

**LIVING CONDITIONS IN INSTITUTIONS  
FOR CHILDREN IN CONFLICT WITH LAW**

**MANUAL**

**MARCH, 2017**

**"There can be no keener revelation of a society's  
soul than the way in which it treats its children."**

**- Nelson Mandela**



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### Message

The lack of care and protection facing children in the institutional care is a global crisis with billions of children experiencing abuse, neglect or exploitation. As we all know that children without adequate care and protection are commonly stigmatized, and have inequitable access to education, health, social protection and justice. Combined with the long lasting impacts of neglect, abuse and institutionalization, this lack of access to basic services severely diminishes life chances, creating a spiral of disadvantage and hampering their development. The Juvenile Justice (Care and Protection of Children) Act, 2015 is the key legislation for juvenile justice in India. The Act emphasizes the rehabilitation and reintegration of children through various non-institutional and institutional measures. The Act recognizes the role of family care and support in the development of children and prescribes various measures for non-institutional care for children in difficult circumstances. It also provides a procedure for trial of children in conflict with law and the orders that can be passed by Juvenile Justice Board in case of children who are found guilty of committing a crime. Such children are either lodged in Observation Home, Special Home or Place of Safety under the said Act. The major shift in the 2015 Act is the segregation of children who have committed heinous crimes. The Act vests the responsibility with JJB to assess and decide whether a child between the age of 16-18 years accused of committing a heinous crime is to be tried in the adult criminal justice system.

Government of India is committed and striving to provide safe and protective environment to the Children of this country. In this regard, the Ministry of Women & Child Development introduced, in 2009-10, a comprehensive scheme, namely, the Integrated Child Protection Scheme (ICPS) under which financial and technical support is provided to the State Governments/ UT Administrations. ICPS brought several existing child protection programmes, under one umbrella, with improved norms.

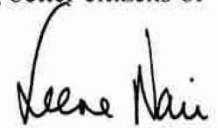
The objective of the Scheme is to provide safe and secure environment for children in conflict with law and children in need of care and protection, reduce vulnerabilities to situations and actions that lead to abuse, neglect, exploitation, abandonment and separation, bring focus on Non-institutional care, develop a platform for partnership between Government & Civil Society and establishing convergence of services. Under the ICPS Scheme, this Ministry is funding Child Care Institutions (CCIs) across the country and creating quality and uniform services, in keeping with the prescribed National Standards of Care under the Juvenile Justice (Care & Protection of Children) Act 2015 and the JJ Model Rules 2016, which would serve as models of good governance.



The Hon'ble Supreme Court of India, in the matter of Re-inhuman conditions in 1382 prisons, Writ Petition (Civil) No.406 of 2013 on 05.02.2016, passed an order to the following effect :  
*"Taking a cue from the efforts of the Ministry of Home Affairs in preparing the Model Prison Manual, it appears advisable and necessary to ensure that a similar manual is prepared in respect of juveniles who are in custody either in Observation Homes or Special Homes or Places of Safety in terms of the Juvenile Justice (Care and Protection of Children) Act, 2015. Accordingly, we issue notice to the Secretary, Ministry of Women and Child Development, Government of India. The purpose of issuance of notice to the said Ministry is to require a manual to be prepared by the said Ministry that will take into consideration the living conditions and other issues pertaining to juveniles who are in Observation Homes or Special Homes or Places of Safety in terms of the Juvenile Justice (Care and Protection of Children) Act, 2015"*.

We will all agree that it is very important and necessary to provide a safe, secure and conducive environment to children who for some reason are staying in the institutions, which may facilitate their holistic development and change them into productive citizens. The objective of developing a Manual for children in conflict with law is to provide guidelines to the States/UTs and other stake holders while they are preparing to establish institutions for children or are engaged in providing services to children, so that quality care systems are in place. The above mentioned order of the Apex Court probably came in the absence of the JJ Model Rules which were being drafted and there was not much clarity on dealing with children in conflict with law especially between the age of 16 to 18 years accused of committing heinous crimes. However, the JJ Model Rules are very clear about dealing with CCL and the services listed under standards of care to be provided to these children in the institutions especially Observation Home, Special Home and Place of Safety. The Manual has been framed within the purview of the JJ Act, 2015 and JJ Model Rules, 2016.

I hope that the implementation of the manual for children in conflict with law will help in ensuring a better and conducive environment for them and further facilitate in becoming better citizens of this country.

  
(Leena Nair)  
Secretary, WCD



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## FOREWORD

The Juvenile Justice (Care and Protection of Children) Act, 2015 consolidates the law relating to children in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment and social reintegration by adopting a child friendly approach in the adjudication and disposal of matters in the best interest of children. The Act provides for the rehabilitation of children through different processes, institutions and bodies. The issues related to juveniles in conflict with law have been discussed and debated extensively in the recent past and serious questions have been raised regarding the efficacy of the JJ system. The JJ Act, 2015 and the JJ Model Rules, 2016 address these concerns to a large extent. However, there is no denying the fact that custodial detention of children in conflict with law requires special attention, focus and thinking. There is need to ensure that there is constructive change brought about in children instead of the usual system of punishment. Greater efforts need to be directed towards reducing recidivism among the children and facilitating their easy and effective reintegration into society.

This Manual puts in one place all aspects of the living conditions and other issues pertaining to children in conflict with law who are in Observation Homes, Special Homes and Place of Safety. The Manual is an outcome of the directions issued by the Hon'ble Supreme Court of India on 5<sup>th</sup> February 2016, in the matter of Re-inhuman conditions in 1382 prisons, Writ Petition (Civil) No.406/2013, when the matter relating to Inhuman Conditions in Prisons was under consideration. The Ministry of WCD had constituted a Committee for drafting the Manual under the Chairmanship of Shri. Arun Mathur, Chairperson, Delhi Commission for Protection of Child Rights (DCPCR) with four members and two co-opted members to be selected by the Chairperson of the said committee. The Apex Court had also directed to appoint one Police officer on the committee and consult Amicus Curiae in the said matter. Further, Chairperson of the said Committee appointed Sr. Assistant Professor, Indian Law Institute as a co-opted member.


The Manual put together by the Committee not only details the standards of care for children in conflict with law in Child Care Institutions as prescribed in the JJ Act 2015 and JJ Rules 2016 in a structured manner but also lays down the processes to be followed by all concerned stakeholders. The expectation is that the Manual shall enable all duty bearers in Observation Homes, Special Homes and Place of Safety to appreciate the importance of their role and contribute positively and proactively in the rehabilitation of children in conflict with law living in these institutions.



I take this opportunity to place on record special acknowledgements to the contributions of the members of the committee especially its Chairperson Mr. Arun Mathur, Chairperson DCPCR who provided consistent guidance and leadership in the development of the manual. I also acknowledge the contributions of Member Secretary, Ms. Shama Parveen Khan, Deputy Mission Director, Ministry of Women & Child Development, Government of India. Ms. Heenu Singh, Regional Head, Child Line India Foundation, Ms. Tannistha Datta, Child Protection Specialist, UNICEF, Dr. Jyoti Dogra Sood, Sr. Assistant Professor, Indian Law Institute, Ms. Rita Panicker, Executive Director, Butterflies, Amicus Curiae Sh. Gaurav Agrawal, Ms. S. Sundari Nanda, Special Commissioner of Police, Women Safety, Airport & Modernization and Sh. Robin Hibu, Jt. Commissioner of Police, Special Police Unit for Women & Children and immensely benefited from their suggestions. In order to record the discussions and deliberations of the Committee and put together the basic framework of the Manual, the Committee had engaged the services of Ms. Nicole Menezes as a Consultant. I acknowledge her efforts to put together the draft Manual after incorporating the suggestions, views and inputs of all Members.

The Ministry had circulated the manual to all the Principal Secretaries and the Director General of Police of the States /UTs, Member Secretary, National Legal Services Authority, Joint Secretary (CS) Ministry of Home Affairs, Director, National Police Academy, Hyderabad, Executive Director, CHRI, Amicus Curiae and the Chairperson NCPCR. The Ministry received comments/ suggestions from 18 States/UTs which included Police departments, Department of Women and Child, NCPCR and National Police Academy. Their contribution is also acknowledged. I would like to place special thanks to Mr. Ashi Kapoor, Deputy Secretary MWCD for his meticulous suggestions, Ms. Munmun Goswami, Legal Consultant, Ministry of Women and Child Development, for bringing the Manual in line with the Juvenile Justice (Care & Protection of Children) Model Rules, 2016. I also acknowledge contribution of Mr. Ishant, Program Co-ordinator, MWCD, in designing/layout work of the Manual.

It is hoped that the Manual shall be found useful by all the Stakeholders and would further strengthen their knowledge in improving the living conditions for children in conflict with law in Child Care Institutions. The Manual is expected to be a valuable asset in providing care and protection to children in conflict with law in accordance with the Juvenile Justice (Care & Protection of Children) Act, 2015 and the Juvenile Justice (Care & Protection of Children) Model Rules, 2016.

  
(Rashmi Saxena Sahni)  
Joint Secretary, MWCD  
31<sup>st</sup> March 2017



## 1. ABBREVIATIONS



## Abbreviations

<b>Board/JJB</b>	Juvenile Justice Board
<b>CCI</b>	Child Care Institution
<b>CCL</b>	Child in conflict with law
<b>CPP</b>	Child Protection Policy
<b>CWC</b>	Child Welfare Committee
<b>CWO</b>	Child Welfare Officer
<b>CWPO</b>	Child Welfare Police Officer
<b>DCPO</b>	District Child Protection Officer
<b>DCPU</b>	District Child Protection Unit
<b>ICP</b>	Individual Care Plan
<b>ICPS</b>	Integrated Child Protection Scheme
<b>ITI</b>	Industrial Training Institute
<b>IQ</b>	Intelligence Quotient
<b>JJA/JJ Act,2015</b>	Juvenile Justice (Care and Protection of Children) Act, 2015
<b>JJ Model Rules, 2016</b>	Juvenile Justice (Care and Protection of Children) Model Rules , 2016
<b>NGO</b>	Non Government Organization
<b>NIOS</b>	National Institute of Open Schooling
<b>NSDC</b>	National Skill Development Corporation
<b>OH</b>	Observation Home
<b>POCSO</b>	Protection of Children from Sexual Offences Act, 2012
<b>PO</b>	Probation Officer
<b>SH</b>	Special Home





## 2. INTRODUCTION



## Introduction

India is committed to safeguarding the rights of its children. The Constitution of India through various key provisions recognizes the vulnerabilities faced by children and upholds their right to protection. Article 15 (3) of the Constitution guarantees special attention to children through necessary and special laws and policies that safeguard their rights. The Right to equality, protection of life and personal liberty and the right against exploitation is enshrined in Articles 14, 15, 16, 17, 21, 23 and 24. The spirit of the State towards safeguarding its children is reflected in the key legislations for the protection of children i.e. Juvenile Justice (Care and Protection of Children) Act, 2015, Child Labour (Prohibition and Regulation) Act, 1986 (Amended in 2016), Right to Education Act, 2009 (Amended in 2012), and Prevention of Children from Sexual Offences Act, 2012 etc. Child rights and welfare concerns have also been addressed in a number of International Conventions and norms on child protection including the UN Convention on the Rights of the Child (UNCRC) 1989, the UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), 1985, the UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990, and the Hague Convention on Inter-country Adoption, 1993. The Government of India ratified the UN Convention on the Rights of the Child (UNCRC) in 1992.

The Juvenile Justice (Care and Protection of Children) Act, 2015 is the key legislation for juvenile justice in India. The Act emphasizes the rehabilitation and reintegration of children through various non-institutional and institutional measures. The Act recognizes the role of family care and support in the development of children and prescribes various measures for non-institutional care for children in difficult circumstances. It also provides a procedure for trial of children in conflict with law and the orders that can be passed by Juvenile Justice Board in case of children who are found guilty of commission of offence. Such children are either lodged in Observation Home, Special Home or Place of Safety under the said Act. The major change in the 2015 Act is the segregation of children who have perpetrated heinous crimes. The Act vests the JJB with discretion to decide whether a child between 16-18 years accused of committing a heinous crime is to be tried in the adult criminal justice system as opposed to the juvenile justice system.

The Hon'ble Supreme Court of India, in the matter of Re-inhuman conditions in 1382 prisons, (W.P. No.406 of 2013) observed and passed an order on 05.02.2016 to the following effect:

“Taking a cue from the efforts of the Ministry of Home Affairs in preparing the Model Prison Manual, it appears advisable and necessary to ensure that a similar manual is



prepared in respect of juveniles who are in custody either in Observation Homes or Special Homes or Places of Safety in terms of the Juvenile Justice (Care and Protection of Children) Act, 2015”.

The other important observations made in the judgment are with regard to upholding the fundamental rights of prisoners as human beings that respects their dignity and protects them from ill treatment and abuse. It is in this context that the Hon’ble Supreme Court of India directed the Ministry of Women and Child Development to prepare a Manual for the Care Givers of Child Care Institutions (CCIs) aimed at improving the standard of care and services to be provided in CCIs for children in conflict with law.

All children have specific needs and rights. It is a well-established fact that children have unique vulnerabilities owing to specific needs and demands at different stages of growth till the time they reach adulthood. Every child who comes in contact with the juvenile justice system is a child in difficult circumstances who has fallen out of the protective net at some point and has been robbed of an opportunity of a safe and secure childhood. Children in conflict with law should be treated as children in difficult circumstances and the approach of the juvenile justice system should be aimed at addressing the vulnerabilities of children and ensuring their rehabilitation. The Juvenile Justice (Care and Protection of Children) Act, 2015 promotes the institutionalization of children as a last resort. The institutionalization of children when necessary should be in the best interest of children, and aimed at educating, rehabilitating and preparing children for their re-integration into the society upon release. It is important that children, irrespective of the offences committed by them [or alleged to be committed by them], should be treated with respect and dignity while in custody in CCIs, focusing on their potential and capabilities as children. Studies indicate that the most effective way to find constructive solutions to involvement of children in activities that violate a law is to involve children in the process of rehabilitation and not to consider them as merely ‘trouble makers’ or ‘problem children’ in need of punishment. Recognition of and respect for their rights as human being and as a child is an important first step in this direction.

Even when in institutional care and deprived of liberty, the child is entitled to all rights as enshrined in UNCRC and the Juvenile Justice (Care and Protection of Children) Act, 2015. The standards of care and rehabilitation must be respected and upheld by the system as a whole including the connected government departments, the institution, and all care givers working with children in CCI. It is the responsibility of every care giver in a CCI to make maximum effort to ensure that the care given to children complements and complies with the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 and the Rules made there under.



The Juvenile Justice (Care and Protection of Children) Act, 2015 and the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 outline the standards of care for children in a CCI. The Manual outlines the standards of care and services in a structured manner and lays down processes to be followed from the time a child enters a CCI till he/she is transferred or released. The care givers in a CCI are expected to follow these standards of care while caring for children. The only distinction that the Juvenile Justice (Care and Protection of Children) Act, 2015 makes is for the three CCIs for children in conflict with law namely, observation home, special home and place of safety. The adherence to the standards of care and services apply to all care givers and organizations appointed and contracted by the Nodal Department implementing the J.J Act at the State and District level, to provide care and rehabilitation to children in a CCI as per the Juvenile Justice (Care and Protection of Children) Act, 2015. Nothing in the Manual shall be in derogation to the JJ Act, 2015 and the JJ Model Rules, 2016.

The underlying thinking that underpins the guidance provided in this Manual, is that CCIs must strive to be vibrant centres which facilitate a process of transformation and healing in children. It includes recognition that every child is unique, with a unique set of needs and must be given as many options towards his/her rehabilitation; every interaction with a child must facilitate the process of taking responsibility, accountability for his/her actions and lead the child towards transformation; children must feel that they are respected, trusted, and listened to; CCIs must function as active members of communities with openness and transparency.

It is hoped that this Manual will help care givers understand how critical their roles are in helping young people address issues, take responsibility, pick themselves up and move forward with their lives in a healthy and productive manner. It is also hoped that this Manual will help government at all levels realize the significant role such institutions play in the reformation and rehabilitation of children in conflict with law. Further, this Manual will also contribute to the momentum towards strengthening capacities of CCIs and their human resources to deliver quality services to children in conflict with law.

This Manual contains information on the law, the history, principles which drive it; it provides an understanding on working with adolescents, children's participation in institutional settings, introduces restorative justice, the approach and philosophy of providing services to children in CCIs, details the roles and responsibilities of staff of CCIs, provides guidance on how to provide the range of services to children in CCIs, discusses monitoring, and outlines the roles which allied government departments can play in supporting CCIs to run effectively. The manual should be a work in progress updated over time with good practices and learning from CCIs across the country.



### 3. DEFINITIONS



## Definitions

- 3.1. “Aftercare”** means making provision of support, financial or otherwise, to persons, who have completed the age of eighteen years, but have not completed the age of twenty-one years, and have left any institutional care to join the mainstream of the society.
- 3.2. “Best interest of child”** means the basis for any decision taken regarding the child, to ensure fulfillment of his basic rights and needs, identity, social well-being and physical, emotional and intellectual development.
- 3.3. “Board”** means a Juvenile Justice Board constituted under section 4 of the JJ Act 2015.
- 3.4. “Case Worker”** means a representative from a registered voluntary or non-governmental organisation who shall accompany the child to the Board or the Committee and may perform such tasks as may be assigned to him by the Board or the Committee.
- 3.5. “Child in Conflict with Law”** means a child in conflict with law who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence.
- 3.6. “Child Friendly”** means any behaviour, conduct, practice, process, attitude, environment or treatment that is humane, considerate and in the best interest of the child.
- 3.7. “Child Welfare Officer”** means an officer attached to a Children’s Home, for carrying out the directions given by the Committee or, as the case may be, the Board with such responsibility as may be prescribed under the JJ Model Rules, 2016.
- 3.8. “Child Welfare Police Officer”** means an officer designated as such under sub-section (1) of section 107 of JJ Act, 2015.
- 3.9. “Children’s Court”** means a court established under the Commissions for Protection of Child Rights Act, 2005 or a Special Court under the Protection of Children from Sexual Offences Act, 2012, wherever existing and where such courts have not been designated, the Court of Sessions having jurisdiction to try offences under the Act.



- 3.10. “Child Care Institution”** means Children Homes, Open Shelter, observation home, special home, place of safety, Specialized Adoption Agency and a fit facility recognised under JJ Act, 2015 for providing care and protection to children, who are in need of such services. For the purpose of this document the term “child care institution” shall be restricted to Observation Home, Special home and Place of safety. The term “Institution” used in the document shall have the meaning of CCI which is restricted to Observation Home, Special home and Place of safety.
- 3.11. “Childline Services”** means a twenty-four hours emergency outreach service for children in crisis which links them to emergency or long-term care and rehabilitation service.
- 3.12. “District Child Protection Unit”** means a Child Protection Unit for a District, established by the State Government under section 106, which is the focal point to ensure the implementation of this Act and other child protection measures in the district.
- 3.13. “Fit Facility”** means a facility being run by a governmental organisation or a registered voluntary or non-governmental organisation, prepared to temporarily own the responsibility of a particular child for a specific purpose, and such facility is recognised as fit for the said purpose, by the Committee, as the case may be, or the Board, under sub-section (1) of section 51 of JJ Act, 2015.
- 3.14. “Guardian”** in relation to a child, means his natural guardian or any other person having, in the opinion of the Committee or, as the case may be, the Board, the actual charge of the child, and recognised by the Committee or, as the case may be, the Board as a guardian in the course of proceedings.
- 3.15. “Heinous Offences”** includes the offences for which the minimum punishment under the Indian Penal Code or any other law for the time being in force is imprisonment for seven years or more.
- 3.16. “Individual Care Plan”** is a comprehensive development plan for a child based on age and gender specific needs and case history of the child, prepared in consultation with the child, in order to restore the child’s self-esteem, dignity and self-worth and nurture him into a responsible citizen and accordingly the plan shall address the following, including but not limited to, needs of a child: a) Health and nutrition needs, including any special needs; b) Emotional and psychological needs; c) Educational and training needs; d) Leisure, creativity and play; e) Protection from



all kinds of abuse, neglect and maltreatment; f) restoration and follow up g) Social mainstreaming h) life skill training.

- 3.17. “Observation Home”** means an observation home established and maintained in every district or group of districts by a State Government, either by itself, or through a voluntary or non-governmental organization, and is registered as such, for the purposes specified in sub-section (1) of section 47 of JJ Act.
- 3.18. “Person-in-charge”** means a person appointed for the control and management of the Child Care Institution.
- 3.19. “Petty Offences”** includes the offences for which the maximum punishment under the Indian Penal Code or any other law for the time being in force is imprisonment up to three years.
- 3.20. “Place of Safety”** means any place or institution, not being a police lockup or jail, established separately or attached to an observation home or a special home, as the case may be, the person in-charge of which is willing to receive and take care of the children alleged or found to be in conflict with law, by an order of the Board or the Children’s Court, both during inquiry and ongoing rehabilitation after having been found guilty for a period and purpose as specified in the order.
- 3.21. “Probation Officer”** means an officer appointed by the State Government as a probation officer under the Probation of Offenders Act, 1958 or the Legal-cum-Probation Officer appointed by the State Government under District Child Protection Unit.
- 3.22. “Relative”** in relation to a child for the purpose of adoption under this Act, means a paternal uncle or aunt, or a maternal uncle or aunt, or paternal grandparent or maternal grandparent.
- 3.23. “Social Worker”** means a person with post graduate degree in Social Work, Sociology, Psychology, Child Development or a graduate with minimum seven years of experience in child education and development or protection issues, who is engaged by a Child Care Institution or authorized by District Child Protection Unit or State Child Protection Society or State Adoption Resource Agency or Central Adoption Resource Authority for preparing social investigation report or individual care plan of the child, child study report, home study report of prospective adoptive parent or foster parents, rendering post-adoption services, and performing any other functions as assigned to such person under the JJ Act,2015 or the JJ Model Rules,2016.





- 3.24. “Serious Offences”** includes the offences for which the punishment under the Indian Penal Code or any other law for the time being in force, is imprisonment between three to seven years.
- 3.25. “Special Juvenile Police Unit”** means a unit of the police force of a district or city or, as the case may be, any other police unit like railway police, dealing with children and designated as such for handling children under section 107.
- 3.26. “Special Home”** means an institution established by a State Government or by a voluntary or non-governmental organisation, registered under section 48, for housing and providing rehabilitative services to children in conflict with law, who are found, through inquiry, to have committed an offence and are sent to such institution by an order of the Board.
- 3.27. “State Government”** in relation to a Union territory, means the Administrator of that Union territory appointed by the President under article 239 of the Constitution.



## 4. HISTORY OF JUVENILE JUSTICE



## History of Juvenile Justice

The Juvenile Justice (Care and Protection of Children) Act, 2015 provides the overarching framework for juvenile justice in India. This Act repealed the Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act, 2000). The JJ Act, 2000 was a successor to the Juvenile Justice Act, 1986 (JJ Act, 1986). The 2015 Act is enacted in consonance with international instruments to rectify the anomalies that plagued its predecessor. This chapter explores the history of juvenile justice in India.

### Tracing the genesis of Juvenile Justice in India

#### Introduction of legislation focusing on children who committed offences

*The Apprentices Act, 1850* was the first legislation to specifically deal with children who committed offences. The Act provided that children under the age of 15 years found to have committed petty offences would be placed as apprentices in trade. In 1876, the Reformatory Schools Act (modified in 1897) was enacted to deal with “youthful offenders”, i.e. a “boy who has been convicted of any offence punishable with transportation or imprisonment and who, at the time of such conviction, was under the age of fifteen years”. The law provided that such youthful offenders could be sent to reformatory schools instead of undergoing their sentence of imprisonment or transportation. Under the Act, a court could detain youthful offenders in a reformatory school for a period of three to seven years but they could not be detained in reformatory schools after they had attained the age of eighteen years.

With the appointment of the Jail Committee in 1919, the criminal justice administration in British India moved towards reformation. The Committee discussed the most appropriate manner to deal with child offenders. The spirit of reformation that guided the committee can be ascertained from the following observations: *“the ordinary healthy child criminal is mainly the product of an unfavourable environment and that he is entitled to a fresh chance under better surroundings. There is a general consensus that as youth is the time when habits have not become fixed, the prospects of reformation are then most hopeful... it has come to be agreed that the child-offender should be given different treatment from the adult.”* The committee emphasised on separate treatment of youthful offenders and creation of a children’s law dealing with children and young persons.



## Differentiating between youthful offenders & destitute and neglected children

Following the recommendations of the committee, separate legislations dealing with child offenders were enacted in different provinces, the first Children's Acts being in Madras, Bengal and Bombay in 1920, 1922 and 1924, respectively. The State's Children Acts brought two categories of children within its ambit, i.e. (i) youthful offenders, and (ii) destitute and neglected children. Both these categories of children were to be handled exclusively by the Children's Courts. The primary purposes of these legislations were a) to provide for the custody, trial and punishment of youthful offenders and b) for the protection of children and young persons. These Acts also made provisions for the establishment of separate residential institutions to house children during the pendency of their proceedings or after disposal of their cases by the children's courts. According to the recommendation of the Jail Committee, 1919, use of prison was permitted in exceptional circumstances under these legislations.

## Introduction of gender-based definition of the “child” & two separate adjudicatory bodies

The first post-independence law relating to children was the *Children Act 1960*, which was applicable to all the Union Territories. The statement of objects and reasons of said Act was enacted to “provide for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected or delinquent children and for the trial of delinquent children in the Union Territories.” This Act introduced a gender-based definition of a child, whereby a child was defined as a boy below 16 years of age and a girl, below 18 years of age. The Act established two separate adjudicatory bodies, i.e. Child Welfare Boards to deal with neglected children and Children's Courts to adjudicate matters relating to delinquent children. It also expressly prohibited sentencing a delinquent child to death or imprisonment under any circumstances.

Though progressive, this law had its fair share of problems, the most glaring being that different states had different Acts to deal with child delinquency, which led to children in similar situations being judged differently. Recognizing this anomaly the Hon'ble Supreme Court in the case of *Sheela Barse v. Union of India, 1986 SCALE (2)230*, observed: “We would suggest that instead of each State having its own Children's Act in other States it would be desirable if the Central Government initiates Parliamentary Legislation on the subject, so that there is complete uniformity in regard to the various provisions relating to children in the entire territory of the country”.



## **Introduction of uniform legislation providing care, protection and rehabilitation of children across India**

This led to the enactment of a uniform legislation providing care, protection, development and rehabilitation of children and for the adjudication of certain matters relating to delinquent children. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice, used word “juvenile” for the first time in international law, and the term “juvenile justice” was coined. This change in terminology was then reflected in domestic law with the passing of the *JJA 1986*. The Act continued to define a child (juvenile) based on his/her gender and two distinct machineries continued to deal with “neglected juveniles” and “delinquent juvenile”. Pending their inquiries before their respective competent authorities, both these categories of juveniles were kept in the Observation Home.

In 2000, Parliament enacted the *JJA, 2000* to reflect the standards prescribed in the Convention on the Rights of the Child, 1989, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty 1990. The Act envisioned adopting a child friendly approach in adjudicating and disposing matters in the best interest of children and for their ultimate rehabilitation. The Act defined a child and a juvenile as “a person who has not completed eighteen years of age”. It covered two categories of children, i.e. ‘juveniles in conflict with law’ and ‘children in need of care and protection’. The Act transformed the way how the two categories of children were received by the system. Juveniles in conflict with law were housed in observation homes while children in need of care and protection were housed in children’s homes during the pendency of proceedings before the competent authority. JJ Rules, 2001 and JJ Rules, 2007 were notified on 22.06.2001 and 26.10.2007 respectively. These Model Rules were applicable to all states unless replaced by their own new Rules.



## Juvenile Justice (Care and Protection of Children) Act, 2015

In December 2012, a 23-year-old student was brutally raped and murdered by a group of men, which included a juvenile. This rape and murder put the spotlight on the juvenile justice system in India. The Central Government enacted the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act, 2015) which has come into effect from 15<sup>th</sup> January, 2016, repealing the Juvenile Justice (Care and Protection of Children) Act, 2000. Amongst the various provisions of the JJ Act, 2015 there are special provisions to deal with children in the age group of 16-18 years who commit heinous offences. The JJ Act, 2015 provides for strengthened provisions for both children in need of care and protection and children in conflict with law. Some of the key provisions include: change in nomenclature from 'juvenile' to 'child' or 'child in conflict with law', across the Act to remove the negative connotation associated with the word "juvenile"; special provisions for heinous offences committed by children above the age of sixteen year; inclusion of several new definitions such as orphaned, abandoned and surrendered children; and petty, serious and heinous offences committed by children; clarity in powers, function and responsibilities of Juvenile Justice Board (JJB) and Child Welfare Committee (CWC); clear timelines for inquiry by Juvenile Justice Board (JJB); separate new chapter on Adoption to streamline adoption of orphan, abandoned and surrendered children; inclusion of new offences committed against children; penalties for cruelty against a child, offering a narcotic substance to a child, and abduction or selling a child being prescribed etc. and mandatory registration of Child Care Institutions.

The Juvenile Justice (Care and Protection of Children) Model Rules, 2016 (JJ Model Rules, 2016) was notified on 21<sup>st</sup> September, 2016, repealing the Juvenile Justice (Care and Protection of Children) Rules, 2007. The JJ Model Rules, 2016, are based on the philosophy that children need to be reformed and reintegrated into society. The best interest of the child along with child-friendly procedures is incorporated across the provisions and is the primary consideration



## 5. GENERAL PRINCIPLES OF CARE AND PROTECTION OF CHILDREN



## General Principles of Care and Protection of Children

Section 3 of the JJ Act, 2015 prescribes that the Central Government, the State Governments, the Board and other agencies, as the case may be, while implementing the provisions of JJ Act, 2015, shall be guided by the following fundamental principles, namely:-

### 5.1. Principle of presumption of innocence

Any child shall be presumed to be an innocent of any mala fide or criminal intent up to the age of eighteen years. This principle presumes that anything done by the child or the child in conflict with law has been done without mens rea or malafide intention. This principle operates right from the initiation of the proceedings and ends at the aftercare programme. It simply states that whatever be the act committed and whatever be the circumstances and whether it is done by himself or under the control of the adults or with the influence of peer group should always be considered that the said Act has been committed without mens rea i.e. the Principle of presumption of innocence should be applied for all those activities which has been covered or explicitly stated in the Rule.

### 5.2. Principle of dignity and worth

All human beings shall be treated with equal dignity and rights. This principle mandates the agencies involved in the JJ Act are to treat the child with dignity and worth and not to label, stigmatize or discriminate the child. It also mandates the authorities to respect the personal identity and such other things relating to the child right from initial apprehension till the aftercare is over.

### 5.3. Principle of participation

Every child shall have a right to be heard and to participate in all processes and decisions affecting his interest and the child's views shall be taken into consideration with due regard to the age and maturity of the child. Children's right to be heard shall include creation of developmentally appropriate tools and processes of interacting with the child, promoting children's active involvement in decisions regarding their own lives and providing opportunities for discussion and debate.

### 5.4. Principle of best interest

All decisions regarding the child shall be based on the primary consideration that they are in the best interest of the child and to help the child to develop full potential. Children differ from adults in their physical and psychological development and their emotional





and educational needs. Such differences constitute the basis for the lesser culpability of children in conflict with the law. These and other differences are the reasons for a separate juvenile justice system and require a different treatment for children. The protection of the best interests of the child means, for instance, that the traditional objectives of criminal justice, such as repression/retribution, must give way to rehabilitation and restorative justice objectives in dealing with child offenders.

### **5.5. Principle of family responsibility**

In a family, a child is introduced to emotions like love and security. The social values and cultural aspects of the community are inculcated in the child within the family background i.e. the primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be. Though many functions of family like education, health, recreation etc. are being taken up by other social institutions, the family retains its importance as a constituent entity and building block of all societies and communities. Thus, the principle of family responsibility plays a vital role in the administration of juvenile justice as an informal care and all authorities functioning under the JJA should take all the necessary decisions of the child with the active involvement of the family of the children, who are in conflict with law.

### **5.6. Principle of safety**

All measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system, and thereafter. It also mandates that the state shall not use restrictive measures in the name of safety of the child.

### **5.7. Positive measures**

All resources are to be mobilized including those of family and community, for promoting the well-being, facilitating development of identity and providing an inclusive and enabling environment, to reduce vulnerabilities of children and the need for intervention under this Act. The term positive measures include the “avenues for health, education, relationships, livelihoods, leisure, creativity and play”. The Principle wants to achieve the objective of facilitation in establishing the personal identity of the child and to enable the child to equip himself to achieve the developments in all the processes relating to the individual growth.



### **5.8. Principle of non-stigmatizing semantics**

Adversarial or accusatory words are not to be used in the processes pertaining to a child. For example, it mandates to avoid the following wordings in the process of administration of Justice relating to children, who are in conflict with law. It includes the following “arrest, remand, accused, charge sheet, trial, prosecution, warrant, summons, conviction, inmate, delinquent, neglected, custody or jail”.

### **5.9. Principle of non-waiver of rights**

No waiver of any of the right of the child is permissible or valid, whether sought by the child or person acting on behalf of the child, or a Board or a Committee and any non-exercise of a fundamental right shall not amount to waiver.

### **5.10. Principle of equality and non-discrimination**

There shall be no discrimination against a child on any grounds including sex, caste, ethnicity, place of birth, disability, health, status, race, religion, cultural practices, work, activity or behaviour of the child in conflict with law or that of his parents or guardians, or the civil and political status of the child. This principle also includes that equality of access, opportunity and treatment shall be provided to every child.

### **5.11. Principle of right to privacy and confidentiality**

Every child shall have a right to protection of his privacy and confidentiality, by all means and throughout the judicial process. In other words, no report in any newspaper, magazine, news-sheet or audio-visual media or other forms of communication regarding any inquiry or investigation or judicial procedure, shall disclose the name, address or school or any other particular, which may lead to the identification of a child in conflict with law or a child in need of care and protection or a child victim or witness of a crime. No staff/stakeholder should divulge/ disclose any details to anyone regarding any case of CNCP (Child in Need of Care and Protection) or CCL (Children in Conflict with Law) or identification of the same.

### **5.12. Principle of institutionalization as a measure of last resort**

Deprivation of liberty has negative consequences for the child’s harmonious development and seriously hampers his/her reintegration in society. Deprivation of liberty, including arrest, detention and imprisonment, should be used only as a measure of last resort and for the shortest appropriate period of time, so that the child’s right to development is fully respected and ensured. A child shall be placed in institutional care as a step of last resort after making a reasonable inquiry. The principle objective of institutionalization and



detention in the juvenile justice system should be to ensure that the offender is free of criminal behaviour as soon as possible.

### **5.13. Principle of repatriation and restoration**

Every child in the juvenile justice system shall have the right to be re-united with his family at the earliest and to be restored to the same socio-economic and cultural status that he was in, before coming under the purview of this Act, unless such restoration and repatriation is not in his best interest. *(This principle should be read alongside of principle of family responsibility).*

### **5.14. Principle of fresh start**

While children who have offended must be held accountable for their action, every child has the capacity to change for the better and must have a second chance - a right to a fresh start. The principle of fresh start signifies a new beginning in the life of the child in conflict with law. All past records of any child under the Juvenile Justice system should be erased except in special circumstances.

### **5.15. Principle of diversion**

Measures for dealing with children in conflict with law without resorting to judicial proceedings shall be promoted unless it is in the best interest of the child or the society as a whole.

### **5.16. Principles of natural justice**

Basic procedural standards of fairness shall be adhered to, including the right to a fair hearing, rule against bias and the right to review, by all persons or bodies, acting in a judicial capacity under this Act.



6. OVERVIEW OF JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN)  
ACT, 2015



### **6.1. Overview of Juvenile Justice (Care and Protection of Children) Act, 2015**

The Juvenile Justice (Care and Protection of Children) Act, 2000 provide the legal mechanism for the protection and care of children. The Act was amended twice in 2006 and 2011 to address gaps in its implementation and make the law more child-friendly. During the course of its implementation, several issues arose such as increasing incidents of abuse of children in institutions, inadequate facilities, quality of care and rehabilitation measures in CCIs, high pendency of cases, delays in adoption due to faulty and incomplete processing, lack of clarity regarding roles, responsibilities and accountability of institutions and, inadequate provisions to counter offences against children such as corporal punishment, sale of children for adoption purposes, etc. which highlighted the need to review the existing law.

Hence, Parliament has now enacted Juvenile Justice (Care and Protection of Children) Act, 2015, which is a comprehensive legislation inter alia to provide for general principles of care and protection of children, procedures in case of children in need of care and protection and children in conflict with law, rehabilitation and social re-integration measures for such children, adoption of orphan, abandoned and surrendered children, and offences committed against children. This legislation is thus intended to ensure proper care, protection, development, treatment and social re-integration of children in difficult circumstances by adopting a child-friendly approach keeping in view the best interest of the child in mind.

### **6.2. Highlights**

The Juvenile Justice (Care and Protection of Children) Act, 2015 has ten chapters. Five new chapters have been added to the earlier Act. These new chapters relate to the general principles of care and protection of children, the Juvenile Justice Board, Child Welfare Committees, Adoption and offences against children. From the earlier 70 sections, the JJ Act 2015 now has 112 sections. The Act seeks to provide greater clarity in the definition of Child Care Institutions and Children’s Court. The broad separation in two parts of issues relating to children in need of care and protection and children in conflict with law has been retained.

### **6.3. Key Provisions**

The JJ Act, 2015 makes a clear departure in the manner in which a child is defined. The nomenclature “Juvenile” has been changed to “Child” across the Act. Section 2 dealing with definitions provides, for the first time, clear definitions of offences committed by children according to their category as ‘petty’, ‘serious’ and ‘heinous’. Timelines have also been laid down for inquiry by the Juvenile Justice Boards under Section 14. Sections



15, 18, 19 and 20 list out the special provisions which address heinous offences committed by children above the age of 16 years. These sections address the aspect of preliminary assessment into heinous offences by the Board and the orders it can pass, besides the powers of the Children's Court.

The JJ Act, 2015 has brought in mandatory registration of all Child Care Institutions and also lays down stringent punishment in case of non compliance (Section 41 and 42). The Act introduces a new chapter on Adoption. The objective is to streamline adoption procedures in respect of orphans, abandoned and surrendered children (Chapter-VIII). Section 32 of the Act also provides for mandatory reporting in respect of a child found separated from the guardian and also provides for penalty in case of non reporting a child who appears or claims to be abandoned, lost, is an orphan or is without family support.

The JJ Act, 2015 includes several new offences against children which were, so far, not adequately covered under other laws, such as:

- i) Sale and procurement of children for any purpose including illegal adoption.
- ii) Corporal punishment in institutions.
- iii) Use of child by militant and other adult groups.
- iv) Offences against disabled children.
- v) Kidnapping and abduction.
- vi) Using a child for vending, peddling, carrying, supplying or smuggling intoxicating liquor, narcotic drug or psychotropic substance.

#### **6.4 Role of State Governments**

The Act provides for induction training of Members of Juvenile Justice Board and Child Welfare Committee within two months of their appointment (Sections 4 and 27). The Chief Judicial Magistrate or Chief Metropolitan Magistrate is to review pendency of cases in the Juvenile Justice Board once in three months and direct the Board to increase the frequency of sittings or recommend constitution of additional Board (Section 16). There is a provision for the constitution of a High Level Committee to review the pendency of cases in the Juvenile Justice Board. This Committee is to be headed by Executive Chairperson of State Legal Services Authority and is to have the following Members:

- a) Home Secretary of State/ UT
- b) Secretary, Women & Child Development of the State/ UT
- c) NGO nominated by the Chairperson



Under Section 36 of the JJ Act, 2015 Child Welfare Committees are expected to submit quarterly reports to the District Magistrate regarding pendency and nature of disposal of cases. The District Magistrate is expected to conduct quarterly review of the Child Welfare Committees and direct remedial measures to address the pendency. The District Magistrate shall send a report of his review to the State Government which may cause the constitution of additional committees, if required. If the pendency of cases continues even after three months, the State Government shall terminate the existing Committee and constitute a new Committee.

The State Governments have also to register all institutions within six months of the commencement of the JJ Act, 2015 whether such institutions are run by the Government or by an NGO and are meant either wholly or partially for housing children. The requirement of registration of institutions is irrespective of whether they are receiving grants from Government or not. The State Government is expected to issue a provisional registration certificate to the institution within one month from the date of application. There is also penalty provided of one year imprisonment or fine of not less than Rs. 1 lakh for non registration of a Child Care Institution (Section 42).

The State Governments are also, as per section 49 of the Act supposed to set up at least one Place of Safety for placing persons above 18 years of age or children between the age of 16-18 years who have committed a heinous offence. Inspection Committees are to be appointed both for the state and the district level and these Inspection Committees are to mandatorily inspect all institutions atleast once in three months (Section 54). Under Section 55, the Central and State Government may conduct independent evaluation of the functioning of the Juvenile Justice Board, Child Welfare Committee, Special Juvenile Police Unit, registered institutions, fit facilities and fit persons through such persons or institutions as may be prescribed by the government.

In so far as adoption is concerned, the State Government shall, under Section 65 of the Act, recognize one or more institutions in each district as a Specialized Adoption Agency. The State Agency has to furnish the name, address and contact details of the Specialized Adoption Agencies alongwith copies of certificate and letter of recognition or renewal to the Central Adoption Resource Authority (CARA). The state government has to get every Specialized Adoption Agency inspected atleast once in a year and take remedial measures. The Act provides for upto a fine of Rs. 50,000/- in case of default by the Specialized Adoption Agency besides withdrawal of recognition in respect of repeated default.



All institutions registered under the JJ Act, 2015 which may not have been recognized as Specialized Adoption Agency shall develop formal linkages with nearby Specialized Adoption Agency and get all orphans or surrendered or abandoned children declared legally free for adoption. Any contravention of this provision is also liable to fine of Rs. 50,000/- and de-recognition in case of persistent flouting of provisions (Section 66).

The Act requires the Central and State Governments to spread awareness regarding the provisions of the Act to the general public, children, parents and guardians. Officers of the Government are to be imparted periodic training besides other concerned persons (Section 108).

### **6.5. Institutional Care**

The Child Care Institutions in respect of children in conflict with law are the Observation Home, Special Home, Place of Safety and fit facility. For children in need of care and protection, Open Shelters, Children Home and Special Adoption Agencies have specific roles to play. All Child Care Institutions have to be mandatorily registered within six months from the date of commencement of the Act and failure to do so is a punishable offence. Registration applications of Child Care Institutions are to be disposed of within six months otherwise it would be considered as dereliction of duty and will invite departmental proceedings (Section 41).

### **6.6. Children in Conflict with Law**

The new Act strengthens the protective approach provided by the juvenile justice system towards children in conflict with law as well as children in need of care and protection. The 'Juvenile' in conflict with law has been redefined in the Juvenile Justice Act 2015 as a 'child' in conflict with law. Offences have been categorized as petty/ serious/ heinous offences. Children in the age group of 16-18 years may be tried as adults in cases of heinous offences after preliminary assessment by the Juvenile Justice Board.

A child in conflict with law will be sent to an Observation Home temporarily during pendency of inquiry. The child will be segregated according to age, gender, physical and mental status and nature of offence. A child who is found to have committed an offence by the Juvenile Justice Board will be placed in a Special Home. A Place of Safety will be setup for children above the age of 18 years or children of the age group of 16-18 years who are accused or convicted for committing a heinous offence. The Place of Safety will have separate arrangement and facilities for under trial children and convicted children. The Juvenile Justice Board will conduct regular inspection of jails meant for adults to check if any child is lodged in such jails and take immediate measures for transfer of such a child to the Observation Home [Section 8 (3) (m)].





The preliminary assessment by the Juvenile Justice Board is to be conducted within three months before transferring the case to the Children's Court. The Act mandates that in case the child is tried as an adult by the Children's Court, it shall ensure that the final order includes an individual care plan for the rehabilitation of child, including follow up by the probation officer or the District Child Protection Unit or a social worker. The Children's Court shall ensure that the child is kept in place of safety till he attains the age of twenty-one years. When he attains the age and the term is still pending, the Children's court shall evaluate whether he need to be transferred to jail or if he has undergone reformatory changes and could be spared incarceration. The Act puts a complete embargo on capital punishment or life imprisonment without the possibility of release for the child offenders who come to be treated as adults by the juvenile justice administration. The decision whether the child is to be released or sent to jail after attaining the age of 21 years will be taken by the Children's Court.

### **6.7. Children in Need of Care and Protection**

A child in need of care and protection is to be produced before the Child Welfare Committee within 24 hours. The Act provides for mandatory reporting of a child found separated from his/her guardian. Non reporting has been treated as a punishable offence. The Child Welfare Committee is to send the child in need of care and protection to the appropriate Child Care Institution and direct a Social Worker, Case Worker or the Child Welfare Officer to conduct the social investigation within 15 days. The Child Welfare Committees shall meet atleast 20 days in a month and the District Magistrate shall conduct a quarterly review of the functioning of the Child Welfare Committee.

A child in need of care and protection will be placed in a Children's Home for care, treatment, education, training, development and rehabilitation. The Act provides for Open Shelters for Children in need of community support on short term basis for protecting them from abuse or keeping them away from a life on the streets. The Child Welfare Committee could recognize a facility to be a Fit Facility to temporarily take the responsibility of a child. The Specialized Adoption Agency is to take care of the rehabilitation of orphans, abandoned or surrendered children.



## 6.8. Punishment for Offences Against Children

The JJ Act, 2015 includes a separate chapter on offences against child and several of the offences listed in this chapter were so far not adequately covered under any other law. These include sale and procurement of children for any purpose including illegal adoption, corporal punishment in child care institutions, giving children intoxicating liquor or narcotic drug or psychotropic substance or tobacco products, use of child by militant or adult groups, offences against disabled children and, kidnapping and abduction of children. Further, the JJ Act, 2015 prescribes punishment for the various offences against children such as enhanced punishment for cruelty to children from six months to three years. The selling or buying of children will be a punishable offence with imprisonment of five years. Corporal punishment within a Child Care Institution will be a punishable offence. Adoption without prescribed procedures shall be punishable with imprisonment upto three years or fine of Rs. 1 lakh or with both. For the effective implementation of these provisions, JJ Model Rules, 2016 provides for child friendly procedures for reporting, recording and trial.

## 6.9. Rehabilitation and Social Reintegration

The restoration and protection of a child shall be the prime objective of a Children's Home/ Specialized Adoption Agency/ Open Shelter. The Child Care Institution shall prepare Individual Care Plans for children in need of care and protection or children in conflict with law, preferably through family based care. Any child leaving a child care institution on attaining 18 years of age may be provided with financial support.

## 6.10. Monitoring

The National Commission for Protection of Child Rights as well as State Commission for Protection of Child Rights are mandated to monitor the implementation of the provisions of the JJ Act, 2015 in such manner, as may be prescribed (Section 109).



## 7. CHILD PROTECTION POLICY



## Introduction

Child Protection is about protecting children from or against any perceived or real danger or risk to their life, their personhood and childhood. It is about reducing their vulnerability to any kind of harm and protecting them in harmful situations. It is about ensuring that no child falls out of the social security and safety net and, those who do, receive necessary care, protection and support so as to bring them back into the safety net. While protection is a right of every child, some children are more vulnerable than others and need special attention. In addition to providing a safe environment for these children, it is imperative to ensure that all other children also remain protected. Child protection is integrally linked to every other right of the child. Failure to ensure children's right to protection adversely affects all other rights of the child.

The Constitution of India guarantees children equal rights as citizens and equality before law. It also mandates the States to make laws that specifically promote the rights and welfare of children. The State Governments are responsible for framing child protection policy to ensure safe and secure environment for all children especially for vulnerable children, opportunity for development, prevention and protection from all forms of violence. Further, it is the duty of the State Governments to provide all the children within the state the right to survive, be protected from abuse, neglect and exploitation, enjoy fully the development rights and participate in decision that affect them according to their age and level of development.

The essence and the principles of a State child protection policy should reflect in the working environment of all the stake holders, State and District offices dealing with children including child care institutions. It is the duty of every State/UT to train its staff dealing with children and sensitize the community on child protection issues.

Therefore, keeping children safe is everyone's responsibility. Organizations and professionals who work with children are required to ensure that their policies and practices reflect their responsibility towards children. A child protection policy which drives its source from State policy provides guidelines for organizations and their staff to create safe environments for children. It is a tool that protects both children and staff by clearly defining what action is required in order to keep children safe, and ensuring a consistency of behavior so that all staff follow the same process.

A child protection policy also demonstrates the commitment of organizations and professionals to children and ensures public confidence in its safe practices.



## 7.1 Protection Norms for a Child Care Institution

7.1.1 Every Child Care Institution shall have a written specific Child Protection Policy in conformity with the State Child Protection Policy.

7.1.2 Every CCI should display its child protection policy at a prominent place.

7.1.3 Every CCI shall have systems of ensuring that there is no abuse, neglect and maltreatment of children.

7.1.4 The CPP in a CCI should include a zero tolerance policy towards corporal punishment.

7.1.5 The CPP in a CCI should include a zero tolerance policy towards child abuse.

7.1.6 All laws, rules, guidelines and SOPs by the Central and State Governments related to child protection and children shall be adhered to strictly.

7.1.7 The CPP should specifically mention about treating disabled children with dignity and care.

7.1.8 The CPP of a CCI should be signed by all the staff and management of a CCI.



### Elements of Child Protection Policy

#### 7.1.9 Human Resource

- All employees would face a standardized recruitment process.
  - In the recruitment process the resume and photograph should be taken before the interview.
  - Any recruitment advertisement should reflect the child protection statement.
- During the interview process, relevant questions should be asked to assess the candidate's attitude and sensibilities regarding child protection. The assessment may be based on a checklist of parameters that would enable assessment of suitability. Explanations for matters that include gaps between duration of employment, frequent change of jobs, or sudden resignation will be sought.
  - The applicant should provide complete contact information of at least three referees along with the resume. For each candidate a thorough reference check

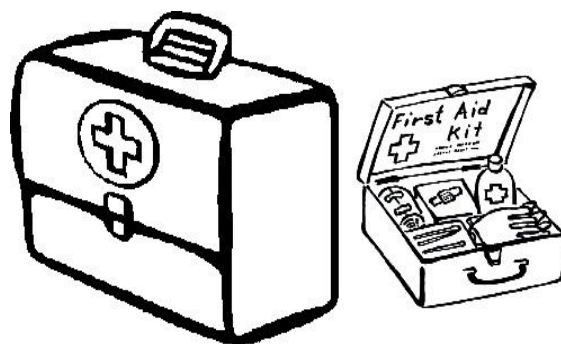
- should be carried out with the previous employer or the academic institute attended by the candidate (if a fresh graduate).
- At the time of employment, the CCI should also take the following from each employee -Proof of identity, Proof of Residence (both temporary and permanent), PAN Card, Aadhaar Card, Letter of experience and good conduct from the previous employer, Attested proof of academic/ educational qualifications/ previous work experience. Original documents should be verified. Each employee should undergo a medical examination prior to employment. The same should be filed in the personnel record.
    - All new recruits should be provided with a copy of the CPP which includes the Code of conduct
    - All new recruits are to sign an undertaking acknowledging receipt of the CPP, and stating their agreement and acceptance to all components of the Policy.
    - Each employee should be oriented to child protection and the CPP within a week of recruitment in the CCI
    - It is the responsibility of the institution to ensure that the CPP is understood and signed by all employees, teachers, staff and volunteers including management.
      - The CPP must be translated into local languages.
      - The CPP must have a short interactive child friendly version to enable children to understand their protection rights in the CCI.
  - Performance Appraisal System [PAS]
    - The PAS is to include credits for child protection sensitivity.
    - In case there is no PAS, the CCI shall ensure six-monthly Child Protection Review. Every individual shall be assessed for adherence to the code of conduct and implementation of the CPP. Child Protection Review must allow for peer evaluation for child protection compliance.
      - In case of any observations, report about suspicion of child protection violation, the complaint & redressal mechanism should be invoked.
  - Staff development and capacity building
    - The staff shall be trained and sensitized of what constitutes abuse, neglect and maltreatment as well as early indicator of abuse, neglect and maltreatment and how to respond in such situations.
    - Orientation to child protection must receive special focus in all staff development and capacity building programs.



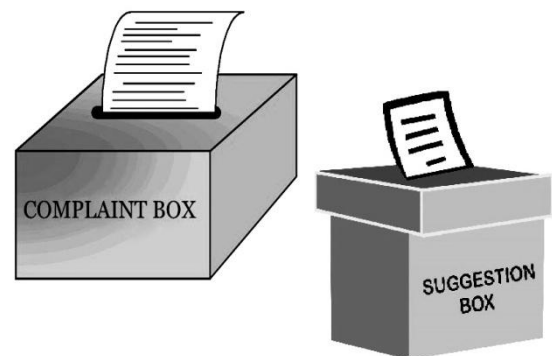
- Protection of staff needs to be discussed at length as staff members also face threats and various risks in the course of their work.
- Staff should be trained to handle needs of special need children in the CCI.
- Human Resource Practices
  - Every CCI should not associate itself with organizations that engage in activities of child labour. The associate organization would need to: not employ child labour have zero-tolerance of any form of child exploitation and abuse; not patronize any service that may be exploitative to children.

### 7.1.10 Infrastructure

- All spaces within the CCI shall be accessible to children and have all necessary safeguards and precautions in place to ensure the child's safety.
- All residential and classroom premises shall be constructed in a manner so as to keep children in a safe and protected zone.
- The space shall be well lit and well ventilated.
- All spaces within the CCI shall be accessible to children with disability and shall be barrier free and shall have all necessary safeguards and precautions in place to ensure their safety. Every CCI shall be equipped with a First Aid Kit.
  - The contents of a first aid kit should allow the user:
    - To act safely and be guarded against body fluid contact.
    - To control visible bleeding.
    - To stabilize bone trauma.
    - To prevent victim heat loss and deterioration into shock.
    - To protect wounds.
    - Scissors and a torch can be useful.
  - The kit should be packed in a solid, visible and protective container.
  - A summary sheet should be placed inside the kit, the step-by-step guidance and telephone numbers of the emergency services.
- Communication and display of information on child protection
  - All information and communication about child protection must be written in the local language and clearly displayed in one common area or location within the premises of the CCI.



- The display of information on child protection in a home should include information on complaint mechanism and all whom a child can approach in the event of any grievance, which may be such as :
  - Management Committee members, Police (100), CHILDLINE (1098), fire and ambulance service, medical service, counsellor, child representative in the Management Committee and the Children's Committee be approached.
- Complaints/ Suggestion Box
  - Every CCI should have a Children's Complaints/Suggestion Box which allows the child to complain/ voice his/her concern anonymously.
  - This box should be installed at a place easily accessible to children. It should be kept away from the range covered by the CCTV camera.
  - The complaints/ suggestions should be checked every week by the Chairperson of the Management Committee or his representative from DCPU , in the presence of the members of the Children's Committees.



- 7.1.11 In all decisions, the best interest of the child will be taken as the primary consideration. This also implies that in case of conflicts, the child's welfare will be a priority.
- 7.1.12 Counselling services and therapeutic intervention will be available to all children and/or family if and when the need arises and/or it is requested.
- 7.1.13 The institution will work actively with parents, the community, police, Civil Society Organizations and other engaged stakeholders to ensure the child's safety and overall development during the period of his/her stay.



## 7.2 Code of Conduct (All Staff, Employees, Duty Bearers, Management Committee, Volunteers, Interns etc. Need to Sign the Declaration)

### 7.2.1 Staff, Employees, duty bearers should

- Ensure that a culture of openness exists that facilitates children to interact and express their issues and concerns with staff for children's personal, physical, social, emotional, moral and intellectual development.
- Encourage and respect children's voices and views.
- Be inclusive and involve all children without selection or exclusion on the basis of gender, disability, ethnicity, religion or any other status.
- Be aware of the potential for peer abuse and develop special measures/supervision to protect younger and especially vulnerable children from peer and adult abuse (eg: children bullying, discriminating against, victimising or abusing children).
- Avoid placing oneself in a compromising or vulnerable situation when meeting with children.
- Immediately report the circumstances of any situation which occurs which may be subject to misinterpretation.
- Inform children about steps of interventions being taken with respect to them or in the context of their lives.
- Make oneself aware and educated on the laws, rules and guidelines related to child protection as amended from time to time.
- Keep data about the children and youth in CCI confidential.
- Ensure the responsible use of computers and other information technology and refrain from inappropriate usage, especially that relating to the creation, viewing, downloading or distribution of any inappropriate or offensive material, including, but not restricted to, abusive images of children, pornography or child pornography.
- Report all concerns regarding actual or potential child abuse, mistreatment or any other violation according to the reporting and responding system.
- Ensure that there are staff members of the same sex when escorting the child between locations and also when taking care of the child/children at any location.
- Record all decisions of movement of children to hospitals or referral service centres or even in the case of repatriation/ restoration.
- Ensure good and constructive working relationships with all co-workers.



## 7.2.2 Staff, Employees, duty bearers shall not

- Kiss, hug, fondle, rub or touch a child in an inappropriate or culturally insensitive way.
- Sleep alone with any child.
- Use corporal punishment or tolerate corporal punishment by the staff.
- Act in any manner that puts children at risk.
- Turn out a child from the residential home/facility.
- Use language that will mentally or emotionally abuse the child.
- Never threaten a child.
- Never use abusive language.
- Never tease/ mock a child or call out nicknames.
- Act in any way that intends to embarrass, shame, humiliate or degrade a child.
- Show discrimination of race, culture, age, gender, disability, religion, sexuality, or any other status.
- Develop a sexual relation with a child.
- Give cash or any kind of gifts directly to children.
- Do things of a personal nature that a child could do for him/herself, including dressing, bathing and grooming.
- Initiate physical contact unless initiated by the child (e.g.: holding hands).
- Suggest inappropriate behaviour or relations of any kind.
- Allow children to engage in sexually provocative games with each other.
- Stand aside when they see inappropriate actions inflicted by children on other children because it is frequent and commonplace.
- Take children to the residence of any staff member/ superintendent for the night.
- Engage children in personal work or employ children at work or at home.
- Use his/her position for his/her own benefit or for the benefit of family or friends.
- Work under the influence of intoxicating substances such as alcohol or any other substances that significantly impair ability to do the job assigned.
- Take any photograph that would or could potentially violate the child's dignity, or privacy in any way.



### 7.2.3 Behaviour Protocols for volunteers & other visitors (in addition to the above)

- Shall not give cash or any kind of gifts to the children directly but instead it should be contributed to the CCI.
- Shall not take/collect photos, videos, or stories of children and/or upload the same on blogs or any social networking sites without prior permission from the authority concerned.
- Shall not ask personal details of the child and if known, then not to divulge it to others.
- Shall not encourage any kind of infatuation.
- Shall not ask any child to meet alone outside campus.
- Shall take children for outings only in groups and with prior permission of Person in-charge of CCI.

**Behaviour of a Child in CCI:** The children in the CCI will be oriented and trained to follow the rules and standards of good behaviour. Every unacceptable behaviour shall be taken note of by the Children’s Committee and the child found in violation of rules may be made to give an explanation. The Children’s Committee may recommend appropriate action to the Person-in-charge. A copy of the report containing the description of the incident and the action taken thereupon shall be submitted to the Board or the Committee or the Children’s Court by the Person-in-charge within twenty-four hours. A copy of same shall also be placed before the Management Committee for planning a long term strategy for prevention of such incidents. A copy of the report shall be kept in the case file of the child concerned.

The Person-in-charge may deal with the violation appropriately giving due consideration to the recommendation of the Children’s Committee and the safety and dignity of the child. The Person-in-charge may seek the assistance of the counsellor or the Child Welfare Officer or Case Worker, any non-governmental organization associated with the Child Care Institution in dealing with the situation.

### 7.2.4 Behaviour Protocols for Children

- Respect all staff, teachers, parents and outsiders.
- All relevant information should always be given to the concerned staff.
- Share information and learning with other children.
- Never threaten a child.
- Never use abusive language.



- Never tease/ mock a child or call out nicknames.
- Never rag a child.
- Never physically assault or sexually abuse another child.
- Never spread rumours about another child, or details about the child which could be socially humiliating.
- Never discriminate on the basis of race, culture, age, gender, disability, religion, sexuality, or any other basis
- Never force another child to give away his/her personal belongings.
- Report all concerns regarding actual or potential child abuse, mistreatment or any other violation according to the complaint/reporting and responding system.
- Manner of dealing with unacceptable behavior:
  - The action taken shall be commensurate with the nature and degree of violation and the age of the child and may be any of the following: (i) formal warning; (ii) assignment of house-keeping tasks; (iii) imposition writing i.e. writing a number of times that he shall not repeat the behaviour; and (iv) forfeiture of privileges viz. permission to watch television, permission to go for outdoor activity, sports and recreation and other preferred activity.
  - No child shall be subject to corporal punishment or any mental harassment including humiliating behaviour affecting the dignity of the child.
- Exceptional Good behavior of a child: The following shall be considered good behavior, namely:
  - Following the rules of discipline and adhering to the routine, assessed over a period of a month
  - Preventing, any other child from indulging in any unacceptable behaviour or preventing violence.
  - Preventing any mishap by raising an alarm, evacuating other children in case of disaster.
  - Assisting any officer of the Child Care Institution in maintaining order. For the House representatives, in situations that may develop into an emergency, the behaviour before the sounding of the alarm would be considered.
  - Informing the Child Welfare Officer of any plan of creating unrest or of escape.
  - Inform the Person-in-charge about any prohibited article or contraband.
  - Helping another child to come out of his trauma.
  - Performing exceptionally well in an examination in continuation of his studies, or vocational or rehabilitation courses.
  - Positive and adaptive behavior.
  - Any other good behaviour as found exceptional by the Person-in-charge.



Reward or Benefits for maintaining exceptional behavior: A child showing exceptionally good behaviour shall be considered for appropriate reward or benefits by the Person-in-charge and note of the same shall be placed in the case file of the child. The rewards to a child, at such rates as may be fixed by the management of the institution from time to time, may be granted by the Person-in-charge as an encouragement for good work and good behaviour and at the time of release, the reward shall be handed over after obtaining a receipt from the parent or the guardian, who comes to take charge of the child or child himself.

### 7.3 Complaint & Redressal Mechanism

7.3.1 Every institution shall have systems of ensuring that there is no abuse, neglect and maltreatment and this shall include the staff being aware of what constitutes abuse, neglect and maltreatment as well as early indicators of abuse, neglect and maltreatment and how to respond to these.

7.3.2 In the event of any physical, sexual or emotional abuse, including neglect of children in an institution by those responsible for care and protection the following steps may be considered:

- Children may report to – any staff member in the institution/Person -in Charge of the CCIJJB/ / Children’s Committee/ Management Committee/1098 Childline Services.
- The staff member must report the incident immediately (within 24 hours) to the Person-in-Charge.
  - In case the Person -in-Charge is involved the complaint must be placed before the JJB/ Management Committee.
- Following which the Person-in-Charge:
  - must place a report of the same (within 24 hours) before the Board or ,Children’s Court who in turn, shall order for special investigation.
  - shall also inform the chairperson of the management committee and place a copy of the report of the incident and subsequent action taken before the management committee in its next meeting.
  - shall depute a counsellor and/or another adult who the child may be comfortable with, to counsel the child.



- The Board or Children’s Court shall:
  - direct the local police station or Special Juvenile Police Unit to register a case, take due cognizance of such occurrences and conduct necessary investigations.
  - take necessary steps to ensure completion of all inquiry and provide legal aid as well as counselling to the CCL or child victim.
  - transfer such a child to another CCI or a fit person.
  - consult Children’s Committee setup in each institution to enquire into the fact of abuse and exploitation as well as seek assistance from relevant voluntary organizations, child rights experts, mental health experts or crisis intervention centres in dealing with matters of abuse and exploitation of children in an institution.
  - in the event of any other crime committed in respect of children in institutions, it shall take cognizance and arrange for necessary investigation to be carried out by the local police station or Special Juvenile Police Unit.
  
- The Management Committee shall:
  - If there is a problem or suggestion that requires immediate attention, the Chairperson of the Management Committee shall call for an emergency meeting of the Management Committee to discuss and take necessary action.

7.3.3 The CCI shall, within a period of twenty-four hours, intimate the emergency contact person, a responsible family member or guardian of the child, of the offence and ensure that such person is aware of the reporting procedure to be undertaken by the institution. Exception: In case the offence has or apprehended to have been perpetuated by a family member or such emergency contact person, the institution shall inform any other family member or guardian.

7.3.4 In case the offence results in a medical or health related emergency, it shall be the responsibility of the institution to ensure that the child is taken to the nearest health centre for treatment immediately.

7.3.5 If there is a requirement for any forensic test or DNA profiling, the institution shall ensure that at all times through that process, a responsible adult with whom the child is comfortable, accompanies the child. Female child must be accompanied with a female staff only.



- 7.3.6 The CCI shall ensure that a competent person, preferably from the Management Committee, takes over the supervision and responsibility of filing the FIR. A copy of the FIR shall be maintained by the CCI.
- 7.3.7 The CCI shall be liable for any breach of confidentiality of the identity of the child and details of the offence during the reporting procedure.
- 7.3.8 In accordance with the Protection of Children from Sexual Offences Act, 2012, if the statement of the child is to be recorded within the institution, adequate arrangements shall be made such that the child is in a comfortable and friendly environment enabling him or her to disclose all the necessary information.
- 7.3.9 An enquiry, in accordance with the CPP of the institution, shall commence no later than 24 hours after the incident has been reported.
- 7.3.10 The Management Committee of the institution shall, based on the recommendation of the JJB/Children's Court, suspend the accused pending the outcome of the enquiry. In these cases, the welfare and best interest of the child will be of paramount consideration.
- 7.3.11 The outcome of complaints and the redressal mechanism shall be informed to the child or their representative within 15 days of the complaint being made.
- 7.3.12 Recording:
- All suggestions received through the suggestion box and action taken as a result of the decisions made in the emergency meeting or action required to be taken shall be placed for discussion and review in the monthly meeting of the Management Committee.
  - The complaints and action taken by the Management Committee are duly recorded in the Children's Suggestion Book and such action and follow up shall be communicated to the Children's Committees after every monthly meeting of the Management Committee.
  - The child welfare officer/ case worker shall similarly keep a record of the complaints made by the child with regard to the facilities in the Child Care Institution with a note of the steps taken thereon.



## 7.4 Operational

7.4.1 The overall implementation of the Child Protection policy would be the responsibility of the Person-in-charge of the CCI.

7.4.2 All agreements/ contracts/ Terms of reference between CCI and its associates would need the acceptance and adherence to the CPP, duly signed and acknowledged.

*Suggestive format for commitment to be signed by all employees/ associates / volunteers etc. in a CCI committing adherence to the Code of conduct.*

### Signature & Commitment

I have carefully read and clearly understood the [Institution name] \_\_\_\_\_Code of Conduct/CPP. I am aware that [Institution name] \_\_\_\_\_expects me to uphold the standards of behaviour described in this Code of Conduct/CPP at all times. I hereby declare and affirm that I agree to adhere and abide by the said Code of Conduct/CPP. In case of any violations of the said Code of Conduct/CPP in my direct and indirect interactions with the children, the institution may terminate the partnerships/relationship/employment/association and/or take suitable disciplinary and legal actions as per the applicable laws and rules.

Signed \_\_\_\_\_ Dated: \_\_\_\_\_

Name \_\_\_\_\_ Designation (in case of staff/employee)/Complete Address with contact details

Signature of the Person-in-charge of CCI& seal \_\_\_\_\_





## 8. CHILDREN'S PARTICIPATION IN CCI FOR CCL



## 8.1 Definition

Child participation is defined as an ongoing process of children's expression and active involvement in decision-making at different levels in matters that concern them. It requires information-sharing and dialogue between children and adults, based on mutual respect and full consideration of children's views in the light of their age and maturity.

## 8.2 Child Participation is a Right

The United Nations Convention on the Rights of the Child (UNCRC), adopted by the UN General Assembly in 1989, introduced the right of all children to be heard and to be taken seriously. It acknowledged that children are social actors in their own right and are entitled to be actively involved in matters that affect their lives. The provision, outlined in Article 12 of the Convention, states that:

1. *States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*
2. *For this purpose the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or appropriate body, in a manner consistent with the procedural rules of national law.*



Right to participation as outlined in Article 12 of the UNCRC is closely linked to freedom of expression. It is also related to fulfilling the right to information, a key prerequisite for children's participation to be relevant and meaningful. It is in fact essential that children be provided with the necessary information about options that exist and the consequences of such options so that they can make informed and free decisions. Providing information enables children to gain skills, confidence and maturity in expressing views and influencing decisions. Child participation requires space and time in which children can be heard. This poses a profound challenge to the traditional

attitudes towards children, which tend to deny them any meaningful opportunities to be heard – for example, in the courts, in school, in the family or in public policy-making. In many societies, it is particularly difficult for girls to express their views. It is necessary to create safe ‘spaces’ for both girls and boys where they are afforded the time, encouragement and support to enable them to develop and express their views.

With the expression of the child’s views comes the responsibility for adults to listen and learn from them, to understand and consider the child’s point of view and re-examine adults’ own opinions and attitudes, be willing to change them and to envisage solutions which address children’s ideas. For adults, as well as for children, participation is a challenging learning process and cannot be reduced to a simple formality.

Participation cannot be genuine if children have no opportunity to understand the consequences and the impact of their opinions—such non-genuine 'participation' often merely disguises what is actually the manipulation of children, or tokenism. The key to genuine participation is ensuring respect for children's views. In addition to facilitating and supporting activities to foster child participation, it is important to consider how to ensure follow-up of children's recommendations and concerns.

### 8.3 Why is Children’s Participation Important?

Children possess knowledge and opinions about their lives and experiences that may differ from those ascribed to them by adults. However, on too many occasions they are not consulted. Adults often assume that they know what children are thinking and feeling and so do not ask for their input when making decisions about matters that concern them. Adults need to listen to children in order to claim to speak on their behalf. If not, the decisions they make for children may have negative rather than positive consequences.

When participation is done properly and children are effectively engaged, they develop new skills, increase their confidence and knowledge and see that their views are valued and respected. Adults learn both as individuals and in organizations that working in collaboration with children brings a fresh perspective to their work as well as greater credibility and potentially, better outcomes.

One of the best examples of the children’s participation in a CCI is the setting up of children’s committees. As per rule 40 of the JJ Model Rules 2016, Person-in-charge of every institution for children shall facilitate the setting up of children’s committees for



different age groups of children, that is in the age group of 6 to 10 years, 11 to 15 years and 16 to 18 years and these children's committees shall be constituted solely by children.

Such children's committee shall be encouraged to participate in following activities:

- i) improvement of the condition of the institution;
- ii) reviewing the standards of care being followed;
- iii) preparing daily routine and diet scale;
- iv) developing educational, vocational and recreation plans;
- v) respecting each other and supporting each other in managing crisis;
- vi) reporting abuse and exploitation by peers and caregivers;
- vii) creative expression of their views through wall papers or newsletters or paintings or music or theatre;
- viii) management of institution through the Management Committee.

The Person-in-charge shall ensure that the children's committees meet every month and maintain a register for recording their activities and proceedings and place it before the Management Committee in their monthly meetings. The Person-in-charge shall ensure that the children's committees are provided with essential support and materials including stationary, space and guidance for effective functioning. The Person-in-charge may, as far as feasible, seek assistance from local voluntary organisations or child participation experts for the setting up and functioning of the children's committees.

### **Benefits to Children**

- Children gain a sense of achievement and an increased belief in their own ability to make a difference.
- Children learn how to be active and responsible citizens.
- Children incorporate responsible decision making into their daily life, which is an important skill they need throughout their lives.
- Participation nurtures leadership skills among children.
- Working together helps develop positive relationships between children and adults; it promotes a positive image of children within their communities, among professionals and among their peers.
- Children are given authority to hold duty bearers to account, to ensure adults think and behave in a way that respects children and childhood.
- Children who are used to expressing themselves may be more vocal about abuse or exploitation.



- They gain political and social knowledge and awareness of their rights and responsibilities.
- Child participation leads to the fulfillment of their rights.
- Involving children in our work provides a means of protecting them from harm and preventing them from being invisible when discussing plans, shaping policies and designing services or making decisions that affect their lives.

#### 8.4 Children's Participation in Institutional Care Settings

Every institutional care facility has its own set of objectives & guidelines for care to be provided to children during their period of stay in a particular institution. Institutions are closed settings which provide a set of services for the care, protection and development of children. There are rules of the institution which children have to abide by. Yet, there are a number of ways that children both individually as well as in groups can actively participate in decisions towards their own individual development as well as to make the services provided by the institution more effective and beneficial.

Observation Homes, Special Homes and Places of safety are institutional care settings in which children alleged to be or found to be in conflict with law are sent for care, reformation and rehabilitation. Such institutions are challenging settings to work in. The young people in these institutions are often seriously troubled, have behavioural problems and many times have been neglected and abused. Recognizing these children as young people capable of making decisions for themselves, as well as contributors and partners of the institution, would contribute to their self-esteem and self-concept, nurture leadership among them, help them learn problem solving, conflict resolution, decision making, make efforts towards their rehabilitation more effective and overall would contribute to a more harmonious and open environment within the institution.

Making space for children to meaningfully participate, in child care institutions for children in conflict with law would fulfill the principles and objectives of the juvenile justice legislation. Systematization of children's participation in CCI would require investment in capacity building of care-givers and orientation of children in the institutions.

Approach and Beliefs that care-givers/staff/administration must imbibe to facilitate meaningful participation of children in conflict with law in child care institutions:



Meaningful children’s participation in a child care institution, should be set on the fundamental principles of juvenile justice outlined in Section 3 (i-xvi) under the Juvenile Justice (Care and Protection of Children) Act, 2015.

The care-givers must:

- Not equate a CCI for children in conflict with law as a prison for children.
- Believe that children are not to be perceived and treated as ‘criminals’ just because they did something wrong no matter how grave their actions were.
- Believe that children’s participation in CCI has potential to positively impact rehabilitation of children and the management and running of the institution and commit to making efforts to ensure the same.
- Believe that every child has the ability to take accountability for his/her actions and reform.
- Create an environment in which children feel safe and secure, that they will be accepted, that the juvenile justice system is on their side, and will help them take accountability for their actions, and help them undergo reformation and rehabilitation.
- In all individual or group interactions with children, listen to what they say, acknowledge their voices, incorporate their views, requests and opinions as far as is possible in all decisions with regard to care, reformation and rehabilitation of children, as well as in the management and running of routine operations in the CCI.
- Make appropriate inquiries, seek assistance from experts, in order to provide children with factual information and provide as many options as possible, explain consequences and outcomes to be expected, which would help them understand their circumstances fully, weigh out options in a logical manner, and make informed decisions about matters that will affect their life. This would include matters related to education, vocational training, careers building, lifestyle choices and habitual drinking, smoking, sexual behaviour among others.
- Invest in systematization of children’s participation in all processes related to rehabilitation, reformation, management and running of the institution.
- Maintain and accumulate records and evidence of children’s participation in the institution against which it can be assessed.
- The concerned authorities should believe in the need to invest in and prioritize capacity building of staff/care givers at all levels to facilitate children’s participation in all decisions concerning their reformation, rehabilitation and development as well as the governance of the CCI.



- Concerned authorities within the CCI and in the administration should make space for addressing concerns, issues of care-givers with the CCI in order to support them, and create a healthy environment where children and care-givers can engage effectively.

#### **8.4.1 Spaces to encourage and facilitate children’s participation in individual interactions**

- At the time of Reception/receiving the child in the institution
  - Setting expectations at the time of receiving the child in a CCI
  - Orientation of child to the institution rules and regulations
- Formulation of Individual Care Plan
- Case conference
- Case review meetings
- During production before the Board/Children’s Court
- Family meetings

Guidance for care-givers on how to facilitate children’s participation individually and in groups has been provided in detail under each of the above heads in the subsequent sections of the manual.

#### **8.4.2 Spaces to encourage and facilitate children’s participation in group interactions**

- Children’s committees for effective running and management of the CCI
- Fortnightly Open House Meetings between care-givers and children
- Peer Support Groups
- Grievance Redressal Mechanisms

#### **8.4.3 Managing expectations of children in institutional care**

From the time a child enters the juvenile justice system, it is critical for him or her to understand what the purpose of the system, what its procedures are, what limitations and boundaries of institutional care are. Similarly, when a child is received into an institution it is critical for him/her to understand the purpose of institutional care, the procedures of the institution, the rules and regulations he or she would need to abide by, what opportunities he/she should expect in terms of rehabilitation and reformation, while in institutional care.



The Superintendent/Person-in-charge/Receiving Officer shall at the time of reception explain all these aspects to the child. The child's own expectations of institutional care also must be heard. Care must be taken to present the child with realistic, factual and appropriate explanations because at times a child's idea of a residential care in a home and what the institution is capable of delivering is very different. Outcomes of discussions on setting expectations and boundaries should be documented and be taken into consideration during formulation of Individual Care Plans, Case Conferences, Case Reviews and Grievance Redressal.

Setting and managing expectations while working with children in groups is vital for achieving the objectives of the group and making the group interactions beneficial for children, staff and the functioning of the institution as a whole. The home staff may have to negotiate with children and come to a consensus, but it is important that everyone's views are taken into consideration and incorporated wherever appropriate. The home staff should set time aside to explain to children when their suggestions and concerns cannot be incorporated.

#### **8.4.4 Monitoring of children's participation**

Ensuring children's participation in CCI will always remain a work in progress. Keeping it alive and active in spirit and practice will also require that it's monitoring and assessment would need to be built into all spaces of monitoring/evaluation in the CCI. Such spaces would include:

- Children's committee meetings
- Open House meetings
- Monitoring and inspection visits of senior management of the institution
- Monitoring and inspection visits conducted by external agencies
- Appraisal of staff
- Case review discussions with children

#### **8.4.5 Indicators to assess whether children and staff feel that children's participation is being practiced**

- Children feel that staff listen to them.
- Children feel that staff respect them and do not judge them.
- Children feel that staff respond positively to their requests.
- Children feel that staff support their decisions and try as much as possible to incorporate their views and requests.





- They are able to take up activities individually and in groups for their development and as per their wishes.
- Children feel that staff take time to provide information, explanations, and dialogue and counsel them.

#### **8.4.6 Indicators to assess whether children have been able to achieve positive outcomes in the CCI**

- Activities/projects around the home increase—projects/activities as collaboration between children and staff for development, recreation (eg. Developing play spaces, recreational activities, academic projects etc.)
- Incidents of fights disagreements in the institution reduce.
- Complaints and grievances of children are addressed transparently.
- Information is made accessible to children using child friendly tools and methods.
- There is a balance between children’s expectations and services provided by the institution.
- Children’s report give positive feedback about the institution.
- The nature and manner in which records are maintained of children’s participation across all reporting mechanisms of the institution.

#### **8.4.7 Evidence of children’s participation should be found in records in the institution which include**

- Case files of children.
- Manner in which information made accessible to children about their rights, responsibilities, entitlements.
- Reports of development/recreational/academic activities/projects conducted by children in groups in collaboration with staff.
- Registers and records of peer support group discussions.
- Registers and records of staff meetings.
- Registers and records of Open House meetings with children.
- Registers and records of children’s committee meetings.



## 9. UNDERSTANDING ADOLESCENCE



## 9.1 Introduction

Adolescence is the stage of development which precedes adulthood. It is a time of great physical change in young people. It is characterized by rapid growth, hormonal change, changes in bodily appearance, changes in brain structure. This stage is characterized by emotional turmoil, insecurity, peer influence, risk taking behaviour, irrational decisions, pushing limits on permissible behaviour. It is also a time where young people make mistakes, which if not dealt with constructively, and sensitively, could result in them ruining their lives. Adolescence is a time where young people need to be surrounded by a protective system, positive role models, and be engaged in positive activities which channelize their energies to good use.

The term adolescence meaning “to emerge”, or “achieve identity” is a relatively new concept, especially in development thinking. The origins of the term is from the Latin word, ‘adolescere’ meaning “to grow, to mature” indicate the defining features of adolescence. **However, a universally accepted definition of the concept has not been established.**

WHO defines adolescence both in terms of age (spanning the ages between 10 and 19 years) and in terms of a phase of life marked by special attributes.

These attributes include:

- ❖ Rapid physical growth and development
- ❖ Physical, social and psychological maturity, but not all at the same time
- ❖ Sexual maturity and the onset of sexual activity
- ❖ Experimentation
- ❖ Development of adult mental processes and adult identity
- ❖ Transition from total socio-economic dependence to relative independence

Adolescents aged between 10-19 years account for more than one-fifth of the world’s population. In India, this age group forms 21.4 percent of the total population (National Youth Policy 2000). Characterised by distinct physical and social changes, the separate health, education, economic and employment needs of adolescents cannot be ignored.



Adolescents are entitled to socio-economic rights but often their inability to exercise these rights places in CCIs puts the onus on policy makers to frame laws and regulations in such a manner that the same can be implemented enabling them to have access to their rights. It is important to invest in adolescents as they are the future leaders and participants in development of the country.

## **9.2 Why is it important for care givers in Child Care Institutions for children in conflict with law to understand the phase of adolescence in children?**

Care-givers in CCI for children in conflict with law deal with adolescents who have made wrong decisions or grave mistakes and are alleged to have or have committed an offence. Most of these children, are from poor and illiterate families. They did not receive the required guidance and protection, from the family or community and are vulnerable to negative peer and adult influences. It is generally seen that children who are accused of crimes are addicted to some kind of drug abuse. Drug abuse is linked to other socio-economic factors such as literacy, economic background, unemployment and gender. The highest risk groups are male, illiterate and semi-literate youth from rural communities. Street children constitute another major risk group and several interventions to curtail drug abuse among this group have been initiated by the Government such as Open Shelters under ICPS and the drug de-addiction centres for vulnerable children.

Drug use has two major side-effects – it increases the risk of contracting HIV/AIDS and it is linked with higher crime rates and anti-social behaviour. These reasons provide a strong case for serious efforts to curtail the problem. Integration of awareness of drug abuse and its consequences in the curriculum, reinforced by life skills education to negotiate and withstand peer pressure and reduce risky behaviour can be identified as effective strategies.

Adolescents and youth, with their penchant for experimentation and exploration of new ideas and activities are especially vulnerable to drug abuse, and form the majority of drug users worldwide. In India, it is estimated that most drug users are between the age group of 16-35,



with a bulk of them in the 18-25 age group. This group should, therefore, be at the heart of any drug demand reduction programmes. In India, in the North Eastern states, drug abuse among young people has become a major problem, threatening the social fabric and structures of society.

The main role of care-givers in CCI for children in conflict with law, is to mentor, guide and help young persons who have committed/alleged to have committed crimes, to take accountability for their actions, undergo a process of reformation and make a fresh start. In cases of children who have been addicted to drugs or substance use, it shall be the responsibility of care givers in the CCI to explore and provide such children with appropriate drug de-addiction programme through convergence. As young persons who have come in conflict with law are adolescents, it is important for care givers to understand the phase of adolescence in order to work with them and their families in the most effective manner as possible.



## 10. INFRASTRUCTURE AND PHYSICAL FACILITIES IN THE CCI



## Introduction

It is the responsibility of the State Governments to ensure that sufficient Child Care Institutions are established by them for Children in conflict with law as per the JJ Act, 2015 and JJ Model Rules, 2016. The JJ Act, 2015 and JJ Model Rules, 2016 specifically mentions setting up of CCIs specially for CCL such as an Observation Home, Special Home and Place of Safety. The JJ Model Rules, 2016 further lays down specific guidelines for providing infrastructure and physical facilities to the children in the CCI. It is important that at the time of setting up of a CCI for CCL the design and the layout is made by professionals keeping in mind special requirements of the children with special needs which may include facilities such as barrier free & accessible spaces, emotional counselling, physical spaces and medical /surgical attention as appropriate etc.

The following shall be considered for setting up of a CCI for CCL:

### 10.1 Location of a CCI

- An alleged CCL must be transferred to a CCI closest to his/her place of residence.
- The Child Care Institutions shall be child-friendly and in no way shall they look like a jail or lock-up. A CCI should be centrally located, easily accessible with good connectivity to public transport services.
- The CCI should be situated in close proximity with the JJB to facilitate quick, hassle-free, and safe travel for the alleged/CCL and CCI functionaries to travel from the CCI to the JJB and back at the time of production/hearing in the JJB.
- The OH should be located within a community to facilitate maximum interaction between alleged CCL and the community. The location must allow easy access to resources i.e. hospitals, police-station, bus stand, railway station, fire station, parks, schools, vocational training centres, residential areas, so as to not give children the feeling that they are isolated in a prison-like setting.
- The CCI should also be located in an area which is connected to public utilities such as full time water supply, proper sewage disposal system and sufficient electricity etc.
- The external environment around where the CCI is located should be safe. For instance, it should be at a safe distance from water bodies, crematoriums, burial grounds, cliffs, dams, factories and power plants etc.



## 10.2 Area and capacity of the institution

10.2.1 Building and grounds (dimensions, construction materials etc. should be as per JJ Model Rules, 2016). The suggested norms for building or accommodation in each institution with 50 children may be as under:

S.No.	Item for Construction	Area in Sq. ft.
(i)	2 Dormitories	Each 1000 Sq. Ft. for 25 juveniles/children i.e., 2000 Sq. Ft.
(ii)	2 Classrooms	300 Sq. Ft. For 25 juveniles/children i.e. 600 Sq. ft.
(iii)	Sickroom/First aid room	75 Sq. ft. per juvenile/children for 10 i.e. 750 Sq. ft.
(iv)	Kitchen	250 Sq. ft.
(v)	Dining Hall	800 Sq. ft.
(vi)	Store	250 Sq. ft.
(vii)	Recreation Room	300 Sq. ft.
(viii)	Library	500 Sq. ft.
(ix)	5 bath rooms	25 Sq. ft each i.e. 125 Sq. ft.
(x)	8 toilets/latrines	25 Sq. ft. Each i.e. 200 Sq. ft.
(xi)	Office rooms	(a) 300 Sq. ft. (b) Superintendent's room 200 sq. fit
(xii)	Counselling and guidance room	120 Sq. ft.
(xiii)	Workshop	1125 Sq. ft. For 15 juvenile @75 Sq. ft. Per trainee
(xiv)	Residence for Superintendent	(a) 2 rooms of 250 Sq. ft. each (b) Kitchen 75 Sq. ft. I bathroom-cum-Toilet/latrine 50 Sq. ft



(xv)	2 Rooms for Juvenile Justice Board/Child Welfare Committee	300 Sq. ft. each i.e. 600 Sq. ft.
(xvi)	Play ground	Sufficient area according to the total number of juveniles or children
	<b>Total</b>	<b>8495 Sq. ft.</b>

### 10.2.2 Reception Unit

- The Reception Unit is the first space that a child comes in contact with on his/her entry into the CCI. It should give the child a sense of respect, self-worth and dignity.
- A CCL at the time of his admission in the OH shall be first received at the reception area while the admission formalities are being conducted.
- Every child shall be received by the Person-in-charge of the Child Care Institution or such other official duly authorised by the Person-in-charge to receive a child, referred to as the Receiving Officer.
- The Receiving Officer shall satisfy himself as regards the identity of the child and in case of any doubt, the Receiving Officer shall promptly inform the Person-in-charge who shall forthwith inform the Board and produce the child before the Board without any delay. Every child received in the Child Care Institution shall be kept for the first fourteen days of his stay in the reception dormitory made specifically for the purpose or the segregation unit, so that the child adjust to the life in the Child Care Institution.
- Objectives of a Reception Unit within the CCI are:
  - to receive children and treat them with dignity and care.
  - give children the space to come to terms with institutional care in the CCI.
  - provide an orientation to the CCI environment-objectives of care in the CCI, their entitlements, responsibilities and expectations from the child.
  - to cater to the immediate needs of the child and to begin the process of rapport building, understanding, and counseling the child.
- The reception unit should consist of a reception area, equipped with adequate table space, seating space, and storage, registers, files etc.; dormitory with toilet and bathing area.
- The reception area should be equipped with graphic display material, which would help the child and those accompanying him/her understand the role of the CCI, the expectations from the child, routine to be observed, code of conduct for staff, children and visitors, available redressal mechanisms.



- The visiting and movement register should be kept at the reception desk.
- The person managing the reception unit should take permission from the Person-in-charge before allowing a visitor to enter the premises.

### 10.2.3 Office Area

- Every CCI should have an office space where all the staff of a CCI have a designated place to sit during work hours.

### 10.2.4 Visiting area

- Every CCI shall have a visiting area meant for the purpose of meetings of CCL with their parents/guardians/relatives.
- The visiting area should have the provision to provide privacy to the CCL and his/her parents/guardians/relatives.
- The Reception Unit and visiting area though situated in the OH premises should be separate from the main building.

**10.2.5 Dormitories:** Dormitories are lodging spaces for alleged CCL. There must also have space for lockers and storage of personal belongings.

- Every CCI shall have minimum 1000 sq. ft. allocated to a dormitory for 25 children.
- The dormitories should have provision of adequate beds, bedding and storage units at the rate of 1 unit of bed, bedding, and locker per child per dormitory.
- The storage lockers may be in the dormitory or in a separate but accessible area.
- The dormitories shall have sufficient provisions for protection from mosquitoes by providing mosquito nets or repellants.
- They should be provision for sufficient drinking water available for children in near the dormitories.
- The dormitories should be equipped with sufficient fans, coolers and heaters to be used as per the weather requirement.
- There should be 2 toilets and a bathroom attached to a dormitory of 50 children for use during the night/emergency use.

The dormitories should be fitted with an alarm system, emergency lights and fire-fighting equipment which can be used in case of emergencies.

### 10.2.6 Bathing, laundry and toilet facilities

- Every CCI shall have adequate separate well-lit and airy toilets with proper fitted bathing, toilet and laundry facility. There shall be 8 toilets and 5 bathing rooms per unit of 50 children.



- Every CCI shall have sufficient water including hot water for bathing and washing clothes.
- The bathing and toilet facilities shall have doors to ensure privacy and dignity of the children. The bathing, toilet and laundry facilities shall have adequate supply of water and adequate supply of soap, shampoo etc.
- The laundry area shall be equipped with a washing machine , as far as possible, have space for drying clothes with adequate sunlight and ventilation for clothes to dry and to be aired.
- In case of shortage of water or irregular supply of water, there shall be water storage containers in bathing, toilet and laundry area.
- CCL shall follow a time schedule for using the bathroom and toilet facilities in the morning to ensure that everybody is ready in time for their respective routines/classes.
- The above time schedule shall be stuck outside the bathroom facility and in the dormitories to avoid any confusion and fights among the children.

### 10.2.7 Kitchen – cooking, storage and area for washing utensils

- Every CCI shall have a kitchen area that consists of separate and adequate space for cooking, storage of food supplies and a separate area for washing and drying of utensils.
- Every kitchen in CCI shall be equipped with a functional fridge, oven and a chimney.
- Kitchen premises shall be kept clean and fly-proof.
- There shall be adequate counter tops, space for storage of gas cylinders in and not in use, so that food can be cooked safely.
- Kitchens shall be equipped with an adequate number of exhaust fans.
- There shall be adequate number of utensils to cook and store food in, plates, cups and glasses for the use of children and staff.
- The washing space for utensils shall have adequate water, soap and scrub for washing utensils.
- Proper washing of vegetables and fruits and hygienic manner of preparing food.
- Cleaning of the kitchen slabs, floor and gas after every meal.
- Clean and pest proof store for maintaining food articles and other supplies.



### 10.2.8 Store Room

- Every CCI shall have a store room that is equipped with alimiraahs and shelves to store monthly ration stock such as rice, grains, vegetables etc.
- The store room should have sufficient space for keeping utensils and other necessary kitchen items.
- The other essential items for use of children may also be kept in the store room.

### 10.2.9 Dining area

- Every CCI shall have a common dining area where children gather for meals daily.
- It shall be as far as possible, be well ventilated with natural light. The dining area shall have adequate seating arrangements with table and sitting space for each child.
- The dining area shall have a washing area with running water and soap available.
- They should be provision for sufficient drinking water available for children in the dining area.
- The dining hall should be equipped with sufficient fans, coolers to be used during summer.

### 10.2.10 Study/Class rooms

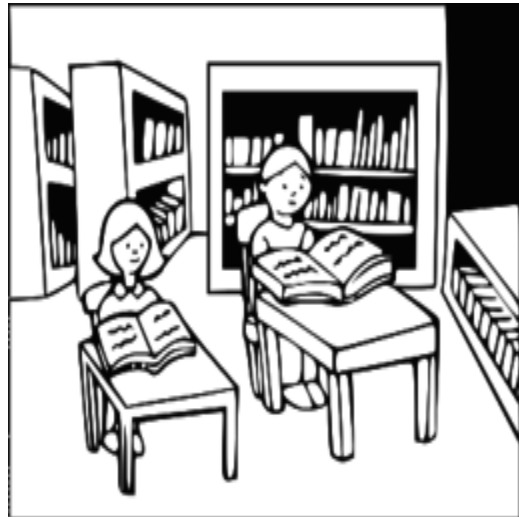
- Every CCI shall have adequate study rooms that are accessible to children during study hours.
- The Study room shall have adequate provision of the following:
  - lighting – natural and artificial.
  - desks and chairs for the use of CCL.
  - the study room shall be located in a quiet part of the CCI premises.
  - the study room shall be nicely decorated with posters and charts and it should look child friendly.
  - the study room shall be equipped with computers and internet facilities.



### 10.2.11 Library and audio visual room

- Every CCI shall have a library with adequate books both of academic and leisure pursuit.

- The library must have adequate desks and chairs, fans and lights to enable children to read comfortably.
- The library shall have a system which enables children to borrow and return books. Children should assist CCI staff with managing the system.
- The routine of CCL in CCI shall include the following to encourage reading among children.
  - at least two hours of library time every week.
  - encourage book reading/movie clubs where children can discuss and reflect on books read and movies watched.



### 10.2.12 Ventilation and natural light

- Every CCI shall have adequate ventilation which enables the access to fresh and natural light.
- Every CCI shall have adequate arrangement of artificial lighting that should be sufficient for the CCL to read, write and carry out their routine in the absence of access to natural light.
- Every CCI shall have adequate heating and cooling arrangements depending on climatic conditions.

### 10.2.13 Recreation spaces – indoor and outdoor

#### Indoor recreation spaces

- Every CCI shall have at least one room which is meant for indoor recreation activities like music, dance, yoga, indoor games etc.
- The recreation room shall have adequate storage area to store the materials required for the purpose of the recreation activities offered in the CCI.
- The recreation room shall be fitted with a TV with cable connection where children are allowed to watch a pre-selected list of channels during fixed hours as part of their daily routine.

#### Outdoor recreation spaces

- Every CCI shall have an open outdoor space for outdoor recreation activities like physical exercise, outdoor sports etc.

- The space for outdoor recreation shall be demarcated with boundaries which is safe for children. The materials used should be non-toxic, rust free so that no harm is caused to them while at play.
- There shall be sufficient sports equipment and a place to store it.

#### 10.2.14 Sickroom/Medical room

- Every CCI shall have a sickroom/medical room which the CCL can access when he/she needs to be administered first aid, or is unwell and needs proper rest.
- The medical room shall have a first aid kit.
- The medical room shall have arrangement of adequate beds,, a desk, chair and stools.
- The medical room shall have adequate storage to be used for medical supplies and equipment.
- The medical room shall have an attached bathroom.
- The routine monthly medical check-up shall happen in the medical room.

#### 10.2.15 Counselling and Guidance room

- Every CCI shall have at least one room which is demarcated for counselling and conference sessions.
- The Counselling/conference room shall have a desk and chairs.
- The Counselling and guidance room should be in one corner of the CCI so that it is noise free and peaceful.

#### 10.2.16 Quarantine room for children with communicable diseases

- Every CCI shall have an isolated room for children presented with symptoms of communicable diseases like chicken pox. The CCL shall be kept in quarantine after consultation with a medical officer for a time specified by him.
- The quarantine room shall have the following:
  - Bed and bedding.
  - An attached bathroom with running water.
  - A desk and a chair.
  - Fumigation of a sick room or quarantine room after every discharge in case of contagious or infectious disease.



## 10.3 Water

### 10.3.1 Drinking water

- The water used for drinking shall be filtered and treated before use.
- Every CCI shall install RO water filters for the above purpose.
- Every CCI shall have access to safe drinking water at all hours.
- In case, the water is supplied at certain hours, arrangement shall be made to store adequate water.
- Drinking water storage filters shall be available on each floor and located at a place that is within the reach of all CCL.

### 10.3.2 Disinfection of wells and drinking water storage tanks

- If the drinking water is being drawn from a well, the well shall be disinfected every quarter.
- If the drinking water is being stored in a central tank from where it is supplied to taps/drinking water filters, such storage tanks shall be disinfected every quarter.
- The wells and all storage tanks shall be properly covered at all times.
- There shall be a routine inspection of the wells and storage tanks by the Person-in-charge every month.

## 10.4 Disaster risk reduction infrastructure, materials and equipment

Every CCI shall have a disaster risk management plan that should identify and address disaster/risk situations in CCIs vis-a-vis internal and external factors.

### 10.4.1 Fire protection

- Every CCI shall have fire extinguishers in the kitchen, dormitories, store rooms, counselling rooms.
- Each floor of the building shall contain a fire extinguisher.
- CCL and the CCI staff shall be trained in operating the fire extinguisher in case there is a fire breakout. Fire safety drills to be conducted every six months.

### 10.4.2 Evacuation routes

- Every CCI building shall have separate emergency exits and evacuation routes.
- The evacuation routes shall be clearly displayed and marked to help the CCL and the staff in evacuation during an emergency situation.
- There shall be a clearly drafted evacuation process which should guide the CCL and duty bearers during the time of an emergency evacuation.



- During the induction and orientation when the CCL is being familiarized with the premises, he/she should be shown and told about the evacuation route procedure. The staff should also be familiarise with the same.
- Every CCI should have a fortified room where CCL and staff can take shelter in during an external attack, break in or any other threat.
- The safe rooms should have enough storage facilities to stock up essentials for a minimum period of 7 days.
- Emergency food and medical supplies:
  - At least 7 days of dry ration at any given point and which should only be used during emergency situations.
  - Emergency medical supplies and a first aid box.

#### 10.4.3 Emergency lighting and electricity supply

- Every CCI shall have sufficient emergency lights which should always be kept charged and ready to use in case of a power failure.
- Every CCI shall have power back up/inverters/generators.

#### 10.5 Sanitation and hygiene of the premises

- All spaces in the CCI to be swept and mopped once every day.
- Cleaning or washing of the toilets and bathrooms twice every day.
- Disinfection of the beddings at least once a year.
- Every CCI shall have sufficient water for maintenance and cleanliness of the premises.
- Every CCI shall have proper drainage system.
- Every CCI shall have arrangements for disposal of waste.
- There shall be garbage bins for each floor.
- The garbage bins shall be emptied every day.
- Every CCI shall have a monthly pest control for the premises.
- Scheduled cleaning of the premises.
- Apart from daily cleaning routine of the premises, there shall be collaboration with cleaning services to arrange intensive cleaning sessions quarterly. Besides regular cleaning of the premises, such a cleaning should also include the cleaning of fans, removal of cobwebs, cleaning of taps and door handles etc.





- The CCIs Management may also plan for special Swachhta Programme on holidays, national holidays and festivals. The children may also be involved in daily cleaning of the CCI and through this a habit of cleanliness may be inculcated in them.

### **10.6 Clothing, bedding, Toiletries and other articles**

- The clothing and bedding shall be as per the scale and climatic conditions.
- The requirements of each child and the minimum standards for clothing, bedding, toiletries and other articles shall be as laid down in Rule 30 of JJ Model Rules, 2016.

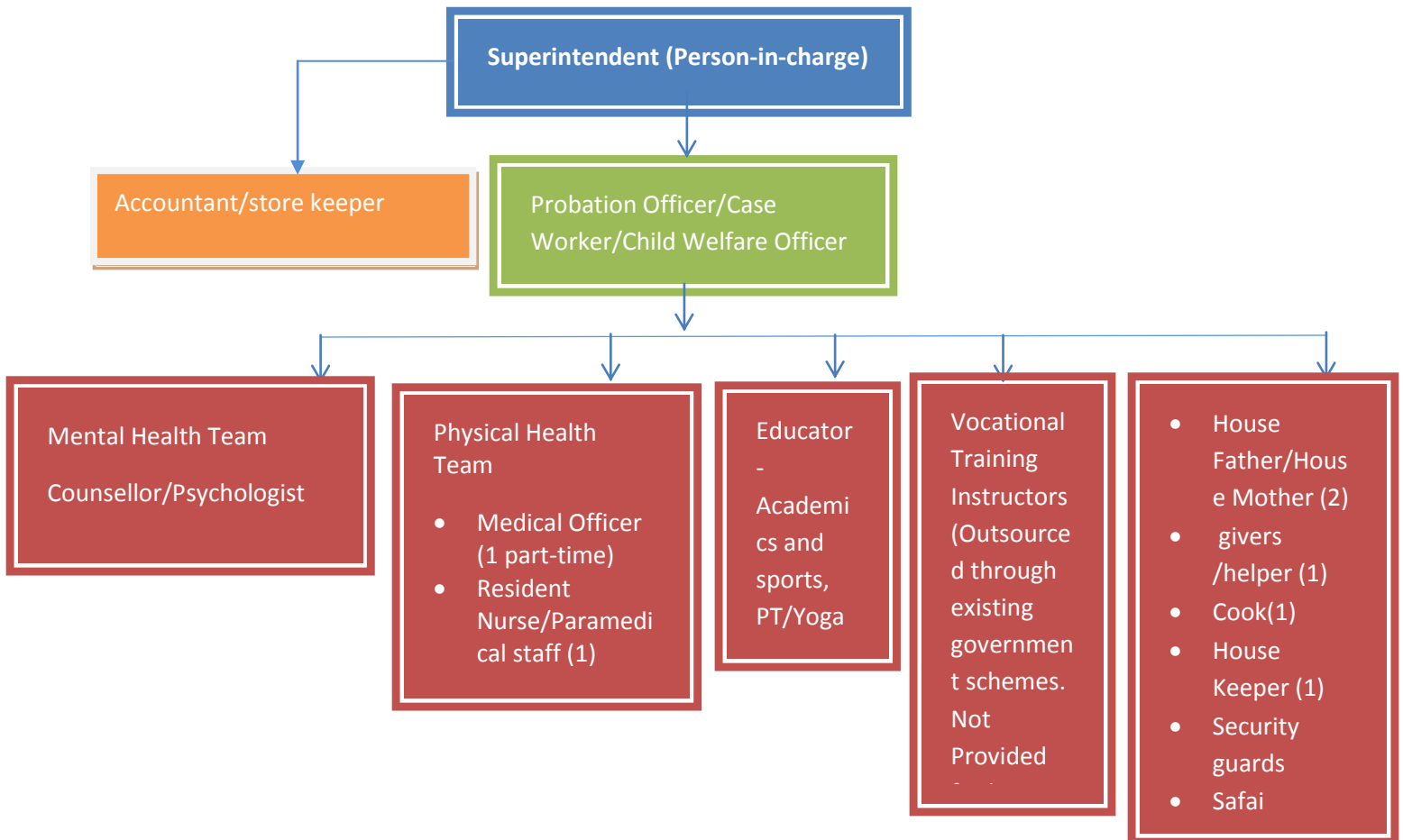


## 11. ROLES & RESPONSIBILITIES OF STAFF



## 11.1 Duty bearers of Child Care Institution for CCL-Roles and Functions

The Integrated Child Protection Scheme provides funding for every institution which caters to 50 children as under:



- The duty bearers in CCI for CCL may be full time and part time, based upon their roles and duties:
  - The full time staff in a CCI may consist of Superintendent/Person-in-charge, who is the Person-in Charge, Child Welfare Officer, Case Workers, Counsellor, Teachers, Vocational training instructor, Medical nurse, Administrative staff, Care givers, House father , House mother, Store keeper, Cook, Helper, Washer men, Safai karamachari, Gardener, Security guards as required.
  - The part-time staff shall include psychiatrist, psychologist, Medical officer, sports teacher, PT/yoga teacher.
  - The vocational trainer and vocational counsellor must be brought on board through tie-ups with other existing schemes of Government for vocational training and skill development.
  - The staff shall be appointed in accordance with the educational qualifications, training and experience required for each category.
  - The staff of the CCI shall be subject to control and overall supervision of the Superintendent/Person-in-charge.
  - The number of posts for each category of duty bearer shall be fixed on the basis of capacity of the institution as outlined in the Integrated Child Protection Scheme (ICPS).

## 11.2 Person-in-charge/Superintendent of an Institution

- The Person-in-Charge or the Superintendent of the Institution is in-charge of the maintenance of the CCI and for providing care and protection to the children.
- He shall be the controlling authority in so far as the administration activities pertaining to the institution as a whole are considered. All the staff in the institution is his/her subordinates for the purpose of administration.
- The Superintendent/Person-in-charge needs to be accessible on a 24X7 basis and shall reside in living quarters provided on the campus of the institution, and until such time that he has been provided the same, he/she shall reside in premise which is located at close proximity with the institution.



The Superintendent/Person-in-charge shall be responsible for the following, namely:

### 11.2.1 Over-all charge of the Institution

- The Superintendent/Person-in-charge shall ensure that services provided to children by CCI are in accordance with:
  - Provisions of the JJ Act, 2015.
  - Orders of the Board or Children's Court.
  - Standards of care outlined in JJ Act, 2015 and its Rules.
  - Record keeping requirements as outlined in JJ Act, 2015 and its Rules.
- Provide an environment in which children feel that they are nurtured and cared for, where they feel secure and are ensured that they are going to receive the care, supervision and facilities required to take stock of their lives, take accountability for their actions, undergo reformation, receive education, vocational training, and opportunities to get themselves on a path of better living, which will help them to grow and develop, and keep away from crime.
- To ensure that all children in the Institution receive all necessary services. This includes adequate quality of living conditions, receipt of necessary materials, care planning and follow-up: counseling, education vocational training, life skills, reformation, rehabilitation, physical and mental health facilities, legal aid/assistance, opening of a bank account and registration for Aadhaar etc. Ensure that the incentives if any, received by the child during his/her stay are deposited in his bank account.
- Ensure recidivism prevention programmes for children and follow up.
- Planning, supervision, and co-ordination of all activities in the Institution.
- Liaison externally with the concerned departments, and other agencies on matters related to running of the Institution and facilities for children which is permissible within the JJ Act, 2015 and the Rules framed there under.
- Liaise with the District Child Protection Unit or District Legal Service Authority or State Legal Services Authority to ensure legal assistance for every child.
- Liaise, Coordinate and Co-operate with the State Child Protection Society (SCPS) and District Child Protection Unit (DCPU) as and when required.
- The Person-in-charge of every Institution, housing children, shall facilitate setting up of children's committees for participation of children in the functioning of the CCI for the safety and well-being of children.



### 11.2.2 Receiving of children in the CCI

- The Superintendent/Person-in-charge shall be in-charge of receiving children into the Institution for the three purposes: overnight protective stay, protective custody and rehabilitation stay. He/she may delegate/authorize another official of the CCI to perform tasks in relation to receiving a child in the Institution, who for the purpose of receiving a child in the Institution, is designated as the Receiving Officer.
- If in case the Receiving Officer is not convinced of documents and other information to prove the identity of the child, the matter would need to be immediately brought to the notice of the Superintendent/Person-in-charge, Who shall forthwith inform the Board and produce the child before the Board without any delay.
- After receiving the child into the Institution, the Superintendent/Person-in-charge shall ensure that the child undergoes all processes necessary and receives all reception services necessary in the Reception Unit on arrival and within the first 14-days period.

### 11.2.3 Production of children before the Board/Children's Court

- To ensure that the officials (child welfare officer/case worker/probation officer) produce children before the Board/Children's Court as per the scheduled dates and that all dates are recorded in the child's file.
- To ensure that a weekly list of children in the CCI is prepared and forwarded to the Board and that it is brought to the attention of the Board if no date has been given for the production of a child.

### 11.2.4 Organization of meetings of the Management Committee

- The Superintendent/Person-in-charge is the Member Secretary of the Management Committee.
- He/she shall organize monthly meetings of the Management Committee for the purpose of monitoring the progress made by each child against goals set out in the Individual Care Plan, all matters and issues related to functioning of the CCI and provision of services to children.

### 11.2.5 Supervision of all officials in the CCI

- To supervise all the staff working in the Institution and to provide instructions/directions for smooth and effective functioning of the institutions.



- To ensure that all the staff are discharging their duties in accordance with the rules and regulations.
- To ensure prompt, firm and considerate handling of all disciplinary matters.
- To delegate responsibilities to staff for different aspects of running the CCI, and providing care and rehabilitation to children.
- To mentor and support staff in the discharge of their duties.
- Address issues in weekly meetings.
- Escalate matters to the department for support and direction.
- Be available to staff when required.
- Use technology, for example, form a Whatsapp group of staff to stay in regular contact, provide/receive information and directions on a real time basis.
- To convene weekly staff meetings with the Probation Officer and all staff of CCI to discuss routine matters which need his/her approval, resolve problems raised by the staff.
- To ensure that performance review is undertaken for all staff in the Institution.
- To sanction and approve staff leave and expenses.

### 11.2.6 Capacity Building of staff

- The Superintendent/Person-in-charge is responsible to ensure capacity building of staff in the following areas:
  - Skill Development: Rights based approaches to working with children, skills to help working with children counselling, psychological therapy, communication and negotiation with children, understanding adolescence, positive reinforcement and conditioning to inculcate good behaviour, recreation activities, sports activities, team building, documentation, computer literacy.
  - Personal Development: Addressing burn out, stress management, team building, conflict resolution.
- Taking the necessary approvals from the Department, develop partnerships and tie-ups with other agencies, including NGOs and corporations for provision of capacity building inputs to the staff in the CCIs.
- To ensure that the staff attends capacity building workshops organized by the Department, NIPCCD, NGOs, and other agencies.



### 11.2.7 Finance and Administration

- Financial management of the Institution, propose plan and non-plan schemes for the further development of the Institution.
- Approve expenses of the staff of the CCI.
- Liaise with DCPU and SCPS for matters related to finances of the institution.
- The Superintendent/Person-in-charge shall be the custodian and ensure the safety of important confidential documents, deeds agreements, personal files of staff, valuable articles of children etc.
- Ensure the maintenance and upkeep of the Institution through proper supervision and inspection—safe and adequate supply of water for drinking, bathing, washing and other purposes, storage areas are clean and free from rodents, inspection of food stock, removal of expired food supplies from the kitchen, ensure adequate supply of all materials-food, clothing, toiletries, cleaning materials etc. proper sanitary and hygienic conditions in the Institution, working condition of all electrical equipment, among others.
- Forward a list of vacancies available in the Institutions to the Department on a monthly basis.
- Ensure back-up arrangements and reserves for water storage, power, emergency lighting, food supply, in case of emergencies.

### 11.2.8 Nurturing environment which ensures rehabilitation and/or reformation of children in the CCI

In this regard the Superintendent/Person-in-charge needs to:

- Ensure that the Institution provides a nurturing environment in which children receive care which enables them to:
  - Take Accountability for their actions.
  - Make shifts in their thinking.
  - Get their lives back on a path which keeps them away from crime.
- Ensure that the children know that the staff don't think of them as criminals, however believe in them, and want to support them as they take accountability for their action, and in making positive changes to their lives.
- Ensure that counseling sessions and reviews with children include conversation on taking accountability for actions, accepting consequences of actions, moving forward and making amends for one's actions.
- Ensure that staff are respectful, caring and nurturing in their attitude towards the children.





- Ensure that ICP/rehabilitation plans are formulated, and reviewed periodically, and that they also incorporate the views of children.
- Ensure that the staff/legal aid lawyers keep children informed about status of their case and indicate clear time frames to them.
- Supervise and monitor discipline in the Institution and ensure that staff and children are nurtured using positive methods of eliciting good behaviour.
- Ensure that national holidays and festivals are celebrated through organization of special events in the CCI, in which all children get to participate.

### 11.2.9 Education

- The Superintendent/Person-in-charge needs to ensure that the children receive formal education.
- Liaise with voluntary agencies, and corporates to bring in educational support services into the CCI so that children can receive:
  - Bridging the educational gaps to enable children to get to a level where they can be admitted into the formal school.
  - Supplementary coaching and tuitions.
  - Non-formal education for those children for whom formal education may not be an option.
- He/she needs to ensure that those children who are in school need to be allowed to continue and given the required support to undertake the same.
- If a child is rejected for readmission in school or college for his alleged or involved in an offence, it is the responsibility of the Person in-charge to bring it to the notice of the Board or Children's Court which may issue necessary instructions to the management of school or college for readmission.
  - Ensure that all paper work necessary gets done (Transfer Certificate, applications forms etc.)
  - Supplementary coaching.
  - Time to study and prepare.
  - Support to appear for exams.



### 11.2.10 Vocational Training

- To ensure that vocational training is available for every child in the Institution. It is critical that in order for children to stay away from crime, they must receive vocational training in areas which allow them to work, and earn a decent living honestly.
- Converging through the department with government facilities for skill development and vocational training to be made available for children in Institutions.
- Invite corporations, NGOs to undertake vocational training activities for the children, take them on in apprenticeship, and to employ them after completion of their period of stay in the CCI.
- Networking with the department and ensure that children from the Institutions may attend ITI, and other professional courses outside the Institution.
- Liaising with NSDC at the district level for support for children in the CCIs and to train them in the Institution/set them up and support them in jobs/small businesses when they leave the CCIs upon release.

### 11.2.11 Health of the children

- The Superintendent/Person-in-charge needs to ensure that all health care facilities to be made available to the children in the CCI are provided for:
  - Ensure the availability of medical officers on call to deal with medical emergencies
  - Ensure arrangements for ambulance service and local government hospital for treatment of children on priority in emergencies.
  - Regular health check-ups once a month for all children residing in the CCIs.
  - Height and weight checks.
  - Hospitalization if necessary.
  - Segregation of children who have communicable diseases.
  - Preventive actions to prevent illnesses and their spread especially during severe weather conditions in summer (heat-stroke), winter, rains (Jaundice, Dengue and Malaria).

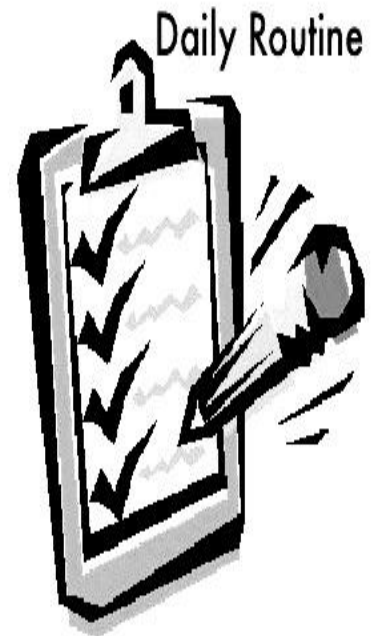
### 11.2.12 Daily routine

- Every Child Care Institution shall have a daily routine for children developed in consultation with the Children's Committees, which shall be prominently displayed at



various places within the Child Care Institution. The Superintendent/Person-in-charge needs to ensure that the daily routine is followed:-

- For meals
  - For education (including co-curricular activities art, craft, sports, reading, music)
  - Physical exercise
  - Yoga
  - Vocational training
  - Toilet/Bath/laundry/personal care
  - Rest
  - Spiritual/thought formation/life skills
  - Recreation (reading, movies, music)
  - Free time
  - Free play
  - Moral education
  - Group activities
  - Prayer and community singing and
  - Special programmes for Sundays and holidays and national holidays, festive days, birthday.
- He/ she needs to ensure that the children are kept occupied with activities and that they are not neglected throughout the day.
  - He/she needs to ensure that children's views and feedback on the daily schedule/routine are incorporated and that necessary changes are made.
  - He/she is responsible for incorporating inputs of staff in developing a roster for staff and daily schedule for children.



### 11.2.13 Visits to the Institution

- The Superintendent/Person-in-charge shall inspect the CCI twice daily at the minimum. He shall make a record of the timings of his inspection and also note his observations in a separate book maintained for the purpose, especially with regard to:
  - maintenance of hygiene and sanitation;
  - maintenance of order;
  - quality and quantity of food;
  - hygienic maintenance of food articles and other supplies;
  - hygiene in the medical centre and provisions for medical care;

- counselor of the children and staff;
- security arrangements and
- maintenance of files, registers and books.
- Anything irregular that comes to his notice, it shall be enquired into and resolved and the date, time and nature of the action taken shall be noted in the book.
- Where a problem of urgent nature has not been resolved within two working days, the Board or the District Child Protection Unit shall be informed. In the addition to the routine visits the Superintendent/Person-in-charge shall pay surprise visits at least once in week during night and ensure that the Institutional management is in control and vigil is maintained during the night.
- During visits the Superintendent/Person-in-charge shall interact with children, obtain feedback about how they are feeling, listen to their complaints if any, check for hygiene, sleeping arrangement, segregation of children, whether house mother/father are present in the dormitories.
- Superintendent/Person-in-charge shall visit the Institution on family visit day, and interact with parents. He shall also motivate both parents and the child, update parents of the child's progress, explain procedure, provide guidance and also to hear concerns raised by the parents.
- In case the Person-in-charge is on leave or otherwise not available, the duties of the Person-in-charge shall be performed by the CWO as designated by the Person-in-charge.

#### 11.2.14 Ensure Participation of children

- The Superintendent shall conduct monthly open house meeting with the children and staff in the institution with the following objectives:
  - To ascertain that the children are treated satisfactorily and their rights are not violated
  - To understand and hear problems faced by children.
  - To identify solutions in a transparent manner.
- To ensure that children's views are heard and incorporated and that they have a say in matters related to functioning of the Institution.
  - Receipt of material supplies-clothes, toiletries, books etc.
  - Food (quality and quantity).
  - Vocational training, educational, recreation and leisure activities.
  - Daily Routine and activities.
  - In interactions with those who provide legal assistance.



- To ensure that peer support groups are formed in the Institution, and that children meet in their groups and have sharing and discussion sessions.
- To interact with the children’s committee representatives to understand if the committees are functioning, understand their issues, receive feedback from them and take action if necessary.
- To ensure that children receive legal aid and are apprised of the status of their cases.
- To interact personally/ensure that officers interact with children and parents on visiting day and also to provide support, advice and help counsel both parents and the child.
- To ensure that there is appropriate display material which children can understand, about the various aspects of care, services, rights/entitlements of children, code of conducts for both staff and children, complaints and redressal mechanisms, material supplies.
  - Engage with the children’s groups to develop these materials.

### 11.2.15 Emergency preparedness

- The Superintendent/Person-in-charge/Shift in-charge shall ensure that staff is prepared, trained, and each one has been delegated a role and function at the time of a disaster. He/she shall take prompt action to ensure preparedness of the Institution and the personnel to deal with emergencies (disasters, acts of arson, fights etc.)
- In case of a natural disaster or fire or any such calamity, the shift in-charge shall take suitable steps for evacuation and safety of the children as per the Disaster Management Protocol as developed by the State Disaster Management Authority for Child Care Institutions.
- To prepare the officers, children and guards to follow the above steps, a practice drill shall be held once a month, without previous notice by the Person-in-charge.
- Ensure a risk mitigation plan to ensure that children are safe in situations of disaster.
- Ensure and minimise risk of fights and arson in the Institution by promoting a culture of openness, facilitating discussion, and encouraging children to resolve issues between themselves and between staff and themselves in a peaceful and violence free manner.
- Emergency services (fire, police, ambulance) have knowledge of the layout of the CCI and access routes are always kept clear of obstructions.
- Ensure networking and linkages with emergency services including hospitals, police, ambulance, and fire brigade services.



### 11.2.16. Seek tie-ups/partnership and collaborations with external agencies towards improvement in the CCI

- The Superintendent/Person-in-charge may look for tie-ups with organizations with expertise, who may contribute towards improving the conditions within the CCI, skills and capacities of staff, activities for improvement of services for children which may include education, vocational training, apprenticeship, life skills, recreation, hobbies, sports, community development programs, job placements, mentoring programs, among other initiatives.
- Tie-ups may be sought with agencies, which include both private, government organizations, corporations-private companies and public sector undertakings, NGOs, social welfare associations of armed forces , NSDC units/partners, ITI, at the district level, private and government hospitals, academic institutions, theatre companies, musician/music groups, senior citizen's associations, among others.
- Tie-ups with Government technical agencies like ITI and other skill development programs.

### 11.2.17 Safety and Security

- He/she is responsible for the safety and security of the Institution.
- He/she shall ensure that the security guards are trained and verified by police.
- He/she shall liaise with the local police for assistance for monitoring of the security at the CCI, assistance during emergency situations in the CCI.
- He/she shall liaise with the police for assistance while escorting children who would need to leave the CCI to attend education and vocational training programs as well as for those who need to be taken for health care services.

### 11.2.18 Search and Seizure

- The Superintendent/Person-in-charge shall oversee search and seizure for all those who are subject to search and seizure procedures.
- He shall ensure that search takes place in a manner that is not derogatory or disrespectful to the child/person being searched.
- The female child/person shall be searched only by female staff member in a manner that is not derogatory or disrespectful. Take personal belongings, cash, and other valuables of the children for safe keeping until the same is returned to the child at the time that he/she is discharged from the CCI.



- He shall ensure that procedure outlined in JJA 2015 and JJ Model Rules, 2016 are followed for search and seizure.
- Ensure that if materials which are prohibited are found, required inquiry is conducted and reports are prepared, and furnished to the police, Board or Children's Court for further decision and action.
- Upon receiving orders of the competent court, oversee the disposal or destruction of the prohibited materials recovered in the search and seizure.

### 11.2.19 Disposal of child's records

- As per Rule 14 of JJ Model Rules, 2016, the records of conviction in respect of a child in conflict with law shall be kept in safe custody till the expiry of the period of appeal or for a period of seven years, and no longer, and thereafter be destroyed by the Person-in-charge or Board or Children's Court, as the case may be.
- In case of a heinous offence where the child is found to be in conflict with law under clause (i) of sub-section (1) of section 19 of the JJ Act, 2015, the relevant records of conviction of such child shall be retained by the Children's Court.

### 11.2.20 Responding to media

- The Person-in-charge carries a great responsibility while responding to the media. He/She should be sensitive to matters concerning children in conflict with law and should not disclose any information or identity of children or giving out any information which is confidential, including incidents of arson/fights/violence if occur in the institution. Further, the Person-in-charge and the staff member of CCI shall not reveal or disclose or share the details or photos of a child who stays in CCI on any media like facebook, whatsapp etc.

### 11.2.21 Probation Officer

Every Probation officer shall carry out all directions given by the JJB/Children's Court or concerned authority. As per rule 64 of JJ Model Rules, 2016, on receipt of information from the Police or CWPO under clause (ii) of sub-section (1) of section 13 of the JJ Act, 2015, without waiting for any formal order from the Board, the Probation Officer shall inquire into the circumstances of the child as may have bearing on the inquiry by the Board and submit a social investigation report in Form 6 to the Board.



The social investigation report should provide for risk assessment, including aggravating and mitigating factors highlighting the circumstances which induced vulnerability such as traffickers or abusers being in the neighbourhood, adult gangs, drug users, accessibility to weapons and drugs, exposure to age inappropriate behaviours, information and material.

- The Probation Officer shall carry out the directions given by the Board and shall have the following duties, functions and responsibilities:
  - To conduct social investigation of the child in Form 6. The Social Investigation Report shall be prepared after a process of conducting interviews with the child, family, neighbours, any voluntary agencies or NGOs who the child has had contact with, Child Welfare Police Officer, teachers, peers of the child and any others deemed necessary.
  - The Social Investigation Report shall provide information and observations relating to risk faced by the child in the environment, exposure to risky behaviours, materials, vulnerability in terms of problems faced in the family and problems by the family economic and social.
  - To provide legal aid to children alleged to be or in conflict with law
  - Ensure that the child obtains free legal aid through the SLSA/DLSA/legal cum Probation Officer under the DCPU.
  - Ensure that if required, a bank account of the child is opened.
  - Ensure that all children have Aadhaar card made etc.
  - To participate in the pre-release programme and help the child to establish contacts which could provide emotional and social support to the child after release.
  - To establish linkages with Probation Officers in other Districts and States for obtaining social investigation report, supervision and follow-up.
  - To establish linkages with voluntary workers and organisations to facilitate rehabilitation and social reintegration of children and to ensure the necessary follow-up.
  - Regular post release follow-up of the child extending help and guidance, enabling and facilitating their return to social mainstreaming.
  - To prepare the individual care plan and post release plan for the child.
  - To supervise children placed on probation as per the individual care plan.
  - To make regular visits to the residence of the child under his supervision and places of employment or school attended by such child and submit periodic reports as per Form 10.
  - To accompany children where ever possible, from the office of the Board to the observation home, special home, place of safety or fit facility as the case may be.





- To evaluate the progress of the children in place of safety periodically and prepare the report including psycho-social and forward the same to the Children's Court.
- To discharge the functions of a monitoring authority where so appointed by the Children's Court.
- To maintain a diary or register to record his day to day activities such as visits made by him, social investigation reports prepared by him, follow up done by him and supervision reports prepared by him.
- To identify alternatives of community services and to establish linkages with voluntary sector for facilitating rehabilitation and social reintegration of children.
- Any other task as may be assigned.

### **11.2.22 Supervision when JJB releases child on Probation to parents/fit person/fit facility as per order of JJB.**

- As directed by the JJB, the Probation Officer shall take responsibility for supervision of a child period of up to three years who may be released on probation in the custody of parents, guardian, NGO, or to a fit facility, and provide periodic reports to the JJB as directed.
- To undertake home visits, visits to place of employment of child, school, vocational training centre, to ensure that the child is fulfilling goals outlined in the ICP/post release plan/rehabilitation card.
- To submit report outlined in form 10 of JJ Model Rules, 2016. The report should include observations which shall update the JJB if parents, service providers (voluntary agency/school/employer/vocation training centre) are not providing services as per expectations set out in the ICP/release plan/rehabilitation card.

### **11.2.23 Responsibility for care and service delivery to children in a CCI**

- Care of child in CCI: While in the CCI (Observation Home, Special Home or Place of Safety), the Probation Officer shall be in charge of the care of the child and shall undertake the following:
  - Help the child to make adjustments required for living in an institution. Ensure that the child is received in the reception unit and given all the necessary services. (Refer section on Reception Unit in CCI).
  - Once the child has passed through the period of care in the Reception Unit the Probation Officer shall be responsible to introduce the child to the other children in the dormitory, representatives of the children's groups/committees, house



mother/father in charge and to make sure that the child is made to feel comfortable.

- To clarify the problems of the children and deal with their difficulties in institutional life.
- To assist the children to develop contacts with family and also provide assistance to family members.
- Ensure coordination with the Superintendent/Person-in-charge and case workers, counsellors, educators, medical staff, voluntary agencies, to ensure that the child receives inputs as per the ICP which has been outlined for him/her.
- Undertake regular conference with the child to ensure that the child is receiving inputs as per the ICP and to receive feedback from the child about how he/she is feeling, issues faced and to work on solutions together.
- Accompany the child to the JJB/Children's Court for productions or when necessary.
- Take stock of the child's progress, and requirements, and undertake preparation of progress reports and periodic evaluation reports as per the prescribed formats and as directed by the JJB/Children's Court.
- Ensure that the child makes contact and interacts with family during the period of stay in the CCI.
- Interact with child and family together and separately to provide information, assess child's needs, obtain information towards updating progress towards the ICP, understand services and support required by the child and the family.
- Lead discussions on each child's progress during the period of stay in the CCI at monthly meetings convened by Superintendent/Person-in-charge in the CCI, quarterly reviews in the CCI convened by the Superintendent/Person-in-charge, and during all inspections conducted by JJB, Children's Court, Home Management Committee, State and District Inspection Committees.

#### 11.2.24 Preparation of Post Release Plan

The Probation Officer shall prepare a post-release plan for every child prior to release from the Observation Home, Special Home, or Place of Safety. This plan shall be based on interactions with the child, counsellors, case workers, psychologist, parents, and educators.

- It shall outline a plan for the child post release, outline responsibilities to be taken by family, voluntary agencies if any, and recommendations for measures towards after care and supervision to be provided by the child protection system
- This plan shall be prepared and placed before the JJB/Children's Court two months prior to the child's release.



- The Probation Officer shall have a separate meeting with the child to help the child identify an individual in his/her environment whom he/she can go to for support when he or she is feeling troubled. The particular individual to be named as part of the post release plan.
- Annual review and evaluation of children in Place of Safety: As per directions of the JJB/Children’s Court, the Probation Officer shall undertake annual review and evaluation of children placed in Place of Safety and provide reports to the JJB/Children’s Court.
  - This report shall be prepared based on interactions with the child, social workers/caseworkers, counselors, psychologists, family of the child.
- Daily Diary: To maintain a daily diary of activities undertaken.
  - Interactions conducted with children.
  - Social Investigation Reports prepared.
  - Social background reports prepared.
  - Monitoring and Supervision reports prepared.
- Interactions conducted with counsellors , psychologists, social workers/case workers, DCPU, parents, in relation to progress of a child.
- Linkages with voluntary organizations and social workers: Establishing linkages with voluntary workers and organisations to facilitate for the rehabilitation and social reintegration of children and to ensure the necessary follow-up with children restored back to the family and community.
- To identify alternatives of community services.
- Any other task/duty assigned by the management from time to time.

### 11.2.25 Monitoring Authority on orders of the Children’s Court

As per orders of the Children’s Court, the Probation Officer shall play the role of monitoring authority for a child in conflict with law who has completed the age of 21 and who is released by the Children’s Court. The District Child Protection Unit shall maintain a list of persons who can be engaged as monitoring authorities which shall be sent to the Children’s Court along with bi-annual updates. The Monitoring authority will also include CWO or Case Worker as provided under JJ Model Rules 2016. The Monitoring authority shall maintain a Rehabilitation card for the child in Form 14 of JJ Model Rules 2016. As the Monitoring Authority the Probation Officer shall:

- Meet the child for the first quarter after release on a fortnightly basis or at such intervals as may be directed by the Children’s Court. He shall fix a time and venue for



such meetings in consultation with the child. The PO as monitoring authority will forward its observations on the progress of the child on a monthly basis to the Children's Court. A written report of each interaction shall be prepared by the Probation Officer, and shall be submitted to the Children's Court on a monthly basis during the first quarter.

- At the end of the first quarter the PO as monitoring authority shall make recommendations regarding further follow up procedure required for the child.
- Where the child, after release is found to be indulging in criminal activities or associating with people with criminal antecedents, he shall be brought before the Children's Court for further orders.
- If it is found that the child no longer requires to be monitored, the monitoring authority shall place the detailed report with recommendations before the Children's Court which shall issue further directions either terminating the monitoring or for its continuation. The report submitted by the monitoring authority shall provide observations and recommendations to the Children's Court to enable:
  - A suitable decision to be taken if the child is found to be at risk of recidivism (keeping company of criminals, indulging in criminal activities, or not coping or settling back into the family and community)
  - Termination of monitoring and follow-up if the child is found to be settled back in the community and family.
  - Receive directions from the Children's Court with regards to periodicity of interactions with the child for the period after the first quarter after release.
- After, the first quarter, submit a report on a quarterly basis to the Children's Court.

### **11.3 Case worker/Child Welfare Officer (CWO)**

Every Child Welfare Officer or Case Worker in the Child Care Institution shall carry out all directions given by the Board or the Committee or the Children's Court. The case worker/child welfare officer shall keep the best interests of the child foremost in his/her approach in dealing with the child/children assigned to him/her. The CWO or Case Worker may also be appointed as monitoring authority as provided under JJ Model Rules 2016. The Monitoring authority shall maintain a Rehabilitation card for the child in Form 14 of JJ Model Rules 2016. The duties of the case worker/child welfare officer are as under.



### 11.3.1 At the time of production of the child before the JJB or Children’s Court and inquiry

- The CWO/case-worker shall receive charge of a child from the JJB, Children’s Court, or the Person-in-charge/Superintendent of an institution and shall implement directions as received from the JJB or Children’s Court.
- The CWO/case worker shall accompany the Special Juvenile Police or Child Welfare Police Officer while producing the child to the JJB within 24-hours as per sub-section 1 of section 10 of the JJA 2015.
- When a child is apprehended in accordance with section 10 of the JJA, and assigned to the CWO/case worker, the CWO/case worker shall produce the child before the Board within 24 hours excluding the time necessary for the journey of apprehending the child, from the place where such child was apprehended and also provide a report explaining why the child was apprehended by the police.
- To conduct a Social Investigation Report in relation to a child alleged to be in conflict with law, on receipt of information from the police or Child Welfare Police Officer or on arrival of a child in the Child Care Institution and submit the Social Investigation Report to the Board or the Children’s Court, within 15 days as per Form 6. Reference may be made to section 11.2.21 on preparation of Social Investigation Report.

### 11.3.2 Care, supervision and support of children in CCI (Observation Home, Special Home, Place of Safety)

- All the children in the CCI shall be assigned CWO/case worker who shall be responsible for the child assigned to him by the Superintendent/Person-in-charge in all respects viz. care, protection, rehabilitation, reformation and development of the child.
- The CWO/case worker shall be responsible for reporting to the Board or the Children’s Court about the child and maintaining the child’s record in the Child Care Institution.
- Upon assignment of the child to the CWO/case worker, he or she shall:
  - Facilitate services to be received by the child at the Reception Unit:
    - Welcome the child to the CCI, explain routine, rules, obligations, expectations of the child, understand child’s expectations of the institution, explain the code of conduct, what the child should expect from staff and what staff will expect from child, explain the status of the his case and provide tentative timelines so that the child understands his/her situation fully, permit



adequate time for the child to ask questions and seek information and clarification.

- Provision of materials-clothes, footwear, toiletries, issuance of linen.
  - Ensure that the child gets a meal, takes a bath immediately if necessary.
  - Ensure the child has access to detox facilities if he/she should require it.
  - Ensure that any ongoing treatment of the child is not interrupted or neglected.
  - Meet the child more than once a day to ensure that he/she feels safe and comfortable.
- Facilitate processes such as required tests, assessments and examinations of the child conducted by the professionals in the institution (counselor/teacher/doctor/psychologist).
- Gather information about the child within the initial five days to ascertain the child's education, vocational status and aptitude and emotional status.
- At the end of stay in the reception unit, escort the child to the dormitory and introduce him/her to the other children.
- Use positive methods to introduce the child to the other children so that the child feels welcome. Introduce the child to the house father/mother.
  - Introduce the child to children's committee members.
- Maintain documentation and case file for each child assigned in the CCI:
- Prepare the case file of the child.
  - Collect the child's medical, mental status, cognitive assessment, psychosocial and addiction status reports from the persons concerned and place them in the medical record of the child.
  - Maintain the Protective Custody Card.
  - Prepare and maintain the medical record of the child and ensure that the treatment of the child is not interrupted or neglected;
  - On receiving the copy of the order of declaration of age, to make the necessary changes in the record as regards the age of the child if any change is required and to place the copy of the said order in the case file of the child;
  - Update the Individual Care Plan and the case file to record goals achieved and another relevant information related to the child's progress:-
    - shall include any complaints received by the child, complaints received against the child, behavioral problems displayed by the child, good behavior displayed by the child.
    - shall include conversations had with child by the CWO/case worker, counselor, psychologist, which shows positive changes, and shifts made by the child in his/her thinking, plans for himself/herself/family.



- All the case files maintained shall, as far as possible, be computerized and networked on a designated portal i.e. TrackChild, so that the data is centrally available to the State Government, District Child Protection Unit and the Juvenile Justice Board etc.
- Preparation of Individual Care Plan:
  - Study the reports and prepare in consultation with the child and his family members, an individual care plan for the child in Form 7 for the period pending inquiry, to be placed in the case file of the child when the child is placed for care in the Observation Home or Place of Safety.
  - The CWO/case worker may consult the counsellor, psychologists or such other person as he/she deems fit in this regard.
  - In keeping with the individual care plan, a daily routine shall be developed for the child and explained to him.
  - Ensure that the child adheres to the routine so developed and take timely reports from the caregivers in this respect.
  - Ensure that special programmes for children with recidivism are formulated and incorporated in the ICP such as counseling, follow up and referrals.
- Review of Individual Care Plan:
  - Review periodically the implementation and effectiveness of the individual care plan and if necessary, suitably modify the individual care plan and the routine activities of the child with the approval of the Management Committee.
- Meetings and interactions with the child and other stakeholders:
  - Meet the child every day to ensure his/her safety, welfare and development.
  - Assist the child to adjust to the life in the Child Care Institution. A newly received child shall be met more often than once a day.
  - Keep track of all important dates for the child such as dates of production, hearing, appointments for medical treatment, and others.
    - Ensure the child makes it to all appointments and accompany the child/ensure that the child is accompanied as far as is possible.
  - Have meetings and interactions with other care-givers in the CCI to ensure that the child is receiving all required inputs which are outlined in his/her individual care plan.
  - Assist the child to develop contact with family and also provide guidance and assistance to family members by being present during parent child interactions on family meeting days in the CCI.



- Facilitate interaction between the child and the Person-in-charge/ Superintendent.
- Resolve the problems of the child and deal compassionately with his/ her difficulties in life in the CCI.
- Participate in the orientation, monitoring, education, vocational and rehabilitation programmes in respect of the child and attend the parent teacher meetings in schools in respect of children assigned to them.
- Participate in the pre-release programme and help the child to establish contact with family which can provide emotional and social support to the child after the release.
- Maintain contact with the children after their release and extend help and guidance to them.
- Visit regularly the residence of the child under his supervision and also places of employment or school attended by the child and submit fortnightly reports or as otherwise directed.
- Ensure that if required, a bank account of the child is opened.
- Ensure that all children have Aadhaar card made etc.

#### **11.4 Duties of House Mothers/Fathers**

The house mothers/fathers shall function under the direction of the Superintendent/Person-in-charge and shall be assigned duties towards providing care to children. The general duties, functions and responsibilities shall be as follows, namely:

- Handle every child in the Child Care Institution with love and affection.
- Take proper care of the child and ensure his welfare.
- Provide each child upon his reception with all the necessary supplies like clothing, toiletries etc.
- Replenish the provisions/supplies as per scale and need of the child.
- Maintain discipline among the children.
- Ensure that the children maintain their personal cleanliness and hygiene.
- Look after maintenance, sanitation and maintain hygienic surroundings.
- Implement the daily routine of every child in an effective manner and ensure the participation of the children.
- Look after safety and security arrangements in the Child Care Institution.
- Escort the children whenever they go out of the Child Care Institution for purposes other than production before the Board or the Committee or the Children's Court.





- Report to the Person-in-charge and to the Child Welfare Officer about the child assigned to the Child Welfare Officer.
- Maintain the registers, relevant to their duties. and
- Any other duty as may be assigned by the Person-in-charge of the Child Care Institution.

### 11.5 Duties related to house-keeping in the CCI

- The House Father/Mother shall be assigned the duty of verification of cleaning. He/she shall verify that the same has been conducted twice in the day, once in the morning, and once in the evening after the evening cleaning. A record of the same shall be kept in the House-keeping register.
- The House Father/Mother shall also do verification of meals, the same shall be verified at the time of preparation of every meal—breakfast, lunch, tea, dinner and a record of the same shall be kept in the meals register:
  - The House Father/Mother shall verify that the meal has been cooked according to the menu, and check to see if it is prepared in accordance with the standards outlined in the JJ Model Rules 2016.
  - The House Father/Mother shall also make a comment on the quality of the cooking whether it is satisfactory according to him or her and steps which may need to improve quality.

### 11.6 Counsellor/Psychologist

- Counselling sessions as part of the reception unit upon receiving a child: The counselor/psychologist shall have a minimum of 2 sessions with the child once he/she has been admitted in the reception unit of the CCI. More sessions shall be conducted if required.
  - The Superintendent/Person-in-charge shall ensure that the Probation Officer/ case worker/child welfare officer briefs the counselor with as much information as is available about the child and reasons for admission into the CCI.
  - The objective of these sessions shall be to understand as much as possible about the child, his or her situation, background, circumstances and needs, in order to make recommendations which will impact further decision making for the child, reports to the Board/Children’s Court, and the preparation of the ICP.
- Plan goal oriented counseling sessions for children who need help.
  - Receive referrals from the person-in-charge for children who require constant counseling sessions.



- The counselor should have planned, goal-oriented sessions with each child once in every week.
- The counselor should provide inputs on each child being counseled during the monthly Management Committee meeting.
- The counselor shall inform the matter to the Superintendent/Person-in-charge and Management Committee for an appropriate decision to be taken when he/she is of the view that:
  - the objectives of counselling sessions have been achieved.
  - or that the 98 counselling sessions need to be extended.
  - or that the child is in need of referral to a specialized service.
- The counselling should inform the Probation Officer/case worker/CWO and in case the child shows symptoms of any psychological ailment/condition and a decision on the next course of action should be taken by the Superintendent/Person-in-charge with the requisite approvals from the Board/Children's Court.
  - The family of the child should also be informed of the same.
- Record of counselling sessions: The summary and key highlights of each counselling session should be documented in the child's case file.
  - The counsellor should give inputs to the Probation Officer/CWO/case worker for each child receiving 98counsellor98 as required—periodic reports to the Board/Children's Court, while updating the case file, for modification of ICP.
- Formation and support to groups among children in the CCI:
  - Under supervision of the Superintendent/Person-in-Charge facilitate formation of peer support groups among children for them to support each other and deal with issues in a positive manner.
  - Undertake group therapy sessions with the peer support groups.
  - Provide children with skills and knowledge on how to manage and conduct their group sessions.
  - Ensure that participation in peer support groups should be voluntary for the children in the CCI.
  - Special counseling sessions for repeat offenders, follow up and referral to psychiatrist or mental health specialist if need be.

### 11.7 Educator/Tuition Teacher

- He shall work under the supervision of the Superintendent/Person-in-charge to ensure that all children in the CCI receive educational inputs:



- Upon receiving a brief from the Probation Officer/case worker/CWO shall provide inputs and interact with the child if necessary for the component on education which will form part of the ICP.
- The educator shall work in coordination with the CWO/case worker/Probation Officer to ensure that children in the CCI receive support to begin or continue their education with no disruption. He shall ensure that the children are able to enroll in NIOS and continue/begin their education. Obtain documents from their home to enable them to continue their education.
- Administer tests to determine at what level of education children are at in order to be able to give them appropriate support.
- Conduct classes daily, and coordinate with voluntary agencies providing education support services in the CCI to ensure that all children receive educational support such as:
  - Bridge course.
  - Enrolment for open schooling if necessary.
  - Literacy and Non formal education for those children for whom it may not be possible to educate.
  - Supplementary tuitions to children who are in formal education and need additional support.

## 11.8 Art, Craft and Activity Teacher

They shall perform their duties under the supervision of Person-in-charge.

### 11.8.1 Art and Craft

The duties of the art, craft and activity teacher is conducting art and craft and other activities for the children in the CCI which may be such as:

- Divide children in groups based on their age.
- Ensure that every child in the CCI is allocated a group and receives a minimum of 2 sessions of 2-hours duration in a week.
- Conduct sessions in a modular manner with a plan such that:
  - Children learn different styles of art-different periods and art forms, traditional art forms from around the county.
  - They learn history of art and stories of famous artists.
  - They get to participate in projects and are acknowledged for their work.
  - Provide positive feedback and reinforcement to the children through the sessions.



- Design sessions in such a manner that children find a way to express themselves and also have conversations about themselves through the projects/paintings/craft items they prepare.
- Use information available on the internet to help with research and development of modules.
- Liaise with the Superintendent/Person-in-charge such that children who are interested are permitted to participate in government organized art competitions.
- Under supervision and direction of the Superintendent/Person-in-charge work with volunteers to undertake art and craft projects with the children-e.g. Painting of murals, decorating walls of the institution.
- Liaise with the Superintendent/Person-in-charge to get materials required for art projects donated/sponsored from the community, department, DCPU or corporate.

### 11.8.2 Library

- Under the supervision of the Superintendent/Person-in-charge, he shall ensure that there is adequate supply of books and a system which allows for them to borrow and read books on a regular basis.
- Liaise with the Superintendent/Person-in-charge, to obtain appropriate books for children to read in the institution.
  - A combination of fiction-literature, thrillers, poetry; non-fiction-biographies, science, art, history etc.
  - Books across all genres should be those which would motivate and inspire children.
  - Books kept in the Library shall be in appropriate languages for children to be able to read.
  - Liaise with the Superintendent/Person-in-charge to ensure that books are sourced from the institution's budget or through donations.
  - Train children in the institution to help manage the process of borrowing and lending of books.
  - Issue library cards to the children which record the name of the book, date of borrowing and date of return.
  - Find means of incentivizing children who spend time reading.
- Organize group reading, book reviews and discussions around the books that children have read.
  - Seek help of counselor/CWO/case worker in facilitating discussions.



### 11.8.3 Audio-visual Entertainment

- **Movies/films:** Under the supervision of the Superintendent/Person-in-charge, the teacher should create a list of movies appropriate for screening for the children in the CCI.
  - The list of movies should combine mainstream Bollywood films, regional films, documentary films, sitcoms, serials, historical & patriotic movies, science and geography programs among others.
  - Films could be screened for the children on a regular basis. The teacher in coordination with the Superintendent/Person-in-charge, may seek assistance from the DCPU in sourcing and obtaining films.
  - A schedule for the same may be fit into the daily routine such that each child is able to watch one film a week, in addition to regular television watching time.
  - The teacher may organize discussion and sharing sessions after screening of films.
  - The teacher may take the assistance of the Children’s Committee for organizing movie screenings and discussions.
- **Music and Karaoke:** The teacher may organize music sessions for the children.
  - The teacher may divide children into groups such that each child receives a minimum of 45 minutes of a music session in a week.
  - The teacher may organize singing competitions when the children have free time on Sundays and other national holidays.
  - The teacher in coordination with the Superintendent/Person-in-charge may obtain a Karaoke set for the institution.
  - The teacher in coordination with the Superintendent/Person-in-charge may bring in voluntary music teachers to conduct music sessions with the children.



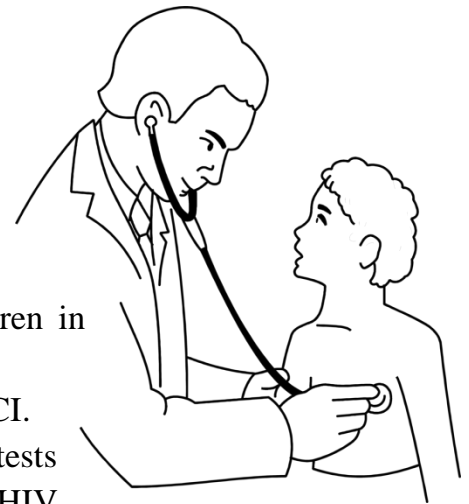
### 11.8.4 Roles and Responsibilities of Store-keeper cum Accountant in a Child Care Institution:

- The store-keeper cum accountant is very important post in a CCI as all the stock of the CCI is maintained by him. The following list represents some of the tasks performed by Store keeper cum accountant under the super vision of the Person in-charge:
  - Maintaining of the stock register of the Institution.

- Stock taking at the beginning of the month.
- Maintaining stock of various items required in the institution.
- Ensure that as and when the stock of a CCI goes below 20 percent of the monthly requirement, the demand is raised accordingly.
- Compulsory monthly physical verification of the stock.
- Ensure that every child of the CCI should get the required items/material on time and as laid down under the JJ Model Rules 2016.
- He is responsible for the smooth and effective functioning of the store.
- He is responsible for managing the assets of the store. The security and safety of the store is his responsibility.
- Ensure that all the important stock is kept in lock and key.
- Ensure that sufficient inventory is available at the store to avoid being out of stock.
- Managing the store.
- Maintain the accounts of the institution.
- Maintain income and expenditure statement of the institution
- Prepare Utilization Certificate
- Procure and maintain stock of various items required in the institutions
- Maintain the salary register and donation register.

### 11.8 .5 Medical Officer

- The medical officer shall be available in the CCI on call whenever necessary for regular medical checkup and treatment of children.
- He/she shall conduct the medical examination of children in the CCI:
  - Within 24 hours at the time of admission into the CCI.
  - Ensure that blood sample for routine blood tests Complete Blood Count (CBC), Urine Routine, HIV, VDRL, Hepatitis B and Hepatitis C tests and allergy or addiction to drugs are sent at the time of admission of a child into the institution.
  - Within 24 hours before the time of transfer from the institution.
  - On a monthly basis for all children residing in the CCI:
    - Maintain the medical record for each child.
    - Record the height and weight for each child at the time of monthly check-up.
    - Treat, children for illnesses detected.



- Ensure that any illnesses (mental and physical) that the child suffers from is recorded in the file as also updates on treatment, and improvement/set-backs suffered by the child in relation to a particular illness. Ensure that when treatment is stopped the reasons for the same are also recorded in the file.
- Refer children to hospitals with approval of Superintendent/Person-in-charge if any major illness, or specialized treatments are necessary.
- Ensure that immunization program is implemented as per the immunization schedule.
  - Supervise administration of immunization by para-medical staff of the CCI.
  - Supervise administration of immunization by PHC/district hospital staff.
- Train all paramedical staff, officials of the institution and children's committee members on administering first aid.
- Organize quarterly medical check-ups/camps for the children by specialists in coordination with district hospital, DCPU, PHC, voluntary organizations, corporate, under the supervision of the Superintendent/Person-in-charge including:
  - Ophthalmologists
  - Dentists
  - Dermatologists
  - Psychiatrists
  - Psychologists
- Under the supervision of the Superintendent, with the help of the DCPU develop and manage a system of referral with the district hospital, charitable health care centres/hospitals, private hospitals (willing to provide services for free).
  - Ensure coordination and follow up of children referred.
  - Liaise with the DCPU for financial and other provisions for children who suffer from chronic ailments and need long term treatment and facilities.
- Develop a system in the CCI for managing first-aid and treatment of minor illnesses.
  - Ensure that the first-aid kit is fully equipped at all times in accordance with guidelines.
  - Ensure that children being treated for minor illnesses are followed up with and treated till they have recovered.
  - Ensure that medical records also reflect that children have received first aid and treatment for minor ailments.
- Provide inputs to the kitchen staff via the case worker to ensure that all children who need to be on medical diets are receiving the requirements as per medical advice.
  - Inspect the food which is being served to children on medical diets.
- Carry out preventive health activities.



- Organise preventive health programs with children on subjects including personal hygiene, sexual and reproductive health, communicable disease prevention.
- Ensure preventive actions are taken by the management of the institution to prevent seasonal disease outbreaks such as dengue, malaria, jaundice and others.
- Ensure segregation of children who have infectious/communicable diseases.
- Attend to any emergency medical situation for immediate intervention.
- Conduct/organize pregnancy tests only in the case it is deemed necessary and ordered by the Board/Children’s Court.

#### 11.8.6 Paramedical staff: Staff Nurse/Nursing Orderly

- The Staff Nurse/Nursing Orderly must work in shifts on a 24X7 basis.
- Shall have to assist the medical officer in discharge of his duties.
  - Medical check-ups.
  - Organizing camps.
  - Preventive health programs.
  - Maintenance of records.
  - Administration of medication/immunization.
  - Maintaining the first aid kit.
- Shall receive training on administration of first-aid and treatment of minor ailments.
  - Be accessible to children who have complaints of ill health at times that the medical officer is not available.
  - Provide first-aid and medication to children for minor ailments.
- Shall accompany the children outside the CCI for medical treatment.
- Shall under supervision of the medical officer undertake all coordination and activities required for ensuring that the children receive specialized medical treatment outside the CCI.



#### 11.8.7 Sports teacher/ /Yoga teacher

- The sports/ yoga teacher shall be available on fixed hours at fixed times daily and shall perform his duties under the supervision of Person-in-charge.
- She/he must ensure that each child participates in minimum 2 hours of group activities daily.



- The sports teacher shall under the supervision of the Superintendent/Person-in-charge ensure that there is an adequate supply of sports equipment.
- The sports teacher shall train the children in sports and athletics.
- The sports teacher shall coordinate and organize volunteers:
  - Undertake training of children in different sports and athletics.
  - Competitive matches and tournaments.

### **11.8.8 The Rehabilitation cum Placement Officer**

Rehabilitation-cum- Placement Officer shall be designated in all Child Care Institutions, including place of safety. The Rehabilitation cum Placement Officer may have a Master's degree in Social Work or Human Resource Management and atleast 3years of experience in the field of rehabilitation, employment creation and resource mobilization. He/she shall perform the following functions under the supervision of the Superintendent/Person-in-charge:

- Identify the skills and aptitude of the children placed in Child Care Institutions through appropriate mechanism and in consultation with the CWO, case worker, Counsellor and Vocational instructor.
- Identify and develop linkages with all such agencies that offer vocational and training services with job placement at the end of the course.
- Network with persons, 105corporate, recognized non-governmental organizations and other funding agencies to mobilize resources for sponsoring training program and support for self-employment.
- Facilitate and coordinate with agencies, individuals, 105corporate, recognized non-governmental organizations and other funding agencies to set up vocational training units / workshops in Child Care Institutions as per age, aptitude, interest and ability.
- Mobilize voluntary vocational instructors who render services to carry out the training sessions in the Child Care Institutions.
- Inculcate entrepreneurial skills and facilitate financial and marketing support for self-employment.
- Prepare rehabilitation plans keeping in mind the nature of the offence and the personality traits of the child.
- Prepare need based and focused intervention plans for the repeat offenders.
- Maintain the Rehabilitation Card in Form 14 and monitor the progress made by the child on regular basis and submit such progress reports to the Management Committee.
- Facilitate the child to get certificates on completion of the education or vocational or training courses.



- Make efforts for ensuring effective placement of each eligible and trained child.
- Organize workshops on Rehabilitation programmes and services available under Central and State Government Schemes, spread awareness and facilitate access to such schemes and services.
- Organize workshops on personality development, life skill development, coping skills and stress management and other soft skills to encourage the child to become a productive and responsible citizen. Conduct regular visits to the agencies where the children are placed to monitor their progress and provide any other assistance as may be required.

### 11.9 Performance Management

The Superintendent/Person-in-charge shall be responsible for conducting the performance appraisal of each staff member in the CCI, based on the job descriptions with the help of immediate supervisor of the staff concerned and record his/her feedback on an annual basis. He should clearly state his reasons for positive and negative report about a particular staff. The performance appraisal report of the Person-in-charge should be confidential and submitted to the Management Committee.



## 12. SERVICES FOR CHILDREN IN CONFLICT WITH LAW IN CCI



## Introduction

- It is the responsibility of every State Government to provide services to children in conflict with law as laid down under the JJ Act 2015 and the JJ Model Rules 2016. Though, JJ Act and the Model Rules clearly states the procedure for its implementation, however, there are certain areas which may need special attention of the care givers in a CCI such as what shall be done in-case of an alleged CCL above seven years of age and below twelve years and the recidivism.
- “Doli incapax” means “Incapacity of a child”. Sections 82 and 83 of IPC 1860 exempt the wrongful act of the child from the criminal liability. As per Section 82 of IPC, nothing is an offence which is done by a child under seven years of age. Further, Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion as provided under Section 83 of IPC, 1860.
- The Person in- charge in such situation should bring the matter before the JJB, and the child should be declared as child in need of care and protection by JJB.
- With growing urbanization and migration to big cities, the criminal gangs operating in these cities use children as objects for committing crimes and sometime the children themselves are involved in the crimes. Therefore, the problem of repeat offenders is increasing in cities which require special attention of the State Governments and the care givers in the CCIs. The objective of dealing with such children under Juvenile Justice System should not be punishment as criminals, but to rehabilitate them by means of education or therapy to live a healthy and decent life.

### 12.1 Child Care Institutions- Objectives and Approach

- **Definition:** A child care institution as defined under the JJ Act, 2015, means Children Home, Open Shelter, Observation Home, Special Home, Place of Safety, Specialised Adoption Agency and a Fit Facility recognized under the Act for providing care and protection to children, who are in need of such services. Children in conflict with law are provided residential care and protection in Observation Homes, Special Homes and Places of Safety. They are defined as under:



	Observation Home	Special Home	Place of Safety
Purpose	<ul style="list-style-type: none"> <li>For <b>temporary reception, care and rehabilitation</b> of any child <b>alleged</b> to be in conflict with law, during the pendency of any inquiry under this Act</li> <li>For every child <b>alleged</b> to be in conflict with law who is <b>not</b> placed <b>under the charge of parent or guardian</b></li> </ul>	<ul style="list-style-type: none"> <li>For <b>rehabilitation</b> of those children in conflict with law who are <b>found to have committed an offence</b> and who are placed there by an order of the Juvenile Justice Board made under section 18</li> </ul>	<ul style="list-style-type: none"> <li>To place a person <b>above the age of eighteen years or child in conflict with law, who is between the age of sixteen to eighteen years and is accused of or convicted for committing a heinous offence</b></li> </ul>
Duration of care	Does not exceed 4 months	Does not exceed 3 years	During the process of inquiry or person convicted of committing an offence
Establishment	The State Government <b>shall</b> establish and maintain in <b>every district or a group of districts</b> , either by itself, or through voluntary or non-governmental, Observation Homes	The State Government <b>may</b> establish and maintain in <b>every district or a group of districts</b> either by itself or through voluntary or non-governmental organisations, Special Homes	The State Government <b>shall</b> set up <b>at least one place of safety in a State</b>
Registration	As under Section 41, JJ Act, 2015		

- Observation Homes and Special Homes have a unique objective and purpose for the services provided for children in conflict with law, and hence the approach of each would be different. Place of Safety function as Observation Home or a Special Home for children between the age of 16-18 years of age, who are accused or found guilty of having committed heinous offences.



- As per JJ Act 2015, the provisions dealing with Observation Home, Special Home and a Place of Safety is reproduced as under:
  - Sec 2(40), Chapter I, JJ Act 2015 - “observation home” means an observation home established and maintained in every district or group of districts by a State Government, either by itself, or through a voluntary or non-governmental organisation, and is registered as such, for the purposes specified in sub-section (1) of section 47;
  - Sec 2(56), Chapter I, JJ Act 2015 “special home” means an institution established by a State Government or by a voluntary or non-governmental organisation, registered under section 48, for housing and providing rehabilitative services to children in conflict with law, who are found, through inquiry, to have committed an offence and are sent to such institution by an order of the Board;
  - Sec 2(46), Chapter I, JJ Act 2015 - “Place of Safety” means any place or institution, not being a police lockup or jail, established separately or attached to an observation home or a special home, as the case may be, the person in-charge of which is willing to receive and take care of the children alleged or found to be in conflict with law, by an order of the Board or the Children’s Court, both during inquiry and ongoing rehabilitation after having been found guilty for a period and purpose as specified in the order.
  - Sec 47(1), Chapter VII, JJ Act 2015 - The State Government shall establish and maintain in every district or a group of districts, either by itself, or through voluntary or non-governmental organisations, observation homes, which shall be registered under section 41 of this Act, for temporary reception, care and rehabilitation of any child alleged to be in conflict with law, during the pendency of any inquiry under this Act.
  - Sec 47(4), Chapter VII, JJ Act 2015 - Every child alleged to be in conflict with law who is not placed under the charge of parent or guardian and is sent to an observation home shall be segregated according to the child’s age and gender, after giving due consideration to physical and mental status of the child and degree of the offence committed.
  - Sec 48(1), Chapter VII, JJ Act 2015 - The State Government may establish and maintain either by itself or through voluntary or non-governmental organisations, special homes, which shall be registered as such, in the manner as may be prescribed, in every district or a group of districts, as may be required for rehabilitation of those children in conflict with law who are found to have committed an offence and who are placed there by an order of the Juvenile Justice Board made under section 18.
  - Sec 49, Chapter VII, JJ Act 2015 - The State Government shall set up at least one place of safety in a State registered under section 41, so as to place a person above the age of eighteen years or child in conflict with law, who is between the age of sixteen to eighteen years and is accused of or convicted for committing a heinous offence.



### 12.1.2. Care in an Observation Home—Objective and approach

**Objective of residential care in an OH:** The objective of provision of residential care to an alleged CCL in an OH is:

- To ensure the safety, protection, and care of the alleged CCL during the period of inquiry.
- To support the child through the period of inquiry by ensuring that legal aid is accessible to the child, ensure attendance on every hearing, and explaining to the child the process and progress on the case.
- To formulate an Individual Care Plan for each child based on understanding the child's background (familial situation, peer and neighborhood influences, positive influences), needs and interests, through the use of appropriate methods including counselling sessions, interaction with the child's family, home visits, aptitude testing for education and vocational training, and consultation with physical and mental health professionals.

#### Approach to provision of services in an OH

Since an OH is a temporary residential care facility for a child who is alleged to be in conflict with law, the approach to provision of services in the institution as a whole, and its duty bearers must be one which ensures that:

- there is no presumption at any level that the alleged CCL is guilty. Therefore, an OH shall not resemble a prison in terms of its infrastructure, services or in how duty bearers conduct interactions with children.
- services and care are provided in a manner which facilitate finding out the unique needs of each alleged CCL using appropriate methods and in consultation with professionals.
- at the end of the period of stay the child is on a path to rehabilitation with a clear monitorable individualized plan for rehabilitation.

**Key messages to children in OH care:** Key messages which must come through to children in Observation Home which includes care-through the nature of infrastructure, manner of provision of services, tone of interactions between staff and children are:

- The OH does not presume child as guilty.
- The role of the OH and staff is to support the child.
- The OH will explore as many options as possible to help the child get on a path towards rehabilitation and reintegration in society.



### 12.1.3. Care in a Special Home—objectives and approach

#### Objective of care in Special Home:

The objective of care in a special home is to:

- Provide reformatory services including education, skill development, counselling, behaviour modification therapy, and psychiatric support during the period of stay in the Special Home.
- Formulate and/or review and/or implement an Individual Care Plan for each child based on understanding the child's background (familial situation, peer and neighborhood influences, positive influences), needs and interests, through the use of appropriate methods including counselling sessions, interaction with the child's family, home visits, aptitude testing for education and vocational training, and consultation with physical and mental health professionals.
- Ensure that children accept responsibility and take accountability for the crime they were found to have committed, and begin a process of healing and transformation.
- Preparing the child for reintegration into the family and community with skills and a plan to ensure that he/she will not commit crime again.

#### Approach to provision of services in a Special Home:

Since SH is a reformatory care facility which houses children found to have committed offences for a period up to 3 years, and is not a prison, the approach to provision of services the institution as a whole, and its duty bearers must be one which ensures that:

- Children are not treated as criminals or prisoners and shall be provided with as much liberty as is possible.
- Upon entering the institution, children must be reassured that the SH and its staff are there to support them throughout the period of stay.
- Children are counselled through a process of taking accountability and responsibility for their actions.
- Children must be supported to make a fresh start with their lives, and must be supported to become emotionally and financially self-reliant as they reintegrate back into society.

#### Key messages to children in SH care:

Key messages which must come through to children in Special Home which includes care-through the nature of infrastructure, manner of provision of services, tone of interactions between staff and children are:

- Children are not criminals or prisoners.





- Role of the SH staff is to support children in the process of taking responsibility and accountability for actions and reformation.
- The SH would make available as many options as possible to enable children to avail facilities to ensure their reformation and rehabilitation.

### **Taking Accountability for actions, and beginning the process of transformation:**

Deprivation of liberty throughout the period of stay in a Special Home will not achieve reformation of children effectively, unless it is accompanied by a process where children begin to take accountability for their actions, and find ways in which they can help to repair the harm they have caused. Taking accountability helps offenders to come to terms with what they have done, accept it, find ways to repair the harm they have caused {even if, sometimes their actions have been very grave}, and accept themselves. It helps them find purpose, move forward with their lives and avoid crime in the future. Creating a positive environment and facilitating this process from the time the child enters the Special Home during the reception and orientation stage. Key messages must include:

- Telling the child that he/she is now in a safe place where he/she is not going to be judged but accepted and helped.
- Tell the child that the role of the staff in the home is to help him/her take accountability and bring the change.
- Encourage the child to make the best of the opportunity before him/her acknowledging that at this stage he/she will be very disappointed/angry/unhappy about the period of stay in the home.
- Tell him/her it is alright to be angry, disoriented, and frustrated with the system, self, family at this point, and the purpose of being in the home is to help sort through all this together and make a fresh start.
- Encourage him/her to share feelings and thoughts freely with counsellors, PO and other officers/care-givers in the home in meetings and sessions which are about to follow.
- Help him/her understand that taking accountability means:
  - Expression of regret or remorse or apology.
  - Expressing how his/her actions affected victims/family/community/self and others.
  - Understanding and accepting that it was a decision/choice which could have been made differently.
  - Understanding that there are ways to repair damage.
  - Understanding that there are ways to pick oneself up and move forward.



## 12.2. Receiving a Child in a Child Care Institution (CCI)

- The Person-in-charge/Superintendent shall be responsible for the reception and admission of the child in the CCI. In case the Superintendent is not present at the time of receiving a child, he/she should designate an officer of the CCI as the Receiving Officer.
- Newly admitted children shall be placed in a Reception Dormitory for the first fourteen days of his stay.

### Observation Home

- A child may be admitted into the OH for overnight protective stay or in protective custody for the duration of his or her inquiry as per order of the Board.
- A child may be received in an OH round-the-clock, at any hour.
- Admission of a child can be acquired by the Child Welfare Police Officer or any authorized person as mentioned in the Act on a written requisition addressed in Form 42 to the Person-in-Charge of the OH.

### Receiving a Child in Protective Custody for the Duration of Inquiry

At the time of receiving the child the Superintendent shall ensure the following:

- Receive and welcome the child into the OH in a gentle manner.
- Undertake introductions of self and child and explain to the child what receiving/admitting him/her will entail and how long it will take.
- Give the child time to settle down.
- Offer the child a glass of water. Provide him/her with meal if necessary.
- Verify the order of the Board and explain the contents to the child so that he/she understands why he/she is being placed in protective custody.
- Check for identification marks on the child.
- Under take search and seizure in accordance with provisions in the Act and Rules, however, ensuring that children are frisked, patted down, and searched in a manner which is gentle, decent, and does not violate their dignity. Girl child must be searched by a female staff member only.
  - No foul language (swear words or threats) should be used.
  - No rough handling of children
- Receive any documentation related to the child by the OH staff admitting the child.
- Recording and safe-keeping of personal belongings, cash, other valuables of every child received by the CCI in the Personal Belongings and other relevant registers until the same is returned to the child when he leaves the CCI.



- The child shall be examined by the medical officer, who shall record the state of health of the child, and of any wound or mark on his body and any observation which the medical officer thinks fit, a copy of which shall be placed in the medical record of the child.
- The child shall be provided with medical care if it is required, and may be placed in the segregation unit, or admitted in hospital if necessary.
- The Superintendent/Person-in-charge shall hand over responsibility of the child to a PO, who shall be responsible to ensure the following:
  - the child receives all further services
  - builds a rapport with the child
  - Observes the child closely.
- Once the admission of the child in the OH is complete, the child shall be placed in the Reception Dormitory, for first 14 days of his/her stay.

### **12.2.1. Admission and Reception of a Child for Overnight Protective Stay**

- In case a child has to be kept in overnight protective stay, he/she shall not be detained at the police station, but should be placed in an Observation Home for overnight protective stay, which is from 8pm until 2.00pm on the following day.
- Explain to the child why he/she is being placed in the Observation Home for overnight protective stay and provide an outline of what steps will take place at the JJB when he/she is produced by the Child Welfare Police Officer, the next day.
- The Receiving Officer shall ensure that all procedure outlined above are followed.
- The Receiving Officer shall ensure that:
  - A medical examination is conducted and immediate treatment is provided if required in case of any physical injury, addiction, or complaint of illness.
  - The child is given a fresh set of clothes, toiletries, bedding and linen.
- The Receiving Officer shall fill out Form 42 in triplicate after ascertaining the identity of the child. A copy would have to be kept in the OH, a copy would have to be forwarded to the Board, and a copy would have to be handed to the Child Welfare Police Officer.
- The child should be handed over into the charge of the Child Welfare Police Officer the next day at a time stated in Form 42 along with all his belongings, if any. If the Child Welfare Police Officer is not present to take charge of the child at the designated time, the child should be produced before the JJB by the Superintendent/Person- in charge of the OH with a report stating such fact.



### 12.2.2 Special Home

- A child is admitted to a Special Home upon final decision of the case by the Board or the Children's Court, by the IO/police personnel (CWO)/or a staff from the Observation Home, in case the child was under supervision or protective custody in the Observation Home.
- Newly admitted children shall be placed in a Reception Dormitory for the first 14 days of his /her stay.

### 12.2.3 Receiving a Child in the Special Home

The Receiving Officer shall conduct all procedure related to receiving the child as outlined below:

- Receive and welcome the child into the Special Home in a gentle manner.
  - Undertake introductions of self and child and explain to the child what receiving/admitting him/her will entail
- Give the child some time to settle down.
- Offer the child a glass of water. Provide him/her with meal if necessary.
- Explain the procedure of receiving the child to him/her: The steps involved and how long will it take.
- Under take search and seizure in accordance with provisions in the Act and Rules, however, ensuring that children are frisked and searched in a manner which is gentle, decent, and does not violate their dignity. Girl child must be searched by a female staff member only.
  - No foul language (swear words or threats) shall be used
  - No rough handling of children
- Allow the child to bathe, freshen-up, use toilets if he/she needs to.
- Undertake all the necessary documentation at the time of receiving the child:
  - Verify the identity of the child and the order of the Board or the Children's Court
  - Record all personal information of the child in an admission register
  - The date of admission and the date that the child is to be discharged shall also be recorded in the Admission and Discharge Register.
  - Check and record identity marks on the child
  - Make a record of personal belongings, cash, other valuables of every child received by the home, in the personal belongings and other relevant registers,
  - If the child is being transferred from an OH, take a hand-over of the case file of the child.
  - The case file should contain all assessments- psycho-social, educational and vocational; reports of the counselling and conferencing sessions conducted by



the counsellor and PO; progress report; medical records and the Individual Care Plan.

- Take personal belongings, cash, other valuables of the children safe keeping until the same is returned to the child at the time that he/she is discharged from the Special Home.
- Explain the order of the JJB and the sentence to the child and explain to him what the objective of stay is in the Special Home, and what would be expected of him/her, and what should be expected from the home.
- The child shall be examined by the medical officer, who shall record the state of health of the child, and of any wound or mark on his body and any observation which the medical officer thinks fit, a copy of which shall be placed in the medical record of the child.
  - The child shall be provided with medical care if it is required, and may be placed in the segregation unit, or admitted in hospital if necessary.
- The Receiving Officer shall find out if the child has any immediate needs and take the necessary actions. The Receiving Officer shall make a note of the child's immediate needs. The immediate need shall include:
  - Contacting parents or any other family member
  - Appearance of examination or interview
  - An addiction related problem
  - A medical need
  - Any other
- Once the procedure of receiving the child is complete, the Person-in-charge/Superintendent shall assign the charge and responsibility of the child to a Probation Officer or a Child Welfare Officer/Case worker who shall:
  - Be responsible to ensure that the child receives all further services
  - Build a rapport with the child,
  - Observes the child closely.
  - Interact with the family members/guardians of the child
- Once the process of receiving a child is complete, the child shall be placed in the Reception Dormitory for the first 14 days of his stay.

### **12.3. Care to be provided in Reception Unit/Dormitory of CCI**

#### **12.3.1. Arrival in the Reception Dormitory**

- When the child arrives in the reception dormitory the following procedure shall be followed. The house mother/father shall be responsible to ensure the same under supervision of the Probation Officer or Child Welfare Officer/Case worker:



- Issue of kit-toiletry items, clothes, bedding and any other materials which may be required.
- The child should be asked to bathe if necessary.
- A hair-cut should be done if required (unless prohibited by religion).
- Disinfecting and storing the child's personal belongings.
- The medical officer shall examine the child immediately, if he or she is making any complaints of illness, or if it is suspected that the child could be suffering from a contagious or infectious diseases, mental ailments, addictions etc.
  - Segregation of a child in a quarantine room on advice of the doctor, if the child's health condition warrants the same.

### 12.3.2 Orientation

- The Superintendent assisted by the PO shall provide an orientation to the child about the environment in the CCI.
- This process of orientation must make time available for answering and responding to questions/comments from the child.
- The orientation shall necessarily include:
  - An understanding of what the CCI is, its purpose and what the child can expect from the CCI (See section on Objectives and approach for more details).
  - Explaining the orders of the JJB, reasons for the duration of stay for rehabilitation in the CCI.
  - Help the child to come to terms with his present situation and accept that he/she will have to live in the home for the specified duration.
  - Explain to him/her about the facilities/opportunity he/she could receive for rehabilitation and reformation.
  - Facilities available in the CCI for education, vocational training, health, recreation and self-development.
  - Explanation for why the child is going to be in the Reception Unit for a few days
    - For the staff to get to know the child better
    - Understand his/her needs
    - Give the child time to adjust to the new environment
  - Brief the child about the sessions to follow with the counsellor, psychologists, medical officers and Probation officers and their purpose.
  - Explain to the child about the children's committees.
  - Set out expectations and responsibility of the child, acceptable and unacceptable behaviour, rules of the CCI.



- Explain to the child the child protection policy, the complaints and redressal mechanisms.
- The value of respect and dignity in their interactions for self, peers, and care-givers
- Explanation of the rights of the child in the CCI
- Explaining the time-table and routine to be followed in the CCI
- Attending to immediate and urgent needs of the child like appearing in examination, contacting parent, personal problem etc.

### 12.3.3 Preparation of Individual Care Plan (ICP)

- Every child is unique and has a unique set of needs. Formal and professional inputs would be required for understanding the education, vocational training, physical and mental health needs of a child to ensure that a meaningful ICP is prepared for each child.
- It would commence when the child is in the Reception Unit. It should be completed as far as possible during the child's stay at the Reception Unit within the first fortnight.
- The PO/CWO/Case Worker shall be responsible for preparation of the ICP, after due consideration of the assessments made above. The Superintendent shall internally sign on the ICP before it is presented to the JJB.
- In a SH, If the child is transferred from OH, PO/CWO/Case Worker should refer to the ICP made in OH while drafting the new ICP.
- In case the JJB has already approved an ICP for a particular child, it should be reviewed after the above mentioned meetings with the child, and after seeking approval of the Superintendent, any changes required may be presented before the JJB for approval.
- Child's views into ICP: The PO should consider the child's views during formulating the ICP. There should be formal meetings with the child to discuss the ICP. The individual case conference sessions with the child and the case worker/PO/CWO should also be used to discuss the ICP and the documentation of those meetings should show evidence of having discussed the ICP with the child.
- The ICP shall be reviewed every fortnight during the initial three months and thereafter every month.
- A report of ICP effectiveness or inadequacy shall be prepared with reasons for such opinion.



### 12.3.3.1 Conducting Key Meetings to Understand Needs and Initiating the Preparation of an ICP in CCI

- Initiating care and rehabilitation in the Reception Unit shall be coordinated and facilitated by the PO/Case Worker/CWO. The PO/Case Worker /CWO shall ensure that the following interactions take place with the child which form the basis of conducting various assessments and preparation of the ICP, while the child is at the reception unit:
  - Conference with the PO/Case Worker/CWO
  - Session(s) with the counsellor
  - Session(s) with the psychologist/psychiatric social worker and/or psychiatrist
  - Health check-up by medical doctor

### 12.3.3.2 Understanding unique needs of each child– education, vocational training, mental and physical health

- **Observation Home**
  - **Vocational Training:** Keeping in mind that the OH is a temporary care facility and that as far as possible children’s education must continue uninterrupted while in the OH, the endeavor must be to ensure that the child is exposed to as many options as possible especially, for vocational training so that he/she may pick the most suitable and lucrative option, which would help him/her be economically independent, in the long-term.
    - Every child should be encouraged to take up vocations which he/she may be able to continue training either after returning home to his/her family or during the period of stay in the OH.
    - The counsellor should administer an aptitude test to help the child to decide his preference of vocational course.
    - The counsellor should arrange meetings/exposure between children and workshop in-charge and other technicians for the child to understand better and attain clarity about the different vocational courses being offered.
  - **Education:**
    - If the child is not in a formal system of schooling at the time of admission in the OH or has never been in one before, the education level shall be assessed by teacher on the basis of tests and interview with the child.
    - Children who are enrolled in a formal system of education should be immediately admitted to the same class.





- Every child irrespective of age must be encouraged to take up formal education and efforts at the OH must be towards keeping the child in the system, and bringing those who are not to a level where they can be integrated with the formal system of education.
- **Physical Health:** Every child should undergo a medical examination within 24 hours of their admission into the Observation home or immediately if there is a health emergency/health need. A baseline investigation shall be conducted during the child's stay at the reception unit. It shall include complete blood count, urine routine, HIV, VDRL, Hepatitis C tests and allergy or addiction to drugs.
  - Adolescent girls who have attained puberty shall undergo health assessment to detect iron deficiency. Necessary dietary plan and medicines should be prescribed by the nutritionist and appointed doctor.
- **Mental health:** The counsellor should undertake a session with every child admitted to the OH to undertake the case history, and to understand the cognitive and mental health condition of the child. If the child presents any symptom of Ca mental health condition, services of a psychiatrist/psychologist/psychiatric social worker should be sought for further assessment and treatment where necessary.

## • Special Home

Every SH should have established linkages with outside specialists and community-based welfare agencies, psychologist, psychiatrist, child guidance clinic, hospital and local doctors, open school, Jan Shikshan Sansthan etc. A Directory of Services should be accessible to every SH.

Children who have been transferred from the OH and have undergone the above process in the OH would not have to undertake the educational and vocational training assessment. However, if the child wants to change his/her vocation, stream of education, the process may be repeated to find the most appropriate option for the child.

- **Vocational Training:** A child may be placed in a SH for a period for up to 3 years, which is adequate time for him/her to learn a skill or vocation, which would provide him/her livelihood upon being reintegrated back into society.
  - Every child should be encouraged to take up vocations which he/she may be able to continue training either after returning home to his/her family or during the period of stay in the Special Home.



- The counsellor should administer an aptitude test to help the child to decide his preference of vocational course if it has not been administered before in case the child has not been admitted from the OH.
- If the child was in the OH and had opted for a particular vocational training course, and now would like to change to something else, he/she shall be given the opportunity to do so.
- The counsellor should arrange meetings/exposure between CCI and workshop in-charge and other technicians for the child to understand better clarity about the different vocational courses being offered.

➤ **Education**

- If the child is not in a formal system of schooling at the time of admission in the Special Home or has never been in one before, the education level shall be assessed by teacher on the basis of tests and interview with the child.
- Every child irrespective of age must be encouraged to take up formal education and efforts at the special home must be towards keeping the child in the system, and bringing those who are not to a level where they can be integrated with the formal system of education.

➤ **Physical Health**

- Every child should undergo a medical examination within 24 hours of their admission into the special home or immediately if there is a health emergency/health need.
- If the child is suffering from a contagious disease at the time of the admission into the special home, he/she should be kept in the quarantine room on prescription by the doctor

➤ **Mental health**

- The counsellor should have a session with every child newly admitted in the SH.
- If the counsellor suspects that the child is showing any symptoms suggestive of a mental health condition, services of psychiatrist/psychologist/psychiatric social worker should be sought after discussion with the PO/Case Worker/CWO and with approval of the Superintendent.



### 12.3.3.3 Moving Out of the Reception Unit and Into the Dormitory with other Children

When the child is moved out of the Reception Unit into the dormitory the following steps of introduction need to be followed. The PO/Case Worker/CWO needs to ensure that:

- The child should be introduced to the children in the dormitory that he/she has been assigned to, and to key staff at the CCI.
- The child should be taken around the SH and made familiar to the different parts of the special home building like dormitories, dining area, study room, library play area etc.
- The child should be provided orientation to the following:
  - Children's committees and introduction to representatives
  - Redressal mechanisms available for airing grievances, complaints

### 12.4. Individual Case Conference

Every child shall have a daily interaction with the PO/caseworker assigned charge of his/her care. There shall also be an individual interaction with the PO/case worker under the supervision of the PO, to ensure that the child's progress is monitored, on a weekly basis.

- The case worker under supervision of the PO should ensure individual conference with every child once every week.
- The purpose of the case conference should be on the following:
  - Obtaining feedback from the child about activities planned in his/her ICP
  - Discuss how the child is feeling and how he is adjusting in the CCI and address issues if any
  - Address and discuss any new developments with regards to the child's needs
  - Explaining the progress of the child's case and the procedure involved in case of children in the Observation Home
  - Planning for release and reintegration into the family, community
    - after being released on bail, or acquittal in the Observation Home
    - after completion of reformation stay in the Special Home
- Records of each case conference session shall be maintained and placed in the case file of the child.

#### 12.4.1. Free legal aid

Every child is entitled to understand the legal process he/she has to go through, the stages of the case, what to expect at each production and that he/she has right to receive free legal aid from the State.



- Access to legal aid lawyer
- Every child in CCI has a right to receive free legal aid.
- Free legal aid shall be rendered by the CCI via legal aid institutions of the State Legal Services Authority, District Legal Service Authority, or from the DCPU. The Superintendent would ascertain from the child [and/or his/her guardian] if they have legal assistance and if they have legal aid from the DLSA/SLSA etc. In case they need, the Superintendent would take all steps to ensure that the legal aid lawyer from DLSA/SLSA is provided to the child.
- The Legal cum Probation Officer in the District Child Protection Unit and the State Legal Aid Services Authority shall be under an obligation to provide legal services sought by the CCI.
- In case the DLSA/ SLSA is not able to provide legal aid, the same may be brought to notice of the JJB and also Secretary DLSA, Secretary, SLSA and also to the SCPCR.
- The Board/Children’s Court may also deploy the services of the student legal services volunteers and nongovernmental organisation volunteers in para-legal tasks such as contacting the parents of the child and gathering relevant social and rehabilitative information about him/her

#### **Meeting between the lawyer and child**

- Every child should be allowed regular meetings with his/her legal aid lawyer to help the child to prepare for the board and to explain the progress of the case and the procedures involved at each stage of the case.
- The case worker/Probation Officer shall facilitate and coordinate these meeting

#### **12.5 Children’s Participation in Governance of CCI through Committees:**

Engaging children systematically in matters related to them so as to gain their insights, feedback, and elicit their help in running the CCI, the following committees of children should be formed.

##### **12.5.1 Food Committee**

- A food committee shall be formed among CCL to decide their daily menu within the admissible scales or rates.
- The Committee shall co-ordinate with the kitchen staff in the preparation of menu and should represent the complaints regarding food to the administration.

##### **12.5.2 Cultural Committee**

- The cultural committee should be responsible for organizing cultural events like group song, dance, play etc., at special occasions/events and also during the vacations.



- The cultural committee should also organize cultural competitions in the CCI to provide CCL a platform to showcase their artistic skills and talent.

### 12.5.3 Campus Maintenance, Hygiene and Sanitation Committee

- The campus maintenance, hygiene and sanitation committee should inspect and monitor the cleanliness of the campus premises, bathing area, toilets, washing area, kitchen and store room, dormitories, sick room, sports complex if the garbage is being emptied every day, drainage system is working etc.
- The committee to also check if running water is available in the washrooms and to wash clothes.
- The committee will also talk to Children about the benefits of cleanliness and check personal hygiene, clothes etc.
- The committee should look after washing of bed sheets, airing and sun drying of the bedding issued to each CCL
- The Committee should also receive complaints and place them before the Superintendent for discussion and redressal.

### 12.5.4 Games, Sports and Recreation Committee

- The sports committee should take consensus among CCL and decide the type of sports, games and recreation CCL are interested in.
- The final list should be decided by the staff considering the suggestions given by the committee.
- The Committee shall assist the staff in coordination and organising sports and recreation activities in the CCI.

### 12.5.5 Literary Committee

- This committee shall assist the staff with management of the library.
- Assisted by the teacher/staff designated with the responsibility of the library, they should conduct reading sessions, book club discussions etc.

### 12.5.6 Behaviour and Conduct Committee

- The Committee shall receive complaints from children in the institution forward them to the House Parent or concerned staff.
- The Committee shall discuss with children in the institution, and provide inputs to staff on actions and decisions to be taken in addressing cases of fights, conflicts and disagreements in the CCI.
- Recommend children who have exhibited good/exemplary behaviour for awards.



### 12.5.7 Functioning of the Children’s Committees

- The suggestive tenure of each committee shall be 2 months in an Observation Home and 3 months in a Special Home/Place of Safety.
- Children shall nominate themselves for membership to the committees, and the staff shall conduct elections.
- No child shall be a member of more than 2 committees
- The Superintendent shall facilitate the functioning of the committees and shall take support from local voluntary organizations or child participation expert. He shall ensure that the committees meet, document their discussions/ decisions and prepare minutes.
  - The staff member shall ensure that inputs and feedback of committees are discussed in Management Committee Meetings, Staff meetings, Open House Meetings, and during Inspection visits.
- The Committee members shall interact with all Management Committee in their monthly meetings, with any authority who may be conducting and inspection of the home, and also with any special committee which has been constituted to conduct an inquiry into any case of violence, abuse, or any other incident in the home.
- Each Committee shall provide inputs during the monthly Open House meetings which have been discussed in the redressal mechanisms.
- Each Committee shall have a President and a Secretary.
- Each committee shall meet once a month, and maintain a register in which minutes of meetings are recorded and signed.

### 12.6 Daily Routine

A challenge to provision of care to children in CCI is that to a large extent it tends to priorities regimented, impersonal routines and is unable to cater to the individual needs of children. Adherence and management of routine is an important indicator of quality institutional services. Key to addressing this issue is to be cognizant of it, and to be able to strike a balance between managing a large number of children through a rigid schedule, and making as much space as possible for providing for the individual needs of children. At the same time, it is also known that a well formulated routine, which balances education, recreation, unstructured free-time, and time for personal care, keeps children engaged and gainfully occupied, and helps them channelize energy into productive activities. In the case of children in CCI, it would help them regain their self-concept, build on self-esteem, get used to structure, make plans and choices, which would enable them to move forward with their lives.



- Each institution shall have a well thought out daily routine or time table for children, which shall strive to strike a balance between rigidity of a ‘one size fits all’ and providing for the individual needs of children. Striking this balance should be a work-in-progress and each institution should use their discretion to determine the same for themselves based on staff and other resources available.
  - The daily routine should be discussed and reflected upon in every staff meeting, and quarterly review of the CCI.
  - The children’s committee shall also consult with other children, and provide feedback on the daily routine in the CCI.
- The daily routine/time-table of each CCI shall strive to reach the right fit calibration combining education, vocational training, unstructured free-time, time for personal care and hygiene, recreation and leisure, physical education, sports, games, time for individualized care from physical and mental health service providers.
- Facilitating a process of helping children found to have committed crimes to take accountability and responsibility for their actions, would need to be an underlying philosophy in designing the daily routine and so the daily routine must in all activities, whether educational, recreational, or personal care and hygiene shall include time for:
  - Discussion and reflection on experiences and feelings
  - Discussing conflict, resolution, apology and moving forward
  - Obtaining feedback on activities
- The Superintendent is responsible for setting, reviewing and making changes to the time table of the CCI. It shall ensure that the staff is accessible to the children at all times, and that counsellors, and case workers have adequate time to be spent in individual and group sessions with children. At any given time, the Superintendent needs to know where each staff member should be and what he/she is supposed to be doing.
- The daily routine be structured so as to inspire children to want to lead a regulated and disciplined life, rather than, force discipline and routine on them.
  - This would be facilitated by having routine discussions individually, and in small groups, and helping them analyze and see for themselves the benefits of the same.
- The daily routine shall provide for wake-up, exercise, prayer, bath and laundry, academics and vocational training, meal times, recreation, free time, private study time, group activity, leisure and lights out.
- The daily time-table shall be displayed prominently in the CCI.



- Orientation to the time-table shall be part of the orientation session in the Reception Dormitory.
- Exceptions may be made for those children who would like to study or read and they may be permitted to stay awake as long as required and is reasonable.
- On public holidays, and during school vacations, the time-table should be changed as much as possible to give children more time to undertake recreational, sports, and other non-academic activities. A lot more group activity should be planned during public holidays and vacations, such as:
  - Washing of clothing and bedding and cleaning of dormitories and premises.
  - Library reading.
  - Seminars, workshops etc.
  - Any other special events, special meals.
  - Recreation and free time.
  - Excursions.
- The climatic and weather conditions shall also be taken into account while framing the daily routine.

### 12.6.1 Personal care and hygiene:

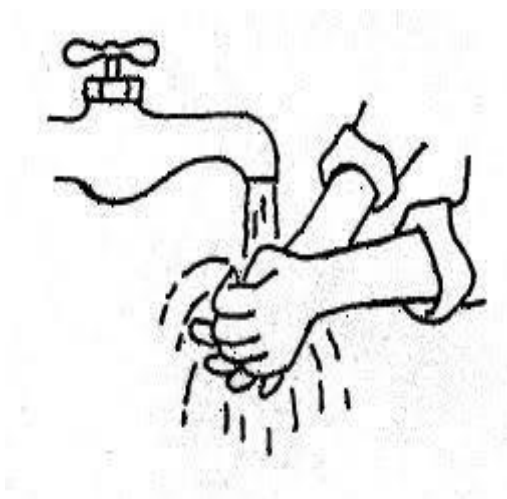
The Superintendent/Person-in-charge assisted by the PO and the house parents shall be in charge of ensuring that the children maintain a high level of personal hygiene.

#### Bathing

- Every child should be encouraged to bathe every day.
- The daily routine of the children should have allocation of time for the same.
- House parents should be around during bath time and should supervise younger children.

#### Personal Care

- At a fixed time, every day, the house parents should make available nail-clippers for children.
- A barber/hair-dresser shall visit the CCI on a fixed day of every week preferably on a Sunday, so that all children who need a hair-cut may avail of one.
- House parents shall give children inputs on personal grooming, and appearance-to





encourage them to have their hair oiled/, combed, clothes clean, shirts tucked in—in order to look neat and kempt at all times.

- House parents shall encourage children to wash hands before and after meals, brush their teeth twice as they wake up in the morning and once before going to bed at night.
- The PO and Superintendent may also give children feedback on their personal hygiene from time to time during their rounds on the premises.

### **Washing clothes**

- Every child must wash his/her under garments every day when they bathe
- Every child may be allocated time in the daily routine to wash his/her clothes on every Sunday

### **12.6.2. Sanitizing personal spaces and belongings-airing blankets, washing bed sheets**

- On Sundays the house parents must supervise sanitizing of bed linen, and bedding.
- The bed sheets issued to every CCL must be washed minimum once every week.
- The bedding and mattresses and blankets must be aired in sun atleast once in every month.
- Blankets must be washed at least twice during every season.

### **Sanitization of shared spaces**

- Children must contribute to keeping shared spaces clean
- The Superintendent must ensure that children are involved and led by staff who also clean along with children.
  - A duty roster must be prepared, such that staff and children of all dormitories get a turn and cleaning on a routine basis.
  - All residential staff and care-givers must lead by example by cleaning along with the children.

### **12.6.3. Continuity of ICP and review of ICP**

- The ICP shall be reviewed on a quarterly basis in a Special Home by the Management Committee.
- A temporary ICP shall be prepared in an Observation Home, which shall be reviewed and finalized subject to approval of the Board or the Children's Court, by the time the child reaches the end of the duration of stay.
- The Board or Children's Court would have to ensure the continuity of ICP in cases of transfer of children to another CCI, or a facility that caters to the specific needs of the



child like a de-addiction center, or a mental health hospital, or repatriation or restoration back with family, by making orders of referrals to the DCPU, CWC or other non-government voluntary organizations. Before the child is released from the special home, the ICP should be updated upon decisions taken at the child's pre-release production before the JJB.

- The ICP shall be reviewed quarterly by the Special Home's Management Committee.

#### 12.6.4 Maintenance of Case File

- The case file of each child shall be maintained by PO/CWO/Case worker maintained in the Child Care Institution and will be in safe custody of Person in-charge which shall be confidential. The case file shall be produced before the Board or the Committee or the Children's Court on every date of production of the child for perusal of the Board or the Committee or the Children's Court. The case file shall contain the following namely:

- report of the person or agency who produced the child before the Board or Committee including the report of the police;
  - copy of FIR or DD entry in case of offence committed by or against the child;
  - photo ID, if available;
  - order of assignment of the Case Worker or Child Welfare Officer;
  - case history form;
  - report of any urgent need of the child;
  - reports of the Person-in-charge, Probation Officer or Child Welfare Officer, counsellor and caseworker;
  - the case file of the child maintained in any previous institution, if any;
  - report of the initial interaction with the child, information from family members, relatives, community, friends and miscellaneous information;
  - source of further information about the child, his family etc.;
  - observation reports from staff members;
  - regular health status reports from Medical Officer, drug de-addiction progress reports, as the case may be;
  - psycho-social profiling, regular counselling reports, any other mental health intervention report, wherever applicable;
  - report of Intelligence Quotient
  - (I.Q) testing, aptitude testing, cognitive assessment, educational or vocational tests, if conducted;



- instructions regarding training and treatment programme and special precautions to be taken;
  - copy of the personal belongings register;
  - copy of order declaring the age of the child;
  - leave and other privileges granted;
  - rehabilitation Card; (xx) quarterly progress report;
  - individual care plan, including pre-release programme, post release plan and follow-up plan as prescribed and modifications therein;
  - fortnightly and monthly report of the effectiveness of the care plan; (xxiii) record of difficulties faced by the child and their resolution;
  - record of the complaints of the child and action taken on them; (xxv) feedback given by the child;
  - leave of absence or release under supervision;
  - report about a visitor visiting the child being found to have objectionable or prohibited articles;
  - report of the child having such articles and action taken on the same; (xxix) report of any unacceptable behaviour and outcome;
  - report of any exceptional behaviour and outcome;
  - special achievements and violation of rules, if any;
  - note of the rewards or earnings of the child and receipt by the child or his parent or guardian;
  - release or restoration order;
  - escort order, if any;
  - compliance report of release in case of children under rehabilitation intervention stay;
  - report of the child not being released and compliance report of the directions issued on non-release of a child;
  - follow-up reports;
  - annual photograph;
  - follow-up report of post release cases as per the direction of the Board or the Committee or the Children's Court;
  - copy of any other report called by the Board or the Committee or the Children's Court in respect of the child; and
  - remarks, if any.
- The medical record of a child shall contain all reports and records of the child regarding the status of his physical and mental health, addiction status and treatment, etc.
  - It shall be the responsibility of the Child Welfare Officer or Case Worker concerned to maintain the case file.



- All the case files maintained by the institutions and the Board shall, as far as possible, be computerized and networked on a designated portal i.e. TrackChild, so that the data is centrally available to the State Government, District Child Protection Unit and the Juvenile Justice Board etc.

## 12.7 Health Care

### 12.7.1 Medical facilities to be available

- Every CCI shall have:
  - A medical officer who shall be available for the CCI on call.
  - A nurse or a paramedic who shall be available at all hours.
- Every CCI must have a quarantine room, and an equipped sick room/infirmery.
- Every CCI must have an equipped first aid kit, and an adequate supply of basic medication to control simple infections including fevers, vomiting, diarrhoea, and allergies.
  - A first aid kit must comprise of the following sterile gauze pads of different sizes, adhesive tape in different sizes, adhesive bandages in several sizes, elastic bandage, a splint, antiseptic wipes, soap, antibiotic ointment, antiseptic solution (like hydrogen peroxide, Betadine, Dettol), Ibuprofen, Paracetamol, Domstal, Ondem, Perinom, Oral Rehydration Solution, Probiotic Sachets, extra prescription medications, tweezers, sharp scissors, safety pins, cold packs, hot water bag, calamine lotion, surgical spirit, thermometer, plastic non-latex gloves (at least 10 pairs), flashlight and extra batteries, a blanket, mouthpiece for administering CPR, list of emergency phone numbers.
  - A process must be instituted for auditing the first aid kit and ensuring that all supplies are refilled and stocked at all times.
  - A process must be instituted for sanitizing all equipment in the first-aid box.
  - All staff in the CCI must have basic paramedical training to administer first aid, manage basic illness until medical assistance can be sought from the Medical Officer.
  - The Medical Officer shall under the supervision of the Superintendent ensure that the first-aid kit is always accessible and that there is a person designated charge of the first-aid kit and administering of first-aid in every shift.
- Every CCI shall have a referral network with hospitals and clinics for physical and mental health issues.



- The Superintendent with support from the district administration (DCPU, health department) shall ensure that the district hospital accept and treat children referred from CCI on a priority basis.
- Tie-up with local primary health centre, government hospital, medical colleges, other hospitals, clinical psychologists and psychiatrists and mental health institutes for regular visits by their doctors and students for periodic health camps within the institutions.

The Superintendent/ Person-in-charge shall ensure that no surgical treatment is carried out on any child without the previous consent of his parent or guardian or, unless either the parent or guardian cannot be found and the condition of the child is such that any delay would, in the opinion of the medical officer, involved unnecessary suffering or injury to the health of the child; or without obtaining a written consent from the Person-in-charge of the institution.

### 12.7.2 Medical examination

#### At the time of admission

- At the time of admission each child admitted in the CCI shall be medically examined by the Medical Officer within a period of 24 hours, and in special cases or medical emergencies immediately.
  - Ensure that blood sample for routine blood tests Complete Blood Count (CBC), Urine Routine, HIV, VDRL, Hepatitis B and Hepatitis C tests and allergy or addiction to drugs are sent at the time of admission of a child into the institution
  - Test for pregnancy or diseases for victims of sexual offences shall be conducted, if required by the order of the Board or the children's court.
- The Superintendent of an institution must ensure that every child is weighed, and the height is measured at admission, and thereafter in the first week of every month. A record of such weighing shall be made in a register in prescribed form.
- Any child found to be either weak, underweight or displaying health issues must be followed up with routinely by the Medical Officer. A list of such children must be maintained with the PO and Medical Officer.
- The child shall also be examined at the time of exit from the CCI and at the time of transfer within 24 hours before transfer.
- The CCI shall have the facilities for quarterly medical check-ups including dental check up, eye testing and screening for skin problems for treatment of children. Female paramedical staff/ nurse should be present while examining female children in conflict with law.



### **At the time of presenting complaints/symptoms**

- Any child who has a complaint of illness which is not an emergency should immediately inform the house-parent who would in turn inform the PO, who would arrange for the doctor if necessary.
- All children with chronic health problems must be placed on a list of children who are provided special attention by the Medical Officer.
- Any child who loses weight in a short span of time shall be specially brought to the notice of the Medical Officer. The Medical Officer would constantly keep a watch on the weight of the child.

### **At the time of medical emergencies**

- The Person-in-charge/Superintendent shall ensure that there is a doctor accessible to reach the CCI in minutes in case of a medical emergency.
- Ambulance services must also be pre-arranged to reach the CCI in an emergency on a 24X7 basis.

### **12.7.3 Medical health record**

- The medical record of each child shall be maintained in the case file of the child.
- The counsellor/PO/caseworker shall also record her/his referral to psychologist/psychiatrist in the medical records.
- The records shall also include the following:
  - weight and height record at the time of entry and routinely updated on a monthly basis.
  - Records related to any sickness and treatment—all prescriptions to be stored in the medical file.
  - Records of counseling sessions with the counsellor or psychologist must be maintained in the medical file.
  - Records of immunization provided.
- The routine medical check-up of the children must be done on a monthly basis. The details of the health of each child should be recorded properly and systematically in the case file of the child in addition to other register, so that the child's record reflects complete and updated information.
- A register should be maintained to record the visits made by the doctor.



#### 12.7.4 Preventive health

There shall be concerted proactive efforts to prevent illness, spread of infection, epidemics and to ensure overall health and well-being of children in CCI. The Person-in-charge/Superintendent would need to ensure the above and accordingly delegate tasks to the Medical Officer and other staff in CCI. Proactive measures shall include:

- Children shall be provided immunization as per their age and needs as specified under the National Immunization Scheme and records of the same shall be kept in their medical files.
- There shall be daily routine sanitization and hygiene of the entire campus in addition to special cleaning and disinfection on a regular basis.
  - Preventive actions are taken to prevent seasonal disease outbreaks such as dengue, chikunguniya, malaria, jaundice and others
  - Ensure purification of water
  - Remove any stagnant water from premises
  - Ensure that all water tanks are covered and cleaned regularly
  - Fumigation of campus
  - Provision of mosquito nets, coils and other repellents
- Close monitoring of children who have nutritional deficiencies.
- All girls who have attained puberty shall undergo health assessment to detect iron deficiency and necessary dietary plan and medicine should be provided by the nutritionist and the medical officer.
- Undertake segregation of children who have infectious/communicable diseases.
- Develop and implement diet plans for all children in CCI as a whole, as well as for individual children who may be suffering from illnesses.
- Health check-up camps in every quarter with specialists Ophthalmologists, Dentists, Dermatologist, Psychiatrists, Psychologists etc.
- Organize preventive health programs with children on subjects including personal hygiene, sexual and reproductive health, communicable disease prevention.
- Preventive mental health workshops by professionals on issues which relate to mental health including dealing with anger, anxiety, conflict resolution, understanding self, goal setting among others.

#### 12.7.5 Mental Health

- Every CCI shall have a full time counsellor who should be in-charge of mental health care of a child in the CCI.



- The Superintendent shall have tie-up with mental health experts (psychiatric social worker, psychologist and psychiatrist), mental health institutes and clinics, mental health rehabilitation homes, de-addiction centres.
- Every CCI shall have a child friendly space for therapeutic group intervention created in every Child Care Institution which shall have a non- threatening conducive environment, general ambience and resource availability.
  - Such a facility shall have the physical environment conducive to carry out a wide range of interventions and programmes from individual conferencing, counselling to group therapeutic sessions.
- Maintenance of confidentiality and reassurance of the same to the child forms an important aspect of the mental health programmes and interventions in a CCI.
- A mental health profile of every child shall be maintained and updated every month. Mental health care plan shall form an important aspect of the mental health profile of every child, developed in consultation with mental health experts associated with CCI.
  - The record shall contain the details of conferencing, counselling sessions and any other group, family or individual therapy that the child may be going through.
  - The mental health profile of every child shall include an activity plan and encourage involvement of the child in different activities and tasks for attitude change, aptitude development and behaviour modification.
  - The Superintendent shall ensure that all recommendations and suggestions being made in the mental health records are being compiled with.
- A mental health assessment of every child shall be conducted once the child is admitted and in the reception dormitory.
  - This initial assessment shall consist of detailed case history along with cognitive and personality assessment using tests as medically prescribed depending upon the age of the child.
- Any risk behaviour, trauma, mental health concerns/disorders/addictions/psychological care identified for a child at the time of mental health assessment or during the various intervention programmes shall be well documented in the mental health profile of the child.
  - The Superintendent shall contact the appropriate mental health professional who will first carry out an assessment and suggest a plan of intervention, depending on the facts of the case.
  - The mental health professional will orient the Superintendent, PO, counsellor, house father/mother for supervision and management of the child.





- No child shall be administered medication for mental health problems without psychological evaluation and diagnosis by appropriately trained mental health professionals.
  - Medicines shall be administered to the children by trained and appointed medical staff ..

### 12.7.6 Counselling

- The purpose of the counselling sessions shall be:
  - to ensure that every child is given an opportunity to share his/her feelings.
  - to give every child space to form and articulate their opinions which must then be incorporated in all decisions which affect them—hearings, formulation of individual care plans, case reviews.
  - to address behavioural/conduct problems in children.
  - to give every child the opportunity and space to take accountability of the offence committed by the child if they have been found to have committed the offence, accept and forgive himself/herself and make a plan outlining steps to move forward.
  - to improve relationship between the child and his/her family. As reintegration of a child in the family and society is one of the key aspects of the rehabilitative stay in a CCI, family should form an integral process unless it is not in the best interest of the child.
- Counselling to be provided to every child at the time of admission and the section on ‘Care To Be Provided To Children In The Reception Dormitory’ may be referred.
- The counsellor should conduct planned and goal oriented counselling and therapy sessions for every child. Counselling sessions shall take place once a week for every child.
  - The sessions to be planned on the basis of the counsellor’s earlier sessions with the child during his/her stay in the CCI, counsellor’s observation of the child and his behaviour during his/her stay and the feedback obtained from the other staff involved in the rehabilitative process with the child.
  - The plan for counselling shall be documented in the case file.

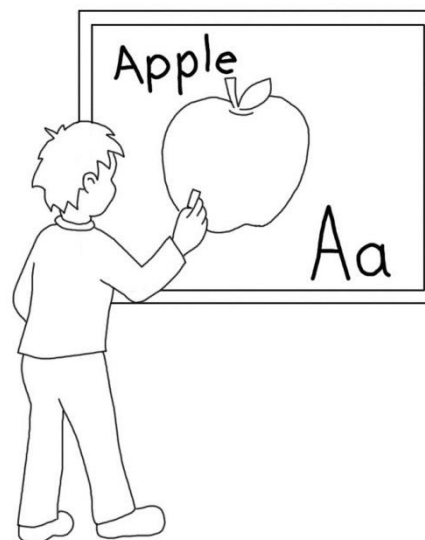


- Key observations, outcomes of each session shall be documented in the case file.
- The counsellor's input shall be considered during case review sessions, and the approval of PO shall be sought when objectives of counselling have been achieved, if counselling needs to be extended or if the child needs to be referred for specialized services.

## 12.8 Education of Children in CCI

### 12.8.1 Educational Policy

- Every child in the age group of 6-14 years in a CCI has the right to free and compulsory education.
- It must be ensured that every child irrespective of age shall have access to education even if the period of stay in the CCI is short or temporary.
- Efforts shall be made to continue education unhindered, and all children to be linked to the formal education system wherever possible.
- The Special Home must ensure and make arrangements for children to attend school/college/classes outside of the institution premises.



### 12.8.2 Preparation of Individualized Educational Plan

Preparation of individualized educational plan for each child as part of the ICP

- The teacher in consultation with the case worker, and the child must prepare an individualized educational plan for every child.
- The individualized education plan to be based on the assessment of the child's level, and requirement of the child conducted by the teacher during the child's stay at the reception unit.
- The educational plan should have realistic and achievable goals.
  - In OH educational plan shall not be for more than 4 months.
- The child shall be involved in the process of preparing the individualised education plan.
- Depending upon whether the child has attended school before and his/her educational assessment, following options should be considered while preparing the individualised education plan.
  - Resuming regular education in a formal school.

- Linking the child to a bridge course or providing bridge education which would enable a child to be linked back to the formal school system.
- Planning for and providing for non-formal education, depending on the educational status and needs of the child.
  - Functional literacy skills to enable a child take up vocational training.
  - Skills to be able to apply for a job, write letter, fill forms.
- For older children who are appearing for board exams, and children studying in 11th and 12th, additional education support in the form of tuition should be provided at the CCI after school hours, if the child expresses the need for it.
- Children who have completed schooling and wish to appear for a competitive exam should be provided coaching for preparation of the exam they wish to undertake.

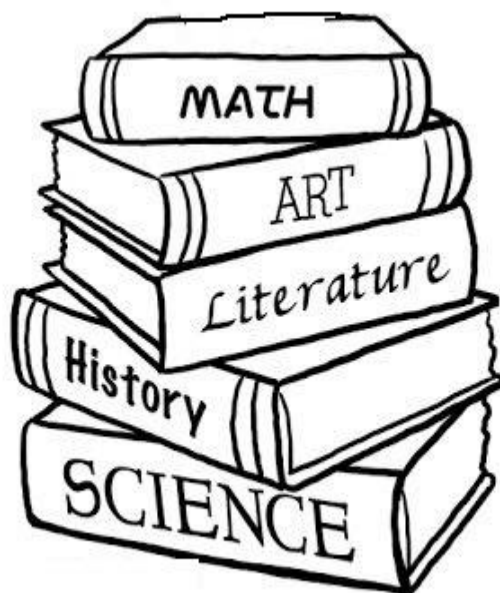
### 12.8.3 Accountability for education in CCI

Educational needs of children would require the collaborative efforts of different duty bearers in the CCI under the supervision of the Superintendent and the PO, as under:

- Assessment and educational plan shall be undertaken by the teacher.
- IQ test shall be administered by the counsellor/psychologist.
- Teaching to be provided by the teacher and any volunteer teachers if present.
- Liaison with NIOS or other to be done by the case worker/PO.

#### • Education Content

- The formal educational program content shall be based on NIOS Curriculum and Syllabus. It shall include Language Arts Literacy, Social Studies; Science; Mathematics; Comprehensive Health and Physical Education, Life Skills, Vocational Training; Visual and Performing Arts; Technological Literacy; and Career Education.
- However, for children who are not part of the formal system and are older, functional literacy workshops should be organized which give them basic skills of reading, computing, and



computer literacy to stimulate their interest to aspire for education and to enable them to take up a suitable vocation.

- **Education for children with special needs**

- IQ testing should be conducted for children with special needs during educational assessment.
- A teacher specialising in teaching children with special needs should be hired for children with special needs.
- The Special Home should tie up with a school for children with special needs which should approve and review the education plan for children with special needs every quarter.
- Special units equipped with special equipments may be created incase of 10 or more number of special need children in a CCI.

- **Teaching equipment and materials**

- Textbooks and stationery for studies should be provided to all children.
- Teaching aid material for the classes, educational material for walls, maps, posters should be provided according to different grades for both formal and non-formal educational classes.

- **Tie up with education related NGOs and programs for volunteer teachers**

- The CCI Superintendent may identify and have tie up with education related NGOs, volunteer teachers to organize special camps and classes for children based on their needs.

- **Liaison with the education system**

- The home shall have linkages with NIOS, IGNOU, formal schools, schools for children with special needs and shall seek their help for:
  - curriculum formulation for both formal and non-formal grades.
  - Provide supplies, aids and materials.
  - Send teachers to come and take additional classes.
  - Provide admission for children in CCI to school, appear for exams, short term courses.

- **Records of educational progress of each child**

- The teacher shall maintain an education progress report for every child.
- The education progress report shall track the progress of the child during his/her stay in the child. It shall contain observations made by the teacher on the child's performance on various educational activities, tests-oral and written etc.



- The educational progress report for every child shall be updated before his release or transfer from the CCI and should mention the education level of the child and suggestions regarding future course of action.

## **12.9 Vocational Training and Skill Development**

Providing children with vocational training and ensuring that they have the capacity to be financially self-reliant, is one of the most important components of care for children in conflict with law placed in protective and rehabilitative custody of CCI. Since the purpose and duration of care for children in Observation Homes and Special Homes is distinct, the objectives of vocational training programs for children in both these CCI would be different.

### **12.9.1 Observation home –objective of vocational training and skill development**

Since children are placed in OH for shorter durations of care, the objectives of vocational training and skill development shall be to:

- Assess the child's aptitude, find out his/her interests and match them as best as possible to a trade which the child can pursue after he/she leaves the OH.
- To expose him to as many short-term workshops as possible so that he can understand as many trades and make an informed choice of trade subsequently.

### **12.9.2 Special home—objectives of vocational training and skill development**

- This residential care facility provides reformation and rehabilitation services to children found to have committed crime for a period of up to three years. Vocational training should be one of the most important components of the program. The objectives of vocational training shall be as under:
  - To introduce a curriculum that gives children theoretical, technical and practical knowledge of the vocations which are offered.
  - To give children formal vocational training which should offer examinations and certification upon completion of the course.
  - Impart skills and knowledge that make children financially self-reliant when they leave the CCI.
  - To ensure that children get the opportunity to find the most appropriate trade, and are not forced to make a choice from restricted options available in the CCI.
  - To ensure that facilities are made available to children to go to ITI and other technical institutes for training.



### 12.9.3 Understanding of children's interest and aptitude for vocational pursuits

Assessments of children shall be conducted during the first fortnight during the period of stay in the Reception Dormitory (*refer the guidance given in the section on Understanding the Child's Needs-Education, Vocational Training and Health in the section Care To Be Provided in the Reception Dormitory*) by the counsellor in consultation with the teacher. Children who have been in protective custody in the Observation Home before transfer to the Special Home, and have undergone vocational aptitude assessment, must continue with their chosen vocational training program unless the child expresses a desire to enroll in some other vocational program that is offered and it is found to be appropriate for the child after discussion with the counsellor, PO/case worker and with approval of the Superintendent and JJB.

### 12.9.4 Vocational training workshops

- Vocational training workshops are to expose young minds to trades which are contemporary, and should include hospitality industry trades, hair cutting and beautician, computer hardware networking, mobile repair, air-conditioning repair and maintenance, electrician work, plumbing work, retail management, computer literacy among others.
- Vocational training program in the OH shall offer short intensive workshop modules to expose children to the basics of a trade, which they could pursue and learn further once they leave.
- Vocational training workshops may also be accompanied by workshops to give basic education and other skills to children which would enable them function effectively in their vocations and eventually at the workplace. Some of these include public speaking, personal grooming, basic math and language, how to make job applications, appear for interviews, fill forms, work ethic and discipline etc.

### 12.9.5 Partnership with public/private/corporate institutions for exposure, mentoring and placement

The Superintendent/Person-in-charge of the OH supported by the State and district administration, shall develop networking with Institute of Technical Instruction (ITI), Jan Shikshan Sansthan (JSS), National Skill Development Corporation (NSDC), vocational counsellors, placement agencies, government and private organizations or NGOs with expertise in vocational training/skill development for the following:

- To conduct workshops and classes in the CCI.
- To give children from CCI, admission into vocational training courses.
- Take children from CCI into internship and apprenticeship programs.



- Provide jobs/job placement services to children from CCI.
- Conduct career counselling sessions with children.
- Inform about new and emerging trades and groom children as per industry human resource requirements.

## 12.10 Life Skills Education (LSE)

Life skills may be viewed as a range of psycho-social and cognitive abilities that equip children to make informed decisions and choices, manage their emotional well-being and communicate effectively.

### 12.10.1 Objectives of life skills education

- LSE should focus on adaptive and positive behavior that helps children in their reformation and rehabilitation and enables them to deal effectively with the demands and challenges of everyday life, pressures of negative influences around them, preparing them to cope with life at home and in the community.
- It should enable children to develop psychosocial competencies and interpersonal skills that help them make informed and rational decisions, solve problems, manage emotions and anger, learn work ethic and discipline, think critically and creatively, communicate effectively, build healthy relationships, empathize with others, etc., cope with and manage their lives in a healthy and productive manner and also contributions to the community around them.

### 12.10.2 Structuring LSE programs

Life skills programs need to be structured differently in Observation Homes and Special Homes. In OH, LSE should consist of short modules designed for 4 months and should aim to cover basic life skills. In the Special Home, LSE should follow a graded approach, starting from basic life skills to skill based modules and should also include specific therapeutic modules.

OH	Special Home
<p><b>Short workshop modules of 3-4 sessions per month which give children general life skills which they may apply in their lives. These modules should include,</b></p>	<p>Basic life skills module of 10-12 sessions which must be covered for all children in the home.</p> <p>These modules should include, understanding self (attributes, strengths, weaknesses), others, one's environment and resources available, decision making, problem solving, negotiation, conflict resolution, planning, time management, risk taking behaviour.</p>



<p><b>understanding self (attributes, strengths, weaknesses), others, one's environment and resources available, decision making, problem solving, negotiation, conflict resolution, planning, time management, dealing with emotions, anger, peer pressure, risk taking behaviour.</b></p>	<p>Skill-based module of 10-12 sessions that focusses on Functional literacy, work ethic, managing living costs: planning and budgeting, negotiation skills, public speaking.</p> <p>In-depth specific therapeutic modules for specific groups of children with specific therapeutic/skill based requirements.</p> <p>Therapeutic: Anger management, Dealing with addictions, etc.</p>
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### 12.10.3 Linkages and Partnerships with Organization which Conduct Life Skills Educations Sessions

- The Superintendent supported by the district administration and the state government may need to establish linkages with government or non-government organizations to conduct life-skills sessions in a systematic manner in the CCI.
- The Superintendent supported by the district administration and the state government may also try to link-up with organizations which will conduct capacity building programs of CCI staff on implementing life skills education module.

### 12.11 Physical Training (PT), Sports, Games, Recreation, Art and Craft in CCI

**Purpose:** Sports, and recreation are key to every child's development, through which, children learn sportsmanship, competition, form healthy relationships, understand themselves and their peers better, understand values of discipline, achieving results, integrity, and hard work. It also provides children a special and separate time away from the routine stresses in their lives and energizes them to aspire for better.



Children shall be encouraged to work in groups, it would enable them to understand themselves better, identify their own strengths vis a vis other children, form and manage relationships, feel a sense of ownership and pride towards their group among other things.



Discussions and sharing of thoughts should be built into all activities. It is critical to the process of accepting self, taking accountability and moving forward.

Networking and partnership with outside agencies would be greatly beneficial for children as it would give them positive exposure to more people from outside of the CCI, they would have an opportunity to develop relationships, and find positive role models.

### 12.11.1 PT, sports and games

- **Daily routine:** The daily routine of children in special home shall allocate adequate time for PT, sports and games.
  - PT to be conducted for a minimum of 30 minutes every morning as part of the daily routine and may combine exercise, yoga, jogging in alternation.
  - The daily routine must have 1 hour a day for structured sports and games activities for each child.
- **Variety:** A variety of sports must be offered to children in CCI:
  - These include a combination of popular international sports (cricket, football, hockey, badminton etc.) and also include traditional sports and games (Kabaddi, Pittu, Kho-Kho).
  - The sports and recreation committee in consultation with children and the staff at special home shall decide on the sports and games to be played. The sports selected could be changed on a quarterly basis.
- **Sports events:** CCI shall promote and organize sports events
  - Competition within the CCI.
  - Invite teams from outside to come and play with the children.
- **PT, sports and games in ICP:** If a child shows exceptional talent in a particular sport and expresses the wish to take it up as a vocation, the ICP of the child for the time the child is in the institution and upon the release of the child, should promote the practice of sports by the child.
- **Coaching and sports workshops:** Coaching and sports workshops should be arranged for children to stimulate their interest, and so that they learn to play a variety of sports and games.
- **Partnership and networking for promotion of sports in CCI:** The Superintendent/Person-in-charge of the CCI should look for tie-ups with NSS



volunteers, NGOs, corporates, colleges, private and government sports academies for the following:

- Volunteers for coaching for the children.
- Sponsoring of sports equipment.
- Sponsoring of sports events/tournaments.
- Conducting sports events.

### 12.11.2 Recreation for children in CCI

Recreational activities are solely for the amusement and enjoyment of children. Recreation is important for the development of children and must form part of their life in the CCI.

- **Defining recreation:** Recreation is broadly of two types, active and passive. Active recreation requires active participation of recipients of recreation. For example: playing a game, having a discussion, singing, dancing, gardening etc. Passive recreation does not require active engagement of participants, who are merely receiving the activity. For example: watching a movie, listening to music.
- **Recreation in the routine:** The routine of children in CCI shall allot adequate time for play and recreational activities. There must be at least 2 hours of recreational activities daily during weekends and public holidays, and 2 hours during the rest of the week. The Superintendent should ensure that as many recreation facilities as possible are provided to enable children to choose as per their interest from a variety of options.
- **Suggestions for recreational activities (library, audio-visual and music):** Movie screening followed by discussions, watching television—news and TV serials, library and book clubs (all members of the group read the book and have a discussion on it), dance groups, music classes, karaoke sessions, film screening, drama classes, chess, jigsaw puzzles, gardening—flowers and vegetable cultivation.
  - The Superintendent shall liaise with the district and state government to ensure that the CCI has an equipped library, data base of films and serials appropriate for children, a television set with USB port, and a karaoke set.
  - Children’s committees shall work in collaboration with staff on organization of all recreational activities.
- **Partnership and networking for promotion of sports in CCI:**

The Superintendent of the CCI may look for tie-ups with NSS volunteers, NGOs, corporates, colleges, private and government academies for dance, drama and theatre, for the following:



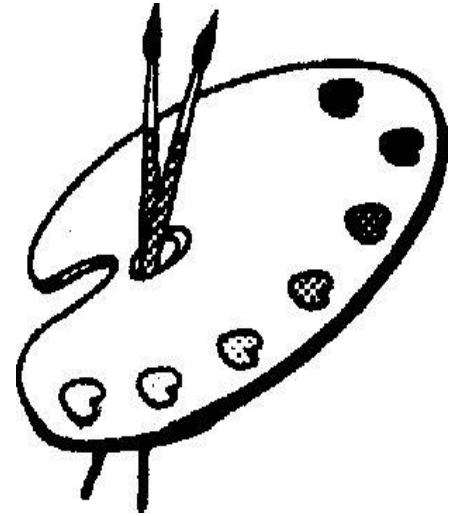
- Volunteers conducting activities with children on a routine basis.
- Sponsoring/provision of materials for recreational activities.
- Sponsoring of recreation events.
- Conducting recreation events.

- **Art and craft**

Art and craft activities shall be taken up with interest and seriousness in CCI.

- **Purpose:** The purpose of taking up art and craft activities with children is:

- To enable children to express themselves creatively.
- To enable children to express feelings.
- To give children space and time away from the mundane routine which is joyful.
- To enable child to discover latent talents or interest they may have.
- To expose children to culture and history through different art forms.
- To provide space for discussion and expression of feelings.



- **Design of art and craft programs:**

- Art classes shall be modular classes or workshops.
- Children work in groups which are age specific.
- Receive 2 hours of art and craft activities in a week.
- They must allow children to be exposed to art and culture-different art forms (traditional and modern) and stories of artists from around the country.
- Help may be taken from the internet to design art classes and workshops.
- Counsellor and psychologist should provide inputs on issues to be addressed in children through art.
- Children may be prepared and encouraged to participate in government art and craft competitions.
- Children shall be supported in order to prepare for government art examinations if they display an interest.

- **Partnership and networking for promotion of art and craft in CCI:** The Superintendent of the CCI must look for tie-ups with NSS volunteers, NGOs, corporates, colleges, private and government academies for the following:

- Volunteers conducting art and craft activities with children on a routine basis
- Sponsoring/provision of materials for art and craft activities
- Sponsoring of art and craft competitions

- Sponsoring of art and craft resource persons
- Sponsoring art and craft teachers to train children for competitions and exams

- **Summer and winter camps for sports and recreation**

In a CCI children's participation in camps will provide them an opportunity to unplug from the regimental routine that is followed around the year. It will also give them a chance to make new friends. Children learn to make social adjustments to new people, take responsibility, and learn skills. The Superintendent of Special Home and Place of Safety shall organize or ensure that children from their CCI take part in at least one game and recreation camp every year either during summer or winter vacations. Two CCIs in the same district or from neighbouring districts can also get together to organize and participate in summer/winter camp.

## 12.12 Safety and Security

The Superintendent is in-charge to ensure the safety and security of all children residing in the CCI. The infrastructure requirements for safety and security have been discussed and may be referred to in the section on 'Infrastructure of CCI'. Following measures for the safety and security of the children shall have to be taken.

The excessive use of discipline and security measures and of a punishing approach can also be the origin of violence and anger, of reinforced psychological disorder, trauma and depression that can lead to violent behavior, self-harm or suicide. This needs to be kept in mind while dealing with any kind of disciplinary issues in the CCI.

### 12.12.1 Safety measures

- **Control of access into the CCI:** Home gate/door to be under lock and key. Entry of only authorized people: staff, part time staff, tutors, parents, volunteers, etc. shall be permitted, which should also be verified through a standard process, which involves identity verification, checking of personal belongings.
- **Boundaries to be secure:** All boundary walls to be of the standard height to prevent intruders, or children from escaping.
- **Checking and repair of electrical fittings:** All electrical fittings in the Home shall be regularly checked for any hazard and repaired immediately. The State shall make arrangements for regular checks by electrician at every CCI, to ensure that all wires, electric boards, and other fittings are not exposing the children to any danger and working in a normal condition.



- **Monitoring of content on television and internet:** To monitor the content when children are watching television or while using the internet.
- **Display of emergency contact numbers:** The emergency contact numbers (Police, JJB, medical Clinics, Ambulance, Child line, fire station, Probation Officer, and Superintendent) are placed on the notice board and in all prominent areas, offices, and common areas.
- **Functional complaint and grievance mechanism:** The CCI should have functional and accessible complaint and grievance redressal mechanism i.e. suggestion box, Children's suggestion Book, children's committees, regular staff - children interface.
- **Safe custody of substances and harmful articles which can be misused:** The CCI shall keep substances and harmful articles, which can be misused for harm, under lock and key (like medicines, phenyl, knives, scissors and blade), so that no child can harm self or others.
- **Prohibited items list to be displayed in all common areas:** No person shall be allowed to bring into the institution the following prohibited articles, namely:
  - intoxicants of any description, psychotropic substances, liquor, ganja, bhang, opium, smack etc;
  - all explosives, poisonous substances, acid and chemicals, whether fluid or solid of whatever description;
  - all arms, ammunition and weapons, knives and cutting implements of every kind and articles which are capable of being used as a weapon of whatever description;
  - all obscene matter;
  - string, rope, chains and all materials which are capable of being converted into string or rope or chains, of whatever description;
  - wood, bamboo, club, stick, ladder, bricks, stones and earth of every description;
  - playing cards or other implements for gambling;
  - tobacco items, pan masala or similar item;
  - medicine that has not been specifically prescribed;
  - any other article specified in this behalf by the State Government by a general or special order.
- All bullion, metal, coin, jewellery, ornaments, currency notes, securities and articles of value of every description including electronic items such as mobile phone, digital camera, i-pad, etc, shall be deposited in safe custody.
- **Surprise searches:** Surprise searches of the staff and child shall also be conducted by the Superintendent/Person-in-charge with the assistance of the guards.
  - Any prohibited article found during the search shall be seized by the Superintendent; a list of the articles seized shall be prepared.



- In case of arms, weapons or addictive substances being found from a child's dormitory, the Superintendent/Person-in-charge shall conduct an inquiry to ascertain how the article entered the home and the persons responsible for the neglect.
- The Superintendent/ Person In-charge shall furnish his report in this respect to the Police and the Board or Children's Court. The Board may initiate appropriate action upon such report or on the report forwarded by the committee for the disposal of the seized articles.

### 12.12.2 Security measures

- The Superintendent/Person In-charge shall ensure that appropriate security measures are employed at all times, including the following:
  - There shall be sufficient number of guards at all times in different shifts to be posted at the points to be identified by the Superintendent/ Person In-charge in consultation with the security in-charge and the Deptt.
  - While engaging security personnel, preference shall be given to ex-servicemen recruited through the Directorate General of Resettlement or agencies recommended by them.
  - In CCIs housing girls, female security guards would be provided for the security inside the CCI and male security guards may be engaged for the security of the CCI from outside.
  - Security personnel should also be available in reserve for any emergency situation.
  - A duty roster shall be prepared and displayed at some prominent place in the premises of the Child Care Institution by the Person-in-charge. Gate-keeper of every CCI shall be provided with a siren or any other means for raising an alarm.
  - Closed Circuit Television cameras may be installed at all key points such as all entry and exit points to the CCI, reception, corridors, kitchen, pantry or store room, dormitories, entry and exit points of the washrooms with due regard to the privacy and dignity of the children.
  - Prompt attitude in starting an alarm is most urgent and an important duty.
  - All locks/cupboards in the CCI shall be examined by the Superintendent and any lock/cupboard found to be out of order shall be replaced immediately.
  - After the completion of evening counting of CCL, locks shall be put at all points identified by the Superintendent/Person-in-charge, in presence of the shift in charge.



- All the Caregivers on duty shall be present at every change of guard, and at every change of shift and need to verify the number of CCL.
- Entries of the change in the guards and the verification of numbers shall be neatly made in the Duty Change Register and shall be signed by all the officers, that is, all the officers relieved of the charge and all the officers taking the charge.
- All officials and guards shall always be alert. Individually and together, they shall endeavor to prevent any situation developing into a disturbance.
- The Person-in-charge shall make surprise visits to the Child Care Institution during the night as frequently as possible, but not less than once a week. He shall make a record of the timings of his visit and also note his observations in the register maintained by him in that regard.
  - The local police officer shall verify the security agency and personnel providing security to the CCI
  - The local police shall perform random checks on the security guards during routine patrolling in the area to ensure that they are performing duties as per requirements.
- The local police shall be in the knowledge of the layout and exits of the CCI.

## 12.13 Emergency Services

**12.13.1 Escape, run-away or missing of children:** In the event of an escape, run away or missing of a child from the CCI the Superintendent/Person-in-charge of CCI shall adopt the following proceedings.

- The Superintendent/Person-in charge will immediately inform escape, run away or missing of a child in conflict with law to the Board or Children’s Court as the case may be and report shall be lodged with the Police Station along with the details and descriptions of the child, identification marks, photograph, the details of parent’s address, offence for which he had been placed in the institution etc.
- A communication shall be sent to the parents or guardians and the management of the CCI immediately about such escapes, run away or missing.
- The Person-in charge has to treat the child in conflict with law, who has escaped or run away from the CCI as a missing child. As per Rule 92 (1) of JJ Model Rules 2016, “A missing child is a child, whose whereabouts are not known to the parents, legal guardian or any other person or institution legally entrusted with the custody of the child, whatever may be the circumstances or causes of disappearance, and shall be considered missing and in need of care and protection until located or his safety and well-being established”.
- In case of a missing child in conflict with law from the CCI procedure as laid down under Rule 92 (1) to (7) shall be followed. Search of the child/children at places like railway stations, bus stand and other places etc. should be made by the staff of the



CCI. The available immediate Superior Officer shall direct such action in the absence of the Person -in-Charge.

- The Person -in-Charge of the CCI shall hold an enquiry of the incident and a report shall be sent to the Board or Children’s Court and other controlling authorities within twenty four hours of the incident. The report shall be sent either by a mail, fax, special messenger or in person etc., as the case may be.
- The Person-in-Charge shall identify the security lapses, if any, noticed at the time of the enquiry.
- The Person-in-Charge of the CCI shall recommend and may initiate suitable action against the staff, if lapses or their part while discharging their duties have been established.
- No punitive action shall be taken against the child who has been found/recovered and brought back to the institution.
- The child will be referred to the counsellor after he is brought back to the CCI.
- In case of a child who runs away from the institution on more than two occasions, such child shall be reproduced before the Board or the Children’s Court.
- When a child cannot be traced within a period of four months, the investigation of the case shall be transferred to the Anti Human Trafficking Unit in the District which shall make reports every three months to the Board or the Children’s Court and the District Legal Services Authority regarding the progress made in the investigation.

### **12.13.2 Suicide or Death:**

As per Rule 75 of the JJ Model Rules 2016, on the occurrence of any case of death or suicide of a child in a Child Care Institution, the procedure to be adopted shall be as under:

- The institution must ensure that an inquest and post-mortem examination is held at the earliest.
- In case of natural death or death due to illness of a child, the Person-in-charge shall obtain a report of the Medical Officer stating the cause of death and a written intimation about the death shall be given immediately to the nearest Police Station, Board or Committee and the parents or guardians or relatives of the child.
- Immediate information shall be given by the case-worker or Probation Officer or Child Welfare Officer to the Person-in-charge and the Medical Officer and the Person-in-charge shall immediately inform the nearest police station, Board or Committee and parents or guardians or relatives of the deceased child.
- If a child dies within twenty-four hours of his admission to the Child Care Institution, the Person-in-charge of the Child Care Institution shall report the matter to the police and the District Medical Officer or the nearest Government hospital and the parents or guardians or relatives of such child without delay.





- The Person-in-charge and the Medical Officer of the Child Care Institution shall record the circumstances of the death of the child and send a report to the concerned Magistrate, the police, the Board or the Committee or the Children's Court and the District Medical Officer or the nearest Government hospital where the dead body of the child is sent for examination and determination of the cause of death and the person-in charge and the Medical Officer shall also record in writing their views on the cause of death, if any, and submit it to the concerned Magistrate and to the police.
- The Person-in-charge and the Medical Officer at the Child Care Institution shall make themselves available for any inquiry initiated by the police or the Magistrate regarding the cause of death and other details regarding such child.
- As soon as the inquest is over, the body of the child shall be handed over to the parent or guardian or relatives or, in the absence of any claimant, the last rites shall be performed under the supervision of the Person-in-charge of the Child Care Institution in accordance with the known religion of the child after retaining a photograph of the child for future reference.

### **12.13.3 Recording of Death of a child:**

- Entries related to the death of the child in-conflict with law including his/her photograph shall be made in the concerned registers, in the hospital records and uploaded on the designated website of the Govt. of India for missing children/persons in-case the child is an orphan or parents whereabouts are not known.
- In case of an unnatural death of a child in a CCI or suicide photography or videography of it should be recorded for future evidence.

### **12.13.4 Funeral**

- The body of the child shall be handed over to the parents or guardian to perform the rituals as per their religious sentiments. The State Government shall meet the expenditure if any to be incurred towards the bringing of the body to the native place of the child or the guardian in full in case the parents cannot meet the expenditure.
- If there is no chance of parents or guardians reaching within 24 hours the Person in-charge of CCI shall take the body of the child from the hospital in accordance with the hospital rules and accordingly perform the last rites.
- If the child is a destitute or an orphan or no one is willing to perform the last rites, the Person-in-Charge of the CCI shall arrange for the funeral of the body as per the religious sentiments of the child.
- The Person-in-Charge of the Institution shall obtain the death certificate and communicate the copy to the parents or guardian, Commissioner, Women and Child



Development, Human Rights Commission besides keeping one copy in the official records.

### **12.13.5 Epidemics and spread of infections**

- Whenever a child suffers from infectious disease he/she shall be kept in a separate sick room or a Medical unit to prevent the spreading of disease to other children.
- A report shall be sent within twelve hours of the prevalence of epidemic either by email or fax or by special messages to the Competent Authority, health department, nearest government hospital.
- Whenever there is an out-break of an epidemic in an institution, the institution, the Superintendent/Person-in-charge of the institution shall arrange for medical treatment in consultation with the District Medical authority or the Health Officer from the local Government.
- The staff of the CCI should be prepared to cordon off and isolate children with infections in the sick room/quarantine room. If necessary certain dormitories should be cordoned off and used as spaces for children with infections to recuperate.
- Disinfection of the premises must take place in the CCI.
- Information must be provided to the children about preventive measures and early detection.

### **12.13.6 Prevention of accidents and other emergencies**

The Person-in-Charge of the institution shall initiate the following measures to prevent accidents and other incidents.

- Proper maintenance of building and premises
- First aid kit, Fire extinguishers shall be installed adequately in kitchen, dormitories, store rooms etc. and refilled from time to time.
- Periodical review of electrical installations.
- Proper white washing of buildings and cleanliness of the premises etc.
- The Person -in-Charge of the institution shall maintain an accident Register to restrict future accidents.
- Proper cleanliness to be maintained in the bathroom and toilets and to ensure that the bathrooms and toilets have proper taps, running water and clear drainage system.
- Every care giver or other staff of the CCI, if he comes to know, of any incident or probability of unrest amongst the children, shall bring the same to the notice of the Person in-charge without any loss of time, who shall take necessary steps as the situation demands and shall inform the Board of such information as well as steps taken by him in writing.



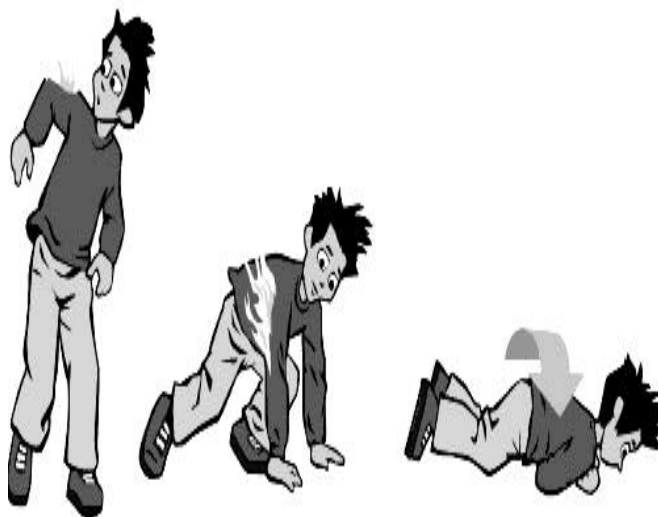
- In case of violence or disturbance inside the CCI, the shift in-charge shall first issue a warning to the children and if necessary take assistance of the Police with the permission of the Person in-charge.
- In case of disturbance outside CCI the shift in-charge shall immediately inform the Police station concerned.

### 12.13.7 Disaster preparedness and risk reduction

Disaster preparedness has been discussed in detail in the section of this Manual on Infrastructure and should be referred to for guidance.

The Superintendent/Person-in-charge/Shift in-charge shall ensure that:

- Staff are prepared, trained, and each one has been delegated a role and function at the time of a disaster.
- In case of a natural disaster or fire or any such calamity, the shift in-charge shall take suitable steps for evacuation and safety of the children as per the Disaster Management Protocol as developed by the State Disaster Management Authority for Child Care Institutions.
- To prepare the officers, children and guards to follow the above steps, a practice drill shall be held once a month, without previous notice by the Person-in-charge
- Emergency services (fire, police, ambulance) have knowledge of the layout of the CCI and access routes are always kept clear of obstructions.



## 12.14 REDRESSAL SYSTEMS

### 12.14.1 Complaints or suggestion box

- As per Rule 39(5) of JJ Model Rules 2016, the Management Committee shall set up a complaint and redressal mechanism in every institution and a Children's Suggestion Box shall be installed in every institution at a place easily accessible to children away from the office set up and closer to the residence or rooms or dormitories of the children.
- The key of the Children's Suggestion Box shall remain in the custody of the Chairperson of the Management Committee and shall be checked every week by the Chairperson of the Management Committee or his representative from District Child Protection Unit, in the presence of the members of the Children's Committees.
- Briefing about the complaint box and the procedure to address complaints/suggestions should form a part of the orientation to the CCI at the reception unit.
- The boxes shall be opened once in a week in the presence of the Chairperson of the Home Management Committee or his representative from DCPU, in the presence of members of children's committees.
- A Children's Suggestion Book shall be maintained in every institution where the complaints and action taken by the Management Committee are duly recorded and such action and follow up shall be communicated to the Children's Committees after every monthly meeting of the Management Committee.
- The Board shall review the Children's Suggestion Book at least once a month. The complainant need not reveal his/her name and if he/she has the details shall be kept confidential.
- If there is a problem or suggestion that requires immediate attention, the Chairperson of the Management Committee shall call for an emergency meeting of the Management Committee to discuss and take necessary action.
- The quorum for conducting emergency meetings shall be five members, including two members of Children's Committees, Chairperson of the Management Committee, Member of the Board and the Person-in-charge of the Child Care Institution.
- In the event of a serious allegation or complaint against the Person-in-charge of the institution, he shall not be part of the emergency meeting and another available member of the Management Committee shall be included in his place. Complaints received, action taken and other issues related to the complaints shall be discussed in the monthly Open House meetings which should follow after the Home Management Committee meeting.



### 12.14.2 Access to Childline 1098

- CCI must permit access to CHILDLINE 1098, through a hotline facility, located in a place where children can speak in privacy.



### 12.14.3 Abuse and exploitation of the child

- As per Rule 76 of the JJ Model Rules 2016, every institution shall evolve a system of ensuring that there is no abuse, neglect and maltreatment and shall include the staff who is aware of what constitutes abuse, neglect and maltreatment, and their early indication and how to respond to these abuses.
- In the event of any physical, sexual or emotional abuse, including neglect of children in an institution by those responsible for care and protection, the following action shall be taken namely:
  - the incidents of abuse and exploitation shall be reported by any staff member of the institution immediately to the Person-in-charge on receiving such information;
  - when an allegation of physical, sexual or emotional abuse comes to the knowledge of the Person-in-charge, a report shall be placed before the Board or Committee, who in turn shall, order for special investigation;
  - the Board shall direct the local police station or Special Juvenile Police Unit to register a case, take due cognizance of such incidents and conduct necessary investigation;
  - the Board shall take necessary steps to ensure completion of inquiry and provide legal aid as well as counselling to the child victim;
  - the Board shall transfer such a child to another institution or place of safety or fit person, as the case may be;
  - the Person-in-charge of the institution shall also inform the Chairperson of the Management Committee and place a copy of the report of the incident and subsequent action taken in its next meeting;
  - in the event of any other crime committed in respect of children in institutions, the Board or Committee shall take cognizance and arrange for necessary investigation to be carried out by the local police or Special Juvenile Police Unit;
  - the Board may consult Children's Committee setup in each institution to enquire into the fact of abuse and exploitation as well as seek assistance from voluntary organisations, child rights experts, mental health experts or crisis intervention centres in dealing with matters of abuse and exploitation of children in an institution.



- if the abuse is sexual or physical the Superintendent shall ensure that a medical examination takes place following standard guidance under the POCSO Act.
  - the Management Committee shall be intimated of any case of abuse, and the report of the inquiry conducted by the Board shall be placed before the Management Committee for further action.
  - the parent or guardian of the child shall be informed in case of any report of abuse.
- If the Superintendent/Person-in-charge is suspected of being the perpetrator of the act of abuse, then the matter shall be reported to the Probation Officer/case worker who shall in-turn report to the Board or the Children's Court.
  - If the accused in the case of abuse is a staff, he/she shall be immediately removed from any contact with children or placed on suspension until completion of inquiry.
  - If the accused is a child in the institution, then he/she shall be segregated from other children until the process of inquiry has been completed.
  - In case of any other crime committed against children, the Board or Children's Court must be informed by the Superintendent/Person-in-charge who shall further order the local police or SJPU to conduct the necessary investigation.

#### **12.14.4 Monthly open house meetings**

- There should be monthly Open House meetings convened by the Person-in-charge/Superintendent and children's committees (by rotation as there are several committees).
- These meetings should provide space for children to air their grievances and also to work towards finding solutions for them.
- All staff and children of the CCI should attend these meetings.
- Eminent social workers from the district, representatives from civil society organizations, officers from the district should also be allowed to attend these meetings from time to time.
- The meetings should be structured and co-organized by the members of the children's committees and the Person-in-charge/Superintendent or his representative
- A summary of complaints received in the suggestion book actions taken and any other information must be shared by the Management Committee in the Open House Meeting.



## 12.15 Family Visits and Interaction

### 12.15.1 Visits and interactions with the children

- Communication and contact with family and significant people should form an essential part of a child's rehabilitation and preparation for re-integration in the society. Parents know more about their children than anyone else, and thus, are often the key source of invaluable and essential information. All efforts should be made to promote improved relationship between the child and his/her family wherever dysfunctional, unless it is not in the best interests of the child. Parents and families can provide key support when the child is released from CCI.
- As per Rule 74 of the JJ Model Rules 2016, every child in the Child Care Institution may be permitted to have one meeting in a week with his relatives.
- The minimum time of the meeting shall not be less than 30 minutes
- In special cases, where parents or guardians have travelled a long distance from another State or District, the Person-in-charge may allow the parents or guardians entry into the premises and a meeting with their children on other days on confirmation of their identity and they being reported not to have been involved in subjecting the child to abuse and exploitation.
- There should be a day and time designated for the weekly meeting and the parents should be informed of the same at the time the child is being admitted into the CCI.
- A newly received child shall be permitted to meet his parent or guardian or family member on their first visit on any day.
- If the parents are not present at the time of the admission, the CWO/PO/Case worker shall establish contact with them and inform them about the weekly meeting and encourage them to meet the child every week.
- If there are problems between child and his family, the CWO/PO/Caseworker shall facilitate the interactions between child and his family, sit in on meetings until necessary.
- No meeting shall be permitted with the parent or guardian or relatives where such visitors have been found to be involved in subjecting the child to violence, abuse and exploitation or carrying any prohibited articles, except with the express permission granted by the Board or the Committee or the Children's Court or when such meeting has been specifically directed by the counsellor of the child.
- Every child shall be allowed to write two letters in a week to his parent or guardian or to his relatives. Necessary stationary and postage for the letters shall be provided by the Person-in-charge.
- The Person-in-charge may peruse any letter written by or to the child and may for reasons to be noted in the case file of the child, refuse to deliver or issue the letter. A report of the same shall be prepared and placed before the Management Committee. A



copy of the report shall be retained on the case file and another copy shall be sent to the Board or the Children's Court or the Committee.

- Every child shall be allowed to bring any written communication for the purpose of handing over to the Board or the Committee or the Children's Court, as the case may be, and be provided stationary, etc. for the same.
- The Person-in-charge may allow a child to speak with his parents or guardians on telephone once a week under supervision of the Child Welfare Officer or Case Worker or Probation Officer and record shall be duly maintained of such calls.
- If the Person-in-charge feels that more than one meeting a week is required in the interests of the child, he would be empowered to permit such a meeting and record such reason in writing.
- In case the family of the child does not come to visit the child and make no attempt to get in touch with him/her over the phone or through letter for more than a month, the Superintendent/ Person-in-charge shall inform the same to the Board in the fortnightly updates.
- The Board may direct the DCPU to make a home visit to find out the reason for parents absence from weekly meetings and lack of attempt at any communication
- The DCPU social worker/PO must try and find out the reason for the above and encourage the family to make regular visits and phone call to the child.
- The DCPU personnel should submit a report of the home visit to the Board.
- In addition, the weekly visits, the counsellor should inform the PO and the Superintendent of the family therapy sessions where the presence of the family is required as per the mental health care plan of the child.
- The Superintendent/ Person-in-charge shall be responsible for contacting the family and requesting their presence for the sessions.
- Every person desiring to meet the child shall, before the meeting, disclose his name and address with proof, which shall be noted in the visitors register and signed by the visitor. Copy of the photo identity card containing the address and a photograph of the visitor to be taken before the meeting, shall be retained by the institution. If the visitor refuses to disclose his particulars, he shall be denied the meeting.
- The visitor shall, submit himself for a search at the main gate, female visitors shall be searched by female staff only.
- Every meeting shall take place in the presence of the Child Welfare Officer or Case Worker or Probation Officer of the Child Care Institution, who shall be responsible for any irregularity that occurs and who shall be so placed that he is able to see and to prevent any objectionable or prohibited article being passed between the parties.





- Every child shall be carefully searched before and after the meeting in the presence of visitor. The child should not be having anything with him before he goes for the meeting.
- If any objectionable or prohibited article is found in the search conducted before the meeting:
  - the said article shall be seized;
  - the Person-in-charge shall conduct an inquiry to know the identity of the person(s) responsible for the article reaching the child;
  - if the person(s) responsible are from the staff of the Child Care Institution, appropriate action will be initiated against them; and
  - a detailed report of the inquiry and its result shall be forwarded to the Department and the Board or court of competent criminal jurisdiction.
- If any objectionable or prohibited article is found in the search conducted after the meeting:
  - the article shall be seized;
  - in case of any illegal article being found warranting legal action, the article and the visitor shall be detained and the police informed. The visitor and such article shall be handed over to the police;
  - a report of such visitor shall be prepared and placed in the case file of the child;
  - a report of the incident shall be forwarded to the Board or court of competent criminal jurisdiction; and
  - copy of the report shall be placed in the case file of the child.
- Any child who abuses the privilege of meeting shall be denied the same for such period as the Person-in-charge may direct. A report of the same shall be sent to the Board or the Committee or the Children’s Court and a copy shall be retained in the case file of the child.
- Every child shall be entitled to communicate with his legal counsel provided that:
  - the rules of search and seizure shall apply to all legal counsels also;
  - every such interview shall take place within the sight of a home official, though at a safe distance so as to be out of hearing;
  - the person wishing to have an interview with the child in the capacity of his advocate shall apply in writing, giving his name, address and enrolment number with a copy of a vakalatnama, duly attested by the Board or the Committee or the Children’s Court;
  - any child who claims to have no counsel shall be permitted to meet the legal aid counsels who visit the Child Care Institution in the normal course.

### 12.15.2 Nature of visits

The Juvenile Justice (Care and Protection of Children) Act, 2015 and the JJ Model Rules, 2016 facilitate that CCI should not function in isolation from the communities around



them. As per rule 78 of the JJ Model rules,2016, all Child Care Institutions shall be open to visitors with the permission of the Board or the Person-in-charge, who may allow voluntary organisations, social workers, researchers, doctors, academicians, and such other persons as the Management Committee may permit or consider appropriate keeping in view the security, welfare and the interest of the children. Hence, the Person-in-charge, must actively seek support and encourage activities by volunteers, community members, civil society organizations, researchers, and others to come and collaborate programmes and activities for the development of children.

- The interactions should be structured and the Managing Committee, the Board should be apprised of the nature of the interactions and activities being conducted with children and reports of who visited must be filed with the Board on a monthly basis.
- All those entering the CCI to collaborate activities with children must be apprised of the Child Protection Policy, must be given the code of conduct and sign the declaration.
- The Person-in-charge shall take all steps to inform the visitors to maintain the dignity of children.
- There shall be a visitor's book maintained in the CCI and the visitors shall be encouraged to record their remarks and feedback.

## 12.16 Transfer, Release and After Care

### 12.16.1 Transfer

- Transfer of a child from one CCI to another CCI or a fit facility can be made in the following circumstances and as ordered by the Board/Children's Court:
  - During the inquiry, if it is found that the child hails from a place outside the jurisdiction of the Board shall if satisfied after due inquiry that it is in the best interest of the child and after due consultation with the Board of the child's home district, order the transfer of the child as soon as possible, to the said Board , along with such order and relevant documents and send a copy of the order stating the reasons for and circumstances of such transfer to the State Government and District Child Protection Unit. Observation Home to a Special Home on completion of inquiry and if the child is found to have committed the offence. Special Home to a Place of Safety if the child completes 18 years and has not completed the time period for rehabilitation and reformation as per the orders of the Board Place of Safety to prison, in case a child aged 16-18 years is found to have committed a heinous crime and is found to not have been reformed in the assessment conducted at the end of his stay(completion of 21 years of age) in a place of safety.



- CCI to a fit facility for specialized care.
- CCI to another CCI close to a child's home in the same city or to another CCI in a different city if a child's parents are staying in that city.
- Repatriation of a child to another country
  - Once the decision to transfer is finalized, the Board shall give an escort order to SJPU to escort the child, within 15 days of receiving such order.
  - A girl child shall be accompanied by a woman police officer.
  - Where a SJPU unit is not available the Board shall direct the institution where the child is temporarily staying or DCPU to provide an escort to accompany the child during travel.
  - The child shall be escorted at Government expenses to the place or person as specified in the order and a travelling allowance on a per day basis shall be determined by the Board which shall be paid by the District Child Protection Unit of the State which has transferred the child.
  - A medical examination of the child shall be conducted 24 hours prior to the transfer and the report shall be updated in the case file.
  - On such order all documents including the case file, ICP and other records shall be updated prior to the transfer of the child and shall be sent along with the child.
  - The Board receiving the transferred child will process for restoration or rehabilitation or social reintegration.
  - In case of a child who is a national of another country, the Board or the Committee shall inform the State Government immediately on the production of the child before the Board which may initiate the process for repatriation of the child immediately in consultation with Ministry of Home Affairs and Ministry of External Affairs, as the case may be.
  - During the period pending the finalisation of the repatriation, the child shall be kept in a CCI.
  - The expenses for the repatriation of the child to another country shall be borne by the State Government concerned.
- Timely information shall be given to the parents/guardians of the child and the date and time of the transfer must be specified.
- In case of transfer of a child from an Observation Home to a Special Home, Special Home to a Place of Safety, Place of Safety to a prison, and a CCI to a fit facility for specialized care, the process of transfer should begin in advance.
- In case of transfer from one CCI to another CCI close to a child's home in the same city or to another CCI in a different city, the superintendent of the CCI where the



child is currently staying should coordinate with the DCPU regarding the date and time of the transfer.

- The PO shall ensure that the child and parents are explained about the transfer, its implications, services offered in new CCI and how that is going to help the child in rehabilitation and transformation.

### 12.16.2 Release

- As per JJ Act, 2015, when a child is kept in a Special home, on a report of a probation officer or social worker or of Government or a voluntary or non-governmental organisation, the Board may consider, the release of such child, either absolutely or on such conditions as it may think fit to impose, permitting the child to live with parents or guardian or under the supervision of any authorized person named in the order, willing to receive and take charge, educate and train the child, for some useful trade or calling or to look after the child for rehabilitation.
- If child has been released on a temporary basis, the time during which the child is not present in the concerned home in pursuance of the permission granted shall be deemed to be part of the time for which the child is liable to be kept in the children or special home.
- In case of a child in conflict with law who fails to fulfill the conditions set by the Board, the time for which he is still liable to be kept in the institution shall be extended by the Board for a period equivalent to the time which lapses due to such failure.
- The Person-in-charge of the Child Care Institution shall maintain a roster of the cases of children to be released on the expiry of the period of stay as ordered by the Board or the Children's Court.

### Release from an Observation Home

- The release of the child from an OH is under the following circumstances:
  - On bail
  - Acquittal if the child is not found guilty
  - Found guilty and released after admonition
  - Found guilty and transferred to a Special Home
- The Superintendent shall ensure the following:
  - If the child is released to parents/fit person on bail, the PO/CWO/Case worker shall counsel the child and the parents.
  - Outline expectations of the child in terms of conduct during the period of trial.



- The child should continue education or vocational training during the period of trial.
- If the child is not in school, the PO/CWO/Case worker will have to conduct home visits and undertake assessments to understand child's needs such as educational, vocational training, health, mental health and any other and incorporate insights from the same into the ICP.
- Coordinate and keep the family informed about the date and time of the hearings. The PO/CWO/Case worker should attend all the hearings and update the JJB on ICP.
- If the child is acquitted or released after admonition.
- If ICP has determined that the child needs after care or supervision, the PO should undertake necessary follow-up actions as outlined in the final order of the JJ that may include home visits, visits to the place of employment of the child, school visits, asking the child to report to the PO or any other.
- If the child is transferred to the special home or a place of safety on being found guilty and sentenced.
  - The child and the parents should be first explained about the judgment and its implications.
  - Explain the purpose of the special home and place of safety and how it is an opportunity that will give the child a chance for rehabilitation and reformation.
  - Update the child's records and ICP and hand over at the time of transfer.
- Updating the ICP: At the time of release, the Person-in-charge or PO/CWO/Case worker of an OH shall update the ICP. The ICP forms the basis for further reformation and rehabilitation in the Special Home, or in the family and supervised by the DCPU/PO/voluntary agency as ordered by the board/Children's Court.
- For children who are released from OH after advice, admonition or after participation in group counselling or orders him to perform community service, necessary direction may also be issued by the Board to the District Child Protection Unit for arranging such counselling and community service follow-up, and supervision may also be ordered by the Board to ensure that children do not become repeat offenders.

## Special Home

### Pre-release planning

- The PO/CWO/Case Worker shall begin the pre-release planning three months prior to the date of release of the child from the Special Home.



- During the pre-release planning, the PO/CWO/Case Worker shall ensure the following:
  - Family therapy/meeting sessions, facilitated by the counsellor/psychiatric social worker: The counsellor should organize family therapy sessions with the child and his family. The sessions should aim at setting expectations of the child from the family members and vice-versa.
  - Individual therapy sessions by the counsellor/psychiatric social worker: The child to be helped to identify adults who can provide the needed emotional and social support to the child, what his future aspirations are and what actions on the part of the child are required to make a progress towards achieving his/her future aspirations, exploring options for education, training, apprenticeship/job etc.,
  - Updating the ICP: The ICP of the child needs to be updated prior to the release and have to be approved by the Board/Children’s Court. Each part of the ICP shall be updated with the child and the respective staff responsible for it. Parents shall also be consulted during the process of updating of the ICP.
  - The ICP shall be approved by the management committee and the Superintendent shall sign on the ICP before it is presented before the JJB. The ICP should be sent to JJB/Children’s Court for approval 2 months prior to the release of the child.
  - Linkages with the DCPU and other non-governmental organizations: On approval of the ICP by the JJB, the PO/CWO/Case Worker shall approach the DCPU and other NGOs in the area where the child is going to reside to help the child in the process of social reintegration, and to ensure that the ICP is being implemented.

### **Procedure to be adopted at the time of release from Observation Home/Special Home/Place of Safety**

- The exact date of release of the child shall be communicated to the parents 30 days before the date of the release and the parents shall be invited to receive the child on the day of the release. A confirmation shall be sought from the parents if they are coming on the day of the release.
- If the parent or guardian express the inability to come to the CCI on the day of the release due to financial constraints, the actual expenses of the parent's or guardian's journey both ways and of the child’s journey from the institution shall be paid to the parent or guardian by the Person-in- charge at the time of the release of the child.
- The Person-in-charge of the Child Care Institution may in appropriate cases, order the payment of subsistence money, at such rates as may be fixed from time to time, by the State Government, and the railway and/or road fares, as the case may be.



- If the parents express their inability to come on the day of the release, the Person-in-Charge shall make arrangement to send the child to the parents'/guardians house accompanied by home staff or a CWO from SJPU. In case the child is a girl, a female escort shall be arranged for this purpose.
- A medical examination of the child is to be conducted by the Medical Officer 24 hours prior to the release of the child.
- At the time of release of a child, the valuables and other articles kept in safe custody and the money deposited in the name of the child shall be handed over to the child, parent or guardian, as the case may be, and the entry should be made in the register and signed by the Person-in-Charge.
- Where a girl child has no place to go after release and requests for stay in the institution after the period of her stay is over, the Officer-in-charge may, subject to the approval of the board/Children's Court, allow her stay till the time some other suitable arrangements are made.
- Provide the child with a set of Summer/Winter clothes depending on the weather and essential toiletries if needed. The Person-in-Charge shall be responsible for it
- In case the date of release falls on a Sunday or a public holiday, the child may be discharged on the preceding day with an entry to that effect being made in the register of discharge.
- When the child attains the age of eighteen years, he may be placed, if eligible, in an aftercare programme, subject to the consent of the child and the approval of the Board or the Children's Court.

### 12.16.3 After care

- Preparing for After Care at the time of release from Special Home. The State Government shall prepare a programme for children who have to leave Child Care Institutions on attaining eighteen years of age by providing for their education, giving them employable skills and placement as well as providing them places for stay to facilitate their re-integration into the mainstream of society.
- Any child who leaves a Child Care Institution may be provided after care till the age of twenty-one years on the order of the Board or the Children's Court, and in exceptional circumstances ,for two more years on completing twenty-one years of age as per Rule 25(2) of JJ Model Rules 2016.
- The District Child Protection Unit shall prepare and maintain a list of organisations, institutions and individuals interested in providing after care as per their area of interest such as education, medical support, nutrition, vocational training etc. and the same shall be forwarded to the Board and all Child Care Institutions for their record.



- The CCI shall, through counselling support and other programmes, prepare the young adults for life outside the Institution and for the After Care programme.
- The process of transition from institutional care to after care should take into consideration the gender, maturity and particular circumstances of the child.
- Young adults leaving institutional care should be encouraged to take part in the planning of their own after care.
- An aptitude test /career guidance should be done by the counselor of DCPU with the help of a technically qualified person/agency before placing the young adult into appropriate after care programmes
- If the Person-in-Charge, PO and other home staff involved in the process of rehabilitation of the child, during the pre-release planning are of the opinion that the child needs further supervision, care and support before their reintegration into the community, the child shall be referred to after care organization.
- The Probation Officer or the Child Welfare Officer or Case Worker or social worker, shall prepare a post release plan and submit the same to the Board or the Committee, two months before the child is due to leave the Child Care Institution, recommending after care for such child, as per the needs of the child.
- In case the child does not have parents, guardians or relatives, the child shall be referred to the CWC as part of the pre-release planning who then refer the child to an institution for children in care and protection. The referral to CWC shall also be made if the Person-in-Charge, PO and team are of the opinion that going to the family and the locality is not in the best interest of the child or
- If the child does not desire to his/her to return to his family or if suitable inquiry it is established that the family is not the conducive place in the best interest of the child, the child may be placed in a group home or a hostel, the funds for which shall be provided under provisions for after care in ICPS.
- Children who are placed in after care programme, shall be provided funds by the State Government for their essential expenses; such funds shall be transferred directly to their bank accounts.
- The Person-in-charge on direction of Board or Children's court shall provide the child with such tools, as may be necessary; to start a work or business subject to such maximum cost as may be fixed by the institution/State Govt. which shall also form part of the post-release plan.

### After Care Services

- The Board or the Children's Court, while monitoring the post release plan will also examine the effectiveness of the aftercare programme, particularly whether it is being





utilized for the purpose for which it has been granted and the progress made by the child as a result of such after-care programme.

- If the Superintendent and the PO, during the pre-release find that the child needs after care post their release from the home, they shall update the same in the ICP and present a plan for the same to the JJB.
  - The decision for after care and the plan for after care shall be done in consultation with the child, his/her parents/guardian and the staff involved in the rehabilitative process.
- The objective of after-care shall be to enable children to adapt to the society and during their stay in aftercare homes children are encouraged to move away from an institution-based life to a community.
- The services of the After-care programme are:
  - Community group housing on a temporary basis for groups of 6-8 persons.
  - Provision of stipend during the course of vocational training or scholarships for higher education and support till the person gets employment.
  - Arrangements for skill training and placement in commercial establishments through coordination with National Skill Development Programme, Indian Institute for Skill Training and other such Central/ State Government programmes and corporates etc.
  - Provision of a counsellor to stay in regular contact with such persons to discuss their rehabilitation plans.
  - Provision of creative outlets for channel listing their energy and to tide over the crisis periods in their lives.
  - Arrangement of loans and subsidies for persons in after-care, aspiring to set up entrepreneurial activities and
  - Encouragement to sustain themselves without State or institutional support.
- At the time of release, if there is a plan for after-care, the Board/Children's Court shall designate a Probation Officer/Case worker to supervise/monitor the child's progress in after-care.

### **12.17 Recording and Maintenance of Registers**

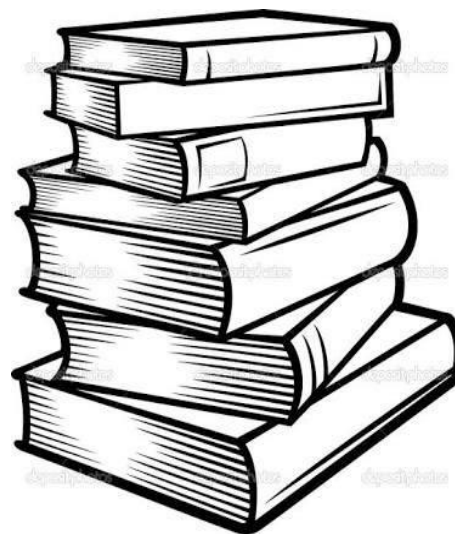
The list of registers or files or books to be maintained in a CCI shall be as provided under Rule 77 of the JJ Model Rules 2016 and shall comprise of the following:

#### **12.17.1 Admission and Discharge register**

- The admission and discharge register shall be maintained by Child Welfare Officer/Case Worker/Receiving Officer.



- The admission and discharge register shall be able to give the brief details of the every child in the CCI at any given point of time without having to check the detailed case files.
- The admission and discharge register shall consists details like name of the child, time, date of admission, nature of stay, the designation of the person escorting the child.
- The admission and discharge register shall also mention the details of discharge.
- The admission and discharge register shall be in the custody of Person-in-charge.



### 12.17.2 Attendance registers for staff and children

- A separate register will be maintained for marking the attendance of the staff and the children in a CCI and shall be maintained by the shift-in-charge.
- The attendance registers shall be in the custody of Person-in-charge.
- The attendance of children shall be taken three times every day – in the morning, evening and before the children go to bed in the night.
- The attendance register of the staff should also have column for time of reporting to the CCI and time of leaving the CCI.

### 12.17.3 Medical File

- The medical file of each child shall be maintained by the Staff Nurse.
- The Medical file shall be in the custody of the Person-in-charge.
- The medical file shall consist of medical history of the child before and during his/her stay in the CCI, the details of medical observation, routine medical check-up observation and important medical events/camps involving the child shall be entered.

### 12.17.4 Meals Register/Nutrition Diet File

- The meals register/nutrition diet file shall be maintained by the house parent.
- The meals register/nutrition diet file shall be in the custody of the shift-in-charge.
- The meals register/ nutrition diet file shall contain meal menu plan, meals being served against the plan, the timings of serving the meal, and the number of children who had the meal, the reason for some children not having a particular meal should be recorded.

- The meal register/nutrition diet file shall also have the details of any special diet being served to a child as per the recommendation of a doctor.

#### **12.17.5 Children's suggestion book**

- Children's suggestion book shall be maintained by Children's Committee.
- Children's suggestion book shall be available at all hours with the person-in-charge. It shall also be accessible to children on the days on which the committee meetings are being conducted.
- One child representative from the various committees shall be assigned the responsibility of maintaining the children's suggestion book. A child may use the children's suggestion book to record any suggestions/complaints that he/she may have with regard to any matter in the home.

#### **12.17.6 Counseling register**

- The counselling register shall be maintained by the Counsellor.
- The counselling register shall be in the custody of the Person-in-charge.
- The counselling register shall document the date, time, purpose and outcome of the each counselling session in brief with every child.

#### **12.17.7 Drug De-addiction Programme Enrolment and Progress Register**

- The drug de-addiction programme enrolment and progress register shall be maintained by the CWO Case worker to keep a record of children who are enrolled for drug de-addiction programme either in the same.
- The drug de-addiction programme enrolment and progress register shall be in the custody of Person-in-charge.

#### **12.17.8 House-keeping and Sanitation Register**

- The house-keeping and sanitation register shall be maintained by the house parent.
- The house-keeping and sanitation register shall be in the custody of the Person-in-charge. The house-keeping and sanitation register shall have the cleaning schedule of the different parts of the CCI like dormitories, sick room, play area, recreation room, kitchen, store room, dining hall, bathrooms and toilets, class rooms, water tanks etc. and the name of the housekeeping and sanitation staff responsible for it.
- The housekeeping and sanitation staff should sign against their cleaning schedule every time they clean.



- The Person-in-charge should also sign the register and record his observations/comments, if any after checking.

### **12.17.9 Inspection book**

- The inspection book shall be maintained as well as be in the custody of the Person-in-charge. The inspection book shall contain details about inspection conducted in the CCI. The book shall record the name and designation of inspecting team members, date, time, purpose of the inspection, brief summary of the observations made by the inspecting team, signature of the person heading the inspection team etc.

### **12.17.10 Legal Services Register**

- The legal services register shall be maintained by the PO/CWO/Case worker.
- The legal services register shall be in the custody of the Person-in-charge.
- A list of legal aid lawyers shall be maintained in the register for any ready reference with their contact details.
- The legal services register shall also have the details of the legal service aid lawyer assigned for each child and must make a mention of the meetings between legal service aid lawyer and the child.
- In case no legal service aid lawyer is assigned for a child, the PO/CWO/Case worker shall record the reasons for the same and inform the Person-in-charge who shall take immediate steps in this regard.

### **12.17.11 Library Register**

The library register shall be maintained by the Teacher.

The library register shall be in the custody of the Person-in-charge.

The library register shall maintain the details of books available in the library and borrowed by children for reading and shall have details like name of the child, date of issue, date of return, and name of the book.

### **12.17.12 Minutes Register for Children's Committees**

- The minutes register for children's committees shall be maintained by CWO/case worker.
- The minutes register for children's committees shall be in the custody of the Person-in-charge.



- Every committee shall have a minutes register to document the discussions of the committee. A representative from the committees shall be identified and appointed to document the minutes.
  - This responsibility should be changed on a rotational basis in order to give all children a chance to document the minutes.
- The minutes of the meeting shall be recorded and finalized within a day of the date of the meeting.
- The head of the committee and all other members present for the meeting shall sign the minutes register.

#### **12.17.13 Log Book**

- The log book shall be maintained by the driver.
- The log book shall be in the custody of the Person-in-charge.

#### **12.17.14 Order Book**

- The order book shall be maintained by the Person-in-charge.
- The order book shall be in the custody of the Person-in-charge.

#### **12.17.15 Cash Book**

- The cash book shall be maintained by the Accounts officer/Cashier.
- The cash book shall be in the custody of the Person-in-charge.
- The cash book shall contain the details of payments and receipts made. This shall also include bank deposits and withdrawal.
- The In-charge of the CCI shall facilitate and direct the staff concerned to maintain the cash book electronically and
- Make necessary arrangements for online transfers to avoid cash transactions.

#### **12.17.16 Budget Statement File**

- The Person-in-charge shall be responsible for the maintenance of Budget Statement file.
- The budget statement file shall be in custody of the Person-in-charge.
- The budget statement file shall contain the amount of money available under each head and the details of expenditure incurred against the budget available.
- The expenses can be divided as non-recurring/capital expenditure and recurring expenditure.



- The recurring expenses may further be divided under various heads like – clothing, bedding, kitchen expenses, medical, education etc.

#### **12.17.17 Visitor's Book**

- The visitor's book shall be maintained by the security guards at the entrance of the CCI.
- The visitor's book shall be in the custody of the main gate keeper.
- The persons visiting the home shall record the dates of his visits, purpose of the visit with their remarks or feedback.

#### **12.17.18 Personal Belongings Register**

- The personal belongings register shall be maintained by CWO /Case worker.
- The personal belongings register shall be in the custody of the Person-in-charge.
- The personal belongings register shall maintain an inventory of a child's belongings at the time of the admission.
- At the time of discharge of a child from a CCI, the Person-in-charge shall refer the personal belonging register for the list of belongings of the child at the time of admission and should hand them over to the child/parent/guardian.
  - The child/parent/guardian should sign the register upon receiving his/her personal belongings.

#### **12.17.19 Handing Over Charge Register**

- The shift in-charge shall maintain a register for recording of important events during shifts.
- The register shall be in the custody of the Person-in-charge.
- The entries on the register shall be of any of the events taken place during a particular shift and action initiated on any of the event taken during the shift.
- All events shall be recorded and notes/comments should be recorded about the actions that next shift in-charge needs to initiate during his/her shift.
- The shift in-charge handing over charge and the one taking over charge should both sign on the register during the handing over of the shift.

#### **12.17.20 Production Register**

- The production register shall be maintained by Probation Officer/Child Welfare Officer/Case Worker.
- The Production register shall be in the custody of the Person in-charge.



- The production register shall include the details of production of the child before the JJB such as date, time, name of the child, reason for production, the person accompanying the child and the next date of hearing etc.

#### **12.17.21 Staff Movement Register**

- The staff movement register shall be maintained by the in-charge of security and should be kept at the gate of the main entrance.
- The register shall be in the custody of the Person-in-charge.
- All staff members should record their movement outside the CCI during work hours.
- The staff movement register should have details like name of the staff, time of leaving, time of coming back, destination, purpose etc.
- The staff should sign the register once back in the CCI.

#### **12.17.22 Meeting Book**

- The meeting book shall be maintained by the CWO/Case worker.
- The meeting book shall be in the custody of the Person-in-charge.
- The Person-in-charge shall convene the meeting of staff once in every fifteen days to discuss about the progress of each child and any grievances that the staff may have. The minutes of these meetings shall be recorded in the meeting book by the Person-in-charge or any other duty bearer assigned by the Person-in-charge.
- The meeting of the minutes should be recorded and finalized within a day of the meeting.
- The finalized minutes should be circulated to the staff to read and sign.

#### **12.17.23 Updating and Managing Records**

- Person-in-charge shall be responsible for the safekeeping of all registers unless mentioned otherwise under Rule 77 of JJ Model Rules, 2016.
- The registers and documents maintained in a CCI are confidential. Any misuse of these documents may give away the identity of a child and cast a shadow on their life after release from the CCI. It is important that all registers be kept in a safe place and can be accessed by the staff authorised for updating with prior permission from the Person-in-charge.
- The registers have to be updated on an everyday basis whenever required.
- The registers for recording minutes of meetings, and certain other registers that are not based on every day events happening in the CCI shall be updated on a weekly basis or as and when the event takes place.



- The daily schedule of the staff shall have an allocated time for the updating of registers. This should be included in the schedule preferably towards the end of the day or at the time specified for change of shift of staff.
- The Person-in-charge shall check the updates before signing, wherever required and keeping it back in a safe place.
- All the registers shall be checked thoroughly before the monthly meeting and gaps, if any, should be addressed with the concerned personnel of the staff.
- As per Rule 14 of the JJ Model Rules 2016, the records or documents in respect of child in conflict with law should be kept in a safe custody till the expiry of the period of appeal or for a period of seven years and no longer and thereafter be destroyed by the Person in-charge or the Board or Children’s Court as the case may be.
- In case of a heinous offence where the child is found to be in conflict with law, the relevant records of conviction of such child shall be retained by the Children’s Court. Rule 14 of JJ Model Rules, 2016.





### 13. PLACE OF SAFETY



## Place of Safety

1. The Place of Safety is an institutional mechanism in the Juvenile Justice System which provides, as the name suggests, a safe place of stay for a particular category of children i.e. children in conflict with law, who have either committed a certain category of offence and are in a particular age group or regarding whom it is perceived that any other existing residential arrangement will not be suitable for them or in their best interest.

*As per Section 2(46) of JJ Act, 2015, “place of safety” means any place or institution, not being a police lockup or jail, established separately or attached to an observation home or a special home, as the case may be, the person in-charge of which is willing to receive and take care of the children alleged or found to be in conflict with law, by an order of the Board or the Children’s Court, both during inquiry and ongoing rehabilitation after having been found guilty for a period and purpose as specified in the order.*

*Further, as per Rule 29 (1) (iii) of JJ Model Rules, 2016, following are the categories of Place of Safety:*

- (a) for children in the age group of 16 to 18 years alleged to have committed heinous offence pending inquiry;
- (b) for children in the age group of 16 to 18 years found to be involved in heinous offence upon completion of inquiry;
- (c) for persons above 18 years alleged to have committed offence when they were below the age of 18 years pending inquiry;
- (d) for persons above 18 years found to be involved in offence upon completion of inquiry;
- (e) for children as per the orders of the Board under clause (g) of sub-section (1) of section 18 of the Act. This institution was not created to house any child entering the juvenile justice system, but instead to address the specific and special needs of a special category of children. It is also understood thereby that children in conflict with law, especially those who are alleged or found to have committed heinous



offences are children who are most vulnerable and need specialized, focused and designed interventions which would ensure the emotional, physical, social and economical well being of such children.

2. These interventions are to be based on a comprehensive assessment of the child and of the circumstances in which she /he has entered the JJ System. This is essential as research regarding developmental history of children and impact of adverse childhood experiences has demonstrated that failure to achieve developmental goals and childhood trauma result in health especially mental health and behavioral malfunctioning which often leads to offences of such grave nature. Assessment would therefore include understanding of the child's developmental history and the gaps therein and the socio economic background, as well as the circumstances in which the offence was committed. Unless such an assessment is carried out and by persons trained to do so, interventions administered would not be effective. Rehabilitation without assessment would neither prevent recidivism nor ensure that the child leads a meaningful life once she/he has left the institution.
3. Comprehensive assessment of the child, need based interventions and skilled caregivers are the three most critical components of any Place of Safety.

#### **A. Provisions**

The Place of Safety has been defined and detailed in Section 2, (46) and Section 49, of the JJ Act, 2015 and in Rule 29 (iii) of the JJ Model Rules, 2016. There are other provisions and rules which also provide information regarding this mechanism. These include inter alia, provisions and rules related to, infrastructure, registration, categories of children in conflict with law who are to be placed therein, rehabilitation services, standards of care etc.



## B. Features

Place of Safety is: –

- i) A Child Care Institution (CCI) and all the provisions and norms related to CCIs under the Act and Rules framed there under will apply to this institution.
- ii) Child-friendly and in no way shall it look like a jail or lock-up.
- iii) To be attached with an observation home or a special home or established separately.
- iv) An institution where Children are placed by the order of Juvenile Justice Board or the Children's Court for a period and purpose as detailed in the order.
- v) To house both category of children i.e. who are alleged to have committed an offence regarding which inquiry is ongoing or children who have been found guilty after completion of inquiry.
- vi) A place wherein safe shelter and/or services for rehabilitation, is provided, as mandated. While the Place of Safety may be a segregated facility, it should provide all required services for the rehabilitation of the child in his or her best interest.
- vii) For placement of children, alleged or found to have committed heinous offences or children who have not been granted bail in their best interest, irrespective of the offence or those whose matters have been referred to the Children's Court post assessment by the Board.
- viii) A safe space for children till they attain the age of twenty-one years and thereafter, the person shall be transferred, by orders of the Children's Court , to an adult correctional facility or Jail.

## C. Purpose

The Place of safety established will further emphasise on:-

- i) Promoting the well being of the child by formulating individual care plans based on comprehensive assessment for the rehabilitation of the child.



- ii) An assessment of a child which must include the child's developmental history, school history as well as social history. This would specially apply to children who have committed a heinous offence Interaction with the family and other persons associated with the child should not be restricted to the period of inquiry; instead it should be continued and a regular component of assessment of the child carried out during long term care and rehabilitation. These could be scheduled at the same time as Board / Children's Court hearings.
- iii) Providing services for each child, as per the comprehensive assessment done, which will include inter alia, educational services, skill development, counseling, behaviour modification therapy and psychiatric support etc. for rehabilitation of the child. This will be reviewed periodically by the Probation Officer or Legal cum Probation Officer appointed by the State Government under DCPU) as directed by the Board/Children's Court.
- iv) Positive measures should be taken to provide a safe and secure atmosphere and accident free infrastructure which helps the child over come trauma, identify the personality and behavioural patterns which are harmful to self and to learn self regulation, build trusting relationships and re-establish faith in a better life. The ultimate aim being to reduce vulnerabilities and minimize the internal risks of re-offending.
- v) Ensuring that the child is safe and that child protection mechanism such as suggestion book, suggestion box, children's committee etc. are in place.

#### **D. Infrastructure**

- i) The JJ Act, 2015 and Rules framed there under mandate that every State must have at least one Place of Safety set up by the State Government.
- ii) Place of Safety as mentioned earlier may be attached to an Observation Home or Special Home or established separately.
- iii) Place of Safety shall also be registered as per procedure laid down under section 41 of JJ Act, 2015 for registration of Child Care Institutions. At the



- time of registration, the State Government shall determine and record the capacity and purpose of the Place of Safety.
- iv) Norms related to infrastructure, under the Act and Rules there under, which are applicable to all CCIs, will also have to be adhered to in the Place of Safety. These include norms for type of rooms, size of rooms, number of rooms, lighting, safety and hygiene, space for outdoor activities etc.
  - v) Additionally, norms related to segregation of children based on gender and age differences also have to be maintained.
  - vi) Children who are placed in Place of Safety will include:
    - a) Children in the age group of 16 to 18 years alleged to have committed heinous offence pending inquiry;
    - b) Children in the age group of 16 to 18 years found to be involved in heinous offence upon completion of inquiry;
    - c) Persons above 18 years alleged to have committed offence when they were below the age of 18 years pending inquiry;
    - d) Persons above 18 years found to be involved in offence upon completion of inquiry;
    - e) Children as per the orders of the Board under clause (g) of sub-section (1) of section 18 of the JJ Act, 2015.

## **E. Standards of care**

- i) Just as for infrastructure and other provisions, standards of care for Place of Safety are also to be the same as those applicable for other Child Care Institutions. These include inter alia standards for clothing, bedding, toiletries, sanitation and hygiene, safety and security measures such as CCTV Cameras & Fire Extinguishers, Emergency Contact Numbers etc., documentation, nutrition, vocational training, education, medical care, protection from abuse (Childline 1098, Grievance and Complaint Mechanisms etc.), recreation etc.



- ii) Even if the Place of Safety is a separate facility not attached to an Observation or Special Home, it should therefore provide all required services for the rehabilitation of the child in the best interest of the child.
- iii) The Place of Safety must also have in place, the committees mandated under the JJ Act, 2015 for monitoring the administration of the CCI and the progress of every child and for ensuring child participation i.e. the management and children's committees respectively.
- iv) Additionally a Child Protection Policy (CPP) must also be in place which is signed by all staff members, displayed in the CCI premises. This must include verification of all staff and monitoring of entry and exit of persons from CCI.

#### **F. Staff**

- i) Staff requirement for the Place of Safety shall be based on the special needs of the children placed there and which shall be as provided under the JJ Act, 2015, JJ Model Rules, 2016 and the ICPS. The State Government may make provisions for additional staff if required.
- ii) The credentials and background of all staff recruited for the Place of Safety must be verified.

#### **G. Training**

- i) The importance of skills and knowledge in staff, who are to administer, monitor and execute a programme in a Place of Safety need special training and sensitization.

The focus must be on building the knowledge, skills and the attitudes / mindset required to work in a setting of such a nature. Training of staff, induction / orientation as well as on job training, to be based on a training need assessment and include short term and long term training plans.

Training content and methodology needs to be drawn up in consultation with experts from relevant fields such as Law, Training, Mental Health, Business Management, Entrepreneurship Development etc. Latest methodologies and



knowledge related to Children in conflict with law, must be, contextualized and incorporated in training content.





## 14. MONITORING AND INSPECTION OF CCI



## Monitoring and Inspection of CCI

### 14.1 Importance of monitoring for CCI Staff

Inspections, monitoring and evaluation, are all activities towards improvement of services in a CCI. It provides staff an opportunity to share their struggles, experiences and gain support from persons in authority. Hence, during, inspection, monitoring and evaluation meetings it is important for staff to:

- Be transparent and open.
- Share struggles and problems as much as showcasing of achievements.
- Share good practices which could offer themselves for replication.
- Ensure that all staff get an opportunity to speak to agencies visiting.
- Share records of evidence of work-case notes, files, registers.
- Ask for structured meetings and discussions with all staff across the CCI in small groups.
  - Avoid the method of inspection where the visit/interaction to be conducted like a ‘tour’ of a big group following the inspecting/evaluation/monitoring agency around the institution.
- Ask for confidential discussions, if felt necessary.
- Ensure that there are structured discussions with the children.
  - Allow for confidential discussions with children.
- Ensure that children’s committees are permitted to give their feedback.
- Avoid being defensive.

### 14.2 Internal Monitoring Tracking and Review through Management Committee

14.2.1 Every CCI shall have a Management Committee which shall be responsible for monitoring and tracking the progress of every child in the institution as well as addressing all issues relating to the functioning of the CCI.

14.2.2 The Management Committee shall comprise of: District Child Protection Officer (District Child Protection Unit)- as Chairperson, Person-in-charge - Member-Secretary as, Probation Officer or Child Welfare Officer or Case Worker – Member , Medical Officer – Member, Psychologist or Counsellor – Member, Workshop Supervisor or Instructor in Vocation – Member, Teacher –Member, Social Worker Member of the Board or the Committee – Member, Two child representatives from each of the



Children's Committees – Members, and any other special invitee with the consent of the Chairperson.

14.2.3 The Management Committee shall have meetings in the CCI once every month.

- The Management Committee shall undertake stock taking and review of programmes and functions as prescribed in the JJ Model Rules 2016.
  - Discussion on action taken on decisions of the previous meeting: All meetings shall commence by reviewing action points of the previous meeting and a status check. Any pending actions would be documented in the current meeting.
  - Case management: Assess progress of children in CCI through case review and updates of each child including progress on ICP, changes required to be made to ICP, planning for release, follow-up, rehabilitation card, aftercare, discussion on exceptional cases, any other issues which relate to children. Since, it would not be possible to have every child discussed in each meeting.
  - The Superintendent/Person-in-charge shall allocate time to PO/CWO/caseworkers at fixed times through the month where each case can be discussed. Counsellor may be brought in to give inputs. Key points from those discussions, and issues which require decisions to be taken, or solutions to be identified may be flagged in the monthly meeting of the Management Committee.
  - CCI Administration and Management: Discussions on infrastructure and material supply related issues; daily routine, diet, any adjustments to be made; roster for staff, coordination with department.
  - Receive feedback from children's committees: In every meeting each children's committee shall be provided a space to give feedback, raise issues for discussion with the Management Committee.

Activities for children-sports/recreation/physical training/vocational training/education/health camps/workshops/events: Planning for activities for children; discussions on linkages and partnerships with external organizations/individuals/community; feedback and discussion on activities. Functioning of redressal mechanisms: The Management Committee shall be responsible for setting up of and regular functioning of complaint and redressal mechanisms like children's complaint box, suggestion box, children's committee, and children's suggestion book. The Management Committee shall update any complaints and suggestions received through the above mechanisms and the actions to be taken and decisions made to be recorded. There shall be a Management Committee meeting register which shall record the minutes of each meeting as well as the attendance of members. Verification of



documents and registers: The Superintendent/Person-in-charge shall verify and sign on registers at the monthly meeting of the Management Committee. External individuals/organizations who organise activities for children in the CCI with the prior permission of the Person-in-charge, should be brought into the meeting to discuss/input any relevant concerns, or place their suggestions before the Management Committees.

14.2.4 Since the scope of work of the Management Committee is very large, the Superintendent/Person-in-charge should prepare an agenda for every meeting and discussions should take place and be documented according to the agenda set.

14.2.5 The Management Committee shall document their observations against each of the monitoring components, record the actions to be undertaken and decisions made to address an issue.

### **14.3 Inspection by District and State and Government Inspection Committees**

14.3.1 The State Government shall appoint inspection committees for the State and district, as the case may be, for all institutions registered or recognised to be fit under the Juvenile Justice Act, 2015. The Inspection Committee would be constituted for a period as may be specified by the State Government from time to time.

#### **14.3.2 State Inspection Committee**

- The State Inspection Committee shall comprise of a maximum of seven members from among the State Government, namely the Board or Committee, the State Commission for the Protection of Child Rights, the State Human Rights Commission, State Adoption Resource Agency, medical and other experts, voluntary organisations and reputed social workers. The Member-Secretary, State Child Protection Society shall be the Chairperson of the State Inspection Committee.
- The State Inspection Committee shall carry out random inspections of the facilities housing children in the State.
- The State Inspection Committee shall submit report to the Secretary of the Department implementing the Act.
- Inspection committees shall mandatorily conduct visits to all facilities housing children in the area allocated, at least once in three months in a team of not less than three members, of whom at least one shall be a woman and one shall be a medical officer.



- Inspection Committee shall submit reports of the findings of such visits within a week of their visit, to the District Child Protection Units or State Government, as the case may be, for further action. On the submission of the report by the inspection committee within a week of the inspection, appropriate action shall be taken within a month by the District Child Protection Unit or the State Government and a compliance report shall be submitted to the State Government.
- The State Inspection Committee shall interact with the children during the visits to the institution to determine their well-being and to get their feedback.

### 14.3.3 District Inspection Committee

- The members shall comprise Member of the Board, District Child Protection Officer as the Member Secretary, medical officer, one member of the civil society working in the area of child rights, care, protection and welfare and one mental health expert who has the experience of working with children. The tenure of the Inspection Committee will be for such period as may be specified by the State Government from time to time.
- Inspection committees shall mandatorily conduct visits to all facilities housing children in the area allocated, at least once in three months in a team of not less than three members, of whom at least one shall be a woman and one shall be a medical officer. The inspection of the facilities housing children in the district or the city shall be carried out as per the formats that is specified under JJ Model Rules, 2016.
- The District Inspection Committee shall submit the report of the findings to the District Child Protection Unit or the State Government and shall also make suggestions for improvement and development of the Child Care Institutions in accordance with the provisions of the Act and the rules made there under.
- The District Inspection Committee shall interact with the children during the visits to the institution to determine their well-being and to get their feedback.
- The District Child Protection Unit shall take necessary follow up action on the report of the District Inspection Committee.
- The action taken report shall be submitted by the District Child Protection Unit to the, State Government.



## 14.4 Monitoring under JJ Act

As per Rule 91 of the JJ Model Rules, 2016 the National Commission or the State Commissions may perform monitoring functions in consultation with the Central and State Government, review setting up of institutions created under the Act.



## 15. ANNEXURES



## Restorative Justice

### Introduction

Children who break the law do not do so of their own free will, but rather as a result of restricted opportunities available for their development. Such opportunities become even more restricted once they enter the criminal justice system. Children from risk groups that could get in conflict with the law are often victims of abuse and neglect, negligent and poor parenting and economic difficulties. Juvenile delinquency is not a success story, but evidence of the society failing to ensure protective environment for its children. Labelling such children results in exclusion from society rather than assistance in their rehabilitation. If child offenders continue being criminalized while at the same time being denied a 'second chance' that they deserve, their 'chances' will lead to nothing but their reoffending when they grow up.

These children need support while they are still children. The efforts of the communities/societies to rehabilitate such children are insufficient for their developmental needs. There is need for capacity building of communities to increase their understanding of such issues and also to deal with children.

The child's personality is developed throughout his or her development and depends on the stage of development: the child becomes capable of taking responsibility for its needs, acts, health and safety. Therefore, the society has the duty to ensure and provide special protection to children.

### Need for Restorative Justice as a tool for Rehabilitation of CCL

Unlike retributive justice where the focus is on the crime and violation of law, restorative justice aims at resolving the problem through reconciliation and improvement of the newly created situation. The victim's needs are respected and the offender takes responsibility, which shows he understands the consequences of his crime.

Restorative justice is a new view of the criminal legal system which focuses more on the restoration of the damage that the crime has done to people and their mutual relations rather than the punishment of the offender. Restorative justice is a process that involves all who are directly or indirectly affected by the crime in an attempt to decide how best to restore the damage. There are three categories of those directly affected by the crime, namely victims, offenders and their immediate community, whose needs are to receive restitution for material and non-material damage, take responsibility and restore good relations in the community respectively. Therefore, the emphasis is on the needs of people, individuals, respect for their human values and their personalities, and not just the punishment of the offender.





Restorative justice is based on the following four basic principles:

- i) establish balance disrupted by a crime or conflict in the community and society and restoring the damage made;
- ii) make restitution to the victim;
- iii) create conditions for the offender to understand and take responsibility for his acts;
- iv) assist in changing and promoting future behaviour of the offender.

Restorative justice practices differ from criminal justice practices. The following table brings out the difference between criminal justice and restorative justice.

	<u>Criminal Justice</u>	<u>Restorative Justice</u>
<b>Who is crime against?</b>	State	<ul style="list-style-type: none"> <li>• Victim/Community</li> </ul>
<b>How is Offender held accountable?</b>	Punishment	<ul style="list-style-type: none"> <li>• Accept responsibility</li> <li>• Repairs harm</li> </ul>
<b>What role does Victim play?</b>	Witness	<ul style="list-style-type: none"> <li>• Has say in restitution</li> </ul>
<b>Focus of System?</b>	Place Blame	<ul style="list-style-type: none"> <li>• Questions answered</li> <li>• Problem-Solving</li> <li>• Harm repaired</li> </ul>

### Reflection of Restorative Justice in the JJ Act, 2015

Juvenile Justice made a departure from the criminal justice model of punishment recognizing the negative influence of association with adult offenders and the higher possibility of reformation of children being in the growing age where their capacities are still being built and developed. While children are protected from the baneful effects of prisons, the victims of their offences have found no solace from juvenile justice system. The victims feel that children are let off easily even when they commit a serious offence or repeat offences.

Juvenile Justice adopted the path of reformation of children found to have committed an offence through various community based reformatory and rehabilitative measures and using institutionalization as a measure of last resort and for the minimum period till suitable community based alternatives are found for them. For example, as per section 18 of JJ Act, 2015, the JJB can pass orders for CCL such as:

- direct the child to participate in group counselling and similar activities;



- order the child to perform community service under the supervision of an organisation or institution, or a specified person, persons or group of persons identified by the Board.

In designing a community service programme for children above the age of 14 years, such as maintaining a park, serving the elderly, helping at a local hospital or nursing home, serving disabled children, serving as traffic volunteers. The JJB may combine the restorative justice approach by keeping in mind:

1. the nature of offence committed by the CCL
2. the circumstances of its commission
3. the impact on the victim
4. lessons that should be taught to the CCL
5. how the programme will help correcting the harm to the victim

Any offence is fit for restorative justice if it is applied appropriately. Many countries in the world are using restorative justice to rehabilitate children who have committed crimes. The preconditions for adopting restorative practice in a given case are:

1. The CCL must accept commission of offence.
2. The CCL (and not their parents) must be ready to accept responsibility for correcting the wrong.
3. The CCL must be ready to apologies to the victim.
4. The victim will have a say in deciding what he/she want the CCL to do to make amends.
5. It cannot be demeaning the offender but must be focused on making good the harm caused.
6. The victim should be assisted in not demanding something which is beyond the means of the CCL to fulfill.

Restorative justice practices can also be used as a very effective positive disciplining tool amongst the children in CCIs as well. It is useful for conflict resolution amongst children and also when there is some peer harm involved. While this requires some training of the staff, it is not a complex process. It involves getting both parties (that have caused harm and that have been harmed) to agree to a conference where the victim can speak about the impact and the accused is also given a chance to explain his/her behaviour. It is a forum where people deal with wrongdoing and conflict. The facilitator creates a safe space for everyone to participate. The facilitator does not influence the decisions taken by the participants but allows them all to speak and find their own solutions.



**FORMS FOR CHILDREN IN CONFLICT WITH LAW UNDER CCI**

**FORM 1**  
**[Rules 8 (1), 8 (5) and 8(7)]**  
**SOCIAL BACKGROUND REPORT**

FIR/DD No .....

U/Sections .....

Police Station .....

Date & Time .....

Name of I.O. ....

Name of CWPO .....

1. Name .....

2. Father/Mother/Guardian's name.....

3. Age/ Date of birth .....

4. Address.....

5. Religion

(i) Hindu (OC/ BC/ SC/ ST)

(ii) Muslim/ Christian/ Other (pl. specify)

6. Whether the child is differently abled:

(i) Hearing Impairment

(ii) Speech Impairment

(iii) Physically disabled

(iv) Mentally disabled

(v) Others (please specify)



7. Family Details:

S. No	Name and Relationship	Age	Sex	Education	Occupation	Income	Health status	History of Mental Illness (if any) (9)	Addictions (if any) (10)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)		

8. Reasons for leaving home .....

9. Whether there is a history of involvement of family members in offences, if any

Yes
  No

10. Habits of the child

**A**

- i) Smoking
- ii) Alcohol consumption

**B**

- i) Watching TV/movies
- ii) Playing indoor/ outdoor games



iii) Drug use (specify)

iii) Reading books

iv) Gambling

iv) Drawing/painting/acting/singing

v) Begging

v) Any other

vi) Any other

11. Employment Details, if any.....

12. Details of income utilization:

(i) Sent to family to meet family need

Yes

No

(ii) Used by self for:

Yes

No

a) For dress materials Yes/No

b) For gambling Yes/No

c) For alcohol Yes/No

d) For drug Yes/No

e) For smoking Yes/No

f) Savings Yes/No

13. The details of education of the child:

(i) Illiterate

(ii) Studied up to V Standard

(iii) Studied above V Standard but below VIII Standard

(iv) Studied above VIII Standard but below X Standard

(v) Studied above X Standard

14. The reason for leaving School

(i) Failure in the class last studied

(ii) Lack of interest in the school activities

(iii) Indifferent attitude of the teachers

(iv) Peer group influence

(v) To earn and support the family



- (vi) Sudden demise of parents
- (vii) Bullying in school
- (viii) Rigid school atmosphere
- (ix) Absenteeism followed by running away from school
- (x) No age appropriate school nearby
- (xi) Abuse in school
- (xii) Humiliation in school
- (xiii) Corporal punishment
- (xiv) Medium of instruction
- (xv) Others (pl. specify)

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

- (i) Corporation/Municipal/Panchayat
- (ii) Government/SC Welfare School/BC Welfare School
- (iii) Private management

16. Vocational training, if any .....

17. Majority of the friends are

- (i) Educated
- (ii) Illiterate
- (iii) The same age group
- (iv) Older in age
- (v) Younger in age
- (vi) Same sex
- (vii) Opposite sex
- (viii) Addicts
- (ix) With criminal background

18. Whether the child has been subjected to any form of abuse:

Yes/No

S.No	Type of Abuse	Remarks
1.	Verbal abuse – parents/siblings/ employers/others , (pl. specify)	
2.	Physical abuse(pl. specify)	
3.	Sexual abuse parents/siblings/ Employers/others (pl. specify)	
4.	Others (pl. specify)	



19. Whether the child is a victim of any offence:

Yes No

20. Whether the child is used by any gangs or adults or group of adults or has been used for drug peddling:

Yes No

21. Reason for alleged offence such as parental neglect or over protection, peer group influence etc. ....

.....  
.....

22. Circumstances in which the child was apprehended .....

.....  
.....

23. Details of articles recovered from the child: .....

.....  
.....

24. Alleged role of the child in the offence.....

.....  
.....

25. Suggestions of Child Welfare Police Officer.....

.....



.....

**Signed by**  
**Child Welfare Police Officer**





**FORM 2**

**[Rule 8 (8)]**

**UNDERTAKING BY THE PARENT OR GUARDIAN OR FIT PERSON GIVEN INTERIM  
CUSTODY PENDING INQUIRY**

Whereas I, ..... (Name) resident of House no..... Street .....  
Village/Town.....District.....State.....do hereby declare that  
I am willing to take charge of (name of the child)..... aged..... under the  
orders of the Board ..... subject to the following terms and conditions:

1. That I have annexed true, correct and authentic identification and address proof of myself.
2. That I undertake to produce him/her before the Board as and when required.
3. That I shall do my best for the welfare and education of the child as long as he/ she remains in my charge and shall make proper provision for his/her maintenance.
4. That in the event of his/her illness, he/she shall have proper medical attention in the nearest hospital and a report of it followed by a fitness certificate shall be submitted before the Board.
5. That I shall do my best to ensure that the child will not be subjected to any form of abuse/ neglect or exploitation
6. That if his/her conduct requires further supervision or care and protection, I shall at once inform the Board.
7. That if the child goes out of my charge or control, I shall immediately inform the Board.

Date this .....day of .....20

**Signature of person executing the Undertaking/ Bond**

**(Signed before me)**

**Juvenile Justice Board**



**FORM 3**

**[Rule 10 (1)(iii)]**

**SUPERVISION ORDER**

When the child is placed under the care of a fit person/fit institution/Probation Officer pending inquiry FIR/DD No. .... of..... 20.....PS.....

Whereas ..... (name of the child) is alleged to have committed an offence and is placed under the care of (Name)..... (address).....on executing a bond by the said ..... and the Board is satisfied that it is expedient to deal with the said child by making an order placing him/her under supervision.

It is hereby ordered that the said child be placed under the supervision of .....for a period of.....subject to the following conditions:

1. That the child shall reside at..... for a period of.....and shall be produced before the Board as and when directed.
2. That the child shall not be allowed to quit the district jurisdiction of .....without the permission of the Board.
3. That the child shall not be allowed to associate with such person who shall negatively influence the child.
4. That the person under whose care the child is placed shall arrange for the proper care, education and welfare of the child.
5. That the preventive measures will be taken by the person under whose care the child is placed to see that the child does not commit any offence punishable by any law in India.
6. That the child shall be prevented from taking narcotic drugs or psychotropic substances or any other intoxicants. The person under whose supervision the child is placed shall report any such act of the child to the Board.

Dated this.....day of..... 20.....

**(Signature)**

**Principal Magistrate/ Member  
Juvenile Justice Board**

Note: Additional, conditions, if any may be inserted by the Juvenile Justice Board.



**FORM 4**

**[Rule 10 (1)(iv)]**

**ORDER OF PLACING A CHILD IN CHILD CARE INSTITUTION PENDING INQUIRY**

**To**

**The Officer in charge**

Whereas on the.....day of.....20....., .....(Name of the child), son/  
daughter of.....aged.....,residing at ..... alleged to  
be involved in FIR/DD No. .... PS .....is ordered by the Juvenile  
Justice Board to be kept in the Child Care Institution (Observation Home/ Place of Safety)  
namely ..... for a period of .....

This is to authorize and require you to receive the said child into your charge, and to  
keep him in the Child Care Institution (Observation Home/ Place of  
Safety)..... and to produce the child as and when directed by the  
Board, for the aforesaid order to be carried into execution according to law.

Next date of hearing.....

Given under my hand and the seal of Juvenile Justice Board

This ..... day of ..... 20.....

**(Signature)**

**Principal Magistrate/Member**

**Juvenile Justice Board**



**FORM 5**

**[Rule 10 (2)]**

**ORDER FOR SOCIAL INVESTIGATION REPORT**

FIR No.....

U/Sections.....

Police Station.....

To,

Probation Officer/ Person in-charge of Voluntary or Non-Governmental Organization.

Whereas .....(Name of the Child), son/daughter of..... age  
.....residing at....., has been produced before the Board.

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

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

Dated this .....day of .....20.....

**(Signature)**

**Principal Magistrate/ Member**

**Juvenile Justice Board**



**FORM 6**

**[Rules 10 (9), 11 (2), 64(1), 64(3)(i)]**

**SOCIAL INVESTIGATION REPORT  
FOR CHILDREN IN CONFLICT WITH LAW**

Sl. No.....

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

Probation Officer/ Voluntary/Non- Governmental Organization..... (Name of the person)

FIR No.....

Under sections.....

Police Station.....

Nature of offence alleged: Petty  Serious  Heinous

1. Name.....
2. Age/Date/Year of birth.....
3. Sex.....
4. Caste.....
5. Religion.....
6. Father's Name.....
7. Mother's Name .....
8. Guardian's Name.....
9. Permanent Address.....



10. Landmark of the address.....

11. Address of last residence.....

12. Contact no. of father/mother/family member.....

13. Whether the child is differently abled: Yes/No

- (i) Hearing Impairment
- (ii) Speech Impairment
- (iii) Physically disabled
- (iv) Mentally disabled
- (v) Others (please specify)

14. Family Details:

S.No	Name and Relationship	Age	Sex	Education	Occupation	Income	Health status	History of Mental Illness (if any)	Addictions (if any)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

15. If the child or person is married, name, age and details of spouse and children:

.....  
.....

16. Relationship among the family members:



i. Father & mother	Cordial/ Non cordial/ Not known
ii. Father & child	Cordial/ Non cordial/ Not known
iii. Mother & child	Cordial/ Non cordial/ Not known
iv. Father & siblings	Cordial/ Non cordial/ Not known
v. Mother & siblings	Cordial/ Non cordial/ Not known
vi. Child & siblings	Cordial/ Non cordial/ Not known
vii. Child & grandparents (paternal/maternal)	Cordial/ Non cordial/ Not known

17. History of involvement of family members in offences, if any:

S. No.	Relationship	Nature of Crime	Legal status of the case	Arrest if any made	Period of confinement	Punishment awarded
1.	Father					
2.	Step father					
3.	Mother					
4.	Step mother					
5.	Brother					
6.	Sister					
7.	Others					
	(uncle/					
	aunty/					
	grandparents)					

18. Attitude towards religion of child and family.....

19. Present living conditions .....

20. Other factors of importance if any.....

21. (i) Habits of the child (Tick as applicable)

**A**

**B**

- |                        |                                    |
|------------------------|------------------------------------|
| a) Smoking             | g) Watching TV/movies              |
| b) Alcohol consumption | h) Playing indoor/ outdoor games   |
| c) Drug use (specify)  | i) Reading books                   |
| d) Gambling            | j) Religious activities            |
| e) Begging             | k) Drawing/painting/acting/singing |
| f) Any other           | l) Any other                       |

ii) Extra-curricular interests.....

iii) Outstanding characteristics and personality traits.....

22. Child's opinion/reaction towards discipline in the home.....

23. Employment Details of the child, if any.....

24. Details of income utilization and manner of income utilization.....

25. Work record (reasons for leaving vocational interests, attitude towards job or employers).....

26. The details of education of the child:

- i) Illiterate
- ii) Studied up to V Standard
- iii) Studied above V Standard but below VIII Standard
- iv) Studied above VIII Standard but below X Standard
- v) Studied above X Standard

27. Attitude of class mates towards the child.....

28. Attitude of teachers and classmates towards the child.....

29. The reason for leaving School (tick **Yes/No** as applicable)





- i) Failure in the class last studied
- ii) Lack of interest in the school activities
- iii) Indifferent attitude of the teachers
- iv) Peer group influence
- v) To earn and support the family
- vi) Sudden demise of parents
- vii) Bullying in school
- viii) Rigid school atmosphere
- ix) Absenteeism followed by running away from school
- x) There is no age appropriate school nearby
- xi) Abuse in school
- xii) Humiliation in school
- xiii) Corporal punishment
- xiv) Medium of instruction
- xv) Others (pl. specify)

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

- i) Corporation/Municipal/Panchayat
- ii) Government/SC Welfare School/BC Welfare School
- iii) Private management

31. Vocational training, if any.....

32. Majority of the friends are

- i) Educated
- ii) Illiterate
- iii) The same age group
- iv) Older in age
- v) Younger in age
- vi) Same sex
- vii) Opposite sex
- viii) Addicts
- ix) With criminal background

33. Attitude of the child towards friends.....

34. Attitude of friends towards the child.....

35. Observations of neighbours towards the child.....

36. Observations about neighborhood (to assess the influence of neighborhood on the child).....



37. Whether the child has been subjected to any form of abuse, if applicable:

Yes/No

S.No	Type of Abuse	Remarks
1.	Verbal abuse – parents/ siblings / employers / others , (pl. specify)	
2.	Physical abuse(pl. specify)	
3.	Sexual abuse parents/siblings/ Employers/others (pl. specify)	
4.	Others (pl. specify)	

38. Whether the child is a victim of any offence: Yes/No

39. Whether the child is used by any gangs or adults or group of adults or has been used for drug peddling: Yes/No

40. Does the child has tendency to run away from home, give details if any: **Yes/No**

41. Circumstances of apprehension of the child.....

42. Alleged role of the child in the offence.....

43. Reason for alleged offence:

- (i) Parental neglect
- (ii) Parental overprotection
- (iii) Parents criminal behaviour
- (iv) Parents influence (negative)
- (v) Peer group influence
- (vi) Bad habits (to buy drugs/alcohol)
- (vii) Others (pl. specify)

44. Whether the child has been apprehended earlier for any offence, if yes give details including stay in a child care institution Yes/ No

.....  
 .....

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

46. Physical appearance of the child:



47. Health condition of the child (including medical examination report, if applicable)

48. Mental condition of the child:

49. Any other remark

### RESULT OF INQUIRY

1. Emotional factors .....
2. Physical condition .....
3. Intelligence .....
4. Social and economic factors.....
5. Suggestive causes of the problems.....
6. Analysis of the case, including reasons/contributing factors for the offence
7. Opinion of experts consulted.....
8. Recommendation regarding rehabilitation by Probation Officer/Child Welfare Officer.....

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

**Stamp and Seal where available**



**FORM 7**

[Rules 11(3), 13(7)(vi), 13(8)(ii), 19(4), 19(17), 62(6)(vii), 62(6)(x), 69 I (3)]

**INDIVIDUAL CARE PLAN**  
**Child in Conflict with Law/ Child in Need of Care and Protection**  
(tick whichever is applicable)

Name of Case Worker/Child Welfare Officer/Probation officer.....

Date of preparing the ICP .....

Case/Profile No.....of 20.....

FIR No.....

U/Sections (Type of offence),applicable in case of Children in Conflict with Law.....

Police Station.....

Address of the Board or the Committee.....

Admission No.(if child is in an institution).....

Date of Admission (if child is in an institution).....

Stay of the child (Fill as applicable)

- (i) Short term (up to six months)
- (ii) Medium Term (six months to one year)
- (iii) Long term (more than 1 year)

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

**A. PERSONAL DETAILS** (to be provided by child/parent/both on admission of the child in the institution)

1. Name of the Child.....



2. Age/Date of Birth.....
3. Sex: Male/Female.....
4. Father's name:.....
5. Mother's name.....
6. Nationality.....
7. Religion.....
8. Caste.....
9. Language spoken.....
10. Level of Education.....
11. Details of Savings Account of the child, if any.....
12. Details of child's earnings and belongings, if any.....
13. Details of awards/rewards received by the child, if any.....
14. Based on the results of Case History, Social Investigation report and interaction with the child, give details on following areas of concern and interventions required, if any

S.No.	Category	Areas of concern	Proposed Interventions
1.	Child's expectation from care and protection		
2.	Health and nutrition needs		
3.	Emotional and psychological support needs		
4.	Educational and Training needs		
5.	Leisure, creativity and play		
6.	Attachments and Inter-personal Relationships		
7.	Religious beliefs		
8.	Self care and life skill training for Protection from all kinds of abuse, neglect and maltreatment		
9.	Independent living skills		
10.	Any other such as significant experiences which may have impacted the development of the child like trafficking, domestic		



	violence, parental neglect, bullying in school, etc. (Please specify)		
--	---	--	--

**B. PROGRESS REPORT OF THE CHILD ( to be prepared every fortnight for first three months and thereafter to be prepared once a month)**

[Note: Use different sheet for Progress Report]

1. Name of the Probation Officer/Case Worker/Child Welfare Officer.....
2. Period of the report.....
3. Admission No.....
4. Board or Committee.....
5. Profile No.....
6. Name of the Child.....
7. Stay of the child (Fill as applicable)
  - (iv) Short term (up to six months)
  - (v) Medium Term (six months to one year)
  - (vi) Long term (more than 1 year)
8. Place of interview ..... Dates.....
9. General conduct and progress of the child during the period of the report
 

.....

.....
10. Progress made with regard to proposed interventions as mentioned in point 14 of Part A of this Form.

S.No.	Category	Proposed Interventions	Progress of the child
-------	----------	------------------------	-----------------------



1.	Child's expectation from care and protection		
2.	Health and nutrition needs		
3.	Emotional and psychological support needed		
4.	Educational and Training needs		
5.	Leisure, creativity and play		
6.	Attachments and Inter-personal Relationships		
7.	Religious beliefs		
8.	Self care and life skill training for Protection from all kinds of abuse, neglect and maltreatment		
9.	Independent living skills		
10.	Any other such as significant experiences which may have impacted the development of the child like trafficking, domestic violence, parental neglect, bullying in school, etc. (Please specify)		

11. Any proceedings before the Committee or Board or Children's Court

- (i) Variation of conditions of bond
- (ii) Change of residence of the child
- (iii) Other matters, if any

12. Period of supervision completed on.....

Result of supervision with remarks (if any).....

Name and Addresses of the parent or guardian or fit person under whose care the child is to live after the supervision is over.....

Date of report.....Signature of the Probation Officer.....

**C. PRE-RELEASE REPORT (to be prepared 15 days prior to release)**

1. Details of place of transfer and authority concerned responsible in the place of transfer/release
2. Details of placement of the child in different institutions/family
3. Training undergone and skills acquired
4. Last progress report of the child (to be attached, refer Part B)



5. Rehabilitation and restoration plan of the child ( to be prepared with reference to progress reports of the child)

S.No.	Category	Rehabilitation and restoration plan of the child
1.	Child's expectation from care and protection	
2.	Health and nutrition	
3.	Emotional and psychological	
4.	Educational and Training	
5.	Leisure, creativity and play	
6.	Attachments and Inter-personal Relationships	
7.	Religious belief	
8.	Self care and life skill training for Protection from all kinds of abuse, neglect and maltreatment	
9.	independent living skills	
10.	Any other	

6. Date of release/transfer/repatriation.....
7. Requisition for escort if required.....
8. Identification Proof of escort such as driving license, Aadhar Card, etc.....
9. Recommended rehabilitation plan including possible placements/sponsorships....
10. Details of Probation Officer/non-governmental organization for post-release follow-up.....
11. Memorandum of Understanding with non-governmental organisation identified for post-release follow-up (Attach a copy).....
12. Details of sponsorship agency/individual sponsor, if any.....
13. Memorandum of Understanding between the sponsoring agency and individual sponsor (Attach a copy).....
14. Medical examination report before release.....
15. Any other information.....

**D. POST-RELEASE/RESTORATION REPORT OF THE CHILD**

1. Status of Bank Account : Closed / Transferred
2. Earnings and belongings of the child: handed over to the child or his parents/guardians –

Yes/No





3. First interaction report of the Probation Officer/Child Welfare Officer/Case

Worker /social worker/non-governmental organisation identified for follow-up with the child post-release.....

4. Progress made with reference to Rehabilitation and Restoration Plan.....

5. Family's behavior/attitude towards the child.....

6. Social milieu of the child, particularly attitude of neighbours/community.....

7. How is the child using the skills acquired.....

8. Whether the child has been admitted to a School or vocation? Give date and

name of the school/institute/any other agency **Yes/No**

.....

9. Report of second and third follow-up interaction with the child after two months

and six months respectively.....

10 Efforts towards social mainstreaming and child's opinion/views about it.....

11. Identity Cards and Compensation

[Instruction: Please verify with the physical documents]

IDENTITY CARDS	Present status (Please tick whichever is applicable)		Action taken
	Yes	No	
Birth Certificate			
School certificate			
Caste certificate			
BPL Card			
Disability Certificate			



Immunization card			
Ration Card			
Adhaar Card			
Received compensation from Government			

**Signature of the Probation Officer/Child Welfare Officer**

**Stamp and Seal where available**



**FORM 8**

**[Rule 11(6)]**

**UNDERTAKING/ BOND TO BE EXECUTED BY A PARENT/ GUARDIAN/ /FIT PERSON IN WHOSE CARE A CHILD IN CONFLICT WITH LAW IS PLACED**

Whereas I, ..... being the parent, guardian, relative or fit person under whose care.....(name of the child) has been ordered to be placed by the Juvenile Justice Board..... having been directed by the said Board to execute an undertaking/ bond with surety in the sum of Rs...../- (Rupees.....) or without surety, I hereby bind myself to be responsible for the good behavior and well-being of the said .....and to observe the following conditions for a period of ..... years with effect from .....

1. That I shall not change my place of residence without giving previous intimation in writing to the Juvenile Justice Board through the Probation Officer;
2. That I shall not remove the said child from the limits of the jurisdiction of the Juvenile Justice Board without previously obtaining the written permission of the Board;
3. That I shall send the said child daily to school/to such vocation as is approved by the Board unless prevented from so doing by circumstances beyond control;
4. That I shall sincerely give effect to the Individual Care Plan with the help of the Probation Officer;
5. That I shall report immediately to the Board whenever so required by it and also produce the child before the Board as and when directed to do so;
6. That I shall produce the said child in my care before the Board, if he/she does not follow the orders of Board or his/her behavior is beyond my control;
7. That I shall report to the Board if the child goes out of my control or charge;
8. That I shall render all necessary assistance to the Probation Officer to enable him to carry out the duties of supervision;

In the event of my making default herein, I undertake to appear before the Board and bind myself to pay to Government the sum of Rs ..... (Rupees.....).

Dated this .....day of .....20.

**Signature of person executing the Undertaking/Bond.**

(Signed before me)

**Principal Magistrate/ Member Juvenile Justice Board**



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

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

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

**Signature of Surety(ties)**

(Signed before me)

**Principal Magistrate/ Member, Juvenile Justice Board**



**FORM 9**

**[Rules 11(7)]**

**PERSONAL BOND BY CHILD**

Whereas I, .....inhabitant of.....(give full particulars such as house number, road, village/town, tehsil, district, state) have been ordered to be sent back/restored by the Juvenile Justice Board .....under section ..... of the Juvenile Justice (Care and Protection of Children) Act, 2015 on my entering into a personal bond to observe the conditions mentioned herein below. Now, therefore, I do solemnly promise to abide by these conditions during the period.....

I hereby bind myself as follows:

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

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

**(Signature or thumb impression of the child)**

Certified that the conditions specified in the above order have been read over/explained to (Name of child) .....and that he has accepted them as the conditions upon non-compliance of which he/she may be placed in safe custody.

Certified accordingly that the said child has been released/ relieved on (date) .....

**Signature**

**Principal Magistrate/Members  
Juvenile Justice Board**



**FORM 10**  
**[Rules 11(9) and 64 (3) (xiii)]**

**PERIODIC REPORT BY PROBATION OFFICER WHEN A CHILD IS RELEASED ON PROBATION**

FIR No..... Police Station .....U/Sections.....

In the matter of..... vs.....

Whereas (name of the child) ....., age....., has on..... (date) been found to be a child in conflict with law, and has been placed under the care of ..... (parent/ guardian/ fit person/fit facility) and under the supervision of .....(name of Probation Officer)

Reg. No. :-	Age (approximately) :-	Sex:- Male / Female /
Name:-	Fathers Name:-	Religion:-
Education: -	Vocational Training, if any	Language(s) known:-
Next court date:-	Employment, if any	Date of admission (in case of fit person/fit facility)

Case details and summary

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

1. Preliminary details:

(i) Visit Date: ...../...../.....

(ii) Name of Parent / Guardian.....

(iii) Names of Other Adults Living in the Home and with whom the Probation Officer interacted:

- a.
- b.
- c.

2. Observations:

(i) Child's behaviors.....

(ii) Physical and mental health status/needs of child and family.....



- (iii) Inter-personal relationship of the child with the family.....
- (iv) Inter-personal relationship with friends.....
- (v) Safety and supervision in the family.....
- (vi) Difficulties faced by the child.....
- (vii) Difficulties faced by the family.....
- (viii) Changes in the household.....
- (ix) Vocational training, if any being undertaken by the child.....
- (x) Engagement of child in any anti-social activities or harmful activities (Examples could be exhibiting bullying behaviour, violent outbursts, destructions, self-harm, lying, defiance, impulsiveness, lack of empathy, sexually deviant actions etc.).....
- (xi) Time elapsed since last engagement in any anti-social behavior or harmful activities.....

3. Visit to school/ vocational training centre

- (i) Name of the school/centre.....
- (ii) Name of the Teacher / Principal met.....
- (iii) Any unusual behavior observed.....
- (iv) Feedback received on the progress of the child.....
- (v) Attitude of the peers towards the child.....
- (vi) Attitude of the child towards the peers.....

4. Visit to place of employment:

- (i) Nature of work.....
- (ii) Working hours.....
- (iii) Attitude of the child towards work.....
- (iv) Violation of any labour laws, Low wages or wages being withheld, if observed and action taken against employer.....

5. Did you spend time speaking privately with the child Yes  No

If no, give reasons.....



6. Progress made as per Rehabilitation and Restoration Plan under the Individual Care Plan (refer point 14 of form 7).....

.....

7. Recommendations for modifications in Rehabilitation and Restoration Plan under the Individual Care Plan , if any:

Prepared by: .....

(Probation Officer ...../...../.... (date)

Plan: Date of next visit: .....

Action point if any: .....

Signature  
(Probation Officer)





**FORM 11**

**[Rule 12(1)]**

**CASE MONITORING SHEET**

*(Separate Sheet may be used in case there are more than one child)*

**Juvenile Justice Board, District.....**

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

Case Name:

Police Station .....	Date.....
U/S.....	FIR/ GD/ DD No. ....
Name of Probation Officer.....	Name of IO .....
Name of Lawyer .....	Name of Child Welfare Police Officer.....
(If not represented provide Legal Aid Lawyer)	

**NATURE OF OFFENCE**

**PETTY**

*(maximum punishment upto three years)*

**SERIOUS**

*(maximum punishment between three to seven years)*

**HEINOUS**

*(minimum punishment for seven years or more)*

**PARTICULARS OF CHILD**

Name	Parents/ Guardian with Contact No.	Present address	Permanent address



**DATE AND TIME CHILD APPREHENDED**

**DATE AND TIME OF FIRST PRODUCTION**

**DATE OF MEDICAL EXAMINATION UNDER SECTION 54 Cr.P.C.**

**AGE DETERMINATION**

Age on the Date of offence

Date of age Determination

Time taken for age determination

Determination by

BOARD

COURT

Evidence Relied:

Documents

Medical

**CUSTODY OF THE CHILD**

In Observation Home/ Place of Safety

Date of grant of bail

Sent under supervision  
(Name of Institution)

From.....To.....

**PROGRESS OF INQUIRY**

(Time schedule for disposal of the case to be fixed on the first day of hearing)

Steps to be taken	Scheduled Date	Actual Date
Day 1: Social Background Report by Police (in Form No. 1)	Dated.....	
Day 1: Consideration of Bail	Dated.....	
Day 2: Age determination	Dated.....	
Day 2: SIR (Form No.6) by Probation Officer	Dated.....	
Day 2: Section 173 CrPC Final Report by Police on completion of Investigation	Dated.....	



Day 3: Submission of Report on Provisions of further investigation, if any	Dated.....	
Day 3: Section 251 CrPC Notice	Dated.....	
Day 4-6: Prosecution Evidence (From..... to.....) Depending on the number of witnesses continuous dates may be fixed)	Dated..... Dated..... Dated.....	
Day 7: Statement of child under Section 281 CrPC	Dated.....	
Day 8: Defence Evidence	Dated.....	
Day 8: Individual Care Plan (In case of child in institutional care Individual Care Plan should be prepared within one month of admittance)	Dated.....	
Day 9: Final Arguments	Dated.....	
Day 10: Dispositional (Final) Order	Dated.....	
Day 11: Post Dispositional Review	Dated.....	

**signed by**  
**Juvenile Justice Board**



**FORM 12**  
**[Rule 12(2)]**

**QUARTERLY REPORT BY JUVENILE JUSTICE BOARD**

District

Quarterly Report for the period: From..... to.....

Details of JJB

S.No.	Details	Date of Appointment	Training attended
1.	Principal Magistrate		
2.	Member 1		
3.	Member 2		
4.	Member 3		

**VISIT TO HOMES BY PRINCIPAL MAGISTRATE**

Date of visit:

Name and Address of Home :

Remark:

**VISIT TO JAILS BY PRINCIPAL MAGISTRATE**

Date of Visit:

Whether any children found:

Action taken:

**CASES INSTITUTED DURING THE QUARTER:**

	PETTY	SERIOUS	HEINOUS	TOTAL
Number cases				
Number of Children				
Children granted bail				



Children sent to Observation Home				
Number of cases where preliminary reports were submitted in stipulated time				

### PENDENCY OF CASES

Nature of case	Old cases	New cases	Disposal	Current pendency			
				Less than 4 months	4 months to 6 months	6 months to 1 year	More than 1 year
Petty							
Serious							
Heinous							
Total							

### FINAL ORDER

Total number of final orders passed

Discharged	Transfer to other JJB	Abated on Death	Repatriated to Foreign Country	Transferred to Children's Court	Declared Compounded & file consigned	Terminated under rule ..... (post-production process)	Acquitted/ Finding of commission in offence

Nature of Dispositional Orders where child has committed Offence (mention the No. of orders)

\_\_\_\_\_

**COMPLAINT/SUGGESTION, IF ANY, RECEIVED AND ACTION TAKEN**

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

**REMARK/SUGGESTION BY BOARD**

a. Principal Magistrate

\_\_\_\_\_

b. Member : 1

\_\_\_\_\_

c. Member: 2

\_\_\_\_\_

<b>Principal Magistrate</b>	<b>Member -1</b>	<b>Member -2</b>
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**FORM 13**

**[Rules 13(8)(iv)]**

**PERIODIC REVIEW OF A CHILD IN PLACE OF SAFETY**

FIR No..... PS.....U/Sections

In the matter of ..... vs. ....

Whereas (name of the child) .....,age....., has on .....(date) been found to be a child in conflict with law, and has been placed in..... (Name of place of safety)

Date of admission to place of safety –

Period of Review: From..... to.....

Name of the Child.....

Father's Name.....

Date of admission.....

Next date of hearing.....

1. Case details and summary.....

.....

2. Individual Care Plan (Attach a copy).....

.....

3. Fortnightly progress made as per Individual Care Plan.....

.....

4. Development of new interests.....

.....

5. Psycho-social progress made by the child: (to be prepared with the help of a psycho-social expert).....

**I. Mental Status Evaluation**

a. Appearance (Observed) - Possible descriptors: • posture, clothes, grooming.

b. Behavior (Observed) - Possible descriptors: • Mannerisms, gestures, psychomotor activity, expression, eye contact, ability to follow commands/requests, compulsions

II. Attitude (Observed) - Possible descriptors: • Cooperative, hostile, open, secretive, evasive, suspicious, apathetic, easily distracted, focused, defensive.



- III. Level of Consciousness (Observed) - Possible descriptors: • Vigilant, alert, drowsy, lethargic, stuporous, asleep, comatose, confused, fluctuating.
- IV. Orientation (Inquired) – Possible questions: • “What is your full name?” • “Where are we at (floor, building, city, county, and state)?” • “What is the full date today (date, month, year, day of the week, and season of the year)?” • “How would you describe the situation we are in?”
- V. Speech and Language (Observed) A. Quantity - Possible descriptors: • Talkative, spontaneous, quiet  
B. Rate - Possible descriptors: • Fast, slow, normal, pressured. C. Volume (Tone).
- VI. Mood (Inquired): A sustained state of inner feeling – Possible questions: • “How are you feeling?”  
• “Have you been discouraged/depressed/low?” • “Have you been energized/elated/high/out of control lately?” • “Have you been angry/irritable?”
- VII. Affect (Observed): An observed expression of inner feeling.
- VIII. Thought Processes or Thought Form (Inquired/Observed): logic, relevance, organization, flow and coherence of thought in response to general questioning during the interview. - Possible descriptors: goal-directed, circumstantial, loose associations, incoherent, evasive, perseveration.
- IX. Thought Content (Inquired/Observed)
- X. Suicidality and Homicidality – Assessment
- XI. Insight (Inquired/Observed) –
- XII. Attention (Inquired/Observed) –
- XIII. Feelings of guilt/ remorse: present/ absent

6. Status of Current Educational/ Vocational Rehabilitation Programme

- Motivation for the programme.....
- Level of cooperativeness.....
- Regularity.....
- Quality of work/performance.....

7. Impact of institutionalization on the person.....

8. Approach to evaluation/ periodic follow ups.....





Willingness /ability to participate in treatment and rehabilitation in programs/facilities, consistent with public safety.

RECOMMENDATIONS (including whether the person may be released or released on conditions or requires further institutionalization with justification)

---

DATE : / /  
PLACE :  
NAME :  
DESIGNATION :  
SIGNATURE :

Recommendations/Findings: .....

**Signature / Seal**

Prepared by: .....

(Probation Officer ...../...../..... (date)



**FORM 14**

**[Rules 7 (1) (ii), 13(8)(vi)( C ) (cd), 17(1)(vi), 19(20), 65(3)(viii), 69E(2), 69 I (4), 69J(1), 69J(3)]**

**REHABILITATION CARD**

FIR No. /Case No.

U/Sections

PS

Nature of Offence: heinous, serious or petty (in case of child in conflict with law)

Name of Probation Officer/Child Welfare Officer/Rehabilitation cum Placement Officer:  
.....

Name of the child:

Age:

Sex:

Father's name:

Mother's name:

Admission No.

Date of Admission:

Date of Provisional Release / Release:

**Services availed under Individual Care Plan –**

<b>Indicators</b>	<b>Child's expectation from care and protection</b>
<b>First Month</b>	<b>Plan :</b>  <b>Outcome :</b>
<b>Second Month</b>	<b>Plan :</b>



	<b>Outcome :</b>
<b>Third Month</b>	<b>Plan :</b>  <b>Outcome :</b>
<b>Fourth Month</b>	<b>Plan :</b>  <b>Outcome :</b>
	<b>Health and Nutrition</b>
<b>First Month</b>	<b>Plan :</b>  <b>Outcome :</b>
<b>Second Month</b>	<b>Plan :</b>  <b>Outcome :</b>



<p><b>Third Month</b></p>	<p><b>Plan :</b></p> <p><b>Outcome :</b></p>
<p><b>Fourth Month</b></p>	<p><b>Plan :</b></p> <p><b>Outcome :</b></p>
<p style="text-align: center;"><b>Emotional and psychological support needed</b></p>	
<p><b>First Month</b></p>	<p><b>Plan :</b></p> <p><b>Outcome :</b></p>



<b>Second Month</b>	<p><b>Plan :</b></p> <p><b>Outcome :</b></p>
<b>Third Month</b>	<p><b>Plan :</b></p> <p><b>Outcome :</b></p>
<b>Fourth Month</b>	<p><b>Plan :</b></p> <p><b>Outcome :</b></p>
<b>Education and Training</b>	
<b>First Month</b>	<p><b>Plan :</b></p>



	<b>Outcome :</b>
<b>Second Month</b>	<b>Plan :</b>  <b>Outcome :</b>
<b>Third Month</b>	<b>Plan :</b>  <b>Outcome :</b>
<b>Fourth Month</b>	<b>Plan :</b>  <b>Outcome :</b>
<b>Leisure, creativity and play</b>	
<b>First Month</b>	<b>Plan</b>



	Outcome
Second Month	Plan  Outcome
Third Month	Plan  Outcome
Fourth Month	Plan  Outcome
<b>Attachments and Inter-personal Relationships</b>	
First Month	Plan



	<p><b>Outcome :</b></p>
<b>Second Month</b>	<p><b>Plan</b></p> <p><b>Outcome :</b></p>
<b>Third Month</b>	<p><b>Plan</b></p> <p><b>Outcome :</b></p>
<b>Fourth Month</b>	<p><b>Plan</b></p> <p><b>Outcome :</b></p>
<p><b>Self Care and Life Skill Training for Protection from all kinds of abuse, neglect and maltreatment</b></p>	
<b>First Month</b>	<p><b>Plan</b></p> <p><b>Outcome :</b></p>





<b>Second Month</b>	<p>Plan</p> <p>Outcome :</p>
<b>Third Month</b>	<p>Plan</p> <p>Outcome :</p>
<b>Fourth Month</b>	<p>Plan</p> <p>Outcome :</p>
	<b>Independent living skills</b>
<b>First Month</b>	<p>Plan</p> <p>Outcome :</p>
<b>Second Month</b>	<p>Plan</p> <p>Outcome :</p>
<b>Third Month</b>	<p>Plan</p> <p>Outcome :</p>



<b>Fourth Month</b>	<p><b>Plan</b></p> <p><b>Outcome :</b></p>
	<p>Any other such as significant experiences which may have impacted the development of the child like trafficking, domestic violence, parental neglect, bullying in school etc.</p>
<b>First Month</b>	<p><b>Plan</b></p> <p><b>Outcome :</b></p>
<b>Second Month</b>	<p><b>Plan</b></p> <p><b>Outcome :</b></p>
<b>Third Month</b>	<p><b>Plan</b></p>



	<b>Outcome :</b>
<b>Fourth Month</b>	<b>Plan</b>  <b>Outcome :</b>

Report of the detailed psychiatric assessment done by certified psychiatrist to be attached along with Rehabilitation card

Date of report and reason for conducting the said assessment (Provisional Release / Release/ Any other)

1. Overall progress shown by the child on the above mentioned aspects of the Individual Care Plan
2. Child's acceptance and understanding of his actions and its consequences
3. Child's willingness to reform
4. Child's behavior and conduct
5. Offence committed by the child , if any reported by family or neighbourhood, in case of a child in conflict with law who is not placed in a Child Care Institution

**Signed by**

**JJB/ CWC**



**FORM 27**

**[Rule 21(2) and 22 (2)]**

**APPLICATION FOR REGISTRATION OF CHILD CARE INSTITUTION UNDER THE  
JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015**

**1. Detail of Applicant/ Institution which proposes to run the Child Care Institution:**

- (i) Type of Institution .....
- (ii) Name of the Institution / Organization.....
- (iii) Registration number and date of Registration of the Institution/ Organization under the relevant Act (Annex- Relevant documents of registration and bye-laws, memorandum of association).....
- (iv) Period of validity to run the Institution / Organization.....
- (v) Complete address of the Applicant/ Institution/ organization.....
- (vi) STD code/ Telephone No.....
- (vii) STD code/ Fax No.....
- (viii) E-mail address.....
- (ix) Whether the organization is of all India character, if yes, give address of its branches, in other states.....
- (x) Whether the Institution/ Organization had been denied registration earlier  
Yes/No
- (xi) Ref. No. of application which resulted in denial of registration as CCI
  - a) Date of denial.....
  - b) Which department has denied the registration.....
- (xii) Reason for denial of registration as CCI.....

**2. Details of the proposed Child Care Institution**

- (i) Name of the proposed Child Care Institution.....
- (ii) Type/Kind of Child Care Institution.....
- (iii) Complete address/ location of proposed child Care Institution or organization
- (iv) STD code/ Telephone No.....



(v) STD code /Fax No.....

(vi) E-mail address.....

### 3. Connectivity (Name and Distance from the proposed Child Care Institution):

(i) Main Road.....

(ii) Bus –stand.....

(iii) Railway Station.....

(iv) Any landmark.....

### 4. Infrastructure

(i) No. of Rooms (Mention with measurement).....

(ii) No. of toilets (mention with measurement).....

(iii) No. of Kitchen (mention with measurement) .....

(iv) No. of sick room.....

(v) Annex -Copy of blue print of the building (authentic sketch plan of building)...

(vi) Arrangement to deal with unforeseen disaster also mention the kind of arrangement made:

(i) Fire

(ii) Earthquake

(iii) Any other arrangement

(iv) Arrangement of Drinking water

(v) Arrangement to maintain sanitation and hygiene:

(vi) Pest Control

(vii) Waste disposal

(viii) Storage area

(ix) Any other arrangement

(x) Rent agreement/ building maintenance estimate (whichever is applicable)(Annex-copy of Rent agreement)

### 5. Capacity of the Institution/ Organization

- i. No. of children (0-6 years) present in the home , (if any)
- ii. No. of children (6-10 years) present in the home , (if any)
- iii. No. of children (11-15 years) present in the home , (if any)
- iv. No. of children (16-18 years) present in the home , (if any)
- v. No. of persons (18-21 years) present in the home , (if any)



6. Whether the Child Welfare Committee/Juvenile Justice Board has been informed about the children being housed in the Institution Yes/ No

### 7. Facilities Available

- (i) Education facility.....
- (ii) Health Checkup arrangement, frequency of checkup, type of checkups proposed to be done.....
- (iii) Any other facility that shall impact on the overall development of the child

### 8. Staffing

- (i) Detailed staff list.....
- (ii) Education and Experience of the staff .....
- (iii) Name of partner organizations
- (iv) Name of the chief functionary of the organization

### 9. Background of the Applicant (Institution / Organization)

- (i) Major activities of the organization in last two years
  - a. (Annex copy of Annual Report)
- (ii) An updated list of members of the management committee/ governing body in the enclosed format (Annex- resolution of the annual meeting)
- (iii) List of assets/ infrastructure of the organization
- (iv) If the organization registered under the Foreign Contribution (Regulation) Act, 1976 (Annex – certificate of registration)
- (v) Details of foreign contribution received during the last two years (Annex- relevant documents)
- (vi) List of other sources of grant- in – aid funding (if any )with the name of the scheme / project , purpose amount, etc. (separately)
- (vii) Details of existing bank account of the agency indicating branch code account no.
- (viii) Whether the agency agree to open a separate bank account for the grant proposed
- (ix) Annex -Photocopy of Accounts of last three years:



i.	Auditors report
ii.	Income and expenditure account
iii.	Receipt and payment account
iv.	Balance sheet of the organization.

I have read and understood The Juvenile Justice (Care and Protection of Children) Act, 2015 and the Juvenile Justice (Care and Protection of Children) Rules, 2016.

I declare that no person associated with the organization has been previously convicted or has been involved in any immoral act or in any act of child abuse or employment of child labour and that the organization has not been blacklisted by the Central or the State Government at any point of time.

.....(Name of the Organization / Institution) has complied with all the requirements to be granted registration as a Child Care Institution under the Juvenile Justice (Care and Protection of Children) Act, 2015 and The Juvenile Justice (Care and Protection of Children) Rules, 2016.

I undertake to abide by all the conditions laid down by the Central/ State Act, Rules, Guidelines and Notifications in this regard.

Signature of the authorized signatory: .....

Name:.....

Designation:.....

Address.....

District.....

Date.....



Office stamp:

Signature of:

Witness no.1: .....

Witness no.2: .....





**FORM 28**

**[Rule 21(3) and 22 (4)]**

**CERTIFICATE OF REGISTRATION  
(UNDER SECTION 41 THE JJ ACT)**

After perusal of the documents submitted as per Form 27 is granted registration No.....as a Child Care Institution under Section 41(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 with effect from..... for a period of ....years.

The Institution which has the capacity of..... Children shall remain bound to follow the Juvenile Justice (Care and Protection of Children) Act, 2015, the Juvenile Justice (Care and Protection of Children) Rules, 2016 and regulations framed by the Central/ State Government from time to time.

Dated this ..... day of ..... 20 .....

**(Signature)**

**Seal**

Name and Designation .....



**FORM 36**

**[Rule 24(5)]**

**ORDER OF SPONSORSHIP PLACEMENT**

The child (name and address) .....age..... d/o or s/o Mr.....and/or Mrs..... has been identified as a child needing sponsorship support for education/ health/ nutrition/ other developmental needs .....(please specify). The District Child Protection Unit is hereby directed to release Rs.....per month/ Rs..... as one time sponsorship support to the said child for a period of ..... (days/month) and carryout necessary follow up and for the said purpose shall open a bank account in the name of the child..... to be operated by .....

Children's Court/ Principal Magistrate, Juvenile Justice Board/  
Chairperson/Member, Child Welfare Committee



**FORM 37**

**[Rule 25(2)]**

**ORDER OF AFTER CARE PLACEMENT**

The child (name) ..... d/o or s/o ..... has/ will be completing 18 years of age on (date) ..... She/ he is still in need of care and protection for the purpose of rehabilitation and reintegration and specifically for ..... (specify the purpose). She/he is placed in (name of organization) ..... for providing aftercare. The In-charge of the Organization is directed to admit the child and provide all possible opportunities for her/ his rehabilitation and reintegration in its truest sense. The person shall be provided all these opportunities maximum till the age of 21 years only or till reintegration in the society, whichever is earlier. The in-charge will send half yearly report on the status of the child/youth to the Child Welfare Committee.

The State/ District Child Protection Unit is hereby directed to release Rs.....per month towards after-care support to the said person for a period of ..... (days/month) and carryout necessary follow up and for the said purpose shall open a bank account in the name of the person.....

**Children's Court/ Principal Magistrate, Juvenile Justice Board/  
Chairperson/Member, Child Welfare Committee**

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



**FORM 39**  
**[Rule 27(4)]**

**CERTIFICATE OF RECOGNITION OF FIT FACILITY INCLUDING GROUP FOSTER CARE**

After perusal of the documents and on the basis of an inspection of the Institution conducted on..... the..... (Name of the Institution) is recognized as a Fit Facility under Section 51 of the Juvenile Justice (Care and Protection of Children) Act, 2015 with effect from..... for a period of .....years.

The Facility shall remain bound to follow the Juvenile Justice (Care and Protection of Children) Act, 2015, the Juvenile Justice (Care and Protection of Children) Rules, 2016 and regulations framed by the appropriate Government from time to time.

The Facility shall remain bound to comply with the orders passed by the Juvenile Justice Board or the Child Welfare Committee from time to time.

Dated this.....day of .....20 .....

(Signature)  
(Seal)

Dated this .....day of .....20.....

(Signature)

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



ORM 40

[Rule 61(3)(xii)]

LIST OF CHILDREN SUBMITTED BY CCI TO BOARD OR COMMITTEE WEEKLY

Details of the Child Care Institution:

Sr. No.	Name of Child	FIR/DD/Case No.	PS	Date of Next Production

Total Number of Children admitted during the week.....

Total Number of Children released during the week.....

Total Number of Children in the Institution as on.....

Signature

Person in charge of the CCI

Date:



**FORM 41**

**[Rule 69 (C) (1)]**

**PROTECTIVE CUSTODY CARD**

1. Name of the child :
2. Age of the child :
3. Mother's Name :
4. Father's Name :
5. Address of parent/guardians :
6. Date of receiving by Organization/Institution:
7. Name & contact details of the person producing child:
8. Date of Inquiry:

This is to authorize and direct you to receive the above named child in your Child Care Institution and keep her/him in your charge for protective custody under the J.J. Act, 2015.

And to produce the child on .....

Next Date of hearing.....

**(Signature)**

**Principal Magistrate/ Member,**

**Juvenile Justice Board**



**FORM 42**

**[Rules 69 (D) (4)]**

**OVERNIGHT PROTECTIVE STAY**

Whereas (name of the child) .....has this day been apprehended/  
found to be in need of overnight protective stay at the .....  
(Name of the Institution).

The said child has been produced by ..... ( Name of the child welfare  
police officer, from .....Police station , .....) . The child has been brought along  
with the required application seeking protective stay, medical report stating the general health  
condition of the child which has been duly perused by the person in-charge of the Institution.

The said child has been brought to the Institution at ..... (time) and shall be  
handed over on the following day to the concerned jurisdiction of the child welfare police officer  
on or before .....(mention time).

The personal belongings of the child have been thoroughly searched and the following  
articles ..... (if any) have been handed over to the  
concerned child welfare police officer.

In case the concerned child welfare police officer fails to report in due time to take  
custody of the child, such child shall be produced before the Juvenile Justice Board/ Child  
Welfare Committee by the Officer in charge of the Institution at the earliest.

Copy to:

1. Child Welfare Police Officer
2. Board / Committee
3. The Person in charge of the Institution

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20

(Signature)

The Person in charge of the Institution

(Signature)

Child Welfare Police Officer



FORM 43  
[Rule 69 (H) (3)]

CASE HISTORY OF THE CHILD  
(FOR CHILD CARE INSTITUTION)

Case/Profile No.....

Date & Time.....

Affix a latest  
photograph  
here

**A. PERSONAL DATA**

1. Name.....
2. Male / Female (tick the appropriate category) .....
3. Age at the time of admission.....
4. Present age.....
5. Category (tick as applicable):

- (i) Separated from family
- (ii) Abandoned/deserted
- (iii) Victim of exploitation and violence (give detail)
- (iv) Run-away
- (v) Any other





6. Religion

- (i) Hindu (OC/BC/SC/ST)
- (ii) Muslim/Christian/Other(pl. specify)

7. Native District & State:

8. Description of the Housing:

- (i) Concrete building/ Kuchha
- (ii) Three bedroom/ two bedroom/ one bedroom/ no separate bedroom
- (iii) Owned / rental

9. By whom the child was brought before the Child Welfare Committee/Juvenile Justice Board (tick as applicable):

- i. Police-Local Police/Special Juvenile Police Unit/ designated Child Welfare Police Officer / Railway Police/ Women Police
- ii. Probation Officers
- iii. Social Welfare Organization
- iv. Social Worker
- v. Parent(s)/Guardian (s) (please Specify the relationship)
- vi. Any public servant
- vii. Any public spirited citizen
- viii. Child himself/herself

10. Reasons for leaving the family

- i. Abuse by parent(s)/guardian(s)/step parents(s)
- ii. In search of employment
- iii. Peer group influence
- iv. Incapacitation of parents
- v. Criminal behaviour of parents
- vi. Separation of Parents
- vii. Demise of parents
- viii. Poverty
- ix. Others (please specify)

11. Types of abuse met by the child

- i. Verbal abuse – parents/siblings/ employers/others (pl. specify)
- ii. Physical abuse
- iii. Sexual abuse parents/siblings/ Employers/others(Pl. specify)
- iv. Others – parents/siblings/ employers/others (pl. Specify)



12. Types of ill-treatment met by the child.

- i) Denial of food –parents/siblings employers/other (pl. specify)
- ii) Beaten mercilessly-parents/ Siblings/employers/other (pl. specify)
- iii) Causing injury – parents/ siblings/employers/other (pl. specify)
- iv) Detention - parents/ siblings/employers/other (pl. specify)
- v) Other (please Specify)

13. Exploitation faced by the child

- i) Extracted work without payment
- ii) Little (low) wages with longer duration of work
- iii) Others (pl. specify)

14. Health status of the child before admission.

i)	Respiratory disorders	- present / not known / absent
ii)	Hearing impairment	- present / not known / absent
iii)	Eye diseases	- present / not known / absent
iv)	Dental disease	- present / not known / absent
v)	Cardiac diseases	- present / not known / absent
vi)	Skin disease	- present / not known / absent
vii)	Sexually transmitted diseases	- present / not known / absent
viii)	Neurological disorders	- present / not known / absent
ix)	Mental handicap	- present / not known / absent
x)	Physical handicap	- present / not known / absent
xi)	Urinary tract infections	- present / not known / absent
		- present / not known / absent
xii)	Others (pl. specify)	

15. With whom the child was staying prior to admission

- i. Parent(s) – Mother / Father / Both
- ii. Siblings / Blood relative
- iii. Guardian(s) – Relationship

- iv. Friends
- v. On the street
- vi. Night shelter
- vii. Orphanages / Hostels/ Similar Homes
- viii. Other (pl. specify)

16. Visit of the parents to meet the child

Prior to institutionalization- Frequently / Occasionally / Rarely / Never

After institutionalization - Frequently / Occasionally / Rarely / Never

17. Visit of the Child to his parents

Prior to institutionalization - Frequently / Occasionally / Rarely / During festival times / During summer holidays / Whenever fallen sick / Never

After institutionalization-- Frequently / Occasionally / Rarely / During festival times / During summer holidays / Whenever fallen sick / Never

18. Correspondence with parents -

Prior to institutionalization – Frequently / Occasionally / Rarely / During festival times / During summer holidays / Whenever fallen sick / Never

After institutionalization – Frequently / Occasionally / Rarely / During festival times / During summer holidays / Whenever fallen sick / Never

19. Details of disability

20 Type Family: Family / joint family/ broken family / single parent

21. Relationship among the family members:



i) Father & mother	Cordial/ Non cordial/ Not known
ii) Father & child	Cordial/ Non cordial/ Not known
iii) Mother & child	Cordial/ Non cordial/ Not known
iv) Father & siblings	Cordial/ Non cordial/ Not known
v) Mother & siblings	Cordial/ Non cordial/ Not known
vi) Child & siblings	Cordial/ Non cordial/ Not known
vii) Child & relative	Cordial/ Non cordial/ Not known

22. History of crime committed by family members, if any:

S. No.	Relationship	Nature of Crime	Legal status of the case	Arrest if any Made	Period of confinement	Punishment Awarded
1.	Father					
2.	Step father					
3.	Mother					
4.	Step mother					
5.	Brother (a) (b) (c) (d)					
6.	Sister (a) (b) (c) (d)					

7.	Child					
8.	Others (uncle/ aunty/ grandparents)					

23. Properties owned by the family:

- i. Landed properties (pl. specify the area)
- ii. Household articles- Cows/ Cattle/ Bull
- iii. Vehicles- two wheeler/ three wheeler/ four wheeler  
(lorry/ bus/ car/ tractor/ jeep)
- iv. Others (please specify)

24. Marriage details of family members:

- i) Parents Arranged/ Special Marriage
- ii) Brothers Arranged/ Special Marriage
- iii) Sisters Arranged/ Special Marriage

25. Social activities of family members:

- i. Participate in social and religious functions
- ii. Participate in cultural activities
- iii. Does not participate in social and religious functions
- iv. Not known

26. Parental care towards child before admission:

- i. Over protection
- ii. Affectionate
- iii. Attentive
- iv. Not affectionate
- v. Not attentive
- vi. Rejection



## ADOLESCENCE HISTORY (Between 12 and 18 years)

27. At what age did the child attain puberty?

28. Details of delinquent behaviour if any

- i. Stealing
- ii. Pick pocketing
- iii. Arrack selling
- iv. Drug pedaling
- v. Petty offences
- vi. Violent crime
- vii. Rape
- viii. None of the above
- ix. Others (please specify)

29. Reason for delinquent behaviour

- i. Parental neglect
- ii. Parental overprotection
- iii. Parents criminal behavior
- iv. Parents influence (negative)
- v. Peer group influence - To buy drugs/alcohol
- vi. Others (pl. specify)

30. Habits

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

## EMPLOYMENT DETAILS

31. Employment details of the child prior to entry into the Home:

S.No.	Details of employment	Timing and Duration	Wages earned
i)	Cooly		
ii)	Rag picking		
iii)	Mechanic		
iv)	Hotel work		
v)	Tea shop work		
vi)	Shoe polish		
vii)	Household works		
viii)	Others (pl specify)		

32. Details of income utilization:

Sent to family to meet family need

- i. For dress materials
- ii. For gambling
- iii. For prostitution
- iv. For alcohol
- v. For drug
- vi. For smoking
- vii. Savings

33. Details of savings

- i. With employers
- ii. With friends
- iii. Bank/Post Office
- iv. Others (pl. specify)

34. Duration of working hours

- i. Less than six hours
- ii. Between six and eight hours
- iii. More than eight hours

## EDUCATIONAL DETAILS

35. The details of education of the child prior to the admission to Children's Home

- i. Illiterate
- ii. Studied up to V Standard
- iii. Studied above V Std but below VIII Standard
- iv. Studied above VIII Std but below X Standard
- v. Studied above X Standard

36. The reason for leaving the School

- a. Failure in the class last studied
- b. Lack of interest in the school activities
- c. Indifferent attitude of the teachers
- d. Peer group influence
- e. To earn and support the family
- f. Sudden demise of parents
- g. Rigid school atmosphere
- h. Absenteeism followed by running away from school
- i. There is no age appropriate school nearby
- j. Others (pl. specify)

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

- i. Corporation/Municipal/Panchayat
- ii. Government/SC Welfare School/BC Welfare School
- iii. Private management/ Convents

38. Medium instruction: Hindi/English/Urdu/Tamil/Malayalam/Kannada/ Telugu/  
Marathi / Gujarati/ Bengali / Other language (please specify)

39. After admission to Children's Home, the educational attainment from the \_\_\_\_\_ date  
of admission till date;

No. of years	Class studied	Promoted /detained
--------------	---------------	--------------------

40. Vocational training undergone form the date of admission into Children's Home till date.

No. of years

Name of Vocational Trade





Proficiency Attained

Details of certification?

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

- i) Scout
- ii) Sports (please specify)
- iii) Athletics (please specify)
- iv) Drawing
- v) Painting
- vi) Others (pl. specify)

**MEDICAL HISTORY**

42. Height and weight at the time of admission:

43. Physical condition:

44. Medical history of child (gist):

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

46. Present health status of the child:

Sl. No.	Annual Observation	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter
	Date of Review				
	Height				
	Weight				
	Nutritious diet gien				
	Stree disease				
	Dental				
	ENT				



	Eye				
--	-----	--	--	--	--

#### 47. Height and Weight Chart

Date, Month and Year	Height	Admissible Weight	Actual Weight

### **SOCIAL HISTORY**

#### 48. Details of friendship prior to admission into Children's Home:

- i. Co-workers
- ii. School/Classmate
- iii. Neighbours
- iv. Others (pl. specify)

#### 49. Majority of the friends are

- i. Educated
- ii. Illiterate
- iii. The same age group
- iv. Older in age
- v. Younger in age
- vi. Same sex
- vii. Opposite sex

#### 50. Details of membership in group (please specify details)

- i. Associated with cine fans association
- ii. Association with religious group
- iii. Associated with arts and sports club
- iv. Associated with gangs
- v. Associated with voluntary social service league
- vi. Others (please specify)

#### 51. The position of the child in the groups/league

- i. Leader
- ii. Second level leader
- iii. Middle level functionary
- iv. Ordinary member

52. Purpose of taking membership in the group:

- i. For social service activities
- ii. For leisure time spending
- iii. For pleasure seeking activities
- iv. For deviant activities
- v. Others (please specify)

53. Attitude of the group / league

- i. Respect the social norms and follow the rules
- ii. Interested in violating the norms
- iii. Impulsive in violating the rules

54. The location/meeting point of the groups

- i. Usually at fixed place
- ii. Places are changed frequently
- iii. No specific places
- iv. Meeting point is fixed conveniently

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

- i. Supportive
- ii. Rejection
- iii. Abuse
- iv. Ill-treatment
- v. Exploitation

56. The reaction of the police towards children

- i. Compassionate
- ii. Harsh
- iii. Aggressive and abusive
- iv. Exploitative
- v. Ill-treated

57. The response of the general public towards the child .....



## HISTORY OF THE CHILD (Brief)

- (i) Education
- (ii) Health
- (iii) Vocational training
- (iv) Extra curricular activities
- (v) Others

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

Follow up by Child Welfare Officer/ Probation Officer/ Case Worker/ Social Worker

Quarterly Review of Case History by Management Committee

**PERSON IN CHARGE/ SUPERINTENDENT/  
CHILD WELFARE OFFICER/ PROBATION  
OFFICER**

**FORM 44**

**[Rule 82 (1)]**

**RELEASE CUM RESTORATION ORDER**

Ms./Mr. (Name of the Child).....son/ daughter of..... residence.....Case No./ Profile Number..... who was ordered to be placed in an observation home/place of safety/ special home/Children's Home/ by the Juvenile Justice Board/ Children's Court/ Child Welfare Committee .....under section..... of the Juvenile Justice (Care and Protection of Children) Act 2015, for a term of..... on the .....day of.....20.....and who is now in the ..... Institution, at.....is directed to be released from the said.....Institution and supervision and the authority of..... during the remaining period of stay as.....reason for discharge).

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

Dated .....

Signature

Juvenile Justice Board/ Children's Court/ Child Welfare Committee

Place:

**Conditions:**

1. The discharged person shall proceed to..... and live under the supervision and authority of..... until the expiry of the period of his stay in Children's Homes or fit facility/ detention in observation home/ special homes/ place of safety unless the remission is sooner cancelled.

2. He shall not, without the consent of the.....remove himself from that place or any other place, which may be named by the said .....



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

4. He shall not get involved in any offence and shall lead a sober and industrious life to the satisfaction of.....

6. In the event of his committing a breach of any of the above conditions the remission of the period of stay in the Institution hereby granted shall be liable to be cancelled and on such cancellation he/she shall be dealt with under section 97 of the Juvenile Justice (Care & Protection of Children) Act 2015.

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

**(Signature or mark of the released child)**

Certified that the conditions specified in the above order have been read over/explained to (Name

of child).....and that he/she has accepted them as the conditions upon which his/her release may be revoked.

Certified accordingly that the said child has been discharged on the.....

**Signature and Designation of the certifying authority**

**i.e. Person-in-charge of the institution**



**FORM 45**

**[Rules 82(4)]**

**ESCORT ORDER**

Case No.....

In the matter of Boy/Girl Child

.....

Aged about.....year taken

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

He/She therefore be sent under supervision of a proper police / recognized non governmental organization escort to the.....

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

**Orders**

Pending Escort, the said Boy/Girl Child shall remain in Children's Home/ Place of Safety/ Observation Homes, residing at present at----- The State/District Child Protection Unit, or Police Department and recognized Non-governmental organization/ Childline shall positively make immediate arrangement not less than 15 days from the date of receipt of this order by him and send the said Boy Child/Girl Child at his/her aforesaid place of residence.

Dated this.....day of.....20

Chairperson/Member  
Child Welfare Committee  
Juvenile Justice Board



CC to:

1.The Person in charge, Child Care Institution.

2.The District Child Protection Unit or non-governmental organization or Childline

Ref.: 1. Order of admission of minor.....born on.....Profile No.....





FORM 46

[Rule 41(3) and 41 (9)]

INSPECTION BY INSPECTION COMMITTEE

(Fill as applicable)

Date of visit: ..... Time of visit: .....

Name of the officials inspecting the Home:

1. ....
2. ....
3. ....

A. General Information :

i. Name and address of the Organisation:

.....  
.....

ii. Registration No. (Under JJ Act, 2015): .....

Date of issue : .....

Date of expiry : .....

iii. Complete address of the CCI :

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

iv. Name of the Officer/Person-in-Charge: .....

v. Contact No: ..... Email Id: .....

.....

vi. Type of Home (Please tick  one):



Observation Home/ Special Home/ Place of Safety/ Children's Home/ Open Shelter / Any other (please specify):

vii If Aided/supported: by State Government, Name of the Department:

viii If run by Government:

**B. Status of Children:**

(i) Sanction capacity of the Home.....

(ii) Are the children of both sexes below 10 years kept in the same home

Yes  No

If yes, number of such children as on today.....

(iii) Are the bathing and sleeping facilities maintained separately for boys and girls in the age group of 5-10 years

Yes  No

(iv) Are children segregated in the age group given below? Give number of children in the age group of

i. 7-11 years:

ii. 12- 18 years:

iii. Are there children in the age group of 0-5 years staying there?

Yes  No  If yes, Give numbers:

iv. Are there children above 18 years staying there?

Yes  No  If yes, Give numbers:

v. No. of new admissions in the current month.....

vi. No. of children who have moved out/released.....

vii. No. of children referred by CWC/JJB during the month.....

viii. No. of children produced before CWC/JJB during the month.....

ix. No. of children as on last day of the previous month .....



- x. No. of children with special needs, if yes, give details.....
- xi. Interventions made for their rehabilitation: .....

.....

.....

.....

.....

xii. Are the Individual care plans prepared for every child? Yes  No

**C. Infrastructure:**

- Building:
  - Rented:..... Owned.....
  - Are CCTV cameras installed at the entrance Yes
  - Security Adequate Inadequate
  - Sufficient space to accommodate the children: Yes No
- Space available:

No. of rooms / dormitories	Details
Provision of sick room / medical unit	
Counseling room	
Recreational / activity room for Children	
<ul style="list-style-type: none"> <li>• Is there a TV set available with Cable network</li> <li>• How often are children allowed to view TV</li> <li>• Are children playing games indoors</li> </ul>	<p>Yes No</p> <p>in the evenings or any time</p>



<ul style="list-style-type: none"> <li>• What games are available to them</li> <li>• Are children playing games outdoors</li> <li>• Do they have equipments/ accessories to play</li> <li>• Do children go for picnics/excursions</li> <li>• Do they have interactions with eminent personalities</li> <li>• Is there a recreation room available to children</li> </ul>	<p>Yes No</p> <p>age appropriate games or not</p> <p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>Yes No</p>
<p>Kitchen / Dining Room</p> <ul style="list-style-type: none"> <li>• Is the cooking area and pantry separate</li> <li>• Do children get individual thalis, mugs glasses</li> <li>• Are cooking utensils adequate and clean</li> <li>• Is there a fridge available for children</li> <li>• Is there a Oven available for children</li> <li>• Is there a Gas stove available in kitchen</li> <li>• Is there a chimney available</li> <li>• What is the arrangement to keep the gas cylinders</li> <li>• Adequate water supply for washing, cooking</li> <li>• Adequate drinking water available ( RO)</li> <li>• Is cooking done by machines or by cook</li> </ul>	<p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>safe/away from children or not</p> <p>Yes No</p> <p>manual or mechanical</p> <p>Yes No</p> <p>Yes No</p>
<p>Number of toilets &amp; bathrooms for</p>	

<p>Children</p> <ul style="list-style-type: none"> <li>• Flush is working</li> <li>• Taps in the wash basin are functioning</li> <li>• Is the floor slippery</li> <li>• Drains clean</li> <li>• Drains are clogged</li> <li>• Fittings for hanging clothes/ towels in place</li>   <li>• Cob webs are removed</li> <li>• Door has a latch</li> <li>• Door has peep holes</li> <li>• Frequency of bath a child is allowed</li> <li>• Water is adequately available</li> <li>• Adequate numbers of buckets and mugs</li> <li>• Personal toiletries are provided</li> <li>• Is washing powder or soap given</li> <li>• Do children wash their own clothes</li> <li>• Is there a washer man available</li> <li>• Is the washing machine functional</li> </ul>	<table border="0"> <tr><td>Yes</td><td>No</td></tr> <tr><td>Yes</td><td>No</td></tr> <tr><td>Yes</td><td>No</td></tr> <tr><td>Yes</td><td>No</td></tr> <tr><td>Yes</td><td>No</td></tr> <tr><td>Yes</td><td>No</td></tr> <tr><td>once or more in a day</td><td></td></tr> <tr><td>Yes</td><td>No</td></tr> <tr><td>Yes</td><td>No</td></tr> <tr><td>Yes</td><td>No</td></tr> <tr><td>Yes</td><td>No</td></tr> <tr><td>Yes</td><td>No</td></tr> <tr><td>Yes</td><td>No</td></tr> <tr><td>Yes</td><td>No</td></tr> <tr><td>Yes</td><td>No</td></tr> <tr><td>Yes</td><td>No</td></tr> <tr><td>Yes</td><td>No</td></tr> <tr><td>Yes</td><td>No</td></tr> <tr><td>Yes</td><td>No</td></tr> <tr><td>Yes</td><td>No</td></tr> </table>	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	once or more in a day		Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
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<p>Open space for outdoor activities</p>																																									
<p>Class rooms</p>																																									
<p>space for vocational training</p>																																									



Premises

- Does the home have a child friendly indoors? Yes No
- How often is the sweeping, swabbing done? Twice a day or more
- Are the children involved in cleaning exercise during class hours? Yes No
- Are the facilities of coolers/ heaters available for children? Yes No
- Are the doors and windows maintained properly? Yes No
- Are the rooms and dormitories well ventilated? Yes No
- Is there an alternate provision for lights and fans when there is no electricity available? Yes No
- Are the outdoors clean, pleasant and child friendly? Yes No

Clothing / Bedding/Lockers/ Toiletries provided to the children:

- Are the clothes provided as per size and season Yes No
- Frequency of changing undergarments Yes No
- New clothes are stitched or bought stitched or bought
- Are the mattresses given individually Yes No
- Are pillows given individually Yes No
- Are the mattress and pillows clean Yes No
- Do children have separate cupboards Yes No
- Are bed sheets and Khes available Yes No
- Are blankets available in winters Yes No
- Number of sets provided on arrival one/two/three/four
- Frequency of providing new clothes Monthly/ Quarterly
- Are these sets of same color or different colors? Same/different
- Are children provided with individual lockers to keep their personal items Yes No

Other articles provided to the children: .....

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**D. Services provided to the children:**

- Medical facilities/ Maintenance of Health Cards: .....

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- Nutrition / Special Diet: .....

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- Provision of safe drinking water : .....

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- Daily Routine of Children:

Time	Activities / Schedule
Morning	
Day Time	
Afternoon	
Evening	
Late evening/ Night	



- Education ( Formal Education / NFE & Life Skill Training Programme) :

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- Computer/ Internet/ Phone

- Is the facility of Computer with internet available?                      Yes        No
- Is the facility functional?    Yes        No
- Are the children allowed to use the facility?                                      Yes        No
- Is the telephone for official purposes only                                      Yes        No
- Are the children allowed to use telephone                                      fixed timing/ as and when required
- Is the number of Childline (1098) displayed near the phone                      Yes        No

- Counseling/ Guidance services/special educator/physiotherapist, etc. provided :

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- Vocational training : .....

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- Recreational facilities : .....

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- Linkages developed with other agencies/ departments : .....





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 .....

- Implementation of track the missing child programme : .....

- Entries of children in track the missing child website : .....

.....

- User Id and password provided: .....

.....

- Other programmes and activities initiated: .....

.....

.....

**E. Staff Details :**

S.No.	Name	Designation	Date of Joining	Attendance at the time of visit	Remarks
1					
2					
3					



4					
5					
6					
7					
8					
9					
10					
11					
12					
13					



14					

**F. Children’s Committee / Management Committee**

- Formation of Children’s Committee :

YES	NO
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- Age wise formation of Children’s Committee :

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- Frequency of Children’s Committee Meeting:

• .....

- Formation of Management Committee :

YES	NO
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- Date of constitution of Management Committee and frequency of meetings held :

.....

**G. Record Maintenance :**

Staff attendance register	
Children attendance register	
Central admission register	
Individual case file with individual care plan	
Communication with CWC/JJB	



Children's suggestion book Children's suggestion box	
Medical file / medical cards	
Personal belongings register	
Management Committee – minutes register	
Children's Committee - minutes register	
Nutrition / Diet File	
Any other record maintained	

**Observations/ Remarks:**

.....

Name of inspection Committee member:

Signature:

Name of inspection Committee member:

Signature:

Name of inspection Committee member:

Signature:

Name of inspection Committee member:

Signature:



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