



IMPORTANT NOTIFICATIONS, CIRCULARS & INSTRUCTIONS

J.H.C. Sch. (1-7)

Phone:Office: 0651-2481449

Fax No.: 0651-2481116

Anant Vijay Singh

Registrar General

High Court of Jharkhand

Ranchi-834033

Letter No.: 386-389/R&S

Dated: 29.01.2014

To

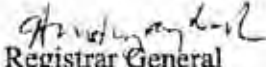
Principal District & Sessions Judges,
Deoghar, Gumla, East Singhbhum and
Principal Judicial Commissioner, Ranchi.

Subject : Regarding Juvenile Justice (Care and Protection of Children) Act, 2000

Sir,

I am directed to inform you that the Court has been pleased to authorize you for appointing Additional District Judge I and in his absence, any Officer of the rank of Additional District Judge working in the District as Visitor to visit the Children's Home functional in your District once in a month and to submit monthly report to the Juvenile Justice Committee.

Yours faithfully,


Registrar General

J.H.C. Sch. (1-7)

Phone:Office: 0651-2481449

Fax No.: 0651-2481116

Anant Vijay Singh

Registrar General

High Court of Jharkhand

Ranchi-834033

Letter No.: 376-385/R&S

Dated: 29.01.2014

To

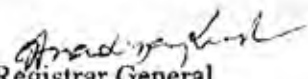
Principal District & Sessions Judges,
Bokaro, Deoghar, Dhanbad, Dumka, Gumla, East Singhbhum,
Hazaribagh, Simdega, West Singhbhum and
Principal Judicial Commissioner, Ranchi.

Subject : Regarding Juvenile Justice (Care and Protection of Children) Act, 2000

Sir,

I am directed to inform you that the Court has been pleased to authorize you for appointing Additional District Judge I and in his absence, any Officer of the rank of Additional District Judge working in the District as Visitor to visit the Observation Home functional in your District once in a month and to submit monthly report to the Juvenile Justice Committee.

Yours faithfully,


Registrar General

522
28/1/14
झारखण्ड सरकार
विधि (न्याय) विभाग
झारखण्ड मंत्रालय, धुर्वा, राँची-834004
-: अधिसूचना :-

अधिसूचना संख्या-बी01/विधि (कोर्ट गठन)-280/2013- /जे0 राँची, दिनांक- जनवरी, 2014

माननीय झारखण्ड उच्च न्यायालय के अनुशंसा एवं मंत्रिपरिषद्, झारखण्ड सरकार की स्वीकृति के आलोक में झारखण्ड राज्य के सभी न्यायमंडलों के जिला एवं अपर सत्र न्यायाधीश-1 एवं न्यायायुक्त-1 राँची के न्यायालय को अगले आदेश तक लैंगिक अपराधों से बालकों का संरक्षण अधिनियम, 2012 की धारा-28 के अंतर्गत विशेष न्यायालय प्रदभिहित (Designate) किया जाता है।

2. विशेष न्यायालयों के लिए प्रदभिहित (Designate) किये जाने वाले जिला एवं अपर सत्र न्यायाधीश-1 एवं न्यायायुक्त-1 राँची के पदों के संधारण हेतु अलग से वेतनादि का भुगतान नहीं किया जाएगा।

झारखण्ड राज्यपाल के आदेश से,

ह0/-
(बी0 बी0 मंगलमूर्ति)
सरकार के सचिव-सह-विधि परामर्शी
विधि (न्याय) विभाग, झारखण्ड, राँची।

अधिसूचना संख्या-बी01/विधि (कोर्ट गठन)-280/2013- /जे0 राँची, दिनांक- जनवरी, 2014
प्रतिलिपि- अधीक्षक, राजकीय मुद्रणालय, पो0-डोरण्डा, राँची को राजकीय गजट के अगले अंक में प्रकाशनार्थ।

ह0/-
(बी0 बी0 मंगलमूर्ति)
सरकार के सचिव-सह-विधि परामर्शी
विधि (न्याय) विभाग, झारखण्ड, राँची।

अधिसूचना संख्या-बी01/विधि (कोर्ट गठन)-280/2013- /जे0 राँची, दिनांक- जनवरी, 2014
प्रतिलिपि-संयुक्त सचिव, महिला एवं बाल विकास मंत्रालय, भारत सरकार, शास्त्री भवन, नई दिल्ली-110001/सदस्य, राष्ट्रीय बालक अधिकार संरक्षण आयोग, नई दिल्ली-110001 को सूचनार्थ प्रेषित।

ह0/-
(बी0 बी0 मंगलमूर्ति)
सरकार के सचिव-सह-विधि परामर्शी
विधि (न्याय) विभाग, झारखण्ड, राँची।

अधिसूचना संख्या-बी01/विधि (कोर्ट गठन)-280/2013- 161 /जे0 राँची, दिनांक-27 जनवरी, 2014
प्रतिलिपि-प्रधान महालेखाकार, झारखण्ड, पो0-डोरण्डा, राँची/महामहिम राज्यपाल जी के प्रधान सचिव, राज्यपाल सचिवालय, झारखण्ड, राँची/माननीय मुख्यमंत्री जी के प्रधान सचिव, झारखण्ड, राँची/सूत्रनिबंधक, माननीय झारखण्ड उच्च न्यायालय, राँची/मुख्य सचिव का कोषांग, झारखण्ड, राँची/प्रधान सचिव, कार्मिक, प्रशासनिक सुधार तथा राजभाषा विभाग, झारखण्ड, राँची/निगरानी ब्यूरो, झारखण्ड, राँची/सभी प्रधान जिला एवं सत्र न्यायाधीश (प्रधान न्यायायुक्त, राँची सहित)/सभी प्रमंडलीय आयुक्त, झारखण्ड/सभी उपायुक्त, झारखण्ड/सचिव, समाज कल्याण, महिला एवं बाल विकास विभाग, झारखण्ड, राँची को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

27.01.14
सरकार के सचिव-सह-विधि परामर्शी
विधि (न्याय) विभाग, झारखण्ड, राँची।



NYAYA SADAN

Jharkhand State Legal Services Authority (JHALSA), Near A.G. Office, Doranda, Ranchi- 834002

Phone: 0651-2461520 (O), 2482392, Fax: 2482397, E-mail – jhalsaranchi@gmail.com

Ref No: JHALSA/ 2335 A

Dated : 12/02/14

Patron-in-Chief

Hon'ble the Chief Justice
Jharkhand High Court

EXECUTIVE CHAIRMAN

Hon'ble Mr. Justice D.N. Patel
Judge, Jharkhand High Court

MEMBER SECRETARY

S.K. Dubey
(Principal District Judge)

To,

All the Principal District Judges –cum-Chairmen
District Legal Services Authorities
including the Principal Judicial Commissioner-cum-Chairman
DLSA, Ranchi
Jharkhand

Sub.:- Sending authenticated copy of charge sheet/police report and other documents to the Juvenile Justice Board

Sir,

Juvenile Justice (Care and Protection of Children) Act, 2000 enjoins upon Juvenile Justice Board (JJB) and all other Stakeholders, in the quick adjudication and disposition of matters relating to Juveniles in conflict with Law in the best interest of children. Section 14 read with Rule 13(6) of Juvenile Justice (Care and Protection of Children) Act, 2000 and Rules 2007 mandates that the Inquiry by the JJB shall be completed within a period of 4 months from the date of its commencement, unless the period is extended by the Board having regard to the circumstances of the case and in special cases.

During the *Conference regarding "Effective implementation of the Juvenile Justice (Care & Protection of Children) Act, 2000 and the Rules made therein" held at Nyaya Sadan, Doranda, Ranchi on 1st February, 2014*, it was discussed that several cases of juveniles are being adjourned before the Juvenile Justice Board, mainly for the reason that police reports and other related documents, are not being transmitted to the J.J. Board from the Courts where the same are being filed or the Court of Sessions where the case stands committed. When the juvenile in conflict with law is charged with or tried for any offence together with a person who is not a juvenile, and his inquiry is required to be split up and the split up case record to be transmitted to the Juvenile Justice Board, the authenticated copy of charge sheet, the copy of police report and other documents as contemplated u/s 207 of Cr.P.C. are to be immediately transferred to J.J.B. Non-transmission of the relevant record to the J.J.B. immediately is causing unnecessary delay in the disposal of the inquiry and frustrate the very object of the inquiry.


Section 7 and 7(a) of the Juvenile Justice (Care and Protection of Children) Act, 2000 also provides that the Magistrate/Court not empowered to exercise the powers of JJB shall forward the record of the proceedings to the competent authority i.e. Juvenile Justice Board when the person brought before him/facing trial under the provisions of the Juvenile Justice Act is a Juvenile.

As directed, you are requested that:

- (i) Whenever in any criminal case, charge sheet is filed by the police under Section 173 of the Code of Criminal Procedure against the accused, who is/are juvenile(s) and the person(s), who is/are not juvenile(s), the certified copies of the papers relating to charge sheet and police papers should be sent immediately to the respective Juvenile Justice Board.
- (ii) In fact, trial court must get an additional set from police of charge sheet papers, for each juvenile accused, so that time may not be wasted for photo copying etc.
- (iii) The process of sending papers should be completed within a period of one week from the date of receipt of the papers of charge sheet from the police.
- (iv) The Juvenile Justice Boards are also directed to inform the Sessions Courts whether they have received the papers of charge sheet or not, so that there may not be any communication gap in between the Sessions Courts and the Juvenile Justice Boards.

Thanking you.

Yours faithfully


(S.K. Dubey)
Member Secretary



NYAYA SADAN

Jharkhand State Legal Services Authority (JHALSA), Near A.G. Office, Doranda, Ranchi- 834002

Phone: 0651-2481520 (O), 2482392, Fax: 2482397, E-mail – jhalsaranchi@gmail.com

Ref No: JHALSA/1240

Dated : 31/08/13

Hon'ble the Acting Chief Justice

&

EXECUTIVE CHAIRMAN

Justice D.N. Patel

Judge, Jharkhand High Court

MEMBER SECRETARY

B.K. Goswami

(Principal District Judge)

To,

The Principal District Judges-cum-Chairmen
District Legal Services Authorities
Gumla, Lohardaga, Simdega, Jamshedpur, Palamau, Garhwa,
Latehar, Chatra, Koderma, Giridih, Deoghar
including the Judicial Commissioner cum Chairman
District Legal Services Authority, Ranchi

Sub: 1. Compliance of Direction of Hon'ble Supreme Court of India in
W.P. (C) No. 75/2012 titled **Bachpan Bachao Andolan s. Union of
India & Ors.**
2. For deputation of PLV at Police Station vide above direction

Sir,


While enclosing herewith the copy of the order of the Supreme Court passed in the above case regarding deputation of PLVs in shifts in the Police Stations in the interest of the missing child, you are requested to take effective steps at the earliest by deputing 2 PLVs (**each one shall attend the Police Station once in a week**) in the Police Stations identified as per list enclosed as **Annexure-'A'**. However, apart from the above, DLSA is at liberty to direct the PLV to visit and work there also as and when required by the Police in emergency situation. JHALSA has developed a **Standard Operating Procedure** with the Police Department, Jharkhand as contained in **Annexure-'B'**. Hence, before taking steps, the DLSA shall coordinate with local S.P or S.S.P to apprise him of the above direction of the Hon'ble Supreme Court of India and about letter dt. 1012/31/08/13 of CID, Jharkhand.

The DLSA shall strictly follow the guidelines contained in **Annexure-'C'** (copy of the order – 7 sheets); Copy of the letter no. 1012 dt. 31/08/13 of CID, Jharkhand (**Annexure-'D'**) is enclosed for your kind information and effective coordination. **The PLVs deputed at the Police Station shall be paid Rs. 250 on per day basis from out of NALSA Fund.**

The Compliance Report regarding the above may be furnished latest by 25th of October, 2013 to this office.

Thanking you.

Yours faithfully


(B.K. Goswami)
Member Secretary

Districts in which Child missing case are in high ratio.

	District	Police Station	Name of PLV	Contact No. of PLV	Weekly Sitting 2 days
1	Ranchi	Muri OP			
		Bundu PS			
		Tamar PS			
		Mandar PS			
		Murhu PS			
		Torpa PS			
2	Gumla	Ghagra PS			
		Bharno PS			
		Dumri PS			
3	Lohardaga	Senha PS			
		Kudu PS			
4	Simdega	Bano PS			
5	Jamshedpur	Ghatsila PS			
		Gudabanda PS			
		Jadugora PS			
		Barhagora PS			
6	Palamau	Chainpur PS			
		Lesliganj PS			
		Patan PS			
		Hussainabad PS			
		Vishrampur PS			
7	Garhwa	Nagarutari PS			
		Bhaunathpur PS			
		Majhiaaon PS			
		Ranka PS			
		Bhandaria PS			
8	Latehar	Chandwa PS			
		Balumath PS			
		Mahuatand PS			
9	Chatra	Hunterganj PS			
10	Koderma	Markacho PS			
		Satgawan PS			
		Domchach PS			
		Jainagar PS			
11	Giridih	Jamua PS			
		Dhanwar PS			
		Bagodar PS			
		Dumri PS			
		Nimiaghat PS			
		Pirtand PS			

		Tisri PS			
		Gawa PS			
		Deori PS			
12	Deoghar	Sarawan PS			
		Palajori PS			
13	Rail Dhanbad	Dhanbad Rail PS			
14	Rail Jamshedpur	Ranchi Rail PS			

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Annexure- B

SOP details between Jharkhand Police and JHALSA

As per direction of Hon'ble Supreme Court of India in WP(C) No. 75/12 in Bachpan Bachao Aandolan vs. Union of India vide order dt. 10/05/13, the following understanding has been developed between Jharkhand Police and JHALSA:

1. JHALSA through District Legal Services Authorities shall depute 2 Para Legal Volunteers (PLVs) at the local Police Stations. Each of them shall visit once a week i.e. the first PLV shall visit in the first half of the week and second PLV shall visit in the later half of the week (total visits 2 days in a week).

However, either of them shall make his services available on specific call by local Police Stations on any other day.

2. The PLV so deputed in the local Police Station shall have an ID Card duly issued by the DLSA concerned.
3. PLV and concerned Police Station shall share the information relating to the missing child with each other.
4. PLV and concerned Police Station shall coordinate with each other effectively in tracing/ restoration of the missing child and reintegration of the restored/recovered child.
5. The PLV shall have full details of the CWC, JJB and special homes/observation homes etc with him.
6. PLV shall keep the contact No. and details of Child Welfare Officer and District Level SJPU(Special Juvenile Police Unit) of the district as provided under JJ Act.
7. PLVs shall have access to AHTU in the district where it is in existence for proper coordination.
8. The Local Police Station as well as the PLV shall contact the DLSA, Secretary for any legal assistance in the matter of the missing child.
9. District Legal Services Authority shall monitor effectively the matter related with missing child for necessary action.



Distribution of PLVs in Districts in which Child missing case are in high ratio

	District	Police Station	Name of PLV	Contact No. of PLV
1	Ranchi	Muri OP	1.Kaushal Singh 2.Rajan Gope	
		Bundu PS	1.Immanuel Ekka 2.Lachan Oraon	
		Tamar PS	1.Sambhu Oraon 2.Sapan Kumar	
		Mandar PS	1.Mukesh Kumar Choudhary 2.Anand Kishore Singh	
		Murhu PS	1.Sandip Gope 2.Mahadeo Tigga	
		Torpa PS	1.Sumant Ojha 2.Anju Kachhap	
2	Gumla	Ghagra PS		
		Bharno PS		
		Dumri PS		
3	Lohardaga	Senha PS		
		Kudu PS		
4	Simdega	Bano PS		
5	Jamshedpur	Ghatsila PS	1. Sri Surendra Saw 2.Sri Dilip Kumar	943138047 99835326733
		Gudabanda PS	1.Sri Manoj Kumar Tiwari 2.Sri Sunil Kumar Pandey	9031707985 7209590300
		Jadugora PS	1.Sri Dhiren Bhakat 2.Sri Anjan Kumar	8757707225 9386962301
		Barhagora PS	1.Sri Vishwanath Giri 2.Sri Anand Kumar Saw	9709287643 8294937162
6	Palamau	Chainpur PS	1. Sri Nirmal Kumar 2. Sri Bhagirath Dubey	
		Lesliganj PS	1. Sri Vijay Kumar 2. Smt. Meena Devi	
		Patan PS	1. Sri Ravindra Kumar Singh 2. Sri Upendra Nath Dubey	
		Hussainabad PS	1. Sri Balendra Kumar 2. Bholanath Sharma	
		Vishrampur PS	1. Miss Priyanka Kumari 2. Sumant Kumar Mehta	
7	Garhwa	Nagarutari PS	1.Mukesh Kumar Singh 2.Thakur Devendra Kr. Sinha	9431967756 9955666815
		Bhawanathpur PS	1.Anil Prasad Yadav 2. Kush Kumar Singh	8809697547 9431309505
		Majhiaon PS	1.Praveen Kumar Pandey 2. Mahendra Ram	7870382736 8969171072

		Ranka PS	1.Sangeeta Sinha .Krishna Nand Dubey	7870383377 9006079082
		Bhandaria PS	1. Vijaymal Sahu 2.Vivek Kumar Tiwari	9835749289 9534035933
8	Latehar	Chandwa PS	1.Randhir Kumar 2.Nagendra Giri	9798510903 7250250499
		Balumath PS	1.Anil Singh 2.Pradip Ganjhu	7250248724 9386723150
		Mahuatand PS	1.Awadhesh Jaiswal 2.Prashant Singh	9431527386 9471545285
9	Chatra	Hunterganj PS	1 Mithilesh Kumar 2. Satyendra Ravidas	9661946208 9708175454
10	Koderma	Markacho PS	Ashok Yadav	9570101963
		Satgawan PS	Baleshwar Ram	9135526509
		Domchach PS	Tulsi Kr. Sao	9006083725
		Jainagar PS		
11	Giridih	Jamua PS	1.Nemchandra Prasad Verma 2.Mahendra Prasad Verma	9934336612 8809963494
		Dhanwar PS	1.Ajit Kumar 2.Manoj Kumar	
		Bagodar PS	1.Binay Kumar Verma 2.Sunil Kumar Verma	
		Dumri PS	1.Nawal Kishore Prasad 2.Birendra Prasad	
		Nimiaghat PS	1.Shyam Kushwaha 2.Kedar Prasad Mahto	
		Pirtand PS	1.Vinash Kumar Murmu 2.Birbal Kumar Kisku	
		Tisri PS	1.Ganpt Rout 2.Satish Kumar Rajak	
		Ganwan PS	1.Surendra Kumar Swarnkar 2.Durga Lal	
		Deori PS	1.Sahdeo Rana 2.Vijav Kumar Rai	
12	Deoghar	Sarawan PS	1.Amit Kumar 2.Nand Lal Prasad Yadav	9801369600 0954780470
		Palajori PS	1.Krishna Kumar 2.Ajay Chandra Singh	9931569239 9234560316
13	Rail Dhanbad	Dhanbad Rail PS	1. Santosh Kumar 2. Rajesh Kumar Singh	
14	Rail Jamshedpur	Ranchi Rail PS		

1367
21/08/13

सेवा में,

ज्ञापांक-1012/म0शा0
सं0सं0-299/12

अपराध अनुसंधान विभाग, झारखण्ड, राँची।

राँची, दिनांक- 31.8.13

श्री बी.के. गोस्वामी,
सदस्य सचिव,
झारखण्ड स्टेट लिगल सर्विस अथोरिटी,
डोरण्डा, राँची।

प्रसंग:- आपका ज्ञापांक-1016, दिनांक 08.08.13

विषय:- थाना स्तर पर Para Legal Volunteers (PLVs) की प्रतिनियुक्ति के संबंध में।

उपर्युक्त प्रसंगाधीन विषय के संबंध में सूचित करना है कि प्रसंगाधीन पत्र के द्वारा प्राप्त Standard Operating Procedure (SOP) जो PLVs की तत्काल 14 जिलों के 47 थानों में प्रतिनियुक्ति से संबंधित है, विभागीय अनुमोदन प्राप्त है। अतः संबंधित थानों में प्रतिनियुक्ति की जा सकती है।

प्रतिनियुक्ति होने वाले सभी PLVs को यह हिदायत की जायगी, कि उन्हें पुलिस विभाग से कोई मान्द्रेय देय नहीं होगी, साथ ही थाने की गोपनीयता बरकरार रखेंगे।

21/8/13
पुलिस अधीक्षक, (सी0)
अपराध अनुसंधान विभाग,
झारखण्ड, राँची।

SOP details between Jharkhand Police and JHALSA

As per direction of Hon'ble Supreme Court of India in WP(C) No. 75/12 in **Bachpan Bachao Aandolan vs. Union of India** vide order dt. 10/05/13, the following understanding has been developed between Jharkhand Police and JHALSA:

1. JHALSA through District Legal Services Authorities shall depute 2 Para Legal Volunteers (PLVs) at the local Police Stations: Each of them shall visit once a week i.e. the first PLV shall visit in the first half of the week and second PLV shall visit in the later half of the week (total visits 2 days in a week).
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झारखंड सरकार
गृह विभाग
अधिसूचना

(14) 17/12/2009
Secy, Female
Scholarship
3/3

सं- 7/म0उ0- 02/2009-917/ रॉची, समाज कल्याण, महिला एवं बाल
विकास विभाग, झारखण्ड, रॉची के सकल्प सं-स-क-कि0न्या0, स0 नि0- 173/2007-770,
दि0 25.05.2009 द्वारा किशोर न्याय (बालकों की देखरेख और संरक्षण) अधिनियम 2000 (2000
का 56) (2006 के संशोधित अधिनियम-33 द्वारा यथा संशोधित) की धारा 88 के अन्तर्गत
अधिसूचित झारखण्ड किशोर न्याय (बालकों की देखरेख एवं संरक्षण) नियम 2003 को विलोपित
करते हुए किशोर न्याय (बालकों की देखरेख और संरक्षण) नियम 2007 को झारखण्ड राज्य के
अन्तर्गत संपूर्ण रूप से अंगीकृत किया गया है। उपर्युक्त अंगीकृत नियमावली के नियम 84 के
अन्तर्गत जिला स्तर पर विशेष किशोर अपराध पुलिस इकाई (Special Juvenile Police Unit) के गठन
का प्रावधान है।

2. उक्त नियम-84 में निहित प्रावधान के तहत झारखण्ड राज्य के सभी 24 जिलों में विशेष
किशोर अपराध पुलिस इकाई (S.J.P.U.) गठित की जाती है। उक्त नियम-84(1) के तहत प्रत्येक
जिला इकाई के नगर अंचल में पदस्थापित पुलिस निरीक्षक को संबंधित जिला के लिए इस
अधिनियम/नियम के तहत अपराधों की रोक-थाम एवं आवश्यक कार्रवाई हेतु किशोर/बाल
कल्याण पदाधिकारी के रूप में भी नियुक्त किया जाता है।

3. प्रत्येक विशेष किशोर अपराध पुलिस इकाई में इसके अतिरिक्त दो सामाजिक कार्यकर्ता,
जिन्हें बाल कल्याण क्षेत्र में कार्य करने का अनुभव हो, प्रतिनियुक्त किये जाएंगे। इन सामाजिक
कार्यकर्ताओं की सेवा प्रत्येक जिला में "जिला बाल संरक्षण इकाई" के रूप में स्थापित इकाई से
प्राप्त की जायेगी, जिनमें कम से कम एक महिला होगी।

4. पुलिस थाना के किशोर या बाल कल्याण पदाधिकारी वैसे पदाधिकारी होंगे जिन्हें इस
क्षेत्र में रुचि व प्रशिक्षण प्राप्त होगा तथा जो अधिनियम के प्रावधानों को लागू करने की विशेष
क्षमता रखते हों।

5. विशेष कि. पुलिस इकाई किशोर न्याय (बालकों की देखरेख एवं संरक्षण) नियम 2007
में विहित प्रावधानों के तहत कार्य करेगा तथा कूरता प्रताड़ना एवं शोषण के मामलों में सज्ज
प्रहरी का कार्य करेगा ताकि ऐसे मामलों में न्यायिक सुरक्षा प्रदान की जा सके।

6. प्रत्येक थाना दो अलग-अलग रजिस्टर संधारित करेंगे जिसमें महिलाओं एवं बच्चों के विरुद्ध होने वाले अपराधों को दर्ज किया जायेगा। इस रजिस्टर की जाँच वरीय पदाधिकारी संबंधित थाना में भ्रमण के दौरान करेंगे तथा उसमें अपना हस्ताक्षर भी अंकित करेंगे।

7. प्रत्येक जिला के पुलिस अधीक्षक, संबंधित जिला के विशेष किशोर पुलिस इकाई के प्रमुख होंगे एवं समय समय पर उनकी कार्यों की समीक्षा करेंगे।

8. राज्य स्तर पर समन्वय स्थापित करने एवं किशोरों से संबंधित मामलों में पुलिस कार्यवाई को त्वरित करने के लिए पुलिस महानिरीक्षक, अपराध अनुसंधान विभाग, झारखण्ड राँची को झारखण्ड राज्य के लिए नोडल पदाधिकारी के रूप में मनोनीत किया जाता है।

झारखण्ड राज्यपाल के आदेश से

सरकार के प्रधान सचिव।

ज्ञापांक - 7/म0उ0- 02/2009-917/

राँची, दिनांक 24.02.2012

प्रतिलिपि :- अधीक्षक, राजकीय मुद्रणालय, डोरण्डा, राँची को सूचनार्थ एवं गजट के अगले अंक में प्रकाशनार्थ प्रेषित।

सरकार के प्रधान सचिव।

ज्ञापांक - 7/म0उ0- 02/2009-917/

राँची, दिनांक 24.02.2012

प्रतिलिपि :- महामहिम राज्यपाल के प्रधान सचिव/माननीय मुख्यमन्त्री के प्रधान सचिव/महानिबंधक, माननीय उच्च न्यायालय/महानिदेशक एवं पुलिस महानिरीक्षक, झारखण्ड राँची/सभी अपर पुलिस महानिदेशक, झारखण्ड, राँची/सभी प्रमण्डलीय आयुक्त, झारखण्ड/सभी प्रमण्डलीय पुलिस महानिरीक्षक, झारखण्ड/सभी उपायुक्त, झारखण्ड/सभी पुलिस अधीक्षक झारखण्ड/मुख्य सचिव के सचिव/प्रधान सचिव, गृह विभाग के निजी सहायक/प्राचार्य, पुलिस प्रशिक्षण संस्थान, हजारीबाग को सूचनार्थ एवं आवश्यक कार्यवाई हेतु प्रेषित।

सरकार के प्रधान सचिव।

ANN- H

Annexure- H

पुलिस आदेश संख्या 57 / 2013

43

विषय :- माननीय सर्वोच्च न्यायालय द्वारा W.P. (C) NO- 75/2012 Bachapan Bachao Andolan Vs. Union of India & Ors. में पारित न्यायादेश के आलोक में कार्रवाई हेतु।

उपर्युक्त विषय पर माननीय सर्वोच्च न्यायालय द्वारा Missing Children (लापता बच्चों) के संबंध में पुलिस द्वारा अपेक्षित कार्रवाई हेतु व्यापक दिशा-निर्देश दिए गये हैं। माननीय सर्वोच्च न्यायालय द्वारा पारित न्यायादेश के प्रासंगिक अंश (Relevant) एवं उस पर पुलिस अधिकारियों द्वारा अपेक्षित कार्रवाई दिन्दुवार निम्नवत है :-

1- "We make it clear that, in case of every missing child reported, there will be an initial presumption of either abduction or trafficking, unless, in the investigation, the same provided otherwise. Accordingly whenever complain is filed before the police authorities regarding a missing child; the same must be entertained under Section 154 Cr.P.C. However, even in respect of complaints made otherwise with regard to a child, which may come within the scope of Section 155 Cr.P.C., upon making an entry in the Book to be maintained for the purposes of Section 155 Cr.P.C., and after referring the information to the Magistrate concerned, continue with the inquiry into the complaint. The Magistrate, upon receipt of the information recorded under Section 155 Cr.P.C., shall proceed, in the meantime, to take appropriate action under sub-section(2), especially, if the complaint relates to a child and in particular, a girl child."

अतः इस आदेश के पारित होने के पश्चात् सभी थाना प्रभारियों एवं सभी नियन्त्री तथा पर्यवेक्षी अधिकारियों की जवाबदेही है कि वह जब कभी भी गुमशुदा बच्चों की थाना में रिपोर्ट प्राप्त होती है तो माननीय सर्वोच्च न्यायालय के आदेश के आलोक में धारा 154 द0प्र0सं0 के अन्तर्गत प्राथमिकी दर्ज करेंगे। यदि गुमशुदा बच्चे की रिपोर्ट/रिपोर्ट करने वाले व्यक्ति के बयान में किसी प्रकार के संश्लेष अपराध की विवरणी उपलब्ध नहीं है तब भी उसे abduction (अपहरण) या trafficking (मानव तस्करी) मानते हुए इन अपराधों के लिए दूने कानूनों की सुसंगत धाराओं में प्राथमिकी दर्ज करेंगे।

2. "Each police station should have, at least, one Police Officer, especially instructed and trained and designated as a Juvenile Welfare Officer in terms of Section 63 of the Juvenile Act"

पूर्व में पुलिस मुख्यालय द्वारा जारी की गई दिनांक 14.03.13 द्वारा सभी पुलिस अधीक्षकों को निर्देशित किया गया था कि प्रत्येक थाना में एक कल्याण पंदाधिकारी (Juvenile Welfare Officer) को नियुक्त करें। माननीय सर्वोच्च न्यायालय के आदेश के आलोक में सभी



पुलिस अधीक्षकों को निर्देश दिया जाता है कि इस संबंध में प्रत्येक थाना में एक बाल अधिकारी को नामित करना सुनिश्चित करेंगे।

(44)

3- "Every found/recovered child must be immediately photographed by the police for purposes of advertisement and to make people aware of the missing child. Photographs of the recovered child should be published on the website and through the newspapers and even on the T.V. so that parents of the missing child could locate their missing child and recover him or her from the custody of the police".

सभी जिलों के D.C.B. (जिला अपराध अभिलेख ब्यूरो) में Missing Person Bureau गठित है। Missing Person (लापता बच्चों) के संबंध में पुलिस हस्तक नियम 415 (1) एवं Appendix (परिशिष्ट)-81 में व्यापक दिशा निर्देश उपलब्ध है। सभी पुलिस अधीक्षक सुनिश्चित करेंगे कि उक्त दिशा निर्देशों का कड़ाई से पालन हो साथ-साथ माननीय सर्वोच्च न्यायालय के आदेश के आलोक में यदि गुमशुदा व्यक्ति बच्चा है तो निम्न अतिरिक्त आदेश/व्यवस्था तत्काल लागू की जाती है :-

(क) संबंधित जिला के पुलिस अधीक्षक सुनिश्चित करेंगे कि उक्त गुमशुदा बच्चों का फोटो/हुलिया एवं पूर्ण विवरणी स्थानीय दैनिक समाचार पत्रों/न्यूज चैनलों में प्रकाशित करायेंगे। (परन्तु यह कार्य करने से पूर्व गुमशुदा बच्चे के माता पिता/अभिभावक से लिखित अनुमति प्राप्त कर लेंगे ताकि Juvenile Justice Act -2000 की धारा -21 का उल्लंघन न हो)।

(ख) सभी पुलिस अधीक्षक इन सभी गुमशुदा बच्चों की सम्पूर्ण विवरणी को www.trackingthemissingchild.gov.in पर अपलोड करने की व्यवस्था सुनिश्चित करेंगे (भारत सरकार की महिला एवं बाल मंत्रालय के द्वारा उक्त वेबसाइट का संचालन किया जा रहा है तथा पूरे देश के सभी राज्यों के गुमशुदों का डाटा उक्त वेबसाइट पर उपलब्ध है)। यदि किसी पुलिस अधीक्षक को www.trackingthemissingchild.gov.in पर डाटा अपलोड करने में कठिनाई हो तो अपराध अनुसंधान विभाग, झारखण्ड, राँची से सहयोग प्राप्त करेंगे।

(ग) पुलिस अधीक्षक, अपराध अनुसंधान विभाग (MPB (Missing Person Bureau) के प्रभार में) का दायित्व होगा कि प्रत्येक माह के अन्त में सभी जिला के MPB से गुमशुदा व्यक्ति (विशेष कर गुमशुदा बच्चों) का हुलिया की विवरणी प्राप्त कर उसे झारखण्ड पुलिस की वेबसाइट jhpolice.gov.in पर अपलोड कराने हेतु CD/Pen drive में डाल कर प्रभारी पुलिस अधीक्षक, विलन्तु (जो jhpolice.gov.in के रख रखाव हेतु सक्षम अधिकारी हैं) को भेजेंगे। (उल्लेखनीय है कि पुलिस मैन्युअल के प्रावधानों एवं चली आ रही परिपाटी के अनुसार पूर्व से ही अपराध अनुसंधान विभाग, झारखण्ड द्वारा प्रकाशित मासिक C.I.G. में अन्य विवरणी के अतिरिक्त गुमशुदा की विवरणी भी उपलब्ध रहती है। इस आदेश के माध्यम से उक्त चली आ रही परिपाटी में ये अतिरिक्त व्यवस्था लागू की गई है कि C.I.G. में प्रकाशन के अतिरिक्त विशेष गुमशुदा व्यक्तियों की विवरणी झारखण्ड पुलिस की वेबसाइट पर उपलब्ध रहे।



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4- "In case where First Information Reports have not been lodged at all and the child is still missing, an F.I.R. should be lodged within a month from the date of communication of this Order and further investigation may proceed on that basis."

माननीय सर्वोच्च न्यायालय के आदेश के आलोक में सुनिश्चित करेंगे कि पूर्व में लापता बच्चों के संबंध में भी इस आदेश को लागू किया जाय।

5- "Any private Home, being run for the purpose of sheltering children, shall not be entitled to receive a child, unless forwarded by the Child Welfare Committee and unless they comply with all the provisions of the Juvenile Justice Act, including registration."

माननीय सर्वोच्च न्यायालय के आदेश के आलोक में सभी पुलिस अधिकारी सुनिश्चित करेंगे कि जब कभी गुमशुदा बच्चा या CHILD IN NEED OF CARE AND PROTECTION (CINCP) प्राप्त होता है/पुलिस को मिलता है एवं उक्त बरामद/गुमशुदा बच्चा या CINCP को किसी Shelter Home में रखने की आवश्यकता है तो उक्त बच्चे को निजी Shelter Home में रखने के पूर्व CWC (बाल कल्याण समिति) के समक्ष अवश्य प्रस्तुत कर देंगे। बच्चे को Shelter Home में रखने से पूर्व सुनिश्चित कर लिया जाय की Shelter Home, J.J. Act के सभी प्रावधान (including registration) को अवश्य पूरा करता है।


(राष्ट्रीय न्यायाधीश)

महानिदेशक एवं पुलिस महानिरीक्षक,
झारखण्ड, राँची।

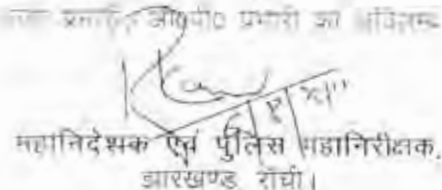
ज्ञापांक 1676/एन0जी0ओ0

महानिदेशक एवं पुलिस महानिरीक्षक का कार्यालय, झारखण्ड, राँची।

राँची, दिनांक- 06.08.2013

प्रतिलिपि :-

1. अपर पुलिस महानिदेशक, रेल/अप0अनु0 विभाग, झारखण्ड, राँची को सूचनार्थ प्रेषित।
2. पुलिस महानिरीक्षक, सभी प्रक्षेत्र/अप0अनु0 विभाग/ रेल सहित, झारखण्ड को सूचनार्थ प्रेषित।
3. पुलिस उप-महानिरीक्षक सभी क्षेत्र/अप0अनु0 विभाग/ रेल सहित, झारखण्ड, को सूचनार्थ प्रेषित।
4. वरीय पुलिस अधीक्षक, राँची/जमशेदपुर को सूचनार्थ एवं सुनिश्चित करें कि इस आदेश की एक प्रति सभी थाना प्रभारी/ओ0पी0 प्रभारी को अविलम्ब उपलब्ध कराई जाय।
5. सभी पुलिस अधीक्षक (रेल सहित)/जिल्ला सहाय, अप0अनु0 विभाग को सूचनार्थ एवं सुनिश्चित करें कि इस आदेश की एक प्रति सभी थाना प्रभारी/ओ0पी0 प्रभारी को अविलम्ब उपलब्ध कराई जाय।


महानिदेशक एवं पुलिस महानिरीक्षक,
झारखण्ड, राँची।

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झारकांड 2012 / म०शा०
सं०शा०-०१/०८

अपराध अनुसंधान विभाग, झारखण्ड, राँची।

दिनांक :- 16.3.12.

सेवा में,

वरीय पुलिस अधीक्षक, राँची/जमशेदपुर
सभी पुलिस अधीक्षक, (रेल सहित) झारखण्ड।

विषय— Juvenile Justice (care and protection of children) Act 2000 and rules 2007
कड़ाई से अनुपालन करने के संबंध में।

उपर्युक्त विषय के संदर्भ में सूचित करना है कि किशोर न्याय (बालकों के देखरेख व संरक्षण) अधिनियम 2000 एवं संशोधित नियम 2007 जो बाल से संबंधित हैं, परन्तु ऐसा देखा जा रहा है कि कई जिलों में जानकारी या संवेदनशीलता के अभाव में पुलिस के द्वारा अपेक्षित कार्रवाई नहीं की जाती है। अतः इस संबंध में निम्न बिन्दु महत्वपूर्ण हैं:-

(1) किशोर/बालक की परिभाषा J.J. Act 2000 की धारा 2(K) के अनुसार ऐसा कोई व्यक्ति जो 18 वर्ष से कम उम्र का है, किशोर या बालक है।

(2) किशोर न्याय अधिनियम (J.J. Act) में दो प्रकार के बाल का उल्लेख है (1) child in need of care and protection जिसका उल्लेख J.J. Act की धारा 2(D) में दिया गया है एवं (2) Juvenile in conflict with Law जिसका उल्लेख (2) (L) में दिया गया है।

(3) उल्लेखनीय Juvenile in conflict with Law का अधिक वास्तविक पुलिस अधिकारियों को पड़ता है, J.J. Act की धारा 2(L) के अनुसार Juvenile in conflict with Law ऐसा बाल है जो अपराध करने की तिथि को 18 वर्ष की उम्र पार नहीं किया है। इसका अर्थ यह हुआ कि किसी व्यक्ति को बाल घोषित करने या न करने के लिए वर्तमान आयु महत्वपूर्ण नहीं है बल्कि जिस दिन काण्ड करने का आरोप है उस तिथि को 18 वर्ष पार किया है या नहीं, महत्वपूर्ण है। उल्लेखनीय है कि माननीय उच्चतम न्यायालय के पाँच न्यायधोशों की पीठ के द्वारा प्रताप सिंह बनाम झारखण्ड राज्य में निर्णय दिया है कि J.J. Act के अन्तर्गत किसी बाल को बाल घोषित करने के लिए अपराध की तिथि मानी जायगी न कि न्यायालय में प्रस्तुत करने की तिथि मानी जायगी। किसी बाल की उम्र निर्धारित करने के लिए J.J. Act 2007 की धारा 12 में विस्तृत उल्लेख है जिसका पालन कड़ाई से करने की आवश्यकता है।

(4) J.J. Act की धारा 63 एवं J.J. Rule 2007 की नियम 84 Special Juvenile Police unit से संबंधित है। राज्य सरकार गृह विभाग ने अधिसूचना संख्या-7/म०उ०,०२/2009-917 दिनांक 24.02.2012 के माध्यम से राज्य के सभी जिला में SJPU का गठन किया गया है। (छाया प्रति साथ संलग्न है)।

(5) J.J. Act की धारा 63 एवं J.J. Rule 2007 का अवलोकन से ज्ञात होता है कि प्रत्येक जिला में पुलिस अधीक्षक SJPU के मुख्य होंगे, इसके अतिरिक्त राज्य सरकार, उपर अंकित अधिसूचना के माध्यम से नगर अंवल के पुलिस निरीक्षक को नियम 84 (1) के निहित प्रावधान के

आलांक में SJPU का प्रभारी के रूप में नियुक्त किया है। अतः सभी पुलिस अधीक्षकों से अपेक्षा की जाती है कि वे इस पत्र की प्राप्ति के तीन दिनों के अन्दर अपने-अपने जिला के नगर अंचल - निरीक्षकों को उस जिला के SJPU के प्रभारी के रूप में प्रतिनियुक्त करे एवं इससे संबंधित जिलादेश की प्रति अधोहस्ताक्षरी को उपलब्ध करायेंगे।

(6) J.J. Act की धारा 63(2) एवं J.J. Rule की नियम 84(3) के अन्तर्गत प्रावधान कि जिला के प्रत्येक थाना में एक पुलिस पदाधिकारी को Child Welfare Officer (C.W.O.) के रूप में प्रतिनियुक्त किया गया है। J.J. Act की धारा 63 (2) निम्न प्रकार है- "In every Police Station at least one officer with aptitude and appropriate Training and orientation may be designated as per " Juvenile or the child welfare officer" Who will handle the Juvenile or the child in co-ordination with the police"

उपरोक्त धारा से स्पष्ट है कि C.W.O. की प्रतिनियुक्ति करते समय पदाधिकारी aptitude and appropriate Training पर विशेष ध्यान दिया जाय। यदि थाना में महिला पुलिस पदाधिकारी उपलब्ध हो तो उन्हें इस कार्य के लिए प्रतिनियुक्त किया जा सकता है। सभी पुलिस अधीक्षकों से अपेक्षा की जाती है कि वे अपने जिला के प्रत्येक थाना के एक पुलिस पदाधिकारी के बाल के प्रति संवेदनशील हो एवं अधिनियम की जानकारी रखता हो, को C.W.O. के रूप में प्रतिनियुक्त करेंगे। सभी पुलिस अधीक्षक अपने-अपने जिला के प्रत्येक थाना में एक C.W.O. की प्रतिनियुक्ति का संयुक्त जिलादेश निकालेंगे जिसमें पदाधिकारी का नाम दूरभाष संख्या उल्लेख करेंगे। जिलादेश की प्रति अधोहस्ताक्षरी को भी भेजी जाय। जब भी C.W.O. स्थानान्तरण थाना से होता है तो उनके स्थान पर नया पदाधिकारी अवश्य प्रतिनियुक्त की जाय।

(7) J.J. Rule 84(1) में प्रावधान है कि SJPU में दो समाज सेवी (Social workers) को भी रखा जायगा जिन्हें बाल कल्याण के बारे में जानकारी हो जिसमें कम से कम एक महिला होगी। इस संबंध में गृह विभाग के अधिसूचना के धारा-3 में स्पष्ट रूप से अंकित है कि समाज सेवी की सुविधा जिला बाल संरक्षण इकाई से प्राप्त की जायगी। उल्लेखनीय है कि भारत सरकार के द्वारा ऐसी ICDSS(Integrated child Development Services Scheme) लागू की गई है। इस स्कीम के अन्तर्गत प्रत्येक जिला में District Child Protection Committee (D.C.P.C.) एवं यूनिट का प्रावधान है अतः सभी पुलिस अधीक्षक अपने-अपने जिला में जिन उपायुक्त से संपर्क कर जिला में कार्यरत D.C.P.C. की विस्तृत जानकारी प्राप्त कर सकते हैं।

(8) उल्लेखनीय है कि J.J. Rule 2007 नियम 84 (10) में प्रावधान है कि प्रत्येक राज्य में पुलिस महानिरीक्षक स्तर के एक पदाधिकारी को नोडल ऑफिसर के रूप में प्रतिनियुक्त किया जायगा, इस कार्य के लिए जो बाल संबंधित सभी प्रकार के मुद्दों पर समन्वय स्थापित करेगा। गृह विभाग ने अपनी अधिसूचना के धारा-8 के अनुसार पुलिस महानिरीक्षक, अपराध अनुसंधान विभाग को नोडल पदाधिकारी के रूप में मनोनित किया है। अतः सभी पुलिस अधीक्षकों से अपेक्षा की जाती है कि बाल संबंधित कोई विषय पर पुलिस महानिरीक्षक अपराध अनुसंधान विभाग द्वारा खण्ड रॉंची से पत्राचार एवं विमर्श कर सकते हैं।

(9) उल्लेखनीय है कि J.J. Rule 84 (11) में उल्लेख किया गया है कि यदि कोई पुलिस पदाधिकारी बाल को यातनायें देता है तो उसे सेवा मुक्त किया जायगा, एवं उस पर अभियोजन चलाया जाएगा। सभी पुलिस अधीक्षक कृपया इस संबंध में अपने अधीनस्थ सभी पुलिस पदाधिकारी को सूचित करेंगे। नियम निम्नवत है- Any Police officer found guilty after due

inquiry of Torturing a child Mentally or Physically, shall be liable to be removed from service, besides being prosecuted for the offence.

(10) J.J. Act अधिनियम 2000 की धारा 10 में बाल को गिरफ्तार करने से संबंधित अपनाये जाने वाले प्रक्रिया का उल्लेख है। सभी पुलिस अधीक्षक से अनुरोध है कि उक्त धारा को अवध्य स्वयं पढ़ लें तथा सभी अधिनस्थ पदाधिकारियों का भी अवगत करा दें। जब कभी कोई बाल को पुलिस द्वारा गिरफ्तार किया जाता है तो उस थाना के C.W.O. के अभिरक्षा में सौंपा दिया जाय एवं उसे जल्द से जल्द J.J. Board के समक्ष प्रस्तुत किया जाय। किसी भी परिस्थिति में बाल को मुख्य न्यायिक दण्डाधिकारी के साथ प्रस्तुत नहीं किया जाय। तथा यदि बालक के parents/guardian से सम्पर्क ना हो पाये तो J.J. Act 2000 की धारा 13 (बी) के आलोक में गिरफ्तारी की सूचना probationary officer को दी जाये।

(11) J.J. Act अधिनियम की धारा 13 में स्पष्ट प्रावधान है कि जहाँ किसी बाल को गिरफ्तार किया जाता है उसकी सूचना तत्काल उसके अभिभावक को दी जाये।

(12) J.J. Act अधिनियम की धारा 18 में प्रावधान है कि किसी बाल एवं व्यस्क पर एक साथ कार्रवाई नहीं की जायगी। अतः किसी काण्ड में कोई बाल एवं व्यस्क सह आरोपी है तब भी मात्र व्यस्क को ही सक्षम न्यायालय में प्रस्तुत किया जाएगा एवं बाल को J.J.B. के समक्ष ही प्रस्तुत किया जाएगा।

(13) किसी बाल अपराधी के संबंध में अक्सर उसके उम्र के संबंध में विवाद उत्पन्न होते हैं इस संबंध में देश के विभिन्न न्यायालय में महत्वपूर्ण निर्णय लिये गये हैं। किसी बच्चे के उम्र का निर्णय लेने के लिए उसका जन्म प्रमाण पत्र सबसे अच्छा साक्ष्य है, परन्तु राज्य के देहाती क्षेत्र में माँ-बाप बच्चों के जन्म का पंजियन नहीं कराते हैं, जिसके चलते बच्चों का उम्र के संबंध में निर्णय लेने में पुलिस को कठिनाई का सामना करना पड़ता है। यदि कोई दस्तावेजी साक्ष्य नहीं मिल पाता है तो बच्चों के उम्र के संबंध में विवाद उत्पन्न होता है तो उसकी उम्र का निर्धारण करने के लिए सरकारी अस्पताल में चिकित्सीय जाँच कराया जा सकता है। यह उल्लेखनीय है कि चिकित्सीय जाँच का रिपोर्ट अपने में संपूर्ण एवं पर्याप्त साक्ष्य नहीं है। माननीय उच्चतम न्यायालय ने जयमाला बनाम गृह सचिव जम्मू एवं कश्मीर-1982 में निम्न बातें कही हैं— The age as ascertained by medical examination is not conclusive proof of age, and judicial notice has been taken that it is a mere opinion of a doctor and the margin of error could be of 2 years on either side.

अतः अनुसंधानकर्ता किसी बाल की उम्र के संबंध में निर्णय लेते समय चिकित्सीय जाँच से बाधित नहीं हैं और यदि अनुसंधान/जाँच के कम में अन्य ऐसा साक्ष्य आते हैं तो उस व्यक्ति की उम्र 18 वर्ष से कम इंगित करता है तो निर्णय उस व्यक्ति के हित में ही लिया जाय, और उस व्यक्ति को संदेह का लाभ दिया जाय। J.J. Act Rules 2007 के Rules 12 में किसी बाल की उम्र निर्धारित करने के विस्तृत प्रावधान का उल्लेख है। यद्यपि यह Rules मुख्य रूप से न्यायालय एवं J.J.B. के लिए है परन्तु किसी प्रकार के असमंजस की स्थिति में इस Rules को guideline के रूप में लिया जा सकता है।

(14) S.J.P.U. के पदाधिकारियों के द्वारा जब कभी भी किसी बाल को J.J.B. के समक्ष प्रस्तुत किया जाता है तो वो J.J.B. को एक रिपोर्ट समर्पित करेंगे जिसका स्वरूप निम्न प्रकार हो— The SJPU or any other police personnel who produces a juvenile before the

(2)

JJB must submit a report before the JJB indicating the particulars of the case, viz., the name, age and address of the juvenile; the circumstances in which the juvenile was apprehended; that the juvenile was not lodged in police lock-up or jail; that the parents or guardian and PO have been informed about the juvenile's arrest; the reasons for delay, if production is after 24 hours of arrest; etc.

(15) यदि अनुसंधान के कम में यदि बाल को T.I.P. में रखा जाता है या उसे पूछताछ की जानी है तो इस संबंध में J.J.B. से स्वीकृति अवश्य प्राप्त कर ली जाय।

(16) J.J. Act की धारा 12 जो बाल के जमानत से संबंधित है उक्त धारा में किसी बाल को तब भी जमानत देने का प्रावधान है, यदि वह गैर जमानतीय धारा में आरोपित हो, वशर्त कि वह शर्तों का उलंघन नहीं करता हो। अतः गैर जमानतीय धारा में भी थाना या J.J.B. के स्तर से बाल को जमानत दी जा सकती है। J.J.B. Act की धारा निम्न प्रकार है:-

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

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

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

(17) किसी भी परिस्थिति में बाल को थाना हाजत में बन्द नहीं किया जाएगा और नहीं हथकड़ी का प्रयोग किया जाएगा। किसी बाल को गिरफ्तारी के पूर्व या गिरफ्तारी के उपरान्त क्या कार्रवाई की जानी है J.J. Rule के नियम-11 में स्पष्ट उल्लेख है। सभी पुलिस अधीक्षक से अपेक्षा की जाती है कि नियम का अवलोकन कर लेने तथा अपने अधीस्थ को भी अवगत करा देंगे। उक्त नियम 11 के उप धारा 7 एवं 11 अति महत्वपूर्ण हैं जो निम्नवत् हैं:- (7) The police or the Juvenile or the Child Welfare Officer from the nearest police station, shall exercise the power of apprehending the juvenile only in cases of his alleged involvement in serious offences (entailing a punishment of more than 7 years imprisonment for adults).

(11) In dealing with cases of juveniles in conflict with law the police or the Juvenile or the Child Welfare Officer from the nearest police station, shall not be required to register an FIR or file a charge-sheet, except where the offence alleged to have been committed by the juvenile is of a serious nature such as rape, murder or when

such offence is alleged to have been committed jointly with adults; instead, in matters involving simple offences, the Police or the Juvenile or the Child Welfare Officer from the nearest police station shall record information regarding the offence alleged to have been committed by the juvenile in the general daily diary followed by a report containing social background of the juvenile and circumstances of apprehension and the alleged offence and forward it to the Board before the first hearing. उक्त नियम के आलोक में स्पष्ट है कि यदि बाल किसी गंभीर प्रकृति के आरोप में आरोपित नहीं है तो प्राथमिकी दर्ज करने की कोई बाध्यता नहीं है।

(18) उल्लेखनीय है कि भारतीय दण्ड संहिता की धारा-82 में प्रावधान है कि सात वर्ष से कम उम्र के बच्चे के विरुद्ध अपराध नहीं है तथा भारतीय दण्ड संहिता की धारा-83 में प्रावधान है कि 7-12 वर्ष के बीच के बच्चों द्वारा किया गया अपराध अपराध नहीं है यदि उक्त बच्चे को अपने किये गये कार्य के बारे में ज्ञान न हो। धारा 82 एवं 83 निम्नवत है:-

(82) Nothing is an offence which is done by a child under seven years of age.

(83) 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.

अतः किसी भी परिस्थिति में किसी भी सात वर्ष से कम उम्र के बच्चों के द्वारा कोई काण्ड किया गया है तो आरोपित नहीं की जाय और यदि 7-12 के उम्र के बच्चों के द्वारा काण्ड कारित किया जाता है और उक्त बच्चों को किये गये कार्य के फल की जानकारी नहीं है तो उसे आरोपित नहीं किया जाय।

16/3/2012
पुलिस महानिरीक्षक
सह नोडल पदाधिकारी,
अपराध अनुसंधान विभाग,
झारखण्ड, राँची।

प्रतिलिपि:- 1. सभी प्रक्षेत्रीय पुलिस महानिरीक्षक, झारखण्ड को सूचनार्थ प्रेषित।

2. सभी क्षेत्रीय पुलिस उप-महानिरीक्षक, झारखण्ड को सूचनार्थ प्रेषित।

झारखण्ड सरकार
समाज कल्याण, महिला एवं बाल विकास विभाग

झारखण्ड न्यायालय, प्रोजेक्ट भवन, बुर्दा, राँची - 834 004

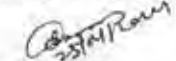
अधिसूचना

राँची, दिनांक : 25 अप्रैल 2014

संख्या - सं० के० - कि०न्या०-356/2013 - 306 महानिबंधक, झारखण्ड उच्च न्यायालय, राँची से प्राप्त पत्र सं०- 3284/Appn. दिनांक-05.03.2014 के अनुसार किशोर न्याय बोर्ड- बोकारो, पश्चिमी सिंहभूम (घाईबासा), चतरा, पलामू (डालटेनगंज), देवघर, धनबाद, दुमका, गढ़वा, गिरिडीह, गोड्डा, कोडरमा, लोहरदगा एवं राँची जिला के लिए नियुक्त प्रधान मजिस्ट्रेट के स्थानांतरण के फलस्वरूप गाननीय उच्च न्यायालय, झारखण्ड द्वारा उक्त जिलों के किशोर न्याय बोर्डों के लिए अध्यक्ष/प्रधान मजिस्ट्रेट का मनोनयन किया गया है। इस मनोनयन के आलोक में उक्त 13 जिलों में निम्नांकित न्यायिक दण्डाधिकारी को उनके नाम के समक्ष अंकित जिलों के लिए किशोर न्याय बोर्डों के अध्यक्ष/प्रधान मजिस्ट्रेट नियुक्त किए जाते हैं :-

क्रम	किशोर न्याय बोर्ड के अध्यक्ष/प्रधान मजिस्ट्रेट का नाम/पदनाम	सम्बद्ध जिला
1	2	3
1	श्री सुनील दत्त द्विवेदी, न्यायिक दण्डाधिकारी, बोकारो	बोकारो
2	मिस लूसी सोसेन तिग्मा, न्यायिक दण्डाधिकारी, घाईबासा	पश्चिमी सिंहभूम (घाईबासा)
3	श्री राजेश कुमार, न्यायिक दण्डाधिकारी, चतरा	चतरा
4	मिस अर्चना कुमारी, न्यायिक दण्डाधिकारी, डालटेनगंज	पलामू (डालटेनगंज)
5	श्री देवाशीष महापात्र, न्यायिक दण्डाधिकारी, देवघर	देवघर
6	श्रीमती कल्पना हजारीका, न्यायिक दण्डाधिकारी, धनबाद	धनबाद
7	श्री सचिन्द्र बिरुवा, न्यायिक दण्डाधिकारी, दुमका	दुमका
8	श्री राजेश कुमार सिंह, न्यायिक दण्डाधिकारी, गढ़वा	गढ़वा
9	मो० आसिफ इकबाल, न्यायिक दण्डाधिकारी, गिरिडीह	गिरिडीह
10	श्री आनन्द सिंह, न्यायिक दण्डाधिकारी, गोड्डा	गोड्डा
11	श्री अरविन्द कुमार नं०-2, न्यायिक दण्डाधिकारी, कोडरमा	कोडरमा
12	श्री शेखर कुमार, न्यायिक दण्डाधिकारी, लोहरदगा	लोहरदगा
13	श्री लक्ष्मीकान्त, न्यायिक दण्डाधिकारी, राँची	राँची

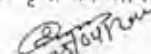
झारखण्ड राज्यपाल के आदेश से,


(रंजीता हेम्ब्रम)

सरकार के उप सचिव

आप सं० - सं० के० - कि०न्या०-356/2013 306

प्रतिलिपि :- अधीक्षक, राजकीय मुद्रणालय, झारखण्ड, हिनू, राँची को सूचनार्थ एवं अगले अंक में प्रकाशनार्थ प्रेषित। अनुरोध है कि इसकी 50 प्रतियाँ विभाग को भेजने की कृपा की जाय।


(रंजीता हेम्ब्रम)
सरकार के उप सचिव

झारखण्ड सरकार
समाज कल्याण, महिला एवं बाल विकास विभाग

अधिसूचना

राँची, दिनांक - ०७/११/२०१३

संख्या - स० क० - कि०न्या०/चयन समिति - ९३/२००९ - १९२७- झारखण्ड सरकार द्वारा अंगीकृत केन्द्र सरकार के किशोर न्याय (बालकों की देख-रेख एवं संरक्षण) 'नियम' २००७ के नियम-९१ के प्रावधान के आलोक में इस विभाग के अधिसूचना सं०-४०७ दिनांक-१४.०३.२०१३ एंव शुद्धि पत्र सं०-१६१९ दिनांक-१६.०९.२०१३ के द्वारा गठित चयन समिति का पुनर्गठन महानिबंधक झारखण्ड उच्च न्यायालय, राँची के पत्र सं०-१२७१४/Appdt. दिनांक- २६.१०.२०१३ के क्रम में निम्न रूप से किया जाता है :-

- | | | |
|--|---|------------|
| १. श्री आर०के० मेरठिया, माननीय न्यायमूर्ति,
झारखण्ड उच्च न्यायालय (सेवानिवृत्त), सम्प्रति
अध्यक्ष, निजी तकनीकी संस्थाओं के शुल्क ड्राँचा निर्धारण समिति, राँची | - | अध्यक्ष |
| २. श्रीमती रुप लक्ष्मी मुण्डा,
अध्यक्षा झारखण्ड बाल अधिकार संरक्षण आयोग | - | सदस्य |
| ३. (i) विभागाध्यक्ष, मनोविज्ञान विभाग, राँची विश्वविद्यालय, राँची | - | सदस्य |
| (ii) विभागाध्यक्ष, समाज शास्त्र विभाग, राँची विश्वविद्यालय, राँची | - | सदस्य |
| ४. विधि (न्याय) विभाग, झारखण्ड सरकार के प्रतिनिधि | - | सदस्य |
| ५. (i) डा० अलका निजामी, स्वयंसेवी संस्था, दीप शिखा,
स्वामी श्रद्धानन्द रोड, राँची के प्रतिनिधि | - | सदस्य |
| (ii) श्रीमती प्रीति श्रीवास्तव, बाल संरक्षण पदाधिकारी,
यूनिसेफ, झारखण्ड | - | सदस्य |
| ६. निदेशक, समाज कल्याण झारखण्ड, राँची | - | सदस्य सचिव |

यह समिति झारखण्ड सरकार द्वारा अंगीकृत किशोर न्याय नियम-२००७ के अंतर्गत राज्य के सभी जिलों में किशोर न्याय बोर्डों, बाल कल्याण समितियों, विभिन्न स्तरों के निरीक्षण दलों तथा विभिन्न स्तरों के सलाहकार बोर्डों का गठन करने एवं शक्तियों को भरने के लिए अर्हताप्राप्त सदस्यों के नामों की अनुशंसा एवं समितियों आदि के कार्यकाल के विस्तार की अनुशंसा राज्य सरकार को समर्पित करेगी।

झारखण्ड राज्यपाल के आदेश से,

(राजीव अरुण एवका)
सरकार के सचिव

झारखण्ड सरकार
समाज कल्याण, महिला एवं बाल विकास विभाग

झारखण्ड मंत्रालय, प्रोजेक्ट भवन, धुर्वा, राँची - 834 004

अधिसूचना

राँची, दि० : 28 सितम्बर 2013

संख्या - स० क०-कि०या० - 77/2010 - 1714 / राज्य सरकार द्वारा किशोर न्याय (बालकों की देख-रेख एवं संरक्षण) अधिनियम 2000 की धारा - 35 एवं झारखण्ड सरकार द्वारा अंगीकृत किशोर न्याय (बालकों की देख-रेख एवं संरक्षण) नियम 2007 के नियम - 63 के अन्तर्गत राज्य सरकार द्वारा अधिसूचित गृहों का निरीक्षण करने तथा उनके दिन-प्रतिदिन के कार्यों के निगरानी रखने के लिए जिला निरीक्षण समिति का गठन निम्नवत् किया जाता है :-

क्रम	जिले का नाम	चयनित प्रदेन/सामाजिक कार्यकर्ता सदस्य
1	2	4
1	सिमडेगा	1. जिला समाज कल्याण पदाधिकारी, सिमडेगा 2. विशेष कार्य पदाधिकारी, सिमडेगा 3. अपर मुख्य चिकित्सा पदाधिकारी, सिमडेगा 4. परिवीक्षा पदाधिकारी, सिमडेगा 5. श्री तेजबल द्वारा- श्री जितेन्द्र अशोक, सहभागी कम्प्यूटर को बगल मुख्य डाकघर के उत्तर, मुख्य पथ डाकघर+धान+जिला-सिमडेगा

1. इस निरीक्षण दल का कार्यकाल तीन वर्ष का होगा।
2. प्रत्येक निरीक्षण दल, अधिसूचित गृहों के विकास और सुधार के लिए सुझाव देगा।
3. निरीक्षण दौरा कम से कम तीन सदस्यों द्वारा किया जायेगा।
4. निरीक्षण दल गृहों का निरीक्षण या तो पूर्व सूचना देकर या आकस्मिक कर सकेगा।
5. दल गृहों के निरीक्षण के दौरान उनके कल्याण को अवधारित करने और उसके अवरोधों को दूर के लिए बालकों से विचार-विमर्श करेगा।
6. जिलावार गठित निरीक्षण दल अधिनियम की धारा - 62 की उपधारा - (3) के अनुसार जिला सलाहकार बोर्ड के रूप में कार्य करेगी।

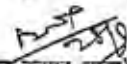
झारखण्ड राज्यपाल के आदेश से,


(बसंत कुमार दास)

सरकार के संयुक्त सचिव

ज्ञाप सं० - स० क०-कि०या० - 77/2010 - 1714

प्रतिलिपि :- अधीक्षक, राजकीय मुद्रणालय, झारखण्ड, हिनू, राँची को सूचनार्थ एवं अगले अंक में प्रकाशनार्थ प्रेषित। अनुरोध है कि इसकी 20 प्रतियाँ विभाग को भेजने की कृपा की जाय।


(बसंत कुमार दास)
सरकार के संयुक्त सचिव

ज्ञाप सं० - सं०क०-कि०न्या०/चयन समिति-93/2009-1927 राँची, दिनांक :- 07/11/2013
प्रतिलिपि :- अधीक्षक, राजकीय मुद्रणालय, झारखण्ड, हिन्नु, राँची को सूचनार्थ एवं राजकीय गजट के अगले अंक में प्रकाशनार्थ प्रेषित। अनुरोध है कि इसकी 200 मुद्रित प्रतियाँ इस विभाग को भेजने की कृपा की जाय।

(राजीव अरुण एवका)
सरकार के सचिव

ज्ञाप सं० - सं०क०-कि०न्या०/चयन समिति-93/2009-1927 राँची, दिनांक :- 07/11/2013
प्रतिलिपि :- श्री आर०के० मेरठिया, माननीय न्यायमूर्ति, झारखण्ड उच्च न्यायालय (सेवानिवृत्त), सम्प्रति अध्यक्ष, निजी तकनीकी संस्थाओं के शुल्क वॉचा निर्धारण समिति, राँची/ श्रीमती रुप लक्ष्मी मुण्डा, अध्यक्ष, झारखण्ड राज्य बाल अधिकार संरक्षण आयोग, राँची/निदेशक, समाज कल्याण झारखण्ड, राँची/विभागाध्यक्ष, मनोविज्ञान विभाग, राँची विश्वविद्यालय, राँची/विभागाध्यक्ष, समाज शास्त्र विभाग, राँची विश्वविद्यालय, राँची/विधि (न्याय) विभाग, झारखण्ड सरकार/ डा० अलका निजामी, स्वयंसेवी संस्था, दीप शिखा, स्वामी श्रद्धानन्द रोड, राँची/श्रीमती प्रीति श्रीवास्ताव, बाल संरक्षण पदाधिकारी, यूनिसेफ, झारखण्ड को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

(राजीव अरुण एवका)
सरकार के सचिव

ज्ञाप सं० - सं०क०-कि०न्या०/चयन समिति-93/2009-1927 राँची, दिनांक :- 07/11/2013
प्रतिलिपि :- मुख्य सचिव, झारखण्ड/विकास आयुक्त, झारखण्ड/महामहिम राज्यपाल के प्रधान सचिव, राजभवन, झारखण्ड, राँची/पुलिस महानिदेशक, झारखण्ड/कारा निरीक्षक/महानिबंधक, झारखण्ड उच्च न्यायालय/निदेशक, न्यायिक अकादमी, मेयर्स रोड, राँची/सभी जिला सत्र न्यायाधीश/सभी मुख्य न्यायिक दण्डाधिकारी/सभी विभागीय प्रधान सचिव/सचिव/सभी प्रमंडलीय आयुक्त/आदिवासी कल्याण आयुक्त/सभी उपायुक्त/सभी आरक्षी अधीक्षक/निदेशक, समाज कल्याण, झारखण्ड/सभी जिला कल्याण पदाधिकारी/संबंधित किशोर न्याय बोर्ड एवं बाल कल्याण समिति के प्रधान मजिस्ट्रेट/सदस्यों/सचिव, सामाजिक न्याय और अधिकारिता मंत्रालय, भारत सरकार, शास्त्री भवन, नई दिल्ली/अध्यक्ष, राष्ट्रीय महिला आयोग, भारत सरकार/अध्यक्ष, राष्ट्रीय मानवाधिकार आयोग, भारत सरकार, नई दिल्ली को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

(राजीव अरुण एवका)
सरकार के सचिव

झारखण्ड सरकार
समाज कल्याण, महिला एवं बाल विकास विभाग

झारखण्ड मंत्रालय, प्रोजेक्ट भवन, धुर्वा, राँची - 834 004

अधिसूचना

राँची, दिनांक : 28 सितम्बर, 2013

संख्या - सो क०-फि०या० - 77/2010 - 17/13 / राज्य सरकार द्वारा किशोर न्याय (बालकों की देख-रेख एवं संरक्षण) अधिनियम 2000 की धारा - 29 एवं झारखण्ड सरकार द्वारा अंगीकृत किशोर न्याय (बालकों की देख-रेख एवं संरक्षण) नियमावली 2007 के नियम -19 के प्रावधानों के अनुरूप निम्न जिलों में बाल कल्याण समितियों का गठन चयन समिति की अनुशंसा पर निम्नवत् किया जाता है:-

क्रम	जिले का नाम	बाल कल्याण समिति के अध्यक्ष/सदस्यों के नाम
1	2	3
1	राँची	<p>1. डा० ओम प्रकाश सिंह पिता- डा० सीता राम राय, - अध्यक्ष चिनायक क्लीनिक, एच०-107 हरमू डाउसिंग, कॉलोनी-834002</p> <p>2. श्रीमती जहाँ आरा पिता- मो० अबुल हसन - सदस्य मुहल्ला-हाथीखाना पो-डोरण्डा, राँची-834002</p> <p>3. श्री योगेन्द्र प्रसाद पिता- श्री मोहन साव - सदस्य मोस०-328, रोड नं०-4, बसंत बिहार हरमू, राँची-834002</p> <p>4. श्री अफजल हुसैन पिता- मनीरुद्दीन अंसारी - सदस्य ग्राम-फिर्दौस नगर, फूसरा टांड, माण्डर प्रखण्ड-पो०- माण्डर जिला-राँची-835214</p>
2	गुमला	<p>1. श्रीमती तागरेन पन्ना, - अध्यक्ष पिता- स्व० जसपर पन्ना ग्राम-चेटर सरना टोली, पो०+जिला-गुमला</p> <p>2. श्री अलख नारायण सिंह, - सदस्य पिता-श्री बालेश्वर सिंह, ग्राम- अलंकेरा पो०- बधिमा, जिला- गुमला-835207</p>
3	सिमडेगा	<p>1. श्री शीतल प्रसाद, - अध्यक्ष पिता-स्व० किशुन साव, शीतल प्रसाद सचिव विद्या वनस्थली शिक्षा समिति, मुख्य पथ, विद्याभवन जुनियर कॉम्प्रीज स्कूल, सिमडेगा</p> <p>2. श्रीमती कंचन रानी एकता - सदस्य पिता-श्री चन्द्र देव उरांव ग्राम+थाना- तोली डी०एस०पी० गली सिमडेगा पो०+जिला- सिमडेगा</p> <p>3. श्रीमती पुष्पा बुमारी - सदस्य पिता -श्री बीजनाथ सिंह, पिता-शंकर सिंह, कुंज नगर, जलडेगा, सिमडेगा-835223</p>
4	लोहरदगा	<p>1. श्रीमती मालती वर्मा, - अध्यक्ष पिता-स्व० सरयू प्रसाद, प्राध्याप्य, मधुसूदन लाल अग्रवाल महिला महाविद्यालय, बरवा टोली, लोहरदगा</p> <p>2. श्री गनीरी राम - सदस्य पिता- स्व० रामेश्वर राम ग्राम+मो०- न्यू एरिया हबरी कॉम्प पो०-हंजल, जिला- राँची- 834005</p>

		3. श्रीमती मनोरमा एक्का पिता-निरंजन एक्का प्लेटर बगीचा पो- लोहरदगा- 835302	-	सदस्य
		4. बाल कृष्ण सिंह, पिता-श्री शिव प्रो सिंह, ग्राम- भैसमुन्दो पो-मसमानी, थाना-भण्डरा जिला- लोहरदगा- 835302	-	सदस्य
5	हजारीबाग	1. सुश्री रजनी किरण, पिता-स्वो राधे श्याम, 'दर्पण' ग्राम-लाखे, चानो रोड, पो- कोरा जिला - हजारीबाग	-	अध्यक्ष
		2. श्री बबलू कुमार, पिता-श्री सुन्दर राम एस0बी0 भवन, सखीचन्द्र कॉलोनी, मटवारी, थाना-सदर, जिला- हजारीबाग	-	सदस्य
		3. श्री स्वपन मन्ना, पिता-श्री राम कृष्ण मन्ना 104, विजय इनक्लेव हिराबाग चौक, मटवारी, हजारीबाग-825301	-	सदस्य
		4. श्रीमती स्वपना शबनम नन्दी, पिता-स्वो ए0डी0 नन्दी हरनगंज, पो- कॉलेज मोड़ हजारीबाग-825301	-	सदस्य
6	धनबाद	1. श्रीमती नीता सिन्हा, पिता-श्री प्रो0 कै0पी0 सिन्हा, हेमटावर (अधिष्ठातृ) लूबी सर्कुलर रोड, धनबाद, पो0-थाना- जिला-धनबाद- 835001	-	अध्यक्ष
		2. श्री देवेन्द्र शर्मा, पिता-श्री राजेन्द्र शर्मा, मो0- पंजाबी मुहल्ला पंचगढ़ी बाजार, पो0- कतरासगढ़, जिला-धनबाद	-	सदस्य
		3. श्री सुदीप कुमार गुप्ता, पिता-श्री अम्बिका प्रो गुप्ता भगत मुहल्ला, पो0- कतरासगढ़, थाना- कतरास, जिला-धनबाद	-	सदस्य
		4. श्रीमती पिन्मी खातुन, पिता-स्वो मो0 जमिल खान लाल बंगला कॉ-आप, कॉलोनी पो0- कै0जी0 आश्रम, थाना- गोविन्दपुर, धनबाद	-	सदस्य
7	गिरिडीह	1. श्रीमती रेणु वर्मा, पिता- स्वो नागेश्वर महतो, अनुप कु0 सिन्हा, अलकापुरी, गिरिडीह	-	अध्यक्ष
		2. श्रीमती सुनीता प्रसाद, पति- बसंत कुमार सिन्हा, इन्द्रपुरी कॉलोनी, अरगाघाट रोड, गिरिडीह	-	सदस्य
		3. श्रीमती पिमा झा, पिता- श्री जयदेव झा, अरगाघाट रोड, राजपुरा मोहल्ला, गिरिडीह	-	सदस्य
		4. श्रीमती बीणा झा, पिता स्वो राम सुन्दर झा, बीणा झा C/o श्री शशि कुमार पाठक, वरगन्डा, कॉपरफील्ड, गिरिडीह	-	सदस्य

		5. श्री सुरेश प्रसाद, — सदस्य पिता— श्री बुधन महता, ग्राम—केन्द्र आगढ़हा, पो0— मोतीलेदा थाना— बेंगाबाद जिला—गिरिडीह—815302
8	बोकारो	1. श्री जर्नाखिन प्रसाद चौधरी, — अध्यक्ष पिता—भायदेय पो चौधरी सेक्टर-12/बी, क्वार्टर-3548, पो0— सेक्टर-12 जिला— बोकारो 2. श्री अम्बुज कुमारी, — सदस्य पिता—श्री महेश्वर महता, क्वार्टर नं0— डी0—33/193 टी0टी0पी0एस0 कॉलोनी लालपनिया, पो0+थाना— लालपनिया, जिला— बोकारो 3. श्री अश्विनी कुमार, — सदस्य पिता— श्री अनन्त प्र0 तिवारी, धारा जसीडीह रोड, जैनामोड बांधडीह, बोकारो—829301 4. श्री शबनम परधीन, — सदस्य पिता— सैयद अली अकबर, पो0— सण्डे बाजार, लम्बी सेक्टर, क्वार्टर नं— W/D 554 बेरमो, बोकारो—829127
9	घतरा	1. श्री मिनहाजुल हक, — अध्यक्ष पिता—शफीक अहमद 205/16 रहमतकदा रहमत चौक, लाईन मुहल्ला पो0+जि0— घतरा पिन— 825401 2. श्री नर्मदेश्वर सिंह, — सदस्य पिता— श्री कामेश्वर सिंह ग्राम—ईचाक खुर्द, पो0— नावाडीह थाना— सिमरिया जिला— घतरा— 825408 3. श्री महावीर साहु, — सदस्य पिता— स्व0 नन्दक साहु, घतरा चन्दू निकेतन, दीना फुनैनिया तालाब पो0+जि0—घतरा पिन— 825401 4. श्री हरि शंकर झा, — सदस्य पिता— स्व0 प्रो0 शंभू शंकर झा प्रो0 कॉलोनी पो0+थाना+जिला—घतरा 5. श्रीमती ज्योति झा, — सदस्य पिता— स्व0 दिनय कुमार मिश्रा, पति— श्री विमिन बिहारी झा, प्रोफेसर कॉलोनी पो0+ जिला—घतरा, पिन— 825401
10	पूर्वी सिंहभूम	1. श्री कुमार महेश, — अध्यक्ष पिता— श्री विष्णु चैत्र यादव, C/o अमर सिंह शर्मा लाईन उलिडीह डिमना रोड, मानगो जमशेदपुर, पूर्वी सिंहभूम 2. श्री सुनील प्रसाद, — सदस्य पिता— श्री चन्द्रदीप प्रसाद, द्वारा सुजल इलेक्ट्रीकल, हीरामन प्रेलेस, डिमना रोड, मानगो जमशेदपुर, पूर्वी सिंहभूम

11	प० सिंहभूम	<p>1. श्री विकास दौद राजका पिता- स्व० दिश्वनाथ दौदराजका, मुख्य डाकघर के सामने पो०-चाईबासा पश्चिमी सिंहभूम</p> <p>2. श्री सुमित कुमार विश्वकर्मा पिता- स्व० राज कुमार विश्वकर्मा C/o विकास कोथिंग सेक्टर, ग्राम-गुड साई पो०-चाईबासा पश्चिमी सिंहभूम</p> <p>3. श्री संजय कुमार विरुवा पिता-स्व० बुध राम विरुवा, मो०- नौहूल साई रोड, नियर पोहार सर्विस स्टेशन पो०-चाईबासा, थाना- मुफ्फासिल, पश्चिमी सिंहभूम -833201</p>	- अध्यक्ष	- सदस्य	- सदस्य
12	पलामू	<p>1. श्रीमती अंजु परवीत पिता- एम० वजीह उद्दीन, मुस्लिम नगर डालटेनगंज</p> <p>2. श्री पंकज लोचन, पिता-श्री कामेश्वर प्रसाद कर्ण, मो०- नायाटोली, निकट- श्री इन्दर सिंह नामधारी आवास, पो०- मेदिनीनगर जिला पलामू-822101</p> <p>3. श्री पुनम कुमारी, पिता-स्व० नन्द किशोर प्र० गुप्ता, पति-श्री आशोक कुमार गुप्ता, एल०एम० विद्या केंद्र मो०- रिपयुजी कॉलोनी हमीमगंज, मेदिनीनगर, पलामू</p> <p>4. श्री प्रमोद कुमार सिंह, पिता-श्री राम लखन सिंह, आदर्श नगर, बैरिया चौक, पो०-सुदना, थाना- डालटेनगंज</p>	- अध्यक्ष	- सदस्य	- सदस्य
13	गढ़वा	<p>1. श्री राकेश कुमार त्रिपाठी, पिता- श्री सत्यदेव त्रिपाठी, ग्राम- धेघरिया, पो०- अटौला, थाना-मेराल, जिला- गढ़वा</p> <p>2. श्रीमती सपना मुखर्जी, पिता- सुब्रतो कुमार मुखर्जी, पिपराफला, गढ़वा</p> <p>3. श्री राम कृष्ण शुक्ला, पिता- श्री परमेश्वर शुक्ला, सा०-दी पुर्व मुहल्ला, टाउन हॉल के निकट वार्ड सं०-8 थाना+जिला- गढ़वा</p>	- अध्यक्ष	- सदस्य	- सदस्य
14	दुमका	<p>1. डा० बबीता कुमारी अग्रवाल, पिता-स्व० बाबू लाल अग्रवाल, हरिसभा रोड दुमका, जिला- दुमका-814101</p> <p>2. श्रीमती नुतन बाला, पिता-स्व० श्री रामानन्द प्रसाद, C/o स्व० श्री सत्येन्द्र कुमार गोशाला रोड, दुधानी, दुमका</p> <p>3. श्री अनिल मोहन ठाकुर, पिता-जी केशव मोहन ठाकुर, मो०- रसिकपुर (पैथल मिशन स्कूल के बगल में), पो०+जिला- दुमका- 814101</p> <p>4. श्री सिकन्दर मंडल, पिता-स्व० मणिलाल मंडल, +2 नेशनल हाई स्कूल दुमका के सामने, मो०- दुधानी पो०+थाना+जिला- दुमका-814101</p>	- अध्यक्ष	- सदस्य	- सदस्य

		5. श्रीमता अन्नू, पिता-स्व० भोला लाल, सचिव, मानवी, प्रोफेसर कॉलोनी शिव पहाड़, दुमका-814101	--	सदस्य
15	देवघर	1. श्रीमती कविता झा, पिता-स्व० नागेश्वर झा, परम प्रकाशनन्द झा पथ, इसीसी रोड, विलासी टाउन, देवघर 2. श्रीमती अपर्णा मिश्रा, पिता- श्री सुधीर कु० मिश्रा, मो०-जसीडीह, सिमरिया, जिला-देवघर 3. श्री संजय कुमार उपाध्याय, पिता- डा० ब्रज किशोर उपाध्याय, मुरार भवन, शीतल मल्लिक रोड, विलासी टाउन, देवघर-814117	-	अध्यक्ष सदस्य सदस्य
16	गोड्डा	1. श्री प्रदीप कुमार सिंह, पिता-स्व० शिवेन्दु नाथ सिंह, मो०-सत्यनगर, गोड्डा, पो०+जिला- गोड्डा पिन- 814133 2. श्रीमती मुसरत जियातारा, जियाउद्दीन मो० सोयब, मोहल्ला-चपरासी टोला पो० +जिला- गोड्डा	-	सदस्य सदस्य
17	पाकुड़	1. डा० शम्भु कुमार यादव, पिता-स्व० कमलेश्वरी प्रसाद यादव, मो०- यादव भवन, बलिहारपुर, पो०+थाना+जिला- पाकुड़- 816107, 2. मो० साबिरुद्दीन, पिता- मनजूल हक, ग्राम+पो०-सीतेरानगर, थाना+जिला-पाकुड़ पिन- 816107 3. डा० सुभेन्दु विकास मंडल, पिता- स्व० कर्न्दप मंडल, मुहल्ला- राजापाड़ा, पो०+थाना+जिला-पाकुड़ पिन- 816107 4. डा० अशोक कुमार यादव, पिता- स्व० रघुनाथ प० यादव, मो०- बलिहारपुर वार्ड सं०-17 पो०+ जिला-पाकुड़	-	अध्यक्ष सदस्य सदस्य सदस्य
18	साहेबगंज	1. श्री कृष्ण कुमार पाण्डेय, पिता-स्व० राम प्रदेश पाण्डेय, नया टोला पुरानी साहेबगंज, थाना- साहेबगंज नगर, पो०+जिला- साहेबगंज 2. श्रीमती बबिता कुमारी, पिता-स्व० बेनी माधव राय, ग्राम- गुल्लीभट्टा, थाना+पो०+जिला- साहेबगंज	-	सदस्य सदस्य

1. प्रत्येक बाल कल्याण समिति का कार्यकाल तीन वर्ष का होगा और अध्यक्ष/सदस्यों की नियुक्ति समिति के कार्यकाल के साथ समाप्त हो जाएगी।

2. देख-रेख और संरक्षण के लिए जरूरतमंद बालक/बालिका जब समिति के समक्ष पेश किया जाएगा/की जाएगी तो समिति छन मामलों का निष्पादन अधिनियम तथा नियमावली में अंकित प्रावधानों के अनुसार करेगी।
3. मनोनीत अध्यक्ष/सदस्य इस अभिसूचना के निर्गत होने की तिथि के एक सप्ताह के अन्दर अपना योगदान संबंधित जिला समाज कल्याण पदाधिकारी के समक्ष देंगे।
4. बाल कल्याण समिति के कार्यकाल संबंधित जिले में दिनांक- 01.10.2013 के प्रभाव से लागू होगा।

झारखण्ड राज्यपाल के आदेश से,



(बसंत कुमार दास)

सरकार के संयुक्त सचिव

राँची, दि० 28 सितम्बर, 2013

झाप सं० - सं० क०-कि०या० - 77/2010 - 1713

प्रतिलिपि :- अधीक्षक, राजकीय मुद्रणालय, झारखण्ड, हिन्डू, राँची को सूचनार्थ एवं अगले अंक में प्रकाशनार्थ प्रेषित। अनुरोध है कि इसकी 20 प्रतियाँ विभाग को भेजने की कृपा की जाय।

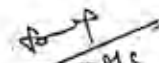

(बसंत कुमार दास)

सरकार के संयुक्त सचिव

राँची, दि० 28 सितम्बर, 2013

झाप सं० - सं० क०-कि०या० - 77/2010 - 1713

प्रतिलिपि :- मुख्य सचिव, झारखण्ड/विकास आयुक्त, झारखण्ड/महानहिन राज्यपाल के प्रधान सचिव, राजमवन, झारखण्ड, राँची/माननीय मुख्यमंत्री के प्रधान सचिव, झारखण्ड, राँची/पुलिस महानिदेशक, झारखण्ड/कारा निरीक्षक/महानिबंधक, झारखण्ड उच्च न्यायालय, राँची/ महाधिवक्ता, झारखण्ड उच्च न्यायालय, राँची/सभी विभागीय सचिव/सभी प्रमुखतीय आयुक्त/आदिवासी कल्याण आयुक्त/निदेशक, समाज कल्याण, झारखण्ड/सभी उपायुक्त/सभी जिला समाज कल्याण पदाधिकारी/सचिव, सामाजिक न्याय और अधिकारिता मंत्रालय, भारत सरकार, शास्त्री भवन, नई दिल्ली/अध्यक्ष, राष्ट्रीय महिला आयोग, भारत सरकार/अध्यक्ष, राष्ट्रीय मानवाधिकार आयोग, भारत सरकार, नई दिल्ली/सभी बाल कल्याण समिति के अध्यक्ष एवं सदस्यों को सूचनार्थ एवं आवश्यक कार्यवाई हेतु प्रेषित।


(बसंत कुमार दास)

सरकार के संयुक्त सचिव

झारखण्ड सरकार
समाज कल्याण, महिला एवं बाल विकास विभाग

झारखण्ड मंत्रालय, प्रोजेक्ट भवन, धुर्वा, राँची - 834 004

अधिसूचना

राँची, दिनांक : 28 सितम्बर, 2013

संख्या - सं० क०-कि०या० - 77/2010 - 17/2/ राज्य सरकार द्वारा किशोर न्याय (बालकों की देख-रेख एवं संरक्षण) अधिनियम 2000 की धारा - 4 एवं झारखण्ड सरकार द्वारा अंगीकृत किशोर न्याय (बालकों की देख-रेख एवं संरक्षण) नियम 2007 के नियम - 4 के प्रावधान के अनुरूप निर्माकित जिलों में किशोर न्याय बोर्डों का गठन चयन समिति की अनुशंसा पर निम्नवत् किया जाता है :-

क्रम	बोर्ड के अध्यक्ष/सदस्यों के नाम	सम्बद्ध जिला
1	2	3
1	1. श्री राजेश सिन्हा, - अध्यक्ष/प्रधान मजिस्ट्रेट न्यायिक आधिकारी, राँची 2. श्रीमती सोनी राम वर्मा - सदस्य पिता- श्री हरिहर वर्मा मो० राजा हाता राज संस्कृत कॉलेज के पास जिला-राँची-834001 3. श्रीमती माया सिंह सिसोदिया - सदस्य पति-श्री मुकुल प्रसाद सिंह सिसोदिया हाउस शास्त्री नगर, काँके रोड, राँची	राँची
2	1. मो० उमर, - अध्यक्ष/प्रधान मजिस्ट्रेट प्रथम श्रेणी न्यायिक दण्डाधिकारी, गुमला 2. श्री शम्भु सिंह - सदस्य पिता- श्री फागु सिंह, ग्राम-अम्बोआ पो०- ढेढोली थाना+जिला- गुमला 3. रिक्त -	गुमला
3	1. श्रीमती कल्पना हजारीका, - अध्यक्ष/प्रधान मजिस्ट्रेट न्यायिक दण्डाधिकारी, दुमका 2. डा० बाणी सेनगुप्ता, - सदस्य पिता-स्व० डा० धीरेन्द्र मोहन सेनगुप्ता श्री राम पाड़ा, दुमका, पिन- 814101 3. रिक्त -	दुमका
4	1. श्री सूर्यमणौ त्रिपाठी, - अध्यक्ष/प्रधान मजिस्ट्रेट प्रथम श्रेणी न्यायिक दण्डाधिकारी, जामताड़ा 2. श्री शुभोजित मुखर्जी, - सदस्य पिता-श्री सुशील कुमार मुखर्जी कोर्ट रोड (पाल बागान) पो०+थाना+जिला- जामताड़ा 3. श्रीमती मुक्ता मंडल, - सदस्य पिता- श्री राधा रमण मंडल जामताड़ा न्यू टाउन, पो०+थाना+जिला- जामताड़ा	जामताड़ा

क्रम	बोर्ड के अध्यक्ष/सदस्यों के नाम	सम्बद्ध जिला
1	2	3
5	<p>1. श्री अजय कुमार सिंह, - अध्यक्ष/प्रधान मजिस्ट्रेट न्यायिक दण्डाधिकारी, देवघर</p> <p>2. डा० अखिलेश प्रताप सिंह, - सदस्य पिता- स्व० मार्कण्डेय सिंह, प्रताप हाउस शीतल मल्लिक रोड मोहल्ला-बिलासी टाउन, देवघर-814117</p> <p>3. श्रीमती सुचित्रा झा, - सदस्य पिता- स्व० श्याम किशोर झा, डा० वी०के० चौधरी, जी०एल० मोटर के पीछे, पं० बी०एन० झा पथ, पोखना टिल्ला, देवघर- 814112</p>	देवघर
6	<p>1. श्री सूरज प्रकाश ठाकुर, - अध्यक्ष/प्रधान मजिस्ट्रेट न्यायिक दण्डाधिकारी, पाकुड़</p> <p>2. श्रीमती रितु पाण्डेय, - सदस्य पिता- श्री तुलसी पाण्डेय मुहल्ला- राजापाड़ा, थाना+जिला- पाकुड़, पिन-818107.</p> <p>3. रिक्त -</p>	पाकुड़
7	<p>1. श्री आनन्द मनी त्रिपाठी - अध्यक्ष/प्रधान मजिस्ट्रेट न्यायिक दण्डाधिकारी, साहेबगंज</p> <p>2. श्री शिव शंकर दूबे, - सदस्य पिता- श्री युगल किशोर दूबे श्री शिव शंकर दूबे, चौधरी कॉलोनी, चैतिदुर्गा स्थान साहेबगंज</p> <p>3. रिक्त -</p>	साहेबगंज
8	<p>1. श्री नीरज कुमार, - अध्यक्ष/प्रधान मजिस्ट्रेट न्यायिक दण्डाधिकारी, बोकारो</p> <p>2. श्रीमती ममता मिश्र - सदस्य पिता-श्री विद्यानन्द मिश्र क्वाटर नं०-1075 सेक्टर-4 बी०,बी०एस०सिटी, बोकारो</p> <p>3. श्री विनय कुमार सिंह, - सदस्य पिता-स्व० राजेश्वर सिंह क्वाटर नं०-4034 सेक्टर-XI/C, बोकारो इस्पात</p>	बोकारो
9	<p>1. श्री तरुण कुमार - अध्यक्ष/प्रधान मजिस्ट्रेट न्यायिक दण्डाधिकारी, चतरा</p> <p>2. श्रीमती संध्या प्रधान, - सदस्य पति-श्री किरण कु० प्रधान, मो०-दिमा वार्ड नं०-19, पो०+जिला-चतरा-825401,</p> <p>3. श्रीमती श्वेता जायसवाल, - सदस्य पिता-स्व० गोपाल लाल जायसवाल, मारवाड़ी मुहल्ला घातरा, जिला-चतरा</p>	चतरा
10	<p>1. श्री विजय कुमार श्रीवास्ताव, - अध्यक्ष/प्रधान मजिस्ट्रेट प्रथम श्रेणी न्यायिक दण्डाधिकारी, कोडरमा</p> <p>2. श्रीमती जयश्री द्विवेदी, - सदस्य पिता- विधू भूषण द्विवेदी सी०डी० कॉलोनी वार्ड नं०-4, झूमरी तिलैया, कोडरमा</p> <p>3. रिक्त -</p>	कोडरमा

क्रम	बोर्ड के अध्यक्ष/सदस्यों के नाम	सम्बद्ध जिला
1	2	3
11	<p>1. श्री अब्दुल नसीर, अध्यक्ष/प्रधान मजिस्ट्रेट प्रभारी न्यायाधीश, हजारीबाग</p> <p>2. श्रीमती प्रीति सिन्हा, सदस्य पिता-स्व० शिव शंकर प्रसाद, "त्रिलोकी विला" न्यू एरिया दूसरी गली (बेड फैक्टरी के पास) हजारीबाग</p> <p>3. डा० विनीता सिन्हा, सदस्य श्री अलख कुमार सिन्हा डा० सुबेन्दु जयपुरिया एच-35, हाउसिंग कॉलोनी बीपूगढ़ा, सारले जिला- हजारीबाग</p>	हजारीबाग
12	<p>1. श्री योगेश कुमार, अध्यक्ष/प्रधान मजिस्ट्रेट न्यायिक दण्डाधिकारी, धनबाद</p> <p>2. श्रीमती पूष्पा सिंह, सदस्य पिता- श्री वृजमोहन सिंह, द्वारा सुरेश सिंह (प्रबंधक), झारिया रेलवे गेट पार पो- झारिया जिला-धनबाद -828111</p> <p>3. रिक्त</p>	धनबाद

उपर्युक्त गठित किशोर न्याय बोर्डों को उनके नाम के सामने अंकित जिलों के मामलों की सुनवाई हेतु प्राधिकृत किया जाता है।

1. किशोर न्याय बोर्डों के अध्यक्ष/सदस्य किशोर न्याय अधिनियम से संबंधित विशेष प्रशिक्षण प्राप्त कर लेंगे। जिसकी व्यवस्था निकट भविष्य में राज्य सरकार द्वारा की जायेगी।
2. प्रत्येक बोर्ड/न्यायपीठ को दंड प्रक्रिया संहिता, 1973, (1974 का 2) द्वारा प्रदत्त शक्तियाँ प्राप्त होगी।
3. प्रत्येक बोर्ड की कालावधि तीन वर्ष की होगी और सदस्यों की नियुक्ति बोर्ड की कालावधि के साथ समाप्त हो जाएगी।
4. विधि का उल्लंघन करने वाले बच्चों के मामलों की जाँच तथा निष्पादन गठित बोर्ड द्वारा अधिनियम तथा नियमावली के प्रावधानों के अनुरूप किया जायेगा।
5. प्रत्येक बोर्ड के सामाजिक कार्यकर्ता सदस्यों को बोर्ड द्वारा आहूत बैठक में भाग लेने हेतु राज्य सरकार द्वारा समय-समय पर विनिश्चित बैठक भत्ता देय होगा।
6. बोर्ड के गठन हेतु महानिबंधक, झारखण्ड उच्च न्यायालय एवं झारखण्ड सरकार द्वारा अंगीकृत किशोर न्याय (बच्चों की देख-रेख एवं संरक्षण) नियमावली, 2007 के नियम-91 के अंतर्गत गठित चयन समिति की अनुशंसा प्राप्त है।
7. उपर्युक्त किशोर न्याय बोर्डों के कार्यकाल संबंधित जिलों में दिनांक-01.10.2013 के प्रभाव से लागू होगा।

झारखण्ड राज्यपाल के आदेश से,

(संत कुमार दास)

सरकार के संयुक्त सचिव

राँची, दिनांक -28 सितम्बर, 2013

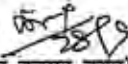
ज्ञाप सं० - सं० क०-कि०या० - 77/2010 - 1712

प्रतिलिपि :- अधीक्षक, राजकीय मुद्रणालय, झारखण्ड, डिन् रौन्डी को सूचनार्थ एवं अगले अंक में प्रकाशनार्थ प्रेषित। अनुरोध है कि इसकी 50 प्रतियाँ विभाग को भेजने की कृपा की जाय।

(संत कुमार दास)

सरकार के संयुक्त सचिव

झाप सं० - सं० क०-कि०या० - 77/2010 - 1712 राँची, दिनांक - 28 सितम्बर, 2013
 प्रतिलिपि :- मुख्य सचिव, झारखण्ड/विकास आयुक्त, झारखण्ड/महामहिम राज्यपाल के प्रधान सचिव, राजमपन, झारखण्ड, राँची/माननीय मुख्यमंत्री के प्रधान सचिव, झारखण्ड, राँची/पुलिस महानिदेशक, झारखण्ड/कोरा निरीक्षक/महानिबंधक, झारखण्ड उच्च न्यायालय/निदेशक, न्यायिक अकादमी, मेयर्स रोड, राँची/सभी जिला सत्र न्यायाधीश/सभी मुख्य न्यायिक दण्डाधिकारी/सभी विभागीय प्रधान सचिव/सचिव/सभी प्रमंडलीय आयुक्त/आदिवासी कल्याण आयुक्त/सभी उपायुक्त/सभी आरक्षी अधीक्षक/निदेशक, समाज कल्याण, झारखण्ड/सभी जिला समाज कल्याण पदाधिकारी/संबंधित किशोर न्याय बोर्ड के प्रधान मजिस्ट्रेट/सदस्यों/सचिव, सामाजिक न्याय और अधिकारिता मंत्रालय, भारत सरकार, शास्त्री भवन, नई दिल्ली/अध्यक्ष, राष्ट्रीय महिला आयोग, भारत सरकार/अध्यक्ष, राष्ट्रीय मानवाधिकार आयोग, भारत सरकार, नई दिल्ली को सूचनाएँ एवं आवश्यक कार्रवाई हेतु प्रेषित।
 सभी सदस्य इस अधिसूचना निर्गत की तिथि के एक सप्ताह के अन्दर अपना योगदान बोर्ड के अध्यक्ष के समक्ष देंगे।


 (बसंत कुमार दास)
 सरकार के संयुक्त सचिव

Provisions of the Act and Rules relevant for JJB

I. Fundamental Principles

Every stakeholder under the Juvenile Justice System is required to be guided by the following Fundamental Principles which have been enumerated in Rule 3.

1. Principle of presumption of innocence;
 - (i) Age of innocence;
 - (ii) Procedural protection of innocence; &
 - (iii) Provisions of Legal aid and guardian ad litem.
2. Principle of dignity and worth;
3. Principle of Right to be heard;
4. Principle of Best interest;
5. Principle of family responsibility;
6. Principle of safety;
7. Positive measures;

8. Principle of non-stigmatizing semantics, decisions and actions;
9. Principle of non-waiver of rights;
10. Principle of equality and non-discrimination;
11. Principle of right to privacy and confidentiality;
12. Principle of last resort;
13. Principle of repatriation and restoration;
14. Principle of Fresh Start.

II. Establishment of Juvenile Justice Boards

The 2006 amendment to the Act mandates constitution of a Juvenile Justice Board in every District latest by 22.08.2007 [Section 4]. State of Assam is one of the few States in the country where Juvenile Justice Boards have been constituted in most of the Districts. While selecting the Principal Magistrates and appointing social workers as Members of the Boards, it has been kept in mind that they have special knowledge / training in Child Welfare activities.

III. Infrastructure and sitting of the Board

Rule 83 provides for separate infrastructure for each JJB; however, none of the JJBs have any independent infrastructure and the services of court staff of the Principal Magistrates are utilized. The State Government should look into these aspects.

As regard to sitting of the Boards Rule 9, *inter-alia*, mandates:

- Proceedings to be held in the premises of an Observation Home or in its proximity;
- Not to be held within any court premises;
- The premises shall be child-friendly and shall not look like a court room;
- Board shall not sit on a raised platform;
- There shall be no witness box;
- Board shall meet on all working days of a week unless the case pendency is less in a particular district and concerned authority issues an order in this regard.

At present most of the sitting of the Board are held either in the Court room of the Principal Magistrate or in his chamber twice a week.

IV. Power & Jurisdiction

1. Board has exclusive jurisdiction to deal with Juvenile in conflict with law notwithstanding any other law for the time being in force; [Section 6]
2. Inquiry shall be continued by the Board even if the juvenile ceases to be a child during the pendency of the inquiry and orders may be passed as if he is a juvenile. [Section 3]
3. Every Board has the powers conferred by the Cr.P.C. [Rule 5(2)]
4. In case Board is not sitting, the juvenile may be produced before any single member of the Board, who is empowered to pass all appropriate orders except final disposal. Any such order is to be ratified by the Board in the next meeting. [Section 5(2)(3) r/w Rule 11 (10) (14)]
5. In the event of any difference of opinion among the members of the Board in the interim or final disposition, the opinion of the majority shall prevail. Where there is no such majority, the opinion of the Principal Magistrate shall prevail. [Section 5(4)]

V. Order on First Production of Juvenile

On production of juvenile, the Board shall pass the following order in the first summary inquiry on the same day, namely-

1. Dispose of the case, if the evidence of his conflict with law appears to be unfounded or where the juvenile is involved in trivial law breaking; or [Rule 13(1)(a)]
2. Transfer the juvenile to the CWC, if the police report states that the juvenile is in need of care and protection; or [Rule 13(1)(b)]
3. Consider release of juvenile on bail; or [Section 12]
4. Release the juvenile in the supervision or custody of fit persons / institutions or Probation Officers, through an order in Form-I; or [Rule 13(1)(c)]
5. Detain the juvenile in an Observation Home or fit institution pending inquiry, only in cases of juvenile's involvement in serious offences, as per order in Form-II [Rule 13(1)(d)]

VI. Age Determination

When a person is brought before a Board under any of the provisions of the Act who appears to be juvenile, the Board shall make due inquiry as to the age of that person [Section 49]. While determining age of juvenile the following points be kept in view:

1. Age determination shall be made within a period of 30 days. [Rule 12(1)]
2. All persons who have not completed 18 years of age on the date of alleged commission of offence shall be treated as 'Juvenile in Conflict with Law' (Section 2(I)).
3. On production of a person, the Board is to decide the Juvenility or otherwise, *prima facie*, on the basis of physical appearance or documents, if available, and send him to the Observation Home or jail [Rule 12(2)].
4. The Board can consider bail application of the person, if it is of the *prima facie* opinion that the person produced is apparently a juvenile [Section 12(1)]
5. The age determination inquiry shall be conducted by the Board by seeking evidence by obtaining following documentary evidence:
 - i. Matriculation or equivalent certificates;
 - ii. Date of birth certificate from the school;
 - iii. Birth certificate given by corporation or municipal authority or panchayat.
6. In the absence of aforesaid documents, the medical opinion can be sought from a Medical Board.
7. The Board may, for reasons to be recorded, give benefit to the juvenile by considering his / her age on lower side within the margin of one year. [Rule 12(3)]
8. Determination by the Board as above by an order is conclusive proof of the age as regards such juvenile. [Rule 12 (3) (4)]

VII. Bail

When any person apparently a juvenile is brought before a Board such person shall be released on bail or placed under the supervision of a Probation Officer / fit institution / fit person. Bail can be denied only if there appear reasonable grounds for believing that

1. the release is likely to bring him into association with any known criminal; or

2. expose him to moral, physical or psychological danger; or
3. his release would defeat the ends of justice. [Section 12]

VIII. Procedure

1. "Petty offences" may be disposed off by the Board through summary proceedings or inquiry [Rule 13(2) (d)]
2. The Board shall follow the procedure of trial in summons cases, as far as may be, in inquiry pertaining to non-serious offences (punishable with imprisonment upto 7 years). [Section 54(1) r/w Rule 13(2) (d)]
3. The Board shall follow the procedure of trial in summons cases in inquiry pertaining to serious offences (punishable with imprisonment of more than 7 years for adults). [Section 54(1) r/w Rule 13(2) (d)]
4. The Board has to satisfy that the juvenile has not been subjected to any ill-treatment by the police or lawyer or probation officer. [Rule 13(2) (a)]
5. The Board shall make sure that the parents / guardian have been-
 - (i) Supplied with copy of police report by the concerned police officer or JCWO before or on the day of production of the juvenile in the Board.
 - (ii) Informed about apprehension of the Juvenile and production before the Board.
 - (iii) Informed about the possible need of personal bond / surety in the event of bail be granted and the provision relating to bonds in Chapter 33 Cr.P.C. shall apply (Section 50 & 65 r/w section 50A Cr.P.C.)
6. The Board shall ensure that the police has informed the probation officer about the apprehension of the Juvenile for the purpose of obtaining information of the background of the juvenile and other necessary material circumstances. [Section 13(b) r/w Rule 11(1)(c)]
7. The Board shall notify the next date of hearing, not later than 15 days of the first summary enquiry and also seek social investigation report from the concerned Probation Officer through an order in Form-III; [Rule 13(1)]
8. The Board has to conduct the proceedings in a child friendly atmosphere [Rule 13(2) (b) & 13 (4)].

9. Every juvenile shall be given the opportunity to be heard and participate in his inquiry [Rule 13(2) (c)]
10. The Board may require any parent or guardian to be present at any proceeding [Section 46]
11. The Board may dispense with attendance of the juvenile, if it is not essential for the purpose of inquiry. [Section 47]
12. The inquiry shall be conducted in the spirit of non-adversarial proceedings. [Rule 13(3) r/w Rule 14(1)]
13. The Board may use the powers of questioning witnesses conferred by section 165 of the Indian Evidence Act, 1872 [Rule 13(3)]

(added)

In Rule 13(3), the word used is "shall" and instead of "may" and therefore substitution of VIII(13) is suggested as follows:-

"The Board shall use the powers of questioning witnesses conferred by section 165 of the Indian Evidence Act, 1872 [Rule 13(3)]"

14. The Board shall proceed with the presumptions that favour the juvenile's right to be restored [Rule 13(3)]
15. The Board may take into account the report of the police containing circumstances of apprehension and offence alleged to have been committed. [Rule 13(5)]
16. The Board shall take into account the Social Investigation Report prepared by Probation Officer or voluntary organization. [Section 15(2) r/w Rule 13(5) and 15(2)]
17. The Board shall ensure grant of free legal aid and right to counsel. [Rule 14]
18. No juvenile shall be charged with or tried for any offence together with an adult [Section 18]
19. No proceeding shall be instituted and no order shall be passed against juvenile regarding security for keeping peace and good behaviour under Chapter VIII Cr.P.C. [Section 17].
20. Use of accusatory words, such as, arrest, remand, accused, charge sheet, trial, prosecution, warrant, summons, conviction, inmate, delinquent, neglected, custody or jail is prohibited. [Rule 3 (VIII)]

IX Period of Inquiry

1. The inquiry to be completed within a period of 4 months after the first summary inquiry unless extended for reasons in writing. [Proviso to Section 14(1) r/w Rule 13(6) and Rule 15(1)]
2. The period of inquiry may be extended by 2 months in the following exceptional cases
 - cases involving trans-national criminality; or
 - large number of accused; or
 - inordinate delay in production of witnesses [Rule 13(6)]
3. Delay beyond 4 to 6 months leads to the termination of proceedings in non-serious offences [Rule 13(7)]
4. Delay beyond six months in serious offence has to be reported by the Board to the CJM / CMM stating 'the reason for delay and steps taken [Rule 13(8)]

(added)

The concept of having a time schedule for disposal of a case on the first date of hearing is good, but it would however be not advisable to strictly prescribe an outer limit of inquiry in the interest of justice as the interest of the sufferers and the victims are also to be looked into. Discretion to close and inquiry always be left to the Board which is to be allowed to determine the same taking into consideration the facts and circumstances of a case. Of course, a set of guidelines may be framed in this regard.

X. Legal Aid

1. Every child who has to file or defend a case is entitled to free legal services under Legal Services Authority Act, 1987. [Section 12(1) (c) of Legal Services Authority Act, 1987]
2. The Board shall ensure free legal services to all juvenile through State Legal Aid Services Authority or recognized voluntary legal services organizations or the University legal services clinics. [Rule 14(2)(4)].
3. The Board may also deploy the services of the student legal services volunteers and non-governmental organization volunteers in para-legal tasks such as contacting the parents of juveniles and gathering relevant social and rehabilitative information. [Rule 14(5)]

XI. Final Dispositional Orders

The Board, if satisfied that a juvenile has committed an offence, may pass one of the following final orders-

- (i) Allow the juvenile to go home after advice or admonition and counseling to parent / guardian and juvenile. [Section 15(1)(a)]
- (ii) Direct the juvenile to participate in group counseling and similar activities and necessary direction may also be made to the District or State Child Protection Unit or the State Government for arranging individual counseling and group counseling. [Section 15(1)(b) r/w Rule 15(4)]
- (iii) Order the juvenile to perform community service that is not degrading and dehumanizing and necessary direction may also be made to the District or State Child Protection Unit or the State Government for arranging community service which may include
 - (i) Cleaning a park;
 - (ii) Getting involved with habitat for humanity;
 - (iii) Serving the elderly in nursing homes;
 - (iv) Helping out a local fire or police department;
 - (v) Helping out at a local hospital or nursing home; and
 - (vi) Serving disabled children. [Section 15(1)(c) r/w Rule 2(e) and 15 (4)].
- (iv) Order the parent or the juvenile himself to pay fine, if he is over 14 years of age and earns money; however, no juvenile shall be committed to prison in default of payment of fine. [Section 15(1) (d) r/w Section 16(1)]
- (v) Direct the juvenile to be released on probation of good conduct and place him under the care of parent, guardian or other fit person, on executing a bond in Form V, for the good behaviour and well-being of the juvenile for a maximum period of three years. In addition, the Board may also direct furnishing of surety and / or execution of bond in Form VI by juvenile and / or juvenile to remain under the supervision of a Probation Officer [Section 15(1) (e) (3) & (4) r/w Rule 15(5), (6) & (8)]

- (vi) Direct the juvenile to be released on probation of good conduct and placed under the care of any fit institution for the good behaviour and well-being of the juvenile for any period not exceeding three years, located nearest to the place of residence of the juvenile's parent or guardian. In addition, the juvenile may be placed under supervision of a Probation Officer [Section 15(1) (f), (3) & (4) r/w Rule 15(7) & (8)]
- (vii) Make an order directing the juvenile to be sent to a special home for a maximum period of three years located nearest to the place of residence of the juvenile's parent or guardian. [Section 15(1) (g) r/w Rule 15(7)]

All final orders shall necessarily include an individual care plan for the concerned juvenile [Rule 15 (3)].

XII. Post Final Order

The Board has the following power in respect of juvenile after the final order has been passed:

1. The Board may discharge or transfer a juvenile from one Special Home to another keeping in view the best interest of the juvenile and his natural place of stay. [Section 56]
2. The Board, on a report of a Probation Officer / Government or social worker may release a juvenile permitting him to live with his parent or guardian or of any authorized person to educate and train him for some useful trade or to look after him for rehabilitation [Section 59(1)]
3. The Board may permit any juvenile to go on leave on special occasions like examination or admission, marriage of relatives, death of kith and kin or the accident or serious illness of parent or any emergency of like nature for a maximum period of 7 days. The period of such leave shall be counted as a part of the period of stay in the institution [Section 59(2) (3) & (4) r/w Rule 62]
4. The Board shall pass order for restoration of the juvenile after hearing the juvenile and his parents or guardian as well as on the report of the Probation Officers. In case of girl, the juvenile shall be accompanied by a female escort. When a juvenile expresses his unwillingness to be restored back to

the family; the Board shall not coerce him to go back to the family, particularly if the Social Investigation Report establishes that restoration to the family may not be in the best interest of the juvenile [Rule 65]

NATIONAL LEVEL

Advisory Boards

Central Advisory Board [Section 62 of the Act]

Term: The Advisory Board at the Central level shall have a term of 3 years¹.

Purpose: The Central Govt. may constitute a Central or a State Advisory Board to advise the Govt. on matters relating to the establishment and maintenance of the homes, mobilization of resources, provision of facilities for education, training and rehabilitation of the child in need of care and protection and co-ordination among the various official and non-official agencies concerned. They have to inspect the various institutional or non-institutional services in their jurisdictions, and the recommendations made have to be acted upon by the concerned government.

Composition: The Central Government through the Union Ministry of Women and Child Development shall set up the Central Advisory Board to be headed by the Minister concerned and shall consist of the Secretary of the Ministry aforesaid, representatives from State Governments, representative members from the competent authority, leading non-governmental organizations, experts in child or juvenile care, children's institution and academic institutions as members². A designated official of the Central Ministry of Women and Child Development shall function as the Member Secretary of the Central Advisory Board³.

Meetings: All the Advisory Boards must hold at least two meetings in a year⁴.

STATE LEVEL

Advisory Boards

State Advisory Board [Section 62 of the Act]

Term: The Advisory Board at the State shall have a term of 3 years⁵.

Purpose: The State Govt. may constitute a State Advisory Board to advise the Govt. on matters relating to the establishment and maintenance of the homes, mobilization of resources, and provision of facilities for education, training and rehabilitation of the child in need of care and protection and co-ordination among the various official and non-official agencies concerned. They have to inspect the various institutional or non-institutional services in their jurisdictions, and the recommendations made have to be acted upon by the concerned government.

Composition: The State Government, through the Selection Committee, shall set up State level Advisory Boards, which shall consist of representatives of the State Government, members of the competent authority, academic institutions, locally respectable and spirited citizens, and representatives of non-governmental organizations⁶.

¹ Rule 93(1)

² Rule 93(6).

³ Rule 93(7).

⁴ Rule 93(4).

⁵ Rule 93(1).

⁶ Rule 93(8).

Meetings: All the Advisory Boards must hold at least two meetings in a year.⁷

Committees

a) Selection Committee [Rule 91 of JJR, 2007]:

Term: The term of the Selection Committee shall be for a period of five years.⁸

Appointment: the State Govt. shall constitute the Selection Committee by notification in the official gazette.⁹ It shall consist of 7 members.

Purpose: Primarily, the Selection Committee shall select and recommend a panel of names to the State Child Protection Unit or the State Govt. for appointment of members of the Juvenile Justice Board or Child Welfare Committee.¹⁰ It must also recommend names for constitution of the State or District or City level Inspection Committees as required under section 35 of the Act.¹¹

Composition :¹²

(i) A retired judge of High Court as the Chairperson;

(ii) One representative from the concerned Department of State Government not below the rank of Director as the Member Secretary;

(iii) Two representatives from a reputed non-governmental organization, working in the area of child welfare;

(iv) Two representatives from academic bodies concerned with social work, psychology, sociology, child development, education, law, criminology and with experience of working on children's issues; and

(v) A representative of the National or State Human Rights Commission or, National or State Commission for Protection of Child Rights or, National or State Commission for Women.

b) Inspection Committee [Section 35 of the Act – only with respect to children's homes]:

Appointment: The State Govt. has the power to appoint **inspection committees for the children's homes for the State**.¹³ The appointments shall be made on the basis of the recommendations of the Selection Committee.¹⁴

Purpose:

a) Carry out inspection of the intuitions¹⁵ at least once in every three months.¹⁶

b) Visit and oversee the conditions in the institutions and look into the functioning of the Management Committee and the Children's Committee.¹⁷

7 Rule 93(4).

8 As mentioned in Rule 91 of the JJR, 2007.

9 Rule 91.

10 As mentioned in Rule 92(b).

11 Rule 92(4).

12 Rule 91.

13 Section 35(1).

14 As mentioned in Rule 63

15 Institutions means an Observation Home or Shelter Home or a Special Home or a Children's Home.

16 Rule 63(5).

17 Rule 63(2).

- c) Make suggestions for improvement and development of the institution.¹⁸

Composition: The team shall consist of a minimum of 5 members with representation from the State Government, the Board or Committee, the State Commission for Protection of Child Rights or the State Human Rights Commission, medical and other experts, voluntary organizations and reputed social workers.¹⁹

Tenure: Since the District Inspection Committee also functions as the District Advisory Board, its term shall be the same as the District Advisory Board i.e. 3 years.²⁰ [The tenure of the State Inspection Committee has not been mentioned.]

Authorities, Units, Organizations & Agencies

- a) State Legal Aid Services Authority [Rule 14 of JJR, 2007]:

The State Legal services Authority and the Legal Officer of the District Child Protection Unit shall be under an obligation to provide legal services sought by the Juvenile Justice Board.²¹ These bodies shall also provide free legal services to all the juvenile(s) in conflict with the law.²²

Note: Lack of District Legal Services Authorities or absence of a Legal Officer in the District Child Protection Unit in lieu thereof, as mandated under Rule 14 of JJR 2007, adversely affects legal aid that should be provided to children in conflict with the law.

- b) State Child Protection Unit or State Child Protection Society** [Section 62A: Rule 80]

Constitution: The State Govt. is given the responsibility to constitute the State Child Protection Unit.²³

Purpose: Child Protection Unit's shall be established for the purpose of maintenance of homes, notification of competent authorities in relation of children and their rehabilitation and co-ordination with various official and non official agencies concerned. The important functions of the State Child Protection Unit include²⁴ :

(i) Implementation of the Act and supervision and monitoring of agencies and institutions under the Act.

(ii) To set up, support and monitor the District Child Protection Units.

(iii) Represent State Child Protection Unit as a member in the Selection Committee for appointment of members of Boards or Committees.

(iv) Network and coordinate with all government departments to build inter-sectoral linkages on child protection issues, including Departments of Health, Education, Social Welfare, Urban Basic Services, Backward Classes & Minorities, Youth Services, Police, Judiciary, Labour, State AIDS Control Society etc.

(v) Training and capacity building of all personnel

¹⁸ Rule 63(3).

¹⁹ Rule 63(4).

²⁰ Supra.

²¹ As mentioned in Rule 14(3).

²² As mentioned in Rule 14(2).

²³ Section 62 A.

²⁴ All the functions of the State Child Protection Unit are mentioned in Rule 80 of the JJR, 2007.

Composition: These Units shall consist of such officers and other employees as may be appointed by the Government to take up matters relating to children in need of care and protection and juveniles in conflict with the law.²⁵

DISTRICT LEVEL

Advisory Boards

District/ City Advisory Boards [Section 62 of the Act]

Term: The Advisory Board at the District and City levels shall have a term of 3 years.²⁶

Appointment: The members of the District and City Advisory Board shall be appointed by the State Govt.²⁷

Purpose: Inspection of the various institutional or non-institutional services in their jurisdictions has to be done, and the recommendations made have to be acted upon by the concerned government.

Composition: The District or City Level Board shall consist of such representatives from the State Government, voluntary organizations, Committee, and other medical experts and social workers.²⁸

Meeting: All the Advisory Boards must hold at least two meetings in a year.²⁹

For Children in Need of Care and Protection: Centre

Child Welfare Committee [Section 29 of the Act]:

Composition: The Committee shall consist of a Chairman and four other members as the State Govt. may think fit to appoint, of whom one at least shall be a woman and another, an expert on matters concerning children.³⁰

Appointment: The Chairperson and the members of the Committee shall be appointed on the recommendation made by the Selection Committee set up by the State Govt.³¹

Term: The Committee shall have a tenure of three years and the appointment of the members shall be co-terminus with the tenure of the Committee.³² Also, the Chairperson and the members of the Committee shall be eligible for appointment for a maximum of two consecutive terms.³³

Qualification³⁴: Apart from having a minimum of 7 years experience in their respective field, a person to be selected as a Chairperson or the member must be:

i) A person who holds a post graduate degree in social work, psychology, child development, education, sociology, law, criminology and where such person is not available;

²⁵ As mentioned in Section 62A of the Act

²⁶ Rule 93(1).

²⁷ Rule 93(3).

²⁸ Section 35.

²⁹ Rule 93(4).

³⁰ Section 29(2).

³¹ Refer to Rule 20(2) of the JJR, 2007.

³² Refer to Rule 21(2) of the JJR, 2007.

³³ As mentioned in Rule 21(1) of the JJR, 2007.

³⁴ As explained in Rule 22 of the JJR, 2007.

a person with at least a graduate degree in any of the social science disciplines.

ii) A teacher, doctor or a social worker who has been involved in the work concerning children.

Functions :³⁵ The Committee is required to decide on the matters brought before it.³⁶ It is required to reach out to such children in need of care and protection, who are not in a position to be produced before it.³⁷ The Committee must also direct the Child Welfare Officers or the Probation Officers or NGO's to conduct social inquiry and submit reports to it. ³⁸ It must also ensure appropriate rehabilitation and restoration, including passing necessary directions to parents and guardians in such regard.³⁹

FOR CHILDREN IN CONFLICT WITH THE LAW: Centre

Juvenile Justice Board [Section 4 of the Act]:

Composition: The Board shall consist of a Principal Magistrate [Metropolitan Magistrate or a Judicial Magistrate] of the first class and two social workers, of whom at least one shall be a woman. ⁴⁰ The two social workers shall be appointed by the State Govt. on the recommendation of the Selection Committee.⁴¹

Term: The Board shall have a tenure of three years and the appointment of the members shall be co-terminus with the tenure of the Board.⁴²

Qualification: The Magistrate appointed must have special knowledge or training in child psychology or child welfare and the Member appointed must have been actively involved in working on issues of health, education, or welfare activities pertaining to children for at least 7 years.⁴³

Functions⁴⁴ : The Board shall primarily adjudicate and dispose cases of juveniles in conflict with the law⁴⁵ and take cognizance of crimes committed under Section 23 to 28⁴⁶ of the Act. The Board is also is given the responsibility of monitoring institutions for juveniles in conflict with law⁴⁷ and deal with the non compliance on the part of the concerned government functionaries or functionaries of the voluntary organizations.⁴⁸

Committees

a) Inspection Committee [Section 35 of the Act]:

Appointment: The State Govt. has the power to appoint the Inspection Committees for

³⁵ Rule 25 of the JJR, 2007 deals comprehensively with the functions and powers of the Committee.

³⁶ As mentioned in Rule 25(b) of the JJR, 2007.

³⁷ As mentioned in Rule 25(c) of the JJR, 2007.

³⁸ As mentioned in Rule 25(e) of the JJR, 2007.

³⁹ As mentioned in Rule 25(g) of the JJR, 2007.

⁴⁰ As mentioned in Section 4(2) of the Act.

⁴¹ Refer to Rule 5(4) of the JJR, 2007.

⁴² As mentioned in Rule 6(1) of the JJR, 2007.

⁴³ Refer to Section 4(3) of the Act.

⁴⁴ Rule 10 of the JJR, 2007 comprehensively deals with the functions of the Juvenile Justice Board.

⁴⁵ Rule 10(a) and (b) of the JJR, 2007.

⁴⁶ Section 23 deals with punishment for cruelty to a juvenile or a child. Section 24 deals with employment of juvenile or child for begging; Section 25 deals with penalty for giving intoxicated liquor or narcotic drug to a juvenile or a child; Section 26 deals with exploitation of a juvenile or a child; Section 27 deals with special offences and Section 28 deals with alternative punishment.

⁴⁷ Refer to Rule 10(c) of the JJR, 2007.

⁴⁸ Refer to Rule 10(d) of the JJR, 2007.

the children's homes for district and city level. The appointments shall be made on the basis of the recommendations of the Selection Committee.⁴⁹

Purpose: The Inspection Committee shall visit and oversee the conditions in the institutions and appropriateness of the process for safety, well being and permanence, review the standards of care and protection being followed by the institutions, look out for any incidence of violation of child rights, look into the functioning of the Management Committee and Children's Committees and give appropriate directions. Suggestions for improvement and development of the institution also have to be made.⁵⁰

Composition: The members of the Inspection Committee shall consist of a minimum of 5 members with representation from the State Government, the Board or Committee, the State Commission for Protection of Child Rights or the State Human Rights Commission, medical and other experts, voluntary organizations and reputed social workers.⁵¹

Note: *The District or City Level Inspection Committee constituted under Section 35 of the Act shall also function as the District or City Advisory Board.*⁵²

Tenure: Since the District Inspection Committee also functions as the District Advisory Board, its term shall be the same as the District Advisory Board i.e. 3 years.⁵³

Authorities, Units, Organizations & Agencies

a) District Child Protection Unit [Section 62A: Rule 81]

Purpose: Every State Govt. shall constitute this Unit for the purpose of establishment and maintenance of homes, notification of competent authorities in relation to children and their rehabilitation and co-ordination with various official and non official agencies concerned.

Constitution: It is the responsibility of the State Govt. to constitute the District Child Protection Unit.⁵⁴

Composition: These Units shall consist of such officers and other employees as may be appointed by the Government to take up matters relating to children in need of care and protection and juveniles in conflict with the law.⁵⁵

District Child Protection Unit⁵⁶ : The District Child Protection Unit shall coordinate and implement all child rights and protection activities at district level. Some of the relevant functions of the District Child Protection Unit include:

(i) Ensuring effective implementation of the Act at district or city levels by supporting creation of adequate infrastructure, such as, setting up Boards, Committees, Special Juvenile Police Units and homes in each districts.

(ii) Identifying families at risk and children in need of care and protection.

(iii) Assessing the number of children in difficult circumstances and creating district-

49 As mentioned in Rule 63 of the JJR, 2007.

50 Refer to Rule 63(2) and Rule 63(3) of the JJR, 2007

51 Refer to Rule 63(4) of the JJR, 2007.

52 As mentioned in Section 62(3) of the Act.

53 Supra.

54 Section 62 A.

55 As mentioned in Section 62A of the Act.

56 All the functions of the District Child Protection Unit are mentioned in Rule 81 of the JJR, 2007

specific databases to monitor trends and patterns of children in difficult circumstances. (d) Implementing family based non-institutional services including sponsorship, foster care, adoption and after care.

(iv) Implement family based non-institutional services including sponsorship, foster care, adoption and after care.

(v) Network and coordinate with civil society organizations working under the Act

b) Special Juvenile Police Unit [Section 63 of the Act]:

Composition: The State Government shall appoint a Special Juvenile Police Unit at the District level and this unit shall consist of a juvenile or child welfare officer of the rank of police inspector and two paid social workers having experience of working in the field of child welfare, of which one shall be a woman.⁵⁷

Purpose: The police officers who frequently deal with juveniles or are primarily engaged in the prevention of juvenile crime or handling of the juveniles or children under the Act are required to be specially instructed and trained and perform their functions effectively.⁵⁸

It is also stated that in every police station, at least one officer with aptitude and appropriate training and orientation may be designated as the 'juvenile or the child welfare officer' who will handle the juvenile or the child in co-ordination with the police.⁵⁹

As soon as a juvenile in conflict with law is apprehended by police, he shall be placed under the charge of the special juvenile police unit or the designated police officer who shall immediately report the matter to a member of the Board within 24 hours.⁶⁰

Functions: Special Juvenile Police Unit at district level shall coordinate and function as a watch-dog for providing legal protection against all kinds of cruelty, abuse and exploitation of child or juvenile.⁶¹ The unit shall take serious cognizance of adult perpetrators of crimes against children and see to it that they are without delay apprehended and booked under the appropriate provisions of the law and for this purpose the district level units shall maintain liaison with other units of police station.⁶²

Note: The Superintendent of Police in a district shall head the Special Juvenile Police Unit and oversee its functioning from time to time.⁶³ A Nodal Officer from Police not less than the rank of Inspector General of Police shall be designated in each State to coordinate and upgrade role of police on all issues pertaining to care and protection of children or juveniles under Act.⁶⁴

Homes/Institutional Care Facilities

For Children in Need of Care and Protection (CNCP)

a) **Children's Homes** [Section 34: By the State Govt. itself or in association with a voluntary organization]:

⁵⁷ Refer to Rule 84(1) of the JJR, 2007.

⁵⁸ As mentioned in Section 63(1) of the Act.

⁵⁹ Refer to Section 63(2) of the Act.

⁶⁰ Refer to Section 10(1) of the Act.

⁶¹ Refer to Rule 84(5) of the JJR, 2007.

⁶² Refer to Rule 84(6) of the JJR, 2007.

⁶³ Refer to Rule 84(9) of the JJR, 2007.

⁶⁴ Refer to Rule 84(10) of the JJR, 2007.

Formation: The State Governments have been empowered to establish and maintain either by themselves or in association with the voluntary organizations, children's homes in every district or group of districts.⁶⁵

Purpose: Primarily established for the reception of the children in need of care and protection during the pendency of any inquiry and subsequently for the child's care, treatment, education, training and rehabilitation.⁶⁶

Rule 29(2) of the JJR, 2007 states that the children's home shall be a comprehensive child care center with the primary objective to promote an integrated approach to child care by involving the community and local NGO's through the Management Committee and the District Child Protection Unit or State Child Protection Unit.

Functions: Restoration and protection of a child shall be the prime objective of any children's home. Therefore, steps as are considered necessary for the restoration of and protection to a child deprived of his family environment temporarily or permanently where such child is under the care and protection of a children's home must be taken by it.⁶⁷ The children's home must also strive to promote sponsorship programmes as laid down in section 43 of the Act.⁶⁸

Staff:

i) Whole-time staff: in a Children's Home may consist of Case Workers, Child Welfare Officers, Counselor, Educator, Vocational Training Instructor, Medical Staff, Administrative staff, Care Takers, house father and house mother, child mentors, volunteers, store keeper, cook, helper, washer man, safai karamchari, gardener as required.⁶⁹

ii) Part-time staff: shall include Psychiatrist, Psychologist, Occupational therapist, and other professionals as may be required by time to time.⁷⁰

Note: All Children's homes are required to be registered as child care institutions under sub-section (3) of Section 34 of the Act and Rule 71 of the JJR, 2007.⁷¹

b) Shelter Homes [Section 37 of the Act]

Formation and Purpose: The State Govt. is empowered to recognize reputed and capable voluntary organizations and provide them with assistance as many shelter homes are required for juveniles and children. These shelter homes shall function as drop in centres for the children in need of urgent support.⁷² The shelter homes or drop-in-centres must have minimum facilities of boarding and lodging, besides the provision for fulfillment of basic needs in terms of clothing, food, health care and nutrition, safe drinking water and sanitation.⁷³

Shelter Homes shall include⁷⁴ :

⁶⁵ Refer to Section 34(1) of the Act.

⁶⁶ Supra.

⁶⁷ Refer to Section 39(1) & (2) of the Act.

⁶⁸ Refer to Rule 37(3) of the JJR, 2007.

⁶⁹ Refer to Rule 68(3) of the JJR, 2007.

⁷⁰ Refer to Rule 68(4) of the JJR, 2007.

⁷¹ Refer to Rule 29(a) of the JJR, 2007.

⁷² As mentioned in Section 37(2) of the Act.

⁷³ See Rule 30(3) of the JJR, 2007.

⁷⁴ As mentioned in Rule 30(2) of the JJR, 2007.

i) Short stay homes for children needing temporary shelter, care and protection for a maximum of one year.

ii) Transitional homes providing immediate care and protection to a child for a maximum period of four months.

iii) 24 hour drop-in-centres for children needing day care or night shelter facility.

Functions:

i) Restoration and protection of a child shall be the prime objective of all shelter homes. Therefore, steps as are considered necessary for the restoration of and protection to a child deprived of his family environment temporarily or permanently where such child is under the care and protection of a shelter home must be taken by it.⁷⁵

ii) All shelter homes are mandated to provide requisite facilities for education, vocational training, counseling and recreation or make arrangements for it in collaboration with voluntary organizations or corporate sector.⁷⁶

Staff:

i) Whole-time staff: in a Children's Home may consist of Case Workers, Child Welfare Officers, Counselor, Educator, Vocational Training Instructor, Medical Staff, Administrative staff, Care Takers, house father and house mother, child mentors, volunteers, store keeper, cook, helper, washer man, safai karamchari, gardener as required.⁷⁷

ii) Part-time staff: shall include Psychiatrist, Psychologist, Occupational therapist, and other professionals as may be required by time to time.⁷⁸

Note: There shall be separate shelter homes for girls and boys as per rule 40(2)(d) of the rules.

c) **Specialized Adoption Agencies** [Rule 33(3)(a) of JJR, 2007]:

The State Govt. shall recognize one or more of its institutes or voluntary organizations in each district as Specialized Adoption Agencies.⁷⁹ These agencies shall produce all orphaned and abandoned children who are to be declared legally free for adoption before the Committee within 24 hours of receiving such children.

d) **After Care Organization** [Section 44 of the Act]:

Formation and Purpose: The State Government under the rules of the Act is empowered to establish or recognize after care organizations for the purpose of taking care of juveniles or the children after they leave the special homes, children's homes and for the purpose of enabling them to lead an honest and useful life.⁸⁰ Therefore the main objective of this organization is to facilitate their transition from an institutional-based life to mainstream society for social reintegration. After care programmes are to be made available for 18-21 years old persons, who have no place to go to or are unable to support themselves.⁸¹

⁷⁵ Refer to Section 39(1) & (2) of the Act.

⁷⁶ See Rule 30(5) of the JJR, 2007.

⁷⁷ Refer to Rule 68(3) of the JJR, 2007.

⁷⁸ Refer to Rule 68(4) of the JJR, 2007.

⁷⁹ As mentioned in Section 41(4) of the Act.

⁸⁰ As mentioned in Section 44(b) of the Act.

⁸¹ As mentioned in Rule 38 of the JJR, 2007. Rule 38 entirely deals with the After Care Organizations objectives and working.

Staff: the whole time and part time staff at an after care organization shall be the same as that in a Children's Home or a Shelter home.⁸²

For Children in Conflict with the Law

e) Observation Homes [Section 8 of the Act]

Formation and Purpose: The State Govt. may maintain either by itself or under an agreement with voluntary organizations, observation homes in every district which may be required for temporary reception of any juvenile in conflict with the law during the pendency of any inquiry regarding such juvenile under the Act.

When a juvenile having been arrested, is not released on bail, the officer in-charge shall cause him to be kept only in an observation home until he can be brought before the Board.⁸³ Further, even during the pendency of the inquiry, the juvenile shall be kept in an observation home or a place of safety.⁸⁴ The Observation homes must be child-friendly and in no way should they look like a jail or lock-up.⁸⁵

Staff:

i) Whole-time staff: in a Observation Home may consist of Officer-in-charge, Probation Officer, Child Welfare Officers, Counselor, Educator, Vocational Training Instructor, Medical Staff, Administrative staff, Care Takers, house father and house mother, child mentors, volunteers, store keeper, cook, helper, washer man, safai karamchari, gardener as required.⁸⁶

ii) Part-time staff: shall include Psychiatrist, Psychologist, Occupational therapist, and other professionals as may be required by time to time.⁸⁷

Note: The observation homes or special homes shall set up separate residential facilities for boys and girls up to 12 years, 13-15 years and 16 years and above.⁸⁸

f) Special Homes [Section 9: By the State Govt. itself or in association with a voluntary organization]

Formation: The State Governments have been empowered to establish and maintain, either by themselves or under an agreement with voluntary organizations, special homes in every district or a group of districts.⁸⁹

Purpose: These homes are primarily required for reception and rehabilitation of juveniles in conflict with the law under this Act. Special homes shall set up separate residential facilities for boys and girls up to 12 years, 13-15 years and 16 years and above.⁹⁰ These homes must be child-friendly and in no way should they look like a jail or lock-up.⁹¹

Functions:

⁸² Refer to Rule 68(3) of the JJR, 2007.

⁸³ See Section 12(2) of the Act.

⁸⁴ See Section 12(3) of the Act.

⁸⁵ Refer to Rule 40(6) of the JJR, 2007.

⁸⁶ Supra.

⁸⁷ Supra.

⁸⁸ See Rule 16(2) of the JJR, 2007.

⁸⁹ As mentioned in Section 9 of the Act.

⁹⁰ See Rule 16(2) of the JJR, 2007.

⁹¹ Refer to Rule 40(6) of the JJR, 2007.

i) The rehabilitation and social reintegration of a child must begin during the stay of the child in a children's home or special home and the rehabilitation and social reintegration of children shall be carried out alternatively by (i) adoption, (ii) foster care, (iii) sponsorship, and (iv) sending the child to an after-care organization.⁹²

ii) Special homes must undertake the task to promote sponsorship programmes as laid down in section 43 of the Act.⁹³

Staff:

i) Whole-time staff: in a Special Home may consist of Officer-in-charge, Probation Officer, Child Welfare Officers, Counselor, Educator, Vocational Training Instructor, Medical Staff, Administrative staff, Care Takers, house father and house mother, child mentors, volunteers, store keeper, cook, helper, washer man, safai karamchari, gardener as required.⁹⁴

ii) Part-time staff: shall include Psychiatrist, Psychologist, Occupational therapist, and other professionals as may be required by time to time.⁹⁵

g) **Place of Safety**⁹⁶ [As defined in Section 2(q) of the Act]

Where a juvenile in conflict with law who has attained the age of sixteen years and the offence committed by him is of such a serious nature that in the satisfaction of the Board, it is neither in the interest of the juvenile himself nor in the interest of other juveniles of the special home, the Board may order the juvenile to be kept in a place of safety and in the manner considered most appropriate by it.⁹⁷

Committees in Homes/Institutions established in Districts

a) **Children's Committee** [Rule 56 of JJR, 2007]:

Composition: The Officer-in-charge of every institution for Juveniles or children shall facilitate the setting up of Children's Committees for different age groups of children- 6-10 years, 11-15 years and 16-18 years and these Children's Committees shall be constituted solely by the children.⁹⁸

Purpose: The Children's Committee is encouraged to participate in activities such as improving the condition of the institutions; reviewing the standards of care; preparing a daily routine and diet for the children; developing education and recreational plans and management of the institute through the Managing Committee.⁹⁹

b) **Management Committee** [Rule 55 of JJR, 2007 deals with this Committee]:

Purpose: Every institution must have a Management Committee for the management of the institution and monitoring the progress of every juvenile and child. The Management Committee must ensure that each children home shall be a comprehensive child care center with the primary objective to promote an integrated approach to child care by involving the

92 Refer to Section 40 of the Act.

93 Refer to Rule 37(3) of the JJR, 2007.

94 Supra.

95 Supra.

96 "Place of safety" means any place or institution (not being a police lock-up or jail), the person incharge of which is willing temporarily to receive and take care of the juvenile and which, in the opinion of the competent authority, may be a place of safety for the juvenile.

97 Refer to Rule 15(11) of the JJR, 2007.

98 Refer to Rule 56(1) of the JJR, 2007.

99 Refer to Rule 56(2) of the JJR, 2007.

community and local NGO's.¹⁰⁰

The individual care plans of the juveniles or children are required to be reviewed quarterly by the Management Committee for appropriate development and rehabilitation including options for release or restoration to family or foster care or adoption.¹⁰¹

Composition¹⁰² :

The Management Committee shall consist of the following personnel:

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

Officer-in-charge: Member-Secretary

Probation Officer or Child Welfare Officer or Case Worker: Member

Medical Officer: Member

Psychologist or Counselor: Member

Workshop Supervisor or Instructor in Vocation: Member

Teacher: Member

Social Worker Member of Juvenile Justice Board or Child Welfare Committee: Member

A juvenile or child representative from each of the Children's Committees (on a monthly rotation basis to ensure representation of juveniles or children from all age groups) – Member

Functionaries

a) Chief Judicial Magistrate [Section 14(2) of the Act]

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

b) Social Worker Members of JJB (Two persons, of which one shall be a woman) – Rule 5 (4)

c) Social Worker Members of SJPU (Two persons of whom one shall be a woman) – Rule 84 (1)

b) Probation Officers [S.2(s) of the Act, Rule 87 of the JJR 2007]

Appointment¹⁰³: By the State Government under the Probation of Offenders Act, 1958 (20 of 1958) .

Purpose: The functions of a probation officer include

i) Prepare a Social Investigation Report on the juvenile in conflict with law through personal interview and from the family, social agencies and other sources;¹⁰⁴

ii) Attend the proceedings of the Board and submit reports as and when required.¹⁰⁵

iii) Clarify problems of the juvenile or the child and dealing with their difficulties in

¹⁰⁰Refer to Rule 29(2) of the JJR, 2007.

¹⁰¹ Refer to Rule 50(12)(c) of the JJR, 2007.

¹⁰² Refer to Rule 55(3) of the JJR, 2007.

¹⁰³ S.2(s) of the Act

¹⁰⁴ Refer Rule 13(1)(e), Rule 15(2) of the JJR 2007

¹⁰⁵ Refer to Rule 87 of the JJR 2007

institutional life¹⁰⁶

iv) Supervise the juvenile under an order made under S.15(3) of the Act, and provide the Board with a report on the behaviour and conduct of the juvenile.

v) Prepare an individual care plan, including a follow-up plan¹⁰⁷, for the concerned juvenile in conflict with law on the basis of interaction with the juvenile and his family where possible.¹⁰⁸

vi) Place each case before the Management Committee for ensuring proper release and social mainstreaming of the juvenile post-release¹⁰⁹

vii) Participate in the pre-release programme and helping the juvenile to establish contacts which can provide emotional and social support to juvenile after his or her release.¹¹⁰

viii) Provide immediate information to the Officer-in-charge and the Medical Officer whenever a sudden or violent death or death from suicide or accident of a juvenile takes place in an institution.¹¹¹

ix) Prepare and submit a quarterly follow-up report to the Board for a period of two years with a copy to the officer-in-charge of the institution from where the juvenile or child is restored. The follow-up report shall clearly state the situation of the juvenile post restoration and the juvenile's needs to be met by the State Government in order to reduce further vulnerability of the juvenile.¹¹²

c) Child Welfare Officer [Rule 87, Rule 28 (1), Rule 30 (9) and Rule 35 (3) of the JJR 2007]
The responsibilities of the Child Welfare Officer include¹¹³ :

i) Prepare a Social Investigation Report on child through personal interview and from the family, social agencies and other sources.

ii) Attend the proceedings of the Committee and submit reports as and when required.

iii) Clarify problems of the child and deal with their difficulties in institutional life.

iv) Establish co-operation and understanding between the child and the Officer-in-charge.

v) Develop a care plan for every child in consultation with the child and follow up its implementation.

vi) Participate in the pre-release programme and help the child to establish contacts which can provide emotional and social support to the child after his or her release.

vii) Child Welfare Officer or social worker to carry out assessment of prospective foster parents/fit persons

d) Juvenile Welfare Officer [Section 63 (2) of the Act – In every Police Station]

In every police station at least one officer with aptitude and appropriate training and orientation may be designated as the Juvenile or Child Welfare Officer who will handle the juvenile or the child in coordination with the police.

g) Social Worker for the proper care, protection, development, rehabilitation and

106 Refer to Rule 87 of the JJR 2007

107 Refer to Rule 65(8) of the JJR 2007

108 Refer Rule 15(3) of the JJR 2007

109 Refer to Rule 17(1) of the JJR 2007

110 Refer to Rule 87 of the JJR 2007

111 Refer to Rule 59(3) of the JJR 2007

112 Refer to Rule 65(9) of the JJR 2007

113 Refer to Rule 87, 28, 34 and 35 of the JJR 2007 for the complete list of duties.

reintegration of children in need of care and protection in shelter homes – Rule 30 (9)

OTHER IMPORTANT TERMS AND POINTS

1. **Fit Institutions¹¹⁴ [Defined under Section 2(i)]**

The recognition of fit institutions is explained in Rule 69 of JJR, 2007.

2. Competent Authority¹¹⁵ : means in relation to children in need of care and protection a Committee and in relation to juveniles in conflict with law a Board.
3. Institution: means an observation home, or a special home, or a children's home or a shelter home set-up, certified or recognized and registered under Section 8, 9, 34, sub-section (3) of section 34 and section 37 of the Act respectively.¹¹⁶
4. Section 61 of the Act and Rule 95 of JJR, 2007: states that the State Govt. may create a Fund for the welfare and rehabilitation of the juveniles and children dealt under the Act.¹¹⁷ It shall be administered by the State Advisory Board.
5. Section 58 of the Act and Rule 61 (4): Leper Asylum, Mental Hospital, Treatment Centre for drug-addicts, Place of Safety for proper treatment of a child/juvenile suffering from leprosy, or who is of unsound mind or addicted to narcotic drugs and psychotropic substances.¹¹⁸ Rule 61(4) suggests that such facilities should ideally be available within the jurisdiction of the competent authority, which is at the district level, or otherwise at the state level.
6. Rule 27 (12 and 13): CWCs to have an empanelled list of lawyers, social workers, mental health experts and voluntary organisations
7. 'Integrated Rehabilitation Centre for Addicts'/'Psychiatric Hospitals' or 'Psychiatric Nursing Home'¹¹⁹ : These centres are maintained by the State Govt. for mentally ill persons including persons addicted to narcotics.¹²⁰
8. State Adoption Resource Agency (SARA) – this is a state level body meant to implement family based non-institutional services at district level [Rule 81 (2) (h)]
9. Child Line Services (at district and city level) – for production of a child before CWC [Rule 27 (1) (c) and (5)], to help in tracing family [Rule 27 (13)], emergency outreach service [Rule 29 (3) (d)], refer a child to a shelter home [Rule 30 (6)], social audit [Rule 64(2)], as a stakeholder at district level [Rule 81 (2) (n)]



114 means a governmental or a registered non-governmental organization or a voluntary organization prepared to own the responsibility of a child and such organization is found fit by the competent authority [Competent Authority defined in Section 2(g)].

115 As defined in Section 2(g) of the Act.

116 As defined by Rule 2(i) of JJR, 2007.

117 Rule 95 of the JJR, 2007 comprehensively deals with the Fund.

118 The purpose of Section 58 of the Act will be defeated if the institutions and facilities listed therein are not in place. Also, the place of safety mentioned in Section 58 of the Act is not the same as defined under Section 2 (q) of the Act.

119 'Psychiatric Hospitals' or 'Psychiatric Nursing Home' shall have the meaning assigned to it in clause (q) of Section 2 of the Mental Health Act, 1987.

120 This Centre has been mentioned in Section 58 of the Act. This centre is not established by the JJ Act, and its meaning shall be the same as defined by the 'Central Sector Scheme for Prevention of Alcoholism and Substance (Drug) Abuse and for Social Defence Services' Scheme.

Case Monitoring Sheet for CWCs

(NOTE: PLEASE ATTACH A SEPARATE SHEET IF NECESSARY)

STATE: _____

Child Welfare Committee, District: _____

Case Number	Chairperson of the CWC / Member of CWC specifically dealing with the case

1. Details of Child

1.1 Name: _____

Sex _____

1.2 Age: _____ as per

Documentary Evidence

[Document relied upon]

Or,

Medical examination

[Date and Name of Hospital]

1.3 Place where child was found and date:

Parent /Guardian	Present Address and Contact Number	Permanent Address

1.4

--	--	--

1.5 Whether child suffers from any disability

- Hearing impairment
- Speech impairment
- Visual impairment
- Mental retardation
- Mental illness
- Mentally challenged
- Any other (please specify)_____

2. Pre-production2.1 *Suo motu* cognizance taken [Yes/No]

2.2 Date and Time by which information on the child was received by the CWC

2.3 Source of Information, with details: (name, address, phone number, e-mail)_____

3. Production

3.1 Date and Time of Production

3.2 Produced by (name, address, phone number, e-mail)

3.3 Whether child was produced before an individual Member of the CWC

No

☐

Yes

☐

Name of Member

3.4 Members present at the time of Production

a. _____

b. _____

c. _____

d. _____

e. _____

3.5 Report submitted by person/institution producing the child before the CWC

[Yes/No]_____

4. Details of CNCP

4.1 (Tick where appropriate)

Homeless | Abandoned Child | Orphan | Missing/Run away Child | Found Begging | Victim
of Sexual Abuse | Street Child | Trafficked Child | Child affected by Substance or Drug Abuse
| Victim of Natural Calamities | Victim of Civil Unrest | Incapacitated Parents | Mentally
challenged | Physically challenged | Child suffering from Terminal Diseases | AIDS/HIV
infected or affected | Child of Prisoners | Refugee Child | Child of Commercial Sex Worker |
Any other (Specify)

4.2 Offences against the child, if any

U/s _____

4.3 FIR registered prior to production [Yes/No]

4.4. FIR registered after production on directions from CWC [Yes/No]

4.5 Date of FIR

4.6 Police Station

4.7 Sections under which FIR is registered

4.8 Legal aid provided [Yes/No], with complete details of legal aid lawyer

4.9 Counseling provided [Yes/No], with complete details of counselor

4.10 Support person provided for cases under POCSO (name, address, phone number, e-mail)

5. Pre-Inquiry Orders

Date of Order _____ Signed by _____

Type of Order

(Tick where appropriate)

- Sent to shelter home

Name, Address, phone number and e-mail

- Sent to adoption agency

Name, Address, phone number and e-mail

- Sent back home

Residential Address

- Transferred to another CWC

Name, Address, phone number and e-mail

- Sent to a children's home until further orders

Name, Address, phone number and e-mail

- Placed with a fit person

Name, Address, phone number and e-mail

- Placed with a fit institution

Name, Address, phone number and e-mail

- Placed with an institution for mentally challenged or any other institute for people with disability

Name, Address, phone number and e-mail

- **Any Other (Specify with Date of Order, Name, Address, phone number and e-mail)**
-

6. Inquiry

6.1 Date on which Inquiry by Welfare Officer or Voluntary organization was ordered

6.2 Date of submission of Inquiry report

6.3 SIR prepared by Welfare Officer or Voluntary Organization as part of their Inquiry

(Yes/No)_____

6.4 Home Visit made as part of SIR (Date and Name of the Person)

6.5 Name of the Welfare Officer or Voluntary Organization submitting the Inquiry report

6.6 Date on which CWC completed its Inquiry

7. Post-Inquiry Orders

7.1 Date of Order _____ Signed by _____

7.2 Type of Order

(Tick where appropriate)

- Sent to shelter home

Name, Address, phone number and e-mail

- Sent to drop-in centre

Name, Address, phone number and e-mail

- Sent to adoption agency

Name, Address, phone number and e-mail

- Restored to family

Name of Parent/Guardian and Address _____

- Transferred to another district

Details _____

- Transferred to another state

Details _____

- Placed in a children's home until completion of 18 years of age
- Placed in a children's home until completion of trial in the court or recording of evidence and cross examination of the child victim
- Placed with a fit person

Name, Address, phone number and e-mail

- Placed under supervision with a fit institution

Name, Address, phone number and e-mail

- Placed with a children's home for mentally challenged

Name, Address, phone number and e-mail

- Sponsorship

- Pre-adoption foster care

Name, Address, phone number and e-mail

- Foster Care placement

Name, Address, phone number and e-mail

8. Transfer

8.1 Date of transfer order _____ Date of actual transfer _____

8.2 Whether child escorted by

- Welfare Officer
- Childline
- Police
- Social Worker from NGO
- Any Other (Specify)

9. Adoption

9.1 Non-traceable report submitted to CWC by Police [Yes/No] _____

Date of Submission _____

9.2 Child declared abandoned [Yes/No] _____

Order dated: _____ Signed by _____

9.3 Pre-surrender counseling of parent by CWC [Yes/No] _____

Date _____ Place _____

Counseling by _____

9.4 Surrender Deed [Yes/No] _____

Date _____ Signed by _____

9.5 Declaration of child as surrendered child [Yes/No] _____

Date _____ Signed by _____

9.6 Report received from adoption agency [Yes/No] _____

Date _____ Name of Agency _____

9.7 Child declared legally free for adoption [Yes/No] _____

Order dated _____ Signed by _____

10. Periodic Review

10.1 Case file of child maintained as per Rules [Yes/No] _____

10.2 Individual Care Plan prepared [Yes/No] _____

10.3 Quarterly review of child as per individual care plan [Yes/No] _____

11. Details of Review of Placement / Supervision / Restoration Orders

Type of Order	Period for which the Order is applicable	Periodic Review (Dates Required)
Shelter Home	From To	
Children's Home	From To	
Fit Institution	From To	
Fit Person	From To	
Adoption Agency	From To	
Foster Care	From To	
Restored to family under Supervision Orders	From To	

12. Action taken on the basis of review

(Tick where appropriate)

- Counseling
- Psychotherapy
- Admission into nearby school

Name, address, phone number and e-mail of school _____

- Enrollment for vocational training

Name, Address, phone number and e-mail of Vocational Training Centre

Course taken _____

- Continuation of education through Open school
- Sports coaching

Name of Sport _____

Name, Address, phone number and e-mail of Coaching

Centre _____

- Drugs and substance abuse de-addiction programme

Name, Address, phone number and e-mail of De-addiction and/or Rehab Centre

- Continued Supervision by Welfare Officer or Voluntary Organization even after restoration to family

Name of Welfare Officer or Voluntary Organization _____

- After care
- Any other (please specify) _____

Notes for Assessor : *The purpose of this assessment is to get an understanding of the basic infrastructure, quality of services and functioning of the institution. In many of the given below questions, if you feel that an answer cannot be stated on 'Yes'-'No' basis then please feel free to write your personal opinion. If the space is not sufficient, please add additional pages wherever you feel necessary. This questionnaire is based on the Juvenile Justice (Care and Protection of Children) Act 2006.*

PLEASE ATTACH A SEPARATE SHEET IF NECESSARY.

For any questions or queries on this questionnaire, please contact: The High Court Committee

ASSESSMENT OF OBSERVATION HOME

Date of Assessment : _____

State : _____

District : _____

Taluka : _____

Name and Designation of the Assessor : _____

1. Name of Institution : _____

2. Full postal Address : _____

3. Situated in : (a) Urban Area (b) Rural Area

4. Telephone : _____

5. E-mail : _____

6. Type of Institution : (a) Observation Home
(b) Observation Home cum Special Home

- (c) Observation Home cum Children's Home
- (d) Special Home
- (e) Place of Safety
- (f) Shelter Home or Drop-in-Centre
- (g) Specialised Adoption Agency

i. If (b) & (c) then homes in different buildings? YES / NO

Comments _____

7. Institution for : (a) Boys (b) Girls (c) Boys and Girls

8. Approximate distance from

i. the nearest bus stand _____

ii. the railway station _____

9. Age group : _____

10. Type of Institution :

- a. NGO run government funded
- b. Government institution
- c. Government institution NGO management.
- d. Co-management
- e. Government (ICPS)
- f. Any other _____

11. Does the Institution have children who are –

i. Mentally challenged : YES / NO _____

ii. Physically Challenged: YES / NO _____

iii. HIV +ve. : YES / NO _____

i. If YES, does the institution have the infrastructure and facilities to cater to their needs ? YES / NO

ii. Give Details

12. Number of CNCP (Children in Need of Care & Protection) & JCL (Juveniles in Conflict with law as on the date of assessment

Type of Institution	Boys	Girls	Total
Observation Home			
Observation Home cum Special Home			
Observation Home cum Children's Home			
Special Home			
Place of Safety			
Children's home			
Shelter home or Drop-in-Centre			
Specialised Adoption Agency			
Any Other			
Total			

13. Number of children out on bail (pending cases)

As on date _____ Number _____

14. Staff Structure :

S. No.	Staff structure	Sanctioned Post	Filled Post	Vacant	Long leave	Permanent / contractual/ visiting
1.	Superintendent					
2.	Probation Officer (PO)					
3.	Medical Officer					
4.	Vocational Instructor					
5.	Teacher					
6.	Care Taker					
7.	Chowkidar / Guard					
8.	Cook					
9.	Sweeper					

10.	Clerk					
11.	Counselor /Psychologist					
12.	Welfare Officer					
13.	Social Worker					
14.						
15.						
16.						

15. Is the post of Superintendent an Additional Post? YES / NO

16. Does the Superintendent / PO hold any other additional post? YES / NO

i. Give Details :

17. Has staff been sent from the institution on a working arrangement to other institutions / office? YES / NO

i. Give Details :

18. Does the institution have separate rooms/space for the following facilities :

S. No.	Infrastructure	Yes / No	No. of Rooms (Please specify only for the starred items in column 2)	Remarks
1	Recreation*			
2	Kitchen			
3	Dining hall			
4	Superintendent office			
5.	PO office*			
6.	Clerical office			
7.	Study room*			
8.	Dormitory(ies)*			
9.	Room for vocational training*			

10.	Bathrooms*			
11.	Toilets*			
12.	Urinals*			
13.	Medical room*			
14.	First ^t Aid	.		
15	Storage room for food*			
16	Storage room for clothes*			
17	JJB*			
18	CWC*			
19	Any Other* (Please Specify)			

19. Staying facility

- i. Dormitory system (how many children in one dormitory)
- ii. Group homes (how many children in group homes)
- iii. Any other _____

20. What is the condition of the bedding provided to the children?

(tick the appropriate one)

Facilities	Adequate 1	Inadequate 2	Good 3	Average 4	Poor 5	Not available 6
Cots						
Mattresses						
Bed sheets						
Pillows						
Blankets						
Cupboards						

21. What kind of clothes and footwear do children have:

Clothes and Footwear	Number of Items listed in Column 2	Good 1	Average 2	Poor 3	Not available 4
		<i>(tick the appropriate one)</i>			
Uniform					
Coloured clothes					
Old clothes					
Under garments					
Towels					
Shoes					
Slippers					
Sanitary provisions					

22. Record your overall impression of the children: *(tick/circle the appropriate one)*

a) Appearance: dull -1 / average-2 / happy -3/ very happy-4 / sad -5

b) Health: healthy-1 / normal -2/ sickly-3

Comment : _____

23. a) Are the toilets and bathrooms sufficient in terms of space and provisions?

YES / NO

b) What is the condition of these? *(tick the appropriate one)*

Facilities	Not available 1	Adequate 2	Inadequate 3	Good 4	Average 5	Bad 6
Toilets						
Space						
Door						
Bucket						
Mugs						
Taps						
Flush						
Water (24 hrs)						

Facilities	Not available 1	Adequate 2	Inadequate 3	Good 4	Average 5	Bad 6
Soaps						
Wash basin						
Light (Bulbs)						
Bathrooms						
Space						
Door						
Buckets						
Mugs						
Taps						
Water (24 hrs)						
Hot Water (24 hrs)						
Soaps						
Light (Bulbs / Tube lights)						
Wash basin						
Urinals						
Space						
Light (Bulbs)						
Water (24 hrs)						
Wash basin						
Soap						

Facilities	Not available 1	Adequate 2	Inadequate 3	Good 4	Average 5	Bad 6

24. Does the drainage of the toilets/bathrooms get blocked? YES / NO

25. Does the Institution get drinking water for all the 24 hrs? YES / NO

a. If 'No' what are the water timings? _____

26. Is the water available safe for drinking? YES / NO

a. If Yes, then does the staff also drink the same water? YES / NO

27. Does the Institution have power cuts YES / NO

a. If yes, how often _____

b. Is there any generator / emergency lights / lantern / candles / any other specify --

28. Does this institution have staff quarters? YES / NO

a. Which are the staff (designation) residing in the quarters

29. Does the staff have independent bathroom and toilets YES / NO

30. What are the various activities in which the institution has to engage the JCL / CNCP residing there.

31. Does the institution have any interface with ICPS. YES / NO

If yes, Elaborate _____

32. In the past one year has any one come to inspect / study / evaluate the institution?

YES / NO

- a. If Yes, how many inspections / studies / evaluations have been conducted and by whom?

33. Does the District Child Protection Officer / District Officer inspect the institution?

YES / NO

34. When was the last inspection done by the District Child Protection Officer / District Officer? _____

35. What do they inspect? _____

36. Any suggestions for improvement of inspection by the District Child Protection Officer / District Officer?

37. Are there any NGO's / any other organisation / clubs providing services / conducting programs of any kind for children / staff in the Institution

YES / NO

- a. If yes, give details

38. Are there any college students doing field work in the institution? YES / NO

39. What are the common health problems that the children face?

40. In the past 3 yrs, how many children have been hospitalized? _____

41. How many children identified with addiction problems in the last one year? What was the intervention?

42. How many children identified with mental health problems in the last one year? What was the intervention?

43. In the past 3 years, have children run away from the institution? YES / NO.

a. How many _____

JJB / CWC RELATED ASSESSMENT

44. JJB constitution

Name of	Attending / not attending	Appointed / not appointed
Magistrate		
Social worker 1		
Social worker 2		

45. CWC Constitution

Name of	Attending / not attending	Appointed / not appointed
Chairperson		

Name of	Attending / not attending	Appointed / not appointed
Member 1.		
Member 2		
Member 3		
Member 4		

46. Does the Child Welfare Committee / Juvenile Justice Board sit in the institution?

YES / NO

a. If yes, give details regarding days and time of sitting

b. Any suggestions :

47. Sitting arrangement for CWC / JJB

- a. Same room is shared by CWC & JJB YES / NO.
- b. Different room for CWC & JJB. YES / NO.
- c. The room of the superintendent is shared by CWC & JJB. YES / NO.

48. Infrastructure available for JJB / CWC

- a. Sitting arrangement YES / NO.
- b. Computer exclusively for JJB / CWC YES / NO.
- c. Phone exclusively for JJB / CWC YES / NO.
- d. Separate room or space to interact with Juvenile / Child YES / NO.
- e. Any other _____

49. Staff for JJB

- a. Exclusive Judicial clerk YES / NO
- b. Typist/ clerical officer YES / NO
- c. Date Entry Operator YES / NO

50. JCL files of JJB stored in

- | | |
|------------------------------|----------|
| a. Observation Home premises | YES / NO |
| b. Board premises. | YES / NO |

51. Staff for CWC

- | | |
|------------------------------|----------|
| a. Exclusive Clerk | YES / NO |
| b. Exclusive Welfare Officer | YES / NO |
| c. Data Entry Operator | YES / NO |

Quarterly Report submitted by Child Welfare Committee

District: Address:	Reporting Period / Quarter	Report Submitted on
	From _____ to _____	_____

1. Constitution of CWC

S. No.	Name	Designation	Tenure	Qualification / Previous Training or Special Knowledge in JJ System
1.			From _____ to _____	
2.			From _____ to _____	
3.			From _____ to _____	
4.			From _____ to _____	
5.			From _____ to _____	

2. Honorarium

2.1 Chairperson

Per sitting ₹ _____ Paid up to (date) _____

2.2 Members

Per sitting ₹ _____ Paid up to (date) _____

3. Sitzings of the CWC

3.1 Scheduled Sitzings (Tick where appropriate) Daily | Twice in a week | Weekly | Any Other (Specify) _____

3.2 Duration (Tick where appropriate) Full Day | Half day

3.3 Premises (Tick where appropriate) Inside the Children’s Home | Outside the Children’s Home

3.4 Raised Platform used by the CWC Yes | No

3.5 Total Number of sittings before the Quarter _____

3.6 Number of Sitzings attended by

Chairperson _____ Member-1 _____ Member-2 _____ Member-3 _____ Member-4 _____

4. Tenure of the CWC

From _____ To _____

5. Staff of the CWC*(Mention only those who are exclusively working for the CWC)*

Name	Designation	Contact Number

6. Infrastructure available with the CWC

(Tick where appropriate)

a. Board Room	Yes		No
b. Waiting room for the child in need of care and protection	Yes		No
c. Waiting room for Parents/ Visitors	Yes		No
d. Room for Chairperson and Members	Yes		No
e. Record Room	Yes		No
f. Room for Welfare Officer	Yes		No
g. Working Computer	Yes		No
h. Drinking water	Yes		No
i. Toilet facilities	Yes		No
j. Typist/Photocopy etc for Child/Parent in the vicinity	Yes		No

7. Lawyers and Counselors provided for children produced before the CWC by the Legal Services Authority

7.1	Number of Lawyers	Number of Cases Referred
7.2	Number of Counselors	Number of Cases Referred

8. Status of Cases

S.No.	Number of Fresh cases and Pendency				Girls	Boys	Total
1.	Number of CNCP pending cases before CWC as on 1 st Day of the quarter						
2.	Number of New/Fresh CNCP cases brought before the CWC during the quarter						
3.	Number of CNCP cases disposed of by the CWC during the quarter						
4.	Number of CNCP cases pending before the CWC as on last day of the quarter						

9. Details of Disposal of Cases

9.1

S. No.	Category	Pendency from the previous quarter		Fresh cases during the current quarter		Total cases in current quarter	Cases disposed of during the current quarter			Nature of Disposal								
		M	F	M	F		Total	M	F	Total	Restored to family	Transferred	Declared legally free for adoption	Foster Care	Sponsorship	Institutional Care	After Care	Any Other
1.	Missing/Runaway																	
2.	Orphaned																	
3.	Abandoned																	
4.	Surrendered																	
5.	Street children																	
6.	Child labourers																	

CSA – Child Sexual Abuse

9.2 Details of Orders Given

S. No.	Orders passed	Girls	Boys	Total	Number of cases where Individual Care plan was prepared
1.	Number of children restored to their family during the quarter				
2.	Number of children sent to Shelter Home				
3.	Number of children sent to State Adoption Agency				
4.	Number of children sent to other Districts				
5.	Number of children sent to other States				
6.	Number of children placed in a children's home until completion of 18 years of age				
7.	Number of children placed with a fit institution				
8.	Number of children placed with a fit person				
9.	Number of children placed in a children's home for mentally challenged				
10.	Number of children referred for Sponsorship				
11.	Number of children referred for pre-adoption foster care				
12.	Number of children referred for foster care placement				
13.	Any other, give details				

9.3 Children declared “Free for adoption”

S. No.	Orders Passed	Girls	Boys	Total	Remarks
1.	Number of inquiries pending from the previous quarter				
2.	Number of children declared “free for adoption” during the current quarter				
3.	Number of inquiries carried forward to the quarter				

10. Training of members

S. No.	Topic	Organized by	Attended by	Date and Days	Remarks

11. Complaints/ Suggestion, if any, Received and Action taken [Please attach a separate sheet, if necessary]

12. Remarks / Suggestion by CWC [Please attach a separate sheet, if necessary]

a. Chairperson

b. Member-1

c. Member-2

d. Member-3

e. Member-4

Signed by

Chairperson

Member-2

Member-4

Member-1

Member-3

Authorities/Agencies/Institutions/Functionaries under JJ Act at different levels		
Details	Level at which it is to be set up	Authority Responsible for their establishment
Boards		
Central Advisory Board	National	Union Ministry of Women and Child Development
State Advisory Board	State	State Government through Selection Committee
District/City Advisory Boards	District	State Government
Juvenile Justice Board (JCL)	District	State Government on recommendation made by Selection Committee
Committees		
Selection Committee	State	State Government
Inspection Committee wrt Children Home's only	State	State Government
Inspection Committee wrt Children Home's only	District	State Government on recommendation made by Selection Committee
Child Welfare Committee (CNCP)	District	State Government on recommendation made by Selection Committee
Children's Committee	In every Institution	Officer-in-charge of the institution
Management Committee	In every Institution	District Child Protection Unit (DCPU) or District Magistrate/Collector where there is no DCPU
Authorities/Units/Organizations/Agencies		
State Legal Aid Services Authority	State	State Government
State Child Protection Unit	State	State Government
District Child Protection Unit	District	State Government
Special Juvenile	District	State Government

Police Unit		
Homes/ Institutional Care Facilities		
Children's Homes (CNCP)	District	State Government
Shelter Homes (CNCP)	District	State Government
Specialized Adoption Agencies (CNCP)	District	State Government
After Care Organization (JCL + CNCP)	District	State Government
Observation Homes (JCL)	District	State Government
Special Homes (JCL)	District	State Government
Place of Safety (JCL)	District	State Government
Functionaries		
Chief Judicial Magistrate	District	High Court of that State
Probation Officer	District	State Government
Welfare Officer	District	State Government
Juvenile Welfare Officer	In every police station	DCP/SP
Two Social Workers in SJPU's	District	State Government
		<i>* Note: State Government means the concerned Department of the State Government dealing with child protection. In some states it is the Department of Women and Child Development/Welfare and in some others it is the Department of Social Welfare/Social Justice.</i>

Details of Homes in the State of Jharkhand

Name of Observation Home			
S.N.	Observation Home	Inmates	Attached Districts
1	Ranchi	Boys	Ranchi, Palamau, Khunti, Latehar, Garhwa
2	Chaibasa	Boys	Seraikella, Chaibasa
3	Gumla	Boys	Gumla, Lohardaga
4	Jamshedpur	Boys	Jamshedpur
5	Dhanbad	Boys	Dhanbad
6	Dumka	Boys	Dumka, Pakur, Godda, Sahebganj, Jamtara & Deoghar
7	Hazaribagh	Boys	Ramgah, Chatra, Koderma, Giridih
8	Simdega	Boys	Simdega
9	Bokaro	Boys	Bokaro
10	Deoghar	Girls	
Name of Probation Home			
S.N.	Probation Home	Inmates	Attached Districts
1	Women Probation Home	Girls	for Entire State
Name of Special Home			
S.N.	Probation Home	Inmates	Attached Districts
1	Dhanbad	Girls	for Entire State
Name of Children Home (CNCP)			
S.N.	Children Home	Inmates	Attached Districts
1	Jamshedpur	Boys	for Entire State
2	Bokaro	Girls	for Entire State

*No Shelter Home in the State of Jharkhand

Observation Home Ranchi



Observation Home Jamshedpur



**Participating States in this Workshop of
"Principal Magistrates, J.J.B. and Chairpersons, CWC and other Stake Holders on Effective Implementation
of Juvenile Justice (Care & Protection of Children) Act, 2000 and the Rules made therein"
on 4th May, 2014 at Nyaya Sadan, Ranchi**



High Court of Jharkhand



Patna High Court



Calcutta High Court



Orissa High Court



High Court of Chhattisgarh



Gauhati High Court



NYAYA SADAN

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