not less than 25 millimetres from the calendar frame.

4. **Maintenance and Safety Devices.**—Safety trip rods and tight wire cables on all rubber mills and calendar shall be examined and tested daily in the presence of the manager or other responsible person and if any defect is disclosed by such examination and test the mill or calendars shall not be used until such defect has been remedied. Record of such examination and testing shall be maintained.

5. **Injection Moulding Machine.**—(1) A suitable interlock arrangement shall be provided and maintained so that the moulds cannot be closed unless the front safety gate is fully closed and on opening the front safety gate, the movement of moulds will stop automatically. No access shall be available to the moulds through the safety gate.

(2) In addition to the above, a hydraulic safety arrangement shall also be incorporated with the front safety gate. This shall prevent the tail stock mould plate from moving forward on opening of the front safety gate.

(3) At the rear of the machine, there shall be provided either an efficient fixed guard or a sliding gate which shall be suitably inter-locked with the movement of the mould plates in the manner of the front safety gate as required under (1) above so as to prevent access to the danger zone of the moulds in motion from the rear.

(4) The injection unit and all other accessible parts shall be adequately insulated or guarded and warning signs shall be displayed where hot parts are necessarily exposed.

6. **Safety Precautions.**— (1) Suitable provisions shall be provided and maintained for collection and removal of gases and fumes from the source of generation to outside of the workroom.

(2) Workers shall be provided with suitable personal protective equipment to prevent burns from contact with hot surfaces or splatters of hot plastic and gases.

(3) Written safe system of work shall be developed and followed for safety of all workers working on the machine, mould changing and maintenance work and all such workers shall be adequately trained and instructed in the safe method of work before being employed”.

MOHAN PYARE,  
*Principal Secretary to Government.*



SOCIAL WELFARE AND NUTRITIOUS MEAL PROGRAMME DEPARTMENT

**Amendments to Tamil Nadu Juvenile Justice (Care and Protection of Children) Rules, 2001.**

[G.O. Ms. No. 37, Social Welfare and Nutritious Meal Programme (SW 8) 22nd March 2012,  
பங்குனி 9, திருவள்ளூர் ஆண்டு-2043.]

SRO A-13/2012.—**In exercise of the powers conferred by section 68 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (Central Act 56 of 2000), the Governor of Tamil Nadu hereby makes the following amendments to the Tamil Nadu Juvenile Justice (Care and Protection of Children) Rules, 2001:-**

**The amendments hereby made shall come into force on the 22<sup>nd</sup> March 2012.**

AMENDMENTS

**In the said Rules,-**

**(1)in rule 2,-**

**(i) for clause(b), the following clause shall be substituted, namely:-**

“(b) “best interest of the child” means a decision taken to ensure the physical, emotional, intellectual, social and moral development of juvenile or child”;

**(ii) after clause (c), the following clause shall be inserted, namely:-**

“(ca) “child friendly” means any process and interpretation, attitude, environment and treatment, that is humane, considerate and in the best interest of the child”;

**(iii) after clause (e), the following clauses shall be inserted, namely:-**

“(ea) “community service” means service rendered to the society, under the supervision of persons specified by the Board, by juveniles in conflict with law in lieu of other judicial remedies and penalties, which is not degrading and dehumanizing.

Some examples of this may include-

- (i) cleaning a park;
- (ii) getting involved with developmentally appropriate programs run by the Government or recognized Non Governmental Organizations
- (iii) serving the elderly in nursing homes and old-age homes;
- (iv) serving differently-abled children/juveniles
- (v) working for the welfare of underprivileged children/juveniles;

(eb) “detention” in case of juveniles in conflict with law means “protective custody” in line with the principles of restorative justice”;

**(iv) after clause (g), the following clauses shall be inserted, namely:-**

“(ga) “individual care plan” is a comprehensive development plan for a juvenile or child based on age specific and gender specific needs and the case history of the juvenile or child, prepared in consultation with the juvenile or child, in order to restore the juvenile’s or child’s self-esteem, dignity and self-worth and nurture him into a responsible citizen and accordingly the plan shall address the following needs of a juvenile or a child:-

- (i) Health needs;
- (ii) Emotional and psychological needs;
- (iii) Educational and training needs;
- (iv) Leisure, creativity and play;
- (v) Attachments and relationships;
- (vi) Protection from all kinds of abuse, neglect, exploitation and maltreatment;
- (vii) Social mainstreaming, preparing for community living and restoration;
- (viii) Follow-up post release;
- (viii) Rehabilitation needs of differently abled child.;

(gb) "institution" means an observation home or a special home or a children's home or a shelter home set up, certified or recognized and registered under sections 8, 9, 34, sub-section (3) of section 34 and section 37 of the Act respectively”;

**(v) after clause (h), the following clause shall be inserted, namely:-**

“(ha) “orphan” means a child who is without parents or without legal or natural guardian capable and willing to take care of that child”;

**(vi) after clause (j), the following clauses shall be inserted, namely:-**

(ja) “Protection agency” means any institution or voluntary organisation recognised by the Government under clause (b) of rule 8-C of these rules;

(jb) “recognised” means a person found fit by the competent authority or, an institution found fit by the State Government on the recommendation of the competent authority as per clauses (i) or (h) of section 2 of the Act; or, recognition of an institution or agency or voluntary organisation by the State Government to operate as a Children’s Home, Observation Home, Special Home; a Shelter Home, a Place of Safety or a Protection Agency, Specialized Adoption Agency or After Care Organization under sub-sections (1) and (2) of section 8, sub-sections (1) and (2) of section 9, sub-section (1) of section 34, sub-section (1) of section 37, sub-section (4) of section 41 and clause (a) of section 44 of the Act; or under sub-rule(6) of rule 8-C of these rules;

(jc) “registered” means all institutions or agencies or voluntary organisations providing residential care to children in need of care and protection registered under sub-section (3) of section 34 of the Act;

**(vii) after clause (II), the following clauses shall be inserted, namely:-**

(la)“street and working children” means children without ostensible means of livelihood, care, protection and support in accordance with the provisions laid down under clause (d) of sub-clause (1) of section 2 of the Act.

**(2) after Chapter I and rules thereunder, the following Chapter and rules shall be inserted, namely:-**

**CHAPTER – IA**  
**FUNDAMENTAL PRINCIPLES OF JUVENILE JUSTICE AND**  
**PROTECTION OF CHILDREN**

**2-A. Fundamental principles to be followed in administration of the Act and rules.- For the purposes of these rules,-**

(a)(i) A child or juvenile in conflict with law shall be presumed to be innocent;

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

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

A child or a juvenile in conflict with law shall not be subjected to the criminal justice system;

(b) All procedural safeguards that are guaranteed by the Constitution and other statutes to the adults and that go in to strengthen the juvenile's or child's right to presumption of innocence shall be guaranteed to the children or juveniles in conflict with law;

(c) Every juvenile in conflict with law shall have a right to be informed **in the language known to him** about the accusations against him and a right to be legally represented, provisions for guardian *ad litem*, legal aid and other assistance through legal services at State expense and also shall have right to present his case before the competent authority on his own;

(d)(i) All children are born free and equal in dignity and rights. Principle of dignity and worth shall be maintained by not being humiliated for personal identity, boundaries and space being respected, not being labeled and stigmatized, being offered information and choices and not being blamed for their acts.

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

(e) The right of every child or juvenile to express his views freely in all matters affecting his interest shall be fully respected through every stage in the process of Juvenile Justice. His right to be heard shall include creation of developmentally appropriate tools and processes of interacting with him, promoting his active involvement in decisions regarding his own life and providing opportunities for discussion and debate.

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

(ii) The principle of best interest of the juvenile in conflict with law or child shall mean that rehabilitative and restorative objectives of Juvenile Justice must be followed.

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

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

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

(iii) The family - biological, adoptive or foster (in that order), shall be held responsible and provide necessary care, support and protection to the juvenile or child under its care and custody under the Act, unless the best interest measures or mandates dictate otherwise.

(h) At all stages, from the initial contact till such time he remains in contact with the care and protection system, and thereafter, the child or juvenile in conflict with law shall not be subjected to any harm, abuse, neglect, maltreatment, corporal punishment or solitary and extreme care shall be taken to avoid any harm to the sensitivity of a juvenile or the child.

(i) (i) A juvenile in conflict with law or a child shall be entitled to positive measures that involve the full mobilization of all possible resources, including the family, volunteers and other community groups, as well as schools and other mainstream community institutions or processes, for the purpose of promoting the well-being of such juvenile or child through individual care plans carefully worked out.

(ii) The positive measures shall aim at reducing vulnerabilities and reducing the need for intervention under the law, as well as effective, fair and humane dealing of the juvenile or child.

(iii) The positive measures shall include avenues for health, education, relationship, livelihood, leisure, creativity and play.

(iv) Such positive measures shall facilitate the development of identity for a child or juvenile and provide him with an inclusive and enabling environment.

(j) The using of non-stigmatizing **language** shall be strictly adhered to, and the use of adversarial or accusatory words, such as, arrest, remand, accused, charge sheet, trial, prosecution, warrant, summons, conviction, inmate, delinquent, custody or jail shall be prohibited in the processes pertaining to a child or juvenile in conflict with law under the Act.

(k) No waiver of rights of a child or juvenile in conflict with law, whether by himself or by the Competent Authority or anyone acting or claiming to act on behalf of the juvenile or child shall be either permissible or valid.

(l) (i) There shall be no discrimination against a child or juvenile in conflict with law on the basis of his age, sex, place of birth, disability, health, status, race, ethnicity, religion, caste, class, creed, cultural practices, work, activity or behaviour, nationality or citizenship or that of his parents or guardians.

(ii) Equality of access, opportunity, in treatment under the Act shall be guaranteed to every child or juvenile in conflict with law.

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

(n) Institutionalization of a child or juvenile in conflict with law shall be a step of the last resort after reasonable inquiry and that too for the minimum possible duration **after all modes are not possible.**

(o) (i) Every child or juvenile in conflict with law has the right to be re-united with his family and restored back to the same socio-economic and cultural status that such juvenile or child enjoyed before coming within the purview of the Act or becoming vulnerable to any form of neglect, abuse or exploitation.

(ii) Any juvenile or child, who has lost contact with his family, shall be eligible for protection under the Act and shall be repatriated and restored, at the earliest, to his family, unless such repatriation and restoration is likely to be against the best interest of such juvenile or the child.

(p) The principle of fresh start shall be followed which will promote new beginning for child or juvenile in conflict with law by ensuring erasure of his past records.

**(3) in rule 3, for sub-rule (2), the following sub-rule shall be substituted, namely:-**

“(2) The Social Worker member of the Board shall be eligible for appointment for a maximum of two terms and shall not be more than sixty five years of age at the time of appointment”.

**(4) in rule 4, for sub-rule (3), the following sub-rules shall be substituted, namely:-**

(3) Calling of applications for the selection of Social Worker Members shall be made by the Director of Social Defence through District Collector concerned by proper advertisement”.

“(3a) The selection process shall be by way of interview to find out the aptitude of the persons to fulfill their commitment under the Act.

(3b)The selection committee shall not be represented by any person other than the designated officer or person”;

**(5) in rule 5, for clause (iv), the following clauses shall be substituted, namely:-**

“(iv) is aged less than thirty five years; or

(v) does not fulfill the qualification and experience prescribed in the Act and these Rules. In such a case the Selection Committee shall, after due inquiry and on establishment of such fact, reject his application”;

**(6) after rule 7, the following rule shall be inserted, namely:-**

**“7-A. Functions of the Board.-** The Board shall perform the following functions to achieve the objectives of the Act, namely:-

(a) Adjudicate and dispose the cases of juveniles in conflict with law;

(b) take cognizance of crimes committed under section 23 to 28 of the Act;

(c) Where the Juvenile Justice Board at any stage of the proceeding, is of the opinion that the juvenile produced before the Board is a child in need of the care and protection, the Board shall dispose the case accordingly and refer the such juvenile to the respective Child Welfare Committee for rehabilitation;

(d) Monitoring institutions for juveniles in conflict with law under their jurisdiction and seeking compliance from the Superintendent of the Institution in cases of any noticeable lapses and improvement based on the suggestions of the Board;

(e) Deal with non-compliance on the part of concerned Government Functionaries or Functionaries of Voluntary Organizations, as the case may be, in accordance with due process of law;

(f) The Social Worker Members shall facilitate psychological counseling to the juveniles under their purview;

(g) Maintain liaison with the Committee in respect of cases of children needing care and protection;

(h) Liaison with Boards in other districts to facilitate speedy inquiry and disposal of cases through due process of law;

(i) Take suitable action for dealing with unforeseen situations that may arise in the implementation of the Act and remove such difficulties in the best interest of the juvenile;

(j) Send quarterly statement about juveniles in conflict with law produced before it, and pending final disposition for more than three months, to the Chief Judicial Magistrate or Chief Metropolitan Magistrate, as the case may be and mark a copy to the Director of Social Defence as required for review under sub-section (2) of section 14 of the Act;

(k) Any other function assigned by the Government from time to time relating to juveniles in conflict with law”.

**(7) in rule 8, in sub-rule (3),-**

**(i) for clause (a), the following clause shall be substituted, namely:-**

“(a)The age of the juvenile shall be determined as per rule 8-B of these rules”;

**(ii) for clause(i), the following clause shall be substituted, namely:-**

“(i) In the event of violation of the provisions under section 21 of the Act,-

(a) the Board shall take cognizance of such violation by print or electronic media and shall initiate necessary inquiry and pass appropriate orders as per the provisions contained in sub- section (2) of section 21 of the Act; and

(b) where the National or the State Commission for Protection of Child Rights takes suo motu cognizance of violation under section 21 of the Act, it shall inform the District or the State Child Protection Unit of the concerned district or the State directing them to initiate necessary action through the Board or Committee as the case may be”;

**(8) after rule 8, the following rules shall be inserted, namely:-**

**“8-A. Post-production processes by the Board.-**(1)On production of the juvenile before the Board and the reports containing social background of the juvenile and circumstances of apprehension and offence alleged to have been committed, provided by the officers, individuals, agencies producing the juvenile shall be reviewed by the Board, and the Board shall pass any of the following orders, namely:-

(a) Dispose of the case, if the evidence of his alleged deviant behaviour appears to be unfounded or where the juvenile is involved in trivial offence, after proper counselling;

(b) transfer to the Committee, if the juvenile is a child in need of care and protection as per the Probation Officer’s report submitted to the Board;

(c) release the juvenile in the custody of Parent/Guardian or of a Fit Person with or without the supervision of Probation Officer as the case may be, by an order in **Form-V**.

(d) The Board may irrespective of the offence committed by the juvenile, notwithstanding anything contained in the Code of Criminal Procedure, 1973, (Central Act 2 of 1974) or any other law for the time being in force may release the juvenile on bail with or without sureties to the care of the parents or legal guardians or fit person after considering the interim report of the Probation Officer, upon conditions to be followed during the bail period;

(e) The Juvenile Justice Board shall also refuse bail to the juvenile in conflict with law for the reason to be recorded in writing, if the release is against the best interest of the juvenile;

(f) Detain the juvenile in an Observation Home or a Place of Safety pending inquiry, as per an order in **Form XL**.

(g) in all cases of release pending inquiry, the Board shall inform the next date of hearing, not later than 15 days and also seek Social Investigation Report from the concerned Probation Officer by an order in **Form IX**.

(2) As soon as a juvenile is produced before the Juvenile Justice Board, or a Member, any one of the Members including the Chairperson shall interact with the juvenile on a one to one basis to-

- (i) elicit information on the background of the juvenile;
- (ii) apprise the case filed by the police and availability of free legal aid;
- (iii) help him understand the process of the proceedings;
- (iv) make enquiries of his point of view about the commission of the alleged offence;
- (v) take cognizance of any dereliction or excesses committed by police or any other authorities.

(3) The Board shall take the following steps to ensure fair and speedy inquiry, namely:-

(a) at the time of initiating the inquiry, the Board shall satisfy itself that the juvenile in conflict with law has not been subjected to any ill-treatment by the police or by any other person, and in this regard such event where the Board considers that there is an ill-treatment, inform the Government;

(b) in all cases under the Act the proceedings shall be conducted in a simple and child friendly manner;

(c) every juvenile brought before the Board shall be given an opportunity to be heard and participate in his inquiry;



(d) cases of petty offences, may be disposed by the Board through summary proceedings or inquiry;

(e) even in cases of inquiry pertaining to serious offences the Board shall follow the procedure of summons cases.

(4) When witnesses are produced for examination in inquiry relating to a juvenile in conflict with law, the Board shall keep in mind that the inquiry is not to be conducted in the spirit of strict adversarial proceedings and it shall use the powers conferred by section 165 of the Indian Evidence Act, 1872 (Central Act 1 of 1872) so as to question the juvenile and proceed with the presumptions that favour the juvenile's right to be restored.

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

(6) The Board may take into account the report of the police containing the circumstances of apprehension and the offence alleged to have been committed and the Social Investigation Report in **Form X** prepared by the Probation officer or the Voluntary Organization on the orders of the Board in **Form IX**, along with the evidence produced by the parties for arriving at a conclusion.

(7) If the Police do not complete the investigation within the specified period of admissible time limit and fail to apprise the Board for the delay with reasonable grounds, the Board shall fix a date for final enquiry serving a notice to the Police to be present and adjudicate the disposition on the basis of materials available before it:

Provided that if the police apprise the delay to the satisfaction of the board, which may extend a specified time limit to police to complete the investigation and file the necessary report. If the police does not comply the investigation even after the time is granted, the board is free to adjudicate the disposition as it is deemed fit.

(8) Every inquiry by the Board shall be completed within a period of four months after the first summary inquiry. In exceptional cases involving trans-national offences, large number of offenders or non appearance of the juvenile in conflict with law, the period of inquiry may be extended reasonably on recording the reasons by the Board upto two months.

(9) In all other cases except where the nature of alleged offence is serious, delay beyond four months may lead to the termination of the proceedings.

(10) Where the proceedings are delayed beyond four months, the Board shall send a detailed monthly report of the cases besides the quarterly report mentioned in sub-rule (j) of rule 7-A of these Rules with the reason for delay as well as steps being taken to expedite the matter.

**“8-B. Procedure to be followed in determination of age.-**(1) In every case concerning a juvenile in conflict with law or a child, the Criminal Court or the Board or as the case may be, the Committee referred to in rule 14 of these Rules shall determine the age of such juvenile in conflict with law or child within a period of thirty days from the date of making of the application for that purpose.

(2) The Court or the Board shall decide the juvenility or otherwise of the person produced before it, prima facie on the basis of physical appearance or documents, if available, and proceed according to law to send him to the Observation Home if he is a juvenile or to prison if he is not a juvenile.

(3) (a) In case of any doubt or dispute with regard to the age of the juvenile / child, the Board/Court/Committee shall pass an order to obtain either-

- (i) the birth certificate issued by a corporation or a municipality or a panchayat; or
- (ii) the matriculation or equivalent certificates, if available; and in the absence;
- (iii) a certificate recording the date of birth from a school (other than a play school) attended by the child or juvenile.

(b) In the absence of any of the certificates referred to in items (i) to (iii) of clause (a), medical opinion may be sought from the Resident Medical Officer of the Government Hospital in the District, who will declare the age of the juvenile or child, after requisite medical examination including ossification test, if necessary, subject to a margin of one year in case exact assessment of the age cannot be done. In such cases the Court or the Board for the reasons to be recorded by them, may, if considered necessary, give benefit to the juvenile by fixing his age on lower within the margin of one year and in the case of a child the Committee may, if considered necessary give benefit to a child by finding his age on the higher within the margin of one year. While passing orders in such cases the Court or Board or Committee shall after taking into consideration such evidence as may be available, or the medical opinion, as the case may be, record its finding in respect of the age of the juvenile or child:

Provided that in case of any doubt on the genuineness of the certificate produced as proof of age, the Court or Board or Committee may direct the Probation Officer to make necessary enquiry and submit a report.

(4) If the age of the juvenile in conflict with law is found to be below eighteen years on the date of offence, on the basis of any of the conclusive proof specified in sub-rule (3) the Court or the Board shall, in writing, pass an order stating the age for the purpose of the Act and the Rules and a copy of the order shall be given to such juvenile or the person concerned, if applied for. The Committee may follow this procedure in the case of a child.

(5) Save and except where, further inquiry or otherwise is required, inter alia, in terms of section 7A of the Act and these Rules, no further inquiry shall be conducted by the court on a juvenile after examining and obtaining the certificate or any other documentary proof referred to in sub rule (3) of this rule which establish the juvenility.

(6) The provisions contained in this rule shall also apply to those disposed cases, where the status of juvenility has not been determined in accordance with the provisions contained in sub-rule (3), requiring dispensation of the sentence under the Act for passing appropriate order by the Government.

(7) Whenever a claim of juvenility is raised before any Court, the determination of juvenility shall be made in accordance with the procedure as laid down in clause (a) of sub-rule (3).

(8) Whenever a person produced before a Court is a juvenile or child or such person's claim as juvenile is determined, and if he is a juvenile or child, the Court shall refer the person to the Juvenile Justice Board, if the person is alleged to have committed an offence and to the Child Welfare Committee if the child is in need of care and protection;

(9) If the person is a kidnapped person and is not willing to go with the parents or legal guardian or such a person is rescued from the commercial sex work or within the premises of a brothel or a victim of crime or accident or natural calamities, such person shall be referred to Child Welfare Committee for further enquiry and disposition, if the person is determined as a child;

(10) A Court other than the Appellate Court has no jurisdiction to order the placement of a juvenile or child either in an Observation Home or Children's Home which is to be done either by the Juvenile Justice Board or Child Welfare Committee respectively.

**8-C. Pre and Post-Production action of police and other agencies.**-(1) As soon as a juvenile alleged to be in conflict with law is apprehended by the police, the concerned police officer shall inform-

(a) the designated Child Welfare Officer in the nearest Police Station or Special Juvenile Police Unit to take charge of the matter and the juvenile;

(b) the parents or guardian of the juvenile alleged to be in conflict with law about the apprehension of the juvenile, the address of the Board where the juvenile will be produced and the date and time when the parents or guardian need to be present before the Board and also apprise the nature of the alleged offence;

(c) the concerned Probation Officer in **Form XA** of such apprehension to enable him to obtain information regarding social background of the juvenile and other material circumstances likely to be of assistance to the Board for conducting the inquiry or release the juvenile on bail and it shall be imperative of the Probation Officer to contact the parents of the juvenile and apprise them of the case, besides gathering information on the social background of the juvenile and his family, and the interim report shall be forwarded to the Board immediately;

(2) Soon after receipt of a juvenile from the Police or any other agency the Child Welfare Officer of the Police Station or Special Juvenile Police Unit shall produce the juvenile before the Board within twenty four hours as per sub-section (1) of section 10 of the Act and where such Child Welfare Officer has not been

designated as per provisions laid down under sub-section (2) of section 63 of the Act or is not available for some official reasons, or the Special Juvenile Police Unit cannot be contacted the police officer who had apprehended the juvenile shall produce him before the Board;

(3) (a) The police apprehending a juvenile in conflict with law shall under any circumstances not send the juvenile in Police lock-up or delay his custody being transferred to the Child Welfare Officer from the nearest police station, if such an officer has been designated or to the Special Juvenile Police Unit;

(b) If an alleged adult offender and a juvenile are involved in a case, the Photocopy of the FIR and all other relevant documents duly attested by the magistrate of the court where the adult was produced shall be sent immediately to Juvenile Justice Board where the juvenile is produced for speedy disposal of the case of the juvenile;

(c) The Police and Court (Criminal Court), have to discharge a solemn duty of identifying the juvenile at the threshold of the Proceeding, separate the case of the juvenile from the case of the adult delinquent and proceed in accordance with the law.

(4) A list of all designated Child Welfare Officers (Police) in a district and members of Special Juvenile Police Unit with contact details shall be prominently displayed in every police station in the district.

(5) In case the Board is not sitting, the Juvenile in conflict with law shall be produced before the single member of the Board as per the provisions laid down under sub-section (2) of section 5 of the Act:

Provided that a juvenile who is detained in an Observation Home or a Place of Safety by the Principal Magistrate or a Social Worker Member when the Board is not sitting shall be produced before the Board at its first sitting of the Board, immediately thereafter.

(6) The Government shall recognize such Institutions or Voluntary Organizations as Protection Agencies with required capacities, facilities and expertise, which may assist the police at the time of apprehension by keeping charge of the juveniles with them until production before the Board within twenty four hours by the police.

(7) The State Government may also recognize, on the recommendation of the Board, Voluntary Organizations and Academic Institutions that have the capacity, facilities and expertise as on Institutions to provide the services of probation, counseling, case work and to associate with the Police or the Child Welfare Officer or Special Juvenile Police Unit.

(8) The Police or the Child Welfare Officer of the Special Juvenile Police Unit, or the Voluntary Organizations recognized as Protection Agency shall be responsible for the safety and provision of food and basic amenities to the juveniles apprehended and kept under their charge during the period such juveniles are with them. The recognised protection agencies may be provided with adequate financial assistance as fixed by the Government from time to time, for the services rendered.

(9)The designated Child Welfare Officer (Police) shall attend the proceedings of the Juvenile Justice Board till the disposal of the case”;

**(9) for rule 10, the following rule shall be substituted, namely:-**

**“10. Completion of Inquiry and Dispositional Alternatives.**-(1) The Board shall complete every inquiry within the stipulated time of four months and on recording a finding about juvenile’s involvement in the alleged offence, pass orders on one of the seven dispositional options enumerated in section 15 of the Act”.

(2) Before passing an order, the Board shall obtain a Social Investigation Report prepared by the Probation Officer or by a recognized Voluntary Organization ordered to do so by the Board, and may take the findings on the report into account.

(3)(a) All dispositional orders passed by the Board shall necessarily include an individual care plan for the concerned juvenile in conflict with law, prepared by a Probation Officer or Voluntary Organization on the basis of interaction with the juvenile and his family wherever possible;

(b) The Competent Authority may consider the imposing of fine to the parents and order to perform any kind of community work by the juvenile as it is deemed appropriate with fixed hours in a week;

The disposition order shall contain the following:-

- (i) The complaint against the Juvenile and the Police version;
- (ii) The observation of the Probation Officer and his suggestion as for intervention and the views and opinions of the juvenile regarding the complaint;
- (iii) The views and opinion of the Board regarding the complaint against the juvenile and their conclusion;
- (iv) The disposition should spell out the strategies of intervention during Probation (the general and specific conditions to be adopted during the Probation period) or the services to be provided in the Institutions;
- (v) The conditions should also speak about the roles and responsibilities of the borrowed agencies and the pattern of reporting to the Probation Officer.

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

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

(6) (a) The Board may order release of a juvenile in conflict with law on execution of a personal bond in case the juvenile has completed eighteen years of age at the stage of final disposal of the case with or without sureties in **Form V**;

(b) In the event of a breach of Bond, procedures laid down in sub rule(10) of the above rule shall be followed.

(7) The Board, where it releases a juvenile in conflict with law on probation and places him under the care of the parent or guardian or fit person or where the juvenile is released on probation and placed under the care of Fit Institution, may also order that the juvenile be placed under the supervision of a Probation Officer for any period not exceeding three years.

(8) Where the Board decides that a juvenile in conflict with law ought to be treated as a child in need of care and protection, it shall make necessary orders for production of such juvenile before the nearest Committee to the residence of the juvenile by the concerned Superintendent within fifteen days for suitable care, protection and rehabilitation.

(9) Where it appears to the Board from the report of the Probation Officer that the juvenile in conflict with law has not complied with probation conditions, it may order the juvenile to be sent for detention in a Special Home for a period as specified in section 15 of the Act.

(10) Where a Juvenile in Conflict with Law who has completed the age of sixteen years and the offence committed by him is of so serious in nature and if the Board is satisfied that his conduct and behaviour have been such that it would not be either in the interest of the juvenile himself or in the interest of other juveniles of the Special Home, the Board may order the juvenile to be kept in a Place of Safety recognized by the Government and in a manner considered most appropriate by it.

(11) The State Government shall make arrangement for complying with the detention of special category of Juveniles in Conflict with Law in place of safety other than the Special Home.”;

**(10) in rule 15,-**

**(1) for sub-rule (2), the following sub-rule shall be substituted, namely:-**

“(2) The Chairperson or member of the Committee shall be eligible for appointment for a maximum of two terms and shall not be more than sixty five years of age at the time of appointment”.;

**(2) for sub-rule (4), the following sub-rule shall be substituted, namely:-**

(4)The Chairperson and Members may resign at any time by giving three month advance notice in writing to Government or may be removed from office by Government as provided in sub-section (4) of section 29 of the Act.”;

**(11) in rule 16, for sub-rule (3), the following sub-rules shall be substituted, namely:-**

“(3) Calling of application for the selection of Chairperson and Members shall be made by the Director of Social Defence through District Collector concerned by proper advertisement.

(3a) The selection process shall be by way of interview to find out the aptitude of the persons to fulfill their commitment under the Act.”;

**(12) in rule 17, after sub-rule (4), the following sub-rules shall be added, namely:-**

“(5) Should not lack the qualification and experience prescribed in the Act and these rules. In such a case the Selection Committee shall, after due inquiry and on establishment of such fact, reject his application;

(6) No office holder or staff of any of the Non-Governmental Organization which is licensed or recognized for either in-country or inter-country Adoption shall be appointed as Chairperson or Member of the Child Welfare Committee. Such person who has held office or served in such an Non-Governmental Organization in any capacity shall also not be eligible for consideration within a period of three years from the date of resignation or relinquishment of the office. If the Non-Governmental Organization has been de-licensed from adoption placement activities, a person from such an Non-Governmental Organization serving at the time of de-licensing shall not be eligible at any point of time for appointment as Chairperson or Members in Child Welfare Committee.”;

**(13) in rule 19, after sub-rule (4), the following sub-rules shall be added, namely:-**

“(5) The premises where the Committee holds its sittings shall be Child friendly and shall not look like a court room in any manner whatsoever; for example, the Committee shall not sit on a raised platform and the sitting arrangement shall be uniform and there shall be no witness boxes and the police shall not be in uniform.

(6) On receiving information about a child in need of care and protection, if circumstances are such that such child cannot be produced before the Committee, the Committee may move out to reach such child and hold its camp sitting at a place that is convenient for such child.

(7) A minimum of three-fourth attendance of the Chairperson and Members of the Committee shall be necessary in a year. In the event of inability of a Member to attend any sitting, it shall be intimated to the Chairperson in writing, which shall be forwarded to the Drawing and Disbursing Officer by the Chairperson and in the event of inability of the Chairperson to attend any sitting be shall intimate it in writing to the Drawing and Disbursing Officer.”;

**(14) in rule 20, in clause (iii),-**

**(a) for sub-clause (a), the following sub-clause shall be substituted, namely:-**

“(a) The age of the child shall be determined as soon as the child is produced as per rule 8-B of these Rules.”;

**(b) for sub-clause (b), the following sub-clause shall be substituted, namely:-**

“(b) The Committee shall satisfy that the child was not kept in Police lock-up or in prison prior to the production of the child before the Committee and the Child has been produced before the Committee within twenty four hours of taking charge of the child, excluding the time required for travel from the place where the child was found to the place of production of the child before the individual or Member or Committee”;

**(c) after sub-clause (d), the following sub-clause shall be inserted, namely:-**

“(da) The parent or guardian or fit person or Children’s Home or Fit Institution or Shelter Home or recognised Non-Governmental Organization, as the case may be, shall be responsible for the safety and provision of food and basic amenities to the child during the period such child is with them”;

**(d) to sub-clause (j), the following proviso shall be added, namely:-**

“Provided that the Committee may *suo motu* come to a decision as to whether a child produced before it is in need of care and protection, based on the document produced by the parents or interested relatives and restore the child to their care without calling for report from any other person”.

**(e) in sub-clause (o), after the expression “further action” the following expression shall be added at the end, namely:-**

“If the Parents or Guardian of a child fails to appear before the Committee or if their address is not known the Committee shall order in **Form XXXIX** to restore the child to the Parent or Guardian on escort”;

**(f) in sub-clause (x), the following expression shall be added at the end, namely:-**

“When a child or special need child is produced before the Committee, the Committee shall arrange the expert in field concerned to help the child to understand the proceedings of the Committee.”;

**(g) after sub-clause (x), the following sub-clause shall be added, namely:-**

“(y) The Committee shall complete every enquiry within the stipulated time of four months and on recording a finding that the child produced is a child in need of



care and protection, it may order as provided for in sub-section(4) of section 33 of the Act”;

**(15) after rule 20-A, the following rules shall be inserted, namely:-**

**“20-B.Functions and Powers of the Committee.-** The Committee shall perform the following functions to achieve the objectives of the Act, namely:-

(a) Take cognizance of and receive child produced before the Committee and also deal with abused child;

(b) Decide on the matters brought before the Committee including actions under sections 21, 23,24,25 and 26;

(c) Reach out to such children in need of care and protection who are not in a position to be produced before the Committee, and also children in difficult circumstances, with support from the District Child Protection Unit or State Child Protection Unit or the Government;

(d) Conduct necessary inquiry on all issues relating to and affecting the safety and well being of the child;

(e) Direct the Probation Officer or Non-Governmental Organisation to conduct Social Investigation and submit a report to the Committee;

(f) Ensure necessary care and protection, including immediate shelter to children in need of care and protection or abused children;

(g) Ensure appropriate rehabilitation and restoration, including passing necessary directions to parents or guardians or fit persons or fit institutions in this regard, in addition to follow-up and coordination with District Child Protection Unit or State Adoption Resource Agency and other agencies;

(h) Direct the Superintendent of Children’s Homes or Shelter Homes or Fit Institutions or Recognised Non-Governmental Organizations to receive child requiring shelter and care;

(i) Document and maintain detailed case record along with a case summary of every case dealt by the Committee;

(j) Provide a child friendly environment to children;

(k) Recommend ‘Fit Institutions’ to the Government for the care and protection of children;

(l) Declare ‘Fit Persons’;

(m) Declare a child legally free for adoption in **Form XXXIII** and placing child in foster care;

(n) Keep information about and take necessary follow-up action in respect of missing child in its jurisdiction;

(o) Maintain liaison with the Board in respect of juveniles in conflict with law declared as children in need of care and protection;

(p) Visit each institution in the District accompanied by the Probation Officer or District Child Protection Officer or any other designated officer where children are sent for care and protection or licensed adoption agencies to review the condition of children in institutions, with the support of the Government and suggest necessary remedial action;

(q) Co-ordinate with the Police, Labour Department, Social Welfare Department, Backward Classes Welfare Department, Adi dravidar and Tribal Welfare Department or other Departments and other agencies involved in the care and

protection of children with the support of District Child Protection Unit or State Child Protection Unit or Government;

(r) Liaison and network with the corporate sectors and Non-Governmental Organisations for any of the above, including Social Investigation, restoration and rehabilitation of children, as and when required; and

(s) Maintain a suggestion box in the Committee Office to encourage inputs from children and adults alike and take necessary action;

(t) The Committee may facilitate for psychological counseling, family contact, retracing and child study reports;

(u) The Committee shall as required by the Government associate and take on responsibilities to support the District Child Protection Unit;

(v) Any other function assigned by the Government from time to time relating to children in need of care and protection.

**(16) after rule 20-B, the following rule shall be inserted, namely:-**

**“ 20-C Procedure to be followed in respect of sections 21, 23,24, 25 and 26-** (1) In the case of violation of the provisions of section 21 of the Act, the procedure prescribed in **rule 8(3)(i)** of these Rules in respect of such a juvenile in conflict with law shall be followed.

(2) If the Child Welfare Committee either on enquiry or on the report of the Board or Probation Officer or Police or Non-Governmental Organization or any person or in any other manner is satisfied that an offence has been committed against a child or juvenile under any of the sections 23,24, 25 and 26 of the Act or under all those sections, it shall direct the police to file an FIR, investigate the case and take necessary further action as per law through a Criminal Court. The Committee shall also direct the police to furnish to it, a status report on the case, periodically.”;

**(17) In Rule 33, after sub-rule (4), the following sub-rule shall be added, namely:-**

“(5) (i) There shall be a Special Security Government Special Home as a Place of Safety for juveniles in conflict with law, who have completed the age of sixteen years and if the Board is satisfied that the offences committed are so serious in nature or that their conduct and behaviour have been such that it would not be in their interest or in the interest of other juveniles in a normal Special Home to send them to that Special Home and that none of the other measures provided under the Act is suitable or sufficient, the Board may order such juveniles in conflict with law to be kept in such Special Security Government Special Home in a manner as it thinks fit;

(ii) Special care and protection, counselling and guidance services and behaviour modification shall be ensured in the Special Security Government Special Home besides medical, emotional and psychological care services;

(iii) Adequate infrastructure including the security provisions, adequately trained and energetic and talented security and professional staff to maintain the Special Security Special Home shall be provided.

(6) The Government shall also recognize any Institutions as Fit Institutions or Place of Safety on the recommendation of the Competent Authority through the Director of Social Defence for reception, care, treatment and rehabilitation of juveniles in conflict with law.”;

**(18) after rule 36, the following rule shall be inserted, namely:-**

**“36-A. Pre term discharge of juveniles.-**(1) The Superintendent of the Special Home or Special Security Government Special Home or Place of Safety or Fit Institution on receipt of petition from the juvenile, parent or guardian may approach the concerned Juvenile Justice Board for discharge of the juvenile before his period of detention is over.

(2)The Juvenile Justice Board may call for the following and consider them for passing suitable orders to discharge under Section 59 of the Act:-

(a) The recommendation of the Probation Officer along with the willingness of the parent or guardian to accept the juvenile;

(b)Report of the Superintendent on the conduct of the juvenile in the home so far;

(c) Report from the Resource Centre on the mental health of the juvenile.

(3)The report from the Superintendent may include details of his period of stay in the Observation Home or Place of Safety or Fit Institution. On receipt of orders from the Juvenile Justice Board to discharge the juvenile the Superintendent or Officer in charge shall discharge the juvenile and intimate it to the Juvenile Justice Board.

(4)The Juvenile Justice Board, then, may inform it to the Director of Social Defence to appoint a Probation Officer as Supervision Officer.”;

**(19) for rule 37, the following rule shall be substituted, namely:-**

**“37. Management Committee.-** (1) All institutions for juveniles in conflict with law and for children in need of care and protection shall have a Management Committee for the management of the Institution and monitoring the progress of every juvenile or child. In order to ensure proper care and treatment as per the individual care plan, juveniles or children shall be classified on the basis of age, nature of offence or kind of care required, physical and mental health and the period of stay.

(2) The Management Committee shall consist of the following personnel:

- District Child Protection Officer of the District Child Protection Unit - Chairperson
- Officer-in-Charge of the Institution - Member-Secretary
- Probation Officer - Member

- Child Welfare Officer of the Institution - Member
- Medical Officer - Member
- Assistant Superintendent - Member
- Psychologist or Counsellor - Member
- One Social Worker Member from Juvenile Justice Board - Member
- Chairperson or one Member from Child Welfare Committee - Member
- Workshop Supervisor or Senior Vocational Training Instructor - Member
- Head Master/ Senior Teacher - 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

(3) In the districts where District Child Protection Unit is not constituted, the District Collector or his nominee shall be the Chairperson of the Committee.

(4) Where voluntary organizations are involved in providing professional or technical services like education, vocational training, psychosocial care, mental health intervention or legal aid, the Management Committee may invite a representative from each of such voluntary organizations as special invitees to the Management Committee meetings.

(5) (a) The Management Committee shall meet every month in the Institution to consider and review the all or any of the following matters, namely:-

- (i) Classification of juvenile or children care in the institution, housing, area of activity and type of supervision or interventions required;
- (ii) Medical facilities and treatment;
- (iii) Food, water, sanitation and hygiene conditions;
- (iv) Mental health interventions for the juveniles or children;
- (v) Individual problems of juveniles or children, provision of legal aid services and institutional adjustment and quarterly review of individual care plans;
- (vi) Vocational training and opportunities for employment;
- (vii) Education and life skills development programmes;
- (viii) Social adjustment, recreation, including picnics, group work activities, guidance and counselling;
- (ix) Review of progress, adjustment and modification of residential programmes to the needs of the juveniles or children;
- (x) Planning post-release or post-restoration rehabilitation programme and follow up or a period of two years in collaboration with after care services;
- (xi) Pre-release or pre-restoration preparation;
- (xii) Release or restoration;
- (xiii) Post release or post-restoration follow-up;
- (xiv) Minimum standards of care, including infrastructure and services available;

- (xv) Daily routine;
- (xvi) Community participation and voluntarism in the residential life of juvenile or children including education, vocational activities, recreation and hobby and sponsorship and collecting donations for welfare activities;
- (xvii) Oversee that all registers as required under the Act and rules are maintained by the Institution, check and verify these registers in the monthly review meetings and sign for having verified it;
- (xviii) Matters concerning the Children's Committees;
- (xix) Review of Rewards or Earnings of juveniles or children;
- (xx) Any other matter which the Superintendent or Officer-in-Charge may like to bring.

(b) The Superintendent shall file a quarterly progress report of every juvenile or child in the case file and send a copy to the District Child Protection Unit and the Board or Committee, as the case may be;

(6) The Management Committee shall set up a complaint and redress mechanism in every Institution and a Children's Suggestion or Complaint Box shall be installed in every Institution at a place easily accessible to juveniles or children, away from the office and closer to the residence or rooms or dormitories of the Children or Juveniles;

(7) (a) The keys of the Children's Suggestion or Complaint Box, shall be in the custody of the Chairperson of the Management Committee and the box shall be opened fortnight by the Chairperson of the Management Committee or his representative from District Child Protection Unit, in the presence of the Superintendent and other Members of the Complaint Cell;

(b) If there is a serious problem or suggestion that requires immediate attention, the Chairperson of the Management Committee shall call for an emergency meeting of the Complaint Cell, discuss and take necessary action;

(c) The quorum for conducting the emergency meeting shall be five members, including one Member of Bala sabha, one representative of staff, Chairperson of the Management Committee, a Member of the Committee or the Board as the case may be, and the Superintendent or Officer-in-Charge of the institution;

(d) In the event of a serious allegation or complaint against the Superintendent or any other staff of the institution, that person shall not be part of the emergency meeting;

(e) All Complaints or Suggestions received through the suggestion/complaint box and action taken as per the decisions of the emergency meeting or action required to be taken shall be placed for discussion and review in the monthly meeting of the Management Committee;

(8) A Children's Suggestion or complaint Book shall be maintained in every Institution where the complaints or suggestions and action taken by the Management Committee are duly recorded and such action and follow up shall be communicated to the Directorate for appropriate action.”;

**(20) in rule 42, for the proviso to sub-rule (2), the following proviso shall be substituted, namely:-**

“Provided that a child may also be admitted in Reception Unit of the Children's Home round the clock by a formal requisition in **Form II** made by the persons empowered to produce children before Child Welfare Committee as per Section 32 of the Act under the circumstance mentioned in sub rule (3) of rule 25 of these rules and the Superintendent shall produce the child before the Child Welfare Committee as provided for in sub-rule (4) of rule 25 of these Rules, in its next sittings.”;

**(21) Rule 45 shall be omitted.;**

**(22) for rule 47, the following rule shall be substituted, namely:-**

**“47. Children with special needs.-** (1) The Government shall run or identify and recognise homes in this State for Children with various disabilities and special needs. These will include homes for Mentally challenged including retarded children, Mental illness, Autistic, Cerebral Palsy, Visually impaired, Low vision, Hearing / speech impaired, Orthopaedically challenged, Multiple disability, HIV/AIDS infected, Terminally/chronically ill children, children addicted to substance abuse/alcohol, and any other child whose condition requires specialised services

(2) The homes for these children shall have comprehensive medical care and rehabilitation programmes.

(3) (a) The Government shall recognize, either such Homes run by the Department for the Disabled or the Department of Social Welfare or any such other Department, or such Homes run by Non-Governmental Organizations and receiving grant-in-aid from Government, as Children's Home for Children with special needs on the recommendation of the concerned Department and Department of Social Defence.

(b)The State Commissioner or Directorate for the Differently abled shall provide a list of suitable organisations district-wise to the Department of Social Defence to cater to the needs of the above mentioned children. The Department of Social Defence shall provide the list to Child Welfare Committees.

(4) Children with special needs referred to other specialised services or institutions run by recognised Voluntary Organisation shall be covered under the Grant-in-aid/sponsorship scheme under the Act so that the child is covered with costs on referral.

(5) The maintenance cost per child shall be commensurate with the care and shall be fixed by the Government.

(6) Every Child Welfare Committee shall have a Reception Home where a child with disability can be kept till a holistic medical assessment of general health and disability is done. In case such a Reception Home is not available, the child shall be kept in the Government or appropriate private hospital. At the time of transfer to the appropriate home the child shall be accompanied by parent or escort and the following documents:-

- (a) All medical reports;
- (b) Age certificate;
- (c) Disability certificate; and
- (d) Child Welfare Committee order with relevant background information of the child.”;

**(23) in rule 52,-(a) for sub-rule (5), the following sub-rule shall be substituted , namely:-**

“(5) No person who is over and above the age of twenty years shall be allowed to continue in the After Care Organisation:

Provided that in cases where a juvenile or child is pursuing a course in higher education he may be allowed to continue to stay in the After Care Organisation till the end of such course, even if he has completed the age of twenty years.”;

**(b) sub-rules (6),(7) and (8) shall be omitted.**

**(24) rule 53 shall be omitted;**

**(25) rule 54 shall be omitted;**

**(26) for rule 55, the following rule shall be substituted, namely:-**

**“55. Recognition of Fit Institution and Fit Person:-** (1) (a) The management of any institution which is willing to receive a child or juvenile in need of care, protection, or treatment for so long a period as may be necessary, on an application from such an institutions in **Form XXX** as the details mentioned in sub rule(1) of **rule 56** of these rules may be recommended by the Competent Authority through Director of Social Defence for recognition by the Government as a Fit Institution;

(b) Any Association or body of individuals registered under the relevant Act and established for the Reception or Care and Protection of children or juveniles or the prevention of cruelty to child or juvenile, which undertakes to bring up or to give facilities for bringing up any child or juvenile entrusted to its care in conformity with the religion of his birth, may be included within the meaning of Fit Institution;

(c) A list of names and addresses of Fit Institutions recognised by the Government shall be kept in the office of the Juvenile Justice Board and Child

Welfare Committee and shall be available to the authorities under the Act whenever necessary;

(d) After detention of a child or juvenile by the Competent Authority to an Institution recognized as a Fit Institution with collateral branches, the managers of such an Institution may send the child or juvenile to any of the branches of the same Institution located within the State, after giving intimation to the Competent Authority under whose orders the child or juvenile was detained;

(e) Before recommending for recognition to any Institution as Fit Institution, the Competent Authority shall hold due enquiry, obtain such reports as may be necessary including the report of the Probation Officer and only on being satisfied about the credentials of the institution, shall recommend to Government through the Director of Social Defence;

(f) The recognition shall be initially given for a period of one year in every case. During this period, if the services provided by the Fit Institution are found to be satisfactory by the Competent Authority on their recommendation through the Director of Social Defence, the Government may extend the recognition for a further period of 3 years on application from the Fit Institution and thereafter review the performance once in every 3 years and decide on grant of further recognition:

Provided that if a Fit Institution recognized as such, fails to provide the required services or is found to be indulging in malpractices of any kind as per the report of the Competent Authority through the Director of Social Defence or on self assessment by the Government, the recognition granted shall be withdrawn forthwith by the Government at any time and the juveniles or children in their custody shall be taken back for appropriate further action by the Competent Authorities including transfer to a similar Institution:

Provided further that pending extension of recognition under this sub-rule, the children or juveniles shall remain with such organisation, if the organisation has applied for extension or further recognition, till final orders are passed by the Government and if the orders are against the Organisation the provisions of the first proviso shall apply.

(2) (a) Any individual who is willing to receive a juvenile or child for care, protection and treatment for so long a period as may be necessary may be recognized, by the Competent Authority, as a Fit Person:

(b) Before declaring any person as a Fit person, the Competent Authority shall hold due enquiry and only on being satisfied, shall the individual be declared as a Fit Person.

Provided that if the Fit Person recognised as such fails to provide the required services or is found to be indulging in malpractice of any kind as per the recognition granted shall be withdrawn forthwith by the Competent Authority at any time and the juvenile or children entrusted to the custody of the Fit Person shall be taken back for appropriate further action;



(c) Guardian or relative of a juvenile or child may be declared as a 'Fit Person' for that juvenile or child, by the Competent Authority if it is satisfied on enquiry;

(d) An updated list of Fit Persons approved by the Competent Authority shall be kept in the office of the Board and Committee.'

**(27) after rule 56, the following rule shall be inserted, namely:-**

**“56-A. Registration of institutions.-** (1) Running and maintaining of institutions for children in need of care and protection or offering Non-Institutional care services such as Adoption, Foster Care, Sponsorship, Child Trafficking, Children of Sexual Workers, Begging Children, Child sexual workers, Children of Leprosy affected persons and any other chronic illness, HIV infected and affected Children, migrant children, children of Bonded Labours, Street and Working Children, Child Victims of manmade and Natural Disasters either by Government or by Voluntary Organisations or Trust or Religious Institutions or any such other Organisation shall be legally valid only if the Institution is registered to if it has not been certified or recognized by Government under section 34(3) of the Act. All institutions run by the Government shall also be registered under the Act. The Director of Social Defence shall be the authority to register such institutions functioning under various Departments except to institutions functioning under the Director of Social Welfare or State Commissioner for the Differently Abled.

(2) The Registration authority to register a Child Care Institution shall be the Director of Social Defence /Social Welfare / Rehabilitation of Differently abled on an application in **Form XXX**. The District Child Protection Unit or an authorized Officer of the Department of Social Defence /Social Welfare / Rehabilitation of the Differently abled shall recommend to issue formal orders of registration;

(3)(a)Eligibility conditions for a Non-Governmental Organisations to register under sub- section (3) of section 34 of the Act:-

- (i) The Non-Governmental Organization shall be a registered body either under the Societies Registration Act or Trust Act or Company Act or any other law;
- (ii) The Non-Governmental Organization shall have a governing body;
- (iii) The Non-Governmental Organization shall not be a blacklisted organisation in any State or District for violation of Foreign Contribution Regulation Act condition or for misappropriation or mismanagement of funds received either from Central or State Government or from any other sources;
- (iv) The accounts of the Non-Governmental Organization shall be audited and IT return shall be submitted regularly;
- (v) The minimum standards prescribed by Government from time to time shall be ensured;
- (vi) The Non-Governmental Organization should have separate enclosures for boys and girls over and above the age of five years if they are housed within the same premises;
- (vii) The Non-Governmental Organization shall have adequate water facilities including the safe drinking water;

- (viii) The Non-Governmental Organization shall have to maintain the profile of every child and such child shall be ensured opportunities of communicating with his biological or extended families. Profile of child shall be made available for review by the Competent Authority or Officials of the Department of Social Defence / Government / District / State Child Protection Unit;
- (ix) The Non-Governmental Organization shall be subjected for evaluation and inspection by the Directorate of Social Welfare / Social Defence / Rehabilitation for the Differently abled / any other designated authority.

(b) (i) Admission and discharge of children in registered Institutions shall be entered into a register;

(ii) No Organisation either Government or Non-Governmental Organization / Individual shall keep found or abandoned children in the Institution without informing the respective Child Welfare Committee. If any organisation or individual or a group of people indulge 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 the proof of address;

(iii) Every such registered Institution shall furnish a list of children being maintained to the District Child Protection Unit. Such report shall be furnished once in six months;

(iv) Annual report on the admission and discharge of children shall be furnished to the District Child Protection Unit for data formation;

(c) Registration shall be given initially for a period of one year and if the services are found satisfactory it may be extended for five years;

(d) The conditions prescribed in clauses (a)(v) to (ix) and (b) and (c) shall apply to a registered Government Institutions also.

(4) (a) The registration for running and maintaining of a Child Care Institution or for offering non-institutional services for children in need of care and protection shall be withdrawn for any lapse, malfunction, misuse of funds, failure to ensure the personal safety and security of children or for any other action which hampers the best interest of child including keeping child without intimation to Competent Authority and the District Child Protection Unit as provided for in sub-rule(3);

(b)Withdrawal of registration shall be ordered by the concerned registration authority on the recommendation of the District Child Protection Unit / District Level Advisory Board or any other designated authority;

(c)The District Child Protection Unit either upon the complaint received or on observation made by itself or by the direction of the District Advisory Board on the evaluation or inspection report of the Department of Social Defence / Social Welfare / Rehabilitation for Differently abled / any other designated authority on the report of

fact findings by any authorized body shall constitute a Committee of Enquiry in consultation with the Director of Social Defence / Social Welfare/ Rehabilitation for Differently abled / any other designated authority and the District Collector to go into the complaints. The Committee shall issue notice to the Institution to fix hearing, review the written reply and submit the findings to the District Child Protection Unit, which shall issue final show-cause notice to file reply within fifteen days, from the date of receipt of the notice. On receipt of reply or if no reply is received within the time stipulated, the District Child Protection Unit shall recommend to the Director of Social Defence/ Social Welfare/ Rehabilitation for Differently abled for cancellation of Registration. The State Government shall be the Appellate Authority in the matter;

(d) Upon closure of the Institution the children shall be immediately removed from the Institution and produced before the Competent Authority for appropriate action including transfer to a suitable Institution;

(e) If any Chief Executive of an organization is found guilty on any complaints and if he is an office bearer in any organization or if he himself establishes any other organization, such organization will not be considered for registration;

(f) Registration of an Institution shall not entitle an Institution for Grant-in-aid. However for the maintenance of children sent by the Child Welfare Committee the Institution may apply to the Government for sanction of Grant-in-aid.”;

**(28) after rule 64, the following rule shall be inserted, namely:-**

**“64-A. Prohibited articles.-** No person shall bring into the Institution the following prohibited articles, namely:-

- (a) fire-arms or other weapons, whether requiring licence or not, like knife, blades, lathi, spears and swords;
- (b) alcohol or spirit of any description;
- (c) bhang, ganja, opium or other narcotic or psychotropic substances;
- (d) tobacco; panparag; beedi; cigarette; or
- (e) any other article specified in this behalf by the Government by a general or special order.”

**(29) in rule 68, in sub-rule (2), for the words “Classification Committee” the words “Management Committee” shall be substituted;**

**(30) rule 73 shall be omitted;**

**(31) in rule 81, after sub-rule (3), the following sub-rules shall be added, namely:-**

“ (4) The Government may regularize the overstayal on leave by a child beyond seventy five days in a calendar year, if sufficient reasons with proof, such as medical certificate is produced and if the child returned to the Institution.

(5) Where the child does not return from leave and has been traced to be living with his family who wishes to take care of him, based on the report of the Probation Officer the Competent Authority may discharge the child under section 59 of the Act.

(6) In the event of the child not being traceable, the Competent Authority may, after six months, review the case file, and treat it as closed and such child may be deemed to be discharged from the Institution.”;

**(32) in rule 81-B, in sub-rule (1),the following sentence shall be added at the end, namely:-**

“The details of juveniles or children to be released shall be furnished in **Form XVII** to the jurisdictional Probation Officer at least 3 months before the normal date of release of the child or juvenile, for submitting the pre-release enquiry report in **Form XIX.**”;

**(33) for rule 89, the following rule shall be substituted, namely:-**

**“89. Maintenance of registers.-** (1)(a) The Superintendent or Officer-in-Charge shall maintain in the office, the register of case history in **Form XXIX**, which shall contain information regarding his socio-cultural and economic background and such information may invariably be collected through all possible and available sources, including house, parents or guardians, employer, school, friends and community;

(b) Individual care plan in **Form XXXVIII**, Register of Admission and discharge, Release Diary, Register related to ration, Manufacturing, Clothing and Bedding shall also be maintained.

(i) the Officer-in-charge, counsellor along with the Child Welfare Officer or Case Worker, or Social Worker shall prepare an individual care plan for every child in an institution within one month of his admittance in **Form XXXVIII**;

(ii) all care plans shall include a plan for the juvenile’s or child’s restoration, rehabilitation, reintegration and follow-up;

(iii) the care plan shall be reviewed quarterly by the Management Committee set up under rule 37 of these rules for appropriate development and rehabilitation including options for release or restoration to family or foster care or adoption;

(iv) juveniles or children shall be consulted while determining their care plan;

(v) continuity of care plan shall be ensured in cases of transfer or repatriation or restoration.”;

**(34) in rule 93, after sub-rule (3), the following sub-rules shall be added, namely:-**

“(4)The District Child Protection Unit or the Government shall provide services of its two Social Workers to the Special Juvenile Police Unit for discharging their duties.

(5) The Superintendent of Police in a district shall head the Special Juvenile Police Unit and oversee its functioning from time to time.

(6) A Nodal Officer from Police not less than the rank of Inspector General of Police shall be designated in each State to coordinate and upgrade the role of police on all issues pertaining to care and protection of children or juveniles in conflict with law under the Act”.

**(35) for rule 95, the following rule shall be substituted, namely:-**

**“95. Dealing with a juvenile in conflict with law by Police.-** (1) Any Police Officer who takes charge of a juvenile in conflict with law shall refer the juvenile to the Police Officer who has been designated as Child Welfare Officer or to the Special Juvenile Police Unit.

(2) The Police Officer who takes charge of the juvenile shall intimate to the Probation Officer and also to the family of the juvenile and the Police Officer, the Probation Officer or the family shall get in touch for further action. If the juvenile is handled by the Child Welfare Officer (Police) or the Special Juvenile Police Unit, directly they shall also inform the Probation Officer and the family as contemplated under section 13 of the Act.

(3) Police shall normally avoid in taking charge of a juvenile in conflict with law, particularly a female juvenile between sunset and sunrise. No child shall be taken to police station:

Provided that in case of taking charge is inevitable, instead of keeping the juvenile in the police station or lock-up, shall arrange to keep the juvenile in a Protection Agency or in an Observation Home or in a Place of Safety after recording the fact.

(4) Police shall also release a juvenile on bail and such release shall be promptly intimated to the Probation Officer and the Juvenile Justice Board for follow-up. The discretionary power of releasing a juvenile on bail shall be used very cautiously and such release shall not hamper the best interest of the juvenile and the community.

(5) Police shall not release a juvenile on bail mechanically, rather shall ensure that the release is not likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger and the release would not defeat the ends of justice.

(6) Police shall inform the juvenile the purpose for which he has been taken charge in a language and the manner in which the juvenile is familiar.

(7) The juvenile shall also be given all possible assistance and support, enabling him to call any person of his choice including an Advocate over phone or otherwise for proper support and assistance.

(8) The juvenile shall not be compelled to confess or give testimony. No form of torture or harassment shall be used in order to extract information from him.

(9) A quick assessment shall be made at the place of first contact and the details shall be recorded. Such assessment shall take into account the heterogeneity of the juvenile and thereby provide individualized attention and due regard to the circumstances of the case of the juvenile.

(10) The female juvenile shall be subjected to search by a Women Police only and shall be escorted to any place accompanied by a Women Police.

(11) The juveniles shall be treated with decency and dignity while doing investigation, enquiry, search etc.

(12) If a juvenile is not released on bail by the Police Officer, such juvenile shall be produced within twenty four hours of taking charge, excluding the journey time before the Juvenile Justice Board or a Member of the Juvenile Justice Board, as the case may be and the Juvenile Justice Board or Member shall order to send the juvenile to an Observation Home or a Place of Safety after observation and enquiry of the Juvenile, if it is not possible to release the juvenile on bail. The order for keeping the juvenile pending enquiry in an Observation Home or Place of Safety shall be in the format prescribed for the purpose in **Form II**. It is not so that the juvenile shall be produced only before the Principal Magistrate.

(13) Police shall be free to adopt the investigation procedure as laid down in the Code of Criminal Procedure 1973 (Central Act 2 of 1974) including finger printing, line up for identification, search and recovery of weapon used for committing the crime or the stolen properties:

Provided that such investigation procedure shall be in conformity with the dignity, self respect and decorum of the juvenile as enshrined in United Nations Convention on the Rights of Child and the principles of Human Rights.

(14) Police shall not be entitled to seek the police custody of a juvenile for investigation. All such investigations shall have to be made in the premises of the Observation Home or the Place of Safety.

(15) Police shall be free to use the services of the volunteers who have been designated as Special Police Officer during investigation.

(16) The designated Child Welfare Officer (Police) or the Special Juvenile Police Unit shall encourage the committed and willing personnel to perform the duties of a Counsellor or Social Worker to assist the police on a voluntary basis. Such volunteers shall be designated as Special Police Officer who shall assist the police as facilitator and not as an investigating officer.

(17) Police shall work out a mechanism to formulate volunteers to serve as Special Police Officer. Volunteers from Non-Governmental Organizations and students from Academic Institutions on field projects may function as Social Workers in helping a child or juvenile. The student community shall be assisted by the faculty

of the respective Branch. They shall provide supportive network in every police station, Juvenile Aid Police Unit to help the Child Welfare Officer to handle a juvenile in conflict with law or a child in need of care and protection including a victim child, and such other issues relating to missing children.

(18) Police shall approach the Juvenile Justice Board for appropriate orders for taking out the juveniles in conflict with law to various destinations to recover the weapon used for committing the offence or get back the disposed stolen properties. In such issues, the Juvenile Justice Board shall pass an appropriate order authorising the Police to take charge of the juvenile from the Observation Home or a Place of Safety and the Police shall not be in the uniform and treat the juvenile with dignity and respect during journey. Female juvenile shall be accompanied by female escorts:

Provided that such juveniles on journey shall not be kept in police lock up or jail but shall be kept in an Observation Home or a Place of Safety available in the respective district or nearby district on a written request to the Superintendent or Officer-in-Charge of the institution for a few hours.

(19) The Superintendent or Officer-in-Charge of the Observation Home or the Place of Safety shall facilitate such stay on the written request from the Police who have accompanied the juvenile.

(20) Police shall complete the investigation of an Offence involved by a juvenile within three months and produce the investigation report to the Juvenile Justice Board for adjudication. If the police fails to complete the investigation within three months, the Juvenile Justice Board shall be free to dispose without a report from the Police:

Provided that police shall seek extension of time limit to complete the investigation from the Juvenile Justice Board explaining the circumstances leading for the delay.

(21) The transfer and posting of the designated Child Welfare Officer (Police) shall be to another Police Station as Child Welfare Officer (Police) or to the Special Juvenile Police Units of other District, unless there is an exceptional case of promotion and in such cases, another Police Officer must be designated and deputed so that there shall be no shortfall.

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

(23) The Special Juvenile Police Units shall seek assistance from the Voluntary Organizations, and Panchayats or Resident Welfare Associations in identifying juveniles in conflict with law as well as reporting cases of violence against children, child neglect and child abuse.

(24) Any police officer found guilty, after due inquiry, of torturing a child or juvenile, mentally or physically, shall be liable to be removed from service, besides being prosecuted for the offence.

(25) If an offence is committed by a juvenile along with an adult, the police shall split the case and initiate separate enquiry against the juvenile. The juvenile shall be produced before the Juvenile Justice Board with the duplicate copy of the FIR and such other documents furnished before the regular court. Such documents and the copy of FIR shall be duly certified and countersigned by the investigating officer of the particular case.

**(36) for rule 96, the following rule shall be substituted, namely:-**

**“96. Transfer of case of a child in need of Care and Protection from Police to any other producing agent listed in section 32 of the Act:-**

(1)(a) A person rescued from commercial sex work or within the premises of a brothel home is if under eighteen years of age, such person shall be produced before the Child Welfare Committee only considering the person as a child in need of care and protection and not before any other Court except as a witness or the Juvenile Justice Board;

(b) A Special Police Officer conferred with the powers to deal with the cases under Immoral Traffic (Prevention) Act, 1956 (Central Act 104 of 1956) upon rescue of a person under eighteen years of age shall refer the person to the Special Juvenile Police Unit or to the designated Child Welfare Officer (Police) for production before the Child Welfare Committee, considering the person as a victim and a child in need of care and protection;

(c) If such a child is rescued during night hours and if it is not possible to produce the child before the Child Welfare Committee, the child shall be kept in a Children’s Home or in a Fit Institution or with a Fit Person as per rules. But, the child shall not be sent to any of the rescue shelters or to an Institution meant for the rescued persons to be kept under the provisions of the Immoral Traffic (Prevention) Act, 1956 (Central Act 104 of 1956). The child shall be produced before the Child Welfare Committee on its next sitting.

(2) (a) If a person under eighteen years of age is alleged to have been kidnapped by an adult and on enquiry, the person disagrees to go with her family, or if the family is not immediately traceable or the abuse has been caused by a member of the family, the Police Officer on taking charge of the kidnapped person shall produce him/her before the Child Welfare Committee as a child in need of care and protection. If such a person so produced before a Magistrate and the court is of the opinion that the person is under eighteen years of age, upon conclusion that the person is under eighteen years of age the Magistrate shall refer the person to the Child Welfare Committee which shall take appropriate action in accordance with the procedure, after due process and enquiry:

Provided that if the person who accused of having kidnapped the child is a juvenile, such juvenile shall be produced before the Juvenile Justice Board as a Juvenile in conflict with law.



(b) (i) Child abused physically or sexually or emotionally and if on immediate enquiry, the family of the child is not traceable, the child shall be treated as a child in need of care and protection and produced before the Child Welfare Committee only and the procedure for protection of a child before Child Welfare Committee shall apply. The Provisions under clause (a) shall apply against the abuser;

(ii) It shall be the bounden duty of the Police to document the injuries of abused child by colour photos, videos or other electronic device and refer such child in consultation with the Child Welfare Committee for medical and forensic opinion to build a medico-legal case against the offender.

(3) The Police shall strictly adhere to the guidelines of the Supreme Court of India while dealing with a child in conflict with law or a child in need of care and protection.

(4) Police shall also ensure that the provisions of United Nations Convention on the Rights of Child have been strictly adhered to in the best interest of the child in all cases of intervention of a juvenile in conflict with law or a child in need of care and protection.

(5) (a) Whenever an intimation is received by the Police about the abandonment of an infant or child the police shall on its own motion or with the assistance of Non-Governmental Organization or a reputed Social Worker shall take charge of the infant. Such child or infant shall be produced before the Child Welfare Committee with a copy of First Information Report. In case if it is not possible to produce the child or infant before Child Welfare Committee due to various reasons including the ill health of the infant or child, the child or infant shall also be sent for medical examination as stipulated in rule 20(iii)(s) such infant or child shall be handed over to the licensed Adoption Agency with a direction to provide medical and other such care instantly and subsequently produce the child or infant before the Child Welfare Committee for receiving placement order.

Notwithstanding anything contained in any of the foregoing provisions, the Child Welfare Committee may visit and see the child where the infant or child is situated.

(b) If no such licensed Adoption Agency is available, the rescued infant or child shall be placed in the pediatric ward of the Government hospital or under the care of a Fit Person or Fit Institution till such time the infant or child is produced before the Child Welfare Committee;

(c) In all such cases the Police shall intimate the Child Welfare Committee about it and subsequently file a status report to the Child Welfare Committee on the action taken to trace the person and initiate action against the person who abandoned the infant or child;

(d) If the Police receive any intimation from an Non-Governmental Organization regarding the receipt of an infant or child through any other sources, the Police shall file a case and initiate investigation immediately and file a status report to the Child Welfare Committee. Police shall not complete the investigation process without intimating the Child Welfare Committee. In the process, the Police shall ensure that the Non-Governmental Organization which received the child or infant produced the child before the Child Welfare Committee and obtained an order for keeping the child or infant in the institution;

(e) Police shall produce any person less than eighteen years of age who is in difficult circumstances and is in need of care and protection before Child Welfare Committee for appropriate intervention within twenty four hours of taking charge, excluding the journey time:

Provided that the Police shall also refer such child to a Shelter Home. If the child is a missing child or a run-away child who desires to go back to family the Police shall restore such child to his family and intimate it to the Child Welfare Committee;

(f) The Special Juvenile Police Unit shall be the place of safety for the purpose of keeping child or juvenile till produced before the Competent Authority and such unit shall not function in any of the Police Station.

**(37) in rule 98, for sub-rule (2), the following sub-rule shall be substituted, namely:-**

“(2) The designated courts for adoption, after due enquiry and process, shall place a child in need of care and protection on adoption as a measure of rehabilitation. The courts shall follow the guidelines for adoption issued from time to time by the Supreme Court, the Government and also the Central Adoption Resource Authority (CARA).”;

**(38) in rule 99, for sub-rule (3), the following sub-rule shall be substituted, namely:-**

“(3)The process of scrutiny and placement of children on adoption from the institution mentioned in sub-rule(2) on adoption shall be done by professionally trained Social Worker appointed or authorised by the State Government for this purpose according to the Central Adoption Resources Authority (CARA) guidelines:

Provided that all cases of adoption under the Act, before the designated Court shall be scrutinized by a Scrutinizing Agency recognized by the High Court.

**(39) for rule 100, the following rule shall be substituted, namely:-**

**“100. Adoption Co-ordinating Agency.-** Voluntary Co-ordinating Agency formed as per the guidelines of Government of India shall be the Adoption Co-ordinating Agency for the purpose of in-country adoption being undertaken by the designated Court. All the Childrens’ Home or State run orphanages which are approved to process adoption shall become the member of the Adoption Co-ordinating Agency.”;

**(40) in rules 101,102,104 and 105, the expression “Voluntary Co-ordinating Agency” wherever it occurs, the expression as “Adoption Co-ordination Agency” shall be substituted;**

**(41) in rule 105, after clause(h), the following clauses shall be added, namely:-**

“(i) All other records as stipulated by Central Adoption Resource Authority and Government, from time to time.

(j) All records shall be made available at the time of inspection by the State Authorities or those designated by the Nodal Officer.”;

**(42) in rule 107, in sub-rule (2), -**

**(a) for clause (iii), the following clause shall be substituted, namely:-**

“(iii) Such a surrender deed shall explain the reason for surrender and other relevant information about the child or infant. It shall be written in the regional language. The document shall contain the information that the parent has a right to revoke the surrender deed within sixty days from the date of execution of the said deed. The contents of the surrender deed shall be explained to the surrendering parent in the language known to the parent and clearly told that he/she can claim the child back in sixty days and no costs will be claimed from her/him by any party. Prior to the execution of the deed of surrender, the Child Welfare Committee shall satisfy itself about the genuineness of the surrender after examining the person surrendering the child and ensure that the surrender is done voluntarily. While doing so, the Child Welfare Committee shall explain the implications of executing the surrender deed to the person surrendering the child.”;

**(b) for clause (v), the following clause shall be substituted, namely:-**

“(v) If a surrender deed is executed by any one of the parents, in such cases the person who executes the deed shall declare the present position of the other parent. In case of the death of any one parent, the death certificate shall be produced. In the case of a child born to an unmarried mother or to a mother out of wedlock, the mother may surrender the child. In all cases where the surrender deed is incomplete or where the surrender is not done by the biological parent, the report of the Probation Officer shall be called for by the Child Welfare Committee and the procedure relating to the abandoned children shall be followed.”

**(c) after clause (v), the following clauses shall be added, namely:-**

“(vi) The joint photograph of the surrendering parent with the child shall be taken at the time of execution of surrender deed and a copy thereof shall be attached with the surrender deed in a sealed cover attested by the Chairperson of the Child Welfare Committee. In case of unwed mother this shall not apply.

(vii) In addition to clauses (i) to (vi), the instructions or guidelines issued in this regard, from time to time, by the Central Adoption Resource Authority or State Government shall also be followed.”;

**(43) rules 110 and 111 shall be omitted;**

**(44) in rule, 112,**

**(i) in sub-rule (ii),-**

**(a) for clause (a), the following clause shall be substituted, namely:-**

“(a) Photograph of the child taken at the time of rescue and that of the one recently taken.”;

**(b) for clause (m), the following clause shall be substituted, namely:-**

“(m) Recent Health status Report with probable age of the child not more than one month old.”;

**(ii) for sub-rule (v), the following sub-rule shall be substituted, namely:-**

“(v) The Child Welfare Committee shall fix the date of birth, in the best interest of the child, based on the report of the Medical Board of a Government Hospital in which at least one Paediatrician shall be a member.”;

**(iii) after sub-rule (vii), the following sub-rules shall be added, namely:-**

“(viii) In case a child who is certified as legally free for adoption could not be rehabilitated through adoption, the agency shall not transfer the child to any other agency or institution or to take any decision on their own. The child shall be referred to the State Adoption Resource Agency (SARA) for rehabilitation and information given to Child Welfare Committee;

(ix) In case of the closure of the Adoption Agency or withdrawal of the recognition by the Government, the children in the Agency shall be ordered by the Child Welfare Committee to be shifted to any other recognized or licensed adoption agency which is functioning within the jurisdiction of the Committee. If no such organisation exists within the jurisdiction of the Child Welfare Committee, such child shall be transferred to the nearest licensed or recognised adoption agency functioning in the neighbouring districts;

(x) If a licensed or recognised adoption agency expresses its inability to admit children for want of adequate facilities the Child Welfare Committee shall pass such orders for admission of children in any one of the licensed or recognised adoption agencies in the State or Childrens’ Home which has the facility to take care of Children;

(xi) A Child in an Adoption Agency shall be declared as legally free for adoption, only by the Child Welfare Committee under whose territorial jurisdiction the Adoption Agency is functioning”.

**(46) for rule 113, the following rule shall be substituted, namely:-**

**“113. Prevention of illegal trafficking of children for adoption.-** To prevent the illegal trafficking of children for adoption and similar purposes, the District Child Protection Unit shall maintain the list of Non Governmental Organisations engaged in Child care activities within their jurisdiction and shall monitor the activities periodically. If District Child Protection Unit finds any child kept illegally action shall be taken as per law.”;

**(46) in rule 126, sub-rules (3), (4) and (5) shall be omitted.**

**(47) in rule 129,-**

**(a) for sub-rule(1), the following sub-rule shall be substituted, namely:-**

“(1)The State Government shall constitute a State Level Advisory Board to monitor and oversee the functions of the institutions and administration of Juvenile Justice in the State, other than the functions of Juvenile Justice Boards and Child Welfare Committees which shall be monitored by the District and Sessions Judges. The State Level Advisory Board shall consist of the following as Chairperson and members:-

- |   |   |                    |
|---|---|--------------------|
| (i) Hon’ble Minister for Social Welfare,  | - | <b>Chairperson</b> |
| (ii) The Secretary to Government Social Welfare and Nutritious Meal Programme Department, | - | Member             |
| (iii) The Secretaries to Government from Home and Law.                                    | - | Members            |
| (iv) Additional Director General of Police, CBCID or his Nominee                          | - | Member             |
| (v) Representative from UNICEF  | - | Member             |
| (vi) Member Secretary, Tamil Nadu State Sports Development Authority                      | - | Member             |
| (vii) Director of Social Defence  | - | Member Secretary   |

**(b) in sub-rule (3),for clause (ii), the following clause shall be substituted, namely:-**

“(ii)The Non-official members shall be reimbursed the Travelling Allowance and Daily Allowance by the Department of Social Defence”.

**(48) after rule 129, the following rule shall be inserted, namely:-**

**“129-A. State Child Protection Unit.-** The State Government shall constitute State Child Protection Unit or any other body to ensure the implementation of the Act. The specific functions of the State Child Protection Unit shall include:-

- (a) implementation of the Act and supervision and monitoring of Agencies and Institutions under the Act;
- (b) set up, support and monitor the District Child Protection Units;
- (c) make necessary funds available to the District Child Protection Units for providing or setting up required facilities for implementation of the Act;
- (d) network and coordinate with all Government Departments to build inter-sectoral linkages on child or juvenile protection issues, including Departments of Health, Education, Social Welfare, Urban Development / Rural Development, Backward Classes, Minorities Welfare, Youth Services, Police, Judiciary, Labour and State AIDS Control Society, among others;

- (e) network and coordinate with Civil Society Organizations working for the effective implementation of the Act; in co-ordination with Training Academy;
- (f) training and capacity building of all personnel (Government and Non-government) working under the Act;
- (g) establish Minimum Standards of Care and ensure its implementation in all Institutions set up under the Act;
- (h) review of the functioning of the Child Welfare Committees; and
- (i) all other functions necessary for effective implementation of the Act.

**(49) after rule 129-A, as so inserted, the following rules shall be inserted, namely:-**

**“129-B. District Child Protection Unit.-** (1) The State Government shall constitute District Child Protection Units or any other bodies to ensure the implementation of the Act in Districts. The District Child Protection Unit shall coordinate and implement all Child rights and protection activities at district level.

(2) The specific functions of the District Child Protection Unit shall include,-

- (a) ensure effective implementation of the Act at District or City levels by supporting creation of adequate infrastructure, such as, setting up Boards, Committees, Special Juvenile Police Units and Homes in each District;
- (b) identify families at risk and children in need of care and protection;
- (c) assess the number of children in difficult circumstances and creating District-specific databases to monitor trends and patterns of children in difficult circumstances;
- (d) periodic and regular mapping of all children related services at District for creating a resource directory and making the information available to the Committees and Boards from time to time;
- (e) implement family based non-institutional services including sponsorship, Foster Care, Adoption , After Care and relevant support systems including facilitating of parent groups and referral services;
- (f) ensure setting up of Block and Village level Child Protection Committees for effective implementation of programmes as well as discharge of its functions;
- (g) facilitate transfer of Children at all levels for either their restoration to their families or placing the Children in long or short-term rehabilitation through institutionalization, adoption, foster care and sponsorship;
- (h) supporting State Adoption Resource Agency in implementation of family based non-institutional services at District level;
- (i) network and coordinate with all Government Departments to build inter-sectoral linkages on Child protection issues, including Departments of Health, Education, Social Welfare, Urban Development, Rural Development, Backward Classes, Minorities Welfare, Youth Services, Police, Judiciary, Labour and State AIDS Control Society, among others;
- (j) network and coordinate with Civil Society Organizations working under the Act;
- (k) develop parameters and tools for effective monitoring and supervision of Agencies and Institutions in the District in consultation with experts in Child welfare;

- (l) supervise and monitor all Institutions or Agencies providing residential facilities to children or juveniles in District;
- (m) training and capacity building of all personnel in co-ordination with State Child Protection Unit and Training Academy; implementing the Act to provide effective services to children or juveniles; (Government and Non-government);
- (n) organize quarterly meeting with all stakeholders at District level including CHILDLINE, recognized or licensed Adoption Agencies, Superintendent or Officer-in-Charge of Homes, Non-Governmental Organisations and members of public to review the progress and implementation of the Act; and
- (o) liaison with the State Child Protection Unit, State Adoption Resource Agency at State level and District Child Protection Units of other districts”.

**(50) for rule 130, the following rule shall be substituted, namely:-**

**“130. District Advisory Committee.-** The State Government shall form a District Advisory Committee which shall also perform the role of inspecting the programmes and activities for the effective implementation of the Act.

The District Advisory Committee shall consists of the following:-

- |  |   |                  |
|--|---|------------------|
| (i) District Collector   | - | Chairperson      |
| (ii) Superintendent of Police /<br>Commissioner of Police  | - | Vice Chairperson |
| (iii) District Social Welfare Officer  | - | Member           |
| (iv) District Differently Abled Rehabilitation Officer-  |   | Member           |
| (v) Chief Educational Officer,<br>Dean, District Medical Officer .,  | - | Members          |
| (vi) Probation Officer (Social Defence)  | - | Member           |
| (vii) The Superintendent or Officer in-charge of<br>Observation Home, Children’s Home, Special<br>Home functioning in the District | - | Member.          |
| (viii) District Child Protection Officer   | - | Member Secretary |

**(51) in rule 131,-**

**(a) in sub-rule (1), for clause (iv), the following clause shall be substituted, namely:-**

“(iv)Review the functions of District Child Protection Unit.”;

**(b)for sub-rule (2), the following sub-rule shall be substituted, namely:-**

“(2) The meeting shall be conducted once in six months, and the minutes of the meeting shall be submitted to the Director of Social Defence”.

**(52) after rule 133, the following rules shall be inserted, namely:-**

**“133-A. Pending Cases.-** (1) No juvenile in conflict with law or a child in need of care and protection shall be denied the benefits of the Act and these Rules.

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

(3) Any juvenile in conflict with law or a child in need of care and protection shall be given the benefits under sub-rule (1) and such benefits shall be made available to all those who were juveniles or a children at the time of commission of an offence, even if they cease to be a juvenile or a child during the pendency of any inquiry.

(4) While computing the period of detention or stay or sentence of a juvenile in conflict with law or of a child, all such period which the juvenile or the child has already spent in custody, detention, stay or sentence of imprisonment shall be counted as a part of the period of stay or detention contained in the final order of the Board or Committee.

**133-B. Disposed off cases of Juveniles in conflict with law.-**

The State Government or, as the case may be, the Board may, either suo motu or on an application made for the purpose, review the case of a person undergoing imprisonment at the commencement of the Act or a juvenile in conflict with law, determine his juvenility in terms of the provisions contained in the Act and rule 8-B of these Rules and pass an appropriate order in the interest of the juvenile in conflict with law under section 64 of the Act, for the immediate release of the juvenile in conflict with law whose period of detention or imprisonment has exceeded the maximum period provided in section 15 of the said Act.”;

**(53) in Form-II,-the words “see rule 8(k)” shall be substituted as “rule 42(2) and 95 (12)”**

**(54) in Form-V,-for the words “see rule 8(r)” shall be substituted as “rule 8-A (1)(c) and rule 10(6)(a)”**

**(55) in Form-VI,-for the words “see section 15(1)(e)” shall be substituted as” rule 10(5)”**

**(56) in Form- IX,- for the words “see rules 8(3)(o) and 20(iii) (k)” the words “see rules 8-A(1)(g) and (6) and 20 (iii) (k)” shall be substituted.**

**(57) in Form-XVII,- for the words “see rules 37(2)(xii) and 45(3)(viii)” the words “see rules 37(2)(xii) and 81-B” shall be substituted.**

**(59) in Form-XIX,-“see rule 81-B(1)” shall be inserted at Top.**

**(60) in Form-XXIX,- “see rule 89(1)(a)” shall be inserted at Top.**

**(61) in Form-XXX,- for the words “Rule 56” the words “rule 55, 56 and 56-A” shall be substituted.**

**(62) for Form X, the following Forms shall be substituted, namely:-**



**“FORM -X**

[Rule8-A (6) &amp; 97(1)(d)]

**Social Investigation Report of Juvenile in Conflict with Law**

SI. No. \_\_\_\_\_

Submitted to the Juvenile Justice Board \_\_\_\_\_ (address).

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

**Juvenile Justice Board**

Profile No.

Under section

Title of Profile:

Police Station:

Crime No.

Nature of offence / charge:

Name

Religion

Father's Name

Caste

Permanent Address

Year of

Last address before apprehension

birth

Age

Sex

Previous institutional history , if any

1.(a)

**FAMILY**

Members of family	Name	Age	Health	Education	Occupation	Monthly earnings	Disabilities	Any other eg. Social habits
Father								
Step Father								
Step Mother								
Siblings								
Any other legal guardian/relative								

(b) If married, relevant particulars

---

(c) Other near relatives or agencies

Interested\_\_\_\_\_

(d) Attitude towards religion normal  
And ethical code of the home etc.\_\_\_\_\_

(e) Social and economic status\_\_\_\_\_

(f) Delinquency record of members  
of family\_\_\_\_\_

(g) Present living conditions\_\_\_\_\_

(h) Relationship between Parents/  
Parents and juvenile especially  
with the juvenile under investigation  
\_\_\_\_\_

Other factors of importance if any\_\_\_\_\_

**JUVENILES HISTORY**

(a) Child Birth  
(Natural, Caesarean or others)

(b) Mental condition  
(Present and past)  
\_\_\_\_\_

(c) Physical condition  
(Present and past)\_\_\_\_\_

(d) Habits, interests  
(moral, recreational etc.)\_\_\_\_\_

(e) Outstanding characteristics and  
Personality traits\_\_\_\_\_

(f) Companions and their influence\_\_\_\_\_

(g) Truancy from home, if any  
\_\_\_\_\_

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

(i) Work record (jobs held, reasons for leaving,

vocational interests, attitude towards job or employers)\_\_\_\_\_

4. Neighbourhood and neighbours report

\_\_\_\_\_

5. Parent's attitude towards discipline in the home and child's reaction

\_\_\_\_\_

6. Any other remarks including abuse if any

---

7. **RESULT OF ENQUIRY**

(a) Emotional factors

(b) Physical condition

(c) Intelligence

(d) Social and economic factors

(e) Religious factors

(f) Suggested causes of the problems

8. Analysis of the case including reasons for delinquency Opinion of experts consulted

9. Assets & Liabilities

Assets

Liabilities

10. Recommendation regarding treatment and its Plan by Probation Officer

**Signature of the Probation Officer and Seal**

**FORM XA**  
(8-C (1)(c) & 97(1)(b))  
**Pre-bail Report**  
(Interim Report)

1. Name of the Juvenile :
  
2. Religion & Caste :
  
3. Age : -----Years
  
4. Alleged offence : U/S  
Cr No.
  
5. Residential address :
  
6. Name of the parents & Occupation :
  
7. Sibling Position :
  
8. Previous education & occupation :
  
9. Previous criminal records, if any :
  
10. Reason for the alleged offence :
  
11. Parent's opinion regarding the :  
grant of bail & conditions thereof

12. If the parents are dead/not :  
available mention the names of the  
sureties

13. The release on bail :

Whether

(a) His release is likely to bring the :  
Juvenile into association with  
any known criminal

(b) the release is like to expose :  
him to moral danger

(c) his release would defeat the :  
ends of Juvenile Justice

14. Recommendation of the Probation :  
Officer

Station :

Date :

**Probation Officer.**



- (b) If married, relevant particulars  
\_\_\_\_\_
- (c) Other near relatives or agencies interested \_\_\_\_\_
- (d) Attitude towards religion, normal and ethical code of the home etc. \_\_\_\_\_
- (e) Social and economic status \_\_\_\_\_
- (f) Delinquency record of members of family \_\_\_\_\_
- (g) Present living conditions \_\_\_\_\_
- (h) Relationship between parent/ parents and children especially with the said child \_\_\_\_\_
- (i) Other factors of importance if any  
\_\_\_\_\_

**1. CHILD'S HISTORY**

- (a) Mental condition (Present and past)  
\_\_\_\_\_
- (b) Physical condition (Present and past)  
\_\_\_\_\_
- (c) Habits, interests, moral, recreational etc.)  
\_\_\_\_\_
- (d) Outstanding characteristics and personality traits \_\_\_\_\_
- (e) Companions and their influence \_\_\_\_\_
- (f) Truancy from home, if any  
\_\_\_\_\_
- (g) School (attitude towards school, teachers, class mates and vice-versa)

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

---

4. Neighbourhood and neighbours report

---

5. Parent attitude towards discipline in the home and child's reaction

---

6. Any other remarks

---

**7. RESULT OF INQUIRY**

- a) Emotional factors
- b) Physical condition
- c) Intelligence
- d) Social and economic factors
- e) Religious factors

8. Reasons for child's need for care and protection  
Opinion of experts consulted.

9. Assets and Liabilities

Assets

Liabilities

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

**Signature of the Probation Officer/  
Child Welfare Officer/Case Worker/  
Social Worker.”;**



(63) after Form XXXII, the following Forms shall be added, namely:-

**“FORM XXXIII**  
[Rule 20-B(m)]

**ORDER FOR DECLARING A CHILD LEGALLY FREE FOR ADOPTION**

1. In exercise of the powers vested in the Child Welfare Committee \_\_\_\_\_ constituted under sub-section \_\_\_\_\_ of section \_\_\_\_\_ of the Juvenile Justice (Care and Protection of Children) Act, 2000 and sub-rule \_\_\_\_\_ of rule \_\_\_\_\_ of the Rules,

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

- a) Inquiry/home study conducted by Probation Officer/ Child Welfare Officer/Social Worker/ Case Worker
- b) Document of surrender executed by the parent(s) and surrender deed signed in the presence of the Committee under sub-rules \_\_\_\_\_ of rule \_\_\_\_\_ of these Rules
- c) Declaration submitted by the Specialised Adoption Agency under sub-rules \_\_\_\_\_ of rule \_\_\_\_\_ of the Rules

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

Member	Member	Member	Member	Chairperson
Child Welfare	Child Welfare	Child Welfare	Child Welfare	Child Welfare
Committee	Committee	Committee	Committee	Committee

Date:  
Place:

For completion by the Specialised Adoption Agency.

- i. I have read and understood Chapters III and IV of Juvenile Justice (Care and Protection of Children) Act, 2000 and the rules thereunder and agree to abide/be bound by the same while placing said minor in adoption.
- ii. I further declare that the particulars stated in the declaration submitted by me on \_\_\_\_\_ true and correct. In case they are found to be false or incorrect, the Committee has right to suspend this Release Order for (name of the minor) \_\_\_\_\_ and ask for production of said minor before the Committee.

Date:

Place:

**Social Worker**

**FORM XXXIV**

[Rule 107 (2) (ii)]

**DEED OF SURRENDER**

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

**Signature of parent/guardian , Date**

That I \_\_\_\_\_ Social Worker have explained the  
 procedure and the consequences of surrendering the child to the concerned  
 parent/guardian on (date) \_\_\_\_\_.

**Signature of Social Worker  
with Date**

**(Signed before me)**

**Seal of the Committee**

**Chairperson/ Member  
ChildWelfare Committee**

**FORM XXXV**  
[Rule 115 & 116]

**A. FOSTER CARER'S ASSESSMENT**

**1. Agency Details**

Name of the Agency Address  
Telephone  
Fax  
E-mail  
Name of the Social Worker, Telephone  
Date\_\_\_\_\_ (Form Completed)

**2. Details of the Applicant**

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

Address  
Telephone

**3. Description of a preferred child**

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

Age Range	Under 2 years	3-6 years	7-12 years	13-15 years	16-18 years
<b>Sl. No.</b>	<b>Type of Placement</b>		<b>Duration</b>		
(i)	Pre adoption				
(ii)	Emergency				
(iii)	Short term				
(iv)	Assessment				
(v)	Long term				

The Child an applicant can care for (Please Tick)

**A child who is:**

- i. Neglected
- ii. Orphaned

- iii. With Physical impairment
- iv. Mental impairment
- v. Hearing impairment
- vi. Speech impairment
- vii. Special Education needs
- viii. Learning difficulties
- ix. Physical abuse
- x. Sexual abuse
- xi. Who does not relate easily
- xii. Who needs control/may defy authority
- xiii. Born of rape/incest
- xiv. Who's parent(s) suffering from disease
- xv. Whose parent(s) is HIV positive
- xvi. Whose parent(s) are AIDS patient
- xvii. Whose parent(s) are
  - a) Alcoholic
  - b) Drug addicts
  - c) Are in jail
  - d) Relinquished
  - e) Belongs to caste
  - f) Are of different religion

**4. Profile of the family**

<b>Brief Family Profile</b>					
Name	Gender	Approx. Age	Occupation	Education	Relationship with the Applicant

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

Accommodation (House)

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

Neighborhood

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

**5. Verification of applicant's identity**

Place of residence  
 Period of stay  
 Nationality  
 Marital status (date/length of marriage)

Has either of the applicant had a previous marriage? Details

Has children from previous marriage? Details

Specify documents seen with date

**6. Career History**

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

**7. Agency Inquiries:**

Medical check

Police check

Employer

**8. Personal references (from 2 persons)**

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

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

Assessment of the social worker for these references

**(b) HOME STUDY REPORT**

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

Social status and family background

Description of the home

Standard of living as it appears in the home

Current relations amongst the members in the home

Status of development of the children already in the home

Employment and economic status

Health details

Details of facilities of education, medical, vocational trainings available in the neighborhood

Reasons for wanting a child in foster care

Attitudes of the grandparents and other relatives

Anticipated plans for the foster child

Legal status of the foster carer(s)

Willingness to undergo training.

### **C. DETAILS OF APPLICANT(S)**

#### **1. Background:**

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

#### **2. Relationships:**

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

#### **3. Decision making:**

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

What are the strengths and vulnerabilities of this partnership?

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

#### **4. Applicants support networks:**

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

**5. Other significant members of the family:**

Living in the house or not. Their relationship to the applicants, how much time they spent within the home, their attitude to the proposed placement? How important is their acceptance of placement to the applicant.

**6. Description of the family life style:**

Outline what family considers important e.g. how important are religious & cultural practices. How is affection shown in the family? How do the members spend their time? What expectations family members have with regard to personal space? What value is placed on education/hobbies and leisure activities that the whole family undertakes?

**7. Parenting capacities:**

Experience of the applicants of caring and working with children. Describe their adjustment to parenthood. What is their understanding of how children develop?

Using their own childhood experiences what patterns of parenting would they repeat and what would they change? What is their understanding of their own parenting strengths/potentials and about their parenting skills to meet the needs of individual child. To what extent they would expect other family members to be involved in parenting of their children/placed children.

How will they ensure that a child will be safe from physical sexual abuse in their family and within wider support networks?

**8. Managing Unacceptable Behaviour:**

What are rules in the household? How do the applicants show approval/disapproval? What are discipline measures they use? Their attitude towards punishment?

What do they anticipate would be the issues and difficulties and themselves for their own children and for their support network? What do they anticipate would be the issues and difficulties for the child? Which changes do they anticipate would need in their lifestyle?

**Social workers assessment:**

It should provide an analysis of all the information collected through the format and its significance with regard to the capacity of the applicant to carryout fostering task:

(What skills do the applicants have in relating to and working with children? How well will the applicant work with the agency, with biological parents? What are the strengths and resources of the applicants and which are the areas where they may experience difficulty? Also the point of disagreement between the social worker and the applicants should be recorded here)

**Recommendations of the Probation Officer/Child Welfare Officer/Social Worker**

(Signature



**FORM XXXVI**  
[Rule 121(1) (a)]

**ORDER OF FOSTER CARE PLACEMENT**

The child (name and address) \_\_\_\_\_ approximate age \_\_\_\_\_

d/o or s/o Mr. \_\_\_\_\_ and Mrs. \_\_\_\_\_

\_\_\_\_\_ or \_\_\_\_\_

Ms. \_\_\_\_\_

is in need of care and protection of a family. Mr. \_\_\_\_\_

Mrs. \_\_\_\_\_ or \_\_\_\_\_

Ms. \_\_\_\_\_ of (complete address and contact numbers)

\_\_\_\_\_ and resident \_\_\_\_\_

\_\_\_\_\_ is/ are declared fit person/persons for foster-care placement of the child based on the home study report of the Child Welfare Officer/Social Worker Ms./ Mr. \_\_\_\_\_ of the

organization (address) \_\_\_\_\_.

The child (name) \_\_\_\_\_ is placed in foster care \_\_\_\_\_ for a period of \_\_\_\_\_ (days/ months), under the supervision of the aforesaid Child Welfare Officer/Social Worker (name and contact) \_\_\_\_\_.

Member  
Child Welfare  
Committee

Member  
Child Welfare  
Committee

Member  
Child Welfare  
Committee

Member  
Child Welfare  
Committee

**Chairperson  
Child Welfare  
Committee**

**Seal of the Committee**

**FORM XXXVII**

[Rule 124 ]

**ORDER OF SPONSORSHIP PLACEMENT**

The Juvenile/Child (name and address)

\_\_\_\_\_ approximate age \_\_\_\_\_ d/o or s/o Mr. \_\_\_\_\_ and Mrs. \_\_\_\_\_ or

Ms. \_\_\_\_\_ has been identified by the State/ District Child Protection Unit as a juvenile/child at risk needing urgent care and protection. On the basis of the Enquiry Report submitted by the State/District Child Protection Unit/ Child Welfare Officer/ Probation Officer /Social Worker it is established that the said Juvenile/Child needs sponsorship support for education/ health/ nutrition/ other developmental needs

\_\_\_\_\_ (please specify). The State/District Child Protection Unit is hereby directed to release Rs. \_\_\_\_\_ per month/ Rs. \_\_\_\_\_ as one time sponsorship support to the said Juvenile/ Child for a period of \_\_\_\_\_ (days/month) and carryout necessary follow up.

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

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

Place:

**Seal of Board / Committee**

**Copy to: State/District Child Protection Unit /  
Department of Social Defence**

**FORM XXXVIII**

[Rules 89 (1) (b) ]

**INDIVIDUAL CARE PLAN**

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

Preserving the biological family

Kinship Care

In-country adoption

Foster Care

Inter-country Adoption

Institutional Care

Case/Profile No. \_\_\_\_\_ of 20\_\_\_\_(year) of the Juvenile Justice Board/ Child Welfare Committee, .....

Admission No.

Date of Admission:

**A. PERSONAL DETAILS**

1. Name of the Child:
2. Age:
3. Sex: Male/Female
4. Father's/Mother's name:
5. Nationality:
6. Religion/caste:
7. Educational Attainment:
8. Summary of Case History:
  - (i) Health needs
  - (ii) Emotional and psychological support needed
  - (iii) Educational and Training needs
  - (iv) Leisure, creativity and play
  - (v) Attachments and Relationships
  - (vi) Religious beliefs
  - (vii) Protection from all kinds of abuse, neglect and maltreatment
  - (viii) Social mainstreaming
  - (ix) Follow-up post release/restoration

**B. FORTNIGHTLY PROGRESS REPORT OF PROBATIONER**

**Part One**

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

**Part Two**

Places of interview

Dates

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

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

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

**Part Three**

1. Any proceedings before the Competent Authority for
  - (i) Variation of conditions of bond
  - (ii) Change of residence
  - (iii) Other matters
2. Period of supervision completed on.....
3. Result of supervision with remarks (if any)
4. Name and Addresses of the parent or guardian or fit person under whose care the Juvenile / Child is to live after the supervision is over.

Date of report \_\_\_\_\_ Signature of the Probation Officer/Case Worker\_\_\_\_\_

**A. PRE-RELEASE REPORT****(Tick whichever is applicable)**Final release  Transfer 

1. Details of place of transfer and concerned authority responsible in the place of transfer/release
2. Details of placement of the juvenile/child in different institutions
3. Training undergone and skills acquired
4. Final progress report of the officer-in-charge/probation officer/child welfare officer/case worker/social worker (to be attached)
5. Date of release/transfer
6. Date of repatriation
7. Requisition for escort if required
8. Identification of escort
9. Recommended rehabilitation plan including possible placements
10. Sponsorship requirement and report, if applicable
11. Identification of Probation Officer/Case worker/Social Worker/Non-Governmental Organisation for post-release follow-up
12. Memorandum of Understanding with Non-Governmental Organisation identified for post- release follow-up
13. Identification of sponsorship agency/individual sponsor for the Child/Juvenile after release, if any
14. Memorandum of Understanding between the sponsoring agency and individual sponsor
15. Details of Savings Account of the Child / Juvenile, if any
16. Details of Child's / Juvenile earnings and belongings if any
17. Details of awards/rewards due to the Child / Juvenile if any

18. Opinion of the Child / Juvenile

19. Any other information

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

**D. POST-RELEASE REPORT**

1. Status of Bank Account : Closed / Transferred
2. Earnings and belongings of the Child / Juvenile : handed over to the Child / Juvenile or his/her parents/guardians – Yes/No
3. First interaction report of the Probation Officer/Child Welfare Officer/Case Worker/Social Worker/Non-Governmental Organisation identified for follow-up with the Child's / Juvenile's post-release
4. Placement of the Juvenile/Child if any
5. Family's behaviour towards the Child / Juvenile
6. Social milieu of the Child / Juvenile particularly attitude of neighbours/community
7. How is the Child / Juvenile using the skills acquired?
8. Whether the Child / Juvenile has been admitted to a school or vocation? Give date and name of the school/institute/any other agency
9. Report of second and third follow-up interaction with the Child / Juvenile after two months and six months respectively

**FORM XXXIX**

[Rule 20 (iii) (o)]

**RESTORATION UNDER ESCORT**

In the matter of Boy/Girl Child ..... Aged about.....years  
u/s\_\_\_\_\_ of the Juvenile Justice Act, 2000.

Case No.....

The Parents of the boy/girl child are reported to be residing at:

He/She therefore be sent under supervision of a proper Police / Staff of the Institution / Volunteer Escort / Child Line to the\_\_\_\_\_.

For tracing and for handing over to the parents or close relatives of the said Boy Child/Girl Child residing at the aforesaid address or at other Place which may be shown by the Child, if no such parents or relative are traced or if traced but they are unwilling to take charge of the boy/girl be kept in the custody of the Superintendent.....Children's Home and the said Boy/Girl child be produced before the concerned Child Welfare Committee for further orders.

Pending Escort, the said Boy/Girl Child shall remain in Children's Home, at-----The State/District Child Protection Unit, or Police Department or Institution / Child Line shall positively make immediate arrangement not more than 15 days from the date of receipt of this order by him and send the said Boy Child/Girl Child at his/her aforesaid place of residence.

Dated this.....day of.....200

**Chairperson  
Child Welfare Committee**

**Seal of the Committee**

CC to:

- 1.The Superintendent, Children Home,.
- 2.The State/District Child Protection Unit or non-governmental organisation or Childline."

**FORM-XL**  
**[Rule 8-A(1)(f)]**

Order of detention under Sub-Section \_\_\_\_\_ of Section \_\_\_\_\_, Sub-Section \_\_\_\_\_ of Section \_\_\_\_\_ and Sub-Section \_\_\_\_\_ of Section \_\_\_\_\_.

**To**  
**The Officer in charge**

\_\_\_\_\_  
\_\_\_\_\_

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

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

Given under my hand and the seal of Juvenile Justice Board

This \_\_\_\_\_ day of \_\_\_\_\_ 20.

**(signature)**  
**Principal Magistrate, Juvenile Justice Board**

**Encl:**

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

Strike off which is not required.

ASHOK DONGRE,  
*Principal Secretary to Government.*