

Registered with the Registrar
of Newspapers for India
under No. 10410



Registered No.
PY/44/2018-20
WPP No. TN/PMG(CCR)/
WPP-88/2018-20
Dated : 8-2-2018
Price : ₹ 99-00

புதுச்சேரி மாநில அரசிதழ்
La Gazette de L'État de Poudouchéry
The Gazette of Puducherry

PART - II

சிறப்பு வெளியீடு EXTRAORDINAIRE EXTRAORDINARY

அதிகாரம் பெற்ற
வெளியீடு

Publiée par
Autorité

Published by
Authority

விலை : ₹ 99-00

Prix : ₹ 99-00

Price : ₹ 99-00

எண் } No. } No. }	புதுச்சேரி Poudouchéry Puducherry	வியாழக்கிழமை Jeudi Thursday	2018 ஆம் 8 8th	செப்டம்பர் 8 Février February	2018 2018 2018
-------------------------	-----------------------------------------	-----------------------------------	----------------------	-------------------------------------	----------------------

(19 Magha 1939)

**GOVERNMENT OF PUDUCHERRY
CHIEF SECRETARIAT (WELFARE)**

(G. O. Ms. No. 12/SWS/2017,
Puducherry, dated 14th December 2017)

NOTIFICATION

In exercise of the powers conferred under section 110 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015, the Lieutenant-Governor, Puducherry, hereby makes the Puducherry Juvenile Justice (Care and Protection of Children) Rules, 2017, read with Government of India, Ministry of Women and Child Development, notification, dated 21st September, 2016 and in repeal of Puducherry

(xvii) "Social background report" means the report of a child in conflict with law containing the background of the child prepared by the Child Welfare Police Officer;

(xviii) "Social investigation report" means the report of a child containing detailed information pertaining to the circumstances of the child, the situation of the child on economic, social, psycho-social and other relevant factors, and the recommendation thereon;

(xix) "Social Worker" means a person with postgraduate degree in Social Work or Sociology or Psychology or Child Development or a graduate with minimum seven years of experience in child education and development or protection issues, who is engaged by a Child Care Institution or authorised by District Child Protection Unit/Child Protection Society or State Adoption Resource Agency or Central Adoption Resource Authority for preparing social investigation report or individual care plan of the child, child study report, home study report of prospective adoptive parent or foster parents, rendering post-adoption services, and performing any other functions as assigned to such person under the Act or these rules;

Explanation: For the purposes of this definition, it is clarified that the qualifications of the social worker Member of the Board shall be as under section 4 of the Act.

(xx) "Special Educator" shall have the same meaning as assigned to it in the Protection of Children from Sexual Offences Rules, 2012;

(xxi) "Union Territory of Puducherry Child Protection Society" means a Society constituted under section 106 of the Act.

(2) All words and expressions defined in the Act and used, but not defined in these rules, shall have the same meaning as assigned to them in the Act.

CHAPTER-II

JUVENILE JUSTICE BOARD

3. *Board.*— There shall be one or more Boards in each District to be constituted by the Government through a notification in the Official Gazette.

4. *Composition of the Board.*— (1) The Board shall consist of a Judicial Magistrate of First Class having at least three years experience to be designated as the Principal Magistrate of the Board and two social worker Members, of whom one shall be a woman, forming a Bench.

(2) The social worker Members shall be appointed by the Government on the recommendations of the Selection Committee constituted under these rules.

(3) The social worker Members shall not be less than thirty-five years and not more than sixty-five years of age at the time of appointment and shall have at least seven years of experience of working with children in the field of education, health or welfare activities, or should be a practicing professional with a degree in child psychology or psychiatry or sociology or in the field of law.

(4) As far as possible, the two social worker Members so selected for a Board shall be from different fields.

(5) All Members of the Board including the Principal Magistrate, shall be given induction training and sensitisation within a period of sixty days from the date of appointment.

5. *Term of Members of the Board.*— (1) The term of the social worker member of the Board shall not be more than for a period of three years from the date of appointment.

(2) A social worker Member of the Board shall be eligible for appointment of maximum of two terms, which shall not be continuous.

(3) The Members may resign at any time, by giving one month's notice in writing to the Government.

(4) Any vacancy in the Board shall be filled by appointment of another person from the panel of names prepared by the Selection Committee.

6. *Sittings of the Board.*— (1) The Board shall hold its sittings in the premises of an observation home or at a place in proximity to the observation home or, at a suitable premise in any Child Care Institution meant for children in conflict with law run under the Act, and in no circumstances shall the Board operate from within any Court or jail premises.

(2) The Board shall ensure that no person(s) un-connected with the case remains present in the room when the case is in progress.

(3) The Board shall ensure that only those person(s), in the presence of whom the child feels comfortable, are allowed to remain present during the sitting.

(4) The Board shall hold its sittings in a child-friendly premises which shall not look like a Court room in any manner and the sitting arrangement should be such to enable the Board to interact with the child face to face.

(5) While communicating with the child, the Board shall use child friendly techniques through its conduct and shall adopt a child friendly attitude with regard to body language, facial expression, eye contact, intonation and volume of voice while addressing the child.

(6) The Board shall not sit on a raised platform and there shall be no barriers, such as witness boxes or bars between the Board and the child.

(7) The Board shall sit on all working days for a minimum of six hours commensurate with the working hours of a Magistrate Court, unless the case pendency is less in a particular district and the Government issues an order in this regard, or the Government may, by notification in the Official Gazette constitute more than one Board in a district after giving due consideration to the pendency of the cases, area or terrain of the district, population density or any other consideration.

(8) When the Board is not sitting, a child in conflict with law may be produced before an individual Member of the Board. For the said purpose, one Member of the Board shall always be available or accessible to take cognizance of any matter of emergency and necessary directions required to deal with the emergency situation shall be given by such Member to the Special Juvenile Police Unit or the local police of the district. The Principal Magistrate shall draw up a monthly duty roster of the Members who shall be so available and accessible every day, including on Sundays and holidays. The roster shall be circulated in advance to all the Police Stations, the Chief Judicial Magistrate/ the District Judge, the District Magistrate, the Committees, the District Child Protection Unit and the Special Juvenile Police Unit.

(9) The social worker Members of the Board shall be paid not less than ₹ 1,500 per sitting which shall include sitting allowance, travel allowance and any other allowance, as the Government may prescribe.

(10) The Board shall be provided infrastructure and staff by the Government.

7. *Functions of the Board.*— (1) The Board shall perform the following additional functions, namely:

(i) whenever necessary, the Board shall provide a translator or interpreter or special educator who shall be paid not less than Rs. 1,500 per day and in case of translator, not exceeding Rs. 100 per page. For the said purpose, the District Child Protection Unit shall maintain a panel of translators, interpreters and special educators who shall forward the same to the Board, the qualifications of the translator, interpreter and special educator shall be as prescribed under the POCSO Act, 2012 and rules framed thereunder;

(ii) wherever required issue rehabilitation card in Form 14 to the child in conflict with law to monitor the progress made by the child;

(iii) wherever required, pass appropriate orders for readmission or continuation of the child in School where the child has been disallowed from continuing his education in a School on account of the pendency of the inquiry or the child having stayed in a Child Care Institution for any length of time;

(iv) interact with Boards in other districts to facilitate speedy inquiry and disposal of cases through due process of law, including sending a child for the purpose of an inquiry or rehabilitation to a Board in another District or State.

(v) inspect Child Care Institutions for children in conflict with law, issue directions in cases of any noticeable lapses, suggest improvements, seek compliance and recommend suitable action, including against any employee found in dereliction of duty to the District Child Protection Unit;

(vi) maintain a suggestion box or grievance redressal box in the premises of the Board at a prominent place to encourage inputs from children and adults alike which shall be operated by the nominee of the Principal Magistrate;

(vii) ensure smooth functioning of Children's Committees in the Child Care Institutions for children in conflict with law, for realising children's participation in the affairs and management of such Child Care Institutions;

(viii) review the Children's suggestion book at least once in a month;

(ix) ensure that the Legal cum Probation Officer in the District Child Protection Unit and the Union territory of Puducherry Legal Services Authority or District Legal Services Authority extends free legal services to a child; and

(x) deploy, if necessary, the services of student volunteers or non-governmental organisation volunteers for para-legal and other tasks such as contacting the parents of child in conflict with law and collecting relevant social and rehabilitative information about the child.

CHAPTER—III

PROCEDURE IN RELATION TO CHILDREN IN CONFLICT WITH LAW

8. *Pre-Production action of Police and other Agencies.*— (1) No First Information Report shall be registered except where a heinous offence is alleged to have been committed by the child, or when such offence is alleged to have been committed jointly with adults. In all other matters, the Special Juvenile Police Unit or the Child Welfare Police Officer shall record the information regarding the offence alleged to have been committed by the child in the general daily diary followed by a social background report of the child in Form 1 and circumstances under which the child was apprehended, wherever applicable, and forward it to the Board before the first hearing:

Provided that the power to apprehend shall only be exercised with regard to heinous offences, unless it is in the best interest of the child. For all other cases involving petty and serious offences and cases where apprehending the child is not necessary in the interest of the child, the police or Special Juvenile Police Unit or Child Welfare Police Officer shall forward the information regarding the nature of offence alleged to be committed by the child along with his social background report in Form 1 to the Board and intimate the parents or guardian of the child as to when the child is to be produced for hearing before the Board.

(2) When a child alleged to be in conflict with law is apprehended by the police, the Police Officer concerned shall place the child under the charge of the Special Juvenile Police Unit or the Child Welfare Police Officer, who shall immediately inform:

(ii) the parents or guardians shall be informed immediately;

(iii) the Officer-in-charge of the institution shall hold an inquiry and send his report to the Board or the Children's Court and to the Director of Social Welfare. The details of the child shall also be uploaded on the Track Child portal.

(2) When the child is apprehended again, the said fact shall be notified to all the persons concerned.

(3) If, the child could not be traced, then the child would be treated as a missing child.

15. *Destruction of records.*— The records of conviction in respect of a child in conflict with law shall be kept in safe custody till the expiry of the period of appeal or for a period of seven years, and no longer, and thereafter be destroyed by the Person-in-charge or Board or Children's Court, as the case may be:

Provided that in case of a heinous offence where the child is found to be in conflict with law under clause (i) of sub-section (1) of section 19 of the Act, the relevant records of conviction of such child shall be retained by the Children's Court.

CHAPTER-IV

CHILD WELFARE COMMITTEE

16. *Composition and Qualifications of Members of the Committee.*—

(1) There shall be one or more Committees in each District to be constituted by the Government through a notification in the Official Gazette.

(2) The Chairperson and Members of the Committee shall be appointed by the Government on the recommendation of the Selection Committee under rule 91 of these rules.

(3) The Chairperson and the Members of a Child Welfare Committee to be appointed shall not be less than thirty-five years and not more than sixty-five years of age at the time of appointment and shall have a minimum of seven years of experience of working with children in the field of education, health, or welfare activities, or should be a practicing professional with a degree in child psychology or psychiatry or social work or sociology or human development or in the field of law or a retired judicial officer.

(4) A Member of the Committee shall be eligible for appointment of maximum of two terms, which shall not be continuous.

(5) All persons, on selection shall mandatorily be given training under rule 93 within a period of sixty days from the date of appointment.

(6) The Chairperson and the Members may resign at any time by giving one month's notice in writing to the Government.

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

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

18. *Rules and Procedures of Committee.*— (1) The Chairperson and Members of the Committee shall be paid such sitting allowance, travel allowance and any other allowance, as the Government may prescribe but not less than ₹ 1,500 per sitting.

(2) A visit to an existing Child Care Institution by the Committee shall be considered as a sitting of the Committee.

(3) The Committee shall hold its sittings in the premises of a children's home or, at a place in proximity to the children's home or, at a suitable premises in any institution run under the Act for children in need of care and protection.

(4) The Committee shall ensure that no person(s) unconnected with the case remains present in the room when the session is in progress.

(5) The Committee shall ensure that only those person(s), in the presence of whom the child feels comfortable, shall be allowed to remain present during the sitting.

(6) At least one Member of the Committee shall always be available or accessible to take cognizance of any matter of emergency and issue necessary directions to the Special Juvenile Police Unit or local Police of the District. For this purpose the Chairperson of the Committee shall draw up a monthly duty roster of the Committee Members who shall be available and accessible every day, including on Sundays and holidays.

The roster shall be circulated in advance to all the Police Stations, the Chief Judicial Magistrate/the District Judge, the District Magistrate, the Board, the District Child Protection Unit and the Special Juvenile Police Unit.

(7) The Committee shall sit on all working days for a minimum of six hours commensurate with the working hours of a Magistrate Court, unless the case pendency is less in a particular District and the Government concerned issues an order in this regard:

Provided that the Government may, by notification in the Official Gazette constitute more than one Committee in a District after giving due consideration to the pendency of the cases, area or terrain of the District, population density or any other consideration.

(8) On receiving information about a child or children in need of care and protection, who cannot be produced before the Committee, the Committee shall reach out to the child or children and hold its sitting at a place that is convenient for such child or children.

(9) While communicating with the child, the Committee Members shall use child friendly techniques through their conduct.

(10) The Committee shall hold its sittings in a child-friendly premises which shall not look like a Court room in any manner and the sitting arrangement should be such to enable the Committee to interact with the child face to face.

(11) The Committee shall not sit on a raised platform and there shall be no barriers, such as witness boxes or bars between the Committee and the children.

(12) The Committee shall be provided infrastructure and staff by the Government.

19. *Additional Functions and Responsibilities of the Committee.*— In addition to the functions and responsibilities of the Committee under section 30 of the Act, the Committee shall perform the following functions to achieve the objectives of the Act, namely:

(i) document and maintain detailed case record along with a case summary of every case dealt by the Committee in Form 15;

(ii) maintain a suggestion box or grievance redressal box at a prominent place in the premises of the Committee to encourage inputs from children and adults alike which shall be operated by the District Magistrate or his nominee;

(iii) ensure smooth functioning of Children's Committees in the Child Care Institutions for children in need of care and protection within its jurisdiction, for realising children's participation in the affairs and management of the said Child Care Institutions;

(iv) review the Children's Suggestion Book at least once a month;

(v) send quarterly information in Form 16 about children in need of care and protection received by it to the District Magistrate with all relevant details on nature of disposal of cases, pending cases and reasons for such pendency;

(vi) wherever required, issue rehabilitation card in Form 14 to children in need of care and protection to monitor their progress;

(vii) maintain the following records in a register:

(a) entries of the cases listed in a day and next date and the Committee shall prepare a daily cause list of the cases before it;

(b) entries and particulars of children brought before the Committee and details of the Child Care Institution where the children are placed or the address where the children are sent;

(c) execution of bonds;

(d) movement including visits to institutions;

(e) children declared legally free for adoption;

(f) children recommended for or placed in sponsorship;

(g) children placed in individual or group foster care;

(h) children transferred to or received from another Committee;

(i) children for whom follow up is to be done;

(j) children placed in after care;

(k) inspection record of the Committee;

(l) record of Minutes of the meetings of the Committee;

(m) correspondence received and sent;

(n) any other record or register which the Committee may require.

(viii) All information listed in clause (vii) of this rule may be digitised and a software may be developed by the Government.